

**CHEBUCTO COMMUNITY COUNCIL**

**June 9, 2008**

**MINUTES**

**PRESENT:** Councillor Mary Wile, Chair  
Councillor Linda Mosher, Vice Chair  
Deputy Mayor Stephen Adams  
Councillor Russell Walker  
Councillor Debbie Hum

**STAFF:** Mr. Randolph Kinghorne, Solicitor  
Ms. Shawnee Gregory, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER .....	4
2.	APPROVAL OF MINUTES .....	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	4
4.	BUSINESS ARISING OUT OF THE MINUTES .....	4
4.1	Status Sheet Items .....	4
4.1.1	Welcome to Halifax Sign - St. Margaret's Bay Road .....	4
4.1.2	Tremont Park Alternate Main Entrance .....	4
4.1.3	Sherbrooke Stormwater Flooding Issues .....	4
5.	MOTIONS OF RECONSIDERATION .....	5
6.	MOTIONS OF RECISSION .....	5
7.	CONSIDERATION OF DEFERRED BUSINESS .....	5
8.	HEARINGS .....	5
8.1	Public Hearings .....	5
8.2	Variance Appeal Hearings .....	5
8.2.1	45 Amirault Court, Halifax .....	5
9.	CORRESPONDENCE, PETITIONS AND PRESENTATIONS .....	7
9.1	Correspondence .....	7
9.2	Petitions .....	7
9.3	Presentations .....	7
10.	REPORTS .....	8
10.1	Staff .....	8
10.1.1	209 Herring Cove Road, Halifax .....	8
10.1.2	Case 01164 - Extension to Development Agreement Time Limit, Lot between Civic Nos. 87 ½ and 89 Purcell's Cove Road .....	8
10.1.3	Case 01131: Amendment to Stage II Development Agreement Time Frames, Dunbrack Street, Halifax .....	9
10.2	Councillor .....	10
10.2.1	Graffiti on Businesses on Herring Cove Road - Councillor Mosher	10
10.2.2	Maintenance of Dunbrack Street Rose Bushes - Councillor Hum	10
11.	MOTIONS .....	10

12.	ADDED ITEMS .....	10
13.	NOTICES OF MOTION .....	11
14.	PUBLIC PARTICIPATION .....	11
15.	NEXT MEETING DATE .....	11
16.	ADJOURNMENT .....	11

**1. CALL TO ORDER**

The Chair called the meeting to order at 7:02 p.m.

**2. APPROVAL OF MINUTES - May 5, 2008**

**MOVED by Councillor Hum, seconded by Councillor Walker, that the minutes of May 5, 2008, as presented, be approved. MOTION PUT AND PASSED.**

**3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

**Additions:**

12.1 Non Truck Routes - Mumford Road - Councillor Walker

12.2 Non Truck Routes - Crown Drive - Councillor Mosher

**MOVED by Councillor Hum, seconded by Councillor Walker, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES:**

**4.1 Status Sheet Items:**

**4.1.1 Welcome to Halifax Sign - St. Margaret's Bay Road**

Councillor Mosher advised that she had received an e-mail requesting that she and Deputy Mayor Adams jointly pay along with the Halifax Water Commission for the implementation of the Welcome to Halifax sign on St. Margaret's Bay Road. She believed that staff had the wrong location in mind for the sign and that she had requested a tasteful sign and landscaping from the gateway sign project. Councillor Mosher stated that she would like the Legislative Assistant to send this information back to the Chief Administrative Officer and that she would like this item to remain on the status sheet.

**MOVED BY Councillor Mosher, seconded by Deputy Mayor Adams, that the Chebucto Community request that the CAO fund the implementation of the Welcome to Halifax sign on St. Margaret's Bay Road as a gateway sign project. MOTION PUT AND PASSED.**

**4.1.2 Tremont Park Alternate Main Entrance**

Councillor Hum advised that as there would be no update for some time she would like this item to remain on the status sheet.

**4.1.3 Sherbrooke Stormwater Flooding Issues**

Councillor Hum advised that a report was in the process of coming forward from Mr. Denis Huck, and, therefore, she would like this item to remain on the status sheet.

**MOVED BY Councillor Hum, seconded by Deputy Mayor Adams, that the Chebucto Community Council:**

1. **Request that the report regarding stormwater flooding issues come forward via an e-mail to every property owner on Sherbrooke Drive with a copy also coming forward to the next Chebucto Community Council meeting; and**
2. **Request that staff meet with the residents of Sherbrooke Drive as soon as possible.**

**MOTION PUT AND PASSED.**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RECISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

8. **HEARINGS:**

8.1 **Public Hearings - None**

8.2 **Variance Appeal Hearings**

8.2.1 **45 Amirault Court, Halifax**

C A report dated May 20, 2008 was submitted.

Ms. Erin MacIntyre, Development Technician, presented the report on 45 Amirault Court Halifax. She advised that the property was 0.65 feet short of the twelve (12) foot set back requirement. She stated that variances were evaluated on an individual basis and based on the three (3) criteria outlined in the Municipal Government Act.

The Chair reviewed the Rules of Procedure for Appeal Hearings and opened the hearing.

**Mr. Gerald Mitchell**, Gerald Mitchell Contracting, addressed the Community Council and indicated that he had been in business for approximately thirty (30) years, that he had

built many homes in the area and that he had dealt with HRM in many situations. He advised that he had been unaware of the By-Law regarding a twelve (12) foot set back and had been alerted to it upon his frame inspection with the building inspector. He noted that when the building inspector advised him that he may be encroaching on the twelve (12) feet he was the one who met with a surveyor and complied with the stop work order. Mr. Mitchell stated that he had later been given permission to continue building and that he had also made an appeal for seven (7) inches to be cut off at that time. He noted that several HRM staff members advised him that given the small difference in footage he would certainly be granted his appeal by the Community Council. Mr. Mitchell also indicated that only the firebox was protruding into the twelve (12) foot zone and that he had complied by not building in that area as the rest of the house was being completed. In closing, Mr. Mitchell wanted to stress that he had not intentionally disregarded the By-Law and that he had cooperated fully with staff.

Mr. Mitchell responded to questions from the Community Council. He advised that he had been permitted by staff to continue the interior of the home until a solution on the exterior was reached. Ms. MacIntyre stated that a stop work order requires that all construction, both exterior and interior, be halted. Mr. Mitchell indicated that Mr. John O'Toole, Building Official, had completed an inspection and had advised that construction could carry on, although, Mr. Mitchell did not have this statement in writing. He also noted that he had a temporary permit which stated that his house had passed inspection subject to the variance appeal being granted.

It was noted that none of the abutting home owners were in attendance. Ms. MacIntyre advised that notification had been sent to everyone living within thirty (30) metres of the property which was standard practice for variances and that approximately twenty (20) people had been notified in this case. She stated that, as far as she knew, no one had been against the variance.

Councillor Mosher was concerned that staff members were advising applicants as to the outcome of a variance appeal as it was a judicial process decided upon by Community Council members. When requested Mr. Mitchell stated that Ms. Rosemary MacNeil, Development Officer, had given him the information on the appeal process. He also noted that several other homes in the area did not meet the setback requirements as they had protruding propane tanks.

Councillor Hum advised that if there were other homes in the area not in compliance with the twelve (12) foot setback she would like to be made aware. She had concerns regarding what she saw as a blatant disregard for the By-Law or a potential oversight. Councillor Hum also had concerns that if this appeal was approved that it would set a precedence for the neighbourhood as development agreements were in place to set consistency of policy and that she had many planning and development issues in that area.

**Mr. Albert Chaisson**, addressed the Community Council and advised that he was a real estate agent and the property owner of 45 Amirault Court as well as the owner of the abutting property. He stated that he was in favour of the appeal and that he had attempted to contact residents in the area with no success. He also noted that, historically, he and

Mr. Mitchell had built homes with an eight (8) foot setback on either side and that they did not realize that if they had only moved the house in question seven (7) inches that they would have been fine. Mr. Chaisson also noted that Mr. Mitchell was a well respected builder in the community.

In response to a question from Deputy Mayor Adams, Mr. Chaisson advised that he was the owner of the lot on 45 Amirault Court and that he had contracted Mr. Mitchell to complete the construction. He stated that he had sold the home and that the owners realized that the firebox may have to be cut after they move in.

The Chair called three (3) times for any additional speakers. Hearing none the following motion was passed:

**MOVED BY Councillor Mosher, seconded by Councillor Adams, that the variance appeal hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Hum, seconded by Deputy Mayor Adams, that the Chebucto Community Council defer a decision on this item pending a supplementary staff report including:**

- 1. Information regarding what Mr. Mitchell had been told by staff; particularly Mr. John O'Toole and Ms. Rosemary McNeil; and**
- 2. An inspection of the other homes on Amirault Court to investigate if there had been additional set back violations.**

A discussion on the motion ensued. Councillors Walker and Mosher were concerned with the motion being deferred as nobody had come forward to state that they were against the variance and it would further delay a final decision for the new home owners who had been waiting. They noted that variance appeals were to be judged on an individual basis and although they did understand Councillor Hum's concerns a supplementary report could certainly come forward even after the variance appeal was decided.

**MOTION DEFEATED.**

**MOVED BY Councillor Walker, seconded by Councillor Mosher, that Chebucto Community Council overturn the Development Officer's decision and grant the variance. MOTION PUT AND PASSED.**

**MOVED BY Councillor Hum, seconded by Councillor Mosher, that a staff report come forward requesting:**

- 1. The implementation of development offices being required to give each applicant the entire list of requirements for their development agreement area;**
- 2. That a staff review take place regarding the implications of other homes in setback violation in the Amirault Court area; and**

3. That consideration be given to amending development agreements to maintain consistencies in the area.

**MOTION PUT AND PASSED.**

9. **CORRESPONDENCE, PETITIONS AND PRESENTATIONS:**

9.1 **Correspondence: None**

9.2 **Petitions: None**

9.3 **Presentations: None**

10. **REPORTS:**

10.1 **Staff:**

10.1.1 **209 Herring Cove Road, Halifax**

C A report dated May 21, 2008 was submitted.

Mr. Richard Harvey, Senior Planner, presented the report on 209 Herring Cove Road, Halifax. He advised that the property had been unoccupied for some time and that staff was aware of Council's concerns regarding the general disrepair of the site. Mr. Harvey stated that staff had been in contact with the building's owner, however, he indicated that this was not a simple matter of rezoning as policy did not support it.

Councillor Mosher indicated that she believed that there were errors in the report. She advised that the property had been boarded up and vacant for approximately five (5) years and that there had been several offers to purchase the property and maintain it commercially, however, the owner had refused them all. She indicated that all of the other properties on the road were residential and stated that it was a privilege rather than a right to have a commercial area in a residential zone. Councillor Mosher also disputed the statement that the property owner had made efforts to clean up the property as she believed they had only done so as a result of her calling By-Law enforcement. She noted that there was gang graffiti on the property which was further fuelling gang activity and vandalism in the area and indicated that she had photographic evidence. Councillor Mosher also stated that the business community in the area had appealed to the owner which yielded no results.

Councillor Mosher advised that she would not bring the staff recommendation forward and proposed the following alternative:

**MOVED BY Councillor Mosher, seconded by Deputy Mayor Adams, that Chebucto Community Council recommend that Halifax Regional Council initiate the process to amend the Municipal Planning Strategy to change the land use designation from**



**commercial to residential at 209 Herring Cove Road, Halifax. MOTION PUT AND PASSED.**

**10.1.2 Case 01164 - Extension to Development Agreement Time Limit, Lot between Civic Nos. 87 ½ and 89 Purcell's Cove Road**

C A report dated May 26, 2008 was submitted.

Mr. Richard Harvey, Senior Planner, presented the report on Case 01164. He advised that the property owner, Mr. Gormley, was presently in Fort McMurray and wished to return and rebuild.

Councillor Mosher stated that this had been a contentious development agreement, however, the residents had come to an understanding. She advised that Council had originally approved the development agreement based of the owner and his ties to the community.

Councillor Mosher proposed an amendment of one year to the motion which would change the date from June 19, 2010 to June 19, 2009.

**MOVED BY Councillor Mosher, seconded by Councillor Walker, that Chebucto Community Council:**

- 1. By resolution, enter into an amending agreement with Bernard Gormley to extend the date for the commencement of construction of a single family dwelling on lands identified as PID 40047250 TO June 19, 2009; and**
- 2. Require that the Amending Agreement be signed and returned within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at and end.**

It was noted that the property had never received complaints of being unsightly.

**MOTION PUT AND PASSED.**

**10.1.3 Case 01131: Amendment to Stage II Development Agreement Time Frames, Dunbrack Street, Halifax**

C A supplementary report dated May 26, 2008 was submitted.

**MOVED BY Councillor Hum, seconded by Councillor Walker, that Chebucto Community Council:**

1. **By resolution, amend Section 11 of the existing Stage II Development Agreement to extend the time limit for the completion of the agreement until May 5, 2010 (a public hearing is not required);**
2. **Approve the Amending Stage II Agreement as shown in Attachment “A” of this report; and**
3. **Require that the Amending Agreement be signed within 120 days or any extension thereof granted by Council on request of the application from the date of the motion approved by Council and any other bodies as necessary whichever approval is later, otherwise, this approval will be avoid and obligations arising hereunder shall be at and end.**

**MOTION PUT AND PASSED.**

**10.2 Councillor:**

**10.2.1 Graffiti on Businesses on Herring Cove Road - Councillor Mosher**

Councillor Mosher noted that this issue also tied in with the former Harvey’s site on 209 Herring Cove Road. She advised that she had been meeting with partners in the area and that the Spryfield Business Commission had purchased anti graffiti solution. She stated that she would report back to the Community Council when she had more information.

**10.2.2 Maintenance of Dunbrack Street Rose Bushes - Councillor Hum**

Councillor Hum advised that this had been long standing issue for all three (3) Dunbrack Street Councillors. She stated that a number of residents had contacted HRM in the spring regarding the need for maintenance of the rose bushes. She also noted that weeds had been especially bad this spring and she was concerned that the bushes would not be maintained by HRM staff throughout the summer as the roses were in danger of not blooming.

Councillor Mosher left the meeting at 8:17 p.m.

**MOVED BY Councillor Hum, seconded by Deputy Mayor Adams, that Chebucto Community Council request a staff report regarding:**

1. **The possibility of having regularly scheduled maintenance for the rose bushes on Dunbrack Street; and**
2. **If staff is unable to meet the time frame within a 2 week period by June 30, 2008 they are to utilize the services of a contractor to provide maintenance and weeding of the rose bushes.**

**MOTION PUT AND PASSED.**

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

**12.1 Non Truck Routes - Mumford Road - Councillor Walker**

**MOVED BY Councillor Walker, seconded by Deputy Mayor Adams, that the Chebucto Community Council request that signs be erected advising of the non truck routes; two on Joseph Howe Drive, one on Chebucto Road and one eastbound on Chebucto Road at Mumford Road and Romans Avenue.**

Councillor Hum advised that she had a similar problem with trucks on Kearney Lake Road and asked if the Community Council had the authority to change this. Mr. Randolph Kinghorne, Solicitor, advised that he would come back with more information and that Community Council could certainly request to amend the Truck Route By-Law.

**MOTION PUT AND PASSED.**

**12.2 Non Truck Routes - Crown Drive - Mosher**

**MOVED BY Deputy Mayor Adams, seconded by Councillor Walker, that staff give consideration to making Crown Drive a non truck route. MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION**

**14. PUBLIC PARTICIPATION**

There were no members of the public wishing to speak at this time.

**15. NEXT MEETING DATE**

The next meeting was scheduled for Monday, September 8, 2008.

**16. ADJOURNMENT**

The meeting was adjourned at 8:28 p.m.

The following item was added as information:

1. Non Truck Routes - Mumford Road