

**CHEBUCTO COMMUNITY COUNCIL
MINUTES**

February 1, 2010

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

STAFF: Ms. Kirby Grant, Solicitor
Ms. Shawnee Gregory, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	3
2.	APPROVAL OF MINUTES	3
3.	APPROVAL OF THE ORDER OF BUSINESS	3
4.	BUSINESS ARISING OUT OF THE MINUTES	3
4.1	Status Sheet Items	3
4.1.1	Tremont Park Alternate Main Entrance	3
4.1.2	75 Rockingstone Road Re: Sidewalk	3
4.1.3	Keefe Drive - Emergency Concerns Due to Road Condition and Lack of Seawall	3
4.1.4	Solid Waste - Friday and Holiday Collection Communication Concerns	4
4.1.5	HRM Corporate Call Centre 490-4000 - Resident Concerns	4
5.	MOTIONS OF RECONSIDERATION	4
6.	MOTIONS OF RECISSION	4
7.	CONSIDERATION OF DEFERRED BUSINESS	4
8.	HEARINGS	4
8.1	Public Hearings	4
8.2	Variance Appeal Hearings	4
8.2.1	Appeal of the Development Officer's Decision to Deny an Application for a Variance #15727, 5 Prince's Walk, Halifax	4
9.	CORRESPONDENCE, PETITIONS AND PRESENTATIONS	6
9.1	Correspondence	6
9.2	Petitions	6
9.3	Presentations	6
10.	REPORTS	6
10.1	Staff	6
10.1.1	Case 01317: Amending Stage I and II Development Agreements - Home Depot, Halifax	6
11.	MOTIONS	6
12.	ADDED ITEMS	6
13.	NOTICES OF MOTION	6
14.	PUBLIC PARTICIPATION	6

15. NEXT MEETING DATE 6
16. ADJOURNMENT 6
1. **CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. at the Keshen Goodman Library.

2. APPROVAL OF MINUTES - January 4, 2010

MOVED by Councillor Mosher, seconded by Councillor Hum, that the minutes of January 4, 2010 be approved as presented. MOTION PUT AND PASSED.

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

MOVED BY Councillor Mosher, seconded by Councillor Hum, that the agenda be approved as presented. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

4.1.1 Tremont Park Alternate Main Entrance

Councillor Hum advised that this issue would be considered under any future applications coming forward on rate of transmission lands and any Development Agreements the nearby area.

She indicated that this item could be removed from the Status Sheet.

4.1.2 75 Rockingstone Road Re: Sidewalk

Councillor Adams advised that there were no updates at this time and requested that this item remain on the Status Sheet.

4.1.3 Keefe Drive - Emergency Concerns Due to Road Condition and Lack of Seawall

Councillor Mosher indicated that she had met with Mr. Dave Hubley, Manager of Design and Construction, regarding this issue. She stated that the road condition on Keefe Drive had gotten worse and Mr. Ivan Zinck, Work Supervisor of Streets - West, had repaired the road with approximately 8 to 10 tonnes of gravel as a temporary solution. Councillor Mosher also advised that Keefe Drive was a non accepted street which had been annexed and maintained by the former City of Halifax and HRM ever since.

Councillor Mosher indicated that this item would be going to Regional Council, however, she requested that it remain on the Status Sheet.

4.1.4 Solid Waste - Friday and Holiday Collection Communication Concerns

- C An information report dated January 8, 2010 was before Community Council.

Councillor Mosher stated that she appreciated the report. She noted, for the record, that collection communication issues had occurred on several occasions other than January 2, 2010 and that each time the HRM Corporate Call Centre had no updates for residents. She requested that her comments and the report dated January 8, 2010 be referred to the Manager of the HRM Corporate Call Centre for staff's information.

Councillor Adams requested information on what residents should do when a manager or supervisor of a collection company does not return their calls.

Councillor Mosher stated that collection had been missed again on Friday, January 29, 2010 for the third time in a row. She requested information from Solid Waste staff regarding what residents should do as they had now exceeded their bag requirements for collection.

Councillor Mosher indicated that this item could be removed from the Status Sheet.

4.1.5 HRM Corporate Call Centre 490-4000 - Resident Concerns

The Chair indicated that a report on this matter was forthcoming.

Councillor Mosher requested that this item remain on the Status Sheet.

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 Appeal of the Development Officer's Decision to Deny an Application for a Variance #15727, 5 Prince's Walk, Halifax

C A report dated January 19, 2010 was before Community Council.

Ms. Brenda Seymour, Development Technician, provided the presentation on Case 15727, 5 Prince's Walk, Halifax. Highlights were as follows:

- C The property is zoned R1 and is under the Halifax Mainland Land Use
- C The Land Use By-Law requires a 20 foot setback and the request has been made to change to a 2.5 foot setback on this property
- C Most properties on the street meet the minimum setback of 20 feet
- C Permitting construction of a deck would be inconsistent with the existing neighbourhood and the street scape would be changed which defeats the purpose of the By-Law

The Chair reviewed the Rules of Procedure for Variance Appeal Hearings and called for those wishing to speak for or against Variance #15727, 5 Prince's Walk, Halifax.

Mr. Brian Cooper, Applicant, stated that the proposed deck would be built on the left side of his home as it would be the most accessible area due to the design of the home. He indicated that his home was five years old and that when it was being built he had taken the neighbours, trees and historic value of the property and general area into consideration. Mr. Cooper stated that he had been in the construction industry for approximately 30 years and had lived in Prince's Lodge for 12 years; noting that it was a great place to raise a family. He clarified that the deck would be approximately 15 feet from the street pavement and the only access would be via the door on the main level of his home. He stated that the deck area would be quite private as it was covered by tree foliage during the warmer months. Mr. Cooper advised that he had canvassed his neighbours regarding the proposed deck and submitted a list containing the signatures of 21 neighbours indicating they had no objections to his proposal. In closing, Mr. Cooper stated that he did not believe that the deck would cause problems in the neighbourhood as it would be aesthetically pleasing and well built.

Ms. Jackie Compton, Prince's Walk, indicated that her property looked directly on to the Cooper's property and that the neighbours appreciated Mr. Cooper coming to ask for their opinion. She stated that the deck would be very appealing from her point of view; noting that it would not impact her view of the Bedford Basin as she could not see it through the trees in the summertime anyway. Ms. Compton indicated that she had only lived in the neighbourhood for one year.

The Chair called three times for additional speakers. Hearing none, the following motion was placed:

MOVED BY Councillor Mosher, seconded by Councillor Hum, that the Variance Appeal Hearing be closed. MOTION PUT AND PASSED.

Councillor Hum advised that this had been a difficult decision for her to make. She stated that the Municipal Charter set out guidelines for staff to follow; noting that going from a 20 foot to a 2.5 foot setback was a substantial change.

Councillor Hum put a motion on the floor to uphold the Development Officer's decision to deny the variance. As there was no seconder for the motion, the motion was lost.

Moved by Councillor Adams, seconded by Councillor Mosher, that Chebucto Community Council overturn the Development Officer's decision and approve the variance. MOTION PUT AND PASSED.

Councillor Hum stated, for the record, that this decision had the potential to significantly impact the Prince's Lodge neighbourhood as it was going to set a precedent. Councillor Hum expressed concern that the McInnis family, who live on the abutting property, did not receive the Appeal notice; noting that she had spoken to the Solicitor and there was, unfortunately, no options available for them.

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 Case 01317: Amending Stage I and II Development Agreements - Home Depot, Halifax

C A report dated November 13, 2009 was before Community Council.

MOVED BY Councillor Wile, seconded by Councillor Adams, that Chebucto Community Council give Notice of Motion to consider the proposed Stage I Amending Agreement, as described in Attachment A of the report dated November 13, 2009 and schedule a public hearing for March 1, 2010.

11. MOTIONS - NONE

12. ADDED ITEMS - NONE

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

There was no one wishing to speak at this time.

15. NEXT MEETING DATE

The next meeting was scheduled for Monday, March 1, 2010 at 6:30 p.m.

16. ADJOURNMENT

The meeting was adjourned at 7:28 p.m.

Shawnee Gregory
Legislative Assistant

The following item was added as information:

1. Correspondence Re: Blue Mountain - Birch Cove Lakes