

CHEBUCTO COMMUNITY COUNCIL
MINUTES

May 2, 2011

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

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

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1. CALL TO ORDER

The Chair called the meeting to order at 7:01 p.m. in the Keshen Goodman Library, Halifax.

2. APPROVAL OF MINUTES – April 4, 2011

MOVED by Councillor Wile, seconded by Councillor Hum that the minutes of April 4, 2011 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

4.1.1 J.L. Ilsley High School – Campus Opportunity

Councillor Adams requested that the upcoming report on this matter address the potential opportunity to utilize new ice making equipment being installed at the Spryfield Lions Rink in August 2011 to create an outdoor skating rink on the existing tennis court.

Councillor Mosher requested that Real Property Planning staff comment on the potential of using the vacant land in the area as a football field.

This item is to remain on the Status Sheet.

4.1.2 Keefe Drive – Emergency Concerns Due to Road Construction and Lack of Seawall

Councillor Mosher advised that she was still awaiting a report to the Transportation Standing Committee regarding this matter.

This item is to remain on the Status Sheet.

4.1.3 By-law A-300 – Continuous Dog Barking

As there was no update, Councillor Wile requested that this item remain on the Status Sheet.

4.1.4 Whimsical Lake Crescent

As there was no update, Councillor Mosher requested that this item remain on the Status Sheet.

4.1.5 Sherbrooke Drive Update

Councillor Hum indicated that she had received a good portion of the information she required via email and requested an official information report from staff to send to her residents.

MOVED by Councillor Hum, seconded by Councillor Mosher that Chebucto Community Council request an information report to encompass all the previously provided information regarding Sherbrooke Drive including paving and the issue of subdivided lots. MOTION PUT AND PASSED.

This item is to remain on the Status Sheet.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – 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 Refuse an Application for a Variance #16863 – 7107 Scot St., Halifax

A report dated April 21, 2011 was before Community Council.

Ms. Brenda Seymour, Development Technician provided the presentation on the Appeal of the Development Officer's Decision to Refuse an Application for a Variance #16863 – 7107 Scot St., Halifax. Highlights were as follows:

- The request was to divide a single unit to a double unit dwelling
- A variance is required to change the side yard setback from five feet to 3.6 feet as required for a double unit dwelling
- The reduction of the side yard setback does violate the intent of the Land Use By-law
- The difficulty experienced is general to properties in area

- The conversion to a double unit dwelling was done with intentional disregard for the By-law as staff only became aware of the issue as a result of a complaint

A discussion ensued with staff responding to questions.

The Chair reviewed the Rules of Procedure for Variance Appeal Hearings and opened the hearing for the Appeal of the Development Officer's Decision to Refuse an Application for a Variance #16863 – 7107 Scot St., Halifax.

Correspondence in support of the variance application was submitted from Mr. Ken Leverman, Mr. Gesner, Ms. Patricia Moore, Mr. Gary Lee and Ms. Doris Baker.

Ms. Cathy Donald, Appellant and owner of 7107 Scot Street, advised of several other two unit buildings in her neighbourhood on Rowe and Scot Streets. She stated that she did not know who made the complaint against her property as she was not permitted to receive that information; however, it was her opinion that the complaint came from her former tenant who was not paying rent and had; therefore, been asked to leave; noting that she was now having Tenancy Board issues with this individual. Ms. Donald advised that the complaint also stated that she was creating a dwelling unit in her shed which was not true. She indicated that she purchased her home under R2 zoning thinking the significance of that was that she could create a two unit dwelling to help pay her mortgage; stating she knew there were standards to be met; however, this made her R2 zoning a moot point. She advised that she could not re-apply for a variance so she had no other options and this would have a negative impact on the potential resale of her home and that she did not realize she needed a permit as she thought the zoning was enough; noting that there had been no mention of a permit when she inquired with the HRM Development Officer. Ms. Donald advised that she had hired someone who she thought was a contractor but was not so there was no discussion of permits in that case either; stating that it was a series of errors. She indicated that variances were in place because you need an exception and that, as she could not move her house, this would be that exception and that this difficulty was general to her neighbours in the area. She advised that she was not trying to take advantage of people and had been cooperating with staff through this whole process; indicating that while she lived in Halifax, she worked in Musquodoboit and boards there through the winter so she was not around much but thought she was doing what she was supposed to do.

A discussion ensued with staff and the appellant responding to questions.

Ms. Seymour advised that while a zoning confirmation letter was usually part of the lawyer transaction process when selling and purchasing a home, in order to confirm legal use with HRM, it was not always done.

Ms. Kirby Grant, Solicitor, stated that purchasers need to protect themselves and inquire on the status of the home; noting that there were certain obligations on vendors to disclose facts about the home; however, it was not a perfect world and you could buy a property without checking the zoning.

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

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

MOVED by Councillor Mosher, seconded by Councillor Wile that Chebucto Community Council overturn the Development Officer's decision and approve the variance.

Councillor Mosher advised that the home was zoned R2 not single unit and was already had a non-conforming setback as a single unit dwelling; the difference being one foot short. She stated that four neighbours were in support of Ms. Donald's variance and this was a case of unawareness rather than maliciousness.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentations – None

10. REPORTS –NONE

11. MOTIONS - NONE

12. ADDED ITEMS - NONE

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Andrew Feenstra, Ashdale Avenue, stated that he was present to speak about Case 1254, the United Gulf Development on the old Halifax West Property; noting he was aware that the report had not yet come before Community Council. He advised that the most recent development information residents had been given was two eight storey buildings, a six storey, a three storey and a one storey retail building on the property

with 450 parking spaces. Mr. Feenstra advised that residents were in support of a development; just not one of this size as every building around the property with the exception of one was a single unit dwelling home and this development would not fit in. He expressed concern with the height of the building, its proximity to houses, greenspace, noise and light pollution, construction issues, traffic, dust from construction and increased traffic from new residents and businesses. He stated that the community had created a small group of local homeowners whom he was representing; advising that he was contacting Councillors and HRM staff. In closing, he indicated that the citizens in the area were not in favour of this kind of development.

The Chair advised that the matter was not officially before Community Council yet and; therefore, they did not know what the final details for the property would be; noting that the property had not been sold but an agreement with United Gulf was in the works.

Mr. Bruce Smith, Halifax, stated that he was present to speak to the Lacewood Terminal siting study and to point out problems with that study; noting the opinions expressed were his own. He advised that if the Willett Street site was chosen for the new terminal, excavating would take place on site, as noted on page 6 of the plan, and approximately 48,758 cubic metres of rock would have to be removed. He stated that he did not know if it was pyretic slate but, if so, the cost to remove it would be \$125 per cubic metre and over \$6,000,000 in total; not even close to the \$3,000,000 project cost projected by staff. Mr. Smith expressed concern that there would then be a 50 metre, 10 foot high wall near a wetland which would come through the rock, creating a continuous wall of water and ice. He advised that the pit would have to be fenced and lit and would have to run off Willett Street which did not make any sense. He stated that page 19 of the plan states that the site will be expandable and expressed concern that would mean blasting more rock and closing the facility again. Mr. Smith indicated that it did not make sense to then allow for a park and ride lot near Highway 102 as cars would then be travelling through a school zone twice; noting that with 275 parking spaces, that would mean 110,000 passes through a school zone per year creating more of a chance for a child to get hit by a car. He stated that it did not make sense to create a park and ride lot away from the terminal when all other terminals have a lot built in.

Regarding how Mr. Smith's comments would be sent to staff, the Chair advised that he would have to attend the upcoming Public Information Meeting (PIM) in order to have his comments included in the official record for the Public Hearing process; stating that his Public Participation comments were part of the Community Council but not the Public Hearing record.

Councillor Mosher advised that written comments could also be submitted during the PIM and Public Hearing process.

Councillor Wile advised that the PIM was not focussing on the Willett Street site or any site in particular but rather would be looking at the whole Mainland area to develop a strategy to consider amending the By-law.

Ms. Maureen Menuge, Westridge Drive, asked what the process was when residents attend the PIM and say they do not want the terminal on the Willett Street site.

The Chair advised that staff would bring the comments to Regional Council via a report and a Public Hearing.

Ms. Tamara Lorincz, Willow Bank Court, advised that she was a 12 year resident of Fairview as well as a member of the Fairview-Clayton Park Community Action Network. She stated that she was present to speak about the former Halifax West site as well; noting that it was prime public land in the heart of the community. She submitted a copy of her presentation which she then read aloud. Ms. Lorincz indicated that she was not opposed to developing the land in question; however, she felt it could be done in a better way that meets the needs of the community as they feel there was inaccurate consultation and communication as residents did not receive notification of an upcoming Public Information Meeting. She stated that the land has not been sold and remains in HRM hands and expressed concern that the land would not be purchased at fair market value and would be purchased for \$1,200,000 for seven acres even though it was valued at, at least, \$2,400,000. She expressed concern if the proceeds would benefit the community or if some land would be left to meet community needs, if the wetland on site would be protected and what traffic issues would be created. Ms. Lorincz indicated that the space could be developed properly with a community centre; noting that it was not affordable for residents to use the Canada Games Centre. She stated that she had prepared a report on facility needs and was advocating for a new request for proposals process in a similar way the North End community did with their Imagine Bloomfield process; noting this could be Imagine Fairview.

The Chair advised that Ms. Lorincz had been told by staff at a meeting that \$1,200,000 was the minimum price for the land.

Councillor Mosher stated that HRM does not sell land for less than market value under the Charter.

Mr. Lee Hawkes, Halifax, inquired about the status of a request he made to Councillor Wile about a motion of reconsideration with regards to the Delphi-MRC report and Willett Street Terminal site.

Councillor Wile advised that she must first see what the outcome of the Land Use By-law amendment process as if the By-law was changed, the terminal may not be permitted on that site anyway.

Mr. Hawkes requested to know how he could be added to the list to make a presentation to Community Council, under item 9, which would aid and abet a motion of reconsideration completely. He expressed concern over the fencing off of a previously open field on the Mainland Common which made it not common anymore and that the

other part of the Willett Street Reserve was also under the microscope to be used as a bus terminal.

15. NEXT MEETING DATE – June 13, 2011

16. ADJOURNMENT

The meeting was adjourned at 7:59 p.m.

Shawnee Gregory
Legislative Assistant