



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL  
MINUTES  
NOVEMBER 12, 2015**

PRESENT: Councillor Gloria McCluskey, Chair  
Councillor Bill Karsten, Vice Chair  
Councillor Lorelei Nicoll  
Councillor David Hendsbee

STAFF: Ms. Sherryl Murphy, Deputy Clerk  
Ms. Cathy Collett, Legislative Assistant

*The following does not represent a verbatim record of the proceedings of this meeting.*

*The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/Commcoun/east/HEMDCC151001-agenda.php>*

*The meeting was called to order at 6:00 p.m. and adjourned at 7:01 p.m.*

**1. CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**2. APPROVAL OF MINUTES – October 1, 2015**

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee

**THAT the minutes of the October 1, 2015, meeting be approved, as circulated.**

**MOTION PUT AND PASSED.**

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

MOVED by Councillor Karsten, seconded by Councillor Hendsbee

**THAT the Memorandum from the Director, Parks and Recreation dated October 21, 2015 re: Eastern Passage High School Public Enhancements (Information Item 2) be added to the agenda**

Two-third majority vote required.

**MOTION PUT AND PASSED**

MOVED by Councillor Karsten, seconded by Councillor Hendsbee

**THAT Mr. Kevin Deveaux be allowed to address the Community Council for five minutes on behalf of the Community Education Enhancement Project (CEEP).**

Two-third majority vote required

**MOTION PUT AND PASSED.**

MOVED by Councillor Karsten, seconded by Councillor Hendsbee

**THAT that Harbour East Marine Drive Community Council waive the rules of order regarding Notice of Motion to permit the following motion to be considered at this meeting:**

**THAT Harbour East-Marine Drive Community Council (HEMDCC) request a supplementary staff report including by not limited to the following:**

**Clarification as to the assumption that Seaside field will be the field chosen for use, clarification on the cost of construction of an artificial turf field, consultation with the Province to determine possible partnerships, consultation with CEEP and responses to other questions. As well, that the supplementary report be in the form of a recommendation report that could be forwarded to Regional Council for consideration if so directed by HEMDCC.**

Two-third majority vote required

**MOTION PUT AND PASSED.**

MOVED by Councillor Hendsbee, seconded by Councillor Karsten

**THAT the agenda be approved as amended.**

Two-thirds majority vote required

**MOTION PUT AND PASSED.**

- 4. BUSINESS ARISING OUT OF THE MINUTES – NONE**
- 5. MOTIONS OF RECONSIDERATION – NONE**
- 6. MOTIONS OF RESCISSION – NONE**
- 7. CONSIDERATION OF DEFERRED BUSINESS – NONE**
- 8. HEARINGS**
- 8.1 PUBLIC HEARINGS - NONE**

**MOTION PUT AND PASSED/DEFEATED.**

**8.2 VARIANCE APPEAL HEARINGS**

**8.2.1 Case 19802: Appeal of Variance Refusal – 7 Cherry Drive, Dartmouth**

The following was before the Community Council:

- *A staff recommendation report dated September 15, 2015*
- *A presentation by the applicant, Mr. Kirk Yanofsky*

Mr. Andrew Faulkner, Development Officer, gave a presentation on Case 19802. As he explained, the Development Officer's Assessment of Variance Requests, as laid out in section 250(3) of the HRM Charter, states that "a variance may not be granted if:

- (a) the variance violates the intent of the development agreement or Land Use By-law
- (b) the difficulty experienced is general to properties in the area
- (c) the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law."

Mr. Faulkner commented that in terms of item (a), the proposed variance would violate the Land Use By-law by moving the set-back too close to the street, which is an issue both practically (because of the future possibility of road-expansion) and aesthetically (because it would disrupt the visual separation between the street and the property). In terms of item (b), Mr. Faulkner indicated that the 17 properties within the 30 metre notification area are of similar size and their lots of similar grade, thus he determines the underlying difficulty behind the proposed variance to be general to the area. Addressing item (c), Mr. Faulkner stated that the request does not demonstrate a disregard for the requirements of the Land Use By-law.

Mr. Faulkner responded to questions of clarification from Community Council members.

Mr. Kirk Yanofsky, appellant, addressed the Community Council, explaining that the reason for the variance request is to allow for him to put in a wheel-chair accessible entrance and bathroom to afford him the ability to provide respite care for his niece with Cerebral Palsy, as well as to be able to care for an aging parent. He emphasized that the proposed variance is in no way part of a commercial venture, and clarified that the proposed expansion is 14 feet, not 15 feet, as outlined in the staff presentation. Mr. Yanofsky commented that there are sidewalks on both sides of the street, leaving plenty of room for road

expansion if this was to become necessary in the future. He indicated that the slope of his lot means that his house sits in a valley, and thus the grade of his property is not the same as that of his neighbours’.

Mr. Yanofsky responded to questions of clarification from Community Council members.

The Chair called for members of the public within the 30 metre notification area to come forward and address the Community Council.

Mr. James Baltus of Slayter Street came forth to indicate the he is strongly in support of the proposal. He commented that it is nice to have young families in the neighbourhood and that it is important to be accommodating. He explained that he had worked as an executive director of an organization providing support to persons with disabilities and that he believes it is admirable of Mr. Yanofsky and his fiancé to want to provide respite for their family, as well as providing care to an aging parent. Mr. Baltus concluded that he lives directly across the street and would be the most visually impacted by the variance, and would be happy to have the proposed variance approved.

Mr. Claude Leblanc of Slayter Street commented that he does not have a problem with the proposed variance and that as the addition would be within the fence, he does not believe it would be at all an issue.

Mr. Calvin Mersey of Cherry Drive came forth and stated that he is fully in support of the proposed variance, and that as there are a number of large houses in the neighbourhood, he does not believe it will change the aesthetics of the neighbourhood at all.

Mr. Carl Baxter commented that he lives across the street from the appellant and that the fence that currently exists is closer to the street than the proposed enlargement would be, and that he is fully in support of the proposed variance.

Councillor Hendsbee commented that he does not see any problem with the variance in terms of street view, but is concerned that there might be issues with vandalism of the addition if it is very close to the street. He suggested that brick would be a good building material and cautioned against installing windows immediately adjacent to the sidewalk..

MOVED by Councillor Karsten, seconded by Councillor Nicoll

**THAT the Harbour East-Marine Drive Community Council allow the appeal.**

Councillor Karsten explained to the public that it is a requirement that the motion for an appeal is always made in the affirmative, regardless of whether or not the mover is in support of the motion. He commented that when he arrived at Community Council he was planning on voting against the motion, but after hearing such positive comments from the appellant’s neighbours, he would be pleased to support the appeal

Councillors Hendsbee, Nicoll, and McCluskey indicated that they would also support the motion and that they appreciated hearing from the appellant’s neighbours.

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS – NONE**

**9.1 Correspondence – None**

**9.2 Petitions – None**

**9.3 Presentation**

**9.3.1 Presentation from CEEP**

This matter was added to the agenda during the setting of the agenda. The Chair invited Mr. Deveaux to come forward to address Community Council.

Mr. Kevin Deveaux came forth to address the Community Council about the information report dated October 21, 2015 regarding the Eastern Passage High School Public Enhancements. He commented that it seems as though there was a pre-determined conclusion before the report was written and that there had not been the opportunity for CEEP to engage with Staff, as the report suggested. Mr. Deveaux expressed that, in terms of the Arts and Culture component, the report does not reflect the legal and policy framework required for staff consideration; specifically, it does not address the 2008 Culture Plan or the Community Facility Management Plan of 2008, which states that arts and culture needs to be integrated with recreation. Mr. Deveaux suggested that new school and renovated school construction projects provide the opportunity for partnerships with the province. He also indicated that the data provided in CEEP's original proposal regarding field cancellations and the need for an all-weather field and track is not reflected in the staff report. Mr. Deveaux concluded by addressing the report's indication that the Province lacks commitment in entering into a partnership with the HRM. Mr. Deveaux informed the Community Council that the Minister of Transportation and Infrastructure Renewal has indicated that the Province is prepared to enter into discussions with the City with regards to potential partnerships for this project .

The Chair thanked Mr. Deveaux for his presentation.

**10. REPORTS**

**10.1 STAFF**

**10.1.1 Case 20132: Rezoning a Portion of Dartmouth Crossing, Dartmouth**

The following was before Community Council:

- *A staff recommendation report dated October 28, 2015*

Mr. Ben Sivak, Major Projects Planner, explained that the applicant wishes to develop the subject site for commercial and/or light industrial land uses that complement existing uses in Dartmouth Crossing, the Burnside Business Park and the Burnside Business Park Expansion Area. The subject site has remained vacant since the 2009 rezoning. Development design details, including servicing and road layout will be subject to review through the as-of-right subdivision and permitting approval processes.

MOVED by Councillor Karsten, seconded by Councillor Nicoll

**THAT Harbour East-Marine Drive Community Council**

- 1. Give First Reading to consider the proposal to rezone a portion of Phase 3 within Dartmouth Crossing from the BCDD (Burnside Comprehensive Development District) Zone to the I-2 (General Industrial) Zone, as contained in Attachment A of the report dated October 28, 2015, and schedule a public hearing at the next meeting of the Harbour East-Marine Drive Community Council on December 3, 2015.**

Staff responded to questions of clarification from Community Council members.

**MOTION PUT AND PASSED**

**11. MOTIONS**

**12. IN CAMERA (IN PRIVATE) - NONE**

**13. ADDED ITEMS**

**13.1 Councillor Karsten – Motion requesting a supplementary staff report re: Eastern Passage High School Public Enhancements**

Councillor Karsten explained that he is looking for a supplementary report that captures what is lacking from the existing information report on this matter, specifically, consultation with CEEP.

MOVED by Councillor Karsten, seconded by Councillor Hendsbee

**THAT Harbour East-Marine Drive Community Council (HEMDCC) request a supplementary staff report including by not limited to the following:**

**Clarification as to the assumption that Seaside field will be the field chosen for use, clarification on the cost of construction of an artificial turf field, consultation with the Province to determine possible partnerships, consultation with CEEP and responses to other questions. As well, that the supplementary report be in the form of a recommendation report that could be forwarded to Regional Council for consideration if so directed by HEMDCC.**

**MOTION PUT AND PASSED**

**14. NOTICES OF MOTION - NONE**

**15. PUBLIC PARTICIPATION**

Mr. Warren Wesson of Woodside spoke on behalf of the Coalition to Preserve Community Identity in HRM. He commented that the group has three fundamental principles: 1. they support the new Halifax logo for international and national communication; 2. they oppose the new logo for local community signs, landmarks, and flagpoles; and 3. they oppose officially changing the name of the Halifax Regional Municipality to Halifax. Mr. Wesson explained that the group is reaching out to all districts, not just Dartmouth. He concluded that the report that Council voted on was flawed and he suggested that Council re-read the report.

Mr. Dave Harrison handed out an excerpt from the Halifax Regional Municipality Branding Study: Research Findings: "The Halifax region – What's in a Name? What do you call where you're from?" (Corporate Research Associates Inc., 2014. 44-47. He remarked that he is impressed with Trudeau's position that government opinions should be directed by evidenced-based policy, not policy-based evidence. Mr. Harrison expressed disbelief that no contrary opinions were expressed during the consultations. He concluded with a suggestion that the HRM name change be put to a referendum during next year's election

**16. DATE OF NEXT MEETING – Thursday, December 3, 2015, 7:00. HEMDCC Meeting Space, Main Floor, Alderney Gate, 40 Alderney Drive, Dartmouth (*note change in meeting time*)**

**17. ADJOURNMENT**

The meeting was adjourned at 7:01 p.m.

Cathy Collett  
Legislative Assistant