

HALIFAX & WEST COMMUNITY COUNCIL
MINUTES

January 6, 2014

PRESENT: Councillor Linda Mosher, Chair
Councillor Waye Mason, Vice Chair
Councillor Jennifer Watts
Councillor Russell Walker
Councillor Stephen Adams
Councillor Reg Rankin

STAFF: Ms. Karen Brown, Solicitor
Mr. Liam MacSween, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER.....	3
2.	APPROVAL OF MINUTES – October 28 & November 18, 2013.....	3
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	3
4.	BUSINESS ARISING OUT OF THE MINUTES	3
4.1	Status Sheet	3
5.	MOTIONS OF RECONSIDERATION – NONE	3
6.	MOTIONS OF RESCISSION – NONE	3
7.	CONSIDERATION OF DEFERRED BUSINESS – NONE.....	3
8.	HEARINGS.....	3
8.1	Variance Appeal Hearings	3
8.1.1	Case 18828 – Variance – Appeal of Variance Refusal, 5573 North Street	4
9.	CORRESPONDENCE, PETITIONS & DELEGATIONS	6
9.1	Correspondence	6
9.2	Petitions - None	6
9.3	Presentation - None.....	6
10.	REPORTS	6
10.1	Staff	6
10.1.1	Case 18149 – Development Agreement – Corner of Gottingen Street and Bilby Street, Halifax (Supplementary)	6
10.1.2	Proposed 2014 Meeting Schedule	7
10.2.1	Councillor Watts - Councillor Contact for Case 16417: Municipal Planning Strategy and Land Use By-Law amendments for 2570 Windsor Street/6225 Willow Street and 6223 Willow Street.....	7
11.	MOTIONS - NONE	8
12.	ADDED ITEMS – NONE.....	8
13.	NOTICES OF MOTION	8
14.	PUBLIC PARTICIPATION	8
15.	NEXT MEETING DATE – January 21, 2014 (if required).	8
16.	ADJOURNMENT	8

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in Council Chambers, City Hall 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – October 28 & November 18, 2013

MOVED by Councillor Watts and seconded by Councillor Walker that the minutes of October 28 & November 18, 2013 be approved as presented. MOTION PUT AND PASSED.

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

There were no additions/deletions to the agenda.

MOVED by Councillor Watts and seconded by Councillor Mason that the agenda be approved as presented.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

No updates to the status sheet were provided.

Councillor Mason requested that staff provide estimated completion times for all status sheet items for the next meeting of Halifax and West Community Council to be held in February.

Councillor Rankin requested that a memo be sent to staff requesting an update on Item No. 13.1 - Lovett Lake (Beechville) Development Agreement Process. He cited a motion passed at the November 18, 2013 meeting of Halifax and West Community Council requesting that staff prepare the case for First Reading on or before December 18, 2013. He noted that an update has not been provided on this matter and that he would like a response as soon as possible.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 Variance Appeal Hearings

8.1.1 Case 18828 – Variance – Appeal of Variance Refusal, 5573 North Street

The following documentation was before Halifax and West Community Council:

- A staff report dated December 17, 2013.
- Correspondence from Cathy & Edwin De Mone, dated December 31, 2013
- Morgan A.E Francis dated January 2, 2013
- Blanche and Peter Creighton dated January 4, 2013
- Lisa Casey dated January 4, 2014
- John Zhouri dated January 6, 2013
- Melissa Marr and Tyson Hynes dated January 6, 2013
- Phillipe Haddad dated January 6, 2013
- Bryan Burns dated January 6, 2013
- Rex Mendes dated January 6, 2013

The Chair read the procedures for variance appeal hearings and invited staff to present on Case 18828.

Mr. Andrew Faulkner, Development Officer gave a presentation on Case 18828.

Mr. Faulkner displayed a map of the subject property and surrounding areas and provided background information. He stated that the authorized use of the property at 5573 North Street is for a two unit dwelling and that a variance request has been submitted to permit a previously constructed rear addition and legalize a third residential unit on the subject property. He noted that both the rear addition and the third residential unit were constructed without permits.

Mr. Faulkner stated that the lot coverage on the subject property is non-conforming with respect to set-back requirements for the R-2 (General Residential) Zone. He commented that additional changes made to the building do not comply with the set-back requirements and that the request by the applicant for reduction of the set-back requirements to accommodate a three-unit development is substantial. He noted that it is the opinion of staff that granting the variance would violate the intent of the Land-Use Bylaw (LUB).

Mr. Faulkner provided information regarding the surrounding properties within a 30 meter radius of the subject property. He noted that 8 of the 10 properties contain single unit dwellings. With respect to the other properties, a three unit dwelling and a four unit dwelling, he commented that both are existing non-conforming structures in terms of lot size and that the permits for those dwellings were issued prior to the current land use regulations. He reiterated that all new construction in the area must meet the current land use regulations.

In conclusion, Mr. Faulkner commented that the variance had not been granted because it does not conform to the requirements of the LUB as outlined in the staff

report. In addition to this, the applicant took deliberate action contrary to the requirements of the LUB. He noted that intentional disregard of the requirements of the LUB played into the decision making of this request. He stated that the house was used as a three unit rooming house for one year and that a permit must be obtained to make the structure conforming.

The Chair thanked Mr. Faulkner for his presentation and asked for questions of clarification from Council.

Councillor Rankin asked if a change to the By-law would be necessary if Halifax and West Community Council approved the variance appeal.

Mr. Faulkner noted that a change to the By-law would not be required in this case as it is site specific.

The Chair invited the appellant to come forward and address Council.

Mr. Bryan Burns, Applicant, stated that he has been living at the subject property most of the time since 2008. He noted that the building was a rooming house when he purchased it. He commented that it was in poor condition and that it was a place where drug users would congregate on a regular basis. With respect to the density of the subject property, Mr. Burns noted that there were 12 to 14 men who lived in the house and that each man had a room with their own kitchen. He remarked that it was as if the house was comprised of twelve separate units.

Mr. Burns referenced a series of small projects that took place over time which greatly improved the property. He noted a by-law order that was issued to scrape and paint the house and repair shingles which he complied with. He remarked that he has received many compliments on the house and that it has been significantly enhanced. He stated that as a result of the enhancements the house now contains high end units with excellent tenants.

Mr. Burns commented that currently there are six people living in the house and that it will likely contain one or two more people in the basement unit. This, as he pointed out, results in a density reduction of almost 50% from the time he purchased the house. He noted that he made the decision to make upgrades to the house, particularly with regard to entry way to the basement, which was undertaken and that he did not realize that he needed approval to do so. He commented that improvements to the property had taken place on an incremental basis with the support of friends and neighbours who are interested in seeing improvements in the area. He concluded by requesting that Halifax and West Community Council approve the variance.

The Chair invited residents to speak for or against the application.

Mr. Kevin Lacey of 2651 Fuller Terrace stated that he came to the meeting to talk about Mr. Burns' proposal. He commented that he knew about the construction that was

taking place on the subject property and had no problems with it. He remarked that he has been inside the building, now that it has been completed, and is fine with how it all looks and believes it is a good addition to the neighborhood.

On the advice of the Solicitor and Mr. Faulkner, Development Officer, Halifax and West Community Council allowed Mr. Tyson Hines of 5555 North Street to speak on this matter as it was determined that his property falls within the notification area.

Mr. Tyson Hines of 5555 North Street stated that he had a letter in support of the development from his wife, who could not attend the meeting. He commented that the neighbourhood has changed a great deal since he has moved to the area and that many transient people used to live in the building before it was sold. He noted that since the sale the property to Mr. Burns, the house has been cared for and is attracting a better class of tenant. He concluded by stating that the building is in keeping with the other structures in the area, upholds the character of the neighbourhood, and is a positive addition.

The Chair Called three times for persons wishing to speak against or in favour of the application, there were none, it was **MOVED by Councillor Watts and seconded by Councillor Adams that the Variance Appeal hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Watts and seconded by Councillor Mason that Halifax and West Community Council approve the variance appeal be allowed.

Councillor Watts stated that it is helpful to hear from the proponent and staff that the density of the property has been reduced. She commented that the increase in size of the property is small and that steps have been made for the benefit of the community by making improvements to the house and property.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.2 Petitions - None

9.3 Presentation - None

10. REPORTS

10.1 Staff

10.1.1 Case 18149 – Development Agreement – Corner of Gottingen Street and Bilby Street, Halifax (Supplementary)

The following documentation was before Halifax and West Community Council:

- A staff report dated December 18, 2013

MOVED by Councillor Watts and seconded by Councillor Mason that Halifax and West Community Council:

- 1.) Approve the proposed development agreement, presented as Attachment A of the staff report dated December 18, 2013, and;**
- 2.) Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including and applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10.1.2 Proposed 2014 Meeting Schedule

The following documentation was before Halifax and West Community Council:

- The 2014 Proposed Meeting Schedule

MOVED by Councillor Walker seconded by Councillor Rankin that the 2014 meeting schedule be adopted with the following conditions:

- 1) That Halifax and West Community Council meet on Tuesday evenings at 7:00 p.m. and;**
- 2) That Council Chambers, 3rd floor Halifax City Hall, 1841 Argyle Street, be the primary location for Halifax and Community Council meetings except in special circumstances where meetings will be held in the community.**

Further discussion ensued with Councillors expressing the opinion that Halifax and West Community Council should continue to meet in various Districts for special circumstances like public hearings.

MOTION PUT AND PASSED.

10.2.1 Councillor Watts - Councillor Contact for Case 16417: Municipal Planning Strategy and Land Use By-Law amendments for 2570 Windsor Street/6225 Willow Street and 6223 Willow Street

Councillor Watts declared a potential conflict of interest with respect to case 16417. She requested that Community Council formally acknowledge that Councillor Walker take

her place as the Councillor contact for residents with this case. She noted that it would be helpful for staff and the public to have a member of council facilitate communication and discussion on this matter.

Councillor Walker noted that this was brought forward by the Mayor to ensure that there is appropriate community representation for residents in relation to case 16417..

Councillor Rankin commented that role of a Councillor contact person is that of a community representative and not as an advocate for a particular outcome. He noted that it is important that when a conflict of interest is declared, the community has adequate representation at Council.

Councillor Watts stated that she views this as an opportunity to ensure proper representation for residents throughout the process.

- 11. MOTIONS - NONE**
- 12. ADDED ITEMS – NONE**
- 13. NOTICES OF MOTION**
- 14. PUBLIC PARTICIPATION**

Public participation held and closed. No speakers present.

- 15. NEXT MEETING DATE – January 21, 2014 (if required).**
- 16. ADJOURNMENT**

The meeting was adjourned at 7:51 p.m.

Liam MacSween
Legislative Assistant

INFORMATION ITEMS

1. Memorandum from the Acting Director of Transportation and Public Works dated December 17, 2013 re: Parking Concerns on Saskatoon Drive.