



**HALIFAX & WEST COMMUNITY COUNCIL
MINUTES
April 22, 2014**

PRESENT: Councillor Linda Mosher, Chair
Councillor Waye Mason, Vice Chair
Councillor Jennifer Watts
Councillor Russell Walker
Councillor Steven Adams

REGRETS: Councillor Reg Rankin

STAFF: Ms. Karen Brown, Solicitor
Mr. Liam MacSween, 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/west/140422hwccAgenda.html>

The meeting was called to order at 7:00 p.m
Community Council moved into an In Camera session at 7:58 p.m. and reconvened at 8:09 p.m.
Community Council adjourned at 8:18 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in Council Chambers, 3rd Floor City Hall, 1841 Argyle Street.

2. APPROVAL OF MINUTES – None

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

Additions/Deletions:

There were no additions to the agenda.

MOVED by Councillor Walker, seconded by Councillor Mason that the agenda be approved as presented. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

The Legislative Assistant noted that there were no updates to the status sheet. Councillor Watts requested an update on status sheet Item No. 9 - Off-leash Dog Park in Africville Park.

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 No. 18929: Appeal of Variance Refusal – 1087 Wellington Street, Halifax

The following was before Community Council:

- *A staff recommendation report dated March 11, 2014*
- *Correspondence from David Lemon and Pat Whitman, Kathleen Rothwell, Chris and Kirk Annand, Rebecca A. Jamieson. W. David Jamieson and Muriel A. Jamieson, Anna Fraser and Alan Grant, Chris Beaumont, Karen Oldfield and Darren Fraser.*
- *Petition submitted by David Jamieson, Patricia Whitman, and Anna Fraser containing 77 signatures who oppose the Variance Application*

In consultation with the Solicitor, Ms. Shilo Grempton, Development Technician gave a combined presentation regarding Cases 18929 and 18930 – Variance Appeal Request - 1087 and 1091 Wellington Street, Halifax. The reports and presentation are on file and can be accessed at <http://www.halifax.ca/Commcoun/west/140422hwccAgenda.php>.

Councillor Mason inquired as to whether or not two separate variance hearings would have to take place given that both cases are interrelated. He suggested that joint a Variance appeal hearing take place for both applications.

Ms. Karen Brown, Solicitor noted that the staff presentation dealt with both properties and both applications, as such the determination as to whether or not there will be one or two appeal hearings is based on the consensus of Community Council as well as the Applicant. She further noted that separate motions for each case will need to be passed pending the outcome of the appeal hearing.

By consensus, Halifax and West Community Council agreed that a Joint Variance Appeal Hearing would be appropriate for Case 18929 and 18930.

Ms. Brown requested that the Applicant state if he is agreeable to holding a joint variance hearing for both matters. The Applicant responded in the affirmative and noted that he wished to proceed with a joint hearing. He noted that it is the same owner for both properties and are looking for the same result.

The Chair read the regulations with respect to Variance Appeal hearings and invited the Appellant to come forward to address Community Council.

Mr. Jeff Petty, Appellant thanked the Chair and Members of Halifax and West Community Council and noted that the request to increase the lot coverage for the two homes located at 1087 and 1091 Wellington Street. He noted that he is representing the property owners, Michael and David Zang and that the property owners have a strong desire to raise their children in the area and plan on living in one of the structures.

Mr. Petty commented that the proposal is to convert the existing two unit dwellings to four unit dwellings. He remarked that this proposal will require increasing the lot coverage. In these cases, the appellant remarked that an option that could be available to the owners would be to tear the houses down entirely and build a contemporary structure. Mr. Petty noted, however, that this is not a completely viable option as the two structures are in very good shape. He concluded by stating that the owners are looking forward to an approval and that everything else beyond the lot coverage criteria seems to meet the requirements for the R-2A Zone. He commented that he is attempting to make this endeavor financial affordable for them that is why the variance approval request is very important.

The Chair thanked the Applicant for his presentation and asked for questions of clarification from members of Halifax and West Community Council. There were none.

The Chair noted that a petition and correspondence relating to Case 18929 and 18930 were received and circulated to Members of Community Council prior to the meeting and these items will form the public record. The chair opened the Variance Appeal hearing to those within the 30 meter notification area to speak for or against the application (s).

Mr. David Lemon, 1074 Wellington Street, stated that he wanted to begin his comments by referencing the petition that was submitted to the Municipal Clerk's Office earlier in the day opposing the Variance request. He noted that the proposed 25 percent lot increase that is being sought by the applicant is not within the requirements of the R2-A Zone. He stated that he wanted to make it clear that the 77 neighbours who signed the petition are very much opposed to the proposal. He concluded by requesting that Community Council uphold the decision of the Development Officer to refuse the variance requests at both subject properties

Mr. Ken McInnis, 1041 Wellington Street, stated that he resides outside of the 30 meter notification zone and requested that he be allowed to speak on the matter.

The Chair, in consultation with the Solicitor stated that Mr. McInnis would be allowed to speak provided that he can demonstrate how he would be affected by the application. The Chair further noted that a motion of Community Council would be required to allow Mr. McInnis to speak.

Mr. McInnis noted that even though he is technically outside the notification area, he lives within close proximity to the subject property and passes it every day as he commutes within the neighbourhood.

MOVED by Councillor Mason, seconded by Councillor Watts that Halifax and West Community Council allow Mr. Ken McInnis to speak on Case 18929 and Case 18930. MOTION PUT AND PASSED.

Mr. Ken McInnis of 1041 Wellington Street stated that he has lived in Peninsula South for 42 years and has lived at 1041 Wellington Street for 12 years. He commented that been a significant increase in the number of rooming house in the neighbourhood over the past ten years. He noted "difficulties in the area" associated with rooming houses relating to parking, broken liquor bottles, noise, lack of snow shoveling, garbage and disruptive ball hockey tournaments. He concluded his comments by urging Community Council to uphold the Development Officers decision to refuse the Variance request.

Ms. Rebecca Jamieson, co-owner of 604-1074 Wellington Street, stated that she supports the decision of the Development Officer as the proposed variance violates the intent of the By-law. She noted that she has an additional interest in this matter, as she has been very involved in the revision of the R-2A zoning requirements. She commented that neither of the two subject properties has the necessary frontage. She noted that the Developer had made some interesting points in his presentation with respect to the trend higher density but noted that it is not always positive. She further commented that more modest developments will encourage families to move in, ensuring a healthy mix of students and families in the area. She concluded by asking Community Council to strike a balance of appropriate development and maintain the character of the neighbourhood. She noted that this can be achieved by supporting the Development Officer's decision for both applications.

Ms. Mary MacDonald of 303- 1074 Wellington Street commented that she supports the staff recommendation to refuse the Variance. She commented that she has lived in the area for 38 year and witnessed the transformation of family residents to transient residents. She commented that there are many rooming houses in the neighbourhood where there is no interest to keep the properties in a good state. She remarked that absentee landlords are bringing in a lot more people who are students who are great to have as part of the community but also bring a great deal of social issues such as 3 a.m. hockey games, noise, and late night parties. She stated that as a result, the quality of life and enjoyment of properties in the area has decreased. She concluded by requesting that Community Council uphold the staff recommendation to refuse the variances for both subject properties.

Ms. Pat Whitman, of 1074 Wellington Street, commented that she believes Wellington Street is under siege. She remarked that she has lived in the area for 35 years and that the Variance requests at 1087 and 1091 Wellington Street are the latest affront to her neighbourhood. R-2A zoning allows for R-2A lot coverage. She noted concerns that the expansion of the subject properties is maximizing density at the expense of safety. She further noted that if the variance request is approved it will likely increases the transient population on Wellington Street. She concluded by stating that the proposed variance is not attractive and will add no positive contribution to the street scape.

Mr. Chris Beaumont of 5670 Fenwick Street, stated that he is the co-owner of 604-1074 Wellington Street and that he strongly supports the recommendation of the Development Officer in denying the variance at 1087 and 1091 Wellington Street. He noted that staff produced a well-articulated case as to why the variance should not be granted. He requested further clarification with respect to the interpretation of section 43 (a) (c) (3) of the Halifax Peninsula Land Use By-Law which stipulates lot coverage requirements. He further noted that the other requirements of this clause were not met with respect to the Variance requests

Councillor Mason requested that the Mr. Sean Audas Development Officer answer the question brought forward at the end of the public hearing.

The Chair called three times for further speakers to address Community Council, no speakers came forward. The Chair invited the Applicant to address Community Council for a final time before the Hearing is closed.

Mr. Jeff Petty, Applicant noted that one of the items in the grounds for appeal is to do a façade restoration to the exterior of the building so it complements the Victorian character of the neighbourhood.

MOVED by Councillor Watts, seconded by Councillor Mason that the Variance Appeal Hearing for Case 18929 and Case 18930 close. MOTION PUT AND PASSED.

With respect to the request for clarification, Mr. Sean Audas, Development Officer, noted that the interpretation for a single unit dwelling or a four unit dwelling is interpreted the same way, meaning that the lot frontage requirements are the same.

With respect to Case 18929, the following motion was put on the floor:

MOVED by Councillor Mason, seconded by Councillor Walker that Halifax & West Community Council to allow the Request for a Variance for Case 18929 – 1087 Wellington Street.

Councillor Adams stated that he believes that the requirements for lot frontage within the R2-A zone is quite generous he will not be able to support the request for the variance.

Councillor Mason commented that he will not support the motion that he put on the floor. He commented that Variances are allowable if they fall within the general intent of the zoning that has been applied to the subject property. He stated that Cases 18929 and 18930 do not fall within this category. He noted that there have been some negative comments about students and noted that the student population within the area is very much welcomed. He suggested that the problem faced by residents lies with the approval of inappropriate developments for neighbourhoods.

MOTION PUT AND DEFETED.

Therefore, the request for a variance was denied and the decision of the Development Officer was upheld.

With respect to Case 18930, the following motion was put on the floor:

MOVED by Councillor Mason, seconded by Councillor Watts that Halifax & West allow the request for a Variance for Case 18930 - 1091 Welling Street.

MOTION PUT AND DEFETED.

Therefore, the request for a variance was denied and the decision of the Development Officer was upheld.

8.1.2 Case No. 18930: Appeal of Variance Refusal – 1091 Wellington Street, Halifax

This matter was dealt with earlier in the meeting. Please see pages 2-6.

8.2 PUBLIC HEARINGS – NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.1.1 Title

9.2 Petitions

9.2.1 Councillor Mason

Councillor Mason submitted a petition on behalf of 77 neighbours who oppose the Variance Application to construct extensions in excess of the allowable limits of 40% lot coverage on the two properties located at 1087 and 1091 Wellington Street which was referenced earlier in the meeting.

9.3 Presentation - None

10. REPORTS

10.1 STAFF

10.1.1 Case 18762: Telecommunication Tower - 290 Purcells Cove Road, Halifax

The following was before Community Council:

- *A staff recommendation/information report dated March 20, 2014*
- *Correspondence from Brendan McGuire, Dr. Brian Psooy and Dr. Kerrie Schoffer*

Councillor Mosher excused herself as Chair for discussion on this issue and requested that Councillor Mason assume the position of Chair.

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

- 1. Inform Industry Canada that they object to the proposal by Eastlink to erect a new, 30 metre monopole telecommunication tower at 290 Purcells Cove Road, as shown on Attachment A of the staff report dated March 20, 2014; and**
- 2. Forward a copy of the staff report dated March 20, 2014 to Industry Canada for background purposes.**

Councillor Mosher thanked staff for the detailed report regarding Case 18762. She noted that the Public Information Meeting was attended very well and that there were two petitions submitted to Community Council and Regional Council in opposition to the application. She noted that the area in which the proposed telecommunications tower would be built is in a residential area with no commercial or industrial use. She further noted that it is frustrating that the final decision with regard to the application is determined by Industry Canada.

Councillor Mosher noted that she will be writing a letter to Industry Canada requesting that they not approve Eastlink's application. She noted that the local Member of Parliament, Megan Leslie has written a letter to Industry Canada on behalf of the Community. She commented that the community is very distressed about the application and have cited many concerns such as safety issues as a result of falling ice, and the risk of devaluing property values.

Councillor Adams noted his support for Councillor Mosher in this regard and echoed her comments with respect to the frustration of Industry Canada having the final say in the approval of the application. He commented that regardless of the decision of Community Council on this matter, Industry Canada will determine the location of tower. He remarked that he does not want to give residents false hope and suggested that concerned citizens also contact their local Member of Parliament and Industry Canada directly.

MOTION PUT AND PASSED.

Councillor Mosher thanked Councillor Mason and re-assumed the position of Chair.

10.1.2 Case 18232: Substantive Amendments to the existing development agreement for Brunello Estates, Timberlea

The following was before Community Council:

- *A staff recommendation/information report dated April 11, 2014*

Councillor Walker noted that he is representing Councillor Rankin on this matter.

MOVED by Councillor Walker, seconded by Councillor Mason that Halifax and West Community Council give Notice of Motion to consider approval of the 9th Amending Agreement, as provided in Attachment A of the staff report dated April 11, 2014 to change the requirements for single unit dwellings and schedule a public hearing.

Councillor Watts inquired if the reduction in the size of the lots and moving some types of development to a single family option.

Ms. Jillian MacLellan, Planner, replied in the affirmative and stated that the Amendments are to allow for changes in the lot coverage requirements which will provide for more flexibility in the development of single family developments.

Further discussion ensued, with the Chair noting that the public hearing for this matter will be scheduled for the June 17, 2014 meeting of Halifax and West Community Council.

MOTION PUT AND PASSED.

10.2 MEMBERS OF COMMUNITY COUNCIL

10.2.1 Councillor Mosher – R-2 Zoning requirements for Halifax Peninsula

The following documentation was before Community Council:

- *A pamphlet from Teal Architecture and Credit Union Atlantic*
- *Correspondence from staff, dated April 11, 2014*

Councillor Mosher excused herself as Chair for discussion on this issue and requested that Councillor Mason assume the position of Chair.

Councillor Mosher noted that a pamphlet was circulated from Credit Union Atlantic and Teal Architecture. She noted that the pamphlet can give residents the idea that you can turn your home in to an income property, without applying for the necessary permits. She noted that staff has already contacted both organizations to discuss a disclaimer which has been put on the website. She further commented that the picture of the property used in the advertisement was subject to a variance appeal at Community Council and that the advertisement is still misleading.

MOVED by Councillor Mosher, seconded by Councillor Adams that Halifax and West Community Council request that staff forward a letter to Teal Architecture and Credit Union Atlantic requesting that a disclaimer be included on promotional material to ensure that residents are aware that building activities within the R-2 Zone for Halifax Peninsula are subject to an approved HRM permit.

MOTION PUT AND PASSED.

Councillor Mosher re-assumed the position of Chair.

11. MOTIONS

12. IN CAMERA

12.1 Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following:

12.1 Personnel Matter

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <http://www.halifax.ca/boardscom/documents/Citizenrecruitmentpolicy.pdf>

12.1.1 Citizen Appointment to Crosswalk Safety Advisory Committee

MOVED by Councillor Mason, seconded by Councillor Watts that Halifax & West Community Council move to In Camera to discuss a personnel matter. MOTION PUT AND PASSED.

Halifax and West Community Council convened to In Camera at 7:58 p.m. and reconvened at 8:09 p.m.

The following motion was passed in public session:

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

- 1. Appoint one (1) eligible applicant to the Cross walk Safety Advisory Committee to fill an unexpired term as outlined in the Private and Confidential staff report dated April 8, 2014**
- 2. Extend the term to November 2016 to allow the member sufficient time to become familiar and contribute to the committee.**
- 3. It is further recommended that the citizen appointment be released to the public following ratification and notification of the successful candidate.**

MOTION PUT AND PASSED.

- 13. ADDED ITEMS – NONE**
- 14. NOTICES OF MOTION – NONE**
- 15. PUBLIC PARTICIPATION**

Public participation was held and closed. No speakers were present.

- 16. DATE OF NEXT MEETING – May 6, 2014 beginning at 6 p.m. Public Hearings to begin at 7:00 p.m.**

Councillor Watts requested that a meeting of Halifax and West Community Council be tentatively scheduled for Wednesday June 4, 2014 to deal with an upcoming report. Halifax and West Community Council agreed by consensus to tentatively schedule another meeting for June 4, 2014.

- 17. ADJOURNMENT**

The meeting was adjourned at 8:18 p.m.

Liam MacSween
Legislative Assistant