



**HALIFAX AND WEST COMMUNITY COUNCIL  
MINUTES  
September 15, 2015**

PRESENT: Councillor Reg Rankin, Vice Chair  
Councillor Jennifer Watts  
Councillor Linda Mosher  
Councillor Russell Walker

REGRETS: Councillor Waye Mason  
Councillor Steve Adams, Chair

STAFF: Ms. Roxanne Maclaurin, Solicitor  
Mr. Andrew Reid, 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/150915hwcc-agenda.php>*

*The meeting was called to order at 6:00 p.m., and Community Council adjourned at 6:52 p.m.*

**1. CALL TO ORDER**

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

**2. APPROVAL OF MINUTES – July 21, 2015 and August 4, 2015**

MOVED by Councillor Walker, seconded by Councillor Watts,

**THAT the minutes of July 21<sup>st</sup> and August 4<sup>th</sup>, 2015 be approved as circulated. MOTION PUT AND PASSED.**

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

Additions:

13.1 Councillor Watts - Regulation of Rooming and Lodging Houses

Councillor Watts requested that this matter be discussed immediately following the Approval of the Agenda.

The Chair acknowledged that Council had been circulated the request in an email communication and agreed to add the item to the agenda in accordance with the request.

MOVED by Councillor Walker, seconded by Councillor Mosher,

**THAT the agenda be approved as amended. MOTION PUT AND PASSED.**

Item 13.1 was discussed at this time.

13.1 Councillor Watts - Regulation of Rooming and Lodging Houses

MOVED by Councillor Watts, seconded by Councillor Mosher

**THAT Halifax and West Community Council direct that staff prepare a report reviewing the regulation of rooming and lodging houses in the Land Use By-law for Halifax Peninsula and, if the result of the review identifies areas where the language could be strengthened, draft amendments to the land use by-law for Community Council consideration.**

Councillor Watts stated that there may be an opportunity to examine the regulations to provide further clarity.

**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

### 8.1.1 Case 19311: Development Agreement 2287 Prospect Rd, Hatchet Lake

First Reading was given on June 24, 2015.

The following was before Community Council:

- A staff recommendation report dated June 1, 2015
- A staff presentation dated September 15, 2015

Ms. Jillian Maclellan, Planner, presented Case 19311 as described in the staff report dated June 1, 2015. The Chair called for questions of clarification, to which there were none.

The Chair then called for the applicant to present.

Mr. K.J. Gandhi, Innovation Architects, stated that the proposal was straightforward but would answer any questions. There were none. The Chair opened the public hearing and called forward any members of the public wishing to speak on the matter. The Chair called three additional times for any speakers to come forward, and, there being none, it was **MOVED** by Councillor Watts, seconded by Councillor Walker.

**THAT the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Mosher, seconded by Councillor Walker

**THAT Halifax and West Community Council**

1. **Approve the proposed development agreement as contained in Attachment A of the report dated June 1, 2015; and**
2. **Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval of said agreement by Community Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

## 8.2 VARIANCE APPEAL HEARINGS

### 8.2.1 Case 19213: Appeal of Variance Approval – 7171 Clinton Avenue, Halifax

The following was before Community Council:

- A staff recommendation report dated August 20, 2015
- A letter from the appellant, Ms. Helen Anderson dated September 14, 2015, re: Case 19213
- A letter from Mr. Ronald Smith dated September 15, 2015, re: HRM file 19213
- A staff presentation dated September 15, 2015

Ms. Stephanie Norman, Planner, Planning and Approvals, presented Case 19213 as described in the staff recommendation report dated August 20, 2015. Ms. Norman stated that the hearing was for an appeal to the Development Officer's decision to approve a variance for setbacks that relate to the angle control requirements for the Halifax Peninsula Land Use Bylaw. She stated there were 9 properties within the notification area, zoned primarily C-2, with some R-1 properties on the south side of Joseph Howe Drive. Ms. Norman indicated that the variance had been requested in April, 2014, with an application to construct an addition to the rear of the church's existing community centre for an apartment building with 77 units. She stated that the variance requested was to relax the angle controls along the northwest

property boundary. Ms. Norman outlined that angle control provisions for multiunit buildings were required to control setback, size and distance between external building walls. She stated that two angle control requirements were applicable: a 60 degree vertical angular plane and 80 degree horizontal angular plane, the former to control height and the later to control the mass of the building. Ms. Norman highlighted that there had initially been three appeals to the variance approval but that two had been withdrawn.

In response to questions of clarification, Ms. Norman stated:

- The concerns of two previous appellants were with regards to lighting on a playground and parking. These appeals were withdrawn because their concerns had been resolved.
- Regarding sightlines, the building would be set back from Joseph Howe, with a parking lot in front of the building.
- Regarding the potential of further development on site, Ms. Norman responded she was not aware of any other future plans on the site. She commented that the potential for additional buildings on the site outside of the building footprint would be difficult due to the easements imposed on the site.

Councillor Mosher stated she would like a discussion on the as of right potential under the C-2 and R-3 zone, side yard setbacks, angle controls, and as of right height. She requested clarification regarding meeting the 80 and 60 degree angle control criteria.

Mr. Sean Audas, Development Officer, responded that the parking lot had easements on it, which restricted where the building could be located. He stated that two things were considered when approving the variance: the ability of the as of right potential and that the property was zoned C-2. Mr. Audas stated the C-2 zone enabled construction up to 80 feet and 2 additional feet per every foot stepped back to the property line.

Councillor Mosher confirmed with staff that the height of the proposed building was 126 feet. Ms. Norman commented that the C-2 zone on the peninsula is the most open commercial zone and allows for most commercial and residential uses. She stated that staff used the R-3 zone to review the application, which does not include a height limit but is restricted by the angle controls. She stated that if the applicant had made an application for a commercial property they would have been permitted 100 percent lot coverage.

Councillor Mosher questioned why the Nova Scotia Power easements were so large and if it would be possible to reduce them. Ms. Norman responded that a discussion would need to be held with Nova Scotia Power on that matter.

As the appellant was not in attendance, the Chair next called on the applicant to speak. The Chair acknowledged that the appellant's letter was before Council and would form part of the record. The Chair also stated that if anyone in the audience was able to demonstrate they were especially affected by the application in a manner different than the general public they may make a presentation.

The applicant, Mr. Ronald Smith, Studioworks, stated that his presentation may respond to some concerns raised during questions of clarifications. Regarding the easements, he stated that a letter had been written to the Nova Scotia Power Corporation and they had responded that there would be no movement or reduction. He highlighted that there was little land available to build on site and this was one of the reasons why the variance application had been requested. He outlined the possible footprint within the C-2 zone and comparably under the R-3 zone. Mr. Smith also commented on the purpose of the angle controls. He stated that the angle control criteria for the R-3 zone could still be met if a diagonal building was built; however the variance was being requested to build a more possible, economical building. Mr. Smith described the letter he submitted in response to the appellant that was before Council. Regarding the request for a development agreement, he indicated that it was a commercial site and the R-3 designation was permitted. Regarding surrounding buildings, the zoning was primarily C-2 and not residential. He stated that there were only certain locations on site to build due to the easements. He indicated that relieving the angle controls was necessary, but the building would still be 150 feet setback from Joseph Howe Drive. Mr. Smith also highlighted goals of the Regional Plan to redirect growth into the

Peninsula area. He commented on the difficulty of church properties in providing sustainable funding. Regarding the request for additional parking, he stated it was unrelated to the variance.

The Chair called for any additional speakers and as there were none, it was MOVED by Councillor Walker, seconded by Councillor Watts

**THAT the public hearing be closed. MOTION PUT AND PASSED.**

The Solicitor explained that according to Administrative Order One, Council would need to put a motion on the floor to allow the appeal. She stated the rationale was that if Council voted to deny the appeal and a tie vote resulted, the motion would be lost with no clear decision resulting.

MOVED by Councillor Mosher, seconded by Councillor Walker

**THAT Halifax and West Community Council allow the appeal of the variance approval for Case 19213 – 7171 Clinton Avenue, Halifax.**

Councillor Mosher stated that she would be voting against her motion, so as to uphold staff's decision. She indicated she was more comfortable with the application after speaking with the Development Officer. Councillor Mosher highlighted the as of right potential in the C-2 zone for the site in terms of there being no requirements for lot coverage and limited requirements for height. She highlighted the as of right potential versus the setbacks of 11 and 25 feet with the proposal. She also highlighted that the Church and community centre served the community and were widely used. She requested that her comments be included fully in the minutes for the appellant. She underscored that in the past she had brought view plain restrictions to Council to protect views but staff had determined only public views could be regulated. She indicated that the building was stepped back 150 feet so that the massing would not be seen from Joseph Howe Drive. Councillor Mosher noted that there were many seniors in the area. She stated that although she had shared concerns with the appellant, these concerns had been clarified by staff.

**MOTION PUT AND DEFEATED UNANIMOUSLY.**

The decision to allow the variance by the Development Officer was upheld.

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence**

The Legislative Assistant noted correspondence had been received from Ms. Ethel Kostman re: Rail Cut in South End and circulated to HWCC on July 27, 2015, as well as two pieces of correspondence regarding Item 8.2.1., which are detailed under that item.

**9.2 Petitions – NONE**

**9.3 Presentation – NONE**

**10. REPORTS**

**10.1 STAFF**

**10.1.1 Fence Permit 143599 – 2242 Maynard Street**

The following was before Community Council:

- A staff recommendation report dated August 17, 2015

Note was made that the staff recommendation should read "That Halifax and West Community Council approve" instead of "That Regional Council approve."

MOVED by Councillor Watts, seconded by Councillor Walker

**THAT Halifax and West Community Council approve Permit Application 143599 for construction of fencing in excess of 6.5 feet at 2242 Maynard Street, Halifax.**

**MOTION PUT AND PASSED.**

**10.1.2 Fence Permit 145853 – 1877 Seldon Street**

The following was before Community Council:

- *A staff recommendation report dated August 17, 2015*

Note was made that the staff recommendation should read “That Halifax and West Community Council approve” instead of “That Regional Council approve.”

MOVED by Councillor Watts, seconded by Councillor Walker

**THAT Halifax and West Community Council approve Permit Application 145853 for construction of fencing in excess of 6.5 feet at 1877 Seldon Street Halifax.**

**MOTION PUT AND PASSED.**

**10.1.3 Case 19809: Development Agreement Time Extension, Vernon Street, Halifax**

The following was before Community Council:

- A staff recommendation report dated August 21, 2015

MOVED by Councillor Watts, seconded by Councillor Mosher

**THAT Halifax and West Community Council:**

- 1. Approve the proposed amending development agreement to allow the provisions for construction commencement and completion to be extended for 18 months, presented as Attachment A to the report dated August 21, 2015, 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 applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Watts noted, on Councillor Mason’s behalf, that there had been no disagreement in the Community regarding the proposed amendment to the development agreement.

**MOTION PUT AND PASSED.**

**10.1.4 Case 19690: Development Agreement Time Extension, 10 Kirk Road, Halifax**

The following was before Community Council:

- A staff recommendation report dated August 18, 2015

MOVED by Councillor Mosher, seconded by Councillor Watts

**THAT Halifax and West Community Council:**

1. Approve the proposed amending development agreement, as contained in Attachment A of the report dated August 18, 2015, to allow for an extension to the dates of commencement and completion of construction for the proposed development at 10 Kirk Road, Halifax; and
2. Require the amending development 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 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.**

**10.1.5 Case 20067: Non-Substantive Amendments to an Existing Development Agreement for 372 Washmill Lake Drive, Halifax**

The following was before Community Council:

- A staff recommendation report dated August 24, 2015

MOVED by Councillor Walker, seconded by Councillor Mosher

**THAT Halifax and West Community Council:**

1. Approve, by resolution, the proposed amendments to the Stage II Development Agreement as contained in Attachment A of the report dated August 24, 2015, to allow for the expansion of a private club house and the relocation of an associated parking area at 372 Washmill Lake Drive, Halifax.
2. Require the amending 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 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.**

11. MOTIONS – None

12. IN CAMERA – None

13. ADDED ITEMS

13.1 Councillor Watts

This matter was discussed earlier in the meeting. See page 2.

14. NOTICES OF MOTION – NONE

15. PUBLIC PARTICIPATION

No speakers came forward.

16. DATE OF NEXT MEETING – October 14, 2015

The Legislative Assistant indicated there had been a request to change Community Council's meeting schedule to Wednesdays for the remainder of 2015, which would mean meeting on October 14<sup>th</sup>, November 18<sup>th</sup>, and December 16<sup>th</sup>. Councillor Mosher stated that several meetings were changed last year, and she noted for the record that Councillor Mason had requested the proposed change in the dates. Council agreed to the request.

Council also agreed to discuss holding meetings outside of City Hall at a future meeting.

**17. ADJOURNMENT**

The meeting was adjourned at 6:52 p.m.

Andrew Reid  
Legislative Assistant