

**SPECIAL COUNCIL
PUBLIC HEARINGS
MINUTES**

Council Chamber
Halifax City Hall
20 June 1990
7:30 p.m.

A special meeting of Halifax City Council, Public Hearings was held on the above date.

After the meeting was called to order, the members of Council attending joined in reciting the Lord's Prayer.

PRESENT: His Worship Mayor Wallace, Chairman; Deputy Mayor Moira Ducharme; and Aldermen Fitzgerald, O'Malley, Hanson, Jeffrey, and Stone.

ALSO PRESENT: Mr. D. F. Murphy, City Manager; Mr. W. Anstey, representing the City Solicitor's Department; City Clerk, and other members of City staff.

The City Clerk advised that regarding Public Hearing Re: Case No. 6033: Rezoning from R-2 to C-1, 6456-58 Chebucto Road, the applicant had withdrawn his request and, therefore, this hearing had been deleted from the agenda.

At the request of the City Clerk, Council agreed to the addition of the following items to the agenda:

Appointment - City Solicitor

A Private and Confidential report dated 8 June 1990 by the City Manager was submitted.

MOVED by Alderman Jeffrey, seconded by Deputy Mayor Ducharme that Mr. Wayne Anstey be appointed City Solicitor of the City of Halifax as of June 14, 1990 at the first step in the City solicitor's salary range.

Motion carried.

Mr. W. Anstey addressed Council and expressed his appreciation to the City Manager for his recommendation, and Council for their approval. Mr. Anstey advised that he was very pleased with the appointment and that he was

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looking forward to serving the City in the position of City Solicitor.

Appointments - Planning Advisory Committee

A report, dated 20 June 1990, from His Worship Mayor Wallace was submitted.

MOVED by Deputy Mayor Ducharme, seconded by Alderman Stone that appointments to the Planning Advisory Committee be made as follows:

Alderman N. P. Meagher
Alderman Walter Fitzgerald

Terms to expire November 4, 1991

Frank Palermo
Walter Nolan
John K. MacDoanld
Ivan S. Miller
Ann MacMillan
Michael de la Ronde
Judy Wells

Terms to expire January 31, 1992

Motion carried.

At 7:45 Alderman Meagher enters the meeting.

Appointment - Chairman 1991 Conference

A report, dated 20 June 1990, was submitted by Alderman W. Fitzgerald, Chairman of the Corporation Committee.

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that Edmund Morris be appointed Chairman of the 1991 Conference commemorating the 150th Anniversary of the incorporation of the City of Halifax.

Motion carried.

At 8:50 His Worship retired from the meeting with the Deputy Mayor assuming the Chair.

Council then continued with the regularly scheduled items on the agenda as follows:

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**Public Hearing Re: Case No. 6072: Appeal of Minor Variance
Approval - 1572-76 Henry Street**

A public hearing into the above matter was held on this date.

A staff report, dated 08 May 1990, had been submitted.

Mr. J. Michael Hanusiak, Planner II, addressed Council and, using diagrams, outlined the reasons for approval of a minor variance for the side yard and lot coverage requirements of the Land Use Bylaw for the duplex at 1572-76 Henry Street (as illustrated in the staff report).

Mr. Hanusiak advised that on April 3, 1990 the application was approved and that on April 17, 1990, a property owner, Mrs. Charlotte Lindgren, appealed the decision.

Mr. Hanusiak responded to questions from Council.

Mrs. Charlotte Lindgren, the appellant, addressed Council, and read and submitted her presentation appealing the minor variance approval (a copy of which may be found in the official file of this meeting).

Mrs. Lindgren advised that the neighbourhood in question has a pattern of openness, and that this was an established characteristic in the neighbourhood. She added that any previous changes or renovations to the properties in the area have been modest and, as such, the land coverage hasn't changed that much.

Mrs. Lindgren advised that she has calculated a 23 percent land coverage of the block in the neighbourhood. She advised that with the acceptable limit being 35 percent coverage and the proposed addition being 42.8 percent, then the 42.8 percent represents approximately a 22 percent increase in allowable lot coverage.

Mrs. Lindgren indicated that in her opinion there wasn't a problem with current standards because the subject property has enough room for development of a modest nature. She advised that the norm in the neighbourhood was low density and although it could be increased somewhat, the cutoff point should be at 35 percent coverage.

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In summary, Mrs. Lindgren suggested that, in her opinion, this minor variance was not minor because it violates the intent of the Land Use Bylaw, in that it would cause significant changes to the character of the neighbourhood and that a 22 percent increase in allowable lot coverage was not minor in nature.

Mr. Donald C. F. Moores, a resident of 1565 Vernon Street addressed Council and advised that he has lived at this address since 1959. Mr. Moores added that the property in question was directly opposite to his backyard and that he was concerned about the proposed development.

Mr. Moores expressed concerned about staff's comments that the vacant lot behind the property in question could be developed into a single family dwelling without lot frontage on a street. He suggested that there was something flawed with the whole process because it was so flexible. In conclusion, Mr. Moores advised that individuals should be required to develop within the law, with the space they have, because otherwise, there isn't uniformity.

Mr. Wayne Finck, the applicant who was granted the minor variance, addressed Council and advised that he has owned the property for the last three and one half years, and that the reason for requesting the minor variance was to construct an addition to his house which would enable he and his family to continue to live in this neighbourhood. Mr. Finck advised that he has done extensive work to the property in order to make it aesthetically pleasing and fitting to the neighbourhood.

Mr. Finck then submitted correspondence from two of his neighbours, Mr. Murray Coolican, 1560 Henry Street, and E. D. Raymond, 1582 Henry Street, in support of his proposed plans.

In summary, Mr. Finck noted that his proposed addition would not create a crowded situation in the neighbourhood and he requested that Council uphold the original decision on this matter.

There were no further persons wishing to speak on this matter.

The following correspondence was submitted:

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A letter supporting the granting of the minor variance, dated February 3, 1990, from Mr. Murray Coolican, 1560 Henry Street, Halifax, NS, B3H 3J9.

A letter supporting the granting of the minor variance, dated February 26, 1990, from Mr. E. D. Raymond, 1582 Henry Street, Halifax, NS, B3H 3J9.

Alderman Fitzgerald addressed the matter and advised that he has considered this matter very carefully, and although he has concerns about the proposed addition, he finds it difficult to go against the Development Officer's decision at this point in time. The Alderman noted that after discussing this matter with Mr. Finck's immediate neighbours, they were still supporting Mr. Finck's application.

MOVED by Alderman Fitzgerald, seconded by Alderman Jeffrey that the appeal of the decision of the Development Officer to approve a minor variance at 1572-76 be refused and the original decision granting the minor variance be upheld.

Motion carried.

HERITAGE HEARINGS

Heritage Hearings were held at this time to consider the heritage designation of the following properties:

1225 Queen Street

5657 North Street - North St. Disciple of Christ Church

981 Winwick Road - Winwick

1181 Hollis Street - Nova Scotian Hotel

2730 Fuller Terrace - Bloomfield

Irving Oil Station - 5536 Sackville Street

Mr. Dan Norris, Heritage Co-ordinator, addressed Council and advised that there have been a number of properties brought before Council for consideration prior to this evening that were not part of the 1978 report on Evaluation and Protection, and that the reason for this was that their ability to identify properties has been greatly

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improved over the past 12 years with better resources and an improved process. He requested that Council keep these comments in mind as they proceeded with the Heritage Hearings.

1225 Queen Street

A report dated 19 June 1990 was submitted.

Mr. Dan Norris, Heritage Co-ordinator, addressed Council and, using photographs, reviewed the research material and evaluation sheet (as contained in the 19 June 1990 report) for 1225 Queen Street.

Mr. Norris advised that, in its evaluation, 1225 Queen Street was awarded 54 points and the recommendation of the Heritage Advisory Committee was to register this property. Mr. Norris added that the owners of the property support the heritage designation and have indicated that they would not be attending the hearing.

There were no persons wishing to address Council on this item.

MOVED by Alderman Jeffrey, seconded by Alderman Hanson that this matter be forwarded to Council without recommendation.

Motion carried.

5657 North Street - North St. Disciple of Christ Church

A report dated 19 June 1990 was submitted.

Mr. Dan Norris, Heritage Co-ordinator, addressed Council and, using photographs, reviewed the research material and evaluation sheet (as contained in the 19 June 1990 staff report) for 5657 North Street.

Mr. Norris advised that in its evaluation, this property was awarded 45 points and the recommendation of the Heritage Advisory Committee was to register this property. Mr. Norris noted that the property owner supports the heritage designation and has indicated that he would attend the hearing.

There were no persons wishing to address Council on this item.

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MOVED by Alderman Jeffrey, seconded by Alderman Hanson that this matter be forwarded to Council without recommendation.

Motion carried.

981 Winwick Road - Winwick

A report dated 19 June 1990 had been submitted.

Mr. Dan Norris, Heritage Co-ordinator, addressed Council and, using photographs, reviewed the research material and evaluation sheet (as contained in the 19 June 1990 report) for 981 Winwick Road.

Mr. Norris advised that, in its evaluation, 981 Winwick Road received 48 points, and that the recommendation of the Heritage Advisory Committee was to register the property. Mr. Norris noted that the property owner has indicated that, although he does not plan to oppose the proposed designation, he was concerned about the restrictions which would be imposed on him if the designation was approved. Mr. Norris added that the property owner had indicated that he would not attend this hearing.

There were no persons wishing to address Council on this item.

The following correspondence was submitted:

A letter of concern, dated June 13, 1990, from Mr. Paul Thompson, 981 Winwick Road, Halifax NS, B3H 4L5.

MOVED by Alderman Jeffrey, seconded by Alderman Stone that this matter be forwarded to Council without recommendation.

Motion carried.

1181 Hollis Street - Nova Scotian Hotel

A report dated 19 June 1990 had been submitted.

Mr. Dan Norris, Heritage Co-ordinator, addressed Council and, using photographs, reviewed the research material and evaluation sheet (as contained in the 19 June 1990 staff report) for 1181 Hollis Street.

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Mr. Norris advised that in its evaluation, the Nova Scotian Hotel received 65 points and that the Heritage Advisory Committee was recommending registration of this property as heritage property. He noted that the property owners object to the proposed designation and that a representative would be in attendance at this hearing.

Mr. Robert Grant, Solicitor with Stewart McKelvey Stirling Scales, addressed Council and advised that he was representing the property owner on this matter.

Referring to his letter submitted June 20, 1990, Mr. Grant outlined the reasons why the owners of 1181 opposed the proposed designation. Mr. Grant advised that the owners object to the designation because the hotel lacks the necessary historical or architectural merit to warrant the designation; and the designation of the hotel will place severe restrictions on the owner of the hotel in undertaking future renovations necessary to enable the hotel to succeed in the highly competitive hotel industry in Halifax.

Mr. Grant then briefly reviewed the history of the hotel and he pointed out that since this hotel was built, many others were also constructed and this has resulted in a highly competitive hotel industry in the City of Halifax. He advised that in order for the Nova Scotian Hotel to remain competitive, it requires that it continue with its efforts in modernizing and updating the appearance of the hotel.

Referring to the recent renovations the Nova Scotian has experienced, Mr. Grant advised that 12 million dollars have been spent in updating the hotel to make it more attractive to guests. He pointed out that the renovations were not in any way designed to preserve the historical features of the hotel. Mr. Grant then elaborated on the type of renovations which have taken place and he indicated that, for the continued viability of the business of the hotel, it was essential that it be permitted sufficient flexibility in the future, should further changes be required.

Referring to the case history as presented in the staff report, Mr. Grant suggested that there were deficiencies in this because it does not disclose any basis whatsoever for registration of that portion of the hotel which was opened in 1960. He added that the rationale put forward for registering the older portion of the hotel was highly subjective.

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In summary, Mr. Grant advised that the property owner has invested an enormous amount of capital into the alteration and modernization of the structure in order to make the hotel as economically viable as it once was. He added that the heritage designation would impede its potential economic growth and he requested Council's refusal to designate this hotel as a heritage property.

There were no further persons wishing to address Council on this matter.

The following correspondence was submitted:

A letter of opposition dated June 20, 1990, from Mr. Robert Grant, Solicitor, Stewart McKelvey Stirling Scales, on behalf of the Nova Scotian Hotel.

Alderman Jeffrey addressed the matter and indicated his opposition to designating properties as heritage properties when the property owner was in opposition. In addition to this, Alderman Jeffrey advised that Nova Scotian Hotel has spent a substantial amount of money in renovations and, therefore, he did not support the proposed heritage designation of 1181 Hollis Street.

MOVED by Alderman Jeffrey, seconded by Alderman Fitzgerald that the proposed registration of 1181 Hollis Street - Nova Scotian Hotel, as a heritage property be refused.

Motion carried.

2730 Fuller Terrace - Bloomfield

A report dated 19 June 1990 was submitted.

Mr. Dan Norris, Heritage Co-ordinator, addressed Council and, using photographs, reviewed the research material and evaluation sheet (as contained in the 19 June 1990 report) for 2730 Fuller Terrace.

Mr. Norris advised that in its evaluation, 2730 Fuller Terrace received 54 points, and the Heritage Advisory Committee was recommending that this be registered as a Heritage Property. He advised that the owners of the property, Pentecostal Assemblies of Canada Limited, support the proposed designation and that a representative would be in attendance at this hearing.

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Rev. James R. Haughn, representing the property owners, addressed Council and read and submitted a presentation in support of the proposed designation.

In his presentation, Rev. Haughn advised that the property owners do not want to destroy anything of historical value and they give their consent to the designation of this building as a heritage property. He advised that his only concern was that when the present siding on the building fell into such a state of disrepair, that they would have the ability to replace the siding with shingles, as it was in it's original state.

On a final note, Rev. Haughn requested that Council give its charitable consideration in regards to the 5669 Ontario Street property, also owned by the Pentecostal Assemblies of Canada Limited, so that, as a church, they would be able to recover the losses incurred in this venture.

Alderman O'Malley requested clarification on this matter.

The City Manager advised that the property of 5669 Ontario Street lost some of its development potential in a rezoning. He added that, at some future time when this property comes before City Council for consideration, Rev. Haughn is hoping that Council will remember the cooperation the Church has shown regarding the heritage designation, and in some way assist the Church when it was considering redevelopment of that site in such a way that they may be given an opportunity to recover some of the losses incurred by the rezoning. The City Manager noted that this would be done within the Detailed Area Plan for the North End and whatever discretion is allowed by Council in considering a development agreement.

There were no further persons wishing to address Council on this matter.

MOVED by Alderman O'Malley, seconded by Alderman Jeffrey that this matter be forwarded to Council without recommendation.

Motion carried.

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Irving Oil Station - 5536 Sackville Street

This matter had last been discussed at a regular meeting of City Council held on 11 April 1990 when, at that time, a motion was passed to defer this matter pending a presentation at Council from the Solicitor for the owner of this property.

Mr. Dan Norris, Heritage Co-ordinator, addressed Council and reviewed the research material and evaluation sheet (as contained in the 24 March 1990 report) for 5536 Sackville Street - Irving Oil Station.

Mr. Norris advised that in its evaluation, the Irving Oil Station received 67 points and that the Heritage Advisory Committee was recommending registration of this property. Mr. Norris added that the owners oppose the designation and their solicitor was in attendance at this meeting.

Mr. Alan Hayman, Solicitor for Irving Oil Limited, addressed Council and advised that the property owners do not support the heritage designation of the 5536 Sackville Street Station.

Mr. Hayman advised that he has personally been involved in the City's Heritage Program and supports it but he added, that he did believe the program should not extend to commercial enterprises, and, in particular, service stations. Mr. Hayman pointed out that this particular service station was a failing enterprise and that a heritage designation would impede the ability of the owners to alter or use the property as they see fit, and such interference would result in economic loss.

Mr. Hayman then presented a Land Registration Information Service Map which indicated the property in question. Referring to the block of land the station was situated on, Mr. Hayman noted that the service station was presently built too close to the street line. On a second point Mr. Hayman advised that the service station was too small and that the garage which was built many years ago has service bays which are too small for present day cars.

On another point, Mr. Hayman advised that Provincial legislation requires that underground oil tanks which are 15 years or more old have to be removed between the 15th and 18th year under the supervision of the Department of Environment. He pointed out that the cost of installing new tanks was quite high, and in fact, in the near future some service stations will cease operation

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because the removal of old tanks and the installation of new ones would be too expensive to warrant this. Mr. Hayman indicated that the underground tanks at the Sackville station will have to be replaced in the near future and when the owners make this financial commitment, they have to have more modern premises in order to service the needs of today's motorists at a cost effective level.

Mr. Hayman advised that, in speaking with the operator of this station, he was informed that the building has a false roof; that the exterior of the building has eroded considerably; and that the basement leaks.

In conclusion, Mr. Hayman advised that the property owners have spent approximately eight to ten thousand dollars on this station in the past year and the time will soon come that they will be forced to modernize the station as economic conditions dictate and he requested Council's refusal of the Sackville Street Irving Oil Station as a heritage property.

Mr. Hayman responded to questions from Council.

Alderman Fitzgerald addressed the matter and suggested that there may be ways in which this service station could be changed to make it economically viable without substantially disturbing its historical importance. He advised that the owners should explore all avenues regarding this and that some innovative thinking may come up with an satisfactory solution.

Mr. Hayman indicated that he would pass along Alderman Fitzgerald's comments to his clients.

Deputy Mayor Ducharme left the Chair and returned to her usual seat in Council, and Alderman Meagher assumed the Chair.

Deputy Mayor Ducharme addressed the matter regarding the proposed heritage designation of 5536 Sackville Street - Irving Oil Station, and requested a report on whether Council has, in the past, designated other commercial properties in the City with the heritage designation when the owners have not supported the designation. Further to this, the Deputy Mayor asked if there has been a history of not designating service stations with the heritage designation.

There were no further persons wishing to address Council on this matter.

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MOVED by Alderman Jeffrey, seconded by Deputy Mayor Ducharme that this matter be forwarded to Council without recommendation, pending receipt of a staff report.

Motion carried.

Public Hearing Re: Case No. 5791: Amendments to Section 2(tt) of the Mainland Portion of the Land Use Bylaw

A public hearing into the above matter was held on this date.

Mr. Gary Porter, Planner, addressed Council and outlined the proposal to amend the definition of professional person, Peninsula and Mainland areas, by adding "psychologist" (as illustrated in the staff reports dated 11 July 1989 and 16 May 1990). Mr. Porter advised that the reason for the bylaw amendment was to bring psychologists under the same Land Use Bylaw regulations that apply to professional persons (as defined in the Land Use Bylaw).

Mr. Porter responded to questions from Council.

There was no one wishing to address Council on this item.

MOVED by Alderman Fitzgerald, seconded by Alderman Meagher that Section 1(ff) of the Peninsula portion and 2(tt) of the Mainland areas of the Land Use Bylaw be amended by adding "psychologist".

Motion carried.

There being no further business to discuss, the meeting adjourned at 9:30 p.m.

HIS WORSHIP MAYOR WALLACE
DEPUTY MAYOR MOIRA DUCHARME
CHAIRMEN

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