

HALIFAX REGIONAL MUNICIPALITY

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PUBLIC HEARING

APRIL 29, 1996

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Jack Greenough
Councillors: Gordon R. Snow
David Hendsbee
Harry McInroy
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Robert P. Harvey
Reg Rankin
Jack Mitchell

ABSENT:

Councillors: Bill Dooks
Ron Cooper
Peter Kelly

STAFF MEMBERS:

Ms. Valerie Spencer, Commissioner of Policy and Planning
Mr. Barry Allen, Manager, Legal Services
Ms. Vi Carmichael, Municipal Clerk
Ms. Sandra Shute, Assistant Municipal Clerk

OTHER STAFF
MEMBERS:

Mr. Stephen Feist, Planner
Mr. Greg Smith, Development Officer
Ms. Gail Bowen, Development Officer

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INVOCATION

Mayor Walter Fitzgerald called the meeting to order at 6:00 p.m. with an Invocation.

1. PUBLIC HEARINGS

1.1 CASE 7314 - DEVELOPMENT AGREEMENT TO PERMIT THE EXPANSION OF THE IGA STORE AT CLAYTON PARK SHOPPING CENTRE

Mr. Stephen Feist, Planner, with the aid of overheads, provided an overview of the Staff Report dated March 21, 1996 regarding the expansion of the IGA Store at Clayton Park Shopping Centre. In conclusion, he stated that staff believe the proposal meets the policies of 3.7 and Schedule "L" and were in support of the Development Agreement.

In response to a question from Councillor Hendsbee with regard to possible maintenance and security problems pertaining to the proposed hedge, Mr. Feist responded that the primary reason for the hedge was to break up the building mass. The parking lot was well lit; however, safety was a valid concern.

Councillor Stone stated that the hedge was there to enhance the area and there were going to be pine trees planted as well. Responsibility for the trees and hedge would be the Shopping Centre's; they would not want shrubbery to be too high as it would take away from the visibility of the Shopping Centre.

The Mayor called for speakers in favour of the application. There were none.

The Mayor called for speakers against the application. There were none.

DECISION BY COUNCIL

Councillor Stone stated that the expansion proposed would be an enhancement to the area and would provide more service to the community. He did not know of any negative effects.

MOVED by Councillors Stone and Walker to accept the recommendations contained in the Staff Report dated March 21, 1996: That Council enter into a Development Agreement to permit an addition to the existing IGA at the Clayton Park Shopping Centre and that Council requires that the Development Agreement

shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of approval by Halifax Regional Municipality and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED UNANIMOUSLY.

**1.2 CASE 7303 - APPEAL OF MINOR VARIANCE REFUSAL
- 2227 HARVARD STREET, HALIFAX**

Mr. Greg Smith, Development Officer, with the aid of overheads, provided an overview of the Staff Report dated April 3, 1996 - Appeal of Minor Variance Refusal - 2227 Harvard Street, Halifax. This was an appeal of the Development Officer's decision pursuant to the Planning Act and it was refused because it did not meet the minor test and general to properties in the area test.

In response to questions from Council members regarding consent from the abutters, Mr. Smith advised that area residents within 100' had been notified. The two adjoining neighbours had provided consent in writing.

In response to a question from Councillor Cunningham, Mr. Smith advised that a variance had been granted in 1993 for side yard, lot coverage and lot area.

In response to a question from Councillor Hendsbee regarding whether or not other residents in the area might also wish to fill up their lot, this was a concern; however, the lot in question was one of the biggest in the area. Most of the others would require major variances.

In response to a question from Councillor Sarto regarding zoning, Mr. Smith advised that the original building is located in an R-2 zone and was a two-unit dwelling. The first minor variance allowed the additional unit.

The Mayor called for speakers against the application.

Mr. Graham Doyle, 2238 Harvard Street, speaking in opposition, expressed concern about the notification process. He asked for clarification with regard to height of the proposed addition, roof line and if there was an ability, at any time in the future, to increase to four or more units.

Mr. Smith replied that the property contains 4968 sq. ft.; the minimum requirement for two units in an R-2 zone was 5000 sq. ft. The requirement for three and four units is 8000 sq.

ft. which would be a major variance. Where the building was too close to Yukon Street, it would negate any additions upwards without another minor variance application.

The Mayor called for speakers in favour of the application.

Mr. Mark Cleary, 2227 Harvard Street said he was the applicant and that his son occupied the original property and the first application was for an efficiency unit for his wife and himself. At this time, there was no bedroom. He did not want to build up because his wife had a back problem. He understood that if he demolished the garage, there would be no case for a minor variance. There would be no effect on the street scape as the proposed addition was on the back of the building and he proposed a hip roof.

DECISION BY COUNCIL

Councillor Epstein stated he had inspected the property and reviewed the plans. Where the consents of the two abutting neighbours have been filed, and there was no change in the side yard, he saw no problem with the application.

MOVED By Councillors Epstein and Hanson that Council allow the appeal from the ruling of staff on the minor variance. MOTION PUT AND PASSED UNANIMOUSLY.

1.3 FILE NO. MVS-03-96-20 - APPEAL OF MINOR VARIANCE - 22 LENNOX DRIVE, SACKVILLE

Ms. Gail Bowen, Development Officer, provided an overview of the April 11, 1996 Staff Report - Appeal of Minor Variance for 22 Lennox Drive, Sackville. This was an appeal of the Development Officer's decision to allow for a reduction to the minimum setback requirements established under the Land Use By-law for Sackville. Ms. Bowen showed slides of the property to illustrate.

Council members were in receipt of a letter dated March 22, 1996 from Greg Clements, 26 Lennox Drive, Sackville appealing the decision of the Development Officer to allow the minor variance.

In response to questions from Deputy Mayor Greenough as to why the garage could not start further back, Ms. Bowen replied that was not what they applied for but, if the garage was set further back, it would meet the 8' setback. The addition above the garage was intended to be part of the existing dwelling as this was an R-1 single family zone.

In response to questions from members of Council, Ms. Bowen provided information on

the lot line, distances between the two houses, drainage and height of the proposed addition.

The Mayor called for speakers against the application. There were none.

The Mayor called for speakers in favour of the application.

Ms. Kathy Green, one of the applicants, explained they wanted a larger house but did not want to move from the neighbourhood. There was never any drainage problem. They could put the driveway in because they already had the permit to do so regardless of whether or not they added on. There would be a stairwell going up into the bedroom and there would be a bathroom. The addition would go above the roofline and was set out 2' so it would not look like an add-on.

In response to questions from members of Council regarding drainage and whether or not the original driveway would be retained, Ms. Green replied that the street has a gradual slope and the neighbour in question was on the upper slope. They would leave the original driveway for a basketball hoop.

DECISION BY COUNCIL

Councillor Harvey stated that this did not in any way interfere with the intent of the Land Use By-law. The driveway can go in with or without the addition and this is not the first property on the street to have a driveway on both sides of the property. He viewed the plans for the addition and the applicants believed that by doing it this way, the appearance of the street would be, if anything, enhanced. Any drainage question would be taken up with the contractor.

MOVED by Councillors Harvey and Hetherington that the decision of the Development Officer be upheld with regard to File No. MVS-03-96-20 - Appeal of Minor Variance - 22 Lennox Drive, Sackville. MOTION PUT AND PASSED UNANIMOUSLY.

ADJOURNMENT

MOVED by Councillors Adams and Hetherington that the meeting adjourn at 7:20 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk