



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
December 14, 2016**

PRESENT: Councillor Waye Mason, Vice Chair
Councillor Richard Zurawski
Councillor Shawn Cleary
Councillor Lindell Smith
Councillor Russell Walker

REGRETS: Councillor Stephen D. Adams, Chair

STAFF: Ms. Karen Brown, Senior Solicitor
Ms. Sheilagh Edmonds, 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/161214hwcc-agenda.php>

The meeting was called to order at 6:00 p.m. and adjourned at 7:27 p.m.

1. CALL TO ORDER

Councillor Mason, Vice Chair called the meeting to order at 6:00 p.m.

TABLING OF ANNUAL REPORT

- Public participation of Annual Report

The following was before Community Council:

- A staff report dated December 5, 2016.

The Chair opened the meeting for public participation with regard to the annual report. No one came forward to address Community Council.

MOVED by Councillor Walker, seconded by Councillor Cleary

THAT Halifax and West Community Council accept the annual report.

MOTION PUT AND PASSED.

2. APPROVAL OF MINUTES – November 15, 2016

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT the minutes of November 15, 2016 be approved.

MOTION PUT AND PASSED.

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

Additions:

- 16.1 Review of Report Requests

The Legislative Assistant clarified that Community Council would have to pass a motion to suspend the Rules of Procedure as per Section 76 of Administrative Order 1, to add this item as the matter was to have been tabled at the first meeting after an election.

MOVED by Councillor Walker, seconded by Councillor Cleary

THAT the Rules of Procedure be suspended in order that item 16.1 Review of Report Requests be considered.

MOTION PUT AND PASSED.

- 16.2 Appointment to the Grants Committee (HWCC Representative)

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT the agenda be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES:

- 4.1 Case 18388: Amendments to the Halifax MPS and Peninsula LUB for 6389, 6395, and 6399 North Street, Halifax

For information purposes, the Chair asked staff to clarify why this matter was back on the agenda, having been dealt with at the November 15, 2016 meeting. The Legislative Assistant explained that at the November meeting Community Council put and defeated the staff recommendation, but did not put forward another recommendation for Regional Council's consideration. Following a discussion between the Solicitor and the Municipal Clerk's Office two options were presented for Community Council to consider with regard to moving the matter forward. Community Council was advised that staff could prepare a supplementary report for Regional Council explaining the decision of Community Council, or the matter could come back to Community Council for consideration of a recommendation to Regional Council. The Legislative Assistant added that the Chair advised that the matter would come back for consideration of a recommendation.

The Solicitor advised that Community Council had put and defeated the staff recommendation at the November meeting; therefore, it can consider putting forward a motion to recommend Regional Council refuse the proposed amendments, or Community Council could put forward a motion to forward the matter to Regional Council without recommendation.

The Chair also noted for information purposes that, with this particular matter, Community Council acts an advisory body to Regional Council and, ultimately, the matter will be dealt with by Regional Council.

MOVED by Councillor Smith, seconded by Councillor Zurawski

THAT Halifax and West Community Council recommend Regional Council refuse the proposed amendments to the Halifax MPS and Halifax Peninsula LUB for 6389, 6395, and 6399 North Street, Halifax.

MOTION PUT AND PASSED UNANIMOUSLY.

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS - NONE
6. MOTIONS OF RECONSIDERATION – NONE
7. MOTIONS OF RESCISSION – NONE
8. CONSIDERATION OF DEFERRED BUSINESS – NONE
9. NOTICES OF TABLED MATTERS – NONE
10. HEARINGS
- 10.1 PUBLIC HEARINGS
- 10.1.1 RP 16-02: Proposed amendment to the R-2P Zone to the Halifax Mainland Land Use Bylaw

The following was before Community Council:

- A staff recommendation report dated April 21, 2016.

Mr. Ben Sivak, Major Projects Planner provided the staff presentation on the proposed amendment to the R-2P Zone to the Halifax Mainland Land Use Bylaw. In his remarks he noted that this hearing was a

result of Halifax and West Community Council's direction from November 18, 2013 to clarify the side yard setback for semi-detached dwellings in the R-2P (General Residential) Zone for the Halifax Mainland Land Use Bylaw.

There were no questions of clarification.

The Chair opened the hearing for anyone wishing to address Community Council on the matter. He called three times for any speakers; there being none, it was

MOVED by Councillor Walker, seconded by Councillor Cleary

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council adopt the amendments to the Land Use By-law for the Halifax Mainland, as set out in Attachment A of the August 21, 2016 staff report to clarify the requirements for the semi-detached dwellings within the R-2P Zone.

MOTION PUT AND PASSED.

10.2 VARIANCE APPEAL HEARINGS

10.2.1 Case 20499: Appeal of Variance Refusal – 5677 Stanley Street, Halifax

The following was before Community Council:

- A staff recommendation report dated December 2, 2016.

Mr. Sean Audas, Development Officer presented the staff report outlining the reasons why he refused a request for variances to construct a semi-detached dwelling at 5677 Stanley Street. In his presentation he noted that the property in question is currently vacant and that the variances requested were to reduce the lot area, lot frontage, lot coverage and the front, rear and side yard setback requirements established by the Land Use By-law (LUB). Mr. Audas advised that his refusal of the variance was based on the fact that the variance violates the intent of the By-law because the building configuration is not consistent with the intent of the By-law relative to the development of semi-detached dwellings; and that the difficulty experienced is general to the properties in the area because the lot fabric of the surrounding properties is similar with respect to lot frontage and lot area.

The Chair outlined the rules of procedure for variance hearings.

Mr. Kourosh Rad, Senior Urban Planner, WSP addressed Community Council advising that he was representing the developer. Speaking in support of the proposal, Mr. Rad noted the following points:

- This proposal is an example of 'gentle density' which is adding density to the existing fabric of the neighbourhood without disturbing the characteristics of the neighbourhood
- Low density, single family dwellings are proposed
- The front yard setback can be met.
- The proposal meets the intent of the Land Use Bylaw because the intent of the Land Use Bylaw is not to contemplate prescriptive shapes and forms but rather general rules that would set the tone for development; and this is supported in the HRM Charter because it allows for variance request considerations.
- The requested variance would result in units that are compatible with the surrounding neighbourhood and are in keeping with the intent of the LUB for creating a "General

Residential Zone” that permits “semi-detached or duplex dwelling” or “buildings containing not more than four apartments.

- The proposed units are compatible with the surrounding area and impose no difficulty to the properties in the area. This is evident from the form and density of the proposed development. While the configuration of the unit may be different from “majority of lots” in the area, this is not enough reason for imposing difficulty onto properties in the area.
- Proposing alternatives would be time consuming, costly, impact on resources of HRM staff, the property owner, and councillors; and it would affect the affordability of the units.
- This proposal would set a good precedent
- Believe that this development would be enabled under the Centre Plan.
- The applicant has been very proactive in engaging neighbours.

Mr. Rad and Mr. Kerry Lynch, the applicant responded to questions of clarification.

The Chair reviewed the rules of procedure for appeal hearings, and opened the hearing.

Mr. Gary Langille advised that he had operated a barbershop on Stanley Street for 50 years. He spoke against the proposal advising that with eight houses it could result in 16 additional cars on the street, and this would impact on the on-street parking availability for the commercial businesses in the area. He requested that Community Council refuse the variance request and permit only one unit per lot.

Ms. Ann Keddy spoke in opposition to the proposal, advising that she and her husband are retired and that the development would border on their back wall, and that having two units behind their property is too much.

The Chair called three times for any other speakers; there being none, it was

MOVED by Councillor Walker, seconded by Councillor Zurawski

THAT the appeal hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Cleary, seconded by Councillor Zurawski

THAT Halifax and West Community Council allow the appeal, and overturn the decision of the Development Officer to refuse the request for variances.

Community Council spoke in support of the proposed development. The following comments were noted:

- This is exactly the type of density that is wanted on the Peninsula
- The impact on traffic will be insubstantial
- This proposed development will fit in the Hydrostone area
- The proposed development is environmentally friendly, a good design, and is affordable for residents in the area
- Believe the current requirement of 35% lot coverage is outdated; the variances requested are very small in nature.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence – None

11.2 Petitions - None

11.3 Presentation - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS - NONE

14. MOTIONS

15.1 Councillor Cleary

MOVED by Councillor Cleary, seconded by Councillor Smith

That Halifax and West Community Council request a staff report regarding the possible expansion of the District 7 and 8 Planning Advisory Committee to include the entire Halifax Peninsula.

MOTION PUT AND PASSED.

15. IN CAMERA (IN PRIVATE) - NONE

16. ADDED ITEMS – NONE

16.1 Review of Report Requests

The following was before Community Council:

- A report dated November 25, 2016 submitted from the Municipal Clerk.

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT Halifax and West Community Council recommend that items 1, 2, 5, 6, 8, and 10 be removed from the list of report requests outline in attachment 1 of the November 25, 2016 report from the Municipal Clerk.

MOTION PUT AND PASSED.

16.2 Appointment to the Grants Committee (HWCC Representative)

The following was before Community Council:

- A motion memo submitted from the Municipal Clerk's Office

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council recommend Regional Council appoint Councillor Smith as HWCC's representative on the Grants Committee, and rescind the appointment of Councillor Walker as the HWCC member of the Grants Committee.

MOTION PUT AND PASSED.

17. NOTICES OF MOTION - NONE

18. PUBLIC PARTICIPATION

No one came forward to address Community Council during public participation.

19. DATE OF NEXT MEETING – January 17, 2016

20. ADJOURNMENT

The meeting was adjourned at 7:27 p.m.

Sheilagh Edmonds
Legislative Assistant