

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, OCTOBER 3, 2005

PRESENT: Councillor Linda Mosher, Chair
Councillor Russell Walker, Vice-Chair
Councillor Debbie Hum
Councillor Mary Wile

**ABSENT WITH
REGRETS:** Councillor Stephen D. Adams

ALSO PRESENT: Mr. Jim Donovan, Manager, Planning of Planning Applications
Ms. Randa Wheaton, Planner
Mr. Andrew Faulkner, Development Officer
Ms. Donna Keats, Municipal Solicitor
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER

The Chair called the regular meeting to order at 8:56 pm in the Media Room, 1st Floor City Hall, 1841 Argyle Street.

2. APPROVAL OF THE MINUTES - September 12, 2005

MOVED BY Councillor Wile, seconded by Councillor Hum that the minutes of September 12, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Addition: 12.1 Chebucto Community Council Representation on the Halifax Watershed Advisory Committee - Councillor Mosher
12.2 Infilling on the Northwest Arm - Luc Ouellet/Councillor Mosher

MOVED BY Councillor Walker, seconded by Councillor Hum that the agenda be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

- 4.1.1 Jack Lake Lands
- 4.1.2 Proposed Sign - Shoppers Drug Mart, Herring Cove Road
- 4.1.3 Re-Zone Ralston Avenue and Pearson Avenue from R2 General Residential to R1 Single Family Dwelling Designation
- 4.1.4 Non Truck Routes - Mumford Road
- 4.1.5 Update on Melvin Road (Purcell's Cove area).
- 4.1.6 20 Forest Hill Drive, District 16
- 4.1.7 Rock Pile - 182 Milsom Avenue, Halifax
- 4.1.8 Request to have the Reclaimed Parkland at the Corner of Parkland Drive and Langbrae Drive Named in Honour of the Year of the Veteran.

MOVED BY Councillor Walker, seconded by Councillor Hum that the status sheet items be deferred to the November 7, 2005 meeting. MOTION PUT AND PASSED UNANIMOUSLY.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RECISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS - None

8. PUBLIC HEARINGS

8.1 Public Hearing

8.1.1 Case 00821: Amendment to the Halifax Peninsula Land Use By-Law Respecting the definition of "Dwelling" and "Rooming House"

The joint public hearing was held and closed during the joint meeting with Peninsula Community Council. See the minutes for the joint meeting of Peninsula/Chebucto Community Council.

8.2 Variance Appeal

8.2.1 Appeal of the Development Officer's Decision to Deny an Application for a Variance No. 12159 - 73 Drillio Crescent, Halifax.

- A staff report dated September 22, 2005 was before Community Council.

Mr. Andrew Faulkner, Development Officer, presented the report.

Councillor Mosher opened the variance hearing calling for any resident's within thirty (30) metres of 73 Drillio Crescent to come forward at this time if they wished to comment. Ms. Donna Keats, Municipal Solicitor, clarified for Councillor Mosher that a person who has entered a purchase agreement as well as the current owner of the property are both able to speak to the issue.

Variance Hearing

Mr. George Kinsman, Recently Entered a Purchase Agreement for the Property at 73 Drillio Crescent

Mr. Kinsman commented that he was not aware of the variance being required when he purchased the property. He explained that the developer had shown him the plans with

the chimney on the exterior of the dwelling. Mr. Kinsman added that he assumed the developer would have checked all the requirements before selling the property. He commented that he feels the development officer's decision should be overturned and the variance permitted.

Councillor Mosher called for any further speakers for or against this variance. Hearing no further speakers it was **MOVED BY Councillor Walker, seconded by Councillor Hum that the variance hearing be closed. MOTION PUT AND PASSED.**

Councillors Hum and Mosher inquired how the purchase and sale agreement could go through without an approved set of plans regarding the chimney additions. Mr. Faulkner responded that the revisions came after the permit was submitted and approved. Those revisions did not comply with the Land Use By-Law (LUB).

Mr. Faulkner further responded to Councillor Mosher that the "intentional disregard" aspect occurred when the owner sold the property and it was not so much "intentional disregard" but more lack of awareness of the sideyard setbacks. Councillor Mosher responded that it was her understanding that the owner applied for the permit, was told no, but proceeded to build anyway. Mr. Faulkner responded that the developer had done a lot of work in the county areas (which has different requirements in their LUB) and did not realize there would be a problem with the revisions.

Mr. Faulkner confirmed for Councillor Wile that the chimney protrusion could be placed on the interior of the dwelling as it is for a propane fireplace. Councillor Wile commented that she would not like to see a precedent set and suggested the plans be redesigned to have the fireplace protrusion on the interior of the dwelling.

Councillor Mosher commented that although it is only a matter of a few feet, approval would be setting a precedent. She added that if a developer is more familiar with outlying areas then they should become more aware of the city sideyard setbacks.

MOVED BY Councillor Wile, seconded by Councillor Hum that Chebucto Community Council uphold the Development Officer's decision to deny the variance. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Kearney Lake Road

Councillor Hum submitted a petition on behalf of 69 residents of the Kearney Lake Road area in regards to traffic concerns. The area in question ranges along Kearney Lake Road from Highway 102 (Bicentennial Highway) to the Bedford Highway. Concerns listed in the petition are: Speeding, Crossing Dangers and Truck Traffic. The petition is to be forwarded to Mr. Ken Reashor, Traffic Authority, Chief Frank Beazley, Mayor Kelly and Staff Sergeant Mosher.

9.3 Delegations - None

10. REPORTS

10.1 STAFF REPORT

10.1.1 Case 00804: Installation of an FM Radio Broadcast Transmission Tower at 427 Main Avenue, Halifax

- A staff report dated September 20, 2005 was before Community Council.

Ms. Randa Wheaton, Planner, presented the report. Mr. Walter Labucki of CHUM Limited was also present to respond to any questions of Council.

Ms. Wheaton circulated a revised site map indicating the new location of the proposed CHUM tower and an alternate recommendation for Community Council's consideration. Chebucto Community Council approved the alternate recommendation as follows:

MOVED BY Councillor Walker, seconded by Councillor Wile that Chebucto Community Council:

1. **Forward a negative recommendation to Industry Canada in relation to the proposal by CHUM Limited, as a result of concerns related to the close proximity of multiple unit residential development to the proposed location for a new FM radio broadcast transmission tower at 427 Main Avenue, Halifax (PID No. 00330845) as shown on Map 1 attached to the staff report dated September 20, 2005.**
2. **Forward a positive recommendation to Industry Canada in relation to a new location proposed by CHUM Limited for a new FM radio broadcast transmission**

tower on Halifax Regional Water Commission watershed lands adjacent to the Bicentennial Highway subject to a lease agreement approved by Halifax Regional Council.

MOTION PUT AND PASSED.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Chebucto Community Council Representation on the Halifax Watershed Advisory Board

Councillor Mosher suggested rotational representation on the Halifax Watershed Advisory Committee (HWAB) by the five serving members of the Chebucto Community Council. She explained that each Councillor would be required to attend only one HWAB meeting every five weeks.

Councillor Hum advised that it was her understanding that District 16, her district, was covered by the Bedford Watershed Advisory Board.

Councillors Wile and Walker raised a concern with continuity and suggested it would be better to have one Councillor serving and attending all meetings. Councillor Walker advised that he has previously served a two year term on the HWAB.

Councillor Wile volunteered to be the Chebucto Community Council representative on the Halifax Watershed Advisory Board and it was **MOVED BY Councillor Walker, seconded by Councillor Hum that Chebucto Community Council appoint Councillor Wile to the Halifax Watershed Advisory Board effective November 1, 2005.**

Councillor Mosher will attend the October meeting of the Halifax Watershed Advisory Board.

MOTION PUT AND PASSED.

12.2 Infilling on the North West Arm

- An e-mail from Luc Ouellet, Planner, was received on October 3, 2005

Mr. Ouellet requested that Chebucto Community Council consider approving a request to The Honourable Minister Regan to issue a temporary moratorium on the authorization

of any further infilling of water lots on the Northwest Arm, in the period leading up to January 17, 2006. A draft letter to the Minister was attached to the e-mail.

MOVED BY Councillor Walker, seconded by Councillor Wile, that Chebucto Community Council recommend:

1. **Whereas Halifax Regional Council initiated a Municipal Planning Strategy amendment process on August 9, 2005, to establish policies and regulations aimed at controlling development and subdivision on water lots infilled along either side of the Northwest Arm.**
2. **Whereas there have been a lot of community concerns expressed that further infilling will occur on the Northwest Arm before proper land use policies and regulations are in place.**
3. **Whereas staff will be introducing Municipal Planning Strategy and Land Use By-Law amendments to Halifax Regional Council on or before January 17, 2006.**
4. **Chebucto Community Council therefore urges that the Minister of Fisheries and Oceans Canada request his staff not to issue any further authorization for the infilling of water lots on the Northwest Arm in the period leading up to January 17, 2006.**

MOTION PUT AND PASSED.

13. **NOTICES OF MOTION - None**

14. **PUBLIC PARTICIPATION**

Mr. Michael Shacklock, Walter Havill Drive

Mr. Shacklock requested an update on the Stoneridge Subdivision matter that was dealt with at a public hearing by Chebucto Community Council on June 27, 2005. Councillors Walker and Mosher advised that there was no update available at this time. It was suggested that Mr. Shacklock contact the planning department at the West End Mall.

15. **NEXT MEETING DATE - November 7, 2005**

16. **ADJOURNMENT**

The meeting adjourned at 9:44 pm.

Chris Newson
Legislative Assistant