

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, APRIL 5, 2004

PRESENT: Councillor Linda Mosher, Chair
Councillor Russell Walker, Vice-Chair
Councillor Stephen D. Adams
Councillor Debbie Hum

STAFF PRESENT: Mr. Steven Higgins, Development Officer
Ms. Jaime Smith, Planner
Mr. Barry Allen, Municipal Solicitor
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 pm at the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

2. APPROVAL OF MINUTES

2.1 Minutes of Regular Meeting January 5, 2004.

MOVED BY Councillor Walker, seconded by Councillor Adams that the minutes of January 5, 2004 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

ADDED ITEMS:

- 12.1 26 Armshore Drive
- 12.2 Belchers Marsh - Councillor Hum
- 12.3 Community Wharf and Liability - Councillor Adams

MOVED BY Councillor Adams, seconded by Councillor Hum that the Order of Business be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

4.1.1 Off-Leash for Districts 17 and 18

Nothing new to report. Item to remain on Status Sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS - None

8. PUBLIC HEARINGS

8.1 Variance Appeal - 54 Convoy Avenue, Halifax

- A report dated April 5, 2004 was before Community Council.

Mr. Steven Higgins, Development Officer, presented the report.

Councillor Mosher presented the guidelines/procedures for public hearings then **opened the public hearing** calling for any speakers within 30 meters of the property for or against the variance appeal.

PUBLIC SPEAKERS:

Mr. Michael Tweel, Suite 305, 5670 Spring Garden Road (Representing Applicant)

- Referring to a copy of the plan legend, he noted the building on 22 Spry Avenue is centered on the two lots and appears to be at a greater distance than Civic number 24. Letter submitted to Development Officer raises no failure of section 35.1 or 35.3.
- In support of the application.

Mr. Geoff Keddy, Architect (Representing Owner)

- Garages in area are allowed to be 4' from property line but a residential portion has to stay at 8' from property line. He showed design (drawing) of addition without approved variance.
- Presented pictures of other properties on Convoy Avenue with additions such as carports/garages with enclosed spaces above. Pictures show the proposal is not out of character for the neighbourhood. Two examples (pictures distributed) show properties with structures built on top of garages within 4' or less from property line.

The Chair gave third and final call for public speakers, hearing none it was **MOVED BY Councillor Walker, seconded by Councillor Adams that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED BY Councillor Walker, seconded by Councillor Hum that Chebucto Community Council overturn the Development Officer's decision to refuse the variance. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Variance Appeal - 10533 at Civic No. 22½ Spry Avenue

- A staff report dated April 5, 2004 was before Community Council.

Mr. Steve Higgins, Development Officer, presented the report.

Councillor Mosher presented the guidelines/procedures for public hearings, opened the public hearing and called for any speakers for or against the variance appeal.

PUBLIC SPEAKERS:

Mr. Ronald Marshall, owner of 22 Spry Avenue

- He has requested information but has not received anything more than a single family dwelling is planned for the lot and until he has more information he cannot support the variance. Papers were sent to him in Toronto while he was en route back to Nova Scotia so he has not had time to get information on the sewer/water line installation.
- Thought 22½ Spry Avenue was part of his own lot. Did not look at his survey until he received notice of this variance.

Councillor Walker inquired if water and sewer could be installed without disturbing his (Mr. Marshall's) property, would he support the variance. Mr. Marshall responded he would support the variance if it is a single family home and no damage would be caused to his property. He added there is not a lot of room and wonders how the work (getting the pipes through) could possibly be done. For twenty years no development has been done to that lot and there are railroad tracks still buried there. He is mostly concerned with his foundation and the possible blasting more so than any traffic that may use the driveway that will be located close to his property.

Mr. Michael Tweel, Representing Estate of Donald Keddy, Applicant

- In terms of lot size, if the Land Use By-Laws were applicable this lot would be three times larger than the minimum required.
- Issue of installation of services does not specifically fall under Section 235.
- Installation of services will be in roughly same area as the 10' strip of road.

Mr. Marshall commented that 24 Spry Avenue's foundation is only 11' from the proposed lot.

The Chair gave third and final call for public speakers, hearing none it was **MOVED BY Councillor Adams, seconded by Councillor Walker that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Walker clarified the proposal is to construct a single family dwelling at 22½ Spry Avenue. Councillor Adams/Mosher also clarified the applicant is simply attempting to establish whether the property is developable and there is no development plan presented at this time. Mr. Steven Higgins, Development Officer, confirmed there is no building permit being held at this time nor a plan presented.

MOVED BY Councillor Adams, seconded by Councillor Hum that Chebucto Community Council defer this item to the May 3, 2004 meeting to allow more time for

information gathering by area resident regarding installation of services that may require blasting which could result in damage to the adjacent properties/foundation.
MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - None

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Case 00616: Amendment to the Prospect and Chebucto Peninsula Land Use By-Laws - Tourist Attractions

- A staff report dated March 16, 2004 was before Community Council.

Ms. Jaime Smith, Planner I, presented the report.

MOVED BY Councillor Walker, seconded by Councillor Adams that Chebucto Community Council give first reading to the proposed amendments to the Planning District 5 (Chebucto Peninsula) Land Use By-Law as provided in Attachment "B" and schedule a public hearing for May 3, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

Subsequent to the April 5, 2004 meeting of Chebucto Community Council, HRM Planning Staff informed the Municipal Clerk's Office that the area affected by this Land Use By-Law amendment is that portion in Planning District 5 which is that portion relative only to the Western Region Community Council. Therefore, a public hearing will not be required by Chebucto Community Council as the intended amendments will not affect Land Use By-Laws for the Chebucto jurisdiction.

10.1.2 Case 00562: MPS and LUB Amendment - Evergreen Place, Halifax

- A staff report dated February 26, 2004 was before Community Council.

MOVED BY Councillor Adams, seconded by Councillor Hum that Chebucto Community Council recommend Regional Council:

- 1. Give First Reading to consider amendments to the Municipal Planning Strategy and Land Use By-Law for Halifax and Schedule a public hearing;**

2. **Adopt the amendments to the Municipal Planning Strategy and Land Use By-Law for Halifax as shown in Attachment 1 of this report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 DISTRICT 16 - PLANNING ADVISORY COMMITTEE REPORTS

10.2.1 Case 00627: Amendment to Stage II Development Agreement for Swiss Chalet, 358 Lacewood Drive, Halifax.

- A staff report dated March 11, 2004 was before Community Council.

Ms. Jaime Smith, Planner, presented the report.

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

1. **Approve the amendments to the Stage II Development Agreement, presented as Attachment I of the report dated February 6, 2004, with an amendment to the amending agreement to state "...replacing the number '50,000' with the number '50,660'".**
2. **Require that the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 COUNCILLOR ADAMS

10.3.1 Herring Cove Road Improvement Study - Terms of Reference and Outline of Public Participation Process

MOVED BY Councillor Adams, seconded by Councillor Walker that HRM Staff develop a Terms of Reference and a Public Participation Process as soon as possible in order to begin public input and ensure that all stakeholders in the community; business, residential and other are represented. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. ADDED ITEMS

12.1 26 Armshore Drive

- An Information Report dated March 24, 2004 was before Community Council.

Councillor Mosher advised this item was for information purposes only. No further action required.

12.2 Belchers Marsh

Councillor Hum advised in order for the area known as “Belchers Marsh Park” to be officially named as such by the Province of Nova Scotia, the naming of the water body itself must be approved by Community Council. She added the Provincial authorities advised the name is to contain no apostrophes.

MOVED BY Councillor Hum, seconded by Councillor Walker, that Chebucto Community Council approve the name Belchers Marsh for the water feature located in District 16 known as Belchers Marsh Park. MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Community Wharf and Liability - Councillor Adams

MOVED BY Councillor Adams, seconded by Councillor Hum that Chebucto Community Council request HRM Staff consider the following options in regards to assuming liability of the Ketch Harbour Wharf:

- 1. Explore the possibility of HRM assuming liability for the wharf in Ketch Harbour while allowing the Ketch Harbour Area Rate Payers Association continued management of the wharf through a management agreement that would ensure sustained utilization of the wharf by the community;***
- 2. To provide liability insurance for the Directors in the amount of \$2,500.00. Further, to bring forward the staff report presented at Regional Council regarding citizen groups and liabilities.***
- 3. Request management of the wharf remain in private hands and ensure the best interests of the community are met.***

MOTION PUT AND PASSED UNANIMOUSLY.

This item is to be forwarded to the Western Region Community Council for their status sheet and follow-up.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Unidentified member of the public

- No question that 26 Armshore Drive property on North West Arm has Federal approval for in filling. 2/3 of the building on the infill lot is on land purchased from an estate. In my opinion this land was a water lot (the land between high water and low water mark) and was completely covered at high tide before in filling.
- Have a copy of the blueprint of the subdivision when land was divided in '37 and '38 and also pictures of the land in the '60's, '70's and 1988 showing this land was completely covered by water at high tide.
- Have lived at 14 Armshore Drive since 1946 and am well aware of the boundaries and shoreline. If anyone with a water lot can fill it in with Federal government approval and then build buildings on the new land, I fear for the historic North West Arm which will quickly become built up and lost as an historic and heritage land mark.
- I question where the building is located in this report in comparison to the drawing as when you fill in the muddy shore (27' of rock put in the point) you increase the distance of low water from where it originally was, and I have pictures to document where the original was.

Councillor Mosher requested copies of the pictures be given to Development Officer Steve Higgins. She further advised the report has been sent to Minister Geoff Regan three times without response and added she will continue to try for a response from him.

- Pictures could be placed at Horseshoe Island to show shoreline of North West Arm and how it "used to look" including Deadman's Island, Melville Island and pictures of the industrial history of the North West Arm such as the paint factory that was once there, but this building is in the way of the view.

Councillor Mosher responded she will contact Minister Regan's office again concerning this issue and will endorse a letter be sent to Minister Regan's office if no response is received.

Mr. Bob Zinck, Doull Avenue

- Road construction from 7:00 am to 7:00 pm around Hollis Street, Lower Water Street to be done in April, May, June and July. Why can't some of this work be done overnight as it is not in a residential area and we are starting into the tourist season.

Councillor Hum commented that Mayor Kelly was on the radio this morning and responded to similar concerns stating that staff would follow up on this concern and other options were being considered such as working all night. Councillor Walker clarified that tunneling is done at night and the connections are brought up to the service during the daytime hours.

MOVED BY Councillor Hum, seconded by Councillor Adams that an explanation of the scope of work and alternatives to daytime road construction be provided for the current road construction being done along Lower Water Street in Halifax. MOTION PUT AND PASSED UNANIMOUSLY.

Ms. Wendy MacDonald, Resident of District 16

- Will the residents be contacted regarding the type of trees to replace those lost during Hurricane Juan?
- What is the time line for the replacements. Should residents be doing some fund-raising? Is one area or district a priority over another? What department do we contact?
- Is there any information available on this issue.

Councillor Hum advised the city lost 2,000 street scape trees and staff are looking at this issue.

MOVED BY Councillor Hum, seconded by Councillor Walker that staff prepare a report on the issue of replacement of street scape trees lost during Hurricane Juan including a time line for replacements and whether there are areas of priority for replacement of the trees. MOTION PUT AND PASSED UNANIMOUSLY.

15. NEXT MEETING DATE - Monday, May 3, 2004

Councillor Walker gave regrets for the May 3, 2004 meeting.

16. ADJOURNMENT

The meeting adjourned at 7:50 pm.

Chris Newson
Legislative Assistant