

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, MAY 3, 2004

PRESENT: Councillor Linda Mosher, Chair
Councillor Stephen D. Adams
Councillor Debbie Hum

ABSENT
WITH REGRETS: Councillor Russell Walker, Vice-Chair

STAFF PRESENT: Mr. Steven Higgins, Development Officer
Ms. Randa Wheaton, 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 April 5, 2004.

MOVED BY Councillor Adams, seconded by Councillor Hum that the minutes of April 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 Variance Appeal - 647 Bedford Highway
- 12.2 Infilling North West Arm - Councillor Adams
- 12.3 Leiblin Park Storm Sewers/Elmdale Crescent - Councillor Adams
- 12.4 Acorn Road Issues - Councillor Adams

DELETIONS:

- 8.1 Public Hearing - Case 00616: Amendment to the Prospect and Chebucto Peninsula Land Use By-Laws - Tourist Attractions.

This item to be deleted as it has been determined the issue involves only that portion of District 18 under Western Region Community Council jurisdiction.

MOVE:

Item 12.1 Variance Appeal - 647 Bedford Highway to be dealt with immediately following the Status Sheet Items.

Item 14. Public Participation to be dealt with immediately preceding the public hearing.

MOVED BY Councillor Adams, 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 Off-Leash for Districts 17 and 18

Councillor Adams advised this item is **to remain** as there are some developments occurring.

4.1.2 Belchers Marsh Park

MOVED BY Councillor Hum, seconded by Councillor Adams that Chebucto Community Council approve the name “Little Belchers Pond” for the second water body located in District 16 known as Belchers Marsh Park.

Once approved by Chebucto Community Council, the official water body name must be forwarded to Mr. David Wills, Co-ordinator, Geographical Names for the Province of Nova Scotia.

MOTION PUT AND PASSED UNANIMOUSLY.

This item **to be deleted** from the Status Sheet.

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

Councillor Adams advised HRM staff are well aware of Chebucto Community Council's desire that anyone with any relationship to the Herring Cove Road be consulted in the process. This item **to be deleted** from the Status Sheet.

4.1.4 Alternatives to Day Time Road Construction

- An Information Report dated **xxx** was before Community Council for review.

Councillor Hum advised an information report has been received and the issue may now **be deleted** from the status sheet.

Councillor Mosher requested the resident who raised the issue be sent a copy of the information report.

4.1.5 Tree Replacements - Timeline priorities

Councillor Hum advised there is no information available at this time. **To remain** on status sheet.

12. ADDED ITEMS

12.1 Variance Appeal - 647 Bedford Highway

- A report dated April 26, 2004 was before Community Council. Mr. Steven Higgins, Development Officer, presented the report.

Councillor Mosher read the guidelines for the public hearing then opened the public hearing calling for any speakers for or against this variance appeal.

PUBLIC SPEAKERS:

Ms. Sharon Fiske, 629 Bedford Highway

- If this variance is given to one, will it automatically be given to another who wishes to build along the Bedford Highway?
- The land is very steep. It goes from the railroad up to the road. There is a narrow bit of land along the Bedford Basin and it is all the same, steep and narrow. At some future date I may want to build on my property.

Mr. Higgins responded each application for a variance is assessed on its own individual merit and whether or not there has been a previous variance granted would not necessarily have any affect on the decision. Unless there are dramatically different circumstances associated with a different property, the technical assessment of the variance would be very similar, not by virtue of precedence but by virtue of the same criteria we would apply.

Ms. Gina Namnoum, 636 Bedford Highway

- If the variance does not go through how will the height of the exterior be affected.

Mr. Higgins advised the regulations that apply to this property would have a greater impact at the rear of the property (the Bedford Basin side) and the angle control as steep and as difficult as it is to deal with is not so steep that it intersects all the way to the front of the building. He added the building itself is not in excess of any of the height requirements and if it were to be redesigned it could have the same or similar building height from the Bedford Highway side.

- My main concern is with the view from our Bluenose Inn & Suites property as we promote the view of the Bedford Basin when we promote our business. How will the view from our property be affected?

Mr. Higgins commented he does not know for sure how this will impact on the view from her property and undoubtedly there will be some.

- This will dramatically affect our business as the view from the restaurant will be completely blocked.

Mr. John Namnoum, 636 Bedford Highway

- If you start now to give permits to build buildings along this section of Bedford Highway, we will have more people asking for more high-rise buildings.
- Most people who travel here from outside enjoy the highway because of the view - it is very scenic and they can see things such as the fireworks events.
- If you block all these things it will affect the Tourist Industry in Nova Scotia, one of our largest industries.
- We have 3 or 4 subdivisions going up behind us on the Bedford Highway so why block the view of the Bedford Basin when there is all the building going up on the other side?
- It will look like blocks along the Bedford Highway if we keep building along the Basin side.

Mr. Eugene Kazonck, Marvin Lynch Architects

- Showed site plans (held up a large site plan).
- Challenging to develop on this site as it gets narrower at the north end of the site.
- We doubled the setback along the south end of the site as it was only required to be 10', we have created a 20' setback before the building begins.
- We have aligned the building with the property line rather than the highway side as it creates more open space along the front of the building.
- The 50' height is in the by-laws and we did not even consider challenging the height requirement.
- Ultimately, the main consideration in the variance is along the Basin side which will not impact how the building is viewed from the highway or either end.

Councillor Adams clarified this is not a height issue it is a setback issue.

Councillor Mosher gave third and final call for any speakers for or against this application.

MOVED BY Councillor Adams, seconded by Councillor Hum that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED BY Councillor Hum, seconded by Councillor Adams to defer this item for one month in order to consult with staff regarding the setback issue. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Mosher suggested a meeting be set-up with the residents in the area and staff to clarify the affects to their direct properties.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Variance Appeal - 10533 at Civic No. 22½ Spry Avenue, Halifax

MOVED BY Councillor Adams, seconded by Councillor Hum that Chebucto Community Council uphold the decision of the Development Officer. MOTION PUT AND PASSED UNANIMOUSLY.

At this time it was agreed by Community Council to move Item 14 Public Participation portion forward due to some members of the public who would like to speak but are on a time line.

14. PUBLIC PARTICIPATION

Mr. Gerald Muise, 10 Elmdale Crescent, Leibling Park

- Ten years ago, our Councillor (Adams) was able to get the storm drain issue (in Leibling Park) on the capital budget as not only on nights like this but regular nights we have tremendous amounts of water and are suffering a tremendous amount of damage.
- We are patient people in Spryfield and were hoping this project would be done this year but we found out today that it is no longer on it (the capital works budget).
- I want to know why it is not on it (the capital works budget) and if it can be moved up as we are tired of dealing with water.

Councillor Adams clarified with the resident that there are approximately seven residents with water problems (basements and property) on Elmdale Crescent.

- We had the understanding that the project was passed and now I hear comments from (HRM) Engineer people that there were no problems on Elmdale Crescent.

Mr. Tony Rodgers, 12 Elmdale Crescent, Leibling Park

- I am at the end of the street on the southeast portion of Elmdale and I get the bulk of the water. I have a side property that is being underpinned by the water "splashing out".
- Part of what will have to be done to my property is to: tear up my driveway, tear up a good portion of my lawn, and remove a tree stump.
- Get the money that was approved for 2003.
- The project was supposed to be a go, so what happened, why did we get bumped? If the money is there let's spend it.
- I called (HRM) to find out exactly when the work would start to find out "IF" it would start.

Councillor Adams clarified with the area resident that 7 of the 24 homes on Eldale Crescent (East side) have water problems.

Mr. Norman Rain, 14 Armshore Drive

- Accessory building built at 24 Armshore Drive had a stop work order issued in 2003 and permission was given to winterize the building for the winter season. Work is still ongoing at this site, a neighbour saw sheet rock being carried into the building and hammering was heard in the late fall (Saturdays and after hours). This was reported to HRM Staff.
- Has an Inspector been to this site lately to see if the stop work order has been violated and what is HRM going to do about this.
- Member of the Committee of Management for the Armdale Yacht Club with 450 members and they are all wanting an answer as to what will happen with the unsightly building built on landfill in the North West Arm.
- Suggest HRM move it back on the property or tear it down.

Councillor Mosher advised these comments will be forwarded to staff and to the Federal Government.

Ms. Christine Anne Smith

Ms. Smith was advised by Councillor Mosher that comments regarding Variance Appeal - 647 Bedford Highway could not be heard as the public hearing has been held and closed and only those residents within 30 meters of the site are able to comment during the public hearing.

- Works as an Environmental Scientist and offered consultation on the environmental aspect of water issues such as the flooding on Elmdale Crescent.
- You have to look at the existing environment first before you go in and do the engineering. People are not happy with the incongruent development that does not respect the nature of the community.
- Submitted her paper on Conserving Urban and Residential Forests - to be distributed to all Regional Councillors. Requested the Councillor's read the document and comment on it.
- Requested to make a presentation to Community Council on this matter as well.

Councillor Mosher advised Ms. Smith could be added to the agenda for June 7.

Mr. David Cobb, 12 Armshore Drive

- Faxed to Councillor Mosher earlier today correspondences regarding this issue - copies to be circulated to all Chebucto Community Councillors.
- The Information Report presented at the last Chebucto Community Council meeting includes conclusions and decisions so was not purely an Information Report. This is surprising and disappointing for area residents as we have been waiting most of this year for a clear indication of what is being put forward by the property owner and to have the opportunity to respond to that and make decisions.
- Not simply a courtesy, it is a legal necessity that in this kind of a situation, if a decision is being made by the Department, a fair hearing must be given to both sides. This has not happened. We have valuable information to submit that has not been submitted.

- Two auxiliary documents were submitted by Mr. Cobb for the record regarding ownership of the lot at 26 Armshore Drive - Lot 24. An excerpt from the file plan of the Armview Subdivision and a photocopy of the deed to Mr. Bardsley.
- The description of the property is included in these documents. The water lot is described on the deed as being entirely to the east but the eastern boundary of lot 24. The plan of Lot 24, when it was created does not include the water lot.
- How did the consolidation of the water lot and property into a single lot occur given the description?
- We do not know what was filed by the owner of the property to his solicitor therefore we are unable to respond to it.
- The structure is burdensome not only to the residents but to the neighbourhood in general and to anyone who stands at the head of the Arm and looks down or stands at Regatta Point and looks up.
- Request for a review of this particular report (Information Report) is included in my letter.

Councillor Mosher advised copies of the documents submitted this evening will be forwarded to the Development Officer.

Mr. Hiram Tiller, Thackery Close

- Scheduled meetings of Community Council were supposed to be the first Monday of the month. Recently two meetings were cancelled. What is the public notification process for cancelled meetings? Are you not to adhere to the By-Law and meet when you are scheduled to meet? The meetings should be held as scheduled so the public will know they are there.
- Traffic on Bedford Highway (regarding 647 Bedford Highway proposal) - has the impact on traffic been considered with the continued development of apartment buildings right along the highway. Development is closing in on this highway.
- If Council wanted to widened the Bedford Highway, it would be restricted as there would be no room. In some areas, this highway is back to two lanes and in the afternoon traffic is back to back.

MOVED BY Councillor Hum, seconded by Councillor Adams that a staff report be requested on the following issues:

- 1. Public Notification of Cancellation of Community Council meetings.**
- 2. Impact to traffic regarding continued development along the Bedford Highway.**

MOTION PUT AND PASSED UNANIMOUSLY.

8. PUBLIC HEARINGS

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

Deleted under approval of order of business. See page 3.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 CORRESPONDENCE

9.1.1 Development of Condominiums and Your 25 - Year Plan (*E-mail comment from member of the public*).

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Case 00376: Development Agreement for an Urban Farm Museum at 62 Rockingstone Road, Halifax, a registered Heritage Property

- A staff report dated March 12, 2004 was before the Community Council.

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

MOVED BY Councillor Adams, seconded by Councillor Hum that Chebucto Community Council give notice of motion to consider an application by Janet Kidston (on behalf of the Urban Farm Society) for an Urban Farm Museum at 62 Rockingstone Road, Halifax, and to schedule a public hearing for June 7, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 HALIFAX WATERSHED ADVISORY BOARD

10.2.1 Appointment to Halifax Watershed Advisory Board

- A report dated April 22, 2004 was before the Community Council.

MOVED BY Councillor Adams, seconded by Councillor Hum that Chebucto Community Council appoint Councillor Linda Mosher as a representative to the Halifax Watershed Advisory Board.

Councillor Adams advised this is in regards to discussion at Regional Council concerning the Halifax Watershed Advisory Board, which is in Chebucto Community Council's area, not having a Community Council representative appointed whereas Bedford and Dartmouth both have a Community Council representative on their Watershed Advisory Boards.

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED BY Councillor Adams, seconded by Councillor Hum that the recommendation to appoint a representative of the North West Arm Heritage Association, and all further requests for appointments to the Halifax Watershed Advisory Board, be deferred pending analysis of the planning issues and the Terms of Reference for the Halifax Watershed Advisory Board. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Variance Appeal - 647 Bedford Highway

Moved forward on agenda to be dealt with immediately following Status Sheet Items. See page 5.

12.2 Infilling North West Arm

Councillor Adams advised Councillor Mosher and the Regional Director of the Oceans and Habitat branch of the Department of Fisheries and Oceans, with the knowledge of HRM's Regional Planning Manager, have been discussing the issue of infilling on the North West Arm. He then made the following motion: **MOVED BY Councillor Adams, seconded by Councillor Hum that Chebucto Community Council recommend that the Harbour Plan portion of HRM's Regional Plan include an assessment of infilling activities on the North West Arm as part of the Community Based Plan. MOTION PUT AND PASSED UNANIMOUSLY.**

12.3 Leiblin Park Storm Sewers / Elmdale Crescent

Councillor Adams advised that, in the old City of Halifax, he put forward the recommendation that one Crescent per year in Leiblin Park be included in the Capital Budget. He added this was to be an automatic process whereby each year a Crescent would be identified based on need and prioritized so that the worst Crescents would be done first. Elmdale Crescent was scheduled to be done this year.

Councillor Adams further advised when he noticed Elmdale Crescent was not on the Capital

Project list he sent an e-mail to staff noting the project was not on the list. Staff responded since there were no problems with Elmdale Crescent or IvyLea Crescent it was not included in this year's Capital Works. Councillor Adams added the two residents of Elmdale Crescent who just presented indicated there is indeed a problem. He commented an additional \$300,000.00 was added to the Capital Works budget for both Elmdale Crescent and IvyLea Crescent and both have been eliminated.

MOVED BY Councillor Adams, seconded by Councillor Hum that;

- 1. HRM Staff report on Elmdale Crescent and IvyLea Crescent storm sewer constructions and why they were taken out of the capital works budget for 2004 considering the project was pre-planned ten years ago.**
- 2. Staff determine if the projects that took precedent over these two projects were emergency matters.**
- 3. This item be referred for discussion to the May 11, 2004 session of Regional Council.**

Councillor Adams advised on the east side of Elmdale Crescent there are seven (7) out of twelve (12) homes with flooding problems due to the lack of a storm sewer. He further requested resident comments made this evening regarding this issue be added in the minutes and forwarded to staff.

MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Acorn Road Issues

Moved by Councillor Adams, seconded by Councillor Hum that staff be advised that:

- 1. There is a large piece of granite blocking drainage ditch at end of Acorn Road.**
- 2. Small park at end of Acorn Road is in need of upgrade as it is now unusable and access to the lake is compromised,**
- 3. Barrier at end of Acorn Road is severely damaged and should be replaced.**
- 4. Staff to contact area resident regarding a land swap (consider the rights to the pipes under her driveway for the land) concerning a piece of property she has been maintaining for over 20 years.**

MOTION PUT AND PASSED UNANIMOUSLY.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Dealt with earlier in the meeting. See page 8.

15. **NEXT MEETING DATE** - Monday, June 7, 2004

16. **ADJOURNMENT**

The meeting adjourned at 8:00 pm.

Chris Newson
Legislative Assistant