

**CHEBUCTO COMMUNITY COUNCIL  
MINUTES**

**September 14, 2009**

**PRESENT:** Councillor Linda Mosher, Chair  
Councillor Mary Wile, Vice Chair  
Councillor Russell Walker  
Deputy Mayor Stephen Adams  
Councillor Debbie Hum

**STAFF:** Ms. Roxanne MacLaurin, Senior Solicitor  
Ms. Shawnee Gregory, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:03 p.m.

**2. APPROVAL OF MINUTES - July 6, 2009**

**MOVED by Councillor Wile, seconded by Councillor Hum, that the minutes of July 6, 2009, be approved as presented. MOTION PUT AND PASSED.**

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

**MOVED BY Councillor Adams, seconded by Councillor Walker, that the agenda be approved as presented. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Status Sheet Items**

**4.1.1 Tremont Park Alternate Main Entrance**

Councillor Hum advised that staff were currently reviewing this issue and that the information may come forward in a future development application. She indicated that she would like this item to remain on the Status Sheet.

**4.1.2 Traffic and Safety Issues on Melody Drive and Skylark Drive**

C An Information Report dated July 28, 2009 was before Community Council.

Councillor Hum advised that staff had addressed many resident concerns; noting that this was a long standing community issue. She indicated that the information report dated July 28, 2009 would be sent to the residents of Melody and Skylark Drive and to the Rockingham Residents' Association.

This item will be removed from the Status Sheet.

**4.1.3 Request to Name the Baseball Diamond at Mainland Common the Harold Pelham Memorial Field**

The Chair requested an update on this ongoing issue.

Councillor Wile indicated that she would like this item to remain on that Status Sheet.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RECISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**8. HEARINGS**

**8.1 Public Hearings - None**

**8.2 Variance Appeal Hearings**

**8.2.1 Appeal of the Development Officer's Decision to Refuse a Variance - 78 Hebridean Drive, Herring Cove**

C A report dated August 27, 2009 was before Community Council.

Ms. Erin MacIntyre, Development Technician, provided the presentation on the Appeal of the Development Officer's Decision to Refuse a Variance - 78 Hebridean Drive, Herring Cove. She indicated that the request was to permit the conversion of an accessory building to a single unit dwelling. She noted that accessory buildings were not meant for human habitation thus the relaxed setback.

The Chair reviewed the Rules of Procedure for Variance Appeal Hearings and called for those wishing to speak for or against the Appeal of the Development Officer's Decision to Refuse a Variance - 78 Hebridean Drive, Herring Cove.

**Mr. Noel Taussig, Appellant**, advised that all of his neighbours had signed a letter of support for him to complete the conversion. He indicated that the possibility of demolishing or moving the accessory building was not possible as it was on a slab. Mr. Taussig also stated that when sewer and water services went through the subdivision he got two pins and hooked into the garage. He noted that he had hired a surveyor who advised that the lot was big enough as well as an architect who indicated that the building was sound. In closing, Mr. Taussig stated that the possibility of leaving the building and making another made no sense and would crowd the lot.

Regarding the possibility of other residents in the neighbourhood making applications to subdivide, Ms. Rosemary MacNeil, Development Officer, advised that she was not aware of any other applications, however, it was entirely possible as this was an area with fresh services and infill.

The Chair called three times for additional speakers. Hearing none, the following motion was placed:

**MOVED BY Councillor Adams, seconded by Councillor Wile, that the Variance Appeal Hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Adams, seconded by Councillor Walker, that Chebucto Community Council overturn the Development Officer's decision and approve the variance. MOTION PUT AND PASSED.**

**8.2.2 Appeal of the Development Officer's Decision to Approve an Application for a Variance - 31 Southill Drive, Halifax**

C A report dated August 27, 2009 was before Community Council.

Ms. Shilo Gempton, Development Technician, clarified several errors in the staff report dated August 27, 2009. Corrections were as follows:

- C Page 1 the date should be *2009* rather than *2008*;
- C Page 1, under Origin, it should read *Mainland* rather than *Peninsula* Land Use By-law;
- C Page 1, under Recommendation, it should read *approve* rather than *deny*;
- C Page 2, under Alternatives, it should read *approve* rather than *refuse*;
- C Page 3, Alternative 2, should read *to grant the variance* rather than *and*.

Ms. Gempton noted that the applicant had requested a setback for a deck. As further background information, she stated that a variance had been granted in 1987 to relax the left yard setback and although the deck was never constructed the variance was still valid.

The Chair reviewed the Rules of Procedure for Variance Appeal Hearings and called for those wishing to speak for or against the Appeal of the Development Officer's Decision to Approve an Application for a Variance - 31 Southill Drive, Halifax.

**Mr. Patrick Keast, Appellant**, advised that although planning permission was only granted in May of 2009; renovations were done on April 3, 2009 such as the door from the kitchen being removed and a wall installed, the stairs which led from the kitchen door removed and patio doors installed. He stated that he had no knowledge of what was happening and received no information except that a deck would be installed approximately three metres from his bedroom window. He indicated that he believed that construction was done without planning permission; noting that this construction would have an impact on the value of his house. Mr. Keast noted that the plans from 1987 indicated that the side deck would be accessed by the kitchen door which was no longer there.

The Chair and staff advised that the variance was only in regards to the new application for a front deck as the side deck had already been approved in 1987.

**Mr. John Thibault, Applicant**, 31 Southill Drive, advised that he had bought his home with the intention of updating it to make it more modern as the current kitchen plan was unacceptable for a proper kitchen layout. He stated that this was why the door was moved over off the dining room which was a little closer to the front of the house. He indicated that he had applied for a deck permit and variance set up to 10 feet to allow for an adequate side deck.

The Chair called three times for additional speakers. Hearing none, the following motion was placed:

**MOVED BY Councillor Walker, seconded by Councillor Adams, that the Variance Appeal Hearing be closed. MOTION PUT AND PASSED.**

A discussion ensued with staff responding to questions. Ms. MacNeil advised that the permit was issued in May, however, the patio doors were completed in April under a separate renovation permit.

**MOVED BY Councillor Walker, seconded by Councillor Hum, that Chebucto Community Council overturn the Development Officer's Decision and deny the variance. MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**9.3 Presentations - None**

**10. REPORTS**

**10.1 Staff**

**10.1.1 Case 01003: MPS/LUB Amendments and Development Agreement - Regatta Point, Halifax**

C A supplementary report dated July 22, 2009 was before Community Council.

Mr. Luc Ouellet, Planner, provided an update on Case 01003: MPS/LUB Amendments and Development Agreement - Regatta Point, Halifax. He advised that the Development Agreement had gone through a second Public Information Meeting (PIM) at which additional changes to the plans were brought forward including an increase in the number of underground parking spaces.

The Chair stepped down at 7:49 p.m. Councillor Wile assumed the Chair.

Councillor Mosher advised that at both PIM's the developer had committed to 34 underground parking spaces, however, the Development Agreement in the supplementary report only included 30. She requested that an amendment be made to reflect 34 spaces.

Mr. Ouellet advised that upon speaking with the planner he had indicated that 34 spaces could be included, however, they left 30 in the Development Agreement in case the detailed design plan showed there would not be sufficient room for 34.

Councillor Mosher advised that she would also like the Development Agreement to be vetted by legal staff. She put the motion on the floor including the following amendments:

**MOVED BY Councillor Mosher, seconded by Councillor Adams, that Chebucto Community Council:**

- 1. Move Notice of Motion to consider approval of the proposed Development Agreement contained in Attachment A of the report dated July 22, 2009 *with the amendment that the underground parking lot contain 34 spaces and that the report dated July 22, 2009 be forwarded to HRM Legal Staff prior to the scheduling a joint public hearing with Regional Council; and***
- 2. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law, as provided in Attachments A and B of the staff report dated March 3, 2009 (Attachment D), and schedule a joint public hearing with Chebucto Community Council.**

A discussion ensued. Mr. Ouellet advised that the amendments would not be considered a major change.

**MOTION PUT AND PASSED.**

Councillor Mosher assumed the Chair at 8:00 p.m.

**10.1.2 Case 01272: Rezoning of 4 Tremont Drive, Halifax**

C A report dated August 6, 2009 was before Community Council.

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

- 1. Give First Reading to the proposed rezoning and schedule a public hearing for October 5, 2009; and**



2. That the notification area be expanded to include all of Tremont Drive and any properties with Bedford Highway addresses that abut Tremont Drive.

**MOTION PUT AND PASSED.**

**10.1.3 Case 01253: Amending Development Agreement - Governor's Brook Subdivision, Halifax**

- C A report dated August 10, 2009 was before Community Council.

**MOVED BY Councillor Adams, seconded by Councillor Walker, that Chebucto Community Council give Notice of Motion to consider the proposed Amending Agreement, as described in Attachment "A" of the report dated August 10, 2009 and schedule a public hearing for October 5, 2009. MOTION PUT AND PASSED.**

**10.1.4 Councillor Appointment to the District Boundary Review Committee**

**MOVED BY Councillor Walker, seconded by Councillor Hum, that Councillor Mosher be appointed to the District Boundary Review Committee. MOTION PUT AND PASSED.**

**10.2 Councillors**

**10.2.1 New Park Naming/Dedication - Kelly Street Development - Councillor Mosher**

The Chair stepped down at 8:05 p.m. Councillor Wile assumed the Chair.

Councillor Mosher advised that Mr. Cleveland Brewer was a war veteran and she would like to name the new park in the Kelly Street Development in his honour and would also like to erect a memorial in the park to honour all those who had given the supreme sacrifice in war.

**MOVED BY Councillor Mosher, seconded by Councillor Adams, that the new park in the Kelly Street Development be named Cleveland Brewer Park. MOTION PUT AND PASSED.**

**10.2.2 Former CN Rail Line - Councillor Mosher**

- C An information report dated July 7, 2009 was before Community Council.

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

1. **Request that a public committee be formed for the active transportation corridor formerly known as the Chester Spur Line and that the Committee be comprised of one representative from the Bayers Lake Business Association (to be determined by the Association), two residents residing in the Fairview portion of District 15 and four residents residing in the Springvale/Fairmount and Rockwood subdivisions portion of District 17; and**
2. **That the Committee include three members of Council, representing the three Districts that the trail has homes or businesses located, namely, District 10, District 15 and District 17. These Councillor appointments will be Ex-Officio on the Committee; and**
3. **That staff bring forward Terms of Reference for the Committee at the next meeting of Chebucto Community Council, being held on Monday, October 5, 2009; and**
4. **That Committee vacancies be advertised in the following Saturday Municipal notices in the Halifax Herald, Saturday, September 19 and Saturday, September 26. In addition, all members of Chebucto Community Council will advertise on their respective HRM websites. Written notice will be provided to all property owners on the mailing list for the public meetings, including the Bayers Lake Business Association.**

**MOTION PUT AND PASSED.**

11. **MOTIONS - NONE**
12. **ADDED ITEMS - NONE**
13. **NOTICES OF MOTION - NONE**
14. **PUBLIC PARTICIPATION**

There was no one wishing to speak at this time.

15. **NEXT MEETING DATE**

The next meeting was scheduled for Monday, October 5, 2009.

16. **ADJOURNMENT**

The meeting was adjourned at 8:12 p.m.

September 14, 2009

Shawnee Gregory  
Legislative Assistant