

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL
MINUTES

April 4, 2011

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

STAFF: Ms. Kirby Grant, 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. in the Keshen Goodman Library, Halifax.

2. TABLING OF ANNUAL REPORT

A report dated March 23, 2011 was before Community Council.

The Chair asked if the Community Council or members of the public had questions or comments regarding the Annual Report.

Ms. Wendy MacDonald, Halifax, expressed concern that items brought forward during Public Participation never seem to be dealt with via a staff report.

The Chair stated that the Public Participation section of the Annual Report outlined issues that had been raised by residents at each meeting.

Ms. MacDonald reiterated that these matters do not appear to get dealt with nor next steps referenced in following sets of minutes.

The Chair stated that some matters were dealt with via staff reports. He indicated that the Annual Report was just to state what the Community Council had done for the year; noting that this was the first one to be presented in HRM. He advised that more public participation could be included in the 2011/2012 report.

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

MOVED by Councillor Mosher, seconded by Councillor Wile that Chebucto Community Council table the Annual Report.

Councillor Mosher thanked the Chair and Legislative Assistant for their work on the report as this was the first Community Council to initiate this process.

MOTION PUT AND PASSED.

3. PUBLIC PARTICIPATION

This item was dealt with under Item 2.

4. APPROVAL OF MINUTES – March 7, 2011

MOVED by Councillor Wile, seconded by Councillor Hum that the minutes of March 7, 2011 be approved as presented. MOTION PUT AND PASSED.

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

Additions:

- 10.2.1 Appeal of the Approval of Variance #16746 – 3617 Deal Street, Halifax
 - i) Supplementary Report
 - ii) Correspondence - Ms. Cynthia Babineau, Appellant
- 14.1 209 Kearney Lake Road – Councillor Hum

Deletion:

- 6.1.3 Plow Damage

MOVED by Councillor Adams, seconded by Councillor Wile that the agenda be approved as amended. MOTION PUT AND PASSED.

6. BUSINESS ARISING OUT OF THE MINUTES

6.1 Status Sheet

6.1.1 J.L. Ilsley High School – Campus Opportunity

Councillor Mosher stated that she was still awaiting comment from Real Property Planning staff.

This item is to remain on the Status Sheet.

6.1.2 Keefe Drive – Emergency Concerns Due to Road Construction and Lack of Seawall

Councillor Mosher provided background on this item; noting that she originally brought it to Regional Council as this was an urgent matter. She stated that the matter was then referred to the Transportation Standing Committee via a report regarding non-accepted streets. Councillor Mosher indicated that the report was deferred to the next meeting and noted that she asked staff to send the report to Chebucto Community Council as well.

Councillor Hum, a member of the Transportation Standing Committee, stated that the report had been reviewed by the Committee and was expanded to include private roads; noting that Keefe Drive was mentioned. She advised that a delay in the overall report could mean weeks or months as there were significant implications and that a separate report should be coming to Community Council.

This item is to remain on the Status Sheet.

6.1.3 Plow Damage

This item was deleted from the agenda under the Approval of the Order of Business.

6.1.4 By-law A-300 – Continuous Dog Barking

As there was no update, Councillor Wile requested that this item remain on the Status Sheet.

6.1.5 Bedros Lane - HRM Takeover of the Private Lane /Street

Councillor Hum stated that she had received an information report from staff regarding this matter and, as a result, would have a letter sent to the property owners on Bedros Lane.

This item will be removed from the Status Sheet.

6.1.6 Whimsical Lake Crescent

As there was no update, Councillor Mosher requested that this item remain on the Status Sheet.

6.1.7 Sherbrooke Drive Update

Councillor Hum advised that most of the requested information had been brought forward with the exception of subdivided lots.

This item is to remain on the Status Sheet.

7. MOTIONS OF RECONSIDERATION – NONE

8. MOTIONS OF RESCISSION – NONE

9. CONSIDERATION OF DEFERRED BUSINESS – NONE

10. HEARINGS

10.1 Public Hearings - None

10.2 Variance Appeal Hearings

10.2.1 Appeal of the Approval of Variance #16746 – 3617 Deal Street, Halifax

A report dated March 23, 2011 was before Community Council.

A supplementary report dated March 31, 2011 was submitted.

Correspondence dated March 31, 2011 from Ms. Cynthia Babineau, Appellant, was submitted.

Ms. Karen Godwin, Development Technician, provided the presentation on the Appeal of the Approval of Variance #16746 – 3617 Deal Street, Halifax. Highlights were as follows:

- The appeal is to allow for construction of a three unit addition
- A four unit dwelling is permitted in the R2 General Residential zone
- A small portion located on the left hand corner of the front of the property is the only setback issue
- Four appeals have been received from abutting property owners
- The addition to the existing building does not violate the intent of the By-law or setback
- All permits have been applied for and no work carried out yet so there has been no intentional disregard of this clause

A discussion ensued with staff responding to questions of clarification.

It was noted that the setback was supposed to be six feet and the variance would be to permit 4.7 feet.

It was also noted that the variance was only required since the use was changing; there is only a four foot setback requirement for a single unit dwelling and six feet for a multi unit dwelling.

The Chair reviewed the Rules of Procedure for Variance Appeal Hearings and opened the hearing for the Appeal of the Approval of Variance #16746 – 3617 Deal Street, Halifax.

Ms. Ashley Urquhart, advised that she was speaking on behalf of Ms. Cynthia Babineau, Appellant, who would be directly effected by the proposed variance. She stated that she did not have much to argue and was hoping that Community Council would uphold the current By-law to leave the setback at six feet, therefore, approving the appeal.

Ms. Darlene Duggan, 3629 Deal Street, agreed with Ms. Urquhart's statement; noting that the development would not look appropriate and there would be parking issues.

Mr. Tony Saleh stated that he was representing the property owner and noted he did not realize the development would cause such concern. He indicated that the intention was to leave the existing house with the thought that it would be more appealing to the neighbourhood; noting that the owner originally wanted to tear the house down and

build a new apartment building. Mr. Saleh advised that if the variance was denied, the house would be torn down and a new building constructed without requiring a variance. He stated that the house had been on the property for 50 years and the neighbours could decide if they want a house in front or a four unit apartment building centered on the lot; noting that there was an industrial site, power station and apartment building around the property. In closing, Mr. Salah indicated that they were not changing the zoning and were playing by Council's rules.

Ms. Kirby Grant, Solicitor, responded to a question of clarification from Councillor Mosher, stating that while it was permissible to ask residents which structure they would prefer, she would not advise Community Council to do so. She indicated that their role for Variance Appeals was set out in the Municipal Charter and once Community Council begins straying from those criteria, they would no longer be dealing with the appropriate considerations laid out in the Charter.

The Chair also advised that participants were only permitted to speak once during a hearing process.

Mr. Leo Keil, 3644 Deal Street, stated that his family had lived on Deal Street for 80 years and provided a brief history of the properties on the street. He also indicated that there was an old county sewer on Percy Street and wondered if anyone had taken that into consideration given the amount of truck traffic in the area.

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

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

MOVED by Councillor Mosher, seconded by Councillor Adams that Chebucto Community Council uphold the decision of the Development Officer to approve the request for a variance.

A discussion on the motion ensued.

For the record, Councillor Mosher stated that, regarding Mr. Saleh's comment referencing Council making the rules, the Municipal Planning Strategies were set with public consultation and input.

As clarified by staff, Councillor Adams stated that if Community Council grants the variance, the Applicant could choose to tear down or add on to the existing building; however, if they refuse the variance, the Applicant could only tear down; therefore, approval of the variance would provide residents with an option.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence - None

11.2 Petitions - None

11.3 Presentations – None

12. REPORTS –NONE

13. MOTIONS - NONE

14. ADDED ITEMS

14.1 209 Kearney Lake Road – Councillor Hum

Correspondence dated March 25, 2011 was before Community Council.

Councillor Hum advised that there has been a Utility and Review Board (UARB) appeal hearing filed in relation to 209 Kearney Lake Road to be held on June 2 and 3, 2011 and provided a brief summary of the background on this issue. She stated that she would provide local area residents with this information and wanted to table the correspondence dated March 25, 2011 for the record. Councillor Hum advised that residents would be able to make a presentation regarding their concerns at the UARB hearing.

15. NOTICES OF MOTION - NONE

16. PUBLIC PARTICIPATION

Mr. Bruce Smith, Halifax, wished to speak to the document he had sent all Councillors on March 28, 2011 regarding the proposed Mainland Halifax Public Transit Terminal. He clarified that the opinions in the document were his alone even though it states that he is involved with the Committee to Preserve the Willett Street Reserve and apologised for any confusion this reference may have caused; noting that the Committee has a very specific focus and his was broader. Mr. Smith stated that all municipal parks should be protected from becoming an industrial site, that terminals and park and ride lots should not be near residential areas and this particular Mainland Terminal should not be located in any of the three proposed areas. In closing, he indicated that he would be pleased to answer any questions regarding his submitted document.

The Chair advised that a Public Information Meeting would be held for residents to provide input regarding what criteria should be included in a potential terminal site.

Mr. Smith requested that Community Council reconsider its recommendation to Council regarding the Willet Street location of the proposed Transit Terminal.

The Chair stated that, until criteria has been established, no site would be chosen.

Ms. Peggy Cameron, Halifax, stated that she was co founder of the group, Friends of the Halifax Common, and submitted information to Community Council including a brochure, map and discussion paper. She indicated that the former City of Halifax had conducted extensive consultation and a Commons Plan in 1994 on what they would like to see happen in the area with the result that there should be more public space. She advised that, since that time, spaces such as a school, CBC building and School for the Blind had not been recaptured and HRM has continued to lose opportunities for public open space. Ms. Cameron stated that she was present to speak to the recent Council decision to approve the Skating Oval; noting that, as a speed skater, she endorses a public rink; however, does not approve of this site. She indicated that the North Common was only one third of the whole Common and, if the Oval remains, only one quarter to one fifth of all the Common would remain as public open space. Ms. Cameron advised that the Oval could be placed on the Central Common; however, this area required redesign and moving the Oval there could be an opportunity to do so; noting that she thought this approval was a rushed process. In closing, she cautioned that the Oval would be placed on top of a concert site and asked that Councillors be cognisant of the financial implications of such a decision.

In response to a question posed by Councillor Hum, Ms. Cameron advised that she had read the Council report regarding the Skating Oval and felt it did not provide enough detail nor did it give enough consideration to the planning consequences, cost or how transparent the decision making process is. She stated that implications for areas outside of the Peninsula were not discussed and, as a result, people would be driving to one central rink; noting that she did not think these residents understood the impact this would have on them.

Ms. Wendy MacDonald, Halifax, wished to reinforce the celebration and success of the Canada Games in District 10. She thanked Council for their decision regarding the Skating Oval, whether it is on the North Common or another site. She expressed concern regarding traffic problems arising on Thomas Raddall Drive as a result of people accessing the Canada Games Centre; noting that people needed to be informed that there are alternate routes on Regency Drive. She requested that they be informed of the process of the transfer of Thomas Raddall Drive from a park road to a public thoroughfare. Ms. MacDonald suggested that sessions be held around HRM regarding the Regional Plan review so public participation could be enhanced. Regarding Council's recent decision to address Municipal Planning Strategy and By-law changes for potential transit terminal sites, she wished to clarify that three or four of the potential sites have been removed from the discussion and there would be a step by step description of what is needed for a site.

The Chair clarified that, yes, there would be a Public Information Meeting and Public Hearing regarding where potential sites could and could not go.

Councillor Wile advised that staff had told her they would be doubling the bridge lane and continuing the sidewalk on Thomas Raddall Drive; however, she was unsure about converting the street. She also indicated that staff was aware of the traffic and parking issues related to the Canada Games Centre and were working towards a solution.

Councillor Mosher left the meeting at 8:14 p.m.

Ms. MacDonald noted that people could walk or bike to the facility yet she does not see anyone doing so; noting that walkability and active transportation were two key issues in the area and she had requested help with mapping on the Common site.

17. NEXT MEETING DATE – May 2, 2011

18. ADJOURNMENT

The meeting was adjourned at 8:18 p.m.

Shawnee Gregory
Legislative Assistant