

CHEBUCTO COMMUNITY COUNCIL

June 12, 2006

MINUTES

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

STAFF: Ms. Karen Brown, Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:08 p.m.

2. APPROVAL OF MINUTES

MOVED by Deputy Mayor Walker, seconded by Councillor Wile, the minutes of April 10, 2006 (regular meeting); April 10, 2006 (joint meeting with Peninsula); April 12, 2005 (joint meeting with the North West and Western Region Community Council) be approved. MOTION PUT AND PASSED.

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

The following items were added to the agenda:

- 12.1 Councillor Mosher - Building Communities Fund, District 18
- 12.2 Councillor Mosher - Building Communities Fund, District 17
- 12.3 Councillor Mosher - Blasting from Mount Royale Subdivision
- 12.4 In Camera Recommendation - Change of Notification Area

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items :

4.1.1 Rock Pile -182 Milsom Avenue

No update was provided. This item is to remain on the Status Sheet.

4.1.2 Welcome to Halifax Sign - St. Margaret's Bay Road

- C An information report dated February 21, 2006, submitted at the March 7, 2006 Regional Council meeting, was submitted.

Councillor Mosher advised that although the sign had been down for approximately six weeks, the frame was left and was now rusty. She requested staff remove the frame which has become unsightly, clean up around the area, and provide some landscaping.

Councillor Mosher advised that the information report still does not address her question of what she can put in place of the sign that was removed, and she asked that staff provide a response.

This item is to remain on the Status Sheet.

4.1.3 Bus Service - Stoneridge

No update. This item is to remain on the Status Sheet.

4.1.4 Time Lines re: Re-Submission of Identical Planning Applications for Consideration by Community Council

- C An information report dated April 10, 2006 was submitted.

Referring to the information report, Councillor Mosher explained that she would like some means to prevent developers from bringing forth the same application after it has been refused by Community Council.

At the request of the Solicitor, Community Council agreed to leave this item on the Status Sheet until the next meeting, in order that she has an opportunity to review the report.

This item is to remain on the Status Sheet.

4.1.5 Permission to Install a Sign on HRM Property at the Corner of Regency Park Drive / Lacewood Drive

Councillor Wile advised that negotiations are ongoing.

This item is to remain on the Status Sheet.

4.1.6 Request for a Trail in Hemlock Ravine Park and other HRM Parkland Areas to be Named in Memory of Mr. Colin Stewart.

Councillor Hum noted that this matter is a year old and Community Council still has not received a report. The Legislative Assistant was requested to follow up with staff and

request that a timeline be provided as to when Community Council can expect to receive a report.

This item is to remain on the Status Sheet.

4.1.7 Captain William Spry Centre

C An Information Report dated May 31, 2006 was submitted.

Councillor Mosher requested that staff provide a presentation on the report at Community Council's September 11, 2006 meeting.

Councillor Mosher asked that the presentation focus on how the needs of the Spry Centre have changed since it was first constructed. She noted that the meeting space needs are not adequately utilized. For example, at one of her community meetings there were about 80 people crammed into a small room and the larger room next door had only a couple of people who were playing piano. She advised of another occasion where the noise from the room next door was very disruptive to the meeting she was attending.

Councillor Mosher added that she has a very difficult time in trying to book meeting space and, therefore, ends up having to pay for space elsewhere. She suggested that perhaps staff consider setting aside certain nights of the week for the public and other nights for HRM. She also suggested that the meeting rooms require a minimum number of people when being booked.

Councillor Adams asked that staff look into the idea of taking funds designed to retro-fit the Spry Centre and put them into the Spryfield Lion's Rec Centre. He indicated that he and Councillor Mosher have been meeting with youth of the area, and if some recreation money was allotted to the Lion's Rec Centre, it would help the youth and free up space at the Spry Centre.

This item is to be removed from the Status Sheet.

4.1.8 Former Keddy's Hotel, St. Margaret's Bay Road

C An Information Report dated June 8, 2006 was submitted.

This item is to be removed from the Status Sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RECISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS

8. PUBLIC HEARINGS

8.1 Variance Appeal

8.1.1 Case No. 12887 - Variance at Civic No. 3667 Deal Street, Halifax

C A staff report dated June 2, 2006 was submitted.

Ms. Rosemary MacNeil, Development Officer, addressed Community Council and outlined the reasons why staff refused the variance request to legalize an existing third residential unit at 3667 Deal Street, Halifax. In her remarks, she advised that the property is zoned R-2, and is currently occupied as a three unit dwelling, with the basement apartment being created without a construction permit. Referring to the staff report, Ms. MacNeil reviewed the requirements of the Land Use Bylaw which the application contravened and then responded to questions from Community Council.

In response to a question, Ms. MacNeil advised that the present owner of the property did not create the third apartment. This was done by the previous owner.

The Chair asked if anyone who received a notice of this variance hearing wished to come forward and speak.

Mr. Roger Roode, owner of the property in question addressed Community Council and using photographs, provided a history of his ownership of the building. Mr. Roode explained that he purchased it in the early 1990's as a triplex and did so in good faith, believing his lawyer was protecting his interest. Mr. Roode noted that he has kept the property in good condition and has replaced the roof, windows, and siding. He also noted that once he became aware of the issue, he promptly contacted staff. In conclusion Mr. Roode noted that the neighbourhood has multi-unit properties. He requested Community Council support his request for variance and pointed out that the current tenants have lived there for over five years and have even spent their own money on upgrades.

Mr. Roy Gannon addressed Community Council and advised that he has lived on Deal Street for 52 years. Mr. Gannon spoke against permitting the variance, advising that there were several other homes in the area in a similar situation and he was concerned that permitting this variance would set a precedent. He pointed out that the third apartment is an illegal use, and if allowed to continue, this will have a negative impact on the resale of homes in the area, which people have bought as single family homes.

Ms. Joanne Sanford advised that she was the tenant in the basement apartment, and speaking in support of the variance, advised that she and her husband have been long-term, good tenants and neighbours, and that each case should be addressed on a case by case basis.

Mr. Kyle Sanford, noting that he was a tenant of the basement apartment advised that this situation has been very stressful for both he and the property owner. Mr. Sanford noted that he has spent his own money in fixing up the property and he has been very respectful of the property and neighbours. He pointed out that Mr. Roode did not deliberately disregard the Land Use Bylaw, and should not be punished for a mistake made over 20 years ago.

Mr. James Mitchell, a resident of Dutch Village Road, spoke in support of the application for variance. Mr. Mitchell advised that the owner and the tenants should not be punished for a lawyer's mistake. He noted that the owner takes very good care of the property and that it is an asset to the neighbourhood.

There being no further speakers, on a motion **MOVED by Deputy Mayor Walker, seconded by Councillor Hum, the variance hearing was closed.**

MOVED by Deputy Mayor Walker, seconded by Councillor Wile that the decision of the Development Officer be overturned and the variance for a three-unit building at 3667 Deal Street be granted. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

- 9.1 Correspondence - None
- 9.2 Petitions - None
- 9.3 Delegations - None

10. REPORTS:

10.1 STAFF REPORTS:

10.1.1 Case 00834: Development Agreement for Phase 1 - Block F, Kelly Street.

C A staff report dated May 23, 2006 was submitted.

MOVED by Councillor Mosher, seconded by Councillor Wile that Chebucto Community Council Give Notice of Motion to consider an application by Studio Works International Limited on behalf of Killam Investments Incorporated, to enter into a Development Agreement to permit a seventy unit residential building as Phase 1 on Block F, Kelly Street, Halifax and to schedule a public hearing for September 11, 2006. MOTION PUT AND PASSED.

At this time, Community Council agreed to deal with items 10.1.3. and 10.1.4.

10.1.3 Case 00911: Extension to Development Agreement Time Limit, Lot Abutting Civic #89 Purcell's Cove Road, Halifax.

C A staff report dated May 31, 2006 was submitted.

MOVED by Councillor Mosher, seconded by Deputy Mayor Walker that Chebucto Community Council amend the development agreement with George and Maria Sotiropoulos, recorded on June 19, 2003 at the Registry of Deeds at Halifax in Book 7377, Pages 805-815, to extend the date for commencement of construction to June 19, 2008. MOTION PUT AND PASSED.

10.1.4 Supplementary Report: Case 00845 - Zoning - Ralston Street Area

C A supplementary staff report dated May 30, 2006 was submitted.

MOVED by Deputy Mayor Walker, seconded by Councillor Hum that Chebucto Community Council give First Reading to consider the proposed rezoning of the subject lands, identified on Map 1, from the R-2 General Residential Zone to the R-1 Single Family Zone, and schedule a public hearing for September 11, 2006. MOTION PUT AND PASSED.

Deputy Mayor Walker requested that the first newspaper advertisement be placed within the next two weeks, and another one placed two weeks prior to the public hearing.

10.1.2 Case 00791: Stage II, Phase I Development Agreement - Mount Royale Residential Development - Main Avenue, Halifax.

C A staff report dated May 17, 2006 was submitted.

C Correspondence dated June 12, 2006 from David J. Demirkan, McInnes Cooper was circulated.

Ms. Randa Wheaton, Senior Planner, addressed Community Council and outlined the application by Byblos Development Group for a Stage II Development Agreement to permit two apartment buildings and a Community Entrance Park at Mount Royale Residential Development, Main Avenue, Halifax. In her remarks Ms. Wheaton noted that a public hearing is not required for a stage II development agreement.

In response to questions regarding the submitted correspondence, Ms. Wheaton indicated that it was from the solicitors of the Canadian Broadcasting Corporation (CBC) noting concerns with issues related to the broadcast towers. She added that it was her understanding that these issues were discussed early on in the negotiations and that they were private negotiations between CBC and the developer and that HRM was not a party to those discussions. Ms. Wheaton also noted that in the development agreement, the developer is required to build-in mitigation methods for radio frequency overload.

In response to a further question, Ms. Wheaton advised that the towers were in place before the building and that there is no obligation on CBC's part if the building has problems. She added that the developer has tried to mitigate any concerns through the construction of building.

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

- 1. Approve the Stage II Development Agreement for Phase 1 of the Mount Royale Residential Development on Main Avenue, Halifax, presented as Attachment A of the May 17, 2006 staff report; and,**
- 2. Require the Stage II Development Agreement be signed and delivered within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10.2 MEMBERS OF COUNCIL:

10.2.1 Rezoning of 21 Kidston Road - Councillor Adams

Councillor Adams advised that he would like to have the zoning changed to allow for expansion of the Urban Farm Museum Society.

MOVED by Councillor Mosher, seconded by Deputy Mayor Walker that staff proceed with the changes necessary to rezone 21 Kidston Road to allow for the expansion of the Urban Farm Museum Society. MOTION PUT AND PASSED.

11. MOTIONS - None.

12. ADDED ITEMS:

12.1 Councillor Mosher - Building Communities Fund, District 18

MOVED by Councillor Mosher, seconded by Councillor Wile that \$10,000 from the District 18 Building Communities Fund go toward the purchase of equipment for the Spryfield Lion's Club Recreation Centre. MOTION PUT AND PASSED.

12.2 Councillor Mosher - Building Communities Fund, District 17

MOVED by Councillor Mosher, seconded by Councillor Hum that \$15,000 from District 17 funds go toward Leo Lanigan Park land on Withrod Drive for Parkland Improvements; and \$10,000 toward Frog Pond for environmental remediation and aesthetic improvements. MOTION PUT AND PASSED.

12.3 Councillor Mosher - Blasting from Mount Royale Subdivision

Councillor Mosher advised that she has received complaints about blasting coming from the Mount Royale subdivision, in particular, the level of the charge of the blast. She explained that some have said the blasts are so loud they are waking people up. Councillor Mosher advised that she would like staff to investigate the charge of the blasts to ensure they comply with HRM's bylaw.

MOVED by Councillor Mosher, seconded by Deputy Mayor Walker that staff investigate blasting at the Mount Royale Subdivision to determine if it meets the requirements of the blasting bylaw. MOTION PUT AND PASSED.

12.4 In Camera Recommendation - Change of Notification Area

This item had been dealt with at an In Camera meeting held earlier and was forwarded to this meeting for ratification.

MOVED by Councillor Mosher, seconded by Councillor Hum that Regional Council request the Province amend the Municipal Government Act to increase the notification distance for Variances from 30 metres to 50 metres. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION:

Mr. Robert Lambert, 42 Fenwood Road - Mr. Lambert raised a number of questions concerning Case 00834 Development Agreement for Phase 1, Block F, Kelly Street to which Ms. Randa Wheaton, Senior Planner, responded. (earlier in the meeting, Community Council scheduled a public hearing for September 11, 2006 on this matter).

Ms. Lorraine DeSalle, 46 Fenwood Road referred to the scheduled public hearing for Case 00834 of September 11, 2006 and pointed out that, given the amount of items from this meeting which have been forwarded to the September 11th. meeting, the agenda meeting may become overloaded. She expressed concern that there may not be adequate time to hear the concerns of all the residents.

Ms. Kelly Greenwood, Berkshire Close addressed Community Council regarding the closure of the Berkshire Close walkway. In her remarks, she had a number of questions,

and the Chair advised that her questions would be compiled and staff would respond in the form of a report. The questions are as follows:

1. Ms. Greenwood advised that it was her understanding an ad hoc committee comprised of staff, Councillor Wile, and the Scotia Learning Centre had been established to review the closure. She added that she has been asking for an update from this group and not received anything. Ms. Greenwood asked when an update would be provided to the Community and in what form it will be presented?
2. Over the winter some students from Dalhousie University completed a project on design alternatives for Berkshire walkway and surrounding areas, and she understood that they received input from staff and Councillor Wile on their project. Did staff and Councillor Wile meet with the students and provide information and if not, why not?
3. When will the students suggestions for design alternatives for the area be made available to the Community and used to start a community dialogue with the area?
4. Where do the Berkshire Walkway Improvements fit into the HRM Budget process?
5. How does HRM continue to justify the closure in light of its recently adopted Active Transportation Plan?

Ms. Regine Maas addressed Community Council and advised of the work that she and residents in her neighbourhood, along with HRM staff have done to try and retain a pathway in an area that is being developed (Boscobel Road extension). She advised that the developer has taken an interest in their situation and there is a good chance that the community will get to keep the pathway. Ms. Maas explained that her purpose of raising this matter is that, had the residents not looked into the situation, the path may have been lost for good. She believes that with any prospective development, the community which is affected should be consulted on whether there are important features they would like retained.

15. NEXT MEETING DATE - September 11, 2006

16. ADJOURNMENT

On a motion MOVED by Deputy Mayor Walker, seconded by Councillor Hum, the meeting adjourned at 8:30 p.m.

Sheilagh Edmonds
Legislative Assistant