

**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
April 9, 2019**

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Lindell Smith, Vice-Chair
Councillor Waye Mason
Councillor Russell Walker
Councillor Shawn Cleary
Councillor Richard Zurawski

STAFF: Karen Brown, Senior Solicitor
David Perusse, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

The meeting was called to order at 6:29 p.m. and adjourned at 8:19 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:29 p.m. in Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – March 7, 2019

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT the minutes of March 7, 2019 be approved as presented.

MOTION PUT AND PASSED.

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

Additions:

16.1 Western Common Advisory Committee - Advertised Skillset

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT the agenda be approved as amended.

Two-thirds majority vote required.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Case 20417: Development Agreement for 2267 Brunswick Street, Halifax

The following was before Community Council:

- A recommendation report from the Heritage Advisory Committee dated March 28, 2019, with attached supplementary staff report dated March 13, 2019, and staff recommendation report dated September 14, 2018
- Memorandum from the Municipal Clerk's Office dated April 9, 2019

The deferred motion on the floor from the November 14, 2018 meeting of Community Council was as follows:

MOVED by Councillor Smith, seconded by Councillor Zurawski

THAT Halifax and West Community Council:

- 1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated September 14, 2018, conditional upon approval of a final plan of subdivision as required in the development agreement; and**
- 2. Require the agreement be signed by the property owner within 180 days, or any extension thereof granted by Council on request of the property owner, 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.

Members of Community Council noted their concerns with the proposed development agreement, as the height of the building towers over neighbouring St. Patrick's Church. It was also noted that the supplementary staff report dated March 13, 2019 outlines additional options relating to a revised development agreement.

MOTION PUT AND DEFEATED.

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council give notice of motion to consider the revised development agreement, which shall be substantially of the same form as set out in Attachment A of the supplementary staff report dated March 13, 2019, to permit an 8 storey residential building at 2267 Brunswick Street, Halifax and schedule a new public hearing.

MOTION PUT AND PASSED.

Darrell Joudrey, Planner II, requested to speak to Community Council on Case 20417, noting that the developer has indicated that they would be willing to amend the proposed development agreement further in part to respond to some of the concerns raised by the Heritage Advisory Committee. Joudrey provided Community Council with a brief presentation outlining the terms of this additional option for a revised development agreement.

MOVED by Councillor Smith, seconded by Councillor Cleary

THAT Halifax and West Community Council:

- 1.) **Waive the rules of procedure under Administrative Order One Respective the Procedures of Council;**
- 2.) **Rescind the following motion: THAT Halifax and West Community Council give notice of motion to consider the revised development agreement, which shall be substantially of the same form as set out in Attachment A of the supplementary staff report dated March 13, 2019, to permit an 8 storey residential building at 2267 Brunswick Street, Halifax and schedule a new public hearing; and**
- 3.) **Defer consideration of Case 20417: Development Agreement for 2267 Brunswick Street, Halifax, and request a supplementary staff report outlining the terms of a revised development agreement as outlined during the April 9, 2019 meeting of Halifax and West Community Council.**

Two-thirds majority vote required.

MOTION PUT AND PASSED.

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 Public Hearings

10.1.1 Case 20928: Development Agreement for 5720-5722 Inglis Street, Halifax

The following was before Community Council:

- A recommendation report from the Heritage Advisory Committee dated January 31, 2019, with attached staff recommendation report dated December 20, 2018
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated March 26, 2018
- A staff presentation titled "Public Hearing for Case 20928"
- A presentation from the Applicant dated April 9, 2019

Kathleen Fralic, Planner II, provided Community Council with a presentation on Case 20928: Development Agreement for 5720-5722 Inglis Street, Halifax, to permit the construction of a new three (3) storey, twelve (12) unit residential building in the currently undeveloped side yard of the subject property.

The Chair invited the Applicant to come forward to provide Community Council with a presentation on Case 20928.

Rayleen Hill, RHAD Architects, provided Community Council with a presentation on Case 20928: Development Agreement for 5720-5722 Inglis Street, Halifax.

The Chair opened the public hearing and called three (3) times for any members of the public wishing to address Community Council on this matter; there being none, it was MOVED by Councillor Mason, seconded by Councillor Cleary

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council:

1. **Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated December 20, 2018; and**
2. **Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, 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.

The Chair thanked Fralic for the presentation.

10.2 Variance Hearings

10.2.1 Case 21605: Appeal of Variance Approval – 2740 Deacon Street, Halifax

The following was before Community Council:

- A staff recommendation report dated March 27, 2019
- A staff presentation titled "Case 21605 Variance Hearing 2740 Deacon Street, halifax"
- Correspondence submitted by Brian Hawkins, Anne Marie Coolen, Christine Burke, Pantelis Andreou, and Heather Cameron.

Erin MacIntyer, Manager, Land Development and Subdivision, provided Community Council with a presentation on Case 21605 to create a two-unit dwelling by internal conversion. Staff noted that their recommendation is to deny the appeal.

Responding to questions from members of Community Council, MacIntyer noted that there is a zero (0) set back on the side yard, which was grandfathered in. However, if there is a conversion of the use of the property, then the set back would either have to be brought into compliance or a variance granted. They further noted that the front steps on the property are currently non-compliant.

The Solicitor reviewed the rules of procedure for variance hearings and the Chair invited the Appellants to come forward and address Community Council.

Pantelis Andreou, Deacon Street, Appellant, spoke in support of the appeal, noting an intentional disregard on the part of the property owner with regards to complying with zoning by-laws. They noted that the deck is actually an enclosed room. They additionally noted that the character of the neighbourhood has been single family dwellings. They noted that there has been additional traffic and parking congestion in the neighbourhood as a result of the tow additional units. They noted that the owner has been converting the property into a multi-unit dwelling for the purposes of renting the spaces out on Air BnB.

Brian Hawkins, Deacon Street, Appellant, spoke in support of the appeal, noting that the original permit issued by the city for the property was to convert a single unit dwelling to two (2) units. Soon thereafter, a stop work order was issued as the property had been raised by several feet without obtaining an appropriate permit, increasing the volume of the property. Despite this, construction continued on the property, and it was only after five (5) months, and after the majority of the work on the property had been completed, that the property owner applied for a variance to bring the property into compliance. During this time, the property owner has listed the property for short term rental on Air BnB, despite not being issued an occupancy permit. They noted that the property owner and their contractor either knew, or ought to have known that they would need a variance, and that they could not proceed with construction without one. They suggested that there is sufficient grounds in this case to believe that there was a intentional disregard for the Land-use By-laws, which should lead to the denial of the variance.

Cameron Johnson, Deacon Street, spoke in support of the appeal, noting that contrary to the findings in the staff report, the lack of height in the basement required to accommodate additional units is a difficulty that is general to the neighbourhood. Suggest that Community Council further consider this point.

Anne Marie Coolen, Deacon Street, Appellant, spoke in support of the appeal, expressing concern that the owner of the property had gone ahead and made these renovations without first obtaining the required permits and variances. Questioned whether this is practice that the Municipality and Community Council should tolerate. They suggested that this would set a negative precedent for the neighbourhood.

Wayne MacIntyer, Deacon Street, spoke in support of the appeal, suggesting that Community Council should not tolerate the disregard of planning regulations and by-laws.

The Chair invited the property owner to come forward to address Community Council.

Bruce Ganlon, Property Owner, spoke in opposition to the appeal. They noted that they grew up on Deacon street and received the subject property from their parents in 2016. They noted that the front deck has always been an enclosed porch; it has just been enlarged. They noted the poor state of the property when they took it over. In undertaking the renovation, they were not familiar with, nor did they understand, the Municipality's rules for internal conversions. Any missteps were not intentional and all dealing with the Municipality were done in good faith. They did not realize that increasing the volume would require an additional variance, and once the stop work order was issued, they ceased construction.

Responding to questions from members of Community Council, MacIntyer noted that increasing the size of an enclosed porch would be considered an alteration to the building envelope, and staff will may have to examine the gross floor area. They further noted that a complete variance review was completed in the course of the variance review. They noted that the completion of a basement compartment was an overstep of the permit that was provided. MacIntyer additionally noted that even with the additional height resulting from the raising of the building, the building would still be compliant with the height limitations required by the zoning by-law.

The Chair then called (3) times for anyone in the notification area wishing to address Community Council on this matter. There being none, it was MOVED by Councillor Smith, seconded by Councillor Cleary

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Cleary

THAT Halifax and West Community Council allow the appeal.

Members of Community Council discussed the appeal, with several members expressing concern that the renovations proceeded despite the stop work order and the need to obtain further variances; whether this was done intentionally or not. It was noted that the onus needs to be on the property owner to hire the necessary professionals so as to be compliant with the necessary bylaws and planning regulations. It was also noted that these issues should have been picked up by Municipal staff as well. As a result, several members of Community Council noted that they would support the appeal.

MOTION PUT AND PASSED. (Development Officer's decision overturned.)

The Chair thanked MacIntyer for the presentation.

Councillor Zurawski left the meeting at 8:08 p.m.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that the Municipal Clerk's Office received correspondence relating to item 10.2.1. This correspondence was circulated to members of Community Council.

For a detailed list of correspondence received, refer to the specific item.

11.2 Petitions - None

11.3 Presentations - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 22005 – Internal Residential Conversions in the Peninsula West Area 1 Schedule of the Land Use By-Law for Halifax Peninsula

The following was before Community Council

- A staff recommendation report dated March 14, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated February 27, 2019

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council give first reading to consider approval of the proposed amendments to the Land Use By-law for Halifax Peninsula, as set out in Attachment A of the staff report dated March 14, 2019, to allow for the internal conversion of existing residential dwellings to a maximum of 6 units in Peninsula West Area 1, and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.2 Case 20160: Amendments to the Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy and Land Use By-law for 90 Club Road and a portion of PID 40072530, Harrietsfield

The following was before Community Council

- A staff recommendation report dated January 8, 2019

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council recommend that Regional Council:

- 1. Give first reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 (Chebucto Peninsula), as set out in Attachments A and B of the staff report dated January 8, 2019, to enable the conversion of a former satellite receiving station to a commercial use at 90 Club Road, Harrietsfield and to permit residential uses on the remainder of the property and a portion of PID 40072530, Harrietsfield and schedule a public hearing; and**
- 2. Adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 (Chebucto Peninsula), as set out in Attachments A and B of the staff report dated January 8, 2019.**

MOTION PUT AND PASSED.

Councillor Zurawski rejoined the meeting at 8:10 p.m.

13.1.3 Case 20577: Amendments to the Municipal Planning Strategy for Halifax and Land Use By-law for Halifax Peninsula, and a proposed development agreement to enable an eight-storey building (plus penthouse) on the lands fronting Robie Street, Cunard Street, and Compton Avenue, Halifax

The following was before Community Council

- A staff recommendation report dated March 22, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated January 22, 2018

MOVED by Councillor Smith, seconded by Councillor Walker

THAT Halifax and West Community Council:

- 1. Recommend that Halifax Regional Council give first reading to consider the proposed amendments to the Municipal Planning Strategy (MPS) for Halifax and the Land Use By-law (LUB) for Halifax Peninsula, as set out in Attachments A and B of the staff report dated March 22, 2019, to allow for an eight-storey (plus penthouse) mixed-use building by development agreement at 2180 Robie Street, 2178 Robie Street, 2176 Robie Street, 2166 Robie Street, 2164 Robie Street, 2162 Robie Street, 6020 Cunard Street, 6018 Cunard Street, 6014 Cunard Street, and 6025 Compton Avenue, Halifax, and schedule a public hearing;**
- 2. Recommend that Halifax Regional Council adopt the proposed amendments to the Halifax MPS and the Halifax Peninsula LUB, as set out in Attachments A and B of the staff report dated March 22, 2019; and**
- 3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C of the staff report dated March 22, 2019, to permit an eight-storey (plus penthouse) mixed-use building at 2180 Robie Street, 2178 Robie Street, 2176 Robie Street, 2166 Robie Street, 2164 Robie Street, 2162 Robie Street, 6020 Cunard Street, 6018 Cunard Street, 6014 Cunard Street, and 6025 Compton Avenue, Halifax. The public hearing for the proposed development agreement shall be held concurrently with the public hearing referenced in Recommendation 1.**

MOTION PUT AND PASSED.

13.1.4 Case 21288: Land Use By-law Amendment and Development Agreement for 2859 Robie Street, Halifax

The following was before Community Council

- A staff recommendation report dated March 15, 2019

MOVED by Councillor Smith, seconded by Councillor Walker

THAT Halifax and West Community Council:

1. Give first reading to consider approval of the proposed amendment to Map ZM-2 of the Land Use By-law for Halifax Peninsula, as set out in Attachment A of the staff report dated March 15, 2019, to add 2859 Robie Street, Halifax in Schedule Q, and schedule a public hearing; and
2. Give notice of motion to consider the proposed development agreement, as set out in Attachment B of the staff report dated March 15, 2019, to permit a nineteen-storey mixed use building and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with the public hearing indicated in Recommendation 1.

MOTION PUT AND PASSED.

13.2 BOARDS AND COMMITTEES

13.2.1 Case 21539: Application for a Discharging Agreement and Development Agreement, 6247-6249 Jubilee Road, Halifax

The following was before Community Council

- A recommendation report from the Heritage Advisory Committee dated March 28, 2019, with attached staff recommendation report dated February 20, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated September 24, 2018

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated February 20, 2019, to permit the construction of an addition at the rear of the building and allow the established uses to continue for the property located at 6247-6249 Jubilee Road and schedule a public hearing.

MOTION PUT AND PASSED.

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS

16.1 Western Common Advisory Committee - Advertised Skillset

The following was before Community Council:

- A staff recommendation report dated April 2, 2019

MOVED by Councillor Zurawski, seconded by Councillor Cleary

THAT Halifax and West Community Council direct the Municipal Clerk to advertise for Western Common Advisory Committee members, including the preferred skillset as outlined in the discussion section of the staff report dated April 2, 2019.

MOTION PUT AND PASSED.

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

The Chair called three (3) times for any members of the public wishing to address Community Council; there were none.

19. DATE OF NEXT MEETING – May 7, 2019

20. ADJOURNMENT

The meeting was adjourned at 8:19 p.m.

David Perusse
Legislative Assistant