



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
December 13, 2017**

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Lindell Smith, Vice Chair
Deputy Mayor Wayne Mason
Councillor Shawn Cleary
Councillor Russell Walker
Councillor Richard Zurawski

STAFF: Donna Boutilier, Solicitor
Sheilagh Edmonds, Legislative Assistant

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

The agenda, supporting documents, and information items circulated to Community Council are available online: www.halifax.ca

The meeting was called to order at 6:04 p.m. and adjourned at 6:41 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:04 p.m.

1.1 TABLING OF ANNUAL REPORT

The following was before Community Council:

- A report dated December 5, 2017.

The Chair advised that any members of the public who wished to address Community Council on the Annual Report could come forward at this time. The Chair called three times, and no one came forward to address Community Council.

MOVED by Councillor Smith, seconded by Councillor Walker

THAT Halifax and West Community Council accept the annual report as submitted.

MOTION PUT AND PASSED.

2. APPROVAL OF MINUTES – November 15, 2017

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT the minutes of November 15, 2017 be approved.

MOTION PUT AND PASSED

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

Additions:

16.1 Case 20680: Amendment to the Existing Stage 11 Development Agreement for Phase 1 Clayton Park, Halifax

16.2 Case 20725: Development Agreement for 180 Prospect Road, Halifax

MOVED by Deputy Mayor Mason, seconded by Councillor Smith

THAT the agenda be approved, as amended.

Two-third 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 – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARINGS - NONE

10.2 VARIANCE APPEAL HEARINGS

10.2.1 Case 20624: Appeal of Variance Refusal – 1539 & 1541 Edward Street, Halifax

The following was before Community Council:

- A revised staff recommendation report dated September 22, 2017.

Paul Boucher, Planner 1, presented the staff report outlining the reasons why the Development Officer refused the request for five variances for the property at 1539 and 1541 Edward Street, Halifax to authorize a third dwelling unit within an existing building. In the presentation, Paul referred to Attachment A of the staff report—the Refusal Letter—and advised that it indicates the lot area is 6,000 sq. ft. and frontage is 60 ft. This is incorrect and should have read that the lot area is 5,000 sq. ft. and frontage is 45 ft. Paul pointed out that the appellant was notified of the oversight, and added that this does not change the decision of the Development Officer.

In response to a question, Paul explained that originally an application was made to add a unit to the basement which would result in four units. In staff's review process, it was determined that only two of the units were legal, and that the third unit was not a legal unit. The request for variance to enable the fourth unit was refused, and there was no appeal on this application. Subsequently, the property owner made application for variance to enable the third unit to be legal, and this is the appeal before Community Council this evening.

Kevin Riles, President and CEO, KWR Approvals Inc. addressed Community Council representing the property owner Blake Thompson. Kevin provided background information on the property advising that it was constructed in 1925. The current owners, who live in one of the units, have owned the property for seven years, and believed when they purchased the property, that it was a legal three-unit building. Kevin pointed out that once they found out the third unit wasn't legal they acted immediately to try and have the situation rectified. Kevin also pointed out that the property owners made the decision to not renew the lease on the unit in question until the issue can be resolved. Kevin advised that the property and tenants are in good standing with the neighbourhood, highlighting that three letters of support have been submitted and that there have been no complaints, violations or issues with tenants or the property.

Blake Thompson, appellant, spoke in support of his appeal highlighting that the building was owner-occupied and the units were high quality with affordable rents. Blake also pointed out that there have been no complaints about the property or tenants from the surrounding neighbourhood, and there have been no issues with the tenancy board. Blake added that work done to upgrade the building has enabled them to focus on getting good quality tenants who will stay for the long term.

There were no questions from members of Community Council.

The Chair called three times for any speakers who received notification of the hearing and wished to address Community Council; there being none, it was

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT the variance appeal hearing close.

MOTION PUT AND PASSED.

The Solicitor clarified that in accordance with Administrative Order 1, Community Council is required to put a motion forward to allow the appeal. Community Council then votes to approve the appeal or vote to defeat the appeal.

MOVED by Deputy Mayor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council allow the appeal for 1539 & 1541 Edward Street, Halifax

Deputy Mayor Mason indicated support for the appellant, citing the current plans of the building, that there are no complaints about the property from neighbours, and that the issues of the lot size are everywhere in the zone.

Councillor Cleary also spoke in support of the appellant advising that the proposal for the property is gentle density and a form that fits the neighbourhood. The Councillor added that it was also a comfort to know that the building was owner-occupied, and was pleased with the property owner's willingness to do the right thing.

MOTION PUT AND PASSED.

For clarification, the Chair advised that the decision of the Development Officer to refuse the variance request has been overturned by Community Council.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence - None

11.2 Petitions - None

11.3 Presentation - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 19858: Development Agreement for 6345 Coburg Road, Halifax

The following was before Community Council:

- A supplementary staff recommendation report dated September 21, 2017.

MOVED by Deputy Mayor Mason, seconded by Councillor Walker

THAT Halifax and West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the September 21, 2017 supplementary staff report to allow for a five-storey, multiple-unit residential development at 6345 Coburg Road, Halifax and schedule a public hearing for January 23, 2018.

MOTION PUT AND PASSED.

13.1.2 Case 20894: Substantive Amendments to an Existing Development Agreement for 5511 Bloomfield Street, Halifax

The following was before Community Council:

- A staff recommendation report dated November 7, 2017.
- A Memorandum dated July 25, 2017 submitted from the Chair of Halifax Peninsula Planning Advisory Committee.

MOVED by Councillor Smith, seconded by Councillor Cleary

THAT Halifax and West Community Council give notice of motion to consider the proposed amending development agreement, as set out in Attachment A of the November 7, 2017 staff report to allow substantive amendments to a mixed-use development at 5511 Bloomfield Street, Halifax and schedule a public hearing for January 23, 2018.

Councillor Smith referred to points raised in the Planning Advisory Committee's memorandum in regard to bike infrastructure, bike parking, amenity space, and setbacks and questioned if the developer has responded.

Stephanie Salloum, Planner II, advised that the developer did not make any changes to the proposal in response to the Planning Advisory Committee's memorandum. Stephanie advised that if there were specific comments the Councillor wants more information on, staff could address this with the developer. Councillor Smith asked if staff would follow up on bike parking and if something could be done to address the blank wall on the Almon Street side of the development.

MOTION PUT AND PASSED.

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE) - NONE

16. ADDED ITEMS

16.1 Case 20680: Amendment to the Existing Stage 11 Development Agreement for Phase 1 Clayton Park, Halifax

The following was before Community Council:

- A staff recommendation report dated September 22, 2017.

MOVED by Councillor Walker, seconded by Councillor Mason

That Halifax and West Community Council:

- 1. Approve, by resolution, the proposed Stage II Amending Agreement, which shall be substantially of the same form as set out in Attachment A of the September 22, 2017 staff report; and**
- 2. Require the Stage II Amending Agreement be signed by the property owners within 120 days, or any extension thereof granted by Council on request of the property owners, 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.

16.2 Case 20725: Development Agreement for 180 Prospect Road, Halifax

The following was before Community Council:

- A staff recommendation report dated November 30, 2017.

MOVED by Councillor Walker, seconded by Councillor Mason

That Halifax and West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the November 30, 2017 staff report, to enable the development of a service station, convenience store, restaurant and car wash at 180 Prospect Road and schedule a public hearing for January 23, 2018.

MOTION PUT AND PASSED.

17. NOTICES OF MOTION - NONE
18. PUBLIC PARTICIPATION - NONE
19. DATE OF NEXT MEETING – January 23, 2018.
20. ADJOURNMENT

The meeting was adjourned at 6:41 p.m.

Sheilagh Edmonds
Legislative Assistant