



**REGIONAL CENTRE COMMUNITY COUNCIL
MINUTES
July 12, 2023**

PRESENT: Deputy Mayor Sam Austin, Chair
Councillor Waye Mason, Vice Chair
Councillor Tony Mancini

REGRETS: Councillor Lindell Smith
Councillor Shawn Cleary

STAFF: Meg MacDougall, Solicitor
Krista Vining, Acting Deputy Clerk

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

The agenda, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 6:03 p.m. Community Council adjourned at 6:54 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 6:03 p.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

2. APPROVAL OF MINUTES – March 22, 2023

MOVED by Councillor Mancini, seconded by Councillor Mason

THAT the minutes of March 22, 2023 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions: None

Deletions: None

MOVED by Councillor Mason, seconded by Councillor Mancini

THAT the agenda be approved as presented.

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 VARIANCE APPEAL HEARINGS

10.1.1 Case 24350: Appeal of Variance Refusal – 6924 Armview Avenue, Halifax PID 00078881

The following was before Community Council:

- Staff report dated June 12, 2023
- Correspondence Glen & Nancy Holmes, Kenneth Lee, Doreen & David Martin Trustee, Judy & E.S. Whalen, Patty Lacas, Elizabeth J. Payne, Sandra & James Hardy, Ella & Joan McQuinn, David Kachan, Janna Ellsmere, Cynthia MacDonald, Iain Grant & Karen Prokati, Mark Ghosn
- Staff presentation dated July 12, 2023

Telina Delby, Planner I gave a presentation and responded to questions of clarification from Community Council.

The Chair reviewed the rules of procedure for variance hearings, opened the hearing, and invited the property owner to come forward and address Community Council.

The hearing opened at 6:10 p.m.

The Chair invited property owners within the notification area to speak regarding the appeal.

Mark Ghosn, applicant spoke to their variance request for a 1.8 metre reduction in the minimum left yard setback from the required 4.5 metre setback, to enable a proposed addition to the existing single unit dwelling. Ghosn spoke to their willingness to work with neighbours to address concerns. They explained that setbacks changed under the Regional Centre Land Use By-Law (LUB) to increase distance between the residences after they purchased the property and had begun designing and making an application for permit. Ghosn noted that the shape of the lot was narrow and bordered water and a sewer easement. Ghosn spoke to their discussion with the adjacent neighbour and their willingness to remove the proposed retaining wall or repair/replace the neighbour's hedge if damaged. Ghosn also noted there would be no windows facing the neighbouring property and the addition would not impact neighbour's water views. Ghosn responded to questions of clarification from Community Council.

The Chair invited property owners within the notification area to speak regarding the appeal.

Kenneth Lee, Halifax spoke against the variance request based on the following factors: limitations were known to the applicant, the request did not conform with the LUB, the building position and height would cause general adverse effects to properties in the area, and the construction would adversely affect their property.

Karen Prokati, Halifax supported the development officer's decision to deny the variance request. Prokati explained the submitted sketches did not resemble the existing building and proposed footprint of the new building, and that the owner would have been aware of the limitations for building on this lot at the time of purchase. They agreed the proposed building did not follow the LUB as the high watermark extended beyond the existing building footprint, which was historically a boathouse, and the encroachment to the sewer line and maximum height proposed for the elevator. Prokati spoke to the impact on the neighbouring properties, environmental harm, and integrity of the shoreline.

Ella McQuinn, on behalf of Joan McQuinn, Halifax spoke against the variance request for reasons made by previous speakers. McQuinn noted the existing building's footprint setback was non-conforming at 3.1 metres and proposed any addition not further exceed the setbacks but conform to the LUB.

Joe Ramia, Halifax spoke in support of the variance request and the property owner's intent to build a nice home for their family and not harm neighbouring properties.

The Chair called three times for any other speakers; there were none.

The Chair invited the applicant to respond to questions raised by the public.

Ghosn advised the current seawall was too low and would be raised. They reiterated their willingness to work with neighbours and make concessions; noting their plans were not final and changes could be made such as removing the elevator access to the roof if it did not meet building codes. Ghosn spoke to changes and development to the area over the past 100 years and their attempt to update and modernize the dwelling that meets HRM's rules. Ghosn advised no changes would be made to the neighbouring properties' sidelines to the water.

MOVED by Councillor Mason, seconded by Councillor Mancini

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 6:40 p.m.

Delby advised that non-conforming buildings or dwellings located in the Armview Special Area could remain as is but could not be expanded upon without a variance.

MOVED by Councillor Mason, seconded by Councillor Mancini

THAT Regional Centre Community Council allow the appeal.

The Community Council noted that the variance violated the intent of the Armview Special Area of the Regional Centre Land Use By-Law (LUB) and allowing the variance would further reduce the side yard setbacks on the property, which was already non-conforming under the LUB.

MOTION PUT AND DEFEATED.

Decision of the Development Officer upheld.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was received and circulated for item 10.1.1.

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

11.2 Petitions – None

11.3 Presentation – None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 MEMBERS OF COMMUNITY COUNCIL

13.1.1 Councillor Mason – Amendments to Regional Centre Land Use By-law for ER Zones and Commercial Conversions

The following was before Community Council:

- Request for Consideration form from Councillor Mason

MOVED by Councillor Mason, seconded by Councillor Mancini

THAT direct the Chief Administrative Officer (CAO) to provide a staff report regarding options and opportunities for possible amendments to the Regional Centre Land Use By-Law to consider:

- 1. Allowing both secondary and backyard suites in ER zones, rather than allowing either/or;**
- 2. Updating provisions related to internal conversions in ER2 and ER3 zones to**
 - a. Increasing the number of units permitted for internal conversions in ER zones up to 5 units;**
 - b. allow the building envelope modest increases to accommodate fire escapes/secondary egress;**
 - c. strengthen controls to reduce impacts on neighbouring properties including but not limited to garbage screening, landscaping, and parking placement;**

3. **Enabling policy to allow affordable housing, cohousing, shared housing and similar forms of housing in a missing middle form in the ER-2 and ER-3 zones of a higher density than permitted by the Land Use By-Law through a discretionary approval process, allowing limited lot consolidation while adhering to the general design standards, appearance, front, side, and back yards, with a focus of ensuring compatibility with the built form of neighbouring residential uses; and**
4. **Consider relaxing or removing unit type (bedroom count) requirements for buildings for the conversion of non-residential building built before 2019 to residential and consider recommendations to ease commercial conversions contained in The Case For Conversions by the Canadian Urban Institute.**

MOTION PUT AND PASSED.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

The Chair noted there were no registered speakers and called three times for any other members of the public wishing to speak; there were none.

19. DATE OF NEXT MEETING – September 27, 2023

20. ADJOURNMENT

The meeting was adjourned at 6:54 p.m.

Krista Vining
Acting Deputy Clerk