



**HALIFAX AND WEST COMMUNITY COUNCIL
DRAFT MINUTES
September 9, 2024**

PRESENT: Councillor Waye Mason, Chair
Councillor Iona Stoddard, Vice Chair
Councillor Kathryn Morse
Councillor Patty Cuttell

REGRETS: Councillor Lindell Smith
Councillor Shawn Cleary

STAFF: Meg MacDougall, Solicitor
Andrea Lovasi-Wood, Legislative Assistant

These minutes are considered draft and will require approval by Halifax and West Community Council at a future meeting.

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.

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The meeting was called to order at 6:01 p.m., Community Council adjourned at 6:38 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 6:01 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 – August 13, 2024

MOVED by Councillor Morse, seconded by Councillor Stoddard

THAT the minutes of August 13, 2024 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 Cuttell, seconded by Councillor Morse

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 HEARING

10.2.1 Case VAR-2024-00531: Appeal of Variance Approval – 3291, Westerwald Street, Halifax

The following was before Community Council:

- Staff report dated August 16, 2024
- Staff presentation dated September 9, 2024
- Appellant presentation dated September 9, 2024
- Applicant presentation dated September 9, 2024

Aidan MacFarlane, Planner I gave a presentation and responded to questions of clarification from Community Council and confirmed the C-2C zone (Dutch Village Road Mixed-Use) in the Halifax Mainland Land Use By-law did not include a minimum setback requirement for side yards, that the lot coverage requirement was 75% and a building's stepback to the property boundary line should be at least five metres.

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

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The hearing opened at 6:14 p.m.

Harry Smith, appellant gave a presentation and spoke to the negative impacts the nine storey height of the property owner's building had on their property due to the amount of shade the building would cast on their back and front yards. Smith stated the approved variances unfairly impacted them.

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

Cesar Saleh, WM Fares Architects, property owner gave a presentation and spoke to the reasons for the property owner's variance requests. They explained the approved variance on the side of the building that flanked the Provincial highway on-ramp allowed for a two metre setback on the side of the building that flanked the building's residential neighbour. Saleh indicated the two metre setback to the residential neighbour exceeded the C-2C zone's side yard minimum setback requirements and provided more of a buffer to the residential neighbour. Saleh responded to questions of clarification from Community Council. They confirmed the two metre side yard setback was a function of good design and that side of the building included windows.

MOVED by Councillor Morse, seconded by Councillor Cuttell

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 6:31 p.m.

MOVED by Councillor Morse, seconded by Councillor Cuttell

THAT Halifax and West Community Council allow the appeal.

Community Council acknowledged the appellant's concerns about the shade the building would cast on their property but noted the property owner's efforts to minimize those impacts through their building design and the two metre side yard setback to the appellant's property.

MOTION PUT AND DEFEATED.

Decision of the Development Officer upheld.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence – None

11.2 Petitions – None

11.3 Presentation – None

12. PUBLIC PARTICIPATION

The Chair noted there were no registered speakers.

13. INFORMATION ITEMS BROUGHT FORWARD – NONE

14. REPORTS – NONE

15. MOTIONS – NONE

16. IN CAMERA (IN PRIVATE) – NONE

17. ADDED ITEMS – NONE

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18. NOTICES OF MOTION – NONE

19. DATE OF NEXT MEETING – October 8, 2024 (if required)

20. ADJOURNMENT

The meeting was adjourned at 6:38 p.m.

Andrea Lovasi-Wood
Legislative Assistant