

residents suggested that something similar to what the Chaissons were proposing would be good for the community. He said their concerns were with ones that were going to be a nuisance by virtue of noise, dust, etc. This was drafted as a result of that to suggest that in the future if anyone come forward and council was not convinced that it wasn't going to cause problems of this nature then they could turn it down and it would be consistent with the policies to do that.

Deputy Mayor Bates asked how far away were other industrial parks from this.

Councillor Peters said to get to AeroTech Park you have to go down to Fall River and come back up on the 102 or alternatively go up Enfield exits and back track to Aerotech from there. She said there is no direct route, approximately 21 miles.

SPEAKERS IN FAVOUR

Darrel Chaisson, Wellington, spoke in favour of the application. He said he is founder and president of Ocean Case Company Limited which manufactures a shipping cases. The company was started in 1980. He said they presently occupy 2,500 square feet of rented space on Windmill Road in Dartmouth which has become to small for their use. He said they are now an international company with agents worldwide which was accomplished through hard work and dedication and taking a lot of risks. He said they have agents in the middle east and the far east. He said to accommodate their growth they would like to purchase and set up shop on the lot on the corner of Burrows Drive and Highway No. 2 in Wellington. He said the lot is zoned C2 which allows for a number of uses but does not include their type of operation. The types of businesses that are allowable, in his opinion, could be far more objectionable and disruptive than their company. He said the operation runs from nine am to five pm. He said they do not generate or use an hazardous materials. He said they do not generate any amount of traffic because they are not a retail operation. He said the materials are cut with high speed saws thus eliminating excessive noise. Garbage is kept to a minimum and materials are recycled as much as possible which eliminates the need to have outside storage for any waste materials. The C2 zone, although restricting the size of the operation to 10,000 square feet, does not have any particular restrictions as to the style or type of construction of the building. He said an unpainted galvanized domed building would meet the criteria for C2 zoning.

He said Ocean Case Company is willing to enter into a development agreement with the county for their proposed building. The building would give their company the opportunity to expand for the foreseeable future. The development agreement would protect the community with respect to the type of building, landscaping,

road access, etc. He said a taxi business or a pizza shop or a 24 hour convenience store or restaurant would be free from such restrictions. He said they accumulated a vast amount of business knowledge over the past fourteen years. He said the company participates with various schools and institutions in the metro area. He said they are involved in the job shadowing program. He said third year university computer students come to the business on a yearly basis to expand their knowledge of computer programs in the workplace. He said any employment opportunities that would become available would be open to residents of the local area. He said as the company deals with high technology products and companies world wide the jobs created would be both interesting and motivating. He said he would ask council to give them the opportunity to expand the business and become a positive asset in the Wellington community by entering into a development agreement.

Councillor Peters asked Mr. Chaisson to explain to council the types of glues used and why there are no fumes because some of the concerns expressed in letters is truck traffic and emission of fumes.

Mr. Chaisson showed a sample of the manufactured product to council. He said the cases are custom manufactured for electronic equipment. He said there is ABS plastic outside, a wood core underneath. The cases are put together by cutting the pieces the proper size to fit in the frame. The interiors of the boxes are fitted with polyethylene foam. He said as a result of todays health restrictions the lining of the cases does not have any hazardous materials. He said the foam is attached to the cases with hot melted adhesive. He said the materials they use such as the aluminum is recycled and there is nothing that goes outside. He said they would not have any type of dust collection system outside. He said the materials are so thin that there is very little in the way of dust to begin with. He showed council picture of the proposed building. He said the building would be 50 feet by 80 feet.

Councillor Sutherland asked if there was any special ventilation required.

Mr. Chaisson said there was not. He said most of the operation is cutting, drilling, riveting by air tools. He said they do not apply heat to anything that would give off any fumes. He said this is not a moulding process.

Joyce Benvie, Kendlemark Subdivision, spoke in favour of the application. She said she is also a small business owner and feels that this business is not a hazard to health and it is not going to increase the traffic in the area. She said it is a very viable business to support and to make that area of district 14 grow and be more prosperous. She said small commercial

businesses are needed in the province and the area. She said a business can go in there that would increase traffic and thus pose a danger to the citizens but the Chaissons proposal does not do that.

Ken Burrows, Kendlemark Estates, spoke in favour of the application. He said the Chaissons are proposing to erect a building the size of a house. He said there are trees separating where the building is going to be from the road. He said it will be good for the neighbourhood in providing jobs. He said he does not feel this will detract from his property and he is in favour of the application.

Mr. Day, Kendlemark Estates, spoke in favour of the application. He said he would like to give his support to this proposal. He said he feels it is a good alternative for development on this site especially if it is done under a development agreement which would define the use of the site and protect against any environmental or noise concerns. He said he feels it is a better alternative than many of the proposed uses that are available under the C2 zoning.

Councillor Peters said she had received a call from Mr. Ralph Brimicombe in favour of the application.

SPEAKERS IN OPPOSITION

Brandon Spragg, Wellington, spoke in opposition to the application. He said he has received over 80 names in opposition to the proposed site. He said many people feel that an industrial building belongs in an industrial park and not in a community centre where there are such things as school bus zoning for the children. He said he feels there will be a drop in property values. He said he is not in favour of looking out his windows and seeing a building of this nature. He said he is against it. He said people believe buildings like this should be in industrial parks. He said what would happen later on if this business expands and the traffic flow increases. He said it is right on the corner near where the children get on the school bus. He said another concern is the noise created by the drill presses.

Councillor Giffin asked Mr. Spragg if he realized that it is a commercial lot and there is the possibility of a pizza store, etc. which would probably generate a lot more traffic. Mr. Spragg said he was aware of this.

Councillor Boutilier said that under the C2 zone it will be developed and he said looking at this proposal it could be questioned if it is any better or worse than a food operation which is open all hours of the night. He said it seems to him that it appears to be a neat tidy package that could fit into a

community without having adverse effects. He said Mr. Spragg had indicated that the property value would deteriorate. He asked Mr. Spragg if this was a fact or an opinion.

Mr. Spragg said he has spoken with one real estate agent who told him it would make it harder for him to sell his home or any of the homes that happen to be around that area.

Councillor Boutilier said that he has found over the years, with petitions, is that people will sign it not knowing the facts. He said there are not 80 home owners present at the meeting who would be in opposition.

Mr. Spragg said this could be due to the fact that it hasn't been very well known. He said a lot of the people he talked to did not know that there was a meeting on Mothers Day. He said there was not a lot of talk of a meeting taking place. He said when talking with the people he took information about what is allowed to go into the site. He said there are presently two convenience stores on the street, five gas stations, a bank, dental office, vet. He said there is presently almost one of all the things allowed except for a funeral home, greenhouse or taxi stand.

Councillor Deveaux said Mr. Spragg had indicated that he felt that these type of industries should be in industrial parks. He said in large industrial parks small businesses like have had to fold because they could not afford the rent they have to pay. He said concern was also expressed with regards to expansion. He asked if Mr. Spragg was aware that in order to do any expanding the gentleman would have to come back to another public hearing.

Mr. Spragg said he was aware of this. He said what he meant by expanding business was with regards to increase of traffic flow or the increase of shipments coming in. He said it was mentioned that there would be three to five shipments coming in in five ton trucks. He said it had been indicated by councillor Peters that they would be the size of milk trucks.

Councillor Deveaux asked if this was every day. Mr. Spragg said it was three to five a week to start.

Councillor Deveaux said if a pizza parlour was built there would be a lot more traffic. Mr. Spragg said there are presently two pizza places in the area and the traffic there is not as noticeable as a truck going. He said another concern is how is this building going to be located. He said he would like to know if is going to come off the highway or is it going to be going up into Kendlemark to get to the site. He said there is a school bus stop right on the corner.

Councillor Deveaux said that would be a part of the development agreement. He asked another question would be what are they

offering and according to Mr. Chaisson they have jobs to offer.

Mr. Spragg said he thinks it is a good idea but it should stay where industrial businesses are already located.

Councillor Peters said she wanted to confirm that the documentation she gave to Mr. Spragg on May 8th was shown to the people when he passed around the petition. He confirmed that he did.

Councillor Peters said she wanted to clarify that the notices for the public participation were in both papers and posted and sent around. She said the notices for this meeting were in the paper as well. She said she sent out 300 flyers advising that because of the low participation in the public participation committee meeting, she had another meeting to advise as many residents as possible. She said she had to do it in a two week time frame which left the 8th of May in order to have it a week before the 16th. She said she has done everything to advise as many people as possible of what is being proposed.

Mr. Spragg said had spoken to eighty people and is not aware of the number of residents in the area. He said if the eighty people he talked to weren't aware of it or at the last minute found out about it they felt that it was being slipped in.

Councillor Peters said she sent out 300 flyers to each and every home in the area.

Bill Place, Kendlemark Subdivision, spoke in opposition to the application. He said he obtained some of the names on the petition and the people asked questions and made an informed decision. He said the subdivision is not large and this would probably be the majority of the home owners in the subdivision. He said a manufacturing plant belongs in industrial parks or commercial settings. He said when he moved to Kendlemark Estates he was given a set of covenants. He read one of the covenants. He said the lot in question is two lots away from his. He said he believes this development is going to affect his property in that he will be looking upon a manufacturing plant. He said it is a small lot and they may have to cut down most of the trees to get the parking lot and the building on the lot. He said this property is on the main entrance to Kendlemark Estates subdivision. He said he feels it is an important part of the subdivision in that when you drive into it this is the first thing you see and it set the atmosphere for the subdivision. He feels that atmosphere is going to suffer some damage as a result of a wooded lot being cleared for a manufacturing facility. He said he feels it is not only going to impact on him but also on other property values within Kendlemark and perhaps even the assessed values.

He said everyone is concerned about future uses. He said once there is a manufacturing building there if this company goes bust or if they decide to move that building is still going to be there. He said there is presently a building on the main road adjacent to the Wellington supermarket which is an abandoned manufacturing building. He said he feels the property should never have been zoned C2 in that it is in the subdivision. He said he assumed it had all the same building restrictions as all the other properties within the subdivision. He said this was his understanding when he bought his property. He said he feels it should respect the same building restrictions and be zoned residential. He said the first meeting was advertised in the paper but was not seen by many people. He said there was a subsequent meeting held on mothers day and most people are not available. He said presently most of the people of the subdivision are aware of this situation and they signed the petition against it. He said there are a number of letters on file. He said he would ask councils support in rejecting this application.

Councillor Peters thanked Mr. Place for being at the meeting. She said at the public meeting on the 8th of May in the Wellington Fire Hall she informed the members of the community that were there that she would have consideration for a petition that was signed which did have weight. She said her concern, when speaking with Mr. Spragg, was the fact that she wanted to make sure that he and Mr. Place had explained to the residents that it is an existing C2 and what can go in there and what this proposal will do with restrictions. She said if Mr. Place has advised that then she is comfortable with the fact that the petition has merit.

Councillor Brill asked Mr. Place how many people live in the immediate area and would it be fair to say that most or all of the people received a flyer.

Councillor Peters said flyers were distributed to the residents from Sunnylea Road down.

Mr. Place said he would say approximately 90% of the people signed the petition.

Councillor Deveaux asked if the C2 lot was a part of the subdivision and did anyone know how it came to be that this lot was zoned C2.

Mr. Place said it is his understanding that prior to 1988 there was no zoning on the property.

Councillor Deveaux asked Mr. Morgan if he knew when the zoning was put in place. Mr. Morgan said he was not certain how this had come about. He said the land across the street is also zoned

C2.

Councillor Deveaux asked how far away is the closest house to this proposed building. Mr. Place said it is approximately 50 feet.

Councillor Sutherland asked what is the legal status with regards to the covenants in a subdivision agreement.

Mr. Crooks said it would be difficult to give an opinion with respect to the validity of any particular building scheme. He said there are certain requirements of law in order to make those covenants enforceable. He said it is clear that the taking and enforcement of those covenants is a matter of private law and private right as between and among property owners. They are separate and distinct from the land use regulations and controls that are applied to the property pursuant to the planning act and the municipal planning strategy. He said the issues are quite distinct in legal terms.

Maryanne LePoint, 10 Burrows Drive, Kendlemark, spoke in opposition to the application. She said when she purchased her lot she asked Mr. Burrows what the zoning was on the property in question. She was informed that it was residential and the covenants they received were that same for that parcel of land. She said they bought thinking it would be a nice residential area. She said she did not realize the property was zoned commercial until a for sale sign went up on the property. She said she called Mr. Burrows and he informed her that there had been a notice in the paper but she had not been aware of it. She said she does not agree with it being zoned C2 and she would like to see it zoned residential where it is technically a part of Kendlemark Estates. She said she does not want to see a manufacturing industry go in there. She said a large number of the children in the area have a high rate of asthma and are sensitive to a slight amount of fumes. She said she is concerned with where the entrance will be. She said there is presently a guard rail on the No. 2 highway in front of this property as a result of accidents. She said if the entrance is going to be off the No. 2 this is a bad corner and may cause other accidents. She said they may have to enter of Burrows Drive which is the main entrance into the subdivision. She said there are mailboxes and this could cause a problem. She said there is a bus stop. She said one of the stipulation on the covenants for the subdivision said that as many trees as possible should be left. She said most of the lots out there are lots and have trees. She said she is concerned where the building would sit and where its sewage system would be. The proper is lower than the highway and fill would have to be trucked in and she is concerned that she may have water problems with runoff. She said she is also concerned that there may be times when there is work taking place in the evenings. She is concerned with the possibility of

outside lighting that might be on during the evenings while her children are trying to sleep. She is concerned that there might be excessive noise while her children are trying to sleep. She said her property would overlook the back of the building.

She said they had expressed concerns to Councillor Peters about this lot being zoned C2 and asked to be informed with regards to any development on this lot. She said on March 27th Councillor Peters informed her husband of the proposed development by the Chaissons. She said her husband said considering what could go there it seems okay. He asked when the meeting would be and was informed that she was on her way to the meeting. She said this not only affects district 14 but 17 as well and if this goes ahead this will not only affect her but anyone who lives close to a C2 zoning. She said she would like to see this lot zoned residential.

Councillor Mitchell asked how long has she been living in the area. She said they built in 1985.

Councillor Mitchell asked how long Mr. Chaisson had owned his land. She said the land is owned by Mr. Burrows.

Councillor Mitchell asked how many other commercial buildings are along highway No. 2. She said there is the Wellington supermarket, the fibrefab building, a pizza shop and on the other side of Burrows towards Halifax there is a property which is zoned commercial.

Joe Mason, Kendlemark Estates, spoke in opposition to the application. He said he does not see that the proposed business serves any purpose in the community. He said it is only twenty minutes to any business park. He said people can still live in Wellington and have employment with the company. He said he feels it sets a poor precedent to establish commercial properties in residential areas. He said residents bought their lots with the understanding that it was going to be residential. He said plywood and plastics give off gas even in their cured stated. He said Mother's Day really wasn't a good time for a meeting. He said many people in the area are unaware of what the company business manufactures. He said sound does travels even with trees. He said it is a very wet piece of property and there will have to be fill. He said he said he does not like commercial in a residential area especially where it is a subdivision.

David Labree, Kendlemark Subdivision, spoke in opposition to the application. He said he lives around the corner from this proposed building. He said he has sold real estate for thirteen years and he does believe that putting an industrial building at the entrance to a residential subdivision will devalue the properties in that subdivision. He said they did not move to the country to live in an industrial park but to live in a quiet

residential neighbourhood. He said the owners have the right to speak for the proposal and they have that right. He said C2 will possibly bring some type of commercial development. He said there is a lot of commercial development that can be very pleasing as well as very poor. He said most people who deal in a service want their properties to look well and not look bad.

Doug Connolly, Wellington, spoke in opposition to the application. He said he has lived in Wellington for thirty four years. He said he was horrified when he first heard about this proposal three weeks ago. He said his property is directly across the street from this proposal. He said apparently the councillor did go see one of his neighbours who informed him of the proposal. He said he did go to the meeting on the eight of May. He said he was very concerned about the C2. He said he did see a sign there but did not pay much attention to it. He said he did get the notice in the mailbox and attended the meeting on May 8th. He said he is in favour of having the C2 zoning changed. He said they did see a proposal for the building and it is his opinion that it is a horrible looking building that does not belong.

Glen Crock, resident of Kendlemark Estates, spoke in opposition to the application. He said he just recently bought the property directly across from the property in question. He said when he bought his property he was informed that there was a subdivision across the street and that the land associated with that subdivision was zoned accordingly. He said to their dismay and horror they have discovered that this motion has been put forward. He said council is talking about taking an industrial building and planting it right in the middle of homes. There are five homes directly across the street from this proposed development. There are homes to the side and above it. There are homes on the other side of it. He said what council is talking about is a rural residential setting where people have gone to great lengths to move to a place that is quiet, that is removed from industrial workings, to increase their quality of life and what is being asked to consider tonight is that you take that quality of life away from those people so that the tax base can be increased. He said unfortunately what Mr. Chaisson has done is also created an argument against himself in that he has stood before council and told council that he has an extremely successful business. That he has travelled the world, that his business is aggressive and growing and he is asking council to plant this manufacturing property right in the middle of these residential homes. He said Mr. Chaisson will have to, if his business continues to grow, stand before council again and request that even further amendments be made that he can once again expand his business. He said he would like to reiterate that the community is very much opposed to this. Most of the community was not aware of this proposal. He said he was not aware of this proposal. He said he was not aware of the previous meetings that were posted. He was made aware of the meeting that

was held on Mothers Day and he had questions as to why a meeting would be held on Mothers Day knowing that most of the community would be involved in other activities. He said he does not believe that an industrial manufacturing plant is not going to have some impact on the environment. He said he does not believe that hauling in fill to handle putting a proper base on a property, to allow for the building of this property, is going to not affect the neighbourhood. He said he would like to remind council that the people in this neighbourhood live with surface wells or drilled wells. He said what council is asking them to do is to passively stand by while a manufacturing plant is built that deals in plastics and glues and he feels there will be some impact. He said it cannot be argued that there will be no pollution or no affect on the environment. He said Councillor Boutilier had suggested that individuals did not understand the petition when it was presented. He said the information that Councillor Peters had provided was presented to him. He said he had the opportunity to review it and to carefully study it. He said he does not believe that people blindly signed this petition. He said he believes they understand what is going on here and they understand the stakes that are up for grabs here. He said he would like to encourage council to work with the community to somehow look at reasonable alternatives to what seems like a very exciting, dynamic and growing business. He said he is under the understanding that there is industrial land that is under the control of council and perhaps a reasonable solution could be found. He said he does not believe that what is being proposed is reasonable.

Councillor Brill asked who had advised the speaker that the lands were zoned residential. He said the previous buyers of his present home.

Councillor Brill asked if he had checked out this information any further. He said he did not see a need to.

Councillor Brill said an alternative for Mr. Chaisson could possibly be the Sackville Business Park.

Councillor Mitchell asked Mr. Crock what he would do if he owned the property and it was zoned C2. He said his personal opinion is that it is attached to the subdivision and it should be sold as a residential property. He said council should not be misled here. He said all the services discussed in the covenants are provided in the area and he said he is of the opinion that another business of that nature could possibly establish itself and survive without having a huge amount of capital to undercut the competition that is there now.

Councillor Mitchell asked Mr. Crock if he was in business for himself. Mr. Crock said he does both.

Councillor Mitchell said it is hard on businesses today to make a go of it.

Mr. Crock said council is representative of the people and there is an overwhelming majority of the people in this community who are definitely adamantly opposed to what is being proposed.

Councillor Rankin said while there is a sense of regret with the members of the community on the C2, it is in place and that is what the business community has to operate within and council. He said under the C2, by right, buildings up to 10,000 square feet which would include restaurants etc. He said he finds it difficult to accept that the industrial building, which would be by development agreement, which would give more mechanisms, in terms of noise, barriers, buffer, etc. He said you do not have that flexibility on the C2 because there are a number of rights there. He said he has difficulty accepting that the industrial building, who's size has to be negotiated as compared to the rights of a restaurant, would be more obnoxious than the rights identified in the C2 zone. He asked if Mr. Crock saw this use as a more obnoxious use.

Mr. Crock said the precedent is. It is one of a manufacturer; going against the covenants as proposed; creating for further development and further deterioration of the community. He said it has to be kept in mind that people have sacrificed a great deal to live in this community. They have chosen everything about that community as it is now. They have chosen to move away from primary manufacturing and not to live right beside it.

Councillor Deveaux asked if Mr. Crock had indicated that the people who signed the petitions were fully aware of both sides of the story.

Mr. Crock said what he indicated was that when he was presented with the petition he was also presented with the information and time in which to study the information.

Donna Protheroe spoke in opposition to the application. She said she has recently moved into Kendlemark Estates. She said she did not know what was going on in the community. She said she bought a house that had an entranceway to these estate lots that was untouched wooded where an appreciation of nature and the charm of a community could still be appreciated. She said she read the covenants and did not feel that she had to check the zoning laws along the highway considering it is neat and clean all the way in from the Waverley intersection. She said she works in Halifax and does not believe that this building belongs at the entranceway to the community. She said she does not believe that the highway from Waverley all the way up to Enfield should be overpopulated by industrial properties. She said she has seen communities change due to bad zoning laws. She said she

had been told that the area she lives in is one of the best areas for quality of life.

Councillor Giffin asked where Ms. Prothro lived in Kendlemark. She said she lived on Carlheath Drive. She said she also signed the petition and sent in a letter. She said it has been well explained to her and she has copies of the papers distributed by Councillor Peters. She said being self employed and working a heavy schedule she said she does not have time to read the local newspaper; however, she had read her community newspaper and this has not been stated in the community paper.

Mr. Paul Pettipas, representing the LWF Ratepayers Association, spoke on the application. He said LWF is neither for nor against the proposal. He referenced a letter written to Councillor Snow. He said they are in a can't win situation in that if they speak against the amendment they would seem to be interfering with another district and if they do nothing and this amendment is passed they will be allowing an amendment which is not acceptable in their district. He said he would suggest it is time to separate districts 14 and 17 when it comes to planning and development. He said they are served by different councillors and it would appear to serve no useful purpose to be treated as one district. He said they will work with their neighbours to properly develop the whole area but a change in one area should not necessarily affect the other.

He said in 1989 the planning departments got together a group of people to really zone the area to get it together. These were volunteers and they put in much effort. Since that time there seems to be a gradual chipping away of what the people in fact wanted. He said he is not speaking on behalf of district 14. He said they do not want a change to this amendment. He said planning department had two options: one was to rezone and the other was a development agreement. He said if they had rezoned it would have affected district 14 but not them. He said they say there are drawbacks which are firstly the I3 zone permits a number of uses such as service industries, warehouses, transportation facilities, etc. which would not appear suitable for this location. He said this is saying they don't want to rezone because it could adversely effect district 14 but we do want to go with a development agreement which we feel will adversely effect 17. He said they are having problems now with an I3 zone. He said they have a plastic company in Lakeveiw. He said the planning department allowed this industry in saying it was not obnoxious. The people of Lakeview consider differently. When the people of Lakeview complained they were told basically, prove that it is obnoxious. He said Councillor Boutilier mentioned why more people are not out and he said what he is finding is that people are getting a little sick of having to come out and fight battles which shouldn't have started in the first place. He said they don't want it in district 17.

He read a letter from Bill Lockhart, Village Commissioners of Waverley, for council. He said this is up to the people of Wellington to decide and it should have no effect on Fall River, Waverley. He said if they are separated they can plan their district and Wellington can plan its district to best of what they believe is right and they can do it themselves. He said he feels very strongly that what they decide should have no effect whatsoever on his district.

Councillor Deveaux asked how the development agreement affected Mr. Pettipas district.

Mr. Pettipas quoted from page 9 of the staff report which stated "however this option would open the possibility of new industrial uses on any other property with a community centre designation". He said they have those. He said they could fight it but why should they have to. He said let them decide if they want C2. He said it was decided a long time ago that they wanted C2 - leave it that way. He said that is what they want in their area so this could affect them. He said if they want to go the rezoning route that does not affect them. He said you can't keep making people come to fight battles. He said council is here to serve the people. He said the ratepayers association is here to work with council.

Councillor Deveaux asked Mr. Pettipas if he agreed that a development agreement offered more protection than just a C2 zone.

Mr. Pettipas said that is not the point. He said it says C2. If this goes through someone can come over into his area and say they are not going to create a problem and then create a problem. He said this would create a problem in getting them out. He said they have had a junk yard which they fought approximately eleven months to get rid of. He said you have to go through channels. He said while they were going through the channels they had a salvage yard/junk yard with batteries, raw garbage, tin cans and newspapers. He said they don't want to fight this type of thing anymore.

Councillor Deveaux said even if this was approved under a development agreement that does not mean that it could automatically be placed in his district without a public hearing.

Mr. Pettipas said that is the point why should people in his area have to come out to fight a battle when it was zoned by them in 1989 C2 commercial. He said people are getting sick and tired of fighting battles that should never have started in the first place.

Councillor Deveaux said he does not believe that anything within reason in planning should be etched in stone. He said planning

changes from one day to the next sometimes.

Mr. Pettipas said if the district was split it would make him happy. He said he is not speaking against this but against the whole philosophy that this could carry over into them and he could be here next year with people stating the same thing. He said he can see the points being made but people move into an area, they see something on paper, if it says C2 you can't come back later and say I3 could be better than C2. He said them decide. They bought their houses, spent their money, saw the designation there, let them decide. He said he does not feel it is up to council to make that decision. He said he does not want to see people in his area have to get to back to coming and yelling and screaming saying listen we know what we want. He said he does not feel people should be questioned about signing a petition and made to feel they did not know what they were signing.

Councillor Giffin said he is also tied in with other districts in his plan. He said he has a problem in his district at the present time and he does not want to affect the other two districts. He said he will be trying to do something about being able to split these plans some way or other. He said when the planning was done, one of the things that was made clear was that none of these plans was hammered in stone and they could be changed for a good reason. He said that it was for the protection of the people that they were not cast in stone. He said this point was made at every meeting he attended.

Councillor Peters said one of the points that was raised is when Mr. Spragg was in the meeting she had in Wellington and asked her if a petition would have weight she said yes. She suggested that if Mr. Spragg chose to go around with a petition would he make sure that he take existing information on C2 and the proposed information and staff report as put together at the PPC and PAC. Mr. Spragg advised her that he would do so. She said she clarified that Mr. Spragg had done that. She said she is quite satisfied that that was done.

Councillor Hendsbee said the plan for this area is under review and he hopes that Mr. Pettipas organization is effectively looking at the opportunity to perhaps separate the districts.

Councillor Peters said she had received a phone call in opposition from Jim and Lorraine Burgess.

Mr. Chaisson said most of the concerns he has heard are not in particular to his application. They deal with the lot being zoned C2. He said he had nothing to do with that. He said he looked at that piece of property as an opportunity for himself, his wife and the people they employ to put up a decent building in the neighbourhood and become part of the community. He said

the opportunity is there right now to put something up far less than what they are proposing as to size, the look of the building, where it sits on the lot. He said with what they are proposing you have to enter into a development agreement. He said there has been a problem expressed as to location of the building. He said there has to be another meeting with regards to that. He said he does not want the building to be on top of the homes. He said he wants to have some separation and to be off the street. He said he has no plans to take down the sign which is at the entrance to Kendlemark Estates. He said that is going to be left untouched and all up that strip is going to be left as trees as much as they can. He said this is zoned commercial and whether or not the people feel there is going to be a pizza place there or whatever are they going to take the chance that somewhere down the road somebody is going to establish a building there and they are not going to have any say in it. He said if he wanted to set up a flower shop he would be applying for a building permit and there would be no discussion. He said with what he is doing there is some control. He said if the people don't go along with what they are proposing they are going to do they are going to do the best they can to make it fit into the community. He said they are proud of their business. He said the development agreement can limit the size of the building. He said the expansion is not in Canada but in other countries. He said they are in a very specialized industry and the market is very small in Nova Scotia; therefore, their opportunity for growth is not here but in other countries. He said when they get to that point they are not going to hire fifteen people. He said they have been in business for fourteen years and have a proven track record. He said people talk about the company going bankrupt but he has no intention of going bankrupt. He said they have weathered one recession.

He said he has asthma. He said he would open up the shop if people wanted to see the operation. He said he can have some, at the county's expense, come in and check the air quality. He said he can guarantee that no type of pollution will be found outside the shop. He said entrances can also be defined by the development agreement.

Councillor Brill asked Mr. Chaisson if he ever considered putting his building in the Sackville Business Park or AeroTech.

Mr. Chaisson said they did look at it but it is cost prohibitive. He said they have a small business. He said more trucks go into the convenience store and pizza place than they have.

Councillor Brill said there is industrial land in the Sackville Business Park.

Mr. Chaisson said he would not consider Sackville as a place to put his business.

Councillor Hendsbee asked why this particular site was Mr. Chaissons preference, why not some other area and asked if there was any consideration to plot plan, etc and how it would reflect on the aesthetics of the area.

Mr. Chaisson said the lot has been a C2 zone. He said they thought it might be possible for them to put their business there. It is close to home and they do not rely on walk in traffic so that does not matter. He said the position of the building on the property has to be set out in the site plan which, if this is favourable, they have to come up with the site plan, bring it to an engineer, show the drainage, etc. and then this has to go out for further public discussion. He said they will have a proposal set forth in the development agreement and landscaping would have to be written into it.

Deputy Mayor Bates asked Mr. Chaisson if he owned the property.

Mr. Chaisson said it belongs to Mr. Burrows.

Deputy Mayor Bates said a petition signed, by eighty residents, in opposition to the application, had been received. He said seven letters had been received and circulated to council. He noted for the record that four more letters had been received. These letters were in opposition to the application.

Councillor Peters said it is her understanding that if property has an existing C2 zone, and is owned by Mr. Burrows, it is only Mr. Burrows that can change the zoning. It is not at the request of the residents or the community. She asked if the residents, by petition, request that the zoning be changed.

Mr. Morgan said it has been done but it is not a common practice.

Councillor Peters said district 14 and 17 plan is coming up for review this year and would that be the appropriate time to request that something that is a C2 be changed.

Mr. Morgan said plan review is an opportunity for the community to deal with all the policies, land uses and zonings.

Councillor Peters asked if the person who owns the land feels that he will be adversely affected by a proposed zoning change on a review what position does he have.

Mr. Morgan said that person could make their perspective known to council.

Councillor Peters asked if there is a subdivision plan with all the existing accesses and zoning when a subdivision is approved. She said she has been led to believe that this has always been zoned throughout the planning participation committee and when

the plan was adopted in 1989 it was zoned C2. She said she has been led to believe that it was not even perk tested until 1993 because it was commercially zoned.

Mr. Morgan said the zoning is not normally shown on the subdivision plan. He said a subdivision plan, when applied for, has to conform with zoning regulations. He said if there are any limitations with regards to driveway access the development officer is advised.

Councillor Peters said she has received communications that not all of the areas were petitioned so there were some streets left out.

It was moved by Councillor Peters, seconded by Councillor Hendsbee:

"THAT THE PROPOSAL BE REFERRED TO THE PLANNING ADVISORY COMMITTEE FOR REVIEW SO THAT WAYS CAN BE EXAMINED TO SEPARATE IT"

She said she does not want it defeated. She said it has to stand on how it would impact on the people of Wellington. She said the people of Wellington seem to be saying no in a very strong voice but she does not want it defeated just because of the differences between districts 14 and 17. She said she is requesting that council support her in having a decision on this deferred this evening and for it to go back to planning advisory committee for their suggestion, through staff, and that a public meeting be held within the community to ask for their input.

Mr. Crooks said even though the motion is only to refer and there is no decision on the substantive issue, as a result of that, any further action, unless the matter is deferred to a date, would in all probability would require further advertisement and further hearing. He said it is not possible to simply to refer it indefinitely for further information to be brought forward, the thing to be assessed and then brought back to be dealt with by the council without further hearing.

Councillor Peters asked if it was possible for her to request that at the soonest possible date that a public participation session be held within the community and within a month after that it come back to council. She said she is not sure how soon another public meeting could be held within the community and then brought back to council.

Councillor Ball said the only thing that PAC could suggest is a geographical boundary that distinctly separates district 14 and 17 so that the C2 development agreement takes place or proposed to take place in 14 won't impact on 17. He said that is the only actual thing that he could see PAC dealing with at this

particular point in time. He said council has to deal with the proposal as is either within the confines of district 14 or deal with it in the confines of the whole plan area. He said those would be the only options that PAC could deal with on June 13th.

Mr. Chaisson said he has no problem with a two month delay.

Councillor Brill said he does not see any purpose in this motion. He said, in his opinion, this is circumventing the plan. He said he hopes council does not put Mr. Chaisson in a position where it is approved and he goes ahead while in the meantime some kind of an appeal takes place and he is told to tear it down. He said if there is a plan why don't we live by the plan and if there are to be changes then change it in five years time. He said he does not see the purpose in the constant changing back and forth. He said he would not be supporting the motion.

Deputy Mayor Bates said he does not agree that this should be referred. He said he does not like having a public hearing which is advertised in the community with all the residents showing up for it and now there is some loophole which will defer it. He said he does not understand why council cannot support the residents of the community. He said he agrees with the gentleman who said as far as it being a C2 zone then that situation will be dealt with when it arises. He said he does not appreciate the fact that the people who bought property with certain covenants etc. now have to be subjected to an industrial building if they don't want it. He said the people bought their properties with no idea of any industrial building going up there. He said the applicant does not own the property and he can go somewhere else. He said he does not understand why council has to delay. He said he can appreciate district 14 and 17 want to split it up but the same problem will still be there. He said he feels council has had enough evidence to allow for the matter to be dealt with in the way it is presented. He said he would not be prepared just because it was split up between 14 and 17 to come back at some later time and say he will approve it. He said he is speaking in opposition to referral. He said his position would be to defeat the application.

Councillor Sutherland said he feels the people should know up front that they will not be able to fight the commercial zone. When someone comes in and applies for the permit, it is by right.

Deputy Mayor Bates said the people know it is C2 and will deal with that when the time comes. He said they are saying that industrial is what they don't want.

MOTION TO REFER DEFEATED

It was moved by Councillor Peters, seconded by Councillor Brill:

PUBLIC HEARING

28

"THAT COUNCIL NOT SUPPORT APPLICATION PA-F&S-09-93 -
AMENDMENTS TO THE PROVISIONS OF THE MUNICIPAL PLANNING
STRATEGY FOR PLANNING DISTRICTS 14 AND 17 IN ORDER TO
ALLOW FOR SMALL SCALE MANUFACTURING USES WITHIN THE
COMMUNITY CENTRE DESIGNATION"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Meade:

'THAT THE MEETING BE ADJOURNED'

MOTION CARRIED

PUBLIC HEARING

May 30, 1994

PRESENT WERE: Mayor Ball
Councillor Meade
Councillor Rankin
Councillor Mitchell
Councillor Deveaux
Deputy Mayor Bates
Councillor Hendsbee
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Brill
Councillor Giffin
Councillor Barnet
Councillor Boutilier
Councillor Harvey
Councillor Sutherland
Councillor Turner

ALSO PRESENT: Dale Reinhardt, Acting Municipal Clerk
K. R. Meech, Chief Administrative Officer
Fred Crooks, Municipal Solicitor

=====
The meeting was called to order at 6:00 p.m.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Giffin, seconded by Councillor Boutilier:

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

Mayor Ball outlined the procedure followed for a public hearing.

PA-F&S-11-93 AND SB-02-94 - AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY FOR PLANNING DISTRICTS 14 & 17 AND THE MUNICIPALITY'S SUBDIVISION BY-LAW TO ESTABLISH A SERVICE BOUNDARY IN THE LOCKVIEW-MACPERSON ROAD AREA

Susan Corser gave the staff presentation. She said this first report is to establish the serviceable boundary within the municipal planning strategy for planning districts 14 and 17 and to amend the municipality's subdivision by-law to accommodate the provision of municipal sewer services to the Lockview and MacPherson Roads area in Fall River. The area to be included in

the service boundary is illustrated on page 6 of the staff report dated February 28, 1994. The supporting text and map amendments to implement the service boundary are also attached to that report in Appendix "A" and "B".

She said this all goes back to the pollution control study that was done in 1987 and 1988 to investigate waste water disposal problems in the area of the Lockview - MacPherson Roads. There were two objectives to this study. The first was to determine the extent of the problem and the second was to develop a means by which to resolve the existing problems and to reduce the potential for similar problems in the future. That pollution control study concluded that the installation of a central waste water collection and treatment system was necessary to correct the disposal problem at the Lockview - MacPherson Roads. The construction of this sewage treatment plant, all the piping etc., is pretty much complete. She said it is her understanding that the sewage treatment plant is to be commissioned in June.

This system is designed primarily to accommodate existing population in that area as well as existing commercial and institutional uses. Some additional capacity is available and this will allow for some infilling on the service lines. The municipal planning strategy for 14 and 17, when it was approved, identified the Lockview and MacPherson Roads area as an area experiencing septic system failure and there is a policy, contained in the MPS, which indicates council's intention to seek a solution to this health risk. The collection and treatment system will provide tertiary level treatment and this treated effluent, following the tertiary level treatment, will be discharged into Fletchers Run. She said it should be pointed out that the extension of municipal sewer services will not, under the land use by-law regulations, result in a reduction in the forty thousand square foot lot size requirement or the one hundred foot lot frontage requirement as municipal water is not going to be part of this project. She said this means that they have estimated nine new lots could be created in compliance with the current land use by-law standards. She said that is nine lots that could meet the forty thousand square feet and the one hundred foot frontage. There are twenty existing lots which could be built on for a total of twenty nine new dwellings.

She said if water was to be extended in the future, for example, the minimum lot size under the current regulations could then be reduced to ten thousand square feet of area and seventy five feet of frontage. The end result in this case would be an estimated eighty five new dwellings, twenty existing lots and the potential for sixty five new lots to be created. However, this level of development would still be within the design capacity of the treatment system. She said it should also be noted that Sobey's has had sewer services extended to their thirteen acre property which is at the intersection of highway #2 and the Fall River

Road. The entire cost of this extension is being paid for by Sobeys and they have recently signed an agreement with the municipality whereby capacity will be reserved for the future development of their property. As it stands now, they are proposing a fifty thousand square foot shopping centre.

The establishment of the serviceable boundary will therefore recognize the installation of the infrastructure that is there now, the sewage treatment plant and the pipes which are almost complete. Amendments to the municipal planning strategy and subdivision by-law are necessary. These amendments are necessary to provide direction for future development on central services in the Lockview and MacPherson Roads area. All properties within this service boundary will be required to connect to the system. No extension beyond the boundary will be considered.

She said there are a few minor changes she wanted to mention with regards to Appendix A and B. The water service districts have been recently approved for 14 and 17 and what this has resulted in is another map in the planning strategies. She said where it refers to in the amendments to map 5 - the Lockview MacPherson Roads Service Boundary Map - it should be map 6 now. Also, in Appendix B of the subdivision by-law where it refers to Schedule K this will now become Schedule O as there have been four additional maps added through water service district. She said they don't affect the amendments they are just for clarification.

QUESTIONS FROM COUNCIL

No questions from council.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

It was moved by Councillor Giffin, seconded by Councillor Reid:

"THAT COUNCIL APPROVE SCHEDULE A AS AMENDED"

Councillor Sutherland asked if the properties that were left out previously had now been included.

Miss Corser said there has been no change. She said there are four properties that are between the serviceable boundary where it stops at MacPherson Road and where it jumps across to the Sobeys property. The line that connects those is private and is

owned by Sobeys and is built and paid for by Sobeys. The way it was left was that if those properties, that fronted on Sobeys line, wanted to obtain access to it, they would have to work that out with Sobeys and then pay Sobeys so much to hook in. She said Sobeys paid a considerable amount for their capacity of the plant and there would have to be some arrangement made between those property owners and Sobeys. She said it is her understanding that there were no takers.

MOTION CARRIED

It was moved by Councillor Sutherland, seconded by Councillor Deveaux:

"THAT APPENDIX B BE APPROVED AS AMENDED"

MOTION CARRIED

RA-TLB-03-94-02 - APPLICATION BY ALEX TSIMIKLIS TO REZONE THE PROPERTY AT 1610 ST. MARGARETS BAY ROAD IN TIMBERLEA

Ms. Susan Corser gave the staff presentation. She said this application deals with a rezoning from and R-1 (single unit dwelling) zone to an R-1a (auxiliary dwelling unit) zone. The applicant is Mr. Alex Tsimiklis and is the owner of the property. He wishes to demolish the old single unit dwelling that is on the property now and construct a new residence with an auxiliary dwelling unit. She brought councils attention to the site plan attached to the staff report. The main dwelling unit would be approximately fifteen hundred and thirty square feet in size and would be located on the lower level of the structure with an entrance at the front. The auxiliary dwelling unit would contain approximately twelve hundred and twenty four square feet and would be accessed from the rear. Both units are intended for rental accommodation. Mr. Tsimiklis and his family live in close proximity to the property. They live in the apartment above the Lakeside Family Restaurant which they operate. She proceeded to show slides of the property to council.

The existing house is not occupied at the present time and is currently in a poor state of repair. It is in close proximity to the St. Margarets Bay Road and currently does not comply with front or side yard setbacks under the land use by-law. The driveway extends along the side of the property to the rear. Surrounding land use and zoning is shown on map 1 of the staff report. The majority of houses in the immediate area are single unit dwellings but there are a few that contain two dwelling units. There is also some commercial development. She said the applicant is proposing a structure similar to his restaurant. She said there are a number of two storey structures in the immediate area.

The urban residential designation, which is where this property is contained, for Timberlea/Lakeside/Beechville supports a low density residential environment but the plan also recognizes the need to accommodate a variety of housing types to meet varying needs of its residents. She said, with respect to auxiliary dwelling units, the plan recognizes that there is a growing trend in the housing market to provide independent apartment units in single unit dwellings either at the time of construction or through conversion of the unit. In staff's analysis of this application they feel the proposal would not be out of character with the surrounding neighbourhood and although the predominant type of housing is single unit dwelling there are several other homes which contain two dwelling units in the immediate area. While this structure is somewhat larger than to be found in conventional subdivisions it is appropriate in this situation given the character of the surrounding area. Given the poor state of repair of the building this proposal offers a redevelopment opportunity that could enhance the area as well as provide alternative housing. The development standards of the R-1a zone will address the concerns related to the appearance of the structure. Only one entrance is permitted on the front wall of a dwelling and the floor area dedicated to an auxiliary dwelling unit cannot exceed forty percent of the total floor area of the structure. Three parking spaces are required for an auxiliary dwelling unit in conjunction with the main unit and this can be accommodated on this property. There were no other major concerns raised with respect to this proposal from staff's view and they recommended approval of this rezoning application.

QUESTIONS FROM COUNCIL

Councillor Sutherland asked if the two storey homes shown on the slides single family dwellings.

Ms. Corser confirmed this.

Councillor Sutherland asked if there was some commercial adjacent to the proposal.

Ms. Corser referenced page six of the staff report. She said there is some C2 zoning shown on map 1. She said these commercial buildings are five doors down from the proposal. She said they are in the general area.

Councillor Rankin said it is his understanding that the existing building is six feet four inches from the side which would be expanded to eight feet for the new building.

Ms. Corser confirmed this. She said the current building does not meet front or side yard. She said it is the intention of the applicant to conform with the land use by-law.

Councillor Rankin said from time to time council looks a discretionary decisions relative to CD and possibly some rezoning. He asked if there is an element of discretion here. He asked if the applicant has fulfilled all the criteria pursuant to application for R-1a.

Ms. Corser said yes, the policy itself by which this is evaluated is policy UR3 and requires council to consider the scale and appearance in context of its surrounding area and other general matters of planning concern. She said staff has said it does not feel that scale and appearance is out of character with the surrounding area. She said a redevelopment of the property would be an improvement in the appearance of the property. She said with regards to general concerns there was nothing major identified by staff. She said there are some traffic problems on St. Margarets Bay Road and some overcrowding experienced in the elementary school but these are things that are current problems and staff does not feel that this particular additional dwelling unit would have a noticeable impact on those concerns.

Councillor Rankin asked if auxiliary meant an apartment accessed by one main entrance door to the dwelling unit.

Ms. Corser said the zone standards for the R-1a say that on the front wall of the structure there can only be one door and its the applicants intention that that would be the door into the lower unit. She said it is to maintain the appearance of a single unit dwelling rather than having two doors side by side. The access to the second would be at the rear so that from the front there will be only the one door into the main unit.

Councillor Rankin the most recent development plan enabled the applicant to access this provision 1a more so than in the previous plan.

Ms. Corser this is a new policy allowing for an auxiliary dwelling unit zone. She said it was introduced in 1992 with the adoption of that new plan. She said this is the first application that they have received to exercise that. She said it is clearer in this plan because preamble to the policy talks about the trend in housing now to accommodate a second unit with a main dwelling unit.

Councillor Rankin asked if they could also have a business.

Ms. Corser said the auxiliary dwelling unit zone does provide for business uses in conjunction with permitted. She said this means it would allow for a small home business. It limits it to three hundred square feet of the dwelling unit to a maximum of twenty five percent of the gross floor area.

Councillor Rankin asked if that would be distinguished from an R1

in terms of the business application.

Ms. Corser said it was the same.

Councillor Reid referenced a letter from an Ann Dauphnie which stated that the applicant had already tried to have the zoning changed and was turned down. He asked for a clarification on this.

Mayor Ball said maybe he had applied previous to 1992. Ms. Corser said her understanding of the history of this property was that there was a zone change and the property in question was zoned C2 and the applicants store, which is about five doors down, was zoned R1 by mistake. Because the sewer was already there staff initiated an application to reverse the zoning because it had been applied in error. The C2 zone was correctly applied to his Lakeside Family Restaurant and the R1 back to the property in question. She said it is her understanding that through that application process the applicant expressed an interest in keeping the C2 on the other property at the same time which staff did not accommodate at that time.

Mayor Ball said in actual fact it wasn't so much a rezoning but an error on the part of the municipality of the designation that was corrected.

Councillor Hendsbee asked if there was anything on record with regards to any complaints on this property in regards to derelict vehicles, nuisances or noise.

Ms. Corser said she is not aware of any.

Mayor Ball said these types of complaints would come through the building inspector or by-law officer.

Councillor Hendsbee asked if this applicant, in her opinion, appreciate or depreciate the neighbourhood.

Mayor Ball said he does not feel it is fair to put staff on the spot as to whether it would enhance or not.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

Mr. Stanley Dauphnie spoke in opposition to the application. He said he lives at 1618 St. Margarets Bay Road which is two doors over from the property in question. He said 1610 is not in Timberlea but in Lakeside. He said he is opposed to having any zoning changes made to the property or any property that is

within a reasonable distance of his house. He said anything that is taken from R1 and put into any other zone he is opposed to because once it is taken out of R1 zoning there could be anything put there. He said in his opinion auxiliary covers an awful lot of territory. He said the applicant, a few years ago, tried to have the property zoned to commercial and it was turned down. He said since that time the applicant has rented the property to different people and every tenant has brought a lot of junk cars and made the premises very untidy. He said he is afraid that if it is zoned to anything but R1, and other people get in there, there could be twice the mess that it has been over the last few years. He said he would like to see it remain R1 with a single dwelling unit on the property.

Councillor Deveaux asked if Mr. Dauphnie thought it was possible that if the place was rebuilt and properly fixed up that it could prove to be a lot better even from what is there at the present time.

Mr. Dauphnie said it could be if it was built up as an R1 a single dwelling unit. He said the more people there are the more possibility of an untidy premises.

Councillor Deveaux said that is not to say that the ones who move in are going to be the same as the ones who lived there previously.

Mr. Dauphnie said he agrees with that but there is still one junk car that has been there since last year when the people moved away. He said it is his argument that he would like to have it retained as an R1.

Deputy Mayor Bates asked Mr. Dauphnie how long he has lived at his present address. Mr. Dauphnie replied that he has lived there for thirty one years.

Deputy Mayor Bates confirmed with Mr. Dauphnie that the properties along the road are R1.

Mr. William Swinamer 1614 St. Margarets Bay Road spoke in opposition to the application. He said he has lived at the address for six years and it is his understanding that it is an R1 zone. He said since he has lived there it has been a quiet neighbourhood and by putting up a second storey dwelling unit would cause a lot of inconvenience to people. He said he has called the county about three times in the last six years about junk cars in the backyard. He said he spoke to the applicant about it and was told there was nothing he could do about it. He said as a result he called the county. He said when the tenants moved out there was garbage left that was never cleaned up and there was rats around the place. He said he feels that if the applicant can't look after one place he cannot look after two

dwellings. He said his property is next to this and he would prefer it to stay a nice quiet neighbourhood.

Councillor Giffin said he drives by this place quite often and he feels it is becoming almost derelict. He said he also sees the applicants store which is very well looked after. He asked if a new building is put in there it is going to be a lot better to look at but secondly the type of tenant he gets in there would be a better quality type tenant. He said if you have a very old type building you are not likely to get a very classy type of neighbour but with a good building in there, and a small apartment, he feels the applicant would attract much better tenants which would be less trouble for the neighbours.

Mr. Swinamer said he feels that if the applicant can't look after one dwelling place then he would have concerns with the applicant looking after more than one unit. He said he cannot see a problem with rebuilding the place or tearing it down but his property is next to his.

Councillor Hendsbee asked if there are any other properties along this stretch of road that are in similar condition.

Mr. Swinamer said not to his knowledge. He said there is a van parked on the property.

Councillor Hendsbee said it is his understanding that there are other properties in the neighbourhood that are two unit dwellings. He asked if there had been any problems with those neighbours. Mr. Swinamer said there has not been.

Councillor Hendsbee asked if Mr. Swinamer was aware of any in-law suites or granny flats that may be in any of the other houses in the area. Mr. Swinamer said he was not aware of any and he is more concerned with his own area.

Mrs. Anne Dauphnie spoke in opposition to the application. She said she is fed up with the applicant. She said if he can't maintain one he is not going to maintain two apartments. She said it might look nice when he builds it but five years down the line it is going to look just as bad as this one. She said as far as she is concerned there is not a lot of people with two families living in the houses. She said there is a place across the street from her but it consists of a daughter and a mother. She said the residents of the area have not confidence in the applicant. She said why should they allow him to go and put twice as many people when he can't even look after one. She said he does not care as long as he gets his rent.

DECISION OF COUNCIL

Councillor Rankin said at the beginning of the public hearing he

was prepared to listen very sympathetically to the applicant because on the face of it this is a reasonable proposal pursuant to the most of the criteria. He said all the criteria could be fully addressed by the applicant or at least the opportunity was there. He said there are presenters making the case that here is an absentee landlord. He said one could argue what re-enforces that position is the fact that the applicant is not present. He said he wishes that the applicant had used the opportunity. He said it is not incumbent upon him to represent the applicant but to ensure that there was a fair hearing and a decision is made based on the evidence tonight. He said on the type of use the community is not assured, and in the absence of anything to the contrary, that there would be a good usage of the R-1a and that two units would compound a situation, where you have by submission by the presenters, neglect.

It was moved by Councillor Rankin, seconded by Councillor Giffin:

"THAT APPLICATION RA-TLB-03-94-02 - APPLICATION BY ALEX TSIMIKLIS TO REZONE THE PROPERTY AT 1610 ST. MARGARETS BAY ROAD IN TIMBERLEA BE REJECTED"

Mayor Ball acknowledged the letter from Mrs. Anne Dauphnie for the record.

Councillor Sutherland said he feels there could be some compromises here although he agrees with what Councillor Rankin says. He said he personally would like to have seen the applicant come forward.

Councillor Hendsbee said he is not in support of the motion. He said he would like to see a compromise to have this deferred to see if the applicant could be present for the hearings.

Deputy Mayor Bates said the applicant has done nothing to convince the people, that have obviously invested a lot of money over the years, that he should go from a single R1 dwelling to something more than that. He said he is in support of the motion.

Councillor Mitchell said he is in support of the motion and he also feels the applicant should have been present.

Councillor Hendsbee asked for clarification on the process the applicant will have to take if the application is rejected.

Mayor Ball said he would have to reapply for a rezoning on this matter.

Ms. Corser said there is still an appeal period. She said the applicant would have twenty one days following notification of the council decision in order to appeal this decision to the