

MARINE DRIVE, VALLEY AND CANAL
COMMUNITY COUNCIL
MINUTES
August 26, 2003

PRESENT: Councillor Keith Colwell, Chair
 Councillor Steve Streach
 Councillor Gary Hines

STAFF: Mr. Kevin Warner, Development Officer
 Ms. Julia Horncastle, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	03
2.	APPROVAL OF MINUTES - July 8, 2003	03
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	03
4.	BUSINESS ARISING OUT OF THE MINUTES	03
5.	MOTIONS OF RECONSIDERATION - NONE	03
6.	MOTIONS OF RESCISSION - NONE	03
7.	CONSIDERATION OF DEFERRED BUSINESS	03
8.	VARIANCE HEARINGS	
8.1	Appeal of the Approval of a Variance - 60 Hescott Street, Elmsdale, NS	03
8.2	Appeal of the Approval of a Variance - 295 Lockview Road, Fall River, NS	04
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
9.1	Correspondence - None	05
9.2	Petitions	05
10.	REPORTS	05
11.	MOTIONS	05
12.	ADDED ITEMS	05
13.	NOTICES OF MOTION	05
14.	PUBLIC PARTICIPATION	05
15.	NEXT MEETING	05
16.	ADJOURNMENT	06

1. **INVOCATION**

The meeting was called to order at 3:00 p.m.

2. **APPROVAL OF MINUTES - July 8, 2003**

MOVED by Councillor Hines, seconded by Councillor Streach, that the minutes of July 8, 2003, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

MOVED by Councillor Hines, seconded by Councillor Streach, that the Order of Business, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. **BUSINESS ARISING OUT OF THE MINUTES - NONE**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

8. **VARIANCE HEARING**

8.1 **Appeal of Approval of a Variance - 60 Hescott Street, Elmsdale, NS**

- A report from Kevin Warner, Development Officer, Central Region, dated August 20, 2003, on the above noted, was before Community Council.

Mr. Kevin Warner, Development Officer, with the aid of overheads, presented the staff report.

Councillor Hines noted the slope of the property and expressed concern that there may be drainage problems as a result of the garage location. In response, it was confirmed that the drainage problems were being experienced by the abutting property owner prior to the garage being built.

Mr. Jeff Cole, 60 Hescott Street, stated that he did not disregard the requirements of the Land Use By-law in the placement of the garage. He stated he built the garage according to the location certificate for his property. He stated it would be difficult to move the garage

from its present location and, in order to move it, the building would have to be dismantled and rebuilt.

Councillor Hines suggested Mr. Cole discuss the matter with the abutting property owner and provide an assurance in writing to the abutting property owner that any drainage problems would be remedied at his expense.

Mrs. Carol Pierre, abutting property owner, stated the building is too close to her home. She is concerned with runoff as they have experienced drainage problems prior to the building of the garage. She stated that if the building was back eight feet it would not be as visible from her property. She stated if the garage is not moved, then a privacy fence should be erected.

Ms. Shelly Cole stated they had not cut down any trees to build the garage and they did not receive a location certificate as they were not aware there was a problem. She stated she feels the garage provides a divider between the two properties.

Mr. Pierre advised the property pins were shown to the Coles.

MOVED by Councillor Streach, seconded by Councillor Hines, that the hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Hines, seconded by Councillor Streach, that the Marine Drive, Valley and Canal Community Council uphold the decision of the Development Officer to approve the variance. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Appeal of the Approval of a Variance - 295 Lockview Road, Fall River, NS

- A report from Mr. Kevin Warner, Development Officer, Central Region, dated August 20, 2003, on the above noted, was before Community Council.

Mr. Kevin Warner, Development Officer, with the aid of overheads, presented the staff report.

Mr. Sean O'Hern, property owner, advised he had looked at all locations for placement of the garage but it cannot be any closer to the house because there is a large drop-off between the road and the house.

Mr. Jonathan Gale, representing appellant, received clarification on a number of issues

and stated, in his opinion, this would violate the intent of the Land Use By-law. He stated that it is a very busy street and a garage to the street line may result in a safety issue.

Ms. Trish Hattie, appellant, advised that she was objecting to the building being placed where proposed as it may diminish the value of her property.

MOVED by Councillor Streach, seconded by Councillor Hines, that the hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

In response to Councillor Hines as to whether this would be precedent setting, Mr. Warner advised it would not as each application is considered on an individual basis.

MOVED by Councillor Hines, seconded by Councillor Streach, that Community Council uphold the decision of the Development Officer to approve the variance. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS - NONE

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Marine Drive, Valley and Canal Planning Advisory Committee

MOVED by Councillor Hines, seconded by Councillor Colwell, that the Marine Drive Valley and Canal Planning Advisory Committee be dissolved and further that the establishment of a new PAC be at the request of the new Community Council. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION - NONE

15. NEXT MEETING

To be determined.

16. ADJOURNMENT

The meeting was adjourned at 4:40 p.m.