

**NORTH WEST COMMUNITY COUNCIL  
MINUTES**

September 24, 2009

**PRESENT:** Councillor Robert Harvey, Chair  
Councillor Brad Johns  
Councillor Tim Outhit

**STAFF:** Mr. David Greener, Municipal Solicitor  
Ms. Melody Campbell, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order 7:01 p.m. at Basinview Drive School Cafeteria, 273 Basinview Drive, Bedford.

**2. APPROVAL OF MINUTES - August 27, 2009**

**MOVED BY Councillor Johns, seconded by Councillor Outhit, that the minutes of August 27, 2009, as presented, be approved. MOTION PUT AND PASSED.**

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

Additions:

- 11.1 70 Torrington Drive, Bedford
- 11.2 Water Service Expansion, Springfield Lake, Middle Sackville
- 11.3 Zoning Millwood Quick Mart, 1053 Sackville Drive

**MOVED BY Councillor Johns, seconded by Councillor Outhit that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 STATUS SHEET ITEMS**

**4.1.1 Topsoil/Grading By-Law**

The Topsoil/Grading By-law will be presented at a future Committee of the Whole.

**4.1.2 Boundary Line Sackville MPS and Sackville Drive SPS**

Staff are working on a report to be submitted to Regional Council.

**4.1.3 Bus Service Old Sackville Road**

Item forwarded to the North West Transit Advisory Committee.

**4.1.4 Glendale Avenue/Duke Street Sidewalk**

A letter sent to Minister of Transportation & Infrastructure Renewal.

**4.1.5 Legacy Court Playground**

Parkland has to be set aside and prepared by the developer. Staff is checking on cash allocation from another development.

**5. MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

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

8. **HEARINGS**

8.1 **Public Hearings**

8.1.1 **Case 01288: Bedford LUB Amendment - Day Care Facilities**

- A staff report dated June 24, 2009 was before Council.
- A North West Planning Advisory Committee report dated August 6, 2009 was before Council.

Mr. Miles Agar, Planner, presented Case 01288 to Council.

Councillor Harvey, Chair, reviewed the public hearing procedures; then opened the public hearing calling three times for any speakers for or against the substantive matter to come forward at this time.

Councillor Harvey gave the third and final call for speakers; hearing none, it was **MOVED BY Councillor Johns, seconded by Councillor Outhit, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Outhit, seconded by Councillor Johns that North West Community Council approve the proposed amendments to the Land Use By-law for Bedford, as identified in Attachment A of the report dated June 24, 2009. MOTION PUT AND PASSED.**

8.2 **Variance Hearings**

8.2.1 **Case #15508 - 903 Old Sackville Road**

- A report dated September 17, 2009 was before Council.

Mr. Trevor Creasor, Development Officer, presented the report to Council.

Councillor Harvey called for the appellant and any property owners within the thirty metre boundary to come forward if they wish to speak for or against the variance.

**Mr. David Lewis**, legal representative to five property owners, advised Council that his clients oppose the approval of the variance. He noted that his clients were denied the opportunity to appeal and they feel that the subdivision is illegal. He advised that if the variance is approved that there will be a negative affect on the site lines at the intersection and that snow removal would be impeded by permitting buildings to approach the road. He advised that the land is under a restrictive covenant. He noted that the restrictive covenant not be considered any different than a development agreement. He stated that the landowner approached his clients and asked that they give up the restrictive covenants, and they denied his request. He advised that the restrictive covenants have been in place

since 1957. He requested that Council deny the variance.

In response to a question by Councillor Outhit, Mr. Greener, Municipal Solicitor, advised that with a HRM development agreement, HRM takes on responsibility and is the main party. He advised that restrictive covenants are between land owners and any issues are of a civil nature.

**Mr. Charles Randles**, owner of the property located at 903 Old Sackville Road, advised Council that the land was subdivided into three lots from two. He advised that he is not planning to build six semi-detached homes. He advised that he plans to build a home with an in-law suite as there is a growing need for this type of property. He advised that a home with an in-law suite cannot be built on lands with R-1 Zoning. He advised that he plans to build the house well back behind the trees with the driveway off Connolly Road not off Sackville Drive. He advised that the home will not affect site lines or will not impede snow removal.

In response to a question by Councillor Johns, Mr. Randles advised that as much as he is aware this land was not subdivided off 923 Old Sackville Road.

In response to a query by Councillor Outhit, Mr. Randles advised that he is planning to build a home with an in-law suite adding that there is a large market for this type of house.

Councillor Harvey called three times for any further speakers. Hearing none, the following motion was placed. **MOVED by Councillor Johns, seconded by Councillor Outhit, that the variance hearing be closed. MOTION PUT AND PASSED.**

Councillor Johns stated that if this home were built similar to a single family home issues regarding vegetation, rock wall, site lines and snow removal would not be an issue. He advised that the Community Council must be consistent when making decisions on such matters.

Councillor Outhit noted that this application was reviewed by Traffic Services and no issues were determined.

**MOVED by Councillor Johns, seconded by Councillor Outhit, that the North West Community Council uphold the Development Officer's decision and grant the variance.**

Councillor Harvey noted that the fifty year covenant was not brought forward requesting the property be zoned R-1 when the Municipal Planning Strategy and the Land Use By-laws were put in place.

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**9.3 Presentations - None**

**10. REPORTS**

**11. ADDED ITEMS**

**11.1 70 Torrington Drive, Bedford**

**MOVED BY Councillor Outhit, seconded by Councillor Johns, that North West Community Council direct staff to initiate the amendment process for the Land Use Bylaw for Bedford, for the purpose of rezoning 70 Torrington Drive from the Residential Single Dwelling Unit (RSU) Zone to the Parkland Open Space (POS) Zone. MOTION PUT AND PASSED.**

**11.2 Water Service Expansion, Springfield Lake, Middle Sackville**

**MOVED BY Councillor Johns, seconded by Councillor Outhit, that North West Community Council request staff to prepare a report to initiate the process to amend the water service area to include the areas of and up to Fenerty Road and Springfield Estates Mobile Home Park consistent with the sewer boundary. MOTION PUT AND PASSED.**

**11.3 Zoning - 1053 Sackville Drive**

**MOVED BY Councillor Johns, seconded by Councillor Outhit, that North West Community Council request a staff report clarifying the zoning of 1053 Sackville Drive and provide recommendation on how to limit the current and future uses on this property including potential rezoning without the possibility of future nonconforming status. MOTION PUT AND PASSED.**

**12. NOTICES OF MOTION - NONE**

**13. PUBLIC PARTICIPATION**

Mr. Walter Regan requested that North West Community Council support \$5,000,000 for trails in the next budget. He requested an update to the Pinehill Brook Upgrade and questioned whether the design work was ever done. Mr. Regan invited Council and friends to his retirement party taking place on October 17<sup>th</sup> at 7:00 p.m. at the Community Hall.

Mr. Nick Antoff, Waterstone, expressed his appreciation to Councillor Johns for attending the community barbecue and picnic. He asked Council if there is an update to the burn by-law. Mr. Antoff advised Council that as part of District 19 he is still being charged the Hammonds Plains area rate. Councillor Johns advised that staff will be contacted and an update will be provided on these two issues.

Councillor Harvey, on behalf of North West Community Council, expressed his sympathies to those affected by the fire at the Beaverbank Kinsac Centre.

**14. NEXT MEETING DATE - October 22, 2009**

The next meeting of North West Community Council will be held on Thursday, October 22, 2009.

**15. ADJOURNMENT**

The meeting adjourned at 7:53 p.m.