

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
February 1, 2007

PRESENT: Councillor Jim Smith, Chair
 Councillor Harry McInroy
 Councillor Gloria McCluskey
 Councillor Andrew Younger
 Councillor Bill Karsten
 Councillor Becky Kent

STAFF: Ms. Angela Jones-Rieksts, Municipal Solicitor
 Ms. Julia Horncastle, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	04
2.	APPROVAL OF MINUTES - January 4, 2007	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	04
4.	BUSINESS ARISING OUT OF THE MINUTES	
4.1	STATUS SHEET ITEMS	
4.1.1	Staff report re: Amendments to the Dartmouth LUB limiting the type of uses permitted as "Institutional Uses" within Downtown Neighbourhood Zone	04
4.1.2	Traffic Concerns - No Right Turn off Thistle on to Slayer, School Street changed to one way, Methods to reduce short cutting through School Street	04
4.1.3	Amendment to Dartmouth LUB to add to list of prohibited occupations (recycle or scrap metal collection)	04
4.1.4	Beazley Field Stands	05
4.1.5	Accessible Playground - Dartmouth	05
5.	MOTIONS OF RECONSIDERATION -NONE	05
6.	MOTIONS OF RESCISSION - NONE	05
7.	CONSIDERATION OF DEFERRED BUSINESS - NONE	05
8.	HEARINGS	
8.1	PUBLIC HEARINGS	
8.1.1	Case 00734 - Development Agreement for 124 Albro Lake Road, Dartmouth	05
8.2	VARIANCE HEARINGS	
8.2.1	Appeal of Development Officers decision to refuse a Variance at 18 Regent Drive, Dartmouth	06
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
9.1	Correspondence -None	08
9.2	Petitions	08

9.3	Presentations	
9.3.1	Eastern Front Theatre	08
10.	REPORTS	
10.1	Case 00806 - Development Agreement - Greenvale School	08
10.2	Case 00864 - Proposed Residential Condominium Project at 675 Windmill Road, Dartmouth	08
11.	MOTIONS - NONE	09
12.	ADDED ITEMS	09
13.	NOTICES OF MOTION	09
14.	PUBLIC PARTICIPATION	09
15	NEXT MEETING - March 1, 2007	09
16.	ADJOURNMENT	10

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m

2. APPROVAL OF MINUTES - January 4, 2007

MOVED by Councillor McCluskey, seconded by Councillor Kent, that the minutes of January 4, 2007 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

12.1 Case 00981 - Scrap Metal Recycling as a Home Occupation

Deletions

Councillor McCluskey requested item 9.3.1, Presentation - Eastern Front Theatre be deferred to the March meeting.

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Staff report re: Amendments to the Dartmouth LUB limiting the type of uses permitted as "Institutional Uses" within Downtown Neighbourhood Zone

An information report dated January 25, 2007, on the above noted, was before Council. No further action necessary. To be removed from status sheet.

4.1.2 Traffic Concerns - No Right Turn off Thistle on to Slayter, School Street changed to one way, Methods to reduce short cutting through School Street

No information received, to remain on status sheet.

4.1.3 Amendment to Dartmouth LUB to add to list of prohibited occupations (recycle or scrap metal collection)

No information received, to remain on status sheet.

4.1.4 Beazley Field Stands

An information report dated January 5, 2007, on the above noted, was before Council. No further action necessary. To be removed from status sheet.

4.1.5 Accessible Playground - Dartmouth

No information received, to remain on status sheet.

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 00734 - Development Agreement for 124 Albro Lake Road, Dartmouth

- A report dated December 14, 2006, on the above noted, was before Council.

Mr. John MacPherson, Planner, presented the staff report.

In response to Councillor McCluskey, staff advised the number of units is directly related to the land area and the type of bedroom units (one or two bedroom) and that each unit would be approximately 480 sq. ft. It was further noted parking has not been an issue.

In response to Councillor Smith, staff advised there is a time limit for installation of the landscaping and, if the property changes hands, the requirements in the development agreement still stand.

Councillor Smith called for those wishing to speak either in favour of or in opposition to the proposed development agreement.

Mr. Raymond Marshall, Dartmouth, stated he purchased his property in May, 2006 and when he purchased his property he was of the understanding he would have three units one each side. He expressed concern in that the neighbourhood has challenges and high density housing in older buildings does not add value to these buildings in the long term. He further expressed concern that if the building changed hands it may end up as slum housing. He suggested parking be at the front of the building as back of buildings have turned into hang out spots. He stated he does not want to see anything happen that would take away from the value of the neighbourhood.

Ms. Frances Blair-Harper, Alice Housing, noted it is not possible to park in the back of the building. She noted what they were suggested would have fewer people living in the building than if the building had bachelor units.

Councillor Smith called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Younger, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Younger, seconded by Councillor McCluskey, that Harbour East Community Council:

- 1. Approve the proposed development agreement, presented as Attachment A of the staff report dated December 14, 2006.**
- 2. Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 VARIANCE HEARINGS

8.2.1 Appeal of Development Officers decision to refuse a variance at 18 Regent Drive, Dartmouth

- A report dated January 22, 2007, on the above noted, was before Council.
- Correspondence from Mr. Ivano Andriani, property owner, dated February 1, 2007, on the above noted was before the Community Council.

Mr. Sean Audas, Development Officer, presented the staff report.

Councillor Smith called for those wishing to speak either in favour or against the variance, noting only those property owners within thirty metres were eligible to make a presentation on this matter.

Mr. Robert McIntosh, abutting property owner, advised he was not opposed to the placement of the storage shed.

Councillor Smith called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that the hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor McCluskey, seconded by Councillor younger, that the Harbour East Community Council overturn the Development Officer's decision and grant the variance.

Councillor McCluskey stated she feels this would be an improvement as it would provide an inside storage area.

Councillor Karsten received clarification that each application is judged on its own merits.

Councillor McInroy expressed concern with the three foot clearance and that this may be precedent setting as there are other buildings on the street that would qualify for the same consideration.

In response to Councillor Kent, Ms. Jones-Rieksts, Municipal Solicitor, advised the appellant does not have to provide an argument that fits the law when appealing. The appeal is before Community Council so that they may consider and weight the factors in relation to the legislation.

In response to Councillor Younger, staff advised that in order for Community Council to require that the shed be smaller it would have to be a new application.

Councillor Younger stated he has a concern with the egress around the side and feels the development officer's decision should be upheld.

Councillor McCluskey stated that she does not feel that the approval of the variance would be creating a dangerous situation.

MOTION DEFEATED.

MOVED by Councillor Karsten, seconded by Councillor Kent, that Community Council uphold the Development Officer's decision to refuse the variance. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

Councillor McCluskey served a petition on behalf of the owners and residents of Canal Bridge Condominium regarding a nuisance complaint.

Councillor Younger served a petition on behalf of the residents of Oakwood Avenue, Dartmouth, in opposition to the name change to Ottawa Avenue and placed the following motion.

MOVED by Councillor Younger, seconded by Councillor Kent, that Oakwood Avenue remain the same with Oakwood Court being renamed as required to meet the civic addressing correction project. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Karsten served a petition on behalf of the residents of Spring Avenue in opposition to the proposed renumbering of Spring Avenue.

9.3 Presentations

9.3.1 Eastern Front Theatre

This item was deferred to the March meeting under the approval of the Order of Business.

10. REPORTS

10.1 Case 00806 - Development Agreement - Greenvale School

- A report dated January 12, 2007, on the above noted.

MOVED by Councillor McCluskey, seconded Councillor Younger that Harbour East Community Council give notice of motion to consider the development agreement attached to the staff report dated January 12, 2007 and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Case 00864 - Proposed Residential Condominium Project at 675 Windmill Road

- A report dated January 22, 2007, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Councillor McCluskey, that the Harbour East Community Council:

- 1. Recommend that Regional Council give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law presented in Attachment A of the January 22, 2007 staff report and schedule a joint public hearing with Harbour East Community Council,**
- 2. Recommend that Regional Council give approve the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law presented in Attachment A of the January 22,2007 staff report; and**
- 3. Give Notice of Motion to consider the proposed development agreement presented in Attachment B of the January 22, 2007 staff report and schedule a joint public hearing with Regional Council.**

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Case 00981 - Scrap Metal Recycling as a Home Occupation

- A report dated January 25, 2007, on the above noted, was before Council.

MOVED by Councillor McInroy, seconded by Councillor McCluskey, that Harbour East Community Council give First Reading to the proposed amendments to the Land Use By-Law for Dartmouth provided in Attachment D of the January 25, 2007 staff report

and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

No speakers.

15. NEXT MEETING

The next meeting is scheduled for March 1, 2007.

16. ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Julia Horncastle
Legislative Assistant