

HARBOUR EAST COMMUNITY COUNCIL
MINUTES

April 5, 2007

PRESENT:

Councillors: Jim Smith, Chair
Becky Kent
Gloria McCluskey
Bill Karsten
Andrew Younger

REGRETS:

Councillor Harry McInroy

STAFF:

Ms. Jan Gibson, Municipal Clerk
Ms. Chrissy White, Legislative Assistant

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1. **CALL TO ORDER**

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

2. **APPROVAL OF MINUTES - March 1, 2007**

MOVED by Councillor McClusky, seconded by Councillor Younger, that the minutes from March 1, 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 00864 - Development Agreement- Proposed Residential Condominium Project at 675 Windmill Road.

Move:

Item 8.1.1 under reports to 10.2 as it is a First Reading and not a Public Hearing.

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

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

4.1 **STATUS SHEET ITEMS**

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

An Information Report dated March 16, 2007 was before Council. This item can be removed from the Status Sheet.

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

Approved at the March 1, 2007 meeting. To be removed from that Status Sheet.

4.1.3 Accessible Playground - Dartmouth

No Update. To remain on the Status Sheet.

5. MOTIONS OF RECONSIDERATION -NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Presentation - Eastern Front Theatre

Presenter not in attendance. No presentation given.

7.2 HRM Zoning Requirements

Mr. David Green, Solicitor for Mr. Angus Stewart, resident of Shallmar Crescent, Cole Harbour presented a brief presentation to Council regarding an amendment to the building By-law.

The Chair advised that Mr. Green's comments will be forwarded to staff for review, and advised that Community Council would consider his remarks.

8. HEARINGS

8.1 PUBLIC HEARINGS

8.1.1 Case 00780 - Amend Development Agreement - Ochterloney Esso

Moved to item 10.2 under the approval of the Order of Business.

8.2 VARIANCE HEARINGS

8.2.1 Appeal of the Development Officers Decision to Refuse a Variance at 26 Inverary Drive, Dartmouth

- A report dated March 28, 2007 was before the Council.

Ms. Laura Walsh, Planner, presented the report.

In response to questions from Members of Council, Ms. Walsh advised:

- The addition to the house at 26 Inverary Drive has a 20 foot set back from the street.
- The slope of the property is fairly general to Inverary Drive.
- The right-of-way to the house is 12 feet back from the street.

The Chair called for those wishing to speak either in favor or in opposition of the variance, noting that only those property owners within 30 meters were eligible to make a presentation on this matter.

Anthony Beck, Property Owner, 26 Inverary Drive advised that the proposed addition to his property is reasonable due to similar developments on his street and in his area. He further advised that the addition would improve the look of his property and the surrounding neighbourhood. He concluded by advising that the addition would be minor in comparison to other, larger developments in his area.

In response to Councillor Younger, Mr. Beck advised that approximately 70% of his property is sloped.

The Chair called three times for any additional speakers. Hearing none, the following motion was placed:

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

Councillor Younger advised that all property owners living within 30 meters of 26 Inverary Drive signed a petition in support of the variance. He further advised that he is in favor of the variance due to conflicting intent in the By-law regarding the rejuvenation of neighbourhoods.

MOVED by Councillor Younger seconded by Councillor McCluskey, that Harbour East Community Council grant the variance for 12.2 feet.

Councillor McCluskey spoke in support of the variance.
Councillor Karsten spoke in opposition the the variance.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence -None

9.2 Petitions

Three petitions were recieved by Council. They were as follows:

- Councillor Kent served a petition signed by approximately 15 residents regarding changing the name of Hershey Road to Milverton Road. The petition spoke against the name change.
- Councillor McCluskey served a petition signed by approximately 10 people regarding garbage removal practices by Killiam Properties at Lakefront Apartments.
- Councillor Younger served a petition signed by approvimately 10 residents of Inverary Drive advising of their support of the variance.

9.3 Presentation- None

10. REPORTS

10.1 Case 00781 - Notting Village: Rezoning & Development Agreement (Give First Reading and set public hearing date)

- A report dated March 15, 2007 was before Council.

MOVED by Councillor Kent, seconded by Councillor Younger, that Harbour East Community Council give First Reading and Notice of Motion to consider the proposed rezoning and development agreement as provided in Attachment C and schedule a Public Hearing. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Case 00780 - Amend Development Agreement - Ochterloney Esso

- A report dated March 5, 2007 was before the Council.

MOVED by Councillor Kent, seconded by Councillor Younger, that Harbour East Community Council give Notice of Motion to consider the attached amending agreement and schedule a public hearing. MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Case 00864- Development Agreement- Proposed Residential Condominium Project at 675 Windmill Road

- A report dated March 27, 2007 was before the Council.

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

- 1. Approve the proposed development agreement provided as attachment A; and**
- 2. Require the development agreement be signed within 120 days, or an extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

Councillor Smith spoke in favor of the development agreement and comended staff on their efforts.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Younger advised that under item 8.1. number 2 of the recommendation should read for the rentention of four existing signs as apposed to some signs.

13. NOTICES OF MOTION- NONE

14. PUBLIC PARTICIPATION- NONE

15. NEXT MEETING

The next meeting of the Harbour East Community Council will be May 3, 2007 at 7:00 p.m.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 7:43 p.m.

Chrissy White
Legislative Assistant