

HALIFAX REGIONAL MUNICIPALITY

WESTERN REGION COMMUNITY COUNCIL

SPECIAL MEETING

MINUTES

May 30, 2005

PRESENT: Councillor Steve Adams, Chair
Councillor Gary Meade
Councillor Reg Rankin

STAFF: Mary Ellen Donovan, Municipal Solicitor
Steven Higgins, Development Officer
Chris Newson, Legislative Assistant

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1. CALL TO ORDER

Councillor Adams, Chair, called the meeting to order at 7:00 p.m in the Media Room, 1st Floor, City Hall, Halifax.

2. REPORTS

2.1 Variance Appeal: 8356 Peggy's Cove Road, Indian Harbour

- A staff report dated April 28, 2005 was before Community Council.

The following correspondence were submitted at the meeting in support of the variance:

- A letter dated May 29, 2005 from Mr. Barry Zwicker
- A copy of an e-mail dated May 27, 2005 from Ms. Esther Bourgeois
- A letter dated May 25, 2005 from Lawrence and Linda Green
- A letter dated May 25, 2005 from Ron, Carole, Paul, Scott, Matt and Ernie MacInnis (Oceanstone Inn & Cottages by the Sea)
- A letter dated May 25, 2005 from Jane Robson
- A letter dated May 23, 2005 from Carol & Tony Ravina
- A letter dated May 20, 2005 from Ed Murphy
- A letter dated May 20, 2005 from Harold Verge, Planner
- A letter dated May 15, 2005 from (signature not readable - possibly J. Penny or Kenny)
- A letter dated May 15, 2005 from Peter Gough
- A letter not dated from PROFORMA Dave and Donna Lamb
- A letter not dated from JAQUAR INTERNATIONAL PRODUCTS INC. from Clyde Foch
- A letter dated October 10, 2004 from Paul F. Brillinger

Mr. Steven Higgins, Development Officer, presented the staff report dated April 28, 2005.

Councillor Steve Adams, Chair, called for any persons wishing to speak to the variance.

1. Mr. Joe Waskiewicz, Appellant

- Commented that Mr. Higgins has provided a good summary of the situation and he has nothing further to add.

2. Mr. Tom McQuire, Neighbour

- Owner of the neighbouring Roque's Gallery, directly opposite the Appellant's building. Mr. McQuire commented that he is glad to have Mr. Waskiewicz as a neighbour. He added the construction techniques used in the reconstruction of this site have preserved its history.
3. Mr. Tom Young (Defay) -
- Submitted numerous letters from neighbours indicating they approve of the development.
 - He commented that in regards to the water course, it depends on the tide as it is completely dry around his home. Further, most of the neighbours in the area would be in violation of the setback for new buildings.

Ms. Mary Ellen Donovan, Municipal Solicitor, commented that the setback is protection against the possible impact from the weather at this site. She added it is not unlike construction on a flood plain and if a permit were to be issued in this instance, it would be similar to a permit issued for a flood plain. Ms. Donovan suggested that if the Western Region Community Council were considering approving this variance, that a release be provided for HRM against any other property damage. She further requested that staff make a notation on the face of the permit so that the release would be a red flag and future owners would be aware that HRM would be exempt from any damage.

Mr. Waskiewicz commented that a Municipality would not be held responsible for an act of God. Ms. Mary Ellen Donovan responded that even though the property owner would be aware, the realities of life have shown that HRM would receive a claim due to weather damage. She further explained, for example, that in North Vancouver, British Columbia homes were built on the side of a hill which staff had cautioned against due to weather conditions undermining the stability of the land. The homeowner would have known the risks. A Municipality would spend \$50,000 or so just to go to court to defend the claim.

Councillor Adams confirmed that HRM would get calls regarding sewer backups etc.

Mr. Higgins concurred with the neighbours that the building on this site is professionally done and is of very sturdy construction.

Councillor Meade inquired if the septic system (tank) had been approved. Mr. Higgins responded all other requirements, including the septic, are in order.

MOVED BY Councillor Rankin, seconded by Councillor Meade that Western Region

Community Council:

- 1. Overturn the Development Officer's decision and permit the conversion of an accessory building (boat/fish shed) to a single unit dwelling.**
- 2. Approval of the minor variance be on condition that the property owner provide HRM with a release in respect to any future weather damage.**
- 3. Further, that staff ensure a notation be placed on the face of the permit so that future owners are made aware the Municipality has been released from all responsibility with respect to damage caused by weather.**

MOTION PUT AND PASSED UNANIMOUSLY.

- 3. NEXT MEETING DATE - Monday, June 27, 2005**
- 4. ADJOURNMENT**

The meeting adjourned at 7:17 pm.

Chris Newson
Legislative Assistant