

HARBOUR EAST COMMUNITY COUNCIL

MINUTES

September 10, 2009

PRESENT: Councillor Gloria McCluskey, Chair
 Councillor Lorelei Nicoll
 Councillor Bill Karsten
 Councillor Jackie Barkhouse
 Councillor Jim Smith

STAFF: Ms. Roxanne MacLaurin, Municipal Solicitor
 Ms. Melody Campbell, Legislative Assistant

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HALIFAX REGIONAL MUNICIPALITY
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1. CALL TO ORDER

The meeting was called to order at 6:02 p.m. at the Halifax Regional School Board Council Chambers, Alderney Drive, Dartmouth.

2. APPROVAL OF MINUTES - August 6, 2009

MOVED BY Councillor Nicoll, seconded by Councillor Barkhouse, that the minutes of August 6, 2009 as presented, be approved. MOTION PUT AND PASSED.

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

MOVED BY Councillor Karsten, seconded by Councillor Nicoll, that the Order of Business, as presented, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Review

Items requiring followup:

- Request for stop sign Slayter Street
- Request for sound barrier fence Woodland Avenue
- Request for stop sign South Ridge Circle
- Petition - Lower Mill Commercial Rate - Downtown Dartmouth Business
- Accessible Playgrounds Dartmouth

Items to be removed from the status sheet

- Dartmouth Lakes Advisory Committee items
- Dartmouth LUB Undersized Lots
- Urban Forest Area Nantucket Avenue
- Eastern Front Theatre Presentation

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 Case 01293 - Dartmouth LUB Amendments - Undersized Lots

- A report dated July 16, 2009 was before Council

Mr. Mitch Dickey, Planner, presented the report to Council.

Mr. Dickey advised Council of a clarification in the report, on Page 6 in the recommendation, the word 'either' is to be removed.

Following the presentation, the following clarification was provided to Council:

Councillor Karsten questioned whether the twenty metre set back is referred to in the Land Use By-law of every community.

In response to a query by Councillor Smith, Mr. Dickey advised that a property owner could buy abutting land if the landowner is willing to sell. If the property owner is unwilling to sell, the owner cannot build under current regulations. Mr. Dickey added that this amendment permits more leeway for lot owners.

In response to questions by Councillor McCluskey, Mr. Dickey confirmed that all of the lots that this amendment pertains to have been recognized; lots prior to 1978 or inherited through a will. Mr. Dickey noted that buildings side by side need space between the property line according to building codes and window space. If a landowner were to request two units on a twenty-five foot lot, it would have to go through the development agreement process. Mr. Dickey advised that a single family home can be built as long as it meets setbacks. He noted that the land could not be subdivided.

Councillor McCluskey advised of the importance of keeping the twenty metre setback in order to protect the lakes. She added that as-of-right should not be permitted.

Following clarification by members of Council, Councillor McCluskey called for those wishing to speak either in favour of or in opposition to the proposal. The following speaker came forward:

Mr. Robert Brown, Dartmouth, advised Council that he has owned and has paid taxes on a lot for a number of years. He advised that he has had the land surveyed and that he applied to get a development permit to build a home and was told that he required additional footage in order to build. He was told if he could acquire land on either side lot

he could be permitted to build. He advised that a home is on the land to the right of his property and HRM owns the land to the left. He requested to buy eight hundred square feet from HRM but his request was turned down. He stated that a lot at Lake Charles recently received a development permit, noting that it was 1950 square feet with buildings on both sides. He expressed concern in regard to the Lake Charles property receiving a building permit while he cannot.

In response to a question by Councillor Karsten, Mr. Brown stated that his father originally owned the lot, but he has owned it for the past twenty years. He advised that he did not try to develop the lot until four months ago. Mr. Dickey advised that if Mr. Brown had developed the land prior to 1993 and prior to the implementation of the Regional Plan, he would have received a building permit. It was noted that the lot is forty-four feet deep. Mr. Dickey advised that the Brown property is an issue due to the length of water course buffer. Mr. Dickey added that the Lake Charles property has a deeper lot of seventy to eighty feet deep with undersized houses on each side.

Following clarification by members of Council, Councillor McCluskey called three times for any further speakers wishing to speak either in favour of or in opposition to the proposal. Hearing none, the following motion was placed:

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

MOVED BY Councillor Barkhouse, seconded by Councillor Nicoll, that Harbour East Community Council approve the proposed amendments to the Dartmouth Land Use By-law, as set out in Attachment A of the report dated July 16, 2009, to permit development on existing undersized lots.

Members of Council requested that staff consider any options available to Mr. Brown.

Members of Council reiterated the importance of maintaining a buffer to protect the environment and the lakes.

MOTION PUT AND PASSED.

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS

10.1 Staff Reports

10.1.1 Case 01230: Development Agreement, 249-251 Windmill Road

- A Supplementary Report dated August 17, 2009 was before Council.

MOVED BY Councillor Smith, seconded by Councillor Nicoll, that Harbour East Community Council:

- 1. Approve the proposed development agreement to permit a 12 storey, 103 unit residential building; an existing 4 storey, 207 unit residential building; and an existing 2 unit dwelling as set out in the proposed development agreement included as Attachment A of the report dated August 17, 2009.**
- 2. Require the agreement be signed and delivered within 120 days, or any extension thereof granted by Harbour East Community Council on Request of the applicant, from the date of final approval of said agreement by Harbour East Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

The following clarification was provided to Council by Mr. Joseph Driscoll, Planner:

- A change from glass railing to wood would take away the intent of the architectural design concept and if this were required, the Developer would come back to staff requesting an amendment.
- If parking requirements changed, a small number such as two or three, with a degree of flexibility, could be approved by the development officer. If a higher number of parking spaces were to change, it could be approved by development agreement.

MOTION PUT AND PASSED.

10.1.2 Case 01292: Amending Agreement, 35 & 59 Baker Drive, Dartmouth

- A Report dated August 19, 2009 was before Council.

MOVED BY Councillor Karsten, seconded by Councillor Smith, that Harbour East Community Council Give Notice of Motion to consider the proposed amending agreement set out in Attachment A of the report dated August 19, 2009 and schedule a public hearing. MOTION PUT AND PASSED.

10.1.3 Case 01270: Amendments to Eastern Passage/Cow Bay LUB and Discharge of Heritage Hills Development Agreement

- A Report dated August 28, 2009 was before Council.

MOVED BY Councillor Barkhouse, seconded by Councillor Nicoll, that Harbour East Community Council Give First Reading to consider amendments to the Land Use By-law for Eastern Passage/Cow Bay, as shown in Map 1 and in Attachment A of the report dated August 28, 2009 and schedule a public hearing. MOTION PUT AND PASSED.

10.2 Members of Council

10.2.1 Appointment to District Boundaries Committee

Councillor Karsten nominated Councillor McCluskey to the District Boundaries Committee. Councillor McCluskey accepted the nomination. Following the final call for nominations, nominations were closed.

MOVED BY Councillor Karsten, seconded by Councillor Nicoll, that Councillor McCluskey be appointed as the Harbour East Community Council representative on the District Boundaries Committee. MOTION PUT AND PASSED.

Councillor Karsten requested Councillor McCluskey discuss with the District Boundaries Committee the issue of the number of members from each Community Council. He noted that Harbour East Community Council is comprised of six Councillors and may require more than one representative on the Committee.

11. MOTIONS - NONE

12. ADDED ITEMS - NONE

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Bob Morash, advised Council that he is requesting information on the following issues:

- lot plans for Maybank
- how much land owned by HRM at Maybank
- recreation lands on Baker Drive and/or plans for recreation facilities in that area

Mr. Kurt Pyle, Supervisor Planning Applications, advised Council that he would contact Mr. Morash and provide him with response to his questions.

A member of the public addressed Council in regard to Case 01293 - Dartmouth LUB Amendments, Undersized Lots. He advised that he had purchased a lot that he was unable to build on due to its size. He expressed his pleasure with the motion passed earlier in the meeting, as he will now be able to build on his lot.

15. NEXT MEETING - October 1, 2009

The next meeting of Harbour East Community Council will be held on October 1, 2009.

16. ADJOURNMENT

The meeting was adjourned at 7:17 p.m.