

HARBOUR EAST COMMUNITY COUNCIL  
MINUTES

September 16, 2010

PRESENT:                   Councillor Lorelei Nicoll  
                                  Councillor Bill Karsten  
                                  Councillor Jackie Barkhouse  
                                  Councillor Jim Smith  
                                  Councillor Darren Fisher

REGRETS:                   Councillor McCluskey

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

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**1. CALL TO ORDER**

The meeting was called to order at 6:03 p.m. with the Invocation being led by Councillor Fisher.

**2. APPROVAL OF MINUTES - August 5, 2010**

**MOVED by Councillor Fisher, seconded by Councillor Smith, that the minutes of August 5, 2010, 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 Smith, 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**

**4.1.1 Sculpture Park - Dartmouth Waterfront**

No update at this time. To remain on the status sheet.

**4.1.2 Commercial Signs**

Information report received. To remain on status sheet, no further action requested at this time.

**4.1.3 Overhead RA Crosswalk Lighting**

Information report received. To be removed from status sheet.

**4.1.4 Speed Bumps - Pelzant & John Street**

No update at this time. To remain on the status sheet.

**4.1.5 Public Consultations - Hines Road/Howard Avenue**

No update at this time. To remain on the status sheet.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**7.1 Variance Decision - Appeal of the Development Officer's decision to refuse a Variance at 102 Melrose Crescent, Eastern Passage**

- A supplementary information report dated September 9, 2010 was before Council.
- A staff report dated July 2, 2010 was before Council.

Mr. Sean Audas, Development Officer, presented the report to Council.

The Variance Hearing for 102 Melrose Avenue, Eastern Passage was held on July 8, 2010. At that meeting, Harbour East Community Council passed a motion deferring decision on the variance hearing to the October meeting.

Councillor Karsten excused himself from the discussion as he was not in attendance at the July 8, 2010 meeting.

Councillor Barkhouse suggested that variance such as the variance for 102 Melrose Avenue should not be permitted on other properties on a go forward basis. Mr. Audas, Development Officer, advised Council that enforcement can be used on some of these issues as well as advising property owners of the regulations that are in place.

**MOVED by Councillor Barkhouse, seconded by Councillor Fisher, Harbour East Community Council overturn the Development Officers decision and approve the variance. MOTION PUT AND PASSED.**

Councillor Karsten assumed his chair in Council.

**8. HEARINGS**

**8.1 PUBLIC HEARINGS**

**8.1.1 Case 15863 - Multiple Unit Dwelling, 185 Windmill Road, Dartmouth**

- A staff report dated July 27, 2010 was before Council.

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

In response to a question by Councillor Fisher, Mr. Dickey advised that new siding will be installed on the entire building.

Councillor Karsten suggested that fencing that is chosen should be architecturally pleasing to the property.

In response to a question by Councillor Smith, Mr. Dickey advised that there is flexibility in the development agreement regarding roofing adding that consideration is being given to a green roof deck. He added that the building code will determine the height of the deck rails.

Mr. Dickey further advised that entry point to the apartments is the stairway in the rear of the building. He added that the stairway will comply with National Building Code requirements.

In response to a question by Councillor Smith, staff advised that a landscaping plan will be submitted with a qualified landscape person providing the plan.

Mr. Dickey advised Council that C2 zoning does not specify side lots in the Land Use By-law.

Councillor Smith suggested that a sound barrier be put in place in the walls between the apartments.

Councillor Nicoll, Chair, reviewed the public hearing procedures; then opened the public hearing calling for any speakers for or against the proposal to come forward at this time.

**Mr. Joseph Jebaally**, Dartmouth, advised Council that he plans to have a building with high quality tenants adding that the rental rates may be a bit higher to attract good tenants. He added that he will be providing good quality accommodations at fair and reasonable rates.

Councillor Nicoll called three times for any further speakers, hearing none the following motion was placed:

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

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

- 1. Approve the proposed development agreement for 185 Windmill Road, as set out in Attachment A of the report dated July 27, 2010, to permit construction of an addition and allow for a total of 6 dwelling units on the property; and**
- 2. Require the 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, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Smith advised Council of the need for good quality building in District 9. He suggested that a sound barrier be put in place in the walls between the apartments, and consideration should be given to going above the building code in this case. He noted that the development meets the density standard and the Municipal Planning Strategy.

**MOTION PUT AND PASSED.**

**8.1.2 Case 16032 - Development Agreement - 613 Main Street, Westphal**

- A staff report dated July 13, 2010 was before Council.

Mr. Darrell Joudrey, Planner, presented the report to Council.

Mr. Joudrey provided the following clarification to the report on Page 12, Subsection 6.3.2; for the purposes, construction permit for dance floor and stage; it should read: construction or development permits for dance floor and stage.

In response to a question by Councillor Karsten, Mr. Joudrey advised that the building presently has 6000 square feet as a licenced area.

In response to a question by Councillor Fisher, Mr. Joudrey advised that licences are already in place from the Nova Scotia Alcohol and Gaming Division so there is no affect on the development agreement.

Councillor Nicoll, Chair, reviewed the public hearing procedures; then opened the public hearing calling for any speakers for or against the proposal to come forward at this time.

**Mr. Nick Pryce**, Genova, on behalf of the property owners, addressed Council. He advised that Mr. Joudrey represented the aspects of the plan and offered to address any concerns of Council.

Councillor Nicoll called three times for any further speakers, hearing none the following motion was placed:

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

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

- 1. Approve the proposed development agreement as set out in Attachment A of the report dated July 13, 2010, to permit licensed establishments within the existing building at 613 Main Street, Westphal;**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

## **8.2 VARIANCE HEARING**

### **8.2.1 Appeal of the Development Officer's decision to refuse an application for a Variance at 8 Shore Drive, Dartmouth**

- A staff report dated September 9, 2010 was before Council.

Ms. Laura Walsh, Development Technician, presented the report to Council.

In response to a question by Councillor Karsten, Mr. Audas advised that the current building is considered compliant and that it sits on an undersized lot. Mr. Audas added that there is an encroachment on the neighbouring property with the walkway and a portion of the building over the property line. He added that this is common in older

areas of Dartmouth and Halifax. He stated the both properties are owned by the same person with the proposed development planned for the left lot.

Councillor Nicoll, Chair, called for those who were eligible and wished to speak to come forward.

**Mr. Power**, Dartmouth, property owner, submitted pictures of the current building as well as the proposed building to Council. He advised Council that he is trying to build two houses, one on each lot. He added that the second lot is larger. He noted that HRM owns land right up to the building. He added that the proposed building will be smaller than the current building. He stated that his neighbours support him and that he has the right to build three or four buildings on the properties, although, he is only building two. He stated that the build will be good for the neighbourhood.

Mr. Power advised, in response to a question by Councillor Smith, that the size of the proposed house is 21 feet by 38 feet. He added that he is not sure of the size of the current building.

In response to a question by Councillor Smith, Council was advised that the current building measures 21.9 feet by 21.9 feet. Councillor Smith expressed concern regarding differing indications of the size of the proposed building.

Mr. Audas advised Council that the plans provided to staff by the applicant indicates 21 feet, although the pictures/plan submitted to Council this evening by the applicant indicates 23 feet. Councillor Karsten noted that there appears to be two sets of numbers and requested clarification. Mr. Audas advised that the revised pictures/plan distributed to Council by the property owner indicates that there are two numbers.

**Mr. Bruce Smith**, Dartmouth, advised Council that he is in favour of plans proposed for 8 Shore Road.

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

**MOVED by Councillor Barkhouse, seconded by Councillor Fisher that the hearing be closed. MOTION PUT AND PASSED.**

Councillor Fisher advised that he is not sure of the proposed lot coverage, as there seems to be an indication of 23 feet and an indication of 21 feet for the proposed structure.

In response to a question by Councillor Barkhouse, staff advised that the size can be determined by Council.

Councillor Karsten suggested that Council hold the applicant to 21 feet as was indicated by the property owner.

**MOVED by Councillor Karsten, seconded by Councillor Fisher, that Harbour East Community Council overturn the Development Officers decision and approve the variance with the provision in place that the building size is no larger than 21 feet by 38 feet. MOTION PUT AND PASSED.**

**9. PRESENTATIONS, CORRESPONDENCE AND DELEGATIONS**

**9.1 Presentations - None**

**9.2 Correspondence - None**

**9.3 Petitions - None**

**10. REPORTS**

**10.1 Staff Reports**

**10.1.1 Case 15781 - Irishtown Road MPS Amendment Request, Downtown Dartmouth**

- A staff report dated August 6, 2010 was before Council.

Staff advised that this report will be sent to the Heritage Advisory Committee. Council agreed that any recommendation by the Heritage Advisory Committee has ample time to be addressed by Regional Council.

**MOVED by Councillor Karsten, seconded by Councillor Smith, that Harbour East Community Council recommend that Regional Council:**

- 1. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Downtown Dartmouth as contained in Attachments A and B of the report dated August 6, 2010, to add a new Opportunity Site and adopt new site specific policy regarding site and design issues, and schedule a public hearing.**

**MOTION PUT AND PASSED.**

**10.1.2 Case 15841 - Group Homes, Dartmouth**

This item was deferred to the next meeting of Harbour East Community Council.

**10.2 Members of Council**

**10.2.1 Mobile homes, trailers and boats: Private residential lots - Councillor Karsten**

**MOVED by Councillor Karsten, seconded by Councillor Barkhouse that Harbour East Community Council request a staff report on the land use issue surrounding the continuation or elimination of RVs, trailers, and boats to be allowed to permanently be parked on private residential lots. MOTION PUT AND PASSED.**

**11. MOTIONS**

**12. ADDED ITEMS - NONE**

**13. NOTICES OF MOTION**

**14. PUBLIC PARTICIPATION**

Mr. Kurt Pyle, Supervisor, Planning Services, advised Council that the a number of issues have to be addressed regarding Founders Square. Information will be coming forward to Council in the future.

**15. NEXT MEETING - Monday, October 4, 2010**

**16. ADJOURNMENT**

The meeting was adjourned at 7:28 p.m.

Melody Campbell  
Legislative Assistant

Information Items

1. Request for Overhead RA-5 Crosswalk Signs with Flashing Lights on Boland Avenue at Cairn Street
2. Case 16411 - Downtown Dartmouth Signs