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## MEMORANDUM

To: Chair and Members of Marine Drive, Valley and Canal Community Council

From: Krista Vining, Legislative Assistant, Office of the Municipal Clerk

Date: August 29, 2012

**Subject: Status of Fence Permit Application #102842 – 91 Glasgow Road, East Preston**

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### Background

To provide the Community Council with a chronological update on action taken to date.

#### March 30, 2011

Staff report dated January 24, 2011 was before Community Council for consideration. The report recommended that the fence permit application by Charles Brian Mintus, to obtain approval of an existing 8" high fence constructed without a permit, be approved.

The Community Council passed a motion to defer matter for 60 days to allow for the following information to be provided to the Community Council:

- a Survey of the property lines at 91 Glasgow Road and 103 Glasgow Road and the position of the fence as it relates to those lines, to be provided by the applicant;
- clarification from the Department of Environment respecting the watercourse near the property to address erosion concerns and whether additional structural fill is required, to be provided by HRM staff; and
- confirmation as to whether the structural integrity of the fence would be compromised if aesthetics enhancements were made with the use of, or including, additional boarding, to be provided by the applicant.

#### May 25, 2011

During a review of the Status Sheet, the Clerk indicated that not all of the information requested had been received and a motion was passed approving a further extension to the next meeting of the Community Council to be held on June 22, 2011.

June 22, 2011

A staff supplementary report dated June 3, 2011 was before the Community Council recommending the fence permit application be approved. As well, a submission, including photos, from Mr. Christopher Smith, was presented to the Community Council.

Councillor Hendsbee indicated the Department of Environment has completed an onsite investigation regarding the determination of the watercourse and staff is awaiting written confirmation. He noted that based on this investigation, permits would be required respecting the modification to a watercourse, as well as further support to the base of the fence may be required.

The Community Council passed a motion deferring the matter to allow for written confirmation to be provided by the Department of Environment respecting the watercourse as it relates to the fence.

August 4, 2011

Correspondence was received from Steve Doucette, Inspector Specialist, Department of Environment, dated July 27, 2011 respecting the watercourse determination of 91 Glasgow Road, East Preston HRM, PID 41179037.

The Community Council accepted the correspondence and agreed to forward a copy to Mr. C. Brian Mintus, applicant; Mr. Christopher Smith, resident of 103 Glasgow Road; and HRM staff for their information.

April 20, 2012

Mr. Mintus emailed the Clerks Office indicating he was in receipt of a letter from Councillor Hendsbee regarding the issue of a watercourse that flows on his property, and that it appeared that the issue may again be put before the Community Council. Mr. Mintus advised that he is presently in the process reviewing the information from the Department of Environment regarding the watercourse and asked for an extension of time to give him ample time to respond to the Department of Environment before matter goes before Community Council.

May 5, 2012

Mr. Mintus contacted the Clerks Office in relation to his email of April 20<sup>th</sup>, noting that he would be out of Province for the next six weeks and asking for an update on his request for an extension.

May 7, 2012

The Office of the Municipal Clerk responded to Mr. Mintus via email, granting his request to extend the matter until his return to the Province, and that the matter would be placed on the MDVCCC June 27, 2012 agenda.

June 12, 2012

The Clerk's Office followed up with Mr. Mintus, the Community Council and applicable staff regarding their May 7<sup>th</sup> email, advising that the June 27<sup>th</sup> meeting had been rescheduled to July 4, 2012, at which time the matter would come forward.

June 26<sup>th</sup>/June 27, 2012

The Clerk's Office received an email from Richard MacMillan, Supervisor, Permits & Inspections, with attached request from Mr. Mintus asking for a future extension of 60 days into the Fall 2012, and providing a letter from the Department of Transportation and Infrastructure Renewal advising that they would be undertaking an investigation into the matter as to whether the Department of Transportation has been negligent in any work done that is associated with the culvert installation. This investigation is expected to take any where from one to two months to complete.

July 10, 2012

In reviewing Mr. Mintus' request to extend a further 60 days into the Fall 2012, the Community Council took into consideration the time sensitivity of this matter, and that the matter has been ongoing for over a year (March 2011) and the need for decision in a timely manner. The Community Council denied the request and Mr. Mintus, along with applicable staff, were advised that this matter would be brought forward for consideration at the July 25, 2012 meeting.

July 24<sup>th</sup>/July 25, 2012

The Clerk's Office received a written request from Mr. Christopher Smith of 103 Glasgow Road, East Preston on July 24, 2012 to postpone the matter. Upon consideration of both Mr. Mintus and Mr. Smith's requests, the Community Council passed a motion at their July 25<sup>th</sup> meeting to defer consideration of this matter to a future meeting date to be determined.

August 13, 2012

The Clerk's Office confirmed with staff that this matter would be head at the Community Council's September 6, 2012 meeting; 7 p.m. at the Gordon R. Snow Community Centre, 1359 Fall River Road, Fall River. Notification was sent by staff to the applicant and adjacent neighbours on August 15, 2012.

In closing, I would note that Community Council is being asked to decide on whether to approve or deny the fence permit application.

Please contact me at 490-6519 or [tidgwek@halifax.ca](mailto:tidgwek@halifax.ca) should you have any questions.

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