

APPEALS STANDING COMMITTEE
MINUTES

February 9, 2012

REVISED

PRESENT: Councillor Jim Smith, Vice Chair
Councillor Mary Wile
Councillor David Hendsbee
Councillor Steve Adams
Councillor Bob Harvey

REGRETS: Councillor Brad Johns, Chair
Councillor Gloria McCluskey
Councillor Dawn Sloane

STAFF: Ms. Tanya Phillips, Manager of By-law Services
Ms. Danielle Banks, Orders Assistant, By-law Services
Mr. Stephan Jedynak, Solicitor
Ms. Shawnee Gregory, Legislative Assistant

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1. CALL TO ORDER

The Vice Chair called the meeting to order at 10:06 a.m. in the Council Chamber, City Hall.

2. APPROVAL OF MINUTES – November 10, 2011

MOVED by Councillor Harvey, seconded by Councillor Wile that the minutes of November 10, 2011 be approved as presented. MOTION PUT AND PASSED.

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

Addition:

8.1 Demolition Order Updates

Agenda accepted as amended.

4. CONSIDERATION OF ADJOURNED BUSINESS - NONE

5. DANGEROUS OR UNSIGHTLY PREMISES

5.1 Appeals

5.1.1 Case 174532, 508 River Road, Terence Bay

A report dated January 25, 2012 was before the Committee.

Mr. Alonzo MacDonald, By-law Enforcement Officer, presented the report, including photographs of the property in question.

A discussion ensued with staff responding to questions of clarification.

Ms. Evelyn Christine Slaunwhite, property owner of 508 River Road, stated that the structure in question was being called dangerous and unsightly and derelict; however, this was not the case. She advised that the structure had been on her private property for 18 years and has been used every year since; as a playhouse in the summer and for storage in the winter. She indicated that the structure, a delivery truck, had no engine or fluids, was sunk into the ground for safety, was not rusted, and had good ventilation. Ms. Slaunwhite stated that the debris inside the structure was actually a single bed, zodiac and various other items that had been stored and locked up; noting that HRM does not define the word debris for her area and; therefore, these items should not be considered as such. She advised that she would be happy to paint the structure and landscape around it; stating that she had enjoyed the playhouse with her children and hoped to with her grandchildren as well. She indicated that the structure had been

recycled and reused from what it once was so it was an eco friendly space. Ms. Slaunwhite noted that she had asked her neighbours and none had a problem with the structure and, regardless of the source of the complaint, she hoped the Committee would find her structure fine as it was. She thanked the Committee and By-law Office.

A discussion ensued.

MOVED by Councillor Hendsbee, seconded by Councillor Wile that the Appeals Standing Committee refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on November 8, 2011.

A discussion on the motion ensued.

MOTION PUT AND PASSED.

5.1.2 Case 176805, PID 41162884, Lucasville Road

A report dated January 25, 2012 was before the Committee.

Mr. Alonzo MacDonald, By-law Enforcement Officer, presented the report, including photographs of the property in question.

A discussion ensued with staff responding to questions of clarification.

Mr. Peter Meltzer, property owner of PID 41162884, Lucasville Road, advised that he bought the property in November 2009 as the company he worked for closed and the new property allowed for C2 zoning so he could build a shop as the By-law also allowed for furniture manufacturing and outside storage. He indicated that his business had since downsized considerably and the vehicles in question were the ones they used. He stated that the property was heavily treed and they had built a hill behind it using driveway dirt; noting you can only see the vehicles from directly up the driveway. Mr. Meltzer advised that he had complied with a previous request to cover the vans and fix the rest of the area as well; stating he had installed tarps and the area now looks presentable. He stated that he built a fence at the request of the property owner behind his and had repaired the road as well; noting that these neighbours, who were carrying on a business, were using the road which was part of his property and did not like that he was blocking traffic for their customers while Mr. Meltzer was fixing the road. He stated that he had to call the police as he was being harassed by the neighbours, and the next day, three windows and a windshield were smashed in the vans and the tarp garage was constantly being opened up by people looking in. Mr. Meltzer indicated that his vehicles have been called derelict as a result of the smashed windows and that he was the victim of being bullied; noting he had to remove the licence plates from the vehicles as they were being stolen. He stated that he complied with every previous request; however, he did not have the means now to comply within seven days. Mr. Meltzer advised that the orange trailer would be removed entirely and that his business now had a shop on Rocky Lake Drive where the remaining vehicles would be taken one

at a time for repair and painting; noting this would be ongoing. He indicated that he thought the tarp garage was presentable and, as funds permit, they would continue their work.

A discussion ensued.

MOVED by Councillor Harvey, seconded by Councillor Wile that the matter be adjourned for three months.

A discussion on the motion ensued.

The Committee noted that the expectation in three months time would be for Mr. Meltzer to have all vans fixed with licence plates and motor vehicle inspections or else be removed.

Mr. Stephan Jedynek, Solicitor, advised that the Committee was required to make a decision and could then vary or impose a remedy based on that decision; however, the Committee could not impose conditions on an adjournment.

MOTION DEFEATED.

MOVED by Councillor Wile, seconded by Councillor Hendsbee that the Appeals Standing Committee:

- 1. Refuse the appeal and uphold the Order to Remedy Dangerous or Unsightly Conditions issued on December 7, 2011; and**
- 2. Grant the appellant a three month extension to comply with the order.**

MOTION PUT AND PASSED.

5.2 Demolitions

5.2.1 Case 174296, 595 Purcell's Cove Road, Halifax

A report dated January 25, 2012 was before the Committee.

Mr. Rob Coolen, By-law Enforcement Officer, presented the report, including photographs of the property in question.

A discussion ensued with staff responding to questions of clarification.

The property owner indicated that she had a building permit issued on February 1, 2012. She stated that she had been having a difficult time with her neighbours; noting that one was trying to get her agree to sell the property to him for \$17,000 even though it was valued at \$75,000 and another had stolen foundation stones from her property

and then used them to build a terraced rock wall. She advised that she had invested \$20,000 into the property and hired a contractor to raise the home off of its crumbling foundation; noting she then lost her job and was unable to continue financing the project. She stated that, instead of jacking the building up, she asked the professional contractor to put it on more secure cribbing until she was able to finance the project again.

The property owner indicated that SNC Lavalin had looked at the structure and stated it was sound. She advised that she had put the property up for sale in case someone had the money to buy and fix it sooner than she could; noting that a design had been filed with HRM and could be accessed. She advised that she had an offer come in recently without conditions, very close to a price she could accept and when the perspective buyer visited the property, saw the order on the door, and talked to her neighbours; they reduced the offer by \$30,000 and then completely backed out. She stated that there was a lien against the property and if it did not sell by May, she would talk to the Committee again; noting that if the house was demolished she would have to apply for a different building permit and her neighbours would not give her a variance to rebuild.

In closing, the property owner indicated that she was trying to sell the property. She stated that her family has agreed to help, if necessary, to add a foundation prior to the expiration of her real estate agreement at the end of May and her building permit expiration at the end of June 2012, so the home would have a foundation or be sold by the end of June.

A discussion ensued.

MOVED by Councillor Adams, seconded by Councillor Harvey that Case 174296 be adjourned for five months. MOTION PUT AND PASSED.

- 6. BY-LAW M-100 - RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES – NONE**
- 7. BY-LAW S-300 – RESPECTING STREETS**
 - 7.1 Appeal of the Right of Way Engineer’s Decision to Refuse a Streets and Services Permit for a Curb/Sidewalk Cut for the Purposes of Installing an Additional Driveway at 55 Elgin Street, Halifax**

A report dated January 30, 2012 was before the Committee.

Correspondence and a presentation from the Appellant dated December 13, 2011 was before the Committee.

Mr. Christopher Davis, Right of Way Engineer, provided the presentation on the Appeal of the Right of Way Engineer’s Decision to Refuse a Streets and Services Permit for a

Curb/Sidewalk Cut for the Purposes of Installing an Additional Driveway at 55 Elgin Street, Halifax.

A discussion ensued with staff responding to questions of clarification.

Mr. Brian White, property owner of 55 Elgin Street, Halifax, advised that he had purchased the property, which included a basement apartment, a year and a half prior. He stated that he knew there was a fence down his driveway; however, due to a conflict between the prior owner and neighbours, the fence cut off access to his driveway. Mr. White indicated that he put up a wall, applied for a curb cut permit and was denied; however, what he was asking for was not unsafe as there was no shortcutting or access through the subdivision and traffic was so slow there was not even a stop sign. He submitted a petition in support of his driveway cut as well as photos of the property. He indicated that it was not unusual to put driveways in intersections so he was not asking for anything out of the ordinary or dangerous. Mr. White stated that he planned to retire in this home and if he did not have a parking spot for the basement apartment it would diminish its rental value; noting that he was not asking for a new driveway but to extend the existing driveway.

A discussion ensued.

MOVED by Councillor Adams, seconded by Councillor Hendsbee that the Appeals Standing Committee grant the appeal and overturn the Right of Way Engineer's decision to deny the permit. MOTION PUT AND PASSED.

8. ADDED ITEMS

8.1 Demolition Order Updates

A demolition update document dated February 9, 2012 was submitted.

The demolition order updates were accepted as information.

9. NEXT MEETING DATE – March 8, 2012

10. ADJOURNMENT

The meeting was adjourned at 11:55 a.m.

Shawnee Gregory
Legislative Assistant

Information Item

1. HRM Legislative Requests Strategy