

APPEALS STANDING COMMITTEE
MINUTES

December 13, 2012

- PRESENT: Councillor Brad Johns, Chair
Councillor Matt Whitman, Vice-Chair
Councillor Gloria McCluskey
Councillor David Hendsbee
Councillor Bill Karsten
Councillor Steve Adams
- REGRETS: Councillor Linda Mosher
Councillor Steve Craig
- STAFF: Ms. Tanya Phillips, Manager of By-law Services
Mr. Scott Hill, Regional Coordinator, By-law Services
Mr. Kevin Hindle, Regional Coordinator, Taxi, Limousine &
License Standards
Ms. Danielle Banks, Orders Assistant, By-law Services
Ms. Kirby Grant, Solicitor
Mr. Quentin Hill, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 10:05 a.m. in the Dartmouth Council Chamber, 90 Alderney Drive.

2. APPROVAL OF MINUTES – November 29, 2012

MOVED by Councillor Whitman, seconded by Councillor Adams to approve the November 29, 2012 minutes as presented. MOTION PUT AND PASSED.

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

MOVED by Councillor McCluskey, seconded by Councillor Whitman that the agenda be approved as presented. MOTION PUT AND PASSED.

4. CONSIDERATION OF ADJOURNED BUSINESS- NONE

5. DANGEROUS OR UNSIGHTLY

5.1 Appeals

5.1.1 Case # 195562 23 Manette Crt., Porters Lake

A staff report dated December 5, 2012 was before the Committee.

Mr. Trevor Oliver By-law Officer with Municipal Compliance presented the report, including photographs of the property in question. He noted that there was a fence surrounding the property. He pointed out a Sea- Fury boat that was sitting on a trailer without wheels and the boat was full of debris. He advised that the neighbour could see in the property and be able to see all the debris. He advised the Committee that there was a derelict orange tractor located on the property.

A discussion ensued with staff responding to questions of clarification.

Mr. Vincent Fitzmorris, property owner of PID# 40693707 advised the Committee that he was a heavy truck and bus mechanic and stated his business is located on his property. He stated that neighbours have complained about his property saying that they are unable to sell their property. He stated that he had to apply for a variance to have his business in the garage on the property. He indicated that he had to build a fence around his property to hide the work that is undertaken on the property before he was able to be granted a commercial property. He noted that he wanted to build the fence higher but was not allowed to according to the By-laws. He stated that he has been cleaning up his property as he works and then was told by HRM By-laws that he had to have his property cleaned up within a week of notice. He stated that he was also

told that he had to get rid of his Sea-Fury boat. He stated that he has spent a considerable amount of money on the boat and is an ongoing project. He noted that he was unsure about what he was permitted to have on his property. He stated that it could take a couple years to fix the tractor as it is difficult to find parts for the tractor because of its age.

A discussion ensued.

MOVED by Councillor Hendsbee, seconded by Councillor Whitman to grant the appeal and not uphold the Order to Remedy on the condition that the tractor and boat be covered with a tarp.

MOTION PUT AND PASSED.

5.1.2 5.1.2 Case #195734 23 Manette Crt., Porter's Lake

A staff report dated December 5, 2012 was before the Committee.

Mr. Trevor Oliver By-law Officer with Municipal Compliance presented the report, including photographs of the property in question. He noted that there are a number of items lying around that need to be removed from the property or placed in a tidy and orderly manner. Mr. Oliver pointed out a number of items in his presentation including:

- Construction material
- Metal and plastic
- Machinery and automotive parts
- Tires
- Bags of solid waste
- Scattered debris
- Oil and gas containers

A discussion ensued with Mr. Oliver answering questions of clarification from the Committee.

Mr. Vincent Fitzmorris, property owner of PID# 40693707 advised that he had removed a lot of the material presented by Mr. Oliver. He stated that there are a number of items that are worth thousands of dollars and used in his truck repair business. He stated that the materials are hidden behind the fence and the neighbours would be unable to see the majority of the items. He stated that he has to properly store the oil as it is required by Nova Scotia Department of Environment.

A discussion ensued with Mr. Fitzmorris answering questions of clarification from the Committee.

MOVED by Councillor Hendsbee, seconded by Councillor Adams to adjourn case # 195734 until the March 2013 Appeals Standing Committee meeting.

MOTION PUT AND PASSED.

6. ADDED ITEMS - None

7. IN CAMERA

7.1 Personnel Matter

This matter was dealt with at the In Camera session.

8. NEXT MEETING – January 10, 2013

10. ADJOURNMENT

The meeting was adjourned at 12:33 p.m.

Quentin Hill
Legislative Assistant