

APPEALS STANDING COMMITTEE  
MINUTES

March 28, 2013

PRESENT: Councillor Brad Johns, Chair  
Councillor David Hendsbee  
Councillor Gloria McCluskey  
Councillor Bill Karsten  
Councillor Linda Mosher  
Councillor Steve Adams  
Councillor Steve Craig

REGRETS: Councillor Matt Whitman, Vice-Chair

STAFF: Ms. Tanya Phillips, Manager of By-law Services  
Mr. Scott Hill, Regional Coordinator, By-law Services  
Ms. Danielle Banks, Orders Assistant, By-law Services  
Ms. Karen MacDonald, Solicitor  
Mr. Quentin Hill, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 10:01 a.m. in the Dartmouth Chamber, 90 Alderney Drive, Dartmouth.

**2. APPROVAL OF MINUTES – December 13, 2012**

**MOVED by Councillor McCluskey, seconded by Councillor Karsten that the minutes of December 13, 2012 be approved. MOTION PUT AND PASSED.**

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

**MOVED by Councillor Craig, seconded by Councillor Karsten that the agenda be approved as presented. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Case 195734, 23 Mannette Court, Porter's Lake, NS**

This appeal was adjourned to this meeting at the December 12, 2012 meeting of the Committee to provide time for the property owner to address the debris issues on the property.

A supplementary staff report dated March 7, 2013 was before the Committee.

Mr. Trevor Oliver, By-law Enforcement Officer, presented the report, including photographs of the property in question. Mr. Oliver noted that very little cleanup had been completed on the property, since the matter had last been before the Appeals Standing Committee.

Mr. Vincent Fitzmorris, Appellant, advised the Committee that he runs a truck business on the property which is permitted under the Land Use By-laws. He explained that the truck parts were used for his business and the building materials were going to be used for construction of a new building. Mr. Fitzmorris indicated that he felt he was being harassed, as he felt the majority of items could not be seen unless someone was on the property. He explained that he had built a fence and parked the trucks on the property as had been requested.

Councillor Hendsbee entered the meeting at 10:23 a.m.

Ms. Tanya Phillips, Manager By-law Services, stated that the issue with the property is the accumulation of debris. She noted that there is no order to the materials as indicated by Mr. Fitzmorris. She stated that if he intends to keep some of the material it needs to be kept in an organized manner.

A discussion ensued.

**MOVED by Councillor Adams to allow the appeal of Case# 195734, 23 Manette Court.**

The Chair called three times for a seconder to the motion; there being none the **MOTION WAS LOST**. The decision of the By-law Officer to Remedy Dangerous or Unightly property was upheld.

**4.2 Case 193156, 518 Tower Road, Halifax, NS**

This appeal was adjourned to this meeting from the November 29, 2012 meeting of the Committee to provide time for the property owner to address the debris issues on the property.

A supplementary staff report dated March 7, 2013 was before the Committee.

Mr. Robert Ryan, By-law Enforcement Officer, presented the report, including photographs of the property in question. Mr. Ryan noted that the fence had to be repaired by the Municipality on a few occasions to ensure it met the basic safety requirements.

Mr. Peter Brower, Appellant, advised Council that he has a building permit for the site. He noted that a snow fence is an accepted standard barrier of a construction site. He stated that he was out of town when the Municipality made repairs on his fence. He noted that there were a few business setbacks as to why construction was held up. He requested that the Committee dismiss the case as he was complying with the proper building codes.

**MOVED by Councillor Craig, seconded by Councillor McCluskey to allow the appeal of Case# 193156, 518 Tower Road.**

The Committee recommended that the Appellant place a no trespassing sign and caution tape on the property.

**MOTION PUT AND PASSED.**

**4.3 Case 185110, 48 Antares Court, Westphal, NS**

This appeal was adjourned to this meeting from the November 29, 2012 meeting of the Committee to provide time for the property owner to address the debris and derelict vehicle issues on the property.

A supplementary staff report dated March 7, 2013 was before the Committee.

Correspondence submitted by Bernie and Jennifer Pettipas was before the Committee.

Mr. Trevor Oliver, By-law Enforcement Officer, presented the report, including photographs of the property in question. Mr. Oliver noted that there was considerable amount of debris on the property. He advised the Committee that some of the debris are parts for some of the boats and vehicles located on the property. Mr. Oliver explained to the Committee, that the By-law Officers do take into account winter conditions that slow down the process to remedy unsightly conditions on a property. However, he noted that there had not been enough debris removed from the property to close the case.

Mr. Edgar Hoyeck, Appellant, suggested to the Committee that the issue was not debris as he knew what items were valuable and which items were garbage. He stated that he was confused to what items he was allowed to have on the property. He explained that it was necessary to have a box trailer on the property because he used it to store valuable welding material. Mr. Hoyeck advised that he had removed many items since he last appeared before the Committee.

A discussion ensued.

In response to questions from the Committee, Ms. Phillips advised that the By-law Officer would work with the property owner to ensure that identified items were addressed in an adequate time frame. She noted that if the weather was an issue the time would be adjusted to ensure compliance.

**MOVED by Councillor Adams, seconded by Councillor to deny the appeal of Case# 185110, 48 Antares Court, Westphal. MOTION PUT AND PASSED.**

#### **4.4 Case 187279, 443 Herring Cove Road, Halifax, NS**

This appeal was adjourned to this meeting from the November 29, 2012 meeting of the Committee to provide time for the property owner to address the issues on the property.

A supplementary staff report dated March 7, 2013 was before the Committee.

Mr. Robert Coolen, By-law Enforcement Officer, presented the report, including photographs of the property in question. He stated that the basement of the building is full of debris and very wet. He noted various structural areas that were in a deteriorated condition. He advised that there are vehicles stored on the property.

Mr. David Grant along with Mr. Juan Carlos Canales presented the appellants case on behalf of Ms. Seemeen Khan. Mr. David Grant advised that they were seeking a further extension to deal with the property. Mr. Canales advised that the first Order to Remedy was to paint the exterior of the building. He indicated that the Appellant was in the midst of complying with the Order when they were served with a Demolition Order. Mr. Canales informed the Committee they had hired their own engineer who agreed that the building should be torn down. Mr. Canales explained that the Appellant would like to tear down the building through contractors that they hired and could not currently afford

to tear the structure. Mr. Canales requested to be given until the end of July as there are valuable items currently stored in the building, which have to be relocated.

A discussion ensued.

**MOVED by Councillor Adams, seconded by Councillor Mosher that the Committee Order demolition of the deteriorated Building located at 443 Herring Cove Road, Halifax.**

Councillor Hendsbee advised Mr. Canales that if the Municipality carries out the Order and the Appellant is unable to pay, it would become a Lien against the property.

Councillor Mosher advised that the Municipality puts out a tender to complete the work listed on the Order to make sure that a reasonable cost is achieved for the property owner. She stated that she has received many calls from residents in the community concerned about the appearance and structural integrity of the building.

#### **MOTION PUT AND PASSED.**

### **5. DANGEROUS OR UNSIGHTLY**

#### **5.1 Appeals**

##### **5.1.1 Case 200485, 875 Highway 7, Westphal**

A staff report dated March 7, 2013 was before the Committee.

Councillor Craig declared Conflict of Interest and removed himself from the meeting.

Mr. Trevor Oliver, By-law Enforcement Officer, presented the report, including photographs of the property in question. Mr. Oliver noted that a lot of the debris on the property is located in the woods to the rear of the property. He indicated there were a number of car parts in the wooded area. He advised that the property is a permitted business zone, but it is located adjacent to a residential area.

Mr. Stephen Burke, Appellant, advised that he was the owner of the WaterShed and the property was still under construction and noted that the majority of the debris was in relation to the construction. He advised he has had some difficulty working with the By-law Officer. He explained that he was unaware there were car parts in the wooded area, and those would have been there before he acquired the property. Mr. Burke stated that it is impossible to see material in the woods unless a person walks into the property and into the woods. He stated that he has a demolition permit for the house on the front of the property and his goal is to have all the garbage and debris removed when the house is demolished. He explained that the weather has hampered efforts to finish the parking lot and his ability to store his equipment properly.

In response to questions from the Committee, Ms. Phillips advised that regardless if items can be viewed from the road once a complaint is received the By-law Officer is required to do a full site investigation and address anything that would be considered unsightly.

A discussion ensued.

**MOVED by Councillor Hendsbee, seconded by Councillor Adams to allow the appeal of Case# 200485, 875 Highway 7, Westphal. MOTION PUT AND PASSED.**

**5.1.2 Case 199064, Parcel 2, Old Preston Road, Preston, NS**

A staff report dated March 7, 2013 was before the Committee

Mr. Trevor Oliver, By-law Enforcement Officer, presented the report, including photographs of the property in question. Mr. Oliver advised that there is a lot of garbage including: tires, wood, glass, plastic, bins, and other discarded materials. He advised that in rural areas, garbage such as seen on the property tends to attract more people to dump in the area.

Councillor Hendsbee declared Conflict of Interest and removed himself from the meeting.

Mr. Roger Stirling, Appellant, agreed with the Order to Remedy Dangerous or Unsightly Premises, but he had requested a new Order from the By-law officer as there was one item on it he disagreed with. He stated that he had not dumped any of the material on the property and felt it was unfair to ask him to bear the cleanup costs.

A discussion ensued.

**MOVED by Councillor Mosher to allow the appeal of Case# 199064, Parcel 2, Old Preston Road, Preston.**

The Chair called three times for a seconder to the motion; there being none the **MOTION WAS LOST**. The decision of the By-law Officer to Remedy Dangerous or Unsightly property was upheld

6. **BY-LAW M-100 – RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES – NONE**
7. **ADDED ITEMS- NONE**
8. **NEXT MEETING DATE – May 9, 2013**
9. **ADJOURNMENT**

The meeting was adjourned at 12:45 p.m.

Quentin Hill  
Legislative Assistant