

HARBOUR EAST COMMUNITY COUNCIL

MINUTES

July 8, 2010

PRESENT: Councillor Gloria McCluskey, Chair  
Councillor Lorelei Nicoll  
Councillor Jackie Barkhouse  
Councillor Jim Smith  
Councillor Darren Fisher

REGRETS: Councillor Bill Karsten

STAFF: Ms. Sara Knight, Municipal Solicitor  
Ms. Melody Campbell, Legislative Assistant

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HALIFAX REGIONAL MUNICIPALITY  
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**1. CALL TO ORDER**

Councillor McCluskey called the meeting to order at 6:02 p.m. with the Invocation being led by Councillor Nicoll.

**2. APPROVAL OF MINUTES - June 10, 2010**

**MOVED by Councillor Nicoll, seconded by Councillor Fisher, that the minutes of June 10, 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 Barkhouse, seconded by Councillor Nicoll, 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 Speed Bumps - Pelzant & Johns Street**

No update. To remain on the status sheet.

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

No update. To remain on the status sheet.

**4.1.3 Regulations for Quonset Huts & Temporary Garages**

Staff to open a case to consider amendments to the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-law (see Item 10.2.1).

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS - NONE**

## **8. HEARINGS**

### **8.1 Public Hearing**

#### **8.1.1 Case 01361: MPS Amendment, Dartmouth Bridge Transit Terminal**

- A report dated April 1, 2010 was before Council.

Mr. Joseph Driscoll, Senior Planner, presented the report to Council.

Following the presentation, there were no points of clarification requested by Council.

Councillor McCluskey called for those wishing to speak in favour of or opposition to the proposal. Councillor McCluskey called three times for any additional speakers, hearing none, the following motion was placed:

**MOVED by Councillor Nicoll, seconded by Councillor Smith, that the public hearing be closed. MOTION PUT AND PASSED.**

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

- 1. Approve the proposed amendments to the Dartmouth Land Use By-law, as set out in Attachment C, in order to rezone a portion of the Dartmouth Common from C-2/R-4 (General Business/Multiple Family-High Density Residential) Zone to the P (Park) Zone.**

**MOTION PUT AND PASSED.**

### **8.2 VARIANCE HEARING**

#### **8.2.1 Variance Appeal: Appeal of the Development Officer's decision to refuse a Variance at 102 Melrose Crescent, Eastern Passage**

- A report dated June 3, 2010, was before Council

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

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

**Mr. Timothy Nickerson**, Eastern Passage, advised council that he and his mother have had no issues regarding the deck. He added that the deck provides increased security as local youth are not using the back yards as a short cut. He added that the deck looks good and has privacy walls. He stated that the deck should be able to stay on the property.

**Mr. John Hall**, Eastern Passage, advised that he has no issues with the deck adding that Ms. McQuaid is a wonderful neighbour. He urged Council to consider the amount of work done on the deck. He advised Council that, as a neighbour, he was aware of the deck plans but was not aware that amendments to the by-law had been made.

**Ms. Kimberly Armsworthy**, Eastern Passage, advised Council that the deck is a fire and safety hazard as it is so close to the adjacent property. She expressed concern over a negative impact on property values due to its proximity and the concern regarding privacy issues. She urged Council to deny the variance.

**Ms. Alana McQuaid**, property owner, Eastern Passage, advised Council that she started to build the deck but was not aware of the land use by-law. She advised that a complaint was made regarding the property and she contacted Councillor Barkhouse and HRM staff and had applied for an amendment. She advised Council that she submitted several deck specifications which were declined. She stated that she started the deck in 2008 and received a stop work order. She spoke with Mr. Hector Ferguson of HRM and during conversation was under the understanding that the latest specification that was submitted was approved, so she restarted construction. She advised Council that she receives many compliments on the deck and she added that the deck is structurally sound, that it increases property value and is a deterrent to youth running through the back yards. She added that there are other non-compliant decks in the area. She added that it would be a costly endeavour to move the deck.

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

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

In response to questions by members of Council, Mr. Audas advised that there are a number of decks in the area that are non-compliant, although he does not have a specific number. He stated that the variance before Council was complaint driven. He added that once a variance is granted, it belongs with the property.

Mr. Audas advised, in response to a question by Councillor Barkhouse, that he is not aware of any issued raised by building officials regarding the deck.

Councillor Barkhouse suggested that an assessment be done indicating the number of non-compliant decks in the area.

Mr. Audas advised Council that the stairs attached to the deck is not the issue requiring a variance, the deck size requires the variance.

**MOVED by Councillor Smith, seconded by Councillor Fisher, that Harbour East Community Council uphold the Development Officer's decision to refuse the variance with an amendment that the deck be moved back to distance of the in-ground post.**

Councillor Barkhouse stated that Council needs to have all information regarding other non-compliant decks in the area before a decision is rendered. Without a vote taken on the motion, the following motion was placed:

**MOVED by Councillor Barkhouse, seconded by Councillor Nicoll that Harbour East Community Council defer the decision regarding Variance Appeal of the Development Officer's decision to refuse a Variance at 102 Melrose Crescent, Eastern Passage until the September 13, 2010 meeting and that staff prepare a report including information and pictures of neighbourhood decks that are non-conforming to the current land use by-law. MOTION PUT AND PASSED.**

## **9. CORRESPONDENCE AND DELEGATIONS**

### **9.1 Correspondence - None**

### **9.2 Petitions - None**

Council recessed at 7:02 p.m.

Council reconvened at 7:05 p.m.

## **10. REPORTS**

### **10.1 Staff Reports**

#### **10.1.1 Case 15991: Development Agreement - 1956 Shore Road, Eastern Passage**

- A staff report dated June 17, 2010 was before Council.

**MOVED by Councillor Barkhouse, seconded by Councillor Smith that Harbour East Community Council Give First Reading and schedule a public hearing in regard to the staff report dated June 17, 2010. MOTION PUT AND PASSED.**

**10.2 Members of Council**

**10.2.1 Land Use By-law Amendments - Larger Accessory Buildings -  
Councillor Nicoll**

**MOVED by Councillor Nicoll, seconded by Councillor Barkhouse that Harbour East Community Council request that staff initiate the process to allow larger accessory buildings on larger lots in Cole Harbour/Westphal and the Eastern Passage/Cow Bay non-serviced areas.**

**10.2.2 Quonset Huts - Councillor Nicoll**

**MOVED by Councillor Nicoll, seconded by Councillor Smith that Harbour East Community Council request that staff open a case to consider amendments to the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-law in order to regulate the external appearance of quonset huts.**

**11. MOTIONS - NONE**

**12. ADDED ITEMS - NONE**

**13. NOTICES OF MOTION - NONE**

**14. PUBLIC PARTICIPATION**

No members of the public came forward to address Council at this time.

**15. NEXT MEETING - August 5, 2010**

**16. ADJOURNMENT**

The meeting adjourned at 7:18 p.m.

Melody Campbell  
Legislative Assistant