

HALIFAX REGIONAL MUNICIPALITY

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
December 7, 2006

PRESENT: Councillors: Jim Smith, Chair
 Harry McInroy
 Gloria McCluskey
 Andrew Younger
 Bill Karsten
 Becky Kent

STAFF: Ms. Mary Ellen Donovan, Manager, Legal Services
 Ms. Julia Horncastle, Legislative Assistant
 Ms. Chrissy White, Legislative Assistant

TABLE OF CONTENTS

| | | |
|-------|---|----|
| 1. | CALL TO ORDER..... | 04 |
| 2. | APPROVAL OF MINUTES- November 2, 2006..... | 04 |
| 3. | APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS | 04 |
| 4. | BUSINESS ARISING OUT OF THE MINUTES..... | 04 |
| 4.1 | STATUS SHEET ITEMS | |
| 4.1.1 | Accessible Playground- Dartmouth..... | 04 |
| 4.1.2 | Beazley Field Stands..... | 04 |
| 4.1.3 | Three Way Stop at Intersection of Pleasant & Prince Albert Rd. | |
| 4.1.4 | Installation of Speed Bumps or two Sets fo Stop Signs at Birchwood Cres. & Birchwood Terr. And at Frederick St. & Birchwood Terr..... | 04 |
| 5. | MOTIONS OF RECONSIDERATION- NONE..... | 05 |
| 6. | MOTIONS OF RESCISSION- NONE..... | 05 |
| 7. | CONSIDERATION OF DEFERRED BUSINESS- NONE..... | 05 |
| 8. | HEARINGS..... | 05 |
| 8.1 | PUBLIC HEARING..... | 05 |
| 8.1.1 | Case 00905: Substantive Amendments to Development Agreement -Willow Ridge (Parcels B&C, Woodland Avenue)..... | 05 |
| 8.2 | VARIANCE HEARING | |
| 8.2.1 | Appeal of the Development Officers decision to approve a variance At 11, 13 & 15 Provist Street, Dartmouth..... | 06 |
| 9. | CORRESPONDENCE, PETITIONS AND DELEGATIONS..... | 09 |
| 9.1 | Correspondence- None..... | 09 |
| 9.2 | Petitions- None..... | 09 |
| 10. | REPORTS..... | 09 |

| | | |
|---------|--|----|
| 10.1 | MEMBERS OF COUNCIL | |
| 10.1.1. | Councillor Smith..... | 09 |
| | (i) Request for Report re: No Right Turn off Thistle Street onto Slayter Street 7-9 a.m or alternatively No Left Turn Off Slayter Street onto School Street 7-9 a.m..... | 09 |
| | (ii) Request for Report on School Street changed to one way east to west from Slayter to Victoria Road or alternatively one way west to east..... | 09 |
| | (iii) Request for Report on additional methods to reduce short cutting through School Street during morning and afternoon rush hours..... | 09 |
| 10.2 | 2007 MEETING SCHEDULE..... | 09 |
| 11. | MOTIONS..... | 10 |
| 12. | ADDED ITEMS | |
| 12.1 | Councillor Smith-Amendment to Dartmouth Land Use By-law..... | 10 |
| 13. | NOTICES OF MOTION..... | 10 |
| 14. | PUBLIC PARTICIPATION..... | 10 |
| 15. | NEXT MEETING..... | 10 |
| 16. | ADJOURNMENT..... | 10 |

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m in the Regional School Board Building, 90 Alderney Drive, Dartmouth.

2. APPROVAL OF MINUTES- November 2, 2006

MOVED by Councillor McCluskey, seconded by Councillor Younger, that the minutes for November 2, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

12.1 Councillor Smith- Amendment to Dartmouth Land Use By-Law.

MOVED by Councillor McInroy, seconded by Councillor Younger, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Accessible Playground- Dartmouth

No information. To remain on the status sheet.

4.1.2 Beazley Field Stands

No information. To remain on the status sheet.

4.1.3 Three Way Stop at Intersection of Pleasant & Prince Albert Rd.

Reply received. To be removed from the status sheet.

4.1.4 Installation of Speed Bumps or two Sets fo Stop Signs at Birchwood Cres. & Birchwood Terr. And at Frederic St. & Birchwood Terr.

No information. To remain on status sheet.

5. MOTIONS OF RECONSIDERATION- NONE

6. MOTIONS OF RECESSON- NONE

7. CONSIDERATION OF DEFERRED BUSINESS- NONE

8. HEARINGS

8.1 PUBLIC HEARING

8.1.1 Case 00905: Substantive Amendments to Development Agreement- Willow Ridge (Parcel's B&C, Woodland Avenue).

- A report dated October 18, 2006 was before the Community Council.

Mr. John MacPherson, Planner, presented the report to Council.

In response to questions from members of Council, Mr. MacPherson advised:

- There are 17 above ground stalls that would serve as visitor parking spaces. The dwelling will house 61 parking spaces in total;
- There is no proposed increase in buffering; and
- Single family housing was always a vision in terms of space and the public presentation aspect of this particular process.

Councillor Smith called for those wishing to speak either in favour of or in opposition to the proposed amendment.

Mr. Wesley Strum, representing the Developer, clarified that there is a possibility to add more visitor parking to the surface. The reason these additional parking spaces were not

included in the original agreement was to minimize the amount of unnecessary asphalt.

Mr. Ed Gorber, Dartmouth, advised had been a member of the Steering Committee that initially debated this agreement and supported the staff recommendation. He assured Community Council that the committee initially envisioned townhouses instead of semi-detached units, so he is pleased with this progression.

Councillor Smith called three times for any additional speakers. Hearing none the following motion was placed.

MOVED by Councillor Younger, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that Harbour East Community Council:

1. **Approve the amendments to the Development Agreement (Attachment A) to permit:**
 - (a) **construction of townhouse units in place of previously approved semi-detached units;**
 - (b) **a reduction in the number of underground parking spaces required for the approved multiple unit dwelling; and**
 - (c) **general clarification of clauses.**

2. **Require an amending agreement be signed within 120 days of any extension thereof granted by Council on request of the applicant from the date of final approval by Council and any other bodies as necessary whichever approval is later, including applicable appeal periods, otherwise, this approval will be void and obligations hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 VARIANCE HEARING

8.2.1 Appeal of the Development Officers decision to approve a variance At 11, 13 & 15 Provost Street, Dartmouth

- A report dated November 28, 2006 was before the Community Council.

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

In response to questions from members of Council, Mr. Audas advised:

- In the event of total demolition of the dwellings occupying the property in question, any new dwelling would have to meet current requirements;
- A Building Assessment Officer has assessed the property and there are some improvements to the side wall that will have to be made before the assessor could approve the subdivision;
- If the dwellings were totally destroyed by a fire, any new dwelling built on the property would have to follow current regulations.

Ms. Mary Ellen Donovan, Municipal Solicitor, suggested Community Council could approve the variance with a caveat that is applicable only to present dwellings;

Councillor Smith called for those wishing to speak either in favour of or in opposition to the proposed variance.

Ms. Carol Anne Osborne, owner of 9 Provost Street, spoke in opposition to the reduction of the side yards. She voiced her concerns about the disparity of the buildings and her fears that they do not meet fire regulations. She proposed that the current buildings be demolished, and the property be restructured to house two single dwellings.

Mr. Roger Stirling, President of Marge Enterprises and the owner of the remaining properties, stated he does not recall a discussion with Ms. Osborne about the demolition of the current structures and building duplexes. He verified that all of the dwellings are houses and not garages and that they are all occupied. He expressed concern with the caveat suggested by Ms. Donovan, and questioned if a house was destroyed in a fire would the owner be able to rebuild. Ms. Donovan informed him that the effect of the caveat would require any new building built on that property to meet existing regulations, unless a variance for the new project was recommended.

Ms. Osborne asked to use the remaining of her 5 minutes to speak for a second time. After a brief discussion surrounding procedure, a motion was placed.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that Ms. Osborne be allowed to use the remainder of her 5 minutes to speak. MOTION PUT AND PASSED UNANIMOUSLY.

Ms. Osborne advised she has informed the Halifax Regional Police of her displeasure with the dwellings surrounding her property and that she has also informed Mr. Audas of her concerns.

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

MOVED by Councillor McCluskey, seconded by Councillor Younger that the public hearing close.

Councillor Younger noted that this was valiance hearing as opposed to a public hearing and clarified that Community Council must consider whether to uphold Mr. Audas' decision, and whether the Municipal Government Act and the intent of the Land Use By-law were appropriately followed.

Councillor Karsten noted that if renovations were on a go forward basis those renovations would need to have a building permit, and subsequently with a building permit they would have all new codes that would have to follow current regulations. He noted that if the property was subdivided, the property owner would have to build a firewall.

In response to Councillor Kent, Mr. Audas confirmed that current requirements state that the far building on the right would have to remain as a single dwelling, but if the remaining two dwellings were demolished then two semi-detached dwellings could be built on the property. Mr. Audas informed Councillor Kent that he would review the Act to assure the proper technical information has been provided.

Councillor Kent asked if this matter would have to be brought back to Community Council if the property owner decided to build duplexes. Mr. Audas informed Councillor Kent that the property owner could follow the caveat and come back to Community Council, or the property lines would have to be varied.

In response to Councillor McInroy, Mr. Audas advised this is a new property line and there is flexibility on the side area requirements known as the "limiting distance" within the building code. The closer the development is to the property line, the more fire precautions will have to be taken. Right now, there is no property line separating the buildings so it is assessed differently, but when the line is created, that is when the regulations will take effect.

In response to Councillor McCluskey, Mr. Audas advised that it is the opinion of the development team that the dwellings could not be turned into duplexes as they stand now; however, after subdivision with the exception of 13C, the other two lots could. Mr. Audas further noted that 5 units could be possible on this property with the renovations, and 13A could possibly be turned into a duplex in an "over under" style.

MOVED by Councillor Karsten, seconded by Councillor Kent that the Harbour East Community Council uphold the recommendation of the Development Officer and approve the variance with the approval applicable to the buildings in existence at the date of the variance. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS- NONE

10. REPORTS

10.1.1. Councillor Smith

MOVED by Councillor Younger, seconded by Councillor McInroy that the Harbour East Community Council request a staff report from Traffic Services. The report is to include information on the following:

- **Request for Report re: No Right Turn off Thistle Street onto Slayter Street 7-9 a.m or alternatively No Left Turn Off Slayter Street onto School Street 7-9 a.m.**
- **Request for Report on School Street changed to one way east to west from Slayter to Victoria Road or alternatively one way west to east**
- **Request for Report on additional methods to reduce short cutting through School Street during morning and afternoon rush hours.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 2007 Meeting Schedule

MOVED by Councillor Kent, seconded by councillor McCluskey that the schedule be approved with meetings that fall within Council approved breaks being rescheduled. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS-NONE

12. ADDED ITEMS

12.1 Councillor Smith-Amendment to Dartmouth Land Use By-law

MOVED by Councillor Younger, seconded by Councillor Kent, that a staff report to Initiate the process to change the Dartmouth Land Use By-law re Home Occupations to add an occupation to the prohibited list- recycling and/or scrap metal collection. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION- NONE

14. PUBLIC PARTICIPATION- NONE

15. NEXT MEETING

The next meeting is scheduled for January 4, 2007.

16. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Chrissy White
Legislative Assistant