

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
January 8, 2004

PRESENT: Councillor Bruce Hetherington, Chair
 Councillor Ron Cooper
 Councillor Harry McInroy
 Councillor Brian Warshick
 Councillor Condo Sarto
 Councillor Jim Smith
 Councillor John Cunningham

STAFF: Ms. Julia Horncastle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES

MOVED by Councillor Sarto, seconded by Councillor Smith, that the minutes of December 4, and November 26, 2003 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Morris-Russell Lake Stormwater Management Plan
- 12.2 Appointment to Dartmouth Lakes Advisory Board
- 12.3 World Womens Hockey Championship - Councillor Hetherington
- 12.4 Signal Lights at the Intersection of Cole Harbour Road, Forest Hills Parkway and Cumberland Drive - Councillor Cooper

MOVED by Councillor Cooper, seconded by Councillor Smith, 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 Councillor Smith - Don Bayer Sports Field, Burnside

No information received. To remain on status sheet.

4.1.2 Sewer Services Connection to Fleet Co-op Property in Cole Harbour

No information received. To remain on status sheet.

4.1.3 Beazley Field Upgrades

No information received. To remain on status sheet.

4.1.4 Schedule for Cleaning of Storm Sewer Lines, Catch Basins in North

Dartmouth

Councillor Smith advised staff had informed him the report was ready. Mr. Paynter to be contacted to see when report will be forthcoming.

4.1.5 Wilderness Park, Dartmouth

No information received. To remain on status sheet.

4.1.6 Proposed Industrial Park, South Woodside

No information received. To remain on status sheet.

4.1.7 Hardman Group Parking Facility

To be removed from status sheet.

4.1.8 Powers of Community Council

No information received. To remain on status sheet.

4.1.9 Subdivision of Lot 41 Ritcey Crescent

No information received. To remain on status sheet.

4.1.10 Servicing Plan for Ball and Sports Fields in the HECC area

No information received. To remain on status sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC/VARIANCE HEARINGS

8.1 VARIANCE HEARING

8.1.1 Appeal of the Development Officer's Decision to Refuse an Application for a Variance at 25 Amethyst Crescent, Cole Harbour

- A report from Sean Audas, Development Officer, dated December 29, 2003, on the above noted, was before Council.

Mr. Sean Audas, Development Officer, with the aid of overheads, presented the staff report.

In response to Councillor Cooper, Mr. Audas advised the easements are on Nova Scotia Power property, noting all easements are attached to any deed registered at the Registry of Deeds.

Councillor Hetherington called for anyone wishing to make a presentation regarding this variance appeal.

Mr. Harold Porteous, noted the patio is five feet and the setback is five feet which means they are three feet in conflict on the setback.

Mr. Brian Brooks, property owner, advised he first became aware of the problem at the time of the closing when he purchased the house. He advised the main structure is back the required setbacks but the verandah is in question. He stated to have it changed would affect the appearance and value of the house as well as other homes in the neighbourhood. He advised there is no safety issue or fire problem. He requested Community Council allow him to keep the verandah.

Mr. Steven Myer, 29 Amethyst, advised he does not have any objection to the verandah as it is. He stated it does not interfere with their enjoyment of their property.

Ms. Jacqueline Grey advised that it should be left as it is as it does not affect anyone else in the area.

Ms. Darlene Gilson advised she has not objection to the house as it is.

Councillor Hetherington called for any additional speakers. Hearing none the following motion was placed.

MOVED by Councillor Warshick, seconded by Councillor Cunningham, that the hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED BY Councillor McInroy, seconded by Councillor Sarto, that Community Council grant the appeal and allow the variance. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence - None

9.2 Presentations - None

10. REPORTS

10.1 Case 00547 - Rezoning and Development Agreement for 10 Springhill Road, Dartmouth

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development, dated December 9, 2003, on the above noted, was before Council.

Ms. Jill Justason, Planner, with the aid of overheads, presented the staff report.

Councillor Smith stated that to rezone to R-3 would be unfair to the community. The community was downsized to allow Tuft's Cove as a low density development. The suggested rezoning is precedent setting and sets up a risk for the residents in the area. The residents are against the site going to R-3. He suggested the rezoning be by way of an MPS amendment which would legalize the existing building and satisfy the needs of the Tuft's Cove community.

MOVED by Councillor Smith, seconded by Councillor Cooper, that the Harbour East Community Council reject first reading on the grounds of neighbourhood incompatibility, it goes against the intent of the Tuft's Cove Plans, sets up a risk of further R-3 development, and is contrary to the intent of the 1978 R-3 down zoning of R-3 to R-2 that was meant to stabilize the Tuft's Cove neighborhood. Further, it is recommended that staff to immediately set in motion the process to amend the Dartmouth MPS in the necessary way to reflect the legal existence of 10 Springhill Road.

In response to Councillor Cooper, Ms. Justason advised the building is currently a non conforming use. On further question, Community Council was advised that if the zoning was R-3 the size of the building would depend on the size of the units.

In response to Councillor Cunningham with regards to the MPS change rather than development agreement, Ms. Justason advised the amendment would be to allow for the two units and not a new development and would apply only to this parcel.

Mr. Kurt Pyle, Planner, advised the options available for Council to consider at this meeting are proceed to second reading, reject or send back to staff for a further application. He advised Community Council cannot direct the applicant to go to a plan amendment process.

Without a vote being taken on the motion on the floor, the following motion was placed.

**MOVED by Councillor Smith, seconded by Councillor Cooper, that the application be referred back to staff for consideration of options available for this piece of property.
MOTION PUT AND PASSED UNANIMOUSLY.**

10.2 Case 00415 - Amendment to Municipal Planning Strategy for Dartmouth (Wright's Cove Area) - Supplementary Report

- A report prepared for Mr. Paul Dunphy, Director of Planning Development Services, dated December 19, 2003, on the above noted was before Council

MOVED by Councillor Smith, seconded by Councillor McInroy, that Harbour East Community Council recommend:

1. **Regional Council move first reading and set public hearing date to consider amendments to the Municipal Planning Strategy (MPS) for Dartmouth as outlined in the staff report.**
2. **Regional Council approve the proposed amendments to the Municipal Planning Strategy for Dartmouth, as shown in Attachment 1 of the report, to apply a Holding Zone to the parcels of land in Wright's Cove identified on Map 1.**

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Morris-Russell Lake Stormwater Management Plan

- A copy of the Stormwater Management Plan was circulated to Council.
- A memorandum from Roger Wells, Senior Advisor, Regional Planning, dated January 8, 2004, was circulated to Council.

MOVED by Councillor Cunningham, seconded by Councillor Cooper, that:

1. Harbour East Community Council table the report, and
2. Staff forward the report for review and comment to (a) the Dartmouth Lakes Advisory Board, and (2) the Morris-Russell Lake Public Participation Committee.

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Appointment to Dartmouth Lakes Advisory Board

**MOVED by Councillor Cooper, seconded by Councillor Cunningham, that Dr. Mark Trevorrow be appointed to the Dartmouth Lakes Advisory Board to November, 2005.
MOTION PUT AND PASSED UNANIMOUSLY.**

12.3 World Womens Hockey Championship

MOVED by Councillor Cunningham, seconded by Councillor Sarto, that staff be requested to promote Downtown Dartmouth in the Halifax Ferry Terminals during the hockey championships. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Signal Lights at intersection of Cole Harbour Road/Forest Hills Parkway/Cumberland Drive, Cole Harbour - Councillor Cooper

MOVED by Councillor Cooper, seconded by Councillor Sarto, that staff be requested to consider changing the timing on the advance greens at the intersection of Cole Harbour Road/Forest Hills Parkway/Cumberland Drive to work in all directions from 6:00 a.m. to 8:00 p.m. Further, staff be requested to examine possible closure of access to the Sobey's Shopping Centre Plaza currently between the liquor store and the Rogers Video.

Councillor Cooper noted the driveway between the liquor store and the Rogers Video poses a traffic hazard as it is close to the intersection and left hand turning traffic has to cross two lanes of opposing traffic as well as wait for a break in the traffic coming off Cole Harbour Road onto the Parkway.

MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

A resident suggested the ferries be on a load and go basis whenever there is a special event in Halifax. Also, he expressed concern with the difficulty in making a left hand turn at the intersection of Old Ferry Road, Maynard Street, Foston and Portland Street in Dartmouth.

15. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Julia Horncastle
Legislative Assistant