

Marine Drive, Valley and Canal Community Council
And
Harbour East Community Council

Minutes

MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL

PRESENT: Councillor David Hendsbee, Chair
Councillor Krista Snow

REGRETS: Councillor Steve Streach

HARBOUR EAST COMMUNITY COUNCIL

PRESENT: Councillor Bill Karsten, Chair
Councillor Harry McInroy
Councillor Andrew Younger

REGRETS: Councillor Jim Smith
Councillor Gloria McCluskey
Councillor Jackie Barkhouse

STAFF: Ms. Barbara Coleman, Legislative Assistant
Ms. Julia Horncastle, Acting Municipal Clerk
Mr. Randolph Kinghorne, Municipal Solicitor

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HALIFAX REGIONAL MUNICIPALITY
MARINE DRIVE, VALLEY AND
CANAL COMMUNITY COUNCIL
HARBOUR EAST COMMUNITY COUNCIL

3

April 23, 2008

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1. CALL TO ORDER

The meeting was called to order at 7:05 p.m. at the Henry Bauld Centre, 35 Wilfred Jackson Way, #7 Highway, Dartmouth, NS.

2. APPROVAL OF MINUTES

MOVED BY Councillor Snow, seconded by Councillor Hendsbee that the minutes of Marine Drive Valley Canal Community Council - January 10, 2008, March 26, 2008 and April 1, 2008, be approved, as presented. MOTION PUT AND PASSED.

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

12.1 Approval of Minutes - January 10, 2008 Joint Harbour East Community Council and Marine Drive, Valley and Canal Community Council

12.2 Case 01092 - Proposed Telecommunication Tower and Accessory Building, 5 Miller Lane, Fall River

MOVED BY Councillor Snow, seconded by Councillor Hendsbee that the agenda, as amended, be approved. MOTION PUT AND PASSED.

Councillor Karsten called the meeting to order for Harbour East Community Council at 7:09.

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

4. BUSINESS ARISING OUT OF THE MINUTES

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 01091 - Accessory Building Height

Hanita Koblents, Planner I spoke on behalf of the Joseph Driscoll, author of the report.

Ms. Koblents gave an overview of the Staff Report dated March 8, 2008 noting the following:

- As a result of the motion by HECC to extend the proposed amendments to the R-1B Zone, MDVCC requested that staff consider extending the proposed amendments to all areas zoned R-1B and under the jurisdiction of HECC.
- Amendments will only allow the accessory buildings to be limited to the height of the main building

Ms. Koblents and other staff answered inquiries of both Council members and members of the public.

The Chair called for those wishing to speak in favour of or in opposition to the proposed development agreement.

Mr. Greg Zwicker, Conrad Quarry - At this time Mr. Zwicker advised Council that his company did not know what they had planned for the future for their site, they still have a few more years there and that might mean new buildings. The new height restrictions would hamper their buildings and the restrictions, if passed, would not accommodate their machinery. Mr. Zwicker asked if their property could be made be excluded from the proposed area of the amendment.

Mr. Brett Sheppard, Spyder Lake - developer in that area advised Council that he still has lots of land that have not been sold. These restrictions may have some negative impact on the type of people that has been targeted for this area. He further advised that there are covenants built in his subdivision to keep the subdivision as aesthetically pleasing to the eye as possible. Mr. Sheppard wanted to know why this amendment is being brought up now? Mr. Sheppard has a vested interest in this. He told Council that open ended house designs could become a major issue for some lots. He questioned whether the amendments are necessary and noted Covenants could be put in place.

Councillor Hendsbee responded that covenants are not enforceable

Councillor Snow stated that the people in her district may want bigger garages to store such things as motor homes, trailers or boats.

The Chair called three times for any additional speakers. Hearing none the following motion was placed.

MOVED BY Councillor Snow, seconded by Councillor Hendsbee that the Public Hearing close. MOTION PUT AND PASSED

Discussion ensued with questions being answered by Staff.

MOVED BY Councillor Karsten, seconded by Councillor McInroy to defer decision in order to receive clarification from staff.

Discussion ensued on the motion with no vote being taken, the following motion was placed.

MOVED BY Councillor Snow, that Marine Drive Valley and Canal Community Council not approve the recommended amendment. MOTION DEFEATED

Moved by Councillor McInroy, seconded by Councillor Younger that Harbour East Community Council adjourn. MOTION PUT AND PASSED

No further motions were tabled by either Marine Drive Valley and Canal Community Council or Harbour East Community Council.

Harbour East Community Council adjourned at 7:51 p.m.

Marine Drive Valley Canal Community Council convened at 7:52 p.m.

8.1.2 Case 01017 - Rezoning 791 Highway # 7 Westphal

Hanita Koblents, Planner I, gave an overview of the presentation noting that should Ms. Hemsworth be able to make the adjustments to her property as set out in the report dated February 11, 2008 to meet the criteria of the Land Use Bylaws then they would recommend that the property be rezoned to a C-4 property.

The Chair called for those wishing to speak in favour of or in opposition to the proposed development agreement.

Ms. Brenda White, 178 Cranehill Rd, Dartmouth, NS - Ms. White informed the Community Council that she is speaking on behalf of the proponent as there is a language

barrier. This residentially zoned property used to be C-4 but was changed Ms. Hemsworth can meet the requirements of the LUB.

Ms. Angela Van Slyke, Dartmouth - Clients of the business - Ms. Van Slyke told Council members that Ms. Hemsworth is working very hard to make this fit in. She highly supports the rezoning.

Joanne Hemsworth, Proponent, 791 Highway #7, Dartmouth - spoke on behalf of he rezoning. She told Council members that the area is currently a business area. Her property was a commercial lot then changed to residential. She is in the process of putting in place all the necessary changes to accommodate the LUB.

The Chair called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED BY Councillor Snow, seconded by Councillor Hendsbee that the Public Hearing close. MOTION PUT AND PASSED

MOVED BY Councillor Snow, and seconded by Councillor Hendsbee that Marine Drive Valley and Canal Community Council approve the rezoning of 791 Highway #7 from R-1 (single Unit Dwelling to C-4 (Highway Commercial) as shown on Map 1 in staff report dated February 11, 2007. MOTION PUT AND PASSED

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None

10. **REPORTS** - None

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Approval of Minutes - January 10, 2008 Joint Harbour East Community Council and Marine Drive, Valley and Canal Community Council**

MOVED BY Councillor Snow, seconded by Councillor Hendsbee that the minutes of Joint Harbour East Community Council and Marine Drive, Valley and Canal Community Council, January 10, 2008, as presented, be approved. MOTION PUT AND PASSED.

12.2 **Case 01092 - Proposed Telecommunication Tower and Accessory Building,**

5 Miller Lane, Fall River

**MOVED BY Councillor Snow, seconded by Councillor Hendsbee, that Marine Drive, Valley and Canal Community Council forward a positive recommendation to Industry Canada Supporting the proposed installation of a 130 foot (39.62 m) monopole telecommunication tower and accessory building at 5 Miller Lane, Fall River.
MOTION PUT AND PASSED**

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

There were no participants for the Public Participation.

15. NEXT MEETING

The next meeting will be at the discretion of the chair.

16. ADJOURNMENT

The meeting was adjourned at 8:07 p.m.

Barbara Coleman
Legislative Assistant