

**Region of Queens Municipality
Variance Appeal Hearing Respecting Property at
1046 Central Port Mouton Road, Southwest Port Mouton,
Queens County, Nova Scotia
TUESDAY, JULY 14, 2020, 9:00 A.M.
ZOOM VIRTUAL**

MINUTES

PRESENT:

Mayor David Dagley, Chair
Councillor Kevin Muise
Deputy Mayor Heather Kelly
Councillor Brian Fralic
Councillor Susan MacLeod
Councillor Jack Fancy
Councillor Raymond Fiske
Councillor Gilbert Johnson
Chris McNeill, CAO
Mike MacLeod, Director of Planning & Development
Wendy Connors, Development Officer
Diane Simons, Appellant Rep. for Dorothy McKeown
Brian Greening, Applicant
Christine Watson, Admin Assistant – Planning & Development

CALL TO ORDER:

Mayor Dagley called the Variance Appeal Hearing to order at 9:00 a.m.

OPENING REMARKS:

Mayor Dagley stated the purpose of this Variance Appeal Hearing is to provide the appellant, Dorothy McKeown, represented by Diane Simons, with an opportunity to present oral and / or written arguments to Council of Region of Queens Municipality respecting the decision of its Development Officer to issue a variance to the owner of property at 1046 Central Port Mouton Road, Southwest Port Mouton, which would allow a reduction in the side yard setback from 15 feet to 7.5 feet as set out in Section 6.33 of the Municipality's Land Use Bylaw.

Mayor Dagley reviewed the procedures for the Hearing which was provided on the agenda.

Wendy Connors, Development Officer, reviewed the Variance Application. A variance was issued on May 13, 2020 the subject property, 1046 Central Port Mouton Road, South West Port Mouton. This property is zoned Mixed Use Coastal Residential. The minimum side yard setback for this zone is 15 feet. The property owner has applied to reduce those setbacks by 50%, which is the maximum you can request under the Land Use Bylaw, so is requesting a setback of 7.5 feet.

Once the variance was granted, all property owners within 200 feet of the subject property are notified. Those notified have 14 days to appeal the variance. In this case, there were 13 property owners notified with one person owning two properties. The property owner directly to the north of the subject property appealed the variance approval.

The appellant property owner will be represented by Diane Simons and the applicant, Brian Greening, are present.

Diane Simons, Appellant

The appellant, Dorothy McKeown, is represented by Diane Simons, Kissimmee, Florida, USA.

Dorothy McKeown, mother of Diane Simons, owns two pieces of property next to Mr. Greening. At the time when their grandmother owned the property, she split the property where the house is located at 1040 and the other property was sold to her mother. A survey was done and a 25-foot easement was proposed because when the two properties were combined, the shed and other buildings were on the property, and this would allow the shed to go with the house.

Because of the 25-foot easement, it restricts the width of the property, so for the house to be so close, it restricts Mrs. McKeown's property, which is in the process of being sold. Ms. Simons stated she feels Mr. Greening can build his house further down on his property and doesn't have to be so close to Mrs. McKeown's property and wouldn't have any problems in trying to sell the property.

If the property isn't sold and another family member decides to build on the property, there would still be a restriction. On the front portion of the property is all boulders and would be very costly to have them removed. To put a house there, you'd want to go back on the property to where Mr. Greening is and feels he doesn't need to be so far back to restrict Mrs. McKeown's property.

Ms. Simons further stated she had contacted a lawyer who informed her that she didn't need to include the easement on the property now, but to wait until one of the properties were sold because the land would then need to be migrated.

Brian Greening, Applicant

The applicant, Brian Greening, Hammonds Plains, Nova Scotia, stated in 2016 he purchased two parcels of land which were migrated and consolidated and is now one 40-acre lot. There was an old house on the property but has been removed.

He stated he wants to build a house 130 feet from the road. The property, although 40 acres, is irregular in shape. The first 400 feet is narrow. The property is 74 feet in width, and allowing for 15 feet on both sides for setbacks, leaves 42 feet. The intention is to build a one story structure of 1,094 square feet.

In speaking with other neighbours, they were enthusiastic about the prospect of him investing there. The neighbour's land is for sale and he sees that investment attracts investment, and feels it would add more value to the McKeown property.

If he is not granted the variance, his only option is to put the driveway right on the property line, which is not advantageous to the McKeown property.

Diane Simons, Appellant

The appellant representative, Diane Simons, stated that they can't afford to have any type of restrictions on the property and does not feel that he needs to build as far down on the property where the house was previously and have the driveway restrict him, but feels that her mother would be restricted.

Brian Greening, Applicant

The applicant, Mr. Greening, stated the lot is complex and very narrow. At ABLE Engineering's direction, the septic field will need to be in the front of the house, which takes up a big portion. Previously there was no septic field. He further stated that he needs to trust recommendations both from ABLE Engineering and Doug Ingram Construction.

He does not wish to inflict any negative impact to the neighbours and wishes to preserve the trees and rock wall that presently exist on the property.

Mayor Dagley stated this variance will be discussed under Item 13.2 on the Council agenda and opened the floor to Councillors.

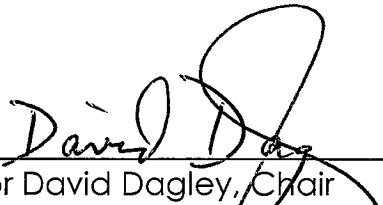
In response to questions from Councillors on the location of the driveway, Mr. Greening stated realistically he only needs about 4 feet and not the full 7.5 feet, but until he has an agreement for the variance, it is unclear which side of the property the driveway will be on, but his intention would be to have it on the side where the property abuts Mrs. McKeown's.

CLOSING REMARKS:

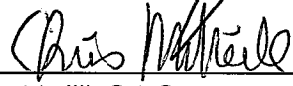
Mayor Dagley thanked Mr. Greening and Ms. Simons for their comments and stated the issue will be discussed under Item 13.2 on the Council agenda.

ADJOURNMENT:

Mayor Dagley declared the Variance Appeal Hearing adjourned at 9:45 a.m.



Mayor David Dagley, Chair



Chris McNeill, CAO



Christine Watson, Administrative Assistant – Planning & Development

Date Approved: 
