

DISTRICT OF HIGHLANDS
PUBLIC HEARING

HIGHLANDS ZONING AMENDMENT BYLAW NO. 155, 2001

Minutes of the Public Hearing regarding Highlands Zoning Amendment Bylaw No. 155, 2001 held Monday, March 5, 2001 at the East Fire Hall, 3613 Woodridge Place at 7:30 p.m.

PRESENT:

Councillor Cardinal
Councillor Faris
Councillor McLellan
Councillor McPherson
Councillor Mendum

Mayor Karel Roessingh, Chair

Councillor Vogel

IN ATTENDANCE: Bruce Woodbury, Administrator
Loranne Hilton, Deputy Clerk

PUBLIC HEARING

Highlands Zoning Amendment Bylaw No. 155, 2001
7:30 P.M.

1. Public Hearing Opens:

The Chair declared the Public Hearing pertaining to Bylaw No. 155 open at 7:30 p.m.

2. Opening Statement by the Chair:

The Chair advised that as required by the Local Government Act, the Public Hearing had been convened as an opportunity for all persons who believe that their interest in property is affected by the proposed Bylaw to be heard by Council or to present written submissions respecting matters contained in the Bylaw.

The Chair also noted that the meeting was not for open debate of the issues or for Council to state positions on the merits of the proposed Bylaw, noting that Council will have its opportunity to discuss and debate the Bylaw at its Regular Council meeting.

The Chair advised that anyone wishing to speak to Council is asked to state his or her name and address for the record.

The Chair also advised that anyone could submit letters or briefs to staff at any time including after they had been read, and that all written material would be included in the record of the Public Hearing and would be available for public viewing.

The Chair further advised that after all persons who so wished had expressed their views, that he would ask three times "Is there anyone else who wishes to

be Heard", and if no further views were forthcoming, the Public Hearing would be declared closed.

3. Public Hearing Notice:

The Chair read out the following:

HIGHLANDS ZONING AMENDMENT BYLAW NO. 155, 2001

The purpose of this Bylaw is to amend the Highlands Zoning Bylaw 100, 1998 by creating a new Zone (Rural 3B), which permits residential, agriculture and home-based business uses (similar to Rural 3 properties in the Finlayson Arm Road area), but also adds woodworking use, limits that use to a single building not to exceed 575 square metres in floor area and limits the location of that building by specific minimum setbacks from lot lines. The bylaw also provides requirements for on-site vehicle parking. The lands to which Bylaw 155 applies are described as Lot 2, Plan 40852, Sections 74 & 75, Highland District (820 Finlayson Arm Road).

The application for this Bylaw is made by Jack Bell of Thetis Cove Joinery located at 820 Finlayson Arm Road.

PUBLIC COMMENT

Submissions from the following were received prior to or at the Public Hearing and are attached hereto and form a part of the minutes:

Letter from Jack and Glenda Bell, 820 Finlayson Arm Road, dated March 4, 2001.

Letter from Jane Eert, 368 Millstream Lake Road, dated March 4, 2001.

Letter from Charlie and Sue Johnson, 635 Lost Lake Road, dated March 5, 2001.

Letter from Rob Justice, 398 Millstream Lake Road, dated March 5, 2001.

Letter from Judy Smith, 706 Warder Place, owner of 767 Finlayson Arm Road, dated March 4, 2001.

The following made statements to Council and some provided written submissions to the Public Hearing which are attached hereto and form part of the minutes:

Pat Brotherston, 828 Finlayson Arm Road, spoke in favour of Bylaw No. 155, and noted that the Bell's have been the best neighbours, and that having several people around in the area contributed to safety, as others could "keep an eye out".

Dale Cotton, 868 Finlayson Arm Road, spoke in favour of Bylaw No. 155 stating that he is in favour of home-based businesses, and that the Bell's shop was an asset to the community. The Bell's business, he noted, also provided employment to teens and work experience students from Belmont School.

James Christie, 805 Finlayson Arm Road, noted that he fully supports the Bell's

being able to rebuild their shop, and that family based business is an attraction to living in the Highlands. He also advised that he has lived at 805 Finlayson Arm Road for two years, and never knew the Bell's shop existed until the fire. He noted there has not been any noise or disturbances.

Tom Brotherston, 828 Finlayson Arm Road, said that Mr. Bell is community minded, and stated that he supports the rebuilding of the shop.

Carol Lester, 787 Finlayson Arm Road addressed Council in opposition to Bylaw No. 155, and read the submission from her and Rick Lester dated March 2, 2001.

Jim Barclay, 867 Finlayson Arm Road, noted that he has lived in the area for 30 years. He advised that there has been no disruption or problems with respect to Mr. Bell's business, and that the Bell's are good neighbours. He noted his support of the application, stating that he did not want to see people being driven out of the area.

Gary Stride, 834 Finlayson Arm Road, advised he has lived one property away from the Bell's for three years, and has not noted any noise or sight disturbances. He also stated that for the first year living there, he was unaware the business existed.

He gave his support for the rezoning application.

Art Liebeneau, 1776 Rowntree Road, gave his support for the Bell's application.

Andy Barclay, 873 Finlayson Arm Road, noted that there has not been any noise from the business, that the Bell's are great people and an asset to the community. He noted his full support for Bylaw No. 155.

Ron Black, 864 Finlayson Arm Road, said that he has dealt with Jack Bell and that he is a great neighbour. He noted that he fully supports Bylaw No. 155.

Dennis Mammel, 835 Finlayson Arm Road, said he has worked for Jack Bell for 10 years, and that the Joinery was a great place to work. He stated that he would like to see it rebuilt.

Roger Garside, 9145 Lockside Drive (on behalf of Peter Wille, owner of 788 Finlayson Arm Road), noted that Mr. Wille is in total support of the Bell's application, and would like to see it proceed as quickly as possible. He also stated that Mr. Wille found the Bell's business to be quiet and no bother. Mr. Garside also noted that a project of Mr. Wille's was denied, and objections were from some of the same people opposing the Bell's application.

Mark Swanwick, 812 Finlayson Arm Road, advised that he is a direct neighbour

of the Bell's. He read out a letter on behalf of Beverly Swanwick, which stated her opposition to Bylaw No. 155. He noted that both he and Ms. Swanwick wished to rescind their signatures from the document they signed for Jack Bell in support of the application.

Mr. Swanwick cited an instance where a Thetis Cove Joinery employee urinated on his property in view of Ms. Swanwick, noted an incidence of littering on his property by a Thetis Cove Joinery employee, and noted that a Thetis Cove Joinery employee vomited in the sight of the Swanwick's. Mr. Swanwick made reference to the letter to Council from Jack and Glenda Bell, dated March 4, 2001, noting objections to the contents of the letter. He stated that he gave options to Mr. Bell rather than ultimatums, that his house had only been on the market for five or six months, and that the witnesses noted on the letter had not been in the room.

Mr. Swanwick stated that he has returned gifts given to him by the Bell's. He asked that Councillor Cardinal be disqualified from voting as Mr. Bell told him that he had given Councillor Cardinal a gift of beer. Councillor Cardinal denied receiving any gifts from Mr. Bell.

It was stated by Mr. Swanwick that he felt the Bell's shop is a factor in him not being able to sell his house, as he had been told by a potential purchaser. He said that if he cannot sell his home due to the Bell's business, then some compensation is due to him.

He stated that he felt Mr. Bell is trying to make a profit from his rezoning. He said that an access to the back of Bell's shop is on his property. Mr. Swanwick noted his concern that Mr. Bell had been burning during periods when burning was banned.

Rebecca King, 861 Finlayson Arm Road, stated that she moved to Finlayson Arm Road six months ago for peace and quiet, and had no idea that Mr. Bell's shop was there. She said that the Bell's shop does not bother her at all, and she has not noted any noise or traffic problems. Ms. King said that she looked for a long time for her home, and noted that other homes in the area, on smaller lots, were asking for a much higher price, including Swanwick's. She said that she enjoys the neighbourhood, she supports the Bell's application, and the shop has no impact on her house.

Glenda Bell, 820 Finlayson Arm Road, asked why it had taken until the fire for Mr.

Swanwick to make complaints against her and Mr. Bell's business. She said that Mr. Swanwick had been employed by Thetis Cove Joinery, and was aware of its existence.

Barry Duch, 694 Caleb Pike Road, noted that the majority of people most affected by the Bell's application support it. He queried how many written complaints have been received regarding the Bell's business. Mr. Duch noted the high quality work that resulted from the Bell's shop, and that Mr. Bell is always "there for other people". He acknowledged that the Bell's shop was illegal but pointed out that there are many illegal situations in the community. He expressed support for making the shop legal, noting that the details could be worked out to make everyone happy.

Paul Morgan, 568 Cheryl Place, said that he fully supports the Bell's application and queried the number of complaints received against the shop. The Administrator noted that bylaw enforcement had no record of complaints regarding the Bell's property, and that a cursory review of the Districts' files found no complaints.

Gary Plant, 645 Caleb Pike Road, stated that if the Bell's shop had not burned down, there would not be an issue. He said that the shop should be rebuilt as soon as possible, as he would not like to see the Bell's lose their business. He said he fully supports the application.

B. Meagher, 666 Jones Terrace, noted that she does not live in the Highlands, and that she has a business relationship with the Bell's. She noted that she is in favour of the Bell's application.

Vicky Plant, 652 Caleb Pike Road, stated her support for the application. She noted that the concerns some people have regarding the propane tanks used on the Bell's property are not viable, and that many homes are heated with propane and made of wood.

Fred York, 743 Finlayson Arm Road, noted that he lives adjacent to the Bell's, and supports the Bell's application. He said that he considered the Bell's shop as non-conforming rather than illegal, and that the Bell's should be allowed to rebuild.

Marcie McLean, 1321 Millstream Road, addressed Council in opposition to Bylaw

No. 155 for the reasons as outlined and contained in her letter dated March 5, 2001.

The Chair asked for the first time if there was anyone else who wished to be heard.

Jack Bell, 820 Finlayson Arm Road, noted that he had taken out a building permit in 1992, and that the building had not been renovated since that time. He said that he had been paying business taxes for the last three years. He stated he is unaware

of any problems with his staff, and also stated that he feels his business is a community asset as it provides employment. He noted that his business is a "tidy" operation. He said that he would support others in the same situation. Mr. Bell stated

that they had an accident, and want no more than what they had before. He noted that there is a ten-year history of his business to look at and evaluate.

The Chair asked for the first time if there was anyone else who wished to be heard.

Dale Cotton, 868 Finlayson Arm Road, stated that the Bell's business has always been a home based business.

The Chair asked for the first time if there was anyone else who wished to be heard.

Fred Wagner, 1679 Millstream Road, noted that he is in favour of Bylaw No. 155.

Fred Rozen, 542 Lone Tree Place, noted that he is in favour of Bylaw No. 155. He also stated that he could not see the Bell's shop from the road, and that there have been no complaints.

Bill Miles, 105 Elroy, said that he is a potential purchaser of property on Finlayson Arm Road, and that he has looked at the Swanwick's property and noted that he felt it is overpriced. He stated that he is in favour of Bylaw No. 155.

Barry Duch, 694 Caleb Pike Road, stated that there is a personal neighbourhood war going on, and urged Council to look at how many of the Bell's neighbours attended the public hearing in favour of the Bell's application.

The Chair called a first, second and third time for further submissions and hearing none, declared the Public Hearing respecting Highlands Zoning Amendment Bylaw No. 155, 2001 CLOSED at 8:25 p.m.

Karel Roessingh, Mayor	Bruce Woodbury, Administrator
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