

**The Public Hearing was held on Tuesday, October 9<sup>th</sup>, 2012 at 7:00 PM in the Council Chambers.**

**Present:** Mayor Latour, Deputy Mayor Cassidy, Councillors Maher, Wallington, Langille, O'Brien and Dueck (via teleconference).

**Staff:** Michael Richardson – Senior Administrative Officer, May-Britt Hetesi – Assistant Senior Administrative Officer, and Ross Potter – Fire Chief.

**Others:** Michelle Schaub, Craig Kovatch, Jared Monkman, Micheal St. John, Bev Gibb, Roman Moizis, Ross Stanley, Brian Lefebvre, Peter Osted, Marge Osted, Kate Latour, Keith Dohey, Brian Dawson, Ron Karp, Rosie Wallington, Myles Dolphin – The Hub and Jacob Barker – CBC.

**1. CALL TO ORDER:**

This Meeting was called to order at 7:00 PM with Mayor Latour presiding.

Mayor Latour stated that the purpose of the hearing is to hear your views, and opinions regarding the following proposed amendments to the Zoning & Building By-law No. 1812:

- a) By-law No. 1812 "R" - Amendment to the Zoning and Building By-law No. 1812, to rezone **Lot 1878, Plan 3985 from I – Institutional to R1B – Single Family Residential (Class B)**

Oral submissions;

Let it be noted that there were no oral submissions.

Written submissions;

A written submission by Jim Markow was read by Mayor Latour.  
(Please see attached submission at the back of the minutes)

A written submission by Ron Karp was ready by Mayor Latour.  
(Please see attached submission at the back of the minutes)

**2. ADJOURNMENT**

**Mayor Latour announced that the Public Hearing be adjourned at 7:07 PM.**

**Certified Correct as Recorded on the 9<sup>th</sup> day of October, 2012.**

**These minutes were accepted by motion#12-507.**

  
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Mayor

  
\_\_\_\_\_

Senior Administrative Officer

Nov 9/12



# **PUBLIC HEARING**

**Tues. Oct. 9, 2012**

**7:00pm**

## **Town Hall Council Chambers**

The Town of Hay River is proposing an amendment to the Zoning and By-law No. 1812.

A Public Hearing will be held to discuss:

(a) By-law No. 1812 "R", amendment to the Zoning and Building Bylaw No. 1812, to rezone Lot 1878, Plan 3985 from I-Institutional to R1B - Single Family Residential (Class B)

Any person who believes they will be affected:

1. May attend the hearing noted above; or
2. May submit their comments in writing no later than 12:00 noon, Tuesday, October 2nd, 2012 to the Town Hall.

Copies of the proposed By-law is available for viewing at Town Hall from 8:30am to 5:00pm Monday to Friday.

Anyone interested in more information regarding the above Public Hearing should contact the Town Hall at 874-6522

1 of 11

**Jim Markow  
14 Cameron Crescent  
Hay River, NT X0E 0R7**

**October 1, 2012**

**Mayor Latour and Council  
Town of Hay River  
73 Woodland Drive, Hay River, NT X0E 1G1**



**Dear Sir and Council;**

**Again the Old Boys Club is trying to ram through a re-zoning bylaw without the immediate home owners input prior to a Public Hearing.**

**Inclusive decision making died decades ago with Jessie Hamilton; since, Council and Administration conduct proceedings in a confrontational and combative manner.**

**The Town has kindly balled Jeff Griffiths out of a sour investment and expects this neighbourhood to foot the bill.**

**Enough is enough. I will have no part in this charade. If Council proceeds to a third reading of this proposal I will follow with a second Protest Petition to override Council to re-instate this property to it's original status PARK.**

**Sincerely**

A handwritten signature in black ink that reads "Jim Markow". The signature is written in a cursive, flowing style.

**Jim Markow**

2 of 11

**Jim Markow  
14 Cameron Crescent  
Hay River, NT X0E 0R7**

**June 15, 2004**

**MACA  
Yellowknife, NT**

**Dear Ron Tecszy;**

**Re: Proposed Rezoning within Town of Hay River  
I Institutional to R4 Multi-family Residential  
Remainder of Lot 428, Plan 360  
Woodland Drive/Cameron Crescent**

**We the undersigned are expressing our concern of the Town of Hay River's lack of due process regarding this rezoning application.**

**Background:**

**This neighbourhood is all single family dwellings. Several neighbours have resided here for thirty years, many ten to twenty years. One family represents three generations of residency in the neighbourhood. The nearest non single family dwellings are three blocks away, duplexes built by GNWT.**

**Then through coffee-shop gossip, the neighbours hear of a Developer seeking quotes from a contractor to construct a twelve suite apartment building.**

**The Developer is Mr. Jeff Griffiths. He also works as General Manager for The Communities Futures Programme, SW Territorial Business Corporation. Isn't this a conflict of interest?**

**Sequence of events are:**

- 1) The UMA Planer's Report May 2004 states an application had been made by J Griffiths to re-zone. Terry Molenkamp, Acting Senior Administrator of the Town refused to provide a receipt date of an application stating an order of Council was required to do so.**
- 2) A Special Meeting of Council, May 31, 2004 carried Motion #04-185. That a Zoning and Building By-law No 1812 Amendment be prepared to re-zone the remainder of Lot 428, Plan 360 from I-Institutional to R4-Multi Family Residential, pending the recommendation for approval from UMA. And that all cost associated with the amendment be the responsibility of Mr. Jeff Griffiths. The Development Officer did not inform any of the adjacent property owners. UMA did not contact any adjacent property owners. The Planner's Report to Council contains errors. It states that "The site is currently vacant." The site is not vacant, it is being used as a storage yard for heavy equipment and building supplies, it has three storage sheds, all in use. Incidentally his residence two blocks away is also used to store commercial equipment. All above uses contrary to the Zoning By-law. Thirty property owners around the two properties signed the enclosed letter (August 26, 2002) requesting the Town to enforce it's By-law. Nothing was done. It**

appears Mr. Griffiths is exempt bylaw requirements. We doubt the validity of UMA's report when it reads, "We understand from the Town administration that....."

- 3) The adjacent property owners heard of the re-zoning application through the grape vine. Another Special Meeting of Council was scheduled June 7<sup>th</sup> for first reading of the Bylaw Amendment. The neighbourhood promptly submitted to Town Hall several days before the agenda close to appear as delegates to address our concern. We the delegates were seated in the gallery awaiting the meeting. Just prior to that meeting, Mayor Ehman refused us our right to speak. Upon hearing the first reading passed, we all exited the Council Chambers.

The Cameron Crescent neighbourhood is not anti development, but we protest the high handed manner in which Council and it's administration is dealing with the application. The Town's refusal to invite public comment has bred distrust and anger. We have been refused participation by omission and verbally by the Mayor. Why should they listen to us at the scheduled Public Hearing?

**Concerns are:**

- 1) The Town administration refuses to state when or if an application complete with the appropriate fee was received.
- 2) At no point was the concerned public given notice by the Development Officer or Senior Administrator to comment.
- 3) The concerned public was denied the right to speak to Council by the Mayor on June 7<sup>th</sup> even though we had given notice to speak as a delegation three days in advance of the agenda close.
- 4) The Town refuses to enforce the non-conforming use of the subject property.

**We are open to solutions:**

- 1) Allow development under the present zoning, the Developer knowingly bought it under Institutional.
- 2) Re-zone to R1B single family residential to be compatible with the surrounding use.
- 3) The Town could purchase the property and re-instate it to it's original intended purpose PARK.
- 4) The Town could trade R4 zoned land in the new up-coming subdivision returning the said property to PARK status.

**Sincerely, The Cameron Crescent neighbourhood**

**cc Town of Hay River, The Hub, News North, CBC North**

**Jim Markow  
14 Cameron Crescent  
Hay River, NT X0E 0R7**

**August 26, 2002**

**Mayor Duncan McNeil and Council  
Town of Hay River  
73 Woodland Drive, Hay River, NT X0E 1G1**

**Dear Sir and Council;**

**I have discussed the state of abandonment and property misuse as defined by the Zoning and Building Bylaw of the former Friendship Property on Cameron Crescent to Randy Froese on several occasions and told him of this forthcoming correspondence.**

**The principal building was removed last winter, no attempt has been made to reinstate the property. The town ditches remain blocked and the excavation remains open enclosed in part by orange plastic fencing. The only improvements made have been the addition to a total of three, ancillary buildings, storage of material and parking of two commercial vehicles. None of these present uses are permitted or discretionary uses of the zone or the residential neighbourhood surrounding the property.**

**I am circulating this letter to the surrounding neighbours to endorse their view that Council should act in enforcing the Bylaw they adopted:**

- 1) Re-instate town drainage that was obstructed last year.**
- 2) Backfill last year's excavation, level dirt piles and re-instate the lot's grade, the Town is as liable as the owner in permitting this hazard.**
- 3) Remove all current uses that are contrary to the Zoning and Building Bylaw. As no principle building exists, no ancillary buildings should exist, no material storage, no commercial vehicle parking. There is ample industrially zoned properties for such uses.**

**I am interested to see if any Council action will come forth in regards to this correspondence in conjunction with my rate paying neighbours.**

**Yours sincerely**

**Jim Markow**

**Jim Markow, former Development Officer of Town of Hay River  
14 Cameron Crescent, Hay River, NT X0E 0R7**

**June 19, 2004**

**Re: Proposed Rezoning within Town of Hay River  
I Institutional to R4 Multi-family Residential  
Remainder of Lot 428, Plan 360  
Woodland Drive/Cameron Crescent**

**I am expressing my concern of the Town of Hay River's lack of due process regarding this rezoning application.**

**Background:**

**This neighbourhood is all single family dwellings. Any reference to good residential town planning points out the benefits of green space, sunlight, and efficiency in maintaining services. This neighbourhood meets those ideals. The open swale drainage design maintains the least expensive snow removal costs, single family dwellings maintain low density, maximum sunlight and the crescent design allows a maximum of green space. The fact that several neighbours have resided here for thirty years, many ten to twenty years demonstrates how successful the design is. One family represents three generations of residency in the neighbourhood.**

**Then through coffee-shop gossip, the neighbours hear of a Developer seeking quotes from a contractor to construct a twelve suite apartment building. The Developer is Mr. Jeff Griffiths. He also works as General Manager for The Communities Futures Programme, SW Territorial Business Corporation.**

**Concerns:**

- 1) Bylaw 1218 states that the Development Officer shall receive any re-zoning application, not a Councilor, Council, or administration staff. This was not done. Terry Molenkamp, Acting Senior Administrator of the Town refused to provide a receipt date of an application stating she required a written request for an order of Council to do so. The application for construction of a fence or garden shed requires public knowledge for fourteen days. Is the Town telling us that doubling the population density of the neighbourhood in one application is nobodies' business? As the application was not received by the Development Officer one could say it's not a legal application. Was the application made in writing, was Form "D" completed, and was the \$250 non-refundable fee received?**
- 2) Assuming the application is legal, the next step by the Development Officer is to investigate and analyze potential impacts and prepare a written report. Bylaw 1218 includes ten factors that shall be considered. One being "documented concerns and opinions of the area residents" This report doesn't exist and no residents were notified. The public's first right of expression was denied.**
- 3) Upon completion of a review, the Development Officer shall inform the Developer in writing of his approval, disapproval or alternative possibilities. The Developer then instructs the Development Officer to proceed to Council or not. If not the application**



is considered abandoned. This step was omitted.

- 4) Not a Regular Meeting of Council but a Special Meeting of Council, May 31, 2004 carried Motion #04-185. that a bylaw amendment be drafted to re-zone the property, pending the recommendation for approval from UMA. A planner's report from UMA was obtained and recommended approval. The Planner's Report to Council contains errors. It states that "The site is currently vacant." The site is not vacant, it is being used as a storage yard for heavy equipment and building supplies, it has three storage sheds, all in use. Incidentally his residence two blocks away is also used to store commercial equipment. All above uses contrary to the Zoning Bylaw. We doubt the validity of UMA's report when it reads, "We understand from the Town administration that.....". The report has no substance, a R-4 apartment building could be as tall as 15 meters, every residence immediately west and north of such a building would be in shadow throughout the winter. No adjacent property owners were contacted by UMA. The writer, David Klippenstein admits having contact with Jeff Griffiths.

- (5) The adjacent property owners heard of the re-zoning application through the grape vine. Another Special Meeting of Council was scheduled June 7<sup>th</sup> for first reading of the Bylaw Amendment. The neighbourhood promptly submitted to Town Hall several days before the agenda close to appear as delegates to address our concern. We the delegates were seated in the gallery awaiting the meeting. Just prior to that meeting, Mayor Ehman refused us our right to speak. We were informed that we would have a right to speak at the Public Hearing. The Meeting was scheduled June 28<sup>th</sup>, has subsequently been canceled. Public Hearings are the general public's last opportunity to voice opinion. Town Hall contrary to their legal document proposes it as our first.

To date the public has been refused participation by omission and verbally by the Mayor. The Town's refusal to invite public comment has bred distrust and anger. Processing an application without applying the rules of procedure draws only two conclusions, the Administration and Council is incompetent or the rules were deliberately overlooked, either way Administration and Council must clean up their act.

As of June 16<sup>th</sup> The Town Hall began back pedaling furiously. The Hub had published neighbourhood concerns. The election day Public Hearing was canceled and the first protocol of notifying immediate property owners was began. It seems that the public is far more aware of good planning practices and proper procedure than the well paid bureaucracy that is supposed to be serving the community.

I have three words for the latest proceedings: corruption, corruption, corruption. I and Monica Armistead, a former Bylaw Officer both left Town Hall employment because we were unable to do our jobs with integrity. It seems the problem has escalated. The Town Hall is here to serve this community not the reverse.

Sincerely

June 3, 2008

Editor at the Hub,  
105-3 Capital Drive,  
Hay River, NT X0E 1G2

Dear Sir;

Re: rezoning application to Lot 1878, Plan 3985  
6 Woodland Drive

**What is the Town of Hay River Administration and Council's agenda? It doesn't appear to be in the community's interest.**

**This is the second time Council has passed first reading on a unwanted bylaw amendment. Over two hundred single family property owners from this corner of town signed a Protest Petition the last time around to protest the rezoning of this said lot. This represents a substantial voting public and about \$500,000 in tax revenue. Who is this Administration and Council serving, the general tax paying public or particular developers?**

**Zoning amendments are governed by strict well defined rules of procedure. In both applications the Administration hasn't followed them. The Development Officer is required by law to submit a written report to Council of "an investigation and analysis of the potential impacts of development under the proposed zoning." This process also requires the Development Officer to offer a recommendation to Council to:**

- 1) proceed with a Bylaw amendment without further Investigation.**
- 2) not to proceed with a Bylaw amendment.**
- 3) recommend an alternative amendment.**
- 4) recommend further investigation.**

**This wasn't done.**

**I encourage one and all to express their opinions at the Public Meeting schedule June 16, 2008 7:00 pm in the Council Chambers.**

**Sincerely,**

**Jim Markow**

**Jim Markow,  
14 Cameron Crescent,  
Hay River, NT X0E 0R7**

**June 13, 2008**

**The Town of Hay River,  
73 Woodland Drive,  
Hay River, NT X0E 1G1**

**Re: Proposed Rezoning within Town of Hay River  
I Institutional to R4 Multi-family Residential  
Lot 1878, Plan 3985  
6 Woodland Drive**

**I am expressing my concern of the Town of Hay River's lack of due process regarding this rezoning application and fundamental disregard for planning practice.**

**This neighbourhood is all single family dwellings. Any reference to good residential town planning points out the benefits of green space, sunlight, and efficiency in maintaining services. This neighbourhood meets those ideals. The open swale drainage design maintains the least expensive snow removal costs, single family dwellings maintain low density, maximum sunlight and the crescent design allows a maximum of green space. The fact that several neighbours have resided here for over thirty years, many ten to twenty years demonstrates how successful the design is. The Rewega/Gray family represent four generations of residency in the neighbourhood, the Stanley's, three. Those statistics indicate that the residents have a quality of life and we are defending it.**

**Rezoning the subject property to a R4 zone allows a density of 48 units per acre which could yield 24 apartments units for this said lot, this triples the density of the neighbourhood. This doesn't impact the neighbourhood, it changes it. As most families have two vehicles per household, that represents 48 vehicles, not including, bicycles, ATVs, and snowmobiles; you can be sure that approximately 20 vehicles will be parking on the street. The R4 zone allows development to a height of 49.5 feet. Four properties to the west on Woodland Drive would be in permanent shade throughout the winter under such a development. There have been law-suites for the right of sunlight down south and all planners now consider this fact in new development.**

**This Council should bring this Administration to task for it's lack of due process regarding this application. A lot of worry and stress has been generated because this Administration isn't doing it's job. Zoning amendments are governed by strict well defined rules of procedure. In both applications the Administration hasn't followed them. The Development Officer is required by law to submit a written report first to the Developer then If need be to Council of "an investigation and analysis of the potential impacts" the zoning would cause. This report offers a recommendation first to the Developer then to Council to:**

- 1) proceed with a Bylaw amendment without further investigation.**
- 2) not to proceed with a Bylaw amendment.**
- 3) recommend an alternative amendment.**
- 4) recommend further Investigation.**

**This wasn't done. Administration prepared a bylaw and presented it to Council for first reading without due process. I need not ask what a Judge would think of that.**

**A family's home represents each family's largest investment, zoning and General Plans are in place to protect that investment. Had the Developer or Town approached us we would have discussed it with reason. There are solutions:**

- 1) Allow development under the present zoning, the Developer knowingly bought it under Institutional.**
- 2) Re-zone to single family residential to be compatible with the surrounding use.**
- 3) The Town could purchase the property. The General Plan originally designated this lot PARK. This Council sold it for \$1. Parks and green space are a public trust, no Council should have the power to sell it. Restore a wrong.**
- 4) The Town could trade R4 zoned land in a new development area, returning the said property to PARK status. The fifteen or so kids that play hockey, skate-board, roller-blade and bicycle the crescent could use it.**
- 5) The developer can sell it as is. Several neighbours have discussed the possibility of purchase with the Developer.**

**The onus is on the Developer to come up with a plan in agreement with the neighbourhood not the reverse.**

**Sincerely,**

**Mayor and members of Council:**

**Why are we doing this again? A Protest Petition signed by more than 200 home owners, 4 years ago said no to this development. Why do you persist? Nothing has changed.**

**I am expressing my concern of the Town's lack of due process regarding this rezoning application and fundamental disregard for planning practice.**

**The Cameron Crescent neighbourhood is all single family dwellings. The fact that several neighbours have resided here for over thirty years, most ten to twenty demonstrates how successful the neighbourhood is. The Rewega/Gray family represent four generations of residency in the neighbourhood, the Stanley's, three. Those statistics indicate that the residents have a quality of life and we are defending it.**

**Rezoning the subject property to a R4 zone allows a density of 48 units per acre which could yield 24 apartment units for this said lot, this doubles the density of the neighbourhood. This doesn't impact the neighbourhood, it changes it. As most families have two vehicles per household, that represents 48 vehicles, not including, bicycles, ATVs, and snowmobiles; it's guaranteed that approximately 20 vehicles will be parking on the street at any point of time. The R4 zone allows development to a height of 49.5 feet. Properties to the west on Woodland Drive and Eagle Crescent will be in permanent shade throughout the winter under such a development. There has been litigation for the right of sunlight and all planners now consider this fact in new development. Simply by referring to a chart, I can tell exactly how many hours a day, Councilor O'Brien's house will be in shade at any day of the year due to this development.**

**Council should bring this Administration to task for it's lack of due process regarding this application. A lot of worry and stress has been generated because this Administration isn't doing it's job. Zoning amendments are governed by strict well defined rules of procedure. In both applications the Administration hasn't followed them. The Development Officer is required by law to submit a written report first to the Developer then if need be to Council of the potential impact a re-zoning application. This report involves both parties, the Developer and neighbourhood to state their views. The Development Officer then offers a recommendation first to the Developer then to Council to:**

- 1) proceed with a Bylaw amendment.**
- 2) not to proceed.**
- 3) recommend an alternative.**
- 4) recommend further investigation.**

**This wasn't done. Administration prepared a bylaw and presented it to Council for first reading. I need not ask what a Judge would think of that. Had all parties been involved at the report stage, this Public Hearing would be a formality instead of a confrontation. It seems confrontation is the only policy this Administration is capable of. The costly court cases of last year witness to that.**

**A family's home represents each family's largest investment, zoning and General Plans are intended to protect that investment. Had the Developer or Town approached us we would have discussed it. There are solutions:**

- 1) **Allow development under the present zoning, the Developer knowingly bought it under a Institutional zone.**
- 2) **Re-zone to single family residential to be compatible with the surrounding use.**
- 3) **The Town could purchase the property. The General Plan originally designated this lot PARK. Council sold it for \$1. Parks and green space are a public trust, no Council should have the right to sell a public trust. Now Council has an opportunity to restore a wrong. The wasted \$100,000 legal budget of last year could have been put to good use.**
- 4) **The Town could trade R4 zoned land in a new development area, returning the said property to PARK status. The fifteen or so kids that play hockey, skate-board, roller-blade and bicycle the crescent could use it.**
- 5) **The developer can sell it as is. Several neighbours have discussed the possibility of purchase with the Developer.**

**The onus is on the Developer to come up with a plan in agreement with the neighbourhood not the reverse. Council is here to serve the public and provide a quality of life. Take note of that.**

Comments / Submission for Public Hearing Regarding Bylaw No. 1812  
"R", amendment to the Zoning and Building Bylaw No. 1812, to  
rezone Lot 1878, Plan 3985 from I-Institutional to R1B – Single  
Family Residential (Class B)

RECEIVED

OCT 17 2012

TOWN OF HAY RIVER  
N.W.T.

For the record, my name is Ronald Karp and I have lived at #9  
Woodland Drive since 1990. It's a quiet crescent where people own  
their homes. There is one rental property where the occupancy  
turnover rate is high.

I believe planning and re-zoning should bring some form of benefit to  
an area. This should be even more prevalent, when an area consists  
primarily of long term residents.

When considering a rezoning, our own bylaws tell us that the  
maximum development under the new zoning must be taken into  
consideration.

To me maximizing this bylaw means we could end up with two,  
possibly three R1b's, with each containing a duplex. Each duplex  
also having a high turnover rate of occupants. Worst case scenario.

There are no guarantees on the outcome and you can't say this will  
not happen.

There will be extra traffic. That's a given.

That may not be significant to you, but I feel the extra traffic that  
comes each season with the ice bridge. Yes there is a sign to deter  
that, but from the day it starts until the day it ends, if you live in this  
crescent, you see it and live with it.

It was so wrong that this land was given away, (with the best  
intentions), for a dollar. You can still fix this.

This re-zoning brings nothing in terms of quality of life, to the long  
term taxpayers in this Crescent.

Ronald Karp