

MARINE DRIVE, VALLEY & CANAL  
COMMUNITY COUNCIL  
MINUTES  
MAY 24, 2000

PRESENT: Councillor Gordon R. Snow, Chair  
Councillor Steve Streach  
Councillor Keith Colwell

STAFF: Mr. Kurt Pyle, Planner  
Mr. Kevin Warner, Development Officer  
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. **INVOCATION**

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

2. **APPROVAL OF MINUTES - APRIL 26, 2000**

**MOVED by Councillors Streach and Colwell that the minutes of April 26, 2000 be approved as circulated. MOTION PUT AND PASSED.**

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

**MOVED by Councillors Streach and Colwell that the Order of Business be approved. MOTION PUT AND PASSED.**

4. **BUSINESS ARISING OUT OF THE MINUTES - NONE**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

8. **PUBLIC HEARINGS**

8.1 **Appeal of the refusal of a variance - #10 Redbud Drive (Lot 9), Waverley**

- A copy of a report from Kevin Warner, Development Officer, Central Region, dated May 3, 2000, on the above noted, was before Community Council.

Mr. Kevin Warner, Development Officer, with the aid of an overhead, indicated the existing building and the proposed addition. He advised the application had not met the criteria for a setback and was refused by the development officer. The applicant is now appealing the decision of the development officer through Community Council.

Councillor Snow called three times for those wishing to speak either in favour of or opposition to the application. Hearing none the following motion was placed for consideration.

**MOVED by Councillors Colwell and Streach that the Community Council uphold the appeal and grant the variance as requested for #10 Rosebud Drive (Lot 9), Waverley.**

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 PETITIONS - NONE**

**10. REPORTS**

**10.1 MARINE DRIVE, VALLEY AND CANAL PLANNING ADVISORY COMMITTEE**

**10.1.2 Case 00221: Application to rezone a portion of Classic Estates Subdivision (West Chezzetcook) from RE (Rural Enterprise) to R-BA (Auxiliary Dwelling Unit) Zone**

- A report from the Marine Drive, Valley and Canal Planning Advisory Committee, dated May 18, 2000, on the above noted, was before Community Council.

Mr. Kurt Pyle, Planner, advised an application has been forwarded from the Marine Drive Planning Advisory Committee without recommendation allowing Community Council to choose which option to be used in sending the application forward to public hearing. He advised staff is recommending that the area west of the CNR rail line, between the CNR Rail Line and Porter's Lake be rezoned to R-BA; however, the question before Community Council is how it wishes to deal with existing uses that would no longer conform to the zone standards thus becoming non conforming uses. He advised staff is recommending option 3 of the staff report which would be to establish the non conforming uses within the R-BA zone as existing uses allowing them to expand and continue for the current use and that use only.

Councillor Colwell advised this land is located on the lake and is very valuable. It is currently zoned RE which allows for any type of building to be constructed on the properties. He advised there are a number of mobile homes and an aquiculture business currently located in the area. He stated there is concern that if the land does not have any controls there is the potential for obnoxious uses such as a body shop, etc.

Mr. David O'Grady, Les Collins Avenue, advised his deed had contained restrictive covenants and felt they would control the type of development in the subdivision to that of single family residential. When the other properties were developed with mobile homes and the aquiculture business the residents became concerned with the types of development permissible under the current zoning and put forward the application to have the lands rezoned.

In response to Councillor Snow, Mr. Pyle advised under Option 1 the current mobiles and businesses would become non conforming uses which means they would be allowed to continue but not to expand.

In response to Councillor Streach, Mr. Pyle advised that with the zone change the aquiculture business would become a non conforming use under the Municipal Government Act and therefore there would be conditions placed on them such as not being allowed to expand beyond to what they had the rights to expand when the ad went in the paper for the rezoning.

Mr. Pyle advised the process would be that Community Council would have to make a recommendation on one of the options outlined and staff would then have to prepare the required amendments to bring to Community Council for consideration at a public hearing.

Councillor Colwell stated he had concerns with the inability of the aquiculture site to expand or carry on their business. He noted if the zoning remains RE another more noxious use may be made of the property at some future date.

In response to Councillor Colwell, Mr. Pyle advised that if Community Council went with option 1 the aquiculture business would have to have a completed application in prior to the ad being placed in the paper because any applications made after the ad is placed would have to conform to the new zone.

In response to Councillor Colwell, Mr. Pyle advised a building permit is good for two years but construction would have to be started within one year.

**MOVED by Councillors Colwell and Streach that Community Council approve Option 1 - Creating non-conforming uses under the Municipal Government Act - as outlined in the staff report dated May 2, 2000.**

Councillor Streach stated he had limited knowledge about this and questioned whether this motion was only asking staff to pursue that option. In response, Mr. Pyle advised the next step would be for staff to prepare the amendments and then to come back to Council and, if the Community Council is satisfied, the date for the public hearing could be set.

**MOTION PUT AND PASSED.**

**10.1.1 Case 00217: Application for an amendment to a development agreement - Busy Bee Daycare - 2287 Lawrencetown Road (Give Notice of Motion and set public hearing date for June 28, 2000)**

- A report from the Marine Drive, Valley and Canal Planning Advisory Committee, dated May 18, 2000, on the above noted, was before Community Council.

**MOVED by Councillors Colwell and Streach that Community Council give notice of motion and set the public hearing date for June 28, 2000 to consider an amendment to a development agreement - Busy Bee Daycare - 2287 Lawrencetown Road. MOTION PUT AND PASSED.**

**10.2            MEMBERS OF COUNCIL**

**10.2.1        Councillor Snow - Capital Projects**

**MOVED by Councillors Streach and Colwell that Community Council approve an amount of \$2,000 for siding for the Lions Club and \$5,000 for the Oldfield School Playground. MOTION PUT AND PASSED.**

**11.            MOTIONS - NONE**

**12.            ADDED ITEMS - NONE**

**13.            NOTICES OF MOTION - NONE**

**14.            PUBLIC PARTICIPATION**

Mr. Paul Pettipas, LWF Ratepayers, spoke on the proposed pesticide by-law and expressed concern that this would pit neighbour against neighbour. He stated this by-law is not a common sense approach and the by-law may not be enforceable. He suggested properties can be posted and neighbours notified.

Mr. Herman Pye, Lawrencetown, expressed concern with the implementation of the pesticide by-law as he is allergic to bee stings. He requested a response from HRM staff to the following questions:

1. Who are the people contacted from the Department of Natural Resources and Dalhousie University?
2. What are the credentials of the people who made the statement made in the supplementary report dated April 25, 2000 that says one issue that has been raised is whether a ban on lawn pesticides will not result in increased insect stings to which some individuals are sensitive?
3. What are the statement based on? Do they have background materials on this subject?

4. Would it be possible for him to obtain written results of the findings of the studies?
5. Is this the personal opinion or the opinion of the Department of Natural Resources and Dalhousie University?
6. What was the specific questions asked and what was the wording of the question?

Mr. Pye suggested if a ban is instituted it be applied to the urban core and not the rural areas. He further expressed concern that notification of the public hearing may have not reached all areas of the Municipality.

**15. NEXT MEETING**

The next meeting is scheduled for Wednesday, June 28, 2000, 7:00 p.m., East Preston Recreation Centre, 24 Brooks Drive, East Preston.

**16. ADJOURNMENT**

**MOVED by Councillors Streach and Colwell that the meeting be adjourned at 8:30 p.m. MOTION PUT AND PASSED.**

**Julia Horncastle  
Assistant Municipal Clerk**