

HALIFAX REGIONAL MUNICIPALITY

MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL MINUTES November 25, 2002

PRESENT: Councillor Keith Colwell, Chair
Councillor Steve Streach
Councillor Gary Hines

STAFF: Mr. Barry Allen, Municipal Solicitor
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. **CALL TO ORDER**

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

2. **APPROVAL OF MINUTES**

MOVED by Councillor Hines, seconded by Councillor Streach, that the minutes of April 15 (regular session), May 7 (regular session) July 9 (special session) and October 22 (special session), 2002 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

MOVED by Councillor Streach, seconded by Councillor Hines, that the Order of Business be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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 **Case 00481 - Zoning Error, Waverley**

- A report prepared for the Marine Drive, Valley and Canal Planning Advisory Committee, dated September 26, 2002, and the attached staff report, was before Community Council.

Mr. Andrew Bone, Planner, with the aid of overheads, presented the staff report.

Councillor Colwell called three times for those wishing to speak either in favour of or in opposition to the proposed rezoning. Hearing none, the following motion was placed.

MOVED by Councillor Streach, seconded by Councillor Hines, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Hines, seconded by Councillor Streach, that the Marine Drive, Valley and Canal Community Council approve the rezoning of a parcel of land (portion of PID #40502478) on Cobequid Road, Waverley, from P-3 (Park) to R-1b (Suburban Residential), as shown on Map 2 of the staff report dated September 3, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00396 - 2050 Lawrencetown Road, Land Use By-law Amendment

- A report from the Marine Drive, Valley and Canal Planning Advisory Committee, dated October 17, 2002, and attached staff report was before Community Council.

Mr. Kurt Pyle, Planner, with the aid of overheads, presented the staff report advising staff was recommending the kennel not be listed on Appendix "B" of the Land Use By-Law. Mr. Pyle advised Community Council the decision would be based on what was in use on the property in 1989, not what the use was today.

In response to Councillor Streach, Mr. Pyle advised Mr. Strickland currently has seven dogs on his property.

Councillor Colwell called for those wishing to speak either in favour of or in opposition to the amendment.

Mr. Strickland, 2050 Lawrencetown Road, addressed Community Council noting the definition of a kennel does not say you have to be breeding the dogs and in 1989 he had three dogs but was only breeding two. He stated he raises dogs for sale and show and therefore would be classed as a commercial operation. He stated he had applied for a zoning change in 1989 but was told, by the area Councillor of the day, that it was not needed and at no time did anyone advise him that he had to change his zoning.

In response to Councillor Streach, Mr. Pyle advised that on November 30, 1990 Mr. Strickland made a request as part of the amendment process to have his property rezoned to light industrial or commercial. He advised it was for a variety store and there was no mention of a kennel and, at that time, the recommendation was turned down. Mr. Pyle further noted there are no records to show Mr. Strickland applied for a kennel.

Mr. Bell, Conrad Road, advised he was selling dog tags at the time mentioned and there was only one dog on the Strickland property and Mr. Strickland did not license that dog.

Mr. Jim Wiseman, 2080 Lawrencetown Road, advised he built his home in 1986 and there was no indication at that time of a kennel operation on the property. He noted the previous owner had kept dogs but there were no dogs being raised in 1986.

Mr. Strickland advised he was told there was no zoning required for a kennel operation back in 1989 and was told there was no need so he did not pursue it.

Mr. Pyle advised there are no records to show that the dogs were licensed in 1989, noting this would help verify there were dogs on the property.

In response to Councillor Colwell as to whether there were any income tax receipts or records to show it was being operated as a commercial business, Mr. Pyle advised there are none shown.

In response to Ms. Debbie Wiseman, 2080 Lawrencetown Road, Mr. Pyle advised that the Terra Nova Kennel was recognized in 1989 as a commercial business therefore it was recognized under Appendix "B".

Councillor Colwell called three times for additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Streach, seconded by Councillor Hines, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Hines, seconded by Councillor Streach, that the Marine Drive, Valley and Canal Community Council reject the application by Steve Strickland to list a kennel at 2050 Lawrencetown Road in Appendix "B" of the Land Use By-Law for Lawrencetown.

Councillor Hines cited the following reasons for his motion to reject the application:

1. The requirements were not met.
2. No records can be found to indicate it was a commercial operation.
3. No evidence to show that it was in existence in 1989.
4. No evidence to show there were more than three dogs in 1989.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Petitions - None

10. REPORTS

10.1 PLANNING ADVISORY COMMITTEE

10.1.1 Resignation from Committee

- A copy of the resignation letter from Mr. Ted Webber was circulated to the Community Council.

MOVED by Councillor Hines, seconded by Councillor Streach, that the Community Council accept the resignation and send a letter to Mr. Webber thanking him for his service as a valuable member of the committee. MOTION PUT AND PASSED UNANIMOUSLY.

The Community Council members will endeavour to solicit a new member for the Committee.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Election of Chair

MOVED by Councillor Hines, seconded by Councillor Streach, that Councillor Colwell be appointed as Chair of the Community Council. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Herman Pye, Lawrencetown, noted there are traffic concerns where Ross Road meets the #7 Highway and suggested staff be requested to examine the possibility of twinning the road such that Ross Road meets the #7 Highway at the traffic lights on the #7 Highway.

Mr. Pye also suggested staff be requested to undertake a study with regards to decreasing the grade of that portion of the Lawrencetown Road commonly referred to as "Long Hill". Mr. Pye noted the hill has a steep grade and there is a sharp turn at the bottom which can pose a potential danger to motorists during adverse weather conditions.

MOVED by Councillor Streach, seconded by Councillor Hines, that the Marine Drive, Valley and Canal Community Council request Regional Council recommend staff examine the possibility of realigning Ross Road with the #7 Highway at the traffic lights on the #7 Highway. MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Blaine Lunden, Keltic Drive, advised that Keltic Drive is in two parts which do not connect

into one street. He suggested either the street be joined or one portion be renamed as this has caused problems for emergency vehicles searching for an address.

MOVED by Councillor Hines, seconded by Councillor Streach, that this concern be forwarded to Donna Davis for review under Civic Addressing. MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Pye advised he had requested Community Council request signage be installed in the subdivision and noted this had not been done to date. Councillor Colwell advised a letter had gone forward to the province and Community Council would send follow up correspondence.

MOVED by Councillor Hines, seconded by Councillor Streach, that a letter be sent to Mr. VanSlyke of the Department of Transportation advising this had not been taken care of. MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Pye advised there is no longer a road sign in place indicating the Keltic Gardens subdivision and expressed concern relative to emergency situations. Councillor Colwell advised this was not a municipal responsibility.

MOVED by Councillor Streach, seconded by Councillor Hines, that a letter be written to the developer requesting signage be replaced. MOTION PUT AND PASSED UNANIMOUSLY.

A resident of Lawrencetown Road advised there is a speed problem along highway #207 and suggested some form of speed trap be implemented to slow traffic or initiate a reduction in the speed limit.

MOVED by Councillor Streach, seconded by Councillor Hines, that Community Council write to the Cole Harbour RCMP requesting a radar speed trap be put in place on the Lawrencetown Road. Further, the Department of Transportation be requested to do a speed study on the #207 highway. MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Herman Pye, Keltic Gardens, Lawrencetown expressed concern with the amount of shoulder remaining on the sides of the roads after the ditching was undertaken. He noted there is less shoulder and expressed concern that the shoulder has been lessened to such a degree that there are places where it would not be possible for cars to pull over and stop.

In response to Mr. Pye regarding a central phone number for tracking problems related to snow removal issues, Councillor Colwell advised HRM has a 490-4000 line which is the central call centre where issues are tracked.

15. NEXT MEETING

To be determined.

16. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Julia Horncastle
Assistant Municipal Clerk