

WESTERN REGION COMMUNITY COUNCIL

MINUTES

JUNE 24, 2002

THOSE PRESENT: Councillor Reg Rankin, Chair
Councillor Gary Meade

ALSO PRESENT: Barry Allen, Municipal Solicitor
Gary Porter, Planner
Paul Sampson, Planner
Veronica Roche, Administrative Support, Finance
Sandra Shute, Assistant Municipal Clerk

Regrets: Councillor Stephen D. Adams

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. at the Keshen Goodman Library, 330 Lacewood Drive, Halifax. At a later point in the meeting, the Chair recognized Bill Estabrooks, MLA.

2. **APPROVAL OF MINUTES - MAY 27, 2002**

MOVED by Councillor Meade, seconded by Councillor Rankin to approve the Minutes of meeting held on May 27, 2002 as circulated. MOTION PUT AND PASSED.

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

Added Items: New Area Rate for Kingswood Ratepayers Association
 Feeding Seagulls - Councillor Meade

Added Information Items: Information Report re Traffic Situation on Sime Court, Kingswood
 Information Report re Traffic Analysis for Hammonds Plains
 Road and Kingswood

MOVED by Councillor Meade, seconded by Councillor Rankin to approve the Order of Business as amended. 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 **Case 00421 - Amendment to C-3 Zone of the Land Use By-law for Timberlea/Lakeside/Beechville - Self-Storage Facilities**

A Staff Report dated May 16, 2002 was before Community Council. Gary Porter, Planner provided an overview of the application. Staff was recommending approval of the proposed amendment.

The Chair called three times for speakers for or against the proposal. There were none.

MOVED by Councillor Meade, seconded by Councillor Rankin to close the Public Hearing. MOTION PUT AND PASSED.

MOVED by Councillor Meade, seconded by Councillor Rankin to approve the proposed amendment to the C-3 Zone of the Land Use By-law for Timberlea/Lakeside/Beechville to permit Self-Storage Facilities as set out in Attachment A of the Staff Report dated May 16, 2002. MOTION PUT AND PASSED.

8.2 Case 00478 - Land Use By-law Amendments - Shipping Containers - Western Region

A Staff Report dated May 22, 2002 was before Community Council. Paul Sampson, Planner provided an overview of the application. Staff was recommending approval of the amendments in question.

On a question from Councillor Rankin as to justification for this amendment in urban areas, Mr. Sampson advised that it deals with aesthetics. Shipping containers were thought to some degree to be unsightly and not suitable for residential properties in serviced areas because properties are quite small and containers would be visible from adjacent properties.

On a question from Councillor Rankin regarding the status of existing containers, Mr. Sampson advised that if they were existing legally with a permit, they would be allowed; however, for those without a permit, if they met all the rules, the container was placed properly on the property and an application was made for a permit, the Development Officer would make a decision as to approval of a permit but it would be on a case-by-case basis.

The Chair then called for speakers for or against the application.

Mr. Humphrey Longard pointed out that a shipping container could be remodeled so that it looks as good as a shed you buy from a building supply company. It appeared there was no option, under the proposed amendments, to do anything to it. The size of some of the shipping containers are the same size as the metal sheds. He asked what size shipping container was being considered; there were 40', 20' or 10'.

In response, Mr. Sampson advised that the shipping containers are not all the same width but range in length from 20' to 50'. The definition was made general enough so that it applies to all shipping containers.

Mr. Longard continued that this would eliminate the small container and he did not feel that was fair. The small ones are more serviceable than a shed and have a longer life.

In response, Mr. Sampson advised that amendments did not apply to existing ones. If the existing ones are altered for a better appearance, it would be encouraged as long as they meet the Land Use By-law requirements. The intent of the amendment is to prohibit future shipping containers.

Mr. Tom Robertson, St. Margarets Bay Road stated that those that exist should be allowed to exist.

On request of Councillor Rankin regarding grandfathering, Mr. Barry Allen, Municipal Solicitor advised where a Land Use By-law is changed to prohibit something from happening, whatever existed on the date of the change in the law is allowed to continue to exist - a non-conforming use. In order to be a legal non-conforming use, it would have to be established legally by showing a permit or show some evidence that the use did exist at that particular time. No matter how you try to deal with time changes in law, at some point it is always arbitrary because it always take effect on a certain day. The Municipal Government Act covers that situation by providing for a non-conforming use before the date of change and legal or illegal after.

Councillor Rankin stated he wanted it included in the Minutes that there is an opportunity over the next few weeks to come forward, as long as it is possible to attest that the structure was there, provided the setbacks have been met.

Mr. Allen advised that in this case, they could not get a permit. What would happen is if they applied for a permit before the change and if there was time to process the application, they would be entitled to get the permit. If they have not applied for a permit at all, they would not be allowed to get the permit under the Act but once they are there for six months without a permit, you can no longer take action to have them removed.

On a question from Councillor Rankin as to the effective date, Mr. Allen advised that the law itself does not change until the ad goes in the paper and the appeal period has expired. Those who took action before the ad went in the paper would no doubt be all right. If they did not and the building was up and there for more than six months, they would be all right. If the building is up and six months has not expired yet, if they get through the six months then it would be all right. If someone wanted to put one up tomorrow, they would be out of luck.

Mr. Donny MacDonald, Timberlea described a shipping container he had on his property that could no longer be used for that purpose and has been there 15-17 years. He had a Development Agreement and the Development Officer has photos of the container. He

supported having the containers because they are fireproof and much better than the sheds available from a building supply company.

Councillor Meade asked if Harbour East Community Council approved the amendments as yet. In response, Mr. Sampson advised they were approved on June 6, 2002.

The Chair then called for additional speakers for or against the application. There were none.

MOVED by Councillor Meade, seconded by Councillor Rankin to close the Public Hearing. MOTION PUT AND PASSED.

MOVED by Councillor Meade, seconded by Councillor Rankin to approve the amendments to the Land Use By-laws for Timberlea/Lakeside/Beechville and Planning District 5 (Chebucto Peninsula) as shown in Attachments 1 and 2 of the Staff Report dated May 22, 2002. MOTION PUT AND PASSED.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None

10. **REPORTS**

10.1 **Rules of Procedure - Western Region Community Council**

A Memorandum dated June 17, 2002 from the Clerk was before Community Council regarding proposed changes to the Rules of Procedure which constituted housekeeping amendments.

MOVED by Councillor Meade, seconded by Councillor Rankin to adopt the proposed Rules of Procedure dated June 24, 2002. MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **New Area Rate for Kingswood Ratepayers Association**

A Staff Report dated June 21, 2002 was before Community Council. Ms. Veronica Roche, Administrative Support, Finance provided an overview of the report and recommendation.

Councillor Meade asked who would have signing authority for the money and who will decide where the money is spent. In response, Ms. Roche advised that Finance Department will assist the Ratepayers Association in preparing a budget, hold the funds and prepare cheques

on their behalf. No money will be handled by the Ratepayers Association; however, it is implied that it is the subdivision's rate. The Councillor cannot overrule the Homeowners Association.

MOVED by Councillor Rankin, seconded by Councillor Meade to recommend to Regional Council that a flat rate of \$50.00 be approved to be applied against the properties within the mapped area depicted in Appendix A of the Staff Report dated June 21, 2002 effective with the 2002/03 fiscal year for the purpose of enabling the Kingswood Ratepayers Association to develop parkland and other recreational amenities within the community of Kingswood, Kingswood West, Blue Mountain Estates, Queenswood, Kingswood South and area subdivisions which make up the Kingswood Ratepayers Association. MOTION PUT AND PASSED.

12.2 Feeding Seagulls

Councillor Meade outlined problems being experienced by a resident with a neighbour in Indian Harbour feeding seagulls. People have water systems in their basement for runoff of water from their roof. The seagulls leave bird droppings on the roof and every time it rains the water gets contaminated. He wanted to know if the Municipality has a By-law to stop the feeding of seagulls or, if not, to find effective ways to deem the feeding of seagulls as inappropriate.

MOVED by Councillor Meade, seconded by Councillor Rankin that a request for a staff report go forward in this regard. MOTION PUT AND PASSED.

12.3 Completion of Sidewalk in Lakeside

Councillor Rankin requested that staff be asked to include the balance of sidewalk from Governor Drive to the Ultramar/Tim Hortons area in the next budget. This is in an urban area on a busy collector road and the last Transportation Study indicated there should be sidewalk on both sides.

MOVED by Councillor Meade, seconded by Councillor Rankin that a request go forward to staff in this regard. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Since MLA Bill Estabrooks was in attendance, a general discussion took place. One of the topics was the paving of dirt roads and the delay in finding out what roads will be paved by the province throughout the Municipality.

15. **NEXT MEETING DATE** - Monday, August 26, 2002

16. **ADJOURNMENT**

On a motion from Councillor Meade, the meeting adjourned at 7:55 p.m.

Sandra M. Shute
Assistant Municipal Clerk