

TABLE OF CONTENTS

1.	Call to Order	4
2.	Approval of Minutes	4
3.	Approval of the Order of Business and Approval of Additions and Deletions	4
4.	Business Arising Out of the Minutes	4
4.1	Status Sheet Items	4
4.1.1	Westgate Commercial, Timberlea	4
4.1.2	Lucasville Road - Speed Limit Reduction	4
4.1.3	Intersection of English Corner - Hammonds Plains Road	4
4.1.4	RCMP/Police - ATV Patrol	5
5.	Motions of Reconsideration - None	4
6.	Motions of Rescission - None	5
7.	Consideration of Deferred Business - None	5
8.	Public Hearings	5
8.1	<u>Variance Appeal: 193 Lakeshore Drive, Hammonds Plains</u>	5
9.	Correspondence, Petitions and Delegations	8
9.1	Correspondence - None	8
9.2	Petitions - None	8
9.3	Delegations - None	8
10.	Reports	8
10.1	<u>Case 00536: Trinity Way and Housekeeping Amendments for Westgate Community, Timberlea.</u>	8

10.2	<u>Case 00623</u> : Road Network Amendment for Westgate Community, Timberlea	8
11.	Motions - None	9
12.	Added Items	9
12.1	1001 Prospect Road - Land Exchange	9
12.2	Transit Platform - Maplewood and Eisener	9
12.3	Upper Hammonds Plains - Request for Repairs - Common Area Rate ...	9
13.	Notices of Motion - None	10
14.	Public Participation	10
15.	Next Meeting Date	11
16.	Adjournment	11

1. CALL TO ORDER

The meeting was called to order at 7:05 pm in the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

2. APPROVAL OF MINUTES

2.1 Regular Meeting - January 26, 2004

MOVED by Councillor Adams, seconded by Councillor Rankin that the Minutes of the regular meeting held on January 26, 2004 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

- 12.1 1001 Prospect Road - Land Exchange - Councillor Adams
- 12.2 Transit Platform - Maplewood and Eisener - Councillor Rankin
- 12.3 Upper Hammonds Plains - Request for Repairs - Common Area Rate - Councillor Rankin

MOVED by Councillor Adams, seconded by Councillor Rankin to adopt the Order of Business as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

4.1.1 Westgate Commercial, Timberlea

- An Information Report, dated February 6, 2004, was before Community Council.

No further action required. To be removed from the status sheet.

4.1.2 Lucasville Road - Speed Limit Reduction

- An Information Report, dated February 4, 2004, was before Community Council.

No further action required. To be removed from the Status Sheet.

4.1.3 Intersection of English Corner - Hammonds Plains Road

- A letter dated, January 30, 2004, from Mr. Ken Reashor, Acting Manager of Traffic and Transportation, was before the Community Council.

Councillor Rankin advised Mr. Ross Evans, area resident, would speak to this issue later in the meeting under Section 14, Public Participation. *See page 11.*

4.1.4 RCMP/Police - ATV Patrol

- An Information Report, dated March 4, 2004, was before Community Council.

No further action required. To be removed from the Status Sheet.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **PUBLIC HEARINGS**

8.1 Variance Appeal: 193 Lakeshore Drive, Hammonds Plains

A staff report dated February 16, 2004 was before the Community Council

Mr. Kevin Warner, Development Officer, presented the report.

Questions from Community Council:

Councillor Adams asked why there were two stop work orders issued. Mr. Warner responded after the first stop work order was issued the developer had to secure the building against the elements. The second stop work order was issued to ensure the developer knew what the intent was.

Councillor Adams asked, from the neighbours perspective, how close is the nearest building on lot 414 to the property line. Mr. Warner responded the home located on lot 414 is 139' from the property, 134' setback from right of way.

Councillor Adams asked what the duties/responsibilities are of the Building Inspector when an application is received. Mr. Warner responded a location certificate is required before the Building Inspector would do the backfill inspection. The Building Inspector is to review the certificate received against the proposal and if there is any discrepancy, the Building Inspector is required to speak to the Development Officer to determine if the requirements for the LUB

(Land Use By-Laws) are met. He added in this case, the Building Inspector did not do this. Councillor Adams asked why the Building Inspector did not complete this fundamental job function. Mr. Warner explained the Building Inspector advised he had made an erroneous assumption that the sideyard setback was the same as most other areas in the Municipality in that they only require an 8' sideyard setback for homes on larger lots. In this area, the sideyard setback for homes on larger lots is 25'.

Councillor Rankin asked what remedy the builder has. Mr. Warner advised the builder could hire a surveyor to alter the line. This would only be done with the agreement of the adjacent property owners. Councillor Rankin clarified this would be an acquisition of property from lot 414 with a value attached to it. He added this option may require some time for investigation.

Councillor Rankin further inquired if there was potential disregard by the builder for doing work beyond the scope of the permit. Mr. Warner explained the Municipal Government Act contains the word "intentional disregard" and this was not the case. He advised he does not believe the builders "intentionally disregarded" the permit.

Councillor Rankin, opened the public hearing calling for any speakers for or against the variance appeal.

PUBLIC HEARING:

Crystal Robinson & Ron Taylor, Property Owners of Lot 414

- We are not trying to be unreasonable. Our house was built by Greater Homes and is 25' from the property line. This suggests Greater Homes knew the 25' By-Law.
- Neighbour on other side incurred extra expenses to ensure they were 25' from property line.
- Now, on the other side of our property, our line is gone, our property is damaged and if this appeal is allowed, all that is happening becomes our expense.
- We are innocent bystanders who followed the rules when we built our house and now a problem that we see as Greater Home's is becoming our problem.
- We will have to re-survey our lot, talk to Greater Homes and possibly incur legal expense to have them fix our property that they have damaged. We do not see the reasoning for this when there is a By-Law to follow.
- We are willing to sit down and talk with Greater Homes - we are not expecting them to move the house but we feel they should re-zone that land and buy the land from us to make them meet the By-Law. The By-Laws should be upheld.

Councillor Adams inquired what damaged has occurred to their property. Ms. Robinson/Mr. Taylor advised there is backfill, excavation work, a well drilled almost on the property line and backfill has spilled over onto their property. Mr. Taylor added he does not know how Greater Homes could rectify this without having to subdivide and take the appropriate requirement of

land to comply with the By-Law. Ms. Robinson added the new property owner will want to landscape and there will always be an issue of whether or not they are on our property. She further added this will lead to future problems that they (Ms. Robinson and Mr. Taylor) will have to rectify.

Mr. Taylor referred to the staff report and a comment by Greater Homes that Greater Homes did not expect any cooperation from them. He added this was untrue and they have made many attempts to talk with Greater Homes but have been ignored and told their problem was with HRM.

Councillor Rankin added Greater Homes had the benefit of the location certificate so they knew where the line was. He further clarified the problems experienced to the adjacent property owners include change in contour and possibly drainage issues. Mr. Taylor responded the drainage was what raised the issue there was a problem. He contacted the surveyor who told him they were not complying with the By-Law and at that point he raised the issue with HRM.

Mr. Taylor further advised he does not feel Greater Homes complied with the first stop work order. It was not until the second order was posted, directly on the house, that work stopped. Mr. Taylor advised he would prefer the variance application be denied. He is prepared to work with Greater Homes but does not feel confident the issue will be resolved to their (Ms. Robinson/Mr. Taylor's) satisfaction.

Kevin Riles, Vice-President, United Gulf Developments Limited.

- We respect HRM's decision to deny the variance and in regards to the MGA and the By-Laws we would expect no other decision.
- A field crew made a mistake. It is unfortunate. We have built other homes in the area and we are aware of the 25'. We would not purposely place ourselves in this situation.
- Regarding the comment concerning non-cooperation of the adjacent property owners, United Gulf will work with the property owners to solve any problems. I make that commitment tonight, I will personally take care of this.

Councillor Rankin gave third and final call for speakers, hearing none, **the public hearing was closed.**

MOVED BY Councillor Adams, seconded by Councillor Rankin that this item be deferred to the March 29, 2004 meeting of Western Region Community Council in order to allow time for the adjacent property owner and the developer to meet and come to a resolution.

Councillor Rankin added there is hope the possibility of acquisition of adjacent land will be explored. He further commented that while our own (HRM) staff made an oversight, Greater Homes is recognizing they were the author of that mistake. We would like to see the possibilities when you come back.

Councillor Adams offered to mediate the meetings with the adjacent property owner and Greater Homes if they wished.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

- 9.1 Correspondence - None
- 9.2 Petitions - None
- 9.3 Delegations - None

10. REPORTS

- 10.1 Case 00536: Trinity Way and Housekeeping Amendments for Westgate Community, Timberlea.

- A Supplementary Report, dated March 3, 2004, was before Community Council.

Mr. Angus Schaffenburg, Planner II, presented the report.

MOVED BY Councillor Adams, seconded by Councillor Rankin that Western Region Community Council give notice of motion to consider the proposed development agreement and schedule a public hearing for March 29, 2004.

Councillor Adams clarified with staff there would be sufficient time for advertising the public hearing. Staff responded two weeks is the required time frame and there is adequate time.

MOTION PUT AND PASSED UNANIMOUSLY.

- 10.2 Case 00623: Road Network Amendment for Westgate Community, Timberlea.

- A staff report, dated February 26, 2004, was before Community Council.

Mr. Angus Schaffenburg, Planner II, presented the report. He advised the applicant wishes to amend the existing agreement in order to modify the classification of Street "A" (Ironwood)

between Timberlea Village Parkway and Street "D" (Blackthorn) from "Boulevard" to "Modified Urban Minor Collector." Mr. Schaffenburg explained the changes to the road network are not a substantial amendment and may be approved by resolution of Council without a public hearing.

MOVED BY Councillor Adams, seconded by Councillor Rankin that Western Region Community Council:

1. **Approve the proposed development agreement amendment as set out in Attachment "A"; and**
2. **Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 1001 Prospect Road - Land Exchange

Councillor Adams advised, due to this issue being before Community Council on numerous occasions, he has contacted the CAO's office to intervene and bring forward a resolution to this matter for the March 29, 2004 meeting. He further advised if there is no resolution forthcoming from the CAO's office, he will request Western Region Community Council to endorse a motion to bring resolution to this item on March 29, 2004. To be added to the Status Sheet.

12.2 Transit Platform - Maplewood and Eisener

MOVED BY Councillor Rankin, seconded by Councillor Adams that Metro Transit relocate the bus shelter at Maplewood and Norwood to the requested location at the corner of Maplewood and Eisener. Further, that there be immediate action taken on this matter.

Councillor Rankin advised this shelter was previously approved by Metro Transit but placed in the wrong location further down the road nearer Norwood and Maplewood. He added a

request was made a few months ago to have the shelter moved to the originally requested location but to date this has not been done.

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Upper Hammonds Plains - Request for Repairs - Common Area Rate

MOVED BY Councillor Rankin, seconded by Councillor Adams that Western Region Community Council approve \$591.00 plus HST be donated to the Lucasville Community Centre from the Common Area Rate for repairs to their front door.

Councillor Rankin advised this had been previously approved pending supporting documentation. He submitted the quote from Kidston Economy Glass for the record. **MOTION PUT AND PASSED UNANIMOUSLY.**

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Diane Webster, 51 Oaklane, Timberlea

- ! Has been attending these meetings since August on issue of tax classification being changed from Urban to Suburban.
- ! Still waiting for response from staff.

Councillor Rankin advised the issue of urban/suburban rates has been discussed at Regional Council as well. He advised staff is proposing this area revert back to suburban. He added he understands there is some tolerance for an area rate for transit but not for sidewalks since the area does not have sidewalks.

Councillor Rankin advised he strongly recommends staff meet with those concerned. He added staff is waiting for information from Metro Transit regarding an estimate for transit so that it may be applied as an area rate. He further explained the resulting bottom line will be a lower tax rate and the residents will not be captured for sidewalk or capital cost recovery or snow-plowing of sidewalks.

Ms. Katherine Pellerine, area resident

- Very angry and upset about coming to Community Council since August on this issue (change in tax rate). It gets in the minutes that someone will follow-up with us but no one does. I call at least every two weeks and last week I called twice.

- We are trying to obey the process and we are begging for a public meeting. You have to understand our frustration. We attend all the meetings here, we call the right people, still we get no response. Is it not politically correct, good manners to call people back?
- Staff is waiting for more information, its been since August, how much more time do they need?
- We have offered to organize the meeting, get the building, do the advertising, everything, but staff won't call us back.

Councillor Rankin added the lack of communication is regrettable. He further advised the rate will not be retroactive, it will begin on April 1, 2004 as it was intended. He added he has a commitment from staff that they will contact those concerned in the next few days.

Ms. Pellerine advised staff came to her home in September without calling in advance and stated she would prefer they call first.

Councillor Adams advised that as Councillors they cannot make staff do anything. He further advised that he and Councillor Rankin will speak to staff and ask that immediate contact be made with those concerned. He added they will also suggest the criteria utilized to determine urban/suburban/rural tax rates be revisited.

Ms. Pellerine commented they (the residents) would like to review the report as soon as possible as they do not want any surprises.

Mr. Ross Evans, 11 Pockwock Road, regarding status sheet Item 4.1.3

- Pictures for the Councillors to review in regards to the intersection at Pockwock Road
- Picture 1: Cleared path myself with my own tractor. Problem, it is used as an ATV path to go to the Irving Station.
- Picture 2: Damaged curb. When HRM plough, they cut at such an angle they smashed the curb and missed the stapling. Repeatedly cleaned it himself at his expense and risk.
- Picture 3: Snow plough has gone off the road. Why don't the drivers have some idea what the intersection looks like?
- Pictures 4 and 5: Stop lines.
- Sent a previous package to the Mayor's assistant with more pictures taken before the snow. There is no crosswalk there. It is a 70 km zone. Many drivers go through the red lights. It is dangerous at this intersection.
- Problem with people turning right onto Pockwock Road inside the line of traffic. I am asking you **not to** put a right-hand turn lane as people would go straight through not around.
- We asked for a reduction in speed but Highways says no because there is a school zone.

Councillor Rankin asked Mr. Evans what he would like Community Council to do and suggested increased surveillance by the RCMP. Mr. Ross Evans agreed increased surveillance would be good. Mr. Evans further requested HRM improve the ploughing. Councillor Rankin advised he will have staff meet with Mr. Evans.

15. **NEXT MEETING DATE** - Monday, March 29, 2004.
16. **ADJOURNMENT** - The meeting adjourned at 8:10 p.m.

Chris Newson
Legislative Assistant