

WESTERN REGION COMMUNITY COUNCIL  
MINUTES

November 27, 2006

PRESENT: Councillor Stephen D. Adams, Chair  
Councillor Reg Rankin  
Councillor Gary Meade

STAFF: Ms. Chris Newson, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. in the Keshen Goodman Library, 330 Lacewood Drive, Halifax. NS.

**2. APPROVAL OF MINUTES** - October 23 , 2006, October 26, 2006 joint meeting with North West Community.

October 23, 2006

**Deferred** as the minutes were not available.

October 26, 2006 (*joint meeting*)

**MOVED BY Councillor Meade, seconded by Councillor Adams that the Western Region Community Council approve the minutes of the joint meeting of the North West Community Council, Marine Drive Valley & Canal Community Council and the Western Region Community Council dated October 26, 2006. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**Addition:**     12.1 Election of Chair  
                  12.2 Status of Sandy Cove Road/Terrence Bay Road - *Councillor Rankin*

**MOVED by Councillor Rankin, seconded by Councillor Meade that the agenda be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

**4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET**

**4.1 HRM Issues**

#### **4.1.1 Water Service Boundary - St. George Blvd., Kingswood**

No update received. Item to remain on the Status Sheet.

#### **4.1.2 Shiloa Road - Councillor Rankin**

Councillor Rankin advised that the owner of the right of way is not prepared to grant the right of way to HRM. Staff to communicate with the residents that the project will not go forward. Item to be removed from the Status Sheet.

#### **4.1.3 Western Common - Councillor Rankin**

- (i) Stewardship Committee
- (ii) Re-zoning of I-3 Lands
- (ii) Moratorium on Developing I-3 Lands

Councillor Rankin advised that the advertisement has been placed in the Masthead News and Chronicle-Herald newspapers for volunteers to serve on the Western Common Stewardship Committee. Items (ii) and (iii) will be dealt with by Regional Council. Item to be removed from the status sheet.

#### **4.1.4 Legal Definition - Public Consultation/Public Input**

No update received. Item to remain on status sheet.

#### **4.1.5 Request for Crosswalk - Intersection of St. Margaret's Bay Road and Timberlea Collector off Exit 3.**

No update received. Item to remain on status sheet.

#### **4.1.6 Request for Crosswalk Repainting in front of Beechville Baptist Church, St. Margaret's Bay Road.**

No update received. Item to remain on status sheet.

### **4.2 Provincial Issues**

#### **4.2.1 Environmental Concerns - Paul's Point Fisheries Ltd., Hackett's Cove**

- A letter dated October 3, 2006, from The Honourable Loyola Hearn, MP, was before Community Council.

Councillor Rankin advised that correspondence from Minister Hearn's (Department of Fisheries and Oceans) indicated that the matter of fish plant effluent has been referred to the Honourable Rona Ambrose, Minister of the Environment. He requested that a reminder be sent to the provincial department in regard to this matter. Item to remain on

the Status Sheet.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

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

**8. PUBLIC HEARING**

**8.1 Case 00936: Eurobuilt Rezoning, Hubbards**

- A staff report dated October 3, 2006 was before the Community Council.

Mr. Richard Harvey, Senior Planner, presented the report.

Councillor Meade advised of one correction on page 6 of the report indicating that it should be 60 *feet* not 60 *square feet*.

Mr. Harvey confirmed for Councillor Meade that no correspondence had been received in regard to this matter.

Councillor Adams reviewed the guidelines for public hearings. He then called for anyone wishing to speak for or against this proposal to come forward at this time.

Councillor Adams gave the third and final call for speakers to come forward. There being no speakers, it was **MOVED BY Councillor Gary Meade, seconded by Councillor Reg Rankin that the Western Region Community Council approve the rezoning of the Eurobuilt Incorporated property, as shown on Map 1 in the staff report dated October 3, 2006, from the MU-1 (Mixed Use) Zone to the I-1 (General Industrial) Zone. MOTION PUT AND PASSED.**

**8.2 Variance Appeal**

**8.2.1 Case No. 13282: Variance at 2405 Prospect Road, Hatchet Lake**

- A staff report dated November 27, 2006 was before the Community Council.

Ms. Leticia Smillie, Development Technician, Western Division, presented the report and outlined the appeal process.

Ms. Smillie responded to Councillor Meade that the garage has been in place for a couple of years. Staff were made aware of the setback issue when a complaint was filed. The garage is only six (6) feet from the property line and not the required eight (8) feet.

**Ms. Carolyn Peters, Appellant & Co-owner of 2405 Prospect Road**

- apologized for their ignorance in not knowing a building permit was required to construct the garage, nor of the requirements of the municipal Land Use By-laws.
- owners of 2411 Prospect Bay Road had their property surveyed last year and it was then that they realized the setback issue.
- have complied fully with HRM staff to try to bring the property into compliance with existing regulations.
- advised that it would be a major financial loss if she had to have the garage torn down or moved.
- there is 30' between the garage and the residence at 2411 Prospect Bay Road.
- apologized again for the side yard setback oversight.

Ms. Peters responded to Councillor Rankin that they used the line of the major culvert that came across the Prospect Bay Road as a guide for the property line as there was a fence that bordered along 2411. The original survey stakes from 1968 are no longer there but you can see where Mr. Bobbit (co-owner) planted shrubs and part of the fence is still visible. She also confirmed that adjacent homeowners were in residence next door while the garage was being built.

**Mr. Raymond Theriault, 2411 Prospect Bay Road**

- resident at this address since June 1999.
- the stakes for the garage, upon construction, were placed over the property line and he and his neighbour argued over the fact and the stakes were moved farther back.
- he wanted to build a shed or garage himself and had to pay for a survey, due to continued arguments with his neighbour, to resolve the property line issue. The survey cost approximately \$2,000.
- the survey showed that his intended garage would be 14' from the property line.
- this situation has resulted in very poor relations between the two neighbours.
- there should be fair and equal treatment in regard to setback requirements as he would have to abide by the guidelines.
- he added that he would like to lengthen his driveway.

Ms. Smillie responded to Councillor Rankin that the setbacks are in regard to buildings not for a driveway.

Councillor Adams gave the third and final call for speakers. Hearing none, it was **MOVED BY Councillor Meade, seconded by Councillor Rankin that the variance appeal be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED BY Councillor Rankin that the Western Region Community Council uphold the Development Officer's decision to refuse the variance.** He explained that this is an unfortunate situation which could be costly to the property owner but he has to abide by the by-laws. The Community Council has been asked by the affected neighbour to

enforce those laws. Having no seconder, Councillor Rankin withdrew the motion.  
**MOTION WITHDRAWN.**

**MOVED by Councillor Meade, seconded by Councillor Adams that the Western Region Community Council overturn the Development Officer's decision and permit the garage to remain as is. MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**9.3 Delegations**

**9.3.1 Paving of Sarah Ingraham Drive, Williamswood**

Ms. Flemming submitted her comments in writing. A copy is on file in the Municipal Clerk's Office.

Ms. Sherry Flemming commented on the extremely poor and substandard road conditions on Sarah Ingraham Drive, Williamswood citing it as a safety hazard for drivers, passengers and pedestrians. She requested information on the condition of those roads on the list for paving and; how long they have been on the list and; what criteria is used to determine which roads are paved. She added that the neighbourhood has already been petitioned in regard to paving the road and are in agreement. They are currently #32 on the list for paving.

**MOVED BY Councillor Adams, seconded by Councillor Rankin that the Western Region Community Council waive the right of petition for Sarah Ingraham Drive, Williamswood and that a request be sent directly to staff for Sarah Ingraham Drive to be evaluated using the new criteria for determining road paving. MOTION PUT AND PASSED.**

A copy of the criteria is to be forward by staff to Ms. Flemming.

**10. REPORTS**

**10.1 STAFF REPORTS**

**10.1.1 Case 00969: Rezoning / Zone Amendments, Upper Hammonds Plains**

- A staff report dated November 15, 2006 was before the Community Council.

**MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council give first reading and set a public hearing date for Monday, December 18, 2006. MOTION PUT AND PASSED.**

**10.1.2 Approval of the Western Region Community Council 2007 Meeting**



## Schedule

**MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council approve the following meeting dates for 2007: January 22, February 26, March 26, April 23, May 28, June 25, July 23 (if required), August 27, September 24, October 22 and November 26 (No meeting in December). MOTION PUT AND PASSED UNANIMOUSLY.**

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Election of Chair**

**MOVED BY Councillor Meade, seconded by Councillor Rankin that Councillor Adams be nominated as Chair of the Western Region Community Council for 2007. Councillor Adams accepted the nomination. MOTION PUT AND PASSED.**

12.2 **Sandy Cove Road/Terrence Bay Road - Status of Paving**

**MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council write to The Honourable Angus MacIsaac, Minister of Transportation and Public Works, inquiring on the status of paving for Terrence Bay Road and Sandy Cove Road and whether or not those two roads will be paved in the spring of 2007. A copy of the letter to be sent to the local MLA. MOTION PUT AND PASSED.**

13. **NOTICES OF MOTIONS** - None

14. **PUBLIC PARTICIPATION**

### **Mr. Dormand Skinner, Hammonds Plains**

- expressed concern with the zoning along the Hammonds Plains Road indicating that he would like to build an accessory building on his property and have a home business (antique furniture repair/refinishing business). The current zoning is prohibiting him from operating such a home business
- area is zoned residentially but the Hammonds Plains Road has the fastest speed limit (90 km) in the Atlantic provinces for a residential zone.
- his property has 200' of road frontage abutting the highway. There are 500 businesses along this road.
- he has lived here for five years and a number of homes on the road have become commercial businesses.
- Keep local business alive and support the local community.
- recent construction of new Highway 103 section will bring new development, new subdivisions which will bring in new businesses and the Hammonds Plains area

- will not be able to compete with the new areas.
- has tested the markets and it is very favourable for his type of business.
- in the R-1 zones you can have a computer business or daycare but it cuts the right of people like himself.
- his land was expropriated twice to widen the highway for a lane change. He was forced to move his building 40' off the highway to keep it clear for future development. He inquired if all his land would be expropriated.

Councillor Rankin explained that the Regional Plan seeks to control the rate of residential development but supports local businesses that would service the local community.

**MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council request a staff report for the January 22, 2007 meeting in regard to R1 zoning on the Hammonds Plains Road. The report is to include information on the current uses permitted as well as future plans to encourage and enhance local business. MOTION PUT AND PASSED.**

**15. NEXT MEETINGS** - December 18, 2006 and January 22, 2007

**16. ADJOURNMENT** - The meeting adjourned at 8:00 p.m.

Chris Newson  
Legislative Assistant