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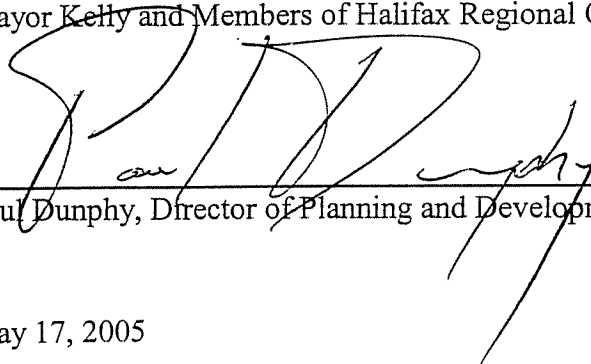


PO Box 1749
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Halifax Regional Council
May 24, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Paul Dunphy, Director of Planning and Development Services

DATE: May 17, 2005

SUBJECT: Noise and Nuisance complaints, 198 Waverley Road, Dartmouth

INFORMATION REPORT

ORIGIN

This report is in response to a petition signed by 47 residents of District 6 requesting that Regional Council take immediate steps to order Bus Boy/Perry Rand Compound Operations at 198 Waverley Road to cease operations and that amendments be made to HRM Noise and Nuisance related By-Laws to create greater enforcement abilities.

BACKGROUND

The subject property is located at 198 Waverley Road, Dartmouth. The zoning of the property is I-1 (Light Industrial) under the Dartmouth Land Use By-Law. The property is flag shaped with a narrow access point to Waverley Road. The properties between the subject property and Waverley Road are also zoned I-1. The abutting I-1 zoned properties have existing commercial uses. Some of these uses include a Gas Station, HRM facility and a Car Wash. The properties to the north are residential, many being single unit dwellings. A location map is provided in Map 1.

The current use of the property is a Bus Company which has a fleet of school buses and airport buses which are parked on the property. The existing building is used for an office along with associated repairs to the buses. On February 16, 2004 a permit was issued by Planning and Development Services to permit the operation.

DISCUSSION

A number of complaints have been filed against this property. These complaints have been responded to by various Business Units. Each Business Unit has outlined their involvement in the file and the current status with respect to any investigation or action which has taken place or is underway.

Land Use Compliance

When the permit was issued for the Bus Depot in February 2004 a note was placed on the permit which stated "Permit is only valid if the use is not obnoxious, if the use is deemed to be obnoxious, modifications will be required to be in compliance with the Land Use By-Law". A meeting was held with a number of the abutting residents regarding the use of the property. The residents feel that the use in it's current form is an obnoxious use and is therefore not permitted. This has been discussed with the property owner and the bus company. Statements have been obtained from some residents that indicating the use is obnoxious. Legal Services has determined that the statements contained insufficient evidence to move forward with a prosecution at this time. This file is still under investigation. Legal Services is providing direction as to the type of evidence would be acceptable to submit to the courts.

Planning and Development Services has prepared a staff report for consideration by Harbour East Community Council proposing amendments to the I-1 zone.

Noise and Nuisance Complaints

Charges have been laid for violating the Noise By-Law. The trial date is scheduled for June 29, 2005.

Legal Services has recently drafted amendments to Noise By-Law to address repeat offenders. It should be noted that Police Services is also in the process of developing a harmonized HRM Nuisance by-law.

BUDGET IMPLICATIONS

There are no budget implications with this information report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

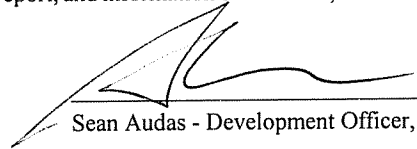
There are no alternatives associated with this information report.

ATTACHMENTS

Map 1 Site Plan

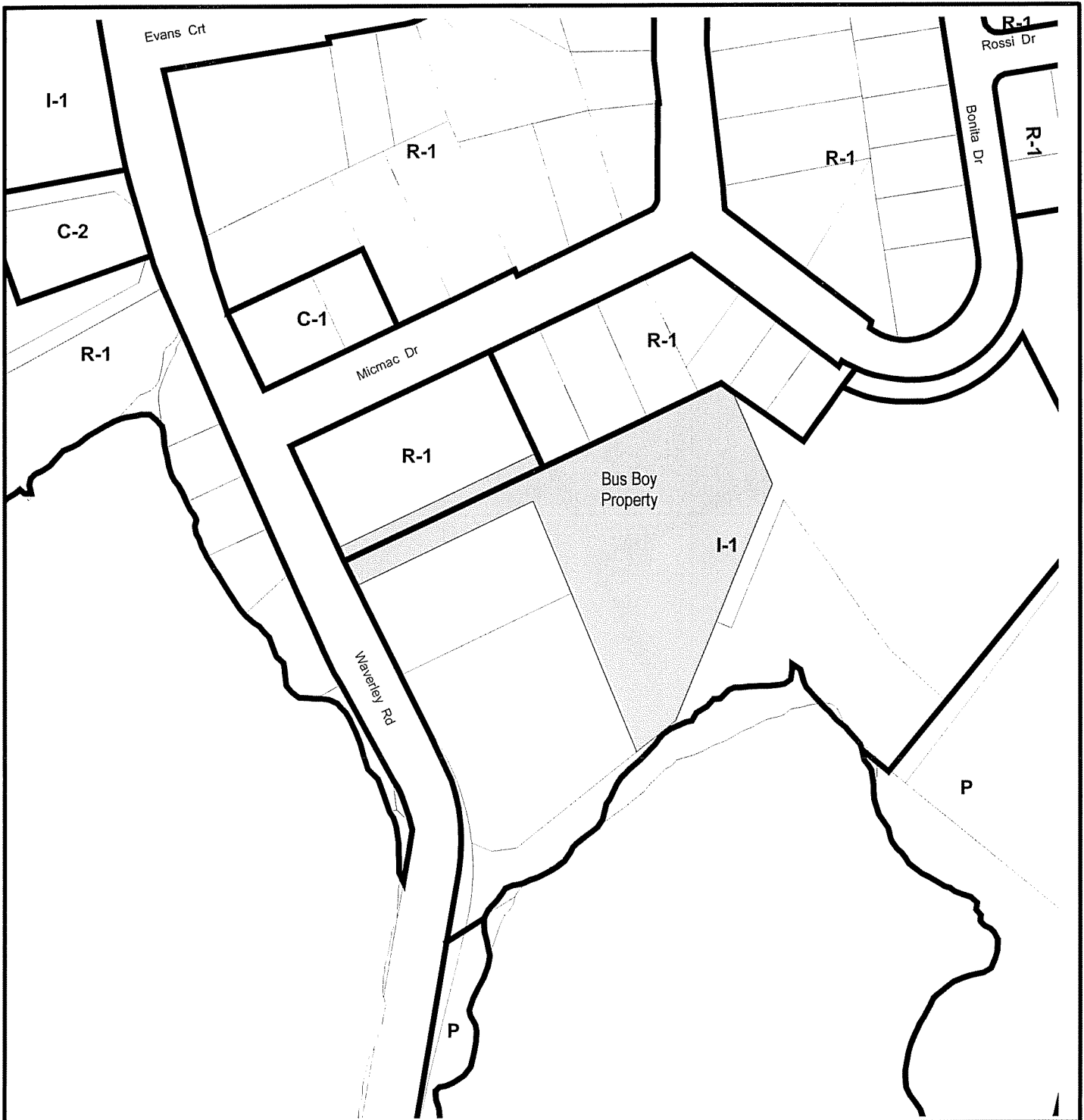
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:


Sean Audas - Development Officer, 490-4341


Report Reviewed by:

Kellea Redden, Financial Consultant, 490-6267



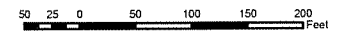
Map 1

Bus Boy Property

 Subject Property

Zone

- R-1 Single Family Residential Zone
- C-1 Local Business Zone
- C-2 General Business Zone
- I-1 Light Industrial Zone
- P Park Zone



HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law area.

HRM does not guarantee the accuracy of any representation on this plan.

Dartmouth Land Use By-Law Area