

STAFF REPORT

FILE COPY

REPORT TO: A. TUCKER, DIRECTOR OF PLANNING,
COMMUNITY SAFETY & DEVELOPMENT

FROM: B. ANDERSON, MANAGER, COMMUNITY PLANNING SECTION,
COMMUNITY SAFETY & DEVELOPMENT

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2011-SEP-08
FOR BYLAWS NO. 6500.016, 4500.001, 4500.002, 4500.003 AND 4500.004

STAFF'S RECOMMENDATION:

That Council receives the report and the minutes of the Public Hearing held on Thursday, 2011-SEP-08.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2011-SEP-08, the subject of which was five items. Approximately 55 members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 6500.016:

OCP62 – 1985 Island Diesel Way

This bylaw, if adopted, will amend Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" by redesignating the subject property from 'Light Industrial' to 'Corridor' in order to facilitate a mixed use development. The subject property is legally described as LOT 35, SECTION 16, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP61143.

This application appears before Council this evening for consideration of Third and Final Reading.

There was one written and two verbal submissions with regard to Zoning Bylaw No. 6500.016.

2. BYLAW NO. 4500.001:

ZA1-51 – 1 Terminal Avenue

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by rezoning the property located at 1 Terminal Avenue from the Gateway (DT12) zone to a new Comprehensive Development District Zone Seven (CD7) in order to recognize the development rights permitted within the C-11 Zone of the previous "ZONING BYLAW 1993 NO. 4000".

The subject property is legally described as LOT 1, SECTION 1, DISTRICT LOT 234, NANAIMO DISTRICT, PLAN 15318, EXCEPT THAT PART IN PLAN 48701 and LOT 330, NANAIMO DISTRICT, EXCEPT THAT PART THEREOF INCLUDED IN PLAN 2100 RW, and LOTS A & B, SECTION 1, NANAIMO DISTRICT, PLAN 3360

This application appears before Council this evening for consideration of Third Reading.

There were no written or verbal submissions with regard to Zoning Bylaw No. 4500.001.

3. BYLAW NO. 4500.002:

ZA1-51 – Various

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by:

- 1) Removing 'Boarding and Lodging' from the list of permitted uses within Part 8 – Agriculture Rural Residential, and adding it to the list of permitted accessory uses.
- 2) Increasing the minimum lot size within the Rural Resource (AR1) zone from 1.0 hectare to 2.0 hectares, and decreasing the minimum lot size within the Urban Reserve (AR2) zone from 2.0 hectares to 1.0 hectare.
- 3) Amending the address and legal description for the site specific Fast Food Restaurant within Part 10 – Commercial Centre, so that it references the property located at 2310 Northfield Road, and not the neighbouring property located at 2300 Northfield Road.
- 4) Adding Gas Station as a site specific use within Part 11 – Downtown, for the property located at 199 Nicol Street.
- 5) Adding Warehouse as a site specific use within Part 9 – Corridor, for the property located at 114 Fry Street.
- 6) Amending the 'Intent of Zone' description for the Harbour Waterfront (W2) zone to clarify the W2 zone supports a building height of up to four storeys.
- 7) Amending the Conditions of Use for Retail within Part 15 – Waterfront, to replace the word 'all' with 'each' to clarify the maximum Gross Floor Area limit applies to individual retail stores, and is not cumulative.
- 8) Amending the Conditions of Use for Canoe and Kayak Rental by removing the Gross Floor Area limit for the Harbour Waterfront (W2) zone.
- 9) Clarifying that the height of a float home located within the Waterfront zones area, shall be measured from the surface of the water on which the home is constructed.
- 10) Removing the R1a subzone from Subsection 7.4.5 within Part 7 – Residential Zones so the provision for a 10% variability in residential lot size is no longer applicable within the R1a subzone.
- 11) Removing 'Secondary Suite' as an accessory use within the Duplex Residential (R4) zone.
- 12) Amending the 'Intent of Zone' description for the Duplex Residential (R4) zone to clarify that two dwelling units permitted on a lot do not have to be within the same building; however, no more than two dwelling units in total are permitted on a residential lot.
- 13) Amending the definition of 'Marina' to clarify that a marina includes the accessory use of 'dry land storage of watercraft'.
- 14) Amending the Maximum Allowable Base Density within the Single Dwelling Residential (R1/R1a) zone from a Floor Area Ratio requirement to "one single residential dwelling."

- 15) Rezoning the property located at 2000 Island Highway North (Brooks Landing) from City Commercial Centre (CC3) to Comprehensive Development District Eight (CD8) in order to reinstate the development regulations permitted within the Comprehensive Development District Zone 1 (CD-1) of the previous "ZONING BYLAW 1993 NO. 4000". The subject property is legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP8404.
- 16) Rezoning those lands shown on Map D from Single Dwelling Residential (R1) to Single Dwelling Residential (R1a) in order to increase the minimum allowable lot size within the subject area from 500 m² to 600 m².
- 17) Rezoning a portion of the property located at 5521 Noye Road from Single Dwelling Residential (R1) to Parks, Recreation and Culture Two (PRC-2) in order to recognize the recently acquired park use of the property. The subject property is legally described as PARK DEDICATED BY PLANS 33180 AND VIP88881.

This application appears before Council this evening for consideration of Third Reading.

There were two written and two verbal submissions with regard to Zoning Bylaw No. 4500.002.

4. BYLAW NO. 4500.003:

ZA1-51 – 150 Comox Road

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by rezoning the property located at 150 Comox Road from Comprehensive Development District Zone Three (CD3) to the Parks, Recreation and Culture Three (PRC-3) zone in order to recognize the park use of the property. The subject property is legally described as LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP82428.

This application appears before Council this evening for consideration of Third Reading.

There were no written and two verbal submissions with regard to Zoning Bylaw No. 4500.003.

5. BYLAW NO. 4500.004:

ZA1-51 – Various

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by reducing the maximum allowable height within the Single Dwelling Residential (R1/R1a), Single Dwelling Residential – Small Lot (R2), Island Residential (R3), and Duplex Residential (R4) zones to generally reflect those maximum heights specified in the previous "ZONING BYLAW 1993 NO. 4000." Maximum heights for a principal building are proposed at 6.71 metres for a flat roof building (< 4:12 pitch) and 8.25 metres for a sloped roof building (≥ 4:12 pitch). Where a lot is less than 1666.66 m² in size and the principal building with a sloped roof is measured from the curb level of the highest street on which the property fronts, the maximum allowable height is reduced from 5.5 metres to 5.0 metres. Properties exempt from specified building heights are specified in Schedule E – Height Exemption of the Zoning Bylaw.


This application appears before Council this evening for consideration of Third Reading.

There were 84 written and 22 verbal submissions with regard to Zoning Bylaw No. 4500.004.

Respectfully submitted,



B. Anderson
Manager, Community Planning Section
Community Safety & Development



A. Tucker
Director of Planning
Community Safety & Development

/pm

Council: 2011-SEP-12

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Respectfully submitted,



B. Anderson
Manager, Community Planning Section
Community Safety & Development

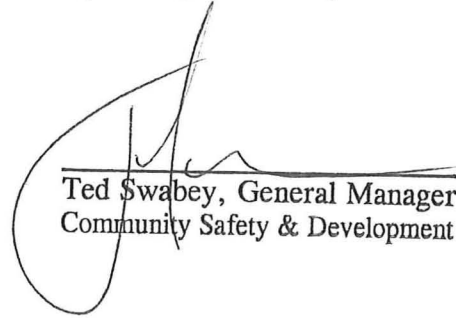


A. Tucker
Director of Planning
Community Safety & Development

/pm

Council: 2011-SEP-12

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Ted Swabey, General Manager
Community Safety & Development

**MINUTES OF THE PUBLIC HEARING HELD PURSUANT TO THE
LOCAL GOVERNMENT ACT, IN THE VANCOUVER ISLAND CONFERENCE CENTRE,
SHAW AUDITORIUM, 101 GORDON STREET, NANAIMO, BC,
ON THURSDAY, 2011-SEP-08, TO CONSIDER AMENDMENTS TO
THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500" AND
THE CITY OF NANAIMO "OFFICIAL COMMUNITY PLAN 2008 NO. 6500"**

PRESENT: His Worship Mayor J.R. Ruttan, Chair
Councillor W.L. Bestwick
Councillor G.E. Greves
Councillor W.J. Holdom
Councillor D.K. Johnstone
Councillor J.A. Kipp
Councillor J.F. Pattje
Councillor L.J. Sherry
Councillor M.W. Unger

STAFF: A. Tucker, Director of Planning, Community Safety & Development
B. Anderson, Manager, Community Planning, Community Safety & Development
D. Stewart, Planner, Planning Section, Community Safety & Development
P. Masse, Planning Clerk, Planning Section, Community Safety & Development

PUBLIC: There were approximately 55 members of the public present.

CALL TO ORDER:

Mayor Ruttan called the meeting to order at 7:01pm and advised that members of City Council, as established by provincial case law, cannot accept any further submissions or comments from the public following the close of a Public Hearing. Mr. Tucker explained the required procedures in conducting a Public Hearing and the regulations contained within Section 890 of the *Local Government Act*. He advised that this is the final opportunity to provide input to Council before consideration of Third Reading of Bylaws No. 4500.001, 4500.002, 4500.003, 4500.004 and Third and Final Reading of Bylaw No. 6500.016 at the regularly scheduled Council meeting of 2011-SEP-12.

1. BYLAW NO. 6500.016:

OCP62 – 1985 Island Diesel Way

This bylaw, if adopted, will amend Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" by redesignating the subject property from 'Light Industrial' to 'Corridor' in order to facilitate a mixed use development. The subject property is legally described as LOT 35, SECTION 16, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP61143.

Ms. Maureen Pilcher, Maureen Pilcher & Associates Ltd. – Applicant Representative

- Ms. Pilcher's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 6500.016".

Mr. Rob Smith, 1970 Island Diesel Way – Opposed

- Concerned about setbacks and future access / egress on the subject property. Noted the intersection is busy and dangerous.
- Has tenants on the upper floor of his building who have exposure to Bowen Road, would not like to see their view or his signage blocked.
- Would be in support of the proposal if the maximum setback of 6m could be enforced.

Councillor Bestwick asked Staff for clarification regarding access and egress to the subject property and setback requirements.

Mr. Tucker noted this application is in relation to an OCP amendment; details like access locations and setback requirements would be determined through the rezoning process. Stated the general access / egress concept would be a joint access with Nanaimo Bakery at the northern end of the subject properties with exiting onto Island Diesel Way. A covenant at the rezoning stage could require the building be set back as far from Bowen Road as possible to ensure Mr. Smith's signage and his tenants retain visibility.

Councillor Kipp asked for clarification on whether or not people could still exit onto Bowen Road.

Mr. Tucker noted that Island Diesel Way will become a cul-de-sac in the future, the timing of which is tied to the extension of Boxwood Road. A right-in / right-out access will remain for the speaker's property.

Councillor Pattje asked Ms. Pilcher if the speakers concerns could be resolved.

Ms. Pilcher noted that the plan in front of Council is conceptual only and the applicant is more than willing to work with Mr. Smith to angle the building and work with the setbacks to ensure his views and signage are unaffected.

There was one written and two verbal submissions with regard to Zoning Bylaw No. 6500.016.

2. BYLAW NO. 4500.001:**ZA1-51 – 1 Terminal Avenue**

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by rezoning the property located at 1 Terminal Avenue from the Gateway (DT12) zone to a new Comprehensive Development District Zone Seven (CD7) in order to recognize the development rights permitted within the C-11 zone of the previous "ZONING BYLAW 1993 NO. 4000". The subject property is legally described as LOT 1, SECTION 1, DISTRICT LOT 234, NANAIMO DISTRICT, PLAN 15318, EXCEPT THAT PART IN PLAN 48701 and LOT 330, NANAIMO DISTRICT, EXCEPT THAT PART THEREOF INCLUDED IN PLAN 2100 RW, and LOTS A & B, SECTION 1, NANAIMO DISTRICT, PLAN 3360

Mayor Ruttan asked for confirmation that the subject property will regain all previously permitted uses under Bylaw 4000.

Mr. Tucker confirmed all previous permitted uses would now be reinstated on the subject property.

There were no written or verbal submissions with regard to Zoning Bylaw No. 4500.001.

3. BYLAW NO. 4500.002:**ZA1-51 – Various**

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by:

- 1) Removing 'Boarding and Lodging' from the list of permitted uses within Part 8 – Agriculture Rural Residential, and adding it to the list of permitted accessory uses.
- 2) Increasing the minimum lot size within the Rural Resource (AR1) zone from 1.0 hectare to 2.0 hectares, and decreasing the minimum lot size within the Urban Reserve (AR2) zone from 2.0 hectares to 1.0 hectare.
- 3) Amending the address and legal description for the site specific Fast Food Restaurant within Part 10 – Commercial Centre, so that it references the property located at 2310 Northfield Road, and not the neighbouring property located at 2300 Northfield Road.
- 4) Adding Gas Station as a site specific use within Part 11 – Downtown, for the property located at 199 Nicol Street.
- 5) Adding Warehouse as a site specific use within Part 9 – Corridor, for the property located at 114 Fry Street.
- 6) Amending the 'Intent of Zone' description for the Harbour Waterfront (W2) zone to clarify the W2 zone supports a building height of up to four storeys.
- 7) Amending the Conditions of Use for Retail within Part 15 – Waterfront, to replace the word 'all' with 'each' to clarify the maximum Gross Floor Area limit applies to individual retail stores, and is not cumulative.
- 8) Amending the Conditions of Use for Canoe and Kayak Rental by removing the Gross Floor Area limit for the Harbour Waterfront (W2) zone.
- 9) Clarifying that the height of a float home located within the Waterfront zones area, shall be measured from the surface of the water on which the home is constructed.
- 10) Removing the R1a subzone from Subsection 7.4.5 within Part 7 – Residential Zones so the provision for a 10% variability in residential lot size is no longer applicable within the R1a subzone.
- 11) Removing 'Secondary Suite' as an accessory use within the Duplex Residential (R4) zone.
- 12) Amending the 'Intent of Zone' description for the Duplex Residential (R4) zone to clarify that two dwelling units permitted on a lot do not have to be within the same building; however, no more than two dwelling units in total are permitted on a residential lot.
- 13) Amending the definition of 'Marina' to clarify that a marina includes the accessory use of 'dry land storage of watercraft'.
- 14) Amending the Maximum Allowable Base Density within the Single Dwelling Residential (R1/R1a) zone from a Floor Area Ratio requirement to "one single residential dwelling."
- 15) Rezoning the property located at 2000 Island Highway North (Brooks Landing) from City Commercial Centre (CC3) to Comprehensive Development District Eight (CD8) in order to reinstate the development regulations permitted within the Comprehensive Development District Zone 1 (CD-1) of the previous "ZONING BYLAW 1993 NO. 4000". The subject property is legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP8404.
- 16) Rezoning those lands shown on Map D from Single Dwelling Residential (R1) to Single Dwelling Residential (R1a) in order to increase the minimum allowable lot size within the subject area from 500 m² to 600 m².
- 17) Rezoning a portion of the property located at 5521 Noye Road from Single Dwelling Residential (R1) to Parks, Recreation and Culture Two (PRC-2) in order to recognize the recently acquired park use of the property. The subject property is legally described as PARK DEDICATED BY PLANS 33180 AND VIP88881.
- 18) Rezoning those lands shown on Map F from Residential Corridor (COR1) to Single Dwelling Residential (R1) in order to limit the use and density on each property to a Single Residential Dwelling use.

- 19) Rezoning the property located at 108 Haliburton Street from Local Service Centre (CC1) to Medium Density Residential (R8) in order to permit the construction of a multiple family dwelling previously approved through development permit. The subject property is legally described as LOT 19, BLOCK 10, SECTION 1, NANAIMO DISTRICT, PLAN 584.
- 20) Rezoning the properties located at 301 Third Street, and 307 and 321 Bruce Avenue from Single Dwelling Residential (R1) to Parks, Recreation and Culture One (PRC-1) in order to recognize the parkland use of the property. The subject properties are legally described as THAT PART OF LOT 4, SECTION 1, NANAIMO DISTRICT, PLAN 2137, SHOWN OUTLINED IN RED ON PLAN 882R, AND INCLUDED WITHIN THE BOUNDARIES OF PLAN 36796 and THAT PART OF LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN 16238 IN PLAN 36796, and LOT 3, SECTION 1, NANAIMO DISTRICT, PLAN 2137
- 21) Rezoning the properties located at 3150 Island Highway and 2700 Norwell Drive from Mixed Use Corridor (COR2) to Community Corridor (COR3) in order to permit stand alone commercial use. The subject properties are legally described as LOT B, SECTION 5, WELLINGTON DISTRICT, PLAN 32586 and LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN 32586.

Councillor Bestwick asked for clarification regarding amendment No. 3.

Mr. Tucker noted the subject property is the undeveloped lot west of the Esso gas station at the far west end of Northfield Road; it previously had a site-specific use for a fast food restaurant. This amendment will ensure the property retains that use.

Councillor Bestwick asked for clarification regarding amendment No. 9 and, specifically, for clarification on the maximum height permitted for a float home.

Mr. Tucker stated the maximum height permitted for a float home is 8.25m.

Mr. Lawrence Rieper, 990 Campbell Street – In Favour and Opposed

- In favour of amendments No. 10, 11, and 16.
- Opposed to amendment No. 12 as he does not believe the wording or intent makes sense.
- Confused as to the intent of amendment No. 14 and asked for clarification.

In reference to amendment No. 14, Mr. Tucker noted control over density for most residential zones is typically calculated by a ratio of “units per acre”. Nanaimo has historically used Floor Area Ratio (FAR), which is a density calculation, as a “condition of use” in Bylaw 4000. All previous variance applications considered by Council for FAR raise a question; are they conditions of use or density calculations that were varied by variance permits? By moving to a “one single family dwelling” Council is relieved of the duty of considering variance permits when the exterior form of the building is exactly the same and covers the same amount of the lot. Lot coverage and building height are more appropriate uses within a single family dwelling to gauge the size of the building; FAR is a density calculation, as it is in most planning bylaws. This amendment is to correct that historical error.

In reference to amendment No. 12, Mr. Tucker stated that both single family dwellings and duplexes are permitted uses in the R4 zone. The density on a property is two dwelling units, either in a duplex building or in two single family units.

Councillor Pattje noted that the R4 zone indicates it “provides for two single family dwellings in one principal building on a residential lot”.

Mr. Tucker agreed the intent of the R4 zone is to have them in a principal building, meaning a duplex, but two single family dwellings are also permitted.

Ms. Gloria Bell, 323 Shepherd Avenue – Opposed

- Speaking in regard to amendment No. 20.
- A park was created on the subject property in the early 1980's and trails were installed. The trails are now gone but they caused problems with flooding, garbage, police issues and undesirables. She does not want to see the land turned into a park and would instead like to see the land remain as natural as possible and as is. Distributed photos of garbage discarded on the main streets of the neighbourhood (attached as a part of "Attachment B – Submissions for Bylaw No. 4500.002").

Mr. Tucker noted the City recently zoned parks throughout Nanaimo; three levels of park zoning were applied: PRC1 is for parks being left in a natural state with minimal development, PRC2 is for neighbourhood parks and PRC3 is for high development parks, like Maffeo Sutton or Bowen. This amendment does not intend development of facilities; these subject properties were missed when all parkland was zoned. This is only to bring the properties in line with the rest of the park zoning within the city.

Ms. Bell noted that the City informed her that trails or bridges could be built in the park area, which would be a concern for neighbourhood residents.

Mr. Tucker noted that there is no immediate intent to develop anything on the subject properties; furthermore, any development plan would need to go through a public process.

Ms. Bell noted when trails did exist on the subject properties there was a lot of garbage and it was not maintained.

Councillor Johnstone invited the speaker to appear before the Parks, Recreation and Culture Commission to express her concerns.

Councillor Unger asked Staff for clarification regarding parks care and maintenance if adjacent property owners complain about garbage.

Mr. Tucker stated that concerned property owners could contact the Parks, Recreation and Culture department and maintenance crew would respond to the concerns as quickly as their workload permitted.

There were two written and two verbal submissions with regard to Zoning Bylaw No. 4500.002.

4. BYLAW NO. 4500.003:

ZA1-51 – 150 Comox Road

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by rezoning the property located at 150 Comox Road from Comprehensive Development District Zone Three (CD3) to the Parks, Recreation and Culture Three (PRC-3) zone in order to recognize the park use of the property. The subject property is legally described as LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP82428.

Mr. Fred Taylor, 204 Emery Way – In Favour

- Suggested the two bylaw amendments on this evening's agenda regarding parkland be added to the list of parkland being dedicated at the same Council meeting where the amendments will be considered.

Mr. Tucker noted 141 parks are being dedicated at the Council meeting of 2011-SEP-12; added he believes it can be done but cannot guarantee the sequencing.

Mr. Gord Fuller, 604 Nicol Street – In Favour

- Noted the subject property, at the discretion of future Council's, could be offered for highrise development.

Mayor Ruttan noted that this Council cannot obligate or commit a future Council in any way, this Council is addressing what it feels is important now.

There were no written and two verbal submissions with regard to Zoning Bylaw No. 4500.003.

5. BYLAW NO. 4500.004:**ZA1-51 – Various**

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by reducing the maximum allowable height within the Single Dwelling Residential (R1/R1a), Single Dwelling Residential – Small Lot (R2), Island Residential (R3), and Duplex Residential (R4) zones to generally reflect those maximum heights specified in the previous "ZONING BYLAW 1993 NO. 4000." Maximum heights for a principal building are proposed at 6.71 metres for a flat roof building (< 4:12 pitch) and 8.25 metres for a sloped roof building (≥ 4:12 pitch). Where a lot is less than 1666.66 m² in size and the principal building with a sloped roof is measured from the curb level of the highest street on which the property fronts, the maximum allowable height is reduced from 5.5 metres to 5.0 metres. Properties exempt from specified building heights are specified in Schedule E – Height Exemption of the Zoning Bylaw.

Councillor Holdom asked if height exemptions for properties included in Schedule E or Schedule H have been taken advantage of.

Mr. Tucker noted Schedule H has been in place since 2001; some individual builders have made use of the additional height allowances and others have not.

Councillor Holdom asked for confirmation that nothing would change if Council maintained the exemptions from the previous bylaw along with a height restriction for the rest of the City.

Mr. Tucker noted the amendment would be setting the Zoning Bylaw back to what height restrictions were under Bylaw 4000; some of those areas are now being built out and some of those buildings are higher than 8.25m, other people within the area would enjoy the same rights as their neighbours within those areas.

Councillor Holdom noted if Council maintains Schedule E as is; there would not be a change to a person's right to development nor anyone's expectation of the height of surrounding residences.

Mr. Tucker noted that Schedule E covers the same areas as Schedule H and would restore what existed under Bylaw 4000.

Councillor Pattje asked if there is any room for Council to compromise and give the industry a 9m height where it does not interfere with concerns received from existing neighbourhoods.

Mr. Tucker noted that Staff's recommendation to Council was a 9m height restriction for homes with sloped roofs and a 7m restriction for homes with flat roofs, which was contained in Bylaw 4500. This bylaw is different from that recommendation, as directed by Council.

Councillor Holdom stated the compromise from Council is Schedule E; this compromise was made 10 years ago; this Council would simply continue that compromise.

Councillor Sherry asked for clarification on where height is measured from for a building.

Mr. Tucker stated height is measured from grade and the four corners of the building and then averaged. It is measured from finished or natural grade, whichever is the lesser of the two.

Mayor Ruttan asked Staff for clarification on where the 9m height restriction would or could qualify.

Mr. Tucker noted Staff's recommendation for a height of 9m for a sloped roof building was to be applied citywide within residential zones.

Councillor Bestwick asked for clarification regarding Schedule E versus Schedule H and whether or not the height exceptions remain and properties within those areas are permitted heights greater than 8.25m.

Mr. Tucker noted that areas on Schedule H would be reinstated under the new bylaw. For a roof pitch greater than 8:12 it could go to a height of 8.53m and a 10:12 or greater pitch could go to a height of 9.14m within the areas in Schedule E.

Mr. Lee Bouchard, 111 Captain Morgan Boulevard – Opposed

- Believes a height restriction of 8.25m creates tremendous restrictions for building within a lot.
- Currently building a 1.5-storey home on Protection Island with a 12:12 pitch, they received their height survey they are .5m above height. Does not understand how a 1.5-storey home can be over height; all plans were approved by the City. He is on an inside lot and is not blocking anyone's view yet his home is not permitted.
- Applied to the Board of Variance in June and was advised by City Staff, who have been very helpful, to hold off as the new height restriction of 9m had been unanimously passed by Council and, therefore, a variance may not be required. Now notified that Council may reverse the height restriction increase and he is back to where he started.

Councillor Holdom asked the speaker if he was advised that a development variance permit could be applied for.

Mr. Bouchard noted that Staff advised him if the height restriction increase was rescinded by Council, he could opt for applying for a development variance permit.

Councillor Holdom noted this is a specific situation; not sure that Council could or should base an entire bylaw on the basis of one example.

Mr. Bouchard noted it is his belief and experience that if you want to build a two-storey dwelling you have to have a flat roof and to him that is ludicrous.

Councillor Pattje noted the process of amending the bylaw has almost created a hardship for the speaker that the Board of Variance may consider. Asked Staff for recommendations on how to alleviate the Mr. Bouchard's problem.

Mr. Tucker noted that the outcome is dependent upon Council's decision on this bylaw.

Mr. Rod Ekland, 4963 Ney Drive - Opposed

- Builder and renovator in Nanaimo and the current Vice President of the Canadian Home Builders' Association of central Vancouver Island, presenting on their behalf.
- Thanked Council for adopting Zoning Bylaw 4500 and Staff for creating it. Believes the impact of the new Zoning Bylaw will have significant and positive changes to the construction industry and, in turn, to the citizens of Nanaimo.
- PNAC and City Staff recommended the height increase to 9m. Does not believe rescinding the height increase is a solution.
- Density is critical to Nanaimo's future, the 9m height is essential to achieve this. All neighbourhoods must be subject to increased height and density, especially older, downtown neighbourhoods. There are a small handful of vacant lots which could affect views with a 9m height; however, most will be protected by building schemes which would restrict the building height to 8.25m or less. A 9m height restriction does not mean all homes will be built to 9m. The construction industry creates jobs and boosts the economy on the whole. Council needs to consider what is best for the citizen's of Nanaimo and retain the 9m height restriction.

Councillor Sherry asked the speaker if he believes it is fair to build a 9m home in an established, older neighbourhood.

Mr. Ekland believes it would be okay, adding the community as a whole should be considered.

Councillor Sherry noted that the higher homes may block the view of existing homes behind it, believes the 9m height can be used in new subdivisions, as nobody would be adversely affected.

Councillor Kipp asked the speaker if a development variance permit could be used in established areas to obtain height exemptions to achieve more infill.

Mr. Ekland believes to be consistent with Bylaw 4500 there should be a blanket building height throughout the city. Heights are consistently over the 8.25m permitted height. Applying for a variance takes more time, delays construction, increases costs, creates smaller margins, effects employment and insurance and ends up costing the end user.

Mr. Ron Bolin, 3165 King Richard Drive – In Favour

- Asked for clarification on whether or not legal advice was sought regarding allowing a home to be built higher than existing homes, thereby taking views and value away from the existing home.

Mr. Tucker confirmed the bylaw was reviewed by the City's legal counsel and this issue was not raised.

Ms. Lorraine Rickard, 6461 Groveland Drive – In Favour

- Ms. Rickard's presentation is attached as a part of "Attachment C – Submissions for Bylaw No. 4500.004".

Ms. Donna Watson, 6546 Groveland Drive – In Favour

- Moved here from Victoria ten years ago. Loves Nanaimo, her home and her views. Resides in an existing neighbourhood and her home would not be affected if the height restrictions were increased but others in her neighbourhood would.
- Does not want the ambiance of Nanaimo to change with height increases.

Mr. Jim Routledge, 5858 Shadow Mountain Road – Opposed

- It is natural to try to protect views; it would have to be a very important need to trump the desire to protect views. Believes the needs of this community do trump the wants of some to have a slightly larger vista.
- Efficient use of resources is a cornerstone of Nanaimo's OCP. The recently adopted new Zoning Bylaw is the practical application of the OCP. The new bylaw took many years and many people to create and resulted in tangible, significant improvements in how land is used. Believes a kneejerk reaction will negatively alter the new Zoning Bylaw after all the work and time went into creating it. Zoning Bylaw 4500 went to open houses, surveys were conducted, and pNAC approved it.
- A 9m height would make a very big difference. 8.25m restrictions make it almost impossible to build a home with a basement.
- When he cannot offer a product that can be offered in Campbell River it affects his business negatively. Many other municipalities offer height restrictions higher than 9m (see attached chart as a part of "Attachment C – Submissions for Bylaw No. 4500.004"). Believes we should be competitive and on an equal playing field with other communities.

Councillor Holdom asked the speaker if he had plans for a home, land to build it on and a client to buy it and it was over-height by a small margin why he would not bring the project forward to Council with a development variance permit.

Mr. Routledge noted that a piece of property is purchased, it is subdivided according to the rules and plans are obtained that are applicable. There are no guarantees that a rezoning, development variance or any other application would be approved.

Councillor Holdom suggested that the FAR amendment on this evening's agenda might be an additional tool to include a basement in future plans or designs.

Mr. Routledge believes confusion surrounds the height issue; asked Council to get a clear understanding of it, as it is very important to remain competitive to other municipalities.

Councillor Johnstone asked if the height restrictions in other municipalities are the result of recent increases or if they are historical height restrictions.

Mr. Stewart noted that height restrictions in other municipalities were researched by himself and another planner. They looked at Zoning Bylaws from other municipalities to find a comparable zone to the R1 zone. Not sure of the history of height restrictions established in other municipalities.

Councillor Sherry asked Staff for clarification on whether or not any of the municipalities referenced measure differently than Nanaimo does.

Mr. Stewart stated that all municipalities measure from grade, which is how Nanaimo measures. Only Campbell River and Victoria measure differently than Nanaimo.

Councillor Pattje stated that Zoning Bylaw 4500 took two years to accomplish; however, the issue of height did not arise until end of May 2011. Asked Staff why height was considered near the end of the process.

Mr. Tucker noted that discussion and corrections to Bylaw 4500 came up throughout the two-year process. Many stakeholders were included and several open houses were conducted. Areas of improvement are continually discovered, as it is a living document. If Staff had all answers at the beginning of the process, it would not have taken two years to accomplish. Councillor Bestwick asked the speaker why basements are difficult to include in his home designs.

Mr. Routledge noted the height of services and the height of a full basement would result in an over-height home under the 8.25m height restriction.

Mr. Allan Davidson, 2730 Elk Street – In Favour

- Mr. Davidson's presentation is attached as a part of "Attachment C – Submissions for Bylaw No. 4500.004".

Ms. Susanne Lavender, 6601 Groveland Drive – In Favour

- Believes consistency is important to a community and contributes to the aesthetic of a neighbourhood. Moved to Nanaimo for its aesthetic. Bought her house for the view and although her view would not be affected if the height were increased to 9m; she believes the consistency in the neighbourhood should be maintained.
- Considered buying a home in Parksville, but there was a home two doors down which had a much higher roofline than all neighbouring homes and it ruined the ambience.
- Does not believe Nanaimo can be compared to other municipalities.

Mr. Willy Clark, 278 Pine Street – In Favour

- Does not believe Nanaimo should be compared to other municipalities in BC.
- Believes development should always consider the history and character of the neighbourhood it is proposed within.

Mr. Wally Wells, 154 Promenade Drive – Chair, Chamber of Commerce, Opposed

- Chamber of Commerce current initiative is called "Successful Cities". Criteria for successful cities are clear, well-defined and transparent processes and roles. Commended Staff for the work done on the OCP and new Zoning Bylaw; the Chamber was consulted through the entire process. Attended the public open houses, which were well-attended, and took as many opportunities as possible to provide input on the Zoning Bylaw. Asked Council to stay with the clear, defined process that they have put in the public venue.

- Members of the public should have contacted City Hall to ascertain how the new Zoning Bylaw could affect their property; the City cannot contact every property owner.
- Believes Council should give the new Zoning Bylaw time to work and proceed with the bylaw.

Mr. Jolyon Brown, 373 Trinity Drive – Opposed

- As an architect, he has never worked for a developer. Does not appreciate huge developments that contain identical homes. He could build a very ugly house that meets the 8.2m height restriction directly in front of a small and beautiful home that has a height of 6m and he would be permitted to do so, as it would meet every bylaw requirement.
- The difference of the two height options is only 2.6 feet; does not believe it would affect anyone's view that drastically. Believes the panic is unwarranted.
- Believes variety is what makes a city beautiful and that a 9m height exemption would create that variety.
- Current restrictions almost guarantee a two-story home with a basement is impossible, if Council is trying to densify the downtown, a 9m height is the way to go.
- Member of the Design Advisory Panel and without exception the Panel agreed the 9m height would be positive for the city. Urged Council to maintain the 9m height.

Councillor Pattje noted he has known the speaker for a long time and knows him to be a fair person. Asked Mr. Jolyon what he would say to a home-owner who will lose their view due to the height increase.

Mr. Jolyon stated that some individuals may lose some of their view but change is constant. Believes very few people will lose their views.

Councillor Pattje asked the speaker if he is implying that an 8.25m height restriction equates to architecture without variety.

Mr. Jolyon noted that he strongly believes if plans for a home in some way offend a neighbour that great care should be taken to consider neighbours on a one-on-one basis and adjust the designs accordingly.

Councillor Holdom agreed that 2.6 feet is unlikely to make too much difference to most views. Does a builder then gain that much more diversity and architectural design room with only 2.6 feet?

Mr. Jolyon noted that a high-pitched roof and a 14-foot ceiling would be very attractive in some areas and density would be achieved, which cannot be achieved under an 8.25m height restriction. Architectural variety could be achieved as well through the size of accommodation on the lot.

Ms. Pam Agnew, 6529 Groveland Drive – In Favour

- Chose Nanaimo for its values and principles. Believed they could trust the City and not have the rules changed in the middle of the game.
- City should make decisions on sound judgement and what is reasonable not to one, but to all.

- The developers are the same people who have prospered based on the properties that they built for all, now they are saying the requirements are not good enough.
- Happy to have paid a premium price for her home and to pay taxes because anyone who comes into her home praises it for its beauty and views.
- Good design is key to compromise and making it work.

Ms. Joy Bremner, 235 St. George Street – In Favour

- Lives in the Brechin neighbourhood; two years of hard work went into the creation of the Neighbourhood Plan. Input involved hundreds of residents from the neighbourhood and across the city. View protection was a key issue, which was respected and adhered to.

Councillor Kipp asked the speaker if she believes a variance could be used to achieve a 9m height.

Ms. Bremner stated she believes a variance application would be a useful tool to achieve heights as many properties have slopes that could be utilized. Neighbourhood residents always react positively to being asked for input and to quality plans for infill in existing neighbourhoods.

Mr. Doug Bromage, 711 Poplar Street – Opposed

- Congratulated Staff and Council on Zoning Bylaw 4500, added that it is a great document. Nanaimo has changed and the document reflects that.
- Does not believe one element should be taken out of the Zoning Bylaw out of context with the rest of the bylaw as it does a great disservice to the process.
- Believes the timing is wrong; the Zoning Bylaw has not been given enough to time.
- Urged Council to think about the big picture and why the changes were initiated.
- Biggest challenge is how height is defined, as it is arbitrary. It does not apply to every property, it is only a tool used. Height has always been a challenge to him and his team, most past projects have included an application for height relaxation.

Councillor Pattje noted that past variance applications for Mr. Bromage have worked very well.

Mr. Bromage agreed past variance applications have worked well; however, they were time consuming, very expensive and ended up adding 6 months to the project and made the project less affordable.

Councillor Pattje asked the speaker for a compromise that does not take away from someone to give to someone else.

Mr. Bromage suggested Councillor Pattje might be looking at the past versus the future. Existing neighbourhoods were not discussed in the new Zoning Bylaw, and perhaps they should have been as it could be used as a tool for Council. Communities are evolving and recycling, change has to occur.

Councillor Pattje noted that the development community was at one time opinionated about urban sprawl and now they are discussing infill and densification as if urban sprawl does not exist.

Mr. Bromage stated the development community does not want sprawl and they are looking for a tool to help the community go forward. Believes the height difference of 2.6 feet is a 'boogie man' and is not a big deal. It is not what everyone fears.

Councillor Holdom thanked Mr. Bromage for his work and input on Zoning Bylaw 4500. Asked Mr. Bromage why he believes the 9m height is imperative to the entire bylaw when it only came up late in the game.

Mr. Bromage stated he believes Bylaw 4500 has changed the ways communities are going to grow. It reduces lot sizes and setbacks, which has an impact on the appearance and scale of the house. If Council does not ensure that the document evolves properly, it will evolve in a way that will not work. Believes the 9m height is important to give the community needed flexibility. Believes Council needs to take a bold step and have faith in Bylaw 4500 as they have the opportunity to show leadership in how Nanaimo can evolve.

Mr. Lawrence Rieper, 990 Campbell Street – In Favour

- Does not want higher buildings in his neighbourhood. Any consideration for increased height should be in new subdivisions only.
- Believes those who have spoken in opposition to the amendment have a vested interest and those who have spoken in favour are mostly from the neighbourhood.

Ms. Nancy Mitchell, 225 Cypress Street – In Favour

- Believes the 8.25m height restriction is working fine. Height has nothing to do with sustainability. Lives in a 900 square foot apartment; her footprint is very small. A home with 9-foot ceilings has a very large footprint. It is a trend wherein people want bigger single family dwellings. Leave it at 8.25m and discuss a 9m height more comprehensively with the community, there needs to be more consultation. A developer can use a variance permit if needed.

Councillor Pattje asked the speaker if her concerns regarding Schedules E and H expressed in her email submission had been addressed.

Ms. Mitchell confirmed that her concerns were addressed; added she believes it is example of process. If the maps shown tonight matched the maps in Council agenda she would not needed to have raised the question.

Mr. Tucker added it is Staff's intent to replace the maps that are in the current bylaw with the maps that were on display this evening as they are much more clearly defined. Prior to Third Reading Staff will be bringing forward a recommendation to Council to substitute the maps currently in the bylaw.

Councillor Bestwick asked for clarification regarding Schedule E and whether or not it is permissible to build to 9m.

Mr. Tucker stated a property located in the areas identified on Schedule E with a 10:12 pitch roof can build to a height of 9.14m and a 8:12 pitch roof can build to a height of 8.53m. Added that many speakers gave their address as living on Groveland Drive, if a homeowner is four lots east of Seabold they would be at the 8.25m restriction, if however, they are in the next segment of Groveland Drive travelling east they would be in the Schedule E area, which has the higher height allowance.

Councillor Bestwick asked Staff if there is anything unique about the seven areas within Schedule E.

Mr. Tucker noted that in 2001 when these areas were identified, the City went through a process to identify large areas that were, at that point, largely un-subdivided or undeveloped. Some areas have filled in substantially over the past ten years.

Councillor Bestwick asked Staff if a home which would not be permitted in an area with a 8.25m height restriction would be permitted in one of the areas within Schedule E.

Mr. Tucker noted he does not know the height of the home in question but believed the home could potentially be allowed in an area within Schedule E.

Councillor Pattje asked Staff if the City knows how much land left in the areas of Schedule E are Greenfield.

Mr Tucker confirmed the City does not know how much of the land left in the areas of Schedule E are Greenfield.

Mr. Kevin Krastel, 4116 Orchard Circle – Opposed

- Has been designing homes for 30 years. Has sat on numerous City Committees over many years, including the Committee that created Schedule H; it was thought at that time if people were allowed to create steeper rooflines, higher height restrictions would be offered. After 10 years, it can now be seen that by increasing the roof pitch the increment height restriction does not work. If the 8.25m height restriction and Schedule E are reinstated, the incremented roof pitch height calculation will again be in place and it does not work, another solution is needed.
- Houses are getting bigger, roof pitches are getting steeper and ceilings are getting higher; designs are based on the demands of customers. Customers ask for house designs that he cannot provide due to restrictions. Does not expect customers to ask for smaller houses or flatter rooflines. His industry has been struggling with the 8.25m height restriction since 1980; prior to that, the height restriction was 9.14m. Many of the older neighbourhoods contain homes at the 9.14m height.
- Believes the older neighbourhoods in Nanaimo could be perfect for densification if the height restriction was 9m.
- Many existing neighbourhoods contain homes with heights well under 8.25m.

Councillor Sherry asked the speaker why the increased heights in the areas of Schedule H did not work.

Mr. Krastel stated that they did not correctly calculate what the height would be when you take a roof at a certain angle over a typical truss span.

Councillor Sherry asked the speaker if it did not improve conditions ten years ago how it would improve conditions today.

Mr. Krastel does not believe the development community would require more than a 9m height restriction. The Committee of architects, designers, builders and City Staff met a few months ago and looked at the height restriction and at other municipalities; many people thought a height restriction higher than 9m would be appropriate. They compromised and decided to keep the height restriction below other municipalities because it would be fair and we could make it work.

Councillor Sherry asked how the other municipalities that were compared to Nanaimo measure.

Mr. Krastel stated that almost every municipality, including Nanaimo, measures from natural grade on the site and then takes an average.

Mr. Jim Galloway, 6558 Groveland Drive – In Favour

- Mr. Galloway's presentation is attached as a part of "Attachment C – Submissions for Bylaw No. 4500.004".

Mr. Fred Taylor, 204 Emery Way – In Favour

- Was at the pNAC meeting when they reviewed the 9m height restriction, the chairman of the Design Panel strongly encouraged pNAC to support the 9m height.
- Believes the 8.25m height is fair to all. Development variance permits are an excellent tool to analyze plans outside of what is permitted.

Ms. Maureen Pilcher, Maureen Pilcher & Associates Ltd. – Opposed

- Loves the new OCP; the new Zoning Bylaw was needed and is now appreciated. Staff has worked long and hard to achieve the new Zoning Bylaw. Public consultation and review was extensive. It is a great document, urged Council to see how it works, if it does not work it can be amended.
- Believes Council should trust that Staff is providing the right information.
- The intent of the 9m height is for a two-storey building with a sloped roof. Does not believe it is Council's job to protect everyone's in Nanaimo, as it is impossible.
- Has been in the business for a long time and has seen people slice off the top of their roof to fit into the 8.25m height restriction.

Mr. Ivan Plavetic, 130 Canterbury Crescent – Opposed

- Has been in the building business for 40 years. Urged Council to give the 9m height restriction a chance, if it does not work it can be amended.

Mr. Ron Bolin, 3165 King Richard Drive – In Favour - Redress

- If the 8.25m height restriction does not work, a developer can apply for a development variance permit. Believes developers do not want to apply for a development variance permit, as they will then have to consult with neighbours.
- Does not believe the difference of 2.6 feet will affect density levels in any real way.

Mr. Gord Fuller, 604 Nicol Street – In Favour

- No denying that Staff and others have worked very hard on the new Zoning Bylaw; however, the height issue did not come up in any of the consultation he was a part of. Communication needs to be better handled.

- If the group that came up with the idea of a 9m height restriction included the development industry, why were neighbourhoods not invited to that meeting? This needs to be looked at with common sense, not dollars and cents.

There were 84 written and 22 verbal submissions with regard to Zoning Bylaw No. 4500.004.

MOVED by Councillor Sherry, SECONDED by Councillor Holdom that the meeting adjourn at 10:26 pm.

CARRIED

Certified Correct:

A handwritten signature in black ink, appearing to be 'B. Anderson', written over a horizontal line.

B. Anderson
Manager, Community Planning Section
Community Safety & Development

/pm

Council: 2011-SEP-12

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Attachment A

Submission

For

Bylaw No. 6500.016

(OCP62 – 1985 Island Diesel Way)

Maureen Pilcher & Associates

Land Use Consultants

Presentation to Council

2011-September-08
PUBLIC HEARING

Re:1985 Island Diesel Way – OCP-62

Good Evening Your Worship Mayor Ruttan, Members of Council, Members of Staff, Ladies and Gentlemen:

My name is Maureen Pilcher, and I am a Land Use Consultant in the Central Vancouver Island area. Lance McNabb and Rod Milner, owners of this property, are requesting this redesignation with the intention of proceeding to a rezoning application for this property and the adjacent property, in order to develop a mixed use development that meets the goals and objectives of Plan Nanaimo for "corridor" development.

This stretch of Bowen Road can, and should, support higher intensity land uses that will add to a pleasing pedestrian corridor with commercial and multiple family uses on this busy Corridor. An industrial use on this property will not - and does not - provide that pleasing pedestrian space that is sought through plan Nanaimo. A comprehensive development that includes commercial space at and above ground level, with prime pedestrian spaces - and increased residential densities - that does meet the goals and objectives of plan Nanaimo and it is possible along Bowen Road. It is expected that the buildings will be oriented toward Bowen Road and with increased landscaping and green space design will enhance pedestrian safety and vehicle separation along this already active pedestrian route. Street trees, benches and public spaces will create an area to be utilized by the community and pedestrian walkways through the site will integrate well into the neighbourhood.

The grade change in this area, from the adjacent Boxwood Industrial area, will provide a natural separation from the residential and commercial uses. The development of multiple family units will provide the much needed higher density residential land use and the proposed commercial uses will create employment opportunities. Small commercial retail shops will provide for the day to day necessities of the residents - and their other service providers - doctors, dentists etc. will rent office space here. Bowen Road is a busy transit corridor - more people equal more transit on this direct route right through the middle of Nanaimo. A comprehensive multi-family/commercial development will be more compatible with the single family homes found along Bowen Road than with an industrial development on the site. This proposal will complete this street edge and set the tone for development along the Bowen Road Corridor.

Attachment B

Submissions

For

Bylaw No. 4500.002

(General Amendments)

Bylaw 4500.002, #6

Penny Masse

From: Webmaster
Sent: Thursday, September 08, 2011 1:51 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Nancy Mitchell has sent a Public Hearing Submission Online.

Address: 225 Cypress Street, Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Bylaw 4500:
September 8, 2011

Comments: To Mayor and Council:

RE: Public Hearing, September 8, 2011 regarding Zoning Bylaw: 4500

I am writing to express my support for Bylaw 4500.002, Section 6 which amends the Harbour Waterfront (W2) zone to clarify that the W2 zone supports a building height of up to four storeys.

I also support that portion of Bylaw 4500.004 which reduces the maximum allowable height within single dwelling residential zones to reflect the previous Zoning Bylaw 1993, No. 4000.

I must, however, express my concern as to the meaning of the sentence, in proposed Bylaw 4500.004: "Properties exempt from specified building heights are specified in Schedule E - Height Exemption of the Zoning Bylaw". As far as I could tell, there was no readily available copy of this Schedule E on the website for the City of Nanaimo. The only one I could find was a useless black and white attachment to a Report to City Council. If there is to be such a Schedule E, it should be published on the City's web site in a format that everyone can identify which properties are exempt. It is my recommendation that until this Schedule is publically available online and residents have an opportunity to comment on it, then it should be removed from this proposed bylaw 4500.004.

Regards, Nancy Mitchell

Bylaw 4500.002, # 17

Penny Masse

From: delores dallas [2011delores@gmail.com]
Sent: Thursday, September 08, 2011 11:06 AM
To: Public Hearing
Subject: rezoning

Plan 33180@vip8888on map E

My husband and myself are very upset about this rezoning. We received the paper on Thur. Sept. the first, and did not read it until we were on the plane to London, England.

We were under the impression there is to be:

A notice board on the site three months before it goes to council

The people in the area have letters that are delivered to them regarding the zoning

This needs to go to council three times before it is approved

None of the above has been done and as I said above we are very upset and I am sure that the other people on Noye Road will also be upset when this comes to their attention.

We do not want a park at 5521 Noye Rd. reasons are:

It will be a place for anti social teenagers in the evenings to gather

If anything is said to them you can be sure there be retribution

We will be returning to Canada Oct. the fourteenth.

I would like an answer to this email and the name of the person who is sending it so I know who to call when we return home.

My email address is 2011delores@gmail.com.

Delores Dallas











Attachment C

Submissions

For

Bylaw 4500.004

(Permitted Height of a Single Residential Dwelling)

Mr. Mayor, Council Members

It is with a sad heart that I find myself compelled to address this assembly. We tax payers have entrusted you with the responsibility of doing what is best for our residents. A city is only as good as its people. We have the right to live in peace and harmony.

Most of us here to speak to this issue, have carefully chosen our place of residence. One of Nanaimo's greatest features is the terrain which affords lovely views which in itself is a huge selling/purchasing/living feature.

If this is compromised, the results are far reaching, as so many here tonight have pointed out.

*Letters received by
Council
have pointed
out.*

We do not wish to jeopardize the right of the construction industry to earn a living. I seriously doubt that keeping the building height at its current 8.25 M. would do so.

But, when a resident's view is suddenly altered by a new construction or renovation in front or near his/her home, or the view property being sold is no longer a view property, thereby bringing in a much lower price, what would seem initially to those unaffected, as a simple Lets Raise the Height is now a lifestyle altering occurrence for those directly affected.

I speak for many tonight. We bought or built our homes under one set of rules. We made our choices based on those rules. You, dear council would like to change the rules part way through the game. Even children know that **it is not right to change the rules part way through the game**. It is not fair. It is wrong, wrong, wrong. If you wish to start a new game, the rules are up front. Then one can decide if one wants to play.

But this is not a game for us. We live in our homes, raise our families, enjoy our views. Our home heights, for most of us, are permanent. It would not be economically prudent for us to raise the existing roof of our home almost 2.5 ft in order to maintain our view. This is a no brainer.

Support

In favour of the proposed Amendment to retain the 8.25 Metre Height Restriction.
Zoning Amendment bylaw No. 2011 4500.004

Public Hearing, Sept. 8th 2011, 7pm. Shaw auditorium 80 Commercial St.

Letter to council sent Aug. 21 and again Sept. 8th.

Under no circumstances should the height of existing neighbourhoods be changed to accommodate new builders. We purchased a lot in a new subdivision, with the understanding that this was a single family residence area. (Eagleridge) We built, knowing that our neighbourhood would not contain rentals. In short order, the city passed a bylaw allowing suites in new residents, and immediately contractors jumped on the "suite" bandwagon, and our lovely neighbourhood is filled with renters, who park in front of our homes, and the peace and quiet is disturbed by late night loud autos coming and going from rentals. The city changed the rules and we suffer the consequences. This cannot happen again.

Once something is established, it is not fair, nor prudent to change the parameters. No problem for new areas as those purchasing or building know what is already in existence will continue. Please do not change the building heights in existing neighbourhoods. Thank

you,

Rene Rickard

there are

Properties under covenant — these will run out
and then ~~we~~ will fall under city bylaw

Please consider the following points:

1. New subdivision home/building heights could be set at whatever is deemed to be reasonable by council. That would make an even playing field for all new home owners, not affecting what is already in existence.
2. Views are extremely important to many, many potential purchasers and sellers of existing homes. Morally, you do not have the right to take that away from us.
3. We live in our neighbourhoods by choice, fully understanding that you, as our representatives will protect that which is dear to us, such as our lifestyles and our property values.
4. Please-----Do what is right. Do what is fair. Maintain the integrity of our exiting subdivisions. Honour our rights and Retain the height in existing neighbourhoods at 8.25 M.

Thank you for your attention.

Building Height - Single Family Residential

Current Regulations

Roof pitch	Maximum Height
Flat roof (< than 4:12)	6.71m (22 ft) or 3m from curb
Sloped roof (\geq 4:12)	8.25m (27 ft) or 5m from curb
The following height increases are currently only available on select lots	
Steep slope (\geq 8:12)	8.53m (28 ft) or 5m from curb
Very steep slope (\geq 10:12)	9.14m (30 ft) or 5m from curb



A 9m high single family home in Nanaimo with a steep sloped roof



A 8.19m high single family home in Nanaimo with a sloped roof

Proposed Regulations

Roof pitch	Maximum Height
Flat roof (< than 4:12)	7m (23 ft) or 3.5m from curb
Sloped roof (\geq 4:12)	9m (29.5 ft) or 5.5m from curb

Other municipalities

Municipality	Dwelling Height
Abbotsford	9.8m nor 3 storeys
Burnaby	9m
Campbell River	8m to wall plate
Comox	9m
Kamloops	15m nor 2 storeys
Kelowna	9.5m nor 2 ½ storeys
Langford	9m
Maple Ridge	9m
North Cowichan	9m
Port Alberni	9m
Prince George	10m nor 2 ½ storeys
Tofino	10.4m nor 2 storeys
Victoria	7.6m to mid-point

Zoning Bylaw Changes to Residential Building Heights

City of Nanaimo Public Hearing Sept 8, 2011

I am in favour of repealing the changes to residential building heights that were included in the new Zoning Bylaw. What concerns me most is the lack of information provided to the public and the lack of meaningful consultation that took place when these new height allowances were developed.

To provide you with specific examples of what the public was told, I went back and looked through some of the documents that were issued while the Zoning Bylaw rewrite was going on. For example:

- On June 30, 2010- about 15 months ago- an early Draft of the new Zoning Bylaw showed the allowed Height of Principal residential building with sloping roof at 8.25m. (as it was in the old bylaw)
- Aug 17, 2010 in an updated version of Draft Zoning Bylaw - the Height of Principal residential building with sloping roof is still given as 8.25m
- Feb 1, 2011 in a further update to the Draft Zoning Bylaw - Height remains at 8.25 m
- On March 15, 2011 a summary of proposed changes to the old Zoning Bylaw presented at PNAC – there is a long list of proposed changes to the old bylaw however there is no mention of changing the residential building heights
- And perhaps most importantly, the questionnaire used to gather input from the public at all of the open houses, on the city web site and at city hall made no mention at all of increasing building heights in residential areas. There wasn't even a question on this topic included in the survey. If you would like to look at the questionnaire results they were attached to the minutes of the June 13 Council meeting agenda.

I encourage you to return to the old building heights that most residents believed would apply when the Zoning Bylaw public consultation took place. If there are problems with these heights, that have only recently been identified, then they should be dealt with at a future time through an amendment to the zoning bylaw. In the interest of fairness, hopefully such an amendment would be based on consultation with all affected parties, not just those in favour of higher buildings. A variety of options could be looked to help minimize the impact of building height changes within established neighbourhoods.

Thank you

Allan Davidson

2730 Elk Street

Nanaimo

250 756 0395

ajkdavidson@shaw.ca

Good evening Mayor, Councilors, City Staff, Developers and fellow Citizens.

Before I start I think it might be beneficial to say a little about my background. I have spent my entire business career in the development industry, including senior positions with an international real estate developer and a large Canadian assurance company. My business degree, from UBC, is in Urban Land Economics and, as some of you may know, for the past 4 years I have served as a member of the Board of Variance for the City of Nanaimo.

Because of this background and experience, I'm supportive of the Development Industry in general -- and fully appreciate and encourage all development that is done correctly. It is from this vantage point that I'm here tonight, to lend my full support to the 8.25 metre Amending Bylaw.

Tonight, there are **4 key points** that I would like to make:

The first key point deals with matters of **Misconception - density** being one of them. Frankly, raising the height of a single family residence will not, in itself, increase density. Other factors, such as adding a suite, will increase density, but that's not what the Bylaw we are considering tonight, is about.

Secondly, it has been erroneously stated our **tax base** will be increased by increasing height. It is obvious that taxes are raised through assessment and they are not simply proportionate to height..... in fact, where views are destroyed, the assessment should and will decline commensurate with the decline in real property value.

Another misconception is that **views are a trivial matter**. Perhaps the best way to deal with this is to question any citizen who has bought a home with a view and no doubt paid a premium for that view. Just ask that homeowner if they believe their view is a trivial matter? And then listen to them get fired up, just like I can do!

The final misconception I would like to address is the red herring called **Building Schemes**. Does Council really believe the best way to deal with this planning / height issue is to hand the matter over to the Developers in our City and let the citizens attempt to manage on their own? I very much doubt that, and if it were to come to this, then why do we employ planners?

The second key point I would like to make is about the **comparisons** of

Nanaimo being made with other Cities. I submit Nanaimo is unique, in that we are blessed with many wonderful views from a significant number of our existing residences..... such as with many homes viewing the ocean from Lantzville Road to Departure Bay and further south. These homes have been purchased by people moving to Nanaimo, in good part because of their view.... views that the homeowners have always believed and understood would be retained.

The third key point is the **question of fairness**. Although I'm sure others have, and will, address this matter this evening, I would like to simply state it is wrong to take benefits "paid for" by one party and, for all practical purposes, transfer these benefits to another – with no compensation to the party that has been harmed. This is not an example of the "even-handed principle".

The final key point I would like to leave with you, is the matter of **Compromise**. I do believe there are solutions to the position we find ourselves in, and we do have the opportunity to make it work. In the course of the communications back and forth, some of our citizens have been described by one of our reputable contractors, as bullies, working for their own interests. The person who said this has subsequently apologized, and I am grateful for that, but this does give an indication of how strong the feelings are on both sides. Nevertheless, this seems to me, now is the time for compromise and I have one to suggest.

It is, in fact, what I have suggested all along. Why not apply the proposed new height Bylaw to new developments, in new subdivisions, but not to existing residential developments and subdivisions? I realize that this will take some staff work to define which is "existing" and which is "new". However, it seems rather obvious and I'm certain that Planning Staff are capable of making this distinction. The "existing" are subdivisions currently registered in the Land Titles Office whereas, the "new" will be subdivisions registered subsequent to adoption of this Amending Height Bylaw 4500.004

Nanaimo is transforming from a small city to a significant urban area. It is critical, at the same time, for our Bylaws to carefully transition accordingly. A dramatic leap from one stage to another, as suggested, would leave a lot

of people hurt and in trouble. **We need to take the time to do it right!**

Thank you for the opportunity to express my views.

Jim Galloway

6558 Groveland Drive,

Nanaimo, BC

Penny Masse

From: Webmaster
Sent: Thursday, September 08, 2011 3:36 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

will melville has sent a Public Hearing Submission Online.

Address: 4378 obrian road ladysmith

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.004

Comments: I am opposed to the proposed amendemnt to the recently adopted bylaw 4500 reducing allowable building heights to the standards previously specified in bylaw 4000. I feel this is a regressive step. From my perspective City Staff have done a commendable job over the past 2 years in putting together a simplified comprehensive zoning bylaw that correlates well with the objectives of the OCP. Considerable consultation, and public input was sought during the drafting of this document. Establishing new parameters was not a decision lightly made. Reducing allowable heights will be detrimental to encouraging varying form, character and housing types within the City. From experience, allowing 9.0m as a maximum height does not translate into all housing being taller nor permit latitude for extra storeys. It does however provide a necessary tool for more innovative design, better solutions for difficult sites, better fit where context in old city neighbourhoods is important, and more options for sites designated for 2 to 4 units. Bylaw 4500 also has provision for smaller single family lot sizes. This can translate into much needed increased density and affordability for buyers wanting single family housing. The perscribed lot sizes invariably will lead to a housing form of 2 storeys. Here again 9.0m allowable height will permit some flexibility as to how these units are configured. I encourage Mayor and Council to defer any change to Bylaw 4500 as it relates to building height and allow the Bylaw to be put into practise.

Penny Masse

From: Fred and Rosina [fedro@shaw.ca]
Sent: Thursday, September 08, 2011 10:24 AM
To: Public Hearing
Subject: ZONING AMENDMENT BYLAW NO. 2011 4500.004

I would like to be included in the group that opposes an increase to the allowable height of homes in Nanaimo, at least in existing neighbourhoods. We purchased our property with the assurance that our splendid ocean view would not be impeded by oversize construction of other homes. In fact, we signed documents to assure that the height of our house along with other considerations would be maintained. The view that we currently enjoy certainly came at a financial cost beyond others but that is what we paid for and hope to be able to continue to enjoy. With an increase to the height of new or renovated construction our visual enjoyment would quickly diminish.

Personally I am not opposed to increased heights in yet to be established areas as everyone would be informed of this in advance and would be able to base their decision to purchase such a sight could be made on an in advance informed basis.

I sincerely hope that the area where enjoy life will continue to be as visually pleasant as it has been for these past several years.

Please do not allow an increase to the height of residential housing.

Thank you.

Fred Solylo
6540 Groveland Dr.
Nanaimo.

Penny Masse

From: J Galloway [jgalloway@telus.net]
Sent: Thursday, September 08, 2011 11:22 AM
To: Public Hearing
Subject: Fw: Fw: Bylaw 4500.004 - the issue of height, single dwelling residential

Please add this letter, as partially taken from previous correspondence, to the file for the September 8th Public Hearing.

----- Original Message -----

From: J Galloway
To: Ken Connolly
Sent: Tuesday, September 06, 2011 9:08 AM
Subject: Fw: Fw: Bylaw 4500.004 - the issue of height, single dwelling residential

Ken, welcome back to what, no doubt, will be an interesting week.

Please be assured I have no problem with you holding your views, just as I believe you would of mine.

If we might, I would welcome some exchange of thinking as to this height matter (Bylaw 4500.004). And, frankly, I sense our thoughts, for practical purposes, may not be that far apart.

For example, from the time I learned of the proposed increase in height (which, believe it or not, was only in mid July of this year) I have supported the increased height for new subdivisions. I submit my opinion has been consistent and clearly stated, to all concerned parties. Furthermore, I trust you do not see that as either "maddening" nor "downright entertaining" - for should you, yes we are far apart.

Of the neighbours, and others, that I have been working with on this issue, I also believe their concerns are the same as mine. Furthermore, I submit, it was only due to a partial misunderstanding of the issue that the original Motion was made such that it included all residential development, versus existing residential. Can I assume you are aware of the subsequent Motion passed by Council?

67011 It was moved and seconded that Council direct Staff to prepare a report regarding heights in all residential zones, and whether Council can distinguish between new and old subdivisions. The motion carried unanimously.

I'm not aware of any group who are promoting the '8.25 m. height' for all residential lands. Are you?

As to your 'main motivation', which you have stated is to grapple with Nanaimo's looming infrastructure catastrophe, I question how you can seriously believe adding 30 inches to the permitted height of a single family residence in an existing neighbourhood of our City, will make any contribution whatsoever to this economic issue? In similar manner, your industry 'representative' has emphatically stated that "Density is Key to Nanaimo". The following paragraph expresses my thoughts on this logic, or lack thereof, as copied from part of another letter.

It has been stated "Density is Key to Nanaimo"

While this may be a theoretical objective from a planning perspective, clearly density is only one of the many planning factors to consider...and as such does not stand on its own.....as otherwise we should simply convert to a City of high-rises. Do we want Nanaimo to be like the west end of Vancouver? I don't think so. Furthermore, our concerns are limited to established single family residential neighbourhoods, where until major redevelopment and rezoning occurs, (which I submit for the majority of our existing neighbourhoods will be many years down the road), density will remain static. Raising the height of a single residence will, in itself, not increase the density, but it will, over time, impede existing views and hence reduce property values. Other factors such as adding secondary suites will increase the density, but that has already been accomplished. Clearly suites can be accommodated within the 8.25 metre height limit - as has been proven since that change was made. Furthermore, today, we are now dealing only with the height issue, as the density enhancing factors (such as smaller lots) of the new Bylaw 4500 have already been approved by Council. Accordingly, for purposes of discussing the height factor, relative to existing subdivisions, I submit the "density" argument is a non-issue.

Ken, as to your paragraph wherein you questioned how my wife and I might be personally impacted by the consequence of the increased height, I would like to reverse 'the put'. As I have done with Members of

Council, I invite you to visit our home anytime and examine what I feel could be the consequences. For example, one is the many years we have very much enjoyed watching the eagles raise their young in the nest at the waterfront. The extra height would eliminate that pleasure, not to mention the rest of the impediments. However, irregardless of our situation, there are the 100's of residences between Dickinson Road and Departure Bay, with wonderful views of our ocean and other vistas, that will, without a doubt, be negatively impacted, should the permitted height be increased to 9 metres.

In summary, while a looming infrastructure challenge may be worthy of consideration relative to a planning policy, the real issue for current and future residents is the question of fairness. Allowing one property to negatively impact another is wrong. Unfair treatment is also contrary to urban planning principles and design aesthetics, which seek to embrace and protect the character and integrity of existing neighbourhoods, principles that promote and protect harmonious communities. Accordingly, I suggest it may be in the best interests of your industry to focus on increasing the permitted height for 'new subdivisions', and leave the exisitng neighbouhoods to function within the height limits that have been in place for the past thirty years.

Your thoughts would be welcomed.

Jim Galloway
6568 Groveland Drive
250 390 1906
jgalloway@telus.net

Penny Masse

From: Webmaster
Sent: Thursday, September 08, 2011 1:51 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Nancy Mitchell has sent a Public Hearing Submission Online.

Address: 225 Cypress Street, Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Bylaw 4500:
September 8, 2011

Comments: To Mayor and Council:

RE: Public Hearing, September 8, 2011 regarding Zoning Bylaw: 4500

I am writing to express my support for Bylaw 4500.002, Section 6 which amends the Harbour Waterfront (W2) zone to clarify that the W2 zone supports a building height of up to four storeys.

I also support that portion of Bylaw 4500.004 which reduces the maximum allowable height within single dwelling residential zones to reflect the previous Zoning Bylaw 1993, No. 4000.

I must, however, express my concern as to the meaning of the sentence, in proposed Bylaw 4500.004: "Properties exempt from specified building heights are specified in Schedule E - Height Exemption of the Zoning Bylaw". As far as I could tell, there was no readily available copy of this Schedule E on the website for the City of Nanaimo. The only one I could find was a useless black and white attachment to a Report to City Council. If there is to be such a Schedule E, it should be published on the City's web site in a format that everyone can identify which properties are exempt. It is my recommendation that until this Schedule is publically available online and residents have an opportunity to comment on it, then it should be removed from this proposed bylaw 4500.004.

Regards, Nancy Mitchell

Penny Masse

From: Jane Pettingill [janepettingill@gmail.com]
Sent: Thursday, September 08, 2011 1:54 PM
To: Public Hearing
Subject: Fwd: Residential Height Restrictions

----- Forwarded message -----

From: **Jane Pettingill** <janepettingill@gmail.com>
Date: Mon, Aug 22, 2011 at 10:39 AM
Subject: Residential Height Restrictions
To: mayor&council@nanaimo.ca

We moved to Nanaimo from Ontario and were delighted with all the positives we observed. But now, we are concerned about the direction of urban planning. Who is going to benefit from the proposal to increase the residential building height in established housing areas? Probably, only a select few - the vast majority of homeowners in these already established subdivisions will see negative changes to sun exposure, views, and ambiance of their neighbourhoods. Does the mayor and council represent all people in Nanaimo, or just a select few? Please do not vote for increased building height in established neighbourhoods. Respectfully, Jane & Peter Pettingill.

Penny Masse

From: Webmaster
Sent: Thursday, September 08, 2011 2:08 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Pat Durose has sent a Public Hearing Submission Online.

Address: 5858 Shadow Mountain Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 5400 004

Comments: Opposed to bylaw amendment limiting roof height to 9 m

Penny Masse

From: Webmaster
Sent: Thursday, September 08, 2011 9:25 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Robert Huck has sent a Public Hearing Submission Online.

Address: 6535 Raven Rd

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: I categorically reject any attempt to increase the height restriction above 8.25 M. Our house was built to meet current standards in good faith and any increase would adversely affect not only our view, for which we paid a premium, but our property value. Changing the rules after the fact is unfair and, indeed, irresponsible on the part of elected officials charged with looking after our interests.

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 4:10 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Dominic Jones has sent a Public Hearing Submission Online.

Address: 6529 Groveland Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.004

Comments: I am in favour of the proposed Amendment to retain the 8.25 metre height restriction.

9 m in established neighbourhoods is not fair to current single family home owners.

Thank you.

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 4:31 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Charles Janjic/ Concept Design Group has sent a Public Hearing Submission Online.

Address: 5339 Scenic Place Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.004

Comments: I am against the proposed Bylaw amendment to the 9m height restriction.

I feel as a designer and builder that the 9m height is critical to the future growth and development of all areas of Nanaimo.

The City should be planning progressively as other communities have and not amend the height Bylaw back to the 8.25m max. height requirement.

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 5:04 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Ron Bolin has sent a Public Hearing Submission Online.

Address: 3165 King Richard Drive, Nanaimo Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.004

Comments: I am in favour of the amendment to return residential building heights in established neighbourhoods to the 8.25m which has pertained for the past several decades. It is not fair that one persons view should be jeopardized in favour of another with no major offsetting general public benefit. The argument of increasing density with this .75m height increase is persiflage of the highest order. As Occam's Razor slices it, to be a difference, it must make a difference. If density increase is to be considered in such cases then it must be of sufficient magnitude to enable better transportation strategies, the development of local shops and services, etc., i.e. to make a difference to the community rather than to a single individual.

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 5:23 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Lynda Wright has sent a Public Hearing Submission Online.

Address: 6499 Raven Rd., Nanaimo, B.C.

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning ByLaw 4000,
Zoning Amendment ByLaw No 2011 4500.004

Comments: I am in favor of the proposed Amendment to retain the 8.25 metre Height Restriction

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 9:06 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Carla Montrose has sent a Public Hearing Submission Online.

Address: 108 Sharon Place, Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: In favour of proposed Amendment to retain the 8.25 metre height restriction.

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 9:06 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Army Montrose has sent a Public Hearing Submission Online.

Address: 108 Sharon Place, Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: In favour of proposed Amendment to retain the 8.25 metre height restriction.

Penny Masse

From: Webmaster
Sent: Thursday, September 08, 2011 7:47 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

John Cline has sent a Public Hearing Submission Online.

Address: 4500 Peregrine Road, Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.004

Comments: I am in favour of the proposed amendment to retain the 8.25 metre height restriction. Thank you -
John Cline

Penny Masse

From: Public Hearing
Subject: FW: re send regarding home heights

From: Rene Rickard [<mailto:rebob5@shaw.ca>]
Sent: Thursday, September 08, 2011 8:15 AM
To: Public Hearing
Subject: Fwd: re send regarding home heights

please see message below initially sent August 21st to city council. Thank you.

Begin forwarded message:

Under no circumstances should the height of existing neighbourhoods be changed to accommodate new builders. We purchased a lot in a new subdivision, with the understanding that this was a single family residence area. (Eagleridge) We built, knowing that our neighbourhood would not contain rentals. In short order, the city passed a bylaw allowing suites in new residents, and immediately contractors jumped on the "suite" bandwagon, and our lovely neighbourhood is filled with renters, who park in front of our homes, and the peace and quiet is disturbed by late night loud autos coming and going from rentals. The city changed the rules and we suffer the consequences. This cannot happen again.

Once something is established, it is not fair, nor prudent to change the parameters. No problem for new areas as those purchasing or building know what is already in existence will continue. Please do not change the building heights in existing neighbourhoods. Thank you,

Rene Rickard
rebob5@shaw.ca

To stay young, the doctor said to exercise and eat the right foods. I thought he said to accessorize and buy nice shoes.

Penny Masse

From: jneswann@shaw.ca
Sent: Thursday, September 08, 2011 8:58 AM
To: Public Hearing
Subject: Fw: change of building height restrictions

----- Original Message -----

From: jneswann@shaw.ca
To: public.hearing.@nanaimo.ca
Sent: Thursday, September 08, 2011 8:55 AM
Subject: re : change of building height restrictions

To Council Re: Change of Housing Height Restrictions

*Changing height restrictions for homes in established neighbourhoods is a
flagrant disregard of current property owners wishes and rights.*

*What right do you have to arbitrarily make changes that will directly impact both
the monetary and aesthetic value of our properties?*

*We can't help but wonder who council is working for: certainly it is not the current
property owners. Who requested this change? The same self-serving blockheads
who pushed for the conference centre and adjoining hotel?*

Keep the building height restrictions as they are in existing residential areas.

J and E Swann

Penny Masse

From: J Galloway [jgalloway@telus.net]
Sent: Wednesday, September 07, 2011 3:13 PM
To: Public Hearing
Subject: Fw: Letter to Mayor and Members of Council re Height Matter
Attachments: Fw_ Single Residential Dwelling Building Heights, proposed Bylaw 4500.eml

Please add this correspondence, which was submitted August 17th, to the Public Record for the Sept 8th Public Hearing.

----- Original Message -----

From: J Galloway
To: mayor.council@nanaimo.ca
Sent: Wednesday, August 17, 2011 12:43 PM
Subject: Letter to Mayor and Members of Council re Height Matter

Mayor and Members of Council.

Re: Change of Building Height for Single Family Residences

For the past four years I have been a member of the Board of Variance for the City of Nanaimo. During this time the Board has received applications whereby numerous neighbours have voiced their opposition for a request to increase the permitted height of a single family residence, particularly where the situation involves an existing established subdivision with view lots. Depending on the circumstances, these applications have been approved, or declined. In all cases the amount of variance being requested was significantly less than the increase proposed through Bylaw 4500 i.e. from 8.25 metres to 9 metres, **being 30 inches**.

I respectfully submit that a substantial relaxation / expansion of the permitted height within existing subdivisions, particularly where view lots are involved, will directly impact and be very detrimental to many homeowners within our City.

As a case in point I can speak to, is my residence at 6558 Groveland Drive, Nanaimo. We recently constructed, at considerable expense, an addition with large picture windows to better enjoy the wonderful view our property provides of the ocean and the Winchelsea Islands. Although our subdivision is now say 96% build out, ironically the adjacent downslope lot to our property is yet to be developed. All of the other residences constructed in our neighbourhood have been built in accordance with the permitted 8.25 metre max height. Naturally, it was always our understanding this would be the maximum height permitted for the lot below us. However, with the new Zoning Bylaw as it is being proposed, a new residence could have a roof line to the maximum permitted height of 9 metres, significantly out of step with the other immediate homes. It would also destroy a significant portion our vista and no doubt impact the value of our investment.

I strongly encourage Staff and Council to give serious consideration to the concept of increasing the permitted height of single family residences. I know our City Planning Staff has the skills required to resolve this matter in a better way. For existing neighbourhoods / subdivisions, I submit the height limitation should remain as it is and variances should be heard, on a case by case basis, through a Development Variance from Council and/or Board of Variance application. This will ensure immediate neighbours are able to participate in the process.

In summary, I question the wisdom and fairness of implementing 9 metres across the board for the total City and ask of Council.....what is the public benefit of devaluing residents of Nanaimo from

their enjoyment / investment of the homes they have purchased and reside in, by transferring it to another?

My wife and I extend an invitation for any of you to visit our home, to see for yourselves a specific example of the impact an additional 30 inches will entail. Accordingly, for the well being of the many Nanaimo homeowners who benefit from our spectacular views, due to the favourable natural topography of our City, I encourage your thoughtful consideration of this matter.

Sincerely,

Jim Galloway
6558 Groveland Drive,
Nanaimo, BC
250 390 1906

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 3:30 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Ed Chan has sent a Public Hearing Submission Online.

Address: 167 Irwin St

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: ZONING
AMENDMENT BYLAW NO. 2011 4500.004

Comments: In established neighbourhoods, I support the maximum height of 8.25m for single family residential homes. Allow the maximum height in new developments to expand to 9.0m, but keep the established maximum in established neighbourhoods.

I feel very strongly about this.

Thank you for your attention.

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 10:27 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Janice Chantree has sent a Public Hearing Submission Online.

Address: 2875 Haliday Crescent

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4000

Comments: I am in favour of the proposed Amendment to retain the height of the previous Zoning Bylaw 4000 at 8.25m.

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 10:29 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Joan Wallace has sent a Public Hearing Submission Online.

Address: 2765 Elk Street, Nanaimo, B.C.

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Amendment
2011 4500.004

Comments: I am in favour of the proposed amendment to Retain the 8.25 metre Height Restriction

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 10:34 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Robert Mazanik has sent a Public Hearing Submission Online.

Address: 6552 Groveland Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: I am in favour of the above mentioned amendment retaining the 8.25 meter height restriction

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 10:35 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Vania Mazanik has sent a Public Hearing Submission Online.

Address: 6552 Groveland Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: I am in favour of the above mentioned amendment retaining the 8.25 meter height restriction

Penny Masse

From: Rick Hoggarth [rhoggarth@telus.net]
Sent: Wednesday, September 07, 2011 10:57 AM
To: Public Hearing; Mayor&Council
Subject: Input to Bylaw 4500.004 Property Heights

Good morning,

My wife and I are in support of retention/reduction of a maximum single family dwelling height of 8.25 M. Retention of existing standards in our area (Icarus/Eagle Point) and others help maintain view lines, privacy and property values.

Many thanks for looking out for our interests,

Rick and Heather Hoggarth

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 12:17 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Andre McNicoll has sent a Public Hearing Submission Online.

Address: 1825 Latimer Road

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500

Comments: I am against the amendment to reduce the maximum height for building from 9m to 8.25 m.

Penny Masse

From: Mark Warbrick [warbrick.nel@shaw.ca]
Sent: Wednesday, September 07, 2011 12:40 PM
To: Public Hearing
Subject: Bylaw No. 4500.004

Your Worship Mayor Ruttan and honourable members of Council:

As a concerned resident of the City of Nanaimo, as a person who served on the committee formed to assist in the creation and review of Bylaw 4500, and as a business owner in the City of Nanaimo I am NOT in favour of the above noted bylaw.

Thank you for your consideration.

Yours truly,
Mark Warbrick, P.Eng.,
Newcastle Engineering Ltd.,
#4-3179 Barons Road,
Nanaimo, B.C., V9T 5W5
Phone: 250-756-9553, Ext. 23,
Fax: 250-756-9503

Penny Masse

From: Mark Warbrick [markwarbrick@shaw.ca]
Sent: Wednesday, September 07, 2011 12:44 PM
To: Public Hearing
Cc: markwarbrick@shaw.ca
Subject: Bylaw No. 4500.004

Your Worship Mayor Ruttan and honourable members of council:

As a concerned homeowner in the City of Nanaimo I wish to make it known that I am NOT in favour of the above noted bylaw.

Thank you for your consideration.

Yours truly,
Darlene Warbrick
1907 Carmel Place,
Nanaimo, B.C., V9T 5R3

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 9:20 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Brianne de Verteuil has sent a Public Hearing Submission Online.

Address: 637 Prideaux Street

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: ZONING
AMENDMENT BYLAW NO. 2011 4500.004

Comments: I am in favour of the proposed Amendment to retain the 8.25 metre Height Restriction

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 9:30 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Clare Craig has sent a Public Hearing Submission Online.

Address: 7-540 Prideaux St., Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: ZONING
AMENDMENT BYLAW NO. 2011 4500.004

Comments: I am writing to express my opinion in favour of the proposed Amendment to retain the 8.25 metre
Height Restriction

Penny Masse

From: Marilyn Smith
Sent: Wednesday, September 07, 2011 9:04 AM
To: 'Andy & Barb Murray'; 'publichearing@nanaimo.ca'; Mayor&Council
Cc: DIRECTORS; David Stewart; Penny Masse
Subject: RE: Public Meeting - September 8th, 2011 regarding raising the height restriction in neighborhoods

Your email regarding raising the height restrictions in neighbourhoods has been received by all members of City Council. I have forwarded a copy of your email to members of our senior staff for their information.

Marilyn Smith
Administrative Assistant to Mayor and Council
City of Nanaimo
Phone: 250-755-4400
Fax: 250-754-8263

From: Andy & Barb Murray [<mailto:oleboot1@shaw.ca>]
Sent: Tuesday, September 06, 2011 6:53 PM
To: publichearing@nanaimo.ca; Mayor&Council
Subject: Public Meeting - September 8th, 2011 regarding raising the height restriction in neighborhoods

I am writing to advise that myself and my wife, Barbara, who reside at 6506 Raven Road DO NOT SUPPORT raising the height restriction to 9m in residential neighborhoods. Our neighborhood is well established, however, there are still some lots left for development. Raising the height to 9m will severely restrict a person's views of their landscape and many of us have seen our municipal taxes rise over the last couple of years because of the water view. We purchased our homes in this area because of the water view and having this compromised is not acceptable and will severely impact on property values.

Several members of our neighborhood had to attend a Board of Variance hearing approx. two years ago because a home owner, who was building a new home, wanted to raise the level of his roof above the height restriction. The request was denied by the Board. Raising the height restriction by .75 of a meter (29 ¼ inches) doesn't sound like much but it would be enough to totally block some views and severely restrict others that people enjoy. A home is the most significant purchase anyone will make in their lifetime and raising the height restriction will have a very significant impact on their investment. Some people purchased their home in the location it is in knowing that there is a height restriction and believing that it will never change.

Andy Murray

Penny Masse

From: Marilyn Smith
Sent: Wednesday, September 07, 2011 9:03 AM
To: 'Bill Baird'; Mayor&Council
Cc: DIRECTORS; David Stewart; Penny Masse
Subject: RE: Zoning Amendment ByLaw No 2011 4500.004

Your email regarding building height restrictions in Nanaimo has been received by all members of City Council. I have forwarded a copy of your email to members of our senior staff for their information.

Marilyn Smith
Administrative Assistant to Mayor and Council
City of Nanaimo
Phone: 250-755-4400
Fax: 250-754-8263

From: Bill Baird [<mailto:billbaird@shaw.ca>]
Sent: Tuesday, September 06, 2011 5:14 PM
To: Mayor&Council
Subject: Zoning Amendment ByLaw No 2011 4500.004

Dear Mr Mayor and Members of Council,

I understand that you and the Council are proposing further examination of the current bylaw on building height restriction with a public hearing on September 8th 2011. Unfortunately I will be unable to attend the meeting but strongly support the motion that the height of building remains at 8.25 metres. Indeed it is alarming that developers have placed caveats on titles stating that homes cannot exceed determined limits and now seem to be coming in the back door to increase the heights of new buildings. Because of this the City will be swamped with tax reductions, as values plummet, if such a height increase passes through Council.

Please note my strong opposition to any increased height.

Yours Sincerely,

WILLIAM BAIRD
Resident 6482 Raven Road Nanaimo V9V 1V6

Penny Masse

From: Marilyn Smith
Sent: Tuesday, September 06, 2011 4:48 PM
To: 'J HOWARDSON'; Mayor&Council
Cc: DIRECTORS; David Stewart; Penny Masse
Subject: RE: let's protect our old neighbourhoods! a height of 8.5 metres works for us!

Your email regarding building heights in Nanaimo has been received by all members of City Council. I have forwarded a copy to members of our senior staff for their information.

Marilyn Smith
Administrative Assistant to Mayor and Council
City of Nanaimo
Phone: 250-755-4400
Fax: 250-754-8263

From: J HOWARDSON [<mailto:jacquiehowardson@shaw.ca>]
Sent: Tuesday, September 06, 2011 4:40 PM
To: Mayor&Council
Subject: let's protect our old neighbourhoods! a height of 8.5 metres works for us!

I've lived in Nanaimo for 35 years and for the past seven years has resided in Nob Hill. I've watched beautiful views shrink and am very aware that narrow view corridors are in the future as high rises are being built on the waterfront. Many are still empty and yet developers will build several more and views will be lost. The vistas that many could enjoy as they drive or walk down any of the streets that lead to the "hub" of Nanaimo are being taken away so a FEW right on the waterfront can enjoy the view. These original old neighbourhoods were designed so that the MAXIMUM amount of people in the Old City, Nob Hill, South Side and downtown could stop, reflect and enjoy stunning views. In fact, it seems to me there was a recent celebration downtown this summer that honoured the wisdom of past planners. These lovely old neighbourhoods are a part of Nanaimo's heritage and past and surely they deserve to be respected and protected. They were designed so that residents could enjoy a view - no matter how humble the abode.

Now that all the land in the north of Nanaimo has been gobbled up - it seems developers are greedily eyeing old neighbourhoods as their next untapped resource. I do believe we that live in these neighbourhoods should have a say in something as important as this. We are completely vested in our neighbourhoods - many have lived here for years because developers have been busy on the waterfront and north end and we have quite a peacable kingdom. Blocking views in our neighbourhoods is not progress - it's more like bullying.

I would respectfully ask that you consider leaving the 8.5 meter height as it is and let the "old girls" be "old girls".

Sincerely
Jacquie Howardson

Penny Masse

From: Donna Watson [dwwatson@telus.net]
Sent: Tuesday, September 06, 2011 4:13 PM
To: Public Hearing
Subject: FW: Zoning amendment 4500.004
Attachments: _Certification_.txt

Mayor and Members of Council,

Attention: **Changes of Building Height for Single Family Residence**

ZONING AMENDMENT BYLAW NO. 2011 4500.004

I am writing to voice my opposition to change the zoning bylaw to increase building heights from 8.25 meters to 9 meters, another 30 inches. This will directly impact us and many people who own view lots in this lovely city of Nanaimo. We moved here from Victoria because of the spectacular view of the ocean and the surrounding islands. And to think that now some of our view could be lost is disheartening and unfair to say the least.

I am also concerned for owners in older, established subdivisions when developers chose to remove old homes and build newer, bigger and now taller residences. Think of the impact that will have on people who perhaps have lived in the area for years.

I would strongly encourage the Staff and our elected Council to reconsider the concept of height increases for single family homes. Perhaps in new, undeveloped subdivisions that would not be an issue. But in established ones, it could devalue property and that should not happen.

Zoning Bylaws must be fair and just to all residents.

Thank you,

Donna and Wayne Watson

6546 Groveland Drive

Nanaimo, BC

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 4:14 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Janet & Ernie Couture has sent a Public Hearing Submission Online.

Address: 6553 Groveland Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Bylaw 4500.004

Comments: We are in favor of the proposed Amendment to retain the 8.25 metre Height Restriction

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 5:03 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Veronica Baird has sent a Public Hearing Submission Online.

Address: 6482 Raven Road Nanaimo BC V9V 1V7 Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Amdt. Bylaw No.2011 4500.004

Comments: We built our house on this particular piece of land with the knowledge that who ever built below us would not compromise our view.

The developers for this established neighbourhood had a caveat placed on these lots stating that no one could build beyond a certain height. There are very few lots left in our subdivision, including the one below us, so to change the rules now would have any future build with the increased height stand out too much plus it would obscure the view of others. Also if at any time we decided to sell our property it would have depreciated in value for that same reason.

I believe the new height of 9 metres should only apply to new developments outside of established neighbourhoods where all the properties are built to the same scale and maximum heights.

So I am "in favour of the proposed Amendment to retain the 8.25 metre Height Restriction" of the previous Zoning Bylaw 4000.

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 5:24 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

William Baird has sent a Public Hearing Submission Online.

Address: 6482 Raven Road Nanaimo BC V9V 1V7 Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Bylaw No 2011 4500 004

Comments: Height restriction as is MUST remain. This is clearly in the public interest and special interest groups must not be allowed to dictate their own agenda clearly for financial gain.

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 7:32 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Jackie Gelling has sent a Public Hearing Submission Online.

Address: 6290 McGirr Road

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: The ByLaw to increase the height restriction to 9 metres should not be applied to established neighborhoods.

Penny Masse

From: Alistair McLean [alistair.mclean@hihostels.ca]
Sent: Tuesday, September 06, 2011 8:08 PM
To: Public Hearing; Mayor&Council
Cc: 'Alistair McLean'
Subject: Zoning Amendment Bylaw No. 2011.4500.004

Mayor and Council,

Unfortunately due to my employment I am not able to be in Nanaimo to attend the September 08, 2011 public hearing in person.

I am against Zoning Amendment Bylaw No. 2011.4500.004 and hope Council will not approve same. Nanaimo has so many neighbourhoods with gorgeous views of water, mountains, and natural landscapes. With the potential raising of the maximum family residential housing to 9 metres from 8.25 metres this will create neighbourhoods where more homes will have reduced views for the benefit of a few. This will also cause the construction of larger size homes on their footprints.

I built a home in a Windley development in Nanaimo North 6 years ago. This is the perfect example of an extremely well planned sub-division that maximized the views of all homes facing Georgia Strait within the current height restriction. Yes the developer may have had to spend more funds up front on planning and site prep but I did not hear anyone during construction or have not heard since anyone complaining about height regulations and their view. What happens to current lots not developed, in lets say, this sub-division. If this amendment passes does that mean on those lots currently not developed a contractor can build a home to 9 metres. Do you realize what .75 metres actually is. That is 2.5 feet. That will encroach on the views of the current homeowners who purchased and built their home with the total understanding that any home in their view would be built to a certain height. I think it is also a registered covenant in the sub-division. I foresee potential lawsuits against the City.

Again I urge City Council to vote against the Amendment.

Sincerely,

Alistair McLean
Nanaimo Resident
604-999-8655 (c)

Alistair McLean CEO
Hostelling International - Canada - Pacific Mountain Region

Suite 200 - 1155 West Pender Street Vancouver, BC V6E 2P4
p: 604.684.7111 ext. 313 f: 604.684.7181
e: alistair.mclean@hihostels.ca www.hihostels.ca

Penny Masse

From: Andy & Barb Murray [oleboot1@shaw.ca]
Sent: Tuesday, September 06, 2011 9:01 PM
To: Merv Unger
Cc: Public Hearing; Mayor&Council; Andy Murray
Subject: RE: Public Meeting - September 8th, 2011 regarding raising the height restriction in residential neighborhoods

Hello Councillor Unger,

The notice that I received stated that bylaw no.2011 4500-004 has only received first and second reading and that a public meeting was being held on Sept 8th, 2011 @ 7pm in the Shaw Auditorium for public input. The notice stated that if you could not attend in person you could submit your support/non-support for the by-law by email to two sites- public.hearing@nanaimo.ca and mayor.council@nanaimo.ca . As stated in my message below, my wife and I do not support raising the height of residential homes to 9meters.... That the established height of 8.25 meters be maintained.

My question then is if this height restriction has already passed why is council holding a public meeting to solicit the public's input?

Andy Murray

From: Merv Unger [<mailto:Merv.Unger@nanaimo.ca>]
Sent: Tuesday, September 06, 2011 8:15 PM
To: 'oleboot1@shaw.ca'
Subject: Re: Public Meeting - September 8th, 2011 regarding raising the height restriction in neighborhoods

That bylaw has already been passed. What we are talking about is amending the bylaw to return to the previous height levels. I have opposed this bylaw from the beginning and still do.

Merv

Merv Unger
Councillor - City of Nanaimo
Sent from my Blackberry - please excuse spelling anomalies.

From: Andy & Barb Murray [<mailto:oleboot1@shaw.ca>]
Sent: Tuesday, September 06, 2011 06:52 PM
To: publichearing@nanaimo.ca <publichearing@nanaimo.ca>; Mayor&Council
Subject: Public Meeting - September 8th, 2011 regarding raising the height restriction in neighborhoods

I am writing to advise that myself and my wife, Barbara, who reside at 6506 Raven Road DO NOT SUPPORT raising the height restriction to 9m in residential neighborhoods. Our neighborhood is well established, however, there are still some lots left for development. Raising the height to 9m will severely restrict a person's views of their landscape and many of us have seen our municipal taxes rise over the last couple of years because of the water view. We purchased our homes in this area because of the water view and having this compromised is not acceptable and will severely impact on property values.

Several members of our neighborhood had to attend a Board of Variance hearing approx. two years ago because a home owner, who was building a new home, wanted to raise the level of his roof above the height restriction. The request was

denied by the Board. Raising the height restriction by .75 of a meter (29 ¼ inches) doesn't sound like much but it would be enough to totally block some views and severely restrict others that people enjoy. A home is the most significant purchase anyone will make in their lifetime and raising the height restriction will have a very significant impact on their investment. Some people purchased their home in the location it is in knowing that there is a height restriction and believing that it will never change.

Andy Murray

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1392 / Virus Database: 1520/3881 - Release Date: 09/06/11

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 9:12 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Ronald and Janet Marwick has sent a Public Hearing Submission Online.

Address: 6548 Raven Road

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Amendment
Bylaw No. 2011 4500.004

Comments: We are in favour of the proposed Amendment to retain the 8.25 meter Height Restriction. Any changes to the existing height 8.5 would have a negative impact on existing subdivisions. Increasing height restrictions should only be permitted in brand new subdivisions.

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 9:52 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Stan & Susan Jarvis has sent a Public Hearing Submission Online.

Address: 6502 Gerke Place (lw'r)

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 6501 Kestrel Crescent

Comments: We are in favour of the proposed Amendment to retain the 8.25 metre Height Restriction....any higher will restrict many families viewing in this area and will not fit into the area plan.

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 12:00 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Boon Haw Lim has sent a Public Hearing Submission Online.

Address: 6059 Groveland Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: I am against increasing the height restrictions on residences around Nanaimo from 8.25 metre to 9 metre.

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 12:01 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Cheng Sim Lim has sent a Public Hearing Submission Online.

Address: 6059 Groveland Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: I am against increasing the height restrictions on residences around Nanaimo from 8.25 metre to 9 metre. As it will decrease the value of my house, houses will block our ocean view.

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 12:02 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Eric Lim has sent a Public Hearing Submission Online.

Address: 3018 Jameson Road

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: I am against increasing the height restrictions on residences around Nanaimo from 8.25 metre to 9 metre.

Penny Masse

From: Webmaster
Sent: Wednesday, September 07, 2011 12:02 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Julie Lim has sent a Public Hearing Submission Online.

Address: 3018 Jameson Road

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: I am against increasing the height restrictions on residences around Nanaimo from 8.25 metre to 9 metre.

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 12:15 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Bill & Lorraine Robertson has sent a Public Hearing Submission Online.

Address: 6580 Pelican Way, Nanaimo, BC V9V 1P9 Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Amendment Bylaw No. 2011 4500.004

Comments: We are in favour of the proposed Amendment to retain the 8.25 metre Height Restriction in Nanaimo. Allowing a higher height restriction could restrict the views of existing properties and thus devalue them.

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 12:16 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Sandra Rickson has sent a Public Hearing Submission Online.

Address: 5316 Kenwill Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: I am in favor of the proposed Amendment to retain the height of the previous Zoning Bylaw 4000 at 8.25 meters.

Thank you,
Sandra Rickson

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 12:26 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Patricia Archibald has sent a Public Hearing Submission Online.

Address: 5316 Kenwill Drive Nanaimo B. C.

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: I am in favour of the proposed Amendment to retain the height of the previous Zoning Bylaw 4000 at 8.25 metres.

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 2:33 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Gordon Fuller has sent a Public Hearing Submission Online.

Address: go4 Nicol St.

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: Honourable Mayor and Council

I am writing this submission in support of ZONING AMENDMENT BYLAW NO. 2011 4500.004

It has been said that the most important purchase an individual or family will make in their lifetime is their home. People purchase for many reasons the most important being the ambiance of the neighbourhood and views.

On reading Ken Connolly's submission I have to say that quite frankly, I was appalled.

Mr. Connolly has referred to the citizens of Nanaimo, who do not support his position, as being "a handful of bullies", he has also stated these citizens "own self-interests blind them to the realities of the world around them".

Pretty strong language, if I do say so. Seems to me if there's a 'bully' in the group he might like to take a look in the mirror and if those self interests are the very reasons they purchased a home in the first place then should it not be so?

As to realities of the world, perhaps Mr. Connolly has been absorbing too much of Donald Trump, on the TV.

The following is the essence of Mr. Connolly's submission, with the position's reversed, from the position of one whose 'interests' might be affected if this zoning bylaw were not to pass. It read's as follows;

With utmost respect regarding the complexities of the decisions you are required to make, I urge council to serve ALL members of our community by accepting the arguments of local citizens who wish to roll back the building height increase allowed for in Bylaw 4500.

You are elected to serve the entire community, and not just a few individuals. You are expected to act with due consideration and a vision for the future well being of our community and its citizens.

Evidence abounds that Bylaw 4500, with the proposed amendments, is well reasoned and will help our community to develop in a financially sustainable fashion for years to come. As stewards of public policy in this community you MUST vote for the benefit of the entire city and approve the amendment.

How tragic it would be if we all looked back on this issue and recalled that this council bowed to the pressure from a handful of developers self-focused arguments at this crucial juncture. Please vote now to serve the citizens of the City of Nanaimo, not a handful of people whose own self-interests and quest for profit blind them to the realities of the world around them.

In closing, this is a matter of fairness and in my opinion that's an issue you have to address by approving the amendment before you.

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 3:14 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Lars Apland has sent a Public Hearing Submission Online.

Address: 1277 Selkirk Drive, Nanaimo.

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Amending Bylaw No. 2011 4500.004

Comments: As an owner of an existing view property in Nanaimo, I believe that, in the interests of fairness, the 8.25 meter height restriction should be retained. I am in favour of the proposed Amendment to retain the 8.25 metre Height Restriction in established neighbourhoods.

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 10:37 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Fred Solylo has sent a Public Hearing Submission Online.

Address: 6540 Groveland Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.004

Comments: As a north end Nanaimo resident I am strongly opposed to the height increase for residential housing. An increase in height would impede the continuity of an existing neighborhood which we have all come to enjoy and appreciate.

Penny Masse

From: Webmaster
Sent: Tuesday, September 06, 2011 10:48 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Larry and Kathy Evans has sent a Public Hearing Submission Online.

Address: 6440 Raven Road

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Amendment

Bylaw #2011 4500.004

Comments: We would like the existing height restriction, set at 8.25 meters, to remain as is with no consideration to increase it to 9.00 meters.

What neighbourhoods are important for a 9m height.

Mr. Krastel has stated *all neighbourhoods are important*, but at the same time has acknowledge there are neighbourhoods established in say the past 30 years, (which I submit makes up a substantial portion of our City), that are not ready for replacement.....yet he states... why wait?.

As to Protecting View Corridors, I find the representative for the construction industry's comments to be very cavalier. The number of people affected is not "very, very small" as stated and yet the potential impact is significant for many citizens of Nanaimo...who have either invested in, or had built, residences believing they knew the rules of the road i.e. a maximum building height of 8.25 metres. Let's also keep in mind renovations/additions to existing residences can also impede views. And, what about all of the many existing residences with wonderful views of the ocean between Dickinson Road and Departure Bay. How many are there? Is the number "very, very small"?

As to Variances, the construction industry has only made reference to the Board of Variance and has omitted the optional Development Variance Permit. It is true the BOV is confined to considering variances limited to a demonstration of a 'hardship'. And, to use the example of houses built prior to 1980, perhaps this would in fact qualify as a hardship for a BOV application and BOV approval might therefore be granted, provided all other factors are also demonstrated. Nevertheless, 'hardship' is not required when Council is granting a Development Variance, and this option may very well be one potential tool for Staff and the industry to consider.

Building Schemes

I submit, it is not for the City to foist on to the Public an arrangement such that citizens should now have to rely on whatever Building Schemes they may, or may not, have been contracted to, when they purchased their residences. In many situations the building scheme might not have existed in the first place. Or, the Building Scheme may have expired through time, bankruptcy/death of the developer. But, and most importantly, it also puts the onus on the homeowner to obtain enforcement through the Courts (provided the developer is then in agreement). As most of us know, this can be a very time consuming process and often an impracticable solution to a disagreement between two parties. Accordingly, the substitution of the Building Scheme argument simply does not hold water.

Follow the Example of Other Cities.

Clearly the Public supports architectural style changes, both for new and established neighbourhoods. Nevertheless, in itself, this is not enough reason to justify over-riding other significant planning factors. Accordingly, for established subdivisions, it is simply wrong to thrust an out of proportion residence into an established neighbourhood, potentially with significant impediment to the neighbours existing views and no neighbourhood consultation.

As to the question of Supporting Nanaimo's Construction Industry, from what I have personally experienced over the past 10 years, this City has bent over backwards to accommodate this industry. Take for example the more recent changes to the Sign Bylaw, in regards to construction and realtor signage. If this was not a piece of legislation in favour of the industry, at the expense of the existing residential homeowners in Nanaimo, then what more could be granted... other than the complete elimination of the Bylaw. Regarding the question of jobs...sure we need them, but without the citizens there is no need for builders. Accordingly, the citizens are not just pawns for the job-makers and profiteers. The residential construction jobs are there because of the requirements of, and for, the citizens. Who is working for whom? Are we citizens working for the construction industry, or are they working for us?

In closing I question why the construction industry decided not to attend the Aug 22nd Special Council Meeting. The Public did attend, with three speakers and numerous letters presented, in support of the 8.25 metre height. As to conceding to pressure, that one cuts both ways and it seems to me the construction industry is often motivated by what might best suit its interests, regardless of the general public, who lest we might forget are also by far the most significant group of taxpayers within our City....while albeit not the most vocal. Furthermore, from what I have observed, the construction industry has not made one inch of compromise in their claims, there is no reaching out, no suggestion of workable participatory solutions that are fair to all.

Please continue to vote for the proposed amendment, as it is simply the right thing to do.

Jim Galloway

250 390 1906

Penny Masse

From: Marilyn Smith
Sent: Tuesday, September 06, 2011 8:54 AM
To: 'J Galloway'; Mayor John Ruttan; DIRECTORS; David Stewart; Penny Masse
Cc: Ted Greves; Merv Unger; Loyd Sherry; Fred Pattje; Jim Kipp; Diana Johnstone; Bill Holdom; Bill Bestwick
Subject: RE: Zoning Amendment Bylaw 4500.004

Your email regarding Zoning Amendment Bylaw 4500.004 has been received by all members of City Council. I have forwarded a copy of your email to members of our senior staff for their information.

Marilyn Smith
Administrative Assistant to Mayor and Council
City of Nanaimo
Phone: 250-755-4400
Fax: 250-754-8263

From: J Galloway [mailto:jgalloway@telus.net]
Sent: Monday, September 05, 2011 3:31 PM
To: Mayor John Ruttan
Cc: Ted Greves; Merv Unger; Loyd Sherry; Fred Pattje; Jim Kipp; Diana Johnstone; Bill Holdom; Bill Bestwick
Subject: Zoning Amendment Bylaw 4500.004

Mayor John Ruttan and Members of Council,

If I might, some comments in rebuttal to the construction industry's promotion of the increased height to 9 metres.

I'm one of the voices of the general public who are completely in support of the proposed amendment to retain the 8.25 metre height for residential zones, *particularly as it concerns existing established neighbourhoods*. I have, not by choice, (as I'd rather be fishing) also become one who has been spending the better part of the past few weeks fielding emails and phone calls from numerous citizens who believe very strongly in the need to retain our neighbourhoods and views that for many years, have been governed through a Zoning Bylaw with a 8.25 metre height limit.

Of the members of the public that I have met with, *not one* has accepted the statement "The only solution is a blanket 9m height restriction for all residential zones".

To specifically comment on the construction industry letters:

It has been stated "Density is Key to Nanaimo"

While this may be a theoretical objective from a planning perspective, clearly density is only one of the many planning factors to consider...and as such does not stand on its own.....as otherwise we should simply convert to a City of high-rises. Do we want Nanaimo to be like the west end of Vancouver? I don't think so. Furthermore, our concerns are limited to *established single family residential neighbourhoods*, where until major redevelopment and rezoning occurs, (which I submit for the majority of our existing neighbourhoods will be many years down the road), density will remain static. Raising the height of a single residence will, in itself, not increase the density, **but** it will, over time, impede existing views and hence reduce property values. Other factors such as adding secondary suites will increase the density, but that has already been accomplished. Clearly suites can be accommodated within the 8.25 metre height limit - as has been proven since that change was made. Furthermore, today, we are now dealing only with the height issue, as the density enhancing factors (such as smaller lots) of the new Bylaw 4500 have already been approved by Council. Accordingly, for purposes of discussing the height factor, *relative to existing subdivisions*, I submit the "density" argument is a non-issue.

Penny Masse

From: Marilyn Smith
Sent: Tuesday, September 06, 2011 8:55 AM
To: 'Anna Mohit'; Public Hearing; Mayor&Council
Cc: DIRECTORS; David Stewart; Penny Masse
Subject: RE: Zoning amendment bylaw no. 2011 4500.004

Your email regarding Zoning amendment Bylaw No. 4500.004 has been received by all members of City Council. I have forwarded a copy of your email to members of our senior staff for their information.

Marilyn Smith
Administrative Assistant to Mayor and Council City of Nanaimo
Phone: 250-755-4400
Fax: 250-754-8263

-----Original Message-----

From: Anna Mohit [<mailto:annamohit@yahoo.ca>]
Sent: Monday, September 05, 2011 2:12 PM
To: Public Hearing; Mayor&Council
Subject: Zoning amendment bylaw no. 2011 4500.004

To the Mayor and Council,

This is to inform you that we are strongly opposed to the notion of the Zoning Amendment Bylaw 2011 4500.004. It is patently unfair to increase the height restrictions from 8.25m to 9.0m in established neighbourhoods. No one wants to be unfairly compromised or disadvantaged by construction on empty lots, here and there, with new heights of 9.0m.

We find it disturbing that this amendment has already passed first AND second reading by council. Common sense dictates that this matter should never have been an issue, as it is unfair, a waste of discussion, time and money by council, given it's discriminating propensity to home owners already established in existing neighbourhoods.

If you want the bylaw to be operative in new developments, that is fine. That will provide equal opportunity to the new home owners but not in already existing neighbourhoods.

To conclude, we want our voices to be hard and be counted as NO to the Zoning Amendment Bylaw 2011 4500.004 Thank you, S. & A. Mohit

6573 Golden Eagle Way
Nanaimo (ph: 250.390.3634)
AND

Loraine Venuti
6577 Golden Eagle Way
Nanaimo (ph: 250.390.5177)

Sent from my iPad.....that's right, my iPad!

Penny Masse

From: Ted Greves
Sent: Tuesday, September 06, 2011 8:47 AM
To: 'C and J'; Mayor&Council
Cc: Public Hearing
Subject: RE: leave the height restriction at 8.25 metres please

Hello C and J,

Thank you for your e-mail concerning the height restriction for the residential housing zones. I am always interested in the reason for people becoming interested or involved in issues. I would like to ask your address (if you don't mind) and how you would be impacted personally by the height restriction.

Please be assured that I and the rest of council (although I cannot speak for them of course) take this issue seriously. Hopefully we can come to a consensus that satisfies most of the people in the City.

Thanks

Ted Greves

From: C and J [<mailto:homebodyboys@shaw.ca>]
Sent: Monday, September 05, 2011 7:29 PM
To: Mayor&Council
Cc: Public Hearing
Subject: leave the height restriction at 8.25 metres please

Your Worship,

Please leave house height maximum at 8.25 M in Nanaimo. There is no viable reason to go to 9 metres. Please ensure it doesn't change. This City, so I have been told, is allegedly "bought" by lobby groups/special interest groups, it's time to stop bending to groups, yes, even during these tough times....don't change the height restrictions by laws.

I am a tax paying home owner in North Nanaimo , (we should separate from the City of Nanaimo and create a city call North Nanaimo), and am very tired of the high property taxes and the occasional bit of garbage that comes from City hall.

Thank you.

Penny Masse

From: Pam Agnew [pamela.agnew@gmail.com]
Sent: Friday, September 02, 2011 4:44 PM
To: Mayor&Council; Public Hearing
Subject: Submission for September 8, 2011 public meeting, re bylaw 4500.004: height restrictions

September 2, 2011

Dear Mayor and Council,

I write to you as a Nanaimo property owner to express my support for a height restriction of 8.25 metres for single family residences in established neighbourhoods in Nanaimo. While I completely accept and expect zoning bylaws to change over time, these should always focus on being designed and applied in a manner that best serves both existing and future residents, on a no-harm basis. That is what sound development principles are all about; what is fair to all; and, what positively contributes to strong and healthy communities.

It may be one thing to say that an increased height restriction of 9 m is possible in new neighbourhoods that have no impact on established neighbourhoods, but it is another to impose a standard of 9 m for all land including properties and new subdivisions within established neighbourhoods. If a 9 m height restriction was allowed on all land in the City of Nanaimo, it would be possible for developers to erect higher homes in front of, behind, and next to, lower homes (adhering to 8.25 m height restrictions), with numerous negative consequences, including but not limited to light deprivation, increased shadow, negative privacy consequences, decreased livability, negative impacts on quality of life as well as negative impacts on property prices. No reasonable person could deem this fair.

As the City's own economic development office puts it in the 2010 community profile report on page 18: "There is a wide range of housing choices in Nanaimo, from waterfront estates to condos. Because of the mountainous terrain, many properties offer spectacular views ..." I would argue it is in no small part due to these beautiful views that many choose to purchase particular view properties, paying premium realty prices for them and the city appropriately benefiting from the resultant sustainable higher property tax base. To impede these views we market to prospective residents as one of Nanaimo's unique qualities when compared to similar-sized BC cities, is counter-intuitive.

But I think the most critical issue for current and future residents is the issue of fairness. Allowing one property to negatively impact another is wrong. Unfair treatment is also contrary to urban planning principles and design aesthetics which seek to embrace and protect the character and integrity of existing neighbourhoods, principles that promote and protect harmonious communities.

I believe there are always workable solutions. To better balance the needs of the present and the future, a bylaw could allow for future 9 m heights where these do not impact established neighbourhoods or individual properties within established neighbourhoods. In addition, any person wishing to apply for a variance would still be able to do so, with each application being considered on its individual merits along with input from all impacted residents within a site view of the said property. This would be fair to all.

When a city treats people fairly, we all win. Please let good sense prevail.

Thank you for the opportunity to comment on this matter again.

Pam Agnew

Penny Masse

From: Paul Glassen [paul_glassen@hotmail.com]
Sent: Friday, September 02, 2011 11:02 PM
To: Public Hearing
Subject: favour retaining 8.25 metre height

To: Public Hearing Record

Re: Support for proposed amendment to retain the 8.25 metre Height Restriction.

I have read the letters from both Mr. Ken Connelly and Mr. Kevin Krastel. As Mr. Krastel points out, construction is big industry. And yet, both of these members of the construction industry try to describe Nanaimo home owners as some sort of special interest group; "self-focused arguments of a very few vocal citizens" (Mr. Connelly's letter).

No, we home owners are not the special interest group. Indeed, we are the opposite, we have the interest of the general public in mind. We do not have the financial conflict-of-interest that these developers have. It is they who are rightly concerned for their profits. But that is just why their opinion is the opinion of a special interest group, one that stands to profit if it can have its way with council.

Mr. Krastel writes that, "City of Nanaimo Staff are continuing to do very well to develop(sic) a good working relationship with builders & developers." How is staff's relationship with the home owners whose taxes provide the city with two thirds of its revenues? Hopefully staff see their responsibility to the larger community. And if they fail to then it is for elected council to remind them.

A builder has a business interest, concerned with the short term profit that can be made in the near future. He is right to be. That's his job. But the home owning citizens are going to be living in this city for decades to come. They have the long term welfare of the city at heart.

Council certainly should consider the opinion of the construction industry. But vote for the good of the public as a whole.

Paul Glassen
Nanaimo
250 390-4054

Penny Masse

From: Webmaster
Sent: Saturday, September 03, 2011 1:56 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Raymond Leroux has sent a Public Hearing Submission Online.

Address: 6049 Christopher Rd

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2011 4500.004

Comments: I support a height of 8.25 meters in established neighbourhoods.

Penny Masse

From: Derek Young [annder@telus.net]
Sent: Saturday, September 03, 2011 5:04 PM
To: Public Hearing
Subject: Re.height restrictions.

Dear Sirs,

We would like to go on record that the new height restriction may impact us, there is an empty lot below us and depending what the roof line is of a new house with an extra 30 inches, it would spoil our view.

We already had an extra expense when building our house because the City allowed the wrong style of house immediately bellow us to be built, and it compromised our lot. The wall we had to build impacted 5 houses and cost us \$100,000.00 between us. Therefore spoiling our view now or at a later date would seem very unfair, as we expected to be protected by our City Council.

We do think that for Brand New Subdivisions where everyone is on equal heights, there would be no problem, but would be extremely unfair for already established subdivisions.

Thank you for your consideration in this matter.

Yours sincerely Mr. and Mrs. Derek Young.

Penny Masse

From: Brian Herten [brian_herten@telus.net]
Sent: Saturday, September 03, 2011 5:20 PM
To: Public Hearing
Subject: Fwd: Increase in Height Restriction for Residential Properties in Nanaimo - Concerns

Begin forwarded message:

From: Brian Herten <brian_herten@telus.net>
Date: August 18, 2011 12:21:19 PM PDT
To: mayor.council@nanaimo.ca
Subject: Increase in Height Restriction for Residential Properties in Nanaimo - Concerns

I would like to take this opportunity as a resident and taxpayer within the City of Nanaimo to express my concern with the current proposal to raise the height limit for residential properties. I have no objection to raising the height limit for new developments but object to the height increase where the increase will negatively impact existing properties with views. The revised height limit should be "grandfathered" to protect properties with views. The property owners have paid a premium to enjoy their view and the city through additionally property taxes paid have been enjoying a significant benefit financially. I would like to thank the council for their consideration.

Brian Herten
6254 Eldorado Place
Nanaimo, V9V1N4

Penny Masse

From: q q [jcoltart@shaw.ca]
Sent: Saturday, September 03, 2011 5:51 PM
To: Public Hearing
Subject: Zoning amendment bylaw 2011

This letter is to indicate that I am in favor of keeping the height restriction for single family residential houses at 8.25 metres throughout the city in established neighbourhoods.

Jocelyne Coltart

Penny Masse

From: Lynn [lkrop@telus.net]
Sent: Saturday, September 03, 2011 6:34 PM
To: Public Hearing
Subject: Re.Building height restriction

Mayor Ruttan and council members,

Thank you so much for freezing this height increase to residential dwellings until it has been further looked into.

As I have mentioned before this height increase for a brand new subdivision sounds very reasonable as everyone has the same height restriction to work from. To put in a height increase to subdivisions that are already well established would be disastorous. For our home, this would have a great impact on our view and the view was the reason we purchased the lot and built, knowing the height restriction on the empty lot in front of us (that is still empty). We have felt our view has been protected by the city by-laws. To change this after six years living here does not seem fair. It would not only interfere with our view but several houses on both sides of us will have their view interfered with in addition to the people across the street to this lot may not enjoy a higher house.

Another occurence that seems to happen with much older homes now when sold they are torn down and a new dwelling is put up. This new dwelling could then be higher than the previous height restrictions and ruin several homes view. It also can make the residential area look a bit out of kilter with most homes one height and this new home higher.

Sincerely

Lynn Kropinak

Penny Masse

From: J Galloway [jgalloway@telus.net]
Sent: Sunday, September 04, 2011 8:33 AM
To: Public Hearing
Subject: Bylaw No. 4500.004

Dr. Bothma is in favour of the Proposed Amendment to retain the height of the previous Bylaw 4400 at 8.25 metres, and hereby resubmits his letter for purposes of the Public Hearing.

From: Jaun Bothma [mailto:jaunbothma@gmail.com]
Sent: Wednesday, August 17, 2011 3:03 PM
To: Mayor&Council

Subject: Proposed height increase of single domestic dwellings

City Council of Nanaimo
The Mayor

Dear Sir

Could I please urge you to reconsider the bylaw affecting the building height of new single homes in established neighbourhoods: this bylaw seems to benefit the developer only.

As a homeowner in an established neighbourhood I hereby respectfully request you and your staff to reconsider this issue which has the potential to cause ramifications.

--

Dr Jaun Bothma
6559 Peregrine Road

Nanaimo

--

Jaun Bothma

Penny Masse

From: Anna Reeves [acreeves@shaw.ca]
Sent: Sunday, September 04, 2011 11:50 AM
To: Public Hearing
Subject: Supporting proposed amended bylaw to retain 8.25 metre height

I sent a notice to council saying I was not in favour of the increase height proposed by developers. I'm still of that opinion and support the proposed amended bylaw to retain the 8.25 metre height restriction.

Thank you
Anna Reeves
2657 Jasmine Place
Nanaimo, BC
V9T 5W6
250 758 9739

Penny Masse

From: Donna Watson [dwwatson@telus.net]
Sent: Sunday, September 04, 2011 3:55 PM
To: Public Hearing
Subject: FW:
Attachments: letter re zoning bylaws.wps

Attention Mayor and Council

Please read the attachment which supports the 8.5 meter height restriction, Zoning Bylaw No. 2011 4500.004

Thank You,

Donna and Wayne Watson

Penny Masse

From: Doug Unia [55omdu6@telus.net]
Sent: Sunday, September 04, 2011 9:35 PM
To: Public Hearing
Subject: Zoning Amendment ylaw #2011.004

Sirs,

I am in favour of retaining the height of the previous Zoning Bylaw 4000 at 8.25 meters. Existing propertyholders should not be subjected to their view being blocked by new construction.

Doug Unia
105 Cheryl Place
Nanaimo B.C.
V9V 1C5

Penny Masse

From: Webmaster
Sent: Monday, September 05, 2011 9:47 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Fred Kardel has sent a Public Hearing Submission Online.

Address: 6495 Raven Rd

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.004

Comments: I suport this amendment to revert R1 height restrictions to 8.25 meters.

Penny Masse

From: Webmaster
Sent: Monday, September 05, 2011 9:48 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Janice Kardel has sent a Public Hearing Submission Online.

Address: 6495 Raven Rd

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.004

Comments: I suport this amendment to revert R1 height restrictions to 8.25 meters.

Penny Masse

From: Anna Mohit [annamohit@yahoo.ca]
Sent: Monday, September 05, 2011 2:12 PM
To: Public Hearing; Mayor&Council
Subject: Zoning amendment bylaw no. 2011 4500.004

To the Mayor and Council,

This is to inform you that we are strongly opposed to the notion of the Zoning Amendment Bylaw 2011 4500.004. It is patently unfair to increase the height restrictions from 8.25m to 9.0m in established neighbourhoods. No one wants to be unfairly compromised or disadvantaged by construction on empty lots, here and there, with new heights of 9.0m.

We find it disturbing that this amendment has already passed first AND second reading by council. Common sense dictates that this matter should never have been an issue, as it is unfair, a waste of discussion, time and money by council, given it's discriminating propensity to home owners already established in existing neighbourhoods.

If you want the bylaw to be operative in new developments, that is fine. That will provide equal opportunity to the new home owners but not in already existing neighbourhoods.

To conclude, we want our voices to be hard and be counted as NO to the Zoning Amendment Bylaw 2011 4500.004 Thank you, S. & A. Mohit

6573 Golden Eagle Way
Nanaimo (ph: 250.390.3634)

AND

Loraine Venuti
6577 Golden Eagle Way
Nanaimo (ph: 250.390.5177)

Sent from my iPad.....that's right, my iPad!

Penny Masse

From: Webmaster
Sent: Monday, September 05, 2011 2:38 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Dale Clozza has sent a Public Hearing Submission Online.

Address: 125 Sharon Pl. Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4000

Comments: Keep the hieght of 8.25 metres. This will stop any over hieght being built in and older area witch could block views. (if you have a good view

Penny Masse

From: carl pauls [carl_pauls@yahoo.com]
Sent: Monday, September 05, 2011 4:35 PM
To: Public Hearing
Cc: Mayor&Council
Subject: Zoning Amendment Bylaw No. 2010 4500.004

I am in favor of the proposed amendment to retain the 8.25 metre height restriction

Carl Pauls
6559 Peregrine Road

Penny Masse

From: Anne Henderson [ahenderson40@shaw.ca]
Sent: Monday, September 05, 2011 5:44 PM
To: Public Hearing
Subject: Zoning amendment bylaw no 2011 4500.004

I am writing to say that I am in favour of of the proposed amendment to retain the 8.25 metre Height Restriction.
Anne Henderson

6025 Christopher Road

Penny Masse

From: C and J [homebodyboys@shaw.ca]
Sent: Monday, September 05, 2011 7:29 PM
To: Mayor&Council
Cc: Public Hearing
Subject: leave the height restriction at 8.25 metres please

Your Worship,

Please leave house height maximum at 8.25 M in Nanaimo. There is no viable reason to go to 9 metres. Please ensure it doesn't change. This City, so I have been told, is allegedly "bought" by lobby groups/special interest groups, it's time to stop bending to groups, yes, even during these tough times....don't change the height restrictions by laws.

I am a tax paying home owner in North Nanaimo , (we should separate from the City of Nanaimo and create a city call North Nanaimo), and am very tired of the high property taxes and the occasional bit of garbage that comes from City hall.

Thank you.

Penny Masse

From: Marilyn Smith
Sent: Friday, September 02, 2011 2:40 PM
To: 'Paul Glassen'; Mayor&Council
Cc: DIRECTORS; David Stewart; Penny Masse
Subject: RE: bylaw 4500

Your email regarding Bylaw 4500 has been received by all members of City Council. I have forwarded a copy of your email to members of our senior staff for their information.

Marilyn Smith
Administrative Assistant to Mayor and Council
City of Nanaimo
Phone: 250-755-4400
Fax: 250-754-8263

From: Paul Glassen [mailto:paul_glassen@hotmail.com]
Sent: Friday, September 02, 2011 2:35 PM
To: Mayor&Council
Subject: bylaw 4500

To: Mayor and Council

Re: bylaw 4500, height restriction

I have read the letters from both Mr. Ken Connelly and Mr. Kevin Krastel. As Mr. Krastel points out, construction is big industry. And yet, both of these members of the construction industry try to describe Nanaimo home owners as some sort of special interest group; "self-focused arguments of a very few vocal citizens" (Mr. Connelly's letter).

No, we home owners are not the special interest group. Indeed, we are the opposite, we have the interest of the general public in mind. We do not have the financial conflict-of-interest that these developers have. It is they who are rightly concerned for their profits. But that is just why their opinion is the opinion of a special interest group, one that stands to profit if it can have its way with council.

Mr. Krastel writes that, "City of Nanaimo Staff are continuing to do very well to develop(sic) a good working relationship with builders & developers." How is staff's relationship with the home owners whose taxes provide the city with two thirds of its revenues? Hopefully staff see their responsibility to the larger community. And if they fail to then it is for elected council to remind them.

A builder has a business interest, concerned with the short term profit that can be made in the near future. He is right to be. That's his job. But the home owning citizens are going to be living in this city for decades to come. They have the long term welfare of the city at heart.

Council certainly should consider the opinion of the construction industry. But vote for the good of the public as a whole.

Penny Masse

From: Marilyn Smith
Sent: Thursday, September 01, 2011 3:02 PM
To: 'Kevin Krastel'; Mayor&Council; Penny Masse; David Stewart
Cc: Andrew Tucker; 'CHBA - Admin'; 'Rick Windley'; 'IWCD - Greg Constable'; 'Blair Dueck'; 'A J Hustins'
Subject: RE: Amendment to the 9m Height Restriction

Your email regarding the amendment to the 9m height restriction has been received by all members of City Council.

Marilyn Smith
Administrative Assistant to Mayor and Council City of Nanaimo
Phone: 250-755-4400
Fax: 250-754-8263

-----Original Message-----

From: Kevin Krastel [<mailto:krasteldesign@shaw.ca>]
Sent: Thursday, September 01, 2011 1:23 PM
To: Mayor&Council
Cc: Andrew Tucker; CHBA - Admin; Rick Windley; IWCD - Greg Constable; Blair Dueck; A J Hustins
Subject: Amendment to the 9m Height Restriction

Dear Mayor & Council,

Further, to our ongoing discussion regarding the Amendment to the 9m Height Restriction.

First, I would like to provide my professional opinion regarding the vacant lot located at 6529 Peregrine Rd. This is the property of concern as pointed out by Lynn Kropinak of 6522 Groveland Dr. at the Aug 22 2011 Council Meeting. Her concern was that with the new 9m height restriction her view would be compromised.

There are two important factors that Council and Lynn Kropinak must understand:

1- BUILDING SCHEMES: I've designed many homes in this neighbourhood (Groveland, Peregrine, Raven & Ptarmigan) and recall clearly that Building Schemes are in place to protect the property owners. The Eagle Ridge Subdivision takes up most of this area. The building scheme for Eagle Ridge (which I'm not certain this lot is a part of) actually has specific height restrictions for each individual lot that supersede the City's height restriction. If this vacant lot does not fall within Eagle Ridge, it would be important for the property owner to find the building scheme in question to see if/how they are protected. There not only could be a lower height restriction, but also the building scheme could indicate which City Bylaw the height restriction adheres to. Many of these schemes will indicate the height adhere to the City of Nanaimo Zoning Bylaw 4000 for example.

2- A 9m HEIGHT DOES NOT MEAN A 9m HOUSE WILL BE BUILT: Again, I've designed many houses in this neighbourhood. I've also visited the vacant site in question and observed the existing houses around this lot. It is very important for you to understand that there is an overwhelming high probability that any house built on this property will be identical in shape and height to those around it. This is due to fact that these lots only suit Basement Entry type plans which are designed for front-facing views. I know from experience that most, if not all of these houses on Peregrine Rd are well below 8.25m in height. Realistically, most are probably more closer to 7.6m. This, in part is due to the limitations to max driveway slopes set forth by the Building Dept. Combine this with the trend that most builders will choose to incorporate lower roof slopes to preserve building costs results in the highest probability that the actual house that will eventually be built on this property will be well under 8.25m in height, not 9m.

I would also like to provide my opinion regarding some of you who are looking for a compromise to the 9m height: IE: Excluding existing neighbourhoods...applying the 9m height to new areas only. Older areas (Old City, Brechin, Townsite, Harewood, etc.) must be made available to higher density to combat urban sprawl, encourage revitalization and help increase downtown tax base revenue. A 9m height is a great tool to achieve this by allowing the opportunity to build 2 1/2 storey houses. Also, without a 9m height restriction it would be almost impossible for new buildings in the Old City to match the character of many existing houses which have steeper roofs. Also many existing houses in the Old City are far higher than 9m. Most newer subdivisions are protected by building schemes. Also, they won't be subject to knock-down-rebuild construction for many, many years. There are very, very few vacant lots that will have their views affected by a 9m height. There are many existing lots in new subdivisions which aren't selling due to the demands for taller, 2 1/2-storey houses which can't conform to a 8m height restriction. These lots on the high side of the street (Laguna Way, etc.) and do not affect view corridors either.

If there can be any compromise, I would like to add that we in the building industry ARE making a compromise...some of us were seeking a higher height restriction equal to most other municipalities. Instead, we compromised and chose a lesser 9m height which will still place us at a disadvantage compared to other cities when it comes to creative architectural expression.

I hope you will finally understand that providing a 9m height restriction to all residential areas of Nanaimo is the only solution.

Please vote against the proposed Amendment to Bylaw 4500- 9m Height Restriction.

Sincerely,

Kevin Krastel
Krastel Design Group Inc.
#204b- 2520 Bowen Rd
Nanaimo, BC V9T 3L3
250-756-1110

Penny Masse

From: Webmaster
Sent: Monday, August 29, 2011 10:21 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Jerry Ellins Architect has sent a Public Hearing Submission Online.
Address: 50 Haig Road Gabriola Island BC Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500
Comments: I am against the proposed amendment to the 9m height restriction.

Penny Masse

From: Webmaster
Sent: Monday, August 29, 2011 9:27 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Ken Connolly has sent a Public Hearing Submission Online.

Address: 2664 Willow Grouse Rd, Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500

Comments: Council and Mayor:

With all due respect and with regard for the complexities of the decisions you are required to make, I urge council to serve ALL members of our community by rejecting the self-focused arguments of a very few vocal citizens who wish to roll back the building height increase allowed for in Bylaw 4500. You are elected to serve the entire community, and not just a few individuals. You are expected to act with due consideration and a vision for the future well being of our community. Evidence abounds that Bylaw 4500 is well reasoned and will help our community to develop in a financially sustainable fashion for years to come. As stewards of public policy in this community you MUST vote for the benefit of the entire city. How tragic it would be if we all looked back on this issue and recalled that this council bowed to the pressure from a handful of bullies at this crucial juncture. To have done so will be to have betrayed your entire constituency by saddling present and future taxpayers with yet higher taxation. Please vote now to serve the City of Nanaimo, not a handful of people whose own self-interests blind them to the realities of the world around them.

Sincerely:

Ken Connolly

Penny Masse

From: Webmaster
Sent: Sunday, August 28, 2011 8:16 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Brian McCullough has sent a Public Hearing Submission Online.

Address: 211 Ferntree Place, Nanaimo BC

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Proposed
ammendment to 9 mtr height increase

Comments: I am against The Proposed Amendment To The 9m Height Restriction

Penny Masse

From: Webmaster
Sent: Friday, August 26, 2011 8:26 AM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Steven Leckie has sent a Public Hearing Submission Online.

Address: 457 Poet's Trail

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 9m Height Restriction

Comments: Against The Proposed Amendment To The 9m Height Restriction

Penny Masse

From: Webmaster
Sent: Thursday, August 25, 2011 4:19 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Grant Crabtree has sent a Public Hearing Submission Online.

Address: 2697 Beaver Creek Cres

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Hight restrictions

Comments: I am against the proposed amendment to changing the 9m hight restriction back to 8.25. This is going to cost the construction indusry and undermine any faith from the construction indusry to the memebers of council.

Penny Masse

From: Webmaster
Sent: Thursday, August 25, 2011 2:32 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Darrell K Mayzes has sent a Public Hearing Submission Online.

Address: 104-2520 Bowen Rd

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Against The Proposed Amendment To The 9m Height Restriction

Comments: Against The Proposed Amendment To The 9m Height Restriction

