

STAFF REPORT

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

FROM: J. HOLM, MANAGER, PLANNING SECTION,
COMMUNITY SAFETY & DEVELOPMENT

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2010-SEP-02
FOR BYLAWS NO. 4000.482, 4000.483, AND 4000.484

STAFF'S RECOMMENDATION:

That Council receives the report and the minutes of the Public Hearing held on Thursday, 2010-SEP-02.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2010-SEP-02, the subject of which was three items. Approximately 25 members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 4000.482

RA245 – 5825 Turner Road

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1) to Single Family Residential Small Lot Zone (RS-6) in order to facilitate a five-lot subdivision. The subject property is legally described as LOT 60, DISTRICT LOT 23G, WELLINGTON DISTRICT, PLAN 15154 EXCEPT THAT PART IN PLAN 33807.

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

There was one verbal and no written submissions received for this application.

2. BYLAW NO. 4000.483

RA249 – Part of 314 Benson View Boulevard

This bylaw, if adopted, will rezone part of the subject property from Single Family Mobile Home Residential Zone (RS-3) to Residential Duplex Zone (RM-1) in order to facilitate the construction of a duplex. The subject property is legally described as part of LOT 8, SECTION 11, RANGE 6, MOUNTAIN DISTRICT, PLAN 27954.

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

There were 14 verbal and 11 written submissions received for this application.

3. BYLAW NO. 4000.484

RA240 – 5619 Westdale Road

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) in order to facilitate construction of a duplex. The subject property is legally described as LOT 4, DISTRICT LOT 40, WELLINGTON DISTRICT, PLAN VIP87805.

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

There was one verbal and no written submissions received for this application.

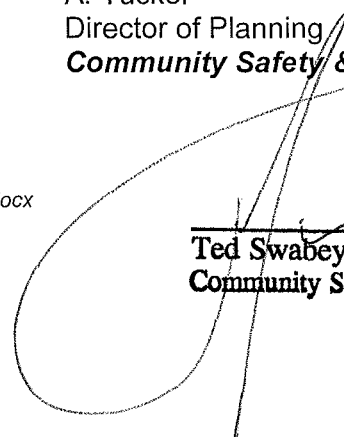
Respectfully submitted,



J. Holm
Manager, Planning Section
Community Safety & Development

A. Tucker
Director of Planning
Community Safety & Development

/pm/hd
Council: 2010-SEP-13
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Ted Swabey, General Manager
Community Safety & Development

**MINUTES OF THE PUBLIC HEARING HELD PURSUANT TO THE
LOCAL GOVERNMENT ACT, VANCOUVER ISLAND CONFERENCE CENTRE,
SHAW AUDITORIUM, 101 GORDON STREET, NANAIMO, BC,
ON THURSDAY, 2010-SEP-02, TO CONSIDER AMENDMENTS TO
THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"**

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

STAFF: J. Holm, Manager, Planning Section
P. Masse, Planning Clerk, Planning Section

PUBLIC: There were approximately 25 members of the public present.

CALL TO ORDER:

Mayor Ruttan called the meeting to order at 7:02 pm. Mr. Holm explained the required procedures in conducting a Public Hearing and the regulations contained within Section 892 of the *Local Government Act*. Mr. Holm read the items as they appeared on the agenda, adding that this is the final opportunity to provide input to Council before consideration of Third Reading of Bylaws No. 4000.482, 4000.483, and 4000.484 at the next regularly scheduled Council meeting of 2010-SEP-13.

1. BYLAW NO. 4000.482

RA245 – 5825 Turner Road

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1) to Single Family Residential Small Lot Zone (RS-6) in order to facilitate a five-lot subdivision. The subject property is legally described as LOT 60, DISTRICT LOT 23G, WELLINGTON DISTRICT, PLAN 15154 EXCEPT THAT PART IN PLAN 33807.

Mr. Ivan Plavetic, BEG Holdings Ltd. - Applicant Representative

- Proposal includes five small lots on the subject property; most of the lots are over the minimum size (325m²). Believes it is the best use for the subject property.

Mayor Ruttan asked for clarification regarding access and egress from subdivided lots.

Mr. Plavetic noted that three of the lots would be accessed by Arnhem Terrace and two lots will have access off of Turner Road.

There was one verbal and no written submissions received for this application. No further submissions were received for this application.

2. BYLAW NO. 4000.483

RA249 – Part of 314 Benson View Boulevard

This bylaw, if adopted, will rezone part of the subject property from Single Family Mobile Home Residential Zone (RS-3) to Residential Duplex Zone (RM-1) in order to facilitate the construction of a duplex. The subject property is legally described as part of LOT 8, SECTION 11, RANGE 6, MOUNTAIN DISTRICT, PLAN 27954.

Councillor Sherry noted that the Notice for the Public Hearing does not indicate that this application is being subdivided prior to any construction.

Mr. Holm confirmed that there is currently an active subdivision application under consideration by the Subdivision Approving Officer. The rezoning application applies to part of the property. This application would need to be completed prior to construction of a duplex on the property. Noted that the rezoning can precede the subdivision.

Councillor Sherry stated that he believes it is important that all neighbourhood residents be notified that there are two parcels in question if the rezoning is approved.

Mr. Paul Minhas, Jagats Holdings Ltd. - Applicant Representative

- Subdividing the lot from the parcel in order to construct a duplex with the purpose of creating affordable housing and density to the neighbourhood.
- Has constructed duplexes in the past with successful results, added that the clients from his last development forwarded a letter of recommendation to Staff.
- Held an open house regarding the proposal, three neighbourhood families attended. There were concerns regarding existing trees and the possible number of families that could live in the duplex. Noted that the number of trees that could be removed and the number of possible residents would be the same if a home with a suite or a duplex were to be constructed.
- Noted that Newcastle Engineering has been hired to design the drainage for the proposal.
- Noted that on-site parking would be provided for the proposal, which would not be the case if he were to build two single family homes with secondary suites; the suite residents would likely park on the street.

Mayor Ruttan noted that the plan drawings seem to indicate a large home.

Mr. Minhas stated that he builds duplexes to resemble homes, adding that he is attempting to blend in with the existing neighbourhood characteristics.

Mayor Ruttan asked how the proposal relates to the existing mobile home on the property.

Mr. Minhas noted that the neighbourhood currently houses several mobile homes and duplexes. Added that he would build a home on the lot where the mobile home currently exists if the duplex is approved and constructed. Noted that he currently has PLA approval to subdivide, just waiting for the final construction approval.

Councillor Bestwick asked Staff for clarification regarding the current zoning of the subject property and what it allows for.

Mr. Holm noted that the lot is currently occupied by a mobile home and is large enough to subdivide into two lots under the existing zoning. On the subdivided lots, under the existing zoning, the applicant could potentially retain the mobile home on one lot and build a single family dwelling with a secondary suite on the other. Alternatively, he could remove the mobile home and build a single family dwelling with a secondary suite on each lot.

Councillor Bestwick asked if the subject property would qualify for a duplex and / or a house with a suite on both lots if a subdivision were approved.

Mr. Holm noted that rezoning is required in order to construct a duplex. Under current zoning, he can build single family dwellings with secondary suites on both lots, which he can create through subdivision.

Mr. Minhas added that one of the lots is not big enough to build a duplex on; subdivision will create a lot which is big enough to construct a duplex.

Councillor Bestwick asked for confirmation that through subdivision, one lot would be big enough to build a duplex and one lot would be big enough to build a single family dwelling with a secondary suite.

Mr. Holm confirmed that Councillor Bestwick's statement was correct.

Councillor Pattje asked if any efforts had been made to advise neighbourhood residents of the proposal.

Mr. Minhas confirmed that he personally hand delivered letters to 20 homes.

Councillor Pattje asked for clarification on whether or not the delivered letters included information regarding the second lot and the eventual proposal to build a single family dwelling with a secondary suite on that lot.

Mr. Minhas stated he did not include the plans for the second lot in his correspondence; however, the residents who attended the open house were informed of the proposed plans for the second lot.

Councillor Holdom asked for clarification regarding the minimum lot size for a duplex.

Mr. Holm noted that the minimum lot size for a duplex lot is 750m²; the proposed duplex lot is 751m². Added that the remaining single family lot, if the rezoning and subdivision is approved, is 731m².

Councillor Holdom noted that if the parcel had been divided equally, neither property could contain a duplex.

Mr. Holm confirmed that in that case, each lot would be slightly short of the minimum size requirements for a duplex.

Councillor Holdom asked Mr. Minhas why he would apply for a duplex versus a single family dwelling with a suite, as there is no net gain in housing. Further asked for clarification on whether or not the duplex units would be strata titled and stated that a subdivision is not the responsibility of Council; it is decided upon by the Subdivision Approving Officer.

Mr. Minhas confirmed that he plans to strata title the duplex units, which creates affordable housing for younger families and added his daughter intends to buy one of the units.

Mr. Minhas stated that duplex units would sell for approximately \$279,000, while single family dwellings would sell for over \$400,000.

Mayor Ruttan asked if any nearby properties have mobile homes on them.

Mr. Minhas noted that the property next to the subject property had a mobile home on it previously and there are several mobile homes within the neighbourhood.

Mr. Terry Hill, 2344 Mill Road – Opposed

- Mr. Hill's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 4000.483".

Councillor Unger asked the speaker for clarification on his comment that regardless of what is constructed on the property, drainage will be a concern for him; asked if he would prefer the lot remain vacant permanently.

Mr. Hill noted that the mobile has been on the property for over 30 years and he would not mind if it remained, but would prefer that substantial storm drainage works be installed on the boulevard.

Ms. Cécile Hill, 2344 Mill Road – Opposed

- Ms. Hill's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 4000.483".

Ms. Deanna Olson, 318 Benson View Boulevard – Opposed

- Moved to the neighbourhood 7 years ago for the large yard, family atmosphere and unique character of the neighbourhood.
- Lived on a mobile on her property for two years in order to construct their home.
- Believes the value of her property will decrease if the rezoning is approved. Concerned about flooding, traffic and parking issues. The road is narrow and there are no sidewalks; this makes extra traffic unsafe for neighbourhood children.
- Four trees on the property line between her property and the subject property could potentially be affected by the development due to possible root interruption during construction. Attempted to speak to the City Arborist who was on vacation; no report regarding tree removal was generated for the property, as there were no concerns. Asked for clarification on how many trees per year are permitted to be removed from a property under the current and proposed zoning.

Mayor Ruttan asked Staff for clarification regarding the speaker's questions regarding tree removal.

Mr. Holm noted that a Tree Removal Permit (TRP) application would be required through subdivision for any tree removal necessary to accommodate the subdivision, added that for parcels this size the property owner is permitted to remove up to four trees per year without a TRP. If the owner obtained a TRP, it is possible to remove more trees.

- Ms. Olson noted that she contacted City Engineering Staff to view a report, which is not available to the public, regarding drainage concerns on the subject property. Noted that a letter was forwarded to Mr. Minhas suggesting he obtain a geotech for the property. Does not believe a rezoning should be considered until the drainage concerns are addressed.
- Believes the developer does not have a regard for the character of the existing neighbourhood and that he is only out for financial gain.
- Neighbourhood is a close community; does not want to see that change.
- Submitted a location map, which indicates existing neighbourhood duplexes (attached as a part of "Attachment A – Submissions for Bylaw No. 4000.483"). Believes that an additional duplex would be too many for the neighbourhood.
- Believes emergency vehicles could have difficulty in reaching the neighbourhood in the snow due to the narrow road.
- Questioned how cars would back out of their garage of the proposed duplex if someone were parked on the drive-way; believes this could create on-street parking.

Mayor Ruttan asked if on-street parking was currently a concern for the neighbourhood.

Ms. Olson noted that there are little to no cars currently parking on the street in the neighbourhood.

Ms. Olson asked Council to listen to the residents and not the developer.

Mayor Ruttan stated that the specific purpose of a Public Hearing is to allow Council to hear resident comments. Assured the speaker that every issue brought before Council is examined very carefully.

Councillor Holdom noted that 310 and 308 Benson View Boulevard were the subject of a subdivision to create two RS-3 lots.

Mr. Holm advised that he could not be certain, but thought the lots may have been previously subdivided approximately 4 years ago.

Councillor Holdom asked if the subdivision would have been created without reference to Council, as no rezoning was required.

Mr. Holm confirmed that the subdivision would have been approved by the Subdivision Approving Officer without reference to Council.

Councillor Holdom noted to the speaker that the only thing Council can consider at the Hearing is the rezoning application for the larger portion of the lot to duplex. Asked the speaker why she is opposed to a duplex when the owner can legally build two single family dwellings with secondary suites on the lots.

Ms. Olson stated she understands that two single family dwellings with suites could be constructed. Added that she believes the proposal will decrease the value of her home and that it is out of character with the neighbourhood as the existing duplexes in the neighbourhood have been there for a long time.

Mr. Dave Olson, 318 Benson View Boulevard – Opposed

- Concerned about the trees on his property line, next to the subject property, which could be fatally harmed during construction.

- Believes on-street parking could be a problem if the proposal is approved, added that emergency vehicles might have a difficult time as there are no sidewalks and it is a narrow road.
- Concerned about drainage from the subject property.

Mr. Ben Patton, 308 Benson View Boulevard - Opposed

- Has owned his property for over 20 years. Noted that the mobile on his property was removed 11 years ago.
- Concerned about children safety due to increases in traffic and on-street parking.

Ms. Laverne Patton, 308 Benson View Boulevard - Opposed

- Ms. Patton's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 4000.483".

Councillor Pattje asked the speaker if she had attended the open house.

Ms. Patton stated that she did not attend the open house.

Councillor Pattje noted that plans for both lots were explained at the open house.

Ms. Marie Gravelle, 302 Benson View Boulevard – Opposed

- Purchased her property over 30 years ago due to the large lot and because the neighbourhood was ideal for a growing family. Was assured that the lots would not be subdivided at the time of purchase.
- Believes her property value will decrease if approved and that the neighbourhood will be "destroyed". Does not believe the proposal conforms to the existing neighbourhood.
- Does not want any more traffic, people, noise or diversification in the neighbourhood.
- Concerned about children safety in the narrow street and about emergency vehicles being able to access the street in the snow.
- Distressed that "just anyone" can come into her neighbourhood, reap benefits and then leave. Questioned what is in it for her and her neighbours.
- Submitted a petition with 18 signatures (attached as a part of "Attachment A – Submissions for Bylaw No. 4000.483").

Councillor Unger asked Staff for clarification if Benson View Boulevard is the standard width of city streets.

Mr. Holm noted that Benson View Boulevard is a rural standard with no sidewalks. Added that the road allowance is of standard width.

Councillor Unger asked if it is Staff's opinion that emergency vehicles would be able to access the road.

Mr. Holm noted that the Fire Department and the Engineering Department had no concerns about the roadway during the referral process for the application.

Mr. Adam Mentos, 2330 Panorama View Drive – Opposed

- Mr. Mentos' presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 4000.483".

Ms. Diann Anderson, 310 Benson View Boulevard – Opposed

- Ms. Anderson read into the record a submission from Mr. A.R. Anderson ((attached as a part of "Attachment A – Submissions for Bylaw No. 4000.483").
- Ms. Anderson's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 4000.483".

Mayor Ruttan asked the speaker if she was satisfied with the amount of communication she received from the applicant.

Ms. Anderson noted that a duplex was not discussed, only that Mr. Minhas' daughter was going to be living in a mobile home on the property.

Ms. Sharon Kofoed, 2322 Panorama View – Opposed

- Ms. Kofoed read into the record a submission from Ms. Geraldine Crown and Mr. Mike Crown (attached as a part of "Attachment A – Submissions for Bylaw No. 4000.483").
- Ms. Kofoed's presentation is attached as a part of "Attachment A – Submission for Bylaw No. 4000.483".

Councillor Holdom asked the speaker if she is aware that the parcel, under existing zoning, can be subdivided without reference to Council.

Ms. Kofoed confirmed that she understands that the owner can subdivide the property without Council reference and that the owner can effectively make the same housing gain without a rezoning, which is why she questions the necessity of the rezoning.

Councillor Holdom asked Staff to review the benefits, if any, to the intent of the OCP this proposal would create, since it does not increase density in any way.

Mr. Holm noted that the OCP encourages a mix of low density residential uses in Neighbourhood designated areas, which may include semi-detached dwellings, secondary suites, special needs housing, mobile homes, duplexes, triplexes, quadraplexes, and townhomes. Residential densities from 10-15 units per hectare in 2 to 4 storey building forms are supported. Affordable housing is an additional goal of the OCP. Added that the OCP does support this type of rezoning.

Councillor Holdom noted that rental suites of two single family homes would rent for less than the duplex units would, questioned how any net gain in affordable housing is attained through this application that could not be accomplished through existing zoning.

Mr. Holm noted that the secondary suites would be more affordable from a rental perspective.

Mr. Steve Ewasiuk, 315 Benson View Boulevard – Opposed

- Has lived adjacent to the subject property for 10 years. This is an established single family neighbourhood and should remain so.
- Attended the open house, as he was concerned that the proposed duplex could be a rental unit. Mr. Minhas confirmed the units would be for sale but he did not mention a single family dwelling was proposed for the second lot. Mr. Minhas suggested he look at a duplex he recently completed on Salmon Road; noted that the duplex is very large and a similar duplex on the subject property would be out of place in the neighbourhood.
- Believes the lane is too narrow for the additional on-street parking the proposal would create.

Mr. Paul Steele, 292 Benson View Boulevard – Opposed

- Does not believe this is the time nor place for this style of development.
- Believes the proposal, if approved, would irrevocably alter the nature, forest cover and drainage patterns of the area.
- From an engineering and design perspective he does not believe it will fit into the existing neighbourhood.
- Concerned that trees would be severely damaged due to the construction.
- Believes this style of densification would work in other areas of the city and that City Staff and Council should relook at smaller, single family dwellings on sub-dividable larger properties.
- Understands that the City does not have the proviso for allowing separate single family dwellings on 1100-1500ft² lots. Strongly suggests that this is investigated as a housing option within Nanaimo.

Councillor Holdom commended the idea of separated buildings as a duplex form and agreed that it should be investigated as a housing option in Nanaimo. Asked the speaker if he understood that the subdivision of the property would not alter the density, just the housing form.

Mr. Steele noted that he is from Vancouver where he saw many larger properties split up. Believes this is not the right time or place for this type of densification.

Mr. Lee Crowder, 2336 Mill Road - Opposed

- Moved to the neighbourhood 25 years ago due to the large, single family lots. Believes it should remain so and should not be subdivided.

Mr. Paul Minhas, Jagats Holdings Ltd. - Applicant Representative - Redress

- Noted that if two single family homes with secondary suites are constructed then renters and owners will park in the street; his proposal includes on-site parking. Added that the same amount of trees would be removed regardless of the housing forms constructed.
- Has lived in the community for 34 years, has a good reputation as a developer and takes pride in his work. Always ensures that he does not remove trees that do not need to be removed.
- This is his livelihood, so of course he wishes to make a profit.

- His daughter is living in the existing mobile home but plans on buying one of the duplex units.
- When construction is underway, fences and landscapes are immediately installed on the property to ensure it is not an eyesore for the neighbouring community. Believes the proposal is good fit to the community.

Councillor Pattje asked the applicant what his reaction is to the concerns raised regarding the community contribution being offered as part of the proposal.

Mr. Minhas noted that the community contribution is in line with what Staff requested and what is currently typical for rezoning applications (i.e.: \$1000 per unit). Added that he would be willing to increase the community contribution if needed.

Ms. Sharon Kofoed, 2322 Panorama View – Opposed – Redress

- Her concerns regarding the community contribution have nothing to do with the monetary amount; she believes the proposal is incongruent with the neighbourhood. Feels denigrated by the suggestion of such a small amount.

There were 14 verbal and 11 written submissions (attached as “Attachment ‘A’ – Submission received for Bylaw No. 4000.483”) received for this application. No further submissions were received for this application.

3. BYLAW NO. 4000.484

RA240 – 5619 Westdale Road

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) in order to facilitate construction of a duplex. The subject property is legally described as LOT 4, DISTRICT LOT 40, WELLINGTON DISTRICT, PLAN VIP87805.

Mr. Ivan Plavetic, BEG Holdings Ltd. - Applicant Representative

- Noted that the parcel is going to be subdivided into two, single family lots (1274m²). Added that Staff encouraged three units, but he is instead proposing a duplex. The proposal is part of a subdivision he has already completed.

Mayor Ruttan asked for clarification regarding access and egress.

Mr. Plavetic noted that all access and egress would be off of Westdale Road.

Mayor Ruttan asked if the neighbourhood residents had been consulted regarding the proposal and if there was any opposition.

Mr. Plavetic noted that neighbourhood residents had been consulted and there was no opposition.

Councillor Holdom asked if the proposed duplex would be side by side, staggered or up and down.

Mr. Plavetic stated the proposal is for a side by side duplex.

Councillor Unger asked for clarification on what the plans are for the existing building represented on the aerial photo of the subject property.

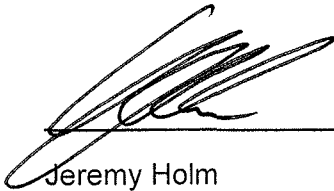
Mr. Plavetic stated that the building shown on the aerial photo has been removed.

There was one verbal and no written submissions received for this application. No further submissions were received for this application.

MOVED by Councillor Sherry, SECONDED by Councillor McNabb, that the meeting be adjourned at 8:40 pm.

CARRIED

Certified Correct:



Jeremy Holm
Manager, Planning Section
Community Safety & Development



Andrew Tucker
Director of Planning
Community Safety & Development

Attachment A

Submissions

For

Bylaw No. 4000.483

(RA249 – Part of 314 Benson View Boulevard)

Penny Masse

From: Webmaster
Sent: Wednesday, September 01, 2010 11:34 AM
To: Public Hearing
Cc: Cam Scott
Subject: Send a Submission Online

Ron Bolin has sent a Public Hearing Submission Online.

Address: 3165 King Richard Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 314 Bensonview Blvd.
Comments While I leave the specifics of this example to the neighbours who are intimately involved, I bring to your attention the following observations which pertain to this and to other similar spot rezoning schemes which add to the cost of housing in Nanaimo. This statement which I have written has also been presented in the blog: www.nanaimocityhall.com.

At a Public Hearing this Thursday, Sept.2, we can see a case of paltry community contributions in action. There is a request for a rezoning on part of a parcel at 314 Bensonview Blvd. The lot is currently zoned RS3 for mobile home development and is either .36 or .4 acres in size depending on whether you look at NanaimoMap or the Staff Report. The land portion of the property is currently assessed at \$168,000.

Interestingly for comparative purposes immediately adjacent to this lot are two other RS3 lots. An examination of the other local lots, also RS3, indicates this to be the result of a previous subdivision of a lot of approximately the same size as that under question, though it involved no rezoning. This offers an interesting opportunity to examine the effect of a subdivision on land values.

The land on the two lots which were created is assessed at \$145,000 each for a total of \$290,000 for an increase in value for an equivalent area of \$122,000. For Council's approval of this deal the developer has proposed a \$2000 monetary contribution towards the City of Nanaimo's Affordable Housing Legacy Fund. This leaves a tidy \$120,000 to hand as the value of the approval.

Surely, all other factors aside, this is indeed a paltry price to pay for \$122,000 in value. But wait, there's more. This is not a simple subdivision. It is also an upzoning to permit a duplex development on one half of the lot. Still more value to be obtained for that \$2000 donation.

This is why a major legal way to make real money in Nanaimo is via real estate. Spinning straw into gold is a profitable venture. It is legal and it is municipally approved. It also contributes mightily to the cost of housing. There was NO real value created by this rezoning/subdivision, but Staff recommendations, Council decisions and BC assessments have intervened to greatly inflate its price/value. The logic of this pulled-out-of-the-air inflation requires further examination as does its affects on a neighbourhood, on zoning and on an OCP.

Ron Bolin

3165 King Richard Drive

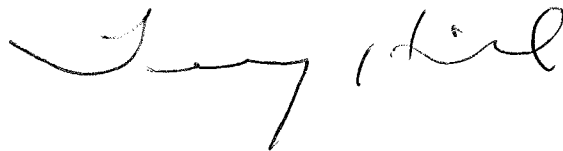
Nanaimo, BC V9T 4A1

tel 250-785-3973

Good evening, my name is Terry Hill, I live at 2344 Mill Rd, our lot shares a property line with the subject property. I would like to register my opposition to this application for rezoning and subdivision of 314 Bensonview Blvd. The large lots in this subdivision were a particular attraction at the time of purchasing, this proposal would alter that spaciousness quite substantially.

Another reason for my objecting to the application as it is now written is my concern how storm water is to be managed. Presently the subject lot has approximately 90% of it's area covered in vegetation, trees, shrubs and grass, and less than 10% of the area, the mobile, in a fast runoff cover. Being down slope from this lot, during most normal rainfall events the slow runoff created by the vegetation keeps the storm water from ponding in our backyard. Occasionally after a major rain event as we had this spring, the water will pond in our yard.

In the proposal, it was stated that storm water in the past had been dealt with by using rock pits, this is not so, as all the mobiles on this side of Bensonview Blvd were slab on grade and the downspouts from the gutters, emptied onto the surface of the ground. If the proposal goes ahead and rock pits are used to manage up to 40% of the area of lot B and we don't know what the future fast runoff cover will be for lot A, plus the groundwater generated by the perimeter drains I expect even normal event storm water runoff will be showing up in our yard. Thank-you.

A handwritten signature in cursive script, appearing to read "Terry Hill". The signature is written in dark ink on a white background.

Good evening! My name is Cécile Hill. I live at 2344 Mill Rd. Our back yard is adjacent to the property on 314 Benson View Bld. I oppose the rezoning of that property particularly because in order to build a duplex on that property, the tall fir trees on that property would have to be cut down. Those trees provide much needed shade around our house.

Thank you!

Cécile Hill

SCHEDULE A

Existing Duplexes.



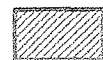
File: RA000249

Civic: 314 Benson View Boulevard

LOCATION PLAN



Subject
Property



Portions
to be
Rezoned

Ben and Laverne Patton
308 Benson View Blvd
Nanaimo, BC V9R 6S9

September 2, 2010

City of Nanaimo
Community Safety and Development Division
455 Wallace Street
Nanaimo, BC V9R 5J6

Dear Council Members:

RE: Public Hearing for Bylaw No. 4000.483
Part of 314 Benson View Blvd
File No. RA249

We, Ben and Laverne Patton, oppose the application to rezone part of 314 Benson View Blvd to construct a duplex on the portion to border the property line of 318 Benson View Blvd.

Permitting this application to move forward changes the existing neighborhood that we have resided in for over 20 years.

We have pictures and addresses of existing duplexes within a 1.2 km radius of our home to show you tonight. You will note that not one of them is built on a 51'11" lot. Splitting the title in order for Mr. Minhas to sell each unit as he has discussed with residents would officially make 2 strata lots of approximately 25' per side. That is an extreme change and in no way follows this established neighborhood.

The list below demonstrates how extremely well diversified our neighborhood is. I would like to remind council that all of these housing forms and zones are all within a 1.5 km radius from our property:

- 1.) Ten duplexes;
- 2.) Westwood Lake Campgrounds for camping, recreational vehicles and cabins which accommodate short and long term tenancies (380 Westwood Rd);
- 3.) Wish-Sha Mobile Home Park (2301 Arbot Rd);
- 4.) Resort on the Lake (2323 Arbot Rd);
- 5.) Two known home based business (304 Benson View Blvd and 2329 Arbot Rd);
- 6.) At least one known facility for short and long term patients of head and/or other injuries (2316 Arbot Rd);
- 7.) Westwood Racquet Club with an eatery facility (2367 Arbot Rd); and
- 8.) Bethlehem Retreat Centre, a facility for conventions including overnight lodging available within the larger building, cabins and outside camping areas (2371 Arbot Rd).

City of Nanaimo
September 2, 2010
Page 2

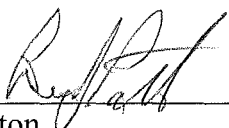
Our lot 308 Benson View Blvd and 310 have land assessments of \$145,000.00 while 314 Benson View Blvd is assessed at \$168,000.00. It appears that $\$145,000.00 \times 2 \text{ lots} = \$290,000.00$ and represents more tax generating dollars. The act of subdivision and the rezoning confers a fairly substantial profit for Mr. Minhas.

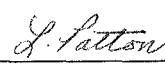
Mr. Minhas wants to build the duplex and sell both sides. Then he wants to build a single family residence on the other lot. When everything sells, he's turned a good profit. All this profit and he only offers up a mere \$2,000.00 contribution towards the Affordable Housing Legacy Fund. And to top it off, Mr. Minhas doesn't live the neighborhood. If granted this rezoning, he would be allowed to alter our area effectively making his property "non-conforming" in our opinion. We don't believe it will enhance the value of the existing residences nor be visually appealing. Sad to say, this whole incident will be nothing more than an investment to make money and move onto something else. We will be left with all the changes while financially advancing Mr. Minhas who merely moves on.

We are also concerned about the added traffic and parking. The residents ("family") permitted to reside in the dwelling ("duplex"), both described in the Zoning Bylaw 4000, is very liberal. This will create an interesting problem especially during the winter since there is an incline in the street, which is difficult to drive on, particularly during the snowy season.

We thank you for the time to voice our concerns about the well being of our neighborhood and our desire to preserve the structure that has been established for many years which means a lot to the homeowners and families who make this area their home...

Yours truly,


Ben Patton


Laverne Patton

Enclosures:

Pictures of duplexes (1 page)

Format for the pictures (1 page)

Property reports for 308, 310 and 314 Benson View Blvd (6 pages)

Zoning Bylaw 4000 to reference "family" and "duplex" (2 pages)

Staff Report RE: RA249 – Part of 314 Benson View Boulevard (4 pages)

August 20, 2010 invitation from Mr. Minhas (2 pages)

Section 7.3 as referred to in the Staff Report under "Community Contribution" (2 pages)



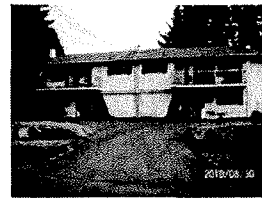
Picture 188



Picture 189



Picture 190



Picture 191



Picture 192



Picture 193



Picture 194



Picture 195



Picture 196



Picture 197



Picture 198



Picture 199



Picture 200



Picture 201



Picture 202



Picture 203



Picture 204



Picture 205



Picture 206



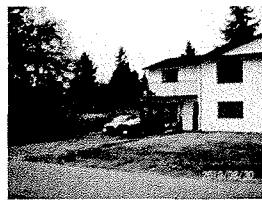
Picture 207



Picture 208



Picture 209



Picture 210



Picture 211



Picture 212



Picture 213



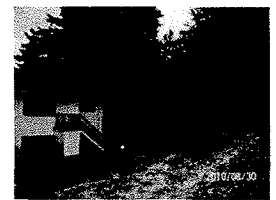
Picture 214



Picture 215



Picture 216



Picture 217

Format For Pictures

3 pictures per duplex unit

Shot 1 is the front profile.

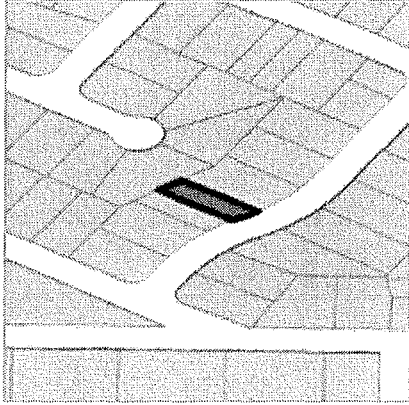
Shot 2 captures to the left of the duplex.

Shot 3 captures to the right of the duplex.

Picture #'s	Address
188 - 190	286 - 288 Benson View Blvd
191 - 193	109 - 109A Timber View Dr
194 - 196	2310 - 2312 Tower View Dr
197 - 199	2363 - 1365 Westhill Pl
200 - 202	2416 - 2418 Mill Rd
203 - 205	2376 - 2376 Mill Rd
206 - 208	2374 Mill Road
209 - 211	2360 - 2364 Arbot Rd
212 - 214	2273 - 2375 Arbot Rd
215 - 217	274A & B Twiggly Wiggly Rd

308 BENSON VIEW BOULEVARD - PROPERTY REPORT

[Home](#) > [Data](#) > [Property](#) > 308 BENSON VIEW BOULEVARD

GENERAL INFORMATION		PARCEL MAP
Address:	308 BENSON VIEW BOULEVARD, NANAIMO, BC	
Folio:	05349.244	
Plan:	40621	
Size:	8154 SQUARE FEET	
Legal Description:	LOT 2, SECTION 11, RANGE 6, MOUNTAIN DISTRICT, PLAN 40621, MODULINE GIBRALTER MHR 84195	
		Open as KML (Google Earth) Open in Google Maps Open in Bing Maps

EXTENDED INFORMATION	
Zoning	RS-3 SINGLE FAMILY MOBILE HOME RESIDENTIAL ZONE
Garbage Pick-Up	Route: <u>B-2</u> Number of Cans Allowed: 1
Sewer Benefiting Area	YES
GIS Link	208724
Location	49.16782, -124.0055

ASSESSMENT DATA <input type="checkbox"/>	
2010 Assessment Year	
Assessment Codes	Residential
Land Value	\$145,000.00

Exemption	\$0.00
Improvements	\$93,400.00
Exemption	\$0.00
Total Assessed Value	\$238,400.00
For authoritative assessment information, contact BC Assessment	

GOOGLE STREET VIEW 

View other properties on [BENSON VIEW BOULEVARD](#), or [search for other Nanaimo properties](#).

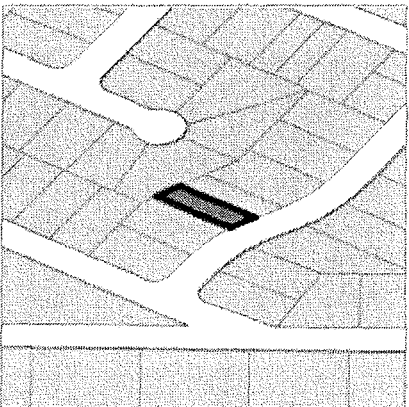
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Use subject to Terms and Conditions

[old property report](#)

310 BENSON VIEW BOULEVARD - PROPERTY REPORT

[Home](#) > [Data](#) > [Property](#) > 310 BENSON VIEW BOULEVARD

GENERAL INFORMATION		PARCEL MAP
Address:	310 BENSON VIEW BOULEVARD, NANAIMO, BC	 <p> Open in NanaimoMap Open as KML (Google Earth) Open in Google Maps Open in Bing Maps </p>
Folio:	05349.242	
Plan:	40621	
Size:	8075 SQUARE FEET	
Legal Description:	LOT 1, SECTION 11, RANGE 6, MOUNTAIN DISTRICT, PLAN 40621, MANCO MAJESTIC MOBILE HOME, MHR 60036 EXEMPT	

EXTENDED INFORMATION	
Zoning	RS-3 SINGLE FAMILY MOBILE HOME RESIDENTIAL ZONE
Garbage Pick-Up	Route: B-2 Number of Cans Allowed: 1
Sewer Benefiting Area	YES
GIS Link	120718
Location	49.16774, -124.0057

ASSESSMENT DATA <input type="checkbox"/>	
2010 Assessment Year	
Assessment Codes	Residential
Land Value	\$145,000.00

Exemption	\$0.00
Improvements	\$56,400.00
Exemption	\$0.00
Total Assessed Value	\$201,400.00

For authoritative assessment information, contact [BC Assessment](#)

GOOGLE STREET VIEW 

View other properties on [BENSON VIEW BOULEVARD](#), or [search for other Nanaimo properties](#).

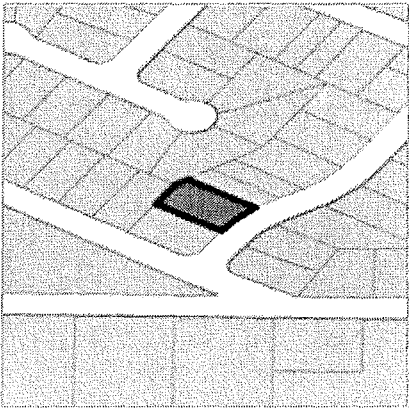
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[old property report](#)

314 BENSON VIEW BOULEVARD - PROPERTY REPORT

[Home](#) > [Data](#) > [Property](#) > 314 BENSON VIEW BOULEVARD

GENERAL INFORMATION		PARCEL MAP
Address:	314 BENSON VIEW BOULEVARD, NANAIMO, BC	 <p> Open in NanaimoMap Open as KML (Google Earth) Open in Google Maps Open in Bing Maps </p>
Folio:	05349.235	
Plan:	27954	
Size:	0.36 ACRES	
Legal Description:	LOT 8, SECTION 11, RANGE 6, MOUNTAIN DISTRICT, PLAN 27954	

EXTENDED INFORMATION	
Zoning	RS-3 SINGLE FAMILY MOBILE HOME RESIDENTIAL ZONE
Garbage Pick-Up	Route: B-2 Number of Cans Allowed: 1
Sewer Benefiting Area	YES
GIS Link	119940
Location	49.1676, -124.0059

ASSESSMENT DATA <input type="checkbox"/>	
2010 Assessment Year	
Assessment Codes	Residential
Land Value	\$168,000.00

Exemption	\$0.00
Improvements	\$38,300.00
Exemption	\$0.00
Total Assessed Value	\$206,300.00

For authoritative assessment information, contact [BC Assessment](#)

GOOGLE STREET VIEW 

View other properties on [BENSON VIEW BOULEVARD](#), or [search for other Nanaimo properties](#).

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[old property report](#)

"DWELLING, MULTIPLE FAMILY" - means any building or cluster of buildings consisting of two or more dwelling units. For the purposes of this Bylaw, multiple family includes seniors' congregate housing.
(4000.218; 2001-Aug-13)

"DWELLING UNIT" - means one or more habitable rooms constituting a self-contained unit with a separate entrance for the residential accommodation of only one family and contains or provides a cooking facility.
(4000.075; 1995-Jan-23)

"EMERGENCY PREPAREDNESS KIOSK" – means a container or other type of receptacle intended for use in response to natural disasters, diseases or other threats, and used for storage of emergency supplies such as bottled water, canned foods, clothing and bedding, and first aid supplies.
(4000.346; 2004-Jun-07)

"EMERGENCY SHELTER" - means the use of a building for the purpose of a temporary residence providing emergency and support services. **(4000.342; 2004-Jan-26)**

"ENTERTAINMENT USE" - means a building, structure or lot used or intended to be used for the purpose of nightclubs, cabarets, cinemas, theatres and the like. (See Part 5 "ENTERTAINMENT USES")
(4000.335; 2004-Jan-26).

"FABRIC COVERED STRUCTURES" – means a pre-manufactured structure consisting of wood framing, tubular metal, or tubular plastic frame, covered on the roof and a maximum of three sides covered with fabric, reinforced plastic, vinyl, or other sheet material, with a maximum floor area no greater than 22.3 square metres (240 square feet) intended for temporary storage purposes.
(4000.326, 2003-Aug-18)

"FAMILY" - means one or more individuals occupying a dwelling who are related through marriage or common law, blood relationship, legal adoption, or legal guardianship, or residents of a licensed group home, or a group of not more than 5 unrelated persons including servants, boarders, and lodgers. **(4000.075; 1995-Jan-23)**

"FARM BUILDING" – means a structure which projects above the ground and which is used or intended to be used for the support, enclosure, storage and /or shelter of animals, commercial crops, machinery or tools used for agriculture purposes. **(4000.441; 2008-Nov-24)**

"FAST FOOD RESTAURANT" - means an eating establishment where food may be obtained via a drive-through window and which may or may not provide seating for consumption of food on the premises. This definition includes take-out restaurants which have no provision for consumption of food on the premises.

"FENCE" - means a structure used as an enclosure or screening around all or part of a lot or site.
(4000.321; 2003-Apr-14)

"FINANCIAL INSTITUTION" - means a bank, credit union, acceptance corporation, trust company, finance company or similar establishments, but does not include a building or premises containing a single bank machine.

"FLOOD CONSTRUCTION LEVEL" - means a Designated Flood Level plus Freeboard, or where a Designated Flood Level cannot be determined, a specified height above a Natural Boundary, or any obstruction that could cause ponding.

"FLOOD, DESIGNATED" - means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available. Where the flow of a large watercourse is controlled by a major dam, the designated flood shall be set on a site specific basis.

"CULTURAL FACILITIES" - includes museums and theatres for the performing arts.

"CURB LEVEL" - means the elevation at the top of curb or edge of pavement at the mid point of the property frontage. **(4000.327; 2003-Aug-18)**

"CUSTOM WORKSHOP" - means a workshop where the production, sales and servicing of specialized goods or services, including home cabinets, signs, window coverings, and furniture occurs.

"DAY CARE FACILITY" - means a facility providing group day care, family day care, nursing school, child minding, out of school care, or specialized day care in accordance with the provisions of the Provincial Child Care Facilities Regulations of the *Community Care Facility Act*.

"DELI/SPECIALTY FOOD STORE" - means an eating establishment where deli or specialty foods are served and which provides no more than 10 seats for customers to consume food on the premises, and which does not serve food via a drive-through window.

"DENSITY" - means:

- (1) in relation to
 - (a) a residential use, the number of dwelling units per lot;
 - (b) a Multiple Family Residential use, the number of dwelling units per hectare or other unit of some measurement as specified in this Bylaw; and
- (2) where specified, the ratio of the floor area of buildings and structures on the lot to the area of the lot ("floor area ratio");
- (3) as specifically defined in relation to any zone, use or siting circumstance as specified in this Bylaw.

"DERELICT VEHICLE" - means any vehicle or part thereof propelled otherwise than by muscle power which:

- (1) is not capable of operating under its own power;
- (2) does not have attached number plates for the current year pursuant to the regulation of the *Motor Vehicle Act* of the Province of British Columbia, but shall not include recreational vehicles or a vehicle deemed to be a collector item outlined in the list of cars recognized by the Vintage Car Club of Canada.

"DOWNTOWN CORE" - **Deleted. (4000.303; 2002-Jul-29)**

"DRIVEWAY" - means a lane used for access to or from any parking area.

"DRUG ADDICTION TREATMENT FACILITY" - means the use of a *building* to treat persons with substance abuse problems, and includes needle exchange facilities, safe injection sites, Methadone clinics, and the like. **(4000.365; 2005-Feb-07)**

"DUPLEX" - means a structure containing 2 dwelling units within one building located on a single lot and which is used or intended to be used as the residences for 2 families.

"DWELLING" - means a building used or intended to be used as a residence, but shall not include hotels or institutions.

"DWELLING, SINGLE FAMILY" - means a building, consisting of one dwelling unit, used or intended to be used as the residence of one family, as a community care facility licensed under the *Community Care Facility Act*, or as a residential shelter, and includes a mobile home which:

- (1) exceeds a gross floor area of 87 square metres (936.49 square feet);
- (2) equals or exceeds a width of 7.3 metres (24 feet);
- (3) is assembled on site upon a concrete perimeter foundation system; and
- (4) has a sloping roof.

A single family dwelling shall not be construed to include a recreational vehicle or tent.

(4000.042; 1994-Mar-28) (4000.154; 1996-Oct-21) (4000.178; 1998-Feb-02)

COPY

2010-JUL-30

STAFF REPORT

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

FROM: J. HOLM, MANAGER, PLANNING SECTION,
COMMUNITY SAFETY & DEVELOPMENT

RE: RA249 – PART OF 314 BENSON VIEW BOULEVARD

STAFF'S RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING BYLAW AMENDMENT BYLAW 2010 NO. 4000.483", which is presented under the Bylaws section of the agenda; and
2. direct Staff to secure general building design, DCC's and community contribution, prior to adoption of the bylaw should Council choose to support the bylaw at Third Reading.

EXECUTIVE SUMMARY:

The City of Nanaimo has received an application from Mr. Paul Minhas, on behalf of Harsimrit Minhas, to rezone part of the subject property from Single Family Mobile Home Residential Zone (RS-3) to Residential Duplex Zone (RM-1) in order to facilitate the construction of a duplex. Staff supports the application and recommends that Council approve the proposed rezoning.

BACKGROUND:

Subject Property

The subject site is located on the west side of Benson View Boulevard, approximately 35m north from Mill Road (Attachment 'A'). The site is 1,481m² (0.4 acres) in area and a mobile home currently occupies the property. The area is generally made up of single family dwellings; however, several duplex lots do exist in the vicinity, along with a mobile home park and some larger agriculturally zoned land.

Official Community Plan (OCP)

According to Map '1' of the OCP, the subject property is located within a Neighbourhood designation. Development in Neighbourhoods is to be characterized by a mix of low density residential uses and may include detached and semi-detached dwelling units, secondary suites, special needs housing, mobile homes, duplexes, triplexes, quadruplexes and townhouses. Residential densities from 10 to 50 units per hectare, in two to four storey building forms, are supported in Neighbourhoods. The proposed development results in a density of 20 units per hectare. Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The applicant proposes to rezone part of the subject property from Single Family Mobile Home Residential Zone (RS-3) to Residential Duplex Zone (RM-1) in order to facilitate construction of a duplex. The existing mobile home will be subdivided off and will remain an RS-3 lot with an area of 731m².

The proposed duplex lot is 751m² in area and meets the requirements of the RM-1 Zone. The Gross Floor Area of the proposed building is 282m² (3036 ft²); with each unit approximately 141m² (1518 ft²) (Attachment 'B').

General Building Design

Staff recommends that a covenant to secure general building designs be required as a condition of rezoning. Staff recommends the following design features be covenanted:

- each dwelling unit will be permitted an attached single car garage, with a maximum door width of 3.65m (12 ft);
- an attached single car garage shall not exceed 32.5m² (350 ft²) of interior garage floor space;
- the garage portion of the building cannot extend more than 4m from the habitable floor area of the principal building.

Development Cost Charges (DCC's)

Staff recommends that a covenant be secured as a condition of rezoning in relation to the duplex lot. Should a single family dwelling be built on the duplex lot a payment in lieu of DCC's, equivalent to a single family lot, would be required prior to issuance of a building permit.

Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. In response to Council's policy, the applicant is proposing a \$2000 monetary contribution towards the City of Nanaimo's Affordable Housing Legacy Fund.

Staff supports this proposal and recommends that Council direct Staff to secure the community contribution.

Respectfully submitted,


J. Holm
Manager, Planning Section
Community Safety & Development


A. Tucker
Director of Planning
Community Safety & Development

SH/pm
Council: 2010-AUG-09
Prospero: RA249

To: CITY MANAGER
FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL



For 
GENERAL MANAGER OF DEVELOPMENT SERVICES

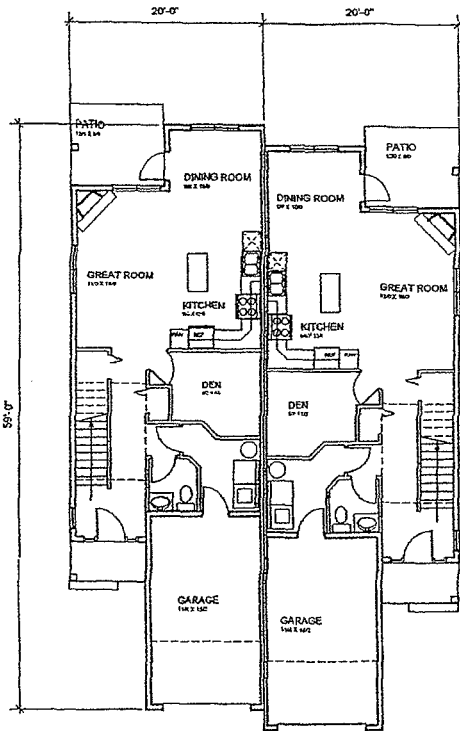
ATTACHMENT A



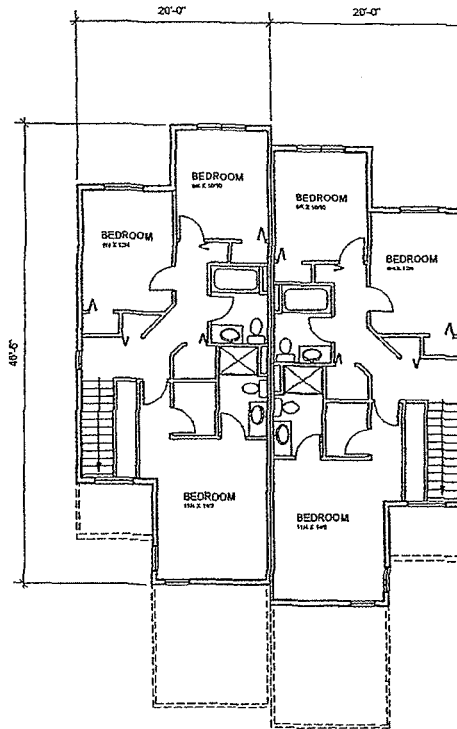
File: RA000249
Civic: 314 Benson View Boulevard

LOCATION PLAN

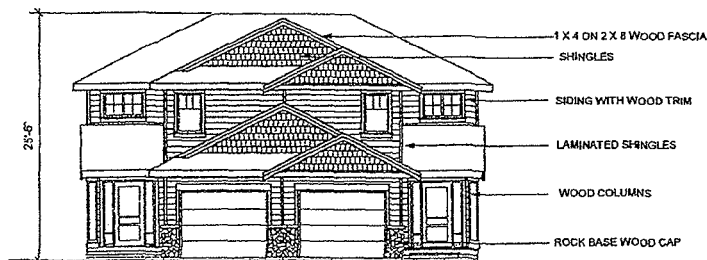
-  Subject Property
-  Portions to be Rezoned



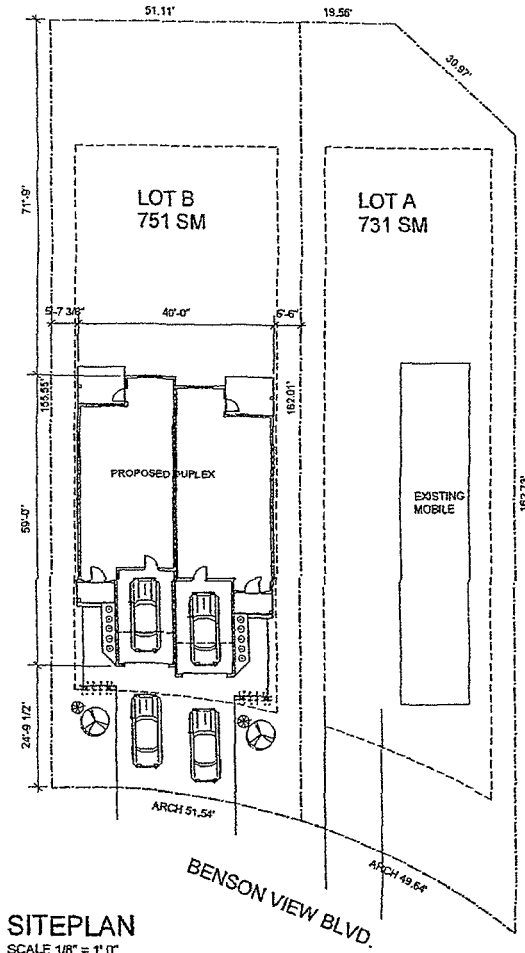
MAIN FLOOR PLAN 740 SF / SIDE
PLUS GARAGE 243 SF / SIDE
SCALE 1/8" = 1'-0"



UPPER FLOOR PLAN 790 SF / SIDE
SCALE 1/8" = 1'-0"



FRONT ELEVATION
SCALE 1/8" = 1'-0"



SITEPLAN
SCALE 1/8" = 1'-0"

CIVIC: BENSON VIEW BLVD.

LEGAL: LOT 4, SECTION 11, RANGE 6 MOUNTAIN DISTRICT
PLAN 27854

PROPOSED ZONING: RM 1 (PROPOSED DUPLEX)

LOT AREA: 8094 SF

FLOOR AREA RATIO: 0.38

LOT COVERAGE: 27%

GROSS BUILDING AREA:

DUPLEX

UNIT 1 MAIN FLOOR: 740 SF

UPPER FLOOR: 780 SF

UNIT 2 MAIN FLOOR: 740 SF

UPPER FLOOR: 790 SF

TOTAL GROSS BUILDING AREA: 3036 SF

PROPOSED BUILDING HEIGHT: 25'-6"

PARKING: 2 SPACE / UNIT = 4 TOTAL

August 20, 2010

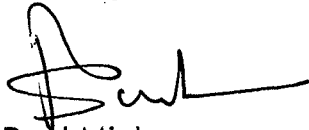
Dear Neighbours,

My name is Paul Minhas and I am the owner of 314 Benson View Boulevard. Being new to the neighbourhood, I would like the opportunity to meet you. I would also like to discuss and answer any questions you may have regarding the re-proposal for building a duplex on the lot.

Please join us for an open house on Tuesday, August 24th, from 5:00 pm to 6:30 pm. We will be serving light refreshments and snacks.

If you are unable to join us and have questions, please feel free to contact me at (250) 714-8880.

Best regards,

A handwritten signature in black ink, appearing to read 'Paul Minhas', with a stylized, flowing script.

Paul Minhas

7.3 Development Amenity Packages

The Plan identifies a range of items to be considered in the review of development applications in Nanaimo. For example, the provision of major roads, sidewalks, parks and open space, affordable housing, community health, recreational and cultural facilities, and protection of environmentally significant features are potential contributions of any proposed development. These items are typically considered as amenities that may be provided as part of rezoning and comprehensive development approval. Community amenities provided as part of development approval can be a “win-win” arrangement, in which both the community and developer benefit.

Below are guidelines for determining project-related public amenities.

Objective

To develop public amenities in conjunction with development. Ensure that public amenities identified in the Plan are established during the development and redevelopment process.

Policies

- 1 In recognition of the need for new development to contribute to the amenities and services from which they also benefit, development proposals that propose rezoning will generally be requested to include some public amenity proposals as part of the completed project.
- 2 In determining the appropriate amenities, the provisions of this section, Area Plans, Neighbourhood Plans and other planning documents will provide guidance.
- 3 Amenities to be considered include (not in order of priority):
 - extra road dedication for Major Roads and road construction;
 - sidewalk and trail improvement;
 - affordable housing units;
 - parkland (in the case of subdivision, in excess of 5% required under *Local Government Act*);
 - other greenbelt or open spaces;
 - covenants to protect environmentally sensitive areas not included in Development Permit Areas;
 - recreational space or facilities;
 - multi-use recycling, re-use, education and enterprise centres (“enviro centres”);
 - community activity centre or other facilities (e.g., daycare, arts, culture, library facilities);
 - transit pull-outs, bus stop shelters;
 - cash-in-lieu of any of the above; or
 - extraordinary design features (e.g., facades to match neighbourhood character).

7.3 Development Amenity Packages Cont.

- 4 Site-specific conditions will suggest what amenities are indicated for consideration in a project. Criteria for determining priority among possible amenities may include:
 - site characteristics: natural features that are environmentally, historically or archaeologically sensitive and needing protection; viewscales; outdoor recreational opportunities;
 - other features identified in the Plan (e.g., trails, school sites, etc.);
 - needs of surrounding neighbourhood(s);
 - size of proposed development;
 - nature of proposed development; or
 - projected population on site.

We, the undersigned residents / neighbours oppose the rezoning of 314 Benson View Boulevard, Nanaimo, B.C. from RS - 3 to RM - 1

Name	Current address	Signature	Date
Deanna + Dave Olson	318 Benson View Blvd Nanaimo BC V9R6S9	D. Olson	08/25/2010
Craig + Denise Robertson	301 Benson View Blvd Nanaimo	NR	08/25/2010
Ida + Adam Montes	2330 Panorama View Nanaimo, BC V9R	Ida B Montes	08/25/2010
Dennis Saterade	304 Benson View Blvd Nanaimo	Dennis Saterade	08/25/2010
Dianna Anderson	310 Benson View Blvd	Dianna C Anderson	08/25/2010
Allan Anderson	310 Benson View Blvd	Jo R Anderson	08/25/2010
Sharon Keford	2322 Panorama View	Sharon Keford	08/25/2010
Bert + Laverne Lutton	308 Benson View Blvd, Nan. V9R6S9	Bert Lutton	08/25/2010
Marie Gravelle	302 Benson View Blvd	Marie Gravelle	08/25/2010
Cécile Hill	2344 Mill Rd	Cécile Hill	08/25/2010
Lyn Hill	2344 Mill Rd	Lyn Hill	25/08/2010
SILA TEDESCO	297 BENSON VIEW BLVD	S. Tedesco	25/08/2010
Diane Ballance	307 Bensonview	Diane Ballance	25/08/2010
DAVE OLSON	318 BENSONVIEW BLVD	D. Olson	08/25/10
STEVEN EWASIAK	315 BENSON VIEW	S. Ewasiaik	08/30/10
Lee Crowder	2336 Mill Rd	Lee Crowder	08/30/10
Larry Pages	311 Benson View	Larry Pages	08/30/10
Eden Reed	2330 Panorama	Eden Reed	8/2/10

Mayor J.R. Ruttan and Members of the City Council

Re: FILE RA249, ZONING BYLAW AMENDMENT NO. 4000.483

My name is Adam Menten. My wife, Ida and I own and reside at 2330 Panorama View Drive.

I stand before you tonight to ask you to deny the application for the zoning change of the residential property at 314 Benson View Boulevard.

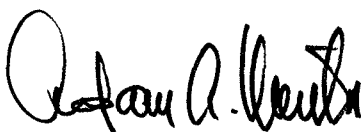
We purchased our home more than four years ago. One of the primary criteria in the choice of our retirement residence was the basic character of the neighbourhood. It is comprised overwhelmingly of single family residences located on relatively large lots of around or close to half acre size. It is mostly a very quiet, peaceful neighbourhood of working or retired families. I say mostly, because there is a major exception to all that next door to us, at 2326 Panorama View Drive, a Duplex rental.

Our next door duplex has the same history as that being proposed for 314 Benson View. It was subdivided into two parcels, one RS-3, the other RM-1. If this property is an indication of what the proposed change means for 314 Benson View, it points to a severe deterioration of the quality of life in the neighbourhood. In the four years since we bought our home, all problems, annoyances and disturbances we experienced were from the Duplex next door. These ranged from loud expletive-laden verbal fights to apparent illicit drug dealing and attendant Police action.

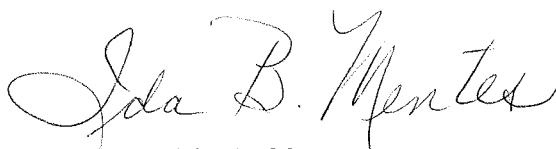
I was surprised to read the Staff Report supporting the granting of the zoning change in part because already "several duplex lots do exist in the vicinity". With all due respect, this is an argument for the continued deterioration of the community. If you find the fact that there already are duplexes in the area convincing enough to grant duplex zoning for 314 Benson View, then you will find the argument even more convincing if and when the next application for another development is filed. And so on.

One last point, which perhaps is or should be self-evident. The neighbourhood has nothing to gain, but a lot to lose if you grant the zoning change. The only one to gain from it is the developer. I doubt that he wishes to become a resident of our community, he is just doing business, making money. The profits he would make do not materialize out of thin air. As much as he would enrich himself, he would impoverish the whole of our neighbourhood.

We respectfully urge you to deny the application for the zoning change.



Adam A. Menten



Ida B. Menten

9/2/10
Date

Sept. 1 2010

I Diana Anderson of 310 Benson View
Blvd., Manaimo B.C. oppose the
proposal of the building of a duplex at
314 Benson View Blvd.

The reason is there is not any parking
in the area.

Sincerely,
Diana Anderson

Sept. 1, 2010

I Allan Anderson of 310 Benson View Blvd.
Nanaimo, B.C. oppose the proposed Duplex
at 314 Benson View Blvd. is because of
the parking and Noise.

Sincerely,
A. R. Anderson

The Mayor and Council – Nanaimo

September 1, 2010

Re: Neighborhood rezoning on 314 Benson View Boulevard to multifamily dwellings.

We strongly recommend against the proliferation of this type of housing in the midst of our generally quiet single family housing.

Why? We have at the back of our house an example of a multifamily dwelling and we would be living a quiet life but for the presence of the latter.

The dwelling is occupied by renters who do not integrate with other neighbors.

Previous tenants have been drug users requiring both ambulance and RCMP attendance. In another incident a boy friend broke a window in the middle of the night.

The current tenants are always feuding, slamming car doors, playing loud music, and screaming at the children or each other using the foulest language.

The children have yet to become “teenagers” – what then? If we have more of the same in the neighborhood, will we have the basis for teenage gangs and vandals? Youngsters from dysfunctional families often become problem teens.

We Say NO to rezoning for multifamily dwellings in our neighborhood..

Yours Sincerely,  **Geraldine Crown.**

 **Mike Crown.**

2324 Panorama View Drive, Nanaimo, BC . V9R 6T1

September 2, 1010

Good evening Mayor and Council,

My name is Sharon Kofoed and I reside at 2322 Panorama View Drive.

I am here tonight to express my opposition to the proposed rezoning of part of 314 Benson View Boulevard from RS-3 to RM-1 for a myriad of reasons.

City zoning bylaws reflect the direction provided by the Official Community Plan and they should be based on neighbourhood plans where the local residents have had a say in how their area will develop. Zones give the community assurance and understanding of how our neighbourhood will evolve. We buy our homes based upon that reference point

This particular rezoning goes against the current plan and is nothing more than spot rezoning. I thought we were getting away from this. There is no real benefit either to the local community or to the larger one as the density is not enough to make an appreciable difference to alter services. Effectively, this particular rezoning is a form of block busting which will both devalue and depreciate the character and the land values of the surrounding neighbourhood. There is no demonstrated need for this form of housing in this area. Our area is already saturated with a mix of single family homes, duplexes, an illegal triplex, a mobile home park, a campsite, a racquet club, a retreat centre and a recreational vehicle park. No other area in Nanaimo has such a mix. So why is this area being disrupted for no perceivable community value?

This brings me to my next point. Currently, it is well within the owner's rights to subdivide the land into two parcels. There is no real need to change from the current zone which is RS -3 to an RM -1 since there is no net housing gain from this particular rezoning.

In addition, our area has had major difficulties with duplex zones since current bylaws are not enforced to date despite various complaints. In addition in our particular section, these housing forms have created a myriad of confrontations for everyone who resides beside them.

The act of rezoning effectively takes away value from individuals living in the area and transfers that value to the developer. Some will say this is the price of progress. Staff clearly state in their report before you this evening that in

Currently, the assessed value of the land alone for 314 Benson View Boulevard is \$168,000. This is before subdivision. The value of land alone for 308 Benson View Boulevard is \$145,000. The value of the land for 310 Benson View Boulevard is \$145,000. The last two lots were a result of subdivision. The act of subdivision alone in this case will most likely result in \$122,000 rise in value for the owner. A subsequent rezoning to an RM-1 will confer even more value.

According to the Staff report, the price of supposed progress and the community contributions for denigration of our area is a mere pittance of two thousand dollars. However, it is not the developer who is making this community contribution. It is the local residents who will be paying for this in more ways than one.

The Official Community Plan states that new developments or infill projects must be sensitive to the local area residents and must maintain the character of the existing neighbourhood. This area is primarily made up of large lots up which are up to and in some cases over half an acre. A duplex on a very small narrow lot is not in keeping with the construct of the area.

Staff also recognizes that the proportions of this particular housing form are out of scale with the local area because they have recommended several covenants for this particular development. You will note these can be found in the Staff report on this rezoning dated July 30, 2010.

Tonight, our neighbourhood is here to ask you to deny the rezoning. We live here. Many of us have resided here for over thirty years. We have put down roots. The developer who wishes to cash in on the neighbourhood does not. He doesn't understand the lay of the land so to speak nor does he understand the sentiments and values of our area. He lives in an area bereft of muliti – family zones, perhaps council needs to address this discrepancy. It is obvious that the Cilaire area must change in order to comply with the OCP directives.

Our area supports the tenants of the OCP. We believe our area is unique and should be kept that way and any future infill or redevelopment should be in keeping with the area and be sensitive to the neighbourhood in order maintain its liveability and character.

In closing, there is no value to the community either large or small for this change so why would you entertain this spot rezoning? It is not necessary and goes against the current zoning bylaw. It is a form of block busting in order to depreciate and devalue our neighbourhood. There is no net gain. Duplexes in our area have created contentious scenarios. We are already saturated with a huge variety of zones and there has been no demonstrated need for further corrosion. In addition, there will be considerable negative environmental effects on adjoining properties causing loss of green space, trees and drainage issues.

Now I would like everyone here who is against this rezoning to please stand up.

Mayor and Council, why should one person who does not live in the area here prevail against the many who make this area their home? There is absolutely no need to change the zone. However as elected officials, there is a duty of care placed upon you arising from the zoning bylaws to protect and preserve the character and integrity of the neighbourhood who have spoken here tonight.