

2010-FEB-12

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DSD

FROM: J. HOLM, MANAGER, PLANNING DIVISION, DSD

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2010-FEB-04 FOR
BYLAWS NO. 4000.466, 4000.472, 4000.473, AND COVENANT AMENDMENT RA232

STAFF'S RECOMMENDATION:

That Council receive this report and the minutes of the Public Hearing held on Thursday, 2010-FEB-04.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2010-FEB-04, the subject of which was four items. Approximately 17 members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 4000.466:

RA228 – 5876 Shadow Mountain Road

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1) to Residential Triplex and Quadruplex Zone (RM-2) in order to facilitate the construction of a triplex. The subject property is legally described as LOT 8, DISTRICT LOT 20, WELLINGTON DISTRICT, PLAN VIP83287.

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

There were three written and eight verbal submissions received for this bylaw.

2. BYLAW NO. 4000.472:

RA234 – 5040 Hammond Bay Road

This bylaw, if adopted, will rezone the land from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) and Single Family Residential Small Lot Zone (RS-6) in order to facilitate the subdivision of three single family lots and one duplex lot. The subject property is legally described as LOT 10, DISTRICT LOT 54, WELLINGTON DISTRICT, PLAN 17543.

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

There were no written and one verbal submission received for this bylaw.

3. BYLAW NO. 4000.473:

RA229 – Part of 894 Howard Avenue

This bylaw, if adopted, will rezone part of the subject property from Single Family Residential Zone - Large Lot (RS-2) to Residential Duplex Zone (RM-1) in order to facilitate the inclusion of two duplexes within an approved subdivision development. The subject property is legally described as part of THAT PART OF SECTION 13, RANGE 7, OF SECTION 1, NANAIMO DISTRICT, PLAN 630, LYING TO THE WEST OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 238 FEET FROM THE WESTERLY BOUNDARY OF SAID SECTION.

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

There were no written and two verbal submissions received for this bylaw.

4. COVENANT AMENDMENT:

RA232 – 888 Bruce Avenue

This application, if approved, will allow for an amendment to an existing covenant in relation to the community contribution previously secured through rezoning application RA94-34. The subject property is legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP61934.

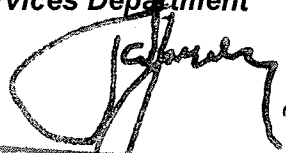
This application appears before Council this evening for consideration of Final Approval.

There were no written and four verbal submissions received for this covenant amendment.

Respectfully submitted,



J. Holm
Manager, Planning Division
Development Services Department

A. Tucker
Director of Planning
Development Services Department

Ted Swabey, General Manager
Development Services Department

**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-FEB-04,
TO CONSIDER AMENDMENTS TO THE CITY OF NANAIMO
“ZONING BYLAW 1993 NO. 4000” AND COVENANT AMENDMENT RA232**

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

REGRETS: Councillor W.L. Bestwick
Councillor M.W. Unger

STAFF: J. Holm, Manager, Planning Division, DSD
S. Herrera, Planner, Planning Division, DSD
P. Masse, Planning Clerk, Planning Division, DSD

PUBLIC: There were approximately 17 members of the public present.

CALL TO ORDER:

Mayor Ruttan called the meeting to order at 7pm. Mayor Ruttan explained that this is the final opportunity to address Council regarding matters on tonight's agenda, as established by case law. 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. 4000.466, 4000.472 and 4000.473 and Final Approval of covenant amendment RA232 at the next regularly scheduled Council meeting of 2010-FEB-22.

1. BYLAW NO. 4000.466:

RA228 – 5876 Shadow Mountain Road

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1) to Residential Triplex and Quadruplex Zone (RM-2) in order to facilitate the construction of a triplex. The subject property is legally described as LOT 8, DISTRICT LOT 20, WELLINGTON DISTRICT, PLAN VIP83287.

Mr. Jim Rutledge, 5858 Shadow Mountain Road – Applicant / Owner

- Noted that Delinea Design, who has an excellent reputation in our community, prepared the plan; believes the plan is good and is consistent with the guidelines and policies of the Official Community Plan (OCP).

- The house that resides on the subject property, while reasonably well built, is inefficient by today's standards as it is expensive to heat and is in need of repair and maintenance.
- His family lives in the neighbourhood and he would like to see something that will increase property values and be consistent with the rest of the existing subdivision.
- 2-bedroom, 2-bathroom affordable units would bring in good mix of new residents, due to extensive nearby amenities.

Mayor Ruttan asked if the neighbourhood had been canvassed with regard to the proposal.

Mr. Rutledge noted that he has received some negative feedback from two neighbours and that he spoke to 12 neighbours in total. Added that he is always available to talk to residents and that he often updates his website regarding the proposal. Has enjoyed the feedback and due to some of the negative feedback early in the process the plan has been revised by adding an additional three parking stalls.

Mayor Ruttan asked for clarification on the negative feedback received to date.

Mr. Rutledge stated that he has had difficulty receiving specific concerns, believes it is the idea of a triplex that is offensive to some neighbours.

Councillor Pattje asked if the applicant would be living in one of the proposed units.

Mr. Rutledge stated that it is undecided at this point; he has family in the neighbourhood so it is a possibility.

Councillor Pattje asked for clarification on pedestrian access to Hammond Bay Road.

Mr. Rutledge noted that the proposal fronts onto Hammond Bay Road and the plan addresses that through design and access.

Councillor Pattje asked Staff for clarification on how far the 'Corridor' designation extends to either side of Hammond Bay Road.

Mr. Holm stated that the 'Corridor' designation extends to approximately one block on either side of Hammond Bay Road.

Councillor Johnstone asked for clarification on the additional parking spaces.

Mr. Rutledge stated that three parking spaces were added to the plan, resulting in a total of eight parking spaces.

Ms. Maeris Boudreau – 5877 Shadow Mountain Road - Opposed

- Attended the PNAC meeting on 2009-DEC-23 where it was suggested that the applicant obtain feedback from neighbours and add more parking spaces for the proposal. Stated that no additional efforts have been made to contact her regarding the altered plans or the proposal in general. Noted that the website for the proposal has not been updated and is instead showing the original plans with five parking spaces and three bedroom units. Feels that the applicant has not made enough of an effort to update plans on the website or contact neighbours regarding the proposal.
- Noted that a neighbourhood forum was held, which was organized by her; all comments she has heard from neighbourhood residents have been negative.
- Bought her home less than a year ago believing that it was a safe, single family neighbourhood.

- She was given a document, which she identified as a Schedule A, at the time of purchase, which she and her lawyer interpreted to indicate that nothing but single family dwellings could be built on the subject property (attached as part of "Schedule 'A' - Submissions for Bylaw No. 4000.466").
- Does not believe the applicant gave the neighbourhood proper notice or warning of the proposal.
- Neighbours have signed a petition, which outlines concerns they have about the proposal (attached as part of "Schedule 'A' - Submissions for Bylaw No. 4000.466").
- Believes on-street parking, which is already at dangerous levels, will only be worsened. (Ms. Boudreau's submissions are attached as part of "Schedule 'A' - Submissions for Bylaw No. 4000.466").

Mayor Ruttan asked for clarification on how many signatures were obtained on the petition.

Ms. Boudreau noted that 19 homeowners signed the petition.

Councillor Sherry asked if the speaker would be opposed to a 2-bedroom triplex.

Ms. Boudreau stated that she does not wish to see a triplex on the lot, adding it is not the design she is opposed to, but rather that control of the property would no longer be part of the community and would instead be under control of the strata.

Councillor Sherry asked the speaker if she realizes that the City of Nanaimo allows for secondary suites in single family homes, which would be permitted on the subject property.

Ms. Boudreau noted that there are several homes with secondary suites in the neighbourhood, which are mostly owner-occupied and blend well into the community.

Councillor Holdom asked for clarification on whether or not the Schedule A document indicates that only single family dwellings or single buildings are permitted on the subject property.

Ms. Boudreau noted that the document states "more than one building on any lot or dwelling".

Councillor Holdom noted that a single building does not necessarily mean a single family home.

Ms. Boudreau stated that she and her lawyer interpreted that to mean a single family dwelling.

Councillor Holdom asked for clarification on how the proposal would change the nature of the neighbourhood that she values.

Ms. Boudreau noted that because it is a single family neighbourhood it has a community feeling, believes the proposal is a big block, which faces Hammond Bay Road, and is not a pretty building to look at, adding that the additional three families would be too much for the space. Traffic issues already exist; this would only exacerbate the problems. Kids will not be able to play in the street if there are too many vehicles parking on-street.

Councillor Holdom noted that two additional families would be allowed under the current zoning and asked for clarification on how one further family would cause such hardship.

Ms. Boudreau conceded that it is a hard argument to make, however, she and many neighbours believe the proposal would greatly affect the neighbourhood.

Ms. May Boudreau, 5877 Shadow Mountain Road - Opposed

- Does not believe the plans are indicative of how the proposal would truly appear and that the park will only see the blank side of a building.
- Questioned the idea of 'affordable housing', which leads her to believe that this could attract people with limited income and possible undesirables or renters; questioned how the property would be maintained if that were the case.
- Noted that current secondary suite dwellings in the neighbourhood are owner occupied and therefore maintained.
- Questioned how the additional garbage would affect the neighbourhood.
- Submitted pictures (attached as part of "Schedule 'A' - Submissions for Bylaw No. 4000.466") taken of the existing on-street vehicular parking, noting that current construction accounts for some of the vehicles, however, this kind of on-street parking is dangerous and would worsen with this proposal.

Mayor Ruttan asked if the parking spots allocated in the proposal are all on-street spots.

Ms. Boudreau noted that she is unsure, as the plans seem to indicate the same parking scheme as the original plans.

Councillor Kipp asked if the garages were not being utilized due to being full of items other than vehicles.

Ms. Boudreau agreed that garages were not being utilized for vehicles.

Councillor Kipp asked if the photos submitted indicate the volume of on-street parking at all times.

Ms. Boudreau noted that the volume of on-street parking is at the level seen in the photos approximately 80% of the time.

Councillor Kipp asked for clarification on how many secondary suites exist in the neighbourhood.

Ms. Boudreau estimated that four secondary suites exist in the neighbourhood.

Councillor Holdom asked if she, her daughter, or their realtor had investigated the OCP prior to purchasing the home, which designates the property as 'Corridor', which encourages higher densities.

Ms. Boudreau stated that the OCP was not discussed or investigated.

Councillor Pattje asked the speaker if a duplex would be more acceptable for the neighbourhood.

Ms. Boudreau noted that it would depend on parking and garbage issues, and she would need to see the plans.

Mr. Fred Taylor, 204 Emery Way - Opposed

- Does not support Council "breaking" covenants.

Ms. Mona Richardson, 5816 Shadow Mountain Road – Opposed

- Recently moved into the neighbourhood.
- Concerned about parking, traffic and the safety of neighbourhood children.
- Believes the proposal could lower existing property values.

Mr. Tyler Lane, 5871 Shadow Mountain Road – Opposed

- Noted that if the existing green space was expanded or an access off Hammond Bay Road was to be approved, it would alleviate some of the existing problems.
- His garage is also filled with items, so he utilizes on-street parking, adding that children playing in the street are more of a danger to the vehicles than the vehicles are to them. Does not permit his children to play in the street until ongoing construction is complete.
- Believes the additional cars could be a concern.

Ms. Lesley Schenk, 5828 Shadow Mountain Road - Opposed

- Concerned about parking and traffic issues, believes property values will decrease.

Name Not Given, 5828 Shadow Mountain Road – Opposed

- Designer for a local engineering firm. Does not believe a triplex works in the area as it will worsen the existing on-street parking concerns, especially due to the existing pedestrian walkway. Believes more parking could be created on a duplex lot.

Councillor Holdom asked Staff for clarification regarding the existing green space and whether or not it is designated as parkland.

Mr. Holm confirmed that the park was dedicated through a previous subdivision and cannot be built upon.

There were eight verbal and three written submissions (attached as “Schedule ‘A’ – Submissions received for Bylaw No. 4000.466”) received for this application. No further submissions were received for this application.

2. BYLAW NO. 4000.472:

RA234 – 5040 Hammond Bay Road

This bylaw, if adopted, will rezone the land from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) and Single Family Residential Small Lot Zone (RS-6) in order to facilitate the subdivision of three single family lots and one duplex lot. The subject property is legally described as LOT 10, DISTRICT LOT 54, WELLINGTON DISTRICT, PLAN 17543.

Mr. Gurcharan Sandhu 5731 Bradbury Road – Applicant / Owner

- Noted the proposal is for a single family home with fencing and landscaping proposed along the lot line.

Mayor Ruttan asked if neighbours had been contacted regarding the proposal.

Mr. Sandhu noted that he had contacted both neighbours to the subject property and there were no objections, adding they were happy with the landscaping plans and the additional trees.

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

3. BYLAW NO. 4000.473:

RA229 – Part of 894 Howard Avenue

This bylaw, if adopted, will rezone part of the subject property from Single Family Residential Zone - Large Lot (RS-2) to Residential Duplex Zone (RM-1) in order to facilitate the inclusion of two duplexes within an approved subdivision development. The subject property is legally described as part of THAT PART OF SECTION 13, RANGE 7, OF SECTION 1, NANAIMO DISTRICT, PLAN 630, LYING TO THE WEST OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 238 FEET FROM THE WESTERLY BOUNDARY OF SAID SECTION.

Mr. Don Saywell, 3103 West Road. – Applicant / Owner

- Consulted all adjacent neighbours to the subject property and received signed consent forms from all with no objections to the proposal.

Councillor Pattje asked if there is a timeline for Phase II of the proposal.

Mr. Saywell noted that civil drawings are currently being prepared for Phase II.

Councillor Pattje asked if the lot would be vacant for a long length of time if it were approved.

Mr. Saywell confirmed that Phase II would not be delayed.

Mayor Ruttan asked what future plans could include for the lot.

Mr. Saywell noted that the two lots, at 750m each, would allow for two duplexes per lot, which would increase density while leaving zoning in place.

Councillor Sherry asked for clarification that lots 1 and 6 are the lots that the two duplexes would be constructed on.

Mr. Saywell confirmed lots 1 and 6 would have two duplexes each per lot.

Councillor Sherry asked for clarification on lot 2 housing a current resident.

Mr. Saywell confirmed that lot 2 has a current resident.

Councillor Sherry asked for clarification on lots 3 and 5 being small lots.

Mr. Saywell noted that lots 3 and 5 are 700m and are zoned RS-2, with single family dwellings planned.

Mr. Jeff Wagner, 451 Murray Street – In Favour

- Believes it is a good plan for the area.

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

4. COVENANT AMENDMENT:

RA232 – 888 Bruce Avenue

This application, if approved, will allow for an amendment to an existing covenant in relation to the community contribution previously secured through rezoning application RA94-34. The subject property is legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP61934.

Mr. Bruce MacDonald, 5803 Quarry Crescent – Owner

- Met with the Neighbourhood Association on 2009-DEC-09 and they were in favour of this proposal.

Mr. Jeff Wagner, 451 Murray Street – Neither Opposed nor In Favour

- As a property owner at 451 Murray Street, and as a representative of Gordon Homes who own the properties at 455 – 571 Murray Street, would like to understand what the application is proposing.

Mr. Holm noted that a development permit application has not been received for the subject property, adding that it is zoned C-4, which would permit a wide variety of development options. The applicant is proposing an amendment to a covenant that was secured through a previous rezoning application, which required that a community building be constructed for the Harewood Community Project Society.

Mr. Wagner asked for clarification on the intent of the covenant amendment.

Councillor Pattje asked Mr. Wagner if he is a member of the Harewood Neighbourhood Association.

Mr. Wagner confirmed he is not a member of the Harewood Neighbourhood Association. Asked why the neighbourhood is not being made aware of possible plans for the lot.

Mr. MacDonald noted that prior to any plans for the subject property being fully developed, the covenant, which was created in 1996, needs to be amended. The community building does not fit any development plans, which will focus around residential purposes, which is permitted under C-4 zoning; however, a development permit application would need to be submitted. There are two potential plans, one being a proposal for 20 affordable townhomes, another being student housing. Can almost guarantee the property will not be developed for commercial purposes, as there are nearby existing commercial properties and there is not a need for additional commercial uses.

Mr. Fred Taylor, 204 Emery Way - Opposed

- Asked for clarification on whether or not the letter of credit cited in the covenant for trail construction is still valid and what its value is.

Mr. Holm stated that a covenant often contains a security mechanism related to completion of an aspect of the development, particularly if it is of a public nature, to secure an item that may be constructed after the issuance of a building permit. It allows for security by way of bonding.

Councillor Holdom noted that the subject of this evening's agenda is in regards to a community building contribution being amended to a cash donation, adding that any other encumbrances of the covenant are not at issue. Believes the speaker's line of questioning is irrelevant.

Mr. Taylor noted that the covenant states that there will be a community building constructed as per plan, to be leased to the Harewood Community Project Society for a minimum fee. Added that many community associations would need a gathering place for meetings or functions.

Councillor Pattje noted that the Harewood Community Project Society has been dissolved and the Harewood Neighbourhood Association is not interested in taking on this type of building.

Mr. Taylor noted that the Harewood community itself could utilize the building. Noted that the covenant is between the developer and the City of Nanaimo. This building was a selling point of the original rezoning, believes the building could be utilized.

Mr. Jeff Wagner, 451 Murray Street – Redress

- Stated he is in favour of the proposal because he has a better understanding of the details of the covenant amendment and the fact that the developer has offered a \$60,000 contribution to the community. Happy to hear that future plans could include residential housing for students in the neighbourhood.

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

MOVED by Councillor Sherry, SECONDED by Councillor Kipp, that the meeting be adjourned at 8:14 pm.

CARRIED

Certified Correct:



J. Holm
Manager, Planning Division
Development Services Department

Schedule A

Submissions

For

Bylaw No. 4000.466

(RA228 – 5876 Shadow Mountain Road)

Penny Masse

From: Terry Richardson [terryk.richardson@gmail.com]
Sent: Thursday, February 04, 2010 10:34 AM
To: Public Hearing
Cc: Terry Richardson
Subject: Bylaw No. 4000.466

I am opposed to the re-zoning from RS-1 to RM-2 to construct a triplex at 5876 Shadow Mountain Road (File # RA 228). I just purchased a home on this street described as a "quiet cul-de-sac" on the house listing.

My concerns are the following:

1. **Parking.** There is a possibility of 3 new families moving into the new structure with the possibility of 6 vehicles. It may be that there will be 3 renters in each triplex unit who in turn may sublet out 2 bedrooms to single people. This would then mean 9 people, and each may own a vehicle. This could potentially mean 9 vehicles. Where will they park?
2. **Traffic.** Typically triplexes are revenue properties. The owner has one priority and that is to make money. This is fine, but why do we pay the price of the devaluation of our property because the street has become busy with traffic. This would mean that Shadow Mountain Road would no longer be a quiet cul-de-sac.
3. **Safety of Children.** Safety of children should be a priority with the potential of 6-9 new vehicles travelling to the end of the street. Safety is compromised.

In closing, I believe that the safety of our children due to the increased traffic, the parking issues and the possible depreciation of our property is too high of a sacrifice to simply promote a revenue property for the owner.

Sincerely,
Mona Richardson
5816 Shadow Mountain Road
Nanaimo
250-729-9199

Residents of Shadow Mountain Area
Shadow Mountain Road
Nanaimo, BC
250-751-1121

September 17, 2009

Mayor and Councillors
City of Nanaimo
455 Wallace St
Nanaimo, BC, V9R 5J6

Dear Mayor and Council Members:

There is a proposed rezoning (RA 000228) at 5876 Shadow Mountain Road which many of the neighbours are concerned about. Issues include but are not limited to the following:

1. Retention of current property values and determination of future property values.
2. Those residents who currently have an ocean view want to retain it for their pleasure. The proposed triplex would most likely block those views with its tall roof line.
3. We want to see additional residential traffic remain at a similar volume. Proposed rezoning changes would represent the possibility of 6 to 10 additional vehicles of residents. With visitor use this would obviously mean additional curb side parking. There is already limited parking in the cul-de-sac, three legal parking spots.
4. We want the cul-de-sac end of Shadow Mountain Road to remain relatively clear of vehicles to allow for ease of turn around for residents. Curb side parking would restrict this.
5. We want the street to remain a safe place for children to walk and play, as it currently is. This is a reason many of the residents purchased homes in this location.
6. We want Shadow Mountain Road to retain the current "community feeling" with friendly neighbours and pride-of-ownership.
7. The developers planned and agreed to a Schedule of Restrictions. Rezoning changes the Rules of the development planned, one which the current owners who bought homes knew and agreed to.

Please find attached our petition and vote NO to rezoning at 5876 Shadow Mountain Road (RA 000228). Thank you for taking your time to consider our concerns.

Shadow Mountain Rezoning (RA 000228)

Routledge Homes Ltd. has proposed rezoning at 5876 Shadow Mountain Road in order to build a multi-family complex (Triplex). This style of dwelling takes away the current "community atmosphere" with friendly neighbours and pride-of-ownership. This rezoning will also increase the amount of traffic on an already busy street.

Petition:

We, the undersigned, call on the City of Nanaimo to stop the rezoning at 5876 Shadow Mountain Road (RA 000228) to retain the community feeling already established here.

Sign the petition

M. Beaudreau 5877 Shadow Mountain Rd. 250-751-1121

Vicki Hiltz 5811 Shadow Mountain Rd 250-751-2498

Tyrone Baker 5855 Shadow Mountain Rd 250-756-4048

Alisen Baker 5855 Shadow Mountain Rd 250-756-4048

[Signature] 5847 Shadow Mtn Rd 250-739-2070

[Signature] 5841 Shadow Mtn Rd 250-756-3858

[Signature] 5810 Shadow MTN Rd 250-751-0865

Tyler Lee 5871 SHADOW MTN RD 250-751-2925

[Signature] " " "

Shadow Mountain Rezoning (RA 000228)

Routledge Homes Ltd. has proposed rezoning at 5876 Shadow Mountain Road in order to build a multi-family complex (Triplex). This style of dwelling takes away the current "community atmosphere" with friendly neighbours and pride-of-ownership. This rezoning will also increase the amount of traffic on an already busy street.

Petition:

We, the undersigned, call on the City of Nanaimo to stop the rezoning at 5876 Shadow Mountain Road (RA 000228) to retain the community feeling already established here.

Sign the petition

Rubiceen 6041 Hammond Bay Rd.

Connie M. Pullen 6041 Hammond Bay Rd.

J. Smith 6015 Hammond Bay Rd.

Mae P. Boudreau 5877 Shadow Mountain Rd.

Pete Hall 5853 Shadow Mtn Road

Beth 5811 shadow mtn Rd.

D. Hall 5834 Shadow Mtn Rd.

Shadow Mountain Rezoning (RA 000228)

Routledge Homes Ltd. has proposed rezoning at 5876 Shadow Mountain Road in order to build a multi-family complex (Triplex). This style of dwelling takes away the current "community atmosphere" with friendly neighbours and pride-of-ownership. This rezoning will also increase the amount of traffic on an already busy street.

Petition:

We, the undersigned, call on the City of Nanaimo to stop the rezoning at 5876 Shadow Mountain Road (RA 000228) to retain the community feeling already established here.

Sign the petition

Janice Mitchinson 5859 SHADOW MTN RD
Wm Forester 5859 SHADOW MTN RD
Andrea Forester 5859 SHADOW MTN RD.

SCHEDULE "A"**SCHEDULE OF RESTRICTIONS**

THE BUILDING SCHEME RESTRICTIONS SET FORTH HEREIN SHALL APPLY TO EACH OF LOTS 1 TO 14, DISTRICT LOT 20, WELLINGTON DISTRICT, PLAN V1P83287.

UNLESS THE CONTEXT OTHERWISE REQUIRES, THE FOLLOWING WORDS OR PHASES SHALL HAVE THE FOLLOWING MEANINGS:

"Approval" shall mean the written approval granted by the Owner as required in this Schedule of Restrictions, PROVIDED ALWAYS THAT any such Approval shall only be required for so long as there is an Owner, as defined herein;

"Building" or "Buildings" shall mean and include any one or more buildings or structures of any kind whatsoever located on any Lot;

"Building Scheme" shall mean and include the Declaration of Building Scheme attached hereto and the provisions of Schedule "A";

"Dwelling" or "Dwellings" shall mean and include any Building constructed on a Lot to be occupied or intended to be occupied as a residence and may be referred to as "House" or "Houses" or "Home" or "Homes";

"Habitable Area" shall mean and include the total square footage of a Dwelling measured at the exterior of all walls and shall specifically exclude garages, areas used exclusively for storage, and other areas and spaces not enclosed by floors, walls or ceilings such as decks, porches, balconies, patios and other like annexures;

"Lot" or "Lots" shall mean and include any of the lots described in paragraph 1 of the Declaration of Building Scheme attached hereto;

"Owner" shall mean and include Ivan John Plavetic, Michael James Plavetic and Dawn-Marie Plavetic and James Thomas Routledge, and their duly authorized agents, employees and their respective heirs, executors, administrators, successors and assigns;

"Purchaser" or "Purchasers" shall mean any party registered in the register of the Victoria Land Title Office as the owner in fee simple of a Lot, whether entitled to it in his, her or its own right or in a representative capacity or otherwise, or where there is a registered Right to Purchase a Lot, the registered holder of the last registered Right to Purchase; and where there is a registered Life Estate, the tenant of the Life Estate;

adjacent Lots or any other Lots, or shall cause, commit, suffer, authorize or permit any act of nuisance to originate or emanate from his or her lot;

- (f) permit his Lot or any Dwelling or any other Building or any other Improvement thereon to become in a state of disrepair, or unsightly or untidy, including the growth of unsightly vegetation, it being the intent of this restriction that all Lots and improvements thereon shall be maintained at all times in a neat and attractive state and condition;
- (g) permit any rubbish or debris to be stored, kept, or permitted to be kept or stored on any Lot or any junk or wrecked or partially wrecked motor vehicles, or any salvage materials, or goods intended for commercial use or sale, nor shall any waste or refuse accumulate on his Lot; and
- (h) permit any garbage receptacle, incinerator or compost heap to be kept on his Lot unless the same is screened from view at all times.

4. No purchaser or anyone acting on behalf of a Purchaser, shall:

- (a) permit any pole, mast, clothesline, antenna, satellite dish or any other similar object of any kind on his Lot or on the exterior of any Dwelling Unit or any other Building or any other Improvement on his Lot, save and except for a single satellite dish not exceeding 0.93 metres in diameter and collapsible umbrella-style clotheslines provided the same are located at the rear of his Lot and are sufficiently screened from any other Lot. Satellite receiving dishes shall not be mounted on rooftops or in any yard area fronting or flanking onto a street;
- (b) permit any heat pump on his Lot or on, in or about any Dwelling Unit or any other Building on his Lot having a sound level emanating from the heat pump at the property lines of his Lot which exceeds 60 decibels;
- (c) permit any sign of any kind whatsoever to be erected, posted, pasted or displayed upon his Lot or upon any Dwelling Unit or any other Building or any other Improvement on his Lot, save and except for "For Sale" signs that are no larger than 0.616 metres by 0.77 metres and save and except for signs indicating the family name of the Purchaser and/or the street address of his Lot so long as the dimensions of such a sign does not exceed 0.616 metres in length by 0.154 metres in width;

9. **House Numbers, Exterior Lighting and Door Hardware**

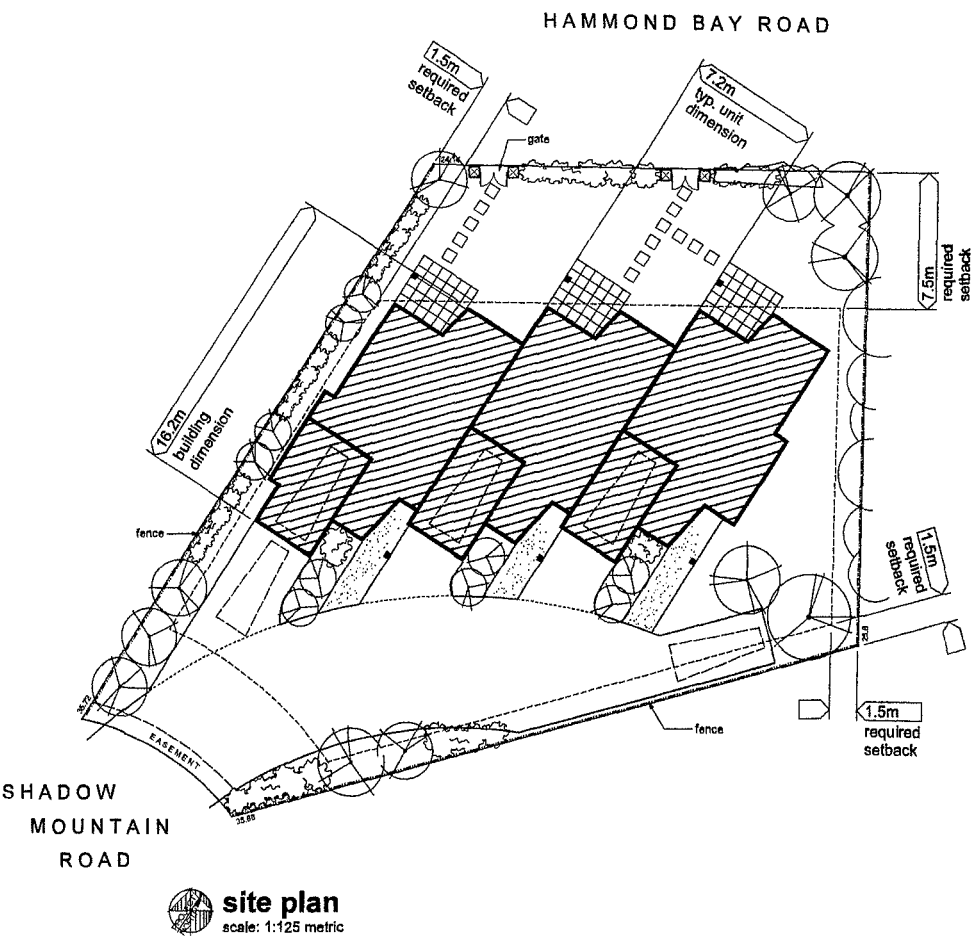
Exterior light fixtures shall not be located or directed so as to cause glare or illuminate adjacent Lots. House numbers shall not exceed 0.103 metres in height.

10. The Owner hereby expressly reserves the right to exempt any Lot remaining undisposed of by the Owner at the time the exemption is to take effect from all or any of the restrictions and benefits contained herein.

11. Nothing contained in this building scheme shall be construed or implied as imposing on the Owner, its agents or employees, any liability in the event of non-compliance with or non-fulfillment of any of the terms, restrictions, and benefits set forth and no liability or responsibility shall be incurred by the Owner, its agents or employees, in the performance or non-performance of their rights and obligations under this building scheme.

END OF DOCUMENT

G:\SUBDIVISION\PLAVETIC, I, M & D - Shadow Mountain SUB00584\Building Scheme revised E 28.doc



PROJECT DATA:

LEGAL DESCRIPTION:
LOT 4, DISTRICT LOT 20, WELLINGTON DISTRICT,
PLAN VIP 83287

CIVIC ADDRESS:
5876 SHADOW MOUNTAIN ROAD

LOT AREA:
+/- 1040 SQ.M. / +/- 11190 SQ.FT.

LAND USE:
MULTI-FAMILY RESIDENTIAL (TRIPLEX)

EXISTING ZONING:
RS-1 - SINGLE FAMILY RESIDENTIAL

PROPOSED ZONING:
RM-2 - RESIDENTIAL TRIPLEX AND
QUADRUPLUX ZONE

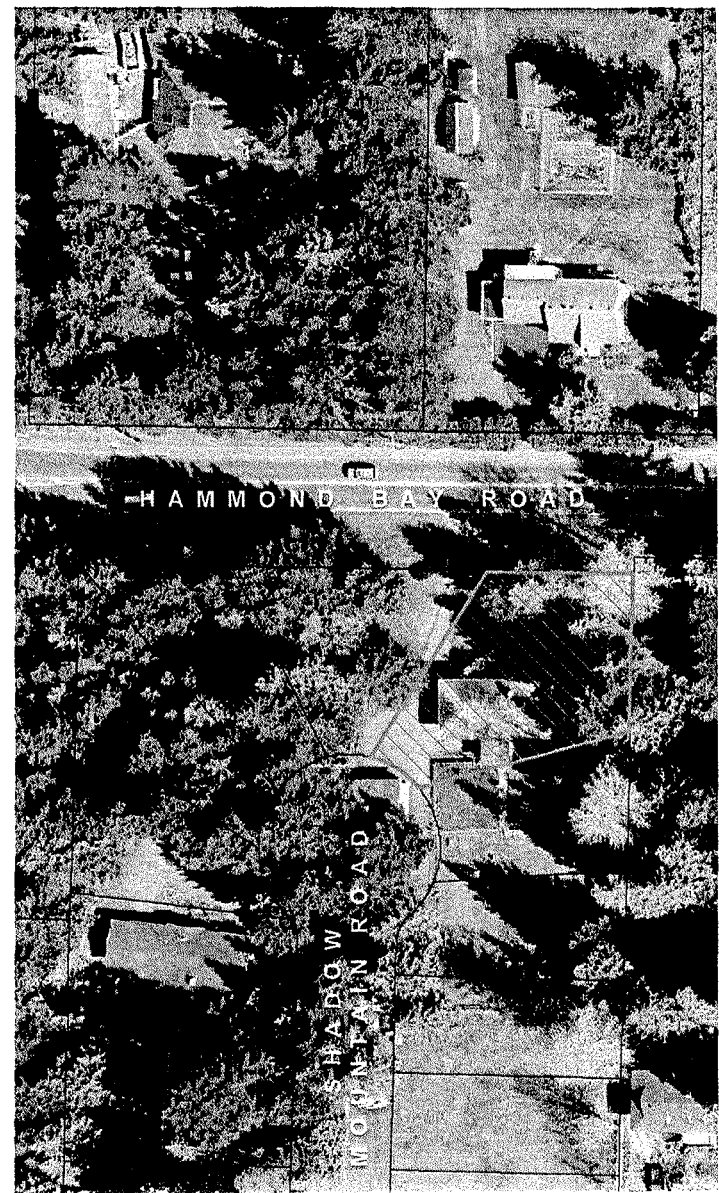
GROSS FLOOR AREA:
+/- 1930 SQ.FT. (INCLUDES GARAGE) x 3 = 5790 SQ.FT.

FLOOR AREA RATIO:
5790 SQ.FT. / 11190 SQ.FT. = .517

LOT COVERAGE:
3297 SQ.FT. / 11190 SQ.FT. = 29.5%

PARKING REQUIRED:
3 UNITS @ 1.66 EACH = 4

PARKING PROVIDED:
5 SPACES



neighborhood context

CONTRACTOR TO VERIFY ALL LINES, LEVELS, SURVEYS, DIMENSIONS, LOCATION OF BUILDING ON SITE AND LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORK TO BE DONE IN ACCORDANCE WITH THE B.C. BUILDING CODE, CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS.

COPYRIGHT RESERVED. THESE PLANS ARE THE PROPERTY OF DELINEA DESIGN INC. NO PART OF THIS DOCUMENT FOR THE PROJECT SHOWN, UNAUTHORIZED REPRODUCTION OR USE IN ANY MANNER IS NOT PERMISSIBLE.

delinea
design inc.

4375 OCEAN ROAD LADYSMITH BC V8B 1G2

will metville phone/fax
designer 250.245.3614

REVISIONS:
issued for review: 14 MAY 2009

PROJECT:
Proposed Triplex on:
5876 Shadow Mountain Road

Nanaimo, B.C.

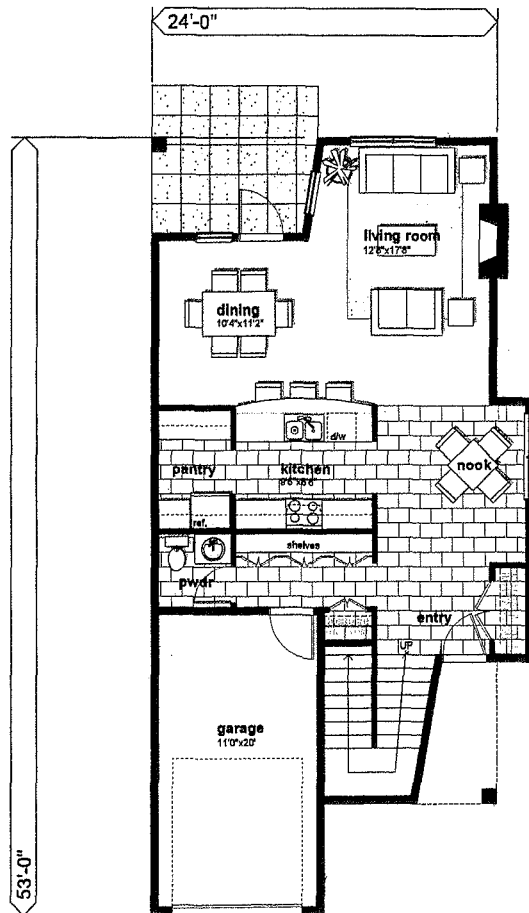
JOB NUMBER:
d1120.02.09

SCALE:
as noted

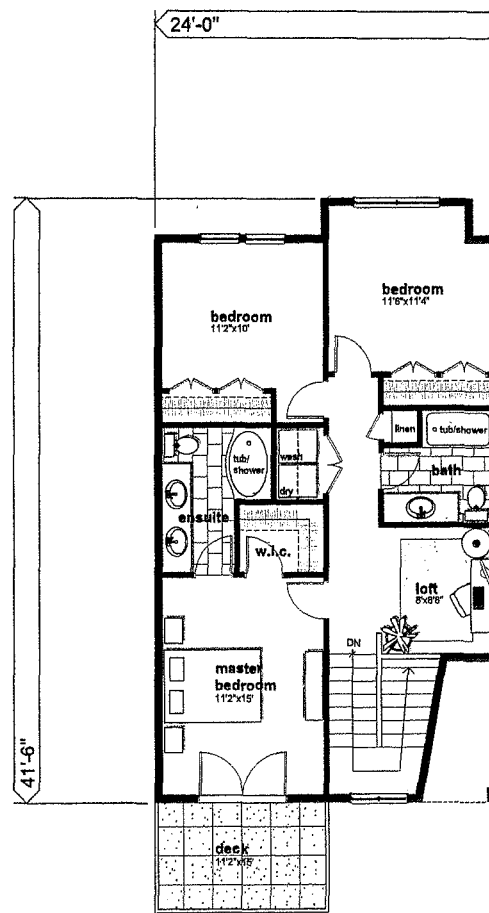
DRAWN BY:
S.S.

DRAWING TITLE:
site plan

PAGE:



main floor plan
scale: 1/8" = 1'-0"
area: 864 sq.ft



upper floor plan
scale: 1/8" = 1'-0"
area: 631 sq.ft

CONTRACTOR TO VERIFY ALL LINES, LEVELS, SURVEY, DIMENSIONS, LOCATION OF BUILDING ON SITE AND LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORKS TO BE DONE IN ACCORDANCE WITH ALL APPLICABLE CODES, ORDINANCES, BYLAWS AND ALL LOCAL BUILDING STANDARDS. COPYRIGHT RESERVED. THESE PLANS ARE THE PROPERTY OF DELINEA DESIGN CONSULTANTS LTD. TO BE USED SOLELY FOR THE PROJECT SHOWN. UNAUTHORIZED REPRODUCTION OR USE IN ANY MANNER IS NOT PERMISSIBLE.

delinea
design consultants ltd.
4375 OBERMAN ROAD LADYSMITH BC V8G 1G2
will mehville phone/fax 250.245.3894
designer
REVISIONS:
issued for review 15.MAY.2008

PROJECT:
Proposed Triplex on:
5876 Shadow Mountain Road
Nanaimo, B.C.
JOB NUMBER:
d1120.02.09
SCALE:
as noted
DRAWN BY:
S.S.
DRAWING TITLE:
upper and lower floor plans

PAGE:
PR2

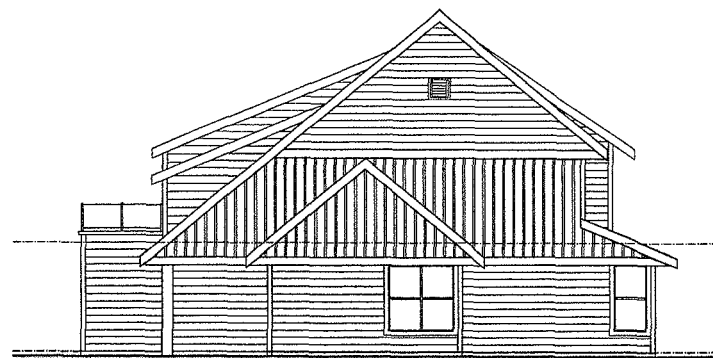
CONTRACTOR TO VERIFY ALL DIMENSIONS, LEVELS, SERVICES, DIMENSIONS, LOCATION, OF BUILDING ON SITE AND LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORK TO BE DONE IN ACCORDANCE WITH THE S.C. BUILDING CODE, CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS.

CONTRACTOR TO VERIFY ALL DIMENSIONS, LEVELS, SERVICES, DIMENSIONS, LOCATION, OF BUILDING ON SITE AND LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORK TO BE DONE IN ACCORDANCE WITH THE S.C. BUILDING CODE, CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS.

CONTRACTOR TO VERIFY ALL DIMENSIONS, LEVELS, SERVICES, DIMENSIONS, LOCATION, OF BUILDING ON SITE AND LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORK TO BE DONE IN ACCORDANCE WITH THE S.C. BUILDING CODE, CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS.



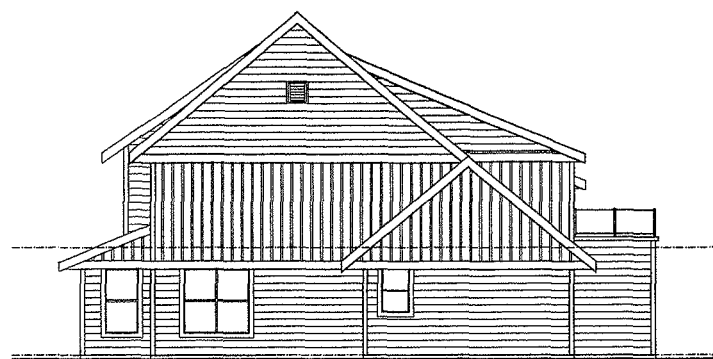
south elevation
scale: 3/16" = 1'-0"



east elevation
scale: 3/16" = 1'-0"



north elevation
scale: 3/16" = 1'-0"



west elevation
scale: 3/16" = 1'-0"



4374 O'BRIEN ROAD LADYBETH BC V0G 1G2
will melville phone/fax
designer 250.245.3594

REVISIONS:
issued for review 15 MAY 2009

PROJECT:
Proposed Triplex on:
5876 Shadow Mountain Road
Nanaimo, B.C.
JOB NUMBER:
d1120.02.09
SCALE:
as noted
DRAWN BY:
S.S.
DRAWING TITLE:
elevations

PAGE:

PR3











