

2008-MAY-05

STAFF REPORT

TO: A. TUCKER, DIRECTOR, PLANNING & DEVELOPMENT, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2008-MAY-01
FOR BYLAW NO. 4000.436

STAFF'S RECOMMENDATION:

That Council receive this report and the minutes of the Public Hearing held on Thursday, 2008-MAY-01.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2008-MAY-01, the subject of which was one item. No members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 4000.436:

RA201 – 2137 Boundary Avenue

This bylaw, if adopted, will legalize the non-conforming use of a triplex by rezoning the land to Residential Triplex and Quadraplex Zone (RM-2).

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

One written and one verbal submission were received for this bylaw.

Respectfully submitted,

D. Lindsay
Manager, Planning Division
Development Services Department

A. Tucker
Director, Planning & Development
Development Services Department

DL/pm
Council: 2008-MAY-12
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To: CITY MANAGER
FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL

GENERAL MANAGER OF DEVELOPMENT SERVICES

**MINUTES OF THE PUBLIC HEARING HELD PURSUANT TO THE
LOCAL GOVERNMENT ACT, IN THE BOARD CHAMBERS OF THE
REGIONAL DISTRICT OF NANAIMO, 6300 HAMMOND BAY ROAD, NANAIMO, BC,
ON THURSDAY, 2008-MAY-01, TO CONSIDER AMENDMENTS TO
THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"**

PRESENT: A/Mayor M.D. Brennan
Councillor W.L. Bestwick
Councillor C.S. Manhas
Councillor L.D. McNabb
Councillor L.J. Sherry
Councillor M.W. Unger

REGRETS: Mayor G.R. Korpan
Councillor J.D. Cameron
Councillor W.J. Holdom

STAFF: D. Lindsay, Manager, Planning Division, DSD
S. Smith, Planner, Planning Division, DSD
P. Masse, Planning Clerk, Planning Division, DSD

PUBLIC: There were no members of the public present.

CALL TO ORDER:

Acting Mayor Brennan called the meeting to order at 7:00 pm. Mr. Lindsay explained the required procedure in conducting a Public Hearing and the regulations contained within Section 892 of the Local Government Act. Mr. Lindsay read the item as it appeared on the Agenda, outlining the project, adding that this is the final opportunity to provide input to Council before consideration of Third Reading of "ZONING BYLAW AMENDMENT BYLAW 1993 NO. 4000.436" at the next regularly scheduled Council meeting of 2008-MAY-12.

1. BYLAW NO. 4000.436:

RA201 – 2137 Boundary Avenue

This bylaw, if adopted, will legalize the non-conforming use of a triplex by rezoning the land to Residential Triplex and Quadraplex Zone (RM-2).

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

- Ms. Pilcher's presentation is attached (Schedule 'A').

Councillor Unger asked for clarification on whether or not the purpose of this application is to legalize an existing triplex.

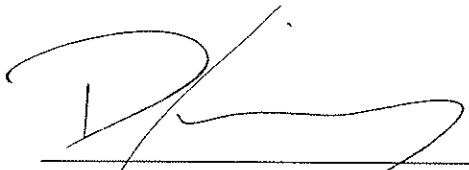
Ms. Pilcher confirmed the purpose of the application is to legalize an existing triplex, adding that all surrounding property owners were petitioned regarding the proposed rezoning.

No further written or verbal submissions were received for this bylaw.

MOVED by Councillor McNabb, SECONDED by Councillor Bestwick, that the meeting be adjourned at 7:02 pm.

CARRIED

Certified Correct:

A handwritten signature in black ink, appearing to be 'D. Lindsay', is written over a horizontal line.

D. Lindsay
Manager, Planning Division
Development Services Department

SCHEDULE A

Maureen Pilcher & Associates

Land Use Consultants

Good evening Mayor Korpan, Members of Council, Members of Staff, Ladies and Gentlemen:

My name is Maureen Pilcher, and I am a Land Use Consultant in the Central Vancouver Island area. I represent the owner of property located at 2137 Boundary Avenue. This property is currently included in the "Neighbourhood" designation of the Official Community Plan and is presently included in the Residential Duplex Zone – RM-1.

Please note that this building was completed, and issued an occupancy permit, under the administration of the Regional District of Nanaimo, in 1972, as a legal duplex. Three separate electric meters were installed at construction, and utilities for three dwelling units have been paid to the City for more than 36 years.

The building has been utilized as a tri-plex continuously since that time - the lower unauthorized suite occupied for more than thirty years by the owner/builder – Mr. Dugaro and his family - and the two upper units continuously rented out. Mr. Dugaro passed away in 1995, and Mrs. Dugaro and her child continued living there until my client, Mr. MacIntosh, purchased the property in 2005.

The three large two bedroom units in this well maintained building presently provide much needed affordable, clean and convenient rental accommodation in the busy hospital area. The triplex also contains a laundry area, separate storage for each tenant, and a large private rear yard for the enjoyment of all the tenants. The property is located across the road from Woodland's Secondary School, and is within walking distance to elementary schools and transit routes. Commercial and health services are in very close proximity.

Mr. MacIntosh now wishes to legalize the existing triplex – and to that end has had a special inspection completed by the Building Inspection Department. A number of building code deficiencies have been identified, and Mr. MacIntosh will be making all the building upgrades required – including installing a costly sprinkler system throughout the building. Mr. MacIntosh has also submitted a professional landscaping plan for the Boundary Avenue frontage of the property – which includes the planting of nearly \$9000.00 worth of plants shrubs and trees, the reconfiguration of ample parking for the occupants, and a defined vehicle access point to the property. The re-creation of the front yard will certainly enhance the street presence of the triplex.

All of the surrounding property owners have been petitioned regarding this proposed rezoning – and positive feedback has been received from all contacted. Many neighbours were confused as to why a rezoning is required for something that has existed, without any problems, for such a long period of time – but quickly indicated their full support once the non-conforming situation was explained.

As per Section 6.2 of the Official Community Plan, the Community Contribution Policy, Mr. MacIntosh intends on donating \$1,000 to the City's Housing Legacy Fund.

This rezoning application meets the requirements of the OCP Neighbourhood designation, meets all the regulations of the RM-2 zone – no variances are required – and the owner has agreed to upgrade the building, enhance the frontage of the property and provide extensive landscaping. This small scale project provides varied living options for the community, is close to schools, commercial centres and transit, and legalizes an existing non-conforming building.

We welcome any questions you may have – and thank you for your consideration of this application.

All drawings remain the property of Greenway Landscape Architecture. Use for any purpose and reproduction only by written consent.

DATE	REVISION
12/1/2011	1. Initial Design
12/1/2011	2. Final Design

LEGEND

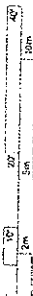
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Landscape Architecture
2280 Park Crescent
Vancouver, BC V6J 1A2
Tel: 604.684.4321
Fax: 604.684.4327
info@greenway.ca

Client
Wayne McIntosh
Langley, BC

Project
2137 Boundary Ave
Nanaimo
Duplex Development

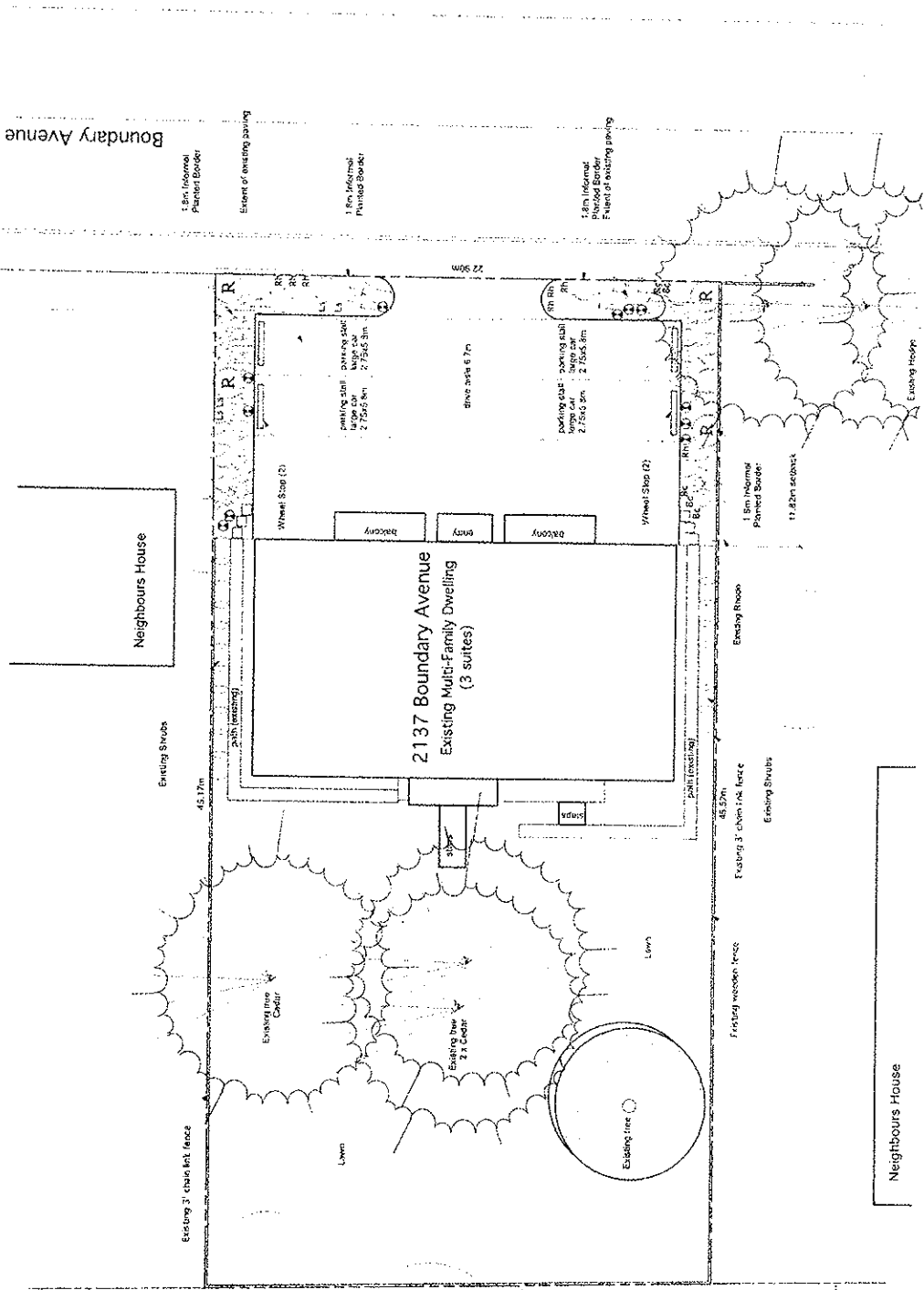
Project
Landscape
Planting Plan
L-1

Scale: 1" = 10'-0"
North Arrow
Project Number: 88031



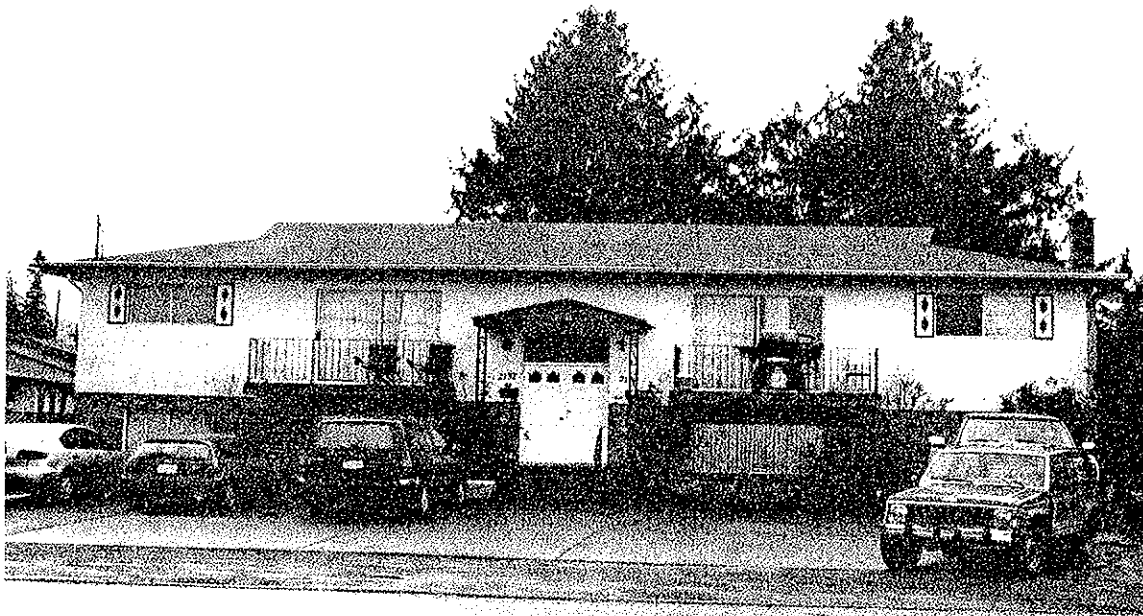
GENERAL NOTES:
All plant material and planting per latest edition of BC S.A.B.C.L. Ltd. Landscape Standard.
Soils and plant material to be specified by the client.
Contractor is responsible to confirm location of all trees and structures.

SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	NATURE SIZE	SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
Rc	24	Rubus corymbosus	Emerald Cragwort	4" (10cm) pot	12" o.c.	Plant in open areas at edge of planting beds.	Rc	24	Rubus corymbosus	Emerald Cragwort	4" (10cm) pot	12" o.c.
Bc	5	Bergenia corymbosa	Mountain Begonia	4" (10cm) pot	18" o.c.		Bc	5	Bergenia corymbosa	Mountain Begonia	4" (10cm) pot	18" o.c.
Li	11	Hosta whittelliana	Potter's Hosta	4" (10cm) pot	24" o.c.		Li	11	Hosta whittelliana	Potter's Hosta	4" (10cm) pot	24" o.c.
Li	4	Leucanthemum superbum	Shasta Daisy	4" (10cm) pot	18" o.c.		Li	4	Leucanthemum superbum	Shasta Daisy	4" (10cm) pot	18" o.c.
Sp	9	Polystichum nudum	Shield Fern	4" (10cm) pot	24" o.c.		Sp	9	Polystichum nudum	Shield Fern	4" (10cm) pot	24" o.c.
Rh	7	Rudbeckia hirta	Black-eyed Susan	4" (10cm) pot	18" o.c.		Rh	7	Rudbeckia hirta	Black-eyed Susan	4" (10cm) pot	18" o.c.



PLANT LIST

SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	NATURE SIZE
T2	12	Asplenium adnigrum	Common Rock Fern	4" (10cm) pot	24" o.c.	5m x 2m
G	5	Gaultheria phillyifolia	Salal	4" (10cm) pot	24" o.c.	5m
P	6	Philis lanuginosa	Snowdriest	4" (10cm) pot	30" o.c.	5m x 1.2m
R	4	Rhododendron yellow	Yellow Rhodo (var)	4" (10cm) pot	36" o.c.	2m
R	6	Rhododendron 'Violet Princess'	Blue Pink Yellow Rhodo	4" (10cm) pot	36" o.c.	7.5m
S	2	Slavonia japonica	Japanese Star Magnolia	4" (10cm) pot	30" o.c.	9m x 2m
W	8	Wingata hirsuta	Midnight Wine	4" (10cm) pot	30" o.c.	9m



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