

AGENDA FOR THE MEETING OF THE PLANNING AND DEVELOPMENT STANDING
COMMITTEE, TO BE HELD IN THE BOARD ROOM, CITY HALL,
ON THURSDAY 2005-APR-28, COMMENCING AT 3:00 P.M.

1. ADOPTION OF MINUTES:

- (a) Minutes of the Planning, Environment and Development Standing Committee Meeting held Thursday, 2005-FEB-10 at 3:30 p.m. in the Board Room.

2. INTRODUCTION OF LATE ITEMS:

3. RECEIVING OF DELEGATIONS:

- (a) Mr. Roger Richer, Chair, Board of Variance, to speak to the report from the Board of Variance regarding changes to bylaw enforcement procedures. *[This report appears as item 4(b) on the agenda.]*

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4. REPORTS OF ADVISORY BODIES:

- (a) Advisory Committee on the Environment - Regulations for Internal Wood Burning Stoves and Appliances to be Certified to 1994 CSA Standards

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At the Regular Meeting of Council held 2004-MAY-17, the issue of regulating the use of internal wood-burning stoves and fireplaces was referred to the Advisory Committee on the Environment (ACE).

Local governments in B.C. have taken a variety of measures, including educational programs and amending local building bylaws that require wood burning appliances to display a permanent label showing the appliance has been tested to meet both EPA and CSA standards for clean burning.

ACE supports the first option to provide educational material and arrange for "Burn-It-Smart" workshops at least once a year. The Committee also recommends ACE explore the feasibility of the City initiating a wood burning appliance exchange program in partnership with local business and investigating what other B.C. communities are doing regarding air quality monitoring.

Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council provide direction based on one of the following options:

1. Provide educational information from the “Burn It Smart” program to the public.
2. Report back on the feasibility of a wood burning appliance exchange program.
3. Explore the feasibility of the City monitoring air quality.
4. Prepare a Wood Burning Appliances Bylaw and hire Staff to enforce.
5. Take no further action.

(b) Board of Variance - Changes to Bylaw Enforcement Procedures

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As Council is aware, present policy regarding Bylaw Enforcement Procedures states:

“All complaints regardless of origin, impact or motivation be dealt with in the same manner.”

As a result, Staff receive and respond to all complaints from individuals regardless of their proximity to the bylaw infraction. When received, Staff advise the property owner of the bylaw infraction and request that it be brought into compliance, or where appropriate, that the owner may apply to the Board of Variance for a variance to the requirements of the Bylaw.

The Board is aware that specific Council policies have also been established for responding to secondary suite and animal control bylaw complaints. Under these policies, Staff are directed to respond only when the complainant lives within a 100 metre radius of an offending property.

As Council is aware, a Board of Variance is required in all municipalities that have a Zoning Bylaw in place. Individuals may make an application to the Board if they allege that compliance with a Bylaw respecting the siting, size or dimension of a building or structure would cause the individual an undue hardship.

The Board may order that the variance be allowed if the Board finds that the applicant has proven that compliance with the Bylaw would cause undue hardship and is of the opinion that the variance does not defeat the intent of the Bylaw, adversely affect the natural environment result in inappropriate development of a site, vary the use and density of a site, nor effect the use and enjoyment of adjacent property.

As outlined above, it is the Board's understanding that if a complaint is substantiated, property owners are given the option to bring the infraction into compliance, or when appropriate, to apply to the Board of Variance. As the cost and effort associated with requesting a variance from the Board are generally less than bringing the infraction into compliance, offending property owners often choose to apply to the Board. Consequently, in recent years, the Board has received an increasing number of variance

appeals related to bylaw infractions.

A review of Board of Variance records indicates that of the 216 variance requests since 1999, 33 of the requests are related to bylaw complaints. The table below shows the number of complaint generated requests per year since 1999.

Year	Number of Complaint Related Appeals	Total Number of Appeals	Percentage of Appeals Related to Complaints (%)
1999	1	27	3.7
2000	2	19	10.5
2001	7	34	20.6
2002	4	34	11.8
2003	6	44	13.6
2004	13	58	22.4

It is the opinion of the Board that an increasing amount of time and effort has been spent reviewing such variance requests, and as a result, at their regular meeting held 2004-DEC-16, the Board passed the following motion:

“That Council review and amend its current policy regarding bylaw enforcement procedures to respond only to complaints from individuals residing within a 100 meter radius of a property to which a complaint has been lodged”.

Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council amend the present Council policy for dealing with bylaw infractions, to respond only to complaints from property owners or occupants who live within 100 metres of the residence of the bylaw infraction.

5. CITY MANAGER'S REPORT:

Synopsis.....	<i>Pg. 8-14</i>
(1) Steep Slope Development Guidelines	<i>Pg. 15-34</i>
(2) Amendment to the Public Hearing Process	<i>Pg. 35-39</i>

6. INFORMATION ONLY ITEMS:

(a) Report from the Nanaimo Community Heritage Commission, re: Heritage Commission Annual Workplan.	<i>Pg. 40-45</i>
(b) Report from Ron Lambert, Fire Chief, re: Burning Complaints Received by the Fire Rescue Department.	<i>Pg. 46</i>
(c) Report from the Advisory Committee on the Environment, re: Update on the Partners for Climate Protection Program.	<i>Pg. 47-48</i>

7. **CORRESPONDENCE:**

8. **CONSIDERATION OF LATE ITEMS / OTHER BUSINESS:**

9. **ADJOURNMENT:**