



AGENDA

FOR THE SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NANAIMO (PUBLIC HEARING)

Thursday, October 4, 2018, 7:00 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

Pages

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

2. INTRODUCTION OF LATE ITEMS:

3. ADOPTION OF AGENDA:

4. CALL THE PUBLIC HEARING TO ORDER:

5. PUBLIC HEARING AGENDA

Lainya Rowett, Manager, Current Planning and Subdivision, to explain the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

a. Rezoning Application No. RA391 - 4525 and 4461 Wellington Road

4 - 12

To be introduced by Lainya Rowett, Manager, Current Planning and Subdivision.

Presentation:

1. Michael Plavetic, MJP Homes, the applicant.

Call for submissions from the Public.

6. FINAL CALL FOR SUBMISSIONS:

Following the close of a Public Hearing, no further submission or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

7. ADJOURNMENT OF THE PUBLIC HEARING

8.	BYLAWS:	13
a.	<u>"Zoning Amendment Bylaw 2018 No. 4500.128"</u>	14 - 15
	That "Zoning Amendment Bylaw 2018 No. 4500.128" (To rezone portions of the subject properties at 4525 and 4461 Wellington Road from Single Dwelling Residential [R1] to Duplex Residential [R4]) pass third reading.	
9.	REPORTS:	
a.	<u>Bylaw Contravention Notice - Construction Started Without a Building Permit - 2153 Spencer Road</u>	16 - 17
	To be introduced by Dale Lindsay, Director, Community Development.	
	<i>Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2153 Spencer Road.</i>	
	It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 2153 Spencer Road.	
	Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the <i>Community Charter</i> for the property located at 2153 Spencer Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".	
b.	<u>Bylaw Contravention Notice - Constructed Started Without a Building Permit - 2204 Belwood Road</u>	18 - 19
	To be introduced by Dale Lindsay, Director, Community Development.	
	<i>Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2204 Belwood Road.</i>	
	It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 2204 Belwood Road.	
	Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the <i>Community Charter</i> for the property located at 2204 Belwood Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".	

- c. Bylaw Contravention Notice - Construction Not Completed As Per Conditions of the Building Permit – 5149 Laguna Way. 20 - 21

To be introduced by Dale Lindsay, Director, Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5149 Laguna Way.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 5149 Laguna Way.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 5149 Laguna Way for construction not completed as per the conditions of the building permit.

- d. Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 426 Renfrew Street 22 - 23

To be introduced by Dale Lindsay, Director, Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 426 Renfrew Street.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 426 Renfrew Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 426 Renfrew Street for construction not completed as per the conditions of the building permit.

10. **ADJOURNMENT:**

DATE OF MEETING | September 17, 2018 |
AUTHORED BY | DAVE PADY, SUBDIVISION PLANNER, CURRENT PLANNING AND SUBDIVISION |

SUBJECT | REZONING APPLICATION NO. RA391 – 4525 AND 4461 WELLINGTON ROAD |

OVERVIEW

Purpose of Report

To present Council with an application to rezone portions of the properties located at 4525 and 4461 Wellington Road from Single Dwelling Residential (R1) to Duplex Residential (R4) in order to allow duplexes within a proposed subdivision. |

Recommendation

1. That “Zoning Amendment Bylaw 2018 No. 4500.128” (To rezone portions of the subject properties at 4525 and 4461 Wellington Road from Single Dwelling Residential [R1] to Duplex Residential [R4]) pass first reading; and
2. That “Zoning Amendment Bylaw 2018 No. 4500.128” pass second reading. |

BACKGROUND

A rezoning application was received from Williamson & Associates Professional Surveyors, on behalf of 1086237 BC LTD, to rezone portions of the subject properties from Single Dwelling Residential (R1) to Duplex Residential (R4) to allow duplexes on 10 lots within a proposed 37-lot subdivision.

The related subdivision application (SUB1239) has received a preliminary layout approval, and a development variance permit (DVP358) was recently approved by Council on 2018-AUG-13 to reduce the minimum frontage requirement for proposed Lots 2 to 5 within the subdivision.

DISCUSSION

Proposed Development

The applicant proposes to rezone portions of the subject properties to allow duplexes on 10 of the proposed lots (Lots 2 to 6, 18, 20, 31, 32, and 36). Duplexes are only permitted in the R1 zone where a lot exceeds 700m² and is a corner lot. While these lots exceed the minimum lot area requirements to accommodate a second dwelling unit, they are not corner lots so the applicant is proposing to rezone these lots to the R4 zone to permit duplexes.

Proposed Lots 22 and 35 are corner lots and will permit duplexes under the existing R1 zone, resulting in a total of 12 duplexes (24 dwelling units) within the 37-lot subdivision.

Proposed Lots 2 to 5 will have shared driveway access from Wellington Road in order to increase on-street parking. The applicant proposes to construct two detached dwelling units on each of these lots with the garages facing to the side, not to the street, in order to maximize the building presence along the street and maximize onsite parking. The remaining duplex lots within the subdivision, including proposed Lots 6, 18, 20, 31, 32, and 36 will be accessed by a proposed internal road.

Staff Review

Official Community Plan

The subject properties are designated Neighbourhood in the Official Community Plan (OCP), which encourages a mix of lower density residential uses, 10 to 50 units per hectare (uph), and encourages increased housing choice to complement the existing neighbourhood character. The proposed rezoning for duplexes will result in a density of 15uph and will provide another form of housing that is compatible with the surrounding neighbourhood as supported by OCP policies.

Community Contribution

As outlined in Section 7.3 of the OCP, community contributions are provided in exchange for value conferred on land through rezoning. As this application will result in an additional 10 duplex units, the applicant proposes to contribute \$20,000 toward park improvements within the future park proposed to be dedicated within the subdivision.

Staff accept the proposal and recommend the community contribution of \$20,000 be secured through this rezoning.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2018 No. 4500.128”, Staff recommend the following item be secured prior to final adoption of the bylaw:

1. Community Contribution in the amount of \$20,000 for park improvements within the proposed park within the subdivision of the subject properties.

SUMMARY POINTS

- The applicant proposes to rezone portions of the subject properties to allow duplexes on 10 lots within a proposed 37-lot subdivision.
- The proposed rezoning will result in a density of 15uph and provide another form of housing that is compatible with the surrounding neighbourhood as supported by OCP policies.

ATTACHMENTS

ATTACHMENT A: Location Plan

ATTACHMENT B: Proposed Subdivision Plan

ATTACHMENT C: Proposed Zoning and Proposed Lot Layout

ATTACHMENT D: Aerial Photo

"Zoning Amendment Bylaw No. 4500.128 |

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision |

Concurrence by:

D. Lindsay
Director, Community Development |

ATTACHMENT A LOCATION PLAN



REZONING APPLICATION NO. RA000391

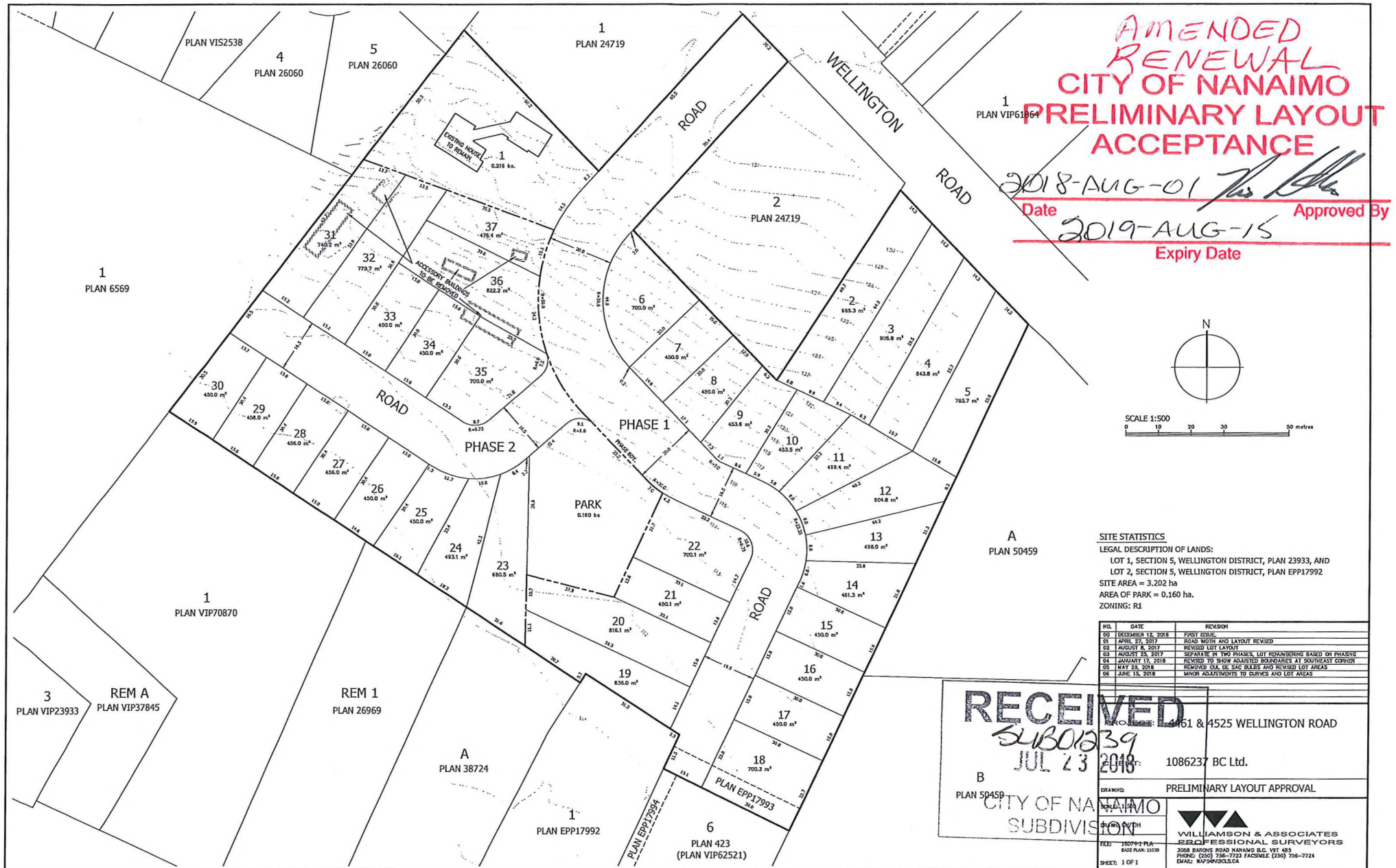
LOCATION PLAN



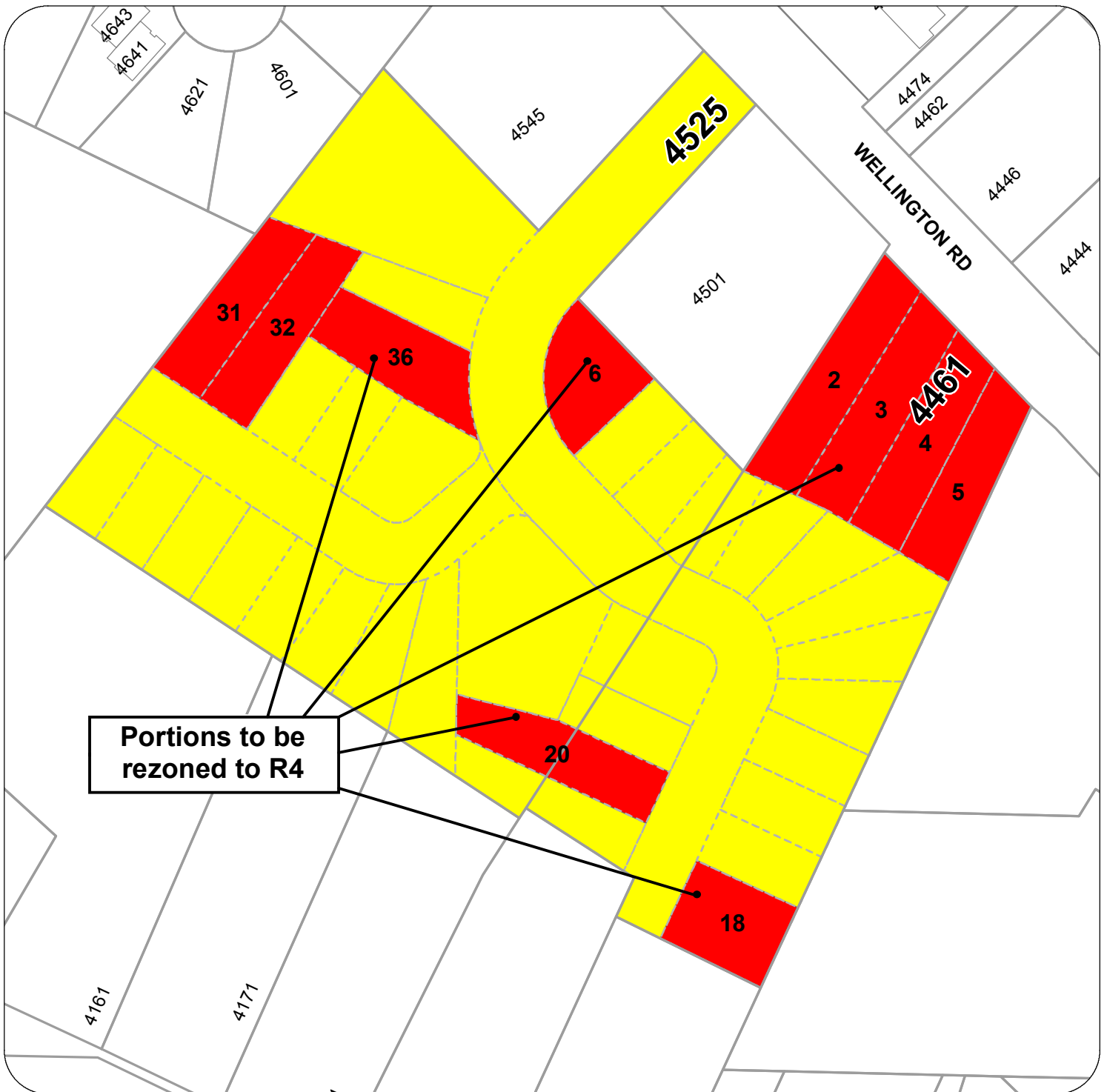
Civic : 4461 and 4525 Wellington Road
 Lot 2, Section 5, Wellington District, Plan EPP17992 and
 Lot 1, Section 5, Wellington District, Plan 23933, Except
 that part in Plan 24719



ATTACHMENT B PROPOSED SUBDIVISION PLAN






**ATTACHMENT C
PROPOSED ZONING AND PROPOSED LOT LAYOUT**



REZONING APPLICATION NO. RA000391

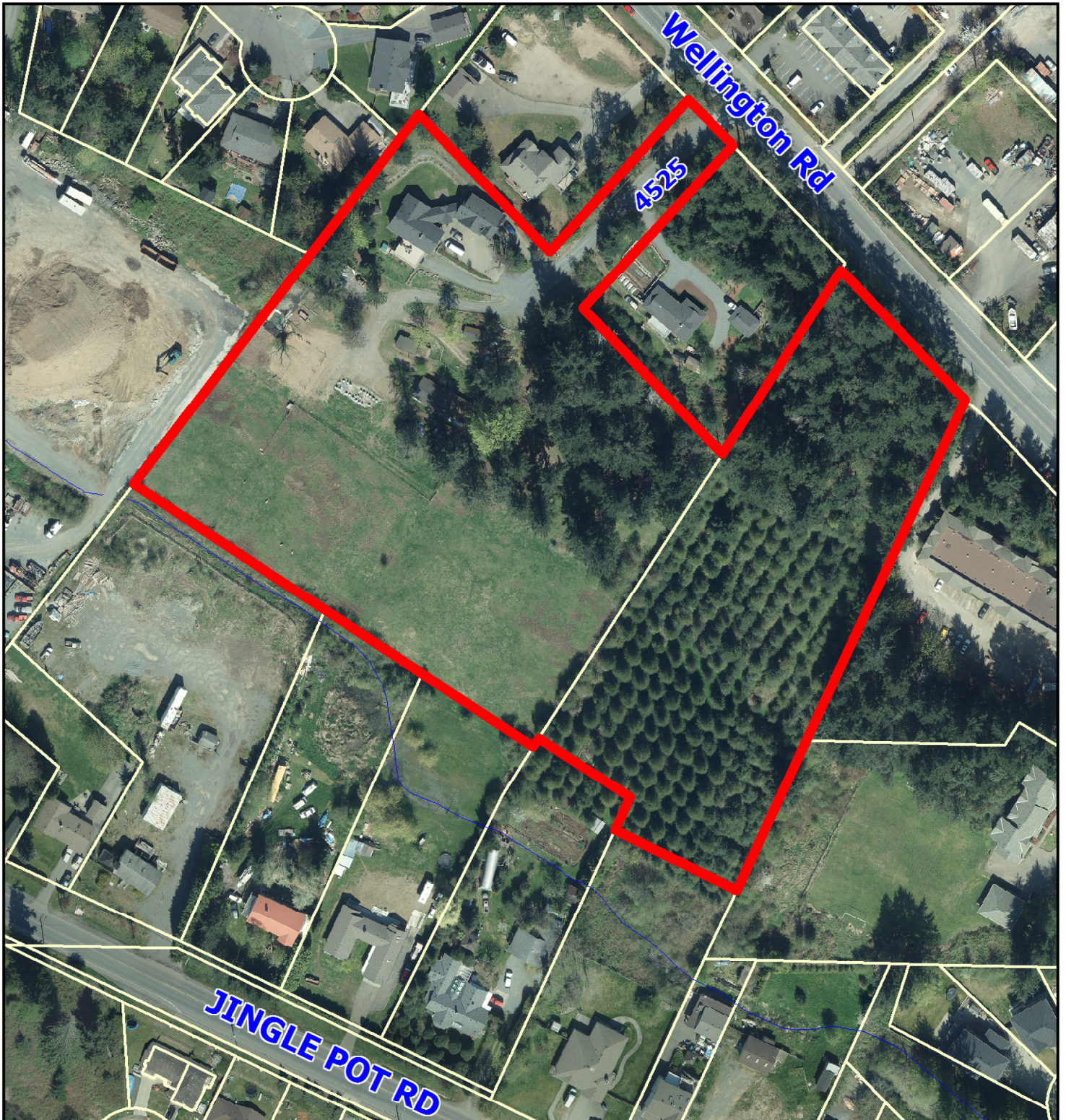
Legend

-  Proposed Subdivision
-  Existing R1 Zoning
-  Existing R1 Zoning Proposed to be R4 Zoning

Civic: 4461 & 4525 Wellington Road



ATTACHMENT D
AERIAL PHOTO



REZONING APPLICATION NO. RA000391



CITY OF NANAIMO

BYLAW NO. 4500.128

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2018 No. 4500.128".
2. The City of Nanaimo "Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 23933, EXCEPT THAT PART IN PLAN 24719 (4525 Wellington Road) and LOT 2, SECTION 5 WELLINGTON DISTRICT PLAN EPP17992 (4461 Wellington Road) from Single Dwelling Residential (R1) to Duplex Residential (R4) as shown on Schedule A.

PASSED FIRST READING: 2018-SEP-17

PASSED SECOND READING: 2018-SEP-17

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000391
Address: 4525 and 4461 Wellington Road



SCHEDULE A



REZONING APPLICATION NO. RA000391

LOCATION PLAN

Legend

-  Subject Properties
-  Proposed R4 Zoning

Civic: 4461 & 4525 Wellington Road



8. Bylaws

CITY OF NANAIMO

BYLAW NO. 4500.128

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

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PASSED FIRST READING: 2018-SEP-17

PASSED SECOND READING: 2018-SEP-17

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000391
Address: 4525 and 4461 Wellington Road



SCHEDULE A



REZONING APPLICATION NO. RA000391

LOCATION PLAN

Legend

-  Subject Properties
-  Proposed R4 Zoning

Civic: 4461 & 4525 Wellington Road



DATE OF MEETING October 4, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2153 SPENCER ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2153 Spencer Road.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2153 Spencer Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection on 2018-MAY-28 revealed that a secondary suite was constructed within the dwelling's basement and work undertaken to enclose the area under the sundeck to create a laundry facility. This work was completed without a permit or inspections. An application has been received; however, a notice on title is recommended in order to reflect the remainder of work completed without a permit or inspections.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING October 4, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2204 BELWOOD ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2204 Belwood Road.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2204 Belwood Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection was completed on 2017-JUL-20 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to construct a deck without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for this work. The deadline for a building permit application was 2018-AUG-15. To date, a building permit application has not been received. Additionally, a heat pump was observed in the front yard of the property. The property owner was advised that the heat pump was to be relocated to the rear yard or a development variance permit submitted. To date, an application for a variance has not been received, nor has the owner contacted the City regarding a relocation of the unit.

Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work undertaken without a permit or inspections in contravention of "Building Bylaw 2016 No 7224" and the violation of "Zoning Bylaw 2011 No. 4500".

Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING October 4, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 5149 LAGUNA WAY

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5149 Laguna Way.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 5149 Laguna Way for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit for replacement of the siding, deck repair and the installation of three windows was issued 2016-JUN-28. However, the permit has now expired with deficiencies remaining outstanding, in contravention of the Building Bylaw. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the contravention of “Building Bylaw 2016 No 7224”.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

SUMMARY POINTS

- Construction was not completed as per the conditions of the permit.
- The deadline to renew the permit has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING October 4, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 426 RENFREW STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 426 Renfrew Street.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 426 Renfrew Street for construction not completed as per the conditions of the building permit.

BACKGROUND

An inspection was completed on 2016-SEP-15 in response to a complaint received regarding illegal construction. The inspection confirmed that construction of a deck and alterations to an accessory building were underway without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. A building permit application was subsequently received; however, the permit was never issued and has now expired with the illegal works remaining. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

As the construction is considered a safety issue, Staff will be seeking a Safety Upgrade / Removal Order at a future meeting.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

SUMMARY POINTS

- Construction was not completed as per the conditions of the permit.
- The deadline to renew the permit has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development