

**MINUTES**  
SPECIAL COUNCIL MEETING (PUBLIC HEARING)  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
THURSDAY, 2019-JAN-03, AT 7:00 P.M.

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Present: Mayor L. Krog  
Councillor D. Bonner  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe  
Councillor J. Turley

Absent: Councillor S. D. Armstrong  
Councillor T. Brown  
Councillor B. Geselbracht

Staff: D. Lindsay, Director, Community Development  
L. Rowett, Manager, Current Planning (vacated 7:21 p.m.)  
D. Fox, Manager, Building Inspections  
S. Gurrie, City Clerk  
G. Whitters, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Council Meeting was called to order at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Remove Agenda Item 9(c) - Bylaw Contravention Notice – Construction Started Without a Building Permit – 1799 Stewart Avenue.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing Meeting was called to order at 7:01 p.m. Mayor Krog spoke regarding the purpose of a Public Hearing, advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and advised of the standard protocols for a Public Hearing.

5. PUBLIC HEARING AGENDA:

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

(a) Rezoning Application No. RA000404 - 5400 Dewar Road and 5351 Redmond Road

Introduced by Lainya Rowett, Manager, Current Planning.

Presentation:

1. Brian S. Henning, Williamson & Associates, Applicant, stated:
  - Currently zoned for single family - R1 and steep slope residential - R10
  - Related development applications include subdivision, road closure, and steep slope development permit
  - Application for rezoning to steep slope residential - R10 and park - PRC1
  - Amendment would eliminate split-zoning of proposed lots to provide clarity and consistency of zoning and creates park over steepest area
  - Density transfer achieved through previous development permit to provide more area for park and opportunity to improve pedestrian connectivity between Royal Pacific Way and Dewar Road
  - Plan addresses steep slope guideline by preserving steep slope as park
  - Delivered information packages to homes south and west with only one follow-up received

Mayor Krog called for submissions from the public:

No one in attendance wished to speak regarding Rezoning Application No. RA000404 - 5400 Dewar Road and 5351 Redmond Road.

Mayor Krog called for submissions from the public for a second time:

1. Dan Tietzen, 5354 Royal Seaview, spoke in favour, and stated that the park proposal has great value because of habitat protection and the opportunity for tree retention. He said he had spoken with the City about the development and tree retention is to be determined depending on utility development.

Mayor Krog called for submissions from the public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA000404 - 5400 Dewar Road and 5351 Redmond Road.

No written submissions were received at the meeting with respect to Rezoning Application No. RA000404 - 5400 Dewar Road and 5351 Redmond Road.

6. FINAL CALL FOR SUBMISSIONS:

Mayor Krog announced that 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:

It was moved and seconded that the Public Hearing adjourn at 7:12 p.m. The motion carried unanimously.

8. BYLAWS:

(a) “Highway Closure and Dedication Removal Bylaw 2018 No. 7275”

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2018 No. 7275” (To provide for highway closure and dedication removal of a portion of Redmond Road adjacent to 5400 Dewar Road and 5351 Redmond Road) pass third reading. The motion carried unanimously.

(b) “Zoning Amendment Bylaw 2018 No. 4500.130”

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.130” (To rezone portions of the subject properties at 5400 Dewar Road, 5351 Redmond Road and the adjacent Redmond Road right-of-way from Single Dwelling Residential [R1] to Steep Slope Residential [R10] and Parks, Recreation and Culture One [PRC-1]) pass third reading. The motion carried unanimously.

9. REPORTS:

(a) Bylaw Contravention Notices - Secondary Suites

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notices - Secondary Suites.

1. Zohra Daw stated she was challenged to find contractors to perform work on the suite, has looked at other options for the suite, and that the suite was renovated in 2014.

L. Rowett vacated the Shaw Auditorium at 7:21 p.m.

It was moved and seconded 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 following properties:

1. 919 Brechin Road – illegal secondary suite
2. 2850 Cosgrove Crescent – illegal secondary suite

The motion carried unanimously.

(b) Bylaw Contravention Notice - Construction Started Without a Building Permit – 1970 Kelsie Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – 1970 Kelsie Road.

Keith Zutz stated that he'd been advised by a contractor that a permit wasn't needed for the construction of the stairs, the railings were in place when he received a Stop Work Order from the City and has hired a different contractor.

It was moved and seconded 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 1970 Kelsie Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

(c) Bylaw Contravention Notice - Construction Started Without a Building Permit – 2560 Cosgrove Crescent

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – 2560 Cosgrove Crescent

No one in attendance wished to speak with respect to Bylaw Contravention Notice – 2560 Cosgrove Crescent.

It was moved and seconded 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 2560 Cosgrove Crescent for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

(d) Bylaw Contravention Notice - Construction Started Without a Building Permit – 2396 Barclay Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – 2396 Barclay Road.

1. Olga Welychka stated that she had been advised that she didn't need a permit, the project manager is on holidays and that she would like an extension until she can get a permit.

It was moved and seconded 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 2396 Barclay Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

- (e) Bylaw Contravention Notice - Construction Started Without a Building Permit – 139 Wildlife Place

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – 139 Wildlife Place.

No one in attendance wished to speak with respect to Bylaw Contravention Notice – 139 Wildlife Place.

It was moved and seconded 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 139 Wildlife Place for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

- (f) Bylaw Contravention Notice - Construction not Completed as per Conditions of Building Permit - 108-5854 Turner Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – 108 - 5854 Turner Road.

1. Warren Burford stated that he had been advised not to extend the building permit, that on December 21, 2018 he applied for a permit deadline extension, and that the work has already been completed.

It was moved and seconded that Bylaw Contravention Notice – Construction not Completed as per Conditions of Building Permit – 108-5854 Turner Road be referred to Staff for review and be brought back to a future meeting if necessary. The motion carried unanimously.

10. ADJOURNMENT:

It was moved and seconded at 7:47 p.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

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CHAIR

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CORPORATE OFFICER