

**MINUTES**  
SPECIAL COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
THURSDAY, 2020-NOV-19, AT 7:06 P.M.

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Present: Mayor L. Krog, Chair  
Councillor S. D. Armstrong (joined electronically)  
Councillor D. Bonner (joined electronically)  
Councillor T. Brown (joined electronically)  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe  
Councillor J. Turley

Staff: J. Holm, Director, Development Approvals  
D. Fox, Manager, Building Inspections  
D. LaBerge, Manager, Bylaw Services  
S. Snelgrove, Deputy Corporate Officer  
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Meeting was called to order at 7:06 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 4(f) Bylaw Contravention Notice – Construction Started Without a Building Permit – 3528 Osprey Lookout – add delegation from Joseph Kong.

3. ADOPTION OF AGENDA:

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

4. REPORTS:

- (a) Illegal Structure - 3532 Stephenson Pt Road

Introduced by David LaBerge, Manager, Bylaw Services.

Delegation:

1. Robert Scott Turgeon 3<sup>rd</sup> spoke regarding the shed's location and proximity to the roadway and noted that the roadway is a limited access route. He explained that the shed is located within the setback, but the shed is not over the required size and he uses the shed to store garden tools needed for

developing the property. He has applied for a development permit for the primary residence, but it has not been completed yet. He suggested that he could apply for a variance permit to keep the shed in this location once the development permit was approved, or he could relocate the shed on the property. He requested additional time in order to apply for the necessary variance to meet the requirements.

Discussion took place. Highlights included the following:

- Owners knowledge/understanding of permit and set back requirements prior to constructing the shed
- Clarification regarding the purpose of building a garden shed prior to construction of the primary residence
- Potential consequences for the City if the shed was left in its current location
- Due to location of shed in the front yard setback a notice on title was not an option
- Size of the shed cannot exceed 107 sq. ft. without requiring a building permit
- Potential for a successful variance request to keep the shed in this location is unlikely and there is still a requirement for the principal dwelling on the property
- Construction sites allowing mobile trailers to be parked on site during construction
- Clarification that a building permit for the primary residence has not been approved

It was moved and seconded that Council:

1. Issue a Remedial Action Order at 3532 Stephenson Pt Road pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. Direct Staff or their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
3. Direct the remedial action consist of removing the illegal structure.

The motion carried.

Opposed: Mayor Krog, Councillors Bonner and Turley

(b) Illegal Structure - 4259 Clubhouse Drive

Introduced by David LaBerge, Manager, Bylaw Services.

It was moved and seconded that Council:

1. Issue a Remedial Action Order at 4259 Clubhouse Drive pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. Direct Staff or their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense, if the said remedial action is not undertaken within 30 days of Council's resolution; and
3. Direct the remedial action consist of removing the illegal structure.

The motion carried unanimously.

(c) Bylaw Contravention Notices - Secondary Suites

Introduced by Darcy Fox, Manager, Building Inspections.

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 property:

- 4909 Ney Drive – authorized secondary suite

The motion carried unanimously.

(d) Bylaw Contravention Notice - Construction Started Without a Building Permit - 129 Yon Place

Introduced by Darcy Fox, Manager, Building Inspections.

Delegation:

1. Sandeep Kamboj was not in attendance at the meeting.

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 129 Yon Place 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 - 3042 McCauley Drive

Introduced by Darcy Fox, Manager, Building Inspections.

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 3042 McCauley Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(f) Bylaw Contravention Notice - Construction Started Without a Building Permit - 3528 Osprey Lookout

Introduced by Darcy Fox, Manager, Building Inspections.

Delegation:

1. Joseph Kong was not in attendance at the meeting.

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 3528 Osprey Lookout for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

- (g) Bylaw Contravention Notice - Construction Started Without a Building Permit - 2005 Boxwood Road

Introduced by Darcy Fox, Manager, Building Inspections.

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 2005 Boxwood Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

- (h) Bylaw Contravention Notice - Construction Started Without a Building Permit - 323 Shepherd Avenue

Introduced by Darcy Fox, Manager, Building Inspections.

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 323 Shepherd Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

- (i) Bylaw Contravention Notice - Construction Started Without a Building Permit - 430 Renfrew Street

Introduced by Darcy Fox, Manager, Building Inspections.

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 430 Renfrew Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

- (j) Bylaw Contravention Notice - Construction Started Without a Building Permit - 746 Railway Avenue

Introduced by Darcy Fox, Manager, Building Inspections.

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 746 Railway Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(k) Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 2340 Highland Boulevard

Introduced by Darcy Fox, Manager, Building Inspections.

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 2340 Highland Boulevard for construction not completed as per the conditions of the building permit. The motion carried unanimously.

(l) Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 1021 Nelson Road

Introduced by Darcy Fox, Manager, Building Inspections.

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 1021 Nelson Road for construction not completed as per the conditions of the building permit. The motion carried unanimously.

(m) Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 5 Gillespie Street

Introduced by Darcy Fox, Manager, Building Inspections.

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 5 Gillespie Street for construction not completed as per the conditions of the building permit. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 7:45 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER