

**MINUTES**  
SPECIAL COUNCIL MEETING (PUBLIC HEARING)  
BOARDROOM, SERVICE AND RESOURCE CENTRE,  
411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2018-APR-05 AT 7:00 P.M.

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Present: Mayor W. B. McKay, Chair  
Councillor W. L. Bestwick  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (arrived 7:41 p.m.)

Absent: Councillor S. D. Armstrong  
Councillor M. D. Brennan

Staff: D. Lindsay, Director of Community Development.  
L. Rowett, Manager of Current Planning and Subdivision  
T. Rogers, Planner  
D. Stewart, Planner  
S. Gurrie, City Clerk  
K. Gerard, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Meeting was called to order at 7:02 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 9(f) – Liquor Licence Application No. LA128 – 940 Old Victoria Road.

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 7:02 p.m. Mayor McKay 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 and Subdivision, 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. RA385 – 1615 Northfield Road - Bylaw 4500.118

Bylaw 4500.118 – Rezoning Application No. RA385 – 1615 Northfield Road, was introduced by Tamera Rogers, Planner.

Presentation:

1. Jeet Manhas, Anayk Home Builders, applicant, spoke in favour of Rezoning Application No. RA385 – 1615 Northfield Road and stated:
  - applicant has worked with City staff over the past year in developing their plan to ensure the proposed density meets the Official Community Plan policies;
  - every unit has a one-car garage, no parking variance is proposed;
  - the building height (3-storeys) is needed to accommodate parking under the building;
  - close proximity to the hospital, shopping and recreation;
  - applicant spoke with surrounding neighbours and revised the conceptual proposal to address concerns about privacy, building setback, height, location of upper balconies, and landscaping; and,
  - applicant increased the setback at the rear of the building from 3m to 6m and proposed to use more substantial landscaping.

Mayor McKay called for submissions from the Public:

1. Ron Cantelon, owner, 1615 Northfield Road, spoke in favour and stated:
  - he lives in a home next door to the proposed townhouses; and,
  - he and the developer have redone the building plan after hearing the neighbourhood concerns.
2. Daniel Allen Bourque, 1632 Mallard Drive, spoke in opposition and stated:
  - townhouses will span the entire length of his backyard;
  - the proposed townhouses do not reflect City design guidelines or the character of the neighbourhood (being 2-storey) and would create a precedent for future developments in this area.
3. Peter Simpson, 1626 Mallard Drive, spoke in opposition and stated:
  - concerns regarding the timing of the Notice of the Public Hearing; and,
  - asked that Council deny and require a building plan that has a more sensitive building height, setbacks and form.
4. James Nelson, 1640 Mallard Drive, spoke in opposition and stated:
  - Concerned that the information regarding the building plans differentiated with each resident.

Mayor McKay vacated the Boardroom at 7:31 p.m., Councillor Fuller assumed the Chair.  
Mayor McKay returned to the Boardroom at 7:32 p.m., and resumed the Chair.

5. Laura Simpson, 1626 Mallard Drive, spoke in opposition and stated:
  - her home is directly behind the project and the proposed 3-storey townhouses would eliminate the privacy in her backyard;
  - concerned about building setbacks and proximity of parking to her home; and
  - does not feel that this project maintains the character of the neighbourhood.
  
6. Dave Manual, 1626 Mallard, spoke in opposition and stated:
  - he is the owner of a construction company in town and stated there are discrepancies in the building plans and what the residents are being told; and,
  - he is concerned about the proposed building location, height and privacy impacts.

Mayor McKay called for submissions from the Public for a second time:

No one in attendance wished to speak with respect to Rezoning Application No. RA385 – 1615 Northfield Road – Bylaw 4500.118.

Mayor McKay called for submissions from the Public for a third time:

No one in attendance wished to speak with respect to Rezoning Application No. RA385 – 1615 Northfield Road – Bylaw 4500.118.

Seven written submissions were received from the public with respect to Bylaw 4500.118 – Rezoning Application No. RA385 – 1615 Northfield Road from the following residents:

- Peter R. Simpson, 1626 Mallard Drive, opposed;
- Laura Simpson, 1626 Mallard Drive, opposed;
- David Manuel, 1626 Mallard Drive, opposed; and,
- Avinash Singh Manhas – 1619 Mallard Drive, opposed.
- Margaret Simpson, 1626 Mallard Drive, opposed.
- Daniel Bourque, 1632 Mallard Drive, opposed.
- George & Kathy Booker, 1648 Mallard Drive, opposed.

6. FINAL CALL FOR SUBMISSIONS:

Mayor McKay 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 7:38 p.m. The motion carried unanimously.

8. BYLAWS:

(a) “Zoning Amendment 2018 No. Bylaw 4500.118”

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.118” (To rezone 1615 Northfield Road from Single Dwelling Residential (R1) to Residential Corridor [COR1]) pass third reading. The motion was defeated.  
Opposed: **Councillors Bestwick, Fuller, and Kipp.**

9. REPORTS:

(a) Bylaw Contravention Notice – Secondary Suites

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – Secondary Suites – 441 Foster Street.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Secondary Suite – 441 Foster Street.

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 441 Foster Street.

Mayor McKay requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – Secondary Suites – 2883 Glen Eagle Crescent.

1. Jennifer Peters, owner and occupant of 2883 Glen Eagle Crescent spoke in opposition and stated:

- she was notified of a complaint registered against the property on May 19, 2017;
- a follow-up inspection was completed and she was made aware of the steps needed to bring the home into compliance to remove the suite;
- she completed the work and confirmed a follow-up inspection for November of 2017;
- on Nov 29, 2017 she received another letter stating that the plans that were originally agreed upon were now changed and a building permit would be required and she was given a 30 day deadline to acquire the building permit;
- she hired Herold Engineering to assist her;
- felt she has done everything required of her but plans keep changing each time she speaks to the Building Department; and,
- asking for an extension to ensure the work is done properly.

It was moved and seconded that the Bylaw Contravention Notice – Secondary Suites - 2883 Glen Eagle Crescent be referred to Staff for further consultation between Staff and the home owner. The motion carried unanimously.

Councillor Bestwick vacated the Boardroom at 8:05 p.m.

- (b) Bylaw Contravention Notice – Construction Started Without a Building Permit - 141 Nottingham Drive

Mayor McKay requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – Construction Started Without a Building Permit - 141 Nottingham Drive.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit – 141 Nottingham Drive.

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

- (c) Bylaw Contravention Notice – Construction Not Completed as Per Conditions of the Building Permit – 5030 Lost Lake Road

Mayor McKay requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – Construction Not Completed as Per Conditions of the Building Permit – 5030 Lost Lake Road.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Not Completed as Per Conditions of the Building Permit – 5030 Lost Lake Road.

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 5030 Lost Lake Road for construction not completed as per the conditions of the building permit. The motion carried unanimously.

Councillor Bestwick returned to the Boardroom at 8:08 p.m.

- (d) Bylaw Contravention Notice – Construction Not Completed as Per Conditions of Building Permit – 2310 Northfield Road (Retaining Wall)

Mayor McKay requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – Construction Not Completed as Per Conditions of Building Permit – 2310 Northfield Road regarding the Retaining Wall and Shell Building.

1. Lizsa Bibeau spoke on behalf of the owners and stated:
  - construction was stalled due to a financial matter that is now resolved; and,
  - owners were not aware the building permit had expired and are re-applying for a building permit in 4 – 5 weeks .

It was moved and seconded that if a building permit is not applied for within 60 days Council directs 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 2310 Northfield Road for construction not completed as per the conditions of the building permit. The motion carried unanimously.

Councillor Hong vacated the Boardroom at 8:17 p.m., declaring a conflict of interest as he has a liquor licence.

(e) Liquor Licence Application No. LA128 – 940 Old Victoria Road

Introduced by Dave Stewart, Planner.

Mayor McKay called for submissions from the Public:

1. Sayaz Sattar, General Manager of Wolf Brewery stated:
  - they are applying for this liquor licence so they can come into compliance with a small patio area where liquor is not allowed; and,
  - do not have plans to become a large venue or pub but would like to use a small outdoor space as a patio.

Mayor McKay called for submissions from the Public for a second time:

2. Bill Ducey, 385 Petroglyph Crescent, spoke in opposition and stated that he has concerns regarding the noise level and the effect that will have on his home.
3. Marjorie Adams, 171 Bowsby Avenue, spoke in opposition and stated she is concerned regarding the noise level late at night and from an outdoor patio.
4. Kathleen Ney, 360 Petroglyph Crescent, spoke in opposition and stated she is concerned regarding noise.
5. Kevin Mort, Brewmaster, Wolf Brewery spoke in favour and stated:
  - Wolf Brewery is a small production brewery with a small tasting room;
  - music is acoustic and is always indoors for 2 hours every Friday night;
  - proposed patio will only fit 6 people at a time; and,
  - hours of operation will not change and they are willing to work with Staff regarding mitigating the noise.

Mayor McKay called for submissions from the Public for a third time.

No one else in attendance wished to speak to Liquor Licence Application No. LA128 – 940 Old Victoria Road.

10. ADJOURNMENT:

It was moved and seconded at 8:34 p.m. that the meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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CORPORATE OFFICER