

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2022-DEC-15, AT 7:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. Armstrong
Councillor T. Brown (joined electronically)
Councillor H. Eastmure
Councillor E. Hemmens
Councillor P. Manly (joined electronically)
Councillor J. Perrino
Councillor I. Thorpe

Absent: Councillor B. Geselbracht

Staff: J. Holm, Director, Development Approvals
D. Fox, Manager, Building Inspections
L. Rowett, Manager, Current Planning
D. LaBerge, Manager, Bylaw Services
S. Robinson, Planner
P. Carter, Planning Assistant
S. Snelgrove, Deputy Corporate Officer
K. Lundgren, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 6(h) Bylaw Contravention Notice - Construction Started Without a Building Permit - 840 St. George Street – add delegation from Hans McFarlane.

3. ADOPTION OF AGENDA:

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

4. PUBLIC HEARING REQUIREMENTS:

Mayor Krog advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and outlined the purpose and protocols for the Public Hearing.

Mayor Krog then outlined the process to accommodate members of the public who were attending in person. He noted that due to technical difficulties, the option for participation by phone was not possible at that time.

Lainya Rowett, Manager, Current Planning, explained the requirements for conducting a Public Hearing.

5. PUBLIC HEARING FOR REZONING APPLICATION NO. RA477 - 5645, 5655/5657 METRAL DRIVE

(a) Rezoning Application No. RA477 - 5645, 5655/5657 Metral Drive

Mayor Krog called the Public Hearing to order at 7:04 p.m.

Introduced by Sadie Robinson, Planner, Current Planning.

Mayor Krog called for submissions from the Applicant:

1. Glenn Hill, dHKarchitechs Inc., applicant, spoke on behalf of the property owner and informed Council that a written submission had been submitted which includes additional renderings to illustrate how the owners are intending to proceed with the development.

Sky Snelgrove, Deputy Corporate Officer, informed Council that the technical difficulties with the phone system had been resolved, and members of the public were now able to call in.

Mayor Krog called for submissions from the Public:

2. Charlie Veasey, Nanaimo, spoke in opposition and stated concerns regarding traffic and parking. He noted that there is already a problem with drivers using his driveway to turn around. He added that the developer proposes that two parking spaces will be provided per apartment and stated concerns that there may not be sufficient parking to accommodate visitors, and therefore, visitors may end up using his driveway for parking.

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

3. Patrick Demarcke, Nanaimo, spoke in opposition, and inquired regarding turning the area into a green space, the expected start date of construction, and whether there is opportunity to petition against the development.
4. Brianne Cantafio, Nanaimo, spoke in opposition, and stated concerns regarding traffic. She noted that there is a nearby elementary school with young children around, and she requested that traffic control, such as speed bumps, be put in place to accommodate the increased traffic that the development would bring.

Mayor Krog called for submissions from the Public for a third and final time:

No one wished to speak regarding Rezoning Application No. RA477 - 5645, 5655/5657 Metral Drive.

Two (2) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2022-DEC-15, and no written submissions were received at the Public Hearing with respect to Rezoning Application RA477 - 5645, 5655/5657 Metral Drive.

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Hearing no further comments from the public, the Mayor declared the Public Hearing for RA477 - 5645, 5655/5657 Metral Drive be closed at 7:15 p.m.

Council asked for clarification regarding the application returning to Council at the development permit stage.

Staff clarified that the application returning to Council would depend on the extent of variances that are proposed.

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.205” (To rezone 5645 and 5655/5657 Metral Drive from Single Dwelling Residential [R1] and Duplex Residential [R4] to Low Density Residential [R6] with site-specific provisions to increase the maximum allowable floor area ratio to 0.75 and increase the maximum principal building height to 13.0m pass third reading. The motion carried.

Opposed: Councillor Armstrong

6. REPORTS:

(a) Unauthorized Suite Removal - 900 Darshan Place

Introduced by Dave Laberge, Manager, Bylaw Services.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak.

It was moved and seconded that Council:

1. issue a Remedial Action Order at 900 Darshan Place pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff or its 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 that the remedial action consist of removing the unauthorized suite in accordance to direction of the Building Department.

The motion carried unanimously.

(b) Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 410 Rosehill Street

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

1. Stella Lima, property owner, spoke regarding challenges with her tenant that are prohibiting her from completing the construction of the stairs. She spoke regarding her attempts to have the tenant comply as well as her intentions to sell the house.

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

(c) Bylaw Contravention Notice - Construction Started Without a Building Permit - 4926 Bella Vista Crescent

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak.

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 4926 Bella Vista 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 - 711 Hawkins Street

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak.

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 711 Hawkins Street 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 - 124 Haida Trail

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

1. The daughter of the property owner spoke on behalf of the owner and explained that they have every intention to submit a building application, and they are just waiting on a proper drawing.

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 124 Haida Trail 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 - 527 Fifth Street (accessory building)

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

There was no one in attendance.

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 527 Fifth Street 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 - 527 Fifth Street (interior renovations)

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

There was no one in attendance.

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 527 Fifth Street 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 - 840 St. George Street

Introduced by Jeremy Holm, Director, Development Approvals.

Delegation:

1. Hans McFarlane, property owner, spoke via Zoom and explained that the deck construction was done by three professional companies and spoke regarding the situation that led to replacing the deck. He acknowledged that construction was started without a permit and explained that the only option to rectify the situation would be to tear down and rebuild the deck, which was not a feasible option.

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

7. ADJOURNMENT:

It was moved and seconded at 7:55 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

DEPUTY CORPORATE OFFICER