

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2023-MAR-16, AT 7:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. Armstrong
Councillor T. Brown (joined electronically)
Councillor H. Eastmure
Councillor B. Geselbracht
Councillor E. Hemmens (arrived 7:01 p.m.)
Councillor P. Manly
Councillor J. Perrino
Councillor I. Thorpe

Staff: J. Holm, Director, Development Approvals
D. Fox, Manager, Building Inspections
L. Rowett, Manager, Current Planning
D. LaBerge, Manager, Bylaw Services
C. Horn, Planner
S. Robinson, Planner
P. Carter, Planning Assistant
K. Robertson, Deputy City Clerk
E. Bassett, Steno, Legislative Services
A. Chanakos, 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 6(e) Illegal Construction – 840 St. George Street.

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 and for those who wanted to participate by phone.

Mayor Krog explained the requirements for conducting a Public Hearing.

Councillor Hemmens entered the Shaw Auditorium at 7:01 p.m.

5. PUBLIC HEARING FOR REZONING APPLICATION NO. RA484 – 878 PARK AVENUE

(a) Rezoning Application No. RA484 – 878 Park Avenue

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

Mayor Krog vacated the Shaw Auditorium at 7:04 p.m. declaring a conflict of interest as a family member lives near the development. Councillor Thorpe assumed the Chair.

Caleb Horn, Planner, introduced the application and noted that three written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2023-MAR-16 with respect to Rezoning Application RA484 – 878 Park Avenue.

Chair Thorpe called for submissions from the Applicant:

1. Mustafa Kulkhan, Relativity Projects Inc., applicant, spoke on behalf of the property owner and noted that consultation had taken place with surrounding neighbours for feedback, and that the location would be suitable for families.
2. Jamie Banks, Human Studio, Architect, spoke regarding traffic, increased building setbacks from existing properties, and creating a central gathering space in the development complex.

Chair Thorpe called for submissions from the Public:

No one wished to speak regarding Rezoning Application No. RA484 – 878 Park Avenue.

Chair Thorpe called for submissions from the Public for a second time:

No one wished to speak regarding Rezoning Application No. RA484 – 878 Park Avenue.

Chair Thorpe called for submissions from the Public for a third and final time:

No one wished to speak regarding Rezoning Application No. RA484 – 878 Park Avenue.

Chair Thorpe 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 Chair declared the Public Hearing for RA484 – 878 Park Avenue closed at 7:19 p.m.

It was moved and seconded that "Zoning Amendment Bylaw 2023 No. 4500.206" (To rezone 878 Park Avenue from Steep Slope Residential [R10] to Low Density Residential [R6] with site-specific density and height provisions) pass third reading. The motion carried unanimously.

Mayor Krog returned to the Shaw Auditorium at 7:23 p.m. and assumed the Chair.

6. REPORTS:

(a) Liquor Licence Application No. LA152 – 601 Bruce Avenue

Introduced by Sadie Robinson, Planner, Current Planning.

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

- Applicants Craig Hansen and Brooke Turner spoke to clarify the proposed hours of liquor service to 1:00 a.m. would only be used to accommodate special events and would not be the pub's regular hours. They advised that fencing would be installed around the outdoor patio to minimize noise impacts to the surrounding neighbourhood
- Seven people spoke in favour of the application, noting that a pub within walking distance would be a welcome addition to the neighbourhood, and a positive improvement to the area.

(b) Bylaw Contravention Notice – Construction Not Completed As Per Conditions of Building Permit

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* respecting the properties listed below for construction not completed as per the conditions of the building permit in contravention of the "Building Bylaw 2016 No. 7224" including:

- a. 3120 Robin Hood Drive; and,
- b. 3125 Robin Hood Drive.

The motion carried unanimously.

(c) Bylaw Contravention Notice – Construction Started Without a Building Permit

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* respecting the properties listed below for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224” including:

- a. 1611 Bowen Road (Unit #1);
- b. 3047 Little John Way;
- c. 126 Wildlife Place (enclosing a covered deck space); and,
- d. 126 Wildlife Place (accessory building).

The motion carried unanimously.

(d) Illegal Construction – 124 Haida Trail

Introduced by Dave Laberge, Manager, Bylaw Services.

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

The property owner’s daughter spoke regarding construction delays due to weather, and difficulties finding a new designer willing to take on a small job. She advised Council that the original designer had not been communicating with Staff but had told her parents they were. She also noted that the old deck was collapsing so her father built a new deck that was larger than the original one and didn’t realize he needed a permit to do so.

It was moved and seconded that Council:

- 1. Issue a Remedial Action Order at 124 Haida Trail pursuant of 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 illegal structure.

The motion carried.

Opposed: *Councillor Brown*

7. ADJOURNMENT:

It was moved and seconded at 7:49 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

DEPUTY CITY CLERK