

**MINUTES**  
SPECIAL COUNCIL MEETING (PUBLIC HEARING)  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
THURSDAY, 2023-APR-20, AT 7:00 P.M.

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

Absent: Councillor T. Brown

Staff: J. Holm, Director, Development Approvals  
D. Fox, Manager, Building Inspections  
L. Rowett, Manager, Current Planning  
D. LaBerge, Manager, Bylaw Services  
P. Carter, Planning Assistant  
K. Robertson, Deputy City Clerk  
J. Vanderhoef, Steno Coordinator  
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(a) Illegal Construction - 840 St. George Street – Add delegation from Hans McFarlane.
- (b) Agenda Item 6(b) Bylaw Contravention Notice - Construction Started Without a Building Permit (1985 Boxwood Road, 5918 Waldbank Road, 2324 Departure Bay Road) – Remove 2324 Departure Bay Road - illegal construction of an accessory building.

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.

5. PUBLIC HEARING FOR REZONING APPLICATION NO. RA490 - 6030 PINE RIDGE CRESCENT, ZONING AMENDMENT BYLAW 4500.208

(a) Rezoning Application No. RA490 - 6030 Pine Ridge Crescent

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

Lainya Rowett, Manager, Current Planning, introduced the application and noted that one (1) written submission was received prior to the start of the Special Council Meeting (Public Hearing), 2023-APR-20 with respect to Rezoning Application RA490 - 6030 Pine Ridge Crescent.

Mayor Krog called for submissions from the Applicant:

1. Raymond de Beeld, Raymond de Beeld Architect Inc., Applicant. He noted that the layout of the proposed develop would be done in a way to try and retain most of the trees on the property. He added that it is not anticipated that there will be any variances with the proposal.

Mayor Krog called for submissions from the Public:

2. John Jeffrey spoke in opposition and raised concerns regarding increased vehicle traffic. He noted that vehicles parked on the narrow roads makes it difficult to get in and out of the area and that the additional vehicle traffic will impact access to Metral Drive. He also noted that removing some of the trees on the property would remove the wind barrier and requested assurance that the trees that are left on the property are topped to avoid branches falling on neighbouring properties.

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

No one wished to speak regarding Rezoning Application No. RA490 - 6030 Pine Ridge Crescent.

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

No one wished to speak regarding Rezoning Application No. RA490 - 6030 Pine Ridge Crescent.

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 RA490 - 6030 Pine Ridge Crescent be closed at 7:12 p.m.

Council asked for clarification regarding the tree removal permit process.

It was moved and seconded that "Zoning Amendment Bylaw 2023 No. 4500.208" (to rezone 6030 Pine Ridge Crescent from Single Dwelling Residential [R1] to Three and Four Unit Residential [R5]) pass third reading. The motion carried unanimously.

6. REPORTS:

(a) Illegal Construction - 840 St. George Street

Introduced by Dave Laberge, Manager, Bylaw Services.

Delegation:

Hans McFarlane, property owner, informed Council that he is currently in the process of acquiring a building permit. He has hired an architect who completed the drawings which have been passed on to an engineer. He added that he has been trying to push the process forward; however, it is out of his control at this point. He expressed that removing the deck would present a safety concern as it would leave only one exit from the house in the event of a fire.

It was moved and seconded that Council:

1. Issue a Remedial Action Order at 840 St. George Street 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 illegal deck structure.

The motion carried unanimously.

(b) Bylaw Contravention Notice - Construction Started Without a Building Permit (1985 Boxwood Road, 5918 Waldbank Road)

Councillor Thorpe vacated the Shaw Auditorium at 7:26 p.m. declaring a conflict of interest as he personally knows the property owner of 1985 Boxwood Road.

Darcy Fox, Manager, Building Inspections, introduced the Bylaw Contravention Notice for 1985 Boxwood Road for illegal construction in a commercial unit.

Mayor Krog asked if the property owner of 1985 Boxwood Road was in attendance and wished to speak.

Maïke Marnet, Nanaimo Business Services, informed Council that when the property was acquired approximately a year ago, they were not made aware of any issues with the building. An architect has been hired; however, it has been a slow process. She requested that Council grant an extension to allow time for the drawings from the architect to be completed.

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 property located at 1985 Boxwood Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224” for illegal construction in a commercial unit. The motion carried unanimously.

Councillor Thorpe returned to the Shaw Auditorium at 7:31 p.m.

Councillor Armstrong vacated the Shaw Auditorium at 7:31 p.m. declaring a conflict of interest as she personally knows the property owner of 5918 Waldbank Road.

Darcy Fox, Manager, Building Inspections, introduced the Bylaw Contravention Notice for 5918 Waldbank Road – illegal construction in basement of dwelling.

Mayor Krog asked if the property owner of 5918 Waldbank Road was in attendance and wished to speak.

Kirby Anderson, property owner, informed Council that the home was originally built in 1986 and renovations had been made prior to them purchasing the home. He requested some time to look at ways to assess the situation more effectively. He noted that the house was purchased with the suite in the basement and that they have followed the steps outlined in the secondary suite guidelines to try and make it an authorized suite; however, have been advised by an inspector that it would not be possible.

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 property located at 5918 Waldbank Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224” for illegal construction in a basement. The motion carried.

Opposed: Councillor Eastmure

7. ADJOURNMENT:

It was moved and seconded at 7:41 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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DEPUTY CITY CLERK