



THE VILLAGE OF
N A K U S P

**VILLAGE OF NAKUSP
AGENDA
PUBLIC HEARING
EMERGENCY SERVICES BUILDING
300-8TH AVENUE NW
Monday, June 12, 2017- 6:30 PM**

1. CALL TO ORDER

- a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend the Village of Nakusp Official Community Plan Bylaw 612 and the Village of Nakusp Zoning Bylaw 614.
- b) All persons who believe that their interest in property is affected by the proposed bylaws shall be given an opportunity to be heard or to present written submissions respecting matters pertaining to the bylaws that are the subject of this hearing.
- c) All information, correspondence or reports that have been received regarding the bylaws have been made available to the public. This information is available for inspection during the course of this hearing and is located on the staff table.
- d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted however, that for some bylaws a final decision made not be able to be reached tonight.
- e) It must be emphasized that Council will not receive any representation regarding the bylaws, from members of the public after the conclusion of this hearing.

2. PROCEDURES ON EACH BYLAW SUBMISSION

- a) Brief description of the bylaw by Village Staff
- b) Village staff to report on all information or correspondence received
- c) Everyone will be given a reasonable opportunity to speak one time only. We will hear first from anyone who lives or owns property in the Village, if there is sufficient time, we will then hear presentations from people outside Village limits. In addition, anyone who wishes may submit a written presentation.

- d) Speakers are encouraged to limit their remarks to 5 minutes. The gallery must remain quiet during a presentation so that everyone can hear.
- e) Please state your name and address for the record when expressing your views.
- f) Your only opportunity to comment on the proposed bylaws will be during this hearing.
- g) Council is **not** permitted to receive further verbal or written submissions after the public hearing is closed.
- h) Council is not here to debate the merits of the bylaws but rather to listen to any presentations from the public. During this Hearing, Councillors may only ask questions of the public or staff for clarification purposes.

3. **PUBLIC HEARING MATTERS**

A. **Humphreys/Sidwell - 316 3rd Ave NW**

Purpose of the amendments: The existing building on the subject property is a non-conforming duplex. In order to permit renovations and have a stop work order removed from the title, the property must be rezoned to the R-3 Multiple Family Residential which allows duplexes as a permitted use.

1. **Bylaw 612-07, 2017:** To change the land use designation from *R-1 Urban Residential* to *R-3 Multiple Family Residential*
2. **Bylaw 614-18, 2017:** To change the zoning from *R-1 Urban Residential* to *R-3 Multiple Family Residential*
 - i) Village Staff description of bylaw and report on information and correspondence received
 - ii) Speakers
 - iii) Questions from Council

4. **CLOSE PUBLIC HEARING**



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DATE: June 7, 2017
SUBJECT: Humphreys/Sidwell Rezoning/OCP Amendment Application
316 3rd Avenue NW
TO: Mayor & Council
FROM: Laurie Taylor, CAO

PURPOSE:

To change the zoning and OCP land use designation of the subject property from R1-Urban Residential to R-3 Multiple Family Residential.

BACKGROUND:

Owners: Forest Humphreys & Tawny Sidwell
Applicant: Tawny Sidwell
Folio: 553.00307.200
Legal Description: Parcel A (SEE XJ13480), Block 39, DL 397, KLD Plan 494, PID# 019-210-337
Fee Collected: \$650.00
Security Collected: Not Required
MOTH Approval: Not Required

Existing OCP Designation: R1 – Urban Residential
Proposed OCP Designation: R3 – Multiple Family Residential
Existing Zoning: R1 – Urban Residential
Proposed Zoning: R3 – Multiple Family Residential

In February of 2008 a final inspection conducted by the Building Official determined that the single-family dwelling had been converted into a duplex and that a number of outstanding safety items had not been rectified. Due to health and safety concerns, the owners were advised that occupancy of the building was not permitted. They were also informed that the use of the building as a duplex was not permitted in the R1 zone. In March of 2008 Council dealt with the issue of the illegal conversion of the single-family dwelling into a duplex. Council adopted a resolution to allow the owners to apply for a building permit to convert one of the duplex units into a secondary suite to meet all code and bylaw requirements.

On March 31, 2017, the owners applied for a building permit to replace exterior stairs at the subject property. Upon inspection, it was revealed that the stairs have already been replaced without a permit and that the duplex still exists. A Stop Work Order was issued by the Building Official. The reason cited was, 'Increasing the size of a secondary suite without first obtaining a building permit'.

The owners are now pursuing a zoning designation change from R1 to R3. R3 Zones permit Multiple Family Residences and Two-Family Dwellings. In order to accomplish this, Amendment Bylaws 612-07 and 614-18 were drafted for Council's consideration.

Should Council wish to approve the zoning designation change, a variance will also be required, as the existing residence will not meet the minimum setbacks from the rear parcel line of 19.6' (the building is sited 13.5' from the rear parcel line), nor will the residence meet the minimum width to length ratio of 1:2.2 (building is 1:1.15).

Respectfully submitted,



Laurie Taylor, CAO

VILLAGE OF NAKUSP

BYLAW NO. 612-07, 2017

OCP Land Use Designation – 316 3rd AVENUE NW

A bylaw to amend Village of Nakusp Official Community Plan Bylaw No. 612, 2007;

The Municipal Council of the Village of Nakusp, in open meeting assembled enacts as follows:

1. THAT Village of Nakusp Official Community Plan Bylaw No. 612, 2007 be amended by changing the land use designation of Parcel A (See XJ13480), Block 39, District Lot 397, Kootenay District Plan 494 (PID 019-210-337), located at 316 3rd Avenue NW, Nakusp, BC from R1-Urban Residential to R-3 Multiple Family Residential.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first and second time by the Municipal Council this 23rd day of May, 2017

Considered at a Public Hearing on the 12th day of June, 2017

Read a third time by the Municipal Council this

Adopted by the Municipal Council of the Village of Nakusp this

Mayor

Chief Administrative Officer

VILLAGE OF NAKUSP
BYLAW NO. 614-18, 2017
REZONING – 316 3rd AVENUE NW

A bylaw to amend Village of Nakusp Zoning Bylaw No. 614, 2008;

The Municipal Council of the Village of Nakusp, in open meeting assembled enacts as follows:

1. THAT Village of Nakusp Zoning Bylaw No. 614, 2008 be amended by changing the zoning designation of Parcel A (See XJ13480), Block 39, District Lot 397, Kootenay District Plan 494 (PID 019-210-337), located at 316 3rd Avenue NW, Nakusp, BC from R1-Urban Residential to R3 – Multiple Family Residential.

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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