



**MINUTES**  
**OAK BAY ADVISORY PLANNING COMMISSION**  
**TUESDAY, MARCH 1, 2016 AT 5:00 PM**  
**COUNCIL CHAMBERS, MUNICIPAL HALL, 2167 OAK BAY AVENUE**

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**MEMBERS PRESENT**

Rus Collins  
Pam Copley  
Brian Holl  
Michael Low

Kris Nichols  
Esther Paterson  
Andrew Stinson  
Tim Taddy

**MEMBERS ABSENT**

None

**STAFF PRESENT**

Deborah Jensen, Planner  
Roy Thomassen, Director, Building & Planning      Krista Mitchell, Building & Planning Clerk

**1. Call to Order**

The meeting was called to order at 5:01 pm.

**2. Adoption of Minutes**

It was moved and seconded that the Minutes from February 2, 2016 be adopted.

The motion was carried.  
None opposed.

**3. Approval of Agenda and Late Items**

The agenda was approved as presented.

**4. Presentations**

None

**5. Information Items**

The Chairperson reported that a sympathy card and flowers was sent to the family of Hope Burns, and that a few members of District staff and District commissions were in attendance at her celebration of life.

The Commission will hold an election at the next Commission meeting for the vice chair position.

## 6. Old Business

None.

## 7. New Business

### a. DVP00032 – 2773 Somass Drive

To permit construction of a retaining wall and outdoor pool.

M. Whitney, applicant, presented the application, indicating the proposal is to decrease the setback between the house and the pool, and that a new retaining wall on the east side of the property needs a variance for a small portion as it exceeds the allowable height.

D. Jensen gave a summary of her report, indicating the expansion of the pool toward the house keeps it out of the 15 metre setback for the Shorelines Development Permit Area, and that the increase in retaining wall height is for a specific portion of wall only.

### ***Commission Comments***

Commission members inquired as to the existing retaining wall, location of the natural boundary, and drainage for the site.

D. Jensen responded the natural boundary is taken from the high water mark as identified on the site plan, and that an environmental assessment had been completed for the site.

M. Whitney indicated the site slopes down toward the ocean, that the saltwater pool would be drained into the sewer system, that a stormwater management system will be constructed to treat driveway runoff, and that no retaining wall currently exists where the new one is proposed. M. Whitney also indicated that the grade will be reduced for a new patio area adjacent to the retaining wall.

Commission members also inquired regarding stormwater runoff to the ocean, minimum distance between the pool and the home, hard surfacing, and sediment control.

D. Jensen confirmed that there is an existing stormwater pipe draining to the ocean on this site and that there is no municipal storm system in this portion of Somass Drive, explaining that District bylaws generally require properties to connect to the municipal storm system. D. Jensen also indicated there are no concerns regarding the distance between the pool and the house, and that hard surfacing meets the zoning requirements.

M. Whitney stated that sedimentation control had been put in place for the development.

A Commission member supported the variances, indicating the slope of the land necessitates the retaining wall, and that siting the pool closer to the house reduces impact on the waterfront area.

D. Jensen indicated flood construction levels are requested for waterfront developments.

It was moved and seconded to recommend that Council approve DVP00032

The motion was carried.

None opposed.

R. Collins left the meeting at 5:19 pm.

- b. DVP00034 – 1033 Monterey Avenue  
To permit construction of an attached garage.

K. Koshman, applicant, gave a presentation of the proposal. Some of the comments were:

- Applicants want to enclose existing storage area for attached garage, which will fulfill covered parking requirements, and will be accessed through from existing driveway.
- Variances initially requested include rear yard setback for the existing deck that has nonconforming status, and projection of stairs into rear yard setback.
- Two additional variances would legalize the existing nonconforming situation as identified by District staff, and involves one variance for the south side lot line, and one for front yard paved surface.
- District arborist identified potential concern regarding proximity of the expanded driveway to protected trees.

D. Jensen gave a summary of her report, indicating the 1912 house has seen a number of renovations that do not meet the current Zoning Bylaw regulations and is beneficial to resolve the nonconforming status through this process. D. Jensen also indicated the proposed works brings covered parking into compliance, and the District arborist has no significant concerns but recommends an arborist be on site during construction.

### ***Commission Comments***

Commission members inquired as to the overall encroachment of the deck and stairs, and the layout for driveway construction.

K. Koshman replied that the rear yard variances for a nonconforming situation with the existing deck and proposed realignment of the stairs from the side to the rear of the deck, encroaching a total of 3.2 feet. K. Koshman also confirmed the front yard paving is existing and the driveway is designed with a standard turning radius; as well, drainage works will be constructed as part of the development.

D. Jensen indicated the parking stall dimensions meet the standards of the Parking Bylaw.

Commission member stated this was a good example of maintaining the existing housing stock and complimented the staff and applicant in preserving older homes through contemporary measures.

A Commission member stated that garages that don't face the street are preferable.

It was moved and seconded to recommend that Council approve DVP00034.

The motion was carried.  
None opposed.

## **8. Next Meeting**

The next regular meeting of the APC is scheduled for Tuesday, April 5, 2016.

## **9. Adjournment**

The meeting adjourned at 5:40 pm.