



**MINUTES**  
**OAK BAY ADVISORY PLANNING COMMISSION**  
**TUESDAY, APRIL 4, 2017 AT 5:00 PM**  
**COUNCIL CHAMBERS, MUNICIPAL HALL, 2167 OAK BAY AVENUE**

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**MEMBERS PRESENT**

Andrew Appleton  
Rus Collins  
Virginia Holden

Kristina Leach  
Kris Nichols  
Tim Taddy

**MEMBERS ABSENT**

Pam Copley  
Michael Low

**STAFF PRESENT**

Deborah Jensen, Manager of Planning  
Krista Mitchell, Building and Planning Clerk

**1. Call to Order**

The meeting was called to order at 5:05 pm.

**2. Adoption of Minutes**

It was moved and seconded that the Minutes from March 7, 2017 be adopted.

The motion was carried.  
None opposed.

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

The agenda was approved as presented with the addition of items under 6. Information Items.

**4. New Business**

- a. DVP00055 – 1918 Crescent Road  
To facilitate a two lot single family residential subdivision.

L. Burton and S. Burton, owners, presented the proposal. Some of the comments were:

- Purchased the property in 2016 with intention of building a new single family home.
- Proposing to split the lot right down the middle and make two lots, however the lot width requires a variance for each lot.
- Immediate neighbours have been consulted and are in support.

***Commission Comments***

Commission members inquired about driveway access to the lots, whether the shared driveway has an easement, and whether the existing dwelling would be demolished.

S. Burton, owner, advised the driveway for the west lot will be relocated to improve safety, and that the easterly lot may continue to share access with the neighbour to the east, noting the easterly driveway currently has an easement for part of the property. He also confirmed the existing home will be demolished.

D. Jensen advised that a series of conditions would have to be met before final subdivision approval was granted, including registration of any necessary easements and rights of way, and noted that if no agreement was reached respecting a shared driveway the applicant would need to construct a separate driveway for the lot.

Commission members commented that if the shared driveway was not agreed upon, relocated driveways for proposed lot B would result in the loss of trees

It was moved and seconded to recommend that Council approve DVP00055.

The motion was carried.

None opposed.

b. ZON00021 / DVP00060 – 592 Island Road

Zoning amendment to facilitate a two lot single family residential subdivision.

D. Jensen gave a brief overview of the application. Some of the comments were:

- Rezoning application is to facilitate a two lot subdivision and construct a single family home on the new RS-5 zoned lot, which also requires a variance for lot width.
- The proposed RS-5 lot is currently vacant except for an accessory building that will be removed, however the proposed building envelope will impact a number of trees.
- Previous rezoning application was denied about 12 years ago, but the new Official Community Plan provides for consideration of this development.

R. Parris, owner, presented the proposal. Some of the comments were:

- The property has been in the family for generations, the original house was in poor condition and demolished, and a new home constructed in 2005.
- Want to downsize and build a 2400 ft<sup>2</sup> home on the new lot.
- Immediate neighbours have been canvassed and are in support of the proposal.

***Commission Comments***

Commission members inquired about the siting of the proposed new home on lot B.

D. Jensen noted that on the northeast side of proposed lot B is a protected Garry oak tree that will be impacted by the proposed new garage; as well, a number of trees that are sited around the south property line could be impacted by the building envelope.

Commission members inquired as to the location of storm and sewer services, and confirmed the proposed lot conforms to RS-5 zoning with the exception of lot width.

R. Parris, owner, confirmed services would be provided from Island Road, and that they would like to site the house as proposed to enjoy a large, private back yard.

D. Jensen noted the design of the home would be addressed through an Infill Development Permit if the rezoning is adopted, and that staff are considering a covenant be registered for the allowable building envelope to protect trees.

Commission members commented they would like further discussion on community amenity contributions, including for smaller scale infill developments.

In summary, the Commission members noted the following items of concern to be considered by Council:

- Consider alternative building siting on proposed lot B, to conserve trees.
- Lessen impact and look at alternative construction methods for protection of trees.

It was moved and seconded to recommend that Council approve ZON00021 / DVP00060.  
The motion was carried.  
None opposed.

R. Collins recused himself from the meeting, citing conflict of interest.

- c. ZON00025 – 167 Barkley Terrace  
Zoning amendment to permit a rear deck expansion.

D. Jensen gave a brief overview of the application. Some of the comments were:

- House built in 1997, renovations completed in 2016, and deck expanded after renovations without building permit or other approvals, resulting in a stop work order.
- Maximum permitted floor area ratio is 0.4 and the building is now at 0.43, maximum permitted lot coverage is 30% and the site is now at 32.74%.
- The deck would also require a rear yard setback variance.
- The application would result in a new zone for higher density specific to this property.

K. Koshman, applicant, presented the application. Some of the comments were:

- The property is an extremely sloped site and the home reads as a low rancher.
- The steep grade results in a low average grade in relation to the house street profile.
- If the home was constructed on a flat lot, the site data would be calculated very differently as it would be considered a single storey home.
- Owners would like to age in place with all living necessities on the main level.
- 80% of the basement is included in floor calculations, which increases floor area ratio.
- 9' x 10' permitted deck was enlarged by owners; and can only be retained by rezoning.
- Have received neighbourhood support.

### ***Commission Comments***

Commission members asked for clarification about Zebra's involvement during the construction process, and noted the builder is responsible for following approved plans.

K. Koshman, applicant, confirmed Zebra was involved in the design process and produced the building permit application drawings.

C. Dunlop, owner, confirmed they directed the builder to construct a larger deck.

Commission members commented the floor area review committee had discussed maximum floor area on a variety of site characteristics, and expressed concern about going beyond the 0.4 FAR as a precedent is being set and it would be noticed in the community. They also noted the deck was built more than three times larger than what was approved through the building permit process.

K. Koshman noted that the large grade change does not allow for a full or increased basement exemption as compared to a flatter property.

Commission members reiterated concerns over setting a precedent as there are numerous sites in Oak Bay with similar topography, and the floor area review committee had considered this as part of their review.

D. Jensen confirmed density cannot be varied and requires a zoning amendment.

Commission members noted the owners varied from the approved building permit where the deck met bylaw requirements, and are now asking for spot zoning that will set a huge precedent for this type of development. They also noted the impetus will be to build to maximum coverage on all lots from this point forward to maximize return on investment, and site specific zoning requests to exceed densities will be repeated on other sites.

K. Koshman restated that if this were a flatter site, then the house would be considered a single storey house and would be allowed greater site coverage.

Commission members commented there are many sloping sites in Oak Bay, a situation that is not unique to Barkley Terrace.

It was moved and seconded to recommend that Council deny ZON00025.

The motion was carried.

K. Leach and V. Holden opposed.

R. Collins returned to the meeting.

## 5. Old Business

None.

## 6. Information Items

Commission members referred to the comments provided by P. Copley on a housing strategy, noting that if Council decides to proceed with a housing strategy, the Commission will most likely have a role; and requested clarity about the role of the Commission through this process.

D. Jensen suggested the strategy comments were intended for information purposes, and that Council will set their strategic priorities and budget, with further direction to follow that process.

Some Commission members noted that staff and Council are in a position of having to react to proposals as opposed to steering those proposals through OCP direction, bylaws and policies.

D. Jensen advised Corporate Services is addressing the Commission member vacancy.

D. Jensen clarified larger development proposals are being brought forward for preliminary review by the Commission, where the Commission should be clear on what additional information they want to see at subsequent meetings. She also noted some applicants are willing to have their proposal deferred to a subsequent meeting to provide additional information.

## 7. Next Meeting

The next regular meeting of the APC is scheduled for Tuesday, May 2, 2017.

## 8. Adjournment

The meeting was adjourned at 6:19 pm.