



MINUTES
OAK BAY ADVISORY PLANNING COMMISSION
TUESDAY, OCTOBER 3 2017 AT 5:00 PM
COUNCIL CHAMBERS, MUNICIPAL HALL, 2167 OAK BAY AVENUE

MEMBERS PRESENT

Andrew Appleton
Rus Collins
Pam Copley
Virginia Holden

Kristina Leach
Michael Low
Patrick Frey
Kris Nichols

MEMBERS ABSENT

Tim Taddy

STAFF PRESENT

Deborah Jensen, Acting Director, Building and Planning
Krista Mitchell, Building and Planning Clerk

1. Call to Order

The meeting was called to order at 5:02 pm.

2. Adoption of Minutes

It was moved and seconded that the Minutes from July 4, 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 Information Items.

4. New Business

- a. DVP00067 – 2677 Lincoln Road
To facilitate an addition to an existing single family home.

R. Collins recused himself from the meeting at 5:05 pm, citing conflict of interest.

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

- A new house is under construction, and the owners would like to construct below grade stairs leading down to the basement, which requires variances to the interior side lot line setback and the total side lot lines setback.
- A variance is requested to increase maximum paved surface within the front yard.
- The municipal arborist has noted some damage to cedar tree roots on the neighbouring property, but no long term damage is expected.

D. Yamamoto and L. Horvat, applicants, presented the proposal. Some of the comments were:

- Below grade stairs were not previously considered a structure and prevented from being within the side yard, and the retaining wall should be treated as an exterior landscaping feature, not part of the house.
- A front yard paved surface variance would avoid removing a plum tree in the boulevard.

D. Jensen noted that, historically below grade stairs were not addressed in the Zoning Bylaw, but the Council appointed Floor Area Review Committee (FAR) determined a rationale was needed to address safe passage from the front to rear yard, and to consider negative consequences for ground stability.

Commission Comments

Commission members commented that removing the hardscape at the side of the house would decrease the overall amount of paving in the front yard, that established setbacks should be respected, and that the intent of the FAR committee was to reduce the number of development variance permit applications and stairways and decks were discussed in detail.

D. Yamamoto stated that he was unsure if the neighbours to the south on Lincoln Road had been consulted about the proposed changes to the stairwell.

In summary, Commission members noted the following comments:

- New homes should not need variances and reconfiguring existing homes is more challenging.
- There is a need to address gentle densification and address affordable housing, and the exterior access could potentially be a suite in the future.
- The variance for the front yard paving is acceptable, but not the below grade stairwell.

It was moved and seconded to recommend that Council deny DVP00067.

The motion was carried.

K. Leach opposed.

R. Collins returned to the meeting at 5:33 pm.

- b. DVP000069 – 2042 Carnarvon Street
To facilitate an addition to a single family home.

D. Jensen gave a brief overview of the application, noting that the application is to construct a below grade stairwell adjacent to a new single family home that is under construction, which would require variances to the total side lot setbacks but not individual side yard setbacks.

M. Whitney and A. Grewal, applicants, and J. Singh, owner, presented the proposal. Some of the comments were:

- The applicant decided to construct the home knowing that a variance would be needed to construct the stairwell, which was not part of the building permit.
- Have written support from the adjacent, easterly neighbours who would be affected by the proposed stairwell.

D. Jensen noted the Zoning Bylaw was amended in October 2015 to address below grade stairwells.

Commission Comments

Commission members commented that the proposed variance does not affect anyone in a negative way, that the building is partially constructed, and that the neighbours have been consulted are in support. Members also noted that this is a request for one variance, not multiple variances, and that only the total side lot lines is not being met.

Some Commission members advised they were not in support of the application as there needs to be consistency and a fairness of approach with applications.

D. Jensen confirmed the building permit for the house was issued, and that the applicants were made aware Council would make a determination of whether to allow the variance.

It was moved and seconded to recommend that Council approve DVP000069.

The motion carried.

K. Nichols and A. Appleton opposed.

- c. DVP00071 – 1743 Armstrong Avenue
To facilitate a renovation to an existing single family home.

R. Collins recused himself from the meeting at 5:53 pm, citing conflict of interest.

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

- The applicant is proposing to convert an existing attached garage in order to increase living space for a growing family in a 1948 built home
- The applicant is requesting two variances to the parking bylaw, to remove the requirement for one covered parking space, and to permit one on site parking space.
- Difficult to site a second parking space, and would result in loss of vegetation.

D. Yamamoto, applicant, presented the proposal. Some of the comments were:

- Entrance to the basement impedes siting a second parking space in the rear yard.
- The owners would like to keep the cost of the project minimal and are not proposing any changes to the existing building envelope.

Commission Comments

Commission members confirmed that one car could be parked in the driveway, and a second vehicle could be parked in the boulevard off of the main roadway. Members also commented that maintaining existing housing stock is preferable to removing the house and making it even less affordable.

A Commission member commented that the Parking Bylaw is inconsistent with the OCP vision and policies.

It was moved and seconded to recommend that Council approve DVP00071.

The motion was carried.

None opposed.

- d. DVP00072 – 1984 Crescent Road
To facilitate construction of a single family home.

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

- Council granted variances for the original house in February 2017 and a building permit was subsequently issued, but the municipality then discovered the house had been demolished with no approved permit.
- The applicant's engineer advised there were structural foundation problems and recommended removing the house.
- Applicant wishes to rebuild the home in its original siting and style with the same variances that were approved in February; however, additional variances are needed as more than 75% of the original structure was removed, therefore losing its legal nonconforming status, including the contextual setback and side lot line setback.

D. Yamamoto, applicant, presented the proposal. Some of the comments were:

- Removal and replacement of the concrete walls will improve and extend life expectancy of the house, but the overall building envelope has not been altered.
- Removal of the house was not in consultation with Zebra Design, who originally produced the building plans.

Commission Comments

Commission members confirmed that the original home was not on the Oak Bay Community Heritage Register nor protected by bylaw, and commented that the failure to get a demolition permit could have implications for the municipality and was a grievous action by the builder.

Commission members also commented that the new home should conform to the Zoning Bylaw, that a large number of variances are being requested, and that the design has been slightly modified from its original design.

D. Yamamoto, applicant, advised the contextual setback variance is needed due to siting of existing homes on either side of the property, and that bringing the home forward would be difficult due to steep grades.

D. Jensen confirmed the site is very steep and that a new house sited on the property would, at minimum, need a variance to the height. She also noted surrounding neighbours have given support for the rebuilding of the home in the same design and location that was previously approved by Council.

Commission members noted their dismay with the demolition of a character home without a demolition permit.

It was moved and seconded to recommend that Council deny DVP00072, based on the evidence that all best efforts have not been made to reduce or eliminate variances required for a new structure.

The motion was carried.
G. Holden opposed.

R. Collins returned to the meeting

5. Information Items

- a. Heritage Conservation Area Working Group – APC Participation

Patrick Frey was appointed.

- b. Checklist

A Commission member discussed the need for a standardized checklist, noting that the Procedures Manual does contain a checklist. P. Copley and M. Low will review.

- c. In-House Information Sessions

The Chairperson advised the suggestions put forward for in house information sessions will be recirculated, suggesting further discussion on community amenity contributions and development cost charges was a topic of interest.

D. Jensen noted that a consultant will be making a presentation to Council at a future meeting regarding amenity contributions and development cost charges.

The Chairperson circulated a Green Shores for Homes brochure.

- d. APC Term Expirations

D. Jensen advised the membership terms for A. Appleton, V. Holden, K. Nichols, K. Leach, and T. Taddy will be expiring December 31, 2017.

6 Next Meeting

The next regular meeting of the APC is scheduled for Tuesday, November 7, 2017.

7 Adjournment

The meeting was adjourned at 6:48 pm.