

MINUTES of a regular meeting of COMMITTEE OF THE WHOLE of the Municipal Council of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Oak Bay, B.C., on Monday, July 15, 2013, at 7:00 p.m.

PRESENT: Mayor N. Jensen, Chair
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor K. Murdoch

STAFF: Municipal Administrator, G. Nason
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, Patricia Walker
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

Mayor Jensen called the meeting to order at 7:00 p.m.

LAND USE SECTION: (Chair – Mayor Jensen)

1. 2013-192 PRINCIPAL, OAK BAY HIGH SCHOOL, Jul. 11, 2013
Re Oak Bay High School Replacement Project – Informational Presentation of Selected Design

Seamus Howley, Director of Facilities, Greater Victoria School District, introduced the team members for the Oak Bay High School Replacement Project.

Darryl Johnson, Hughes Condon Marler Architects (HCMA), made a presentation to the Committee on the project, outlining the process and the various considerations that were taken into account in developing the design.

In response to questions from the Committee with respect to parking, Dave Thomson, Principal, Oak Bay High School, stated that the intention is for the parking lot on Goldsmith Street to be managed by Parks and Recreation staff. Mr. Thomson commented that, on a busy day, Oak Bay High School typically requires up to 30 parking stalls and that the remainder of the Goldsmith Street parking would be available for use by municipal staff and users of the Oak Bay Recreation Centre. He noted that he will provide a calendar to the Director of Parks and Recreation identifying the few days each year when the school will require greater access to parking. A commitment has been made, he said, to undertake an agreement between the School District and the Municipality to address the long-term plans for the Goldsmith Street parking lot.

Mr. Howley responded to further questions regarding parking, stating that he will review the information provided in the presentation but that it is his understanding that the number of parking stalls for the project will meet the District's requirements under the applicable bylaw. He also confirmed that the School District is in discussion with the owner of an adjacent building with respect to an agreement to formalize access over Oak Bay High School land to the parking area at the rear of the business.

Responding to questions from the Committee, Mr. Johnson clarified the kinds and amount of bicycle parking to be provided on site.

Members of the Committee provided various comments with respect to the selected design for the Oak Bay High School. Some members expressed concern with the amount of parking provided while others emphasized the importance of including multi-use pathways through the school site to accommodate both pedestrians and cyclists. The importance and value of working partnerships and collaboration with different levels of government was also noted.

Patricia Lane, Oak Bay resident, offered her thanks to the design team for the changes that have already been made to the project in response to concerns expressed by the public. She stated that she has many questions regarding the project and concluded her remarks by noting that a finalized construction schedule would be appreciated.

It was noted that questions regarding the project could be provided to Mr. Thomson who would then direct them to the appropriate staff for response.

Barry Scroggs, President, Farmer Construction Ltd., commented that there is some minor preparatory construction activity occurring on the site at this time, but that the design process and permit process still need to be completed before significant construction activity will occur. Mr. Scroggs noted that Farmer Construction will set up a communication website which will have a construction log and a comment page. He stated that the disruption from construction will occur over the next 3 years.

Mr. Thomson noted that a time-lapse record would be kept of the construction and that a final copy would be provided to Oak Bay Archives.

2. 2013-193 DIRECTOR OF BUILDING AND PLANNING/PLANNER, Jul. 7, 2013
 - 2013-144 DIRECTOR OF BUILDING AND PLANNING/PLANNER, May 9, 2013
 - 2013-193-1 ALMA KEENAN, Jun. 9, 2013
 - 2013-193-2 KEITH NEWELL, Jun. 11, 2013
 - 2013-193-3 HUGH CREIGHTON, Jun. 21, 2013
 - 2013-193-4 CARRIE SMART, Jul. 2, 2013
 - 2013-193-5 MICHAEL BROCK, Jul. 9, 2013
 - 2013-193-6 GLEN MYLES, Jul. 9, 2013
 - 2013-193-7 ISABELLE TIANO, Jul. 9, 2013
 - 2013-193-8 LANCE TRAYLEN, Jul. 9, 2013
 - 2013-193-9 WILFRED AND VIRGINIA LUND, Jul. 10, 2013
 - 2013-193-10 ANNE & JOHN NADIN, Jul. 10, 2013
 - 2013-193-11 MICHAEL & MARGARET ASCH, Jul. 11, 2013
 - 2013-193-12 MICHAL OPALSKI & BARBARA SHELTON, Jul. 11, 2013
 - 2013-193-13 D. BRUCE SMITH, Jul. 11, 2013
 - 2013-193-14 ALMA KEENAN, Jul. 11, 2013
 - 2013-193-15 JOHN HAYES, Jul. 11, 2013
 - 2013-193-16 KOJI AND EMMA ZOLBROD, Jul. 9, 2013
 - 2013-193-17 E. J. COCKAYNE ET AL, Jul. 12, 2013
- Re Rezoning/Development Permit Application – 1510 Clive Drive/2280
Oak Bay Avenue

Gregory Damant, architect, provided an overview of the changes to the proposal since it was last presented to the Committee of the Whole. Mr. Damant noted that, as a result of discussions with municipal staff, the trees on the Oak Bay Avenue frontage have been relocated from the sidewalk to the subject property and the curb extension replaced with an expanded pedestrian area and community bench. He commented that by reducing the garbage storage area, enough space was available to create a visitor parking stall.

Scott Murdoch, landscape architect, reviewed the proposed landscaping and stormwater retention features of the proposal, noting that the intention was to retain the existing fir tree and that rain gardens would be incorporated.

In response to questions from the Committee with respect to the massing and setbacks of the building, Mr. Damant stated that the massing has not been altered since the previous Committee of the Whole meeting, emphasizing that the design takes into account the impact on the adjacent single family dwelling to the north with respect to both privacy and light.

Responding to questions regarding blasting, Mr. Damant noted that a definitive answer cannot be given until exploratory work is undertaken on the property, but that efforts will be made to take advantage of the existing basement as much as possible and that consideration will be given to other options for rock removal. He noted that construction of the parking will not require blasting. An insurance process, he noted, including surveys of adjacent properties, would be undertaken if any blasting was necessary.

Nicole Roberts, JN Development Group Ltd., noted that her solicitor has spoken with municipal staff regarding the appropriate legal instruments to ensure that the proposed building remains as rental housing and meets LEED (Leadership in Energy and Environmental Design) certification and also that the assignment of parking is regulated. She stated that she was more than willing to enter into a housing agreement and a restrictive covenant in this regard.

Hope Burns, planner, clarified that a restrictive covenant would be the appropriate instrument to regulate assignment of parking and the LEED certification, while a housing agreement would restrict the occupancy of the proposed building to rental units in perpetuity.

With respect to restrictive covenants, the Director of Building and Planning noted that the cost and effort of enforcement would fall to the Municipality if the owner chose not to comply.

Dave Adams, solicitor, stated that he has spoken with municipal representatives on behalf of the applicant with respect to the potential housing agreement and restrictive covenant. He noted that, though enforcement is an issue with Section 219 restrictive covenants, they are nonetheless a commonly used legal instrument.

The Director of Building and Planning noted that the 1.5 metre sidewalk adjacent to the proposed building will result in the loss of 3 parking stalls along Clive Drive.

Dorreen Newell, Oak Bay resident, stated that she opposes the application and that the proponents have not addressed the ongoing concerns with respect to building massing and setbacks. Ms. Newell then read out correspondence from Mr. E. J. Cockayne, correspondence no. 2013-193-16, in opposition to the proposal, noting that Mr. Cockayne asked that the letter be read out as he was unable to attend the meeting. She commented that the correspondence included signatures from 30 other residents in support of Mr. Cockayne's comments.

Alexa Lindroos, Vice-President, Oak Bay Business Improvement Association, noted that the Oak Bay Business Improvement Association has unanimously voted in support of this application.

Lance Traylen, Oak Bay resident, stated that the proposal is for a large residential building with high density and that the main entrance will be on Clive Drive. Mr. Traylen questioned if there is a shortage of rental housing and noted that, though the building is being marketed as LEED certified, it will have much less green space than there is currently.

He commented that the increased number of suites in the proposed building will increase the number of vehicles on Clive Drive and the associated congestion. The proposed building, he said, will overshadow the neighbouring dwelling and will set an undesirable precedent for high density in Oak Bay. He concluded his remarks by stating that it is clear the Committee should reject this proposal.

Eric Zhelka, Oak Bay resident, stated that he is a member of Oak Bay Watch. Mr. Zhelka commented that there is some merit to the proposal, but that it would be better located in the City of Victoria. He stated that he is concerned about the impact approving this proposal could have on the standards provided by Oak Bay's bylaws and that a precedent could be set. He noted that the unintended consequences of approving this proposal should be taken into account, such as the possibility of raising the tax rate for all multi-family properties.

Margaret Asch, Oak Bay resident, noted that she and her husband Michael Asch strongly oppose the application due to the extent of the proposed setbacks and floor area. Ms. Asch commented that, despite the Committee's recommendation regarding the application at the May 21, 2013 meeting, the developer has not made any changes to the massing or setbacks. Residents have identified the massing and setbacks of the proposed building as issues, she said, since January 2013. She stated that if the developer will not address these issues, the application should be rejected.

Adrian Blunt, Oak Bay resident, stated that he currently resides in the existing Clive Apartment building. Mr. Blunt commented that the proposed building will provide additional, high quality, rental units at market rates, which is different from subsidized or affordable housing. There is a shortage, he said, for these kinds of rental units. He noted that expensive condominium buildings on Oak Bay Avenue have high vehicle use and do not have frontages that lend to enhancing the village atmosphere. He commented that a covenant regulating the assignment of parking should be supportable, considering the many other kinds of restrictive covenants used for multi-family housing, such as age restrictions. He noted that the Committee should not be overly swayed by comments from residents but should provide leadership and work towards creating a village atmosphere on Oak Bay Avenue.

Sandra Guilbert, Oak Bay resident, noted that though she does not reside on Clive Drive, she could be impacted if this application is approved and sets a precedent for the Municipality. She stated that, although there is a need for greater density and an increase in the diversity of the housing stock, the Committee needs to consider if the application meets the general guidelines and the objectives for multi-family residential development in the Official Community Plan (OCP). As the application does not clearly meet any of the general guidelines or objectives, she said, the Committee should reject the proposal.

Larry Guilbert, Oak Bay resident, stated that the photographic rendering of the northern frontage of the proposed building in comparison to the adjacent single family dwelling infers there will be significant space between the two, when the actual distance will be approximately 6 metres. Mr. Guilbert noted that the proposed building will significantly reduce the adjacent neighbour's view and block sunlight, resulting in a reduction in value of the single family dwelling. Some jurisdictions in Canada, he said, have regulations that prohibit construction which will impact the sunlight on neighbouring properties. He encouraged the Committee to consider if they would like to live next to the proposed building and commented that, unless the building mass was reduced, the application should be rejected.

Mike Wilmut, Oak Bay resident, stated that the subject property is smaller than the minimum lot size allowed under the zoning and the proposed building is significantly outside the scope of what is currently permitted under the OCP. Mr. Wilmut noted that overriding the existing OCP will not increase public faith in the ongoing OCP Renewal project. He stated that the majority of residents are opposed to this application. He commented that other developers in the community are waiting to see the Committee's response to this proposal. He urged the Committee not to proceed further with this application.

Wilf Lund, Oak Bay resident, stated that Clive Drive is really more like a lane and is currently very congested. Mr. Lund noted that the residents of Clive Drive have developed a neighbourhood culture that allows for pedestrian safety without sidewalks. Though the existing apartment on the subject property is unattractive, he said, the density does not impact Clive Drive. He commented that the current proposal is too large for the property and out of proportion with the rest of the neighbourhood. A smaller building, he said, which blended well with the existing neighbourhood, could be supportable. He concluded his remarks stating that the majority of the residents are opposed to the application and that it should proceed no further.

Anthony Mears, Oak Bay resident, questioned why the proposal would be referred to the Advisory Design Panel, given that the issue is not with the design but rather in regards to the excessive size of the building on the subject property. Mr. Mears commented that Oak Bay's existing parking ratio requirements are comparable to other municipalities and that if sufficient on-site parking is not provided the renters will park on the streets.

Koji Zolbrod, Oak Bay resident, commented that though he likes the architectural design of the proposal, the size and massing are a problem. Mr. Zolbrod questioned the legality of a restrictive covenant regulating assignment of parking, given the Residential Tenancy Act. He noted that he is concerned that this proposal could result in an additional 16 vehicles on Clive Drive.

Robert Farrell, Oak Bay resident, expressed concern that members of the Committee have been supporting this proposal from the start. He commented that these members of the Committee should therefore recuse themselves from making further decisions with regards to the application.

In response to comments from the public, Mayor Jensen noted that previous legal advice has indicated that Committee members can still consider an application, even if they have already formed an opinion of a proposal, as long as they remain open to persuasion during the subsequent public meetings.

In response to questions from the Committee regarding Clive Drive, the Director of Engineering Services stated that, with a sidewalk being installed on the west and parking on the east there would only be space for single lane traffic on Clive Drive, as is the case for many streets in Oak Bay. Mr. Marshall commented that further determination would be needed after the sidewalk was installed if any further parking restrictions would be required. Though an 8 metre turning radius is more common, he said, the proposed 6.5 metre turning radius for Clive Drive would be sufficient.

Ms. Burns responded to various questions from the Committee, clarifying that the Advisory Design Panel can provide recommendations on the proposal with respect to siting and design, including massing. With respect to the Residential Tenancy Act, she commented that in consultation with the municipal solicitor, it was determined that the proposed restrictive covenant could be used to impose conditions with respect to assignment of parking.

With respect to the OCP, Ms. Burns noted that this property was designated as multi-family, but that the current design guidelines lack detail and that it is up to Council to determine if a permit can be issued.

In response to questions from the public, Mr. Damant reviewed the sun studies for the proposal. He noted that the northern frontage is stepped back so that the shading impact is similar to that which would result from a residential dwelling. He also noted that the proposed building does not loom over Oak Bay Avenue, emphasizing that the ground floor corner of the proposal is in line with Ottavio and that Ottavio's retaining wall is taller and closer to the street than the proposal's retaining wall.

A discussion ensued, with members of the Committee commenting on various aspects of the proposal. Supportable elements of the proposal as identified by some members of the Committee included: the provision of quality rental accommodation; improvements to the existing site; the proximity of the site to many amenities; the consultation process with residents and staff undertaken by the developer; the attractive design; the landscape plan; and the on-site stormwater management. It was noted that increasing density near Oak Bay Avenue will be beneficial for the local business community and that the Oak Bay Business Improvement Association is in support of the proposal. Members also commented that the existing OCP is out of date, but that decisions still need to be made while the renewal process is underway.

Concerns were also expressed by some Committee members including that the issues with the proposed massing and setbacks have not been sufficiently addressed and that there is significant opposition among residents to the proposal. It was noted that the density and lot coverage for the proposal are very significant and that previously other proposals have not been approved because of these issues.

Members had varying opinions with respect to the proposed parking. Some expressed that the parking provided was insufficient and unrealistic, while others stated that renters typically had lower rates of vehicle ownership and that the need to reduce vehicle use and the close proximity of the site to many amenities made the proposed parking supportable. Varying comments with respect to the potential to set a precedent through this proposal were also expressed.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the rezoning and development permit application for the property at 1510 Clive Drive and 2280 Oak Bay Avenue be denied.

DEFEATED
*(Mayor Jensen and Councillors Copley
and Kirby against the motion)*

It was noted that, with a member of the Committee absent, it would not be possible to pass a motion with respect to the application, unless a present member of the Committee changed their vote.

MOVED by Councillor Green

Seconded by Councillor Copley, That further consideration of the rezoning and development permit application for the property at 1510 Clive Drive and 2280 Oak Bay Avenue be deferred to a future meeting in September when all members of Oak Bay Municipal Council are present.

CARRIED
(Councillor Herbert against the motion)

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the meeting continue past 11:00 p.m.

CARRIED UNANIMOUSLY

3. 2013-194 DIRECTOR OF BUILDING AND PLANNING, Jul. 10, 2013
 - 2013-179 DIRECTOR OF BUILDING AND PLANNING, Jun. 4, 2013
 - 2013-179-1 PAUL AND HELGA WORSLEY, May 31, 2013
 - 2013-179-2 PAUL AND HELGA WORSLEY, Jun. 3, 2013
 - 2013-179-3 PAUL AND HELGA WORSLEY, Jun. 5, 2013
 - 2013-194-1 PAUL WORSLEY, Jun. 17, 2013
 - 2013-194-2 JONATHAN HORLICK, Jun. 20, 2013
 - 2013-194-3 PAUL AND HELGA WORSLEY, Jul. 2, 2013
 - 2013-194-4 PAUL AND HELGA WORSLEY, Jul. 8, 2013
 - 2013-194-5 KATHRYN DAVISON-HORLICK, Jul. 11, 2013
 - 2013-194-6 SHARON AND BILL JAMES, Jul. 15, 2013
- Re Uplands Building Permit Application – 2970 Beach Dr.

Paul Hammond, architect, made a presentation to the Committee, reviewing the new submission of photographic renderings depicting the view of the proposed dwelling from the cenotaph, from Uplands Park and from within the residence at 2980 Beach Drive.

Mr. Hammond responded to questions from the Committee, clarifying that privacy concerns for the owners arose in part due the outdoor spaces for both properties being in close proximity and that the back porch at 2980 Beach Drive was the location where the neighbours could overlook the subject property. He also noted that the design of the house and the solid balcony along the house frontage facing Uplands Park would ensure that those passing by would not be able to see too deeply into the dwelling.

Paul Worsley, Oak Bay resident, commented that the proposed design does not take into account the impact on neighbouring properties and that the existing single-storey house does not impact their view. Mr. Worsley commented that the proposed dwelling will be visible from the cenotaph when the surrounding trees lose their leaves. The lot is very narrow, he said, so the applicants have little room to manoeuvre and he questions if the proposed design is appropriate given the size of the lot. He commented that he would have preferred the design to have the second floor stepped-back from the first to reduce the impact on their view. The photographic renderings of the proposed dwelling provided with his correspondence, he said, showed a solid frontage in order to indicate to what extent their view would be impacted.

Continuing his comments, Mr. Worsley stated that it was his understanding that there were 3 Garry oaks on the subject property, though the proposal only mentions retaining 2 trees, and that he questions whether these trees will survive the construction process. At the moment, he said, both properties have good privacy, but the proposed dwelling would overlook his backyard.

Mr. Worsley observed that the issue of view corridors is central to his concerns regarding the project, as the proposed dwelling will take up approximately 90% of the view from his property. He noted that the Uplands Design Guidelines reference the importance of ocean and mountain views and also that the guidelines require construction to have a minimal impact on the view corridors of neighbouring properties and public areas.

Concluding his remarks, Mr. Worsley stated that this application does not meet the requirements of the Uplands Design Guidelines and that, as he cannot increase the height of his house, the proponents must either amend their design or relocate the dwelling on the subject property in order that more of the view from his house can be retained.

Jonathan Horlick, owner, stated that, having considered the new photographic renderings as requested by the Committee, the Advisory Design Panel has again unanimously recommended approval of the proposal. Mr. Horlick noted that they have participated in this process in an open and transparent manner and that all 5 neighbouring residents were contacted in regards to the project. The proposed design is very considerate of neighbouring properties, he said, with both the size and roof design reducing the impact on the view. He commented that the application complies with all zoning requirements and that the proposed siting is in keeping with other properties in the area.

David Adams, Counsel for the applicants, provided an overview of comments made by previous Municipal Administrator Bill Cochrane with respect to the legal status of the Uplands Design Guidelines and the limits to which these guidelines could be applied by Council. Mr. Adams emphasized that he agreed with Mr. Cochrane's interpretation that the guidelines could not be used to preserve a neighbouring property's view at the expense of a proponent's ability to construct within the applicable height limits established under the Zoning Bylaw.

Turning to the application in question, Mr. Adams noted that the proposal has twice received a recommendation for approval by the Advisory Design Panel and that it has not been suggested that the proposal would not suit the subject property or detract from the overall quality of the Uplands. He commented that the application falls within the requirements of the Zoning Bylaw and that no variances are requested.

Commenting on the impact of the proposal on the adjacent property at 2980 Beach Drive, Mr. Adams stated that there is no legislation or restrictive covenant in effect which protects the residents' right to a view. The guidelines, he said, with respect to minimizing impact on view corridors should be given equal weight to guidelines regarding overlook and privacy issues.

Mr. Adams concluded his remarks by stating that the application meets what should be the paramount consideration of maintaining the Uplands as a first class residential district, and that, as such, the requested Uplands building permit should be issued.

A member of the Committee commented that, though sympathetic to the emotional impact of the proposal on the Worsleys, the application was within the bylaw requirements. Another member of the Committee stated that the siting of the proposed dwelling could be altered to improve the impact on both the Worsleys and Uplands Park.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That it be recommended to Council that the plans for the construction of a new residential dwelling at 2970 Beach Drive be approved as to siting and architectural design.

In response to questions from the Committee with respect to retaining the Garry oaks on site, Mr. Hammond noted that the proposed dwelling would be constructed within the area occupied by the existing foundation, which would significantly reduce the impact on the trees.

Dave MacKenzie, Falcon Heights Contracting Ltd., stated that, as the builder, retaining the Garry oaks was a key priority and that he was confident this could be accomplished on this site.

The question was then called.

CARRIED
(Mayor Jensen against the motion)

4. 2013-195 DIRECTOR OF BUILDING AND PLANNING, Jul. 9, 2013
Re Uplands Building Permit Application – 3160 Weald Rd.

No members of the public came forward to speak to the application.

MOVED by Councillor Herbert,
Seconded by Councillor Murdoch, That it be recommended to Council that the revisions to the originally approved stone work materials for the construction of the new residential dwelling located at 3160 Weald Road be approved as to architectural design.

CARRIED

5. 2013-196 DIRECTOR OF BUILDING AND PLANNING, Jul. 9, 2013
Re Uplands Building Permit with Variances Application – 3165 Sherringham Pl.

Frank Wright, owner, stated that BC Hydro required the use of a specific transformer to provide 600 amp service to his dwelling, making it necessary to construct the shed in its current location. Mr. Wright noted that BC Hydro also required that a key be provided to BC Hydro staff to access the shed or that the shed be left unlocked at all times.

Rob Withrow, contractor, stated that he had contacted the Building and Planning Department to confirm that the size of shed would not require a permit, but that he was not aware that the design and siting needed to be reviewed by Advisory Design Panel prior to construction.

Members of the Committee noted that more information was needed from BC Hydro with respect to BC Hydro's requirements and the impact on construction in Oak Bay. It was noted that the Advisory Design Panel did not support the current siting of the shed.

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That further consideration of the Uplands building permit with variances application for 3165 Sherringham Place be deferred in order for municipal staff to provide a response from BC Hydro with respect to current requirements regarding provisions for 600 amp service which may impact the siting required for the proposed shed.

Jim Grieve, James Grieve Design, stated that it is the 600 amp service which made this an issue for BC Hydro and that more changes to BC Hydro's requirements are anticipated in the future.

The question was then called.

CARRIED
(Councillor Kirby against the motion)

6. 2013-197 DIRECTOR OF BUILDING AND PLANNING, Jul. 10, 2013
Re Uplands Building Permit with Variances Application – 2770 Thorpe Pl.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That it be recommended to Council that the plans to construct a new single family dwelling at 2770 Thorpe Place be approved as to siting and architectural design, subject to the issuance of a development variance permit, and that a resolution authorizing the issuance of a development variance permit, as outlined in the memorandum of the Director of Building and Planning dated July 10, 2013, correspondence item no. 2013-197, be prepared and brought forward to Council for consideration.

Aaron Mills, Design Zone, stated that the requested variances will help preserve the view corridors of neighbouring residents and ensure the proposed new dwelling is in keeping with the other houses on the street. He noted that the owners also wish to build on the footprint of the existing dwelling in order to retain the landscaping.

The question was then called.

CARRIED

7. 2013-198 DIRECTOR OF BUILDING AND PLANNING, Jul. 3, 2013
Re Development Variance Permit Application – 2684 Dufferin Ave.

Chris Dykstra, owner, stated that the proposed change in orientation for the driveway was made in consultation with Engineering staff, who indicated that there would be safety concerns with locating the garage closer to the property line while keeping the current driveway access. Mr. Dykstra noted that the other corner properties on Mayhew Street have driveway access onto the street instead of onto the lane, so the proposal would be in keeping with the neighbouring properties.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That a resolution authorizing the issuance of a development variance permit for 2684 Dufferin Avenue, as outlined in the memorandum of the Director of Building and Planning dated July 3, 2013, correspondence item no. 2013-198, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

8. 2013-199 DIRECTOR OF BUILDING AND PLANNING, Jul. 3, 2013
Re Development Variance Permit Application – 2110 Musgrave St.

MOVED by Councillor Green

Seconded by Councillor Kirby, That a resolution authorizing the issuance of a development variance permit for 2110 Musgrave Street, as outlined in the memorandum of the Director of Building and Planning dated July 3, 2013, correspondence item no. 2013-199, be prepared and brought forward to the next meeting of Council for consideration.

In response to questions from the Committee, Matthew Barrie, owner, stated that the proposed variances are requested as the existing dwelling is located in such close proximity to the property line that it would not be possible to construct a deck that was accessible through the rear door of the house without a variance.

Mr. Barrie noted that the proposed deck would border the garage on the neighbouring property and that the garage is also constructed very near the property line. He commented that the neighbouring residents have been consulted and are supportive of the proposal.

The Director of Building and Planning responded to questions from the Committee, stating that, as a variance to the second storey side lot line setback would be required in order to construct any kind of deck, he did not oppose the requested variance to the interior side lot line.

A member of the Committee expressed that, though the variance for the second storey side lot line setback was understandable, the variance for the interior side lot line was problematic.

The question was then called.

CARRIED
(Councillors Herbert and Murdoch against the motion)

9. 2013-200 DIRECTOR OF BUILDING AND PLANNING, Jul. 4, 2013
Re Development Variance Permit Application – 947 Oliver St.

Kent Sheldrake, applicant, stated that the project architect was not in attendance at this time to respond to questions.

MOVED by Councillor Herbert

Seconded by Councillor Green, That further consideration of the development variance permit application for 947 Oliver Street be deferred to a future meeting to allow the project architect to attend and respond to questions.

CARRIED

10. 2013-201 DIRECTOR OF BUILDING AND PLANNING, Jul. 5, 2013
Re Development Variance Permit Application – 190 Denison Rd.

Karl Klashinsky, owner, was in attendance.

In response to questions from the Committee, the Director of Building and Planning reviewed the requested variance, as described in his July 5, 2013 memorandum. He noted that the proposed changes would have a very minimal impact on the exterior of the existing building

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That a resolution authorizing the issuance of a development variance permit for 190 Denison Road, as outlined in the memorandum of the Director of Building and Planning dated July 5, 2013, correspondence item no. 2013-201, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

11. 2013-202 DIRECTOR OF BUILDING AND PLANNING, Jul. 5, 2013
Re Development Variance Permit Application – 876 Linkleas Ave.

Shelley Sullivan, co-owner, stated that she has contacted all 16 of her neighbours with respect to the application. She noted that 13 neighbours were in support of the application, 1 neighbour expressed concerns and 2 neighbours have not yet responded.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That a resolution authorizing the issuance of a development variance permit for 876 Linkleas Avenue, as outlined in the memorandum of the Director of Building and Planning dated July 5, 2013, correspondence item no. 2013-202, be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

12. 2013-203 DIRECTOR OF BUILDING AND PLANNING, Jul. 8, 2013
Re Development Variance Permit Application – 2595 Central Ave.

In response to questions from the Committee, George Yakemchuk, owner, stated that he has not contacted the Victoria Golf Course with respect to his application. Mr. Yakemchuk agreed to provide more professional drawings of the exterior of the proposed garage by July 19, 2013.

MOVED by Councillor Murdoch,

Seconded by Councillor Green, That a resolution authorizing the issuance of a development variance permit for 2595 Central Avenue, as outlined in the memorandum of the Director of Building and Planning dated July 8, 2013, correspondence item no. 2013-203, be prepared and brought forward to the next meeting of Council for consideration, pending receipt of additional drawings to be provided by the applicant no later than July 19, 2013.

CARRIED

REGULATORY SECTION: (Chair – Councillor Murdoch)

13. 2013-204 MUNICIPAL CLERK, Jul. 8, 2013
2012-182 WINDSOR PARK DOG GROUP, May 16, 2012
Re Dog Management Report Follow Up

The Municipal Administrator drew the Committee's attention to the recommendation in the July 8, 2013 report of the Municipal Clerk, noting that the intent is to refer specific items in the Dog Management Report to appropriate staff for comment. The response from staff, he said, along with the Dog Management Report would then be considered at the September Committee of the Whole meeting.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That:

1. The recommendations contained in the Dog Management Report submitted by the Windsor Park Dog Group be referred as follows, for any required comment to be considered at the September Committee of the Whole meeting:
 - Refer Recommendations 2, 3, 4, (possible increased access to Windsor Park and Carnarvon Park), and 21 (overhead sports bench at Windsor Pavilion), to the Parks and Recreation Commission for review and recommendations back to the Committee;
 - Refer Recommendation 5 (fencing of Oakdowne Park), to the Parks and Recreation Commission for consideration and possible referral to the 2014 budget deliberations;
 - Refer Recommendation 6 (monitoring of spear grass cuts for success), and 9 and 10 (uniform dog related signage) to Parks Department staff for consideration as part of the Parks Department work plan;

- Refer Recommendations 15 and 16 (dog waste dispensers) to Parks and Recreation Department staff for subsequent recommendation to the Committee (previously referred);
 - Refer Recommendations 7 and 8, 11 and 13 (website information management), and 20 (Animal Control Contractor Services) to Administration staff for provision of further information where appropriate;
 - Refer Recommendation 12 (review of dog related bylaws) to the 2014 Strategic Priorities session, for further consideration of adding to the work-plan next year;
 - Refer Recommendation 14 (additional dog licence sales venues) to the Finance Department for feasibility investigation and implementation where appropriate.
 - Refer the Dog Management Report (as per Recommendation 18) to the OCP Renewal project for further consideration as input to the development of the renewed OCP; and
2. That staff be requested to re-post a request for public input on the Dog Management Report to the municipal website.

CARRIED

ADJOURNMENT:

MOVED by Councillor Green

Seconded by Councillor Kirby, That the Committee of the Whole meeting be adjourned.

CARRIED

The meeting adjourned at 12:16 p.m.

Certified Correct:

Municipal Clerk

Chair, Land Use Section

Chair, Regulatory Section