

MINUTES of a regular meeting 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, June 24, 2013 at 7:30 p.m.

PRESENT: Mayor N. Jensen, Chair
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor T. Ney
STAFF: Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

The meeting was called to order at 7:30 p.m.

MOVED by Councillor Ney
Seconded by Councillor Green, That the order of the meeting be amended so that New Business/Reports from other Committees can be considered following adoption of the minutes.

CARRIED

ADOPTION OF MINUTES:

Council – June 10, 2013

MOVED by Councillor Kirby
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, June 10, 2013, be adopted.

CARRIED

Special Committee of the Whole – June 12, 2013

MOVED by Councillor Copley
Seconded by Councillor Ney, That the minutes of the Special Committee of the Whole meeting held on Wednesday, June 12, 2013, be adopted.

CARRIED

Committee of the Whole – June 17, 2013

MOVED by Councillor Ney
Seconded by Councillor Herbert, That the minutes of the Committee of the Whole meeting held on Monday, June 17, 2013, and the recommendations contained therein, be adopted.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Official Community Plan Renewal Project

The Municipal Clerk provided an update to Council on the Official Community Plan Project Advisory Committee (OPAC) meeting held earlier in the evening.

Ms. Hilton noted that the consultant for the Official Community Plan (OCP) Renewal Project attended the OPAC meeting to provide an overview of the comments received by the public at the open houses and the visioning sessions in May and June. She stated that OPAC also considered the cost of the proposed random sample survey in comparison to a community-wide survey, which was a cost increase of approximately \$8,000, and noted that OPAC recommended Council approve in principle the expansion of the survey to each household in Oak Bay, pending further information on the actual number of households in the Municipality.

Turning to public awareness of OPAC and communications from the public regarding the renewal project, Ms. Hilton noted that the Committee supported staff's recommendation to post a summary of decisions from each meeting to the website in lieu of the process notes being currently provided. OPAC meetings, she said, will remain open to the public and any correspondence received with respect to the OCP will be provided to the consultant and made available for Council's review.

Ms. Hilton commented that OPAC supported the concept of a photography contest to assist in obtaining images for the OCP.

In concluding her remarks, Ms. Hilton noted that there are two meetings of OPAC scheduled over the summer months.

Councillor Copley, OPAC Chair stated that the next meeting of OPAC would be held on July 25, 2013. She noted that, at the most recent meeting, OPAC deferred further consideration of the role of the Committee, in order to allow comment on this important issue by more members.

Catherine Berris, Consultant, Official Community Plan Renewal Project, made a presentation to Council with respect to the OCP renewal project. Ms. Berris described the elements of the engagement process that have been undertaken and then summarized the community input to date. She concluded her remarks, noting the steps in the project to be taken over the summer.

In response to question from Council, Ms. Berris noted that, barring unforeseen circumstances, the project is currently on track for completion in spring of 2014. With respect to the survey, she stated that her cost estimate includes a high return rate, which is desirable as it increases the statistical validity of the results. She commented that it will be challenging and more costly to provide the survey to rental housing, but that this can be fine-tuned once Council has determined the survey's structure.

It was noted by members of Council that OPAC had identified reaching rental households with the survey as an important component of the process. A member of Council also mentioned that releasing the survey throughout the Municipality would make the public feel included and more inclined to participate in the OCP Renewal Project.

MOVED by Councillor Herbert

Seconded by Councillor Green, That approval in principle be given for the Official Community Plan survey be distributed to each household in the Municipality, pending further clarification on the number of households in Oak Bay and related cost information.

CARRIED

MAYOR'S REMARKS:

Summer Meeting Schedule

Mayor Jensen commented that the summer schedule is now in effect with one Council and one Committee meeting being held each month in July and August.

Summer Block Parties

The Mayor noted that the block party season is well under way and that the attendance by Fire and Police representatives, where possible, is always appreciated.

Canadian Mental Health Association's "Ride Don't Hide" Event

Mayor Jensen stated that he was honoured to lead the Canadian Mental Health Association's "Ride Don't Hide" 30 km bicycle ride through the District of Oak Bay to help raise awareness for mental health.

PUBLIC PARTICIPATION PERIOD:

May (no last name given), expressed concern with respect to traffic speed on Foul Bay Road. She noted that watering boulevards encourages deer to cross the road and eat the plantings. The net and bolt gun method to be used in the proposed deer cull, she said, results in great suffering for the deer. She commented that if concerned residents took steps to protect their gardens, then those individuals on both sides of the deer management issue would be satisfied. She concluded her remarks, stating that Oak Bay has a chance to be a green community and set a good example with respect to deer management.

Joan Russow, Oak Bay resident, stated that the issue of Lyme Disease has been raised as a reason to support a deer cull. Ms. Russow summarized findings by Dr. Ostfeld, which indicate, she said, that culling the deer population will not reduce the risk of Lyme disease. She commented that the Province should be petitioned to help prevent the destruction of deer's natural habitat.

Kelly Carson, Deer Safe Victoria, noted that Council should be aware that there is currently a lawsuit pending against the District of Invermere as a result of their decision to undertake a deer cull.

Marion Cumming, Oak Bay resident, stated that she has been considering the choice that Council is facing with respect to reducing the deer population. Ms. Cumming noted that, unlike capturing and euthanizing deer, the immunocontraceptive SpayVac is humane. She commented that she was the only Oak Bay resident in regular attendance at the Capital Regional District's Citizen Advisory Group, where she was taken aback to see that the experts, consultants and members were all biased towards a cull. A local wildlife biologist, she said, has expressed support for using SpayVac to inoculate 50 deer within Oak Bay to address population reduction.

Ron Jewula, Oak Bay resident, stated that he strongly encourages proceeding with a cull of the deer population. Mr. Jewula commented that deer eat almost all plants and that he has spent a significant amount of money replacing plants eaten by deer. He noted that deer feces are also problematic. It is not permitted, he said, to keep a fence of sufficient height that would keep out the deer and he observed that such a fence would be unattractive. He stated that it is rare not to see deer when cycling at night in Oak Bay, which has become extremely dangerous.

Val Boswell, Saanich resident, stated that culling the deer will be ineffective as it results in the remaining deer producing more offspring. Ms. Boswell noted that there are farmers in the District of Saanich who are successfully co-habiting with the deer. She commented that deer culling divides a community, as it has in the District of Invermere, where a lawsuit is underway as a result of a deer cull. Oak Bay has the opportunity, she said, to use a compassionate approach to deer management and environmental stewardship.

Jennifer Sutton, Oak Bay resident, stated that she would like to reinforce the comments by an earlier speaker, Mr. Jewula. Ms. Sutton commented that she has provided input into the Regional Deer Management Strategy by completing various surveys. She questioned whether the deer population is stable and emphasized that a predator/prey relationship is inherent in nature, but that the predators for deer have been removed from this area. She has a native plant garden and noted that deer are beginning to eat different plants than they have previously. She commented that she has almost hit deer while driving and questions who would pay for the associated damages.

Sandy Argue, Saanich resident, noted that he echoes the issues raised by previous speakers with regards to deer and damage to gardens. He commented that he has spent extensive money on deer prevention, with no success. The deer population, he said, has increased and needs to be reduced, not displaced with fences.

COMMUNICATIONS:

1. 2013-182 DISTRICT OF OAK BAY ANNUAL REPORT 2012
2013-182-1 MUNICIPAL TREASURER, June 19, 2013
Re Annual Report 2012/Statement of Financial Information

Mayor Jensen asked if anyone in attendance wished to address Council regarding the 2012 Annual Report. No members of the public came forward.

MOVED by Councillor Ney

Seconded by Councillor Green, That the 2012 Annual Report be received and that the reports therein that are required pursuant to the *Financial Information Act* be approved, and further, that Mayor Nils Jensen be authorized, on behalf of Council, to sign a statement indicating approval of the Statement of Financial Information as required by the Act.

CARRIED

2. 2013-183 GREATER VICTORIA SCHOOL DISTRICT, June 20, 2013
Re Oak Bay High School Redevelopment Project

Dave Thomson, Principal, Oak Bay High School, provided an update to Council with respect to the Oak Bay High School Redevelopment Project. Mr. Thomson commented that, as Farmer Construction Ltd. with design partner Hughes Condon Marler, has been selected to finalize the design for the project, it would be opportune in the near future to provide Council with an information session on the design.

The Mayor noted that this is great news for Oak Bay and for education in the District. He noted that he and other Council members are eager to see the Oak Bay Steering Committee reconstituted and that the July 15, 2013 Committee of the Whole could be a good opportunity for the School District to provide information on the selected design for the project.

With respect to community consultation, Mr. Thomson stated that although public communication would be part of the process, he would want to discuss the timeline for releasing the design with the Oak Bay Steering Committee. He noted that the intention is to be made aware of any issues as early as possible in the process.

Mr. Barry Scroggs, President, Farmer Construction Ltd., noted that he is looking forward to working with municipality and that there is a tight timeline to meet for this project. He noted that there will be an opportunity for Council to view the design before it is submitted to staff through the permitting process.

In response to questions from Council, Mr. Thomson 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. He also noted that the fire access requirements for the municipal tennis bubble have been incorporated into the design requirements for the project.

MOVED by Councillor Green

Seconded by Councillor Copley, That correspondence item no. 2013-183 be received.

CARRIED

3. 2013-184 DR. K. SHAWN DAVISON, June 7, 2013
Re Temporary Road Closure for Block Party, Kinross Avenue, August 10, 2013
4. 2013-185 TRUDI L. BROWN, June 7, 2013
Re Temporary Road Closure for Block Party, Rosario Street, July 7, 2013
5. 2013-186 BOBBI BARTLE-CLAR, June 14, 2013
Re Temporary Road Closure for Block Party, 700/800 Block Oliver Street, August 24, 2013
6. 2013-187 KIRSTIN PITE, June 16, 2013
Re Temporary Road Closure for Block Party, 2100 Block Pentland Road, July 1, 2013
7. 2013-188 JANET KNIGHT, June 17, 2013
Re Temporary Road Closure for Block Party, Wilmot Place, July 20, 2013
8. 2013-189 KYLA & DARREN WARD et al, June 17, 2013
Re Temporary Road Closure for Block Party, 2120 Kings Road – 2549 Wootton Crescent , July 1, 2013

MOVED by Councillor Kirby

Seconded by Councillor Green, That permission be given for the following temporary road closures for the purpose of neighbourhood block parties:

- Kinross Avenue, August 10, 2013, from 2:00 p.m. to 9:00 p.m.;
- Rosario Street, July 7, 2013, from 1:00 p.m. to 4:00 p.m.;
- 700/800 Block Oliver Street, August 24, 2013, from 9:00 a.m. to 9:00 p.m.;
- 2100 Block Pentland Road, July 1, 2013, from noon to 6:00 p.m.;
- Wilmot Place, July 20, 2013, from 5:00 p.m. to 11:00 p.m.; and
- 2120 Kings Road to 2549 Wootton Crescent , July 1, 2013, from 4:00 pm to 8:00 p.m.

CARRIED

9. 2013-190 OAK BAY ENVIRONMENTAL ADVISORY COMMITTEE, April 28, 2013
2013-190-1 MUNICIPAL ADMINISTRATOR, June 21, 2013
Re Minutes of Meeting/Zero Waste Strategies and Deconstruction Management Plan

MOVED by Councillor Herbert

Seconded by Councillor Ney, That:

- 1) The issues of zero waste strategies and deconstruction waste management, as described in the June 21, 2013 report of the Municipal Administrator, correspondence item no. 2013-190-1, be referred to the 2014 strategic planning/priorities session; and

- 2) That the minutes of the Oak Bay Environmental Advisory Committee meeting held April 28, 2013, be received.

A member of Council commented on the update on the Urban Forest Strategy (UFS), as noted in the minutes of the Environmental Advisory Committee, raising concern that the volunteers involved in producing the report on the UFS would be discouraged by the item being referred to the 2014 strategic planning/priorities session.

A discussion ensued, with members of Council commenting on various aspects on the referral process. It was noted that there needs to be an understanding of the constraints under which the Municipality is operating and a balance in the many initiatives that are currently being undertaken, while still respecting and encouraging the work of volunteers. Members of Council observed that the input from various advisory committees, including elements of the report on the UFS should be incorporated into the Official Community Plan renewal process.

The question was then called.

CARRIED

10. 2013-167 MUNICIPAL ADMINISTRATOR, June 12, 2013
2013-191 CAPITAL REGIONAL DISTRICT, June 21, 2013
Re CRD Regional Deer Management Strategy

The Mayor provided an overview of the process to date and noted that correspondence received on deer management has been made available for Council to review.

It was determined that Council would consider and respond to each of the 10 items proposed by the Capital Regional District (CRD).

1. ***Support the region pursuing fencing subsidies from senior governments for agricultural operations.***

It was noted that this item was not applicable to the District of Oak Bay.

2. ***Work with the region on public education regarding use of repellent.***

MOVED by Councillor Ney

Seconded by Councillor Herbert, That the District of Oak Bay work with the Capital Regional District on public education regarding the use of deer repellent.

CARRIED

3. ***Provide input on dealing with aggressive deer.***

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the District of Oak Bay provide input to the Capital Regional District on dealing with aggressive deer.

CARRIED

4. ***Support the region pursuing changes to public hunting regulations.***

Members of Council questioned what specific changes to public hunting regulations were proposed.

It was noted that this was not a significant issue for Oak Bay, but that the CRD could pursue changes to public hunting regulations if it wished to do so.

It was the consensus of Council that no comment be provided to the CRD with respect to item 4.

As items 5 and 6 were identified as topics with which there would be more discussion, it was determined that they be considered last.

7. *Review road signage, speed limits and consider refinements.*

A discussion ensued with one member of Council questioning the benefit of reducing speed limits to address deer management, given that the majority of streets in Oak Bay already have a speed limit of 40 km. Other members of Council emphasized that having a consistent regional approach to signage is important.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the District of Oak Bay work with the Capital Regional District to review road signage, speed limits and consider refinements.

CARRIED

8. *Partner with the CRD to expand public education.*

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the District of Oak Bay partner with the Capital Regional District to expand public education.

CARRIED

9. *Track deer related complaints and circumstances where the District is contacted.*

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the District of Oak Bay track deer related complaints and circumstances when contacted.

It was noted that Public Works staff are already tracking deer fatalities. Members also commented that consideration should also be given to identifying areas where more complaints are received and to working with ICBC (Insurance Corporation of British Columbia) with regards to deer fatality information.

The question was then called.

CARRIED

10. *Formalize participation via membership on a Regional Deer Management Strategy oversight committee.*

MOVED by Councillor Green

Seconded by Councillor Herbert, That the District of Oak Bay formalize participation via membership on a Regional Deer Management Strategy oversight committee.

It was noted that a staff member would serve as the District of Oak Bay representative on the proposed oversight committee.

The question was then called.

CARRIED

6. *Advise whether the District wishes to pursue a capture and euthanize approach to population reduction.*

The Mayor noted that Council has heard valid arguments in support and in opposition to this issue. He noted that, if Council voted in support of this item, a request would be sent to the CRD to create a plan to cull deer in the Municipality. He commented that the CRD has not recommended the use of the immunocontraceptive SpayVac, given that an experimental permit would be required.

A discussion ensued, with members of Council commenting on both their concerns with and reasons to support a capture and euthanize approach to deer population reduction in Oak Bay. All members expressed that this was a very difficult decision. Members voiced regret that options such as mass relocation or the use of the immunocontraceptive SpayVac were not being recommended as population reduction options. A member also expressed concern with the use of a bolt gun for euthanization, though another member noted that this was the method used for slaughtering livestock.

As the discussion proceeded, members of Council raised various health and safety concerns with respect to the current and expanding deer population. It was noted that the natural predator/prey relationship is no longer in place within the District and that the deer are in effect already being inhumanely culled by vehicles and other threats to wildlife in an urban environment.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the Capital Regional District be advised of the District of Oak Bay's interest in pursuing a capture and euthanize approach to deer population reduction.

It was clarified that, should the motion succeed, the expectation was that the CRD would prepare a plan for deer population reduction using a capture and euthanize approach in the Municipality which would then be provided to Council for consideration.

The question was then called.

CARRIED

It was noted that Council had received correspondence from a member of the Ahousaht First Nation, situated on the West Coast of Vancouver Island, offering assistance from the Ahousaht to anaesthetize and transplant deer to within their territories.

MOVED by Councillor Kirby

Seconded by Councillor Copley, That the June 17, 2013 correspondence from a member of the Ahousaht First Nation be forwarded to the Capital Regional District to explore the possibility of anaesthetizing and transplanting deer to within Ahousaht territories.

CARRIED

5. *Support the region's efforts to enhance First Nation's harvest.*

Questions were raised with respect to whether the CRD intended to pursue this item separately or as part of item 6.

MOVED by Councillor Herbert

Seconded by Councillor Kirby, That the District of Oak Bay support the region's efforts to enhance First Nation's harvest.

It was clarified that the intent of the motion was to support the CRD exploring with the First Nations the potential to incorporate enhancing First Nation's harvest as part of the overall approach to deer population reduction, including consideration of hunting regulations.

The question was then called.

CARRIED

RESOLUTIONS:

Development Permit – 2077 Cadboro Bay Road

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Permit with respect to 2077 Cadboro Bay Road (Lot 4, Block 1, Section 28, Victoria District, Plan 1678), which will permit the exterior renovations to the existing building as more particularly shown on the plans attached to Committee of the Whole agenda item #2013-170, being a memorandum from the Director of Building and Planning dated June 6, 2013.

CARRIED

Development Permit with Variances Application – 2080 Oak Bay Avenue

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Permit with Variances with respect to 2080 Oak Bay Avenue (Lot A, Section 69, Victoria District, Plan VIP74917), to amend DP 03-05 to vary the following provisions of Bylaw No. 3531, *Zoning Bylaw*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
8.8.5 (2) (b) (i) Minimum front lot line setback	3.0 m	0.0 m	3.0 m
8.8.5 (2) (b) (iii) Minimum interior lot line setback	6.0 m	0.0 m	6.0 m

to accommodate a new patio area as shown on the plans appended to Committee of the Whole agenda item 2013-171, being a memorandum from the Director of Building and Planning dated June 6, 2013.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development permit with variances for 2080 Oak Bay Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit Application – 2625 Orchard Avenue

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2625 Orchard Avenue (Lot 3, Block F, Section 23, Victoria District, Plan 1212), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (6) (a) Maximum gross floor area above .8 metres below grade	240 m ²	270 m ²	30 m ²

to accommodate the addition of a rear deck as shown on the plans appended to Committee of the Whole agenda item 2013-173 being a memorandum from the Director of Building and Planning dated June 5, 2013.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development variance permit for 2625 Orchard Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit Application – 2504 Central Avenue (New Dwelling)

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2504 Central Avenue (Parcel A (DD 84668I) of Lots 51 and 52, Block 3, Section 73, Victoria District, Plan 992), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (11) Minimum second storey side lot line setback	3.0 m	1.6 m	1.4 m

to accommodate the construction of a new dwelling as shown on the plans appended to Committee of the Whole agenda item 2013-174 being a memorandum from the Director of Building and Planning dated June 5, 2013.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development variance permit for construction of a new dwelling at 2504 Central Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit Application – 2504 Central Avenue (Garage)

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2504 Central Avenue (Parcel A (DD 84668I) of Lots 51 and 52, Block 3, Section 73, Victoria District, Plan 992), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (8) Accessory building setbacks to be the same as principal building	3.0 m	0.61 m	2.39 m

to accommodate the construction of a new garage as shown on the plans appended to Committee of the Whole agenda item 2013-175 being a memorandum from the Director of Building and Planning dated June 5, 2013.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development variance permit for construction of a garage at 2504 Central Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit Application – 2167 Granite Street

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2167 Granite Street (Lot A, Section 23, Victoria District, Plan 27723), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1 Maximum paved surface (Front Yard)	25% 40.6 m ²	30% 48.4 m ²	5% 7.8 m ²

to accommodate the completion of the front walk as shown on the plan appended to Committee of the Whole agenda item 2013-176 being a memorandum from the Director of Building and Planning dated June 5, 2013.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development variance permit for 2167 Granite Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit Application – 771 Monterey Avenue

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 771 Monterey Avenue (Lot 1, Section 22, Victoria District, Plan 4967), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.6.5 & 4.6.5.(2) Projection from face of building may intrude into the required interior setback (east)	.45 m	.91 m	.46 m
6.5.4.(11) Minimum second storey side lot line setback	3.0 m	1.53 m	1.47 m

to accommodate the construction of a new garage as shown on the plans appended to Committee of the Whole agenda item 2013-177 being a memorandum from the Director of Building and Planning dated June 10, 2013.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development variance permit for 771 Monterey Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit Application – 129 Beach Drive

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit to remove certain regulatory obstacles to the proposed subdivision of 129 Beach Drive (Lot 1 and Amended Lot 2(DD93767I), Section 22 and 47, Victoria District, Plan 3646), which without in any way fettering the exercise of the judgment and authority of the Approving Officer under the *Land Title Act*, would vary the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
<u>Proposed Lot A</u>			
6.5.4.(2) (b) Minimum rear lot line setback	7.62 m	4.2 m	3.42 m
<u>Proposed Lot B (Existing Dwelling)</u>			
6.5.4.(2) (a) Minimum front lot line setback	7.62 m	5.2 m	2.42 m
6.5.4.(2) (b) Minimum rear lot line setback	7.62 m	6.8 m	0.82 m
<u>Proposed Lot B (Existing Garage)</u>			
6.5.4.(2) (a) Minimum front lot line setback (accessory building)	7.62 m	0.3 m	7.32 m

substantially as shown on the sketch plan of the proposed subdivision prepared by Richard J. Wey & Associates Land Surveying Inc. dated May 10, 2013, and appended to Committee of the Whole agenda item 2013-178 being a memorandum from the Director of Building and Planning dated June 12, 2013, when and if the Approving Officer grants preliminary approval to the proposed subdivision, and upon the applicant satisfying all conditions of preliminary approval set out by the Approving Officer including but not limited to the payment of all required off-site servicing costs.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development variance permit for 129 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby

Seconded by Councillor Green, That the meeting of Council be adjourned.

CARRIED

The meeting adjourned 9:50 p.m.

Certified Correct:

Municipal Clerk

Mayor