

REPORT of a PUBLIC HEARING 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, October 27, 2014 at 7:30 p.m.

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

STAFF: Municipal Administrator, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, C. Denomme
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

Mayor Jensen called the public hearing to order at 7:30 p.m.

Bylaw No. 4627, *Ninety-Third Zoning Bylaw Amendment Bylaw, 2014*

The Mayor asked the Municipal Clerk to explain the purpose of Bylaw No. 4627.

The Municipal Clerk explained that Bylaw No. 4627 will create a new two-family zone (RD-1 Two Family Residential Use) and rezones the land described as Lot 21, Section 61, Victoria District, Plan 5527 (2280 Estevan Avenue). Ms. Hilton gave a brief overview of the contents of Bylaw No. 4627.

COMMUNICATIONS:

2014-115 DIRECTOR OF BUILDING AND PLANNING/PLANNER, March 12, 2014
2014-183 DIRECTOR OF BUILDING AND PLANNING, June 16, 2014
2014-216 DIRECTOR OF BUILDING AND PLANNING, August 6, 2014
Re Zoning Bylaw Amendment, Parking Facilities Bylaw Amendment
– 2280 Estevan Avenue

MOVED by Councillor Murdoch
Seconded by Councillor Ney, That correspondence items no. 2014-115, 2014-183 and 2014-216 be received.

CARRIED

The Municipal Clerk confirmed that there was no additional correspondence received.

Carl Peterson, architect, provided an overview of the project. Mr. Peterson commented that the process has involved many meetings and communication with neighbours that has resulted in changes to the size and design of the duplex.

PUBLIC:

Karen Chapman, resident, repeated her concerns expressed at a previous meeting regarding the number of people that could occupy the duplex if there are bedrooms in the basement of

each unit, which could potentially be rented to students. A previous plan had a crawl space instead of a basement and she would prefer that design, she said.

Bruce Filan, resident, said he is strongly opposed to densification in his neighbourhood. Mr. Filan said he has lived in the same place in Oak Bay for 29 years and in Victoria for 41 years. He said he is familiar with the area and the Cadboro Bay Road traffic, noting there is much more traffic now than 41 years ago. He said the area consists of single family homes that do not have garages and people park on the road and if duplexes are allowed in the area, there will be more people, more cars, and more parking problems. Mr. Filan said if this property is considered as special circumstance then he is aware of other properties that would be as well.

John Taylor, resident, said this development will act as a gate to his neighbourhood and divide Oak Bay. Mr. Taylor said he objects to feeling that the neighbourhood had to defend themselves against development with Council in regard to existing bylaws. He said it should be the developers that are cautious in regard to their proposals.

In response to John Bower, resident, asking if this bylaw pertains to all properties in Oak Bay, a member of Council explained that the bylaw is for this specific property.

Anthony Mears, resident, said he is concerned with large houses on small lots. He said that if approved, this zoning change would allow duplexes in all of Oak Bay. Mr. Mears said that any land use change should not be done without public engagement.

Eric Freiden, resident, said if the RS5 zone is changed to RD-1 for this property there will be other properties that may wish to change and he is concerned for the neighbours of these RS5 zones.

Eric Zhelka, resident, said with the amendment, Council is changing the zoning not just spot zoning. Mr. Zhelka said that duplexes have not been permitted since 1966 and when permitted by bylaw or appeal the height, setbacks and open spaces were set out. Mr. Zhelka said there are approximately 200 legal non conforming properties with 16% of these on lots less than 8,000 square feet, 65% on lots exceeding 10,000 square feet and this lot is 7,100 square feet. He said regulations should address requirements for minimum sizes for open spaces.

Joan Russow, resident, said that this application should not be dealt with prior to the Municipal Election.

In response to questions regarding duplexes not being allowed after the 1960's the Director of Building and Planning said he did not have this information. Mr. Thomassen said that this application is site specific to 2280 Estevan Avenue and would not allow duplexes throughout Oak Bay. In response to the question regarding if this would have required an Official Community Plan amendment if done two years ago, Mr. Thomassen said Council could consider special circumstances without requiring an amendment. Mr. Thomassen said this application is based on the previous Official Community Plan.

Carl Peterson, architect, said this project has been in the works for three years now and it is not his intention to rush anything through the process. The applicant started with a design for a three unit townhouse complex, which the neighbours strongly opposed, and redesigned a larger duplex than what is currently proposed and additional changes have been made since.

Jack Morrison, resident, asked if any property larger than 660 square metres could be rezoned and the response was that all applications are considered by the Municipal Council and each application is decided on its own merit.

Bruce Filan, resident, asked if this bylaw amendment would create a new zone and if someone with a similar size property change their zoning. Mr. Thomassen responded that the application does create a new zone and others could apply for a rezoning.

Eric Zhelka, resident, said he is heartened to hear the applicant is not in a hurry and he suggested that Council wait until after the fall Municipal Election to make a decision on the application.

Carl Peterson, architect, said in regard to comments of not being in a hurry to complete the project, he clarified by saying that the process has taken a very long time and that they do wish to move it forward.

Mayor Jensen asked three times if there was anyone else who wished to speak. No one else came forward.

ADJOURNMENT:

MOVED by Councillor Ney

Seconded by Councillor Copley, That the public hearing do now adjourn.

CARRIED

The public hearing adjourned at 8:18 p.m.

Certified Fair and Accurate:

Deputy Municipal Clerk

Mayor