

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, August 20, 2012 following a Public Hearing at 7:30 p.m

PRESENT: Mayor N. B. Jensen, Chairman
Councillor P. Copley
Councillor C. Green
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney
STAFF: Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. Walker
Design Engineer, R. Ding

Mayor Jensen called the meeting to order at 8:14 p.m.

ADOPTION OF MINUTES:

Council – July 23, 2012

MOVED by Councillor Ney
Seconded by Councillor Murdoch, That the minutes of the Council meeting held on Monday, July 23, 2012, be adopted.

CARRIED

Special Council – July 30, 2012

MOVED by Councillor Ney
Seconded by Councillor Green, That the minutes of the Special Council meeting held on Monday, July 30, 2012, be adopted.

CARRIED

Committee of the Whole – August 13, 2012

MOVED by Councillor Ney
Seconded by Councillor Green, That the minutes of the Committee of the Whole meeting held on Monday, August 13, 2012, and the recommendations contained therein, be adopted.

CARRIED

PRESENTATION:

Allan Cassidy Recognition of Renovation and Building Achievement Awards

Mayor Jensen provided an overview of the Allan Cassidy Recognition of Renovation and Building Achievement Awards Program, noting that it was established to recognize achievements in building and renovations. The program, he said, was renamed in honour of the late Councillor Allan Cassidy, who devoted many years of service to the District with respect to building issues.

Mayor Jensen then presented awards to the owners of two properties, who each gratefully accepted a local artist's original rendering of their building. The awards were presented to Wendi MacKay, 2072 Esplanade Road and Richard and Linda Auchinleck, 963 Beach Drive.

MAYOR'S REMARKS:

Mayor Jensen expressed great sadness at the passing of Oak Bay volunteer Gwen Ewan, noting that she had given her time, energy and vision to the Heritage Commission and the Heritage Foundation. He offered sincere condolences to her family.

Councillor Green, liaison to the Heritage Commission and the Heritage Foundation, expressed her condolences and noted that Gwen Ewan's passing is a great loss to heritage work and to the volunteer community.

Mayor Jensen commented on his meeting with Councillor Ron Sam of the Songhees First Nation, noting the possibility of holding a joint meeting with both Councils to begin identifying issues of common concern. He also noted the importance of building bridges between both communities.

Continuing his remarks, Mayor Jensen stated that he has recently contacted the Vancouver Island Health Authority with respect to the future of the Oak Bay Lodge Facility.

In regards to his attendance at the Canadian Association of Police Boards annual meeting, Mayor Jensen observed that a main topic of interest was the cost of policing and the challenge of creating efficiencies.

In concluding his remarks, Mayor Jensen noted that a contract has been signed for an Archival Consultant, who will be working with the Oak Bay Archives to improve administrative and records management procedures.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

COMMUNICATIONS:

1. 2012-268 DESIGN ENGINEER, August 14, 2012
- EXCERPT FROM COUNCIL MEETING MINUTES, July 23, 2012
- 2012-237 JAMES CHESTNUT, July 18, 2012
- 2012-237-1 DESIGN ENGINEER, July 10, 2012
- 2012-237-2 MUNICIPAL ARBORIST, May 10, 2012
- 2012-237-3 JAMES CHESTNUT, July 20, 2012
- EXCERPT FROM COUNCIL MEETING MINUTES, June 11, 2012
- 2012-194 OAK BAY HERITAGE COMMISSION, May 15, 2012
- 2012-194-1 JAMES CHESTNUT, June 11, 2012
- 2012-142 DIRECTOR OF BUILDING AND PLANNING, April 18, 2012
Re Minutes of Meeting / 1936 Hampshire Road Heritage Alteration Permit

In response to questions from Council regarding the staff report, the Design Engineer noted that if the traffic count was retaken when school was in session he would expect the volume to increase but the speed to remain constant.

Mr. Ding stated that the speed limit for this portion of Hampshire Road is 50 km/hr. It seems unnecessary to lower the speed limit, he said, as the average current speed is between 35 and 38 km/hr. Mr. Ding concluded his responses noting that realignment of the road would require a detailed survey, which could not be completed until late September.

James Chestnut, applicant commented that he would not want the municipality to spend money on realigning the road if he was not going to continue with the application.

A discussion ensued with respect to the subject property's lack of a driveway, the subdivision which was undertaken prior to the heritage designation and other prior works on the property such as lowering the road, along with the reduced accessibility of the site, the narrowness of Hampshire Road, the benefits of improving on-site parking and the need for a reasonable compromise.

In response to comments by Council, Mr. Chestnut stated that the proposed plans show that a portion of the garage walls would be retained, but the roof would be removed to allow vehicles to drive on to the site through the remaining structure.

There was a discussion on the extent to which the walls would be retained. Mr. Thomassen stated that if more of the garage walls were to be retained, the appearance from the front of the property would be different than what is currently proposed.

A member of Council expressed the view that greater retention of the walls than is currently proposed might preserve more of the heritage character of the frontage while allowing vehicles to drive through the garage on to the site.

Mr. Chestnut noted that removing the roof would require removing the existing garage doors. He said that the proposed gate was designed to be in keeping with the heritage of the structure.

Responding to questions, the Director of Building and Planning confirmed that the current plans would provide sufficient space for a vehicle to turn around on the property, but that this would require the removal of the two protected chestnut trees on site.

While some support was expressed for the current proposal as a good compromise to meet the needs of both heritage preservation and safety, concerns were raised in respect to the impact on the heritage significance of the property and the streetscape.

A discussion ensued with respect to the age of the various components of the garage and the dwelling. It was noted that the existing doors of the garage are not original and likely date from the 1980's.

There was further discussion on the current application and the potential to retain the walls of the garage to a greater extent and Mr. Chestnut confirmed that he would be willing to submit revised drawings in this regard for Council's consideration.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That further consideration of the Heritage Alteration Permit Application for 1936 Hampshire Road be deferred to allow the applicant to bring forward revised drawings to specify the extent to which the existing garage walls are proposed to be retained.

CARRIED

2. 2012-269 DIRECTOR OF BUILDING AND PLANNING, August 17, 2012
 - 2012-269-1 DIANA BUTLER, August 15, 2012
 - 2012-269-2 PAT HINDMARCH-WATSON, August 20, 2012
 - 2012-269-3 PETER HINDMARCH-WATSON, August 20, 2012
 - EXCERPT FROM COUNCIL MEETING MINUTES, July 23, 2012
 - 2012-219 OAK BAY UNITED CHURCH, June 19, 2012
 - 2012-219-1 DIRECTOR OF BUILDING AND PLANNING, June 22, 2012
 - 2012-219-2 PETER WATSON, June 25, 2012
- Re Restrictive Covenant – Thrift Shop Use

Attention was drawn to the previously considered development variance permit application to reduce the number of parking spaces to allow the construction of a new accessory building to be used for storage of Thrift Shop items on the United Church property. Additionally, it was noted, the Church is requesting that the covenant that currently restricts thrift shop use to the basement of the building constructed in 1932 be revised to expand the permitted thrift shop use to Gardiner Hall as well.

There was discussion regarding points raised in the correspondence received and the view was expressed by some members that further consultation should be undertaken by the Church while others felt there had been sufficient public input through the public Council and Committee of the Whole meetings and development variance permit process.

In response to questions from Council, the Director of Building and Planning confirmed that the changes from the current restrictive covenant, if approved, would be limited to the requested expansion of the thrift shop and the removal of clause 1(6) in relation to parking restrictions which are no longer relevant.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the Mayor and Municipal Clerk be authorized to do all acts and things necessary to execute a new Section 219 (Land Title Act) covenant between the Trustees of the Congregation of the Oak Bay United Church and The Corporation of the District of Oak Bay to expand permission for Thrift Shop use to Gardiner Hall.

Discussion ensued regarding the appearance of the approved accessory building and whether or not further consultation was needed.

The question was then called.

CARRIED

Councillors Copley and Green against the motion

3. 2012-241 GOODLIFE FITNESS VICTORIA MARATHON, July 9, 2012
- Re Request for Temporary Road Closures for 2012 Goodlife Fitness Victoria Marathon – October 7, 2012

Responding to questions from Council, Cathy Noel, GoodLife Fitness Victoria Marathon, noted that this is the 33rd annual marathon and that notices are sent out to residences within the area codes impacted by the route.

MOVED by Councillor Green

Seconded by Councillor Murdoch, That permission be granted for the temporary road closures and occupancy of the same streets in Oak Bay used for the Marathon in 2011 and detailed in correspondence item no. 2012-241 for the staging of the 2012 GoodLife Fitness Victoria Marathon events on Sunday, October 7, 2012, subject to the event organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. Release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000;
2. Agree to pay all invoices from the Municipality for costs incurred in connection with the event;
3. Agree to obtain Oak Bay Police approval for a traffic plan and implement the same, subject to any field instructions from the Police; and
4. Agree to provide sufficient notice to all property owners along the proposed route,

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

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| 4. | 2012-270 | OAK BAY ACTIVE TRANSPORTATION ADVISORY COMMITTEE,
June 26, 2012
Re Minutes of Meeting |
| | 2012-270-1 | OAK BAY ACTIVE TRANSPORTATION ADVISORY COMMITTEE,
July 31, 2012 |
| | 2012-270-2 | OAK BAY ACTIVE TRANSPORTATION ADVISORY COMMITTEE,
June 27, 2012
Re Accessibility Paper |

Charles Etchell, Vice Chair, Active Transportation Advisory Committee, noted that part of the goal of the Accessibility Paper was to formalize previous work on active transportation which informs much of the work currently undertaken by the Committee. He said that the Committee also wanted to ensure that the information in the paper was made available to Council.

Discussion ensued with members of Council expressing support for priority-setting, as described in the paper, and for widening sidewalks in the Oak Bay Village. The value of setting standards for accessibility and transportation infrastructure was also noted.

The Design Engineer noted that the Engineering Department is supportive of the Active Transportation Advisory Committee and that staff have already worked well with the Committee on the issue of bicycle detector loops at intersections.

It was noted that the Accessibility Paper highlights the potential for workable compromises that allow for different modes of transportation in the Oak Bay Village.

Neil Jackson, Active Transportation Advisory Committee, acknowledged that there were several different contributors to the Accessibility Paper. With respect to the proposed endorsement of the paper, he stated staff input would be needed prior to recommendations being submitted to Council. He concluded his remarks noting that Oak Bay Village is one of the committee's priority projects.

Council thanked the members of the Committee for their hard work in preparing the paper, and acknowledged the need for coordination between the Committee and Engineering Department staff in pursuing implementation of accessibility projects.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That Council endorse in principle the concepts presented in the June 27, 2012 Accessibility Paper submitted by the Oak Bay Active Transportation Advisory Committee.

It was noted that any recommendations for specific projects would need to be considered by Council.

The question was then called.

CARRIED

5. 2012-271 JENNIFER WILSON, August 6, 2012
Re Request for Temporary Road Closure for Block Party, St. David Street from Windsor Road to McNeil Avenue – September 3, 2012

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on St. David Street from Windsor Road to McNeil Avenue, on Monday, September 3, 2012, from 4:00 o'clock p.m. to 8:00 o'clock p.m.

CARRIED

6. 2012-272 BRENDA LESIUK, August 15, 2012
Re Request for Temporary Road Closure for Block Party, St. Patrick Street from Brighton Avenue to Windsor Road – September 9, 2012

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on St. Patrick Street from Brighton Avenue to Windsor Road, on Sunday, September 9, 2012, from 3:00 o'clock p.m. to 7:00 o'clock p.m.

CARRIED

7. 2012-273 DIRECTOR OF BUILDING AND PLANNING, August 13, 2012
Re Request for Heritage Alterations/Building Permit referral for property listed on Community Heritage Register – 2028 Runnymede Avenue

The Director of Building and Planning noted that 2028 Runnymede Avenue is included on the Oak Bay Community Heritage Register, but has not been designated. In accordance with the Heritage Register Procedure Bylaw, he said, the requested building permit is being withheld so that Council can consider whether it wishes to make a temporary protection order.

Mr. Thomassen noted that a temporary protection order would be required in order to refer the matter to the Heritage Commission. Concluding his remarks, he stated that the temporary protection order can be in place for 60 days and that permits can not be withheld after the order expires unless a formal heritage designation bylaw receives first reading by Council.

Jason Fox, Cittá Construction was present to respond to questions with respect to the proposed alterations to the heritage property.

In response to questions from Council, the Director of Building and Planning noted that the proposed alterations will replace the exterior cladding, which is in poor condition. Mr. Thomassen noted that a different material from the original would be used, but that most of the original detail would be maintained.

Pat Wilson, Chair, Heritage Commission responded to questions from Council noting that the Heritage Commission would next meet on the 3rd Tuesday of September.

Mr. Fox noted that he and the applicants are willing to work with the Heritage Commission in respect to the proposed alterations.

MOVED by Councillor Copley

Seconded by Councillor Green, That the buildings and land located at 2028 Runnymede Avenue be subject to a temporary protection order in accordance with Section 962 of the Local Government Act for a period of not more than 60 days, and that the plans for the proposed renovations be referred to the Heritage Commission for a report and recommendation to Council.

CARRIED

8. 2012-274 DIRECTOR OF BUILDING AND PLANNING, August 15, 2012
Re Request for Heritage Designation – 1265 Roslyn Road

In response to questions and comments, the Director of Building and Planning noted that a statement of significance has already been written for the property. He stated that, if the application proceeds, staff and the owner can work together to clarify what internal features might be designated.

MOVED by Councillor Green

Seconded by Councillor Ney, That the request for heritage designation of the dwelling at 1265 Roslyn Road be referred to the Heritage Commission for formal assessment and recommendation to Council.

CARRIED

9. 2012-275 CHRISTOPHER AND HELEN SLADE, August 10, 2012
Re Development Variance Permit Application – 323 King George Terrace
10. 2012-276 STEFAN OPALSKI, August 20, 2012
2012-276-1 T. DANIELS, August 20, 2012
2012-276-2 JOHN AND TRACIE SAMPHIRE, August 20, 2012
2012-276-3 MARRELL MCKENZIE, August 20, 2012
2012-276-4 JAMES AND KRISTEN KOROL-FILBEY, August 20, 2012
2012-276-5 WERNER AND RUTH DIEDERICHS, August 20, 2012
2012-276-6 PETER BUTTERFIELD, August 20, 2012
Re Development Variance Permit Application – 3290 Upper Terrace Road

MOVED by Councillor Ney

Seconded by Councillor Kirby, That correspondence items no. 2012-275, 2012-276, 2012-276-1, 2012-276-2, 2012-276-3, 2012-276-4, 2012-276-5, and 2012-276-6 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

No items of New Business were raised.

TABLED:

Development Variance Permit –3290 Upper Terrace Road

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3290 Upper Terrace Road (Lot 2, Section 31, Victoria District, Plan 4111), 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>
6.2.4. (2) (c) & Schedule "C" <i>Minimum interior side lot line setbacks</i>	4.57 m	1.52 m	3.05 m
6.2.4. (2) (e) & Schedule "C" <i>Minimum total of side lot line setbacks</i>	12.19 m	5.17 m	7.02 m

to accommodate the addition of a multi car garage with office space as shown on the plans appended to Committee of the Whole agenda item 2012-206, being a memorandum from the Director of Building and Planning dated June 12, 2012.

CARRIED

Kevin Bradley, applicant reviewed the proposal and stated that a garage is needed on this large property. When describing the details of the proposal, he noted that the garage would be located on the existing parking area. Mr. Bradley emphasized that the residents which view the property have been consulted and that many of them provided letters of support. He concluded his remarks observing that the request is reasonable and is in keeping with other lots in the area.

Peter Butterfield, resident stated that he resides just to the north of the site and that he does not support the proposal as it locates the garage too near the property line. Mr. Butterfield stated that from his property, a large wall of the proposed garage will be visible. Previously, he said, there had been a garage located on the subject property with a different configuration than is proposed. He commented that the bylaws are meant to protect the park-like setting of this area and that the proposal works against the intent of those bylaws. Correspondence was submitted, he said, from another resident in opposition to the proposal. He concluded his remarks by noting that he is concerned with the proposed garage's encroachment on his privacy.

Brenda Van Zant, applicant stated that the impact of the proposed garage on the view from the Butterfield residence would be minimal. She noted that they have undertaken four different architectural drawings for this project and made adjustments to the design in order to take into account the neighbours' concerns. The majority of the neighbourhood, she stated, feels that this size of garage is reasonable. In conclusion, she observed that as owners, it is their responsibility to upkeep and make improvements to their property and that they believe the proposed garage will increase the value of their property.

In response to questions from Council, Mr. Bradley noted that a variance is required to accommodate a two-car garage and that the current proposed location was identified in consultation with the Advisory Design Panel. He agreed that a one-car garage could fit without a variance.

Mr. Butterfield observed that the garage is sizeable both in width and depth.

Sarah Fryer, resident questioned why a window is required in the proposed garage, as it overlooks her backyard. She stated that she chose to live in the Uplands due to the park-like setting and the strict bylaws.

Several comments were made by the previous speakers in regards to the location of and view from the window in the proposed garage.

Members of Council expressed varying perspectives regarding the impact of the proposed garage on neighbouring properties and the extent of any hardship to the owners posed by the proposed construction.

With no other members of the public wishing to speak to the application, the question on the main motion was then called.

CARRIED

Mayor Jensen and Councillor Murdoch against the motion

Development Variance Permit –3275 Beach Drive

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3275 Beach Drive (Lot 3, Section 31, Victoria District, Plan 5447), 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>
6.2.4. (2)(c) + Schedule 'C' Minimum side lot line setbacks	4.57 m	4.13 m	0.44 m
6.2.4. (2)(e) + Schedule 'C' Minimum total of side lot lines	12.19 m	11.68 m	0.51 m

to construct a one car addition to the existing garage as shown on the plans appended to Committee of the Whole agenda item 2012-235 being a memorandum from the Director of Building and Planning dated July 16, 2012.

CARRIED

In response to comments from Council, the Director of Building and Planning clarified that the proposal is for three single car garages.

With no members of the public wishing to speak to the application, the question on the motion was then called.

CARRIED

Development Variance Permit – 1766 Armstrong Avenue

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1766 Armstrong Avenue (Lot 6, Block 2, Section 28, Victoria District, Plan 1755), 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>
6.5.4. (3)(b) <i>Maximum occupiable height</i>	4.27 m	4.48 m	0.2 m
6.5.4. (6)(a) <i>Maximum gross floor area above .8 meters below grade</i>	240 m ²	258 m ²	18 m ²
6.5.4.(11) <i>Minimum second storey side lot line setback</i>	3.0 m	1.5 m	1.5 m

to accommodate the existing top floor development as shown on the plans appended to Committee of the Whole agenda item 2012-236 being a memorandum from the Director of Building and Planning dated July 9, 2012.

CARRIED

With no members of the public wishing to speak to the application, the question on the motion was then called.

CARRIED

Development Variance Permit –323 King George Terrace

MOVED by Councillor Murdoch

Seconded by Councillor Copley, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 323 King George Terrace (Parcel A (DD D57199) of Lot 11, Section 22, Victoria District, Plan 2103), 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>
6.5.4. (3) (a) Maximum building height (east deck enclosed into bedroom)	5.6 m	7.65 m	2.05 m
6.5.4.(3) (b) Maximum occupiable height (new west deck)	3.5 m	5.51 m	2.01 m
6.5.4. (6) (a) Maximum gross floor area above .8 meters below grade	240 m ²	302.2 m ²	62.2 m ²
6.5.4. (11) Minimum second storey side lot line setback (west deck encroaches into second storey setback)	3.0 m	2.1 m	0.9 m

to accommodate the enclosure of the east top floor deck and development of an existing west flat roof into a new deck area as shown on the plans appended to Committee of the Whole agenda item 2012-240, being a memorandum from the Director of Building and Planning dated July 19, 2012.

CARRIED

Christopher Slade, resident reviewed his concerns with respect to the proposal, as outlined in his correspondence (no. 2012-275), highlighting in particular his opposition to the three last variances which are related to the west deck. In concluding his remarks, he asked Council not to approve the variances related to the west deck in order to uphold the Zoning Bylaw and prevent the creation of “monster homes”.

In response to questions from Council and comments from the public, the Director of Building and Planning clarified that changing the use from a roof to a deck would also change the calculations for gross floor area, resulting in one of the requested variances.

John Solomon, on behalf of the applicants stated that the last significant renovation to the current dwelling occurred over 25 years ago, and that the steep slope of the subject property impacted the calculations for both building height and gross floor area. He explained that the proposed variances will allow for the expansion of a very small bedroom and for the correction of an indent that is resulting in water damage.

Mr. Solomon concluded his remarks, noting that having access to a deck from the interior of the dwelling would be beneficial for the Judsons as they age and that a finished deck provides for a more attractive view than the existing roofing.

MOVED by Councillor Ney,

Seconded by Councillor Murdoch, That the meeting continue pass 11:00 p.m.

CARRIED UNANIMOUSLY

In response to questions from Council, the Director of Building and Planning confirmed that it was not possible to consider the proposed variances separately, as together the plans form the application. Mr. Thomassen then further reviewed the proposed walkway access, noting that the bedroom deck is located on the other side of the building facing the water.

Responding to questions from Council, Mr. Solomon described the benefits of the proposed walkway access. He also stated that a portion of the existing dwelling would typically be considered as basement area, which is why a gross floor area variance is required. Enclosing a portion of the east deck, he stated, will bring the bedroom wall in line with the rest of the east frontage. He reiterated that the surfaced deck on the west would be more attractive than the existing roofing and that this portion of the dwelling is not easily visible from the road or neighbouring properties. Any additional renovations which would increase the square footage, he said, would require another variance application.

The question on the motion was then called.

CARRIED
Councillor Green against the motion

RESOLUTIONS:

Development Variance Permit – 518 Beach Drive

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 518 Beach Drive (Lot 17, Section 22, Victoria District, Plan 1062), 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>
6.4.4. (2)(a) Minimum front lot line setback	7.62 m	2.9 m	4.72 m
6.4.4. (2) (e) Minimum total of side lot lines	4.57 m	0.95 m	3.62 m
6.4.4. (11) Minimum second storey side lot line setback	3.0 m	0.7 m	2.3 m
4.15.1 Maximum paved surface (front yard)	25% 29 m ²	43.5% 49.5 m ²	18% 20.5 m ²

to construct a two car garage addition, master bedroom and deck above the existing dwelling as shown on the plans appended to Committee of the Whole agenda item 2012-262 being a memorandum from the Director of Building and Planning dated July 27, 2012.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the motion in respect to the development variance permit for 518 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2260 Dunlevy Street

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2260 Dunlevy Street (Amended Lot 7 (DD 146754I), Block 1, Section 61, Victoria District, Plan 1960), 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	1.52 m	1.48m

to construct an addition with major renovation to the existing house as shown on the plans appended to Committee of the Whole agenda item 2012-263 being a memorandum from the Director of Building and Planning dated August 8, 2012.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the motion in respect to the development variance permit for 2260 Dunlevy Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Appointments to the Oak Bay Official Community Plan Project Advisory Committee and the Website Working Group

MOVED by Councillor Copley

Seconded by Councillor Kirby, That the following appointments be confirmed:

Oak Bay Official Community Plan Project Advisory Committee

- Gloria Back
- Patrick Frey
- John Graham
- Mike Lloyd
- Jan Mears
- Will Moore

Working Group – Website

- Lesley Ewing
- Rena Kendall-Craden
- Mark Lisé

CARRIED

BYLAWS:

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That Bylaw No. 4570, Oak Bay Official Community Plan Bylaw, Amendment Bylaw, No. 1, 2012 be introduced and read a first time.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Green, That Bylaw No. 4570, Oak Bay Official Community Plan Bylaw, Amendment Bylaw, No. 1, 2012 be read a second time.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Murdoch, That Bylaw No. 4571, Eighty-Ninth Zoning Bylaw Amendment Bylaw, 2012 be introduced and read a first time.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Murdoch, That Bylaw No. 4571, Eighty-Ninth Zoning Bylaw Amendment Bylaw, 2012 be read a second time.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Green, That Bylaw No. 4572, Ninetieth Zoning Bylaw Amendment Bylaw, 2012 be introduced and read a first time.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Green, That Bylaw No. 4572, Ninetieth Zoning Bylaw Amendment Bylaw, 2012 be read a second time.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Green, That Bylaw No. 4573, Parking Facilities Bylaw Amendment Bylaw, No. 1, 2012 be introduced and read a first time.

CARRIED

Councillor Murdoch against the motion

MOVED by Councillor Kirby
Seconded by Councillor Green, That Bylaw No. 4573, Parking Facilities Bylaw Amendment Bylaw, No. 1, 2012 be read a second time.

A member of Council spoke in opposition to the bylaw, expressing concern that the number of stalls proposed was insufficient and could impact the Oak Bay Recreation Centre.

CARRIED

Councillor Murdoch against the motion

MOVED by Councillor Ney
Seconded by Councillor Kirby, That a public hearing on Bylaws No. 4570, 4571, and 4572 be held at the Oak Bay Municipal Hall, on September 10, 2012 at 7:30 p.m., and that notice be given in accordance with the Local Government Act.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby
Seconded by Councillor Green, That the Council meeting be adjourned

CARRIED

The meeting adjourned 11:18 p.m.

Certified Correct:

Municipal Clerk

Mayor