

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, August 20, 2012 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 public hearing to order at 7:34 p.m.

Bylaw No. 4569, 1226 Roslyn Road Heritage Revitalization Agreement Authorization Bylaw, 2012

The Mayor asked the Municipal Clerk to explain the purpose of Bylaw No. 4569.

The Municipal Clerk explained that this Bylaw would authorize the Municipality to enter into a heritage revitalization agreement with respect to the property described as Lot A (DD 189918I), Block 1, Section 23, Victoria District, Plan 1091 (1226 Roslyn Road). Ms. Hilton noted that the proposed heritage revitalization agreement would, among other things, have the effect of doing the following: protect the existing building as a heritage building; vary the provisions of the Zoning Bylaw so as to allow a subdivision of the lot and to allow certain alterations to the existing building; vary the provisions of the Parking Facilities Bylaw; and require Council approval for design and siting of the new home to be constructed on the new lot.

COMMUNICATIONS:

2009-56	DIRECTOR OF BUILDING AND PLANNING, February 2, 2009
2009-56-1	MUNICIPAL ADMINISTRATOR, February 9, 2009
2009-56-2	JUDITH ANDERSEN, February 4, 2009
2009-91	DIRECTOR OF BUILDING AND PLANNING, February 24, 2009
2011-153	DIRECTOR OF BUILDING AND PLANNING, April 11, 2011
2011-153-1	BERNICE ANDERSON, March 17, 2009
2011-153-2	BARBARA & NEIL JACKSON, April 26, 2009
2011-153-3	WENDY & PETER EHLERS, May 13, 2009
2012-204	MUNICIPAL ADMINISTRATOR, June 14, 2012
--	MUNICIPAL CLERK, July 19, 2012
2012-267	ANNE FULLER, August 15, 2012
2012-267-1	WENDY & PETER EHLERS, August 7, 2012
2012-267-2	WENDY & PETER EHLERS, August 7, 2012
2012-267-3	MARY KERR AND JOHN ARMITAGE, August 17, 2012
2012-267-4	BLAIR PATERSON, August 17, 2012

Re Proposed Heritage Revitalization Agreement – 1226 Roslyn Road

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That correspondence items no. 2009-56, 2009-56-1, 2009-56-2, 2009-91, 2011-153, 2011-153-1, 2011-153-2, 2011-153-3, 2012-204, 2012-267, 2012-267-1, 2012-267-2, 2012-267-3 and 2012-267-4 be received.

CARRIED

Mayor Jensen asked the Municipal Clerk if any further correspondence pertaining to the Public Hearing had been received. Ms. Hilton noted that no new items had been received with respect to this Bylaw.

PUBLIC:

Mayor Jensen asked if any members of the public would like to come forward to speak on the proposed bylaw.

Peter Ehlers, resident noted that the bylaw would have a negative impact on his way of life. The proposed Heritage Revitalization Agreement (HRA), he said, is the wrong idea for both Roslyn Road and the District of Oak Bay. Mr. Ehlers stated that he and his neighbours are concerned with the impact of extensive construction on the ambience of Roslyn Road and that Council could prevent further problems by not approving the bylaw. He questioned to what extent each Council feels bound by the decisions of previous Councils and asked Council members to consider what heritage means to them.

Mr. Ehlers continued his remarks noting that the new dwelling on the additional lot will likely be built to the maximum allowable size. At previous meetings, he said, many views were expressed in opposition to this kind of proposal. He stated that he and the current owner had previously discussed him purchasing a portion of the subject property in order to install a new garage, which would have been a better result than the proposed HRA.

Rick Marshall, resident stated that the owner is to be applauded for the proposal to retain the heritage value of the property and the streetscape. The proposed HRA, he said, is the best approach to retaining heritage and Council should be pursuing this kind of agreement. He concluded his remarks noting that the proposed HRA would have a beneficial impact on the surrounding neighbourhood and the community.

Neil Jackson, resident noted that though he and his wife are supportive of the proposal, they do have some concerns with respect to the size of the future dwelling on the additional lot, in addition to concerns regarding tree protection and parking.

The Municipal Clerk responded to questions noting that, once the Public Hearing has been held, new information is not to be considered by Council prior to adoption of the bylaw. Ms. Hilton noted that this meeting is the public's opportunity to express its views with respect to the proposed bylaw.

In response to questions, the Director of Building and Planning noted that the design for any new dwellings on the additional lot would likely be first considered by the Advisory Design Panel which would then make a recommendation to Council. Mr. Thomassen confirmed that the Advisory Design Panel meetings are open to the public.

Mayor Jensen noted that the public would have an opportunity to comment on the siting and design of a new dwelling on the additional lot when the Advisory Design Panel's recommendation was considered by Council.

The Director of Building and Planning responded to questions noting that for the additional lot, two on-site parking spaces would be required and that a driveway to Roslyn Road would not be permitted.

Mr. Jackson expressed concern that the current proposal would likely result in the removal of two trees that have been identified as significant.

The Director of Building and Planning responded to comments noting that only a possible building envelope has been presented at this time and that any future design would need to take into account the potential impact on trees. Mr. Thomassen stated that Council will have the opportunity to review any potential tree removals.

Judith Andersen, resident noted that the application for the HRA has been in process for over three years. The HRA, she said, will allow the current duplex to be retained and give the neighbourhood some control over the new dwelling on the additional lot.

The Director of Building and Planning responded to questions noting that the non-conforming triplex on the subject property has been converted to a duplex. Mr. Thomassen stated that the HRA requires that the existing duplex use be maintained and that a unit of the duplex be occupied by the owner.

John Armitage, resident stated that he commends the applicant on his consultative approach, but that he and his wife are sympathetic to the concerns of the Ehlers. Mr. Armitage noted that it is the setting rather than the dwelling that has the most heritage value and that it is the setting that needs to be preserved. The subdivision, he observed, was included in the process to provide sufficient revenue to upgrade the existing dwelling.

Mr. Armitage continued his remarks noting that he would encourage the applicant to re-enter negotiations with the Ehlers and that, if these negotiations are not successful, the HRA should require greater tree preservation and sensible size limitations with respect to the new dwelling on the additional lot. In conclusion, he said that he would prefer that the HRA not proceed.

The Director of Building and Planning responded to questions noting that any new dwellings on the additional lot would need to comply with the existing bylaws and that the HRA would need to be amended if a reduced house size was to be sought. Mr. Thomassen clarified that earlier correspondence from the previous Municipal Administrator mentioned the possibility of further reducing the permitted house size.

Pat Wilson, resident stated that she supports the idea of limiting the square footage permitted for any new dwellings on the additional lot, in order to preserve more trees and the existing streetscape.

John Young, applicant noted that, in regards to the issues raised by the public, he has been amenable to the HRA as proposed by municipal staff. Mr. Young stated that, according to the arborist, construction of a new dwelling on the additional lot should not impact the dominant trees. He concluded his remarks noting that the initial request to Mr. Ehlers with respect to a potential subdivision was not well received.

Mayor Jensen asked three times if any members of the public would like to come forward to speak on the proposed bylaw. No one came forward.

ADJOURNMENT:

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

CARRIED

The public hearing adjourned at 8:13 p.m.

Certified Fair and Accurate:

---

Municipal Clerk

---

Mayor