

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 11, 2011 following a Special Council meeting at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman  
Councillor H. Braithwaite  
Councillor P. Copley  
Councillor J. D. Herbert  
Councillor T. Ney

STAFF: Municipal Administrator, M. Brennan  
Municipal Clerk, L. Hilton  
Confidential Secretary, K. Green  
Director of Building and Planning, R. Thomassen

Mayor Causton called the meeting to order at 7:36 p.m.

LAND USE SECTION: (Acting Chairman – Mayor Causton)

1. 2011-195 DIRECTOR OF BUILDING AND PLANNING, June 2, 2011  
Re Development Variance Permit Application – 521 Transit Road

The Director of Building and Planning noted that the development variance permit applications for 519 and 521 Transit Road were deferred in June to allow the applicants to meet with neighbours who had raised concerns about the proposed development.

Mr. Thomassen noted that some changes have been made to the original house plans in respect to the balconies and the roof slope, although the variances applied for are in relation to the maximum paved surface for both properties.

In response to questions regarding the size of the proposed houses, Mr. Thomassen noted that no variances would be required, however, both 519 and 521 Transit Road would be at the maximum lot coverage permitted.

Geoffrey Wong and Chris Foyd, Applicants, were in attendance to speak to their application, and Mr. Wong advised that they had met with various area residents on three occasions, and that they had made changes to the proposed house design as a result. In particular, the north elevations have been softened, different levels have been created to provide depth to the streetscape, and the roof has been sloped, he said.

Additionally, the green roof will not be part of the plans, nor will the solar power panels, which will address concerns from the area residents regarding maintenance issues and to make the houses more in line with others in the area.

Mr. Wong drew attention to the fact that 521 Transit Road must be accessed from Transit Road inasmuch as Calvert Crescent is undeveloped, and that a paved surface variance is required due to the long driveway that would have to access both properties from Transit Road.

In response to concerns raised about the proposed houses being too large for their lots, Mr. Wong noted that, actually, the houses are in proportion to many houses in the neighbourhood. Additionally, he pointed out, the adjacent property also obtained a variance in relation to maximum paved surface for the long driveway accessing both 533 and 525 Transit Road.

On the subject of the current proposal to place the parking under the house versus in a separate accessory structure, Mr. Wong noted the Garry Oak tree that straddles the property line of 519 and 521 Transit Road and other green space that would be retained by placing the parking under the houses. In respect to concerns raised by area residents about whether or not any variances would still be required if separate garages were built, it emerged that a variance would likely still be needed for 521 Transit, but possibly not for 519 Transit Road. Mr. Wong advised that the site plan provided showing separate garages was submitted in response to the Committee's comments about other possible alternatives to the original design, and that it was not seen as the preferable option. According to the Municipal Arborist, said Mr. Wong, the option is less desirable because the buildings would have to be constructed within the drip zone of the Garry Oak tree previously noted.

There was discussion regarding the proposed plans and Mr. Wong and Mr. Foyd answered various questions from members of the Committee in this regard. It was pointed out by members of the Committee that if variances were granted for paving for the back yard for 521 Transit Road and the front yard for 519 Transit Road, future applications could be made to also increase the paved surface of the front yard of 521 and the back yard of 519, possibly resulting in even more paved surface. Attention was also drawn to the fact that while a variance was granted next door, it was in relation to an existing house, whereas the application at hand is for land that is currently undeveloped.

Nick Redding, Oak Bay resident, drew attention to the most recent letter submitted by him and his neighbours, noting that while the applicants had just agreed that the option of building separate garages would require at least one variance, previously they had said no variances would be required.

Mr. Redding said that there are a number of parameters used to regulate building in the Zoning Bylaw, and he felt that other options to avoid variances, like reducing the lot coverage for the houses, exist. Mr. Redding went on to say that while the cosmetic changes proposed are improvements to the original design, they do not address the issue of size of the buildings.

In closing, Mr. Redding requested that the Committee uphold the Zoning Bylaw regulations to protect the interests of the neighbourhood and the community.

Bill Carver, Oak Bay resident, acknowledged that the development cannot go ahead as proposed without obtaining the paved surface variances, noting that he does not support the variances for many of the reasons outlined by Mr. Redding.

Mr. Carver said that the proposed development is not environmentally friendly given the blasting that would be required, saying that he is asking for a viable development option that is to everyone's satisfaction.

Responding to questions regarding what he envisages as a workable solution, Mr. Carver indicated that smaller houses that blend in better with the area would be desirable.

R. Koopmans, Oak Bay resident, noted that he would prefer the garages to be under the houses as opposed to constructing separate buildings. His main concern, he said, is the proposed sizes of the houses and how they fit in the community.

Terry Farmer, Oak Bay resident, drew attention to contemporary homes built in Oak Bay in the 1950's and 1960's designed by John Di Castri, that were not well received at the time, but which are now nearly considered heritage and delightful as well. Once the houses are built and the greenery matures, he said, the buildings and their diversity will fit in the area.

John Bodnar, Oak Bay resident, said the proposed homes feature massing one level on top of another, and that while he could envision a single storey Di Castri home as noted by the previous speaker, the case at hand is different with two storey homes proposed.

He went on to note that the massing and vertical nature of the homes is what he is most concerned about.

Larry McDonald, Oak Bay resident, noted his concern about the paving and potential water run-off issues that could arise from it, as well as the visual intrusion of the proposed houses. The applicants, he said, will build and leave, and not live in the houses, noting that the designs were not chosen to fit with the area but, rather, are reflective of all of the work that the applicants undertake.

Mr. Wong and Mr. Foyd drew attention to another development on King George Terrace that is of similar style that Mr. Foyd had worked on, noting that although it raised concerns at the time of construction, it has been featured in numerous magazines.

Mr. Wong reiterated that the proposed houses conform to the regulations of the Zoning Bylaw and that a paved surface variance is necessary because 521 Transit Road must be accessed from Transit Road rather than Calvert Crescent, which is undeveloped. He said he felt that he and his partners had demonstrated remarkable good faith in meeting several times with the neighbours and incorporating changes into the design.

There was further discussion on the application, and members of the Committee expressed the view that more could be done to address the concerns of the neighbours in respect to the proposed development, noting that other viable alternatives could be developed. Concerns with the overall massing of the houses were also expressed and it was felt that the proposed paving was not supportable in the context of the proposed development and how it fit into the neighbourhood.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That it be recommended to Council that the development variance permit application with respect to 521 Transit Road, as outlined in correspondence item no. 2011-195, be denied.

CARRIED

2. 2011-196 DIRECTOR OF BUILDING AND PLANNING, June 2, 2011
  - 2011-232 NICK REDDING *et al*, [Undated]
  - 2011-232-1 R. KOOPMANS, *et al*, [Undated]
- Re Development Variance Permit Application – 519 Transit Road

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That it be recommended to Council that a development variance permit application with respect to 519 Transit Road, as outlined in correspondence item no. 2011-196, be denied.

CARRIED

3. 2011-233 DIRECTOR OF BUILDING AND PLANNING, July 6, 2011  
2011-233-1 SHANE AND CHRISTINE O'LEARY, July 10, 2011  
2011-216 DIRECTOR OF BUILDING AND PLANNING, June 14, 2011  
Re Development Variance Permit Application (Revised) – 363 King  
George Terrace

The Director of Building and Planning noted that at its June 20, 2011 meeting the Committee of the Whole recommended that the development variance permit application for 363 King George Terrace be denied, although Council referred it back to Committee of the Whole for further consideration. Since then, Mr. Thomassen advised, the applicant has submitted new plans that show the floor area in the basement reduced.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 363 King George Terrace, as outlined in correspondence item no. 2011-233, be prepared and brought forward to Council for consideration.

Following discussion, although concerns were expressed about the need for variances when building on a vacant lot, it emerged that it was the majority view of the Committee that the revised plans with the reduced massing should proceed to the next step in the application process.

Rus Collins, Designer, advised that the additional floor area relates to the office above the garage and the hallway leading to this area. It was pointed out that the house footprint would be the same with or without the variances and that they are not really adding to the massing but just using the space that is already there.

The question was then called.

CARRIED  
*(Mayor Causton against the motion)*

4. 2011-234 DIRECTOR OF BUILDING AND PLANNING, July 6, 2011  
Re Development Variance Permit Application – 798 Oliver Street

Perry Kendall, applicant, was in attendance to provide a brief overview of the variance being requested, noting that he is replacing the existing accessory building which is currently non-conforming as to siting.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 798 Oliver Street, as outlined in correspondence item no. 2011-234, be prepared and brought forward to Council for consideration.

CARRIED

5. 2011-235 DIRECTOR OF BUILDING AND PLANNING, July 6, 2011  
Re Development Variance Permit Application – 2140 Lorne Terrace

The Director of Building and Planning explained that the applicant wishes to undertake a renovation that involves removing the existing carport and garage, and constructing a new

addition and detached garage, which would require a maximum occupiable height variance to accommodate an existing non-conformity in that regard.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2140 Lorne Terrace, as outlined in correspondence item no. 2011-235, be prepared and brought forward to Council for consideration.

CARRIED

6. 2011-236 DIRECTOR OF BUILDING AND PLANNING, July 6, 2011  
Re Development Variance Permit Application – 777 Falkland Road

The Director of Building and Planning provided a brief overview of the application that proposes to replace the front deck with a new, larger deck and an entry porch.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 777 Falkland Road, as outlined in correspondence item no. 2011-236, be prepared and brought forward to Council for consideration.

CARRIED

7. 2011-237 DIRECTOR OF BUILDING AND PLANNING, July 6, 2011  
Re Development Variance Permit Application – 1273 Hampshire Road

The Director of Building and Planning advised that the applicants are proposing to undertake a major renovation including raising the house and constructing a new foundation. Mr. Thomassen said the existing garage would be eliminated and that the applicants propose to remove the front driveway access and park their vehicle under the new rear deck. Mr. Thomassen noted that the existing siting of the house is non-conforming and with the raising of the building the maximum occupiable height would be exceeded.

Responding to a comment from a member of the Committee saying that the house should be set back from the street to be more inline with the neighbouring properties, Bob Seabrook, Builder, said it would be possible to shift the house about six feet but it would be very expensive and would encroach into the well established and maintained gardens. Mr. Seabrook commented that the foundation is deteriorating and the plan is to use the existing footprint of the house.

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 1273 Hampshire Road, as outlined in correspondence item no. 2011-237, be prepared and brought forward to Council for consideration.

CARRIED

*(Councillor Herbert against the motion)*

8. 2011-238 DIRECTOR OF BUILDING AND PLANNING, July 5, 2011  
Re Uplands Building Permit Application – 2545 Lansdowne Road

The Director of Building and Planning provided a brief description of the applicant's proposal to remove the existing house and build a new single family dwelling, noting that the Advisory Design Panel reviewed the design and recommended its approval.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That it be recommended to Council that the plans to construct a new residential dwelling at 2545 Lansdowne Road be approved as to siting and architectural design.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 9:27 p.m.

Certified Correct:

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Municipal Clerk

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Acting Chairman, Land Use Section