

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, June 6, 2011 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor A. R. Cassidy
Councillor P. Copley
Councillor J. D. Herbert
Councillor N. B. Jensen
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 7:30 p.m.

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

1. 2011- 191 UNIVERSITY OF VICTORIA ENVIRONMENTAL LAW CENTRE,
April 19, 2011
Re Stormwater Presentation

Marcie Zemluk and Calvin Sandborn, Environmental Law Centre, University of Victoria, were in attendance to provide a visual and verbal presentation regarding re-inventing rainwater management in the Capital Region.

Following the presentation, Ms. Zemluk and Mr. Sandborn responded to various comments and questions from members of the Committee in regards to the recommendations made. While there was general agreement that the issue of rainwater management is very important, it was also noted that the region and Oak Bay are facing significant and very costly projects such as sewer treatment and the separation of the Uplands combined storm and sewer system. It was also pointed out that while there were a number of recommendations made in the report for managing rainwater, no costing information was provided, which would be a critical component.

The Committee agreed that perhaps some discussion between the Environmental Law Centre and staff could be helpful in focusing on some low cost ways to manage rainwater in Oak Bay.

MOVED by Councillor Jensen

Seconded by Councillor Ney, That it be recommended to Council that staff be requested to collaborate with the Environmental Law Centre representatives to bring forward possible low cost solutions to address rainwater management in Oak Bay.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

2. 2011-192 DIRECTOR OF BUILDING AND PLANNING, May 20, 2011
Re Development Variance Permit Application – 2176 Windsor Road

The Director of Building and Planning provided an overview of the proposed variances being requested as detailed in correspondence item no. 2011-192.

Kerry Crofton and Charles Blackhall, applicants, were in attendance to answer questions regarding their proposed changes to enclose the front porch, and Ms. Crofton advised that it appears from old pictures of the house that the original porch was enclosed. Ms. Crofton noted they would be very sensitive to the integrity of the original design of the house.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2176 Windsor Road, as outlined in correspondence item no. 2011-192, be prepared and brought forward to Council for consideration.

With respect to questions from a member of the Committee, Mr. Thomassen clarified that the house is not on the Community Heritage Register, adding there will be improved safety with the proposed changes to the landing and the railings, which would bring them up to the requirements of the British Columbia Building Code.

The question was then called.

CARRIED

3. 2011-193 DIRECTOR OF BUILDING AND PLANNING, May 25, 2011
Re Development Variance Permit Application – 2276 Windsor Road

The Director of Building and Planning provided an overview of the proposed plans saying that the homeowner would like to create a main floor bedroom where the garage currently exists as the stairs have become difficult for him. Mr. Thomassen advised that although the proposal would eliminate the required covered parking, the existing driveway could still accommodate the two off street parking spaces required.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2276 Windsor Road, as outlined in correspondence item no. 2011-193, be prepared and brought forward to Council for consideration.

Stuart Cumming, building consultant and friend of the applicant, was in attendance to answer questions on behalf of the homeowner, noting that the reason for the request is a mobility issue. Mr. Cumming responded to questions and concerns expressed by some members of the Committee regarding the design to enclose the garage, and he agreed to bring back a revised and more detailed plan that would see an improvement to the design of the façade of the section of the house facing the street.

It was once again suggested by a member of the Committee that the Parking Facilities Bylaw should be reviewed as opposed to continuously granting variances.

The question was then called.

CARRIED

(Councillor Cassidy against the motion)

4. 2011-194 DIRECTOR OF BUILDING AND PLANNING, June 2, 2011
Re Development Variance Permit Application – 2635 Cranmore Road

The Director of Building and Planning provided an overview of the proposed addition at 2635 Cranmore Road as detailed in correspondence item no. 2011-194. Mr. Thomassen noted that because the house currently straddles the property line of two lots, it creates a non-conforming siting of the building and consequently variances are required. He added that no variances would be required if the lots were consolidated, as the variances relate to the required setbacks for building required from the shared property line the house straddles.

Applicants, Robert Somogyi-Csizmazia and Kathy Ferguson, distributed (south elevation) renderings of the proposed development to members of the Committee. Mr. Somogyi-Csizmazia said they wish to modify the house to accommodate living space for his family, and to allow his mother to remain in her home. Noting that their original plan to add a storey to the house was denied, Ms. Ferguson felt that this new proposal would make a nice single family home in the future, and would retain the beautiful large yard.

It was noted that the house with the proposed changes would look the same when viewed from the street. It was further noted that the house footprint would be the same as what is existing with the exception of the small additions, including a stairwell entrance to the second level on the west side of the house.

Responding to concerns that the applicants did not intend to consolidate the lots, Ms. Ferguson said the separate lots are part of the value of the property and they do not want to lose that value.

The Municipal Administrator confirmed that with the previous proposal to add a second storey to the house, the applicants would have had to consolidate the lot to meet the Building Code requirements, however, with the proposal currently before the Committee consolidation of the lots is not required, although the noted variance are.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2635 Cranmore Road, as outlined in correspondence item no. 2011-194, be prepared and brought forward to Council for consideration.

Through further discussion it emerged that while some members expressed concern that the development seems to resemble a duplex development contributed to by the separate entrance at the west end, and further that the two lots should be consolidated, the majority felt that the design was supportable and suitable for the lot size and that the application should move to the public notification stage.

The question was then called.

CARRIED

(Councillor Cassidy and Herbert against the motion)

It was the consensus of the Committee to amend the order of the agenda.

5. 2011-197 DIRECTOR OF BUILDING AND PLANNING, June 2, 2011
Re Development Variance Permit Application – 687 Island Road

It was noted that following a survey it was discovered that the house encroached a few inches into the required setback and required a variance in that regard.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 687 Island Road, as outlined in correspondence item no. 2011-197, be prepared and brought forward to Council for consideration.

CARRIED

6. 2011-195 DIRECTOR OF BUILDING AND PLANNING, June 2, 2011
Re Development Variance Permit Application – 521 Transit Road
7. 2011-196 DIRECTOR OF BUILDING AND PLANNING, June 2, 2011
Re Development Variance Permit Application – 519 Transit Road

As requested, the Director of Building and Planning provided an overview of the proposal to remove the existing house at 519 Transit Road and build a new house on that lot along with the vacant lot at 521 Transit Road, which would result in variances to the maximum permitted paved surface in the rear yard of 521 Transit Road and the front yard of 519 Transit Road, as outlined in correspondence items no. 2011-195 and 2011-196. Mr. Thomassen explained that the proposed new driveway would be required for garage access to the rear property development, for which an easement would be required.

With respect to Calvert Crescent, which 521 Transit Road is adjacent to, it was noted that this is in fact an undeveloped roadway that is being used as a pedestrian pathway, and that there are no plans for road development, which is why the rear house would have to get its access from Transit Road.

Chris Foyd, Architect and co-applicant, introduced Peter Johannknecht and Geoffrey Wong as partners working together on this project. Mr. Foyd provided background information on the group's qualifications, saying one of their main objectives is to keep more greenspace, and to do so they are proposing to place the garage under the house and use a permeable paving system known as perforated 'green grass roots' eco pavers which provides water drainage and is more aesthetically appealing than asphalt. Mr. Foyd also advised that because 521 Transit Road fronts onto Calvert Crescent, and vehicle access is not available, it is necessary to request the variance to accommodate the proposed driveway.

With respect to questions about necessary blasting, the applicant confirmed that blasting would be required for the development, and assured the Committee that every measure will be taken to ensure the neighbours will not be affected by the blasting.

In respect to the design of the two houses, concerns arose as to how they would fit in with the neighbourhood, neighbouring properties, and the park like setting.

Mr. Foyd explained their view that contrasting building provides a healthy and vibrant community noting the green aspect of the design and that the design does fit with the surroundings. He noted the proposal would retain more greenspace than the second option they

could fallback on, which would not require any variances, however would be more cluttered as it would involve building separate garages to accommodate each of the houses.

Nick Redding, Oak Bay resident, read a statement signed by several neighbours, that he later submitted to the Municipal Clerk, expressing their concerns about the proposed houses being built to the maximum size allowed, the impact the development will have on the neighbourhood, including Anderson Hill Park and on the prevailing building style in south Oak Bay. Mr. Redding read that the applicants are not planning to occupy the houses and, therefore, they can not rely on a good neighbour attitude and he urged the Committee to adhere to the zoning and building bylaws in order to protect the interests of the neighbours. In closing, he read that the drawings show the tall bushes and trees on the boulevard fronting the lot being removed, and they hope the greenery will be retained as it contributes to the character of the area.

Mr. Redding added that from the plans, it looks as though the blank wall with a few small windows will, in his opinion, look like a prison.

Responding to questions from the Committee, Mr. Thomassen noted that the gross floor area of the houses is actually less than what is permitted.

Bill Carver, Oak Bay resident, noted that the applicant spoke about greening etc., and he agreed this is commendable, however the amount of paving and blasting planned would in his mind diminish the green aspect of the development.

Mr. Carver expressed his concern about the trees and rocks that would be removed and how this and the blasting will impact the environment and his and his neighbours' homes.

Mr. Carver felt that there will be serious aesthetic issues with the development of the property as proposed and that the architectural design does not fit in with lower Transit Road. In response to a question from the Committee, Mr. Carver confirmed that he would appreciate the opportunity to meet with the applicants to discuss the development.

The Municipal Administrator left the meeting at 9:59 p.m.

Discussion ensued with members of the Committee commenting on various aspects of the development and staff and the applicant answering questions in this regard, and it emerged that some members of the Committee had concerns regarding the effect blasting will have on neighbouring properties, the modern house design and the overall fit with the neighbourhood and the park like setting, as well as the potential for impacting the neighbours' view.

At the encouragement of the Committee, the applicants and the neighbours in attendance at the meeting confirmed their willingness to meet and discuss the proposed development, as this had not occurred previously.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That further consideration of correspondence items no. 2011-195 and 2011-196 be deferred to allow time for the applicants and neighbours to meet regarding the proposed development.

CARRIED

8. 2011-198 DIRECTOR OF BUILDING AND PLANNING, May 19, 2011
Re Tax Incentive Program (Renovation Versus Demolition)

The Director of Building and Planning provided an overview of his memorandum and the broad range of options for implementing a tax incentive program as a means to encourage a homeowner to renovate rather than demolish a home.

Following discussion on this topic and various scenarios being presented and considered, it was agreed that staff should be requested to provide additional information, including the use of exemption programs by other local governments in the Province and their experiences with them in respect to meeting their objectives. It was also felt that Oak Bay's potential objectives should be defined for further consideration, and it was agreed that Councillor Cassidy and Councillor Copley could provide Mr. Thomassen with information in this regard.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That staff be requested to provide further information regarding a potential tax incentive program.

CARRIED

ADJOURNMENT:

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That the open portion of the meeting of Committee of the Whole be adjourned and that a closed session be convened to discuss personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.

CARRIED

The meeting adjourned at 10:37 p.m.

Certified Correct:

Municipal Clerk

Chairman, Public Works Section

Chairman, Land Use Section