

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 15, 2009 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor A. R. Cassidy
Councillor J. D. Herbert
Councillor N. B. Jensen
STAFF: Municipal Administrator, W. E. Cochrane
Municipal Clerk, L. Hilton
Confidential Secretary, K. Green
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. Walker

Mayor Causton called the meeting to order at 7:30 p.m.

FINANCE SECTION: (Chairman – Councillor Jensen)

1. 2009-213 MUNICIPAL TREASURER, June 1, 2009
Re May Monthly Financial Reports

The Municipal Treasurer responded to questions with respect to the May monthly financial reports providing a review of where the budget stands at this time.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the May monthly financial reports be received.

CARRIED

RECREATION SECTION: (Chairman – Councillor Braithwaite)

2. 2009-214 OAK BAY PARKS AND RECREATION COMMISSION June 3, 2009
2009-214-1 GLORIA BACK, June 10, 2009
2009-214-2 CHARLINE HOOPER, June 14, 2009
(Regarding Request for Summer Trial For Expanded Dog Access –
McNeill Bay)
Re Minutes of the Meeting

(Agnes Szilos, Director of Parks and Recreation, and Frank Carson, Acting Chairman, Oak Bay Parks and Recreation Commission, in attendance for this item.)

Frank Carson provided an overview of the Parks and Recreation Commission minutes noting that there was a significant amount of discussion and a full hearing of interested parties regarding the request from the Windsor Park Dog Group to expand the hours and time of year that dogs are permitted on McNeill Bay Beach for a trial period during July and August 2009.

A Committee member recalled that an extensive review took place approximately two years ago and at that time the regulations to allow dogs on McNeill Bay Beach were changed to be consistent with the Windsor Park off-leash regulations.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, June 3, 2009, and the recommendations contained therein, with the exception that related to the request to expand the times and months where dogs are permitted on McNeill Bay Beach, be adopted.

YES Awards – May 7, 2009

Councillor Braithwaite expressed her gratitude to the Sportsview Lounge staff for a job well done with respect to the YES Awards banquet.

The question was then called.

CARRIED

Summer Dog Hours on McNeill Bay Beach

Gloria Back, member of the Windsor Park Dog Group, was in attendance along with ten representatives from the group to express their concern with the Parks and Recreation Commission's recommendation to deny the request to expand the summer dog hours on McNeill Bay Beach for a trial period.

Ms. Back commented that the current permitted hours during the months of July and August are rather restrictive and therefore requested that Committee of the Whole consider recommending changing the regulations for a two month trial period over the summer to allow dogs on the beach from sunrise to 11:00 a.m. or 12:00 noon and 7:00 p.m. to sunset daily.

Ms. Back said that when she surveyed the area neighbours she found that there were very few people without dogs using McNeill Bay Beach and, she added, seven of the eight reported animal control incidents in the last two years simply related to dogs on the Beach during the 'off' hours.

Diane McRae, advised that when she contacted the Victoria Animal Control Services Ltd. (VACS) to ask what, if any, negative issues arose during the last two years, she was told there were no reports.

Frank Carson commented that when contacted by staff, Mr. Fraser, of VACS did not recommend extending the hours to permit dogs on McNeill Bay Beach as they do not have the resources to patrol the area.

Mayor Causton felt that the Windsor Park Dog Group has been very responsible in keeping Windsor Park clean since the regulations changed, which allowed dogs to be unleashed during specific hours in the park twelve years ago. He also commented that one of the concerns about dogs on McNeill Bay Beach he is aware of is regarding wildlife being disturbed in that location, noting that as a nearby resident, he has observed that the resident Heron has moved on and that the dogs help keep the beach free of Canada Geese and the mess they leave behind. Mayor Causton said that it is a good beach for exercising a dog and if he thought it negatively impacted nearby residents he would not support an expansion to the hours.

A member of the Committee drew attention to a letter included in the agenda (correspondence item no. 2009-214-2), that refers to the benefits of walking dogs, i.e. promotes healthy and active living in the community.

It was the general view of the Committee that it was supportable to revise the hours dogs are permitted on McNeill Bay Beach during July and August 2009, as a trial period.

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That staff be requested to bring forward an *Animal Control Bylaw* amendment to permit unleashed dogs to be on McNeill Bay Beach from 7:00 p.m. to sunset from July 1 to August 31, 2009, for consideration by Council.

A member of the Committee expressed her support for upholding the Parks and Recreation Commission's decision and said she would therefore not support the motion.

Staff pointed out that as the regulation required an amendment to the Animal Control Bylaw, it would be more straight forward not to set the regulation as being in effect for Summer 2009 only, as Council could remove the extended hours after summer should it so chose and it was agreed that the Bylaw should not be drafted in such a way as to set a deadline for it to cease being in force.

The question was then called.

CARRIED
(Councillor Braithwaite against the motion)

PUBLIC WORKS SECTION: (Chairman – Councillor Herbert)

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| 3. | 2009-200 | MUNICIPAL ADMINISTRATOR, May 27, 2009 |
| | -- | EXCERPT FROM COMMITTEE OF THE WHOLE MEETING |
| | | MINUTES, May 19, 2009 |
| | 2009-183 | SCOTT WOODCOCK AND ANNA MASON, April 28, 2009 |
| | 2009-183-1 | MUNICIPAL CLERK, May 13, 2009 |
| | 2009-215 | S. WOODCOCK, [Undated] |
| | | Re Request for Amendment to Driveway Access Bylaw – Corner Lots |

The Municipal Administrator noted that to assist with its deliberations the Committee of the Whole had asked staff to describe the bylaw amendments that would be required in order to accommodate the applicants' request to retain the old driveway that was to have been removed concurrent with the completion of another driveway accessing a new detached garage at 2180 Musgrave Street.

Referring to Mr. Woodcock's letter (correspondence item no. 2009-215) and his suggestions for addressing the issues as he saw them, Mr. Cochrane said if the Committee wished to accommodate Mr. Woodcock's request, the suggestions put forward in his memorandum (correspondence item no. 2009-200) for Bylaw amendments would be the proposed course of action from his perspective.

Scott Woodcock, applicant, voiced his concerns as contained in his most recent correspondence, questioning staff's interpretation of the bylaw amendments that would be necessary to allow him to retain the second driveway, noting that in his mind, granting

variances with respect to the size of the parking area of his old driveway made most sense to him.

Responding to questions from Committee members, Mr. Cochrane clarified that the old driveway could be used for parking if the Driveway Access Bylaw was to be amended in the two sections he noted in his memorandum. The first amendment would allow two driveways on a corner lot with sufficient flankage, and the second amendment would allow a driveway to be used for parking where it is deficient as far as providing the length and width for parking required under the Parking Facilities Bylaw, provided all the required off-street parking is being provided with the other driveway.

Although it was pointed out by a member of the Committee that few corner lots would be affected by the proposed amendment, it was noted that the second proposed amendment would in fact apply to lots other than corner lots, and would be far reaching.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That staff be requested to draft an amendment to the Driveway Access Bylaw and the Streets and Traffic Bylaw, which would accommodate the retention of the original driveway at 2189 Musgrave Street, as outlined in correspondence item no. 2009-200, being a memorandum from the Municipal Administrator, dated May 27, 2009, to be brought forward to Council for formal consideration.

Concern was expressed by some members of the Committee that should the old driveway remain it would take away a valuable parking space on a street in a busy area near the school.

The view was also expressed that a lot of thought went into the Driveway Access Bylaw when it was first drafted and it would be difficult to support changes to it because of a request by one property owner.

The question was then called.

DEFEATED

(Councillors Braithwaite, Cassidy and Herbert against the motion)

LAND USE SECTION: (Chairman – Councillor Cassidy)

4. 2009-216 DIRECTOR OF BUILDING AND PLANNING, June 10, 2009
 Re Development Variance Permit Application– 190 King George Terrace

Bruce Wilkin, Bruce Wilkin Design, advised that since the original development variance permit notification was sent out the applicants have had considerable input from their neighbours, which has resulted in the revised development variance permit application currently before the Committee of the Whole. Mr. Wilkin noted that the north side addition will be more staggered and that windows have been added.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 190 King George Terrace, as outlined in correspondence item no. 2009-216, be prepared and brought forward to Council for consideration.

Councillor Cassidy expressed his difficulty in granting variances for an application that does not, in his opinion, fit in aesthetically with the neighbourhood.

The question was then called.

CARRIED
(Councillor Cassidy against the motion)

Paul Pallan, applicant, commented that the neighbours wanted the roof to be flat so it would not impact their views.

5. 2009-217 DIRECTOR OF BUILDING AND PLANNING, June 3, 2009
Re Development Variance Permit Application – 3156 Woodburn Avenue

Nigel Banks, Banks Design, advised that a previous development variance permit application which included a request to construct a second storey deck was denied by Council. The applicant took the comments and suggestions at that time and incorporated them into the new application to include a deck off the main level of the home. The proposed new smaller deck would be situated on the lower storey and the upper deck would be reduced in size as well, he said.

Responding to a member of the Committee asking if the applicant had spoken with the neighbours about the proposed plans, Mr. Banks advised that the applicant does not live in the home and has not spoken with the neighbours.

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 3156 Woodburn Avenue, as outlined in correspondence item no. 2009-217, be prepared and brought forward to Council for consideration.

CARRIED

6. 2009-218 DIRECTOR OF BUILDING AND PLANNING, June 3, 2009
Re Development Variance Permit Application – 1217 St. Patrick Street

Maureen Gardin, applicant, said her old home (almost 100 years old) has a crumbling foundation that surrounds a rocky, concrete basement with mini ditches that lead to the sump pump. It is the family's wish to bring the home up to code and to more modern standards that would include a bedroom and bathroom on the main level for aging parents to stay, along with creating a larger kitchen space.

Responding to a comment from a Committee member, Ms. Gardin said that the addition to the back of the house would not be visible from the street, and that the neighbours on either side were pleased with the proposed addition.

It was noted that the requested variances for the floor area being proposed would have been permitted under the previous floor area ratio regulations.

Members of the Committee expressed their appreciation for the changes will preserving the older arts and crafts house, which was the original intent of the Zoning Bylaw amendment.

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 1217 St. Patrick Street, as outlined in correspondence item no. 2009-218, be prepared and brought forward to Council for consideration.

CARRIED

7. 2009-219 DIRECTOR OF BUILDING AND PLANNING, June 11, 2009
Re Development Variance Permit Application – 2027 Runnymede Avenue

Don McCarthy, Good Manors Design, in attendance on behalf of the applicants, noted that they wish to construct an addition to their home to accommodate the nanny and cook. He provided revised plans to members of the Committee and proceeded to explain the variances being requested noting that he had made a change to the roof line, as he felt it would be more suited to the home.

Responding to questions, the Director of Building and Planning said he was at a bit of a disadvantage as he had not seen the revised plans being presented. Following a quick review of the new plans, Mr. Thomassen did not think the varied roof line would result in the need for height variances, however, he said he would have to review the plans more in detail following the meeting to be able to determine that.

Responding to Mayor Causton asking if consideration had been given to consulting the Heritage Advisory Panel with respect to the proposed changes to this significant McClure house, Mr. McCarthy advised that this option had not been explored as there would be no changes to the front of the house. However, he indicated that he would be willing to discuss the proposed addition with the Panel, hopefully in a timely manner as the applicants would like to begin the construction by September.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the application for a development variance permit for 2027 Runnymede Avenue be referred to the Heritage Advisory Panel for review and a recommendation to Committee of the Whole.

CARRIED

8. 2009-220 DIRECTOR OF BUILDING AND PLANNING, June 3, 2009
Re Uplands Building Permit and Development Variance Permit
Application – 3065 Beach Drive

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that the plans to renovate the dwelling at 3065 Beach Drive be approved as to siting and architectural design, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

There was consensus to amend the order of the agenda.

9. 2009-222 DIRECTOR OF BUILDING AND PLANNING, June 3, 2009
2009-222-1 WILLIAM AND CATHERINE WALKER, June 10, 2009
2009-222-2 RANDY DIAMOND AND DREE THOMSON-DIAMOND, June 14, 2009
Re Uplands Building Permit and Development Variance Permit Application – 3205 Exeter Road

David Yamamoto, Designer, Zebra Design, provided an overview of the proposed two additions to the existing dwelling, which would include a rear utility room and a second floor guest bedroom with a dormer and the front addition would include a guest bedroom where the existing patio is located.

Reference was made to the letter received from the neighbours to the north of 3205 Exeter Road, which expressed their concerns regarding loss of privacy and the effects of shadows on their property, should the application be approved. Mr. Yamamoto provided shadow studies created in response to the Walker's concerns, noting that the studies indicated that the neighbour's property will not be overshadowed by the proposed additions to the home.

Rus Collins, Zebra Design, further explained the effect of shadowing on the neighbouring property.

A member of the Committee said that, in his opinion, the privacy issue would be more of a concern than the potential for shadowing, and that the neighbours would have to be satisfied that their privacy would not be impacted by the proposed addition.

With respect to a question about the unprotected Dogwood tree in close proximity to the home, Mr. Collins advised that it is the homeowner's intention to retain the tree.

Mr. Yamamoto responded to various questions and comments from the Committee of the Whole regarding the application.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That it be recommended to Council that the plans to renovate the dwelling at 3205 Exeter Road be approved as to siting and architectural design, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

10. 2009-221 DIRECTOR OF BUILDING AND PLANNING, June 2, 2009
Re Uplands Building Permit and Development Variance Permit Application – 3023 Beach Drive

Councillor Cassidy declared a conflict of interest with respect to this item indicating he would be unable to participate in discussion or vote on the matter inasmuch as his firm represents the applicants. Councillor Cassidy left the meeting at 9:38 p.m.

Mayor Causton assumed the Chair.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That it be recommended to Council that the plans to renovate the dwelling at 3023 Beach Drive be approved as to siting and architectural design, subject to the issuance of a development variance permit, and further that a resolution authorizing the issuance of a development variance permit be prepared and brought forward to the next meeting of Council for consideration.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 9:39 p.m.

Certified Correct:

Municipal Clerk

Chairman, Finance Section

Chairman, Recreation Section

Chairman, Public Works Section

Chairman, Land Use Section