

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, March 1, 2010 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  
Councillor T. Ney

STAFF: Municipal Administrator, W. E. Cochrane  
Municipal Clerk, L. Hilton  
Director of Building and Planning, R. Thomassen

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

LAND USE SECTION: (Chairman – Councillor Cassidy)

1. 2010-75 DIRECTOR OF BUILDING AND PLANNING, February 18, 2010  
Re Development Variance Permit Application – 2169 Fair Street

Sean Galbraith, representing the applicants, provided an overview of the request for a variance to the required parking, noting that without the use of the parking area contained within the dwelling as living space, the house will not be able to accommodate a family.

Responding to questions, Mr. Galbraith indicated that although the area in the driveway does not meet the formal requirements for stall depth, it can accommodate a mid-size car without impeding pedestrian access to the sidewalk.

Attention was drawn to the requirement in the Driveway Access Bylaw that a driveway access must be extended onto the parcel of land served by it in order to provide for off-street parking, and responding to questions in this regard, the Municipal Administrator advised that although the Bylaw does not expressly reference stall dimensions, the meaning inferred is a requirement for bona fide parking (i.e. satisfying the minimum dimensions contained in the Parking Facilities Bylaw).

Mr. Cochrane drew attention to another situation that the Committee had recently dealt with where a resident wanted to retain a second driveway that did not lead to the appropriate sized parking area, noting that in that case, the Municipality required removal of the driveway crossing resulting in the removal of the inadequate parking area as well. That situation, said Mr. Cochrane, was different in that there was a second driveway leading to the required off-street parking.

In the case at hand, said Mr. Cochrane, there is only one driveway on the property, the boulevard crossing for which is relatively new and in good shape, noting he would not see it as necessary to impose a requirement to remove the driveway crossing.

Discussion turned to the work that was done on the dwelling without the benefit of permits, and the Director of Building and Planning provided an overview in this regard, noting that double permit fees have been applied.

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 2169 Fair Street, as outlined in correspondence item no. 2010-75, be prepared and brought forward to Council for consideration.

CARRIED

(Councillor Cassidy against the motion)

2. 2010-76 DIRECTOR OF BUILDING AND PLANNING, February 24, 2010  
Re Development Variance Permit Application – 1494 Beach Drive

John Donner, applicant, provided an overview of the request for a variance to the maximum floor area permitted to allow an expansion of the second storey deck at the back of the dwelling, noting his neighbours at the back of his property did not object to the expansion.

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 1494 Beach Drive, as outlined in correspondence item no. 2010-76, be prepared and brought forward to Council for consideration.

CARRIED

3. 2010-77 DIRECTOR OF BUILDING AND PLANNING, February 24, 2010  
Re Development Variance Permit Application – 1392 Hampshire Road

Councillor Cassidy declared a conflict inasmuch as he shares a financial interest with the applicant's architect, and left the meeting at 7:50 p.m.

Alan Lowe, Architect, on behalf of the applicants, explained that his clients desire a single level home for their retirement. Noting that the property is a corner lot, Mr. Lowe reviewed the challenges faced in regard to siting the driveway crossing due to existing Garry oak trees on the boulevard.

Mr. Lowe described the proposed location for the driveway crossing on Hampshire Road as the best option, noting, however, that the entrance to the garage would face Granite Street, and that a variance for maximum paved surface was being sought to accommodate the turning area to access the garage.

Drawing attention to a section of the Zoning Bylaw that allows an additional 5% lot coverage if an attached garage is oriented 90 degrees from the front lot line (which in this case is Hampshire Road), Mr. Lowe said this was the reason for the garage facing Granite Street, although it would be preferable to access the garage straight off of Hampshire Road if the additional lot coverage could be taken advantage of.

It was noted by a member of the Committee that the property is a prominent one that can be seen from the Village, and that perhaps an alternative door design would lessen its visual impact, such as two separate doors side by side, although Mr. Lowe pointed out that manoeuvrability would be compromised with such a design. However, he said, he would discuss alternative options for the garage doors with his clients.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 1392 Hampshire Road, as outlined in correspondence item no. 2010-77, be prepared and brought forward to Council for consideration.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 8:13 p.m.

Certified Correct:

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Municipal Clerk

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Chairman, Land Use Section