

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 19, 2012 at 7:30 p.m.

PRESENT: Mayor N. Jensen, Chair
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney
STAFF: Municipal Clerk, L. Hilton
Municipal Treasurer, P. Walker

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

FINANCE SECTION: (Chair – Councillor Herbert)

1. 2012-111 MUNICIPAL TREASURER, March 14, 2012
Re: Monthly Financial Reports

The Municipal Treasurer provided an overview and responded to questions from members of Council with respect to the March monthly financial reports.

MOVED by Councillor Ney
Seconded by Councillor Copley, That the March monthly financial reports be received.

CARRIED

PARKS AND RECREATION SECTION: (Chair – Councillor Ney)

2. 2012-112 OAK BAY PARKS AND RECREATION COMMISSION, March 7, 2012
Re: Minutes of the Meeting

(Ray Herman, Director of Parks and Recreation, and Monty Holding, Chairman, Oak Bay Parks and Recreation Commission, in attendance for this item.)

Attention was draw to various items in the Parks and Recreation Commission minutes and Mr. Holding and Mr. Herman answered questions from the Committee in this regard.

MOVED by Councillor Green
Seconded by Councillor Kirby, That the minutes of the meeting of the Oak Bay Parks and Recreation Commission held on Wednesday, March 7, 2012, and the recommendations contained therein, with the exception of the recommendations pertaining to the 2012 operating budget and capital requests, be adopted.

CARRIED

2012 Oak Bay Parks and Recreation Budget

MOVED by Councillor Copley

Seconded by Councillor Kirby, That the Oak Bay Parks and Recreation 2012 proposed operating budget and capital requests be referred to Estimates Committee.

CARRIED

LAND USE SECTION: (Chair – Councillor Copley)

3. 2012-113 DIRECTOR OF BUILDING AND PLANNING, March 9, 2012
Re: Uplands Building Permit Application – 3450 Upper Terrace Road

The Municipal Clerk described the Uplands building permit application for construction of interior and exterior renovations to the existing dwelling at 3450 Upper Terrace Road.

Randall Recinos, Designer, was in attendance to answer any questions from the Committee, confirming that pruning of the trees resting on the house would be done as recommended by the Municipal Arborist.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That it be recommended to Council that the plans for the construction of interior and exterior renovations to the existing dwelling at 3450 Upper Terrace Road be approved as to siting and architectural design.

CARRIED

4. 2012-114 DIRECTOR OF BUILDING AND PLANNING, March 14, 2012
Re: Uplands Building Permit / Development Variance Permit Application –
3155 Beach Drive

The Municipal Clerk provided an overview of the Uplands building permit and development variance permit application for construction of a new single family dwelling and accessory building as laid out in the Director of Building and Planning's report.

John Sproule, Architect, explained the tree removal and retention schedule, noting they planned to retain as many trees as possible.

The discussion turned to the house design and the view was expressed that it was very pleasing, however, one member of the Committee expressed concerns regarding the variances being requested given the applicants would be starting with a bare lot, and should therefore be able to build within the regulations.

Mr. Sproule pointed out that the neighbours had been canvassed regarding the plans and no negative responses had been received. In response to questions about how the proposed new design related to the neighbouring historic houses, Mr. Sproule noted that the heights were in keeping with others in the area, and although not of the same style, the house met the Uplands founding principle of retaining a park like setting, and expresses its individuality. He further added the Advisory Design Panel had provided favourable comments about the design.

Attention was drawn to comments received by the Councillor Green, Council Liaison to the Heritage Commission, from the Chair of the Heritage Commission, who also sits on the Advisory Design Panel, that the design fits the neighbourhood context. It was suggested that the Commission as a whole may wish to comment on the application, and Councillor Green agreed to raise it as the next meeting of the Commission later in the week.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That it be recommended to Council that the plans to construct a new single family dwelling and accessory building at 3155 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 as outlined in correspondence item no. 2012-114, be prepared and brought forward to the next meeting of Council for consideration.

Further discussion ensued, and it was the general consensus of Council that the applicant be requested to bring forward more detailed information regarding the impact the proposed development will have on the trees on this property. Also, in response to Charles Britton, Architect, noting that the garage has yet to be designed, and therefore it is possible that variances may be requested for that building as well, it was suggested the application be deferred to allow time for the garage to be included in the overall application.

The motion was withdrawn with the consent of all members of the Committee.

MOVED by Councillor Herbert

Seconded by Councillor Green, That correspondence item no. 2012-114 be deferred to a future Committee of the Whole meeting to allow time for the applicant to bring forward a more detailed plan regarding the proposed tree removal and a design and siting plan for the garage.

It was also requested that given the discussion around some of the trees slated to be removed that the Municipal Arborist be requested to further review the tree removal and retention plan in detail in respect to the proposed development.

5. 2012-115 DIRECTOR OF BUILDING AND PLANNING, March 13, 2012
Re: Uplands Building Permit / Development Variance Permit Application –
3290 Upper Terrace Road

The Municipal Clerk gave a brief overview of the application for 3290 Upper Terrace Road as laid out in the staff report.

Des Bazett, Designer, drew attention to the design of the proposed attached garage, noting that the gable blends with and balances the existing house, and that it is fairly hidden from the street. He further pointed out that the house is already non-conforming with respect to setbacks, noting variances are required in this regard.

In response to concerns raised by the Advisory Design Panel regarding the side setback variances, Mr. Bazett expressed his view that the park like setting will be maintained, and that the garage would be constructed over an existing paved area. He went on to note that while a detached garage in the rear of the property was originally proposed, it would have had a detrimental affect on the neighbours and the Advisory Design Panel did not support it.

Kevin Bradley and Erin Van Zant, homeowners, responded to questions, noting their proposal would be similar to many other houses in the area with respect to setbacks for buildings and is in keeping with the neighbourhood.

Ms. van Zant confirmed neighbours had been advised of the plans and the neighbour to the north was the only one who did not give a favourable response due to the proximity of the building to his own windows.

There was further discussion regarding the proposal and attention was drawn to the Advisory Design Panel report that indicated members had concerns about the variances and did not support the variance, however, recommended approval.

Concerns were raised regarding the setback variances by members of the Committee, while others felt the design and siting was supportable.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That it be recommended to Council that the plans for a two storey addition at 3290 Upper Terrace 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 as outlined in correspondence item no. 2012-115, be prepared and brought forward to the next meeting of Council for consideration.

There was further discussion regarding the applicants' reasons for wanting the space provided in the attached garage, and varying views and opinions were expressed regarding the massing of the garage and the siting.

The question was then called.

CARRIED
(Councillors Herbert and Murdoch against the motion)

ADJOURNMENT:

MOVED by Councillor Green

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

CARRIED

The meeting adjourned at 9:26 p.m.

Certified Correct:

Municipal Clerk

Chair, Finance Section

Chair, Parks & Recreation Section

Chair, Land Use Section