

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 21, 2011 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman  
Councillor H. Braithwaite  
Councillor A. R. Cassidy  
Councillor P. Copley  
Councillor T. Ney  
STAFF: 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.

FINANCE SECTION: (Acting Chairman – Mayor Causton)

1. 2011-113 MUNICIPAL TREASURER, March 2, 2011  
Re Monthly Financial Reports

MOVED by Councillor Braithwaite  
Seconded by Councillor Cassidy, That the February monthly financial reports be received.

CARRIED

LAND USE SECTION: (Chairman – Councillor Cassidy)

2. 2011-114 DIRECTOR OF BUILDING AND PLANNING, March 16, 2011  
Re Development Variance Permit Application – 824 St. Patrick Street

The Director of Building and Planning provided a brief description of the proposed development and the variances being requested, including raising the building and lowering the slab so that the basement would be full height.

Mike Lloyd, Designer, noted that because of the existing non-conforming siting of the building variances are required. Mr. Lloyd explained the plans for the proposed renovation.

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 824 St. Patrick Street, as outlined in correspondence item no. 2011-114, be prepared and brought forward to Council for consideration.

CARRIED

3. 2011-115 DIRECTOR OF BUILDING AND PLANNING, March 18, 2011  
Re Development Variance Permit Application – 542 St. Patrick Street

The Director of Building and Planning explained that the applicants wish to build a greenhouse at the rear of the home on top of an existing deck, which will require an upgrade to accommodate the structure. Mr. Thomassen added that due to the basement floor level being within .8 metres of grade the gross floor area is exceeded and consequently requires a variance.

Erin James, Designer, in attendance on behalf of the homeowner, commented that the applicants wish to use the greenhouse space to grown their own food to create a self sustainable lifestyle.

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 542 St. Patrick Street, as outlined in correspondence item no. 2011-115, be prepared and brought forward to Council for consideration.

CARRIED

2011-116 DIRECTOR OF BUILDING AND PLANNING, March 16, 2011

2011-116-1 MUNICIPAL ARBORIST, March 21, 2011

Re Subdivision Covenant/Development Variance Permit Application – 1820 Beach Drive

It was noted that at its March 7, 2011 meeting, the Committee of the Whole expressed concern regarding the amount of paved surface being requested and the proposed removal of the Garry Oak tree located at the south east corner of the property close to the building envelope, and it was suggested that with some redesign of the house it could perhaps reduce the paved area and enhance the protection of the tree.

The Director of Building and Planning provided an overview of the development and the revised variance being requested, noting that the applicant has now reduced the maximum amount of paved surface permitted in the rear yard. With respect to the Garry Oak tree, Mr. Thomassen advised that, following an independent Arborist's report, the applicant's preference is to remove the tree and not shift the proposed house as was suggested by the Committee of the Whole.

Mr. Thomassen drew attention to a memorandum from the Municipal Arborist (correspondence item no. 2011-116-1), which is in response to the findings from an independent Arborist with respect to an exploratory dig around the tree.

Tim Rodier, Designer, explained various options explored with his client in order to accommodate the Garry Oak tree, noting that any movement of the siting of the development would create other variance requests and would affect the functionality of the home for the owners. Mr. Rodier advised that the paved surface has been reduced and that the family plans to use the paved area in front of the proposed accessory building for recreational purposes.

Michel Barnabe, Arborist, provided an overview of his report (attached to correspondence item no. 2011-116), noting the overall health of the Garry Oak tree, the lean and the canopy of the tree in relationship to the proposed new development and the potential effect the construction would have on the tree. Mr. Barnabe suggested the possibility of utilizing a grade beam to bridge the accessory building foundation over the root system of the tree. In response to questions about the effect of pruning that would be necessary, Mr. Barnabe advised that either in the current proposed location, or even if the siting of the proposed house is moved, the pruning necessary would put the Oak tree at risk.

Following discussion, with various comments and questions being answered by the Designer and Arborist, it emerged that the some members of the Committee were still concerned about the variance for the paved surface, although it was reduced from the original request, and that the proposed siting of the house would negatively affect the Garry Oak tree.

Following discussion, there was consensus that inasmuch as it was the Committee's view that the application as it stood was not supportable, the applicant could come forward with changes without having to reapply for a variance.

Jamie Gill, owner, thanked the Committee for its time and consideration of his application and he advised he will discuss redesign plans with Mr. Rodier to be brought forward to the Committee for further consideration.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That correspondence item no. 2011-116 be deferred pending additional information and modification to the plans coming forward to the Committee of the Whole for consideration.

It was suggested the Municipal Arborist review any revised plans in relation to the protection of the Garry Oak tree.

The question was then called.

CARRIED

5. 2011-117 DIRECTOR OF BUILDING AND PLANNING, March 16, 2011  
Re Development Permit with Variances Application – 2228 Oak Bay Avenue

Matt McNeil, applicant, explained that when the parking area behind the property was repaved and relined a parking stall was lost, and he plans to change the area to get back to the nine parking spaces that were previously approved in 2000 and he would remove the commercial loading zone.

The Director of Building and Planning described the variances for parking granted in 2000, noting that if approval was denied for the additional variance to not require the additional one space the change of a portion of the property to restaurant use requires, then the applicant would have to make a payment instead as required by the Parking Facilities Bylaw.

In respect to parking in the Village in general, a member of the Committee drew attention to the various parking spaces in the Oak Bay Village area that are marked as are reserved full time, that seemingly are not utilized to their full potential, suggesting that parking regulations should be looked into in this regard.

In response to a request from a member of the Committee suggesting that the available handicap parking in the Village be reviewed, it was pointed out that the Community Initiatives Committee is looking into handicap parking in the Village, and is expected to report back to Council in this regard.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That a resolution authorizing the Director of Building and Planning to issue a development permit, with variances, with respect to 2228 Oak Bay Avenue, as outlined in correspondence item no. 2011-117, be prepared and brought forward to Council for consideration.

CARRIED

Proposed Town Hall Meeting

Mayor Causton drew attention to a demonstration that took place at the Municipal Hall earlier in the day, noting that in speaking with the attendees, many issues arose. He said that he will make a recommendation at next week's Council meeting that a town hall meeting be held where members of Council can be available for discussion on any subjects that community members wish to bring forward.

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 9:05 p.m.

Certified Correct:

---

Municipal Clerk

---

Acting Chairman, Finance Section

---

Chairman, Land Use Section