

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, May 4, 2009 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman  
Councillor H. Braithwaite  
Councillor J. D. Herbert  
Councillor N. B. Jensen  
Councillor T. Ney  
STAFF: Municipal Administrator, W. E. Cochrane  
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. 2009-162 MUNICIPAL ADMINISTRATOR, April 24, 2009  
Re Public Works Compost Sales

*(Phil Barnett, Superintendent of Public Works, in attendance for this item.)*

The Municipal Administrator provided a brief overview of his memorandum (correspondence item no. 2009-162) noting that the last price adjustment for compost sales was in 2000.

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That it be recommended to Council that staff be directed to prepare an amendment to the *Sale of Compost Bylaw* to increase the rates for compost sales at the Oak Bay Public Works Yard as follows:

Half Yard Load	\$17.50
Bucket	\$ 1.25

CARRIED

LAND USE SECTION: (Acting Chairman – Mayor Causton)

2. 2009-163 DIRECTOR OF BUILDING AND PLANNING, April 28, 2009  
Re Uplands Building Permit / Development Variance Permit Application –  
2555 Lansdowne Road

The Director of Building and Planning explained that since the approval of a development variance permit to renovate the existing house, the homeowners have encountered an issue where the new driveway is situated in close proximity to the roots of a large Pine tree that requires protection. The new plans, said Mr. Thomassen, increase the height of the building by one foot, which would provide enough clearance for the tree roots as well as sufficient height for the garage entry. Therefore, he said, the applicant is requesting a maximum building height, maximum occupiable height and maximum roof height variance to accommodate raising the house.

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 2555 Lansdowne Road, as outlined in correspondence item no. 2009-163, be prepared and brought forward to Council for consideration.

CARRIED

3. 2009-164 DIRECTOR OF BUILDING AND PLANNING, April 24, 2009  
Re Development Variance Permit Application – 2064 Penzance Road

The Director of Building and Planning advised that the homeowner had previously obtained a building permit to construct a single family dwelling that included a flat roof with a six inch parapet.

Mr. Thomassen advised that following concerns expressed by a neighbour that the building height appeared to exceed what was originally approved, the Building Inspector attended the site and advised that the building height appeared to meet that permitted, although he was requested to obtain a survey, which later confirmed that the structure was not in compliance with the Zoning Bylaw in that regard. Therefore, due to the construction not being in accordance with the previously approved plans, a stop work order was issued, and the owner has applied for a development variance permit with respect to the building height.

Mr. Thomassen further noted that through an oversight by the Building Department with respect to conflicting plans being submitted with the Building Permit application, the non-conforming second storey setback was not identified, therefore a variance is required in that regard as well.

Tracey Knight, homeowner and builder, reviewed the sequence of events, prior to the stop work order being issued, with respect to his dealings with the Building Department as contained in his letter.

Responding to questions, Mr. Knight noted that he understood that even the six inch approved parapet raised the height of the building beyond the maximum allowed. He further noted that inspections of the work he had done were completed by the Building Department along the way. He confirmed that it was a misinterpretation of the building regulations that led to the building height being in excess of that permitted.

As to why he built the parapet higher than in the approved plans, Mr. Knight said that it was built with the intention of protecting the solar panels he wishes to install on the roof.

Mr. Knight drew attention to what he felt was an alternate option for the roof design, which would be to slope the parapet so that it is excluded from the definition of building height, becoming a part of the roof. However, he said that such an option would likely have more of an impact on the neighbours than what exists now.

Following discussion the view was expressed that perhaps the unauthorized parapet should be removed, and although others also expressed concern about the plans, it was the majority view that the process should proceed to the public notification stage to receive input from neighbouring properties.

MOVED by Councillor Jensen

Seconded by Councillor Ney, That a resolution authorizing the Director of Building and Planning to issue a development variance permit with respect to 2064 Penzance Road, as outlined in correspondence item no. 2009-164, be prepared and brought forward to Council for consideration.

CARRIED

*(Councillor Braithwaite against the motion)*

4. 2009-165 DIRECTOR OF BUILDING AND PLANNING, April 27, 2009  
Re Development Variance Permit Application – 2547 Musgrave Street

The Director of Building and Planning explained that the homeowner wishes to raise the house to develop the basement.

Ernie Hansen, Ernest Hansen Design, added that the variance for occupiable height is in relation to the existing attic space which is used for storage.

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 2547 Musgrave Street, as outlined in correspondence item no. 2009-165, be prepared and brought forward to Council for consideration.

CARRIED

- 2009-166 DIRECTOR OF BUILDING AND PLANNING, April 28, 2009  
2009-166-1 D'AMBROSIO ARCHITECTURE AND URBANISM, May 1, 2009  
Re Development Variance Permit Application – 2066 Marne Street

The Director of Building and Planning advised that unfortunately the design of the proposed new home was based on the former floor area ratio regulations of the Zoning Bylaw and, therefore, the overall design is much larger than permitted under the current Zoning Bylaw. A building height variance would also be required, he said, in relation to the shed dormers.

Franc D'Ambrosio, D'Ambrosio Architecture and Urbanism, distributed a handout to the Committee members and provided an overview of the proposed construction of a new single family dwelling at 2066 Marne Street, drawing attention to the style and finishing.

With respect to the application, Mr. D'Ambrosio said that the proposed plans would have complied with the old floor area ratio regulations and he noted with the lot size being almost 19,000 square feet, it could easily accommodate the proposed home. The slender design and spread out massing of the home will reduce its visibility from the street and will fit in with the neighbourhood, he said.

Mr. D'Ambrosio advised that the homeowners intend to advise their neighbours of their plans by hosting an information meeting / open house.

Discussion turned to the proposed siting of the home and its potential effect on neighbours, with some Committee members expressing concern about the size of the home and how it would look from the street and especially from the ocean side.

It was noted that although the Zoning Bylaw can be limiting to large properties in terms of allowable floor area, the cap was set with the knowledge that it can be raised in appropriate cases, however, the view was also expressed that the house, as proposed, was simply too large.

In light of concerns raised, it was suggested that perhaps the Advisory Design Panel could review the plans and provide comments to Council with respect to the fit of the design in the area, and Mr. D'Ambrosio agreed to that course of action, should the Committee wish to pursue it.

Following further discussion regarding the proposal and various questions from the Committee being answered by the applicant, further concerns were expressed by some Committee members regarding the height and massing of the building, particularly in respect to the garage area. It emerged that the Committee was not prepared to go to the next step in the development variance permit process, and it was suggested that perhaps the proposed dormers could be reduced to comply with the maximum building height regulations and that the building mass could be reduced with revised plans being prepared for future consideration by Committee of the Whole.

Mr. D'Ambrosio agreed he would consult with the homeowners with respect to the suggested changes and provide amended plans in this regard for the Committee's consideration, with possible referral to the Advisory Design Panel after that.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the application be deferred pending receipt of revised plans in respect to the development variance permit application for 2066 Marne Street.

CARRIED

6. 2009-167 DIRECTOR OF BUILDING AND PLANNING, April 16, 2009  
2009-167 -1 K. GIBBENS, April 16, 2009  
Re Development Variance Permit Application – 2167 Oak Bay Avenue

Councillor Ney declared a conflict inasmuch as she has a business adjacent to the proposed location of the bicycle shelter, indicating that she would be unable to participate in discussion or vote on the matter. Councillor Ney left the meeting at 9:01 p.m.

With respect to the bicycle shelter proposed to be placed on the front lawn of the Municipal Hall and requiring a setback variance in that regard, Mayor Causton suggested that consideration of the development variance permit application be postponed to allow the Committee members time to look at the proposed siting of the bicycle shelter, which staff has outlined on the lawn. Mayor Causton indicated that further discussion on the application could occur at the upcoming Council meeting.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence item no. 2009-167 be received.

It was also noted that the use of the Alcove next to the archives entrance to the municipal hall could be used as an alternative covered bike storage, however, it was suggested that the area may not be deep enough for that purpose.

The question was then called.

CARRIED

Councillor Ney returned to the meeting at 9:05 p.m.

TRAFFIC SECTION: (Acting Chairman – Mayor Causton)

7. 2009-168 DAVE AND TASSY PETTENUZZO, April 28, 2009  
Re Request for Resident Only Parking Restrictions – Musgrave Street at  
Estevan Avenue

It was noted that currently there are no parking restrictions on Musgrave Street adjacent to 2795 Estevan Avenue.

Following some discussion, the Committee felt that it may be beneficial to further observe the parking situation in this area once with the coffee shop, Crumsby's, has been opened for a period of time, to assess the impact on street parking.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence item no. 2009-168 be received.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 9:07 p.m.

Certified Correct:

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Municipal Clerk

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Chairman, Public Works Section

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Acting Chairman, Land Use Section

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Acting Chairman, Traffic Section