

MINUTES of a regular meeting 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 22, 2009 following a Public Hearing at 7:30 p.m.

PRESENT: Mayor C. M. Causton (Chairman)
Councillor H. Braithwaite
Councillor A. R. Cassidy
Councillor P. Copley
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. A. Walker
Director of Engineering Services, D. Marshall

Mayor Causton called the meeting to order at 8:21 p.m.

ADOPTION OF MINUTES:

Council – June 8, 2009

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, June 8, 2009, be adopted.

CARRIED

Committee of the Whole – June 15, 2009

Councillor Jensen said that it was his intention to reopen debate on two items contained in the Committee of the Whole minutes, the first with respect to permitting unleashed dogs to be on McNeill Bay Beach, extending the hours to 11:00 a.m. daily from July 1 to August 31, 2009 and, although it was hoped that a full Council would be present, he said he would also like to revisit the decision with respect to the request for Driveway Access Bylaw amendments regarding corner lots.

MOVED by Councillor Jensen
Seconded by Councillor Copley, That the portion of the Committee of the Whole minutes dealing with the request by the owners of 2189 Musgrave Street for an amendment to the *Driveway Access Bylaw* be extracted for separate discussion so that the issue can be debated on its merits at this time.

DEFEATED

(Councillors Braithwaite, Cassidy and Herbert against the motion)

MOVED by Councillor Herbert
Seconded by Councillor Braithwaite, That the minutes of the Committee of the Whole meeting held on Monday, June 15, 2009, and the recommendations contained therein, be adopted.

CARRIED

There was consensus to amend the agenda to consider Bylaw No. 4474 at this point.

BYLAWS:

For Third Reading and Adoption

Responding to questions from Councillor Jensen regarding process, which arose as a result of comments made at the Public Hearing, Mr. Cochrane acknowledged a speaker's concerns about unnecessary spending of public funds for the rezoning process noting that inasmuch as the Bylaw had not been amended at the June 8th Council meeting, amending it now to remove the north east dog leg extension would require a second public hearing. However, he said, it was apparent at that meeting that the Oak Bay Sea Rescue Society recognized that it may be taking a chance by asking Council to proceed to a public hearing with the 'L' shape option.

Discussion turned to the topic of possibly amending the Bylaw at second reading to remove the north east extension and to schedule a second public hearing.

Mr. Cochrane advised that the available dates for a public hearing would be July 20, August 17, or September 14, however, due to staff summer vacationing and depending on the number of development variance permit applications etc. that come forward during the summer months for processing, it may not be a desirable time to hold a public hearing. It was also noted that the Crown Land Tenure application process could be commenced prior to a public hearing and any final decision being made on the adoption of the bylaw.

Responding to Mayor Causton asking if it would be possible to go forward with the Bylaw as it stands (with the 'L' option) with the understanding that there would be no tying up of a second vessel adjacent to the proposed boat house, Mr. Cochrane said he would not recommend this option and that it would not really be good land use planning practice. If the rezoning is put in place and a second boat is moored there, it would be the Province that complaints would have to be referred to. As well, he said that from the Marina's point of view, that would not be a very reassuring course of action.

It was the general consensus of Council that the best approach was to amend the Bylaw to reflect the removal of the north east dog leg and proceed with a second public hearing. There were differing views, however, on the best time for a public hearing with concern being expressed that a summer hearing could result in development variance permit applications, along with other work, possibly being put on hold. On the other hand, it was felt by some members of Council that the earliest a public hearing could be held would be best, and that both groups would benefit by having this issue resolved as soon as possible.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That Bylaw No. 4474, Eighty-Third Zoning Bylaw Amendment Bylaw, 2009, as at second reading, be amended by modifying the plan attached as Appendix "A" thereto, as follows:

By deleting the north easterly projection of the area shown in hatching, so that the amended area shown in hatching would be described as: That area of foreshore or land covered by water commencing at a point on the north west boundary of Block C of District Lot 114 which is distant 20.3 metres from the intersection of the north west boundary of the said Block C and the north east boundary of Block B of District Lot 114; thence north westerly for a distance of 15.3 metres on a bearing of 307°08'15"; thence north easterly for a distance of 7.1 metres on a

bearing of 37°08'15"; thence south easterly for a distance of 15.3 metres on a bearing of 127°08'15"; thence south westerly for a distance of 7.1 metres on a bearing of 217°08'15" along the north west boundary of the said Block C, to the point of commencement.

CARRIED

Responding to questions, Mr. Cochrane indicated that a date would need to be finally set for a public hearing, and that an amendment to the authorization given May 25, 2009 to apply for a Crown Land Tenure for the area proposed to be rezoned would be required. Specifically, he said the area for which a licence is to be applied for should coincide with the area proposed to be rezoned, as amended. He also noted that the original authority was for a Community/Institutional Licence. It has now been determined that a Commercial-General type of tenure would be the most appropriate and would cause no processing delay compared to the Community/Institutional Licence application.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That a public hearing on Bylaw 4474 be held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue on Monday, July 20, 2009 at 7:30 p.m., and that notice be given in accordance with the *Local Government Act*.

Responding to a question, Mr. Cochrane advised that there is no assurance that the public hearing would not displace equally critical business that may come in during the summer as the public hearing would be first priority.

The question was then called.

CARRIED

(Councillors Cassidy and Jensen against the motion)

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the authority given on May 25, 2009 for staff to make application for a Community/Institutional Crown Land Tenure for the aquatic lands proposed to encompass a new Sea Rescue boat house be rescinded, and that staff be authorized to apply for a five-year Commercial-General Crown Land Tenure encompassing the area proposed to be rezoned by Bylaw No. 4474 as amended at second reading on June 22, 2009.

It was clarified that the District would not actually enter into any licence agreement with the Province unless and until Bylaw No. 4474 was adopted, and that the authority to apply for the licence was being conferred only with a view to avoiding delay in the event that the Bylaw was adopted, and was in no way intended as any kind of prejudgement whatsoever prior to the holding of the second public hearing on that Bylaw.

The question was then called.

CARRIED

Mayor Causton called a five minute recess before continuing with the Council agenda.

COMMUNICATIONS:

1. 2009-224 DISTRICT OF OAK BAY ANNUAL REPORT 2008

Mayor Causton congratulated staff for providing an excellent annual report.

The Municipal Administrator noted that the various sections in the 2008 Annual Report speak for themselves, and that he wished to elaborate on the climate protection initiatives set out at the beginning of his written introduction to the report.

Mr. Cochrane noted that municipalities are being mandated by the Province to take a two-pronged approach to climate protection. Oak Bay is obligated to become carbon neutral in regard to our corporate operations by 2012, and he advised that much groundwork was done in 2008 to establish a greenhouse gas emission baseline from which we can measure future progress. It is hoped to see continuing progress with energy retrofits that will be carried out in 2009 and 2010, particularly at the Oak Bay Recreation Centre, which he said is the Municipality's largest single source of corporate energy consumption, and relatedly, greenhouse gas emissions.

On his own initiative, because of no new staff resources, and without guidelines from the Province, Mr. Cochrane said he took on the design of the database to ensure the Municipality did not fall behind. Recently though, he said that the Province has been working on its requirements on how the data is to be reported, and it does differ somewhat from the approach he took, which may require that Oak Bay restate the first two year's results to bring them into line with the provincial standard. One item he said he did not expect to include is emissions from vehicles operated by contractors.

The second prong of the mandate from the Province is to address community wide emissions, however, Mr. Cochrane noted, it is not required for the whole community to be carbon neutral at any point. In addition, he said that according to the Province's Community Energy and Emissions Inventory Oak Bay already has the lowest greenhouse gas emission per capita of any municipality in the Capital Regional District.

Mr. Cochrane advised that the community emission mandate is reflected in legislation and requires mandatory language regarding some new Official Community Plan content to be concluded by May of next year. The next step, he said, would be to bring forward a draft Official Community Plan amendment for consideration, which will likely occur sometime this fall.

The Mayor enquired whether or not members of the public wished to address Council with respect to the 2008 Annual Report, however none came forward.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the District of Oak Bay Annual Report 2008 be received.

It was noted that during the last year every position in the Building and Planning Department turned over and that it was noteworthy to mention that the number of development variance permit applications as of March 2009 surpassed the total number of applications received in all of 2008, which is an indication of the building activity taking place in Oak Bay.

The question was then called.

CARRIED

2. 2009-225 DISTRICT OF OAK BAY AUDIT FINDINGS REPORT (December 31, 2008)

(Randy Decksheimer, KPMG Chartered Accountants, in attendance for this item)

Randy Decksheimer provided an overview of the Audit Findings Report to Council, noting the audited financial statements fairly represented the financial position of the Municipality for the 2008 fiscal year.

Mr. Decksheimer said that the new tangible capital asset inventory reporting will be required in 2009, noting that Oak Bay has made great progress in its tangible capital asset inventory work.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That the Audit Findings Report be received.

Mayor Causton congratulated Patricia Walker, Municipal Treasurer, on a job well done.

The question was then called.

CARRIED

3. 2009-226 SARAH CHISHOLM AND BRAD BOQUIST, June 8, 2009
Re Request for Road Closure for Block Party on Hamiota Street –
September 7, 2009

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That permission be given for the closure of Hamiota Street on September 7, 2009, from 3:00 o'clock p.m. to 7:00 o'clock p.m., for the purpose of a neighbourhood block party.

CARRIED

4. 2009-227 C. SAUNIER AND S. FODEN, June 15, 2009
Re Request for Road Closure for Block Party on Lincoln Road – July 1,
2009

Councillor Braithwaite indicated that she had a conflict of interest with respect to this item inasmuch as she lives in the area. Councillor Braithwaite left the meeting at 9:22 p.m.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That permission be given for the closure of Lincoln Road on July 1, 2009, from 3:30 o'clock p.m. to 8:30 o'clock p.m., for the purpose of a neighbourhood block party.

CARRIED

5. 2009-228 STUART STARK AND MARGARET GRAHAM-BELL, May 28, 2009
Re Request for Heritage Designation – 1936 Hampshire Road

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the request for heritage designation of 1936 Hampshire Road be referred to the Heritage Advisory Panel for investigation and a recommendation to Council.

CARRIED

Councillor Braithwaite returned to the meeting at 9:23 p.m.

6. 2009-229 KIM WESTAD, May 28, 2009
Re Request for Animal Control Bylaw Amendment re Dogs Left Unattended

Through discussion with respect to Ms. Westad's request for an amendment to the Animal Control Bylaw that would allow dog owners to leave their dogs tied up unattended outside of shops, members of Council expressed their general support to consider amending the Bylaw to allow dogs to be left unattended and tethered for a short period of time on public property. However, there was concern with respect to long leashes potentially causing a trip hazard and barring pedestrians from safely using the sidewalks. As well, concern was expressed that people who are afraid of dogs may find it challenging to walk by a restrained dog.

Despite the concerns raised, it was generally felt that this change to the bylaw which would apply to the whole municipality would contribute to the Municipality's goal to create a more liveable and walkable community, and that specific requirements could be implemented to address the concerns.

Attention was drawn to a letter submitted by the Oak Bay Business Improvement Association (correspondence item no. 2009-2291-1) noting its support to amend the Animal Control Bylaw in line with Mr. Westad's request.

Kim Westad, commented that the first option proposed in her letter would be most favourable, which would simply remove the prohibition of leaving dogs unattended verses applying specific time limits in that regard. Most dog owners, she said, are considerate and responsible.

The Municipal Administrator advised that based on previous discussions on the subject, Victoria Animal Control Services Ltd. would likely strongly object to the proposed amendment and gave an example of a recent situation that was in the newspaper where a child was bitten by a dog that was tied up. He added that a confined dog can become more territorial and aggressive and if it cannot flee it may fight.

Responding to a question about regulations around dogs on private property, in as much as it was acknowledged that a portion of the sidewalks in the Village are actually private property, Mr. Cochrane advised that as long as there is no cruelty, dogs being tied up on private property is not regulated. However, it was noted that it is difficult to delineate the boundary between public and private property. Suggestions were made for ways to address the issues that had been raised.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That staff be directed to draft an amendment to the Animal Control Bylaw that would permit dogs to be tethered on public property and left unattended for a period of up to 15 minutes, providing doing so would not obstruct public access to a sidewalk, to be brought forward to Committee of the Whole for consideration.

CARRIED

Councillor Cassidy left the meeting at 9:40 p.m.

7. 2009-230 WENDI MACKAY, June 12, 2009
Re Request for Zoning Bylaw Amendment re Noise Emitting Structures

Wendi MacKay said she was pleased to see her request come forward so quickly, noting that she as happy to answer any questions Council may have with respect to her request.

Responding to a member of Council commenting that weekly battery charging seemed excessive, Ms. MacKay said that the battery charging schedule is as per the generator's specifications.

With respect to her request to amend the Zoning Bylaw to allow an emergency generator to be recharged once a week for twenty minutes, and the concern raised about weekly testing, Ms. MacKay said she could discuss revising the charging schedule with an electrician to perhaps change it to once a month.

Mayor Causton asked the Director of Building and Planning to provide a brief overview of a similar request on Newport Avenue that was before Council not too long ago. Mr. Thomassen advised that after exploring various sound mitigating measures the owner decided to remove the generator. He further noted that the generator would have been programmed to be charged once a month for twenty minutes.

The Municipal Administrator, responding to a question for a member of Council, said that in order to amend the Zoning Bylaw to permit a generator to run for a set length of time, a public hearing, at the cost of the Municipality, would be required.

Responding to questions, the Municipal Administrator noted that there are noise level limits for miscellaneous structures, and that a bylaw enforcement remedy to the noise from the generator, should it exceed the acceptable decibel level, would be to require construction of some sort of shield or encasement in a sound deadening material. Mr. Cochrane further noted that, as a general rule, it is within the discretion of a local government to decide whether or not to enforce its bylaws, and therefore, by policy, Council could direct that noise generated by the testing of emergency generators could be assigned a low priority from an enforcement point of view.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That correspondence item no. 2000-230 be received.

CARRIED

It was the view of Council that the owner should be proactive in ensuring that the noise level of the generator does not impact any neighbouring properties. Accordingly, there was no appetite at the Council level to initiate a bylaw amendment.

8. 2009-231 DE MEZEY MEMORIAL ABBEYFIELD HOUSING SOCIETY, June 8,
2009
Re Request for Financial Assistance

It was noted that \$2,500 is included in the 2009 budget for a grant to the De Mezey Memorial Abbyfield Housing Society.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That approval be given for a grant in the amount of \$2,500 to the De Mezey Memorial Abbyfield Housing Society.

CARRIED

9. 2009-232 COMMUNITY ASSOCIATION OF OAK BAY, June 15, 2009
Re Request to Use the Municipal Hall Downstairs Conference Room

The Municipal Clerk noted that the Community Association of Oak Bay advised by telephone that it wished to withdraw its request to use the Municipal Hall downstairs conference room.

10. 2009-233 MUNICIPAL TREASURER June 18, 2009
Re Oak Bay Recreation Centre Stove Replacement

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That approval in principle be given for the purchase of a stove for the Oak Bay Recreation Centre kitchen, at a cost of \$13,900, with funding to come from monies reserved from vending contracts.

CARRIED

11. 2009-234 CAPITAL REGIONAL DISTRICT, June 18, 2009
Re Request for Consent to Adopt Bylaw No. 3616, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 2, 2009

MOVED by Councillor Herbert

Seconded by Councillor Copley, That consent be given to the Capital Regional District to adoption Bylaw No. 3616, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 2, 2009 in accordance with Section 801.4 of the *Local Government Act*.

CARRIED

12. 2009-236 ACCU-CHEK CYCLEBETES, [undated]
Re Request for Permission to have Amplified Music in Willows Park for Charity Event

It was noted that the request from Accu-Chek Cyclebetes to use Willows Park for an event that includes using an amplified sound/music system would usually not come before Council, however, because there will be no Parks and Recreation Commission meetings held during the summer months this request requires Council's approval.

Councillor Herbert commented that the neighbours that live nearby Willows Park could be affected by the noise, and it was clarified that any approval would not supersede the Anti-Noise Bylaw.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That permission to have amplified music in Willows Park for the Accu-Chek Cyclebetes fundraising event to be held Sunday, September 13, 2009 from 12:00 o'clock noon to 4:00 o'clock p.m. to raise funds for Juvenile Diabetes Research Foundation be given subject to the event organizers obtaining a Parks Use Permit.

CARRIED

13. 2009-235 KIM WILLOUGHBY AND LARRY HANNANT, June 18, 2009
Re Development Variance Permit – 2178 Beaverbrooke Place

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That correspondence item no. 2009-235 be received.

CARRIED

NEW BUSINESS:

Oak Bay Secondary Suites Review Committee

Councillor Jensen advised that an interim report was now complete, and that along with the minutes of the meetings, will be posted on the Municipal website. Copies of the interim report were distributed to members of Council.

With respect to the questionnaire that was inserted with the property tax notices, Councillor Jensen said the responses will be collated over the summer and a comprehensive report will come forward from the Committee in the fall.

Capital Regional District – Haro Woods – Sewage Treatment Facility Workshop

Councillor Herbert advised that 90 residents attended the workshop held at the Emanuel Baptist Church recently and he would encourage Council and residents to attend the second workshop.

Oak Bay Tea Party- Volunteer Thank You Dinner

Councillor Braithwaite said that she attended the Oak Bay Tea Party volunteer thank you dinner and that the volunteers did a great job putting on this event.

TABLED:

Development Variance Permit – 2178 Beaverbrooke Place

Mayor Causton requested that this item be deferred to allow the applicant time to read correspondence that was submitted with respect to the development variance permit.

It was agreed to amend the order of the agenda.

Motion to Adopt Bylaw No. 4468, Tree Protection Bylaw Amendment Bylaw No. 1, 2009

MOVED by Councillor Herbert
Seconded by Councillor Jensen, That the following motion be lifted from the table:

That Bylaw No. 4468, *Tree Protection Bylaw Amendment Bylaw No. 1, 2009*, be adopted.

CARRIED

Councillor Herbert reiterated his reasons for wanting Council to reconsider the question on adopting an amendment to the Tree Protection Bylaw, noting that it would expand the

circumstances in which permits can be issued to remove protected trees to include where the inability to remove the tree would impose an undue hardship in the form of damage to a significant structure and to expand grounds for the granting of a permit, exercisable at the Council level, where it found undue hardship would result from not issuing a permit.

Councillor Jensen added that Council should be able to exercise its reconsideration authority to allow a protected tree to be removed if it is considered to be an impediment to another environmentally beneficial initiative, such as vegetable gardens or facilitation of passive solar heating. He added that Council has to have the ability to balance competing environment interests, which he felt the Bylaw would provide.

Responding to Mayor Causton's question, the Municipal Administrator advised that the bylaw wording is fairly broad, and somewhat subject to interpretation.

Councillor Braithwaite spoke against supporting the bylaw amendment, noting that the Bylaw would, as mentioned, be subject to interpretation and could open the floodgates for tree removal requests. She added that the option already exists to apply to the Board of Variance in cases of hardship. Councillor Braithwaite suggested that information be gathered over a two year period to see if there is a need for the bylaw amendments.

The question on the motion was then called.

CARRIED

(Councillors Braithwaite and Copley against the motion)

Development Variance Permit – 2178 Beaverbrooke Place

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2178 Beaverbrooke Place (Lot 5, Section 22, Victoria District, Plan 1136) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986, as amended*:

<u>Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4(3) (a) & Schedule 'B' Maximum Building Height	6.83 m	7.62 m	0.79 m
6.5.4(3) (b) & Schedule 'B' Maximum Occupiable Height	4.27 m	4.88 m	0.61 m
6.5.4(3) (c) & Schedule 'B' Maximum Roof Height	8.53 m	9.2 m	0.67 m
6.5.4(6) (a) Maximum Gross Floor Area Higher than 0.8 metres Above Grade	240 sq m	331 sq m	91 sq m

6.5.4(11)

Minimum Interior Side Lot Line Setback of the 3.0 m 0.80m 2.2 m
Second Storey

to accommodate the construction of a top floor addition, as shown on the plans attached to Committee of the Whole agenda item #2009-197, being a memorandum from the Director of Building and Planning dated May 27, 2009.

CARRIED

Michael Lloyd, Quest Renovations, noted that the requested maximum roof height variance is to extend the existing non-conforming roofline for the proposed addition for aesthetic purposes.

With respect to the letter before Council from 825 Hampshire Road (correspondence item no. 2009-235) expressing concern that the plans are inconsistent in that one drawing shows that windows will be installed east facing and another indicates no windows at all, Mr. Lloyd advised that the windows should have been removed from all pages of the drawings and assured Council that there was no plan to install windows on the east side of the proposed addition.

The Director of Building and Planning clarified that the BC Building Code does not permit the windows to be installed on that side in any event, and that the appropriate plans would be included with the permit, if authorized to issue it.

Larry Hannant stated that upon learning the east windows will not be installed at 2178 Beaverbrook Place he does not have any objections to the development variance permit being issued.

Noting that there was no one else in attendance who wished to speak to the application, the question on the main motion was then called.

CARRIED

Development Variance Permit – 190 King George Terrace

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 190 King George Terrace (Lot 1, Section 46, Victoria District, Plan 5008) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.4.4(2) (a) Minimum Front Lot Line Setback	7.62 m	4.52 m	3.1 m
6.4.4(6) (b) Maximum Gross Floor Area	480 sq m	492.2 sq m	12.2 sq m
6.4.4(6) (b) Maximum Gross Floor Area above 0.8 m below Grade	360 sq m	408.8 sq m	48.8 sq m

to accommodate a second floor addition and front terrace, as shown on the plans attached to Committee of the Whole agenda item #2009-216, being a memorandum from the Director of Building and Planning dated June 10, 2009.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 190 King George Terrace be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 3156 Woodburn Avenue

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3156 Woodburn Avenue (Lot 27, Section 31, Victoria District, Plan 10700) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.4.4(3) (b) and 'Schedule B' Maximum Occupiable Height	4.57 m	4.87 m	0.30 m
6.4.4(6) (a) Maximum Gross Floor Area Higher than 0.8 m below Grade	300 sq m	339 sq m	39 sq m

to accommodate the construction of a deck at the rear of the dwelling, as shown on the plans attached to Committee of the Whole agenda item #2009-217, being a memorandum from the Director of Building and Planning dated June 3, 2009.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 3156 Woodburn Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 1217 St. Patrick Street

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1217 St. Patrick Street (Lot B, Section 23, Victoria District, Plan 2481) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4(6) (a) Gross Floor Area Higher than 0.8 m below Grade	240 sq m	305.1 sq m	65.1 sq m

to accommodate the construction of a rear two storey addition with a deck, as shown on the plans attached to Committee of the Whole agenda item #2009-218, being a memorandum from the Director of Building and Planning dated June 3, 2009.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 1217 St. Patrick Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 3065 Beach Drive

MOVED by Councillor Copley

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3065 Beach Drive (Lot 1, Section 31, Victoria District, Plan 9992) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.2.4(7) Minimum Clear Space Between Buildings	3.0 m	2.4 m	0.6 m

to accommodate the replacement of an existing deck and construction of a patio and new landing and stair as shown on the plans attached to Committee of the Whole agenda item #2009-220, being a memorandum from the Director of Building and Planning dated June 3, 2009.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 3065 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 3023 Beach Drive

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3023 Beach Drive (Lot 2, Section 31, Victoria District, Plan 4855), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, with respect to the siting of a building:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(c) & Schedule “C” Minimum Interior Side Lot Line Setbacks	4.27 m	2.52 m	1.75 m
6.2.4.(2)(e) & Schedule “C” Minimum Total of Side Lot Line Setbacks	10.97 m	5.53 m	5.44 m

to accommodate additions and renovations to the dwelling, as more particularly shown on the plans attached to Committee of the Whole agenda item #2009-221, being a memorandum from the Director of Building and Planning dated June 2, 2009.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the motion in respect of the development variance permit for 3023 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 3205 Exeter Road

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3205 Exeter Road (Amended Lot 8 (DD 253708-I), Block C, Section 31, Victoria District, Plan 3599), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1 Maximum Paved Surface (Front Yard)	25%	27.2%	2.2 percentage points
6.2.4 (2)(a) Minimum Front Lot Line Setback	10.66 m	10.47 m	0.19 m
6.2.4 (2)(c) & Schedule “C” Minimum Side Lot Line Setback	4.27 m	2.96 m	1.31 m
6.2.4 (2)(e) & Schedule “C” Total of Side Lot Lines Setback	10.97 m	7.43 m	3.54 m

to accommodate additions to the dwelling, as more particularly shown on the plans attached to Committee of the Whole agenda item #2009-222, being a memorandum from the Director of Building and Planning dated June 3, 2009.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect of the development variance permit for 3205 Exeter Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

For First, Second and Third Reading

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Bylaw No. 4477, *Animal Control Bylaw Amendment Bylaw No. 1, 2009*, be introduced and read a first time.

CARRIED

(Councillor Braithwaite against the motion)

MOVED by Councillor Jensen
Seconded by Councillor Copley, That Bylaw No. 4477, *Animal Control Bylaw Amendment Bylaw No. 1, 2009*, be amended to extend the hours to permit unleashed dogs to be on McNeill Bay Beach from sunrise to 11:00 a.m. daily in July and August.

DEFEATED

(Mayor Causton, Councillor Braithwaite and Herbert against the motion)

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4477, *Animal Control Bylaw Amendment Bylaw No. 1, 2009*, be read a second time.

CARRIED

(Councillor Braithwaite against the motion)

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That Bylaw No. 4477, *Animal Control Bylaw Amendment Bylaw No. 1, 2009*, be read a third time.

CARRIED

(Councillor Braithwaite against the motion)

MOVED by Councillor Copley
Seconded by Councillor Jensen, That a Special Council meeting be scheduled for Wednesday, June 24, 2009 at 5:45 p.m. to consider adoption of Bylaw No. 4477, *Animal Control Bylaw Amendment Bylaw No. 1, 2009*.

CARRIED

Mayor Causton asked if anyone in attendance wished to address Council regarding the proposed amendment to the Financial Plan. Seeing no one come forward, it was

MOVED by Councillor Jensen
Seconded by Councillor Braithwaite, That Bylaw No. 4478, *Financial Plan Bylaw, 2009, Amendment Bylaw No. 3, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Braithwaite, That Bylaw No. 4478, *Financial Plan Bylaw, 2009, Amendment Bylaw No. 3, 2009*, be read a second time.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Braithwaite, That Bylaw No. 4478, *Financial Plan Bylaw, 2009, Amendment Bylaw No. 3, 2009*, be read a third time.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That the meeting of Council be adjourned.

CARRIED

The Council meeting adjourned at 10:30 p.m.

Certified Correct:

Municipal Clerk

Mayor