

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, January 26, 2009 following a Public Hearing at 7:30 p.m.

PRESENT: Councillor A. R. Cassidy (Acting Mayor)  
Councillor H. Braithwaite  
Councillor P. Copley  
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  
Municipal Treasurer, P. A. Walker

Acting Mayor Cassidy called the meeting to order at 7:36 p.m.

ADOPTION OF MINUTES:

*Council – January 12, 2009*

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, January 12, 2009, be adopted.

CARRIED

*Special Council – January 19, 2009*

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That the minutes of the Special Council meeting held on Monday, January 19, 2009, be adopted.

CARRIED

*Committee of the Whole – January 19, 2009*

MOVED by Councillor Copley  
Seconded by Councillor Herbert, That the minutes of the Committee of the Whole meeting held on Monday, January 19, 2009, and the recommendations contained therein, be adopted with the exception of the recommendation related to correspondence item no. 2009-40, regarding an Uplands building permit application for 3375 Ripon Road.

CARRIED

Acting Mayor Cassidy declared a possible conflict inasmuch as his firm has had a business relationship with the previous owner of the property. Acting Mayor Cassidy left the meeting at 7:38 p.m. and by consensus, Councillor Ney assumed the Chair for this item.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the January 19, 2009 recommendation from the Committee of the Whole regarding the application for an Uplands building permit for 3375 Ripon Road be adopted.

CARRIED

Acting Mayor Cassidy returned to the meeting at 7:38 p.m.

COMMUNICATIONS:

1. 2009-43 MUNICIPAL ADMINISTRATOR, January 8, 2009  
2009-43-1 BARRY KELLY, January 2, 2009  
Re Application for Tree Removal Under Tree Protection Bylaw and Covenant – 603 Island Road

As requested by the Chair, the Municipal Administrator provided an overview of the regulations related to the applicant's request for Council to reconsider a decision of the Parks Department to deny the issuance of a tree removal permit.

Mr. Cochrane advised that due to a covenant that was registered against the property at the time of subdivision, the removal would in any event require Council permission. However, even if that permission was given, the tree would be protected by the provisions of the Tree Protection Bylaw, and in that regard, Council would have to review the applicable criteria for issuing a permit and then decide if it was applied incorrectly by staff.

The Municipal Administrator advised that the applicant and landscape designer were aware that this item was on the agenda.

Noting that neither the owner nor a representative was in attendance to speak to the issue it was,

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the application for tree removal under the Tree Protection Bylaw and a covenant at 603 Island Road be deferred to a future Council meeting to provide the applicant another opportunity to provide further information regarding the request.

The question was then called.

CARRIED

2. 2009-44 KRISTINA MAYER, January 22, 2009  
Re Request for Tag Days – January 31 and February 8, 2009

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That approval be given to Kristina Mayer, on behalf of Royal Roads University, to hold tag days on public sidewalks in Oak Bay Village on Saturday, January 31 and Sunday, February 8, 2009 from 10:00 a.m. to 3:00 p.m. for the purpose of raising funds for the Alzheimer Society.

CARRIED

3. 2009-45 JESSICA VAN DER VEEN AND DANIEL LASKARIN, January 20, 2009  
2009-45-1 DAVE AND KATHERINE PETTENUZZO, January 22, 2009  
2009-45-2 MICHAEL AND SUE YAKUBOWICH, [Undated]  
2009-45-3 YASMINE KANDIL AND KYLE MITCHELL, January 22, 2009  
2009-45-4 ANITA WOLFE, January 26, 2009  
Re Development Variance Permit – 2509 Estevan Avenue

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence items no. 2009-45 to 2009-45-3 be received.

CARRIED

4. 2009-46 MICHELLE AND DAVID COBURN, January 16, 2009  
2009-46-1 BRIAN SMITH, January 16, 2009  
Re Development Variance Permit – 3156 Woodburn Avenue

MOVED by Councillor Jensen

Seconded by Councillor Copley, That correspondence items no. 2009-46 and 2009-46-1 be received.

CARRIED

NEW BUSINESS:

*Salish Monument Unveiling Event*

Councillor Herbert commented that the first unveiling of the Salish Monuments (Cairns) was held earlier in the day and was a well attended event. Councillor Herbert explained that the cairn displays a beautiful carving by Charles Elliott and includes a plaque that outlines the history of the Salish People.

*Secondary Suites Review Committee – Update*

Councillor Jensen provided an update, saying that the Secondary Suites Review Committee is underway with a work plan meeting scheduled for next week.

*Proposal to Phase Out Point of Sale Non Biodegradable Plastic Bags in Oak Bay*

Councillor Ney said that while vacationing she was struck by the amount of plastic bag litter she saw and decided to address the issue upon returning to Oak Bay. Councillor Ney visited a few of the Oak Bay Village shops and found that many businesses are already offering customers biodegradable and reusable bags. She provided information on other countries and communities that have been successful in eliminating the use of point of sale plastic bags, and went on to list a number of environmental impacts associated with plastic bag use globally. Councillor Ney noted that Council has the opportunity to make a difference in the community by supporting the business community to pursue the elimination of the use of non-biodegradable bags.

MOVED by Councillor Ney

Seconded by Councillor Jensen, That the District of Oak Bay work with the Oak Bay business community and Oak Bay Green Committee, and any other interested community groups, to develop a strategy to voluntarily phase out point of sale non-biodegradable carrier bags by June 2009.

Questions regarding the municipality's role with respect to the proposed motion were raised and it was clarified that it was a message of encouragement and support to the Oak Bay business community in pursuing any initiatives to voluntarily phase out the use of non-biodegradable bags.

The question was then called.

CARRIED

TABLED:

***Development Variance Permit – 1218 Hewlett Place***

MOVED by Councillor Jensen

Seconded by Councillor Herbert, 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 1218 Hewlett Place (Lot 24, Section 23, Victoria District, Plan 1256), varying the following provisions of Bylaw No. 3531 (*Zoning Bylaw, 1986*, as amended):

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
S. 6.5.4(7) Clear Space Between Bldgs & Structures	3.0 m	0.05 m	2.95 m
S. 4.15.1 Max. % of Front Yard Allowed to be Paved	25%	51%	26 % points

to accommodate the construction of a pergola and the development of footpaths and a driveway as shown on the plans appended to Committee of the Whole agenda item #2009-22, being a memorandum from the Director of Building and Planning dated December 18, 2008.

CARRIED

The question on the main motion was then called.

CARRIED

***Development Variance Permit – 2509 Estevan Avenue***

MOVED by Councillor Jensen

Seconded by Councillor Copley, 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 2509 Estevan Avenue (Lot 5, Block 6, Section 2, Victoria District, Plan

379), varying the following provisions of Bylaw No. 3540 (*Parking Facilities Bylaw, 1986*, as amended):

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
S. 4.1 and Sched. A, s. A.3 Number of Off-Street Parking Spaces	16	3	13

to accommodate a change in use of the main floor premises from retail to restaurant without the creation of the required number of off-street parking spaces.

CARRIED

It was noted that a few letters were received expressing concerns about the parking variance request, the potential for outdoor seating on the west side with the proposed new use, and the installation of a door to be located on the Musgrave Street side of the building.

Some members of Council expressed the view that should the parking regulations be relaxed now, it may be regretted down the road if a business that would generate even more parking inherits the variance to the required parking.

The Municipal Administrator advised that the number of parking spaces required is based on the square footage of the space not on the number of seats. Responding to questions, Mr. Cochrane noted that there are no restrictions for outdoor seating in a C2 zone, however should that be desired by the property owner and Council, as has been used with some properties in the C2 zone, a covenant reflect any restrictions in this regard.

Katherine Pettenuzzo, Oak Bay resident, said she lives close by and feels the cupcake shop is a great business concept for the neighbourhood but has three concerns. Firstly, with respect to traffic, she said that the five-way intersection in the area is very confusing and dangerous and any increase in traffic should be addressed. Secondly, Willows School and the surrounding neighbourhood are at capacity for traffic. And the third concern she noted applies to a privacy issue with respect to the outdoor patio, which would be nice for the proposed restaurant but should the business change hands, it would be of great concern. Ms. Pettenuzzo added that she would not like to see the green space taken over by outdoor seating as that space is currently used as a playground for children in the area.

Michael Yakubowich, Oak Bay resident, referring to the pictures attached to the letter he submitted to Council, said that he has witnessed an accident at the intersection and would like to see a stop sign placed at each street entering the intersection. With respect to traffic, Mr. Yakubowich said he feels it will only increase with the business going in and will place even more of a strain on parking in the area.

Mr. Yakubowich added that he is pro-business but feels that previous ventures have not done well and that another restaurant in this area will take away from the existing like businesses.

In conclusion, he commented that bylaws are created for a reason and to permit a variance of 13 parking spaces is too much and allowing the variance will only compound the parking issue. He further stated that he feels Council needs to come up with a responsible and comprehensive plan to solve this ongoing problem.

Jessica Van der Veen, Oak Bay resident, told Council that she is very concerned that added traffic will only compound the existing issue particularly since Willows School was converted to a middle school and more parents are driving their children to and from school. She added that the extra traffic is an environmental disaster.

Concerning the proposed restaurant, Ms. Van der Veen commented that outdoor seating will create more noise, particularly if voices echo off a fence or wall, which she experienced when a well know coffee establishment opened below her previous apartment in Vancouver. She moved to this Oak Bay neighbourhood because of its quiet, she said, and she wants to continue to enjoy her backyard in peace.

Anita Wolfe, Oak Bay resident, said that although she lives outside of the 100 foot notification boundary required for development variance permit applications, she has concerns regarding safety, parking and noise with respect to the application and asked Council what is the vision or plan for Estevan Village. She suggested that trees should be planted to create more of a tree canopy, which would help to provide a natural sound buffer.

Ms. Wolfe said she agrees that the shop would bring life to Estevan Village but is opposed to the parking variance being requested.

Yasmine Kandil, Oak Bay resident, told Council that she and her family moved into the apartment above 2509 Estevan Avenue a year ago and could always hear the activities (music, doors, etc.) from the business below them. Ms. Kandil expressed her concern that should there be an outdoor patio it would take away from their privacy, the current use of the grassy area for children to play, and it could obstruct the fire exit route from the bedroom windows. As well, she said that of the three parking spaces available to this building, two are assigned to the tenants, and even at that, her vehicle is often blocked in by people parking behind her.

Audrey Deutchman, Oak Bay resident, commented on the supposed third parking space noting that it is not a proper size and it is close to impossible to park there due to foliage. As a tenant, she said she was promised a parking space but she is unable to use the space assigned. Ms. Deutchman expressed her concern with regard to potential noise from the outdoor patio, the loss of her privacy, and the incremental changes happening in the area and how the variance may apply to future commercial tenants. She concluded by saying that this may not be the best space for this type of business and that, in future, this business may be replaced with something that would attract even more traffic.

Corey Burger, Oak Bay resident, said that he is a friend of Ms. Deutchman who lives in the building, reiterating some of the concerns previously expressed by her. He added that he is in support of the proposed business as it could bring more activity to the Village, however, Mr. Burger suggested that Council consider creating a traffic circle for the five-way intersection to help slow down traffic.

Michael Yakubowich, Oak Bay resident, wanted to add to his earlier comments, saying that even with two currently empty commercial spaces in the Village, all available parking is still full from tenants, the school and customers. He queried where employees would be expected to park their vehicles for the proposed business or a future business.

A member of Council expressed a different point of view, saying that more parking spaces would only encourage people to drive to this location, and would be in contrast with the goal to build a liveable, bikable and walkable community.

Mr. Yakubowich said in his 14 years experience living close to Willows School and the Estevan Village, he has observed people parking wherever they please and if this area is to be revitalized, he said, he would urge Council to be responsible and create more parking.

The applicant, Maria Elwood, said she pondered the unintended consequences of her proposal to lease 2509 Estevan Avenue to operate a cupcake coffee shop that welcomes all visitors. She said she wished to provide a family friendly establishment which offers a chance to enrich the experiences for all in this unique Estevan Village setting by keeping shopping at the neighbourhood level. Ms. Elwood went on to say that she could bring attention to the many charming aspects of the proposal, such as stroller parking, but she said all she really wants to do is open a store that welcomes people of all ages to enjoy a hot drink, a sweet, or be creative with crafts, a place where people will walk to and gather as neighbours. Ms. Elwood said she expected to hear some negative comments during this public forum but hopes that the positive feedback she has received will outnumber what has been expressed tonight.

A member of Council expressed his view that over the years, similar changes have been opposed and, once approved, the businesses have fit in and contributed greatly to the community. He said that Estevan Village can not be properly compared to areas in Vancouver, as was suggested earlier.

Keith Elwood, said he is in attendance to support his wife, the applicant, adding that the original reason for constructing a second entrance was purely for aesthetic reasons. However, it was later realized that in order to comply with the Provincial fire code regulations, a second exit would be required. With respect to the outdoor seating, Mr. Elwood said that there are no immediate plans to develop outdoor seating and the mood of the neighbourhood would be gauged prior to making any future decisions in that regard.

Although varying degrees of concern were expressed with respect to the issues raised, it was the general consensus of Council that the proposal was supportable. It was agreed that the coffee shop would enhance the Estevan Village area and contribute to the community in a positive way. It was also stated that the application before Council is to consider the parking variance request, and the use of the space as a coffee shop would not be before Council if a parking variance was not required.

Mr. Elwood's comments regarding consulting with the neighbours prior to implementing outdoor seating were also acknowledged.

The question on the main motion was then called.

CARRIED

***Development Variance Permit – 3156 Woodburn Avenue***

MOVED by Councillor Jensen

Seconded by Councillor Copley, 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 3156 Woodburn Avenue (Lot 27, Section 31, Victoria District, Plan 10700) varying the following provisions of Bylaw No. 3531 (*Zoning Bylaw, 1986*, as amended):

<u>Zoning Bylaw Section</u>	<u>Max. Permitted</u>	<u>Requested</u>	<u>Variance</u>
S. 6.4.4(3)(a) & Schedule B Building Height (highest wall)	7.32 m	7.44 m	0.12 m
S. 6.4.4(3)(b) & Schedule B Occupiable Height (highest floor)	4.57 m	5.00 m	0.43 m

to accommodate the addition of a deck and a second storey as shown on the plans appended to Committee of the Whole agenda item #2009-23, being a memorandum from the Director of Building and Planning dated December 23, 2008.

CARRIED

David Coburn, Oak Bay resident, said he lives at 3161 Henderson with his wife and son and the house at 3156 Woodburn Avenue is at the end of their garden. Although it seems that the request is for a small variance, he said, he wanted to draw attention to the sequence of events related to this development as laid out in his letter. Mr. Coburn said that one of the reasons they moved into Oak Bay was because they thought it would be more protective of its inhabitants in regard to development, and further, he said, he recalls that during the recent Election, members of Council stated their wish to preserve the character of Oak Bay.

Mr. Coburn said he is aware that the renovations to date have conformed, but recently a second floor deck was being constructed and required a development variance permit to complete.

At this point the main concern, said Mr. Coburn, is that their privacy is impacted by the second storey deck that overlooks their garden and home and because the backyard is mainly rock, it is very difficult to plant foliage to create screening between the properties.

Mr. Coburn also felt that the new location of the deck would be detrimental to the resale value of their home due to the lack of privacy it has created in his own garden and he suggested that the deck location remain at the lower level.

Michelle Coburn, Oak Bay resident, said she did not expect to see a house of this size, which she considers to be totally invasive. Ms. Coburn reiterated some of the concerns expressed by her husband, Mr. Coburn, and said that a ground floor level deck, like the previous deck, would be acceptable.

The discussion turned to the requirement for the variance and it was noted that the deck was not included in the original plans when a building permit was applied for. The addition of the deck, confirmed Mr. Thomassen, results in a change to the natural grade calculation, lowering it to a point where the resulting building and occupiable height of the house no longer meet the Zoning Bylaw requirements.

Speaking on behalf of the applicant, Nigel Banks, Banks Design, confirmed that the relatively small variances were generated by the owners wishing to build a deck on the main floor (second level). Mr. Banks drew attention to the exceptional size of the properties in the area, noting that he wished to submit six letters from other neighbours stating that they have seen the plans and have no objections. Mr. Banks, referring to photographs, showing the existing trees, said that the trees would provide some screening during the warmer months through foliage, when people are most often out of doors.



Mr. Banks said the applicant would be willing to plant evergreens on the deck to provide more privacy for the neighbours.

There was further discussion regarding the requested variances, and concerns were raised regarding the original plans not contemplating the deck and the commencement of construction of the deck prior to obtaining approval. Putting that aside, however, and concentrating on the variances at hand, it was the majority view that there may be a better location for the deck that would have less impact on the neighbouring properties.

The question on the main motion was then called.

DEFEATED

(Councillors Braithwaite, Copley and Jensen against the motion)

RESOLUTIONS:

***Development Variance Permit (Revised) – 2078 Carnarvon Street***

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2078 Carnarvon Street (Lot 27, Block 4, Section 28, Victoria District, Plan 1155), varying the following provision of Bylaw No. 3540 (*Parking Facilities Bylaw, 1986*, as amended):

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 and Schedule " A", A.1.(a) Minimum No. of Parking Spaces	2	1	1

to accommodate the proposed one uncovered parking stall as shown on the plans attached to Committee of the Whole agenda item #2009-34, being a memorandum from the Director of Building and Planning dated January 15, 2009.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the motion in respect of the development variance permit for 2078 Carnarvon Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit (Subdivision) – 2381 Lansdowne Road***

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a development variance permit to remove certain regulatory obstacles to the proposed subdivision of:

- Lot 4, Section 31, Victoria District, Plan 8400 (2381 Lansdowne Road); and
- Lot 1, Section 31, Victoria District, Plan 4678 (3096 Cadboro Bay Road)

which without in any way fettering the exercise of the judgment and authority of the Approving Officer under the *Land Title Act*, would vary the requirements of Sections 6.4.4(2)(c) and 6.4.4(2)(e) of Bylaw No. 3531 (*Zoning Bylaw, 1986*, as amended) and Section 8(1) of Bylaw No. 3578 (*Subdivision and Development Bylaw, 1987*, as amended), to allow the existing residence on the portion of Lot 4 that would remain after the westward adjustment of the lot line between Lot 4 and Lot 1 to have:

- (1) an interior side lot line setback (east side) of only 0.96 metres (1.5 metres required); and
- (2) the total of the setbacks on both sides equal to only 4.27 metres (4.57 metres required),

substantially as shown on the sketch plan of the proposed subdivision prepared by Island Land Surveying Ltd. dated May 2, 2008 and attached to Committee of the Whole agenda item #2009-35, when and if the Approving Officer grants preliminary approval for the proposed subdivision, and upon the applicants satisfying all conditions of preliminary approval set out by the Approving Officer including but not limited to the payment of all required off-site servicing costs.

MOVED by Councillor Copley

Seconded by Councillor Jensen, That the motion with respect to the development variance permit pertaining to the proposed subdivision of 2381 Lansdowne Road and 3096 Cadboro Bay Road be tabled to enable notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit (Subdivision) – 3096 Cadboro Bay Road***

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a development variance permit to remove certain regulatory obstacles to the proposed subdivision of:

- Lot 1, Section 31, Victoria District, Plan 4678 (3096 Cadboro Bay Road), as augmented by the addition of Part of Lot 4, Section 31, Victoria District, Plan 8400 (2381 Lansdowne Road),

which without in any way fettering the exercise of the judgment and authority of the Approving Officer under the *Land Title Act*, would vary the requirements of Sections 3.6.1, 4.15.1, 6.4.4(2)(b) and 6.4.4(2)(c) and Schedule “A” of Bylaw No. 3531 (*Zoning Bylaw, 1986*, as amended) and Sections 6(1) and 8(1) of Bylaw No. 3578 (*Subdivision and Development Bylaw, 1987*, as amended), to allow:

- (1) the proposed Lot B to have a frontage of only 21.335 metres (21.34 metres required);
- (2) the existing residence on the proposed Lot B to have an interior side lot line setback (west side) of only 0.91 metres (1.5 metres required);
- (3) the existing residence on the proposed Lot B to have a rear lot line setback (south side) of only 7.4 metres (7.62 metres required);

- (4) the paving of 43.5% of the rear yard of the proposed Lot B (maximum 25% permitted),

substantially as shown on the sketch plan of the proposed subdivision prepared by Island Land Surveying Ltd. dated May 2, 2008, and the landscape plan prepared by LADR Landscape Architects dated December 31, 2008, both attached to Committee of the Whole agenda item #2009-36, when and if the Approving Officer grants preliminary approval for the proposed subdivision, and upon the applicants satisfying all conditions of preliminary approval set out by the Approving Officer including but not limited to the payment of all required off-site servicing costs and, if applicable, boulevard tree replacement costs.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the motion with respect to the development variance permit pertaining to the proposed subdivision of 3096 Cadboro Bay Road be tabled to enable notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 2071 Stonehewer Place***

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2071 Stonehewer Place (Lot 1, Section 23, Victoria District, Plan VIP85350), 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. (3) (b) Occupiable Height	0.25 m	2.53 m	2.28 m
6.5.4. (3) (c) Maximum Roof Height	4.60 m	5.3 m	0.73 m

to accommodate the proposed construction of a garage as shown on the plans attached to Committee of the Whole agenda item #2009-37, being a memorandum from the Director of Building and Planning dated January 15, 2009.

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the motion in respect of the development variance permit for 2071 Stonehewer Place be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 2347 Windsor Road***

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2347 Windsor Road (Lot 1 & 2, Section 23, Victoria District, Plan 368C, Except Parcel A, (DD 134322I)), varying the following provision of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1 Maximum Paved Surface (rear yard)	25%	37.5%	12.5%

to accommodate the proposed parking area as shown on the plan attached to Committee of the Whole agenda item #2009-38, being a memorandum from the Director of Building and Planning dated January 15, 2009.

MOVED by Councillor Herbert  
Seconded by Councillor Braithwaite, That the motion in respect of the development variance permit for 2347 Windsor Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Development Variance Permit – 2555 Lansdowne Road***

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 2555 Lansdowne Road (Lot 6, Block 19, Section 31, Victoria District, Plan 1216A), 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. (3) (a) + Schedule 'B' Maximum Building Height	7.32 m	7.92 m	.6 m
6.2.4. (3) (b) + Schedule 'B' Maximum Occupiable Height	4.57 m	5.3 m	0.73 m

to accommodate the proposed renovations as shown on the plans attached to Committee of the Whole agenda item #2009-39, being a memorandum from the Director of Building and Planning dated January 7, 2009.

MOVED by Councillor Jensen  
Seconded by Councillor Braithwaite, That the motion in respect of the development variance permit for 2555 Lansdowne Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Traffic Control Order No. 2009-01 – Parking Restrictions, Broom Road***

MOVED by Councillor Braithwaite  
Seconded by Councillor Copley,

1. That a yellow line be painted on the curb on the south side of Broom Road in the locations shown more particularly on the sketch attached hereto, to indicate that parking in the area so marked is prohibited at all times; and

2. That signs be erected on the north side of Broom Road in the locations shown more particularly on the sketch attached hereto, to indicate that parking in the area so marked is prohibited at all times.

CARRIED

BYLAWS:

***For Third Reading and Adoption***

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4451, *Eighty-Second Zoning Bylaw Amendment Bylaw, 2009*, be read a third time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4451, *Eighty-Second Zoning Bylaw Amendment Bylaw, 2009*, be adopted.

CARRIED

***For First, Second and Third Readings***

MOVED by Councillor Jensen  
Seconded by Councillor Braithwaite, That Bylaw No. 4452, *Low-Speed Electric-Powered Vehicle Authorization Bylaw Amendment Bylaw, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Jensen  
Seconded by Councillor Braithwaite, That Bylaw No. 4452, *Low-Speed Electric-Powered Vehicle Authorization Bylaw Amendment Bylaw, 2009*, be read a second time.

CARRIED

MOVED by Councillor Jensen  
Seconded by Councillor Braithwaite, That Bylaw No. 4452, *Low-Speed Electric-Powered Vehicle Authorization Bylaw Amendment Bylaw, 2009*, be read a third time.

CARRIED

ADJOURNMENT:

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

CARRIED

The meeting adjourned at 10:17 p.m.

Certified Correct:

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
A/Mayor