

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, March 9, 2009 at 7:30 p.m.

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

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

ADOPTION OF MINUTES:

Council – February 23, 2009

MOVED by Councillor Braithwaite
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, February 23, 2009, be adopted.

Councillor Cassidy requested that the minutes be changed to reflect that he voted against the development variance permit for 668 Island Road and in favour of 644 Island Road, and there was consensus to make the change.

The question was then called.

CARRIED

Special Committee of the Whole – February 25, 2009

MOVED by Councillor Braithwaite
Seconded by Councillor Cassidy, That the minutes of the Committee of the Whole meeting held on Wednesday, February 25, 2009, and the recommendations contained therein, be adopted.

The question was then called.

CARRIED

COMMUNICATIONS:

1. 2009-92 GREATER VICTORIA PUBLIC LIBRARY, February 26, 2009
Re Greater Victoria Public Library Five Year Financial Plan and 2009 Operating Budget

Barry Holmes, Chief Executive Officer, Greater Victoria Public Library, provided a brief overview of the Library's five year financial plan and the 2009 operating budget, noting that the total increase in municipal contributions for 2009 is 6.6%. The District of Oak Bay's contribution, he said, is \$812,288, an increase of 2.11%, which is considerably reduced from last year's requisition.

Mr. Holmes drew attention to the most significant budget factors, including the increased labour costs associated with the new collective agreement, the new Goudy Branch opening and its operating costs, and the decision to defer the proposed new position for a Facilities Coordinator.

Overall, the demand for public library services has increased by 20% since September 2008, which, said Mr. Holmes, often happens during an economic decline.

Mr. Holmes responded to various questions from members of Council with respect to the library operating budget.

Councillor Copley thanked the Library Board and staff for a job well done and for coming through with the reduced budget increase.

MOVED by Councillor Copley

Seconded by Councillor Jensen, That Oak Bay's share of the 2009 operating budget for the Greater Victoria Public Library in the amount of \$812,288 be approved.

CARRIED

- 2. 2009-90 DIRECTOR OF BUILDING AND PLANNING, February 23, 2009
- 2009-90-1 RICK HAWES, February 21, 2009
- 2009-90-2 SYLVIA MOSER, February 21, 2009
- Re Development Variance Permit Application – 487 Monterey Avenue

Responding to a question from a member of Council, the Director of Building and Planning confirmed that the proposed renovation would not be visible from the street. Mr. Thomassen added that the existing building height and roof height are non-conforming, and the new roof to enclose the top floor deck would match.

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 487 Monterey Avenue (Northerly 43 feet 2 1/2 inches of the Southerly 1/2 of Lot 13, Section 22, Victoria District, Plan 74C) that will vary 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) (a) Maximum Building Height	5.9 m	7.47 m	1.57 m
6.4.4. (3) (c) Maximum Roof Height	7.39 m	8.28 m	0.89 m

to accommodate the enclosure of an existing top floor deck as shown in the plans attached to the memorandum from the Director of Building and Planning dated February 23, 2009.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the motion in respect of the development variance permit for 487 Monterey Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

3. 2009-93 VALERIE GIBSON, February 16, 2009
Re Request for Animal Control Bylaw Amendment – Mandatory Spaying/Neutering for Cats

Responding to questions from Council, the Municipal Clerk advised that the municipality has not received any other requests of this nature from residents or from the Municipality's animal control service provider.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence item no. 2009-93 be received.

CARRIED

4. 2009-94 OAK BAY HERITAGE COMMITTEE, January 8, 2009
Re Minutes of the Meeting

Ronald Telfer -Request to Rename Elgin Road to Burns Street

At its December 15, 2009 meeting Council referred a request from Mr. Telfer to re-name Elgin Road to Burns Street to the Heritage Committee for a recommendation.

Councillor Ney provided a brief overview with respect to the discussion regarding the request to change Elgin Road to Burns Street, saying that the Committee expressed its support for recognizing the heritage significance of the original street name. However, Councillor Ney indicated that the Committee expressed concerns regarding the impact to residents and property owners who would be affected by the proposed change, and acknowledged the costs and inconvenience that would be attributable to address changes to be borne by the affected residents, and chose to leave the decision of the practicality of making the name change to Council.

Agreeing that the inconvenience and impact on residents was significant, it was suggested by members of Council that the Heritage Committee look into an alternative way of acknowledging the previous street name, i.e. with a marker or a plaque, and come up with a process for acknowledging the original names of other streets that have had a name change as well. There was consensus to request the Committee to provide a recommendation to Council in this regard.

Tod House

In providing background information regarding the Committee's discussion about Tod House, Councillor Ney explained that rather than take on a management role for the property, the Committee wishes to work towards providing a planning framework for the future of the property. It was the general consensus of Council that the proposal by the Committee to develop a planning framework for Council's consideration was desirable and would be in keeping with the Committee's mandate pursuant to the Heritage Committee Structure Bylaw.

Archives Management Proposal

Councillor Ney explained that the Volunteer Archivist, Jean Sparks, has indicated that after this year she will no longer continue in her role noting that Ms. Sparks has presented a proposal for Council to consider funding a part time archivist, as included in the agenda package, which is supported by the Heritage Committee. It has been suggested, she said, that the \$10,000 Legacy Fund set aside for the Archives could be augmented with a matching grant, perhaps, which would cover the costs of an Archivist for the first year.

Responding to questions, Councillor Ney clarified that the Committee is not requesting funds for this year's budget, but providing notice of its future desire for a paid Archivist.

The Municipal Administrator pointed out that the paid position as described could not be contracted out as it likely would be considered an employee/employer relationship, which would require the Canadian Union of Public Employee's involvement.

Mr. Cochrane added that should additional municipal staff be contemplated, consideration should be given to whether this position would be of the most benefit for the municipality or if there are other priorities.

It was acknowledged that various aspects of the proposal would require further exploration.

Demolition and Deconstruction Permits - Update

Councillor Ney noted that the Heritage Committee is continuing to look into what other local governments are doing to control demolition and deconstruction of homes in their communities.

MOVED by Councillor Ney

Seconded by Councillor Copley, That the minutes of the Oak Bay Heritage Committee meeting held on January 8, 2009 be received.

CARRIED

5. 2009-95 JACKIE CAMPBELL AND DIANE MACRAE, February 19, 2009
Re Request for Road Closure for Block Party on St. Patrick Street – July 1, 2009

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That permission be given for the closure of St. Patrick Street between Beach Drive and Central Avenue on Sunday, July 1, 2009, from 9 o'clock a.m. to 12 o'clock noon, for the purpose of a neighbourhood block party.

CARRIED

6. 2009-96 MUNICIPAL CLERK, March 6, 2009
2008-238 PENINSULA RUNNERS ATHLETIC SOCIETY, September 4, 2008
Re Request for Temporary Closure of Portion of Hampshire Road for 2009 Oak Bay Half Marathon - May 24, 2009

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That the temporary road closure and overnight occupancy of the portion of Hampshire Road between Oak Bay Avenue and Theatre Lane, from 6:00 o'clock p.m. on Saturday, May 23 to 12:00 o'clock noon on Sunday, May 24, 2009, as detailed in correspondence item no. 2008-238, for the staging of the 2009 Oak Bay Half Marathon, be approved, subject to the same terms and conditions attached to the original approval for the 2009 half marathon route.

CARRIED

7. 2009-97 MINISTRY OF COMMUNITY DEVELOPMENT, February 25, 2009
2009-97-1 MUNICIPAL ADMINISTRATOR, February 25, 2009
Re Provincial Grant Restructuring

The Municipal Administrator provided a brief overview of his memorandum (correspondence item no. 2009-97-1) regarding the Province's restructuring of Small Community and Traffic Fine Revenue Sharing Grants, and the requirement to enter into an agreement with the Province in this regard.

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That the Municipal Clerk be authorized to execute, on behalf of The Corporation of the District of Oak Bay, the Strategic Community Investment Funds Agreement in the form attached to correspondence item 2009-97, being a letter from the Ministry of Community Development dated February 25, 2009.

CARRIED

8. 2009-98 DEPUTY TREASURER, March 4, 2009
Re Tender Award Recommendations – Public Works Vehicles

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That the 2009 tenders be awarded as follows:

PW09-2009

Vimar Equipment Vacuum Street Sweeper, (Elgin Geovac) for: \$249,868.95

PW10-2009

Fort Fabrication Ltd. Salt and Sand Spreader (Hi-Way E2020XT) for: \$ 17,435.86

as detailed in the memorandum from the Deputy Treasurer, dated March 4, 2009 (correspondence item no. 2009-98).

CARRIED

9. 2009-99 SPIRIT OF BC GREATER VICTORIA SPIRIT COMMITTEE, March
5, 2009
Re Grant Request

With respect to the grant request from the Spirit of BC Greater Victoria Spirit Committee, a member of Council queried why Oak Bay was being asked to contribute \$20,000, of the total

amount of \$80,000 being sought from local governments for the entire region, noting that an explanation of the formula used would be helpful.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the grant request from the Spirit of BC Greater Victoria Spirit Committee in the amount of \$20,000 be referred to Council's Estimates Committee for consideration during budget deliberations, and further that staff be directed to send a letter to the Spirit of BC Greater Victoria Spirit Committee requesting information regarding the formula used for the grant amount being requested, and the response received from other local governments.

CARRIED

10. 2009-100 ED AND DIANA LIFE, March 4, 2009
Re Development Variance Permit Application – 3265 Beach Drive

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That correspondence item no. 2009-100 be received.

CARRIED

11. 2009-101 DGBK ARCHITECTS, March 4, 2009
2009-101-1 BARBARA AND PETER DUNCAN, March 6, 2009
2009-101-2 GRANT SCHNURR, [Undated]
Re Development Variance Permit Application – 831 Newport Avenue

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence items no. 2009-101 and 2009-101-2 be received.

CARRIED

12. 2009-102 ERIC AND IRENE DODD, March 1, 2009
2009-102-1 JOHN BERNARD, March 2, 2009
2009-102-2 PAUL AND ZUZANA BROWN, March 3, 2009
2009-102-3 DONNA AND GENE SPENCER, March 6, 2009
Re Development Variance Permit Application – 966 Byng Street

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence items no. 2009-102 to 2009-102-3 be received.

CARRIED

13. 2009-103 R. P. FINEGAN, March 5, 2009
Re Bylaw No. 4453, Denison Road Lane Stopping Up, Closing and
Removing of Highway Dedication Bylaw, 2009

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence item no. 2009-103 be received.

CARRIED

NEW BUSINESS:

Oak Bay Child and Youth Committee Musical Art Show

Councillor Braithwaite extended an invitation to Mayor and Council to attend the Musical Art and Bake Show to raise funds for the Committee's initiatives. The event will be held Wednesday, March 11, 2009 from 10:00 a.m. to 9:00 p.m. at the Oak Bay Recreation Centre's Sports View Deli Bar and Grill and will showcase the artistic talent of youth in the community.

Oak Bay High School Redevelopment

Councillor Jensen drew attention to the many issues surrounding the pending rebuild of the Oak Bay High School suggesting that it would be helpful for stakeholders to have an opportunity early on in the planning process to express their views at a community wide consultation opportunity.

It was suggested that Mayor Causton carry the message to the Chair of the School Board to consider hosting an information session regarding the proposed new Oak Bay High School.

At this time, Councillor Cassidy declared a possible conflict noting that he is a third party consultant to School District No. 61. He left the meeting at 8:30 p.m.

Mayor Causton advised that he has been in contact with the School Board as well as the principal of Oak Bay High School and had asked Dave Thomson to bring forward information to share with Council regarding the school upgrade.

Councillor Cassidy returned to the meeting at 8:36 p.m.

TABLED:

Development Variance Permit – 3265 Beach Drive

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 3265 Beach Drive (Lot A, Section 31, Victoria District, Plan 3695), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.10.4 Minimum Rear Lot Line Setback	3.0 m	0.46 m	2.54 m
4.10.5; 6.2.4.(2)(c); Schedule "C" Minimum Interior Side Lot Line Setback	4.57 m	0.38 m	4.19 m

to accommodate the proposed construction of an in ground Jacuzzi as shown on the plans attached to Committee of the Whole agenda item #2009-52, being a memorandum from the Director of Building and Planning dated January 27, 2009.

CARRIED

Diana Life, stated that she is the neighbour living north of the subject property and is concerned that the in ground jacuzzi would be situated on the shared property line. Ms. Life commented that with the property being so large the jacuzzi could be built at a different location on the lot, which might be more appropriate.

It was noted that an above ground hot tub was previously situated in the same location.

Responding to questions, Ms. Life indicated that she had not spoken to the applicant regarding the proposal.

Following further discussion, concerns were expressed by some members of Council that the proposed jacuzzi location would be very close to the neighbour's existing sitting area and could affect their enjoyment of their property.

Jonathan Craggs, Jonathan Craggs Garden & Consultation, noted that the proposed location for the jacuzzi was chosen because it would not interfere with other existing landscape features. He added that he would be happy to discuss the proposal in more detail with the adjacent neighbours.

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That the request for a development variance permit for 3265 Beach Drive be tabled to allow the applicant time to consult with the neighbour at 3275 Beach Drive.

CARRIED

Development Variance Permit – 966 Byng Street

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 966 Byng Street (Parcel A (being a consolidation of Lots 8 & 9 see FB236465), Section 22, Victoria District, Plan 74G), 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) (b) Gross Floor Area	420 sq m	522 sq m	102 sq m
6.4.4. (6) (b) Gross Floor Area higher than 0.8 metres below grade	360 sq m	399 sq m	39 sq m

to accommodate the proposed construction of a new home as shown on the plans attached to Committee of the Whole agenda item #2009-66, being a memorandum from the Director of Building and Planning dated February 6, 2009, and the elevations printed for the purposes of the February 23, 2009 Council meeting.

CARRIED

Responding to a question from a member of Council, the Director of Building and Planning advised that the lot coverage is compliant with the bylaw regulations (maximum of 25%).

Ernie Hansen, Ernest Hansen Design, in attendance on behalf of the applicants, provided an overview of the proposed new home explaining that it would be low profile and is designed to link the house and studio under one roof. The design also allows the owners to retain a very large Arbutus tree situated close to the proposed home.

Mr. Hansen added that under the current bylaw regulations the total floor area could be bigger than what is being proposed by incorporating a detached garage instead, but that it is the owner's desire to save the numerous Garry Oak trees on the property and it would not be a good design option in this case. According to his calculations, Mr. Hansen said that the lot coverage for the proposed dwelling, which includes the porches, would be approximately 20%.

Further discussion ensued with members of Council commenting on various aspects of the plans and various questions from Council being answered by Mr. Hansen.

A member of Council expressed her appreciation that the proposed siting of the dwelling leaves plenty of room around the building while still maintaining the existing mature trees. It was also expressed that it would be difficult to achieve any simulation of the original cottages that had been situated on the two lots previously.

Mr. Hansen commented that for many years the property was very much a park-like setting agreeing that any change will be significant.

It was the view of some members of Council that the dwelling should be able to be built without variances with a property of this size and wondered if it would be reasonable to refine the plans to better fit within the bylaw regulations.

Mayor Causton commented on the unusual design of the dwelling, suggesting that perhaps it could be reviewed by the Advisory Design Panel to address any design concerns.

Mr. Hansen indicated that he and his clients would be amenable to discussions with the Advisory Design Panel as suggested.

MOVED by Councillor Copley

Seconded by Councillor Ney, That the development variance permit for 966 Byng Street be referred to the Advisory Design Panel for review and recommendation to Council prior to final consideration of issuance of the development variance permit.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That the motion in respect of the development variance permit for 966 Byng Street be tabled.

CARRIED

Development Variance Permit – 2544 Nottingham Road

MOVED by Councillor Cassidy

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 2544 Nottingham Road (That Part of Lot 10, Block 19, Section 31, Victoria District, Plan 1212-A lying to the south west of a straight boundary joining the points of bisection of the north westerly and south easterly boundaries of said lot), varying the following provision of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4. (2)(e) & Schedule "C" Minimum total side lot line setback	9.75 m	9.28 m	0.47 m

to formalize the actual siting of the building and to accommodate the total side lot line setback as shown on the survey attached to Committee of the Whole agenda item #2009-67, being a memorandum from the Director of Building and Planning dated February 10, 2009.

CARRIED

The question on the main motion was then called.

CARRIED

Development Variance Permit – 831 Newport Avenue

MOVED by Councillor Braithwaite

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 831 Newport Avenue (Lot 5, Block 1, Section 73, Victoria District, Plan 992), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
4.10.4 Minimum Side Lot Line Setback (miscellaneous structures)	3.0 m	1.83 m	1.17 m
6.5.4 (2)(b) Minimum Rear Lot Line Setback	7.62 m	6.98 m	0.64 m
4.15.1 Maximum Paved Surface (rear yard)	25% (29 sq m)	36.3% (42.1 sq m)	11.3 % points (13.1 sq m)

to accommodate the paving and the siting of a generator as shown on the plan attached to Committee of the Whole agenda item #2009-68, being a memorandum from the Director of Building and Planning dated February 10, 2009.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Jensen, That the motion be amended by replacing the words 'to accommodate the paving and the siting of a generator', with 'to accommodate the paving, siting of the generator and siting of the principal building'.

CARRIED

Sebastian Butler, DGBK Architects, spoke to the three variances being requested saying that the patio area has been constructed with permeable pavers and that with the backyard enclosed by a six foot high fence the patio area is not visible to the neighbours or from the street.

Mr. Butler noted that an error on the original survey, discovered during construction, was not incorporated into the plans, resulting in the requirement for a rear yard variance with respect to the garage, which had to be redesigned after the first development variance permit was approved.

The generator, said Mr. Butler, has been skirted with acoustic screening (no roof) which reduced the noise level to 76 decibels, which does not meet the noise level limit requirements. He said that a roof on the structure may help reduce the noise level further, noting that the generator will run intermittently, once a month for 20 minutes, and would be for emergency use only. He felt that moving the generator to another location on the property would not change the noise level for the neighbours in any event.

Responding to concerns expressed by members of Council that changes to the previously approved plans were made without approval, Mr. Butler explained that installing the paved patio was an oversight in the landscaping process as the applicant was unaware of the bylaw regulations limiting the allowable paved surface. Further, he said, once the raised patio was installed, it was decided to move the generator to what was felt to be a more suitable location.

Commenting on the location of the generator, Peter Schultze, builder and representative of the applicant, said that due to the original location being in close proximity to combustible materials it was necessary to move it. Mr. Schultze explained that the generator will be used as a backup for residential use and for the sump pump, which is needed to prevent potential flooding.

Gustav Grunberg, husband of the homeowner, explained that to comply with the rear yard setback, a portion of the building would have to be removed. He then distributed photographs of the patio and generator noting that they were unaware of the paved surface limitations and that the generator placement was not permitted.

As requested by Council, the Director of Building and Planning provided an overview of the sequence of events leading up to the need for the development variance permit application with respect to the rear yard variance that is currently before Council.

Following further discussion on the individual variances being requested, it was the majority view of Council that while the other variances were supportable, due to the impact on other properties it could not support the location of the generator and concerns were again expressed with what seemed to be a disregard for the regulations.

MOVED by Councillor Cassidy

Seconded by Councillor Jensen, That the motion in respect of the development variance permit for 831 Newport Avenue be amended to delete the following words:

“4.10.4

Minimum Side Lot Line Setback (miscellaneous structures)”	3.0 m	1.83 m	1.17 m
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and the words "siting of the generator".

The question on the main motion, as amended, was then called.

CARRIED

(Councillor Braithwaite against the motion)

Development Variance Permit – 644 Island Road

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 the lands described as at February 23, 2009 as Amended Lot 5 (DD 136486-I), Lot 6, and Part of Amended Lot 4 (DD 92902-I), all in Section 22, Victoria District, Plan 2994), varying the following provision of Bylaw No. 3531 (*Zoning Bylaw, 1986*, as amended):

Section 4.15.1

Maximum. % of Front Yard Allowed to be Paved	25%
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to accommodate the construction of a driveway and parking area together covering 78 square metres of the front yard of the land representing the said Amended Lot 5, with such authority to take effect only upon the cancellation of the interior lot line between Amended Lot 5 and Lot 6 and the relocation of the boundary between Amended Lot 5 and Amended Lot 4, all as more particularly shown on the site plan appended to Committee of the Whole agenda item #2009-69, being a memorandum from the Director of Building and Planning dated February 11, 2009, and subject also to the proviso that in the interim no new paving or other hard surfacing be laid or constructed within the front yard of Lot 6.

CARRIED

The question on the main motion was then called.

CARRIED

Development Variance Permit – 668 Island Road

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, 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 668 Island Road (Amended Lot 4 (DD 92902I), Section 22, Victoria District, Plan 2994), varying the following provision of Bylaw No. 3540, being the *Parking Facilities Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.7 and Schedule "A", S. A.1.(a) Minimum No. of Parking Spaces	2 (including 1 In building)	1 (none in building)	1 space (waive the "1 space in building requirement")

to accommodate the removal of the existing garage and to permit only one uncovered parking space, as shown on the plan attached to Committee of the Whole agenda item #2009-70, being a memorandum from the Director of Building and Planning dated February 11, 2009.

CARRIED

The question on the main motion was then called.

CARRIED
(Councillor Cassidy against the motion)

Development Variance Permit – 2380 Windsor Road

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, 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 2380 Windsor Road (Lot 10, Section 23, Victoria District, Plan 1035), 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>
6.5.4 (6) (a) Gross Floor Area higher than 0.8 metres below grade	240 sq m	275 sq m	35 sq m

to accommodate the proposed addition as shown on the plans attached to Committee of the Whole agenda item #2009-71, being a memorandum from the Director of Building and Planning dated February 11, 2009.

CARRIED

The question on the main motion was then called.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That Bylaw No. 4453, *Denison Road Lane Stopping Up, Closing and Removing of Highway Dedication Bylaw, 2009*, be adopted.

A member of Council drew attention to the letter from a resident (correspondence item no. 2009-103) suggesting that a covenant to the effect that no additional buildings would be permitted on the area proposed to be sold, and/or that no part of the newly acquired land should be included as part of a required setback in future applications for the property.

Responding to the suggestion, the Municipal Administrator noted that although there was some discussion in this regard at a previous meeting, no direction was given to pursue a covenant. However, said Mr. Cochrane, with respect to the Denison Road land proposed to be sold, the existing dwelling is already only six feet from the property line, therefore it would be unlikely that any future redevelopment would be any closer to the road.

The question was then called.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the Municipality or another position appointed by the Municipality.

CARRIED

The meeting adjourned at 10:12 p.m.

Certified Correct:

Municipal Clerk

Mayor