

REPORT of a PUBLIC HEARING 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, July 20, 2009 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor A. R. Cassidy
Councillor P. Copley
Councillor J. D. Herbert
Councillor T. Ney

STAFF: Municipal Administrator, W. E. Cochrane
Confidential Secretary, K. Green
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

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

Bylaw No. 4474, *Eighty-Third Zoning Bylaw Amendment Bylaw, 2009*

The Mayor asked the Municipal Administrator to explain the purpose of Bylaw No. 4474.

The Municipal Administrator explained that there is a general prohibition against boat houses at the Oak Bay Marina, both in the Municipality's lease with the Marina operator and in the marina zoning. An exception is made, said Mr. Cochrane, for a single boat house to be used for sea rescue purposes.

Mr. Cochrane advised that the current boat house was built in 1995. Since that time, the non-profit operator of the sea rescue service, the Oak Bay Sea Rescue Society, has had a succession of boats of increasing size, to the point that the current vessel is too long for the existing structure to protect it properly. Also, over the years, he said that the side walkways along the inside of the structure had been narrowed to accommodate boats that were wider than the one sheltered there in 1995, making for an awkward and somewhat hazardous situation according to the Sea Rescue Society.

The Society was therefore seeking to replace the existing boat house with a larger one, he said.

Mr. Cochrane explained that the existing boat house was actually nonconforming. At the time of construction, the Society had advised the Municipality that it desired what it referred to as "unimpeded access to the ocean." This meant that the boat house was placed on the outside perimeter of the marina dock area. The effect, added Mr. Cochrane, was that it jutted out beyond the boundaries of the marina zoning, into the Sea Zone (P-4) which in fact does not allow these kinds of structures.

With the boat house now being proposed to be rebuilt, he said that this was an appropriate time to consider bringing the zoning into proper conformance with the actual use.

Mr. Cochrane said that Bylaw No. 4474 would rezone from "Sea Zone" to "Marine Commercial" the portion of foreshore or land covered by water more or less corresponding to the outline of the proposed new boat house, as highlighted in the public hearing notice. Despite the zone title, he said, the Bylaw clarifies that this new area added to the Marine Commercial zone was not to be used for commercial purposes.

Mr. Cochrane also noted that the existing zoning restricted the height, width and length of the Sea Rescue boat house. He said that with the larger boat now having to be sheltered, the Bylaw would increase these maximum dimensions, which would add roughly another three feet in allowable height, two feet in allowable width, and eleven feet in allowable length.

In conclusion, Mr. Cochrane explained that the proposed rezoning was a necessary but not sufficient condition for the construction of a new boat house. The Province, as owner of the sea bed, would also have to grant the required permissions through its Crown land licence process.

COMMUNICATIONS:

- 2009-169 OAK BAY SEA RESCUE SOCIETY, May, 5, 2009
- 2009-169-1 OAK BAY MARINE GROUP, April 27, 2009
- 2009-169-2 MUNICIPAL ADMINISTRATOR, May 6, 2009
- 2009-211 OAK BAY MARINE GROUP, June 3, 2009
- 2009-223 OAK BAY SEA RESCUE SOCIETY, June 17, 2009
- 2009-223-1 OAK BAY SEA RESCUE SOCIETY, June 18, 2009
- 2009-223-2 COREY BURGER, JUNE 22, 2009
- 2009-250 PATTERSON ADAMS, BARRISTERS & SOLICITORS, June 19, 2009
- 2009-250-1 APPLETON CONSULTING, June 22, 2009
Re Rezoning Proposal, Oak Bay Sea Rescue Boat House

MOVED by Councillor Herbert

Seconded by Councillor Cassidy , That correspondence items no. 2009-169 to 2009-169-2, 2009-211, 2009-223 to 2009-223-2, 2009-250 and 2009-250-1 be received.

CARRIED

Mayor Causton asked the Municipal Administrator if any correspondence pertaining to the Public Hearing had been received too late for inclusion with the material already distributed to Council members. It was confirmed that no further submissions had been received.

PUBLIC:

Mayor Causton asked three times if any members of the public wished to come forward to speak to the Bylaw.

No one coming forward, it was

MOVED by Councillor Herbert

Seconded by Councillor Copley , That the public hearing do now adjourn.

CARRIED

The public hearing adjourned at 7:38 p.m.

Certified Fair and Accurate:

D/Municipal Clerk

Mayor

