

SPECIAL COUNCIL MEETING
FOR THE PURPOSES OF A **PUBLIC HEARING**
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
TUESDAY, FEBRUARY 24, 2004 AT 7:30 P.M.

Present:

Chair: Mayor Leonard
Council: Councillors Brownoff, Cubberley, Derman, Gillespie, Ngai, Pickup, Wade, and Wergeland (8:20pm).
Staff: R. Fuoco, Director of Planning Services; J. Bains, Development Coordinator; M. Trottier, Deputy Municipal Clerk; and C. Bonnicks, Senior Committee Clerk.

No. 74
Saanich Road
Bylaw 8532

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8532"

PROPOSED 2 LOT RESIDENTIAL SUBDIVISION ON SAANICH ROAD AT FALMOUTH ROAD

To rezone Lot 1, Section 33, Victoria District, Plan 1158 (**3839 SAANICH ROAD/FALMOUTH ROAD**) from zone RS-6 (single family dwelling) to zone RD-1 (two family dwelling) for a proposed duplex. **A DEVELOPMENT PERMIT** applicable to the above lands will also be considered to require the buildings and lands to be constructed and developed in accordance with the plans submitted.

The Notice of Public Hearing; the reports of the Director of Planning Services dated November 24, 2003 recommending approval; supplementary reports of the Director of Planning Services dated January 16 and February 4, 2004 providing additional information with respect to the relocation of the proposed addition to line up with the existing dwelling; a letter from the applicant responding to concerns raised at the Committee of the Whole meeting; a letter in opposition from the Quadra Cedar Hill Community Association and a letter in opposition from the adjacent neighbours at 3835 Saanich Road; were introduced.

APPLICANT:

Ms. S. Bonet, 4186 Quadra Street, representing the owner, stated:

- S After listening to the concerns of the neighbours at the Committee of the Whole meeting they have agreed to the following:
- < repositioning the new addition on the site so that it will align with the existing house;
 - < not increasing the number or size of windows on the south elevation;
 - < retaining the existing trees in the southwest corner of the lot;
 - < providing a hedgerow along the south boundary and eliminating the hammerhead driveway to the south to preserve the privacy of the adjacent neighbours; and
 - < hiring a civil engineer to address stormwater management issues as required by Saanich bylaws.

PUBLIC INPUT:

Ms. K. Smestad, 3835 Saanich Road, stated:

- S She has raised a number of concerns and is pleased that the applicant has addressed most of them.

- S She requested clarification that a document be put in place to ensure that the hedge would grow to at least 14 feet in height.
- S They would like the hedge to be planted on their property.
- S She queried how stormwater management issues would be addressed if they were to experience any problems in the future.
- S She would like a fence constructed along the property line between the her property and the subject property.

In response to a question from Councillor Pickup, Ms. Smestad stated:

- S In a letter to Council dated January 27, 2004 they agreed to pay for the hedge if the applicant paid for a new fence along the property line; since that time they have changed their minds and would like the applicant to pay for both the fence and the hedge.

Councillor Derman stated:

- S The applicant had indicated at the Committee of the Whole meeting that they would be willing to pay for the hedge to be planted on the property located at 3835 Saanich Road.

Councillor Cubberley stated:

- S It would appear to simplify matters if the applicant planted the hedge on his own property.

Mr. C. Flores, 3835 Saanich Road, stated:

- S There are three fruit trees in his yard approximately three feet away from the fence; these would need to be removed to accommodate the hedge and he would like the applicant to pay for them to be relocated.
- S If the hedge is planted on his property he will not have to worry about how high it will grow although he will lose the use of some of his property.

Ms. V. Sanders, president, Quadra Cedar Hill Community Association, stated:

- S The letter on file is not a letter of opposition but a letter outlining the concerns of the neighbourhood.
- S There are concerns that the building plans indicate that the dwelling may be a triplex rather than a duplex as the new addition has an entrance to both the basement and main floors.
- S They queried whether the property could be strata titled in the future given that the existing dwelling will overlap the basement of the new addition.
- S The Association agrees that the applicant should pay for the hedge which the owners of the property at 3835 Saanich Road have requested be planted on their property.
- S As a sump pump has been included in the plans, they are concerned that this is an indication of future drainage problems.
- S They would like Council to ensure that all of the issues raised are addressed either through the development permit or a covenant to avoid future misunderstandings.

Mr. D. Stewart, 870 Pendene Place, stated:

- S As there is no street parking along Saanich Road, all the overflow vehicles park on Pendene Place; he is concerned that this duplex will only add to the problem and requested that additional parking be accommodated on the site.
- S He is concerned about runoff as he is directly downhill from the subject property.

In response to questions from Council, the Development Coordinator stated:

- S The applicant will be required to engage a civil engineer to address the stormwater management requirements.
- S The property to the south will receive less water runoff than it does now because of the improved stormwater management.

APPLICANT'S RESPONSE:

Ms. Bonet stated:

- S The applicant is willing to address and satisfy the concerns of the neighbour at 3835 Saanich Road.
- S Perhaps the hedge could be relocated to protect the trees which Mr. Flores advised would have to be moved.
- S The applicant has agreed to pay for the replacement fence as well as the hedge.
- S The sump pump has been included in the design only as a precaution until a civil engineer has been consulted.
- S The applicant plans to strata title the property at some time in the future.
- S The applicant would be willing to provide a covenant preventing a suite from being constructed in the basement of the new addition.
- S Site coverage including the addition will be 50%; this does not include the patios.
- S The infiltration chambers to manage stormwater will be installed around the perimeter of the property.

In response to a question from Council, the Director of Planning Services stated:

- S It is possible to register a covenant on this property to ensure a third suite is never constructed although this has not been the practice in Saanich as there is a bylaw which forbids it.
- S Hedges on a property other than the subject property cannot be regulated through the development permit; there would have to be an agreement between the two property owners and a minor amendment to the development permit in future would simply remove the hedge requirement from the development permit.

Moved by Councillor Derman and Seconded by Councillor Gillespie:

“That:

- 1. The application to rezone to RD-1 be approved; and**
- 2. As agreed by the applicant, a restrictive covenant be registered prior to final reading of the zoning amendment that would ensure a third suite could never be constructed within the duplex.”**

Councillor Derman stated:

S He had concerns that this could be turned into a triplex but is reassured by the applicant’s offer to provide a covenant to prevent this.

Councillor Pickup stated:

S She will not support this application as she believes this is not an appropriate place for a duplex and that the site will be overbuilt.

S If the lot is strata titled in the future, this will only complicate matters as neighbours will have to deal with two owners instead of one if there are issues to be resolved.

Councillor Wergeland stated:

S He appreciates the consultation process the applicant has undertaken with the neighbourhood.

S He believes that a restrictive covenant should not be requested as there is a bylaw in place which already prohibits a suite.

S He is concerned that there is not enough parking being proposed to accommodate this addition.

**The Motion was then Put and CARRIED
with Councillor Pickup voting against.**

No. 75
Saanich Road
Bylaw No. 8532

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8532”
Second and Third Readings.

**Moved by Councillor Gillespie and Seconded by Councillor Derman:
“That Bylaw No. 8532 be read a second time.”**

CARRIED

with Councillor Pickup voting against.

**Moved by Councillor Gillespie and Seconded by Councillor Derman:
“That Bylaw No. 8532 be now passed.”**

CARRIED

with Councillor Pickup voting against.

**Moved by Councillor Pickup and Seconded by Councillor Gillespie:
“That it be recommended that Council approve and issue
Development Permit No. DPR2003-00012 on Lot 1, Section 33, Victoria
District, Plan 1158 (3839 SAANICH ROAD).”**

CARRIED

with Councillor Pickup voting against.

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 9:21 p.m.

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MAYOR

I hereby certify that these minutes are correct.

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MUNICIPAL CLERK