

MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, SEPTEMBER 10, 2007 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Brice, Brownoff, Derman, Gillespie, Hunter, Sanders and Wergeland  
**Staff:** Tim Wood, Administrator; Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Carrie MacPhee, Manager of Legislative Services; and Shirley Leggett, Senior Committee Clerk.

Minutes **ADOPTION OF MINUTES**

**MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: "That the Minutes of the Council and Committee of the Whole Meetings held August 20, 2007, be adopted."**

**CARRIED**

Bylaws **BYLAWS**

No. 194 **FIREWORKS REGULATION BYLAW**

ADM40  
Bylaw 8865  
Three Readings of the "Fireworks Regulation Bylaw, 2007, No. 8865". To incorporate changes to the Fireworks Bylaw using the same model as View Royal, Colwood and Langford.

**MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8865 be introduced and read."**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8865 be read a second time."**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8865 be now passed."**

**CARRIED**

No. 195 **TICKET BYLAW AMENDMENT**

ADM40  
Bylaw 8866  
Three Readings of the "Ticket Bylaw 2001, Amendment Bylaw 2007, No. 8866". To incorporate the new Fireworks Regulation Bylaw.

**MOVED by Councillor Wergeland and Seconded by Councillor Hunter: "That Bylaw No. 8866 be introduced and read."**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Hunter: "That Bylaw No. 8866 be read a second time."**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Hunter: "That Bylaw No. 8866 be now passed."**

**CARRIED**

No. 196  
ADM40 - Treasury  
Bylaw 8872

**REVENUE ANTICIPATION BORROWING BYLAW**

Three Readings of the "Revenue Anticipation Borrowing bylaw, 2007, No. 8872". To provide for the borrowing of money in anticipation of revenue.

**MOVED by Councillor Brice and Seconded by Councillor Sanders:**  
**"That Bylaw No. 8872 be introduced and read."**

**CARRIED**

**MOVED by Councillor Brice and Seconded by Councillor Sanders:**  
**"That Bylaw No. 8872 be read a second time."**

**CARRIED**

**MOVED by Councillor Brice and Seconded by Councillor Sanders:**  
**"That Bylaw No. 8872 be now passed."**

**CARRIED**

No. 197  
Ventura Way  
Bylaw 8868

**1885 VENTURA WAY (A PORTION)**

First reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2007, No. 8868". To rezone from RS-6 (Single Family Dwelling – minimum lot size 560m<sup>2</sup>) to RS-4 (Single Family Dwelling – minimum lot size 460m<sup>2</sup>) for a proposed two lot residential subdivision.

**MOVED by Councillor Brownoff and Seconded by Councillor Gillespie:** "That Bylaw No. 8868 be introduced and read."

**CARRIED**

No. 198  
Major Road  
Bylaw 8869

**4821 MAJOR ROAD**

First reading of the "Zoning Bylaw 2003, Amendment Bylaw 2007, No. 8869". To rezone from RS-18 (Single Family Dwelling – minimum lot size 2ha) to RS-12 (Single Family Dwelling- minimum lot size 930m<sup>2</sup>) for a proposed two lot residential subdivision.

**MOVED by Councillor Sanders and Seconded by Councillor Gillespie:**  
**"That Bylaw No. 8869 be introduced and read."**

**CARRIED**

No. 199  
PLD60  
Bylaw 8870

**OFFICIAL COMMUNITY PLAN AMENDMENT**

First Reading of the "Official Community Plan Bylaw 1993, Amendment Bylaw 2007, No. 8870". To amend Appendix "N" – Development Permit Areas, Justification and Guidelines, to include 2591 Penryhn Street within the Cadboro Bay Village Development Permit Area.

**MOVED by Councillor Wergeland and Seconded by Councillor Sanders:** "That Bylaw No. 8870 be introduced and read."

**CARRIED**

No. 200  
Sinclair Rd/  
Penrhyn Street  
Bylaw 8871

**2588 SINCLAIR ROAD, 2589 AND 2591 PENRHYN STREET**

First reading of the "Zoning Bylaw 2003, Amendment Bylaw 2007, No. 8871". To rezone from C-2 (General Commercial) and RS-10 (Single Family Dwelling) to C-4 (Office and Apartment) for a ten unit apartment building with office space, and two attached housing units.

**MOVED by Councillor Gillespie and Seconded by Councillor Sanders:  
"That Bylaw No. 8871 be introduced and read."**

**CARRIED**

Adjournment

On a Motion from Councillor Gillespie, the meeting adjourned at 7:35 p.m.

The meeting reconvened at 9:17 p.m.

*From the Committee of the Whole Meeting held September 10, 2007.*

No. 201  
Wilkinson Road  
Covenant

**4481 WILKINSON ROAD – AMENDMENT TO COVENANT – ELKE AND PAUL BROWN**

**MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: "That Covenant EK002122 on Lot A, Section 9, Lake District, Plan VIP62627 (Strata Plan VIS6349) (4481 Wilkinson Road), be amended to permit the construction of a driveway with an access to Wilkinson Road within 5.0 metres of the southwest corner of the property."**

**CARRIED**

In Camera Motion

**MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That the following meeting be closed to the public as the subject matter being discussed relates to personnel matters and/or labour relations."**

**CARRIED**

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 9: 18 p.m.

.....  
MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, SEPTEMBER 10, 2007 AT 7:36 P.M.**

Present: **Chair:** Councillor Brice  
**Council:** Mayor Leonard and Councillors Brownoff, Derman, Gillespie, Hunter, Sanders, and Wergeland  
**Staff:** Tim Wood, Administrator; Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Carrie MacPhee, Manager of Legislative Services; and Shirley Leggett, Senior Committee Clerk.

Southover Lane  
Subdivision

**1009 SOUTHOVER LANE – SUBDIVISION AND REQUEST TO WAIVE THE 10% ROAD FRONTAGE REQUIREMENT FOR PROPOSED LOT 1 – HARDEV AND MALVINDER GILL**

Report of the Municipal Planner dated August 16, 2007 recommending that proposed Lot 1 be exempted from the statutory requirement to provide a minimum 10% perimeter road frontage, and further that that applicants be advised that the additional kitchen areas shown cannot be constructed unless and until a Rooms for Family Members affidavit has been submitted by the then owner/builder pursuant to Section 5.26 of the Zoning Bylaw.

Mr. R. McNeil, McNeil Building Designs Ltd., on behalf of the applicant stated:

- The proposal is to subdivide the subject property and create one standard lot and one panhandle lot.
- A neighbourhood meeting was held and general support for the proposed subdivision was implied.
- The panhandle access for proposed Lot 1 will be located along the westerly property line; the existing driveway will be used to access proposed Lot 2.
- There were a few challenges involved in the orientation of the proposed dwellings as the property slopes from north to south and some trees and root zones are protected by covenant.
- They are proposing to construct a two storey dwelling on proposed Lot 1 and a one and one half storey dwelling on proposed Lot 2; neither of the dwellings will have a basement area.
- The owners have an extended family so other family members will be living with them; they are prepared to sign the “Rooms for Family Members” affidavit.

In response to questions from Council, Mr. McNeil stated:

- There are small bedroom windows on the upper floor of the dwelling for proposed Lot 2 that will overlook the adjacent property at 1015 Southover Lane; they tried to keep the size of the upper storey to a minimum so it would not be too imposing to the neighbours.
- The landscape plan has not been completed but for proposed Lot 2 they will consider planting some kind of buffer that will grow higher than the existing fence.
- They will attempt to deconstruct as much of the existing dwelling as

possible; plant material can be salvaged where possible.

Dr. B. Fletcher, 1015 Southover Lane, stated:

- Apparently the Falaise Community Association is neither supportive nor opposed to the proposed subdivision.
- He has no objections to the subject property being subdivided but he has concerns with the location of the proposed garage for the dwelling on Lot 2; he estimates that the garage will extend approximately 10 metres in front of his house and would like to see it moved further back on the lot.
- He is also concerned that the proposed dwelling will overshadow his house and block the sun.
- One of the purposes of the minimum 7.5 metre front setback policy is to prevent the haphazard and/or anomalous siting of dwellings on residential lots.
- There is a change in the alignment of the roadway near the east boundary of their property and that should have been taken into consideration in the design of the dwelling on proposed Lot 2; they are requesting that that fundamental purpose of setbacks be applied and the siting of the proposed dwelling be amended accordingly.

Mr. S. Van Ells, 1001 Southover Lane, stated:

- He and his wife support the proposed subdivision and welcome the owners to their neighbourhood but they have some concerns.
- They feel that the size of the proposed dwellings is too large and that the garage for the dwelling on proposed Lot 2 should be pushed back on the lot by about 20 feet.
- The issue of off-street parking should also be addressed; presently there is only one secondary suite on the street that they are aware of and the proposed new subdivision will likely mean an increase of vehicles parking on the street.

In response to questions from Council, the Director of Planning stated:

- Design considerations pertaining to panhandle lots are rooted in Council's policy which established that certain criteria be reviewed when considering a 10 percent road frontage waiver; some of those factors relate to how well a dwelling fits into an existing neighbourhood and how to minimize impacts; design considerations are appropriate in that context.
- If the garage on proposed Lot 2 is moved further back on the lot and there is no design change, it is likely that variances will be required for the rear setbacks.

**MOTION:**

**MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That consideration of the subdivision application for 1009 Southover Lane be postponed to allow the applicant the opportunity to consider amending the design of the dwelling on proposed Lot 2."**

Councillor Derman stated:

- The Planner's report states that there would not be any significant impacts on the streetscape as a result of the reduced frontage; he

does not agree.

- He visited the subject site and agrees that the house at 1015 Southover Lane will be overshadowed and sunlight will be blocked by the proposed dwelling on Lot 2.
- He is hesitant to send the application forward to a Public Hearing until some changes have been made to the design of the house on proposed Lot 2; there needs to be more consideration given to the adjacent neighbours.

Councillor Hunter stated:

- The issue of panhandle lots seems to cause a lot of concerns and some tend to impact the ambience of existing neighborhoods.
- He agrees that the design for the dwelling on proposed Lot 2 should be reconsidered so that it is more sympathetic to the neighbourhood.

Councillor Sanders stated:

- She supports postponing further consideration of the application.
- When the adjacent house at 1015 Southover Lane was constructed the siting and layout of the house was sympathetic to the existing houses on the street and it fit into the neighbourhood.
- She agrees that the dwelling on proposed Lot 2 will impact the adjacent property owners and that the design should be revised.
- The issue of on-street parking needs to be addressed especially if there will be suites for extended family members.
- Perhaps the proposed driveway to Lot 1 should be eliminated and both lots share one driveway.

Councillor Brownoff stated:

- She agrees that the design for the dwelling on proposed Lot 2 needs more work and should be more sympathetic to the streetscape so that it is more compatible with the rest of the neighbourhood.

Councillor Wergeland stated:

- He understands the concerns of the adjacent neighbours at 1015 Southover Lane.
- He agrees that the location of the garage for the dwelling on proposed Lot 2 should be reconsidered and he would also like to see more work done on the long expanse of wall that will face the adjacent neighbours.

Councillor Brice stated:

- The proposed subdivision needs to take into consideration the bends and curves in Southover Lane as they are germane to house design and neighbourhood fit.
- She agrees that the design for the dwelling on proposed Lot 2 needs more work.

**The Motion was then PUT and CARRIED**

approval of the rezoning from RS-6 to RS-8, and further that prior to final reading the plans be revised to replace the circular driveway with a single access driveway, and that a covenant be registered requiring the building and lands be constructed and developed in accordance with the plans prepared by McNeil Building Designs Limited dated March 2007.

Mr. R. McNeil, McNeil Building Designs Ltd., on behalf of the applicant stated:

- At the Committee of the Whole meeting in June, further consideration of the application was postponed so that they could undertake a public consultation process with area residents; they were also asked to revise the plans and eliminate the circular driveway.
- Twenty neighbouring properties were notified of a meeting to discuss their proposal which was attended by 11 residents as well as a representative of the Gordon Head Residents' Association; the majority of those who attended the meeting thought that it was more appropriate to have a circular driveway rather than a single driveway as suggested by Council.
- The arborist also resurveyed the site and found additional trees that had been missed during the first survey.
- The proposed 800 square foot accessory building will be located four metres from the rear property line and there will be landscaping to help minimize any visual impacts.

In response to questions from Council, Mr. McNeil stated:

- The accessory building will be used for the storage of garden equipment and as a workshop.
- Although they respectfully disagree with Council's recommendation to construct a single driveway instead of a circular driveway they will comply if it means approval of their application.

Mr. M. Rooksby, 4260 Cedar Hill Road, stated:

- He and his wife are not really concerned with the proposed house design but they do have concerns with the proposed rezoning of the subject property.
- When they purchased their property they thought the current RS-6 zoning would remain in place and they would like to see it retained; the owners are already permitted to build a 3,000 square foot house without rezoning the property.
- They are also concerned with the size of the proposed accessory building.

Ms. S. Fraser, 4270 Cedar Hill Road, stated:

- She agrees with the comments of the previous speaker; she does not have a problem with the owners constructing a new house but they do not need to rezone the property to do so.
- If the owners want to construct a big enough house in order to accommodate their extended family there are other areas in Gordon Head with an appropriate zoning to meet their needs.

Ms. A. Davidson, 4259 Cedar Hill Road, stated:

- Their neighbourhood is a unique area with relatively small houses on large lots; she does not support the size of the proposed dwelling.

- She has a circular driveway and sometimes it can be difficult to get in and out of.
- She is concerned with the issue of runoff water and where it will go if the trees are removed as proposed; some of the trees in their neighbourhood are quite old and are protected by covenant.

Mr. R. Sketchley, 1520 Cedarglen Road, stated:

- The Gordon Head area is unique and consists of a mixture of various sized lots and houses.
- Neighborhoods are always changing; some improvements and updating to the subject area would enhance the neighbourhood.
- He is a friend of the owners as well as a member of the Gordon Head Residents' Association; he supports the proposed application.

Mayor Leonard stated:

- He thinks the proposed zoning to RS-8 is suitable for the subject property; the lot is 12,000 square metres in size and is large enough to support two houses under the current RS-6 zoning.
- He supports the application going forward to a Public Hearing.

Councillor Gillespie stated:

- He appreciates the concerns that have been expressed by the residents in the neighbourhood and the fact that they want the existing zoning to remain in place.
- He is also concerned with the size of the proposed accessory building.

**MOTION:**

**MOVED by Councillor Gillespie and Seconded by Councillor Sanders: "That the application to rezone Lot 2, Section 52, Victoria District, Plan 6610 except part in Plan 49597 (4257 Cedar Hill Road) from RS-6 to RS-8, not be approved."**

Councillor Derman stated:

- Council and staff have been dealing with the proposed redevelopment of this particular piece of property for the past couple of years; the current proposal is getting closer to what may be considered acceptable.
- We have portions of the Municipality that were built at different times, some when smaller sized houses were more common; now there are some areas throughout the Municipality that may be considered under-built.
- Residents should get together with their community associations and request the process of contextual zoning; it is a lengthy process that involves the support of the majority of the neighbourhood.
- No neighbourhood is going to remain unchanged but it is a matter of how you manage the change; it is a challenge to accommodate infill development under current zoning regulations.
- He appreciates the fact that the applicants met with the neighbourhood to further discuss their proposal but he is hesitant to approve it.

Councillor Hunter stated:

- There is a process that is followed when Council deals with rezoning applications.
- The public has an opportunity to comment on rezoning applications at a Committee of the Whole Meeting and then again at a Public Hearing.
- It is obvious that the neighbourhood is not supportive of rezoning the subject property so he is hesitant to forward it to a Public Hearing.

Councillor Sanders stated:

- She has concerns with the proposed application; the proposal could have been more sympathetic to the neighbourhood so it would be more compatible.
- The combined size of the proposed dwelling and the accessory building is what would be allowed under RS-10 zoning; she is not comfortable with forwarding the application to a Public Hearing.
- The issue of revising the design to accommodate a single driveway instead of the proposed circular driveway was not addressed.

Councillor Wergeland stated:

- The size of the subject property is huge and he supports the construction of a larger size house; he thinks it will complement the neighbourhood.
- He also supports a circular driveway as it enhances the design of the home.
- The size of the proposed accessory building is large but it fits on the property.

Councillor Brownoff stated:

- Road improvements along Cedar Hill Road need to be undertaken; there are issues with speeding and visibility.
- She agrees that a planning process should be undertaken so that the neighbourhood can reach an agreement on what zoning they would like to have in place; in the meantime, RS-6 is appropriate.

**The Motion was then PUT and CARRIED,  
with Mayor Leonard and Councillor Wergeland voting against.**

Wilkinson Road  
Covenant

**4481 WILKINSON ROAD – AMENDMENT TO COVENANT – ELKE AND PAUL BROWN**

Report of the Municipal Planner dated August 24, 2007 recommending that Covenant # EK002122 be amended to permit the construction of a driveway with an access to Wilkinson Road within 5.0 m of the southwest corner of the property.

Mr. N. Hache, 776 Murphy Place, stated:

- He is the owner of the subject property.
- In 2006 the property was rezoned and a Development Permit was approved in order to construct a duplex.
- An arborist's report indicated that a Douglas fir tree near the southwest end of the Wilkinson Road frontage was in poor condition and would have to be removed; during the process of removing the

- tree a portion of the berm came away with it.
- He requested permission to drive over the missing section of berm in order to access Wilkinson Road, and would like to have the covenant amended in order to permit the construction of a driveway access to Wilkinson Road; no additional berm will need to be removed.
- There is also a duplex adjacent to the subject property; if the access over the berm is not approved, it means there will be four families using one driveway to access Wilkinson Road.

**MOTION:                   MOVED by Councillor Gillespie and Seconded by Councillor Hunter: "That it be recommended that Covenant EK002122 on Lot A, Section 9, Lake District, Plan VIP62627 (Strata Plan VIS6349) (4481 Wilkinson Road), be amended to permit the construction of a driveway with an access to Wilkinson Road within 5.0 metres of the southwest corner of the property."**

**CARRIED**

Hartland Avenue  
Rezoning

**10 HARTLAND AVENUE – REZONING AND SUBDIVISION – HUGH AND GISELLE CARSON**

Report of the Municipal Planner dated August 29, 2007 recommending approval of the rezoning from A-4 and A-1 to A-4.

In response to questions from Council, the Director of Planning stated:

- If the zoning that is being requested by the applicant is approved, it will allow for a two lot subdivision.
- Section 946 of the *Local Government Act* pertains to "Subdivision to Provide Residence for a Relative"; it deals with immediate family members and there are certain provisions and limitations involved in the occupancy; the Municipality has received approximately five applications in the last five years.

Hugh and Giselle Carson, applicants and owners, 10 Hartland Avenue, stated:

- They do not have any additional information to add but are prepared to answer any questions pertaining to their application.
- They would like to have some clarification regarding the covenant over a portion of their property in favor of the CRD; they are not sure of the obligation on their part.

The Director of Planning stated:

- The CRD recommends that when an Approving Officer is considering any subdivision applications adjacent to the landfill, to consider asking the applicant to register a restrictive covenant in order to provide a buffer to the landfill; this is to help mitigate any potential hazards in case of leachates filtrating into well water.

Mr. K. Whitcroft, 1044 Inverness Road, stated:

- He is not sure what the covenant is for either and perhaps that should be explained to the applicant.

**MOTION:                   MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That a Public Hearing be called."**

**CARRIED**

Adjournment            On a motion from Councillor, the meeting adjourned at 9:05 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK