

SPECIAL COUNCIL MEETING  
FOR THE PURPOSES OF A **PUBLIC HEARING**  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**TUESDAY, OCTOBER 18, 2005 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Brownoff, Derman, Gillespie, Ngai, Pickup, Wade and Wergeland  
**Staff:** Anne Topp, Manager of Community Planning; Von Bishop, Manager of Development and Municipal Facilities and MaryAnn Greco, Senior Committee Clerk.

No. 382  
Bylaw No. 8714  
Hartland Avenue

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8714"

**PROPOSED TWO LOT RESIDENTIAL SUBDIVISION ON HARTLAND AVENUE/SPOTTS CLOSE**

To rezone Lot 1, Section 86, Lake District, Plan 422 except that part in Plan 8186 (**226 HARTLAND AVENUE/SPOTTS CLOSE**) from zone A-1 (Rural - minimum lot size 2ha) to zone A-7 (Rural – Lots Divided by Roads - minimum lot size 5080m<sup>2</sup>) for a proposed two lot residential subdivision.

The Notice of Public Hearing; report of the Director of Planning dated September 14, 2005 recommending rezoning approval and 1 letter in opposition were introduced.

**APPLICANT:**

Ms. B. Case and Mr. J. O'Hara, 207 Hartland Avenue, stated:

- They are present to answer questions.

**PUBLIC INPUT:**

Ms. L. Mindenhall, 226 Hartland Avenue, stated:

- She does not oppose the proposed subdivision but disputes the ownership of land; she believes that James Mindenhall is not the sole owner and that her late husband is also on title.

**APPLICANT'S RESPONSE:**

Ms. B. Case stated:

- The title search submitted with their rezoning application indicates that James Mindenhall is the owner and sole executor of the estate.
- They have made an accepted offer to purchase proposed Lot A subject to subdivision approval.
- They have taken Ms. Mindenhall's concerns into consideration and do not want to disrupt how she will be living on proposed Lot B.
- In response to concerns from the Prospect Lake Community Association regarding the impact to Todd Creek, a surveyor was engaged and he has determined that the proposed subdivision will have no bearing on Todd Creek.
- They will work with the Planning Department to undertake whatever servicing is required.
- The intent is to build a home that they will retire in.

**MOTION:** **Moved by Councillor Wade and Seconded by Councillor Ngai: "That the application to rezone to A-7 be approved."**

In response to a question from Council, the Manager of Community Planning stated:

- James Mindenhall is the sole remaining owner and executor of the estate noted on the title.
- Proposed Lot A will be sold to the applicants and Proposed Lot B will remain as the residence of Ms. Mindenhall and her family.

Councillor Wade stated:

- The proposed subdivision is an appropriate use of the land.

**The Motion was then Put and CARRIED**

No. 383  
Bylaw No.  
Hartland Avenue

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8714”  
Second and Third Readings.

**Moved by Councillor Wade and Seconded by Councillor Ngai: “That Bylaw No. 8714 be read a second time.”**

**CARRIED**

**Moved by Councillor Wade and Seconded by Councillor Ngai: “That Bylaw No. 8714 be now passed.”**

**CARRIED**

No. 384  
Bylaw No. 8715  
Lochside Drive

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8715”

**PROPOSED FOUR LOT RESIDENTIAL SUBDIVISION ON LOCHSIDE DRIVE**  
To rezone Lot 1, Section 31, Lake District, Plan 12889 (**5155 LOCHSIDE DRIVE**) from zone RS-18 (Single Family Dwelling – minimum lot size 2ha) to zone RS-6 (Single Family Dwelling – minimum lot size 560m<sup>2</sup>) for a proposed four lot residential subdivision. **A DEVELOPMENT VARIANCE PERMIT** applicable to the above lands will also be considered to reduce the minimum lot width for the proposed lots from 16.0m to 14.88m.

The Notice of Public Hearing; report of the Director of Planning dated September 20, 2005 recommending rezoning and development variance permit approval; 1 letter in support; and 1 letter requesting a pathway along the entire subject parcel, were introduced.

**APPLICANT:**

Mr. J. Barnes and Ms. E. Davies, 5155 Lochside Drive, stated:

- They have met with the neighbours and the Cordova Bay Association.
- They have no objections to providing the restrictive covenants suggested by the Cordova Bay Association and noted in the Planner’s report.

**PUBLIC INPUT:**

Ms. J. Fraser, Strata Council President, 5 - 5164 Cordova Bay Road, stated:

- The Strata Council has met with the applicants and reviewed the application.
- It is important that the structure that will support the bank is aesthetically pleasing.

- She is also concerned that the root base of the mature Alder trees will be damaged if all the existing vegetation on the slope is removed.

Mr. M. Lauderdale, 4 - 5164 Cordova Bay Road, stated:

- At a meeting with the applicants, a commitment was made to beautify and replant the slope where the existing vegetation will be removed.
- The aesthetics of the slope is important to area residents.

**APPLICANT'S RESPONSE:**

Mr. V. Davies, 1581 Church Avenue, Vic Davies Architect, stated:

- A geotechnical engineer has been engaged to undertake the rock landscaping for the slope.
- Dogwood Tree Services will be undertaking the landscaping as required by the municipality.
- The residents can be assured that the landscaping and slope stability will be addressed.

**MOTION:**

**Moved by Councillor Gillespie and Seconded by Councillor Derman: "That the application to rezone to RS-6 be approved."**

Councillor Pickup stated:

- She hopes that the applicant will provide the restrictive covenants suggested by the Cordova Bay Association.
- A covenant should be provided to ensure replacement trees are planted to stabilize the slope.

Councillor Brownoff stated:

- She is pleased with various roof designs proposed for the new dwellings.
- She hopes that a covenant will be provided to ensure the landscaping is undertaken.
- The Approving Officer should consider a suitable right-of-way to provide for a future trail connection through the site.

Councillor Derman stated:

- This is an appropriate infill development located close to services.
- He hopes that the landscaping on the slope is protected through a covenant and that a municipal right-of-way is secured for a future trail connection through the site.

Councillor Wade stated:

- She supports the provisions outlined by the Cordova Bay Association.
- The landscaping offered by the applicant should be undertaken however it does not need to be secured through a restrictive covenant registered on title.

**The Motion was then Put and CARRIED**

No. 385  
Bylaw No. 8715  
Lochside Drive

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8715”  
Second, Third and Final Readings.

**Moved by Councillor Gillespie and Seconded by Councillor Derman: “That Bylaw No. 8715 be read a second time.”**

**CARRIED**

**Moved by Councillor Gillespie and Seconded by Councillor Derman: “That Bylaw No. 8715 be now passed.”**

**CARRIED**

**Moved by Councillor Gillespie and Seconded by Councillor Derman: “That Bylaw No. 8715 be adopted by Council and the Seal of the Corporation be attached thereto.”**

**CARRIED**

**Moved by Councillor Pickup and Seconded by Councillor Wergeland: “That it be recommended that Council approve and issue Development Variance Permit No. DVP2005-00001 on Lot 1, Section 31, Lake District, Plan 12889 (5155 Lochside Drive).**

**CARRIED**

No. 386  
Bylaw No. 8717  
ADM40

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8717”

**PROPOSED HOUSEKEEPING AMENDMENTS TO THE ZONING BYLAW**

The intent of this proposed bylaw is to amend zones C-2LRS (General Commercial/Liquor Retail) and C-5LRS (Civic Core/Liquor Retail) to reference Schedule B – Municipal Outdoor Lighting Standards in the General Section of these Zone Schedules and to amend zones C-2LRS (General Commercial/Liquor Retail), C-3L (Shopping Centre/Major Liquor Retail), C-3LRS (Shopping Centre/Major Liquor Retail) C-5LRS (Civic Core/Liquor Retail), C-11LRS (Tourist Accommodation High Density/Liquor Retail) and C-14 (Neighbourhood Public House) to reference Schedule F – Basic Adaptable Housing in the General Section of these Zone Schedules.

The Notice of Public Hearing; report of the Director of Planning dated August 30, 2005 recommending approval were introduced.

**APPLICANT:**

The Corporation of the District of Saanich.

**PUBLIC INPUT:**

Nil.

**APPLICANT’S RESPONSE:**

Nil.

**MOTION:**                    **Moved by Councillor Derman and Seconded by Councillor Gillespie: "That zones C-2LRS and C-5LRS be amended to reference Schedule B in the General Section of these Zone Schedules and zones C-2LRS, C-3L, C-3LRS, C-5LRS, C-11LRS and C-14 be amended to reference Schedule F of these Zone Schedules."**

**CARRIED**

No. 387  
Bylaw No. 8717  
ADM40

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8717 "  
Second, Third and Final Readings.

**Moved by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8717 be read a second time."**

**CARRIED**

**Moved by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8717 be now passed."**

**CARRIED**

**Moved by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8717 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

**RECOMMENDATION**

*From the Committee of the Whole meeting held October 17, 2005.*

No. 389  
Development  
Variance Permit  
South Valley Dr

**3957 SOUTH VALLEY DRIVE – DEVELOPMENT VARIANCE PERMIT –  
HOMEWOOD CONSTRUCTORS LIMITED.**

Report of the Director of Planning dated September 28, 2005 recommending Development Variance Permits DVP2003-00027 be rescinded and DVP2005-00020 be approved.

**MOVED by Councillor Pickup and Seconded by Councillor Brownoff: "That Council rescind Development Variance Permit DVP2003-00027 and approve and issue Development Variance Permit No. DVP2005-00020 on Lot 9, Section, 16, Victoria District, Plan VIP78182 (3957 South Valley Drive)."**

**CARRIED**

Adjournment

On a motion from Councillor Gillespie the meeting adjourned at 8:05 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK