

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
AUGUST 24, 2017**

Present: Andrew Rushforth, Chair
Margaret Eckenfelder
Jaime Hall
Trevor Moat

Absent: Rus Collins

Staff: Nina Jokinen, Zoning Technician
Katie Lauriston, Secretary

The meeting was called to order at 12:28 pm.

1. **Minutes:** Meeting of August 10, 2017

Moved: Jaime Hall

Seconded: Trevor Moat

That the minutes of August 10, 2017 be adopted as amended.

2. **Appeals**

**12:30 Board of Variance Appeal #00671
Peter Nadler and Monique Genton, Applicants / Owners
1947 Brighton Avenue**

Present Zoning: R1-G – Single Family Dwelling (Gonzales) District
Present Use: Single Family Dwelling with Secondary Suite

The proposal is for the newly constructed rear landing and steps.

Bylaw Requirements

Relaxations Requested

Part 1.6.5 (b)

Relaxation for the rear yard setback (south) from 9.34m to 6.10m

Part 1.6.5 (e)

Relaxation for the side yard setback (west) from 2.85m to 2.30m

Monique Genton and Peter Nadler, Applicants / Owners, were present.

Applicant

- A survey was completed in 2010 to renovate and legalize the basement suite, and the measurement to the southwest property line was 4.1m.
- In 2016, we had plans made for the renovation including a set of stairs at the southwest corner. The stairs were to be 42 in. wide, and we calculated the setback to be 3.04m at the southwest corner. Based on draft drawings, our project would comply with the variances approved by the Board in 2016.

- Another survey was completed September 27, 2016 at the completion of the project, and the southwest corner setback was measured at 2.3m instead of 2.85m.
- The stairs' footings were correctly placed so that the stairs would not be more than 42 in. wide. However, the designer's plans did not allow for sufficient clearance to get under the overhang in the stairwell. The builder thus had to vary the construction of the stairs.
- The builder then decided to change the stairs without consulting the Owners, and made the stairs 7 in. wider than agreed upon. The Owners put handrails on the stairs for safety.
- The survey from September 2016 indicated that the setback was 2.3m at the southwest corner and 2.35m in the west. The setback issue is compounded by the fact that the house does not sit perfectly parallel on the lot.
- The following errors account for the discrepancy in setback measurements: failure to allow for headroom in the stairwell, an increase in the stair width in construction, and the addition of one inch in the stair treads causing an incursion of 0.2m into the west setback.

Board

- How did the 0.55m increase in setback projection come about?
 - There is an extra 7 in. from the change in width of the stairs. Perhaps the thickness of the exterior wall would also add additional encroachment into the west setback.
 - It is possible that the draftsperson made an error in their calculations. The Owners are not convinced of the accuracy of the 2010 survey, as the surveyor had to make several visits.
- Were all immediate neighbours spoken with, particularly those to the west and the southwest?
 - Yes, we brought neighbours from 993 Redfern Street and 1939 Brighton Avenue inside and showed them the stairs.

Public portion of the meeting closed.

- It is concerning that variances are requested for the setback in addition to what was previously approved.
- It is plausible that an error was made by the builder without the awareness of the Owners.
- The increase in stair width was not done to increase the property value.
- The immediate neighbours who are most affected do not object to the project.

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be allowed:

Bylaw Requirements

Relaxations Requested

Part 1.6.5 (b)

Relaxation for the rear yard setback (south) from 9.34m to 6.10m

Part 1.6.5 (e)

Relaxation for the side yard setback (west) from 2.85m to 2.30m

CARRIED UNANIMOUSLY

12:50 Board of Variance Appeal #00672
Ken Bartesko, Applicant; Isabel and Aleix Adgira, Owners
1268 Pembroke Street

Present Zoning: R-2 - Two Family Dwelling District
Present Use: Single Family Dwelling

The proposal is to renovate the existing single family dwelling and construct a new plus site garden suite.

Bylaw Requirements

Relaxations Requested

Part 1.2.4 (a)	Relaxation for the height from 7.60m to 8.74m
Part 1.2.5 (a)	Relaxation for the front yard setback from 7.50m to 1.53m
Part 1.2.5 (e)	Relaxation for the side flanking street from 3.50m to 2.85m
Schedule M Section 2 (e)	Relaxation for the location from the rear yard to the side yard

Ken Bartesko, Applicant; Isabel and Aleix Adgira, Owners, Robert Boyd, Owner's friend, and Notified Neighbour from 1265 Pembroke Street were present.

Applicant

- The proposed changes are very minimal.
- The Applicant is requesting a significant change in front yard setback. Because the lot is only 48 ft. wide, it would be impossible to build a conforming house.
- The ridge height will only be about 2 ft. higher than the existing ridge, although though the shape will change. The added height does add to the façade, but is not obtrusive because it is a sloped-back roof in both directions.
- The variances requested for the front yard setback are to replace an old bathroom and the addition of a stairwell. The new stairwell will efficiently connect all three storeys to the existing entrance on Ridge Street.
- Most of the height increase requested is due to the calculation being based off average grade. However, there is effectively only a 2 ft. height difference which will not significantly impact neighbours.
- The Applicant is aiming to refurbish the existing building using reclaimed materials, and the Owners are considering registering the property as heritage.
- Major cracks in the foundation have been observed. Because the current foundation will not last another 50 years, a new basement is necessary. With such a significant investment, it will be more worthwhile for the Owner to complete the basement in a historically sensitive manner, creating more liveable space.
- The sunken courtyard is made to facilitate the construction of the basement, and will make the basement brighter and more inviting.
- The house will not be raised; it will be lifted then set down at its current height.

- The addition of a garden suite is necessary to help pay the expenses of this renovation. The Owner intends to live in the suite while renovations take place, and the suite will later be occupied by the Owner's family.
- There is no way to construct the garden suite in the rear yard, as the rear yard is far too small. Instead, the garden suite is proposed for the de facto rear yard (i.e. the side yard), and thus a variance is required.

Neighbour

- Supportive of the project; the house could use some work.

Board

- For clarity, what is the increase in height?
 - The difference between the existing ridge height and the new ridge height is 2 ft., and the mean height of the roof will be increased by 1 ft. This 1 ft. is part of the height relaxation being requested.
- Has the neighbour to the east, at 1272 Pembroke, been consulted? This is valuable in cases where changes light may occur for neighbours.
 - No; the Applicant was not aware that this was necessary.
- The existing chimney on north side is shown in both old and new drawings. Will it still be in place?
 - The furnace will be relocated and a metal flue with cladding to simulate brick will be put in place.
- Is the intention to rent out the garden suite?
 - No; it will be used as a family space and for hobbies.

Public portion of the meeting closed.

- While there are concerns about the height, this is a good example of where a plus size suite fits well.
- Due to no fault of the Owner, the space available for a garden suite is defined as a side yard, and thus variances associated with the positioning of the suite are justifiable.
- It is laudable that the Owner is making every effort to salvage heritage housing stock in Fernwood.
- The only concern is that the neighbours should have been more thoroughly consulted about the proposed project in advance of the Board of Variance application.

Moved: Trevor Moat

Seconded: Jaime Hall

That the following variances be allowed:

Bylaw Requirements

Relaxations Requested

Part 1.2.4 (a)

Relaxation for the height from 7.60m to 8.74m

Part 1.2.5 (a)

Relaxation for the front yard setback from 7.50m to 1.53m

Part 1.2.5 (e)

Relaxation for the side flanking street from 3.50m to 2.85m

Schedule M Section 2 (e)

Relaxation for the location from the rear yard to the
side yard

CARRIED

Meeting Adjourned 1:15 pm
