

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
DECEMBER 14, 2017**

Present: Andrew Rushforth, Chair
Margaret Eckenfelder
Rus Collins
Trevor Moat

Absent for a portion of the meeting: Jaime Hall

Staff: Nina Jokinen, Planning Technician
Katie Lauriston, Secretary

Jaime Hall was not present at the commencement of the meeting.

The meeting was called to order at 12:27 pm.

1. Minutes

Minutes from the meeting of November 9, 2017

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the minutes of November 9, 2017 be adopted as presented.

2. Appeals

12:30 Board of Variance Appeal #00683

**Amit and Karishma Sethi, Owners / Applicants; Kyle Leggett, Java Designs,
Designer
68 Government Street**

Present Zoning: R-2 – Two Family Dwelling District
Present Use: Vacant

The proposal is to construct a new single family dwelling with secondary suite.

Bylaw Requirements

Relaxations Requested

Part 1.2.5 (a)

Reduction of the front yard setback from 7.50m to 3.61m

Part 1.2.5 (b)

Reduction of the rear yard setback from 7.50m to 5.31m

Natalie Saunders and Kyle Leggett of Java Designs, Designers, were present.

Designer

- The house has been pulled in to accommodate pilasters, so that it requires only the variances originally requested.
- The overall height has been brought into conformity by shortening the overhang on the roof and lowering the ceiling height from 9' to 8'. The cornice height has also been lowered.

Board

- Are there any landscaping details planned?
 - There are none planned, as they were not requested by the owners.
- Are the designers satisfied with the proposed design?
 - Yes; it now has character and curb appeal to fit in with the neighbourhood.
- Were the neighbours consulted?
 - The designers did not speak to the neighbours, but they believe the owners did.
 - When the owners initially showed plans to the neighbours, they were happy with the exterior design.
- Has the pitch of the roof increased?
 - Yes, so that no torch-on would be required.

Public portion of the meeting closed.

- The proposed height has improved significantly from previous plans.
- There are no longer variances requested for the sides of the property adjacent to neighbours.

Motion:

Moved: Rus Collins

Seconded: Margaret Eckenfelder

That the following variances be allowed:

Part 1.2.5 (a)	Reduction of the front yard setback from 7.50m to 3.61m
Part 1.2.5 (b)	Reduction of the rear yard setback from 7.50m to 5.31m.

Carried Unanimously

**12:50 Board of Variance Appeal #00690
Derek Dolson and Megan Walker, Owners / Applicants; Justin Gammon, JMG
Design, Designer
1256 Acton Street**

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

The proposal is to increase the floor area of the half storey.

Bylaw Requirements

Relaxation Requested

Part 1.2.4 (a)

Increase the number of storeys from 2 to 2.5

Megan Walker and Claire Dolsen, Owners / Applicants, and Adam Nagasaki, Contractor, were present.

Owner

- The peak of the roof has moved to the front of the house.
- There is a space in the back of the house that is currently unused, but could be used as a room. The exterior would not change at all; the owners would like to legalize the interior space.

Public portion of the meeting closed.

Motion:

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the following variances be allowed:

Part 1.2.4 (a)

Increase the number of storeys from 2 to 2.5.

Carried Unanimously

Jaime Hall joined the meeting at 1:08pm.

**1:10 Board of Variance Appeal #00692
Chelsea and Owen Madrick, Owners / Applicants; Bryan Masongsong, Envision
Designs & Development, Designer
1742 Albert Avenue**

Present Zoning: R1-B – Single Family Dwelling District
Present Use: Single Family Dwelling

The proposal is to lift and renovate the existing house to include a secondary suite.

Bylaw Requirements

Relaxations Requested

Part 1.2.5 (a)

Reduction of the front yard setback from 7.50m to 4.40m

Note: Existing is 4.40m

Part 1.2.5 (a)

Increase in the front step projection from 2.50m to 3.04m and the height from 1.70m to 2.50m

Part 1.2.5 (c)

Reduction of the east side yard setback from 1.50m to 0.45m

Note: Existing is 0.45m

- Part 1.2.5 (c) Reduction of the west side yard setback from 3.0m to 1.36m
Note: Existing is 1.36m
- Part 1.2.5 (d) Reduction of the combined side yard setbacks from 4.50m to 1.81m
Note: Existing is 1.81m

Owen Madrick, Owner / Applicant, was present.

Owner

- The owners are looking to raise their house by 2 ft. and create a secondary suite, bringing the ground level ceiling height to approximately 8.5 ft. to 9 ft. for tenants.
- Raising the house will not change the existing footprint, except the stairways which will have to be elongated.
- The setback variances are pre-existing.
- The owners have spoken to the neighbour at 1738 Albert Avenue, and the neighbours at 1750 Albert Avenue support the proposal as well.

Board

- Did any other neighbours have feedback about the proposal?
 - The owner did not receive any response from other neighbours, as no one was home when the owner visited.

Public portion of the meeting closed.

- Hardship stems from the existing structure's location on the lot.
- Support for the house being raised without requiring a height variance.

Motion:

Moved: Trevor Moat

Seconded: Jaime Hall

That the following variances be allowed:

- Part 1.2.5 (a) Reduction of the front yard setback from 7.50m to 4.40m
- Part 1.2.5 (a) Increase in the front step projection from 2.50m to 3.04m and the height from 1.70m to 2.50m
- Part 1.2.5 (c) Reduction of the east side yard setback from 1.50m to 0.45m
- Part 1.2.5 (c) Reduction of the west side yard setback from 3.0m to 1.36m
- Part 1.2.5 (d) Reduction of the combined side yard setbacks from 4.50m to 1.81m.

Carried Unanimously

1:30 Board of Variance Appeal #00689
Tess Imhoff, Owner / Applicant; Gerry Troesch, Designer
240 Superior Street

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

The proposal is to construct a new single family dwelling with secondary suite.

Bylaw Requirements

Relaxations Requested

Part 1.2.5 (c)	Reduction in the north-west side yard setback from 3.00m to 1.89m
Part 1.2.5 (d)	Reduction in the combined side yard setbacks from 4.50m 3.39m

Tess and Mark Imhoff, Owners / Applicants, and neighbours of 236 Superior Street were present.

Owners

- The owner has been living in the house for the last year, and is looking to build a more liveable home.
- The lot is very narrow and would accommodate an 18' wide home; however, the owners did not wish to shadow the neighbours.
- The proposal pushes the house back to accommodate the driveway slope.
- The variances are for the width of the home, from the required 3m setback to 1.89m.

Board

- What is the existing setback?
 - 0.25m.
 - The owners contacted the neighbours most affected by the proposal. The neighbours on the east side of the adjacent duplex were supportive of the proposal.
- Were the neighbours of 244 Superior Street contacted?
 - They are away and could not sign a letter of support, but they are supportive.

Neighbours

- The neighbour of 236 Superior Street was not shown plans, and is surprised to not have been contacted. Also has questions regarding sewage lines and shaking through excavation.

Owners:

- The owner did knock on the neighbours' door at 236 Superior Street, but no one was home at the time. It was the opinion of the owners that the greater effect of the proposal would be to the closer half of the duplex.
- As for the sewer, there is no easement in place.
- Having built numerous properties in the neighborhood, the owners anticipate the ground being mostly clay, and so do not expect there to be much vibrations from excavation.

Board

- Where is the outfall for the sewage line?
 - There is a pipe to Kingston Street.
- Where will the pipe come out?
 - Below the front entry, well away from the property line.

The owners spoke with the neighbours of 236 Superior Street to explain the proposal.

Public portion of the meeting closed.

- Hardship is derived from the width of the lot.
- The requested variances are reduced from what the existing house occupies.
- The proposal lines up well with adjacent houses.

Motion:

Moved: Trevor Moat

Seconded: Jaime Hall

That the following variances be allowed:

- | | |
|----------------|---|
| Part 1.2.5 (c) | Reduction in the north-west side yard setback from 3.00m to 1.89m |
| Part 1.2.5 (d) | Reduction in the combined side yard setbacks from 4.50m 3.39m. |

Carried Unanimously

**1:50 Board of Variance Appeal #00691
Archie Willie, A. Willie Design, Applicant / Designer; Katrina Madsen and Rajesh Chicher, Owners
1018 Clare Street**

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

The proposal is to replace the foundation, construct a half storey addition and new deck and steps, and to renovate the interior to include a secondary suite.

Bylaw Requirements

Relaxations Requested

- | | |
|----------------|--|
| Part 1.6.4 (a) | Increase the height from 7.60m to 7.92m |
| Part 1.6.4 (a) | Increase the number of storeys from 2 to 2.5 |

Archie Willie of A. Willie Design, Applicant / Designer, and Katrina Madsen and Rajesh Chicher, Owners, were present.

Designer

- The proposal is to add a secondary suite in the basement and add space for the primary residence in the basement and in the attic.
- The existing basement ceiling height varies from 6 ft. to 6.5 ft.
- The dormer in the attic is more for ventilation and natural light. There are no stairs to the upper attic space. By extending it out to the back, we are trying to concentrate most of the floor area under the existing roof.
- The proposal adds two additional dormers to accommodate a walk-in closet and bathroom.
- The lean-to on the back was made for a chair lift, but has complicated the average grade calculation.
- The applicants are requesting only about 13' for the overall building height.
- This is a very constrained property, which causes hardship. Many other areas of the site can't be developed due to the setbacks. The total side setbacks have quite a significant requirement. The house also has existing non-conforming width.
- The variance for the extra half-storey is due to the basement not being deep enough in the ground.
- As little as possible is proposed with minimal massing, out of consideration to the neighbours.

Neighbours

Katie Lauriston, Secretary, read aloud correspondence concerning the application from the neighbours of 1014 Clare Street, and letters supporting the application from the neighbours of 1019 Bank Street and 1022, 1015, 1019, 1025 and 1031 Clare Street.

Owners

- The side door accommodates a charging station for the owners' electric car, and is in keeping with the look of the house.

Designer

- The designer is looking at landscaping to add privacy.

Board

- Could the front door be moved to accommodate neighbours' concerns?
 - The designer has looked at many options; this is the only possibility to fit the layout of the small suite. This also allows for a small landscaped patio for the secondary suite.
- The house is slightly skewed on the property; is there an option to re-orient the house?
 - Additional relaxations would be required; the proposed plans are able to retain the existing non-conforming status.
- No variance request for the total side setbacks?
 - No variance is required because it is not worsening the non-conformity.
- Why not extend the ridge all the way along the roof?
 - The proposal keeps the mass down.

Public portion of the meeting closed.

Motion:

Moved: Margaret Eckenfelder

Seconded: Rus Collins

That the following variances be allowed:

Part 1.6.4 (a) Increase the height from 7.60m to 7.92m

Part 1.6.4 (a) Increase the number of storeys from 2 to 2.5.

Carried Unanimously

2:10 Board of Variance Appeal #00688

**Sean Katz, Owner / Applicant; Natalie Saunders, Java Designs, Designer
909 Bank Street**

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

The proposal is to construct a new single family dwelling with a secondary suite while retaining the existing detached garage located in the rear.

Bylaw Requirements

Relaxation Requested

Part 1.6.6 (a) Increase the site coverage from 30.00% to 33.71%

Sean Katz, Cam Brown Owners / Applicants, and Natalie Saunders of Java Designs, Designer, were present.

Owners

- The two-car garage has been in place for about 50 years.
- The property was originally zoned as a non-conforming duplex. The owners are looking to build a new duplex but the City requires rezoning.
- The owners have received no neighbour opposition for retaining the garage; this would worsen neighborhood concerns for parking.
- The relaxation for site coverage is requested to create a home with a basement suite.

Board

- If the house were brought into conformity while keeping the garage, how many square feet would have to be deducted from the house?
 - The designers have already brought the house in as much as possible while maintaining accessibility for the suite on the main level.
- What would the design implications be if the proposal conformed to the zoning requirements?
 - There could no longer be a master bedroom on the main level, which is required for the owner's parents.

Public portion of the meeting closed.

Motion:

Moved: Margaret Eckenfelder

Seconded: Rus Collins

That the following variances be allowed:

Part 1.6.6 (a)

Increase the site coverage from 30.00% to 33.71%.

Carried Unanimously

Meeting Adjourned at 2:20 pm.
