

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
FOR THURSDAY, FEBRUARY 9, 2017
ESQUIMALT NATION MEETING ROOM**

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

Staff: Nina Jokinen, Planning Technician
Quinn Anglin, Secretary

The meeting was called to order at 12:31 pm.

1a. **Minutes:** Meeting of January 12, 2017

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the minutes of January 12, 2017 be adopted as presented

Carried (unanimous)

1b. **Minutes:** Meeting of January 26, 2017

Moved: Margaret Eckenfelder

Seconded: Jaime Hall

That the minutes of January 26, 2017 be adopted as presented

Carried (unanimous)

2. **Appeals**

**12:30 Board of Variance Appeal #00627
Gordon and Catharina Van Elslande, Owner/Applicant
1070 Finlayson Street**

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

The proposal is to construct new stairs at the rear.

Bylaw Requirements

Relaxation Requested

Section 1.2.5.b

Relaxation for rear yard setback (north) from 8.71m to 4.70m to stairs.

*NOTE - Rear yard setback of 4.67m to the building approved by Council January 28, 2016 (DVP00163).

Gord and Cathy Van Elslande, Owners, were present

Applicant

- in the process of subdividing with a neighbour
- in attempting to create more space they needed to demolish their deck, because it encroached into the new property
- the back stairs leading to the kitchen were unfortunately attached to the deck and also had to come off
- they applied for a permit to rebuild the deck and stairs and City Council allowed them a varied backyard, and the stairs they propose to build do not encroach on that backyard
- planning has since told them that they need to apply for a variance in order to do so
- the hardship being that they need to be able to exit from their kitchen somehow and it is 8 feet off the ground from the door.

Board

- was there responses from the neighbours to the request?
 - yes, the neighbours at 3112 Jackson Street and 1066 Finlayson Street, adjacent neighbours provided letters of support of the application.

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the following variance be allowed;

Bylaw Requirements

Relaxation Requested

Section 1.2.5.b

Relaxation for rear yard setback (north) from 8.71m to 4.70m to stairs.

Carried (unanimous)

**12:50 Board of Variance Appeal #00628
Kelly Dodman, Applicant/Owner
722 Russell Street**

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

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

Bylaw Requirements

Relaxation(s) Requested

Part 1.2.4 a.

Relaxation for the height from 7.60m to 7.99m and for storeys from 2 to 3.

Part 1.2.5 a.

Relaxation for the front yard setback projection of steps less than 1.7m in height to 1.87m in height and projection into the front yard setback from 2.50m to 5.33m.

Kelly Dodman, Owner, Applicant; Silas Doore, Owner; were present.

Applicant

- didn't totally understand the process in regards to the Board of Variance
- the intention was to design a tight and economic footprint with the project, and always thought they would want a little extra square footage
- from the original meeting they have added about a total of 300 square feet, mostly to be able to allow for a king size bed in the master bedroom and some more room in a secondary bedroom that felt inadequate
- when adding the small amount of square footage they didn't realize that it would affect the height variance which is where the adjustment to the requested variance is born
- re-canvassed the neighbours and most are quite happy to support the application as presented
- the notified neighbour, Kyle, at 740 Russell Street to the north of the property who was previously not in support of the application has been working with them to find a solution that they are all happy with and is now in full support of the application as a result of the changes they have made with actually lowering the roof
- both of the neighbours to the north and south, which are potentially the neighbours most affected by the applications are in support of the proposal
- the site is challenging, and the front yard setback request is due to the site already being heavily blasted and tiered down in a way that with the drop from the driveway there is no way to approach the house easily without applying for a variance
- they could manage to design a workable stairs to the home without a variance by adding landings and creating a switchback, but feel it would affect the usability and safety to the approach to the front of the home
- if there was ever a need to expedite an exit from the home due to an emergency it would be difficult to manage the stairs if they weren't a straight run of stairs
- all of the neighbours are supportive of the stairs

Board

- is it correct the height has been brought down by a foot and is potentially being brought down another foot before built?
 - it depends on the neighbour and whether his want is to lower the house further, the next step would be to decrease the depth of the I-joice going from an 11 7/8" to a 9 1/4", which would drastically change the detail of the house and also the cost of construction as they would need to spray foam for insulation
- has the height dropped from the last application?
 - yes, it has decreased

- the date on the letter from the neighbour has a date of 2007 – does this affect the application?
 - no, it is clearly a mistake
- any word from the neighbour across the street?
 - it is assumed that he is indifferent as there has not been any correspondence from him one way or another
- what is the importance of the staircase to be designed the way that it is?
 - it is very important – the grade difference is so high from the front door that it would be unsafe for someone to egress around the stairs any way other than a straight run down to the front road
- were the stairs checked with fire codes, building codes, the fire department etc., and would they agree that there is a safety issue with the egress?
 - there is nothing that would say that this is a life safety issue, and did not check with fire department, police, etc to see if this would be an issue as yet

Public portion of the meeting closed

Due to the irregular shape of the lot and the fact that the neighbours have all been in support moves the variance in relation to the height and storeys.

Moved: Trevor Moat

Seconded: Russ Collins

That the following variance be allowed;

Part 1.2.4 a.

Relaxation for the height from 7.60m to 7.99m and for storeys from 2 to 3.

Carried (unanimous)

Believe that there is a way that the staircase can be built without coming straight down to the road without such a significant request for variance. There is a strong case of hardship that has been made but maybe not enough to persuade that it has to be done this way, and there isn't a more organic way to design this without a variance or at the very least a lesser variance.

Moved: Margaret Eckenfelder

Seconded: Russ Collins

That the following variance be denied;

Part 1.2.5 a.

Relaxation for the front yard setback projection of steps less than 1.7m in height to 1.87m in height and projection into the front yard setback from 2.50m to 5.33m

Carried (unanimous)

**1:10 Board of Variance Appeal #00620
Randall Recinos, Applicant; Christine and James Newton, Owners
818 Queens Avenue**

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

The proposal is to raise the building, add a secondary suite, remove attached garage and add entryway additions to the rear and front.

Bylaw Requirements	Relaxation(s) Requested
Part 1.2.4 a.	Relaxation for height from 7.60m to 7.86m.
Part 1.2.5 a.	Relaxation for front yard setback from 7.50m to 3.50m.
Part 1.2.5 b.	Relaxation for rear yard setback from 7.50m to 5.02m.
Part 1.2.5 e.	Relaxation for side yard flanking street setback from 3.50m to 2.90m.

Randall Recinos, Applicant; was present.

Applicant

- variances arose due to a renovation of the existing building to accommodate a secondary suite as the existing basement is not high enough; so there was a need to lift the house
- they are removing the existing garage that is encroaching on the side yard and keeping house exactly where it is and making the rear yard a little larger
- the variances requested are for the existing house
- the height variance is due to the little dormer on the house and if the dormer didn't exist the house would comply with height variances
- the ridge is not going up compared to existing, other than the dormer
- the change to the front entrance is due to allowing for an entrance for the suite, and to also allow light into the suite
- they will be reusing a gate that exists for the entrance
- having the entrance to the house at the back makes more sense than through the front part of the house as it enters right into the middle of the living room and they currently enter the house through the back

Board

- were the neighbours contacted?
 - yes, they tried to contact the neighbours several times+ but were unable to get into contact with any of them to provide letters of support
- was there shade studies done to see if this request would affect any of the neighbours?
 - no, because they would not be affected at all

Public portion of the meeting closed

Commend the owners for keeping the house, as opposed to tearing down and rebuilding and to also keeping with the other houses in the neighbourhood. Further to, because all of the variances were born from the existing house, they are supportable.

Moved: Trevor Moat

Seconded: Jaime Hall

That the following variances be allowed;

Bylaw Requirements

Relaxation(s) Requested

Part 1.2.4 a.

Relaxation for height from 7.60m to 7.86m.

Part 1.2.5 a.

Relaxation for front yard setback from 7.50m to 3.50m.

Part 1.2.5 b.

Relaxation for rear yard setback from 7.50m to 5.02m.

Part 1.2.5 e.

Relaxation for side yard flanking street setback from 3.50m to 2.90m.

Carried (unanimous)

Meeting Adjourned: 1: 30pm