

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
JUNE 22, 2017**

Present: Andrew Rushforth, Chair
Margaret Eckenfelder
Trevor Moat

Absent: Rus Collins
Jaime Hall

Staff: Nina Joniken, Planning Technician
Katie Lauriston, Board Secretary

The meeting was called to order at 12:25 pm.

1. **Minutes:** Meeting of June 8, 2017

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the minutes of June 8, 2017 be adopted.

CARRIED

2. **Appeals**

**12:30 Board of Variance Appeal #00639
Ben Kersen, Applicant / Owner
158 Robertson Street**

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

The proposal is to replace the existing decks and rear stairs.

Bylaw Requirements

Relaxations Requested

Part 1.6.5.a.

Relaxation for the front yard setback from 7.50m to 5.40m.

Part 1.6.5.b.

Relaxation for the rear yard setback from 10.54m to 7.40m.

Part 1.6.6.a.

Relaxation for the site coverage from 30.00% to 33.00%.

Schedule G, Section 6.b.

Relaxation to permit addition of unenclosed floor space (deck).

Schedule G, Section 6.e.

Relaxation to permit changes to the façade of the building (deck).

Nancy Noden and Jaling Kersen, Owners, were present.

Owner

- The owners were made aware that the decks were a safety issue by property managers, who managed the site at that time.
- One of the tenants was a builder, and he drew up a plan and built the decks without a permit.
- The owners did not realize that they needed a permit at that time because the decks were already in place.
- The owners were overseas when a stop work order was given, and did not understand what was happening on site when the decks were finished.
- The hardship is that the tenants rented the suites with the decks, and the decks were part of the use of the property.

Board

- What about the stairs in the rear?
 - The stairs in the rear became an issue when building inspectors looked at an aerial view of the property.
 - The stairs were already in place at the side of the house, and the owners had nothing to do with their construction. The neighbour, an engineer, had to put the stairs in a certain place so that the window and door for the downstairs suite would not be obstructed.
 - The stairs are the second exit for upstairs suite.
- How long have you owned the house, and do you live there?
 - The owners bought the property in 2004 and do not live there; however, they may downsize as a part of their retirement plan.
- The front yard is coming down by a little over 2m. Do the decks extend further into the setback?
 - Yes, the decks were too narrow originally and the builder's plan was to add usable space to fit a chair.
- How much wider have the decks become?
 - They were made wider by about 12".
- Were the existing decks already in the setback?
 - Yes, there was already non-conformance and the Board is being asked to extend nonconformance by about 12".
 - Other properties have decks that extend even further into the setback.
 - The new deck enhances the look of the property, although it still needs more work.
- Are you planning further modifications?
 - No, not at the moment, although the owners may consider further changes at a later date, if they were to move in.
- How many suites are in the house?
 - There are 3 suites.
- What is the meaning of the note in one of the neighbours' letters about a tree?
 - This is not the neighbour's writing, it is the Owner's father's note and was not intended for the Board.

Public portion of the meeting closed for further comment.

- Effort is being made to bring the rear into conformance and to build according to the original plan.
- There was already an incursion into the front yard setback, and that incursion will be increased by about 12”.
- The neighbours most affected have given letters of support.

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be allowed:

Bylaw Requirements

Relaxations Requested

Part 1.6.5.a.

Relaxation for the front yard setback from 7.50m to 5.40m.

Part 1.6.5.b.

Relaxation for the rear yard setback from 10.54m to 7.40m.

Part 1.6.6.a.

Relaxation for the site coverage from 30.00% to 33.00%.

Schedule G, Section 6.b.

Relaxation to permit addition of unenclosed floor space (deck).

Schedule G, Section 6.e.

Relaxation to permit changes to the façade of the building (deck).

CARRIED

12:50 Board of Variance Appeal #00651

**Gui Lian, Grandview City Development Ltd., Owner/Applicant; Victoria Design Group, Architect
1513 Bank Street**

Present Zoning:

R1-B - Single Family Dwelling

Present Use:

Single Family Dwelling with Secondary Suite

The proposal is for a newly constructed accessory building (garage).

Bylaw Requirements

Relaxation Requested

Schedule F, Section 3.a.

Relaxation for the height from 3.50m to 3.68m.

Wil Peereboom, Designer; Vivian Tan, Owner's Representative; Linda Garcia, Notified Neighbour of 1517 Bank Street, were present.

Applicant

- The variance requested is for the height of the accessory structure. It was not excavated as deep as originally planned, so the structure was built higher than in the plans. Therefore, a minor height variance is requested for the roof that is already built.
- The designer considered flattening off the roof, but because it's a flat portion and the height goes from the midpoint to the flat portion, it would technically be a greater height.

Board

- Was the grade raised for drainage purposes for the rock pit?
 - Yes, on the finished grade it isn't higher, but on the natural grade it is considered a greater height.
- In 2016 when the building was designed, would it be in compliance?
 - Yes, it was designed to be in compliance, but when the civil engineer came to design the rock pit for drainage, the contractor followed their direction and raised the building with the increased grade.
- Would it be an option to build the rock pit deeper?
 - I do not know, I am not an engineer.
 - The Designer and Owner thought they could simply build a rock pit; however, the engineer clarified otherwise.

Neighbours

- Notified Neighbour of 1517 Bank Street wants the garage to be left how it is. She is in favour of the changes; the garage is very cute, and she does not want the project to take any longer.

Katie Lauriston, Board Secretary, read three letters in opposition of the application from Notified Neighbour Stuart Phillips; Notified Neighbour of 1520 Fell Street; and Notified Neighbour of 1522 Fell Street.

Public portion of the meeting closed for further comment.

- In looking at the initial proposal for this accessory building and the actual construction, it doesn't seem as though it was designed to be nonconforming. It is hard to imagine how the building could be lowered.
- The garage design is in keeping with the house design, and the garage does not seem to be an unreasonably sized building.
- The actual height arises from a hardship involving access to drainage for a building on bedrock.
- This is a supportable claim of hardship. While the Board is empathetic to neighbours' complaints, it is not clear that the Board has jurisdiction over the neighbours' areas of concern.

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be allowed:

Bylaw Requirements

Relaxation Requested

Schedule F, Section 3.a.

Relaxation for the height from 3.50m to 3.68m.

CARRIED

**1:10 Board of Variance Appeal #00655
Murray and Peggy Lovell, Applicants / Owners
66 Boyd Street**

Present Zoning: R2 - Single Family Dwelling
Present Use: Single Family Dwelling with Secondary Suite

The proposal is to raise the house, add a new secondary suite and construct a rear addition and front porch.

Bylaw Requirements

Relaxations Requested

Part 1.2.5.a.

Relaxation for the front yard setback from 7.50m to 5.01m.

Part 1.2.5.e.

Relaxation for the side yard setback on a flanking street from 3.50m to 2.82m.

Murray Lovell, Applicant / Owner, was present.

Applicant

- The Owners purchased the property with the intention of building a garden suite.
- An unregistered storm sewer drain running across the back of the property made building a garden suite difficult.
- The Owners now plan to take away some of the existing variances on the house by making changes that are in line with the neighbourhood and have historical appeal.
- The Owners are trying to make an improvement so that they can afford to maintain the property.

Board

- Where is the drain on the property?
 - The Owner uncovered the drain line approximately 20' from property line, parallel to the west fence line.

- The documents given to the Board say that the line is active. How does this relate to what you are explaining?
 - The pipe is shown on 345 Niagara Street, but that address does not actually exist.
- Who did survey saying that the pipe is active?
 - The map is drawn from the City's VicMap feature.
- There is mention of having less backyard than the Owners originally thought?
 - The backyard was smaller than originally thought because the fence line was not on the property line.
- Have you spoken to neighbours regarding the variances?
 - The Owners are not living in the city for the summer, but have met with 3 or 4 neighbours. One neighbour from 60 Boyd Street was happy that the existing house would not be torn down and that a larger house would not be built.
- But was it explained that the house would be lifted?
 - Yes, and that neighbour was very supportive.
 - Other neighbours were consulted about a possible garden suite; however, that plan has since changed.
- Is the supportive neighbour from the adjacent property to the south?
 - Yes, and it is the Owner's understanding that 60 Boyd Street and other houses in the neighbourhood have recently been significantly renovated.
 - The Owner believed that he had eliminated the front setback. He thought that the front porch was allowable, but did not understand how there is still a variance required.
 - The intention was to keep the landing height at 1.7m so no front setback variance was required.
 - All the neighbours are within the setbacks, some are building on the property line.
- What is the bylaw?
 - Staff clarified that the variance requested is due to having 1.82m to the landing, while the bylaw allows 1.7m.

Public portion of the meeting closed for further comment.

- Raising the house seems a reasonable approach to the property, and this doesn't cause any height issues.
- The proposed changes are in keeping with the neighbourhood.
- There are no concerns for shading issues; generally shade issues come from neighbours to the north, and there is only a street on the north side of the house.

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the following variances be allowed:

Bylaw Requirements

Relaxations Requested

Part 1.2.5.a.

Relaxation for the front yard setback from 7.50m to 5.01m.

Part 1.2.5.e.

Relaxation for the side yard setback on a flanking street from 3.50m to 2.82m.

CARRIED

Meeting adjourned at 1:19 pm.
