

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
FOR THURSDAY, JUNE 8, 2017  
ESQUIMALT NATION MEETING ROOM**

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

**Staff:** Noraye Fjeldstad, Administrative Assistant  
Nina Jokinen, Planning Technicians  
Katie Lauriston, Board Secretary

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The meeting was called to order at 12:30 pm.

1. **Minutes:** Meeting of May 25, 2017

**Moved:** Margaret Eckenfelder

**Seconded:** Trevor Moat

That the minutes of May 25, 2017 be adopted as amended.

**CARRIED**

2. **Appeals**

*Mr. Rushforth recused himself from Appeal #00649.*

**12:30 Board of Variance Appeal #00649  
Bryan Gallagher and Jessica Vivian, Applicants / Owners  
2957 Shakespeare Street**

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

The proposal is to construct a rear addition to the house and remediate the existing rear deck.

**Bylaw Requirements**

**Relaxation Requested**

Part 1.2.5.b.

Relaxation for the rear yard setback from 7.50m to 4.93m.

Part 1.2.5.c.

Relaxation for the side yard (north) setback from 1.52m to 0.95m.

Bryan Gallagher, Applicant / Owner, was present.

Applicant

- Applicant explained that he is planning a small renovation to improve the home by building a staircase into the basement.

- Applicant did not know that the existing deck was built without a permit, and after speaking to City staff was surprised to find out that the deck exceeds the rear setback.
- The back porch of house was previously enclosed and converted to liveable space, but was not insulated and was poorly constructed, resulting in a sloping floor and mold issues.
- Applicant is proposing taking out a portion of the existing deck and laundry room to remediate the existing deck, rebuild a better laundry room, and add a bathroom, storage space and staircase into the basement.
- The original house was built according to original site plan, resulting in the existing house being too close to the neighbouring property.

### Board

- Is the site coverage being increased?
  - No, the addition and deck would extend into the area currently covered by the deck.
- Were all neighbours consulted?
  - All but one neighbour was consulted, and the Applicant received some signatures approving project. One neighbour to the north with whom the Applicant has a good relationship was away, so the Applicant has not yet discussed the building plans with them.
  - The Applicant notes that these are not significant changes being requested.
- Changes to the north side of a property generally affect the light for neighbouring properties to the south. Has this been considered?
  - Pictures 2 and 3 show the northern view and a privacy screen which is currently in place, at a lower height than height of proposed addition.
- With regards to loss of light for neighbours, are there any windows on the south side of the neighbour's house?
  - Applicant is not certain, but he hasn't seen any.
- Will proposed changes extend to the neighbour's table at 2961 Shakespeare, visible in the aerial map?
  - The addition will be 3 feet to the west of the table, so will not extend into neighbour's deck area.
  - Net increase of 2.9m.
- Is the structure encroaching into the setback?
  - Yes, for the purpose of aligning with existing structure for aesthetic considerations and ease of construction.
- What is the required setback?
  - 1.52m.
- Any other questions or information for Board?
  - The neighbour who has not been consulted has now returned from being away, and thus had the opportunity to respond by receiving a meeting notice in the mail.
  - The Applicant explains that he wishes to stay at the home for a long time, making improvements to the property.

*Public portion of the meeting closed.*

**Moved:** Rus Collins

**Seconded:** Jaime Hall

That the following variances be allowed:

**Bylaw Requirements**

**Relaxation Requested**

Part 1.2.5.b.

Relaxation for the rear yard setback from 7.50m to 4.93m.

Part 1.2.5.c.

Relaxation for the side yard (north) setback from 1.52m to 0.95m.

**Carried (unanimous)**

*Mr. Rushforth returned to the meeting 12:50pm.*

**12:50 Board of Variance Appeal #00652**

**Chris Thompson and Anna DeLuca, Applicants / Owners;  
Christine Lintott, Architect  
1341 Bond Street**

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

The proposal is to allow for the construction of a deck.

**Bylaw Requirements**

**Relaxation Requested**

Part 1.2.5.c.

Relaxation for (east) side yard setback from 3.07m to 1.94m.

Chris Thompson and Anna DeLuca, Applicants / Owners, were present.

Applicant

- At the Applicant's recent Board of Variance appeal, a small encroachment was allowed. During the building process a small passageway was built on the outside of the house to access the north deck, and a powder room was built at the opening from the interior to the deck.
- The Owner assumed because a variance granting encroachment was allowed previously that this further change would be acceptable; however, it was not approved during the plan check.
- The Owner is therefore seeking a relaxation of the east side setback.

*Katie Lauriston, Board of Variance Secretary, read a letter in support of the application from Notified Neighbour of 1337 Bond Street, 301 Windermere Place, and 1340 Bond Street.*

Board

- Who owns the land that is under covenant?
  - Neighbours to east (approximately 120 feet from property).
- Have the neighbours been made aware that you are here again today?

- No, but they received notice. These neighbouring properties are not occupied by the owners. Three neighbours gave signed notice for today's meeting.
- One neighbour is very supportive as they now have ocean views thanks to the roofline being lowered during the initial build.
- How did you discover that a part of the house did not conform to zoning requirement?
  - After the plans for the building permit were reviewed and during the final inspection in April, inspectors recognized that it did not conform.
- Two variances are mentioned; why is there only one being requested today?
  - The one variance allows for both changes in plans. The stairs and northern extension of the deck are a new design; they would have been included in the requested variance if they had been part of the previously approved plans.

*Public portion of the meeting closed.*

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variance be allowed:

**Bylaw Requirements**

**Relaxation Requested**

Part 1.2.5.c.

Relaxation for (east) side yard setback from 3.07m to 1.94m.

**Carried (unanimous)**

**1:10 Board of Variance Appeal #00653**  
**Tim Rodier, Outline Home Design, Applicant / Builder; Joanne and Walter Astofooroff, Owners; Nikki Lechance, Owner**  
**2643 Forbes Street**

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

The proposal is to construct an upper floor addition and a new secondary suite.

**Bylaw Requirements**

**Relaxation Requested**

Part 1.2.4.a.

Relaxation for the number of storeys from 2 to 2.5.

Tim Rodier, Applicant / Builder, and Nikki Lechance, Owner, were present.

*Katie Lauriston, Board Secretary, read a letter in opposition of the application from Notified Neighbour of 2650 Victor Street.*

### Applicant

- The variance requested is triggered by the number of storeys, not the overall height of the building. The basement level is not in the ground, so is considered the first storey. Thus, it is a 2.5 storey building instead of 1.5 storey plus basement.
- To make the basement deeper into ground by excavating and lowering house would be a significant hardship.
- Due to the existing condition of the home and how storeys are defined, it is not feasible to make the house conform to zoning requirements.
- The proposed plans embed the upper floor in the new roof structure.
- The Owner has moved in to the house to care for her parents; thus, the current residents do not intend to move out.
- The family has lived in the home for many years. This addition enables the family to stay together in the house where the Owner grew up.
- Dormer windows will be added on the side of the house, which looks onto the roof of the neighbouring yard.

### Board

- Where will the secondary suite be located in the house?
  - In the lower level.
- By how much does the height of the ridge increase?
  - Height of ridge will increase by 1.573m, still allowing a significant margin for height allowance.
- How does the neighbour's view change with the upper level windows facing east?
  - Very similar to current design.

### *Public portion of the meeting closed*

- It is no fault of the current owner that the bottom level of the house is not considered a basement.
- The effort to provide ageing in place and maintain a design form respectful of existing house and neighbourhood character is to be commended.
- There are no neighbour objections except from notified neighbour of 2650 Victor Street; it is not clear that they will be significantly affected by the project due to their distance from subject property.
- The proposal is respectful of the neighbourhood.

**Moved:** Trevor Moat

**Seconded:** Margaret Eckenfelder

That the following variance be allowed:

### **Bylaw Requirements**

Part 1.2.4.a.

### **Relaxation Requested**

Relaxation for the number of storeys from 2 to 2.5.

**Carried (unanimous)**

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**1:30 Board of Variance Appeal #00650  
Sieglinde Heckel, Applicant / Owner  
2928 Fifth Street**

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

The proposal is to construct a 97.43m<sup>2</sup> rear addition with a new secondary suite.

**Bylaw Requirements**

**Relaxation Requested**

Part 1.2.5.c.

Relaxation for the (north) side yard setback from 1.53m to 1.50m.

Sieglinde Heckel, Applicant / Owner, was present.

Applicant

- The Applicant asks for relaxation of the side yard setback so that a rear addition and new secondary suite may be constructed.

*Katie Lauriston, Board Secretary, read a letter in support of the application from Notified Neighbour of 2938 Fifth Street.*

Board

- The Board has no questions for the Applicant.

*Public portion of the meeting closed.*

- The Board finds a request for 3cm variance very reasonable.
- The existing building is already built into setback; this will not be a significant change from existing conditions in property and neighbourhood.

**Moved:** Trevor Moat

**Seconded:** Jaime Hall

That the following variance be allowed:

**Bylaw Requirements**

**Relaxation Requested**

Part 1.2.5.c.

Relaxation for the (north) side yard setback from 1.53m to 1.50m.

**Carried (unanimous)**

Meeting Adjourned: 1:26 pm

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