

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
FOR THURSDAY, MAY 25, 2017
ESQUIMALT NATION MEETING ROOM**

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

Absent: Jaime Hall

Staff: Nina Jokinen, Planning Technician
Noraye Fjeldstad, Administrative Assistant

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

1. **Minutes:** Meeting of May 11, 2017

Moved: Andrew Rushforth

Seconded: Margaret Eckenfelder

That the minutes of May 11, 2017, be adopted.

Carried

2. **Appeals**

12:30 Board of Variance Appeal #00648

**Daniel Doore, Aplomado Developments, Applicant / Builder; Clinton Wark, Owner
2945 Gosworth Road**

Present Zoning: R1-B, Part 2.1- Single Family Dwelling
Present Use: Single Family Dwelling with Basement Suite

The proposal is for a newly constructed single family dwelling.

Rus Collins recused himself from the meeting due to a conflict of interest. A Quorum of three board members was met.

Bylaw Requirements

Relaxations Requested

Part 1.2.4.a

Relaxation for the height from 7.60m to 7.92m.

Clinton Wark, Property Owner; Dan Doore, Builder; Kelly Dodman, Architect, were present.

Noraye Fjeldstad, Administrative Assistant, read a letter regarding the application from Notified Neighbour of 1511 Clawthorpe Avenue.

Applicant

- A height variance is being requested due to an error in the manufacturing of the trusses resulting in the subject building being over height.
- There were revisions made to the original plans due to the driveway being over the allowable grade by 1 foot; this was realized by the City during the plan check. To address the driveway grade, the building designer raised the height of the building and removed height from the raised-heel trusses to remain within the allowable height.
- The building plans were redrafted and a revised set was provided to the truss company. The truss company mistakenly provided their manufacturing company the original plans and the trusses were built to the outdated specifications.
- The fabrication error of the trusses was not realized at the time of delivery; thus, they were installed without knowledge of the error. After the installation of the trusses, the height variance went unnoticed and the roofing and sheathing were installed.
- The height variance was realized at the time the legal placement survey was completed. Once aware of the variance, the owner notified the adjacent neighbours and the City of Victoria.
- The Applicant indicated that in his 40 years of building, this is the first time a mistake like this has occurred.
- The Applicant indicated that the hardship of this variance is that the increased height of the subject building does not benefit the home owner; the extra height is only added in the attic of the house. Aside from the costs associated with rectifying the error, to rebuild the trusses and roof would set the completion date of the house back approximately two months.
- Applicant pointed out that if a steeper roof was built, the building would comply at the current height or higher. The applicant believes that the neighbours are feeling the impact of the style of the house itself, not necessarily the height of the building.
- Neighbours to the right of the subject property are not shadowed any more than if there was no height variance.
- Neighbours to the left of the subject property are shadowed by a fraction of a degree due to the height variance.
- Applicant is asking that the Board be reasonable and mindful about minimizing building material waste.
- The error was not a lack of coordination on the Applicant / Architect's side.

Owner:

- Prides himself on being a good neighbour.
- Owner indicated that there is a lot of development and renewal going on in the neighbourhood; many new homes are being built in modern style.
- Subject building will be a more traditional style upon completion.
- Many other buildings in the area that have replaced original homes are two storeys in height; however, the existing houses surrounding the subject property are single-stories.
- Owner indicated that this is a very unfortunate event; thus, he chose to immediately make it known that there was an issue with conforming to the height bylaw.

Neighbours:

- The size of the building is impacting 1507 Gosworth Road – 1 foot makes a difference.
- The style of the house does not fit into neighbourhood streetscape.
- House is too high.
- Was there a mistake made on the garage rooves as well?
 - Yes, those arrived incorrect as well.

Board

- Board acknowledged that the changes to the trusses were made early in the conceptual planning stage.
- Board acknowledged that the driveway slope was too steep and in order to remedy the issue the builder raised the height of the building, and removed height from the trusses.
- Page A2 of the original plans and page A2 of the permit set indicate that height in heel of the trusses (2 feet) was accounted for, taking excess height out of the house to conform.
- Board acknowledged that a Pacific Truss representative was made aware of the plan revisions; however, production of the trusses was based off the specifications in the original plans.
- Board acknowledged that the variance does not benefit the design of the house as the added height is in the attic. There is no gain to homeowner or applicant.
- Board acknowledged that the trusses, sheathing and roofing were all installed prior to the variance being realized.
- Board acknowledged that the applicant is requesting a hardship as the owner was unaware of the variance and to rebuilt the trusses and reinstall roofing would set the project back approximately 2 months.
- Board acknowledged that the house to the right is not shadowed any more than that of the original house and there is minor shadowing impact to neighbour to the left.
- Question: Builder does not get to see the final truss drawings, is there a missed step in the process?
 - No. There is no process for the builder to confirm the truss specifications prior to them being fabricated other than providing the building plans to the truss company. The Applicant has never had an error like this happen before; moving forward he will ensure all trusses are built to the specifications set out in the plans prior to being installed. Applicant stated that the nature of the environment that we are building in may contribute to errors. Heightened development has resulted in companies growing rapidly, the City has implemented more stringent application and permit processes resulting in two or three times of the information that is going into construction packages compared to the past. Building procedures are more complex than they have ever been. These changes are precipitating growing pains and can be confusing.
- Board acknowledged that an honest mistake has occurred, and that material waste, and financial and time impacts are an issue.

Public portion of the meeting closed for further comment.

- Empathized with the applicant, this is a no-win situation.
- Board cannot consider finances and time constraints as a hardship.
- Board is sensitive of light impact to neighbours.
- Subject building has 9-foot storeys on each floor; it is believed that the design of the building was set to maximize the zoning bylaw, this is a risk that designers / owners take. If they build with no margins they risk exceeding these margins and not conforming to the bylaws.
 - Applicant indicated that the trusses were dropped 2 feet in the revised plans, the building was not designed to maximize the full allowable height. The building should have had a one-foot height margin had the trusses been built to the specifications of the revised plans.

- Truss errors have happened in past, and although this situation is of no fault of the Architect or Applicant, a design review process needs to be implemented (i.e. confirm the design with truss company prior to the trusses being built). It is the responsibility of the project manager to complete an inspection of contracted forms upon delivery.
- Board is sympathetic to time, money and material waste – although cannot consider these as hardships.

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be declined:

Bylaw Requirements

Relaxations Requested

Part 1.2.4.a

Relaxation for the height from 7.60m to 7.92m

Carried (unanimous)

**12:50 Board of Variance Appeal #00647
Melina Boucher and Ian Rye, Owners / Applicants
398 Denison Road**

Present Zoning: R1-G, Part 1.6 – Single Family Dwelling (Gonzales)
Present Use: Single Family Dwelling

The proposal is to renovate the exterior and interior of the house, remove a bay window and construct a deck.

Bylaw Requirements

Relaxations Requested

Part 1.6.5.a.

Relaxation for the front yard setback from 7.50m to 4.52m.

Part 1.6.5.b.

Relaxation for the rear yard setback from 9.10m to 3.90m.

Part 1.6.5.e.

Relaxation for the (east) side yard setback from 3.02m to 2.90m.

Part 1.6.6.a.

Relaxation for the site coverage from 30.00% to 36.00%.

Part 1.6.6.b.

Relaxation for the open site space from 50.00% to 39.50%.

Melina Boucher and Ian Rye, Owner / Applicant; Rob Wickelberry, Designer, were present.

Applicant

- The Applicant is requesting variances to allow for a modest renovation to the house, built in 1989.
- Proposing two changes to the exterior of the subject property which include the removal of a bay window on the east side of the building, and the addition of a deck on the same side of the building.
- The proposed changes will reduce the floor area of the house.
- Hardship requested as the existing building complied with zoning bylaws at the time the home was built, now that bylaws have changed the building is no longer in compliance.
- Applicant indicated that the proposed changes will improve the existing building and will not result in substantial impacts to the neighbourhood.

Public portion of the meeting closed for further comment.

Board

- Two of the variances requested are more modest than that of the existing variances; one of which will legalize an existing variance.
- The least influential variance is the 0.38m setback in rear yard.
- Applicant received support from neighbours.

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

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 4.52m.
Part 1.6.5.b.	Relaxation for the rear yard setback from 9.10m to 3.90m.
Part 1.6.5.e.	Relaxation for the (east) side yard setback from 3.02m to 2.90m.
Part 1.6.6.a.	Relaxation for the site coverage from 30.00% to 36.00%.
Part 1.6.6.b.	Relaxation for the open site space from 50.00% to 39.50%.

Carried (unanimous)

1:10 Board of Variance Appeal #00646
Charles Pakosh, BC Building Maintenance, Applicant / Builder;
Phylis Songhurst, Owner
1515 Haultain Street

Present Zoning: R1-B, Part 1.2 – Single Family Dwelling
Present Use: Single Family Dwelling

The proposal is for interior renovations including adding a new secondary suite to existing single-family dwelling, a garage enclosure, and construction of a new carport with a deck above.

Bylaw Requirements

Relaxations Requested

Part 1.2.5.a

Relaxation for the front yard setback from 7.50m to 4.89m.

Part 1.2.5.b

Relaxation for the rear yard setback from 7.50m to 3.43m.

Phylis Songhurst, Owner, and Charles Pakosh, Applicant, were present.

Applicant

- Hardship requested as the existing house does not meet required setbacks.
- Off-street parking is an issue as Haultain Street is going to be designated as a major thoroughfare for traffic.
- Owner is unable to create parking to the side of house due to setbacks.
- Owner is required to have one parking stall on the subject property.
- Owner is trying to put in a secondary suite. This will allow for future in-home care, rental income and create additional housing availability in the neighbourhood.
- The renovation to the house will improve the aesthetics.
- Property is an awkward shape, Applicant is trying to address parking concerns while working within the confines of the shape of the property.
- Arborist has been retained to protect current trees.
- The tree located at the entrance of the driveway on the neighbour's property is to be removed with a permit, and replaced with two new trees. This neighbour is in favor of removing the tree as it is in poor health.

Board

- Can the existing driveway off of Forbes Street stay?
 - Engineering said it is a possibility, but they are not enthusiastic about moving the driveway over. The decision would be up to Engineering, and setbacks do not allow for a driveway to be created in this location on the property.
 - Applicant stated that in the revised plans submitted, the driveway has been amended to a single driveway as opposed to an extra-wide driveway.
- Day-to-day use of a driveway to the side of the building is not feasible for 2 vehicles.
- What was the feedback after speaking with neighbours?
 - Informed immediate neighbours, no comments.
 - One neighbour is happy.
 - 2574 Haultain (behind subject property to east) was advised of the proposal. Neighbour had no comments.

Public portion of the meeting closed for further comment.

- Variances are within the existing non-conformances, nothing worse is being requested, and the most affected neighbour to the east has been consulted and is supportive.

Moved: Trevor Moat

Seconded: Andrew Rushforth

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 4.89m.

Part 1.2.5.b

Relaxation for the rear yard setback from 7.50m to 3.43m.

Carried (unanimous)

Meeting adjourned:

1:28 pm