

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
NOVEMBER 23, 2017**

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

Staff: Nina Jokinen, Planning Technician
Katie Lauriston, Secretary

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

1. **Minutes:** Meeting of November 9, 2017

Moved: Jaime Hall

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 1.2.4 (a)

Relaxation for the height from 7.60m to 8.05m

Part 1.2.5 (a)

Relaxation for the front yard setback from 7.50m to 3.46m

Part 1.2.5 (b)

Relaxation for the rear yard setback from 7.50m to 5.31m

Part 1.2.5 (e)

Relaxation for the flanking street side yard setback from 3.50m to 3.31m

Amit and Karishma Sethi, Owners / Applicants; Kyle Leggett and Natalie Saunders, Java Designs, Designers were present.

Designer

- The designers understand that the Board had unanswered questions at the previous hearing.
- The proposed design has not changed, but the designers are willing to make changes if necessary.
- The proposed design gives the house character to suit the area.

Neighbours

Katie Lauriston, Secretary, read aloud correspondence concerning the application from the neighbour of 581 Niagara Street.

Board

- What is the rationale for the increased height from previously approved plans?
 - The objective was to make the house look like a home. The owners want a sloped roof, so the pitch has been kept as low as possible.
 - The highest ceiling could be lowered by a foot, but this would still be 7" above allowable height. We can reduce the requested height variance, but can't eliminate it.
- Can you explain the request relating to the flanking street setback?
 - The only difference from what was approved previously is the decorative features on the sides that project into the flanking street side yard.
- Where are the decorative features located?
 - There are railings on the front windows and pilasters on the corners and in the center, facing Government Street.
- Is the setback measured to the railing or to the pilaster?
 - It is measured to the railing.
- Could the railing projection be reduced?
 - Yes; the designers would be happy to make this change.
- Have the applicants considered making changes to ease neighbours' concerns?
 - The designers have considered lowering the height, and have brought alternate plans reflecting a shorter height.
- Have the updated drawings been shown to the neighbours?
 - No; these are ideas for what might be done to satisfy neighbours and reduce the variance requests.
- What changes could be made to eliminate the need for a height variance?
 - The only way this could be done would be to reduce the pitch of the roof, which would lose the pitched roof aesthetic that the owners desire.
- Could the whole building be brought down?
 - The main floor elevation would be below grade, and sinking a four split-level divide would create many issues for the main floor elevation.
- What are the specific hardships requiring this height variance?
 - The hardship is in trying to become a part of this neighbourhood; we want this house to fit in with beautiful neighbouring houses. The owners are not satisfied with torch on roof design.
 - The original house was encroaching into the neighbouring store's property. The proposed plans pull the house away from the store as much as possible.
- Has anyone spoken to the neighbours?
 - No.

- On the revised plans brought in today, does the top floor have an 8' ceiling height?
 - Yes; the designers and owners will consult the neighbours with the revised plans.

Public portion of the meeting closed.

- It is surprising that neighbours were not contacted considering the concerns expressed, particularly around the issue of height. The applicant should consult their neighbours with any changes to the plans.
- The design presented to the Board requires more than the minimal variances necessary to address hardship. Applicants should apply with only what is necessary and not a greater request; likewise, it is preferable for the number of variances requested to be kept to a minimum.

Motion:

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That Appeal No. 00683 for 68 Government Street be adjourned to the meeting of December 14, 2017 at 12:30pm.

Carried Unanimously

**1:05 Board of Variance Appeal #00686
Ryan Wyllie, Latitude 48 Design, Applicant / Designer; Julie and Michael
Howatson, Owners.
1340 George Street**

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

The proposal is to construct a new deck, enclose the existing landing in the rear yard, and renovate the interior second storey washroom and kitchen.

Bylaw Requirements

Relaxations Requested

Part 1.2.5 (a)	Relaxation for the front yard setback from 7.50m to 1.65m <i>Note:</i> Existing is 0m
Part 1.2.5 (c)	Relaxation for the west side yard setback from 3.00m to 2.45m <i>Note:</i> Existing is 2.45m to the house
Part 1.2.5 (d)	Relaxation for the combined side yard setback from 4.50m to 4.21m <i>Note:</i> Existing is 4.21m

Ryan Wyllie, Latitude 48 Design, Applicant / Designer; Julie and Howatson, Owner, and Neighbour of 1147 Caledonia Avenue were present.

Designer

- The owners purchased the property six months ago. The house was built in 1913 over two lots, and there are different zoning requirements for each lot.
- The proposal is to build a deck off the back of the house, and the designer would like to have the back deck in line with the side of the house to allow easier access into the basement.
- The new construction for the back deck requires variance for the front yard setback.
- It is simply a technicality that the house sits over two lots, thus requiring the front yard setback variance.
- The owners do not want to consolidate the lots; they wish to leave flexibility for future development and facilitate increased density.

Neighbours

Katie Lauriston, Secretary, read aloud correspondence supporting the application from the neighbours of 1336, 1337 and 1342 George Street, 115 Olive Street, 102 and 104 Joseph Street, and 40 Bushby Street.

Board

- If the deck were moved to the east, would any of the variances not be required?
 - *Nina Jokinen, Planning Technician, clarified that a variance would still be required for the front yard, but the other variances would not be required.*
- Did the applicants consider moving the deck to the east?
 - Yes, but shifting the deck 2' to the east presents accessibility issues for the basement and storage area. The applicants are asking for the 2' variance to line up the deck with the side of the house and facilitate basement access.

Public portion of the meeting closed.

- The hardship is obvious with the property line going down the middle of this house.
- The Board appreciates that there is support from adjacent neighbours.

Motion:

Moved: Trevor Moat

Seconded: Rus Collins

That the following variances be allowed:

Part 1.2.5 (a)	Relaxation for the front yard setback from 7.50m to 1.65m
Part 1.2.5 (c)	Relaxation for the west side yard setback from 3.00m to 2.45m
Part 1.2.5 (d)	Relaxation for the combined side yard setback from 4.50m to 4.21m

Carried Unanimously

1:20 Board of Variance Appeal #00677
Jason Hodgins for the Greater Victoria School District, Owner / Applicant; Will King, Waymark Architecture, Architect.
1280 Fort Street, Central Middle School

Present Zoning: R3-2 – Multiple Dwelling
Present Use: School

The proposal is to construct a new portable (accessory building).

Bylaw Requirements

Relaxations Requested

Schedule F Section 1	Relaxation for the location from the rear yard to the side yard
Schedule F Section 2 (a)	Relaxation for the combined floor area from 37.0m ² to 92.47m ²
Schedule F Section 3 (a)	Relaxation for the height from 3.50m to 3.70m
Schedule F Section 4 (e)	Relaxation for the eave projection into the flanking street setback from 0.75m to 0.90m

Jason Hodgins and David Loveridge for the Greater Victoria School District, Applicants; Topher Macintosh, Principal of Central Middle School; and Will King, Waymark Architecture, Architect were present.

Architect

- While normally an accessory building would be put into the rear yard, the proposed side yard location works best with access points for teachers and students so that they are closer to the other classrooms.
- The classroom size requires a building larger than a typical accessory building.
- A minimal height variance is requested to accommodate the design built by the school district facilities.
- The overhangs project into the side yard, but the principal building does not.
- The proposed location and orientation was determined to be the best fit for the school and for code requirements, without significantly impacting neighbours.

Board

- It would seem that the neighbour at 1270 Yates Street would be most affected; were the owners contacted?
 - No, but the City sent a notification of this appeal and the school has also sent notices for students' parents.
- What is the rationale behind the building's orientation and the north-facing windows?
 - The orientation is designed to maximize ambient light.
- How is the front of the property determined?
 - *Nina Jokinen, Planning Technician, clarified that the front is determined by measuring the largest rectangle that can be inscribed within the property, and the side that is closest on average to the street frontage.*

- Did the applicant consider making the structure larger?
 - This is a modular design that can be expanded as required.

Public portion of the meeting closed.

Motion:

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the following variances be allowed:

Schedule F Section 1	Relaxation for the location from the rear yard to the side yard
Schedule F Section 2 (a)	Relaxation for the combined floor area from 37.0m ² to 92.47m ²
Schedule F Section 3 (a)	Relaxation for the height from 3.50m to 3.70m
Schedule F Section 4 (e)	Relaxation for the eave projection into the flanking street setback from 0.75m to 0.90m

Carried Unanimously

**1:35 Board of Variance Appeal #00687
Randall Recinos, Applicant / Design Consultant; Melissa Moroz and Morgan Hocking, Owners
1147 Caledonia Avenue**

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

The proposal is to construct a rear addition, deck and front steps, and conduct interior renovations which include a new secondary suite.

Bylaw Requirements

Relaxations Requested

Part 1.2.4 (a)	Relaxation for the number of storeys from 2 to 2.5
Part 1.2.5 (a)	Relaxation for the front yard setback projection for the height of the steps from 1.70m to 2.78m
Part 1.2.5 (a)	Relaxation for the front yard setback projection for the stairs from 2.50m to 3.04m
Part 1.2.5 (c)	Relaxation for the east side yard setback from 3.00m to 2.60m <i>Note: existing is 2.50m</i>

- Part 1.2.5 (d) Relaxation for the combined side yard setback from 4.50m to 4.10m
Note: existing is 4.00m

Randall Recinos, Applicant / Designer, and Melissa Moroz, Owner, were present.

Designer

- The requested variances are required to achieve what the owners want.
- The attic has been used since before the sale of the house.
- The house will be raised, which causes the front yard setback projection for the height of the steps.
- The designer wants to maintain the house exactly where it is. Moving the house to the rear of the lot while reducing the size of the building would make this project impossible.

Neighbours

Katie Lauriston, Secretary, read a letter supporting the application from neighbours of 1141, 1153, 3-1146, 1137, 1136, 1134, 1165 and 1125 Caledonia Avenue.

Board

- Were the neighbours to the rear, on North Park Street, contacted?
 - The applicants were not able to contact the owners, but spoke to the tenants.
- By how much is the building being raised?
 - It will be raised by 1m to increase accessibility on the ground level.
- On the north elevation in drawing 6, why are there three places designated as landings?
 - The designer is creating a plinth at the front of the building. Raising the building requires additional steps.
 - The second landing is a mistake in the revised drawings, but clear on originally submitted plans.

Public portion of the meeting closed.

- The Board finds this a reasonable request and appreciates that there is support from neighbours.

Motion:

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be allowed:

- Part 1.2.4 (a) Relaxation for the number of storeys from 2 to 2.5
- Part 1.2.5 (a) Relaxation for the front yard setback projection for the height of the steps from 1.70m to 2.78m
- Part 1.2.5 (a) Relaxation for the front yard setback projection for the stairs from 2.50m to 3.04m

Part 1.2.5 (c) Relaxation for the east side yard setback from
3.00m to 2.60m

Part 1.2.5 (d) Relaxation for the combined side yard setback from
4.50m to 4.10m

Carried Unanimously

Meeting Adjourned at 1:50 pm.
