

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
OCTOBER 12, 2017**

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

Absent: Trevor Moat

Staff: Nina Jokinen, Planning Technician
Katie Lauriston, Secretary

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

1. **Minutes:** Meeting of September 14, 2017

Moved: Margaret Eckenfelder

Seconded: Rus Collins

That the minutes of August 24, 2017 be adopted as amended.

2. **Appeals**

12:30 Board of Variance Appeal #00681

**Anthony Latimer and Patricia Thompson, Owners / Applicants
134 Howe Street, Victoria BC**

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

The proposal is to legalize exterior steps and landing built without permits and which are located within the south side yard setback.

Bylaw Requirements

Relaxations Requested

Part 1.2.5 (c)

Relaxation for the south side yard setback from 3.00m to 2.20m

Part 1.2.5 (d)

Relaxation for the combined side yard setbacks from 4.50m to 3.92m

Anthony Latimer and Patricia Thompson, Applicants / Owners were present. Louis Horvat from Zebra Design was present as an observer.

Applicant

- The house was built in 1912, and had stairs installed without permits on the south side.
- All proposed changes make sense with the stairs in their current location. The Owners wish to restore the house, making it compatible with the neighbours' houses, while leaving the stairs in place.

- The neighbours are supportive of the proposed plans except the neighbours from 141/143 Wellington Street, who the Owners were not able to contact. The neighbours immediately across the street are supportive, and verbal support was received from the neighbours of 131 Wellington Street.

Katie Lauriston, Secretary, read aloud the addresses from a petition in support of the Application from 141, 135, 127, 144 and 130 Howe Street, as well as 135 and 131 Wellington Street.

Board

- How long have the stairs been in place?
 - Because there have been four or five renovations since the house was built, it is difficult to determine the stairs' age.

Public portion of the meeting closed.

Moved: Margaret Eckenfelder

Seconded: Rus Collins

That the following variances be allowed:

Bylaw Requirements

Relaxations Requested

Part 1.2.5 (c)

Relaxation for the south side yard setback from 3.00m to 2.20m

Part 1.2.5 (d)

Relaxation for the combined side yard setbacks from 4.50m to 3.92m

CARRIED

12:50 Board of Variance Appeal #00682

**Archie Willie, Applicant / Designer; Daniele Smith & Quinn Fletcher, Owners
1626 / 1628 Earle Street, Victoria BC**

Present Zoning: R1-G – Single Family Dwelling (Gonzales) District
Present Use: Purpose-built duplex (1956)

The proposal is to permit interior structural alterations to a legal non-conforming duplex and for the construction of a new rear exterior deck and steps for both units.

Bylaw Requirements

Relaxations Requested

Part 1.6.5 (a)

Relaxation for the front yard setback from 7.50m to 6.07m at the front steps

Part 1.6.5 (e)

Relaxation for the east side yard setback from 3.02m to 1.50m to the rear deck

Part 1.6.5 (e)	Relaxation for the west side yard setback from 3.02m to 1.85m to the rear deck
Part 1.6.5 (f)	Relaxation for the combined side yard setbacks from 5.40m to 3.35m
Local Government Act Section 531 (1)	Relaxation to permit structural alterations (interior) and additions (exterior decks and steps) while non-conforming use is continued

Archie Willie, Applicant / Designer, and Quinn Fletcher, Owner, were present.

Applicant / Designer

- The Applicant is asking for relaxation to continue the existing non-conforming use. The proposed plans do not worsen the non-conformity.
- The Owners would like to make changes to the interior in the portion of the house where the Owners live (1626 Earle Street).
- The side setbacks are fairly restrictive in the R1-G zone, making it difficult to build decks to access the rest of the lot.
- The Applicant is looking to make the existing entries safer, as the railings are too low.
- The proposed plans also improve access to the parking area for 1626 Earle Street, while maintaining the same height for the stairs.
- The Applicant intends to renovate the lower floor by adding a bathroom and altering the staircase to allow sufficient headroom.
- The exterior will have new stucco to create a more pleasing entryway, and to make each unit more unique.

Owner

- The Owner spoke with neighbours to the east and to the west side several times, and they had no issues with the proposed plans. The neighbours understand that this will be an improvement and that this will allow for increased use of the back yard.
- The Owner spoke to as many affected neighbours on Chandler Avenue as possible. One resident on each side of the duplexes on Chandler were contacted, and they were both supportive of the proposed changes.
- The neighbours on St. Charles expressed that they would be happy to see the backyard improved.
- The neighbours west of Hollywood Park are happy to see the proposed changes.

Public portion of the meeting closed.

Moved: Jaime Hall

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 6.07m at the front steps
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Part 1.6.5 (e)	Relaxation for the east side yard setback from 3.02m to 1.50m to the rear deck
Part 1.6.5 (e)	Relaxation for the west side yard setback from 3.02m to 1.85m to the rear deck
Part 1.6.5 (f)	Relaxation for the combined side yard setbacks from 5.40m to 3.35m
Local Government Act Section 531 (1)	Relaxation to permit structural alterations (interior) and additions (exterior decks and steps) while non-conforming use is continued

CARRIED

**1:10 Board of Variance Appeal #00680
Amrik Sahota, Dreamstone Developments Inc., Owner / Applicant; Kyle Leggett,
Java Designs, Designer
3179 Somerset Street, Victoria BC**

Present Zoning: R1-B – Single 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 8.20m
Part 1.2.4 (a)	Relaxation for the number of storeys from 2 to 3
Part 1.2.5 (b)	Relaxation for the rear yard setback from 7.50m to 6.55m

Amrik Sahota, Owner / Applicant; Natalie Saunders, Designer; and Neighbours of 1147 Tolmie Avenue, 3195 Stevenson Place, as well as 3182 and 3159 Somerset Street were present.

Designer

- The request for variances is due to the unknown location of the sewer on the lot. The Applicant is unable to excavate to find the sewer without first obtaining permits.
- The plans show the house raised 0.6m to accommodate the sewer if it is located under the house. This is the reason why the Applicant is requesting an increase from 2 to 3 storeys.

Board

- Has the Applicant contacted the City's Engineering department for information on the sewer location?
 - Yes, and there is no record of where the sewer is located.

- Does the City have a record of its storm drains or sanitary sewer?
 - The storm sewer is located 7ft. below the street level; due to the grading of the lot, they guess that the storm drain would be about 6ft. below grade.
 - There is no record for sanitary sewers.

Neighbours

Katie Lauriston, Secretary, read a letter concerning the application from the Neighbour of 3171 Somerset Street.

- The neighbours of 3195 Stevenson Place note that there have been several floods on 3179 Somerset, and agree that the sewer location needs to be identified.
- The neighbour of 1147 Tolmie questions the procedure of the Board regarding neighbour notification. The neighbours were not canvassed and the Owner did not visit their neighbours. Neighbours did not receive sufficient notice of the hearing, even though the bylaw requires mailing notices 10 clear days prior to the meeting date.
- The neighbour of 1147 Tolmie Street states that Tolmie Street has a much higher elevation and higher density than Somerset Street. The proposed house will take away the view from 1147 Tolmie and there will be shadowing on the house. In addition, the proposed house would set a precedent as the first 3-storey house in the whole area.
- The neighbour of 1147 Tolmie Street asks what will become of the large, old trees on the border of the property where the house will be located. The house will be so close to the trees that they will have to be removed. Removing all the trees will degrade the environment, and the trees have not been considered in this appeal.
- The neighbour of 3182 Somerset Street notes their concern about the proposal for three stories. After hearing details of the proposal, they understand that the bottom level is mostly below the ground. There are a number of houses like this in the area, and if the variances reflect the worst case scenario the neighbour of 3182 Somerset Street supports the application. This will increase the value of the house and improve the neighborhood.
- The neighbour of 3159 Somerset is not opposed to the development, but is concerned about the sewer. The proposed house will put a high demand on the sewer. The existing sewer will not meet the capacity for the new house, so it seems redundant to be questioning the existing sewer.

Designer

- The proposal will not look like a 3-storey house; the lowest level will mostly be buried underground.

Board

- Is using the existing sewer service being considered?
 - No, but the location of the sewer is required to proceed with the project.
- Is the concern that the sewer was not made as deep as it should have been?
 - We are assuming that it would connect and run through the setback, but we don't want to submit for a permit under an assumption of where
- Is Engineering able to confirm how deep sewer and sanitary lines are?
 - Yes, in the street it is 7 ft.
- And with this 7ft. depth is a variance required?
 - If it was 7 ft. deep on the lot, a 0.5 ft. variance would be required, but due to the slope in grade it is only about 6 ft. deep and a greater variance is needed.

- Will the grade be built up?
 - Yes, so that the garage is at grade and sloping towards the street.
 - The back grade will be lowered, and the front brought up to even out the average grade.
- Are the plans correct showing a 7.88% slope on the driveway?
 - Yes; these drawings are based on the worst case scenario. The Designer expects to find the sewer in the setback, replace it as necessary, and not use the variances even if they are granted.
- Will the existing house be demolished, and if so, will the rear yard setback change from what it is now?
 - The designer does not know the location of the existing house, but the variance requested is only for the rear stairs.

Public portion of the meeting closed.

- The Board encourages Applicants to discuss their plans with neighbours prior to the meeting. It is concerning that a full consultation was not done.
- It is difficult to grant a variance based on what might occur; more information is needed to justify the height variance.
- The Board may grant variances where appropriate, but only seeks to grant the least variance as is necessary to alleviate the hardship. It is difficult to decide what is necessary with the information provided.
- It is concerning that there seems to be some difficulty in obtaining information on the sewer service location.
- The best information is that the depth of the sewer is 7ft; on this basis, the variance for the front would make sense.
- The Board is not prepared to support the variances requested, because more information is necessary.
- The Applicant should hire someone who can ascertain the sewer location.

Moved: Jaime Hall

Seconded: Margaret Eckenfelder

That Appeal No. 00680 for 3179 Somerset Street be adjourned and heard at the meeting of the Board at 12:30 pm on November 9, 2017.

CARRIED

Meeting Adjourned at 1:52 pm.
