

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
OCTOBER 26, 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 12:30 pm.

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

Moved: Margaret Eckenfelder

Seconded: Jaime Hall

That the minutes of October 14, 2017 be adopted as amended.

2. **Appeals**

12:30 Board of Variance Appeal #00674

**Matt and Wendy MacNeil, Applicants / Owners; Ines Hanl, Designer
1525 Shasta Place**

Present Zoning: R1-A – Rockland Single Family Dwelling District
Present Use: Single Family Dwelling

The proposal is to construct a new single family dwelling and a new plus site garden suite.

Bylaw Requirements

Relaxations Requested

Part 1.1.5 (b)

Relaxation for the rear yard setback of the single family dwelling from 12.36m to 3.71m

Schedule M Section 2 (e)

Relaxation for the location of the garden suite from the rear yard to the side yard

Matt and Wendy MacNeil, Applicants / Owners; Ines Hanl, Designer; Pat and Paul Cullen, Builders; Bob June of the Rockland Neighbourhood Association and the neighbour of 1545 Shasta Place were present.

Applicant / Owner

- At the previous hearing, the Owners requested that only the first variance of the three requested would be considered.
- The letter from the neighbours of 915 St. Charles Street noted concern over the possibility of ice in the private laneway. The Owners have conducted a shadow study

with the existing hedge. It appears that there would not be much effect on the private lane due to the Owners' proposal.

- The shadow study illustrates the shadow cast by the hedge year-round, and does not take into account the proposed construction.
- The existing hedge is about 16ft. tall.

Board

- With regards to the shadow study, why does the shadow appear to stop at the edge of the driveway?
 - The hedge is 16ft. tall, and the laneway is directly adjacent to the hedge.
 - Regardless of the proposed changes, the laneway would still be shadowed by the hedge. If there are frost issues, they exist already due to the hedge.
- The clarification sought through the shadow study was the influence of the structures involved, because hedges are not permanent. What would be the effect of the shadowing from the building?
 - The Applicant submitted what they thought was appropriate, given that they had never seen or ordered a shadow study before.
 - The Applicant would have appreciated better guidance and more clarity from the Board regarding the request for a shadow study.
 - The Applicants had the shadow study done with regards to the neighbours' concern for frost, and thought that the beginning and end of the day would be the best times to illustrate this.
- One of the diagrams in the shadow study is titled June at 4:30 am. Is this an error?
 - The Applicants are not certain; it could be an error.

Neighbours

Katie Lauriston, Secretary, read a letter concerning the application from neighbours of 915 St. Charles Street and 1535 Shasta Place.

Designer

- The materials provided show how the garage lines up with the neighbours' property line.

Applicant / Owner

- The Applicants received a phone call this morning from the authors of the letter. The neighbours have communicated that the proposed design would affect future considerations of their property. The neighbours' lot is large, and there is a lot of space for possible future development.
- The Owners are dismayed by the timing of their neighbours' request to discuss the proposal, as the neighbours only called the day prior to this meeting. The Owners showed their neighbours the revised plans a month ago.
- The Owners have invited all their neighbours to attend these meetings, where neighbours could have their say. The Owners have also made it clear to their neighbours that they would proceed with the application presented.

Board

- In the previous hearing, the Board asked whether a reduction in the height of the rear structure might be considered. Has this been considered?
 - Based on the Applicants' interpretation of the results of the shadow study, the Applicants felt that a reduction in height would not be necessary.

- The drawings indicate a 15' ceiling height for the top floor; did the Applicants consider reducing this height?
 - The Owners hadn't further considered reducing the height due to their interpretation of the results of the shadow study.

Neighbours

- The neighbour at 1545 Shasta Place is supportive of what the Applicant wishes to do; the Applicants have explained their proposal well to neighbours and have invited neighbours into their home to view the plans.
- The proposed plans are a good fit for the neighbourhood. They are adding back character and holding on to elements with heritage value.
- The development mentioned by the neighbours at 915 St. Charles is of greater concern than what is being proposed by the Applicants.

Public portion of the meeting closed.

- It is difficult to tell from the shadow study provided whether the shadowing from the roofline projects beyond the shadow of the hedge. Shadow studies are meant to illustrate the shading influence of the proposal at key times, especially at times where the influence of shading would be the most extreme for neighbours.
- The Applicant has provided a good description of the current state of the property. It is clear that the Applicant is being sensitive to the challenges of the property.
- Although the Board did request additional information, the Applicant has addressed the primary concern of shading and icing of the driveway. The existing hedge shades the laneway just as much. It appears that the proposed building will not exacerbate shading due to the existing hedge.
- Effort has been made to put the garden suite in a good location.
- With regards to the neighbours' comment concerning consultation, it is important that applicants speak to their neighbours when making a proposal. The Board is satisfied that every effort has been made to consult neighbours for this proposal.
- The letter from neighbours of 915 St. Charles and 1535 Shasta requested that the Board provide assurances for future development with a written response. This is outside the Board's jurisdiction.

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be allowed:

Bylaw Requirements

Part 1.1.5 (b)

Schedule M Section 2 (e)

Relaxations Requested

Relaxation for the rear yard setback of the single family dwelling from 12.36m to 3.71m

Relaxation for the location of the garden suite from the rear yard to the side yard

CARRIED UNANIMOUSLY

**1:25 Board of Variance Appeal #00683
Amit and Karishma Sethi, Owners / Applicants; Kyle Leggett, Java Designs,
Designer
68 Government Street**

Present Zoning: R2 – Two Family Dwelling District
Present Use: Vacant

The proposal is to construct a new single family dwelling with secondary suite.

Bylaw Requirements

Relaxations Requested

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|----------------|--|
| 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 and the neighbour of 64 Government Street were present.

Applicants / Owners

- Plans approved by the Board in May had a flat roof design. The new roof design has increased the height, so a new height variance is requested.
- The Owners bought the lot after the design with the flat roof was approved. The Owners wish to change the design so that it is a better fit in the neighbourhood.
- The Owners wish to start construction and move into their new house as soon as possible.
- The request for the front setback relaxation is due to the Juliet balconies. These are purely decorative and not accessible from inside. The design will add to the look of the house.
- The request for relaxation of the rear yard setback is only increasing by 1cm. The changes are purely decorative; the Owners wish to add to the look of the house.

Neighbour

- The neighbour of 64 Government Street was initially concerned about the proposal, but after speaking with the Owners is no longer concerned.

Katie Lauriston, Secretary, read aloud letters from neighbours of 65 Government Street, 130 Government Street and 64 Government Street opposing the proposal.

Board

- When was the house purchased?
 - The Owners purchased the property in August 2017.

- The upper floor plan shows 9 ft. ceiling height in the west; was a reduction in the roof height considered?
 - This is a small lot, and the houses are very close to one another. Another foot difference in height will not decrease whatever shadowing the house may cause. The height will make a lot of difference for the Owners living in the house.
 - The appearance of the house is greatly improved with the proposed roof design.
 - The neighbours of 130 Government Street are not living in the house adjacent to 68 Government Street, they run a grocery store and rent the property.
- There seems to be concern about shading in the courtyard; would a minor reduction in height affect the shading in the courtyard?
 - No matter what changes the Owner makes, there will be shading in the courtyard because it is at the ground level.
- Did the Owner speak to the neighbours to make them aware of the change in plans?
 - This is the Owner's first time going through this process. The Designer handled the application process and did not let the Owners know that consulting neighbours was necessary.
 - The Owners did not feel comfortable knocking on their neighbours' doors. This is a learning experience for the Owners, and they would have spoken with their neighbours if they knew this was necessary.
- The grade seems to have changed as a result of the stairwell into the proposed basement suite. If the grade changed, has this affected the variance for roof height?
 - This is a question for the Designer.
 - The requested variances have not changed very much from what was approved in March, and the neighbours supported the application at that time.
 - Although the Owners are open to changing their proposed design, they wish to avoid delaying the project so that they can move in as soon as possible.

Public portion of the meeting closed.

- Talking to neighbours is an important part of the process.
- It is a challenge to approve the request for an increase in height. This is a small lot and variances are being requested in all dimensions.
- It would be very helpful if the Designer were present to answer the Board's questions. The Board is requesting clarification on the requested height variance.
- The Board seeks to provide the least variance that is required to relieve the hardship. The Board has not been provided with the technical information necessary to come to a decision.
- The Applicant is asked to return with more information.

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That Appeal No. 00683 for 68 Government Street be adjourned to the meeting of November 23, 2017 at 12:30 pm.

CARRIED UNANIMOUSLY

Meeting Adjourned at 2:00 pm.
