

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
APRIL 12, 2018**

Present: Andrew Rushforth, Chair
Trevor Moat
Margaret Eckenfelder

Absent for a portion of the meeting: Rus Collins

Absent: Jaime Hall

Staff: Nina Jokinen, Planning Technician
Katie Lauriston, Secretary

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

1. Minutes

Minutes from the meeting held March 8, 2018

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the minutes from March 8, 2018 be adopted as amended.

Carried Unanimously

2. Appeals

**12:30 Board of Variance Appeal #00710
Dan Morisseau, Sol Design Build, Applicant / Designer; Stan and Dawn Chojnacki,
Owners
2848 Doncaster Drive**

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

The proposal is to renovate the existing building which includes raising the building, adding a new secondary suite and constructing an addition on the rear (west) side of the property.

Bylaw Requirements

Relaxations Requested

Part 1.2.5 (a)

Reduce the front yard (east) setback from 7.50m to 5.92m

Note: Existing is 4.34m

Part 1.2.5 (d)

Reduce the combined side yard setbacks from 4.50m to 3.19m

Note: Existing is 2.14m

Part 1.2.5 (e) Reduce the side yard (north) setback on the flanking street from 3.50m to 1.59m

Note: Existing is 0.5m to the deck.

Dan Morisseau of Sol Design Build, Applicant / Designer and Stan Chojnacki, Owner were present.

The correspondence submitted by the applicant in favour of the application from Erica Fowles of 1547 Edgeware Road, Travis Nowell of 2844 Doncaster Drive, Kim Nicholls and Eric Rushton of 1568 Westall Avenue, Nel Snijders of 2850 Doncaster Drive and Rowan Sentesy of 1566 Westall Avenue was acknowledged.

Designer

- The owners wish to complete a straightforward renovation to increase their basement space to a useable suite size with an 8' tall ceiling.
- There are concerns related to excavating because of an old brook in the area, so the owners would prefer to raise the house. While the proposal meets height restrictions, it has existing non-conforming status related to its setbacks. If the basement were excavated, variances would not be required due to the existing non-conforming status.
- The proposal decreases the setbacks and includes improvements to the house overall.

Board

- Will the level of the basement floor be lowered?
 - The floor will stay 6" higher than average grade, and the ceiling will be 8' tall.
- What is the existing height of the basement?
 - Roughly 6'4" but it is not level and there are beams.
- By how much will the house be lifted?
 - Between 2 and 2.5 ft.
- Is there no height variance required?
 - No.
- Was the existing house built into the setbacks?
 - Yes, and the existing entry will be removed.
- So the setback is being reduced overall?
 - Correct, as the exterior stairs will be eliminated in favour of interior stairs.
- Is the east elevation the front of the house?
 - Correct.
- Will the front garage entrance still exist?
 - Yes, and the site servicing will also remain the same.
- Was shifting the house within the setbacks considered?
 - The shape of the house does not allow it to fit within the setbacks.
- Will the foundation be demolished?
 - Yes, and new walls will be constructed from the main floor down.
- Was moving the parking to access from the alley considered?
 - There is no plan to do this, as the owners want to maintain their backyard as a safe space for the family and there is sufficient turnout space in front of the house.
 - It also makes sense financially to save the structure, as the bearing wall creates garage space.

- Are the porch stairs drawn to scale?
 - The laneway is probably not drawn to scale; it is probably much wider than on the plans.

Public portion of the meeting closed.

Motion:

Moved: Margaret Eckenfelder

Seconded: Rus Collins

That the following variances be approved:

- | | |
|----------------|--|
| Part 1.2.5 (a) | Reduce the front yard (east) setback from 7.50m to 5.92m |
| Part 1.2.5 (d) | Reduce the combined side yard setbacks from 4.50m to 3.19m |
| Part 1.2.5 (e) | Reduce the side yard (north) setback on the flanking street from 3.50m to 1.59m. |

Carried Unanimously

Rus Collins recused himself from Appeal No. 00711 for 167 Robertson Street.

12:50 Board of Variance Appeal #00711

**Louis Horvat, Zebra Design & Interiors, Applicant / Designer; John and Stephanie Andrew, Owners
167 Robertson Street**

Present Zoning:	R1-G – Single Family Dwelling (Gonzales) District
Present Use:	Four Single Family Dwellings

The proposal is to construct a new accessory building, patio, swimming pool, hot tub and retaining wall.

Bylaw Requirements

Relaxations Requested

- | | |
|----------------|---|
| Part 1.6.8 (b) | Increase the height for the pool and hot tub (outdoor features) from 3.50m to 5.22m from the natural grade. |
|----------------|---|

Louis Horvat, Zebra Design & Interiors, Applicant / Designer, John Andrew, Owners, and Jean Trevelthan of 159 Robertson Street were present.

The correspondence submitted by the applicant in favour of the application from David S. Geer of 1769 Ross Street, neighbours of 175 Robertson Street, 166 Robertson Street, J. Trevelthan of 159 Robertson Street and Zoralda Philp of 1767 Ross Street was acknowledged.

Designer

- There is a drastic slope at the rear of the property towards Gonzales Bay.
- The owners are looking to build a pool and accessory building. The proposal requires a variance of 1.72m above the bottom retaining wall for the height of the outdoor feature (pool).
- To make the back yard usable and enjoyable, the owners would be constructing a retaining wall with or without the pool.

Owners

- The owners bought the property with the intent of taking advantage of the outdoor space in the back yard, drawing the family outside and encouraging outdoor activities.
- Any structure built in the yard would require a retaining wall.
- The owners could build a wall and put pavers on top, which would not require a variance, but a pool would be preferred.
- The hardship is associated with the slope of the lot and the restrictions for outdoor features.

Board

- Is it the case that the same height wall could be constructed without a pool and not require variances?
 - Yes, the pool is considered an outdoor feature.
- Will the height of the wall be increased?
 - No. This was discussed with the next door neighbours, and it the wall will be at the same level as neighbours' walls.
- Would the look of the wall from the water be in keeping with the neighbouring houses?
 - Yes.
- Will the willow tree be removed?
 - The owners are meeting with the Parks department to determine the fate of the trees. The neighbours' feedback has supported having the tree removed.

Neighbours

- Jean Trevethan of 159 Robertson Street noted that she is very pleased with the proposal, and that it would be an asset to the neighbourhood to have the tree removed, as it attracts vandals.

Board

- Did the applicant contact the neighbours at 172 Robertson Street?
 - This neighbour is elderly and did not answer the door.

Public portion of the meeting closed.

Board

- Appreciation for the virtually unanimous neighbourhood support.

Motion:

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be approved:

Part 1.6.8 (b)

Increase the height for the pool and hot tub (outdoor features) from 3.50m to 5.22m from the natural grade.

Carried Unanimously

Meeting adjourned at 1:03 pm.
