

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
FEBRUARY 22, 2018**

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

**Absent:** Margaret Eckenfelder

**Staff:** Nina Jokinen, Planning Technician  
Katie Lauriston, Secretary

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The meeting was called to order at 12:35 pm.

**1. Minutes**

Minutes from the meeting held February 8, 2018

**Moved:** Trevor Moat

**Seconded:** Rus Collins

That the minutes from February 8, 2018 be adopted as presented.

**Carried Unanimously**

**2. Appeals**

**12:30 Board of Variance Appeal #00696  
Robert Adams, Applicant; David Adams, Owner  
1646 Burton Avenue**

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

The proposal is to renovate the existing single family dwelling which includes new foundation and house lift, rear addition, new deck and front porch.

**Bylaw Requirements**

**Relaxations Requested**

Part 1.2.5 (a)

Reduce the front yard setback from 7.50m to 3.56m

Part 1.2.5 (d)

Reduce the combined side yard setback from 4.50m to 4.00m.

Robert Adams, Applicant, was present.

Applicant

- The small, rectangular house was built in 1913. There is a lane at the back and adjacent houses on each side.

- The foundation must be replaced as it has failed on one side, causing a problem with rodents. Previous owners put studs down onto a 2x6 on the ground; that is what is holding up that side of the house. The rest of the foundation has no footings. The owner did not realize the foundation's condition when they purchased the house.
- The house will be put up on blocks to replace the foundation, and the applicant is proposing to raise the house minimally in the process. The back half of the basement is lower than head height.
- The site is limited by bylaws for vehicle access; an 8% slope driveway is required, which limits the height that the house can be raised to 2.5'.
- The hardship is that the applicant needs to repair the foundation with these conditions.
- The applicant is also requesting a variance for the side yard setbacks; the minimum combined setback is exceeded by about 2' overall and the house is skewed on the lot.
- The house was originally built 15' from the front property line. The porch projects 5' into the setback. The stairs lead down the side of the house would need to be replaced. The intent is to make the deck and stairs in the same dimensions as exist now, but the stairs would be longer with the increased height.
- The proposal also includes adding 4' to the back of the house for a stairway to the basement. To make it look reasonable a 4' area at the back would be added for the deck and enclosed for the stairs. The hardship is that the basement cannot be accessed without going outside.
- The applicant considered demolishing the house and rebuilding, but it was very difficult to find a builder to work with and it was decided to renovate the existing house instead.

The correspondence submitted by the applicant in favour of the application from L. Rowbottom of 1640 Burton Avenue, Neil Baird of 1650 Burton Avenue and Matthew Byrnell of 1645 Burton Avenue was acknowledged.

### Board

- Is the side yard setback request to allow the existing footprint?
  - Yes, other than the 4' requested for the back of the house.
- For the front yard setback, the proposal is for a new landing, stairs and roof, within the existing footprint?
  - Correct.
- Was having the stairs switch back considered?
  - The applicant would consider this as a possibility.
- Are the stairs too steep to meet building code?
  - Calculations indicate that they work, but the back stairs could go out further than indicated. The grade would also be raised at that point to shorten the stairs.
- What is the intent behind the side window placement?
  - The windows are placed as they are to keep open the possibility for a future suite; for now, the applicants want as much light in the room as possible while complying with the fire code.
- Did the owner or applicant receive any additional feedback from the neighbours?
  - No additional feedback; all neighbours seemed okay with the proposal.

*Public portion of the meeting closed.*

- Commendable to repurpose rather than demolish older housing stock.
- The request is reasonable, and the site warrants this kind of consideration.

**Motion:**

**Moved:** Trevor Moat

**Seconded:** Rus Collins

That the following variances be allowed:

Part 1.2.5 (a) Reduce the front yard setback from 7.50m to 3.56m

Part 1.2.5 (d) Reduce the combined side yard setback from 4.50m to 4.00m.

**Carried Unanimously**

**12:50 Board of Variance Appeal #00707**

**Doug Ko of Tyko Design Ltd., Applicant / Designer; Shirley Chen and Ken Wong,  
Owners  
1516 Westall Avenue**

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Present Zoning: R1-B – Single Family Dwelling District

Present Use: Single Family Dwelling

The proposal is to convert an existing accessory building to a garden suite.

**Bylaw Requirements**

**Relaxation Requested**

Schedule M Section 3 (a) Increase the rear yard site coverage from 25.00% to 28.50%.

Doug Ko, Applicant / Designer, was present.

**Applicant / Designer**

- There is an existing house and accessory building on the site. The proposal is to convert the existing accessory building into a garden suite.
- A variance is requested for site coverage; the zone allows a maximum of 25%, and the proposal would require 28.5% site coverage.
- In order to convert existing building into garden suite, it is very difficult to not use the existing building. This is the hardship. The existing accessory building has been in place since 2010, so it should not affect neighbours in any way (e.g. shadowing, sight lines, etc.)

**Board**

- Was the site coverage allowed at the time of construction?
  - The Zoning Technician explained that accessory building regulations in 2010 allowed for much larger buildings; regulations are now more stringent.
  - The existing building is non-conforming, and bylaw relaxations would be required due to the change in use.
- Have neighbours been contacted?
  - The owners have spoken to most of their neighbours.

- One neighbour filed a report with the City, as they were concerned that the accessory building was already converted and being used as a rental.
- Please explain the suite removal indicated in the plans.
  - There is an existing suite in the basement of the main house. The owners' parents live in the basement and don't need the suite.

*Public portion of the meeting closed.*

**Motion:**

**Moved:** Rus Collins

**Seconded:** Trevor Moat

That the following variance be allowed:

Schedule M Section 3 (a)                      Increase the rear yard site coverage from 25.00% to 28.50%.

**Carried Unanimously**

**1:10 Board of Variance Appeal #00706  
James & Amy Jaarsma, Applicants / Owners; Alan Bisson of AJB Home Design,  
Designer  
1110 Topaz Avenue**

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

The proposal is to lift the house, include a new secondary suite, construct a rear addition and finish the attic space.

**Bylaw Requirements                      Relaxation Requested**

Part 1.2.4 (a)                              Increase the number of storeys from 2 to 2.5.

Jim Jaarsma, Owner, was present.

**Owner**

- As part of the ongoing house renovations, the owner wishes to add storage space in the attic of the existing house.
- An engineer was consulted early on to add additional attic space, but this was not reflected in the plans previously approved by the Board.
- The owner inadvertently installed stairs to top level, which put the house in contravention of the bylaw for number of storeys.
- The attic is not practical as a living space, even though it is technically identified as such.
- The owner was advised that the best way to right the situation would be to return to the Board and request the addition of a half storey.

The correspondence submitted by the applicant in favour of the application from Kristia Di Gregorio of 1120 Topaz Avenue, Adam Cox of 2856 Prior Street, Richard Jarman of 1104 Topaz and Scott Clazie of 2923 Graham Street was acknowledged.

**Board**

- Is there only storage on half the house?
  - Yes. There is a vaulted ceiling in the shower.

*Public portion of the meeting closed.*

- The request is reasonable, and it is appreciated that the owners are able to add storage space without changing the building envelope.

**Motion:**

**Moved:** Trevor Moat

**Seconded:** Jaime Hall

That the following variance be allowed:

Part 1.2.4 (a) Increase the number of storeys from 2 to 2.5.

**Carried Unanimously**

**1:30 Board of Variance Appeal #00705  
Lynne Bain and Robert Moyes, Applicants / Owners  
128 Superior Street**

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

The proposal is to construct a bay window at the front of the primary building.

**Bylaw Requirements**

**Relaxations Requested**

Part 1.2.5 (a) Decrease the front yard setback (to the bay window) from 7.50m to 2.43m

*Note:* The existing front yard setback is 3.05m

Part 1.2.5 (c) Decrease the west side yard setback (to the bay window) from 3.00m to 1.67m

*Note:* The existing side yard setback is 0.96m

Part 1.2.5 (d) Decrease the combined side yard setback from 4.50m to 2.13m

*Note:* The existing combined side yard setback is 1.42m

Part 1.2.6 (a) Increase the site coverage from 40.00% to 46.10%  
*Note:* The existing site coverage is 45.00%.

Lynne Bain, Owner, was present.

Owner

- The owners bought the non-conforming house 25 years ago in James Bay.
- The living room is very dark, and is only getting darker and darker with the large tree in the front yard and the new adjacent house to the right.

Board

- Is the bay window only a single plate of glass?
  - Yes.
- Given the size of the tree, might it be affecting the foundation?
  - The owner is not certain if it is affecting the concrete foundation.

*Public portion of the meeting closed.*

**Motion:**

**Moved:** Jaime Hall

**Seconded:** Trevor Moat

That the following variances be allowed:

Part 1.2.5 (a) Decrease the front yard setback (to the bay window) from 7.50m to 2.43m

Part 1.2.5 (c) Decrease the west side yard setback (to the bay window) from 3.00m to 1.67m

Part 1.2.5 (d) Decrease the combined side yard setback from 4.50m to 2.13m

Part 1.2.6 (a) Increase the site coverage from 40.00% to 46.10%.

**Carried Unanimously**

Meeting Adjourned at 1:35 pm.

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