

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
JANUARY 11, 2018**

Present: Andrew Rushforth, Chair
Rus Collins
Trevor Moat

Absent: Margaret Eckenfelder
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 of December 14, 2017

Moved: Trevor Moat

Seconded: Rus Collins

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

2. Appeals

12:30 Board of Variance Appeal #00695

**Ken Bartesko, Applicant / Designer; Isabel and Aleix Adgira, Owners
1268 Pembroke Street**

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

The proposal is to renovate the existing single family dwelling and for the construction of a new plus site garden suite.

Bylaw Requirements

Relaxation Requested

Schedule M Section 2 (e)

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

Ken Bartesko, Applicant / Designer, Isabel Adgira, Owner, Robert Boyd, family friend, and Christina Woods of 1265 Pembroke Street were present.

Designer

- The Delegated Development Permit (DDP) application did not support the original proposal's placement of the garden suite as it was too close to neighbours. For this reason, the garden suite has been brought closer to Ridge Road.
- The designer's objective with this proposal is to give continuity to the streetscape.
- The City has requested a 1.4m right-of-way on Pembroke Street and another on Ridge Road, and there can be no permanent construction within this setback. The parking stalls have also been moved to allow for the right-of-way.

- There is an error in the number of parking stalls mentioned in the letter to the Board; these stalls were already reduced in the plans presented at the previous BOV meeting.
- The previously proposed fence along Ridge Road has been replaced with a row of bushes to allow for a light well at the basement window.
- A tree has been added at the east side for privacy.
- The changes to the garden suite are minimal. A staff recommendation for the DDP was to make a more substantial front entry porch; the new 5ft posted porch starts at the right-of-way setback and the front roof has changed slightly.
- The main house roof slope and roof height were slightly reduced to keep the height in compliance.
- These are minor changes from what was originally submitted; the designer hopes to submit a building permit soon.

Board

- The front porch looks smaller on site plan than it does on front elevation; is this a mistake?
 - Yes, this is an error.
- Has the applicant spoken with all the neighbours?
 - Yes, 100% of neighbours are supportive of this project.
- What does the 'X' on the neighbour survey indicate?
 - The 'X' for 1265 Pembroke Street means that these neighbours could not be reached.

Neighbours

- Christina Woods of 1265 Pembroke Street supports the proposal.

Public portion of the meeting closed.

- The proposed changes result from requests by the City and the proposal improves the neighbourhood.

Motion:

Moved: Trevor Moat

Seconded: Rus Collins

That the following variances be allowed:

Schedule M Section 2 (e)

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

Carried Unanimously

12:50 Board of Variance Appeal #00694

**Ryan Breuker, Owner / Applicant; Victoria Design Group, Designer
658 Pine Street**

Present Zoning:
Present Use:

R1-B – Single Family Dwelling District
Single Family Dwelling with Secondary Suite

The proposal is to enclose the rear roof deck.

Bylaw Requirements

Relaxations Requested

Part 1.2.4 (a)

Increase the height from 7.60m to 8.47m

Note: Existing height is 8.47m

Part 1.2.4 (a)

Increase the number of storeys from 2 to 3

Note: Existing number of storeys is 3

Ryan Breuker, and Tegan Breuker, Owners / Applicants; were present.

Owner

- The owners' family is growing and the upstairs room does not have space for a closet or a double bed.
- The owners previously completed a house lift, which was a significant expense. At that time, the plan was build a roof deck as a temporary measure, then enclose it to make a bedroom later. This will allow for the bedrooms to be on the same floor, which will be much safer by reducing the use of the existing non-conforming stairs.
- The proposal is very minor, and the owners were surprised to learn that this process was necessary given the previously approved height variance.
- The roofline will be continued to the end of the home.
- The proposal will help the house fit in with the neighbourhood, and is supported by neighbours as this will increase privacy.

Neighbours

Katie Lauriston, Secretary, read aloud letters of support from Ryan Hardey of 664 Pine Street and Matt and Melissa Tomlins of 654 Pine Street.

Board

- At a previous hearing, one of the neighbours expressed opposition to the roof deck. Have the owners spoken to this neighbour?
 - The City's letter would inform them of the proposed changes.
 - Due to past confrontations with this neighbour the owners are not on speaking terms at this point.
- Are the dormers being extended?
 - The existing dormers are not being touched. The ridge on the back of the home will continue on the same plane out to the end of the house.
- Why would a variance be necessary for something already existing?
 - Because the house is already over the allowable height, the proposed extension requires a variance request. The changes to the previously approved plans require a separate approval.

Public portion of the meeting closed.

Motion:

Moved: Rus Collins

Seconded: Trevor Moat

That the following variances be allowed:

- | | |
|----------------|---|
| Part 1.2.4 (a) | Increase the height from 7.60m to 8.47m |
| Part 1.2.4 (a) | Increase the number of storeys from 2 to 3. |

Carried Unanimously

1:10 Board of Variance Appeal #00697
Lindsay Baker, Aspire Custom Designs Ltd., Designer; Rueben and Amy Bronee, Owners
749 Selkirk Avenue

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

The proposal is for renovations which include a front porch and steps and the construction of a rear addition and deck in line with the existing building.

Bylaw Requirements

Relaxations Requested

- | | |
|----------------|--|
| Part 1.2.5 (c) | Reduce the west side yard setback from 3.00m to 2.30m
<i>Note:</i> Existing is 2.30m |
| Part 1.2.5 (d) | Reduce the combined side yard setbacks from 4.50m to 4.10m
<i>Note:</i> Existing is 4.10m |

Lindsay Baker of Aspire Custom Designs, Designer; Amy and Rueben Bronee, Owners, were present.

Designer

- The proposal is to build in line with the existing building, keeping it symmetrical.
- There has been a lot of support from neighbours.
- The stairs off side of the house will be removed, making the projection into the setbacks decrease.

Neighbours

Katie Lauriston, Secretary, read aloud letters of support from Nicholas May and Nicola Marotz of 747 Selkirk Avenue, Chris and Alison Skillings of 739 Selkirk Avenue, Patrick and Paulyne Vining of 1335 Arm Street and Kenneth and Jean Southey of 755 Selkirk Avenue.

Board

- Could this addition be built without variances?
 - If the addition were made narrower, there wouldn't be room for the bed and master bedroom. Pushing the back of the addition out would also encroach further towards neighbours, and this reduces the structural impact by keeping the building in line.
- Was that option considered?
 - Yes, the designer considered building the posts within the setback and having the structure project. Although this is allowed in other municipalities, this isn't allowed by Victoria's bylaws.
- Did the neighbours indicate that they preferred this proposal to one conforming to requirements?
 - Yes, the proposal was thoroughly discussed with neighbours.

Public portion of the meeting closed.

- The addition seems reasonable, and there is evidence that neighbours have been consulted.
- The visual impact to the front is minimal, and making the addition narrower would worsen the interior space.

Motion:

Moved: Trevor Moat

Seconded: Rus Collins

That the following variances be allowed:

- | | |
|----------------|---|
| Part 1.2.5 (c) | Reduce the west side yard setback from 3.00m to 2.30m |
| Part 1.2.5 (d) | Reduce the combined side yard setbacks from 4.50m to 4.10m. |

Carried Unanimously

1:30 Board of Variance Appeal #00698

**Todd Martin, Knotinabox Design Inc., Applicant / Designer; Colin Brooks, Owner
1390 Richardson Street**

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

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

Bylaw Requirements

Relaxations Requested

- | | |
|-------------------|---|
| Section 1.1.5 (a) | Reduce the front yard (Lotbiniere Avenue) setback from 7.50m to 2.42m |
|-------------------|---|

Section 1.1.5 (b) Reduce the rear yard (west) setback from 7.50m to 3.00m

Section 1.1.5 (e) Reduce the flanking street setback from 6.0m to 3.39m

Todd Martin, Knotinabox Design Inc., Applicant / Designer; Colin Brooks, Owner, Diana Smardon of 1397 Richardson Street and Mary Jones of 435 Kipling Street were present.

Designer

- The lot's shape is irregular and undersized for the R1-A Zone.
- Only a small trailer would fit within the existing setbacks.
- The applicants considered the viability of renovating the existing house, but it does not meet setbacks either. The proposal fits a home of a reasonable size onto this lot.
- The proposal meets the requirements of the R1-B Zone.
- The secondary suite is added for the owner's family.
- The grade falls 3-4m from the back to the front.
- The proposed house is located roughly within the same setbacks of the existing house.
- The frontage is technically on Lotbiniere Avenue; if it was on Richardson Street as originally thought only two variances would have been required.

Owners

- The owners have lived in the house for about 10 years and really like their location, the street, and their neighbours. The owners want to make the lot work in the long-term.
- The owners have frequently spoken to their adjacent neighbours, and they are supportive.

Designer

- The existing house did not meet parking requirements, so a two-car garage has been added to the proposal.

Neighbours

Katie Lauriston, Secretary, read a letter concerning the application from E. R. Georg of 1374 Richardson Street.

- The neighbour of 435 Kipling Street is here as a consultant for the neighbour of 1397 Richardson Street, and sees several problems with the proposal.
- The property is the entryway to Lotbiniere Avenue, so having only adjoining neighbours consulted is not sufficient.
- The existing house was designed to fit in and is very pleasant to look at.
- The size and severe, modern look of the house does not fit with the area. There are heritage aspects to the look of Lotbiniere Avenue, and the site is both too small and prominent for such a severe design.
- The variances may sound reasonable, but the proportion of changes on the lot have to be considered. The street setback is reduced by almost a half, and the reduction of the rear yard setback from 7.5m to 3m is a big jump.
- What about the Oak trees?
- Why not raise the existing house?

Designer

- The designer has planned around the existing oak trees, and is not getting rid of any trees.
- Richardson is an eclectic street, with modern houses mixed in with character houses.
- On the plans, the red line shows the location of the current house; the blue line shows the setbacks allowed; the white line shows what is proposed. The plan keeps same distance to Lotbiniere Avenue and to the neighbours to the back, and moving away from the other neighbours. The house will only be moved towards Richardson Street.

Neighbours

- The neighbour of 435 Kipling Street clarified that perhaps it is not the modern look but the siting of the house and how it sticks out that is objectionable. A less severe design would be better, with wood or stucco siding.
- The neighbour of 1397 Richardson Street's main concern is the design – a square box with a lid. The majority of people do not want to see this design; Oak Bay is stopping the construction of this type of house. This design does not have the right type of character.

Designer

- The designer initially looked at the cost of lifting and renovating the existing house, and the owners are now looking at moving the existing house elsewhere.

Neighbours

- Doesn't the proposal cover most of the lot?
 - No, there is only 34% site coverage.
- Any renovation is disruptive for the entire neighbourhood.

Designer

- Some materials were chosen for their ability to withstand the extensive southern exposure and minimize the need for maintenance.

Board

- Does the blue box on the plans illustrate the allowable footprint without variances?
 - Yes; this area is about the size of a sea-can.
- Is the small allowable area due to the front being on Lotbiniere Avenue?
 - Yes. The original design assumed that Richardson Street was the front, and those plans were able to fit the proposal within the allowable setbacks.
- What are the interior lot lines for the R1-A Zone?
 - Nina Jokinen, Zoning Technician, clarified that the requirements are 3m on the interior and 6m for the flanking street.
- What is the proposed site coverage?
 - The allowable site coverage is 40% and the proposal is at 32%. The proposal is also well below the allowable height.
 - The R1-A Zone has no basement guidelines, allowing the basement to be used as a secondary suite which would also be in line with the Official Community Plan.
- What is the neighbour's setback?
 - The designer does not have this information.
- Would the house on 520 Lotbiniere Avenue also be located in the setback?
 - It appears so.

Public portion of the meeting closed.

- The variances requested are reasonable and the surrounding houses are similarly situated.
- The required variances relate to the unusual shape of the lot.
- The proposed frontage on Richardson Street is respectful.
- The proposal falls well below the allowable site coverage.

Motion:

Moved: Rus Collins

Seconded: Trevor Moat

That the following variances be allowed:

- | | |
|-------------------|---|
| Section 1.1.5 (a) | Reduce the front yard (Lotbiniere Avenue) setback from 7.50m to 2.42m |
| Section 1.1.5 (b) | Reduce the rear yard (west) setback from 7.50m to 3.00m |
| Section 1.1.5 (e) | Reduce the flanking street setback from 6.0m to 3.39m. |

Carried Unanimously

**1:50 Board of Variance Appeal #00699
Paul Greenwood, True Home Construction, Applicant; Kyle Leggett, Java Designs,
Designer
1753 Adanac Street**

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

Relaxation Requested

Section 1.2.4 (a) Increase the height from 7.6m to 7.82m

Paul Greenwood of True Home Construction, Applicant / Owner, was present.

Owner

- When the project began, the finished grade was planned at a different level. Based on the average grade calculation, the foundation would be about 19” below grade in the backyard.
- The proposal is to bring the elevation of the house up slightly to protect tree roots and allow for a walkout to the backyard off the main level. The walkout and patio slab will sit on top of the roots without disturbing them.

- The protected root area runs all the way along the rear lot line. The roots are from trees located on the neighbour's property, and they stretch out about 15' from the lot line.

Board

- Can you show where the trees are located?
The owner indicated the location of tree roots on plans.
- The variance request is for height, yet the plans show both floors having 9' ceilings. Was it considered to lower this height to reduce the variance?
 - The owner is not sure why the designer would not have reduced the height.
- Have the owners spoken with the neighbours? What does the neighbour to the east at 1761 Adanac Street have to say?
 - This neighbour's house is very tall.
- Is there a fair distance between this house and the neighbour's?
 - No; the neighbour's house is right up against the property line.
- Is there anything that could be done without a height variance?
 - The Owner is not certain.

Public portion of the meeting closed.

- The Board requires further information from the designer regarding the necessity of the height variance.

Motion:

Moved: Trevor Moat

Seconded: Rus Collins

That Appeal No. 00699 for 1753 Adanac Street be adjourned to the meeting of February 8, 2018 at 12:30pm.

Carried Unanimously

Meeting Adjourned at 2:25 pm.
