

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
JANUARY 25, 2018**

Present: Trevor Moat, Acting Chair
Jaime Hall
Margaret Eckenfelder

Absent: Andrew Rushforth, Chair

Absent for a portion of the meeting: Rus Collins

Staff: Nina Jokinen, Planning Technician
Katie Lauriston, Secretary

Rus Collins was not present at the commencement of the meeting.

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

1. Appeals

**12:30 Board of Variance Appeal #00685
Lewis Horvat, Zebra Design, Applicant / Designer; Walter & Karen Madro, Owners
1980 Fairfield Place**

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

The proposal is to construct a new single family dwelling.

Bylaw Requirements	Relaxation Requested
Part 1.6.3 (c)	Increase the floor area of all floor levels combined from 300.00m ² to 371.46m ²
Part 1.6.4 (a)	Increase the height from 7.60m to 7.85m
Part 1.6.4 (a)	Increase the number of storeys from 1.5 to 2
Part 1.6.5 (b)	Reduce the rear yard setback from 14.03m to 8.07m
Part 1.6.5 (e)	Reduce the south side yard setback from 3.93m to 2.40m

Lewis Horvat of Zebra Design, Applicant / Designer; Julie Budgen, QEP, Environmental Planner from Corvidae Environmental Consulting Inc.; Walt and Karen Madro, Owners; neighbours Scott Chapman and Janya Freer of 330 Denison Road, Ben Isitt for the CRD Regional Parks Committee, Brad Atchison and Cheryl Shoji of 1968 Fairfield Place, Philippe and Catherine Doré of 1962 Fairfield Place, Helen Rodney of 308 Denison Road, Rob Lifton of 1959 Fairfield

Place, Sheila Protti of 396 Denison Road, Chris Travis of 134 Barkley Terrace, Virginia Errick of 615 Foul Bay Road, Paul Vincent of 198 Denison Road, Daphne Wass and Greg Lang of 954 Bank Street, Britta Bentz of B-990 Cowichan Street, Steve Jones of 1541 Rockland Avenue, Mary Doody Jones of 435 Kipling Street and Theresa Tallentire of 337 Masters Road were present.

Board

The Chair noted that the correspondence received indicates that there may not have been adequate time for all parties to be informed on the application. Attendees were invited to speak on this issue.

Neighbours

- Ben Isitt, Vice Chair of the Capital Regional District (CRD) Regional Parks Committee, noted that the CRD received the referral January 16th and there was insufficient time to consider the referral at the last monthly Regional Parks Committee meeting. A notice of motion has been submitted proposing consideration of the referral at the next Regional Parks Committee meeting, scheduled for February 21, 2018. Ben Isitt respectfully requested that any final decision by the Board of Variance be postponed until the CRD, an adjacent land owner, can provide proper comment.
- Brad Atchison, neighbour, noted that he is not technically defined as an adjacent property owner and is therefore not entitled to notification; however, he is the property owner most directly impacted by this project. The bylaw requires 10 days' notice for applications, but the default to the minimum 10 days' notice should not be standard practice and additional time should be given in this case. The process is not transparent and the minimal notification period does not allow time for applicable studies and neighbourhood consultation.
- Steve Jones, member of the Rockland Neighbourhood Association, noted that there is no published record of the meeting October 15th mentioned in the applicant's letter. This letter also mentions presenting a concept to the CRD's Parks department, but it is not evident that the CRD recalls this from back in 2016. The process has been followed here, but it is starting to look a bit unacceptable.

Board

The Chair explained that procedures have been followed and that the Board must follow the guidance set forward in the Bylaw and Local Government Act. The Board has heard comments on parties' ability to be informed about this application, and notes that the CRD as a notified neighbour has expressed a lack of opportunity to fully discuss the proposal with the Parks Committee.

- What is the CRD's next meeting date to discuss this proposal?
 - Ben Isitt of the CRD explained that he would need CRD staff to confirm whether any recommendation arising from the Parks Committee meeting would have to proceed to the Regional Board for approval of external communication, or whether the Committee could provide comment to the Board of Variance on its own. If comments had to go through the Regional Board, the soonest date that

the Regional Board would consider a recommendation from the Parks Committee would be March 15, 2018.

Public portion of the meeting closed.

Board

- After hearing concerns about a lack of notice to the CRD and other landowners, it seems appropriate that the application be heard at a later date.
- The Board is concerned about the considerable delay, but this will provide time for the neighbourhood and all adjacent land owners to provide comments to the Board.

Motion:

Moved: Jaime Hall

Seconded: Margaret Eckenfelder

That Application No. 00685 for 1980 Fairfield Place be adjourned to March 22, 2018.

Carried Unanimously

Rus Collins joined the meeting at 1:03 pm.

**1:05 Board of Variance Appeal #00700
Barry and Elizabeth Parsons, Owners / Applicants
1033 McGregor Avenue**

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

The proposal is to construct a new rear addition which includes a deck and steps.

Bylaw Requirements

Relaxations Requested

Part 1.1.5 (b)

Reduce the rear yard setback from 7.61m to 7.40m

Note: Existing is 7.40m

Part 1.1.5 (d)

Reduce the north side yard setback from 3.00m to 1.60m

Note: Existing is 1.60m

Barry and Elizabeth Parsons, Owners / Applicants; Greg Dyck of Dyck Construction, Contractor, were present.

Owner

- The owners bought a house with a very dangerous, unfinished deck. The owners are looking to obtain a permit for the deck and make the living space larger for a growing family.

Contractor

- There was an existing variance for the side yard setbacks from when the lots were subdivided. The owners want the deck to continue along the same line as the house to gain living space at the rear.
- The existing deck extends over the rear yard setback, but this was existing and approved by the City. When the applicants realized that variances were required, the plans had already been reviewed by architects and engineering.
- All the neighbours support the proposal, and the owners are also adjacent neighbours.

Katie Lauriston, Secretary, read aloud a letter acknowledging the proposal from neighbours of 1035 McGregor Street and D. J. Spivak of 1040 Terrace Avenue.

Board

- Which is the lot that the owners also own?
 - 1050 Terrace Avenue, adjacent and to the rear.
- Does the existing deck have a variance?
 - No, the variance was granted for the adjacent property to the north. A variance was granted when the lot was subdivided.
- Is there a lower level under the basement?
 - Yes, so all that is being done is an addition on top of the deck, and adding living space underneath the deck in line with the house.

Public portion of the meeting closed.

- The requested variances are reasonable.

Motion:

Moved: Rus Collins

Seconded: Margaret Eckenfelder

That the following variances be allowed:

- | | |
|----------------|---|
| Part 1.1.5 (b) | Reduce the rear yard setback from 7.61m to 7.40m |
| Part 1.1.5 (d) | Reduce the north side yard setback from 3.00m to 1.60m. |

Carried Unanimously

**1:10 Board of Variance Appeal #00702
Ryan Willie, Latitude 48 Design, Designer / Applicant; Rhett Peterson, Flintstones
Construction, Builder / Applicant; Chris and Jim Newton, Owners
818 Queens Avenue**

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

The proposal is for renovations which include excavating the foundation to allow for a new basement suite, partially demolishing the deck and replacing the exterior front steps.

Bylaw Requirements

Relaxations Requested

Part 1.2.5 (c)	Reduce the west side yard setback from 1.50m to 0.10m <i>Note:</i> Existing is 0.10m
Part 1.2.5 (d)	Reduce the combined side yard setbacks from 4.50m to 3.04m <i>Note:</i> Existing is 3.04m
Part 1.2.6 (a)	Increase the site coverage from 40.0% to 42.0% <i>Note:</i> Existing is 46.0%

Ryan Willie of Latitude 48 Design, Designer / Applicant; and Chris and Jim Newton, Owners, were present.

Katie Lauriston, Secretary, read aloud letters of support from Gabriel Figueroa of 2308 Wark Street, Gary Streight of 814 Queens Avenue and Mohamed Hameed of 831 Queens Avenue.

Designer

- The 3-storey house was built in 1912, and the proposal would add a secondary suite in the lower floor.
- There are some non-conforming elements to the existing house including a garage at the west of the property that was built without permits 40-60 years ago. A deck was also previously added to the west.
- The plans indicate existing and proposed plans. The blue section on the plans indicate the existing deck that will be removed, and the green section is the existing garage.
- The owners want to keep the existing garage because they do not have a vehicle; they depend on walking and the use of their motorized scooter that is kept dry in the garage.
- The applicants would like to maintain the existing west side yard setback and the site coverage. The existing lot coverage is 46%, which will be reduced by eliminating the deck.
- After discussions with the City, the proposal for the garage is to make it a fire-rated assembly on the west face, against the neighbours. The existing window will be removed because it does not meet spatial separations required by the BC building code.

Board

- What is the height of the lower floor, to accommodate the suite?
 - The existing drop-beams are as low as 6' and the ceiling is below the allowable limit at 6' 7".
 - The previously considered option was to lift the house, but it was found to be more economical to lower the slab.

Public portion of the meeting closed.

Motion:

Moved: Margaret Eckenfelder

Seconded: Jaime Hall

That the following variances be allowed:

- | | |
|----------------|--|
| Part 1.2.5 (c) | Reduce the west side yard setback from 1.50m to 0.10m |
| Part 1.2.5 (d) | Reduce the combined side yard setbacks from 4.50m to 3.04m |
| Part 1.2.6 (a) | Increase the site coverage from 40.0% to 42.0%. |

Carried Unanimously

**1:30 Board of Variance Appeal #00701
Melissa Ollsin, Appleford Building Co., Applicant / Contractor; Jessica and Kate
Braidwood, Owners
1919 / 1921 Belmont Avenue**

Present Zoning: R1-B – Single Family Dwelling District
Present Use: Duplex – 1959 Conversion

The proposal is to construct a three-storey addition to the rear of the existing duplex. This application is a revision to a previous Board of Variance application from December 22, 2016, which allowed variances for the height, number of storeys, roof deck, south side yard setback and combined side yard setback.

Bylaw Requirements

Relaxations Requested

- | | |
|----------------|--|
| Part 1.2.4 (a) | Increase the height from 7.60m to 9.49m
<i>Note:</i> Existing height is approximately 8.68m |
| Part 1.2.4 (a) | Increase the number of storeys from 2 to 3
<i>Note:</i> Existing number of storeys is 3 |
| Part 1.2.4 (c) | Relaxation to permit a roof deck |
| Part 1.2.5 (c) | Decrease the internal south side yard setback from 3.00m to 2.66m
<i>Note:</i> Existing setback is 2.60m |
| Part 1.2.5 (d) | Decrease the combined side yard setback from 4.50m to 3.77m
<i>Note:</i> Existing combined side yard setback is 3.77m |

Schedule F Section 1 Relaxation for the location of the shed from the rear yard to the side yard

Schedule F Section 4 (d) Relaxation for the separation space between the shed and the principal building from 2.40m to 1.24m

Melissa Ollsin of Appleford Building Co., Applicant / Contractor; was present.

Katie Lauriston, Secretary, read aloud letters of support from Wayne Templeton of 1923 Belmont Avenue and Martin Scaia of 1911 Belmont Avenue.

Designer

- The variance started because the foundation walls were built incorrectly, 16" larger than on the plans. When the framing at the basement level was measured, the applicants realized the mistake, stopped work and spoke to City staff.
- The applicants did not want to shave off the foundation as the storage area does not count towards square footage, so the plan was to bring the second floor back 16", build a skirt roof and build more onto the deck. The main and upper floor would remain as planned so as to not change the square footage.
- The applicant did a plan review and noticed that the designer had miscalculated the square footage, leaving additional square footage that could have been built.
- The applicant asked City if it was possible to increase the square footage, and was told that an additional 16" could be added on the main floor, but that this would trigger a variance for building mass on the upper floor.
- The adjacent neighbours were consulted about the proposed changes and had no issues, and the neighbours to the rear are so far away they are not affected at all.

Board

- Was the City's advice that the second floor could be built with an extra 16" without a variance?
 - Yes, the top floor could not be pushed out as it would be over height.
- Has the house already been built with the extra 16"?
 - The side walls are built and the roof has been put on to protect the owners' investment, but the back wall is not yet built. The back wall has been left off so that it could be cut 16" short.
 - Work has only proceeded after conversations with the City.
- Is the foundation already in place?
 - Yes, but it does not trigger a variances due to the depth of the yard.
- What would the implications be if the Board rejected these appeals today?
 - The back 16" of the house would have to be cut shorter than the foundation.
 - The plywood and end stud would have to be removed, and the roof plywood would be cut back.
- Do the plans illustrate the south elevation with the requested variances?
 - Yes.
- How would this elevation look if the variances were not approved?
 - It would look the same but 16" shorter just on the top floor. The roofline would stay the same.

- Would the deck also be expanded?
 - Yes, the roof deck would have come out to meet the room beneath.
- What is the need for the variance for the back deck?
 - The shed is already existing, and was not on earlier plans submitted to staff.
 - The shed could be moved.
- Was the deck construction completed before obtaining a permit?
 - No, the deck was built with a permit. The shed must have been missed prior to issuing this permit.
 - At this point, the deck posts are in but the deck is not yet built.
- So it would still be possible to revise the deck so as to not require the variance and meet spatial separation requirements?
 - This could be done if the concrete was taken out. It is not evident whether it would be easier to move shed or the concrete.
- Have the applicants discussed with neighbours the possibility of moving the shed?
 - The applicant is not certain that this was discussed.
 - There is ample room to relocate the shed within the back yard.
- Could changing the shape of the deck be an option?
 - The concrete pillars are already placed for the deck; the applicants will have to decide whether it would be best to move the shed or the concrete pillars.

Public portion of the meeting closed.

Motion:

Moved: Margaret Eckenfelder

Seconded: Rus Collins

That the following variances be allowed:

Part 1.2.4 (a)	Increase the height from 7.60m to 9.49m
Part 1.2.4 (a)	Increase the number of storeys from 2 to 3
Part 1.2.4 (c)	Relaxation to permit a roof deck
Part 1.2.5 (c)	Decrease the internal south side yard setback from 3.00m to 2.66m
Part 1.2.5 (d)	Decrease the combined side yard setback from 4.50m to 3.77m.

Carried

For: Margaret Eckenfelder, Rus Collins
Against: Jaime Hall

Motion:

Moved: Margaret Eckenfelder

Seconded: Jaime Hall

That the following variances be declined:

Schedule F Section 1

Relaxation for the location of the shed from the rear yard to the side yard

Schedule F Section 4 (d)

Relaxation for the separation space between the shed and the principal building from 2.40m to 1.24m.

Carried Unanimously

Meeting Adjourned at 2:00 pm.
