

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
JUNE 14, 2018**

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

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 May 10, 2018

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the minutes from May 10, 2018 be adopted as presented.

Carried Unanimously

Minutes from the meeting held May 24, 2018

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the minutes from May 24, 2018 be adopted as presented.

Carried

2. Appeals

12:30 Board of Variance Appeal #00718

**Nicole Foofat-Cheung, Applicant; Pearl Der, Owner; Wil Peereboom, Victoria Design Group, Designer; Ryzuk Geotechnical, Engineers
2732 Richmond Road**

Present Zoning: R1-B – 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

Relaxation Requested

Section 1.2.4 (a)

Increase the height from 7.60m to 8.00m.

Nicole Foofat Cheung, Owner / Applicant; Stephen Foofat Cheung, Owner; neighbours Lyle and Rosanna Gustafson of 1775 Newton Street and Jennifer Gustafson-Bird of 1775 Newton Street were present.

The correspondence submitted in support of the application from Melissa Wang of 1765 Newton Street and Matt and Ashley Haddow of 1806 Newton Street was acknowledged. The letter concerning the application from Rosanna Gustafson and Lyle Gustafson of 1775 Newton Street was read aloud.

Designer

- The applicants are seeking to increase the height of the building from 7.6m to 8m, to construct a new single family dwelling with a basement suite for the owner's family.
- The new suite could be used for a caregiver suite in the future.
- There is no storm drain connection to the house, so the stormwater must drain into a rock pit in back yard. The proposed basement floor level has been established by calculating the minimum basement ceiling height.
- Although the house's height would be allowed if measured from the new grade, it does not meet the bylaws as measured from the natural existing grade.

Board

- Is the basement ceiling height 8ft, with 9ft ceilings on the main level?
 - Yes.
- The Board is being asked to consider a variance for height. A neighbour's concerns center around drainage issues. Is it true that the same proposal without the height variance would not come before the Board?
 - Yes, the request is strictly for the height.

Neighbours

- The neighbours from 1775 Newton Street explained that the notice of this meeting was the first indication of any proposal at all, and this meeting is the first opportunity for discussion. This meeting may not be the correct venue for the drainage concerns, but the neighbours wanted to have these concerns addressed.

Owners

- Regardless of the house height, the amount of water entering the rock pit would be the same. Without the additional height, a sump pump would have to be installed.
- With or without a sump pump, proper drainage will have to be installed.

Board

- Would it be possible to work with neighbours in addition to the geotechnical engineers to determine the best solution for the property?
 - Yes. It was suggested through discussions with the City that it would be very difficult or impossible to connect to existing services thorough Richmond Road or Newton Street. This illustrates the hardship and due diligence that has been conducted.

Neighbours

- Rosanna Gustafson of 1775 Newton Street noted that although they did not object to the height specifically, it would be objectionable to grant a height variance with the rationale of facilitating drainage. The applicant has stated that the drainage issues could be addressed with a sump pump, which would not require additional height.

The proposal is to renovate the existing single family dwelling which includes a new secondary suite and redesign of the upper floor and roofline.

Bylaw Requirements

Relaxation Requested

Section 1.2.4 (a)

Increase the number of storeys from 2 to 2.5.

Tim Rodier of Outline Home Design, Designer; Kirsten Baillie, Owner and David Marks were present.

The correspondence submitted by Rob and Jessica Cruise of 1755 Carrick Street in support of the application was acknowledged.

Owner

- The house is in need of an update. The attic has very low ceilings, and the stairs are very steep, rickety and old. The proposal is to rebuild the upper attic area to be similar to the existing space, but to make it usable.
- Due to the existing configuration, the upper floor renovations will make the house a 2.5 storey building. The variance is due to the definition of 'storey;' although the lower area looks like a basement, it is defined as the first storey.
- The proposal looks more like a 1.5 storey house with a basement.

Board

- Because the attic already exists, isn't the house already 2.5 storeys?
 - Ms. Jokinen noted that the City does not have any records for the attic, so it cannot be verified whether it was built with permits.
- Is it possible that the gable roof was built without permits?
 - Ms. Jokinen clarified that although this is possible, the City simply does not have the records to determine this, so it may or may not have been built with permits.
- How long have the owners owned house?
 - The owners bought the house in the condition it is in today.
 - The owners like the house because of its configuration, with the bedrooms being in close proximity to one another. The ceiling height seemed acceptable when the house was purchased, but now that the owners' children are growing the additional height is required.
- Have the owners spoken with the neighbours, particularly those at 1766 Carrick Street?
 - The owners have spoken to all the neighbours.
 - There is a large cedar tree between the houses on this side, which will obscure the view of any changes to the house.
 - The owners believe that the neighbours to the west might be more concerned about the proposal, as the neighbour's house is shorter. The owners have spoken to the adjacent tenants and owners to ensure they were aware of the proposal. The neighbours said that the proposal seemed realistic.
 - The owner did not ask neighbours to submit letters of support, but did ensure that their neighbours were aware of the proposal.

Public portion of the meeting closed.

Section 1.2.5 (c)	Decrease the north side yard setback from 1.50m to 0.25m <i>Note:</i> existing is 0.18m
Section 1.2.5 (c)	Decrease the south side yard setback from 3.00m to 1.11m <i>Note:</i> existing is 1.02m
Section 1.2.5 (d)	Decrease the combined side yard setback from 4.50m to 1.36m <i>Note:</i> existing is 1.20m
LGA Section 531 (1)	To allow for structural alterations and addition while non-conforming use continued.

Alexa and Cody Adams, Applicants / Owners; William Peereboom of Victoria Design Group, Designer; neighbours David Maxwell of 2230 Shakespeare Street, Robert and Melissa Paul of 2231 Shakespeare Street, and Shelley Xu, representative of the owner of 2239 Shakespeare Street, were present.

The correspondence submitted by the applicant in favour of the application Mark and Mary Loria of 2234 Shakespeare Street and Jenni Cloutier and Steve Adams of 2239 Shakespeare Street was acknowledged.

The correspondence opposing the application from Olivia M. Dam of 2239 Shakespeare Street was read aloud.

Designer

- The variances requested are for the setbacks for the second storey, and are existing non-conformities.
- The owners would like to raise their family in this house and need more space.
- The height variance is requested so that the basement is as low as possible while being able to connect to the services. The proposal will add a second floor but the design has reduced the height as much as possible.

Neighbours

- The neighbours of 2231 Shakespeare Street noted concerns related to the proximity of the houses, which are about 4' apart. The proposal will affect the light and liveability of the neighbour's house, and will reduce the privacy of the back yard.
- The addition of a suite would further impact the liveability and enjoyment of the neighbours' property
- It is unclear whether there will be windows on the south side of the proposed home; if so, there would be privacy concerns for overlook.
- The neighbours are also concerned about the structural integrity of their home, as construction would be in very close proximity. The increased load on the shared sewer lines is problematic as well.
- The proposal would have a negative effect on the aesthetic of the neighbourhood, and would create an increased demand for on-street parking.

- The neighbour of 2230 Shakespeare noted their support in addressing the hardship of the inadequate basement space. However, the secondary suite and second storey additions go beyond alleviating the minimum hardship and are not supportable.
- The subject property is in a row of six historically significant houses, a series of gems, one of which is the oldest house in Victoria. The adjacent house is the smallest in the City. One of the neighbouring houses previously came into the Board of Variance, which resulted in the addition of a 12ft. wall.
- The house is one of the last remaining 'townhouses of the day,' duplexes built along one lot. The houses have been fully restored and are true gems adding to a magnificent streetscape.
- There are future plans for bicycle lanes down Shakespeare Street.
- There is already very little on-street parking, and few houses in the neighbourhood have off-street parking.

Board

- A letter supporting the proposal was received from neighbours of 2239 Shakespeare Street – was this from the tenants?
 - Yes, the tenants are supportive of the proposal but the owners are not.
- The basement plans show a 9 ft. interior ceiling. If it was lowered, could the house height be reduced by a foot?
 - The basement height is just over 8'3". The ceiling might be able to be lowered by 3" or so, but the height needs to accommodate existing and additional beams and ducts.
- How would the applicants feel if the neighbours to the south side proposed this same structure on their property?
 - At the moment there are trees right at the property line, which obscure views between the houses.
 - The owners would support a similar application on their neighbour's property.
- How does the proposal comply with building code while salvaging the existing frame?
 - Because the lot is of a non-conforming size, the applicant has to maintain the existing house size. The existing non-conforming status could not be maintained without keeping the existing frame.
- If the house were lowered, would a drainage pump have to be installed?
 - Yes.
- Could the house be lowered to eliminate the height variance?
 - It would be possible, but this would complicate the addition of windows.
 - The requested height would add about 0.5m.

Public portion of the meeting closed.

- The Board is concerned for the proposal's effects on the use and enjoyment of the property.
- There are limitations on what can reasonably be done on this lot.

Motion:

Moved: Trevor Moat

Seconded: Jaime Hall

That the following variances be declined:

- | | |
|---------------------|--|
| Section 1.2.4 (a) | Increase the height from 7.50m to 8.10m |
| Section 1.2.5 (a) | Decrease the front yard setback from 7.50m to 4.08m |
| Section 1.2.5 (c) | Decrease the north side yard setback from 1.50m to 0.25m |
| Section 1.2.5 (c) | Decrease the south side yard setback from 3.00m to 1.11m |
| Section 1.2.5 (d) | Decrease the combined side yard setback from 4.50m to 1.36m |
| LGA Section 531 (1) | To allow for structural alterations and addition while non-conforming use continued. |

Carried Unanimously

Meeting Adjourned at 2:19 pm.
