

Section 1.2.5 (c) Reduce the west side yard setback from 3.00m to 2.58m

Note: existing is 2.90m

Section 1.2.5 (d) Reduce the combined side yard setback from 4.50m to 3.38m

Note: existing is 3.70m.

Paddy McCluskey, Applicant / Owner; Wil Peereboom of Victoria Design Group, Designer; and Eric White of White Lightning Construction, Contractor, was present.

Designer

- Three variances are requested to allow an addition. The addition will mainly be to the front of the house, and will be in line with the existing house. There is an existing non-conforming setback of approximately 2.9m.
- Technically the proposal is considered a 2-storey addition, but it is really only one storey due to the basement being defined as the first storey even though it is more of a crawlspace.
- The house sits crooked on the lot; if it were straight it would meet all the required setbacks. All the variances requested are due to existing non-conforming additions.
- The rear deck addition is fairly modest and will allow the owners to exit from the family room onto the small back yard. The house's rear yard is very small, due to the abnormally large front yard.
- The designer has worked to minimize the required variances and reduce the loss of vegetation.

Staff

- The Planning Technician clarified that no variance is required for the number of storeys as no addition will be made to the height, so the house maintains its existing non-conforming status.

Board

- Is the existing house non-conforming?
 - Yes.
- Is what is requested today an addition to the non-conformity?
 - Yes.
- How would complying with the side yard setback requirement affect the design and utility of the addition?
 - The west wall would have to be moved inward by 16-17", which is where the master bedroom is proposed. The ensuite and walk-in are a minimal size, so the bedroom would have to be made smaller.
 - It works better with the architecture of the house to keep the wall in line with the house.
- Were the neighbours contacted?
 - The owners have spoken to the neighbours to the rear, and they don't have any issues with the proposal. The neighbours to the side are aware of the proposal and have recently done their own construction work.

- Is the slope of the gabled roofs supposed to be identical?
 - No, they were modified to maintain daylight to the upper window.
- Would raising the house cause additional problems?
 - The proposal uses the existing bearing wall and foundation, and raising the house would not make sense financially.

Public portion of the meeting closed.

Motion:

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the following variance be approved as requested:

Section 1.2.5 (b)	Reduce the rear yard setback from 8.40m to 3.40m
Section 1.2.5 (c)	Reduce the west side yard setback from 3.00m to 2.58m
Section 1.2.5 (d)	Reduce the combined side yard setback from 4.50m to 3.38m.

Carried Unanimously

12:50 Board of Variance Appeal #00724

**Melissa Ollsin, Appleford Building Company, Applicant; Dirk and Alyssa VanderWal, Owners
31 Wellington Avenue**

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

The proposal is for renovations which includes an upper level expansion.

Bylaw Requirements

Relaxations Requested

Section 1.2.4 (a)	Increase the maximum storeys from 2 to 3
Section 1.2.5 (c)	Decrease the minimum south side yard setback requirement from 3.00m to 2.50m <i>Note: existing is 2.50m</i>
Section 1.2.5 (d)	Decrease the minimum combined side yard setback requirement from 4.50m to 4.40m <i>Note: existing is 4.40m.</i>

Melissa Ollsin, Appleford Building Company, Applicant; Dirk VanderWal, Owner; neighbours Mark Stanley of 44 Howe Street and Nancy Montgomery of 58 Howe Street were present.

Correspondence in opposition to the appeal from Kyle Stelter of 46 Howe Street, Kathleen McDonald of 39 Howe Street, Bruce Young of 40 Howe Street, Nancy Montgomery of 58 Howe Street, Gregory B. Stanley, brother of the owner of 44 Howe Street and Mark Stanley of 44 Howe Street was read aloud.

Correspondence in support of the appeal from Jack and Pamela Dennett of 35 Wellington Avenue was acknowledged.

Owner

- The owners purchased the house in 2011, and it remains virtually the same as original construction, other than the addition of two small bedrooms in the attic. The owners wish to stay true to the character and style of the neighbourhood, while expanding the space upstairs.
- The stairs to the upstairs bedrooms are very steep and pose a safety concern.
- The proposal would add a bathroom, third bedroom and safe stairs to the upper floor.
- The owners have explored the addition of an upstairs bathroom in the existing structure, but this would not comply with building code. Expanding the house's footprint was considered, but this is cost prohibitive and would not fit with the character of the house.
- The owners enjoy being a part of their neighbourhood. It would be a hardship to have to move to another, larger house, and no suitable properties have presented themselves.

Builder

- The builder did not encourage the owners to speak to their neighbours because this is not a substantial request. The house is not increasing in height at all, and the side yard setback variance is due to the existing location of the house at 2.5m instead of 3m from the side yard setback.
- The main floor is completely finished; if the house were extended to the rear, the configuration of the floor would have to be changed substantially.
- There is only one storage space in the basement for both families; the proposal will add much-needed storage.

Board

- What is allowed in the zone?
 - The planning technician clarified that two storeys with a basement is allowed, but this house does not have a basement.
- So would any addition to the upper floor require a variance?
 - The planning technician confirmed that this is the case.

Builder

- Many of the buildings on the block are three storeys tall. This house is one of the smallest on the block, even with the addition.
- The intent is to have the least impact while adding rooms upstairs and rebuilding the stairs.

Board

- Was there any discussion with the neighbours at 25 or 35 Wellington Avenue?
 - The neighbours at 25 Wellington Avenue are away at the moment, so the owners have not had the chance to discuss the proposal with them.

- The owners had preliminary discussions with the neighbours at 35 Wellington Avenue, and the neighbours did not oppose the proposal.

Owner

- The owners hear a lot of concern from neighbours with regards to privacy. There are many hedges surrounding their house, except to the northeast.
- As for windows and sightlines to the northeast, the top floor already exists and the proposal does not create any new sight lines in that area.
- The owners are also fairly private people, and intend to respect their neighbours.

Board

- Was there any effort to consult neighbours about the proposal?
 - The owners apologize to their neighbours for a lack of consultation before the City's notice was sent. There is a push to complete the renovations while the weather is dry, and the application to the Board came together quite quickly.
 - The owners recognize that they should have addressed their neighbours directly.
 - The proposal is under the allowable height, and an increase from 2 to 3 storeys could have been misunderstood.
- Is there a way to satisfy the owners' needs without variances?
 - This was the initial intent, but would require extending the rear of the house and would be cost prohibitive. This is why the proposal works within the existing footprint.

Neighbours

- Mark Stanley of 44 Howe Street noted that the owners have spoken to the neighbour at 40 Howe Street numerous times about cutting the hedge, and never mentioned any plans to extend the rear of their house. The northeast side of the house looks directly into the neighbour's bedroom from above, and would eliminate the privacy of this room.
- A new sight line would be created from the southeast of the house to the neighbour's garden.
- It is not true that the neighbours misunderstand the proposal; they understand that the house will have an addition and are opposed to the proposal.

Owner

- The owners cannot comment on the sight lines into the neighbour's garden, but note that their own bathroom and bedroom windows also face into other neighbours' windows. This is part of living in the neighbourhood. The owners believe in having blinds and civil relationships with their neighbours.

Builder

- No matter how an addition is made, the upper storey will be affected and will require a variance. The proposed design has the least amount of change to the house.

Board

- Concern for the applicants' lack of meaningful consultation with their neighbours and the substantial nature of the proposal.

- 22 and 36 Wellington Avenue should be considered notified neighbours.

Owner

- Would like to adjourn the meeting to share plans with neighbours, get their feedback and address their concerns.

Public portion of the meeting closed.

Motion:

Moved: Trevor Moat

Seconded: Rus Collins

That application No. 00724 for 31 Wellington Place be adjourned to July 26, 2018 at 12:30 pm.

Carried Unanimously

**1:10 Board of Variance Appeal #00725
JC Scott, Applicant; Paul Beilstein, Owner
1447 Myrtle Avenue**

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

The proposal is to renovate the basement which includes lifting the house.

Bylaw Requirements

Relaxations Requested

Section 1.2.5 (c) Decrease the east side yard setback from 3.00m to 1.60m
Note: Existing is 1.60m

Section 1.2.5 (d) Decrease the combined side yard setback from 4.50m to 3.10m
Note: Existing is 3.10m.

JC Scott of JC Scott Design, Designer / Applicant; Paul Beilstein, Owner were present.

The correspondence submitted by the applicant in favour of the application from L. Lubinich of 1445 Myrtle Avenue, Shawn Quast of 1430 Hamilton Road, Bill Hymers of 1500 Holly Street, George Warwick of 1450 Myrtle Avenue, Jarret Poitras of 1441 Myrtle Avenue and Jerry White of 1432 Holly Street was acknowledged.

Designer

- The house was originally built to the legal side yard setbacks, which have since changed.
- The owner intends to create a legal secondary suite in the basement and garage area of the house, while waiting on new parking regulations from the City which would allow this.

- The house has to be lifted to build the basement, and through the review of the building permit it was determined that the combined side yard setbacks do not comply with the current regulations. Nothing was built illegally in the past, but the house does not comply with current bylaws.
- There is already plumbing in the basement, so when the parking bylaw changes, the owners will apply for a building permit for a secondary suite.
- The owners have encountered great difficulties in ensuring the suite would comply with bylaws; it would have been easier to create an illegal suite as many others have done.
- The owners have spoken to their neighbours about the proposal, and letters of support have been provided.

Board

- How long have the owners owned the house?
 - About thirteen or fourteen years.
- Will plumbing be added before the secondary suite is installed?
 - No, the plumbing will stay as-is until a permit is obtained for the secondary suite.
- Will the deck be raised with the house?
 - No, the deck will remain as-is.
- How will the front stairs be reconfigured with the added height?
 - A new set of wooden stairs will be added on top. The stairs will not encroach any further into the setback.

Public portion of the meeting closed.

- The house has been in place for a long time and the proposal will not worsen the existing setbacks.

Motion:

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variance be approved as requested:

Section 1.2.5 (c) Decrease the east side yard setback from 3.00m to 1.60m

Section 1.2.5 (d) Decrease the combined side yard setback from 4.50m to 3.10m.

Carried Unanimously

Meeting Adjourned at 1:50 pm.
