

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
MARCH 8, 2018**

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

Staff: Nina Jokinen, Planning Technician
Katie Lauriston, Secretary

The meeting was called to order at 12:32 pm.

1. Minutes

Minutes from the meeting held February 22, 2018

Moved: Trevor Moat

Seconded: Rus Collins

That the minutes from February 22, 2018 be adopted as presented.

Carried Unanimously

2. Appeals

12:30 Board of Variance Appeal #00708

**Duane Ensing, Villamar Design, Applicant / Designer; John Mackintosh, Owner
2921 Gosworth Road**

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

The proposal is to legalize an addition at the side of the existing single family dwelling. The addition includes an enclosed garage where a previous deck, constructed without the required permits, used to exist.

Bylaw Requirements

Relaxations Requested

Part 1.2.5 (a)

Reduce the front yard (Burton Avenue) setback from 7.50m to 3.38m

Note: Existing is 3.47m

Part 1.2.5 (b)

Reduce the rear yard (north) setback from 7.50m to 6.47m

Note: Existing is 2.67m.

Duane Ensing and Megan McKenzie of Villamar Design, Applicants / Designers, and Cameron Bowers, Owner, were present.

The correspondence submitted by the applicant in favour of the application from Bob Preston of 1514 Burton Avenue, Teresa Jacobson of 2844 Gosworth Road, Sharon Lum of 2936 Gosworth Road and Lee Porteous of 2927 Gosworth Road was acknowledged.

Applicant

- The applicant was ready to submit an application for a building permit when it was discovered that the interpretation of 'front yard' changed since the house was first built. The house complied with bylaws when it was built, and the existing deck complies in terms of front and rear yard setbacks.
- The rebuilt deck is in the exact same spot as the original deck, but with the yard now being defined as the front there is now an issue for the deck's position within the front and rear yard setbacks.
- The proposal meets the setbacks for the original home.
- The applicant is requesting variances for the front yard from 7.5m to 3.55m and for the rear yard from 7.5m to 6.47m.
- The front yard is determined by the width of the road; Burton Avenue is wider than Gosworth Avenue by just a few feet.
- If the deck was torn down and rebuilt in the side yard, it would have to be very long and narrow with access through the bedroom instead of the kitchen as proposed.

Board

- Is the proposal to rebuild what was there before, but with an enclosed area underneath?
 - Yes.
- Was the previous deck built without a building permit?
 - Yes; at the time, the plan was to replace the vinyl deck covering. Once it was down to the plywood, it was rebuilt instead. This increases storage for owners' bicycles.
- Does the garage stall meet requirements?
 - Yes.
- What is the variance sought for the front yard setback?
 - A relaxation from 7.50m to 3.38m.
- Have there been any other responses from any other neighbours?
 - The largest lot across Burton Avenue is a church; the applicant did not get response from the church.

Public portion of the meeting closed.

- The most affected neighbour to the east has written a letter of support.
- The house is conforming to the original bylaw, and this request arises as a result of changing the zoning requirement.

Motion:

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be allowed:

Part 1.2.5 (a)

Reduce the front yard (Burton Avenue) setback from 7.50m to 3.38m

Part 1.2.5 (b) Reduce the rear yard (north) setback from 7.50m to 6.47m.

Carried Unanimously

**12:50 Board of Variance Appeal #00675
Hien (John) Vo and Nathanya Vo, Applicants / Owners
2883 Belmont Avenue**

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

The proposal is to construct an addition on the west side of the property and to legalize the location of the existing shed, located in the southeast corner of the property.

Bylaw Requirements

Relaxations Requested

Part 1.2.5 (a)	Reduce the front yard setback from 7.50m to 5.63m <i>Note: Existing is 5.55m</i>
Part 1.2.5 (b)	Reduce the rear yard setback from 7.50m to 6.10m <i>Note: Existing is 1.19m</i>
Schedule F Section 1	Location from the rear yard to the side yard
Schedule F Section 4 (a)	Reduce the rear yard setback from 0.6m to 0.22m
Schedule F Section 4 (d)	Reduce the separation space to the primary building from 2.40m to 2.10m.

Nathanya Vo, Applicant / Owner, was present.

The correspondence submitted by the applicant in support of the application from Ken Holding of 2884 Belmont Avenue, Chris Krasowski of 2880 Belmont Avenue, David Tudhope of 2882 Belmont Avenue, Donald Saunders of 1508 Pearl Street and Tricia Roche of 1515 Pearl Street was acknowledged.

Owner

- The house houses a family of five, with two upstairs bedrooms.
- The owner's mother-in-law lives downstairs, so there is no room to expand downstairs.
- The proposal pushes out the rest of the house so that it is level with the living room, and the side of the house would also be slightly expanded.
- The owners have considered moving, but prefer to stay.
- The part of the house with the kitchen is quite old, and the foundation is cracking. An engineer was consulted and the seismic upgrades required would be very expensive.
- The proposal is a solution offered by the designer. The lot has more side yard than front yard.
- The owner has spoken to all neighbours and they were all very supportive.

Board

- The photos and plans show a lattice structure on the south side of house – what is this?
 - This structure will be removed.
- When was the lattice structure built?
 - About 10 years ago; it is not something the owners like, so it is being removed.
- Did the owners receive feedback from the neighbour to the east, at 1515 Pearl Street?
 - Yes, they are supportive. This neighbour would be the most affected, even though the work would be on the other side of the house.
- When was the shed built?
 - Long before the owners lived in the house.

Public portion of the meeting closed.

- This is an example of where the interpretation of the bylaw has changed to affect front and side yards.
- Neighbours are supportive of the proposal.

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 5.63m
Part 1.2.5 (b)	Reduce the rear yard setback from 7.50m to 6.10m
Schedule F Section 1	Location from the rear yard to the side yard
Schedule F Section 4 (a)	Reduce the rear yard setback from 0.6m to 0.22m
Schedule F Section 4 (d)	Reduce the separation space to the primary building from 2.40m to 2.10m.

Carried Unanimously

Meeting Adjourned at 12:55 pm.
