



Benjamin, Katie and Leo Cox, Applicants / Owners were present.

The petition in support of the application signed by Susan Goertzen of 1-2750 Mt. Stephen Avenue, Daniel Ouimet of 2743 Mt. Stephen Avenue, Deborah Krieg of 2-2750 Mt. Stephen Avenue, Susan Whittemore of 7-2750 Mt. Stephen Avenue, Jackie Johnson of 11-2750 Mt. Stephen Avenue, Maluchi Tully of 8-2750 Mt. Stephen Avenue, Bill Towle and Katrina Leslie of 1234 Acton Street, Abigail Bigam of 3-1281 Ryan Street, Kaleb Nott of 9-1281 Ryan Street, Will Bennink of 10-1281 Ryan Street, Alan Poole of 11-1281 Ryan Street, Barb McRae of 5-1281 Ryan Street, Neil and Kathy Hanson of 4-1281 Ryan Street and Bindo Dillon of 2720 Mt. Stephen Avenue was acknowledged.

#### Owner

- The owners are requesting a relaxation of the rear yard setback to 7.5m, and the current setback is 10.2m.
- The house has only one upstairs bedroom, and the owners have a young child. The owners would like to have the children's bedroom on the main floor where they live for convenience and for their child's safety.
- The owners have talked to all their neighbours and the neighbours are supportive of the proposal. The owner of the house to the south has not signed the petition, but the tenant is aware of the plans and the owner has also been notified of the proposal.

#### Board

- Are the neighbours to the south at 2731 Mt. Stephen Avenue?
  - Yes, but this is a duplex and includes 2733 Mt. Stephen Avenue.
- What is the hardship?
  - There is no bedroom for the owner's child on the main level of the house, and all other rooms would be colder in the winter and too far away. There is quite a distance between the existing bedrooms, and the stairs are at the opposite end of the house.
- Is there an existing addition to the back of the house?
  - Yes, the exterior deck was enclosed prior to purchasing the house and was probably not built to code.
- Would the existing addition be removed?
  - Yes, so as to properly build a safe addition. The addition will improve the look of the house and modernize its appearance. The existing structure is an eyesore and is not heated or insulated, so it could not be a bedroom.
- What is the existing setback?
  - 7.7m from the existing stairway at the enclosed deck to the back fence.
  - There is a 20cm difference between the existing and proposed setbacks.
- Is it correct that the existing stairs are 2.7m wide, and the proposed width is 4.1m?
  - Yes, the stairway placement is adjusted to gain back distance and minimize the variance request.
- Is the intent to build the addition no further than the existing stairway?
  - Yes, it will be built a little further back, but by less than a foot.

*Public portion of the meeting closed.*

- There is strong support for the proposal from neighbours.
- There will be substantially the same site coverage.

**Motion:**

**Moved:** Trevor Moat

**Seconded:** Margaret Eckenfelder

That the following variance be approved as requested:

Section 1.2.5 (b) Reduce the rear yard setback from 10.20m to 7.50m to the steps and landing and 7.54m to the building.

**Carried Unanimously**

**12:50 Board of Variance Appeal #00716**

**Zebra Design & Interiors Group Inc., Applicant / Designer; Robert McLaren and Michaela Leicht, Owners  
1633 Davie Street**

---

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

The proposal is to construct a new single family dwelling.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.5 (c) Decrease the side yard setback (north) from 1.50m to 1.22m

Section 1.2.5 (c) Decrease the side yard setback (south) from 3.00m to 1.23m

Section 1.2.5 (d) Decrease the combined side yard setback 4.50m to 2.45m.

Louis Horvat of Zebra Design & Interiors Group Inc., Applicant / Designer and Robert McLaren and Michaela Leicht, Owners were present.

The correspondence submitted by the applicant in support of the application from Dawn Hopkins of 1648 and 1646 Davie Street, Doris Ward of 1642 Davie Street, Nicole Hopkins of 1635 Davie Street and Jody Bally of 1629 Davie Street was acknowledged.

Correspondence opposing the proposal from Laureen Bali of 1629 Davie Street was read aloud.

**Designer**

- This is a rather small property, and the hardship is the width of the lot itself being approximately 26ft. If a house were built within the bylaws, it would be approximately 11ft. wide.
- The request is to decrease the side yard setback on both sides to allow an 18ft. wide house.
- This property has previously come before the Board, and the house has been redesigned for new owners. The requested variances are almost the same as what was

initially proposed, but the building will now be far more modest. Previous plans included a basement suite; now only two floors are proposed.

- The design changes also address neighbours' concerns for overlook issues. The living room windows will be at a high level, avoiding overlook into neighbouring properties. The proposed design should impose no hardship on neighbours.

*Mr. Horvat shared a photo taken from the property's back yard showing the adjacent house to the north.*

- The south side of the neighbour's house has no windows facing the proposed new single family dwelling.

### Owner

- The owners live in Vancouver and have limited time to visit Victoria.
- The owners have canvassed all neighbours in the area and were successful in getting signatures from four neighbours. Letters were left for the neighbours to the rear, which explained the proposal and included contact details for both the owners and the designer. Overall, the owners have had very positive interactions with their new neighbours.
- The neighbour to the south seems concerned, but there seems to be a misunderstanding as the requests have not significantly changed from what was previously approved. The owners have tried to contact this neighbour, as they do not wish to upset their new neighbours. The neighbour's concerns seem to be the same as the last time an application for this property came to the Board.
- The proposal requires the same setbacks, but proposes a house that is 500 square feet smaller than previously allowed.
- The new house will not increase the demand for parking, as the owners have only one car and generally bike everywhere.
- The owners would like to age in place, and the new design allows for this.
- The neighbour to the south is concerned that this is not a standard sized lot, but there are similar lots in the neighbourhood. In fact, there are four lots the same size within a 100ft. radius of the site.

*The owners shared a map illustrating lots of similar widths in the area.*

- The neighbourhood has many small lots, which drew the owners to this location in the first place.
- The smaller lot size will require less maintenance as the owners age.
- The lot is very private, with a 20ft. hedge at the rear and another along the 1629 side; there should be no issues with privacy or overlook.

### Board

- How does the length of the house compare to the previous proposal?
  - The proposal is effectively the same in length. The previously approved plans show the length from the first step closest to the ground at the rear as 58.6ft., now this length will be approximately 62ft.
- Is there a change to the massing of the building?

- About a foot has been added to the front; but the house has been shifted forward.
- Does the measurement of the length include the cantilever?
  - Yes; there is effectively no change; the house has been shifted forward to be at grade level, in order to allow for accessibility as the owners age.
- The site plan shows a house to the north; what is its location?

*The designer shared photos of the site.*

- Are there windows along the neighbour's house?
  - No.
- Are the proposed windows at the back of the property high up?
  - Yes, these are just for light.
- Would the proposal have any views into the neighbour's house?
  - No; there are no windows facing the neighbour. The previously approved plans had low-level windows in the living room, and now there are only very high-level windows.
- Are the neighbouring houses close to property line?
  - Yes, they are also very close and there are hedges enclosing the property.

*Public portion of the meeting closed.*

- The proposal is more modest than what was previously approved; the proposed setbacks are either the same or slightly less, the proposed height has decreased and so has the site coverage.
- This is a legal lot in an urban setting.
- A house would be unreasonably constrained within the allowed setbacks.

**Motion:**

**Moved:** Trevor Moat

**Seconded:** Margaret Eckenfelder

That the following variance be approved as requested:

- |                   |  |
|-------------------|--|
| Section 1.2.5 (c) | Decrease the side yard setback (north) from 1.50m to 1.22m |
| Section 1.2.5 (c) | Decrease the side yard setback (south) from 3.00m to 1.23m |
| Section 1.2.5 (d) | Decrease the combined side yard setback 4.50m to 2.45m.    |

**Carried Unanimously**

Meeting Adjourned at 1:14 pm.

---

---