

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
NOVEMBER 22, 2018**

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

Absent for a portion of the meeting: Trevor Moat

Staff: Nina Jokinen, Planning Technician
Katie Lauriston, Planning Secretary

The meeting was called to order at 12:30 pm.

1. Minutes

Minutes from the meeting held October 11, 2018

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the minutes from October 11, 2018 be adopted as amended.

Carried Unanimously

Minutes from the meeting held October 25, 2018

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the minutes from October 25, 2018 be adopted as presented.

Carried Unanimously

2. Appeals

Trevor Moat recused himself from Appeal No. 00746 for 1871 Hollywood Crescent at 12:30pm.

12:30 Board of Variance Appeal #00746

**Ryan Hoyt of Ryan Hoyt Designs, Designer; Bryan and Keira Higgins, Owners
1871 Hollywood Crescent**

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

The proposal is to for the construction of a new single family dwelling.

Bylaw Requirements

Relaxations Requested

Section 1.6.3 (c)

Increase the maximum floor area of all floor levels combined from 300.00m² to 359.20m²

Section 1.6.4 (a)	Increase the maximum height from 7.60m to 8.87m and increase the maximum storeys from 2 to 3
Section 1.6.4 (b)	Allow for roof decks located at the front (south) and the rear (north)
Section 1.6.5 (e)	Reduce the minimum combined side yard setback from 5.40m to 4.12m
Section 1.6.6 (a)	Increase the maximum site coverage from 30.00% to 32.90%.

Ryan Hoyt, Designer, and Keira and Bryan Higgins were present.

Correspondence in favour of the application from Rasool Rayani of 1881 Hollywood Crescent, as well as a petition supporting the application from Luke Kratz of 1857 Hollywood Crescent, Don Nightingale of 1845 Hollywood Crescent, Ian M. Sherwin of 1863 Hollywood Crescent, Madeline Rigg and John Harding of 1869 Hollywood Crescent (with attachment), J. Alan Andrew of 161 Robertson Street and Rasool Rayani of 1881 Hollywood Crescent was acknowledged.

Correspondence opposing the proposal from John Harding and Madeline Rigg of 1869 Hollywood Crescent was read aloud.

Designer

- The proposal is for a new single family dwelling for the owners' growing family. The existing house is not suitable for the family. The new home will make better use of the property and will be safer.
- The property's slope is very steep, leaving the back yard mostly unusable. The lot's width is also narrower than the zone standard.
- The goal was to match the theme established by homes on surrounding lots, with two-storey massing from street and three storeys from the water. Homes on either side of the property also have three- to four-storey massings due to the severity of the slope.
- The variance for site coverage was initially overlooked, and is caused by the patio being technically defined as an outdoor feature and thus being subject to lot coverage requirements. On a typical, flat lot, the deck would not count towards site coverage. The lot is unique as it drops off both from front to back and also from side to side. The house has to be built up to accommodate these changes in grade.
- The R1-G zone has large side yard setback requirements. New lots are required to have a 15m width, but this property is 13.4m wide. Its width puts punitive restrictions on development opportunities. The proposal will have setbacks of over 2m on both sides, which is sufficient but does not meet the overall setback requirements. The setbacks have been evenly distributed between the side yards, which is more considerate to neighbours than what could be built within the zoning requirements. However, this consideration poses a hardship on the applicants.
- The variance for number of storeys is due to a technicality in the definition of storeys. Because of the slope of the lot, the average grade is very low and the basement is deemed a storey.

- The house is also over the prescribed height for the zone, due to the average grade of the lot. However, it is consistent with the height of surrounding homes.
- The proposed combined floor area is necessary for a family-oriented home. The floor area allows for a level entry off the street with a functional common area and 2-car garage on the main floor. The house will allow the family to grow.
- Building on a lot with this slope creates a huge volume of space in the basement that should be used rather than being filled in. The applicants have been mindful of the proposal's floor space ratio (FSR), which is a better gauge than the combined floor area. The house is well below the allowable FSR.

Board

- What are the ceiling heights of each level?
 - The basement ceiling height is 9 ft., the main level is 10 ft., and the upper floor is 9 ft., sloping upwards towards the water.
- Can the height be reduced at all?
 - If the basement ceiling height were reduced to 8 ft., the actual ceiling height becomes less than 7 ft. once the bulkheads are in place. Therefore, a 9 ft. height is required. The 10 ft. ceilings are desired on the main level due to the caliber of the home and the value invested into the property. The height also provides as much light into the home as possible as there are no side windows.
 - Although it would be possible to reduce the height, it is not at all desirable. The proposed height is kept in proportion with homes on either side.
- What is the rationale behind proposing three full storeys rather than two and a half, which would be closer to what would be allowed within the zone?
 - Because the lowest level is considered a storey rather than a basement, it did not make sense to reduce the main floor to a half storey.
- In what way does the proposal attempt to meet the zoning requirements for number of storeys, or at least minimize the variances requested?
 - The design began with the concept of a larger main level and the upper floor meeting 70% floor area. However, once it was determined that the lower level was not a basement, this reasoning no longer worked. Without a basement, the house does not provide enough space to suit the needs of the family.
 - The proposal invariably runs into technicalities, as the R1-B requirements cannot be met on this lot. A compromise has to be made between the owners' needs and the zone requirements, so the design prioritized the needs of the family.
- Does the desire for more space on the top level also create an increase in the maximum floor area?
 - The proposal is evaluated on the aggregate floor area, so it doesn't make a difference on which level the floor space is located.
- What is the hardship associated with the increase in maximum floor area?
 - The proposed floor area is required to build a home suitable for a family on this lot. The zoning prescribes a one-level house with basement, but this is not ideal for a family. A half storey above the main level would also be allowed, but couldn't fit all the bedrooms on the same level. The bedrooms need to be on the same level for a young family. The hardship arises from the topography of the lot.

Public portion of the meeting closed.

- The upper floor proposes a lot of extra space including walk-in closets, and the height can likely be reduced. There is no evident attempt to meet the zoning requirements.
- There may be hardships presented by the slope of the lot, but the Board must only permit minimal variances to address the hardship. The proposal does not reflect an effort to minimize variances.

Motion:

Moved: Jaime Hall

Seconded: Margaret Eckenfelder

That the following variances be declined:

Section 1.6.3 (c)	Increase the maximum floor area of all floor levels combined from 300.00m ² to 359.20m ²
Section 1.6.4 (a)	Increase the maximum height from 7.60m to 8.87m and increase the maximum storeys from 2 to 3
Section 1.6.4 (b)	Allow for roof decks located at the front (south) and the rear (north)
Section 1.6.5 (e)	Reduce the minimum combined side yard setback from 5.40m to 4.12m
Section 1.6.6 (a)	Increase the maximum site coverage from 30.00% to 32.90%.

Carried Unanimously

Trevor Moat returned to the meeting at 12:50pm.

**12:50 Board of Variance Appeal #00750
Randall Recinos, Applicant; Barbara and Philip Prendergast, Owners
1971 Fairfield Place**

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

The proposal is to increase the size of the rear deck.

Bylaw Requirements

Relaxation Requested

Section 1.6.5 (b)	Reduce the minimum rear yard setback from 9.10m to 6.25m.
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Randall Recinos, Applicant, and Barbara Prendergast, Owner, were present.

The correspondence submitted in favour of the application from Jiri Obdrazalek and Libuse Obdrazalek of 1975 Fairfield Place, Rosa Loiacono of 103 Barkley Terrace, Judy Floer of 1915

Brooke Hatfield and Randy Gomm, Applicants / Owners; Graham Smith of Smith Architecture, were present.

Correspondence in favour of the application from Chris Jones of 1340 Bond Street, Colin Bradley of 1337 Bond Street, Chris Thompson and Anna De Luca of 1341 Bond Street, Amber Shute of 1319 Bond Street and Larry Horwitz of 1315 Bond Street was acknowledged.

Correspondence opposing the application from Harjit Grewal of 1325 Bond Street was read aloud.

Architect

- There is insufficient ceiling height in the upstairs bedroom and bathroom. The proposal would widen the existing dormer to allow the owners to stand in these spaces.
- The variance for number of storeys is triggered by the previous owners' driveway design, which lowered the property's average grade. This means that the basement is technically a first storey, even though it is only functional as a basement. The previously-existing secondary suite has been decommissioned and the basement is relatively uninhabitable due to the window heights.
- The house has an existing non-conforming deck and an existing non-conforming dormer which is quite low. However, the dormer cannot be altered without a variance due to its non-conformity.
- The house will not be raised, and the substantial roof skirt helps to protect neighbours' privacy. Shadowing will not be worsened beyond the existing conditions.
- There is a large apron on the existing dormer. Extending the flat roof dormer to the east will prevent overlook towards neighbours, and will not worsen shadowing.
- The previous owners' manipulation of the average grade causes undue hardship for the current owners. The house will not be made taller, and the added dormer width will not take away from the house's design.

Board

- Did the neighbours on May Street have any comments regarding the proposal?
 - The owners tried to contact their neighbours directly to their rear, but they were not home.
- Where on the house will the dormers be widened?
 - The proposal is for the rear of the house, where the master bedroom and bathroom are located. The peak of the roof at the rear of the house is currently barely 9ft tall and slopes down very quickly.
- Have some renovations already been completed on the house?
 - Yes. Most of the demolition has already been completed, and the roofline is the last remaining part of the renovation. The owners have ensured that the materials do not have VOCs or off-gassing.
 - The owners have met with their neighbours to explain the proposal, and have discussed methods for minimizing exposure to dust from construction. The owners are familiar with chemical sensitivity and are empathetic to their neighbour's concerns.

Public portion of the meeting closed.

- The requested variances are reasonable considering the circumstances.
- The Board appreciates the applicant's sensitivity towards their neighbour's concerns.

Motion:

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the following variances be approved as requested:

Section 1.2.4 (a) Increase the maximum number of storeys from 2 to 2.5

Section 1.2.4 (c) To allow for a roof deck.

Carried Unanimously

1:30 Board of Variance Appeal #00752

**Martin Lovelace and Barbara Rieti, Owners / Applicants; Alan Roy, Designer
1903 Brighton Avenue**

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

The proposal is to construct a rear addition and to legalize the accessory building (storage enclosure) located in the side yard.

Bylaw Requirements

Relaxation Requested

Single Family Dwelling:

Section 1.6.5 (b) Reduce the minimum rear yard setback from 9.60m to 4.60m

Section 1.6.5 (d) Reduce the minimum interior side yard setback from 1.83m to 1.71m
**Note: existing interior side yard setback is 1.71m.*

Section 1.6.5 (f) Reduce the minimum flanking street setback from 3.50m to 3.10m
**Note: existing flanking street setback is 3.10m.*

Section 1.6.5 (e) Reduce the minimum combined side yard setback from 5.40m to 4.81m
**Note: existing combined side yard setback is 4.81m.*

Section 1.6.6 (a) Increase the maximum site coverage from 30.00% to 33.80%.

Accessory Building (rear shed):

Schedule F Section 4 (d) Reduce the minimum separation space from 2.40m to 1.75m.

Accessory Building (side storage):

Schedule F Section 1	Location from the required rear yard to the flanking street side yard
Schedule F Section 4 (c)	Reduce the minimum flanking street setback from 7.50m to 0.00m
Schedule F Section 4 (d)	Reduce the minimum separation space from 2.40m to 1.84m.

Martin Lovelace and Barbara Rieti, Owners / Applicants, and Alan Roy, Designer, were present.

The correspondence submitted in favour of the application from Lee Taylor of 948 Maddison Street, P. Pazo-Torres of 978 Maddison Street, Iain Wallace of 991 Maddison Street and Susan Bixby of 1907 Brighton Avenue was acknowledged.

Designer

- The owners are looking to build a small 400sq. ft. addition to the existing house to increase the house's liveability. A small, dysfunctional addition was previously constructed, which will be removed to accommodate the new addition.
- The previous addition encroached into the rear yard setback; the proposal will encroach slightly more into the rear yard and will also encroach into the side yard setback.
- This is a corner property, and the required building separation is based on distances for side yards. The property's rear yard functions as a side yard, so the neighbour to the rear does not experience the proposed building location as too close.

Owners

- The original 700 sq. ft. house at one point had an addition with a bathroom and entry room. The plan is to remove the rear addition and replace the addition with functional, modern materials. The original house will remain untouched.
- All of the neighbours are happy that the existing house will not be torn down. There is support for the proposal from all neighbours.
- The addition will provide space for bathrooms and living space, and additional windows at the rear will increase daylight into the home. The addition will be finished in the same style to create a seamless transition.

Board

- The survey plan does not show the shed or storage area; have these been added recently?
 - The survey was completed in 2012. The bike shed was added in the last couple years, and the storage area was existing when the owners moved in. The storage area is simply some fencing with a roof, for the garbage cans.
- The existing floor plan does not show a door to one of the bedrooms; is this an error?
 - This is a drawing error; the entry will be from the living room.
- Is the intent to keep both storage areas?
 - Yes, the bike shed will be kept, and the garbage storage area will be kept unless it must be removed.

- When was the storage shed built, and was a building permit required?
 - Nina Jokinen, Planning Technician, clarified that the City's records indicate that the shed was constructed around 2009. No permit was required because the structure is under 10m².

Public portion of the meeting closed.

- This is a reasonable request to increase the utility of the existing older home.

Motion:

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be approved as requested:

Single Family Dwelling:

Section 1.6.5 (b)	Reduce the minimum rear yard setback from 9.60m to 4.60m
Section 1.6.5 (d)	Reduce the minimum interior side yard setback from 1.83m to 1.71m
Section 1.6.5 (f)	Reduce the minimum flanking street setback from 3.50m to 3.10m
Section 1.6.5 (e)	Reduce the minimum combined side yard setback from 5.40m to 4.81m
Section 1.6.6 (a)	Increase the maximum site coverage from 30.00% to 33.80%.

Accessory Building (rear shed):

Schedule F Section 4 (d)	Reduce the minimum separation space from 2.40m to 1.75m.
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Accessory Building (side storage):

Schedule F Section 1	Location from the required rear yard to the flanking street side yard
Schedule F Section 4 (c)	Reduce the minimum flanking street setback from 7.50m to 0.00m
Schedule F Section 4 (d)	Reduce the minimum separation space from 2.40m to 1.84m.

Carried Unanimously

Meeting adjourned at 1:45 pm.
