

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
APRIL 11, 2019**

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

Staff: Thom Pebernat, Zoning Administrator
Katie Lauriston, Planning Secretary

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

1. Minutes

Minutes from the meeting held February 28, 2019

Moved: Jaime Hall

Seconded: Trevor Moat

That the minutes from February 28, 2019 be adopted as amended.

Carried Unanimously

Minutes from the meeting held March 28, 2019

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the minutes from March 28, 2019 be adopted as presented.

Carried Unanimously

2. Appeals

12:30 Board of Variance Appeal #00767

**Beth and Jason Bates, Owners; David Lunt, T-Square Design & Consulting,
Designer
650 Langford Street**

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

The proposal is to renovate the existing dwelling which includes legalizing the existing rear addition constructed without permits, constructing a new upper floor addition at the front portion of the building, and adding a secondary suite.

Bylaw Requirements

Relaxations Requested

Section 1.2.4 (a)

Increase the maximum number of storeys from 2 to 2.5

Section 1.2.5 (a) Decrease the minimum front yard setback (to the new upper floor addition) from 7.50m to 6.00m

Note: existing is 6.00m

Section 1.2.5 (c) Decrease the minimum side yard setback (west) from 1.52m to 0.65m.

Beth and Jason Bates, Owners, were present.

A survey in support of the application from neighbours of 646 Langford Street, 654 Langford Street, 654 Griffiths Street and 650 Griffiths Street was acknowledged.

Owners

- The deck was rebuilt in its existing location, but requires a variance for the side yard due to construction taking place. The deck is no wider than the house.
- If there were no staircase from the deck, the function of the deck would be impacted and this would not be an egress. There would also be an environmental hardship if the deck had to be torn off and thrown away.
- If the stairs from the deck were placed on the other side of the house to comply with the bylaw, a cement pad would have to be poured, which would negatively impact a nearby apple tree and vegetable garden, as well as requiring a reorientation of the driveway access.
- The front yard setback request is due to the proposed upper floor addition. The height and pitch of the roofline will remain the same, while the front roof line is extended to create a gable which is more in keeping with the character of the neighbourhood.
- The proposed gable must be brought to the front edge of the house, which is not set back far enough for today's zoning standards. The hardship is that without the front yard setback, the owners could not have an attic and further demolition would be required on the main floor to accommodate a master bedroom on the main level. A master upstairs also meets today's current living standards.
- The gable has to be constructed on the roof to create a safe egress in the house.
- Without the requested variances, the owners will not be able to move forward with their building permit and will not be able to comply with building code.

Board

- What was the general response from neighbours about the proposal?
 - One neighbour in particular was concerned that the roofline may block a mountain view which was visible from the neighbour's front kitchen. However it was not possible to confirm with the neighbour whether the view would be obscured with the proposed addition.
- There is no variance requested for height, correct?
 - Correct.
- Will the ridge and gable be extended rather than creating a hip roof?
 - Yes, although there may be a hip or a small bell.
- Is the house listed on the City's heritage register?
 - The house is not registered or designated.
- Did the owners speak to the neighbours at 654 Langford Street, and did they have any concerns?
 - These neighbours were consulted and have no concerns. These neighbours are located closest to the west side setback.

Byron Grant and Jelena Petric, Applicants / Owners, were present.

A survey supporting the application from neighbours at 1430, 1415, 1427, 1423, 1434 and 1431 Lang Street and 1429 and 1461 Finlayson Place was acknowledged.

Owner

- The proposal is to lift the house to create another storey below. The same foundation and building footprint will be kept, while creating more space on the property. The existing foundation wall is 1.4m from the western property line, and 1.52m would be required.
- Retaining the foundation is necessary to the project's viability.
- A variance is required for the deck at the front, even though it is intended as a decorative feature rather than a usable deck. The deck will not go beyond the existing soffit line, as it is intended to maintain the existing look of the house.
- The addition of the deck reduces the combined side yard setback from 4.5m to 4m. The deck will add to the perceived depth of the building and will be a nice feature.
- The owners have tried to contact and show plans to each of their neighbours, who seem happy with the proposal. They are pleased that the existing structure and look will be retained.

Board

- There is no variance required for the proposed height, correct?
 - Yes.
- If the proposed deck were just a feature rather than a deck (e.g. roof projection, decorative detail), would there be no variance? In other words, is the variance only required because the addition is considered a balcony?
 - The Zoning Administrator clarified that the zone allows for porches, but that this addition cannot be considered a porch because it is not an entryway into the building.
 - The Owner added that the proposal would be a contemporary addition to the house.
- Is the house's main entrance at the side of the building?
 - No, the main entrance is at the front.
- Is the deck 0.91m in depth?
 - It will be the absolute code minimum; about 34" deep.
- There wouldn't be much room for chairs or to use the deck; is that the intent?
 - It is meant as more of a feature of the house, rather than for furniture. There will be just enough room to walk out.
- Will there be adequate drainage from the deck?
 - There will be a scupper for drainage, and the deck will be properly maintained.
- The required 42" railing would block views from the door; has this been considered?
 - Yes, the railing will create privacy for the adjoining bedroom.
- When was the house built?
 - In 1954.
- Will the new portions be finished in stucco?
 - Yes, the addition will be consistent with the rest of the house. The addition will be brought up to code, including a rain screen and insulation.
- Are the windows being replaced?
 - Yes.

- If the front addition were just a cover to keep the rain away from the front entrance and window, would there not be a variance required?
 - The Zoning Administrator clarified that there would not be a variance if the addition were only an eave.
- If the front yard setback variance were not allowed, what would the applicants do?
 - The front door would be changed to a window, and the owners hope that the addition would be classified as a porch. The owners still wish to keep the railing for its look and in order to comply with building code.
- And the railing height would still be 42" high?
 - Yes, this is the owners' desired design.

Public portion of the meeting closed.

- The side yard setback and combined and combined side yard setback requests are supportable, and the proposal does not worsen the existing conditions.
- Concern that the front yard setback variance is not the minimum possible to achieve the desired function. The deck will barely be functional with its proposed depth and may be better off as a porch cover for the front entry.
- However, the deck is a design choice and proposes a modest variance. The owners would achieve the same look if the variance were not granted.
- There were no objections from neighbours.

Motion:

Moved: Rus Collins

Seconded: Margaret Eckenfelder

That the following variances be approved as requested:

- | | |
|-------------------|---|
| Section 1.2.5 (a) | Decrease the minimum front yard setback (to the deck) from 7.50m to 7.19m |
| Section 1.2.5 (c) | Decrease the minimum (west) side yard setback from 1.52m to 1.40m |
| Section 1.2.5 (d) | Decrease the minimum combined side yard setback from 4.50m to 4.00m. |

Carried Unanimously

1:10 Board of Variance Appeal #00774

**Ryan Wyllie, Latitude 48 Design Ltd., Designer; Steven and Fiona Cork, Owners
1215 Richardson Street**

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

The proposal is to renovate the existing dwelling which includes lifting the house, adding a secondary suite, constructing a new deck at the rear and replacing the steps at the front.

Bylaw Requirements

Relaxations Requested

Section 1.2.4 (a)

Increase the maximum height from 7.60m to 9.13m

Note: existing is 8.83m

Section 1.2.5. (a)

Decrease the front yard setback from 7.50m to 6.03m to the face of the building and 4.39m to the steps

Note: existing is 6.03m to the face of the building.

Ryan Wyllie, Latitude 48 Design Ltd., Designer; Fiona Cork, Owner; and neighbours Tim Stemp of 1224 Richardson Street, Gene Miller of 1224 Richardson Street and Patty Grant of 645 Linden Avenue were present.

Correspondence supporting the application from neighbours of 633, 637 and 645 Linden Avenue, 1216, 1224, 1232, 1230, 1219 and 1221 Richardson Street, and 632 and 628 Harbinger Avenue was acknowledged.

Applicants

- The proposal is to lift the house and construct a secondary suite below, and complete restoration work on the exterior of the house. The maximum height would be increased by raising the house.
- Sheet A4.2 shows the existing elevations. Decades ago, a previous owner encased the original siding in stucco; the new owners want to restore the exterior to lap siding and shingles.
- The existing lower floor was previously used as a shop and for storage, and has a low ceiling and uneven floor. At the beams, the ceiling is less than 6' tall, and it would not be possible to create a liveable space at this level without increasing the height of the space.
- The house will be lifted to create an 8ft finished ceiling height. The proposed height will also allow for the lower level windows to not be in window wells.
- The proposed change in height will have minimal effect on the streetscape, and will fit well with adjacent houses.

Neighbour

- Gene Miller, neighbour from 1224 Richardson Street, noted his support for the application.

Board

- Does sheet A7.1 show the existing house?
 - Yes, the finished house will be 1 ft. higher.
- The increase in height is required in part to allow room for air ducts in the new suite's ceiling; has there been any thought to using an alternate heating system?
 - The owners have considered radiant heating for the basement floor, but structural beams below the main floor will still be required to support the house, which in turn affects the basement ceiling height.
- Is the size of the proposed deck determined by the space required for two cars?
 - Yes, parking is challenging on this street.

