

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
APRIL 25, 2019**

**Present:** Trevor Moat, Acting Chair  
Margaret Eckenfelder  
Jaime Hall

**Absent:** Andrew Rushforth, Chair  
Rus Collins

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

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

**1. Appeals**

**12:30 Board of Variance Appeal #00775  
Ryan Wyllie, Latitude 48 Design Ltd., Designer; Stephen Parry, Owner  
123 and 125 Government Street**

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Present Zoning: R-2 – Two Family Dwelling District  
Present Use: Duplex

The proposal is to renovate the existing duplex, including replacing the foundation and constructing a new addition and deck at the rear and new steps at the front.

<b>Bylaw Requirements</b>	<b>Relaxation Requested</b>
Section 2.1.4 (a)	Increase the maximum height from 7.60m to 8.61m <i>Note: existing is 8.40m.</i>

Ryan Wyllie, Latitude 48 Design Ltd., Designer, was present.

Correspondence in favour of the application from neighbours of 125, 127, 128, 121, and 124 Government Street was acknowledged.

Designer

- The house was built in around 1906, and the lower floor height is fairly limited at about 6'6".
- The proposed duplex on the lower floor would house the owners' family.
- The height variance is a technicality; the house will not be raised, and the roof height will remain the same. The bottom floor level will be lowered to maintain the existing overall height.
- Because the lower floor will be lowered, the entrance will also be lowered and the average grade will be reduced. The overall building height is calculated by the average grade, which causes a technical increase in height.
- The applicants have reached out to neighbours, and everyone is content that the proposal will maintain the existing style of the home.



A survey in support of the application from neighbours of 1315 and 1321 Pembroke Street and 2106 Sayward Street was acknowledged.

#### Owner

- The house is very old and was built very close to the edge of the property.
- The proposal will square out the house along the eastern property line, and add an extension at the north end of the house towards Pembroke Street.
- There is currently a wooden wall at the side of the house, which the owners want to make part of the house.
- The owners have spoken to the immediate neighbours on each side as well as those across the street.

#### Board

- Is the proposal to build over the existing deck to create additional living space?
  - Yes.
- And a deck would be added at the back of the house?
  - Yes, the French doors will be moved from their current location to the other side of the house.
- How long have the owners owned the house?
  - About 4 years.

#### Neighbour

- Gary Greenspoon of 1319 Pembroke Street expressed concern about the lack of consultation for the proposal, and noted that he had not spoken with the owners of 1317 Pembroke. He has lived in the neighbourhood for over 20 years and is concerned about the noise associated with construction.
- Developers who previously lived in the house did a beautiful job, but the construction was too close to the neighbours. In addition, no permission was sought when the kitchen windows at 1317 Pembroke Street were replaced. Permission needs to be sought in advance before going on the neighbour's property.
- His home and backyard are a sanctuary, and he requires quiet rest for his wellbeing. He appreciates privacy. He requests that most of the noise be restricted to Thursdays. He would like to know when the project will be completed, and whether contractors will be hired.
  - The owners noted that contractors would be hired.

#### Board

- Is the neighbour's concern primarily for the effects of construction, rather than the requested variance?
  - The neighbour at 1319 Pembroke Street confirmed that the variance would not affect his side of the subject property.
  - It has in the past; developers who previously lived in the house. closeness has affected things. they did a beautiful job but neighbour paid a price
- Would the proposed structural addition at 1317 Pembroke Street negatively impact the neighbour at 1319 Pembroke Street? Is there any objection to the proposal?
  - The neighbour at 1319 Pembroke Street confirmed that the addition itself would not affect him, as there is a fence between the properties.

*Public portion of the meeting closed.*

- The proposal is for a relatively small addition to a house, which covers up an existing house area; it is a good use of space.

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Jaime Hall

That the following variance be approved as requested:

Section 1.2.5 (c)	Decrease the minimum (west) side yard setback from 3.00m to 2.29m
Section 1.2.5 (d)	Decrease the minimum combined side yard setback from 4.50m to 2.44m
Section 1.2.6 (a)	Increase the maximum site coverage from 40.00% to 40.20%

**Carried Unanimously**

**1:10 Board of Variance Appeal #00776  
Jay Stibbs, Owner / Designer  
910 Fullerton Avenue**

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

The proposal is to convert an accessory building currently under construction to a garden suite.

**Bylaw Requirements**

**Relaxations Requested**

Schedule M, Section 2 (c) Decrease the minimum flanking street setback (Fullerton Avenue) from 7.50m to 5.40m.

Jay Stibbs, Owner, and neighbour John Zimmermann of 915 Fullerton were present.

Correspondence in support of the application from Mark and Nicole Ealey of 934 Fullerton Avenue and Amy Dove and Mike Dahlke of 623 Langford Street was acknowledged.

**Owner**

- The owner designed the existing accessory building, and is looking to convert the building into a garden suite. To comply with the guidelines, the building would have to be moved further to the back of the property.
- The current location accommodates the northern neighbour's views of the Olympic mountains, and aligns with other houses along Fullerton Avenue.

- The existing house was built in the 1950s and complies with the current setbacks. The other two houses to the north are quite close to the street, so the accessory building does not look out of place in its current location.
- The owner has put a lot of thought into the proposal and its design.

#### Board

- Was a variance required for the construction of the accessory building?
  - Yes. The building was initially envisioned as a garden suite; however, the servicing requirements were very expensive and therefore out of reach for the owner. Now that the owner has lived in the neighbourhood for some time, they have a better understanding of the rental rate in the area, which makes the project feasible.
  - The accessory building was intended as a woodworking studio, but the owner learned that that use would be too loud for the location.
  - The design and footprint of the suite has been maintained, except for a modification for the window locations.
  - The building is quite small and could be made larger; but it has been designed to not overwhelm the small property.

#### Neighbour

- John Zimmermann of 915 Fullerton Avenue noted that he appreciates the hedges as a privacy barrier, and asked whether the windows would be changed from what is proposed on the plans.
  - The owner confirmed that yes, they will be south-facing. A number of trees have been planted in the back yard to provide a separate outdoor area for the garden suite; however, the City's guidelines recommend that the suite face the street. For this reason, the design has been modified slightly. A door to the street may also be required.

*Public portion of the meeting closed.*

- The proposed building use is reasonable and the house had a variance approved in 2015.
- Of the neighbours who responded, none have noted opposition to the proposal.

#### Motion:

**Moved:** Margaret Eckenfelder

**Seconded:** Jaime Hall

That the following variance be approved as requested:

Schedule M, Section 2 (c)

Decrease the minimum flanking street setback (Fullerton Avenue) from 7.50m to 5.40m.

**Carried Unanimously**

Meeting adjourned at 1:20 pm.

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