

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
AUGUST 8, 2019**

Present: Andrew Rushforth, Chair
Margaret Eckenfelder
Jaime Hall

Absent: Rus Collins
Trevor Moat

Staff: Nina Jokinen, Planning Technician
Alena Hickman, Secretary

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

1. Appeals

**12:30 Board of Variance Appeal #00786
Ryan Hoyt, Ryan Hoyt Designs Inc., Designer; Don McCaffrey, Owner
55 Lotus Street**

Present Zoning: R1-B - Single Family Dwelling District
Present Use: Duplex Conversion (1991)

The proposal is to construct a new single family dwelling with secondary suite.

Bylaw Requirements

Relaxations Requested

Section 1.2.3 (b)	Increase the maximum combined floor area of the first and second storeys from 280.00m ² to 305.50m ²
Section 1.2.5 (b)	Decrease the minimum rear yard setback from 18.51m to 7.27m
Section 1.2.5 (f)	Increase the maximum eave projection into the rear yard setback from 0.75m to 2.13m.

Ryan Hoyt, Designer; was present.

Applicant

- The zoning bylaw requires a specific rear yard setback, but there is a jog in the rear lot line that makes the setback much closer to the house.
- Other houses in the neighbourhood are built much closer to the water.
- The proposed house leaves a 7m setback and is nowhere near the water.
- The house presents as one storey from street. The lower level, which acts as a basement, is technically deemed the first storey of the house. The proposed height is still well below the maximum allowed within the zone.
- The proposal meets the intent of the bylaw and does not impose upon the neighbours.

Board

- Were the neighbours consulted?
 - Neighbours have expressed no interest or comments about the proposal.

- Was the house at 59 Lotus Street built without permits?
 - Yes.
- Were the neighbours at 39 Lotus Street consulted?
 - No.
- Were the neighbours at 28 Lotus Street consulted?
 - No, these neighbours would have no view of the proposed house.
- The existing house sits relatively close to the street; does this not affect the neighbours at 39 or 59 Lotus Street?
 - No, the existing house is located in the middle of the lot. There are no adjacent houses that directly face the proposed house.

Public portion of the meeting closed.

- The proposed house is smaller than the maximum permitted and presents as a single storey dwelling from the street.
- There are hardships due to the shape of the lot.
- Neighbours have expressed no concern for the proposed house.

Motion:

Moved: Margaret Eckenfelder

Seconded: Jaime Hall

That the following variances be approved:

Section 1.2.3 (b)	Increase the maximum combined floor area of the first and second storeys from 280.00m ² to 305.50m ²
Section 1.2.5 (b)	Decrease the minimum rear yard setback from 18.51m to 7.27m
Section 1.2.5 (f)	Increase the maximum eave projection into the rear yard setback from 0.75m to 2.13m.

Carried Unanimously

**12:50 Board of Variance Appeal #00792
Gilles Gourgon & Jacqueline Walter, Owners
731 Belton Avenue**

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

The proposal is to replace an older addition to the building and slightly enlarge the rear of the existing building.

Bylaw Requirements

Relaxations Requested

Section 1.2.5 (c)	Reduce the (west) side yard setback from 3.0m to 1.93m (to match the existing building)
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Section 1.2.5 (d) Reduce the combined side yard setback from 4.5m to 3.56m.

Gilles Gourgon and Jacqueline Walter, Owners, were present.

Owners

- The main floor suffered significant water damage in February 2019 due to a burst pipe on the second floor. The main floor had to be taken down to the studs, which exposed construction from years past including an improper addition to the back of the house.
- In order to remediate the main floor, the applicants need to fix the addition. However, the addition is proposed to be flush with the side of the existing house. This changed location will be more functional and will better maintain the character of the house.
- The requested variances will make the house safer and more functional for the owners.

Board

- Will the addition be located further into the rear yard setback?
 - No, the roof overhang will extend slightly further into the rear, but the floor will be rebuilt in its current location.
- Would the addition be reconstructed at the same location?
 - Yes, the house lines are staying the same.

Public portion of the meeting closed.

- There are hardships due to the property dimensions.
- The requested variances reflect what already exists on the lot.
- Most neighbours have noted their support for the proposal.

Motion:

Moved: Jaime Hall

Seconded: Margaret Eckenfelder

That the following variances be approved:

Section 1.2.5 (c) Reduce the (west) side yard setback from 3.0m to 1.93m (to match the existing building)

Section 1.2.5 (d) Reduce the combined side yard setback from 4.5m to 3.56m.

Carried Unanimously

Meeting Adjourned at 12:59 pm.
