

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
FEBRUARY 28, 2019**

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

Absent: Margaret Eckenfelder

Staff: Nina Jokinen, Planning Technician
Katie Lauriston, Secretary

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

1. Minutes

Minutes from the meeting held February 14, 2019

Moved: Jaime Hall

Seconded: Rus Collins

That the minutes from February 14, 2019 be adopted as presented.

Carried Unanimously

2. Appeals

12:30 Board of Variance Appeal #00761

**Lee Nilsson, Applicant / Owner; William Cavers, Owner; Adapt Design, Designer
1680 Earle Street**

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

The proposal is to renovate and construct an addition at the rear of the single family dwelling.

Bylaw Requirements

Relaxations Requested

| | |
|-------------------|---|
| Section 1.6.3 (b) | Increase the maximum floor area for the first and second storeys combined from 240.00m ² to 276.39m ² |
| Section 1.6.3 (c) | Increase the maximum combined floor area from 300.00m ² to 355.91m ² |
| Section 1.6.3 (c) | Increase the maximum number of storeys from 2 to 2.5 <i>Note: existing is 2.5 storeys.</i> |

Lee Nilsson, Applicant / Owner; William Cavers and Sharon Seeley-Cavers, Owners; Denise Kors, Development Manager at Kors Development Services Inc.; and neighbour Garrett Stanners of 1672 Earle Street were present.

Correspondence concerning the application from Garrett Stanners of 1672 Earle Street and Sarah Elford was acknowledged.

Owner

- The owners have owned the house for two years, and plan to renovate before moving in.

Development Manager

- The proposal is to renovate the 100-year-old single family dwelling to increase the usable floor area of home and to preserve the form and character of the house. The house will be extended at the rear, and no variances to the setbacks are required.
- There is a 2m drop in grade over the property, and 1.5m of the change in grade occurs at the west side of the house. The grade impacts the City's definition of basement and first storey, so the lower floor is not technically considered a basement. If it weren't for the property's change in grades, a variance for number of storeys would not be required.
- The existing house is considered 2.5 storeys, even though the lower floor is not usable and the top floor has sloped roof. These areas of the house add to the overall floor area and number of storeys but are not functional spaces.
- The key hardships are in relation to the existing home's low basement ceiling height and the site's grades.
- The proposal will create dormers in the upper level to provide more usable space. The expansion will occur in the existing footprint and the house will be extended by approximately 14ft to the rear. The house will still be well below the allowable lot coverage. The rear staircase which currently faces west will be moved to face the east.
- The roof line will follow the existing ridge line, and the peak is pulled away from the rear of the house and is under the maximum height to reduce the impact on neighbours. The windows at the rear will not reduce privacy, as they will be located up in the gable. The additional windows in the upper floor will be frosted and will look onto the roof of the neighbours to the west.
- There will be no addition to the house within the side yards, so as to preserve the existing vegetation along the property lines.
- The applicants sent letters to their neighbours in January regarding the proposal and have heard from four neighbours so far. Some neighbours have noted privacy and shading concerns, and one neighbour is concerned about the potential change in sound echoing from the hospital building. Other neighbours are supportive of the application and design. One neighbour noted concerns that the house was being used as a short-term rental property; it is currently occupied by tenants on a 1-year lease.

Board

- Page A104 notes a difference of 135 sq. ft between the existing and proposed upper floor plan; where is this difference coming from if the upper floor is open to below?
 - The applicants are not certain how the square footage calculation was done.
 - The roof addition will sit on the existing footprint but will raise the ceiling height from 5ft to create a usable space.
- Will the new basement under the addition have 8ft. ceilings?
 - Yes, the new foundation will step down to create approximately 8ft. ceilings in the new portion of the lower level.
- Is the existing lower storey staying the same?
 - Yes, there is a considerable amount of unusable space at this level due to large beams supporting the main floor.

Neighbours

- Garrett Stanners of 1672 Earle Street noted that his family enjoys an outdoor lifestyle and plans to purchase the house at 1692 Earle Street in the next few years. They are concerned about the number of surrounding houses that are enclosing the large rear yards. The proposed addition would further enclose the family's outdoor space, and the dormers would overlook the neighbouring rear yards.
- The owners of a similar house at 1693 Earle Street were able to resolve the issue of usable area by digging a deeper basement. This provided another 1000 sq. ft. of usable space with minimal impact to surrounding neighbours.
- As a raised bungalow, 1680 Earle Street's roof peak is already high. The proposed extension will eliminate the western view from the sunroom of 1692 Earle Street. The peak and extension will likely also shade the garden in the rear of 1692 Earle Street. The proposal will impact the neighbours' ability to enjoy summer evenings in the rear yard of 1692 Earle Street.
- The hedge along the property line is appreciated, but there will be an echo chamber at the rear yard of 1692 Earle Street due to trucks backing down the hospital's service driveway.

Board

- Is the height or depth of the house of greater concern for neighbours?
 - Garrett Stanners replied that this would be a difficult choice, but that the proposed depth likely has a greater impact.

Designer

- The survey shows that the greenhouse at 1692 Earle Street extends further into the rear yard than the proposed extension at 1680 Earle Street.

Board

- Would lowering the roofline be considered to ameliorate the neighbour's concerns?
 - The applicants could consider lowering the peak, but the addition would have the appearance of an addition and would not be in character with the neighbourhood. This is not what the owners intended for the project.
 - As proposed, the massing of the house would be like that of 1692 Earle Street.
- Did the applicants consider digging out the basement to add liveable space in the lower level?
 - This was considered; however, there is not necessarily adequate grade for a perimeter drain and a structural evaluation may be required. This would add considerable complexity to the project, and further excavation affecting the neighbours.
 - The applicants are trying to avoid demolishing the existing house.
- Is there any issue with respect to the height of the existing storm drain connection?
 - The applicants are not certain.
- Would the applicants consider lifting the house and applying for a variance to the height if necessary?
 - No; at that point, demolition would be preferred due to the cost and the structural implications to preserving the form and character of the house. It would be easier to build a new house on the lot to achieve the desired program inside the home.

- Would any variances be required to build a new house on the lot?
 - Not likely; however, a new house would not preserve the existing character of the neighbourhood. It would be a hardship for the applicants to build a new house due to the significant costs.
- Is the proposed house within the allowable building envelope?
 - Yes.
- Do the applicants wish to adjourn the application to a later date, and consider design changes before the matter is decided by the Board?
 - The applicants are amenable to adding privacy screening if that would be of interest to the neighbours; however, they would like to move forward with the proposal and start renovations. The owners would like to have a great room off the back of the house, so either the variances are required or the applicants will have to look at building a new house on the lot.

Public portion of the meeting closed.

- The applicants may wish to conduct a shadow study to ensure the design minimizes impacts towards neighbours. The applicants are encouraged to explore alternative designs to better meet the needs of the owners and neighbours.
- The design is not minimal to address the hardships associated with the lot.
- Building a new house would not solve neighbours' concerns, as a new house could be built taller than the proposal. It is desirable to retain the existing house.
- The requested variances are minimal, and the basement being deemed a storey is a technicality.

Motion:

Moved: Rus Collins

Seconded: Jaime Hall

That the following variances be approved as requested:

- | | |
|-------------------|---|
| Section 1.6.3 (b) | Increase the maximum floor area for the first and second storeys combined from 240.00m ² to 276.39m ² |
| Section 1.6.3 (c) | Increase the maximum combined floor area from 300.00m ² to 355.91m ² |
| Section 1.6.3 (c) | Increase the maximum number of storeys from 2 to 2.5. |

Carried

For: Rus Collins, Jaime Hall

Opposed: Trevor Moat

1:20 pm Trevor Moat recused himself from Appeal No. 00764 for 1871 Hollywood Crescent due to a non-pecuniary conflict of interest.

12:50 Board of Variance Appeal #00764
Ryan Hoyt, Ryan Hoyt Designs Inc., Applicant; 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 construct a new single family dwelling.

Bylaw Requirements

Relaxations Requested

| | |
|-------------------|--|
| Section 1.6.4 (a) | Increase the maximum height from 7.60m to 8.60m and increase the maximum number of storeys from 2 to 3 |
| Section 1.6.4 (b) | Allow 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 31.80%. |

Ryan Hoyt, Applicant, and Bryan Higgins, Owner, were present.

Correspondence concerning the application from John Harding and Madeline Rigg of 1869 Hollywood Crescent was read aloud. Correspondence in favour of the application from Luke Kratz of 1857 Hollywood Crescent; Don Nightingale of 1845 Hollywood Crescent; Ian M. Sherwin of 1863 Hollywood Crescent; J. Alan Andrew of 161 Robertson and Rasool Rayani of 1881 Hollywood Crescent was acknowledged.

Applicant

- The applicants have heard neighbours' and the Board's concerns with the previous house design. This application conforms to the existing zoning as much as possible; however, the lower floor could not be made to fit the definition of a basement due to the site's grades. The main floor's relationship to the street is important, which causes the average grade to be 2.4m below street level. The basement is therefore deemed the first storey, making the house 3 storeys rather than 1.5.
- The variance for roof decks is a technicality due to the second being defined as the third storey. The 'roof deck' is simply a deck on the second floor.
- The proposal's massing meets the intent of the bylaws, as the upper levels' floor area would now meet the definition of a half storey if the lower floor was defined as a basement.
- The overall height is still over the zone's requirements, but it has been reduced by one foot on the main and upper floors. The 10ft ceiling heights have been maintained in the basement to ensure the main floor's relationship to the street level.
- The walk out patio from the basement is deemed an outdoor structure, where on a typical property this would be considered a patio.

Board

- Could the glass deck panels be made opaque, or could other measures be taken to minimize overlook to adjacent properties?
 - Even if there wasn't a deck at the rear, the house would overlook the same area from the master bedroom.
 - The decks are not directly beside the property to the south; they are pushed to the north.

Neighbours

- Trevor Moat, not as a Board member but as a neighbour, noted that he liked the design and appreciated the applicants' efforts to communicate to himself about the proposal, as well as the applicants' efforts to address the Board's concerns.

Public portion of the meeting closed.

- The Board noted that although one notified neighbour is a Board member, there was no discussion concerning the application with that Board member and that this has not biased the Board's opinion of the application.
- The project has changed significantly since the last application to the Board.
- Slight concern about the roof deck, but recognition of the challenges in adhering to the zoning bylaw on this lot.
- Appreciation for the applicants' efforts in addressing the Board's concerns for the previous application.

Motion:

Moved: Rus Collins

Seconded: Jaime Hall

That the following variances be approved as requested:

- | | |
|-------------------|--|
| Section 1.6.4 (a) | Increase the maximum height from 7.60m to 8.60m and increase the maximum number of storeys from 2 to 3 |
| Section 1.6.4 (b) | Allow 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 31.80%. |

Carried Unanimously

**1:10 Board of Variance Appeal #00765
David Dobell, Owner; James Kerr, Architect
1035 Pakington Street**

Present Zoning: R-J – Low Density Attached Dwelling District
Present Use: Single Family Dwelling

The proposal is to renovate and construct an addition with dormers to the existing legal non-conforming third storey.

Bylaw Requirements

Relaxation Requested

Section 1.2.4 (a)

Increase to the maximum number of storeys from 2 to 3.

Note: existing is 3 storeys.

James Kerr, Architect, and Rod Crowe, neighbour of 1034 Pakington Street, were present.

Correspondence in favour of the application from Desmond Stepien of 1039 Pakington Street and Gary Reynolds of 1033 Pakington Street was read aloud.

Architect

- Over the years, the house has been used as a single family dwelling, duplex and triplex, which has made the current configuration as a single family dwelling somewhat awkward. The owners wish to reconfigure the home and add about 129 sq. ft. to the upper floor, including an ensuite and second bathroom.
- The main floor will be mostly unchanged, except for the stair which will be reconfigured.
- The house was built in 1929 and the basement ceiling height varies from 6-6.5". The basement is unfinished but technically counts as a storey, because the ceiling height is 1.39m above average grade.
- The proposed upper addition will add a dormer facing Pakington Street while retaining the gable roof. The intent is for the additions to fit in with the existing roofline.

Board

- For the gable dormer addition, were materials complimentary to the existing dormer considered?
 - Slate grey shingles were selected to reduce the new gable's visual prominence.

Neighbours

- Rod Crowe of 1034 Pakington Street noted that he approved of the proposal, but was concerned about the servicing of the lots from 1033-1039 Pakington Street. If the project were to become too expensive, he fears that condos would be built in the place of the existing single family dwellings.
- Appreciation for the project and the design, which fit well within the neighbourhood.

Public portion of the meeting closed.

- The proposal is modest and sensitive to the context.
- Appreciation for retaining the existing house.

Motion:

Moved: Trevor Moat

Seconded: Rus Collins

That the following variance be approved as requested:

Section 1.2.4 (a)

Increase to the maximum number of storeys from 2 to 3.

Carried Unanimously

1:30 Board of Variance Appeal #00768

**Dave Chan, Applicant / Owner; Lillian McClanaghan, Lorraine Chan, Donna Chan, Harvey Chan, Owners
1526-1528 Haultain Street**

Present Zoning: R1-B – Single Family Dwelling District
Present Use: Purpose-built duplex (1953)

The proposal is to construct new entry stairs to replace the previous stairs that have been demolished due to safety and structural issues.

Bylaw Requirements

Relaxations Requested

Section 1.2.5 (e) Decrease the flanking street side setback to the steps from 3.50m to 2.46m

Note: existing setback to the building face is 3.67m.

Section 531 (1) Permit alteration or addition while non-conforming use (duplex) continued.

Dave Chan, Applicant / Owner, was present.

Owners

- The original concrete steps to the duplex were built in 1953. A clay tile drainage ran under the steps and collapsed over time. The concrete stairs are very heavy, and the weight coupled with the vibrations from the nearby road caused the stairs to sink into the ground and cause cracks in the duplex foundation.
- What were previously hairline cracks in the foundation have grown to a half inch or more this year, which has added urgency to the situation.
- To avoid having to demolish the whole front of the house, the owners made the decision to remove the steps in 2018.
- The requested variances are required to rebuild the stairs in the same location. The steps will be rebuilt in wood. There is no other reasonable place to put the entry stairs.

Board

- Is the duplex itself compliant with the required setbacks?
 - Nina Jokinen confirmed that only the stairs extend into the setback, and that the duplex does not.
- How long have the owners owned the building?
 - Since 1973.
- When were the existing stairs demolished?
 - In September 2018.
- Have there been issues with the foundation since the concrete stairs were removed?
 - Things have improved since September, and the owners have also reinforced the internal structure by sistering the joists and using jacks to alleviate some of the weight.

Public portion of the meeting closed.

- The application is supportable, and it is obviously necessary for the stairs to be rebuilt.

Motion:

Moved: Trevor Moat

Seconded: Jaime Hall

That the following variances be approved as requested:

Section 1.2.5 (e) Decrease the flanking street side setback to the steps from 3.50m to 2.46

Section 531 (1) Permit alteration or addition while non-conforming use (duplex) continued.

Carried Unanimously

**1:50 Board of Variance Appeal #00770
Christine Hunter, Applicant / Owner; Archie Willie, Designer
1007 Redfern Street**

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

The proposal is to construct an addition at the rear of the existing building.

Bylaw Requirements

Relaxations Requested

Section 1.6.5 (b) Decrease the rear yard setback from 9.10m to 6.00m

Section 1.6.5 (d) Decrease the (north) side yard setback to the addition from 1.88m to 1.20m
Note: existing is 0.32m.

Section 1.6.5 (e) Decrease the combined side yard setback to the addition from 5.40m to 3.65m
Note: existing is 2.77m.

Section 1.6.5 (e) Increase the site coverage from 30.00% to 42.10%.

Christine Hunter, Applicant / Owner; Archie Willie, Designer, were present.

Designer

- The modest home has quite a bit of character and was built on a non-conforming R1-G lot. The existing porch was built with a variance in the 1970s.
- The covered rear porch addition will replace the existing deck and improve its siting by shifting it further to the northern property line. The current covered porch steps are too steep and do not comply with the building code. The replacement stairs will project into the rear yard setback.

- The existing accessory building is not compliant with the bylaws. It will be taken down and rebuilt in the rear yard for the owners' storage needs. A variance is required for the site coverage, but the new garage will in fact reduce the existing site coverage.
- The hardship is due to the siting of the house and the size of the lot, which restricts development.

Owner

- The owners have spoken with their neighbours, who are supportive of the application. The back porch will see a visual improvement and the accessory building will be better sited and smaller overall.
- The property's zoning changed just a few years ago, and a variance is now required to fix the stairs and bring them up to code. The owners are looking to decrease the house's non-conformity and improve the look of the house for the benefit of the neighbourhood.

Public portion of the meeting closed.

- There is hardship associated with the size of the lot and the placement of the existing house on the lot.
- The proposed design is sensitive to the existing house and to the neighbourhood.
- The proposed accessory building is supportable and fits with the style of the house.

Motion:

Moved: Trevor Moat

Seconded: Jaime Hall

That the following variances be approved as requested:

- | | |
|-------------------|---|
| Section 1.6.5 (b) | Decrease the rear yard setback from 9.10m to 6.00m |
| Section 1.6.5 (d) | Decrease the (north) side yard setback to the addition from 1.88m to 1.20m |
| Section 1.6.5 (e) | Decrease the combined side yard setback to the addition from 5.40m to 3.65m |
| Section 1.6.5 (e) | Increase the site coverage from 30.00% to 42.10%. |

Carried Unanimously

Meeting adjourned at 2:17 pm.
