

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
JANUARY 10, 2019**

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

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

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

1. Appeals

12:30 Board of Variance Appeal #00756

**Justin Reynolds, Pacific Perspective Properties Inc., Applicant; Lindsay Reynolds, Owner; Tim Rodier, Outline Home Design, Designer
119 Howe Street**

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

The proposal is to construct a new single family dwelling and a garden suite.

Bylaw Requirements

Relaxations Requested

Single family dwelling:

Section 1.2.5 (c) Decrease the minimum south side yard setback from 2.40m to 1.70m.

Garden suite:

Schedule M, Section 2 (e) To allow for the location from the required rear yard to the side yard.

Justin Reynolds, Pacific Perspective Properties Inc., Applicant, Tim Rodier, Outline Home Design, Designer, and Ken Rouche as a representative of Sid Tafler of 121 Howe Street, were present.

Correspondence concerning the proposal from Sid Tafler of 121 Howe Street was read aloud.

Applicants

- The applicants are seeking two variances due to the shape of the lot.
- The ideal location for the garden suite is in the wider front portion of the property, facing Howe Street. The lot is large for the area, and the rhythm of the streetscape is maintained with the garden suite at the proposed location.
- The garden suite is not very large, and is within the size allowed within the City's guidelines. The suite has a private entry to Howe Street, giving it its own feel as a separate unit with some characteristics of the main house.

- A small variance is required for the side yard setback. There is a larger required side yard due to the wide lot frontage. The main house would encroach on the side yard by about 2.5ft., which is still greater than the 10% allowed on a typical 16m wide lot. The house will not encroach in any noticeable way on the neighbour's property to the south.

Board

- If the lot were 16m wide, would the design meet the side and combined setback requirements?
 - Yes, it would.

Neighbour

- Ken Rouche, representing Sid Tafler of 121 Howe Street, noted concern about storm water retention, drainage issues towards 121 Howe Street, and a desire for a shadow study to be conducted. The applicants have not been in contact with their neighbours, and neighbours have not had sufficient time to properly address the application.

Applicants

- The owner has spoken with their neighbours, including the immediately adjacent neighbour to the south who welcomed the project and had no issues with the proposed variances.

Board

- Are there any variances sought towards the north of the property?
 - No, the side yard setback would be decreased to the south.
- What is the ceiling height in the walk-in closet?
 - 9ft.
- Is there any way to address the neighbour's concern for shading?
 - The applicants could work with an arborist to thin the existing fir tree at the northeast of the property, which currently blocks a lot of sunlight to the north.

Public portion of the meeting closed.

- The proposed single family dwelling is within the allowable height, and will mostly shade the side yard.
- The location of the garden suite is a reasonable response to the irregular shape of the lot. The garden suite is a well-considered use for the lot, and will fit well within the context. The suite has sufficient setbacks to neighbouring properties.
- The Board is cognizant of the neighbour's concerns; however, the variances requested do not affect the north side of the property.
- The Board encourages discussion between applicants and neighbours.

Motion:

Moved: Jaime Hall

Seconded: Trevor Moat

That the following variances be approved as requested:

Single family dwelling:

Section 1.2.5 (c)

Decrease the minimum south side yard setback from 2.40m to 1.70m.

Garden suite:

Schedule M, Section 2 (e) To allow for the location from the required rear yard to the side yard.

Carried Unanimously

12:50 Board of Variance Appeal #00757

**Peter Waldhuber of Protege Developments Inc., Applicant; Peter Waldhuber and Carrie Stewart, Owners; Archie Willie, A. Willie Design, Designer
1145 Woodstock Avenue**

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

The proposal is to legalize and add a rear addition to an existing garage.

Bylaw Requirements

Relaxation Requested

Schedule F Section 4 (b) Decrease the minimum (east) side yard setback from 0.60m to 0.48m

Note: the side yard setback for the addition is 0.90m.

Peter Waldhuber of Protege Developments Inc., Owner/Applicant; Archie Willie, A. Willie Design, Designer were present.

Owner and Designer

- The existing single-car garage was built with the house in the 1920s, but the City does not have record of the garage existing at this time. Therefore, the garage is not technically existing non-conforming. The owner has photos which show that the garage was built at the same time as the house, and the garage still has guides for a Model T.
- The applicants require a variance for the existing garage at its non-conforming location, so that it can be retained and so that an addition can be made at the rear of the garage. The addition conforms to today's required setbacks.
- The owner lives across the street and knows the neighbours, who are all supportive of the project. The proposal will fix the garage and clean up the house.
- The most impacted neighbours would be those at 48 Cambridge Street, and they are very supportive of the project. A new fence will be constructed between the properties as well. The neighbours at 30/32 Cambridge Street are also supportive of the proposal.

Board

- Will the shed be retained or demolished?
 - It will be retained.
- Was demolishing the shed considered?
 - Yes; however, it would not be able to be rebuilt in its current location. If built new, a vehicle in the garage would back up into the house.
- Can the shed be rebuilt in its current location?
 - No, this would not be allowed with the required setbacks. The owner did not initially know that a variance would be required for this project. Other than the existing non-conforming siting, there is little reason to retain the garage.

- The garage's character will be maintained with the addition.
- The garage is in the best location on the property, as there are protected cedar trees elsewhere at the rear of the lot.
- Do the cedar trees' roots pose any issues for construction?
 - No; all that remains for this project is to obtain a building permit.

Public portion of the meeting closed.

- The proposal is quite supportable and will help revitalize the neighbourhood.

Motion:

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variance be approved as requested:

Schedule F Section 4 (b) Decrease the minimum (east) side yard setback from 0.60m to 0.48m.

Carried Unanimously

**1:10 Board of Variance Appeal #00758
Anya Reid, Applicant / Owner
1031 McCaskill Street**

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

The proposal is to legalize the deck located at the west side of the property.

Bylaw Requirements

Relaxation Requested

Section 1.2.5 (b) Decrease the rear yard setback to the deck from 7.50m to 3.14m

Note: existing setback to the house is 2.99m.

Hayes Rynhelt, Owner was present.

Correspondence in favour of the application from David Williams and Maggie Baynham of 1021 McCaskill Street, Patti Parkhouse of 1025 McCaskill Street, Kevin North and Nadine Falk of 1027 McCaskill Street was acknowledged.

Owner

- The owners purchased the house about a year ago. A previous owner had constructed an addition with the approval of the Board of Variance. However, the deck was constructed larger than what was approved.
- The deck has now been in place for about five years, and as far as the owners are aware there are no objections from neighbours.
- The original building permit is still open because the deck was not constructed as approved. The owners are requesting a variance to retain the existing deck. The only other solution would be for the deck to be demolished.

- The deck is at a logical position on the lot, and is well-built. The only sightline to the deck is from a neighbour's upper window.

Board

- What was the approved size of the deck?
 - The owner is not certain, but it can be determined from the plans submitted.
- What has motivated this application?
 - The owners wish to close the old building permit before it expires.
- Are there other renovations planned for the property in the near future?
 - Not for the time being, although the owners may eventually wish to finish the basement.

Public portion of the meeting closed.

- The application seems quite reasonable under the circumstances.
- The proposal does not restrict the enjoyment of the property.

Motion:

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the following variance be approved as requested:

Section 1.2.5 (b) Decrease the rear yard setback to the deck from 7.50m to 3.14m.

Carried Unanimously

Meeting adjourned at 1:15 pm.
