

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
SEPTEMBER 12, 2019**

Present: Trevor Moat, Acting Chair
Rus Collins
Jaime Hall

Absent: Margaret Eckenfelder
Andrew Rushforth, Chair

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 #00796
Mark Laver, Owner
955 Maddison Street**

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

The proposal is to construct an accessory building (studio) at the front of the property to replace the existing carport.

Bylaw Requirements

Relaxations Requested

Schedule F Section 1

Change the required location from the rear yard to the front yard

Schedule F Section 4 (d)

Decrease the minimum separation space between an accessory building and the principal building.

Mark Laver, Owner, Gary Streight, Designer, and neighbours Pam Leacock and Bruce Rutherford of 948 Maddison Street, Deborah Maunder of 951 Maddison Street, and Peter Mills representing Isobel McCarter of 953 Maddison Street were present.

Jaime Hall noted that he is acquainted with some of the applicant's neighbours but is not biased with regards to the application.

The correspondence submitted opposing the application from Sheri Andersen of 954 Maddison Street, Pam Leacock and Bruce Rutherford of 948 Maddison Street, Deborah Maunder of 951 Maddison Street and Isobel McCarter of 953 Maddison Street was acknowledged.

Applicants

- The owners want to enclose the existing carport to create a studio and storage space.
- The studio will be designed to have the same massing as the existing carport and will be in keeping with the house.

- The studio is best situated in its current location rather than the rear yard. The restrictive rear yard setbacks would not allow a building of the size proposed in the rear yard, and if located in the rear yard the building would take most of the available green space. The restrictions to the rear yard are a hardship to this application.
- If the studio were in the rear yard, it would require a different set of variances.
- Another hardship is that the existing carport is located too close to the house. If a studio were built in the same footprint as the existing carport, it would still be within 2.4m of the house. Even if the location were adjusted, the 2.4m distance requirement could not be met.
- In 2017 the owner was advised by City staff that a similar project could be achieved without any variances. The project sounded much more achievable at the beginning, but it has taken some time to realize.

Board

- For what was the previous application to the Board of Variance?
 - The application in 2014 was for the house, in order to build a second floor in the same footprint as the house.

Neighbours

- Pam Leacock of 948 Maddison Street noted the significant impact on neighbours from noise and activity generated from an art studio. A storage shed is better located in the rear yard.
- Bruce Rutherford of 948 Maddison Street noted that the proposed walkway on the fence line would negatively impact the adjacent neighbours' bedroom window. As well, noise impacts from running power tools would negatively impact neighbours. The proposed art studio does not fit with the neighbourhood feel, and neighbours would have to look upon the proposal from their living room windows.
- Deborah Maunder of 951 Maddison Street noted that the front yard is her primary outdoor space, and its value and enjoyment would be negatively impacted by the proposal in the neighbour's front yard. Based on hardship, the studio should be located in the applicant's rear yard.

Owner

- The studio is not intended as a place of business; rather, some people will come to view artwork. There are restrictions to the location of businesses, and it is not anticipated that many people would be coming and going from the studio. Likely, the owner would take part in an artist's tour, and people may visit once per year.
- The owner primarily creates oil paintings, so power tools are not often used at all. Small projects for around the house are completed in the studio, but once enclosed, noise would not be an issue at all.

Board

- Is the new building proposed in exactly same location as the existing carport?
 - Yes, it would be where the existing concrete pad is, although new foundation will have to be poured.
- If the studio were attached to the main house by the roof, it would not require a variance. Was this option considered?
 - Yes, but this was determined to be much more expensive due to the costs of attaching the roofs. However, if the variances are not granted, the studio will be attached to the house.

- Is the proposed variance the minimal required to overcome the hardship?
 - Yes, considering the budget issue in attaching the studio to the house. However, the owner also has plans prepared with the studio attached to the house.
- How do the other plans compare to those proposed? Is the studio proposed at the same location?
 - The studio would be at the same location with a connected roof. This option is not ideal because it cuts out some light to the owner's side window.

Neighbours

- Bruce Rutherford of 948 Maddison Street noted that the building should be located in the rear yard, as the bylaw requires.

Board

- How was the location of the carport originally approved?
 - The Planning Technician noted that the carport has been in place since 1982, at which time its location was allowed. However, the proposal would essentially create a new structure, and is therefore required to comply with today's requirements (unless a variance is allowed).
 - The owner noted that the intention is to build as existing for this reason.

Applicant

- Neighbours to the side and rear have expressed support for the proposal but it seems that they have not written in.

Public portion of the meeting closed.

- The studio can easily be attached to the house to avoid the need for a variance.
- There does not seem to be significant hardship in not connecting the studio to the house. Virtually the same structure can be built with some additional expense.
- The question is whether it is appropriate to have an unusual placement of an accessory building in the front yard.
- There are hardships from the small rear yard and significant required setback.
- Where there is a way to avoid the need for a variance, this option should be pursued.
- There is room to improve the proposal so that an application to the Board is not required.
- The applicant is encouraged to listen to neighbours' concerns.

Motion:

Moved: Jaime Hall

Seconded: Rus Collins

That the following variances be declined:

Schedule F Section 1

Change the required location from the rear yard to the front yard

Schedule F Section 4 (d)

Decrease the minimum separation space between an accessory building and the principal building.

Carried Unanimously

12:50 Board of Variance Appeal #00797

**Erik Larsen, Larsen Custom Woodworks, Applicant; Matthew Crossley and Laurie Mitchell, Owners
1025 Craigdarroch Road**

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

The proposal is to rebuild the front entry steps and porch.

Bylaw Requirements

Relaxation Requested

Section 1.1.5 (d)

Decrease the minimum side yard setback from 3.00m to 1.10m to the steps and porch.

Note: existing is 1.10m.

Eric Larsen and Cam M., Applicants, Laurie Mitchell and Matt Crossley, Owners, and neighbour Dave Hillmer of 1021 Craigdarroch Road were present.

Jaime Hall noted that he is acquainted with one of the applicant's neighbours but is not biased with regards to the application.

The correspondence submitted in favour of the application from Dave Hillmer of 1021 Craigdarroch Road, Michael Butler of 1031 Craigdarroch Road, K. Webster of 1032 Craigdarroch Road, Brittany Reijeris of 1040 Craigdarroch Road was read aloud.

Applicant

- The applicants are seeking a south side setback relaxation. The current footprint of the steps extends 1.1m into the setback.
- The owners are renovating this portion of the house due to a partial collapse of the roof. The room above the front entry is also sinking, which is part of the master bedroom.
- The City doesn't have much record for the existing house.
- The deck has to be pulled mostly apart to get new posts and beams in place.
- The front entry steps and porch will be rebuilt in the same location, but with modern engineering.

Neighbour

- Dave Hillmer of 1021 Craigdarroch Road noted full support for the proposal.

Public portion of the meeting closed.

- The restoration of the existing structure is laudable, and the plans are consistent with what exists today.

Motion:

Moved: Jaime Hall

Seconded: Rus Collins

That the following variances be approved:

Section 1.1.5 (d)

Decrease the minimum side yard setback from 3.00m to 1.10m to the steps and porch.

Carried Unanimously

1:10 Board of Variance Appeal #00790
Mohamed Hameed, Owner
948 Queens Avenue

Present Zoning: R-2 Single Family Dwelling
Present Use: Single Family Dwelling

The proposal is for an addition to the rear of the existing single-family dwelling to create a duplex.

Bylaw Requirements

Relaxations Requested

Part 2.1 Section 2.1.5 (b)

Decrease the minimum rear yard setback from 13.65m to 10.02m

Part 2.1 Section 2.1.5 (c)

Decrease the minimum (west) side yard setback from 1.52m to 1.50m.

Mohammed Hameed, Owner, was present.

The correspondence submitted opposing the application from John and Maria Dijk of 950 Queens Avenue was acknowledged.

Applicant

- The proposal will change the front of the house, including the siding, so that it is consistent with the rest of the house.
- There are also changes proposed to the style of windows.

Board

- Are any structural changes proposed?
 - No, none.
- Is the plan still to sell the house once the renovations are complete?
 - Not anymore; family members will be moving into the house once it is complete.

Public portion of the meeting closed.

- The proposal is an improvement over the previous application.

Motion:

Moved: Rus Collins

Seconded: Jaime Hall

That the following variances be approved:

Part 2.1 Section 2.1.5 (b)

Decrease the minimum rear yard setback from 13.65m to 10.02m

Part 2.1 Section 2.1.5 (c)

Decrease the minimum (west) side yard setback from 1.52m to 1.50m.

Carried Unanimously

Meeting adjourned at 1:28 pm.
