

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
JANUARY 9, 2019**

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

Absent: Rus Collins

Staff: Nina Jokinen, Planning Technician
Mhairi Nicholson, Planning Technician
Alena Hickman, Planning Secretary

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

1. Minutes

Minutes from the meeting held December 12, 2019

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the minutes from December 12, 2019 be adopted as amended.

Carried Unanimously

2. Appeals

**12:30 Board of Variance Appeal #00815
Michael Moody, Applicant; John Doughty, Owner
1732 Foul Bay Road**

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

The proposal is to legalize the front porch constructed without permits.

Bylaw Requirement

Relaxation Requested

Section 1.2.5 a)

Increase the maximum projection of the porch into the front yard from 1.60m to 2.10m.

Michael Moody Architect was present.

The correspondence submitted in favor by neighbours was acknowledged.

Applicants

- The applicant hired a contractor last summer and was told no permits were needed.
- The porch is encroaching into the front yard setback.

Board

- If there hadn't been a history to this application, what would be your specific objection?
 - Dan Kell replied that it would be the density of the properties
- How does it adversely effect you?
 - Dan Kell replied that the density on the small lot that would affect the neighbourhood.
- If these plans were presented to you today without the history behind it, would you have issues with it?
 - Frances of 909 Pendergast Street replied part of the problem is that she has never seen the plans since the applicant never spoke to neighbours.

Applicant

- Stated he feels that he is not being intrusive as the property is below what the allowable site coverage is.

Board

- Have you made your house smaller?
 - The house is a different shape, the square footage is the same
- Was there a garage planned when it went to Council?
 - For 910 Pendergast Street no. For 930 Pendergast Street yes there was in the original application, but that was dropped because the house was redesigned
- Why do you need a garage?
 - There is no need, it is a want. I would like the extra space
- Can you address directly what the hardship is?
 - It would be convenient to have one
- Have you always intended to live and occupy 910 Pendergast Street?
 - Yes.

Public portion of the meeting closed.

- This variance is not an extreme ask, but there is no persuasion that there is any hardship.
- There was a DP application that has already gone before Council and approval was given that did not include this garage.

Motion:

Moved: Jaime Hall

Seconded: Margaret Eckenfelder

That the following variances be declined:

Section 1.23.9

To allow for the location of the accessory building in the side yard.

Section 1.23.13 (a)

Decrease the minimum front yard setback from 18.00m to 3.20m.

Carried Unanimously

1:50 Board of Variance Appeal #00814
David Rannala & Kelsey Davis, Owners
1340 George Street

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

The proposal is to for renovations to the existing single-family dwelling which includes a new deck at the rear and rebuilding the steps at the front within the existing footprint.

Bylaw Requirement

Relaxation Requested

- | | |
|----------------|----------------------------------------------------------------------------------------------------------------------------------|
| Part 1.2.4 (a) | Increase the maximum height from 7.60m to 8.24m. (Lot 22 & 23)
Note: Existing is 8.19m. |
| Part 1.2.5 (a) | Decrease the minimum front yard setback (to deck) from 7.50m to 2.75m. (Lot 22)
Note: Existing is 0.00m. |
| Part 1.2.5 (a) | Increase the maximum front yard projection for the steps from 2.50m to 3.68m. (Lot 23)
Note: Existing is 3.68m. |
| Part 1.2.5 (c) | Decrease the minimum the west side yard setback (to deck) from 3.00m to 2.50m. (Lot 22)
Note: Existing is 2.50m to the house. |
| Part 1.2.5 (d) | Decrease the minimum combined side yard setback from 4.50m to 4.00m. (Lot 22)
Note: Existing is 4.30m. |

David Rannala owner, was present.

Correspondence submitted by Sadguna Hass, neighbour at 1336 George Street was acknowledged.

Applicant

- There was an existing variance that was approved for the deck. Financially there was a delay only to find out once we started working again, that the variance had expired.
- The purpose for the deck is to have more space for the family.

Neighbour

- Stated she is not in favour of two of the five variances. Part 1.2.5 (c) & Part 1.2.5 (d).
- Neighbour is worried about noise and lack of privacy.

Applicant

- I don't think that noise or privacy will be an issue. We have talked about and offered to put up a more substantial fence

**2:10 Board of Variance Appeal #00816
Sharyn Romaine & Michael Romaine, Owners
2624 Fernwood Road**

Present Zoning: R-2 – Converted Duplex
Present Use: R-2 – Converted Duplex

The proposal is to convert the existing duplex to a triplex and to legalize an existing deck located at the rear of the building that was constructed without permits.

Bylaw Requirements

Relaxations Requested

Section 1.2.4 a) Increase the maximum height from 7.60m to 8.89m.
Note: existing is 8.89m.

Section 1.2.5 c) Decrease the minimum north side yard setback from 1.52m to 1.10m.
Note: existing is 1.10m.

Sharyn Romaine and Michael Romaine owners were present.

Correspondence submitted in favor by Shannon Bjamason of 2631 Fernwood Road, Julian Hanrahan of 2629 Fernwood Road, Mike Rosso of 2620 Fernwood Road, Jennifer Carr of 2628 Fernwood Road, Drew Zeske of 2625 Fernwood, Janet Jory of 2633 Cedar Hill Road and Ken Thiffeault 2643 Cedar Hill Road was acknowledged.

Applicant

- The applicants bought the property and asked about any issues or complications that might arise. We were told there were no underlying issues.
- Upgraded was done to the house to put in a legal suite. At that point we found out the deck was built without a permit.
- This does not have any impact on the suite but we would like to abide by all the requirements.

Board

- Did the neighbours have any objections?
 - No.
- Are the structure and stairway remaining, with the work being conducted underneath?
 - Yes.

Public portion of the meeting closed.

Motion:

Moved: Trevor moat

Seconded: Margaret Eckenfelder

That the following variances be approved as requested:

Section 1.2.4 a) Increase the maximum height from 7.60m to 8.89m.
Note: existing is 8.89m.

Section 1.2.5 c)

Decrease the minimum north side yard setback from 1.52m to 1.10m.

Note: existing is 1.10m.

Carried Unanimously

Meeting adjourned at 3:10 pm.
