

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
FEBRUARY 14, 2019**

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

Absent: Trevor Moat

Staff: Thom Pebernatt, Zoning Administrator
Katie Lauriston, Secretary

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

1. Minutes

Minutes from the meeting held January 10, 2019

Moved: Margaret Eckenfelder **Seconded:** Jaime Hall

That the minutes from January 10, 2019 be adopted as presented.

Carried Unanimously

Minutes from the meeting held January 24, 2019

Moved: Margaret Eckenfelder **Seconded:** Rus Collins

That the minutes from January 24, 2019 be adopted as presented.

Carried Unanimously

2. Appeals

**12:30 Board of Variance Appeal #00763
Amandeep Gill, Applicant / Owner
1030 Bank Street**

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

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

Bylaw Requirements

Relaxations Requested

Section 1.6.5 (b)	Decrease the minimum rear yard setback from 9.10m to 7.51m
Section 1.6.5 (d)	Decrease the minimum (north) side yard setback from 3.27m to 2.19m

Section 1.6.5 (d) Decrease the minimum (south) side yard setback from 3.27m to 2.46m

Section 1.6.5 (e) Decrease the minimum combined side yard setback from 5.40m to 4.65m.

Amandeep Gill, Applicant / Owner, Denise Kors, Development Manager at Kors Development Services Inc., and neighbour [REDACTED] of 1040 Bank Street were present.

Correspondence opposing the application from Mark and Christine Polle of 1040 Bank Street was acknowledged. Correspondence in favour of the application from neighbours Kuldeep Birring of 1045 Richmond Avenue and Beverlee Sault of 1049 Richmond Avenue was acknowledged.

Development Manager

- The hardship arises from the configuration of the lot. The lot is not deep, which limits the depth of the house to approximately 8m in order to comply with the front and rear yard setback requirements. A variance is requested for the rear yard to alleviate this issue.
- The width of the lot triggers a larger setback requirement for the zone. The existing house does not meet the side yard setback requirements, and very little change from the existing footprint is proposed.
- The proposed house represents the best possible footprint for this wide and shallow lot, and allows for a house with the allowable floor space ratio. The proposed height is well below the maximum permitted in the zone.
- Measures have been taken to minimize the potential impacts to neighbours; the windows on side walls have been eliminated or reduced and are high-set, and the house's highest peak is centered well away from the sides of the house. No basement is proposed, which will reduce or eliminate the need for blasting.
- The surrounding area has variety of densities.
- The applicants have mailed out a cover letter and response form to adjacent neighbours. Three responses were returned, two indicating support and one opposed to the application.

Board

- What is the distance from the front stairs to the property line?
 - Approximately 2.4". The house is also slightly angled on the lot to create a larger setback at the rear, adjacent to the neighbouring home.
- Does the proposal essentially sit on the existing house's footprint?
 - Almost; the data table included in the plans compares the existing house, the proposal and the requirements set out in the zoning bylaw.

Neighbours

- [REDACTED], a co-owner of 1040 Bank Street, noted that although the proposal's footprint would be somewhat similar, its height and massing would significantly affect the neighbours to the north. The proposed house is very tall and is located closer to the property line. The proposal will significantly impact the neighbours at 1040 Bank Street.

Public portion of the meeting closed.

- The proposed setback very nearly meets the allowable setback within the zone.

- The proposal is under the allowable height and has a hipped roof without gables, which will help reduce shadowing impacts towards neighbouring properties. The neighbouring houses are also a good distance away from the proposal.
- The required setbacks are large.

Motion:

Moved: Rus Collins

Seconded: Margaret Eckenfelder

That the following variances be approved as requested:

Section 1.6.5 (b)	Decrease the minimum rear yard setback from 9.10m to 7.51m
Section 1.6.5 (d)	Decrease the minimum (north) side yard setback from 3.27m to 2.19m
Section 1.6.5 (d)	Decrease the minimum (south) side yard setback from 3.27m to 2.46m
Section 1.6.5 (e)	Decrease the minimum combined side yard setback from 5.40m to 4.65m.

Carried Unanimously

12:50 Board of Variance Appeal #00766
Kashmere Bling, Applicant; Jeat Beadall, Owner
3156 Balfour Avenue

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

The proposal is to legalize the existing accessory building (shed) located at the rear of the property.

Bylaw Requirements

Relaxations Requested

Schedule F Section 2 (a)	Increase the maximum combined floor area from 37.00m ² to 43.00m ²
Schedule F Section 4 (d)	Decrease the minimum separation space to the principal building from 2.40m to 1.35m.

Kashmere Bling, Applicant, friend Wayne Carrill of 3165 Balfour Avenue, and neighbour Allan Dobinson of 3150 Balfour Avenue, were present.

Correspondence supporting the application from the director of the Citizens' Counselling Centre and Carolina Simson of 3159 Irma Street, as well as a petition signed by Victoria Burnett of 3153 Irma Street, Carolina Simson of 3159 Irma Street, Gabriel Monterros of 3175 Balfour Avenue, Leslie Sayers of 3175 Balfour Avenue, Anna, Tony and Donato Tumillo of 3162 Balfour Avenue, Wayne Carrill of 3165 Balfour Avenue and Stefani K. Beni of 3165 Balfour Avenue were acknowledged.

Applicant

- The gym is required for the applicant's wellbeing, and is recommended by the applicant's doctors and counsellors to address multiple health issues. There is too much noise and not enough light in a typical gym, and travel is very difficult with reduced vision. For all these reasons, a private workout space is needed. The applicant's family will also benefit from the home gym.
- The applicant is trying to make it right with the City after having built the structure.

Board

- How long has the shed been in place?
 - Since May 2018.

Neighbour

- The City's regulations should have been consulted before building the structure. The building is very large and takes up half of the back yard.

Board

- Are variances to the setbacks required?
 - Thom Pebernat, Zoning Administrator, clarified that the application does not require variances for the setbacks or the site coverage.

Neighbour

- Wayne Carrill of 3165 Balfour Avenue noted that the structure is not very noticeable from the street, and the mural beautifies the neighbourhood. Although it did bring attention when it was being constructed, it is a beautiful building as it stands today.

Public portion of the meeting closed.

- The building is reasonable for the back yard.
- The structure does not pose any issues for the neighbours.

Motion:

Moved: Margaret Eckenfelder

Seconded: Rus Collins

That the following variances be approved as requested:

Schedule F Section 2 (a)	Increase the maximum combined floor area from 37.00m ² to 43.00m ²
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Schedule F Section 4 (d)	Decrease the minimum separation space to the principal building from 2.40m to 1.35m.
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Carried Unanimously

Meeting adjourned at 1:05 pm.
