

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
JANUARY 14, 2021**

Present: Trevor Moat, Chair
Rus Collins
Rosa Munzer
Jaime Hall
Margaret Eckenfelder

Staff: Alena Hickman, BOV Secretary
Nina Jokinen, Zoning Technician

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

1. **Appeals**

**12:30 Board of Variance Appeal #00878
Ryan Wyllie, Applicant; Laurie Abel, Owner
219 Superior Street**

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

The proposal is for renovations which include constructing new lower floor with secondary suite and new upper floor.

Bylaw Requirements

Relaxations Requested

Section 1.2.4.a	Height relaxed from 7.60m to 7.88m and number of storeys relaxed from 2 to 2.5
Section 1.2.5.a	Front yard setback relaxed from 7.50m to 6.54m (Note: Existing setback is 6.54m)
Section 1.2.5.c	Side yard setback (east) relaxed from 1.50m to 0.60m and (west) relaxed from 3.00 to 2.21m (Note: Existing setback (east) is 0.60m and (west) is 2.21m)
Section 1.2.5.d	Combined side yard setbacks relaxed from 4.50m to

Ryan Wyllie, Applicant; Laurie Abel, Owner were present.

Correspondence from David Morrow of 216 Michigan Street, neighbours from 216 Superior Street, neighbours from 218 Superior Street, Lenore Harlton of 215 Superior Street and Jan Gottfred of 221 Superior Street was acknowledged.

Applicant

- The hardship is that the house is very old and the position poses challenges.
- The owners would like to replace the existing basement and re-fit it with modern building practices and a proper moisture barrier to allow for a suite.
- The owner would like to put in a suite to allow for a caregiver for her elderly mother who also lives at the property and for both to be able to age in this home.
- The owner would like to keep the historical value of the house.
- Much thought has been put into minimizing the height variance. The applicant has ensured the dormers are the smallest possible.
- We want to maintain the floor level on the streetscape that is consistent with both neighbours.
- The owners currently don't own a vehicle, but the bylaw does allow for one spot in the front.

Board

- You are not raising the roof at all; the height relates to putting on the dormers correct?
 - Yes. The eave line remains the same.
- Are you changing the roof from a hip roof to a gable roof?
 - The existing roof on has the same hip roof as both neighbouring homes. We propose to extend the ridge out into a gable as shown in the drawings. It is the dormers that bring up the roof height, but we remain well under the bylaw height limit.
- Is this going to involve complete removal of the roof and rebuilding?
 - Yes, it will. At this point attic trusses need to be replaced.
- Is the slope you are maintaining slightly greater than the steepest pitch?
 - Correct, it is currently an 8-12 and we are proposing a 9-12.
- How much is the geodetic height being increased?
 - The ridge height is increasing 2ft 3inches. The main floor elevation and wall height are staying the same. We are simply installing new attic trusses.
- The height variance is solely to do with the dormers and has nothing to do with the pitch?
 - Correct.
- Is there a way to create a master suite upstairs without a variance?
 - I think there would be an issue with head space.
- Would it be worth while to work with neighbours to find out a solution?
 - Yes, I believe that would be best.

Neighbours

- Neighbour at 221 Superior Street stated she didn't expect there to be a height increase to the roof. She is worried about losing natural light into her home, the house losing historical value, does not believe the owners have any hardships and is concerned the variances are being sought only for resale value.
- Is there a front entrance being added to the suite?
 - Yes, the only access to the suite is through the front.
- It appears there will be two living spaces downstairs.
 - There is only one secondary suite. Behind the suite on the first floor there is only one separate bedroom that is connected to the main part of the house. Developing a master suite is completely acceptable for a new build.

- **Motion:**

That the meeting be postponed until 2:30pm on January 14, 2021.

Moved: Jaime Hall

Seconded: Rus Collins

Carried Unanimously

Meeting re-convened at 2:30pm:

Board:

- Is it possible to use the back yard as the front entrance for the suite and eliminate the need for a front yard patio?
 - The front setback is the existing current limitation. The retaining wall is seen by the City as something that does not need a variance. There is that front patio leading down into the street entrance. The front portion is the suite, it does not extend into the back of the house. We did not want a renter walking along the side of the property past the neighbours because there is a very narrow side-yard setback. We are always open to coming up with parking solutions.
 - If it helped all neighbours, a shared walkway to the back of the house would be fine with neighbours.
- Neighbours at 215 Superior Street do not feel the applicant and owners have any hardship. They are also worried about losing natural sunlight.
 - The owners value the neighbours' feedback. Digging down will help decrease the height from the roof an extra 3 inches. This variance has zero shadow effect to both these properties.
 - City of Victoria Planning Technician: to clarify, anything below grade is not subject to setbacks, so the setback that is being requested is to the existing entry way.
- What is the required depth of a parking stall when it terminates at a property line?
 - 5.1 meters for the vehicle and an additional buffer of 1 meter.
- Owner of 219 Superior Street commented that neighbours did not engage after the proposal was brought to them. The owner states these changes are also being requested because of ongoing health issues and would like to assure the neighbours that they have no plans to flip the house.

Applicants would like an adjournment to discuss with the neighbours. We would like to adjourn until March 11th, 2021.

Motion:

That the meeting be adjourned to March 11th, 2021.

Moved: Rose Munzer

Seconded: Jaime Hall

Carried Unanimously

1:00 Board of Variance Appeal #00872
Philip Aitken, Applicant
245 Moss Rock Place

Present Zoning: R1-B
Present Use: Vacant

The proposal is to add stairs at the front entry (Fairfield Road) due to changes in land grading from the original submission.

Bylaw Requirement

Relaxation Requested

Section 1.2.5 a)

Front yard setback relaxed from 7.50m to 6.20m.
(The front yard setback was previously approved at 6.20m, the change in grade and addition of steps requires a re-application)

Philip Aitken, Applicant; was present.

Applicant

- This project was first designed back in 2015 and we picked it up as an opportunity early in 2020.
- After speaking with the building inspector, he noted that because it's a Development Permit, we must build exactly to the plans.
- The plans show a pathway leading from the street up to the front door. Since there is a slope, we are going to have to come up in elevation to meet the front door.
- We think it would make more sense having a landing coming out from the front door with the stairs coming down into the front yard to meet the grade.
- The building inspector said that a bank with a slope that steep would probably not meet code.
- Our team is unsure of how the grades were calculated when this development was first done. It's unclear how we got from what the plans show, to looking at this height difference.

Board

- Has the setback variance already been approved? Is this just a design alteration?
 - Yes.

Public portion of the meeting closed.

- Concerned that this project came forward before-hand and apparently there is a difference between height and what was presented in the original package. It seems as there was an error and it should be addressed.

Motion:

Moved: Rus Collins

Seconded: Margaret Eckenfelder

That the following variances be approved.

Bylaw Requirement

Relaxation Requested

Section 1.2.5 a)

Front yard setback relaxed from 7.50m to 6.20m.
(The front yard setback was previously approved at 6.20m, the change in grade and addition of steps requires a re-application)

Carried Unanimously

**1:30 Board of Variance Appeal #00870
K19 Design and Contracting, Applicant; Derek Levelt & Janet Johnson, Owners.
1615 Richardson Street**

Present Zoning:

R1-G

Present Use:

Single Family Dwelling

The proposal is to legalize an existing deck.

Bylaw Requirement

Relaxation Requested

Section 1.6.5.d

Side yard setback (west) relaxed from 3.15m to 2.45m to match the existing deck.

K19 Design and Contracting, Applicant; Derek Levelt & Janet Johnson, Owners; was present

Applicant

- The deck at the rear of the house needs replacing because it is rotting.
- There is a minor change in location of the stairs
- When the applicant applied for the permit, he was told the stairs are too close to the side yard setback.
- The applicant is asking to build within the same footprint the deck is already in.
- Moving the deck further to the centre of the property restricts ventilation that may be put in later.

Board

- Is the deck extending further back into the rear yard?
 - Yes, so we can have the platform for the stairs.
- Did you contact neighbours?
 - Yes, I did and did not hear back.

Public portion of the meeting closed.

- It makes sense to replace the deck and leave it in the same spot.

Motion:

Moved: Margaret Eckenfelder

Seconded: Rus Collins

That the following variance be approved as requested.

Bylaw Requirement

Relaxation Requested

Section 1.6.5.d

Side yard setback (west) relaxed from 3.15m to 2.45m to match the existing deck.

Carried Unanimously

2:00 Board of Variance Appeal #00881

**Christine Lintott Architects INC, Applicant; Eight Diamond Holdings LTD, Owner
2713 Quadra Street**

Present Zoning:

C1-QV

Present Use:

Vacant

The proposal is for approval of clerestory construction on the top level.

Bylaw Requirements

Relaxations Requested

Section 4.52.6(a)

Side yard setback north and south relaxed from 2.5m to 1.1m

Justin Gammon, Applicant; Eight Diamond Holdings LTD, owner was present.

Correspondence in favour of the application was acknowledged.

Applicant

- The existing building is nonconforming.
- The conversion is a new home for the ballet academy. We have included a clerestory to bring light into the upper studio.
- The applicant uncovered a significant financial issue with the structural location of the walls.
- The applicant did relocate the walls and moving forward we have noted that the clerestory walls from the north and south do not have any windows.

Board

- On page AA2.02 of the plans where the staircases are located, can you show me where the clerestory walls were intended to be?
 - They were approximately 1m inboard from the exterior walls. There are no supporting walls underneath the original clerestory walls, so we either had to build massive beams or move the clerestory walls outward to sit over existing supporting walls. The second option is what we are requesting, but a variance is required.

Public portion of the meeting closed.

- There is hardship.
- This is a positive change for the community.

Motion:

Moved: Rus Collins

Seconded: Jaime Hall

That the following variances be approved.

Bylaw Requirements

Relaxations Requested

Section 4.52.6(a)

Side yard setback north and south relaxed from
2.5m to 1.1m

Carried Unanimously

Meeting Adjourned at 3:30 pm.
