

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
JULY 25, 2019**

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

Absent: Rus Collins

Staff: Thom Pebernat, Zoning Administrator
Katie Lauriston, Secretary
Alena Hickman, Secretary

The meeting was called to order at 12:40 pm.

1. Minutes

Minutes from the meeting held June 13, 2019

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the minutes from June 13, 2019 be adopted.

Carried Unanimously

Minutes from the meeting held July 11, 2019

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the minutes from July 11, 2019 be adopted.

Carried Unanimously

2. Appeals

**12:30 Board of Variance Appeal #00784
Magellan Holdings Ltd., Applicant; Conrad Nyren, Arcata Collective Ltd.; Larry
Cecco, Songhees Nation Investment Corporation, Owner
429 Parry Street**

Present Zoning: R-2 – Two Family Dwelling District
Present Use: Parking Lot

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

Bylaw Requirements

Relaxations Requested

Section 1.2.5 (a)

Decrease the minimum front yard setback from 7.50m to 4.56m

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- | | |
|-------------------|--|
| Section 1.2.5 (b) | Decrease the minimum rear yard setback from 8.28m to 4.71m |
| Section 1.2.5 (c) | Decrease the minimum north side yard setback from 1.50m to 1.00m and the south side yard setback from 3.00m to 2.00m |
| Section 1.2.5 (d) | Decrease the minimum combined side yard setback from 4.50m to 3.00m. |

Conrad Nyren of Magellan Holdings Ltd., Applicant; Danny Ziegler of Arcata Collective; and neighbours Gerald Hartwig of 711 Princess Avenue, and Kaye Kennish, George Jamieson, Stacey Boal and Robert H of the James Bay Community Project were present.

Correspondence concerning the application from Marsha Carters of 427 Parry Street was acknowledged.

Applicant

- Since the June 13, 2019 meeting, the applicants have moved the building away from the property line by a half meter.
- The hardship is that the zoning was applied after the lot was created, and the setback requirements would make too small a house for today's standards.

Neighbours

- The neighbour at 426 Powell Street would be losing a long-time easement into her parking lot.
 - The applicant noted that after discussion with the neighbour at 426 Powell Street there is no legal easement at this location, and there is ample room at the north side.
- The house at 427 Parry Street was moved onto the lot as a heritage house and the owners at that time were told that they had a right of way. It has now come to light that this right-of-way was never formalized.

Applicant

- Do the neighbours at 426 Powell Street also use the parking lot to access their property?
 - The neighbour at 426 Powell Street noted that they have used it in the past and that they will be inconvenienced by the development.
- What do the neighbours access from the existing parking lot?
 - The neighbours access their back yard via the parking lot.

The meeting was briefly adjourned at 12:55pm to bring to the meeting room any additional neighbours to 431 Parry Street. There being none, the meeting resumed at 1:00pm.

**12:50 Board of Variance Appeal #00785
Magellan Holdings Ltd., Applicant; Conrad Nyren, Arcata Collective Ltd.; Larry Cecco, Songhees Nation Investment Corporation, Owner
431 Parry Street**

Present Zoning:
Present Use:

R-2 – Two Family Dwelling District
Parking Lot

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

| Bylaw Requirements | Relaxations Requested |
|---------------------------|--|
| Section 1.2.5 (a) | Decrease the minimum front yard setback from 7.50m to 4.92m |
| Section 1.2.5 (b) | Decrease the minimum rear yard setback from 8.28m to 4.42m |
| Section 1.2.5 (c) | Decrease the minimum north side yard setback from 3.00m to 2.00m and the south side yard setback from 1.50m to 1.00m |
| Section 1.2.5 (d) | Decrease the minimum combined side yard setback from 4.50m to 3.00m. |

Applicant

- The applicants have had close consultation with the James Bay Community Project (JBCP) about emergency egress and have widened the adjacent setback accordingly.

Neighbours

- Kaye Kennish of the JBCP noted that the applicants have discussed the proposal with the JBCP, and arrangements have been made so that the emergency egress is no longer an issue. Given that a building will be built on the lot, the proposal is supportable and would have minimal overlook. Any objections voiced previously by the JBCP are withdrawn.

Board

- A neighbour's letter suggests consolidating all the properties that are currently a parking lot; has this been considered?
 - Yes, but this would require rezoning the properties, which would be problematic. The applicants feel that the properties are well-suited to their current zone, and that the proposal meets the City's housing goals. The proposed suites would provide better affordability as compared to condo-style housing.
- What is the anticipated price for each of the proposed houses?
 - Approximately 1.2 million dollars.
- What is currently proposed for the vacant lot at 430 Powell Street?
 - Nothing yet.
- Who currently uses the parking lots?
 - The spaces are rented out and are not used by James Bay Community Project staff.
- What would the streetscape along Parry Street look like with the proposed houses?
 - The proposed houses are contemporary in style and are in keeping with neighbouring houses.
 - A flat roof is proposed to minimize the height; the proposed house height is approximately the same as the Community Project building.
- Is there any way to build the proposed houses without all of the proposed setback variances?
 - No, the requested variances are required as the proposed houses cannot be made any narrower.

- The proposed setbacks are greater than the requirements for a similar zone, the R1-S2 zone.
- What are the setback requirements of the R1-S2 zone?
 - The Zoning Administrator clarified the setback requirements of the R1-S2 zone.
 - If the property were zoned R1-S2, 1.5m setbacks would be required on each side unless there was a window to a habitable room, in which case the setback would be increased to 2.4m.
- Is there no other way to build habitable houses without all of the proposed setback variances?
 - There is no other way; the houses are very narrow as proposed.

Public portion of the meeting closed.

- The Board appreciates the effort invested in consulting neighbours, as well as the proposal to build rental housing.
- The requested variances are not minimal to address the hardships presented. There are challenges to building on small lots, but the proposal is not necessarily the only or best way to achieve the project.
- Alternative solutions to the small lots should be considered.

Motion: 429 Parry Street

Moved: Jaime Hall

Seconded: Margaret Eckenfelder

That the following variances be declined:

| | |
|-------------------|--|
| Section 1.2.5 (a) | Decrease the minimum front yard setback from 7.50m to 4.56m |
| Section 1.2.5 (b) | Decrease the minimum rear yard setback from 8.28m to 4.71m |
| Section 1.2.5 (c) | Decrease the minimum north side yard setback from 1.50m to 1.00m and the south side yard setback from 3.00m to 2.00m |
| Section 1.2.5 (d) | Decrease the minimum combined side yard setback from 4.50m to 3.00m. |

Carried Unanimously

Motion: 431 Parry Street

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be declined:

| | |
|-------------------|---|
| Section 1.2.5 (a) | Decrease the minimum front yard setback from 7.50m to 4.92m |
| Section 1.2.5 (b) | Decrease the minimum rear yard setback from 8.28m to 4.42m |

Section 1.2.5 (c) Decrease the minimum north side yard setback from 3.00m to 2.00m and the south side yard setback from 1.50m to 1.00m

Section 1.2.5 (d) Decrease the minimum combined side yard setback from 4.50m to 3.00m.

Carried Unanimously

**1:10 Board of Variance Appeal #00789
Ryan Wyllie, Latitude 48 Design, Applicant; Lauren Fox and Shelley Motz, Owners
1448 Bay Street**

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

The proposal is to rebuild and expand the rear addition to current code-compliant standards.

Bylaw Requirements Relaxation Requested

Section 1.2.5 (b) Decrease the minimum rear yard setback requirement from 7.50m to 6.89m.

Ryan Wyllie of Latitude 48 Design, applicant, was present.

Letters supporting the application from Alison Mabee of 2508 Belmont Avenue, Ceilidh Deichmann of 2517 Belmont Avenue, Joan O’Ryan of 1467 Bay Street and Dave Armetage of 1465 Bay Street were acknowledged.

Applicant

- The original house was built in 1948, and the bedroom at the north end of the house was originally a garage. The space was converted into living space 40 years ago. The roof of this portion of the house is now rotting and needs to be replaced.
- The owners require bedroom and living space for their family. The proposal is to construct a modest addition and enclose the former garage, while keeping as much of the existing structure due to budget constraints.
- The house’s aesthetic will be improved with a hip roof and a continuation of the existing cladding.
- The applicants have included letters of support from neighbours.

Board

- Will new foundation be poured in the addition?
 - Yes.
- Is there any opportunity to increase the size and number of windows?
 - The owners don’t want additional windows and have a specific interior configuration planned.
- Were skylights considered for additional light?
 - This option was discussed but is not desired by the owners.

Public portion of the meeting closed.

- Appreciation for the clear drawings.
- The proposed addition is reasonable and respects the original house.

Motion:

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the following variances be approved as requested

Section 1.2.5 (b) Decrease the minimum rear yard setback requirement from
7.50m to 6.89m.

Carried Unanimously

Meeting Adjourned at 1:20 pm.
