

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
JUNE 13, 2019**

**Present:** Andrew Rushforth, Chair  
Rus Collins  
Margaret Eckenfelder  
Trevor Moat

**Absent:** Jaime Hall

**Staff:** Nina Jokinen, Planning Technician  
Katie Lauriston, Planning Secretary

---

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

**1. Minutes**

Minutes from the meeting held May 9, 2019

**Moved:** Trevor Moat

**Seconded:** Margaret Eckenfelder

That the minutes from May 9, 2019 be adopted as amended.

**Carried Unanimously**

**2. Appeals**

**12:30 Board of Variance Appeal #00779**

**Giuseppe Martino, Owner/Applicant; David Lunt, T-Square Design & Consulting,  
Designer  
202 Edward Street**

---

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

The proposal is to construct an upper floor addition including a roof deck.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.4 (a)

Increase the maximum height from 7.60m to 7.92m and the number of storeys from 2 to 3

Section 1.2.4 (c)

To permit a roof deck

Section 1.2.5 (b)

Decrease the minimum rear yard setback from 7.50m to 4.28m

*Note:* Existing is 4.28m.

Section 1.2.5 (e)

Decrease the minimum side yard setback on a flanking street from 3.50m to 3.02m.

*Note:* Existing is 2.50m.

Giuseppe Martino, Owner/Applicant; David Lunt, T-Square Design & Consulting, Designer, were present. Rozlynn Mitchell, Kaye Kennish and George Jamieson of the James Bay Community Project were present as observers.

Correspondence in support of the application from Ross Harray of 214 Edward Street was acknowledged.

### Designer

- The proposal is to extend the existing roofline by about 6.5ft to the south, to expand the upstairs bedroom. The roof on main porch would also be removed, and an upper deck would be added in its place.
- Three of the four requested variances are existing conditions; extending the roofline would be the only change.
- A small lot subdivision was made on the south side of the property a few years ago

### Board

- On which street is the 'flanking street' setback?
  - Alston Street; a variance is required because the proposed addition adds to the existing nonconformity.
- How far would the upper addition have to be brought back so that it would not require a variance?
  - Approximately 0.5m.
- What would a change like that do to the design?
  - It would not affect the design very much but modifying the structure would significantly add to the cost. At the moment the upper floor is not usable space, just an attic.
- Where is the change illustrated on the plans?
  - The rear elevation shows the railing and finishes. All the new roofing is being added.
- Is the roof being extended outward?
  - Yes, the existing gable would be extended by approximately 6.5 ft.
- Is the extension of the gable the only thing triggering a variance on the Alston Street side?
  - Yes.
- Was the neighbour to the south consulted?
  - Yes, the owners' family lives there. This neighbouring house also has no windows on that side.
- Has there been any correspondence from other neighbors?
  - The applicants have spoken to neighbors but have received nothing in writing.
- What will be on the upper floor in the extension?
  - A walk-in closet.
- Is this attic area currently unused?
  - Yes. The shaded walls are existing, and the unshaded walls are new construction.
- What kind of feedback was received from neighbours?
  - The owners across the street at 201 and 213/215 Edward Street are supportive, and the owners at 221 Edward Street say that the proposal will not affect them at all.

- What is the hardship that necessitates a roof deck?
  - There is currently no space to sit at this location, off the master bedroom. The side of the house on Alston Street is not ideal as there is a lot of traffic.
  - The deck will not be used for entertaining, just for quiet enjoyment.
  - The construction of an extension at this location also makes sense for the project, as the roof over the shed area needs replacing regardless.

*Public portion of the meeting closed.*

- The rooftop deck is a technicality, as this is not truly on the roof.

**Motion:**

**Moved:** Rus Collins

**Seconded:** Margaret Eckenfelder

That the following variances be approved as requested:

Section 1.2.4 (a)	Increase the maximum height from 7.60m to 7.92m and the number of storeys from 2 to 3
Section 1.2.4 (c)	To permit a roof deck
Section 1.2.5 (b)	Decrease the minimum rear yard setback from 7.50m to 4.28m
Section 1.2.5 (e)	Decrease the minimum side yard setback on a flanking street from 3.50m to 3.02m.

**Carried Unanimously**

**12:50 Board of Variance Appeal #00783  
Michael Sharpe and Barbara Power, Owners / Applicants  
1592 Earle Street**

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

The proposal is to create a new exterior doorway with landing and steps at the rear of the property.

**Bylaw Requirements**

**Relaxation Requested**

Section 1.2.5 (b) Decrease the minimum rear yard setback to the landing and steps from 7.50m to 5.79m

*Note:* existing is 7.65m to the building face.

Michael Sharpe, Owner, Mitchell was present. Rozlyne Mitchell, Kaye Kennish and George Jamieson of the James Bay Community Project were present as observers.

---

A survey in support of the application from neighbours Jay D'Amberuitgnr of 366 St. Charles Street and S. Lunn of 1586 Earle Street was acknowledged.

Owners

- There is a glass sliding door to the back yard, but it is located at an inconvenient place within the house. The owners desire a door to the back yard from the kitchen.
- The new door would require steps along the house and a small landing to get down to the ground. No deck is proposed, as the owners use the back yard for outdoor space.
- A family member requires a landing to safely enter and exit the house from the new door. Just a simple landing is proposed, so that it does not intrude into the yard.

Board

- Have there been any concerns from neighbours?
  - The neighbour at 1591 Earle Place has noted no concern.
- Is there no intention to use the new structure as a deck?
  - Correct; the patio stones on the ground function as a deck.
- Would the new door be more conveniently located further over?
  - The owners can consider this.

*Public portion of the meeting closed.*

- The owner has completed good consultation with the two most affected neighbours.
- The variance is supportable.

Motion:

**Moved:** Trevor Moat

**Seconded:** Rus Collins

That the following variance be approved as requested:

Section 1.2.5 (b)                                Decrease the minimum rear yard setback to the landing and steps from 7.50m to 5.79m.

**Carried Unanimously**

---

**1:10 Board of Variance Appeal #00784  
Magellan Holdings Ltd., Applicant; Larry Cecco, Arcata Collective Ltd.; 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 secondary suite.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.4 (a)                                Increase the maximum height from 7.60m to 8.27m

---

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 1.50m
Section 1.2.5 (d)	Decrease the minimum combined side yard setback from 4.50m to 2.50m.

Conrad Nyren of Magellan Holdings Ltd., Applicant; Danny Ziegler, Arcata Collective Ltd.; and neighbours Rozlyne Mitchell, Kaye Kennish and George Jamieson of the James Bay Community Project were present.

Correspondence concerning the application from Marsha Carters of 427 Parry Street and from the James Bay Community Project was acknowledged. Correspondence supporting the application from Luke Mari of 430 Parry Street was acknowledged.

#### Applicants

- The current use of the land is as a parking lot, on a legal, non-conforming basis.
- There is hardship created by the size of the lot and its current zoning.
- These lots were likely created in the 1800s, predating the current R-2 duplex zoning. This zone permits R1-B, which the applicants are working with. The requested setbacks are very similar to those allowed in the R2-S1 small lot zone.
- Per the required setbacks in the R1-B zone, the building envelope would be about 58m<sup>2</sup> or about 624 ft<sup>2</sup> on the main floor.
- The requested relaxation would allow about 725 ft<sup>2</sup> of living area on the main floor, and a moderate-sized house of about 2600 ft<sup>2</sup>, including a rental suite.
- The proposal fulfills the goals of the OCP in traditional residential zones by creating a secondary suite.
- Ultimately, the requested variances make this lot usable for residential dwelling, creating a separate home for two families and adding value to the property for the owners, the Songhees Nation.
- The proposed houses will fit in nicely with the surrounding neighbourhood.
- A flat roof was considered, but a height variance was still required. The gable design was chosen for its fit within the context.

#### Board

- Is the proposed height taller than adjoining houses?
  - Yes, but not by much; it is still within the scale of the street.
- What is the proposed footprint of the house?
  - 109m<sup>2</sup>.
- Is the lot to the rear being contemplated for future development as well?
  - The applicants cannot speak for the owners on this, but speculate that this could be envisioned for the future.
- So there are no discussions for the design of a future building on the rear lot?
  - No, but this could be a possibility in the future.

- Is the intent to sell these lots?
  - Yes, the owners intend to sell to the developers.
- What use is proposed for the attic?
  - Likely the space will be used for storage.
- Why are there skylights and windows in the storage attic?
  - The idea behind the design is for vaulted ceilings.
- Would the top floor feel much higher than 2.4m?
  - Yes, it would feel much higher than that.
- What is the hardship for the height variance?
  - Even if a flat roof were proposed, a height variance would still be required.
  - The house cannot be lowered due to sewer and sanitary drainage in the lower level.
- Where is the hardship that requires vaulted ceilings in the upper floor?
  - This was a design decision to be more contextually-suited for the neighbourhood.
- Are 9ft ceilings on the main floors necessary?
  - Yes; the clients typically request 9ft ceilings now. It has become very rare to build 8ft ceilings; minimum 8.5ft today.
- Why 8.5ft ceilings in the basement rather than 8ft?
  - This is for more height and to maintain an average ceiling height with beams and ducts.

#### Applicants

- It may be possible to change the pitch of the roof to lessen the height variance.
- The applicants request an adjournment to reconsider the issue of height.

*The meeting was briefly adjourned at 1:43pm to bring to the meeting room any additional adjacent neighbours of 431 Parry Street. There being none, the meeting resumed at 1:45pm.*

---

**1:30 Board of Variance Appeal #00785  
Magellan Holdings Ltd., Applicant; Larry Cecco, Arcata Collective Ltd.; Songhees  
Nation Investment Corporation, Owner  
431 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 secondary suite.

#### **Bylaw Requirements**

#### **Relaxations Requested**

Section 1.2.4 (a)	Increase the maximum height from 7.60m to 8.17m
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 1.50m 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 2.50m.

#### Neighbours

- Kay Kennish, Executive Director of the James Bay Community Project (JBCP) at 547 Michigan Street, noted that the applicants had made no effort to inform the Community Project of the proposals. The proposals should be seen in context – this will be a 3-parcel development, much more significant than it may initially seem. As adjoining property owners, the JBCP is significantly impacted by the variances.
  - There are no unique hardships to the property. The north side setback as proposed will make exit impossible from the Community Project building.
  - The proposal would cast shadow over the children’s play area. Neighbours would appreciate a shadow study to better understand the effects of the proposal.

#### Neighbourhood

- Rozlynn Mitchell, JBCP Chair, noted that the development poses a significant change for neighbours.
  - The only notice received was from the City.
  - The JBCP supports this development, but not as proposed. The Community Project would appreciate the chance to discuss the application with the developer.
  - The proposal would reduce the enjoyment of the JBCP land and play area.
  - The entire south wall of the JBCP building needs to be considered.
- Stacey Boal of 426 Powell Street noted that housing is supportable on these lots, but that the proposal needs to be improved.

*Public portion of the meeting closed.*

#### **Motion:**

**Moved:** Trevor Moat

**Seconded:** Margaret Eckenfelder

That Appeal #00784 for 429 Parry Street and #00785 for 431 Parry Street be adjourned to 12:30 and 12:50pm on July 25, 2019.

**Carried Unanimously**

Meeting adjourned at 1:55 pm.

---

---