

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
MAY 13, 2021**

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

Staff: Alena Hickman, BOV Secretary
Thom Pebernat, Zoning Administrator

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

1. Minutes

Minutes from the meeting held April 22, 2021

Moved: Jaime Hall

Seconded: Rosa Munzer

That the minutes from April 22, 2021 be adopted as amended.

Carried Unanimously

2. Appeals

**12:30 Board of Variance Appeal #00894
Frank Maier, Applicant
1022 Summit Avenue**

Present Zoning: R1-B
Present Use: Triplex

The proposal is for renovations which includes an addition at the rear.

Bylaw Requirements

Relaxations Requested

Section 1.2.4.a

Height relaxed from 7.6m to 8.72m (matching the existing building)

Section 1.2.4.c

Relaxation to permit a roof deck

Schedule G - Section 6.b

Number of storeys relaxed from 2.5 to 3 (matching the existing building)

Frank Maier, Applicant; was present.

Correspondence submitted was acknowledged.

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Trevor Moat was absent for the application of 1022 Summit Ave.

Applicant

- The purpose of the application is to update the house and keep the original timber structure.
- The hardship is caused by the existing high roof height, and the existing grade is low. The deck is considered roof-top because it is above two storeys.
- The basement is considered a storey because of its ceiling height above grade.
- The proposed roof deck will give the top floor tenants outdoor space as well as egress for the fire escape.

Board

- Have you considered moving the house to the left (west) because it is so close to the property line on the right?
 - To move the house to the left, the house would need to be jacked and shifted in two directions.
 - I will take measures to ensure it is supported during construction.
- Do you know what the cost of moving it to the left would be?
 - I would assume double since different equipment would be needed. This option was not explored since it was recommended that the house be kept in its current location.
- Why are you keeping the ridge of the house even though you are meeting the setback for your addition, why wouldn't you drop the gable roof over top of the addition?
 - The drawing is slightly off, we want a uniform distance so it will slot in.
- I think it would look better if it were dropped. If the eve height were the same in the corner it would look more appealing.
- It is so close to the neighbour on the East. Is there a difference in grade?
 - It does not look to me like there is a difference in grade currently. We will come in with a machine to dig it out and put in a retaining wall and then finish the rest of the excavation beside the retaining wall.
- Have you looked at the critical root zone of the hedge?
 - I have not as it is not a protected species. What I would like to do is put in something temporary and protect the root zone. When we come back to backfill the roots should still be intact.
- What is the real intention of the deck?
 - If the neighbours are concerned with quiet time, I can make sure that's not an issue. The tenants I will be looking for are families. I want to have a space for the family to have a BBQ and a small outdoor space. I can also put in a screen if necessary.

Neighbours

Neighbours at 3002 Fifth Street:

- We feel like these are a lot of asks for this application. I think everyone would agree that it is imposing from the street. We are worried about maintaining the side yard as well as the root system of the hedge. We are worried the addition will block day light.
 - I understand the concern, I will do my best to do things the right way and add value to the neighbourhood.

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Neighbours at 3006 Fifth Street:

- We are in full support of this application. Anything that Frank can do is going to be great for the house and neighbourhood. We are hopeful it will go through.

Public portion of the meeting closed.

- Motion to approve the variances as requested.
- Board is inclined to approve the request as the applicant acknowledge the following changes could be made.
 - Removal of the one window facing the neighbours to the East and the addition of screens to the deck on at least the east side property line.

Motion:

Moved: Rus Collins

Seconded: Rosa Munzer

That the following variance be approved.

Carried Unanimously

Bylaw Requirement

Relaxation Requested

Section 1.2.4.a

Height relaxed from 7.6m to 8.72m (matching the existing building)

Section 1.2.4.c

Relaxation to permit a roof deck

Schedule G - Section 6.b

Number of storeys relaxed from 2.5 to 3 (matching the existing building)

Trevor Moat returned for the remainder of the meeting.

1:00 Board of Variance Appeal #00896
Ian Sutherland, Applicant
1342 Rockland Avenue

Present Zoning:

R1-A

Present Use:

Single Family Dwelling

The proposal is to remove existing building and construct a new single-family dwelling.

Bylaw Requirement

Relaxation Requested

Section 1.1.5.e

Flanking street setback (Royal Terrace) relaxed from 6.0m to 4.8m

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Ian Sutherland, Applicant; was present.

Correspondence submitted was acknowledged.

Applicant

- The current home was built in 1959 and is at the end of its life.
- We are building a new house in almost the same footprint.
- The lot is triangular and building a square house on a triangular lot has challenges.
- The determination that the flanking street is the front of the house according to the zoning bylaw o is causing the hardship.
- I feel strongly there is no impact to neighbouring properties.
- The new house is under the maximum height and will occupy a smaller footprint than the existing house.

Board

- If the variance were denied what would be the strategy moving forward?
 - I am not sure - I could demolish 95% of the house and leave that one corner. I think I would have to cross that bridge when or if it happens.

Public portion of the meeting closed.

- Reasonable request and a modest ask.
- Well designed and well thought out.

Motion:

Moved: Margaret Eckenfelder

Seconded: Jaime Hall

That the following variance be approved.

Carried Unanimously

Bylaw Requirement

Relaxation Requested

Section 1.1.5.e

Flanking street setback (Royal Terrace) relaxed from 6.0m to 4.8m

**1:30 Board of Variance Appeal #00880
Carlos MacDonald, Applicant
706 Craigflower Road**

Present Zoning:
Present Use:

R1-B
Single Family Dwelling

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The proposal is for renovations which include a change of use from a single-family dwelling to a triplex conversion, the proposal requires variances to the height, side yard set back.

Bylaw Requirements

Relaxations Requested

Section 1.2.4.a

Height relaxed from 7.5m to 10.21m (note existing height is 9.81m to top of roof)

Section 1.2.5.c

Side yard setback (West) relaxed from 3.0m to 2.82m

Carlos Macdonald & Noella Trotter, Applicants; were present.

Correspondence submitted was acknowledged.

Applicant

- We are asking for a roof height relaxation and side yard variances.
- We are looking to raise the house so as to develop a basement suite.
- The height variance is measured to the flat top roof, which is why it looks extreme.

Board

- If there were not a flat roof, do you know whether a variance would still be required to lift the roof?
 - Yes, there would still be approximately a 1.5m variance.
- Does the existing house exceed what is currently allowable?
 - Yes.
- Did the applicants consult with the neighbours?
 - Yes, we did. We also hand delivered plans and letters.

Public portion of the meeting closed.

- Overall outcome will be a benefit to the community.
- Very supportable.
- Exceptional example of redevelopment of an existing house.

Motion:

Moved: Rus Collins

Seconded: Margaret Eckenfelder

That the following variance be approved.

Carried Unanimously

Bylaw Requirements

Relaxations Requested

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Section 1.2.4.a	Height relaxed from 7.5m to 10.21m (note existing height is 9.81m to top of roof)
Section 1.2.5.c	Side yard setback (West) relaxed from 3.0m to 2.82m

**2:00 Board of Variance Appeal #00893
Carlos MacDonald, Applicant
706 Craighlower Road**

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

The proposal is to replace existing accessory building in its current placement, the proposal requires a variance to the separation space to the primary building.

Bylaw Requirement***Relaxation Requested***

Schedule F - Section 4.d

Separation space from principal building relaxed from 2.4m to 1.08m to match existing.

Carlos Macdonald & Noella Trotter, Applicants; Will Peerboom, Designer were present.

Correspondence submitted was acknowledged.

Applicant

- We are planning on converting an existing single-family dwelling into a triplex, taking advantage of the new conversion bylaws.
- There is very little parking and there is not a requirement for vehicle parking, but we do need that as we both have vehicles.
- The garage itself is in rough shape. We would like to rebuild on the same footprint and reuse the foundation as the most economic option. Building a new foundation would be a hardship. The only difference is that the building would be one foot taller.
- The hardship is space, there is no storage space.
- Bike spots take up a lot of space given that there is a minimum depth requirement for each.
- We did deliver plans and letters to all neighbours and had no response from neighbours. The plans did change a bit from the ones we delivered. But the variance request here is more modest than the ones we delivered.

Board

- Would it make more sense to demolish and completely rebuild the garage?
 - There is no rot in the foundation and one wall was rebuilt not long ago, so for the most part it will almost be a complete rebuild.
- I trust that the fit and finish of the building will tie into the new build?

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- Yes.
- Is the separation between buildings something the fire department looks at?
 - Anything like that and to do with code will be dealt with at the permits stage.

Public portion of the meeting closed.

- Reasonable to have an accessory building and make use of the existing footprint.
- Variance required is minimal.

Motion:

Moved: Jaime Hall

Seconded: Margaret Eckenfelder

That the following variance be approved.

Carried Unanimously

Bylaw Requirement

Relaxation Requested

Schedule F - Section 4.d

Separation space from principal building relaxed from 2.4m to 1.08m to match existing.

2:30 Board of Variance Appeal #00900
Meaghan Hoyle, Applicant
1834 Stanley Avenue

Present Zoning:

R1-B

Present Use:

Triplex

The proposal is for approval of a dormer as built at the front of the existing building.

Bylaw Requirement

Relaxation Requested

Section 1.2.5 a)

Front yard setback relaxed from 7.5m to 3.9m to the dormer.

Meaghan Hoyle, Applicant; was present.

Correspondence submitted was acknowledged.

Applicant

- Recently purchased the property which is a heritage character home.
- The dormer has been in place for 30 years and lets in a lot of natural sunlight.

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- We have learned it is a significant amount of money to remove the dormer which is a major hardship for our family.
- We reached out and discussed this with our neighbours and have had full support.

Neighbours

Neighbours fully support this application and would like the house to stay as is.

Public portion of the meeting closed.

- Reasonable request

Motion:

Moved: Margaret Eckenfelder

Seconded: Rus Collins

That the following variance be approved.

Carried Unanimously

Bylaw Requirement

Section 1.2.5 a)

Relaxation Requested

Front yard setback relaxed from 7.5m to 3.9m to the dormer.

Meeting Adjourned at 3:30 pm.
