



**CITY OF VICTORIA BOARD OF VARIANCE**  
 c/o Sustainable Planning and Community Development Department  
 City Hall, #1 Centennial Square  
 Victoria BC V8W 1P6

January 11, 2018

## NOTICE

**Re: Board of Variance Appeal #00685**  
**Rus Collins, Zebra Design, Applicant / Designer; Walter & Karen Madro, Owners**  
**1980 Fairfield Place, Victoria BC**

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This appeal is made to the City of Victoria Board of Variance.

A hearing will be held at approximately **12:30 pm on Thursday, January 25, 2018** in City Hall, #1 Centennial Square, to consider an application by the above-noted for relaxation of the *Zoning Regulation Bylaw* relating to the combined floor area, height, storeys, rear yard setback and the south side yard setback.

The proposal is to construct a new single family dwelling.

<b>Bylaw Requirements</b>	<b>Relaxations Requested</b>
Part 1.6.3 (c)	Increase the floor area of all floor levels combined from 300.00m <sup>2</sup> to 371.46m <sup>2</sup>
Part 1.6.4 (a)	Increase the height from 7.60m to 7.85m
Part 1.6.4 (a)	Increase the number of storeys from 1.5 to 2
Part 1.6.5 (b)	Reduce the rear yard setback from 14.03m to 8.07m
Part 1.6.5 (e)	Reduce the south side yard setback from 3.93m to 2.40m

As an adjoining property owner, or occupier of adjoining premises, you have the opportunity to attend this hearing and to present any comments you may have concerning this application to the Board, or you may refer them in writing. If you choose to attend, please check in with the Customer Service Ambassador in the main lobby adjacent to Pandora Avenue and Centennial Square.

If you have any questions relating to the application, or wish to view plans of the proposed work, please contact the Development Services Division, Sustainable Planning and Community Development Department, at 250-361-0498.

Yours truly,

A handwritten signature in black ink, appearing to read 'Katie Lauriston', written in a cursive style.

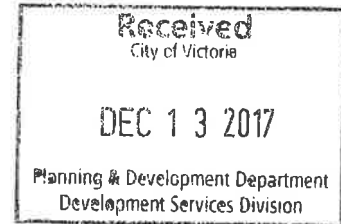
Katie Lauriston  
Board of Variance Secretary

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December 8, 2017

#1 Centennial Square  
Victoria, B.C.  
V8W 1P6



1980 Fairfield Road – application for Board of Variance, revised

Dear Chair and Members of the Board of Variance, City Victoria,

On October 15<sup>th</sup>, we made an application to the Board of Variance (BOV) on behalf of our clients Karen and Walt Madro for their new property at 1980 Fairfield Place. Now we are making a revised application and would like to give you a little background information as well as explain the hardships causing the variance requests. The site is challenging, having an irregular shape, and being a steep and rocky lot that is heavily treed at the entrance off Fairfield Place. Elevation ranges 8.5 meters in height from the lowest to the highest elevation, with the highest point of the site being near the centre of the property. Its location is unique as well, being adjacent to the Capital Regional District (CRD) "Gonzales Park" which lies to the south.

At the outset of discussions with our clients, we consulted with Planning and Development services at the City of Victoria, due to the Irregular Lot definition under the zoning bylaw. Calculation of setbacks was one of the principal discussions that we had, because the building envelope is extremely compromised by the onerous Irregular Lot rear yard setback calculation in this case. Even though the lot is larger than twice the area required by the zone it is in, we have a very restrictive building envelope. We also explored different vehicular access options and we were encouraged by the City to contact the CRD.

So, late in 2016, a concept was presented to CRD Parks Department inquiring about negotiating an easement with CRD for access to the property through the Gonzales Park parking lot. We thought that maybe this could be a way to minimize the environmental impact of building on the lot, and reduce some of the blasting required around the site. In exchange, our clients were willing to donate a portion of their property to the park and work out a covenant agreement to protect the trees at the Fairfield Place end of their site.

Although considered, an arrangement could not be agreed to. Once we received a response from the CRD indicating little to no interest, we proceeded to develop a design for the home in the most reasonable siting that we could manage. It became obvious to us right away that we would require variances for siting of the house. When we had a BOV application package prepared, the Madros, who desired transparency with their future neighbours, approached the surrounding properties to review the proposal with them and invite feedback on the drawings. We did not receive any responses from these neighbours for a period of time and so submitted our application to the BOV.

After our initial application to the BOV was made, clarification of a couple of details was requested by the City and we were advised of an additional variance that we had not identified. We withdrew the drawings to revise them. It became apparent at this time that some of the neighbours had concerns that they wanted voiced; however, there was a misunderstanding by some that the original application was going forward. Since the withdrawal of the original application drawings, Karen and Walt (currently out of the country) gave us permission to consult with their future neighbours about their comments and feedback, and the Madros remained responsive to all email correspondence from their neighbours. Some correspondence in relation to the initial BOV application implied that the Madros and Zebra were heedless of environmental concerns which is not the case; we were trying to explore the least impactful way of approaching the property and the surrounding areas, and did not intend any harm to the park.

From the time of the withdrawal of the first BOV application, we have consulted extensively with all the impacted neighbours and of course the Madros. We had the surveyor "pin" the proposed home on site, reviewed siting and environmental considerations with neighbours at the property, and had meetings at their homes, coffee shops and our office. An interim design - prior to moving the house location, not submitted to the City - had modified the house design such that variances for building height and floor area on first and second floor were no longer required. However, there has been concern expressed by the neighbours that that version of the proposed house was too close to the 330 Denison Road property; we have done everything we can to accommodate the requests for change and as a result a number of modifications to the design and siting were made. We have offered to all correspondents that we are aware of, to meet in person and show the revised plans.

In sum our variance requests, as detailed in the data table on the drawings, are:

- a) Building height (allowed is 7.6M; we propose 7.84M, a relaxation of 0.24M)
- b) Side yard setback (required is 3.93M; we request 2.4, a relaxation of 1.53M)
- c) Rear yard setback (required is 14.03M; we request 8.07M, a relaxation of 5.96M)
- d) Total floor area (allowed maximum is 300M<sup>2</sup>; we are requesting 371.46M<sup>2</sup>, a relaxation of 71.46M<sup>2</sup>)
- e) Total number of storeys (allowed is 1 ½ plus basement; we propose 2 + basement)

Revisions to the proposal since the first submission include moving the house ten feet further west (this has caused us to reintroduce a minor height variance, (a)) and five feet further south (introduces a new side yard variance to the south, (b)). These variance conditions are triggered by the revised siting, and we are requesting these variances because of the neighbours' feedback and requests. We have reduced the overall height of the building by 0.22m and eliminated the previous variance request for 154 square feet on first and second floors.

The height variance (a) is relatively minor at 0.24M (9.5 inches) and it is a complicated set of calculations that land us here. It is not a simple task of lowering the main floor 9.5 inches to make the building comply, because that would also require us to lower the grade around the house to accommodate the doors that we walk out of at this level. Doing so would lower our average grade and make the building over height again.

As you can see there is an extreme hardship if we had to meet the Irregular Lot rear yard setback because it takes up so much space (c). If we were to meet that setback requirement, the house would be forced down the hill (as the drawing on sheet BOV 14 shows), and the driveway would have to be right where all the Oak trees are clustered, resulting in their loss. As well, additional rock would need to be blasted to allow light to enter the main and second floor, impacting the site

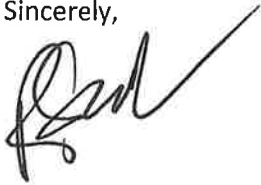
further. Great care has been taken to preserve as many of the trees on the property as we could while also managing the grade of the access to the house. Precise calculations and modelling were employed to design the driveway. In the current proposal only five trees are affected at the driveway.

We are also asking for an increase in total floor area (d). The lot is quite large, over double the area required by the zone; please note that although we are seeking variances for floor area, our proposal is only at a **0.24** Floor Area Ratio (allowable is 0.50). In explanation, the zoning allows us to discount only 200SF for parking which is a minimal garage for such a large site; our client likes to collect and work on bicycles and cars for a hobby and a substantial portion of this basement size is for parking and a workshop. Please note that the massing of the building would have no change if this area was only a crawl space; from the outside, no one will be able to discern whether this is a basement or a crawl space.

We are also requesting a variance to the number of storeys (e) which is attributable partly to the fact that the zoning bylaw is somewhat created with pitched roof home designs in mind. 70 % of our floor area must also be contained within the roofline, which is easily accomplished with a pitched roof. However with a flat roof design we would have to raise up or vault the ceiling height of other rooms on the main floor which would block views and create additional massing of the home. Instead of vaulted ceilings, the Madros would like to have this space utilized as outdoor decks; these decks and the small patio will be their only outdoor spaces because their intention is to preserve as much of the site as possible as natural undisturbed habitat. We feel that we effectively meet the spirit of the zoning requirement, despite the technicalities of the way that flat roof building heights are calculated versus pitched roof heights.

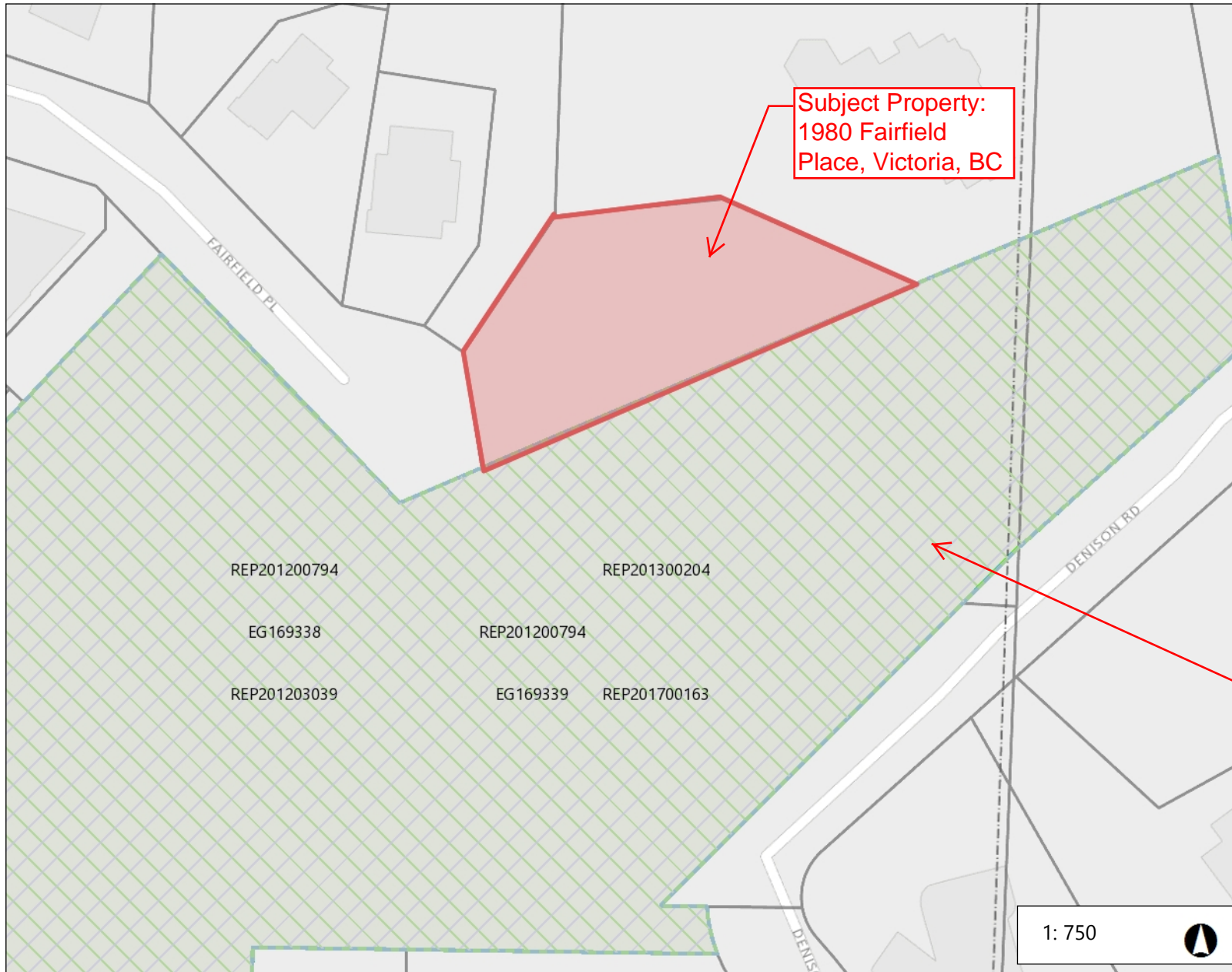
We respectfully submit the revised proposal for your review, and hope that our requests are viewed as reasonable in light of this unusual and unique property. We appreciate your time in review and consideration of the proposal. Please refer to the provided materials for further details about the variances and site data, or let us know if you have any questions.

Sincerely,












A handwritten signature in black ink, appearing to read 'Rus Collins', with a long, sweeping flourish extending to the right.

Rus Collins  
Zebra Design & Interiors Group Inc.

# 1980 Fairfield Place - Relaxation of Zoning Bylaw



## Legend

-  Right of Way
-  Covenant
-  Lease or License
-  Other
-  Not Active
-  Right of Way
-  Covenant
-  Lease or License
-  Other
-  Not Active
-  Properties

Gonzales Hill Regional Park

1: 750



0.0 0 0.02 0.0 Kilometres

NAD\_1983\_UTM\_Zone\_10N  
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Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

## Notes

Application to relax zoning bylaw