

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
AUGUST 24, 2023**

**Present:** Trevor Moat, Chair  
Margaret Eckenfelder  
Rosa Munzer  
Joanne Thibault  
Rus Collins

**Absent:**

**Staff:** Thom Pebernat, Zoning Administrator  
Alena Hickman, Planning Secretary

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

**1. Minutes**

Minutes from the meeting held July 27, 2023

**Moved:** Margaret Eckenfelder

**Seconded:** Rosa Munzer

That the minutes from July 27, 2023 be adopted as amended.

**Carried Unanimously**

*Rus Collins recused himself from appeal #00985*

**2. Appeals**

**12:30 Board of Variance Appeal #00985  
Louis Horvat –Zebra Design, Applicant  
613 Foul Bay Road**

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Present Zoning: R1-G  
Present Use: SFD

The proposal requires variances for the location of accessory building on the lot, rear setback for new stairs and deck, and floor area maximum.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.6.3.b

Floor area of 1st and 2nd floors relaxed from 240m<sup>2</sup> to 259.8m<sup>2</sup>

Section 1.6.3.c

Floor area of all floors relaxed from 300m<sup>2</sup> to 324.44m<sup>2</sup>

Section 1.6.5.b

Rear yard setback relaxed from 9.1m to 6.74m

Schedule F Section 1

Location of accessory building relaxed from rear yard to side yard

### **Applicant**

- Due to irregular lot, the existing building is outside the requirements for setbacks, and this is causing the hardship in developing the deck to the west of the building.
- The homeowners also wish to build a garage and carport as part of the new accessory building. The existing garage becomes obsolete, and the space is more useful in the home by creating a suite.
- The best location for the new accessory building is not in the rear yard, given the irregular lot shape. This gives rise to further variances.

### **Neighbours**

- Virginia Errick, neighbour at 615 Foul Bay asked the following questions – will any limbing need to be done on that tree?
  - Yes, there will be some pruning of the tree.
- How will the driveway transition look?
  - We intend to build above the roots of the trees, at grade. This will slope up towards the garage.
- Are there going to be changes to the fence?
  - We won't have to remove the fence, only some slight hedging.

*Public portion of the meeting closed.*

- Proposals make sense given the challenges of this lot.
- In support of the protection of trees.
- Neighbours are in support.

### **Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rose Munzer

That the following variances be approved.

#### **Bylaw Requirements**

Section 1.6.3.b

Section 1.6.3.c

Section 1.6.5.b

Schedule F Section 1

#### **Relaxations Requested**

Floor area of 1st and 2nd floors relaxed from 240m<sup>2</sup> to 259.8m<sup>2</sup>

Floor area of all floors relaxed from 300m<sup>2</sup> to 324.44m<sup>2</sup>

Rear yard setback relaxed from 9.1m to 6.74m

Location of accessory building relaxed from rear yard to side yard

**Carried Unanimously**

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**12:50 Board of Variance Appeal #00991**  
**Geoffrey Ewert & Adrienne Smook, Applicants**  
**333 Raynor Avenue**

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Present Zoning: R-2  
Present Use: Strata duplex

The proposal requires a variance for rear yard setback.

**Bylaw Requirements**

**Relaxations Requested**

Section 2.1.5.b

Rear yard setback relaxed from 13.87m to 7.3m

**Applicant**

- The second-floor deck was intact when we purchased the property in 2017 and was a selling feature for our family.
- It now needs to be replaced for health and safety reasons. We found out there was no permit for the existing deck during this process.
- Neighbours on both sides are in favour.

**Board**

- Why does is the deck proposed to be so wide?
  - Strictly for our enjoyment and entertaining family.

*Public portion of the meeting closed.*

- Reasonable request.
- Neighbours are satisfied with the size increase.

**Motion:**

**Moved:** Rosa Munzer

**Seconded:** Margaret Eckenfelder

That the following variances be approved.

**Bylaw Requirements**

**Relaxations Requested**

Section 2.1.5.b

Rear yard setback relaxed from 13.87m to 7.3m

**Carried Unanimously**

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**1:10 Board of Variance Appeal #00996**  
**Sean Katz – Crown Enterprises Inc, Applicant**  
**1915 Fairfield Road**

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Present Zoning: R1-G  
Present Use: SFD with GS

The proposal requires a variance to the rear yard (west) setback to the stairs.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.6.5.b

Rear yard setback relaxed to the stairs from 9.07m to 6.71m.

**Applicant**

- During installation of services (storm, sewer, electrical) contractor relocated lower floor entry way to the garden suite side of the property to avoid additional blasting necessary to remove a big rock, and moved the permeable pad and deck stairs to the rear yard. This required a need to vary the rear yard setback to accommodate t the stairs.
- Proposal is to move the stairs for the garden, no new variances are required. The request is to move the stairs.

**Board**

- Are there currently stairs going down into the basement?
  - Yes. We are only here looking to move the stairs to the side coming around to the back patio pad.
- Is there any way setback would allow for the existing stairs to turn 90 degrees so they would come down parallel to the deck?
  - We would prefer for them to stay where they are as we believe that's the best flow.
- This looks like more work on the Fairfield frontage and will be visible from more angles.
  - This was discussed, and we're hoping to take the path of least resistance.
- What would it take to move the stairs?
  - I think it would need another rear yard setback variance.
- On the south, are there stairs coming down the side?
  - Those are stairs to the basement.

*Public portion of the meeting closed.*

**Motion:**

**Moved:** Rus Collins

**Seconded:** Margaret Eckenfelder

That the following variances be approved.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.6.5.b Rear yard setback relaxed to the stairs from 9.07m to 6.71m.

**Carried Unanimously**

**1:30 Board of Variance Appeal #00992  
Julia & Howard Herzog, Applicants  
1018 Terrace Avenue**

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Present Zoning: R1-A  
Present Use: SFD

The proposal requires a variance to location and setbacks of buildings and to gate height.

**Bylaw Requirements**

**Relaxations Requested**

Schedule C Section 1	Location of accessory buildings relaxed from rear yard to front for studio and pergola and side yard for existing sheds and pergola.
Schedule C Section 4.b	Side yard setback (south) relaxed from 0.6m to 0.12, 0.33 and nil for existing sheds and pergola.
Schedule C Section 4.d	Separation space from accessory buildings and main building relaxed from 2.4m to 1.57m for sheds and to nil for existing pergola on south side of lot.
Schedule S Section 3.a	Front yard gate height relaxed from 1.2m to 1.52m
Section 1.1.5.d	Side yard setback relaxed from 3.0m to 0.62m for deck and stairs on north side yard.

**Applicant**

- The goal is to make all the structures around our house safe and compliant.
- We bought the house in 2015 and thought we were making a variance application for one accessory building but came to find out we are noncompliant on other items.
- The existing accessory building is located in the front yard as there was no other place to put it.
- We have a large family and would like to put our parents into the downstairs suite.
- All neighbours that came to our consultation meeting were in favour of the variance request. The building is not visible from the cul-de-sac.

**Board**

- How long ago was the accessory building built?
  - Last summer.
- Why would you like the gate to be so high?
  - It is a custom designed gate. It's 5ft instead of 4ft to block the view of the parking lot.

*Public portion of the meeting closed.*

- Understand how this mistake could happen.
- Support the reconstruction of items like this that make the property interesting.
- In keeping with the neighbourhood.

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variances be approved.

**Bylaw Requirements**

**Relaxations Requested**

Schedule C Section 1

Location of accessory buildings relaxed from rear yard to front for studio and pergola and side yard for existing sheds and pergola.

Schedule C Section 4.b

Side yard setback (south) relaxed from 0.6m to 0.12, 0.33 and nil for existing sheds and pergola.

Schedule C Section 4.d

Separation space from accessory buildings and main building relaxed from 2.4m to 1.57m for sheds and to nil for existing pergola on south side of lot.

Schedule S Section 3.a

Front yard gate height relaxed from 1.2m to 1.52m

Section 1.1.5.d

Side yard setback relaxed from 3.0m to 0.62m for deck and stairs on north side yard.

**Carried Unanimously**

**1:50 Board of Variance Appeal #00995  
Mohamed Adampulla, Applicants  
948 Queens Avenue**

Present Zoning:

R-2

Present Use:

SFD

The proposal requires a variance to overall floor area and rear yard setback.

**Bylaw Requirements**

**Relaxations Requested**

Section 2.1.3.d  
Section 2.1.5.b

overall floor area relaxed from 380m<sup>2</sup> to 382.9m<sup>2</sup>  
rear yard setback relaxed from 13.65m to 7.9m

### **Applicant**

- We would like to utilize the basement space as I have a large family, giving rise to the floor area variance.
- The second variance would accommodate a deck overlooking the yard at the rear.

### **Board**

- The basement floor plan is slightly confusing, and both are shown as existing floor plans. The one on the right is the proposed, correct?
  - Yes.
- Is there a stairway down to ground level?
  - Correct, there is no stairway down to the ground level.
- Would there be a chance to expand that door in the future?
  - No, because of the already framed in door.
- When did the idea of the deck come about as you have been to us already twice.
  - Correct, the idea came later after other applications.
- We have received concern from neighbours about placement, do you have any options for the deck to shift or be made smaller?
  - Yes, we could arrange to shift to the center of the house.
- Is there a reason there are no stairs going down and no egress?
  - Because both suites access through the back. I don't know where I would put the stairs because of the trees.
- The site plan shows concrete stairs down to the lower level, is this correct?
  - No. Previously, that was to be the plan, but I have decided not to have that access.

Applicant requested adjournment for the second variance (the deck).

### **Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rosa Munzer

That the following variance related to the proposed deck be adjourned to September 28<sup>th</sup>:

Section 2.1.5.b

rear yard setback relaxed from 13.65m to 7.9m

**Carried Unanimously**

*Public portion of the meeting closed.*

- The variance requested to increase floor area does not have an impact on the neighbours since it is contained within the existing house.
- Supportable.

**Motion:**

**Moved:** Rus Collins

**Seconded:** Margaret Eckenfelder

That the following variance be approved.

**Bylaw Requirements**

**Relaxations Requested**

Section 2.1.3.d

overall floor area relaxed from 380m<sup>2</sup> to 382.9m<sup>2</sup>

**Carried Unanimously**

Meeting Adjourned at 2:20 pm.

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