

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
DECEMBER 14, 2023**

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

**Absent:**

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

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The meeting was called to order at 12:35 pm.

**1. Minutes**

Minutes from the meeting held November 9, 2023

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the minutes from November 9, 2023 be adopted as amended.

**Carried Unanimously**

**2. Appeals**

**12:30 Board of Variance Appeal #01006  
Evan Eunson - Merge Design Studio, Applicant; Carla Yaxley, David Yaxley &  
Eloise Yaxley, Owners  
1241 Sunnyside Avenue**

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Present Zoning: R1-B  
Present Use: SFD

The proposal is to build storage under the existing rear deck.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.5.b  
Section 1.2.5.c

Rear yard setback relaxed from 7.5m to 2.9m  
Side yard setback (south) relaxed from 1.89m to  
1.5m

**Applicant**

- Clients would like to add more space to grow in place with their family.
- Clients would like to convert the garage into living space and add an addition in the SE corner for garage and storage space.

- This proposal stays within the parameters of previously approved variances.
- The clients explored other options and all were too costly.
- The owners love where they live and would like to stay in this neighbourhood.

**Neighbours**

- No neighbours present in the meeting.

*Public portion of the meeting closed.*

- Reasonable request under the circumstances.
- Appreciate effort to keep within previously allowed variances.
- This type of lot clearly creates the hardships.

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variances be approved.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.2.5.b  
Section 1.2.5.c

Rear yard setback relaxed from 7.5m to 2.9m  
Side yard setback (south) relaxed from 1.89m to 1.5m

**12:50 Board of Variance Appeal #01004  
Randall Recinos, Applicant; Jennifer Lord, owner  
1079 Finlayson Street**

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Present Zoning: R1-B  
Present Use: SFD

The proposal is for the approval of addition to rear of existing building.

**Bylaw Requirement**

**Relaxation Requested**

Schedule F Section 5.b.

Rear yard site coverage relaxed from 25% to 40.23% as a result of reduction of rear yard site area from addition.

**Applicant**

- The rear yard site coverage has been an issue since before the clients purchased the property. Applicants discovered the site coverage issue when they inquired about adding an extra bedroom.
- The hardship arises from the irregular shaped lot.

**Board**

- Did you have any consultation with neighbours?

- Yes, we did. The neighbours most affected requested that we maintain the cedar hedge. The property on the west is a rental with a large amount of turnover, which we did send notice to.

### **Neighbours**

- No neighbours were present for this meeting.

*Public portion of the meeting closed.*

- Reasonable variances to request given the lot and circumstances.

### **Motion:**

**Moved:** Rus Collins

**Seconded:** Joanne Thibault

That the following variances be approved.

#### **Bylaw Requirement**

Schedule F Section 5.b.

#### **Relaxation Requested**

Rear yard site coverage relaxed from 25% to 40.23% as a result of reduction of rear yard site area from addition.

*Rus Collins recused himself for appeal #00938*

### **1:10 Board of Variance Appeal #00938**

**Norah Marinakis, Applicant; Norah Marinakis, Brayden Wise & Sarah Wiwcharuk;  
Owners  
2313/15 Victor Street**

Present Zoning:

R-2

Present Use:

Strata Duplex

The proposal is for approval of an existing office pod and sheds located in the north side yard.

#### **Bylaw Requirements**

Schedule F, Section 1

#### **Relaxations Requested**

Relaxation from required rear yard location to side yard.

Schedule F, Section 4.b

Relaxation of side yard setback (north) from 0.6m to 0.0m.

Schedule F, Section 4.d

Relaxation of separation space from main building relaxed from 2.4m to 0.0m.

### **Applicant**

- Due to the absence of a backyard, applicants decided to place a pod in the side yard to accommodate an office and relieve pressure of a growing family in a small space. The side yard is the only open space on the applicant's portion of this duplex lot, and seemed like a logical location.

- Applicants then discovered that their garden shed, and the shed belonging to the rear neighbours' property were in violation of the bylaw. These sheds were both in existence long before both owners purchased the properties.

**Board**

- Is the office pod a separate structure from the house?
  - Yes.

**Neighbours**

- Neighbour Amber Clarke of 2307 Victor Street is in favour of the requested variances.

*Public portion of the meeting closed.*

- Appreciate that this is addressing a big issue the city is facing today.
- No trouble supporting the variances requested.
- Appreciate the consultation with neighbours.

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rosa Munzer

That the following variances be approved.

**Bylaw Requirement**

**Relaxation Requested**

Schedule F, Section 1

Relaxation from required rear yard location to side yard.

Schedule F, Section 4.b

Relaxation of side yard setback (north) from 0.6m to 0.0m.

Schedule F, Section 4.d

Relaxation of separation space from main building relaxed from 2.4m to 0.0m.

**1:30 Board of Variance Appeal #01009  
Nicole Morris, Applicant  
957 Maddison Street**

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Present Zoning:

R1-G

Present Use:

SFD

The proposal is to add entry and upper floor.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.6.5.b

Rear yard setback relaxed from 9.13m (30% lot depth) to 7.69m to match existing building

**Applicant**

- Bought the house in 2021 and family is outgrowing the space.
- Would like to stay in this neighborhood since they love this area and want their daughter to stay in her local school.

- Looked at all options and felt it was most appropriate to build up.
- We have spoken to our neighbours who are all in support of the variances being requested.

**Neighbours**

- No neighbours were present in the meeting.

*Public portion of the meeting closed.*

- Sound solution for a growing family.
- Appreciate the work to consult the neighbours.
- Love to see this house rejuvenated and spared from demolition.

**Motion:**

**Moved:** Joanne Thibault

**Seconded:** Rus Collins

That the following variances be approved.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.6.5.b

Rear yard setback relaxed from 9.13m (30% lot depth) to 7.69m to match existing building

*Trevor Moat left the meeting at 2pm*

**1:50 Board of Variance Appeal #01007  
Sagal, Diana - Iredale Architecture, Applicant; Lee Frenette, Owner  
1248 Oscar Street**

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Present Zoning:

R1-B

Present Use:

Vacant

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

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.4.a

Height of building relaxed from 7.6m to 8.76m

Section 1.2.5.a

Front yard setback relaxed from 7.5m to 4.57m

**Applicant**

- Originally, we wanted to renovate our existing home as it was situated fairly close to the property line and gave us a substantial yard. Unfortunately, renovations were going to be extensive and cost a lot more money than a new building.
- We looked for about a year to find something that would accommodate our requirements and couldn't find anything that fit our design.
- We want to have the general living space set to the south end of the house.

- The houses beside us all have a similar setback in the front.
- We think it blends in well with the streetscape of the neighbourhood.

### **Board**

- Can you tell me about your neighbour consultation?
  - We consulted with the neighbours to the west and they are in favour.
- Can you confirm the height of the upper two floors?
  - Lower is 9ft 6in and the upper is 8ft with a gable roof.
- Please explain your hardship when it comes to your 9ft 6in ceiling height.
  - We have dropped beams, so it's closer to 8ft 6in.
- Is there a way the height could be reduced to come closer to the existing bylaw?
  - We could take the house down 6inches and sink the building further into the ground or reduce the ceiling height on the main floor.
- Are the beams structural?
  - Yes.

### **Neighbours**

- No neighbours were present in this meeting.

*Public portion of the meeting closed.*

### **Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rosa Munzer

That Section 1.2.5.a Front yard setback relaxed from 7.5m to 4.57m be approved as presented; and, that Section 1.2.4.a Height of building relaxed from 7.6m to 8.76m be amended and approved as follows:

Section 1.2.4.a

Height of building relaxed from 7.6m to 8.6m

### **Bylaw Requirement**

### **Relaxation Requested**

Section 1.2.4.a  
Section 1.2.5.a

Height of building relaxed from 7.6m to 8.76m  
Front yard setback relaxed from 7.5m to 4.57m

Meeting Adjourned at 2:25pm.

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