

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
FEBRUARY 25, 2021**

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

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

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

**1. Minutes**

Minutes from the meeting held February 11, 2021

**Moved:** Margaret Eckenfelder

**Seconded:** Rosa Munzer

That the minutes from February 11, 2021 be adopted as amended.

**Carried Unanimously**

**2. Appeals**

**12:30 Board of Variance Appeal #00883  
Karlee Stabeck, Applicant; Valerie Holland, Owner  
1239 Vista Heights**

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Present Zoning: R1-B  
Present Use: SFD

The proposal is to approve construction of a wraparound deck being a walkway on the east side providing access to the larger deck in the rear yard and new front stairs.

***Bylaw Requirements***

***Relaxations Requested***

Section 1.2.5.a  
Section 1.2.5.c

Front step projection relaxed from 2.5m to 2.9m  
Side yard setback (East) relaxed from 1.71m to 1.38m

Schedule F Section 1

Location of accessory building relaxed from rear yard to side yard (existing placement)

Schedule F Section 4.b

Side yard setback (West) relaxed from 0.6m to 0.25 (existing placement)

Valerie Holland, Owner and partner were present.

Correspondence submitted by neighbours was acknowledged.

### Applicant

- The hardships are that the stairs cannot be built differently because of building code and they need to be replaced because they are rotten.
- Removal of the shed causes a financial hardship.
- The deck is also rotten and needs to be replaced.
- If the side deck must be removed that will leave us with a pre-existing door that leads to nothing.
- The side deck will only impact the people on the east side that faces our property.
- The walkway will enhance the privacy of the east side.
- We have tried to create as much privacy for us and our neighbours as possible.

### Board

- Under the agenda in section 1.2.5.A states “Front step projection relaxed from 2.5m to 2.9m” can you explain that?
  - It is the amount that the stairs project from the front of the building itself.
- The door that is at the top of your stairs leading into the kitchen used to have an original deck with a staircase coming down to grade level is that correct?
  - Yes.
- Did it face the front or the rear?
  - The rear.
- Why wouldn't you rebuild exactly what was there previously?
  - We felt the deck from the side door provides easier access.
- Putting the deck where it is being proposed now requires a variance, what is the hardship?
  - We have problems with rodents and issues with transient people looking for bottles.

### Neighbours

- Neighbour at 1219 Vista Heights: Believes it would be a financial strain on herself to landscape in order to re-establish her privacy if the shed is removed. The location of the shed currently offers some privacy and she would like to see the variances approved.
- Neighbour to the east (1245 Vista Heights) stated they would like to see the variances approved, except for the one related to the wrap around deck. I don't feel that the hardship of access exists in this instance.
  - The wrap around deck is just a walkway, there is no space to lounge or spend a significant amount of time.
- Neighbour at 1245 Vista Heights - having that east side variance approved will still invade our privacy.
  - Designer - all the variances being asked for are existing. The only resistance I'm hearing is to the walkway to the side. The issue of privacy won't be changed too

much from one option to another. The financial cost would be large. I think we can meet the concerns without tearing down the structure.

- Applicant indicated a willingness to provide additional screening along the East side deck if that were to ameliorate the neighbours' concerns.

*Public portion of the meeting closed.*

- No issue with the stairs or garage and the variance for the side access exists where it is. And if they are willing to do a railing that seems like a good compromise.

**Motion:**

**Moved:** Rus Collins

**Seconded:** Jamie Hall

That the following variance be approved.

**Carried Unanimously**

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.5.a  
Section 1.2.5.c

Front step projection relaxed from 2.5m to 2.9m  
Side yard setback (East) relaxed from 1.71m to 1.38m

Schedule F Section 1

Location of accessory building relaxed from rear yard to side yard (existing placement)

Schedule F Section 4.b

Side yard setback (West) relaxed from 0.6m to 0.25 (existing placement)

**1:00 Board of Variance Appeal #00882  
Ian Rye, Applicant  
925 Balmoral Road**

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Present Zoning: Land Use Contract

The proposal is to construct new accessibility ramps and entry.

***Bylaw Requirement***

***Relaxation Requested***

Section 5(2)(a) of the Tree Preservation Bylaw No. 05-106 varied for removal of trees #1 and #2 as detailed in the September 8, 2020 Arborist Report and on-site plan.

Ian Rye, Applicant was present.

Correspondence submitted neighbours was acknowledged.

Applicant

- This address is home to Pacific Opera Victoria and hosts many community activities.
- There is no accessibility entrance at present; both entrances are accessed by stairs.
- We are asking for the removal of two trees to enable a wheelchair ramp and street front access to be provided.
- Our design team has confirmed there is no option for an alternate entrance.
- Without the removal of both trees we cannot provide a dignified accessibility entrance.
- The Intercultural Association (ICA) has used this space and we see the value in having the ramp as proposed and are in support of the variances.
- We do intend to replace these trees.

*Public portion of the meeting closed.*

- Very worthwhile project. Landscape plan provides for new trees.

Motion:

**Moved:** Margaret Eckenfelder

**Seconded:** Rosa Munzer

That the following variances be approved.

**Bylaw Requirement**

**Relaxation Requested**

Section 5(2)(a) of the Tree Preservation Bylaw No. 05-106 varied for removal of trees #1 and #2 as detailed in the September 8, 2020 Arborist Report and on-site plan.

**Carried Unanimously**

**1:30 Board of Variance Appeal #00869  
Ryan Hoyt, Applicant; Darren Williams, Owner  
1350 Dallas Road**

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Present Zoning:

R1-B

Present Use:

Single Family Dwelling

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

***Bylaw Requirements***

***Relaxations Requested***

Section 1.2.5.a

Front yard setback (Point Street) relaxed from 7.5m to 1.6 m (largest rectangle boundary)

Section 1.2.5.b

Rear yard setback (South) relaxed from 7.5m to 3.24m

Schedule F - Section 1	Location of accessory building (garage) relaxed from rear yard to side yard (west)
Section 5(2)(a)	of the Tree Preservation Bylaw No. 05-106 varied for removal of trees #219 to 222 as detailed in the January 5, 2021 Arborist Report and on-site plan

Ryan Hoyt, Applicant; Darren Williams, Owner; were present.

Correspondence submitted by neighbours was acknowledged.

#### Applicant

- We are proposing to demolish the existing residence and rebuild.
- The existing house has a frontage expressing towards Dallas Road. Due to what we consider a technicality in the Zoning Bylaw, this property has some minor deviations in shape which make it an irregular lot with frontage towards Point Street rather than towards Dallas Road. This creates the hardship.
- We are proposing a home that is compliant with the Zoning Bylaw if Dallas was the frontage.
- We felt we needed to make a better effort coming back to the board with a compliant submission and we feel as though we have accomplished that.

#### Board

- How did you address any blasting issues with the neighbours?
  - We went to a company by the name of GT Mann who we have a contract with and relied on their expertise on who to go to for the blasting advice and we have had email exchanges with neighbours.
- I question your assertion that you would fully comply with the bylaw and would require no variances if the frontage were deemed to be Dallas Road. Can you please show what the allowable build area would be if Dallas Road were the deemed frontage?
  - Applicant showed an image of the proposed and allowable build.
- Is the dotted line on your proposed plans is the original location of the house in the previous hearing?
  - Yes.
- Can you please summarize what changes were made to this new proposed house if any?
  - In addition to moving the house back the entire geometry has been changed. The garage is also now a detached building.
- The outline looks similar still to your previous proposal is that correct?
  - Yes.
- The blue area shows what you believe would be compliant with the current Bylaw with no variances if Dallas Road were the frontage correct?
  - Correct.
- Do you have a map of what the allowable build area would be if Dallas Road were the front?
  - No.
- Can City staff confirm that the design shown would conform?

- Can I ask the applicant what dimension it has from Point Street to the building face?
    - The requirement is a factor of the width which is 2.53m.
  - If Dallas Road were considered the frontage, Point Street would be considered a flanking street and the required setback would be 3.5m or 10% of the lot width, whichever is the greater. The proposed design would encroach into the flanking street setback. Further, the entry facing Point Street has design elements that are considered outdoor features. Those are some technical points.
    - Hoyt: I haven't run the numbers if that is the case. We did leave the house further off the south property line which would have offset the difference.
- The proposed site plan shows what I think would be the conforming setbacks. What is the minimum setback on the South side?
  - The 3.24m South setback doesn't need to be that large as shown. We could move the house further South if needed to meet the flanking street requirement.
- Is there any reason why you wouldn't do that?
  - We are trying to move the house as far from the Lim's house as possible, per their request. We would lose a lot of functional space if the footprint of the house were to be reduced. I have a large family to house.
- A good part of the proposed house actually shows a greater setback from the Lim's house than the existing house provides, correct?
  - Yes.
- Is it correct that there isn't a door facing Dallas Road? If you are regarding Dallas Road as your frontage, would you not want to provide a primary entrance to establish a relationship between the house and the street, as the existing house does?
  - It doesn't make for a warm opening to the house for a door to come off Dallas Road. To increase the comfort and energy efficiency of the house we located the door on the North side because Dallas Road is often windy.
- Why would you say there has been so much opposition to this application?
  - I believe it goes back to my comments to Mr. Archer last summer. A lot of the opposition came from miscommunication.
- Is there a landscaping impact on the house closest to the Point Street walkway?
  - We are working with a company called Green Spaces. The landscaping will be much like what is currently there. Tall grasses and natural west coast vegetation.
- Adjacent to the walkway there is a pathway down with some stairs, is that to the suite?
  - Yes.
- How tall is the retaining wall?
  - The retaining wall is waist high.
- Mr. Lim, can you comment on the movement of the house further away from Dallas Road and if that has alleviated any of your concerns?
  - Our view is not blocked with the new submission.
- Is there anything further you can do to this design to address Mr. Lim's concerns?
  - If anything, I would rather see the house moved a bit to the south.
    - Mr. Lim: Our views and privacy are both concerns. The view has been addressed but the privacy has been made worse.
      - Applicant: None of the windows facing Mr. Lim's house open. Further, they are all transom windows in bedrooms or bathrooms;

one would need to be standing up in those rooms to see the Lim's house.

### Neighbours

- Neighbour at 1330 Dallas Rd – showed the BOV a table of setbacks required and requested. Concerned to hear that if the house is moved it would jeopardise the trees and causes the neighbours hardship.
  - I'm not so sure about the math of that table. Regarding the trees, the arborist did say the 4 trees should or would be taken down regardless. Two are recommended to be taken out because of rotting roots. I understood the Lim's issue to have green barrier and I have hired a landscaper to make sure that is not an issue. It was suggested that we provide a hedge of Portuguese Laurel along the South property line. With respect to those neighbours their garage is only 2ft from our property and it has a roof top deck.

*Public portion of the meeting closed.*

- Acknowledge that applicant has reviewed neighbours' concerns and in this new application has amended the original house and landscape design to take these into consideration.
- Variances requested today are reasonable, given the challenges of dealing with this site and the impact of the technical requirements of the zoning bylaw.

### **Motion:**

**Moved:** Rus Collins

**Seconded:** Margaret Eckenfelder

That the following variance be approved.

### **Bylaw Requirements**

### **Relaxations Requested**

Section 1.2.5.a

Front yard setback (Point Street) relaxed from 7.5m to 1.6 m (largest rectangle boundary)

Section 1.2.5.b

Rear yard setback (South) relaxed from 7.5m to 3.24m

Schedule F - Section 1

Location of accessory building (garage) relaxed from rear yard to side yard (west)

Section 5(2)(a)

of the Tree Preservation Bylaw No. 05-106 varied for removal of trees #219 to 222 as detailed in the January 5, 2021 Arborist Report and on-site plan

**Carried Unanimously**

Meeting Adjourned at 3:10 pm.

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