

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
JUNE 24, 2021**

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

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

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

**1. Appeals**

**12:30 Board of Variance Appeal #00901  
Nicole Showers, Keay Architecture Ltd; Applicant  
459 Chester Avenue**

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Present Zoning: R3-AM-2 (R1-B)  
Present Use: Scout Hall – Public Building

The proposal is to allow construction of an accessible washroom extension and ramps.

***Bylaw Requirement***

***Relaxation Requested***

Section 1.2.5.c

Side yard setback (north) relaxed from 3.0m to 0.16m for accessibility ramp and 1.8m for building addition.

Section 1.2.5.d

Combined side yard setbacks relaxed from 4.5m to 2.03m

Nicole Parker on behalf of Nicole Showers, Applicant and Stephan Brown, commissioner for the Second Fort Victoria Scouts; were present.

Correspondence submitted was acknowledged.

**Applicant**

- We are here to ask for a relaxation for an accessibility ramp and building addition.
- The owners would like the building to be fully accessible for all individuals.
- All current access to the building and yard involves stairs.
- There is concern that the building has never been accessible and that is not acceptable going forward.

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**Board**

- Have you spoken to your neighbours to the north?
  - No.
- Can you be sure they are aware of the project?
  - I cannot. With that being said, we have not been quiet about this project.
- How have you circulated information about the project?
  - Radio and local media
- How is the driveway accessed currently?
  - We share access through the building to the south.
- Is there an easement over that or was it just an agreement?
  - Just an agreement with Abstract Developments.

*Public portion of the meeting closed.*

- Reasonable request and is essential to have this type of public hall accessible to everyone.
- Neighbours to the North were sent an invitation to this hearing and thus have been appropriately notified.

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Jaime Hall

That the following variance be approved

**Bylaw Requirement**

**Relaxation Requested**

Section 1.2.5.c

Side yard setback (north) relaxed from 3.0m to 0.16m fro accessibility ramp and 1.8m for building addition.

Section 1.2.5.d

Combined side yard setbacks relaxed from 4.5m to 2.03m

**Carried Unanimously**

**1:00 Board of Variance Appeal #00907**  
**Duane Ensing, Applicant; Bui Thu & Van Huynh, Owners**  
**633 Manchester Avenue**

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Present Zoning:

R1-B

Present Use:

Single Family Dwelling

*The proposal is to permit steps greater than 1.7m in height and to project into the front yard.*

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**Bylaw Requirement****Relaxation Requested**

Section 1.2.5.a

Variance for projecting stairs 1.7m in height to 2.21m in height and a projection relaxation from 2.5m to 2.87m

Duane Ensign, Applicant, was present.

Correspondence submitted was acknowledged.

**Applicant**

- We have been here before with this house asking for variances which were approved.
- The clients believed they could maintain the stairs they had and build over them.
- The owner did most of the work, but the contractor advised when finishing details that the stairs would be non-conforming.
- They changed the original plan from a single door to double doors and added a couple more steps.
- The hardship is that compliance would require replacement of the entire stairway with significant practical and financial consequences.
- Neighbours have been spoken to and have indicated their support.

**Board**

- When did you become aware of this issue?
  - At the end of the project when the owners were trying to obtain their occupancy permit.
- Did the owners come back after the permitting process?
  - Correct.
- Do the doors on drawings on A6 swing in or out?
  - They swing in.
- What is the difference on these drawings from what you drew originally?
  - I had a landing and a set of stairs that came out. It met the City of Victoria requirements.

*Public portion of the meeting closed.*

- These are minor requests and I think this is a more attractive option than the alternative.

**Motion:**

**Moved:** Rus Collins

**Seconded:** Margaret Eckenfelder

That the following variance be approved

**Bylaw Requirement**

**Relaxation Requested**

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Section 1.2.5.a Variance for projecting stairs 1.7m in height to 2.21m in height and a projection relaxation from 2.5m to 2.87m

**Carried Unanimously**

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**1:30 Board of Variance Appeal #00887  
Kevin Clough & Nicole Clough, Applicants  
1920 Stanley Avenue**

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

*The proposal is for approval of new covered front porch, new rear deck and expand kitchen into existing side porch.*

***Bylaw Requirements***

***Relaxations Requested***

Section 1.2.5.a	Front yard setback relaxed from 7.5m to 6.48m
Schedule F Section 1	Location of accessory building relaxed from rear yard to side yard (partial) (results from new deck)
Schedule F Section 4.d	Separation space between accessory building and principal building relaxed from 2.4m to 0.9m (new stairs and deck)

Kevin Clough & Nicole Clough Applicants; were present.

Correspondence submitted was acknowledged.

**Applicant**

- Our daughter is having back surgery and will be in a wheelchair for some time and we need to make the house accessible for her.
- During the permit process it was pointed out that the front stairs were enclosed which created encroachment issues.
- The house was originally constructed like this.
- If we were forced to open up the stairs, it would be a great hardship since they are an integral part of the living room, kitchen and living space.
- The garage was built back in the 1940s. It is critical for storage space. Moving the structure to comply with the zoning would be financially prohibitive.
- The deck existed when the house was bought, and is being updated structurally to meet code requirements.

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**Board**

- The variance related to the existing front porch is the portion that has been enclosed, is that correct?
  - Correct.
- Is the covered verandah part of the variance?
  - No.
- Is the garage existing?
  - Yes
- Is the deck existing in its current location?
  - I have done some renovations structurally, but it is existing in its current location.
- Are the stairs that go up to the deck already installed?
  - Yes, they are, I put them back in the location of the old stairs.
- Does the arborist report relate to the impact the deck could have had on your neighbours' deciduous tree?
  - Yes.
- Have you spoken to your neighbours about the plans?
  - Yes, they were in support of the application.

*Public portion of the meeting closed.*

- Reasonable request.
- Neighbours are in support.
- Structures are currently existing.

**Motion:**

**Moved:** Rosa Munzer

**Seconded:** Margaret Eckenfelder

That the following variance be approved

**Bylaw Requirement**

**Relaxation Requested**

Section 1.2.5.a  
Schedule F Section 1  
  
Schedule F Section 4.d

Front yard setback relaxed from 7.5m to 6.48m  
Location of accessory building relaxed from rear yard to side yard (partial) (results from new deck)  
Separation space between accessory building and principal building relaxed from 2.4m to 0.9m (new stairs and deck)

**Carried Unanimously**

**2:00 Board of Variance Appeal #00897  
Denise Kors, Applicant; David Yaxley, Eloise Yaxley, Carla Yaxley & Diego Bohigas, Owners  
1241 Sunnyside Avenue**

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Present Zoning:

R1-B

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Present Use: Single Family Dwelling

*The proposal is to construct a new upper floor addition and the approval of deck replacement with pergola.*

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.4.a  
Section 1.2.5.b

Number of storeys relaxed from 2 to 2.5  
Rear yard setback (east) relaxed from 7.5m to 2.93m for existing deck/pergola

Denise Kors, Applicant; Carla Yaxley, Owner and Matt Shepardson, project manager; were present.

Correspondence submitted was acknowledged.

**Applicant**

- The owners would like to stay in this house and need additional space for their growing family. The only option is to expand upwards.
- The house with its new upper floor is still under the maximum allowable height.
- The addition is in keeping with the neighbourhood context.
- The hardship arises since the only way to expand and retain the existing house is to build upwards.
- Safety of the deck is a major issue as well since it was completely dilapidated.
- We have spoken with neighbours, and most are in favour. We did not hear back from a couple before this meeting.

**Board**

- Is Sunnyside Avenue the frontage?
  - Yes, Sunnyside is considered the front.

*Public portion of the meeting closed.*

- Reasonable request as far as what they will achieve with the expansion of the house.
- Appreciation for the consultation with neighbours.

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Jaime Hall

That the following variance be approved.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.2.4.a

Number of storeys relaxed from 2 to 2.5

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Section 1.2.5.b Rear yard setback (east) relaxed from 7.5m to 2.93m for existing deck/ pergola

**Carried Unanimously**

**2:30 Board of Variance Appeal #00908  
Nathan Popp & Rachel Mason, Applicants  
1632 Ross Street**

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

*The proposal is for renovation and addition to the rear (north) of the existing single-family dwelling.*

***Bylaw Requirements******Relaxations Requested***

Section 1.6.4.a	Number of storeys relaxed from 2 to 2.5
Section 1.6.5.d	Side yard setback (west) relaxed from 2.29m to 1.41m
Section 1.6.5.e	Combined side yard setbacks relaxed from 5.4m to 4.16m
Section 1.6.6.a	Site coverage relaxed from 30% maximum to 31.4%

Josh Collins, Adapt Designs, Applicant; Nathan Popp & Rachel Mason Owners; were present.

Correspondence submitted was acknowledged.

**Applicant**

- We would like to make more space for our large family.
- Our deck is also in need of replacement as it is at the end of its life.
- Our kitchen has also become too small for our family as our four children are growing.
- We have spoken to and have support from all our neighbours for our application.
- The additional half storey will allow us to create another bedroom and does not require a height variance.
- The request for the site coverage helps support the deck and provides an entrance to the back of the house.

**Board**

- Why the need for such a large deck?
  - We want to be able to have the space to accommodate the whole family. We are hoping to have it as living space as well, with a dining area.
- Are you replacing the existing deck exactly where it is now?
  - The existing deck at its height is the same, but the proposed deck is larger as the existing deck is almost unusable as it is.

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- Is the side yard setback variance because of the deck?
  - Yes
- Would the site coverage be the deck in its entirety or just to the posts?
  - The site coverage includes the deck in its entirety.
- Would you be flexible with the size of the deck?
  - yes, if that means the application would be approved.

*Public portion of the meeting closed.*

- Support variances for number of storeys and setbacks. These are reasonable and respond to clear hardships.
- Concern that the large deck would take away a large amount of green space.
- Given the ability to build a good-sized deck without a variance, hardship has not been demonstrated in this case.

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variances be approved.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.6.4.a

Number of storeys relaxed from 2 to 2.5

Section 1.6.5.d

Side yard setback (west) relaxed from 2.29m to 1.41m

Section 1.6.5.e

Combined side yard setbacks relaxed from 5.4m to 4.16m

**Carried Unanimously**

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Jaime Hall

That the following variance be denied.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.6.6.a

Site coverage relaxed from 30% maximum to 31.4%

**Carried Unanimously**

Meeting Adjourned at 3:15 pm.

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