

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
MARCH 23, 2023**

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

**Absent:** Rosa Munzer

**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 March 9, 2023

**Moved:** Margaret Eckenfelder

**Seconded:** Joanne Thibault

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

**Carried Unanimously**

**2. Appeals**

**12:30 Board of Variance Appeal #00973**

**Edda Creative, Applicant; Gregory Sabo & Jean Delaney; Owners  
1511 Montgomery Avenue**

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Present Zoning:

R1-A

Present Use:

Single-Family Dwelling

The proposal is for the construction of an accessory building to be located at the north east corner of the lot.

**Bylaw Requirement**

**Relaxation Requested**

Schedule F, section 1.

Placement relaxed from the rear yard to be partly within the side yard.

AJ Williamson, Designer for Edda Creative, Applicant; Gregory Sabo & Jean Delaney; Owners were present.

**Applicant**

- The hardships are the lot size and what is considered to be the frontage of the property, which is very shallow in depth.
- Because the property is private and heavily landscaped, the owners feel there will be no negative impact to the neighbours.

**Board**

- Was there any consultation with the neighbours?
  - The neighbours were not consulted.

*Public portion of the meeting closed.*

- This is a minor variance request given the nature of the lot and landscaping.
- Appreciation for the tree protection plans.
- Would have liked to have seen some consultation with neighbours from the homeowners.
- Lovely design and very complementary to the house.

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variances be approved.

**Bylaw Requirement**

**Relaxation Requested**

Schedule F, section 1. - Placement relaxed from the rear yard to be partly within the side yard.

**Carried Unanimously**

**12:50 Board of Variance Appeal #0097**

**Lindsay Baker -Aspire Design, Applicant; Donald Macdonald & Diana Macdonald;  
Owners.**

**1368 Thurlow Road**

Present Zoning:

R-2

Present Use:

Strata Duplex

The proposal is for the construction of a new addition located at the northwest side of the property.

**Bylaw Requirement**

**Relaxation Requested**

Section 2.1.3.c.

Floor area, relaxed for the first and second storeys combined from 280.0m<sup>2</sup> to 377.13m<sup>2</sup>.

Lindsay Baker, Aspire Design, Applicant; Donald Macdonald & Diana Macdonald; Owners; were present.

### **Applicant**

- Our hardships for this application are mobility, accessibility and health issues as our family would like to be able to live together and age in place.
- The option to excavate was considered but not pursued due to the cost and disruption.
- The house is already nonconforming, and the basement isn't considered a basement because of its ceiling height above average grade.
- The attached garage will become part of the family's living area.
- All neighbours have been consulted and are supportive.

### **Board**

- Is this a strata duplex?
  - Yes.
- The living together situation is only on the one side of the duplex correct?
  - Correct.
- Are the owners on the other side supportive?
  - Yes, very supportive.
- What appliances are shown on the drawings for the proposed addition?
  - Washer and dryer.
- Did you consider putting the addition under the deck?
  - That would become very complicated, and we thought it was more accessible this way.

*Public portion of the meeting closed.*

- Minor variances.
- They are still under the allowable square footage for the zone.
- Great to be able to have family living together and aging in place.
- Design helps the look of the house.

### **Motion:**

**Moved:** Rus Collins

**Seconded:** Margaret Eckenfelder

That the following variances be approved:

#### **Bylaw Requirements**

Section 2.1.3.c.

#### **Relaxations Requested**

Floor area, relaxed for the first and second storeys combined from 280.0m<sup>2</sup> to 377.13m<sup>2</sup>.

**Carried Unanimously**

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**1:10 Board of Variance Appeal #00978  
Paul Daley, Applicant  
1608 Redfern Street**

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Present Zoning: R1-B  
Present Use: SFD converted to duplex

The proposal is for renovations which include converting from a duplex to a triplex, new front steps and legalize existing north side yard steps.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.5.a.	Projection of front steps higher than 1.7m relaxed from 2.50m to 2.72m.
Section 1.2.5.c.	North side yard setback relaxed from 1.62m to 0.31m.
Section 1.2.5.d.	Combined side yard setback relaxed from 4.50m to 2.29m.
Schedule G, section 3.b.i.	To permit an exterior change at the front for steps greater than 1.5m in height.

Paul Daley, Applicant; was present.

**Applicant**

- We planning to keep the secondary stairs to the upper level for safety reasons.
- The other set is rotting and needs to be replaced.
- The direction of stairs will not change.

**Board**

- Were the neighbours consulted?
  - The new neighbours on the north side have never complained about the staircase.
- Is this strictly used for emergencies?
  - Yes.
- Does the eve of the roof hang over the landing? Is there enough clearance above the stairway?
  - It would be approximately 5ft. The building inspector has cleared that. The engineering firm has also confirmed there are no issues.

*Public portion of the meeting closed.*

- Simply a replacement project, no concerns.

**Motion:**

**Moved:** Joanne Thibault

**Seconded:** Margaret Eckenfelder

That the following variances be approved:

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.5.a.	Projection of front steps higher than 1.7m relaxed from 2.50m to 2.72m.
Section 1.2.5.c.	North side yard setback relaxed from 1.62m to 0.31m.
Section 1.2.5.d.	Combined side yard setback relaxed form 4.50m to 2.29m.
Schedule G, section 3.b.i.	To permit an exterior change at the front for steps greater than 1.5m in height.

**Carried Unanimously**

**1:30 Board of Variance Appeal #00977  
Carla Smart & Michael Rowe; Applicants  
258 Richmond Avenue**

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

The proposal is for renovations which include new deck landing with steps and hot tub located in the rear yard.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.6.5.b.	Rear yard setback relaxed from 9.10m to 3.24m
Section 1.6.5.d.	Side yard setback (north) relaxed from 1.83m to 0.76m
Section 1.6.5.b.	Rear yard setback relaxed from 9.1m to 0.53m
Section 1.6.5.d.	Side yard setback (north) relaxed from 1.83m to 0.34m
Schedule F, section 4.d.	Separation space between primary building relaxed from 2.4m to 0.57m
Section 1.6.6.b.	Overall site coverage relaxed from 30% to 52%
Schedule F, section 5.b.	Rear yard lot coverage relaxed from 25% to 44.4%

Cugino Homes, Applicant; Carla Smart & Michael Rowe; Owners; were present.

**Applicant**

- Owners were misled by the previous contractor, and this has led to significant delays in completing the project.
- The staircase to the deck has been relocated to make it safer and more accessible.
- The lot is extremely small.
- Hot tub pad is very close to the stairs and this requested location would be the best spot.

**Board**

- Was there an existing deck there before?

- Yes, I believe it was built three owners ago. It had an odd exit location.
- Do you know if any of the decks were permitted?
  - Yes, they were done with permits.
- Has the house always existed in its present location?
  - That's correct.
- Have the neighbours been spoken to about the location of the hot tub?
  - Yes, they have no concerns and are supportive. It is well screened from immediate neighbours.

*Public portion of the meeting closed.*

- Necessary variances to create a useable deck.
- Neighbours are not opposed to the location of the hot tub.

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variances be approved:

**Bylaw Requirements**

**Relaxations Requested**

Section 1.6.5.b.  
Section 1.6.5.d.

Rear yard setback relaxed from 9.10m to 3.24m  
Side yard setback (north) relaxed from 1.83m to 0.76m

Section 1.6.5.b  
Section 1.6.5.d.

Rear yard setback relaxed from 9.1m to 0.53m  
Side yard setback (north) relaxed from 1.83m to 0.34m

Schedule F, section 4.d.

Separation space between primary building relaxed from 2.4m to 0.57m

Section 1.6.6.b.  
Schedule F, section 5.b.

Overall site coverage relaxed from 30% to 52%  
Rear yard lot coverage relaxed from 25% to 44.4%

**Carried Unanimously**

Meeting Adjourned at 1:15 pm.

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