

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

Present: Margaret Eckenfelder – Acting chair
Rosa Munzer
Joanne Thibault
Rus Collins

Absent: Trevor Moat

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

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

1. Minutes

Minutes from the meeting held August 24, 2023

Moved: Margaret Eckenfelder

Seconded: Rosa Munzer

That the minutes from August 24, 2023 be adopted as amended.

Carried Unanimously

2. Appeals

12:30 Board of Variance Appeal #00982

**Brittany Bowman – Little Giant Studio, Applicant; Rebecca Morton, Owner
542 St. Charles Street**

Present Zoning: R1-A
Present Use: SFD

The proposal is to construct and addition above carport for secondary suite.

Bylaw Requirements

Relaxations Requested

Section 1.1.5.a

Front yard setback (east) relaxed from 7.5m to 2.68m for small addition

Section 1.1.5.d

Side yard setback (south) relaxed from 3.0m to 1.29m

Paolo Di Cienzo, lead architect gave the presentation.

Applicant

- Neighbour to the south had questions and concerns which applicant will try to address.
- Would like to preserve as much of the existing home as possible for sustainability purposes.
- This family has needs for increased area for their growing family and will consider adding in a secondary suite.
- Would like to maximise the permissible buildable area.
- The oddly shaped lot is also a hardship.
- Dimensionally it would be challenging to situate the suite on the north side. Removal of trees, vegetation and close proximity to neighbours was also a deterrent.
- Neighbours were concerned with overlook, and we think we have positioned ourselves to minimize this.

Board

- It sounds like there was no consultation with neighbours, can you please speak to that?
 - It wasn't the intention, as our plans changed it didn't allow much time to engage the neighbours. The client wanted was looking to hit a certain start date.
- The east side addition, what is the height of the exterior wall?
 - 16.5ft to the eave line.
 - What is the inside height?
 - We are aiming for a 7ft high ceiling.
- Is the suite bigger than the overhang of the existing carport?
 - The suite is 3ft larger than the carport is.

Public portion of the meeting closed.

- This is a dense lot and as construction continues, it is imperative that communication continue with neighbours as there was none here.
- Appreciate the design and keeping the existing house.
- Concern with the suite and carport being larger.

Motion:

Moved: Rus Collins

Seconded: Rose Munzer

That the following variances be approved.

Bylaw Requirements

Relaxations Requested

Section 1.1.5.a

Front yard setback (east) relaxed from 7.5m to 2.68m for small addition

Section 1.1.5.d

Side yard setback (south) relaxed from 3.0m to 1.29m

Carried Unanimously

**12:50 Board of Variance Appeal #00971
Terri Cherry, Applicant
331/335 Wilson Street**

Present Zoning: R-2
Present Use: Duplex Conversion Strata

The proposal is to replace existing deck and steps at front and rear.

Bylaw Requirements

Relaxations Requested

Section 1.2.4.c	to permit a roof deck.
Section 1.2.5.a.	steps projecting into front yard relaxed from 2.5m to 3.9m.
Section 1.2.5.c.	south side yard setback relaxed from 1.83 to 0.96m.
Section 1.2.5.d.	combined side yard setback relaxed from 4.5m to 2.66m.
Section 1.2.6.a.	site coverage relaxed from 40.0% to 53.0%.

Applicant

- Owners would like to replace the existing deck as it is deteriorating. Once the BP was asked for, they requested a variance for the setbacks. We were then advised to include the roof deck in these variances as well.
- The terrain of the property makes the steps difficult to orient.

Board

- Why is the deck being considered a rooftop deck?
 - Because of the sloping nature of site the lower level is actually considered the first floor.

Public portion of the meeting closed.

Motion:

Moved: Joanne Thibault

Seconded: Rus Collins

That the following variances be approved.

Bylaw Requirements

Relaxations Requested

Section 1.2.4.c	to permit a roof deck.
Section 1.2.5.a.	steps projecting into front yard relaxed from 2.5m to 3.9m.

Section 1.2.5.c.	south side yard setback relaxed from 1.83 to 0.96m.
Section 1.2.5.d.	combined side yard setback relaxed from 4.5m to 2.66m.
Section 1.2.6.a.	site coverage relaxed from 40.0% to 53.0%.

Carried Unanimously

**1:10 Board of Variance Appeal #00997
Robert & Kristina Gregson, Applicants
2720 Cook Street**

Present Zoning: R1-B
Present Use: SFD – with SS

The proposal is for approval of accessory building facing Basil Street.

Bylaw Requirements

Relaxations Requested

Schedule F Section 1

Location of accessory building varied from rear yard to side yard

Schedule F Section 4.c

Building Setback from flanking street (Basil) relaxed from 7.5m to 1.79m

Applicant

- We bought this home in 2004 that had an existing deck which is now deteriorating.
- When I wen to apply for the building permit they said we needed a setback variance.
- The issue is that the accessory building was built way back two owners ago without a permit.
- The accessory building is small and used for storage of camping gear and such.
- An engineer has attended the property and the building is solid but to meeting code requirements the variance is required.
- This lot is also an irregular parcel.

Board

- At this stage we are only looking at the shed, correct?
 - Yes.

Public portion of the meeting closed.

- Existing building that is useful and no negative impacts

Motion:

Moved: Rus Collins

Seconded: Rosa Munzer

That the following variances be approved.

Bylaw Requirements

Relaxations Requested

Schedule F Section 1

Location of accessory building varied from rear yard to side yard

Schedule F Section 4.c

Building Setback from flanking street (Basil) relaxed from 7.5m to 1.79m

Carried Unanimously

**1:30 Board of Variance Appeal #00998
Even Eunson, Applicant; Shelley & John Trenouth
1035 Joan Crecent**

Present Zoning:

R1-A

Present Use:

SFD

The proposal is to build a single-family dwelling with secondary suite on the existing vacant lot.

Bylaw Requirements

Relaxations Requested

Section 1.1.5.

Front yard setback relaxed from 7.5m to 3.23m (irregular lot - largest rectangle)

Section 1.1.5.b

Rear yard setback relaxed from 12.16m (25% of lot depth) to 7.55m

Applicant

- The property was bought by someone with plans to build a duplex, so the excavation has already been done. A DPV was approved by Council in Feb for the same variances we are applying for.
- The hardship is the irregular shape of the lot, making it difficult to position a house.

Public portion of the meeting closed.

- Irregular lots are an issue to no fault of the owners.
- House fits the site
- Neighbours back the variances requested

Motion:

Moved: Rus Collins

Seconded: Joanne Thibault

That the following variances be approved.

Bylaw Requirements

Relaxations Requested

Section 1.1.5.

Front yard setback relaxed from 7.5m to 3.23m (irregular lot - largest rectangle)

Section 1.1.5.b Rear yard setback relaxed from 12.16m (25% of lot depth) to 7.55m

Carried Unanimously

**1:50 Board of Variance Appeal #00999
Danielle Geller, Applicant; Owen Crookston & Danielle Geller, Mary Owens;
Owners
1615 Denman Street**

Present Zoning: R1-B
Present Use: SFD with SS

The proposal is for approval of work to the existing building and the creation of secondary suite.

Bylaw Requirements

Relaxations Requested

Section 1.2.4.a	Number of storeys relaxed from 2 to 2.5 for loft
Section 1.2.5.a	Front yard setback relaxed from 7.5m to 2.9m for enclosure of front porch
Section 1.2.5.b	Rear yard setback relaxed from 7.5m to 5.6m for steps and landing

Applicant

- Some issues with the bathroom were discovered when we hired a building company to do some sound proofing.
- The hardship is it would be a lot of work and money to restore the porch to how it was originally.
- The exterior stairs also need a variance now run parallel with the house.
- The upstairs is now an office space, and we are asking for the variance to relax that zoning.
- There is also a strange lot line dividing the center of this lot.

Board

- There is a railing in the photos, but the renderings don't show that, can you speak to that?
 - We had to have the perimeter drains replaced and I that process they had to pull up a few of those stairs and in doing so they realized the stairs were rotting and needing to be replaced. They also noticed that the column that was supporting the corner of the roof was not properly supported vertically. This repair ended up with a concrete footing. This is where the discrepancy came from in timing of taking the picture and the renderings.

Public portion of the meeting closed.

- Minor and supportable variances

Motion:

Moved: Rus Collins

Seconded: Rosa Munzer

That the following variance be approved.

Bylaw Requirements

Relaxations Requested

Section 1.2.4.a
Section 1.2.5.a

Number of storeys relaxed from 2 to 2.5 for loft
Front yard setback relaxed from 7.5m to 2.9m for enclosure of front porch

Section 1.2.5.b

Rear yard setback relaxed from 7.5m to 5.6m for steps and landing

Carried Unanimously

**2:10 Board of Variance Appeal #00993
Maria Costa, Applicant
1616 Chandler Avenue**

Present Zoning:
Present Use:

R1-G
SFD

The proposal is to permit the placement of a gazebo and pool within the front yard.

Bylaw Requirements

Relaxations Requested

Pool:
Section 1.6.5.a.

Relaxation to the front yard setback from 7.50m to 1.60m

Section 1.6.5.d.

Relaxation to the west side yard setback from 3.87m to 3.45m.

Gazebo:
Schedule F, section 1.

Relaxation to the placement from the rear yard to be within the front yard

Schedule F, section 4.b.

Relaxation to the west side yard setback from 0.6m to 0.00m

Applicant

- My property is an irregular panhandle lot. Which means that the front yard we have the gazebo and pool in is surrounded by backyards.
- Our backyard floods from fall until spring and it completely unusable.
- The pool has been up since 2020/2021.
- The complaint was launched from a neighbour after I removed a hedge. The neighbour was in agreement with the cedars being removed but there was never an agreement on the type of fence to put it and I did that this year at my own cost.

Board

- Was the hedge on your property?
 - Yes, fully on our property.

- Was the chain link fence both properties?
 - Yes.
- The cedar fence is on your property now, correct?
 - Yes.

Neighbours

Cameron Baerg neighbour at 405 St. Charles Street has no issues or complaints with the pool staying as is and the variances being granted.

Melanie Baylis neighbour at 1612 Chandler Aveune looks directly at the pool and gazebo from kitchen window. Was not in a position at the time to pay for half of the new fencing. The top of the gazebo is high and not appealing to look at.

Public portion of the meeting closed.

- I respect that change is difficult, but I do believe the requests are supportable.

Motion:

Moved: Rus Collins

Seconded: Joanne Thibault

That the following variance be approved.

Bylaw Requirements

Relaxations Requested

Pool:

Section 1.6.5.a.

Relaxation to the front yard setback from 7.50m to 1.60m

Section 1.6.5.d.

Relaxation to the west side yard setback from 3.87m to 3.45m.

Gazebo:

Schedule F, section 1.

Relaxation to the placement from the rear yard to be within the front yard

Schedule F, section 4.b.

Relaxation to the west side yard setback from 0.6m to 0.00m

Carried Unanimously

Meeting Adjourned at 2:30 pm.
