

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
FOR THURSDAY, APRIL 13, 2017  
ESQUIMALT NATION MEETING ROOM**

**Present:** Andrew Rushforth, Chair  
Jaime Hall  
Rus Collins  
Margaret Eckenfelder  
Trevor Moat

**Staff:** Nina Jokinen, Planning Technician  
Quinn Anglin, Secretary

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The meeting was called to order at 12:32 pm.

1. **Appeals**

**12:30 Board of Variance Appeal #00637  
Melissa Ollsin and Charles Appleford, Owners/Applicants  
2665 Belmont Avenue**

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

The proposal is to construct a new single family dwelling.

<b>Bylaw Requirements</b>	<b>Relaxation(s) Requested</b>
Part 1.2.5 a.	Relaxation for front yard setback from 7.50m to 6.10m.
Part 1.2.5 d.	Relaxation for combined side yard setbacks from 4.50m to 4.39m.
Part 1.2.5 e.	Relaxation for side yard setback on a flanking street for corner lot from 3.50m to 1.50m.

Melissa Ollsin and Charles Appleford, Owners/Applicants; Don Nathan, Designer; were present.

*Secretary read letters of support from Notified Neighbours of 2663, 2701, 2690, 2666, 2735 Belmont Avenue, 2662, 2658, 2702 Forbes Street. Could not get 2704 Belmont to sign due to a dog in the yard that they couldn't get past in the front yard to access the front door.*

Applicant

- Looking to build a passive house design with solar gain from south side of property and construct a home that operates at close to net zero

- Using twice the insulation in house and the ceiling, and facing all of the windows south and as far away from house beside them as possible they can reduce their heating load by up to 90%, meaning they don't have to put in an electrical system
- The biggest hardship is that they need to be 3.5 meters from the side yard setback to build a passive house
- The surrounding houses all have similar setbacks so the house would not be out of character with the others in the neighbourhood
- They would not be able to build a solar home if they did not get the variances
- The house is actually quite modest with an allowance of 300 square meters but designed at 260, an allowable height of 7.6 meters and is 6.6 meters, and allowable site coverage is 40% but designed at less than 35% (including the garage)
- They are not trying to build an ultra large house or anything excessive they are just trying to site it properly to make it work
- House is designed to be a 3 bedroom house with both of their kids bedrooms upstairs and the master on the main floor. Further down the road they have included a side door that could potentially make the upper floor a suite if they were to choose
- All the neighbours have seen the plans are in support
- They will have living green roofs on 4 sides of the property
- They will have airplane cables running up the sides of the building to have plants that grow and climb to also mask the solid massing of the buildings walls and add some dimension and softness
- They will have several garden beds to grow veggies as well as rain water catchment behind the garage

### Board

- What is the area marked on the top floor?
  - It is a mechanical area where all of their HRV will be located. It was also put there so they don't have as much heat loss in the upper portion of their home.
- Does the whole roof need to be for solar panels? Is there a way to lower the roof so that it doesn't look so huge?
  - They will be doing a large amount of planting on that side and it will help with privacy as well as massing of the building

*Public portion of the meeting closed*

**Moved:** Margaret Eckenfelder

**Seconded:** Trevor Moat

That the following variances be allowed;

### **Bylaw Requirements**

### **Relaxation Requested**

Part 1.2.5 a.

Relaxation for front yard setback from 7.50m to 6.10m.

Part 1.2.5 d.

Relaxation for combined side yard setbacks from 4.50m to 4.39m.

Part 1.2.5 e. Relaxation for side yard setback on a flanking street for corner lot from 3.50m to 1.50m.

**Carried (unanimous)**

**12:50 Board of Variance Appeal #00638  
Bruno Zilla, Applicant / Owner  
1352 Finlayson Street**

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

The proposal is for a new single family dwelling with a secondary suite.

**Bylaw Requirements Relaxation Requested**

Part 1.2.4 a. Relaxation for number of storeys from 2 to 3.

Bruno Zilla, Applicant / Owner; was present.

Applicant

- In relation to the topography of his property, the building envelope area is quite low in relation to the front and rear property lines and the existing driveway slopes down significantly from the road
- The sidewalk in front of the property is about 24 inches above the yard and the curb is about 12 inches above the sidewalk
- The driveway grade from the sidewalk to the property line is about 20%, 2.5x the allowable grade and continues down to the house area
- Hoping that these natural and man-made issues are considered when making a decision

Board

- How far is the garage sloped in feet and inches raised up?
  - Less than 2 feet about 18"
- Was there any feedback from the neighbours?
  - Yes, some of them asked about the height and it was explained that he was under the height restrictions, and also provided a site plan and elevations for reference
  - The neighbour behind had some concerns as the grade on his side was removed by the previous owner so they wanted to know what was happening with that. He spoke to an arborist and he can restore about half a meter there
- What is the reason for all the open space needed at grade level?
  - Parking
- How if there is more than one car are they going to get out and in?
  - It is double width

- It is going to be used in his retirement as a hobby farm, as he restores old cars. He has a trailer and a couple old cars that will be housed there for him to work on, and there will be 2 tenants and adequate space for them all to park.
- He does not plan to live there, it is where his retirement income is to come from as he lives up the street
- Is there any plan to enclose the space at some point in time?
  - No, does not plan to enclose the space it will just be nice to have it covered from the rain.
- Essentially the driveway is very deep but a little narrower than double wide so if needed someone could park in front of another car a little in efforts to get two tenant cars in the driveway if they were larger vehicles?
  - Yes, they are just a little shy of meeting the requirements for a double wide parking space, two small cars would fit side by side

*Public portion of the meeting closed*

There is definitely a hardship identified for the lot with respect to access for parking and the driveway slope, especially on a busy street like Finlayson where there is no street parking and it is difficult to pull out and in.

**Moved:** Trevor Moat

**Seconded:** Jaime Hall

That the following variance be allowed;

**Bylaw Requirements**

**Relaxation Requested**

Part 1.2.4 a.

Relaxation for number of storeys from 2 to 3.

**Carried (unanimous)**

**1:10 Board of Variance Appeal #00640  
Juraj Pjecha, Applicant / Owner  
1667 Warren Gardens**

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

The proposal is to construct a new accessory building in the rear yard.

**Bylaw Requirements**

**Relaxation(s) Requested**

Schedule F, section 2.a.

Relaxation for floor area from 37.00m<sup>2</sup> to 122.26m<sup>2</sup>.

Schedule F, section 3.a.

Relaxation for height from 3.50m to 4.71m.

Juraj Pjecha, Applicant / Owner; Will Peereboom, Victoria Design Group, Designer; were present.

#### Applicant

- Applicant has put a lot of money into the home and wanted to have a home that he could retire and live in for the rest of his life
- The Church behind his home put in a playschool and preschool that backs on to his back yard
- Applicant feels that there is excessive amounts of noise that is created from the children at the daycare
- They hired an acoustical engineer as to the best way to block some of the noise that comes from there
- Applicant is also a journeyman electrician and wanted to build an accessory building that can house his equipment and create a workshop at the back of the building
- A few years ago you could build an accessory building this big, but under current bylaw that has changed
- The building does not affect any of the properties around him, but gives him the privacy that he needs
- Cannot retire and enjoy his property with the noise of the children outside

#### Board

- The letter that was submitted by the applicant to the City indicates that the Church did not provide any kind of a fence, hedge or barrier between their property and his, but the understanding was a condition for that usage for the property was that they had to erect a fence – did that happen?
  - Yes, they did put up a fence – that letter was the original letter before the fence was erected.
- Could this building be made any smaller?
  - According to the acoustic engineer this is what they had told him would need to be built to achieve the sound barrier that he is seeking out
- Asking for the significant height variance is a lot as is, but asking for the huge FSR increase by over 3 times seems excessive
- When looking at the neighbours comments, specifically the neighbour at 1660 Richardson Street which is right next door, he speaks about his wife's comments whom spent a year at home with their new baby and never had an issue with noise. She mentioned that there were never all the kids outside in the yard, and even if they were they were never out there for a significant amount of time, or making excessive noise. The neighbours at 1673 Richardson Street acknowledges that there was noise when the site was re-purposed for the preschool but are not in support of the application.
- The structure does not keep with the neighbourhood at all in sizing and massing for accessory structures
  - The neighbour at 1660 has a big house that covers most of their property – they don't go in the back yard and hear noise from there as they can't due to how their house is situated on the lot – there is no room.
- What is the difference in height from the back of the property to the back of the house due to the slope?
  - Just over half a meter

*Public portion of the meeting closed*

What is being asked for seems like a very big request and cannot find the connection between a building variance and noise abatement, especially as the noise abatement was presumably addressed at the rezoning level by the City for the playschool. The suggested building does not appear to offer the correct solution and the neighbours are also not supportive.

The City has also recently imposed a Bylaw that restricts the size of accessory buildings and this is a request that is in severe excess of that so members of the Board don't feel comfortable making a decision in reference to that.

**Moved:** Margaret Eckenfelder

**Seconded:** Trevor Moat

That the following variances be denied;

**Bylaw Requirements**

**Relaxation(s) Requested**

Schedule F, section 2.a.

Relaxation for floor area from 37.00m<sup>2</sup> to 122.26m<sup>2</sup>.

Schedule F, section 3.a.

Relaxation for height from 3.50m to 4.71m

**Carried (unanimous)**

Meeting Adjourned: 1:27 pm