

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
AUGUST 10, 2017**

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

**Staff:** Nina Jokinen, Zoning Technician  
Katie Lauriston, Secretary

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The meeting was called to order at 12:25 pm.

1. **Minutes:** Meeting of April 27, 2017

**Moved:** Margaret Eckenfelder

**Seconded:** Trevor Moat

That the minutes of April 27, 2017 be adopted as amended.

**Minutes:** Meeting of June 22, 2017

**Moved:** Trevor Moat

**Seconded:** Margaret Eckenfelder

That the minutes of June 22, 2017 be adopted as presented.

**Minutes:** Meeting of July 13, 2017

**Moved:** Margaret Eckenfelder

**Seconded:** Jaime Hall

That the minutes of July 13, 2017 be adopted as amended.

2. **Appeals**

**12:30 Board of Variance Appeal #00659  
Lynne Bain and Robert Moyes, Applicants / Owners  
128 Superior Street**

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Present Zoning: R-2 – Two Family Dwelling District  
Present Use: Single Family Dwelling

The proposal is to construct a bay window at the front of the primary building.

<b>Bylaw Requirements</b>	<b>Relaxations Requested</b>
Part 1.2.5 (a)	Relaxation of the front yard setback from 7.50m to 2.43m
Part 1.2.5 (c)	Relaxation for the side yard setback from 3.00m to 1.98m
Part 1.2.6 (a)	Relaxation for the site coverage from 40.00% to 45.50%
Schedule F Section 1	Relaxation for the location from the rear yard to the side yard
Schedule F Section 4 (b)	Relaxation for the side yard setback from 0.60m to 0.00m
Schedule F Section 4 (d)	Relaxation for the separation space from the main building from 2.40m to 0.86m
Local Government Act Chapter 1, Part 14, Division 14, Section 531, Subsection 1	Relaxation to allow a structural alteration and addition to the building while the legal non-conforming single family dwelling use is continued

Robert Moyes, Applicant / Owner, was present.

#### Applicant

- A tree on the property has grown quite large and the lot across the street has been built up. Together, these block out a lot of light that previously came into the house.
- The bay window will help increase the light into the house.
- The neighbours support this project.

#### Board

- Asked the Zoning Technician to clarify the relaxation for the location of the accessory structure.

*Nina Jokinen, Zoning Technician, confirmed that the accessory structure is located in the side yard.*

- The Applicant states that that structure was existing when the property was purchased; the only change proposed is the addition of the bay window.
- Have you considered centering the window in the building?
  - Yes, but the Applicant and Architect decided not to have the windows centered.
- Had you considered using a window form consistent with the age of the house?
  - The window will be custom-made to match the existing windows.
  - The Applicant has a strong desire to have the window fit in unobtrusively and to be well-designed.
- Were there any further comments from the neighbours?
  - No.

*Public portion of the meeting closed.*

**Moved:** Rus Collins

**Seconded:** Trevor Moat

That the following variances be allowed:

**Bylaw Requirements**

**Relaxations Requested**

Part 1.2.5 (a)	Relaxation of the front yard setback from 7.50m to 2.43m
Part 1.2.5 (c)	Relaxation for the side yard setback from 3.00m to 1.98m
Part 1.2.6 (a)	Relaxation for the site coverage from 40.00% to 45.50%
Schedule F Section 1	Relaxation for the location from the rear yard to the side yard
Schedule F Section 4 (b)	Relaxation for the side yard setback from 0.60m to 0.00m
Schedule F Section 4 (d)	Relaxation for the separation space from the main building from 2.40m to 0.86m
Local Government Act Chapter 1, Part 14, Division 14, Section 531, Subsection 1	Relaxation to allow a structural alteration and addition to the building while the legal non-conforming single family dwelling use is continued

**CARRIED**

**12:50 Board of Variance Appeal #00667  
Jordan McAlonan, Applicant / Owner  
1461 Finlayson Place**

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

The proposal is to convert an existing garage to a garden suite.

**Bylaw Requirements**

**Relaxations Requested**

Schedule M Section 2 (c)	Relaxation for the side yard setback on a flanking street from 3.50m to 0.60m
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Schedule F Section 1	Relaxation for the location from the rear yard to the side yard
Schedule F Section 4 (b)	Relaxation for the side yard setback from 0.60m to 0.30m
Schedule F Section 4 (d)	Relaxation for the separation space between an accessory building and the principal building from 2.40m to 1.10m

Jordan McAlonan, Applicant / Owner was present.

Applicant

- The existing garage was built with permits in 1998, and the Owners want to convert it into a legal garden suite.
- The garage is too close to the road at 0.6m, while zoning bylaws require a 3.5m setback. It would be a hardship to deconstruct the garage and move it over into the center of the yard.
- A small tin shed was reconstructed and made larger, and it is also quite close to the property line. It is best located where it is, as it allows for more useful yard space.

Board

- How long have you owned the property?
  - Since 2008.
- What is the plan for occupancy for the garden suite?
  - It is to be used as a rental.
- Had you considered moving the entrance of the suite to Twin Oaks Lane?
  - I thought this would be a good idea, but after speaking to a neighbour this seemed to be a lot more work.

*Public portion of the meeting closed.*

**Moved:** Rus Collins

**Seconded:** Trevor Moat

That the following variances be allowed:

**Bylaw Requirements**

**Relaxations Requested**

Schedule M Section 2 (c)	Relaxation for the side yard setback on a flanking street from 3.50m to 0.60m
Schedule F Section 1	Relaxation for the location from the rear yard to the side yard
Schedule F Section 4 (b)	Relaxation for the side yard setback from 0.60m to 0.30m

Schedule F Section 4 (d)

Relaxation for the separation space between an accessory building and the principal building from 2.40m to 1.10m

**CARRIED**

**1:10 Board of Variance Appeal #00668  
Pierre and Gretchen Tardif, Owners / Applicants; Duane Ensing, Villamar Design,  
Designer.  
1736 Duchess Street**

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

The proposal is to construct a new lower floor to provide for a secondary suite.

**Bylaw Requirements**

**Relaxation Requested**

Section 1.2.4 (a)

Relaxation of the height from 7.5m to 8.2m

Pierre and Gretchen Tardif, Owners / Applicants, and Duane Ensing, Designer were present.

Designer

- The Applicants are proposing to lift the house and replace the basement with new walls and foundation to accommodate a suite.
- The house will be the same height as it is now, but a variance is required because of the change in grade of the site. The grade was changed to make entrances to the building. Depressions were made at the back side of the house near the stairs, and at the side near the suite entry.
- The Applicants are also including a suite for long-term tenancy, which is much needed in the city.

*Public portion of the meeting closed.*

- No increase in geodetic height of the building.
- This proposal will add housing stock to the city.

**Moved:** Trevor Moat

**Seconded:** Rus Collins

That the following variances be allowed:

**Bylaw Requirements**

**Relaxation Requested**

Section 1.2.4 (a)

Relaxation of height from 7.5m to 8.2m

**CARRIED**

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**1:30 Board of Variance Appeal #00669**  
**Mike Potter, Triple R Construction, Applicant; Christopher and Luba Hazeldine, Owners**  
**501 Selkirk Avenue**

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Present Zoning: R-2 - Two Family Dwelling District  
Present Use: Strata Duplex

The proposal is to construct a rear deck on an existing strata duplex.

**Bylaw Requirements**

**Relaxation Requested**

Section 2.1.5

Relaxation for rear yard setback from 13.95m (35% of lot depth) to 6.2m (deck) and 5.77m (stairs)

Chris Hazeldine, Owner was present.

Owner

- There is no easy access to the back yard, and it is difficult to see the backyard from inside. The Owners want to be able to watch their child play in the back yard.
- The addition of a patio would greatly increase the Owners' enjoyment of the property.
- The Owners considered other changes, but opted only for a patio after speaking to a contractor.

Board

- Had you considered excavating?
  - The Owners would consider this, as it may add storage potential.
- Did you receive feedback from neighbours?
  - Everyone was supportive of the project; 1261 Sunnyside Way offered to provide a letter of support.
  - Numerous conversations with neighbours found all neighbours supportive of the proposal.

*Public portion of the meeting closed.*

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variances be allowed:

**Bylaw Requirements**

**Relaxation Requested**

Section 2.1.5

Relaxation for rear yard setback from 13.95m (35% of lot depth) to 6.2m (deck) and 5.77m (stairs)

**CARRIED**

Meeting Adjourned 1:36 pm

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