

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
AUGUST 22, 2019**

**Present:** Trevor Moat, Acting Chair  
Margaret Eckenfelder  
Jaime Hall

**Absent for a Portion  
of the Meeting:** Andrew Rushforth, Chair  
Rus Collins

**Staff:** Nina Jokinen, Planning Technician  
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 July 25, 2019

**Moved:** Margaret Eckenfelder

**Seconded:** Trevor Moat

That the minutes from July 25, 2019 be adopted as amended.

**Carried Unanimously**

**2. Appeals**

*Rus Collins recused himself from Appeal #00793.*

**12:30 Board of Variance Appeal #00793**

**David Yamamoto, Zebra Design, Designer; Leslie McArthur & Randy Tully, Owners  
2673 Capital Heights**

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

The proposal is for an addition to the rear of the existing single family dwelling to create a second dwelling unit.

**Bylaw Requirements**

**Relaxation Requested**

Section 2.1.3 (c)

Increase the maximum combined first and second storey floor area from 280m<sup>2</sup> to 360.91m<sup>2</sup>.

David Yamamoto of Zebra Design, Designer, was present.

Applicant

- The owners are looking to increase the floor area of the first and second storey.
- The basement ceiling height is too far above average grade to be technically considered a basement. However, the lower level functions as a basement for storage and a furnace room.

- The considerable drop in grade at the south affects the average grade calculation.
- The on-site parking will be reconfigured to provide access to both dwellings.
- The total floor area is well under the maximum allowable and there is no variance for height.

**Board**

- Were neighbours consulted about the proposal?
  - The applicants have spoken to neighbours.
  - There will be minimal impact to neighbours, and privacy will be maintained.
- Did the neighbours to the north have any concerns about the proposal?
  - The applicants are unaware of any concerns from neighbours.
- Are any trees proposed for removal?
  - No trees will be removed.
- Have the applicants considered centering and/or enlarging the windows on the south elevation?
  - The applicants are satisfied with the current design.

*Public portion of the meeting closed.*

**Motion:**

**Moved:** Trevor Moat

**Seconded:** Margaret Eckenfelder

That the following variance be approved:

Section 2.1.3 (c)	Increase the maximum combined first and second storey floor area from 280m <sup>2</sup> to 360.91m <sup>2</sup> .
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**Carried Unanimously**

*Andrew Rushforth left the meeting at 12:55pm.  
Rus Collins returned to the meeting the meeting at 1:00pm.*

**12:50 Board of Variance Appeal #00790  
Mohamed Hameed, Owner  
948 Queens Avenue**

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

The proposal is for an addition to the rear of the existing single family dwelling to create a duplex.

**Bylaw Requirements**

**Relaxations Requested**

Part 2.1 Section 2.1.5 (b)	Decrease the minimum rear yard setback from 13.65m to 10.02m
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Part 2.1 Section 2.1.5 (c)                      Decrease the minimum (west) side yard setback from 1.52m to 1.50m.

Mohammed Hameed, Owner, was present.

Applicant

- The owners are looking to live in the existing dwelling and are proposing to build a second dwelling to create a duplex.
- The property is zoned for two dwellings, but currently has only one.

Board

- Have the applicants spoken with neighbours about the proposal?
  - Yes; there were no objections.
- Was visually tying the addition into the existing house considered?
  - The applicants can consider matching the addition's siding to the existing house.
- Is the intent to sell the property once the project is completed?
  - This was the initial plan; however, the owner's family will occupy the existing house and the new dwelling.
- Is a wheelchair ramp required for the house? This may affect the requested variances.
  - The wheelchair ramp has not yet been discussed with the designer.

*The applicant requested that the application be adjourned to a future meeting in order to consult with the designer about the possibility of adding a wheelchair ramp.*

*Public portion of the meeting closed.*

Motion:

**Moved:** Margaret Eckenfelder

**Seconded:** Trevor Moat

That Appeal #00790 for 948 Queens Street be adjourned to the September 12, 2019 meeting.

**Carried Unanimously**

**1:10 Board of Variance Appeal #00791  
Johnathan Argue & Catriona Argue, Owners; Barry Horn, Designer  
81 San Jose Avenue**

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

The proposal is to remove the existing deck and steps at the rear of the property and to replace it with a smaller deck.

**Bylaw Requirements**

**Relaxation Requested**

Section 1.2.5 (b)

Decrease the minimum rear yard setback (to the deck) from 7.50m to 5.14m

*Note:* Existing is 5.42m.

Section 1.2.5 (c) Decrease the minimum interior side yard setback (to the deck) from 1.50m to 0.93m

*Note:* Existing is 0.93m.

Section 1.2.6 (a) Increase the maximum site coverage from 40.00% to 45.00%

*Note:* existing is 46.00%.

Catriona Argue, Owner; neighbours Beverley and Barry Horn of 322 Niagara Street and Elspeth Horn of 5-940 Fairfield Road were present.

The correspondence submitted in favour of the application from Peter Stahl of 327 Niagara Street, Barry Horn of 322 Niagara Street, and Anne and Richard Wragget of B-320 Niagara Street was acknowledged.

Owner

- The existing deck is unsafe and was installed without permits. The owners are looking to replace the deck with a smaller deck and require variances from the zoning bylaw to do so.
- The house has only one other exit, so the new deck would make the house safer for the owners.

Board

- The proposed deck is fairly small; is it intended as a landing?
  - Yes, there will be room for a small table but no large furniture.

Neighbours

- Beverley and Barry Horn of 322 Niagara Street voiced support for the proposed deck.
- Elspeth Horn of 5-940 Fairfield Road voiced support for the proposal.

*Public portion of the meeting closed.*

Motion:

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variances be approved:

Section 1.2.5 (b) Decrease the minimum rear yard setback (to the deck) from 7.50m to 5.14m

Section 1.2.5 (c) Decrease the minimum interior side yard setback (to the deck) from 1.50m to 0.93m

Section 1.2.6 (a) Increase the maximum site coverage from 40.00% to 45.00%.

**Carried Unanimously**

**1:30 Board of Variance Appeal #00794  
Lindsay Stibbs, Owner  
910 Fullerton Avenue**

Present Zoning:

R1-B - Single Family Dwelling District

Present Use: Single Family Dwelling

The proposal is to convert an accessory building currently under construction to a garden suite.

*Note:* The requested variance was approved at the Board of Variance on March 27, 2019 under Appeal #00776. However, adjustments to doors and windows from the previously approved plans require a new application.

**Bylaw Requirements**

**Relaxations Requested**

Part 2.1 Section 2.1.5 (b)

Decrease the minimum rear yard setback from 13.65m to 10.02m

Schedule M, Section 2 (c)

Decrease the minimum flanking street setback (Fullerton Avenue) from 7.50m to 5.40m.

Jay Stibbs, Owner, was present.

Applicant

- Modifications to the previously-approved floor plan were required to comply with building code.
- As compared to the previous application, the front door has been moved to face the street, and the front window has also been modified. The setbacks remain unchanged from the previous application.

*Public portion of the meeting closed.*

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variances be approved:

Part 2.1 Section 2.1.5 (b)

Decrease the minimum rear yard setback from 13.65m to 10.02m

Schedule M, Section 2 (c)

Decrease the minimum flanking street setback (Fullerton Avenue) from 7.50m to 5.40m.

**Carried Unanimously**

Meeting adjourned at 1:36 pm.

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