

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
MARCH 28, 2019**

**Present:** Andrew Rushforth, Chair  
Margaret Eckenfelder  
Trevor Moat

**Absent:** Rus Collins  
Jaime Hall

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

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

**1. Minutes**

The adoption of the February 28, 2019 Meeting Minutes was deferred to April 11, 2019.

**2. Appeals**

**12:30 Board of Variance Appeal #00772  
David Wales, Applicant / Designer; Ed Peden, Owner  
1275 Montrose Avenue**

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

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

<b>Bylaw Requirements</b>	<b>Relaxation Requested</b>
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Schedule M Section 2 (a)	Decrease the minimum rear yard setback from 0.60m to 0.52m.
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David Wales, Applicant / Designer; Ed Peden, Owner, were present.

A petition in support of the application from Jamie McIntyre of 1266 Montrose Avenue, Lorraine Skinner of 1274 Vista Heights, Nate Mosher of 2820 The Rise, Amanda Dodd of 2820 The Rise, Kim Hollingsworth of 1268 Montrose Avenue, Bruce Gray of 1266 Montrose Avenue, Lena Chow of 2816 The Rise and Dave McNeill of 1279 Montrose Avenue was acknowledged.

Applicants

- The proposal is to convert the existing garage to a garden suite.
- The garage's location complies with the bylaws while it is used as a garage, but when converted to habitable space it is 8cm too close to the lot line.
- The applicants have been cognizant of neighbours and privacy concerns, as well as compliance with the building code requirements. The design is sensitive to the context in materials and design.
- The design includes outdoor space for the garden suite.

**Board**

- Will the existing driveway be used for both the main dwelling and the garden suite?
  - Yes, two cars can still park comfortably.
- Was finishing the garage in a similar material to the main house considered?
  - matching the stucco would be challenging
  - the suite is meant to blend in with the fence and the neighbouring garage.

*Public portion of the meeting closed.*

- The variance is minor.
- The applicants have spoken with numerous neighbours, who are all supportive of the proposal.

**Motion:**

**Moved:** Trevor Moat

**Seconded:** Margaret Eckenfelder

That the following variance be approved as requested:

Schedule M Section 2 (a)                      Decrease the minimum rear yard setback from 0.60m to 0.52m.

**Carried Unanimously**

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**12:50 Board of Variance Appeal #00771**  
**James Kerr, Architect AIBC; Sandra and Jeffrey Gwinn, Owners**  
**141 Ladysmith Street**

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

The proposal is to construct a new single family dwelling.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.5 (a)                                      Decrease the minimum front yard setback from 7.50m to 4.85m

Section 1.2.5 (c)                                      Decrease the minimum (east) side yard setback from 3.00m to 1.65m

Section 1.2.5 (d)                                      Decrease the minimum combined side yards setback from 4.50m to 3.30m.

James Kerr, Architect AIBC, was present and Jeffrey Gwinn, Owner, was on speakerphone.

Correspondence noting no objection to the application from Peter Dent of 147 Ladysmith Street, Dorothy Harvey of 147 Ladysmith Street, Marion Munro of 137 Ladysmith Street and Peter Brown of 112 Montreal Street was read aloud.

Owner

- The owners wish to build a new single family dwelling and will be living in the house when it is complete. Every effort has been made to comply with the zoning regulations in terms of building size and height while building a three-bedroom house.
- The side yard variance is due to the narrow lot. The new house will be built farther from the side lot lines than the existing house.
- The front yard setback is requested to create a reasonably-sized back yard, and so that the new house aligns with the other houses to the west. To the east, the neighbouring house is located even further towards the street.
- The neighbour to the west is happy that the new house will be closer to the street, as this will avoid shading the neighbour's rear yard.

Architect

- The existing house was built around 1910 and will be replaced. The new house will be a passive house, built to last 100+ years.
- The property is just over 30 ft. wide and the zone calls for side yard setbacks that would significantly restrict the width of the new house. The proposal provides 5.5 ft. wide setbacks on each side, which is a much more efficient site plan.
- The front yard setback allows for sufficient space in the rear yard and aligns the new house with the others on the block.
- The owners were in town two weeks ago and spoke to neighbours, who have not expressed concern for the proposal.

Board

- The requested side yard setback is 1.65m; from which point of the building is this measured from?
  - The setbacks are measured to the face of the foundation wall, and the side walls will be parallel. The actual setback could be slightly greater, but will be 1.65m to the property line at a minimum.

*Public portion of the meeting closed.*

- Challenges arise from the width of the lot.
- Appreciation for the efforts to align the new house with others along the street.
- This is a good example of where variances can maintain the rhythm of houses along the street.

**Motion:**

**Moved:** Trevor Moat

**Seconded:** Margaret Eckenfelder

That the following variances be approved as requested:

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|-------------------|---|
| Section 1.2.5 (a) | Decrease the minimum front yard setback from 7.50m to 4.85m       |
| Section 1.2.5 (c) | Decrease the minimum (east) side yard setback from 3.00m to 1.65m |

Section 1.2.5 (d)

Decrease the minimum combined side yards setback from  
4.50m to 3.30m.

**Carried Unanimously**

Meeting adjourned at 1:13 pm.

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