

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

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

**Absent:** Jaime Hall

**Staff:** Nina Jokinen, Zoning Technician  
Alena Hickman, Secretary

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

**1. Minutes**

Minutes from the meeting held October 10, 2019

**Moved:** Trevor Moat

**Seconded:** Margaret Eckenfelder

That the minutes from October 10, 2019 be approved.

**Carried Unanimously**

Minutes from the meeting held November 14, 2019

**Moved:** Trevor Moat

**Seconded:** Rus Collins

That the minutes from November 14, 2019 be approved.

**Carried Unanimously**

**2. Appeals**

**12:30 Board of Variance Appeal #00806  
Rene Maisner, Owner  
2583 Graham Street**

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

The proposal is to legalize the front porch constructed without permits.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.5 a)

Increase the maximum porch projection into the front yard setback from 1.60m to 1.70m.

Section 1.2.5 c) Decrease the minimum side yard setback (north) from 1.50m to 0.68m to the porch.

*Note: existing is 0.33m to the house.*

Section 1.2.5 d) Decrease the minimum combined side yard setback from 4.50m to 1.42m to the porch.

*Note: existing is 1.07m to the house.*

Rene Maisner, Owner, was present.

The correspondence submitted in favor of the application from Laura Taylor of 2580 Graham Street, Thomas Winterhoff of 2574 Graham Street, Nicole Gagnon of 2579 Graham Street and Allison Randall of 2587 Graham Street was acknowledged.

#### Applicant

- The owner's hardship is that the house is on a small lot.
- The house along with the location of the entrance has always existed as is, since the house was built in 1913.
- The builder didn't advise the owner that a building permit was needed when replacing the front porch.
- A neighbour called in the project which sparked the owner's knowledge about applying for a building permit.
- The owner was informed by Zoning there was a previous variance that was applied for on the stairs years ago, but the application never proceeded. Therefore, the owner is applying for the variance of the stairs and porch.

*Public portion of the meeting closed.*

- There is no other place to put the front porch or stairs on this small lot.

#### Motion:

**Moved:** Margaret Eckenfelder

**Seconded:** Trevor Moat

That the following variances be approved:

Section 1.2.5 a) Increase the maximum porch projection into the front yard setback from 1.60m to 1.70m.

Section 1.2.5 c) Decrease the minimum side yard setback (north) from 1.50m to 0.68m to the porch.

Section 1.2.5 d) Decrease the minimum combined side yard setback from 4.50m to 1.42m to the porch.

**Carried Unanimously**

**12:50 Board of Variance Appeal #00809  
Nigel Banks, Applicant; Ubaldo Lozupone, Owner  
2938 Shakespeare 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 carport located primarily in the side yard and partly in the front yard.

**Bylaw Requirement**

**Relaxation Requested**

Schedule F, Section 1

To permit the location of an accessory building (carport) to be located primarily in the side yard and partly in the front yard.

Nigel Banks, Applicant; Ubaldo Lozupone, Owner; were present.

Applicant

- The shape of the lot is the hardship, the house is located far to one side of the property.
- Even if the owner moved the carport further into the yard there would still not be enough room for the carport elsewhere.
- The owner has spoken to neighbours, all are in favour.

Board

- Did the owner give any thought to extending a wing off the house, to allow to straighten the driveway access you have?
  - The access for the most part is straight on with how the trees line up. As well, the owner doesn't want to lose any natural sunlight that comes in off the north side.

*Public portion of the meeting closed.*

- There is no other possible location for a garage, even if the garden suite weren't there.
- In agreement about the owner's response to the natural light.

**Motion:**

**Moved:** Trevor Moat

**Seconded:** Margaret Eckenfelder

That the following variance be approved:

Schedule F, Section 1

To permit the location of an accessory building (carport) to be located primarily in the side yard and partly in the front yard.

**Carried Unanimously**

**1:10 Board of Variance Appeal #00811  
Bryan Higgins, Applicant; Ryan Hoyt, Architect  
1421 Fairfield Road**

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

The proposal is for a new single-family dwelling.

**Bylaw Requirements**

**Relaxations Requested**

Section 1.2.5 a) Decrease the minimum front yard setback from 7.50m to 6.20m.

Section 1.2.5 b) Decrease the minimum rear yard setback from 7.50m to 3.50m.

Bryan Higgins, Owner; Ryan Hoyt Designer; were present.

The correspondence submitted opposing the application from Sandra Dennis of 1474 Faircliff Lane, Maria Abbott of 311 Masters Road and Benjamin How of 1474 Faircliff Lane was acknowledged. The correspondence submitted opposing the application from James Abbott son of Maria Abbott and Meddy Malihpoor & Zahra Sabeti of 1423 Fairfield Road was read aloud. The correspondence submitted in favor of the application from Stephane Hamonic of 220 Moss Rock Place was read aloud.

Applicant

- The hardship is that this application was presented as one development, as far as we had to present it, and was approved as one application. It was only because of the implications of the panhandle regulations that two of the three lots were a Development Permit and one was in Development Variance Permit.
- The owner is seeking two setback variances, both which were already approved by Council 2 years ago.
- Because this subdivision is amalgamating with another strata, it made sense in principle but has taken a long time legally to process that.
- Our current permit for the front lot has expired technically because we haven't yet started construction.
- Nothing in the plans have changed from what has already been approved by Council.

Board

- Does the owner own all three lots?
  - Yes
- Did the owner purchase the project from Abstract?
  - Yes. The owner used to own 220 Moss Rock Place. 220,240 and 300 Moss Rock Place were subdivided in 2008 by Abstract at that point the owner bought the property to amalgamate.

*Public portion of the meeting closed.*

- These are the same variance as approved by Council.

- There has been a lot of interaction with the strata to have it cleaned up and the applicant is only here because of that time lapse.

**Motion:**

**Moved:** Trevor Moat

**Seconded:** Rus Collins

That the following variances be approved:

Section 1.2.5 a)                      Decrease the minimum front yard setback from 7.50m to 6.20m.

Section 1.2.5 b)                      Decrease the minimum rear yard setback from 7.50m to 3.50m.

**Carried Unanimously**

Meeting Adjourned at 1:30 pm.

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