

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
AUGUST 27, 2020**

**Present:** Trevor Moat, Chair  
Rus Collins  
Rosa Munzer  
Jaime Hall  
Margaret Eckenfelder

**Staff:** Thom Pebernat, Zoning Administrator  
Alena Hickman, BOV Secretary  
Cathal Flynn, Zoning Technician

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

**1. 1. Minutes**

Approval of the July 23, 2020 Meeting Minutes.

**Moved:** Jaimie

**Seconded:** Rosa

**Carried Unanimously**

Approval of the August 13, 2020 Meeting Minutes.

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

**Carried Unanimously**

**2. Appeals**

**12:30 Board of Variance Appeal #00847**

**Ryan Hoyt, Ryan Hoyt Design, Applicant; Darren & Janice Williams, Owners  
1350 Dallas Road**

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

The proposal is to construct a new single-family dwelling with secondary suite.

***Bylaw Requirements***

***Relaxations Requested***

Section 1.2.5.a

Front yard setback (Point Street) relaxed from 7.5m to 2.86m

Section 1.2.5.b

Rear yard setback (South) relaxed from 7.5m to 2.66m

Ryan Hoyt, Applicant; Darren and Janice William Owners were present.

Correspondence opposing the proposal from Jan & Cheng Lim, of 1330 Dallas Road; Lisa Hurst-Archer & Keith Archer of 1321 Point Street; Colleen Boyle & Dave Melnyk of #1, 9 Moss Street; Jordan & Andrea Minter of 1328 Point Street; Jill Robertson of 1324 Point Street; Judy Bidgood of 1320 Point Street and Shelia Reid of 1319 Point Street was acknowledged.

*Rus Collins has recused themselves from Appeal #00847*

### City Staff

Thom Pebernat, Zoning Administrator for the City of Victoria explained the bylaws relating to the requested variances.

### Applicant

- This Project proposes to replace the current single-family dwelling with a new one on the same lot.
- This lot is irregular with frontage on two streets.
- Currently the existing house's address is on Dallas Road.
- The house will still present strongly from Dallas Road despite the change in the frontage moving to Point Street.
- The zoning envelope we are currently presented wipes out a considerable amount of the frontage along Dallas Road.
- The design layout of the new home would be very similar to the old house where it stretches wide along Dallas Road.
- Exposure to the wind is the main concern and hardship, the owners would like to give some wind screen on the liveable yard space. Anything that does not have protection becomes basically unusable.
- We would like to align with the existing setback along the south property line.

### Board

- What are the real hardships that require such large variances?
  - The clear hardship is that the implications of Point Street being treated as the front of this lot result in a very narrow long footprint. The owners are used to a very wide and very shallow home and have always had the view and the front door being Dallas Road. I don't think there is a good design available within this current footprint that would be the right solution in this case.
- Would there be a way of minimizing the variances you are requesting but still retaining the piece along Dallas Road?
  - I think numerically they are large variances and that is the struggle, when you are looking at an irregular building lot relative to how you would want to orient the house. Closer to Dallas Rd no neighbours are affected. We are not asking for a variance near Mr. Archer's property.

### Neighbours

- Jan Lim, neighbour at 1330 Dallas Road – with respect to the applicants comment about the hardship of wind he respectfully disagrees. The proposed windows will also be looking directly into his home.

- Applicant respectfully disagrees, stating it causes the owners much hardship. The windows that will be placed are not primary windows within the house and will be closed with blinds the majority of the time. There is also thick vegetation that borders the property and therefore shouldn't be an issue.
- Jan Lim, disagrees about the point of the windows stating the line of trees will no longer exist after demolition. The windows will look into the bedroom, bathroom and dining room.
- Keith Archer, neighbour at 1321 Point Street – My wife and myself live next door, I have written a letter but have some points as to why I think this application should be rejected. The variance is not minor and has a major impact. There is no real hardship. The variances will negatively affect our enjoyment of our own property. The variance also defeats the purpose of the bylaw.

**Motion:**

**Moved:** Jaime Hall

**Seconded:** Rosa Munzer

That the meeting be adjourned until 2:30pm August 27, 2020.

**Carried: Unanimously**

**Continued:**

- Applicant responded to Mr. Archers comments - I think it's interesting that Mr. Archer is concerned because the actual above grade portion of the home is over 12m from his property line. The only structure that approaches his property line is the garage which is below grade. To put into context both properties on either side of this house are irregular lots and setbacks apply much differently to irregular shaped lots. There is still 12m clearance between the house and the street, so we are still providing a significant amount of space.
  - Mr. Archer responded by stating the drawing he saw has a garage located 2.6m from his home. He assumes the homeowners will have to blast out bedrock to make that happen. The roof of the garage will be at grade but on top of that, there will also be a deck with a fence around it. What I take from this proposal from Mr. Hoyt is rather than developing a narrow house without a view, is that they're looking to do a maximum build of approximately 5000sq feet instead of the current approximately 2200sq foot house.
- Chang Lim, neighbour at 1330 Dallas Rd: The question at hand is the applicant's hardship. We as homeowners feel the bylaw is in place to protect us. The applicants know the neighbours are upset. The neighbours want the homeowners of 1350 Dallas Road to build, but we would like a balance and for them work with the neighbours to create a smaller footprint. The applicant states they are only 2.26m away from our fence but wants to build along that border which actually affects our view.
  - The applicant clarified that they will be no closer to the adjoining property line than they are currently. The house at 1330 Dallas Road is also nonconforming in its own right.
- Chang Lim stated - We are conforming because we went to the BOV and had them approve are variances.
  - The applicant: That is fine, you went through the same process we are trying to go through currently. What we are proposing is not out of character for this neighbourhood.

- Keith Archer, neighbour at 1321 Point Street – It is a value of mine and my family to have community and respect within the neighbourhood. We would like for the owners to build and have a wonderful home, but I feel this application doesn't fit well. There is no neighbourliness.
  - Mr. Darren Williams, homeowner - Roughly two months ago I approached Mr. Archer and asked to speak with him about our proposed plans and he said no, that it didn't matter as he was selling his house. I left the issue alone after that and I am shocked to see them here today.

*Public portion of the meeting closed*

- Just because the request is a reasonable variance, doesn't mean the full advantage should be taken.
- This is a maximum build.
- The bar is higher for proving what the hardship is when on a Greenfield site.
- The lot offers more than enough space to have a nice build.
- I see hardships from the irregular shape of the lot but I'm not persuaded. The scope of variances requested re needed.

**Motion:**

**Moved:** Jaime Hall

**Seconded:** Margaret Eckenfelder

That the following variances be denied:

**Bylaw Requirement**

**Relaxation Requested**

Section 1.2.5.a

Front yard setback (Point Street) relaxed from 7.5m to 2.86m

Section 1.2.5.b

Rear yard setback (South) relaxed from 7.5m to 2.66m

**Carried Unanimously**

**1:00 Board of Variance Appeal #00838**

**Trish Puckett, Applicant; Brad Procter & Nicole Puckett, Owners  
175 Linden Avenue**

Present Zoning:

R1-B

Present Use:

Single Family Dwelling

The proposal is for main and upper floor additions to the side and rear of the existing building.

***Bylaw Requirement***

***Relaxation Requested***

Section 1.2.4

Height relaxed from 7.5m to 7.8m and number of storeys relaxed from 2 to 2 ½

Trish Puckett, Applicant; Brad Procter, owner; were present.

Applicant

- The hardship is lack of space.
- The first floor is really a basement that is not full height which drove the desire to renovate.
- The owners would like to leave as much of the house as possible in tact, as they know the previous owner and builder.
- The neighbours have all been spoken to and everyone is in support of this proposal.
- There are also some hardships with this property being a corner lot.

Board

- Did you give thought to raising the height to giving height to the lowest level?
  - No, we didn't. We felt it really required the addition off the back.
- The survey shows the various raises across the buildings. But when you look at the plans they vary, how do you get the average grade?
  - Everything was surveyed and I am confident that everything is accurate. The lot is relatively flat, and we were very careful with the calculations.
  - Typically, the only time we see this occurring is when there is a finished grade level that happens below the existing grade levels and it can gradually drop it down.

*Public portion of the meeting closed.*

- The lot is a tricky one and the owners have done a great job to respect house and property.
- The Board appreciates the effort the owners put into speaking with their neighbours and canvassing the neighbourhood.

Motion:

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variances be approved.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.2.4

Height relaxed from 7.5m to 7.8m and number of storeys relaxed from 2 to 2 ½

**Carried Unanimously**

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**1:30 Board of Variance Appeal #00851  
Allison Bottomley & Bradford Johnson, Applicants  
3024 Jackson Street**

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

The proposal is to approve an amended rear yard setback to previously approve based on an updated survey.

***Bylaw Requirement***

***Relaxation Requested***

Section 1.2.5 b)

Decrease the minimum rear yard setback from 7.65m to 7.20m.

Applicants were not present.

*Public portion of the meeting closed.*

- Move to adopt as requested.

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variance be approved as requested.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.2.5 b)

Decrease the minimum rear yard setback from 7.65m to 7.20m.

**Carried Unanimously**

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**2:00 Board of Variance Appeal #00850  
Domenico Betanzo & Vanessa Rogers, Applicants  
1321 Vimy Place**

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

The proposal is for approval of existing garage and carport and proposed renovations.

***Bylaw Requirements***

***Relaxations Requested***

Schedule F Section 1	Rear yard location relaxed to permit part of building inside yard
Schedule F Section 4.b	Side yard setback (east) relaxed from 0.6m to 0.1m
Schedule F Section 4.d	Separation space from main building relaxed from 2.4m to 0.2m
Schedule F Section 5.b	Rear yard site coverage relaxed from 25% to 32.3%
Section 1.2.6	Site coverage (total lot) relaxed from 40% to 43%

Domenico Betanzo, Applicant was present.

Correspondence in favour of the proposal from Jeffrey Godine neighbour at 1319 Vimy Place was acknowledged.

Applicant

- This application started out with wanting to replace the roof of the existing garage and insulate the space so it could be used as an office or studio year round.
- The pandemic has really pushed this project forward as we are now in a place where we really need the office.
- We believe the garage is at least 40 years old but it is not documented on any plans with the city and that's why I am here today.
- The neighbours are all in support.
- We would like to maintain the existing property, we really want to clean up the property from a regulation stand point and address the existing construction.
- There are two opposing slopes that are causing drainage and leaking problems.
- The eaves of both mine and the neighbour's garage conflict with each other.
- Existing garage utilizes a portion of an existing retaining wall between my property and a property to the east. If we were to remedy that without requesting any variances, we would need to rebuild and relocate the entire structure.

Board

- Is the retaining wall shared with the neighbour and are they concerned?
  - Yes it is. No, they are not concerned and in full support of the application.
- Is that a cement block wall? Is it visible from the inside and can you see its integrity?
  - Yes it is. You can see it from the inside, it's actually made of 30inch wide concrete blocks that are used. We have never had any issues on that side at all.
- Are you planning to put in additional drainage precautions?
  - That is on the eastern side and it would be problematic because I would have to excavate on my neighbour's property. We are putting up a peel and stick water protection and vapour barrier.

*Public portion of the meeting closed.*

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rosa Munzer

That the following variances be approved.

**Bylaw Requirements**

**Relaxations Requested**

Schedule F Section 1

Rear yard location relaxed to permit part of building inside yard

Schedule F Section 4.b

Side yard setback (east) relaxed from 0.6m to 0.1m

Schedule F Section 4.d

Separation space from main building relaxed from 2.4m to 0.2m

Schedule F Section 5.b

Rear yard site coverage relaxed from 25% to 32.3%

Section 1.2.6

Site coverage (total lot) relaxed from 40% to 43%

**Carried Unanimously**

Meeting Adjourned at 3:30 pm.

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