

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
JULY 23, 2020**

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

**Absent:** Margaret Eckenfelder

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

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

**1. 1. Minutes**

Approval of the June 25, 2020 Meeting Minutes.

**Moved:** Jaime Hall

**Seconded:** Rus Collins

**Carried Unanimously**

Approval of the July 9, 2020 Meeting Minutes.

**Moved:** Rosa Munzer

**Seconded:** Rus Collins

**Carried Unanimously**

**2. Appeals**

**12:30 Board of Variance Appeal #00840  
David Mlynarowich, Applicant; Murray Campbell, Owner  
230 Robert Street**

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

The proposal is for a garden suite.

***Bylaw Requirements***

***Relaxations Requested***

Schedule M Section 2.e	Location of garden suite relaxed from rear yard to be partially located in side yard
Schedule M Section 5.b.i	Height of building relaxed from 4.2m to 5.49m
Schedule M Section 5.b.iv	Relaxation to permit roof deck

*Rus Recused himself from the appeal of #00840*

David Mlynarowich, Applicant & Murray Campbell, Owner were present.

#### Applicant

- The owner was informed that a heritage house on York Street was going to be demolished
- The owner approached the heritage planner and spoke with him about the garden suite being a good fit for his property
- The carriage house has great historic value
- Started the project a year ago, but there have been some delays
- The hardship is the form and massing as well as the heritage aspects

#### Board

- Can you please speak to the three variances that are being asked for?
  - The building itself is not over height, but the roof deck is and this is a part of the buildings architecture that can not be changed.
  - The location shouldn't be an issue for any of the neighbours

*Public portion of the meeting closed*

- I think this application should be accepted as requested, the project seems to be one to preserve this heritage structure and we should support that.

#### Motion:

**Moved:** Jaime Hall

**Seconded:** Rosa Munzer

That the following variances be approved as requested.

#### **Bylaw Requirement**

#### **Relaxation Requested**

Schedule M Section 2.e	Location of garden suite relaxed from rear yard to be partially located in side yard
Schedule M Section 5.b.i	Height of building relaxed from 4.2m to 5.49m
Schedule M Section 5.b.iv	Relaxation to permit roof deck

**Carried Unanimously**

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**1:00 Board of Variance Appeal #00842**  
**Vince Mueller, Applicant**  
**1236 Oscar Street**

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Present Zoning: R1-B  
Present Use: Duplex

The proposal is for the approval of placement of accessory building under construction.

***Bylaw Requirement***

***Relaxation Requested***

Schedule F

Relaxation of side yard setback (east) from 0.6m to 0.26m

Vince Mueller, Applicant was present.

Applicant

- The owner purchased the house a few years ago
- There was an issue with the garage on the north east side of the property, I cosmetically fixed some of those issues and found out the shed was fully rotted
- I replaced it and the City of Victoria said I needed a building permit so I obtained one
- The hardship is the location of the carport entry and the cedar trees which were planted about 19 years ago.
- By taking the garage out and changing the footings 4 trees would not survive there
- Entry is also extremely difficult
- The building itself was slightly offset to the property line.

Board

- What are your intentions for the trees?
  - I do not want to touch them. They are protected.
- Please explain the circumstances of how these hardships/issues with the garage happened.
  - I started this as small project. When I opened it up plates were missing and there was actually no structure to the building.

Neighbours

- Neighbour at 1240/1242 Oscar Street asked if there would be any overhang on his property.
  - No there will be no overhang onto your property.

*Public portion of the meeting closed.*

- The only neighbour that may be affected seems onboard

**Motion:**

**Moved:** Rus Collins

**Seconded:** Jaime Hall

That the following variances be approved as presented.

**Bylaw Requirement**

**Relaxation Requested**

Schedule F

Relaxation of side yard setback (east) from 0.6m to 0.26m

**Carried Unanimously**

*Rus Recused himself from the appeal of #00841*

**1:30 Board of Variance Appeal #00841  
David Mlynarowich, Applicant; Eric Johansson, Owner  
134 Wildwood Avenue**

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Present Zoning:

R1-G

Present Use:

Single Family Dwelling

The proposal is to lift house and construct new foundation and footings, renovate lower and upper floors.

***Bylaw Requirement***

***Relaxation Requested***

Section 1.6.5.d

Relaxation of side yard setback(north) from 2.28m to 1.65m to match existing building placement.

David Mlynarowich, Applicant; Eric Johansson, Owner were present.

**Applicant**

- The owner purchased the property last year with the attempt to upgrade the overall energy efficiency of the house, put a small addition on the back to bring the interior up to date and make the space more livable
- The intent to raise the house by two feet still puts us well below the allowable height restriction
- The existing bungalow is now nonconforming after years of bylaw and zoning changes
- Would like to have suite potential in the future
- The hardship is that the owner cannot make purposeful renovation because the north wall is sitting in the setback
- We do not think the neighbours' garden shed will be impacted.

Board

- Is there a fire separation issue with this proposal in regard to the addition and the shed?
  - The building inspectors will have to ensure it would meet code. There are no issues on the Zoning side.

Neighbours

Tony Dorling & Paula Barrett neighbours at 136 Wildwood Avenue expressed concerns about shading and obstruction of view. They also stated that they were not contacted nor were they able to have any conversation with the homeowner.

Board

- Would you like to proceed as is with the application or adjourn to reconsider at another time after speaking with your neighbours
  - I would like to talk to the owner, if possible? Yes, we would like to proceed.

*Public portion of the meeting closed.*

- Concern with the impact of the addition on the neighbours.
- The intent to renovate the property is an honest one but I don't think the variances requested are the minimal to do so.

**Motion:**

**Moved:** Jaime Hall

**Seconded:** Rosa Munzer

That the following variance be declined.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.6.5.d

Relaxation of side yard setback(north) from 2.28m to 1.65m to match existing building placement.

**Carried Unanimously**

**2:00 Board of Variance Appeal #00846  
Chad Holtum, Applicant; Christopher Rowe, Architect  
801 Bank Street**

Present Zoning:  
Present Use:

R1-B  
Private School

The proposal is to construct an accessory gym building, a 2-storey classroom accessory building and a 1 storey accessory building in the side yard (south) near 728 Laurentian Place.

<b><i>Bylaw Requirements</i></b>	<b><i>Relaxations Requested</i></b>
Schedule F Section 1	Relaxation of location of accessory buildings in rear yard to permit inside yard
Schedule F Section 2.a	Relaxation of maximum floor area from 37m <sup>2</sup> to 226.6m <sup>2</sup> for Gym, 404.4m <sup>2</sup> for 2 storey class rooms and 75.8m <sup>2</sup> for 1 storey class rooms
Schedule F Section 3.a	Relaxation of maximum height from 3.5m to 6.6m for Gym, 7.3m for 2 storey class rooms and 4.2m for 1 storey class rooms

Chad Holtum, Applicant; Christopher Rowe, Architect were present.

All correspondence opposing and in support of this proposal was acknowledged.

#### Applicant

- The Ministry of education has directed all BC schools to comply with guidelines and rules for safe operation to return to school
- We need these relaxations to be able to comply with the ministry's request and safely fit all children
- For the past 18 months the structures have been utilized at the junior school campus and the repositioning of some of these is the foundation to the response plan for covid-19 for a safe start to the school year
- The hardship is that the zoning the school sits in a location zoned for residential homes, not schools
- The school has made it a priority to communicate with its neighbours
- The modular buildings have been specifically placed as to minimize the impact on neighbours as well as parking.

#### Board

- Can the applicant please confirm, the understanding is that there are parts of the property that the school still owns that are zoned Single Family R1-B, which is why these variances seem like such a large ask?
  - Yes, the entire site is zoned the same way as R1-B. It is only one single parcel.
- How old is the school?
  - The school was established in 1914, and buildings have been built between 1914-2008.
- If the school is that old and it has always been zoned R1-B, how did the buildings get so tall?
  - Through different variances over the years
- Given the schools present zoning, anything that is built as a school building not a single-family dwelling would require a variance?
  - Yes, unless is it an accessory building.
- A question for City staff, do we have the ability to approve a time limited variance?
  - No, if it is approved then it is done.

- Given Covid-19 is hopefully temporary what precludes using the building in their current location instead of this rushed variance?
  - They are two completely different campuses so there would be no way to have the teachers move between the sites.
- The small gym addition is very small, why put that on campus?
  - Because it would allow us to put more than one classroom in one spot. We can only have so many kids under one area. This will allow us to have different gym classes running at once. We can't really change the direction or school class structure.

### Neighbours

Lynn Phillips neighbour at 1840 Gonzales Avenue expressed concern with not being notified. Concern was also brought forth with regard to the school buying residential properties between her residence and the school itself and the school being deceitful about bringing the modular buildings onsite before this meeting.

- There are other buildings on site, theater and music halls that could be used. I would like to know why all the neighbours were not notified and the school waited last minute to push this through? And why there are bathrooms which were not in the plans?
  - Ministry guidelines are asking us to prepare for phase 1 return which would be full school opening.
  - In terms of size of buildings, it doesn't matter the size of our existing buildings because we can only put 50 individuals in a space.
- What was the deadline for removing the modules from Oak Bay?
  - We don't have a deadline.

Mr. Myles neighbour at 1802 Richardson Street also commented that Mr. Holtum never spoke with him or had any correspondence from the school regarding the requested variances.

- Richmond school is going to be use for grade 6 classes and they seem to be able to work out their staffing and I question why GNS cannot?
  - I can't speak for other schools, but we are complying with guidelines
  - Some schools may not be able to offer face to face instructions.

Janine Grace neighbour at 855 Maddison Street expressed concerns of old plans being used to get around last years petition from neighbours. Feels that there is no real hardship and the existing gyms could be used to accommodate the 315 students with the addition of offering online classes.

- Why has there been site preparation and buildings on to the lot already, even though the meeting hasn't taken place?
  - It's a challenging time to do work and we must schedule things, so we took advantage of some time, so we needed to move it and store it somewhere.
  - We started to develop this idea late may early June. It is a temporary solution. If covid-19 wasn't happening, we would not be doing this. It is very costly.
  - The 2m rule is set in place and in this moment. We have also been told to prepare for phase 1.
  - We are looking to see almost the same number of students as per normal.
- Why can't the school use the gym?
  - We can, but we need more space as well.
- You have known about covid-19 since March, why not do this a long time ago?

- It's a very volatile environment and we recognize it's a hard time and communication is key.

*Public portion of the meeting closed.*

**Motion:**

**Moved:** Jaime Hall

**Seconded:** Rosa Munzer

That the following variances be declined.

**Bylaw Requirements**

**Relaxations Requested**

Schedule F Section 1

Relaxation of location of accessory buildings in rear yard to permit inside yard

Schedule F Section 2.a

Relaxation of maximum floor area from 37m<sup>2</sup> to 226.6m<sup>2</sup> for Gym, 404.4m<sup>2</sup> for 2 storey class rooms and 75.8m<sup>2</sup> for 1 storey class rooms

Schedule F Section 3.a

Relaxation of maximum height from 3.5m to 6.6m for Gym, 7.3m for 2 storey class rooms and 4.2m for 1 storey class rooms

**For:** Jaime Hall, Rosa Munzer

**Opposed:** Rus Collins

**Carried 2-1**

**2:30 Board of Variance Appeal #00844**  
**Mark Imhoff, Applicant**  
**160 South Turner Street (Lot 5)**

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Present Zoning:

R-2

Present Use:

Single Family Dwelling

The proposal is to remove the existing building and construct a new single-family dwelling with secondary suite.

***Bylaw Requirements***

***Relaxations Requested***

Section 1.2.5.a

Relaxation of front yard setback (South Turner) from 7.5m to 3.5m

Section 1.2.5.b

Relaxation of rear yard setback (west) from 7.5m to 1.71m

Schedule F Section 1

Relaxation for location of accessory building from rear yard to side yard

Mark Imhoff, Applicant was present.



Applicant

- The hardship is the shape of the existing lot, there is no way to create livable space
- Every effort to position the house properly and close to the Simcoe Street side was taken to give space to the neighbours

Board

- To clarify, the hardship is that there are two small lots, not one workable space?
  - Correct, it makes placement difficult.
- Have you considered consolidation of the lots as opposed to the variance requested?
  - No.

*Public portion of the meeting closed.*

- These are reasonable requests and variances.
- There is a need for this type of housing, and it fits nicely into the neighbourhood.

**Motion:**

**Moved:** Rus Collins

**Seconded:** Rosa Munzer

That the following variances be approved.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.2.5.a

Relaxation of front yard setback (South Turner) from 7.5m to 3.5m

Section 1.2.5.b

Relaxation of rear yard setback (west) from 7.5m to 1.71m

Schedule F Section 1

Relaxation for location of accessory building from rear yard to side yard

**Carried Unanimously**

**3:00 Board of Variance Appeal #00845  
Mark Imhoff, Applicant  
160 South Turner Street (Lot 6)**

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Present Zoning:

R-2

Present Use:

Single Family Dwelling

The proposal is to remove the existing building and construct a new single-family dwelling with secondary suite.

***Bylaw Requirements***

***Relaxations Requested***

Section 1.2.5.a

Relaxation of front yard setback (Simcoe) from 7.5m to 3.71m

Section 1.2.5.b

Relaxation of rear yard setback (South) from 7.5m to 6.7m

Schedule F Section 4.d

Relaxation for separation space between main and accessory building from 2.4m to 1.2m

Mark Imhoff, Applicant was present.

Applicant

- This request is similar to the application of 160 South Turner Lot 5. But will face Simcoe Street
- The hardship is also the irregular small size and shape of the existing lot.

*Public portion of the meeting closed.*

- A very reasonable request.

**Motion:**

**Moved:** Rus Collins

**Seconded:** Jaime Hall

That the following variances be approved.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.2.5.a

Relaxation of front yard setback (Simcoe) from 7.5m to 3.71m

Section 1.2.5.b

Relaxation of rear yard setback (South) from 7.5m to 6.7m

Schedule F Section 4.d

Relaxation for separation space between main and accessory building from 2.4m to 1.2m

**Carried Unanimously**

Meeting Adjourned at 4:50 pm.

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