

**CITY OF VICTORIA  
BOARD OF VARIANCE MINUTES  
JULY 9, 2020**

**Present:** Trevor Moat, Chair  
Rus Collins  
Margaret Eckenfelder

**Absent:** Jaime Hall

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

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

**1. Appeals**

**12:30 Board of Variance Appeal #00828  
Randall Recinos, Applicant; Laurie Clarke & Harry Weiler, Owners  
1665 Hollywood Crescent**

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Present Zoning: R1-G – Duplex  
Present Use: Duplex

The proposal is to renovate the existing dwelling which includes a change of use from duplex to single family dwelling with secondary suite. The scope includes both interior and exterior upgrades, as well as a rear addition and new deck.

***Bylaw Requirement***

***Relaxation Requested***

|                   |   |
|-------------------|---|
| Section 1.6.3 (b) | Increase the maximum permitted floor area for the first and second storeys combined from 240.00m <sup>2</sup> to 340.22m <sup>2</sup> . |
| Section 1.6.3 (c) | Increase the maximum permitted floor area of all levels combined from 300.00m <sup>2</sup> to 340.22m <sup>2</sup> .                    |
| Section 1.6.5 (a) | Decrease the minimum required front yard setback from 7.5m to 5.80m.  |
| Section 1.6.5 (b) | Decrease the minimum required rear yard setback from 14.62m to 11.80m.  |
| Section 1.6.5 (d) | Decrease the minimum required side yard setback from interior lot lines from 2.28m to 1.52m.  |
| Section 1.6.5 (e) | Decrease the minimum required combined side yard setbacks from 5.4m 4.5m.   |

Randall Recinos, Applicant; was present.

The correspondence submitted in favour of the application from Adelle Hatch, neighbour at 1661 Hollywood Crescent was acknowledged.

Applicant

- Because the house was built under a different set of bylaws years ago, we need many different variances to be able to move forward with our requested renovations.
- The roof raise is still within the allowable height requirements.
- The increase of the FSR is only to square off the southwest corner.

Board

- The plans say the minimum side yard setback is 2.28m down to 1.52m, but the data table indicates 1.58m, is this a discrepancy?
  - Yes, it is a typo. 1.52m is correct
- Please describe the necessity to the floor area changes?
  - The floor area is a very strange layout and the homeowners would like to square it off to improve functionality.

*Public portion of the meeting closed.*

- Variances relate to existing footprint. The request is reasonable.

Motion:

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variances be approved.

**Bylaw Requirement**

**Relaxation Requested**

|                   |   |
|-------------------|---|
| Section 1.6.3 (b) | Increase the maximum permitted floor area for the first and second storeys combined from 240.00m <sup>2</sup> to 340.22m <sup>2</sup> . |
| Section 1.6.3 (c) | Increase the maximum permitted floor area of all levels combined from 300.00m <sup>2</sup> to 340.22m <sup>2</sup> .                    |
| Section 1.6.5 (a) | Decrease the minimum required front yard setback from 7.5m to 5.80m.  |
| Section 1.6.5 (b) | Decrease the minimum required rear yard setback from 14.62m to 11.80m.  |
| Section 1.6.5 (d) | Decrease the minimum required side yard setback from interior lot lines from 2.28m to 1.52m.  |
| Section 1.6.5 (e) | Decrease the minimum required combined side yard setbacks from 5.4m 4.5m.   |

**Carried Unanimously**

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**1:00 Board of Variance Appeal #00836**  
**Serrah Hayden, Applicant; Kathleen Simmonds, Owner.**  
**1516 Pearl Street**

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

The proposal is for upper floor and main floor additions and renovations to the existing single family dwelling.

| <b>Bylaw Requirement</b> | <b>Relaxation Requested</b>   |
|--------------------------|---|
| Section 1.2.4.(a)        | Height relaxed from 7.6m to 8.21m and number of storeys relaxed from 2 maximum to 3 storeys |
| Section 1.2.5.(a)        | Front yard setback relaxed from 7.5m to 3.3m (matching existing placement)                  |
| Section 1.2.5.(b)        | Rear yard relaxed from 7.5m to 7.46m (matching existing placement)                          |
| Section 1.2.5.(c)        | Side yard (west) relaxed from 1.86m to 1.69m  |
| Schedule F Section 4.(b) | Side yard setback (West) relaxed from 0.6m to 0.22m   |
| Schedule F Section 4.(d) | Separation space relaxed from 2.4m to 2.15m   |

Serrah Hayden, Applicant; was present.

The correspondence submitted in favour of the application from Toby Tobiassen of 1520 Pearl Street, Joanne Jones of 1521 Pearl Street and Lillian Kamper of 1523 Pearl Street was acknowledged.

#### Applicant

- Hardships are the irregular shape of the lot and the second is that the height of the first storey doesn't meet code but it comes very close, and that lifts the main floor above grade.
- The owners have had conversations with neighbours and all are in support of this project.
- The intent is to make the best decision for the house and the property as a whole.

#### Board

- On the drawing of 1.25a, the front yards setback is shown as being reduced from 7.5 to 3.3m and on the plan I see that the requirement is 3.9m, can that be clarified?
  - The proposed front setback is 3.3m not 3.9m
- What does the owner plan to use the first floor as?
  - The first floor would be used as a secondary suite in the long run after being legalized down the road.
- Will this meet the height requirement for a secondary suite in the future?
  - No, it would need to be dug down in the future.

*Public portion of the meeting closed.*

- Appreciation that the upper floor is built with the 6ft ceiling at the outer most walls
- Design is particularly well suited and respectful of neighbours

**Motion:**

**Moved:** Rus Collins

**Seconded:** Margaret Eckenfelder

That the following variances be approved.

| <b>Bylaw Requirement</b> | <b>Relaxation Requested</b>   |
|--------------------------|---|
| Section 1.2.4.(a)        | Height relaxed from 7.6m to 8.21m and number of storeys relaxed from 2 maximum to 3 storeys |
| Section 1.2.5.(a)        | Front yard setback relaxed from 7.5m to 3.3m (matching existing placement)                  |
| Section 1.2.5.(b)        | Rear yard relaxed from 7.5m to 7.46m (matching existing placement)                          |
| Section 1.2.5.(c)        | Side yard (west) relaxed from 1.86m to 1.69m  |
| Schedule F Section 4.(b) | Side yard setback (West) relaxed from 0.6m to 0.22m   |
| Schedule F Section 4.(d) | Separation space relaxed from 2.4m to 2.15m   |

**Carried Unanimously**

**1:30 Board of Variance Appeal #00843  
Michael Schell, Applicant; Alan Allnutt & Linda Scharf, Owners.  
855 Richmond Avenue**

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

The proposal is to approve the construction underway for addition to the existing building.

| <b>Bylaw Requirement</b> | <b>Relaxation Requested</b>                    |
|--------------------------|--|
| Section 1.6.5(b)         | Rear yard setback relaxed from 10.06m to 9.66m |

Michael Schell, Applicant; Alan Allnutt, Owner; were present.

Applicant

- There was an error interpreting where the house was placed on the lot.
- The error went unnoticed and construction had already started when the discrepancy was discovered.
- The hardship is to get a relaxation on this new dimension.

Board

- Is the hardship that you would have to take back work that has already been done if this variance is not approved?
  - Yes, that is correct. When the house was purchased there was a garage that was existing and didn't meet the current requirements and was removed.
- Is there an intent to build a carport or garage?
  - No, the intent is to add additional space and secondary suite.
- Did you speak to the neighbours?
  - Yes, I spoke to both neighbours and everyone is sympathetic to the situation and in support.
- Was the garage that was removed at a depth of 5.81m from the rear?
  - Yes correct.
- The proposed addition is 3.71m from the rear of the house. Does the 3.71m include or exclude the variance request.
  - It doesn't include

*Public portion of the meeting closed.*

- I appreciate that this owner would like to keep this house and is a positive for the neighbourhood.

**Motion:**

**Moved:** Margaret Eckenfelder

**Seconded:** Rus Collins

That the following variances be approved.

**Bylaw Requirement**

**Relaxation Requested**

Section 1.6.5.(b)

Rear yard setback relaxed from 10.06m to 9.66m

**Carried Unanimously**

**2:00 Board of Variance Appeal #00840  
David Mlynarowich, Applicant; Murray Campbell, Owner.  
230 Robert Street**

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

The proposal is for a garden suite.

**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

*Meeting Adjourned until further notice. No quorum for this application.*

Meeting Adjourned at 1:47 pm.

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