

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
JANUARY 27, 2022**

Present: Trevor Moat, Chair
Margaret Eckenfelder
Rosa Munzer
Rus Collins
Joanne Thibault

Staff: Thom Pebernat, Zoning Administrator
Alena Hickman, Planning Secretary

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

1. Minutes

Minutes from the meeting held December 9, 2021

Moved: Margaret Eckenfelder

Seconded: Rosa Munzer

That the minutes from December 9, 2021 be adopted as amended.

Carried Unanimously

2. Appeals

Rus Collins recused himself from appeal #00928

**12:30 Board of Variance Appeal #00928
Laurie Clarke, Applicant
1665 Hollywood Crescent**

Present Zoning: R1-G
Present Use: Duplex

The proposal is to allow for revisions to window placement on the east and west elevations that differ from the last approval by the Board of Variance under application #00828.

Bylaw Requirements

Relaxations Requested

Section 1.6.5 (d)

Decrease the minimum required east 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.

The applicant was unable to be present at the on-line hearing. The application was considered by the board based on the materials submitted.

Public portion of the meeting closed.

- Applicant's letter is very clear.
- Letters of support from neighbours have been received.
- Applicant's request is reasonable.

Motion:

Moved: Margaret Eckenfelder

Seconded: Rosa Munzer

That the following variances be approved:

Bylaw Requirements

Relaxations Requested

Section 1.6.5 (d)

Decrease the minimum required east 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

**12:50 Board of Variance Appeal #00929
Cynthia Korpan & Doug Jarvis, Applicant
1508 Myrtle Avenue**

Present Zoning:

R1-S

Present Use:

Single Family Dwelling

The proposal is to legalize the placement of an existing shed.

Bylaw Requirements

Relaxation Requested

Section 1.7.5

Relaxation to the rear yard setback from 6.0m to 0.85m and 4.72m for the existing accessory buildings

Cynthia Korpan & Doug Jarvis, Applicants; were present.

Applicant

- Applicants have lived on this property for 15 years age and plan to age in place.
- The property has two sheds. One was in place when the applicants purchased the property and the second, constructed about 10-12 years ago. The older shed was rotting and falling apart so the applicants decided to replace it in a different location.
- The applicants followed schedule F and positioned the shed at the rear of the property not realizing that the proposed location was in the rear yard setback area of the lot. .
- This space is used as storage as there is not enough space in the house which was built in 1913.

Public portion of the meeting closed.

- Letters of support from neighbours were appreciated.
- Storage is reasonable request.

Motion:

Moved: Margaret Eckenfelder

Seconded: Joanne Thibault

That the following variances be approved:

Bylaw Requirements

Relaxation Requested

Section 1.7.5

Relaxation to the rear yard setback from 6.0m to 0.85m and 4.72m for the existing accessory buildings

Carried Unanimously

**1:10 Board of Variance Appeal #00930
Nina Hirlander, Applicant; Nina Hirlander, Mathias Prelog & Horst Prelog,
Owners
311 Vancouver Street**

Present Zoning:

R1-B

Present Use:

Single Family Dwelling w/ secondary suite

The proposal is for a new deck at the rear of the dwelling.

Bylaw Requirements

Relaxations Requested

Section 1.2.6.a

Relaxation to the maximum site coverage from 40.0% to 45.2%.

Schedule F, Section 5 (b)

Relaxation to the maximum rear yard site coverage from 25.0% to 34.0%

Nina Hirlander, Applicant; was present.

Correspondence submitted by neighbours was acknowledged.

Applicant

- The owners are trying to restore some heritage features of this property.
- The owners want to build a small, uncovered balcony at the rear of the house that will serve as an emergency exit for the main suite in the house. There is currently only one exit through the front door.
- The owners plan to keep the heritage features from 1912, and the proposed deck is designed to reflect this.

- The hardship is that the existing site coverage of the property is already 4% over the maximum allowable site coverage and was built before the current owners purchased the property.
- Applicants have spoken to neighbours and have support for this proposal.

Public portion of the meeting closed.

- Proposal appears to be a compatible addition to this block of Vancouver Street.
- Support from neighbours and respect for heritage context is acknowledged.
- Consideration of emergency exit is understood and appreciated.

Motion:

Moved: Joanne Thibault

Seconded: Margaret Eckenfelder

That the following variance be approved:

Bylaw Requirements

Relaxation Requested

Section 1.2.6.a

Relaxation to the maximum site coverage from 40.0% to 45.2%.

Schedule F, Section 5 (b)

Relaxation to the maximum rear yard site coverage from 25.0% to 34.0%

Carried Unanimously

**1:30 Board of Variance Appeal #00931
Aryze Developments Inc., Applicant; SL & GDM Holdings LTD, Owner
2570 Fifth Street**

Present Zoning:

C1-QV-F

Present Use:

Mixed uses – multiple dwelling units with a school

The proposal is to allow for the placement of a generator within the rear yard setback.

Bylaw Requirements

Relaxations Requested

Section 4.96.6.b

Relaxation to the rear yard setback from 4.00m to 1.51m to the generator

Chris Quigley, Applicant; was present.

Correspondence submitted by neighbours was acknowledged.

Applicant

- This property is a purpose-built rental building in Quadra Village.
- The hardship is that we are unable to locate the generator to the front or the sides of the building because of walkways and landscaping.

- The back-up generator would only be used in the event of power failure in the building and will be started once a year for maintenance.
- We felt this placement was the best location for privacy and noise.
- We are working with tenants in neighbouring buildings regarding any noise concerns.
- We have spoken to the neighbour to the north who is most affected, and he does not have any concerns with the proposal.

Board

- Is there anything about the generator that will cause noise issues for the neighbours?
 - No, this work is already complete. There is currently construction underway for a childcare facility that is going into the tenant space in the front of the building which is causing some noise concerns, unrelated to this application.
- The only time the generator will be running is in event of power loss to run the storm water pump, is that correct?
 - Yes, and for the once-a-year maintenance.
- How long has the building been occupied, with an occupancy permit?
 - About 6 months
- Why didn't the generator go in during the design stage?
 - The mechanical engineer did not identify the need for it in the design stage. It should have been, but the consultant didn't flag it as a requirement.
- What was it that caused you to apply for the variance?
 - The request came from the Planning Department to wrap up some of the development permit amendments.
- What is the fuel of the generator?
 - Natural gas.

Public portion of the meeting closed.

- This is an important request for safety and environmental security of the building.
- Disappointed that it was not implemented at an earlier stage.

Motion:

Moved: Rosa Munzer

Seconded: Margaret Eckenfelder

That the following variance be approved:

Bylaw Requirements

Relaxation Requested

Section 4.96.6.b

Relaxation to the rear yard setback from 4.00m to 1.51m to the generator

Meeting Adjourned at 1:45 pm.
