

## Victoria McKean

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**From:** Franz Greenwood [REDACTED]  
**Sent:** April-30-26 1:52 PM  
**To:** Council  
**Subject:** 942 Wollaston Street Rental Unit

**Categories:** Agenda Item, Inputted in to Mail Log

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Hello council and whom else this may concern,

I am writing this letter as a resident of the neighborhood to express my full and enthusiastic support for the proposed backyard rental unit at 942 Wollaston Street. Having lived in this community, I believe this project represents exactly the type of thoughtful, incremental growth our municipality needs.

While I understand that neighbors may have concerns regarding change, I believe this proposal is well within the bounds of reasonable densification. This project is a prime example of the missing middle housing so vocally endorsed lately. From my standpoint as a neighbor, I support this application for the following reasons:

**Housing Diversity:** Our municipality is in dire need of diverse housing options. Small rental units provide essential opportunities for students, young professionals, and seniors to remain in our community.

**Sustainable Growth:** Gentler densification allows us to make better use of existing infrastructure and transit, which is a far more sustainable approach than continued urban sprawl.

**Minimal Impact:** This specific design is a sensitive addition to the property rather than being a prominent addition to the streetscape. It provides much-needed housing while maintaining the privacy and aesthetic harmony of the surrounding backyards, using natural materials and regionally appropriate design language.

I strongly hope you will approve this initiative going forward.

Sincerely,  
Franz

**Formal Objection to Variance Application (DVP00180) at 942 Wollaston street**

To the Mayor and Council,

We, the residents of Wollaston street, are writing to formally object to the requested variance to reduce the minimum rear setback from 4.5m to 1.5m at 942 Wollaston street to convert the existing accessory building (shed) to a dwelling unit. Our objections are based on the following:

**Consultation and planning processes have been bypassed**

The building has been under construction since the Fall of 2024 and up until this past week, has been referred to as a shed by the owners. When the immediate neighbours expressed concerns about the scale and elevation as the work unfolded, we were repeatedly assured that the building was going to be used for tool storage, yoga studio and sauna. It was shocking to receive notice that the building intention had changed to a dwelling unit just last week, via the Permit Notice received by mail despite the proposal having been prepared over a year ago and received by Development Services on February 17, 2025. Due to this lack of consultation, we have had to quickly connect with one another to assess the impact and have composed this objection to the best of our ability given the short notice.

Regarding the planning process, the owners got a building permit for the shed in November 2024. They now request variance to the 4.5m dwelling setback rule. They are using the fact that the building is already there to justify the variance, stating it would be a large cost to move it. They have stated that they "just realized" they could have a third unit.

The timeline (Appendix 1) makes it apparent that the permitting was timed to avail of the Small-scale, multi-unit housing initiative (SSMUH) in Spring 2024 with the original building permit going through in November 2024, the owners moving quickly to establish a footprint on the site and this variance request following quickly afterwards in February 2025. Construction progressed rapidly in late 2024 but has ground to a halt in the past year. One of the owners is [REDACTED]

[REDACTED] The planning process makes it evident that a dwelling was the intent all along, and this variance request was the strategy to get the ideal positioning on the site from the owners' point of view.

If Council allows this "shed to dwelling" conversion, this will tell homeowners in Esquimalt that they can ignore the 4.5m setback rule by simply building a shed first and claiming it's too costly to move in order to comply. The township's planning rules fail to protect neighborhood character and privacy buffers if they can be bypassed so easily.

### **Maximizes owners' privacy, Impedes neighbours' privacy**

The owners built the building on concrete piles in an elevated position at the very back of their yard on a steep grade without levelling the site. This position maximises the owner's privacy and yard access from their primary dwelling lower down the hill.

However, the elevation means that the structure looms over the neighbouring gardens, impeding the neighbours' privacy. Even with the maximum permitted fence height (2m), the building entrance and deck has a clear line of sight into the immediate neighbour's garden and main dining area inside the home as shown in the attached photos (the white string shows the 2m high mark). Due to the position, elevation and grade, the building's overall height is exaggerated, sitting high above the original houses lower down the slope. If the owners had built the house 4.5m from the rear of the property, the position would be lower and less impactful to neighbour's privacy. However, this would have come at the cost of the owners' privacy and yard access so we believe that the initial shed construction was rushed to secure their preferred site position ahead of this variance request.

### **AirBnB and related safety concerns**

In the past two years, the owners installed a two bedroom suite in the basement of their primary dwelling and offered it for short term rentals. Neighbours were informed that this was temporary and the unit would be given to [REDACTED] parent. Now the owners are claiming that the shed is going to be given to [REDACTED] parent. If the owners (or future owners) offer short term rentals in the newly constructed building, this will exacerbate existing issues caused by guests unfamiliar with the neighbourhood coming and going via car. Given the new building contains a sauna, there will be additional nuisance caused by guests walking up and down the side of the main house, scantily clad guests and noise from holiday makers socializing on the deck. Neighbourhood children will require additional supervision on the street near the entrance and when visiting the back garden of the immediate neighbours. We believe the owners intend to offer short term accommodation due to the inclusion of a sauna, which AirBnB recommends to its hosts as a way to charge up to 30% higher nightly rates. Allowing such a "shed to AirBnB side business" conversion will not solve the problem the SSMUH initiative is intended to address.

### **Excessive scale of variance**

A reduction from 4.5m to 1.5m is a 66% decrease in the required green buffer. This, combined with the elevation on a steep grade, creates a significant "looming" effect on the neighbouring properties that the 4.5m rule was specifically designed to prevent.

Due to these issues, we opposed the variance and would like Council to retain its current permitted construction as an accessory building.

Should Council choose to support this variance, we request the following legally binding conditions be added to the permit:

1. **Restrictive covenant:** A legal covenant on title prohibiting the use of this unit for Short-Term Rentals (AirBnB) in perpetuity. This ensures the variance serves housing needs as part of a Small Scale Multiple Family Housing development rather than commercial expansion and protects the neighbourhood safety.
2. **Privacy Mitigation:** The installation of a 2m solid privacy fence, located strictly on the applicant's side of the property line.
3. **Privacy mandates:** Permanent architectural screening such as fire-safe trees, the use of opaque/frosted glass on all windows and glass doors facing or overlooking neighbouring property and screening around the sauna entrance.
4. **BCLS Survey:** A British Columbia Land Surveyor must pin the property line and provide an "As-Built" certificate prior to the occupancy permit to ensure no part of the structure or fencing encroaches on the neighbouring parcels.
5. **Drainage Plan:** A professional drainage plan to ensure that the increased runoff from a permanent dwelling does not impact neighbouring land.
6. **Fire safety Plan:** An authorized fire safety plan for the building including emergency access plans for fire department.

A 4.5m setback exists to protect the "green heart" of Esquimalt's backyards. Granting such a massive reduction for a recently built structure sets a troubling precedent for our neighbourhood.

#### **Appendix 1: Timeline**

**2023 November:** Provincial government introduce Small-scale, multi-unit housing initiative (SSMUH)

**2024 Spring:** Esquimalt adopts SSMUH regulations

**2024 November:** Owners applied for a building permit for the shed

**2024 Fall:** Shed construction starts and progresses rapidly

**2025 February:** Owners applied for variance to the 4.5m setback to allow them to convert the shed to a dwelling

**2025 May:** Owners applied for minor variance to permit for the shed (too close to boundary and too tall). This was approved by the Director.

2026 April: Neighbours become aware the owners intend to convert the shed to a dwelling

Objection to Variance Application (DVP00180) signed by the following residents of Wollaston street

[REDACTED]

, 946 Wollaston street

[REDACTED]

946 WOLLASTON ST.

949 Wollaston St

[REDACTED]

950 Wollaston St

[REDACTED]

938 Wollaston st

" "

[REDACTED]

943 Esquimault

[REDACTED]

945 WOLLASTON ST









## **Formal Objection to Variance Application (DVP00180) at 942 Wollaston Street**

Submitted by Lindsay Scott-Moncrieff, owner of 941 Wollaston Street

### (1) Contravention of Municipal Bylaws

The goal of the owners of 942 Wollaston Street is to operate two short-term rentals from their property: one out of the subject building at the back of their property and one out of the separate two bedroom suite at the front of their house. If Esquimalt Council allows the conversion of the accessory building to a principal building, it will enable the owners of 942 Wollaston Street to contravene Esquimalt's own bylaws on short term-rentals.

For the past two years, the owners of 942 Wollaston Street have been operating an Air BnB from their separate, two bedroom suite at the front of their house, in contravention of Esquimalt's municipal bylaws. As they are doing now with respect to this variance application, the owners of 942 Wollaston Street, told all of the neighbours that the suite would be used for housing for an [REDACTED]. In fact, the owners of 942 Wollaston Street have essentially operated the suite as a hotel – it has been serving tourists, mostly from Washington State, Oregon and California, who stay for two-three nights. We live across from 942 Wollaston Street and have a direct view to the suite. We have watched as tourist cars arrive every two-three days with tourists lugging their luggage into the suite. This suite does not help the housing shortage in Esquimalt. It does pose a safety risk for the neighbours – for example, if there ever was a fire at 942 Wollaston Street which spread to neighbouring properties, the insurance policy held by the owners of 942 Wollaston Street would be void as they were not complying with all rules and regulations. Esquimalt Council has chosen not to allow short-term rentals in separate suites in Esquimalt and the owners of 942 Wollaston [REDACTED]

With respect to the subject building at the back of their property, the owners of 942 Wollaston Street have also shown [REDACTED] When they started to build the subject building at the back of their property, the owners of 942 Wollaston Street told all the neighbours that it would be a “yoga studio” and “storage shed”. However, it is clear from the location and design of the building (including covered exterior deck and sauna) that the building is designed to be used for short-term rentals to tourists. [REDACTED]

[REDACTED] Rather, the owners of 942 Wollaston Street have [REDACTED]

[REDACTED] Similarly, [REDACTED] would have known that the set back was 4.5 m and chose to construct the building with a set back of 1.5 m. Allowing the variance application will send a clear message that municipal bylaws are of little force and effect because they can be openly and intentionally contravened with no consequences.

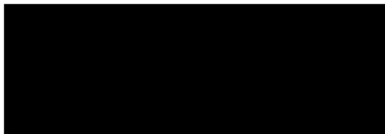
### (2) Unreasonable Infringement on Property Rights of Neighbours

The owners of 942 Wollaston Street have built the subject building 1.5 m from the property line at the back of their lot, rather than the required 4.5 m. The only reason they did so was to increase their privacy. If the owners of 942 Wollaston are allowed to use the subject building as a dwelling unit, the

fact that it is 1.5 m from the property line will unreasonably infringe upon the rights of the owners of 943 Esquimalt Road. If the owners or future owners of 943 Esquimalt Road wish to redevelop the property in the future, they will face greater than normal requirements for spatial separation (fire protection purpose) because there is a dwelling unit 1.5 m from the property line. Why should the owners of 943 Esquimalt Road bear higher financial costs, design restriction (limitation on permitted openings due to varied setback), and potential decrease of property value due to the actions of the owners of 942 Wollaston to preserve their privacy? We note that the redevelopment of 943 Esquimalt Road would make a much greater contribution to the long-term housing needs of Esquimalt than the dwelling unit in the back of the property at 942 Wollaston Street. Esquimalt council needs to consider the impact that a dwelling unit 1.5 m from the lot line between 942 Wollaston Street and 943 Esquimalt Road will have on the property rights of the owners of 943 Esquimalt Road and their ability to redevelop 943 Esquimalt Road and add long-term housing units to Esquimalt.

In building the subject building 1.5 m from the property line at the back of their lot, rather than the required 4.5 m, the owners of 942 Wollaston Street have also infringed upon the privacy rights of 945 Wollaston Street. The property at 942 Wollaston Street slopes down towards Wollaston Street. By building the subject building 1.5 m from the property line at the back of their lot the building is located at the highest elevation and as a result towers over the property at 945 Wollaston Street. There is no privacy in the back yard at 945 Wollaston Street or in parts of the house itself. It is reasonable to conclude that the owners of 945 Wollaston Street will bear potential decrease of property value due to the invasion of privacy caused by the location of the subject building at 942 Wollaston Street.

For the reasons set out above, I respectfully ask that Council not approve the variance application.



Lindsay Scott-Moncrieff

941 Wollaston Street.

May 4, 2026

Dear Mayor and Council,

I am writing regarding the the Development Variance Permit application (No. DVP00180) for 942 Wollaston Street.

When I first received the notice, I did not believe it directly affected me, as the property is across the street. However, after speaking with neighbours and reviewing the situation more carefully, I have significant concerns about both the process and the intent behind this application.

As I understand it, the owner began constructing a backyard structure shortly after the municipality approved the multi-family housing changes in 2024. At that time, nearby neighbours were told the building would be a “shed” intended for tool storage, a studio, and a sauna. Minor variances for height and side setbacks were approved under that premise while construction was already underway.

Now, the owner is seeking a further variance to reduce the required 4.5 m setback to 1.5 m in order to convert this structure into a dwelling. In the applicant’s letter, they state that they “only recently realized” the opportunity to create a third unit. If the applicant had properly reviewed the regulations prior to construction in 2024, they would have been aware of the the zoning changes and setback requirements for a dwelling. Proceeding with construction under the description of a “shed,” only to later request a significant variance to enable residential use, suggests that the original intent may not have been fully or accurately represented and that the current hardship is self-created.

One of the primary justifications for the variance is that the structure has already been constructed in its current location and that relocating it would be costly. Approving a variance on this basis would set a concerning precedent, effectively allowing applicants to bypass regulations by building first and seeking approval afterward.

The applicant’s rationale also has a financial component, including the need for financing and improved short- and long-term financial security. While understandable on a personal level, financial considerations are not generally accepted as a valid planning basis for granting variances, particularly where the hardship arises from decisions made by the applicant.

The evolving description of the building - from a shed, to a potential home-based business, and now to a dwelling with an in house sauna - raises concerns about the consistency and transparency of the original application.

The applicant’s suggestion that the impact is minimal because the rear neighbouring yard is “rarely used” is not a relevant planning consideration. It also does not take into account the gross breach of privacy for the backyards on either side of this property. Zoning regulations exist to ensure consistent and fair use of land regardless of how neighbouring properties are currently used.

Perhaps most importantly, the physical constraints of the lot must be considered. The backyard area is simply not large enough to reasonably accommodate an additional dwelling while maintaining appropriate setbacks, livability, access, and privacy for both structures and direct neighbours. Reducing the setback to 1.5 m would result in overdevelopment of the property in a way that is not consistent with the intent of the zoning regulations.

You may also wish to consider [REDACTED] municipal bylaws. It has come to the attention of neighbours that a short-term rental has been operating within the principal dwelling for approximately two years, during a period when such uses were not permitted in Esquimalt.

I respectfully ask Council to consider the broader implications of this request, including fairness to other property owners [REDACTED], the suitability of the lot for additional density, and the importance of maintaining trust in the planning and permitting process. Approving this variance would effectively reward building first and seeking permission later, which undermines the integrity of the planning process and sets a concerning precedent for the community

For these reasons, I urge Council to deny the requested variance.

Thank you for your time and consideration.

Sincerely,



Michelle Mares  
949 Wollaston St

Jennifer Yarnell  
9161 Wollaston St.