

**CITY OF VICTORIA
BOARD OF VARIANCE MINUTES
OCTOBER 11, 2018**

Present: Andrew Rushforth, Chair
Margaret Eckenfelder
Trevor Moat

Absent for a Portion of the Meeting: Rus Collins

Absent: Jaime Hall

Staff: Nina Jokinen, Planning Technician
Katie Lauriston, Secretary

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

1. Minutes

The minutes from the meeting held September 13, 2018 were deferred to the October 25, 2018 meeting.

2. Appeals

**12:30 Board of Variance Appeal #00739
Brad Ledwidge and Nadja Solera, Owners / Applicants
1418 Ryan Street**

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

The proposal is to renovate and lift the house.

Bylaw Requirements

Relaxations Requested

Section 1.2.4 (a)

Increase the maximum number of storeys from 2 to 3

Section 1.2.5 (a)

Reduce the minimum front yard setback from 7.50m to 7.00m (to the bay window) and increase the maximum projection into the setback for the steps from 2.50m to 3.20m.

Brad Ledwidge, Owner / Applicant was present.

The correspondence submitted by the applicant in favour of the application from Bob Rowlands of 1410 Ryan Street, Martha Wohlgemuth of 1424 Ryan Street, Marc Burgess of 1401 Hamilton Road, Jenifer Sizer and Russell Bowman of 1401 Ryan Street, J-B Wagret of 2765 Roseberry Avenue, John Broome of 1406 Ryan Street, Shannon Murphy of 2760 Roseberry Avenue and Cole Skelly of 1430 Ryan Street was acknowledged.

Owner

- The owners are requesting a variance in three areas, two of which are existing conditions.
- The house will be raised by 19.5", which will cause an increase from 2 to 3 storeys.
- There will be a small stair projection into the front yard setback for the front steps. The bay window will also project slightly into the front yard setback.

Board

- What does this project accomplish?
 - The owners moved to the house about a year ago, and found it very challenging to find an affordable house. The goal is to utilize the existing structure as much as possible, and raise the house to create more liveable space.
- What is the basement floor material?
 - The house sits on a concrete pad, because it was previously located on Hillside Avenue. The proposal has been cleared by geotechnical engineers, and new footings are all that will be required.
- Will the house just be lifted, not shifted on-site?
 - Correct.
- Are the requested variances the minimum required for the project?
 - Yes; lifting the house will provide an 8ft. ceiling height to the lower floor.
 - Some of the basement walls and structural framing is questionable. The owners want to fix the structure so that it will be safer in the event of natural disasters.
- Will there be a secondary suite in the house?
 - No, the house will be a single family dwelling.
- Are more front steps being added for the additional height?
 - Yes, and these are 85ft. from the street, where there is also a wide boulevard.
- Why are there several property boundaries at the front of the property and along Ryan Street?
 - The boulevard is City property, but residents along the street look after the boulevard.

Public portion of the meeting closed.

- There is full support from neighbours.
- Due to the house's situation on the lot, there are no shadowing concerns.
- The variances are supportable, as there are no neighbours living immediately to the rear, and there is a large rear setback. Further, the neighbours to the north could not build into the corner.
- Excavation would be challenging in this rocky area.

Motion:

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be approved as requested:

Section 1.2.4 (a)

Increase the maximum number of storeys from 2 to 3

Section 1.2.5 (a) Reduce the minimum front yard setback from 7.50m to 7.00m (to the bay window) and increase the maximum projection into the setback for the steps from 2.50m to 3.20m.

Carried Unanimously

**12:50 Board of Variance Appeal #00745
Blaise McDonald of MAC Renovations, Applicant; Warren Engel, Owner
1605 Fairfield Road**

Present Zoning: R-2 – Two Family Dwelling District
Present Use: Single Family Dwelling

The proposal is to rebuild the rear deck.

Bylaw Requirements Relaxation Requested

Section 1.2.5 (b) Reduce the minimum rear yard setback from 10.70m to 10.20m.

No parties were present.

Board

- What are the hardships associated with building a deck of this size?
- It looks like a new support post will be installed; why does the structure extend beyond the post?
- The drawings are substandard.

Public portion of the meeting closed.

Motion:

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the following variance be approved as requested:

Section 1.2.5 (b) Reduce the minimum rear yard setback from 10.70m to 10.20m.

Carried Unanimously

**1:10 Board of Variance Appeal #00744
Matt and Jess Pope, Applicants / Owners; Aitken Design Corp., Designer
1036 St. Charles Street**

Present Zoning: R1-A – Rockland Single Family Dwelling District
Present Use: Single Family Dwelling

The proposal is to renovate the existing building including new dormers and a rear addition to include a new deck and secondary suite, and for the construction of a garage on the north side of the property.

Bylaw Requirements	Relaxations Requested
Section 1.1.4 (a)	Increase the maximum height from 7.60m to 8.19m
Section 1.1.5 (b)	Decrease the minimum rear yard setback from 9.17m to 4.85m
Section 1.1.5 (d)	Decrease the minimum side yard setback from 3.00m to 0.90m
Schedule F Section 1	Locate the accessory building (garage) from the rear yard to the side yard
Schedule F Section 4 (d)	Decrease the minimum separation space from 2.40m to 2.06m.

Matt and Jess Pope, Applicants / Owners; Jonathan Aitken of Aitken Design Corp., Designer were present.

The correspondence submitted in favour of the application from Lili Laker of 1042 St. Charles Street, Richard Kwasney of 1041 & 1043 St. Charles Street, and Vincent Turner and Barry Willimott of 1030 St. Charles Street was acknowledged.

Owners

- The home is 120 years old and was purchased in 2015. The goal is to restore the heritage exterior while making the house comfortable for the family. The first floor and exterior have been restored, including the removal of the chimneys on the advice of an engineer.
- The owners have two young children and require more living space. The unfinished attic space will be finished for this purpose.
- The 650 sq. ft. secondary suite must be wheelchair accessible for a family member to live there.
- There are inconsistencies in the existing survey records. Instead of re-posting the property and having a new survey completed, a 0.3m margin of error has been added to all setbacks so that they represent a 'worst-case scenario.'
- The height relaxation results from new dormers being added, which technically raises the height. However, the height of the peak will remain unchanged. The owners appreciate the roof as a key architectural detail of the house.
- The rear yard and south side yard setback relaxations are for the proposed secondary suite. The suite will have to be as close to grade as possible for wheelchair accessibility, so the best location is at the rear of the house. Although the north side yard is fairly wide, this cannot be used for the suite as it is the only possible location for the required parking.
- The addition has been designed as low as possible to minimize any potential impact on neighbours. The large dormer off the rear of the house acts as a privacy screen for the

neighbour to the north. Skylights instead of dormers are proposed for additional privacy in the second storey.

- The owners wish to preserve the rare evergreen oak located about 2m of the northwest corner of the house. The tree affords privacy between the neighbours, and the City's Parks department has identified the tree as unique.
- The house is positioned fairly far from the street, and has a small back yard.
- With all these factors taken into account, any addition that complied with the zoning requirements would be too small to be usable.
- The suite was designed to be low and broad to achieve the necessary living area while being aesthetically appealing and minimally impactful on neighbours.
- The rear yard setback affects the side neighbour, whose lot has a panhandle along the rear of the owners' property.
- The owners wish to keep the two heritage apple trees in the northwest corner of the lot, which affects the location of the new accessory building. The best location is the north side yard, which is wide enough to accommodate the building.
- To mitigate possible encroachment from the neighbour's house to the north, the accessory building will be built closer to the main house. It will also be positioned so that it is not in line with the neighbour's windows.
- The owners have a good relationship with all their neighbours, and have canvassed all adjacent neighbours, showing plans and listening to any concerns. There are letters of support from all neighbours.

Board

- The permeable pavers appear to cover the centre of the tree at the northeast of the property; is this accurate?
 - Yes, the tree's canopy is very off-centre. The trunk's location is also marked on the site plan.
- The tree will be very close to construction, does this risk the tree's health?
 - After consulting arborists, it has been determined that there are three main root structures and none head towards the house. A trench has also been dug to the same level as the footings, which gives a good indication of the extent of the roots.
- Has a structural engineer been consulted?
 - Yes, and they have examined the house's roof.
- Has the engineer looked at the accessory building's structure?
 - Its design is not yet finalized, but the owners will consider consulting an engineer.
- Will the accessory building be on a poured foundation?
 - Yes, it will be on a slab.
- Was shifting the accessory building further back from the street considered?
 - This was considered, but the building would run into the neighbour's fence, which extends about a foot into the owners' property. The proposed siting also alleviates potential disturbance to the tree's root system.

Public portion of the meeting closed.

- A lot of thought has been put into preserving the heritage character of the house.
- The requests are reasonable.
- The location of the accessory building is justified for the trees' preservation.
- The neighbour to the north was consulted and is supportive.

Motion:

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variances be approved as requested:

Section 1.1.4 (a)	Increase the maximum height from 7.60m to 8.19m
Section 1.1.5 (b)	Decrease the minimum rear yard setback from 9.17m to 4.85m
Section 1.1.5 (d)	Decrease the minimum side yard setback from 3.00m to 0.90m
Schedule F Section 1	Locate the accessory building (garage) from the rear yard to the side yard
Schedule F Section 4 (d)	Decrease the minimum separation space from 2.40m to 2.06m.

Carried Unanimously

Rus Collins recused himself from Appeal No. 00742 and left the meeting at 1:30pm.

1:30 Board of Variance Appeal #00742

**Louis Horvat of Zebra Design & Interior Group, Designer / Applicant; John and Stephanie Alan, Owners
161 Robertson Street**

Present Zoning:	R1-G – Single Family Dwelling (Gonzales) District
Present Use:	Single Family Dwelling

The proposal is to construct a new single family dwelling and detached garage.

Bylaw Requirements

Relaxations Requested

Section 1.6.4 (a)	Increase the maximum height from 7.60m to 8.08m
Section 1.6.5 (h)	Increase the maximum rear yard water lot setback from 36.50m to 50.00m
Section 1.6.5 (e)	Decrease the minimum combined side yard setbacks from 5.40m to 4.25m
Schedule F, Section 1	Locate the accessory building from the rear yard to the front yard.

Louis Horvat of Zebra Design & Interior Group, Designer / Applicant; John and Stephanie Alan, Owners, Joelle Andrew, Owners' family; and neighbours Jean Trevethan of 159 Robertson and Bryan Higgins of 1871 Hollywood Crescent were present.

The petition submitted by the applicant in favour of the application from Zoraida Philp of 1767 Ross Street, Jean Trevethan of 159 Robertson Street, Donna and David Geer of 1769 Ross Street and Paul Wagorn of 175 Robertson Street was acknowledged.

Designer

- New construction on adjacent properties does not meet the required rear yard setback. Construction at 159 Robertson Street has created hardship to the owners' property, impeding the owners' views of the bay and decreasing the monetary and humanistic value of the property.
- The adjacent house is approximately 38 ft. from the rear lot line. The adjacent homes have been allowed to encroach towards the shoreline. Complying with the required rear yard setback would not allow the owners the same enjoyment of their property as adjacent neighbours.
- The proposal will not hinder neighbours' ocean views.
- The height variance is due to the sloping site, as the grade changes by more than 3m. From the street, the roof peak height will be below the maximum height, if this were a flat site. The elevation of the house as seen from the street will not inhibit any neighbours' views, even with the added 18" building height.
- The accessory building is a garage, which will be located along the street. The front yard location is typical along the street. It does not make sense to have the garage in the rear yard, where the property is most enjoyed.
- A total of 5.4m combined side yard setback is required. The proposal does not meet this requirement, as the combined lot setback is less than the lot width.

Board

- Is there any variance requested for the front yard setback?
 - No, the garage would not be built within the front setback.
- Can the accessory building be built in such proximity to the northern property line?
 - Yes, it will be 0.61m from the property line.
- Did the neighbours at 175 Robertson Street have any comments on the proposal?
 - These neighbours have seen plans of the proposal and are strongly supportive.

Neighbours

- Bryan Higgins of 1871 Hollywood Crescent noted that he understands the hardships faced by the owners and supports the application.
- Jean Trevethan of 159 Robertson Street noted thorough support for the proposal, and an appreciation for having been extensively consulted throughout the process. The proposal should reduce the local rodent population.

Public portion of the meeting closed.

- The variances are reasonable in light of the nature of the property, and the proposal relates well to the precedent set by adjacent properties.

Motion:

Moved: Margaret Eckenfelder

Seconded: Trevor Moat

That the following variances be approved as requested:

Section 1.6.4 (a)	Increase the maximum height from 7.60m to 8.08m
Section 1.6.5 (h)	Increase the maximum rear yard water lot setback from 36.50m to 50.00m
Section 1.6.5 (e)	Decrease the minimum combined side yard setbacks from 5.40m to 4.25m
Schedule F, Section 1	Locate the accessory building from the rear yard to the front yard.

Carried Unanimously

Rus Collins returned to the meeting at 1:30pm.

1:50 Board of Variance Appeal #00741

**Chuck Totten, Applicant; Irena Zysk, Owner; Kyle Shick of Finlayson Bonet Architecture, Project Manager
1023 / 1025 Amphion Street**

Present Zoning:	R1-G – Single Family Dwelling (Gonzales) District
Present Use:	Duplex (purpose-built in 1954)

The proposal is to construct new exterior decks and steps on the east side of the property.

Bylaw Requirements

Relaxations Requested

Section 1.6.5 (d)	Decrease the minimum side yard setback to decks and steps from 2.73m to 1.53m
Local Government Act, Section 531 (1)	To permit structural alterations and additions (deck and steps) while non-conforming use (duplex) is continued.

Chuck Totten, Applicant; Irena Zysk, Owner; and Kyle Shick of Finlayson Bonet Architecture, Project Manager, were present.

Architect

- Regular maintenance was being conducted to fix the aging condition of the house when the building department was called to alert the City of construction without permits. The City then identified that the property's current zoning does not permit duplexes at this location.
- The applicants determined that the proposed decks were in contravention of the zoning bylaw and the local area plan. A 2.73m side yard setback is required for the decks at

the rear of the house, which does not presently exist. The location of the decks would provide a 1.53m side yard setback to the decks and steps.

- The applicants are also requesting a variance to alter the building with an existing non-conforming use, even though the Gonzales local area plan identifies the lot as a duplex. The updates to the local area plan would include duplex as a use in the neighbourhood.

Board

- The neighbours at 1957 Granite Street would be most affected by the proposal; did they provide any feedback on the proposal?
 - The applicants did not consult these neighbours.
 - The architect thought that this had occurred prior to his involvement on the project, and he should have followed up with the neighbours to be certain.
- When was the existing deck built?
 - There are two decks, which were in place when the owner purchased the property.
- How long has the owner lived at the house?
 - The owner does not live in the duplex.
- How long has the owner owned the property?
 - The property was purchased in 2006.
- How long will the project take?
 - It will take about 2 weeks to ensure that the deck's footings are properly set. There is currently plywood blocking the duplexes' secondary exits, and the applicants want to bring the new decks up to code.

Public portion of the meeting closed.

- The lack of neighbourhood consultation is concerning.

Motion:

Moved: Margaret Eckenfelder

Seconded: Rus Collins

That the following variances be approved as requested:

Section 1.6.5 (d)	Decrease the minimum side yard setback to decks and steps from 2.73m to 1.53m
Local Government Act, Section 531 (1)	To permit structural alterations and additions (deck and steps) while non-conforming use (duplex) is continued.

Carried

(3 for; 1 against)

Rus Collins recused himself from Appeal No. 00743 and left the meeting at 2:10 pm.

2:10 Board of Variance Appeal #00743

**Louis Horvat, Zebra Design & Interior Group Inc., Designer; Walter and Karen Madro, Owners
1980 Fairfield Place**

Present Zoning: R1-G – Single Family Dwelling (Gonzales) District
Present Use: Vacant

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

Bylaw Requirements

Relaxation Requested

Part 1.6.3 (c) Increase the combined floor area of all floor levels from 300.00m² to 371.46m².

Louis Horvat, Zebra Design & Interior Group Inc., Designer; Walter and Karen Madro, Owners, Tom Zworski, City Solicitor, observing by request of the Board, and neighbours R. Steven Jones of 1541 Rockland Avenue, Kevin and Bev Dickson of 235 Denison Road, Cheryl Shoji and Brad Atchison of 1968 Fairfield Place, Mary Doody Jones of 435 Kipling Street, Gene Miller of 8-900 Park Boulevard, Scott Chapman of 330 Denison Road, and Susanne Rautio of 359 Richmond Avenue were present.

Correspondence regarding the application from the following was acknowledged: Janya Freer of 330 Denison Road, Bette Gallander of 203 Denison Road, Mary Doody Jones of 435 Kipling Street, Brad Atchison and Cheryl Shoji of 1968 Fairfield Place, Danny Myers of 1956 Fairfield Place, Janine Wolfe, Catherine and Philippe Doré of 1962 Fairfield Place, R. Steven Jones of 1541 Rockland Avenue, Kevin and Bev Dickson of 235 Denison Road, Steve Lonergan of 388 Denison Place, Iain and Christine McAuley of 319 Denison Road, Marion Cumming of 151 Sunny Lane, Sheila Protti of 396 Denison Road, Karen Ayers of 613 Foul Bay Road, Scott Chapman of 330 Denison Road and Virginia Errick of 615 Foul Bay Road.

Owners

- The additional square footage requested will provide usable space in the basement to accommodate a caregiver suite for the owner's elderly family and for the owners themselves as they age in place.
- The property's zoning allows for a 600 sq. ft. garden suite, but incorporating the suite within the home's footprint is preferred. A garden suite would create additional hardship for neighbours and park visitors.
- There has been significant resistance from neighbours regarding potential site disturbance from construction. Repurposing the existing crawlspace would impose no impact on neighbours other than additional excavation during construction.
- The owners have prepared a restrictive covenant relinquishing rights to a garden suite, which would be registered on title if this variance were approved.

Designer

- There are significant concerns from the community because this is a Greenfield site. Digging deeper into the ground would minimize the impact on the site as compared to building a garden suite, and the proposal is in the best interests of park users, neighbours and the owners.

Owner

- The suite would be purpose-built as a live-in caregiver suite, which is different from what was previously presented to the Board.

The Chair noted that immediately notified neighbours and their agents would be provided time in which to speak.

Neighbours

- Janya Freer demanded an explanation by the Board on its procedures, especially in relation to accepting an application that is substantially similar to previous applications.
- Brad Atchison interjected, saying that the previous verdict was clear, that variances are considered independently, and that there is nothing new to add to this meeting for the Board's consideration.

Board

- The Chair noted that the previously denied variances were considered together, and that the Board would proceed to hear the application.

Owners

- An application was previously denied which included recreational facilities and storage in the basement; the owners now want to convert the crawl space into liveable space.

Neighbours

- Marion Cumming presented comments on the proposal including the following points:
 - the applicants need a suite for a qualified caregiver
 - the house design decided upon by the family should be allowed
 - the importance of honoring the land and wildlife, and appreciation for the applicants' efforts to protect the sensitive site
 - the importance of working together with neighbours.
- Mary Doody Jones presented concerns for the proposal including the following points:
 - the importance of following procedure
 - the applicants are not allowed to make a variance
 - the location is not suitable for an elderly family member
 - the effects of a variance are substantial on the park and on park users
 - decision makers must be accountable to climate action goals.
- Cheryl Shoji presented concerns for the proposal including the following points:
 - the process must be improved; neighbours had less than ten days to conduct research
 - the Board's decisions are final, yet the requested variance is the same as was denied on March 22, 2018
 - the owners had full knowledge of the restrictions of building a house on this lot at the time of purchase
 - the owners previously stated that they wanted less blasting on the site, and the proposal now requires more blasting
 - at the July 26, 2018 meeting, the owners promised a restrictive covenant limiting future development if the variance was granted

- neighbours were told after the July 26th meeting that construction would begin in January, then they received the City's late notice for an identical request
- it is threatening for the applicants to ask for support for a larger house or else build a garden suite
- neighbours and dedicated advocates do not support the application and have spent thousands of hours altogether on this project
- the Board should not grant variances on compassionate grounds; everyone has health issues and they are irrelevant.
- Scott Chapman presented concerns for the proposal including the following points:
 - the request is identical to that requested from March 22, 2018, and there is no hardship associated with this application
 - if the functionality of the house has changed, it is up to the applicants to redesign the house while sticking to the site's zoning bylaws
 - concern for the applicants' coercive tactics: although a covenant was proposed in July, Scott was called to the designer's office only ten days after the variance was granted and threatened with a garden suite if he did not support increased floor space
 - neighbours have asked that the suite be accommodated more evenly within the house's three floors, but the applicants say this cannot be done due to time constraints
 - the square footage has already been unnecessarily maximized in the upper floors, and this design lacked the forethought for added functionality. An ill family member cannot justify a permanent increase in floor area.
- Janya Freer presented concerns for the proposal including the following points:
 - the application should be rejected because it is the same request as was previously denied after widespread community consultation. It is distressing to see the same application return to the Board of Variance
 - there is no hardship associated with conforming to the existing regulations
 - the variance requested is not minor – it is a 24% increase over what the zoning allows – so it is not within the Board's mandate
 - the applicants have already maximized their square footage in the upper floors. If a basement is needed, the top floors can be reduced
 - the owners have said that redesigning the home would be too time-consuming
 - the proposal requires more blasting, which would be more destructive to the park
 - frustration with the Board of Variance process; the Board must discourage and reject repeat applications
 - the owners have expressed that they don't particularly want a garden suite; this is simply a threat to neighbours
 - the owners should purchase a property appropriate for their needs rather than assuming the ability to circumvent bylaws
 - there is a conflict of interest due to the site's developer. Board members should be aware of the motivations behind their decisions.
- Brad Atchison presented concerns for the proposal including the following points:
 - Brad reluctantly supported the owners' previous request, in order to save a maximal number of Garry oaks and so that he alone would not have to bear the impacts of the house
 - this is not a new variance
 - the designers must have known earlier about the possibility of building a garden suite, and a proposed 650 sq. ft. garden suite cannot be compared to a 700ft. addition to the house

- additional construction will cause considerable environmental impact and increased impact on neighbours' health conditions; any additional blasting is inconsiderate, disrespectful and insensitive
- the owners' medical challenges should not supersede the needs and challenges of current residents
- there has been no proactive blasting plan or seismographs placed on neighbours' properties, no effort to avoid short- or medium-term root damage from blasting, and no explanation of drainage impacts
- neighbours are fearful and concerned about the Board of Variance process, including the default to a minimal notice period, not following municipal guidelines that specify the need to consider environmental impacts, the Board not acting in the public interest, the Board's 95% approval rate for applications, an undisclosed site meeting that occurred between the Chair and another Board member and the applicant's environmental consultant, and the lack of objectivity when the applicants are encouraged by the Board and by the CRD to revisit the floor area
- the applicants have not been openly communicative with the neighbourhood, and have been committed to the same design plan
- shadows will be cast over neighbours' food production area
- the same considerations for Heritage Conservation Areas should apply to this application and its micro-scale climate change impacts
- Brad desires to be a good neighbour, and was not involved in the supposed smear campaign. It is unfair to be portrayed as a NIMBY, as Brad was prepared to be impacted by the impending construction
- this proposal has fractured the neighbourhood
- the applicants have threatened neighbours with a lawsuit for defamation and threats of legal action were sent to City Councilors and the CRD Board; this should disqualify the applicants from the Board of Variance process.
- Kevin Dickson presented comments on the proposal including the following points:
 - it is unclear why this application has become such a huge issue
 - supportive of the application
 - the applicants have met the hurdles that are required, and have been vilified
 - the applicants have to deal with the hardship of the property, not climate change issues.
- R. Steven Jones presented concerns for the proposal including the following points:
 - this is the applicants' fifth attempt at obtaining variances for the property
 - the Board of Variance will continue to be brought to the attention of the Minister of Municipal Affairs and Housing. There is not enough to ensure that Council is acting as required without conflict of interest, and the integrity of the Board is suspect
 - it is difficult to believe that each application is treated as a new case
 - all personal appeals for this variance must be rejected, and the appeal should be denied.
- Susanne Rautio presented concerns for the proposal including the following points:
 - there is no undue hardship, the irregular shape is not unique to this property, and no variance is required to build a house on the property
 - only unique characteristics of the lot can be considered
 - the size of the proposed house leads to variance requests
 - any development will harm the natural environment
 - Councillor Ben Isitt has asked the Madros to sell their property to the CRD for use as a park

- the lot should remain a part of the park
- Gonzales is a very supportive community, and the neighbourhood is now being torn apart because of this development.

Owners

- The owners were developing a garden suite for their family, but wanted to be consistent with the original plans and avoid adding an additional structure.
- The owners understand neighbours' concerns for blasting; however, there is no contractor engaged for this project yet, so a blasting plan has not yet been developed.
- The owners agree that compassion for their family member does not belong in this process, so this matter can be disregarded.
- There are accusations of coercion; the owners have two options and want to lessen the impact of an additional structure on the property.

Designer

- The designer has attended multiple meetings with neighbours where the two options were discussed. It has been clear that either a garden suite will be required or additional square footage will be needed in the basement. Factual statements have been presented; there has been no coercion.

Owners

- The hardship derives from the land.
- The Gonzales Neighbourhood Plan supports considering variances to protect ecosystems.

Neighbour

- Brad Atchison asked why the owners had ignored the shadow studies and why they had spoken to the neighbours at 330 Denison Road alone.

Owners

- A garden suite would be positioned towards the back of the property, and would only affect the neighbours at 330 Denison Road.

Designer

- Neighbours have been offered a role in decision making.

Owners

- The previously approved plans had unusable space in the basement, so it seemed logical to seek additional area within the house rather than in a separate structure. At the same time, it seemed odd that a garden suite would be allowed without going through any of this process. The owners have been very surprised at the backlash.

Board

- When was a garden suite first considered for the property?
 - The idea for a garden suite was first entertained in summer 2018. A staff report from the CRD discussed whether or not they would support a variance. At that time, the idea for a garden suite did not register with the owners.

- In summer 2018, the owners asked their designers to work a garden suite into the plans. The garden suite should be considered at this time because it would be very difficult to build and would have a greater environmental impact once a house was already constructed on the site.
- The owners are looking to engage a contractor within the next month, because excavation is best completed during the winter.
- Why was there no discussion of building a garden suite at the July 26th meeting of the Board of Variance?
 - At the time, the owners were considering how to best use the crawlspace. It would lessen the environmental impacts to put a suite into what is currently unusable space.
- If the requested variance is not allowed, is the intention to build a garden suite?
 - Yes, as there is a limited time window for blasting.
- There was a request in March for additional floor space in the basement. Was there any indication in the plans for a suite?
 - The proposal in March included a wine cellar and games room, but using the space for family was also considered and explained at the meeting. At that point, the owners did not have everything figured out.
 - In July, the possibility for a caregiver suite was explored, as family circumstances changed significantly in the spring.
- At the last meeting in July where a rear yard setback variance was approved, there was no discussion of a proposed caregiver suite. Why is this issue reappearing now?
 - In July, the owners had learned of the option for a garden suite, but the main concern was saving the Garry oaks.
 - There are challenges to accommodate a caregiver within the home, and having a cot in the hallway does not seem like the right solution. When the setback variance was granted, the basement would not leave acceptable options for a caregiver. The owners are working with the designer to find a solution.
- What is the undue hardship justifying the additional square footage requested?
 - The owners are looking to do the right thing for everybody.
 - The hardship is related to the owners' appreciation for the property, from a community point of view. Another structure would clearly go against the community's desires, so the owners are unsure at the moment whether to build garden suite. The owners are facing hardship related to the community input.
- Why doesn't the elevator go to the suite?
 - It does; the landing from the garage has doors to the suite and to the elevator.
- Is this the best site for the proposal?
 - The owners have been through the Victoria market and have considered many options, and this is the best one.

Public portion of the meeting closed.

- The proposal does not feel cohesive or well thought out.
- The Board empathizes with neighbours who have been repeatedly consulted about subtle changes.
- The Board is deeply troubled with neighbours being presented with the possibility of a garden suite.
- The Board is uncomfortable with the possibility that by rejecting this variance that a neighbour will be punished with a garden suite.

- The Board previously understood that every effort would be made to preserve the landscape and minimize the intrusion of development.
- There must be clear hardships on the property, and there is an extra burden for applicants to demonstrate hardship when building on Greenfield sites.
- The Board is not convinced in this case that the hardship extends to proposing additional floor space. There would be ways to accommodate the owners' needs within the allowable floor space.

Motion:

Moved: Trevor Moat

Seconded: Margaret Eckenfelder

That the following variance be declined:

Part 1.6.3 (c)

Increase the combined floor area of all floor levels from 300.00m² to 371.46m².

Carried Unanimously

Meeting Adjourned at 4:40 pm.
