

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the March 11, 2021 COTW Meeting

F.1.a.a -161-167 Robertson Street: Development Variance Permit Application No. 00255 (Gonzales)

Moved By Councillor Andrew

Seconded By Councillor Alto

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 00255 for 161-167 Roberson Street, in accordance with:

1. Plans date stamped November 25, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. Floor area of all floor levels combined (maximum) be increased from 300m² to
3. The Development Variance Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

G.2 161-167 Robertson Street: Development Variance Permit Application No. 00255 (Gonzales)

Committee received a report dated February 25, 2021 from the Director of Sustainable Planning and Community Development regarding the proposed Development Variance Permit Application for 161-167 Robertson Street in order to allow an additional 73m² of floor area within the basement level of the existing single-family dwelling and recommending that it move forward to an opportunity for public comment.

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 00255 for 161-167 Roberson Street, in accordance with:

1. Plans date stamped November 25, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. Floor area of all floor levels combined (maximum) be increased from 300m² to 373m².
3. The Development Variance Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of March 11, 2021

To: Committee of the Whole **Date:** February 25, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Development Variance Permit Application No. 00255 for 161-167 Robertson Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 00255 for 161-167 Roberson Street, in accordance with:

1. Plans date stamped November 25, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Floor area of all floor levels combined (maximum) be increased from 300m² to 373m².
3. The Development Variance Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 161-167 Robertson Street. The proposal is to allow an additional 73m² of floor area within the basement level of the existing single-family dwelling.

The following points were considered in assessing this application:

- The excavation for the dwelling revealed sub-surface soil conditions that required a deeper foundation than initially anticipated, thus triggering a change to the approved building plans. The change requested is to allow an area of 73m² originally shown as

crawlspace to be used as habitable floor area.

- The request to allow additional floor area in the basement level does not contribute to the building mass of the dwelling.
- The additional floor area within the basement involves no changes to the exterior of the dwelling, and, as such, there are no privacy or overlook issues resulting from the additional floor area.
- The density provision of the existing R1-G Zone, Single Family Dwelling (Gonzales) District, is not exceeded as the additional floor area in the basement level is exempt from the definition of floor space ratio; however, the combined floor area regulations for all levels of the building is exceeded by 73 m².

BACKGROUND

Description of Proposal

A one-and-a-half-storey, single-family dwelling with a basement is nearing completion on the subject property. The applicants have advised that in order to accommodate the design and seismic requirements of the new house, substantial excavation was required. This excavation was deeper than originally anticipated and as a result provided an opportunity to create additional habitable floor area.

The proposed variance is related to allowing an additional 73m² floor area in the basement level of the dwelling.

Sustainability

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation

The applicant has not identified any active transportation impacts associated with this application.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Development Variance Permit Application.

Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Data Table

The following data table compares the proposal with the existing R1-G Zone, Single Family Dwelling (Gonzales) District. An asterisk is used to identify where the proposal does not meet the requirements of the existing zone. A double asterisk identifies an existing situation. A triple asterisk is used to identify Board of Variance approvals. Note that only one variance (in **bold**) is requested with this current application.

Zoning Criteria	Proposal	Zone Standard R1-G	Comments
Site area (m ²) – minimum	875	460.00	
Lot width (m) – minimum average	13.72 **	15.00	Existing non-conforming
Density (Floor Space Ratio) – maximum	0.27:1	0.5:1	Basement exempt from total floor area & FSR
1 st and 2 nd storey floor area (m ²) – maximum	239.94	240	
Total floor area (m ²) – maximum	372.77 *	300.00	Variance requested
Height (m) – maximum	8.08 ***	7.60	Board of Variance approved
Storeys – maximum	1.5 with basement	1.5 or 2 storey with basement	Half-storey is less than 70% of floor area of first storey
Site coverage (%) – maximum	29.82	30	
Open site space (%) – minimum	50.88	50	
Area of the lot			
Front yard	50.03	50	
Setbacks (m)			
Front – minimum	30.76	7.5	
Rear – from the front lot line to the rear of the building for water lots – maximum	50.00 *	36.50	Board of Variance approved
Side - minimum	2.06	2.06	15% of lot width
Side - minimum	2.19	2.06	15% of lot width
Combined side yards (minimum)	4.25 *	5.40	Board of Variance approved
Parking – vehicular – minimum	2	1	
Accessory structure (garage) – location (Robertson Street)	Front yard ***	Rear yard	Board of Variance approved
Accessory structure height at shoreline – maximum	5.22m ***	3.5m	Board of Variance approved

Relevant History

In 2019, a building permit for a new single-family residence was issued. The design of the new house and accessory building required a number of Board of Variance approvals, which are detailed in the Data Table. A Board of Variance appeal to allow the additional floor area in the basement was declined on March 12, 2020, and therefore the applicants are pursuing an approval through the Development Variance Permit process. The Board of Variance minutes are attached (Attachment F).

The applicant has provided a report from Ryzuk Geotechnical dated March 2, 2020, providing details of the excavation and foundation conditions. The excavation created a deeper foundation, which created an opportunity to change area in the basement from a crawlspace to habitable area. This is more fully described in the section titled Regulatory Considerations.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on December 10, 2020 the application was referred for a 30-day comment period to the Fairfield-Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts with this application for additional floor area in the basement.

Regulatory Considerations

The property is subject to the regulations of the R1-G Zone, Single Family Dwelling (Gonzales) District. This Zone allows for a single-family dwelling, with the following limitations to the floor area of the dwelling:

- maximum floor space ratio of 0.5:1
- maximum floor area for the first and second storey combined of 240 m²
- maximum total floor area of all levels (first and second storey and basement) of 300 m².

The development of the subject property meets the requirements for floor space ratio and for the maximum floor area of the first and second storey combined. The floor space ratio is 0.27:1, which is below the requirement 0.5:1. The new or additional floor area outside the scope of the regulations is within the basement level. According to the definition of basement within the *Zoning Regulation Bylaw*, the lowest level ceiling cannot be more than 1.2m above grade. The changes requested by this variance application do not impact the interpretation of the bylaw as the lower level remains consistent with the definition of basement and is 1.2m below grade.

In order to be considered floor area, the floor to ceiling height must be greater than 1.5m (4.9 feet). Floor to ceiling height less than 1.5m in height is considered non-habitable crawlspace, which is generally used for storage or utilities within a home. The approved building plans for

this dwelling originally showed approximately half the basement level as crawlspace. With the deeper excavation the clearance height was increased, converting 73m² of area formerly noted as crawlspace to habitable area. This change to the floor plans in the basement level allows for a larger bedroom and full height storage. In the applicant's letter dated November 25, 2020, it is indicated that the additional floor area may accommodate a secondary suite at a later date, which is permitted within the zone.

This application presents a conundrum in that it appears to circumvent regulations that are intended to cap the total floor area and limit the overall size of houses and potential ancillary uses such as secondary suites. However, the structure and additional floor area are already built and the remedy for compliance with the *Zoning Regulation Bylaw* is to fill in or build a bulkhead or suspended ceiling within the additional 73m² of floor area to return it to its classification of crawlspace. While this sort of corrective approach would bring the building in line with the *Zoning Regulation Bylaw*, it would not change the outward appearance nor reduce the massing of the existing single-family dwelling. As such, there would be no change in terms of the building's impact on the adjacent properties.

CONCLUSIONS

Requesting approval after the fact is not an ideal situation; however, the exterior form and massing of the single-family dwelling has not changed as a result of the additional floor area and no privacy impacts to adjacent neighbours are attributed to the additional floor area.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 000255 for the property located at 161-167 Robertson Street.

Respectfully submitted,

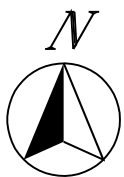
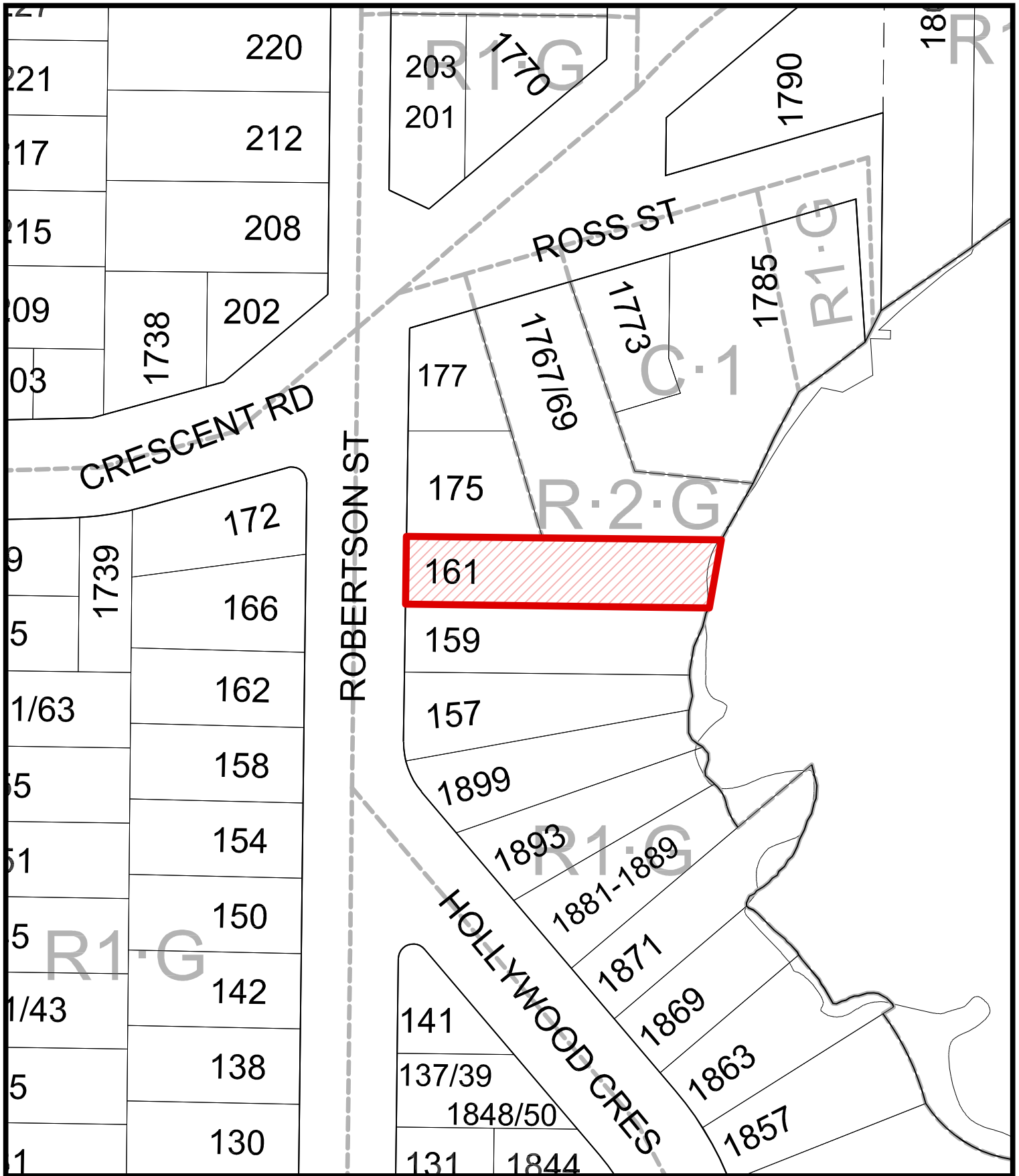
Lucina Baryluk
Senior Planner
Development Services

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

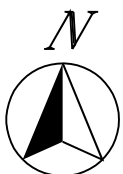
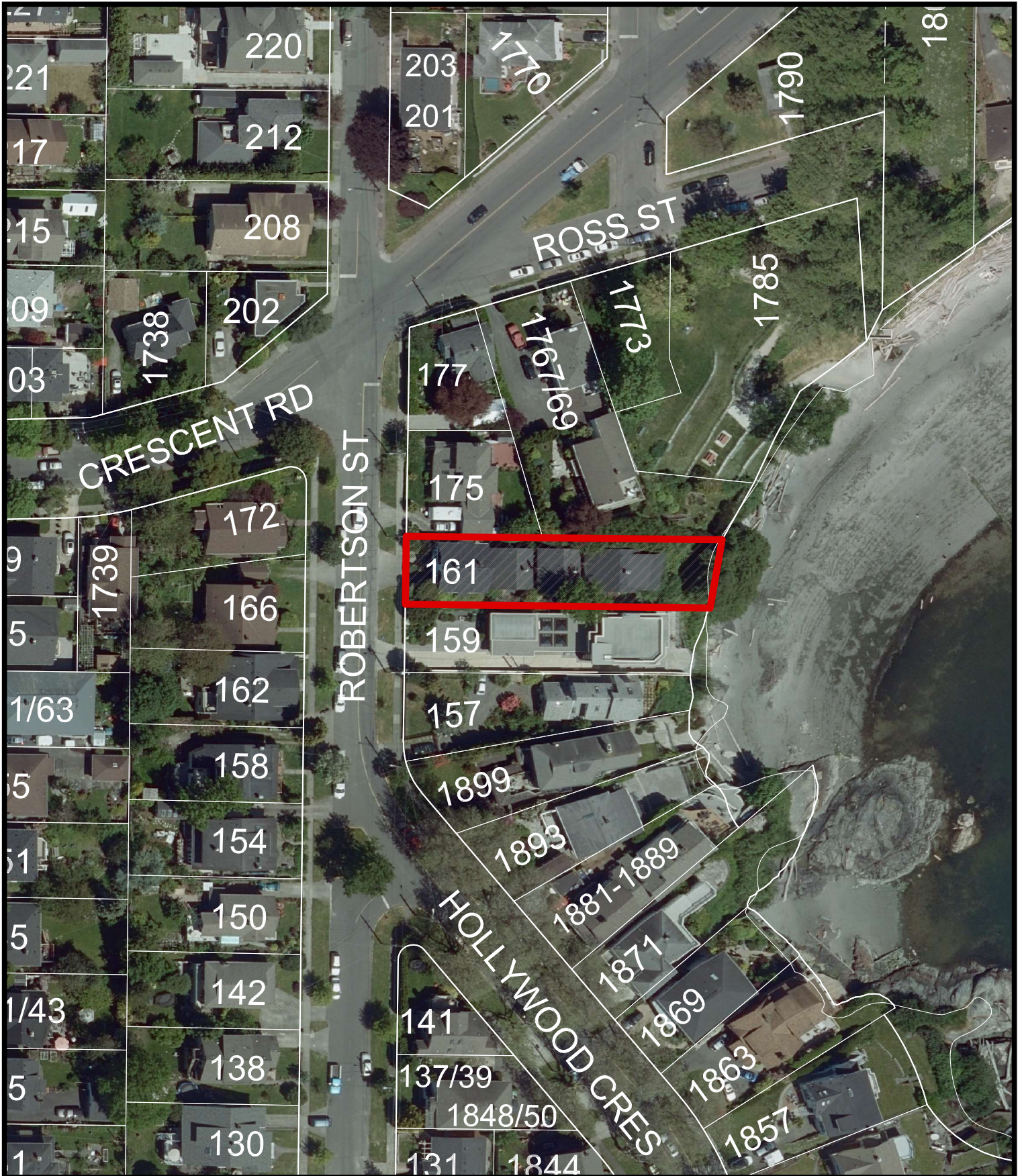
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 25, 2020
- Attachment D: Letter from applicant to Mayor and Council dated November 25, 2020
- Attachment E: Letter from Ryzuk Geotechnical dated March 2, 2020
- Attachment F: Board of Variance minutes, dated March 12, 2020
- Attachment G: Correspondence.



161 Robertson Street
 Development Variance Permit No.00255

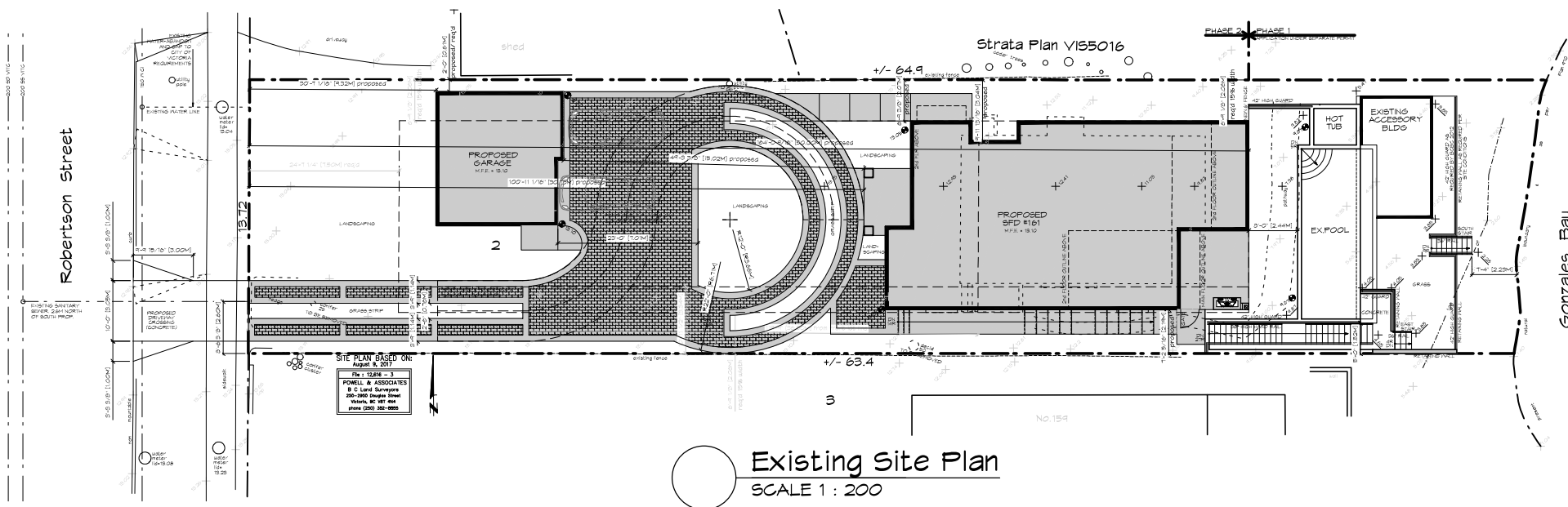




161 Robertson Street
Development Variance Permit No.00255



Original Submission
 Received Date:
November 25, 2020



Existing Site Plan
 SCALE 1 : 200

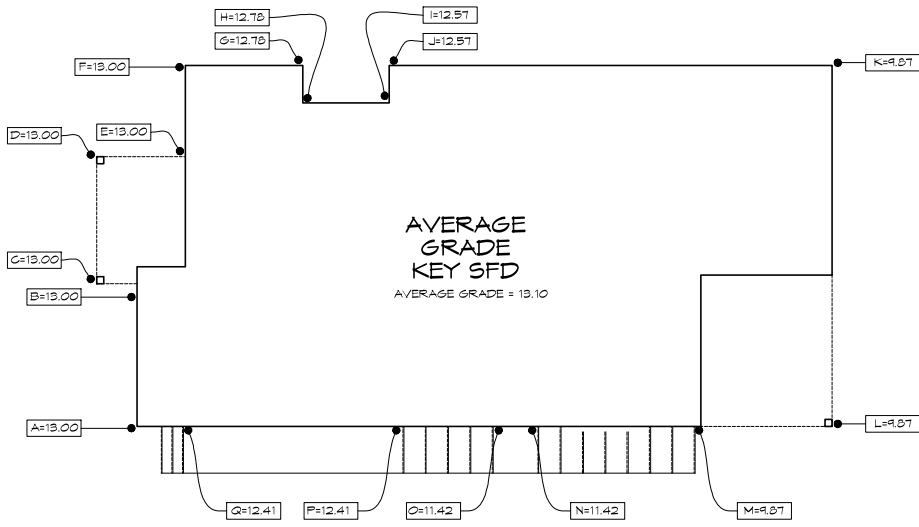
FOR INFORMATION ONLY
 NO CHANGES

BOVO1
 DVP-V1

ZEBRADESIGN

Andrew SFD & Garage
 1161 NEWPORT AVE
 Victoria, B.C. V8S 5E6
 Phone: (250) 360-2144
 Fax: (250) 360-2115

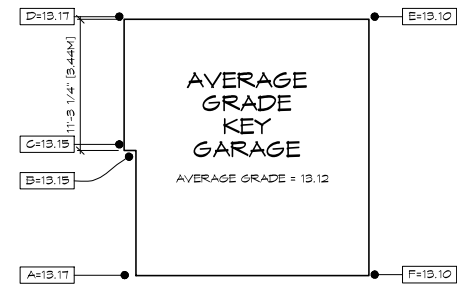
161 Robertson Street, Victoria November 16, 2020



161 Robertson - Average Grade Calculation

SEGMENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)
AB	13.00	13.00	13.00	3.73	48.49	690.42	59.33	11.637
BC	13.00	13.00	13.00	1.05	13.65			
CD	13.00	13.00	13.00	3.33	43.29			
DE	13.00	13.00	13.00	2.32	30.16			
EF	13.00	13.00	13.00	2.39	31.07			
FG	13.00	12.78	12.89	3.07	39.57			
GH	12.78	12.78	12.78	0.98	12.52			
HI	12.78	12.57	12.68	2.26	28.65			
IJ	12.57	12.57	12.57	0.98	12.32			
JK	12.57	9.87	11.22	11.58	129.93			
KL	9.87	9.87	9.87	9.45	93.27			
LM	9.87	9.87	9.87	3.43	33.85			
MN	9.87	11.42	10.65	4.27	45.45			
NO	11.42	11.42	11.42	1.19	13.59			
OP	11.42	12.41	11.92	2.34	27.88			
PQ	12.41	12.41	12.41	5.77	71.61			
QA	12.41	13.00	12.71	1.19	15.12			
TOTAL				59.33	690.42			11.64

AVERAGE GRADE
11.64



161 Robertson Garage - Average Grade Calculation

SEGMENT	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade (total factors / perimeter)
AB	13.17	13.15	13.16	3.27	43.03	343.99	26.22	13.119
BC	13.15	13.15	13.15	0.30	3.95			
CD	13.15	13.10	13.13	3.44	45.15			
DE	13.10	13.10	13.10	6.40	83.84			
EF	13.10	13.10	13.10	6.71	87.90			
FA	13.10	13.17	13.14	6.10	80.12			
TOTAL				26.22	343.99			13.12

FOR INFORMATION ONLY
NO CHANGE

Andrew SFD & Garage
161 Robertson Street, Victoria February 20, 2020

BOVO2
BOV-V1

ZEBRADESIGN

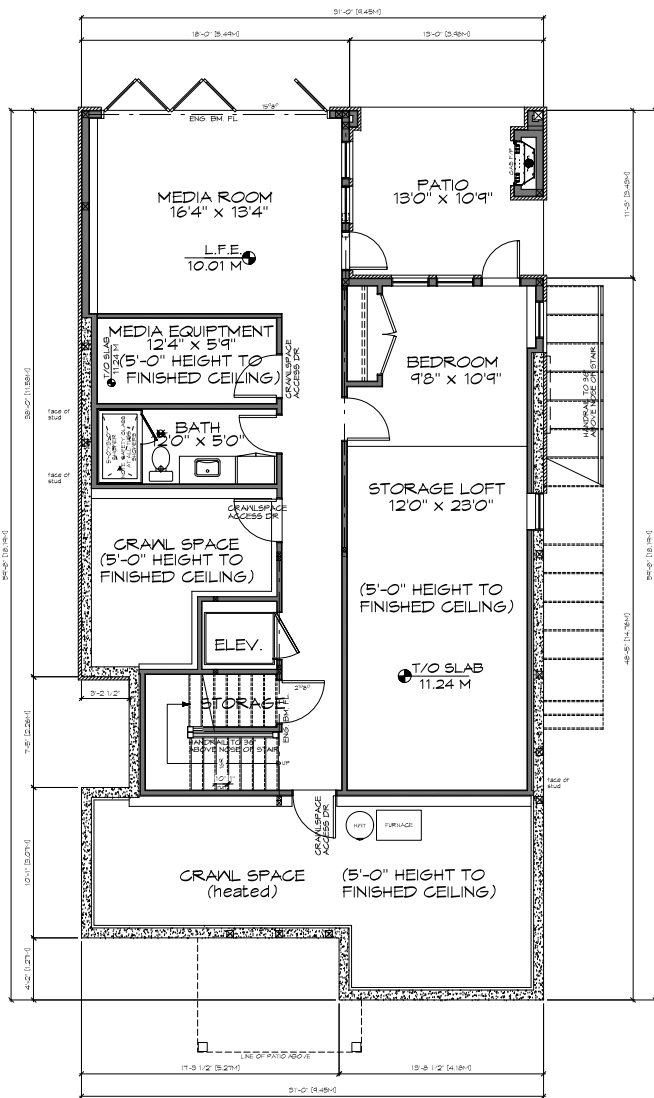
1161 NEWPORT AVE
Victoria, B.C. V8S 5E6
Phone: (250) 360-2144
Fax: (250) 360-2115

SITE DATA - NEW SFD & GARAGE @ 161 ROBERTSON STREET

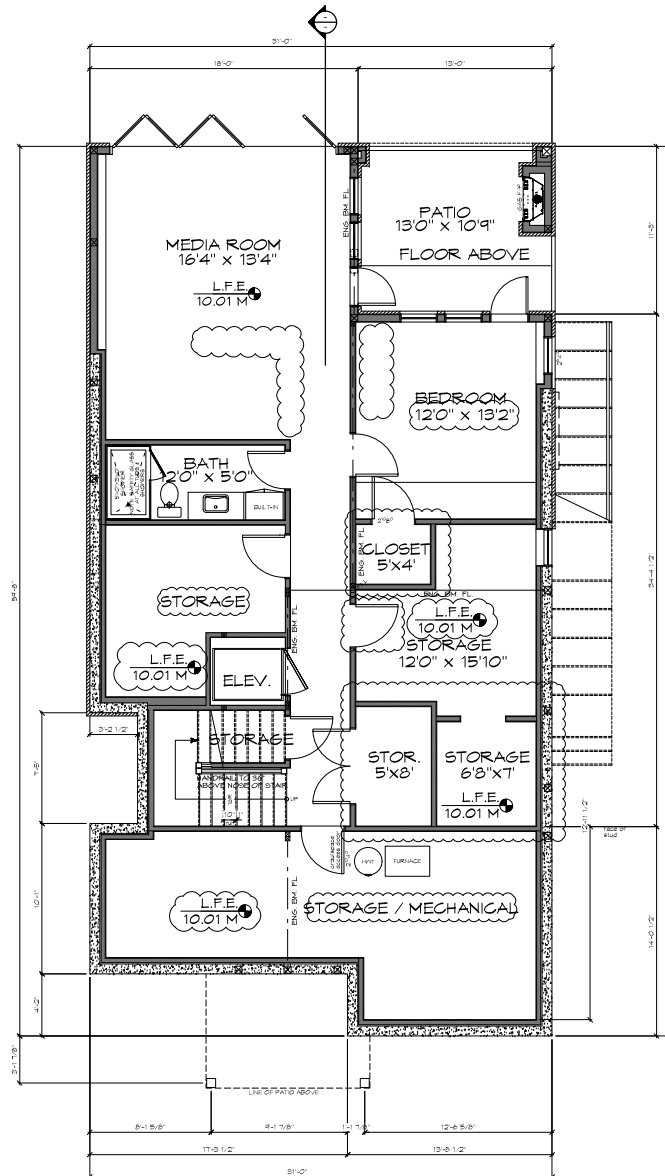
LEGAL DESCRIPTION - LOT 2, BLOCK1, SECTION 19, VICTORIA DISTRICT, PLAN 970
ZONING - R1-G

	REQUIRED	PROPOSED	COMMENTS
<u>PROPOSED SFD</u>			
<u>LOT AREA</u>	460.00 M ²	875.89 M ² (6429.03 FT ²)	non-conforming
<u>LOT WIDTH</u>	15.00 M	13.71 M (44.49')	
<u>LOT DEPTH (AVG.)</u>		64.15 M (210.47')	
<u>FRONT YARD AREA</u>		422.04 M ² (4542.71 FT ²)	
<u>REAR YARD AREA</u>		190.11 M ² (2046.24 FT ²)	
<u>SETBACKS</u>			
<u>FRONT</u>	1.50 M	30.76 M (100.92')	variance granted 10/15/18
<u>REAR</u>	36.50 M (From front lot line)	50.00 M (164.04')	
<u>SIDE (north)</u>	2.06 M (15.00% lot width)	2.06 M (6.76')	
<u>SIDE (south)</u>	2.06 M (15.00% lot width)	2.19 M (7.19')	
<u>SIDE COMBINED</u>	5.40 M	4.25 M (13.94')	variance granted 10/15/18
<u>AVERAGE GRADE</u>		11.56 M (37.93')	
<u>BUILDING HEIGHT</u>	7.60 M	8.08 M (26.51')	variance granted 10/15/18
<u>STOREY'S</u>	1 1/2 STOREY'S + BSMT	1 1/2 STOREY'S + BSMT	
<u>FLOOR AREA</u>			
<u>UPPER FLOOR</u>		98.79 M ² (1063.41 FT ²)	
<u>MAIN FLOOR</u>		14.15 M ² (152.93 FT ²)	
<u>BASEMENT</u>		132.83 M ² (1424.81 FT ²)	FORMERLY 60.03 m ² (646.2 FT ²)
<u>TOTAL FLOOR AREAS</u>		225.77 M ² (2439.14 FT ²)	variance required
<u>MAIN AND UPPER FLOORS</u>		300 M ² (3224.17 FT ²)	
<u>ALL FLOORS COMBINED</u>		300 M ²	
<u>FLOOR AREA RATIO</u>	0.50	24.82%	
<u>SITE COVERAGE</u>	50.00%	50.00%	all buildings
<u>OPEN SITE SPACE</u>	50.00%	50.00%	all buildings, structures and driveway
<u>OPEN SITE SPACE - FRONT YARD</u>		50.00%	all buildings, structures and driveway
<u>PARKING</u>	1	3	
<u>ACCESSORY GARAGE</u>			
<u>MUST BE IN REAR YARD</u>			
<u>REAR YARD</u>			
<u>SETBACKS</u>			
<u>TO HOUSE</u>	2.40 M	15.02 M (49.28')	variance granted 10/15/18
<u>REAR</u>	0.60 M	49.46 M (162.40')	
<u>SIDE NORTH</u>	0.60 M	0.61 M (2.00')	
<u>SIDE SOUTH</u>	0.60 M	6.40 M (21.00')	
<u>AVG. GRADE</u>		13.12 M (43.04')	
<u>BUILDING HEIGHT</u>	3.50 M	3.43 M (11.25')	
<u>FLOOR AREA</u>	37.00 M ²	36.76 M ² (395.71 FT ²)	
<u>SITE COVERAGE</u>	25.00 % OF REAR YARD	0.00 % OF REAR YARD	
<u>ACCESSORY BUILDING</u>			
<u>SETBACKS</u>			
<u>TO HOUSE</u>	2.40 M	7.71 M (25.49')	
<u>REAR</u>	0.60 M	4.58 M (15.03')	
<u>SIDE NORTH</u>	0.60 M	0.81 M (2.66')	
<u>SIDE SOUTH</u>	0.60 M	6.48 M (21.40')	
<u>AVG. GRADE</u>		5.87 M (19.26')	
<u>BUILDING HEIGHT</u>	3.50 M	2.66 M (8.73')	
<u>FLOOR AREA</u>	37.00 M ²	18.68 M ² (201.05 FT ²)	
<u>SITE COVERAGE</u>	25.00 % OF REAR YARD	4.83 % OF REAR YARD	
<u>ACC. BLDG-POOL/HOT TUB</u>			
<u>SETBACKS</u>			
<u>TO HOUSE</u>	2.40 M	4.82 M (15.81')	
<u>REAR</u>	0.60 M	6.99 M (22.93')	
<u>SIDE NORTH</u>	0.60 M	1.22 M (4.00')	
<u>SIDE SOUTH</u>	0.60 M	1.52 M (4.99')	
<u>GRADE</u>		4.65 M (15.26')	
<u>HEIGHT</u>	3.50 M	5.22 M (17.13')	
<u>FLOOR AREA</u>	37.00 M ²	27.26 M ² (293.41 FT ²)	
<u>SITE COVERAGE</u>	25.00 % OF REAR YARD	14.34 % OF REAR YARD	
<u>NORTHEAST STAR</u>			
<u>SETBACKS</u>			
<u>REAR</u>	0.60 M	0.61 M (2.00')	
<u>SIDE NORTH</u>	0.60 M	0.70 M (2.30')	LESS THAN 2 ABOVE NATURAL GRADE
<u>AREA</u>		2.49 M ² (26.67 FT ²)	
<u>EAST STAIR AREA</u>			
<u>REQUIRED</u>			
<u>AREA</u>		0.71 M ² (8.25 FT ²)	
<u>ACCESSORY BLDG-COMBINED</u>			
<u>REAR YARD</u>			
<u>FLOOR AREA BUILDING</u>			
<u>FLOOR AREA (POOL/TUB)</u>	37.00 M ²	18.68 M ² (201.05 FT ²)	
<u>EAST STAIR AREA</u>		27.26 M ² (293.41 FT ²)	
<u>SITE COVERAGE</u>	25.00 % OF REAR YARD	24.57 % OF REAR YARD	
<u>VARIANCES</u>			
(SFD) REAR YARD SETBACK	36.50 M (From front lot line)	50.00 M (164.04')	VARIANCE (44.2')
(SFD) SIDE COMBINED	5.40 M	4.25 M (13.94')	13.50 M (44.2')
(SFD) BUILDING HEIGHT	7.60 M	8.08 M (26.51')	1.15 M (3.77')
GARAGE IN REAR YARD	REAR YARD	FRONT YARD	0.48 M (1.57')

REQUESTED VARIANCE INDICATED BY SYMBOL



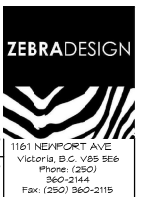
Original Basement Plan
SCALE 1 : 100

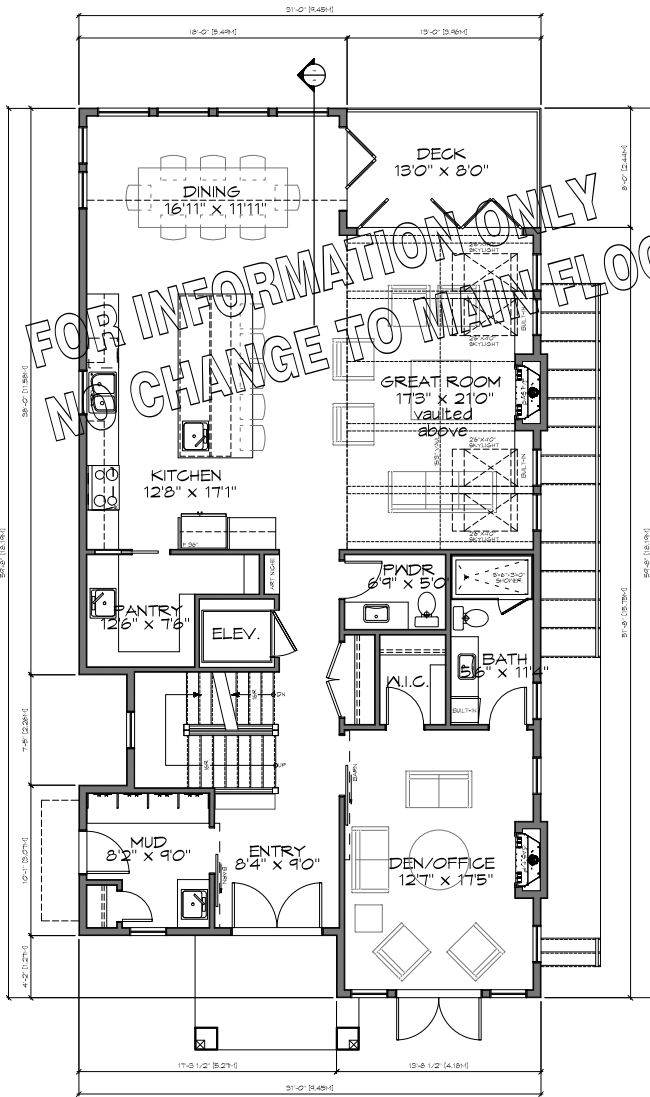


Existing Basement Plan
SCALE 1 : 100

Andrew SFD & Garage
161 Robertson Street, Victoria November 16, 2020

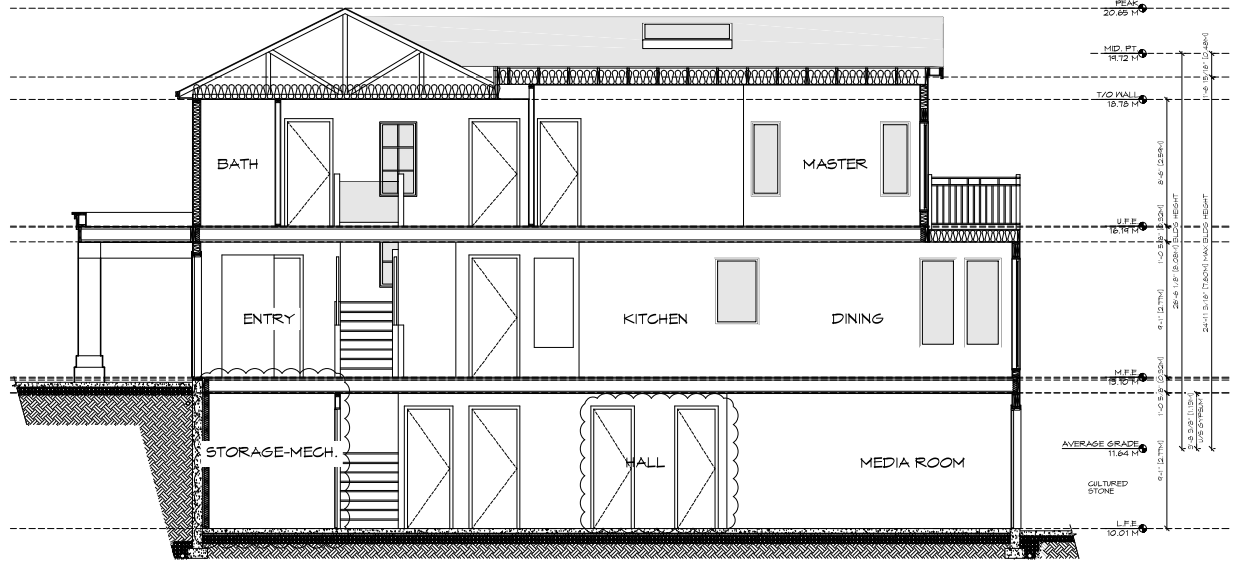
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BVP-V1





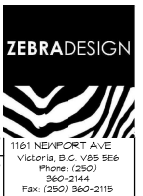
FOR INFORMATION ONLY
 NO CHANGE TO MAIN FLOOR

Existing Main Floor Plan
 SCALE 1 : 100



Building Section CHANGE TO BASEMENT LEVEL ONLY
 SCALE 1 : 100

BOVO4
 DVP-V1



Andrew SFD & Garage
 161 Robertson Street, Victoria November 16, 2020

1161 NEWPORT AVE
 Victoria, B.C. V8S 5E6
 Phone: (250) 360-2144
 Fax: (250) 360-2115

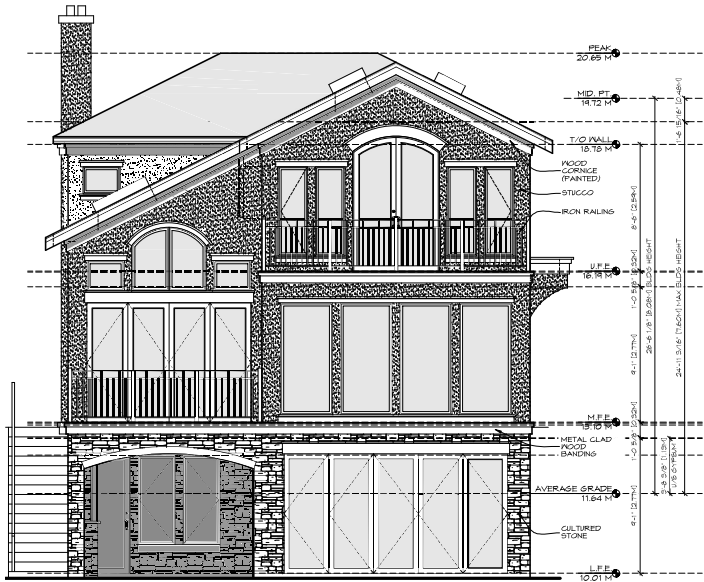


Existing Front Elevation
SCALE 1 : 100



Existing Side Elevation - North
SCALE 1 : 100

FOR INFORMATION ONLY
NO CHANGES



Existing Rear Elevation
SCALE 1 : 100



Existing Side Elevation - South
SCALE 1 : 100

FOR INFORMATION ONLY
NO CHANGES

November 25, 2020

Dear Mayor and Council,

Thank you for taking the time to review the application for a variance pertaining to the maximum floor area for our property under construction at 161 Robertson Street. In order to achieve seismic stability during construction, we were forced to excavate deeper than expected. As a result, what was intended to be crawlspace ended up as full height basement, which is included in total floor area calculations. Because the proposed variance pertains only to the below grade portion of the basement, it would have no impact on the outward appearance of the property or on city services.

During professional design of our family home, we had anticipated that we would encounter bedrock near the surface on the west (uphill) side of the property, because most of the properties nearby are known to have bedrock relatively near the surface. We therefore designed a home with a 5 foot storage crawlspace in this 73 square meter section in order to minimize the need for disruptive blasting.

Because our new family home is in a high-risk Tsunami zone, seismic stability is extremely important to us. During excavation, routine assessment by Ryzuk Geotechnical revealed that, not only was bedrock deeper than expected, but that we would need to excavate deeper on that 73 square meter (8% of the lot) in order to be able to achieve the most solid footing possible. As a result of this unexpected consideration, excavation for the planned 73 square meter crawlspace ended up being an additional 4' in height, resulting in accessible basement where previously there would have been a 5' crawlspace. Please see the attached letter from Ryzuk Geotechnical for details.

There is no impact to the appearance of the building as the additional square footage was added by excavating below grade. Openings, services, site coverage, and external appearance remain completely unchanged. The floor area ratio remains well within required limits.

As a result of this 4' additional excavation and finishing it at basement level, this 73 square meter space is now included in Floor Area calculation. We are therefore requesting a relaxation of the Floor Area to allow for this larger basement. By keeping the whole basement area accessible, we preserve an area which could one day be used to create a 100 square meter two bedroom apartment.

We herewith request the relaxation of the following zoning requirement:

Floor Area (R1-G part 1.6.3.c): From the required 300 square meters to 372.77 square meters.

Sincerely,

Handwritten signatures of Stephanie and John Andrew in black ink.

Stephanie and John Andrew

RYZUK GEOTECHNICAL
Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

March 2, 2020
File No: 8393-1Alan Andrew
1966 Fairfield Rd
Victoria, BC
V8S 1H4

Attn: Alan Andrew (email: j.alan.andrew@gmail.com)

Dear Sir,

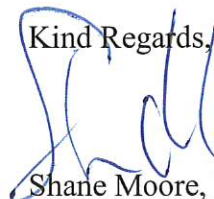
Re: Board of Variance
161 Robertson St – Victoria, BC

We understand that the marginal increase in floor area due to basement space rather than crawlspace has resulted in a requirement for you to make application to the Board of Variance. This letter summarizes the geotechnical conditions that contributed to the circumstances that have resulted in such.

During design, we had undertaken a subsurface investigation to confirm the existing geotechnical conditions, however, the depth to bedrock was extrapolated based on that information as well as the visible conditions along the shoreline slope and on the neighbouring properties. Unfortunately, during the process of excavation, we discovered that the bedrock plummeted more rapidly than anticipated, and we encountered soils that were not suitable for support of the residence considering the current BC Building Code for seismic stability. Accordingly, we recommended that the foundations be extended and secured to bedrock at an elevation that was lower than designed. Subsequently, given that the excavation had taken place, there was sound rationale to make use of that space as basement rather than infill back up to a higher elevation for a crawlspace.

If you have any questions with respect to the above, please contact us.

Kind Regards,

Shane Moore, P.Geo.
Senior Geoscientist/Managing Partner

12:50 Board of Variance Appeal #00827
David Yamamoto, Applicant; Alan Andrew, Owner
161 Robertson Street

Present Zoning: R1-G - Four single family dwellings (cottages)
Present Use: R1-G - Single Family Dwelling

The proposal is to convert crawlspace to basement area in a single-family dwelling currently under construction.

Bylaw Requirement

Relaxation Requested

Section 1.6.3 (c)

Increase the maximum floor area of all floor levels combined from 300m² to 372.77m².

David Yamamoto, applicant; Alan Andrew & Stephanie Andrew, homeowners; were present.

Applicant

- The basement is being claimed for floor space because the original excavation was only done to the depth in which to permit the original crawlspace areas.
- Hardpan conditions were much lower than expected, making excavation deeper than originally planned.
- The property is still under the floor area ratio limit.
- There is no aesthetic change to the house.
- Wheelchair accessible space is important for our family because of some past personal experiences.

Board

- Has the excavation taken place?
 - Yes.
- Has the slab been poured?
 - Yes.
- Prior to getting the building permit what geotechnical investigation was taken?
 - The owners had a specialist, but no digging was done. The consultant had worked on the neighbour's project beside our house in 2008 and thought he had a good grasp on the soil conditions.
- What are the options moving forward if this application was denied?
 - The applicant would have to look into building the floor up, dropping the ceiling down or to drop in a mezzanine level.

Public portion of the meeting closed.

- This is a significant amount of space, 800sq ft added to the residence

Motion:

Moved: Jaime Hall

Seconded: Margaret Eckenfelder

That the following variances be declined:

Section 1.6.3 (c)

Increase the maximum floor area of all floor levels
combined from 300m² to 372.77m².

Carried Unanimously

Hi Alex,

I am writing to urge you and city council to consider rejecting the variance permit application for the above-noted property. Here are my concerns:

1. *"... what was intended to be crawlspace ended up as full height basement."*

The whole notion of applying for a variance permit after the fact seems disingenuous. This is a multi-million \$ house built on the edge of a steep slope leading to the water and it is inconceivable why the owners wouldn't have undertaken proper geotechnical assessment work prior to construction if, as they state, "seismic stability is very important to us".

2. *"There is no impact to the appearance of the building as the additional square footage was added by excavating below grade."*

Based on my understanding of this project I think this is incorrect. If the owners had completed a proper geotechnical assessment prior to construction and identified the need to excavate deeper, then the entire house could have been built with the originally planned 5' crawlspace but the house would sit 4' lower compared to how it sits now. In an area with potential waterfront views, a difference of 4' can make a huge difference to the view of water and Gonzales Hill to the residents on the opposite side of Robertson Street.

3. *"By keeping the whole basement area accessible, we preserve an area which could one day be used to create a ... two bedroom apartment."*

This really seems like they are grasping at straws. They clearly have no intention of developing this space as a rentable apartment and it is highly unlikely that any future owner of this multi-million \$ waterfront mansion is going to need a "mortgage helper" suite. However, the additional floor space undoubtedly adds a considerable amount to the value of this property.

It is unfortunate that this work went ahead without permission and it certainly puts the City in a difficult position. I am not sure what an appropriate mitigation would be.

Sincerely,

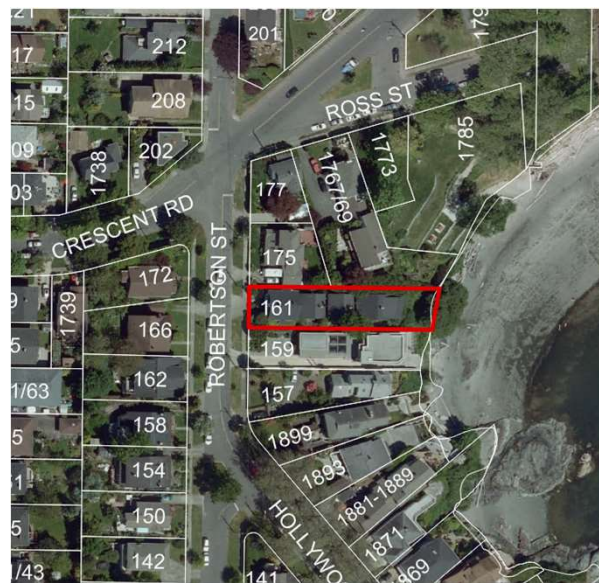
Jack Sutcliffe
Victoria

Development Variance Permit
Application for
161 Robertson Street

Convert crawlspace to basement



Aerial View



Subject Property

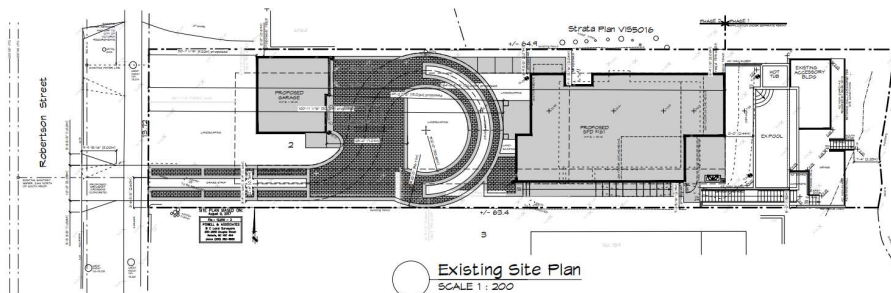
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161 Robertson – Existing Site Plan

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Excavation detail

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- During excavation, the geotechnical engineer, Ryzuk Geotechnical, determined that bedrock was deeper than expected, requiring additional excavation to achieve solid footing



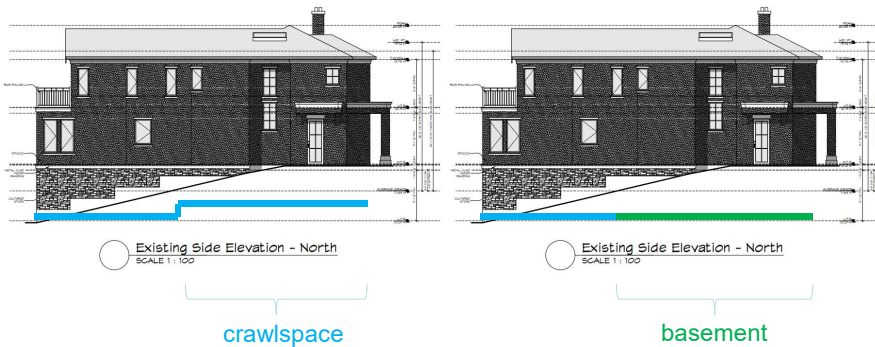
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Elevations – original and modified

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Original

Modified



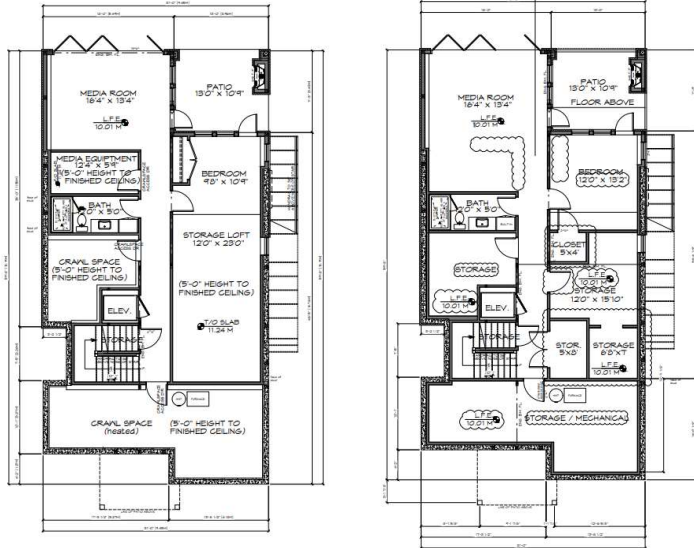
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Floor plans – lower level

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Original Basement

Modified Basement



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161 Robertson – Applicant’s rationale

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- Conditions encountered during construction made it more efficient to build full basement
- Reduce need for fill materials
- No impact on city services, external appearance of house, trees, open area, greenspace, etc



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