



## **ROCKLAND NEIGHBOURHOOD ASSOCIATION**

March 21, 2017

Board of Variance, City of Victoria

Re: Appeal #00634, 1540 Montgomery Avenue

The Rockland Neighbourhood Land Use Committee adamantly rejects the last-minute application for a Variance in Height on this building. The R1-A zoning bylaw clearly states that the height of buildings must not exceed 7.6 meters.

There is no excuse for a height overrun brought about by either incompetence or indifference to bylaw, neither of which justifies a relaxing of the rezoning. A “miscalculation” is an improbable explanation.

The Sept 21st date when roof trusses were installed provided ample opportunity to inspect and order a reconstruction of the building to an allowable height, conforming with neighbourhood values and expectations. This would have allowed a relatively simple and somewhat common truss modification; however, the opportunity was not taken.

It is completely unreasonable to appeal to the Board of Variance six months later, asking for a relaxation, when the opportunity to make corrections was willfully ignored. Further, it is not credible that “the same level of complexity to rectify the situation” existed then, when only trusses were in place. Obviously, it is more difficult to correct the error now that roofing is completed.

The February 17<sup>th</sup> letter from En Viro Tec is incorrect in stating the only concern is the building on either side. While there is an excess of 4” (likely an understatement), this ignores the fact that it is now apparently a 0.46 m. deviation from the original plan submission and that it selfishly disregards the impact that 0.46 m. (18 in./5 yd.) of additional roof height has on the seaward views of the homes upslope.

The Feb. 17<sup>th</sup> letter further raises the likelihood of disrespect for the zoning, in stating that “the owner considered 9 ft. ceilings on all 3 floors.” Despite the legal height limit of 7.6 metres, a height of at least 8.2 metres was contemplated. It is disingenuous of the builder to plead for forgiveness for what is clearly a flaunting of the bylaw.

Granting a variance and allowing this building to receive an occupancy permit paves the way for future disregard and circumvention of City zoning and enforcement. The height must be reduced now, irrespective of any inconvenience it creates for the builder and owner. Anything less makes a travesty of the zoning bylaws and, by extension, City Development Services. Anything less ignores the rights of surrounding neighbours to the protection they should expect from existing zoning regulations.

Janet Simpson, President