

# Residents want pink house to stay

## Beach Drive neighbours battle construction of Tudor-style home

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*Times Colonist staff*

When you build a house in upper-crust Uplands, it's not enough to obey building codes and bylaws. You also need approval from your neighbours.

This Oak Bay neighbourhood where houses can cost millions of dollars is protected by more than municipal zoning bylaws. It also has its own special act of the B.C. legislature.

That act allows Uplands residents to hold up a building permit just because they don't like the way a proposed house looks, even when it complies with all building restrictions on the books.

Now, Peter Gustavson is finding out the hard way what it can mean to try to build a house in Greater Victoria's most exclusive neighbourhood.

Gustavson showed up at Oak Bay

Municipal Hall Monday night to ask councillors for support to build his dream house, only to have them pass the buck.

Gustavson, 44, and his wife bought a house at 2985 Beach Dr. last summer. After paying more than \$1.8 million for the property, they immediately hired an architect to design their dream home.

The existing house is a single-storey bungalow built in 1959.

The bungalow is known locally as "the pink house."

Its siding is pink. The brick work is painted pink. Even the pillars at the end of the driveway are pink.

Gustavson, who owns Custom House Currency Exchange, said he and his wife never intended to live in the pink house. They wanted a two-storey Tudor-style house.

Their planned home meets all Oak Bay restrictions for height, area and distances from the borders of the 1.5-acre lot. But neighbours still complained and they used all the clauses in the Uplands rule book to do it.

They complained about the size, so Gustavson had the architect reduce it.

They complained about the view

between the houses, so Gustavson had the architect rotate the house on the lot.

They complained about the height, so Gustavson tried to bring it down, but the architect insisted the height was needed to maintain the Tudor design. After all, the height was legal.

Neighbours also complained the Gustavsons' proposed home, from certain angles, would cut off part of their ocean view.

They even hired their own architect to dispute the views drawn up by Gustavson's lawyer.

Oak Bay councillors still haven't made up their minds.

After listening for several hours Monday they referred it back to a design committee.

That's the same committee that has already considered the proposed house on four occasions and sent it up to council for a decision.

The neighbours could not be reached for comment Tuesday.

Gustavson said he is a little frustrated, but understands this is what happens when you build in Uplands.

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# Capital Region

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"It's all part of the process," he said in an interview.

The provincial act with special protective regulations for every Uplands homeowner dates back to 1907 when the neighbourhood was laid out. In 1935, those powers were transferred to the municipality through the Oak Bay Special Powers Act.

Tom MacDonald, Oak Bay municipal clerk, believes the whole process is unique to Uplands and Oak Bay.

"Were this to happen anywhere else in the municipality, as long as they meet all the zoning requirements, they could do whatever they wanted," said MacDonald



The pink house at 2985 Beach Dr., top; artist's conception of the proposed new Tudor-style house, immediately above.