



CITY OF BURNABY

BOARD OF VARIANCE

NOTICE OF OPEN MEETING

MINUTES

A Hearing of the Board of Variance was held in the Clerk's Committee Room, Lower Floor, City Hall, 4949 Canada Way, Burnaby, B.C., on Thursday, 2016 August 04 at 6:00 PM

1. CALL TO ORDER

PRESENT: Ms. Charlene Richter, Chair
Mr. Guyle Clark, Citizen Representative
Mr. Stephen Nemeth, Citizen Representative
Mr. Brian Pound, Citizen Representative

ABSENT: Mr. Rana Dhatt, Citizen Representative

STAFF: Ms. Margaret Malysz, Planning Department Representative
Ms. Eva Prior, Administrative Officer

The Chair for the Board of Variance called the meeting to order at 6:00 p.m.

2. MINUTES

(a) [Minutes of the Board of Variance Hearing held on 2016 July 07](#)

MOVED BY MR. POUND

SECONDED BY MR. NEMETH

THAT the minutes of the Burnaby Board of Variance Hearing held on 2016 July 07 be adopted as circulated.

CARRIED UNANIMOUSLY

3. APPEAL APPLICATIONS

The following persons filed application forms requesting that they be permitted to appear before the Board of Variance for the purpose of appealing for the relaxation of specific requirements as defined in the Burnaby Zoning Bylaw 1965, Bylaw No. 4742.

(a) APPEAL NUMBER: B.V. 6239

APPELLANT: Jatinderpal Gill

REGISTERED OWNER OF PROPERTY: 1072218 BC LTD

CIVIC ADDRESS OF PROPERTY: [4935 and 4937 Georgia Street](#)

LEGAL DESCRIPTION OF PROPERTY: Lot D; DL 127; Plan NWP16140

APPEAL: An appeal for the relaxation of Sections 6.3.1 and 104.11 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new two family home at 4935 and 4937 Georgia Street. The following variances are being requested:

- a) The distance between the principal building and the detached garage would be 8.39 feet where a minimum distance of 14.8 feet is required; and,
- b) The rear yard setback would be 19.33 feet to the foundation where a minimum rear yard setback of 29.5 feet is required. (Zone R4)

A previous Board of Variance application was withdrawn prior to the 2016 July 07 Hearing.

APPELLANT'S SUBMISSION:

Jatinderpal Gill submitted an application to allow for the construction of a new home two family home with detached garage at 4935 and 4937 Georgia Street.

Mr. Gill appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

This property was the subject of an appeal before the Board on 2016 July 07 (BV # 6235). A variance was sought to allow for the construction of a new two family dwelling with accessory detached garages observing a front yard setback of 27.21 ft. where a front yard setback of 41.43 ft. is required. This appeal was not supported by this Department. The applicant withdrew the appeal at the hearing.

Subsequently, in response to the concerns raised at the hearing, the applicant has revised the proposal. The revised design locates the principal building 14.22 ft. further away from the front property line, which no longer requires a relaxation of the required front yard setback. At the same time, the accessory detached garages are proposed 5.2 ft. closer to the rear property line. The proposed siting results in a reduction in the distance between the principal building and detached garage and the principal building encroaching into the rear yard; otherwise, the proposal is essentially the same as in the previous 2016 July 07 appeal.

The subject site, zoned R4 Residential District, is located in the Brentwood neighbourhood in which the age and condition of single and two family dwellings vary. This slightly irregular interior lot, approximately 68 ft. wide by 122 ft. deep, fronts onto Georgia Street to the south and is bordered by lanes to the west and north. Immediately to the east of the subject site is a two family dwelling. To the north and west, across the lane, and to the south, across Georgia Street, are single family dwellings. Vehicular access to the subject site is proposed to be relocated from the west lane, close to the southwest corner of the lot, to the north lane. The site observes a substantial downward slope of approximately 19.5 ft. from rear to front.

The subject site is proposed to be redeveloped with a new two family dwelling and accessory detached garages, for which two variances are requested.

The first a) appeal would permit a distance of 8.39 ft. from the accessory detached garages to the principal building, with a further roof projection of 1.5 ft., where a minimum distance of 14.8 ft. is required.

The Bylaw requires a separation between buildings on the same lot in order to prevent massing impacts on the occupants of the subject property and neighbouring properties, as well as to provide for sufficient outdoor living space.

This variance relates directly to the proposed revised siting of the principal building. In order to achieve the greater front yard setback, the proposed dwelling has been located 14.22 ft. closer to the accessory detached garages. The previously proposed separation between two structures was 17.42 ft.

The proposed 22.5 ft. wide by 19.5 ft. deep accessory building, which would contain two one-car garages placed side by side, is proposed slightly off center to the west in the rear yard. These detached garages would observe a 4.0 ft. setback from the rear lane, which is the minimum setback required for an accessory building. The principal dwelling, approximately 56.0 ft. wide and 48.5 ft. deep, would overlap the entire width of the detached garages. Although some windows are proposed within the area where the reduced separation occurs (recreational room at the main floor and master bedroom at the upper floor), there will be only a small direct overlap of windows in the opposing walls between two structures.

The proposed garage slab level (at 307.37 ft.) would be approximately 0.24 ft. above the proposed second floor level (at 307.13 ft.). The existing grades at the lane and the sloping terrain in the north-south direction contribute to establishing these levels. Currently, the terrain within the rear yard is supported by a concrete retaining wall along the rear property line and a wooden retaining wall at approximately 26 ft. into the rear yard, which are proposed to be removed. (The existing concrete retaining walls along the side property lines are to be retained.) As a result of the substantial grade drop within the rear yard, the exposed wall height at the south side of the garages (facing the dwelling) would be approximately 14.5 ft. to the bottom of fascia board (or 20.19 ft. to the top of the garage roof), with a further grade drop around the principal building face of approximately 4 ft. (the proposed main floor level is 297.13 ft.). In this context, the reduced separation between the two structures would have some impacts on the interior of the dwelling.

With respect to outdoor living space, this appeal would reduce the green area available on this site, but an outdoor living area of approximately 610 sq. ft. and 800 sq. ft. would remain in the rear yard to the west and east of the proposed detached garages. In addition, the proposal features large covered decks at the upper floor, at the outer rear corners of the principal dwelling, which directly overlook these outdoor spaces. Some outdoor space would be also available in the approximately 41 ft. deep front yard; however, this area would not afford the same level of privacy as a rear yard.

Further, since the compromised separation between the two structures would occur in the interior of the site, approximately 20 ft. and 25 ft. away from west and east side property lines respectively, this relaxation would have little massing impacts on adjacent properties across the lane to the west and to the east of the subject site.

In view of the above, this Department does not object to the granting of the first a) appeal.

The second b) appeal requests a rear yard setback of 19.33 ft., measured to the foundation of the proposed two family dwelling, with a further projection for roof eaves of up to 2.0 ft., where a minimum rear yard setback of 29.5 ft. is required.

The intent of the Bylaw is to mitigate the massing impacts of new buildings and structures on neighbouring properties and to ensure sufficient outdoor living area in the rear yard.

It should be noted that this proposal reflects the applicant's efforts to address the concerns related to the previously requested front yard setback relaxation.

This variance is related to the site geometry. In particular, due to the 10 ft. by 10 ft. truncated northwest corner of the subject lot, the rear yard setback is measured diagonally from the chamfered northwest property line. As a result, the proposed principal building encroaches 10.17 ft. into the required rear yard setback at this chamfered setback area in the northwest corner. Otherwise, the entire dwelling

observes a rear yard setback of 31.9 ft., which exceeds the minimum setback required (29.5 ft.), from the north rear property line. Therefore, although the existing dwelling provides a rear yard setback that is larger than proposed, of approximately 45 ft., the neighbouring properties would not be affected by the proposed encroachment.

With respect to outdoor living space, as mentioned in the first appeal, a sufficient rear yard area would remain on the subject site.

Considering the challenging geometry of the site and the absence of any anticipated negative impacts on the adjacent properties, this Department does not object to the granting of the second b) appeal.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. POUND
SECONDED BY MR. CLARK

THAT based on the plans submitted part (a) of this appeal be ALLOWED.

CARRIED UNANIMOUSLY

MOVED BY MR. POUND
SECONDED BY MR. CLARK

THAT based on the plans submitted part (b) of this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(b) APPEAL NUMBER: B.V. 6240

APPELLANT: Monika Amini

REGISTERED OWNER OF PROPERTY: Isabella and Mikel Iuliano

CIVIC ADDRESS OF PROPERTY: [1484 Douglas Road](#)

LEGAL DESCRIPTION OF PROPERTY: Lot 14; DL 117; Plan NWP1222

APPEAL: An appeal for the relaxation of Sections 105.8(1), 105.9 and 105.11 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family home with attached garage at 1484 Douglas Road. The following variances are being requested:

- a) the depth of the principal building would be 59.0 feet where a maximum depth of 33.5 feet is permitted;
- b) The front yard setback would be 8.17 feet to the posts where a minimum front yard setback of 19.7 feet is required based on front yard averaging. The roof overhang would be 2.0 feet beyond the post; and,
- c) The rear yard setback would be 6.58 feet to the post where a minimum rear yard setback of 24.6 feet is required. The roof overhang would be 2.0 feet beyond the post. (Zone R5)

APPELLANT'S SUBMISSION:

Monika Amini, on behalf of the homeowners, submitted an application to allow for the construction of a new home at 1484 Douglas Road. Ms. Amini requested the variances due to the restrictions posed by the size, irregular shape of the lot and the lack of lane access.

Ms. Amini and Mr. Iuliano appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site, which is zoned R5 Residential District, is located in the Willingdon Heights neighbourhood, in which the age and condition of single and two family dwellings vary. This roughly triangular interior lot is approximately 119 ft. deep along the east (side) property line and has a frontage of approximately 135 ft. on Douglas Road to the southwest. Abutting the subject site to the north (rear), east (side) and across Douglas Road to the southwest (front) are single family dwellings. The southernmost point of the subject site is in close vicinity to the intersection between Douglas Road, which runs in the northwest-southeast direction, and Grant Street, which runs in the east-west direction. Directly across this interaction to the south, is a landscape/parking area for a small industrial development. Vehicular access to the site is proposed to be retained via Douglas Road; there is no lane access. The site observes a downward slope of approximately 6 ft. in the northeast-southwest direction.

A new single family dwelling with attached garage is proposed for the subject site, for which three variances are requested.

The first a) appeal is for a principal building depth of 59.0 ft., with further roof projections of 2.0 ft., where a maximum building depth of 33.5 ft. is permitted, based on 50% of the lot depth.

The Bylaw's intent in limiting building depth is to prevent the creation of dwellings that present a long imposing wall, such that the massing of the building impacts neighbouring properties.

The building depth calculation is based on the building depth as projected onto the lot depth, which is the line joining the center points of the front and rear property lines. Due to the site geometry, this line is angled in relation to these property lines and measures only 67.0 ft. The siting of the proposed dwelling, which would be parallel to the angled Douglas Road property line, is also rotated in relation to the lot depth line. Measured along this line, the proposed projected building depth is 59.0 ft., which exceeds the maximum permitted building depth by 25.5 ft. It is noted that the existing building depth, as constructed in 1916/38, although substantially less (approximately 40.0 ft.), is legal non-conforming with respect to current Zoning Bylaw requirements.

The principal building is proposed essentially in the middle of the triangular site area, with its front elevation 54.5 ft. long along the Douglas Road property line. The front elevation would feature generous setbacks on both sides of the upper floor, 7.0 ft. and 5.18 ft. to the northwest and southeast respectively. These generous setbacks would help reducing a long "wall" appearance when viewed from the distant neighbouring residences across Douglas Road.

Given this design and the rotated orientation of the subject dwelling with respect to the east (side) and north (rear) property line, the proposal would not create a long "wall" effect as viewed from the immediately adjacent property to the east and properties to the north, which are oriented towards Kitchener Street further to the north.

In summary, given the unique geometry of the subject site, which creates design challenges, and the low impact of the proposal on neighbouring properties, this Department does not object to the granting of this first a) appeal.

The second b) appeal requests a front yard setback of 8.17 ft., measured to the front porch posts of the proposed single family dwelling, with a further projection for roof eaves of 2.0 ft. and a bay window of 1.0 ft., where a minimum front yard setback of 19.7 ft. is required from the Douglas Road property line.

The proposed front yard setback is measured to the posts of the front porch, which is centrally located at the front elevation (parallel to the front property line). With the exception to the front porch and the 8.0 ft. wide bay window at the upper floor, the main body of the dwelling would be set back further by 1.83 ft., resulting in a distance of 10 ft. from the front property line. Various further setbacks, up to 4.0 ft., are proposed at the upper floor in relation to the main body of the dwelling. Also, as noted under the first a) appeal, the upper floor would be generously set back on both sides in relation to the main floor face.

With respect to the neighbouring residence to the east, although the siting of the proposed dwelling would be substantially closer to this residence as compared to the current dwelling on the subject site, minimal massing impacts are expected in relation to the proposed reduced front yard setback. The large side yard area at the south corner of the subject site, related to the angled relation between the proposed dwelling and the east side property line, would provide a generous spatial separation: the

distance between the neighbouring dwelling and the proposed dwelling would vary from approximately 26 ft. (if the closest northern corners are considered) to approximately 48 ft. (if the closest southern corners are considered). Further, there will be no direct overlap between the front encroachment area and the front yard of this neighbouring property.

Similarly, with respect to the neighbouring residence to the northwest, considering the large northwest side yard setback of 21.57 ft. and the screening effects provided by the existing detached garage on this property, located directly opposite the front encroachment area close to the shared (north) property lines, no massing effects are expected on this property.

With respect to the neighbouring residences across Douglas Road to the southwest, the distant siting of these residences, over 80 ft. away from the front property line of the subject site, would help mitigate impacts of the proposed reduced front yard. It is noted that the current dwelling observes a front yard setback of approximately 3 ft., and is legal non-conforming with respect to current Zoning Bylaw requirements. In this context, this proposal is an improvement to the existing conditions.

In the broader neighbourhood context, in relation to the angled alignment of Douglas Road, there is no established block front in the subject block and the block directly opposite, across Douglas Road to the southwest. With most of the neighbouring homes in the subject block fronting different streets and observing reduced setbacks from the Douglas Road property line, the proposed placement of the subject dwelling would not be out of the ordinary in this context.

In summary, considering the challenging geometry of the site and the absence of any anticipated negative impacts on the adjacent properties and the existing streetscape, this Department does not object to the granting of the second b) appeal.

The third c) appeal requests a rear yard setback of 6.58 ft., measured to the post of the rear deck of the proposed single family dwelling, with a further projection for roof eaves of 2.0 ft., where a minimum rear yard setback of 29.5 ft. is required.

The intent of the Bylaw is to mitigate the massing impacts of new buildings and structures on neighbouring properties and to ensure sufficient outdoor living area in the rear yard.

The principal building encroaches 22.92 ft. into the required rear yard setback. The proposed rear yard setback is measured to the post of the rear deck at the most northern corner of the dwelling. Due to the rotated orientation of the proposed dwelling with respect to the rear (north) property line, this distance gradually increase towards the south. As a result, the rear yard encroachment occurs approximately over the northern half of the proposed dwelling.

With respect to the neighbouring properties to the north and east, the proposed reduction of the rear yard setback would create some impacts on the rear yards of these properties. To a degree, these impacts would be mitigated by the various setbacks and an open upper deck, introduced at the northeast corner of the dwelling, as well as the stepping back of the upper floor on the northwest side.

With respect to outdoor living space, two smaller green areas would be provided to the northeast and northwest of the proposed dwelling within the rear yard, which would be approximately 1000 sq. ft. in total.

It is noted that the current dwelling observes a rear yard setback of approximately 3.0 ft., and is legal non-conforming with respect to current Zoning Bylaw requirements. Further, it is noted that with the lot depth of only 67 ft., there is no room for modifications to the placement of the dwelling in this proposal.

In summary, although some impacts are anticipated on the neighbouring property to the north and east, given the unusual site geometry and orientation of the subject site, which limits the development options available on this site, this Department does not object the granting of this third c) variance.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from the property owner at 1415 Douglas Road in opposition to the variances. The resident expressed concern that the requested home will be too large for the lot size and too close to Douglas Road.

The home owner of 1415 Douglas Road, appeared at the Board of Variance in opposition to the proposed variances, reiterating the concerns expressed in his written submission. The resident also expressed concern regarding parking and siting of the home.

No further submissions were received regarding this appeal.

MOVED BY MR. NEMETH
SECONDED BY MR. POUND

THAT based on the plans submitted part (a) of this appeal be ALLOWED.

CARRIED UNANIMOUSLY

MOVED BY MR. NEMETH
SECONDED BY MR. POUND

THAT based on the plans submitted part (b) of this appeal be ALLOWED.

CARRIED UNANIMOUSLY

MOVED BY MR. NEMETH
SECONDED BY MR. POUND

THAT based on the plans submitted part (c) of this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(c) **APPEAL NUMBER:** B.V. 6241 **6:00 PM**

APPELLANT: Hitesh Neb

REGISTERED OWNER OF PROPERTY: Crescent Holdings Inc

CIVIC ADDRESS OF PROPERTY: [4679 Alpha Drive](#)

LEGAL DESCRIPTION OF PROPERTY: Lot 39; DL 123; Plan 16792

APPEAL: An appeal for the relaxation of Sections 6.3.1, 110.6(2)(b), 110.7(a) and 110.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a single family home at 4679 Alpha Drive. The following variances are being requested:

- a) The distance between the principal building and the detached garage would be 5.60 feet where a minimum distance of 14.8 feet is required;
- b) the principal building height would be 21.04 feet where a maximum height of 19.0 feet is permitted;
- c) the depth of the principal building would be 57.02 feet where a maximum depth of 38.23 feet is permitted; and,
- d) the front yard setback would be 16.55 feet to the foundation where a minimum front yard setback of 24.9 feet is required. The roof overhang would project a further 2.95 feet beyond the foundation. (Zone R10)

A previous Board of Variance (BV 6237, 2016 July 07) allowed the appeals requesting the distance between the principal building and the detached garage to be 5.60 feet where a minimum distance of 14.8 feet is required, and the depth of the principal building to be 57.27 feet where a maximum depth of 38.23 feet is permitted.

The Board of Variance denied the appeals requesting the principal building height of 22.65 feet where a maximum height of 19.0 feet is permitted; the front yard setback of 16.39 feet to the foundation where a minimum front yard setback of 24.9 feet is required based on front yard averaging, with the roof overhang extending 2.81 feet beyond the foundation; and retaining walls at the frontage of Alpha Drive with varying heights of up to a maximum of 2.50 feet where no fence or other structures are permitted in front of the face of the principal building facing the front yard.

APPELLANT'S SUBMISSION:

Hitesh Neb submitted an application to allow for the construction of a new home at 4679 Alpha Drive. Mr. Neb requested the variances due to the irregular lot shape and the slope of the property.

Mr. Neb and Mr. Shen appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

This property was the subject of an appeal before the Board on 2016 July 07 (BV # 6237). Five variances were sought to allow for the construction of a new single family dwelling with a detached garage observing: a) a distance of 5.60 ft. from the accessory building to the principal building where a minimum distance of 14.8 ft. is required b) a building height of 22.65 ft. where a maximum height of 19.0 ft. is permitted for flat roofs, c) a principal building depth of 57.27 ft. where a maximum building depth of 38.23 ft. is permitted, d) a front yard setback of 16.39 ft. where a minimum front yard setback of 24.9 ft. is required and e) to permit retaining walls at the Alpha Drive frontage where no fence or other structure is permitted in front of the face of the principal building facing the front yard. The first a) and third c) appeals concerning distance between two structures and building depth were supported by this Department and the Board of Variance granted both appeals. The second c) appeal concerning building height, while was supported by this Department, was denied by the Board of Variance. The fourth d) and fifth e) appeals concerning front yard and retaining walls were not supported by this Department, and the Board of Variance denied both appeals.

Subsequently, in response to the concerns raised by the neighbours at the hearing, the applicant has revised the proposal. The revised proposal lowers the principal building by 3.5 ft. as compared to the previous proposal, which results in a 1.61 ft. reduction to building height. Also, a 0.18 ft. reduction to the principal building length along the north (side) property line is proposed, which results in a 0.25 ft. reduction to the building depth of and a 0.16 ft. increase to the front yard setback. In addition, the previously indicated retaining walls within the front yard are no longer proposed, and therefore, there is no longer a need for a variance; otherwise, the proposal is essentially the same as in the previous 2016 July 07 appeal.

As a reminder, the subject property is located in the Brentwood Park area, in a mature single family R10 District neighbourhood that is characterized by low-scale single family dwellings. The R10

District in this area was established through a resident-initiated area rezoning process in order to control the form and character of new development, including fences and other structures. This irregular interior lot, which is roughly kite-shaped, is approximately 52 ft. deep along the southwest (side) property line and has a frontage of approximately 115 ft. on Alpha Drive to the southeast. Abutting the subject site to the southwest and across the lane to the north are single family dwellings. Vehicular

access to the site is proposed to be relocated from Alpha Drive to the north lane. The site observes a substantial downward slope of approximately 10 ft. in the north-south direction.

A new proposal for a single family dwelling with detached garage is proposed for the subject site, for which four variances are requested.

The first a), third c) and fourth d) appeals will be discussed first. Comments on the second b) appeal will follow.

The first a) appeal would permit a distance of 5.60 ft. from the accessory building to the principal building, with further roof projections of 0.15 ft., where a minimum distance of 14.8 ft. is required.

The Bylaw requires a separation between buildings on the same lot to ensure that the overall massing of the building does not have a negative impact on the occupants of the buildings and neighbouring properties, as well as to provide for sufficient outdoor living space.

Since the relation between the two structures in the revised proposal is not changed as compared to the previous proposal, this Department's comments remain similar to the comments under the 2016 July 07 appeal.

The proposal locates the detached garage and the principal building side by side along the north (side) property line, with the garage placed right at the west (rear) property line. A 5.6 ft. wide pathway is proposed between the two structures, which leads to an approximately 700 sq. ft. backyard area. Only two small windows, in a bedroom and bathroom, would face the garage, so few impacts are expected on the future occupants/users of the subject site. The garage would be aligned with the detached garage on the adjacent property to the west and with the detached garage directly across the lane to the north. Therefore, the reduced distance between the two structures would not impact these neighbouring properties.

It could be argued that the reduced distance between the two structures would affect views from the neighbouring residence at 4572 Napier Street, across the lane to the north, which the proposed principal building would fully overlap. However, a mature hedge on the rear property line of this property provides extensive screening. Further, the proposed dwelling provides the required side yard setback from the north property line.

In view of the above, this Department does not object to the granting of this first a) appeal.

The third c) appeal is for a principal building depth of 57.02, with further roof projections of 2.95 ft., where a maximum building depth of 38.23 ft. is permitted.

The Bylaw's intent in limiting building depth is to prevent the creation of dwellings that present a long imposing wall, such that the massing of the building impacts neighbouring properties.

Since the proposed 0.25 ft. reduction to the building depth, although an improvement does not essentially change the massing relation between the proposed dwelling and the surroundings, this Department's comments remain similar to the comments under the 2016 July 07 appeal.

The building depth calculation is based on the building depth as projected onto the lot depth, which is the line joining the center points of the front and rear property lines. Due to the site geometry, this line is angled in relation to these property lines and measures only 84.97 ft. The siting of the proposed dwelling is also slightly rotated in relation to the lot depth line. Measured along this line, the proposed projected building depth is 57.02 ft., which exceeds the maximum permitted building depth by 18.79 ft. It is noted that the existing building depth, as constructed in 1957/60, is approximately 50.0 ft., which is legal non-conforming with respect to current Zoning Bylaw requirements.

The proposed principal building resembles a rough "L" in plan view, with the longer wing (17.97 ft. wide by 55.75 ft. long) oriented in the east-west direction and the shorter wing (23.29 ft. wide by 47.25 ft. long) oriented in the north-south direction. Given this design, and the rotated orientation of the subject dwelling with respect to the front property line, the proposal would not create a long "wall" effect as viewed from the immediately adjacent property to the southwest and properties across Alpha Drive to the southeast. With respect to the neighbouring properties across the lane to the north, these properties front onto Napier Street and observe generous rear yard setbacks (approximately 70 ft. deep). In addition, the elevated position of these residences in relation to the subject dwelling (the terrain continues ascending to the north) largely mitigates any massing impacts.

Further, the unique site geometry and orientation of the subject site creates design challenges and limits the development options available on this site.

Given these factors and the relatively low impact of the proposal on neighbouring properties, this Department does not object to the granting of this third c) appeal.

The fourth d) appeal requests a front yard setback of 16.55 ft., measured to the foundation of the proposed single family dwelling, with a further projection for roof eaves of 2.95 ft., where a minimum front yard setback of 24.9 ft. is required from the Alpha Drive property line.

The intent of the Bylaw is to mitigate the massing impacts of new buildings or structures on neighbouring properties and to preserve a unified streetscape.

Since the proposed 0.16 ft. increase to the front yard, although an improvement does not essentially change the massing relation between the proposed dwelling and the surroundings, this Department's comments remain similar to the comments under the 2016 July 07 appeal.

The proposed front yard setback is measured to the foundation at the southeast corner of the longer wing, which runs parallel to the north property line. Similarly, the southeast corner of the shorter wing observes a slightly larger setback of 16.88 ft. Due to the rotated orientation of the proposed dwelling with respect to the front property line and the proposed "L" shape, these distances gradually increase up to approximately 28.66 ft. and 32.5 ft. at the outermost (northeast and southwest) corners of the dwelling respectively, or to approximately 34.5 ft. at the center of the dwelling where the two wings connect. As a result, the front yard encroachment of up to 8.51 ft. is limited to two small triangular areas at the southeast portions of the two wings. Most of this area would appear as a one and a half storey form.

It is noted that the current dwelling observes a front yard setback of approximately 23.5 ft., slightly less than the minimum required, and is legal non-conforming with respect to current Zoning Bylaw requirements.

With respect to the neighbouring property to the west, considering the small scale of the front yard encroachment and the generous distance of approximately 23 ft. to the shared (west) side property lines, no massing impacts are expected on this property. Similarly, given the relatively minor nature of the variance, in combination with the distant siting, the front yard encroachment would not be prominent from the properties on the opposite side of Alpha Drive. With respect to the neighbouring properties across the lane to the north, the encroachment areas would not be visible due to the angled alignment of Alpha Drive, and would therefore have no impacts. In addition, the proposed dwelling would exceed the required front yard setback at the side (north) property line.

In the broader neighbourhood context, the proposed rotated placement of the subject dwelling would not be out of the ordinary in the immediate context, in which many of the neighbouring homes either front different streets or feature a staggered alignment with adjacent homes.

However, given that the encroaching portions of the proposed residence are relatively small, it would be feasible to construct a dwelling that observes the required front yard setback with only moderate changes to the proposed design. As such, while recognizing the challenging geometry of the site and the absence of any anticipated negative impacts on adjacent properties, this Department cannot support the granting of this fourth d) variance.

The second b) appeal proposes a building height of 21.04 ft. where a maximum height of 19.0 ft. is permitted for flat roofs.

The intent of the Bylaw is to mitigate the massing of new buildings or structures and their impacts on neighbouring properties.

In this case, the height calculation is based on the building height base line, which is the imaginary line joining the mid-points of the projected front and rear lines of the building. This calculation method applies specifically to the R10 District and is intended to accommodate sloped sites, such as the subject site. However, the irregular geometry and skewed orientation of the subject site, combined with the divergent direction of the slope, makes it difficult to meet this requirement.

As noted above, the proposed revised siting of the subject dwelling, 3.5 ft. lower as compared to the previous proposal, results in a 1.61 ft. lesser variance with respect to building height. There is essentially no height encroachment when the dwelling is viewed from the rear (west) elevation. The proposed height encroachment of up to 2.04 ft. extends from approximately the top of the window line at the upper storey to the top of the flat roof above, when viewed from the front elevation. It is difficult to establish the exact extent of the encroachment, given the proposed rotated siting of the dwelling in relation to the front property line in combination with the angled alignment of the front and rear property lines.

The proposed 17.93 ft. wide by 51.22 ft. long upper storey extends over the longer wing only, which runs parallel to the north side property line. The proposed area of encroachment at the upper floor is set back approximately 26 ft. from the rear (west) property line. Due to the angled alignment of the front property line, the proposed area of encroachment is set back varying distances, from approximately 22.5 ft. at the southeast corner to over 50 ft. at the opposite southwest corner. These measurements exclude the proposed large roof overhangs, facing to the south, which project into these setbacks. Considering the generous setbacks, the excess height would have relatively small impacts on views from the neighbouring properties across Alpha Drive to the southeast and the adjacent property to the west. When viewed from the properties across the lane to the north, the proposed dwelling would appear as 14.5 ft. to 15.8 ft. high, given the grades along the north property line.

Given that this request would not jeopardize the low-scale character of the streetscape, this Department does not object to the granting of the second b) variance.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from the property owners of 4690 Alpha Drive in opposition to this appeal. The writers advised that the owners were aware of the lot shape and the planning bylaw at the time of purchase.

Correspondence was received from property owners of 4672 Alpha Drive in opposition to the variances requested. The writer advised that requested variances appear to replicate the application submitted for the 2016 July Board of Variance hearing. The writer advised that the variances requested are due to a design choice and a desire to

maximize the square footage permitted.

Correspondence was received from the home owner of 4566 Napier Street in opposition to the requested variances.

Correspondence was received from 4578 Napier Street in opposition to the appeal. The writers advised that the new submission was not materially different from the appeal submitted to the 2016 July Board of Variance. The correspondents expressed concern regarding the adverse effects that massing and height would have on the enjoyment of their property. As the writers were unable to attend the hearing, they resubmitted a PowerPoint presentation made at the 2016 July hearing.

No further submissions were received regarding this appeal.

MOVED BY MR. CLARK
SECONDED BY MR. POUND

THAT based on the plans submitted part (a) of this appeal be ALLOWED.

CARRIED UNANIMOUSLY

MOVED BY MR. CLARK
SECONDED BY MR. NEMETH

THAT based on the plans submitted part (b) of this appeal be ALLOWED.

CARRIED UNANIMOUSLY

MOVED BY MR. CLARK
SECONDED BY MR. POUND

THAT based on the plans submitted part (c) of this appeal be ALLOWED.

CARRIED UNANIMOUSLY

MOVED BY MR. CLARK
SECONDED BY MR. POUND

THAT based on the plans submitted part (d) of this appeal be ALLOWED.

CARRIED

OPPOSED: Mr. Nemeth

4. **NEW BUSINESS**

No items of new business were brought forward at this time.

5. **ADJOURNMENT**

MOVED BY MR. POUND

SECONDED BY MR. NEMETH

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 7:20 p.m.

Ms. C. Richter

Mr. G. Clark

Mr. S. Nemeth

Ms. E. Prior
ADMINISTRATIVE OFFICER

Mr. B. Pound