



CITY OF BURNABY

BOARD OF VARIANCE

NOTICE OF OPEN MEETING

MINUTES

A Hearing of the Board of Variance was held in the Council Chamber, Main Floor, City Hall, 4949 Canada Way, Burnaby, B.C., on Thursday, 2015 May 07 at 1:00 PM

PRESENT: Mr. B. Bharaj
Mr. B. Pound
Ms. C. Richter
Mr. S. Nemeth

ABSENT: Mr. G. Clark

STAFF: Ms. M. Malysz, Planning Department Representative
Ms. E. Prior, Administrative Officer

1. CALL TO ORDER

The Secretary called the Hearing to order at 1:03 p.m.

2. MINUTES

MOVED BY MR. S. NEMETH:
SECONDED BY MR B. POUND:

THAT the Minutes of the Hearing of the Burnaby Board of Variance held on 2015 April 02 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(a) **APPEAL NUMBER:** **B.V. 6157** **WITHDRAWN**

APPELLANT: Murray Gilmour

REGISTERED OWNER OF PROPERTY: Jessie Kumagai

CIVIC ADDRESS OF PROPERTY: 5710 Cedarwood Street

(b) **APPEAL NUMBER:** **B.V. 6158**

APPELLANT: Harp Badesha

REGISTERED OWNER OF PROPERTY: Daljit Dhaliwal

CIVIC ADDRESS OF PROPERTY: 7368 Barnet Road

LEGAL DESCRIPTION OF PROPERTY: Lot 131; DL 216; Plan 11241

APPEAL : An appeal for the relaxation of Sections 6.14(5)(a) and 6.14(5)(b) of the Burnaby Zoning Bylaw which, if permitted, will allow for the construction of a single family home at 7368 Barnet Road. The following variances are being requested:

a) the construction of a retaining wall at the frontage of Barnet Road with varying heights up to a maximum of 16.53 feet where the maximum permitted height is 3.28 feet; and

b) the construction of a retaining wall at the rear of the lot with varying heights up to a maximum of 13.67 feet where the maximum permitted height is 5.91 feet.

APPELLANT'S SUBMISSION:

Harp Badesha submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for construction of a new single family dwelling at 7368 Barnet Road.

Mr. Vik Kapoor, appeared on behalf of the homeowners before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

This property was the subject of an appeal before the Board on 2014 August 07 (BV # 6116). Two variances were sought to allow for the construction of retaining walls in relation to the new single family dwelling proposed at that

time. The first appeal a) was for construction of retaining walls with varying heights at the Barnet Road frontage of up to 16.53 ft., where a maximum height of 3.28 ft. is permitted. The second b) appeal was for construction of retaining walls to the rear of the front yard with varying heights of up to 14.67 ft., where a maximum height of 5.91 ft. is permitted. This Department supported the requests and the Board granted both appeals. However, that development proposal was abandoned and the related building permit was cancelled.

The current appeal concerns a new development proposal for a single-family dwelling with attached garage, for which two variances are requested. This proposal is similar to the previous proposal, resulting in almost identical relaxation requests.

The subject site, zoned R2 Residential District, is located in the Westridge neighbourhood in which the age and condition of single family dwellings vary. This interior lot, approximately 50 ft. wide and 124.4 ft. long, fronts onto Barnet Road to the northwest. Barnet Marine Park is located to the northwest of the site, across Barnet Road and Inlet Drive. Single family lots are located to the southwest, northeast, and across the lane to the southeast. The lane terminates just three properties to the northeast of the subject site. This dead-ended section of the lane is not fully developed nor used for vehicular access. Vehicular access to the subject site is proposed via Barnet Road. The site slopes significantly downward towards the northwest, with a grade change of approximately 34 ft.

The first appeal a) is for construction of retaining walls with varying heights at the Barnet Road frontage of up to 16.53 ft., where a maximum height of 3.28 ft. is permitted.

The intent of the Bylaw in limiting the height of fences or walls to a maximum of 3.28 ft. within the required front yard is to ensure unified open front yards and to limit the massing impacts of such structures on neighbouring properties.

The second b) appeal is for construction of retaining walls with varying heights of up to 13.67 ft., where a maximum height of 5.91 ft. is permitted to the rear of the front yard.

The intent of the Bylaw in limiting the height of fences or walls to a maximum of 5.91 ft. to the rear of the required front yard is to limit the massing impacts of such structures on neighbouring properties.

In general, the use of retaining walls, fences and guards is common when dealing with challenging site topography, such as that of the subject site. Accordingly, there is a strong presence of retaining walls in this

neighbourhood.

The first a) variance relates to the proposed driveway access from Barnet Road to the attached garage at the northwest corner of the dwelling, and the connecting stair between the driveway and the front yard. The proposed dwelling would be set back approximately 41.6 ft. from the front property line, which is in line with the minimum 40.44 ft. setback required by front yard averaging. There is an approximately 11 ft. grade difference over that distance, and an additional 9 ft. grade difference from the edge of the Barnet Road pavement to the front property line. In order to mitigate this substantial grade difference, the retaining walls are proposed along the driveway and would extend into the Barnet Road right of way.

It should be noted that the portions of the retaining walls encroaching into the Barnet Road right of way are subject to the approval of the Engineering Department, who is currently reviewing a trespassing agreement application.

With respect to impacts on neighbouring properties, the 16.53 ft. high overheight portions of the retaining walls would not be visible from the neighbouring residences to the southwest and northeast of the subject site, nor from the distant Barnet Marine Park area. Further, this variance would not violate the intent of the Bylaw, given the fact that the general steepness of the terrain limits design options available for the subject site, particularly for vehicle access.

The second b) variance relates to the proposed alteration of part of the rear yard from a continuously sloping terrain (with a drop of approximately 20 ft.) to a terraced structure that provides a larger flat area. The southeast edge of the existing flat yard area, which is currently retained by approximately 5 ft. high retaining walls, is proposed to be extended by approximately 23 ft. to the rear. In order to negotiate the natural grade difference, new retaining walls are proposed along the southeast edge of the proposed lawn area and along the side property lines accordingly.

With respect to impacts on neighbouring properties, the 13.67 ft. high overheight portions of the retaining walls would be minimally visible from the neighbouring properties to the southwest and northeast of the subject site, nor from the much higher neighbouring property across the lane to the southeast.

In summary, the requested retaining wall height relaxations would not significantly impact neighbouring properties or be out of the ordinary within the existing street frontage. Rather, the proposed design reflects an effort to balance development needs with challenging site topography. As such, this Department does not object to the granting of both variances a) and b).

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. B. POUND
SECONDED BY MR. S. NEMETH

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

CARRIED UNANIMOUSLY

MOVED BY MR. B. POUND
SECONDED BY MR. S. NEMETH

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

CARRIED UNANIMOUSLY

MOVED BY MR. B. POUND
SECONDED BY MR. S. NEMETH

THAT the Board of Variance Hearing be recessed until 1:15 p.m.

CARRIED UNANIMOUSLY

MOVED BY MR. B. POUND
SECONDED BY MR. S. NEMETH

THAT the Board of Variance Hearing be reconvened.

CARRIED UNANIMOUSLY

(c) **APPEAL NUMBER: B.V. 6159**

APPELLANT: David Wong

REGISTERED OWNER OF PROPERTY: Maria and Aaron Man

CIVIC ADDRESS OF PROPERTY: 4188 Rumble Street

LEGAL DESCRIPTION OF PROPERTY: Lot 4; DL 156; Plan 1387

APPEAL: An appeal for the relaxation of Sections 6.2(2), 102.6(1)(b),

102.8(1) and 800.6(1) of the Burnaby Zoning Bylaw which, if permitted, will allow for the construction of a new single family home at 4188 Rumble Street. The following variances are being requested:

a) the principal building height, measured from the rear average elevation will be 28.65 feet where a maximum building height of 24.3 feet is permitted. The principal building height, measured from the front average elevation will be 24.3 feet;

b) the principal building will be 3 storeys where a maximum of 2 1/2 storeys is permitted. The proposed upper floor (1095.8 square feet) exceeds the 50% of the main floor (1808.2 square feet) by 191.7 square feet. The lowest floor does not meet cellar qualification;

c) the front yard setback will be 43.50 feet to the upper floor cantilever where a minimum setback of 55.98 feet is required based on front yard averaging; and

d) an accessory building in a required front yard, located 28.54 feet from the North property line abutting Rumble Street and 5.25 feet from the West property line, where siting of an accessory building in a required front yard is prohibited by the Zoning Bylaw.

APPELLANT'S SUBMISSION:

David Wong, Architect, submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for construction of a new single family dwelling at 4188 Rumble Street.

Mr. David Wong appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject site is located in the Sussex-Nelson neighbourhood, in which the age and condition of single family dwellings vary. This large rectangular interior lot, approximately 82.5 ft. wide by 217 ft. long, fronts onto the south side of Rumble Street. Abutting the subject site to the east and south are single family dwellings. To the immediate west of the subject site, a 15 ft. wide panhandle extends south from Rumble Street along the length of the subject property; this panhandle is part of a single family residential lot. The properties immediately west of this panhandle are also occupied by single family dwellings. Existing and proposed vehicular access to the site is provided by Rumble Street; there

is no lane access. A 15 ft. wide sanitary easement is located along the south (rear) property line.

The site observes a downward slope of 26.3 ft. from the high point at the northeast corner of the lot at Rumble Street to the low point at the southwest corner of the property, dropping 26.3 ft. over the 217 foot length of the lot. The land continues to slope downwards to the southwest.

The subject site is proposed to be redeveloped with a new single family dwelling with detached garage, which is the subject of four appeals.

The first two appeals relate to building height:

The first a) appeal is for a building height of 28.65 ft., measured from the rear average elevation, where a maximum height of 24.3 ft. is permitted for flat roofs.

The second b) appeal is to allow the construction of a single family dwelling with a height of 3 storeys where a maximum of 2½ storeys is permitted.

The intent of the Bylaw is to mitigate the massing impacts of new buildings or structures on neighbouring properties. Additionally with respect to the second b) appeal, the intent of the Bylaw in limiting the size of the 3rd floor of a dwelling is to preserve views.

With reference to the first a) appeal, the height calculation is based on existing natural grade at the rear elevation. As noted above, the grade difference from the front to the rear of the subject site contributes to the excess height of the rear elevation. The proposed height encroachment of 4.35 ft. would generally extend from the approximate mid-point of the central portion of the upper floor, when viewed from the rear. This overheight portion is set back 26 ft. from the outermost face of the rear elevation at the southeast corner of the dwelling. This, in combination with the proposed rear yard setback of 112.67 ft., would mitigate any massing impacts on the neighbouring property to the south.

When viewed from the neighbouring property to the east, the height encroachment would be limited to an approximately 1 - 2 ft. high parapet at the front portion of the dwelling. This portion would be set back from the east side property line by 12.25 ft. Similarly, when viewed from the neighbouring property to the west, the height encroachment would be limited to the approximately 0 - 1.5 ft. high parapet at the western portion of the dwelling, set back from the west side property line by 17.25 ft. Considering the small scale of these encroachments and their distance from the side property lines, no impacts are expected on the neighbouring properties to the east and west.

It is noted that the proposed dwelling would meet the allowable maximum height (24.3 ft.) as measured from the front average elevation.

In summary, considering the site topography and the proposal's minimal impacts on the neighbouring properties, this Department does not object to the granting of the first a) variance.

With respect to the second b) appeal, the proposed upper floor would result in a third floor area of 1,095.8 sq. ft., or 60.6 % of the 1,808.2 sq. ft. gross floor area of the storey immediately below, well in excess of the 50% maximum floor area that defines a half storey. The proposed dwelling would therefore result in a 3 storey built form.

To the front, the resultant dwelling would appear as 2 storeys high. In addition, due to the sloped terrain of the subject site and the roughly 'T' shaped design of the proposed dwelling, only the southwest portion of the rear and west elevations of the residence would present a true 3 storey appearance. Even so, no massing impacts are expected on the neighbouring residence to the south and west, considering the distant siting of this residence and the orientation of views primarily to the south. Similarly, with respect to the neighbouring property across Rumble Street to the north, the elevated terrain to the north of the subject site, combined with the proposed front yard setback of 43.5 ft., would mitigate impacts on this neighbouring property.

However, the proposed excess 191.7 sq. ft. of the upper floor appears to be a result of the design decision and not a hardship. Multiple options exist to redistribute this relatively small area without compromising the Zoning Bylaw.

For this reason, this Department cannot support the granting of the second b) variance.

The third c) appeal requests a front yard setback of 43.5 ft., measured to the upper floor cantilever of the proposed single family dwelling, with no further projection for roof eaves, where front yard averaging requires a minimum setback of 55.98 ft.

In 1991, Council responded to public concerns regarding the bulk and massing of newer and larger homes that were being built in existing neighbourhoods. Several text amendments to the Zoning Bylaw were adopted to address these concerns, including a requirement to set new construction back from the front property line based on an average of the two dwellings on either side of the subject site. The intent was to help to ease new construction into existing street frontages with minimal impact.

In this case, the front yard averaging calculations are based on the front yard setbacks of the two dwellings at 4156 and 4168 Rumble Street west of the subject site and on the front yard setbacks of the two dwellings at 4192 and 4210 Rumble Street immediately east of the subject site. These front yards are

28.5 ft., 138.6 ft., 35.3 and 21.5 ft., respectively. The existing dwelling immediately to the west (flag property) affects these calculations. The proposed front yard setback is measured to the portion of the upper floor which cantilevers out 1.5 ft. from the central part of the building face. As mentioned before, the proposed dwelling would resemble a rough 'T' in plan, resulting in the western and eastern portions of the building set back further from this face, up to approximately 35.5 ft. at the southwest corner and up to 43.5 ft. at the southeast corner.

The proposed siting would place the subject dwelling 95.1 ft. in front of the neighbouring dwelling on the flag lot immediately to the west; however, considering the siting of the proposed dwelling over 60 ft. away from this residence, the reduced front yard setback would have no impact on this residence. Otherwise, the proposed siting would place the subject dwelling 15 ft. behind the neighbouring dwelling at 4156 Rumble Street, to the immediate west of the flag lot, and 8.2 ft. behind the neighbouring dwelling to the east, creating no impacts.

With regard to the broader neighbourhood context, there are substantial frontage variations (from 21.5 ft. at 4210 Rumble Street to 138.6 ft. at 4168 Rumble Street) with the majority of the existing dwellings on the subject block front observing an average front yard setback of approximately 40 ft. Therefore, the siting of the proposed dwelling would be consistent with the existing streetscape.

In view of the above, this Department does not object to the granting of this third c) variance.

The fourth d) appeal is for an accessory building in the Rumble Street front yard where accessory buildings are prohibited.

The intent of the Bylaw in prohibiting accessory buildings within the required front yard is to provide for a uniform streetscape with open front yards and to limit the massing impacts of such structures on neighbouring properties.

The proposed accessory building, approximately 22 ft. long by 22 ft. wide by 11 ft. high, would be located at the northwest corner of the front yard, 28.54 ft. away from the front (north) property line and 5.3 ft. away from the side (west) property line. The proposed siting would place the accessory building in line with the principal building at the second neighbouring property to the west, adjacent to the flag lot. The accessory building would serve as a two-car garage accessed through a large paved area, approximately 26 ft. by 42 ft., that is proposed between the garage and the front property line. The garage would be partly screened by the existing mature hedge along the west side property line.

The presence of an accessory building is significant because the Zoning Bylaw explicitly prohibits accessory buildings in front of a principal dwelling. Although front yard averaging for the principal building presents a hardship, due to the configuration of the adjacent flag lot, permitting further encroachment into the front yard for an accessory building is hard to justify. In addition, the Bylaw prohibits parking in a required front yard. The proposed siting of the garage may also encourage outdoor parking within the proposed front yard setback area.

With respect to the subject streetscape, none of the properties on either side of Rumble Street have detached garages in their front yards and the proposed garage would be an anomaly amidst the open front yards of the neighbourhood. Moreover, design alternatives exist to locate a garage further away from the Rumble Street property line, either by integrating it into the proposed dwelling or by utilizing the abundant rear yard area. While these alternatives may necessitate some encroachment into the required 55.98 ft. front setback, the proposed placement of the garage is not warranted by any hardship.

Further, under Section 901 of the *Local Government Act*, the Board can rule on a bylaw respecting the siting of a structure. However, permitting an accessory building in the front yard, where it is expressly prohibited, is a major variance in that it is a complete reversal of a bylaw provision that would defeat the intent of the bylaw.

For the above reasons, this Department recommends that the Board reject the fourth d) appeal in accordance with Section 901(2) of the *Local Government Act*.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

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

CARRIED UNANIMOUSLY

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

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

FOR: MR. B. BHARAJ

OPPOSED: MS. C. RICHTER
MR. S. NEMETH
MR. B. POUND

DENIED

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. B. POUND:

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

CARRIED UNANIMOUSLY

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

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

FOR: MR. B. BHARAJ

OPPOSED: MS. C. RICHTER
MR. S. NEMETH
MR. B. POUND

DENIED

(d) **APPEAL NUMBER: B.V. 6160**

APPELLANT: Elton Donald

REGISTERED OWNER OF PROPERTY: Elton and Ryoko Donald

CIVIC ADDRESS OF PROPERTY: 3971 Yale Street

LEGAL DESCRIPTION OF PROPERTY: Lot 13; DL 186; Plan 1124

APPEAL: An appeal for the relaxation of Sections 103.6(1)(b) and 103.9(1) of the Burnaby Zoning Bylaw which, if permitted, will allow for

interior alterations/finishing to the basement, main floor and upper floor, an addition to the main floor and upper floor, a new deck to the main floor and upper floor, new porch to the main floor and enclosing of the detached carport only. The following relaxations are being requested:

- a) the principal building height will be 3 storeys where a maximum 2 1/2 storeys is permitted. The proposed upper floor (1129 square feet) exceeds the 50% of the main floor (1380 square feet) by 439 square feet. The lower floor does not meet cellar qualifications as it is only 48.1% below average natural grade, where more than 50% is required;
- b) the principal building height, measured from the rear elevation, will be 27.17 feet where a maximum 24.3 feet is permitted; and
- c) the principal building side yard setback, measured from the west property line to the addition, will be 4.54 feet where a minimum 4.9 feet is required.

APPELLANT'S SUBMISSION:

Elton Donald submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for various interior alterations and finishing to his home at 3971 Yale Street.

Mr. Elton Donald appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject site is located in the Burnaby Heights area, in a mature single family neighbourhood. The site is zoned R3 Residential District, which is intended to preserve the minimum density of development in mature single family areas. The subject lot measures approximately 50 ft. in width and 122 ft. in depth. This interior site fronts onto the north side of Yale Street and takes vehicle access from a rear lane. There are single family dwellings to the east, west, and across the lane to the north of the subject site. The site observes a substantial downward slope of approximately 18.6 ft. from the front to the rear.

The subject property is improved with a 3 storey dwelling, including basement, originally built in 1947. Around 1965, the property was further improved under Building Permit # B15444 with a single car detached garage and the addition of a single car detached carport, which was subsequently enclosed into a detached garage without a benefit of the building permit. Around 1975, an in-ground swimming pool was added in the rear yard, which was the subject of a

successful appeal to the Board, (BV # 1194). The Board permitted the pool to be sited 3 ft. from the west property line, where a distance of 9.84 ft. is required.

The current proposal is to further improve the existing dwelling with various additions/ alterations to the basement, main floor and upper floor. The proposed rear additions to the main and upper floor and the rear deck addition are the subject of three appeals, which are co-related.

The first a) appeal would allow the construction of upper floor additions to an existing single family dwelling with a height of 3 storeys where a maximum of 2½ storeys is permitted.

The intent of the Bylaw in limiting the size of the 3rd floor of a dwelling is to mitigate the massing impacts of new buildings or structures on neighbouring properties and to preserve views.

The second b) appeal proposes a building height of 27.17 ft., measured to the upper floor addition, where a maximum height of 24.3 ft. is permitted for flat roofs.

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

The third c) appeal would permit a side yard setback of 4.54 ft. from the west property line to the proposed upper floor addition, with a further projection for roof eaves of up to 1.33 ft., where a minimum side yard setback of 4.9 ft. is required.

The intent of the Bylaw is to mitigate the impacts of building massing on neighbouring properties.

On the main floor, the proposed additions consist of a continuous 2.5 ft. deep extension to the rear of the house, and a 17.38 ft. wide by 11 ft. deep new deck at the north-west corner of this extension. On the upper floor, the rear additions consist of a 7 ft. deep extension, in line with the main floor extension, with a new roof deck at the northeast corner. Currently, the upper floor occupies approximately 2/3 of the width of the floor below. The proposed extension would span the entire width of the floor below, but would be set back from the southeastern corner, by approximately 20 ft. in both directions. This generous setback would reduce the perception of a full storey when viewed from the street, and would lessen the impacts on the neighbouring property to the east.

With respect to the first a) appeal, the proposed upper floor addition would result in a third floor area of 1,129 sq. ft., or 81.1% of the 1,380 sq. ft. gross floor area of the storey immediately below, well in excess of the 50% maximum

floor area of a half storey. However, the existing upper floor (718 sq. ft.) is currently 57.2 % of the existing 1,255 sq. ft. main floor and is legal non-conforming with respect to the building height requirement (2½ storeys). The proposed upper floor addition contributes 411 sq. ft. to the existing upper floor. The resulting dwelling would therefore maintain a 3 storey built form. From the front, however, the resultant dwelling would appear to be 2 storeys high.

Due to the sloped terrain of the subject site, only the rear portion of the residence would present a true 3 storey appearance. A 3 storey appearance to the rear of dwellings is not unusual in this neighbourhood, an example of which can be found on the neighbouring property immediately to the west of the subject site. With regard to the neighbouring properties to the north, the distant siting of the subject residence, approximately 85 ft. to the south, and the orientation of views to the north would help to mitigate any massing impacts. In addition, the proposed raised rear deck, which projects out from the main floor, and the proposed recessed upper roof deck area help to vary the massing of the building on the rear elevation.

With respect to the side elevations, although the proposed upper floor addition would slightly project in front of the neighbouring residence to the east, no substantial massing impacts are expected, considering that only a small (13.22 ft. long) portion of the proposed addition, with one high window, would extend further toward this dwelling. To the west, although the upper floor addition would overlap the raised deck of the neighbouring residence, privacy would not be compromised, as there is only one high window proposed within the overlap area.

With respect to the second b) variance, the height calculation is based on existing natural grade at the rear elevation. As noted above, the grade difference from the front to the rear of the subject site contributes to the excess height of the rear elevation. The proposed height encroachment of 2.87 ft. would generally extend from the top of the windows and across the entire roof area. However, the proposed upper floor addition would match the existing upper floor height of 27.1 ft. Again, the existing dwelling is legal-nonconforming with respect to the building height requirement (24.3 ft.). The requested dimensional height variance would not increase this non-conformity.

With respect to the impacts on the neighbouring properties to the north, as noted above, the rear yard setback of approximately 64 ft. would mitigate the massing impacts of the overheight portion of the residence on the neighbouring property across the lane to the north. The height encroachment area, when viewed from the neighbouring properties to the east, would be generally limited to a small triangular area starting at the top of window on the upper floor of the west elevation. Similarly, the height encroachment area, when viewed from the neighbouring properties to the west, would be generally limited to a small triangular area at the fascia board at the north end of the

west elevation. Considering the small scale of these side encroachments, which are related to the downward sloping terrain in the south-north direction, little impact is expected on the neighbouring properties to the east and west.

In summary, given the existing site conditions and the proposal's limited impacts on neighbouring properties and the existing streetscape, this Department does not object to the granting of the first a) and second b) variances.

With respect to the third c) appeal, the existing dwelling observes a north side yard setback of 4.54 ft., and is legal-non-conforming with respect to the side yard setback requirement (4.9 ft.).

As mentioned under the first a) appeal, the proposed rear addition would result in a side yard encroachment area of 0.36 ft. by 2.5 ft. at the main floor (excluding the 11 ft. deep rear deck addition) and 0.36 ft. by 7 ft. at the upper floor addition. This area would overlap the rear deck of the neighbouring dwelling to the west, which observes a side yard setback of 7.58 ft. Considering the negligible scale of the encroachment area, the proposed rear addition is unlikely to create any negative impacts on the neighbouring residence to the west.

In view of the above, this Department does not object to the granting of this third c) variance.

ADJACENT OWNER'S COMMENTS:

Correspondence was submitted by Mr. Donald at the Hearing from 3961 and 3981 Yale Street, and 3980 Edinburgh Street in support of the appeal.

No further submissions were received regarding this appeal.

DECISION:

MOVED BY MR. B. POUND:
SECONDED BY MR. S. NEMETH:

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

CARRIED UNANIMOUSLY

MOVED BY MR. B. POUND:
SECONDED BY MR. B. BHARAJ:

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

CARRIED UNANIMOUSLY

MOVED BY MR. B. POUND:
SECONDED BY MR. B. BHARAJ:

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

CARRIED UNANIMOUSLY

(e) APPEAL NUMBER: B.V. 6161

APPELLANT: Harb Mann

REGISTERED OWNER OF PROPERTY: Leigh-Ann Chu

CIVIC ADDRESS OF PROPERTY: 7913 Suncrest Drive

LEGAL DESCRIPTION OF PROPERTY: Lot 5; DL 175; Plan 11750

APPEAL: An appeal for the relaxation of Sections 800.6(1) and 6.2(2) of the Burnaby Zoning Bylaw which, if permitted, will allow for the construction of a single family home at 7913 Suncrest Drive. The construction of an accessory building in a required front yard, located 4.0 feet from the North property line abutting Clinton Street and 4.0 feet from the West property line, where siting of an accessory building in a required front yard is prohibited by the Zoning Bylaw.

APPELLANT'S SUBMISSION:

Harb Mann submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for construction of a new single family dwelling at 7913 Suncrest Drive.

Mr. Adrian Wen, representing the property owner, appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject site, which is zoned R2 Residential District, is located in the Suncrest neighbourhood, in which the age and condition of single family dwellings vary. This interior through lot, approximately 60.0 ft. wide and 120.2 ft. deep, fronts onto Clinton Street to the north and Suncrest Drive to the south. Abutting the subject site to the east and west are single family dwellings. Vehicular access to the subject site is via Clinton Street. The site observes a substantial downward slope of approximately 18.1 ft. from the rear (north) to the front (south).

The subject site is proposed to be redeveloped with a new single family dwelling including an accessory detached garage, which is the subject of this appeal.

The appeal is to allow an accessory building in the Clinton Street front yard where no accessory buildings are permitted in any required front yard.

The intent of the Bylaw in prohibiting accessory buildings within the required front yard is to provide for a uniform streetscape with open front yards and to limit the massing impacts of such structures on neighbouring properties.

The proposed accessory building, approximately 30.67 ft. wide by 19.67 ft. deep, would be located at the northwest corner of the front yard, 4 ft. away from the front (north) property line and 4 ft. away from the side (west) property line. The accessory building would replace a recently demolished single detached garage in a similar location. The demolished garage was located in the highest area of the site, at the northwest corner. This area was encompassed by approximately 4-5 ft. high retaining walls, with the remaining lower portion of the site gradually sloping to the south. The siting of the new accessory building utilizes this high flat area and extends it approximately 16 ft. further to the east. The accessory building would occupy slightly more than half of the lot width along the Clinton Street frontage, with the remaining lot width proposed to accommodate 11 ft. wide walkway (immediately to the east of the accessory building) and landscaped area. The accessory building would contain 2 parking spaces and a workshop, accessed off Clinton Street by three overhead doors. The accessory building would appear approximately 13.37 ft. high, as measured from the proposed grade to the top of its sloped roof, when viewed from the neighbouring property across Clinton Street. The front yard of this neighbouring property would be directly affected by this proposal.

Regarding the subject block fronting Clinton Street, with the exception of the existing detached garage on the property immediately to the east (and the already demolished detached garage on the subject site), no other accessory buildings are located in a required front yard. It should be noted that the neighbouring detached garage to the east was permitted by the Board in 1977, (BV #1659). As shown in aerial photographs from 1965, the existing garage on the subject site was built prior to the 1965 enactment of the Zoning Bylaw. In general, there is a strong presence of greenery in the front yards on both sides of Clinton Street, as opposed to accessory buildings or other uses, such as vehicular parking, which are typically not considered a front yard use. Further, Clinton Street provides the only street frontage for the north side of the block, with no accessory buildings present on this side. As such, the proposed new and expanded accessory building would not fit within the existing streetscape.

In addition, although it is recognized that the site topography presents a challenge, it appears that other design options exist. For instance, in 2007, the neighbouring property immediately to the west of the subject site was redeveloped with a single family dwelling and attached garage with no need for a variance (BLD # 04-01467).

Further, although there was previously a garage in the required front yard, allowing a new and expanded accessory building is significant because the Zoning Bylaw explicitly prohibits accessory buildings in front of a principal dwelling. Under Section 901 of the Local Government Act, the Board can rule on a bylaw respecting the siting of a structure. However, permitting an accessory building in the front yard, where it is expressly prohibited, is a major variance in that it is a complete reversal of a bylaw provision that would defeat the intent of the bylaw.

For the above reasons, this Department recommends that the Board reject the appeal in accordance with Section 901(2) of the Local Government Act.

Additional comments were received from the Planning and Building Department on 2015 May 06, to provide further clarification:

On 2015 March 10, Building Permit #BLD14-01870 was issued for the proposed development. However, the issuance of the building permit was in error with respect to the proposed detached garage. Specifically, the non-compliant siting of the detached garage in the front yard was overlooked in the drafting of the plans and subsequently in the plan review process. This error was identified upon site inspection by Building Department staff. The construction of the proposed dwelling is at the foundation stage; the construction of the detached garage has not yet begun.

ADJACENT OWNER'S COMMENTS:

Mr. Ron Bramhoff, 4053 Clinton Street, appeared before the Board. Mr. Bramhoff was not opposed to the appeal but expressed some concern regarding garage lighting.

No further submissions were received regarding this appeal.

DECISION:

MOVED BY MR. S. NEMETH:

SECONDED BY MR. B. POUND:

“THAT based on the plans submitted this appeal be ALLOWED.”

CARRIED UNANIMOUSLY

(f) **APPEAL NUMBER:** **B.V. 6162** **1:00 PM**

APPELLANT: Amitoj Sanghera

REGISTERED OWNER OF PROPERTY: Amitoj Sanghera

CIVIC ADDRESS OF PROPERTY: 6585 Halifax Street

LEGAL DESCRIPTION OF PROPERTY: Lot 227; DL 132; Plan 32419

APPEAL: An appeal for the relaxation of Section 104.9 of the Burnaby Zoning Bylaw which, if permitted, would allow the construction of a new two family dwelling at 6585 Halifax Street. The front yard setback, to the porch post, will be 29.05 feet where a minimum front yard setback of 42.43 feet is required based on front yard averaging. The overhang projects 2 feet beyond the porch post. The porch stairs project 3 feet beyond the porch post.

APPELLANT'S SUBMISSION:

Amitoj Sanghera submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for construction of a new single family dwelling at 5469 Forglen Drive.

Mr. Sanghera and his Real Estate Agent, Ron Basra, appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject site, which is zoned R4 Residential District, is located in the Lochdale neighbourhood, in which the age and condition of single and two-family dwellings vary. This interior lot, approximately 72 ft. wide and 122 ft. deep, fronts onto the north side of Halifax Street. Abutting the subject site immediately to the east and west are single family dwellings. The second dwelling to the west of the subject site is a two family dwelling. Vehicular access to the subject site is provided from the lane to the north. The site observes a downward slope of approximately 6.7 ft. from the rear (north) to the front (south).

The subject site is proposed to be redeveloped with a new two-family dwelling including an accessory detached garage, which is the subject of this appeal.

The appeal requests a front yard setback of 29.05 ft., measured to the front porch posts of the proposed two-family dwelling, with a further projection for

roof eaves of 2.0 ft., where front yard averaging requires a minimum setback of 42.43 ft.

In 1991, Council responded to public concerns regarding the bulk and massing of newer and larger homes that were being built in existing neighbourhoods. Several text amendments to the Zoning Bylaw were adopted to address these concerns, including a requirement to set new construction back from the front property line based on an average of the two dwellings on either side of the subject site. The intent was to help to ease new construction into existing street frontages with minimal impact.

In this case, the front yard averaging calculations are based on the front yard setbacks of the two existing dwellings at 6555/57 and 6561 Halifax Street west of the subject site and on the front yard setback of the two existing dwellings at 6597 and 6623 Halifax Street immediately east of the subject site. These front yards are 33.4 ft., 61.2 ft., 39.8 and 35.3 ft. respectively. The existing dwelling immediately to the west of the subject site affects these calculations. The proposed front yard setback is measured to the posts of the two front porches/verandas located symmetrically to the west and east of the large recessed area in the middle of the front elevation. As noted above, the roof overhang would project further into the front yard by 2.0 ft. The main body of the front elevation is proposed to be set back further by 3 ft. Also, the upper floor at the southwest and southeast corners is proposed to be set back 12.5 ft. in relation to the face of the front porches/verandas.

The proposed siting would place the subject dwelling 25.45 ft. in front of the neighbouring dwelling to the west, and 10.75 ft. in front of the neighbouring dwelling to the east, or 22.45 ft. and 7.75 ft. respectively if the main body of the dwelling is considered.

The siting of the proposed dwelling would be approximately 10-11 ft. closer to the front property line than the existing dwelling on the subject site, which observes an approximately 40 ft. front yard setback, similar to 6597 Halifax Street. In view of the above, the existing massing relationship between the proposed dwelling and the adjacent properties on both sides would be changed.

With respect to the neighbouring dwelling to the east, the massing impacts of the proposed residence are reduced by the following factors: an increased upper floor setback at the southeast corner; an east side yard setback of 7 ft., which is significantly larger than the required 4.9 ft. minimum side yard setback; and a limited amount of windows on the west elevation.

With respect to the neighbouring dwelling to the west, which is located approximately 21-22 ft. behind the existing dwelling on the subject site, the placement of the proposed dwelling would have a more significant impact.

However, the much more generous distance (approximately 25 ft.) between this residence and the subject dwelling would help to mitigate the massing impacts of the proposed reduced front yard setback. The large upper floor setback at the southwest corner would further alleviate massing impacts on this neighbouring property. In addition, the existing mature hedge along the west side property line would provide screening.

With regard to the broader neighbourhood context, there are substantial frontage variations, from an approximately 24 ft. setback at 6551 Halifax Street, three lots west of the subject site, to an over 65 ft. setback at 6641 Halifax Street, four lots east of the subject site. The majority of the existing dwellings on the subject block front observe an average front yard setback of approximately 30 ft. Therefore, the siting of the proposed dwelling would not be out of ordinary within the existing streetscape.

Further, it is noted that the siting of the proposed dwelling, including accessory detached garage, would provide for a rear yard setback of approximately 37.94 ft. Considering Zoning Bylaw requirements related to the siting of a detached garage in the rear yard, there is not much room for modifying the proposal.

In view of the above, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

Ms Gertruda Brabander, 6561 Halifax Street, appeared before the board expressing concern regarding loss of light and privacy. Ms. Brabander advised that she is not in opposition to the appeal but would like to see the cedar trees planted between her property and the subject site.

No further submissions were received regarding this appeal.

DECISION:

MOVED BY MR. B. POUND:

SECONDED BY MR. S. NEMETH:

“THAT based on the plans submitted this appeal be ALLOWED.”

FOR: MR. B. BHARAJ
MR. B. POUND
MR. S. NEMETH

OPPOSED: MS. C. RICHTER

CARRIED

(g) **APPEAL NUMBER:** B.V. 6163

APPELLANT: Michael Vint

REGISTERED OWNER OF PROPERTY: Michael and Heather Vint

CIVIC ADDRESS OF PROPERTY: 6863 Mandy Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 3; DL 150; Plan 15981

APPEAL: An appeal for the relaxation of Sections 110.6(2)(a), 110.7(a) and 110.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for interior alteration/finishing to the basement and main floor, an addition to the upper floor and a new secondary suite only to 6863 Mandy Avenue. The following variances are being requested:

a) the principal building height will be 29.48 feet where a maximum height of 24.9 feet is permitted;

b) the principal building depth will be 59.63 feet where a maximum 52.20 feet is permitted; and

c) the principal building front yard setback, measured to the upper floor addition, will be 9.65 feet where a minimum 24.90 feet is required.

APPELLANT'S SUBMISSION:

Michael Vint submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for interior alteration/finishing to their home at 6863 Mandy Avenue.

Mr. Vint appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject property is located in the Suncrest area, in a mature R10 District neighbourhood characterized by low-scale single family dwellings. The R10 District in this area was established through an area zoning process at the request of residents to control the form and character of new development. The subject lot measures 66.9 ft. in width and 116.0 ft. in depth. This interior site fronts onto the west side of Mandy Avenue and flanks the lane to the north. There are single family dwellings to the south, west and across the lane to the north of the subject site. Ocean View Cemetery is to the east across

Mandy Avenue. Vehicular access to the subject site is from Mandy Avenue. The site is flat with a downward slope of approximately 1 ft. from the north to the south. There is a 10 ft. wide sanitary easement along the rear property line.

The subject property is improved with a one storey dwelling with basement, originally built in 1943 and improved in 1985. In 2010, the building was further improved with a large two storey addition to the rear of the dwelling in accordance with Building Permit # BLD05-01634.

The current proposal is to further improve the existing dwelling with various additions and alterations, including a new secondary suite. The proposed partial enclosure of a rear deck and a second floor addition are the subject of three appeals.

The first a) and third c) appeals, which concern the proposed second floor addition, are discussed first. The second b) appeal concerning the proposed rear deck enclosure is discussed last.

The first appeal a) proposes a building height of 29.48 ft., measured to the top of the second floor addition, where a maximum height of 24.9 ft. is permitted for sloping roofs.

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

The third c) appeal proposes the relaxation of the front yard setback to 9.65 ft., measured to the second floor addition, with a further projection for roof eaves of up to 2.0 ft., where a minimum front yard setback of 24.9 ft. is required from the Mandy Avenue 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.

With respect to the first a) appeal, 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 is unique to the R10 District and is intended to accommodate sloped sites; however the subject lot is flat. The existing dwelling on the subject site observes a height of approximately 22.5 ft., which is less than the maximum permitted height. The proposed 27.9 ft. wide by 26.08 ft. deep second floor addition, which would be located over the front half of the main body of the dwelling, would exceed the permitted building height by 4.58 ft. The proposed height encroachment would occur over almost the entire jerkinhead roof, from approximately 2 ft. above the fascia board. The area of encroachment would be set back from the existing rear building face, by approximately 19 ft. This generous rear setback in combination with the rear yard setback of 51.81 ft.

would eliminate any massing impacts on the rear yard of the neighbouring property to the west of the subject site. Generous setbacks of approximately 21 ft. from the south side property line and 18 ft. from the north property line would help to mitigate massing effects on the neighbouring properties to the south and across the lane to the north. But there is some concern regarding impacts on the one-storey high neighbouring dwelling to the south, given that the proposed second floor addition is also the subject of the third c) appeal request for a front yard setback relaxation.

With respect to the third c) variance, the subject block is a short block consisting of three lots. The existing dwelling to the immediate south of the subject dwelling observes a front yard setback of approximately 38 ft. The existing dwelling across the lane to the north observes a flanking side yard along Mandy Avenue of approximately 16.5 ft. The existing dwelling on the subject site observes a front yard setback of 4.58 ft. as measured to the protruding front entry feature, which is legal non-conforming with respect to the Zoning Bylaw front yard requirement. The main body of the existing dwelling, set back by a further 5.18 ft., observes a front yard setback of 9.65 ft. The second floor addition (proposed over the front half of the main body of the dwelling) would not increase the existing non-conformity. However, the placement of the second floor would be approximately 28.35 ft. in front of the neighbouring dwelling to the south and 6.85 ft. in front of the neighbouring dwelling across the lane to the north. Again, generous setbacks from the south side property line and the north property line would help alleviate massing impacts. But the front yard encroachment of 15.25 ft. is a major variance, which in combination with the requested excess height relaxation would affect the neighbouring property to the south and disrupt the existing streetscape.

Further, it is recognized that the siting of the existing dwelling presents a challenge. However, other design options should be explored. For instance, the existing generous side yard setbacks have the potential to absorb significant additional floor area.

Given that the two requests would impact the neighbouring property to the south and jeopardize the low-scale character of the streetscape, defeating the intent of the neighbourhood initiated R10 Residential District regulations, this Department cannot support the granting of the first a) and third c) variances.

The second b) appeal proposes the relaxation of principal building depth to 59.63 ft. where a maximum building depth of 52.2 ft. is permitted, based on 45% of the lot depth.

The Bylaw's intent in limiting building depth is to prevent the visual intrusion and sense of confinement that a long building wall can impose on neighbouring properties.

In this case, the existing dwelling depth is 50.27 ft., which meets the maximum building depth requirement. This measurement includes 5.18 ft. contributed by the small front entry feature, which protrudes out from the main face of the dwelling. The proposed rear deck cover/enclosure at the main floor would add 9.36 ft. to the existing dwelling depth, resulting in an excess building length of 7.43 ft. The proposed second floor addition over the front portion of the existing dwelling would not contribute to the additional building depth. The existing rear deck, which runs across the entire width of the dwelling (27.92 ft.), is proposed to be covered with a flat roof over approximately 2/3 of its width (17.75 ft.), starting at the north-west corner. The short ends of this covered portion of the deck are proposed to be enclosed with walls, including a full enclosure on the north end and a partial enclosure on the south end. Considering the small additional massing of the proposed rear deck cover/enclosure, it is not expected that the overall depth of the dwelling would create any impacts when viewed from the rear yard of the neighbouring property across the lane to the north or from the neighbouring property immediately to the south. Generous north and south side yard setbacks to this addition, approximately 18 ft. and 33 ft. respectively, would further lessen any massing impacts.

In view of the above, this Department does not object to the granting of this second b) variance.

ADJACENT OWNER'S COMMENTS:

Petition letters dated **June 26, 2014** were received from 6883 and 6955 Mandy Avenue, 3869, 3870 and 3879 Dubois Street. A further three petition letters were received dated April 13, 2015 from 3888 Dubbois Street, 3830 and 3870 Imperial Street.

The letters read as follows:

'We are adding a partial second floor above the existing two bedrooms, bathroom and office, as we need more living space. The addition of this floor would allow for three additional bedrooms and two bathrooms. The overall height will increase by 8 feet. This partial renovation will only affect the front of the house closest to Mandy Street facing east, as the back of the house has a vaulted ceiling. There will be no increase in size to the existing footprint, only upward. We require two waiver approvals; one for the front yard and one for the height. We are not intending to change the front yard however it still requires a waiver.'

An undated letter was received from 6883 Mandy Avenue in support of the variances.

No further correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

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

CARRIED UNANIMOUSLY

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

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

CARRIED UNANIMOUSLY

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. B. POUND:

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

CARRIED UNANIMOUSLY

(h) APPEAL NUMBER: B.V. 6164

APPELLANT: Sundeep Puar

REGISTERED OWNER OF PROPERTY: Kalwant and Charanjit Puar

CIVIC ADDRESS OF PROPERTY: 3705 Price Street

LEGAL DESCRIPTION OF PROPERTY: Lot 1; DL 35; Plan 1123

APPEAL: An appeal for the relaxation of Sections 6.6(2)(d) and 6.6(2)(g)(i) of the Burnaby Zoning Bylaw which, if permitted, will allow for the construction of a new single family home at 3705 Price Street. The following variances are being requested:

a) the setback, from the North property line to the garage foundation, will be 2.0 feet where a minimum setback of 3.94 feet is required. The overhang projects 0.5 feet beyond the foundation; and

b) the setback, from the South property line to the garage foundation, will be 10.01 feet where a minimum setback of 19.7

feet is required. The overhang projects 0.5 feet beyond the foundation.

APPELLANT'S SUBMISSION:

Sundee Puar submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for construction of a new single family home at 3705 Price Street.

Mr. Sundee Puar and his father, Mr. Kalwant Puar appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject site, zoned R5 Residential District, is located in the Garden Village neighbourhood in which the age and condition of single and two-family dwellings vary. This corner lot, approximately 33 ft. wide and 127.7 ft. deep, fronts Boundary Road to the west and flanks Price Street to the south. Abutting the site to the north and across the lane to the east are single family dwellings. Vehicular access to the subject property is via the rear lane. The subject lot observes a downward slope of approximately 9 ft. from the east (rear) to the west (front).

A new single family dwelling is currently under construction on the subject property, in accordance with Building Permit # BLD14-01218. The building permit application originally included a detached garage. However, during staff review it was determined that the proposed detached garage would not meet accessory building siting and vision clearance requirements. Therefore, the building permit was issued for a principal building only. In order to satisfy parking requirements, a parking pad was proposed in lieu of a detached garage. The current proposal is to replace this surface parking area with a detached garage, for which two variances have been requested.

The first a) appeal would permit the construction of a detached garage observing a side yard setback from the north property line of 2.0 ft., with further projection for roof eaves of 0.5 ft., where a minimum side yard setback of 3.94 ft. is required.

The second b) appeal would permit the construction of a detached garage observing a flanking street side yard setback of 10.01 ft., with further projection for roof eaves of 0.5 ft., where a minimum flanking street side yard setback of 19.7 ft. is required.

The intent of the Bylaw is to mitigate the impact of massing on neighbouring properties. In the case of an accessory building facing a flanking street, the

Bylaw requires it to be located not closer to the flanking street than the front yard setback for the principal building on the same flanking street.

With respect to the first a) appeal, the proposed two-car detached garage would be placed in the north-east corner of the subject site, similar to the siting of the previous single detached garage, which has already been demolished. The new garage would be set back 12 ft. from the rear (east) property line in order to provide the required vision clearance at the intersection of Price Street and the rear lane. This is an improvement from the original building permit application which required a vision clearance relaxation. The proposed detached garage would be 21 ft. wide by 21.5 ft. long by approximately 12 ft. high to the top of the sloped roof. The detached garage would be compatible with the newly constructed two-car detached garage at the second neighbouring property to the north of the subject site. Currently there is no accessory building at the neighbouring property immediately north of the subject site, where a two-car detached garage, was recently demolished.

With reference to the second b) appeal, the proposed detached garage would encroach 9.69 ft. into the required flanking street side yard. The garage would be located approximately 12 ft. in front of the adjacent dwelling across the lane to the west, which observes a front yard setback of approximately 22 ft. This neighbouring residence is generally oriented to the south, with the exception of one larger bay window on the west elevation facing the lane. Although no landscape screening or fence screening is present along the west (lane) property lines, a generous overall distance of approximately 37 ft. between the proposed detached garage and this neighbouring residence would help to mitigate the massing impacts of the reduced flanking street side yard.

In summary, both variances are related to the fact that the subject site is only 33 ft. wide, which is restrictive in the case of corner lots, with little room for alternative placement of accessory buildings. Further, this proposal would not be out of the ordinary within the existing development pattern and appears to minimize impacts on the neighbouring properties with respect to side yard setback requirements.

In view of the above, this Department does not object the granting of both variances.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. S. NEMETH:
SECONDED BY MR. B. POUND:

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

CARRIED UNANIMOUSLY

MOVED BY MR. S. NEMETH:
SECONDED BY MR. B. POUND:

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

CARRIED UNANIMOUSLY

4. NEW BUSINESS

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

ADJOURNMENT

MOVED BY MR. B. BHARAJ:
SECONDED BY MR. S. NEMETH:

"THAT this Hearing do now adjourn."

CARRIED UNANIMOUSLY

The Hearing adjourned at 2:30 p.m.

Ms. C. Richter

Mr. B. Bharaj

Mr. S. Nemeth

Mr. B. Pound

E. Prior
Administrative Officer