



BOARD OF VARIANCE

MINUTES

A Hearing of the Board of Variance was held in the Council Chamber, Burnaby City Hall, 4949 Canada Way, Burnaby, B.C., on Thursday, **2018 January 04** at 6:00 p.m.

1. CALL TO ORDER

PRESENT: Ms. Charlene Richter, Chair
Mr. Rana Dhatt, Citizen Representative
Mr. Stephen Nemeth, Citizen Representative
Mr. Wayne Peppard, Citizen Representative
Mr. Brian Pound, Citizen Representative

STAFF: Mr. Maciek Wodzinski, Development Plan Technician
Ms. Monica Macdonald, Administrative Officer

The Administrative Officer called the meeting to order at 6:10 p.m.

2. ELECTION

(a) Election of Chair

MOVED BY MR. POUND:

SECONDED BY MR. PEPPARD:

THAT Ms. C. Richter be appointed as Chair of the Burnaby Board of Variance for the 2018 January 04 Hearing.

CARRIED UNANIMOUSLY

The Administrative Officer requested the election of the Chair for the balance of 2018 be held at the 2018 February 01 hearing.

3. **MINUTES**

(a) **Minutes of the Board of Variance Hearing held on 2017 December 07**

MOVED BY MR. PEPPARD:

SECONDED BY MR. NEMETH:

THAT the minutes of the Burnaby Board of Variance Hearing held on 2017 December 07 be adopted.

CARRIED UNANIMOUSLY

4. **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. 6312

APPELLANT: Karamjit Singh

REGISTERED OWNER OF PROPERTY: Amrik Sandhu and Karamjit Singh

CIVIC ADDRESS OF PROPERTY: 3785 Warren Street

LEGAL DESCRIPTION OF PROPERTY: Lot E: DL 35: Plan: 16710

APPEAL: An appeal for the relaxation of Section 104.9 of the Burnaby Zoning Bylaw which, if permitted, would allow for construction of a new single family dwelling with a secondary suite and detached garage at 3785 Warren Street, with a front yard depth of 33.45 feet where a minimum depth of 37.45 feet is required based on front yard averaging. Zone R4

APPELLANT'S SUBMISSION:

Karamjit Singh, homeowner, submitted an application for relaxation of the front yard setback regarding construction of his new home.

Mr. Singh, his son, and his designer appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, which is zoned R4 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 61.16 feet wide and 128.22 feet deep, fronts onto Warren Street to the south. Abutting the subject site to the west and directly across Warren Street to the south, across the lane to the north and across the lane to the east are single family dwellings. The site observes a downward slope of approximately 9.60 feet in the south-north (front to rear) direction. Vehicular access to the site is proposed from the side lane to the east.

The applicant proposes to redevelop the site with a new single family dwelling (with a secondary suite and an accessory detached garage), which is the subject of this appeal.

The appeal requests a front yard setback of 33.45 feet, measured to the bay windows of the proposed single family dwelling, with a further projection for porch roof eaves of 3.25 feet, where front yard averaging requires a minimum setback of 37.45 feet

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 made 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, due to the corner lane to the east, the front yard averaging calculations are based on the front yard setbacks of the two dwellings at 3775 and 3765 Warren Street immediately west of the subject site. These front yard setbacks are 37.46 feet and 37.44 feet respectively.

As noted above, the front yard setback is measured to the front bay windows which occupy approximately 56% width of the wall they project from. Despite the two bay windows at the main floor and one bay window at the upper floor, there are a total of four gable roofs protruding even further into the required front yard setback.

The proposed siting would place the subject dwelling approximately 4.00 feet in front of two neighbouring dwellings to the west and a few feet behind the neighbouring dwelling across the lane to the east which was not taken into account in the front yard averaging calculations.

It should be noted that the subject dwelling is located 25.61 feet from the accessory garage in the rear where the required distance based on the overlapping wall with the windows is only 18.00 feet and the maximum required by the Zoning Bylaw is 24.61 feet.

Also, the proposed sum of both side yard setbacks is 17.66 feet where only 11.50 feet is required, which leaves over 6.00 feet of room to expand the dwelling sideways rather than front to back.

The west elevation of the proposed residence, which extends past the neighbouring home to the west, consists primarily of roof and wall elements, with no windows and views. The neighbouring property also has no windows from which the view would be obstructed by the proposed front yard encroachment. In view of the above, the existing massing relationship between the subject property and the adjacent property to the west would be changed but with no significant impacts.

With regard to the broader neighbourhood context, there is an established block front, with the majority of lots observing front yard setbacks in the range of approximately 35.00 feet to 39.00 feet. Therefore, with the exception of a couple of lots (at the far west terminus of the subject block), the proposed siting would not result in transitioning of new construction into the existing context. However, the nearest property to the east, which was not taken into account because of the lane separation, only observes a 28.00 feet front yard setback.

Although this request would create limited negative impacts on the neighbouring properties and the existing streetscape, it is clearly a design choice and not a hardship. Multiple options to comply with the Burnaby Zoning Bylaw exist; therefore, this Department cannot support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

A letter was received from the owner of 3791 Warren Street in support of this appeal. The owner also appeared and expressed concern with loss of property value if the appeal is not allowed.

Owners of 3765 and 3775 Warren Street appeared in opposition to the appeal. The owners were concerned with loss of sunlight, drainage and risk of flooding. One owner also advised of his concern with the development of the area.

MOVED BY MR. PEPPARD:
SECONDED BY MR. NEMETH:

THAT based on the plans submitted, this appeal be DENIED.

CARRIED UNANIMOUSLY

(b) APPEAL NUMBER: B.V. 6313

APPELLANT: Gurmit Aujla

REGISTERED OWNER OF PROPERTY: Gurmit and Harstinder Aujla

CIVIC ADDRESS OF PROPERTY: 6157 Elgin Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 1; DL 94; Plan NWS1121

APPEAL: An appeal for the relaxation of Section 104.6(1)(b) of the Burnaby Zoning Bylaw which, if permitted, would allow for construction of a new single family dwelling with a secondary suite and a detached garage at 6157 Elgin Avenue. The following variances are requested:

a) a principal building height of 26.74 feet (flat roof) measured from the front average grade, where the maximum height of 24.30 feet is permitted; and,

b) a principal building height of 25.01 feet (flat roof) measured from the rear average grade, where the maximum height of 24.30 feet is permitted. Zone R4

APPELLANT'S SUBMISSION:

Gurmit Aujla, homeowner, submitted an application for relaxation of the principal building height for construction of his new home.

Mr. Aujla, his son, and his architect appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, which is zoned R4 Residential District, is located in the Kisbey Park neighbourhood, in which the age and condition of single family dwellings vary. This interior lot, approximately 65.89 feet wide and 154.30 feet deep, fronts onto Elgin Avenue to the east. Abutting the subject site to the north, south, directly across Elgin Avenue to the east and across the lane to the west are single family dwellings. The site observes a substantial upward slope of approximately 19.63 feet in the north-east to south-west (front to rear) direction. Vehicular access to the site is provided from the rear lane.

The applicant proposes to redevelop the site with a new single family dwelling (including an accessory detached garage), which is the subject of two appeals.

The first a) and second b) appeal concern building height and are co-related.

The first a) appeal proposes a building height of 26.74 feet, measured from the front average elevation, where a maximum height of 24.30 feet is permitted for flat roofs.

The second b) appeal proposes a building height of 25.01 feet, measured from the rear average elevation, where a maximum height of 24.30 feet is permitted for flat roofs.

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

In both cases, the height calculation is based on the lower of existing natural and proposed grades at the front and the rear elevation as determined by the Building Inspector. As noted above, the grade difference from the front north-east to the rear south-west corner of the subject site contributes to the excess height of the front elevation. The proposed height encroachment of 2.44 feet in the front and 0.71 feet in the rear would occupy the entire second floor flat roof area. The second floor and the roof height encroachment would extend across approximately 85% width of the front façade and approximately 62% width of the rear portion of the building.

The height encroachment in the front is caused by substantial modification of the natural existing grade proposed excavation of the natural site slope in front of the secondary suite in the cellar. The total height of the exposed part of the front façade is approximately 31.50 feet which is exactly opposite to the Bylaw intention "to mitigate the massing of new buildings".

The proposed floor to ceiling heights (cellar 9.00 feet, main floor 10.00 feet and second floor 9.00 feet) also contributed to the over height encroachment.

The height encroachment area would have limited impact when viewed from the neighbouring properties to the north and south. Similarly, with respect to the neighbouring property to the west across the lane, elevated terrain and distance between buildings would mitigate impacts on this neighbouring property. The most visible Zoning Bylaw contravention would be from Elgin Street where a big portion of the front façade would present a true 3 storey, 31.50 feet high appearance.

The proposed height encroachment appears to be a result of design decisions and not a hardship. Multiple options exist to resolve the encroachment without compromising the Zoning Bylaw.

In summary, given other design options exist to comply with the Zoning Bylaw, this Department objects to the granting of the first a) and second b) variances.

ADJACENT OWNER'S COMMENTS:

A letter was received from the owner of 6158 Elgin Avenue opposing the appeal. The owner commented that the proposed building would affect the view of properties on Denbigh Avenue, and added he does not see the need for building such a large house.

A letter was received from the owner of 6191 Elgin Avenue who, along with the owner of 6208 Denbigh Avenue, appeared in opposition to the appeal. The owners expressed concern with the building of large homes, targeting of foreign investors, and the impact this has had in their neighbourhood.

MOVED BY MR. POUND:

SECONDED BY MR. NEMETH:

THAT based on the plans submitted, part (a) of this appeal DENIED.

CARRIED UNANIMOUSLY

MOVED BY MR. POUND:

SECONDED BY MR. NEMETH:

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

CARRIED

OPPOSED: MR. DHATT

(c) **APPEAL NUMBER:** B.V. 6314

APPELLANT: Norman Zottenberg

REGISTERED OWNER OF PROPERTY: Melissa & Michael Fox; Sha & Bradley Snider

CIVIC ADDRESS OF PROPERTY: 3759/3761 Hurst Street

LEGAL DESCRIPTION OF PROPERTY: Lot B; DL 150; Plan NWP8581

APPEAL: An appeal for the relaxation of Sections 110.1(1) and 110.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for interior alteration and an addition to an existing two family dwelling at 3759 and 3761 Hurst Street. The following variances are requested:

a) construction of an addition to an existing legal, non-conforming two family dwelling, where two family dwellings are not permitted in R10 zoning; and,

b) a front yard setback of 24.79 feet, where a minimum set back of 27.41 feet is required based on front yard averaging. Zone R10

APPELLANT'S SUBMISSION:

Norman Zottenberg, Architect, submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for renovations of his clients' duplex.

Mr. Zottenberg and home owners, Mr. Snider and Mr. Fox, appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

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 rezoning process in 1996 at the request of residents to control the form and character of new development. This interior lot, approximately 85.00 feet wide and 118.00 feet deep, fronts Hurst Street to the south. Abutting the site to the north, west and east are single family dwellings. Vehicle access to the site is proposed from Hurst Street; there is no lane access available. The lot has a gentle downward slope of approximately 5.26 feet from the north (rear) to the south (front).

The subject property is improved with two storey, two family dwelling units, built originally in 1954, which is a legal non-conforming use in a single family R10 zoned area.

The current proposal is to further improve the existing two storey dwelling with a single storey, front yard, addition and interior alterations. The proposed addition in the front of the building is the subject of two appeals.

The first a) appeal is to allow an exterior structural addition to the existing legal non-conforming building.

The *Local Government Act*, Section 531(1), prohibits a structural alteration or addition to a building while a non-conforming use is continued, except if the person alleges that compliance with Section 531(1) would cause the person hardship, as permitted by the Board of Variance under Section 540(c).

The structural additions constitute substantial extension to the existing legal non-conforming use. As the use of the property continues to enjoy a legal non-conforming status, the purpose of the current proposal is to further expand both units and therefore the non-conforming status.

While the current legal non-conforming use is permitted to remain in existence, this Department must oppose any further expansion of the dwellings. When the Burnaby Zoning Bylaw was created in 1965, only single family dwellings were a permitted use first in R3 and then, in 1996, in the R10 Zoning District. It was expected that existing two family dwellings would be removed through time. To permit the proposed

extension would strengthen the non-conforming use and reduce the possibility of its removal at any time in the near future.

In view of the above, this Department cannot support the granting of the first a) variance.

The second b) appeal requests a front yard setback of 24.79 feet, measured to the proposed two-family dwelling, with a further 2.00 feet window seats and 3.25 feet gable roof projection, where front yard averaging requires a minimum setback of 27.41 feet.

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

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 to the west of the subject site at 3727 and 3747 Hurst Street and two dwellings to the east 3771 and 3781 Hurst Street. These front yards are 28.52 feet, 29.08 feet, 20.25 feet and 31.77 feet respectively.

The proposed, elevated above ground crawl space by 4.23 feet from the ground, single storey addition with 10.00 feet ceilings, indicating 24.79 feet front yard setback would be located 4.29 feet in front of the closest neighbour to the west and 4.54 feet behind the front face of the neighbouring building to the east. Both neighbours have single windows facing the proposed addition. It should be noted that those windows would be overlapped by the addition even if it meets the required front yard. In fact the proposed development achieves the effect intended by the front yard averaging requirement, easing new construction into the existing street frontage with minimal impact.

In summary, considering the small scale of the proposed exterior addition, this proposal would have no negative impacts on neighbouring properties.

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

ADJACENT OWNER'S COMMENTS:

A petition letter in support of the appeal was received from owners of 3712, 3727, 3747, 3750, 3760, 3771, 3781, 3782, 3794, 3815, 3859, 3871, and 3881 Hurst Street; 3736, 3746, 3754, 3772, 3782, 3793, and 3858 Dubois Street; 6876 and 6912 Joffre Avenue; and 6955 Mandy Avenue. The petition read as follows:

"We are neighbours to the duplex property at 3759 and 3761 Hurst Street. We are owners of the property at... We have reviewed the Plans dated June 27, 2017 submitted to the city of Burnaby for the renovation and the front addition to 3750-3761 Hurst Street.

We understand that the existing house is a non-conforming duplex and that there is a small variance being requested for the front yard setback.

We have no objection to this proposed renovation/addition to the existing duplex.

Also, we do not oppose the minor front yard variance being requested and support the continued use of this residence as a duplex."

Owners of 3781 and 3750 Hurst Street also appeared supporting the 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

(d) APPEAL NUMBER: B.V. 6315

APPELLANT: Rebecca Verschoor, TQ Construction

REGISTERED OWNER OF PROPERTY: Frances, Colin and Peter Fong

CIVIC ADDRESS OF PROPERTY: 3957 Lozells Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 81; DL 43; Plan NWP28993

APPEAL: An appeal for the relaxation of Sections 6.6(2)(g)(i), 6.6(2)(g)(ii) and 101.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for interior alteration, deck addition (already built), enclosed carport to a garage (already built), and a new accessory building (already built) to an existing single family dwelling at 3957 Lozells Avenue. The following variances are requested:

- a) a side yard width of 6.0 feet for an Accessory Building, where a minimum side yard width of 29.50 feet is required;
- b) a rear yard depth of .5 feet for an Accessory Building, where a minimum rear yard depth of 3.94 feet is required; and,
- c) a front yard depth of 30.50 feet, where a minimum depth of 34.73 feet is required based on front yard averaging. Zone R1

APPELLANT'S SUBMISSION:

Rebecca Verschoor, Designer, TQ Construction, submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for interior alteration of her clients' home.

Ms. Verschoor, Mr. Belisle, President, TQ Construction, and home owner Mr. Fong appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R1 Residential District, is located in a stable single-family neighbourhood in the Government Road area. This corner lot, approximately 120.00 feet long by 67.25 feet wide, fronts onto Lozells Avenue to the east and flanks Winston Street to the south. Single family dwellings abut the site to the north and west and across Lozells Avenue to the east. A large industrial development abuts the subject lot directly across Winston Street to the south. Vehicular access to the site is provided from Lozells Avenue to the east.

The subject site is improved with a single-family dwelling with attached garage and two accessory buildings to the rear of the property.

A previous variance was applied for and granted by the Board of Variance on 1968 March 07 permitting the construction of a single-family dwelling with a side yard of 15.00 feet from the abutting Winston Street property line.

A building permit (BLD 17-00889) is currently under review for interior alterations to the existing single-family dwelling. Through the review of city staff it became apparent that an existing carport had been enclosed to create an attached garage and two accessory buildings to the rear of the site had been constructed without the benefit of a Building Permit. The accessory building in the northwest corner is to be removed while the remaining building in the southwest corner is the subject of two of the requested variances. The enclosed carport is the subject of the third variance.

It should be noted that along Winston Street, sites are buffered by a continuous landscape belt and large solid screen which separates the yards from Winston Street, with no vehicular access provided from this side.

The first a) appeal proposes the relaxation of Section 6.6(2)(g)(i) "Accessory Buildings and Uses" of the Burnaby Zoning Bylaw for a minimum side yard setback from 29.50 feet to 6.00 feet. The purpose of this variance is to allow the existing accessory building, built without permit, to remain.

The second b) appeal proposes the relaxation of Section 6.6(2)(g)(ii) "Accessory Buildings and Uses" of the Burnaby Zoning Bylaw for a minimum rear yard depth from 3.94 feet to 0.50 feet. The purpose of this variance is to allow the existing accessory building, built without permit, to remain.

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

In this case, as the subject site is a corner lot with a rear lot line adjoining a side yard of a neighbouring lot, the standard front yard setback for the principal building must be applied to the side yard. As mentioned above, the side yard borders Winston Street which is separated by a landscape buffer and large solid screen. This would prevent any negative impacts along the Winston Street corridor. The neighbouring property to the west, which borders the rear lot line of the subject site, is landscaped with large trees and shrubs and separated by a fence. The dwelling to the west is set significantly farther forward and would not be impacted by the siting of the subject accessory building. The subject accessory building is setback 40.09 feet from the adjoining northern property line which is fully fenced and would not be impacted due to the distance and existing screening.

With respect to the second b) variance, there would be negligible impacts on the neighbouring property despite the 0.50 feet rear yard setback. As stated above the neighbouring lot to the west, which borders the rear yard, is fully landscaped and separated by an existing fence that would screen the accessory building from any negative impacts.

For these reasons, this department does not object to the granting of the first a) and second b) variances.

The third c) variance proposes the relaxation of Section 101.8 "Front Yards" of the Zoning Bylaw from 34.73 feet (based on front yard averaging) to 30.50 feet.

In 1991, Council responded to the public concerns with respect to the bulk and massing of the newer and larger homes that were built in the established neighbourhoods. Several text amendments to the Zoning Bylaw were made to address these concerns, including the requirement of a larger front yard where the average front yard depth of the two dwellings on either side of the subject site exceeds the required front yard applicable to the zone. The larger front yard requirement should be calculated through the "front yard averaging". The intent of the amendment was to improve the consistency and harmony of the new construction with the existing neighbourhood.

In this case, the front yard averaging calculations are based on the two neighbouring properties to the north, 3937 and 3917 Lozells Avenue. These front yards are 30.00 feet and 39.45 feet respectively. The proposed front yard setback of 30.05 feet is measured to the face of the attached garage. Previously this garage functioned as a carport and the front yard setback was measured to the face of the single family dwelling as 30.00 feet. The enclosing of the existing carport to an attached garage does not create any additional massing or negative impacts on neighbouring properties.

With respect to the broader neighbourhood context, the subject lot would not be out of character on this block by having an attached garage. The proposed front yard setback variance is 0.50 feet greater than the neighbouring property directly to the north and would therefore have no negative impacts on this property. As stated previously, a landscape buffer and large screen border Winston Street to the south which would protect the Winston Street corridor from any possible negative impacts of this variance request.

In summary, as the proposed variance poses no negative impacts on neighbouring properties, and does not impact the overall development of the neighbourhood, this department does not object to the granting of this third c) variance.

ADJACENT OWNER'S COMMENTS:

Letters of support were received from owners of 3885, 3910, 3937, and 3950 Lozells Avenue.

MOVED BY MR. POUND:
SECONDED BY MR. DHATT:

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

CARRIED UNANIMOUSLY

MOVED BY MR. POUND:
SECONDED BY MR. DHATT:

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

CARRIED UNANIMOUSLY

MOVED BY MR. POUND:
SECONDED BY MR. DHATT:

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

CARRIED UNANIMOUSLY

(e) APPEAL NUMBER: B.V. 6316

APPELLANT: Mark Handford

REGISTERED OWNER OF PROPERTY: Rosanne Chow

CIVIC ADDRESS OF PROPERTY: 7091 Kitchener Street

LEGAL DESCRIPTION OF PROPERTY: Lot 1; DL 135; Plan NWP18498

APPEAL: An appeal for the relaxation of Section 104.9 of the Burnaby Zoning Bylaw which, if permitted, would allow for construction of a second floor addition to an existing single family dwelling at 7091 Kitchener Street, with a front yard setback of 29.6 feet where a minimum set back of 29.9 feet is required based on front yard averaging. Zone R4

APPELLANT'S SUBMISSION:

Mark Handford, representing the owner, submitted an application for relaxation of the front yard setback regarding construction of a second floor addition.

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

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

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 corner lot, approximately 122.00 feet long by 60.00 feet wide, fronts onto Sherlock Avenue to the east and flanks Kitchener Street to the south. Abutting the site to the north, across the lane to the west, and across Sherlock Avenue to the east are single family dwellings. Directly across Kitchener Street to the south are two-family dwellings. Vehicular access to the site exists off the lane to the west. The site observes a downward slope of approximately 9.50 feet in the east-west (front to rear) direction.

The appeal requests a front yard setback of 29.60 feet where a minimum of 29.90 feet is required based on front yard averaging.

The applicant proposes to improve the subject site by adding a second storey addition to the existing dwelling.

A Building Permit was applied for to complete various alterations to the existing dwelling. Through the permitting process, it was identified by City staff that the front yard setback does not meet the current Zoning Bylaw requirement of 29.90 feet based on front yard averaging. Currently, a building permit (BLD 17-00884) has been issued for the second storey addition and construction is in process.

In 1991, Council responded to the public concerns with respect to the bulk and massing of the newer and larger homes that were built in the established neighbourhoods. Several text amendments to the Zoning Bylaw were made to address these concerns, including the requirement of a larger front yard where the average front yard depth of the two dwellings on either side of the subject site exceeds the required front yard applicable to the zone. The larger front yard requirement should be calculated through the "front yard averaging". The intent of the amendment was to improve the consistency and harmony of the new construction with the existing neighbourhood.

In this case, the front yard averaging calculations are based on the two neighbouring properties to the north, 1385 and 1375 Sherlock Avenue. These front yards are both 29.90 feet respectively. The proposed front yard setback of 29.60 feet is measured to the face of the existing dwelling structure as well as to the face of the second storey addition. The addition will be in line with the existing main floor façade without any staggering or protrusions. It is of note that the existing building was built in 1958 prior to the enactment of the Zoning Bylaw in 1965. The existing dwelling setbacks are grandfathered as legal-non conforming. However, any addition or renovation to the dwelling must meet the current Zoning Bylaw requirements. As the proposed second storey addition does not meet the 29.90 feet minimum setback requirement the applicant is requesting a 0.30 feet variance.

In summary, as the requested variance is minimal and would not conflict with the existing development pattern in the subject block or create negative impact on the neighbouring properties, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. PEPPARD:

SECONDED BY MR. DHATT:

THAT based on the plans submitted, this appeal be ALLOWED.

CARRIED UNANIMOUSLY

5. **NEW BUSINESS**

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

6. **ADJOURNMENT**

MOVED BY MR. NEMETH:

SECONDED BY MR. PEPPARD:

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 7:50 p.m.

Ms. C. Richter, CHAIR

Mr. R. Dhatt

Mr. S. Nemeth

Mr. W. Peppard

Ms. M. Macdonald
ADMINISTRATIVE OFFICER

Mr. B. Pound