BOARD OF VARIANCE

M I N U T E S

A Hearing of the Board of Variance was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Thursday, **2018 September 06** at 6:00 p.m.

1. CALL TO ORDER

PRESENT: Mr. Stephen Nemeth, Chair
Mr. Wayne Peppard, Citizen Representative
Mr. Brian Pound, Citizen Representative

ABSENT: Mr. Rana Dhatt, Citizen Representative
Ms. Brenda Felker, Citizen Representative

STAFF: Ms. Joy Adam, Development Plan Technician
Ms. Lauren Cichon, Administrative Officer

The Chair called the meeting to order at 6:00 p.m.

2. MINUTES

(a) Minutes of the Board of Variance Hearing held on 2018 August 02

MOVED BY MR. POUND
SECONDED BY MR. PEPPARD

THAT the minutes of the Burnaby Board of Variance Hearing held on 2018 August 02 be adopted.

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. 6333

APPELLANT: Qi Li

REGISTERED OWNER OF PROPERTY: Hiromitsu and Yoko Akitaya

CIVIC ADDRESS OF PROPERTY: 6786 Aubrey Street

LEGAL DESCRIPTION OF PROPERTY: Block 48 except: firstly: Parcel "A" (Plan 13311) and Road Secondly: Part Subdivided by Plan 44980; DL 132; Group 1 NWP 1493

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 6786 Aubrey Street, with a front yard depth of 40.44 feet, where a minimum depth of 53.93 feet is required based on front yard averaging. Zone R4.

APPELLANT'S SUBMISSION:

Mr. Li, on behalf of the property owner, submitted an application for relaxation of the front yard setback for construction of his client's new home.

Mr. Li and Mr. Akitaya 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 interior lot, approximately 114.39 feet long by 65.92 feet wide, fronts onto Aubrey Street to the north. The lot has a slightly "irregular" shape along the rear property line to accommodate an existing lane. The rear property line runs 25.0 feet west before jogging 14.94 feet south, where it then continues west 40.97 feet to join the western property line. Abutting the site to the east and west, across Aubrey Street to the north, and across the lane to the south (rear) are single family dwellings. Vehicular access to the site exists off Aubrey Street to the north. The site observes an upward slope of approximately 3.65 feet in the north-south (front to rear) direction.

The appeal requests a front yard setback of 40.44 feet where a minimum of 53.93 feet is required based on front yard averaging.

The subject site is proposed to be redeveloped with a new single family dwelling with secondary suite and detached garage.

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 front yard setbacks of the two dwellings immediately to the west (6768 and 6778 Aubrey Street) and the two dwellings to the east (6826 and 6846 Aubrey Street). The front yard setbacks for these properties are 36.87 feet, 43.86 feet, 81.24 feet, and 53.73 feet, respectively. The properties at 6826 and 6846 Aubrey Street immediately east of the subject site, affects these calculations.

The front yard setback is measured to the foundation of the proposed dwelling. The requested variance runs approximately 12.71 feet from the northeast corner along the front façade of the proposed dwelling. The façade is then staggered 1.5 feet in to the porch at the center where the remainder of the dwelling is set back another 1.5 feet.

With regard to the broader neighbourhood context, there is an established block front along the north side of Aubrey Street; however, the south side, where the subject site is located, has varied frontages ranging from approximately 25.0 feet to 82.0 feet.

The siting of the proposed dwelling would place the subject dwelling 0.42 feet in front of the neighbouring dwelling to the west. Directly to the east an existing single family dwelling is set back an additional 40.8 feet from the setback of the subject site. Bordering the eastern property line there are large cedar hedges and a large coniferous tree, which help to mitigate potential negative impacts on the neighbouring dwelling.

In view of the above and since the proposed development would create low impacts on the neighbouring properties and the existing streetscape, 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. POUND
SECONDED BY MR. PEPPARD

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

CARRIED UNANIMOUSLY

(b) APPEAL NUMBER: B.V. 6334

APPELLANT: Ram Sodhi

REGISTERED OWNER OF PROPERTY: Hiu W. Hung

CIVIC ADDRESS OF PROPERTY: 51 Sea Avenue North

LEGAL DESCRIPTION OF PROPERTY: Lot 30; DL 218; Plan NWP4953

APPEAL: An appeal for the relaxation of Section 6.12(3)(a) of the Burnaby Zoning Bylaw which, if permitted, would allow for interior alterations and an addition to an existing single family dwelling at 51 Sea Avenue North. This relaxation would allow a side yard setback of 2.87 feet, where a minimum set back of 3.30 feet is required. Zone R5.

APPELLANT'S SUBMISSION:

Mr. Sodhi, on behalf of the property owner, submitted an application to allow for interior alterations and an addition to an existing single family dwelling.

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

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site is zoned R5 Residential District and is located in the Capitol Hill neighbourhood where the age and condition of single and two family dwellings vary. This interior lot is approximately 33.00 feet wide and 118.91 feet deep and fronts Sea Ave North to the east and a lane to the west. The subject site abuts single family lots to the north and south. Vehicular access to the subject site is provided via the Sea Ave North to the east. The site observes a downward slope of 20.3 feet in the west-east (rear to front) direction.

The subject site contains a single family dwelling and carport. The applicant proposes an addition to the front façade of the existing dwelling for which the following variance is required. The appeal requests a side yard setback of 2.87 feet where a minimum of 3.30 feet is required. The intent of the Bylaw is to mitigate the impact of building massing on neighbouring properties. A building permit (BLD 17-00133) was applied for to bring in to compliance alterations completed to the existing dwelling without the benefit of a building permit, and is currently pending.

The proposed south side yard setback is measured from the property line to the proposed wall of the main and second floor addition. City records indicate that in 1964 the existing dwelling was constructed with a 3.3 feet side yard setback; however, a

legal survey from 2016 indicates an existing south side yard setback of 2.87 feet. Since the existing portion of the dwelling was constructed prior to the enactment of the Zoning Bylaw in 1965, the side yard setback of 2.87 feet on the existing portion of the building is considered legal-non conforming. The already constructed addition built after 1965 requires a variance in order to be permitted to remain.

To the south, the proposed addition abuts a neighbouring single family dwelling which is separated by an approximately 6.0 feet high wooden fence which extends for the length of the house and continues to the rear lane. Low lying bushes and shrubbery exist in the front yard, in addition to a large deciduous tree which would help to mitigate any negative impacts on the neighbouring dwelling to the south.

On the main floor, the already built addition extends 4.16 feet beyond the existing façade of the building where a new 7.58 feet wide porch has been constructed. The second floor addition extends 11 feet from the existing face of the dwelling in the southeastern corner and 7.58 feet in the northeastern corner, both overlapping the entire porch below. The effects of massing would be most significant in the southeastern corner of the dwelling; however, the neighbouring property to the south observes a 20.9 feet front yard setback which places this dwelling 3.72 feet in front of the subject dwelling. There are no windows overlapping that would be affected by the subject addition.

To the north, a single family dwelling abutting the subject site is set slightly further back than the subject dwelling. However, this neighbouring dwelling stands significantly higher than the subject dwelling and would not experience any negative effects of massing from the subject addition.

In summary, considering the small scale of the proposed side yard encroachment and that no significant impacts are expected to the neighbouring properties, this department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

A letter was received from 19 Sea Avenue North in opposition to this appeal. The owner also appeared and expressed concern that the fence on 51 Sea Avenue North was not built straight and is losing property at the side and the front of the house.

MOVED BY MR. PEPPARD
SECONDED BY MR. POUND

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

CARRIED UNANIMOUSLY

(c) APPEAL NUMBER: B.V. 6335

APPELLANT: Angelo Marrocco

REGISTERED OWNER OF PROPERTY: Geniale and Maria Plastino

CIVIC ADDRESS OF PROPERTY: 1460 Blaine Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot: 248; DL: 135; Plan 33561

APPEAL: An appeal for the relaxation of Section 104.9 of the Burnaby Zoning Bylaw which, if permitted, would allow for interior alteration and addition to the main floor only to the existing single family dwelling at 1460 Blaine Avenue, with a front yard setback of 29.20 feet, where a minimum setback of 31.36 feet is required based on front yard averaging. Zone R4.

APPELLANT'S SUBMISSION:

Mr. Marrocco, on behalf of the property owner, submitted an application to allow for an interior alteration and an addition to the main floor only to an existing single family dwelling.

Mr. Marrocco and Mrs. Plastino 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 interior lot, approximately 122.00 feet long by 57.77 feet wide, fronts onto Blaine Avenue to the west. Abutting the site to the north and south, across Blaine Avenue to the west, and to the east are single family dwellings. Vehicular access to the site exists off Blaine Avenue to the west. The site observes a minimal downward slope of approximately 2.4 feet in the east-west (rear to front) direction. The appeal requests a front yard setback of 29.2 feet where a minimum of 31.36 feet is required based on front yard averaging.

The applicant proposes to convert an existing carport into an enclosed garage. The garage enclosure is already built without the benefit of a Building Permit.

A Building Permit was applied for to complete various interior alterations including a main floor addition 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 31.36 feet based on front yard averaging. Currently, a building permit (BLD 17-10031) has been issued for the interior alterations and addition to the main floor.

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 neighbouring property to the north, 1450 Blaine Avenue and the two neighbouring properties to the south, 1470 and 1480 Blaine Avenue. These front yards are 27.5, 29.8, and 36.8 feet respectively. The proposed front yard setback of 29.2 feet is measured to the face of the attached garage. The garage will protrude 4 feet beyond the remaining façade of the existing dwelling to the north.

The proposed garage will be placed 0.6 feet in front of the neighbouring dwelling to the south. An existing stone fence and small shrubbery at the south property line separates and diminishes any possible negative impacts on the neighbouring dwelling. The dwelling to the north is located 1.7 feet in front of the proposed garage and would therefore not be impacted by this proposal.

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 27.0 feet to 37.0 feet. Therefore, the proposed front yard setback would not place the subject dwelling outside of the typical block frontage for this neighbourhood.

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:

A letter was received from 1461 Sherlock Avenue in opposition to this appeal. The writer expressed concern that it would impact the neighbourhood's spacing and privacy if trees were to be removed.

MOVED BY MR. POUND
SECONDED BY MR. PEPPARD

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

CARRIED UNANIMOUSLY

(d) APPEAL NUMBER: B.V. 6336

APPELLANT: Sukhdev Sandhu

REGISTERED OWNER OF PROPERTY: Kawaldeep Dhaliwal

CIVIC ADDRESS OF PROPERTY: 7028 Mawhinney Close

LEGAL DESCRIPTION OF PROPERTY: Lot B; DL 78; Plan 39700

APPEAL: An appeal for the relaxation of Section 102.6(1)(a) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with a secondary suite and attached garage at 7028 Mawhinney Close, with a principal building height of 32.44 feet (sloped roof) measured from the rear average grade, where the maximum height of 29.5 feet is permitted. Zone R2.

A previous Board of Variance appeal (BV 6330, 2018 July 05) allowed a fence in the required front yard up to a maximum of 4.62 feet and denied the following variances:

- a principal building height of 35.54 feet measured from the rear average grade;
- a principal building height of 30.95 feet measured from the front average grade; and,
- a principal building height of 3 storeys, where 2½ storeys is permitted.

APPELLANT'S SUBMISSION:

Mr. Sukhdev Sandhu, Arrive Home Corp., on behalf of the property owner, submitted an application to allow for the construction of a new single family dwelling with a secondary suite and attached garage.

Mr. Sandhu and Mr. Raj Singh, Designer, appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

This property was the subject of an appeal before the Board on 2018 July 05 (BV 6330). Four variances were sought to allow for the construction of a new single family dwelling, with a secondary suite and an attached garage. The first variance a) to allow construction of a fence in the required front yard up to a maximum of 4.62 feet was supported by this Department and allowed by the Board. The second b), third c) and fourth d) variances, related to building height, were not supported by this Department and denied by the Board.

Subsequently, in response to the concerns raised at the hearing by the Board and the neighbour to the east of the subject site, the applicant has revised the proposal.

As a reminder from the 2018 July 05 appeal comments, the subject site, zoned R2 Residential District, is located in the Sperling-Broadway neighbourhood in which the age and condition of single family dwellings vary. This undeveloped through lot is an irregular (trapezoid shaped) large interior lot, approximately 144.1 feet wide by 117.7 feet deep along the shorter west side property line and 183.3 feet deep along the longer east side property line. The subject site fronts onto Ellerslie Avenue along its angled southern property line. The site has also the 31.1 feet long frontage onto the Mawhinney Close cul-de-sac to the north, along the most eastern portion of its north property line. This is where a vehicular access to the subject site is proposed (from Mawhinney Close); there is no lane access.

The subject site abuts single family lots along the remaining 112.1 feet of the north property line and along the west property line (sheltered by Pollywog Tributary 1 green area). There is a multi-family development across Ellerslie Avenue to the south (sheltered by Pollywog Creek green area) and an undeveloped residential lot immediately to the east of the subject lot. This neighbouring lot is currently proposed to be developed with a single family dwelling and is a subject of the next Board of Variance Appeal # BV 6337.

The subject property observes a substantial downward slope of approximately 23.1 feet from north to south. There is also a substantial drop of terrain along the western property line where a Pollywog Tributary 1 crosses the subject site, in the north–south direction. The creek connects to Pollywog Creek which runs roughly in the east-west direction on the opposite side of Ellerslie Avenue to the south of the subject site.

Due to the presence of Pollywog Tributary 1, the site is subject to Section 6.23 “Streamside Protection and Enhancement Areas” (SPEA) regulations of the Zoning Bylaw. Consequently, there is the Section 219 Covenant registered on the title to protect the SPEA, including the ‘no-build’ zone extending 49.21 feet (15.0 m) from top of the bank to the east, roughly to the “vertical” center line of the subject site. There is also an approximately 33.0 feet (10.0 metres) wide drainage statutory right of way (SROW) along the west side property line, consistent with the Pollywog Tributary 1 area.

In addition, the site is constrained by the BC Hydro SROW along the south (angled) property line, approximately 85.0 feet (25.6 metres) wide, overlapped by a sanitary SROW within its southern portion. As noted in the previous appeal comments, although this is a large lot (22,390 square feet), according to the submitted topographical survey (and in view of the above noted site characteristics), a potential building envelope area is only 3,255 square feet.

The current appeal proposes the subject site to be developed with a new single family dwelling with a secondary suite and an attached garage, for which the following variance is requested:

The appeal is to vary Section 102.6(1)(a) – "Height of Principal Building" of the Zoning Bylaw from 29.5 feet to 32.44 feet, as measured from the rear average elevation, for the proposed single family dwelling with a sloping roof. The intent of the height requirements of the Zoning Bylaw is to mitigate the massing impacts of the new buildings and structures on neighbouring properties and to preserve the views.

In the current appeal, the single family dwelling is sunk 3.1 feet lower into the ground as compared with the 2018 July 05 appeal. Otherwise, the proposal is essentially identical to the previous proposal. By lowering the siting of the dwelling, the applicant was able to eliminate a need for a fence height relaxation and a building height relaxation with respect to the front elevation and the number of storeys.

The proposed dwelling observes a front (northern) elevation height of 27.85 feet, which is 1.65 feet less than the allowed maximum height. Therefore, this proposal would not affect the views from the properties across the Mawhinney Close cul-de-sac to the north, which are at substantially higher elevations.

The requested variance is for the rear elevation height. In this case, the height calculation is based on the existing average grade at the outermost face of the southern elevation; this elevation is assumed to be the rear elevation. It should be noted that the grade difference between the front and the rear of the subject site is a contributing factor to the excess height of the rear elevation.

The proposed height encroachment of 2.94 feet occurs in a relatively small area at the peak of the roof. This area starts approximately 9.5 feet away from the rear building face. This setback, in combination with a generous rear yard setback of over 88.0 feet, would essentially eliminate any impacts on the Ellerslie Avenue streetscape (there are no immediate neighbours to the south of the subject site due to the Pollywog Creek green area across Ellerslie Avenue).

With respect to the west and east side elevations, the proposed dwelling would appear as within the allowed maximum height limits. Therefore, no substantial massing impacts are expected on any future development on the neighbouring vacant lot to the east. To the west, considering the generous west side yard setback, of over 100.0 feet, and including "sheltering" effects of "Pollywog Tributary 1" green area, no impacts would be created on the neighbouring properties on this side.

However, the proposed height of 32.44 feet, as viewed from the Ellerslie Avenue property line, although reduced by 3.1 feet from the previous proposal, is considered substantially greater than the allowed maximum height. As noted in the previous appeal comments, despite the challenging site conditions, the requested variance is not exclusively related to these conditions. The excess height of the proposed dwelling remains partly a result of the design choice, with the proposed clear floor to ceiling height on all three floor levels of the building being a major contributing factor (the proposed clear floor to ceiling height remains unchanged from the previous proposal: 9.0 feet in the basement, 10.0 feet on the main level and 9.0 feet on the upper level).

In the consideration of the above, this Department cannot support the granting this variance.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. PEPPARD
SECONDED BY MR. POUND

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

FOR: MR. PEPPARD
MR. POUND

OPPOSED: MR. NEMETH

CARRIED

This appeal was DENIED.

(e) APPEAL NUMBER: B.V. 6337

APPELLANT: Eric Lee, VictorEric Design Group

REGISTERED OWNER OF PROPERTY: Bakhshish Haylat

CIVIC ADDRESS OF PROPERTY: 7038 Mawhinney Close

LEGAL DESCRIPTION OF PROPERTY: Lot: A; DL: 78; Plan: EPP39700

APPEAL: An appeal for the relaxation of Sections 102.6(1)(a) and 102.7(b) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with a secondary suite and attached garage at 7038 Mawhinney Close.

The following variances are requested:

a) a principal building height of 34.81 feet (sloped roof) measured from the rear average grade, where the maximum height of 29.50 feet is permitted; and,

b) a principal building depth of 74.00 feet, where the maximum building depth of 60.00 feet is permitted. Zone R2.

APPELLANT'S SUBMISSION:

Mr. Lee, VictorEric Design Group, on behalf of the property owner, submitted an application to allow for the construction of a new single family dwelling with a secondary suite and attached garage.

Mr. Vanhunenstijn, Project Development Director, VictorEric Design Group, appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R2 Residential District, is located in the Sperling-Broadway neighbourhood in which the age and condition of single family dwellings vary. This undeveloped through lot is an irregular (trapezoid shaped) interior lot, approximately 60.9 feet wide by 183.27 feet deep along the shorter west side property line and 202.54 feet deep along the longer east side property line. The subject site fronts onto Ellerslie Avenue along its angled southern property line and onto the Mawhinney Close cul-de-sac to the north. This is where a vehicular access to the subject site is proposed (from Mawhinney Close); there is no lane access.

The subject site abuts single family lots along the east side property line and across the Mawhinney Close cul-de-sac to the north. There is a multi-family development across Ellerslie Avenue to the south (sheltered by Pollywog Creek green area) and an undeveloped residential lot immediately to the west of the subject lot. This neighbouring lot is currently proposed to be developed with a single family dwelling and is a subject of the previous Board of Variance Appeal # BV 6336.

The subject property observes a substantial downward slope of approximately 22.84 feet from the northwest corner to the southeast corner. The site is constrained by the BC Hydro SROW along the south (angled) property line, approximately 85.0 feet (25.6 metres) wide, overlapped by a sanitary SROW roughly within its southern portion. These SROWs occupy almost a half of the entire site. According to the submitted topographical survey, the lot area is 11,664 square feet.

The appeal proposes the subject site to be developed with a new single family dwelling with a secondary suite and an attached garage, for which two variances are requested.

The first a) appeal is to vary Section 102.6(1)(a) – "Height of Principal Building" of the Zoning Bylaw from 29.5 feet to 34.81 feet, as measured from the rear average elevation, for the proposed single family dwelling with a sloping roof.

The intent of the height requirements of the Zoning Bylaw is to mitigate the massing impacts of the new buildings and structures on neighbouring properties and to preserve the views. The proposed dwelling observes a front (northern) elevation height of 26.14 feet, which is 3.36 feet less than the allowed maximum height.

Therefore, this proposal would not affect the views from the properties across the Mawhinney Close cul-de-sac to the north, which are at substantially higher elevations.

The requested variance is for the rear elevation height. In this case, the height calculation is based on the proposed average grade at the outermost face of the southern elevation; this elevation is assumed to be the rear elevation. It should be noted that the grade difference between the front and the rear of the subject site is a contributing factor to the excess height of the rear elevation.

The proposed height encroachment of 5.31 feet occurs over the entire roof area starting from approximately the gutter level. However, with respect to massing impacts of this major encroachment, a generous rear yard setback of over 88.0 feet would essentially eliminate any impacts on the Ellerslie Avenue streetscape (there are no immediate neighbours to the south of the subject site due to the Pollywog Creek green area across Ellerslie Avenue).

With respect to the west and east side elevations, with the exception to the two light well areas (one on each side), the proposed dwelling would appear as within the allowed maximum height limits. Therefore, no substantial massing impacts are expected on any future development on the neighbouring vacant lot to the west and to the neighbouring residences to the east. Also, the front portion of the proposed dwelling, which would overlap the neighbouring residence at 7056 Mawhinney Close (northern lot), is only one storey high. The proposed dwelling would not overlap the neighbouring residence at 3015 Ellerslie Avenue (southern lot).

However, the proposed height of 34.81 feet, as viewed from the Ellerslie Avenue property line, is substantially greater than the allowed maximum height. Despite the challenging site conditions, the requested variance is not exclusively related to these conditions. The excess height of the proposed dwelling is also a result of design choices, with the proposed clear floor to ceiling height on all three floor levels of the building: 9.0 feet in the basement, 10.0 feet on the main level and 9.0 feet on the upper level, being the major contributing factors.

Further, the site programming chosen has established the point where the rear elevation is measured. It is a design choice to attach a two car garage to the rear (south) elevation of the dwelling and have vehicular access off the Mawhinney Close cul-de-sac (north). This has created an approximately 128.0 feet long driveway along the east (side) property line, which terminates in the large turnaround directly in front of the garage doors, further to the south.

If this design was revisited, and other options explored, the height at the rear elevation could be lowered. Perhaps, by relocating the garage to the front (north) of the dwelling, a more compact floor layout could be achieved, which would also help lessen a need for a building depth relaxation discussed under the second b) variance comments.

In the consideration of the above, this Department cannot support the granting of the first a) appeal.

The second b) appeal is to vary Section 102.7(b) – "Depth of Principal Building" of the Zoning Bylaw from 60.0 feet to 74.00 feet to allow construction of a new single family dwelling. The intent of the principal building depth requirements of the Zoning Bylaw is to prevent construction of dwellings that present long imposing walls, so that the massing of the building impacts the neighbouring properties.

In this case, the "main" two storey body of the dwelling would be approximately 41.0 feet deep, with the remaining one storey high portions projecting approximately 18.0 feet at the main level from the front (north) elevation and approximately 15.0 feet at the at the basement level from the rear (south) elevation. Further, these one storey portions would observe various setbacks from the "main" two storey building face, such that no portion of the dwelling, which would be in line with the "main" two storey building face, would exceed 50.5 feet in depth. Therefore, the proposed dwelling would not create a long imposing wall appearance as viewed from the west and east property lines.

Considering the above, the massing impacts of the excess depth would be minimal on the neighbouring properties to the west and east. However, similar to the comments under the first a) variance, the requested variance appears to be the result of a design choice rather than hardship.

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

ADJACENT OWNER'S COMMENTS:

A letter was received from 7056 and 7068 Mawhinney Close in opposition to the appeal.

The owners of 7056 and 7068 Mawhinney Close also appeared and expressed concern that the size of the structure would be out of character for the neighbourhood and overshadow the adjacent dwelling.

MOVED BY MR. PEPPARD
SECONDED BY MR. POUND

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

CARRIED UNANIMOUSLY

MOVED BY MR. PEPPARD
SECONDED BY MR. POUND

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

CARRIED UNANIMOUSLY

4. NEW BUSINESS

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

5. ADJOURNMENT

MOVED BY MR. POUND
SECONDED BY MR. PEPPARD

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 7:09 p.m.

_____
Mr. S. Nemeth, CHAIR

_____
Mr. W. Peppard

_____
Ms. L. Cichon
ADMINISTRATIVE OFFICER

_____
Mr. B. Pound