



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, 2016 February 04 at 6:00 p.m.

1. CALL TO ORDER

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

STAFF: Mr. Maciek Wodzynski, Development Plan Technician
Ms. Sharon Knapp, Development Plan Technician
Ms. Eva Prior, Administrative Officer

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

2. ELECTION OF CHAIRPERSON

Nominations for Chairperson of the Burnaby Board of Variance were called for.

Mr. B. Pound nominated Ms. C Richter for the position of Chairperson of the Board of Variance.

There were no further nominations received.

MOVED BY MR. P. POUND

SECONDED BY MR. S. NEMETH

“THAT Ms. C. Richter be appointed as Chairperson of the Burnaby Board of Variance from 2016 February 04 to 2016 December 01.”

CARRIED UNANIMOUSLY

3. **MINUTES**

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

THAT the Hearing of the Burnaby Board of Variance held on 2015 December 03 be adopted as circulated.

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. 6203

APPELLANT: Simmi Brar

REGISTERED OWNER OF PROPERTY: Harbinder and Simmerjit Brar

CIVIC ADDRESS OF PROPERTY: 8050 Sussex Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 1; District Lot; 157 Plan 1406

APPEAL: An appeal for the relaxation of Section 6.2(2) of the Burnaby Zoning Bylaw, which, if permitted, would allow for the construction of an accessory building in a required front yard at 8050 Sussex Avenue, located 10.0 feet from the east property line and 4.0 feet from the south property line, where no accessory building can be located in the required front yard. (Zone R2)

APPELLANT'S SUBMISSION:

Simmi Brar submitted an application to allow for the construction of an accessory building at 8050 Sussex Avenue.

Simmi Brar appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject property is a large through lot that is 66.6 ft. wide and approximately 228.0 ft. deep. The front façade of the existing house faces Sussex Avenue, and

vehicular access is taken from Sussex Avenue and McKee Street via a 15.0 ft. wide Statutory Right of Way that runs the length of the north side yard. The subject lot slopes in two directions: it ascends approximately 9.0 ft. from the front to rear and descends McKee approximately 5.6 ft. in a southerly direction across the McKee Street property line.

This is a through lot because, in addition to the Sussex Avenue frontage, McKee Street provides a 32.0 ft. street frontage at the eastern side of the property. McKee Street continues east from the subject property for 62.5 ft. between the front yards of 4450 and 4460 McKee Street on the South and the front and side yard of 8029 Edson Avenue on the North. It is the only street access for 4450 and 4469 McKee Street which are located immediately south east of the subject property.

The intent of the Bylaw in prohibiting construction of accessory buildings in front yards is to ensure a uniform streetscape and to limit impacts on neighbouring yards, such as loss of privacy.

The proposed accessory building, which consists of a heated changing area, sitting room and bathroom, is located in the southeast corner of the property, adjacent to the side yard of 4450 McKee Street. Three large windows are proposed on the front elevation facing this neighbouring side yard. The proposed building is 20.0 ft. wide and 14.83 ft. tall, with a 10.0 x 12.0 ft. patio on the north side. The building is intended to overlook a swimming pool in the center of the rear yard that will be the subject of a separate building permit.

The proposed residence is 60.0 ft. long, and has a 40.83 ft. front yard setback on Sussex Avenue, where 24.6 ft. is required. The rear yard has been designed with three terraces, each approximately 3.5 ft. lower than the previous one, starting with the highest terrace next to McKee Street. This terrace is approximately 42 ft. deep and contains the proposed accessory building. The middle terrace, where the proposed pool would be located, is 52 ft. deep. The proposed pool has 16.0 ft. wide decks around the east and west sides, and approximately 13.0 ft. wide decks on the north and south sides. It is noted that the pool could be rotated 90 degrees and shifted northwards to accommodate an accessory building on the middle terrace, outside of any required setbacks. It is also noted that the 33.0 ft. deep lowest terrace between the rear of the house and the retaining wall supporting the middle terrace contains a curving driveway into the attached garage, which could be modified to allow the pool terrace to be extended. The 15.0 ft. Statutory Right of Way has not had a negative impact on the site planning of the property, as it provides vehicle access from Sussex Drive, through the lot to McKee Street on the north side of the property.

The proposed accessory building encroaches into the required 24.6 ft. front yard setback by 14.6 ft. The subject property is located at the terminus of McKee Street and is oriented at a right angle to neighbouring properties on the south side of McKee Street. The front property line of the subject property extends approximately 33 ft. behind the front property line of all the properties on the south side of McKee Street. As such, the proposed accessory building extends 14.6 ft. in front of the dwelling at 4450 McKee. It is noted that the trees on the southern side of the subject property

between the two properties will be removed. As a result, the accessory building will have little spatial or visual separation from the front yard of 4450 McKee Street.

The dwellings on the south side of McKee Street all have uniform 24.6 ft. front yard setbacks. The placement of an accessory building within the front yard of the subject property, which would project 14.6 ft. beyond the facades on the south side of McKee Street, would be out of place. In addition, the placement of an accessory building so close to the front yard of the adjacent dwelling could adversely affect their privacy.

The siting of the accessory building in this location is a design choice, as options exist to locate it outside the required front yard setback, and in conformance with the Bylaw. An alternative location in the middle terrace would create more visual and auditory separation from 4450 McKee Street and preserve the existing streetscape.

In summary, this is a major variance that defeats the intent of the Zoning Bylaw. On a large lot such as this, design solutions exist to conform to the Bylaw. As such, this Department cannot support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

A petition letter was received on February 4 in opposition to the proposed variance containing signatures from owners/occupants at the following addresses: 4450 and 4460 McKee Street, 8009 and 8029 Edson, 8010, 8030 and 8069 Sussex Avenue, and 4388 Winnifred Street.

A separate item of correspondence was received from owners of 8029 Edson Avenue in opposition, expressing concern regarding the negative impact on the neighbourhood.

Mr. P. Kutak, 4450 McKee Street appeared before the Board in opposition to the appeal.

Mr. K. Hubler, 4460 McKee Street appeared before the Board in opposition to the appeal.

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

THAT based on the plans submitted this appeal be DENIED.

CARRIED UNANIMOUSLY

(b) APPEAL NUMBER: B.V. 6204

APPELLANT: Geoffrey Ward

REGISTERED OWNER OF PROPERTY: Bojana Dzombeta

CIVIC ADDRESS OF PROPERTY: 6507 Waltham Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 1; District Lot 93; Plan 7299

APPEAL: An appeal for the relaxation of Section 105.9 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family home at 6507 Waltham Avenue. The front yard setback would be 22.83 feet to the foundation where a minimum front yard setback of 30.01 feet is required based on front yard averaging. The roof overhang would be 2.0 feet beyond the foundation. (Zone R5)

APPELLANT'S SUBMISSION:

Geoffrey Ward, on behalf of the homeowner, submitted an application to allow for construction of a new single family home at 6507 Waltham Avenue.

Ms. Bojana Dzombeta, homeowner appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, which is zoned R5 Residential District, is located in the Windsor neighbourhood, in which the age and condition of single and two-family dwellings vary. This corner lot, approximately 50 ft. wide and 109 ft. deep, fronts onto the west side of Waltham Avenue and the south side of Bryant Street. Abutting the subject site immediately to the south are single family dwellings. To the north across Bryant Street are single and two family dwellings and across the lane to the west are single-family dwellings. Vehicular access to the subject site is provided from the lane to the west. The site observes a gentle slope of approximately 1.6 ft. from north to the 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 requests a front yard setback of 22.83 ft., measured to the foundation of the proposed single-family dwelling, with a further projection for roof eaves of 2.0 ft., where front yard averaging requires a minimum setback of 30.01 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 only two existing dwellings at 6521 and 6537 Waltham Avenue south of the subject site. These front yards are 33.6 ft. and 26.6 ft. deep respectively. The proposed front yard setback is measured to foundation and, as noted above, the roof overhang would project further into the front yard by 2.0 ft. The proposed front yard setback applies to the entire front façade, including the upper storey, with the exception of the southeast corner. This portion of the residence is set back 4.5 ft. from the south side property line and 10 ft. from the front property line on both levels, placing this portion of the building within the required setback.

The proposed siting, with the exception of the southeast corner, would place the subject dwelling 10.77 ft. in front of the neighbouring dwelling to the south. This siting would be approximately 19.5 ft. closer to the front property line than the existing dwelling on the subject site, which observes an approximately 42.4 ft. front yard setback. In view of the above, the existing massing relationship between the proposed dwelling and the adjacent property on this side would be changed.

The massing impacts of the proposed residence are somewhat reduced by the following factors: a lower roof height over the front 14 ft. of the residence; the 4.5 ft. by 10 ft. recessed southeast corner as mentioned previously; and a limited amount of windows on the south elevation. It should also be noted that portion of the proposed building encroaching into the required front yard setback will flank the attached garage and driveway on the neighbouring property to the south.

With regard to the broader neighbourhood context, there are substantial frontage variations, from an approximately 13 ft. setback at 6591 Waltham Avenue, to an over 61 ft. setback at 6691 Waltham Avenue, on the same side of the street and within the same city block. The majority of the existing dwellings on the subject block observe an average front yard setback of approximately 20-40 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 and the relatively modest 46.5 ft. building depth would provide for a rear yard setback of approximately 40 ft. This setback would permit the construction of a detached garage accessed from the rear lane and observation of the required separation between the garage and residence.

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

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

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

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(c) APPEAL NUMBER: B.V. 6205

APPELLANT: Hana Kim

REGISTERED OWNER OF PROPERTY: Yong and Kap Kim

CIVIC ADDRESS OF PROPERTY: 5410 Laurel Street

LEGAL DESCRIPTION OF PROPERTY: Lot 1; District Lot 74; Plan EPP53307

APPEAL: An appeal for the relaxation of Section 103.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family home at 5410 Laurel Street. The front yard setback, to the foundation, would be 35.0 feet where a minimum front yard setback of 46.85 feet is required based on front yard averaging. The porch overhang would project 1.67 feet beyond the foundation. (Zone R3)

APPELLANT'S SUBMISSION:

Hana Kim submitted an application to allow for the construction of a new single family home at 5410 Laurel Street.

Ms. Hana Kim, daughter of homeowners, appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

An appeal for the relaxation of Section 103.8 of the Burnaby Zoning Bylaw, which, if permitted, would allow for the construction of a new single family dwelling with a secondary suite at 5410 Laurel Street. The proposed front yard setback to the foundation is 35 ft. where a minimum front yard setback of 46.85 ft. is required based on front yard averaging. The porch overhang projects 1.67 ft. beyond the foundation.

The subject site, zoned R3 Residential District, is located in a neighbourhood with older dwellings dating from the 1940s and newer houses constructed from the 1970s to present. This interior lot, approximately 50.0 ft. wide and 120.0 ft. deep, fronts Laurel Street to the north.

In 1991, Council responded to public concerns with respect to 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 houses on either side of the subject property. The intent was to help to ease the new construction into existing street frontages with minimal impact.

In this case, there is no consistent setback for homes on this block front. Generally, the area is transitioning to newer homes with standard front yard setbacks.

In this case, the front yard average is affected by the dwelling immediately to the west at 5408 Laurel Street, which observes a 67.71 ft. front yard setback. The lot depth of this lot (263.87 ft.) is more than twice the lot depth (120 ft.) of the subject property. The second property to the west, 5388 Laurel Street, observes a front yard setback of 39.37 ft. To the east, the properties at 5420 and 5432 Laurel Street observe front yard setbacks of 38.71 ft. (which was approved in 2009 under BV 5825) and 39.04 ft. respectively.

The front yard setback has been measured from the foundation of the garage, which projects 6.5 ft. in front of the house facade. The entire second storey of the house is also set 6.5 ft. back from the foundation wall of the garage. The front yard setback of the house, without the garage projection is 41.5 ft. from the front property line.

In this case, a front yard setback of 35 ft., measured from the foundation wall of the garage, and 41.5 ft., measured from the remainder of the house, would be consistent with the streetscape on this side of Laurel Street, where setbacks for three of the four immediately adjacent homes range from 38.0 – 39.0 ft. It is noted that the original application showed a front yard setback of 19.5 ft., which the applicant withdrew and replaced with the current proposal.

In view of the intended pattern of development in this area, and the evolving streetscape, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from Farid Mawani at 5420 Laurel Street regarding this appeal and advising that he has no objections to the development.

No further correspondence was received.

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

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(d) APPEAL NUMBER: B.V. 6206

APPELLANT: David Sarzynick

REGISTERED OWNER OF PROPERTY: David Sarzynick

CIVIC ADDRESS OF PROPERTY: 4062 Marine Drive

LEGAL DESCRIPTION OF PROPERTY: Lot 186; District Lot 175; Plan 41124

APPEAL: An appeal for the relaxation of Sections 102.6(1)(a) and 102.8(1) of the Burnaby Zoning Bylaw, which if permitted, would allow for the construction of a single family home at 4062 Marine Drive. The following variances are being requested:

a) The principal building height, measured from the rear average elevation would be 35.99 feet where a maximum building height of 29.5 feet is permitted. The principal building height, measured from the front average elevation would be 29.03 feet; and,

b) The front yard setback, to the foundation, would be 54.96 feet where a minimum front yard setback of 64.24 feet is required based on front yard averaging. The overhang would project 2.0 feet beyond the foundation. (Zone R2)

APPELLANT'S SUBMISSION:

David Sarzynick submitted an application to allow for the construction of a single family home at 4062 Marine Drive.

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

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, which is zoned R2 District, is located on Marine Drive, where the age and condition of dwellings vary. This interior lot is irregular in shape: 180.07 ft. deep on the longest side, 176.5 ft. deep on the opposite side, and 70 ft. wide. Vehicular access is provided from the rear lane.

Abutting the subject site to the west is an older single family dwelling (4052 Marine Drive), and to the east is a single family dwelling that was constructed in 1972 (4072 Marine Drive). To the south, the subject property overlooks the back of a warehouse building in the M5 Light Industrial District.

The intent of the Bylaw in limiting height is to mitigate the massing of new buildings or

structures and their impact on neighbouring properties. With respect to the first variance, the site observes a downward slope from the tallest point of 50.3 ft. in the northeast corner to 24.8 ft. in the southeast corner. The 3.28 ft. grade change from the elevation of the front façade (37.89 ft.) to the elevation at the rear façade (34.61 ft.) contributes to the excess height of the building, as measured from the rear.

As viewed from the rear elevation, 60% of the façade measures 32.0 ft. in height from the finished grade, and 40% of the façade measures 37.5 ft. in height because the entrance to the attached garage is cut into the existing grade. The sunken garage entrance contributes to the increased average height at the back of the dwelling.

The subject lot is one of many large lots on the south side of Marine Drive. The proposed dwelling has an 8.25 ft. wide side yard on the east adjacent to 4052 Marine Drive. On this side, the second story is set a further 9.0 ft. back from the exterior wall of the ground floor, increasing the upper storey setback to 16.25 ft. from the shared property line. In addition, 4052 Marine Drive has a 24.0 ft. wide side yard adjacent to the subject property, so it is unlikely that the proposed height will impact this property's privacy or views.

The western side yard of the proposed dwelling is 12.41 ft. wide, which is slightly more than the adjacent 12.0 ft. wide side yard of neighbouring 4072 Marine Drive. There is a thick line of trees along the shared property line that screens views of either property. It is not expected that the additional massing created by the proposed height encroachment would negatively impact this neighbour's views or privacy. Furthermore, considering that the subject property overlooks the back of an industrial warehouse, which is situated approximately 161.0 ft. from the rear property line, there will be no negative impacts from the additional height on that property.

In summary, as the proposed relaxation will have no impact on the adjacent properties, given the generous side and rear yard setbacks, this Department does not object to the granting of this first a) variance.

The second b) appeal proposes a front yard setback, to the foundation, of 54.96 ft. where a minimum front yard setback of 62.24 ft. is required based on front yard averaging. The overhang projects 2.0 ft. beyond the foundation.

With respect to the second variance, the intent of the Bylaw is to "ease" new development into the existing streetscape. The front yard averaging calculations are based on the setbacks of the two dwellings to the west and east of the subject property. On the west, 4042 and 4052 Marine Drive observe front yard setbacks of 51.43 and 57.74 ft. respectively. On the east, 4072 and 4092 Marine Drive observe front yard setbacks of 52.64 and 95.16 ft. respectively. The property at 4092 Marine Drive significantly affects the front yard averaging calculation.

A front yard setback of 54.96 ft. would fit in with the existing streetscape on the south side of Marine Drive. The lots on the south side of Marine Drive are all large, and the front yard setbacks are generous, but there is no established pattern to the

streetscape. The front yards on this side of Marine Drive are heavily screened from the road by fencing and landscaping, so a 7.0 ft. difference in the front yard setback between what is required by front yard averaging and what is proposed would not be perceived from the properties on the opposite side of Marine Drive.

The placement of the dwelling in this location is not likely to affect the property immediately to the east at 4072 Marine Drive, because both the properties have 12 ft. side yards along their common property line. In addition, a thick row of trees along the shared property line creates privacy. To the west, the dwelling at 4052 Marine Drive has a 24.0 ft. side yard setback adjoining the 8.0 ft. setback on the subject property. Again, the distance between these two houses negates any possible negative impacts of the reduced front yard setback.

In summary, the requested relaxation is modest given the overall development pattern of the neighbourhood. In addition, the proposal will have no negative impacts on the adjacent properties, given the generous side yard setbacks. For these reasons, this Department does not object to the granting of this second b) variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

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

(e) **APPEAL NUMBER: B.V. 6207**

APPELLANT: Marius Serban

REGISTERED OWNER OF PROPERTY: Marius and Monica Serban

CIVIC ADDRESS OF PROPERTY: 4042 Marine Drive

LEGAL DESCRIPTION OF PROPERTY: Lot 184; District Lot 175; Plan 41124

APPEAL: An Appeal for the relaxation of Sections 102.6(1)(a) and 102.8(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family home at 4042 Marine Drive. The following variances are being requested:

a) The principal building height, measured from the rear average elevation would be 34.10 feet, were a maximum building height of 29.5 feet is permitted. The front average elevation would be 28.17 feet; and,

b) The front yard setback would be 45.0 feet to the foundation, where a minimum front yard setback of 72.08 feet is required based on front yard averaging. The roof overhang would be 2.0 feet beyond the foundation. (Zone R2)

APPELLANT'S SUBMISSION:

Marius Serban submitted an application to allow for the construction of a new single family home at 4042 Marine Drive

Mr. Marius Serban appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site is located in the Big Bend neighbourhood, in which the age and condition of single family dwellings vary. This parallelogram interior lot, approximately 70 ft. wide by 176 ft. long, fronts onto the south side of Marine Drive. Abutting the subject site to the east and west are single family dwellings. Across the lane, south of the subject site, are two large industrial buildings on an M5 Light Industrial District property. The properties to the north, across Marine Drive, contain single family dwellings. Existing and proposed vehicular access to the site is from the rear lane. The site observes a significant downward slope from the northeast corner of the lot at Marine Drive to the southwest corner of the property at the rear lane, dropping 22.66 ft. over 223 feet.

The site, which is the subject of two appeals, is proposed to be redeveloped with a new single family dwelling with attached garage and secondary suite.

The first a) appeal is for a building height of 34.10 ft., measured from the front average elevation, where a maximum height of 29.50 ft. is permitted for sloped roofs.

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

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 4.6 ft. would extend over the majority of the roof, as the central portion of the sloped roof is flat. However, existing trees and hedges on both the east and west side of the property and a group of trees close to the south property line would mitigate any massing impacts on neighbouring properties and on views from the lane.

It is noted that the proposed dwelling would meet the allowable maximum height (29.5 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.

The second b) appeal requests a front yard setback of 45.0 ft., measured to the foundation of the northwest corner of proposed single family dwelling, with a further extension of 2.0 feet for roof eaves, where front yard averaging requires a minimum setback of 72.08 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 4028 and 4032 Marine Drive west of the subject site and on the front yard setbacks of the two dwellings at 4052 and 4062 Marine Drive immediately east of the subject site. These front yards are 58.64 ft., 74.59 ft., 78.02 and 77.06 ft., respectively. The property at 4062 Marine Drive is the subject of a request for a reduced front yard setback of 54.96 ft. where a 64.24 ft. setback is required based on front yard averaging (BOV #16-6206). That request also appears on the 2016 Feb 4th hearing agenda.

The proposed front yard setback is measured perpendicular to Marine Drive, which is skewed at an approximately 30 degree angle in relation to the side property lines. As a result, the residences along Marine Drive are staggered in relation to each other, even when the same front yard setback depth is observed. Each residence overlooks the front yard of the residence to the west and the rear yard of the residence to the east. As such, the proposed siting would place the subject dwelling approximately 35 ft. behind the front of the neighbouring dwelling to the east and approximately 65 ft. in front of building to the west; however, considering that the siting of the proposed dwelling is also over 30 ft. away from the residence to the east and over 50 ft. away from the residence to the west, the reduced front yard setback would have minimal impacts on those residences.

With regard to the broader neighbourhood context, given the staggered frontage and substantial front setback variations (from 58.64 ft. at 4028 Marine Drive to 78.02 ft. at 4052 Marine Drive) on the subject block, 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 second b) variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

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

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

CARRIED UNANIMOUSLY

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

THAT based on the plans submitted part (b) of 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. S. NEMETH
SECONDED BY MR. B. POUND

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 7:10 p.m.

Ms. C. Richter

Mr. G. Clark

Mr. B. Pound

Mr. S. Nemeth

Ms. E. Prior
ADMINISTRATIVE OFFICER