



BOARD OF VARIANCE

MINUTES

A Hearing of the Board of Variance was held in the Council Chamber, Main Floor, City Hall, 4949 Canada Way, Burnaby, B.C., and electronically on Thursday, **2020 June 30** at 6:00 p.m.

1. CALL TO ORDER

PRESENT: Mr. Stephen Nemeth, Chair
Ms. Jacqueline Chan, Citizen Representative
Mr. Rana Dhatt, Citizen Representative
Ms. Brenda Felker, Citizen Representative
Mr. Gulam Firdon, Citizen Representative
Ms. Margaret Malysz, Development Plan Approvals Supervisor

STAFF: Mr. Maciek Wodzinski, Development Plan Technician
Ms. Eva Prior, Administrative Officer
Ms. Lauren Cichon, Council Support Assistant

The Chair called the meeting to order at 5:00 p.m.

The Chair, Mr. Nemeth recognized the ancestral and unceded homelands of the hə́n̓qə́mih̓əm and Skwxwú7mesh speaking peoples, and extended appreciation for the opportunity to hold a meeting on this shared territory.

The Chair reviewed the purpose of the Board of Variance Hearing and reviewed participation instructions for any members of the public participating through teleconference.

2. MINUTES

(b) Minutes of the Board of Variance Hearing held on 2020 February 06

MOVED BY MS. FELKER
SECONDED BY MR. DHATT

THAT the minutes of the Burnaby Board of Variance Hearing held on 2020 February 06 be adopted.

CARRIED UNANIMOUSLY

3. **APPEAL APPLICATIONS**

3.1 **BOV #6399 - 6489 Selma Avenue**

APPELLANT: Jerry Lee c/o Gaius Developments Inc.

REGISTERED OWNER OF PROPERTY: Vladimir Ivanov

CIVIC ADDRESS OF PROPERTY: 6489 Selma Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot: 4 DL: 94 Plan: NWP1117

APPEAL: An appeal for the relaxation of Section 105.8(1) (Depth of Principal Building) of the Burnaby Zoning Bylaw which, if permitted, would allow for the addition to an existing family dwelling at 6489 Selma Avenue. This relaxation would allow for a building depth of 21.67 metres (71.10 feet) where a maximum building depth of 18.30 metres (60.00 feet) is permitted. (Zone R5)

APPELLANT'S SUBMISSION:

Mr. Jerry Lee, on behalf of Vladimir Ivanov, submitted an application to allow for the addition to an existing family dwelling at 6489 Selma Avenue.

Mr. Jerry Lee, developer, and Mr. Vladimir Ivanov, homeowner, appeared before the 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 Windsor neighbourhood, of the Council adopted Royal Oak Community Plan Area. The property is designated for consolidation and rezoning for low rise multiple family development under the CD (RM3) District. The property is sited on the Selma Avenue cul-de-sac just north of a commercial zone along Kingsway. This small interior lot is triangular in shape, and approximately 24.08 metres (79.0 feet) wide, along the Selma Avenue front property line to the east, and approximately 49.36 metres (161.94 feet) deep, along the north side property line. Single family dwellings abut the subject site to the north and to the east across Selma Avenue. Large commercial developments surround the site to the west and southwest, along the angled side property line. The subject lot is essentially flat with a downward slope of approximately .30 metres (1.0 foot) in the east-west direction. Vehicular access to the site will be from the Selma Avenue cul-de-sac; there is no lane access.

The subject property contains a single family dwelling which was originally constructed in 1920. The site was further improved around 2004/2005 with

various additions and alterations, some of which were subject of four successful appeals to the Board (BV5247, BV5303, BV5340 and BV5380).

In summary, the Board of Variance has previously granted: a front yard setback of 8.75 metres (28.70 feet) where 8.82 metres (28.94 feet) is required (based on front yard averaging) to permit construction of a front deck; a south side yard setback of 1.14 metres (3.75 feet) where a minimum setback of 1.50 metres (4.90 feet) is required to allow raising of the existing single family dwelling (to accommodate a full height basement); and a building depth of 19.93 metres (65.40 feet) where a maximum building depth of 18.83 metres (60.0 feet) is permitted to allow the construction of a rear deck.

The current proposal is to further improve the subject site with a side addition to the existing single family dwelling, for which the following variance is required.

The appeal is to vary Section 105.8(1) – “Depth of Principal Building” of the Zoning Bylaw requirement for the maximum building depth from 18.3 metres (60.0 feet) to 21.67 metres (71.10 feet) to allow for the construction of a two storey addition on the south side of the existing single family dwelling.

The intent of the principal building depth requirement of the Zoning Bylaw is to prevent the construction of dwellings that present long, imposing walls, such that the massing of the building impacts the neighbouring properties.

The existing dwelling is currently only 6.78 metres (22.24 feet) wide. The proposed addition would contain a one car garage on the lower level (currently there is no garage on this property) and recreational space on the main floor. The addition would be linked with the existing dwelling by a small corridor between the new recreational area and the existing living room on the main floor. The siting of the addition would be generally in line with the frontage of the existing dwelling to the north, just slightly behind the outermost face of the existing front deck. The siting will continue with a “parallel” footprint along the angled southwest property lines, extending for approximately fifty percent of the existing dwelling length.

The requested variance is related to the sites geometry, which affects the building depth calculation. In this case, the building depth calculation is based on the building depth as projected onto the lot depth, which is the line joining the center points of the front and rear property lines (in this case it is a rear point). Due to the triangular shape of the lot, this line is angled in relation to the front and side property lines. The siting of the proposed addition and the existing dwelling is also rotated in relation to the lot depth line.

Measured along this line, the overall building depth exceeds the maximum permitted building depth by 3.38 metres (11.10 feet). (This measurement does not include the existing rear deck projection of 1.20 metres (3.90 feet), which is an allowable projection into a required yard.) The proposed addition contributes approximately 1.74 metres (5.70 feet) to this measurement, due to the rotated orientation with respect to the projected building depth line, as compared to the building depth previously granted by the Board. With the same design on a rectangular lot, the proposed addition would not increase the previously granted depth of the building.

With respect to massing impacts on the neighbouring properties, the proposed addition on the south side of the dwelling would not be visible from the neighbouring residence to the north. Therefore, no negative impacts would be created. On the other side, considering the “staggered” appearance of the proposed addition and the existing dwelling, the proposal would not create a long “wall” effect as viewed from the southwest angled property line. Further, given the scale of the addition in the context of the adjacent large commercial property to the southwest, little impact is expected on this property.

In summary, the requested variance is greatly related to the geometry of the subject site. There are no apparent negative impacts of the proposal on the neighbouring properties.

ADJACENT OWNERS' COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. DHATT
SECONDED BY MS. CHAN

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

Mr. Nemeth found that hardship was evident due to physical site characteristics and voted to approve the variance.

Ms. Chan found that hardship was evident due to physical site characteristics of an abutting site and voted to approve the variance.

Mr. Dhatt found that hardship was evident due to physical site characteristics and voted to approve the variance.

Ms. Felker found that hardship was evident due to physical site characteristics and voted to approve the variance.

Mr. Firdos found that hardship was evident due to physical site characteristics and voted to approve the variance.

3.2 BOV #6400 - 7160 Ridge Drive

APPELLANT: Shemina Patni

REGISTERED OWNER OF PROPERTY: Shemina Patni

CIVIC ADDRESS OF PROPERTY: 7160 Ridge Drive

LEGAL DESCRIPTION OF PROPERTY: Lot: 55 DL: 216 Plan: NWP11555

APPEAL: An appeal for the relaxation of Section 6.6(2)(c) (Accessory Buildings and Uses) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and detached garage at 7160 Ridge Drive. The relaxation would allow for a maximum width of an accessory building in a rear yard of 5.89 metres (19.31 feet) where a maximum width of 4.07 metres (13.34 feet) is permitted as based on two-thirds of the width of the rear yard. (Zone R2)

APPELLANT'S SUBMISSION:

Mr. and Mrs. Patni submitted an application to allow for the addition to an existing family dwelling at 6489 Selma Avenue.

Mr. Paul, designer for the project, and Ms. Patni, homeowner, appeared before the members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R2 Residential District, is located in the Lochdale Village area of the Council adopted Lochdale Community Plan. The property is currently designated for single family development. The age and condition of single family dwellings in this neighbourhood may vary. The site is a trapezoid shaped interior lot, approximately 33.8 metres (110.9 feet) wide along the Ridge Drive (front) property line to the north and approximately 36.6 metres (120.0 feet) deep along the west (side) property line. Single family dwellings abut the subject site to the west and across Ridge Drive to the north. The subject site is surrounded by lanes along the east (side) and south (rear) property lines, and across these lanes are large multi-residential developments. Vehicular access to the site is provided

from the side lane to the east. The subject site is relatively flat with a downward slope of approximately 1.3 metres (4.2 feet) in the south-north direction.

The side lane (along the eastern property line) is angled 53 degrees inward in relation to the front property line. This angle creates a much shorter rear property line (6.1 metres (20.0 feet) wide), as compared to the front property line (33.8 metres (110.9 feet) wide).

The subject site is proposed to be redeveloped with a new single family dwelling with a secondary suite and a detached garage, for which the following variance has been requested.

The appeal is to vary Section 6.6(2)(c) – “Accessory Buildings and Uses” of the Zoning Bylaw requirement for the maximum width of an accessory building in a rear yard from 4.07 metres (13.34 feet), as based on two-thirds of the width of the rear yard, to 5.89 metres (19.31 feet) to allow the construction of a detached garage.

The intent of this Bylaw provision is to mitigate the massing impacts of accessory buildings and prevent a sense of confinement and crowding.

The requested variance is directly related to the site geometry; the length of the rear property line essentially matches a standard two-car garage width. In this case, the proposed accessory building is 5.89 metres (19.31 feet) wide and 6.03 metres (19.81 feet) deep. The proposed garage is generously set back 3.48 metres (11.41 feet) from the rear property line to provide the necessary vision clearance area where the two lanes intersect at the south-east corner. The proposed placement would be consistent with the two car detached garage currently existing on the subject site.

All nearby lots contain detached garages and/or surface parking areas adjacent to the rear lanes. Therefore, the placement of a detached garage in this location would be consistent with the existing development pattern in the subject block.

The proposed open area between the garage and residence would be generally consistent with the current conditions, and with the partly offset placement of the garage in the relation to the house would provide sufficient outdoor living space for the residents, without creating a sense of crowding and confinement.

The request for this variance could potentially be eliminated if surface parking was provided instead of a two car detached garage. However, this would result in decreased utility and security for the future residents, as compared to the existing condition. Alternatively, a single car detached garage could be proposed, with the second parking stall requirement satisfied by providing a parking pad. However,

this option would necessitate relocating the site access to the rear lane, which is unlikely to be supported by the Engineering Department.

Overall, the site geometry is challenging, and this variance, if permitted would have little negative impact on the subject site and the neighbouring properties.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the owner/occupant of 7165 Pandora Street in opposition to this appeal.

No further comments were received regarding this appeal.

MOVED BY MS. FELKER
SECONDED BY MS. CHAN

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

Mr. Nemeth found that hardship was evident due to physical site characteristics and voted to approve the variance.

Ms. Chan found that hardship was evident due to physical site characteristics of an abutting site and voted to approve the variance.

Mr. Dhatt found that hardship was evident due to physical site characteristics and voted to approve the variance.

Ms. Felker found that hardship was evident due to physical site characteristics and voted to approve the variance.

Mr. Firdos found that hardship was evident due to physical site characteristics and voted to approve the variance.

3.3 BOV #6401 - 6160 Gordon Place

APPELLANT: Hardip Thind

REGISTERED OWNER OF PROPERTY: Hardip and Mandeep Thind

CIVIC ADDRESS OF PROPERTY: 6160 Gordon Place

LEGAL DESCRIPTION OF PROPERTY: Lot: 225 DL: 91 Plan: NWP36959

APPEAL: An appeal for the relaxation of Sections 101.7 (Depth of Principal Building) and 101.8 (Front Yard) of the Burnaby Zoning Bylaw which, if permitted,

would allow for a new single family dwelling with an attached garage and secondary suite at 6160 Gordon Place. The following variances are being requested:

- a) a building depth of 20.63 metres (67.67 feet) where a maximum building depth of 18.3 metres (60 feet) is permitted;
- b) a front yard depth of 9 metres (29.5 feet) where a minimum front yard depth of 11.95 metres (39.2 feet) is required based on front yard averaging. (Zone R1)

APPELLANT'S SUBMISSION:

Dr. Thind, homeowner, and Mr. Rusbourne, architect, submitted an application to allow for a new single family dwelling at 6160 Gordon Place.

Dr. Thind and Mr. Rusbourne appeared before the members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R1 Residential District, is located in the Morley-Buckingham area where the majority of single family dwellings were built in the late 1970s. The site is a rough trapezoid shaped interior lot, approximately 39.6 metres (130.0 feet) wide along the Gordon Place (front) property line to the south and 36.5 metres (120.0 feet) deep along the east (side) property line. Single family dwellings surround the subject site in all directions. The subject lot observes a downward slope of approximately 3.0 metres (10.0 feet) in the southeast-northwest direction. Vehicular access to the site is provided from Gordon Place; there is no lane access.

Gordon Place turns at approximately 45 degrees immediately west of the subject lot, resulting in the immediate neighbouring lot oriented at an angle with the subject lot. To the east, Gordon Place terminates in a cul-de-sac, so that the second lot to the east is also oriented at a similar angle with the subject site.

A new single family dwelling with a secondary suite and an attached garage is proposed on the subject site, for which two variances are requested.

The first a) appeal is to vary Section 101.7 – “Depth of Principal Building” of the Zoning Bylaw requirement for the maximum building depth from 18.3 metres (60.0 feet) to 20.6 metres (67.7 feet) to allow for the construction of a new single family dwelling.

The intent of the principal building depth requirement of the Zoning Bylaw is to prevent the construction of dwellings that present long, imposing walls, such that the massing of the building impacts the neighbouring properties.

The requested variance is related to the site geometry which affects the building depth calculation. In this case, the building depth calculation is based on the building depth as projected onto the lot depth, which is the line joining the center points of the front and rear property lines. Due to the trapezoid shape of the lot, this line is angled in relation to the front and side property lines. The siting of the proposed dwelling is also rotated in relation to the lot depth line; the proposed dwelling would be generally oriented to the Gordon Place (front) property line, with a “staggered” footprint along the northwest (side) and east (side) property lines.

Measured along this line, the proposed projected building depth exceeds the maximum permitted building depth by 2.3 metres (7.7 feet). This measurement does not include the rear porch projection of 1.2 metres (3.9 feet), which is an allowable projection into a required yard.

With the same design on a regular lot, the proposed building length would be approximately 18.1 metres (59.5 feet), as measured from the outermost front face (south) to the rear porch posts (north), and would not require a variance.

The excess building depth is contributed mainly by the covered rear porch; approximately half of the rear porch area is within the excess building depth zone. The centrally located rear porch, although substantial in size, approximately 6.1 metres (20.0 feet) wide and 4.9 metres (16.0 feet) deep, is proposed to be generally open on three sides, and as such, would not create the same massing impacts as a solid form would.

The proposed “staggered” footprint of the principal building along the northwest (side) property line is a response to the site geometry. As a result, the proposed dwelling would observe varying west (side) yard setbacks, varying from 2.9 metres (9.4 feet) at the closest building face, to approximately 7.0 metres (23.0 feet) at the farthest building face. The rear porch would observe the northwest (side) setback of approximately 5.8 metres (19.0 feet) as measured to the closest post.

Given this design and the rotated orientation of the subject dwelling with respect to the northwest (side) property line, the proposal would not create a long “wall” effect as viewed from the immediately adjacent property. The “staggered” massing of the dwelling would help to mitigate the massing impacts of the excess building depth along this property line.

Similarly, the proposal would not create a long “wall” effect as viewed from the neighbouring properties to the east. The outermost face of the dwelling parallel to the shared east (side) property line would be only 8.7 metres (28.7 feet) long,

which is substantially less than the permissible building depth. The generous distance of more than 9.1 metres (30.0 feet), between the portion of the deck, where the excess depth occurs, and the shared east (side) property line, would essentially eliminate any massing impacts on the neighbouring property to the east.

The second b) appeal is to vary Section 101.8 – “Front Yard” of the Zoning Bylaw from 11.9 metres (39.2 feet), based on front yard averaging, to 9.0 metres (29.5 feet) to allow the construction of a new single family dwelling encroaching into the required front yard abutting Gordon Place.

In 1991, Council responded to the public concerns with respect to the bulk and massing of the newer and larger homes that were being constructed in 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 intent of the amendment was to harmonize the siting of new dwellings within the existing building setbacks on the block and to minimize massing impacts.

In this case, the front yard averaging calculations are based on the front yard setback of the dwelling at 6229 Gordon Avenue, immediately west of the subject site, and on the front yard setbacks of the two dwellings at 6172 and 6182 Gordon Place, immediately east of the subject site. These front yard setbacks are 15.3 metres (50.2 feet), 8.9 metres (29.3 feet) and 11.6 metres (38.1 feet), respectively.

However, only the neighbouring property immediately east of the subject site would be impacted, due to the angled orientation of the other two lots in relation to the subject site.

With respect to the residence immediately to the east, the proposed siting would place the subject dwelling essentially in line with this residence. It should be noted that the siting of the proposed dwelling would be also consistent with the placement of the existing dwelling on the subject site.

Furthermore, the proposed “staggered” form of the front façade helps to alleviate the massing impacts of the reduced front yard on the neighbours. Although the centrally located porch projects slightly from the front elevation, the main body of the dwelling is slightly set back at both front corners, and is reduced to one storey in height.

With regard to the broader neighbourhood context, the proposed siting would be consistent with the existing streetscape.

In summary, the requested two variances are greatly related to the geometry of the subject site and the development pattern in the subject block. There are no apparent negative impacts of the proposal on the neighbouring properties.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the owners/occupants of 6159 Gordon Place in opposition to the appeal.

Correspondence was received from homeowners/occupants of 6175 Gordon Place requesting the preservation of the design elements of the neighbourhood.

Correspondence was received from owners/residents of 6191 Gordon Place in opposition to the appeal.

The owner/occupant of 6233 Gordon Avenue appeared before the members of the Board of Variance, expressing privacy and exterior lighting concerns.

The owner/occupant of 6175 Gordon Avenue appeared before the members of the Board of Variance, expressing concerns regarding diminished sunlight to the west, and that the design of the proposed home is not in keeping with the design elements of the neighbourhood.

No further comments were received regarding this appeal.

MOVED BY MS. CHAN
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

Mr. Nemeth found that hardship was evident due to the physical site characteristics of both the subject and the abutting sites and voted to approve the variance.

Ms. Chan found that hardship was evident due to physical site characteristics of the subject site and voted to approve the variance.

Mr. Dhatt found that hardship was evident due to physical site characteristics and voted to approve the variance.

Ms. Felker found that hardship was evident due to physical site characteristics and voted to approve the variance.

Mr. Firdos found that hardship was evident due to physical site characteristics and voted to approve the variance.

MOVED BY MS. CHAN
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

Mr. Nemeth found that hardship was evident due to the physical site characteristics of both the subject and the abutting sites and voted to approve the variance.

Ms. Chan found that hardship was evident due to physical site characteristics of the subject site and voted to approve the variance.

Mr. Dhatt found that hardship was evident due to physical site characteristics and voted to approve the variance.

Ms. Felker found that hardship was evident due to physical site characteristics and voted to approve the variance.

Mr. Firdos found that hardship was evident due to physical site characteristics and voted to approve the variance. Mr. Firdos also cited that the requested variance would not impact the neighbours.

3.4 BOV #6402 - 6840 Stanley Street

APPELLANT: Rina Dhillon

REGISTERED OWNER OF PROPERTY: Rina Dhillon

CIVIC ADDRESS OF PROPERTY: 6840 Stanley Street

LEGAL DESCRIPTION OF PROPERTY: Lot: 183 DL: 92 Plan: NWP25335

APPEAL: An appeal for the relaxation of Section 105.9 (Front Yard) of the Burnaby Zoning Bylaw which, if permitted, would allow for a new single family dwelling with a secondary suite and detached garage at 6840 Stanley Street. This relaxation would allow for a front yard depth of 9.47 metres (31.08 feet) where a minimum front yard depth of 12.14 metres (39.84 feet) is required based on front yard averaging. (Zone R5)

APPELLANT'S SUBMISSION:

Ms. Dhillon submitted an application to allow for a new single family dwelling and detached garage at 6160 Gordon Place.

Ms. Dhillon, homeowner and Mr. Manpreet Atwal appeared before the 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 Kingsway-Beresford neighbourhood, where the age and condition of the existing single and two family dwellings vary. This interior lot, approximately 15.23 metres (49.97 feet) wide and 37.18 metres (121.97 feet) deep, fronts onto Stanley Street to the north and a lane to the south. Immediately around the subject site are single family dwellings. The subject site observes a downward slope of approximately 1.87 metres (6.14 feet) in the south (rear) - north (front) direction. Vehicular access to the site is proposed to be relocated from Stanley Street to the rear lane to the south.

A new single family dwelling with a secondary suite and a detached three car garage is proposed on the subject site. The appeal is to vary Section 105.9 – “Front Yard” of the Zoning Bylaw from 12.14 metres (39.84 feet), based on front yard averaging, to 9.47 metres (31.08 feet) to allow the construction of a new single family dwelling encroaching into the required front yard abutting Stanley Street.

In 1991, Council responded to the public concerns with respect to the bulk and massing of the newer and larger homes that were being constructed in 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 intent of the amendment was to harmonize the siting of new dwellings within the existing building setbacks on the block and to minimize massing impacts.

In this case, the front yard averaging calculations are based on the front yard setback of a single property. The subject block consists of four lots. The two lots at the west and east terminus, front onto different streets, Ashworth Place and Griffiths Avenue, respectively, and therefore, are not used in computing the front yard average. These two corner properties observe much shorter side yard setbacks flanking Stanley Street. Consequently, the averaging calculation is determined by the front yard setback at 6860 Stanley Street, immediately east of the subject site. This front yard setback is 12.14 metres (39.84 feet). The existing dwelling on the subject site observes a front yard setback similar to 6860 Stanley Street. It is noted that the adjacent property is approximately 3.03 metres (9.94 feet) deeper than the subject lot.

In this proposal, the requested variance is measured to the eastern half of the front elevation, which is closest to the front property line. The western half of the façade would be set slightly farther back in relation to the front property line.

With respect to the neighbouring residence immediately to the west (which fronts onto Ashworth Place), the subject dwelling would be placed approximately 3.38 metres (11.08 feet) behind this residence. Although the proposed siting would be closer to the front (north) property line, the new dwelling would be farther away from the shared side (west) property line, compared to the placement of the existing dwelling. The proposed 2.02 metres (6.62 feet) western side yard is wider than the minimum required side yard setback of 1.5 metres (4.9 feet), which would help to improve the massing relationship between the new dwelling and the existing residence to the west.

With respect to the residence immediately to the east, the proposed siting would place the subject dwelling 2.67 metres (8.75 feet) in front of this residence. Here, the two-storey solid structure proposed within the front yard encroachment would change the existing massing relationship between the two properties. The massing impacts of the new residence, however, would be alleviated by the fact that the neighbouring residence does not feature windows facing the subject site. Also, any front yard impacts would be “absorbed” by an approximately 6.0 metres (19.69 feet) wide paved driveway, which runs along the shared side (east) property line within the neighbouring front yard.

With regard to the broader neighbourhood context, there is no unified frontage established in the subject block. The two corner lots observe much shorter front yard setbacks, approximately 6.10 metres (20.00 feet) at the western terminus and 3.03 metres (9.93 feet) at the eastern terminus. The two interior lots, including the subject lot, observe front yard setbacks of approximately 12.14 metres (39.84 feet). Therefore, the proposed front yard setback of 9.47 metres (31.08 feet) would not be out of context with the existing streetscape.

With respect to the overall design, the distance between the principal dwelling and the detached garage is proposed to be 6.92 metres (22.71 feet), where the required minimum distance between buildings is 4.5 metres (14.8 feet). Therefore, there is an opportunity to reduce the distance between the two structures, which would place the dwelling nearer to the required front yard depth. However, it should be noted that the principal building is proposed to be only 14.02 metres (46.0 feet) deep, which is significantly less than the allowed maximum building depth of 18.3 metres (60 feet). As such, it appears that the design intent is to transfer the “unused” allowed building depth to accommodate a larger rear yard.

In summary, the requested relaxation is a result of an unusual development pattern where one lot determines front yard averaging calculations. The proposal successfully balances the site conditions with the development needs, creating little impact on the adjacent properties and the existing streetscape.

ADJACENT OWNERS' COMMENTS:

One item of correspondence was received in opposition to this appeal. The writers requested anonymity.

No further submissions were received.

MOVED BY MR. DHATT
SECONDED BY MS. CHAN

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

Mr. Nemeth found that hardship was evident due to physical site characteristic of the abutting site and voted to approve the variance.

Ms. Chan found that hardship was evident due to physical site characteristic and voted to approve the variance.

Mr. Dhatt found that hardship was evident due to physical site characteristics of the subject site, abutting site, and personal characteristics of the applicant and voted to approve the variance.

Ms. Felker found that hardship was evident due to physical site characteristics and voted to approve the variance.

Mr. Firdos found that hardship was evident due to physical site characteristics and voted to approve the variance. Mr. Firdos also cited that the variance would not impact the neighbours.

5. NEW BUSINESS

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

6. **ADJOURNMENT**

MOVED BY MR. FIRDOS
SECONDED BY MS. CHAN

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:30 p.m.

Mr. S. Nemeth, CHAIR

Ms. J. Chan

Mr. R. Dhatt

Ms. B. Felker

Ms. E. Prior
ADMINISTRATIVE OFFICER

Mr. G. Firdos