



BOARD OF VARIANCE M I N U T E S

**Thursday, April 8, 2021, 5:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC**

PRESENT: Mr. Rana Dhatt, Chair *(participated electronically)*
Ms. Jacqueline Chan, Resident Representative *(participated electronically)*
Ms. Brenda Felker, Resident Representative *(participated electronically)*
Mr. Gulam Firdos, Resident Representative *(participated electronically)*
Mr. Al Luongo, Resident Representative *(participated electronically)*

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

1. CALL TO ORDER

The Chair called the meeting to order at 5:01 p.m. and conducted the roll call. Due to the COVID-19 pandemic, all Board members participated electronically.

For the benefit of the Board members who were participating remotely, the Chair reviewed the staff present at the meeting.

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

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

2. MINUTES

2.1 Minutes of the Board of Variance hearing held on 2021 March 04

MOVED BY MS. FELKER

SECONDED BY MR. FIRDOS

THAT the minutes of the Board of Variance Meeting held on 2021 March 04 be now adopted.

CARRIED UNANIMOUSLY

3. **APPEAL APPLICATIONS**

3.1 **BOV #6423 - 6499 Gordon Avenue**

APPELLANT: Jas Brar (Quorus Properties)

REGISTERED OWNER OF PROPERTY: Darshan Brar

CIVIC ADDRESS OF PROPERTY: 6499 Gordon Avenue

LEGAL DESCRIPTION OF PROPERTY: LOT: 174 DL: 91 PLAN: NWP25478

APPEAL:

An appeal for the relaxation of Section 101.8 (Front Yard) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and attached garage at 6499 Gordon Avenue. This relaxation would allow for a front yard depth of 9.0 metres (29.5 feet) where a minimum front yard depth of 10.65 metres (34.95 feet) is required based on front yard averaging.

APPELLANT'S SUBMISSION:

A letter was received from Jas Brar (Quorus Properties Ltd.) requesting a variance to reduce the minimum required front yard setback. Mr. Brar advised that the neighbouring homes are older with greater front yards than new homes, thereby skewing the average. The extra five feet gained on the north side would allow more play area for the owner's grandchildren. Further, the dedicated right-of-way in the north side of the property renders much of the yard space useless.

Mr. Jas Brar and Mr. Darshan Brar appeared before the Board of Variance via Zoom.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

BV #	6423	Address	6499 Gordon Avenue
X-Reference	BOV #21-00005	Hearing	2021 April 08
Project	New single family dwelling with secondary suite and attached garage		
Zoning	R1 Residential District		
Neighbourhood	Buckingham Heights – Single Family Neighbourhood		

Appeal(s) to vary:	Section 101.8 – “Front Yard” of the Burnaby Zoning Bylaw which, if permitted would allow for the construction of a new single family dwelling with secondary suite and attached garage at 6499 Gordon Avenue. This relaxation would allow for a front yard depth of 9.00 m (29.53 ft.) where a minimum front yard depth of 10.65 m (34.95 ft.) is required based on front yard averaging.
Zoning Bylaw intent:	Front yard setbacks help to harmonize the siting of new dwellings within the existing building setbacks on the block and to minimize massing impacts.
Variance Description:	The proposed variance is measured from the front property line along Morley Drive to the front façade of the proposed attached garage. A front yard depth reduction of 1.65 m (5.42 ft.) is requested.
Subject Site Considerations	
<ul style="list-style-type: none"> ○ This corner lot, approximately 39.63 m (130.03 ft.) deep and 21.34 m (70.02 ft.) wide, is fronting Morley Drive to the south-east and flanking Gordon Avenue to the north-east. Vehicular access is proposed from Morley Drive. ○ Front yard averaging calculations are based on two adjacent properties to the south-west, observing front yard setbacks of 10.65 m (37.50 ft.) and 9.88 m (32.40 ft.) for the immediately adjacent property and for the further property, respectively. ○ The existing dwelling on the subject site observes a front yard setback of over 11.0 m (36.0 ft.) which is approximately in line with the immediately adjacent residence. ○ The subject site is encumbered with an existing 4.57 m (15.00 ft.) wide statutory right of way to the rear of the property for a sanitary and storm main. ○ The site observes a downward slope of approximately 3.87 m (12.70 ft.) in the east-west direction. 	
Neighbourhood Context Considerations	
<ul style="list-style-type: none"> ○ The subject site is located in an established single family neighbourhood where it is surrounded by single family dwellings of varying age and condition. 	
Specific Project Considerations	
<ul style="list-style-type: none"> ○ The proposed variance is observed along the ground level, front facade of the proposed attached garage for a distance of 6.10 m (20.00 ft.) from the southwest corner of the dwelling and it steps in 3.66 m (12.00 ft.) for a distance of 2.95 m (9.67 ft.) to create a recess for an entry to secondary suite in the basement. The proposed variance is reduced by 0.15 m (0.50 ft.) from this 	

point for a distance of 4.98 m (16.33 ft.) where 9.15 m (30.03 ft.) setback is observed to the southeast corner of the building.

- The main façade of the second level of the proposed dwelling is staggered and observes the front yard depth of 12.66 m (41.53 ft.) where a minimum 10.65 m (34.95 ft.) front yard depth is required based on front yard averaging, therefore it is in compliance with the Zoning Bylaw requirements.
- Some impacts are expected on the neighbouring residence to the south-west since the proposed dwelling would be placed approximately 1.65 m (7.97 ft.) in front of this residence.
- In view that there are no significant site constraints present, other design options could be explored.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the owner/occupant at 7642 Morley Drive in opposition to the appeal. However, after receiving information from the Planning Department on the requested variance, the owner withdrew his opposition.

A petition letter was received in support of the variance from the following owners/occupants: 6485 and 6488 Gordon Avenue; and 7615, 7632, 7642, 7652, 7660, 7669, and 7670 Morley Drive. The petition read, as follows:

“Dear Neighbour,

We are kindly asking for your support in the matter listed above (6499 Gordon Avenue, BOV 6423), which is an application with the City of Burnaby for a variance. The variance applied for will allow us to follow the City guidelines, which has a 29.5 foot setback in zoning bylaws under the designated R1 zone for this neighbourhood. We are not looking to alter anything further but this setback variance, which is what the bylaw allows to be 29.5 feet.

We humbly ask for your support and by signing below it will show the City that our neighbours are supporting us I this variance application.

Sincerely yours,

Darshan Brar

Jas Brar

Applicant: Quorus Properties Ltd.”

Two letters were received from the homeowners/occupants of 7629 Morley Street; one in opposition and one in support of the appeal.

No telephone participants provided comments regarding this appeal.

MOVED BY MR. FIRDOS
SECONDED BY MS. CHAN

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

DEFEATED
(Opposed: Mr. Dhatt, Ms. Chan, Ms. Felker and Mr. Luongo)

BOARD MEMBER COMMENTS:

Mr. Dhatt found that no hardship had been identified and voted to deny.

Ms. Chan found that no hardship had been identified and voted to deny.

Ms. Felker found that no hardship had been identified and voted to deny.

Mr. Firdos found hardship due to physical site characteristics, and voted to approve the variance.

Mr. Luongo found that no hardship had been identified and voted to deny.

3.2 BOV #6424 - 5591 Oakland Street - WITHDRAWN

APPELLANT: Vincent Wan

REGISTERED OWNER OF PROPERTY: Nicole and Vern Milani

CIVIC ADDRESS OF PROPERTY: 5591 Oakland Street

The Chair advised that this appeal was withdrawn prior to the hearing.

3.3 BOV #6425 - 8137 Gilley Avenue

APPELLANT: Jaspaul Seehra

REGISTERED OWNER OF PROPERTY: Hardeep and Jaspaul Seehra

CIVIC ADDRESS OF PROPERTY: 8137 Gilley Avenue

LEGAL DESCRIPTION OF PROPERTY: LOT: 19 DL: 159 PLAN: NWP1364

APPEAL:

An appeal for the relaxation of Section 6.3.1 (Distances Between Buildings on the Same Lot) of the Burnaby Zoning Bylaw which, if permitted, would allow the construction of a new single family dwelling with secondary suite and detached garage at 8137 Gilley Avenue. This relaxation would allow for a minimum distance between buildings on the same lot of 1.81 metres (5.95 feet) where a minimum distance of 4.50 metres (14.8 feet) is required.

APPELLANT'S SUBMISSION:

A letter was received from Jaspaal Seehra advising that direct access to the garage from the laneway is impossible due to the steep slope of the driveway. The applicant advised that he is encountering hardship because of the slope and shape of his property, as well as older neighbouring homes with larger front yard setbacks.

Mr. Jaspaal Seehra appeared before the Board of Variance via Zoom.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

BV #	6425	Address	8137 Gilley Avenue
X-Reference	BOV #21-00007	Hearing	2021 April 08
Project	New single family dwelling with secondary suite and detached garage		
Zoning	R2 Residential District		
Neighbourhood	Clinton – Single Family Neighbourhood		
Appeal(s) to vary:	Section 6.3.1 – “Distances Between Buildings on the Same Lot” 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 8137 Gilley Avenue. This relaxation would allow for a minimum distance between buildings on the same lot of 1.81 m (5.95 ft.) where a minimum distance of 4.50 m (14.76 ft.) is required.		
Zoning Bylaw intent:	The separation between a principal building and a detached garage on the same lot ensures that the overall massing of the buildings does not have a negative impact on the subject site and neighbouring properties, as well as to provide for sufficient outdoor space.		
Variance Description:	The proposed variance is measured in the narrowest space between the north-west corner of the proposed dwelling and the north-east corner of the proposed garage. The required minimum distance between buildings is proposed to be reduced by up to 2.69 m (8.81 ft.).		

Subject Site Considerations

- This irregular interior lot, approximately 37.43 m (122.81 ft.) deep and 20.02 m (65.68 ft.) wide, fronts Gilley Avenue to the east. Vehicular access is provided from the lane to the west.
- The site observes a downward slope of approximately 4.43 m (14.55 ft.) from rear north-west corner to the front south-east corner.
- There is an approximately 1.50 m (4.92 ft.) drop in the rear north-west corner of the site where a new detached garage is proposed. This drop in the terrain limits the options for a site access points to the rear south-west portion of the lot.

Neighbourhood Context Considerations

- Little impact is expected on the neighbouring property to the north due their higher elevation in relation to the partially sunken proposed garage.
- No impact is expected on the neighbouring property to the south, due to the generous distance (over 10.67 m (35.00 ft.)) from the reduced separation area to the shared side (south) property line.
- The siting of the proposed dwelling is in compliance with the required front yard of 10.38 m (34.06 ft.) (based on front yard averaging) and would fit well with the existing development pattern in the subject block.

Specific Project Considerations

- The distance between the proposed garage and the proposed dwelling would vary from 1.81 m (5.95 ft.) to approximately 3.65 m (12.00 ft.), due to the slightly angled orientation between two buildings. This orientation is related to the “angled” site geometry.
- The proposed two-car garage would overlap the proposed dwelling with its entire length of 6.55 m (21.50 ft.). There are no windows proposed on the garage east elevation which would face the dwelling.
- Although the entire rear yard would be occupied by the garage, the car maneuvering space and the secondary suite parking, a plenty of outdoor space would be available in the generous side (south) and front yard.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the owners/occupants of 6146 Ewart Street expressing concern regarding the lack of parking in the neighbourhood.

No telephone participants provided comments regarding this appeal.

MOVED BY MS. FELKER
SECONDED BY MR. LUONGO

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

Mr. Dhatt found hardship due to physical site characteristics, and voted to approve the variance.

Ms. Chan found hardship due to physical site characteristics, and voted to approve the variance.

Ms. Felker found hardship due to physical site characteristics, and voted to approve the variance.

Mr. Firdos found hardship due to physical site characteristics, and voted to approve the variance.

Mr. Luongo found hardship due to physical site characteristics, and voted to approve the variance.

3.4 BOV #6426 - 313 Ellesmere Avenue North (5:45 p.m.)

APPELLANT: Antonio Dente

REGISTERED OWNER OF PROPERTY: Antonio Dente

CIVIC ADDRESS OF PROPERTY: 313 Ellesmere Avenue North

LEGAL DESCRIPTION OF PROPERTY: LOT: 1 DL: 189 PLAN: EPP81296

APPEAL:

An appeal for the relaxation of Sections 6.14.1(1), and 6.14.1(3) (Retaining Walls) 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 313 Ellesmere Avenue North. The following variances are being requested:

- (a) the maximum retaining wall height from 1.2 metres (3.94 feet) to 1.37 metres (4.5 feet);
- (b) the shortest horizontal distance between the outer face of two adjacent retaining walls shall not be less than the height of the retaining wall with greater height of 1.37 metres (4.5 feet) to 1.12 metres (3.67 feet);

- (c) the shortest horizontal distance between the outer face of two adjacent retaining walls shall not be less than the height of the retaining wall with greater height of 1.2 metres (3.94 feet) to 0.61 metres (2.0 feet); and
- (d) the maximum retaining wall height from 1.2 metres (3.94 feet) to 1.87 metres (6.16 feet).

APPELLANT'S SUBMISSION:

A letter was received from Antonio Dente stating that this site, due to the topography, is required to share a driveway to achieve access. Mr. Dente states that there is hardship in attempting to accommodate a practical house and garage on this lot and the design of the house reflects the fact that there is no front street and a tight lane keeping parking extremely limited for the homeowner and tenant suite. In order for it to be at an accessible elevation to the main floor, there is a need to retain the lane, hence the request to increase the allowable height of the retaining walls.

Mr. Antonio and Ms. Maria Dente appeared before the Board of Variance via Zoom.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

BV #	6426	Address	313 Ellesmere Ave N
X-Reference	BOV #21-00010	Hearing	2021 April 08
Project	New single family dwelling with a secondary suite and detached garage		
Zoning	R2 Residential District		
Neighbourhood	Capitol Hill – Single Family Neighbourhood		
Appeal(s) to vary:	<p>1) Section 6.14.1(1) – “Retaining Walls” of the Burnaby Zoning Bylaw which, if permitted, would allow the maximum retaining wall height of 1.37 m (4.50 ft.) where maximum 1.2 m (3.94 ft.) is permitted;</p> <p>2) Sections 6.14.1(3) – “Retaining Walls” of the Burnaby Zoning Bylaw which, if permitted, would allow the shortest horizontal distance between the outer face of two adjacent retaining walls of 1.12 m (3.67 ft.) where the shortest distance shall not be less than the height of the retaining wall with greater height of 1.37 m (4.50 ft.);</p> <p>3) Sections 6.14.1(3) – “Retaining Walls” of the Burnaby Zoning Bylaw which, if permitted, would allow the shortest</p>		

	horizontal distance between the outer face of two adjacent retaining walls of 0.61 m (2.00 ft.) where the shortest distance shall not be less than the height of the retaining wall with greater height of 1.20 m (3.94 ft.); and 4) Section 6.14.1(1) – “Retaining Walls” of the Burnaby Zoning Bylaw which, if permitted, would allow the maximum retaining wall height of 1.87 m (6.16 ft.) where maximum 1.20 m (3.94 ft.) is permitted.
Zoning Bylaw intent:	1), 2), 3) and 4) The intent of the Zoning Bylaw is to mitigate the massing impacts of retaining walls on neighbouring properties.
Variance Description:	1) Retaining wall height is measured vertically from the bottom of the wall from the lower of natural or finished grade at the base of the wall, to the surface of the ground which it supports. 2) and 3) Required distance between retaining walls should not be less than the height of the retaining wall with greater height. 4) Retaining wall height includes the sloped part of the grade due to the Bylaw requirement of a relatively level grade between walls.
Subject Site Considerations	
<ul style="list-style-type: none"> ○ The subject site is a large irregular lot with a varied width of 20.32 m – 28.69 m (66.68 ft.– 94.14 ft.) and a varied depth of 42.92 m – 45.92 m (140.82 ft.– 150.67 ft.). ○ The subject site fronts onto Ellesmere Ave N to the east; this portion of Ellesmere Ave N is undeveloped. The immediately adjacent property to the south is currently under construction and there is a vacant lot to the north of the subject site. ○ The subject site is encumbered with an existing approximately 3.00 m (0.91 ft.) wide statutory right-of-way for a sanitary main and an emergency access (to the neighbouring lot immediately to the north) which reduces an effective lot depth by approximately 6.50 m (1.95 ft.) along the front property line to the east. ○ Vehicular access to the site is provided at the south-east corner of the lot (through an emergency access noted above) and from the rear lane to the west. ○ The approximately 1.50 m (0.46 ft.) wide legal easement for sanitary service lines along the north-west side property line is not related to the requested variances. ○ The site observes a substantial downwards slope of approximately 12.95 m (42.50 ft.) from the west (rear) to the east (front). ○ The accessory detached garage is proposed at the rear portion of the site, where the existing grades are the highest. The garage slab is proposed 	

however, at much lower level by approximately 3.60 m (1.10 ft.) as compared to the lane level. A vehicular access to the garage is proposed through the driveway along the south side property line, which continues to the emergency access (at the south east corner of the lot). It appears that the proposal is to include a portion of the principal building (the south wing) as a drive-through to facilitate this access.

- The retaining walls which are subject of this appeal are proposed to accommodate a lowered access to the detached garage.
- Two parking stalls accessible off the lane are proposed on top of the accessory detached garage.

Neighbourhood Context Considerations

- The subject site is located in the neighbourhood with relatively new single family dwellings observing similar extreme slope conditions.
- The requested retaining walls will be visible only from the immediate neighbour to the south (dwelling under construction). No other sites are expected to be impacted by the requested variances.

Specific Project Considerations

- There are three stepping down retaining walls proposed to resolve the extreme slope at the back of the property (***please refer to the Attachments 1 & 2***):
 - **1.37 m (4.50 ft.) high top wall (Variance 1)** along rear property line
 - **0.91 m (3.00 ft.) high middle wall, 1.12 m (3.67 ft.) away from the top wall (Variance 2)**. Distance should be based on the height of the top wall.
 - **1.22 m (4.00 ft.) high bottom wall, 0.61 m (2.00 ft.) away from the middle wall (Variance 3)**. Distance should be based on the height of the bottom wall.
 - **1.88 m (6.16 ft.) high top wall (Variance 4)** in the south west corner of the property.
- The requested variances are driven by a design choice despite the steep slopping site. It should be noted that a solution which would not require any variances was presented to the City in the original application for Building Permit BLD 20-00714.
- The revised application proposes the space between the bottom wall and the middle wall to be decreased by 0.51 m (1.66 ft.) creating the necessity of **Variance 3** and the middle wall height to be reduced from 1.06 m (3.50 ft.) to 0.91m (3.00 ft.) creating the necessity of **Variances 1) and Variance 2)** from the original Building Permit submission.
Although there was no section presenting the corner condition in the original application for the Building Permit, **Variance 4)** near the south-west corner of the property, could be resolved by adding on an interim retaining wall between the top wall and the middle wall.

ADJACENT OWNERS' COMMENTS:

No correspondence was received regarding this appeal.

A direct neighbour of the applicant joined the meeting via teleconference in support of the appeal.

MOVED BY MR. FIRDOS
SECONDED BY MS. FELKER

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

CARRIED UNANIMOUSLY

MOVED BY MR. FIRDOS
SECONDED BY MS. CHAN

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

CARRIED UNANIMOUSLY

MOVED BY MR. FIRDOS
SECONDED BY MR. LUONGO

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

CARRIED UNANIMOUSLY

MOVED BY MR. FIRDOS
SECONDED BY MR. LUONGO

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS FOR ALL PARTS OF THE APPEAL:

Mr. Dhatt found hardship due to physical site characteristics, and voted to approve the variance.

Ms. Chan found hardship due to physical site characteristics, and voted to approve the variance.

Ms. Felker found hardship due to physical site characteristics and no impact on the neighbours, and voted to approve the variance.

Mr. Firdos found hardship due to physical site characteristics, and voted to approve the variance.

Mr. Luongo found hardship due to physical site characteristics, and voted to approve the variance.

3.5 BOV #6427 - 7325 Willingdon Avenue

APPELLANT: Arun Avasthi

REGISTERED OWNER OF PROPERTY: Arun and Joytishma Avasthi

CIVIC ADDRESS OF PROPERTY: 7325 Willingdon Avenue

LEGAL DESCRIPTION OF PROPERTY: LOT: 19 DL: 149 PLAN: NWP1373

APPEAL:

An appeal for the relaxation of Section 103.7(b) (Depth of Principal Building) which, if permitted, would allow for interior and exterior alterations to an existing single family dwelling at 7325 Willingdon Avenue. The building depth would be 21.0 metres (68.89 feet) where a maximum depth of 18.30 metres (60.0 feet) is permitted.

APPELLANT'S SUBMISSION:

A letter was received from Arun and Joy Avasthi advising that they were not aware when they purchased the home 20 years ago, that the deck and lower washroom were constructed without a permit. It was not until they repaired the construction that they discovered this was the case.

Mr. Arun Avasthi appeared before the Board of Variance via Zoom.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

BV #	6427	Address	7325 Willingdon Avenue
X-Reference	BOV #21-00011	Hearing	2021 April 08
Project	Interior and exterior alterations to existing single family dwelling (already constructed)		
Zoning	R3 Residential District		
Neighbourhood	Suncrest – Single Family Neighbourhood		
Appeal(s) to vary:	Section 103.7(b) – “Depth of Principal Building” of the Burnaby Zoning Bylaw requirement for the maximum building depth from 18.30 m (60.00 ft.) to 21.00 m (68.89 ft.).		
Zoning Bylaw intent:	Limiting building depth prevents the construction long, imposing building walls that impacts neighbouring properties.		

Variance Description:	<p>The principal building depth is measured from the outermost face of the front of the building to the new deck extension already constructed at the rear of the building; the permitted 1.20 m (3.94 ft.) deck projection is excluded from this measurement.</p> <p>The proposed excess building depth would be 2.71 m (8.89 ft.).</p>
Subject Site Considerations	
<ul style="list-style-type: none"> ○ The site is an elongated rectangular interior lot, approximately 15.39 m (50.49 ft.) wide and 57.88 m (189.89 ft.) deep, and it is essentially flat. ○ The site fronts onto Willingdon Avenue to the east; the Willingdon Avenue side is also where a vehicular access is provided; there is no lane access available to this site. Single family dwellings abut the subject site on both sides. ○ The existing dwelling observes a depth of approximately 19.50 m (64.0 ft.), as measured from the outermost face of the front elevation to the existing outermost face of the rear elevation, with an existing deck projecting further by approximately 1.22 m (4.0 ft.), and therefore, is legal non-conforming with respect to the principal building depth. 	
Neighbourhood Context Considerations	
<ul style="list-style-type: none"> ○ The subject site is located in the established neighbourhood, surrounded by single family dwellings at various ages and conditions. ○ The deck extension and first floor addition on the south side of the subject dwelling are set back 4.36 m (14.32 ft.) from the shared side (south) property line; such generous distance helps to mitigate the impacts (such as overlook/reduction of privacy) on the neighbouring property to the south. ○ The deck extension and cellar addition on the north side of the dwelling observe a minimum 1.52 m (5.00 ft.) set back. Therefore, the neighbouring property to the north of subject site is more affected by the excess building depth. A mitigating factor could be that this property features a similar deck approximately in line with the deck on the subject site. 	
Specific Project Considerations	
<ul style="list-style-type: none"> ○ The cellar addition (bathroom and hallway) at the north-west corner of the dwelling is built within the outline of an existing sunken patio under the existing rear deck; this addition is projecting 1.98 m (6.50 ft.) beyond the permitted principal building depth. ○ The first floor addition (kitchen extension) at the south-west corner of the dwelling is aligned with the existing dwelling (kitchen nook) and therefore, 	

does not contribute further to the existing legal non-conforming depth of the building.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the owner/occupant at 7306, 7307 and 7341 Willingdon Avenue; and 7326 Patterson Avenue in support of this appeal.

The homeowner/occupant of 7306 Willingdon Avenue joined the meeting via teleconference in support of the appeal.

The homeowner/occupant of 7341 Willingdon Avenue joined the meeting via teleconference in support of the appeal.

MOVED BY MS. CHAN

SECONDED BY MR. FIRDOS

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

Mr. Dhatt found hardship due to physical site and personal characteristics of the applicant, and voted to approve the variance.

Ms. Chan found hardship due to physical site characteristics, and voted to approve the variance.

Ms. Felker found hardship due to physical site characteristics, and voted to approve the variance.

Mr. Firdos found hardship due to physical site characteristics, and voted to approve the variance.

Mr. Luongo found hardship due to physical site characteristics, and voted to approve the variance.

4. NEW BUSINESS

Board of Variance Bylaw

The Board introduced the following motion:

MOVED BY MS. CHAN
SECONDED BY MR. LUONGO

THAT staff be directed to review the Board of Variance Bylaw.

CARRIED UNANIMOUSLY

5. **ADJOURNMENT**

MOVED BY MS. FELKER
SECONDED BY MS. CHAN

THAT the Hearing adjourn at 6:45 p.m.

CARRIED UNANIMOUSLY

Mr. R. Dhatt, Chair

Ms. J. Chan

Ms. B. Felker

Mr. G. Firdos

Mr. A. Luongo

Ms. M. Macdonald
Administrative Officer