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**BOARD OF VARIANCE / PARKING VARIANCE BOARD**  
**APPEAL DECISION**

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**Appeal Decision: 40 East 48<sup>th</sup> Avenue**

**Appeal Section:** 573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision  
**Legal Description:** Lot 26, Block 8, District Lot 648 and Plan 1748  
**Lot Size:** Lot Area = 6,853 sq. feet  
**Zone:** R1-1  
**Related By-Law Clause:** Section 3.2.1 (Density and Floor Area - beyond 60%)

**Appeal Description:**

Appealing the decision of the Director of Planning who refused Development Application No. DP-2024-00723 and a request to enclose the existing covered porch and construct an enclosed deck at the rear of the main floor at this existing single detached house. **Scope of work** also includes minor layout changes in basement and upper floor.

**Development Application No. DP-2024-00723 was refused for the following reasons:**

*-Non-compliance to the proposed development does not comply with section 3.2.1 – Density and Floor Area of the R1-1 District Schedule of the Zoning and Development By-law that affect this site.*

*-As a consequence- as a consequence of this application not meeting the standards set out in the Zoning and Development By-law regarding Floor Space the application cannot be referred to the Director of Planning for a decision.*

**Name of Appellant(s):** Amrik S. Viridi (Owner)

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This appeal was heard by the Board of Variance on **February 10th, 2026 and was ALLOWED**, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00723 and **APPROVED the enclosure of the existing covered porch and an enclosed rear sundeck** on the main floor of this existing single detached house, and subject to the following condition:

(1) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

**Board's summary and decision based on the following:**

*-The majority of the Board members voted 4-1 in support of the appeal and found a site hardship to warrant a zoning relaxation – as the previous RS-1 regulations allowed density and FSR to 0.70 (70% FSR) and the proposed density & FSR is a request for 0.65 (65%). As well, the majority of the board members found compassionate grounds to allow the owners to keep/retain the rear sunroom addition for a family member with Autism Spectrum Disorder (ASD).*

*-The City's representative also confirmed that there was a change in the zoning by-law and the previous RS-1 provisions permit a maximum FSR allowance to 0.70 (70%), and the new (current) R1-1 by-law was adopted in October 2023, and with a maximum density & floor allowance to 0.60 (60%).*

*-The Board's site office received 15-Support Letters from the neighbourhood, and one (1) opposition letter from 73 East 49th Avenue in opposition to the appeal.*

**\*\*\* IMPORTANT NOTE to the Appellants:**

**The Board's decision is valid for one-year** and the Owner(s) are required to obtain the City's Development-Building Permit **by February 10<sup>th</sup>, 2027**. Once the Board's decision expires, then the Owners are required to appeal (again) to request an extension.

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Signed: \_\_\_\_\_  
Secretary to the Board of Variance  
Site Address: 40 East 48<sup>th</sup> Avenue