
BOARD OF VARIANCE / PARKING VARIANCE BOARD
APPEAL DECISION

Appeal Decision: 4375 Ross Street

Appeal Section: 573(1)(b) Appeal of Regulation (Covered Sundeck)
Legal Description: Lot 19, Lot C and Lot D, Block 19, District Lots 391 and 392, and Plan 380
Lot Size: Lot Area = 3,696.0 sq. feet.
Zone: R1-1
Related By-Law Clause: Sections 3.2.1 (Density and Floor Area) and 3.2.2.6 (Rear yard).

Appeal Description:

Requesting relaxations of the Density & FSR (Floor Area) and Rear Yard regulations of the R1-1 District Schedule and a request to permit exterior alterations to keep/retain a covered sundeck at the rear of this existing one-family dwelling site (Related to Development Application No. DP-2025-00980).

Name of Appellant(s): **Cho Yum Tse**

This appeal was heard by the Board of Variance on March 10th, 2026 and was ALLOWED, thereby granting zoning relaxations of the Density & FSR (Floor Area) and Rear Yard regulations of the R1-1 District Schedule and APPROVED exterior alterations to retain a covered sundeck at the rear of this existing one-family dwelling site (Related to Development Application No. DP-2025-00980), and subject to the following conditions:

(1) That the Owners are required to install a new Privacy Screening on the ‘South’ side of the approved covered sundeck and must be permanently installed behind the sundeck’s railings, and shall be a ‘full-height’ design (from the base of the sundeck to the underside of the approved aluminum cover). And must meet the following requirements:

(1a). The privacy screening must be installed along the full-depth of the deck (or the full-length of the sundeck – except for the stair access opening), and must be on the ‘South Elevation’ side and located between 4375 Ross Street and 4381 Ross Street (to mitigate ‘privacy and overlook’ concerns submitted by the Owner of 4381 Ross Street);

(1b). The privacy screening shall be a ‘full-height’ design (Designed with safety concerns in mind - and to prevent anyone and especially children from climbing up the proposed privacy screening); and

(1c). The ‘final design’ of the privacy screening must be to the satisfaction of the Board of Variance. Note: Hedges and/or planters (as privacy screening) was not recommended by the Director of Planning at the Appeal Hearing of March 10th, 2026.

(2) that the Owner(s) are required to obtain the City’s Development & Building permits within one-year from the board’s March 10th, 2026 decision – and 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 3-1 in support of the appeal and found a site hardship to warrant a zoning relaxation. Majority of the board members were in support of the owners to retain the covered sundeck built in 1994 (and the house was built in 1988). The board members imposed a condition - and the Owners of 4375 Ross Street are required to install a permanent ‘full-height, privacy screening’ (from the base of the sundeck to the underside of the aluminum cover) and along the covered sundeck’s side between 4375 Ross Street and 4381 Ross Street to mitigate the ‘privacy and overlook concerns’ submitted by the adjacent owners from 4381 Ross Street.

- The City’s representative confirmed that the new proposed floor area coverage will be at 0.71, at approx. 2,625 sq. feet (minus the permitted covered porch area exemption of 288 sq. feet allowance). The Director of Planning’s rep. further stated that from VanMaps (City’s record) shows that the cover was installed / constructed after 1994 and therefore unable to support the appeal.

-The Board’s site office received a petition with nine (9) Support signatures and two (2) support letters/emails from the neighbourhood, and one (1) opposition letter with privacy and overlook concerns from 4381 Ross Street (the adjacent/immediate neighbour).

***** 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 March 10th, 2027. Once the Board’s decision expires, then the Owners are required to appeal (again) to request an extension.


Signed: _____
Secretary to the Board of Variance