
BOARD OF VARIANCE / PARKING VARIANCE BOARD
APPEAL DECISION

Appeal Decision: 4895 Manor Street

Appeal Section: 573(1)(b) - Appeal of Regulation (Rear Open Sundeck)
Legal Description: Lot 10, Block 141, District Lot 37 and Plan 2795
Lot Size: Lot Area = 3,525.80 sq. feet
Zone: R1-1
Related By-Law Clause: Section 3.2.2.6 (Rear Yard) and Section 3.2.2.5 (Side Yard)

Appeal Description:

Requesting relaxations of Section 3.2.2.6 (Rear Yard) and Section 3.2.2.5 (Side Yard) regulations of the R1-1 District Schedule and a request to permit a new rear (open) sundeck located at the main floor at the rear of this existing one-family dwelling site (Related to DB-2025-00718).

Scope of work includes the 'removal of the aluminum cover' -and- the enclosure under the rear proposed sundeck.

Technical Information:

Required Rear Yard: 35.10 feet
Proposed: 27.90 feet [As per DB-2025-00718.]

Required Side Yard: 3.94 feet
Proposed: 3.50 feet [As per DB-2025-00718.]

Name of Appellant(s): Yun Mei Xu and Jimmy Vu

This appeal was heard by the Board of Variance on **February 10th, 2026** and was **ALLOWED**, thereby granting zoning relaxations of Section 3.2.2.6 (Rear Yard) and Section 3.2.2.5 (Side Yard) regulations of the R1-1 District Schedule and **APPROVED a rear (open) sundeck** located at the main floor at the rear of this existing one-family dwelling site (Related to DB-2025-00718), 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.

Note: The Board of Variance **ONLY** approved an 'open rear sundeck' and **the unauthorized sundeck aluminum cover & the enclosure under the sundeck 'MUST be removed' as part of this decision.**

Board's summary and decision based on the following:

-The majority of the Board members voted 5-0 in support of the appeal and found a site hardship to warrant the zoning relaxations (rear yard and side yard) – and to allow the Owners to keep/retain an open rear sundeck (as part of repairing an old, rotten rear sundeck).

-The City's representative also confirmed that by removing the rear unauthorized aluminum sundeck cover, then there are no density & FSR (floor area) issues at this site. The house was built in 1912 and therefore, there are existing non-conforming setbacks at this site.

-The Board's site office received one Support Letter from the neighbourhood, and one (1) opposition letter from next door at 4907 Manor Street 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 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

Site Address: 4895 Manor Street