



## **BOARD OF VARIANCE**

### ***NOTICE OF OPEN MEETING***

**DATE:** THURSDAY, 2015 AUGUST 06

**TIME:** 1:00 PM

**PLACE:** COUNCIL CHAMBER, MAIN FLOOR, CITY HALL

### **A G E N D A**

1. **CALL TO ORDER**

2. **MINUTES**

3. **APPEAL APPLICATIONS**

(a) **APPEAL NUMBER:** B.V. 6187 **1:00**

**APPELLANT:** Christian Matifat

**REGISTERED OWNER OF PROPERTY:** Brian Yang and Angelique Schnerch

**CIVIC ADDRESS OF PROPERTY:** 6415 Chaucer Place

**LEGAL DESCRIPTION OF PROPERTY:** Lot 282; District Lot 91; Plan 46431

**APPEAL:** An appeal for the relaxation of Sections 101.8 and 101.9(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for the interior alterations and finishing to the upper floor and upper floor addition at 6415 Chaucer Place. The following relaxations are being requested:

a) a principal building depth, measured from the front face of the existing front attached garage to the rear face of the rear addition, would be 65.5 feet where a maximum depth of 60.0 feet is permitted; and

b) a rear yard setback of the principal building, measured from the rear (southwest) property line to the rear face of the rear addition, would be 26.0 feet where a minimum rear yard setback of 29.5 feet is required. (Zone R-1)



## CITY OF BURNABY

# BOARD OF VARIANCE

## NOTICE OF OPEN MEETING

### MINUTES

A Hearing of the Board of Variance was held in the Council Chamber, Main Floor, City Hall, 4949 Canada Way, Burnaby, B.C., on Thursday, 2015 July 09 at 1:00 PM.

PRESENT: Ms. C. Richter, Chair  
Mr. B. Bharaj  
Mr. G. Clark  
Mr. S. Nemeth

ABSENT: Mr. B. Pound

STAFF: Ms. M. Malysz, Planning Department Representative  
Ms. E. Prior, Administrative Officer

#### 1. CALL TO ORDER

The Chair called the Hearing to order at 1:00 p.m.

#### 2. MINUTES

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

THAT the Minutes of the Hearing of the Burnaby Board of Variance held on 2015 June 04 be adopted as circulated.

CARRIED UNANIMOUSLY

#### 3. APPEAL APPLICATIONS

The following persons filed application forms requesting that they be permitted to appear before the Board of Variance for the purpose of appealing for the relaxation of specific requirements as defined in the Burnaby Zoning Bylaw 1965, Bylaw No. 4742:

**(a) APPEAL NUMBER: B.V. 6174**

APPELLANT: Jordan Van Dijk

REGISTERED OWNER OF PROPERTY: Jordan Van Dijk on behalf of owners

CIVIC ADDRESS OF PROPERTY: 7868 Government Road

LEGAL DESCRIPTION OF PROPERTY: Lot A; District Lot 42; Plan EPP45856

APPEAL: An appeal for the relaxation of Sections 101.6(1)(b), 101.7(b) and 6.14(5)(a) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single home with attached garage and detached accessory building at 7868 Government Road. The following variances are being requested:

a) a principal building height of 31.28 feet, measured from the rear average elevation; and of 26.31 feet, measured from the front average elevation where a maximum height of 24.3 feet is permitted; and

b) the depth of the principal building of 120.92 feet where a maximum depth of 60.0 feet is permitted; and

c) varying fence heights up to a maximum of 8.0 feet in the required front yard facing Government Road where the maximum permitted height is 3.28 feet; and

d) varying fence heights up to a maximum of 8.0 feet in the required front yard facing Kentwood Street where the maximum permitted height is 3.28 feet. (Zone R-1a)

**APPELLANT'S SUBMISSION:**

Jordan Van Dijk submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the construction of a new single family home.

Jordan Van Dijk and Michael Green, on behalf of the homeowner, appeared before members of the Board of Variance at the Hearing.

**BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:**

The subject property is a vacant 2.3 acre lot located in a single family residential neighbourhood in the Government Road area. This interior lot, approximately 231.2 ft.

wide and 433.3 ft. long, fronts onto Government Road to the north and Kentwood Street, which is partially constructed, to the south. The property is bordered on the east by a row of single family homes fronting Piper Avenue, and a child care facility adjacent to the southeast corner of the property; to the south by Kentwood Street and single family residential lots beyond; to the west by an undeveloped lot and a single family residential lot, both of which are owned by the applicant; and to the north by Seaforth Elementary School. Nearby residences are generally larger two storey homes, some of which have outdoor recreational facilities such as swimming pools. The site observes a downwards slope of approximately 20.7 ft. in the northeast-southwest direction.

On 2015 July 06, Council granted Final Adoption of a bylaw rezoning the subject site to the R1a District to allow for construction of the new one and a half storey residence with two cellar levels and attached three car garage that is the subject of the above appeals. A copy of the report on the rezoning adopted by Council is *enclosed* for reference purposes. The proposal also includes an approximately 6,000 sq. ft. outdoor patio area with swimming pool; a tennis court; and an approximately 600 sq. ft. accessory service building with an approximately 600 sq. ft. covered area. Vehicular access is proposed via a porte-cochere driveway from Government Road and a secondary driveway from Kentwood Street at the rear of the property. The proposed principal building and perimeter walls are the subject of the current appeals.

The first a) appeal is for a principal building height of 31.28 ft., measured from the rear average elevation; and of 26.31 ft., measured from the front average elevation where a maximum height of 24.3 ft. is permitted.

The proposed dwelling generally presents a one and a half storey appearance, with building heights ranging from 16.31 ft. and 18.81 ft. at the east and west wings respectively; and increasing in the central portion of the residence to 31.28 ft. at the rear elevation. This portion of the building exceeds the 24.3 ft. maximum permitted height for flat roofed buildings in the R1a District.

This exceedance, however, is mitigated by several factors. First, the central portion of the residence is a wedge shaped element that ascends southward at a 1:7 slope from a height of 16.31 ft. at the front of the residence (as measured from the front average elevation) to 31.28 ft. at the rear of the residence (as measured from the rear average elevation). Thus the overheight area consists only of the rear portion of the wedge. On the south and west elevations, the overheight area consists primarily of clerestories that let in light but do not afford views from the floor level below. Only the south and west windows of an approximately 300 sq. ft. mezzanine provide any overlook, and this is obscured, to the south, by a sizeable tree that is included in the covenanted landscape plan. Furthermore, the south elevation, where the massing of the overheight element is the greatest, provides a 251.5 ft. set back from the south property line. Overall, the wedge design and substantial glazing lighten the massing of this overheight element.

In addition, the north elevation is measured from a grade that is approximately 6.6 ft. below the grade of Government Road, and approximately 56.7 ft. south of the road. As such, the height of this elevation will appear significantly lower when viewed from Government Road and areas to the north.

Given the mitigating factors noted above, and the lack of any substantive impact, this Department does not object to the granting of the first a) appeal.

The second b) appeal is for a principal building depth of 120.92 ft. where a maximum depth of 60.0 ft. is permitted.

The proposed depth of the principal building exceeds the maximum depth permitted in the R1a District. The intent of the Bylaw in limiting building depth is to prevent the visual intrusion and sense of confinement that a long building wall can impose on neighbouring properties. In this regard, the impacts of the proposed building depth are mitigated by the design of the dwelling and associated landscape features.

As discussed above, the residence features low roof heights on both the east and west wings, nearest the adjacent property lines, with only the central wedge shaped element of the residence extending above the permitted maximum height. The wedge design and substantial glazing lighten the massing of this element. The depth of the central wedge element is approximately 70 ft., which is substantially less than the depth of the lower lying east and west wings.

Generous side setbacks and extensive landscaping in the side yards further reduce impacts on the neighbouring properties. More specifically, the proposed development provides a west side setback of 24.1 ft. and an east side setback of 49.9 ft., for a total of both side yard setbacks of 74 ft. These setbacks far exceed the minimum permitted side setback of 7.9 ft., with a total of both side yard setbacks of 18 ft. The proposed landscape plan, which is subject to a Section 219 covenant registered by the applicant, includes perimeter hedging with cedar, cypress and yew species that range from 8.2 ft. to 19.6 ft. in height. The proposed hedging will effectively obscure the lower wings of the residence, and much of the higher central element, from neighbouring residences.

In summary, given the scale of the lot and the proposed side setbacks, and the design of the building which locates the excess depth largely in lower elements hidden by perimeter hedging, the intent of the Bylaw to prevent the imposition of a long wall adjacent to neighbouring properties is generally met. For this reason, this Department does not object to the second b) appeal.

The third c) appeal and fourth d) appeal are to permit varying fence heights up to a maximum of 8.0 ft. in the required front yards facing both Government Road and Kentwood Street, where the maximum permitted height is 3.28 ft.

The proposed fencing exceeds the maximum fence heights permitted by the Bylaw.

This higher fence is required, however, for security purposes and will be obscured by hedges along its exterior faces. In addition, maintenance of the hedges is protected by a Section 219 covenant registered by the applicant. Lastly, the fencing is to be constructed of architectural concrete to provide a suitable appearance should any damage to the fronting hedges occur. Given the unique security concerns of the applicant, and the virtual invisibility of the proposed fencing, this Department does not object to the third c) appeal and fourth d) appeal.

In summary, while the proposed development exceeds the recommended building depth and height, and includes an overheight wall, these exceedances are mitigated by the scale of the property and numerous design measures that address potential impacts on neighbouring properties and the concerns that underlie the intent of the Bylaw. Although the need for the proposed variances is the result of design choices, the scale of development is modest given the dimensions of the property, and far less than potentially could be achieved through subdivision. It is noted that the development proposal has also been presented to a Public Hearing and the applicant has reviewed the design with the neighbouring property owners. For these reasons, this Department supports the above noted appeals which facilitate a reasonable use of the subject property.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

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

CARRIED UNANIMOUSLY

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

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

FOR: MR. B. BHARAJ  
MR. S. NEMETH  
MR. G. CLARK

OPPOSED: MS. C. RICHTER

CARRIED

MOVED BY MR. B. BHARAJ:  
SECONDED BY MR. S. NEMETH:

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

FOR: MR. B. BHARAJ  
MR. S. NEMETH  
MR. G. CLARK

OPPOSED: MS. C. RICHTER

CARRIED

MOVED BY MR. B. BHARAJ:  
SECONDED BY MR. S. NEMETH:

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

FOR: MR. B. BHARAJ  
MR. S. NEMETH  
MR. G. CLARK

OPPOSED: MS. C. RICHTER

CARRIED

MOVED BY MR. S. NEMETH:  
SECONDED BY MR. B. BHARAJ:

THAT the Hearing do now recess until 1:15 p.m..

CARRIED UNANIMOUSLY

The Hearing recessed at 1:10 p.m.

MOVED BY MR. B. BHARAJ:  
SECONDED BY MR. S. NEMETH:

THAT the Hearing do now reconvene.

CARRIED UNANIMOUSLY

The Hearing reconvened at 1:15 p.m.

**(b) APPEAL NUMBER: B.V. 6175**APPELLANT: Richard SuREGISTERED OWNER OF PROPERTY: Ying-Muoi HoCIVIC ADDRESS OF PROPERTY: 8210 Burnlake DriveLEGAL DESCRIPTION OF PROPERTY: Lot 202; District Lot 40;  
Plan 48688

APPEAL: An appeal for the relaxation of Section 101.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for the addition and interior alterations to the main and upper floor to an existing family home at 8210 Burnlake Drive. The front yard setback on Winston Street, to the foundation, would be 72.62 feet where a minimum front yard setback of 85.24 feet is required based on front yard averaging. Beyond the foundation of the addition, the roof overhang would project 2.5 feet at all sides except with 3 feet where 2 roofs meet. (Zone R-1)

**APPELLANT'S SUBMISSION:**

Richard Su submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the construction of an addition and interior alterations to an existing family home.

Ian Guan, Architect appeared before members of the Board of Variance at the Hearing.

**BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:**

The subject site, zoned R1 Residential District, is located in a stable single-family neighbourhood in the Government Road area. This large through lot, approximately 80 ft. wide and 165 ft. long, fronts Burnlake Drive to the north and Winston Street to the south. Single family dwellings abut the subject site to the east and west. A driveway access to a large industrial development abuts the subject lot directly across Winston Street to the south. Vehicular access to the subject site is provided from Burnlake Drive. The site observes a moderate downwards slope of approximately 15 ft. in the northwest-southeast direction. The site is restricted by a 40 ft. wide covenanted landscape buffer along the Winston Street property line.

The site is improved with a single family dwelling, originally built in 1977, for which a small north addition and a larger south addition are proposed. The proposed south addition is the subject of this appeal.



The appeal requests a front yard setback of 72.62 ft., measured to the foundation of the proposed addition, with further projection for roof eaves up to 3.00 ft., where front yard averaging requires a minimum setback of 85.24 ft. from the Winston Street property line.

In 1991, Council responded to public concerns regarding the bulk and massing of newer and larger homes that were being built in existing neighbourhoods. Several text amendments to the Zoning Bylaw were adopted to address these concerns, including a requirement to set new construction back from the front property line based on an average of the two dwellings on either side of the subject site. The intent was to help to ease new construction into existing street frontages with minimal impact.

The existing dwelling observes a front yard setback from Burnlake Drive of 31.82 ft., which exceeds the minimum 29.6 ft. front yard setback required in the R1 District. The proposed small addition to the portion of the existing house fronting Burnlake Drive would be aligned with the existing north building face. Therefore, a consistent building edge would be maintained throughout the block, as all of the houses have similar front yard setbacks averaging around 30.5 ft.

The front yard setback from Winston Street is the setback for which a relaxation is requested. The front yard averaging calculations are based on the setbacks of the two dwellings immediately west of the subject site at 8184 and 8192 Burnlake Street, and the two dwellings immediately east of the subject site at 8216 and 8222 Burnlake Street. The front yard setbacks for these properties are 96.09 ft., 72.78 ft., 96.08 ft. and 76.02 ft. respectively.

It should be noted that these front yard setbacks function as rear yards and are buffered by a continuous landscape belt, protected by covenant, which separates the yards from Winston Street, with no vehicular access provided from this side.

The existing building observes a front yard setback of approximately 79 ft. as measured to the raised rear deck attached to the southwest corner of the house. The main body of the residence is set back further by approximately 15.5 ft., resulting in a distance to the Winston Street property line of approximately 94.5 ft. The proposed two story addition to the portion of the house fronting Winston Street would extend 21.97 ft. outward from the existing south face over the entire width of the dwelling. A portion of the addition, on the east end of the upper level, would consist of an 18.5 ft. wide by 21.97 ft. deep covered deck. The existing raised rear deck would be removed.

The proposed siting would place the subject dwelling slightly behind (0.16 ft.) the neighbouring dwelling immediately to the west and approximately 23.46 ft. in front of the neighbouring dwelling immediately to the east. Considering the proposed generous side yard setback of 16 ft. on the east side, in combination with the more open massing provided by the covered deck over the entire eastern portion of the

addition, it appears that a reduced Winston Street front yard setback would not significantly impact the neighbouring property to the east of the subject site. Also, little impact is expected on the neighbouring property to the west, with just one small window within the overlap area.

With regards to the broader neighbourhood context, front yard setbacks along the north side of Winston Street vary from approximately 99 ft. at 8176 Burnlake Street (third property to the west) to approximately 68 ft. at 8222 Burnlake Street (second property to the east). As such, the siting of the proposed addition would not be out of the ordinary.

In summary, the proposed relaxation is modest given the overall development pattern of the neighbourhood. In addition, the proposed relaxation will have no impact on the visible frontage of Winston Street, which consists of a covenanted landscape buffer. As such, the proposed relaxation does not violate the intent of the front yard averaging requirement, which is to protect the existing streetscape.

In view of the above, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. S. NEMETH:  
SECONDED BY MR. G. CLARK:

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(c) **APPEAL NUMBER:** B.V. 6176

**APPELLANT:** Raffaele and Associates

**REGISTERED OWNER OF PROPERTY:** Anthony Ricci and Carie Woods

**CIVIC ADDRESS OF PROPERTY:** 7284 Braeside Drive

**LEGAL DESCRIPTION OF PROPERTY:** Lot 63; District Lot 216; Plan 10936

**APPEAL:** An appeal for the relaxation of Section 6.6(1)(c) of the Burnaby Zoning Bylaw which, if permitted, would allow for the addition to the cellar, a new rear covered deck to the main floor, and a new

accessory building at 7284 Braeside Drive. The following variances are being requested:

- a) the distance measured from the accessory building to the lane (north property line) of 1.25 feet where a minimum distance of 3.94 feet is required; and
- b) the distance measured from the accessory building to the lane (east property line) is 3.25 feet where a minimum distance of 3.94 feet is required. (Zone R-2a)

A previous Board of Variance (December 5, 2014; BOV#6136) allowed a rear fence height of 12.0 feet along the north property line, where a maximum 5.91 feet is permitted.

#### APPELLANT'S SUBMISSION:

Raffaele and Associates, on behalf of the homeowners, submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the construction of an addition to the cellar, a new deck and accessory building.

Raffaele and Associates appeared before members of the Board of Variance at the Hearing.

#### BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

This property was the subject of an appeal before the Board on two occasions. In 2011 October 06 (BV5937), eight variances were sought for a proposed in-ground swimming pool and supporting retaining walls and pool fencing in the required front yard of this property. At the same time, a single family dwelling with detached garage was proposed under a separate building permit. This Department objected to the requests and the Board denied all appeals. In 2014 December 04 (BV6136), a variance was sought for a fence addition to the rear of the front yard. This Department supported the request and the Board allowed the appeal.

The subject site, which was recently rezoned to the R2a Residential District (REZ14-00013), is located in the Westridge neighbourhood in which the age and condition of single family dwellings vary. This irregular lot, approximately 103.64 ft. wide at the west (front) property line and 125.1 ft. long at the south (side) property line, fronts Braeside Drive to the west and faces the lane to the east and north. The two lanes are not connected due to the significant grade level difference. The north lane is a continuation of Bayview Drive and extends over only one block. Single family dwellings abut the subject site to the south. Vehicular access to the subject site is provided from Braeside Drive. The site observes a steep downward slope of approximately 30 ft. from the southeast corner to the northwest corner. This slope is generally negotiated by series of terraced structures and planters to allow for flat

outdoor living spaces, including the in-ground swimming pool in the rear of the subject site.

The subject site is developed with a new single family dwelling, including attached garage in accordance with Building Permit BLD12-00048, and with an in-ground swimming pool in the rear yard in accordance with Building Permit BLD12-00877. Sometime after July 2013, when the Occupancy Permits were issued, the site was further developed with an accessory building and related fence without the benefit of a building permit. As noted above, the fence addition was the subject of a successful appeal to the Board on 2014 December 04. The applicant wishes now to legalize the siting of the unauthorized accessory building for which two variances are requested. A new addition to the cellar and a new rear covered deck to the main floor, which were approved under the recent rezoning application (REZ14-00013), are not related to these appeals.

The first a) appeal is for an already constructed accessory building, observing a distance of 1.25 ft. from the lane along the north property line, with no additional roof overhang, where a minimum distance of 3.94 ft. is required.

The second b) appeal is for an already constructed accessory building, observing a distance of 3.25 ft. from the lane along the east property line, with no additional roof overhang, where a minimum distance of 3.94 ft. is required.

The intent of the Bylaw is to limit the massing impacts of such structures on neighbouring properties.

The accessory building, which serves as a change room for the in-ground swimming pool, is tucked into the northeast corner of the site where the two lanes intersect. The structure is built at the same level as the in-ground swimming pool, which is approximately 10 ft. below the east lane level. The north lane, which observes a severe drop of approximately 10 ft., is closed off to vehicular and pedestrian traffic. The accessory structure, which is approximately 9.5 ft. high, is not visible from surrounding properties, as it is below the east lane level and is fully screened by the fencing along the north property line. This fencing (which was approved under the 2014 December 04 appeal) consists of a stepped retaining wall with a solid wooden fence on top. This treatment is similar to the existing fencing on the neighbouring property across the lane to the north.

In summary, since the accessory building has no negative impacts on the neighbouring properties, and considering the challenging topography of the site, this Department does not object to the granting of the first a) and second b) appeals.

ADJACENT OWNER'S COMMENTS:

Three form letters dated 2015 May, were received from residents/occupants at 7308, 7278 Braeside and 7297 Ridge Drive in support of the variance.

No further correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

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

CARRIED UNANIMOUSLY

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. G. CLARK:

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

CARRIED UNANIMOUSLY

MOVED BY MR. S. NEMETH:

SECONDED BY MR. G. CLARK:

THAT the Hearing do now recess until 1:30 p.m..

CARRIED UNANIMOUSLY

The Hearing recessed at 1:26 p.m.

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

THAT the Hearing do now reconvene.

CARRIED UNANIMOUSLY

The Hearing reconvened at 1:30 p.m.

**(d) APPEAL NUMBER: B.V. 6177****APPELLANT:** Belltown Homes Ltd.**REGISTERED OWNER OF PROPERTY:** A-Pacific Development Ltd. Inc. and  
Belltown Homes Ltd.**CIVIC ADDRESS OF PROPERTY:** 7357 Newcombe Street**LEGAL DESCRIPTION OF PROPERTY:** Lot 32; District Lot 25; Plan 14945**APPEAL:** An appeal for the relaxation of Section 110.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family home at 7357 Newcombe Street, with the front yard setback, to the foundation of 24.93 feet where a minimum front yard setback of 40.63 feet is required based on front yard averaging. The canopy overhang would project 3.94 feet beyond the foundation where a maximum projection of 3.94 feet is permitted. The porch stairs would project 2 feet beyond the foundation. (Zone R-10)**APPELLANT'S SUBMISSION:**

Belltown Homes Ltd., on behalf of the homeowners, submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the construction of a new single family home.

Mr. Gill and Mr. Dhillon appeared before members of the Board of Variance at the Hearing.

**BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:**

The subject property is located in the Second Street area, in a mature R10 District neighbourhood characterized by low-scale single family dwellings. The R10 District in this area was established through an area zoning process at the request of residents to control the form and character of new development. The subject lot measures 49.27 ft. in width and 109.14 ft. in depth. This interior site fronts onto Newcombe Street to the northeast and flanks the lane to the southwest. There are single family dwellings to the northwest, southeast and across the lane to the southwest of the subject site. To the northeast across Newcombe Street, the entire block is bordered by the Cariboo Conservation Area. Vehicular access to the subject site is from the rear lane. The site observes an ascending slope of approximately 12 ft. from the front to the rear.

A new single family dwelling with a detached garage is proposed for the subject site, which is the subject of this appeal.

The appeal requests a front yard setback of 24.93 ft., measured to the foundation of the proposed single family dwelling, with a further canopy projection of 3.94 ft., where front yard averaging requires a minimum setback of 40.63 ft. from the Newcombe Street property line.

In 1991, Council responded to public concerns regarding the bulk and massing of newer and larger homes that were being built in existing neighbourhoods. Several text amendments to the Zoning Bylaw were adopted to address these concerns, including a requirement to set new construction back from the front property line based on an average of the two dwellings on either side of the subject site. The intent was to help to ease new construction into existing street frontages with minimal impact.

In this case, the front yard averaging calculations are based on the front yard setbacks of the two dwellings immediately northwest of the subject site at 7325 and 7341 Newcombe Street, and the two dwellings immediately southeast of the subject site at 7375 and 7391 Newcombe Street. The front yard setbacks for these properties are 40.63 ft., 40.0 ft., 42.39 ft. and 39.49 ft. respectively.

The front yard setback is measured to the foundation of the main body of the dwelling. The proposed center element of the upper floor is set back 9.67 ft. from the foundation. In addition, the proposed northwest corner of the upper floor is set back approximately 16.83 ft. further in order to accommodate a high volume space over the main floor living/dining area; the northeast corner of the upper floor consists of an open deck.

The proposed siting would place the subject dwelling 15.07 ft. in front of the neighbouring dwelling to the northwest and 17.46 ft. in front of the neighbouring dwelling to the southeast. Although the recessed portions of the proposed upper floor would somewhat lessen the massing impacts, the proposed front yard setback would affect these neighbouring properties. Further, the current dwelling observes a front yard setback of approximately 42 ft. Therefore, the proposed 24.93 ft. front yard setback would substantially change the existing massing relationship with the neighbouring residences. Also, it is noted that with a proposed rear yard setback of over 42 ft., there is room for modifications to this proposal in order to increase the depth of the front yard.

With reference to the broader neighbourhood context, there is an established street frontage on the subject block, with all six lots, including the subject lot, observing similar front yard setbacks of approximately 40 ft. As such, the siting of the proposed dwelling would not fit within the existing neighbourhood context.

Given that this request would impact the neighbouring properties to the northwest and southeast and jeopardize the low-scale character of the streetscape, defeating the intent of the neighbourhood initiated R10 Residential District regulations, this Department cannot support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

A petition letter was received 2015 July 07, in opposition to the proposed variance. The petition was signed by owners/occupiers of 7307, 7325, 7341 and 7391 Newcombe Street, 8269 and 8275 18<sup>th</sup> Avenue, and 8270 and 8278 19<sup>th</sup> Avenue.

Ms. Antunes, 7341 Newcombe Street appeared before the Board in opposition to the appeal.

Mr. Jones, 8279 19<sup>th</sup> Avenue appeared before the Board in opposition to the appeal.

Ms. Lee, 7325 Newcombe Street appeared before the Board in opposition to the appeal.

No further correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

THAT based on the plans submitted this appeal be ALLOWED.

FOR: MR. B. BHARAJ

OPPOSED: MS. C. RICHTER  
MR. S. NEMETH  
MR. G. CLARK

DENIED

(e) APPEAL NUMBER: B.V. 6178

APPELLANT: Helen Soderholm

REGISTERED OWNER OF PROPERTY: Peter Buchanan and Helen Soderholm

CIVIC ADDRESS OF PROPERTY: 5724 Eglinton Street

LEGAL DESCRIPTION OF PROPERTY: Lot 79; District Lot 83; Plan 24961

APPEAL: An appeal for the relaxation of Section 6.14(5)(b) of the Burnaby Zoning Bylaw which, if permitted, would allow for the retention of a fence to an existing family home at 5724 Eglinton Street. The fence height, in the required side and rear yard, would be varying heights up to 10.13 feet where a maximum height of 5.91 feet is permitted. (Zone R-2)



APPELLANT'S SUBMISSION:

Helen Soderholm submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the retention of a fence to a family home.

Ms. Soderholm appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject site, zoned R2 Residential District, is located in the Douglas-Gilpin neighbourhood in which the age and condition of single family dwellings vary. This interior lot, approximately 74.2 ft. wide and 125.1 ft. long, fronts Eglinton Street to the north and abuts a lane to the south. Single family dwellings adjoin the subject site to the west and east. Vehicular access to the subject site is provided from the rear lane. The site observes a substantial downward slope of approximately 16 ft. from the northwest corner to the southeast corner. The subject site is improved with a single family dwelling, including attached garage, originally built in 1964. The property was further improved with a fence, which was built incrementally between 2006 and 2014. This fence is the subject of this appeal.

The appeal is for an already constructed fence with varying heights of up to 10.13 ft., where a maximum height of 5.91 ft. is permitted to the rear of the front yard.

The intent of the Bylaw in limiting the height of fences or walls to a maximum of 5.91 ft. to the rear of the required front yard is to limit the massing impacts of such structures on neighbouring properties.

The subject fence runs along the west side property line starting approximately 30 ft. from the front property line. The entire fence is over-height, with portions varying from 9.08 ft. high at its origin to 10.13 ft. high approximately 25 ft. from the rear property line.

The fence consists of approximately 8 ft. wide stepped sections, with wood posts in between. Each section consists of a 5.58 ft. high solid wood panel, a 2 ft. high semitransparent lattice panel and a 1 ft. high decorative trellis on top. Wooden posts project above the trellis component up to 0.83 ft. The trellis overhangs the fence by approximately 1 ft. on each side. The submitted drawings include the statement that the trellis component does not extend beyond the side property line. However, the distance between the fence and the side property line is not provided. Therefore, this proposal may require verification that there is no encroachment.

The steepness of the terrain partly contributes to the excess height of the subject fence. However, it appears that the upper portions of the fence, consisting of a semitransparent lattice panel and decorative trellis element, are driven by aesthetics rather than by hardship. Moreover, the over-height portions of the fence (which are

3.17 ft. - 4.22 ft. high) visually impact the rear yard of the neighbouring property to the west.

Therefore, this Department objects to the granting of this appeal.

ADJACENT OWNER'S COMMENTS:

A letter was received from residents of 5714 Eglinton Street, in opposition to this appeal.

No further correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. G. CLARK:

SECONDED BY MR. B. BHARAJ:

THAT based on the plans submitted this appeal be ALLOWED.

FOR: MR. G. CLARK

OPPOSED: MS. C. RICHTER  
MR. S. NEMETH  
MR. B. BHARAJ

DENIED

(f) APPEAL NUMBER: B.V. 6179

APPELLANT: Sean Moonie

REGISTERED OWNER OF PROPERTY: Wui S. Chong, Vui J. Chong,  
and Oi Chong

CIVIC ADDRESS OF PROPERTY: 7615 Morley Drive

LEGAL DESCRIPTION OF PROPERTY: Lot 176; District Lot 91;  
Plan 25478

APPEAL: An appeal for the relaxation of Sections 101.8, and 101.9(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for the interior alterations and finishing to the basement and main floor; additions to the main floor including a new deck and enclosure of attached carport; and new detached garage to 7615 Morley Drive. The following relaxations are being requested:

- a) a front yard setback, measured from the southeast property line to the principal building (bay window of the front addition), would be 30.91 feet where a minimum front yard setback of 37.82 feet is required based on front yard averaging; and
- b) a side yard setback, measured from the northwest property line to the principal building (rear addition), would be 2.95 feet where a minimum side yard setback of 7.90 feet is required; and
- c) a sum of both side yards would be 14.04 feet where a minimum of 18.0 feet is required. (Zone R-1)

#### APPELLANT'S SUBMISSION:

Sean Moonie submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the construction of an addition and detached garage to the family home.

Mr. Moonie appeared before members of the Board of Variance at the Hearing.

#### BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject site, zoned R1 Residential District, is located in a stable single-family neighbourhood in the Morley-Buckingham area. This interior lot, approximately 70 ft. wide and 130 ft. long, fronts onto Morley Drive to the southeast and flanks the lane to the southwest. Single family dwellings abut the subject site to the northwest, northeast and across the lane to the southwest. Directly to the southeast of the subject site, Berkley Street intersects Morley Drive. Malvern Park is located to the south of this intersection. The site observes a downward slope of approximately 9.5 ft. in the south-north direction. Vehicular access to the subject site is provided from Morley Drive and the side (southwest) lane. A 15 ft. wide storm and sanitary easement is located along the northwest (rear) property line.

The site is improved with a single family dwelling including attached carport, originally built in 1963, for which various additions and alterations are proposed. The proposed front and rear additions and the conversion of the existing attached carport into an attached garage are the subject of three appeals. The proposed rear deck addition and a new accessory detached garage are not the subject of an appeal.

The first a) appeal requests a front yard setback of 30.91 ft., measured to the bay window of the proposed front addition, with further projection for roof eaves up to 0.5 ft., where front yard averaging requires a minimum setback of 37.82 ft. from the Morley Drive property line.

In 1991, Council responded to public concerns regarding the bulk and massing of newer and larger homes that were being built in existing neighbourhoods. Several text amendments to the Zoning Bylaw were adopted to address these concerns, including

a requirement to set new construction back from the front property line based on an average of the two dwellings on either side of the subject site. The intent was to help to ease new construction into existing street frontages with minimal impact.

In this case, the front yard averaging calculations are based on the setbacks of the two dwellings immediately northeast of the subject site at 7629 and 7635 Morley Drive. The front yard setbacks for these properties are 37.71 ft. and 37.92 ft. respectively.

The existing dwelling observes a front yard setback of 32.41 ft. from Morley Drive, which is legal non-conforming with respect to the front yard setback requirement (37.82 ft.).

The proposed front addition, which is approximately 100 sq. ft. in area, fills in the western portion of an existing recessed veranda. This veranda, approximately 8 ft. deep and 42 ft. long, occupies the center and the eastern portions of the front elevation at the ground level. As noted above, the proposed front addition is measured to the proposed bay window which projects 1.5 ft. from the face of this addition. Otherwise, the front addition would be in line with the existing outermost building face at the western portion of the front elevation. Therefore, the proposed addition essentially would not be visible from the neighbouring property across the lane to the southwest. Also, considering the proposed generous side yard setback of over 40.0 ft. on the northeast side, little impact is expected on the neighbouring property to the northeast.

With regards to the broader neighbourhood context, considering the small scale and recessed location of the addition, the proposed relaxation would have no impact on the Morley Drive streetscape.

In view of the above, this Department does not object to the granting of this first a) variance.

The second b) appeal would permit a side yard setback of 2.95 ft. from the southwest property line to the proposed rear addition, with a further projection for roof eaves of up to 2.0 ft., where a minimum side yard setback of 7.9 ft. is required.

The intent of the Bylaw is to mitigate the impact of building massing on neighbouring properties.

The existing dwelling observes a southwest side yard setback of 2.9 ft., and is legal non-conforming with respect to the side yard setback requirement (7.9 ft.).

The 8 ft. deep and 17 ft. wide addition is proposed at the rear northwest corner of the existing dwelling. This one story addition would feature a sloped roof, with a height up to approximately 20 ft. at the peak of the roof, when viewed from the neighbouring property across the lane to the southwest. The addition would be in line with the

existing southwest face of the building. This results in a side yard encroachment area of 8.0 ft. by 5.0 ft. which would fully overlap with the neighbouring dwelling across the lane to the southwest. However, the distant siting of the rear addition, approximately 27 ft. away from the neighbouring residence across the lane, and the absence of any overlapping windows, the proposed rear addition is unlikely to negatively impact the neighbouring residence to the southwest.

In view of the above, this Department does not object to the granting of this second b) variance.

The third c) appeal is for additions and alterations to the existing single family dwelling observing a sum of side yard setbacks of 14.04 ft., where a minimum sum of side yard setbacks of 18.0 ft. is required.

The intent of the Bylaw is to mitigate the impact of building massing on neighbouring properties.

The existing dwelling observes a sum of side yard setbacks of 14.04 ft., and is legal non-conforming with respect to the sum of side yard setback requirement (18 ft.).

As mentioned under the second b) appeal, a rear addition is proposed at the northwest corner of the existing dwelling, in line with the existing southwest building face. On the opposite side of the residence, the proposal would convert the existing attached carport into an enclosed garage. The existing second floor fully extends over the existing carport.

Both the rear addition and the carport enclosure necessitate this variance. As discussed under the second b) appeal, the rear addition would not significantly impact the neighbouring property to the southwest. With respect to the neighbouring property to the northeast, the enclosed garage would overlap this residence by its full length of 21.5 ft. However, considering the generous side yard setback of 11.09 ft., which is proposed to be maintained, and the relatively small additional massing created by enclosing the existing recessed carport area, it is not expected that such enclosure would affect the neighbouring residence to the northeast.

In view of the above, this Department does not object to the granting of this third c) variance.

#### ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. S. NEMETH:  
SECONDED BY MR. G. CLARK:

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

CARRIED UNANIMOUSLY

MOVED BY MR. S. NEMETH:  
SECONDED BY MR. G. CLARK

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

CARRIED UNANIMOUSLY

MOVED BY MR. S. NEMETH:  
SECONDED BY MR. G. CLARK

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

CARRIED UNANIMOUSLY

**(g) APPEAL NUMBER: B.V. 6180**

APPELLANT: Daljit Dhami

REGISTERED OWNER OF PROPERTY: 1017719 BC LTD

CIVIC ADDRESS OF PROPERTY: 7220 (and 7222) 11th Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 1; District Lot 53; Plan 50735

APPEAL: An appeal for the relaxation of Section 6.6(2)(c) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new two family dwelling at 7220 (and 7222) 11th Avenue. The width of the accessory building would be 22.0 feet where a maximum accessory building width of 21.3 feet is permitted. (Zone R-12)

**APPELLANT'S SUBMISSION:**

Daljit Dhami submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the construction of a new two family dwelling.

Mr. Daljit Dhami appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject property was recently created by the subdivision of three lots into five two-family residential lots (SUB14-00050). The subject lot is located at the southwestern terminus of the five-lot subdivision. All five lots are currently vacant, as the buildings that were located on the parent lots have been demolished. It is noted that identical variance requests are being pursued for the remaining four lots, under four separate applications, concurrent with this appeal.

The subject property is located in the Stride Avenue area, in a single and two-family R12 District neighbourhood characterized by smaller lot sizes. The subject site measures 31.79 ft. in width and 129.67 ft. in depth, with an area of 4,122.58 sq. ft. The site is relatively flat with a downward slope of approximately 3.4 ft. from front to rear. This interior lot fronts onto Eleventh Street to the northwest. Across Eleventh Street is a parking area for a large industrial development. Immediately southwest of the subject site are two-family dwellings and across the lane to the southeast is a single family dwelling. The four other vacant lots that were part of the subject subdivision are located to the immediate northeast. Vehicular access to the subject site is via the rear lane.

A new two-family dwelling with two detached garages is proposed for the subject site, for which a variance is requested.

The appeal would permit a 22.0 ft. wide accessory building where a maximum width of 21.3 ft. is permitted based on two-thirds of the width of the rear yard.

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

The proposed accessory building is set back 4.9 ft. from the southwest and northeast side property lines and 4.0 ft. from the rear lane. The proposed building is 22.0 ft. wide and 21.0 ft. long by approximately 12.5 ft. high to the top of the hip roof. The building would contain two side-by-side single car garages, accessed off the rear lane. This building would be consistent with the detached garages immediately southwest of the subject site and elsewhere on the subject block.

Nearly all nearby lots contain detached garages, carports and/or surface parking areas adjacent to the subject rear lane. Therefore, the placement of a detached garage in the rear yard would be consistent with the existing development pattern.

The proposed principal building is split into two units located front-to-back, with the northwest unit occupying the front half of the building and the southeast unit occupying the rear half. The proposed open area between the garage and residence is approximately 25 ft. deep by 25 ft. wide, which would provide sufficient outdoor living space for the occupants of this unit, without creating a sense of crowding and confinement.

The need for this variance could be eliminated by removing the internal dividing wall between the two garages, resulting in a potential width reduction of approximately 2.3 ft. However, this would result in a common garage serving potentially two separate strata owners. The impact of building massing on the lane is limited to the additional 0.7 ft. of building width. Overall, separated garages would provide increased utility and security for future residents.

In view of the above, this Department does not object to the granting of this variance.

**ADJACENT OWNER'S COMMENTS:**

No correspondence was received regarding this appeal.

**DECISION:**

**MOVED BY MR. B. BHARAJ:**

**SECONDED BY MR. G. CLARK:**

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

**(h) APPEAL NUMBER: B.V. 6181**

**APPELLANT: Daljit Dhami**

**REGISTERED OWNER OF PROPERTY: 1017719 BC Ltd**

**CIVIC ADDRESS OF PROPERTY: 7224 and 7226 11th Avenue**

**LEGAL DESCRIPTION OF PROPERTY: Lot 2; District Lot 53; Plan 50735**

**APPEAL:** An appeal for the relaxation of Section 6.6(2)(c) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new two family dwelling at 7224 and 7226 11th Avenue. The width of the accessory building would be 22.0 feet where a maximum accessory building width of 21.3 feet is permitted. (Zone R-12)

**APPELLANT'S SUBMISSION:**

Daljit Dhami submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the construction of a new two family dwelling.

Mr. Daljit Dhami appeared before members of the Board of Variance at the Hearing.



BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject property was recently created by the subdivision of three lots into five two-family residential lots (SUB14-00050). The subject lot is located second from the southwestern terminus of the five-lot subdivision. All five lots are currently vacant, as the buildings that were located on the parent lots have been demolished. It is noted that identical variance requests are being pursued for the remaining four lots, under four separate applications, concurrent with this appeal.

The subject property is located in the Stride Avenue area, in a single and two-family R12 District neighbourhood characterized by smaller lot sizes. The subject site measures 31.79 ft. in width and 129.68 ft. in depth, with an area of 4,123 sq. ft. The site is relatively flat with a downward slope of approximately 2.95 ft. from front to rear. This interior lot fronts onto Eleventh Street to the northwest. Across Eleventh Street is a parking area for a large industrial development. Across the lane to the southeast is a single family dwelling. Three of the other vacant lots that were part of the subject subdivision are located to the immediate northeast with the single remaining lot located to the southwest. Vehicular access to the subject site is via the rear lane.

A new two-family dwelling with two detached garages is proposed for the subject site, for which a variance is requested.

The appeal would permit a 22.0 ft. wide accessory building where a maximum width of 21.3 ft. is permitted based on two-thirds of the width of the rear yard.

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

The proposed accessory building is set back 4.9 ft. from the southwest and northeast property lines and 4.0 ft. from the rear lane. The proposed building is 22.0 ft. wide and 21.0 ft. long by approximately 12.5 ft. high to the top of the hip roof. The building would contain two side-by-side single car garages, accessed off the rear lane. This building would be consistent with other detached garages on the subject block.

Nearly all nearby lots contain detached garages, carports and/or surface parking areas adjacent to the subject rear lane. Therefore, the placement of a detached garage in the rear yard would be consistent with the existing development pattern.

The proposed principal building is split into two units located front-to-back, with the northwest unit occupying the front half of the building and the southeast unit occupying the rear half. The proposed open area between the garage and residence is approximately 25 ft. deep by 25 ft. wide, which would provide sufficient outdoor living space for the occupants of this unit, without creating a sense of crowding and confinement.

The need for this variance could be eliminated by removing the internal dividing wall between the two garages, resulting in a potential width reduction of approximately 2.3 ft. However, this would result in a common garage serving potentially two separate strata owners. The impact of building massing on the lane is limited to the additional 0.7 ft. of building width. Overall, separated garages would provide increased utility and security for future residents.

In view of the above, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(i) APPEAL NUMBER: B.V. 6182

APPELLANT: Daljit Dhami

REGISTERED OWNER OF PROPERTY: 1017719 BC LTD

CIVIC ADDRESS OF PROPERTY: 7228 (and 7230) 11th Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 3; District Lot 53; Plan 50735

APPEAL: An appeal for the relaxation of Section 6.6(2)(c) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new two family dwelling at 7228 (and 7230) 11th Avenue. The width of the accessory building would be 22.0 feet where a maximum accessory building width of 21.3 feet is permitted. (Zone R-12)

APPELLANT'S SUBMISSION:

Daljit Dhami submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the construction of a new two family dwelling.

Mr. Daljit Dhami appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject property was recently created by the subdivision of three lots into five two-family residential lots (SUB14-00050). The subject lot is located in the center of the five-lot subdivision. All five lots are currently vacant, as the buildings that were located on the parent lots have been demolished. It is noted that identical variance requests are being pursued for the remaining four lots, under four separate applications, concurrent with this appeal.

The subject property is located in the Stride Avenue area, in a single and two-family R12 District neighbourhood characterized by smaller lot sizes. The subject site measures 31.79 ft. in width and 129.69 ft. in depth, with an area of 4,123 sq. ft. The site is relatively flat with a downward slope of approximately 1.00 ft. from front to rear. This interior lot fronts onto Eleventh Street to the northwest. Across Eleventh Street is a parking area for a large industrial development. Across the lane to the southeast is a single family dwelling. Two of the vacant lots that were part of the subject subdivision are located to the immediate northeast with the two remaining lots located to the southwest. Vehicular access to the subject site is via the rear lane.

A new two-family dwelling with two detached garages is proposed for the subject site, for which a variance is requested.

The appeal would permit a 22.0 ft. wide accessory building where a maximum width of 21.3 ft. is permitted based on two-thirds of the width of the rear yard.

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

The proposed accessory building is set back 4.9 ft. from the southwest and northeast property lines and 4.0 ft. from the rear lane. The proposed building is 22.0 ft. wide and 21.0 ft. long by approximately 12.5 ft. high to the top of the hip roof. The building would contain two side-by-side single car garages, accessed off the rear lane. This building would be consistent with the detached garages elsewhere in the subject block.

Nearly all nearby lots contain detached garages, carports and/or surface parking areas adjacent to the subject rear lane. Therefore, the placement of a detached garage in the rear yard would be consistent with the existing development pattern.

The proposed principal building is split into two units located front-to-back, with the northwest unit occupying the front half of the building and the southeast unit occupying the rear half. The proposed open area between the garage and residence is approximately 25 ft. deep by 25 ft. wide, which would provide sufficient outdoor living space for the occupants of this unit, without creating a sense of crowding and confinement.

The need for this variance could be eliminated by removing the internal dividing wall between the two garages, resulting in a potential width reduction of approximately 2.3 ft. However, this would result in a common garage serving potentially two separate strata owners. The impact of building massing on the lane is limited to the additional 0.7 ft. of building width. Overall, separated garages would provide increased utility and security for future residents

In view of the above, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. S. NEMETH:

SECONDED BY MR. G. CLARK:

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

**(j) APPEAL NUMBER: B.V. 6183**

APPELLANT: Daljit Dhami

REGISTERED OWNER OF PROPERTY: 1017719 BC LTD

CIVIC ADDRESS OF PROPERTY: 7232 (and 7234) 11th Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 4; District Lot 53; Plan 50735

APPEAL: An appeal for the relaxation of Section 6.6(2)(c) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new two family dwelling at 7232 (and 7234) 11th Avenue. The width of the accessory building would be 22.0 feet where a maximum accessory building width of 21.3 feet is permitted. (Zone R-12)

APPELLANT'S SUBMISSION:

Daljit Dhami submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the construction of a new two family dwelling.

Mr. Daljit Dhami appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject property was recently created by the subdivision of three lots into five two-family residential lots (SUB14-00050). The subject lot is located second from the northeast terminus of the five-lot subdivision. All five lots are currently vacant, as the buildings that were located on the parent lots have been demolished. It is noted that identical variance requests are being pursued for the remaining four lots, under four separate applications, concurrent with this appeal.

The subject property is located in the Stride Avenue area, in a single and two-family R12 District neighbourhood characterized by smaller lot sizes. The subject site measures 31.79 ft. in width and 129.70 ft. in depth, with an area of 4,123 sq. ft. The site is relatively flat with a downward slope of approximately 0.80 ft. from front to rear. This interior lot fronts onto Eleventh Street to the northwest. Across Eleventh Street is a parking area for a large industrial development. Across the lane to the southeast is a single family dwelling. One of the vacant lots that were part of the subject subdivision is located to the immediate northeast with the three remaining lots located to the southwest. Vehicular access to the subject site is via the rear lane.

A new two-family dwelling with two detached garages is proposed for the subject site, for which a variance is requested.

The appeal would permit a 22.0 ft. wide accessory building where a maximum width of 21.3 ft. is permitted based on two-thirds of the width of the rear yard.

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

The proposed accessory building is set back 4.9 ft. from the southwest and northeast property lines and 4.0 ft. from the rear lane. The proposed building is 22.0 ft. wide and 21.0 ft. long by approximately 12.5 ft. high to the top of the hip roof. The building would contain two side-by-side single car garages, accessed off the rear lane. This building would be consistent with the detached garages elsewhere on the subject block.

Nearly all nearby lots contain detached garages, carports and/or surface parking areas adjacent to the subject rear lane. Therefore, the placement of a detached garage in the rear yard would be consistent with the existing development pattern.

The proposed principal building is split into two units located front-to-back, with the northwest unit occupying the front half of the building and the southeast unit occupying the rear half. The proposed open area between the garage and residence is approximately 25 ft. deep by 25 ft. wide, which would provide sufficient outdoor living space for the occupants of this unit, without creating a sense of crowding and confinement.

The need for this variance could be eliminated by removing the internal dividing wall between the two garages, resulting in a potential width reduction of approximately 2.3 ft. However, this would result in a common garage serving potentially two separate strata owners. The impact of building massing on the lane is limited to the additional 0.7 ft. of building width. Overall, separated garages would provide increased utility and security for future residents.

In view of the above, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. S. NEMETH:

SECONDED BY MR. G. CLARK:

MOVED BY

SECOND

THAT based on the plans submitted this appeal be ALLOWED.

THAT ba

CARRIED UNANIMOUSLY

**(k) APPEAL NUMBER: B.V. 6184**

APPELLANT: Daljit Dhami

REGISTERED OWNER OF PROPERTY: 1017719 BC LTD

CIVIC ADDRESS OF PROPERTY: 7236 (and 7238) 11th Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 5; District Lot 53; Plan 50735

APPEAL: An appeal for the relaxation of Section 6.6(2)(c) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new two family dwelling at 7236 (and 7238) 11th Avenue. The width of the accessory building would be 22.0 feet where a maximum accessory building width of 21.3 feet is permitted. (Zone R-12)

APPELLANT'S SUBMISSION:

Daljit Dhami submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the construction of a new two family dwelling.

Mr. Dhami appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

The subject property was recently created by the subdivision of three lots into five two-family residential lots (SUB14-00050). The subject lot is located at the northeastern terminus of the five-lot subdivision. All five lots are currently vacant, as the buildings that were located on the parent lots have been demolished. It is noted that identical variance requests are being pursued for the remaining four lots, under four separate applications, concurrent with this appeal.

The subject property is located in the Stride Avenue area, in a single and two-family R12 District neighbourhood characterized by smaller lot sizes. The subject site measures 31.79 ft. in width and 129.71 ft. in depth, with an area of 4,124 sq. ft. The site is relatively flat with a downward slope of approximately 0.38 ft. from front to rear. This interior lot fronts onto Eleventh Street to the northwest. Across Eleventh Street is a parking area for a large industrial development. Immediately northeast of the subject site are two-family dwellings and across the lane to the southeast is a single family dwelling. The four other vacant lots that were part of the subject subdivision are located to the immediate southwest. Vehicular access to the subject site is via the rear lane.

A new two-family dwelling with two detached garages is proposed for the subject site, for which a variance is requested.

The appeal would permit a 22.0 ft. wide accessory building where a maximum width of 21.3 ft. is permitted based on two-thirds of the width of the rear yard.

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

The proposed accessory building is set back 4.9 ft. from the southwest and northeast property lines and 4.0 ft. from the rear lane. The proposed building is 22.0 ft. wide and 21.0 ft. long by approximately 12.5 ft. high to the top of the hip roof. The building would contain two side-by-side single car garages, accessed off the rear lane. This building would be consistent with the detached garages immediately northeast of the subject site and elsewhere on the subject block.

Nearly all nearby lots contain detached garages, carports and/or surface parking areas adjacent to the subject rear lane. Therefore, the placement of a detached garage in the rear yard would be consistent with the existing development pattern.

The proposed principal building is split into two units located front-to-back, with the northwest unit occupying the front half of the building and the southeast unit occupying the rear half. The proposed open area between the garage and residence is approximately 25 ft. deep by 25 ft. wide, which would provide sufficient outdoor living space for the occupants of this unit, without creating a sense of crowding and confinement.

The need for this variance could be eliminated by removing the internal dividing wall between the two garages, resulting in a potential width reduction of approximately 2.3 ft. However, this would result in a common garage serving potentially two separate strata owners. The impact of building massing on the lane is limited to the additional 0.7 ft. of building width. Overall, separated garages would provide increased utility and security for future residents.

In view of the above, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

DECISION:

MOVED BY MR. G. CLARK:

SECONDED BY MR. S. NEMETH:

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

**(I) APPEAL NUMBER: B.V. 6185**

APPELLANT: Avtar Basra

REGISTERED OWNER OF PROPERTY: Canada Haojun Development Group Co. and A-G TEJ Construction LTD.

CIVIC ADDRESS OF PROPERTY: 6696 Aubrey Street

LEGAL DESCRIPTION OF PROPERTY: Lot 3; District Lot 132; Plan 20814

APPEAL: An appeal for the relaxation of Section 6.3.1 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new two family dwelling with a detached garage at 6696 Aubrey Street. This would allow a distance between the principal building and detached garage of 6.0 feet where a minimum distance of 14.8 feet is required. (Zone R-4).

A previous Board of Variance (BOV 6140 2015 January 08) allowed: a) the principal building front yard setback from the east property line of 36.0 feet where a minimum 40.0 feet is required; and b) the detached garage measured from the north property line of 16.0 feet where a minimum 24.6 feet is required.

A previous Board of Variance (BOV 6155 2015 April 02) denied an appeal



requesting the distance between the principal building and the detached garage to be 6.01 feet where a minimum distance of 14.8 feet is required.

A previous Board of Variance (BOV 6170 2015 June 04) denied an appeal requesting the distance between the principal building and the detached garage to be 6.0 feet where a minimum distance of 14.8 feet is required.

#### APPELLANT'S SUBMISSION:

Avtar Basra submitted an application for relaxation of the Burnaby Zoning Bylaw to allow for the construction of a new two family dwelling.

Mr. V. Tiku appeared before members of the Board of Variance at the Hearing.

#### BURNABY PLANNING AND BUILDING DEPARTMENTS COMMENT:

This property was the subject of three recent appeals before the Board regarding siting of the proposed new two-family dwelling and detached garages.

On 2015 January 08, the Board approved the following requests (BV6140): a) a front yard setback, measured from the east property line to the principal building, of 36.0 ft. where a minimum of 40.0 ft. is required based on front yard averaging; and b) a flanking side yard setback, measured from the north property line to the northernmost of two proposed detached garages, of 16.0 ft. where a minimum of 24.6 ft. is required. On 2015 April 02 (BV6155) the Board of Variance denied an appeal to relax the required distance between the principal building and two newly proposed detached garages from 14.8 ft. to 6.01 ft. On 2015 June 04 (BV6170) the Board of Variance denied an appeal to relax the required distance between the principal building and two newly proposed detached garages/carport from 14.8 ft. to 6.00 ft. This Department's comments on the 2015 June 04 appeal, inclusive of comments on the 2015 April 02 appeal, are attached as Item 1.

The subject two-family dwelling is currently under construction. The construction of the originally approved detached garages has not yet begun.

This appeal requests a relaxation of the distance between the principal building and a proposed detached accessory building containing two one-car garages. The proposed distance between this building and the principal building is 6.00 ft., where a minimum distance of 14.8 ft. is required.

As a reminder, the Bylaw requires a separation between a principal building and an accessory building (in this case, the detached garages) to ensure that the overall massing of the buildings does not negatively impact the subject property and/or neighbouring properties, as well as to provide for sufficient outdoor living space.

This proposal differs from the 2015 June 04 (BV6170) appeal as follows: the

previously proposed accessory building, containing a two-car garage and a one-car garage/carport, is replaced by an accessory building containing two one-car garages. There are also two parking pads proposed to the immediate south and north of this building. Otherwise, the proposal is the same as the previous 2015 June 04 appeal.

The overall area of the proposed accessory building is reduced from 800 sq. ft., as proposed in the second and third appeal, to 450 sq. ft., which is slightly less than approved under the original proposal (two detached one-car garages totaling 453.6 sq. ft.).

The proposed accessory building would be sited similarly to the previously proposed larger accessory building, in the southwest corner of the lot. However, the garage structure would observe a 13 ft. setback from the rear (south) property line, which is much larger than proposed in the second and third appeals (3.94 ft.). This would result in the placement of the garage approximately in line with the principal building. This generous setback would help mitigate impacts of the reduced separation between buildings on the southwest corner of the principal building.

With respect to massing impacts on the subject property, the smaller garage structure would help reduce overall massing impacts on the western unit of the duplex. Although the reduced separation between the garage and residence would occur over a distance of approximately 22.6 ft., its impact on light and views would be significantly less than that of the previous designs. More specifically, only the wok kitchen would face solely onto the garage wall, and the remainder of the ground floor living space would enjoy more open surroundings.

Also, the current proposal would result in a more usable area for outdoor recreation in the side yard of the western duplex.

With respect to the neighbouring properties, the proposed garage structure would be consistent with the existing garages at the neighbouring property immediately south of the subject site and across the lane to the west.

In summary, it is recognized that an effort has been made to minimize impacts on the western unit of the duplex. Although the alternative design approved under the first appeal does provide the required separation between the principal building and the garage, that design also required a variance to reduce the required flanking side yard setback. As such, this proposal provides a reasonable option for providing the necessary parking with minimal impacts.

In view of the above, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

DECISION:MOVED BY MR. B. BHARAJ:SECONDED BY MR. S. NEMETH:

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED

OPPOSED: C. RICHTER

**4. NEW BUSINESS**

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

ADJOURNMENTMOVED BY MR. B. BHARAJ:SECONDED BY MR. S. NEMETH:

"THAT this Hearing do now adjourn."

CARRIED UNANIMOUSLY

The Hearing adjourned at 2:50 p.m.

\_\_\_\_\_  
Ms. C. Richter\_\_\_\_\_  
Mr. B. Bharaj\_\_\_\_\_  
Mr. S. Nemeth\_\_\_\_\_  
Mr. G. Clark\_\_\_\_\_  
E. Prior  
Administrative Officer



# Board of Variance Appeal Application Form

## OFFICE OF THE CITY CLERK

Burnaby City Hall, 4949 Canada Way, Burnaby BC, V5G 1M2, Phone: 604-294-7290 Email: clerks@burnaby.ca

### Applicant

Name of Applicant ~~ANDER~~ CHRISTIAN MATIFAT

Mailing Address 258 EAST 1ST STREET

City/Town NORTH VANCOUVER Postal Code V6L 1B3

Phone Number(s) (H) 604 986 3244 (C) 604 318 0407

Email CHRISTIAN@KENNEDYCONSTRUCTION.CA

Preferred method of contact: ☒ email ☒ phone ☐ mail

### Property

Name of Owner ANGELIQUE SCHNERCH

Civic Address of Property 6415 CHANCER PLACE  
BURNABY

I hereby declare that the information submitted in support of this application is, to the best of my knowledge, true and correct in all aspects, and further that my plans have no conflict with municipal bylaws other than those applied for with in this application.

July 7 2015  
Date

[Signature]  
Applicant Signature

### Office Use Only

Appeal Number BV# 6187.

#### Required Documents:

- ☐ Hardship Letter from Applicant
- ☐ Site Plan of Subject Property
- ☐ Building Department Referral Letter

July 6, 2015

Dear Members of the Board,

Our young family is expanding and highly active in our community as my husband is a surgeon at Burnaby and the Royal Columbian Hospitals and I am the main caregiver of our active children and the Parent Association President at my son's school. We are currently applying for a variance to build an extension on the second floor of our home. We are requesting this exception because we are expecting another child mid-August and are renovating in order to build a nursery for our new baby. Currently, we have three bedrooms upstairs, which are all occupied by ourselves, our 7 year-old son and 3 year-old daughter. With (soon to be) three young children, we see the importance of having our entire family sleeping on one floor so that we can easily provide support and comfort throughout the night. We have an extensive backyard separating our home from our back alley way and the proposed extension is highly respectful of our neighbours as it does not interfere with their views or property line. Thank-you very much for considering our request, please let us know if we can provide letters of support from our neighbours or additional information.

Best regards,



Angelique Schnerch and Dr. Brian Yang  
6415 Chaucer Place  
Burnaby, B.C.  
V5E 3Y5



(604) 294-7140

### BOARD OF VARIANCE REFERRAL LETTER

<b>DATE:</b> June 29 <sup>th</sup> , 2015		<b>DEADLINE:</b> July 7 <sup>th</sup> , 2015 for the August 6 <sup>th</sup> , 2015 hearing		<i>This is <b>not</b> an application. Please take letter to Board of Variance. (Clerk's office - Ground Floor)</i>
<b>NAME OF APPLICANT:</b> Chistian Matifat				
<b>ADDRESS OF APPLICANT:</b> 258 E. 1 <sup>st</sup> Street, North Vancouver				
<b>TELEPHONE:</b> (604) 318-0407				
<b>PROJECT</b>				
<b>DESCRIPTION:</b> Interior alterations & finishing to upper floor and upper floor addition only.				
<b>ADDRESS:</b> 6415 Chaucer Place				
<b>LEGAL:</b>	<b>LOT:</b> 282	<b>DL:</b> 91	<b>PLAN:</b> NWP46431	

The above mentioned application, which includes the attached plan of the proposal, has been refused by the Building Department on the basis of contravention of:

**Zone/Section(s) R-1 [101.8,101.9(1)]**  
of the Burnaby Zoning Bylaw No. 4742

**COMMENTS:**

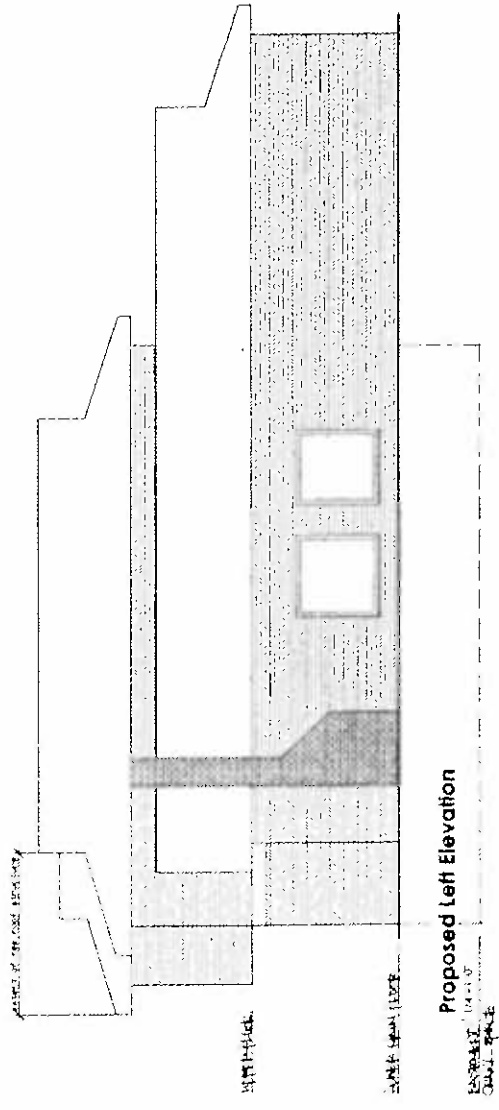
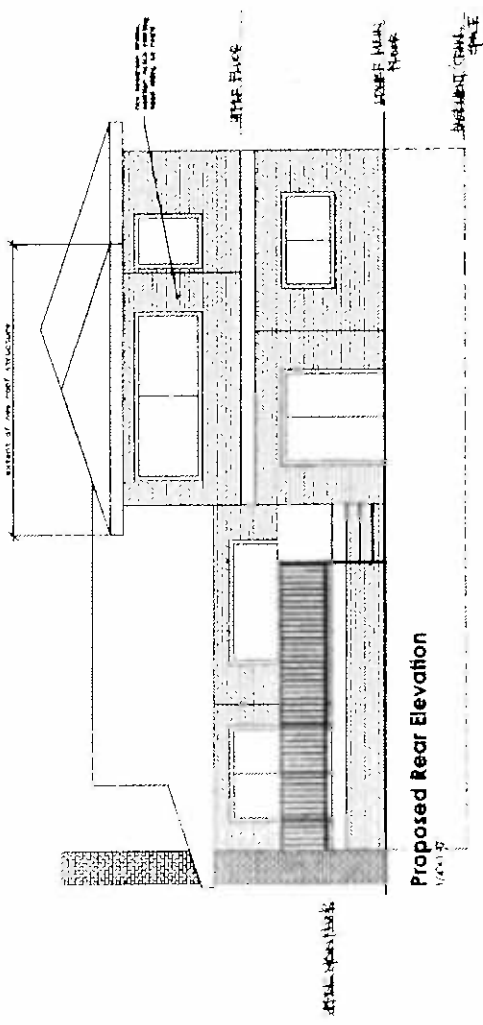
The applicant is proposing to construct interior alterations & finishing to the upper floor and an addition to the upper floor. The following relaxations are being requested:


- 1) The building depth of the principal building, measuring from the front face of the existing front attached garage to the rear face of the rear addition, will be 65.50' where a maximum 60.00' is permitted.
- 2) The rear yard setback of the principal building, measuring from the rear (southwest) property line to the rear face of the rear addition, will be 26.00' where a minimum 29.50' is required.

*Note: The applicant recognizes that should the project contain additional characteristics in contravention of the zoning by-law a future appeal(s) may be required.*

BY

Peter Kushnir  
Assistant Chief Building Inspector, Permits and Customer Service



 <b>Kennedy Construction</b>		05 / 12 / 2015 As Indicated Schmitt Residence	Project Name Proposed Renovation	Sheet 27 of 34 ID4
Kennedy Construction 1000 10th St St. Louis, MO 63103 (314) 433-1000		Date 05 / 12 / 2015	Project Name Proposed Renovation	Sheet 27 of 34 ID4
Kennedy Construction 1000 10th St St. Louis, MO 63103 (314) 433-1000		Date 05 / 12 / 2015	Project Name Proposed Renovation	Sheet 27 of 34 ID4

3.(a)





