



## **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 October 01 at 1:00 PM.

### **1. CALL TO ORDER**

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

STAFF: Ms. E. Prior, Administrative Officer  
Ms. M. Malysz, Development Plan Approvals Supervisor

The Chair for the Board of Variance called the meeting to order at 1:00 p.m.

### **2. MINUTES**

(a) [Minutes of the Board of Variance Hearing held on 2015 September 03](#)

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

THAT the minutes of the Hearing of the Burnaby Board of Variance held on 2015 September 03 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. 6191**

APPELLANT: Carman Kwan

REGISTERED OWNER OF PROPERTY: EC 888 Holdings Inc

CIVIC ADDRESS OF PROPERTY: [3701 Keith Street](#)

LEGAL DESCRIPTION OF PROPERTY: Lot 1; District Lot 175; LMP13886

APPEAL: An appeal for the relaxation of Section 405.6 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new warehouse and office building at 3701 Keith Street, with a front yard setback to the foundation of 15.0 feet where a minimum front yard setback of 29.53 feet is required. The canopy overhang would project up to 3.94 feet beyond the foundation where a maximum projection of 3.94 feet is permitted. (Zoning: Light Industrial District M5)

**APPELLANT'S SUBMISSION:**

Carman Kwan, architect, submitted an application on behalf of the owner to allow for the construction of a new warehouse and office building at 3701 Keith Street.

The owner and Carman Kwan appeared before members of the Board of Variance Hearing.

**BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS**

The subject site is located in the westernmost section of the Big Bend area, adjacent to Boundary Road. The age and condition of surrounding development varies, and includes new business centre oriented developments as well as older industrial properties and single family residences.

The subject property is zoned M5 Light Industrial District. In general, the M5 District is intended for high standard industrial and business centre developments that can be located in close proximity to residential areas with a minimum of conflict.

The subject site is an irregular corner lot, approximately 156 ft. wide and 286 ft. deep along the longer west side property line. The property fronts onto the Keith Street cul-de-sac to the southeast and flanks Boundary Road to the west. The site orientation is unique in that the Keith Street cul-de-sac intrudes into the southeast corner of the site. As a result, the south property line consists of the curved cul-de-sac line at the southeast portion of the lot, and a straight segment extending to the west side (Boundary Road) property line. This site orientation is consistent with the orientation of adjacent lots to the east, which front on Keith Street. To the west, across Boundary Road, is a green buffer area with a townhouse complex beyond, that are located in the City of Vancouver. To the north of the subject property, across the lane, are single

family residences. To the south and across the Keith Street cul-de-sac is an industrial development, containing primarily warehouse and wholesaling uses. Across the lane to the east, the subject site is bordered by an un-developed lot. The site observes a substantial downward slope of approximately 44 ft. from the north to the south. The property is currently a vacant wooded lot with no developed vehicular access.

The present configuration of the property originated with a five lot consolidation that incorporated a portion of the Keith Street right-of-way, which formerly extended to Boundary Road. At that time, a partial cul-de-sac was created at the southeast corner of the property, deducting a small area from the subject site. In addition, an approximately 33 ft. wide statutory right of way along the south property line was registered on the subject title for water, electricity and telephone purposes. Subsequently, the partial cul-de-sac was enlarged to its present form, deducting further from the subject site in accordance with the terms of subdivision (Subdivision Reference SUB#44/91). In addition, two covenants were registered at that time; the first established an approximately 26 ft. wide no-build area along the west (Boundary Road) property line and the second prohibited vehicular access to or from Boundary Road.

The subject site is proposed to be developed with a new industrial building including associated surface parking, which is the subject of this appeal. Vehicle access is proposed from the Keith Street cul-de-sac.

The appeal proposes the relaxation of the front yard setback to 15.0 ft., measured to the foundation, with a further canopy projection of up to 3.94 ft., where a minimum front yard setback of 29.53 ft. is required from the south (Keith Street) property line.

The intent of the Bylaw is to mitigate the massing impacts of new buildings and structures on neighbouring properties and to preserve a unified streetscape.

The requested variance is directly related to the unusual site geometry, which limits the developable area of the subject site, primarily within the Keith Street frontage in relation to the curved cul-de-sac frontage.

The main part of the proposed building would be sited well outside of the required front yard setback. The smaller three storey office component, proposed at the southeast corner of the building, would project approximately 14 ft. from the main building face. Only this office component would encroach, to varying degrees, into the required front yard setback along the cul-de-sac portion of the property line, with a maximum encroachment of 14.53 ft. at its southeast tip. However, given the relationship of this cul-de-sac to the neighbouring front property lines to the east of the subject site, the proposed building would be placed well behind other buildings within the subject block. As such, this relaxation would not result in any massing impacts to neighbouring sites or the street frontage.

Further, the steep topography of the subject site presents an additional challenge with

respect to parking and loading requirements. In this case, the proposal utilizes a more level area at the southwest portion of the site for loading and parking. This is likely the only area where required on-site maneuvering for loading activities can be fully accommodated, given the unusual site geometry.

Given that site conditions present a hardship and this request would not result in any impacts to the neighbouring properties or the existing streetscape, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MR. B. POUND:

SECONDED BY MR. S. NEMETH:

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

4. NEW BUSINESS

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

5. ADJOURNMENT

MOVED BY MR. B. POUND:

SECONDED BY MR. B. BHARAJ:

THAT this Hearing do now adjourn.

The Hearing adjourned at 1:09 p.m.

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Ms. C. Richter

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Mr. B. Bharaj

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Mr. G. Clark

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Mr. S. Nemeth

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Mr. B. Pound

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Ms. E. Prior  
ADMINISTRATIVE OFFICER