



## **BOARD OF VARIANCE**

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

**DATE:** THURSDAY, 2016 OCTOBER 06

**TIME:** 6:00 P.M.

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

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

**1. CALL TO ORDER**

**2. MINUTES**

(a) Minutes of the Board of Variance Hearing held on 2016 September 08

**3. APPEAL APPLICATIONS**

(a) **APPEAL NUMBER: B.V. 6245 6:00 p.m.**

**APPELLANT: DAVID SARRAF**

**REGISTERED OWNER OF PROPERTY: 450617 BC LTD**

**CIVIC ADDRESS OF PROPERTY: 7876 13th Avenue (7709 6<sup>th</sup> Street)**

**LEGAL DESCRIPTION OF PROPERTY: Lot 22; DL 28; Plan NWP24032**

**APPEAL:** An appeal for the relaxation of Section 302.6 of the Burnaby Zoning Bylaw which, if permitted, would allow for the retention of an addition (built without permit) to an existing commercial building at 7876 13th Avenue (7709 6<sup>th</sup> Street). There would not be a front yard setback where a minimum front yard setback of 6.5 feet is required. (Zone Community Commercial District C2)

(b) **APPEAL NUMBER:**    **B.V. 6246**                      **6:00 p.m.**

**APPELLANT:**    Trevor Toy, Raffaele and Associates

**REGISTERED OWNER OF PROPERTY:**    Sonny Gurjal

**CIVIC ADDRESS OF PROPERTY:**    7774 Government Road

**LEGAL DESCRIPTION OF PROPERTY:**    Lot 54; DL 42; Plan 26832

**APPEAL:**    An appeal for the relaxation of Section 101.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling at 7774 Government Road. The front yard setback would be 29.53 feet where a minimum setback of 114.5 feet is required based on front yard averaging. All projections into the proposed front yard will conform to the requirements of Section 6.12. (Zone R1)

4.    **NEW BUSINESS**

5.    **ADJOURNMENT**



**CITY OF BURNABY**

**BOARD OF VARIANCE**

***NOTICE OF OPEN MEETING***

**MINUTES**

A Hearing of the Board of Variance was held in the City Hall Cafeteria, Lower Level , 4949 Canada Way, Burnaby, B.C., on Thursday, 2016 September 08 at 6:00 p.m.

**1. CALL TO ORDER**

PRESENT: Ms. Charlene Richter, Chair  
Mr. Guyle Clark, Citizen Representative  
Mr. Rana Dhatt, Citizen Representative  
Mr. Stephen Nemeth, Citizen Representative  
Mr. Brian Pound, Citizen Representative

STAFF: Ms. Margaret Malysz, Planning Department Representative  
Ms. Eva Prior, Administrative Officer

The Chair for the Board of Variance called the meeting to order at 6:00 p.m.

**2. MINUTES**

**(a) Minutes of the Board of Variance Hearing held on 2016 August 04**

MOVED BY MR. POUND  
SECONDED BY MR. CLARK

THAT the minutes of the Burnaby Board of Variance Hearing held on 2016 August 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. 6242**

APPELLANT: Shao Ng

REGISTERED OWNER OF PROPERTY: Goei and Kong Ng

CIVIC ADDRESS OF PROPERTY: 584 Calvin Court

LEGAL DESCRIPTION OF PROPERTY: Lot 345; DL 207; Plan NWP55826

APPEAL: An appeal for the relaxation of Section 104.6(1)(a) of the Burnaby Zoning Bylaw which, if permitted, would allow for the interior alteration and addition to the upper floor of an existing single family home at 584 Calvin Court. The principal building height would be 3 storeys where a maximum of 2.5 storeys is permitted. (Zone R4)

**APPELLANT'S SUBMISSION:**

Shao Ng submitted an application requesting a relaxation of the zoning bylaw to expand the second storey and increase the size of the master bedroom. Mr. Ng is moving into his parent's home which they are vacating, and is renovating to create a more comfortable master bedroom.

Mr. Shao Ng and Mr. Kong Ng appeared before members of the Board of Variance.

**BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS**

The subject site is zoned R4 Residential District and is located in the Lochdale neighbourhood where the age and condition of the existing single and two family dwellings vary. This slightly irregular interior lot is approximately 59.5 ft. wide and 150.0 ft. deep and is fronting Calvin Court to the southwest. The subject site abuts single family lots to the northwest and southeast. A greenway of the Burnaby Mountain Urban Trail borders the site to the northeast. Along the northeastern (rear) property line, the site is restricted by an approximately 45.0 ft. wide "no built/landscape buffer" easement. Vehicular access to the subject site is provided via Calvin Court to the southwest. The site observes a downward slope of approximately 3.0 ft. from east to west.

The subject site contains a 2 ½ storey single family dwelling, consisting of a basement, main floor and upper floor which were originally built in 1980. The applicant proposes various additions and interior alterations to the dwelling, including an addition to the upper floor. The upper floor addition is the subject of this appeal.

The appeal is to vary Section 104.6(1)(a) - Height of Principal Building for single family dwelling of the Zoning Bylaw from 2 ½ storey and 29.5 ft. to 3 storey and 29.5 ft. for a building with a sloping roof.

The intent of the height requirements of the Zoning Bylaw is to mitigate the massing impacts of the new buildings and structures on neighbouring properties and to preserve the views.

The existing building contains an upper floor with an area of 748.0 sq. ft. which is located on the eastern section of the building. According to the Zoning Bylaw this section of the building is considered as a “storey, half” since it contains less than 50% of the gross floor area of the storey immediately below (first floor). The proposed addition would extend the upper floor 16.5 ft. further to the front of the building, while maintaining the existing width of 22.0 ft. As a result, the proposed upper floor with an area of 1132.3 sq. ft. would exceed 50% of the gross floor area of the main floor by 282.3 sq. ft. or 33 % (it is noted that the gross floor area of the main floor does not include an area of the existing 2-car garage, attached to the front of the dwelling). The proposed upper floor after extension would not be considered as a “storey, half” and will be counted as a “storey”.

The proposed addition is the extension of the existing upper floor and would not increase the total height of the building. In fact, height of the proposed section of the upper floor would remain less than the height of the existing section of the upper floor. The addition would essentially appear as a large dormer, set back 4.5 ft. from the existing front face of the garage below.

The upper floor addition would not create an additional storey nor would add to the existing height of the building of approximately 28.15 ft. However, considering the definition of “storey” and “storey, half” in the Zoning Bylaw, the upper floor should be counted as a “storey” following the proposed extension compare to “storey, half” in the current condition.

The subject dwelling has a maximum building depth of 60.0 ft. Therefore, despite an approximate 13.0 ft. deep rear yard as a potential for horizontal extension of the building (with the rear yard setback of 57.9 ft.), there are limited design options which would not create a need for another variance on the subject site.

In summary, the proposed variance to the height requirements of the Zoning Bylaw would not impact neighbouring properties and would not be out of the ordinary within the existing street frontage.

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

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. POUND  
SECONDED BY MR. NEMETH

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

**(b) APPEAL NUMBER: B.V. 6243**APPELLANT: Derek DrewREGISTERED OWNER OF PROPERTY: 0779999 BC LTDCIVIC ADDRESS OF PROPERTY: 3010 Boundary RoadLEGAL DESCRIPTION OF PROPERTY: Lot 1; DL 69; Plan NWP1321

APPEAL: An appeal for the relaxation of Sections 304.6, 6.13(1)(a) and 6.14(5)(a) of the Burnaby Zoning Bylaw which, if permitted, would allow for the retention of an existing deck and fence at 3010 Boundary Road. The following variances are being requested:

- a) an existing fence encroaching into the vision clearance area with varying heights up to a maximum of 5.5 feet where the maximum height of 3.28 feet is permitted;
- b) retention of the existing front yard fence which is of varying heights up to a maximum of 6.08 feet where the maximum height of 3.28 feet is permitted; and,
- c) an existing deck encroaching 2.1 feet into the required front yard of 6.5 feet. (Zone C4)

**APPELLANT'S SUBMISSION:**

Derek Drew, Sutton Centre Realty, submitted an application requesting a relaxation of the zoning bylaw to allow for retention of a fence and deck. Mr. Drew explained the fence does not block vision to traffic, and provides additional security to the property. As well, the deck and fence beautify the site, provide a private space for staff, and give it a more professional look.

Mr. Derek Drew and Mr. John Skender appeared before members of the Board of Variance.

**BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS**

The subject site is located in the Cascades-Schou area, in a mixed-use commercial neighbourhood in which the age and conditions of buildings vary. The site is zoned C4 Service Commercial District, which is intended to accommodate vehicular oriented commercial uses of low intensity. The subject lot measures approximately 66 ft. in width and 122 ft. in depth. This corner lot fronts onto the east side of Boundary Road and flanks Manor Street to the north. The site takes vehicle access from a rear lane to the east. The site is bordered by a parking area of a gasoline service station to the south. There is a single family dwelling across the lane to the east and a single family complex across Boundary Road to the west, within the Vancouver area. The site observes a downward slope of approximately 8.00 ft. in the south-north direction.

The subject property is improved with a two storey office building, including one level of underground parking, and associated on-site parking to the rear and landscape at the front. The existing building was originally built in 1977 and further improved with various interior alterations around 2004 and 2007. In 2014 the applicant applied for a preliminary plan approval with respect to a new deck proposal. Sometime around 2015 an outdoor deck and associated fence was built within the existing landscaped area at the front of the subject site without the benefit of the preliminary plan approval. This unauthorized deck and fence is the subject of the three appeals.

The first a) appeal is to allow the existing fence to encroach into the vision clearance area at the intersection of Boundary Road and Manor Street. The fence will have a varying height of up to 5.50 ft. along the Boundary Road property line to the west and along the Manor Street property line to the north, where a maximum height of 3.28 ft. is permitted.

The second b) appeal is to allow retention of the existing fence at the front yard along the Boundary Road, with varying heights up to a maximum of 6.08 ft. where the maximum height of 3.28 ft. is permitted.

The third c) appeal is to allow the existing deck to encroach 2.10 ft. into the property's front yard along the Boundary Road where no patio or deck/terrace is permitted within the required front yard of 6.50 ft.

With respect to the first a) variance, the intent of the Bylaw in requiring the vision clearance is to facilitate vehicular, pedestrian and cyclists' safety at street and lane intersections. The vision clearance area is a triangular area formed by the property lines and a line joining two points along the property lines. In this case, the joining line must be 29.53 ft. from the intersection of the streets.

With respect to the second b) and third c) variance, the intent of the Bylaw to limit the height of the fences or walls to a maximum height of 3.28 ft. and not permitting patios or decks/terraces within the required front yard is to ensure uniform open front yards and to limit the massing impacts of such structures on neighbouring properties.

The already built deck, 24.00 ft. wide by 16.00 ft. deep, is located approximately 4.40 ft. away from the Boundary Road property line and 12.00 ft. away from the Manor Street property line. The deck is raised from the adjacent finished grade up to a maximum of 2.00 ft. at the northwest corner; this portion of the site observes the lowest grades. The finished grades around the deck area have been slightly raised, approximately 1.00 ft., as compared to the existing grades. The deck is enclosed partly with a solid wooden fence and partly with a semi-transparent wooden fence/guard, built around the seating area at the perimeter of the deck. Immediately in front of the west (Boundary Road) edge of the deck and the north (Manor Street) edge of the deck a tall hedge, approximately 6.00 ft. high, has been planted. The mature trees and shrubs currently exist within the Boundary Road and Manor Street boulevard area along the west and north property line.

It should be noted that the Zoning Bylaw requires no hedge, shrub, tree or other growth be maintained or allowed to grow so as to obstruct vision clearance within a private property.

With respect to the first a) variance, almost entire fence/guard enclosure along the north (Manor Street) edge of the deck and approximately a half of the guard enclosure along the west (Boundary Road) edge of the deck encroaches into the vision clearance area, which is a concern. The fence/guard structure within this vision clearance area is up to 2.22 ft. over the maximum allowable height, which is a major variance. A mitigating factor, to a degree, could be that there is a stop sign for the upcoming traffic from Manor Street going onto Boundary Road. Also, there is no left turn option at this point, as vehicles traveling in opposite directions are separated by the boulevard median in the subject section of Boundary Road.

In summary, given ongoing concerns regarding traffic safety, this Department questions the advisability of reducing the vision clearance setback. Therefore, this Department cannot support the granting of the first a) major variance, which reduces traffic safety at the street intersection.

With respect to the second b) variance, according to the submitted drawings, the over height portion of the fence/guard enclosure consists mainly of a solid fence section, approximately 8.08 ft. long, at the southern front portion of the deck, and a semi-transparent fence/guard section, approximately 15.93 ft. long, at the northern front portion of the deck. The solid fence section exceeds the permitted height by 2.80 ft. and the semi-transparent guard section exceeds the permitted height by up to 2.22 ft., which is a substantial variance. Further, although the excess height does not create direct massing impacts on the distant neighbouring buildings across the Boundary Road to the west, as well as neighbouring properties to the north and south, it appears that this variance is a result of a design choice rather than a necessity.

For this reason, this Department cannot support the granting of the second b) variance, which further contributes to the first a) variance.

With respect to the third c) variance, the raised deck/terrace and the fence around it encroach with its entire width (24 ft.) into the required front yard setback, 1.80 ft. at the northwest corner and 2.1 ft. at the southwest corner. Again, although the requested relaxation has no impact on the visual character of the neighbouring properties, it is difficult to find hardship in this case.

Further, Section 6.12(1)(e) "Projections into Required Yards" of the Zoning Bylaw permits uncovered patio or terrace, which may be open or enclosed, in any yard in an A, R or RM District (subject to the fence height limitations as specified in Section 6.14 of this Bylaw) which are generally residential oriented districts. Since the subject site is zoned C4 Service Commercial District, a front yard deck encroachment brings a question of suitability of an outdoor deck/terrace use in this case.

In view of the above, this Department cannot support the granting of the third c) appeal.



ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. CLARK  
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

MOVED BY MR. CLARK  
SECONDED BY MR. NEMETH

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

CARRIED UNANIMOUSLY

MOVED BY MR. CLARK  
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

(c) **APPEAL NUMBER:** B.V. 6244

APPELLANT: Amarjit Dhillon

REGISTERED OWNER OF PROPERTY: Sharon and Amarjit Dhillon

CIVIC ADDRESS OF PROPERTY: 7637 Clayton Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 88; DL 85; Plan NWP24538

APPEAL: An appeal for the relaxation of Section 101.7(b) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family home at 7637 Clayton Avenue. The depth of the principal building would be 72.25 feet where a maximum depth of 60.0 feet is permitted. (Zone R1)

*Prior to the commencement of this appeal (approximately 6:35 p.m.), Mr. Rana Dhatt declared a conflict of interest and left the Cafeteria for the duration of this appeal.*

APPELLANT'S SUBMISSION:

Amarjeet Dhillon submitted an application to allow for the construction of a new home and is requesting a variance of the principal building depth.

Mr. Dhillon appeared before members of the Board of Variance.

### BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site, which is zoned R1 Residential District, is located in a stable single-family neighbourhood in the Morley-Buckingham area. This irregular interior lot is an existing oversized lot (12,582.20 sq. ft.) with a lot width of approximately 80.00 ft. and a lot depth of 165.10 ft. (along the northern property line). The site at the southeast corner is “clipped” where Clayton Avenue (approaching from the south) connects to Gordon Street (approaching from the east). At the intersection, Clayton Avenue continues to the north as a 10.00 ft. wide public walkway. As a result, the subject site has a frontage of approximately 50.00 ft. wide at the intersection and a 38.00 ft. wide along the public walkway.

Following construction of the new dwelling, vehicular access to the site will remain off Clayton Avenue at the southeast corner of the site. There is no lane access at the rear or side of the property. The site is adjoining single family dwellings on the north, west, and south and across the public walkway to the east. The site observes a downward slope of approximately 10.00 ft. from the front lot line (eastern property line) to the rear (western property line).

The subject lot is proposed to be redeveloped with a new single family dwelling, a secondary suite and an attached garage.

The appeal is to vary Section 101.7(b) – Depth of Principal Building of the Zoning Bylaw from 60.00 ft. to 72.25 ft. to allow construction of a new single family dwelling.

The intent of the principal building depth requirements of the Zoning Bylaw is to prevent construction of the dwellings that present long imposing walls, where the massing of the building impacts the neighbouring properties.

The proposed building will exceed the maximum permitted building depth by 12.25 ft. The applicant is required to submit a revised plan reducing depth of the roof overhang to a maximum of 2.95 ft. Section 3 of the Zoning Bylaw exclude the roof overhang up to 2.95 ft. in length from calculation of the building depth (the proposed depth of the roof overhang is currently 3.92 ft.). The proposed building depth is significantly higher than the 60.00 ft. permitted building depth in R1 Residential District.

The proposed building is located approximately at the same location as the existing dwelling. The building is a two-storey dwelling featuring three major recesses at the front and rear elevations. The proposed design would provide the required front yard setback of 29.5 ft. following the “clipped” circular portion of the site (at the southeast corner). As a result, the south and north elevations adjoining the properties to the south and north would not appear as long imposing walls with significant negative impacts on the neighbouring properties.

The proposed depth of the building will appear smaller than the maximum permitted building depth of the Zoning Bylaw (56.93 ft. viewing from the south and 55.75 ft. viewing from the north). In addition, the generous setbacks of the upper floor from the

main floor building footprint at the front and rear elevations (8.25 ft. and 9.25 ft. respectively) will further help to mitigate massing impacts of the additional building depth.

Although the site geometry may present some challenges with respect to the construction, it is difficult to identify any hardship on this site. In fact, on this oversized lot, the need for relaxation of the building depth appears to be a result of the design preference (i.e. proposing two large covered decks, 10.00 ft. by 22.25 ft. and 10.67 ft. by 23.57 ft. in size on the west (rear) of the building will contribute to the excessive building depth by 10.0 ft.).

The proposed setbacks and the building design will mitigate the visual impacts of the building massing on the neighbouring properties. However, staff recommends that a modification should be made to the design of the residence, perhaps by relocating or reducing the decks size, in order to bring this proposal into compliance with the building depth requirements of the Bylaw. Alternatively, a modification to the design, which would result in a substantial reduction in the requested variance, is recommended.

For this reason, this Department does not support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from the property owner of 7629 Clayton Avenue in opposition to this appeal. The writer advised that he will be greatly impacted by the construction of the proposed home as he shares a south side property line.

The owner of 7629 Clayton Avenue appeared at the Board of Variance. The owner requested that his correspondence be withdrawn as his concerns were allayed after speaking with the appellant.

MOVED BY MR. NEMETH  
SECONDED BY MR. POUND

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

*Upon conclusion of this appeal (approximately 6:45 p.m.), Mr. Dhatt returned to the Board of Variance hearing and took his seat at the table.*

4. NEW BUSINESS

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

5. **ADJOURNMENT**

MOVED BY MR. POUND  
SECONDED BY MR. NEMETH

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:50 p.m.

\_\_\_\_\_  
Ms. C. Richter

\_\_\_\_\_  
Mr. G. Clark

\_\_\_\_\_  
Mr. R. Dhatt

\_\_\_\_\_  
Mr. S. Nemeth

\_\_\_\_\_  
Ms. E. Prior  
ADMINISTRATIVE OFFICER

\_\_\_\_\_  
Mr. B. Pound



# 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 DAVID SARRAF  
 Mailing Address ~~4506TH~~ 1955 West 4th Ave  
 City/Town VANCOUVER Postal Code V6J 1M7  
 Phone Number(s) (H) \_\_\_\_\_ (C) 604-816-0169  
 Email DKITCHENCORNER @.gmail.com  
 Preferred method of contact: ☒ email ☒ phone ☐ mail

### Property

Name of Owner ~~DAVID SARRAF~~ 4506TH BC LTD  
 Civic Address of Property ~~7709 6th Street, Burnaby~~  
7876 13TH AVE

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.

Date

SEP 11/2016

Applicant Signature

[Signature]

### Office Use Only

Appeal Date \_\_\_\_\_

Appeal Number BV# \_\_\_\_\_

#### Required Documents:

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

CITY OF BURNABY

SEP 01 2016

CLERK'S OFFICE

Any documents submitted in support of this Board of  
Variance Appeal will be made available to the Public



David Sarraf <dkitchencorner@gmail.com>

## Letter of Hardship re 7709 6th street or 7876 13th avenue Burnaby , Bc

1 message

David <dkitchencorner@gmail.com>

Thu, Sep 1, 2016 at 11:47 AM

To: 450617 Bc Ltd <dkitchencorner@gmail.com>

Attention: Board of Variance

Dear Members of the Board

I am writing this letter to express my hardship regarding this building.

We purchased this building on on October 19 2015 10 months ago.

This building was in very bad shape.

Roof leaking, no parking, back yard is a mess, bad peoples that doing drugs living there.  
Garbage everywhere.

The worst was 7709 6th street

Which was an a 2 bedroom apartment.

7 peoples were living there, the tenant built cages with  
wood and padlocks on the doors for peoples to live there.

The place was sick ! Filthy and Infested with rats and mice !

We had to stop breathing when we walked in !

It was sick to see people's living in these kind of conditions in these days.

The front window and door was only approx 12 feet from the bus stop facing 6th street.  
there are another 2 stores Facing 6th street.

It did not make sense to have an apartment there, it should be retail store the same as the rest of the front of the building.

So we decided to demolish the apartment and make it a store.

When we were doing it the contractor realized that the front of the apartment was built as a store front before,  
and he decided to restore it like it was before.

You can see that the windows and the front were built before to the property line and it was a store.

So he followed the same, and restored the front of the store to where it was before.

It made sense, as now the all front of the building including the other 2 stores total of 60 feet frontage are in the  
same line up from the side walk and sitting in straight line on the property line.

It does not make sense that 20 feet of the front of building will be set back and the other 40 feet will stick out.

The front of building has to be in one straight line.

If we have to remove it it will cost between 12.000.00 to 20.000.00 as all the windows and framing have to be  
replaced.

It will destroy the look of the building .

The building look much better

Than before.

We spent a lots of money on this building to fix it and make livable.

We have 4 apartments in top and one apartment on the side.

The tenants now are all working  
Peoples and good clean tenants.

We put a new roof. New asphalt parking lot in the back, new metal cladding on the outside of the Building.  
All the Peoples that live around there always thanking us for cleaning the neighborhood.

We Also received bad news yesterday.  
Unit 7709 we leased it to martial art school 3 months ago.  
The tenant decide to leave as he cannot operate without a business Licence. He needs to earn a living and he cannot wait for this case to be resolved.  
He is waiting for it for too long  
The planning Department approved his used.  
I spent thousands of dollars wit a designer and drawings to apply for Hus martial art school.  
It was all wasted money and efforts !

This is a big lost to 6th street, to the neighborhood and to the city of Burnaby and me.  
This martial art school was supposed to bring children and parents to the area.  
Good peoples !  
We lost it now !

Next door to us going south there is a house that the Windows are covered with plywood.  
This house was condemned 2 years ago by the city as it was a full of people doing drugs.  
It was a drug house.  
The mayor of Burnaby is aware of it.

It is very sad and upsetting for  
A person like me that improve  
The old buildings and cleaning  
The street to make it better living condition.  
the city should help me !  
And compliment my work and efforts.

There article about me in new West.  
If you want to know more about what I do, You can google :

David sarraf New Westminster

Thank you  
Best regards

David sarraf  
President  
The kitchen corner  
Or  
450617 BC Ltd  
1955 west 4th avenue  
Vancouver Bc V6J 1M7  
Cell 604 816 0169  
Fax 604 221 4252

BOARD OF VARIANCE REFERRAL LETTER		
<b>DATE:</b> 2016 September 01	<b>DEADLINE:</b> 2016 September 06 <b>Date of Hearing:</b> 2016 October 06	<i>This is <u>not</u> an application.</i>  <i>Please take referral letter to Board of Variance. (Clerk's office)</i>
<b>NAME OF APPLICANT:</b> David Sarraf 450617 BC Ltd		
<b>ADDRESS OF APPLICANT:</b> 1955 West 4 <sup>th</sup> Avenue Vancouver, BC V6J 1M7		
<b>TELEPHONE:</b> 604 816 0169		

<b>Preliminary Plan Approval Application: PPA #16-00166</b>			
<b>DESCRIPTION:</b> Addition to the exiting commercial building (built w/o permit)			
<b>ZONING:</b> Community Commercial District C2			
<b>ADDRESS:</b> <del>7709 Sixth Street</del> 7876 13 <sup>TH</sup> AVE			
<b>LEGAL:</b>	<b>LOT:</b> 22	<b>DL:</b> 28	<b>PLAN:</b> NWP24032

The above mentioned application for Preliminary Plan Approval has been suspended pending Board of Variance review pursuant to the following section(s) of the Zoning Bylaw.

**Section(s) 302.6**

**COMMENTS:**

**An appeal for the relaxation of Section 302.6 – Front Yard of the Burnaby Zoning Bylaw from 2.0 m. (6.5 ft.) to 0.0 m. (0.0 ft.) (nil front yard). The purpose of this variance is to retain the already built addition to the existing commercial building located at the front yard of 7709 Sixth Street.**

*Note: The applicant recognizes that this appeal request, as per the submitted drawings, if granted, would be subject to full compliance with all other applicable Municipal regulations and requirements. Should the project contain additional characteristics in contravention of the Zoning By-law, future appeals(s) may be required.*



Margaret Malysz  
Supervisor, Development Plan





# 7706 Sixth Street - Aerial 2014

September 1, 2016

1382



KEY PLAN

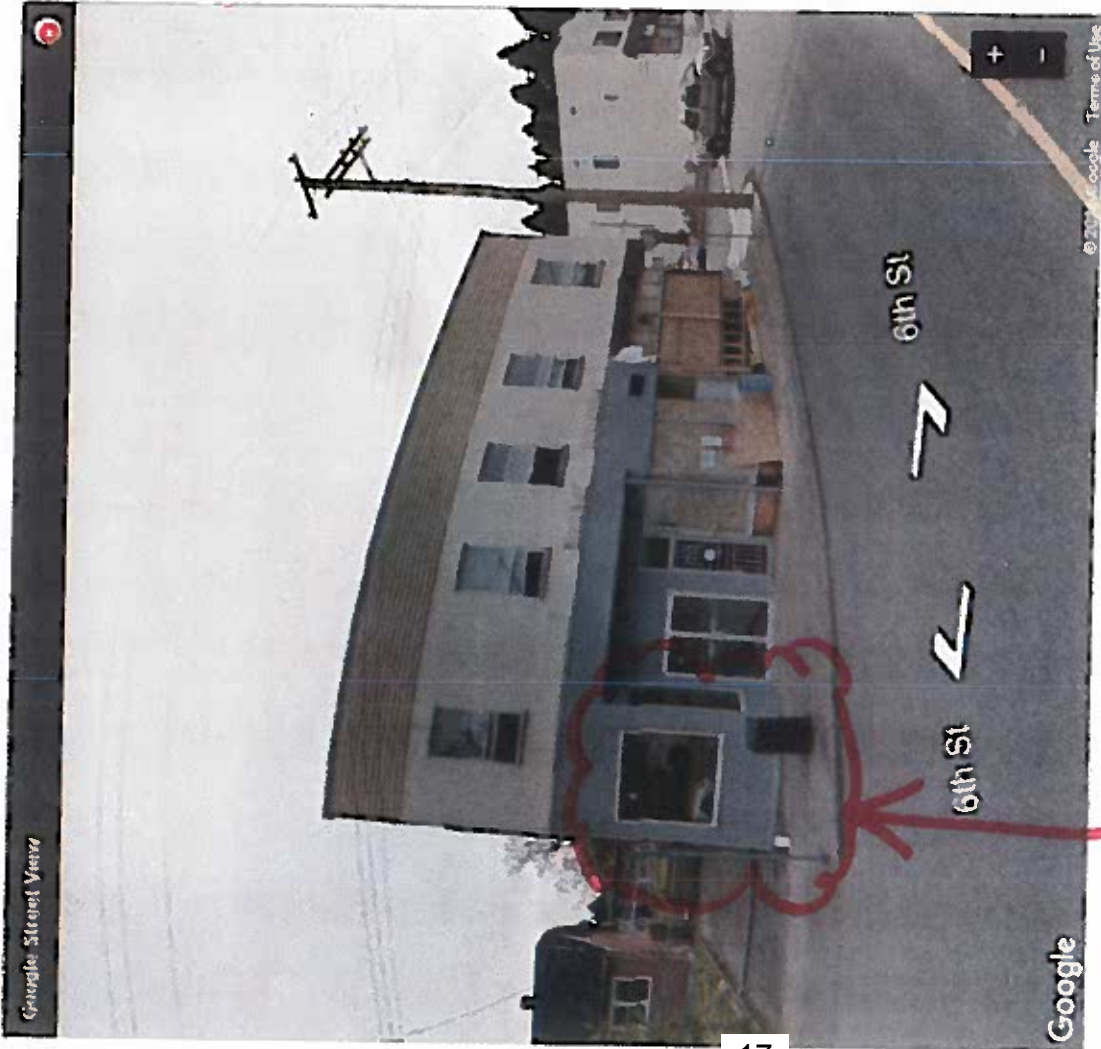
The information has been gathered and assembled on the City of Burnaby's computer systems. Data provided herein is derived from a number of sources with varying levels of accuracy. The City of Burnaby disclaims all responsibility for the accuracy or completeness of information contained herein.

3.(a)









BOV REFERRAL 2016





EXISTING BUILDING 2014







# 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 TREVOR TOY  
 Mailing Address 2642 E HASTINGS STREET  
 City/Town VANCOUVER Postal Code V5K 1Z6  
 Phone Number(s) (H) 604 251 4610 (C) \_\_\_\_\_  
 Email office. raffaele@gmail.com  
 Preferred method of contact: ☒ email ☐ phone ☐ mail

### Property

Name of Owner JOHN GURJAL  
 Civic Address of Property 7774 GOVERNMENT ST BURN

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.

Sept 6 2016  
 Date

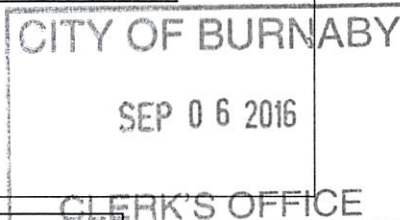
Trevor Toy  
 Applicant Signature

### Office Use Only

Appeal Date \_\_\_\_\_ Appeal Number BV# \_\_\_\_\_

#### Required Documents:

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



**Any documents submitted in support of this Board of  
Variance Appeal will be made available to the Public**

## **Raffaele & Associates Design and Planning Consultants**

2642 East Hastings Street, Vancouver, BC V5K 1Z6 p. 604-251-4610 e. [office.raffaele@gmail.com](mailto:office.raffaele@gmail.com)

---

**Attn: Burnaby Board of Variance**

**Re: 7774 Government St., Burnaby**

Dear Honourable Board Members,

Our site at 7774 Government Street is subject to two site conditions that makes it impossible for a house to be designed under the current zoning bylaw. We are writing this letter to request a variance to allow for the use of the minimum front yard setback of 29.53 feet instead of the average front yard setback or 114.5 feet, calculated by the neighbouring properties.

There are two factors that will put undue hardship when designing a house on our site. The first factor is that our lot depth is much less than the neighbours; therefore, their houses can be set back much farther than ours and the resulting front yard average that this creates takes over most of our lot at 114.5 feet. The second is that there is a water course behind our property which has been reviewed by the Environmental Review Committee (ERC) and they have asked for a minimum rear yard setback of 55.77 feet. Due to these two factors, there is no resulting building envelope since these numbers overlap.

We respectfully request a variance for using the minimum front yard setback instead of the average front yard setback. Without this variance, the site conditions will incur undue hardship on the buildable area and make it impossible for any house to be designed on this lot. We hope that you understand our situation and we thank you for your time and consideration.

Regards,

Raffaele & Associates

Letter of Support for Board of Variance Application

May, 2016

To: Board of Variance Burnaby City Hall

Re: #7774 Government Road., Burnaby

Dear Honourable Board Members,

We, the residents at 7750 GOVERNMENT RD are writing this letter in support of our neighbours at #7774 Government Road and their Board of Variance Application for the front yard setback.

Thank you for your time.

Date: September 3, 2016

Print Name;

ANANT PAL SINGH

Sign;

AL Singh



**Letter of Support for Board of Variance Application**

May, 2016

To: Board of Variance Burnaby City Hall

**Re: #7774 Government Road., Burnaby**

Dear Honourable Board Members,

We, the residents at 7732 Government Rd are writing this letter in support of our neighbours at #7774 Government Road and their Board of Variance Application for the front yard setback.

Thank you for your time.

Date; 3 SEPT 2016

Print Name;

SURINDER SINGH

Sign;




**BOARD OF VARIANCE REFERRAL LETTER**

<b>DATE:</b> September 6, 2016		<b>DEADLINE:</b> September 6, 2016 for the October 6, 2016 hearing		<i>This is <b><u>not</u></b> an application. Please take letter to Board of Variance. (Clerk's office - Ground Floor)</i>
<b>NAME OF APPLICANT:</b> Raffaele and Associates				
<b>ADDRESS OF APPLICANT:</b> 2642 E. Hastings, Vancouver, V5K 1Z6				
<b>TELEPHONE:</b> 604.251.4610				
<b>PROJECT</b>				
<b>DESCRIPTION:</b> New single family dwelling				
<b>ADDRESS:</b> 7774 Government Road				
<b>LEGAL:</b>	<b>LOT:</b> 54	<b>DL:</b> 42	<b>PLAN:</b> 26832	

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) R1 [101.8]**  
of the Burnaby Zoning Bylaw No. 4742

**COMMENTS:**

The applicant is proposing to build a new single family dwelling. The following relaxation is being requested.

- 1) Under Section 101.8 of the Burnaby Zoning Bylaw the depth of the front yard is required to be 114.5 feet (based on front yard averaging). A front yard depth of 29.53 feet is proposed.

All projections into the proposed front yard will conform to the requirements of Section 6.12.

This variance is being requested in order to allow construction of the single family dwelling and its front porch within the required front yard.

*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.*

CN

Peter Kushnir  
Deputy Chief Building Inspector

**PARFELS & ASSOCIATES BUILDERS**

- |  |         |  |
|--|---------|--|
|  | TOTAL : |  |
|--|---------|--|
- ACTIONAL PITCH :            TOTAL :
- CELLAR  
TOTAL :

TWOIN FLOOR  
RECEIVED FLOOR  
  
TOTAL :

ACTIONAL PITCH :

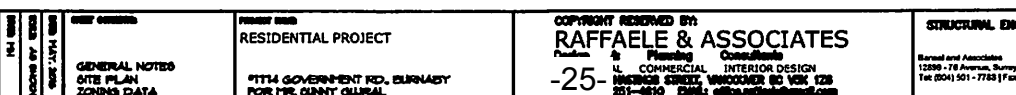
TOTAL :

## 6. ETHICAL CONSIDERATIONS ON ANTI-

- |                     |         |
|---------------------|---------|
| WITH CO-ORDINATE    | 5/4/156 |
| DRAWING             | 1527/05 |
| MAJORITY            | 754.54  |
| CONF. PATRO & POCOL | 1204.17 |
| EXERC. PATRO & FILM |         |
| 107/16              | 6/20/15 |

### LEGAL DESCRIPTION, IN AN

STUDYING ABILITY	<input checked="" type="checkbox"/> IMPROVING	<input type="checkbox"/> IMPROVING WITH INSTRUCTION
------------------	---	---

[illegible]

<p><b>WOMEN:</b></p> <p>ay, DC V3W 1E6          DC (804) 501 - 6180</p>			<p>for the          Feb 27, 1980          PROCEED WITH          010/01/1980</p>
---	--	--	---

COPYRIGHT RESERVED BY:  
**RAFFAELE & ASSOCIATES**  
Pratiche di Planning Consultants  
-25- U. COMMERCIAL INTERIOR DESIGN  
MIRIAM STREET, WHOOVER RD VOK 126  
221-6610 FAX: office@raffaele.com

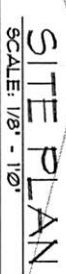
**STRUCTURAL ENGINEER:**  
Barrett and Associates  
12896 - 78 Avenue, Surrey, BC V3W 1E6  
Tel: (604) 501-7763 | Fax: (604) 501-6180

**RESIDENTIAL PROJECT**

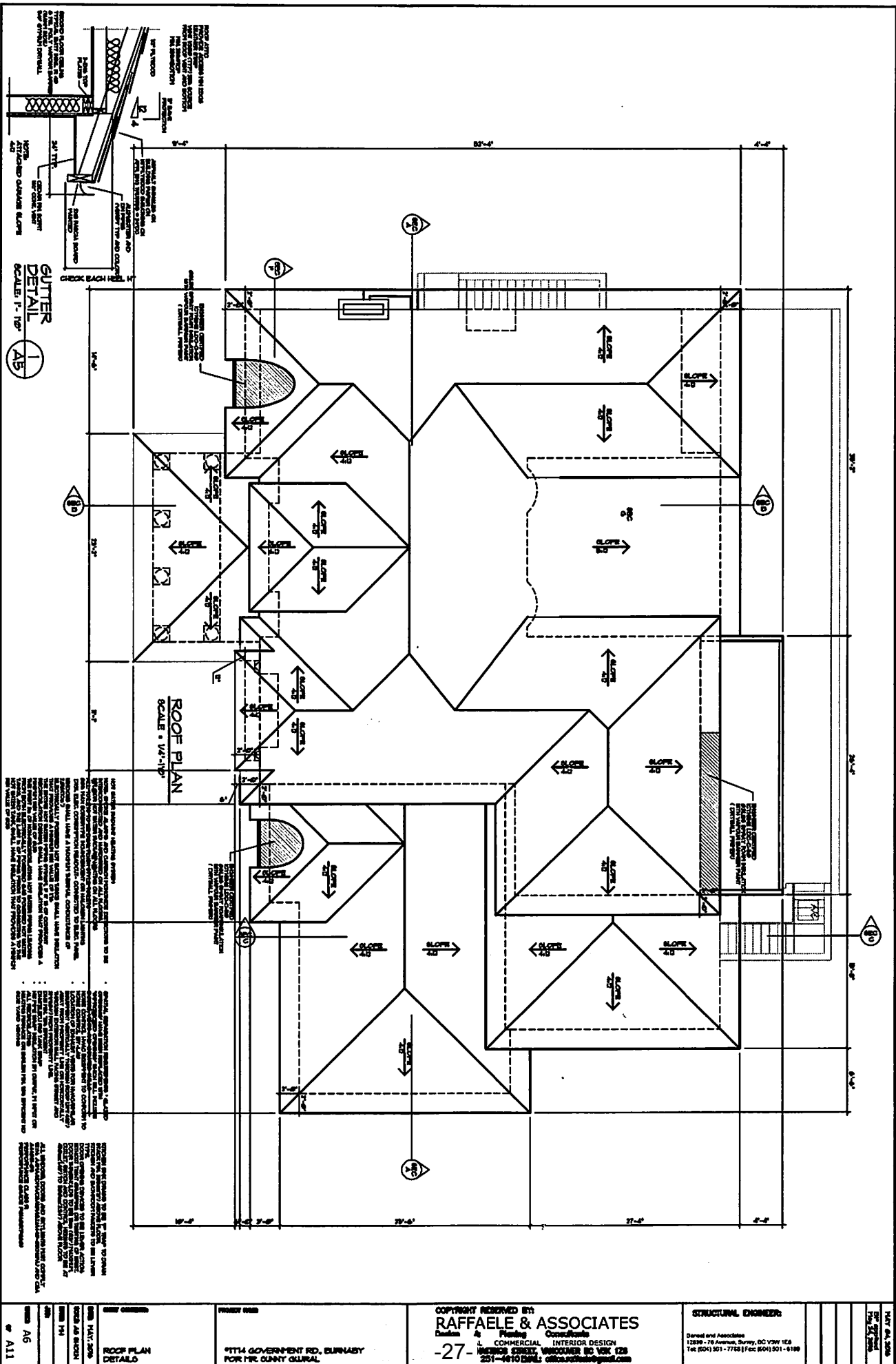
**9114 GOVERNMENT RD., BURNABY  
FOR MR. GUNN, CUBRAL**

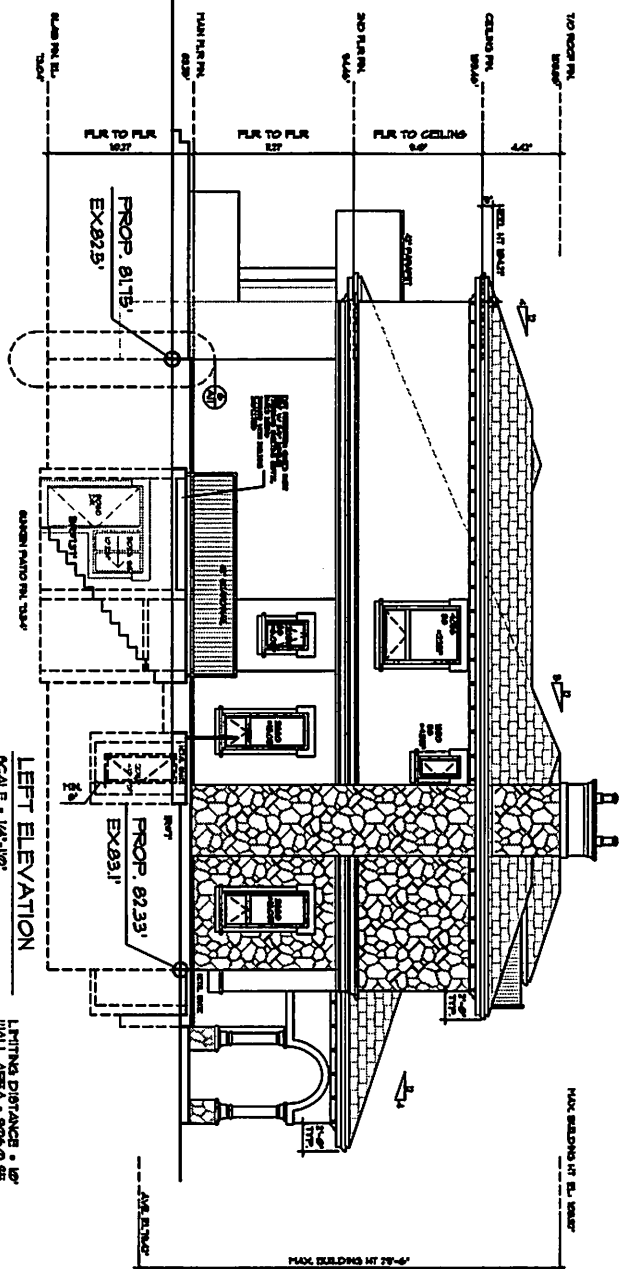
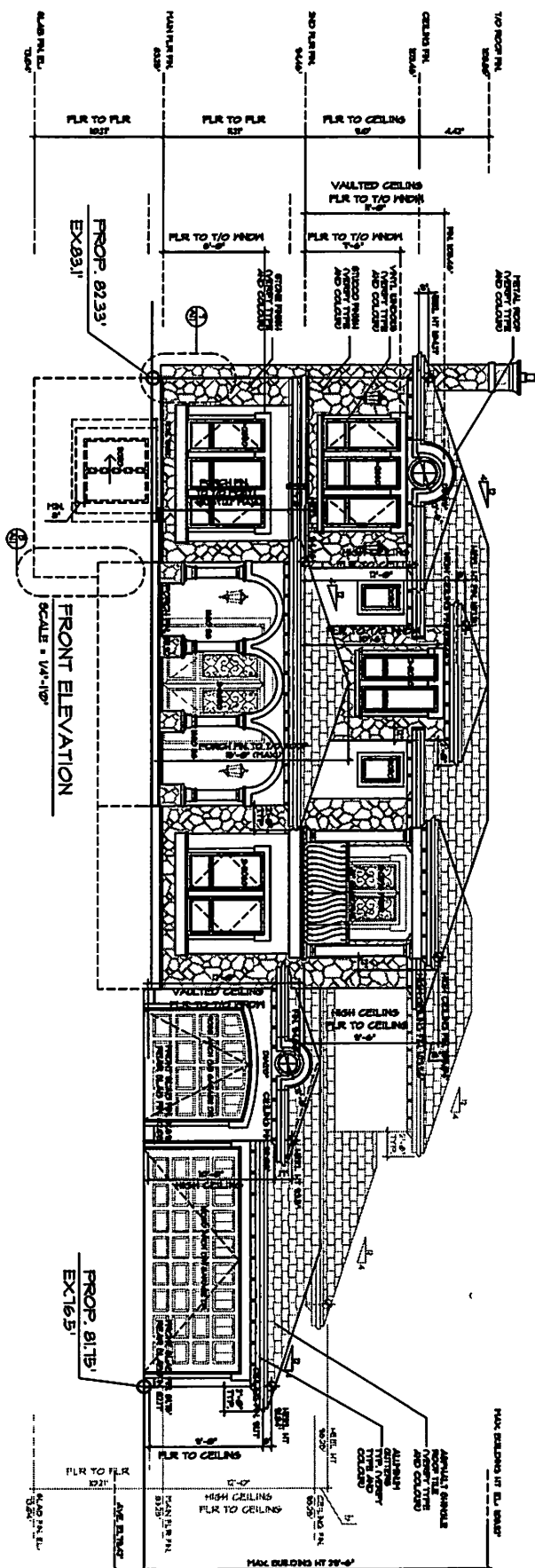
GENERAL NOTES  
SITE PLAN  
ZONING DATA

• All

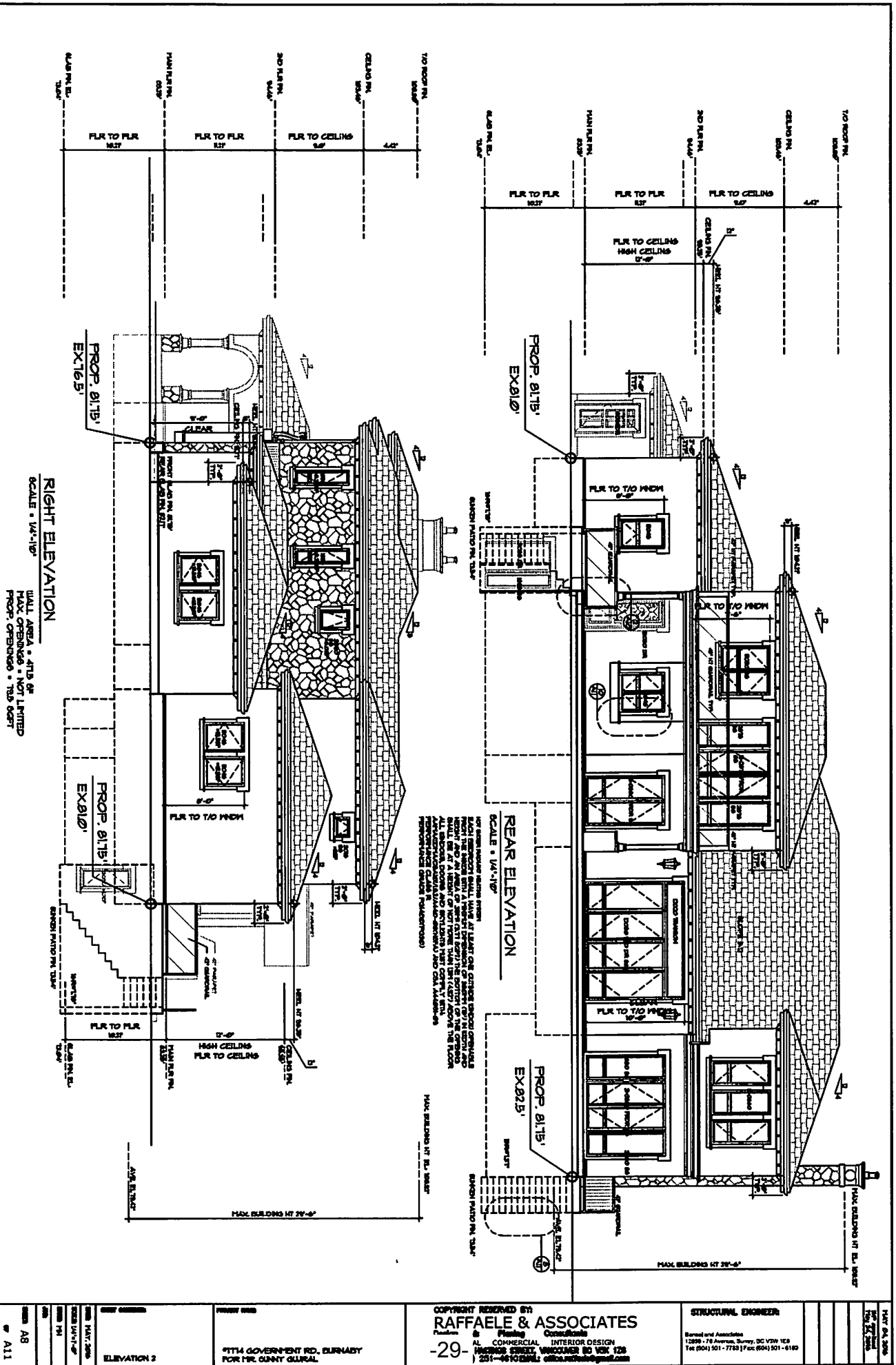








LIFTING DISTANCE = 10'  
WALL AREA = 306 SF  
MAX OPENING = 306' X 15.3% = 138.6 SF  
PROP. OPENING = 6.25 ECF



CONC. PATIO  
DETAIL  
SCALE: 1/2" = 1'-0"

Architectural drawing of a house plan. The plan features a central circular area with a spiral design, labeled "CIRCULAR" and "12' 0\"/>

**SECTION F - VAULTED CEILING**  
**SCALE: 1/4"=1'-0"**



SECTION THRU  
CRAWL SPACE  
SCALE = 1/4" = 1'-0"

3

INT. BEARING  
WALL DETAIL  
SCALE = 1" = 1'-0"

4

SUNKEN PATIO DETAIL  
SCALE = 1/2" = 1'-0"

5

SECTION 6 - SHELVES  
SCALE = 1/2" = 1'-0"

FOUNDATION DETAILS  
SCALE = 1/2" = 1'-0"

6

EXTERNAL CORNER DETAIL  
SCALE = 1" = 1'-0"

7

EXTERIOR  
STAIR DETAIL  
SCALE = 1" = 1'-0"

8

INTERIOR &  
EXTERIOR  
STAIR DETAIL  
SCALE = 1" = 1'-0"

9

BAY WINDOW SEAT SECTION  
SCALE = 1/2" = 1'-0"

BAY WINDOW  
SCALE = 1/2" = 1'-0"

TYP. SECTION THRU WIND SEAT  
SCALE = 1/2" = 1'-0"

10

STRUCTURAL ENGINEER

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RAFFAELE & ASSOCIATES  
Design & Construction  
411 COMMERCIAL INTERIOR DESIGN  
-31- HASTINGS STREET, WINNIPEG, MB R2S 1Z8  
201-4610 EMAIL: office@raffaele.com

PROJECT NAME  
RESIDENTIAL PROJECT  
1114 GOVERNMENT RD., BURNABY  
FOR MR. SUNNY GUJRAL

DATE: MAY 2006  
DRAWN BY: JAS. GUJRAL  
CHECKED BY: JAS. GUJRAL  
SCALE: 1/2" = 1'-0"  
SHEET: 111  
OF: 111

RECEIVED  
MAY 24 2016  
BUILDING DEPARTMENT



The field survey requested by  
by this plan was completed on the  
the 25th day of March, 2016.



PLANT SCHEDULE

Qty	Botanical Name	Common Name	Minimum Planting Height/Pot Size
3	<i>Thuja plicata</i>	Western redcedar	1.5m/5' tall
3	<i>Pseudotsuga menziesii</i>	Douglas-fir	1.5m/5' tall
3	<i>Picea sitchensis</i>	Sitka Spruce	1.5m/5' tall
5	<i>Acer circinatum</i>	Vine maple	1.2m/4' tall
5	<i>Prunus emarginata</i>	Bitter cherry	1.2m/4' tall
5	<i>Malus fusca</i>	Pacific crabapple	1.2m/4' tall
7	<i>Cornus nuttallii</i>	Western flowering dogwood	1.2m/4' tall
5	<i>Crataegus douglasii</i>	Western white birch	1.2m/4' tall
9	<i>Cornus stolonifera</i>	Red-osier dogwood	#5 pot
9	<i>Corylus cornuta</i>	Beaked hazelnut	#5 pot
9	<i>Physocarpus capitatus</i>	Pacific ninebark	#5 pot
11	<i>Rubus spectabilis</i>	Salmonberry	#3 pot
11	<i>Vaccinium parvifolium</i>	Red huckleberry	#3 pot
8	<i>Salix lucida</i>	Pacific willow	#3 pot
6	<i>Salix hookeriana</i>	Hooker's willow	#3 pot
30	<i>Gaultheria shallon</i>	Salal	#2 pot
10	<i>Lonicera involucrata</i>	Black twinberry	#2 pot
10	<i>Ribes bracteosum</i>	Slink current	#2 pot
30	<i>Polystichum munitum</i>	Sword fern	#2 pot
21	<i>Blechnum spicant</i>	Deer fern	#2 pot

\*NOTE\* If species substitutions are desired for reasons of aesthetics, plant stock availability, or habitat compatibility, Sartori Environmental Services should be contacted to consider changes to the prescribed species list. Alterations to this Landscape Plan may require approval by the City of Burnaby.

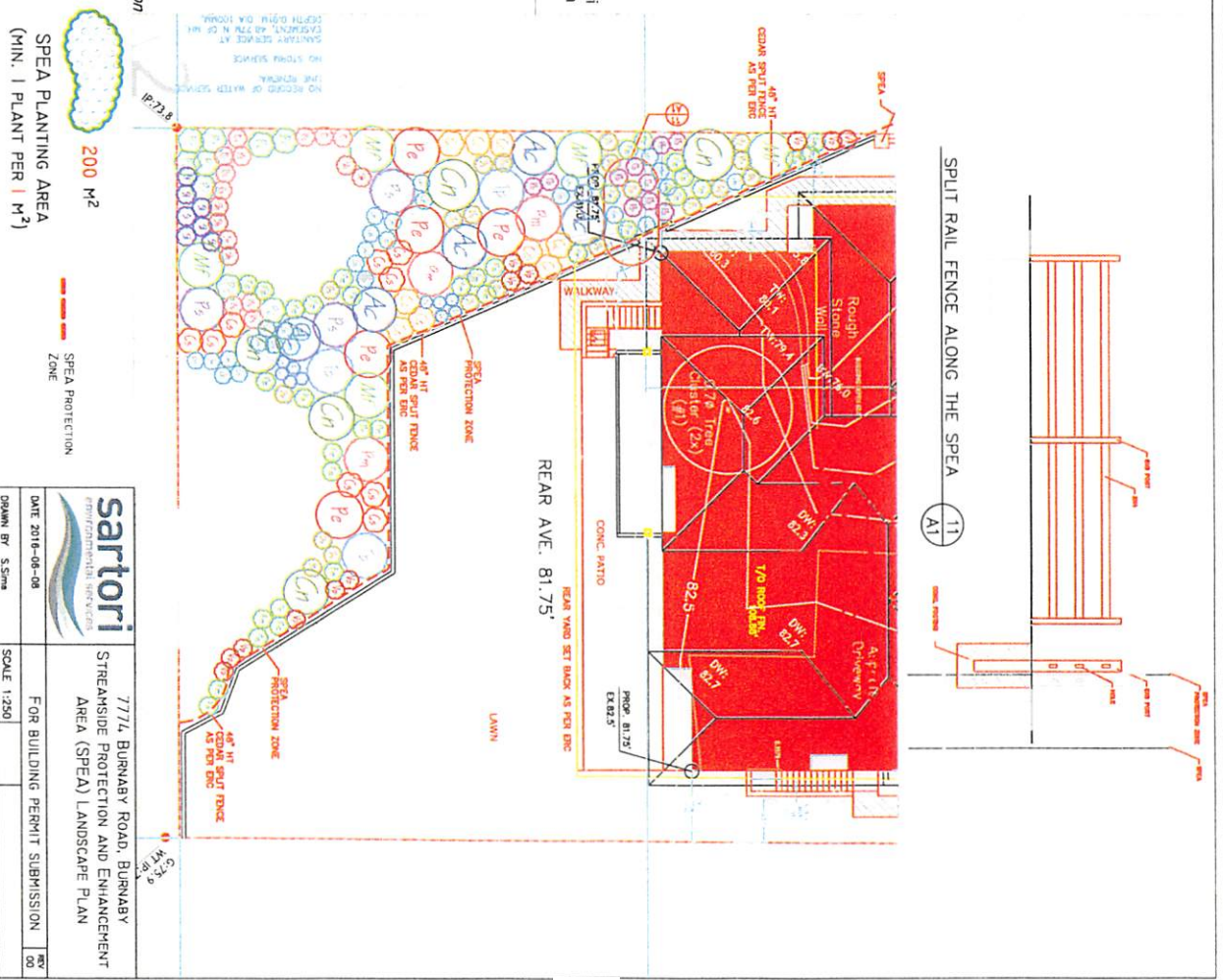
Purchasing, Site Preparation and Planting

Botanical names should be referenced when purchasing and all specimens should be of guaranteed nursery stock. Purchased stock should be tagged with species name, and tags should be left on after planting for the purpose of planting confirmation. Nursery stock should be a minimum of two years old at purchase to ensure developed root systems and increase the likelihood of survival. Once plant stock is received onsite, specimens should be stored in a cool, shady location and watered regularly. Planting should be undertaken during the fall (Sep - Oct) or spring (Mar - Apr) for maximized probability of survival. Prior to planting, it should be ensured that adequate soil structure and nutrient content exist through appropriate storage of existing onsite material or import of organic growing medium. If growing medium is to be retained from onsite, consideration should be given to organic stockpile depth (no greater than 1.0m) and length of storage time (ideally less than 1 month) to maintain nutrient cycling, microbial activity and viability of native seed stock. Once placed, factors affecting soil compaction (i.e. traffic, machine movement, material storage) should also be considered. If material import is required for growing medium, it should be inert and certified free of invasive or noxious weed species. Holes should be dug 2-3 times larger than the size of the roots and soil should be non-compacted. Root ball untangling, pruning, splitting and burlap sack removal should be done in a means suitable to allowing the newly planted roots to spread and avoid root girdling. If in doubt, supplier planting prescriptions should be consulted. Regular watering and/or fertilizer application may also be required to ensure adequate recruitment.

**Coniferous and Deciduous Trees** should be purchased at a minimum planting height of 1.5 m and 1.2 m, respectively, and space a minimum of 1.5 - 2.0 m apart. **Shrubs** should be purchased as specified (#2, #3 and #5 pots), and planted 0.5 - 1.0m away from other vegetation.

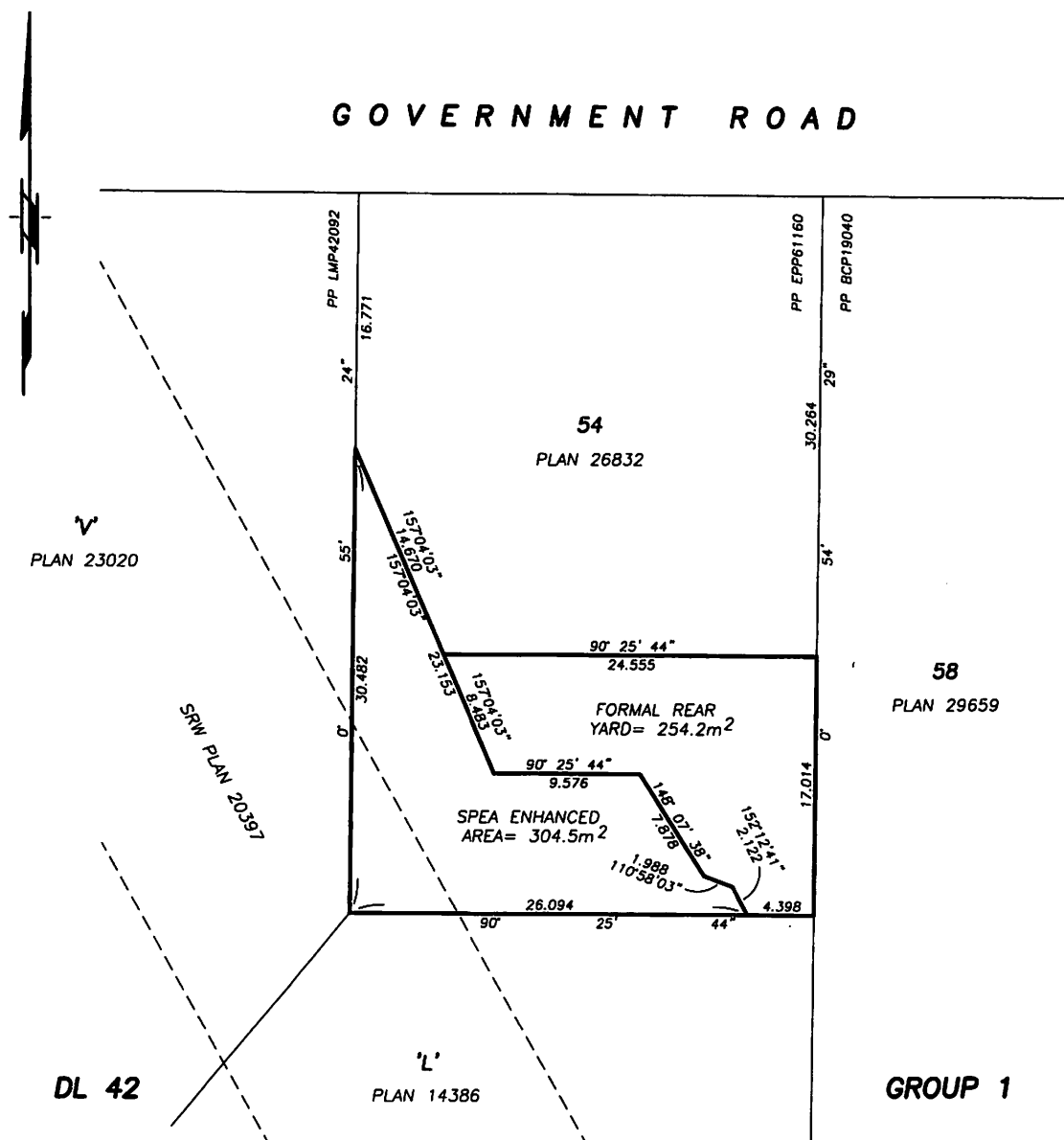
Clustering of plants around preferred microsites (e.g., woody debris, large trees, wetted depressions on dry sites, drier mounds on wet sites, etc.) should be preferred to a standard grid formation. Large and small woody debris, as available onsite, should be distributed in clusters throughout the SPEA Planting Area.

All acquired plant materials shall be healthy, with well developed root systems and top growth, and shall be free of disease, insect infestation and the following defects at all times: broken tops, torn roots and abrasions of bark on trunk and branches; dried out root systems; prematurely opened or damaged buds; dry, loose or broken ball of earth; evidence of healing, moulding, or freezing damage; thin, poor root or top systems, and abnormal leaf colour.



**EXPLANATORY PLAN OF COVENANTS OVER A PORTION****PLAN EPP62522****OF LOT 54, DISTRICT LOT 42, GROUP 1,  
NEW WESTMINSTER DISTRICT, PLAN 26832****PURSUANT TO SECTION 99(1)(e), LAND TITLE ACT  
B.C.G.S. 92G.026**

All distances are in metres and decimals  
thereof unless otherwise indicated.  
The intended plot size of this plan is  
280mm in width by 432mm in height  
(sheet size B) when plotted at a scale of 1:300.



Ken K. Wong and Associates  
Canada and B.C. Land Surveyors  
5624 E. Hastings Street  
Burnaby, B.C. V5B 1R4  
Telephone: (604) 294-8881  
Fax: (604) 294-0625  
160408 FB928 P88-90 SU-2832  
TG-2287 R-1212 R-9645  
Drawn by: MD

**LEGEND:**

m<sup>2</sup> - denotes square metres  
SPEA - denotes Streamside Protection  
and Enhancement Area

Bearings are grid derived  
from Plan EPP61160.

This plan is based on the following  
Land Title and Survey Authority  
of BC records:

Plan EPP61160

Steven E. Wong, BCLS #942  
8th day of June, 2016

**FILE: SI-4660**

This plan lies within the City of Vancouver Regional District.



