

BOARD OF VARIANCE

NOTICE OF OPEN MEETING

DATE: THURSDAY, 2016 DECEMBER 15

TIME: 6:00 PM

PLACE: COUNCIL CHAMBER, MAIN FLOOR, CITY HALL

<u>AGENDA</u>

1. CALL TO ORDER

2. APPEAL APPLICATIONS

(a) <u>APPEAL NUMBER:</u> B.V. 6260 6:00 p.m.

APPELLANT: Adrian Botez

REGISTERED OWNER OF PROPERTY: Adrian and Victoria Botez

CIVIC ADDRESS OF PROPERTY: 4610 Marine Drive

LEGAL DESCRIPTION OF PROPERTY: Lot 110; DL 157; PLAN 26519

APPEAL: An appeal to vary Section 102.6(1)(b) 'Height of Principal Building' of the

Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with a flat roof and attached garage at 4610 Marine Drive. The height of the principal building, measured from the rear average elevation, would be 30.32 feet where a maximum height of 24.3 feet is permitted. The building height, as

measured from the front average elevation, would be 19.0 feet.

(b) APPEAL NUMBER: B.V. 6261 6:00 p.m.

APPELLANT: Harb Mann

REGISTERED OWNER OF PROPERTY: Jack and Paulina Chan

CIVIC ADDRESS OF PROPERTY: 8462 Royal Oak Avenue

LEGAL DESCRIPTION OF PROPERTY: LOT 18; DL 158; PLAN 1489

APPEAL: An appeal to vary Section 102.6(1)(a) 'Height of Principal Building' and Section 102.8(1) 'Front Yard' of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite, sloped roof and attached garage at 8462 Royal Oak Avenue. The following variances are being requested:

- a) The height of the principal building, measured from the front average elevation, would be 33.7 feet where a maximum height of 29.5 feet is permitted. The building height, as measured from the rear average elevation, is proposed to be 27.15 feet; and,
- b) The front yard depth would be 24.60 feet where a front yard depth of 39.48 feet is required based on front yard averaging.

3. **NEW BUSINESS**

4. **ADJOURNMENT**



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

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Applicant					
Name of Applicant	hrwan Botte				
Mailing Address 150	of -8160 thisporter US				
	Postal Code				
Phone Number(s) (H)	(c) 7789960570				
Email					
Preferred method of contact:	ø email ø phone □ mail				
Property					
Name of Owner	ASKIAM & VICTORIA BOTER				
Civic Address of Property	ADRIAN & VICTORIA BOTER				
	BURNARY				
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.					
Olle/ Role	fra the second s				
Date	Applicant Signature				
Office Use Only					
Required Documents: C & C Hardship Le Site Plan of	Appeal Number BV# <u>6060</u> . etter from Applicant Subject Property epartment Referral Letter				
	a submitted in support of this Board of				

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

Hardship Letter for City of Burnaby Board of Variance

Applicant Name: Adrian Botez Date: October 11th,2016

Project address: 4160 Marine Drive, Burnaby, BC

To whom it may concern,

This letter is to demonstrate and describe the hardship resulting in the request for the relaxation of the Building Height as per the Burnaby Zoning Bylaw as it applies to this property.

The proposed building is in the R5 Residential District Zone and is located on south side of Marine Drive. The shape of the site is a parallelogram which is approximately 50 ft. wide and 200 ft. deep. To the east and west of the subject site there are single family dwellings. There is no back lane so vehicle access is through the front driveway. The property's south boundary is bordered by the parking lot of the Riverway Sports Complex.

The site slopes significantly from north to south, with a difference of 28.88 ft in elevation from the highest elevation at the street property line to the lowest elevation point of the site at the rear property line (39.98 ft. – 11.10 ft.). When applying the height calculation as per the lowest average side the property's steep terrain has a significant impact. The calculation would cause the building to be significantly below the road level and significantly lower that the neighboring homes. The result poses difficulty in dealing with driveway slopes from the street, considering there is no lane access for a detached structures this further complicates the design abilities for the property.

When viewed from Marine Drive the proposed building height measured from the front (north) elevation will be only 17.03 ft. (57.01ft. – 39.98ft.). This will create a pleasant streetscape with the neighboring homes.

In the back the height of the building is 20'10" on the south edge of the house and only 32' towards the middle of the building height increases with 9'6" taking the maximum height to 30'4". At that point, as detailed in LOT PROFILE attached, the height from the grade is only 23'7".

Compared to the other two newer homes on the west side of the property, the top of the roof follows the street line and is lower than other two homes situated west of the property (57'01" for proposed building vs 58'20" the first house and 61'22" second house – all the roof elevations have been surveyed by Richard Fu Land Surveying Inc.).

Seen from back yard or front yard house looks like a 2 story house, a rendering is attached to this letter.

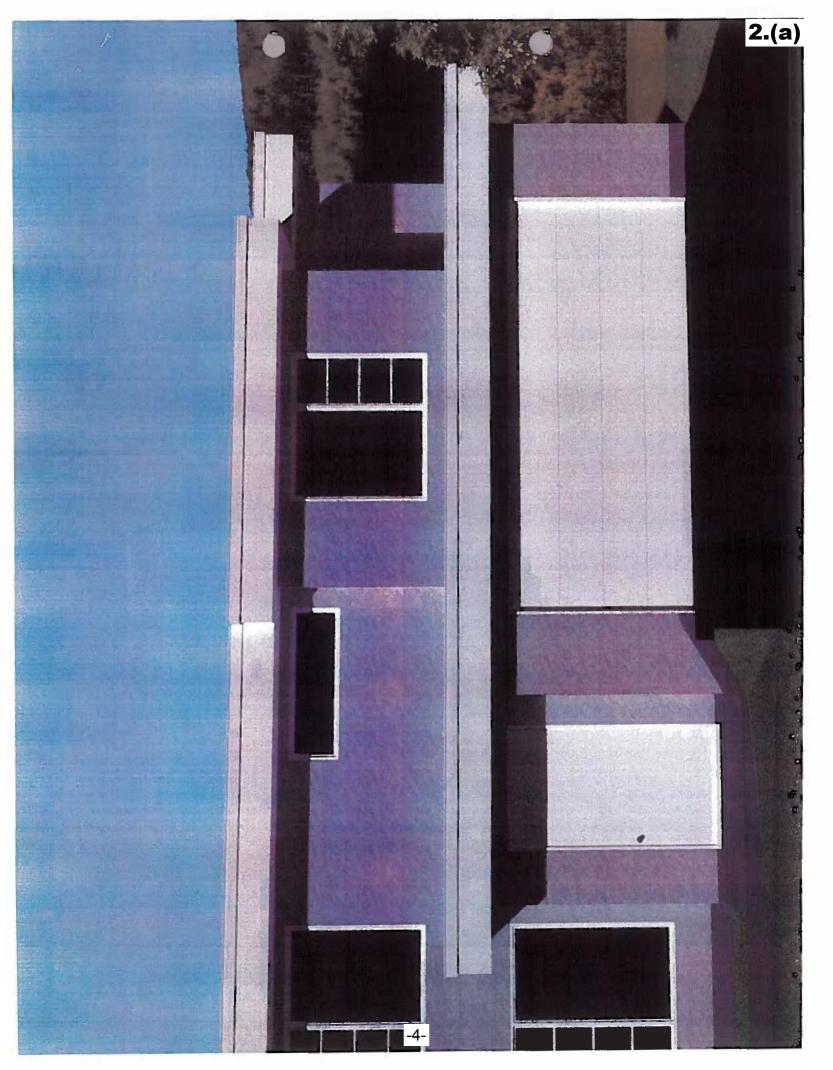
I consider that it is unlikely that the height created by a relaxation in the height calculation would affect the views from the north side neighboring properties as these are much higher in their position on north side of Marine Drive, nor would it affect the parking lot to the south of the property in any negative manner.

The steep slope of the site creates this hardship situation when attempting to meet the bylaw height restrictions. A relaxation in the height would create a considerably more pleasing architectural and streetscape appearance on the block of homes and would address the structural challenge in building on the extensively sloped site. This will all be achieved with only positive impacts to the neighborhood.

Sincerely,

Adrian Botez







BOARD OF VARIANCE REFERRAL LETTER



DATE: No	vember 01, 2016	DEADLINE: November 8, 2016 fo the December 15, 2016 hearing	application.
NAME OF APPLICANT: Adrian Botez ADDRESS OF APPLICANT: 4610 Marine Drive, Burnaby, B.C.		Please take letter to Board of Variance.	
		(Clerk's office -	
TELEPHO	NE: 778 996 0570		Ground Floor)
PROJECT			
DESCRIPT	ΓΙΟΝ: New single fa	mily dwelling w/ attached garage	
ADDRESS	: 4610 Marine Driv	re	
LEGAL:	LOT: 110	DL: 157	PLAN: NWP26519

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) R2 [102.6(1)(b)] of the Burnaby Zoning Bylaw No. 4742

COMMENTS:

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

1) To vary Section 102.6(1)(b) - "Height of Principal Building" of the Zoning Bylaw from 24.3 feet to 30.32 feet. The purpose of this variance is to allow construction of the proposed single family dwelling with a flat roof to exceed the permitted maximum building height, as measured from the rear average elevation. The building height, as measured from the front average elevation, is proposed to be 19.0 feet.

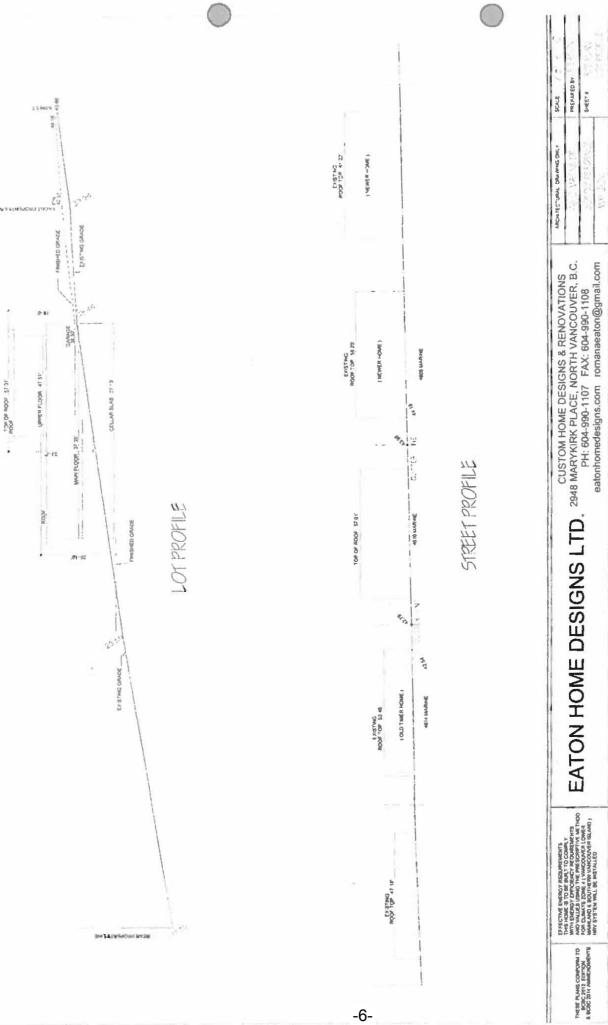
Note: The applicant recognizes that should the project contain additional characteristics in contravention of the zoning by-law a future appeal(s) may be required.

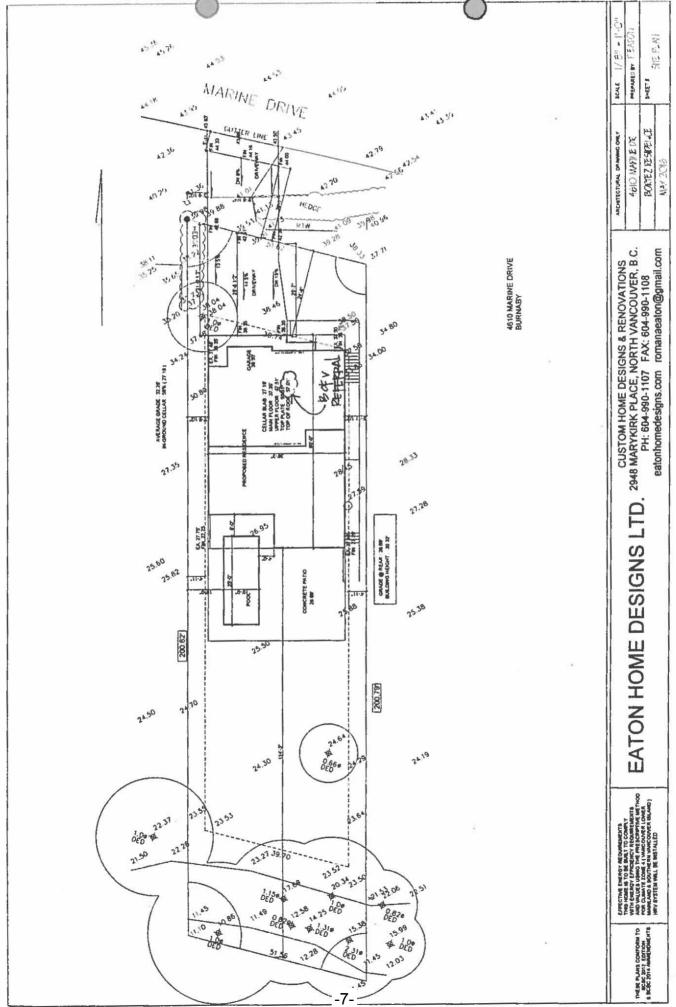
JQ

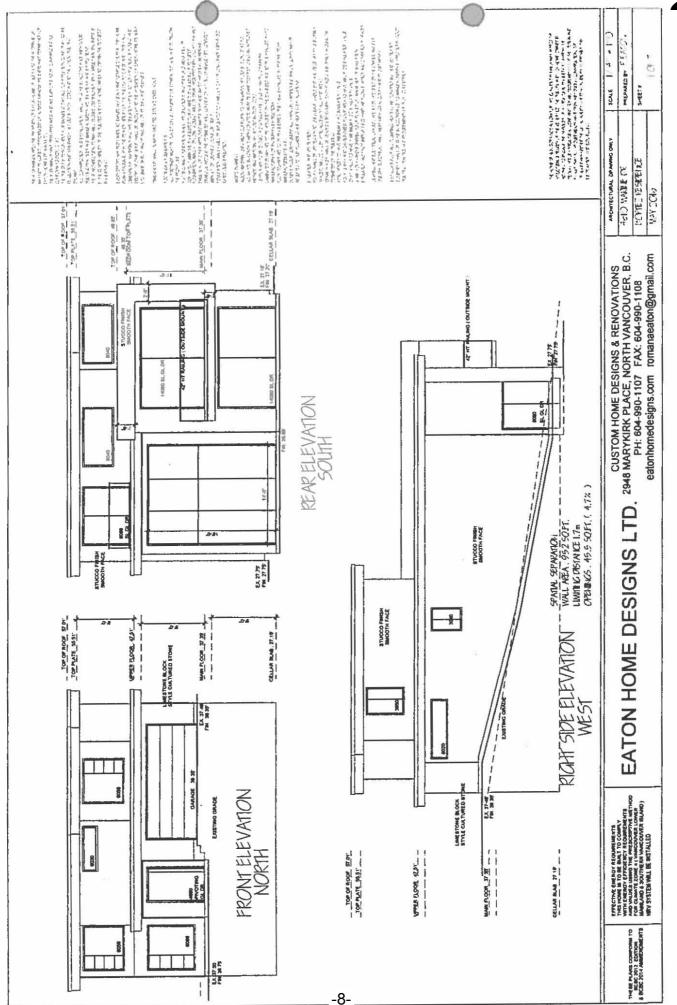
Peter Kushnir

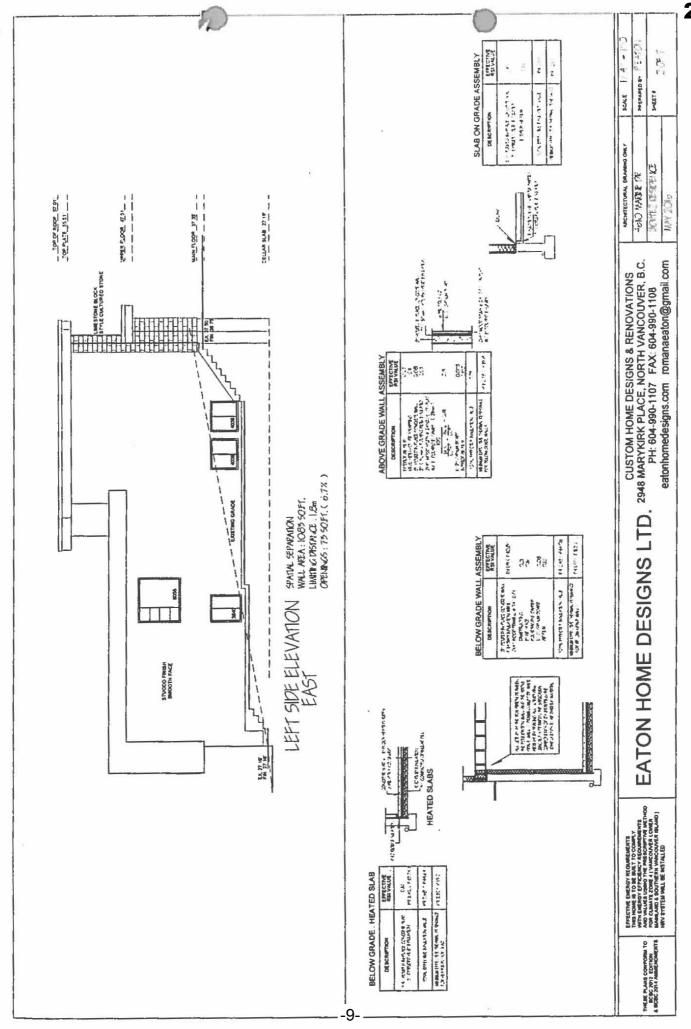
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Deputy Chief Building Inspector, Permits and Customer Service

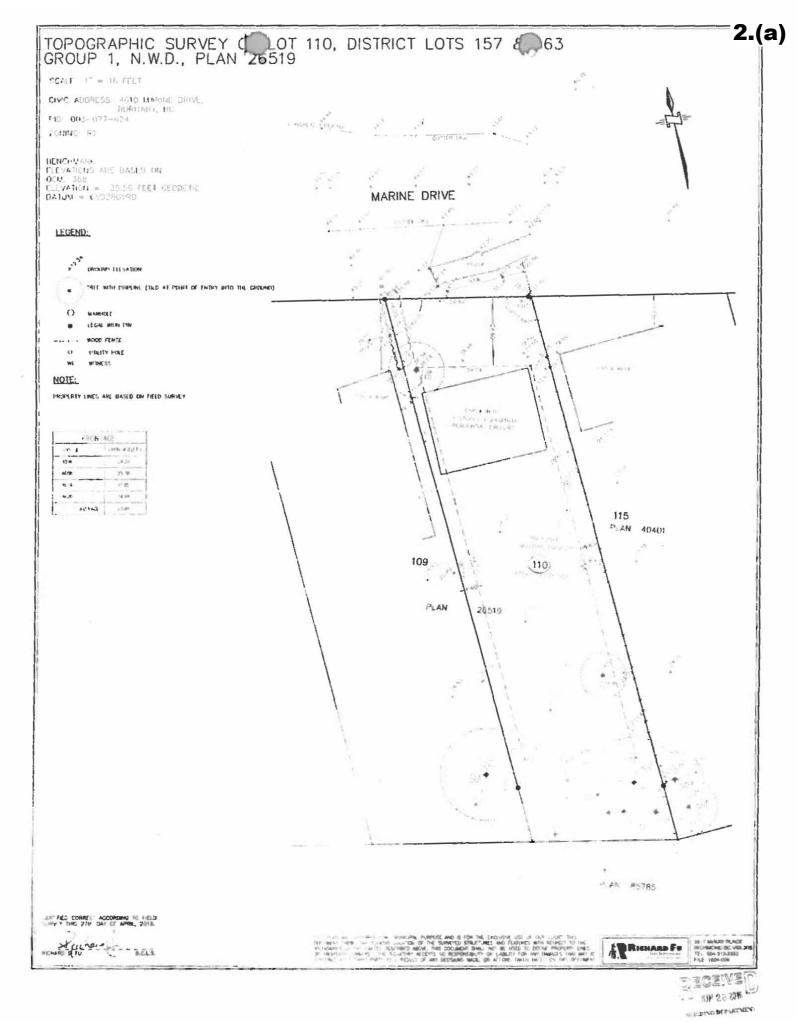


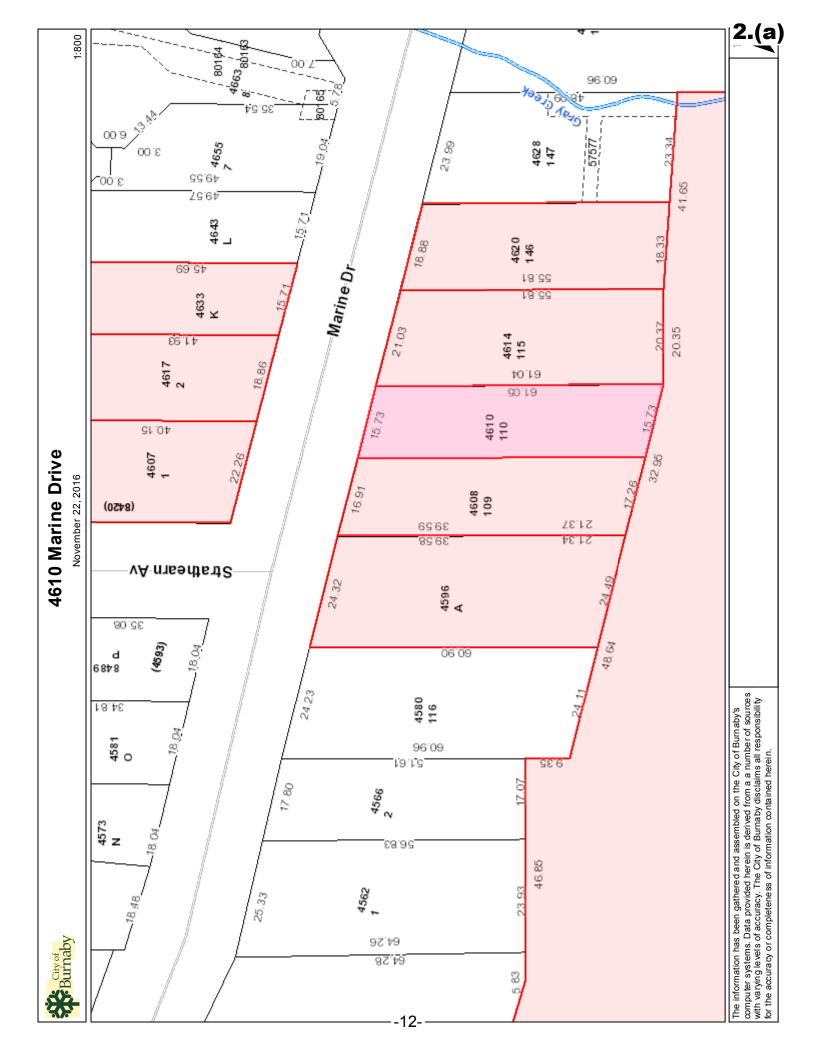






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Board of Variance Appeal Application Form

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 Harb Marr				
Mailing Address 7779 11th AVE				
City/Town Burnary Postal Code V3N 2N9				
Phone Number(s) (H) (C) 604 775 1655				
Email Mudevelopment I Q gmail.com				
Preferred method of contact: email phone a mail				
Property				
Name of Owner JACK 8 PAWINE CHAN				
Civic Address of Property 8462 Royal OAK AVE DURNARY				
PL NWP1489 LT18 D4150 LD 76				
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.				
Oct 31 /2016				
Date Applicant Signature				
Office Use Only				
Appeal Date Dec. 15 2016 Appeal Number BV# 6261				
Required Documents: @ 6.00p m.				
☐ 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

SUBJECT - Hardship Letter regarding 8462 Royal Oak Avenue Burnaby

To Whom it may concern,

I am writing this formal hardship letter to the Board of Variance to request that our application to build a new detached family dwelling at address 8462 Royal Oak Avenue be approved for the following:

- A 4ft height increase of the building structure
- A front yard setback of 29.53 from property line to foundation where a minimum front yard setback of 39.48 ft. is required based on front yard averaging

The reason why we are looking for a 4ft height increase is because the property is very steep to begin with as it is located on the corner of Royal Oak avenue and Keith st, on block north of marine drive. The driveway to the attached garage will have a slope of 33% initially, however with the 4 ft height increase we can obtain a driveway slope of 14.88% (this is the number where we derived the 4ft height increase from), the maximum allowed for driveway slope is 15% according to the city bylaws. The driveway will come off of the back alley for Keith st. City of Burnaby Engineering will not allow for a driveway off of Royal Oak Avenue as it is a main road, also we are unable to build a detached garage as the property is not wide enough to accommodate enough distance between the garage and the main residence, in addition the owner's that will be occupying this home are in their mid to late 70's of age and will not be able to walk down the number of steps required if a detached garage was an option.

The proposed height of the new home will not obstruct the North and East neighbors views they currently have from their homes. The placement of the new proposed home is currently complying with all building setbacks and there is no room to adjust the placement of the building on the property.

We are unable to lower the building any further down as the garage slab and slopes do not comply also reducing the basement height will move the garage lower, which in turn will increase the slope of the driveway.

The second relaxation we are proposing is the front yard minimum setback of the proposed new single family dwelling at the above address. The front yard setback off of Keith St (which in this properties case is the side yard setback as the front yard is facing Royal Oak Ave) is proposed to be 29.53 ft to the foundation where a minimum front yard setback of 39.48 is required based on front yard averaging of the 2 properties to the east of 8462 Royal Oak Ave.

The subject site, which is zoned R2 Residential District, is located in the South Slope neighbourhood, in which the age and condition of single and two-family dwellings vary. This interior lot, approximately 70 ft. wide and 104 ft in depth. The property next door (5229 Keith St) has a driveway off the front elevation of Keith St. The property 2 houses down to the east 5269 Keith St also has a driveway off the front elevation of Keith St; as do many other addresses on Keith St. We feel that the reason some of these homes on Keith St are set so far back are because they have attached garages on the front elevations with driveways.

8462 Royal Oak also has a attached garage however the driveway is proposed off of the back alley on the north elevation and the minimum backyard setback allowed in the bylaw is 29.5 ft, we have proposed 29.83 ft from the property line to the foundation of the house. The house is 49.33 ft wide, in this amount of space we were able to slightly obtain a functional floor plan. If the front yard setback is set to 39.48 ft which is the average setback of the 2 properties to the east, we will not meet the minimum backyard setback of 29.5 ft, we are unable to shrink the home by approximately 10 ft in width as the outcome will be a home that is very narrow with a un-functional floor plan on all 3 levels and we will not be able to achieve the allowed sq footage in the r2 zoning.

We hope that the Board will consider all the above information justifying the increase in height and the front yard setback of 29.53 ft of the new proposed building and make the appropriate decision.

Thank you for your time and consideration

Harb Mann



BOARD OF VARIANCE REFERRAL LETTER

DATE: Dec. 1,	2016	DEADLINE: Nov 08, 2016 for the Dec 15, 2016 hearing	This is <u>not</u> an application.
NAME OF APPLICANT: Jack and Paulina Chan ADDRESS OF APPLICANT: 5537 Marine Drive Burnaby			Please submit this
			letter to the Clerk's office (ground floor)
TELEPHONE: 604-435-1248			when you make your Board of Variance application.
PROJECT			
DESCRIPTION	N: New Single	e Family Dwelling w/ Secondary Suite	e and Attached Garage
ADDRESS: 84	62 Royal Oak	Avenue	
LEGAL: L	OT: 18	DL: 158	PLAN: NWP1489

Building Permit application BLD16-01173 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Section <u>102.6(1)(a)</u> Section <u>102.8(1)</u>

COMMENTS:

The applicant proposes to build a new single family dwelling. In order to allow the Building Permit application to proceed the applicant requests that the following variances be granted:

1. Vary Section 102.6.(1).(a) to allow a principle building with a maximum building height of 33.7 feet where a maximum building height of 29.5 feet would otherwise be required (for a building with a sloped roof with height measured from the lower of the front yard average elevation or the rear yard average elevation).

The proposed building height is measured from the front average grade elevation; the building height measured from the rear average elevation will be 27.15 feet.

The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.

2. Vary Section 102.8(1) to permit a front yard depth of 24.60 feet where 39.48 feet (based on front yard averaging) would otherwise be required.

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

The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.

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.

Peter Kushnir

Deputy Chief Building Inspector

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ms/MS

2.(b)

4932 VICTORIA DRIVE, VANCOUVER, BC, VSP 3T6 T 604.327,1535 WEB WWW.LNLS.CA

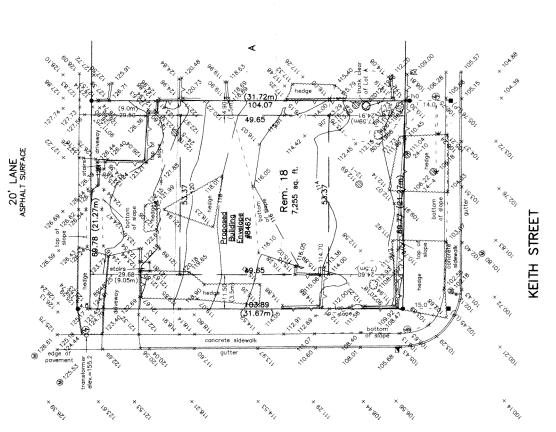
PID: 003-072-045 FILE: BRO-8462TP

METRO VANCOUVER LAND SURVEYORS B.C.L.S. CERTIFIED CORRECT.
DATED THIS, 12TH DAY OF MAY, 2016 DECENTED IN 13 2016 BUILDING DEPARIMENT 8462 ROYAL OAK AVENUE BURNABY, B.C. Lot dimensions are derived from field survey.

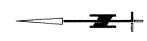
Eventions are based on Geodetic Datum of Burnaby and
are derived from control innounnels DIS-409 situated at the intersection of Keth Street and Royal Coke Avenue.
For execution control, use control monument or lead plugs in contracts adeaetic only use control monument or lead plugs.
In official general passon is just an approximate interpretation of City Zoning Bylaves, Consult Planning Department for fitted building envelope shows. In such control peparament for fitted building envelope and cut limes are guster levels.

All secusions along cut limes or guster levels.

Symbols plutted are for illustrative purposes and are not representative of their true size. S CIVIC ADDRESS IVAN NGAN ZONING: R2 --- denotes anchar 34.48 Depth of Front Y 39.53 ft 39.42 ft OF LOT 18: EXCEPT PART ON PLAN 14508 DISTRICT LOT 158, GROUP 1



ROYAL OAK AVENUE



NEW WESTMINSTER DISTRICT, PLAN 1489 SCALE t'' = 16All distances are in feet

SURVEY PLAN OF LOT 18:

