



**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, 2017 January 05 at 6:00 PM

**1. CALL TO ORDER**

The Chair for the Board of Variance called the meeting to order at 6:05 p.m.

**2. ELECTIONS**

**(a) Election of Chair**

nominations for Chairperson of the Burnaby Board of Variance were called for.

Mr. B. Pound nominated Ms. C Richter for the position of Chairperson of the Board of Variance.

There were no further nominations received.

MOVED BY  
SECONDED BY

THAT \_\_\_\_\_ be appointed as Chairperson of the Burnaby Board of Variance from 2017 January 05 to 2017 December 07.

**3. MINUTES**

**(b) Minutes of the Board of Variance Hearing held on 2016 December 01**

MOVED BY

SECONDED BY

THAT the minutes of the Burnaby Board of Variance Hearing held on 2016 December 01 be adopted as circulated.

(c) [Minutes of the Board of Variance Hearing held on 2016 December 15](#)

MOVED BY  
SECONDED BY

THAT the minutes of the Burnaby Board of Variance Hearing held on 2016 December 15 be adopted as circulated.

**4. 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. 6263**                      **6:00 PM**

APPELLANT:    Amrik Singh Sahota

REGISTERED OWNER OF PROPERTY:    Amrik, Jasbir and Amanbir Sahota

CIVIC ADDRESS OF PROPERTY:    [3408 Dalebright Drive](#)

LEGAL DESCRIPTION OF PROPERTY:    LOT 170; DL 58; PLAN 34460

APPEAL:    An appeal to vary Section 101.8 'Front Yard' of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family home with secondary suite and detached garage at 3408 Dalebright Drive. The following variances are being requested: a) The depth of the front yard, fronting Lougheed Highway, would be 25.0 feet to allow for a detached garage outside of the resulting front yard, where a depth of 70.63 feet is required based on front yard averaging. All garage projections into the front yard will conform to the requirements of Section 6.12; and, b) the depth of the front yard, fronting Lougheed Highway, would be 64.46 feet to build a principle building outside of the resulting front yard, where a depth of 70.63 feet is required based on front yard averaging. All principle building projections into the resulting front yard will conform to the requirements of Section 6.12. (Zone R )

APPELLANT'S SUBMISSION

Mikhail Serov submitted an application requesting a relaxation of the zoning bylaw to allow for construction of a new home with a detached garage.

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

#### BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site, which is zoned R5 Residential District, is located in the Capitol Hill neighbourhood, in which the age and condition of the single and two family dwellings vary. This interior lot, approximately 33.0 ft. wide and 122.0 ft. deep, fronts Ellesmere Avenue to the east. The subject property abuts single family dwellings immediately to the north, south and across the lane to the west. Vehicle access to the site is provided via the rear lane. The site observes a downward slope of approximately 18.5 ft. from the front to the rear.

A new single family dwelling with a detached garage is currently under construction on the subject site (BLD16-00090). However, once the construction reached the mid-stage (sheathing), a deviation from the approved plans was identified by City staff upon inspection of the BC Land Surveyor's roof elevation certificate. As a result, a variance is requested in order to permit construction to continue with the deviation incorporated into the approved plans.

The appeal is to vary Section 105.6(1)(b) – "Height of Principal Building" of the Zoning Bylaw from 24.3 ft. to 25.1 ft. to allow the construction of the proposed single family dwelling with a flat 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.

As explained by the applicant, the deviation from the approved drawings is related to the direction of the roof slope, which was modified during the preparation of the shop drawings for roof trusses. Original approved drawings indicate that the roof was to slope one way over its shorter dimension. The roof trussed was fabricated, however, to allow for a two way slope with the roof high point in the middle of its longer dimension. As a result, the overall building height was increased by 10 inches.

The proposed dwelling observes a rear elevation height of 21.7 ft. from the lane property line, which is 2.6 ft. less than the allowed maximum height. Therefore, this proposal would not affect the views from the properties directly across the lane to the west, which are at substantially higher elevations.

The requested variance is for the front elevation height. In this case, the height calculation is based on the natural average grade at the outermost face of the front elevation. This is also the proposed average grade. It should be noted that a substantial grade difference from the rear to the front of the subject site is a

contributing factor to the excess height of the front elevation.

The proposed height encroachment of 0.8 ft. occurs approximately at the upper portion of the decorative fascia of the flat roof. According to the provided BC Land Surveyor's roof elevation certificate, the encroachment along the eastern (front) edge of the roof is only 0.3 ft. and gradually increases to 0.8 ft. at the mid-point of the roof, approximately 23.0 ft. away from the front face of the building.

Considering the small scale of the encroachment, the proposed variance to the height requirements of the Zoning Bylaw would not impact neighbouring properties and would not be noticeable 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

The owner/resident at 42 Howard Avenue appeared in opposition to the proposed variance. The speaker expressed concern regarding the loss of view.

The owner/resident at 46 Howard Avenue appeared in opposition to the proposed variance. The speaker expressed concern regarding the loss of view.

Staff explained that the permitted height is 24.3 feet and that the variance would be for a further 0.8 feet, only at the midpoint of the roof.

MOVED BY  
SECONDED BY

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

(b) **APPEAL NUMBER:** B.V. 6264 **6:00 PM**

APPELLANT: Antonio Rigor

REGISTERED OWNER OF PROPERTY: Nicholas and Theresa Fong

CIVIC ADDRESS OF PROPERTY: [3931 Harper Court](#)

LEGAL DESCRIPTION OF PROPERTY: Lot: 104; DL 34; PLAN 46918

APPEAL: An appeal to vary Section 104.6(1)(a) 'Height of Principal Building' and Section 104.10(1) 'Side Yard' of the Burnaby Zoning Bylaw which, if permitted, would allow for the interior alteration and addition to basement and main floor, and a new upper floor addition to an existing single family home at 3931 Harper Court. The following variances are

being requested: a) the height of the principal building, measured from the rear average elevation, would be 33.63 feet where a maximum height of 29.5 feet is permitted. The building height, as measured from the front elevation, is proposed to be 28.23 feet.; b) the height of the principal building would be 3 storeys, where 2 1/2 storeys is permitted; c) the side yard would be 3.93 feet measured to the cantilevered upper floor, where a side yard of 4.90 feet is required; and d) the side yard sum for both side yards would be 9.75 feet, where the sum of 11.50 is required. (Zone R4)

### APPELLANT'S SUBMISSION

Mikhail Serov submitted an application requesting a relaxation of the zoning bylaw to allow for construction of a new home with a detached garage.

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

### BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site, which is zoned R5 Residential District, is located in the Capitol Hill neighbourhood, in which the age and condition of the single and two family dwellings vary. This interior lot, approximately 33.0 ft. wide and 122.0 ft. deep, fronts Ellesmere Avenue to the east. The subject property abuts single family dwellings immediately to the north, south and across the lane to the west. Vehicle access to the site is provided via the rear lane. The site observes a downward slope of approximately 18.5 ft. from the front to the rear.

A new single family dwelling with a detached garage is currently under construction on the subject site (BLD16-00090). However, once the construction reached the mid-stage (sheathing), a deviation from the approved plans was identified by City staff upon inspection of the BC Land Surveyor's roof elevation certificate. As a result, a variance is requested in order to permit construction to continue with the deviation incorporated into the approved plans.

The appeal is to vary Section 105.6(1)(b) – "Height of Principal Building" of the Zoning Bylaw from 24.3 ft. to 25.1 ft. to allow the construction of the proposed single family dwelling with a flat 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.

As explained by the applicant, the deviation from the approved drawings is related to the direction of the roof slope, which was modified during the preparation of the shop drawings for roof trusses. Original approved drawings indicate that the roof was to slope one way over its shorter dimension. The roof trussed was fabricated, however, to

allow for a two way slope with the roof high point in the middle of its longer dimension. As a result, the overall building height was increased by 10 inches.

The proposed dwelling observes a rear elevation height of 21.7 ft. from the lane property line, which is 2.6 ft. less than the allowed maximum height. Therefore, this proposal would not affect the views from the properties directly across the lane to the west, which are at substantially higher elevations.

The requested variance is for the front elevation height. In this case, the height calculation is based on the natural average grade at the outermost face of the front elevation. This is also the proposed average grade. It should be noted that a substantial grade difference from the rear to the front of the subject site is a contributing factor to the excess height of the front elevation.

The proposed height encroachment of 0.8 ft. occurs approximately at the upper portion of the decorative fascia of the flat roof. According to the provided BC Land Surveyor's roof elevation certificate, the encroachment along the eastern (front) edge of the roof is only 0.3 ft. and gradually increases to 0.8 ft. at the mid-point of the roof, approximately 23.0 ft. away from the front face of the building.

Considering the small scale of the encroachment, the proposed variance to the height requirements of the Zoning Bylaw would not impact neighbouring properties and would not be noticeable within the existing street frontage.

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The owner/resident at 46 Howard Avenue appeared in opposition to the proposed variance. The speaker expressed concern regarding the loss of view.

Staff explained that the permitted height is 24.3 feet and that the variance would be for a further 0.8 feet, only at the midpoint of the roof.

#### MOVED BY SECONDED BY

THAT based on the plans submitted part (a) of this appeal be ALLOWED/DENIED.  
THAT based on the plans submitted part (b) of this appeal be ALLOWED/DENIED.  
THAT based on the plans submitted part (c) of this appeal be ALLOWED/DENIED.  
THAT based on the plans submitted part (d) of this appeal be ALLOWED/DENIED.

5. **NEW BUSINESS**

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

6. **ADJOURNMENT**

MOVED BY  
SECONDED BY

THAT this Hearing do now adjourn.

The Hearing adjourned at 8:13 p.m.

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Ms. C. Richter

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Mr. G. Clark

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Mr. R. Dhatt

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Mr. S. Nemeth

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Ms. E. Prior  
ADMINISTRATIVE OFFICER

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Mr. B. Pound