



## **BOARD OF VARIANCE**

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

**DATE:** THURSDAY, 2017 MARCH 02

**TIME:** 6:00 PM

**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 2017 February 02

**3. APPEAL APPLICATIONS**

(a) **APPEAL NUMBER:** B.V. 6268 **6:00 p.m.**

APPELLANT: Sukhdev Bhambra

REGISTERED OWNER OF PROPERTY: Sukhdev and Kuldip Bhambra

CIVIC ADDRESS OF PROPERTY: 5858 Sprott Street

LEGAL DESCRIPTION OF PROPERTY: Lot 9; DL 80; Plan 1892

APPEAL: An appeal for the relaxation of Section 104.11 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and attached garage at 5858 Sprott Street. The rear yard setback would be 26.82 feet where a minimum setback of 29.5 feet is required. Fences and retaining walls will conform to the requirements of Section 6.14. Zone R-4

**(b)      APPEAL NUMBER:    B.V. 6269                      6:00 p.m.**

APPELLANT:      Gurminder Biln

REGISTERED OWNER OF PROPERTY:    Gurminder and Gurpreet Biln

CIVIC ADDRESS OF PROPERTY:    7770 Sussex Avenue

LEGAL DESCRIPTION OF PROPERTY:    Lot A; DL 157; Plan NWP11640

APPEAL:    An appeal for the relaxation of Section 102.6(1)(a) of the Burnaby Zoning Bylaw which, if permitted would allow for construction of a new single family dwelling with secondary suite and detached garage at 7770 Sussex Avenue. The principal building height, measured from the front average grade, would be 31.31 feet where a maximum height of 29.5 feet is allowed. The principal building height, measured from the rear average grade, would be 27.82 feet. Zone R-2

**(c)      APPEAL NUMBER:    B.V. 6270                      6:15 p.m.**

APPELLANT:      Ian McLean

REGISTERED OWNER OF PROPERTY:    Paul and Voya Cheetham

CIVIC ADDRESS OF PROPERTY:    4611 Westlawn Drive

LEGAL DESCRIPTION OF PROPERTY:    Lot 2; DL 123; Plan NWP15924

APPEAL:    An appeal for the relaxation of Section 110.6(2)(a) of the Burnaby Zoning Bylaw which, if permitted, would allow for the interior alteration and addition to the main and upper floors of a single family dwelling at 4611 Westlawn Drive. The following variances are requested:

a) A principal building height, measured from the front average elevation, of 28.68 feet where the maximum permitted height is 24.90 feet; and,

b) A principal building height, measured from the rear average elevation, of 27.82 feet where the maximum permitted height is 24.90 feet. Zone R-10

**(d)      APPEAL NUMBER:    B.V. 6271                      6:15 p.m.**

APPELLANT:      Domenico and Dragana Sacco

REGISTERED OWNER OF PROPERTY:    Domenico and Dragana Sacco

CIVIC ADDRESS OF PROPERTY: 5623 Highfield Drive

LEGAL DESCRIPTION OF PROPERTY: Lot 1; DL 189; Plan 16465

APPEAL: An appeal for the relaxation of Sections 6.14(5)(a), 102.6(1)(a), 102.7(b) and 102.9(2) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with two detached garages at 5623 Highfield Drive. The following variances are requested:

a) A retaining wall height up to 8.49 feet in the required front yard facing Highfield Drive where a maximum height of 3.28 feet is permitted;

b) A fence height of 8.0 feet and a gate height of 6 feet in the required front yard facing Highfield Drive where a maximum height of 3.28 feet is permitted;

c) A fence height of 8.0 feet located outside the front yard where a maximum height of 5.91 feet is permitted;

d) A principal building height, measured from the rear average elevation, of 30.58 feet, where a maximum height of 29.5 feet is permitted. The principal building height, measured from the front average elevation, will be 24.68 feet;

e) A principal building depth of 69.0 feet where the maximum building depth of 60.0 feet is permitted, the roof would project a further 5 feet; and,

f) A side yard setback for an accessory building of 4.0 feet where a minimum flanking street side yard setback of 11.5 feet is required. Zone R-2

4. NEW BUSINESS

5. ADJOURNMENT



**CITY OF BURNABY**  
**BOARD OF VARIANCE**  
**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 February 02 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: Mr. Maciek Wodzinski, Planning Department Representative  
Ms. Eva Prior, Administrative Officer

The Chair called the meeting to order at 6:02 p.m.

**2. MINUTES**

**(a) Minutes of the Board of Variance Hearing held on 2017 January 05**

MOVED BY MR. NEMETH  
SECONDED BY MR. POUND

THAT the minutes of the Burnaby Board of Variance Hearing held on 2017 January 05 be adopted.

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. 6262**APPELLANT: Maxcyne DiasREGISTERED OWNER OF PROPERTY: Anthony and Maxcyne DiasCIVIC ADDRESS OF PROPERTY: 6895 Curtis StreetLEGAL DESCRIPTION OF PROPERTY: Lot: 36; DL 206; Plan 19729

APPEAL: An appeal for the relaxation of Section 6.3.1 of the Burnaby Zoning Bylaw which, if permitted, would allow for the retention of a partly covered deck to the rear of the existing single family dwelling (work done without a permit) at 6895 Curtis Street. The distance between the principal building and the detached garage is 13.67 feet where a minimum distance of 14.8 feet is required. (Zone-R5)

**APPELLANT'S SUBMISSION:**

Maxcyne Dias submitted an application to allow for the retention of a partly covered deck to the rear of her home at 6895 Curtis Street.

Mr. Dias, homeowner and Mr. LeDuc, representative 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 Lochdale neighbourhood, in which the age and condition of single and two family dwellings vary. This interior lot, approximately 50.0 ft. wide and 113.4 ft. deep, fronts onto Curtis Street to the south. Abutting the subject site to the west, directly across Curtis Street to the south and across the lane to the north are single family dwellings. Abutting the site to the east and across the lane to northeast are two family dwellings. This relatively flat site observes a gentle downward slope in the south-north (front to rear) direction. Vehicular access to the site is provided from the rear lane.

The subject site is improved with a single family dwelling and detached garage, originally built in 1945/60. The existing dwelling is currently under construction for interior alterations, which appear to be completed in accordance to the pending building permit, reference # BLD07-00007. However, the existing dwelling is further improved with a partially covered deck, built without the benefit of a building permit sometime between 2012 and 2014. This partly covered deck is the subject of this appeal.

This appeal is to allow a distance of 13.67 ft. from the accessory detached garage to the principal building, where a minimum distance of 14.76 ft. is required.

The Bylaw requires a separation between buildings on the same lot in order to prevent massing impacts on the occupants of the subject property and neighbouring properties, as well as to provide for sufficient outdoor living space.

The subject new deck is attached to the mid-eastern portion of the north (rear) face of the existing dwelling. The western portion of the deck is covered with a sloped roof which connects to the main roof over the existing dwelling. The existing detached garage is located at the northwest (rear) corner of the site. As a result, the northwest corner of the new deck overlaps by approximately 2.50 ft. the southwest corner of the existing detached garage. Only in this small overlap area is the required minimum distance between two structures (14.76 ft.) reduced by 1.09 ft. In the remaining overlap area, the distance between the two structures exceeds the required minimum separation.

Given the relatively small scale of the overlap area, the compromised distance between the new deck and the existing detached garage has a little impact on the interior of the dwelling. Also, the reduced separation only marginally affects outdoor living space available on the subject site. Further, since the subject overlap area occurs in the interior of the site, approximately 12.5 ft. and 35.0 ft. away from the west and east side property lines, respectively, the reduced separation does not impact the adjacent properties.

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

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. DHATT

SECONDED BY MR. CLARK

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

**(b) APPEAL NUMBER: B.V. 6265**

APPELLANT: Takeru & Shereene Yukawa

REGISTERED OWNER OF PROPERTY: Takeru & Shereene Yukawa

CIVIC ADDRESS OF PROPERTY: 4158 Georgia Street

LEGAL DESCRIPTION OF PROPERTY: Lot 49; DL 121; Plan NWP50383

APPEAL: An appeal for the relaxation of Section 105.8(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for retention of an

addition (work done without a permit) to a single family home at 4158 Georgia Street. The principal building depth would be 64.0 feet where a maximum depth of 60.0 feet is permitted. (Zone R5)

APPELLANT'S SUBMISSION:

Takeru & Shereene Yukawa submitted an application to allow for retention of an addition to their home at 4158 Georgia Street.

Takeru & Shereene Yukawa appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject property, which is zoned R5 Residential District, is located in Willingdon Heights neighbourhood in which the age and condition of the single and two family dwellings vary. This interior lot is approximately 33.0 ft. wide and 122.0 ft. deep and relatively flat. The site is neighbouring single family dwellings across Georgia Street to the north (front), across the lane to the south (rear) and to the east and west (sides). Vehicular access to the site is via the rear lane (south).

The site is improved with a single family dwelling and an attached carport, built in 1976. Subsequently, the carport was enclosed with walls without the benefit of a building permit. Currently, the applicant is proposing various interior and exterior alternations/additions to the existing dwelling, including the retention of the unauthorized attached carport enclosure. The carport enclosure is the subject of this appeal.

The appeal is to vary Section 105.8(1) – “Depth of Principal Building” of the Zoning Bylaw from 60.00 ft. to 64.00 ft. in order to allow the retention of the attached garage.

The intent of the Bylaw is to prevent the creation of overlong houses which present a long “wall” to their neighbours. In this case, the requested variance occurs at the southeast corner of the existing dwelling, where the garage projects beyond the rear face of the house.

The subject building exceeds the maximum permitted building depth by 4.00 ft. The portion of the building where the excess building depth occurs is limited to the 13.66 ft. wide south edge of the garage. The existing deck with the existing roof cover above the garage is proposed to be retained with the minor modification to the stair location.

It should be noted that originally the existing dwelling observed the building depth of approximately 69.0 ft., including the attached carport, which is legal non-conforming with respect to the building depth requirements. In general, majority of houses in the subject block feature similar siting and sizes as the subject lot. At least four neighbouring residences to the east of the subject site feature attached garages in similar locations as the subject garage. The neighbouring property immediately to the west of the subject site contains the attached garage on the opposite (west) side of this

lot, which observes a slightly larger rear yard setback. However, the additional massing of the enclosed (4.00 ft. deep) portion of the garage creates little impacts on this property, considering a generous setback of the garage from the shared (west) property line (approximately 15.33 ft.).

In summary, the requested variance would not conflict with the existing development pattern in the subject block and would create little impacts on the neighbouring properties. Therefore, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

Petition letters advising of no objection to the proposed variance were received from 4152, 4155, 4160 and 4161 Georgia Street and 4151, 4155 and 4159 Union Street.

No further 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

**(c) APPEAL NUMBER: B.V. 6266**

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 NWP1489

APPEAL: An appeal for the relaxation of Sections 102.6(1)(a), 102.8(1), & 102.10 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and attached garage at 8462 Royal Oak Avenue. The following variances are being requested:

a) A principal building height, measured from the front average elevation, of 32.09 feet where a maximum height of 29.5 feet is permitted. The height measured from the rear average elevation would be 24.79 feet;

b) A front yard setback of 34.56 feet where a minimum setback of 39.48 feet is required based on front yard averaging; and,

c) A rear yard setback of 20.0 feet where a minimum setback of 29.5 feet is required. All principal building projections, fences and



retaining walls into the resulting front and rear yards will conform to the requirements of Sections 6.12 and 6.14, respectively. (Zone R2)

A previous Board of Variance appeal (BOV 6261, 2016 December 15) sought allowance for a principal building height of 33.74 feet, and a front yard setback of 24.6 feet. Both variances were denied.

#### APPELLANT'S SUBMISSION:

Harb Mann submitted an application to allow for the construction of a new home at 8462 Royal Oak Avenue.

Harb Mann appeared before members of the Board of Variance on behalf of the homeowners.

#### BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

This property was the subject of an appeal before the Board on 2016 December 15 (BV 6261). Two variances were sought to allow for the construction of a new single family dwelling, with a secondary suite and an attached garage: First for the height of principal building from the front average elevation of 33.70 ft. where 29.50 ft. is permitted., second for front yard setback of 24.60 ft. where a minimum front yard setback of 39.48 ft. (based on front yard averaging) is required at the Keith Road frontage. Both appeals were denied by the Board of Variance.

Subsequently, in response to the concerns raised at the hearing, the applicant has revised the proposal by relocating the principal building 9.96 ft. further away from the front property line, which results in the 34.56 ft. front yard setback where 39.48 ft. is required. However, the relocation causes the reduction of rear yard to 20.00 ft. where 29.50' is required. The revised front yard setback is an improvement to the previously proposed setback. However two variances for front and rear setback is still required.

The height of the house was also reduced by 3.00 ft. by reducing basement clear height from 10.00 ft. to 8.00 ft. and main floor from 10.00 ft. to 9.00 ft. However, the resulting maximum building height measured from the average front elevation was reduced by 1.65 ft. only, still resulting in a 2.59 ft. request for variation, (a reduction from the 4.24 ft. variance requested in the last appeal).

Therefore, this Department's comments remain similar to the comments provided for the 2016 December 15 appeal (*attached* as Item 1, Supplementary Material).

As a reminder, the subject site is located in the Clinton-Glenwood neighbourhood, which is an older, well established neighbourhood. This corner lot, approximately 70.00 ft. wide by 104.00 ft. long, fronts onto the east side of Royal Oak Avenue and the north side of Keith Street. Abutting the subject site to the east and west (across Royal Oak Avenue) are single family dwellings.

The properties to the north, across the lane, contain single family dwellings. Existing and proposed vehicular access to the site is from the rear lane. The site observes a significant downward slope from the northeast corner of the lot at the lane to the southwest corner where Royal Oak Avenue and Keith Street intersect, dropping 18.67 ft. over 125.00 ft. diagonal.

The first two 1) and 2) appeals, front and rear yards variance, are correlated and reviewed together.

In 1991, Council responded to the public concerns with respect to the bulk and massing of the newer and larger homes that were built in the established neighbourhoods. Several text amendments to the Zoning Bylaw were made to address these concerns, including the requirement of a larger front yard where the average front yard depth of the two dwellings on either side of the subject site exceeds the required front yard applicable to the zone. The larger front yard requirement should be calculated through the "front yard averaging". The intent of the amendment was to improve the consistency and harmony of the new construction with the existing neighbourhood.

The major contributor to the required variance is the front yard averaging taken on a basis of only two neighbouring houses built in the early sixties to the east of the subject property. The front yard averaging requirement of 39.48 ft. leaves 34.91 ft. between the front and rear setbacks, where normally approximately 50 ft. would be available for a house on similarly sized lot.

It is worth noted that front setback is measured to the front porch column, where the main floor of the building is set 3.5 ft. to 5.5 ft. further away from property line, and the rear yard is also measured to the main floor, where the upper floor is setback from 9.5 ft. to 27.83 ft. further from the rear property line. The second floor has a smaller foot print, (65% of the main floor), which greatly reduces the mass of the building and the negative influence on a neighbouring properties.

However, the size of the house, which also contributed to the need for both variances, is a design choice; therefore this Department cannot support granting of first two variances.

Third appeal requests an increase of the maximum building height from permitted 29.50 ft. to 32.09 ft. measured from average front grade.

Despite the changes made since the last Board of Variance appeal, the 2.59 ft. height encroachment remains the subject of the third appeal, reduced from the 4.24 ft. requested before. Raising the basement level by 2.1 ft. eliminated 2.00 ft. reduction in the basement clear height. With almost no difference in the main floor elevation between the currently proposed 124.10 ft. and the 124.00 ft. requested in the last appeal, the only overall height reduction was made by the 1.00 ft. reduction in main floor clear height. Relocation of the dwelling to the north did not cause any significant

change to the main floor elevation.

The solution to this issue would be lowering the basement of the house to the previous elevation and the introduction of a floor level difference between the garage and the house which would require a few inside steps between garage and the house. The addition of an elevation difference between garage and the house was signaled by the applicant in the hardship letter, but not fulfilled on the drawings.

In summary, despite limited negative influence on properties located on higher ground across the lane, considering the existence of design options that could greatly remove the need for this height variance, this Department cannot support the granting of the third variance.

ADJACENT OWNER'S COMMENTS:

A letter in opposition to the proposed variances was received from the homeowner of 5250 Patrick Street. The author expressed concern that the granting of this height variance would be precedent setting for the area.

No further correspondence was received regarding this appeal.

MOVED BY MR. CLARK  
SECONDED BY MR. NEMETH

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

CARRIED

OPPOSED: C. RICHTER

MOVED BY MR. CLARK  
SECONDED BY MR. POUND

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

CARRIED UNANIMOUSLY

MOVED BY MR. CLARK  
SECONDED BY MR. POUND

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

CARRIED

OPPOSED: S. NEMETH

**(d) APPEAL NUMBER: B.V. 6267**APPELLANT: Nick ZanicREGISTERED OWNER OF PROPERTY: Franco and Maria CorteseCIVIC ADDRESS OF PROPERTY: 4589 Venables StreetLEGAL DESCRIPTION OF PROPERTY: Lot H; DL 122; Plan 13058

APPEAL: An appeal for the relaxation of Section 105.9 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and detached garage at 4589 Venables Street. The front yard setback would be 29.95 feet where a minimum setback of 35.1 feet is required. All principal building projections, fences and retaining walls will conform to the requirements of Sections 6.12 and 6.14, respectively. (Zone R5)

APPELLANT'S SUBMISSION:

Nick Zanic submitted an application to allow for the construction of a new home at 4589 Venables Street.

Frank and Maria Cortese, homeowners and Nick Zanic, representative appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site is located in the Brentwood area, in a mature single family neighbourhood. The site is zoned R5 Residential District. This end of the block, rectangular lot measures approximately 49.24 ft. in width and 121.87 ft. in depth. The subject site fronts onto the north side of Venables Street and on the side yard, faces the west side of Alpha Street. Single family dwellings abut the subject site to the west, across the lane to the north, and across the street to the south. Across Alpha Street to the east is a Burnaby School property. Vehicular access to the subject site is proposed to be from the rear lane. The site is relatively flat, with a minimal downward slope of approximately 3.30 ft. in the northeast – southwest direction.

A new single family dwelling with a secondary suite and a detached garage is proposed for the subject site, for which a single variance has been requested.

This appeal proposes the relaxation of Section 105.9 – “Front Yard” of the Burnaby Zoning Bylaw from 35.10 ft. (based on front yard averaging) to 29.95 ft. The purpose of this variance is to allow the construction of the proposed single family dwelling encroaching into the required front yard abutting the Venables Street, while maintaining the required 14.76 ft. distance between the detached garage and the principal building.

In 1991, Council responded to the public concerns with respect to the bulk and massing of the newer and larger homes that were built in the established neighbourhoods. Several text amendments to the Zoning Bylaw were made to address these concerns, including the requirement of a larger front yard where the average front yard depth of the two dwellings on either side of the subject site exceeds the required front yard applicable to the zone. The larger front yard requirement should be calculated through the “front yard averaging”. The intent of the amendment was to improve the consistency and harmony of the new construction with the existing neighbourhood.

To calculate the required front yard of the subject property (front yard averaging), the front yard of the two neighbouring properties immediately west of the subject site, at 4575 and 4563 Venables Street, were calculated. These front yards are 30.90 ft. and 39.30 ft. respectively. Due to flanking street condition, there was no front yard calculation to the east of the subject site. The neighbouring properties’ average front yards, measured from the front property line to the outermost section of the building, is 35.10 ft.

The proposed front yard of the subject property is measured to the foundation of the proposed dwelling as 29.95 ft. The partly recessed porch would be located in the center of the front elevation. The open front porch would project approximately 3.58 ft. further into the front yard, but within allowable 3.94 ft. encroachment. The upper floor would be further set back, by approximately 3.5 – 4.5 ft. at its southeast portion in relation to the main floor wall. This would locate 2/3 of the width of the upper level within 0.65 ft. of the required front yard setback.

According to the proposed front yard, the subject dwelling would be located essentially in line with the majority of neighboring residences to the east. Only two houses out of thirteen on this street block are set back further, near the 39.00 ft. setback line, and one of them is 4563 Venables Street, the house which skews the front yard averaging calculation for this case.

With respect to the neighbourhood context, the proposed front yard is more in line with the prevailing streetscape than the house at 4563 Venables Street, therefore, the proposed siting of the subject dwelling would fit within the existing streetscape.

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

#### ADJACENT OWNER’S COMMENTS:

Correspondence was received from the homeowners of 4575 Venables in support of the proposed variance.

Correspondence was received from homeowners of 839 Alpha Avenue expressing concern regarding parking at the rear of the proposed home.

No further correspondence was received regarding this appeal.

MOVED BY MR. NEMETH  
SECONDED BY MR. CLARK

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

**4. NEW BUSINESS**

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

**5. ADJOURNMENT**

MOVED BY MR. CLARK  
SECONDED BY MR. DHATT

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:48 p.m.

\_\_\_\_\_  
Ms. C. Richter, CHAIR

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

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

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

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

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



# 2017 Board of Variance Notice of Appeal 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 SUKHDEV S BHAMBRA  
 Mailing Address 3353 GODWIN AVENUE  
 City/Town BURNABY Postal Code V5G 3R9  
 Phone Number(s) (H) 604-523-1799 (C) 604-341-3473  
 Email davebhambra@hotmail.com

### Property

Name of Owner SUKHDEV BHAMBRA / KULDIP BHAMBRA  
 Civic Address of Property 5858 SPROTT ST  
BURNABY B.C.

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.

Jan 27/2017  
Date

Sukhdev Bhambra  
Applicant Signature

### Office Use Only

Appeal Date 2017 march 02 . Appeal Number BV# \_\_\_\_\_

#### Required Documents:

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

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

ATT: CITY OF BURNABY

January 09-2017

RE: 5858 Sprott Street, Burnaby, B.C.

I would like to request the city of Burnaby to allow me to move the posts on my deck at rear of my new house under construction to the edge of the deck. This will make the deck to be more practical. The way it is now, it is far from practical, at first floor level, right now drop beam is not practical, it should be flush beam. Because drop beam limits the height under the deck for equipment like lawn mower, pressure washer Bikes etc. For example E&P grade 176.73 and 176.4 prospective

Main floor level 179.82 that leaves approximately 36" and you take 12" for floor and 12" for drop beam that only leaves about 12" below the drop beam. The flush beam will allow at least 24" space below the deck

On main floor there. The beam spanning +/- 20 feet will be at least 24" deep. It will spoil the total look of the deck. The Folding door will be very expensive. It does not make sense to spend so much on the folding doors to look at such a deep beam. If it was moved to the end of the deck I can put two more posts that will reduce the depth of the beam.

I wish my deck to be practical so that we can actually use it, especially for family functions. I hope I can see wedding for my kids in this house. I hope Burnaby would like to see house with more practical deck. I would like say that I am not asking for any additional coverage, It is still under the same roof area. As one of plan checker said to me, he said he can see the logic and the practicality behind it. But it is a decision that variance board can take.

Thanks

  
Sukhdev Bhambra





### BOARD OF VARIANCE REFERRAL LETTER

<b>DATE:</b> January 24, 2017			<i>This is <u>not</u> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
<b>DEADLINE:</b> February 7, 2017 for the March 2, 2017 hearing.			
<b>APPLICANT NAME:</b> Sukhdev Bhambra			
<b>APPLICANT ADDRESS:</b> 3353 Godwin Avenue			
<b>TELEPHONE:</b> 604-341-3473			
<b>PROJECT</b>			
<b>DESCRIPTION:</b> New single family dwelling with secondary suit and attached garage			
<b>ADDRESS:</b> 5858 Sprott Street			
<b>LEGAL DESCRIPTION:</b>	<b>LOT:</b> 9	<b>DL:</b> 80	<b>PLAN:</b> 1892

Building Permit application BLD16-01026 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

#### Zone R4 / Section 104.11

#### COMMENTS:

The applicant proposes to build a new single family dwelling with secondary suit and attached garage. In order to allow the Building Permit application to proceed, the applicant requests that the following variance be granted:

- 1) To vary Section 104.11 – "Rear yard" of the Zoning Bylaw requirement for the minimum rear yard depth from 29.5 feet to 26.82 feet.

Fences and retaining walls will conform to the requirements of Section 6.14.

*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.*

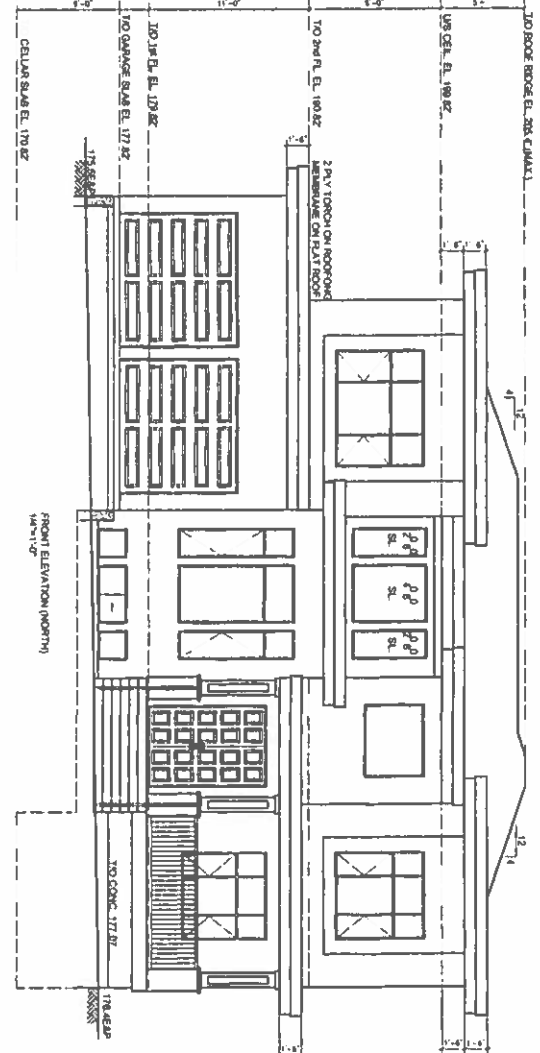
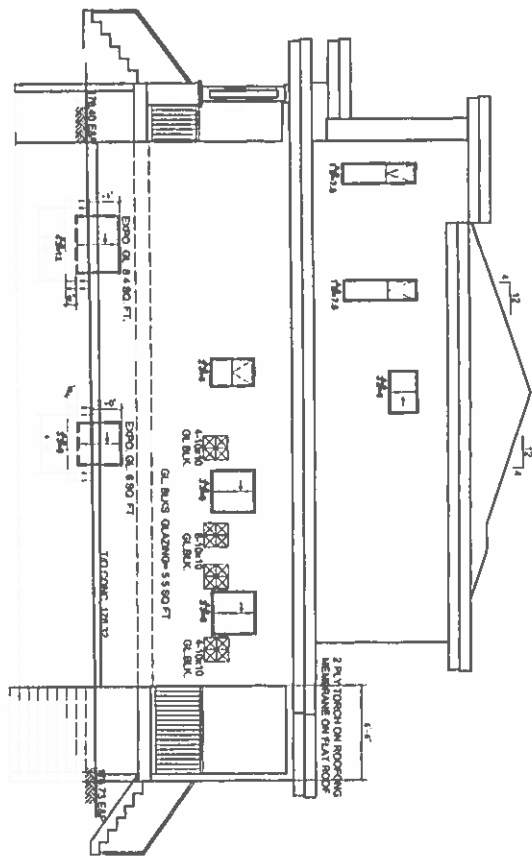
*The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.*

LM

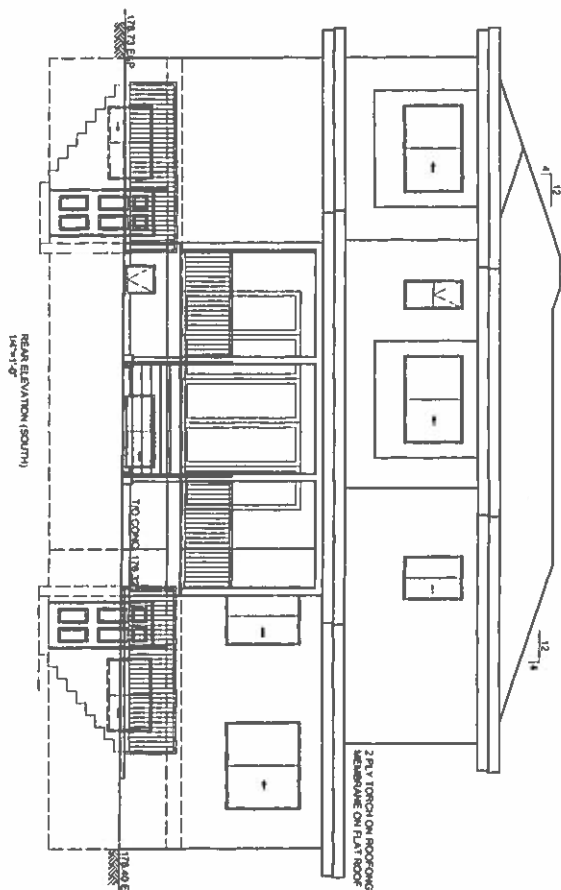
*Peter Kushnir*

Peter Kushnir  
Deputy Chief Building Inspector

LEFT ELEVATION (WEST)  
 146=1.47  
 EXPO. BLVD. FACE = 767.5 SQ. FT.  
 ALLOW. OPENING = 614 SQ. FT. (8% of 82 FT.  
 PROP. OPENING = 55.0 SQ. FT. LD = 0.07 FT.



FRONT ELEVATION (NORTH)  
14-1-07

REAR ELEVATION (SOUTH)  
14"=1'-0"





# 2017 Board of Variance Notice of Appeal 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 GURMINDER BILN  
 Mailing Address 7770 SUSSEX AVE  
 City/Town Burnaby Postal Code V5J-3W2  
 Phone Number(s) (H) 604-435-9955 (C) 604-307-8294  
 Email gurpreetbiln@hotmail.com

### Property

Name of Owner Gurminder Biln  
 Civic Address of Property 7770 SUSSEX AVE  
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.

6/Feb/2017  
 Date

[Signature]  
 Applicant Signature

### Office Use Only

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

#### Required Documents:

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

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

**GURMINDER S. BILN**  
7770 Sussex Avenue  
Burnaby, BC  
V5J 3W2  
Tel: (604) 435-9955

February 6, 2017

City of Burnaby  
Board of Variance

**RE: 7770 Sussex Avenue, Burnaby, BC – Hardship Application**

Submissions:

- Building height is unchanged from original plans
- Roof elevations for the house are the same
- During landscaping excavation went over lowering the front yard
- Our intention was lowering the front yard made sense
  - Less dirt and pressure on south retaining wall
  - City sidewalk - only one step - safer when entering the yard
  - Less chance of water to back up, in best interest of neighbor
- Level yard safer for all – mailman, newspaper boy, tenants, guests, service personnel
- Side walk on north is just slightly under original plan specifications

We acted in good faith, all work is complete, financial hardship will result. We kindly request a variance being granted.

Sincerely,



Gurminder Biln



### BOARD OF VARIANCE REFERRAL LETTER

<b>DATE:</b> January 24, 2017			<i>This is <u>not</u> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
<b>DEADLINE:</b> February 7, 2017 for the March 2, 2017 hearing.			
<b>APPLICANT NAME:</b> Gurminder and Gurpreet Biln			
<b>APPLICANT ADDRESS:</b> 7611 Gray Avenue, Burnaby			
<b>TELEPHONE:</b> 604-307-8294			
<b>PROJECT</b>			
<b>DESCRIPTION:</b> New single family dwelling with secondary suite and detached garage			
<b>ADDRESS:</b> 7770 Sussex Avenue			
<b>LEGAL DESCRIPTION:</b>	<b>LOT:</b> A	<b>DL:</b> 157	<b>PLAN:</b> NWP11640

Building Permit application BLD14-01314 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

#### Zone R2 / Section 102.6(1)(a)

#### **COMMENTS:**

A building permit was issued on October 24, 2014 for the construction of a new single family dwelling with a secondary suite and a detached garage. The applicant is proposing to revise the approved drawings by requesting the following variance be granted:

- 1) To vary Section 102.6(1)(a) – “Height of Principal Building” of the Zoning Bylaw from 29.5’ to 31.31’ measured from the front average grade. The principal building height measured from the rear average grade will be 27.82.

*Notes: The applicant recognizes that should the project contain additional characteristics in contravention of the Zoning By-law, a future appeal may be required.*

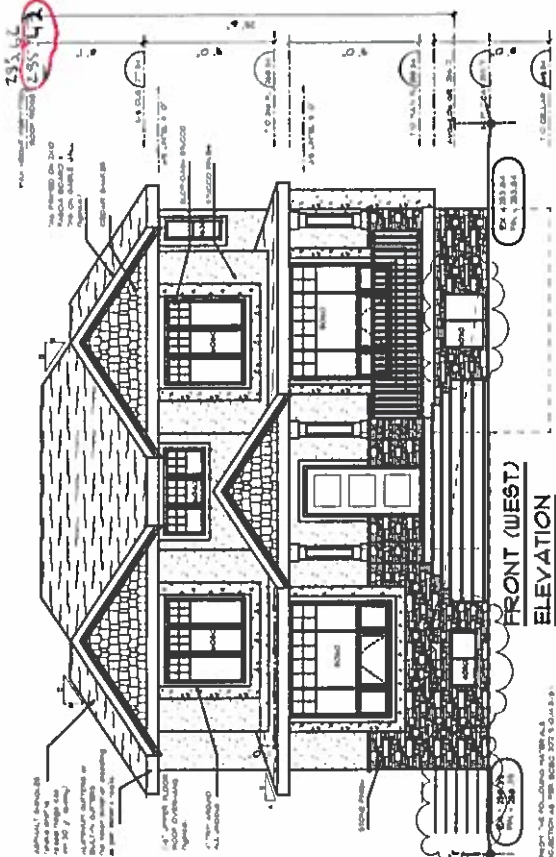
*The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.*

MS

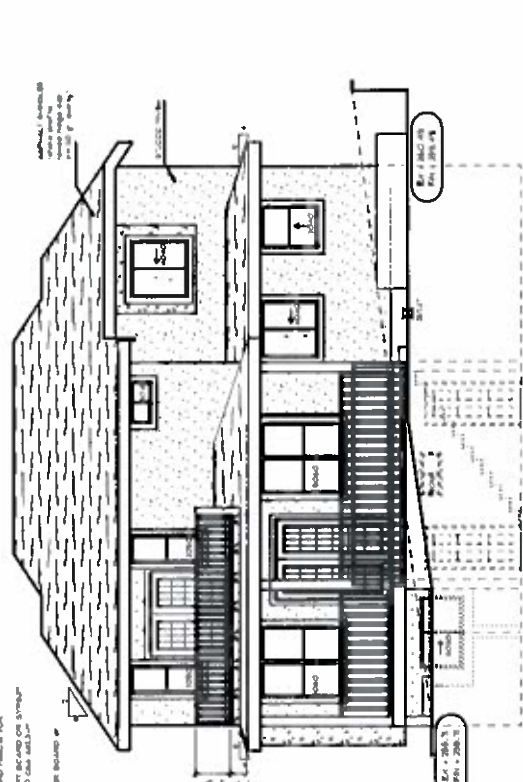
Peter Kushnir  
Deputy Chief Building Inspector



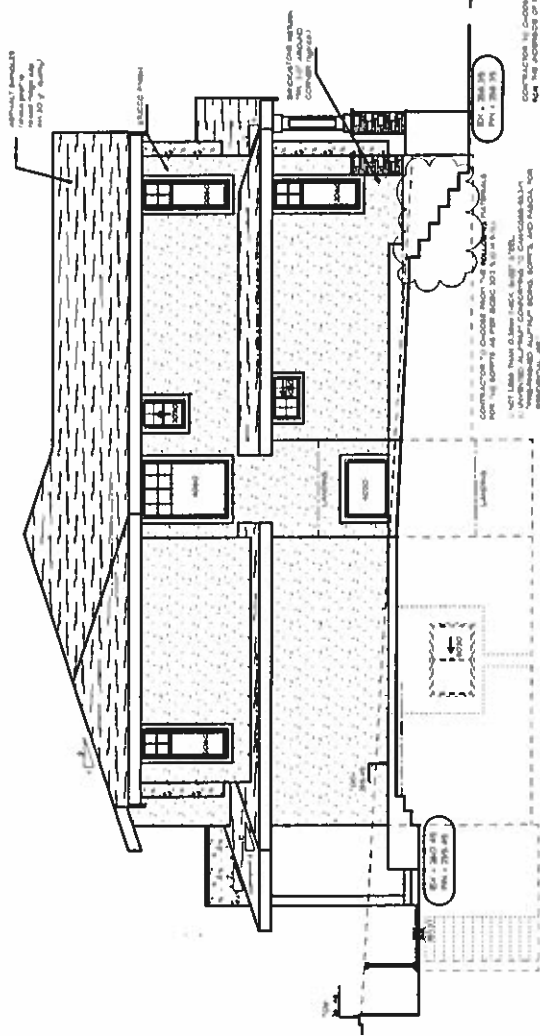
295.62



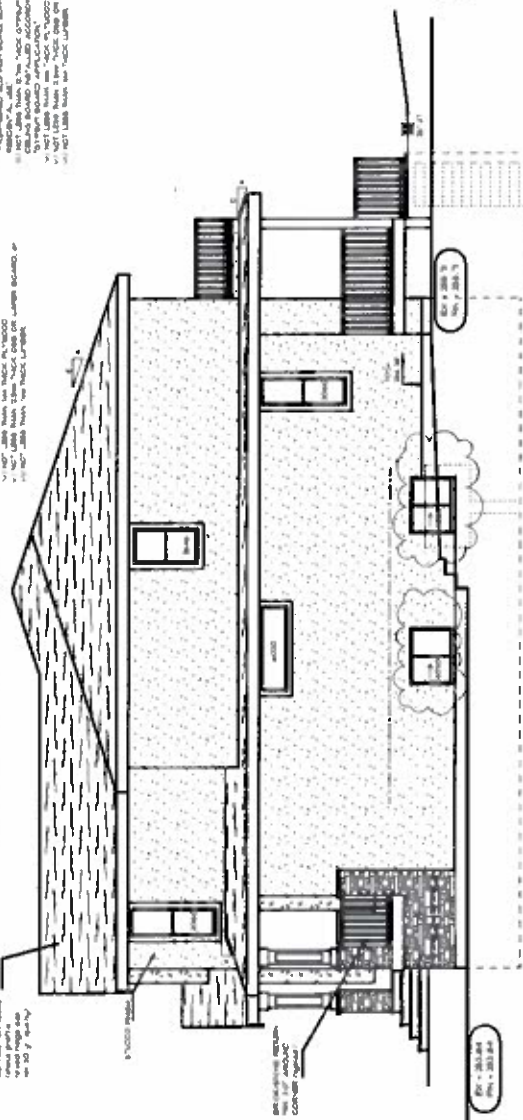
FRONT (WEST)  
ELEVATION



REAR (NORTH) ELEVATION



LEFT (WEST) ELEVATION



RIGHT (WEST) ELEVATION

TOTAL UNIT AREA	56.35 SQ.YD. (70.50 SQ.FT.)
LIFTING DISTANCE	5.35 FT. (1.63 M.)
PERCENTAGE AREA OF WINDOW OPENING	8.16%
WINDOW OPENING ALLOWED	4.61 SQ.YD.
WINDOW OPENING PROPOSED	4.00 SQ.YD.

**PROPOSED RESIDENCE for GUAMINDER BILU (604-307-8294)**  
**ON 7770 SUSSEX AVENUE, BUJANABY, B.C.**

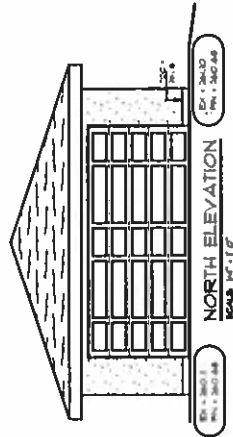
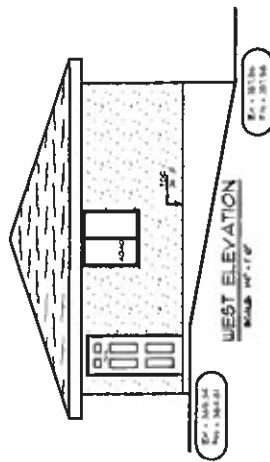
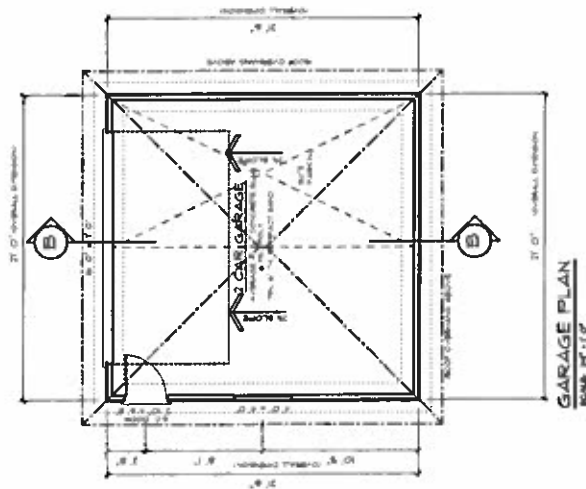
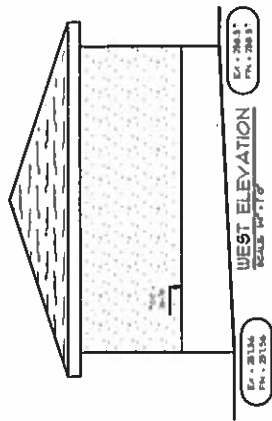
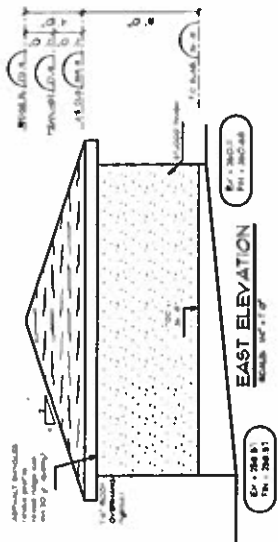
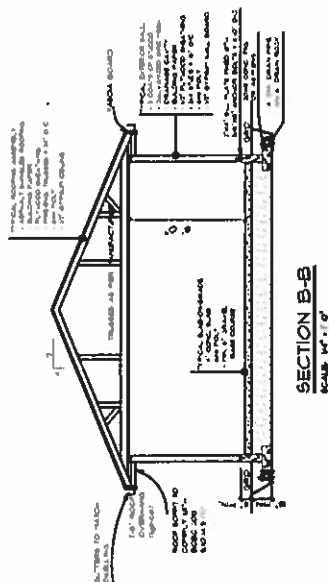
**THE HONORABLE** THE PRESIDENT OF THE UNITED STATES  
WASHINGTON, D.C.

SCALE: 1/4" = 1' 0"	DATE: AUGUST 14, 2014
	BY: J. D. J. 10/2/2014

41



**3.(b)**



PROPOSED RESIDENCE for GURMINDER BILU (604-307-8294)  
ON 7770 SUSSEX AVENUE, BURNABY, B. C.

the drawings are the exclusive property of  
SIMPLECTHOME DESIGN LTD. and shall not be  
reproduced or used in any way without the  
written consent of SIMPLECTHOME DESIGN LTD.

SCALE: 1/4" = 1'-0"  
DATE: AUGUST 14, 2014

PLAN: 107-0814  
DRAWN: BG

5

**s i m p l e x**  
**h o m e d e s i g n**  
1-800-363-1000  
www.simpleshomedesign.com

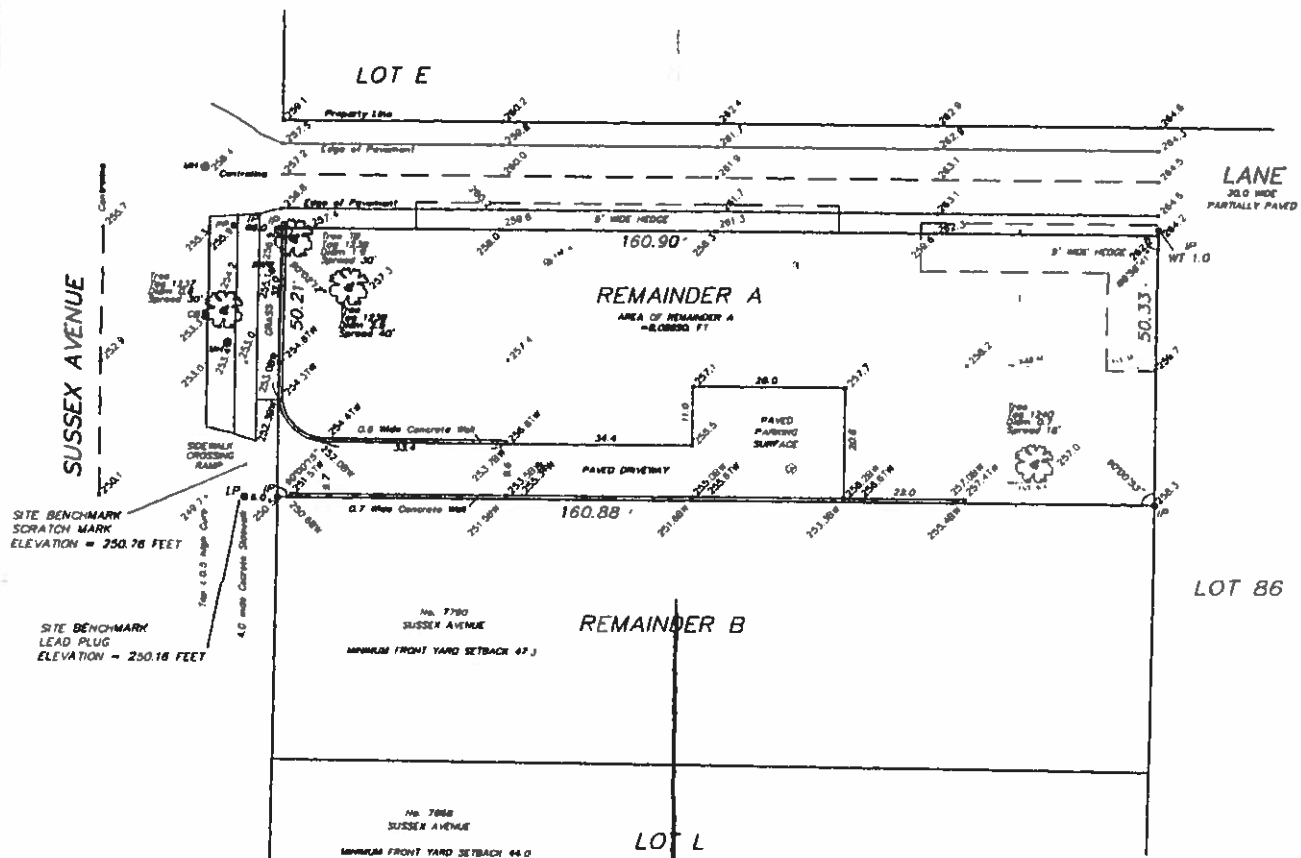


BLD14-01314

**B.C. LAND SURVEYOR'S CERTIFICATE OF  
SETBACKS WITH ELEVATIONS FOR LOT "A"  
EXCEPT: PLAN 51866; DISTRICT LOT 157  
GROUP 1 NEW WESTMINSTER DISTRICT PLAN 11640**

**RECEIVED**  
SEP 05 2014  
BUILDING DEPARTMENT

CIVIC ADDRESS:  
7770 SUSSEX AVENUE  
BURNABY, B.C.

**BUILDING ENVELOPE SETBACKS FOR R-2 ZONE:**

FRONT YARD AVERAGE = 45.7  
MINIMUM SIDE YARD = 4.9  
SUM OF SIDE YARDS = 11.5  
MINIMUM REAR YARD = 29.5

BUILDING ENVELOPE SHOWN IS ONLY AN APPROXIMATE  
INTERPRETATION OF CITY BUILDING BYLAWS. CONSULT  
CITY PLANNING DEPARTMENT FOR FINAL BUILDING  
ENVELOPE WHEN REQUIRED.

ALL TREES AND STUMPS HAVE BEEN PLOTTED AS  
REQUIRED BY BURNABY TREE BYLAW

LOT DIMENSIONS SHOWN ACCORDING TO POSTING PLAN  
EPP41174

BUILDING DIMENSIONS AND OFFSETS ARE TAKEN  
TO THE OUTSIDE OF THE MAIN WALLS.

PARCEL IDENTIFIER: 001-887-823

**LYON, FLYNN & COLLINS  
PROFESSIONAL LAND SURVEYORS**

100 - 1537 WEST 8TH AVENUE,  
VANCOUVER, B.C. V6H 1T9

PHONE: 604-737-8777 FAX: 604-737-8784  
E-MAIL: lynn@lfc.ca.net

**LEGEND:**

- \*250.5 DENOTES ELEVATION
- IP DENOTES IRON POST
- LP DENOTES LEAD PLUG
- MH DENOTES MANHOLE
- PP DENOTES POWER POLE
- BWW DENOTES BURNABY WATER WORKS
- CB DENOTES CATCH BASIN
- TW DENOTES TOP OF WALL
- BW DENOTES BOTTOM OF WALL
- WT DENOTES WINESS

ELEVATIONS ARE ON CVD28GYRD CITY OF BURNABY  
GEODETIC DATUM DERIVED FROM MONUMENT 435  
ELEVATION = 316.20 FEET

ALL DIMENSIONS OTHER THAN LOT DIMENSIONS  
ARE SHOWN TO THE NEAREST 0.1 FOOT

ADJACENT HOUSE SETBACKS		
HOUSE NO.	MINIMUM FRONT YARD SETBACK	AVERAGE
7780	47.3	81.3/2
7888	64.0	=
TOTAL	81.3	45.7

TREES			
TAG NO.	TYPE	DIAMETER	SPAN
1237	TREE	0.8	30
1238	TREE TB	1.8	30
1239	TREE	2.3	40
1240	TREE	0.7	18

CERTIFIED CORRECT  
9TH MAY 2014

*Paul Coll* B.C.L.S.

**GARY BILN**

THIS PLAN IS NOT  
VALID UNLESS ORIGINALLY  
SIGNED AND SEALED

SCALE: 1 INCH = 16 FT.

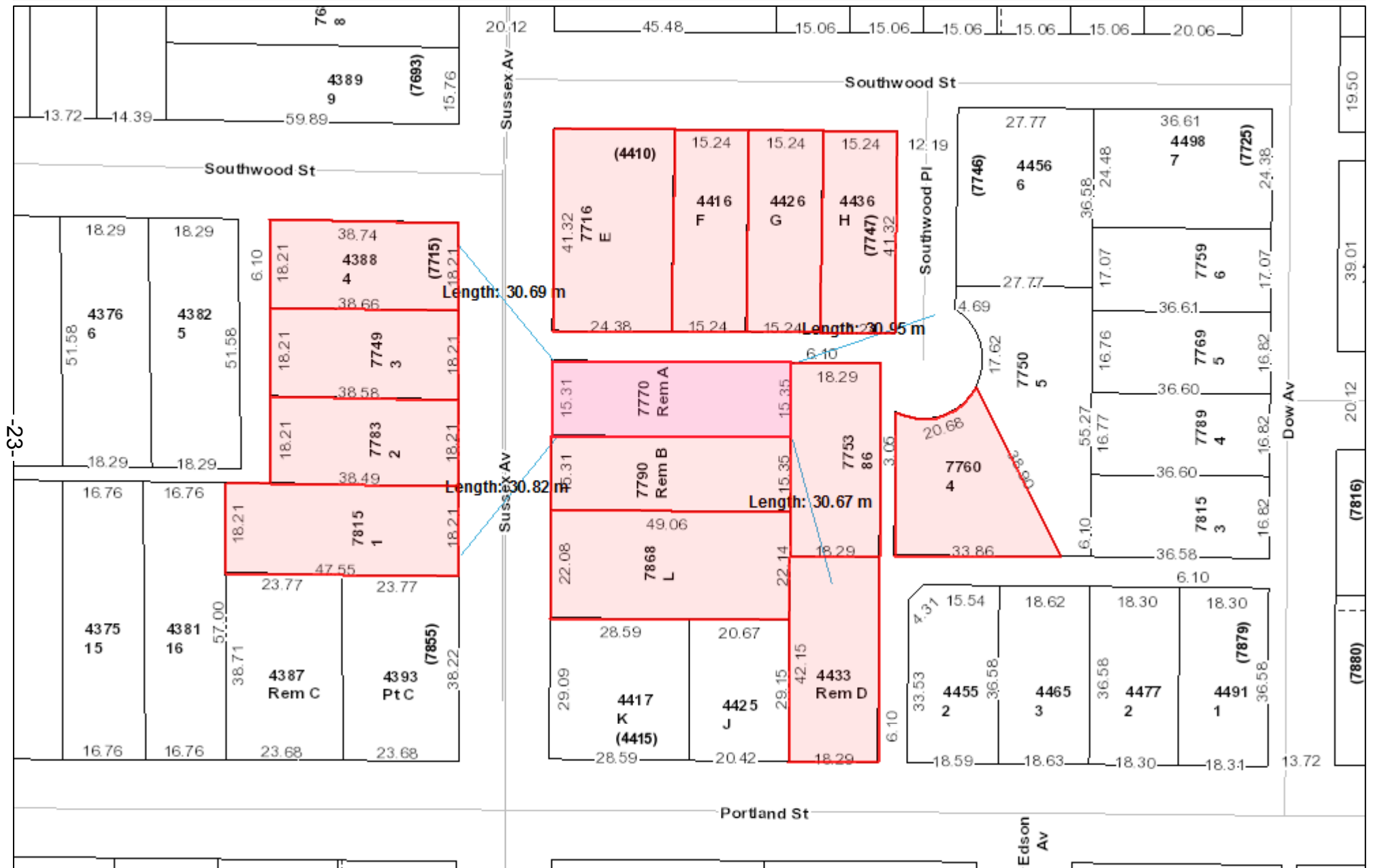
DATE: 24TH APRIL 2014

THIS PLAN IS TO BE USED  
FOR DESIGN PURPOSES  
ONLY

OUR FILE: 14078TOPO

YOUR FILE:

CHK BWC DRWN BWC





# 2017 Board of Variance Notice of Appeal 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 Ian McLean  
 Mailing Address 3328 Adair St  
 City/Town Vancouver Postal Code V5K 2P3  
 Phone Number(s) (H) / (C) 604.834.5896  
 Email ian@ianmclean.net

### Property

Name of Owner Voya yawney / Paul Cheetham  
 Civic Address of Property 4611 West lawn Dr. Burnaby, BC

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.

21/7/17  
 Date

[Signature] For Ian McLean  
 Applicant Signature

### Office Use Only

Appeal Date 2017 March 02. Appeal Number BV# 16270.

#### Required Documents:

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

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

ian mclean architect

3328 Adanac Street,

Vancouver BC

604-834-5896

ian@ianmclean.net

Secretary of the Board of Variance,  
City of Burnaby,  
4949 Canada Way,  
Burnaby, BC

February 6, 2017

Dear members of the Board of Variance,

**RE: PROPOSED RENOVATIONS AT  
4611 WESTLAWN DRIVE, BRUNABY BC**

We understand that our application is not approvable under R-10 planning guidelines. Our application calls for extensive renovations and addition to an existing single family home of the Cheetham-Yawney Residence. Specifically, our renovation involves the addition of a partial upper storey (approx. 820 square feet). Our application is compliant in all respects, with the exception of overall building height.

Hardships, Barriers to Compliance and Context;

Our project is a renovation and therefore must maintain and integrate with existing basement and main floor elevations. As a result, it is not possible to construct an upper storey without having the peak project slightly into the height envelope. This is compounded by the fact that R-10 zoning guidelines strongly encourage pitched roof lines.

Merits of Proposed Design:

Since we are proposing to renovate, we can retain much of the existing building, keeping it out of landfill. We consider this a more sustainable approach to development. It also means that much of the mature landscaping can be retained and there will arguably be less impact to the neighborhood compared to building new. The Craftsmen inspired rooflines are in keeping with much of Burnaby's residential character. Finally, the homeowners have consulted with their neighbors and feedback has been unanimously positive.

In summary, please accept our Board of Variance application and allow this 'neighborhood enhancing' renovation to proceed.

Yours truly,

**IAN MCLEAN ARCHITECT INC**

(Authorizing Wesley Wright to make the submission on my behalf)

A handwritten signature in black ink, appearing to read 'Ian McLean', with a stylized, sharp peak at the beginning.

**Ian McLean**

Architect AIBC, LEED™ Accredited Professional

ian mclean architect inc



### BOARD OF VARIANCE REFERRAL LETTER

<b>DATE:</b> February 7, 2017		<i>This is <u>not</u> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
<b>DEADLINE:</b> February 7, 2017 for the March 2, 2017 hearing.		
<b>APPLICANT NAME:</b> Ian McLean		
<b>APPLICANT ADDRESS:</b> 3328 Adanac Street, Vancouver, BC		
<b>TELEPHONE:</b> 604-834-5896		
<b>PROJECT</b>		
<b>DESCRIPTION:</b> Existing single family dwelling with proposed addition/interior alteration to the main floor and proposed upper floor addition		
<b>ADDRESS:</b> 4611 Westlawn Drive		
<b>LEGAL DESCRIPTION:</b>	<b>LOT:</b> 2	<b>DL:</b> 123
		<b>PLAN:</b> NWP15924

Building Permit application BLD16-01299 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

#### Zone R10 / Section 110.6 (2)(a)

#### COMMENTS:


The applicant proposes to construct interior alterations and addition to the main floor and an upper floor addition to an existing single family dwelling. In order to allow the Building Permit application to proceed, the applicant requests that the following variances be granted:

- 1) To vary Section 110.6(2)(a) – “Height of Principal Building” of the Zoning Bylaw from 24.90 feet to 28.68 feet measured from the front average grade.
- 2) To vary Section 110.6(2)(a) – “Height of Principal Building” of the Zoning Bylaw from 24.90 feet to 27.82 feet measured from the rear average grade.

*Notes: The applicant recognizes that should the project contain additional characteristics in contravention of the Zoning By-law, a future appeal may be required.*

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

JQ

*for*   
 Peter Kushnir  
 Deputy Chief Building Inspector

[illegible][illegible][illegible]

ian mclean architect

WOMAN READER  
JAN. 1971

Cheetham-Yawney Residence  
4511 Westlawn Drive  
BURNABY BC

SITE PLAN / ROOF PLAN

A-1

100' x 1'

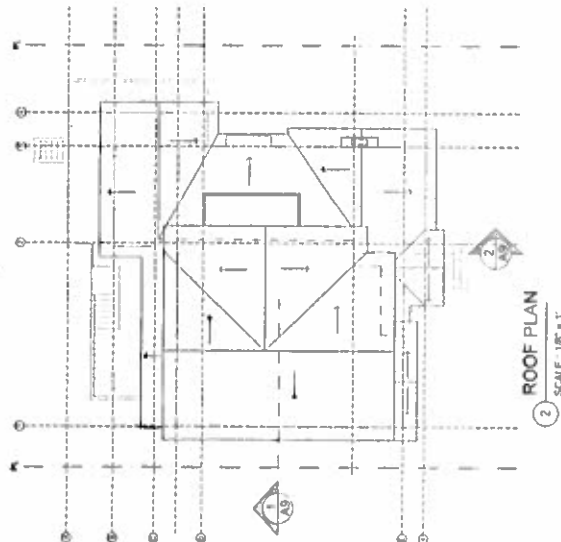
DATE  
MCLEAN FEB 02 '97

C:\Users\5\Videos\comprocio\DesuTop\Front.jpg

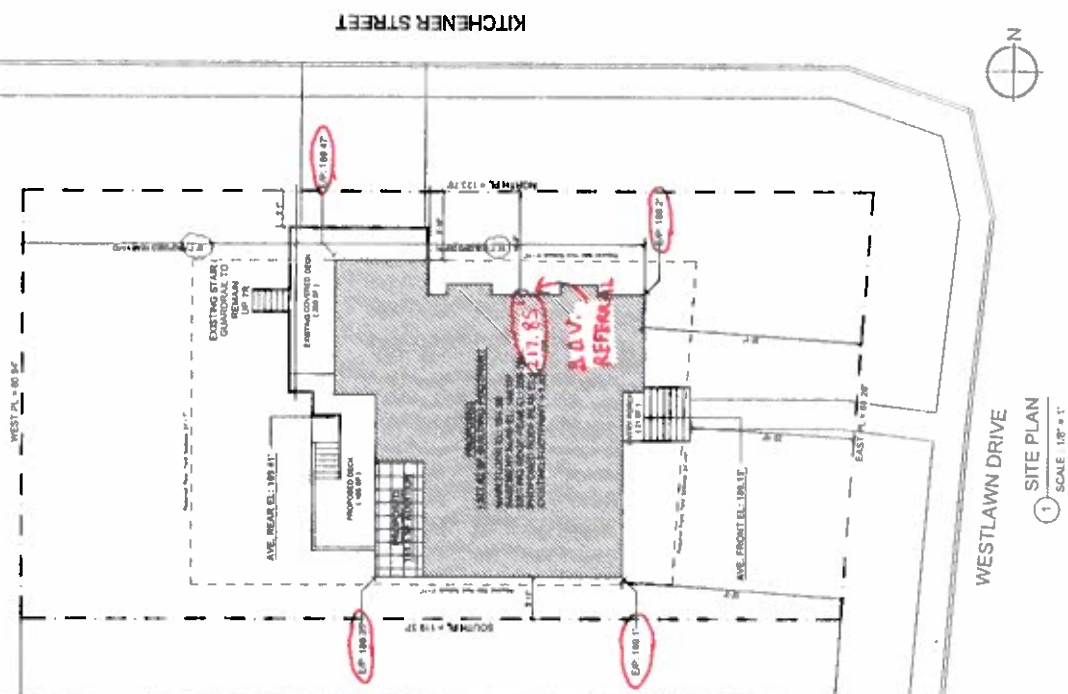
Context Photo- East Elevation- Front

C:\Users\Nandini\Documents\Deriv\top\slide.jpg

Context Photo- North Elevation- Side



2 ROOF PLAN  
SCALE: 1/8" = 1'



**SITE PLAN**  
SCALE 1/8" = 1'

GENERAL NOTES

NO.	REVISIONS	DATE
1	REVISION FOR DEVELOPMENT PERMIT	2020/07/17
2	REVISION FOR DEVELOPMENT PERMIT	2020/07/17
3	REVISION FOR DEVELOPMENT PERMIT	2020/07/17
4	REVISION FOR DEVELOPMENT PERMIT	2020/07/17
5	REVISION FOR DEVELOPMENT PERMIT	2020/07/17

ian mclean architect

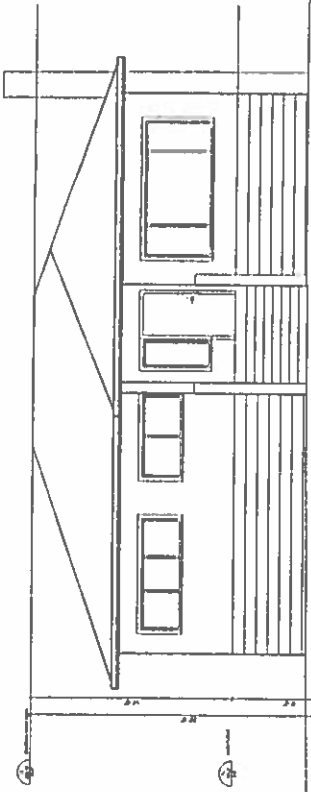
IAN MCLEAN ARCHITECT  
2020/07/17  
VANCOUVER, CANADA  
BOX 604 6000

Cheatham-Yawney Residence  
4611 Westlawn Drive  
BURNABY BC

ELEVATIONS

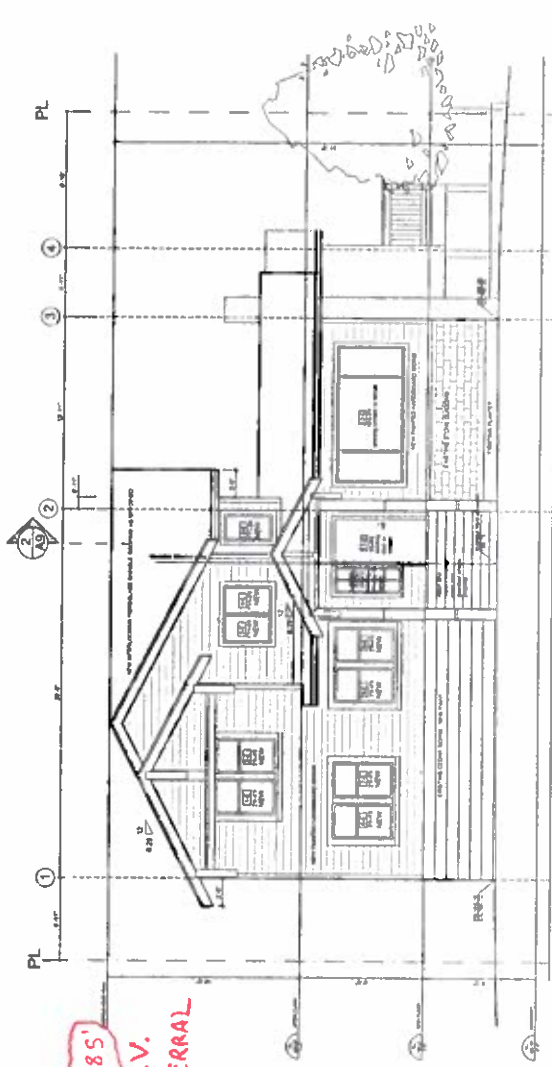
A-5

SCALE: 1/4" = 1'  
DATE: FEB 03 17



1 EXISTING EAST ELEVATION

SCALE: 1/4" = 1'



217.85'

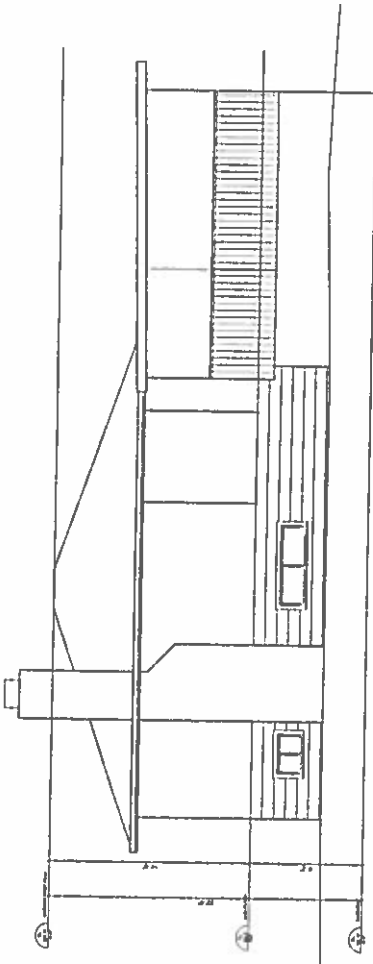
B.O.V.

REFERRAL

2 PROPOSED EAST ELEVATION

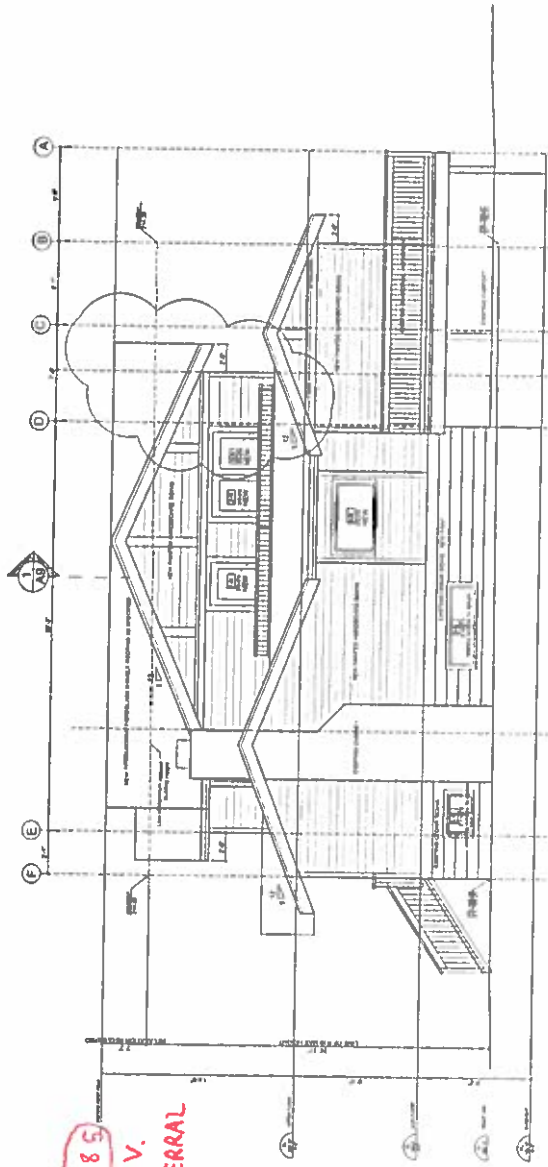
SCALE: 1/4" = 1'





EXISTING NORTH ELEVATION

SCALE 1/8" = 1'



PROPOSED WEST ELEVATION

SCALE 1/8" = 1'

217.85  
B.D.V.  
REFERRAL

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

ian mclean architect

2020 KIMBERLY STREET  
VANCOUVER, CANADA  
V6V 1K1

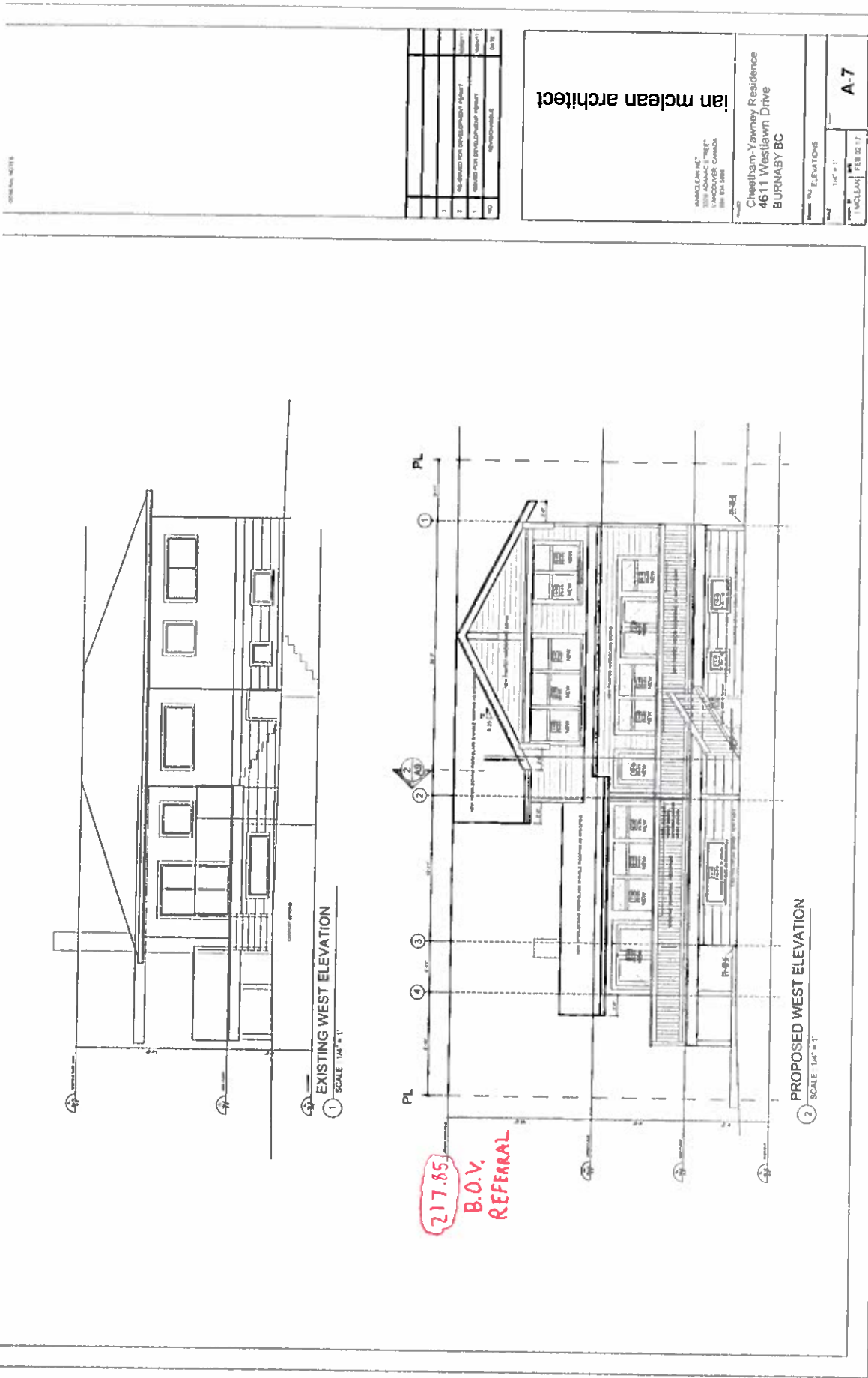
Cheatham-Yawney Residence  
4611 Westlawn Drive  
BURNABY BC

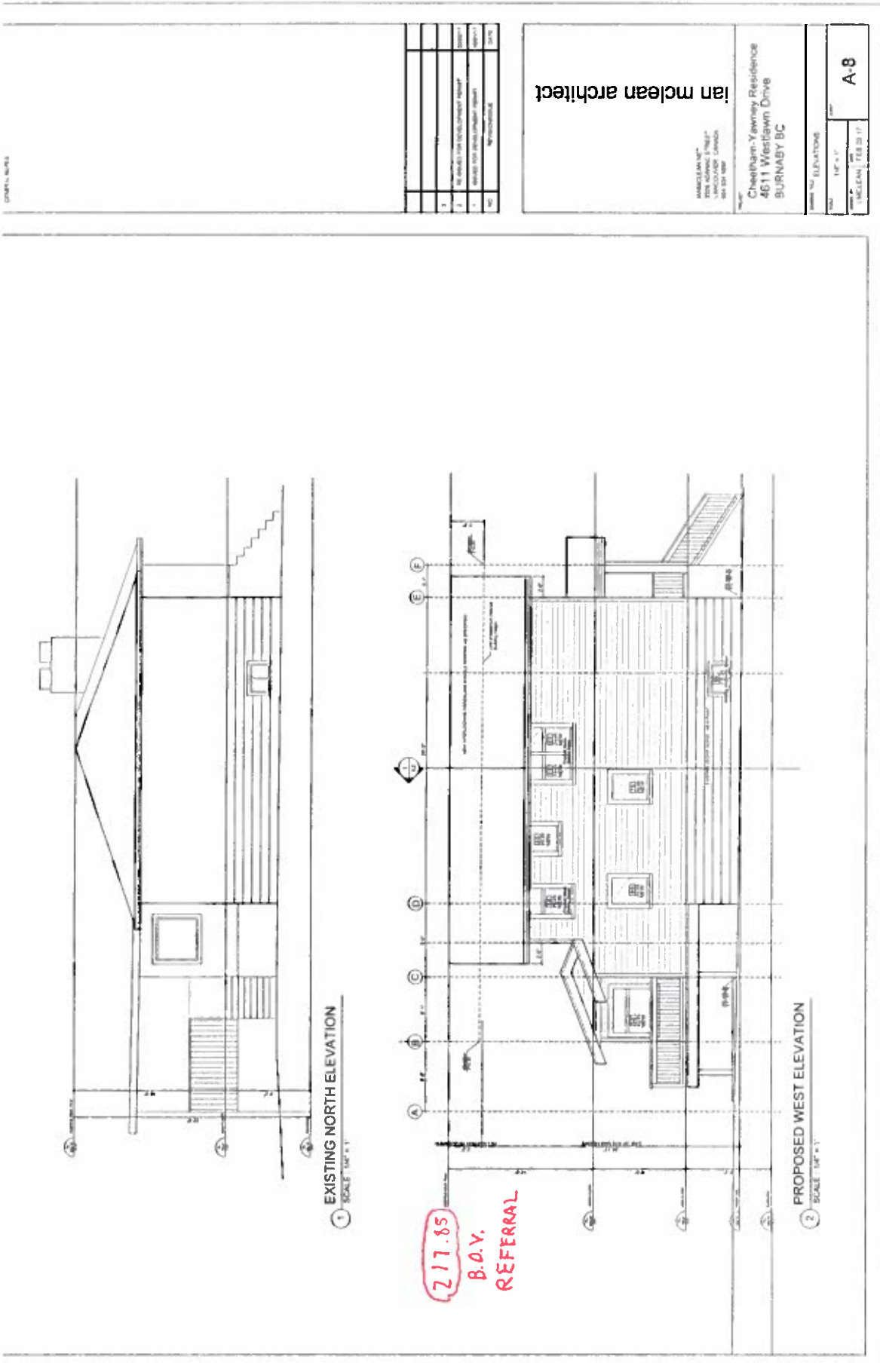
DATE: 10/11/2017

SCALE: 1/8" = 1'

A-6

DATE: 10/11/2017









# 2017 Board of Variance Notice of Appeal 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 DOM & DRAGANA SACCO  
 Mailing Address 1740 BETA AVE, BURNABY BC, V5C 5M7  
 City/Town BURNABY Postal Code V5C 5M7  
 Phone Number(s) (H) 604 299 1295 (C) 604 240 8934  
604 377 1259  
 Email DOM.SACCO@COREX.COM  
D.SACCO@SHAW.CA

### Property

Name of Owner DOM & DRAGANA SACCO  
 Civic Address of Property 5623 HIGHFIELD DR  
BURNABY BC

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

FEB 7/17

Applicant Signature

### Office Use Only

Appeal Date 2017 march 02 . Appeal Number BV# 6271

#### Required Documents:

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

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

February 4, 2017

City of Burnaby

Planning Department

Burnaby, BC

Reference: Board of Variance for 5623 Highfield Drive, Burnaby, BC

This is an open letter to the Burnaby Board of Variance wherein we are requesting a relaxation of the existing zoning bylaws; pleading hardship due to an irregularly shaped lot and the unique challenges of building on the property when coupled with the restrictions in place due to "flanking street" zoning bylaws.

We have lived in Burnaby since 1986 and in our present home since 1991. The thing we love most about the home is the large corner lot that it is situated upon; it has been a source of immense gratification for us to maintain and nurture the plants and trees on the property. Our parents each live in Burnaby; Dragana's parents have lived in the same home for nearly forty years and Dom's mother has lived in hers for over ten. We have three children and through the years have been involved in a variety of City of Burnaby events and programs. We love the livability of the city and the community for the lifestyle we have become accustomed to.

We had an opportunity to purchase the above noted property in May 2016. This property provides the serenity we seek at the end of a busy day, the ocean water views that we can watch endlessly, the smell of the fresh air and forest that envelopes the area, and a beautiful walking trail (Trans Canada Trail) immediately north of the property. We instantly fell in love with the location. We said we would never move from our existing home but this changed our minds.

Soon thereafter we began the process of doing our due diligence in our quest to purchase the property with the intent to design/build a new home. This will be our first attempt at building a new home so we spoke at length with the buying/selling realtors, Burnaby planning, some contractor friends, surveyors, and an architect about the property. The same type of responses came back; "It's a beautiful location with an irregularly shaped lot but with the right design you should be able to build a beautiful home." Based on the information gathered, we went ahead and purchased the property in May 2016.

We then interviewed a number of architects and chose Marquee Designs. We shared our ideas/dreams with Marquee Thompson to design our home and finally the drawings were produced. His expertise and attention to detail is clearly reflected in his design wherein we consciously and deliberately avoided any elements that would require Board of Variance approval. The irregularity of the lot combined with its topography presented us with many limitations in the overall design of the home and building envelope. Indeed several changes and design concessions were made over the four months taken to come up with our final plans. With all of these considerations in mind, we were left with no alternatives regarding the building envelope as submitted. We remain committed to designing a unique home on a unique lot. We were so excited to submit our application to the city in October 2016 for building permit approval with the confidence that we had observed all the zoning bylaws after our thorough consultation and research.

The city contacted us (Jan 2017) during the permit application process and advised that "Scenic Highway" (street proposed in the future) is a flanking street and the north property line would be considered a "side lot not back lot" and setback calculations would be based on that. This is the first time anyone brought up the term "flanking street" so we (Dragana and I) were nervously asking what the term meant. No one; "realtors, city planning, surveyors, architects, contractors" had even brought up this term to us. Basically having a flanking street on the north property line will further severely restrict (from what we have designed) what can be built on this irregular shaped property plus no accessory buildings (i.e. even a garage) are allowed.

During our many informal conversations/inquiries with city of Burnaby Planning staff it was consistently mentioned that Scenic Highway will never 'be a road/be used as a road/will probably never be opened.' It was and is our understanding, as supported by City of Burnaby online maps that the Trans Canada Trail is the buffer between the north side of our property and what is now crown land. Our research of the area led us to the Board of Variance Minutes regarding 5771 Highfield in which the owner's appeal to the Board used similar language; referring to the Trans Canada Trail not once mentioning Scenic Highway. Furthermore, questions regarding the 'front/back' of the property were resolved in my conversations with the Planning Department in which they confirmed that Highfield is the 'front' of the property and the Trans Canada Trail is at the 'back' of the property; there was no mention of a flanking street. The fact that this information was omitted and undisclosed prevented it from being included in our planning and the work of our architect, Marque Thompson.

The proposed Scenic Highway Street is not even adjacent to our property (we're sure that is why no one even considered it an issue). We have the Trans Canada Trail immediately to the north of us and then Scenic Highway to the north of the Trans Canada trail. Surely, there is going to be some distance (buffer zone) between our property line, the existing Trans Canada Trail, and the future Scenic Highway. Please refer to the two images (enclosed) showing the alignment of our property and proposed building envelope in relation to several of the other homes, to the east of our property, on Highfield Drive.

We have designed our dream house so that it will fit beautifully on the property and enhance the overall neighborhood. We were very careful in working with our architect to protect the serenity of the surrounding areas and take advantage of the beauty around the property. We desperately want to build our dream home as designed and request a relaxation of the zoning bylaws allowing the home to be built as proposed.

We look forward to your favourable consideration of our application to obtain board of variance approval to build our home.

Yours Truly

Dom and Dragana Sacco

1740 Beta Ave

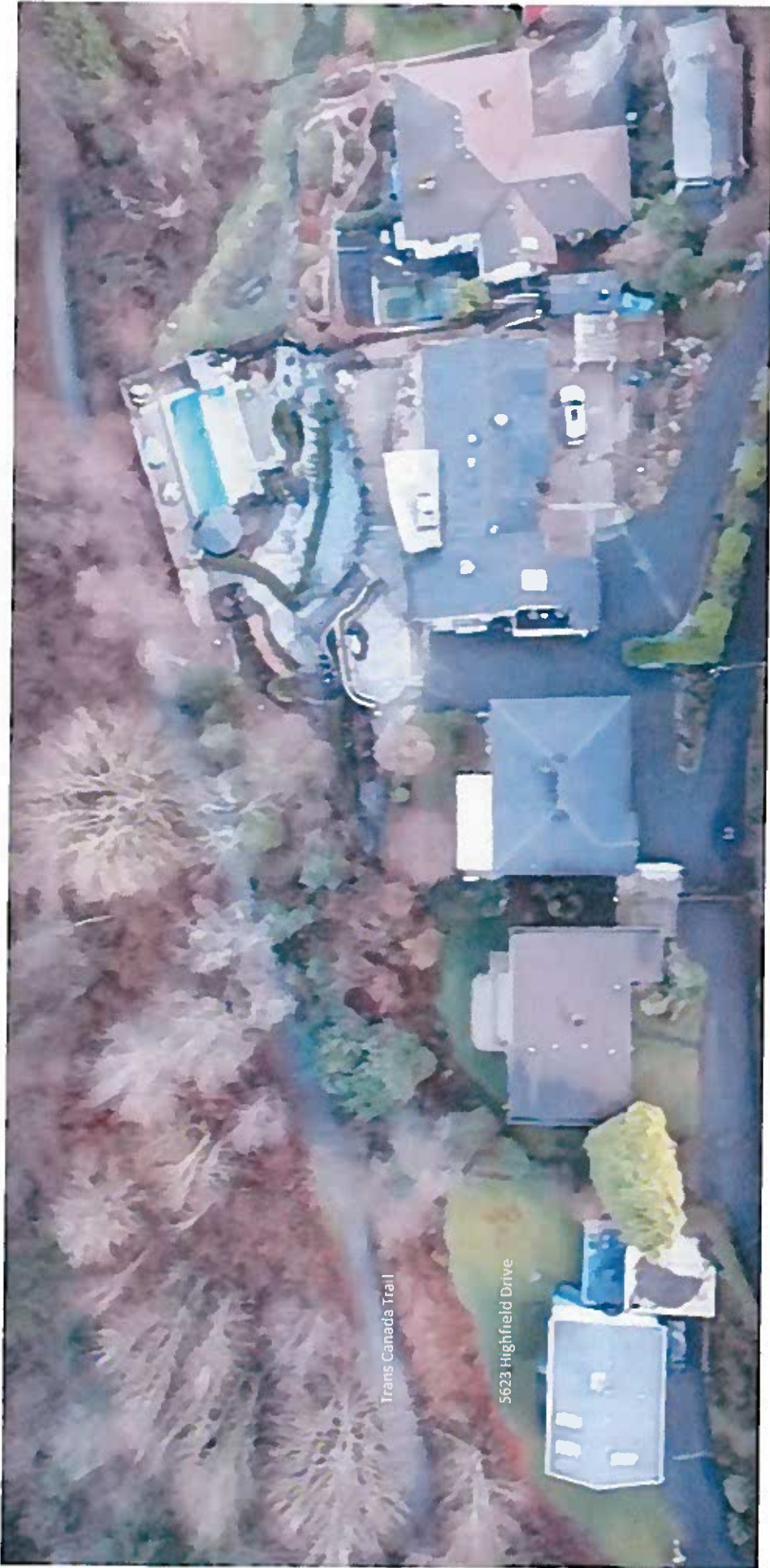
Burnaby, BC V5C 5M7

A large, stylized handwritten signature in black ink, likely belonging to Dom or Dragana Sacco. The signature is fluid and cursive, with a large loop at the end.

















### BOARD OF VARIANCE REFERRAL LETTER

<b>DATE:</b> February 7, 2017		<i>This is <u>not</u> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>	
<b>DEADLINE:</b> February 7, 2017 for the March 2, 2017 hearing.			
<b>APPLICANT NAME:</b> Domenico Sacco			
<b>APPLICANT ADDRESS:</b> 1740 Beta Avenue			
<b>TELEPHONE:</b> 604-240-8934			
<b>PROJECT</b>			
<b>DESCRIPTION:</b> New single family dwelling with two detached garages			
<b>ADDRESS:</b> 5623 Highfield Drive			
<b>LEGAL DESCRIPTION:</b>	<b>LOT:</b> 1	<b>DL:</b> 189	<b>PLAN:</b> 16465

Building Permit application BLD16-01774 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

**Zone R2 / Section 6.14(5)(a); 102.6(1)(a); 102.7(b); 102.9(2);**

**COMMENTS:**

The applicant proposes to build a new single family dwelling with two detached garages. In order to allow the Building Permit application to proceed, the applicant requests that the following variance be granted:

- 1) To vary Section 6.14(5)(a) – “Fences” of the Zoning Bylaw requirement for retaining wall heights ranging up to 8.49 feet in the required front yard facing Highfield Drive where a maximum of 3.281 feet is permitted.
- 2) To vary Section 6.14(5)(a) – “Fences” of the Zoning Bylaw requirement for fence height of 8 feet and a gate height of 6 feet in the required front yard facing Highfield Drive where a maximum of 3.281 feet is permitted.
- 3) To vary Section 6.14(5)(a) – “Fences” of the Zoning Bylaw requirement for fence height of 8 feet located outside of front yard where a maximum of 5.91 feet is permitted.
- 4) To vary Section 102.6.(1)(a) – “Height of Principal Building” of the Zoning Bylaw from 29.5 feet to 30.58 feet measured from the rear average grade. The principal building height measured from the front average grade will be 24.68 feet
- 5) To vary Section 102.7(b) – “Depth of Principal Building” of the Zoning Bylaw requirement for the maximum building depth from 60 feet to 69 feet with a further 5 feet roof projection.
- 6) To vary Section 102.9(2) – “Side Yards” of the Zoning Bylaw requirement for the minimum flanking street side yard setback for accessory building from 11.5 feet to 4.0 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.*

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

LM



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Peter Kushnir  
Deputy Chief Building Inspector

