BOARD OF VARIANCE

NOTICE OF OPEN MEETING

DATE: **THURSDAY, 2017 APRIL 06**

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 March 02

3. APPEAL APPLICATIONS

(a) APPEAL NUMBER: B.V. 6272 6:00 p.m.

APPELLANT: Harinder Lotay and Marlene Mann

REGISTERED OWNER OF PROPERTY: Harinder Lotay and Marlene Mann

CIVIC ADDRESS OF PROPERTY: 7667 Burris Street

LEGAL DESCRIPTION OF PROPERTY: Lot 3; DL86; Plan LMP50482

APPEAL: An appeal for the relaxation of Section 101.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family home with an attached garage at 7667 Burris Street. The front yard setback would be 44.92 feet where a minimum setback of 79.4 feet is required. Fences and retaining walls will conform to the requirements of Section 6.14. Zone R-1

4. NEW BUSINESS

5. ADJOURNMENT

CITY OF BURNABY

BOARD OF VARIANCE

M I N U T E S

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 March 02 at 6:00 p.m.

1. CALL TO ORDER

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

STAFF: Mr. Maciek Wodzynski, 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 February 02

MOVED BY MR. DHATT
SECONDED BY MR. NEMETH

THAT the minutes of the Burnaby Board of Variance Hearing held on 2017 February 02 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. 6268

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 to 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-R4)

APPELLANT'S SUBMISSION:

Sukhdev Bhambra submitted an application to allow for construction of a new single family home at 5858 Sprott Street.

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

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject property is located in the Douglas-Gilpin area. The street block is a mix of single family R4 District in which subject dwelling is located and the CD District based on Neighbourhood Institutional District. This regular rectangular interior lot is 105.55 ft. deep and has a frontage of 65.90 ft. on Sprott Street to the north. Abutting the subject site to the east and to the west are single family dwellings. There is an undeveloped City of Burnaby property across the unopened lane to the south. Vehicular access to the site is proposed from Sprott Street to the north. The site observes a minimal downward slope of approximately 1.00 ft. in the north-south direction.

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

The appeal requests a rear yard setback of 26.82 ft., measured to the post of the rear deck of the proposed single family dwelling, with a further projection for roof eaves of 1.17 ft., where a minimum rear yard setback of 29.50 ft. is required from the lane property line. The intent of the Bylaw is to mitigate the massing impacts of new buildings or structures on neighbouring properties.

The proposed rear yard setback is measured to the post supporting the covered rear deck. There is a Building Permit issued for the proposed dwelling, reference # BLD16-01026, where the deck supporting structure is cantilevered over the required rear yard setback, which is a permitted projection. During the construction, in order to simplify the deck structure, the appellant proposed to move the supporting posts and beams to the outside edge of the deck and the roof above the deck to avoid the cantilever.

Moving the posts to the outside edge of the deck will create the opportunity to add 2 more roof supporting posts to reduce the size of the roof supporting beam. As a result, the proposed change will cause a 2.68 ft. encroachment into the required rear yard.

It is worth noting that the relocation of deck and roof supporting structure would not change the actual extent of the deck and the roof, therefore there will not be any impact on neighbouring properties to the east and to the west, in comparison to originally approved Building Permit.

However, the proposed structural change is a design choice. Other possibilities exist; for example, reducing the deck extent to the location of the conforming columns. Therefore, while recognizing the limited impact on the adjacent properties, this Department cannot support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. POUND
SECONDED BY MR. DHATT

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(b) APPEAL NUMBER: B.V. 6269

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 to 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

APPELLANT'S SUBMISSION:

Gurminder Biln submitted an application to allow for construction of a new single family home at 7770 Sussex Avenue.

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

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

A new single family dwelling with a secondary suite and detached garage is currently under construction on the subject site (BLD #14-01314). However, the applicant is proposing modifications to the approved design, which is the subject of this appeal.

The subject site, zoned R2 Residential District, is located in the Sussex-Nelson neighbourhood in which the age and condition of single family dwellings vary. This corner lot, approximately 50.21 ft. wide and 160.83 ft. long, fronts Sussex Avenue to the west and a lane to the north. Single family dwellings abut the subject site to the south and to the east. Vehicular access to the site is provided from the lane. The site observes a substantial downward slope of approximately 13.70 ft. in the northeast-southwest direction.

The appeal proposes a building height of 31.37 ft., measured from the Sussex Avenue front average elevation, where a maximum height of 29.50 ft. is permitted for sloped roofs.

The intent of the Bylaw is to mitigate the massing of new buildings and their impacts on neighbouring properties.

This proposal differs from the approved Building Permit with respect to the site grading in the western portion of the subject site, fronting onto Sussex Avenue. In the previous proposal, grading in this portion of the site generally followed the natural terrain with a downward sideway slope of approximately 4.00 ft. from the north-west corner to the south-west corner of the dwelling. Small sunken window wells were proposed for the crawl space and to the secondary suite at the west and south elevation. The current proposal lowers the grades by approximately 2.00 ft. around the western portion of the dwelling. The proposed new grades eliminate the window wells to the secondary suite along the west and south side of the dwelling, and allow for more flat area in front of the dwelling. Although the roof peak elevation remains unchanged, the proposed new grades increase the building height calculation by approximately 1.81 ft. The additional exposed portion of the building at the cellar level would be visible from the street and from neighbouring properties across the Sussex Avenue to the west. Views of the subject site from the properties across the lane to the north, and from the neighbour to the east will not be affected, as the roof ridge will remain unchanged. The reduction of the grade height has no impact on the abutting site to the south. Considering the nature of this height encroachment, without a change to the roof line elevation, little impact is expected on the neighbouring properties.

In summary, despite the lack of any negative impacts on neighbouring properties, the change of grading was clearly design choice, therefore, this Department cannot support the granting of the proposed variance.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. NEMETH
SECONDED BY MR. DHATT

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(c) APPEAL NUMBER: B.V. 6270

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 to 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 were 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

APPELLANT'S SUBMISSION:

Ian McLean, on behalf of the homeowners, submitted an application to allow for interior alterations and an addition to a single family home at 4611 Westlawn Drive.

Ian McLean and Paul Cheetham appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site is zoned R10 Residential District and is located in the Brentwood neighbourhood where the age and condition of the existing single and two family dwellings vary. The rectangular corner lot is approximately 60.94 ft. wide and 119.37 ft. deep. It fronts Westlawn Drive to the east and is flanked by Kitchener Street to the north. The subject site abuts a single family lot to the south and the Parish of St. Timothy church property parking lot to the west. Vehicular access to the subject site is provided via Kitchener Street to the north. The site observes a downward slope of approximately 2.30 ft. from east to west.

The subject site contains a 2 storey single family dwelling, consisting of a basement and a main floor, which was originally built in 1956. The applicant proposes various

additions and interior alterations to the dwelling, including the addition of an upper floor. The upper floor addition is the subject of two appeals which are related and are reviewed together.

The first a) appeal is to vary Section 110.6(1)(a) - Height of Principal Building for single family dwelling of the Zoning Bylaw from 24.90 ft. to 28.68 ft. for a building with a sloping roof measured from front average grade.

The second b) appeal is to vary Section 110.6(1)(a) - Height of Principal Building for single family dwelling of the Zoning Bylaw from 24.90 ft. to 27.82 ft. for a building with a sloping roof measured from rear average grade.

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.

The height calculation is based on the building height base line, which is the imaginary line joining the mid-points of the projected front and rear lines of the building. This calculation method applies specifically to the R10 District and is intended to accommodate sloping sites. In this case, on the relatively flat site, this method of measurement has no major influence on the outcome.

The proposed development will consist of a main floor 13.10 ft. extension towards the rear property line to the west, and 4.91 ft. towards side property line to the north. A new second floor addition is proposed over south part of the main floor. Despite the width increase, the dwelling will still remain outside of required flanking street side yard from Kitchener Street the north. The basement level and main floor rear deck remain unchanged.

The 3.78 ft. height encroachment at the front of the building and 2.92 ft. height encroachment at the rear, affect the whole length of the roof ridge, parallel to the south property line. It is worth noting that the there are no windows on the north wall of the dwelling immediately to the south of subject site. The church to the east is over 210.00 ft. away, and it is separated from subject dwelling by the parking lot. Remaining neighbouring properties located across Westlawn Drive or Kitchener Street will not be affected.

In summary, the proposed variance to the height requirements of the Zoning Bylaw would not impact the neighbouring properties. However, vertical dwelling expansion rather than further horizontal extension towards the rear property line is a design choice. The choice of the typical, modest 8.00 ft. floor to ceiling clear height of both the remodeled main floor and the proposed second floor, has kept the over height to the minimum. However, the choice of a 6.25 in 12 pitch of the roof where the minimum pitch of 4 in 12 is required for sloping roof, has contributed to the height encroachment.

In view of the above, this Department cannot support the granting of the first a) and the second b) variances.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. DHATT
SECONDED BY MR. NEMETH

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

CARRIED UNANIMOUSLY

MOVED BY MR.DHATT
SECONDED BY MR. NEMETH

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

CARRIED UNANIMOUSLY

(d) APPEAL NUMBER: B.V. 6271

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 to 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

APPELLANT'S SUBMISSION:

Domenico and Dragana Sacco submitted an application to allow for construction of a new home at 5623 Highfield Drive.

Dragana Sacco appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site, zoned R2 Residential District, is located in the Capitol Hill neighbourhood in which the age and condition of single family dwellings vary. This irregular triangular shaped corner lot is approximately 212.83 ft. wide. The depth of the property varies from approximately 19.00 ft. along west end of the property to 98.36 ft. along the east property line. The lot fronts onto Highfield Drive to the south and it is flanked by the unconstructed Scenic Highway (currently the Trans Canada Trail) to the north. The subject site abuts a single family lot to the east. Vehicular access to the subject site is provided via Highfield Drive. The Trans Canada Trail right-of-way, which forms part of the Capitol Hill Conservation Area, is closed to vehicular traffic, and no plans currently exist to construct a road in this location. The site slopes significantly downward (approximately 34.5 ft. along the east property line) towards the north. A new single-family dwelling with 2 detached garages is proposed for the subject site, for which six variances are requested.

The first a) appeal is for construction of retaining walls in the required front yard along the Highfield Drive frontage with varying heights of up to 8.49 ft., where a maximum height of 3.28 ft. is permitted.

The intent of the Bylaw in limiting the height of retaining walls to a maximum of 3.28 ft. in the required front yard is to ensure unified 'open' front yards and to limit the massing impacts of such structures on neighbouring properties.

In this case, the proposed new retaining walls would permit the alteration of the yard at the Highfield Drive frontage, from a continuously sloping terrain (with a drop of approximately 7.5 ft. in 24.6 ft. of the required front yard) to terraced structures that provide a larger flat front yard area. In order to negotiate the natural grade difference, retaining walls are proposed along the south and east edges of the proposed level lawn area. The highest 8.49 ft., approximately 6.50 ft. long portion of the retaining wall is located near south east corner of the building where constructing stepping terraces was not possible.

The use of retaining walls, fences and guards is common when dealing with challenging site topography such as that of the subject site. In this case, the retaining walls drop down from the approximate grade level at the property line into the property, so the over height retaining walls would not be visible from the neighbouring property to the east of the subject site, nor from properties above Highfield Drive to the south, nor from Trans Canada Trail right-of-way to the north. As such, this variance would not violate the intent of the Bylaw.

Considering the challenging topography of the subject site and the negligible impacts on neighbouring properties, this Department does not object to the granting of the first a) variance.

The second b) appeal is for construction of an 8.00 ft. height fence and 6.00 ft. height gate in the required front yard where a maximum height of 3.28' height is permitted in the required front yard.

The intent of the Bylaw in limiting the height of fences to a maximum of 3.28 ft. in the required front yard is to ensure unified 'open' front yards and to limit the massing impacts of such structures on neighbouring properties.

The subject 8.00 ft. height fence runs in a south–north direction, perpendicular to front property line, between the retaining wall to the south and proposed dwelling to the north. The fence separates a parking courtyard from the rest of the property. The entire 24.00 ft. length of the 8.00 ft. height fence is located in the required front yard. The fence consists of two 8.00 ft. wide gates and sections of fences in between them. The gates and fences have a uniform, semitransparent design consisting of horizontal wood battens. They are located in the recessed in the ground courtyard and will not be visible from the street level. Visibility from the neighbouring property to the east will be limited to their driveway, and the fence will also be more than 62.0 ft. from the neighbouring property.

The 6.0' height car and pedestrian entry gate to the property is located at the bottom of a steep driveway. The design and materials of the gate is unknown. The gate will be visible only from the driveway by pedestrians accessing Trans Canada Trail using the stairs located at the west end of Highfield Drive.

The steepness of the terrain did not contribute to the excess height of the subject fence and entry gates. Both are design choices and are driven by aesthetics rather than by hardship. Therefore, this Department cannot support the granting of the second b) variance.

The third appeal is for the construction of an 8.00 ft. height fence located to the rear of the required front yard where the maximum height of 5.91 ft. is permitted.

The subject 8.00 ft. height fence runs in a south–north direction under a pergola and separates the parking area from the Patio/Summer Dining area. The 14.00 ft. length of fence and 4.00 ft. wide gate are located entirely under the pergola. Similarly to the Second Appeal, the fence and the gate have a uniform semitransparent design consisting of horizontal wood battens. They are located more than 42.00 ft. from the front property line and will not be visible from the street level, nor from neighbouring property.

However, fence height is clearly a design choice; therefore, this Department cannot support the granting of the third c) variance.

The fourth d) appeal is for a building height of 30.58 ft., measured from the rear average elevation (facing the Trans Canada Trail), where a maximum height of 29.5 ft. is permitted.

The intent of the Bylaw is to mitigate the massing of new buildings or structures and their impacts on neighbouring properties.

In this case, the height calculation is based on the existing natural grade at the rear elevation. A substantial grade difference from the front to the rear of the subject site contributes to the excess height. The proposed dwelling will observe a height of 24.68 ft. when viewed from the Highfield Drive front property line, which is considerably less than the maximum height of 29.5 ft. allowed by the Zoning Bylaw. It should also be noted that ridge of the roof of the proposed dwelling is at the same level as the Highfield Drive street elevation and more than 50.00 ft. below properties located above the subject site, at Bessborough Drive.

The proposed 1.08 ft. height encroachment, extending approximately 3.50 ft. on both sides of roof ridge line, will not be visible from the Trans Canada Trail located 47.00 ft. below and 50.00 ft. away from the roof edge. The view angle from the trail will help to minimize the impact of the height encroachment on views from the Trans Canada Trail. In addition, the proposed 4 in 12 roof pitch would result in a gently sloping design that minimizes the roof massing above the fascia board level in the area of encroachment. However, the encroaching ridge of the roof may be visible from neighbouring property to the east.

When viewed from the east (side) elevation, the proposed height encroachment is primarily limited to a small, 27.0 ft. long portion of the roof ridge parallel to its east edge. This height encroachment occurs approximately 8.00 ft. from the east roof edge and 11.00 ft. from the east property line. Considering the steepness of the terrain within the subject and the neighbouring sites, as well as the general direction of views towards the north, it is not expected that the additional massing would affect the neighbouring property on east side of the subject site, nor the large green space of the Capitol Hill Conservation Area to the south and the properties at Bessborough Drive are well above subject site, as mentioned previously. Further, due to the sloping terrain, the proposed dwelling would be partly underground, thus reducing the building height, particularly as viewed from the Highfield Drive frontage.

However, the proposed height of the building is a design choice. The dwelling contains three levels, with approximately 9.00 ft. clear height on each of two floors and in the basement. If any of these levels were reduced, the request for the 1.08 ft. height variance would be unnecessary.

In summary, given the steepness of the terrain on the subject site, and the general direction of views towards the north, the additional massing would not significantly affect neighbouring property or the undeveloped lands of the Capitol Hill Conservation Area to the north and south or the existing street frontages, this Department does not object to the granting of the fourth d) variance.

The fifth e) appeal is for a principal building depth of 69.0 ft., with further roof projections of 5.00 ft., where a maximum building depth of 60.00 ft. is permitted.

The Bylaw's intent in limiting building depth is to prevent the creation of dwellings that present a long imposing wall, such that the massing of the building impacts

neighbouring properties.

The building depth calculation is based on the building depth as projected onto the lot depth, which is the line joining the center points of the front and rear property lines. Due to the site geometry, this line is angled in relation to these property lines. It starts from the middle of the front property line and leads to the north east corner of the property, due to lack of a rear property line. Measured along this line, the proposed projected building depth is 69.0 ft., which exceeds the maximum permitted building depth by 9.00 ft.

The principal building is proposed at the east end of the triangular site area, parallel to the front and to the east property lines. It is worth noting that the overall dimensions of the building are 57.50 ft. parallel to the south (front) property line and only 40.17 ft. parallel to the east property line and the neighbouring property.

Given this design, and the orientation of the subject dwelling with respect to the east (side) property line, the proposal would not create a long “wall” effect as viewed from the immediately adjacent property to the east, which is also oriented towards Highfield Drive. Despite the length of the dwelling being a design decision, this variance would not violate the intent of the Bylaw because it presents an only 40.17 ft. long wall to the neighbouring property.

In summary, given the unique geometry of the subject site, and the low impact of the proposal on the neighbouring property, this Department does not object to the granting of the fifth e) variance.

The sixth f) appeal is for the construction of a detached garage observing a flanking street side yard setback of 4.00 ft., with further projection for roof eaves of 2.15 ft., where a minimum flanking street side yard setback of 11.50 ft. is required.

The intent of the Bylaw is to mitigate the impact of massing on neighbouring properties which front flanking street.

The proposed detached double garage would encroach 7.50 ft. into the required flanking street side yard. It is worth noting that the property provides room for at least 5 cars, 3 in two garages, 1 under the pergola and 1 on the paved area behind the gated fence. There is clearly enough room to provide an alternate courtyard layout to relocate the double garage outside of the required side yard.

However, the Scenic Highway is closed to vehicular traffic and none of neighbouring properties is using it as a frontage. The Scenic Highway is used for the Trans Canada Trail, and it forms part of the Capitol Hill Conservation Area. According to Official Community Plan, the area will become a park in the future.

Further, this proposal has no impact on the neighbouring property with respect to the side yard setback requirements.

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

ADJACENT OWNER'S COMMENTS:

An email was received from the residents of 5625 Highfield Drive advising that they appreciated the visit from the appellants to view the proposed home plans and had no objections.

No further correspondence was received regarding this appeal.

MOVED BY MR. POUND
SECONDED BY MR. NEMETH

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

CARRIED UNANIMOUSLY

MOVED BY MR.POUND
SECONDED BY MR. NEMETH

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

CARRIED

OPPOSED: C. Richter

MOVED BY MR. POUND
SECONDED BY MR. NEMETH

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

CARRIED UNANIMOUSLY

MOVED BY MR.POUND
SECONDED BY MR. NEMETH

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

CARRIED UNANIMOUSLY

MOVED BY MR. POUND
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

MOVED BY MR. POUND
SECONDED BY MR. DHATT

THAT based on the plans submitted part (f) of 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. POUND
SECONDED BY MR. DHATT

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:50 p.m.

_____
Ms. C. Richter, CHAIR

_____
Mr. R. Dhatt

_____
Mr. S. Nemeth

_____ _____
Ms. E. Prior Mr. B. Pound
ADMINISTRATIVE OFFICER

City of Burnaby

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: Harinder Lotay + Marlene Mann (agent is Seiba Properties)
Mailing Address: 6945 Lamark St
City/Town: Vancouver BC Postal Code: V5P 2Z6
Phone Number(s): (H) _____ (C) 778 8996637
Email: harinder-lotay@hotmail.com

Property

Name of Owner: Harinder Lotay + Marlene Mann
Civic Address of Property: 7667 Burris St. 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.

March 7, 2017
Date

Marlene Mann
Applicant Signature

Office Use Only

Appeal Date 2017 Apr. 06. Appeal Number BV# 6272.

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

Harinder Lotay
6945 Lanark Street
Vancouver, BC
V5P 2Z6

March 6, 2017

Burnaby Board of Variance
Burnaby City Hall
4949 Canada Way,
Burnaby, BC
V5G 1M2

RE:
7667 Burris Street
Burnaby, BC
V5E 1Z2

Dear Sir/Madam,

I am the property owner of 7667 Burris Street, and am formally requesting an appeal to the Board of Variance in order to relax section 110.6(2)(a) of the Burnaby Zoning Bylaw as it applies to the potential construction of a single family home on this lot. As currently planned, I hope you will approve:

(a) Front yard setback is 44 feet and 11 inches where a minimum setback of 79.4 feet is required based on front yard averaging; and,

(b) A rear yard setback of 45 feet where a minimum setback of 29.5 feet is required.

The reason I would like to build the proposed house in this way is to position it in a similar position with the immediately adjacent neighbours. I fear that if the calculated numbers are used to construct the house, it will truly look out of place in the neighbourhood and would greatly affect the street view of the property. We consulted with a house designer who prepared a house plan utilizing setback numbers in accordance with neighbours with similar lot dimensions. As a result, I would like to avoid having to start our house plan all over again, which would result in significant financial costs and would delay construction for another year. In addition, this would significantly limit the size of house that could be built on this lot. The reason that this issue has likely arisen, is simply due to the formula used to calculate front yard averaging. Three of the four adjacent houses have similar lot dimensions as my property; however, the fourth lot used in the calculation has a significantly greater depth which skews the resultant numbers. Thank you for your consideration regarding this matter.

Yours Truly,

Harinder Lotay

City of Burnaby

BOARD OF VARIANCE REFERRAL LETTER

DATE: March 2, 2017	*This is **not** an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.*
DEADLINE: March 7, 2017 for the April 6, 2017 hearing.	
APPLICANT NAME: Seiba Properties	
APPLICANT ADDRESS: 108-18515 53rd Avenue, Surrey	
TELEPHONE: 604-671-4449	

PROJECT			
DESCRIPTION: New single family dwelling with attached garage.			
ADDRESS: 7667 Burris St.			
LEGAL DESCRIPTION:	**LOT: 3**	**DL: 86**	**PLAN: LMP50482**

Building Permit application BLD16-01360 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R1 / Section 101.8

COMMENTS:

The applicant proposes to build a new single family dwelling with an 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 101.8 – "Front yard" of the Zoning Bylaw requirement for the minimum front yard depth from 79.4 feet (based on front yard averaging) to 44.92 feet.

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

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

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

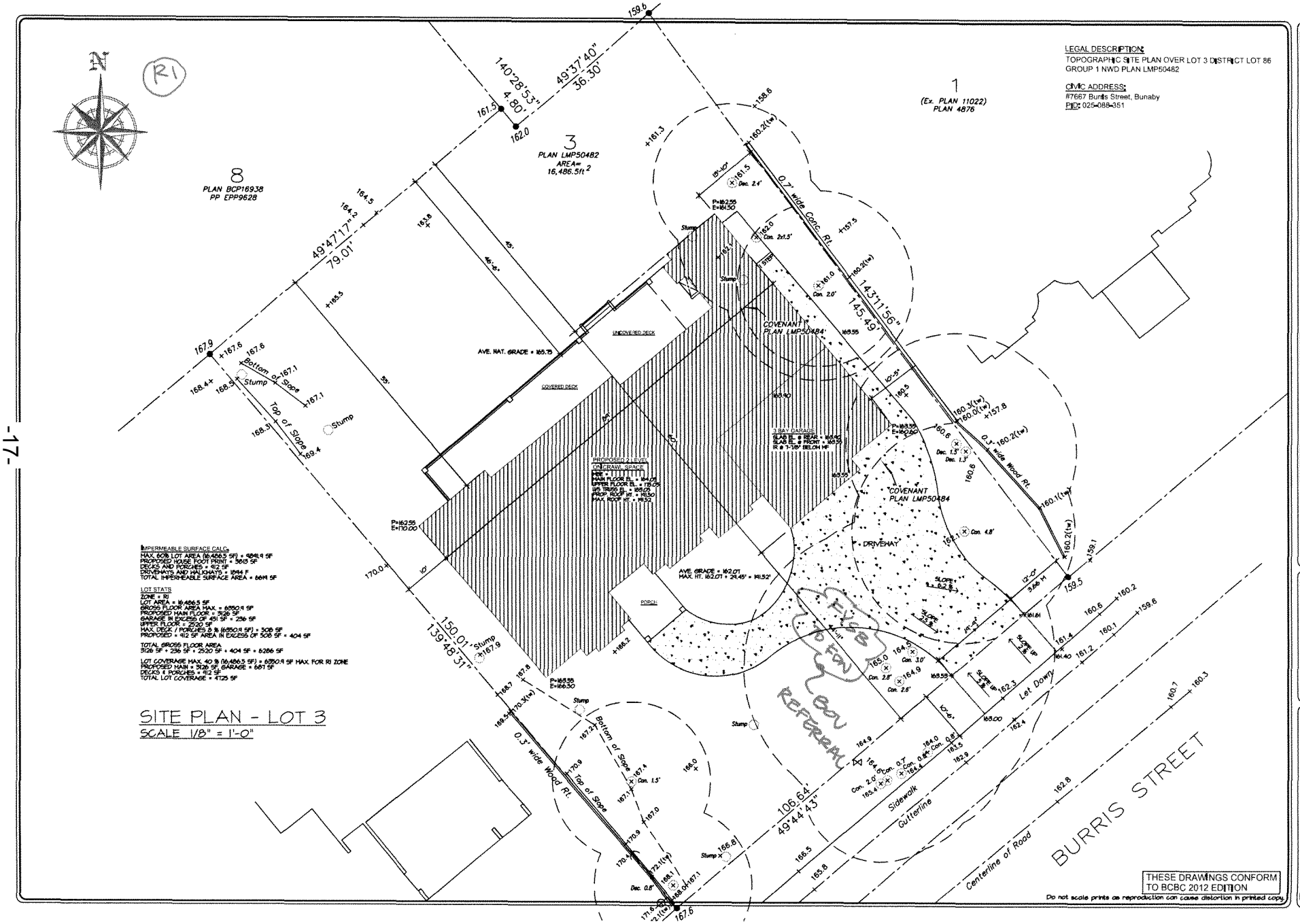
Note: *The applicant recognizes that should the project contain additional characteristics in contravention of the Zoning By-law, a future appeal(s) may be required.*

The applicant recognizes that the tree covenants must be discharged prior to Board of Variance hearing on April 6, 2017. If not, the appeal will be tabled to the next hearing.

CN

Kushnir

Peter Kushnir
Deputy Chief Building Inspector



L.G. BURTON DESIGN
Custom Design, Renovations & Stock Plans
8130 - 168 B STREET, SURREY, B.C. V4N 5E4
PHONE: (604) 575-1281 FAX: (604) 575-1289

PROJECT:
LOTAY RESIDENCE
7667 BURRIS STREET,
BURNABY, B.C.

TITLE: SITE PLAN
DATE: MAR 18
DRAWN: RKC
SCALE: 1/8"=1'-0"
SHEET: 1 OF 10
DRAWING NO.
M293

3.(a)

L.G. BURTON DESIGN
Custom Design, Renovations & Stock Plans
8130 - 168 B STREET, SURREY, B.C. V4N 5E4
PHONE: (604) 575-1281 FAX: (604) 575-1289

PROJECT: LOT A-Y RESIDENCE 7667 BURRIS STREET, BURNABY, B.C.

TITLE: ELEVATIONS

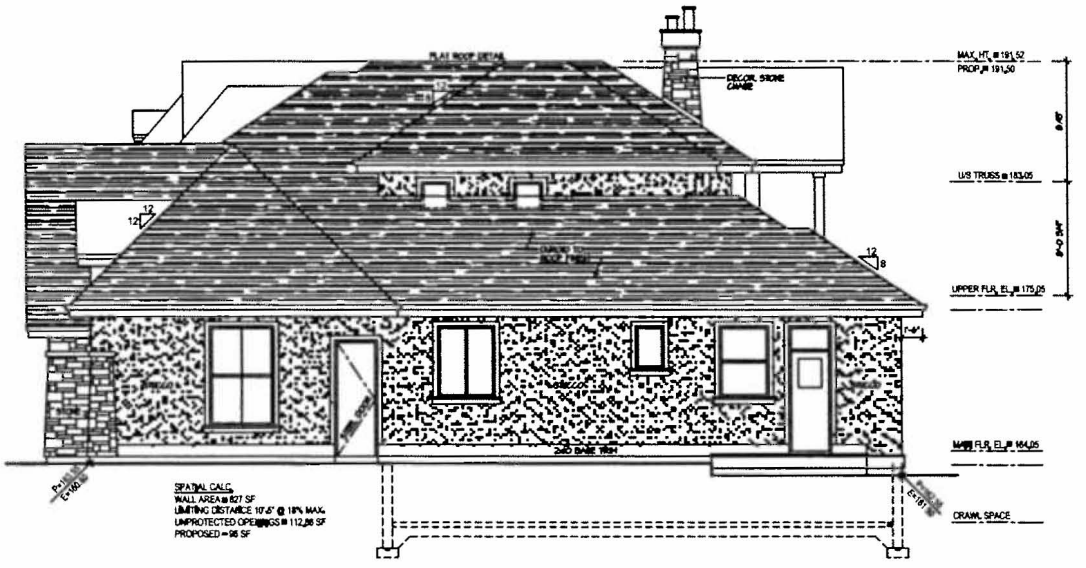
DRAWING NO. M2437

THESE DRAWINGS CONFORM TO BCBC 2012 EDITION

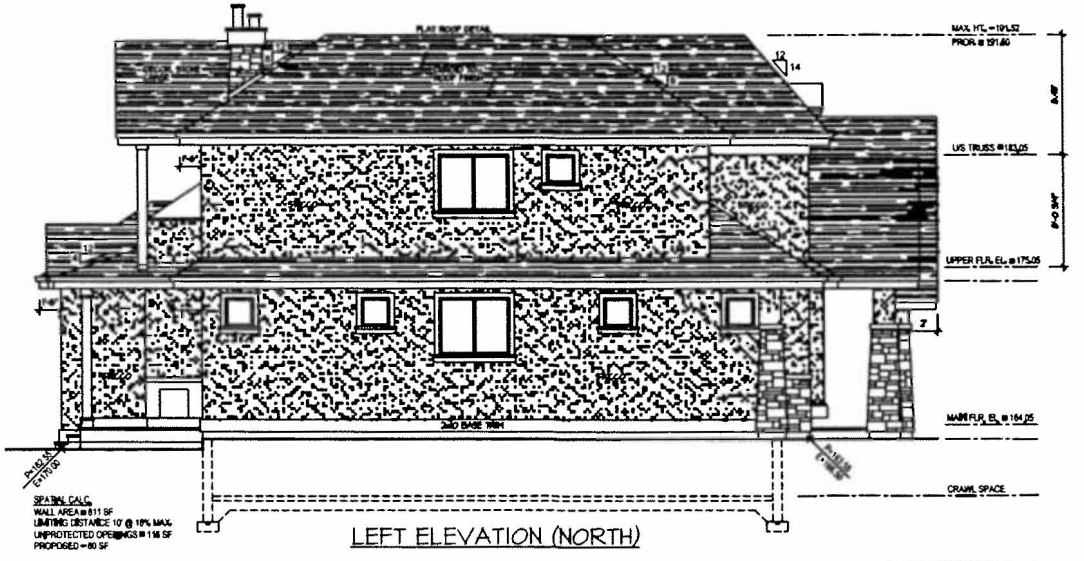
Do not scale prints as reproduction can cause distortion & printed copy

FRONT ELEVATION (EAST)

REAR ELEVATION (WEST)



RIGHT ELEVATION (SOUTH)



LEFT ELEVATION (NORTH)

THESE DRAWINGS CONFORM TO BCBC 2012 EDITION

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PHONE: (604) 575-1281 FAX: (604) 575-1289

PROJECT: LOTAY RESIDENCE
16661 BURRIS STREET, BURNABY, B.C.

TITLE: ELEVATIONS

DATE: MAR. 16
DRAWN: RBC
SCALE: 1/4"=1'-0"
SHEET: 8 OF 10

DRAWING NO. M293

L.G. BURTON DESIGN
Custom Design, Renovations & Stock Plans
8130 - 168 B STREET, SURREY, B.C. V4N 5E4
PHONE: (604) 575-1281 FAX: (604) 575-1289

PROJECT: LOTAY RESIDENCE
16671 BURRIS STREET,
BURNABY, B.C.

TITLE: FOUNDATION PLAN
DATE: MAR. 18
DRAWN: MC
SCALE: 1/4"=1'-0"
SHEET: 4 OF 10
DRAWING NO. M23-T

THESE DRAWINGS CONFORM TO BCBC 2012 EDITION

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FOUNDATION PLAN
(4'-0" CRAWL SPACE)

TOPOGRAPHIC SITE PLAN OVER LOT 3 DISTRICT LOT 86 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP50482

RECEIVED
AUG 08 2016
BUILDING DEPARTMENT

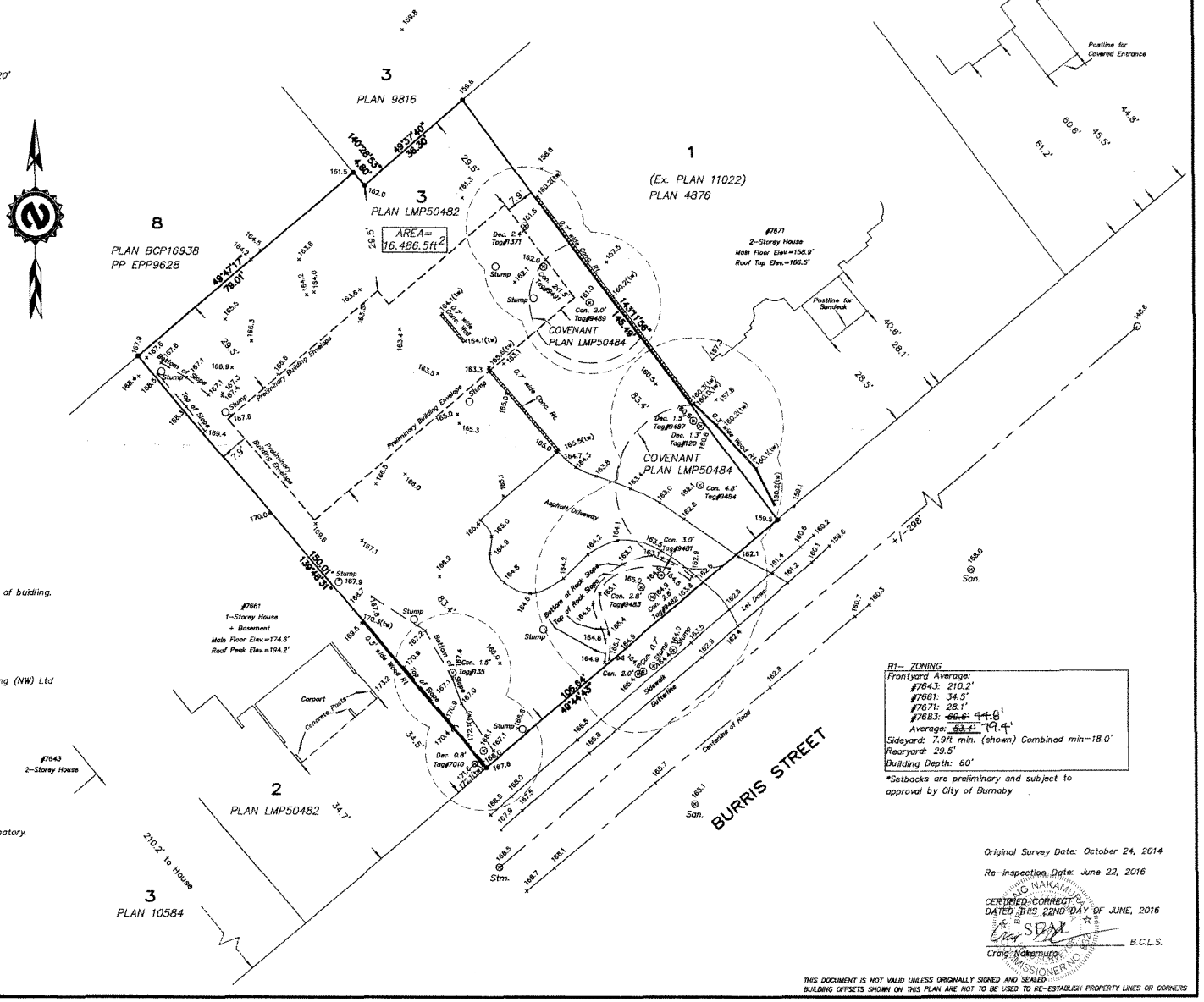
CIVIC ADDRESS:
#7667 Burris Street, Burnaby
PID: 025-088-351

SCALE 1" : 20'
7.5 0 15 30
ALL DISTANCES ARE IN FEET

The intended plot size of this plan is 22" in width and 17" in height (C size) when plotted at a scale of 1":20'

LEGEND

- ● DENOTES STANDARD IRON POST
- ft2 DENOTES SQUARE METRES
- ◇ DENOTES POWER POLE
- ⋈ DENOTES WATER VALVE
- San○ DENOTES SANITARY MANHOLE
- Stm○ DENOTES STORM MANHOLE
- ◎ DENOTES TREE AND CANOPY EXTENT
- ×### DENOTES GROUND ELEVATION
- (tw) DENOTES TOP OF RETAINING WALL ELEVATION
- Dec. DENOTES DECIDUOUS
- Con. DENOTES CONIFEROUS
- O/H DENOTES OVERHANG
- Conc. DENOTES CONCRETE
- Rt. DENOTES RETAINING WALL
- (ue) DENOTES OUTMOST EXTENT OF BOTTOM OF VISIBLE
- PL DENOTES PROPERTY LINE
- (ro) DENOTES ROOF OVERHANG WIDTH
- ⟵ DENOTES GUY WIRE



**Setbacks are preliminary and subject to approval by City of Burnaby*

NOTES:
Lot dimensions are derived from field survey.
All survey posts found undisturbed.
Measurements shown are to the exposed exterior siding of building. Siding is irregular due to multiple additions built.
Elevations are Geodetic (CVD28 GVRD-2005 - IN FEET) Derived from Control Monument 94H1395 located at the East side of Burris St. opposite address #7661 Burris St. Elevation = 170.28ft.
If this plan is used in digital form, Target Land Surveying (NW) Ltd will only assume responsibility for information content shown on original unaltered drawing.
Tree diameters are taken at 4.6ft. above grade and are shown in feet.
Manhole inverts could not be safely measured.
This Plan was prepared for architectural design and site servicing purposes, and is for the exclusive use of our client. The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of reproduction, transmission or alteration to this document without consent of the signatory.
This lot is subject to the following charge on the title:
COVENANT: BR171512

Original Survey Date: October 24, 2014
Re-Inspection Date: June 22, 2016

CERTIFIED CORRECT
DATED THIS 22ND DAY OF JUNE, 2016

Craig Nakamura B.C.L.S.

CRAIG NAKAMURA BRITISH COLUMBIA COMMISSIONER NO.

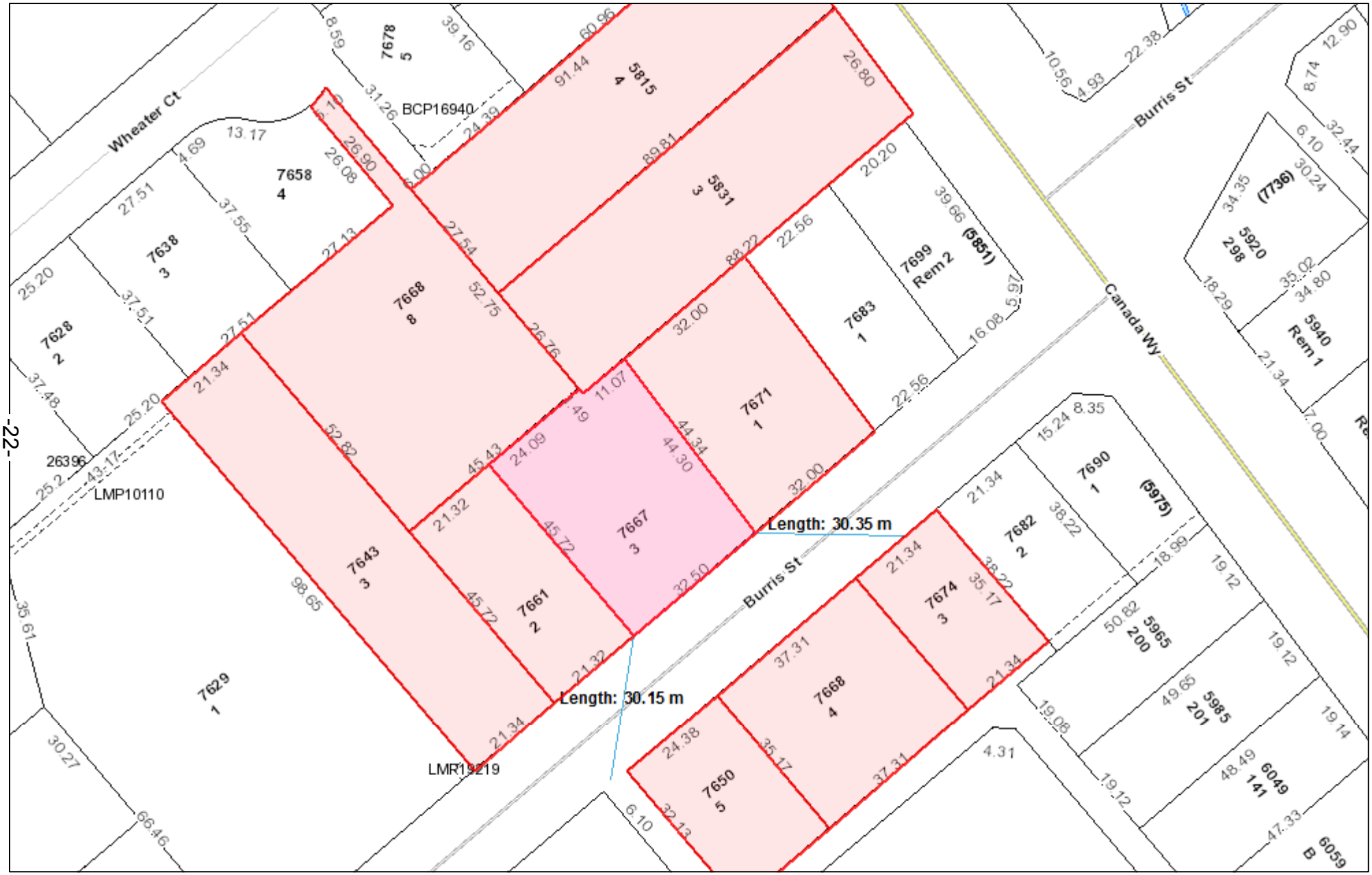
TARGET LAND SURVEYING
www.targetlandsurveying.ca
FILE: N2604-TOPO-F1-R2

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED
BUILDING OFFSETS SHOWN ON THIS PLAN ARE NOT TO BE USED TO RE-ESTABLISH PROPERTY LINES OR CORNERS

7667 Burris Street

March 8, 2017

1:1,054



-22-

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

3.(a)