



BOARD OF VARIANCE

NOTICE OF OPEN MEETING

DATE: THURSDAY, 2017 MAY 04

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 April 06

3. **APPEAL APPLICATIONS**

(a) **APPEAL NUMBER:** B.V. 6273 **6:00 p.m.**

APPELLANT: Vikram Tiku

REGISTERED OWNER OF PROPERTY: Kainth Avtar Singh

CIVIC ADDRESS OF PROPERTY: 3831 Edinburgh Street

LEGAL DESCRIPTION OF PROPERTY: Lot 26; DL 186; Plan 3755

APPEAL: An appeal for the relaxation of Sections 6.14 (5)(b) and 103.6 (1)(b) 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 3831 Edinburgh Street. The following variances are requested:

a) a retaining wall height, located to the rear of the required front yard, with heights up to 8.5 feet where a maximum height of 5.91 feet is allowed; and,

b) a principal building height of 27.6 feet, measured from the rear

average grade, where a maximum height of 24.3 feet is allowed. The principal building height measured from the front average grade will be 16.5 feet. Zone R-3

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 April 06 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. Wayne Peppard, Citizen Representative
Mr. Brian Pound, Citizen Representative

STAFF: Ms. Joy Adam, Planning Department Representative
Ms. Eva Prior, Administrative Officer

The Chair called the meeting to order at 6:00 p.m.

2. MINUTES**(a) Minutes of the Board of Variance Hearing held on 2017 March 02**

MOVED BY MR. POUND
SECONDED BY MR. NEMETH

THAT the minutes of the Burnaby Board of Variance Hearing held on 2017 March 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. 6272

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 to 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-R4)

APPELLANT'S SUBMISSION:

Harinder Lotay and Marlene Mann submitted an application to allow for construction of a new single family home at 7667 Burris Street.

Mr. Lotay and Ms. Mann appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site, which is zoned R1 Residential District, is located in a stable single-family neighbourhood in the Morley-Buckingham area. This irregular interior lot is a rough trapezoid in shape, with a small rectangular truncation in the northeast corner. The site is approximately 106.6 ft. wide along its frontage onto Burris Street to the southeast and 145.5 ft. deep along its shorter northeast side property line. Single family dwellings abut the site to the northwest, northeast, and southwest. Vehicular access to the subject site is provided from Burris Street, there is no lane access. The subject site observes a downward slope in the southwest-northeast direction of approximately 8.1 ft.

The subject site contains two covenanted areas along the northeast side property line for the purpose of retaining trees. The applicant is now in process of discharging the tree covenant (since the Burnaby Tree Bylaw 1996 is now enacted).

The subject lot is proposed to be re-developed with a new single family dwelling, a secondary suite and attached garage, which is the subject of this appeal. It should be noted that since this proposal relates directly to the tree covenanted areas, the applicant is required to provide a proof of discharge of the tree covenant prior to hearing of this appeal by the Board of Variance.

The appeal proposes the relaxation of Section 101.8 – “Front Yard” of the Burnaby Zoning Bylaw from 79.4 ft. (based on front yard averaging) to 44.92 ft. as measured to the foundation of the proposed single family dwelling. Section 6.12 – “Yards” of the

Zoning Bylaw which allows specific projections into the front yard will also be applicable.

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.

In this case, the front yard averaging calculations are based on the two neighbouring properties to the southwest 7643 and 7661 Burris Street and the two neighbouring properties to the northeast 7671 and 7683 Burris Street. These front yards are 210.2 ft., 34.5 ft., 28.1 ft. and 44.8 ft. respectively. The second neighbouring property to the southwest (7643 Burris St) affects these calculations.

The proposed front yard setback is measured to the foundation of the garage which is attached to the southeast corner of the dwelling. The remaining front façade of the dwelling is staggered with further recesses varying from 3.0 ft. at the southeast corner to 9.0 ft. at the southwest corner. The upper floor of the subject dwelling generally follows the same setbacks, with exception of the southeast corner where a large 20 ft. setback is proposed over the one storey garage.

With respect to the neighbouring residences to the southwest (7661 Burris Street) and northeast (7671 Burris Street) of the subject site, little impacts are expected, as these residences would remain set further forward from the proposed dwelling, by 10.42 ft. and 16.82 ft. respectively. (The existing dwelling on the subject site observes a front yard setback of approximately 76 ft.) In addition, the existing mature trees along the southwest side property line help to mitigate any possible negative impacts.

With reference to the broader neighbourhood context, with the exception of 7643 Burris Street (second lot to the southwest of the subject site), the proposed siting of the dwelling would be consistent with the majority of the dwellings within the subject block.

In summary, since the proposed front yard variance would not create negative impacts on the neighbouring properties and the existing streetscape, this department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

The residents of 7668 Wheeler Court requested clarification regarding the proposed variance. The residents wanted to ensure that the variance was not for the rear yard.

Mr. Ronald Au, 7661 Burris Street, appeared before the Board of Variance requesting information regarding the front yard setback and retention of the trees.

No further 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

4. **NEW BUSINESS**

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

5. **ADJOURNMENT**

MOVED BY MR. DHATT

SECONDED BY MR. NEMETH

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:16 p.m.

Ms. C. Richter, CHAIR

Mr. R. Dhatt

Mr. S. Nemeth

Mr. W. Peppard

Ms. E. Prior
ADMINISTRATIVE OFFICER

Mr. B. Pound



BOARD OF VARIANCE REFERRAL LETTER

DATE: April 5, 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>
DEADLINE: April 11, 2017 for the May 4, 2017 hearing.			
APPLICANT NAME: Vikram Tiku			
APPLICANT ADDRESS: 180 – 2250 Boundary Road			
TELEPHONE: 604-838-9093			
PROJECT			
DESCRIPTION: New single family dwelling with secondary suite and detached garage			
ADDRESS: 3831 Edinburgh			
LEGAL DESCRIPTION:	LOT: 26	DL: 186	PLAN: 3755

Building Permit application BLD16-01859 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R3 / Section 6.14(5)(b); 103.6(1)(b);

COMMENTS:

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

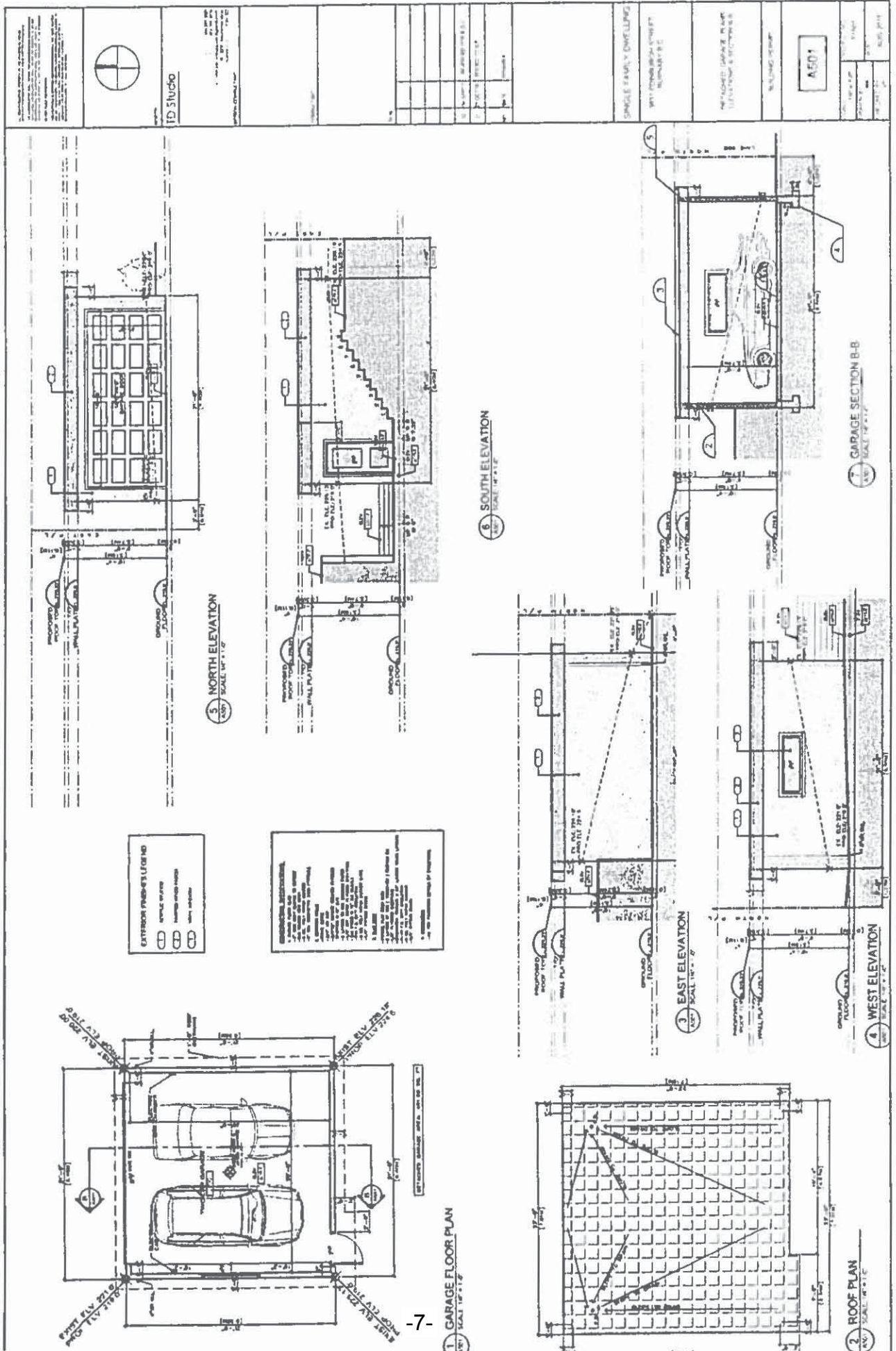
- 1) To vary Section 6.14(5)(b) – “Fences” of the zoning bylaw from 5.91 feet to a maximum of 8.5 feet for heights of retaining walls located to the rear of the required front yard.
- 2) To vary Section 103.6(1)(b) – “Height of Principal Building” of the Zoning Bylaw from 24.30’ to 27.60’ measured from the rear average grade for the proposed single family dwelling with a flat roof. The principal building height measured from the front average grade will be 16.50’.

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 these variances, if granted, is limited to the scope of the proposal shown on the attached plans.

MS

Peter Kushnir
Deputy Chief Building Inspector



TOPOGRAPHICAL SURVEY PLAN OF LOT 26 BLOCK 39 DISTRICT LOT 186 GROUP 1 NWD PLAN 3755

PID: 001-242-211

CIVIC ADDRESS:

3831 - EDINBURGH STREET
BURNABY, B.C.

NOTE:

THE BUILDING ENVELOPE SHOWN
IS AN INTERPRETATION OF THE RECORD
AND IS NOT NECESSARILY APPROVED BY
THE CITY OF BURNABY

ELEVATION DERIVATION

ELEVATIONS ARE GEOMETRIC DERIVED FROM
CITY OF BURNABY CONTROL MONUMENT
NO. 7746742 ELEVATION = 307.5071
DATA FROM CIRCUMFERED 2005

NOTE:

LOT 26 IS AFFECTED BY
RESTRICTIVE COVENANT SLURK

LEGEND:

- ⊙ DENOTES RECTANGULAR CATCH BASIN
- ⊙ DENOTES TEMPORARY BENCH MARK
- ⊙ DENOTES RETAINING WALL
- ⊙ DENOTES TREE'S DWP LINE & MAINS
- ⊙ DENOTES CONIFEROUS TREE
- ⊙ DENOTES DECIDUOUS TREE

Let dimensions and easements according to
Field Survey

Only trees and shrubs have been plotted as
required by Burnaby Tree By-law

This plan does not show non-
charges, lanes or easements

This plan was prepared for inspection purposes and is
not to be used as a legal document. The signatory
accepts no responsibility or liability for any damages
or losses incurred by the use of this plan. The plan
and any other documents or actions taken based on the
document. This document shows the relative location
of the surveyed structures and features with respect to
the boundaries of the parcel described above. This
document shall not be used to determine the location of
any other structures, easements, or other features
which are not shown on this document or the survey.

THIS TOPOGRAPHICAL SURVEY HAS BEEN PREPARED
IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE
AND IS CERTIFIED CORRECT THIS 14th DAY OF JANUARY, 2018.

WE CERTIFY CORRECT THIS 27th DAY OF OCTOBER, 2018

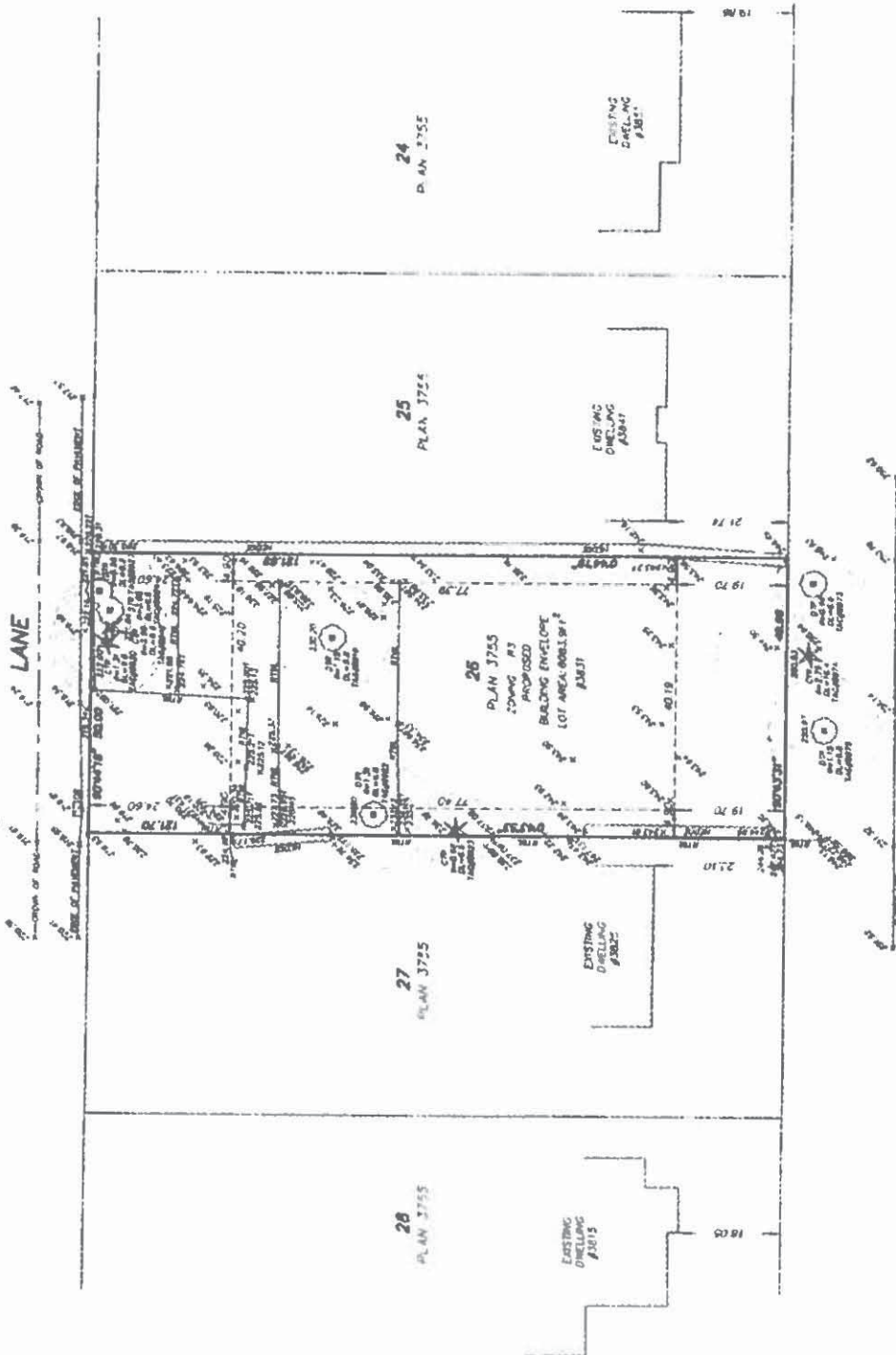
B.C.L.S.

SETBACK TABLE	
CIVIC ADDRESS	FRONT YARD SETBACK
3815 EDINBURGH STREET	18.00
3825 EDINBURGH STREET	23.00
3841 EDINBURGH STREET	21.24
3851 EDINBURGH STREET	19.86
Average = 20.78 / n = 20.68	

NOTED
RECEIVED
BURNABY
2018

SCALE 1"=16' DISTANCES ARE IN FEET & DECIMALS

NOTED
RECEIVED
BURNABY
2018

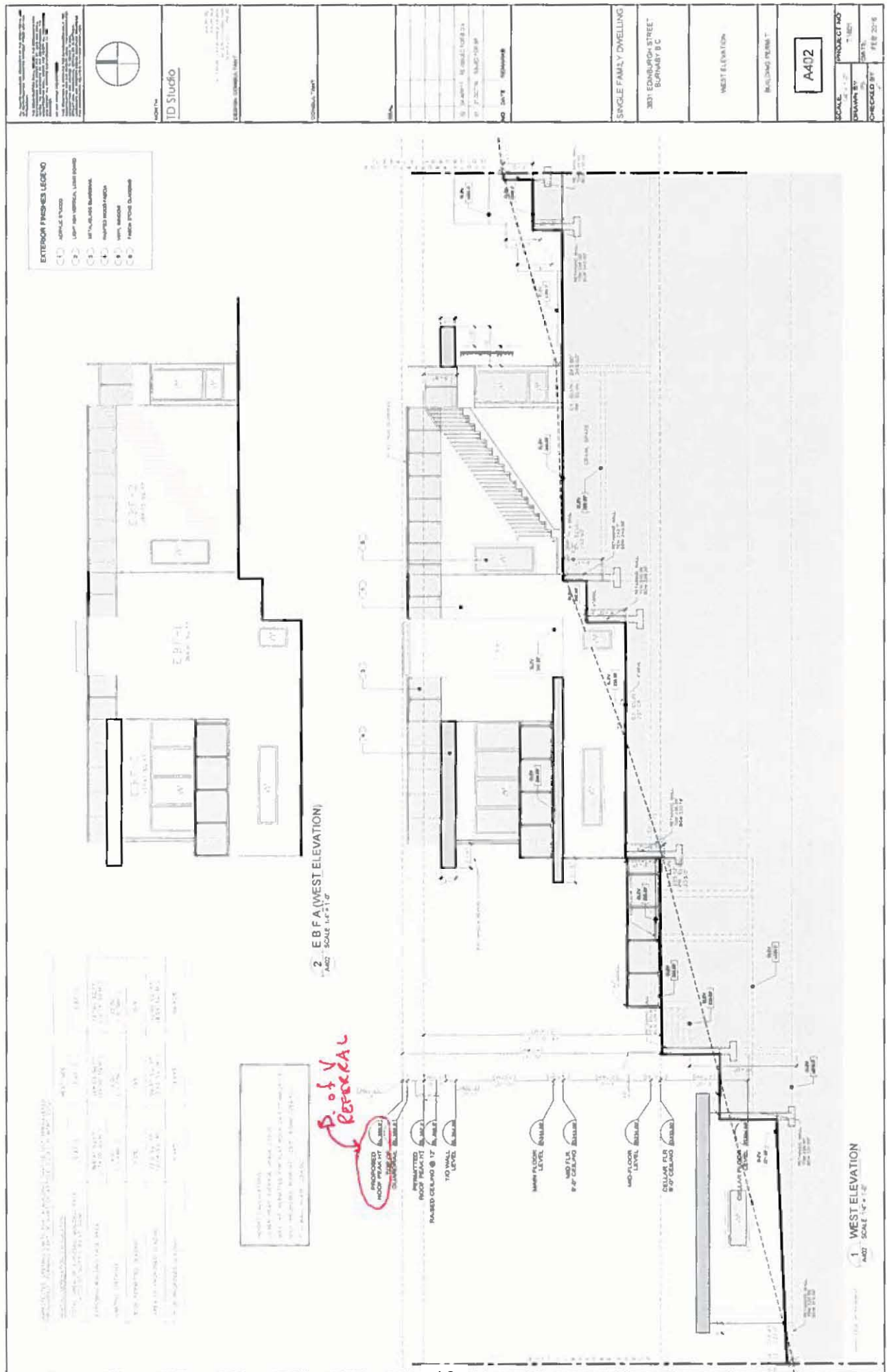


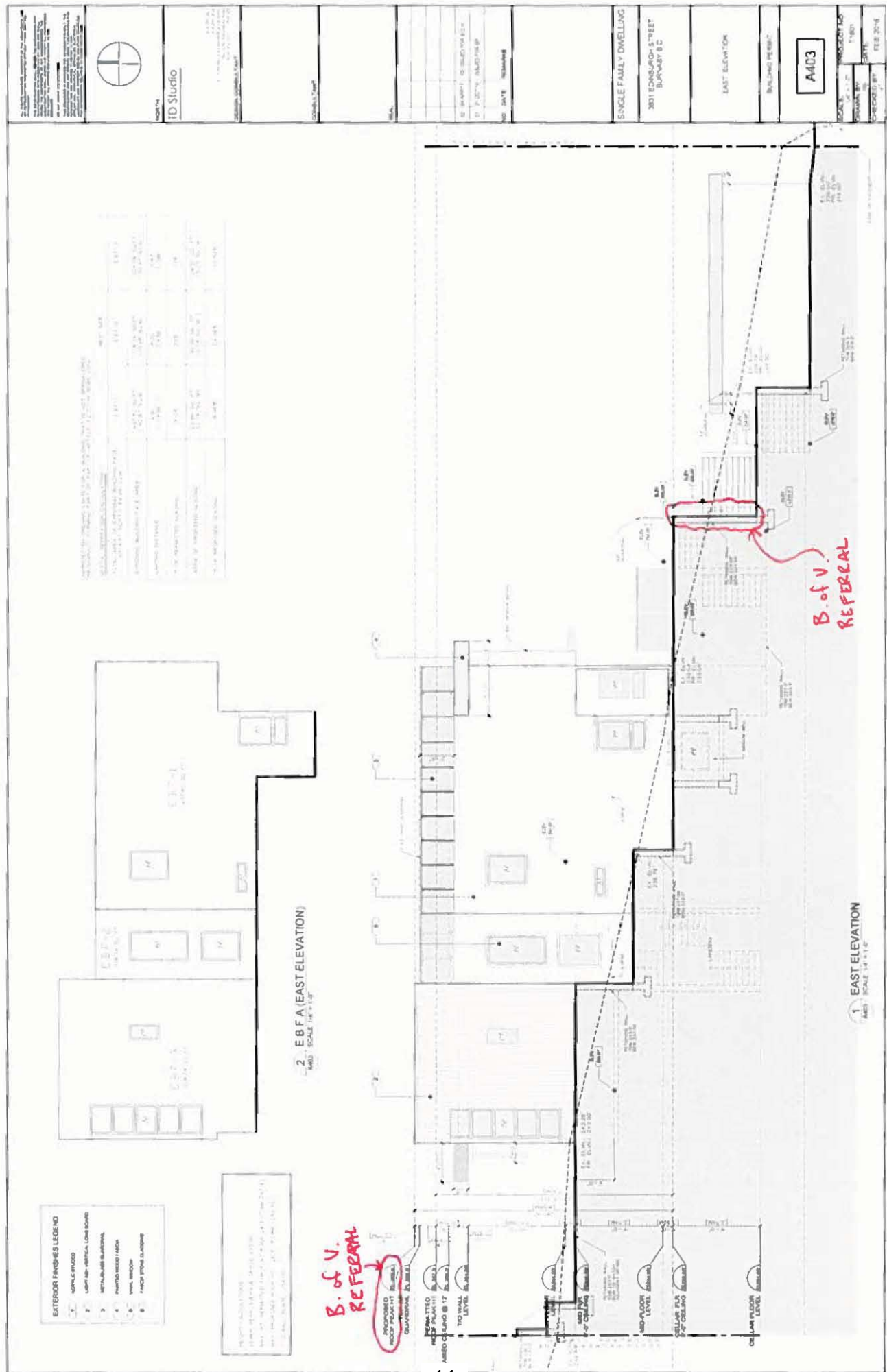
EDINBURGH STREET

3.(a)

CHEN & ASSOCIATES
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3831 Edinborough Street

April 12, 2017

1:850



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

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