



## **BOARD OF VARIANCE**

### **MINUTES**

A Hearing of the Board of Variance was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Thursday, **2018 June 07** at 6:00 p.m.

#### **1. CALL TO ORDER**

PRESENT: Mr. Stephen Nemeth, Chair  
Ms. Brenda Felker, Citizen Representative  
Mr. Brian Pound, Citizen Representative

ABSENT: Mr. Rana Dhatt, Citizen Representative  
Mr. Wayne Peppard, Citizen Representative

STAFF: Mr. Maciek Wodzynski, Development Plan Technician  
Ms. Monica Macdonald, Administrative Officer

The Chair called the meeting to order at 6:01 p.m.

#### **2. MINUTES**

##### **(a) Minutes of the Board of Variance Hearing held on 2018 May 03**

MOVED BY MR. POUND  
SECONDED BY MS. FELKER

THAT the minutes of the Burnaby Board of Variance Hearing held on 2018 May 03 be adopted.

CARRIED UNANIMOUSLY

#### **3. APPEAL APPLICATION**

The following person filed an application form requesting that she 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. 6329**

APPELLANT: Anna Prints, Permit Masters

REGISTERED OWNER OF PROPERTY: Edmund Cheung

CIVIC ADDRESS OF PROPERTY: [4233 Boxer Street](#)

LEGAL DESCRIPTION OF PROPERTY: Lot 4; DL 156; Plan NWP20310

APPEAL: An appeal for the relaxation of Sections 6.3.1 and 6.2(2) of the Burnaby Zoning Bylaw which, if permitted, will allow for construction of a new detached garage to an existing single family dwelling at 4233 Boxer Street. The following variances are requested:

a) A distance between the principal building and the accessory building of 3.25 feet, where the minimum permitted distance between buildings on the same lot is 14.8 feet; and,

b) Construction of an accessory building in the required front and side yards, where no accessory building can be located in the required front or side yards. The proposed accessory building is 4.21 feet from the front (Carson Street) property line and 3.94 feet from the west property line, where the minimum required front yard depth is 24.6 feet (based on minimum front yard depth) and the minimum required side yard width is 4.9 feet.

Note: The property is a through lot with two front yards. Zone R-2

**APPELLANT'S SUBMISSION:**

Ms. Anna Prints, Permit Masters, on behalf of the property owner, submitted an application to allow for the construction of a new single family dwelling with secondary suite.

Ms. Prints appeared before members of the Board of Variance.

**BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:**

The subject site, which is zoned R2 Residential District, is located in the Sussex-Nelson neighbourhood in which the majority of single family dwellings were constructed in the 1950s and 1960s. This interior through lot, approximately 58.67 ft. wide and 115.00 ft. long, fronts Boxer Street to the south and Carson Street to the north. The property observes a significant 16.70 ft. slope in the north-south direction. Single family dwellings abut the subject site to the east and to the west. Vehicular

access to the subject site is provided from Carson Street. The site is improved with an existing single family dwelling (1964) and an existing detached single car garage. The proposed new detached two car garage and bike storage, which is to replace the existing garage, is the subject of two appeals which are co-related.

The first appeal is to allow a distance of 3.25 ft. from accessory detached garage to principal building, where a minimum distance of 14.76 ft. is required.

The second appeal is to allow construction of accessory detached garage in a required front yard, 4.75 ft. from the north property line abutting Carson Street and from 3.92 ft. to 4.42 ft. from the west property line, where siting of an accessory building in the required front, or side yard, is prohibited by the Zoning Bylaw.

This Department notes that in 2003, the Board of Variance granted the dwelling at 4183 Boxer Street (fourth dwelling west of the subject lot) permission to construct their garage 2.04 ft. from the north property line (Carson Street) and observing a distance of 11.43 ft. from the principal building (Reference # BV 5166) and in 2011, the Board of Variance granted the dwelling at 4243 Boxer Street (the neighbouring dwelling to the east) permission to construct their garage 2.00 ft. from the north property line (Carson Street) and observing a distance of 13.00 ft. from the principal building (Reference # BV 5911).

With respect to the second appeal, the intent of the Bylaw in prohibiting accessory buildings in the front yard is to ensure a unified street frontage appearance and to limit impacts on the neighbouring properties' front yards.

The existing house observes the required front yard setback from Boxer Street. In fact, a consistent building edge is maintained throughout the block, and all the houses exceed the required front yard setback by more than 13.00 ft. The front yard setback from Carson Street is the yard for which the setback relaxation is requested. Carson Street appears and functions as a lane rather than a street. Its width is approximately 32.00 ft., one half of the typical street width, which is 66.00 ft., but the road allowance is wider than a typical lane, which is 20.00 ft. wide. The width of the paved portion of the Carson Street is similar to the typical 20.00 ft. lane width. City records indicate Carson Street was built in 1950 and amended to its current configuration in 1959 and 1960. The Engineering Department has no intentions to enlarge this street in the future. With the exception of two sites, Carson Street functions as a lane; the majority of lots (north and south side of the block) in the subject block have their garages located on the Carson Street side, some of which observe a reduced setback. The proposed garage is within same distance to Carson Street as is existing garage on the property. The new double car garage is wider and it is proposed to be built closer to the western neighbour. The setback is reduced from 6.92 ft. to 3.92 ft. It is also longer due to the bike storage extension to the south, which will increase overshadowing of the western neighbour's outdoor space in the morning. However, the amount of the bike storage extension towards south is not the subject of this variance, only its distance from the side and Carson Street property lines.

With respect to the first appeal, the Bylaw requires a separation between a principal building and an accessory building (garage) so that building massing does not have a negative impact on the neighbouring properties, as well as to provide for sufficient outdoor living space.

In this case, the proposed L-shaped detached garage, positioned approximately over the existing garage location, is increased in size and wrapped around the corner of the main dwelling. The 3.17 ft. distance between the south garage wall and the north dwelling wall, where minimum required is 14.8 ft., is the subject of this variance. Additionally, the distance between overlapping 10.33 ft. portion of west dwelling wall and east garage/bike storage wall is 7.58 ft. where minimum required is 14.8 ft. It should be noted that the west wall of the dwelling has no window facing the bike storage portion of the garage.

The additional massing created by the garage and bike storage will have some negative impact on the adjacent property to the west, as discussed in the second appeal above.

The available green space on the subject site would remain mostly unchanged. Further, the siting of the proposed garage would be consistent with the neighbouring properties.

As Carson Street functions as a lane, with no future intent to establish it as a street frontage for the properties on either side of it, and since there is only limited impacts on the neighbouring properties and green space is still available on the subject site, allowing the garage to be built will not defeat the intent of the Bylaw. In view of the above, this Department does not object to the granting of these two variances.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. POUND  
SECONDED BY MS. FELKER

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

CARRIED UNANIMOUSLY

MOVED BY MR. POUND  
SECONDED BY MS. FELKER

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

CARRIED UNANIMOUSLY

4. **NEW BUSINESS**

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

5. **ADJOURNMENT**

MOVED BY MR. POUND  
SECONDED BY MS. FELKER

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:12 p.m.

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Mr. S. Nemeth, CHAIR

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Ms. B. Felker

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Ms. M. Macdonald  
ADMINISTRATIVE OFFICER

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Mr. B. Pound