

# **BOARD OF VARIANCE**

## NOTICE OF OPEN MEETING

DATE: THURSDAY, 2018 JUNE 07

TIME: 6:00 P.M.

PLACE: COUNCIL CHAMBER, MAIN FLOOR, CITY HALL

# AGENDA

1. CALL TO ORDER

2. MINUTES

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

3. APPEAL APPLICATION

(a) <u>APPEAL NUMBER:</u> B.V. 6329 6:00 p.m.

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

<u>APPEAL:</u> 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

- 4. <u>NEW BUSINESS</u>
- 5. ADJOURNMENT



# **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 May 03** at 6:00 p.m.

## 1. CALL TO ORDER

PRESENT: Mr. Wayne Peppard, In the Chair,

Mr. Rana Dhatt, Citizen Representative Ms. Brenda Felker, Citizen Representative Mr. Brian Pound, Citizen Representative

ABSENT: Mr. Stephen Nemeth, Chair

STAFF: Ms. Margaret Malysz, Development Plan Approvals Supervisor

Ms. Monica Macdonald, Administrative Officer

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

## 2. ELECTION

## (a) Election of Chair

MOVED BY MR. POUND SECONDED BY MS. FELKER

THAT Mr. W. Peppard be appointed as Chair of the Burnaby Board of Variance for the 2018 May 03 Hearing.

CARRIED UNANIMOUSLY

# 3. MINUTES

# (a) Minutes of the Board of Variance Hearing held on 2018 April 05

MOVED BY MR. POUND SECONDED BY MR. DHATT

THAT the minutes of the Burnaby Board of Variance Hearing held on 2018 April 05 be adopted.

CARRIED UNANIMOUSLY

## 4. APPEAL APPLICATIONS

The following persons filed application forms requesting that they be permitted to appear before the Board of Variance for the purpose of appealing for the relaxation of specific requirements as defined in the Burnaby Zoning Bylaw 1965, Bylaw No. 4742.

## (a) APPEAL NUMBER: B.V. 6327

APPELLANT: Peter Smith

REGISTERED OWNER OF PROPERTY: Kitty Kit-Yu Cho

CIVIC ADDRESS OF PROPERTY: 8008 13<sup>th</sup> Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 2; DL 27; Plan 697

APPEAL: An appeal for the relaxation of Section 105.9 of the Burnaby

Zoning Bylaw which, if permitted, would allow for construction of a new single family dwelling with a secondary suite and existing detached garage at 8008 13th Avenue, with a front yard depth of 20.67 feet where a minimum depth of 39.6 feet is required based

on front yard averaging.

### APPELLANT'S SUBMISSION:

Mr. Peter Smith, on behalf of the property owner, submitted an application to allow for the construction of a new single family dwelling with secondary suite.

Mr. Paul Aitken and Ms. Kitty Kit-Yu Cho, property owner, appeared before members of the Board of Variance.

#### **BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:**

The subject site, zoned R5 Residential District, is located in the Second Street neighbourhood in which the age and condition of single and two-family dwellings vary. This interior lot, approximately 51.28 ft. wide by 146.17 ft. deep, fronts onto Thirteenth Avenue to the northwest and abuts a lane to the southeast. Immediately across Thirteenth Avenue (to the northwest) and across the lane (to the southeast) are two family dwellings and immediately southwest and northeast of the subject site are single family dwellings. Vehicular access to the subject site is provided from the rear lane. The site observes a downward slope of approximately 12.6 ft. in the north-south direction.

The subject site is proposed to be redeveloped with a new single family dwelling, including a secondary suite, for which a variance has been requested. The existing detached garage is proposed to remain.

The appeal proposes the relaxation of Section 105.9 "Front Yard" of the Burnaby Zoning Bylaw from 39.60 ft. (based on front yard averaging) to 20.67 ft. The purpose of this variance is to allow the construction of a single family dwelling encroaching into the required front yard abutting Thirteenth Avenue, as measured to the front porch post 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 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 front yard setbacks of the dwelling immediately southwest of the subject site at 8002 Thirteenth Avenue and the two dwellings immediately northeast of the subject site at 8012 and 8018 Thirteenth Avenue. The front yard setbacks for these properties are 24.57 ft., 67.89 ft. and 26.34 ft. respectively. The property at 8012 Thirteenth Avenue, immediately northeast of the subject site, affects these calculations.

As mentioned above, the front yard setback is measured to the front porch post located in the middle of the front elevation, which is one storey; there is no upper floor proposed. In relation to the front porch post, the main face of the building would be set back an additional 4.29 ft. at the central/eastern portion and 9.29 ft. at the western portion.

With respect to the existing streetscape, the proposed siting would place the subject dwelling 3.9 ft. in front of the neighbouring dwelling to the southwest and 47.22 ft. in front of the neighbouring dwelling to the northeast. If the "corner to corner" relation is considered, based on the submitted survey it is estimated that the proposed dwelling would be approximately 2.0 ft. behind the neighbouring dwelling to the southwest and approximately 43.0 ft. in front of the neighbouring dwelling to the northeast, but approximately 2.0 ft. in front of the second neighbouring dwelling to the northeast.

The proposed siting of the main body of the subject dwelling would be approximately 3.0 ft. closer to the front property line in comparison to the siting of the existing dwelling on the subject site; the existing dwelling observes a front yard setback of approximately 28.0 ft. Therefore, this variance would not create a substantial change in the massing relationship between the proposed dwelling on the subject site and neighbouring dwellings.

Further, with the exception to the property immediately northeast of the subject site, the varied setbacks proposed on the front elevation alleviate the massing impacts of the reduced front yard setback on the properties immediately to the southwest and northeast of the subject site. With respect to the property directly northeast of the subject site, considering the distant placement of the residence to the rear of this property (there is no direct overlap between this residence and the portion of the subject dwelling encroaching into the required front yard), any relevance of front yard averaging in this particular case could be questioned.

With reference to the broader neighbourhood context, the front yard vary on the subject block, from approximately 15.0 ft. at 8024 Thirteenth Avenue (third lot to the northeast of the subject site) to 67.89 ft. at 8012 Thirteenth Avenue (immediately adjacent lot to the northeast) and the average setback is approximately 26.0 ft. As such, the siting of the proposed dwelling would not be out of ordinary within the existing neighbourhood context.

With respect to hardship, the requested variance is partly the result of a design choice: with the proposed generous rear yard (over 65 ft. deep), there is room to relocate the proposed dwelling farther to the rear of the property in order to comply with the front yard averaging requirement. However, there are grounds for hardship considering the existing development pattern in the subject block, which affects front yard averaging calculations.

In view of the above, and since the proposed development would create low impacts on neighbouring properties and the existing streetscape, this Department does not object 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) <u>APPEAL NUMBER:</u> B.V. 6328

APPELLANT: Bruno Trotolano

REGISTERED OWNER OF PROPERTY: Rafelina and Bruno Tortolano;

Diana and Elio Tortolano

CIVIC ADDRESS OF PROPERTY: 5456/5458 Georgia Street

LEGAL DESCRIPTION OF PROPERTY: Lot 107; DL 127; Plan

NWP48332

APPEAL:

An appeal for the relaxation of Section 6.3.1 of the Burnaby Zoning Bylaw, which if permitted, would allow for construction of a new detached garage on a lot with an existing two family dwelling at 5456/5458 Georgia Street. The proposed distance between the principal building and the new garage is 4.0 feet, where the minimum distance between buildings on the same lot is 14.8 feet.

#### APPELLANT'S SUBMISSION:

Mr. Bruno Tortolano, property owner, submitted an application to allow for the construction of a new detached garage.

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

#### BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R4 Residential District, is located in the Parkcrest-Aubrey neighbourhood in which the age and condition of single and two family dwellings vary. This corner lot, approximately 72.0 ft. wide by 122.0 ft. deep, fronts onto Georgia Street to the north and flanks Howard Avenue to the east. Single family dwellings abut the subject site on all four sides. Vehicular access to the subject site is proposed to remain via the rear lane to the south. The site observes a substantial downward slope of approximately 13.0 ft. from front to rear.

The subject property is improved with a two family dwelling with an attached carport/rear deck, built in 1975. The site is proposed to be further improved with a new detached garage, for which a variance has been requested.

The appeal proposes the relaxation of Section 6.3.1 "Distance between Buildings on the same Lot" of the Zoning Bylaw to allow the construction of a new detached garage. The proposed distance between the detached garage and the principal building is 4.0 ft., where a minimum distance of 14.8 ft. is required.

The Bylaw requires a separation between buildings on the same lot to ensure that the overall massing of the buildings does not have a negative impact on the subject property and neighbouring properties, as well as to provide for sufficient outdoor living space.

The proposed 23.50 ft. wide by 19.18 ft. deep accessory building, which would contain two one-car garages placed side by side, is proposed in the center of the rear yard. These detached garages would observe a 4.08 ft. setback from the rear lane, which is slightly more than the minimum setback required for an accessory building (3.94 ft.). The 4.0 ft. distance between two structures is measured from the north face of the proposed detached garages to the outermost south face of the existing rear deck (the carport below would be replaced with a concrete patio). This deck, approximately 25.33 ft. wide and 17.0 ft. deep, projects (approximately 17.0 ft.) from the middle of the rear elevation. Therefore, if the separation between the proposed detached garage and the rear building face is considered, the measurement would be approximately 21.0 ft. In this context, the reduced separation between the two structures would not have impacts on the interior of the dwelling.

With respect to the rear deck/patio areas, some impacts are expected on the patio uses; the proposed accessory building would overlap the rear deck/patio for almost the entire width (21.08 ft.). It appears however, that a sense of over enclosure would be mitigated by the fact that the detached garages are proposed within the portion of the lot where the lowest grades occur. Due to the grade drop within the rear yard, the proposed garage slab level (at 101.4 ft.) would be approximately 4.6 ft. below the concrete patio level (assumed to be at 106.0 ft.) underneath the raised deck. This will result in the lesser exposed wall height at the north side of the garages (facing the dwelling), approximately 7.0 ft. to the bottom of the fascia board (or 10.23 ft. to the top of the garage roof would be below the existing deck level; therefore, the garage will have no visual impacts on deck activities.

With respect to outdoor living space, this appeal would not reduce the green space available on this site; the proposed detached garages would be located within an area where the access driveway to the deck/carport structure currently exists. Further, there would still be outdoor living areas of over 1,000 sq. ft. in the rear yard to the west and east of the proposed detached garages.

Furthermore, since the reduced separation between the two structures would occur in the interior of the site, rather than close to the side property lines (over 24.0 ft. away from west and east side property lines), this relaxation would have little massing impacts on the adjacent properties to the west and across Howard Avenue to the east of the subject site.

In view of the above, and in the consideration of the challenges related to balancing the development needs with the existing site conditions, this Department does not object to the granting of the appeal.

#### 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** 

# 5. <u>NEW BUSINESS</u>

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

# 6. <u>ADJOURNMENT</u>

MOVED BY MR. POUND SECONDED BY MR. DHATT

THAT this Hearing do now adjourn.

**CARRIED UNANIMOUSLY** 

The Hearing adjourned at 6:14 p.m.

	Mr. W. Peppard, CHAIR
	Mr. R. Dhatt
	Wii. IX. Dilatt
	Ms. B. Felker
Ms. M. Macdonald	Mr. B. Pound
ADMINISTRATIVE OFFICER	



# 2018 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 <u>EDMUND</u> <u>CHEUNG</u>
Mailing Address 4233 Boxer Street
City/Town
Phone Number(s) (H) 604 979 5685 (C) 118 834 5685
Email <u>edmund boxer @ gmail · com</u>
Property
Name of Owner <u>FOMUND</u> <u>CHEUNG</u>
Civic Address of Property 4233 Boxer Street
Burnaty, B.C. VSJ 2WI
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 Applicant Signature
Office Use Only
Appeal Date Toll 2018 Appeal Number BV# 6329
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 m\_8\_ available to the Public



# Board of Variance Application - 4233 Boxer Street BLD18-00089

To Whom it May Concern,

We are seeking a variance on a building permit application for the above address. The residents of the property located at 4233 Boxer Street have applied for a building permit for a new accessory building. The proposed accessory building is 50.5m<sup>2</sup> and would accommodate two vehicles as well as bicycle storage. The site is zoned R2.

A variance is required for the distance from the house to the detached garage. Per the Zoning Bylaw-14.8 ft is required and 3.3 ft is provided.

It is our opinion that a number of factors justify the need for a variance in this instance.

- There is a large front setback on the property which pushes the existing dwelling back on the site.
  The front setback is 46.8 ft. The distance from the dwelling to the rear property line is only 26.2 ft.
  This does not leave enough room for a detached accessory building and the 14.8 ft required distance between the house and the accessory building.
- 2. There will be no impact to adjacent neighbours as a result of granting this variance. Bylaws regarding setbacks and height of the accessory building are all being followed.
- 3. The family residing at the dwelling will use the garage to store two vehicles as well as bicycles. It is not excessive in size and will reduce the number of vehicles parking on the street in the area.
- 4. Site Coverage and FAR requirements are being followed. The modest increase in size of the proposed garage from the existing will not create a relaxation in either of these areas. Lot coverage would increase from 26% to 30% under this proposal, well within the 40% allowed.
- 5. As per the Zoning Bylaw, an accessory building is not permitted within the required front yard.
- There are grade changes from the proposed accessory building and the principle dwelling. Siting
  the accessory building as proposed would allow the owners to step down to the principle
  dwelling, which is beneficial when unloading vehicles.

We believe the variance in minor in nature. The siting of the existing dwelling does not allow for other options in locating the accessory building on the site. The variance will have no impact on adjacent neighbours but would allow the owners enjoyment of their property.

Additional information may be provided at the hearing.

Ugll Alg



#### **BOARD OF VARIANCE REFERRAL LETTER**

DATE: May 7, 2018  DEADLINE: May 8, 2018 for the June 7, 2018 hearing.  APPLICANT NAME: Anna Prints  APPLICANT ADDRESS: Unit 720 - 999 West Broadway, Vancouver, B.C. V5Z 1K5			
			This is <u>not</u> an application.  Please submit this letter to the Clerk's office
			TELEPHONE: 604-628-9880
PROJECT			
DESCRIPTION: New detach	ed garage to an e	existing single family dw	velling.
ADDRESS: 4233 Boxer Stree	t		
LEGAL DESCRIPTION:	LOT: 4	DL: 156	PLAN: NWP20310

Building Permit application BLD18-00089 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

### Zone R2 / Sections 6.3.1, 6.2(2)

#### **COMMENTS:**

The applicant proposes to build a new detached garage 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 6.3.1 "Distance between Buildings on the same Lot" of the Zoning Bylaw requirement for the minimum distance from 14.8 feet to 3.25 feet.
- 2) To vary Section 6.2(2) "Location and Siting of Buildings" of the Zoning Bylaw to allow for the construction of a new detached garage in the required front and side yards, where no accessory building can be located in any required front or side yard. 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.

Notes:

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.

All new principal building projections into the resulting required yards will conform to the requirements of Section 6.12.

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

JQ

Peter Kushnir

Deputy Chief Building Inspector









