



## **BOARD OF VARIANCE**

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

**DATE:** THURSDAY, 2018 JULY 05

**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 2018 June 07

**3. APPEAL APPLICATION**

(a) **APPEAL NUMBER:** B.V. 6330 **6:00 p.m.**

APPELLANT: Sukhdev Sandhu

REGISTERED OWNER OF PROPERTY: Kawaldeep Dhaliwal

CIVIC ADDRESS OF PROPERTY: 7028 Mawhinney Close

LEGAL DESCRIPTION OF PROPERTY: Lot B; DL 78; Plan 39700

APPEAL: An appeal for the relaxation of Section 6.14(5)(a) and 102.6(1)(a) 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 7028 Mawhinney Close. The following variances are requested:

a) Construction of a fence in the required front yard up to a maximum of 4.62 feet, where a maximum fence height of 3.51 feet is permitted;

b) A principal building height of 35.54 feet (sloped roof) measured from the rear average grade, where the maximum height of 29.5 feet is permitted;

c) A principal building height of 30.95 feet (sloped roof) measured from the front average grade, where the maximum height of 29.5 feet is permitted; and,

d) A principal building height of 3 storeys, where 2½ storeys is permitted. Zone R2

**4. NEW BUSINESS**

**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 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 Wodzinski, 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.

\_\_\_\_\_  
Mr. S. Nemeth, CHAIR

\_\_\_\_\_  
Ms. B. Felker

\_\_\_\_\_  
Ms. M. Macdonald  
ADMINISTRATIVE OFFICER

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



# 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 SUKHDEV SANDHU  
 Mailing Address 5228- 157 Street  
 City/Town Surrey . B.C Postal Code V3Z 1G2  
 Phone Number(s) (H) \_\_\_\_\_ (C) 604. 306 5442  
 Email sukhdev.sandhu@me.com

### Property

Name of Owner Kawaldeep Dhalwal  
 Civic Address of Property 7028 Mawhinney Close  
LOT B DL 78 PLAN 39700

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.

June 4th 2018  
 Date

[Signature]  
 Applicant Signature

### Office Use Only

Appeal Date July 5 2018 Appeal Number BV# 6330

#### 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



June 4<sup>th</sup>, 2018

**Subject: 7028 Mawhinney Close, Burnaby, BC**

Dear Board of Variance members,

We are constructing a house on 7028 Mawhinney Close for the special needs of our client Mr. Kawaldeep Singh Dhaliwal and his family.

This lot is a quite challenging as of easements on the south side and creek on the west side of the house.

Due to above restrictions, building envelope sits on a steep slope, in one corner of approximately 22,000 square feet property. Easy accessible driveway is not possible without grade manipulation.

We are requesting a maximum possible reduction in driveway slope to meet our client's family needs. If variance is allowed the family will not suffer the hardship of easy accessibility.

Yours sincerely,



Sukhdev Sandhu  
Arrive Home Corp.  
On client: Kawaldeep S. Dhaliwal's behalf



### BOARD OF VARIANCE REFERRAL LETTER

|   |               |  |                    |
|---|---------------|--|--------------------|
| <b>DATE:</b> June 1, 2018   |               | <i>This is <b><u>not</u></b> an application.<br/>         Please submit this letter<br/>         to the Clerk's office<br/>         (ground floor) when you<br/>         make your Board of<br/>         Variance application.</i> |                    |
| <b>DEADLINE:</b> June 12, 2018 for the July 08, 2018 hearing.                           |               |  |                    |
| <b>APPLICANT NAME:</b> Sukhdev Sandhu   |               |  |                    |
| <b>APPLICANT ADDRESS:</b> 5228 157 St, Surrey, B.C., V3Z 1G2                            |               |  |                    |
| <b>TELEPHONE:</b> 604-306-5442  |               |  |                    |
| <b>PROJECT</b>  |               |  |                    |
| <b>DESCRIPTION:</b> New single family dwelling with secondary suite and attached garage |               |  |                    |
| <b>ADDRESS:</b> 7028 Mawhinney Close  |               |  |                    |
| <b>LEGAL DESCRIPTION:</b>   | <b>LOT:</b> B | <b>DL:</b> 78  | <b>PLAN:</b> 39700 |

Building Permit application BLD18-00183 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)**

**COMMENTS:**

The applicant proposes to build a new single family dwelling with secondary suite and attached 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)(a) – “Fences” of the Zoning Bylaw from 3.51 feet to a maximum of 4.62 feet for heights of constructed fences located in the required front yard
- 2) To vary section 102.6 (1)(a) – “Height of Principal Building” of the Zoning Bylaw requirement for the maximum building height from 29.5 feet to 35.54 feet measured from the rear average grade for the proposed single family dwelling with a sloped roof.
- 3) To vary section 102.6 (1)(a) – “Height of Principal Building” of the Zoning Bylaw requirement for the maximum building height from 29.5 feet to 30.95 feet measured from the front average grade for the proposed single family dwelling with a sloped roof.
- 4) To vary section 102.6 (1)(a) – “Height of Principal Building” of the Zoning Bylaw from 2 ½ storey to 3 storey in order to allow the construction of a single family dwelling

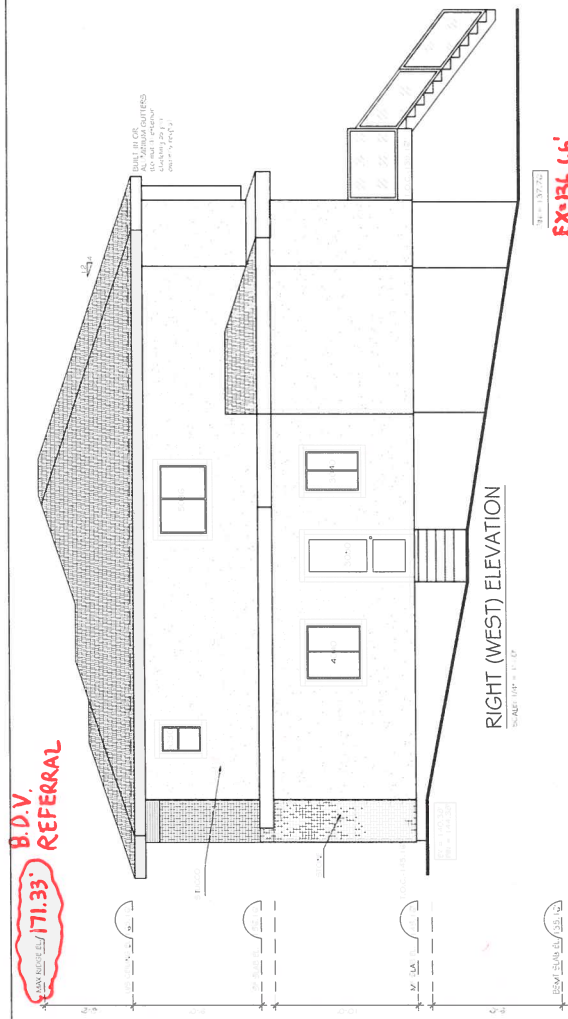
- Notes:
- 1. The applicant recognizes that should the project contain additional characteristics in contravention of the Zoning By-law, a future appeal(s) may be required.*
  - 2. The applicability of these variances, if granted, are limited to the scope of the proposal shown on the attached plans.*
  - 3. All new principal building projections into the resulting required yards will conform to the requirements of Section 6.12.*

LM

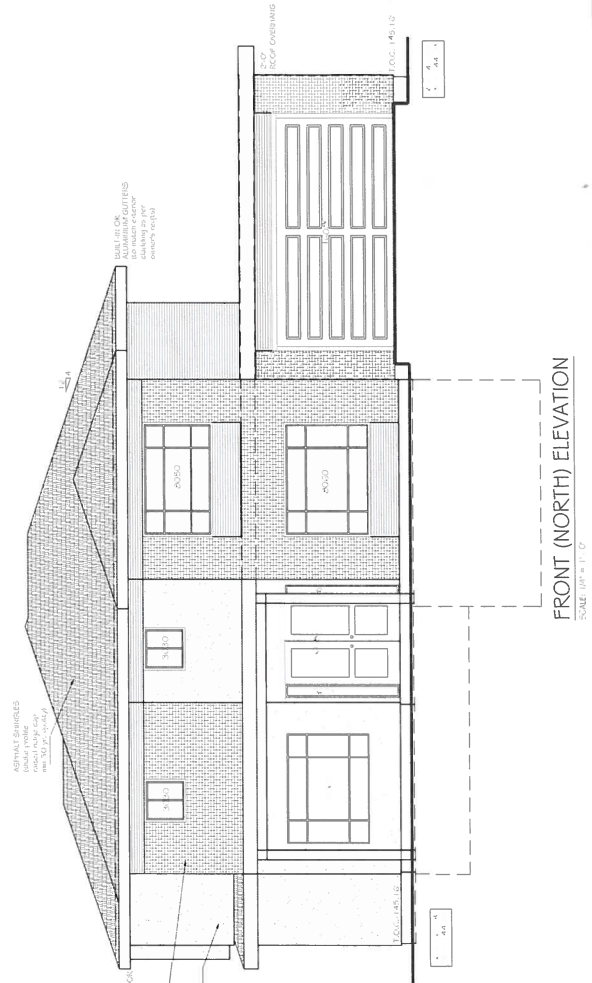



---

Peter Kushnir  
Deputy Chief Building Inspector

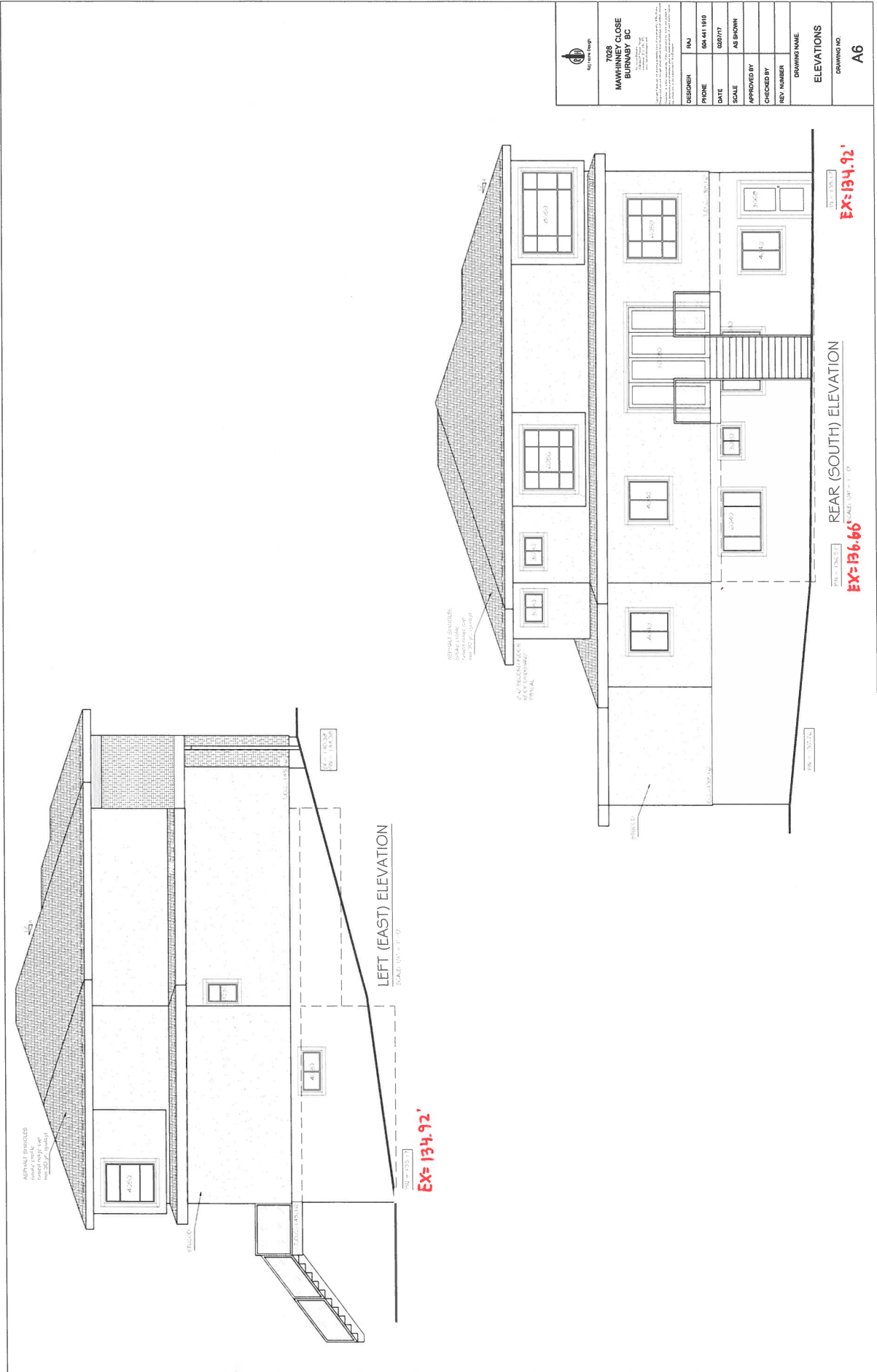


| UNPAID-RELATED EXPENSES CALCULATOR  |              |                |        |
|-------------------------------------|--------------|----------------|--------|
|                                     | PSMT         | ISMT           | ISMR   |
| TOTAL MAIL AREA                     | 1,057,000 SF |                |        |
| UNPAID-RELATED MAIL AREA            | N/A          | 77,777 SQ. FT. | N/A    |
| UNPAID-RELATED MAIL AREA PERCENTAGE | N/A          | 1.00%          | N/A    |
| UNPAID-RELATED MAIL AREA PERCENTAGE | N/A          | 1.00%          | 7.50%  |
| UNPAID-RELATED MAIL AREA PERCENTAGE | N/A          | 1.00%          | 47.71% |
| UNPAID-RELATED MAIL AREA PERCENTAGE | N/A          | 1.00%          | 58.00% |



|  |  |                   |              |
|--|--|-------------------|--------------|
| <br>City of Burnaby | <b>7028</b><br><b>MAWHINNEY CLOSE</b><br><b>BURNABY BC</b><br>Burnaby, B.C. V5A 1G6<br>Tel: 604-291-2222<br>Fax: 604-291-2223<br>Email: <a href="mailto:info@cityofburnaby.ca">info@cityofburnaby.ca</a> | DESIGNER          | RAJ          |
|  |  | PHONE             | 604 441 1910 |
|  |  | DATE              | 10/07/17     |
|  |  | SCALE             | AS SHOWN     |
|  |  | APPROVED BY       |              |
|  |  | CHECKED BY        |              |
|  |  | REV. NUMBER       |              |
|  |  | DRAWING NAME      |              |
|  |  | <b>ELEVATIONS</b> |              |
|  |  | DRAWING NO.       |              |
|  |  | <b>A5</b>         |              |





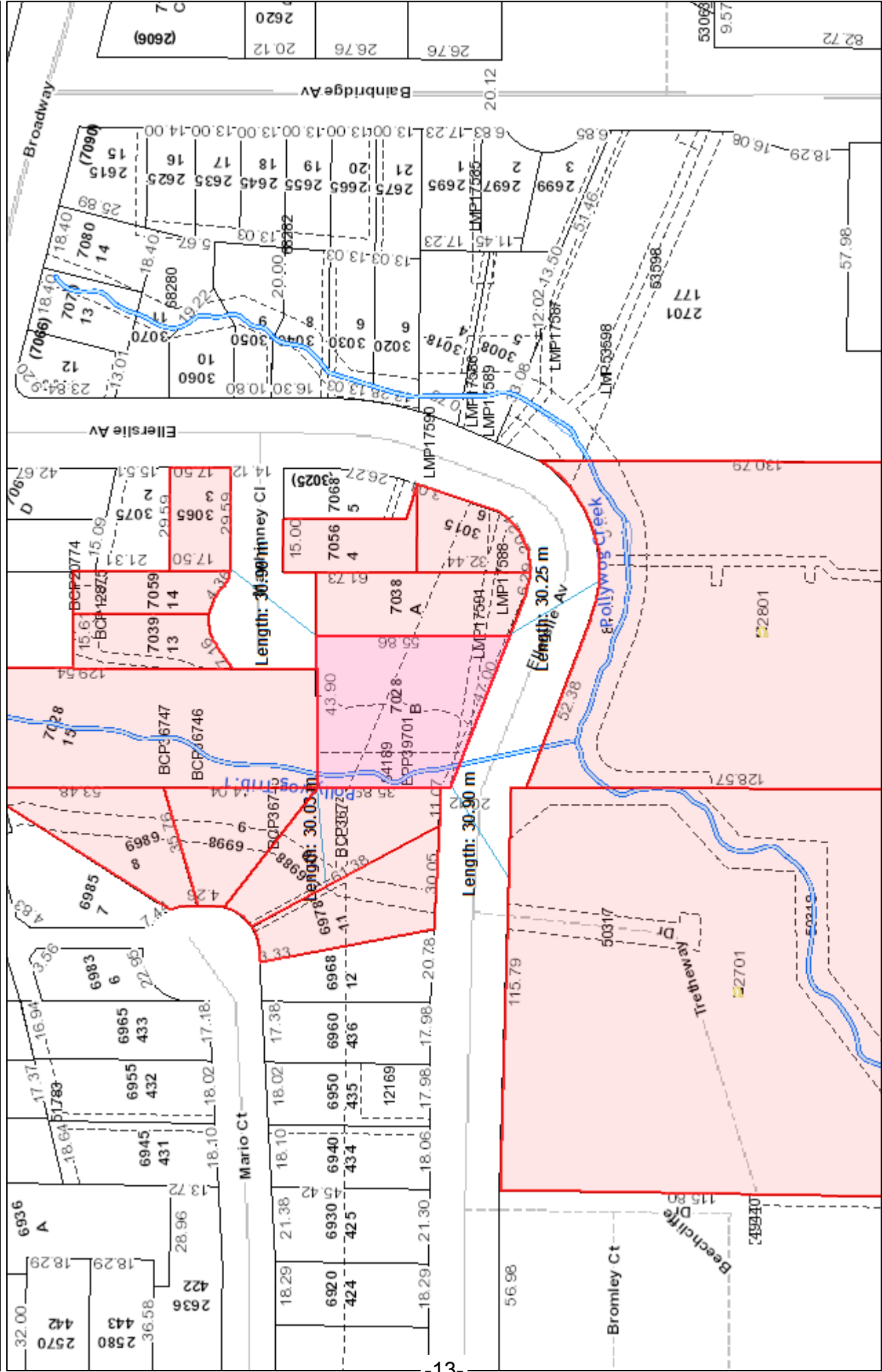




# 7028 Mawhinney Close

June 14, 2018

1:1,500



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.

3.(a)