



## **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 August 02** at 6:00 p.m.

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

PRESENT: Mr. Stephen Nemeth, Chair  
Mr. Wayne Peppard, Citizen Representative  
Mr. Brian Pound, Citizen Representative

ABSENT: Mr. Rana Dhatt, Citizen Representative  
Ms. Brenda Felker, Citizen Representative

STAFF: Mr. Maciek Wodzinski, Development Plan Technician  
Ms. Lauren Cichon, 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 2018 July 05**

MOVED BY MR. POUND

SECONDED BY MR. PEPPARD

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

CARRIED UNANIMOUSLY

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

The following person filed an application form 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. 6331

**APPELLANT:** Dat Huynh, Christopher Bozyk Architects

**REGISTERED OWNER OF PROPERTY:** 0883893 BC LTD

**CIVIC ADDRESS OF PROPERTY:** [4050 Graveley Street](#)

**LEGAL DESCRIPTION OF PROPERTY:** Lot: 67 DL: 117; Plan NWP43259

**APPEAL:** An appeal for the relaxation of Section 403.5(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a warehouse addition to an existing warehouse building at 4050 Graveley Street, with a nil side yard setback where a minimum side yard setback of 19.69 feet is required.

*A previous Board of Variance appeal (BV 6224, 2016 May 5) seeking a nil side yard setback was allowed.*

*A previous Board of Variance appeal (BV 3440, 1988 December 01) seeking to retain an attached accessory building (storage shed) to the rear of the existing warehouse building was allowed.*

**APPELLANT'S SUBMISSION:**

Mr. Dat Huynh, on behalf of the property owner, submitted an application to allow for the construction of a warehouse addition to an existing warehouse building at 4050 Graveley Street, with a nil side yard setback where a minimum side yard setback of 19.69 feet is required.

Ms. Margaret Bezdan, President, Geo. Bezdan Sales Ltd., appeared before members of the Board of Variance.

**BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:**

The subject site, zoned M3 Heavy Industrial District, is located in the West-Central Valley neighbourhood. The M3 District is intended for the accommodation of special types of industry and heavy industrial activities.

This interior lot, approximately 145.5 feet wide and 131.8 feet deep, fronts onto Graveley Street to the north. Directly across Graveley Street to the north are two lots containing residential dwellings. To the west, east and south the subject site is bordered by lots containing various industrial developments. Vehicle access to the site is provided from Graveley Street; there is no lane access. The subject site is restricted by the 10.0 feet wide sanitary easement along the south (rear) property line. The subject site is improved with a two-storey warehouse building, built in 1972, and associated parking and landscape areas.

The subject site was in front of the Board of Variance on two previous occasions.

In 1988, the Board of Variance granted the subject property permission to retain an attached accessory building (storage shed) to the rear of the existing warehouse building for two years (BV 3440). The accessory building observed a nil rear yard setback where a minimum rear yard setback of 9.84 feet is required. This Department did not object to the temporary retention of the accessory building, which has since been removed.

The second time, in May 2016, the Board of Variance granted permission for construction of a warehouse addition to the existing warehouse building observing a nil east side yard setback, where a minimum side yard setback of 19.69 feet is required (BV 6224). This Department, again, did not object to the addition, which was never constructed.

In order for the Preliminary Plan Approval (PPA18-00084) to proceed, the applicant requests that the following variance to be granted: the construction of a warehouse addition to an existing warehouse building, with a nil side yard setback, where a minimum side yard setback of 19.69 feet is required.

The intent of the Bylaw, when adopted, was to upgrade the quality of industrial development in order to increase its compatibility with other land uses. The existing, approximately 21.50 feet high warehouse building, occupies the western two-thirds of the site, with the remaining lot area utilized for parking/loading and front yard landscaping. The existing building observes a nil side yard setback along the west side property line.

The 58.75 feet wide by 34.08 feet deep single storey addition is proposed in the south-east corner of the subject site. The addition would be aligned with the existing building to the rear and would span across the entire remaining lot width, from the east building face to the east side property line. As a result, the 19.69 feet wide portion of the proposed addition, along the east side property line, would encroach into the required east side yard setback.

The proposed single storey warehouse addition matches the 21.50 feet height of existing building and is slightly higher than the neighboring building to the east. The massing of the proposed addition was drastically reduced, in comparison to the proposal previously granted by the Board, which was 39.0 feet in height. With the current proposal, the proposed warehouse has been enlarged at the ground level, rather than adding a storey above the existing parking and loading area. Consequently, the addition will create no negative visual impacts. The proposal will also eliminate a portion of the existing office mezzanine inside the existing building to reduce the total parking requirements.

To the east, the proposed addition would abut the neighbouring single storey building, which observes a nil setback along the shared side property line. This building

observes a nil setback at both side property lines and is legal non-conforming with respect to the side yard setback requirements. The front and rear face of the proposed addition would be approximately in line with this existing building. Directly to the south, the proposed addition would face the parking area of the neighbouring property at 1679 Gilmore Avenue. The existing building on this property, as well as the existing building on the adjacent property to the west (4055 First Avenue), front onto Gilmore Avenue to the east and First Avenue to the south respectively. These buildings have no windows facing the subject property.

Impacts on the neighbouring residential dwellings across Graveley Street to the north would be negligible due to a generous front yard setback in this location of approximately 85.0 feet. The location of the proposed addition at the rear of the property, as noted above, minimizes the impacts of the proposed nil setback. Further, the subject property is constrained by the lack of a rear lane, which increases the space required for on-site maneuvering of vehicles and thus reduces the buildable area of the site. As such, this proposal appears to reach a balance between satisfying parking and loading requirements, minimizing impacts on the neighbourhood and meeting the applicant's development needs.

Further, there is precedent for a similar side yard setback relaxation within the subject block. The neighbouring property immediately to the west (4040 Graveley Street) was granted a relaxation of the side yard setback to nil, where a minimum side yard setback of 19.69 feet is required, by the Board of Variance in 2002 (BV 5015). Several other properties in the vicinity, constructed prior to the adoption of the setback requirement, also enjoy nil side yard setbacks on both sides.

In view of the above, although the proposed variance is not strictly the result of hardship, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. PEPPARD  
SECONDED BY MR. POUND

THAT based on the plans submitted, 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. PEPPARD  
SECONDED BY MR. POUND

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:03 p.m.

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Mr. S. Nemeth, CHAIR

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Mr. W. Peppard

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Ms. L. Cichon  
ADMINISTRATIVE OFFICER

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Mr. B. Pound