



## **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, **2019 March 07** at 6:00 p.m.

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

PRESENT: Mr. Stephen Nemeth, Chair  
Mr. Rana Dhatt, Citizen Representative  
Mr. Jag Dhillon, Citizen Representative  
Ms. Brenda Felker, Citizen Representative

ABSENT: Mr. Wayne Peppard, Citizen Representative

STAFF: Ms. Margaret Malysz, Development Plan Approvals Supervisor  
Ms. Lauren Cichon, Administrative Officer

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

#### **2. ELECTIONS**

##### **(a) Election of Chair**

MOVED BY MR. DHATT

SECONDED BY MS. FELKER

THAT Mr. S. Nemeth be appointed as Chair of the Burnaby Board of Variance for the 2019 March 07 Hearing.

CARRIED UNANIMOUSLY

The Administrative Officer requested the election of the Chair for the balance of 2019 be held at the 2019 April 04 hearing.

3. **MINUTES**

(b) **Minutes of the Board of Variance Hearing held on 2019 February 07**

MOVED BY MR. DHATT

SECONDED BY MS. FELKER

THAT the minutes of the Burnaby Board of Variance Hearing held on 2019 February 07 be adopted.

CARRIED UNANIMOUSLY

4. **APPEAL APPLICATIONS**

(a) **APPEAL NUMBER:** B.V. 6355

APPELLANT: Gurdev (Dave) Hayre

REGISTERED OWNER OF PROPERTY: Gurdev (Dave) and  
Rhonda Hayre

CIVIC ADDRESS OF PROPERTY: [4014 Napier Street](#)

LEGAL DESCRIPTION OF PROPERTY: Lot: 2 DL: 117 Plan: NWP1222

APPEAL: An appeal for the relaxation of Section 105.6(1)(a) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with a secondary suite and detached garage at 4014 Napier Street. The following variances are requested:

a) a principal building height of 30.66 feet (sloped roof) measured from the rear average grade, where the maximum height of 29.50 feet is permitted; and,

b) a principal building height of 30.31 feet (sloped roof) measured from the front average grade, where the maximum height of 29.50 feet is permitted.

**APPELLANT'S SUBMISSION:**

Mr. Dave Hayre submitted an application for the construction of a new single family dwelling with a secondary suite and detached garage.

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

**BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:**

The subject site, which is zoned R5 Residential District, is located in the Willingdon Heights neighbourhood, in which the age and condition of the single and two family dwellings vary. This interior lot, approximately 50.0 feet wide and 121.9 feet deep, fronts onto Napier Street to the north. The subject site abuts single family residential lots on all sides. Vehicular access to the site is proposed to be relocated from the Napier Street to the rear lane to the south.

The subject lot observes a downward slope of approximately 6.4 feet from the north (front) to the south (rear) and of approximately 5.7 feet from the east (side) to the west (side).

The subject property is proposed to be re-developed with a new single family dwelling, with a secondary suite and a detached garage, for which two variances has been requested. Both variances are related to the proposed principal building height.

The first a) appeal is to vary Section 105.6(1)(a) – “Height of Principal Building. Single Family Dwelling” of the Zoning Bylaw from 29.5 feet to 30.66 feet, as measured from the rear average grade, to allow construction of a new single family dwelling with a sloping roof.

The second b) appeal is to vary Section 105.6(1)(a) – “Height of Principal Building. Single Family Dwelling” of the Zoning Bylaw from 29.5 feet to 30.31 feet, as measured from the front average grade, to allow construction of a new single family dwelling with a sloping roof.

The intent of the height requirements of the Zoning Bylaw is to mitigate the massing impacts of the new buildings and structures on neighbouring properties and to preserve the views.

It appears that both building height relaxations are partly related to the topography of the site and partly related to the design choices.

A moderate grade difference of approximately 6.1 feet from the north-east corner of the proposed dwelling to the south-west corner contributes to the excess height. Additionally, the existing grading at the north-west corner of the proposed dwelling drops by approximately up to 2.0 feet, due to the driveway access which currently slopes downwards at the north-west portion of the subject site.

However, the requested variance is not exclusively related to the sloping site. The excess height of the proposed dwelling is also a result of design choices, particularly with the proposed clear floor to ceiling height on all three levels of the building as the major factor. The proposed clear floor to ceiling heights are: 9.0 feet in the cellar, 10.0 feet on the main level and 9.0 feet on the second level. It would be possible to

construct a dwelling with ceiling heights that would conform to the Bylaw. For example: 8.0 feet in the cellar, 9.0 feet or 9.5 feet on the main level and 8.0 feet on the upper level.

Further, the proposed upper roof form is also a contributing factor. The upper roof is considered to be a sloping roof, with the proposed roof pitch and the proposed sloping roof area just meeting the definition of "Roof, Sloping" in the Zoning Bylaw. The upper roof is proposed to have a pitch of 4 in 12, where a pitch of 4 in 12 or greater is required, and would cover 80.3 percent of the surface of the roof as measured in plan view, where at least 80 percent is required.

The remaining 19.7 percent of the main upper roof consists of a large roof deck (248.1 sq. ft.), placed roughly off center and to the west of the upper roof area. It also consists of a small feature flat roof (68.9 sq. ft.) over the elevated decorative element which is proposed at the front elevation. (There is also an exterior stair, leading from the second floor level to the roof deck on top, which is excluded from the overall sloping roof area calculations.)

With regards to the first a) appeal, the height encroachment of 1.16 feet (as measured from the rear average grade) occurs mainly across the upper portion of the guardrail which surrounds the roof deck. According to the submitted drawings, the upper portion of the guardrail would be constructed of safety glass. The height encroachment also extends over the very tip of the main upper roof and partly over the smaller upper roof (over the interior stair leading to the roof deck) beyond.

With regards to the second b) appeal, the height encroachment of 0.83 feet (as measured from the front average grade) occurs primarily at the upper portion of the elevated decorative element. This element is located slightly off center and to the east of the front elevation. The height encroachment also extends across the upper portion of the proposed roof deck guardrail beyond.

Although the over height portions of the overall roof massing are relatively small in scale and would not create substantial impacts on the neighbouring dwellings or the existing streetscape, it is possible to make small modifications to this roof design which would lessen or potentially eliminate a need for the building height relaxations.

In summary, although it is recognized that the topography of the subject site is a contributing factor, the requested height variances are also the result of the design choices. Therefore, this Department cannot support the granting of both variances.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MR. DHATT  
SECONDED BY MS. FELKER

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

FOR: MR. DHATT  
MR. DHILLON  
MR. NEMETH

OPPOSED: MS. FELKER

CARRIED

This appeal was ALLOWED.

MOVED BY MR. DHATT  
SECONDED BY MR. DHILLON

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

FOR: MR. DHATT  
MR. DHILLON  
MR. NEMETH

OPPOSED: MS. FELKER

CARRIED

This appeal was ALLOWED.

**5. NEW BUSINESS**

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

**6. ADJOURNMENT**

MOVED BY MR. DHATT  
SECONDED BY MR. DHILLON

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:46 p.m.

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Mr. S. Nemeth, CHAIR

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Mr. R. Dhatt

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Mr. J. Dhillon

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Ms. L. Cichon  
ADMINISTRATIVE OFFICER

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Ms. B. Felker