



## **BOARD OF VARIANCE**

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

**DATE:** THURSDAY, 2019 SEPTEMBER 05

**TIME:** 6:00 P.M.

**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 2019 July 04

3. **APPEAL APPLICATIONS**

(a) **APPEAL NUMBER:** B.V. 6372 **6:00 p.m.**

**APPELLANT:** Jianting Ji

**REGISTERED OWNER OF PROPERTY:** Jianting Ji

**CIVIC ADDRESS OF PROPERTY:** 9890 Martin Court

**LEGAL DESCRIPTION OF PROPERTY:** Lot: 18 DL: 8 Plan: NWP18503

**APPEAL:** An appeal for the relaxation of Section 102.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with a secondary suite and attached garage at 9890 Martin Court, with a front yard depth of 30.63 feet where a minimum depth of 33.91 feet is required based on front yard averaging. Zone R2.

(b) **APPEAL NUMBER:**    **B.V. 6373**                      **6:00 p.m.**

APPELLANT:     Shu Bing Zheng

REGISTERED OWNER OF PROPERTY:    Ming F. Zhang

CIVIC ADDRESS OF PROPERTY:     4684 Burke Street

LEGAL DESCRIPTION OF PROPERTY:    Lot: 56 DL: 33 Plan: NWD 16622

APPEAL:    An appeal for the relaxation of Section 6.3.1 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 4684 Burke Street, with a distance between buildings on the same lot of 6.58 feet where a minimum distance of 14.8 feet is required. Zone R4.

(c) **APPEAL NUMBER:**    **B.V. 6375**                      **6:15 p.m.**

APPELLANT:     Eric Lee, VictorEric Design Group

REGISTERED OWNER OF PROPERTY:    Bakhshish S. Haylat

CIVIC ADDRESS OF PROPERTY:     7038 Mawhinney Close

LEGAL DESCRIPTION OF PROPERTY:    Lot: A DL: 78 Plan: EPP39700

APPEAL:    An appeal for the relaxation of Section 102.6(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 attached garage at 7038 Mawhinney Close, with a principal building height 34.0 feet, measured from the rear average grade for the proposed dwelling with a sloping roof, where a maximum building height of 29.5 feet is permitted. Zone R2.

*A previous BOV decision (BOV 6337 - 2018 September 06) denied a principal building height of 34.81 feet, measured from the rear average grade (sloping roof); however, allowed a building depth of 74.0 feet (where the maximum building depth of 60.0 feet is permitted).*

(d) **APPEAL NUMBER:** B.V. 6376 **6:15 p.m.**

**APPELLANT:** Vikram Tiku, TD Studio Inc.

**REGISTERED OWNER OF PROPERTY:** Ravi Bansal

**CIVIC ADDRESS OF PROPERTY:** 7280 Inlet Drive

**LEGAL DESCRIPTION OF PROPERTY:** Lot: 56 DL: 216 Plan: NWP11555

**APPEAL:** An appeal for the relaxation of Section 6.14(5)(a)(b) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of over height fences and retaining walls in the front and rear yard of a new single family dwelling with a secondary suite at 7280 Inlet Drive. The following variances are requested:

a) a fence height up to 7.06 feet where a maximum height of 3.51 feet is permitted for heights of constructed fences located in the required front yard;

b) a retaining wall height up to 7.12 feet where a maximum height of 3.51 feet is permitted for heights of constructed retaining walls located in the required front yard;

c) a fence height up to 8.5 feet where a maximum height of 5.91 feet is permitted for heights of constructed fences located to the rear of the required front yard; and,

d) a retaining wall height up to 10.6 feet where a maximum height of 5.91 feet is permitted for heights of constructed retaining walls located to the rear of the required front yard. Zone R2.

*This appeal was brought forward to the 2019 April 04 hearing but was withdrawn prior to any decision made.*

(e) **APPEAL NUMBER:** B.V. 6365 **6:30 p.m.**

**APPELLANT:** Vern Milani

**REGISTERED OWNER OF PROPERTY:** Vern and Nicole Milani

**CIVIC ADDRESS OF PROPERTY:** 5591 Oakland Street

**LEGAL DESCRIPTION OF PROPERTY:** Parcel "One" (Plan 11711) except Parcel "F" (Plan 68816), DL 94, Group 1, New Westminster District

**APPEAL:** An appeal for the relaxation of Sections 6.3(1)(b), 104.9 and 104.10(2) of the Burnaby Zoning Bylaw which, if permitted, would allow for interior alterations, new secondary suite and new addition to an existing single family dwelling at 5591 Oakland Street. The following variances are requested:

a) a distance between overlapping exterior walls of the same building on the same lot of 12.5 feet, where a minimum distance of 14.76 feet is required;

b) a front yard depth of 15.63 feet, where a minimum front yard depth of 24.6 feet is required; and,

c) a side yard setback of 10.11 feet adjoining the flanking street, where a minimum side yard setback of 11.5 feet is required. Zone R4.

*This appeal had been submitted to the 2019 May 02 hearing, however, the Board passed a motion to **DEFER** the appeal to 2019 July 04. The appeal was subsequently rescheduled to the 2019 September 05 hearing at the request of the applicant.*

**4. NEW BUSINESS**

**5. ADJOURNMENT**





## **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 July 04** at 6:00 p.m.

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

PRESENT: Mr. Stephen Nemeth, Chair  
Ms. Jacqueline Chan, Citizen Representative  
Mr. Rana Dhatt, Citizen Representative  
Ms. Brenda Felker, Citizen Representative  
Mr. Wayne Peppard, Citizen Representative

STAFF: Mr. Maciek Wodzynski, Development Plan Technician  
Ms. Lauren Cichon, Administrative Officer

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

#### **2. MINUTES**

##### **(b) Minutes of the Board of Variance Hearing held on 2019 June 06**

MOVED BY MR. DHATT  
SECONDED BY MS. FELKER

THAT the minutes of the Burnaby Board of Variance Hearing held on 2019 June 06 be adopted.

CARRIED UNANIMOUSLY

#### **3. APPEAL APPLICATIONS**

##### **(a) APPEAL NUMBER: B.V. 6368**

APPELLANT: Gary Takhar, 78 Home Designs Ltd.

REGISTERED OWNER OF PROPERTY: Ann and Michael Frost

CIVIC ADDRESS OF PROPERTY: 6228 Thorne Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot: 1 DL: 173 Plan: NWP1034

APPEAL: An appeal for the relaxation of Section 6.3(1)(b) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with a secondary suite and attached garage at 6228 Thorne Avenue, with a distance between overlapping exterior walls of the same building on the same lot of 15.50 feet (4.72 meters), where a minimum distance of 24.61 feet (7.50 meters) is required. Zone A2.

APPELLANT'S SUBMISSION:

Mr. Gary Takhar, on behalf of the property owners, submitted an application to allow for the construction of a new single family dwelling with a secondary suite and attached garage at 6228 Thorne Avenue.

Mr. Tika Tran, representing 78 Home Designs Ltd., and Mr. Michael Frost, Homeowner, appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned A2 Agricultural, Small Holdings District, is located in the Big Bend neighbourhood, which includes a mix of residential dwellings and agricultural buildings, of varying ages and conditions. This long and narrow rectangular lot is approximately 50.00 feet (15.24 meters) wide and 268.50 feet (81.84 meters) deep. The undeveloped site fronts onto Thorne Avenue to the north-west and the vehicular access is provided from that street. Single family dwellings surround the subject site on both sides. A small portion of the rear lot to the south is exposed to the curve of Willard Street. The remainder of the rear property line faces undeveloped BC Transportation properties to the south-east. The property is flat with a 1.32 foot (0.40 meters) elevation difference between the front and rear property lines.

The appeal is to vary Section 6.3(1)(b) - "Distance between Buildings on the same Lot" of the Zoning Bylaw requirement for the minimum distance between overlapping exterior walls of the same building from 24.61 feet (7.50 meters) to 15.50 feet (4.72 meters).

The Bylaw requires a separation between overlapping exterior walls of the same building or of any two buildings in a group on the same lot to ensure that the overall massing of the building(s) does not have a negative impact on the subject property, as well as to provide for sufficient outdoor space.

The overlapping walls are located in a niche in the middle of the south-western wall of the proposed dwelling. The north-west side of the niche, which is 2-storeys in height,

consists of a windowless staircase wall. The opposite, south-east niche wall, with a large dining room window on the ground floor and the master bedroom on the second floor, which has no windows on overlapping wall.

It is worth noting that the horizontal overlap of the two walls is only 11.00 feet (3.35 meters), however the vertical overlap is approximately 28.00 feet (8.50 meters), the entire two storey height. In this case, the maximum required distance of 24.61 feet (7.50 meters) should be provided between the walls. However, a distance of 15.50 feet (4.72 meters) is proposed.

Both walls overlap the entire area; however there are no windows located on the staircase wall and only one 6.00 x 6.00 feet (1.82 x 1.82 meters) dining room window on the ground floor of the opposite overlapping wall. There are no windows in the second floor bedroom facing the overlapping staircase wall. Besides the proposed window on the overlapping wall, the dining room has two other windows: 6.00 x 2.00 feet (1.82 x 0.61 meters) facing south-west and another 6.00 x 6.00 feet (1.82 x 1.82 meters) window facing south-east. With windows on three sides, the dining room will have an adequate amount of daylight.

The overlapping walls do not create a negative impact on the outdoor space. The more than 30.00 feet (9.00 meters) of front yard landscaping will provide outdoor space for the proposed secondary suite and there is an over 142.00 feet (43.00 meters) of rear landscaped yard devoted to the owner's outdoor space.

In summary, although the overlapping walls are created by design choices, there are no impacts on the subject property and outdoor space of the subject site and neighbouring property to south-west.

#### ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MS. FELKER  
SECONDED BY MR. DHATT

THAT based on the plans submitted, this appeal be ALLOWED.

CARRIED UNANIMOUSLY

**(b) APPEAL NUMBER: B.V. 6369**

APPELLANT: Navid Fereidooni, Krahn Engineering Ltd.

REGISTERED OWNER OF PROPERTY: 3267 Norland Holdings Ltd.

CIVIC ADDRESS OF PROPERTY: 3267 Norland Avenue

LEGAL DESCRIPTION OF PROPERTY: DL: 75 Plan: NWP73092

APPEAL: An appeal for the relaxation of Section 6.6(3)(c) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new industrial building with an accessory structure at 3267 Norland Avenue, with a height of 21.98 feet (6.70 meters) (sloped roof), measured from the front existing average grade, where a maximum height of 12.13 feet (3.70 meters) is permitted. Zone M2.

APPELLANT'S SUBMISSION:

Mr. Navid Fereidooni, on behalf of the property owner, submitted an application to allow for the construction of a new industrial building with an accessory structure at 3267 Norland Avenue.

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

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, which is zoned M2 General Industrial District, is located in the Ardingley-Sprott neighbourhood, where the majority of industrial and commercial buildings were built in the 1960s, 1970s and 1980s. This slightly irregular corner lot has a curved frontage of approximately 462.00 feet (141.00 meters) onto Norland Avenue to the east. The south property line is approximately 151.00 feet (46.00 meters) long and faces an undeveloped portion of Laurel Street. The rear of the property, to the west, is approximately 341.00 feet (104.00 meters) deep and is separated from the elevated Trans-Canada Highway by a BC Hydro property located along the highway. The property line to the north is 318.00 feet (97.00 meters) long and borders an industrial building on the neighbouring property. There are two vehicular accesses to the subject site proposed from Norland Avenue to the east.

The site observes a slight downward slope of approximately 13.00 feet (4.00 meters) from the rear to the front. The subject lot is proposed to be redeveloped with an industrial building, with a detached accessory building, for which the following variance has been requested.

The appeal is to vary Section 6.6(3c) – “Accessory Buildings and Uses” of the Zoning Bylaw which if permitted would allow for the construction of an accessory structure with a height of 21.98 feet (6.70 meters), measured from the front existing average grade, where a maximum height of 12.13 feet (3.70 meters) is permitted.

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

In this case, the height calculation is based on the average existing grade of 62.16 feet (18.95 meters) at the front elevation. The accessory building, located in the north-west corner by the property lines, is 22.04 feet (6.72 meters) high at the peak of the wash bay and a lower section is 10.54 feet (3.21 meters) high at the garbage room/shed. The garbage room/shed is within the permitted height for an accessory building. The encroachment of the entire wash bay roof exceeds the permitted height by 1.90 feet (0.58 meters) at the lowest point of the roof and 9.91 feet (3.02 meters) at the top of the sloped roof peak.

The proposed accessory building at the rear of the property line, is set far away from the street, and faces a much higher windowless wall of the neighbouring building to the north. Therefore, there are no negative impacts on the neighbouring property. When viewed from the rear, from Trans-Canada Highway, the height of the roof will be barely noticeable as the top of the roof will be approximately at the same level as the highway surface.

The excess height of the proposed accessory structure is the result of design choices, particularly due the proposed location of the carwash use in an accessory building rather than as a part of the main building, where the required height would be easily accommodated.

It is worth noting that the proposed development occupies only 26% of the subject site where 60% lot coverage is permitted. Therefore, it appears that the accessory structure height relaxation request is not related to a hardship caused by the site, but is rather a design choice.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MR. DHATT  
SECONDED BY MR. PEPPARD

THAT based on the plans submitted, this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(c) **APPEAL NUMBER:** B.V. 6370

**APPELLANT:** Merry Gao

**REGISTERED OWNER OF PROPERTY:** Qiong Li and Shuang Wang

**CIVIC ADDRESS OF PROPERTY:** 7960 12th Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot: 11 DL: 28 Plan: NWP24032

APPEAL: An appeal for the relaxation of Section 105.10(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for interior and exterior alterations, rear addition and covered deck addition to an existing single family dwelling at 7960 12th Avenue, with a side yard width of 3.66 feet (1.12 meters), where a minimum width of 4.90 feet (1.50 meters) is required. Zone R5.

APPELLANT'S SUBMISSION:

Ms. Merry Gao, on behalf of the property owners, submitted an application to allow for the interior and exterior alterations, rear addition and covered deck addition to an existing single family dwelling at 7960 12th Avenue.

No representation 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 Second Street neighbourhood, in which the age and condition of single family, social housing and senior housing dwellings vary. This interior lot, approximately 49.80 feet (15.18 meters) wide and 143.28 feet (43.68 meters) long, fronts onto Twelfth Avenue to the north-west. The subject site abuts single family lots on both sides and across the lane to the south-east, and there is a senior's housing complex located across the Twelfth Avenue. Vehicular access to the subject site is provided from the front property line on Twelfth Avenue (a concrete parking pad) and from the lane; there is no garage on the property. The site has a downward slope of approximately 13.31 feet (4.06 meters) from the front to the rear.

The subject lot is improved with a single family dwelling, originally built in 1932. The applicant proposes to construct an attached storage addition to the south back of the existing dwelling for which the following variance is requested.

The appeal requests a side yard setback of 3.66 feet (1.12 meters) where a minimum of 4.90 feet (1.5 meters) is required. The intent of the Bylaw is to mitigate the impact of building massing on neighbouring properties. In this case, the proposed 3.66 feet (1.12 meters) side yard setback is measured from the side property line to the proposed wall of the addition. It is worth noting that the south-west side yard setback of existing building is 1.58 feet (0.48 meters). Since the existing dwelling was constructed prior to the enactment of the Zoning Bylaw in 1965, the side yard setback of 1.58 feet (0.48 meters) of the existing building is considered legal-non conforming. The 50.50 square foot (4.69 square meters) proposed addition is positioned 2.08 feet (0.63 meters) farther from the side property line than the existing non-conforming residence.

The proposed addition is approximately 7.75 feet (2.36 meters) in height as measured at the eaves of the shed roof and approximately 9.75 feet (2.97 meters) at the highest point of the roof. Although it will be visible to adjacent properties above the 6.00 foot (1.83 meters) fence that surrounds the back yard, the 50.50 square foot storage room is a very minor addition.

Given the small size, the proposed side yard relaxation would not create any negative massing impacts on the neighbouring properties.

ADJACENT OWNER'S COMMENTS:

The homeowners of 7966 12<sup>th</sup> Avenue appeared before the Board seeking clarification on the variance being requested, and if the variance would have any potential impact to their property.

MOVED BY MR. PEPPARD  
SECONDED BY MR. DHATT

THAT based on the plans submitted, this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(d) APPEAL NUMBER: B.V. 6371

APPELLANT: Zia Mawji

REGISTERED OWNER OF PROPERTY: Nasim Mawji

CIVIC ADDRESS OF PROPERTY: 3760 Norfolk Street

LEGAL DESCRIPTION OF PROPERTY: Lot: 2 Block:44 DL: 69  
Plan: NWP1321

APPEAL: An appeal for the relaxation of Sections 6.12(3)(a), 105.8(1) and 105.9 of the Burnaby Zoning Bylaw which, if permitted, would allow for interior and exterior alterations and enclosure of a carport into a garage for an existing single family dwelling at 3760 Norfolk Street. The following variances are requested:

a) a side yard width of 3.13 feet (0.95 meters), where a minimum side yard width of 3.30 feet (1.01 meters) is required;

b) a building depth of 56.66 feet (17.27 meters), where the maximum building depth of 50.00 feet (15.24 meters) is permitted; and,

c) a front yard depth of 15.65 feet (4.77 meters), where a minimum front yard depth of 19.70 feet (6.00 meters) is required. Zone R5.

The Administrative Officer advised the building depth should be 17.27 meters, not 185.89 meters.

APPELLANT'S SUBMISSION:

Mr. Zia Mawji, on behalf of the property owner, submitted an application to allow for the interior and exterior alterations and enclosure of a carport into a garage for an existing single family dwelling at 3760 Norfolk Street.

Mr. Mawji 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 Cascades-Schou area, in a mixed-use commercial/multi-family residential neighbourhood in which the age and conditions of the buildings vary. The majority of buildings in the neighbourhood are multi-family dwellings.

The subject lot measures approximately 33.00 feet (10.06 meters) in width and 100.00 feet (30.48 meters) in depth. The vehicular access is from the front property line on Norfolk Street to the north. The site is bordered by an empty lot (3754 Norfolk Street) owned by the City on the west. Farther to the west, there is a decommissioned portion of Esmond Avenue and another City owned lot at 3748 Norfolk Street.

There is a current rezoning application (REZ16-17) for a multi-family development which would encompass the unused portion of Esmond Avenue between Norfolk Street and Canada Way and the two lots to the west of Norfolk Street, 3748 Norfolk Street and 3737 Canada Way. There are two single family dwellings to the east, a 3 storey multi-family strata building across Norfolk Street to the north and commercial lots to the south. The site observes a gentle downward slope of approximately 3.00 feet (0.91 meters) in a south-north direction.

The existing building was originally built in 1971, but the lot was established before the 1965 Zoning Bylaw, and therefore the lot is legally nonconforming with regards to the R5 required lot size, and width.

The subject property is improved with a two storey single family residential dwelling, including an attached garage, which was previously an attached carport. The garage is already constructed without the benefit of a building permit. This unauthorized garage construction is the subject of the three appeals.



The first appeal a) is to vary Section 6.12(3)(a) – “Exceptions to Side Yard Requirements” of the Zoning Bylaw for the minimum side yard width from 3.30 feet (1.01 meters) to 3.13 feet (0.95 meters) where 3.30 feet (1.01 meters) is 10% of the 33.00 foot (10.05 meters) lot.

The intent of the Bylaw is to mitigate the impact of building massing on neighbouring properties. In this case, the garage follows the outline of existing carport to the east and is aligned with a 2.92 foot (0.89 meters) second floor overhang to the east. The garage wall is facing a ground floor wall of the neighbouring property to the east; therefore the proposed encroachment of approximately 2 inches (0.05 meters) has a negligible impact on the neighbouring property.

The second appeal b) is to vary Section 105.8(1) – “Depth of Principal Building” of the Zoning Bylaw requirement for the maximum building depth from 50.00 feet (15.24 meters) to 56.66 feet (185.89 meters).

The intent of the principal building depth requirement of the Zoning Bylaw is to prevent construction of dwellings that present long imposing walls, where the massing of the building impacts the neighbouring properties.

In this case, the depth of the building includes a 3.87 foot (1.18 meters) portion of the enclosed carport under second floor balcony to the north, plus the body of main building and the second floor terrace to the south. The terrace’s 3.94 feet (1.20 meters) permitted projection has been deducted from total depth of the building.

It is worth noting that perception of the overall depth of the building will be substantially reduced by the proposed demolition of the office structure, which was built without a permit over the southern deck. The removal of the second floor office will also improve the evening light conditions in the back yard of the property to the east.

The third appeal c) is to vary Section 105.9 – “Front Yard” of the Zoning Bylaw requirement for the minimum front yard depth from 19.70 feet (6.00 meters) to 15.65 feet (4.77 meters).

The intent of the front yard requirements of the Zoning Bylaw is to mitigate the massing impacts of the buildings and structures on the neighbouring properties and to create a cohesive streetscape.

This appeal proposes to legitimize the carport enclosure, a portion of which is located under northern deck, and to expand the garage into the required front yard by 4.05 feet (1.23 meters). The two storey massing of the existing dwelling will not be affected by this variance, as the subject variance is only requested for the garage expansion at the lower level. The remainder of the existing dwelling is set back by approximately 19.52 feet (5.95 meters) from the front property line, almost exactly at the 19.70 foot (6.00 meters) line of required front yard setback. The total 22.54 feet (6.87 meters) length of the garage consists of an 18.64 feet (5.68 meters) long interior vehicle space and a

2.90 feet (0.88 meters) deep laundry closet/ mechanical heating equipment space in the back of the garage. The garage is approximately 4.00 feet (1.20 meters) in front of neighbouring building to the east, which is positioned 20.00 feet (6.09 meters) from the front property line. The impact on the neighbouring property is reduced due to the lack of windows in the portion of the garage encroaching required front yard, so there is no overlook onto the neighbouring property.

All three appeals are related to the location of the garage and partially to the restrictions caused by the legal non-conforming small lot size area and lot width. However, enclosing the carport is a design decision.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MS. FELKER  
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

MOVED BY MS. FELKER  
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

MOVED BY MS. FELKER  
SECONDED BY MR. PEPPARD

THAT based on the plans submitted, part (c) 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 MS. FELKER

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:27 p.m.

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

\_\_\_\_\_  
Ms. J. Chan

\_\_\_\_\_  
Mr. R. Dhatt

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

\_\_\_\_\_  
Ms. L. Cichon  
ADMINISTRATIVE OFFICER

\_\_\_\_\_  
Mr. W. Peppard



# 2019 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 Jianting Ji  
 Mailing Address 9890 Martin Court  
 City/Town Burnaby Postal Code V3J 1G4  
 Phone Number(s) (H) 778-8559311 (C) 604-6185866  
 Email jiantingji@hotmail.com

### Property

Name of Owner Jianting Ji  
 Civic Address of Property 9890 Martin Court  
Burnaby BC V3J 1G4

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.

July 23, 2019  
 Date

[Signature]  
 Applicant Signature

### Office Use Only

Appeal Date Sept 5 2019 Appeal Number BV# \_\_\_\_\_

#### 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 1-12 available to the Public

**Front Yard Depth Adjustment Request**

**Property Address: 9890 Martin Court, Burnaby, BC**  
**Residential District R2**

According to Residential District (R2):

**102.8** A front yard shall be provided of less than 7.5m(24.6 ft.) in depth, except that on a lot where the average front yard depth of the two adjacent lots on each side is more than the required front yard by at least 1.5m(4.9 ft.), then the front yard shall be not than that average, subject to section 6.12(2.1).

**102.10** A rear yard shall be provided of not less than 9.0m(29.5ft.) in depth .

**Descriptions:**

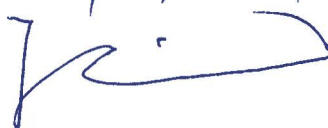
The lot of 9890 Martin Court is a special terrain, composed of five faces. Especially, the front yard has two faces, half is the straight line and another half is a 45 degree arc. Based on the line-retraction requirement of residential district (R2), it is calculated by the intersection of the straight line and the arc. If based on this kind of calculation on the front yard depth, the arc surface will occupy 85% and the front yard area of the lot will be compressed a lot because the average front yard depth of the two adjacent lots of each side is 33.91ft. Furthermore, the rear yard is required to be provided of not less than 29.5ft in depth, so the entire development area will be very limit.

9970 Martin Court and 9980 Martin Court are special triangles. These two lots are very narrower at the front and very wider at the rear. Therefore, in order to leave the lane, the front lines of these two lots are retracted much more than usual. The depth of 9970 Martin Court is 35.02ft and the depth of 9980 Martin Court is 42.64ft. Even if there are much more in front yard depth, these two lots still have lots of area for development. Unfortunately, the front yard depth of my lot (9890 Martin Court) is unreasonably suffered a lot if calculating on the average of west two lots and east two lots.

Furthermore, the two adjacent lots of east side have the average depth of 116ft and my lot only has the average depth of 106ft. The two adjacent lots of west sides have the average depth of 134ft, so my lot has the smallest depth at the Martin Court. The front side of my lot is composed of the arc with 45 degrees and it will be very difficult to develop my lot if my depth of front yard is required to be retracted of the average depth of four lots at 33.91ft, so it is unreasonable to compare each other when the terrain conditions are so different.

In a word, considering the different lot condition, I sincerely request to adjust the requirement from average front yard depth of 33.91ft to standard front yard depth of 30.63 any reasonable possibility you will consider to adjust. Thank you!!

Requester Name: Jianting Ji  
 Tel: 604-6185866

July 23, 2019  






### BOARD OF VARIANCE REFERRAL LETTER

DATE: July 31, 2019		<i>This is <u>not</u> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>	
DEADLINE: August 06, 2019 for the September 05, 2019 hearing.			
APPLICANT NAME: Jianting Ji			
APPLICANT ADDRESS: 9890 Martin Court, Burnaby, B.C., V3J 1G4			
TELEPHONE: 604-618-5866			
PROJECT			
DESCRIPTION: New Single Family Dwelling with Secondary Suite and Attached Garage			
ADDRESS: 9890 Martin Court			
LEGAL DESCRIPTION:	LOT: 18	DL: 8	PLAN: NWP18503

Building Permit application BLD19-00234 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

#### Zone R2 / Section 102.8

#### 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 variance be granted:

- 1) To vary Section 102.8 – “Front Yard” of the Zoning Bylaw requirement for the minimum front yard depth from 33.91 feet (based on front yard averaging) to 30.63 feet.

- 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 this variance, if granted, is 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.
  4. Fences and retaining walls will conform to the requirements of Section 6.14.

LM

Gloria Grill  
Building Code Engineer

# MARTIN COURT



JT HOMELAND

JT HOMELAND CONSTRUCTION DEVELOPMENT  
4286155 9890 Martin Court, Burnaby, BC V5J 1E4  
TELEPHONE: 604-518-5866  
EMAIL: jthomeland@shaw.ca

Copyright: Reserved  
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Disclaimers  
The Contractor and only the Contractor, and not the Engineer, is responsible for the accuracy of the information provided in this drawing. The Engineer is not responsible for the accuracy of the information provided in this drawing.  
DO NOT SCALE DRAWING.

Drawn By: [Blank]  
App'd: [Blank]  
YMAED

Client:

Project: NEW SINGLE FAMILY DWELLING

Address: 9890 MARTIN COURT, BURNABY, BC

Title:

SITE PLAN, PROJECT STATISTICS

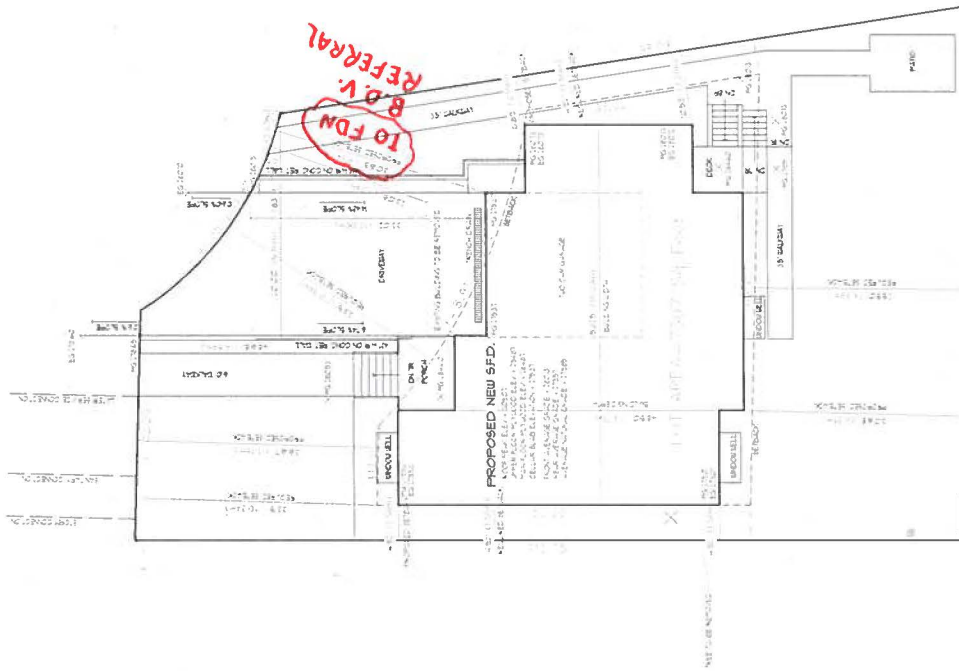
Project number:

Date: 2019 04 30

Scale: 1/8" = 1'-0"

A1

3.(a)



SITE PLAN SCALE: 1/8" = 1'-0"

## PROJECT STATISTICS

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	FOUNDATION	1	SQ. FT.	100.00	100.00
2	CONCRETE	1	CY	100.00	100.00
3	REINFORCEMENT	1	LB.	100.00	100.00
4	FORMWORK	1	SQ. FT.	100.00	100.00
5	PAINT	1	GAL.	100.00	100.00
6	ROOFING	1	SQ. FT.	100.00	100.00
7	CLADDING	1	SQ. FT.	100.00	100.00
8	MECHANICAL	1	HR.	100.00	100.00
9	ELECTRICAL	1	HR.	100.00	100.00
10	PLUMBING	1	HR.	100.00	100.00
11	LANDSCAPING	1	SQ. FT.	100.00	100.00
12	TOTAL				1200.00

## GENERAL NOTES

1. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.







JT HOMELAND

JT HOMELAND CONSTRUCTION DEVELOPMENT LTD.

ADDRESS: 9590 Martin Court, Burnaby, BC V5J 1G4

TELEPHONE: 604-415-5815

EMAIL: jthomeland@shaw.ca

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Drawings by

The Contractor shall verify all dimensions, and

dimensions shall be in accordance with the

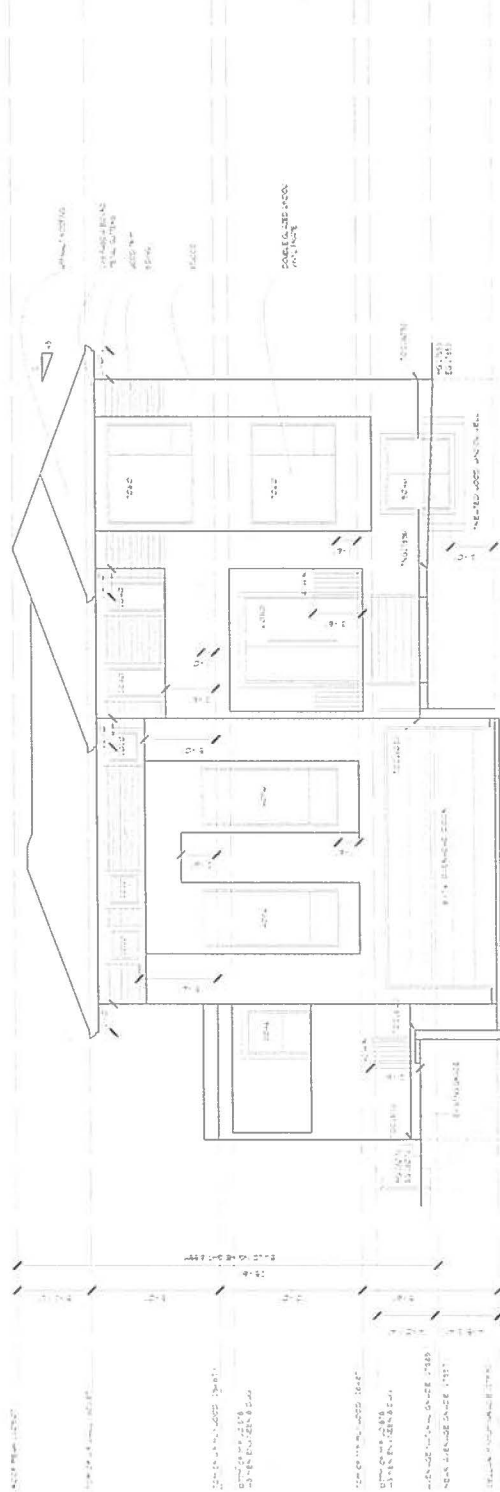
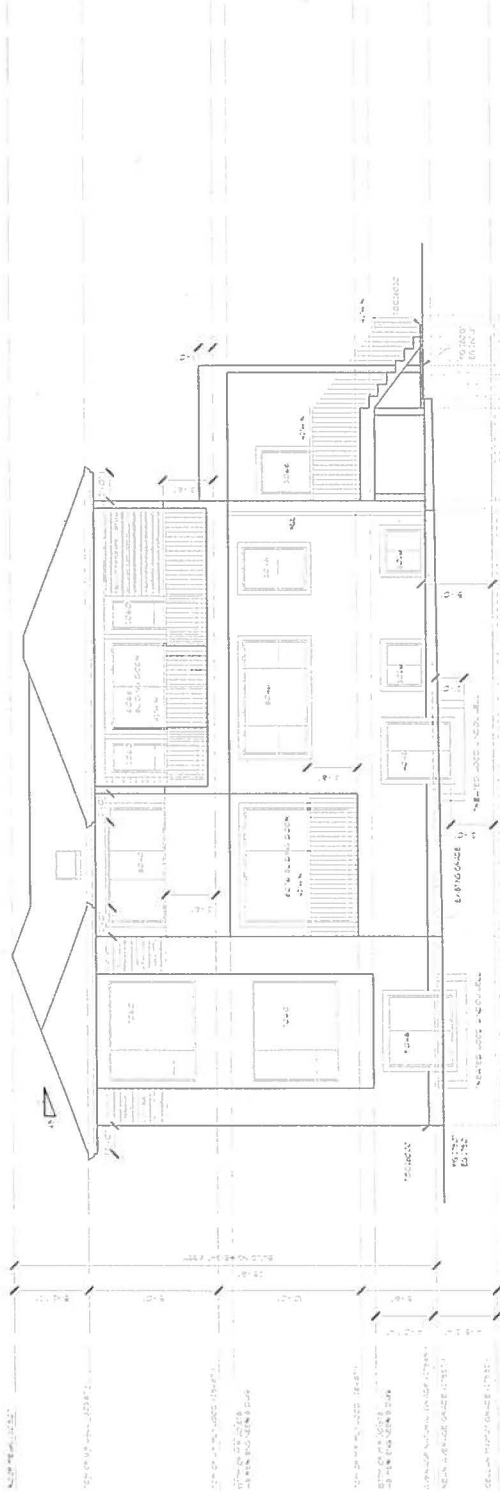
drawings and specifications.

DATE: 01/07/2016 (01/07/2016)

TYPICAL ELEVATION CONSTRUCTION NOTES

- 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
- 2. FINISH GRADE SHALL BE AS SHOWN ON THE SITE PLAN.
- 3. FINISH GRADE SHALL BE AS SHOWN ON THE SITE PLAN.
- 4. FINISH GRADE SHALL BE AS SHOWN ON THE SITE PLAN.
- 5. FINISH GRADE SHALL BE AS SHOWN ON THE SITE PLAN.
- 6. FINISH GRADE SHALL BE AS SHOWN ON THE SITE PLAN.
- 7. FINISH GRADE SHALL BE AS SHOWN ON THE SITE PLAN.
- 8. FINISH GRADE SHALL BE AS SHOWN ON THE SITE PLAN.
- 9. FINISH GRADE SHALL BE AS SHOWN ON THE SITE PLAN.
- 10. FINISH GRADE SHALL BE AS SHOWN ON THE SITE PLAN.

SEE ELEVATION 1/4" = 1'-0"



SEE ELEVATION 1/4" = 1'-0"

A 6

3.(a)



JT HOWLAND

JT HOWLAND CONSTRUCTION DEVELOPMENT

ADDRESS: 9890 Main Court, Burnaby, BC V5J

TELEPHONE: 604-418-3888

DATE: 1/11/2010

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The Copyright to this drawing and its contents is reserved by JT Howland Construction Development. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written consent of JT Howland Construction Development.

Drawings

The Contractor shall verify all dimensions, and

be responsible for any errors or omissions to all

drawings and specifications.

DO NOT SCALE DRAWINGS

Drawn: [blank]  
App'd: [blank]  
Title: [blank]

Client:

Project: NEW SINGLE FAMILY DWELLING

Address: 9890 MARTIN COURT, BURNABY, BC

Title:

EAST & WEST ELEVATIONS

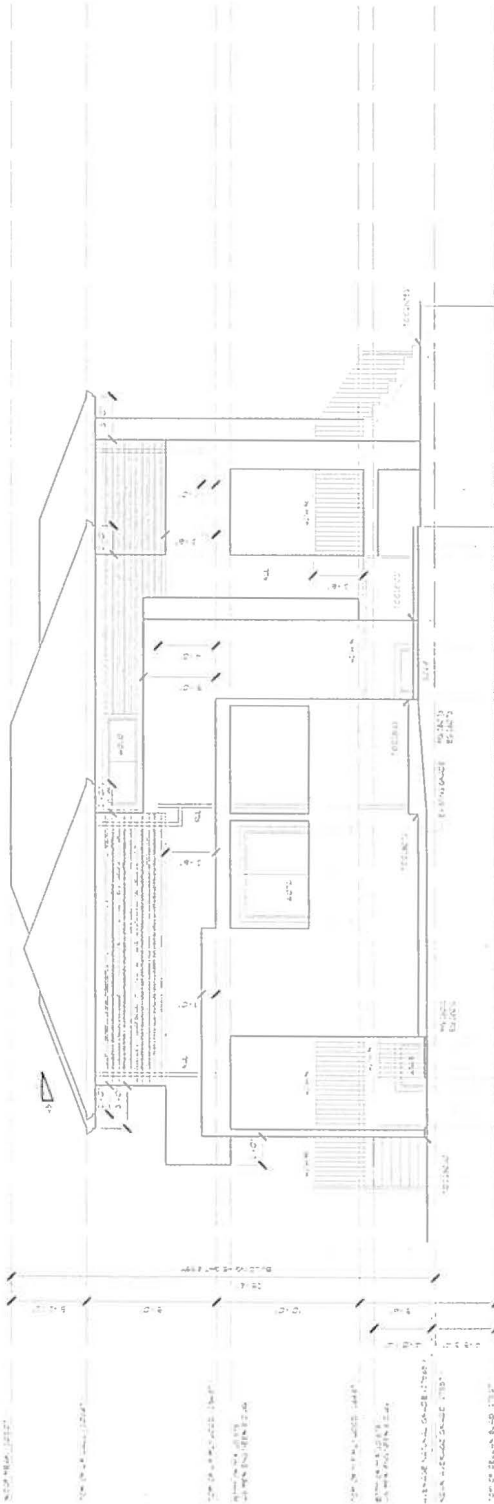
Project number:

Date: 2010.06.30

Scale: 1/4" = 1'-0"

A7

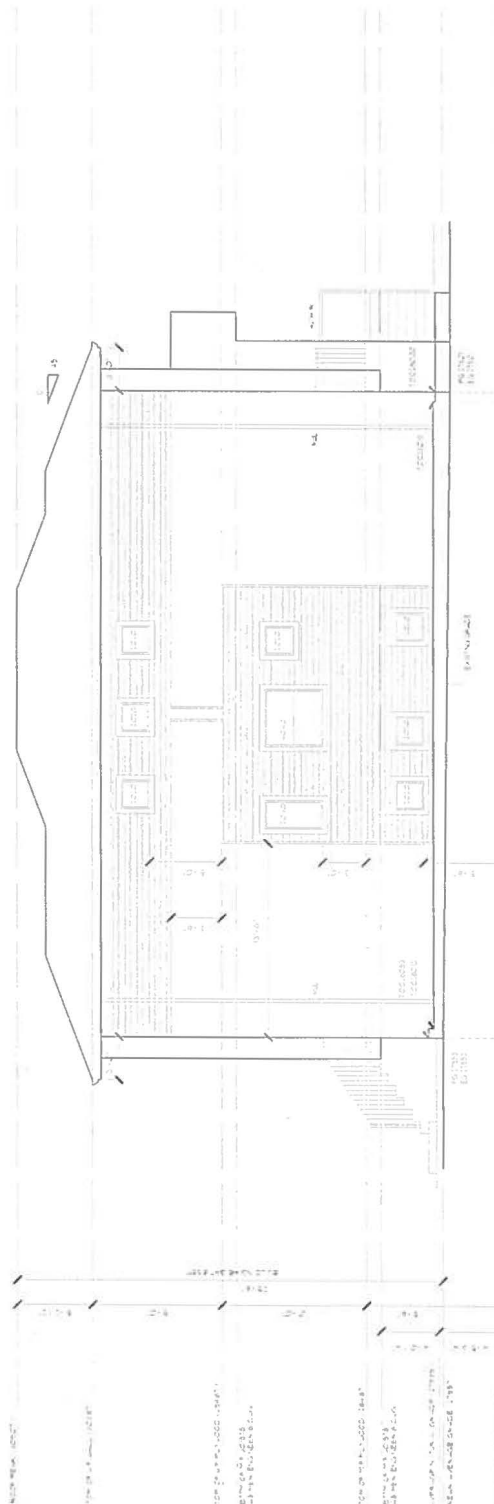
3.(a)



TYPICAL ELEVATION CONSTRUCTION NOTES

- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE BC BUILDING CODE.
- 2. ALL MATERIALS SHALL BE OF QUALITY AND SHALL BE SUBMITTED FOR APPROVAL PRIOR TO INSTALLATION.
- 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE BC BUILDING CODE.
- 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE BC BUILDING CODE.
- 5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE BC BUILDING CODE.

(E) EAST ELEVATION 1/4" = 1'-0"



(W) WEST ELEVATION 1/4" = 1'-0"

Architectural drawings of the 'Pavilion of the Future' by Antoni Gaudí. The drawings include a perspective view of the pavilion, a plan view, and a section view. The pavilion is a small, white, dome-shaped structure with a central tower and a spiral staircase. The drawings are labeled with dimensions and measurements in meters and centimeters.

[illegible]

9A

9A

[illegible][illegible][illegible][illegible]

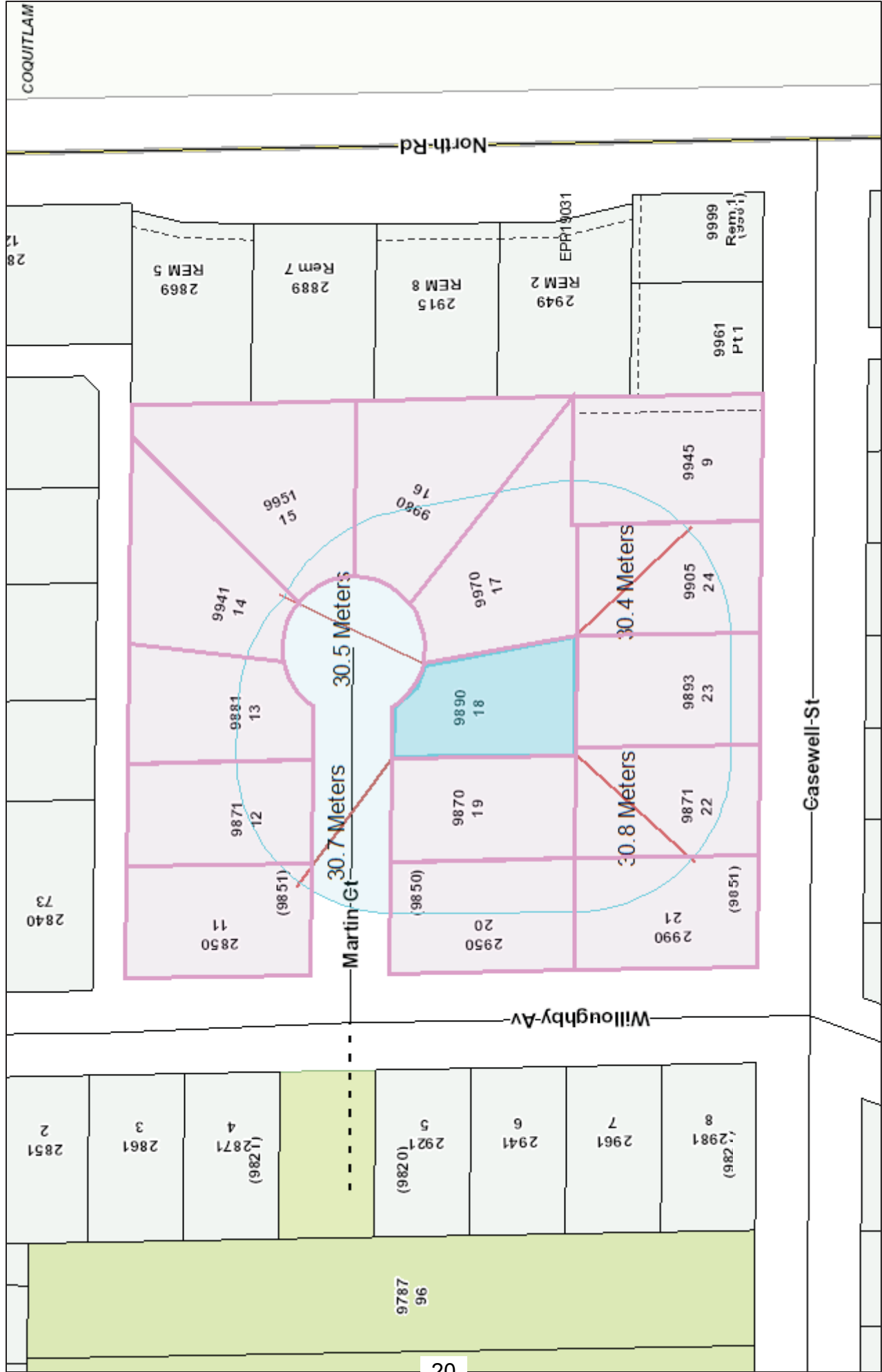
-19-



# 9890 Martin Court

06/08/2019 4:21:49 PM

1:1,000



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)



# 2019 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 Shu Bing ZHANG  
 Mailing Address 12 N Holdom Ave. Burnaby  
 City/Town Burnaby Postal Code V5B 1K3  
 Phone Number(s) (H) 236-878-1871 (cell) (C) 604-960-1766 (Home)  
 Email shubingzhang@gmail.com

### Property

Name of Owner MING FZI ZHANG  
 Civic Address of Property 4684 Burke Street, Burnaby.  
V5H 1C3

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.

August 2nd, 2018  
 Date

[Signature]  
 Applicant Signature

### Office Use Only

Appeal Date \_\_\_\_\_ Appeal Number BV# \_\_\_\_\_

#### 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 **1-21-e** available to the Public

Dear Board Members,

We are writing to you to apply for your approval on our garage building plan of 4684 Burke street in Burnaby.


As you may know that a normal front yard depth between the building and the frontline should be above 7.5m (24.6 Ft.), but based on our neighbours' houses position, my planning house' s front yard had to be the average - 13.4m (44.0 Ft.), under this circumstance, the distance between our detached garage and the planning house is 6.7 Ft. which is not reached the required distance - 4.5m (14.8 Ft.), following the above, our planning house will be very small and its structure will be not reasonable.

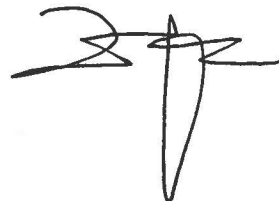
Our neighbor, on our left side, built their house in 2011, their lot depth is the same as ours, we think they faced the same issue at that time, their current distance between the garage and house is short than the bylaw requirement , please see the attached photo as reference.

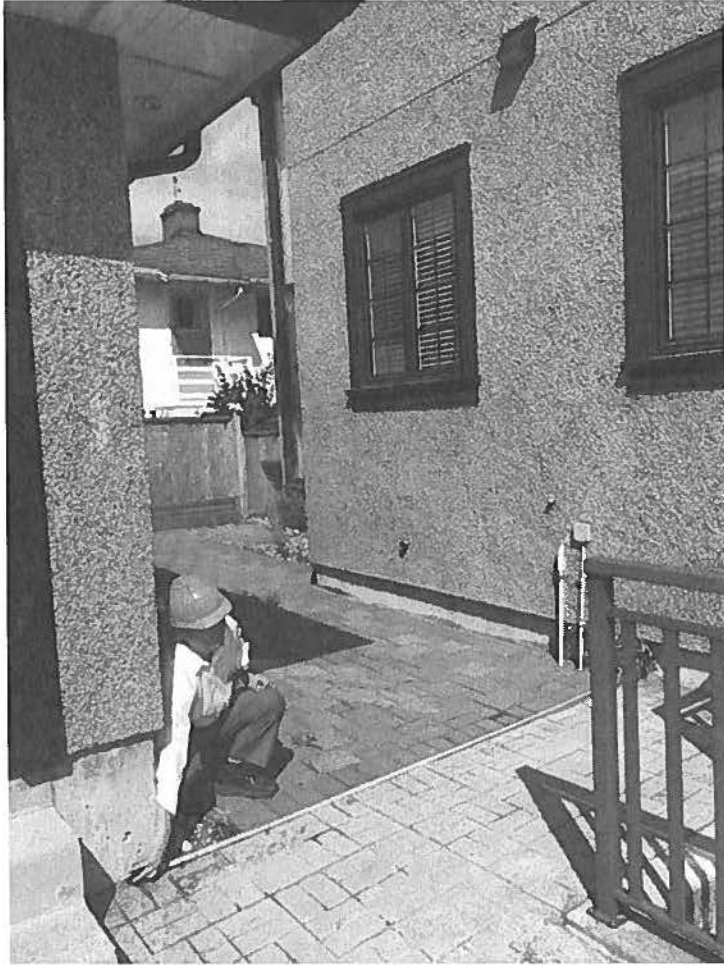
Thank you very much for your kind attention, appreciate all your efforts on our case and look forward to your approval.

Applicant Name: Lucy Mingfei Zhang, Thomas Shubing Zheng

Date:

  
August 2nd, 2018









### BOARD OF VARIANCE REFERRAL LETTER

<b>DATE:</b> July 30, 2019		<i>This is <u>not</u> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
<b>DEADLINE:</b> August 06, 2019 for the September 05, 2019 hearing.		
<b>APPLICANT NAME:</b> Wiseman Ni		
<b>APPLICANT ADDRESS:</b> 8040 Osgoode Drive, Richmond, B.C., V7A 4P1		
<b>TELEPHONE:</b> 778-908-2068		
<b>PROJECT</b>		
<b>DESCRIPTION:</b> New Single Family Dwelling with Secondary Suite and Detached Garage		
<b>ADDRESS:</b> 4684 Burke Street		
<b>LEGAL DESCRIPTION:</b>	<b>LOT:</b> 56	<b>DL:</b> 33
		<b>PLAN:</b> NWD16622

Building Permit application BLD19-00356 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

#### Zone R4 / Section 6.3.1


#### COMMENTS:

The applicant proposes to build a new single family dwelling with secondary suite and detached garage. In order to allow the Building Permit application to proceed, the applicant requests that the following variance 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 4.5 m (14.8 feet) to 2.0 m (6.58 feet).

- 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 this variance, if granted, is 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.
  4. Fences and retaining walls will conform to the requirements of Section 6.14.

LE

for   
Gloria Grill  
Building Code Engineer







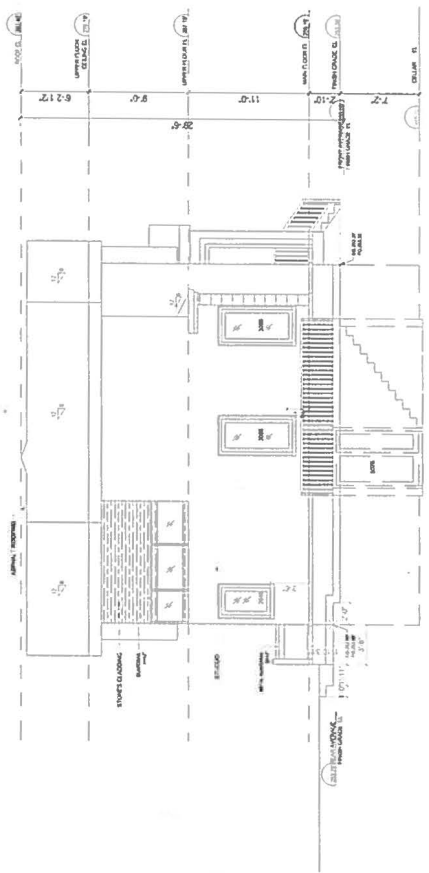
THE PLANS ARE IN COMPLIANCE WITH  
B.C. BUILDING CODE 2018

THE GENERAL CONTRACTOR SHALL  
REVIEW THE DOCUMENTS FOR  
CONFORMANCE CODES AND BY-LAWS  
AND SHALL ADVISE THE DESIGNER  
OF ANY DISCREPANCY HE MAY NOTE THE  
DESIGNER SHALL CHECK ALL  
AND VERIFY ALL INFORMATION  
REPORT ALL ERRORS AND DISCREPANCIES  
TO THE DESIGNER.

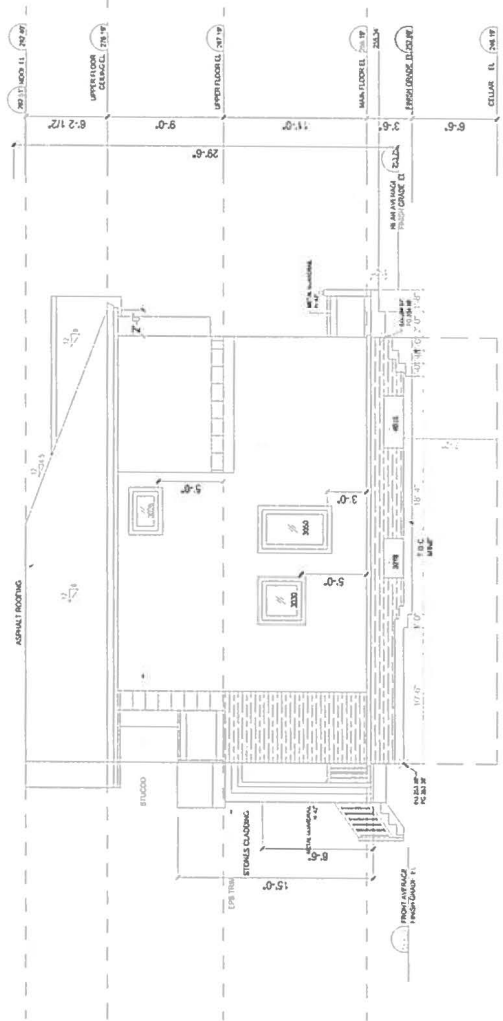
THESE DRAWINGS ARE INTENDED FOR  
ARCHITECTURAL INFORMATION ONLY.  
THEY ARE NOT TO BE USED FOR  
CONSTRUCTION AND ANY OTHER  
REPRESENTATION OF THE PROJECT  
INFORMATION ARE ADVISED TO REFER  
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INTERIOR DESIGN RELATING TO  
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BODY IS AUTHORIZED TO USE OR  
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APPROVAL FROM EDITHOUSE DESIGN  
GROUP INC.

No.	Description	Date
1	Window also match floor plan	Aug 12



EAST ELEVATION



WEST ELEVATION

Rhine River  
Luxury Homes Ltd

10231 Frenshaw Dr.  
Richmond, BC V7E 4A6  
Tel: 604-274-2348  
E-Mail: info@rhineriverhomes.com

Project Name

4684 BURKE ST.  
BURNABY, B.C.

EAST & WEST ELEVATION  
LIMITING DISTANCE  
CALCULATION

Date: JULY 2019  
Drawn by: Romy Zhang

A7

Scale: 1/4" = 1'-0"





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.(b)



# 2019 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 Victurenc  
 Mailing Address 15 E. 3rd Avenue  
 City/Town Vancouver Postal Code V5T 1C5  
 Phone Number(s) (H) 604-677-0021 (C) \_\_\_\_\_  
 Email permits@victurenc.com

### Property

Name of Owner Bakhshish Haylat  
 Civic Address of Property 7038 Mawhinney Close

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.

August 6 2019  
 Date

[Signature]  
 Applicant Signature

### Office Use Only

Appeal Date Sept. 5 2019 Appeal Number BV# \_\_\_\_\_

#### 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 -30-e available to the Public



August 6, 2019

Board of Variance  
City of Burnaby,  
4949 Canada Way

**Re: 7038 Mawhinney Close - Appeal For Relaxation of Building Height**

Dear Board of Variance members,

We would like to tender a request for a building height relaxation to the associated Building Permit which has already been approved.

With the receipt of the Building Permit the construction process was set to begin. The Surveyor proceed to site to set reference pins for the corners of the building and garage. It was at this time that the Surveyor notified the design and construction team that the garage was being set within the boundaries of a BC Hydro Right of Way (ROW). In July 2018, we tried to negotiate with BC Hydro to see if they would allow the garage to remain in this Right of Way but we were not successful. Our email communication has been appended for your reference. Due to the constraints of the ROW on this site the only viable option to maintain the existence of a garage and have it clear of this ROW was to attach it to the building. Viable driveway access to the garage has now triggered a non-compliance situation pertaining to the maximum allowed building height for this site. The maximum allowed building height is at a geodetic elevation of 159.10' and we would like an increase to 163.60'.

The presence of the ROW has significantly reduced the buildable area for this site which has resulted in the imposition of a very difficult series of hardships to the design and the solution. Complete Zoning Bylaw compliance is not viable due to these hardships. As such, the design has attempted to respond to this in the best way it can.

The house has a 2-storey frontage, as is typical of single family homes, and a visible basement located to the rear of the house. The intent of this massing is to minimize any obstructions to any neighboring properties. Due to the ROW restriction and garage relocation it became very difficult to simultaneously not trigger bylaw non-compliance building height (set by the lowest average natural grade) while also providing code compliant driveway access to the attached garage. This site is also quite steep, so location and design of the driveway is a highly sensitive item and should not be subject to change.

There was an effort to balance these items with additional design iterations, but while the City of Burnaby Housing Department would approve the plan, BC Hydro would reject it due to forced encroachment of the design solution of which the design demanded. The opposite was also true during this design exercise. While BC Hydro had a series of criteria they would allow, those items would then be in-conflict with the zoning bylaw. This quickly turned into a no-win situation for the Owner which has resulted in significant financial hardship for the Owner.

A rejection of the requested increase to building height would result in the loss of the entire upper storey of the house because the current maximum height limit would make the upper storey ceiling height non-compliant with the Building Code. This would make the entirety of this design unviable.

We have the support of the Housing Department and Planner to proceed with this design and they can attest to our efforts and hardships of through this design process. We trust that the Board can see we have no other option given this hardship and that we have minimized any impacts to neighbours.

Thank you for your time and consideration.

Regards,



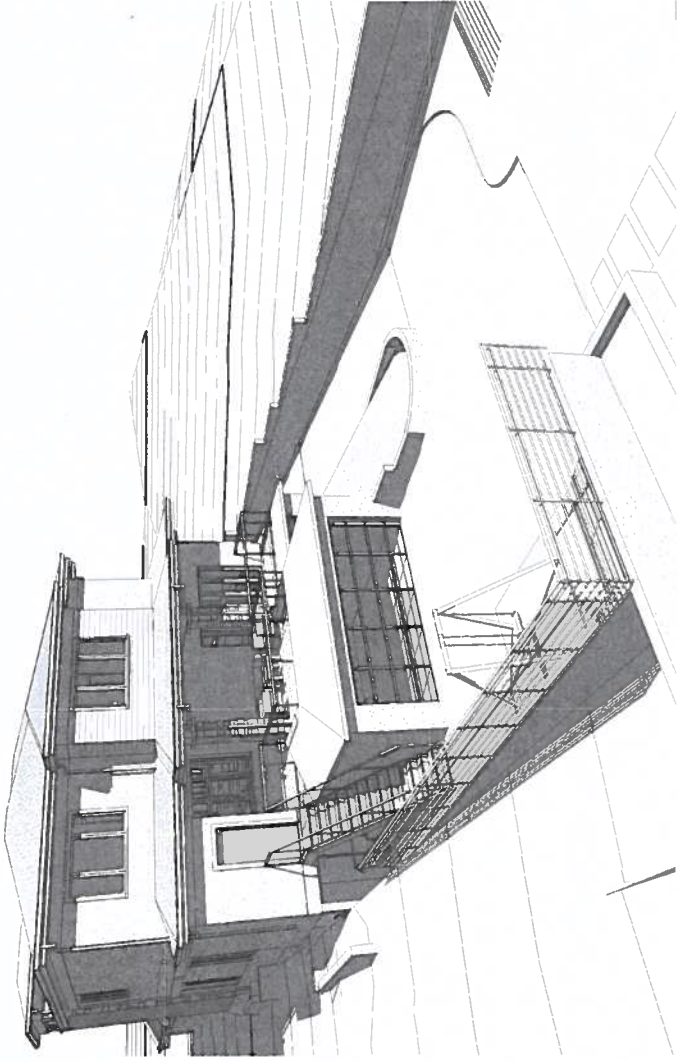
Eric Lee

**VICTORERIC DESIGN GROUP**

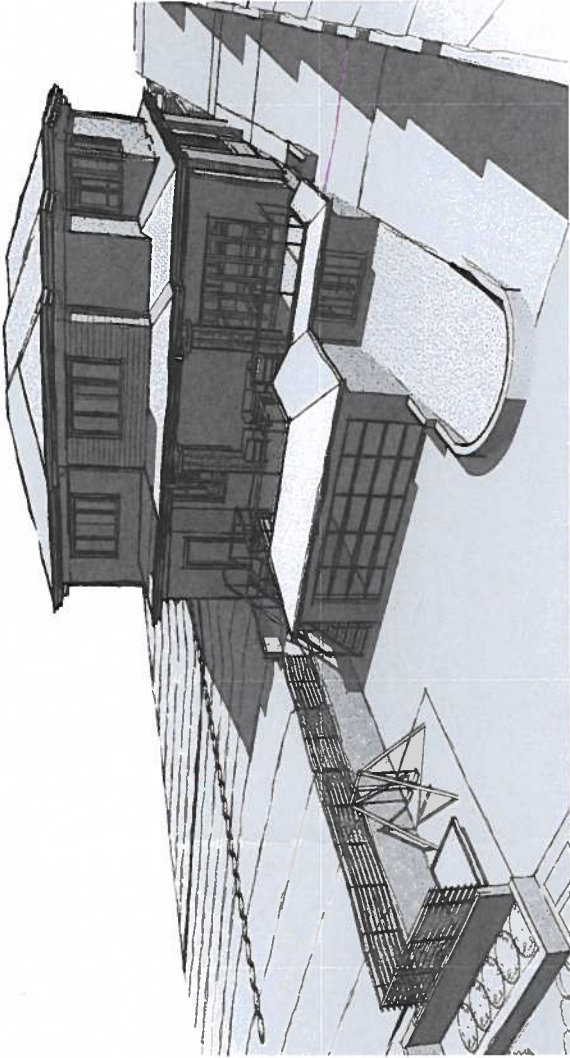
T. 604.677.0021  
F. 604.677.0178  
www.victoreric.com

#207-33 E. 8th Ave.  
Vancouver, BC  
V 5 T 1 R 5



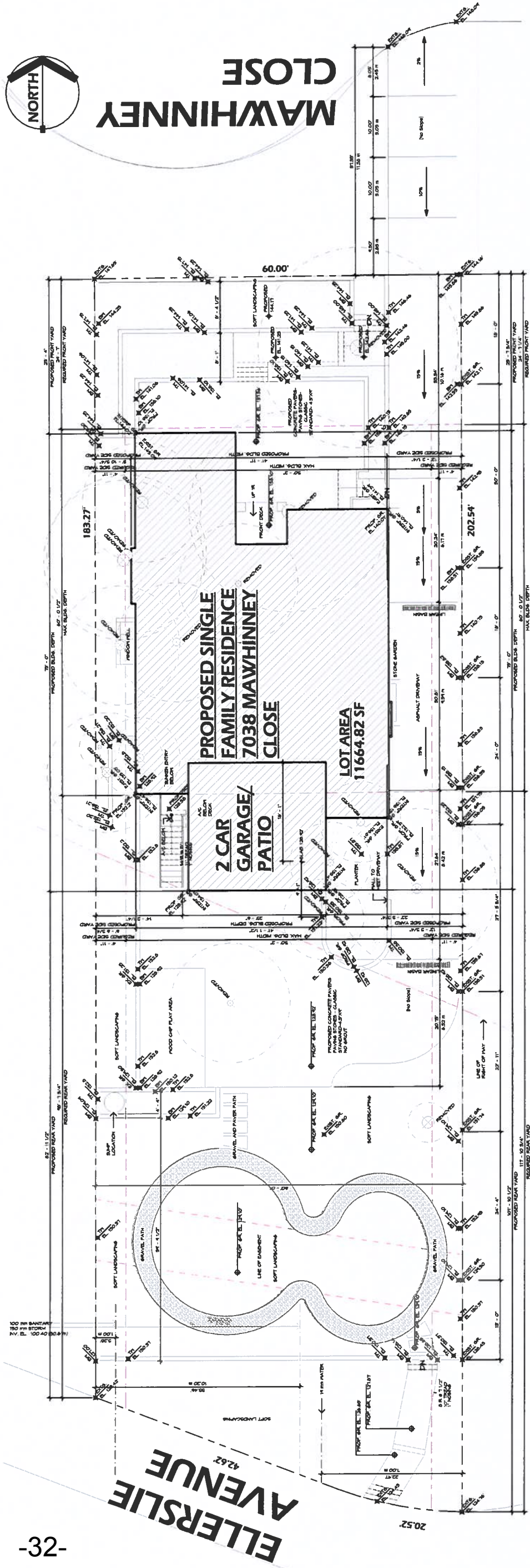


1 BC HYDRO 3D LEFT



3 BC HYDRO RENDER RIGHT

PM: JUED FOR REVIEW  
10/08/2018 2:34:03  
NOT FOR CONSTRUCTION  
CHECKED BY: DATE:



2 SITE PLAN BC HYDRO  
1/8" = 1'-0"

**VICTORIC**  
VICTORIC  
15 EAST 3RD AVENUE  
VANCOUVER, BC V6A 1A1  
TEL: 604.677.0021, F: 604.677.0178  
WWW.VICTORIC.COM

Project: **HAYLAT RESIDENCE**

7038 MAWHINNEY CLOSE  
BURNABY

Drawing Title: **BC HYDRO RENDERS**

Project No. **170007** Drawing No. **DD**  
Drawn By: **DD**  
Approved By: **DD**  
Approver: **DD**

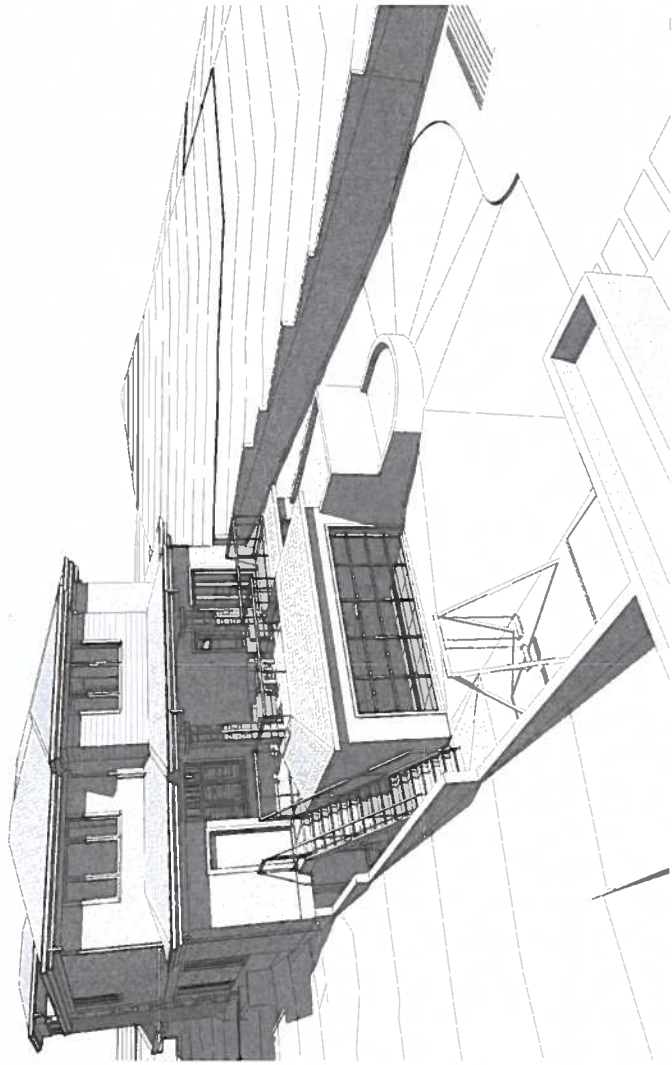




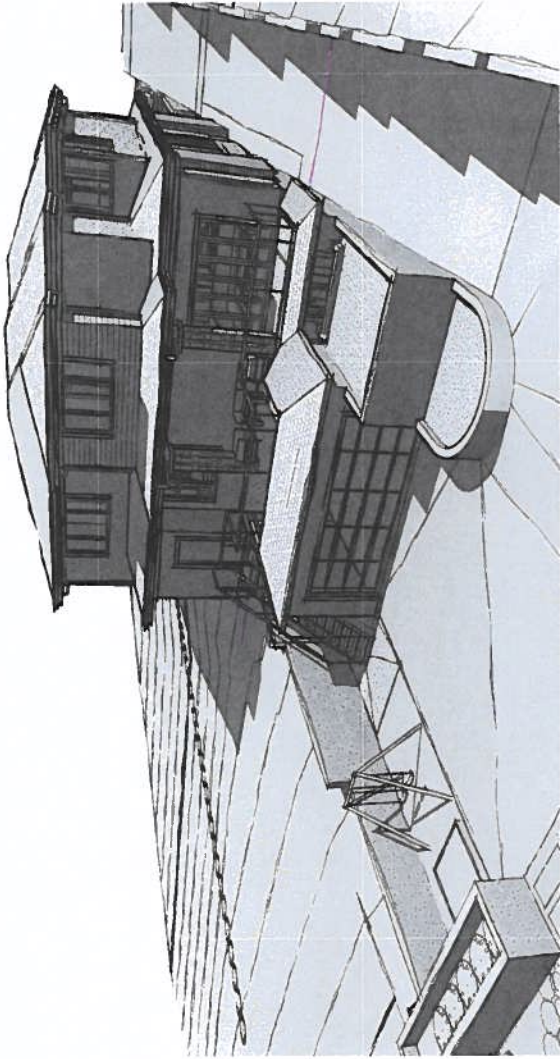




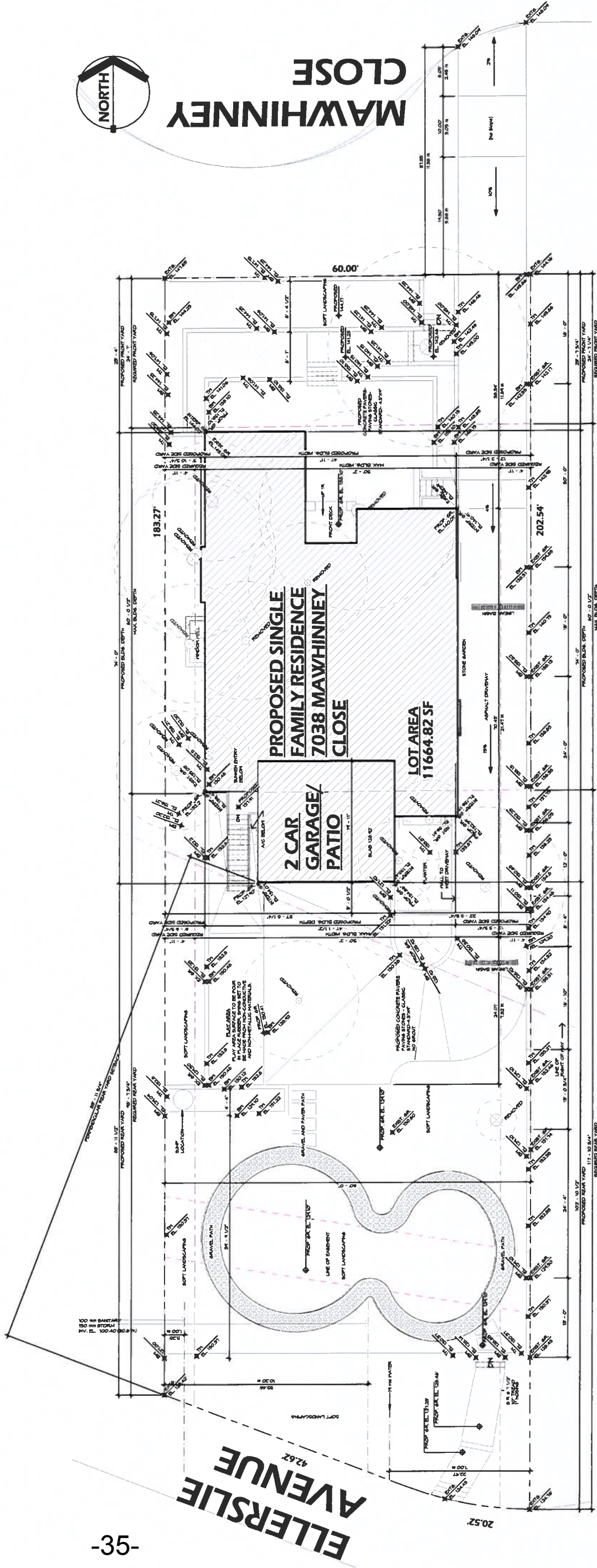




3 BC HYDRO 3D LEFT



1 BC HYDRO RENDER RIGHT



2 SITE PLAN BC HYDRO  
1/8" = 1'-0"



### BOARD OF VARIANCE REFERRAL LETTER

<b>DATE:</b> August 6, 2019			<i>This is <b>not</b> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
<b>DEADLINE:</b> August, 6, 2019 for the September 05, 2019 hearing.			
<b>APPLICANT NAME:</b> VictorEric			
<b>APPLICANT ADDRESS:</b> 15 E 3 <sup>rd</sup> Ave, Vancouver, B.C., V5T 1C5			
<b>TELEPHONE:</b> 604-677-0021			
<b>PROJECT</b>			
<b>DESCRIPTION:</b> New Single Family Dwelling with secondary suite and attached garage			
<b>ADDRESS:</b> 7038 Mawhinney Close			
<b>LEGAL DESCRIPTION:</b>	<b>LOT:</b> A	<b>DL:</b> 78	<b>PLAN:</b> EPP39700

Building Permit application BLD17-10003 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

#### Zone R2 / Sections 102.6(1)(a)

#### COMMENTS:

The applicant currently has a building permit for a new single family dwelling with secondary suite and detached garage and proposed to have 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 102.6(1)(a) – "Height of Principal Building" of the Zoning Bylaw requirement for the maximum building height from 9.0 m (29.50 feet) to 10.36 m (34.00 feet) measured from the rear average grade for the proposed single family dwelling with a sloping roof.

*Note: A previous Board of Variance (B.V. 6337) denied an appeal requesting: a) a principal building height of 10.6 m (34.81 feet) (sloping roof) measured from the rear average, but allowed an appeal requesting: b) a building depth of 22.56 m (74.00 feet)*

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

LM

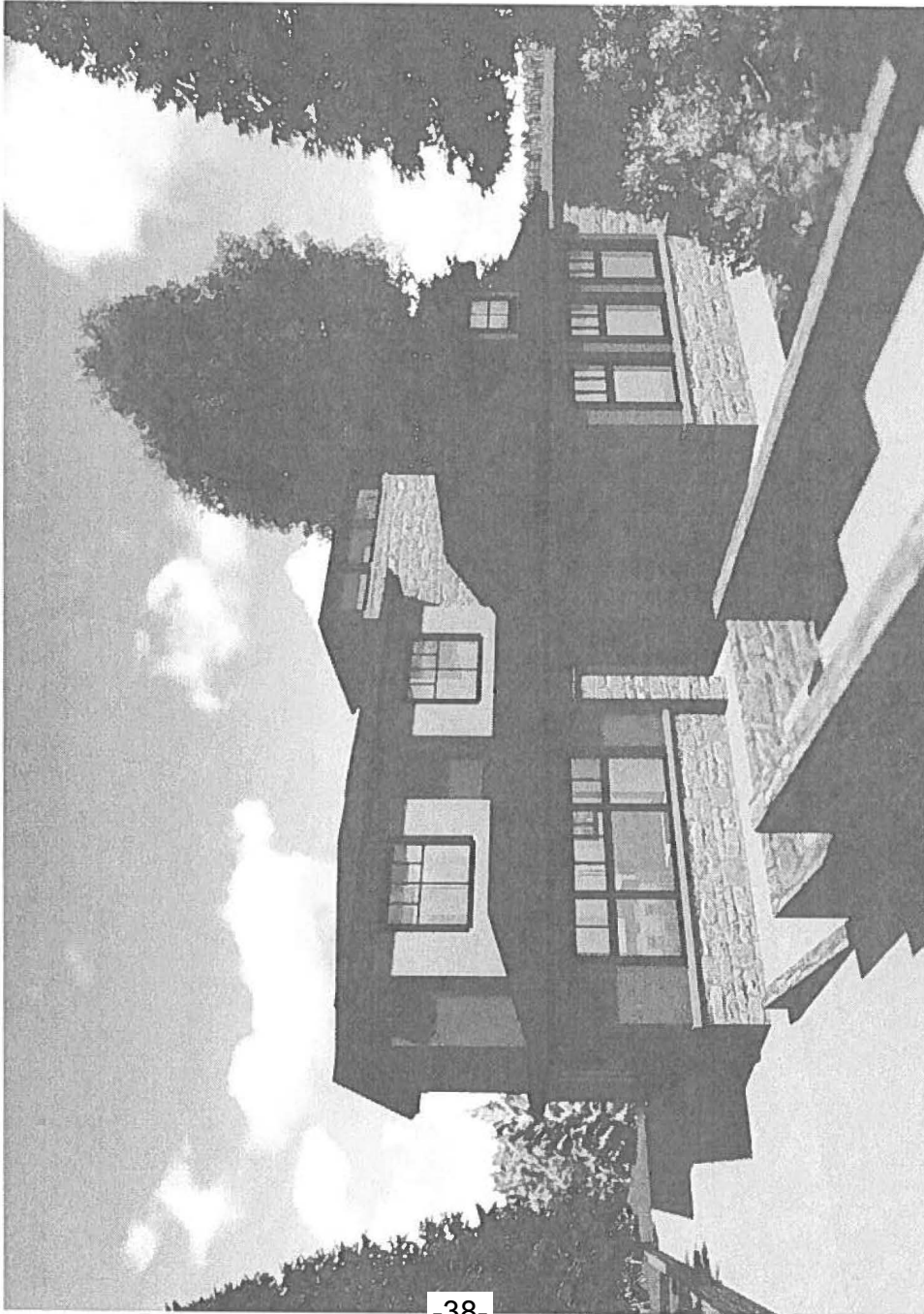


*for* Gloria Grill  
Building Code Engineer



# HAYLAT RESIDENCE

## 7038 MAWHINNEY CLOSE BURNABY



PLEASE NOTE THAT RENDERINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY. THE IMAGES DOES NOT REFLECT THE ENTIRETY OF THE BUILDING & MATERIALS MAY APPEAR DIFFERENTLY IN REALITY

### PROJECT CONTACTS

**OWNER:**  
HAYLAT RESIDENCE  
7038 MAWHINNEY CLOSE  
BURNABY BC  
TEL: 604-232-0812  
EMAIL: HAYLATRESIDENCE@GMAIL.COM

**DESIGNER:**  
VICTORIC VICTORIC  
CONTACT: VICTORIC VICTORIC  
VANCOUVER BC  
TEL: 604-232-0812  
EMAIL: VICTORIC@VICTORIC.COM

**LANDSCAPE:**  
VICTORIC VICTORIC  
CONTACT: VICTORIC VICTORIC  
VANCOUVER BC  
TEL: 604-232-0812  
EMAIL: VICTORIC@VICTORIC.COM

**STRUCTURAL ENG:**  
HAYLAT RESIDENCE  
CONTACT: HAYLAT RESIDENCE  
BURNABY BC  
TEL: 604-232-0812  
EMAIL: HAYLATRESIDENCE@GMAIL.COM

**GENERAL CONTRACTOR:**  
HAYLAT RESIDENCE  
CONTACT: HAYLAT RESIDENCE  
BURNABY BC  
TEL: 604-232-0812  
EMAIL: HAYLATRESIDENCE@GMAIL.COM

### PROJECT CONTACTS

**OWNER:**  
HAYLAT RESIDENCE  
7038 MAWHINNEY CLOSE  
BURNABY BC  
TEL: 604-232-0812  
EMAIL: HAYLATRESIDENCE@GMAIL.COM

**DESIGNER:**  
VICTORIC VICTORIC  
CONTACT: VICTORIC VICTORIC  
VANCOUVER BC  
TEL: 604-232-0812  
EMAIL: VICTORIC@VICTORIC.COM

**LANDSCAPE:**  
VICTORIC VICTORIC  
CONTACT: VICTORIC VICTORIC  
VANCOUVER BC  
TEL: 604-232-0812  
EMAIL: VICTORIC@VICTORIC.COM

**STRUCTURAL ENG:**  
HAYLAT RESIDENCE  
CONTACT: HAYLAT RESIDENCE  
BURNABY BC  
TEL: 604-232-0812  
EMAIL: HAYLATRESIDENCE@GMAIL.COM

**GENERAL CONTRACTOR:**  
HAYLAT RESIDENCE  
CONTACT: HAYLAT RESIDENCE  
BURNABY BC  
TEL: 604-232-0812  
EMAIL: HAYLATRESIDENCE@GMAIL.COM

Rev	Date	By	Check	Notes
1	2017-08-01	PROJEC FOR	PH	
2	2017-08-01	REVISION	PH	
3	2017-08-01	REVISION	PH	
4	2017-08-01	REVISION	PH	

Rev	Date	By	Check	Notes
1	2017-08-01	PROJEC FOR	PH	
2	2017-08-01	REVISION	PH	
3	2017-08-01	REVISION	PH	
4	2017-08-01	REVISION	PH	

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DATE:

**VF**  
**VICTORIC**  
VICTORIC VICTORIC  
VANCOUVER BC  
TEL: 604-232-0812  
EMAIL: VICTORIC@VICTORIC.COM

**HAYLAT RESIDENCE**

**7038 MAWHINNEY CLOSE  
BURNABY**

**COVER SHEET  
DRAWING LIST  
PROJECT CONTACTS**

Project No.	7038
Drawn By	PH
Scale	A1.0
Revision	

3.(c)

Item	Date	Revised	By
1	10/01/2019	10/01/2019	PH
2	10/01/2019	10/01/2019	PH
3	10/01/2019	10/01/2019	PH
4	10/01/2019	10/01/2019	PH
5	10/01/2019	10/01/2019	PH
6	10/01/2019	10/01/2019	PH

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**VICTOR ERIC**  
ARCHITECTS  
VANCOUVER, BC V6T 1C1  
TEL: 604.681.8888  
WWW.VICTORERIC.COM

HAYLAT RESIDENCE

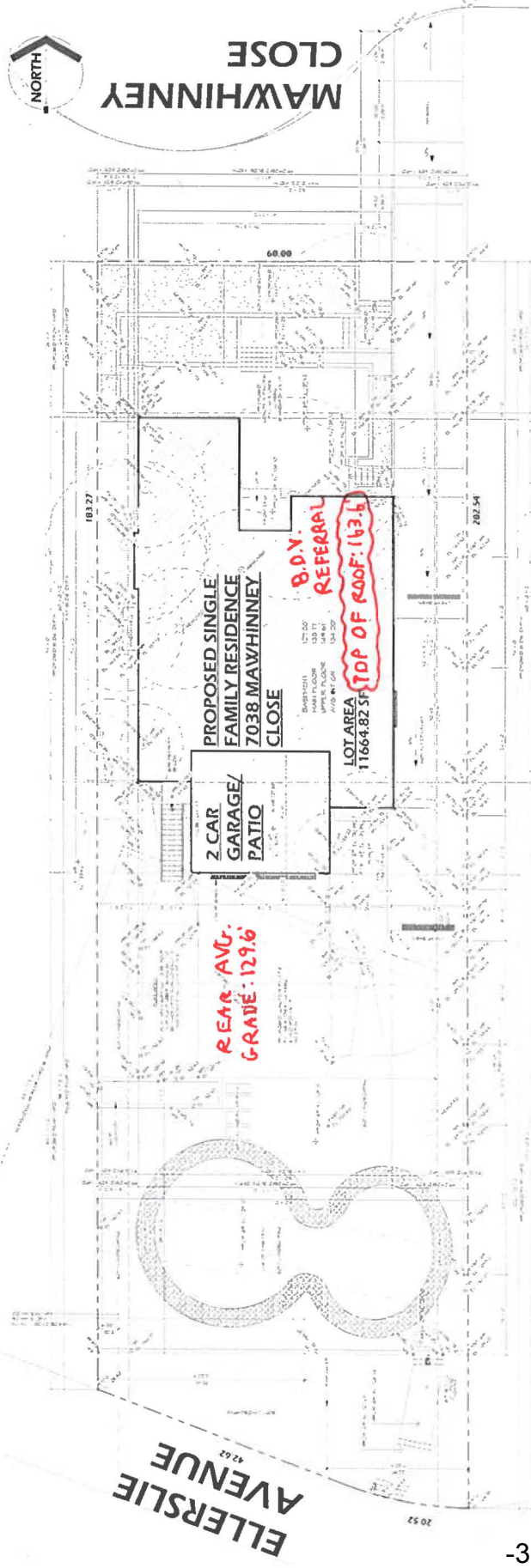
7038 MAWHINNEY CLOSE  
BURNABY

Project No:  
Scale: 1/8" = 1'-0"

Project No:  
Scale: 1/8" = 1'-0"



MAWHINNEY  
CLOSE



VENTILATION AND ENERGY  
REQUIREMENTS OF BCBC 2012:

Item	Value
1. Ventilation	...
2. Energy	...
3. ...	...

PROJECT SUMMARY

Item	Value
1. ...	...
2. ...	...
3. ...	...

# GENERAL CONSTRUCTION NOTES - B.C.B.C.

## GENERAL

1. All construction shall be in accordance with the latest edition of the British Columbia Building Code (BCBC) and the Vancouver Building Code (VBC).
2. All construction shall be in accordance with the latest edition of the International Building Code (IBC) and the International Residential Code (IRC).
3. All construction shall be in accordance with the latest edition of the National Building Code of Canada (NBCC) and the National Residential Code of Canada (NRCC).
4. All construction shall be in accordance with the latest edition of the American Institute of Steel Construction (AISC) and the American Institute of Concrete Construction (AICC).
5. All construction shall be in accordance with the latest edition of the American Institute of Wood Construction (AIWC) and the American Institute of Masonry Construction (AIMC).
6. All construction shall be in accordance with the latest edition of the American Institute of Glass Construction (AIGC) and the American Institute of Metal Construction (AIMC).
7. All construction shall be in accordance with the latest edition of the American Institute of Plastic Construction (AIPC) and the American Institute of Rubber Construction (AIRC).
8. All construction shall be in accordance with the latest edition of the American Institute of Leather Construction (AILEC) and the American Institute of Paper Construction (AIPC).
9. All construction shall be in accordance with the latest edition of the American Institute of Textile Construction (AITC) and the American Institute of Fiber Construction (AIFC).
10. All construction shall be in accordance with the latest edition of the American Institute of Food Construction (AIFC) and the American Institute of Beverage Construction (AIBC).

## FOUNDATION

1. All foundation work shall be in accordance with the latest edition of the BCBC and the VBC.
2. All foundation work shall be in accordance with the latest edition of the IBC and the IRC.
3. All foundation work shall be in accordance with the latest edition of the NBCC and the NRCC.
4. All foundation work shall be in accordance with the latest edition of the AISC and the AICC.
5. All foundation work shall be in accordance with the latest edition of the AIWC and the AIMC.
6. All foundation work shall be in accordance with the latest edition of the AIGC and the AIMC.
7. All foundation work shall be in accordance with the latest edition of the AIPC and the AIRC.
8. All foundation work shall be in accordance with the latest edition of the AILEC and the AIPC.
9. All foundation work shall be in accordance with the latest edition of the AITC and the AIFC.
10. All foundation work shall be in accordance with the latest edition of the AIFC and the AIBC.

## STRUCTURE

1. All structural work shall be in accordance with the latest edition of the BCBC and the VBC.
2. All structural work shall be in accordance with the latest edition of the IBC and the IRC.
3. All structural work shall be in accordance with the latest edition of the NBCC and the NRCC.
4. All structural work shall be in accordance with the latest edition of the AISC and the AICC.
5. All structural work shall be in accordance with the latest edition of the AIWC and the AIMC.
6. All structural work shall be in accordance with the latest edition of the AIGC and the AIMC.
7. All structural work shall be in accordance with the latest edition of the AIPC and the AIRC.
8. All structural work shall be in accordance with the latest edition of the AILEC and the AIPC.
9. All structural work shall be in accordance with the latest edition of the AITC and the AIFC.
10. All structural work shall be in accordance with the latest edition of the AIFC and the AIBC.

## MECHANICAL

1. All mechanical work shall be in accordance with the latest edition of the BCBC and the VBC.
2. All mechanical work shall be in accordance with the latest edition of the IBC and the IRC.
3. All mechanical work shall be in accordance with the latest edition of the NBCC and the NRCC.
4. All mechanical work shall be in accordance with the latest edition of the AISC and the AICC.
5. All mechanical work shall be in accordance with the latest edition of the AIWC and the AIMC.
6. All mechanical work shall be in accordance with the latest edition of the AIGC and the AIMC.
7. All mechanical work shall be in accordance with the latest edition of the AIPC and the AIRC.
8. All mechanical work shall be in accordance with the latest edition of the AILEC and the AIPC.
9. All mechanical work shall be in accordance with the latest edition of the AITC and the AIFC.
10. All mechanical work shall be in accordance with the latest edition of the AIFC and the AIBC.

## ELECTRICAL

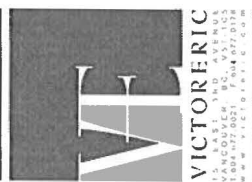
1. All electrical work shall be in accordance with the latest edition of the BCBC and the VBC.
2. All electrical work shall be in accordance with the latest edition of the IBC and the IRC.
3. All electrical work shall be in accordance with the latest edition of the NBCC and the NRCC.
4. All electrical work shall be in accordance with the latest edition of the AISC and the AICC.
5. All electrical work shall be in accordance with the latest edition of the AIWC and the AIMC.
6. All electrical work shall be in accordance with the latest edition of the AIGC and the AIMC.
7. All electrical work shall be in accordance with the latest edition of the AIPC and the AIRC.
8. All electrical work shall be in accordance with the latest edition of the AILEC and the AIPC.
9. All electrical work shall be in accordance with the latest edition of the AITC and the AIFC.
10. All electrical work shall be in accordance with the latest edition of the AIFC and the AIBC.

## PLUMBING

1. All plumbing work shall be in accordance with the latest edition of the BCBC and the VBC.
2. All plumbing work shall be in accordance with the latest edition of the IBC and the IRC.
3. All plumbing work shall be in accordance with the latest edition of the NBCC and the NRCC.
4. All plumbing work shall be in accordance with the latest edition of the AISC and the AICC.
5. All plumbing work shall be in accordance with the latest edition of the AIWC and the AIMC.
6. All plumbing work shall be in accordance with the latest edition of the AIGC and the AIMC.
7. All plumbing work shall be in accordance with the latest edition of the AIPC and the AIRC.
8. All plumbing work shall be in accordance with the latest edition of the AILEC and the AIPC.
9. All plumbing work shall be in accordance with the latest edition of the AITC and the AIFC.
10. All plumbing work shall be in accordance with the latest edition of the AIFC and the AIBC.

CHECKED BY: DATE:

ISSUED FOR REVIEW 7/30/2019 12:13:22 PM NOT FOR CONSTRUCTION



## HAYLAT RESIDENCE

7038 MAURHINNEY CLOSE  
BURNABY

GENERAL CONSTRUCTION  
NOTES

Project: HAYLAT RESIDENCE  
Drawn By: TLOOT  
Date: 7/30/2019  
Approved By: A1.2

PLEASE ENSURE THAT ALL CONSTRUCTION NOTES ARE REVIEWED PRIOR TO CONSTRUCTION & ALL ITEMS ARE EXECUTED. REPORT ANY DISCREPANCIES AND/OR QUESTIONS TO THE DESIGNER IMMEDIATELY



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No.	Date	By	Check
1	2017-04-07	FOR PRELIMINARY REVIEW	PH
2	2017-05-11	FOR PRELIMINARY REVIEW	PH
3	2017-05-14	FOR PRELIMINARY REVIEW	PH
4	2017-05-24	FOR PRELIMINARY REVIEW	PH
5	2017-07-10	FOR PRELIMINARY REVIEW	PH

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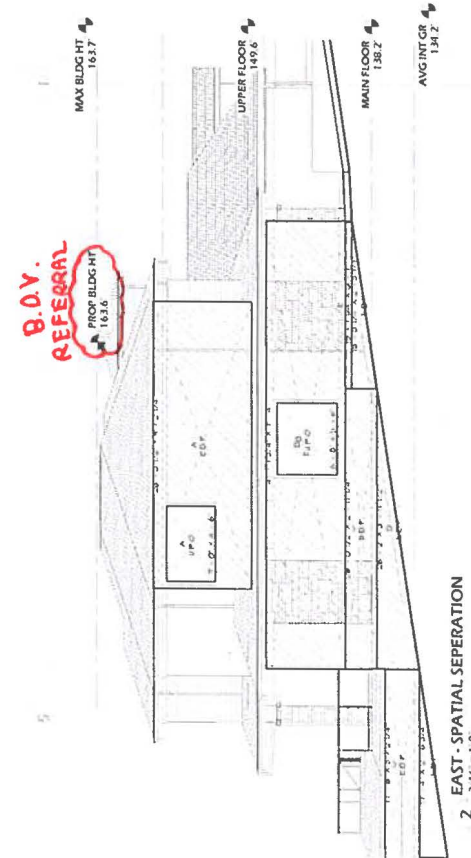
HAYLAT RESIDENCE

7038 MAWHINNEY CLOSE  
BURNABY

SPATIAL SEPARATION  
INTERPOLATED GRADE PLAN  
BUILDING ENVELOPE  
OVERLAY

Project No. 100071  
Drawing No. A1.4  
Scale: As Shown  
Date: 7/30/2019

3.(c)



1 WEST - SPATIAL SEPARATION  
1/8" = 1'-0"

**SPATIAL SEPARATION SUMMARY**

PROJECT: 7038 MAWHINNEY CLOSE  
LOT: 100071  
ALL DIMENSIONS IN FEET  
DIMENSIONS IN PARENTHESES ARE IN METERS  
DIMENSIONS OF AREA OF UNPROTECTED OPENING: 10.00' x 10.00'

**SPATIAL SEPARATION SCHEDULE**

NO.	DESCRIPTION	AREA	PERCENTAGE	MINIMUM	MAXIMUM
1	UPPER FLOOR	14.50	100%	1.00	1.00
2	MAIN FLOOR	14.50	100%	1.00	1.00
3	UPPER FLOOR	14.50	100%	1.00	1.00
4	MAIN FLOOR	14.50	100%	1.00	1.00
5	UPPER FLOOR	14.50	100%	1.00	1.00
6	MAIN FLOOR	14.50	100%	1.00	1.00
7	UPPER FLOOR	14.50	100%	1.00	1.00
8	MAIN FLOOR	14.50	100%	1.00	1.00
9	UPPER FLOOR	14.50	100%	1.00	1.00
10	MAIN FLOOR	14.50	100%	1.00	1.00
11	UPPER FLOOR	14.50	100%	1.00	1.00
12	MAIN FLOOR	14.50	100%	1.00	1.00
13	UPPER FLOOR	14.50	100%	1.00	1.00
14	MAIN FLOOR	14.50	100%	1.00	1.00
15	UPPER FLOOR	14.50	100%	1.00	1.00
16	MAIN FLOOR	14.50	100%	1.00	1.00
17	UPPER FLOOR	14.50	100%	1.00	1.00
18	MAIN FLOOR	14.50	100%	1.00	1.00
19	UPPER FLOOR	14.50	100%	1.00	1.00
20	MAIN FLOOR	14.50	100%	1.00	1.00
21	UPPER FLOOR	14.50	100%	1.00	1.00
22	MAIN FLOOR	14.50	100%	1.00	1.00
23	UPPER FLOOR	14.50	100%	1.00	1.00
24	MAIN FLOOR	14.50	100%	1.00	1.00
25	UPPER FLOOR	14.50	100%	1.00	1.00
26	MAIN FLOOR	14.50	100%	1.00	1.00
27	UPPER FLOOR	14.50	100%	1.00	1.00
28	MAIN FLOOR	14.50	100%	1.00	1.00
29	UPPER FLOOR	14.50	100%	1.00	1.00
30	MAIN FLOOR	14.50	100%	1.00	1.00
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33	UPPER FLOOR	14.50	100%	1.00	1.00
34	MAIN FLOOR	14.50	100%	1.00	1.00
35	UPPER FLOOR	14.50	100%	1.00	1.00
36	MAIN FLOOR	14.50	100%	1.00	1.00
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38	MAIN FLOOR	14.50	100%	1.00	1.00
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41	UPPER FLOOR	14.50	100%	1.00	1.00
42	MAIN FLOOR	14.50	100%	1.00	1.00
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58	MAIN FLOOR	14.50	100%	1.00	1.00
59	UPPER FLOOR	14.50	100%	1.00	1.00
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61	UPPER FLOOR	14.50	100%	1.00	1.00
62	MAIN FLOOR	14.50	100%	1.00	1.00
63	UPPER FLOOR	14.50	100%	1.00	1.00
64	MAIN FLOOR	14.50	100%	1.00	1.00
65	UPPER FLOOR	14.50	100%	1.00	1.00
66	MAIN FLOOR	14.50	100%	1.00	1.00
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80	MAIN FLOOR	14.50	100%	1.00	1.00
81	UPPER FLOOR	14.50	100%	1.00	1.00
82	MAIN FLOOR	14.50	100%	1.00	1.00
83	UPPER FLOOR	14.50	100%	1.00	1.00
84	MAIN FLOOR	14.50	100%	1.00	1.00
85	UPPER FLOOR	14.50	100%	1.00	1.00
86	MAIN FLOOR	14.50	100%	1.00	1.00
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90	MAIN FLOOR	14.50	100%	1.00	1.00
91	UPPER FLOOR	14.50	100%	1.00	1.00
92	MAIN FLOOR	14.50	100%	1.00	1.00
93	UPPER FLOOR	14.50	100%	1.00	1.00
94	MAIN FLOOR	14.50	100%	1.00	1.00
95	UPPER FLOOR	14.50	100%	1.00	1.00
96	MAIN FLOOR	14.50	100%	1.00	1.00
97	UPPER FLOOR	14.50	100%	1.00	1.00
98	MAIN FLOOR	14.50	100%	1.00	1.00
99	UPPER FLOOR	14.50	100%	1.00	1.00
100	MAIN FLOOR	14.50	100%	1.00	1.00

**SPATIAL SEPARATION SUMMARY**

PROJECT: 7038 MAWHINNEY CLOSE  
LOT: 100071  
ALL DIMENSIONS IN FEET  
DIMENSIONS IN PARENTHESES ARE IN METERS  
DIMENSIONS OF AREA OF UNPROTECTED OPENING: 10.00' x 10.00'

PROPOSED SINGLE  
FAMILY RESIDENCE  
7038 MAWHINNEY  
CLOSE

2 CAR  
GARAGE

5 INTERPOLATED GRADE PLAN  
1/8" = 1'-0"

No.	Date	Details	By
1	2011-07-07	ISSUED FOR B/P	PH
2	2013-02-11	REVISION	PH
3	2013-03-14	REVISION	PH
4	2013-03-03	REVISION	PH
5	2014-04-03	REVISION	PH
6	2014-07-02	REVISION	PH

CHECKED BY:  
DATE:

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7/30/2019 12:13:28 PM  
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**VF**  
**VICTORERIC**  
ARCHITECTS  
VANCOUVER, BC, V6T 1C3  
TEL: 604.677.0821 FAX: 604.677.0118  
WWW.VICTORERIC.COM

Project: **HAYLAT RESIDENCE**

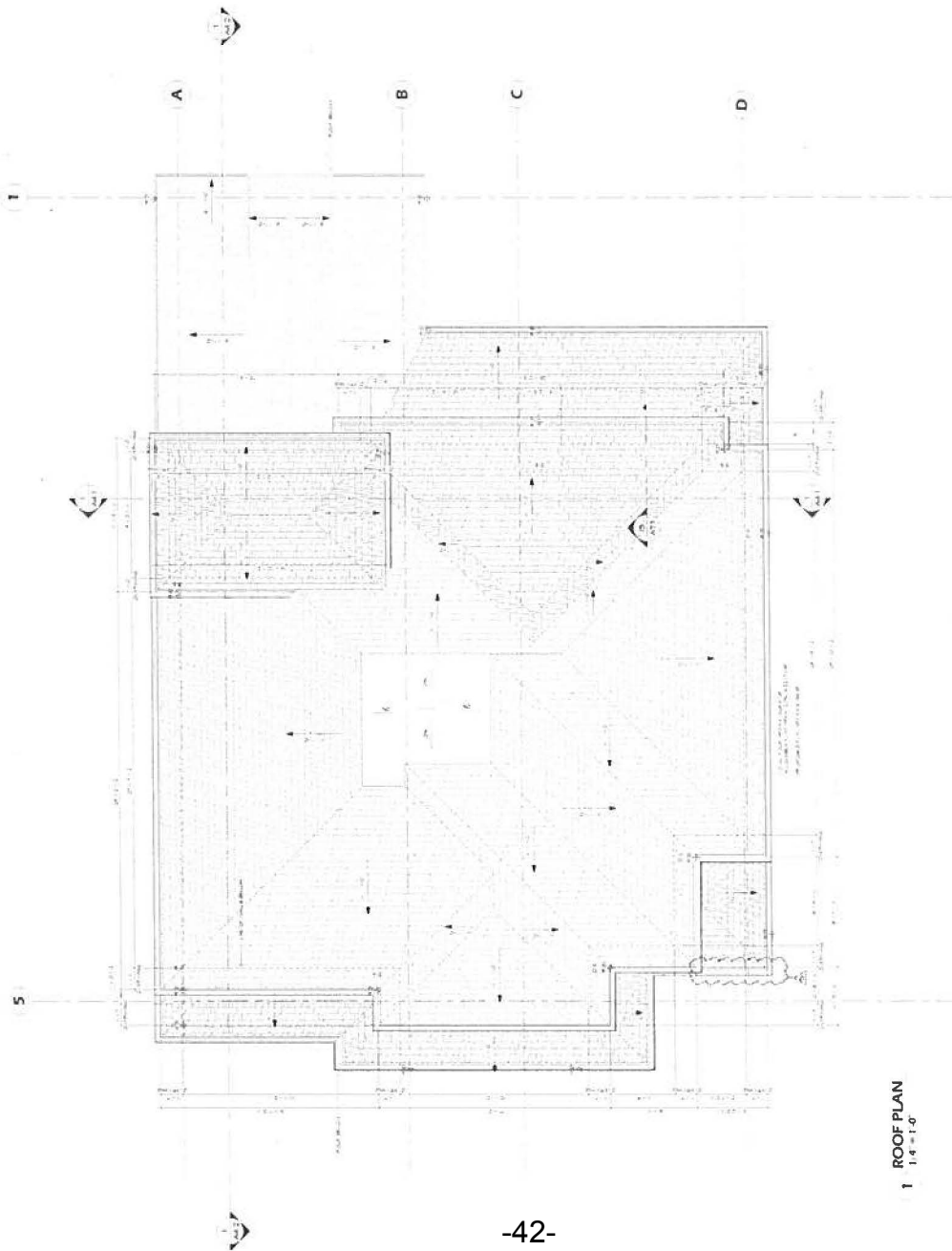
7038 MAWHINNEY CLOSE  
BURNABY

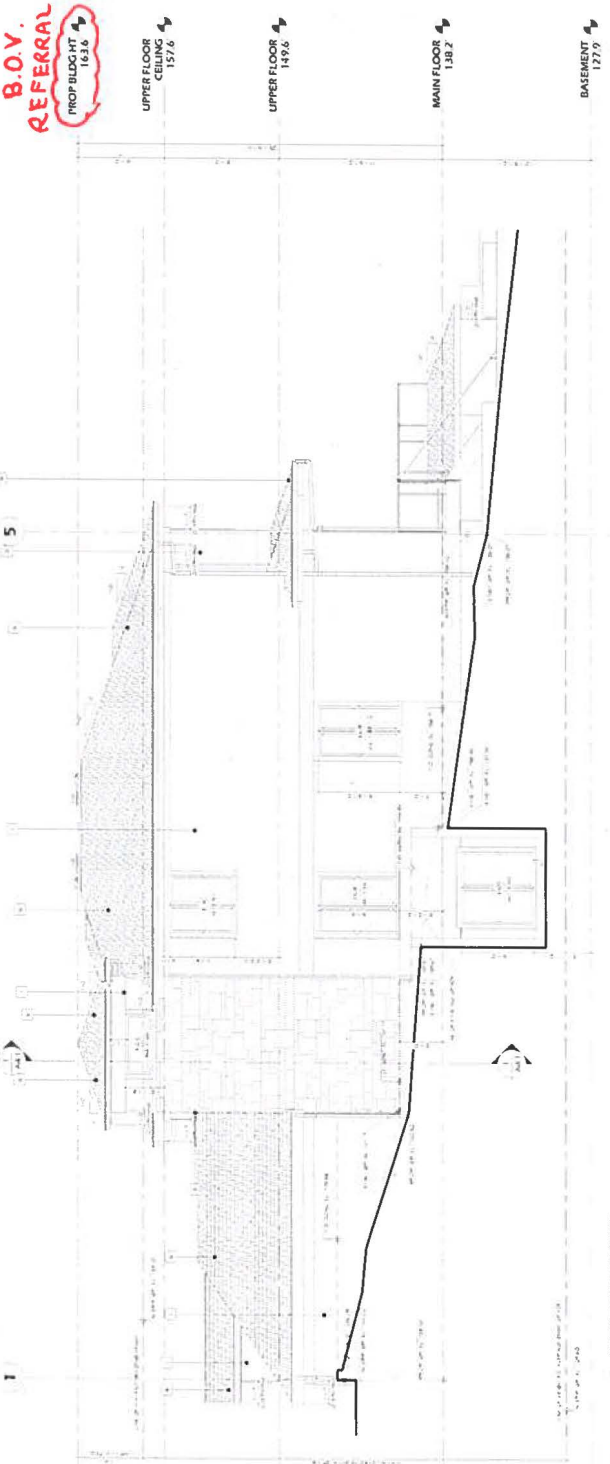
Sheet No.: **ROOF PLAN**

Scale: 1/4" = 1'-0"  
Date: 12/02/19  
Sheet No.: **A2.4**  
Project: **HAYLAT RESIDENCE**

3.(c)

**GENERAL NOTES:**  
1. ALL ROOFING SHALL BE AS SPECIFIED IN THE SCHEDULE.  
2. ALL ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.  
3. ALL ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE CANADIAN NATIONAL BUILDING CODE (CNBC).  
4. ALL ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE BC BUILDING CODE (BBC).  
5. ALL ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE VICTORIA BUILDING CODE (VBC).  
6. ALL ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE SCHEDULE.

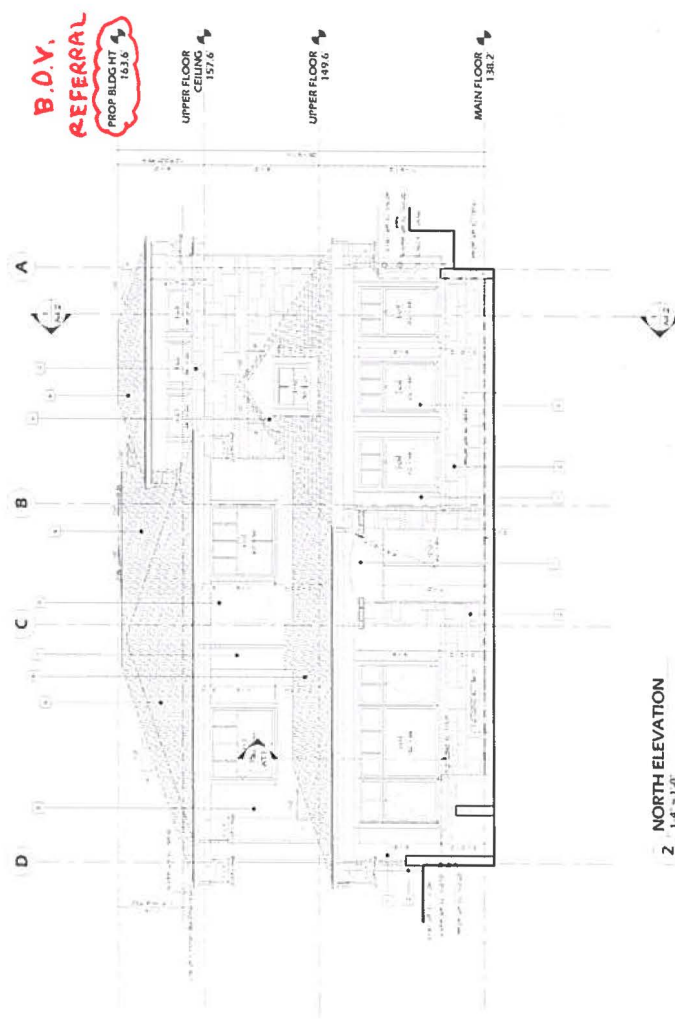




1 WEST ELEVATION  
1/4" = 1'-0"

**SPATIAL SEPARATION SUMMARY**

ITEM	DESCRIPTION	QTY	UNIT	VALUE
1	EXPOSED BRICKWORK	5.00	SF	(15.00)
2	EXPOSED BRICKWORK	0.75	SF	(22.50)
3	EXPOSED BRICKWORK	10.25	SF	(30.75)
4	EXPOSED BRICKWORK	10.25	SF	(30.75)
5	EXPOSED BRICKWORK	10.25	SF	(30.75)
6	EXPOSED BRICKWORK	10.25	SF	(30.75)
7	EXPOSED BRICKWORK	10.25	SF	(30.75)
8	EXPOSED BRICKWORK	10.25	SF	(30.75)
9	EXPOSED BRICKWORK	10.25	SF	(30.75)
10	EXPOSED BRICKWORK	10.25	SF	(30.75)



2 NORTH ELEVATION  
1/4" = 1'-0"

**EXTERIOR MATERIAL SCHEDULE**

ITEM	DESCRIPTION	MATERIAL	MANUFACTURER/UPPLIER	TITLE	COLOR
1	CLADDING	BRICK	TBC	9" MODULAR TRIPLE GLAZED LIGHT GLASS	BRICK
2	CLADDING	BRICK	TBC	9" MODULAR TRIPLE GLAZED LIGHT GLASS	BRICK
3	CLADDING	BRICK	TBC	9" MODULAR TRIPLE GLAZED LIGHT GLASS	BRICK
4	CLADDING	BRICK	TBC	9" MODULAR TRIPLE GLAZED LIGHT GLASS	BRICK
5	CLADDING	BRICK	TBC	9" MODULAR TRIPLE GLAZED LIGHT GLASS	BRICK
6	CLADDING	BRICK	TBC	9" MODULAR TRIPLE GLAZED LIGHT GLASS	BRICK
7	CLADDING	BRICK	TBC	9" MODULAR TRIPLE GLAZED LIGHT GLASS	BRICK
8	CLADDING	BRICK	TBC	9" MODULAR TRIPLE GLAZED LIGHT GLASS	BRICK
9	CLADDING	BRICK	TBC	9" MODULAR TRIPLE GLAZED LIGHT GLASS	BRICK
10	CLADDING	BRICK	TBC	9" MODULAR TRIPLE GLAZED LIGHT GLASS	BRICK

**REVISIONS**

No.	Date	By
1	2017-04-07	PM
2	2017-04-07	PM
3	2017-04-07	PM
4	2017-04-07	PM
5	2017-04-07	PM
6	2017-04-07	PM

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DATE:

**VF**  
**VICTORIC**  
VANCOUVER, BC, V6T 1G5  
WWW.VICTORIC.COM

HAYLAT RESIDENCE

7038 MAWHINNEY CLOSE  
BURNABY

Drawn by:  
North & West Elevations

**PROJECT INFORMATION**

Project No.	2017-04-07
Client	PM
Design	PM
Drawn by	PM
Checked by	PM
Scale	1/4" = 1'-0"



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No.	Date	By
1	2017-07-07	PROJ: 1001
2	2017-07-07	PH: 1001
3	2017-07-07	PH: 1001
4	2017-07-07	PH: 1001
5	2017-07-07	PH: 1001
6	2017-07-07	PH: 1001

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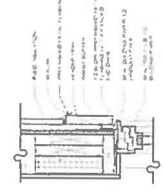
**VE**  
**VICTORIC**  
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

HAYLAT RESIDENCE

7038 MAWHINNEY CLOSE  
BURNABY

CONSTRUCTION DETAILS

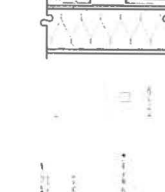
Project No.	1001
Drawn By	A7.1
Approved By	



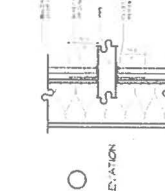
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2 TYP. EXTERIOR CONC. FURRED WALL  
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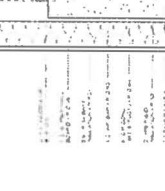
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4 TYP. EXTERIOR WALL BASE  
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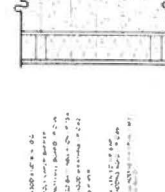
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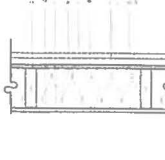
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7 TYP. EXTERIOR WALL ATTACHMENT  
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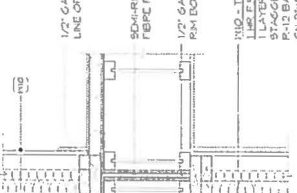
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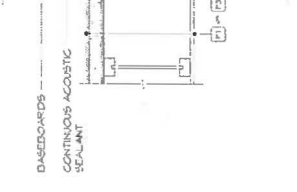
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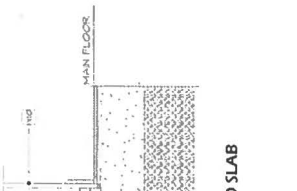
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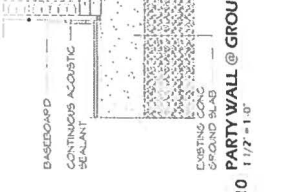
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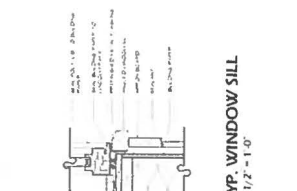
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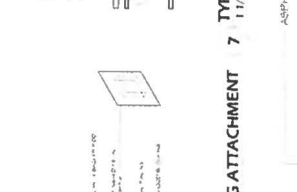
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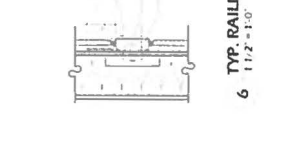
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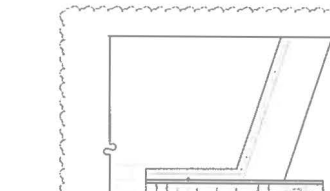
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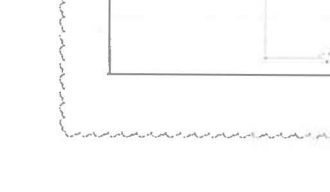
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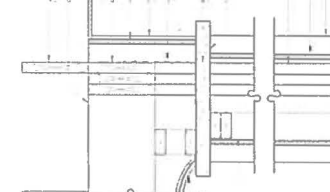
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22 TYP. EXTERIOR WALL ACOUSTIC SEALANT  
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23 TYP. EXTERIOR WALL ACOUSTIC SEALANT  
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24 TYP. EXTERIOR WALL ACOUSTIC SEALANT  
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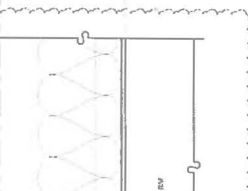
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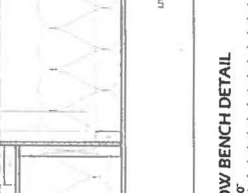
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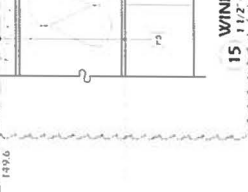
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1 1/2" - 1'0"



29 TYP. EXTERIOR WALL ACOUSTIC SEALANT  
1 1/2" - 1'0"



30 TYP. EXTERIOR WALL ACOUSTIC SEALANT  
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31 TYP. EXTERIOR WALL ACOUSTIC SEALANT  
1 1/2" - 1'0"



32 TYP. EXTERIOR WALL ACOUSTIC SEALANT  
1 1/2" - 1'0"



33 TYP. EXTERIOR WALL ACOUSTIC SEALANT  
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34 TYP. EXTERIOR WALL ACOUSTIC SEALANT  
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35 TYP. EXTERIOR WALL ACOUSTIC SEALANT  
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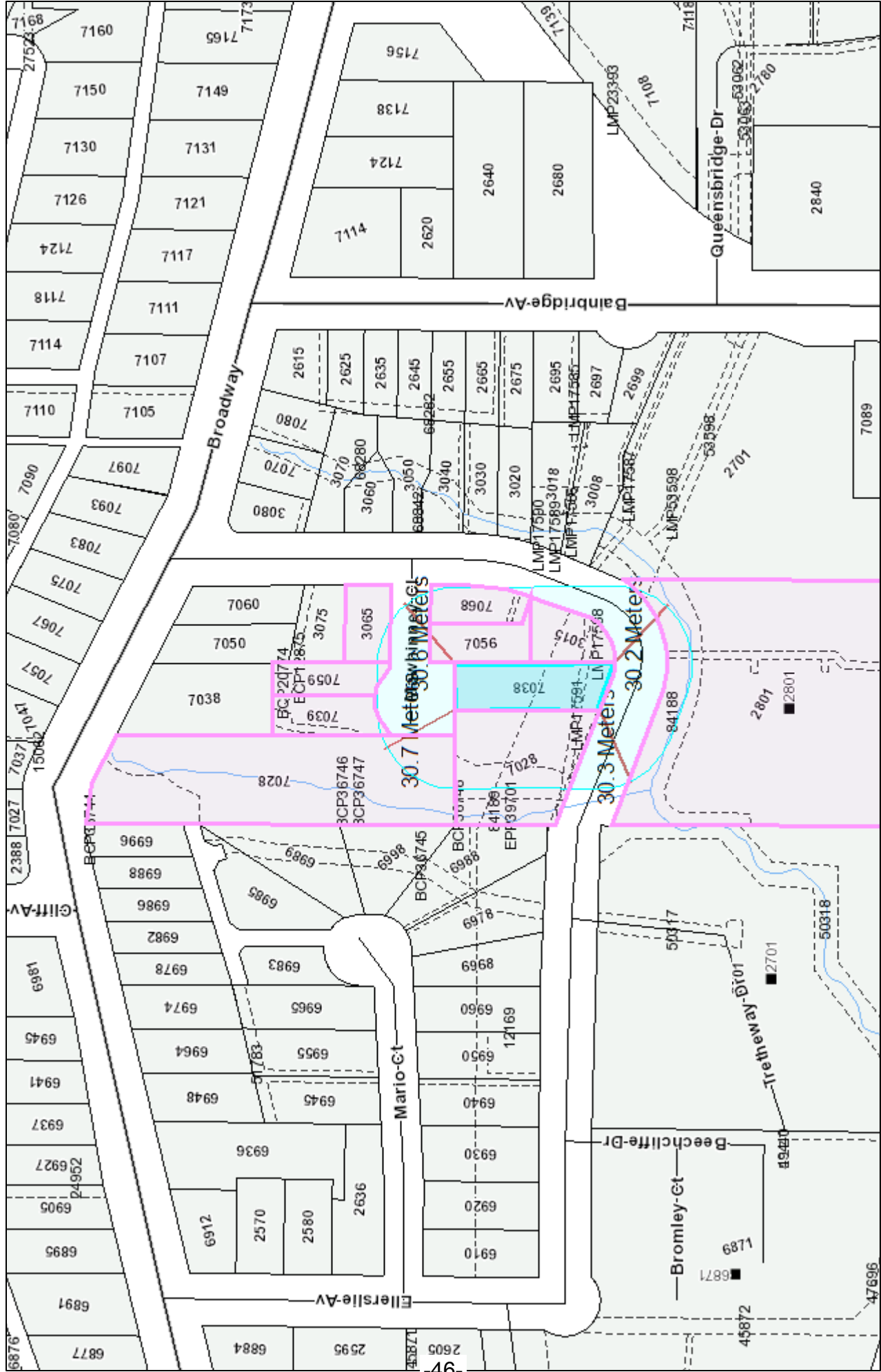
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# 7038 Mawhinney Close

07/08/2019 8:29:45 AM

1:2,000



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.(c)



# 2019 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 Vikram Tiku - TD Studio Inc.  
 Mailing Address Unit #130 - 2250 Boundary Rd.  
 City/Town Burnaby Postal Code V5M 3Z3  
 Phone Number(s) (H) 604-838-9093 (C) \_\_\_\_\_  
 Email tdstudio@gmail.com

### Property

Name of Owner Ravi Bansal  
 Civic Address of Property 7280 Inlet Drive, Burnaby, BC

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.

August 6, 2019  
 Date

Applicant Signature

### Office Use Only

Appeal Date Sept. 5 2019 Appeal Number BV# \_\_\_\_\_

#### 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 -47- available to the Public

## MEMORANDUM

**Single Family Dwelling, Retaining Walls in Rear Yard**

Project Name

**7280 Inlet Dr., Burnaby, BC**

Project address

to

**Board of Variance, City of Burnaby**

City

**Ravi Bansal**

Client representative / Project manager

from

**TD Studio Inc.**

Designer

**August 02, 2019**

date

**T1806**

Project Number

**Secretary**

attention

**Ravi**

attention

**Vikram Tiku**

from

The subject property is located on Inlet Drive, a major, busy arterial road with no scope for any street parking or even stopping, as the entire stretch along the front is a no stopping zone.

The lot also observes a relatively steep gradient with the rear p/l almost 15' higher than the front p/l.

A Building Permit application for the construction of a new single family dwelling with a secondary suite was approved towards the end of 2018 and proposed main house is currently under construction. Please note that in addition to the one parking stall required for the single family dwelling, one more parking stall is required for the secondary suite as well.

The recently approved BP application had indicated a stepped, two retaining wall system towards the rear yard. The owners after seeing the scale and size of the footprint after it was constructed realized that there would be no space available for any parking for visitors to their house as typically the option of parking along the street frontage was not available for their property. The stepped retaining wall which complied with the bylaw did not allow for any scope for a third car to be parked towards the rear along the lane. A small portion of the rear yard just off the rear deck has been used for a mini basketball court as the owner is a keen basketball player.

While retaining a reasonable rear yard for recreational purposes, the only other way of accommodating even one parking/stopping area for visitors to the house would be to combine the retaining wall system into a single wall, which including the required fence height on top of the retaining wall, exceeds the 5.9' overall permitted height for retaining walls in rear yards by 2.85'.

An access stair is proposed to be constructed along the north p/l towards the rear, to allow access from the house to the parking spaces.

Please note that the rear yard grade has been placed to match the existing grade of the subject property as well as the grade of the adjacent neighbor towards the south. Raising that grade was explored but was not a feasible option.

The impact of the increased retaining walls heights will not be visible to the adjacent neighbors as they will only see the guardrail from the lane side as illustrated on our drawings. The proposed site grading has followed the existing grades/retaining walls/banks to minimize any impact of the proposed increased height.



An existing old retaining wall along the front property line is proposed to be replaced in consultation with the Engineering Department. An access stair is proposed to be constructed along the north p/l towards the front without any major alterations to the existing grade. Most of the retaining wall systems and grading has been designed to comply with the permitted retaining wall and fence heights.

In consideration of the steep gradient of the subject property and the lack of any parking/stopping space along the frontage, and the desire of the owners to try and carve out required open recreational space which is easily accessible and integrates with the proposed design, the owners are requesting members of the Board to consider their appeal and allow these variances.

Thanks,

Yours truly,



Vikram Tikku B. Arch MUP



### BOARD OF VARIANCE REFERRAL LETTER

<b>DATE:</b> August 06, 2019			<i>This is <u>not</u> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
<b>DEADLINE:</b> August 06, 2019 for the September 05, 2019 hearing.			
<b>APPLICANT NAME:</b> Vikram Tiku			
<b>APPLICANT ADDRESS:</b> Unit 130 – 2250 Boundary Road, Burnaby, BC, V5M 3Z3			
<b>TELEPHONE:</b> 604-838-9093			
<b>PROJECT</b>			
<b>DESCRIPTION:</b> New Single Family Dwelling with secondary suite			
<b>ADDRESS:</b> 7280 Inlet Drive			
<b>LEGAL DESCRIPTION:</b>	<b>LOT:</b> 56	<b>DL:</b> 216	<b>PLAN:</b> 11555

Building Permit application BLD18-00949 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)(b)

#### COMMENTS:

The applicant proposes to build over height retaining walls in the front and rear yard. Note: the BLD18-00949 has been already issued for new single family house with secondary suite. 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 1.07 m (3.51 feet) to a maximum of 2.15 m (7.06 feet) for heights of constructed fences located in the required front yard
- 2) To vary Section 6.14(5)(a) – “Fences” of the Zoning Bylaw from 1.07 m (3.51 feet) to a maximum of 2.17 m (7.12 feet) for heights of constructed retaining walls located in the required front yard.
- 3) To vary Section 6.14(5)(b) – “Fences” of the Zoning Bylaw from 1.8 m (5.91 feet) to a maximum of 2.59 m (8.5 feet) for heights of constructed fences located to the rear of the required front yard.
- 4) To vary Section 6.14(5)(b) – “Fences” of the Zoning Bylaw from 1.8 m (5.91 feet) to a maximum of 3.23 m (10.6 feet) for heights of constructed retaining walls located to the rear of the required front yard.

*Note: The applicant recognizes that should the project contain additional characteristics in contravention of the Zoning By-law, a future appeal(s) may be required.*

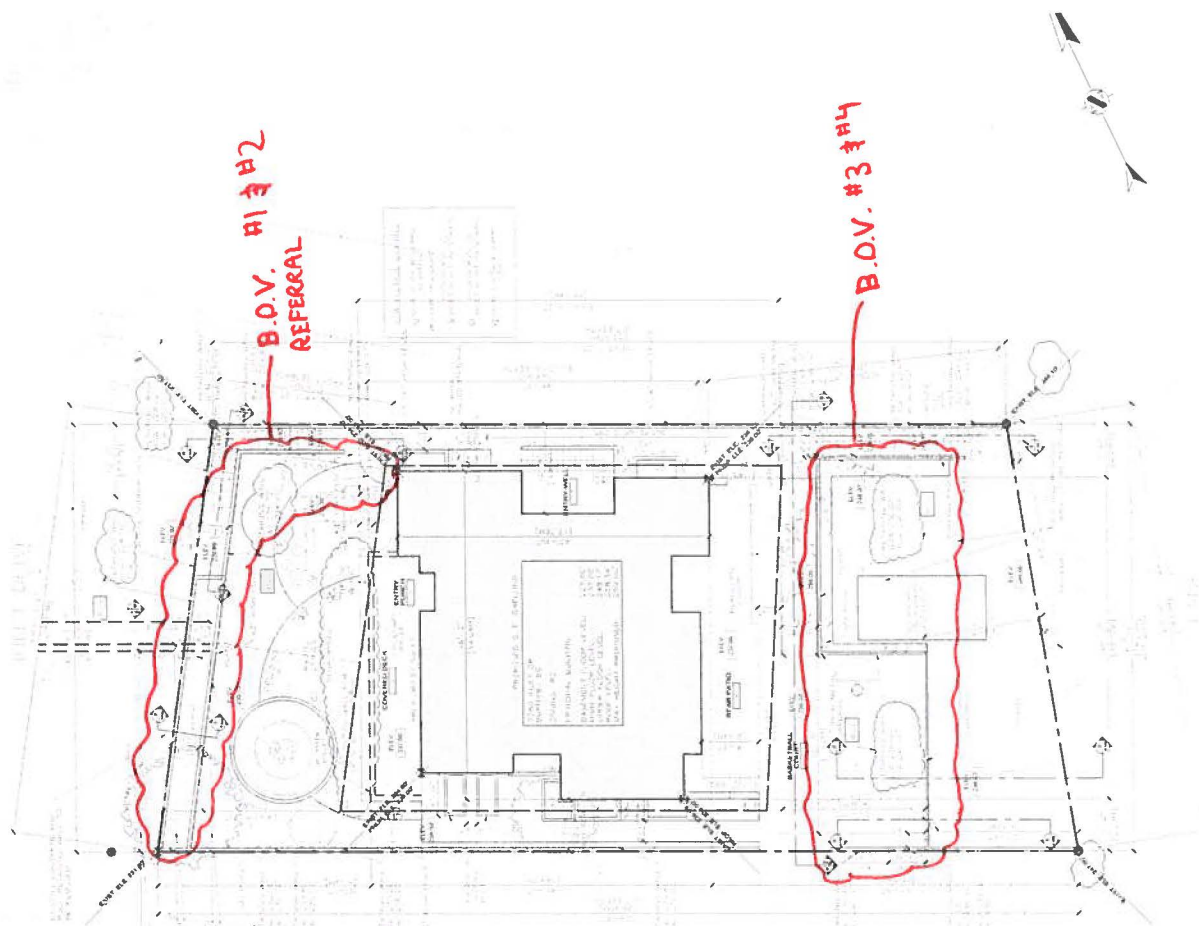
*The applicability of these variances, if granted, is limited to the scope of the proposal shown on the attached plans.*

*All principal building projections into the resulting front yard will conform to the requirements of Section 6.12.*

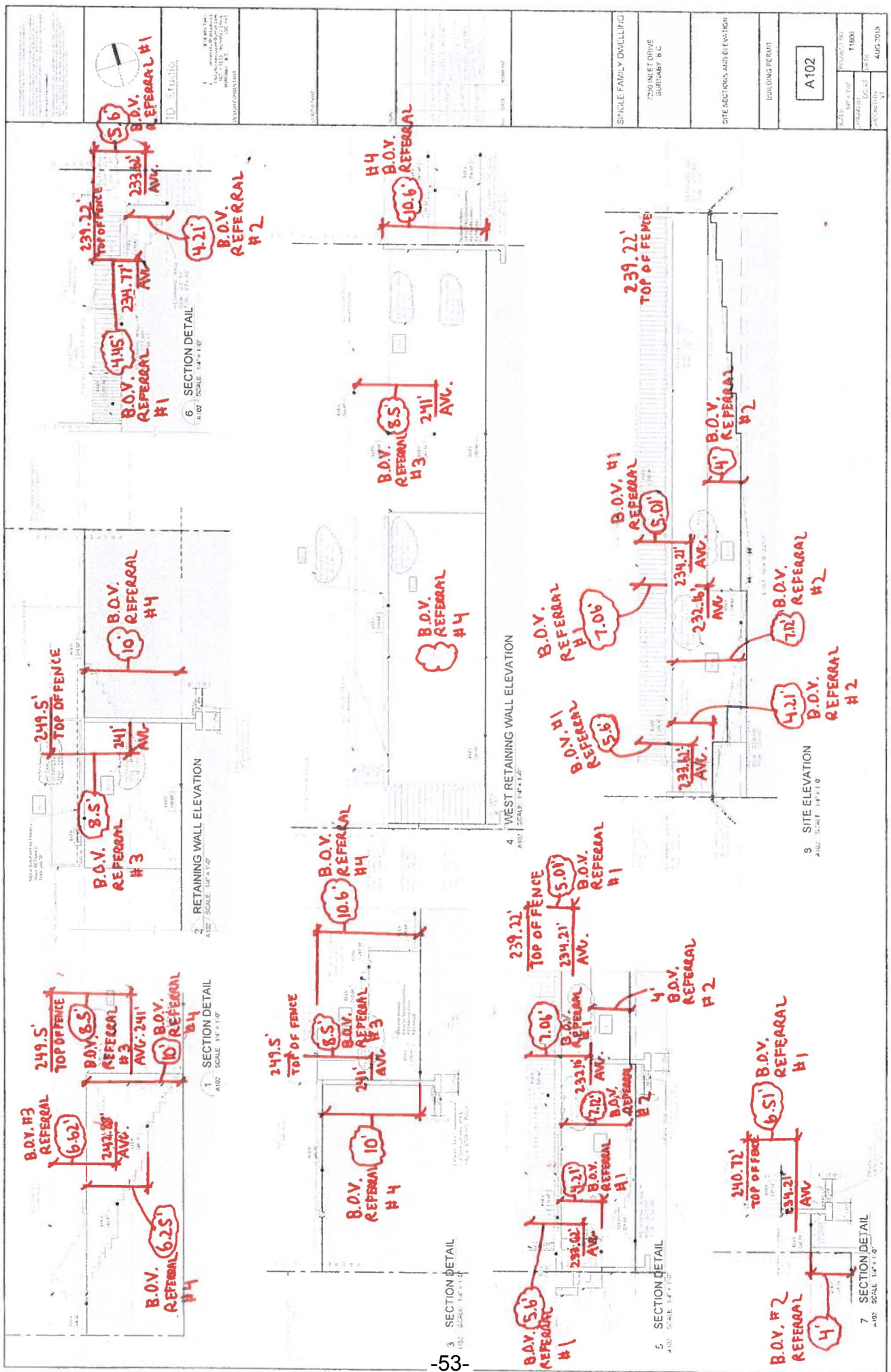
LM



*for* Gloria Grill  
Building Code Engineer



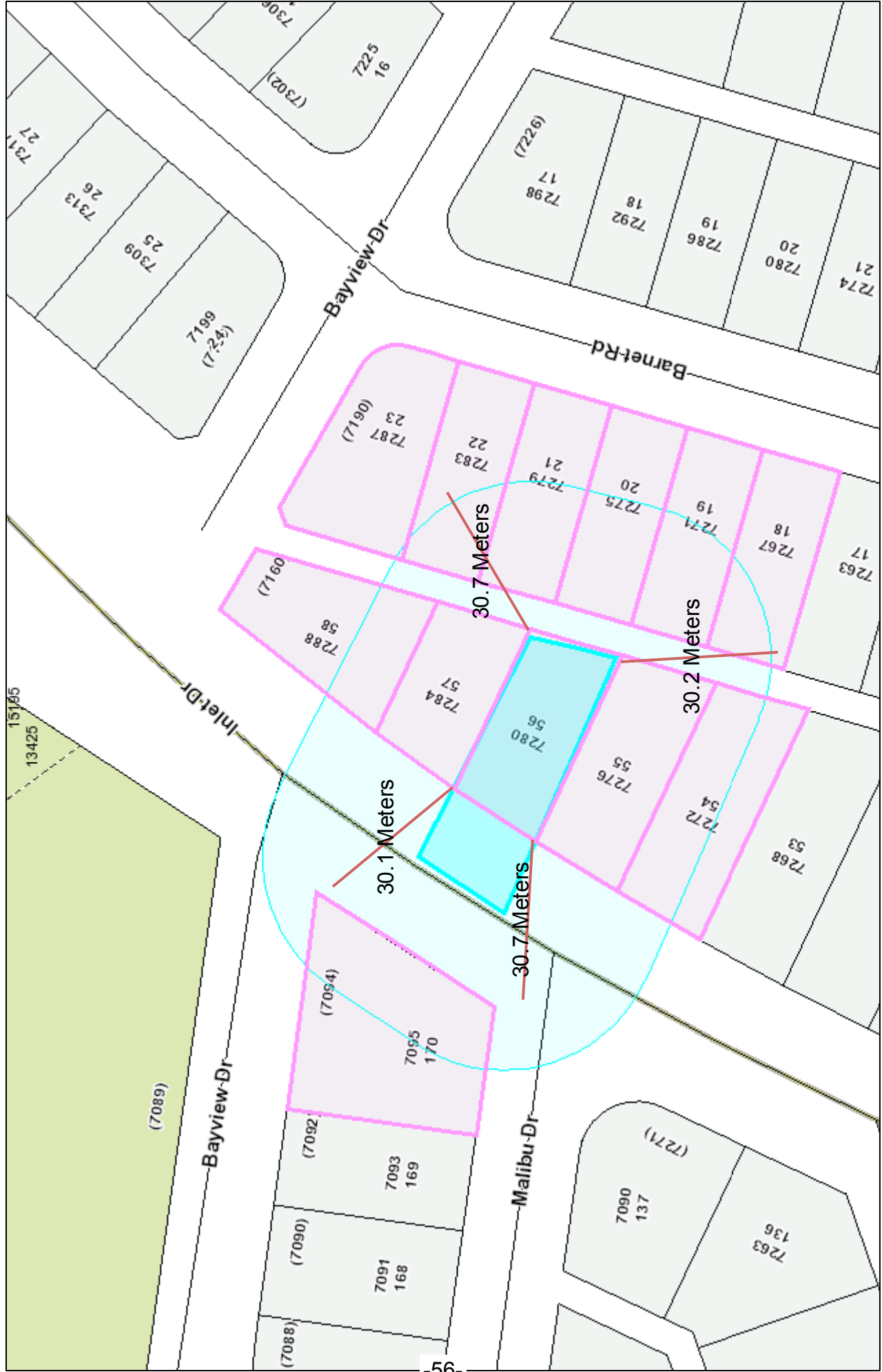
1 SITE PLAN  
A100 SCALE 1/8" = 1'-0"















# 2019 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 Vern Milan  
 Mailing Address 5593 Oakland St.  
 City/Town Burnaby Postal Code V5H 1S1  
 Phone Number(s) (H) \_\_\_\_\_ (C) \_\_\_\_\_  
 Email vern.m@milan.ca

### Property

Name of Owner Vern & Nicole Milan  
 Civic Address of Property ~~5591~~ 5593 Oakland St

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.

April 8 2019  
 Date

V. Milan  
 Applicant Signature

### Office Use Only

Appeal Date May 02 2019 Appeal Number BV# 6365

#### 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 n-57- available to the Public

**Subject:****Date:** Monday, April 8, 2019 at 8:08:43 AM Pacific Daylight Time**From:** Vern Milani

To the Burnaby Board of Variance,

My family and I ask for your consideration and compassion in a matter that will be very impactful to our lives in Burnaby. We truly appreciate you taking the time to review our case and appreciate your understanding.

As a family we are asking that you please consider relaxing the setback rules for the home we have lived in since we first moved back in the 1980's. Recently the city of Burnaby has advised our Family that the home we live in does not meet the setback requirements which I believe to be unjust. I would like to provide some context on the matter as to why we believe this is so.

Our family home situated on a large lot at 5593 Oakland St. was purchased with a little coach house on the east side of the property has always had (two gas meters, two water mains, two sewer lines) for as long as we've lived in Burnaby. Everything was approved by the city when the home was first built. Our main home and the small dwelling were again reviewed by the city of Burnaby plus the board of variance and approved by the various departments when we did a major renovation again back in 1996. In 2004 the city again reviewed and accepted all the plans when we did yet another renovation. This entire time there has never been any issues with the setback of our home, the city of Burnaby has always approved our setback.

Recently to our dismay the city of Burnaby due to repairs and permits required from us has now decided that the small Carriage house on my property has a setback that is too close to the road. The amount it is over is by a very small unnoticeable margin. It does not effect or infringe on any neighbors, cause any problems and is not visibly noticeable.

As Italians that immigrated to Burnaby, "family" has always been a very big and important part of our culture. In the smaller detached house our Italian parents (or grand parents to the children) lived for many years until their passing. Now the children of our family live in the house. As we can all appreciate in this market it is very difficult to afford housing for younger generations so this housing has been very important to helping my children start their lives in Burnaby. There are also medical reasons that it is necessary for the children to live very close to the rest of the family.

Our family has always lived in that same house for over 25 years, the setbacks have always been approved by the city and we plan to live in the same house for years to come. We are very proud citizens of Burnaby; pay our taxes, volunteer in our city, and employ many people in the local community at our family's plumbing company. The house is not causing any problems or harming anyone. It is not bothering any neighbors or other citizens of the city. The fact of the matter is this is a bureaucratic technicality we are talking about, and the city has always historically approved it. We please ask for your compassion in this matter, as not allowing the setback for our house would cause considerable hardship to us as a family. We appreciate your consideration and compassion in the matter.

Sincerely,

The Milani Family



April 8 2019



### BOARD OF VARIANCE REFERRAL LETTER

<b>DATE:</b> March 14, 2019		<i>This is <b>not</b> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
<b>DEADLINE:</b> April 09, 2019 for the May 02, 2019 hearing.		
<b>APPLICANT NAME:</b> Vincent Wan		
<b>APPLICANT ADDRESS:</b> 4038 Toronto Street, Port Coquitlam, B.C., V3B 6X8		
<b>TELEPHONE:</b> 604-783-3676		
<b>PROJECT</b>		
<b>DESCRIPTION:</b> New secondary suite, interior alterations and new addition to an existing single family dwelling		
<b>ADDRESS:</b> 5591 Oakland Street		
<b>LEGAL DESCRIPTION:</b>	Parcel "One" (Plan 11711) Except Parcel "F" (Plan 68816), DL 94 Group 1, New Westminster District	

Building Permit application BLD18-00260 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

#### Zone R4 / Sections 6.3(1)(b); 104.9 and 104.10(2)

**COMMENTS:**

The applicant has already built without a permit an addition, interior alterations and a new secondary suite 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)(b) – "Distances between Buildings on the same Lot" of the Zoning Bylaw requirement for the distance between overlapping exterior walls of the same building from 14.76 feet to 12.5 feet.
- 2) To vary Section 104.9 – "Front Yard" of the Zoning Bylaw requirement for the minimum front yard depth from 24.6 feet to 15.63 feet.
- 3) To vary Section 104.10(2) – "Side Yards" of the Zoning Bylaw requirement for the minimum side yard width adjoining the flanking street from 11.5 feet to 10.11 feet.

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

LM



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Peter Kushnir  
Deputy Chief Building Inspector



PROJECT ADDRESS: 5591 OAKLAND STREET	LEGAL DESCRIPTION: PARCEL "ONE" (EXPLANATORY PLAN 17711) EXCEPT: PARCEL "7" (REFERENCE PLAN 68816) DL 94 SITE AREA: 22,942.00 S.F. ALLOWABLE SITE COVERAGE: 22,942.00 S.F. X 40% = 9,176.80 S.F. GFA = 4,736.30 S.F. MAX. AGFA = 4,736.30 S.F. MAX. HOUSE AREA:- MAIN FLOOR:- BASMENT:- UPPER FLOOR:- SECONDARY SUITE (NEW RENOVATED):- NEW HALLWAY:- SUB-TOTAL:- ALLOWABLE GARAGE AREA:- G.F.A.:- MAX. SUNDECK AREA = 4,736.30 S.F. X 8% = 378.90 S.F. ACTUAL SUNDECK AREA:- MASTER BEDROOM DECK:- GARAGE COVERED PORCH:- DINING ROOM DECK:- ACTUAL SITE COVERAGE: BASEMENT FOOTPRINT:- PORCH BEHIND GARAGE:- REAR DECK:- SECONDARY SUITE:- POOL MECH. ROOM NEW HALLWAY:- TOTAL:-	AERA (SF) 1221.8 2398.14 592 898.16 78.05 5188.15 4521 4736.05 35.61 108.75 233.93 378.29 AREA (SF) 2398.14 108.75 233.93 898.16 407.57 78.05 4124.61 17% 98%
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