



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 October 03** 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

ABSENT: Mr. Wayne Peppard, Citizen Representative

STAFF: Ms. Joy Adam, Development Plan Technician
Mr. Maciek Wodzinski, Development Plan Technician
Ms. Eva Prior, 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 September 05

MOVED BY MS. CHAN

SECONDED BY MS. FELKER

THAT the minutes of the Burnaby Board of Variance Hearing held on 2019 September 05 be adopted.

CARRIED UNANIMOUSLY

3. APPEAL APPLICATIONS

(a) APPEAL NUMBER: B.V. 6377

APPELLANT:

Joseph Ciccone

REGISTERED OWNER OF PROPERTY: Elena and Vincent Sacco,
David and Vanessa Sferra

CIVIC ADDRESS OF PROPERTY: 6218, 6220 Lochdale Street

LEGAL DESCRIPTION OF PROPERTY: Lot: 2 DL: 129 Plan: EPP90815

APPEAL: An appeal for the relaxation of Section 104.7(2) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new two family dwelling with attached garage at 6218 and 6220 Lochdale Street. This relaxation would allow for a building height of 29.75 feet (9.07 metres) where a maximum building height of 25.00 feet (7.62 metres) is permitted. Zone R4

APPELLANT'S SUBMISSION:

Mr. Joseph Ciccone, on behalf of the property owner, submitted an application to allow for the construction of a new two family dwelling attached garage at 6218 and 6220 Lochdale Street.

Mr. Joseph Ciccone and Ms. Monika Kadzielska, appeared before members of the Board of Variance on behalf of the property owners.

Mr. Ciccone corrected an error in his hardship letter which refers to the '*a drastic drop in elevation in the south east corner*'. The letter should refer to the '*south west corner*' instead.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R4 Residential District, is located in the Parkcrest-Aubrey neighbourhood in which the age and condition of single and two family dwellings vary. This interior lot, approximately 21.33 metres (69.98 feet) wide by 36.94 metres (121.19 feet) deep, fronts onto Lochdale Street to the north and abuts an existing unconstructed lane to the rear. A single family dwelling abuts the subject site to the east and across Lochdale Street to the north. The neighbouring site directly west is currently vacant and proposed to be redeveloped with a new single family dwelling and attached garage. Vehicular access to the subject site is proposed from Lochdale Street to the north. The site observes a downward slope of approximately 2.38 metres (7.80 feet) from front to rear.

The appeal proposes the subject site be developed with a new two family dwelling with attached garages for each dwelling. The requested variance is for the over height portions of the roof up to 9.07 metres (29.75 feet).

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 proposed building height is based on the existing average grade at the outermost face of the building. The proposed dwelling observes a front (northern) building height of 8.29 metres (27.20 feet), and a rear (southern) height of 9.07 metres (29.75 feet).

The proposed height increase of 1.45 metres (4.75 feet) above the Zoning Bylaw maximum permitted height occurs over the entire ridgeline of the roof running in an east-west direction in addition to the two gable windows on the south elevation. The proposed roof has a slope of twelve eight at its peak and twelve four along its lower half. Along the front (north) façade of the proposed structure are four gable windows at the second storey level which are over the permitted height by 0.67 metres (2.20 feet), as measured from the front average grade. The peak height of these gable windows aligns with the height of the main roof ridgeline.

It should be noted that the grade difference between the front and the rear of the subject site is a contributing factor to the height of the rear elevation. Floor to ceiling height of the main floor and second floor levels are proposed to be 3.05 metres (10 feet) and 2.44 metres (8.00 feet), respectively.

With respect to impacts on neighbouring properties, the over height portions of the proposed building would be visible across Lochdale Street to the north and by the neighbouring dwelling to the east. These dwellings may experience some negative impacts due to massing of the proposed two family dwelling.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from the owners of 6229 Halifax Street in opposition of the appeal citing privacy concerns.

Correspondence was received from the owners of 6261 Lochdale Street in opposition to the requested appeal.

MOVED BY MS. CHAN

SECONDED BY MR. DHATT

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

OPPOSED: Ms. Chan, Mr. Dhatt,
Ms. Felker, Mr. Nemeth
DEFEATED

BOARD MEMBER COMMENTS:

Mr. Nemeth found that hardship is evident due to the topography of the site; however, this cannot be considered a minor variance and is compounded by a design choice.

Ms. Chan stated that hardship is not evident; the appeal, if granted, would defeat the intent of the bylaw.

Ms. Felker stated that hardship is not undue; the appeal requested is based on a design choice and is not a minor variance, while also defeating the intent of the bylaw.

Mr. Dhatt found that hardship is evident due to physical site characteristics; however, this cannot be considered a minor variance.

(b) APPEAL NUMBER: B.V. 6378

<u>APPELLANT:</u>	Vijay Mittal
<u>REGISTERED OWNER OF PROPERTY:</u>	Anjana and Vijay Mittal
<u>CIVIC ADDRESS OF PROPERTY:</u>	7688 Morley Drive
<u>LEGAL DESCRIPTION OF PROPERTY:</u>	Lot: 7 DL: 91 Plan: NWP11642

APPEAL: An appeal for the relaxation of Section 101.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and attached garage at 7688 Morley Drive. This relaxation would allow for a front yard depth of 59.83 feet (18.24 metres), where a minimum front yard depth of 66.91 feet (20.39 metres) is required. Zone R1.

APPELLANT'S SUBMISSION:

Mr. Vijay Mittal, property owner, submitted an application to allow for the construction of a new single family dwelling with a secondary suite and attached garage at 7688 Morley Drive.

Mr. Mittal, homeowner and Mr. Kapoor, architect, appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site zoned R1 Residential District is located in the Morley-Buckingham neighbourhood where the age and condition of single family dwellings vary. The site is a large corner lot approximately 45.78 metres (150.21 feet) long by 25.89 metres (84.96 feet) wide. The subject site fronts onto Canada Way to the east and Morley Drive to the north. Surrounding the site to the south and west are single family dwellings. Vehicular access to the subject site is proposed via Morley Drive to the north. The site observes a downward slope in the rear to front direction of approximately 1.83 metres (6.00 feet).

The subject site is proposed to be redeveloped with a new single family dwelling with a secondary suite and attached garage for which the following variance is requested.

The appeal is to vary Section 101.8 – “Front Yards” of the Zoning Bylaw from 20.39 metres (66.91 feet) to 18.24 metres (59.83 feet) based on front yard averaging.

In 1991, Council responded to the public concerns with respect to the bulk and massing of the newer and larger homes that were being constructed in the established neighbourhoods. Several text amendments to the Zoning Bylaw were made to address these concerns, including the requirement of a larger front yard where the average front yard depth of the two dwellings on either side of the subject site exceeds the required front yard applicable to the zone. The intent of the amendment was to harmonize the siting of new dwellings within the existing street frontage, and to minimize massing impacts.

In this case, the front yard averaging calculations are based on the front yard setbacks of the two dwellings at 6525 and 7655 Canada Way. These front yard setbacks are 22.89 metres (75.10 feet) and 17.90 metres (58.72 feet) respectively. The existing dwelling on the subject site observes a front yard setback of approximately 21.60 metres (70.86 feet).

The subject variance is measured to a line offset 1.20 metres (3.94 feet) from the edge of the roof overhang of the covered patio. If measured to the foundation of the proposed single family dwelling there would be no requirement for this variance. It is the result of the protruding covered patio that the subject variance is required. The fronting façade of the subject dwelling is proposed to be a long wall with minimal recess on the upper floor in the southeast corner.

With respect to impacts on neighbouring properties, the neighbour directly to the south of the subject property (6525 Canada Way) would be the only property in view of the requested variance. The covered porch is setback approximately 5.33 metres (17.50 feet) from the adjoining property line and is proposed to be one storey in height. In addition, there are many shrubs, bushes and large trees that separate the subject property from direct view of this southern neighbour. Therefore, there would be no negative impacts directly experienced by this neighbour.

Overall the proposed dwelling will have no negative impacts on neighbourhood context as the proposed front yard setback is set in line with the typical frontage for existing dwellings on this block.

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

BOARD MEMBER COMMENTS:

The Board unanimously found hardship owing to the physical characteristics of the adjacent sites (neighbouring homes are set further back); and noted that the variance is minor.

(c) APPEAL NUMBER: B.V. 6379

APPELLANT: Lawrence Chan

REGISTERED OWNER OF PROPERTY: Lawrence Chan and Rachel Tan

CIVIC ADDRESS OF PROPERTY: 4861 Bessborough Drive

LEGAL DESCRIPTION OF PROPERTY: Lot:35 DL:188/189/218 Plan:NWP4953

APPEAL: An appeal for the relaxation of Section 102.7 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and attached garage at 4861 Bessborough Drive. This relaxation would allow for a building depth of 64.00 feet (19.51 metres), where a maximum building depth of 57.30 feet (17.47 metres) is permitted.
Zone R2.

APPELLANT'S SUBMISSION:

Mr. Lawrence Chan, property owner, submitted an application to allow for the construction of a new single family dwelling with a secondary suite and attached garage at 4861 Bessborough Drive.

Mr. Chan and Ms. Tan, home owners, and Mr. Adam Quinones, home designer, appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R2 Residential District, is located in the Capitol Hill neighbourhood, in which the age and condition of single family dwellings vary. This irregular corner lot resembles a rough triangle with a rounded south-west corner. The lot is 36.39 metres (119.41 feet) deep along the west side property line and has approximately 23.26 metres (76.32 feet) of frontage along Bessborough Drive to the east. Brisbane Crescent runs along the west property line; this property line is a flanking street side property line which connects with the north-east side property line in the north corner of the lot at a "rear" point; there is no rear property line.

Abutting the subject lot to the north-east, across Brisbane Crescent to the west, and across Bessborough Drive to the south-east are single family dwellings. Vehicular access to the subject site is proposed from Brisbane Crescent to the west. The site observes a substantial downward slope of approximately 3.92 metres (12.85 feet) from the south-east corner to the western property line.

A new single family dwelling with a secondary suite and an attached garage is proposed for the subject site for which the following variance is requested.

The appeal proposes the relaxation of Section 102.7 "Depth of Principle Building" of the Burnaby Zoning Bylaw which, if permitted, would allow for a depth of 19.51 metres (64.00 feet) where a maximum depth of 17.47 metres (57.30 feet) is permitted.

The intent of the principle building depth requirements of the Zoning Bylaw are to prevent construction of dwellings that present long imposing walls where the massing of the building impacts the neighbouring properties.

The building depth calculation is based on the building depth as projected onto the lot depth, which is the line joining the center points of the front and rear property lines; in this case the “rear” point. Due to the site geometry, this line is angled in relation to the front and side property lines. Measured along this line, the proposed projected building depth is 19.51 metres (64.00 feet), which exceeds the maximum permitted building depth by 2.04 metres (6.70 feet).

The siting of the proposed dwelling is setback 7.50 metres (24.61 feet) from the Bessborough Drive fronting property line and 2.54 metres (8.33 feet) from the Brisbane Crescent fronting property line. Along the north-eastern property line the proposed dwelling is setback 1.50 metres (4.92 feet). The subject dwelling runs parallel to this property line for a length of 15.85 metres (52.00 feet) along the main storey level and 12.80 metres (42.00 feet) along the second storey level. The second storey length is lessened as a result of the 3.05 metre (10.00 feet) proposed deck extension at the north corner. The cellar level is set mostly below grade and will not be visible along this façade. The main and second storey levels create a long wall effect which will be directly visible by the northern neighbouring property. However, this effect is somewhat diminished by the proposed second level deck in the north corner and by the lower elevation of the subject site in relation to this neighbouring property.

The proposed “staggered” footprint of the principal building along the northern (side) property line fronting Brisbane Crescent would help to mitigate the massing impacts of the excess building depth. As a result, the proposed dwelling would observe north-west (side) yard setbacks varying from 2.54 metres (8.33 feet) at the closest building face to approximately 3.56 metres (11.68 feet) at the south-west building corner. The south-east façade of the proposed building runs a length of 13.72 metres (45.00 feet) with no recesses at the main or second level. As a result of the shorter façade length and a setback of 7.50 metres (24.61 feet) from the Bessborough Drive property line, negative impacts will not be present on the properties across Bessborough Drive to the south-east. In summary, the “staggered” design of the building will mitigate impacts of massing on neighbouring properties.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from the property owners of 4865 Bessborough Drive in support of the appeal.

MOVED BY MR. DHATT
SECONDED BY MS. FELKER

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

The Board unanimously found hardship owing to the physical site characteristics; and noted that the variance is minor.

(d) APPEAL NUMBER: B.V. 6380

APPELLANT: Wendy and Doug Scrymgeour

REGISTERED OWNER OF PROPERTY: Wendy and Doug Scrymgeour

CIVIC ADDRESS OF PROPERTY: 3734 McGill Street

LEGAL DESCRIPTION OF PROPERTY: Lot: 4 DL: 186 Plan: NWP1124

APPEAL: An appeal for the relaxation of Sections 105.10(1) and 6.3.1 of the Burnaby Zoning Bylaw which, if permitted, would allow for the interior alterations and addition to an existing single family dwelling at 3734 McGill Street. The following variances are requested:

a) a side yard width of 3.80 feet (1.16 metres), where a minimum side yard width of 4.92 feet (1.50 metres) is required; and

b) a distance between buildings on the same lot of 11.42 feet (3.48 metres), where a minimum distance of 14.80 feet (4.50 metres) is required. Zone R2.

APPELLANT'S SUBMISSION:

Ms. and Mr. Scrymgeour, property owners, submitted an application to allow for the interior alterations and addition to an existing single family dwelling at 3734 McGill Street.

Ms. and Mr. Scrymgeour, property owners, and Mr. Britton, architect, 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 Burnaby Heights neighbourhood, in which the age and conditions of single and two-family dwellings vary. This interior lot, approximately 15.24 metres (50.00 feet) wide by 37.19 metres (122.00 feet) deep, fronts onto the south side of McGill Street. Abutting the subject site to the east and west are single family dwellings and directly across McGill Street to the north is a high-rise building with a parking lot (a seniors' assisting living complex) and a single family dwelling. Vehicular access to the subject site is provided from the lane to the south. The subject site is improved with a single family dwelling and detached garage, originally built in 1920 (house) and 1975 (deck). Interior alterations and an addition to the existing single family dwelling are proposed for the subject site which is the subject of two appeals.

The first a) appeal is to vary Section 105.10(1) - "Side Yards" of the Zoning Bylaw requirement for the minimum side yard width from 1.50 metres (4.92 feet) to 1.16 metres (3.80 feet) to legalize the existing construction which was built without permit and to allow new construction to the rear of the existing single family dwelling.

The second b) appeal is to vary Section 6.3.1 – "Distance between Buildings on the same Lot" of the Zoning Bylaw from a minimum distance of 4.50 metres (14.76 feet) to 3.48 metres (11.42 feet).

In reference to the **first a) appeal**, the intent of the Bylaw is to mitigate the massing impacts of new buildings and structures on neighbouring properties. Additionally, in reference to the **second b) appeal**, the Bylaw requires a separation between buildings on the same lot in order to prevent massing impacts on the occupants of the subject property and neighbouring properties, as well as to provide for sufficient outdoor living space.

In reference to the **first a) appeal**, the existing dwelling observes an east side yard setback of 1.16 metres (3.80 feet), and is legal non-conforming with respect to the side yard setback requirement (1.50 metres (4.92 feet)). There is an existing first floor terrace, attached to the south of the existing dwelling, approximately 4.70 metres (15.44 feet) deep and the width of the building. The current proposal is to legalize the enclosed area under the terrace and to cover the terrace with a new roof. The recreational area below and the proposed roof over the existing terrace are proposed to be flush with the existing non-conforming east wall of the building. The structural posts supporting the proposed roof are set back approximately 0.90 metres (2.95 feet) from the edge of the terrace, so the roof above it will not overhang past the non-conforming wall.

However, there is also an existing small roof which slopes to the south over 1.88 metres (6.12 feet) on the existing portion of the building. This roof is proposed to be replaced with a higher roof. This proposed higher roof follows the existing non-conforming roof height, slopes and side to side extent. The proposed roof is an approximately 2.50 metres (8.20 feet) extension of the dwelling's existing legal non-conforming roof and covers the existing 1.88 metres (6.16 feet) deep second floor addition on the south face of the dwelling.

In reference to the **second b) appeal**, the enclosed space under the existing terrace reduces the distance between the existing detached garage and the principal building. The existing detached garage is located at the southeast (rear) corner of the site. As a result, the southeast corner of the space enclosed under the terrace overlaps by approximately 2.95 metres (9.68 feet) the north wall of the existing detached garage. There are no windows in the overlapping portion of both the dwelling and the garage. Given the relatively small scale of the overlap area and lack of windows, the compromised distance between the proposed recreational area under the terrace and the existing detached garage has little impacts on the interior of the dwelling. In fact, with this design, the enclosed area below the deck (which was built without permit) would be shortened by approximately 1.00 metres (3.28 feet). As a result, the distance

between the buildings would be increased from the current 2.96 metres (9.70 feet) to 3.48 metres (11.42 feet) as measured to the structural 0.20 x 0.20 metres (0.66 x 0.66 feet) posts located in front of the proposed addition, where a minimum distance of 4.50 metres (14.76 feet) is required.

The original 1920s dwelling is compact by today's standards, and is surrounded by gardens, so that the reduced separation between the buildings would marginally affect the outdoor living space on the subject site. The area of overlap occurs in the eastern half of the site, and is approximately 6.60 metres (21.70 feet) away from the west side property line, so the reduced separation does not impact this dwelling. The dwelling on the east side may be slightly affected by the proposed new roof over the existing terrace. However, this dwelling is much taller (two storeys plus basement) with a much bigger building footprint, so in this context, the small scale of the proposed building overlap is not significant.

ADJACENT OWNER'S COMMENTS:

A petition was received from the following residents/homeowners in support of the variances being requested for 3734 McGill Street;

324 Boundary Road, 3724, 3740 McGill Street, and 3735 and 3743 Eton Street.

The petition read as follows:

We are writing this letter to ask you for your support of the variance application submitted for the proposed renovation of our house at 3734 McGill Street. In particular, we are asking for your approval of two variances:

- 1. Side yard (east) reduction from 1.5 metres to 1.15 metres*
- 2. Accessory building separation from principal building reduction from 4.5 metres to 3.5 metres*

Both variance items relate to a pre-existing condition that was in place prior to our purchasing the residence 19 years ago. Changing the existing building now to conform to current zoning bylaw requirements represents a serious hardship that we are unable to bear.

Below indicates your support as we prepare to have our variance reviewed by the City of Burnaby. Thank you for your support.

Correspondence was received from the owners/residents of 3746 McGill Street, in support of the variances being requested.

MOVED BY MS. CHAN
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

MOVED BY MS. CHAN
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

The Board unanimously found hardship owing to the physical site characteristics (existing structure built prior to the Burnaby Zoning Bylaw); and noted that the variances are minor.

(e) **APPEAL NUMBER:** B.V. 6381 **6:30 p.m.**

APPELLANT: Czar Villanueva

REGISTERED OWNER OF PROPERTY: Jinny Chiu

CIVIC ADDRESS OF PROPERTY: [8062 Joffre Avenue](#)

LEGAL DESCRIPTION OF PROPERTY: Lot: 118 DL: 175 Plan: NWP11579

APPEAL: An appeal for the relaxation of Section 102.7(b) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and attached garage at 8062 Joffre Avenue. This relaxation would allow a building depth of 71.19 feet (21.70 metres), where a maximum building depth of 60.00 feet (18.30 metres) is permitted. Zone R2

APPELLANT'S SUBMISSION:

Mr. Czar Villanueva, on behalf of the property owners, submitted an application to allow for the construction of a new single family dwelling with secondary suite and attached garage at 8062 Joffre Avenue.

Mr. Czar Villanueva, architect, and Mr. Leung, husband of the property owner, appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, which is zoned R2 Residential District, is located in the Suncrest neighborhood, in which the age and condition of single family dwellings vary. This interior lot, approximately 18.30 metres (60.00 feet) wide by 75.07 metres (246.31 feet) long on its southern (side) property line and 85.52 metres (280.59 feet) along the northern (side) property line, fronts onto Joffre Avenue to the west. The curved fronting property line is aligned with Joffre Avenue to the west. Along the east property line the site is restricted by an approximately 42.67 metres (140.00 feet) streamside setback, as measured from the rear property line. The site observes a downward slope of approximately 4.63 metres (15.20 feet) in the front buildable portion of the property outside the streamside setback restrictions. Vehicular access to the subject site is proposed to remain off Joffre Avenue to the west (front); there is no lane access.

Single family dwellings abut the subject site to the north, south, and across Joffre Avenue to the west. To the east the subject site is bordered by a ravine with a tributary of Kaymar Creek and surrounding thick bush and green space.

The subject site is proposed to be redeveloped with a new single family dwelling with a secondary suite and attached garage.

This property was the subject of a previous appeal before the Board of Variance on 1987, July 02 (BV #3265). The appeal requested a variance to allow for the replacement of an attached accessory building (carport) to the north side of the existing single family dwelling which would observe a nil side yard setback. This appeal was granted by the Board.

The appeal is to vary Section 102.7(b) – “Depth of Principal Building” of the Zoning Bylaw requirement for the maximum building depth from 18.30 metres (60.00 feet) to 21.70 metres (71.19 feet).

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

In this case, the building depth calculation is based on the building depth as projected onto the lot depth, which is the line joining the center points of the front and rear property lines. Due to the site geometry this line is slightly angled to remain parallel to the side property lines. The proposed dwelling would be generally oriented to the Joffre Avenue (front) property line, with a “staggered” footprint along the north and south property lines.

Measured along this line, the proposed projected building depth is 21.70 metres (71.19 feet) which exceeds the maximum permitted building depth by 3.40 metres (11.19 feet).

The proposed staggered footprint of the principal building along the northern (side) and southern (side) property lines would help to mitigate the massing impacts of the excess building depth along these side property lines. As a result, the proposed dwelling would observe north (side) yard setbacks varying from 1.52 metres (5.00 feet) at the closest building face to approximately 7.32 metres (24.00 feet) at the farthest building face. Similarly the south (side) yard setbacks would vary from 1.83 metres (6.00 feet) at the closest building face to approximately 5.49 metres (18.00 feet) at the farthest building face. Given this design, the proposal would not create the effect of a long imposing wall as viewed from the immediate adjacent properties to the north and south.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MS. FELKER
SECONDED BY MS. CHAN

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

The Board unanimously found hardship owing to the physical site characteristics; and noted that the variance is minor.

(f) **APPEAL NUMBER:** B.V. 6382 **6:30 p.m.**

APPELLANT: Matthew Chiang and Richard Quach

REGISTERED OWNER OF PROPERTY: Daniel, Joseph, and Phyllis Cheung

CIVIC ADDRESS OF PROPERTY: [4845 Westlawn Drive](#)

LEGAL DESCRIPTION OF PROPERTY: Lot: 15 DL: 123 Plan: NWP15924

APPEAL: An appeal for the relaxation of Section 6.6(1)(c) of the Burnaby Zoning Bylaw which, if permitted, would allow for the interior alterations to the principal building and conversion of a detached carport to a garage at 4845 Westlawn Drive. This relaxation would allow a setback from the lane of 2.69 feet (0.82 metres), where a minimum setback of 3.94 feet (1.2 metres) is required. Zone R2

APPELLANT'S SUBMISSION:

Mr. Matthew Chiang and Mr. Richard Quach, on behalf of the property owners, submitted an application to allow for the interior alterations to the principal building and conversion of a detached carport to a garage at 4845 Westlawn Drive.

Mr. Richard Quach, designer, appeared before members of the Board of Variance.

Mr. Quach advised that the homeowners have experienced storm water ingress problems with the basement of the principal building which has resulted in extensive mold issues which are compromising the health and safety of the residents.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject property is located in the Brentwood Park area, within a mature single family R10 District neighbourhood that is characterized by low-scale single family dwellings. The R10 District was established through a resident initiated area zoning process in 1991 to control the form and character of new development, including fences. This rectangular shaped interior lot is 37.17 metres (122.00 feet) in depth and has a frontage of 15.85 metres (52.00 feet) along Westlawn Drive to the north. The subject site observes a downward slope of approximately 3.05 metres (10.00 feet) from the front to the rear. There are single family dwellings to the east, west south, and across the lane to the north. Vehicular access to the subject site is via the rear lane.

The site is improved with a single family dwelling built in 1956 with the attached garage – a 6.46 metres (21.20 feet) wide by 6.13 metres (20.10 feet) deep carport which has been enclosed without a building permit at some point between 1968 and the present.

The appeal would permit an accessory detached garage, observing a distance of 0.82 metres (2.69 feet) from the lane with an additional roof overhang of 0.36 metres (1.20 feet), where a minimum distance of 1.20 metres (3.94 feet) is required.

There is an established pattern on the south side of the lane, where almost all of the detached garages are located very close to the lane, some encroaching into the required setback. Typically, the standard 6.00 metres (19.68 feet) wide lane and the required 1.20 metres (3.94 feet) setback from the lane provide for an approximately 7.31 metres (24.00 feet) wide maneuvering area. This is consistent with the Zoning Bylaw requirement for a 90 degree parking maneuvering aisle to be a minimum 7.50 metres (24.61 feet) wide.

In this case this maneuvering space would be reduced by 0.38 metres (1.25 feet). However, two dwellings located directly on the opposite side of the lane have attached garages located far away from the lane with driveways paired together on the first 2.44 metres (8.00 feet) from the lane which makes vehicular maneuvering for users on both side of the lane possible without safety concerns.

It should be noted that the current roof overhangs 0.24 metres (0.80 feet) over the neighbouring property to the west. The roof will be cut flush with the garage west wall; therefore, the roof will not encroach into the neighbouring property. The roof will also be cut short from the north (lane side), so there will be no roof within 0.42 metres (1.40 feet) of the lane.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MS. CHAN

SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

The Board unanimously found that compliance with the bylaw would cause the applicant undue hardship owing to the physical site characteristics (due to pre-existing structure), and noted that the variance is minor.

4. **NEW BUSINESS**

Members of the Board queried several aspects of the *Variance Appeal Summary* form. Questions arose regarding: determination of hardship; the difference between hardship and undue hardship; what would constitute 'other' under the reasons for approval or denial of an appeal; and a definition of 'personal characteristics' of applicant.

Staff undertook to investigate.

5. **ADJOURNMENT**

MOVED BY MS. CHAN

SECONDED BY MR. NEMETH

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:50 p.m.

Mr. S. Nemeth, CHAIR

Ms. J. Chan

Mr. R. Dhatt

Ms. B. Felker

Ms. E. Prior
ADMINISTRATIVE OFFICER