



BOARD OF VARIANCE A G E N D A

Thursday, October 1, 2020, 5:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC

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| 3.1 <u>BOV #6412 - 8316 Government Road (5:00 p.m.)</u> | 21 |
| APPELLANT: Vikash Sami | |
| REGISTERED OWNER OF PROPERTY: Cuiling Sami | |
| CIVIC ADDRESS OF PROPERTY: 8316 Government Road | |
| LEGAL DESCRIPTION OF PROPERTY: LOT: D DL: 40 PLAN: NWP22048 Group 1 | |
| APPEAL: An appeal for the relaxation of Section 101.6(1)(a) (Building Height) of the Burnaby Zoning Bylaw which, if permitted, would allow a new single family dwelling with secondary suite and attached garage at 8316 Government Road. The following variances are being requested: | |
| (a) height of the principal building would be 9.86 metres (32.36 feet) where a maximum height of 9.0 metres (29.5 feet) is permitted. This would be measured from the rear average grade for the proposed single family dwelling with a sloping roof; and | |
| (b) height of the principal building would be 9.83 metres (32.24 feet) where a maximum height of 9.0 metres (29.5 feet) is permitted. This | |

would be measured from the front average grade for the proposed single family dwelling with a sloping.

4. NEW BUSINESS

5. ADJOURNMENT



BOARD OF VARIANCE M I N U T E S

**Thursday, September 3, 2020, 5:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC**

A Hearing of the Board of Variance was held in the Council Chamber, Main Floor, City Hall, 4949 Canada Way, Burnaby, B.C., and electronically on Thursday, **2020 September 03** at 5:00 p.m.

PRESENT: Mr. Stephen Nemeth, Chair
Ms. Jacqueline Chan, Resident Representative
Mr. Rana Dhatt, Resident Representative
Ms. Brenda Felker, Resident Representative
Mr. Gulam Firdos, Resident Representative

STAFF: Ms. Margaret Malysz, Development Plan Approvals Supervisor
Mr. Maciek Wodzynski, Development Plan Technician
Ms. Eva Prior, Administrative Officer
Ms. Samantha Thompson, Council Support Assistant

1. CALL TO ORDER

The Chair called the meeting to order at 5:00 p.m.

The Chair, Mr. Nemeth recognized the ancestral and unceded homelands of the həŋqəmiŋəm and Skwxwú7mesh speaking peoples, and extended appreciation for the opportunity to hold a meeting on this territory.

The Chair reviewed the purpose of the Board of Variance Hearing, and provided instructions for any members of the public participating through teleconference.

2. **MINUTES**

2.1 **Minutes of the Board of Variance hearing held on 2020 June 30**

MOVED BY MS. BRENDA FELKER
SECONDED BY MR. RANA DHATT

THAT the minutes of the Burnaby Board of Variance Hearing held on 2020 June 30 be adopted.

CARRIED UNANIMOUSLY

2.2 **Minutes of the Board of Variance hearing held on 2020 July 09**

MOVED BY MS. JACQUELINE CHAN
SECONDED BY MS. BRENDA FELKER

THAT the minutes of the Burnaby Board of Variance Hearing held on 2020 July 09 be adopted.

CARRIED UNANIMOUSLY

3. **APPEAL APPLICATIONS**

3.1 **BOV #6406 - 2011 Jordan Drive (5:00 p.m.)**

APPELLANT: Bruno Tortolano

REGISTERED OWNER OF PROPERTY: Antonio and Maria Liberatore

CIVIC ADDRESS OF PROPERTY: 2011 Jordan Drive

LEGAL DESCRIPTION OF PROPERTY: LOT: 27 DL: 34 PLAN:
 NWP25419

APPEAL:

An appeal for the relaxation of Section 102.10 (Rear Yard) of the Burnaby Zoning Bylaw which, if permitted, would allow a new bedroom addition to an existing single family dwelling at 2011 Jordan Drive. This relaxation would allow for a minimum rear yard depth of 8.08 metres (26.5 feet) where a minimum rear yard depth of 9.00 metres (29.50 feet) is required.
 Zone R2

APPELLANT'S SUBMISSION:

Mr. and Ms. Liberatore submitted an application requesting a variance to accommodate a new bedroom addition to an existing single family home

at 2011 Jordan Drive. The homeowners advised that the bedroom addition would provide additional living space for learning tools and equipment for their grandchildren.

The property is only 113 feet deep, 7 feet shorter than a 120 foot conventional lot. This difference in depth creates the need to apply for a variance to the City of Burnaby Zoning Bylaw minimum rear yard depth.

Mr. Tortolano appeared before the Board regarding this appeal.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

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| Project | A new addition to an existing single family dwelling |
| Zoning | R2 Residential District |
| Neighbourhood | Sperling - single family neighbourhood |
| Appeal to vary: | Section 102.10 – “Rear yard” from 9.00 m (29.50 ft.) to 8.08 m (26.50 ft.) to allow for the construction of a new addition. |
| Zoning Bylaw intent: | Rear yard setbacks help to mitigate the massing impacts of new buildings and structures on neighbouring properties and to ensure sufficient outdoor living area in the rear yard. |
| Variance Description: | A two storey addition (ground floor storage and second floor bedroom extension) is proposed in the northwest (rear) corner of the existing dwelling. The addition would extend 0.92 m (3.00 ft.) into the required rear yard with its entire width of 4.23 m (13.87 ft.). |

Comments

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| Subject Site Considerations |
| <ul style="list-style-type: none"> ○ The property is a corner rectangular lot, approximately 34.40 x 19.50 m (113.00 x 64.00 ft.), on the west side of Sperling Avenue (front) and on the north side of Jordan Drive (flanking street). ○ The property is relatively flat, with gentle north-south slope of approximately 0.60 m (2.00 ft.). ○ The siting of the existing dwelling on the property limits the options for an addition without requiring a variance. |
| Neighbourhood Context Considerations |
| <ul style="list-style-type: none"> ○ To the north, there is a detached garage in the southwest corner of the neighbouring property with an approximately 1.82 m (6.00) ft. rear yard setback and almost zero side yard setback. The portion of the proposed addition, encroaching in the rear yard, would be screened by this garage, thus any negative massing impact would be mitigated. To the west, the neighbouring dwelling features a generous rear yard setback of approximately 13.70 m (45.00 ft.) that would help mitigate massing impacts. |
| Specific Project Considerations |
| The proposed extension of the addition is a design choice that would be limited in scale and impact on neighbouring properties. |

ADJACENT OWNERS' COMMENTS:

No correspondence was received regarding this appeal.

No in-person or telephone participants provided comments regarding this appeal.

MOVED BY MR. RANA DHATT
SECONDED BY MS. JACQUELINE CHAN

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

Mr. Nemeth found that hardship was evident due to personal characteristics of the applicant and voted to approve the variance. The requested rear yard set-back would have a minimal impact on neighbouring properties.

Ms. Chan found that hardship was evident due to personal characteristics of the applicant and voted to approve the variance.

Mr. Dhatt found that hardship was evident due to site characteristics and personal characteristics of the applicant and voted to approve the variance.

Ms. Felker found that hardship was evident due to site characteristics and personal characteristics of the applicant and voted to approve the variance.

Mr. Firdos found that hardship was evident due to personal characteristics of the applicant and voted to approve the variance.

3.2 **BOV #6407 - 124 North Delta Avenue**

APPELLANT: Harley Smith

REGISTERED OWNER OF PROPERTY: Harley Smith

CIVIC ADDRESS OF PROPERTY: 124 North Delta Avenue

LEGAL DESCRIPTION OF PROPERTY: LOT: 11 DL: 189 PLAN:
NWP4953

APPEAL:

An appeal for the relaxation of Section 105.6 (1) (b) (Height of Principal Building) of the Burnaby Zoning Bylaw which, if permitted, would allow construction of a new single family dwelling with secondary suite and

detached garage at 124 North Delta Avenue. This relaxation would allow for a maximum building height of 8.00 metres (26.28 feet) measured from the front average grade for a family dwelling with a flat roof, where a maximum building height of 7.4 metres (24.3 feet) is permitted. The principal building height measured from the rear average grade would be 6.19 metres (20.31 feet). Zone R5

APPELLANT'S SUBMISSION:

A letter was received from Harley Smith requesting a variance due to the topography of the lot which slopes steeply from front (West) to back (East) resulting in a total of 10' over the depth of the house. Mr. Smith advised that should the home be developed without the relaxation of Section 105.6, there will likely be a negative impact on the general livability of the suite and construction safety during excavation.

Mr. Smith appeared before the Board regarding this appeal.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

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| Project | A new single family dwelling with secondary suite and detached garage. |
| Zoning | R5 Residential District |
| Neighbourhood | Capitol Hill - single family neighbourhood |
| Appeal to vary: | Section 105.6(1)(b) – “Height of Principal Building” from 7.40 m (24.28 ft.) to 8.00 m (26.28 ft.), as measured from the front average grade, to allow construction of a new single family dwelling with a flat roof. |
| Zoning Bylaw intent: | Height maximums help to mitigate the massing impacts of new buildings and structures on neighbouring properties and preserve surrounding views. |
| Variance Description: | The entire top 0.6 m (1.97 ft.) of the flat roof at the front elevation of the proposed single family dwelling is above the maximum height permitted. |

Comments

Subject Site Considerations

- The property is a mid-block rectangular lot, approximately 36.58 x 10.06 m (120 x 33 ft.), on east side of Delta Avenue.
- The property has an extreme east-west slope of approximately 7.48 m (24.5 ft.) from the lane to the front property line.
- There is a wide grassed boulevard in the City right-of-way on the east side of Delta Avenue N. The front property line is located 16.7 m (55.0 ft.) from the edge of the Delta Avenue N. asphalt road.

Neighbourhood Context Considerations

- The property is surrounded by single family residential lots with similar sloped conditions.

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| <ul style="list-style-type: none"> ○ The city and ocean views from properties to the east (up from the subject site, on west side of Hythe Avenue N.) are not obstructed by the proposed height increase due to the extreme slope. The top of the roof of proposed dwelling is approximately 1.83 m (6.00 ft.) above the lane level and below ground level of the properties on Hythe Avenue N. <p>The proposed front yard setback is 2.75 m (9.00 ft.) more than the required minimum front yard 6.00 m (19.69 ft.), which mitigates the massing impact on the abutting properties to the north and south. The proposed dwelling's significant 16.76 m (55.00 ft.) setback from the asphalt edge of the fronting road eliminates impacts on the properties to the west on the other side of Delta Avenue N.</p> |
| <p>Specific Project Considerations</p> <ul style="list-style-type: none"> ○ The modest floor to ceiling heights on all levels: Cellar (Secondary Suite) 2.44 m (8.00 ft.), Main Floor (Master Bedroom) 2.44 m (8.00 ft.), Upper Floor (Living Room) 2.75 m (9.00 ft.), do not contribute to the height encroachment. ○ The secondary suite located in the cellar is the only design choice factor contributing to the height encroachment; however, sinking the secondary suite deeper in the ground may adversely impact the livability and access to light in the suite. |

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the homeowner/occupant of 66 North Delta Avenue in opposition to this appeal.

No in-person or telephone participants provided comments regarding this appeal.

MOVED BY MS. BRENDA FELKER
SECONDED BY MR. RANA DHATT

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

CARRIED
(Opposed: Ms. Jacqueline Chan)

BOARD MEMBER COMMENTS:

Mr. Nemeth found that hardship was evident due to the physical site characteristics and voted to approve the variance. The applicant has made a significant effort to mitigate the impact to the neighbourhood.

Ms. Chan found that hardship was evident due to physical site characteristics; however, it defeated the intent of the bylaw and voted against allowing the variance.

Mr. Dhatt found that hardship was evident due to the physical site characteristics and voted to approve the variance. The applicant has made a significant effort to mitigate the impact to the neighbourhood.

Ms. Felker found that hardship was evident due to the physical site characteristics and voted to approve the variance. The applicant has made a significant effort to mitigate the impact to the neighbourhood.

Mr. Firdos found that hardship was evident due to the physical site characteristics and voted to approve the variance. The applicant has made a significant effort to mitigate the impact to the neighbourhood.

3.3 BOV #6408 - 3760 Southwood Street

APPELLANT: Yalan Yang and Guolian Ma

REGISTERED OWNER OF PROPERTY: Yalan Yang and Guolian Ma

CIVIC ADDRESS OF PROPERTY: 3760 Southwood Street

LEGAL DESCRIPTION OF PROPERTY: LOT: F DL: 175 PLAN: NWP1210

APPEAL:

An appeal for the relaxation of Section 6.6 (2) (d) (Accessory Buildings and Uses) of the Burnaby Zoning Bylaw which, if permitted, would allow an alteration to an existing detached garage at 3760 Southwood Street. This relaxation would allow for a minimum setback from the side property lines of 0.30 metres (1.00 foot) where a minimum setback of 1.20 metres (3.94 feet) is required when an accessory building is situated within 29.53 feet to the rear of the lot. Zone R2

APPELLANT'S SUBMISSION:

Correspondence was received from Mr. Luis Rivas T., designer, on behalf of the homeowners, requesting alterations to the existing garage structure. Mr. Rivas advised that due to the shape and height of the structure, a variance is being requested due to the inaccessibility by vehicle.

Ms. Yalan Yang and Ms. Annie Ma appeared before the Board regarding this appeal.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

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| Project | Redevelop the existing detached garage with alterations |
| Zoning | R2 Residential District |
| Neighbourhood | Suncrest – Single family neighbourhood |

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| Appeal to vary: | Section 6.6(2)(d) – “Accessory Buildings and Uses” from 1.20 m (3.94 ft.) to 0.30 m (1.00 ft.) for the required minimum setback from the side property lines, when an accessory building is situated more than 9.00 m (29.53 ft.) to the rear of the lot. |
| Zoning Bylaw intent: | Minimum setbacks from side property lines help to mitigate the massing impacts of new buildings or structures on neighbouring properties. |
| Variance Description: | The proposal is to rebuild an existing garage within its foundation, but slightly extend the walls and raise the roof. The eastern portion of the existing garage encroaches into the required side yard by approximately 0.90 m (3.00 ft.). The garage to be rebuilt with the same encroachment into the required side yard, however with an increased height, is the subject of this appeal. |

Comments

Subject Site Considerations

- The relatively flat property is a mid block rectangular lot, approximately 42.67 x 17.22 m (140.00 x 56.50 ft.), on the south side of Southwood Street.

Neighbourhood Context Considerations

- Most of the garages on the north and south side of the lane are all located within 9.00 m (29.53 ft.) of the lane without side yard setbacks.
- The garage on the abutting property to the east is set back further away from the lane, with an approximate 1.20 m (4.00 ft.) setback from the shared side property line. The proposed garage overlaps this neighbouring garage by approximately half of its width; the remaining width would be exposed to the neighbouring rear yard green space.
- The proposed wall extension of 0.36 m (1.17 ft.) would not meaningfully change the existing massing in relation to the reduced side yard or property to the east, due to the already existing non-conforming structure in the same location.

Specific Project Considerations

- The existing garage contains an unusual wall configuration: the first southern 4.67 m (15.33 ft.) of the east garage wall, facing the neighbour, is inclined from vertical by approximately 20 degrees. The proposal is to rebuild this wall in a vertical position, which would allow for a more efficient use of the interior space.
- A new garage could be proposed in a location in compliance with the Zoning Bylaw; however, the existing garage contains a pool equipment which may be difficult to relocate.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the homeowner/occupant of 3772 Southwood Street advising that they have no objections to the requested variance.

No in-person or telephone participants provided comments regarding this appeal.

MOVED BY MS. JACQUELINE CHAN
SECONDED BY MR. RANA DHATT

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

Mr. Nemeth found that hardship was due to physical site characteristics and voted to approve the variance.

Ms. Chan found that hardship was due to physical site characteristics and voted to approve the variance.

Mr. Dhatt found that hardship was due to physical site characteristics and voted to approve the variance.

Ms. Felker found that hardship was due to physical site characteristics and voted to approve the variance.

Mr. Firdos found that hardship was due to physical site characteristics and voted to approve the variance. Mr. Firdos advised that the variance requested was minor.

MOVED BY MR. RANA DHATT
SECONDED BY MS. JACQUELINE CHAN

THAT the Hearing recessed at 5:37 p.m.

CARRIED UNANIMOUSLY

MOVED BY MS. JACQUELINE CHAN
SECONDED BY MR. RANA DHATT

THAT the Hearing reconvened at 5:45 p.m.

CARRIED UNANIMOUSLY

3.4 **BOV #6409 - 7340 Imperial Street**

APPELLANT: Hussein Hawili and Dalal Jaber

REGISTERED OWNER OF PROPERTY: Hussein Hawili and Dalal Jaber

CIVIC ADDRESS OF PROPERTY: 7340 Imperial Street

LEGAL DESCRIPTION OF PROPERTY: LOT: B DL: 91 PLAN:
NWP14836

APPEAL:

An appeal for the relaxation of Section 105.11 (Rear Yard) of the Burnaby Zoning Bylaw which, if permitted, would allow for interior alterations, new secondary suite and addition to an existing single family dwelling at 7340 Imperial Street. This relaxation would allow for a rear yard depth of 6.36 metres (20.88 feet) where a minimum depth of 7.5 metres (24.6 feet) is required.

APPELLANT'S SUBMISSION:

Correspondence was received from Edward Vega, on behalf of the homeowners of 7340 Imperial Street, advising that the current setback does not leave enough space within the building envelope for an addition. The subject site has a large amount of rear yard space; however, it's unavailable due to the rear setback requirement (24.6 feet). The applicant has proposed to re-orientate the front setback from Imperial Street to Linden Avenue to accommodate the rear yard setback.

Mr. Vega appeared before the Board via ZOOM regarding this appeal.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

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| Project | A new addition to an existing single family dwelling |
| Zoning | R5 Residential District |
| Neighbourhood | Edmonds Park – single and two family neighbourhood |
| Appeal to vary: | Section 105.11 – “Rear Yard” from 7.50 m (24.6 ft.) to 6.36 m (20.88 ft.) to allow construction of the proposed addition to the existing single family dwelling. The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans. |
| Zoning Bylaw intent: | Rear yard setbacks help to mitigate the massing impacts of new buildings and structures on neighbouring properties and to ensure sufficient outdoor living area in the rear yard. |
| Variance Description: | The proposed addition is to a single family dwelling constructed in 1954 prior to adoption of the Zoning Bylaw. The addition is proposed on the east side of the existing dwelling, and includes a secondary suite and additional living space for the principal |

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| | dwelling. The proposal amends the front yard to Linden Avenue rather than Imperial Street in this regard the proposed addition meets the required rear yard setback of 7.50 m (24.6 ft.), but the variance is measured from the existing dwelling. The request for the rear yard relaxation is related to the existing dwelling and not the proposed addition as a result of amending the front yard location. |
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Comments

Subject Site Considerations

- The property is surrounded by single and two family residential lots.
- The property is a corner lot, approximately 25.86 m (84.86 ft.) wide facing Imperial Street by 23.76 m (77.96 ft.) facing Linden Avenue.
- The existing dwelling was constructed centrally on this lot, prior to the establishment of the Zoning Bylaw which regulates siting. Based on the original site orientation, with the frontage along Imperial Street, the siting of the existing dwelling conforms to the Zoning Bylaw. Based on the current site orientation, with the frontage along Linden Avenue, the existing dwelling is non-conforming with respect to the rear yard setback.

Neighbourhood Context Considerations

- As the narrowest street frontage, Linden Avenue frontage is designated as the front yard.
- The block frontage on Linden Avenue (22 lots) is greater than the block frontage on Imperial Street (3 lots).
- The existing dwelling and the proposed addition share the same setback from Linden Avenue, which meets the required front yard setback and is generally consistent with the pattern of massing further along Linden Avenue.

Specific Project Considerations

- The addition conforms to the required rear yard setback and would not overlook or overshadow the adjacent rear yard to the west. It is set back an additional 1.10 m (3.62 ft.), so that it is 7.76 m (24.5 ft.) from the rear property line.
- The existing dwelling and the proposed addition have a modest scale:
 - The existing 1 1/2 storey house is 226.59 square m (2,439 square ft.) and would increase to 355.35 square m (3,825 square ft.) to add bedrooms and a secondary suite.
 - The basement accounts for 184.59 square m (1,987 square ft.) of the total Gross Floor Area.
- The proposal maintains the outdoor recreation area on the subject property.
- The bulk and massing of proposed addition not likely to create negative impacts.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the owner/occupant of 6631/6633 Linden Avenue in support of this appeal.

No in-person or telephone participants provided comments regarding this appeal.

MOVED BY MS. JACQUELINE CHAN
SECONDED BY MR. RANA DHATT

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

CARRIED
(Opposed: Mr. Gulam Firdos)

BOARD MEMBER COMMENTS:

Mr. Nemeth found that hardship was due to physical site characteristics and voted to approve the variance. The variance will not impact the neighbourhood.

Ms. Chan found that hardship was due to physical site characteristics and voted to approve the variance.

Mr. Dhatt found that hardship was due to physical site characteristics and voted to approve the variance.

Ms. Felker found that hardship was due to physical site characteristics and voted to approve the variance.

Mr. Firdos found that no hardship was evident.

3.5 BOV #6410 - 7466 Whelen Court (6:00 p.m.)

APPELLANT: Qi Li

REGISTERED OWNER OF PROPERTY: Xing Shi

CIVIC ADDRESS OF PROPERTY: 7466 Whelen Court

LEGAL DESCRIPTION OF PROPERTY: LOT: 396 DL: 86 PLAN:
 NWP58102

APPEAL:

An appeal for the relaxation of Sections 101.7(1)(b) (Depth of Principal Building) and 101.8 (Front Yard) 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 7466 Whelen Court. The following variances are being requested:

(a) depth of the principal building would be 21.53 metres (70.64 feet) where a maximum building depth of 18.29 metres (60.00 feet) is permitted; and

(b) a front yard depth of 7.30 metres (23.94 feet) where a minimum front yard depth of 9.00 metres (29.50 feet) is required.

APPELLANT'S SUBMISSION:

Correspondence was received from Qi Li, on behalf of the homeowners, advising that the proposed front yard setback of 35.78 feet will line up along the east side of the neighbouring property. The front porch will project 14.7 feet from the exterior wall of the main building in the middle of the home which will not affect the original neighbourhood environment. The lot depth is 336.66 feet, allotting for a large amount of space in front of the main building.

Mr. Qi Li appeared before the Board via ZOOM regarding this appeal.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

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| Project | A new single family dwelling with secondary suite and detached garage |
| Zoning | R1 Residential District |
| Neighbourhood | Buckingham Heights - single family neighbourhood |
| Appeals to vary: | <ol style="list-style-type: none"> 1) Section 101.7(b) – “Depth of Principal Building” from 18.29 m (60.00 ft.) to 21.53 m (70.64 ft.). The allowable 1.2 m (3.94 ft.) projection of a porch/deck and its supporting structures is excluded from the building depth calculation. 2) Section 101.8 – “Front Yard” from 9.00 m (29.50 ft.) to 7.30 m (23.94 ft.). The allowable 1.2 m (3.94 ft.) projection of a porch/deck and its supporting structure is permitted into the front yard setback. |
| Zoning Bylaw Intent: | <ol style="list-style-type: none"> 1) Limiting building depth prevents the construction long, imposing building walls that impacts neighbouring properties. 2) Front yard setbacks help to provide light and privacy for adjacent dwellings and establish a consistent block frontage along the street. |
| Variance Descriptions: | <p>The proposed single family dwelling includes a front porch/second floor deck at the centre of the front façade. The deck floor would be 3.8 m (12.49 ft.) above the proposed grade surrounding the new dwelling. The 3.24 m (10.64 ft.) deep by 5.48 m (18.00 ft.) wide central front porch/deck would project 4.44 m (14.58 ft.) from the front building face. The proposal requires the following variances:</p> <ol style="list-style-type: none"> 1) Building Depth – the porch/deck exceeds the permitted building depth by 3.96 m (10.64 ft.). 2) Front Yard – the outermost 1.69 m (5.56 ft.) deep by 5.48 m (18.00 ft.) wide portion of the porch/deck encroaches into the required front yard. |

Comments**Subject Site Considerations**

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| <ul style="list-style-type: none"> ○ The elongated subject property is centrally located at the end of Whelen Court. The subject dwelling is sited south of Whelen Court and the statutory right-of-way (the northern area of the lot is largely undevelopable as it is intersected by First Beach Creek and a Streamside Protection and Enhancement Area). ○ The front property line includes the narrower 6.1 m (20.00 ft.) portion line fronting the south side of Whelen Court, which gives the subject property its “L” shape appearance. The front yard setback is measured from this property line to the line set back 1.2 m (3.94 ft.) from the front porch/deck face. ○ The dwelling is on the high point of the site, as the land slopes downwards 3.45 m (11.32 ft.) towards the north over 42.17 m (138.35 ft.). |
| Neighbourhood Context Considerations <ul style="list-style-type: none"> ○ The generous side yard setbacks of 11.48 m (37.67 ft.) and 11.86 m (38.91 ft.) from the porch/deck to the west and east property lines, respectively, will help to mitigate the impacts (such as overlook/reduction of privacy) of the proposed porch/deck on the neighbouring properties. ○ The porch/deck will be set 8.23 m (27.00 ft.) away from the front building corners, the appearance of a long wall would not be created when the building is viewed from the sides. ○ The main body of the proposed dwelling would have a setback of 10.54 m (34.58 ft.), which would be approximately 0.79 m (2.58 ft.) behind the neighbouring dwelling at 7488 Whelen Court (east). ○ This variance would not be relevant to the neighbouring residence at 7437 Burris Street (west), which is located farther to the south and does not overlap with the subject site. ○ Given the “L” shape lot configuration in relation to the western terminus of the Whelen Court block, the proposed siting of the new dwelling would not create direct impacts on the Whelen Court streetscape. |
| Specific Project Considerations <ul style="list-style-type: none"> ○ Although it is a design choice to have a deck in this location, and a house of this size (774 square m (8,332 square ft.) Above Grade Floor Area with an additional 382 square m (4,117 square ft.) cellar and secondary suite), the unique lot dimensions of the subject property and the surrounding block pattern mitigate any negative impacts of the proposal on the fronting street or the neighbouring properties. ○ Changes to bring the proposed dwelling into conformance with the Zoning Bylaw would likely involve a narrower porch projection, resizing components of the house, and/or moving the dwelling farther back. |

The Planning Department advised that upon further review, it was determined that the variance pertaining to Section 101.8 (Front Yard):

(b) a front yard depth of 7.30 metres (23.94 feet) where a minimum front yard depth of 9.00 metres (29.50 feet) is required.

is not required to meet the Zoning Bylaw requirements for the proposed project associated with BOV #20-00018.

The Zoning Bylaw considers the ‘front lot line’ as the boundary line of the lot and the street on which the lot abuts. The proposed porch/deck is

located southwest from the portion of the subject property that fronts Whelen Court ('front lot line'). And is therefore outside of the required front yard.

Therefore, the Section 101.8 – 'Front Yard' appeal is removed and the appeal to vary for this application is limited to the following:

Section 101.7(b) – 'Depth of Principal Building' from 18.29 metres (60.00 feet) to 21.53 metres (70.64 feet). The allowable 1.2 metre (3.94 feet) projection of a porch/deck and its supporting structures is excluded from the building depth calculation.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the homeowner of 5780 Malvern Avenue advising that construction undertaken by the previous owner impacted their foundation. The writer further expressed concern for the fish and wildlife habitat on the property.

No in-person or telephone participants provided comments regarding this appeal.

MOVED BY MS. JACQUELINE CHAN
SECONDED BY MR. RANA DHATT

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

DEFEATED

(Opposed: Mr. Nemeth, Ms. Chan, Ms. Felker, Mr. Dhatt, Gulam Firdos)

As the motion was DEFEATED, the variance was denied.

BOARD MEMBER COMMENTS:

Mr. Nemeth found that no hardship was evident.

Ms. Chan found that no hardship was evident.

Mr. Dhatt found that no hardship was evident.

Ms. Felker found that no hardship was evident.

Mr. Firdos found that no hardship was evident.

3.6 BOV #6411 - 7572 Burris Street (6:15 p.m.)

APPELLANT: Parminder Saran

REGISTERED OWNER OF PROPERTY: Rupinder Kaila and Parminder Saran

CIVIC ADDRESS OF PROPERTY: 7572 Burris Street

LEGAL DESCRIPTION OF PROPERTY: LOT: 02 DL: 194 PLAN: 20229

APPEAL:

An appeal for the relaxation of Sections 101.8 and 6.12 (2.1) (Front Yard) 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 7572 Burris Street. This relaxation would allow for a front yard depth of 12.95 metres (42.50 feet) where a minimum front yard depth of 17.68 metres (58.00 feet) is required based on front yard averaging. Zone R1

APPELLANT'S SUBMISSION:

Correspondence was received from Andy Friesen and Dan Wall, on behalf of the homeowners, advising that the neighbouring homes are set extremely far back from the front property line along Burris. The home to the southwest is set back 14.52 metres and the home to the northeast is setback 28.60 metres. This results in a front yard average 12.56 metres greater than the minimum 9 metres required.

Pritt Lidder, designer, appeared via Zoom on behalf of the homeowners regarding this appeal.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

| | |
|------------------------------|---|
| Project | New single family dwelling with secondary suite and attached garage |
| Zoning | R1 Residential District |
| Neighbourhood | Buckingham Heights - single family neighbourhood |
| Appeal to vary: | Section 101.8 – “Front Yard” from 17.68 m (58.00 ft.), based on front yard averaging, to 12.95 m (42.50 ft.) to allow construction of a new single family dwelling encroaching into the required front yard. |
| Zoning Bylaw intent: | Front yard setbacks help to harmonize the siting of new dwellings within the existing building setbacks on the block and to minimize massing impacts. |
| Variance Description: | The proposal is to build a new single family dwelling where 4.72 m (15.5 ft.) of depth for the entire two-storey front portion of the proposed dwelling encroaches into the required front yard setback. |

Comments

| Subject Site Considerations |
|--|
| <ul style="list-style-type: none"> ○ This slightly irregular interior site is 52.11 m (170.96 ft.) deep and has a frontage of 25.91 m (85.00 ft.) along Burris Street. The site narrows down to |

| |
|---|
| <p>20.27 m (66.5 ft.) along the rear property. The property observes a moderate 3.7 m (12.14 ft.) south-north slope.</p> <ul style="list-style-type: none"> ○ Front yard averaging calculations are based on two properties to the southwest and one property to the northeast, with front yards setbacks of 9.92 m (32.53 ft.), 14.52 m (47.63 ft.) and 28.50 m (93.83 ft.), respectively. ○ The neighbouring dwelling immediately to the northeast (6011 Buckingham Ave) is substantially set back from the Burris Street property line, which significantly impacts front yard averaging calculations. The angled siting of this dwelling (built in 1936), at approximately 45 degree angle towards Buckingham Avenue, has little relevance to the Burris Street frontages. ○ The neighbouring dwelling immediately to the southwest (7558 Burris St.) has a 14.52 m (47.63 ft.) front yard setback, 1.56 m (5.13 ft.) more than proposed 12.95 m (42.50 ft.) front yard setback on the subject property's main floor. The second floor bedroom is set back by 0.46 m (1.50 ft.) reducing the setback difference to 1.10 m (3.63 ft.). ○ The second neighbouring dwelling further to the southwest (7554 Burris St) has a 9.92 m (32.53 ft.) front yard setback, 3.04 m (9.97 ft.) less than proposed dwelling, but still 0.92 m (3.03 ft.) more than the minimum required front yard setback of 9.00 m (29.50 ft.) in the R1 District, where front yard averaging does not apply. |
| <p>Neighbourhood Context Considerations</p> <ul style="list-style-type: none"> ○ The development pattern on the block has varying front yard setbacks, and there is no consistent pattern on either side of Burris Street. ○ The development pattern of the adjacent properties is unusual, as the 28.60 m (93.83 ft.) front yard setback of the immediate neighbour to the northeast (6011 Buckingham Ave.), drastically affects front yard averaging calculations. |
| <p>Specific Project Considerations</p> <ul style="list-style-type: none"> ○ The siting of the proposed dwelling is a design choice to facilitate a proposed pool and future accessory building for pool equipment in a larger rear yard that is proposed to be 21.17 m (69.46 ft.). ○ The second floor bedroom at the northwest front corner of the proposed dwelling, set back by 0.46 m (1.50 ft.) from the front face, helps to mitigate massing impacts of the reduced front yard on the immediate neighbour to the southwest. |

ADJACENT OWNERS' COMMENTS:

No correspondence was received regarding this appeal.

No in-person or telephone participants provided comments regarding this appeal.

MOVED BY MR. GULAM FIRDOS

SECONDED BY MS. JACQUELINE CHAN

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

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

Mr. Nemeth found that hardship was evident due to physical site characteristics of the abutting sites and voted to approve the variance.

Ms. Chan found that hardship was evident due to physical site characteristics of the abutting sites and voted to approve the variance.

Mr. Dhatt found that hardship was evident due to physical site characteristics of the abutting sites and voted to approve the variance.

Ms. Felker found that hardship was evident due to physical site characteristics of the abutting sites and voted to approve the variance.

Mr. Firdos found that hardship was evident due to physical site characteristics of the abutting sites and voted to approve the variance.

4. **NEW BUSINESS**

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

5. **ADJOURNMENT**

MOVED BY MR. RANA DHATT
SECONDED BY MS. JACQUELINE CHAN

THAT the Hearing adjourned at 6:30 p.m.

CARRIED UNANIMOUSLY

Mr. S. Nemeth, CHAIR

Ms. J. Chan

Mr. R. Dhatt

Ms. B. Felker

Ms. E. Prior
ADMINISTRATIVE OFFICER

Mr. G. Firdos



2020 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 Vikash Sami
 Mailing Address 712 Delestre Ave
 City/Town Coquitlam Postal Code V3K 2G9
 Phone Number(s) (H) 604-831-2017 (C) 604-831-2017
 Email Sami@SILVERCAN.CA

Property

Name of Owner Cailing Sami
 Civic Address of Property 8316 Government Road
Burnaby.

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.

09/08/2020
 Date

[Signature]
 Applicant Signature

Office Use Only

Appeal Date 2020 Oct 01 Appeal Number BV# 6412

Required Documents:

- ☒ Fee Application Receipt
- ☒ Building Department Referral Letter
- ☐ Hardship Letter from Applicant
- ☒ Site Plan of Subject Property

Any documents submitted in support of this Board of
 Variance Appeal will be made available to the public

Re: 8316 Government Road, Burnaby

BOV # 6412

Board of Variance
City of Burnaby
4949 Canada Way
Burnaby B.C.

Dear Sirs,

Re: Request for a height variance for 8316 Government Road, Burnaby

My wife Culing Sami and I are the owners of this property and would like to request your consideration in allowing us to have the below noted height variance for the subject property.

In requesting this variance, we have considered as many other options and factors as possible and tried to ask for the very least possible variance as well as taken into consideration the neighbouring properties.

The reason for asking for this variance is mainly because of the steepness of the lot. The subject lot drops down from front yard 93 elevation to back yard 74 elevation with a very aggressive drop right in front of the property within the first 30 feet. The property has a 22% down slope driveway which makes it extremely difficult to park cars and even use the driveway during the winter months. Taking the average of the back of the lot put the front driveway at a very steep slope.

While designing the new house, we were also made aware that there is a requirement for a negative slope from the property line back to the road to allow the road water from flowing into the property. This made the front driveway slope even higher. We were able to use some design ideas and options to reduce the grade in the front but were only able to bring it down to 15% slope for the driveway. We are asking for this variance to reduce the slope down to just a little less than 10% (9.6% to be exact). By allowing this variance, the building roofline would only be 2.79' higher.

There should not be any impact onto the neighbouring properties as their elevations are several feet higher already from our current elevations. Also, there is no residential neighbor behind our property whose views would be blocked or affected. In addition, please consider the adjacent properties, both the properties at the west and east sides of the subject property have level driveway with far less than 10% slope if any.

More importantly, the reason from our family perspective for asking this variance is because our disabled parents require a cane and wheelchair to move around. They enjoy the outdoors and unfortunately, with a slope higher than 10% for the driveway, they could risk getting injured more easily during winter months. By allowing us this height variance and reducing the slope, it would make it a lot easier for them to use the driveway for going up or down.

Thank you for your kind consideration,

Sincerely,

Vikash & Culing Sami

Sept 08/ 2020



BOARD OF VARIANCE REFERRAL LETTER

| | | | |
|--|--------|--------|--|
| DATE: September 1, 2020 | | | <i>This is not an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i> |
| DEADLINE: September 8, 2020 for the October 1, 2020 hearing. | | | |
| APPLICANT NAME: Vikash Sami | | | |
| APPLICANT ADDRESS: 316 Allison St, Coquitlam, BC, V3K 4B6 | | | |
| TELEPHONE: 604-831-2017 | | | |
| PROJECT | | | |
| DESCRIPTION: New single family dwelling with attached garage and secondary suite | | | |
| ADDRESS: 8316 Government Road, Burnaby | | | |
| LEGAL DESCRIPTION: | LOT: D | DL: 40 | PLAN: NWP22048 Group 1 |

Building Permit application BLD20-00553 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R1 / Section 101.6(1)(a)

COMMENTS:

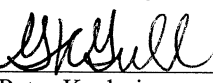
The applicant proposes to build a new single family dwelling with attached garage and secondary suite. In order to allow the Building Permit application to proceed, the applicant requests that the following variance be granted:

- 1) To vary Section 101.6(1)(a) – “Height of Principal Building” of the Zoning Bylaw requirement for the maximum building height from 9.0 m (29.5 ft.) to 9.86 m (32.36 ft.) feet as measured from the rear average grade for the proposed single family dwelling with a sloping roof.
- 2) To vary Section 101.6(1)(a) – “Height of Principal Building” of the Zoning Bylaw requirement for the maximum building height from 9.0 m (29.5 ft.) to 9.83 m (32.24 ft.) as measured from the front average grade for the proposed single family dwelling with a sloping roof.

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. All new principal building projections into the resulting required yards will conform to the requirements of Section 6.12.
3. Fences and retaining walls will conform to the requirements of Section 6.14.

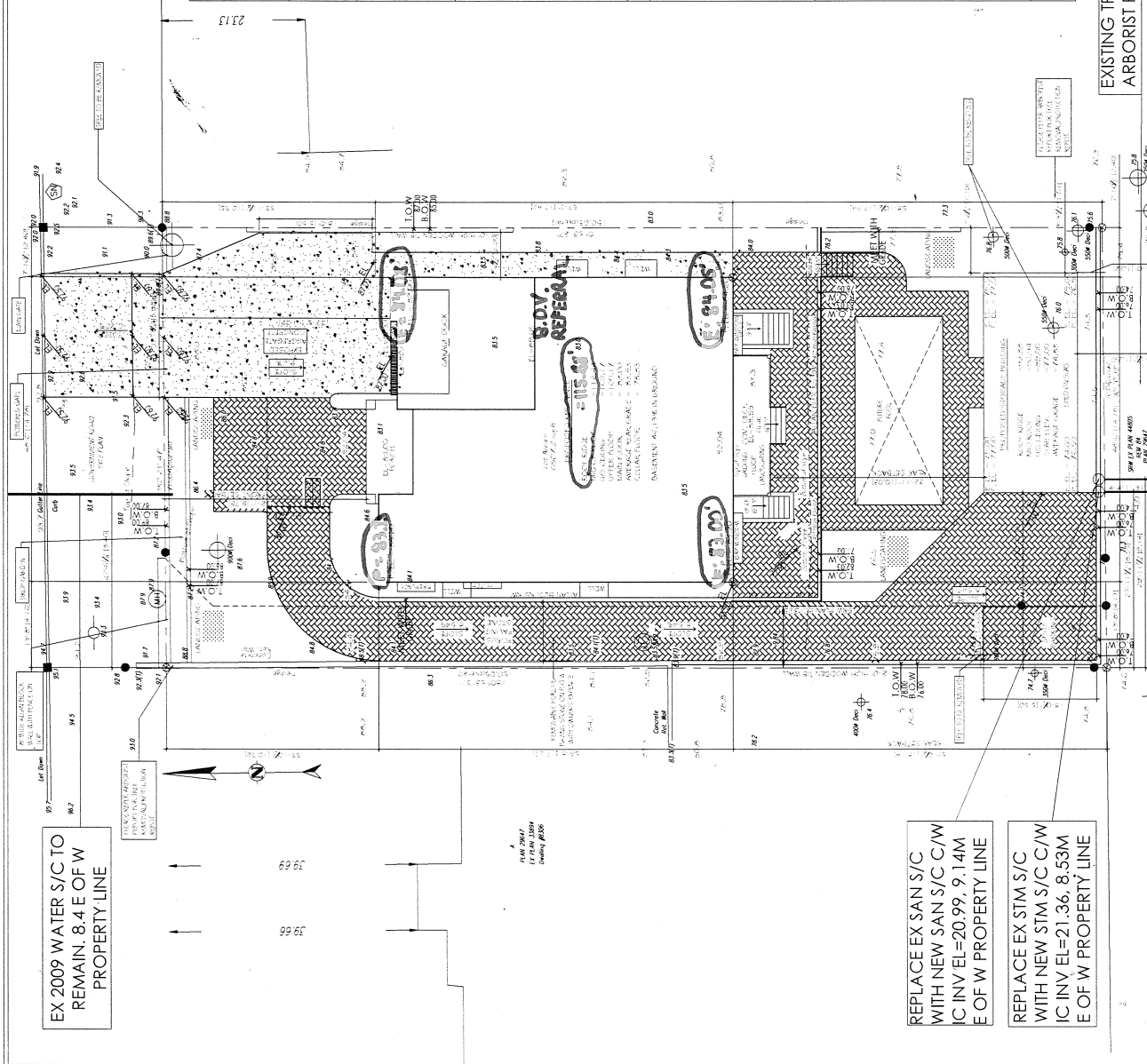
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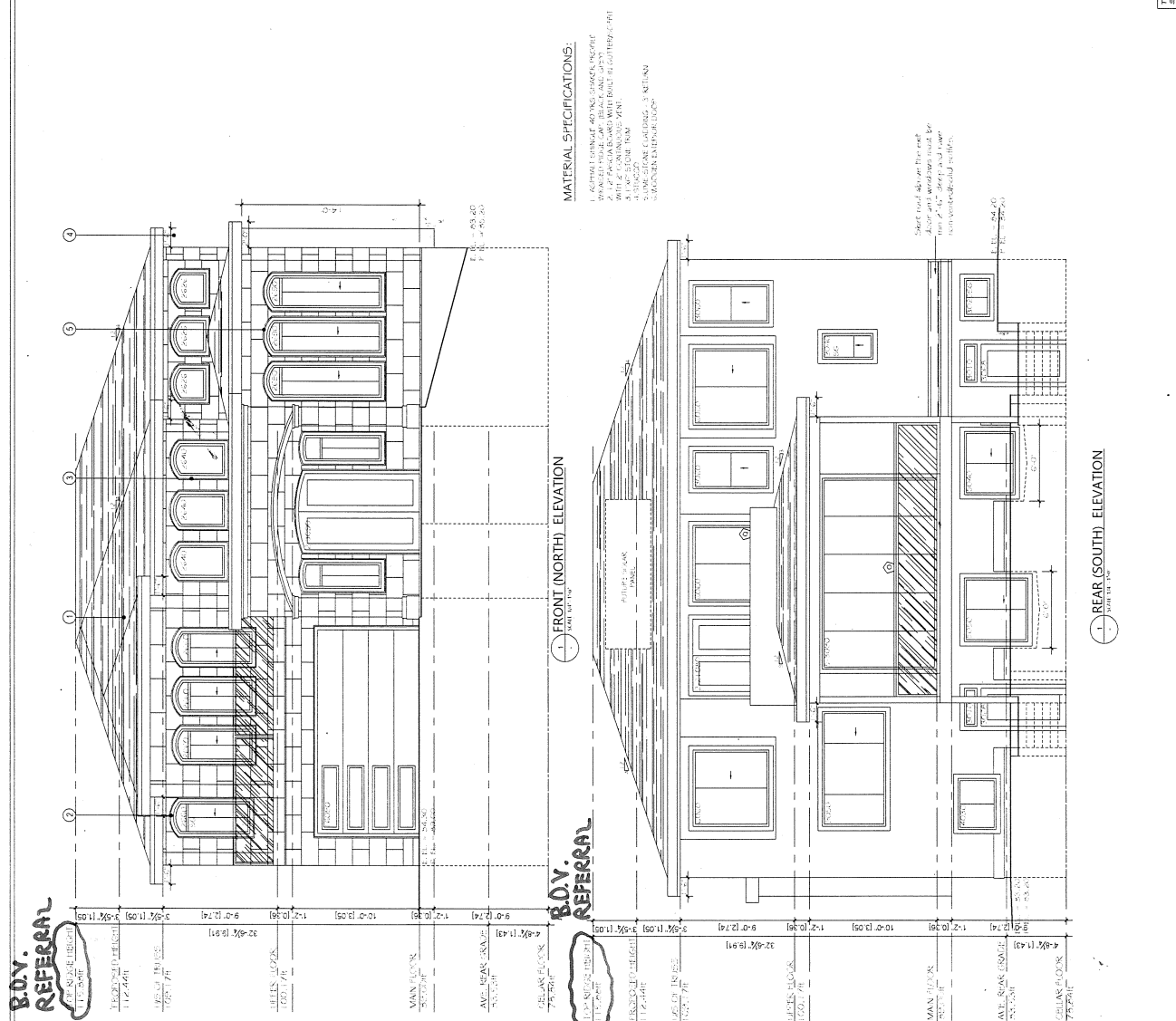
FOR 
 Peter Kushnir
 Deputy Chief Building Inspector

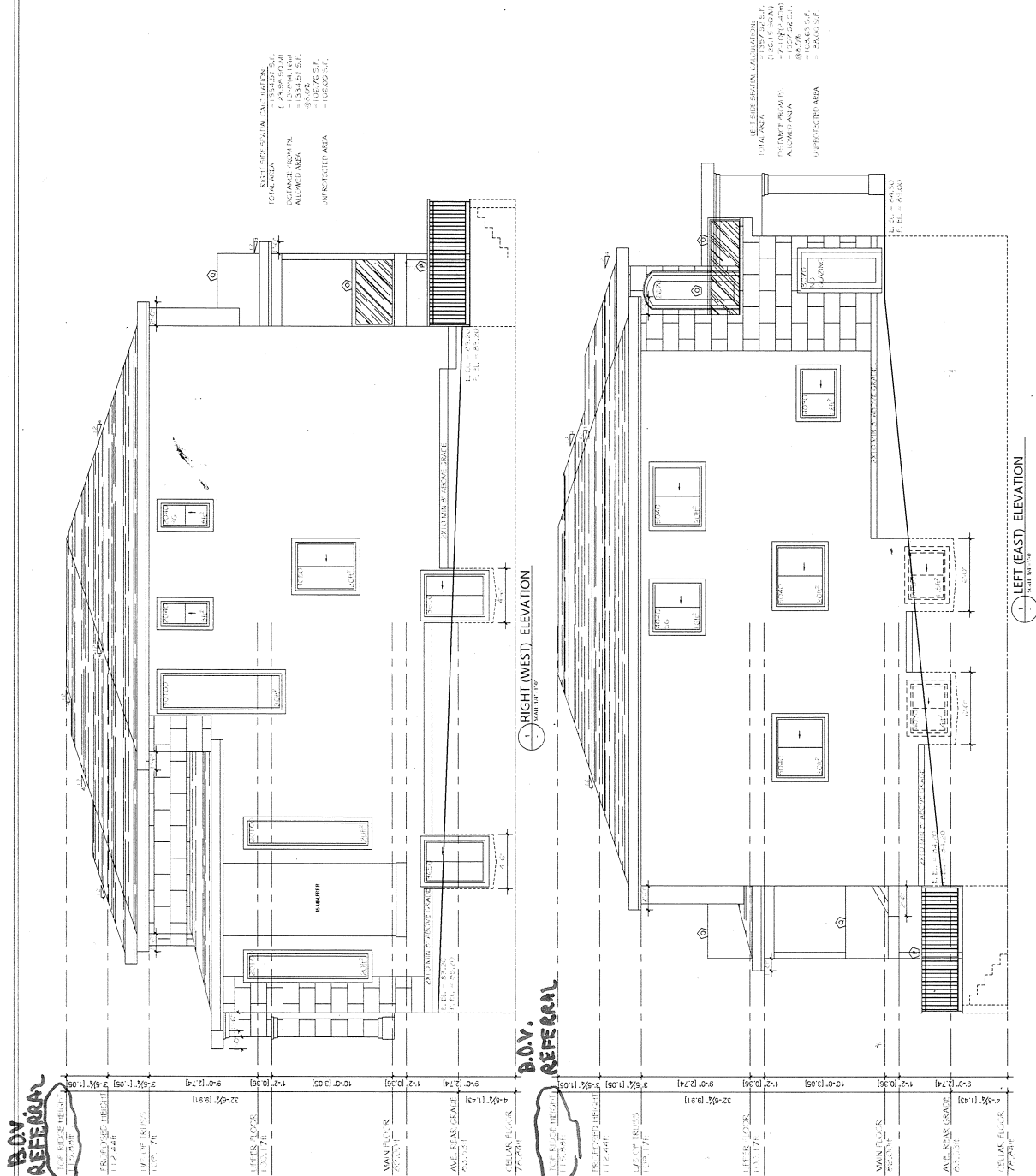
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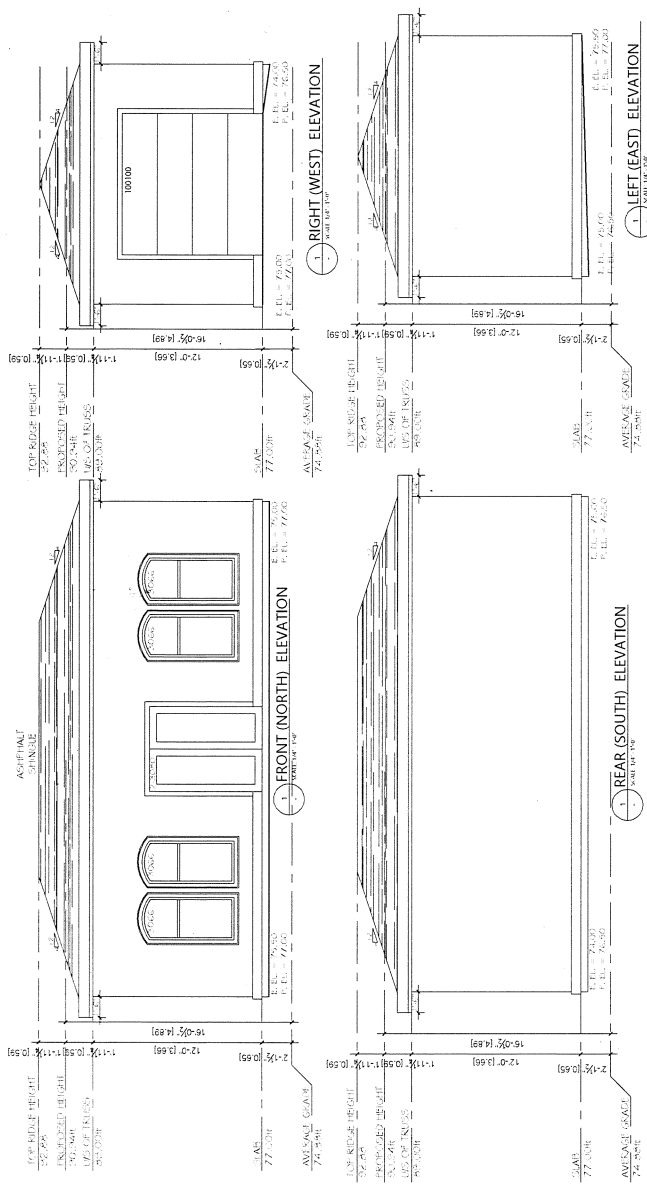
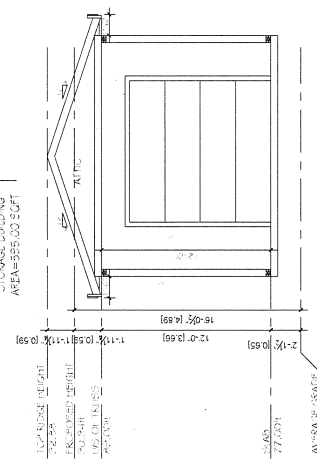
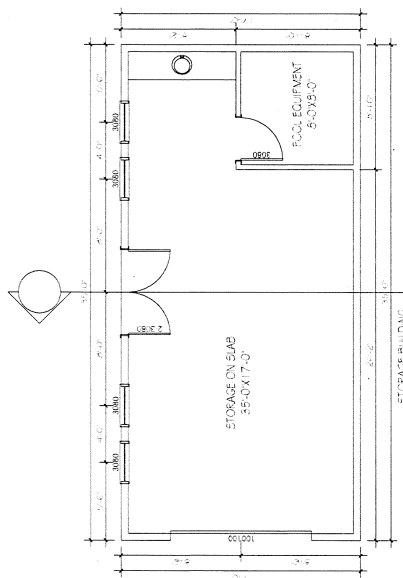
| | |
|--|-----------------------------|
| PROJECT DATA: | |
| ADDRESS: 8316 GOVERNMENT ROAD | |
| LEGAL: LOT 10 BLOCK 22048 | |
| PID: NWP22048 | |
| CD: 000-740-144 | |
| ZONING: R1 | |
| LOT SIZE: .976, 2.1 SQM = 10507.90 SQFT | |
| ALLOWED F.A.R | |
| 976, 2.1 SQM @ 0.40 | |
| = 390.42M = 4203.17 SQFT | |
| PROPOSED AREA: | |
| MAIN FLOOR | = 2174.42 SQFT (202.01 SQM) |
| UPPER FLOOR | = 1996.19 SQFT (185.64 SQM) |
| TOTAL AREA | = 4172.61 SQFT (387.64 SQM) |
| GARAGE AREA | = 452.00 SQFT (41.99 SQM) |
| COVERED OUTDOOR SPACE: | |
| PERMITTED (80% OF MAXIMUM FAR) = 594.55 SQFT | |
| FRONT PORCH | = 76.42 SQFT |
| COV. DECK | = 270.00 SQFT |
| COV. PARKING | = 70.00 SQFT |
| U.F COV. DECK | = 140.43 SQFT |
| BSMT COV. AREA | = 16.33 SQFT |
| TOTAL PROPOSED | = 573.18 SQFT |
| ENTRY WELL | = 93.25 SQM |
| | = 96.50 SQFT |
| ALLOWED LOT COVERAGE: | |
| LOT AREA | = 10507.90 SQFT |
| PERMITTED (40%) | = 4203.16 SQFT |
| FRONT PORCH | = 76.42 SQFT |
| FRONT BUILDING | = 2174.42 SQFT |
| GARAGE | = 452.00 SQFT |
| PORCH | = 76.42 SQFT |
| DECK | = 270.00 SQFT |
| COV. PARKING | = 70.00 SQFT |
| SHED | = 595.00 SQFT |
| TRUCKPAY WINDOW | = 595.00 SQFT |
| TOTAL | = 3676.84 SQFT |
| | = 34.95% |
| IMPERMEABLE SITE COVERAGE: | |
| LOT AREA | = 10507.90 SQFT |
| PERMITTED (60%) | = 6304.74 SQFT |
| PROPOSED: BUILDING | |
| GARAGE | = 2174.42 SQFT |
| PORCH | = 452.00 SQFT |
| COV. DECK | = 76.42 SQFT |
| COV. PARKING | = 270.00 SQFT |
| COV. DECK | = 70.00 SQFT |
| SHED | = 595.00 SQFT |
| WALKWAY/VIEW/POOL | = 2278.42 SQFT |
| ENTRY WELL | = 96.50 SQFT |
| FRONT PORCH | = 76.42 SQFT |
| TOTAL | = 6100.26 SQFT |
| | = (58.05%) |
| HEATING PROPOSED: RADIANT FLOOR HEAT | |
| MIN. 1% SLOPE OF GRADE AWAY FROM BUILDING | |

EXISTING TREES, SEE
ARBORIST REPORT









Consulting Services, Inc.
 4500 S. RIVERVIEW AVE.
 ANTONIO, TEXAS 78204
 PHONE: (512) 345-1234
 FAX: (512) 345-1234
 E-MAIL: info@csinc.com
 WWW: www.csinc.com

DATE: 01/20/2020
 SCALE: 1/4"=1'-0"
 SHEET: 10 OF 10

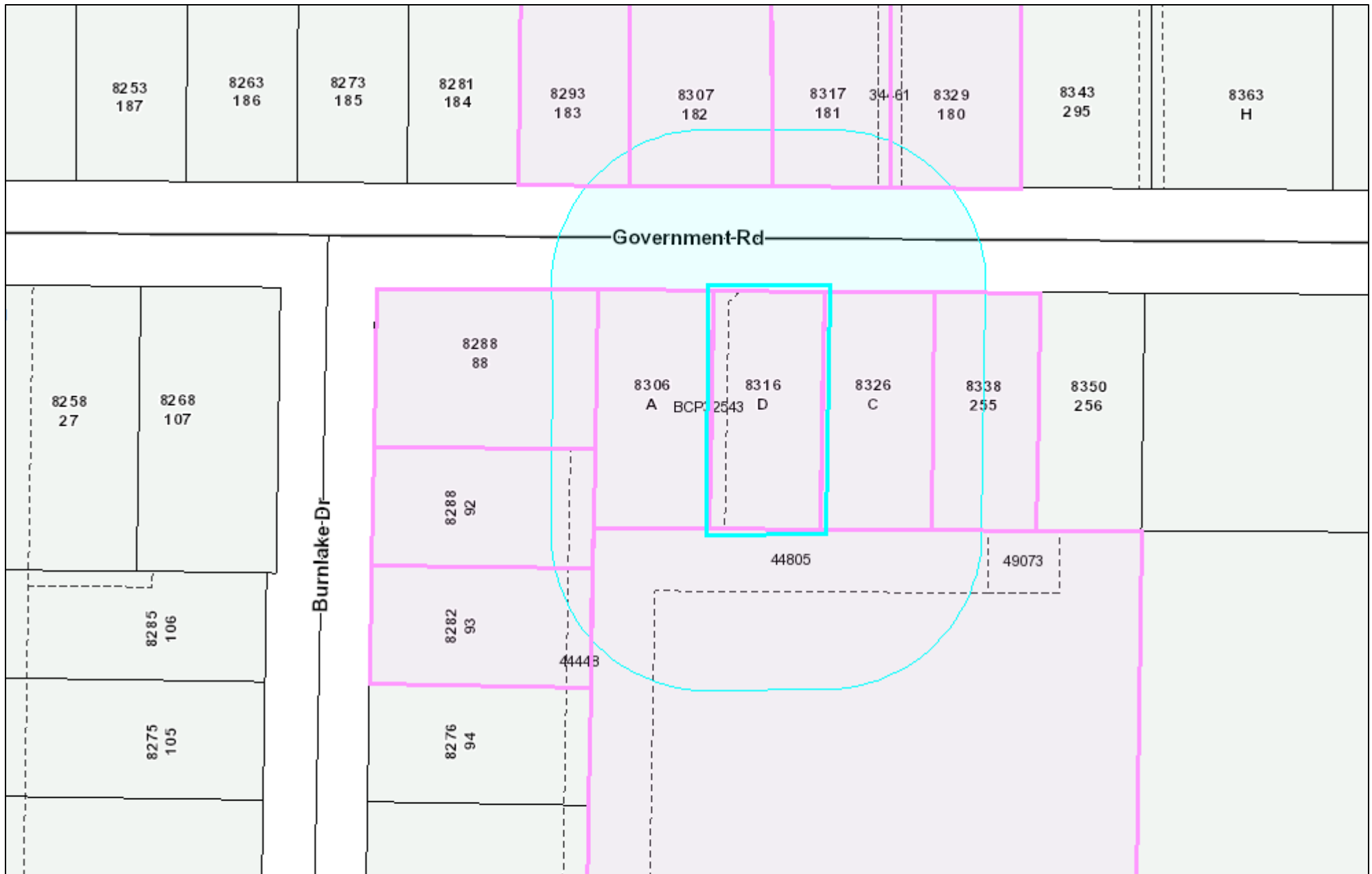
THESE PLANS CONFORM TO SUBORDINATE AND SHALL COMPLY WITH LOCAL BUILDING BY-LAWS



8316 Government Road

9/4/2020 10:59:14 AM

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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.





BOARD OF VARIANCE PLANNING COMMENTS

| | | | |
|--------------------|---------------|----------------|----------------------|
| BV # | 6412 | Address | 8316 Government Road |
| X-Reference | BOV #20-00020 | Hearing | 2020 October 01 |

| | |
|----------------------|--|
| Project | A new single family dwelling with attached garage and secondary suite. |
| Zoning | R1 Residential District |
| Neighbourhood | Single family neighbourhood |

| | |
|--|--|
| Appeal(s) to vary: | <p>1) Section 101.6(1)(a) – “Height of Principal Building” from 9.00 m (29.50 ft.) to 9.86 m (32.36 ft.), as measured from the rear average grade, to allow construction of a new single family dwelling with a sloping roof.</p> <p>2) Section 101.6(1)(a) – “Height of Principal Building” from 9.00 m (29.50 ft.) to 9.83 m (32.24 ft.), as measured from the front average grade, to allow construction of a new single family dwelling with a sloping roof.</p> |
| Zoning Bylaw intent: | Height maximums help to mitigate the massing impacts of new buildings and structures on neighbouring properties and preserve surrounding views. |
| Variance Description: | <p>Both variances are co-related and will be reviewed together.</p> <p>The height encroachment area starts at approximately the mid-point of the main roof. The main roof is proposed to slope on four sides with a pitch of 4 in 12, which is a minimum pitch for roofs to be considered sloping roofs.</p> |
| Subject Site Considerations | |
| <ul style="list-style-type: none"> ○ The property is a mid-block rectangular lot, approximately 45.73 x 21.35 m (150.04 x 70.04 ft.), on south side of Government Road. ○ The property has a north-south slope of approximately 4.88 m (16.00 ft.) from the front to the rear property line. The drop in the slope is primarily within the front yard setback (9.0 m (29.5 ft.)) of the property. There is an approximately 2.44 – 3.05 m (8.00 - 10.00 ft.) grade difference between the street curb and front of the building. In both cases the building height is measured from the existing grades which are generally lower than the proposed grades. The higher grades proposed at the front of the dwelling help accommodate a flatter driveway access off Government Road. ○ There is an approximately 3.0 m (9.84 ft.) wide Storm Sewer Legal Easement along the west property line that does not affect the requested height variance. | |

Comments from the Planning Department

BV # 6412 8316 Government Road

X-reference: BOV # 20-00020

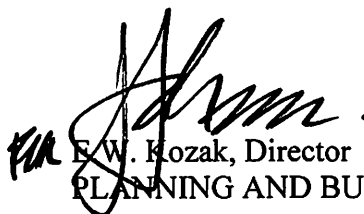
Hearing: 2020 October 01..... Page 2

Neighbourhood Context Considerations

- Neighbouring dwellings to the north, across Government Road, are located above street level. The difference in grade level between the front façade of the dwelling on the subject property and the dwellings to the north is approximately 5.5 m (18.05 ft.). Therefore, the proposed height increase has little or no effect on the views from the properties to the north.
- A mature row of trees on the abutting industrial property to the south separate the subject property from an industrial building, and therefore, there is no massing impact on the neighbour to the south.
- Both neighbouring residential lots to the east and west will be affected to a degree by the height increase. A central portion of the roof, approximately 3.2 m (10.5 ft.) away from the roof edge, is over the permitted height limit. However, if the proposed grades (higher than existing grades) are considered, only small portion of the roof would appear over height when viewed from the sides.

Specific Project Considerations

- The floor to ceiling heights on all levels: Cellar (Secondary Suite) 2.74 m (9.00 ft.), Main Floor (Living Level) 3.05 m (10.00 ft.) and Upper Floor (Bedrooms) 2.74 m (9.00 ft.), contribute to the height encroachment.
- A different roof design could be proposed to mitigate the height encroachment; up to 20% of the overall roof area in the middle (highest point) could be proposed as a flat area without affecting the height limit for a sloping roof.


 E.W. Kozak, Director
 PLANNING AND BUILDING

MRW:ll



BV 6412

8316 GOVERNMENT ROAD

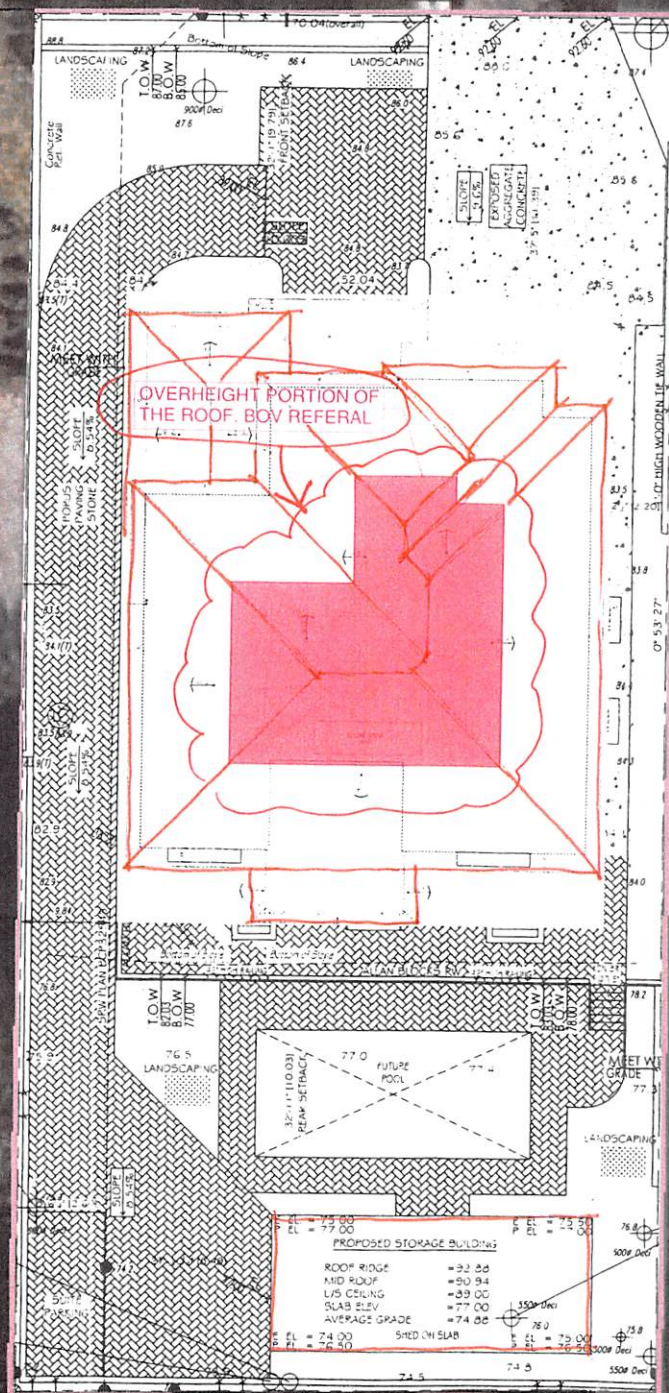
2020 OCT 01

September 16, 2020



2020-09-14 15:13:32

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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.

