



BOARD OF VARIANCE A G E N D A

Thursday, January 7, 2021, 5:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC

	Pages
1. <u>LAND ACKNOWLEDGEMENT</u>	
2. <u>ELECTION OF 2021 CHAIR</u>	
3. <u>MINUTES</u>	
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4.1. <u>BOV #6417 - 5340 Spruce Street (5:00p.m.)</u>	14
<p>APPELLANT: Mark Swartz</p> <p>REGISTERED OWNER OF PROPERTY: Mark Swartz, Debra Swartz, Brian Swartz</p> <p>CIVIC ADDRESS OF PROPERTY: 5340 Spruce Street</p> <p>LEGAL DESCRIPTION OF PROPERTY: Lot: 203 DL: 80 Plan: NWP36234</p> <p>APPEAL: An appeal for the relaxation of Section 102.8(1) (Front Yard) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and detached garage at 5340 Spruce Street. This relaxation would allow for a front yard depth of 9.95 metres (32.64 feet) where a minimum depth of 12.71 metres (41.71 feet) is required based on front yard averaging.</p>	
4.2. <u>BOV #6418 - 4909 Portland Street (5:15 p.m.)</u>	28

APPELLANT: Major Singh Gadey

REGISTERED OWNER OF PROPERTY: Major Singh Gadey, Monika Gadey

CIVIC ADDRESS OF PROPERTY: 4909 Portland Street

LEGAL DESCRIPTION OF PROPERTY: Lot: 10 DL: 158 Plan: NWP2077

APPEAL: An appeal for the relaxation of Section 105.9 (Front Yard) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and detached garage at 4909 Portland Street. This relaxation would allow for a front yard depth of 7.65 metres (25.11 feet) where a minimum depth of 10.74 metres (35.22 feet) is required based on front yard averaging.

5. NEW BUSINESS

6. ADJOURNMENT



BOARD OF VARIANCE M I N U T E S

**Thursday, November 5, 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 November 05** 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
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 hən̓q̓əmiñəm 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 October 01**

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

THAT the minutes of the Burnaby Board of Variance Hearing held on 2020 October 01 be adopted.

CARRIED UNANIMOUSLY

3. **APPEAL APPLICATIONS**

3.1 **BOV #6413 - 8891 Monroe Avenue**

APPELLANT: Bruce Shipley

REGISTERED OWNER OF PROPERTY: Bruce Shipley

CIVIC ADDRESS OF PROPERTY: 8891 Monroe Avenue

LEGAL DESCRIPTION OF PROPERTY: LOT: 124 DL: 13 PLAN:
 NWP37088

APPEAL:

An appeal for the relaxation of Section 102.10 (Rear Yard) of the Burnaby Zoning Bylaw which, if permitted, would allow for the interior and exterior alterations, rear addition, and attached carport enclosed to garage to an existing single family dwelling at 8891 Monroe Avenue. This relaxation would allow for a rear yard depth of 7.76 metres (25.46 feet) where a minimum rear yard depth of 9.00 metres (29.50 feet) is required.

APPELLANT'S SUBMISSION:

A letter was received from Bruce Shipley requesting a variance to retain the setback of an existing structure built without permit approximately 30 years ago, prior to Mr. Shipley's purchase of the home. The depth of the property is only 100 feet, and not the standard 120 feet which resulted in the need to request the variance. Should the depth of the building need to be altered by 4 feet, the ability to park a full-size vehicle would be impacted, thus increasing the amount of street parking in the neighborhood.

Mr. Shipley appeared before the Board regarding this appeal.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

BV #	6413	Address	8891 Monroe Avenue
X-Reference	BOV #20-00021	Hearing	2020 November 05

Project	Interior and exterior alterations and additions to a single family dwelling that were built without privilege of permit.
Zoning	R2 Residential District
Neighbourhood	Armstrong - single family neighbourhood

Appeal(s) to vary:	Section 102.10 “Rear Yard” of the Zoning Bylaw requirement for the minimum rear yard depth from 9.00 m (29.53 ft.) to 7.76 m (25.46 ft.).
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:	An enclosed carport and a single storey addition (ground level garage) was built without permit in the north (rear) corner of the existing dwelling. The addition extends 1.24 m (4.07 ft.) into the required rear yard with its entire width of 6.10 m (20.00 ft.).

Subject Site Considerations

- The property is a mid block rectangular lot, approximately 24.08 x 30.16 m (79.00 x 98.95 ft.), on the north-west side of Monroe Avenue.
- The property has a gentle south-north slope of approximately 2.5 m (8.20 ft.).
- There is a 1.82 m (6.00 ft.) easement along front property line that does not affect the addition to the rear of the building.
- The existing dwelling, carport enclosure and non-conforming garage extension were constructed in a tandem configuration built between 1985 and 1989 without the privilege of permit.

Neighbourhood Context Considerations

- There is no consistent building pattern in the lane. There is a mix of attached and detached garages, accessible from the lane or from the front streets.
- Neighbouring property to south-west do not have a car access from the lane. The back yard is not affected due to grading differences between the lots and the distance to the subject garage which is located on the north-east side of the subject property.
- The neighbouring property to the north-east is slightly affected by the unpermitted carport enclosure and garage addition. However, the exposure is mitigated by a raised back yard and large tree on the neighbouring property covering the encroaching portion of the subject garage. The condition of the

property will not be changed if the variance is allowed, due to the non-conforming garage being in the existing location for over 30 years.
Specific Project Considerations
<ul style="list-style-type: none"> ○ Demolishing approximately 1.24 m (4.07 ft.) of the garage to comply with the required rear yard setback, leaving a 5.50 m (18.04 ft.) long car garage (the minimum parking stall length required by the Off-street Parking Bylaw) is considered a drastic option based on the limited impact on the neighbouring properties. ○ The raised back yards of both the subject and neighbouring properties are causing the garage to be partially sunken in comparison to the neighbouring back yards, which mitigates the massing impact on the neighbouring properties.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the owners/occupants of 8851 Monroe Avenue in support of this appeal.

Correspondence was received from the owners/occupants of 8871 Monroe Avenue in support of this appeal.

Correspondence was received from the owner/occupant of 8890 Monroe Avenue in support of this appeal.

Correspondence was received from the owners/occupants of 8915 Monroe Avenue in support of this appeal.

Correspondence was received from the owner/occupant of 8920 Monroe Avenue in support of this appeal.

Correspondence was received from the owner/occupant of 8935 Monroe Avenue in support of this appeal.

Correspondence was received from the owners/occupants of 8884 15th Avenue in support of this appeal.

Correspondence was received from the owners/occupants of 8896 15th Avenue in support of this appeal.

Correspondence was received from the owner/occupant of 8910 15th Avenue in support of this appeal.

Correspondence was received from the occupant of 8920 15th Avenue in support of this appeal.

No further correspondence was received.

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 physical site characteristics.

Ms. Chan found that hardship was evident due to physical site characteristics.

Mr. Dhatt found that hardship was evident due to physical site characteristics.

Ms. Felker found that hardship was evident due to physical site characteristics.

Mr. Firdos found that hardship was evident due to physical site characteristics.

3.2 BOV #6414 - 4609 Union Street

APPELLANT: Eric Law

REGISTERED OWNER OF PROPERTY: Jack and Jane Kong

CIVIC ADDRESS OF PROPERTY: 4609 Union Street

LEGAL DESCRIPTION OF PROPERTY: LOT: 34 DL: 122 PLAN: NWP1308

APPEAL:

An appeal for the relaxation of Section 105.8(1) (Depth of Principal Building) of the Burnaby Zoning Bylaw which, if permitted, would allow for the conversion of an existing carport to a fully enclosed garage, basement finishing and removal of unauthorized suites at 4609 Union Street. This relaxation would allow for a principal building depth of 20.35 metres (66.75 feet) where a maximum depth of 18.30 metres (60 feet) is permitted.

APPELLANT'S SUBMISSION:

A letter was received from Mr. Jack Kong requesting a variance to convert an existing carport to a fully enclosed garage. The owner advised that it would be a hardship to move the carport. Mr. Kong wrote that the City advised him that an enclosed garage must be at the rear of the property.

Mr. Eric Law appeared, via Zoom, on behalf of the home owners.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

BV #	6414	Address	4609 Union Street
X-Reference	BOV #20-00022	Hearing	2020 November 05

Project	An existing single family dwelling with an attached garage which was created by enclosing an existing carport without a building permit. Other work unrelated to this variance request will remove two illegal suites, and refinish the basement.
Zoning	R5 Residential District
Neighbourhood	Brentwood Park - single and two family neighbourhood

Appeal(s) to vary:	Section 105.8(1) – “Depth of Principal Building” of the Zoning Bylaw requirement for the maximum building depth from 18.30 m (60.00 ft.) to 20.35 m (66.75 ft.).
Zoning Bylaw intent:	Limiting building depth prevents the construction of long, imposing building walls that impact neighbouring properties.
Variance Description:	The original dwelling and attached carport were built in 1974 when there were no restrictions on building depth. The new carport enclosure is subject to the current Zoning Bylaw requirements and as a result, the outermost portion of the garage exceeds the permitted maximum building depth by 2.06 m (6.75 ft.).
Subject Site Considerations	
<ul style="list-style-type: none"> ○ The subject site is an interior lot, 10.05 m (33.00 ft.) wide and 37.18 m (122.00 ft.) deep, fronting onto Union Street to the south and rear lane to the north. ○ The site is essentially flat. 	
Neighbourhood Context Considerations	
<ul style="list-style-type: none"> ○ The site is surrounded by single family dwellings on all sides. ○ Looking eastward along Union Street, this dwelling is part of a fairly consistent pattern of standard R5 front yard setbacks. ○ Most dwellings were constructed in the 1970’s and 1980’s, and have a similar height and massing to the subject dwelling. Earlier dwellings from the 1950’s and 1960’s are smaller, with deeper front yard setbacks. ○ Many dwellings have attached carports or garages with decks at the rear. ○ The dwelling at 4613 Union Street immediately east of the subject site was built before the Zoning Bylaw was changed to regulate building length. It has an attached carport with a deck on top which approximately lines up with the face of the newly enclosed carport/garage on the subject site. 	

<ul style="list-style-type: none"> ○ The dwelling at 4603 Union Street immediately west of the subject property was also constructed before the Zoning Bylaw regulated building length. This dwelling has a rear deck joined onto a two car garage which extends from the rear of the dwelling to the lane.
Specific Project Considerations
<ul style="list-style-type: none"> ○ The dwelling is a modest size, measuring 14.86 m (48.75 ft.) long by 7.64 m (25.08 ft.) wide. ○ At the rear, the enclosed carport/garage measures 6.30 m (20.67 ft.) deep, 6.17 m (20.25 ft.) wide. ○ The overlength portion of the enclosed carport/garage is 2.06 m (6.75 ft.) deep by 6.17 m (20.25 ft.) wide, and 4.03 m (13.25 ft.) tall, including the deck guard. ○ The overlength portion of the carport enclosure will have a minimal visual impact on the adjacent properties that have existed since the original carport and deck were constructed. ○ Both adjacent properties have similar decks over attached carports or garages that are as long or longer than the subject deck and garage.

ADJACENT OWNERS' COMMENTS:

An item of correspondence was received in opposition to the appeal. The writer requested anonymity.

MOVED BY MR. GULAM FIRDOS
SECONDED BY MR. RANA DHATT

THAT based on the plans submitted this appeal be allowed.

DEFEATED
 (Opposed: Ms. Chan, Mr. Dhatt, Mr. Nemeth)

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 hardship was evident due to physical site characteristics.

Mr. Firdos found that a hardship did exist in regard to the removal of the garage.

3.3 **BOV #6415 - 5680 Hyde Street**

APPELLANT: Gurjot Bining

REGISTERED OWNER OF PROPERTY: Boota S. Bining

CIVIC ADDRESS OF PROPERTY: 5680 Hyde Street

LEGAL DESCRIPTION OF PROPERTY: LOT: 14 DL: 75 PLAN: NWP21257

APPEAL:

An appeal for the relaxation of Section 105.8(2) (Depth of Principal Building) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new two family dwelling with parking pads and accessory buildings at 5680 Hyde Street. This relaxation would allow for a principal building depth of 19.96 metres (65.48 feet) where a maximum depth of 17.22 metres (56.51 feet) is permitted.

APPELLANT'S SUBMISSION:

A letter was received from Adam Quinones, representing the homeowner, requesting a variance due to the lot configuration. The subject site is pie shaped and located on a cul-de-sac, thus setback lines create arced and pointed areas where a logical design cannot be placed. It was noted that the proposed dwelling front yard setback is in compliance with an average front yard depth to maintain the streetscape of the neighborhood. In this case, the true depth of both dwelling units facing the side property lines is 9.60 meters (31.50 feet) long. If the subject site were a traditional rectangular parcel, similar to the property located to the East at 5710 Hyde Street, the permitted building depth would be 53.44 feet.

Mr. Bining, Ms. Bining, and Mr. Quinones appeared before the Board regarding this appeal.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

BV #	6415	Address	5680 Hyde Street
X-Reference	BOV #20-00023	Hearing	2020 November 05

Project	New two family dwelling with two detached accessory buildings
Zoning	R5 Residential District
Neighbourhood	Douglas Road - single and two family neighbourhood

Appeal(s) to vary:	Section 105.8(2) – “Depth of Principal Building” of the Zoning Bylaw requirement for the maximum building depth
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	based on 50% of the lot depth from 17.22 m (56.51 ft.) to 19.95 m (65.48 ft.) to allow construction of a new two family dwelling.
Zoning Bylaw intent:	Limiting building depth prevents the construction of long, imposing building walls that impact neighbouring properties.
Variance Description:	As a result of the rotated position of the dwelling in relation to the lot depth, the two diagonally opposite corners of the dwelling exceed the permitted building depth by 2.73 m (8.97 ft.), combined.
Subject Site Considerations	
<ul style="list-style-type: none"> ○ This irregular interior lot is roughly pie shaped with, 32.58 m (106.88 ft.) of depth along the east side property line. The frontage is 12.80 m (42.00 ft.) along the Hyde Street cul-de-sac (north); the lot widens until it measures 41.52 m (136.25 ft.) wide at the rear property line. ○ Vehicular access to the subject site is via the rear lane. ○ The site has a slight upward slope of 1.21 m (4.00 ft.) from the front to the rear. 	
Neighbourhood Context Considerations	
<ul style="list-style-type: none"> ○ The site is surrounded by single family dwellings on all sides. ○ Efforts have been made to fit the two family dwelling into the existing streetscape and the challenging geometry of the site: <ul style="list-style-type: none"> - The design observes the required front yard setback of 12.69 m (41.63 ft.) as required by front yard averaging. - The proposed design provides the required side yard setback of 1.5 m (4.9 ft.) on the east and slightly exceeds the required yard setback on the west 1.61m (5.29 ft.). - Each unit has a detached workshop/single car garage at the lane, which breaks up the massing of the building. ○ To the east, a garage at 5710 Hyde Street acts as a buffer between that property's dwelling and Unit "B" of the proposed two family dwelling. There are no windows that face onto Unit "B". ○ On the west, the front façade of Unit "A" is set back 4.87 m (16.00 ft.) behind the southern corner of the front façade of 5678 Hyde Street. ○ The massing on the west side is broken up: the first 2.43 m (8.00 ft.) of the side wall of Unit "A", is the closet parallel face to the west side property line. The remainder of the side wall, 7.16 m (23.50 ft.) long, continues at an approximately 45 degree angle away from this property line, shared with 5678 Hyde Street. ○ Due to the similar pie shape lot geometry, 5678 Hyde Street is placed at an angle on its lot, so that the rear of the dwelling is facing to the southwest and away from the subject site. The dwelling features two windows on its southeast side, facing the subject site, but the general angled relation and a generous distance of at least 4.57 m (15.00 ft.) between the two buildings would help mitigate the massing impacts. ○ The properties across the rear lane are situated higher on the slope, and solid fencing blocks views of the subject site. 	

Specific Project Considerations
<ul style="list-style-type: none"> ○ The building depth calculation is based on the building depth as projected onto the lot depth, which is the line joining the centre points of the front and rear property lines. In this case, the points are the midpoint of the curving front property line and a point which is 20.73 m (68.00 ft.) west of the east side property line. As measured along this centre line, the site is approximately 34.45 m (113.02 ft.) deep. Due to the site geometry, the centre line is angled in relation to the front and side property lines. ○ The two points used to measure the building depth are the northeast corner of Unit “B” and the southwest corner of a patio roof which extends from the west side of Unit “A”. ○ Measured to the south western tip of the patio roof, the building depth measures 21.15 m (69.42 ft.), but 1.20 m (3.94 ft.) of the patio roof overhang is an allowable projection. Therefore, when the roof overhang is deducted, the proposed building depth is 19.95 m (65.48 ft.), and thus the variance request is for 2.73 m (8.97 ft.) of excessive length. ○ The same design on a rectangular lot would have a building depth of 9.60 m (31.50 ft.) deep, as measured from the exterior face of the front façade to the exterior face of the farthest point of the rear façade. ○ In this case, the actual depth of both dwelling units facing the side property lines is 9.60 m (31.50 ft.) long. This is substantially less than the maximum permitted building depth of 17.22 m (56.51 ft.). ○ The proposal would not create a long, imposing "wall" as viewed from the immediately adjacent properties on the east and west.

ADJACENT OWNERS' COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MS. BRENDA FELKER
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.

Ms. Chan found that hardship was evident due to physical site characteristics.

Mr. Dhatt found that hardship was evident due to physical site characteristics.

Ms. Felker found that hardship was evident due to physical site characteristics.

Mr. Firdos found that hardship was evident due to physical site characteristics.

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
ACTING DEPUTY CITY CLERK

Mr. G. Firdos



2021 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 Mark Swartz
 Mailing Address 110-5655 Inman Avenue
 City/Town Burnaby Postal Code V5A 2M2
 Phone Number(s) (H) _____ (C) 604-377-9644
 Email mjswartz@shaw.ca

Property

Name of Owner Mark Swartz
 Civic Address of Property 5340 Spruce Street

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.

08/12/2020
 Date

Mark Swartz
 Applicant Signature

Office Use Only

Appeal Date 2021 Jan 07 Appeal Number BV# 6417

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**

16 November 2020

City of Burnaby
Office of the City Clerk
4949 Canada Way
Burnaby, BC, V5G 1M2

Attention: Burnaby Board of Variance

**Re: 5340 Spruce Street owned by Mark J. Swartz
Building Permit and Application for Setback Variance**

Dear Sir or Madam,

I am requesting a relaxation to Section 6.12(2.1) "Front Yard Averaging of the Burnaby Zoning Bylaw. The request is to reduce the front yard setback to 32.65 feet to the dwelling and 28.68 feet to the front porch (where the porch could be considered a 3.94 foot projection in accordance with Section 6.12(1)(d).

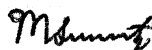
The requested setback (32.65) is equal to the average of the existing homes located to the immediate east (5360 Spruce) at 34.94 and to the west (5332 Spruce) at 30.32. The prescribed setback averaging is 41.71 feet. If you review the topographic survey, which is appended for your reference, you will see that the reason for this higher average is a single property located at 5366 Spruce, which has a setback of 70.99. This is inconsistent with the neighbourhood and is inconsistent with the neighbours on either side of my property. It would appear that the residence at 5366 Spruce is quite old, built in 1959 (see attached BC Assessment printout) and it does not appear to meet the current zoning requirements for rear yard setback, so if redevelopment were to occur on this lot, it appears that the new home would be required to be built to meet the average front yard of the adjacent properties, which would be significantly less than the current setback and in line with the setback I am proposing. It is also of note that the 4th residence for the setback averaging (5320 Spruce) is at 30.6. less than what I am proposing.

Further, I would add that my requested front yard average would result in a front yard setback greater than that of my home as it presently is on the subject property. I have attached two photos for your reference that depict my current residence being slightly ahead of the two homes immediately to the east and west.

I feel that the relaxed front yard setback is consistent with the neighbourhood and would not result in a negative transition to the surrounding homes. I have included a site plan showing the adjacent properties and the proposed dwelling positioning if you were to agree to my variance request.

Please do not hesitate to contact me directly at 604-377-9644 with any questions you may have.

Yours truly,



Mark J. Swartz



BOARD OF VARIANCE REFERRAL LETTER

DATE: November 25, 2020		<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: December 8, 2020 for the January 7, 2021 hearing.			
APPLICANT NAME: Mark Swartz			
APPLICANT ADDRESS: 110-5655 Inman Ave, Burnaby, V5A 2M2			
TELEPHONE: 604-377-9644			
PROJECT			
DESCRIPTION: New Single Family Dwelling + Secondary Suite + Detached Garage			
ADDRESS: 5340 Spruce Street, Burnaby			
LEGAL DESCRIPTION:	LOT: 203	DL: 80	PLAN: NWP36234

Building Permit application BLD20-00772 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R5 / Sections 102.8 (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 102.8 (1) – “Front Yard” of the Zoning Bylaw requirement for the minimum front yard depth from 12.71 m (41.71 ft.) based on front yard averaging to 9.95 m (32.64 ft.). The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.

- Note:*
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. Principal building projection exemptions in the calculations of building depth will conform to the requirements of the Depth, Principal Building definition.
 4. Retaining walls and Fences will conform to the requirements of Section 6.14.

CL

Peter Kushnir
Deputy Chief Building Inspector

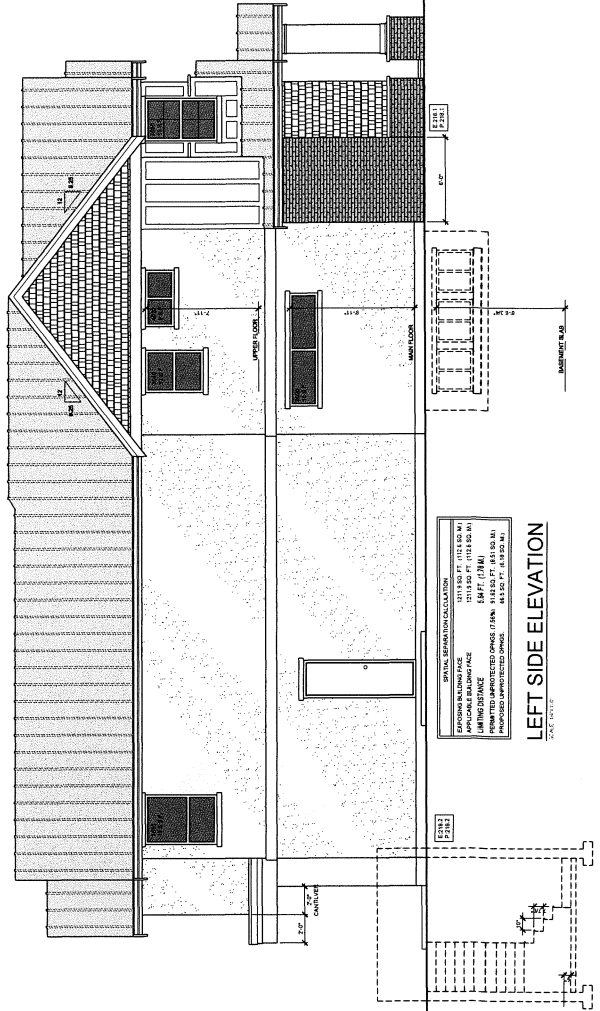
DESIGN GROUP LTD.

PROJECT: PROPOSED SINGLE FAMILY DWELLING

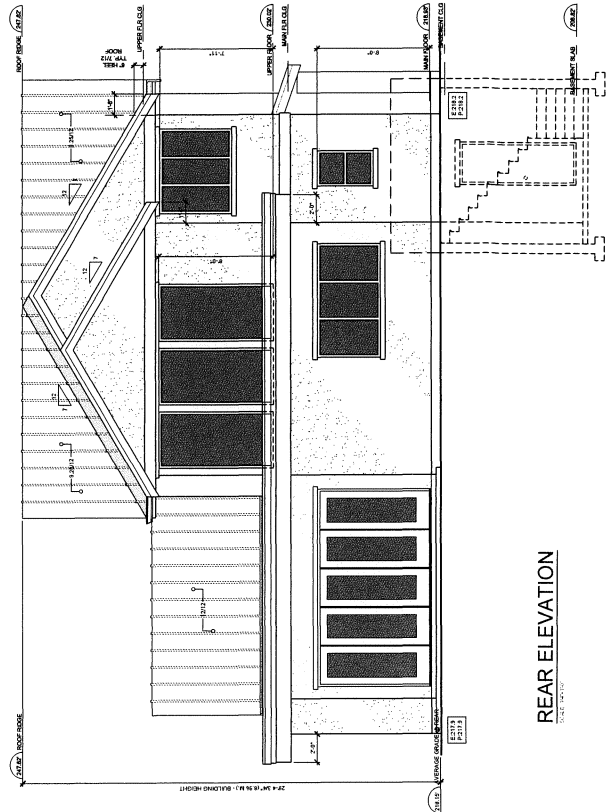
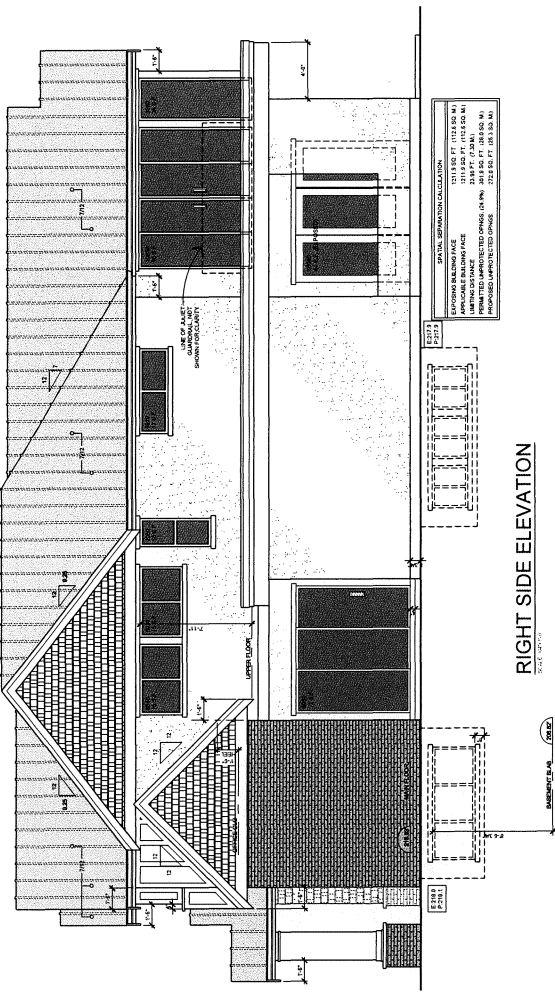
TITLE: ELEVATIONS

DATE	ISSUE/REVISIONS	DATE:	FEBRUARY 2020
12 JUN 20	REVIEW	SCALE:	AS NOTED
14 JUL 20	CONSULTANTS	JOB NO.	20-007
18 AUG 20	PERMIT	DR. AM	CH. AM
31 AUG 20	REVISED FOR PERMIT	SHEET:	A-3

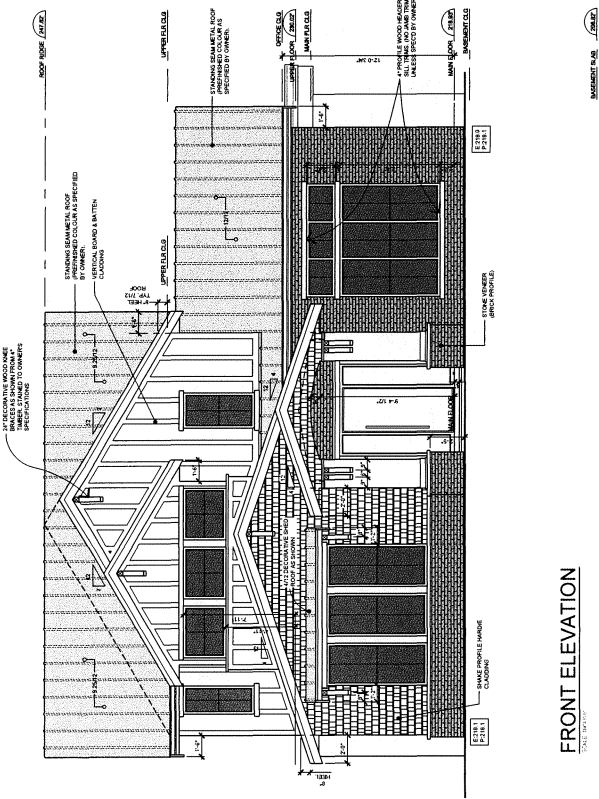
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LEFT SIDE ELEVATION

REAR ELEVATION
SCALE 1/8"=1'-0"

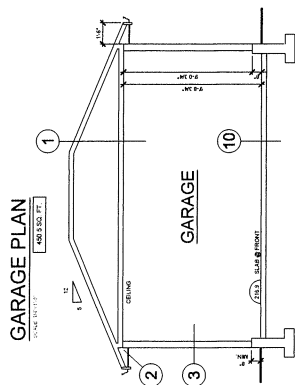
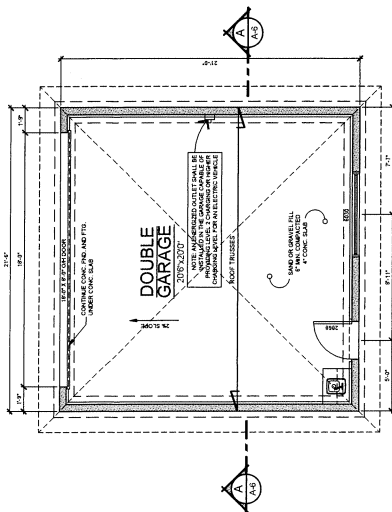
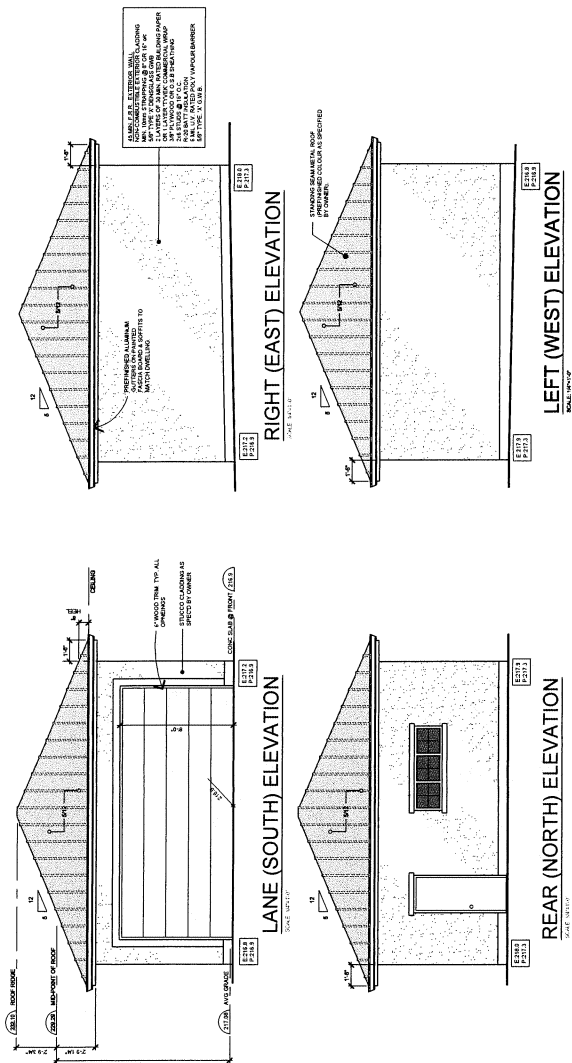
RIGHT SIDE ELEVATION



FRONT ELEVATION

DATE	ISSUE/REVISIONS	DATE:	SCALE:	JOB NO.	18 JUL 20	CONTRACTANTS	20-007	DR. AM	CH. AM	18 JUL 20	PERMIT	31 JUL 20	REVIEWED FOR PERMIT	SHEET:	A-5
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THE DESIGN AND DRAWING HEREIN SUPERSEDES ALL PREVIOUS SUBMISSIONS AND THE APPROPRIATE DESIGN COPY IN GA DESIGN GROUP LTD.'S OFFICE SHALL BE USED TO RESOLVE ANY DISPUTE.



CONSTRUCTION TYPES

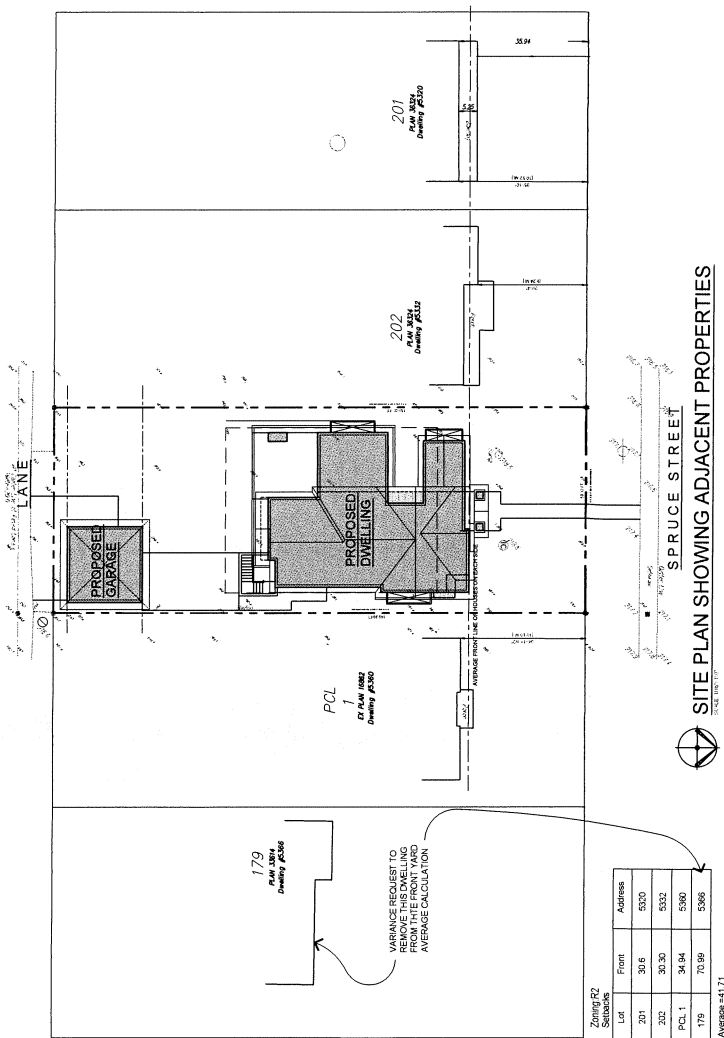
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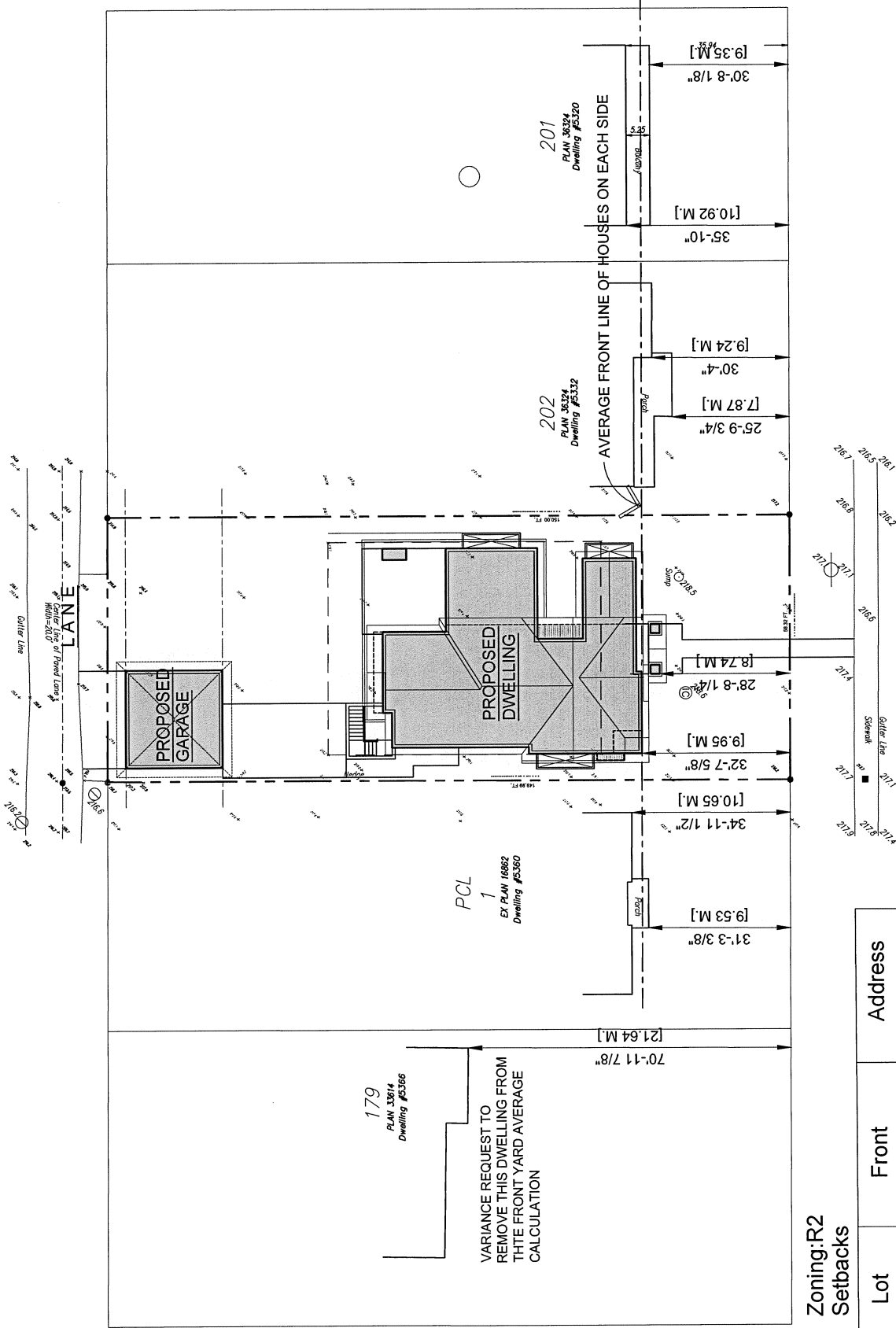
GENERAL NOTES:

- BUILDING CONTRACTOR TO CHECK & VERIFY ALL ASPECTS OF THE PLANS INCLUDING DIMENSIONS, SPECIFICATIONS, NOTES, ETC. PRIOR TO CONSTRUCTION, AND IS RESPONSIBLE FOR SAME. THESE PLANS CONFORM TO THE REQUIREMENTS IN THE B.C. BUILDING CODE 2012, AND ARE TO COMPLY WITH LOCAL CITY BYLAWS & REGULATIONS AS THEY APPLY.
- THE DESIGNER DOES NOT ASSUME LIABILITY FOR ERRORS OR OMISSIONS ON THESE PLANS AND IS LIMITED TO THE INFORMATION PROVIDED. ANY CHANGES SHOULD BE REQUESTED PRIOR TO CONSTRUCTION.
- DRAWINGS ARE NOT INTENDED TO BE SCALED. ALL DIMENSIONS TAKE PRECEDENCE OVER SCALES SHOWN ON PLANS. SECTIONS, AND ELEVATIONS. CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- IN CASES OF DISCREPANCIES ON THE DRAWINGS, THE MORE STRINGENT GUIDELINES SHALL GOVERN.
- ALL BUILDINGS MUST BE VERIFIED BY A LEADAL AND SUPERVISOR PRIOR TO PLACING ANY FORMWORK / CONCRETE, AND MUST BE IN ACCORDANCE WITH ALL LOCAL CITY CODES AND BY-LAWS.
- FRAMING, LADDERS ARE NOT SHOWN ON THE ELEVATIONS OR PLANS. LOCATION TO BE DETERMINED BY THE CONTRACTOR.
- ALL ROOF SPACES SHALL BE VENTILATED WITH SOFFITS AND ROOF VENTS.

ERROR AND OMISSIONS:

IGM DRAFTING & DESIGN INC. MAKES EVERY EFFORT TO PROVIDE COMPLETE AND ACCURATE PLANS. HOWEVER, WE ASSUME NO LIABILITY FOR ANY ERRORS OR OMISSIONS WHICH MAY AFFECT CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND DETAILS BEFORE PROCEEDING WITH CONSTRUCTION.





Zoning: R2
Setbacks

Lot	Front	Address
201	30.6	5320
202	30.30	5332
PCL 1	34.94	5360
179	70.99	5366

Average = 41.71

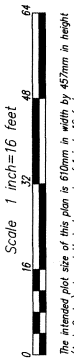
SPRUCE STREET

SITE PLAN SHOWING ADJACENT PROPERTIES

SCALE: 1/32"=1'-0"

TOPOGRAPHICAL PLAN OF LOT 203 DISTRICT LOT 80
GROUP 1 NEW WESTMINSTER DISTRICT PLAN 36234

PID: 007-366-302
Civic Address: 5340 Spruce Street
City of Burnaby



The intended plot size of this plan is 610mm in width by 457mm in height (A1) or 305mm in width by 229mm in height (A2).

All distances and elevations are in feet and decimals thereof unless otherwise stated.

Note: Trees pursuant to by tree law 1996 are shown

Legend:

- - Standard Iron Post
- - Lead Plug
- ⊕ - Tree (diameter in mm, measured at 2500' Center 1.3m above ground and Special)
- - Power Pole
- ⊙ - Inspection Chamber
- ⊗ - Catch Basin (Round)

Zoning: R2

Setbacks

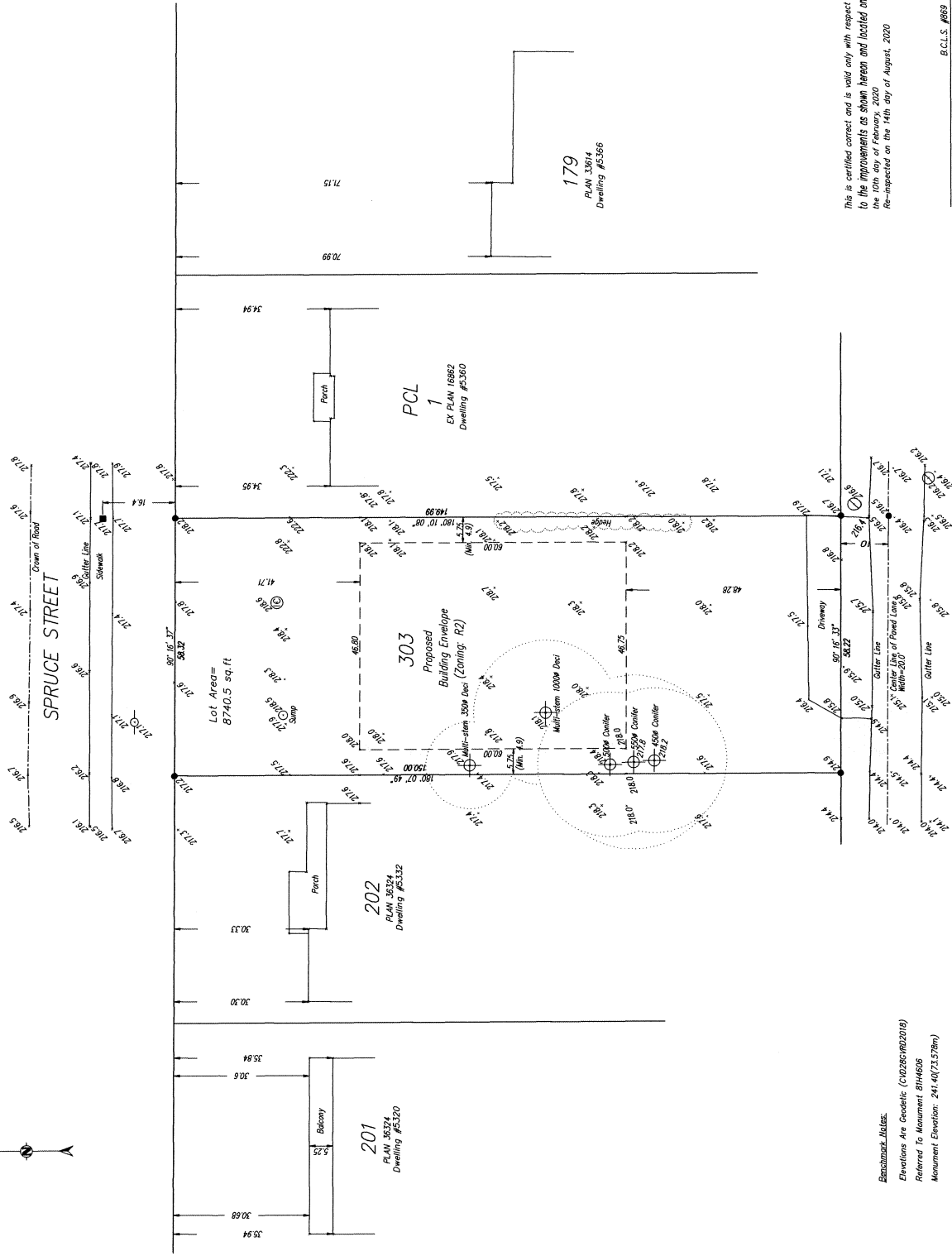
Lot	Front	Address
201	30.6	5320
202	30.30	5332
PCL 1	34.84	5360
179	70.99	5366

Average = 41.71

Notes:
Information shown hereon is for municipal purposes only and is for the exclusive use of the owner.
All rights reserved. No person may copy, reproduce, transmit, offer, distribute, or store copies of this document in whole or in part without the prior written consent of the undersigned.
Building envelope shown is only approximate.
For interpretation of City Building Bylaws please consult Planning Department for final building envelope when required.

Background Notes:
Elevations Are Geodetic (NAD83/BD2019)
Referred To Monument 81H4605
Monument Elevation: 241.40(2157m)

Grid bearings are derived from observations between geodetic control monuments 81H4605 and 81H4607. Lot dimensions are based on site survey.



This is certified correct and is valid only with respect to the improvements as shown hereon and located on the 10th day of February, 2020
Re-inspected on the 14th day of August, 2020

LIMING YUAN
B.C.L.S. #659
This Document is Not Valid Unless Originally Signed And Sealed







5340 Spruce Street

12/2/2020 10:09:55 AM

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.





BOARD OF VARIANCE PLANNING COMMENTS

BV #	6417	Address	5340 Spruce Street
X-Reference	BOV #20-00025	Hearing	2021 January 07

Project	New Single Family Dwelling, Secondary Suite and Detached Garage.
Zoning	R2 Residential District
Neighbourhood	Gilpin – single family neighbourhood

Appeal(s) to vary:	<p>Section 102.8(1) – “Front Yard” from 12.71 m (41.71 ft.), based on front yard averaging, to 9.95 m (32.64 ft.) to allow construction of a new single family dwelling encroaching into the required front yard.</p> <p>The allowable 1.2 m (3.94 ft.) projection of a porch and its supporting structure is permitted into the front yard setback.</p>
Zoning Bylaw intent:	<p>Front yard setbacks help to provide light and privacy for adjacent dwellings and establish a consistent block frontage along the street.</p> <p>The larger front yard requirement calculated through “front yard averaging” is to improve the “fit” of the new construction within the existing neighbourhood and not overshadow existing dwellings nor block views.</p>
Variance Description:	<p>The proposal is to build a new single family dwelling where 2.76 m (9.07 ft.) of depth for the entire two-storey front portion of the proposed dwelling encroaches into the required front yard setback.</p> <p>The new front porch projects 1.2 m (3.94 ft.) further into the front yard setback (as the allowable projection).</p>
Subject Site Considerations:	
<ul style="list-style-type: none"> ○ The site is a rectangular interior lot, approximately 17.78 m (58.32 ft.) wide and 45.72 m (150.00 ft.) deep, which is essentially flat. ○ The site fronts onto Spruce Street to the north; vehicular access is provided from the rear lane to the south. 	

Comments from the Planning Department

BV # 6417 5340 Spruce Street

X-reference: BOV # 20-00025

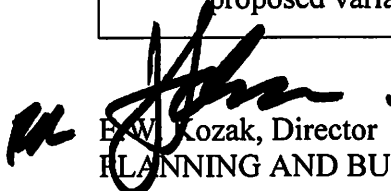
Hearing: 2020 January 07..... Page 2

Neighbourhood Context Considerations:

- The subject site is surrounded by single family dwellings at various ages and conditions.
- The front yard averaging calculations in this case are based on the front yard setbacks of the two neighbouring properties to the east, 5320 and 5332 Spruce Street, and the two neighbouring properties to the west, 5360 and 5366 Spruce Street.
- These front yard setbacks are 9.34 m (30.6 ft.), 9.23 m (30.30 ft.), 10.65 m (34.95 ft.) and 21.86 m (71.75 ft.), respectively.
- The resulting required front yard setback of 12.71 m (41.71 ft.) is affected by the siting of the existing older dwelling located on the second lot to the east (5366 Spruce Street).

Specific Project Considerations

- The proposed front yard setback (9.95 m (32.64 ft.)) is an average of the two immediately adjacent front yards to the west (9.23 m (30.30 ft.)) and east (10.65 m (34.95 ft.)).
- If sited according to the requested variance, the new dwelling would be placed slightly behind (0.71 m (2.34 ft.)) the neighbouring dwelling to the west and slightly ahead (0.70 m (2.31 ft.)) of the neighbouring dwelling to the east; such placement would provide for transitioning between two neighbouring dwellings.
- If the front yard averaging requirement is followed, the new dwelling would be sited substantially behind both neighbouring buildings, 3.48 m (11.41 ft.) to the west and 2.06 m (6.76 ft.) to the east; such placement would not be a good "fit" into the existing streetscape.
- The current dwelling on the subject site observes a front yard setback of approximately 7.62 m (25.00 ft.); this proposal would be an improvement with respect to the current conditions.
- It is noted that the property immediately to the east (5360 Spruce Street) was subject of a similar appeal (BV# 3989) in 1993; the Board of Variance granted a relaxation of the front yard averaging requirement from 12.77 m (41.90 ft.) to 10.66 m (35.00 ft.). In this case, the front yard averaging calculations were also affected by the location of the existing dwelling at the second lot to the east (5366 Spruce Street).
- With the exception to 5366 Spruce Street, the proposed dwelling would be approximately aligned with the neighbouring residences on at least six lots immediately to the east and west of the subject site; the proposed siting of the dwelling would not create negative impacts on the streetscape.
- Although, there is a room to move the proposed dwelling further to the rear (the proposed rear yard depth is over 16.76 m (55.00 ft.)), siting the dwelling in accordance to the proposed front yard would result in more harmonized streetscape, and therefore, the proposed variance would not defeat the intent of the Zoning Bylaw.


 E. W. Kozak, Director
 PLANNING AND BUILDING
 SK:ll



BV6417

5340 SPRUCE STREET

2021 JAN 07

December 11, 2020





BV6417

5340 SPRUCE STREET

2021 JAN 07

December 11, 2020

1:450





2021 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 Major Singh Gadey
 Mailing Address 5193 Portland Street
 City/Town Burnaby Postal Code V5J 2R1
 Phone Number(s) (H) _____ (C) 604-729-5113
 Email msgadey@gmail.com

Property

Name of Owner MAJOR SINGH GADEY, MONIKA GADEY
 Civic Address of Property 4909 Portland Street, Burnaby
V5J 4E2

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.

12/08/2020

Date

M. S. Gadey

Applicant Signature

Office Use Only

Appeal Date 2021 Jan 07 Appeal Number BV# 6418

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**

Date: December 8, 2020

Board of Variance
City of Burnaby
Burnaby, BC

Re: 4909 PORTLAND STREET (BLDG 20-00799), BURNABY, BC.

Re: Approval of Minimum Front Yard set Back.

Dear Sir/Madam

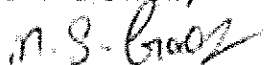
I am proposing to construct single family dwelling and secondary suite including two car detached garage access from back lane at 4909 Portland street under R-5 Zoning.

The minimum front yard set back of R-5 Zoning is 19.7' and the average front yard setback of east side next 2 neighbours 33.15'. I am proposing 25.11' as front yard setback which compiles the minimum front yard setback (19.7') for R-5 zoning.

As you know this is a corner lot with Nelson avenue and Portland Street and the east next two neighbours are old existing houses. The front yard for 4917 Portland street and 4925 Portland street is 26.70' and 39.59' respectively. I would like to note that the proposed building depth is less than permitted. In order to make the detached garage and comply the set back between garage and main dwelling, I can't increase more than proposed front yard set back.

Under the above circumstances, I am requesting to allow minimum front yard setback 25.11'.

Yours faithfully



MAJOR SINGH GAHEY
5193 PORTLAND STREET, V5J 2R1

BURNBAY, BC.
Phone: 604 729 5773



BOARD OF VARIANCE REFERRAL LETTER

DATE: November 27, 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: December 8, 2020 for the January 7, 2021 hearing.		
APPLICANT NAME: Major Singh Gadey		
APPLICANT ADDRESS: 5193 Portland St, Burnaby, V5J 2R1		
TELEPHONE: 604-729-5773		
PROJECT		
DESCRIPTION: New Single Family Dwelling + Secondary Suite + Detached Garage		
ADDRESS: 4909 Portland St, Burnaby, V5J 4E2		
LEGAL DESCRIPTION:	LOT: 10	DL: 158
		PLAN: NWP2077

Building Permit application BLD20-00799 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R5 / Sections 105.9

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 105.9 – "Front Yard" of the Zoning Bylaw requirement for the minimum front yard depth from 10.74 m (35.22 ft.) based on front yard averaging to 7.65 m (25.11 ft.). The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.

Note:

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. Principal building projection exemptions in the calculations of building depth will conform to the requirements of the Depth, Principal Building definition.
4. Retaining walls and Fences will conform to the requirements of Section 6.14.

CL

Peter Kushnir
 FOR Peter Kushnir
 Deputy Chief Building Inspector

SURVEY PLAN OF WEST HALF LOT 10 DISTRICT LOT 158, GROUP 1 NEW WESTMINSTER DISTRICT, PLAN 2077

SCALE 1" = 16'

All distances are in feet

Applicable Adjacent House	Depth of Front Yard
4917 Portland Street	26.70 ft
4925 Portland Street	39.59 ft
Total	66.29 ft
Average	33.15 ft

NOTES:

- Lot dimensions are derived from field survey.
- Elevations are based on the CVD28GVRD2018 datum and are derived from control monument DTS-415 situated at the intersection of Portland Street and Nelson Avenue. Elevation = 288.26 feet.
- For elevation control, use control monument or site benchmarks only. Elevation control must be checked against second source. Contractor assumes all responsibilities and risk when carrying out work using elevation control.
- Building envelope shown is just an approximate interpretation of City Zoning Bylaws. Consult Planning Department for final building envelope prior to design.
- All trees and stumps shown as required by municipal bylaws.
- All elevations along curb lines are gutter levels.
- All dimensions are to exterior faces unless otherwise noted.
- Symbols plotted are for illustrative purposes and are not representative of their true size.

● denotes standard iron post (IP).

⊕ denotes hydro pole.

☆ denotes lamp standard.

tw denotes top of wall.

bw denotes bottom of wall.

⊙ denotes manhole.

WV denotes water valve.

☐ denotes catch basin.

⊙ denotes sign post.

⊙ denotes tree.

8C10-1234 (tree tag number)

— drip line radius (feet)

C=coniferous

D=deciduous

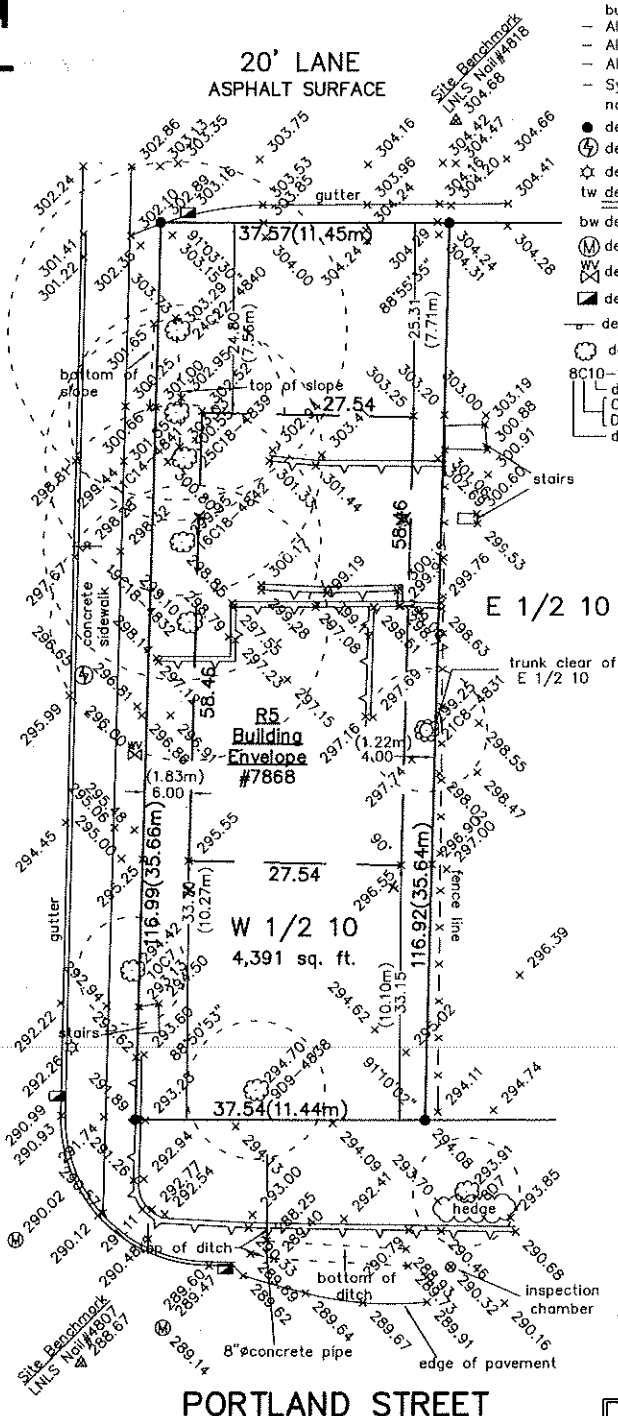
— diameter (inches)

RECEIVED

SEP 18 2020

BUILDING DEPARTMENT

NELSON AVENUE



New Add: 4909 Portland St

CIVIC ADDRESS

(7868 NELSON AVENUE)
BURNABY, B.C.

ZONING: R5

CERTIFIED CORRECT.

DATED THIS 10TH DAY OF AUGUST, 2020

IVAN NGAN

B.C.L.S.

L N L S

METRO VANCOUVER
LAND SURVEYORS

Topographical Plan of
East 1/2 of Lot 9, District Lot 158,
Group 1, New Westminster District,
Plan 2077.

P.I.D.: 000-534-935

Civic Address: 4935 Portland Street, Burnaby

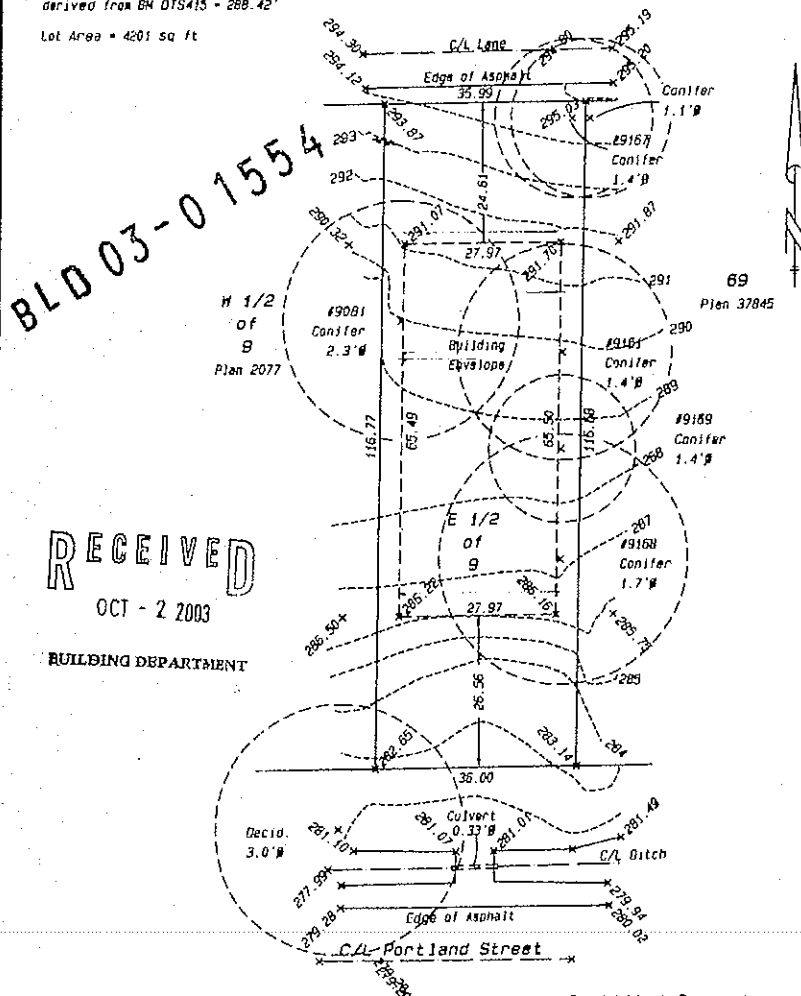
Scale: - 1" = 20'

ADJACENT SETBACKS	
Lot #	Minimum Front Setback
10 (#4917)	30.85
9 (#4925)	38.90
69 (#4045)	13.09
70 (#4657)	22.38
Average	26.55

All dimensions are in feet.

Elevations are on Geodetic Datum
derived from BM DTS415 = 288.42'

Lot Area = 4201 sq. ft.



HENDERSON & ASSOCIATES,
British Columbia Land Surveyors,
5628-0 Imperial Street,
Burnaby, B.C., V5J 1E9
Telephone (604) 430-4252

File #090062

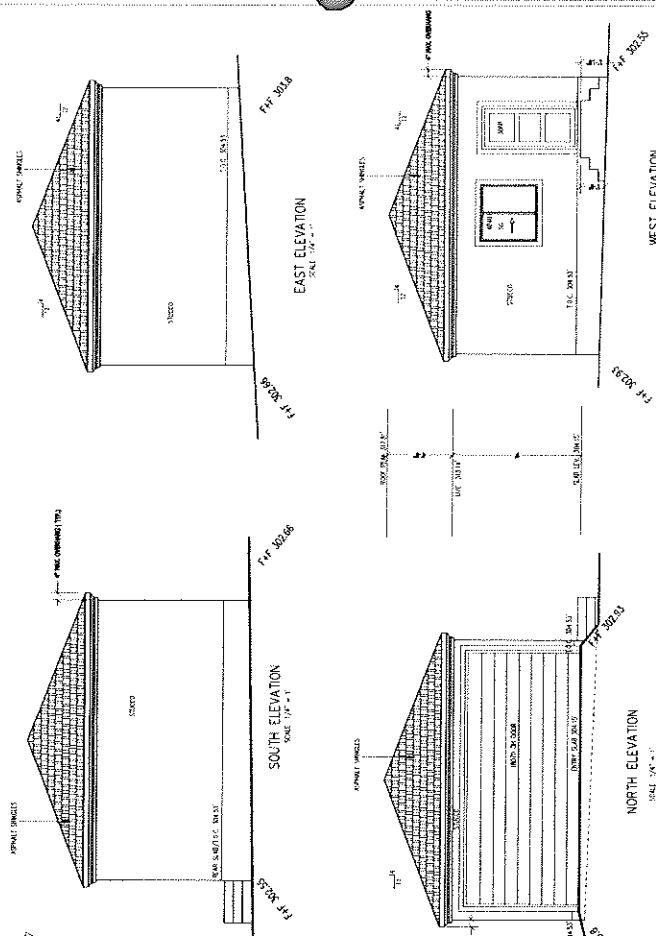
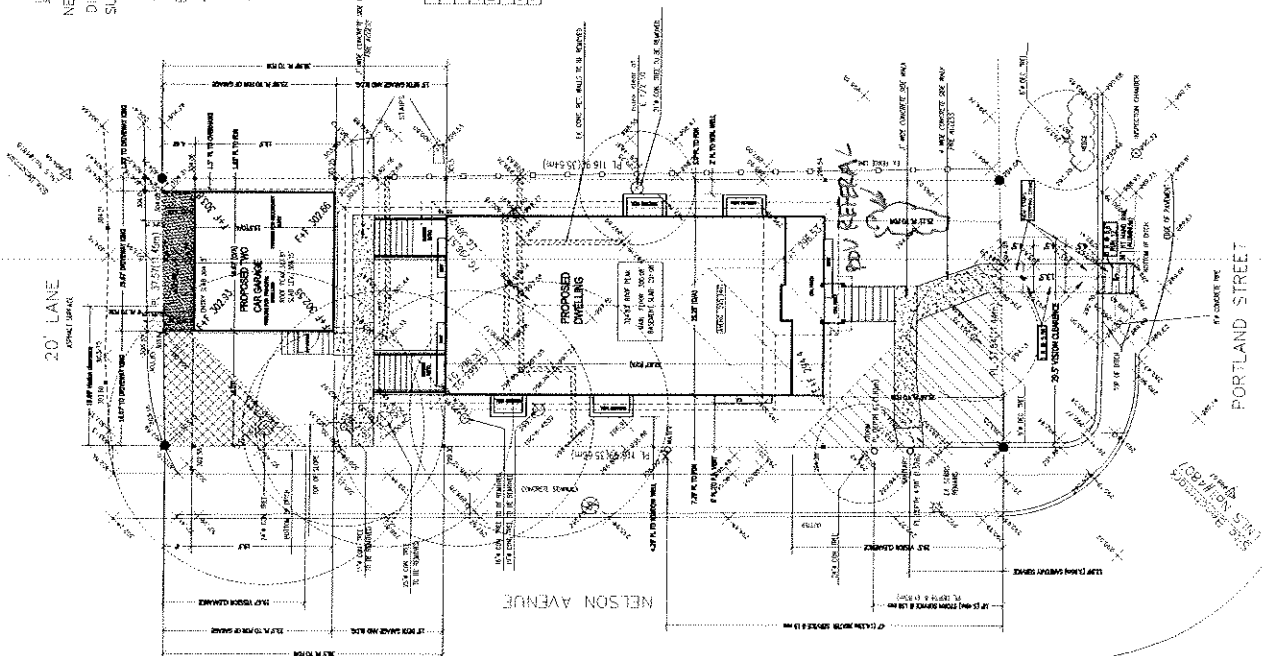
Certified Correct
this 13th day of June, 2003

[Signature]
B.C.L.S.

This Document is not valid unless originally signed and sealed.

© This Document is protected by Copyright.

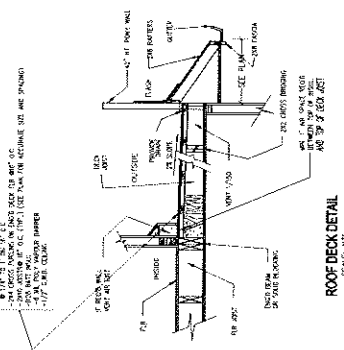
LOT AREA, SQ. FT.	ALLOWED	PROPOSED
A. OF A.	278.2	277.52
LOT COVERAGE	1975.86	1762.88
GARAGE	80.0	429.0
DOCK, PORCH & DECK	318.38	518.38
IMPERVIOUS AREA	3073.7	3488.0



General information **zone 4** ☐ **zone 5** ☐ **zone 6** ☐ **zone 7** ☐ **zone 8** ☐ **zone 9** ☐ **zone 10** ☐ **zone 11** ☐ **zone 12** ☐ **zone 13** ☐ **zone 14** ☐ **zone 15** ☐ **zone 16** ☐ **zone 17** ☐ **zone 18** ☐ **zone 19** ☐ **zone 20** ☐ **zone 21** ☐ **zone 22** ☐ **zone 23** ☐ **zone 24** ☐ **zone 25** ☐ **zone 26** ☐ **zone 27** ☐ **zone 28** ☐ **zone 29** ☐ **zone 30** ☐ **zone 31** ☐ **zone 32** ☐ **zone 33** ☐ **zone 34** ☐ **zone 35** ☐ **zone 36** ☐ **zone 37** ☐ **zone 38** ☐ **zone 39** ☐ **zone 40** ☐ **zone 41** ☐ **zone 42** ☐ **zone 43** ☐ **zone 44** ☐ **zone 45** ☐ **zone 46** ☐ **zone 47** ☐ **zone 48** ☐ **zone 49** ☐ **zone 50** ☐ **zone 51** ☐ **zone 52** ☐ **zone 53** ☐ **zone 54** ☐ **zone 55** ☐ **zone 56** ☐ **zone 57** ☐ **zone 58** ☐ **zone 59** ☐ **zone 60** ☐ **zone 61** ☐ **zone 62** ☐ **zone 63** ☐ **zone 64** ☐ **zone 65** ☐ **zone 66** ☐ **zone 67** ☐ **zone 68** ☐ **zone 69** ☐ **zone 70** ☐ **zone 71** ☐ **zone 72** ☐ **zone 73** ☐ **zone 74** ☐ **zone 75** ☐ **zone 76** ☐ **zone 77** ☐ **zone 78** ☐ **zone 79** ☐ **zone 80** ☐ **zone 81** ☐ **zone 82** ☐ **zone 83** ☐ **zone 84** ☐ **zone 85** ☐ **zone 86** ☐ **zone 87** ☐ **zone 88** ☐ **zone 89** ☐ **zone 90** ☐ **zone 91** ☐ **zone 92** ☐ **zone 93** ☐ **zone 94** ☐ **zone 95** ☐ **zone 96** ☐ **zone 97** ☐ **zone 98** ☐ **zone 99** ☐ **zone 100** ☐ **zone 101** ☐ **zone 102** ☐ **zone 103** ☐ **zone 104** ☐ **zone 105** ☐ **zone 106** ☐ **zone 107** ☐ **zone 108** ☐ **zone 109** ☐ **zone 110** ☐ **zone 111** ☐ **zone 112** ☐ **zone 113** ☐ **zone 114** ☐ **zone 115** ☐ **zone 116** ☐ **zone 117** ☐ **zone 118** ☐ **zone 119** ☐ **zone 120** ☐ **zone 121** ☐ **zone 122** ☐ **zone 123** ☐ **zone 124** ☐ **zone 125** ☐ **zone 126** ☐ **zone 127** ☐ **zone 128** ☐ **zone 129** ☐ **zone 130** ☐ **zone 131** ☐ **zone 132** ☐ **zone 133** ☐ **zone 134** ☐ **zone 135** ☐ **zone 136** ☐ **zone 137** ☐ **zone 138** ☐ **zone 139** ☐ **zone 140** ☐ **zone 141** ☐ **zone 142** ☐ **zone 143** ☐ **zone 144** ☐ **zone 145** ☐ **zone 146** ☐ **zone 147** ☐ **zone 148** ☐ **zone 149** ☐ **zone 150** ☐ **zone 151** ☐ **zone 152** ☐ **zone 153** ☐ **zone 154** ☐ **zone 155** ☐ **zone 156** ☐ **zone 157** ☐ **zone 158** ☐ **zone 159** ☐ **zone 160** ☐ **zone 161** ☐ **zone 162** ☐ **zone 163** ☐ **zone 164** ☐ **zone 165** ☐ **zone 166** ☐ **zone 167** ☐ **zone 168** ☐ **zone 169** ☐ **zone 170** ☐ **zone 171** ☐ **zone 172** ☐ **zone 173** ☐ **zone 174** ☐ **zone 175** ☐ **zone 176** ☐ **zone 177** ☐ **zone 178** ☐ **zone 179** ☐ **zone 180** ☐ **zone 181** ☐ **zone 182** ☐ **zone 183** ☐ **zone 184** ☐ **zone 185** ☐ **zone 186** ☐ **zone 187** ☐ **zone 188** ☐ **zone 189** ☐ **zone 190** ☐ **zone 191** ☐ **zone 192** ☐ **zone 193** ☐ **zone 194** ☐ **zone 195** ☐ **zone 196** ☐ **zone 197** ☐ **zone 198** ☐ **zone 199** ☐ **zone 200** ☐ **zone 201** ☐ **zone 202** ☐ **zone 203** ☐ **zone 204** ☐ **zone 205** ☐ **zone 206** ☐ **zone 207** ☐ **zone 208** ☐ **zone 209** ☐ **zone 210** ☐ **zone 211** ☐ **zone 212** ☐ **zone 213** ☐ **zone 214** ☐ **zone 215** ☐ **zone 216** ☐ **zone 217** ☐ **zone 218** ☐ **zone 219** ☐ **zone 220** ☐ **zone 221** ☐ **zone 222** ☐ **zone 223** ☐ **zone 224** ☐ **zone 225** ☐ **zone 226** ☐ **zone 227** ☐ **zone 228** ☐ **zone 229** ☐ **zone 230** ☐ **zone 231** ☐ **zone 232** ☐ **zone 233** ☐ **zone 234** ☐ **zone 235** ☐ **zone 236** ☐ **zone 237** ☐ **zone 238** ☐ **zone 239** ☐ **zone 240** ☐ **zone 241** ☐ **zone 242** ☐ **zone 243** ☐ **zone 244** ☐ **zone 245** ☐ **zone 246** ☐ **zone 247** ☐ **zone 248** ☐

Variable: Study (study #, system, effect, MC, comparison, statistical system, etc.)		MC Type		MC System		MC Effect	
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55	55	55	55	55	55	55	55
56	56	56	56	56	56	56	56
57	57	57	57	57	57	57	57

Whiskers and Dots	U value msec ²	U value msec ² /g
Whiskers	0.37	8
Dots	0.51	2.9
Blank blocks	0.61	2.9



SITE PLAN



4909 Portland Street

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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 #	6418	Address	4909 Portland Street
X-Reference	BOV #20-00026	Hearing	2021 January 07

Project	New Single Family Dwelling + Secondary Suite + Detached Garage
Zoning	R5 Residential District
Neighbourhood	South Slope - single and two family neighbourhood

Appeal(s) to vary:	<p>Section 105.9 – “Front Yard” from 10.74 m (35.22 ft.), based on front yard averaging, to 7.65 m (25.11 ft.) to allow construction of a new single family dwelling encroaching into the required front yard.</p> <p>The allowable 1.2 m (3.94 ft.) projection of a porch and its supporting structure is permitted into the front yard setback.</p>
Zoning Bylaw intent:	<p>Front yard setbacks help to provide light and privacy for adjacent dwellings and establish a consistent block frontage along the street.</p> <p>The larger front yard requirement calculated through “front yard averaging” is to improve the “fit” of the new construction within the existing neighbourhood and not overshadow existing dwellings nor block views.</p>
Variance Description:	<p>The proposal is to build a new single family dwelling where 3.08 m (10.11 ft.) of depth for the two-storey front portion of the dwelling encroaches into the required front yard setback.</p> <p>The front portion of the dwelling observes various setbacks; the measurement is taken to the outermost face of the eastern portion of the second floor which projects 1.58 m (5.18 ft.) over the main floor/veranda below. On the west side, the second floor is substantially set back from the eastern portion; 2.67 m (8.75 ft.) as measured to the covered deck and further 2.90 m (9.5 ft.) as measured to the solid wall behind.</p> <p>On the main floor, a 1.35 m (4.42 ft.) – 1.58 m (5.18 ft.) deep veranda/porch spans across entire width of the proposed dwelling, a small portion of which projects 1.2 m (3.94 ft.) further into the front yard setback (as the allowable projection).</p>

Comments from the Planning Department

BV # 6418 4909 Portland Street

X-reference: BOV # 20-00026

Hearing: 2020 January 07..... Page 2

Subject Site Considerations:

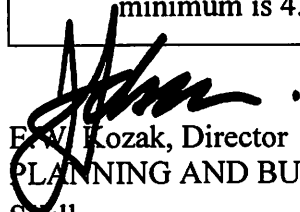
- The site is a rectangular corner lot, approximately 11.44 m (37.54 ft.) wide and 35.66 m (116.99 ft.) deep, with a moderate upward slope of approximately 2.69 m (8.81 ft.) from the front to the rear.
- The site fronts onto Portland Street to the south and Nelson Avenue flanks the site on the west; vehicular access is provided from the rear lane to the north.

Neighbourhood Context Considerations:

- The subject site is surrounded by single family dwellings at various ages and conditions.
- The front yard averaging calculations in this case are based on the front yard setbacks of the two neighbouring properties to the east, 4917 and 4925 Portland Street. These front yard setbacks are 9.40 m (30.85 ft.) and 12.06 m (39.59 ft.), respectively.
- The front yard average calculation is affected by the older dwelling located on the second lot to the east (4925 Portland Street). This dwelling observes the largest front yard setback in the entire subject block (consisting of 8 lots in total).
- If the front yard averaging requirement is followed, the new dwelling would be sited 1.33 m (4.37 ft.) behind the neighbouring residence to the east; such “recessed” placement, which would be further emphasized by a large balcony projecting from this residence’s front façade, would not be a good “fit” into the existing streetscape.
- The proposed front yard setback would place the second floor of the new dwelling 1.75 m (5.74 ft.) in front of the neighbouring residence to the east, and slightly in front of their balcony.
- Generally, the subject block features properties with greater front yard setbacks in the western section (in a range of approximately 9.1 m (30.0 ft.)) and those with lesser setbacks in the eastern section (in a range of approximately 6.1 m (20.0 ft.)).

Specific Project Considerations

- The current dwelling observes a shortest front yard setback (approximately 5 m (16.0 ft.) in the entire subject block. In view of this, the proposed setback would be an improvement to the existing conditions.
- The proposed design appears to be a reasonable compromise between the needs of the development and the setback requirements in the context of the entire block.
- A corner lot occupies a prominent position, and the new two-storey dwelling (8.93 m (29.33 ft.) in height) will “anchor” the street.
- Design modifications could be explored with a request to slightly vary the distance between the house and garage (currently 4.57 m (15.0 ft.) is proposed where the required minimum is 4.5 m (14.8 ft.)), which would provide for a greater front yard setback.


 E. W. Kozak, Director
 PLANNING AND BUILDING
 SK:ll



BV6418

4909 PORTLAND STREET

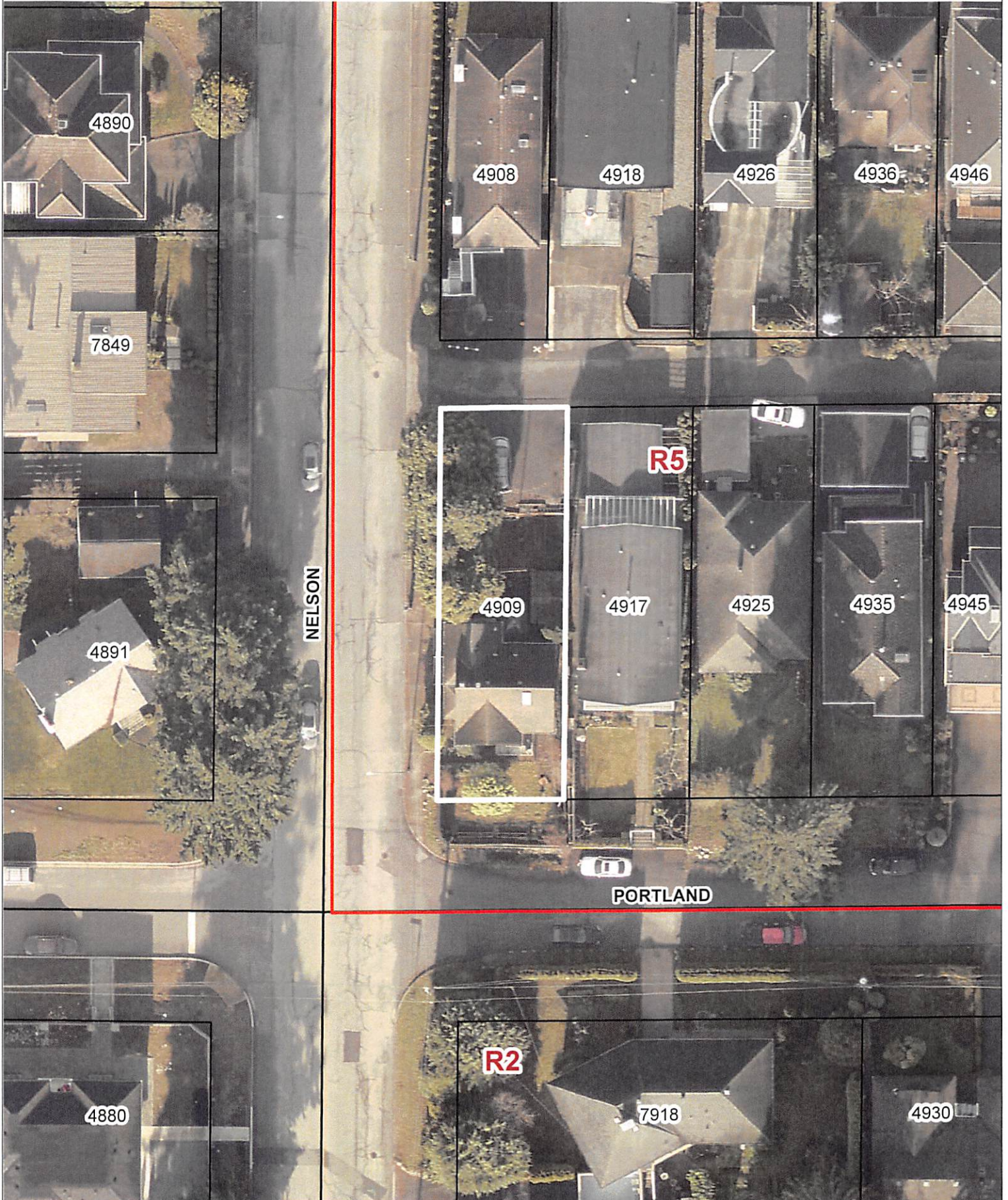
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