

May 9, 2015

Mr. Biagio Gargiulo  
6497 Parkcrest Drive  
Burnaby, BC V5B 2T1

Board of Variance  
City of Burnaby,

RE: 6497 Parkcrest Drive

Dear Board of Variance Members,

I am requesting a relaxation of, Burnaby Zoning Bylaw (Number 4742) Section 6.13 Vision Clearance at intersection for corner lots to allow the height of my existing concrete posts to measure 44" on Kensington Street and 46" on Parkcrest. The actual height of posts is 36" above the retaining wall.

1) The difference in the measurements of the bylaw and my posts, is a matter of 2 or 3 inches

Depending on the grade of the ground and where we measure, if I understand it correctly, as I'm not an experienced builder. I tried to get an answer from various contractors and builders, but each had a different opinion and no one was exactly sure as to where to measure from. We tried following the instructions in the pamphlet issued by the Building Department, but were not able to come to any mutual interpretation or understanding. Each person had a different interpretation and a different procedure.

Please allow me to point out that all work done on the building my home was inspected and approved by Burnaby City Inspectors step by step, as per Burnaby Building Codes and Bylaws. It was not until after the 2nd request for the Final inspection that this became an issue that is now preventing me from passing Final Inspection on my home.

2) The utmost reason for my request of the relaxation of this Bylaw, is the **safety of my family**.

My children range in age from 6 to 11 years old. I have pets and extended family members who must feel safe when visiting me at my home. I want to ensure that my children can safely play on their own property! The high volume and high speed of traffic on Kensington Street makes it imperative that I build a fence that will provide a safe environment for my children to play and live in, and at the same time, ensure the safety of anyone who may be visiting on my property.

3) The railings that I intend to install in between the posts will measure a total of 38" in height measured from the outside of the fencing and a 32" guardrail measured on the inside at my ground level and top of my retaining wall. It will be an aluminum railing with spacing of 4" allowing for easy visibility and at the same time protecting my children from falling over the retaining wall and others falling in.

4) Additional Hardship and added expenses to adjust for an extremely minor variance, the minor of the minor variance. We are discussing 3 or 4 posts that are found to be 3" over height.

The back post was previously assessed as not being an issue as there is a hydro pole directly behind my back corner post. I have included that on the application as well as there were some questions asked regarding my lane fencing by the Plan Checker and I would like to be open and forthcoming in the matter, unlike a lot of other professional builders who build their fencing structures only after passing final inspection so that they do not fall into the same confusion regarding the vision clearance and fencing bylaw. You only have to walk around any Burnaby neighborhood to verify this, for there are countless homes (new and old) that have fences and shrubbery over 7' high, some of which are still under construction. I, however, want to comply and build my home according to Burnaby Bylaws and regulations so as to avoid any potential issues of Bylaw contravention.

Please accept my request for the relaxation of the above mentioned Bylaw and I hope to be given the go ahead with the railing closure as originally planned.

Thank you,



Biagio Gargiulo