



CITY OF BURNABY

BOARD OF VARIANCE

NOTICE OF OPEN MEETING

MINUTES

A Hearing of the Board of Variance was held in the Council Chamber, Main Floor, City Hall, 4949 Canada Way, Burnaby, B.C., on Thursday, 2015 December 03 at 1:00 p.m.

1. CALL TO ORDER

PRESENT: Ms. C. Richter, Chair
Mr. B. Bharaj, Citizen Representative
Mr. B. Pound, Citizen Representative
Mr. S. Nemeth, Citizen Representative

ABSENT: Mr. G. Clark, Citizen Representative

STAFF: Mr. M. Wodzynski, Development Plan Technician
Ms. E. Prior, Administrative Officer

The Chair for the Board of Variance called the meeting to order at 1:00 p.m.

2. MINUTES

MOVED BY MR. B. POUND:
SECONDED BY MR. B. BHARAJ:

THAT the Hearing of the Burnaby Board of Variance held on 2015 November 05 be adopted as circulated.

CARRIED UNANIMOUSLY

3. APPEAL APPLICATIONS

The following persons filed application forms requesting that they be permitted to appear before the Board of Variance for the purpose of appealing for the relaxation of specific requirements as defined in the Burnaby Zoning Bylaw 1965, Bylaw No. 4742.

(a) APPEAL NUMBER: B.V. 6196

APPELLANT: Tony Gill

REGISTERED OWNER OF PROPERTY: Belltown Homes LTD and A-Pacific Development LTD

CIVIC ADDRESS OF PROPERTY: 7357 Newcombe Street

LEGAL DESCRIPTION OF PROPERTY: Lot 32; District Lot 25; Plan 14945

APPEAL: An appeal for the relaxation of Section 6.3.1 of the Burnaby Zoning Bylaw, which, if permitted, would allow for the construction of a new single family home at 7357 Newcombe Street. The distance between the principal building and the detached garage and carport would be 3.43 feet where a minimum distance of 14.8 feet is required. (Zone R10)

A previous Board of Variance (BOV 6177 2015 July 09) denied an appeal requesting the front yard setback of 24.93 feet measured to the foundation where a minimum front yard setback of 40.63 feet is required.

A previous Board of Variance (BOV 6190 2015 September 03) denied an appeal requesting the front yard setback of 33.86 feet measured to the foundation where a minimum front yard setback of 40.63 feet is required; and allowed the distance between the principal building and the detached garage of 9.75 feet where a minimum distance of 14.8 feet is required.

A previous Board of Variance (BOV 6190 2015 November 05) denied an appeal requesting the distance between the principal building and the detached garage of .53 feet where a minimum distance of 14.8 feet is required.

APPELLANT'S SUBMISSION:

Tony Gill, Belltown Homes Ltd and and A-Pacific Development Ltd, submitted an application to allow for the construction of a new home at 7357 Newcombe Street.

Tony Gill appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

This property was the subject of an appeal before the Board on 2015 July 09 (BV6177), 2015 September 03 (BV6190) and 2015 November 05 (BV6194).

In the 2015 July 09 appeal, a variance was sought for the construction of a new single family dwelling and detached garage observing a front yard setback of 24.93 ft.,

where a front yard setback of 40.63 ft. is required. This Department did not support this request, and the Board of Variance denied the appeal.

In the 2015 September 03 appeal, two variances were sought for the construction of a new single family dwelling with a detached garage. The first a) appeal was for a distance of 9.75 ft. from the accessory building to the principal building, where a minimum distance of 14.8 ft. is required. The second b) appeal was for a front yard setback of 33.86 ft. where a front yard setback of 40.63 ft. is required. While this Department did not support the first a) appeal for a reduced distance between the garage and residence, the Board granted it. Similarly, this Department supported the request for a reduced front yard setback, but the Board denied the second b) appeal.

In the 2015 November 05 appeal, a variance was sought for the construction of a new single family dwelling with a detached garage observing a distance of 0.53 ft. from the accessory building to the principal building, where a minimum distance of 14.8 ft. is required. This Department did not support this request, and the Board of Variance denied the appeal.

This Department's comments on the 2015 November 05 appeal, which also references the 2015 September 03 appeal and the 2015 July 09 appeal, are included as *Item 1* in the *attached* supplementary materials.

In response to concerns raised by the Board at the 2015 November 05 hearing, the applicant has again revised the proposal. The revised design replaces the previously proposed detached two-car garage with a detached one-car carport/one-car garage structure. Also, the proposed rear deck, previously located 0.53 ft. away from the detached garage, is reduced in size and placed further away from the carport/garage structure. Otherwise, the revised proposal is similar to that presented in the 2015 November 05 appeal.

More specifically, the following relaxation is requested:

The appeal would permit a distance of 3.43 ft. from the detached carport/garage to the principal building, with a 2.94 ft. roof projection from the principal building, where a minimum distance of 14.8 ft. is required.

The Bylaw requires a separation between buildings on the same lot in order to prevent massing impacts to the occupants of the subject property and neighbouring properties, as well as to provide for sufficient outdoor living space.

Similar to the 2015 November 05 appeal, this variance relates directly to the siting of the principal building in conformance with the required 40.63 ft. front yard setback. In order to achieve this substantial front yard setback, the proposed dwelling has been located closer to the accessory detached garage than is permitted.

The proposed distance of 3.43 ft. between the garage and the dwelling, while greater than the 0.53 ft. proposed in the 2015 November 05 appeal, remains significantly less

than the 9.75 ft. distance approved by the Board on 2015 September 03. The proposed overlap between the dwelling and carport/garage is approximately 18.5 ft., with the garage component contributing 9.0 ft. and the carport component contributing 9.5 ft. It is noted that an attempt has been made to minimize impacts on the occupants of the residence, by removing all windows from the area of overlap. As such, no primary living space would face the garage.

However, the required separation continues to be substantially reduced, by 11.37 ft. or 77 %, and the dwelling and carport/garage structure would still effectively appear as a single building form. The neighbouring property immediately southeast of the subject site would be affected by this proposal.

Due to the dimensional requirements for parking spaces, the overall width of the detached carport/garage structure is slightly increased (by 1.17 ft.), with the garage portion located approximately 2 ft. closer to the south-east side property line. Otherwise, the overall size and siting of the detached carport/garage, in the south corner of the rear yard, remains similar to the proposal presented in the 2015 November 05 appeal.

The openness of the carport component helps to reduce the massing impacts of the structure on the rear yard. Also, since there is an existing detached garage immediately to the southeast of the subject lot, the slightly closer placement of the detached garage component to the south-east property line would not in itself significantly increase impacts on the adjacent property.

The proposed deck continues to be located over the sunken patio, which is a primary source of daylight for the proposed secondary suite in the cellar. However, the proposed reduction in the deck area, from 15 ft. wide by 6 ft. deep to 11 ft. wide by 4 ft. deep, would result in lesser shading of this space and, consequently, would improve the quality of outdoor living space for the proposed secondary suite. Otherwise, a small yard area would remain to the northwest of the detached carport/garage for the use of the primary dwelling unit and secondary suite. Additional outdoor space would be available in the sizable front yard; however, this area would not afford the privacy of a rear yard.

In summary, although the impacts of the requested variance are lessened by the proposed carport/garage/deck modifications, this variance could be further lessened by reducing the proposed two-car carport/garage to a one-car garage and providing an additional surface parking space to satisfy parking requirements.

For the above reasons, this Department cannot support the requested variance.

ADJACENT OWNER'S COMMENTS:

Mr. R. Arseneault, 8249 19th Avenue, appeared before the Board in opposition to the appeal.

No correspondence was received regarding this appeal.

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. B. POUND:

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(b) APPEAL NUMBER: B.V. 6197

APPELLANT: Edward Vega

REGISTERED OWNER OF PROPERTY: Darlene Sorel

CIVIC ADDRESS OF PROPERTY: 175 Delta Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 10; DL 122/188; Plan NWP 4953

APPEAL: An Appeal for the relaxation of Section 105.6(1)(b) of the Burnaby Zoning Bylaw which, if permitted, would allow for interior alterations and an addition to an existing single family dwelling with secondary suite and detached garage, at 175 Delta Avenue. The following variances are being requested:

- a) The principal building height, measured from the rear average elevation, would be 33.55 feet where a maximum height of 24.3 feet is permitted;
- b) The principal building height, measured from the front average elevation, would be 25.71 feet where a maximum height of 24.3 feet is permitted; and,
- c) The principal building height would be 3 storeys where a maximum of 2.5 storeys is permitted. (Zone R5)

APPELLANT'S SUBMISSION:

Edward Vega submitted an application to allow for substantive interior and exterior reconstruction of an existing single family home at 175 Delta Avenue.

Darlene Sorel and Edward Vega appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R5 Residential District, is located in the Capitol Hill neighbourhood, in which the age and condition of single family dwellings vary. This interior lot, approximately 33 ft. wide and 122 ft. deep, fronts onto Delta Avenue to the east. The subject site abuts single family lots to the north and south. An undeveloped section of the Pandora Street right of way is located directly across Delta Avenue to the east of the subject site. Vehicular access to the subject site is provided via the rear lane to the west. The subject site slopes significantly downward (approximately 24 ft.) from the front to the rear.

The subject site is improved with a two story single family dwelling, consisting of a main floor and basement, which was originally built in 1953. The applicant proposes to construct a secondary suite in the existing basement, renovate the main floor, and add an upper floor and a detached garage. The upper floor addition is the subject of three appeals. All three appeals concern building height and are co-related.

The first a) appeal is for a building height of 33.55 ft., measured from the rear average elevation, where a maximum height of 24.3 ft. is permitted for flat roofs.

The second b) appeal is for a building height of 25.71 ft., measured from the front average elevation, where a maximum height of 24.3 ft. is permitted for flat roofs.

The third c) appeal is for a height of 3 storeys where a maximum of 2½ storeys is permitted.

The intent of the Bylaw is to mitigate the massing impacts of new buildings or structures on neighbouring properties. Additionally, with respect to the third c) appeal, the intent of the Bylaw in limiting the size of the 3rd floor of a dwelling is to preserve views.

With reference to the first a) appeal, the height calculation is based on the proposed grades at the rear elevation. The proposed grades would be approximately 2.82 ft. lower than the existing grades, resulting in the exposure of additional building height at the rear of the dwelling. This additional exposed building height would not be immediately visible from the lane, as it would be screened by the detached garage proposed to the rear of the dwelling.

The grade difference from the front to the rear of the subject site contributes to the excess height of the rear elevation. The proposed height encroachment of 9.25 ft. would extend over the entire upper floor, from near the top of the balcony guard rail. The proposed main floor ceiling height is 10.1 ft. and the proposed upper floor ceiling height is 9 ft. at its lowest point. The upper floor, including the roof component, contributes 11.91 ft. to the overall building height.

The proposed rear yard setback of 67.24 ft. would help to mitigate, to a degree, the massing impacts of the overheight portion of the residence on the neighbouring property across the lane to the west; however, the encroachment is nonetheless significant. The

proposed roof design, which slopes upward from front to rear, in combination with a large (6.28 ft.) rear overhang, further amplifies the excess height.

When viewed from the south and north (side) elevations, the proposed height encroachment would be limited to triangular areas in the rear, starting at approximately the midpoint of the upper floor. The steepness of the terrain on the subject site and neighbouring properties, and the general direction of views towards the west are factors that help to mitigate the effect of the additional massing on the neighbouring residences on both sides of the subject site. However, although the residences have few windows facing the subject site, the extent of encroachment remains a concern, since the height encroachment occurs at the relatively short distances of 3.3 and 3.5 ft. to the north and south property lines respectively.

In reference to the second b) appeal, the height calculation is based on existing natural grades at the front elevation. The proposed height encroachment of 1.41 ft. would be generally limited to the sloping upward roof area above and beyond the fascia board. If the slightly higher proposed grades are considered, the building height to the top of the fascia board, as viewed from Delta Avenue, would be approximately 22 ft. high, which is considerably less than the dimensional height requirement for the R5 District (24.3 ft.). Further, with respect to the neighbouring dwelling across Delta Avenue to the east, given the small overlap of the encroachment area with this residence, as well as the elevated siting of this residence in relation to the subject site, no impacts are expected on views from this residence.

With respect to the third c) appeal, the proposed 834 sq. ft. upper floor addition would extend over the entire 791 sq. ft. footprint of the floor below. There is an approximately 1.78 ft. floor overhang along whole width of the building to the west, with a balcony projecting a further 3.33 ft.

The proposed third floor addition exceeds 50% of the gross floor area of the main storey by 438.5 sq. ft. or 105%, which is a significant variance. It is noted however, that this major variance is the result of the small footprint of the existing dwelling and, in the context of the neighbouring houses, the proposed upper floor square footage is relatively modest.

Due to the substantially sloped terrain of the subject site, only the rear portion of the residence (at the west elevation) would present a true 3 storey appearance. Even so, no massing affects are expected on the neighbouring residence across the lane to the west, considering the distant siting of this residence and the fact that the views are primarily oriented to the west. Similarly, with respect to the neighbouring property at 202 Delta Avenue, across Delta Avenue to the east, the elevated terrain to the east of the subject site would mitigate impacts on this neighbouring property.

In summary, several factors serve to mitigate the impacts of the proposed height relaxations on neighbouring properties. In addition, the proposed height would not be out of the ordinary within the existing street frontage. However, the proposed first a) and third c) height relaxations are significant, and all three relaxations appear to be the

result of design choices rather than a hardship, and could be lessened with design modifications.

For these reasons, this Department cannot support the granting of the first a), second b) and third c) variances.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from owner/occupant at 202 Delta Avenue in opposition to this appeal. The author stated that the construction of a 3rd floor will create a burden on their view and will affect the use and enjoyment of their home as well as affecting the sale price.

Correspondence was received from owner/occupant at 142 Delta Avenue in opposition to this appeal. The author stated that the construction of a 3rd floor will create a burden on their view and will affect the use and enjoyment of their home as well as affecting the sale price.

Correspondence was received from owner/occupant at 149 Delta Avenue in opposition to this appeal. The author is concerned about the change to the ambience and personality of the street. The proposed structure would block their view. The author voiced concerns regarding required parking for a secondary suite and lack of demonstrated hardship.

Correspondence was received from owner/occupant at 4950 Pandora Street in opposition to this appeal siting a loss of view and property value.

A petition letter was also received in opposition to the proposed variances containing signatures from owners/occupants at the following addresses: 205, 221, 231, and 295 South Hythe Avenue, 128, 142, 149, 202, 204, 210, 215, 225 Delta Avenue and 4449 and 4950 Pandora Street.

Alfonso Bonato, 142 Delta Avenue, appeared before the Board of Variance in opposition of this appeal.

Jana Thorn, 4950 Pandora Street, appeared before the Board of Variance in opposition of this appeal.

Adrian Patheiger, 155 Delta Avenue, appeared before the Board of Variance in opposition to this appeal.

John Dwyer, 202 Delta Avenue, appeared before the Board of Variance in opposition to this appeal.

No further correspondence was received.

MOVED BY MR. B. BHARAJ:
SECONDED BY MR. B. POUND:

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

FOR: MR. B. BHARAJ

OPPOSED: MS. C. RICHTER
MR. B. POUND
MR. S. NEMETH

DENIED

MOVED BY MR. B. BHARAJ:
SECONDED BY MR. B. POUND:

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

FOR: MR. B. BHARAJ

OPPOSED: MS. C. RICHTER
MR. B. POUND
MR. S. NEMETH

DENIED

MOVED BY MR. B. BHARAJ:
SECONDED BY MR. B. POUND:

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

FOR: MR. B. BHARAJ

OPPOSED: MS. C. RICHTER
MR. B. POUND
MR. S. NEMETH

DENIED

(c) **APPEAL NUMBER:** B.V. 6198

APPELLANT: Ying Muoi Ho

REGISTERED OWNER OF PROPERTY: Ying Muoi Ho

CIVIC ADDRESS OF PROPERTY: 8210 Burnlake Drive

LEGAL DESCRIPTION OF PROPERTY: Lot 202; District Lot 40; Plan 48688

APPEAL: An appeal for the relaxation of Section 101.8 of the Burnaby Zoning Bylaw, which, if permitted, would allow for the construction of an addition and interior alterations to main and upper floor of an existing single family dwelling with a secondary suite and detached garage at 8210 Burnlake Drive. The front yard setback from the Winston Street property line would be 74.10 feet to the foundation where a minimum front yard setback of 85.24 feet is required based on front yard averaging. A balcony would project 1.5 feet beyond the foundation and two window bays would project 1.0 feet beyond the foundation. (Zone R1)

A previous Board of Variance (BOV 6175 2015 July 09) decision allowed a front yard setback on Winston Street of 72.62, as well as, a roof overhang projecting 2.5 feet on all sides beyond the foundation of the addition, except with a roof overhang of 3 feet where 2 roofs meet.

APPELLANT'S SUBMISSION:

Ying Muoi Ho submitted an application to allow for the construction of an addition and interior alterations of an existing single family dwelling at 8210 Burnlake Drive.

Ian Guan, architect, appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

This property was the subject of an appeal before the Board on 2015 July 09 (BV6175). A variance was sought for the construction of an addition to the existing single family dwelling observing a front yard setback of 72.62 ft., where a front yard setback of 85.25 ft. is required. This Department supported this request, and the Board of Variance allowed the appeal.

This Department's comments on the 2015 July 09 appeal are included as *Item 1* in the *attached* supplementary materials.

Subsequently, a building permit (BLD15-00197) was issued and the construction of various additions and alterations to the existing dwelling began. However, as construction is still in its early stages, the applicant wishes to revise the originally presented proposal with respect to the rear addition. This revised rear addition is the subject of this appeal.

The appeal requests a front yard setback of 74.10 ft., measured to the foundation of the proposed addition, with a further balcony projection of 1.5 ft. and two bay window projections of 1.0 ft., where front yard averaging requires a minimum setback of 85.24 ft. from the Winston Street property line.

In 1991, Council responded to public concerns regarding the bulk and massing of newer and larger homes that were being built in existing neighbourhoods. Several text

amendments to the Zoning Bylaw were adopted to address these concerns, including a requirement to set new construction back from the front property line based on an average of the two dwellings on either side of the subject site. The intent was to help to ease new construction into existing street frontages with minimal impact.

This appeal proposes the reconfiguration of the rear addition, including the reduction of its depth by 1.5 ft., and the expansion of interior floor space by approximately 12.33 ft. at the upper level of the south elevation. This expansion encompasses a portion of the open deck area located at the south-east corner of the dwelling. In addition, the proposed deck extends approximately 3.92 ft. further towards the east side property line than the previously approved deck. The proposed balcony and two bay windows at the upper level are located outside of the previously approved 72.62 ft. front yard setback.

In summary, the proposed rear addition would remain similar in massing to that approved under the 2015 July 09 appeal. Therefore, this Department's comment's from the 2015 July 09 appeal remain relevant; these comments concluded that the proposed relaxation will have no impact on the visible frontage of Winston Street, which consists of a covenanted landscape buffer. It is also noted that the proposed relaxation will have no negative impacts on neighbouring properties.

In view of the above, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(d) **APPEAL NUMBER:** B.V. 6199 **WITHDRAWN**

APPELLANT: Amitoj Sanghera

REGISTERED OWNER OF PROPERTY: Agiakar and Pritpal Gill

CIVIC ADDRESS OF PROPERTY: 3526 Colter Court

LEGAL DESCRIPTION OF PROPERTY: Lot 100; District Lot 43; Plan NWP39458

This appeal was withdrawn prior to the hearing.

(e) **APPEAL NUMBER:** B.V. 6200

APPELLANT: Helder Baptista

REGISTERED OWNER OF PROPERTY: Helder Baptista

CIVIC ADDRESS OF PROPERTY: 6200 Buchanan Street

LEGAL DESCRIPTION OF PROPERTY: Lot 202; District Lot 40; Plan 48688

APPEAL: An appeal for the relaxation of Sections 6.2(2) and 800.6(1) of the Burnaby Zoning Bylaw, which, if permitted, would allow for the construction of an accessory building in a required front yard at 6200 Buchanan Street, located 9.0 feet from the south property line abutting Parkcrest Drive and 13.61 feet from the east property line, where siting of an accessory building in a required front yard is prohibited. (Zone R2)

APPELLANT'S SUBMISSION:

Helder Baptista submitted an application to allow for the construction of an accessory building at 6200 Buchanan Street.

Helder Baptista, appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R2 Residential District, is located in the Parkcrest-Aubrey neighbourhood, in which the age and conditions of single family dwellings vary. This irregular pie shaped through lot is, on average, approximately 113 ft. deep, with a 42 ft. frontage on Buchanan Street to the north and a 108 ft. frontage on Parkcrest Drive to the southwest. Single family dwellings abut the subject site to the west and east. The site observes a substantial downward slope of approximately 8.2 ft. in the northeast-southwest direction.

The subject site is unusual in that the southeast corner of the site is truncated by a partial cul-de-sac adjacent to the Parkcrest Drive right of way. This partial cul-de-sac contains a U-shaped lane that serves the subject lot and four lots immediately to the east. Vehicular access to the subject site is provided from this cul-de-sac area.

The subject site is improved with a single family dwelling and detached garage. The single family dwelling was originally built around 1986, and further improved with various additions and alterations between 2001 and 2011 (BLD01-00884). The detached garage was built between 2006 and 2008, without the benefit of a building permit. As a result, the applicant is requesting a variance in order to legalize the unpermitted construction.

The appeal is for an accessory building in the Parkcrest Drive front yard where accessory buildings are prohibited.

The intent of the Bylaw in prohibiting accessory buildings within the required front yard is to provide for a uniform streetscape with open front yards and to limit the massing impacts of such structures on neighbouring properties.

The already built detached garage is located at the southeast portion of the subject site, at an approximately 60 degree angle to the southwest (Parkcrest Drive) property line. This single-car garage is accessed from the partial cul-de-sac to the east.

The detached garage is approximately 23.65 ft. wide by 20.65 ft. deep and 11.33 ft. high. The garage is proposed to be set back from the northeast side property line by approximately 10 ft. Also; an area of 6 ft. by 6 ft. in size is proposed to be removed at the south corner of the garage. This would result in an approximately 9 ft. setback from the outermost corner of the garage to the Parkcrest Drive property line. Approximately 3/4 of the reduced garage structure would encroach into the Parkcrest Drive front yard.

It is noted that a single-car detached garage/shed structure (built around 1951) existed in similar location. Also, the three neighbouring properties to the east of the subject site feature accessory buildings/garages with largely reduced setbacks in similar locations, all accessed from the partial cul-de-sac. These properties, as well as the neighbouring property to the west of the subject site (the remaining property in the subject block), use the Parkcrest Drive yards more like rear yards, with less formal and more private arrangements. As such, the proposed siting of the accessory building would not be out of the ordinary in this neighbourhood.

Further, the detached garage would be almost entirely screened by the existing mature hedge and solid fence located along the Parkcrest Drive frontage, effectively preventing any impacts to views from the properties across Parkcrest Drive to the southeast.

Finally, under Section 901 of the *Local Government Act*, the Board can rule on a bylaw respecting the siting of a structure. Although permitting an accessory building in the front yard, where it is expressly prohibited, is a major variance, there are grounds for hardship in this case, related to the site geometry and the historical development pattern.

In view of the above, and considering that this proposal would create minimal impacts on the adjacent properties and the existing streetscape, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MR. B. BHARAJ:
SECONDED BY MR. S. NEMETH:

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(f) APPEAL NUMBER: B.V. 6201

APPELLANT: Helen Soderholm

REGISTERED OWNER OF PROPERTY: Peter Buchanan and Helen Soderholm

CIVIC ADDRESS OF PROPERTY: 5724 Eglinton Street

LEGAL DESCRIPTION OF PROPERTY: Lot 79; District Lot 83; Plan 24961

APPEAL: An appeal for the relaxation of Section 6.14(5)(b) of the Burnaby Zoning Bylaw, which, if permitted, would allow for the retention of a fence to an existing family home at 5724 Eglinton Street. The fence height, in the required side and rear yard, would be of varying heights of up to 9.97 feet where a maximum height of 5.91 feet is permitted. (Zone R2)

A previous Board of Variance (BOV 6178 2015 July 09) denied an appeal for a fence height, in the required side and rear yard, of varying heights of up to 10.13 feet where a maximum 5.91 feet is permitted.

APPELLANT'S SUBMISSION:

Helen Soderholm submitted an application to allow for the retention of a fence at 5724 Eglinton Street.

Helen Soderholm, appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

This property was the subject of an appeal before the Board on 2015 July 09 (BV6178). A variance was sought for an already constructed fence with varying heights of up to 10.13 ft., where a maximum height of 5.91 ft. is permitted to the rear of the front yard. This Department did not support this request, and the Board of Variance denied the appeal.

The subject site, zoned R2 Residential District, is located in the Douglas-Gilpin neighbourhood in which the age and condition of single family dwellings vary. This interior lot, approximately 74.2 ft. wide and 125.1 ft. long, fronts Eglinton Street to the

north and abuts a lane to the south. Single family dwellings adjoin the subject site to the west and east. Vehicular access to the subject site is provided from the rear lane. The site observes a substantial downward slope of approximately 16 ft. from the northwest corner to the southeast corner. The subject site is improved with a single family dwelling, including attached garage, originally built in 1964. The property was further improved with a fence along the west side property line, which was built incrementally between 2006 and 2014. This fence was the subject of the 2015 July 09 appeal.

In response to concerns raised by the neighbour at the hearing, the applicant has revised the fence proposal. The revised proposal, discussed below, is the subject of the current appeal.

The appeal is for an already constructed fence with varying heights of up to 9.97 ft., where a maximum height of 5.91 ft. is permitted to the rear of the front yard.

The intent of the Bylaw in limiting the height of fences or walls to a maximum of 5.91 ft. to the rear of the required front yard is to limit the massing impacts of such structures on neighbouring properties.

The subject fence runs along the west side property line starting approximately 30 ft. from the front property line. In the original proposal, the entire fence was overheight, with portions varying from 9.08 ft. high at its origin to 10.13 ft. high approximately 25 ft. from the rear property line. In the current proposal, only the northern portion of the fence, which is approximately 35 ft. long and overlaps the subject dwelling and the neighbouring dwelling to the west, exceeds the height requirements. The only change proposed to this portion of the fence is the trimming of several wooden posts to align with the top of trellis (previously these posts projected up to 0.83 ft. above the trellis).

This northern portion of the fence consists of four approximately 8 ft. wide stepped sections, with wood posts in between. Each section consists of a 5.6 ft. high solid wood panel, a 2 ft. high semitransparent lattice panel and a 1 ft. high decorative trellis on top. The trellis overhangs the fence by approximately 1 ft. on each side, but does not extend beyond the side property line. The semitransparent lattice panel / trellis component is covered by vegetation. With respect to the neighbouring dwelling to the west, this portion of the fence is visible only from the east elevation, which contains few windows.

The remaining southern portion of the fence, which borders the neighbouring rear yard to the west, is proposed to be modified by removing the upper portions of the fence, consisting of a semitransparent lattice panel /posts and decorative trellis element. A wooden retaining wall is proposed at the base of the fence, which would vary in height up to approximately 2.3 ft., as viewed from the neighboring property to the west. The proposal indicates that this southern portion of the fence would be 5.6 ft. high, which is slightly less than the maximum permitted fence height (5.91 ft.).

In general, the steepness of the terrain contributes to the excess height of the northern portion of the fence. Further, this portion of the fence has minimal visual impacts on the

neighbouring property to the west, given its siting between the two buildings, rather than alongside the neighbouring rear yard.

Although retention of the over height components of the fence is a design choice, for the above reasons, this Department does not object to the granting of this appeal.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from 5714 Eglinton Street providing the Board with clarification regarding the history of the construction of the fence.

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

4. NEW BUSINESS

As this was Mr. Balbir Bharaj last meeting, the Board of Variance thanked him for his six years of service to the Board and the City of Burnaby.

5. ADJOURNMENT

MOVED BY MR. B. BHARAJ:

SECONDED BY MR. S. NEMETH:

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 2:07 p.m.

Ms. C. Richter

Mr. B. Bharaj

Mr. B. Pound

Mr. S. Nemeth

Ms. E. Prior
ADMINISTRATIVE OFFICER