



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, 2016 March 03 at 6:00 PM

1. CALL TO ORDER

PRESENT: Ms. Charlene Richter, Chair
Mr. Guyle Clark, Citizen Representative
Mr. Rana Dhatt, Citizen Representative
Mr. Stephen Nemeth, Citizen Representative
Mr. Brian Pound, Citizen Representative

STAFF: Ms. Margaret Malysz, Planning Department Representative
Ms. Joy Adam, Development Plan Technician
Ms. Eva Prior, Administrative Officer

The Administrative Officer called the meeting to order at 6:00 p.m.

2. MINUTES

**(a) Minutes of the Board of Variance Hearing held on 2016
February 04**

MOVED BY MR. POUND

SECONDED BY MR. NEMETH

THAT the minutes of the Burnaby Board of Variance Hearing held on 2016 February 04 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. 6208 6:00 PM

APPELLANT: Morris Vanandel

REGISTERED OWNER OF PROPERTY: Sandra Wong

CIVIC ADDRESS OF PROPERTY: 6092 Brantford Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 1; DL 92; Plan 69511

APPEAL: An appeal for the relaxation of Section 104.9 of the Burnaby Zoning Bylaw, which if permitted, would allow for the construction of a new single family dwelling at 6092 Brantford Avenue. The front yard setback, to the foundation, would be 25.25 feet where a minimum front yard setback of 30.56 feet is required based on front yard averaging. The porch post would project 2.0 feet and the overhang would project 3.5 feet beyond the foundation. (Zone R4)

APPELLANT'S SUBMISSION:

Morris Vanandel submitted an application to allow for the construction of a single family dwelling.

Sandra Wong, homeowner and her designer appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R4 Residential District, is located in the Kingsway-Beresford neighbourhood, in which the age and condition of single and two-family dwellings vary. This slightly irregular interior lot, approximately 60.6 ft. wide along the west property line by 147.8 ft. deep along the north property line, fronts onto Brantford Avenue to the west and abuts a lane to the east. Immediately to the north and south of the subject site are single family dwellings. Vehicular access to the site is provided from Brantford Avenue; no lane access is available due to the presence of Flume Creek, which roughly parallels the lane. The existing parking pad off the rear lane would be removed.

Flume Creek transverses the rear portion of this lot. As such, this proposal is subject to the Streamside Protection and Enhancement Area (SPEA) regulations provided in Section 6.23 of the Zoning Bylaw. In December 2014, the Environmental Review

Committee (ERC) supported the proposal to vary the SPEA streamside setback requirement of 32.8 ft. (10 m) to 27.45 ft. (8.37 m) at the southeast (rear) corner of the proposed dwelling. In addition, a Greater Vancouver Sewerage and Drainage District (GVS&DD) easement, which generally follows the creek alignment, occupies almost a quarter of the subject lot. With the exception of this easement area, which contains the creek ravine, the remainder of the site is relatively flat with an approximately 5 ft. downward slope to the north. It is noted that while the location of the creek and associated easement significantly impact the area available for development, an approximately 53 ft. deep building area remains between the required front yard setback and these features.

The subject site is proposed to be re-developed with a new single family dwelling, including attached garage, for which a variance has been requested.

The appeal proposes a front yard setback of 25.25 ft. measured to the foundation of the proposed single family dwelling, with a further projection for roof eaves of 3.5 ft. and for porch posts of 2.0 ft., where front yard averaging requires a minimum setback of 30.56 ft. from the front 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.

As mentioned above, the front yard setback is measured to the foundation of the main body of the building. The 11 ft. wide front porch, located in the center of the front elevation, would project forward by 2 ft. as measured to the posts. With the exception of two bay windows, the entire second floor would be set back 3.5 ft. from the main foundation face. In addition, the building is proposed to be set back at its northwest corner by 2.33 ft. at the main floor and 3.5 ft. at the upper floor, as compared to the main foundation face. The upper floor would be set back by 6.5 ft. from the north side building face at this corner.

The front yard averaging calculations are based on the front yard setbacks of the two dwellings immediately south of the subject site at 6128 and 6124 Brantford Avenue and the two dwellings immediately north of the subject site at 6066 and 6036 Brantford Avenue. The front yard setbacks for these properties are 23.81 ft., 24.43 ft., 31.78 ft. and 42.20 ft. respectively. The existing dwelling at 6036 Brantford Avenue affects front yard averaging calculations.

The proposed siting would place the subject dwelling 0.82 ft. behind the neighbouring dwelling to the south, in which case no impacts would be created. The proposed siting would place the subject dwelling 6.53 ft. in front of the neighbouring dwelling to the north, or 4.2 ft. in front if only the northwest corner is considered. The proposed

additional setbacks on the upper floor of this corner, described above, would help to mitigate the massing impacts on this residence. The siting of the proposed dwelling would be slightly closer to the front property line, by 1.84 ft., in comparison to the siting of the existing single family dwelling on the subject site. As such, there would be no significant change to the existing massing relationship between the proposed dwelling and the neighbouring residence to the north. Overall, and since this residence does not feature window facing the subject site, few impacts are expected to result from the proposed front yard setback.

With regard to the broader neighbourhood context, there are substantial frontage variations, from an approximately 20 ft. setback at 6026 Brantford Avenue, the third lot north of the subject site (at the north terminus of the subject block), to an approximately 42 ft. setback at 6036 Brantford Avenue, the second lot north of the subject site. The two lots immediately south of the subject site observe lesser setbacks (23.31 ft. and 24.43 ft. respectively) than proposed front yard setback. As such, the siting of the proposed dwelling would not be out of ordinary within the existing streetscape.

Moreover, given the presence of the stream setback and sewer easement on the subject site and on neighbouring properties, the transitioning of the front yard setback forward, in line with the minimum required setback in the R4 District, is suitable for the subject block. For all of the reasons stated above, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

A petition letter was received advising of no objections to the front yard variance. The petition was signed by owners/occupants of 6036, 6066, 6081, 6124 and 6131 Brantford Avenue and 6109 Empress Avenue.

No further correspondence was received.

MOVED BY MR. POUND
SECONDED BY MR. NEMETH

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(b) APPEAL NUMBER: B.V. 6209 6:00 PM

APPELLANT: Esther Keller

REGISTERED OWNER OF PROPERTY: Nordon Apartments Ltd

CIVIC ADDRESS OF PROPERTY: #1-6750 Cariboo Road

LEGAL DESCRIPTION OF PROPERTY: Lot A; DL 10; Plan 3320

APPEAL: An appeal for the relaxation of Section 405.7 of the Burnaby Zoning Bylaw, which if permitted, would allow for the construction of a new dust collector addition to the existing warehouse building at #1 - 6750 Cariboo Road, with a side yard setback to the posts of 10.0 feet where a minimum side yard setback of 19.69 feet is required. (Zone M5)

APPELLANT'S SUBMISSION:

Esther Keller submitted an application to allow for the construction of a dust collector to the outside of an existing warehouse.

Esther Keller appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned M5 Light Industrial District, is located in the Burnaby Lake neighbourhood. The M5 District is intended for high standard industrial and business centre developments that can be located in close proximity to residential areas with a minimum of conflict.

This irregular through lot, approximately 178 ft. wide along the west property line and 195 ft. deep along the north property line, fronts onto Cariboo Road. A green buffer area in the Gaglardi Way right of way abuts the site to the east. To the north, the subject site is bordered by a similar green buffer area in the Burlington Northern Railway right of way. To the south, the subject site is bordered by a lot, zoned A2 Small Holdings District, which contains a single family dwelling and an unlicensed outdoor storage yard. Vehicle access to the site is provided from Cariboo Road.

The subject site is improved with a two-storey industrial building, built in 1987, and associated parking and landscape areas. This appeal is related to the proposed addition of a dust collector structure for the tenancy at #1 - 6750 Cariboo Road, which manufactures musical instruments.

The appeal is to allow for the construction of a new dust collector addition to the existing warehouse building, with a side yard setback of 10.0 ft. as measured to the posts, where a minimum side yard setback of 19.69 ft. is required.

The intent of the Bylaw is to mitigate the impacts of building massing on neighbouring properties.

The proposed dust collector structure would be located 3 ft. away from and approximately in the middle of the south (side) façade, within the existing 19.75 ft. wide south side yard. The structure would be approximately 7.0 ft. by 5.33 ft. in area and 19.5 ft. in height. The applicant confirmed that, in order to satisfy Workers

Compensation Board (WCB) regulations, the dust collector equipment could not be located within the existing building.

The additional massing of the dust collector structure would be minimal in the context of the existing building façade, which is approximately 115 ft. long and 28.5 ft. high. Therefore, few impacts are expected on the neighbouring property to the south, which contains a single family dwelling located over 100 ft. away from the shared south property line. Also, with a distance of over 100 ft. to the Cariboo Road property line, and the presence of a green buffer along the Gaglardi Way property line, the proposed structure would be minimally visible from both street frontages.

As this proposal would have no significant impacts on neighbouring properties, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. POUND
SECONDED BY MR. NEMETH

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

MOVED BY MR. POUND
SECONDED BY MR. NEMETH

THAT the Board of Variance be recessed.

CARRIED UNANIMOUSLY

The Board of Variance was recessed at 6:12 p.m.

MOVED BY MR. NEMETH
SECONDED BY MR. POUND

THAT the Board of Variance reconvene.

CARRIED UNANIMOUSLY

The Board of Variance reconvened at 6:15 p.m.

(c) **APPEAL NUMBER:** B.V. 6210 **6:00 PM**

APPELLANT: Jetander Tung

REGISTERED OWNER OF PROPERTY: Jetander and Tarlochan Tung

CIVIC ADDRESS OF PROPERTY: 8455 15th Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 7; DL 25; Plan 11671

APPEAL: An appeal for the relaxation of Sections 6.3.1 and 105.11 of the Burnaby Zoning Bylaw, which if permitted, would allow for the construction of a new two family dwelling at 8455 15th Avenue. The following variances are being requested:

a) The distance between the principal building and the detached garage would be 9.18 feet where a minimum distance of 14.8 feet is required.

b) The rear yard setback, to the foundation, would be 20.31 feet where a minimum rear yard setback of 24.6 feet is required. In addition, the overhang would project 2.0 feet, the stair landings would project 3.0 feet, and the sunken accesses would project 10.0 feet beyond the foundation. (Zone R5)

APPELLANT'S SUBMISSION:

Jetander Tung submitted an application to allow for the construction of a new two family dwelling.

Jetander Tung, homeowner, appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, which is zoned R5 Residential District, is located in the Cariboo-Armstrong neighbourhood, in which the age and condition of single and two family dwellings vary. The subject site measures 95 ft. in width and varies from 66.5 ft. to 68.7 ft. in depth. The site is relatively flat, with a downward slope of approximately 2.9 ft. from front to rear. This interior lot fronts onto the northwest side of 15th Avenue. Immediately northeast, southwest and directly across the lane to the northwest of the subject site are single family dwellings. Vehicular access to the site is proposed from the rear lane, while the existing redundant vehicular access off 15th Avenue is proposed to be removed.

A new single family dwelling with a detached garage is proposed for the subject site, for which two variances have been requested.

The first a) appeal would permit a distance of 9.18 ft. from the accessory detached

garage to the principal building, with a further roof projection up to 2.0 ft., where a minimum distance of 14.8 ft. is required.

The second b) appeal would permit the construction of a single family dwelling observing a rear yard setback of 20.31 ft., where a minimum rear yard setback of 24.6 ft. is required.

In reference to both appeals, the intent of the Bylaw is to mitigate the massing impacts of new buildings and structures on neighbouring properties and to ensure sufficient outdoor living area in the rear yard. In reference to the first a) appeal, the Bylaw requires a separation between buildings on the same lot to ensure that the overall massing of the buildings does not have a negative impact on the occupants/users of the buildings.

In this case, the two structures would be placed in a side by side configuration, rather than a front to back configuration, due to the shallow depth of the site.

The proposed 20.0 ft. wide by 22.5 ft. deep detached garage would be located in the northeast corner of the site, in the rear yard. The garage would observe a 3.94 ft. setback from the rear lane and a 3.94 ft. setback from the northeast side property line, which are the minimum setbacks required for an accessory buildings.

The principal dwelling, with an approximately 57 ft. wide by 27 ft. deep footprint, would be sited close to the southwest property line. The building would observe a southwest side yard setback of 4.9 ft., which is the minimum required side yard setback, and would observe a northeast side yard setback of 33.12 ft.

With respect to the first a) appeal, the distance between the two structures is measured from the southwest elevation of the accessory detached garage, to the northeast elevation of the principal building. The detached garage would overlap the principal building by 6.13 ft. The 5 ft. wide fireplace, proposed on the northeast elevation of the dwelling, would project an additional 1.6 ft. into this area. Given the relatively small overlap and the fact that there would be no windows facing the garage, the reduced separation between the two structures would have few impacts on the interior of the dwelling.

With respect to the second b) appeal, the principal building encroaches 4.29 ft. into the required rear yard setback. It appears that the neighbouring properties would not be affected by this encroachment. The proposed dwelling is located directly opposite the detached garage and driveway access area on the property across the lane to the northwest. To the southwest, the encroachment area would overlap the detached garage of the neighbouring property. Given the generous northeast side yard setback (33.12 ft.), the additional massing created by the rear yard encroachment would have little visual impact on the property to the northeast. In addition, considering that the proposed building depth is only 27 ft., and the proposal meets the minimum 19.7 ft. front yard setback the proposed encroachment is reasonable given the shallow depth

of the site.

With respect to outdoor living space, neither appeal would significantly reduce the green area available on this site. In addition to the sizable outdoor living area (over 1,000 sq. ft.) in the rear yard, there would be an additional green area available to the southeast of the proposed detached garage, within the generous northeast side yard. In reference to the first a) appeal, the requested relaxations would have little impact on the occupants/users of the subject site.

Further, the proposed siting of the principal dwelling and detached garage would be consistent with the prevailing development pattern in the subject block, which features residences and detached garages in similar locations. As such, this relaxation would have little massing impact on adjacent properties.

In view of the above, and in particular the shallow depth of the site, this Department does not object to the granting of the first a) and second b) appeal.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MR. POUND
SECONDED BY MR. NEMETH

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

CARRIED UNANIMOUSLY

MOVED BY MR. POUND
SECONDED BY MR. NEMETH

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

CARRIED UNANIMOUSLY

(d) APPEAL NUMBER: B.V. 6211 6:00 PM

APPELLANT: Harminder Bhattal

REGISTERED OWNER OF PROPERTY: Edgar Briza and Dianne Hing

CIVIC ADDRESS OF PROPERTY: 3881 Edinburgh Street

LEGAL DESCRIPTION OF PROPERTY: Lot 21; District Lot 186; Plan 3755

APPEAL: An appeal for the relaxation of Section 103.6(1)(a) of the Burnaby Zoning Bylaw, which if permitted, would allow for the construction of a

new single family dwelling at 3881 Edinburgh Street. The principal building height, measured from the rear average elevation, would be 35.23 feet where the maximum building height of 29.5 feet is permitted. The principal building height measured from the front average elevation would be 25.08 feet. (Zone R3)

APPELLANT'S SUBMISSION:

Harinder Bhattal submitted an application to allow for the construction of

Edgar Briza and Dianne Hing, homeowners, appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site is located in the Burnaby Heights area, in a mature single family neighbourhood. The site is zoned R3 Residential District, which is intended to preserve the minimum density of development in mature single family areas. This rectangular interior lot measures approximately 50 ft. in width and 122 ft. in depth. The subject site fronts onto the north side of Edinburgh Street and takes vehicle access from a rear lane. There are single family dwellings to the west and across Edinburgh Street to the south of the subject site. Second Narrows Park borders the site to the east and across the lane to the north, with undeveloped green space extending approximately 0.25 km north to Burrard Inlet. The site observes a substantial downward slope of approximately 32.7 ft. from the front to the rear.

A new single family dwelling with a detached garage is proposed for the subject site, for which a variance has been requested.

The appeal is for a building height of 35.23 ft., measured from the rear average elevation where a maximum height of 29.5 ft. is permitted for sloped roofs.

The intent of the Bylaw is to mitigate the massing impacts of new buildings or structures on neighbouring properties.

In this case, the height calculation is based on the existing natural grade at the rear elevation. A substantial 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 5.73 ft. extends from approximately 0.5 ft. above the gutter line of the upper storey to the roof above. Only small portions of the main roof towards the northern corners of the building would be overheight when viewed from the side property lines. The proposed dwelling would closely overlap the neighbouring residence to the west. However, no impacts are expected on views from this residence, which are predominantly oriented to the north.

Further, at its eastern portion, the rear elevation would feature a large covered deck (which would project 10 ft. in front of the main building face at the ground floor) and a

smaller covered deck directly above (which would project 5.8 ft. at the upper floor). These two projecting elements would help break up the massing of the rear elevation. The proposed detached garage, which would directly overlap the proposed dwelling at the rear of the subject site, in combination with the proposed rear yard setback of 57.02 ft., would further mitigate massing impacts on the park land to the north.

The proposed dwelling would observe a front elevation height of 25.08 ft. from the Edinburgh Street property line. Although this height is well within the maximum permitted height of 29.5 ft., it is significantly higher than other residences on the north side of Edinburgh Street, which generally present a one storey appearance at the front elevation. These neighbouring properties contain topography similar to that of the subject site, and feature two storey rear elevations on the downslope side.

Although the site has significant topographical constraints, these constraints are shared by many properties on the north side of Edinburgh Street and therefore do not represent a unique hardship. As such, the implications of the proposed variance on the future development of the neighbourhood must be considered. In this broader context, the piecemeal granting of individual variances could undermine the integrity of the Bylaw. For this reason, this Department cannot support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

A letter was received from the residents at 3861 Edinburgh Street in support of the proposed variance.

A letter was received from the residents of 3890 Edinburgh Street in opposition to the Variance.

A letter was received from the residents of 3804 Edinburgh Street in opposition to the Variance.

Mr. Dugal Smith, 3861 Edinburgh Street appeared in support of the proposed variance. Mr. Smith understands that the neighbours do not want to see the character of the area change; however, he feels that 3881 Edinburgh is exceptional and warrants consideration due to several reasons including the slope of the property and Burnaby's use of separate measurements for the back and front of the house. Mr. Smith advised that most local governments use an averaging method to determine height measurements.

Mr. Grant Newsham, 3860 Edinburgh Street appeared expressing concern regarding the loss of views and the impact of construction. Mr. Newsham stated that he was also concerned that if the variance was granted it would set a new precedent in the neighbourhood.

Mr. Allan Dawson, 3804 Edinburgh Street expressed concern regarding a loss of view and value to his home. Mr. Allan advised that allowing this variance would set a

precedent whereby changing the character of the neighbourhood.

Mr. Andrew Bennett, 3840 Edinburgh Street expressed concern regarding a loss of view and the possibility of this being a precedent setting variance for the neighbourhood.

Ms. Pamela Dawson, 3804 Edinburgh Street expressed concern regarding the loss of views from her home.

Mr. Ed Baseley, 3851 Edinburgh expressed concerns regarding loss of privacy and character of the neighbourhood.

MOVED BY MR. NEMETH
SECONDED BY MR. POUND

THAT based on the plans submitted this appeal be ALLOWED.

FOR: MR. NEMETH
MR. DHATT
MR. POUND

OPPOSED: MS. RICHTER
MR. CLARK

ALLOWED

(e) **APPEAL NUMBER:** B.V. 6212 **6:00 PM**

APPELLANT: Steven Piccolo

REGISTERED OWNER OF PROPERTY: Kim and Steven Piccolo

CIVIC ADDRESS OF PROPERTY: 6650 Humphries Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 46; DL 91; Plan NWP13811

APPEAL: An appeal for the relaxation of Section 6.6(2)(d) of the Burnaby Zoning Bylaw, which if permitted, would allow for the construction of a garage addition at 6650 Humphries Avenue. The dimension measured from the garage addition to the southeast property line would be 2.0 feet where a minimum 3.94 feet is required. (Zone R3)

APPELLANT'S SUBMISSION:

Steven Piccolo submitted an application to allow for the construction of

Steven Piccolo appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site is located the Richmond Park area, in a mature single family neighbourhood. The site is zoned R3 Residential District, which is intended to preserve the minimum density of development in mature single family areas. This interior lot, approximately 50 ft. wide and 209.5 ft. long, fronts onto Humphries Avenue to the southwest. The subject site abuts single family lots to the northwest, southeast and across the lane to the northeast. Vehicular access to the subject site is provided via the rear lane. The site is relatively flat with a downward slope of approximately 3 ft. in the southeast-northwest direction.

The site contains an existing single family dwelling and accessory detached garage. Sometime between 2002 and 2004, the detached garage was further improved with a rear addition without the benefit of a building permit. The garage addition is the subject of the requested variance.

The appeal would permit a side yard setback of 2 ft. from the southeast property line to the accessory building addition, with a further projection for roof eaves of 0.5 ft., where a minimum side yard setback of 3.94 ft. is required.

The intent of the bylaw is to mitigate the impact of building massing on the neighbouring properties.

The original 20 ft. wide by 22 ft. deep garage was built in 1957 (Building Permit #7786-A), approximately 50 ft. away from the rear lane and 2 ft. away from the southeast side property line. The new 20 ft. wide addition extended an additional 8.16 ft. towards the rear lane and was integrated fully with the existing structure.

Given the location of the garage, over 100 ft. from the front property line and 50 ft. from the rear, and the small scale of the subject addition, this variance does not disrupt the view lines of neighbouring residences. With respect to the neighbouring property to the southeast, the addition is in line with the detached garage on the opposite side of this property. The addition is effectively screened by an approximately 6 ft. high solid wood fence, located along the shared side (southeast) property line, with only a small portion of the upper wall, gutter line and roof visible from the adjacent green space. The neighbouring rear yard to the northwest is not impacted, considering the generous 28 ft. setback from the garage addition to the shared side (northwest) property line.

The extended garage remains consistent with the existing development pattern along the subject lane, with accessory detached garages placed close to one side of the lot

but generously set back from the lane.

Based on the reasons noted above, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

Correspondence was received on Feb 26 from residents at 6660 Humphries Avenue advising they have no objection to the variance.

Mr. John Baird, 6651 Acacia Avenue appeared advising he has no objection to the variance.

MOVED BY MR. POUND
SECONDED BY MR. CLARK

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(f) **APPEAL NUMBER:** B.V. 6213 **6:00 PM**

APPELLANT: Terrence Clark

REGISTERED OWNER OF PROPERTY: Marie Clark

CIVIC ADDRESS OF PROPERTY: 4412 Albert Street

LEGAL DESCRIPTION OF PROPERTY: Lot 3; DL 121; Plan 1054

APPEAL: An appeal for the relaxation of Sections RM6 206.2(2) to R5 105.9 of the Burnaby Zoning Bylaw, which if permitted, would allow for the construction of a new single family dwelling at 4412 Albert Street. The front yard setback, to the porch post, would be 22.72 feet where a minimum front yard setback of 24.88 feet is required based on front yard averaging. The porch post would project 1.5 feet beyond the foundation. (Zone RM6 to R5)

APPELLANT'S SUBMISSION:

Terrence Clark submitted an application to allow for the construction of a new single family dwelling.

Terrence Clark and Craig Clark appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned RM6 Hastings Village Multiple Family Residential District, is located in the Burnaby Heights neighbourhood, in which there is a mix of multi-family developments and single family dwellings of various ages and conditions. The RM6 District provides for the development of 2 ½ storey ground-oriented townhouses in the Hastings Street Area designated primarily for families. This district allows for a single-family dwelling use subject to the regulations of the R5 Residential District.

The subject site is an interior lot, approximately 33 ft. wide and 122 ft. deep, that fronts onto Albert Street to the north and abuts a lane to the south. Immediately to the east and west of the subject site are single family dwellings and across Albert Street to the north is a 3-storey multi-family apartment building. Across the lane to the south, the site is bordered by a parking area for a 2-storey commercial building that fronts onto Hastings Street. Vehicular access to the subject site is provided via the rear lane. The site is relatively flat with a downward slope of approximately 4 ft. from the rear (south) to the front (north).

The subject site is proposed to be redeveloped with a new single family dwelling with a secondary suite and an accessory detached garage, for which a variance has been requested.

The appeal proposes a front yard setback of 22.72 ft. measured to the front porch posts of the proposed single family dwelling, with a further projection for roof eaves of 1.5 ft., where front yard averaging requires a minimum setback of 24.88 ft. from the front 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.

In this case, the front yard averaging calculations are based on the front yard setbacks of the two single family dwellings immediately west of the subject site at 304 Rosser Avenue and 4410 Albert Street and on the front yard setbacks of the single dwelling and multi-family townhouse complex immediately east of the subject site at 4416 and 4420 Albert Street. The front yard setbacks for these properties are 23.81 ft., 33.8 ft., 24.9 ft., 19.8 ft. and 21.0 respectively. The existing dwelling at 304 Rosser Avenue affects the front yard averaging calculations.

As mentioned above, the front yard setback is measured to the front porch posts. With the exception of the front porch and two bay window features, the main body of the proposed dwelling would be set back an additional 7.0 ft. at the western portion (excluding the front porch area) and an additional 2.5 ft. at the eastern portion of the

front elevation, in relation to the front porch posts. This would result in a setback from the front property line of 29.72 ft. and 25.22 ft. respectively, which exceeds the required minimum.

The proposed siting would place the subject dwelling 2.18 ft. in front of the neighbouring dwelling to the west and 2.92 ft. behind the neighbouring dwelling to the east, as measured to the front porch posts. If the actual "corner to corner" relationship is considered, the subject dwelling would be located 4.82 ft. behind the neighbouring dwelling to the west, as measured to the northwest corner, and 0.92 ft. behind the neighbouring dwelling to the east (which observes a distance of 24.3 ft. at its northwest corner, excluding the front porch area), as measured to the northeast corner. Further, the siting of the proposed dwelling would be similar to the siting of the current existing single family dwelling on the subject site, if the main body of the dwelling is considered, and therefore, would not change the existing horizontal massing relationship between the proposed dwelling and the neighbouring residences on either side. In this context, the proposal would have few negative impacts on the neighbouring dwellings to the west and east.

In reference to the broader neighbourhood context, this proposal would fit reasonably well within the existing street frontage along Albert Street, given the minor extent of encroachment proposed.

However, it is noted that the need for the requested variance is the result of a design choice, not hardship. Further, it appears that sufficient space exists to locate the proposed development further south on the subject property, such that the required front yard setback could be met with minimal modifications to the proposed design. For these reasons, this Department cannot support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MR. NEMETH
SECONDED BY MR. POUND

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(g) APPEAL NUMBER: B.V. 6214 6:00 PM

APPELLANT: Jonathan Ehling

REGISTERED OWNER OF PROPERTY: Hu Hong X

CIVIC ADDRESS OF PROPERTY: 5635 Oakglen Drive

LEGAL DESCRIPTION OF PROPERTY: Lot 8; DL 32; Plan 18542

APPEAL: An appeal for the relaxation of Sections 104.6(1)(a) and 104.9 of the Burnaby Zoning Bylaw, which if permitted, would allow for the construction of a new single family dwelling at 5635 Oakglen Drive. The following variances are being requested:

- a) The principal building height measured from the rear average elevation would be 29.60 feet, where the maximum building height permitted is 29.50 feet.
- b) The principal building height measured from the front average elevation would be 31.30 feet, where the maximum building height permitted is 29.50 feet.
- c) The front yard setback would be 33.75 feet to the post, where a minimum front yard setback of 41.48 feet is required based on front yard averaging. The roof overhang would project 1.5 feet beyond the post. (Zone R4)

APPELLANT'S SUBMISSION:

Jonathan Ehling submitted an application to allow for the construction of a new single family home.

Jonathon Ehling and Hu Hong appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, which is zoned R4 Residential District, is located in the Marlborough neighbourhood, in which the age and condition of single and two-family dwellings vary. This interior lot, approximately 60 ft. wide and 112 ft. deep, fronts onto Oakglen Drive to the northeast. Abutting the subject site to the northwest, southeast, directly across Oakglen Drive to the northeast and across the lane to the southwest are single family dwellings. The site observes an upward slope of approximately 14.3 ft. in the north-south (front to rear) direction. Vehicular access to the site is provided from the rear lane.

The applicant proposes to redevelop the site with a new single family dwelling including an accessory detached garage, which is the subject of three appeals.

The first a) and second b) appeal concern building height and are co-related.

The first a) appeal proposes a building height of 29.6 ft., measured from the rear average elevation, where a maximum height of 29.5 ft. is permitted for sloped roofs.

The second b) appeal proposes a building height of 31.3 ft., measured from the front

average elevation, where a maximum height of 29.5 ft. is permitted for sloped roofs.

The intent of the Bylaw in regulating building height is to mitigate the massing of new buildings or structures and their impacts on neighbouring properties.

In both cases, the height calculation is based on existing natural grade at the rear and front elevation respectively. As noted above, the grade difference from the south (rear) to the north (front) corner of the subject site contributes to the excess height of both elevations.

With reference to the first a) appeal, the proposed height encroachment of 0.1 ft. would be limited to a negligible roof peak area of the main roof, and therefore would not be of concern.

With reference to the second b) appeal, the proposed height encroachment of 1.8 ft. would be limited to a small roof peak area on the main roof. This roof encroachment would occur approximately 10 ft. away from the front face of the subject dwelling, or approximately 45 ft. away from the front property line. Both the scale of the encroachment and the substantial setback would be mitigating factors with respect to the massing impacts of the over height portion of the residence on the neighbouring property across Oakglen Drive to the northeast.

The height encroachment area, when viewed from the neighbouring properties to the northwest and southeast, would be generally limited to small triangular roof peak areas on the main roof. Considering the small scale of these encroachments, which are related to the downward sloping terrain in the south-north direction, little impact is expected on the neighbouring properties to the northwest and southeast.

In summary, given the site's challenging topography and the proposal's limited impacts on neighbouring properties and the existing streetscape, this Department does not object to the granting of the first a) and second b) variances.

The third c) appeal requests a front yard setback of 33.75 ft., measured to the front porch posts of the proposed single family dwelling, with a further projection for roof eaves of 1.5 ft., where front yard averaging requires a minimum setback of 41.48 ft.

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 made 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.

In this case, the front yard averaging calculations are based on the front yard setbacks of the two dwellings at 5615 and 5625 Oakglen Drive immediately west of the subject site and on the front yard setbacks of the two dwellings at 5645 and 5655 Oakglen

Drive immediately east of the subject site. These front yard setbacks are 39.6 ft., 35.3 ft., 43.9 ft. and 47.1 ft. respectively.

As noted above, the front yard setback is measured to the front porch posts. With the exception of the two bay windows at the main floor and two bay windows at the upper floor, the main body of the proposed dwelling would be set back an additional 2.5 ft., resulting in a distance of 35.25 ft. to the front property line. In addition, there are 13 ft. wide by 9 ft. deep open decks (with corner posts) proposed on both the main floor and the upper floor at the northeast corner of the dwelling.

The proposed siting would place the subject dwelling 1.65 ft. in front of the neighbouring dwelling to the northwest and 10.15 ft. in front of the neighbouring dwelling to the southeast.

With respect to the neighbouring dwelling to the northwest, if the actual 'corner to corner' relationship is considered, the subject dwelling would project 9.25 ft. in front of this residence (according to the provided survey, this residence observes a distance of 45.7 ft. from the front property line to its southeast corner). If the recessed corner areas (open decks) are considered, the projection would be only 0.25 ft. Also, the proposed 6.7 ft. northwest side yard setback, which is slightly larger than the minimum required side yard setback (4.9 ft.), and the fact that the neighbouring dwelling does not feature any windows facing the subject dwelling, would somewhat mitigate the massing impacts of the proposal. However, there is a concern that the proposed siting of the subject dwelling would dominate the neighbouring one-story dwelling to the northwest and its front yard, which is at lower elevation.

With respect to the neighbouring dwelling to the southeast, if the actual 'corner to corner' relationship is considered, the subject dwelling would project 7.15 ft. in front of this residence. The southeast elevation of the proposed residence, which extends past the neighbouring home to the southeast, consists primarily of roof and wall elements, with few windows and no overlook. However, these elements would impede the views from the front feature windows of the neighbouring dwelling, which are oriented to the northeast.

Further, the siting of the proposed dwelling would be approximately 6 ft. closer to the front property line than the existing one-storey dwelling on the subject site, which observes an approximately 40 ft. front yard setback. In view of the above, the existing massing relationship between the subject property and the adjacent properties to the northwest and southeast would be substantially changed.

With regard to the broader neighbourhood context, there is an established block front, with the majority of lots observing front yard setbacks in the range of approximately 40-45 ft. Therefore, with the exception of one lot (at the far north terminus of the subject block), the proposed siting would result in the most forward placement in the subject block. Therefore, the intent of the Bylaw to provide for transitioning of a new construction into the existing context would not be met.

Since this request would create negative impacts on the neighbouring properties and the existing streetscape, this Department cannot support the granting of this third c) variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MR. POUND
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

MOVED BY MR. POUND
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

MOVED BY MR. POUND
SECONDED BY MR. DHATT

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

FOR: MR. DHATT
MR. POUND

OPPOSED: MS. RICHTER
MR. CLARK
MR. NEMETH

DENIED

(h) APPEAL NUMBER: B.V. 6215 6:00 PM

APPELLANT: Faizal Virji

REGISTERED OWNER OF PROPERTY: Faizal, Farhan and Mehboob Virji

CIVIC ADDRESS OF PROPERTY: 4829 Canada Way

LEGAL DESCRIPTION OF PROPERTY: Lot A; DL 74; Plan EPP54656

APPEAL: An appeal for the relaxation of Sections 103.7(a) and 103.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling at 4829 Canada Way. The following variances are being requested:

- a) The depth of the principal building would be 58.0 feet where a maximum depth of 55.75 feet is permitted.
- b) The front yard setback would be 25.43 feet to the post, where a minimum front yard setback of 28.67 feet is required based on front yard averaging. The roof overhang would be 2.95 feet beyond the post. (Zone R3)

APPELLANT'S SUBMISSION:

Faizal Virji submitted an application to allow for the construction of a new single family dwelling.

Faizal Virji and Mehboob Virji appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject property was recently created by the subdivision of a single lot into three single-family residential lots and a lane right of way (SUB14-00065). The subject lot is located at the west terminus of the three-lot subdivision. All three lots, including the subject lot, are currently vacant.

The subject site, zoned R3 Residential District, is located in the Douglas-Gilpin neighbourhood in which the age and condition of single family dwellings vary. The R3 Residential District is intended to preserve the minimum density of development in mature single family areas. This irregular interior lot, approximately 55.92 ft. wide along the south property line and 117.42 ft. long along the east property line, fronts onto Canada Way to the south. The north front property line parallels the rear lane curvature. Single family dwellings adjoin the subject site to the west; to the east are two vacant lots, which are the two remaining lots of the subject subdivision. Vehicular access to the subject site is provided from the rear lane, as required by restrictive covenant. The site is relatively flat with a downward slope of approximately 1.9 ft. from the front to rear.

The subject site is proposed to be developed with a new single family dwelling, for which two variances are requested.

The first a) appeal is for a principal building depth of 58 ft. where a maximum building depth of 55.75 ft. is permitted, based on 50 percent of the lot depth.

The Bylaw's intent in limiting building depth is to prevent the creation of dwellings that

present a long imposing wall, such that the massing of the building impacts neighbouring properties.

In this case, the building depth calculation is based on the lot depth, which is measured by a line joining the center points of the front and rear property lines. The angled rear lot line affects the lot depth and consequently the building depth calculations. Measured along the lot depth line, the proposed building depth is 58 ft., which exceeds the maximum permitted building depth by 2.25 ft.

The proposed dwelling resembles a rough "T" shape in plan view. As a result, only the relatively small western portion of the dwelling would be in close proximity to the neighbouring residence to the west.

This 21 ft. wide by 27 ft. deep one-story wing would be 4.92 ft. away from the shared west side property line. The remainder of the dwelling would be further set back by 21 ft. This "stepped" building design would not result in a long wall effect as viewed from the neighbouring residence to the west.

The vacant neighbouring lot to the east is rectangular in shape with a straight rear lot line and uniform lot depth of approximately 117.42 ft., consistent with the east lot line of the subject lot. This lot is similar in dimension to the subject lot, without the penalty of an angled rear lot line. A building permit application to construct a new single family residence on this lot is pending (BLD15-01720). The proposed building depth for this residence is 57.5 ft., which is slightly less than the 58 ft. building depth proposed on the subject lot, and does not need a variance. However, on the elevation facing the subject lot, the proposed residence on the neighbouring lot features two wings separated by an open courtyard, whereas the facing elevation on the subject lot presents a continuous long wall.

Further, the excess building depth is a design choice rather than the necessary result of hardship. Reduction of the building depth to that permitted under the Bylaw could be achieved with only a modest loss of floor area (approximately 115 sq. ft.), given that the excess building depth only occurs in the eastern portion of the residence.

In view of the above, this Department cannot support the granting of this first a) variance.

The second b) appeal is for a front yard setback of 25.43 ft., measured to the posts of a single-family dwelling, with a further projection for roof eaves of 2.95 ft., where front yard averaging requires a minimum setback of 28.67 ft. from the Canada Way property line.

In 1991, Council responded to public concerns with respect to the bulk and massing of newer and larger homes that were being built in existing neighbourhoods. Several text amendments to the Zoning Bylaw were made to address these concerns, including a requirement to set new construction back from the front property line based on an

average of the two houses on either side of the subject site. The intent was to help to ease the new construction into existing street frontages with minimal impact.

In this case, front yard averaging calculations are based on the front yards of two adjacent lots to the west (3762 Jambor Court and 4827 Canada Way) and the two adjacent lots to the east (4833 and 4839 Canada Way). These front yards are: 47.15 ft., 28.15 ft. 19.7 ft. and 19.7 ft. deep respectively. The existing residence at 3762 Jambor Court affects the front yard averaging calculations. The front yard setback for the vacant lots at 4833 and 4839 Canada Way is by default the minimum required setback in the R3 District (19.7 ft.).

The proposed front elevation is split, approximately in half, into an eastern two-storey portion and a western one-storey portion. The front yard setback is measured to the posts, which support the second floor at the eastern portion of the dwelling. With the exception of a small front porch, the western portion of the dwelling would be further set back by 11.0 ft., resulting in a front yard setback of 36.43 ft.

The proposed siting would place the subject dwelling approximately 2.72 ft. in front of the neighbouring dwelling immediately to the west, as measured to the posts/second floor of the eastern portion. However, if only the southwest corner is considered, the proposed dwelling would be 8.28 ft. behind the existing dwelling at 4827 Canada Way. This “stepped” design would mitigate the massing impacts of the reduced front yard setback on the neighbouring property to the west of the subject site.

With respect to the vacant neighbouring lot to the east, the submitted Building Permit plans show an approximately 20 ft. deep front yard setback, as do Building Permit plans submitted for the next lot to the east (4939 Canada Way).

With regard to the broader neighbourhood context, there is a varying block front along the north side of Canada Way, with setbacks ranging from approximately 81 ft. at 4819 Canada Way (the fourth lot west of the subject site) to 28.15 ft. at 4827 Canada Way (immediately west of the subject site) and with some lots in an undeveloped stage. As such, the siting of the proposed dwelling would not be out of the ordinary within the existing streetscape.

Although the impacts of a reduced front yard setback would be minimal, opportunity exists to provide a larger setback. For instance, reduction of the building depth by 2.5 ft., as discussed above, would permit the building to be shifted 2.5 ft. to the rear. This would result in a front yard setback of 27.93 ft., where a minimum 28.67 ft. setback is required. A slight further decrease could result in Bylaw compliance.

For this reason, this Department cannot support the granting of this second b) variance.

ADJACENT OWNER'S COMMENTS:

A petition letter was submitted in support of the variances. The petition contained signatures from homeowners/occupiers of 3738 and 3762 Jambor Court, 3741, 3752 and 3772 Dundonald Way and 4828 Canada Way.

MOVED BY MR. CLARK
SECONDED BY MR. POUND

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

CARRIED UNANIMOUSLY

MOVED BY MR. CLARK
SECONDED BY MR. POUND

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

CARRIED UNANIMOUSLY

(i) APPEAL NUMBER: B.V. 6216 6:00 PM

APPELLANT: Gary Grewal

REGISTERED OWNER OF PROPERTY: Cabana Wong and Shung Li

CIVIC ADDRESS OF PROPERTY: 3348 Dalebright Drive

LEGAL DESCRIPTION OF PROPERTY: Lot 101; DL 58; Plan 33225

APPEAL: An appeal for the relaxation of Section 101.8 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling at 3348 Dalebright Drive. The front yard setback from Lougheed Highway to the foundation/post, would be 55.67 feet where a minimum front yard setback of 74.79 feet is required based on front yard averaging. The roof overhang would be 2.0 feet beyond the foundation/post. (Zone R1)

APPELLANT'S SUBMISSION:

Gary Grewal submitted an application to allow for the construction of a new single family dwelling.

Arthur Li, homeowner and Gary Grewal, contractor appeared before members of the Board of Variance at the Hearing.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R1 Residential District, is located in a stable single-family neighbourhood in the Government Road area. This large through lot, approximately 70 ft. wide and 150 ft. long, fronts Dalebright Drive to the south and Lougheed Highway to the north. Single family dwellings abut the subject site to the east and west. A large industrial property and an elevated section of the Skytrain guideway are located directly across Lougheed Highway to the north. Vehicular access to the subject site is provided from Dalebright Drive. The site observes a downwards slope of approximately 7 ft. from rear to front. The site is restricted by a 10 ft. wide storm easement along the east side property line and part of the north property line.

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

The appeal requests a front yard setback of 55.67 ft., measured to the foundation/post of the proposed single family dwelling, with a further projection for roof eaves of 2.00 ft., where front yard averaging requires a minimum setback of 74.79 ft. from the Lougheed Highway 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.

The proposed single family dwelling would observe a front yard setback from Dalebright Drive of 34.5 ft., which meets the minimum 34.48 ft. front yard setback required by front yard averaging calculations in the R1 District. Therefore, a consistent building edge would be maintained throughout the block, as all of the houses have similar front yard setbacks averaging around 34ft.

The front yard setback from Lougheed Highway is the setback for which the relaxation is requested. The front yard averaging calculations are based on the setbacks of the two dwellings immediately west of the subject site at 3328 and 3338 Dalebright Drive, and the two dwellings immediately east of the subject site at 3358 and 3368 Dalebright Drive. The front yard setbacks for these properties are 56.48 ft., 70.29 ft., 88.97 ft. and 83.43 ft. respectively.

It should be noted that these front yard setbacks function as rear yards, with no vehicular access provided from this side. In addition, the frontages along Lougheed Highway consist primarily of fencing and tall hedges or other screening, with the visibility of the residences further reduced by the depth of the intervening yards.

The proposed siting would place the subject dwelling 14.62 ft. in front of the

neighbouring dwelling immediately to the west and approximately 33.3 ft. in front of the neighbouring dwelling immediately to the east. The front yard setback is measured to the foundation at the western portion of the front elevation and to the posts of the covered deck proposed at the eastern portion. This covered deck is 24 ft. wide and 10 ft. deep. The upper floor is proposed to be set back from the main floor face by 6.5 ft. in the central portion and additionally by 7.33 ft. at the northwest and 4.18 ft. at the northeast corner of the dwelling. The upper floor would also be set back from the western side face of the main floor by 10.67 ft. The dwelling would observe a side yard setback of 10.67 ft. to the west and a side yard setback of 11.5 ft. to the east.

The proposed reduction in the front yard setback is significant. However, the extent to which the proposal exceeds the established setbacks must be considered in the context of future redevelopment of the neighbourhood, given that most of the surrounding homes were built in the late 1960's and early 1970's and reflect the development standards present at that time. In particular, the depth of most surrounding buildings ranges from approximately 30 ft. to 48 ft., significantly less than the 60 ft. depth that is permitted under prevailing zoning. While this does not represent a physical hardship, it is a substantial constraint that warrants consideration.

In addition, the function of this second front yard as a rear yard must be considered. Given the width and high traffic volumes that characterize Loughheed Highway, there is little chance that this frontage will serve any other function in the foreseeable future. For these reasons, it may be suitable to relax the front yard averaging requirements for the second front yard, in order to permit the greater building depths provided for elsewhere in the Bylaw, while maintaining the generous frontages along Dalebright Drive.

In addition, several factors would serve to mitigate the effects of the proposal on neighbouring properties as currently developed. The proposed side yard setbacks are generous, exceeding that required by the Bylaw. The covered deck at the northeast corner of the dwelling and the recessed upper floor reduce massing impacts. The presence of mature hedge along the east side property line and the limited amount of windows within the overlap area would further mitigate impacts on neighbouring properties.

In summary, the proposed relaxation is suitable given the relationship of the site and surrounding properties to Loughheed Highway, and may help to transition the development pattern of the neighbourhood to allow greater building depths consistent with prevailing zoning.

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

ADJACENT OWNER'S COMMENTS:

Mr. Thomas Szakacs, 3338 Dalebright expressed concern regarding the setback and potential massing to his home.

MOVED BY MR. CLARK
SECONDED BY MR. POUND

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(j) **APPEAL NUMBER:** B.V. 6217 **6:00 PM**

APPELLANT: Karamjit Sanghera

REGISTERED OWNER OF PROPERTY: Mandeep and Karmjit Sanghera

CIVIC ADDRESS OF PROPERTY: 7774/76 16th Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 21; DL 28; Plan 19626

APPEAL: An appeal for the relaxation of Sections 105.9 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new two family dwelling at 7774/76 16th Avenue. The front yard setback would be 22.13 feet to the window seats, where a minimum front yard setback of 27.36 feet is required based on front yard averaging. The overhang would project 1.5 feet beyond the window seat. (Zone R5)

APPELLANT'S SUBMISSION:

Karmjit Sanghera submitted an application to allow for the construction of a new two family dwelling.

Araj Sanghera and Karmjit Sanghera 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 Edmonds neighbourhood in which the age and condition of single and two-family dwellings vary. This interior lot, approximately 112 ft. by 66 ft., fronts onto Sixteenth Avenue to the northwest and abuts a lane to the southeast. Immediately across Sixteenth Avenue (to the northwest) and across the lane (to the southeast) are single family dwellings and immediately southwest and northeast of the subject site are two-family dwellings. The remaining three lots in the subject block further southwest of the subject site also contain two-family dwellings. Vehicular access to the subject site is provided from the rear lane. The site observes a downward slope of approximately 6.5 ft. from the front to the rear.

The subject site is proposed to be redeveloped with a new two-family dwelling, including an accessory detached garage, for which a variance has been requested.

The appeal proposes a front yard setback of 22.13 ft. measured to the window seat of the proposed two-family dwelling, with a further projection for roof eaves of 1.5 ft., where front yard averaging requires a minimum setback of 27.36 ft. from the front 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.

In this case, the front yard averaging calculations are based on the front yard setbacks of the two dwellings immediately southwest of the subject site at 7754/7756 and 7768/770 Sixteenth Avenue and the two dwellings immediately northeast of the subject site at 7788/7790 Sixteenth Avenue and 7533 Seventh Street. The front yard setbacks for these properties are 26.13 ft., 26.97 ft., 28.23 ft. and 28.12 ft. respectively.

As mentioned above, the front yard setback is measured to the two window seats on the main floor. In relation to these window seats, the main face of the building would be set back an additional 1 ft. at the main floor and 4.33 ft. at the upper floor (excluding the upper window seats). In addition, the upper floor is proposed to be set back 9 ft. from the front face of the main floor and 10.33 ft. from the side face, creating large low roof areas at both front corners.

With respect to the existing streetscape, the proposed siting would place the subject dwelling 4.84 ft. in front of the neighbouring dwelling to the southwest and 6.1 ft. in front of the neighbouring dwelling to

the northeast. Although the varied setbacks proposed on the front elevation would typically alleviate the massing impacts of the reduced front yard setback, the neighbouring properties to the southwest and northeast of the subject site, which were recently redeveloped (in 2001 and 2008 respectively), feature a similar "stepped" design. In this context, the subject dwelling would continue to appear significantly forward of these neighbouring residences. Further, the proposed siting would be 7.87 ft. closer to the front property line in comparison to the siting of the existing two-family dwelling on the subject site. Therefore, this variance would create a substantial change in the massing relationship between the subject site and neighbouring dwellings.

With reference to the broader neighbourhood context, there is an established street frontage on the subject block, with all seven lots, including the subject lot, observing similar front yard setbacks of approximately 28 ft. As such, the siting of the proposed dwelling would not fit within the existing neighbourhood context.

Although the requested variance appears relatively minor and is somewhat mitigated by the generous upper floor setbacks and absence of overlapping windows, it appears that it is the result of a design choice rather than hardship. Alternatives exist that could bring this proposal into greater compliance with the Zoning Bylaw, as demonstrated by the recently redeveloped lots to the southwest and northeast of the subject site. (It should be noted that the property to the immediate southwest was granted a variance to the required distance between the principal building and the detached accessory detached garage.)

In summary, as the proposed development would negatively impact neighbouring properties and the existing streetscape, this Department cannot support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MR. DHATT

SECONDED BY MR. NEMETH

THAT based on the plans submitted this appeal be allowed.

FOR: MR. DHATT

OPPOSED: MS. RICHTER
MR. CLARK
MR. POUND
MR. NEMETH

DENIED

4. NEW BUSINESS

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

5. **ADJOURNMENT**

MOVED BY MR. POUND
SECONDED BY MR. NEMETH

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 8:15 p.m.

Ms. C. Richter

Mr. G. Clark

Mr. R. Dhatt

Mr. S. Nemeth

Ms. E. Prior
ADMINISTRATIVE OFFICER

Mr. B. Pound