



## Board of Variance Appeal Application Form

### OFFICE OF THE CITY CLERK

Burnaby City Hall, 4949 Canada Way, Burnaby BC, V5G 1M2, Phone: 604-294-7290 Email: [clerks@burnaby.ca](mailto:clerks@burnaby.ca)

#### Applicant

Name of Applicant DANA NICOLARA / ANDREW CAPPELLANO  
Mailing Address 3223 BAINBRIDGE AVE  
City/Town BURNABY Postal Code V5A 2T1  
Phone Number(s) (H) \_\_\_\_\_ (C) 604-315-3739  
Email onicolara2@gmail.com  
Preferred method of contact: ☐ email ☒ phone ☐ mail

#### Property

Name of Owner ANDREW CAPPELLANO  
Civic Address of Property 3223 BAINBRIDGE AVE

I hereby declare that the information submitted in support of this application is, to the best of my knowledge, true and correct in all aspects, and further that my plans have no conflict with municipal bylaws other than those applied for with in this application.

June 13/16  
Date

[Signature]  
Applicant Signature

#### Office Use Only

Appeal Date 2016 July 07.

Appeal Number BV# 6234

#### Required Documents:

- ☐ Hardship Letter from Applicant
- ☐ Site Plan of Subject Property
- ☐ Building Department Referral Letter

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

LETTER OF HARDSHIP  
RE: 3223 BAINBRIDGE AVE  
JUNE 11, 2016

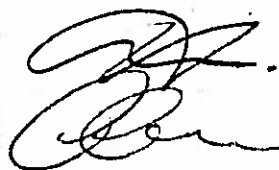
Dear Members of the Board,

Thank you for taking time to hear our appeal. We are building our forever dream home, but are heartbroken at the current Burnaby By-Laws that do not take a lots size into consideration for front yard setbacks, instead they use an averaging tool based on your neighbours setbacks. As you can see in the Google Earth picture provided we have an almost perfectly square lot, in addition to this awkward building envelope we are the shortest lot on the block. We currently do not have a backyard, and with the setback that has been proposed by the City we will not have one in the future either unless we take away from our homes square footage. We are a growing family, and I would like to have a backyard for my children to play in, the front yard is not a safe place as it would face Bainbridge Ave which is a very high traffic road. When the surveyor did our survey he took the two houses to the left AND the two houses to the right to get a front set back average of 32.73 feet, but unfortunately because our home is also a corner lot they will not include the houses to the right because they are separated by a street (Hillview). Consequently they only took the two houses to the left which are an even higher average at 39.8 feet. With this front yard setback we would be forced to have almost 40 feet of front yard and only 14.25 feet of backyard which would not be compliant with the backyard setback of 29.5 therefore we would need to take out further square footage from our home and have our architect and structural engineer re-draw our plans. We feel that this setback does cause undue hardship, if we comply we lose square footage from the house and gain 40 feet on unusable front yard losing even more space on a lot that is already a perfect square with minimal options for building. This will be our forever home, we have lived here for 8 years and plan to raise our children here. We are begging that the Board take into consideration the unfairness and hardship of the averaging By-Law as the other two lots are much deeper then ours, and our very next door neighbour actually wanted a big front yard setback as they wanted to build a round driveway in the front. We are asking for a variance of 15.28 feet, we do not feel that this would effect the way the houses look on this block and feel that the hardship caused by not allowing this variance far outweighs any damage to the look of the block. If we had a lot that was similar in depth as the other homes on this block we would be more then happy to comply but unfortunately we have many issues working against us; we are a corner lot, we are a perfect square and the shortest lot on the block. We have saved and worked very hard to have this day come and the added expenses of having to pay for more architectural and engineering plans will cause us financial hardship, in addition to the hardship caused by taking square footage away from our families home to allocate it to a massive front yard. I would also like to note that in the By-Law the minimum front yard setback is set at 29.5 feet and we would sit at 24.52 feet with a variance of just 4 feet. The very last house on this block has a set back of 29.4 feet, and their lot is the deepest on the block. We feel that taking into consideration our lot size a front yard setback of 24.52 is more then reasonable to allow us to build our home to the square footage needed by our family and still give us a backyard for our children. I have also enclosed the survey for the Boards review of the current homes on our block and their setbacks. Thank you in advance for your time and consideration, we are very grateful to have volunteers who give their time in order for people like myself to have an avenue where we can present these cases.

Respectfully,

Oana Nicoara

Andrew Cappellano

The block contains two handwritten signatures in black ink. The top signature is more stylized and cursive, while the bottom signature is more legible and appears to be a first name followed by a last name.



## BOARD OF VARIANCE REFERRAL LETTER

<b>DATE:</b> June 10, 2016	<b>DEADLINE:</b> June 14, 2016 for the July 7, 2016 hearing	<i>This is <u>not</u> an application. Please take letter to Board of Variance. (Clerk's office - Ground Floor)</i>	
<b>NAME OF APPLICANT:</b> Andrew & Pietro Cappellano			
<b>ADDRESS OF APPLICANT:</b> 3204 Rainbow CRT, Burnaby, BC, V5N 2S5			
<b>TELEPHONE:</b> 604.315.3739			
<b>PROJECT</b>			
<b>DESCRIPTION:</b> New Single Family Dwelling w/ Secondary Suite & Attached Garage			
<b>ADDRESS:</b> 3223 Bainbridge Avenue			
<b>LEGAL:</b>	<b>LOT:</b> 17	<b>DL:</b> 44	<b>PLAN:</b> NWP23696

The above mentioned application, which includes the attached plan of the proposal, has been refused by the Building Department on the basis of contravention of:

**Zone/Section(s) R1 [101.8]**  
of the Burnaby Zoning Bylaw No. 4742

### **COMMENTS:**

The applicant is proposing to build a new single family dwelling. The following relaxation is being requested.

- 1) The front yard setback, to the foundation, will be 24.50 feet where a minimum front yard setback of 39.80 feet is required based on front yard averaging. The roof overhang will be 2 feet beyond the foundation.

*Note: The applicant recognizes that should the project contain additional characteristics in contravention of the zoning by-law a future appeal(s) may be required.*

MS

Peter Kushnir  
Deputy Chief Building Inspector

[illegible][illegible][illegible]

10

CALLS	DATE
AS A-CUM	FEB 8200

PROPOSED RESIDENCE  
AT 3223 BAINBRIDGE AVE  
BURNABY, B.C.

Amin Designs

604-339-3100

**THE CONSTRUCTION SHALL PROVIDE:**

**CONTRACT DOCUMENTS**

WITH CODES AND BY-LAWS AND  
SHALL ADVISE THE ARCHITECT'S  
OF ANY DISCREPANCIES.

**CONTRACTOR SHALL:**

CHECK AND  
VERIFY ALL DIMENSIONS AND  
SHOW ALL ERRORS AND  
CORRECTIONS TO THE DESIGNER.



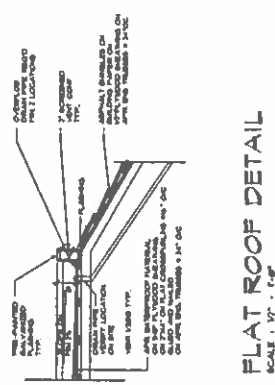
LEADING DISTANCE - 0.73'  
BALL AREA - 0.00 SF  
ALLOW OPENING - 189 CF @ 10.0' - 0.18 SF  
PROPOSED OPENING - 34.0 SF

1. **THESE** **RESEARCH** **QUESTIONS**

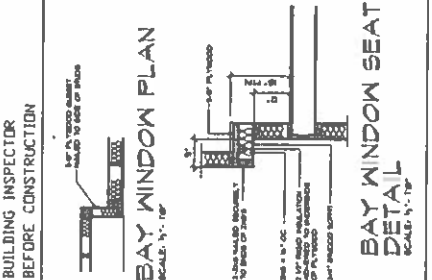


REQUIRED MINIMUM INSULATION THERMAL RESISTANCE (R-VALUE) FROM TABLE 504.2.2.2 AND 504.2.2.3		
CLIMATE ZONE	MINIMUM R-VALUE (PER IBC)	PER IBC TABLE 504.2.2.2
CLIMATE ZONE 4	4.0	4.0
CLIMATE ZONE 5	5.0	5.0
CLIMATE ZONE 6	6.0	6.0
CLIMATE ZONE 7	7.0	7.0
CLIMATE ZONE 8	8.0	8.0
CLIMATE ZONE 9	9.0	9.0
CLIMATE ZONE 10	10.0	10.0
CLIMATE ZONE 11	11.0	11.0
CLIMATE ZONE 12	12.0	12.0
CLIMATE ZONE 13	13.0	13.0
CLIMATE ZONE 14	14.0	14.0
CLIMATE ZONE 15	15.0	15.0
CLIMATE ZONE 16	16.0	16.0
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CLIMATE ZONE 26	26.0	26.0
CLIMATE ZONE 27	27.0	27.0
CLIMATE ZONE 28	28.0	28.0
CLIMATE ZONE 29	29.0	29.0
CLIMATE ZONE 30	30.0	30.0
CLIMATE ZONE 31	31.0	31.0
CLIMATE ZONE 32	32.0	32.0
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CLIMATE ZONE 96	96.0	96.0
CLIMATE ZONE 97	97.0	97.0
CLIMATE ZONE 98	98.0	98.0
CLIMATE ZONE 99	99.0	99.0
CLIMATE ZONE 100	100.0	100.0

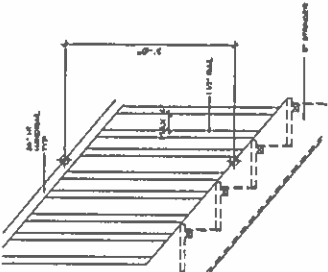
CLIMATE ZONE 4	
GENERAL INFORMATION	
COMPLIANCE PATH	PRESCRIPTIVE
VENTILATION DESIGN (ACTIVE OR PASSIVE, MECH, CRACK, BRIDGE VENTILATION, ROOF ETC.)	
HEATING TYPE	
1. FURNACE	
2. BOILER	
3. RADIANT	
4. ELECTRIC	



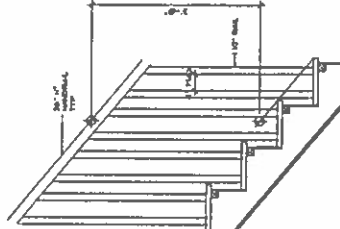
FLAT ROOF DETAIL  
SCALE: 1/4" = 1'-0"



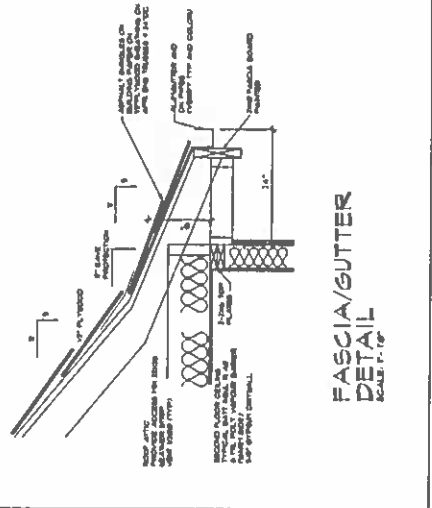
BAY WINDOW SEAT  
DETAIL  
SCALE: 1/4" = 1'-0"



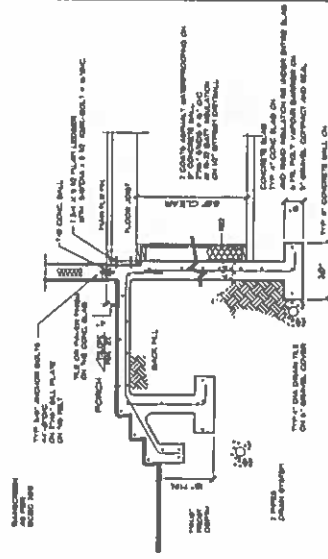
EXT. STAIR DETAIL  
SCALE: 1/4" = 1'-0"



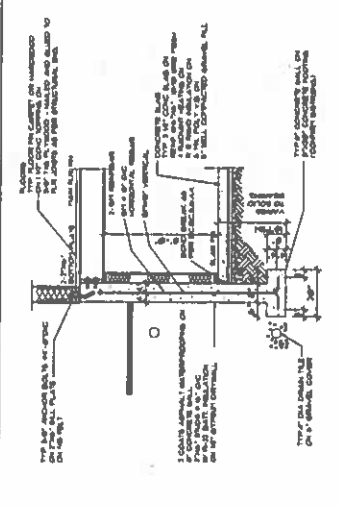
INT. STAIR DETAIL  
SCALE: 1/4" = 1'-0"



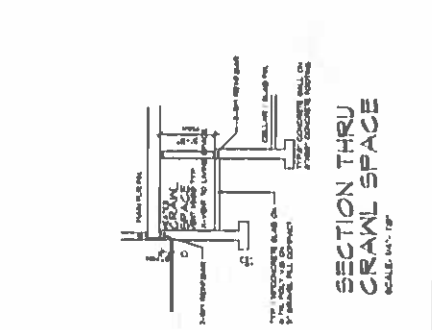
FASCIA/GUTTER  
DETAIL  
SCALE: 1/4" = 1'-0"



FRONT PORCH/  
CONCRETE WALL REINF.  
SCALE: 1/4" = 1'-0"



CONCRETE WALL REINF.  
SCALE: 1/4" = 1'-0"



SECTION THRU  
CRAWLSPACE  
SCALE: 1/4" = 1'-0"

PROPOSED RESIDENCE  
AT 3223 BAINBRIDGE AVE  
BURNABY, B.C.

AmidDESIGNS

804-538-3185  
amiddesigns@shaw.ca