



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

Applicant

Name of Applicant 0779999 B.C. LTD. / DEREK DREW
Mailing Address 3010 BOUNDARY ROAD
City/Town BURNABY Postal Code V5M 4A1
Phone Number(s) (H) 604 435 9477 (C) 604 306 6199
Email derek.drew@csutton.com
Preferred method of contact: ☒ email ☐ phone ☐ mail

Property

Name of Owner 077 9999 B.C. LTD.
Civic Address of Property 3010 BOUNDARY RD.

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.

Date AUG. 9, 2016

Applicant Signature [Signature]

Office Use Only

Appeal Date 2016 SEPTEMBER 08 Appeal Number BV# 6243

Required Documents:

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

CITY OF BURNABY

AUG 09 2016

CLERK'S OFFICE

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

August 10th, 2016

City of Burnaby

Board of Variance

RE: 3010 Boundary Road, Staff Outdoor Area Deck in front of building.

1. For the fence height up to 5.75 ft. exceeding the allowed maximum height of 3.28 ft. within the vision clearance at the street intersection (north-west corner of the site),
2. For the fence height up to 5.75 ft. exceeding the allowed maximum height of 3.28 ft. within the required front yard.
3. To allow the existing deck to encroach 2.1 ft. into the required front yard of 6.5 ft.

To Whom It May Concern:

The zoning as written creates a hardship for us and we are asking for the Board of Variance to relax the requirements for the reasons we outline below. While we understand the concept of the safety issue of traffic turning right from Boundary Road to Manor Street, we do not believe that our new staff space and the fence mentioned above, create any impairment of traffic vision, and therefore does not create a safety issue in our specific case. To the contrary we believe this new space, along with the new landscaping, has beautified the appearance of the building from the front.

We look forward to the opportunity to meet with and be heard by, the Board to outline our contentions, and to answer any questions the Board may have for us. We feel very strongly about this issue and have gone to the expense of obtaining both engineering drawings, architectural drawings and elevations, a survey, and aerial pictures to support our contentions. This, and the cost of actually creating the space professionally, is all in aid of supplying a clean, safe space for our staff to take breaks, and to improve the appearance of the building from the front.

It is our contention that the staff space we have created and the fence with it, does not cause any blockage of vision to traffic. The existing landscaping and mature trees on the corner of this site, which have been there for many years, are in fact what is blocking any site lines from Boundary to Manor. We have been told that we may not remove the mature cedar tree that is in fact causing any potential blockage of sight. These trees and landscaping have been on site for many years and to our knowledge they have not caused any traffic accidents or problems, as a result.

The purpose for the fence and new landscaping we planted is

- a. To beautify the site and make it look more professional.
- b. To make a secure, safe, clean and private space for staff to take breaks. It is not for public use

- c. The fence is needed to secure and create a locking gate, to help us secure the space at night and weekends, from homeless and transient use, to lessen our liability, and for safety.
- d. This securing of the outdoor space and our underground parking on evenings and weekends has significantly reduced the number of times the police have had to attend our office, due to homeless and transient problems.
- e. While the deck is ground level, without the fence, a staff member could still misstep and could be injured. A fence of 3.28 ft. (which is allowed under the current zoning), according to our architect and engineer would not be safe, as it is too low and could cause a staff member to trip over it if not attentive.
- f. The deck itself is a full 10 feet 8 inches from the sidewalk and the cedar hedge that was planted is approx. 2 feet wide and against the deck. It creates a nice green break as seen from the sidewalk. We believe that it may be the cedar hedge, which is landscaping that may be encroaching into the front yard.

The hardship to us is that if we had to remove the fence now it would cause us to incur a lot of extra expense, while making the space less attractive from the street, less safe for the staff that use it, more accessible to homeless and transient people creating potential liability issues, as well as requiring more police visits as a result of the space not being secure and impossible to secure at night and weekends. Its removal will not in any way increase visibility for traffic turning right onto Manor and thus will not make the corner safer, and to the contrary, its removal will be a hardship to us in that this will cause many negative effects, with the worst being safety for our staff and potential liability issues.

We remain

Yours truly,

A handwritten signature in black ink, appearing to read "Derek Drew", followed by a period.

Derek Drew

Managing Broker

Sutton Centre Realty



City of
Burnaby

Planning and Building Department

BOARD OF VARIANCE REFERRAL LETTER

DATE: 2016 August 09	DEADLINE: 2016 August 09 Date of Hearing: 2016 Sept. 08	<i>This is <u>not</u> an application. Please take referral letter to Board of Variance. (Clerk's office)</i>
NAME OF APPLICANT: Derek Drew Sutton Centre Realty		
ADDRESS OF APPLICANT: 3010 Boundary Road, Burnaby, BC V5H 4A1		
TELEPHONE: 604 435 9477		

Preliminary Plan Approval Application: PPA #15-00187			
DESCRIPTION: Existing deck and fence (built w/o a permit)			
ZONING: Service Commercial District C4			
ADDRESS: 3010 Boundary Road			
LEGAL:	LOT: 1	DL: 69	PLAN: NWP1321

The above mentioned application for Preliminary Plan Approval has been suspended pending Board of Variance review pursuant to the following section(s) of the Zoning Bylaw.

Section(s) 304.6, 6.13(1)(a) and 6.14(5)(a)

COMMENTS:

An appeal for the relaxation of Sections 6.13(1)(a), 6.14(5)(a) and 304.6 of the Burnaby Zoning Bylaw which, if permitted, would allow for an existing deck and fence at 3010 Boundary Road to be retained.

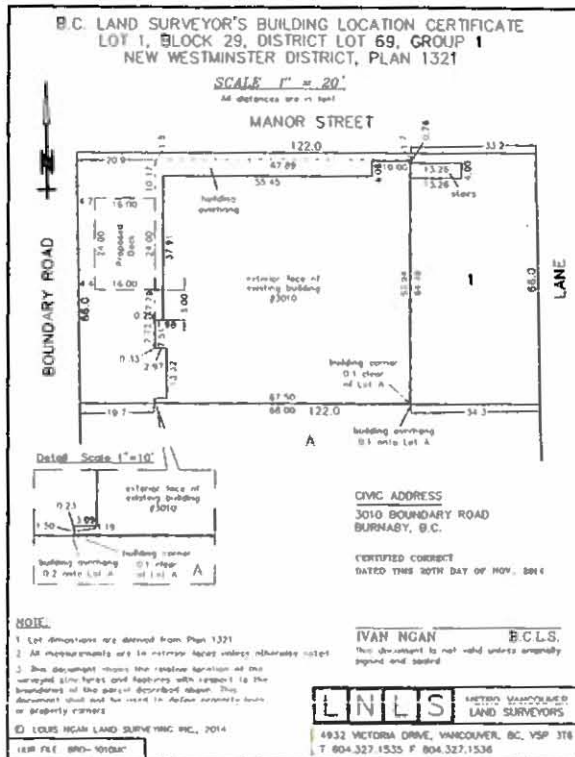
The following variances are requested:

- a) to allow the existing fence to encroach into the vision clearance area with varying height up to a maximum of 5.5 ft. where the maximum height of 3.28 ft. is permitted.
- b) to allow the existing fence to be retained in the required front yard with varying height up to a maximum of 6.08 ft. where the maximum height of 3.28 ft. is permitted.
- c) to allow the existing deck to encroach 2.1 ft. into the required front yard of 6.5 ft.

Note:

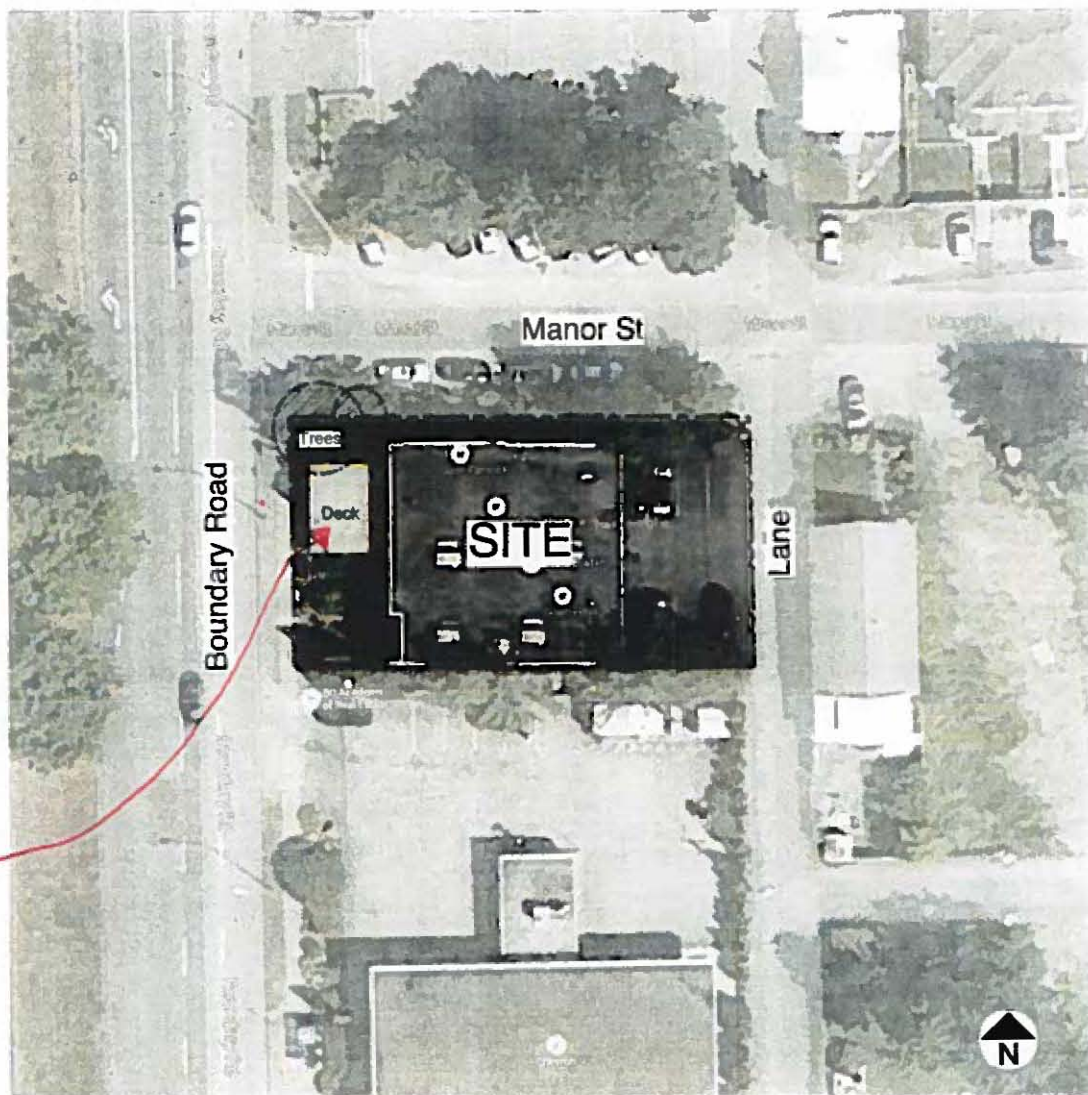
The applicant recognizes that this appeal request, as per the submitted drawings, if granted, would be subject to full compliance with all other applicable Municipal regulations and requirements. Should the project contain additional characteristics in contravention of the Zoning By-law, future appeals(s) may be required.

Margaret Malysz
Supervisor, Development Plan



1 Survey

SUBJECT
AREA



2 Site Plan
Scale: 1/32" = 1'-0"

CORNERSTONE
architecture

2014-2015 B.C. Land Surveyor's Building Location Certificate
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Sutton - Center Realty
3010 Boundary Rd Burnaby B.C.

SURVEY & SITE PLAN

APPROVED DATE: July 15, 2016
APPROVED BY: A.V.
SCALE: 1/32" = 1'-0"
SHEET: 1/1
A-1.1

Cornerstone Architecture provides architectural services to its clients. The firm is not responsible for the design or construction of any structure or for the safety of any person or property. The firm is not responsible for the design or construction of any structure or for the safety of any person or property.

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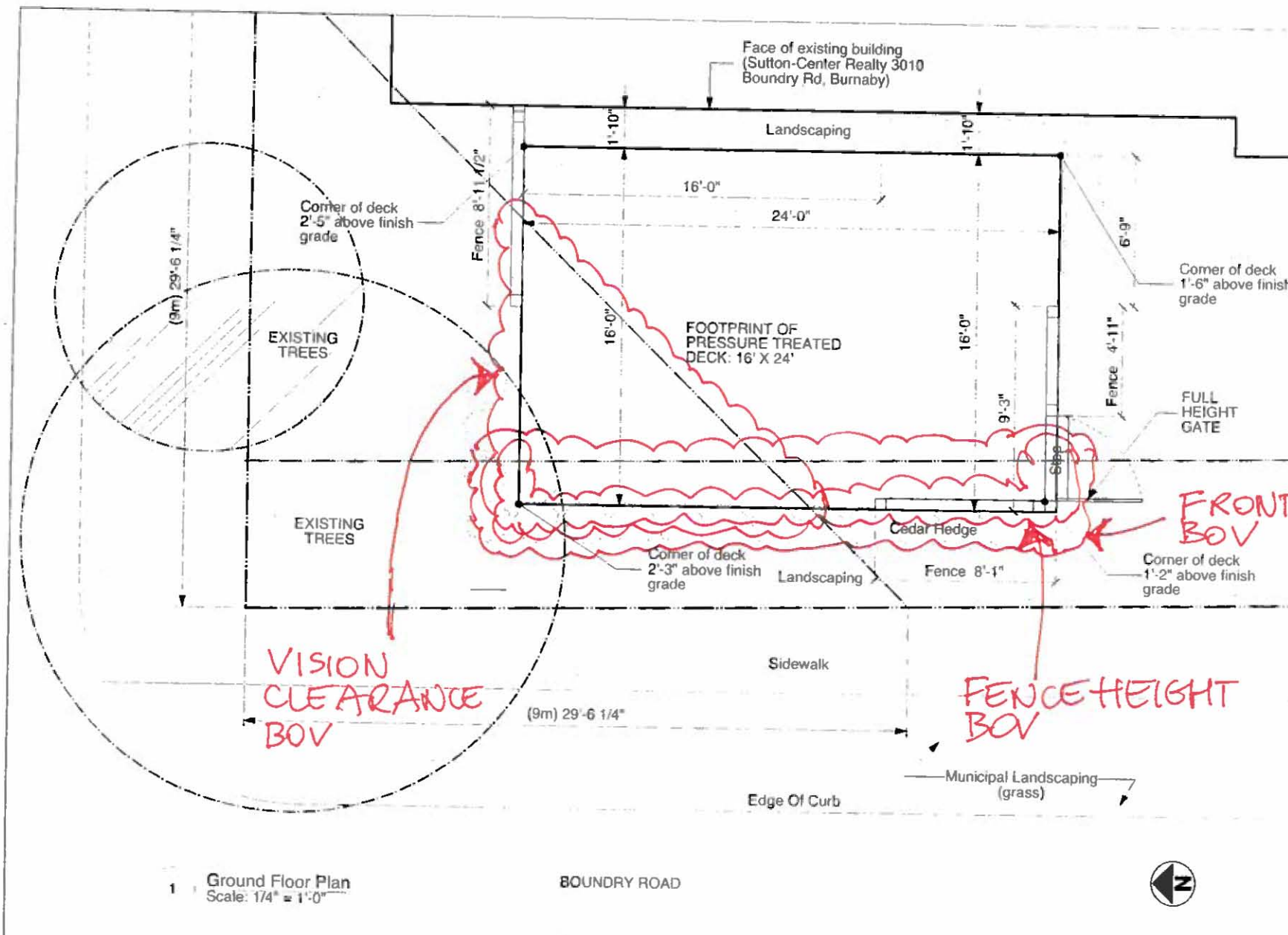
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Sutton - Center Realty
3010 Boundary Rd, Burnaby, B.C.

GROUND FLOOR PLAN

DATE: July 15, 2019

SCALE: 1/4" = 1'-0"

PROJECT NO: A-1.2

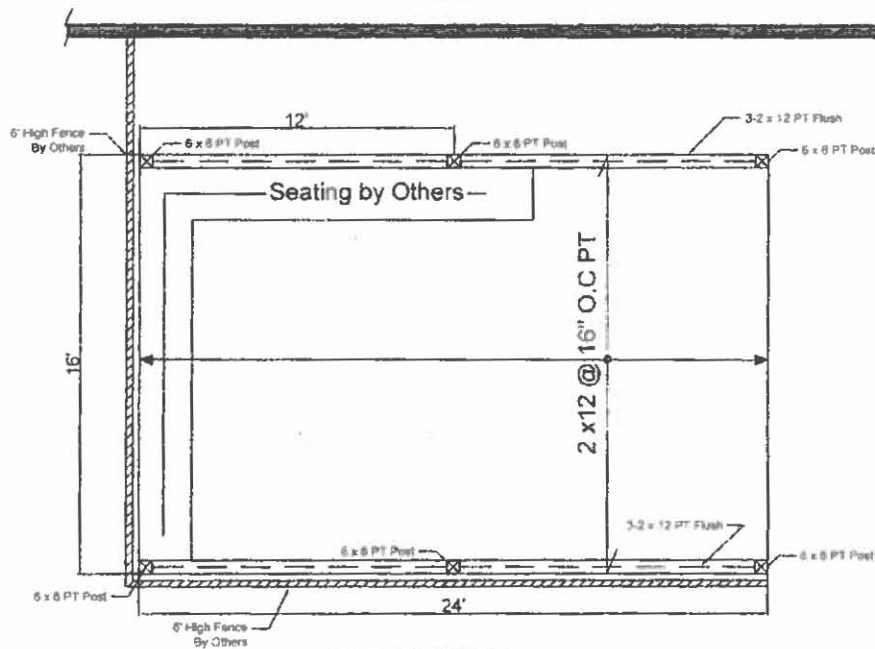
DATE: July 15, 2019

SCALE: 1/4" = 1'-0"

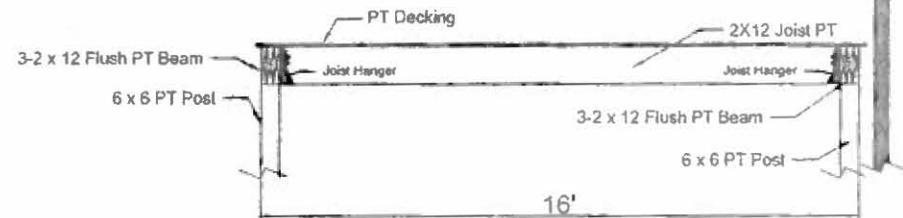
PROJECT NO: A-1.2

DATE: July 15, 2019


BUILDING



TOP VIEW



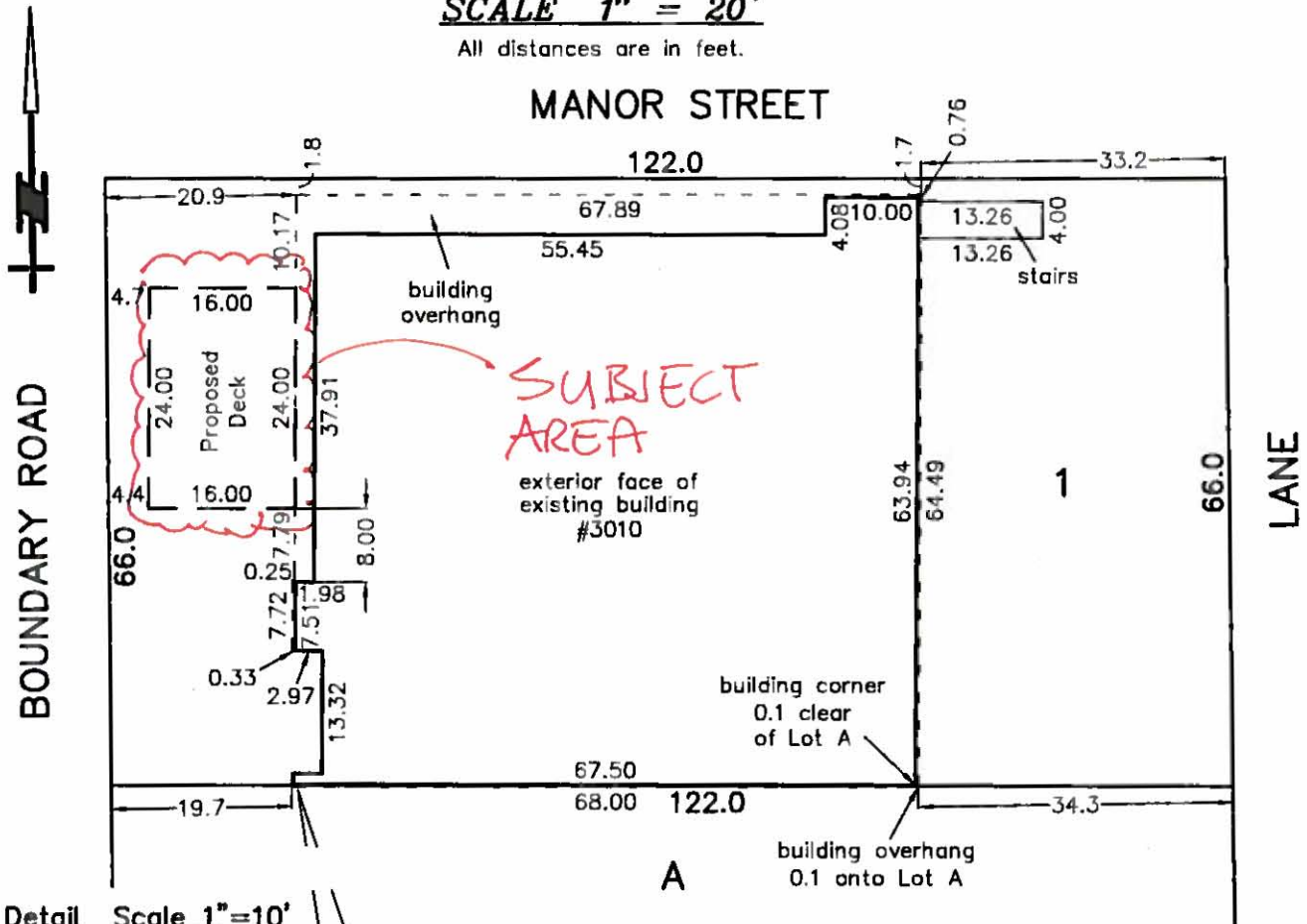
SIDE VIEW

 <p>K'N'H Engineering Ltd. #215, 18625 - 53rd Avenue, Surrey, BC V3S 7A4 t: (778) 671-1250 f: (778) 571-1286</p>	PROJECT NUMBER	DATE	PROJECT INFORMATION	SHEET TITLE	SHEET NUMBER
	OWN BY:	August 25 2014			
	S.R.H.	SCALE:	Sutton- Center Realty 3010 Boundary Rd. Burnaby	PLAN	1 OF 1
		N.T.S			

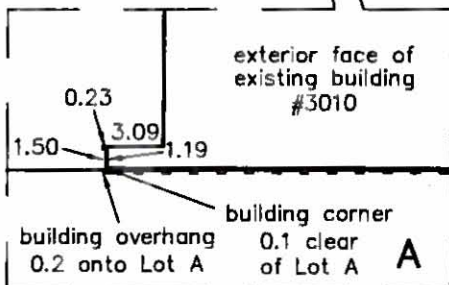
B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE
LOT 1, BLOCK 29, DISTRICT LOT 69, GROUP 1
NEW WESTMINSTER DISTRICT, PLAN 1321

SCALE 1" = 20'

All distances are in feet.



Detail Scale 1"=10'



CIVIC ADDRESS

3010 BOUNDARY ROAD
BURNABY, B.C.

CERTIFIED CORRECT.

DATED THIS 20TH DAY OF NOV., 2014

NOTE:

1. Lot dimensions are derived from Plan 1321.
2. All measurements are to exterior faces unless otherwise noted.
3. This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

© LOUIS NGAN LAND SURVEYING INC., 2014

OUR FILE: BBO-3010MC

IVAN NGAN

B.C.L.S.

This document is not valid unless originally signed and sealed

L N L S **METRO VANCOUVER**
LAND SURVEYORS

4932 VICTORIA DRIVE, VANCOUVER, BC, V5P 3T6
T 604.327.1535 F 604.327.1536

