City of Burnaby

2017 Board of Variance Notice of Appeal 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: HARB MANN

Mailing Address: 7779 11th Ave

City/Town: BURNABY Postal Code: V3N 2N4

Phone Number(s): (H) 604 375-1655 (C) _____

Email: mvdevelopment10@gmail.com

Property

Name of Owner: JACK & PAULINE CHAN

Civic Address of Property: 8462 ROYAL OAK AVE BURNABY

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.

JAN 9/2017
Date

Applicant Signature

Office Use Only

Appeal Date 2017 Feb 02. Appeal Number BV# _____

Required Documents:

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

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

City of Burnaby

BOARD OF VARIANCE REFERRAL LETTER

DATE: January 6, 2016	*This is **not** an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.*
DEADLINE: January 10, 2017 for the February 2, 2017 hearing.	
APPLICANT NAME: Jack and Paulina Chan	
APPLICANT ADDRESS: 5537 Marine Drive	
TELEPHONE: 604-435-1248	

PROJECT			
DESCRIPTION: New single family dwelling with secondary suite and attached garage			
ADDRESS: 8462 Royal Oak Avenue			
LEGAL DESCRIPTION:	**LOT: 18**	**DL: 158**	**PLAN: NWP1489**

Building Permit application BLD16-01173 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R2 / Sections [102.6(1)(a), 102.8(1), & 102.10]

COMMENTS:

The applicant proposes to build a new single family dwelling with a secondary suite and an attached garage. In order to allow the Building Permit application to proceed, the applicant requests that the following variances be granted:

1) To vary Section 102.6.(1)(a) – "Height of Principal Building" of the Zoning Bylaw from 29.5' to 32.09' measured from the front average grade. The principal building height measured from the rear average grade will be 24.79.

2) To vary Section 102.8(1) – "Front Yard" of the Zoning Bylaw requirement for the minimum front yard depth from 39.48 feet (based on front yard averaging) to 34.56 feet.

3) To vary Section 102.10 – "Rear Yard" of the Zoning Bylaw requirement for the minimum rear yard depth from 29.5 feet to 20.00 feet.

All principal building projections into the resulting front and rear yard will conform to the requirements of Section 6.12.

Fences and retaining walls in the resulting front and rear yards will conform to the requirements of Section 6.14.

Notes: *The applicant recognizes that should the project contain additional characteristics in contravention of the Zoning By-law, a future appeal(s) may be required.*

The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.

MS

Peter Kushnir
Deputy Chief Building Inspector

SUBJECT – Hardship Letter regarding 8462 Royal Oak Avenue Burnaby

To Whom it may concern,

I am writing this second formal hardship letter to the Board of Variance to request that our application to build a new detached family dwelling at address 8462 Royal Oak Avenue be approved for the following:

- A 2.58 ft height increase of the building structure
- A front yard setback of 34.56 from property line to foundation where a minimum front yard setback of 39.48 ft. is required based on front yard averaging
- A back yard setback of 20ft from property line to foundation where a minimum back yard setback of 29.5 ft. is required.

This would be our second application to the board of variance regarding the construction of a new single family dwelling at the address noted above. The first BOV meeting, which took place on December 15th, 2016 we had requested the following relaxations, and they were both voted down:

- A 4 ft height increase of the building structure
- A front yard setback of 24.60 from property line to foundation where a minimum front yard setback of 39.48 ft. is required based on front yard averaging.

Right after the last BOV meeting, I had met with the Planning department to see what I can do from our end so that we can come to an agreement on the initial requested relaxations.

I was advised that if we can minimize the impact on front yard setback from a difference of 15 ft to a smaller number by moving the placement of the proposed building further back (Now proposing front yard setback for 34.56 ft) and thus taking away from the minimum backyard setback which is 29.5 ft (we have now proposed 20ft as the back yard setback) the placement of the building will have minimum impacts on front and backyard setbacks as opposed to having a large impact on just the front yard setback as we initially requested.

With moving the proposed building back 10 ft, we had challenges with the driveway slope to the garage getting to steep, the solution to this issue was to raise the garage slab to meet the bylaw for driveway slopes, and adding a step from the garage slab to the main floor of the home.

Planning also stated that if I can find a way to decrease the height difference from 4 ft to a smaller number to minimize the building height impact, they will consider supporting the relaxation request. We are now proposing a 2.58 ft increase in height as opposed to a 4ft increase which was initially requested. We accomplished the decrease in height by changing the ceiling heights for the cellar floor from 9ft to 8ft and the main floor from 10ft to 9ft.

The reason why we are looking for a 2.58ft height increase is because the property is very steep to begin with (dropping 18.74ft over the 104 ft depth) as it is located on the corner of Royal Oak avenue and Keith st, on block north of marine drive. The driveway to the attached garage will have a slope of 33% initially, however with the 2.58 ft height increase and raising the garage slab elevation we can obtain a driveway slope of 15% (this is the number where we derived the 2.58ft height increase from after incorporating a design change to raise the garage elevation up higher), the maximum allowed for driveway slope is 15% according to the city bylaws. The driveway will come off of the back alley for Keith st. City of Burnaby Engineering will not allow for a driveway off of Royal Oak Avenue as it is a main road, also we are unable to build a detached garage as the property is not wide enough to accommodate enough distance between the garage and the main residence, in addition the owner's that will be occupying this home are in their mid to late 70's of age and it will be unsafe and difficult for them to walk down the number of steps required if a detached garage was an option.

The proposed height of the new home will not obstruct the North neighbors views they currently have from their homes as the neighbor's to the north of the subject property are on substantially higher elevation. The placement of the new proposed building cannot be moved as there is no room to adjust the placement of the building on the property.

We have already changed our ceiling heights on the cellar floor from 9ft to 8ft and the main floor from 10ft to 9ft and we have raised our garage slab elevation to be higher than the main floor, we are unable to lower the building any further down as the garage slab and driveway slopes do not comply with city building code bylaws.

The second and third relaxation's we are proposing now are changes to the front and back yard minimum setbacks of the proposed new single family dwelling at the above address.

The front yard setback off of Keith St (which in this properties case is the side yard setback as the front yard is facing Royal Oak Ave) is proposed to be 34.56 ft to the foundation now. The minimum front yard setback of 39.48 is required based on front yard averaging of the 2 properties to the east of 8462 Royal Oak Ave.

The back yard setback off of the alley is now proposed to be 20 ft from the property line to the foundation of the proposed building. The minimum back yard setback in the bylaw is stated to be 29.5 ft, however In order for us to decrease the impact to the front yard setback as per our initial request (difference of 15ft) we were advised by the Planning department to move the building back further which will have minimal impact on front and back yard setbacks.

The subject site, which is zoned R2 Residential District, is located in the South Slope neighbourhood, in which the age and condition of single and two-family dwellings vary. This interior lot is approximately 70 ft. wide and 104 ft in depth. The property next door (5229 Keith St) has a driveway off the front elevation of Keith St. The property 2 houses down to the east 5269 Keith St also has a driveway off the front elevation of Keith St; as do many other addresses on Keith St. We feel that the reason some of these homes on Keith St are set so far back are because they have attached garages on the front elevations with driveways.

8462 Royal Oak also has an attached garage however the driveway is proposed off of the back alley on the north elevation and the minimum backyard setback allowed in the bylaw is 29.5 ft, we have proposed 20 ft from the property line to the foundation of the house as the backyard setback. This third variance request has arised from the fact that the proposed building has been moved back further to minimize the impact to the front yard setback. The house is 49.33 ft wide, in this amount of space we were able to slightly obtain a functional floor plan.

According to building code bylaw section 10.2.7 (depth of principal building) under the R2 zoning it is stated that the depth of a principal building shall not exceed the lesser of:

a) 50 percent of the lot depth, or
b) 18.3 m (60ft)

We are not exceeding any of the above, the hardship to my client's is the bylaw requirement that states that we need to take the front yard averaging of the 2 adjacent lots and use that average as the front yard setback. This property is only 104ft in depth, with a front yard average setback of 39.48 and a minimum back yard setback of 29.5 ft we are only left with 35.02 ft to

design the house, when the depth of the principal building can be set at 52ft according to section 10.2.7 and we are proposing the depth of the building to be 49.33 ft.

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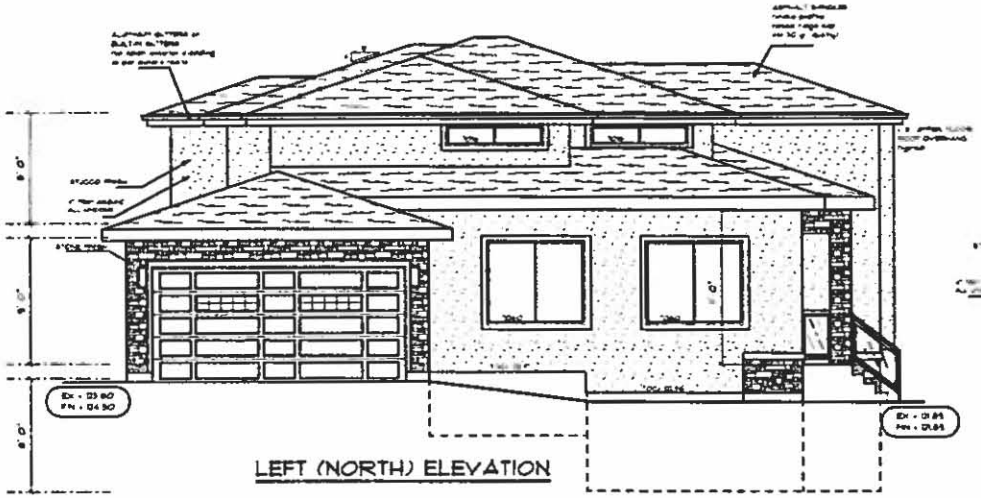
We hope that the Board will consider all the above information justifying the relaxations requested of the new proposed building and make the appropriate decision.

Thank you for your time and consideration

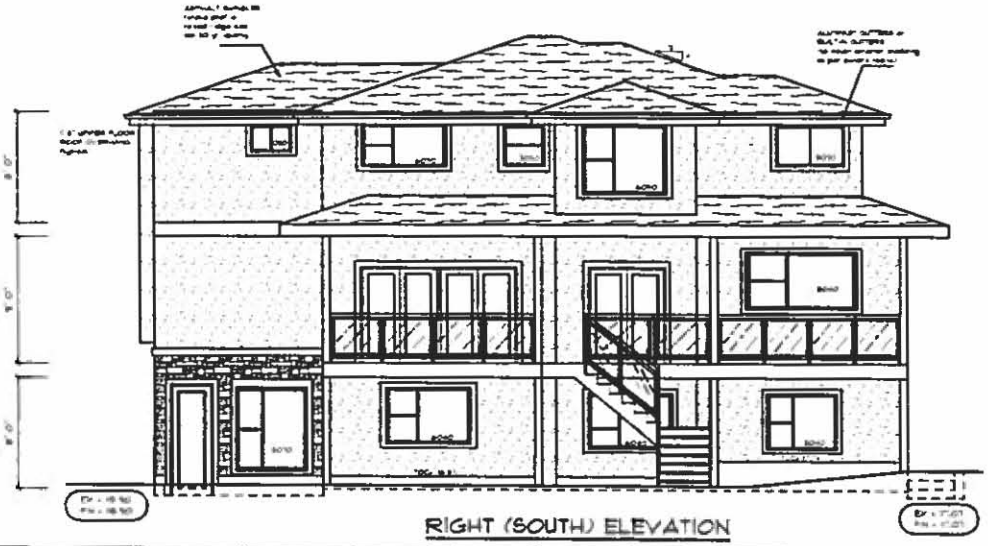
Harb Mann

B. of V. REFERRAL



LEFT (NORTH) ELEVATION

FRONT (WEST) ELEVATION



RIGHT (SOUTH) ELEVATION

REAR (EAST) ELEVATION

PROPOSED RESIDENCE for MR. HARB MANN (604-375-1655)
ON 8462 ROYAL OAK AVENUE, BURNABY, B.C.

4

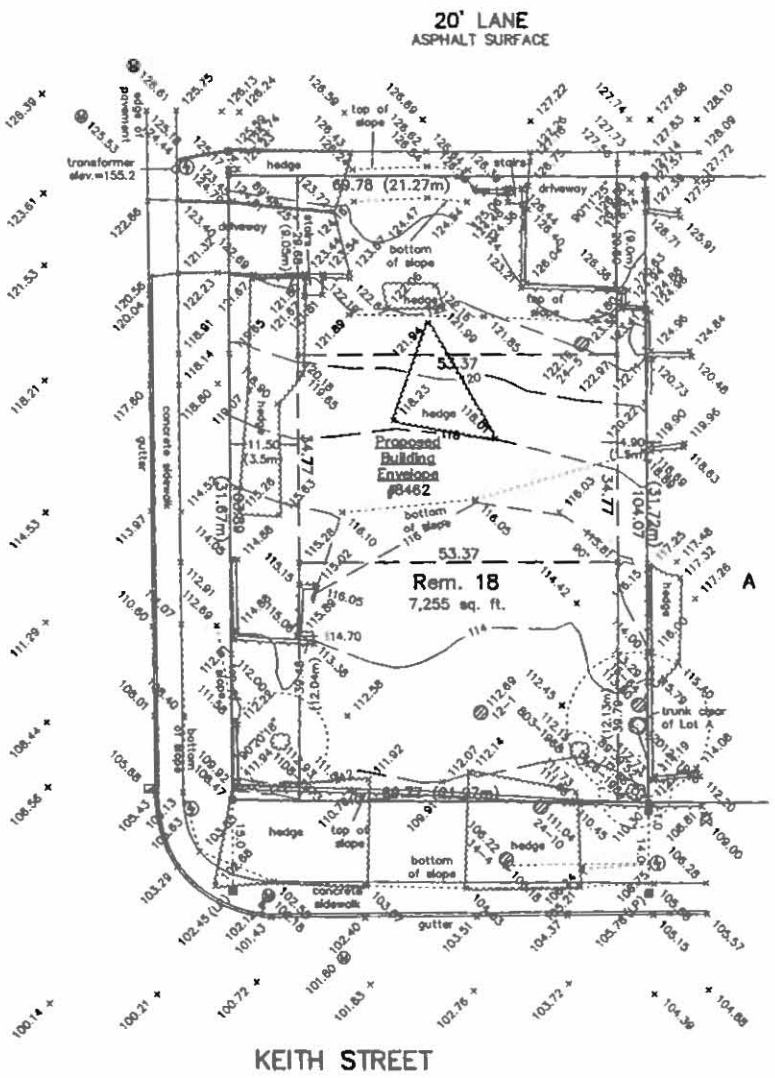
simplex home design ltd

SURVEY PLAN OF LOT 18: EXCEPT PART ON PLAN 14508
DISTRICT LOT 158, GROUP 1
NEW WESTMINSTER DISTRICT, PLAN 1489

SCALE 1" = 16'

All distances are in feet.

RECEIVED
JAN 05 2017
BUILDING DEPARTMENT



Applicable Adjacent House	Depth of Front Yard
5229 Keith Street (Lot A)	39.53 ft
5249 Keith Street (Lot B)	39.42 ft
Total	78.95 ft
Average	39.48 ft

NOTES:

- Lot dimensions are derived from field survey.
- Elevations are based on Geodetic Datum of Burnaby and are derived from control monument DTS-409 situated at the intersection of Keith Street and Royal Oak Avenue. Elevation = 102.45 feet.
- For elevation control, use control monument or lead plugs in concrete sidewalk only.
- Building envelope shown is just an approximate interpretation of City Zoning Bylaws. Consult Planning Department for final building envelope prior to design.
- All trees and stumps shown as required by municipal bylaws.
- All elevations along curb lines are gutter levels.
- Symbols plotted are for illustrative purposes and are not representative of their true size.

- denotes standard iron post.
- denotes lead plug.
- denotes hydro pole.
- tw denotes top of wall.
- bw denotes bottom of wall.
- denotes manhole
- denotes water valve
- denotes catch basin.
- denotes sign post
- denotes anchor
- denotes tree stump.
- 8-10 (height (inches) / diameter (inches))
- denotes tree.
- BC10-1234 (tree tag number; drip line radius (feet); C=coniferous, D=deciduous; diameter (inches))

CIVIC ADDRESS
8462 ROYAL OAK AVENUE
BURNABY, B.C.

ZONING: R2

BUILDING EVELOPE REVISED.
DATED THIS 5TH DAY OF JAN., 2017
CERTIFIED CORRECT.
DATED THIS 12TH DAY OF MAY, 2016

LOUIS NGAN B.C.L.S.

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