



CITY OF BURNABY

BOARD OF VARIANCE

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, 2017 February 02 at 6:00 p.m.

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: Mr. Maciek Wodzinski, Planning Department Representative
Ms. Eva Prior, Administrative Officer

The Chair called the meeting to order at 6:02 p.m.

2. MINUTES

(a) Minutes of the Board of Variance Hearing held on 2017 January 05

MOVED BY MR. NEMETH
SECONDED BY MR. POUND

THAT the minutes of the Burnaby Board of Variance Hearing held on 2017 January 05 be adopted.

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. 6262

APPELLANT: Maxcyne Dias

REGISTERED OWNER OF PROPERTY: Anthony and Maxcyne Dias

CIVIC ADDRESS OF PROPERTY: 6895 Curtis Street

LEGAL DESCRIPTION OF PROPERTY: Lot: 36; DL 206; Plan 19729

APPEAL: An appeal for the relaxation of Section 6.3.1 of the Burnaby Zoning Bylaw which, if permitted, would allow for the retention of a partly covered deck to the rear of the existing single family dwelling (work done without a permit) at 6895 Curtis Street. The distance between the principal building and the detached garage is 13.67 feet where a minimum distance of 14.8 feet is required. (Zone-R5)

APPELLANT'S SUBMISSION:

Maxcyne Dias submitted an application to allow for the retention of a partly covered deck to the rear of her home at 6895 Curtis Street.

Mr. Dias, homeowner and Mr. LeDuc, representative appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site, which is zoned R5 Residential District, is located in the Lochdale neighbourhood, in which the age and condition of single and two family dwellings vary. This interior lot, approximately 50.0 ft. wide and 113.4 ft. deep, fronts onto Curtis Street to the south. Abutting the subject site to the west, directly across Curtis Street to the south and across the lane to the north are single family dwellings. Abutting the site to the east and across the lane to northeast are two family dwellings. This relatively flat site observes a gentle downward slope in the south-north (front to rear) direction. Vehicular access to the site is provided from the rear lane.

The subject site is improved with a single family dwelling and detached garage, originally built in 1945/60. The existing dwelling is currently under construction for interior alterations, which appear to be completed in accordance to the pending building permit, reference # BLD07-00007. However, the existing dwelling is further improved with a partially covered deck, built without the benefit of a building permit sometime between 2012 and 2014. This partly covered deck is the subject of this appeal.

This appeal is to allow a distance of 13.67 ft. from the accessory detached garage to the principal building, where a minimum distance of 14.76 ft. is required.

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

The subject new deck is attached to the mid-eastern portion of the north (rear) face of the existing dwelling. The western portion of the deck is covered with a sloped roof which connects to the main roof over the existing dwelling. The existing detached garage is located at the northwest (rear) corner of the site. As a result, the northwest corner of the new deck overlaps by approximately 2.50 ft. the southwest corner of the existing detached garage. Only in this small overlap area is the required minimum distance between two structures (14.76 ft.) reduced by 1.09 ft. In the remaining overlap area, the distance between the two structures exceeds the required minimum separation.

Given the relatively small scale of the overlap area, the compromised distance between the new deck and the existing detached garage has a little impact on the interior of the dwelling. Also, the reduced separation only marginally affects outdoor living space available on the subject site. Further, since the subject overlap area occurs in the interior of the site, approximately 12.5 ft. and 35.0 ft. away from the west and east side property lines, respectively, the reduced separation does not impact the adjacent properties.

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

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. DHATT

SECONDED BY MR. CLARK

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(b) APPEAL NUMBER: B.V. 6265

APPELLANT: Takeru & Shereene Yukawa

REGISTERED OWNER OF PROPERTY: Takeru & Shereene Yukawa

CIVIC ADDRESS OF PROPERTY: 4158 Georgia Street

LEGAL DESCRIPTION OF PROPERTY: Lot 49; DL 121; Plan NWP50383

APPEAL: An appeal for the relaxation of Section 105.8(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for retention of an

addition (work done without a permit) to a single family home at 4158 Georgia Street. The principal building depth would be 64.0 feet where a maximum depth of 60.0 feet is permitted. (Zone R5)

APPELLANT'S SUBMISSION:

Takeru & Shereene Yukawa submitted an application to allow for retention of an addition to their home at 4158 Georgia Street.

Takeru & Shereene Yukawa appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject property, which is zoned R5 Residential District, is located in Willingdon Heights neighbourhood in which the age and condition of the single and two family dwellings vary. This interior lot is approximately 33.0 ft. wide and 122.0 ft. deep and relatively flat. The site is neighbouring single family dwellings across Georgia Street to the north (front), across the lane to the south (rear) and to the east and west (sides). Vehicular access to the site is via the rear lane (south).

The site is improved with a single family dwelling and an attached carport, built in 1976. Subsequently, the carport was enclosed with walls without the benefit of a building permit. Currently, the applicant is proposing various interior and exterior alternations/additions to the existing dwelling, including the retention of the unauthorized attached carport enclosure. The carport enclosure is the subject of this appeal.

The appeal is to vary Section 105.8(1) – “Depth of Principal Building” of the Zoning Bylaw from 60.00 ft. to 64.00 ft. in order to allow the retention of the attached garage.

The intent of the Bylaw is to prevent the creation of overlong houses which present a long “wall” to their neighbours. In this case, the requested variance occurs at the southeast corner of the existing dwelling, where the garage projects beyond the rear face of the house.

The subject building exceeds the maximum permitted building depth by 4.00 ft. The portion of the building where the excess building depth occurs is limited to the 13.66 ft. wide south edge of the garage. The existing deck with the existing roof cover above the garage is proposed to be retained with the minor modification to the stair location.

It should be noted that originally the existing dwelling observed the building depth of approximately 69.0 ft., including the attached carport, which is legal non-conforming with respect to the building depth requirements. In general, majority of houses in the subject block feature similar siting and sizes as the subject lot. At least four neighbouring residences to the east of the subject site feature attached garages in similar locations as the subject garage. The neighbouring property immediately to the west of the subject site contains the attached garage on the opposite (west) side of this

lot, which observes a slightly larger rear yard setback. However, the additional massing of the enclosed (4.00 ft. deep) portion of the garage creates little impacts on this property, considering a generous setback of the garage from the shared (west) property line (approximately 15.33 ft.).

In summary, the requested variance would not conflict with the existing development pattern in the subject block and would create little impacts on the neighbouring properties. Therefore, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

Petition letters advising of no objection to the proposed variance were received from 4152, 4155, 4160 and 4161 Georgia Street and 4151, 4155 and 4159 Union Street.

No further 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

(c) APPEAL NUMBER: B.V. 6266

APPELLANT: Harb Mann

REGISTERED OWNER OF PROPERTY: Jack and Paulina Chan

CIVIC ADDRESS OF PROPERTY: 8462 Royal Oak Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 18; DL 158; Plan NWP1489

APPEAL: An appeal for the relaxation of Sections 102.6(1)(a), 102.8(1), & 102.10 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and attached garage at 8462 Royal Oak Avenue. The following variances are being requested:

a) A principal building height, measured from the front average elevation, of 32.09 feet where a maximum height of 29.5 feet is permitted. The height measured from the rear average elevation would be 24.79 feet;

b) A front yard setback of 34.56 feet where a minimum setback of 39.48 feet is required based on front yard averaging; and,

c) A rear yard setback of 20.0 feet where a minimum setback of 29.5 feet is required. All principal building projections, fences and

retaining walls into the resulting front and rear yards will conform to the requirements of Sections 6.12 and 6.14, respectively. (Zone R2)

A previous Board of Variance appeal (BOV 6261, 2016 December 15) sought allowance for a principal building height of 33.74 feet, and a front yard setback of 24.6 feet. Both variances were denied.

APPELLANT'S SUBMISSION:

Harb Mann submitted an application to allow for the construction of a new home at 8462 Royal Oak Avenue.

Harb Mann appeared before members of the Board of Variance on behalf of the homeowners.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

This property was the subject of an appeal before the Board on 2016 December 15 (BV 6261). Two variances were sought to allow for the construction of a new single family dwelling, with a secondary suite and an attached garage: First for the height of principal building from the front average elevation of 33.70 ft. where 29.50 ft. is permitted., second for front yard setback of 24.60 ft. where a minimum front yard setback of 39.48 ft. (based on front yard averaging) is required at the Keith Road frontage. Both appeals were denied by the Board of Variance.

Subsequently, in response to the concerns raised at the hearing, the applicant has revised the proposal by relocating the principal building 9.96 ft. further away from the front property line, which results in the 34.56 ft. front yard setback where 39.48 ft. is required. However, the relocation causes the reduction of rear yard to 20.00 ft. where 29.50' is required. The revised front yard setback is an improvement to the previously proposed setback. However two variances for front and rear setback is still required.

The height of the house was also reduced by 3.00 ft. by reducing basement clear height from 10.00 ft. to 8.00 ft. and main floor from 10.00 ft. to 9.00 ft. However, the resulting maximum building height measured from the average front elevation was reduced by 1.65 ft. only, still resulting in a 2.59 ft. request for variation, (a reduction from the 4.24 ft. variance requested in the last appeal).

Therefore, this Department's comments remain similar to the comments provided for the 2016 December 15 appeal (*attached* as Item 1, Supplementary Material).

As a reminder, the subject site is located in the Clinton-Glenwood neighbourhood, which is an older, well established neighbourhood. This corner lot, approximately 70.00 ft. wide by 104.00 ft. long, fronts onto the east side of Royal Oak Avenue and the north side of Keith Street. Abutting the subject site to the east and west (across Royal Oak Avenue) are single family dwellings.

The properties to the north, across the lane, contain single family dwellings. Existing and proposed vehicular access to the site is from the rear lane. The site observes a significant downward slope from the northeast corner of the lot at the lane to the southwest corner where Royal Oak Avenue and Keith Street intersect, dropping 18.67 ft. over 125.00 ft. diagonal.

The first two 1) and 2) appeals, front and rear yards variance, are correlated and reviewed together.

In 1991, Council responded to the public concerns with respect to the bulk and massing of the newer and larger homes that were built in the established neighbourhoods. Several text amendments to the Zoning Bylaw were made to address these concerns, including the requirement of a larger front yard where the average front yard depth of the two dwellings on either side of the subject site exceeds the required front yard applicable to the zone. The larger front yard requirement should be calculated through the "front yard averaging". The intent of the amendment was to improve the consistency and harmony of the new construction with the existing neighbourhood.

The major contributor to the required variance is the front yard averaging taken on a basis of only two neighbouring houses built in the early sixties to the east of the subject property. The front yard averaging requirement of 39.48 ft. leaves 34.91 ft. between the front and rear setbacks, where normally approximately 50 ft. would be available for a house on similarly sized lot.

It is worth noted that front setback is measured to the front porch column, where the main floor of the building is set 3.5 ft. to 5.5 ft. further away from property line, and the rear yard is also measured to the main floor, where the upper floor is setback from 9.5 ft. to 27.83 ft. further from the rear property line. The second floor has a smaller foot print, (65% of the main floor), which greatly reduces the mass of the building and the negative influence on a neighbouring properties.

However, the size of the house, which also contributed to the need for both variances, is a design choice; therefore this Department cannot support granting of first two variances.

Third appeal requests an increase of the maximum building height from permitted 29.50 ft. to 32.09 ft. measured from average front grade.

Despite the changes made since the last Board of Variance appeal, the 2.59 ft. height encroachment remains the subject of the third appeal, reduced from the 4.24 ft. requested before. Raising the basement level by 2.1 ft. eliminated 2.00 ft. reduction in the basement clear height. With almost no difference in the main floor elevation between the currently proposed 124.10 ft. and the 124.00 ft. requested in the last appeal, the only overall height reduction was made by the 1.00 ft. reduction in main floor clear height. Relocation of the dwelling to the north did not cause any significant

change to the main floor elevation.

The solution to this issue would be lowering the basement of the house to the previous elevation and the introduction of a floor level difference between the garage and the house which would require a few inside steps between garage and the house. The addition of an elevation difference between garage and the house was signaled by the applicant in the hardship letter, but not fulfilled on the drawings.

In summary, despite limited negative influence on properties located on higher ground across the lane, considering the existence of design options that could greatly remove the need for this height variance, this Department cannot support the granting of the third variance.

ADJACENT OWNER'S COMMENTS:

A letter in opposition to the proposed variances was received from the homeowner of 5250 Patrick Street. The author expressed concern that the granting of this height variance would be precedent setting for the area.

No further correspondence was received regarding this appeal.

MOVED BY MR. CLARK
SECONDED BY MR. NEMETH

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

CARRIED

OPPOSED: C. RICHTER

MOVED BY MR. CLARK
SECONDED BY MR. POUND

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

CARRIED UNANIMOUSLY

MOVED BY MR. CLARK
SECONDED BY MR. POUND

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

CARRIED

OPPOSED: S. NEMETH

(d) APPEAL NUMBER: B.V. 6267

APPELLANT: Nick Zanic

REGISTERED OWNER OF PROPERTY: Franco and Maria Cortese

CIVIC ADDRESS OF PROPERTY: 4589 Venables Street

LEGAL DESCRIPTION OF PROPERTY: Lot H; DL 122; Plan 13058

APPEAL: An appeal for the relaxation of Section 105.9 of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and detached garage at 4589 Venables Street. The front yard setback would be 29.95 feet where a minimum setback of 35.1 feet is required. All principal building projections, fences and retaining walls will conform to the requirements of Sections 6.12 and 6.14, respectively. (Zone R5)

APPELLANT'S SUBMISSION:

Nick Zanic submitted an application to allow for the construction of a new home at 4589 Venables Street.

Frank and Maria Cortese, homeowners and Nick Zanic, representative appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site is located in the Brentwood area, in a mature single family neighbourhood. The site is zoned R5 Residential District. This end of the block, rectangular lot measures approximately 49.24 ft. in width and 121.87 ft. in depth. The subject site fronts onto the north side of Venables Street and on the side yard, faces the west side of Alpha Street. Single family dwellings abut the subject site to the west, across the lane to the north, and across the street to the south. Across Alpha Street to the east is a Burnaby School property. Vehicular access to the subject site is proposed to be from the rear lane. The site is relatively flat, with a minimal downward slope of approximately 3.30 ft. in the northeast – southwest direction.

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

This appeal proposes the relaxation of Section 105.9 – “Front Yard” of the Burnaby Zoning Bylaw from 35.10 ft. (based on front yard averaging) to 29.95 ft. The purpose of this variance is to allow the construction of the proposed single family dwelling encroaching into the required front yard abutting the Venables Street, while maintaining the required 14.76 ft. distance between the detached garage and the principal building.

In 1991, Council responded to the public concerns with respect to the bulk and massing of the newer and larger homes that were built in the established neighbourhoods. Several text amendments to the Zoning Bylaw were made to address these concerns, including the requirement of a larger front yard where the average front yard depth of the two dwellings on either side of the subject site exceeds the required front yard applicable to the zone. The larger front yard requirement should be calculated through the “front yard averaging”. The intent of the amendment was to improve the consistency and harmony of the new construction with the existing neighbourhood.

To calculate the required front yard of the subject property (front yard averaging), the front yard of the two neighbouring properties immediately west of the subject site, at 4575 and 4563 Venables Street, were calculated. These front yards are 30.90 ft. and 39.30 ft. respectively. Due to flanking street condition, there was no front yard calculation to the east of the subject site. The neighbouring properties’ average front yards, measured from the front property line to the outermost section of the building, is 35.10 ft.

The proposed front yard of the subject property is measured to the foundation of the proposed dwelling as 29.95 ft. The partly recessed porch would be located in the center of the front elevation. The open front porch would project approximately 3.58 ft. further into the front yard, but within allowable 3.94 ft. encroachment. The upper floor would be further set back, by approximately 3.5 – 4.5 ft. at its southeast portion in relation to the main floor wall. This would locate 2/3 of the width of the upper level within 0.65 ft. of the required front yard setback.

According to the proposed front yard, the subject dwelling would be located essentially in line with the majority of neighboring residences to the east. Only two houses out of thirteen on this street block are set back further, near the 39.00 ft. setback line, and one of them is 4563 Venables Street, the house which skews the front yard averaging calculation for this case.

With respect to the neighbourhood context, the proposed front yard is more in line with the prevailing streetscape than the house at 4563 Venables Street, therefore, the proposed siting of the subject dwelling would fit within the existing streetscape.

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

ADJACENT OWNER’S COMMENTS:

Correspondence was received from the homeowners of 4575 Venables in support of the proposed variance.

Correspondence was received from homeowners of 839 Alpha Avenue expressing concern regarding parking at the rear of the proposed home.

No further correspondence was received regarding this appeal.

MOVED BY MR. NEMETH
SECONDED BY MR. CLARK

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

4. **NEW BUSINESS**

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

5. **ADJOURNMENT**

MOVED BY MR. CLARK
SECONDED BY MR. DHATT

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:48 p.m.

Ms. C. Richter, CHAIR

Mr. G. Clark

Mr. R. Dhatt

Mr. S. Nemeth

Ms. E. Prior
ADMINISTRATIVE OFFICER

Mr. B. Pound