



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 DOM & DRAGANA SACCO
Mailing Address 1740 BETA AVE, BURNABY BC, V5C 5M7
City/Town BURNABY Postal Code V5C 5M7
Phone Number(s) (H) 604 299 1295 (C) 604 240 8934
Email DOM.SACCO@COREX.COM
D.SACCO@SHAW.CA

Property

Name of Owner DOM & DRAGANA SACCO
Civic Address of Property 5623 HIGHFIELD DR
BURNABY BC

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

FEB 7/17

Applicant Signature

Office Use Only

Appeal Date 2017 march 02 . Appeal Number BV# 6271

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

February 4, 2017

City of Burnaby

Planning Department

Burnaby, BC

Reference: Board of Variance for 5623 Highfield Drive, Burnaby, BC

This is an open letter to the Burnaby Board of Variance wherein we are requesting a relaxation of the existing zoning bylaws; pleading hardship due to an irregularly shaped lot and the unique challenges of building on the property when coupled with the restrictions in place due to "flanking street" zoning bylaws.

We have lived in Burnaby since 1986 and in our present home since 1991. The thing we love most about the home is the large corner lot that it is situated upon; it has been a source of immense gratification for us to maintain and nurture the plants and trees on the property. Our parents each live in Burnaby; Dragana's parents have lived in the same home for nearly forty years and Dom's mother has lived in hers for over ten. We have three children and through the years have been involved in a variety of City of Burnaby events and programs. We love the livability of the city and the community for the lifestyle we have become accustomed to.

We had an opportunity to purchase the above noted property in May 2016. This property provides the serenity we seek at the end of a busy day, the ocean water views that we can watch endlessly, the smell of the fresh air and forest that envelopes the area, and a beautiful walking trail (Trans Canada Trail) immediately north of the property. We instantly fell in love with the location. We said we would never move from our existing home but this changed our minds.

Soon thereafter we began the process of doing our due diligence in our quest to purchase the property with the intent to design/build a new home. This will be our first attempt at building a new home so we spoke at length with the buying/selling realtors, Burnaby planning, some contractor friends, surveyors, and an architect about the property. The same type of responses came back; "It's a beautiful location with an irregularly shaped lot but with the right design you should be able to build a beautiful home." Based on the information gathered, we went ahead and purchased the property in May 2016.

We then interviewed a number of architects and chose Marquee Designs. We shared our ideas/dreams with Marquee Thompson to design our home and finally the drawings were produced. His expertise and attention to detail is clearly reflected in his design wherein we consciously and deliberately avoided any elements that would require Board of Variance approval. The irregularity of the lot combined with its topography presented us with many limitations in the overall design of the home and building envelope. Indeed several changes and design concessions were made over the four months taken to come up with our final plans. With all of these considerations in mind, we were left with no alternatives regarding the building envelope as submitted. We remain committed to designing a unique home on a unique lot. We were so excited to submit our application to the city in October 2016 for building permit approval with the confidence that we had observed all the zoning bylaws after our thorough consultation and research.

The city contacted us (Jan 2017) during the permit application process and advised that "Scenic Highway" (street proposed in the future) is a flanking street and the north property line would be considered a "side lot not back lot" and setback calculations would be based on that. This is the first time anyone brought up the term "flanking street" so we (Dragana and I) were nervously asking what the term meant. No one; "realtors, city planning, surveyors, architects, contractors" had even brought up this term to us. Basically having a flanking street on the north property line will further severely restrict (from what we have designed) what can be built on this irregular shaped property plus no accessory buildings (i.e. even a garage) are allowed.

During our many informal conversations/inquiries with city of Burnaby Planning staff it was consistently mentioned that Scenic Highway will never 'be a road/be used as a road/will probably never be opened.' It was and is our understanding, as supported by City of Burnaby online maps that the Trans Canada Trail is the buffer between the north side of our property and what is now crown land. Our research of the area led us to the Board of Variance Minutes regarding 5771 Highfield in which the owner's appeal to the Board used similar language; referring to the Trans Canada Trail not once mentioning Scenic Highway. Furthermore, questions regarding the 'front/back' of the property were resolved in my conversations with the Planning Department in which they confirmed that Highfield is the 'front' of the property and the Trans Canada Trail is at the 'back' of the property; there was no mention of a flanking street. The fact that this information was omitted and undisclosed prevented it from being included in our planning and the work of our architect, Marque Thompson.

The proposed Scenic Highway Street is not even adjacent to our property (we're sure that is why no one even considered it an issue). We have the Trans Canada Trail immediately to the north of us and then Scenic Highway to the north of the Trans Canada trail. Surely, there is going to be some distance (buffer zone) between our property line, the existing Trans Canada Trail, and the future Scenic Highway. Please refer to the two images (enclosed) showing the alignment of our property and proposed building envelope in relation to several of the other homes, to the east of our property, on Highfield Drive.

We have designed our dream house so that it will fit beautifully on the property and enhance the overall neighborhood. We were very careful in working with our architect to protect the serenity of the surrounding areas and take advantage of the beauty around the property. We desperately want to build our dream home as designed and request a relaxation of the zoning bylaws allowing the home to be built as proposed.

We look forward to your favourable consideration of our application to obtain board of variance approval to build our home.

Yours Truly

Dom and Dragana Sacco

1740 Beta Ave

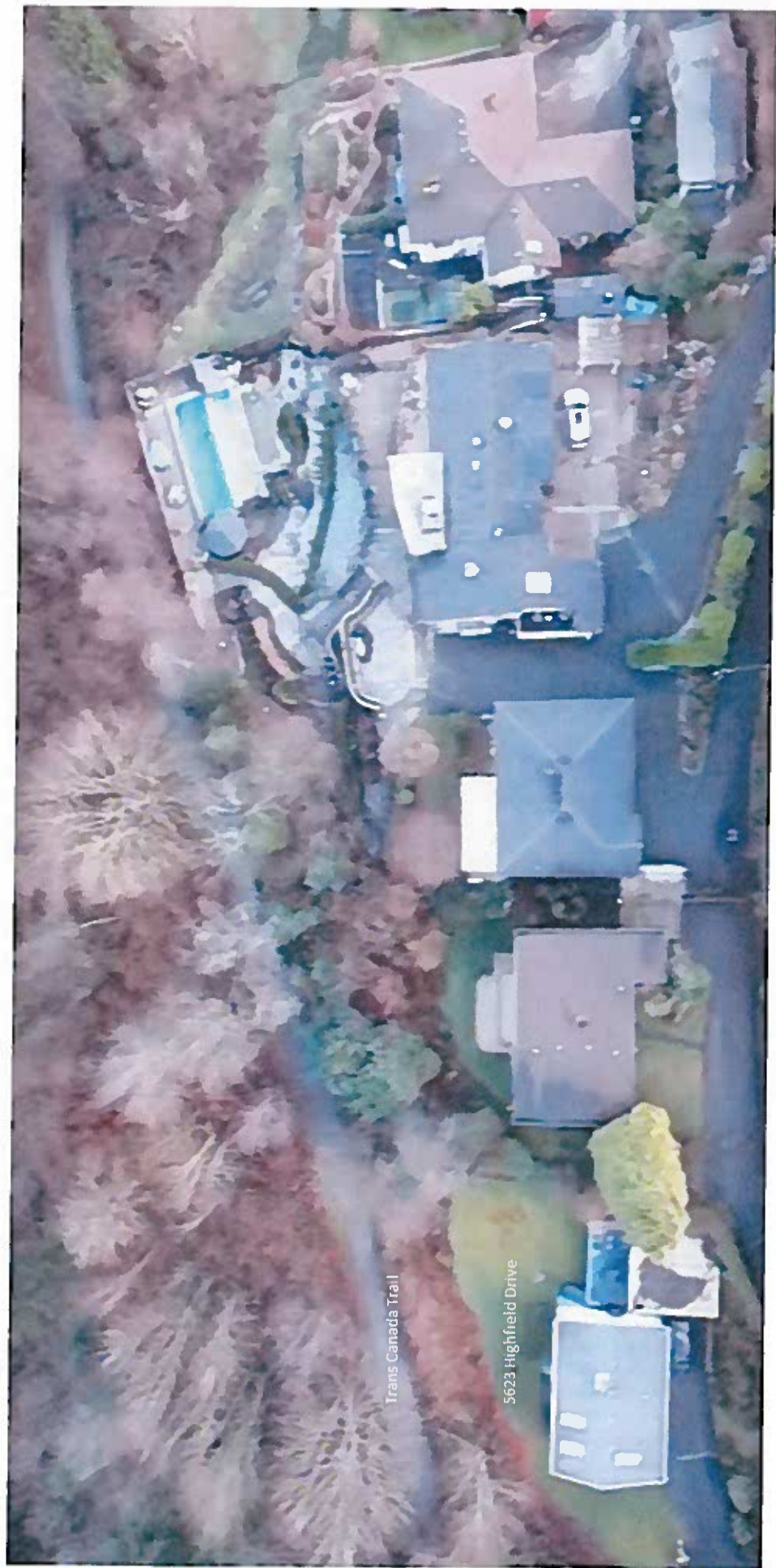
Burnaby, BC V5C 5M7

A large, stylized handwritten signature in black ink, likely belonging to Dom or Dragana Sacco, written over a light blue grid background.



5623 Highfield Drive

Tran Canada Trail



Trans Canada Trail

5623 Highfield Drive



Scenic Hy

Highfield Dr

Shannon St

5624

5625
2

5626
3

5627
4

BOARD OF VARIANCE REFERRAL LETTER

DATE: February 7, 2017		<i>This is <u>not</u> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
DEADLINE: February 7, 2017 for the March 2, 2017 hearing.		
APPLICANT NAME: Domenico Sacco		
APPLICANT ADDRESS: 1740 Beta Avenue		
TELEPHONE: 604-240-8934		
PROJECT		
DESCRIPTION: New single family dwelling with two detached garages		
ADDRESS: 5623 Highfield Drive		
LEGAL DESCRIPTION:	LOT: 1	DL: 189
		PLAN: 16465

Building Permit application BLD16-01774 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R2 / Section 6.14(5)(a); 102.6(1)(a); 102.7(b); 102.9(2);

COMMENTS:

The applicant proposes to build a new single family dwelling with two detached garages. In order to allow the Building Permit application to proceed, the applicant requests that the following variance be granted:

- 1) To vary Section 6.14(5)(a) – “Fences” of the Zoning Bylaw requirement for retaining wall heights ranging up to 8.49 feet in the required front yard facing Highfield Drive where a maximum of 3.281 feet is permitted.
- 2) To vary Section 6.14(5)(a) – “Fences” of the Zoning Bylaw requirement for fence height of 8 feet and a gate height of 6 feet in the required front yard facing Highfield Drive where a maximum of 3.281 feet is permitted.
- 3) To vary Section 6.14(5)(a) – “Fences” of the Zoning Bylaw requirement for fence height of 8 feet located outside of front yard where a maximum of 5.91 feet is permitted.
- 4) To vary Section 102.6(1)(a) – “Height of Principal Building” of the Zoning Bylaw from 29.5 feet to 30.58 feet measured from the rear average grade. The principal building height measured from the front average grade will be 24.68 feet
- 5) To vary Section 102.7(b) – “Depth of Principal Building” of the Zoning Bylaw requirement for the maximum building depth from 60 feet to 69 feet with a further 5 feet roof projection.
- 6) To vary Section 102.9(2) – “Side Yards” of the Zoning Bylaw requirement for the minimum flanking street side yard setback for accessory building from 11.5 feet to 4.0 feet.

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.

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

LM



Peter Kushnir
Deputy Chief Building Inspector

