



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 April 06 at 6:00 p.m.

1. CALL TO ORDER

PRESENT: Ms. Charlene Richter, Chair
Mr. Rana Dhatt, Citizen Representative
Mr. Stephen Nemeth, Citizen Representative
Mr. Wayne Peppard, Citizen Representative
Mr. Brian Pound, Citizen Representative

STAFF: Ms. Joy Adam, Planning Department Representative
Ms. Eva Prior, Administrative Officer

The Chair called the meeting to order at 6:00 p.m.

2. MINUTES

(a) Minutes of the Board of Variance Hearing held on 2017 March 02

MOVED BY MR. POUND
SECONDED BY MR. NEMETH

THAT the minutes of the Burnaby Board of Variance Hearing held on 2017 March 02 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. 6272

APPELLANT: Harinder Lotay and Marlene Mann

REGISTERED OWNER OF PROPERTY: Harinder Lotay and Marlene Mann

CIVIC ADDRESS OF PROPERTY: 7667 Burris Street

LEGAL DESCRIPTION OF PROPERTY: Lot 3; DL86; Plan LMP50482

APPEAL: An appeal for the relaxation of Section 101.8 of the Burnaby Zoning Bylaw to allow for the construction of a new single family home with an attached garage at 7667 Burris Street. The front yard setback would be 44.92 feet where a minimum setback of 79.4 feet is required. Fences and retaining walls will conform to the requirements of Section 6.14. (Zone-R4)

APPELLANT'S SUBMISSION:

Harinder Lotay and Marlene Mann submitted an application to allow for construction of a new single family home at 7667 Burris Street.

Mr. Lotay and Ms. Mann appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site, which is zoned R1 Residential District, is located in a stable single-family neighbourhood in the Morley-Buckingham area. This irregular interior lot is a rough trapezoid in shape, with a small rectangular truncation in the northeast corner. The site is approximately 106.6 ft. wide along its frontage onto Burris Street to the southeast and 145.5 ft. deep along its shorter northeast side property line. Single family dwellings abut the site to the northwest, northeast, and southwest. Vehicular access to the subject site is provided from Burris Street, there is no lane access. The subject site observes a downward slope in the southwest-northeast direction of approximately 8.1 ft.

The subject site contains two covenanted areas along the northeast side property line for the purpose of retaining trees. The applicant is now in process of discharging the tree covenant (since the Burnaby Tree Bylaw 1996 is now enacted).

The subject lot is proposed to be re-developed with a new single family dwelling, a secondary suite and attached garage, which is the subject of this appeal. It should be noted that since this proposal relates directly to the tree covenanted areas, the applicant is required to provide a proof of discharge of the tree covenant prior to hearing of this appeal by the Board of Variance.

The appeal proposes the relaxation of Section 101.8 – “Front Yard” of the Burnaby Zoning Bylaw from 79.4 ft. (based on front yard averaging) to 44.92 ft. as measured to the foundation of the proposed single family dwelling. Section 6.12 – “Yards” of the

Zoning Bylaw which allows specific projections into the front yard will also be applicable.

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.

In this case, the front yard averaging calculations are based on the two neighbouring properties to the southwest 7643 and 7661 Burris Street and the two neighbouring properties to the northeast 7671 and 7683 Burris Street. These front yards are 210.2 ft., 34.5 ft., 28.1 ft. and 44.8 ft. respectively. The second neighbouring property to the southwest (7643 Burris St) affects these calculations.

The proposed front yard setback is measured to the foundation of the garage which is attached to the southeast corner of the dwelling. The remaining front façade of the dwelling is staggered with further recesses varying from 3.0 ft. at the southeast corner to 9.0 ft. at the southwest corner. The upper floor of the subject dwelling generally follows the same setbacks, with exception of the southeast corner where a large 20 ft. setback is proposed over the one storey garage.

With respect to the neighbouring residences to the southwest (7661 Burris Street) and northeast (7671 Burris Street) of the subject site, little impacts are expected, as these residences would remain set further forward from the proposed dwelling, by 10.42 ft. and 16.82 ft. respectively. (The existing dwelling on the subject site observes a front yard setback of approximately 76 ft.) In addition, the existing mature trees along the southwest side property line help to mitigate any possible negative impacts.

With reference to the broader neighbourhood context, with the exception of 7643 Burris Street (second lot to the southwest of the subject site), the proposed siting of the dwelling would be consistent with the majority of the dwellings within the subject block.

In summary, since the proposed front yard variance would not create negative impacts on the neighbouring properties and the existing streetscape, this department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

The residents of 7668 Wheater Court requested clarification regarding the proposed variance. The residents wanted to ensure that the variance was not for the rear yard.

Mr. Ronald Au, 7661 Burris Street, appeared before the Board of Variance requesting information regarding the front yard setback and retention of the trees.

No further submissions were received regarding this appeal.

MOVED BY MR. POUND

SECONDED BY MR. DHATT

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. DHATT

SECONDED BY MR. NEMETH

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:16 p.m.

Ms. C. Richter, CHAIR

Mr. R. Dhatt

Mr. S. Nemeth

Mr. W. Peppard

Ms. E. Prior
ADMINISTRATIVE OFFICER

Mr. B. Pound