



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 May 04** at 6:00 p.m.

1. CALL TO ORDER

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

ABSENT: Mr. Rana Dhatt, 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 April 06

MOVED BY MR. NEMETH
SECONDED BY MR. PEPPARD

THAT the minutes of the Burnaby Board of Variance Hearing held on 2017 April 06 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. 6273

APPELLANT: Vikram Tiku

REGISTERED OWNER OF PROPERTY: Kainth Avtar Singh

CIVIC ADDRESS OF PROPERTY: 3831 Edinburgh Street

LEGAL DESCRIPTION OF PROPERTY: Lot 26; DL 186; Plan 3755

APPEAL: An appeal for the relaxation of Sections 6.14 (5)(b) and 103.6 (1)(b) of the Burnaby Zoning Bylaw to allow for the construction of a new single family dwelling with secondary suite and detached garage at 3831 Edinburgh Street. The following variances were requested:

a) a retaining wall height, located to the rear of the required front yard, with heights up to 8.5 feet where a maximum height of 5.91 feet is allowed; and,

b) a principal building height of 27.6 feet, measured from the rear average grade, where a maximum height of 24.3 feet is allowed. The principal building height measured from the front average grade will be 16.5 feet

The Administrative Officer advised that the height of the retaining walls had been reduced from the original request of a maximum of 11 feet to a maximum of 8.5 feet.

APPELLANT'S SUBMISSION:

Vikram Tiku, on behalf of the property owners, submitted an application to allow for construction of a new single family home at 3831 Edinburgh Street.

Mr. Tiku appeared before members of the Board of Variance. Mr. Tiku advised that the height of the home is within the allowable parameters of the Zoning Bylaw. The owners have opted for a roof top deck which requires guard rails resulting in the requested variance regarding the building height.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS

The subject site is located in the Burnaby Heights area, in a mature single family neighbourhood. The site is zoned R3 Residential District, which is intended to preserve the minimum density of development in mature single family areas. This rectangular interior lot measures approximately 50.0 ft. in width and 121.7 ft. in depth. The subject site fronts onto the north side of Edinburgh Street and takes vehicle access from the rear lane to the north. Single family dwellings abut the subject site to the east and west and across Edinburgh Street to the south of the subject site. Second Narrows Park borders the site across the rear lane with undeveloped green space extending approximately 0.25 km further north into Burrard Inlet. The site observes a substantial downward slope of approximately 24.8 ft. from the front to the rear.

The subject lot is proposed to be re-developed with a new single family dwelling with a secondary suite and detached garage, for which two variances are requested.

The first a) appeal proposes the relaxation of Section 6.14(5) (b) - "Fences" of the Zoning Bylaw from 5.91 ft. to a maximum of 8.5 ft. for heights of retaining walls located to the rear of the required front yard.

The intent of the Zoning Bylaw in limiting the heights of retaining walls to a maximum of 5.91 ft. to the rear of the front yard is to limit the massing impacts of such structures on the neighbouring properties.

The use of retaining walls, fences and guards is a common practice when dealing with challenging site topography such as that of the subject site. Accordingly, there is a strong presence of retaining walls in this neighbourhood.

This appeal proposes a number of retaining walls in order to accommodate a significant grade difference throughout the subject site. Most of these retaining walls meet the height requirements of the Zoning Bylaw, only a small portion of the retaining wall proposed within the required eastern side yard is the subject of this appeal. This 5.0 ft. long portion of the retaining wall would be 8.5 ft. high when viewed from the north. The retaining wall would run perpendicular from the eastern side property line, at a distance of approximately 38.0 ft. from the rear property line. The top of the retaining wall would be approximately 3.5 ft. above the adjacent grade at the neighbouring property to the east. Currently, a mature hedge exists on this neighbouring property along the shared eastern property line, which will most likely fully screen this portion of the retaining wall from the neighbour views.

The over height portion of the retaining walls would essentially not be visible from the neighbouring properties to east and west of the subject site, nor from properties above Edinburgh Street to the south. With respect to the impacts on the Park land across the lane to the north, considering distant siting of this wall from the rear property line, little impacts are expected. In addition, the detached garage located at the north-east corner of the property will partly overlap the wall and therefore, further reduce any massing effects.

Considering the challenging topography of the subject site and negligible impacts of the proposed over height portion of the retaining wall on neighbouring properties, this Department does not object to the granting of the first a) variance.

The second b) appeal proposes the relaxation of Section 103.6(1)(b) - "Height of Principal Building" of the Zoning Bylaw from 24.30 ft. to 27.60 ft., as measured from the rear average grade, for the height of the proposed single family dwelling with a flat roof.

The intent of the height requirements of the Zoning Bylaw is to mitigate the massing impacts of new buildings and structures on neighbouring properties and to preserve the existing views.

The principal building height measured from the front average grade will be 16.50 ft., which is substantially less (7.8 ft.) than a maximum height permitted by the Bylaw.

The principal building height measured from the rear average grade will however, exceed the permitted maximum height by 3.3 ft. The height calculation in this case, is based on the existing natural grade at the rear elevation. The calculation is taken from the northeast corner of the building and the southeast corner of the cellar which projects an additional 4.0 ft. from the main structure. A substantial grade difference from the front to the rear of the subject site largely contributes to the excess height of the rear elevation.

The proposed height encroachment of 3.3 ft. extends from 0.7 ft. above the roof fascia board to the top of the roof deck guard above, over the entire roof width at the rear elevation. The height calculation also includes 0.5 ft. contributed by a raised rectangular portion of the roof (12 ft. by 16.33 ft.), proposed in the southeast (front) corner of the building. (This is the highest point where the building height of 16.5 ft. is measured at the front elevation.) This raised rectangular portion of the roof is directly related to the 12.0 ft. ceiling height proposed in this portion of the building. The remainder of the roof area consists of a roof deck with the perimeter guard extending 2.8 ft. above the maximum permitted height. This guard, which is required for safety reasons, is proposed along the edges of the roof on all sides with the exception of the raised portion of the roof mentioned above. At the northwest corner, the roof is proposed to be recessed to allow for a large uncovered deck, 12.5 ft. deep by 17.33 ft. wide, at the upper level.

The proposed recessed portion of the upper floor would be closely in line with the neighbouring residence to the west. Therefore, little impacts of the over height portion of the roof/roof deck, set back over 22.0 ft. from the shared western property line, are expected on views from this residence.

However, at the north-east corner, the proposed dwelling would project approximately 7 ft. in front of the neighbouring dwelling to the east and directly overlap a large deck situated to the rear of this residence in close proximity to the shared western property line. Since this deck would be in view of the proposed roof deck on the subject site, there is a concern related to a potential overlook and privacy matters.

With respect to the Park land across the lane to the north, considering the proposed generous rear yard setback (over 47.0 ft.) from the rear property line to the outermost rear face of the dwelling, little impacts are expected. Also, the "staggered" design of the proposed dwelling and retaining walls, related to the site topography, would help further mitigate massing impacts.

However, although the site has significant topographical constraints, these constraints are shared by many properties on the north side of Edinburgh Street and therefore do not represent a unique hardship. As such, the implications of the proposed variance on the future development of the neighbourhood must be considered. In this broader context, the piecemeal granting of individual variances could undermine the integrity of the Bylaw.

In summary, considering that the requested height variance is related to a design choice, related to the placement of the roof deck and raised ceiling height, rather than a hardship, and the resultant negative impacts on the neighbouring property to the east, this Department cannot support the granting of this second b) variance.

ADJACENT OWNER'S COMMENTS:

The homeowner of 3841 Edinbugh appeared before the Board of Variance expressing concern regarding massing and the proposed retaining walls.

No further submissions were received regarding this appeal.

MOVED BY MR. NEMETH
SECONDED BY MR. POUND

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

CARRIED UNANIMOUSLY

MOVED BY MR. NEMETH
SECONDED BY MR. POUND

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

CARRIED

OPPOSED: C. Richter

4. **NEW BUSINESS**

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

5. **ADJOURNMENT**

MOVED BY MR. POUND
SECONDED BY MR. PEPPARD

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:35 p.m.

Ms. C. Richter, CHAIR

Mr. S. Nemeth

Mr. W. Peppard

Ms. E. Prior
ADMINISTRATIVE OFFICER

Mr. B. Pound