



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 108 3966 B.C LTD (Joe Manhes)
Mailing Address 5656 CARSON ST Burnaby
City/Town Burnaby Postal Code _____
Phone Number(s) (H) 604-720-0438 (C) 604-720-0438
* Email preferred joe @ Bchome2.com

Property

Name of Owner 108 3966 BC LTD
Civic Address of Property 6038 MCKEE ST 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.

Date MAY 9 2017

Applicant Signature [Signature]

Office Use Only

Appeal Date 2017 JUNE 01 Appeal Number BV# 6282

Required Documents:

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

CITY OF BURNABY

MAY 09 2017

CLERK'S OFFICE

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

May 08, 2017

SUBJECT: VARIANCE

6038 MCKEE STREET 6058 MCKEE STREET

WEST HALF LOT 13, DL 159, GR1 NWD Plan 1813 (10.051 m wide lot)
and East Half of the East Half lot 14, DL 159, Gr 1 NWP Plan 1813 (5.025
m wide lot)

To whom it may concern:

Before we talk about our necessary yet reasonable request, I would like to give you just a little background regarding this matter, back in July 2016 I purchased this property under my building company's name knowing that it had two PID numbers and I further understood that because the lot(s) were created before the adoption of 1953 By-laws (the lot was created in 1911) with this information I knew that this would allow me to build homes on the lots that would not be governed by all aspects of today's bylaws. The planning department did their review of the site and spent considerable efforts and a many months trying to convince me that rather than me building two single family homes on the lot as per my plans they made suggestions that I sub-divide the properties or consolidate with the neighbours which I repeatedly told them that this was not an option as it would create huge hardship/financial losses for me in the upwards of \$500,000 and I knew their suggestions did not meet today's by-laws and finally in a letter dated 2017 February 01 from Lou Pelletier, the director of planning and building, subdivision was deemed "not possible under the current Zoning Bylaws" and consolidation with the neighbouring lot 6030 would not meet the minimum lot area and lot widths under R4 Single Family Dwelling-small zoning. I've attached recent communication with the city regarding these matters and I believe these communications will have some sort of bearing on your decisions regarding this property, it is conclusive and disgraceful that the City of Burnaby planning department would 1) Go as far as making suggestions in writing to subdivide/consolidate this property which they knew or should have known quickly based on reference to their own by-laws and simple calculations which a member of staff could do in 10 minutes (that's what I did) that subdividing/consolidating is not possible under today's By-laws This 10 minute

calculation could have save me and others 10 months of hassles, costs, and intimidation. 2) I was told usually a new address could be created in days, in this case it took many months, how is this possible when there was already two separate legal PID's for the properties and two legal descriptions already, information readily available in the FOI department at the city, and their knowledge of the creation of lots prior to 1953 rule, I guess they just felt if they annoyed me enough that I would just give up and these unique homes would not be built. 3) From the very out set as early as August 2016 I produced evidence suggesting that I could legally build on the small lot, I showed the planning department the properties built at 8278 and 8282 12th Ave, I talked about the creation of lots prior to 1953 rule ect, etc, all the city would do was put up more walls, more excuses regarding why I couldn't go ahead with my plans rather than working with me on a solution to build nice homes on the property they gave me hassle instead. 4) It was documented in a communication 2016 December 15 2016 that the city would not give variance regarding side yards ect, and I quickly pointed out in writing that it was illegal for them to much such claim and then later in writing on 2017 February 01 this claim was verified and concluded that their action would be violating the local Government Act and here we are today presenting these properties to the board of variance for your careful, reasonable, sensible and most of all unbiased review.

Furthermore I have been very patience (10 months) I tried to keep the conversation with the city in a tone that did not undermine or insult the staff at the City of Burnaby knowing this is the one and only channel I could go through to build these homes and future homes rather than working with me, the planning department tried to work against me at virtually every turn, I easily could have taken legal action by hiring a lawyer, I could have taken this to a higher level of government which could potentially have over ruled the municipal government or I could have presented this case to the ombudsperson (government organization that determines if a government is treating a citizen unfairly) I choose not to go these routes as I believed, with reasonable communication and proving facts, that the city would be reasonable and would try to come up with good timely solutions/decisions. Through a very painful process I did prove conclusively that what the city was proposing to me in some cases was un-lawful/contrary to the Local Government Act and/or contrary to the City of Burnaby by-laws, and sad to say they actually tried to break some laws and for reasons only they only

know perhaps the members of board of variance can ask them why would they operated in this fashion. I bought the property in July 2016 it is now May 2017 almost 1 year of lost time and time spent on non-sense items rather than coming up with a sensible solution.

So far the City of Burnaby planning department has taken many months of time in attempts to derail this project, personally its cost me a line of credit for 1.2 million dollars that was denied that I could have been used for other projects because the bank would not approve it because it did not have two civic address's (huge delays getting new address) only the city could have given this address to me, I pushed them often regarding this request they cost me dearly. My house should have been half built by now and maybe pre-sold by now rather being stuck in this process for 10 months and still we haven't even broken ground. If I would have listen to their suggestions and I believe that most people in my position would have listen to them because they are the authority, it would have cost me over \$500,000 in profit yet they couldn't care less about this.. this is appalling. My money has been tied up in this project and it could have been used elsewhere such as invested in a future project or buying/building a new personal home for my family which they are waiting for.

With all that aside what we can conclude at this point is 1) Sub division and consolidation of these properties is not an option 2) Even though the small lot is only 16.5 ft wide in as per my opinion from the outset and it is now conclusive with the City of Burnaby that a home can be built on this lot, in other words a home will be built on this 16.5 wide lot, lets build a good one.

After countless hours defending my position regarding the above facts, and the multiple attempts for creating a plan acceptable to the city we diligently designed what I feel is the ideal plan for the property which the building department has in-taked, and with your good judgement we will need your approval on one relaxation/variance item which is a matter of inches not feet regarding reducing the required side yards of the attached garage only from 2.95 feet to 2.33 feet a difference of .62 of a foot.

Currently a very old almost unliveable home sits on the left 33 ft. wide property and on the right a 16.5 ft wide lot has been vacant and undeveloped for 106 years, I would think most people in the area consider

this to be a major eye sore, two new homes would improve the site and build value for the area. The home proposed for the 33 ft. lot will meet all the R4 requirements and will be the typical type of homes we are accustomed to seeing in the area, however the home that will be built on the 16.5 lot is not typical and is rare, in fact there are two existing 16.5 sized lots with homes constructed at 8278 and 8282 12th Ave. Burnaby and I believe there is also one somewhere in North Burnaby, the city planning staff would probably be able to confirm the exact location.

An incredible amount of consideration, time, hard work and patients has went into the creation of this plan to make it livable, and practical considering we were restricted by a very small allowable buildable floor area which we have not asked for any variance of any kind regarding this limitation. We managed to create a plan which the living areas of home itself meets the 2.95 ft. side yards requirements however the attached garage, the non living area does not, this was necessary in order to maintain the 10.5 ft. clear width that the city wants in the garage. We can meet the 2.95 side yard requirement including the attached garage only if you would allow a 9.5 clear in the garage which is acceptable in Vancouver and could be a logical solution, in other words we can meet either requirement but not both at the same time however we are flexible in this regard and would like to hear your feedback and your solutions.

Considering this is a very unique home and its been over 30 years since similar homes have been built in Burnaby similar to it, its imperative that we maximize the property with the highest and best use, we feel that the neighbourhood would favour a home with an attached garage rather than one with a carport (no variance required) that would looked unfinished and would devalue the property and the neighbourhood, a detached garage can not be constructed as bylaws state that a detached garage can not cover more than 2/3 of the property and in this case we can not meet that requirement as well. An open parking concept really is not the best option as well since the house is already very small that would mean that the owner would have to store his personal possessions in yard rather than in a garage, the yard would look more like a Junk Yard rather than a back yard. Considering that the living space in the home is already very small, similar to that of a small town home, the future owner will need storage space that is why we had incorporated a crawl space and a tandem garage so the

future owner could not only park a car in it, the remaining space could be used as storage. Also please note that a garage is not living space therefore the same consideration regarding fire safety is less of a concern in a garage because no one lives in it, if the city sees it as a concern fire rated drywall could be used in the garage, please also note that the neighbour 6030 McKee is a considerable distance from this home and I am not the owner of the neighbouring lot so if you felt more comfortable with additional space between the properties the plan for 6058 (larger lot) could be adjusted for this purpose.

Another notable item that I believe should also be considered and would be preferred if acceptable is that we had previously made a plan which had been discussed with the building department that had a reduced side yard of 2.33 ft. on the entire building similar to the side yard of the garage in the proposed plan, the benefit would be that there would be no jog in the house design therefore the garage and the house would be flush making the home much more aesthetically appealing for the neighbourhood, all living areas of the home would be almost 1 foot wider and in this small home 1 foot is a tremendous amount of space, because of a limitation of a 60 foot long house we can not build to the maximum allowable floor space so the additional square footage was put in the garage instead of useable living space. So in other words, if a reduced side yard is permissible in a portion of the house (attached garage) should it not be permissible on the whole house and if the answer to that is yes we can construct a better, more useable, more valuable, more functional and more livable home.

In conclusion, I am hoping that what I have described here will be well received, without a doubt this will be one of the most unique homes in Burnaby and because it's very different than other homes it will take time to understand the grandfathered rights that the small property has inherited, and with this right it opens an opportunity to produce a nice home on a previously unused and under-utilized lot only because I understood from the outset that it was allowed, and it's up to us to understand that it will be our duty to produce a home that we can be proud of, something the neighbours will be happy with and since we are building it anyways, let's try to maximize its true full potential it only makes sense.

I thank you for your attention I look forward to your input and look forward to your speedy approval of this very reasonable and necessary request.

Best regards

Joe Manhas
1083966 BC LTD



BOARD OF VARIANCE REFERRAL LETTER

DATE: May 1, 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: May 9, 2017 for the June 1, 2017 hearing.			
APPLICANT NAME: Joe Manhas			
APPLICANT ADDRESS: 5656 Carson Street, Burnaby, B.C.			
TELEPHONE: 604-720-0438			
PROJECT			
DESCRIPTION: New single family dwelling with an attached garage			
ADDRESS: 6038 McKee Street			
LEGAL DESCRIPTION:	LOT: 14	DL: 159	PLAN: 1813

Building Permit application BLD17-00026 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R4 / Section 6.12(3)(a)(i);

COMMENTS:

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

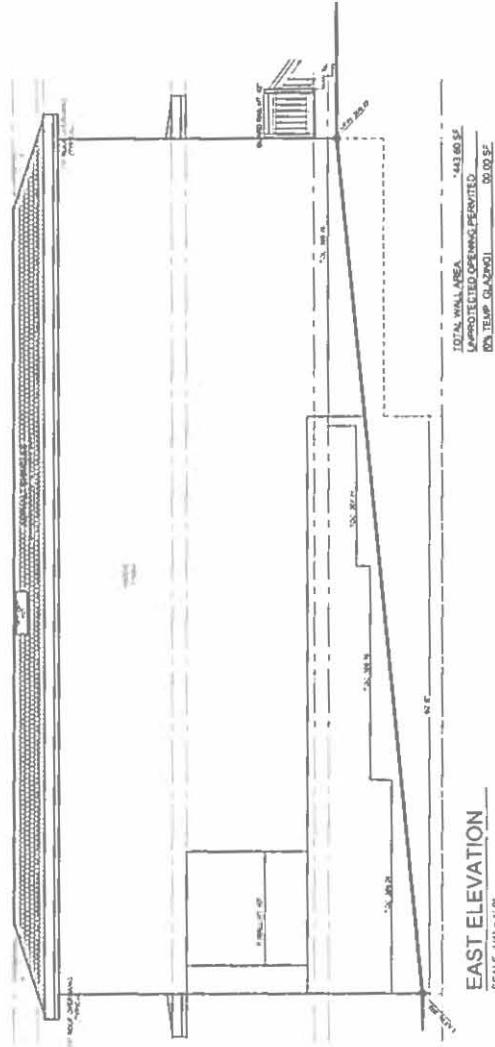
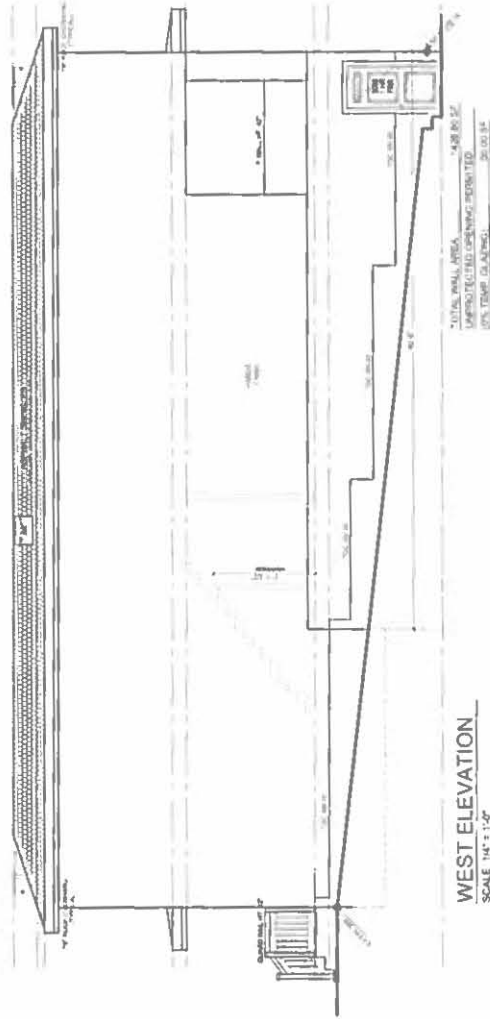
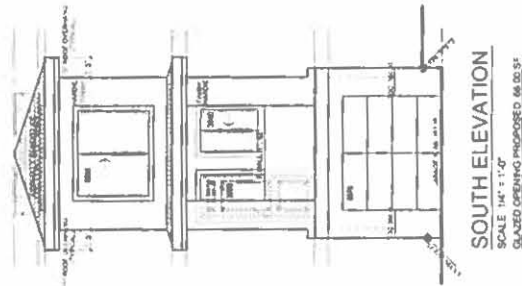
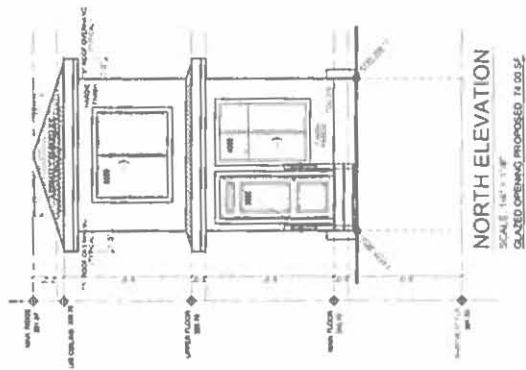
- 1) To vary Section 6.12(3)(a)(i) – "Exceptions to Side Yard Requirements" of the Zoning Bylaw requirement for the minimum side yard setbacks for the principal building from 2.95 feet to 2.33 feet.

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.

MS

Peter Kushnir
Deputy Chief Building Inspector



PROPOSED PLANS FOR HOUSE SITUATED
6038 MCKEE STREET BURNABY, B.C.

Builder :
Joe Manhas
Tel: 604 720 0438

SCALE 1/4" = 1'-0"

DATE: OCT 7, 2016 REV: APR 10, 2017

ELEVATIONS
CROSS SECTION A-A

A
H3

Designed By
ANAROLPH PHILLON

Drawn By
DINA DE NARDAN

THESE PLANS CONFORM TO BCBC 2012



SPACE SMART HOME DESIGN
1190 MAIN STREET, VANCOUVER BC V5V 1V2

PH 604 720 0438

Architectural drawings are not to be used for construction without the written consent of the architect.

TOPOGRAPHIC PLAN OF EAST HALF OF THE EAST HALF LOT 14 AND WEST HALF LOT 13 BOTH OF DISTRICT LOT 159 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 1813

FOR NEW CONSTRUCTION PURPOSES, NOT FOR MORTGAGE USE

Parcel Identifier (PID): 002-485-435/002-439-115

#6058 McKee Street
Burnaby, B.C.

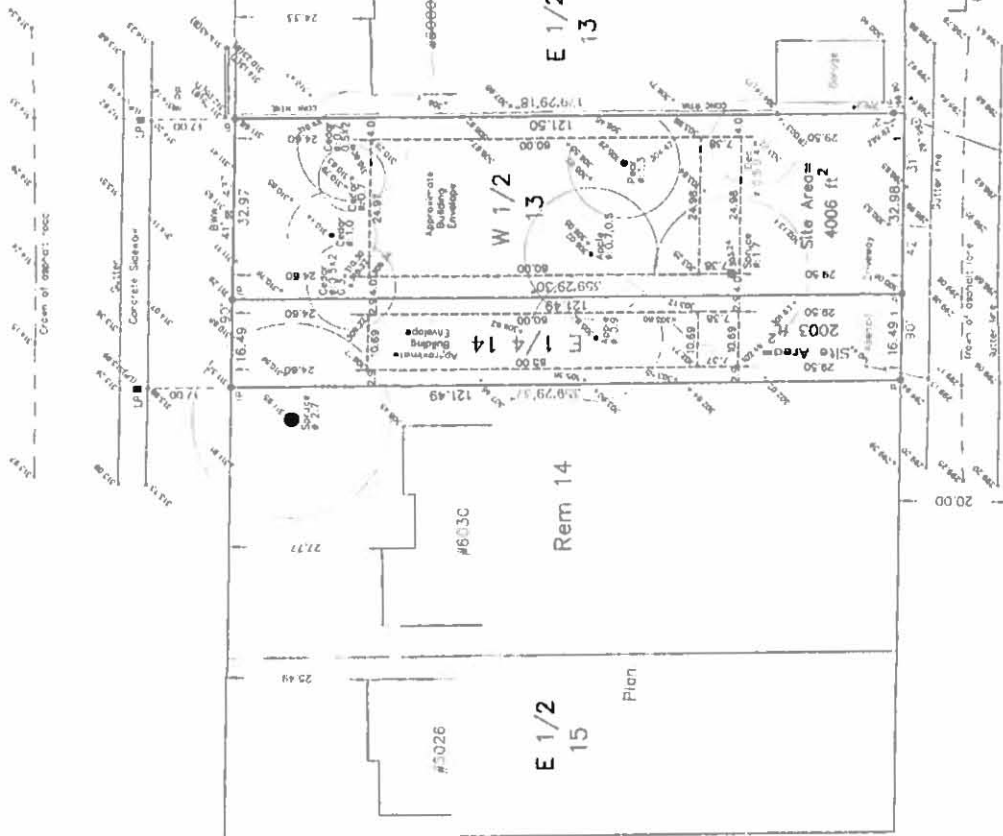
Building Envelope shown is only an approximate interpretation of City zoning bylaws. It is not guaranteed and accept no responsibility for its accuracy. All dimensions are approximate and subject to field confirmation by Burnaby City Planning Department prior to design work.

Building Envelope Formulae (R4):

Front Setback = 24.5'
Maximum Building Length = 60'
Rear Setback = 29.5'
Side Yard = 2.0'/4.0'
Combined Side Yard = 11.5'

MCKEE STREET

Adjacent Front Setbacks		
Address	Setback (feet)	Average
#6026	25.49	$\frac{103.75}{4} = 25.94$
#6030	27.27	
#6000	24.33	
#6092	26.16	



LEGEND

SCALE 1" = 15'

- Pin
- LP
- B
- Bw
- CDMC
- Dec
- RTM
- (T)
- (B)

Notes:

- Elevations are derived from Integrated Survey Monument 8743201 located at the Northwest corner of McKee Street and Curragh Avenue, with an elevation of 95.495 metres or 313.30 feet, Greater Vancouver Geodetic Datum.
- Property line dimensions are based on field survey.
- Existing building measurements are to siding.
- All trees and stumps have been plotted as required by Burnaby Tree Bylaw 1996.

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Provision Land Surveying Ltd.
BC Land Surveyors
#108-5568 Renier Avenue
Burnaby, B.C. V5H 2W9
Ph: 604-910-1754
Email: arong@provision-survey.com
File: 432-Topo.dwg

Certified Correct:
September 12, 2016

[Signature]
B. C. L.S.
Not valid unless originally
signed and sealed