



**CITY OF BURNABY**

**BOARD OF VARIANCE**

***NOTICE OF OPEN MEETING***

**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 July 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. Sharon Knapp, Planning Department Representative  
Ms. Eva Prior, Administrative Officer

The Administrative Officer called the meeting to order at 6:05 p.m.

**2. MINUTES**

**(a) Minutes of the Board of Variance Hearing held on 2017 June 01**

MOVED BY MR. POUND

SECONDED BY MR. NEMETH

THAT the minutes of the Burnaby Board of Variance Hearing held on 2017 June 01 be adopted as circulated.

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. 6284**

APPELLANT: Dione Bobeldijk

REGISTERED OWNER OF PROPERTY: 1087706 BC LTD

CIVIC ADDRESS OF PROPERTY: 3910 Grant Street

LEGAL DESCRIPTION OF PROPERTY: Lot C; DL 117; Plan NWP1222

APPEAL: An appeal for the relaxation of Section 403.6 of the Burnaby Zoning Bylaw which, if permitted, would allow for retention of alterations made to the roof structure, constructed without permit, at the rear of an existing warehouse building at 3910 Grant Street. The appeal is to allow a rear yard setback of "nil" where a minimum setback of 9.84 feet is required. Zone M3 Heavy Industrial District

APPELLANT'S SUBMISSION:

Dione Bobeldijk submitted an application to allow for the retention of roof alterations made at the rear of an existing warehouse building at 3910 Grant Street.

Ms. Bobeldijk appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned M3 Heavy Industrial District, is located in the West-Central Valley neighbourhood. The M3 District is intended for accommodation of special types of industrial and heavy industrial activities.

This recently consolidated (from two lots) interior lot, approximately 100.0 ft. wide and 131.9 ft. deep, fronts onto Grant Street to the north. To the west, east and directly across Grant Street to the north, the subject site is bordered by lots containing various industrial developments. To the south are two lots: the western lot contains a residential dwelling and the eastern lot is a vacant lot containing undefined outdoor storage activities. Vehicle access to the site is provided from Grant Street; there is no lane access. The lot observes a downwards slope of approximately 13.0 ft. in the east-west direction.

The subject property is improved with a two-storey warehouse building (originally built in 1954) in the western half of the lot, with associated parking proposed in the eastern half of the lot. In 1998, the Board of Variance granted the subject property permission

to retain an already constructed addition to the rear of the existing warehouse building (BV4577). The addition observed a nil rear yard setback where a minimum rear yard setback of 9.84 ft. is required and a nil side yard setback where a minimum side yard setback of 6.0 ft. is required on each side, or a nil side yard setback on one side and a 12.0 ft. side yard setback on the other side are required. This Department did not object to the retention of the addition and the Board of Variance granted the appeal. Subsequently, this appeal lapsed and an identical appeal (BV4893) was granted by the Board of Variance in 2001.

This appeal proposes to retain the already built alterations to the existing roof structure at the rear of the existing building, built without the benefit of a building permit. The roof structure is located in the same area which was the subject of the previous two appeals.

The appeal proposes the relaxation of Section 403.6 – “Rear Yards” of the Burnaby Zoning Bylaw from 9.84 ft. to “nil”. The purpose of this variance is to allow for the retention of the already built alterations to the roof structure at the rear of the existing warehouse building.

The intent of the Bylaw in limiting the distance from buildings to the rear property line is to limit the massing impacts of such structures on neighbouring properties.

As mentioned above, the existing building observes a nil rear yard setback as granted previously by the Board of Variance. Also, it is noted that after the lot consolidation, the existing building observes a nil setback along the west side property line and a 50.2 ft. setback along the east side property line. Therefore, currently the existing building meets the side yard setback requirements.

The roof structure alterations consist of replacing the existing aluminum and steel roof structure with a new flat engineered wood truss roof over the approximately 49.9 ft. wide and 41.0 ft. deep rear portion of the building. The alterations also include an increase in height, by approximately 3.5 ft., of the existing perimeter concrete walls, up to the maximum height of 18.0 ft. at the south-west corner of the subject property. As a result, the new roof structure is completely screened behind the perimeter walls from the surrounding properties' views. Only the increased height of the perimeter walls with the new roof structure behind, that is located within the required rear yard (9.84 ft.), is the subject of this appeal.

With respect to neighbouring properties, the additional massing created by the subject roof alterations slightly impacts the existing building to the west. This building features windows at the upper floor on the east elevation (facing the subject site). Two of these windows, which directly overlap the subject roof area, appear to be partly obstructed by the raised perimeter walls. However, an approximately 10.0 ft. distance between the two buildings helps to alleviate this impact.

Considering a generous east side yard setback (50.2 ft.) and the distant siting of the neighbouring residence to the south (over 70.0 ft.), it appears that the additional

massing created by the subject roof alterations does not affect the neighbouring properties to the east and south.

In summary, the requested variance would not change the existing development pattern in the subject block and would not impact the neighbouring properties. Therefore, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MR. POUND  
SECONDED BY MR. DHATT

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

**(b) APPEAL NUMBER: B.V. 6285**

APPELLANT: Anthony Lau and Heidi Nguyen

REGISTERED OWNER OF PROPERTY: Anthony Lau and Heidi Nguyen

CIVIC ADDRESS OF PROPERTY: 8280 17th Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 24; DL 25/27; Plan 14537

APPEAL: An appeal for the relaxation of Section 6.6(2)(d) of the Burnaby Zoning Bylaw which, if permitted, would allow for an addition to the main floor and interior alterations to a single family dwelling; as well as, an unauthorized addition to a detached garage at 8280 17th Avenue. The appeal is for a side yard setback of 3.1 feet, where a minimum side yard setback of 3.94 feet is required. Zone R10.

APPELLANT'S SUBMISSION:

Anthony Lau and Heidi Nguyen submitted an application to allow for retention of a shed added to a detached garage at 8280 17th Avenue.

Mr. Lau and Ms. Nguyen appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site is zoned R10, and is located in an established single family neighbourhood. Most of the homes are older, well maintained homes dating from the 1950s, and newer homes conform to the lower home profile requirements of this zone.

The applicant proposes to build an addition to the main floor and make interior alterations which are not related to the requested variance. However, in the course of reviewing the proposal, it was determined that the detached garage had an unauthorized 6'3 1/2" x 5'7 1/2" shed added to the south-east side of the structure. Aerial photographs indicate it has existed since 2012.

The intent of the Bylaw in regulating the distance between an accessory building and the lane is for safety reasons. The distance of 3.94 ft. allows drivers to pull out of their garages, and check for pedestrians or other vehicles before entering the lane. In this case, exiting from the garage in this location is impossible because a solid fence at the property line encloses the back yard. The fence terminates 26.00 ft. away from the end wall of the shed to provide access to the garage.

As the variance requested is minor, and does not defeat the intent of the Bylaw, this Department does not have an objection to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. NEMETH  
SECONDED BY MR. POUND

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(c) APPEAL NUMBER: B.V. 6286

APPELLANT: Angelo Agosti

REGISTERED OWNER OF PROPERTY: Maria and Olivo Agosti

CIVIC ADDRESS OF PROPERTY: 6766 Kitchener Street

LEGAL DESCRIPTION OF PROPERTY: Lot 1; DL 132; Plan NWP72110

APPEAL: An appeal for the relaxation of Section 104.8(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for an already built aluminum deck cover to an existing deck, a carport enclosure and an addition, and two new accessory buildings at 6766 Kitchener Street. The applicant is seeking a variance to allow a principal building depth of 69.50 feet where a maximum building depth of 60.0 feet is permitted. Zone R4

APPELLANT'S SUBMISSION:

Angelo Agosti, on behalf of the homeowners, submitted an application to allow for the retention of a carport enclosure and an addition; as well as, an existing deck cover.

Mr. Angelo Agosti appeared on behalf of his parents before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R4 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 49.5 ft. wide by 145.9 ft. deep, fronts onto Kitchener Street to the north. Immediately to the west and east of the subject site are single family dwellings and to the south is a two family dwelling. Vehicular access to the site is provided via Kitchener Street; there is no lane access. The lot is relatively flat with a downward slope of approximately 3.0 ft. from the front to the rear.

The subject property is improved with a single family dwelling, originally built in 1981. The City aerials indicate that some time before 2002, the site was further improved with various additions and alterations, including an enclosure/expansion of the existing attached carport, an addition of a roof cover over the deck above the carport and new accessory buildings in the rear yard, all of which were built without the benefit of a building permit. The current building permit application includes two accessory buildings: gazebo and aviary, and the other accessory buildings are to be removed. Only an enclosure/expansion of the existing attached carport and an addition of a roof cover over the deck above is the subject of this appeal.

The appeal is to vary Section 104.8(1) – “Depth of Principal Building” of the Zoning Bylaw from 60.00 ft. to 69.5 ft. to allow the already built additions to the existing new single family dwelling: an enclosure/expansion of the existing attached carport and an addition of a roof cover over the deck above, to remain.

The intent of the principal building depth requirements of the Zoning Bylaw is to prevent construction of the dwellings that present long imposing walls, where the massing of the building impacts the neighbouring properties.

According to the building permit drawings approved under the B-49962 permit, the existing dwelling was approximately 66.0 ft. deep, which is legal non-conforming with respect to the current requirements of the Zoning Bylaw. This depth includes 52.0 ft. of the principal building length and 14.0 ft. of the carport/upper deck attached to the southwest (rear) portion of the dwelling. The subject additions increase the existing non-compliance with respect to the building depth by 3.5 ft.

The original existing carport was approximately 25.0 ft. wide and 14.0 ft. deep with an open exterior stair attached along its southern edge. The current enclosed carport is extended 3.6 ft. further south, to include the area underneath the stair (3.5 ft. wide),

resulting in the overall depth of 17.5 ft., of which 9.5 ft. contributes to the excess depth of the principal dwelling.

The already built deck cover is approximately 25.0 ft. wide by 10.75 ft. deep, with 5.75 ft. of its depth contributing to the excess depth of the principal dwelling. The deck floor is approximately 9.25 ft. above the ground and the deck cover, which consists of metal posts and a flat metal roof, starts at the gutter level of the main roof, approximately 18.0 ft. above the ground, and continues to the roof peak at approximately 22.33 ft. According to the submitted drawings the already built aluminum window enclosure around the deck is to be removed.

In general, the majority of neighbouring houses in the subject block feature raised decks or balconies on the rear elevations. The neighbouring residence directly to the east features a partly enclosed/covered balcony, in close alignment with the subject enclosed carport/deck cover. To the west, the subject enclosed carport/deck cover faces the portion of the neighbouring residence which does not feature any windows within the direct overlap area, therefore, marginally impacting this residence.

In general, the expanded portion and enclosure of the original carport and the deck cover above, does not substantially increase the existing massing, as it would be in case of the massing of a solid two-storey form. Further, considering a relatively distant location of the subject enclosed carport/deck cover to the east (side) and south (rear) property line, approximately 19.5 ft. and over 50.0 ft. respectively, the enclosed carport/deck structure does not create a strong sense of protrusion with respect to the surrounding neighbouring rear yards.

In summary, considering the existing conditions and that this proposal creates relatively little impact on the neighbouring properties, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from the residents of 6778 Kitchener Street advising they have no objections to the retention of the deck cover.

Correspondence was received from the residents of 6762 Kitchener Street advising they have no objections to the retention of the deck cover.

No further submissions were received regarding this appeal.

MOVED BY MR. MR. PEPPARD

SECONDED BY MR. POUND

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

As the next applicant was not in attendance, the Chair called for a five minute recess.

MOVED BY MR. NEMETH  
SECONDED BY MR. POUND

THAT the Board of Variance Hearing recess for five minutes.

CARRIED UNANIMOUSLY

The Board of Variance recessed at 6:33 p.m.

MOVED BY MR. NEMETH  
SECONDED BY MR. POUND

THAT the Board of Variance Hearing reconvene.

CARRIED UNANIMOUSLY

The Board of Variance reconvened at 6:38 p.m.

(d) **APPEAL NUMBER:** B.V. 6287

APPELLANT: Angelo Marrocco

REGISTERED OWNER OF PROPERTY: Anna and Mario Salvino

CIVIC ADDRESS OF PROPERTY: 2050 Jordan Drive

LEGAL DESCRIPTION OF PROPERTY: Lot 151; DL131; Plan 27789

APPEAL: An appeal for the relaxation of Section 102.8(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new entry foyer addition and attached carport to garage conversion on the first floor, and new rear deck addition on the second floor of an existing single family dwelling at 2050 Jordan Drive. The front yard setback would be 29.30 feet, where the minimum front yard setback is 30.50 feet based on front yard averaging. Zone R2.

**APPELLANT'S SUBMISSION:**

Angelo Marrocco, on behalf of the homeowners, submitted an application to allow for the addition of a front entry foyer and conversion of attached carport into a garage at 2050 Jordan Drive.

Ms. Anna Salvino appeared before members of the Board of Variance.



BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R2 Residential District, is located in the Sperling-Broadway neighbourhood in which the age of single family dwellings vary. This irregular (trapezoid shaped) interior lot is approximately 130.11 ft. deep (along the northeast side property line) and 50.0 ft. wide (along the southeast rear property line) and has a frontage of 70.0 ft. along Jordon Drive to the northwest. The subject site abuts single family dwellings to the northeast, southeast, southwest and across Jordan Drive to the northwest. Vehicular access is provided from Jordan Drive; there is no lane access. The site observes a downward slope of approximately 17.3 ft. in the north-south direction.

Due to the presence of “Crab-apple Creek”, which runs roughly parallel along the southeast (rear) property line, this proposal is subject to the Streamside Protection and Enhancement Area (SPEA) regulations provided in Section 6.23 of the Zoning Bylaw. In 2016 September 28, the Environmental Review Committee (ERC) supported the proposal to vary the SPEA streamside setback requirement of 45.9 ft. (14 m) to 39.37 ft. (12 m) at the most southeast (rear) portion of the site. This decision is subject to registration of a Section 219 covenant for protection and enhancement of the SPEA, including a ‘no-build’ restriction over the 39.37 ft. (12 m) SPEA, which is now in process. (The applicant is required to provide a landscape plan reflecting all ERC conditions.)

The subject site is improved with a single family dwelling and an attached carport, originally built in 1970. The site is currently under construction for various additions and alterations to the existing dwelling in accordance with the Building Permit BLD16-01577. The applicant is now proposing some modifications to the approved building permit drawings which result in a need for a relaxation of the Zoning Bylaw with respect to the front yard.

In summary, the site is proposed to be further improved with a front entry foyer addition, conversion of an attached carport into a garage and a rear deck addition. Only the front entry foyer addition and the conversion of an attached carport into a garage are the subject of this appeal.

The appeal proposes the relaxation of Section 102.8(1) – “Front Yard” of the Burnaby Zoning Bylaw for the minimum front yard depth from 30.50 ft. to 29.30 ft. (based on front yard averaging). The purpose of this variance is to allow the additions to the existing single family dwelling encroaching into the required front yard abutting Jordan Drive. 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 west of the subject site, 2080 and 2060 Jordan Drive, and the property to the east of the subject site at 2030 Jordan Drive. These front yards are 31.0 ft., 35.8 ft. and 24.7 ft. respectively.

As indicated on the submitted drawings, the existing dwelling observes a front yard setback of 29.3 ft. as measured to the existing attached carport located in the northwest corner of the subject dwelling, and is legal non-conforming with respect to the front yard setback requirements.

This variance request is the result of the proposed conversion of an attached carport into a garage. The front yard setback is measured to the foundation of the proposed garage of the subject dwelling, which would remain within the footprint of the existing carport. The encroachment of 1.2 ft. would occur only along the garage front façade (which is 16.25 ft. wide). The existing second floor directly above the converted garage area will remain unchanged. Also, the small front entry foyer addition (9.42 ft. wide) proposed in the center of the front façade, would marginally encroach into the front yard (by 0.45 ft.).

With regard to the neighbouring properties, considering the small massing of the proposed additions, this variance would not create negative impacts on the neighbouring residences or affect the broader neighbourhood.

As the requested variance is minor and does not defeat the intent of the Bylaw, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. DHATT  
SECONDED BY MR. POUND

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(e) APPEAL NUMBER: B.V. 6288 6391 BURNS STREET

This appeal was **WITHDRAWN** on 2017 July 05 by the applicant.

As the next appeal was scheduled for 7:00 p.m., the Chair called for a recess.

MOVED BY MR. NEMETH  
SECONDED BY MR. POUND

THAT the Board of Variance Hearing recess until 7:00 p.m.

CARRIED UNANIMOUSLY

The Board of Variance recessed at 6:45 p.m.

MOVED BY MR. NEMETH  
SECONDED BY MR. POUND

THAT the Board of Variance Hearing reconvene.

CARRIED UNANIMOUSLY

The Board of Variance reconvened at 7:00 p.m.

(f) **APPEAL NUMBER:** B.V. 6289

APPELLANT: John Liipere

REGISTERED OWNER OF PROPERTY: Bachiter and Taranjit Gosal

CIVIC ADDRESS OF PROPERTY: 4390 Frances Street

LEGAL DESCRIPTION OF PROPERTY: Lot 17; DL 121; Plan 1054

APPEAL: An appeal for the relaxation of Section 6.6(2)(a) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with detached garage at 4390 Frances Street. The garage height would be 13.29 feet, where a maximum height of 12.13 feet is allowed. Zone R5

APPELLANT'S SUBMISSION:

John Liipere, on behalf of the homeowners, submitted an application to allow for the construction of a new single family home with detached garage at 4390 Frances Street.

Mr. Liipere and Mr. Gosal 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 Willingdon

Heights neighbourhood, in which the age and condition of the single and two family dwellings vary. This interior lot, approximately 33.0 ft. wide and 122.0 ft. deep, fronts Frances Street to the north. The subject property abuts single family dwellings immediately to the west, east and across the lane to the south. Vehicle access to the site is provided via the rear lane. The lot is considered flat with a downward slope of approximately 0.5 ft. from the west to the east.

A new single family dwelling with a detached garage is currently under construction on the subject site (BLD16-01297). However, once the construction reached the mid-stage (framing), a deviation from the approved plans was identified by City staff with respect to an accessory building (detached garage). As a result, a variance is requested in order to permit construction to continue with the deviation incorporated into the approved plans.

The appeal is to vary Section 6.6(2)(a) - "Accessory Buildings and Uses" of the Zoning Bylaw from 12.13 ft. to 13.29 ft. concerning an accessory building height, to allow the construction of the proposed detached garage with a flat roof.

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

The subject detached garage, which is 24.0 ft. deep and 20.5 ft. wide, is located at the southeast corner of the rear yard, 2.5 ft. from the east side property line and 4.0 ft. from the south rear property line. According to the submitted drawings the garage will feature an 18.0 ft. long by 8.0 ft. high roll-up shutter door on the south (lane) side. There is also a man door and a 4.0 ft. by 3.0 ft. window proposed on the north (interior) side. In addition to two parking spaces, the garage will contain a counter with sink and upper cabinets (within an area which projects 1.0 ft. from the north face) and rough-ins for a future water closet.

The approved building permit drawings indicate a clear height of 10.0 ft. within the garage and the maximum garage height of 12.0 ft. This proposal is to increase the clear height to approximately 12.0 ft. and to increase the overall garage height to 13.29 ft. The garage flat roof features approximately 1.6 ft. wide roof overhangs on all four sides.

The proposed accessory building height is measured from the average elevation of the four corners of the building. The height encroachment of 1.16 ft. occurs over the entire roof overhang/ fascia board area and is highly visible from all sides, particularly from the neighbouring residences to the west and east, which contain large raised decks within their rear yards in close proximity to the subject garage. Although there is an existing detached garage directly to the east of the subject garage (and across the lane to the south), which would be a mitigating factor with respect to massing impacts, the over height portion of the garage is prominent when viewed from the neighbouring property to the east and Rosser Avenue further to the east.

Further, there are no grounds for a hardship in this case, as the unauthorized

modification appears to be the result of an error made during the construction or the result of a design decision.

In view of the above and since this variance, if permitted, would create a large negative impact on the surrounding properties, this Department objects to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from residents of 4368 Francis Street advising that they are opposed to the height variance. The residents advised that their view and light has been impacted by the height of the garage.

Correspondence dated July 04 was received requesting confidentiality. The writer advised that they were opposed to the variance.

Correspondence was received July 05 from residents of 4390 Francis Street opposing the variance. The feel that many homes are impacted by the height of the garage and feel that the granting of this variance would set a precedent in the neighbourhood.

Correspondence was received from a neighbor advising that they are opposed to this variance. The height of the garage has impacted their view and they are concerned that it will impact the value of their home.

Correspondence was received from the residents of 4367 Frances Street advising that they are opposed to the variance being requested.

The residents of 687 Rosser appeared advising that they are opposed to the variance. They voiced concerns regarding the diminished light in their backyard and potential residential use of the garage ie laneway home. These residents also queried why fill to level the property was allowed.

The residents of 4368 Francis Street appeared in opposition to the proposed variance. They presented photographs of the view from their deck that is now obstructed by the detached garage. The residents advised that their sunlight has been impacted by the height of the garage.

No further submissions were received regarding this appeal.

MOVED BY MR. NEMETH  
SECONDED BY MR. POUND

THAT based on the plans submitted this appeal be DENIED.

CARRIED

OPPOSED: MR. DHATT

(g) **APPEAL NUMBER:** B.V. 6290 **4492 MARINE DRIVE**

This appeal was **WITHDRAWN** on 2017 June 22 by the applicant.

(h) **APPEAL NUMBER:** B.V. 6291

APPELLANT: Jeremy Andrews

REGISTERED OWNER OF PROPERTY: Teresa Andrews

CIVIC ADDRESS OF PROPERTY: 8258 Government Road

LEGAL DESCRIPTION OF PROPERTY: Lot 27; DL 40; Plan 24371

APPEAL: An appeal for the relaxation of Section 101.7(b) of the Burnaby Zoning Bylaw which, if permitted, would allow for construction of a new single family dwelling with attached garage and secondary suite at 8258 Government Road. The principal building depth would be 90.21 feet, where a maximum building depth of 60.0 feet is permitted. Zone R1

**APPELLANT'S SUBMISSION:**

Jeremy Andrews, on behalf of the homeowner, submitted an application to allow for the construction of a single family dwelling with an attached garage and secondary suite.

Teresa Andrews, owner and Jeremy Andrews, contractor appeared before members of the Board of Variance.

**BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:**

The subject site is a 15,873 s.f. lot in an R1 single family neighbourhood in the Government Road area. The 88.16 x 180.0 ft. site slopes downwards from front to back; the first 60.0 ft. has a 10% slope and the remaining 120.0 ft. slopes 5% to the rear property line. Vehicular access to the property is taken from Government Road; there is no lane access.

Single family homes abut the subject property to the east and across the road to the north. Salamander Creek runs along the western (side) property line. As such, this proposal is subject to the Streamside Protection and Enhancement Area (SPEA) regulations provided in Section 6.23 of the Zoning Bylaw. In November 2016 the Environmental Review Committee (ERC) supported the application to vary the SPEA from 15 m. (49.21 ft.) to a setback approximately 7 m. (22.96 ft.) wide adjacent to the proposed dwelling, with an increased SPEA setback in the front yard to preserve existing trees.

The front yard setback has been established at 60.14 ft. due to front yard averaging. The front yard measurement is based on the front yards of the two properties to the west, 8228 and 8236 Government Road, with front yards of 54.7 ft. and 81.7 ft. respectively, and to the east, 8268 Government Road, which is 44.1 ft. The unopened Burnlake Drive road right-of-way directly to the east of 8268 Government Road is not part of the calculation. In this case, 8236 Government Road skews the front yard average.

The subject lot is proposed to be redeveloped with a new single family dwelling with a secondary suite and an attached garage for which the following variance has been requested: to vary the permitted depth of the principal building from 60.0 ft. to 90.21 ft..

The intent of the Bylaw in limiting building depth is to prevent the visual intrusion and sense of confinement that a long building wall can impose on neighbouring properties.

The depth of the building has been measured from the southwestern edge of the covered deck at the rear to the northeastern corner of the attached garage at the front of the dwelling. The deck is located on the side of the house nearest Salamander Creek, and projects an additional 9.0 ft. from the exterior face of the dwelling. The garage, because it is attached to the principal building, is permitted under the Bylaw to observe the height regulations of the principal building. As a result, the garage measures 22.0 ft. high from the finished grade to its roof peak for its entire length (21.0 ft.). This is due to the pitched roof of the garage which extends higher than the soffit of the two storey dwelling. The garage roof also has a decorative windowless dormer 7.0 ft. tall and 10.0 ft. long facing the front door, which adds to its bulk. Together the garage and house form an 81.0 ft. long two storey wall that is between 22.0 – 29.6 ft. tall facing its closest neighbour at 8268 Government Road. The two storey dwelling observes the minimum R 1 side yard setback of 7.9 ft. from the side and back yard of 8268 Government Road to the east. As a result, the proposed dwelling (excluding the rear deck) will overlook and overshadow the first 48.0 ft. of the back yard of the adjacent property. This is a major variance and one which defeats the intent of the Bylaw to prevent visual intrusion and a sense of confinement. The proposed house at this location, and depth, presents a solid wall to the neighbours' back yard.

In addition, on the west side of the subject property, the proposed dwelling and attached deck will extend 32.0 ft. beyond the rear façade of 8236 Government Road. The first and second floor on the west elevation have large windows overlooking the neighbour's rear yard. The main floor of the house, which projects 20 ft. beyond the neighbour's rear façade and the rear deck (which projects an additional 12 ft.) are both raised 5 ft. above the existing grade, which increases the sense of overlook.

Although the SPEA may present some challenges with respect to the design, it is difficult to identify any hardship on this site. In fact, on this oversized lot, the need for the relaxation of the building depth appears to be the result of design choice (i.e. the

design extends to the limits of the potential building envelope, the rear deck which is 9.0-12.0 ft. deep on the (rear) elevation and the attached garage at the front elevation). Design options exist to reduce the bulk and massing in a house by reducing or reconfiguring the design. Staff recommend that other design options which will have less impact on the adjacent properties be explored. This could include tightening up the main floor plan, reducing the deck size, and reducing the garage height. For example, it would be possible shorten the house depth and to request a minor variance to the front yard averaged setback. In this case, reducing the length of the house and moving the attached garage forward to line up with the existing garage at 8268 Government Road would enable the house to better fit into the neighbourhood.

In summary, this proposal would have an adverse impact on the enjoyment of the adjacent properties. Although the site is somewhat constrained by the SPEA, design options exist to reduce the overall depth and bulk of the house. In view of this, and the fact that this request is a major variance which would defeat the intent of the Bylaw, this Department cannot support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

Correspondence dated July 05 was received from residents of 8268 Government Road advising that they are opposed to the requested variance. The requested variance would create a massive visual barrier on the west side of their property, effecting the enjoyment of their back yard by diminishing sunlight and putting their garden in shade. They also expressed concern that the variance, if approved, would have the potential to affect their property value.

A resident of 8268 Government Road appeared in opposition to this appeal. The resident advised that he does accept that this property provides a hardship; however, the variance being requested is a 50% over the allowable building depth and would therefore be considered a major variance. The speaker advised that if this variance is permitted it would have a significantly negative impact on the speaker's property.

A resident of 8236 Government appeared in support of the variance. The resident advised that should they decide to rebuild on 8236 Government they would be impacted by the stream as well.

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 DENIED.

CARRIED UNANIMOUSLY



(i) **APPEAL NUMBER:** B.V. 6292

**APPELLANT:** Pacific West Architecture Inc.

**REGISTERED OWNER OF PROPERTY:** Mei Bai

**CIVIC ADDRESS OF PROPERTY:** 7749 Kaymar Drive

**LEGAL DESCRIPTION OF PROPERTY:** Lot 60; District Lot 175; Plan 14575

**APPEAL:** An appeal for the relaxation of Section 102.7(b) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with attached garage at 7749 Kaymar Drive. The principal building depth would be 53.67 feet, where a maximum building depth of 36.91 feet is allowed. The roof would project a further 2.0 feet.  
Zone R2

**APPELLANT'S SUBMISSION:**

Pacific West Architecture Inc., on behalf of the homeowner, submitted an application to allow for the construction of a new single family dwelling with attached garage at 7749 Kaymar Drive.

Ms. Coco, Architect and Mr. Bai, homeowner appeared before members of the Board of Variance.

**BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:**

The subject site, which is zoned R2 Residential District is located in the Suncrest Neighbourhood, which is an established single family neighbourhood. The property is abutted by single family dwellings to the north, south and east, across Kaymar Drive. The site slopes significantly downward from north to south (elevation 232.56 ft. at the north east corner to 217.57 ft. at the south west corner). Vehicular access will be taken from the lane off Kaymar Drive at the north end of the property. The applicant proposes to build a single family dwelling with an attached garage, and requests the following variance be granted: To vary the requirement for the maximum building depth from 36.91 ft. to 53.67 ft. with a further 2.0 ft. roof projection.

The front (eastern) boundary of this irregularly shaped lot is the curve of Kaymar Drive, and the rear (western) property line runs parallel to a tributary of Kaymar Creek. The top of bank of the tributary enters the subject property approximately 49.0 ft. from the northwest corner, and then runs parallel to the western property line 6.0 ft. - 16.0 ft. inside the western property line. As such, this proposal is subject to the Streamside Protection and Enhancement Area (SPEA) regulations provided in Section 6.23 of the Zoning Bylaw. In February 2017, the Environmental Review Committee (ERC) determined that the required Streamside Protection and Enhancement Area (SPEA) setback is 10 m. (32.8 ft.) from the top of bank, with relaxations to permit the

installation of a paved sidewalk and the construction of a rear deck as shown on the submitted drawings. The SPEA is no-build zone that will be enhanced with further planting of native species. The restrictive covenant to ensure that these conditions will be carried out is currently in preparation, and must be registered before the Building Permit can be released.

The intent of the Bylaw in limiting building depth is to prevent the visual intrusiveness and sense of confinement that an over long building wall can impose on neighbouring properties.

When a lot is irregularly shaped, the building depth calculation is based on the building depth as projected onto the lot depth. To determine the lot depth, a line is drawn to join each end point of the front property line. The measurement of the lot depth starts from the midpoint of this line and extends at a right angle until it connects with the midpoint of the rear property line. In this case, the lot depth is 73.82 ft. when measured along this line. However, the Bylaw also states that when the lot depth is less than 120.0 ft., the principal building depth cannot be greater than 50% of the lot depth, which is 36.91 ft.

Efforts have been made to break down the massing of the new building to the shape and limitations of the site. The site narrows considerably from the north to the south side property lines (135.03 ft. and 60.11 ft. respectively). The measurements of building depth when taken from the elevations facing these side yards are not overlong considering their context. The north façade is 51.50 ft. wide facing the 135.03 ft. property line adjacent to the rear yard of 3936 Southwood St. The facades closest to the southern property line measure 8.5 ft. – 13.0 ft. wide compared to the 60.11 ft. property line.

In addition, the house is sited so that it observes or exceeds the required setbacks, which mitigates the effects of the proposed building depth. The northern 4.9 ft. side yard abuts a garage at the rear of a single family lot (3926 Southwood St.) and the lane which separating the two properties. The southern side yard, which is required to be 6.6 ft., is exceeded by the depth of the no-build zone of the SPEA, which varies from 56.0 ft. - 78.0 ft. along the south property line.

The longest elevation of the (house facing Kaymar Drive) observes the required 24.6 ft. front yard setback. In addition, the dwelling across the street (7726 Kaymar Drive) faces northwards, away from the proposed dwelling. This property has a heavily treed side and rear yard that will screen views of the new house. The subject house has 29.5 ft. rear yard (which is predominantly part of the SPEA) facing the tributary ravine. The closest dwelling here is 3916 Southwood St. on the other side of the ravine (40 m. (131.23 ft.) distant), so it will not be negatively impacted by the massing of the new house.

In this case, the irregular lot shape and the SPEA have significantly limited the building envelope for the site. The dwelling has been designed and sited in such a way that it will fit into the existing neighbourhood. Therefore, the granting of this variance would

not defeat the intent of the Bylaw which is to prevent the visual intrusiveness and sense of confinement that an over long building can impose on neighbouring properties.

As such, this Department has no objection to the granting of the variance to the required principal building depth.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from the residents of 3944 Southwood expressing opposition to the variance and the loss of trees. The correspondents felt that the property owners should abide by the zoning bylaw.

The resident of 3926 Southwood appeared in support of the proposed variance. He advised that he understands the constraints of the property and appreciates the design of the proposed home.

No further submissions were received regarding this appeal.

MOVED BY MR. NEMETH  
SECONDED BY MR. POUND

THAT based on the plans submitted this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(j) APPEAL NUMBER: B.V. 6293      **208 ELLESMERE AVENUE  
NORTH**

This appeal was **WITHDRAWN** on 2017 June 20 by the applicant.

(k) APPEAL NUMBER: B.V. 6294

APPELLANT: Jasbir Singh Tatla

REGISTERED OWNER OF PROPERTY: Ready Construction Ltd.

CIVIC ADDRESS OF PROPERTY: 7785 Taylor Place

LEGAL DESCRIPTION OF PROPERTY: Lot 8; DL 13; Plan NWP17520

APPEAL: An appeal for the relaxation of Section 110.12(2) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with a secondary suite and detached garage at 7785 Taylor Place. The following variances are requested:

a) a fence height of 2.0 feet along the North, East and West property lines in the required front yard, where construction of a fence is not permitted; and,

b) a retaining wall ranging from .50 feet to 1.80 feet along the East and West property line in the required front yard, where construction of a wall is not permitted. Zone R10

APPELLANT'S SUBMISSION:

Jasbir Singh Tatla, on behalf of the property owners, submitted an application to allow for construction of a new single family dwelling with a secondary suite and detached garage at 7785 Taylor Place.

Mr. Tatla appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site is located in the Cariboo-Armstrong neighbourhood, which is an established neighbourhood of midcentury bungalows with open lawns. The zoning is R10 Residential District, which was established through a resident initiated rezoning process in order to control the form and character of new development, including fences and structures.

The first a) appeal is to permit fences/walls at the Taylor Place frontage where no fence or other structure is permitted in front of the face of the principal building facing the front yard.

The second b) appeal is to permit retaining walls on the east and west property lines where no fence or other structure is permitted in front of the face of the principal building facing the front yard. The two variances are co-related, and the second variance to permit the retaining wall, which is necessary for the construction of the fences in the side yards, will be discussed first.

The intent of the R10 District is to maintain the existing development pattern of the neighbourhood, which generally contains open lawns and a minimum of fencing. The R10 zone was created response to residents' desire to ensure that all new development recognized the unique R10 architectural and landscape context. The R10 landscape is characterized by low building profiles, uniform front yards and the absence of fences.

The subject site is abutted by single family dwellings to the east, west and north, across Taylor Place. Previously, a shallow berm about 1.5 ft. high slightly elevated the original bungalow on the subject site above the level of the boulevard area surrounding Taylor Place. A similar situation is observable to the west at 7775 Taylor Place, where three concrete steps have been built into the berm, similar to the ones that once existed on the subject site. To the east, at 7795 Taylor Place, the slope of the berm

diminishes, so that steps are unnecessary. On the subject site, the applicant has leveled the site, and removed the shallow berm that used to define the front yard. In its place he has constructed small retaining walls on the east and west property lines to support the higher ground on each side of the lot.

The second b) appeal would permit retaining walls on the east and west property lines where no fence or other structure is permitted in front of the face of the principal building facing the front yard. From the wall profiles submitted, the retaining walls will have little visual impact on the streetscape. Where the side yards intersect with Taylor Place, the retaining walls measure 1.8 ft. tall for a distance of less than 3.0 ft. as viewed from the adjacent properties, before they decrease to 6" projections above the established grades. As the retaining walls are barely visible from either of the adjacent properties, and this does not defeat the intent of the bylaw to have open front lawns, this Department does not object to the granting of the second b) variance.

The applicant has also built a 2.0 ft. high masonry wall/fence around the perimeter of the property, from the front face of the dwelling on the east and west side yards to the front property line at Taylor Place. In addition, there is a 2.0 ft. masonry wall across the Taylor Place frontage and there are two 2.0 ft. x 4.08 ft. tall masonry pillars flanking the entrance to the property. These fences/walls and entrance features appear to be a design choice rather than a necessity. Permitting a fence or other structure in the front yard of an R10 district, where it is expressly prohibited, is a major variance, in that it is a complete reversal of the Bylaw requirement, and defeats the intent of the Bylaw.

In view of the above, this Department cannot support the granting of the first a) variance to permit fences/walls in the front yard where the Bylaw prohibits the construction of fences or walls.

#### ADJACENT OWNER'S COMMENTS:

A letter was received from the applicant requesting the retention of retaining walls along the north, east and west property lines. The retaining wall was constructed to keep soil from adjacent properties away from this property.

The applicant submitted a petition letter signed by residents of 7719, 7731, 7755, 7765, 7775, 7790 and 7795 Taylor Place. The petition read as follows:

*To whom it may concern*

*Its regarding the property 7785 Taylor Place Burnaby. This property is owned by Ready Construction Ltd.*

*Directors of Ready Construction went door to door in this neighbourhood and ask their neighbours regarding retaining wall in the front sides of the house and agreed that its not going to impact the neighbourhood.*

A subsequent email was received from Ready Construction providing addresses of properties in the area that have existing retaining walls.

Correspondence was received requesting confidentiality. The writer expressed concern regarding the aesthetics and safety of the retaining wall/fence. They also feel that it will set a precedent and change the character of the neighbourhood if allowed.

The resident of 7778 Taylor Place appeared in opposition to the variance. The speaker advised that the applicant excavated the property to achieve the desired height and has constructed the side retaining walls to keep the neighbours soil from collapsing onto the property at 7785 Taylor Place.

A resident of 7790 Taylor Place appeared in opposition to the proposed variance. The retaining wall/fence is out of character with the R10 zoned neighbourhood.

The resident of 7755 Taylor Place appeared in opposition to the proposed variance. The speaker believes that the retaining wall will be used as the base of a fence.

The resident of 7726 Taylor Place appeared in opposition of the proposed variance.

A resident of 7795 Taylor Place advised that they are not opposed to the side yard retaining walls. This neighbor advised that the side yard retaining wall is now necessary due to the excavation done during the construction of the home at 7785 Taylor Place. The resident is concerned that if the side yard retaining wall is removed that it would adversely affect their property.

A resident of 7731 Taylor Place is opposed to the front yard retaining wall/fence; however, agrees that the side yard retaining walls must be kept to maintain the integrity of the homes on either side of 7785 Taylor Place due to the excavation done on the property. The resident also expressed concern regarding water run-off from the property at 7785 Taylor Place.

A resident of 7719 Taylor Place appeared in opposition to the proposed variance.

No further submissions were received regarding this appeal.

MOVED BY MR. PEPPARD  
SECONDED BY MR. POUND

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

CARRIED

OPPOSED: MR. DHATT

MOVED BY MR. PEPPARD  
SECONDED BY MR. POUND

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

CARRIED

OPPOSED: MR. NEMETH  
MS. RICHTER

4. **NEW BUSINESS**

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

5. **ADJOURNMENT**

MOVED BY MR. NEMETH  
SECONDED BY MR. DHATT

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 9:15 p.m.

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Ms. C. Richter, CHAIR

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Mr. R. Dhatt

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Mr. S. Nemeth

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Mr. W. Peppard

\_\_\_\_\_  
Ms. E. Prior  
ADMINISTRATIVE OFFICER

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Mr. B. Pound