



**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 August 10 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. Margaret Malysz, Planning Department Representative  
Ms. Monica MacDonald, Clerk's Office  
Ms. Eva Prior, Administrative Officer

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

**2. MINUTES**

**(a) Minutes of the Board of Variance Hearing held on 2017 July 06**

MOVED BY MR. POUND  
SECONDED BY MR. PEPPARD

THAT the minutes of the Burnaby Board of Variance Hearing held on 2017 July 06 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. 6295

APPELLANT: Osman Ozakcayli

REGISTERED OWNER OF PROPERTY: Charmaine and Robert Calbick

CIVIC ADDRESS OF PROPERTY: 7350 Jubilee Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 3; DL 99; Plan 8389

APPEAL: An appeal for the relaxation of Sections 103.8 and 103.9(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for interior alterations, raising main floor level, adding new porch, and adding new deck and addition at rear to an existing single family home at 7350 Jubilee Street. The following variances are being requested:

- a) a front yard setback of 25.65 feet where a minimum front yard setback of 29.75 feet is permitted based on front yard averaging; and,
- b) a north side yard width of 4.2 feet where a minimum width of 4.9 feet is permitted. Zone R3

APPELLANT'S SUBMISSION:

Osman Ozakcayli submitted an application, on behalf of the homeowners, to allow for extensive renovations to their home at 7350 Jubilee Avenue.

Mr. Ozakcayli and Mr. Stewart, representing the homeowners, appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

At the Board of Variance Hearing the Planning Department advised that the following sentence in the second to last paragraph should be eliminated. The sentence read as follows:

*The north side yard faces the rear property lines of 4827 and 4829 Watling Street.*

The subject property, which is zoned R3, is located in the Sussex-Nelson neighbourhood, in which the age and condition of homes varies. The lot, which is 49.93

ft. by 176.87 ft., fronts Jubilee Avenue to the west. Single family dwellings abut the subject site to the north and south. Vehicular access to the site is provided from the lane at the rear. The present dwelling, which will be renovated, was constructed in the early 1950s.

The first variance a) requested is to vary Section 103.8 Front Yard of the Zoning Bylaw requirement for the minimum front yard setback from 29.75 ft. (based on front yard averaging) to 25.65 ft.

In 1991, Council responded to public concerns regarding the bulk and massing of newer and larger homes that were being built in existing neighbourhoods. Several text amendments to the Zoning Bylaw were adopted to address these concerns, including a requirement to set new construction back from the front property line based on an average of the two dwellings on either side of the subject site. The intent was to help to ease new construction into existing street frontages with minimal impact.

The front yard averaging calculations are based on the setbacks of the two dwellings 7330 and 7310 Jubilee Avenue immediately north of the subject site. The front yard setbacks for these properties are 29.80 ft. and 29.70 ft. and respectively.

The proposed front yard setback of 25.65 ft. is measured from the Jubilee Avenue property line to the western face of the posts on the new front porch. These posts support a 7.00 ft. wide gable roof which projects 4.25 ft. beyond the façade. (The porch roof also has 2.00 ft. wide eaves, which the Zoning Bylaw allows as projections into the front yard setback.) On the north side of the porch, the dwelling is set back at 29.91 ft., which is slightly behind the façade of 7330 Jubilee. On the south side of the front porch, the dwelling steps back an additional 2.00 ft., and is sited 31.91 ft. from the Jubilee Avenue property line. As such, the setback of the main body of the dwelling meets or exceeds the requirements of front yard averaging.

The proposed reduction in the front yard setback is limited to a small area in the middle of the dwelling's façade. The porch is not enclosed, and the dwelling itself is in compliance with the front yard averaging requirements. Given the minor nature of this variance and the absence of a negative impact on the adjacent properties, this Department **does not object** to the granting of this Variance.

The second b) variance requested is to vary Section 103.9 (1) Side Yard of the Zoning Bylaw to permit a north side yard width of 4.20 ft. where a minimum 4.90 ft. is permitted.

The intent of the Bylaw in regulating side yards is to control bulk and massing relative to adjacent properties.

In this case, the original house was built in the early 1950s before the Zoning Bylaw was enacted, and the 4.20 ft. side yard is legal nonconforming. As the applicants wish to raise the house by 1.50 ft. and use the existing foundations, a variance has been requested for the construction of an infill wall in this location. If the variance is granted,

it will not increase the nonconformity of the side yard.

A two car garage in the rear yard of 4827 Watling Street abuts the subject dwelling, and screens the Watling Street residence's view of the subject house and side yard. When the subject house is raised, it will be 23.60 ft. in height, well under the 29.50 ft. height allowed for a house with a sloping roof. As such, there would be no negative impact on 4827 Watling Street if the variance is allowed.

As this is a minor variance, and there are no negative impacts on adjacent properties, 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. PEPPARD

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

CARRIED UNANIMOUSLY

MOVED BY MR. POUND  
SECONDED BY MR. NEMETH

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

CARRIED UNANIMOUSLY

(b) APPEAL NUMBER: B.V. 6296

APPELLANT: Chunlong Hou

REGISTERED OWNER OF PROPERTY: Chunlong Hou and Xiaohong Tang

CIVIC ADDRESS OF PROPERTY: 1706 Delta Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 156; DL 126; Plan 29569

APPEAL: An appeal for the relaxation of Section 102.6 (1)(a) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family home with secondary suite and detached garage at 1706 Delta avenue. The height of the principal building measured from the rear average elevation would be 32.40 feet where 29.5 feet is permitted. The building height measured from the front elevation would be 25.22 feet where 29.5 feet is permitted. Zone R2

APPELLANT'S SUBMISSION:

Chunlong Hou, homeowner, submitted an application to allow for construction of a new single family home at 1706 Delta Avenue.

Mr. Hou and Ms. Tang 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 Brentwood neighbourhood in which the age and condition of single family dwellings vary. The subject lot is irregularly shaped: 60.00 ft. wide on the east and west sides by 124.33 ft. deep on the north side and 119.13 ft. on the south. The lot fronts onto Delta Avenue to the west. Vehicular access is taken from the lane at the rear (east). The site slopes downward, from an average elevation of 236.25 ft. along Delta Avenue to an average of 221.15 ft. at the lane.

The intent of the Bylaw in regulating building height is to mitigate the massing of new buildings or structures and their impacts on neighbouring properties.

In this case, the height calculation is based on the existing natural grade at the rear elevation. The grade difference from the front to the rear of the subject site contributes to the excess height. Measured at the rear, the height of the dwelling would be 32.40 ft. The height encroachment at the full 2.90 ft. is 8.00 ft. wide and slightly offset from the midpoint of the roof when viewed from the lane. Over a distance of 21.00 ft., the roof slopes down from 32.40 ft. to the permitted height of 29.50 ft.

It is noted that 1688 Delta Avenue, immediately north of the subject site, is a two and a half storey dwelling on a similarly sloping site. The rear façade elevation is El. 229.60 ft. for 1688 Delta and El. 229.70 ft., for the subject house at 1706 Delta. The roof ridge of 1688 Delta conforms to the Bylaw's maximum permitted height of 29.50 ft. when measured at the rear elevation (El. 257.73 ft.). The subject house design proposes a roof ridge that would be 2.90 ft. taller, at El. 260.76 ft.

The roof styles of the two houses are similar, and it would be possible to construct a roof with a shallower decorative gable that would conform to the Bylaw. The new house would then continue the roof line already established by the new homes on the east side of the Delta Avenue. Permitting a height encroachment that is due to a design choice could set a precedent for future development on the street.

As well, south of the subject property, the two 1960s bungalows at 1714 and 1734 Delta Avenue have a very low profile when viewed from Delta Avenue, and from the rear lane. If the proposed variance was permitted, the additional 2.90 ft. would exacerbate the difference in size between the new dwelling and the existing bungalows. However, conforming to the Bylaw's height requirement would make the new dwelling fit into the existing streetscape.

This variance request is the result of a design choice, and options exist to have a two and a half storey dwelling that is compliant with the Bylaw, as the dwelling next door demonstrates. In consideration of this, and the fact that the Bylaw's height requirement would successfully integrate the new dwelling into the existing context, this Department cannot support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. POUND  
SECONDED BY MR. DHATT

THAT based on the plans submitted this appeal be DENIED.

CARRIED UNANIMOUSLY

4. NEW BUSINESS

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

5. ADJOURNMENT

MOVED BY MR. NEMETH  
SECONDED BY MR. POUND

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:25 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

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Ms. E. Prior  
ADMINISTRATIVE OFFICER

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Mr. B. Pound