



BOARD OF VARIANCE

MINUTES

A Hearing of the Board of Variance was held in the Council Chamber, Burnaby City Hall, 4949 Canada Way, Burnaby, B.C., on Thursday, **2018 February 01** at 6:00 p.m.

1. CALL TO ORDER

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

ABSENT: Ms. Brenda Felker, Citizen Representative (*due to illness*)

STAFF: Ms. Sharon Knapp, Development Plan Technician
Ms. Monica Macdonald, Administrative Officer

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

2. ELECTION

(a) Election of Chair

MOVED BY MR. POUND
SECONDED BY MR. PEPPARD

THAT Mr. S. Nemeth be appointed as Chair of the Burnaby Board of Variance for the 2018 February 01 Hearing.

CARRIED UNANIMOUSLY

The election of the Chair for the balance of 2018 was postponed to the 2018 March 01 hearing.

3. **MINUTES**

(a) **Minutes of the Board of Variance Hearing held on 2018 January 04**

MOVED BY MR. PEPPARD
SECONDED BY MR. POUND

THAT the minutes of the Burnaby Board of Variance Hearing held on 2018 January 04 be adopted.

CARRIED UNANIMOUSLY

4. **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. 6317

APPELLANT: Chanh Ngoc Bui

REGISTERED OWNER OF PROPERTY: Chung T. Nguyen

CIVIC ADDRESS OF PROPERTY: 7867 10th Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot 30; DL 28; Plan 2105

APPEAL: An appeal for the relaxation of Section 105.9 of the Burnaby Zoning Bylaw which, if permitted, would allow for construction of a new single family dwelling with a secondary suite and detached garage at 7867 10th Avenue, with a front yard setback of 30.70 feet, where a minimum set back of 53.51 feet is required based on front yard averaging. Zone R5

APPELLANT'S SUBMISSION:

Mr. Kevin Bui, designer, submitted an application for relaxation of the front yard setback for construction of his client's new home.

Mr. Bui and Mr. Nguyen, home owner, appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, which is zoned R5, is located in the Hillcrest District, where the age and conditions of single and two family dwellings varies. This interior lot is approximately 49.50 ft. wide along its Tenth Avenue frontage to the southeast and 141.17 ft. deep. Single family dwellings abut the site to the west, and the rear of a C2 zoned commercial property (which is addressed off Sixth Street) lies to the east. Vehicular access to the subject site is provided from the lane at the rear. The subject site is relatively flat, with a downward slope of approximately 3.25 ft. over the 141.17 ft. from the Tenth Avenue property line to the lane.

The subject lot is proposed to be redeveloped with a new single family dwelling with a secondary suite and a detached garage.

The appeal proposes the relaxation of Section 105.9 of the Zoning Bylaw requirement for the minimum front yard depth from 53.51 ft. (based on front yard averaging) to 30.70 ft.

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 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. Then, the front yard requirement must be calculated through "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, 7859 and 7853 Tenth Avenue. These front yards are 40.26 ft. and 66.75 ft. respectively. The commercial property to the east at 7885 Sixth Street is not included in the calculation. The property at 7853 Tenth Avenue, which was constructed in 1975, significantly affects the calculation.

The proposed front yard setback is measured to the foundation of front façade of the new house. With respect to the neighbouring residences to the west, little impact is expected, as these residences would remain set further backward from the proposed dwelling by 9.56 ft. and 36.05 ft. respectively. (The existing dwelling on the subject site observes a front yard setback of approximately 22.52 ft., which is less than the 30.70 setback of this requested variance.) Placing the house at the proposed location is a compromise and provides a greater setback than the current dwelling observes. The proposal will allow the new dwelling to fit in with the dwelling immediately to the west at 7859 Tenth Avenue, while still meeting all the Zoning requirements for the required distance between the house and the detached garage, and the required setback of the garage from the lane. This Department also notes that the proposed 30.70 ft. setback is significantly deeper than the minimum front yard depth in the R5 district which is 6 m. (19.67 ft.).

With reference to the broader neighbourhood context, with the exception of 7853 Tenth Avenue (66.75 ft.) and 7811 Tenth Avenue (approximately 16.25 ft.), the proposed siting of the new dwelling would be consistent with the majority of the dwellings within the subject block.

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

ADJACENT OWNER'S COMMENTS:

No submissions were received regarding this appeal.

MOVED BY MR. PEPPARD
SECONDED BY MR. POUND

THAT based on the plans submitted, this appeal be ALLOWED.

CARRIED UNANIMOUSLY

(b) **APPEAL NUMBER: B.V. 6318**

APPELLANT: Veerpal Kaur Gill

REGISTERED OWNER OF PROPERTY: Ajaib and Balvir Gill; Naginder and Veerpal Gill

CIVIC ADDRESS OF PROPERTY: 4880 Portland Street

LEGAL DESCRIPTION OF PROPERTY: Lot 6; DL 157; Plan 1828

APPEAL: An appeal for the relaxation of Section 102.6(1)(a) of the Burnaby Zoning Bylaw to allow for construction of a new single family dwelling with a secondary suite and detached garage at 4880 Portland Street, with a principal building height of 30.97 feet (sloped roof) measured from the rear average grade, where the maximum height of 29.50 feet is permitted. The principal building height measured from the front average grade will be 27.77 feet. Zone R2

APPELLANT'S SUBMISSION:

Ms. Veerpal Gill submitted an application for relaxation of the principal building height for construction of her new home.

Homeowners Ms. Veerpal Gill and Mr. Ajaib Gill, and their designer appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site is zoned R2 and is located in the South Slope district where the ages and conditions of the single family dwellings vary. This rectangular corner lot is approximately 66.00 ft. wide by 144.00 ft. deep. It fronts Nelson Avenue to the east and is flanked by Portland Street to the north. The subject site abuts a single family lot to the south (7925 Nelson Avenue) and single family dwellings are located across the lane on Portland Street to the west, across Portland Street to the north and across Nelson Avenue to the east. Vehicular access to the site is provided via the lane at the rear. The site observes a lengthwise downward slope of approximately 6.00 ft. from Nelson Avenue to the lane, and approximately 8.90 ft. across the width of the property.

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

The height calculation is based on the average grade at the rear of the dwelling, which is the elevation that faces the lane to the west. A slight grade difference from the front to the rear of the subject site, and across the width of the lot contributes slightly to the excess height of the rear elevation. The proposed height encroachment of 1.25 ft. extends 21.50 ft. across the central portion of the roof. The roof eaves will be 62.48 ft. from the rear property line at the lane, and views of this house from 7864 Portland Street are screened by landscaping on their property, so little impact is predicted on this property.

When viewed from the South (side) property line shared with 7925 Nelson Avenue, a section of roof 27.00 ft. long would exceed the permitted height by 1.25 ft. This overheight section of the roof will further emphasize the difference in height between the new dwelling and the bungalow to the south. The new house is located to the north of the bungalow, so it will not cast shade directly on their deck or back yard. However, the additional bulk and massing of the roof will be perceived by persons on the large sundeck at the rear of 7925 Nelson Avenue.

In terms of fitting in with the existing streetscape, the new house is prominently located on a corner, where it is the first new house to be constructed at the intersection of Portland Street and Nelson Avenue. It is also the first new house to be built on this side of the 7900 block of Nelson Avenue. All efforts should be made to comply with the Bylaw in order to establish the correct precedent for future development.

The applicant notes that the overheight roof is the result of a contractor's error. In this case, the cost to redress the matter would be borne by the contractor and not by the applicant. Compliance with the Bylaw can be achieved on this site, as the original Building Permit plans demonstrate. This proposal defeats the intent of the Bylaw to regulate building height. In addition, the proposed variance negatively impacts the neighbouring property to the south and sets an undesirable precedent for the future streetscape.

ADJACENT OWNER'S COMMENTS:

Petition letters were received from 4877 and 4891 Portland Street, and 7925 Nelson Avenue in support of the appeal. The petition read as follows:

"This is to say that we/I the owners of the following property address...have no objection to the construction of a new house at 4880 Portland Street, with the height of 30.97' where the bylaw requires a height of 29.5' because of an unintentional error caused by the framing crew."

MOVED BY MR. DHATT
SECONDED BY MR. POUND

THAT based on the plans submitted, this appeal be ALLOWED.

FOR: MR. DHATT

OPPOSED: MR. NEMETH
MR. PEPPARD
MR. POUND

MOTION LOST

This appeal was DENIED.

(c) APPEAL NUMBER: B.V. 6319 **WITHDRAWN**

APPELLANT: Tony Zaurrini

REGISTERED OWNER OF PROPERTY: William Bradley

CIVIC ADDRESS OF PROPERTY: 208 Ellesmere Avenue North

This appeal was **WITHDRAWN** prior to the Hearing.

5. **NEW BUSINESS**

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

6. **ADJOURNMENT**

MOVED BY MR. DHATT
SECONDED BY MR. PEPPARD

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:30 p.m.

Mr. S. Nemeth, CHAIR

Mr. R. Dhatt

Mr. W. Peppard

Ms. M. Macdonald
ADMINISTRATIVE OFFICER

Mr. B. Pound