



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 KHIM CHAN
Mailing Address 919 DELE STRE AV, COQ V3K2G7
City/Town _____ Postal Code _____
Phone Number(s) (H) 604-253 0411 (C) _____
Email khimchan@shaw.ca

Property

Name of Owner TONY YIU
Civic Address of Property 398 HYTHE AVE
BBY

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.

FEB 6, 18
Date

[Signature]
Applicant Signature

Office Use Only

Appeal Date 2018 March 01 Appeal Number BV# 6325

Required Documents:

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

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

Burnaby City Hall

Board of Variances

February 5, 2018

RE: 398 HYTHE AVENUE

TO WHOM IT MAY CONCERN

I am the owner of the above said property., the wall was originally located on a steep surface and it collapsed (see annex I) in May 2017. There was no new construction or repairs on the walls at the time when the wall collapsed. I got the structural and geo technical engineer to examine the collapse and to repair the wall. Brian Carter, the Manager of the Public Works Operation on October 26, 2017 came to the site because we were concerned about the safety of the public. Crystal Andrews too came to the site on October 31, 2017 and we got the encroachment agreement done. I wanted to do all the necessary steps to make sure everything is safe for the public and for my family.

I wanted to "repair" the wall as close as what it is before but my engineer recommended that the existing wall has to be removed and to replace with a new retaining wall. Due to the nature of the slope surface and heavy vegetation growth , we need to clear up the vegetation(annex II) and put the lock block on clear solid ground and that makes the wall to exceed the 4 feet. The engineer has confirmed that the one tier wall is safe for the public. And, this will deter people from climbing on the wall into the property and it is safer for me to drive in and out of the garage.

Appreciate your understanding.

Yours truly,

Tony Yiu

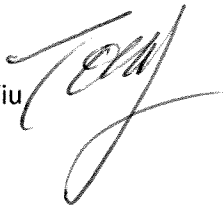
A handwritten signature in black ink, appearing to read 'Tony Yiu', written over the printed name.



Photo 1: Front (West) View of the Retaining Wall



Photo 2: Various Types of Components Used



Photo 3: Heavy Vegetation Growth Covering the Base of the Wall



Photo 4: Close-up View of the Wall Collapse



BOARD OF VARIANCE REFERRAL LETTER

| | | | |
|---|----------------|----------------|--|
| DATE: February 2, 2018 | | | <i>This is not an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i> |
| DEADLINE: February 6, 2018 for the March 1, 2018 hearing. | | | |
| APPLICANT NAME: Khim Chan | | | |
| APPLICANT ADDRESS: 919 Delestre Ave, Coquitlam , BC. V3K2G7 | | | |
| TELEPHONE: 604-253-0411 | | | |
| PROJECT | | | |
| DESCRIPTION: Repair and replace over height retaining wall to an existing single family dwelling | | | |
| ADDRESS: 398 North Hythe Ave | | | |
| LEGAL DESCRIPTION: | LOT: 84 | DL: 189 | PLAN: NWP 27933 |

Building Permit application BLD17-10290 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R2 / Sections 6.14.(5)(a)

COMMENTS:

The applicant proposes to build a retaining wall to existing single family dwelling. In order to allow the Building Permit application to proceed, the applicant requests that the following variances be granted:

- 1) To vary Section 6.14.(5)(a) – “Fences” of the Zoning Bylaw requirement to allow the construction of a retaining wall up to 10.3 feet high in the front yard, where no fence or other structure or structures no greater than 3.51ft in height may be located anywhere on a lot.

Notes:

1. The applicant recognizes that should the project contain additional characteristics in contravention of the Zoning By-law, a future appeal(s) may be required.
2. The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.
3. All new principal building projections into the resulting required yards will conform to the requirements of Section 6.12.
4. Fences and retaining walls will conform to the requirements of Section 6.14.

AB

Peter Kushnir
Deputy Chief Building Inspector