



BOARD OF VARIANCE

MINUTES

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

1. CALL TO ORDER

PRESENT: Mr. Stephen Nemeth, Chair
Mr. Rana Dhatt, Citizen Representative
Ms. Brenda Felker, Citizen Representative
Mr. Wayne Peppard, Citizen Representative

ABSENT: Mr. Brian Pound, Citizen Representative

STAFF: Ms. Margaret Malysz, Development Plan Approvals Supervisor
Ms. Joy Adam, Development Plan Technician
Ms. Lauren Cichon, Administrative Officer

The Chair called the meeting to order at 6:03 p.m.

2. MINUTES

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

MOVED BY MR. DHATT

SECONDED BY MR. PEPPARD

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

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. 6339

APPELLANT: Tim Tse

REGISTERED OWNER OF PROPERTY: Darryl and Tia Ho

CIVIC ADDRESS OF PROPERTY: 5490 Monarch Street

LEGAL DESCRIPTION OF PROPERTY: Lot: 17 DL: 80 Plan: NWP20936

APPEAL: An appeal for the relaxation of Section 102.6(1)(a) 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 5490 Monarch Street, with a principal building height of 32.94 feet (sloped roof) measured from the rear average grade, where the maximum height of 29.50 feet is permitted. Zone R2.

APPELLANT'S SUBMISSION:

Tim Tse, on behalf of the property owners, submitted an application to allow for the construction of a new single family dwelling with a secondary suite and detached garage.

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

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site is zoned R2 Residential District and is located in the Douglas-Gilpin district where the ages and conditions of single family dwellings vary. This interior rectangular lot is approximately 80.02 feet wide by 135.03 feet deep. The subject site fronts Monarch Street to the north and a lane to the rear. Abutting the site to the east and west are single family lots and across Monarch Street to the north and the lane to the south (rear). Vehicular access to the site is proposed via the lane at the rear. The site observes a lengthwise downward slope of approximately 22.0 feet from Monarch Street to the lane. The subject site is restricted by a 10.0 feet wide Statutory Right of Way for Sewerage and Drainage purposes along its western property line.

The subject property is proposed to be redeveloped with a new single family dwelling (partially under construction), detached garage, and a swimming pool.

The appeal is for a building height of 32.94 feet measured from the rear average grade, where a maximum height of 29.5 feet is permitted.

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

A Building Permit (BLD 17-00813) for a new single family dwelling was issued in December of 2017. An additional permit for a swimming pool was applied for in June of 2018 at which time City staff noticed that the, now under construction, single family dwelling did not meet the approved permit height requirements based on the existing average grade shown on the permit. As of October 5th, 2018 a work suspension has been issued on the subject site.

The requested variance is for the rear elevation height. In this case, the height calculation is based on the building height as measured from the proposed rear average grade to the highest peak of the roof. The over height portion (3.44 feet) of the roof occurs over the main ridgeline of the roof peak running in an east-west direction, which is approximately 9.5 feet wide and set back by approximately 17.0 feet in relation to the outermost rear building face at the main floor.

The requested variance is directly related to the alteration of the existing grade to the rear of the subject dwelling.

When viewed from the South property line bordered by the lane, a section of roof 7.5 feet long would exceed the permitted height by 3.44 feet. This over-height portion then slopes downward to the east and west by a distance of 10.0 feet before meeting the bylaw required building height. The total length of the over-height portion is approximately 27.5 feet. The additional bulk and massing of the roof will be perceived by the neighbour to the east and across the lane to the south. Along the east and rear elevations of the building no design options were made to mitigate the effects of massing. A three storey high wall is proposed without any measures to reduce massing impacts on neighbours.

In summary, this proposal defeats the intent of the Bylaw to regulate building height. In addition, the proposed variance negatively impacts the neighbouring properties. The requested variance is directly related to the alteration of the rear average grade after the Building Permit was issued. Therefore, this Department cannot support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

Letters advising of no objection to the purposed variance were received from 4277 Atlee Avenue; 4835 Baytree Court; 5710 Cedarwood Street; 5503, 5694, 5703, 5812 Eglinton Street; 5682 Forest Street; 5411 Gilpin Street; 5355 Ivar Place; 5510, 5460, 5470, 5480, 5485, 5495, 5570 Monarch Street; 4469 Percival Avenue; 4250, 4362 Royal Oak Avenue and 5511, 5530 Moreland Drive.

MOVED BY MS. FELKER
SECONDED BY MR. PEPPARD

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

FOR: MS. FELKER
MR. PEPPARD

OPPOSED: MR. NEMETH
MR. DHATT

CARRIED

This appeal was DENIED.

(b) APPEAL NUMBER: B.V. 6340

APPELLANT: Xu (Patrick) Yang, Pacific West Architecture

REGISTERED OWNER OF PROPERTY: Helena Chen and Daniel Yang

CIVIC ADDRESS OF PROPERTY: 4636 Northview Court

LEGAL DESCRIPTION OF PROPERTY: Lot: 36 DL: 33 Plan: NWP15118

APPEAL: An appeal for the relaxation of Section 104.9 of the Burnaby Zoning Bylaw which, if permitted, would allow for construction of a new single family dwelling and detached garage at 4636 Northview Court, with a front yard depth of 25.67 feet, where a minimum front yard depth of 38.26 feet is required based on front yard averaging. Zone R4.

APPELLANT'S SUBMISSION:

Patrick Yang, on behalf of the property owners, submitted an application for the construction of a new single family dwelling with a detached garage at 4636 Northview Court.

Mr. Patrick Yang and Mr. Daniel Yang appeared before members of the Board of Variance.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

The subject site, zoned R4 Residential District, is located in the Marlborough area where the majority of single family dwellings were built in the 1980's. The site is an irregularly shaped interior lot located on a cul de sac which fronts onto Northview Court

to the north and abuts a lane to the south (rear). The site slopes downward approximately 7.3 feet in a south-north (rear to front) direction along the eastern property line and 10.1 feet along the angled western property line. To the east, west and across Northview Court (north) of the subject lot are single family dwellings. Vehicular access to the subject site is proposed to remain via the lane to the rear (south).

The subject site is proposed to be redeveloped with a single family dwelling and detached garage. The appeal is to vary Section 104.9 – “Front Yard” of the Zoning Bylaw from 38.26 feet, based on front yard averaging, to the proposed 25.67 feet. 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 “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 front yard setbacks of the two neighbouring properties to the east: 4642 and 4650 Northview Court and the two properties to the west: 4628 and 4622 Northview Court. These front yard setbacks are 26.78 feet, 39.67 feet, 41.75 feet, and 44.82 feet respectively.

The subject variance is measured to the foundation of the proposed single family dwelling. Based on the front yard averaging requirement (38.26 feet) and rear yard setback requirements (29.5 feet) of the Bylaw, the subject site is limited in the permitted siting of the proposed dwelling. The lot depth is reduced by the crescent shaped north property line along the Northview Court cul de sac which contributes to the irregular shape. The existing dwelling on the subject site was granted a variance in 1990 for the rear yard setback requirement (BV 3553) from 29.5 feet to 24.0 feet and observed a front yard setback of 33.0 feet.

The proposed variance runs along the northern façade from the northwest corner for 17.0 feet where it is then further set back an additional 4.0 feet to accommodate the porch and remainder of the fronting façade. The upper storey is staggered an additional 2.5 feet beyond the requested variance along the northern façade before it is further reduced by 4.0 feet continuing to the northeastern corner. The staggered design of the proposed building somewhat mitigates negative impacts due to massing on neighbouring properties.

With respect to the neighbouring properties, the front yard setbacks of the Northview Court cul de sac vary significantly due to the irregular shapes of these lots and their location on the cul de sac. Some hardship is experienced by the subject lot as a result of the lot shape and location. The proposed siting of the subject dwelling would not be out of character in comparison to the neighbouring properties.

In summary, as the proposed variance poses little negative impacts on neighbouring properties and is directly related to hardship, this Department does not object to the granting of this variance.

ADJACENT OWNER'S COMMENTS:

A letter in support to the proposed variance was received from the homeowner at 4622 Northview Court.

The homeowner at 4628 Northview Court appeared before the Board expressing concern regarding the loss of privacy and views.

MOVED BY MR. DHATT
SECONDED BY MR. PEPPARD

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

CARRIED UNANIMOUSLY

(c) **APPEAL NUMBER:** B.V. 6341

APPELLANT: William (Bill) Steemson

REGISTERED OWNER OF PROPERTY: William (Bill) Steemson

CIVIC ADDRESS OF PROPERTY: 205 Hythe Avenue

LEGAL DESCRIPTION OF PROPERTY: Lot: B DL: 127 Plan: NWP21395

APPEAL: An appeal for the relaxation of Section 102.10 of the Burnaby Zoning Bylaw which, if permitted, would allow for a rear addition and a new accessory building to an existing single family dwelling at 205 Hythe Avenue, with a rear yard depth of 23.6 feet, where a minimum rear yard depth of 29.5 feet is required. Zone R2.

APPELLANT'S SUBMISSION:

William (Bill) Steemson, property owner, submitted an application to allow for a rear addition and a new accessory building to an existing single family dwelling.

Mr. Steemson 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 Capitol Hill neighbourhood, in which the age and condition of single family dwellings vary. This

interior lot, approximately 41.1 feet wide and 121.4 feet deep, fronts onto Hythe Avenue to the east. Abutting the subject site to the south and north are single family dwellings (the subject lot and the lot immediately south are registered under the same ownerships). Vehicular access to the site is provided from the rear lane to the west. The site observes a substantial downward slope of approximately 19.6 feet from the northeast corner to the southwest corner of the lot.

The subject site was originally improved with a single family dwelling and a carport/sundeck, built in 1960. Over the years, the site was further improved with an accessory building and a rear addition to the principal building created by enclosing the attached carport. Origins of these improvements are not known. The City's aerials from 2016 & 2017 indicate further changes to the sundeck over the original carport area, which currently resemble a slightly larger flat roof.

In September of 2018, the City received a building permit application (BLD 18-00904) for a rear addition (enclosed carport) to the existing single family dwelling, interior and exterior alterations to accommodate a new secondary suite and for a new accessory building. Through the review process City staff determined that various alterations, including the enclosure of the existing carport, had been constructed without the benefit of a building permit. As a result, the applicant is requesting a variance in an attempt to legalize the unauthorized construction of the rear addition.

This appeal is to vary Section 102.10 – "Rear Yard" of the Zoning Bylaw from 29.5 feet to 23.6 feet to allow the proposed rear addition (already constructed) to the existing single family dwelling.

The intent of the Bylaw is to mitigate the massing impacts of new buildings and structures on neighbouring properties and to ensure sufficient outdoor living area in the rear yard.

According to the City's records the original principal building observed 23.0 feet rear yard setback, as measured to the original carport/sundeck, which is legal non-conforming with respect to the current Zoning Bylaw requirements.

The proposed rear addition, approximately 11.5 feet wide and 21.9 feet deep, encroaches 5.9 feet into the required rear yard setback. It appears that the proposed rear addition remains within the footprint of the original carport/sundeck, which was attached to the rear south-west corner of the dwelling. Therefore, it appears that the rear yard depth is not decreased; in fact, a small increase (0.6 feet) is indicated on the provided survey.

The proposed addition is approximately 13.0 feet in height as measured to the top of the flat roof or 16.5 feet as measured to the top of the sundeck guard. It is not clear if the flat roof over the rear addition (already constructed) is at a higher elevation than the original sundeck floor once was. The proposed new sundeck on top of the flat roof is not constructed yet. The rear addition will contain storage space on two levels; with the lower level sunken to the ground approximately 4.0 feet.

With respect to the massing impacts, it appears that the neighbouring properties would not be meaningfully affected by the proposed rear yard encroachment. The rear addition observes a north side yard setback of 24.9 feet. Such a generous setback effectively mitigates any impacts on the neighbouring residence to the north. This residence features a similar sundeck component in its rear yard; the subject rear addition appears to be in line with this component.

With respect to the neighbouring property to the south, the subject rear addition overlaps the detached garage located closely to the shared south side property line; although the garage is at a lower level in relation to the subject addition, any direct views onto the neighbouring rear yard are essentially screened by the garage roof.

With respect to the neighbouring property across the lane to the west, considering that the views are predominantly oriented to the west, as well as the fact that this variance involves a relatively small massing increase, as compared to the existing conditions (the enclosure of the existing carport), the impacts on this residence are not immediately noticeable.

With respect to outdoor living space, the proposed rear addition does not affect the existing rear yard area, as it remains within the original carport footprint. In summary, considering the existing conditions and the absence of any anticipated negative impacts on the adjacent properties, this Department does not object to the granting of the appeal.

ADJACENT OWNERS' COMMENTS:

The resident at 4950 Pandora Street appeared before the expressing concerns regarding the loss of views.

Correspondence was received from the resident of 4950 Pandora Street advising they were opposed to this variance. A petition opposing the appeal was received from residents of 202, 204, 210 Delta Avenue; 4990 Empire Drive; 135, 204, 231, 295, 321, 353 Hythe Avenue and 4949, 4950 Pandora Street.

The petition reads as follows:

"We, the undersigned, unanimously object to the relaxation requested by the homeowner of 205 Hythe Avenue and ask the Board of Variance to deny this request. As homeowners and residents in our community, perched on the west side of Capitol Hill, we recognize that our unobstructed views of the City and mountains are not only key to our enjoyment but are also intrinsically tied to our property value. If the Board of Variance permits this relaxation, the views for the neighbouring homes of 205 Hythe Avenue will be negatively affected, and with that their property values, for the benefit of a single homeowner."

As a community, we believe the Burnaby Zoning Bylaws were written in an effort to maintain gentle boundaries for what is acceptable and unacceptable. Together, it is our sincere hope that the Board of Variance will see the derogatory side effect that permitting a relaxation, such as this one, will have on the community."

MOVED BY MR. PEPPARD
SECONDED BY MS. FELKER

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

CARRIED UNANIMOUSLY

(d) **APPEAL NUMBER:** B.V. 6342

APPELLANT: David Wong, WHG Design Ltd.

REGISTERED OWNER OF PROPERTY: Cynthia and Gordon Wong

CIVIC ADDRESS OF PROPERTY: 6328 Caulwynd Place

LEGAL DESCRIPTION OF PROPERTY: Lot: B DL: 160 Plan: LMP8902

APPEAL: An appeal for the relaxation of Sections 102.7(a) and 102.8(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for an addition to cellar floor to an existing single family dwelling at 6328 Caulwynd Place. The following variances were requested:

- a) A principal building depth of 72.80 feet, where the maximum building depth of 57.91 feet is permitted; and,
- b) A front yard depth of 14.21 feet, where a minimum front yard depth of 24.60 feet is required. Zone R2.

APPELLANT'S SUBMISSION:

David Wong, WHG Design Ltd., on behalf of the property owners, submitted an application to allow for an addition to the cellar floor to an existing single family dwelling.

Mr. David Wong 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 Stride Hill neighbourhood in which the age and condition of single family dwellings vary. This interior flanking lot is an irregular (trapezoid shaped) lot, approximately 62.59 feet wide by 96.31 feet deep along the shorter south side property line and 133.82 feet deep

along the longer north side property line. The subject site fronts onto the Caulwynd Place cul-de-sac along its curved southeastern property line and is flanked by a lane to the (side) north and (rear) west. Vehicular access is provided from the Caulwynd Place cul-de-sac to the east. No vehicular access is provided from the Lane.

The subject site is improved with a single family dwelling and attached garage on the lower level. Abutting the subject site are single family lots across the cul-de-sac to the east and neighbouring the site to the south. Across the lane to the north and west are single family dwellings. The applicant proposes to expand the existing garage which is the subject of the variance requests.

The first a) appeal requests a "Depth of Principal Building" of 72.80 feet where a maximum of 57.91 feet is required. The intent of the principal building depth requirement of the Zoning Bylaw is to prevent construction of dwellings that present long imposing walls, where the massing of the building impacts the neighbouring properties.

According to the Building Permit BLD 04-00059 (issued in 2004), the existing dwelling observes a building depth of 56.33 feet (which meets the building depth requirements), as measured from the front face of the existing attached garage to the rear face of the dwelling. The main body of the dwelling contributes approximately 32.92 feet plus the existing garage of 23.94 feet.

This appeal proposes to expand the existing garage into the front yard abutting the Caulwynd Place cul-de-sac. The proposed garage expansion would increase the building depth by 16.47 feet as measured to the face of the proposed garage extension. In this case the main two storey body of the dwelling will not be affected by the garage expansion and therefore remains within the required 57.91 feet building depth. However, an imposing wall would be present at the lower level extending along the north façade from the rear building face to the front face of the proposed garage expansion.

In view of the above, as the proposed variance is considered a major variance that does not meet the intent of the Bylaw and creates negative impacts on the overall neighbourhood pattern, this Department objects to the granting of this first a) variance.

The second b) appeal request a "Front Yard" setback of 14.21 feet where a minimum of 24.60 feet is required. In this case front yard averaging does not apply. The intent of the front yard requirements of the Zoning Bylaw is to mitigate the massing impacts of the buildings and structures on the neighbouring properties and to create a cohesive streetscape.

According to the Building Permit BLD 04-00059 (issued in 2004), the existing dwelling observes a front yard setback of 27.16 feet (which meets the front yard setback requirements), as measured from the front face of the existing attached garage.

This appeal proposes to expand the existing garage into the front yard by 10.39 feet beyond the required front yard setback. The two storey body of the existing dwelling will not be affected by this variance as the subject variance is only requested for the garage expansion at the lower level. The remainder of the existing dwelling is set back by approximately 19.0 feet to the existing patio from the face of the proposed garage expansion.

In the broader neighbourhood context the proposed garage expansion into the front yard is a major variance that will be out of place in the overall neighbourhood pattern.

In view of the above, as the proposed variance is considered a major variance that does not meet the intent of the Bylaw and creates negative impacts on the overall neighbourhood pattern, this Department objects to the granting of this second b) variance.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from the resident of 8006 Gilley Avenue advising they were opposed to this variance.

No further correspondence was received regarding this appeal.

MOVED BY MR. PEPPARD
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

MOVED BY MR. PEPPARD
SECONDED BY MS. FELKER

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

CARRIED UNANIMOUSLY

(e) **APPEAL NUMBER: B.V. 6343**

APPELLANT: Grace Yuen

REGISTERED OWNER OF PROPERTY: Grace and Hoi Yuen

CIVIC ADDRESS OF PROPERTY: 290 Howard Avenue North

LEGAL DESCRIPTION OF PROPERTY: Lot: 37146 DL: 189 Plan: 4953

APPEAL: An appeal for the relaxation of Sections 102.8(1) and 102.10 of the Burnaby Zoning Bylaw which, if permitted, would allow for an interior alteration and new secondary suite to the basement to an existing single family dwelling at 290 Howard Avenue North. The following variances were requested:

a) A front yard depth of 18.25 feet, where a minimum front yard depth of 24.6 feet is required based on front yard averaging; and,

b) A rear yard depth of 15.83 feet, where a minimum rear yard depth of 29.5 feet is required. Zone R2.

APPELLANT'S SUBMISSION:

Grace Yuen, property owner, submitted an application to allow for an interior alteration and new secondary suite to the basement to an existing single family dwelling.

Ms. Yuen and Mr. Ross Graham, Designer, 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 Capitol Hill neighbourhood, in which the age and condition of single family dwellings vary. This irregular lot resembles an elongated rough triangular in shape. The lot is approximately 105.2 feet deep along the south side property line and has approximately 206.15 feet of frontage on Howard Avenue North, which slightly curves along the west side of the property.

This portion of Howard Avenue North right-of-way is undeveloped and it appears like part of a forested portion of Harbourview Park further to the west. Abutting the subject site to the south and across the lane to the east are single family dwellings. The lane turns around the northern tip of the lot, approximately 19.5 feet long, and connects to the Howard Avenue North right-of-way. This section of the lane right-of-way is also undeveloped. Vehicular access to the site is provided from the lane at the south-east corner of the site. The site observes a substantial downward slope of approximately 14.4 feet in the west-east direction.

In 1959 the subject site was improved with a single family dwelling and an attached carport. The carport was subsequently converted to an attached garage in 1986; this conversion was subject to the Board of Variance granting a variance to reduce the required rear yard setback from 29.53 feet to 15.0 feet. The site is currently under construction for various exterior and interior alterations, including a secondary suite in the basement, in accordance to the building permit BLD17-10031 issued in February

2018. The applicant is now proposing further revisions which include a new roof form, which is the subject of the two variances.

The first a) appeal is to vary Section 102.8(1) – “Front Yard” of the Zoning Bylaw from 24.60 feet to 18.25 feet to allow the proposed exterior alterations to the existing single family dwelling.

The intent of the Bylaw is to mitigate the massing impacts of new buildings or structures on neighbouring properties and to preserve a unified streetscape.

The second b) appeal is to vary Section 102.10 – “Rear Yard” of the Zoning Bylaw from 29.50 feet to 15.83 feet to allow the proposed exterior alterations to the existing single family dwelling.

The intent of the Bylaw is to mitigate the massing impacts of new buildings and structures on neighbouring properties and to ensure sufficient outdoor living area in the rear yard. The two variances are triggered by the proposed new roof form: the existing flat roof would be replaced with a sloped roof which slightly increases the overall massing of the existing dwelling; there is no change to the existing footprint of the dwelling. The sloped roof would add approximately 3.75 feet to the overall building height as measured to the roof peak.

With respect to the front yard setback, due to the site geometry and the angled placement of the existing dwelling in the relation to the front property line, only a small portion of the proposed new roof, at the north-west corner of the dwelling, would encroach into the required front yard. In fact, the south-west corner of the building observes a slightly larger setback (approximately 27.0 feet) than the minimum required.

Similarly, with respect to the rear yard setback, due to the angled placement of the existing dwelling in relation to the rear property line, only small portions of the proposed new roof, at the north-east corners of the dwelling, would encroach into the required rear yard. Again, the south-east corner of the building observes a slightly larger setback (approximately 33.0 feet) than the minimum required.

Therefore, considering the small scale of the front and rear yard encroachment by the proposed new roof, which is not visible from the adjacent residences, both variances would not create any impacts on neighbouring properties.

In summary, considering the challenging geometry of the site, existing conditions and small scale of the two variances requested, as well as the absence of any anticipated negative impacts on the adjacent properties and the existing streetscape, this Department does not object to the granting of the first a) and second b) appeal.

ADJACENT OWNER'S COMMENTS:

The resident at 351 Ellesmere Avenue North appeared before the Board supporting the purposed variance.

MOVED BY MR. DHATT
SECONDED BY MS. FELKER

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

CARRIED UNANIMOUSLY

MOVED BY MR. DHATT
SECONDED BY MS. FELKER

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

CARRIED UNANIMOUSLY

(f) **APPEAL NUMBER:** B.V. 6344

APPELLANT: Fred Maddalozzo

REGISTERED OWNER OF PROPERTY: Biagio Pepe and
Carmina Tavares-Pepe

CIVIC ADDRESS OF PROPERTY: 2111 Jordan Drive

LEGAL DESCRIPTION OF PROPERTY: Lot: 52 DL: 131 Plan: NWP26174

APPEAL: An appeal for the relaxation of Sections 6.6(2)(g)(i), 102.8(1) and 102.9(1) of the Burnaby Zoning Bylaw which, if permitted, would allow for interior alterations, addition, new secondary suite and new detached garage to an existing single family dwelling at 2111 Jordan Drive. The following variances were requested:

- a) A side yard setback of 11.72 feet adjoining the flanking street, where a minimum side yard setback of 24.60 feet is required;
- b) A front yard depth of 27.70 feet, where a minimum front yard depth of 29.9 feet is required based on front yard averaging; and,
- c) A side yard setback of 4.00 feet, where a minimum side yard setback of 4.90 feet is required. Zone R2.

APPELLANT'S SUBMISSION:

Fred Maddalozzo, on behalf of the property owners, submitted an application to allow for interior alterations, addition, new secondary suite and new detached garage to an existing single family dwelling.

Mr. Maddalozzo and Mr. Eric van der Eerden, Designer, 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 and condition of single family dwellings vary. This corner lot is an irregular (trapezoid shaped), approximately 50.0 feet wide by 116.7 feet deep along the longer west and south side property lines. The subject site fronts onto Jordan Drive along its angled west property line and onto the Delwood Court cul-de-sac to the north. Vehicular access to the subject site is proposed to remain via Jordan Drive to the west; there is no lane access. The subject site is relatively flat with a minimal downward slope in the north-south direction.

The applicant proposes various alterations to the existing single family dwelling including interior alterations, an addition to the rear and south side of the dwelling, addition of a secondary suite and a detached garage.

The first a) appeal is for the construction of a detached garage observing a flanking street side yard setback of 11.72 feet where a minimum of 24.60 feet. The intent of the Bylaw in limiting side yard setbacks is to mitigate the impact of massing on neighbouring properties.

The subject variance is required based on the Bylaw requirement that when a rear lot line of a corner lot abuts a side lot line of an adjacent lot, an accessory building shall be located not closer to the flanking street than the standard front yard setback prescribed for the principal building in the district without the application of front yard averaging. In this particular case the required setback is 24.60 feet.

The proposed two car garage measures 20.0 feet in the north-south direction by 23 feet in the east-west direction. As a result of the irregular shape of the subject lot, if the proposed garage were to meet the setback requirement of 24.60 feet from the flanking street (Delwood Court) and a zero setback requirement from the southern neighbouring lot, a typical garage this size could not be accommodated. However, there are other siting and design options.

With respect to impacts on neighbouring properties, the subject garage would be located 4.0 feet from the western property line. City records indicate that the neighbouring dwelling at 6602 Delwood Court sits 5.0 feet from the bordering property line. Various existing tall hedges border the western neighbouring lot which would help to mitigate impacts of massing directly affected by the proposed garage.

In view of the overall neighbourhood context, most properties incorporate an attached garage or carport into the design of the existing dwellings. However, the majority of lots in this neighbourhood do not have the option of rear and side yard vehicle access. Front yard vehicle access is the typical design in this neighbourhood.

In summary, although the irregular shape of the lot does create some hardship, some negative impacts would be felt on the western neighbouring site and overall neighbourhood context; therefore, this department cannot support the granting of this first a) variance.

The second b) appeal proposes the relaxation of Section 102.8(1) "Front Yards" of the Zoning Bylaw for the minimum front yard depth from 29.9 feet (based on front yard averaging) to 27.70 feet as measured to the foundation of the proposed addition.

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 front yard setbacks of the two neighbouring properties to the south: 2121 and 2131 Jordan Drive. These front yard setbacks are 26.6 feet and 33.2 feet respectively. The existing dwelling on the subject site observes a front yard setback of 27.70 feet.

The proposed variance is requested as a result of the addition at the cellar level. The cellar addition is proposed in line with the exterior wall of the existing dwelling main and upper floors along the eastern façade. The same front yard setback as is now being requested by the applicant existed when the dwelling was originally constructed in 1964. Since the original dwelling was constructed prior to the enactment of the Zoning Bylaw, it is considered legal non-conforming with respect to siting.

In summary, as the proposed variance has no negative impacts on neighbouring properties due to increased massing and is in line with the existing dwelling, this department does not object to the granting of this second b) variance.

The third c) appeal proposes the relaxation of Section 102.9(1) "Side Yards" of the Zoning Bylaw for the minimum side yard setback of 4.90 feet to 4.0 feet. The intent of the Zoning Bylaw in limiting side yards is to mitigate the impact of massing on neighbouring properties. In this case the requested variance is a result of the cellar addition to the existing family dwelling. The upper floor of the existing dwelling observes the same 4.0 feet side yard setback which was approved in 1964 prior to the enactment of the Zoning Bylaw. Therefore, the existing dwelling is considered legal non-conforming with respect to siting.

In summary, as the requested variance does not have any negative impacts on neighbouring properties due to massing, this department does not object to the granting of this third c) variance.

ADJACENT OWNER'S COMMENTS:

No correspondence was received regarding this appeal.

MOVED BY MS. FELKER
SECONDED BY MR. DHATT

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

FOR: MS. FELKER
MR. NEMETH

OPPOSED: MR. DHATT
MR. PEPPARD

This appeal was DENIED.

MOVED BY MS. FELKER
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

MOVED BY MS. FELKER
SECONDED BY MR. DHATT

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

CARRIED UNANIMOUSLY

4. **NEW BUSINESS**

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

5. **ADJOURNMENT**

MOVED BY MR. DHATT
SECONDED BY MR. PEPPARD

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 7:58 p.m.

Mr. S. Nemeth, CHAIR

Mr. R. Dhatt

Ms. B. Felker

Ms. L. Cichon
ADMINISTRATIVE OFFICER

Mr. W. Peppard