



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, 2019 January 10** 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

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

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

2. ELECTION

(a) Election of Chair

MOVED BY MR. DHATT

SECONDED BY MR. PEPPARD

THAT Mr. S. Nemeth be appointed as Chair of the Burnaby Board of Variance for the 2019 January 10 Hearing.

CARRIED UNANIMOUSLY

The Administrative Officer requested the election of the Chair for the balance of 2019 be held at the 2019 February 07 hearing.

3. **MINUTES**

(a) **Minutes of the Board of Variance Hearing held on 2018
December 06**

MOVED BY MR. DHATT

SECONDED BY MR. PEPPARD

THAT the minutes of the Burnaby Board of Variance Hearing held on 2018 December 06 be adopted.

CARRIED UNANIMOUSLY

4. **APPEAL APPLICATION**

(a) **APPEAL NUMBER:** B.V. 6348

APPELLANT: Gary Gao

REGISTERED OWNER OF PROPERTY: Zhao Bing and Ji Hong

CIVIC ADDRESS OF PROPERTY: 4892 Carson Place

LEGAL DESCRIPTION OF PROPERTY: Lot: 40 DL: 157 Plan: NWP20303

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 dwelling with a detached garage at 4892 Carson Place, with a principal building height of 31.99 feet (sloping roof) measured from the rear average grade, where the maximum building height of 29.50 feet is permitted. Zone R2.

APPELLANT'S SUBMISSION:

Gary Gao, on behalf of the property owners, submitted an application to allow for the construction of a new single family dwelling with a detached garage at 4892 Carson Place.

Mr. Gary Gao, Designer, Ms. Ji Hong, Homeowner, and Mr. Jing Wang, Builder, 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 Sussex-Nelson neighbourhood, in which the majority of the single family dwellings were built in the 1960's. This irregular interior lot is 111.3 feet deep along its northwest (side)

property line and has a frontage of approximately 77.5 feet onto Carson Place to the northeast. The site is bordered by a lane along the southeast (side) property line, which slightly curves to the southwest and continues along the southwest (rear) property line. The southernmost portion of the site is truncated, which is reflected in the chamfered property line alignment in this location.

The subject site abuts single family residential lots all around. Vehicular access to the subject site is proposed to be relocated from the Carson Place frontage to the rear lane to the southwest. The site observes a significant downward slope of approximately 18.0 feet from the front to the rear.

The subject lot is proposed to be re-developed with a new single family dwelling, with a detached garage, for which the following variance has been requested.

The appeal is to vary Section 102.6(1)(a) – “Height of Principal Building” of the Zoning Bylaw from 29.5 feet to 31.99 feet, as measured from the rear average grade, to allow construction of a new single family dwelling with a sloping roof. 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 views.

It appears that the building height relaxation request is partly related to the topography of the site and partly related to the design choices. In this case, the height calculation is based on the proposed grade at the rear elevation. A substantial grade difference from the front to the rear of the subject site contributes to the excess height. It is also noted that the proposed dwelling would observe a height of 25.88 feet when viewed from the front property line, which is less than the maximum height allowed by the Zoning Bylaw (less by 3.62 feet).

When viewed from the rear elevation the height encroachment occurs over the upper roof, which resembles roughly a reversed “L” in plan, with the southwest portion running in a “front-to- rear” direction and the northeast portion running in a “side-to-side” direction.

As viewed from the rear elevation, the proposed 2.49 foot height encroachment occurs over the southwest portion of the upper roof and continues into the northeast portion and back from the rear face of the building. The encroachment starts approximately at the mid-point of the upper roof and continues to the roof peak.

With respect to the neighbouring property directly opposite the subject site across the rear lane, considering that the height encroachment area is more than 46.0 feet away from the subject sites rear property line (plus the additional 20.0 feet of the lane separation), no significant impacts are expected. The views from this neighbouring property are predominantly directed towards Patrick Place to the southwest. Furthermore, this property’s rear yard is fully screened by a tall hedge and the portion of the northeast elevation (one storey high) visible from the lane, does not have any windows facing the subject site.

Viewed from the southeast elevation, the proposed dwelling would appear over height essentially only at the southwest portion of the upper roof (starting approximately at the mid-point), which is further away from the southeast side property line; the height encroachment area would be at least 36.0 feet away from this property line (plus the additional 20.0 feet of the lane separation). Considering the small scale of the over height portion of the roof in combination with this generous setback, the height encroachment would not be noticeable from the neighbouring dwellings across the lane to the southeast.

Also, due to the sloping terrain, the proposed dwelling would be partly underground, thus substantially reducing the building height as viewed from the northwest side elevation. The proposed dwelling would not appear over height as viewed from the neighbouring property immediately to the northwest.

However, the requested variance is not exclusively related to the sloping site. The excess height of the proposed dwelling is also a result of design choices, particularly with the proposed clear floor to ceiling height on the two lower levels of the building being the major contributing factors. (The proposed clear floors to ceiling heights are: 9.0 feet in the cellar, 10.0 feet on the main level and 8.5 feet on the upper level). It would be possible to construct a dwelling with ceiling heights that would conform to the Bylaw. (For example: 8.0 feet in the cellar, 9.0 feet or 9.5 feet on the main level and 8.0 feet on the upper level.)

Furthermore, lowering the dwelling more into the ground should also be considered; this would help distribute the substantial grade difference more evenly throughout the site. This appeal proposes to maintain a relatively flat front yard area, but to the rear of the dwelling, with the detached garage proposed at the lane level, there is a substantial grade difference between the main floor level at 176.5 feet and the garage slab level at 159.38 feet. (The cellar is proposed at 166.26 feet). As a result, the pathway between the garage and the dwelling includes an upward stair with 12 steps and another upward stair with 3 steps to the main floor, or a downward stair with 8 steps to the cellar. There is no sufficient information on the submitted site plan to verify how the 17.12 foot difference between the garage level and main floor level can be negotiated by 15 steps, as the stair risers typically vary between 7-8 inches.

Otherwise, the submitted site plan does not indicate grading in the rear yard; it is assumed therefore, that no other grading changes are proposed. Currently, the rear yard terrain observes a moderate slope of approximately 8.0 feet, which is retained at the lane edges by an approximately 4.0 foot high retaining wall.

In summary, although it is recognized that the topography of the subject site is a contributing factor, the requested height variance is also the result of the design choices and it is possible to construct this design with the building height in accordance with the Bylaw. Therefore, this Department cannot support the granting of this variance.

ADJACENT OWNER'S COMMENTS:

Correspondence was received from the owners of 4871 and 4881 Carson Place advising they were opposed to this variance.

MOVED BY MR. DHATT

SECONDED BY MS. FELKER

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

CARRIED UNANIMOUSLY

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 6:24 p.m.

Mr. S. Nemeth, CHAIR

Mr. R. Dhatt

Ms. B. Felker

Ms. L. Cichon
ADMINISTRATIVE OFFICER

Mr. W. Peppard