



2019 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 Vern Milani

Mailing Address 5593 Oakland St.

City/Town Burnaby Postal Code V5H 1S1

Phone Number(s) (H) _____ (C) _____

Email vern.m@milani.ca

Property

Name of Owner Vern & Nicole Milani

Civic Address of Property 5591 Oakland St

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.

April 8 2019
Date

V. Milani
Applicant Signature

Office Use Only

Appeal Date May 02 2019 Appeal Number BV# 6365

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

Subject:

Date: Monday, April 8, 2019 at 8:08:43 AM Pacific Daylight Time

From: Vern Milani

To the Burnaby Board of Variance,

My family and I ask for your consideration and compassion in a matter that will be very impactful to our lives in Burnaby. We truly appreciate you taking the time to review our case and appreciate your understanding.

As a family we are asking that you please consider relaxing the setback rules for the home we have lived in since we first moved back in the 1980's. Recently the city of Burnaby has advised our Family that the home we live in does not meet the setback requirements which I believe to be unjust. I would like to provide some context on the matter as to why we believe this is so.

Our family home situated on a large lot at 5593 Oakland St. was purchased with a little coach house on the east side of the property has always had (two gas meters, two water mains, two sewer lines) for as long as we've lived in Burnaby. Everything was approved by the city when the home was first built. Our main home and the small dwelling were again reviewed by the city of Burnaby plus the board of variance and approved by the various departments when we did a major renovation again back in 1996. In 2004 the city again reviewed and accepted all the plans when we did yet another renovation. This entire time there has never been any issues with the setback of our home, the city of Burnaby has always approved our setback.

Recently to our dismay the city of Burnaby due to repairs and permits required from us has now decided that the small Carriage house on my property has a setback that is too close to the road. The amount it is over is by a very small unnoticeable margin. It does not effect or infringe on any neighbors, cause any problems and is not visibly noticeable.

As Italians that immigrated to Burnaby, "family" has always been a very big and important part of our culture. In the smaller detached house our Italian parents (or grand parents to the children) lived for many years until their passing. Now the children of our family live in the house. As we can all appreciate in this market it is very difficult to afford housing for younger generations so this housing has been very important to helping my children start their lives in Burnaby. There are also medical reasons that it is necessary for the children to live very close to the rest of the family.

Our family has always lived in that same house for over 25 years, the setbacks have always been approved by the city and we plan to live in the same house for years to come. We are very proud citizens of Burnaby; pay our taxes, volunteer in our city, and employ many people in the local community at our family's plumbing company. The house is not causing any problems or harming anyone. It is not bothering any neighbors or other citizens of the city. The fact of the matter is this is a bureaucratic technicality we are talking about, and the city has always historically approved it. We please ask for your compassion in this matter, as not allowing the setback for our house would cause considerable hardship to us as a family. We appreciate your consideration and compassion in the matter.

Sincerely,

The Milani Family

V. Milani, April 8 2019



BOARD OF VARIANCE REFERRAL LETTER

DATE: March 14, 2019	<i>This is <u>not</u> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
DEADLINE: April 09, 2019 for the May 02, 2019 hearing.	
APPLICANT NAME: Vincent Wan	
APPLICANT ADDRESS: 4038 Toronto Street, Port Coquitlam, B.C., V3B 6X8	
TELEPHONE: 604-783-3676	
PROJECT	
DESCRIPTION: New secondary suite, interior alterations and new addition to an existing single family dwelling	
ADDRESS: 5591 Oakland Street	
LEGAL DESCRIPTION:	Parcel "One" (Plan 11711) Except Parcel "F" (Plan 68816), DL 94 Group 1, New Westminster District

Building Permit application BLD18-00260 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R4 / Sections 6.3(1)(b); 104.9 and 104.10(2)

COMMENTS:

The applicant has already built without a permit an addition, interior alterations and a new secondary suite to an 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 6.3(1)(b) – “Distances between Buildings on the same Lot” of the Zoning Bylaw requirement for the distance between overlapping exterior walls of the same building from 14.76 feet to 12.5 feet.
- 2) To vary Section 104.9 – “Front Yard” of the Zoning Bylaw requirement for the minimum front yard depth from 24.6 feet to 15.63 feet.
- 3) To vary Section 104.10(2) – “Side Yards” of the Zoning Bylaw requirement for the minimum side yard width adjoining the flanking street from 11.5 feet to 10.11 feet.

Notes:

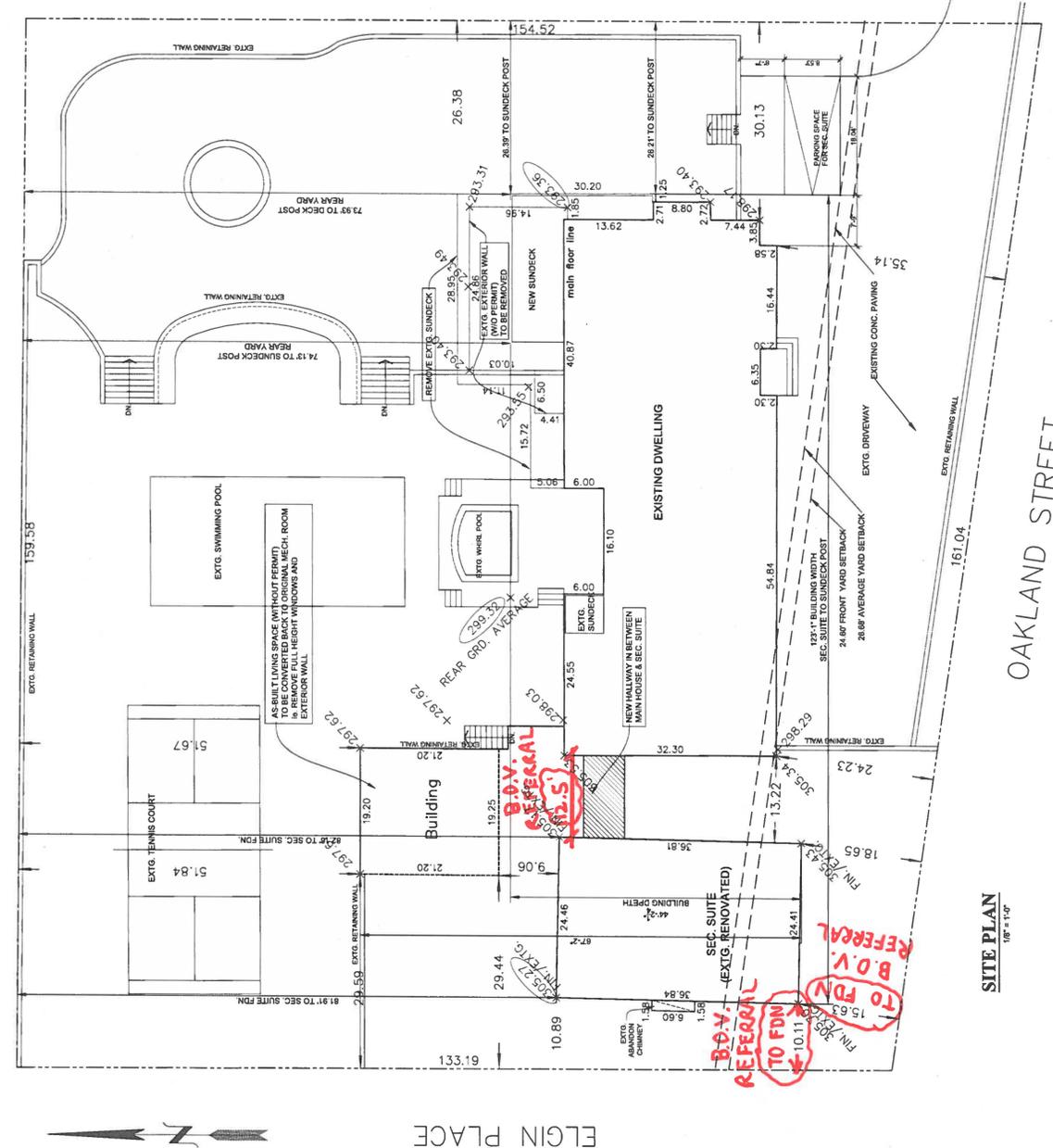
1. *The applicant recognizes that should the project contain additional characteristics in contravention of the Zoning By-law, a future appeal(s) may be required.*
2. *The applicability of these variances, if granted, are limited to the scope of the proposal shown on the attached plans.*
3. *All new 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.*

LM



Peter Kushnir
Deputy Chief Building Inspector

LANE



ELGIN PLACE

OAKLAND STREET

SITE PLAN
1/8" = 1'-0"

PROJECT ADDRESS: 5591 OAKLAND STREET

LEGAL DESCRIPTION:
PARCEL "ONE" (EXPLANATORY PLAN 11711)
EXCEPT: PARCEL "F" (REFERENCE PLAN 68816) DL 94

SITE AREA: 22,942.00 S.F.

ALLOWABLE SITE COVERAGE: 22,942.00 S.F. X 40% = 9,176.80 S.F.

GFA = 4,736.30 S.F. MAX.

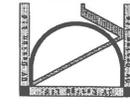
AGFA = 4,736.30 S.F. MAX.

HOUSE AREA:-
MAIN FLOOR:-
BISMINT:-
AREA (SF)
1221.8
2996.14
592
898.16
78.05
5188.15
452.1
4736.05

MAX. SUNDECK AREA = 4,736.30 S.F. X 8% = 378.90 S.F.

ACTUAL SUNDECK AREA:-
MASTER BEDROOM DECK:-
GARAGE COVERED PORCH:-
DINING ROOM DECK:-
35-61
108-75
233-93
378-29

ACTUAL SITE COVERAGE:
BASEMENT FOOTPRINT:-
PORCH BEHIDE GARAGE:-
REAR DECK:-
SECONDARY SUITE:-
POOL MECH. ROOM:-
NEW HALLWAY:-
TOTAL:
2398-14
108-75
233-93
898-16
407-57
78-05
4124-6 17-98%

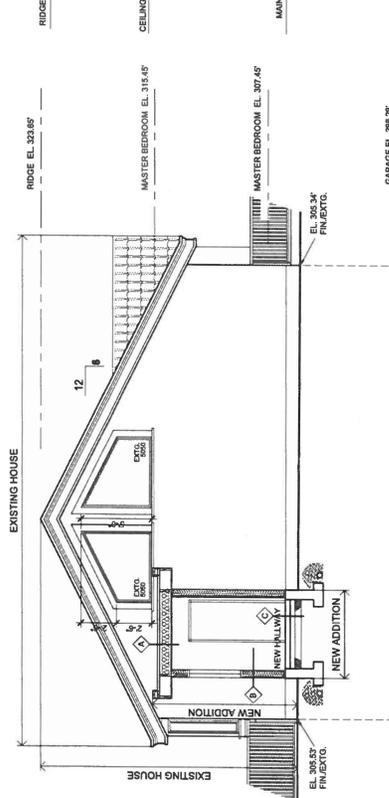


PROPOSED RENOVATION & ADDITION
OF MAIN HOUSE, GARAGE, REAR DECK,
NEW HALLWAY, & C.C.

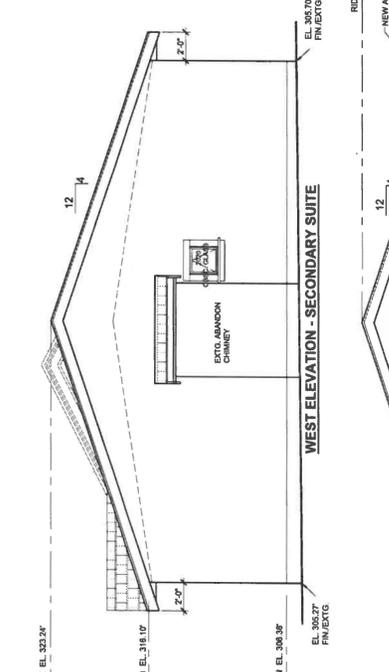
DATE: MARCH 2018
DRAWN BY: V.V.
CHECKED BY: V.V.
SCALE: AS SHOWN
SHEET: A1
OF: A

4038 Toronto Street, Port Coquitlam, B.C. V3B 9J8 Tel: 604-783-3970 Fax: 604-783-3971

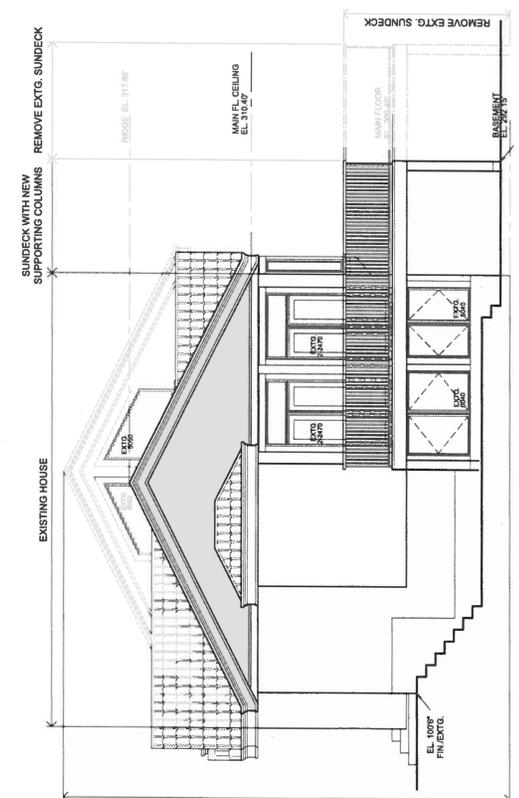
REV.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	108-2018
2	ISSUED FOR PERMIT	108-2018



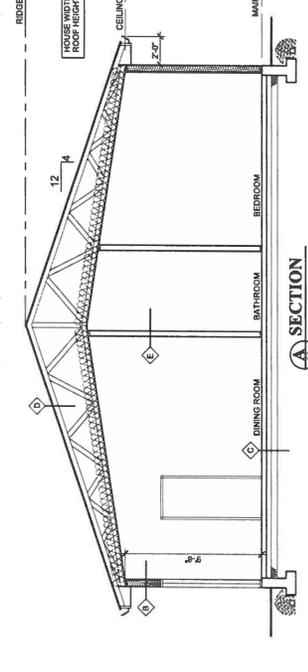
WEST ELEVATION - MAIN HOUSE
 SPATIAL SEPARATION CALCULATION:
 LIMITING DISTANCE 8.52' (SEE UPPER PLAN EXPOSED BUILDING FACE 341 S.F.).
 241 S.F. X 19.75% = 47.64 S.F. (19.75%).
 ACTUAL AREA OF UN-PROTECTED OPENINGS: 27.96 S.F. (11%)



WEST ELEVATION - SECONDARY SUITE
 SPATIAL SEPARATION CALCULATION:
 EL. IN AN EXPOSED BUILDING FACE 413 S.F.
 ALLOWED AREA OF UN-PROTECTED OPENINGS 8.00 S.F. (2.53%)



EAST ELEVATION - SECONDARY SUITE
 SPATIAL SEPARATION CALCULATION:
 EL. IN AN EXPOSED BUILDING FACE 413 S.F.
 ALLOWED AREA OF UN-PROTECTED OPENINGS 8.00 S.F. (2.53%)



HOUSE WIDTH: 30.87' X 7.40' = 228.14 S.F.
 HOUSE HEIGHT: 11.14' X 22.11' = 246.44 S.F.

- CONSTRUCTION ASSEMBLY**
- A TOPSOIL ON MEMBRANE
 5/8" THK. FLY BREATHER @ 18" O.C.
 2" POLYSTYRENE INSULATION @ 18" O.C.
 2x10 ROOF JOISTS
 8 MIL POLY VAPOR BARRIER
 1/2" THK. G.W.S.
 - B 1/2" GYPSUM WALLBOARD
 2 LAYERS 3/8" BUILDING PAPER
 2 X 4 FRAMING @ 16" O.C.
 8 MIL POLY VAPOR BARRIER
 1/2" GYPSUM WALLBOARD
 - C 4" CONC. SLAB
 1" TO 2" RIGID INSULATION
 6" COMPACTED GRANULAR FILL
 - D ASPHALT SHINGLES
 1/2" GYPSUM WALLBOARD
 1/2" GYPSUM WALLBOARD @ 18" O.C.
 8 MIL POLY VAPOR BARRIER
 1/2" GYPSUM WALLBOARD
 6" OTSIB WALL BOARD CEILING
 - E 1/2" OTSIB WALLBOARD BOTH SIDES
 2 X 4 FRAMING AT 18" O.C.

Revision no. including all	7/2/2018
BY APPLICATION	
DATE TO CITY FOR COMMENT	5/29/2018
DATE	
Project Name	Project No.
DESCRIPTION	Sheet
EAST & WEST ELEVATIONS & SEC. SUITE SECTION	
Scale	1/4" = 1'-0"
Sheet	AG
Block	A

PROPOSED RENOVATION & ADDITION
 4038 TORONTO STREET, PORT CHARLOTTE, B.C. V3B 8G8 Tel: 604-783-8878 www@blue.net

DATE: 7/2/2018
 DRAWN BY: V.W.
 CHECKED BY: V.W.
 DATE: 5/29/2018