



## BOARD OF VARIANCE

### MINUTES

A Hearing of the Board of Variance was held in the Council Chamber, Main Floor, City Hall, 4949 Canada Way, Burnaby, B.C., on Thursday, **2020 January 09** at 6:00 p.m.

#### 1. CALL TO ORDER

PRESENT: Mr. Stephen Nemeth, Chair  
Ms. Jacqueline Chan, Citizen Representative  
Ms. Brenda Felker, Citizen Representative

ABSENT: Mr. Rana Dhatt, Citizen Representative

STAFF: Ms. Margaret Malysz, Development Plan Approvals Supervisor  
Ms. Eva Prior, Administrative Officer

The Administrative Officer called the meeting to order at 6:07 p.m.

#### 2. ELECTIONS

##### (a) Election of Chair

As not all Board of Variance members were in attendance, a nomination for a Chair for the 2020 January 09 hearing were called for:

Ms. Jacqueline Chan nominated Mr. Stephen Nemeth for the position of Chair for the 2020 January 09 Board of Variance hearing.

MOVED BY MS. CHAN

SECONDED BY MS. FELKER

THAT Mr. Stephen Nemeth be appointed as Chair of the Burnaby Board of Variance for the 2020 January 09 hearing.

CARRIED UNANIMOUSLY

The Administrative Officer requested the election of the Chair for the balance of 2020 be held at the 2020 February 06 hearing.

The Chair, Mr. Stephen Nemeth recognized the ancestral and unceded homelands of the hə́n̓d̓əmi̓n̓ə́m and Sk̓w̓x̓wú7mesh speaking peoples, and extended appreciation for the opportunity to hold a meeting on this shared territory.

3. **MINUTES**

(b) **Minutes of the Board of Variance Hearing held on 2019 December 05**

MOVED BY MS. CHAN

SECONDED BY MS. FELKER

THAT the minutes of the Burnaby Board of Variance Hearing held on 2019 December 05 be adopted.

CARRIED UNANIMOUSLY

4. **APPEAL APPLICATIONS**

(a) **APPEAL NUMBER:** BOV 6392 **6:00 p.m.**

APPELLANT:

Alex Voth

REGISTERED OWNER OF PROPERTY: EMZ Developments LTD

CIVIC ADDRESS OF PROPERTY: 4120 Cambridge Street

LEGAL DESCRIPTION OF PROPERTY: Lot: 5 DL: 187 Plan: NWP1282

APPEAL: An appeal for the relaxation of Section 105.9 (Front Yard) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite and detached garage at 4120 Cambridge Street. This relaxation would allow a front yard depth of 6.71 metres (22.0 feet) where a front yard depth of 7.79 metres (25.55 feet) (based on front yard averaging) is required. Zone R5

**APPELLANT'S SUBMISSION:**

Mr. Alex Voth, on behalf of the property owner, submitted an application to allow for the construction of a new single family dwelling with a secondary suite and detached garage at 4120 Cambridge Street.

Mr. Voth, designer and the property owner appeared before the members of the Board of Variance.

**BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:**

The subject site is zoned R5 Residential District and is located in the Burnaby Heights neighbourhood, where the age and condition of the existing single and two family dwellings vary. This interior lot, approximately 10.06 m. (32.99 ft.) wide and 37.12 m. (121.77 ft.) deep, fronts onto Cambridge Street to the north and a lane to the south. Single family dwellings surround the subject site in all directions. The subject lot observes a gentle upward slope of approximately 1.46 m. (4.8 ft.) in the northeast-

southwest direction. Vehicular access to the site is provided from the rear lane to the south.

A new single family dwelling with a secondary suite and a detached two car garage is proposed on the subject site. **The appeal** is to vary Section 105.9 – “Front Yard” of the Zoning Bylaw from 7.79 m. (25.55 ft.), based on front yard averaging, to 6.71 m. (22.00 ft.) to allow the construction of a new single family dwelling encroaching into the required front yard abutting Cambridge Street.

In 1991, Council responded to the public concerns with respect to the bulk and massing of the newer and larger homes that were being constructed 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. The intent of the amendment was to harmonize the siting of new dwellings within the existing building setbacks on the block and to minimize massing impacts.

In this case, the front yard averaging calculations are based on the front yard setbacks of the two dwellings at 4112 and 4116 Cambridge Street, immediately west of the subject site, and on the front yard setbacks of the two dwellings at 4126 and 4128 Cambridge Street, immediately east of the subject site. These front yard setbacks are 6.13 m. (20.1 ft.), 8.63 m. (28.3 ft.), 10.27 m. (33.7 ft.) and 6.13 m. (20.1 ft.), respectively.

According to the City records (BLD95-80906), the existing dwelling on the subject site has a front yard setback of approximately 9.75 m. (32.0 ft.), as measured to the main body of the dwelling. Nevertheless, the dwelling appears to be set back farther than any other dwelling in the entire subject block (which consists of 12 lots).

In this proposal, the requested variance is measured to the eastern half of the front elevation, which is the closest portion of the proposed dwelling to the front property line. The western half is proposed to be set back further in relation to the other (eastern) half by 0.30 m. (1.0 foot), as measured to the two-storey bay window feature, and by 0.70 m. (2.3 ft.), as measured at the northwest corner of the dwelling.

With respect to the neighbouring residence immediately to the west, the proposed siting would place the subject dwelling 1.92 m. (6.3 ft.) in front of this residence or 1.22 m. (4.0 ft.) if the actual ‘corner to corner’ relationship is considered. This residence does not feature windows facing the subject site within the overlap area. Therefore, it appears that the proposed 8.75 m. (28.72 ft.) high two-storey massing (from the finished grade to the roof peak) within the front encroachment area 1.08 m. (3.55 ft.) deep would not considerably affect views from this residence or the privacy of its front yard.

With respect to the neighbouring residence immediately to the east, the proposed siting would place the subject dwelling 3.57 m. (11.7 ft.) in front of this residence. Although this residence does not feature large windows facing the subject site, there is a concern that the proposed siting of the subject dwelling would create some negative massing impacts on this property due to the two-storey solid structure inside the entire

encroachment (which is 1.08 m. (3.55 ft.) deep), which provides no transition between the subject dwelling and this neighbouring residence.

Further, the siting of the proposed dwelling would be approximately 3.05 m. (10.0 ft.) closer to the front property line than the existing dwelling on the subject site; the existing massing relationship between the subject property and the adjacent property to the east would be substantially changed.

With regard to the broader neighbourhood context, there is no unified front established in the subject block, with older developments observing front yard setbacks in the range of approximately 8.14 m. (30.0 ft.) – 10.67 m. (35.0 ft.), and newer developments (built prior to the Zoning Bylaw amendment mandating front yard averaging in 1993) observing front yard setbacks in the range of approximately 6.10 m. (20.0 ft.) (as it is in the case of the second and third neighbouring residences to the west and to the east of the subject site). Therefore, the proposed siting would not be out of ordinary within the existing streetscape. However, the intent of the Bylaw to provide for siting a new dwelling into the existing neighbourhood appears to be defeated with regards to successfully placing it within the immediate context.

Furthermore, it appears that other design alternatives exist which could potentially eliminate a need for this relaxation request. For example, a single family dwelling with an attached garage would have a lesser overall depth than if a detached garage was proposed. Also, there is a large covered patio area proposed to the rear of the dwelling, which contributes 2.90 m. (9.5 ft.) to the overall building depth. Therefore, there is room for design modifications to reduce the overall building depth and the placement of the dwelling where front yard averaging requires.

In summary, the requested front yard reduction would create some negative impacts on the neighbouring properties. Further, other design options could bring this proposal to a full compliance with the Bylaw.

#### ADJACENT OWNER'S COMMENTS:

Petition letters were received from the occupants/homeowners of 4115, 4116, and 4123 Cambridge Street and 4123 Oxford Street advising they have no objection to the requested variance.

The petition letter read as follows:

*We the undersigned property owners, adjacent to the above applicant, have no objection to the proposed relaxation of Zoning Bylaw regulations in order to construct.*

A letter was received from the homeowners of 4120 Cambridge Street in opposition to the proposed variance. The homeowners cited concerns regarding massing resulting in loss of sunlight and enjoyment of their property. Further, they raised concerns regarding the loss of mature trees and the possible impact to the value and future salability of their home.

No further correspondence regarding this appeal was received.

MOVED BY MS. FELKER  
SECONDED BY MS. CHAN

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

FAILED  
(Opposed: Ms. Felker, Ms. Chan)

As the motion FAILED, the variance was denied.

BOARD MEMBER COMMENTS:

**Mr. Nemeth** found that hardship was evident due to physical site characteristics and the physical site characteristics of the abutting site and voted to approve the variance.

**Ms. Chan** found that hardship was evident due to physical site characteristics but voted to deny as granting of the variance would defeat the intent of the Bylaw.

**Ms. Felker** found that found that hardship was evident but voted to deny as granting of the variance would defeat the intent of the Bylaw.

5. **NEW BUSINESS**

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

6. **ADJOURNMENT**

MOVED BY MS. CHAN  
SECONDED BY MS. FELKER

THAT this Hearing do now adjourn.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:22 p.m.

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Mr. S. Nemeth, CHAIR

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Ms. J. Chan

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Mr. R. Dhatt

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Ms. E. Prior

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Ms. B. Felker

ADMINISTRATIVE OFFICER

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