



# 2020 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 HARLEY SMITH  
Mailing Address 3815 CLARK DR  
City/Town VANCOUVER Postal Code V5V 4T7  
Phone Number(s) (H) \_\_\_\_\_ (C) 778 882-5969  
Email HARLEY.SMITH@TELUS.NET

### Property

Name of Owner HARLEY SMITH  
Civic Address of Property 124 N DELTA

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.

AUG 5, 2020  
Date

[Signature]  
Applicant Signature

### Office Use Only

Appeal Date 03 Sept 2020 Appeal Number BV# 6407

#### 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

## **Harley Smith**

3815 Clark Drive, Vancouver , B.C. V5V 4Y7

Board of Variance  
City of Burnaby  
4949 Canada Way  
Burnaby B.C.

Dear Sirs

### **Re: 124 N. Delta Ave**

In designing the home that is the subject of this application, in addition to addressing my living situation, it has been my goal to design a house that complements the neighbourhood, adds value to the neighbourhood through the quality of design and adds to the rental stock with livable accommodation. Our goal is to achieve this without adversely affecting the livability of neighbouring properties.

The challenge in achieving this goal has been the topography of the lot which slopes steeply from front (West) to back (East), a total of 10' over the depth of the house. The hardship created by this extreme grade difference relates to the future suite bedroom's exit window, the general livability of the suite (the amount of daylight) and construction risks associated with the depth of the required excavation at the rear of the house.

Without the height variance the cellar floor elevation would be 2' lower, resulting in a grade difference between floor and exterior grade at the bedroom window of +/- 9' and 10' to the top of the window well, requiring a 5' climb to the bottom sill of the window and a further 5' climb to get out of the window well. Aside from the exiting difficulty, the top sill of the bedroom window would be 2' lower than the top of the window well, blocking most of the natural light to the bedroom. As well, the window to the basement suite living room would be reduced to 1' vertically with a bottom sill height 7' above the floor, severely limiting natural light and eliminating any view of the outside to anyone other than an NBA player.

Lastly, the depth of the excavation at the rear of the house to underside of the footings, while deep based on the existing design, would exceed 16' if the cellar floor elevation were lowered. This extra depth, even with the extra support that would likely be required by the geotechnical engineer, would unnecessarily increase the risk of the failure of the banks supporting the adjacent houses.

In our design we have taken steps to mitigate the impact of our higher roofline. The front yard setback has been increased by 5' and the roof has been set back a further 4' to ensure the site lines of the properties to the east (Hythe Street) are not negatively affected. By increasing the front setback, we have also improved the site lines of the adjacent properties.

I thank you for considering my variance and trust that you appreciate the efforts made to mitigate the effects of the increased height on my neighbours and recognize how we have attempted to respect the intent of the zoning bylaw.

Yours truly

Harley Smith



## BOARD OF VARIANCE REFERRAL LETTER

<b>DATE:</b> July 9, 2020			<i>This is <b>not</b> an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
<b>DEADLINE:</b> August 04, 2020 for the September 03, 2020 hearing.			
<b>APPLICANT NAME:</b> Harley Smith			
<b>APPLICANT ADDRESS:</b> 3815 Clark Drive, Vancouver, V5V4Y7			
<b>TELEPHONE:</b> 778-882-5969			
<b>PROJECT</b>			
<b>DESCRIPTION:</b> New single dwelling with secondary suite and detached garage			
<b>ADDRESS:</b> 124 North Delta Ave			
<b>LEGAL DESCRIPTION:</b>	<b>LOT:</b> 11	<b>DL:</b> 189	<b>PLAN:</b> NWP4953

Building Permit application BLD19-00908 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

### Zone R5 / Sections 105.6 (1) (b)

#### COMMENTS:

The applicant proposes to build a new single family dwelling with secondary suite and detached garage. In order to allow the Building Permit application to proceed, the applicant requests that the following variance be granted:

- 1) To vary section 105.6(1)(b) – “Height of Principal Building” of the Zoning Bylaw requirement for the maximum building height from 7.4m (24.3 ft.) to 8 m (26.28 ft.) measured from the front average grade for the proposed single family dwelling with a flat roof. The principal building height measured from the rear average grade will be 6.19 m (20.31 ft.). The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.

CL

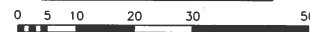
Peter Kushnir  
Deputy Chief Building Inspector

**TOPOGRAPHIC SURVEY PLAN OF LOT 11, BLOCK 56,  
DISTRICT LOT 189, GROUP 1,  
NEW WESTMINSTER DISTRICT,  
PLAN 4953**

124 N. Delta Avenue  
Burnaby, B.C.

**ZONING: R5**

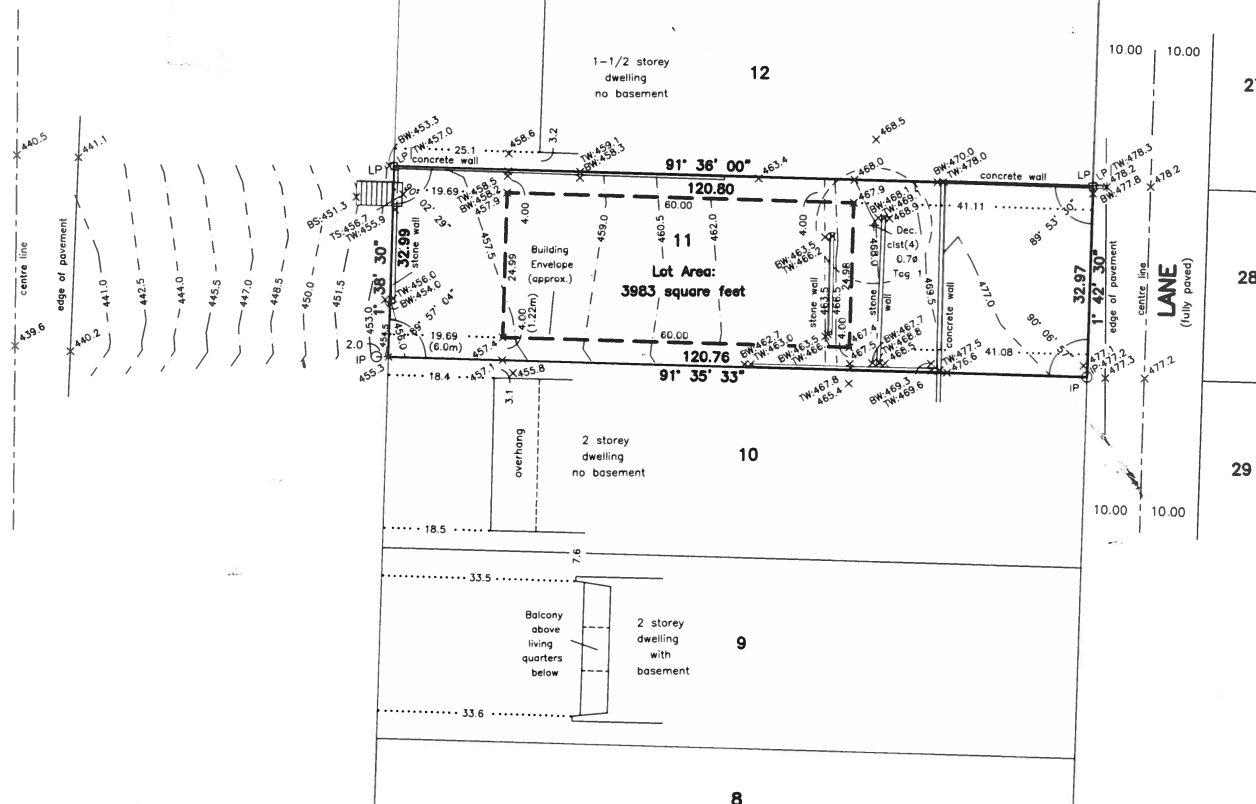
SCALE: 1 INCH = 16 FEET



All distances are in feet and decimals  
thereof unless otherwise indicated.  
Contour interval: 1.5 feet.

- LEGEND**
- LP lead plug
  - IP iron post
  - Dec. deciduous
  - TW top of wall
  - BW bottom of wall
  - TS top of step
  - BS bottom of step
  - ø diameter
  - cist cluster

**N. DELTA AVENUE**



**NOTE:**  
Elevations are based on geodetic datum.  
Bench Mark: Monument 79H9662 located in the NW sidewalk of Bessborough Avenue at the centre of Eton Street.  
B.M. Elevation = 369.49 feet  
( 112.621 metres )

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This document is not valid unless originally signed and sealed.

**CERTIFIED CORRECT:**  
Lot dimensions are correct according to ground survey.

**NOTE:**  
The building envelope shown is only our interpretation of the City of Burnaby building bylaws. The size and location of the building envelope must be confirmed by the City Planning Department prior to any design work. Failure to do so places sole responsibility for the design onto the house designer.

FRONT YARD SETBACK CALCULATIONS			
HOUSE	LOT	FRONT YARD	AVERAGE
104	9	33.5	23.73
110	10	18.4	
134	12	25.1	MINIMUM
140	13	17.9	
TOTAL:		94.9	19.69 (6.0m)

**NOTE:**  
All trees are plotted in accordance with Burnaby Tree Bylaw 1996.

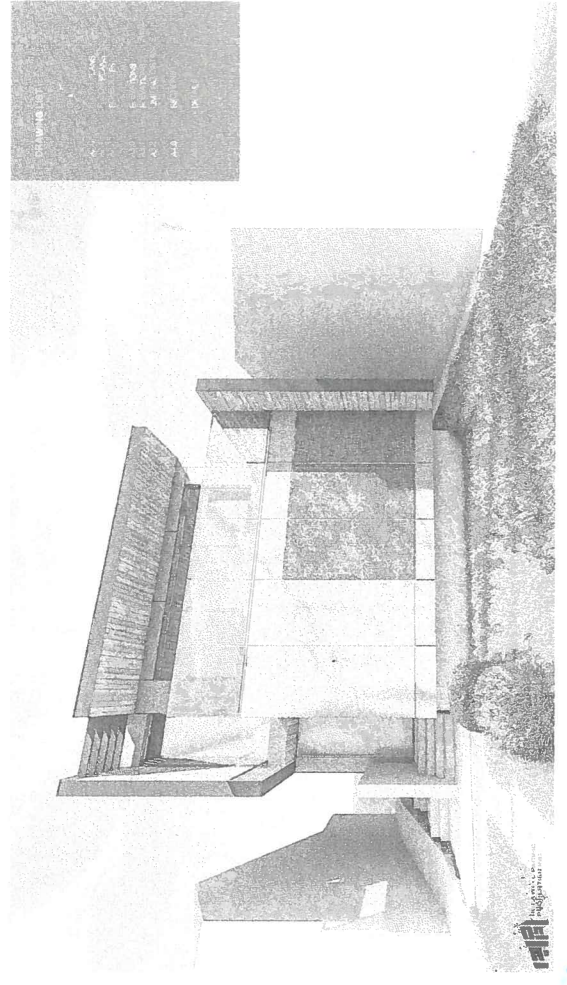
**NOTE:**  
For construction, use lead plugs in sidewalk or City survey monument only for elevation control.

Ken K. Wong and Associates  
B.C. Land Surveyor  
5624 Hastings Street  
Burnaby, B.C. V5B 1R4  
Telephone: 604.294.8881  
Fax: 604.294.0625  
E-mail: wong.associates@shawbiz.ca  
180356 FB960 P18-19  
R-8983 R-9879A R-3670  
Drawn by: TB SI-4722

**B.C.L.S.**

**July 3, 2018**

RE-ISSUE FOR BP - MARCH 17, 2020



DRAWING NO.	
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RANDY BENS  
ARCHITECT





# DOOR LEGEND

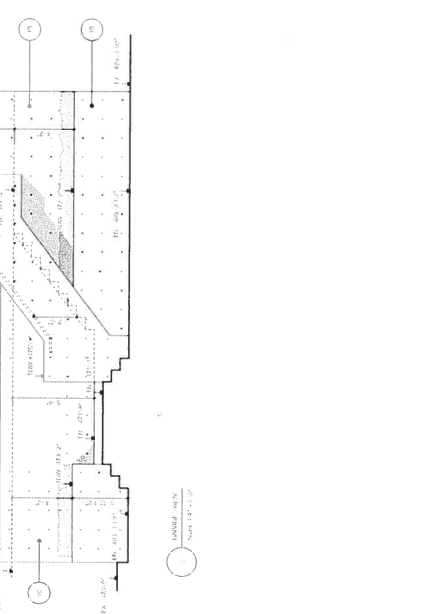
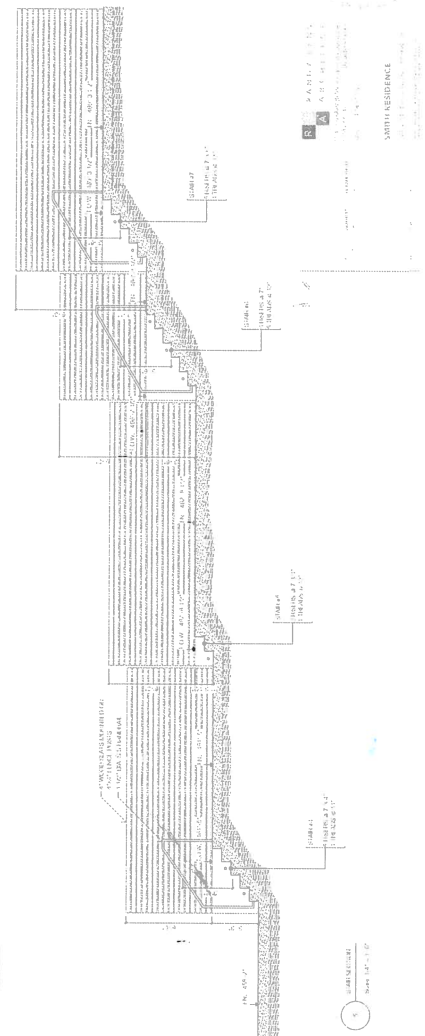
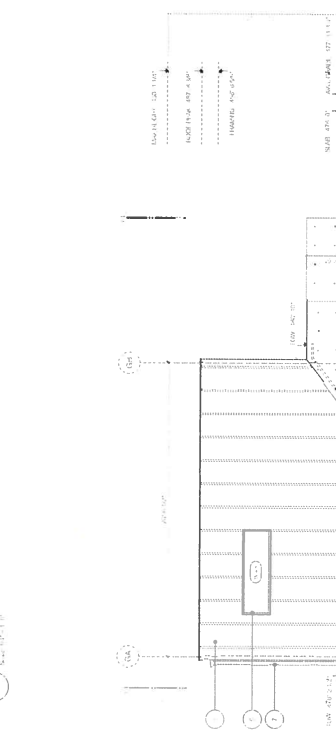
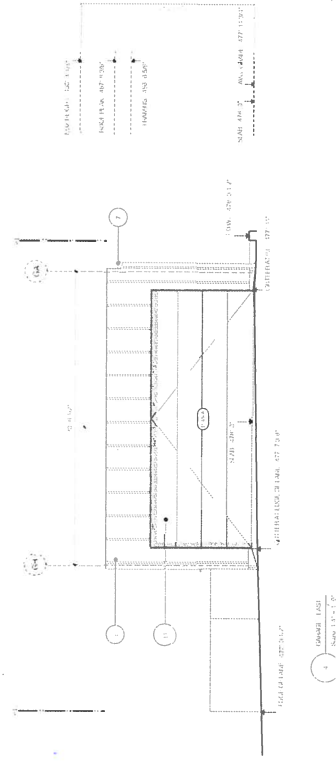
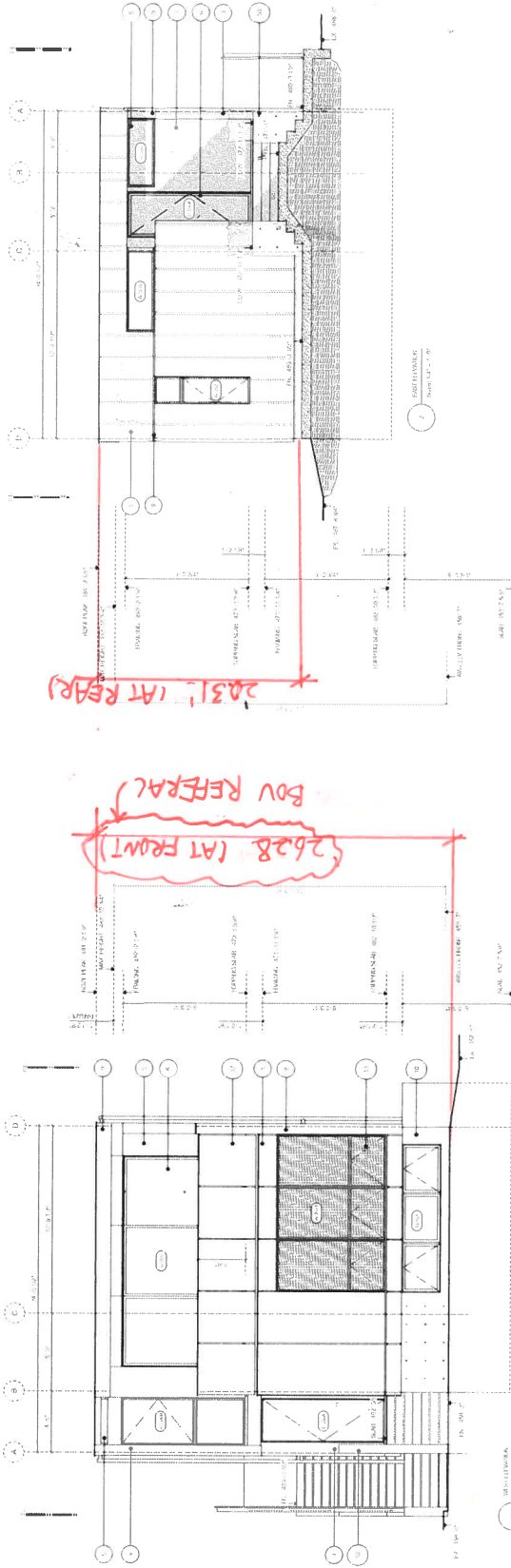
Door	Size	Material	Finish
D-101	3'0" x 7'0"	Aluminum	Brushed
D-102	3'0" x 7'0"	Aluminum	Brushed
D-103	3'0" x 7'0"	Aluminum	Brushed
D-104	3'0" x 7'0"	Aluminum	Brushed
D-105	3'0" x 7'0"	Aluminum	Brushed
D-106	3'0" x 7'0"	Aluminum	Brushed
D-107	3'0" x 7'0"	Aluminum	Brushed
D-108	3'0" x 7'0"	Aluminum	Brushed
D-109	3'0" x 7'0"	Aluminum	Brushed
D-110	3'0" x 7'0"	Aluminum	Brushed
D-111	3'0" x 7'0"	Aluminum	Brushed
D-112	3'0" x 7'0"	Aluminum	Brushed
D-113	3'0" x 7'0"	Aluminum	Brushed
D-114	3'0" x 7'0"	Aluminum	Brushed
D-115	3'0" x 7'0"	Aluminum	Brushed
D-116	3'0" x 7'0"	Aluminum	Brushed
D-117	3'0" x 7'0"	Aluminum	Brushed
D-118	3'0" x 7'0"	Aluminum	Brushed
D-119	3'0" x 7'0"	Aluminum	Brushed
D-120	3'0" x 7'0"	Aluminum	Brushed

# WINDOW LEGEND

Window	Size	Material	Finish
W-101	3'0" x 7'0"	Aluminum	Brushed
W-102	3'0" x 7'0"	Aluminum	Brushed
W-103	3'0" x 7'0"	Aluminum	Brushed
W-104	3'0" x 7'0"	Aluminum	Brushed
W-105	3'0" x 7'0"	Aluminum	Brushed
W-106	3'0" x 7'0"	Aluminum	Brushed
W-107	3'0" x 7'0"	Aluminum	Brushed
W-108	3'0" x 7'0"	Aluminum	Brushed
W-109	3'0" x 7'0"	Aluminum	Brushed
W-110	3'0" x 7'0"	Aluminum	Brushed
W-111	3'0" x 7'0"	Aluminum	Brushed
W-112	3'0" x 7'0"	Aluminum	Brushed
W-113	3'0" x 7'0"	Aluminum	Brushed
W-114	3'0" x 7'0"	Aluminum	Brushed
W-115	3'0" x 7'0"	Aluminum	Brushed
W-116	3'0" x 7'0"	Aluminum	Brushed
W-117	3'0" x 7'0"	Aluminum	Brushed
W-118	3'0" x 7'0"	Aluminum	Brushed
W-119	3'0" x 7'0"	Aluminum	Brushed
W-120	3'0" x 7'0"	Aluminum	Brushed

# ELEVATION LEGEND

1. FINISHED GRADE
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# DOOR LEGEND

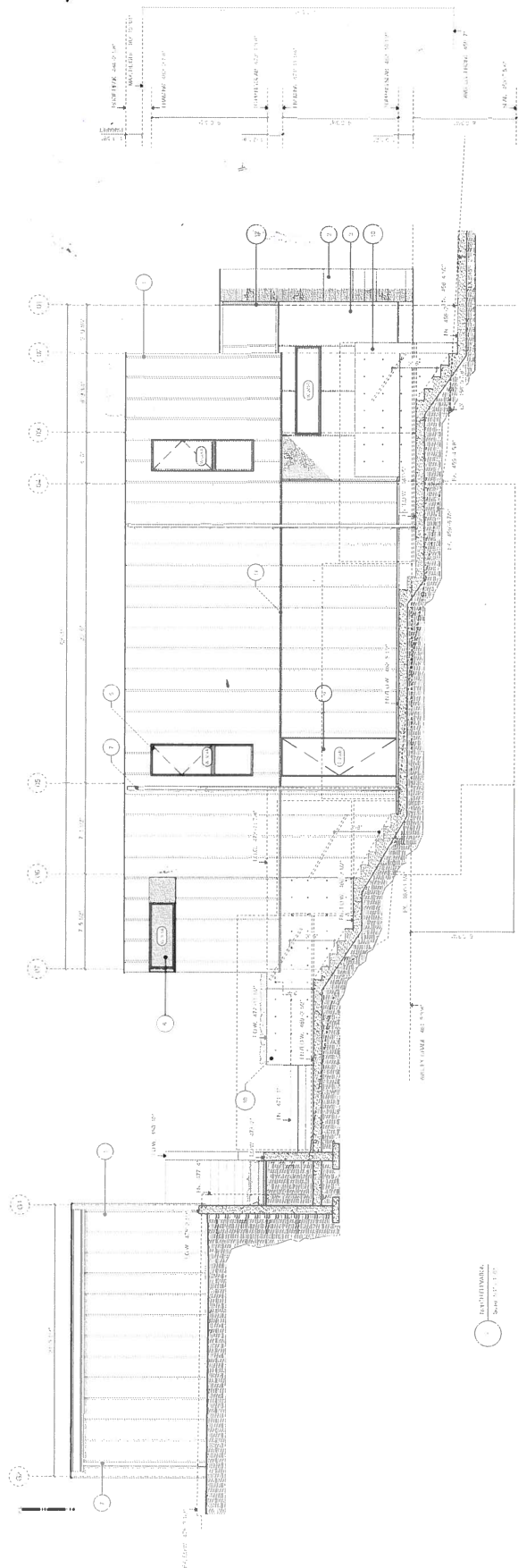
Door	Material	Finish
D-101 A	8" x 8" x 10"	10"
D-102 A	8" x 8" x 10"	10"
D-103 A	8" x 8" x 10"	10"
D-104 A	8" x 8" x 10"	10"
D-105 A	8" x 8" x 10"	10"
D-106 A	8" x 8" x 10"	10"
D-107 A	8" x 8" x 10"	10"
D-108 A	8" x 8" x 10"	10"
D-109 A	8" x 8" x 10"	10"
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D-116 A	8" x 8" x 10"	10"
D-117 A	8" x 8" x 10"	10"
D-118 A	8" x 8" x 10"	10"
D-119 A	8" x 8" x 10"	10"
D-120 A	8" x 8" x 10"	10"
D-121 A	8" x 8" x 10"	10"
D-122 A	8" x 8" x 10"	10"
D-123 A	8" x 8" x 10"	10"
D-124 A	8" x 8" x 10"	10"
D-125 A	8" x 8" x 10"	10"
D-126 A	8" x 8" x 10"	10"
D-127 A	8" x 8" x 10"	10"
D-128 A	8" x 8" x 10"	10"
D-129 A	8" x 8" x 10"	10"
D-130 A	8" x 8" x 10"	10"

# WINDOW LEGEND

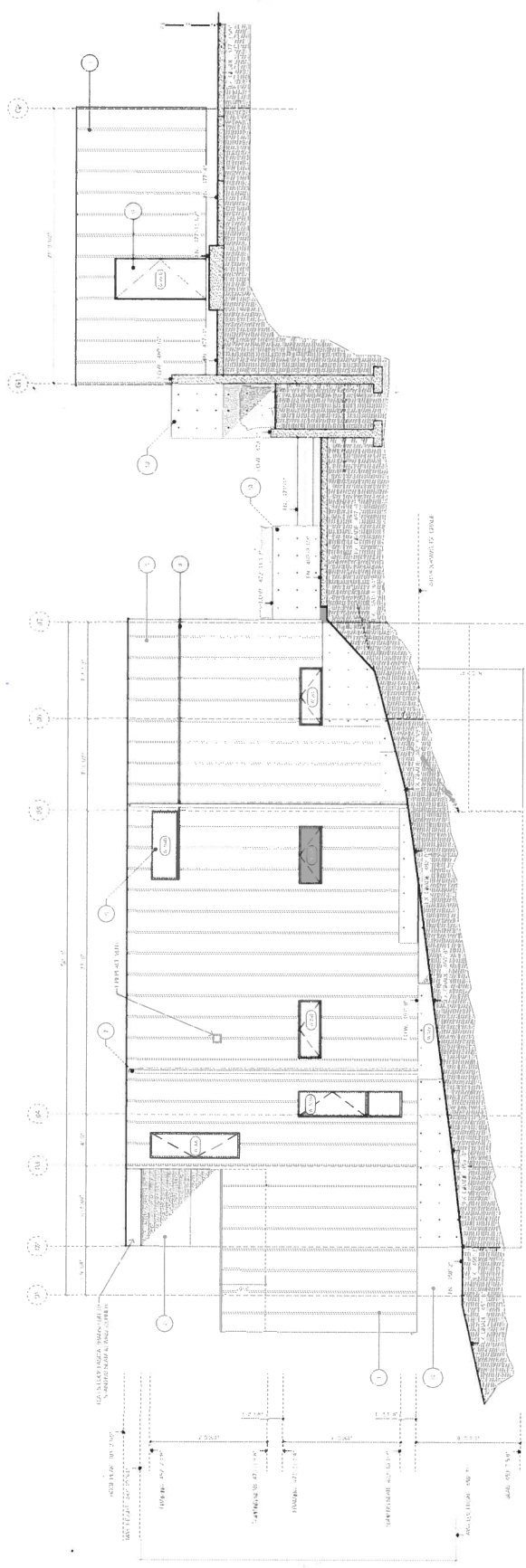
Window	Material	Finish
W-101 A	8" x 8" x 10"	10"
W-102 A	8" x 8" x 10"	10"
W-103 A	8" x 8" x 10"	10"
W-104 A	8" x 8" x 10"	10"
W-105 A	8" x 8" x 10"	10"
W-106 A	8" x 8" x 10"	10"
W-107 A	8" x 8" x 10"	10"
W-108 A	8" x 8" x 10"	10"
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W-116 A	8" x 8" x 10"	10"
W-117 A	8" x 8" x 10"	10"
W-118 A	8" x 8" x 10"	10"
W-119 A	8" x 8" x 10"	10"
W-120 A	8" x 8" x 10"	10"
W-121 A	8" x 8" x 10"	10"
W-122 A	8" x 8" x 10"	10"
W-123 A	8" x 8" x 10"	10"
W-124 A	8" x 8" x 10"	10"
W-125 A	8" x 8" x 10"	10"
W-126 A	8" x 8" x 10"	10"
W-127 A	8" x 8" x 10"	10"
W-128 A	8" x 8" x 10"	10"
W-129 A	8" x 8" x 10"	10"
W-130 A	8" x 8" x 10"	10"

# ELEVATION LEGEND

1. PREPARED BY: [Name]
2. CHECKED BY: [Name]
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4. DATE: [Date]
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1. ELEVATION  
Scale: 1/8" = 1'-0"



2. ELEVATION  
Scale: 1/8" = 1'-0"



