



**BOARD OF VARIANCE
PLANNING COMMENTS**

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| BV # | 6420 | Address | 3814 Oxford Street |
| X-Reference | BOV #21-00002 | Hearing | 2021 February 04 |

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| Project | Fence and retaining wall enclosure for swimming pool addition to an existing Single Family Dwelling |
| Zoning | R5 Residential District |
| Neighbourhood | Burnaby Heights – Single and Two Family Neighbourhood |

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| Appeal(s) to vary: | <p>1) Sections 6.13.1(b) – “Vision Clearance at Intersections” of the Burnaby Zoning Bylaw which, if permitted, would allow the height of the constructed retaining wall or fence located in the required vision clearance would be a maximum of 2.15 m (7.04 ft.) where a maximum height of 1.07 m (3.51 ft.) is permitted; and</p> <p>2) Sections 6.14.1(2)(1)(b) – “Fences” of the Burnaby Zoning Bylaw which, if permitted, would allow the height of the constructed fence of up to 2.07 m (6.79 ft.) to the rear of a required front yard where no fence greater than 1.80 m (5.91 ft.) in height is permitted.</p> |
| Zoning Bylaw intent: | <p>1) The intent of the Zoning Bylaw in requiring the vision clearance is to facilitate vehicular, pedestrian and cyclist safety at street and lane intersections. The vision clearance area is a triangular area formed by the property lines and a line adjoining two points along the property lines. In this case, the joining line must be 6.0 m (19.6 ft.) from the intersection of the property lines.</p> <p>2) The intent of the Zoning Bylaw in limiting fence heights is to mitigate the massing impacts of new fences, walls and other structures on neighbouring properties.</p> |
| Variance Description: | <p>1) A 2.15 m (7.04 ft.) fence has been constructed within the vision clearance where a maximum height of 1.07 m (3.51 ft.) is permitted for any structure other than a principal building. For the building permit to be approved a variance has been requested to vary the Zoning Bylaw requirement of 1.07 m (3.51 ft.).</p> |

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| | <p>2) A 2.06 m (6.79 ft.) high fence has been constructed along the rear property line where a maximum height of 1.80 m (5.91 ft.) is permitted. The fence height is determined by measurement from the surface of the grade level. In this case the portion of the retaining wall above the surface of the grade level is included in the calculation. For the building permit to be approved a variance has been requested.</p> |
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Subject Site Considerations

- The subject site is a large sized lot with a width of 30.48 m (100.00 ft.) and a depth of 37.17 m (121.99 ft.). This is approximately double the width of typical lots in this neighbourhood.
- The site is relatively flat observing a minimal slope to the south.
- The subject site observes frontages along Oxford Street to the north and Esmond Avenue to the west and abuts a lane to the rear.
- An existing 4.37 m (14.33 ft.) City owned boulevard separates the site from the neighbouring street (Esmond Avenue) to the west. Large existing hedges are located along the west property line which extend into the Esmond Avenue boulevard. It should be noted that the Zoning Bylaw requires no hedge, shrub, tree or other growth be maintained or allowed to grow so as to obstruct vision clearance within private property.
- The existing dwelling on the subject site is registered and protected as a heritage building.
- There is an in ground pool (subject of the recent Building Permit BLD 20-00222) and an existing garage off the lane to the rear of the property.

Neighbourhood Context Considerations

- The subject site is located in a well maintained neighbourhood with a mix of homes of varying ages.
- Single family dwellings neighbour the site to the east, across Oxford Street to the north, across Esmond Avenue to the west and across the lane to the south.
- The neighbour directly across the lane to the south has a large cedar fence along the property line limiting views of the proposed variances.

Specific Project Considerations

1. A Building Permit (BLD 20-00222) for an in ground swimming pool and fence enclosure was issued; however, the subject fence has been constructed exceeding the maximum height requirements of the Bylaw for vision clearance and fences to the rear of a front yard.
 - The subject fence is setback 0.610 m (2.0 ft.) from the western property line and 0.203 m (0.66 ft.) from the south (rear) property line. The non-compliant fence extends along 5.39 m (17.69 ft.) of the required 6.0 m (19.69 ft.) vision clearance on the lane side where it exceeds the Bylaw height requirement by 1.08 m (3.53 ft.).
 - The BC Building Code requires a 1.57 m (5.0 ft.) high enclosure around all swimming pools. The subject fence is proposed to meet this requirement; however, there are other

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design options for siting of the fence and pool which could comply with the Building Code and limit the encroachment into the vision clearance.

2. With respect to the second appeal the fence height is determined by measuring from the ground level at the surface of the grade to the top of the fence. In this case, the portion of the retaining wall above the surface of the grade level is included in the calculation. Measuring from the grade, 0.55 m (1.79 ft.) of retaining wall are added to the fence height of 1.57 m (5.0 ft.) to equal a total fence height of 2.07 m (6.79 ft.). The over height portion of the fence is 0.27 m (0.88 ft.).

- The over height fence, subject of this second appeal, extends from the edge of the vision clearance parallel to the rear property line for a distance of approximately 9.65 m (31.66 ft.) where it turns to meet the existing garage. The fence is offset from the rear property line by 0.203 m (0.66 ft.).
- Although the purpose of the proposed fence is to provide an enclosure for the swimming pool, the requested height variance exceeds the minimum Building Code requirement for pool enclosures of 1.52 m (5.0 ft.) as well as the Zoning Bylaw maximum fence height requirement of 1.80m (5.91 ft.). Other design options could be explored that would meet both these requirements.


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PLANNING AND BUILDING

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