



## 2021 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 Antonio Dente  
Mailing Address 5388 Labornum Avenue  
City/Town Vancouver Postal Code V6M 3S6  
Phone Number(s) (H) \_\_\_\_\_ (C) 604-404-2833  
Email dentemechanical@gmail.com

#### Property

Name of Owner Antonio Dente  
Civic Address of Property 313 Ellesmere Ave N.

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.

March 9/2021  
Date

[Signature]  
Applicant Signature

#### Office Use Only

Appeal Date 2021 April 08 Appeal Number BV# 6426

#### 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



## BOARD OF VARIANCE REFERRAL LETTER

DATE: March 1, 2021		<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: March 9, 2021 for the April 8, 2021 hearing.			
APPLICANT NAME: Antonio Dente			
APPLICANT ADDRESS: 5388 Laburnum St. Vancouver B.C. V6M 3S6			
TELEPHONE: 604-404-2833			
<b>PROJECT</b>			
DESCRIPTION: New single family dwelling with secondary suite and detached garage			
ADDRESS: 313 Ellesmere Ave N			
LEGAL DESCRIPTION:	LOT: 1	DL: 189	PLAN: EPP81296

Building Permit application BLD20-00683 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

**Zone R2 / Sections 6.14.1(1) and 6.14.1(3)**

### COMMENTS:

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

- 1) To vary Section 6.14.1(1) – "Retaining Walls" of the Zoning Bylaw requirement for the maximum retaining wall height from 1.2 m (3.94 ft.) to 1.37 m (4.5 ft.). The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.
- 2) To vary Section 6.14.1(3) – "Retaining Walls" of the Zoning Bylaw requirement for the shortest horizontal distance between the outer face of two adjacent retaining walls shall not be less than the height of the retaining wall with greater height of 1.37 m (4.5 ft.) to 1.12 m (3.67 ft.). The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.
- 3) To vary Section 6.14.1(3) – "Retaining Walls" of the Zoning Bylaw requirement for the shortest horizontal distance between the outer face of two adjacent retaining walls shall not be less than the height of the retaining wall with greater height of 1.2 m (3.94 ft.) to 0.61 m (2.0 ft.). The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.
- 4) To vary Section 6.14.1(1) – "Retaining Walls" of the Zoning Bylaw requirement for the maximum retaining wall height from 1.2 m (3.94 ft.) to 1.87 m (6.16 ft.). The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.

*Note:*

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. All new principal building projections into the resulting required yards will conform to the requirements of Section 6.12.
3. Principal building projection exemptions in the calculations of building depth will conform to the requirements of the Depth, Principal Building definition.
4. Retaining walls and Fences will conform to the requirements of Section 6.14.

JQ

Peter Kushnir  
Deputy Chief Building Inspector

City of Burnaby  
Planning Department Board of Variance 4949 Canada Way  
Burnaby BC  
V5G 1M2

Dear Board of Variance Members,

**Re: Building Permit Application BLD20-00683 Single Family home for Mr. & Mrs. Dente At 313 Ellesmere Street Burnaby BC.**

As I'm sure the Board is aware that this site is really one of those awkward sites that was at the very limits of practical development when created over 50 years ago. Obvious evidence of this is the fact that the lot is actually required to share a driveway to achieve access due to vehicle lane access only. Access compromised due to the limitations created by the area's natural topography.

A hardship therefore exists in just attempting to accommodate a practical house and garage. In addition, the design was done keeping in mind the limited access, as there is no front street and a tight lane keeping parking extremely limited for the homeowner and tenant suite. We have however achieved a workable plan but require some further consideration from the Board in order to make the home more livable day to day.

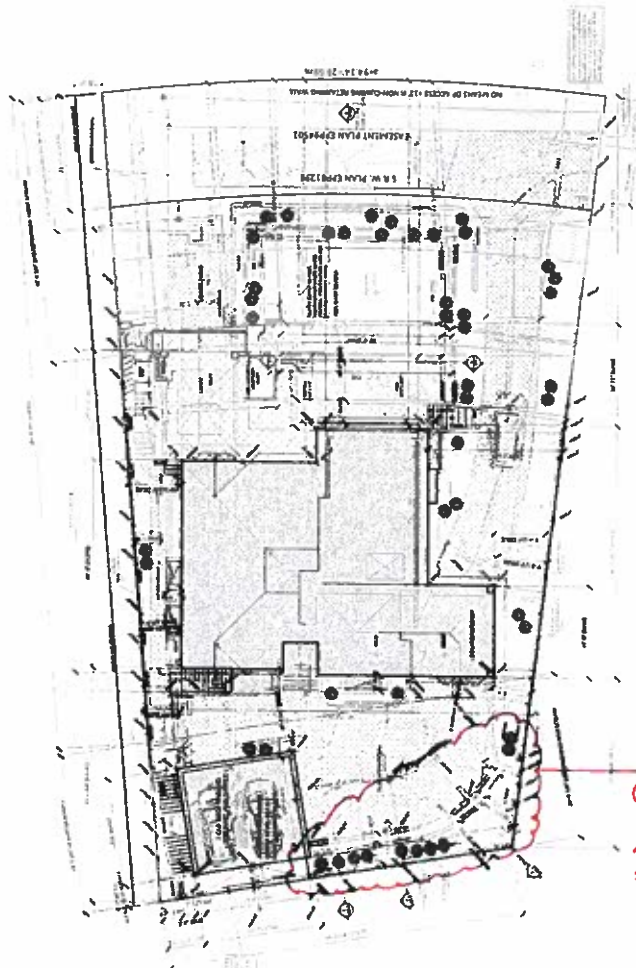
This is still a very challenging lot to accommodate a practical family home especially one with a yard for family play and grow up. Practical access for a mother returning with carloads of groceries for a large active growing family is an essential part of any home's livability and harmony. To encourage this the main family garden area is placed on the brightest side of the lot, technically the front but arguably the rear, which means the driveway, as required by the subdivision off the front, needs to run up the side to the rear. In order to do that and still be at an accessible elevation to the main floor, there is a need to retain to the lane. Whilst the current proposal does work the circulation space is very tight. This is a hardship that exists by the very nature of the lot and we have done our best to mitigate but it would make things a lot easier to deal with daily, if there was more room. Hence we request an increase in the allowable height of our retaining walls.

Over recent years the retaining wall design limitations have increased, and wall heights have been reduced with more need for intermediate walls. This project started five years ago, and at the time of the original drawings met the bylaws requirements. After completing all requirements set forth by the City of Burnaby for subdivision approval, new bylaws had been put into place only months prior to submission, leading to the need for a variance request. This all takes valuable space. In order to meet these recent changes, we have had to space the walls apart and increase their number in order to make them comply. All of this means the space we had for vehicles maneuvering room has been compromised, with no way to rectify it without a variance. The walls also encroach on the entrance of the garage making it impossible to maneuver two cars into the garage.

Given these walls cannot be seen by anyone other than the homeowner it seems sensible that we ask that hardship caused by compliance with the bylaws be reduced by allowing the retaining wall height to be increased. The wall itself can be reduced visually by placing cedar's directly in front of it but also gives the owner the chance of a "soft bump", rather than the potential direct contact with the concrete wall. In addition, we have spoken with the engineering department, and have received their full support.

We trust that the Board will see this as a reasonable request and grant this Variance in order that the homeowner can maneuver more easily on their property.

VOB PROPOSED

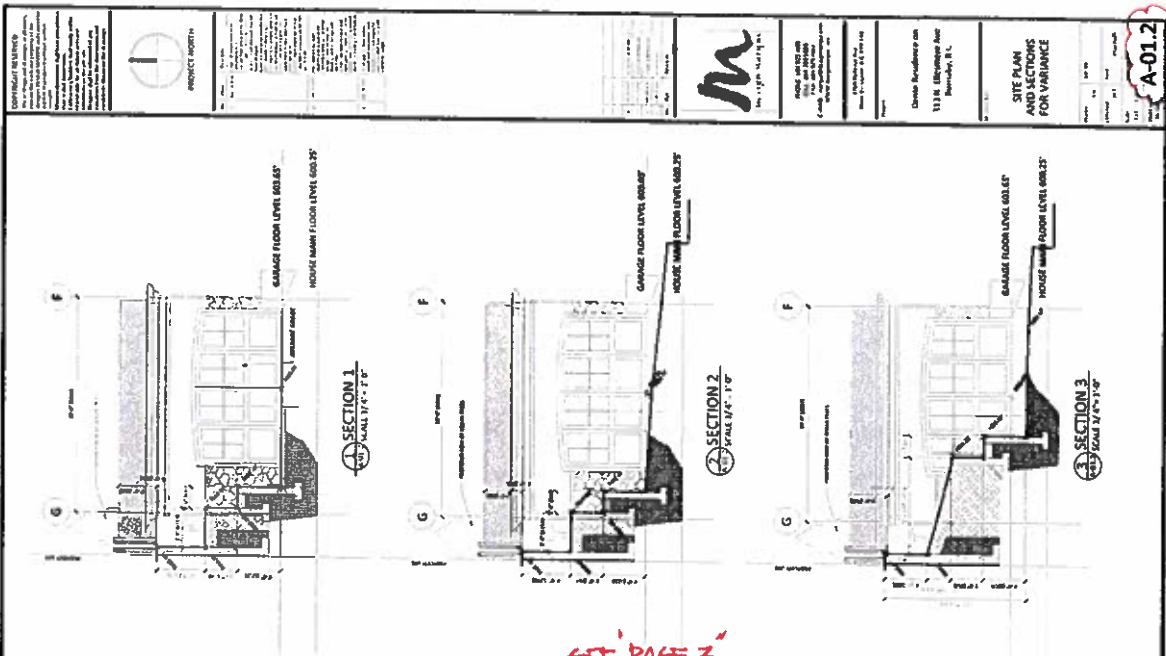


1 SITE PLAN  
SCALE 1/8" = 1'-0"

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

SEE PAGE 2  
(OF REDUCED  
COPY)  
SEE PAGE 4  
FOR ELEVATION DWG

PAGE 1



SEE PAGE 3  
(OF REDUCED COPY)

**PROJECT NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).

2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.

**PROJECT NORTH**

**DATE** 11/11/2020

**BY** J. M. HARRIS

**FOR** J. M. HARRIS

**SCALE** 1/4" = 1'-0"

**CLIENT** J. M. HARRIS

**PROJECT** 11111 E. 11111 AVE

**CITY** BIRMINGHAM, AL

**STATE** AL

**COUNTY** BIRMINGHAM, AL

**ZIP** 35201

**PHONE** 205-111-1111

**FAX** 205-111-1111

**EMAIL** J. M. HARRIS@J. M. HARRIS.COM

**WEBSITE** J. M. HARRIS.COM

**ARCHITECT** J. M. HARRIS

**11111 E. 11111 AVE**

**BIRMINGHAM, AL**

**35201**

**205-111-1111**

**J. M. HARRIS@J. M. HARRIS.COM**

**J. M. HARRIS.COM**

**SITE PLAN AND SECTIONS FOR VARIANCE**

**SCALE** 1/4" = 1'-0"

**DATE** 11/11/2020

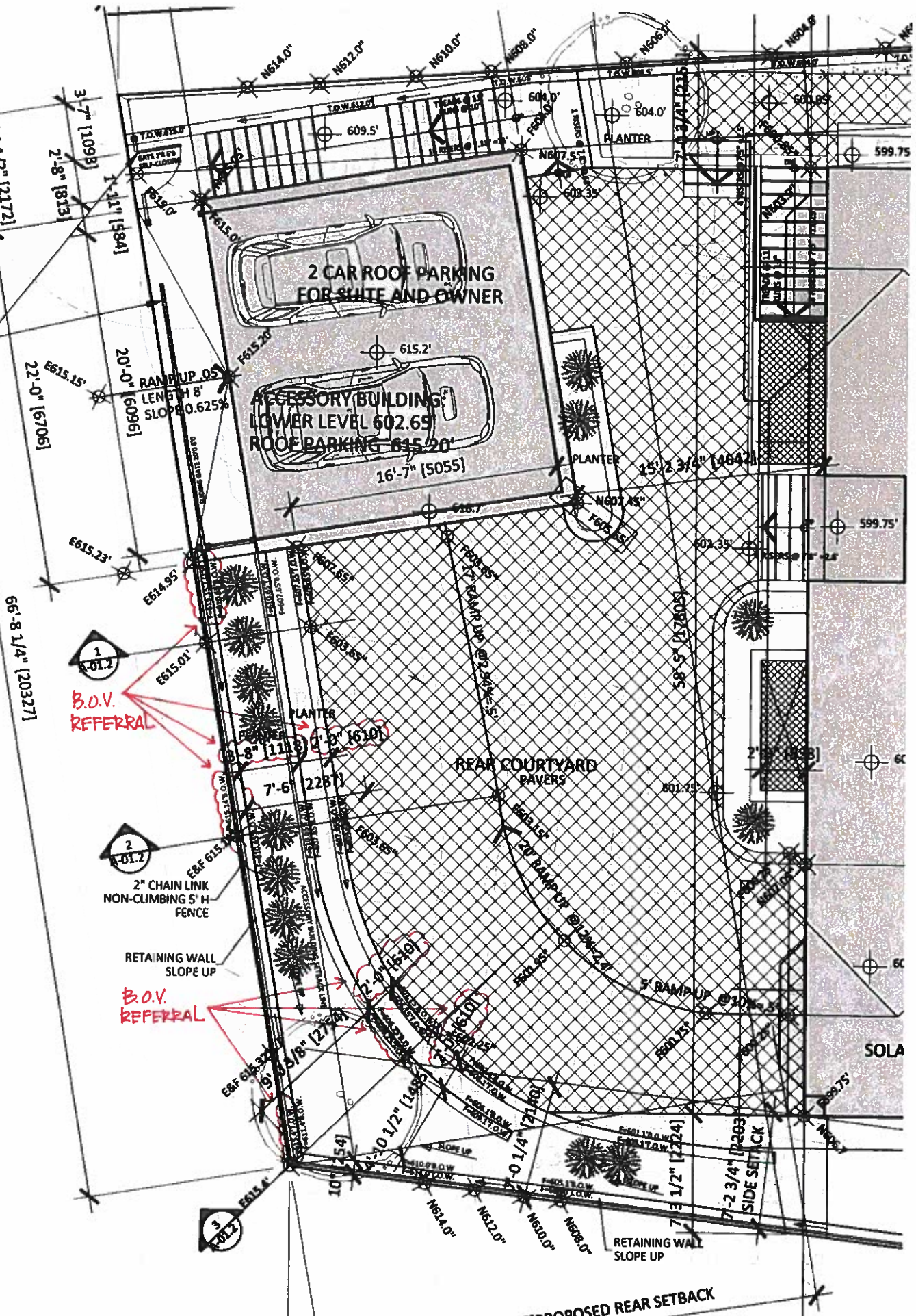
**BY** J. M. HARRIS

**FOR** J. M. HARRIS

**A-01.2**



LE GATES W/ TIED ON THE 'ERTY AT A HAN 3 ft EVEL AT THE



PROPOSED REAR SETBACK

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PROJECT NORTH

No.	Date	Revision
1	May 06 2006	Depth of house has been reduced to 40'-0". Garage floor elevation has been increased 13" from 602' to 603' 6". Roof elevation has been increased 1'-0".
2	Oct 10 2009	Front entrance has been moved and width of the front porch has been increased. Garage floor has been lowered 1'-0" to 603' 6".
3	Oct 08 2011	Revised g.s.d. and revised front entrance and garage floor elevation and roof elevation for new construction.

No.	Date	Revision
4	Oct 06 2011	Revised for 20' front porch.
5	Oct 12 2012	Revised for 20' front porch.
6	Nov 04 2010	Revised for 20' front porch.
7	June 08 2010	Revised for 20' front porch.



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WWW.designmarque.com

1745 Bellevue Ave.  
West Vancouver, B.C. V7V 1A8

Project:

Dente Residence on  
313 N. Ellesmere Ave.  
Burnaby, B.C.

Drawing Title:

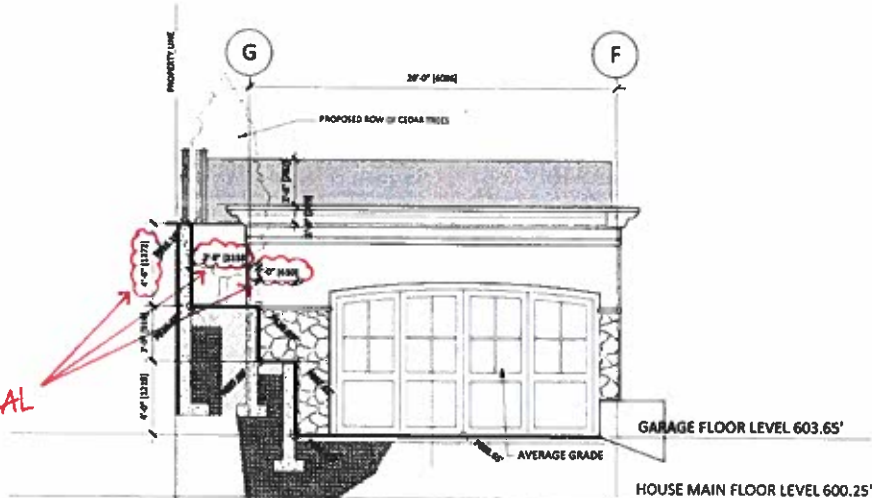
SITE PLAN  
AND SECTIONS  
FOR VARIANCE

Drawn:	Job No:
Checked:	Date:
Scale:	Drawing No:
PLOT SIZE:	A-01.2

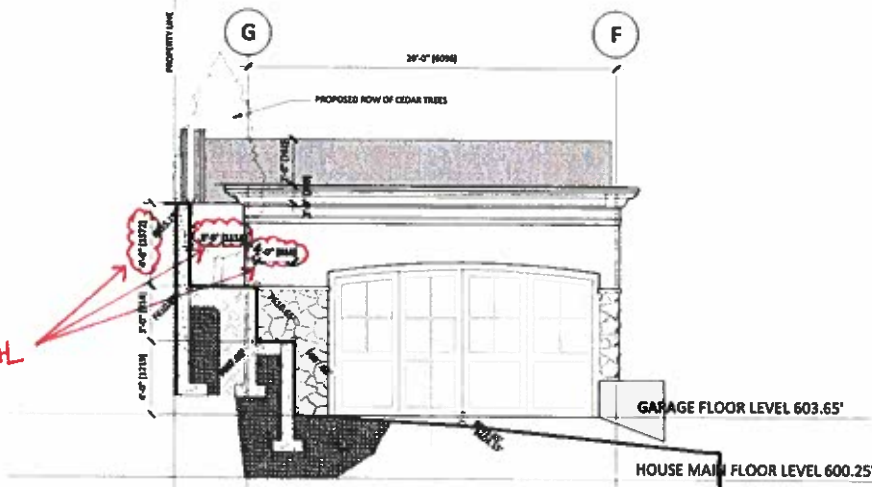
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REFERRAL

B.O.V.  
REFERRAL

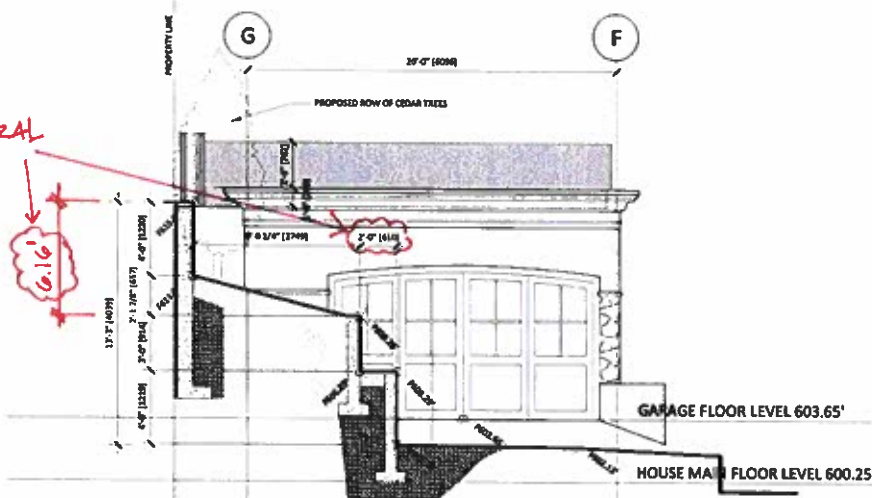
B.O.V.  
REFERRAL



SECTION 1  
SCALE 1/4" = 1'-0"



SECTION 2  
SCALE 1/4" = 1'-0"



SECTION 3  
SCALE 1/4" = 1'-0"

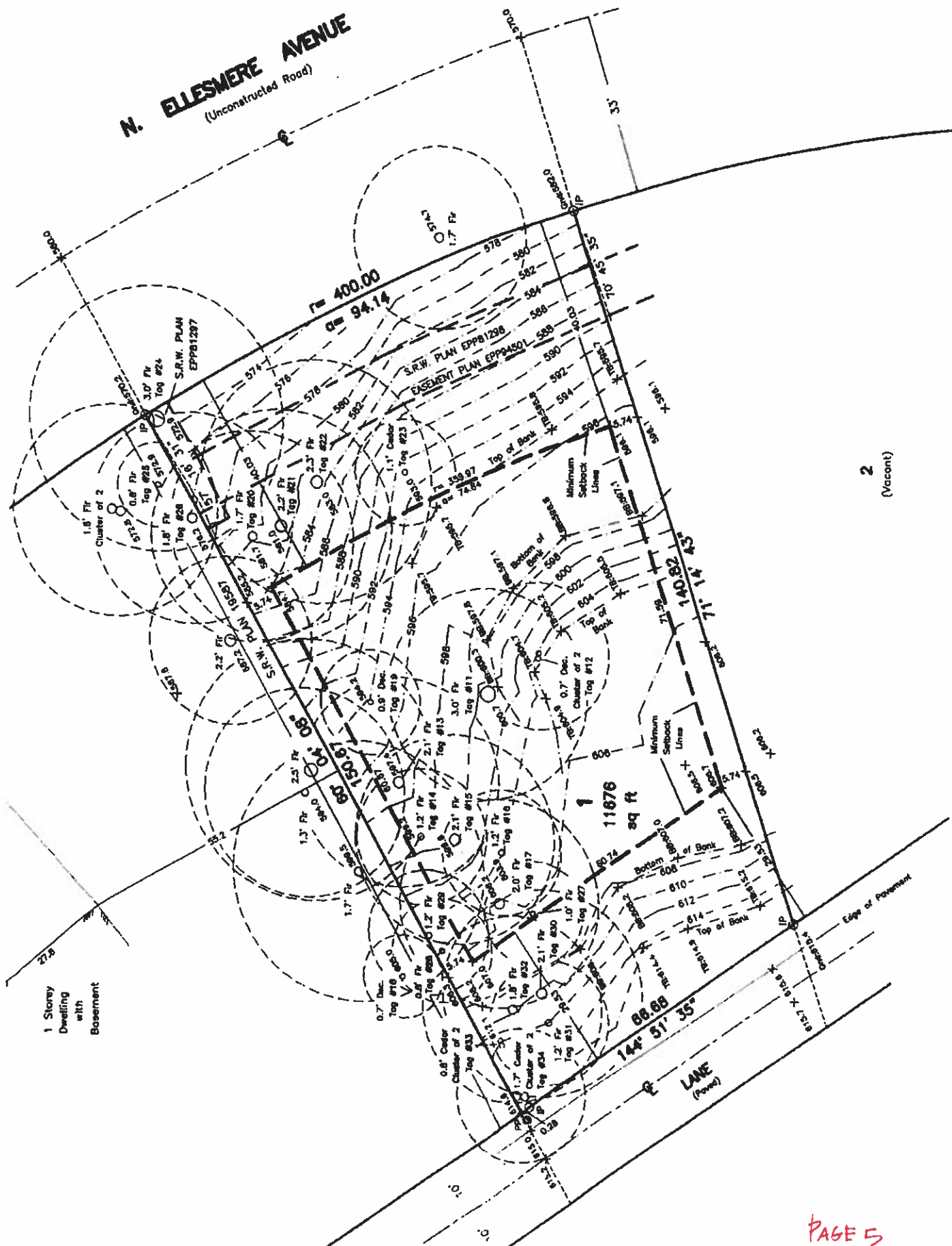


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# N. ELLESMERE AVENUE (Unconstructed Road)

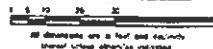


2  
(Vacant)

1 Storey  
Dwelling  
with  
Basement

213 D. Edwards, J. P. M. van der Pijl  
University, ILIC**ICM447: F2**

SCALE: 1 INCH = 10 FEET



RECEIVED  
AUG 12 2020  
BUILDING DEPARTMENT

3  
Prasasti

**PCW**

1. **Survey**  
**Overview**  
 1. **Survey**  
 2. **Survey**  
 3. **Survey**

4  
ELECTRIC  
MOTOR

**Abstract**

0 P Gerald van Zant  
 Cnd Charles Priddy  
 TS Charles E. Taylor  
 Sh Kenneth Walker of Ind  
 PP George J. Brown  
 Sec Charles Campbell  
 Wg H. Douglas Moore

5

[illegible]

MC-76

The building contracts shown in gray are interpretation of the City of Dunsmuir Building System. The size and location of the building contracts are in conformity with the City of Dunsmuir Planning Department prior to any change work. Failure to comply with the Planning Department will place the responsibility upon the contractor.

All credit cards have been deleted as  
required by Bureau from 8/20/04.

IN BACK OF ADJUTANT OFFICERS				
ROUTE NO.	ST. NO.	WATER DISTANCE	ST. NO.	
201	1	43.2		
203	2	71.61 (Percent)		
201	203 +	43.2		
SAME MAPS	1	74.93 (Percent)		45.63
WATER DIST.				

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officially signed and sealed

**CERTIFIED CORRECT:**

**BCJS**

May 15, 2020

FILE: TC-23284

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