



BOARD OF VARIANCE MINUTES

**Thursday, March 4, 2021, 5:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC**

PRESENT: Mr. Rana Dhatt, Chair
Ms. Jacqueline Chan, Resident Representative
Ms. Brenda Felker, Resident Representative
Mr. Gulam Firdos, Resident Representative
Mr. Al Luongo, Resident Representative

STAFF: Ms. Joy Adams, Development Plan Technician
Ms. Eva Prior, Acting Deputy City Clerk

1. CALL TO ORDER

The Chair called the meeting to order at 5:00 p.m. and conducted the roll call. Due to the COVID-10 pandemic, all members of the Board participated electronically.

For the benefit of the Board members that were participating electronically, the Acting Deputy City Clerk reviewed the staff members present at the meeting.

The Chair recognized the ancestral and unceded homelands of the hən̓q̓əmin̓əm̓ and Skwxwú7mesh speaking peoples, and extended appreciation for the opportunity to hold a meeting on this territory.

The Chair reviewed the purpose of the Board of Variance Hearing, and provided instructions for members of the public participating through teleconference.

2. MINUTES

2.1 Minutes of the Board of Variance hearing held on 2021 February 04

MOVED BY MS. BRENDA FELKER
SECONDED BY MR. AL LUONGO

THAT the minutes of the Burnaby Board of Variance Hearing held on 2021 February 04 be adopted.

CARRIED UNANIMOUSLY

3. **APPEAL APPLICATIONS**

3.1 **BOV #6421 - 3581 Phillips Avenue (5:00p.m.)**

APPELLANT: Tarndeeep Tarn Dhillon

REGISTERED OWNER OF PROPERTY: Tarndeeep Tarn Dhillon

CIVIC ADDRESS OF PROPERTY: 3581 Phillips Avenue

LEGAL DESCRIPTION OF PROPERTY: LOT: 199 DL: 44 PLAN: NWP56017

APPEAL:

An appeal for the relaxation of Section 101.8 (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 attached garage at 3581 Phillips Avenue. This relaxation would allow for a front yard depth of 7.62 metres (25 feet) where a minimum front yard depth of 9 metres (29.50 feet) is required based on front yard averaging.

APPELLANT'S SUBMISSION:

A letter was received from Tarndeeep Dhilon requesting a variance to reduce the minimum required front yard setback. Mr. Dhilon advised that there is a stream that runs diagonally through the middle of the back yard which has caused a set back of the building envelope. Currently, the square footage and living area are limited due to the stream, hence the need for a variance in the front yard to facilitate the building of a desired dwelling that is equivalent to the new homes in the neighbourhood. Mr. Dhilon advised that the neighbouring homes along Phillips Avenue have also had a relaxed front yard setback.

Mr. Tarn Dhillon appeared before the Board of Variance via Zoom.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

BV #	6421	Address	3581 Phillips Avenue
X-Reference	BOV #21-00003	Hearing	2021 March 04

Project	New Single Family Dwelling with secondary suite and attached garage.
Zoning	R1 Residential District
Neighbourhood	Bainbridge – Single Family Neighbourhood

Appeal(s) to vary:	Section 101.8 – “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 attached garage at 3581 Phillips Avenue. This relaxation would allow for a front yard depth of 7.62 m (25.00 ft.) where a minimum front yard depth of 9.00 m (29.50 ft.) is required based on front yard averaging.
Zoning Bylaw intent:	Front yard setbacks help to harmonize the siting of new dwellings within the existing building setbacks on the block and to minimize massing impacts.
Variance Description:	The proposed variance is measured from the fronting property line along Phillips Avenue to the front façade of the proposed dwelling. A front yard depth variance of 1.38 m (4.53 ft.) is requested.
Subject Site Considerations	
<ul style="list-style-type: none"> ○ This typical interior lot is 43.98 m (144.30 ft.) deep and has a width of 26.45 m (86.80 ft.) fronting the east side of Phillips Avenue. Vehicular access is from Phillips Avenue. ○ Front yard averaging calculations are based on two adjacent properties to the south and two adjacent properties to the north, with front yards setbacks of 8.99 m (29.5 ft.), 10.72 m (35.2 ft.), 9.11 m (29.90 ft.) and 4.93 m (16.20 ft.) respectively. The property at 3525 Phillips Avenue affects these calculations. ○ The subject site is encumbered with an existing Statutory Right of Way (SRW) to the rear of the property protecting a tributary of Phillips Creek. A Streamside Protection and Environmental Area (SPEA) variance was granted by the Environmental Review Committee (ERC) of 10.00m (32.80 ft.) where a typical SPEA of 15.00 m (49.21 ft.) as measured from the top of bank would be required. No new construction is permitted within this SPEA setback. ○ The site observes a downward slope of approximately (4.50 ft.) in the east-west direction. Various trees and shrubs border the property along the SRW and rear and side property lines. 	
Neighbourhood Context Considerations	
<ul style="list-style-type: none"> ○ The subject site is located in an established single family neighbourhood where it is surrounded by single family dwellings of varying age and condition. ○ The development pattern of the block has typical established front yard setbacks with few exclusions both on the west and east side of Phillips Avenue near the subject site. 	
Specific Project Considerations	
<ul style="list-style-type: none"> ○ The proposed variance is observed along the front facade of the proposed dwelling for a distance of 5.02 m (16.50 ft.) from the southeast corner where it steps in 1.68 m (5.50 ft.) for a distance of 2.74 m (9.00 ft.) to create an entry porch. The proposed variance continues from this point for a distance of 6.71 	

- m (22.00 ft.) where it staggers 0.305 m (1.00 ft.) to the west continuing for 3.35 m (11.00 ft.) to the northwest corner of the building.
- The main façade of the second level of the proposed dwelling observes the same requested front yard depth for a distance of 4.26 m (14.00 ft.). It is then staggered on both sides assisting in reducing massing impacts.
 - With respect to the neighbour directly north of the subject site, the proposed dwelling would sit 1.19 m (3.90 ft.) in front of this neighbour as measured at the northeast corner. The neighbour directly south of the subject site would observe the proposed variance as measured to the southeast corner 1.37 m (4.50 ft.) directly in front of this existing neighbouring dwelling.
 - Although there are significant site constraints, other design options could be explored.

ADJACENT OWNERS' COMMENTS:

No correspondence was received regarding this appeal.

No telephone participants provided comments regarding this appeal.

MOVED BY MR. GULUM FIRDOS
SECONDED BY MS. JACQUELINE CHAN

THAT based on the plans submitted this appeal be allowed.

CARRIED
(Opposed: Ms. Chan and Ms. Felker)

BOARD MEMBER COMMENTS:

Mr. Dhatt found hardship due to physical site characteristics, and voted to approve the variance.

Ms. Chan found hardship due to physical characteristics; however, voted to deny as the variance was not minor.

Ms. Felker found that hardship was not identified, and voted to deny the variance.

Mr. Firdos found hardship due to physical site characteristics, and voted to approve the variance.

Mr. Luongo found hardship due to physical site characteristics, and voted to approve the variance.

3.2 BOV #6422 - 4781 Frances Street (5:15 p.m.)

APPELLANT: John Wong

REGISTERED OWNER OF PROPERTY: John Wong and Cheryl Wong

CIVIC ADDRESS OF PROPERTY: 4781 Frances Street

LEGAL DESCRIPTION OF PROPERTY: LOT: 21 BLK: 14 DL: 122 PLAN:
NWP1308

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 4781 Frances Street. This relaxation would allow for a front yard depth of 6.32 metres (20.72 feet) where a minimum front yard depth of 7.67 metres (25.18 feet) is required based on front yard averaging.

APPELLANT'S SUBMISSION:

A letter was received from John and Cheryl Wong requesting a variance to construct a new single family dwelling with secondary suite and detached garage. Mr. and Mrs. Wong are looking to build their forever home while their children are young and would not like to wait until other homes to the west are built to be allowed setbacks.

Mr. John Wong appeared before the Board of Variance via Zoom.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

BV #	6422	Address	4781 Frances Street
X-Reference	BOV #21-00004	Hearing	2021 March 04

Project	New Single Family Dwelling with secondary suite and detached garage.
Zoning	R5 Residential District
Neighbourhood	Brentwood Park – Single Family and Two Family Neighbourhood

Appeal(s) to vary:	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 4781 Frances Street. This relaxation would allow for a front yard depth of 6.32 m (20.72 ft.) where a minimum front yard depth of 7.67 m (25.18 ft.) is required based on front yard averaging.
Zoning Bylaw intent:	Front yard setbacks help to harmonize the siting of new dwellings within the existing building setbacks on the block and to minimize massing impacts.

Variance Description:	The proposed variance is measured from the fronting property line along Frances Street to the front façade of the proposed dwelling. A front yard depth variance of 1.35 m (4.43 ft.) is requested.
Subject Site Considerations	
<ul style="list-style-type: none"> ○ This typical interior lot is 37.17 m (121.96 ft.) deep and has a width of 10.05 m (32.99 ft.) fronting onto Frances Street to the south. A lane abuts the property to the north (rear). ○ Front yard averaging calculations are based on two adjacent properties to the east and two adjacent properties to the west, with front yards setbacks of 7.74 m (25.40 ft.), 8.01 m (26.30 ft.), 7.56 m (24.80 ft.) and 7.38 m (24.20 ft.) respectively. ○ The subject site is relatively flat and vehicular access will be retained from the rear lane. 	
Neighbourhood Context Considerations	
<ul style="list-style-type: none"> ○ The subject site is located in an established single and two family neighbourhood where it is surrounded by single family dwellings of varying age and condition. ○ The development pattern of the block has typical established front yard setbacks with minimal exclusions both on the south and north side of Frances Street near the subject site. 	
Specific Project Considerations	
<ul style="list-style-type: none"> ○ The proposed variance is observed along the front facade of the proposed dwelling for a distance of 3.66 m (12.00 ft.) from the southeast corner where it steps in 0.76 m (2.50 ft.) and continues for a distance of 3.91 m (12.83 ft.) to the southwest corner of the proposed dwelling. The front yard depth at this southwest corner would be 7.07 m (23.22 ft.) as measured to the front facade. The second storey is aligned with the first floor front façade. ○ With respect to the neighbour directly east of the subject property, the proposed dwelling would sit 1.39 m (4.58 ft.) in front of this neighbour as measured at the southeast corner. The neighbour directly west of the subject site would observe the proposed dwelling 0.73 m (2.38 ft.) in front as measured to the southwest corner of the proposed dwelling. ○ Although the staggered design of the proposed dwelling reduces impacts due to massing on neighbouring dwellings, other design options could be explored. 	

ADJACENT OWNERS' COMMENTS:

Correspondence was received from owners/occupants of 4771 Frances Street in support of the appeal.

Correspondence was received from owners/occupants of 4789 Frances Street in support of the appeal.

No further correspondence was received.

The homeowner/occupant of 4771 Frances Street joined the meeting via teleconference and expressed concern regarding the possible loss of sunlight in their front yard.

MOVED BY MS. BRENDA FELKER
SECONDED BY MS. JACQUELINE CHAN

THAT based on the plans submitted this appeal be allowed.

DEFEATED

(Opposed: Mr. Dhatt, Ms. Chan, Ms. Felker, Mr. Firdos, and Mr. Luongo)

BOARD MEMBER COMMENTS:

Mr. Dhatt found that no hardship had been identified and voted to deny.

Ms. Chan found that no hardship had been identified and voted to deny.

Ms. Felker found that no hardship had been identified and voted to deny.

Mr. Firdos found that no hardship had been identified and voted to deny.

Mr. Luongo found that no hardship had been identified and voted to deny.

4. NEW BUSINESS

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

5. ADJOURNMENT

MOVED BY MS. JACQUELINE CHAN
SECONDED BY MR. AL LUONGO

THAT the Hearing be adjourned.

CARRIED UNANIMOUSLY

The Hearing adjourned at 6:02 p.m.

Mr. R. Dhatt, Chair

Ms. J. Chan

Ms. B. Felker

Mr. G. Firdos

Mr. A. Luongo

Ms. E. Prior, Acting Deputy City Clerk