



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 NISHIN HANDA
Mailing Address 5643 PORTLAND STREET
City/Town BURNABY Postal Code V5J2R7
Phone Number(s) (H) _____ (C) 604-518-5003
Email nishin@hansaldevebment.com

Property

Name of Owner Nishin Handa
Civic Address of Property 6145 WALTHAM AVENUE

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.

Date

05/10/21

Applicant Signature

Office Use Only

Appeal Date June 3, 2021 Appeal Number BV# 6430

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: May 3, 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: May 11, 2021 for the June 3, 2021 hearing.			
APPLICANT NAME: Nishin Handa			
APPLICANT ADDRESS: 5643 Portland Street, Burnaby BC V5J 2R7			
TELEPHONE: 604-518-5003			
PROJECT			
DESCRIPTION: New single family dwelling with secondary suite and detached garage			
ADDRESS: 6145 Waltham Avenue			
LEGAL DESCRIPTION:	LOT: 1	DL: 93	PLAN: EPP45768

Building Permit application BLD16-01564 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R4 / Sections 6.14.2(1)(a)

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 6.14.2(1)(a) – “Fences” of the Zoning Bylaw requirement for the maximum fence height along the front property line from 1.07 m (3.51 ft.) to varying heights up to 1.83 m (6.0 ft.)
- 2) To vary Section 6.14.2(1)(a) – “Fences” of the Zoning Bylaw requirement for the maximum fence height along the side property line within the front yard from 1.07 m (3.51 ft.) to varying heights up to 1.85 m (6.08 ft.)

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

Nishin Handa
6145 Waltham Avenue
Burnaby BC V5H3T9

April 26, 2021

ATTN: Burnaby Board of Variance (BOV)
Re: Application to Board for 6145 Waltham Avenue

I am applying to the BOV regarding my open building permit for 6145 Waltham Avenue. Our home has failed final inspection on account of our fences and front concrete walls being too high.

The bylaw for fencing dictates that fencing to the rear of the front yard can be 5.91ft in height. Given that our property has a 121ft long panhandle, we do not have a defined front yard. The front of our property is not our front yard.

Meaning that we are unable to clearly see the very front of our property from our front door. In order to know who is attempting to enter our property, we need a striker gate with a camera installed. The height of our striker gate and the concrete walls supporting it have been deemed too high, however this height is necessary for the recommended height of the camera based on the slope of our property from the sidewalk to the gate. We have the right to protection from unwanted strangers walking onto our property. With a gate at the 42" height required by the City of Burnaby, anyone could simply hop over our gate and onto our property, and this height would mean the striker camera is pointed at waist-level, rendered completely useless.

Given that our property is located next to a heavily forested boulevard, the current height of our fences and front walls is necessary in order to keep out bears, coyotes, and other wildlife. During construction, our neighbour's dog was bitten by a coyote on our property, and on July 15, 2019 a bear went through our neighbour's front yard at 6138 and 6136 Kisbey Avenue, which are located right behind us. Not having our fences at their current height would have meant that same bear could have been in our yard, making it impossible for us to be in our yard. Feeling safe within our property is our right. Furthermore, it is one of the only outdoor activities that my severely disabled sister gets to enjoy. There is no way we could run from a bear while pushing her heavy wheelchair into the home.

To make matters worse, crime has been increasing in the area. Our relative's vehicle was parked on Waltham Avenue in front of our property and it was broken into several times, with many items stolen.

Appendix A contains images taken from our front door and from the entrance of our property. Appendix B includes a letter from the tradesman that installed our striker gate as well as the specifications for the striker, and a letter from our doctor regarding my sister's condition. Please consider this application to allow the reasonable use and enjoyment of our property.

Thank you,
Nishin Handa
Property Owner

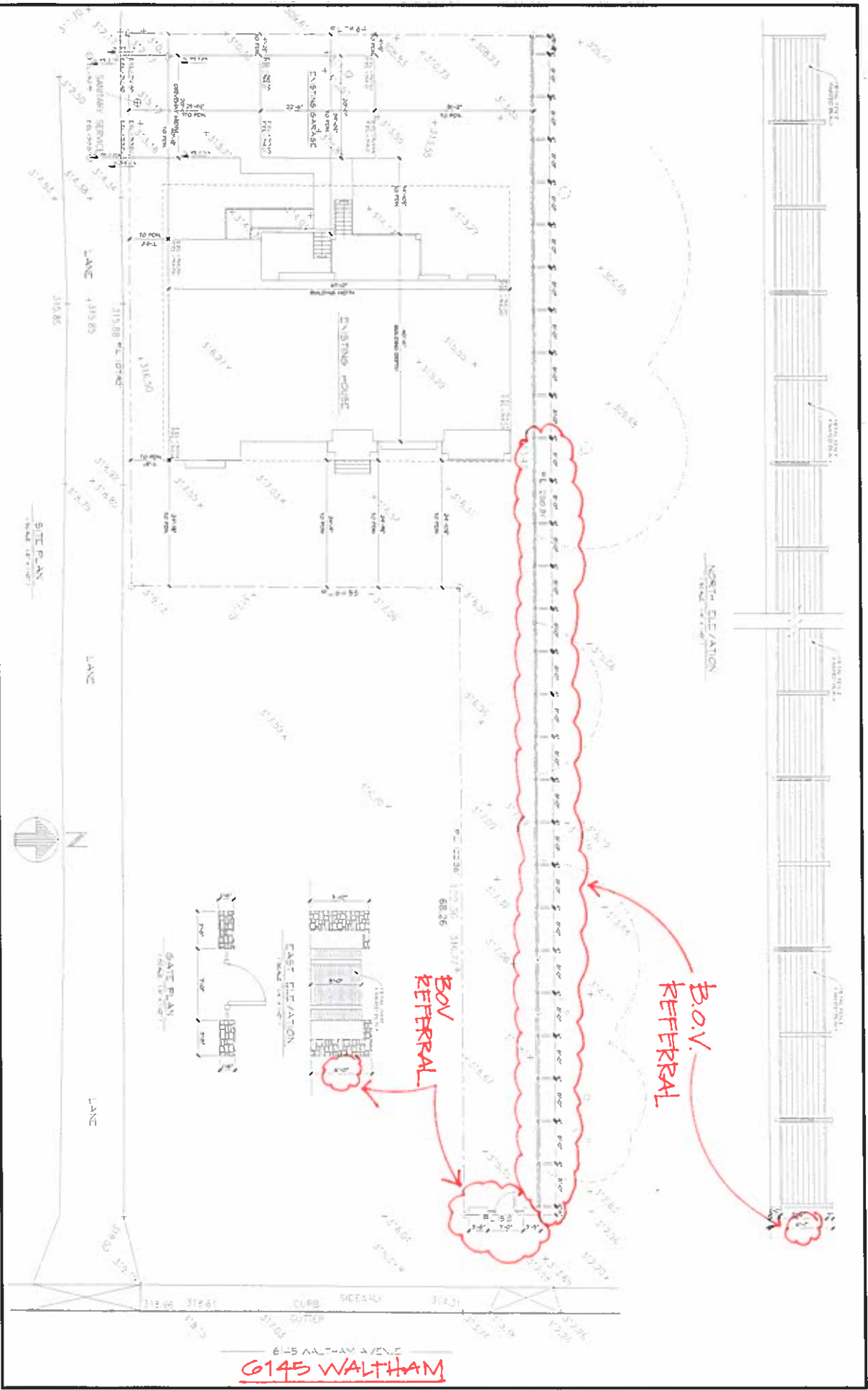
DATE AND NO. 2024
 TITLE
 SITE PLAN
 POST AND FENCE

PROPOSED HOUSING FOR
 6145 WALTHAM AVE
 BURNABY B.C.



PARAGON DESIGNS
 6145 WALTHAM AVE
 BURNABY B.C. V5C 4A1
 TEL: 604-766-4796
 EMAIL: info@paragondesigns.ca

THIS PLAN CONFORMS
 TO THE B.C. BUILDING
 CODE 2008 EDITION



Nishin Handa
6145 Waltham Avenue
Burnaby BC V5H3T9

Appendix A



Image 1: A picture taken from the front of our property showing that the front door is not visible from the front.

Nishin Handa
6145 Waltham Avenue
Burnaby BC V5H3T9



Image 2: A picture taken standing at our front door. Our pan-handle is to the left and our front gate is not visible.

Appendix B

Letters to follow this page:

1. From the tradesman that installed our striker and camera confirming the necessary height.
2. Specifications for the striker camera.
3. From our family physician confirming my sister's condition.

TVISHA TECHNOLOGIES LTD

(LICENSED, INSURED, BONDED)

Phone-7788635434

email: arun_812@yahoo.com

For the slope from the sidewalk to the front gate for both 6145 and 6147 Waltham Avenue, the required height of the camera is 64.17inch in accordance with the manufacturers guidelines. Lowering the gate and camera would render this camera useless because it will not accurately capture who is at the gate.

Arun Mehta

Tvisha Technologies Ltd

7788635434