



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 DAVID JACOBY
Mailing Address 9067 BRIAR RD
City/Town BURNABY Postal Code V3N 4V5
Phone Number(s) (H) 604 306 4709 W 604-524-5800
Email David@jacobyoffice.com

Property

Name of Owner Mary-Lynn Jacoby
Civic Address of Property 9067 BRIAR RD
Burnaby V3N 4V5

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.

May 11/21
Date

[Signature]
Applicant Signature

Office Use Only

Appeal Date JUNE 3/21 Appeal Number BV# 6433

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 10, 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: David Jacoby			
APPLICANT ADDRESS: 9067 Briar Road			
TELEPHONE: 604-306-4709			
PROJECT			
DESCRIPTION: New Deck at Rear to ESFD			
ADDRESS: 9067 Briar Road			
LEGAL DESCRIPTION:	LOT: 49	DL: 13	PLAN: NWP86157

Building Permit application BLD20-00407 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R2 / Sections 102.7(b)

COMMENTS:

The applicant has constructed a deck at the rear to existing single family dwelling. In order to allow the Building Permit application to proceed, the applicant requests that the following variances be granted:

- 1) To vary Section 102.7(b) – “Depth of Principal Building” of the Zoning bylaw requirement for the maximum building depth from 18.3 m (60 ft.) to 19 m (62.35 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.

CL

Peter Kushnir
Deputy Chief Building Inspector

May 10, 2021

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

RE: Jacoby residence at 9067 Briar Road – BLD20-00407

We are appealing to the Board of Variance to request permission to resume construction of our new deck in accordance with the drawings submitted and approved by the City of Burnaby. The drawings were first approved on June 9, 2020, under building permit BLD20-00407, followed by a small revision on July 2, 2020. Last month, the plan checker at the city contacted me to say that she made an error in her review of the drawings and subsequently it has been determined that the deck in the north west corner extends beyond the maximum allowed.

When my wife and I decided to move forward with renovation plans to build this deck, we went to great lengths to engage appropriate professional services to assist us with the build. We wanted to ensure our renovation was designed to meet our needs now and in the future, and importantly, that it passed inspection by the city building department. To achieve this, we felt strongly that hiring professional services, such as a designer and an engineer, was necessary. These consultants would have knowledge of the city by-laws, building codes and dealing with irregular sized lots to ensure a successful building application.

We took all the right steps. We hired a well-known designer, Jamie Banfield, to design our deck. Jamie is a keynote speaker at Home and Garden shows across the country. Jamie recommended we hire Michael Shafai of Tash Engineering as the structural consultant to ensure the design met all appropriate structural elements necessary for building our deck. We were looking forward to beginning construction in the summer of 2020, when I unexpectedly suffered a serious accident which postponed our plans.

In March 2021, Ellason Signature Homes began the excavation to install seven substantial footings for the foundation of the deck. An inspection of the reinforcement for the foundation was completed on March 31, 2021 by Michael Shafai of Tash Engineering and Daniel Salas, City Building Inspector. The entire deck structure was completed (photos available) when I contacted the building department to enquire about making an extension to the deck.


On April 21, the plan checker who assisted me in obtaining the permit, contacted me to say that she had made a mistake and was looking for more information from our designer regarding our drawings. After a review, it was determined that a small portion of the deck was built over the city's maximum allowable building depth limit.

This news was very upsetting to my wife and I because the structure of the deck was already built based on the building permit and approvals by the city inspector and our engineer. The mistake was not a result of anything we or our hired consultants had any awareness of. To comply with this new information discovered by the city would be an undue hardship that would require dismantling a significant portion of the deck and relocating three or four of the concrete footings and posts.

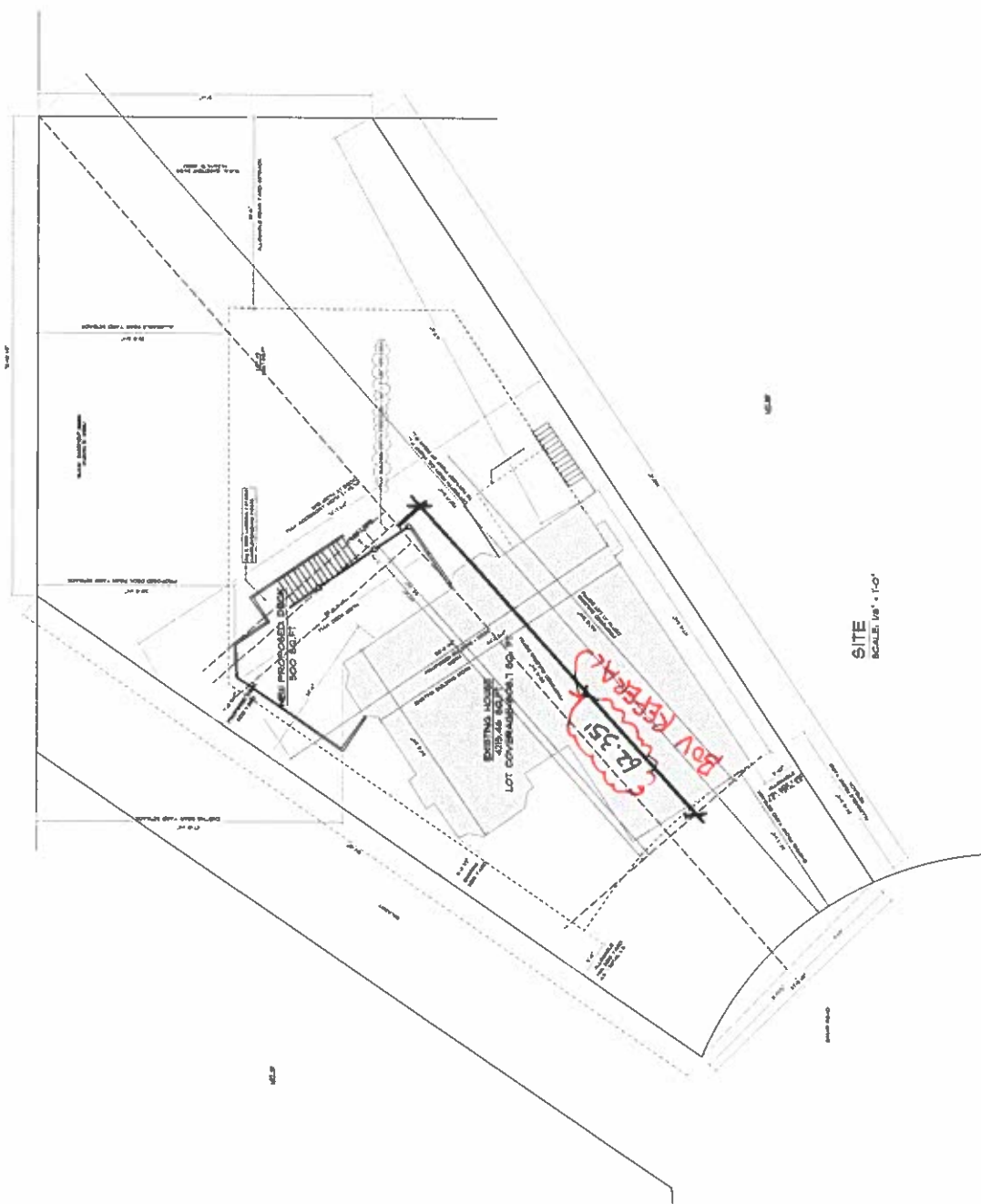
Our building contractor had scheduled a limited timeframe to build this deck as they have other project commitments. If we are required to make these alterations to the deck to receive final approval by the building inspector, it would delay the completion of our deck and result in not being able to enjoy the deck for another summer.

My wife and I have lived in this home for 19 years in June, and we are finally in a position where we can make this long overdue renovation. My accident delayed the project last year and we are devastated that an error by the city discovered after the structure was built could delay completion indefinitely and cause undue financial burden on us to replan, tear down and reconstruct. We took all the necessary steps to ensure we were conforming to the city's building requirements. I am appealing to the board to allow us to maintain the small portion of deck that was unknowingly built over the maximum limit.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Jacoby', with a stylized flourish extending from the end.

David Jacoby



FOR BOY

FOR BOY



JAMIE BANFIELD DESIGN

2739 MURRAY ST.
PORT MOODY, BC
V3H 1X1

604.385.1646

COPYRIGHT RESERVED:

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DIMENSIONS:

The contractor shall verify all dimensions and immediately report any errors and/or omissions to Jamie Banfield Design. Dimensions are shown in feet and inches (Ft/In) unless otherwise noted.

ISSUE:

NO.	DATE	DESCRIPTION
01	2020/03/04	ISSUE FOR REVIEW
02	2020/03/18	ISSUE FOR REVIEW
03	2020/03/19	ISSUE FOR REVIEW
04	2020/04/06	ISSUE FOR BP
05	2020/04/16	RE-ISSUE FOR BP
06	2020/04/21	RE-ISSUE FOR BP
07	2020/05/01	RE-ISSUE FOR BP
08	2020/05/08	RE-ISSUE FOR BP

REVISION:

NO.	DATE	DESCRIPTION

CLIENT /PROJECT:

JACOBY RESIDENCE
9067 BRIAR ROAD
BURNABY, BC
V3N 4V5

EXISTING HOUSE = 4215.46 SQ FT
DECK = 500 SQ FT

DRAWING TITLE:

DETAIL
PLAN

DRAWN:

SH

CHECKED:

J.BANFIELD

SCALE:

AS NOTED

SHEET #:

ID 1.03

