



BOARD OF VARIANCE M I N U T E S

**Thursday, July 08, 2021, 5:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC**

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

ABSENT: Ms. Jacqueline Chan, Resident Representative

STAFF: Ms. Margaret Malysz, Development Plan Approvals Supervisor
Mr. Rushi Gadoya, 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.

The Chair recognized the ancestral and unceded homelands of the Hən̓q̓əmin̓əŋ̓ 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 June 03

MOVED BY MS. FELKER

SECONDED BY MR. FIRDOS

THAT the minutes of the Board of Variance Meeting held on 2021 June 03 be now adopted.

CARRIED UNANIMOUSLY

3. **APPEAL APPLICATIONS**

3.1 **BOV #66434 – 878 MacDonald Avenue**

APPELLANT: Angelo Marrocco

REGISTERED OWNER OF PROPERTY: Carmela and Gerardo Centanni

CIVIC ADDRESS OF PROPERTY: 878 MacDonald Avenue

LEGAL DESCRIPTION OF PROPERTY: LOT: 8 DL: 116 PLAN: NWP1439

APPEAL:

This is an appeal for the relaxation of Sections 6.3.1 (Distance Between Buildings on the Same Lot) and 105.8(1) (Depth of Principal Building) of the Burnaby Zoning Bylaw which, if permitted, would allow for a new deck cover and already constructed deck extension, deck stairs and carport to garage conversion to an existing single family dwelling at 878 MacDonald Avenue. The following variances are being requested:

(a) the minimum distance between buildings would be 4.12 metres (13.5 feet) where a minimum distance of 4.5 metres (14.8 feet) is required; and

(b) the building depth would be 19.64 metres (65.5 feet) where a maximum building depth of 18.3 metres (60 feet) is permitted.

APPELLANT'S SUBMISSION:

A letter was received from Gerardo Centanni requesting a relaxation of bylaws concerning the existing main building, accessory building as well as the setback between the main and accessory building, which was built in 1980 and conformed with the zoning bylaws at that time.

The aluminum cover that is currently in place was built without a permit. The writer advised that at the time of installation, they had applied for a RV Parking permit and did not realize that the deck cover had not been approved.

Mr. Centanni, homeowner, and Ms. Figliola, daughter of the homeowner, appeared before the Board via Zoom.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

Project	New deck cover and previously constructed deck extension, deck stairs and carport to garage conversion to an existing single family dwelling.
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Zoning	R5 Residential District
Neighbourhood	Willington Heights – Single and Two Family Neighbourhood
Appeal(s) to vary:	<p>1) Section 6.3.1 – “Distance between Buildings on the same Lot” of the Burnaby Zoning Bylaw requirement for the minimum distance from 4.50 m (14.80 ft.) to 4.12 m (13.50 ft.).</p> <p>2) Section 105.8(1) – “Depth of Principal Building” of the Burnaby Zoning Bylaw requirement for the maximum building depth from 18.30 m (60.00 ft.) to 19.64 m (65.50 ft.).</p>
Zoning Bylaw intent:	<p>1) A minimum separation between buildings is to ensure that overall massing of the buildings does not have a negative impact on the subject property and neighbouring properties, as well as to provide for sufficient outdoor space.</p> <p>2) Limiting building depth prevents the construction of long, imposing building walls that impact neighbouring properties.</p>
Variance Description:	<p>The proposed new roof cover over the existing deck at the rear of the dwelling and the enclosure of the existing carport below are the subjects of both appeals.</p> <p>The existing metal cover over the deck (which is not authorized) is proposed to be replaced by a new roof which would be a continuation of the existing main roof over the main body of the building.</p> <p>Also, the covered deck and the existing enclosed carport below are proposed to be slightly expanded by the area where the original stair existed at the north-east corner. The new stair, which projects at the center of the deck, does not contribute to the building depth or distance between buildings, as permitted by the Zoning Bylaw.</p> <p>1) The north-east portion of the covered deck and the enclosed carport below, overlap with the accessory building by a width of 3.35 m (11.00 ft.), resulting in the distance between two buildings reduced by 0.39 m (1.30 ft.). This overlapping area is the subject of this appeal (see attachment).</p> <p>2) The covered deck and the enclosed carport below, exceed the permitted building depth by 1.07 m (3.50 ft.) over its entire width of 10.21 m (33.50 ft.). This outermost covered</p>

	deck/enclosed carport area is the subject of this appeal (see <i>attachment</i>).
Subject Site Considerations	
<ul style="list-style-type: none"> ○ The subject property is a rectangular corner lot, 15.09 m (49.50 ft.) wide and 37.80 m (124.01 ft.) deep, which is essentially flat. ○ The subject property fronts Venables Street to the south and flanks MacDonald Avenue to the west. A vehicular access is provided from the rear lane to the north. ○ The site is improved with a single family dwelling, including attached garage and attached carport, and an accessory building, originally built in late 1970s. ○ The existing dwelling observes a depth of approximately 16.30 m (53.50 ft.), as measured from the front (south) facade to the rear (north) façade. The original rear deck projects further by 3.65 m (12.00 ft.). If the allowable 1.20 m (3.94 ft.) deck exclusion is considered, the original overall building depth is 18.75 m (61.56 ft.). Therefore, the existing dwelling and original deck is legal non-conforming with respect to the principal building depth. ○ The distance between the original deck and the existing accessory building is 4.12 m (13.50 ft.), which is also legal non-conforming with respect to the distance between buildings. 	
Neighbourhood Context Considerations	
<ul style="list-style-type: none"> ○ The subject property is surrounded by single family dwellings of various ages and conditions. ○ Raised cover decks in the subject block and the block directly across the lane to the north are common. ○ The neighbouring residence directly across MacDonald Street to the west (855 MacDonald Avenue) observes a larger front yard setback and is substantially lower than the subject dwelling, which helps to mitigate the massing impacts of the requested variances. ○ The neighbouring residence to the east (4013 Venables Street) does not overlap the area of the proposed variances. The increased massing at the north-east corner of the covered deck/carport enclosure has minor impacts on this neighbouring property. 	
Specific Project Considerations	
<ol style="list-style-type: none"> 1) This proposal does not decrease the distances between the principal building and accessory building (which remains reduced by 0.38 m (1.3 ft.) from the minimum distance required). Further, since the footprint of the enclosed carport is essentially the same (with the exception to the “filled in” north-east corner where the original stair was located), the existing green area remains unchanged. 	

- 2)** Due to the carport enclosure and the roof cover above the deck, the principal building depth is measured from the front (south) façade of the building to the north (rear) face of the enclosed carport, and therefore, is increased by 1.20 m (3.94 ft.) from the original building length measurement. Considering the open deck form, this relatively small excess building length will not create a long imposing wall on the neighbouring properties.

In summary, although the proposed roof/deck/enclosed carport form is a design choice, the requested variances appear to be minor and not detrimental to neighbouring properties.

ADJACENT OWNERS' COMMENTS:

A petition was received containing the names and addresses of the following eight homeowners/occupants at 812, 855 MacDonald Avenue, 3984, 4013, and 4035 Venables Street, and 4006, 4070, 4076 Union Street in support of the appeal. The petition read as follows:

'I have reviewed my neighbors drawing application and have no concerns with their application for a cover over their sundeck'

Correspondence was received from the homeowner of 3984 Venables Street in support of this appeal.

No further correspondence was received regarding this appeal.

No speakers connected through the online webinar in response to the proposed appeal.

MOVED BY MR. LUONGO
SECONDED BY MS. FELKER

THAT based on the plans submitted, part (a) of this appeal this appeal be allowed.

CARRIED
(Opposed: Mr. Firdos)

PART (A) BOARD MEMBER COMMENTS:

Mr. Dhatt found hardship due to personal characteristics of the applicant, also advising that the variance was minor, and voted to approve the variance.

Ms. Felker found hardship due to physical site characteristics, also advising it did not defeat the intent of the Bylaw, and voted to approve the variance.

Mr. Firdos did not find that hardship had been established, and voted to deny the variance.

Mr. Luongo found hardship due to physical site characteristics, also advising that the variance was minor, and voted to approve the variance.

MOVED BY MR. LUONGO
SECONDED BY MS. FELKER

THAT based on the plans submitted, part (b) of this appeal this appeal be allowed.

CARRIED UNANIMOUSLY

PART (B) BOARD MEMBER COMMENTS:

Mr. Dhatt found hardship due to personal characteristics of the applicant, also advising that the variance was minor, and voted to approve the variance.

Ms. Felker found hardship due to physical site characteristics, also advising it did not defeat the intent of the Bylaw, and voted to approve 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, also advising that the variance was minor, and voted to approve the variance.

3.2 BOV #6435 – 3667 Lynndale Crescent

APPELLANT: Imran Ali

REGISTERED OWNER OF PROPERTY: Shirley and Robert Tam

CIVIC ADDRESS OF PROPERTY: 3667 Lynndale Crescent

LEGAL DESCRIPTION OF PROPERTY: LOT: 130 DL: 44 PLAN: NWP51253

APPEAL:

This is an appeal for the relaxation of Section 101.9(1) (Side Yard) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new rear deck, attached carport and accessory building to an existing single family home at 3667 Lynndale Crescent. This relaxation would allow for a side yard width of 2.16 metres (7.08 feet), where a minimum side yard depth of 2.4 metres (7.9 feet) is required.

APPELLANT'S SUBMISSION:

A letter was received from Imran Ali on behalf of homeowner Shirley Tam, requesting a variance on the side yard setback, as both the contractor and client were under the impression that the cover was built according to the City bylaws. The City reviewed and approved submitted drawings, and upon final inspection, the City inspector could not determine the property line and requested a survey. The survey indicated that the covered carport extended 9.5' into the side yard setback of 8'. The writer advised that having to tear down the cover or redesign

the cover would result in financial loss to both parties, and his client would no longer have a safe place to park her vehicles.

Imran Ali and Jean-Claude Jacquemin, contractors representing the home owners, appeared before the Board via Zoom.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

Project	Construction of a new rear deck, attached carport and accessory building to an existing single family home.
Zoning	R1 Residential District.
Neighbourhood	Bainbridge – Single Family Neighbourhood.
Appeal(s) to vary:	Section 101.9(1) – “Side Yard” of the Burnaby Zoning Bylaw which, if permitted, would allow a side yard width of 2.16 m (7.08 ft.) where a minimum side yard depth of 2.40 m (7.90 ft.) is required.
Zoning Bylaw intent:	Minimum setbacks from side property lines help to mitigate the massing impacts of new buildings or structures on neighbouring properties.
Variance Description:	The proposal is to formalize the attached carport that is already constructed along the west side of the existing single family dwelling. The carport encroaches into the required side yard by approximately 0.24 m (0.78 ft.) with its entire length of 5.48 m (18.0 ft.). This encroachment area is the subject of this appeal (see <i>attachment</i>).
Subject Site Considerations	
<ul style="list-style-type: none"> ○ The subject property is a relatively flat mid-block interior lot, approximately 24.38 m (79.98 ft.) wide and 52.43 m deep (172.01 ft.), near the Bainbridge neighbourhood. ○ The subject property is a through lot fronting Lynndale Crescent to the north and Winston Street to the south. Vehicular access is provided from Lynndale Crescent; there is no lane access. ○ Single family dwellings surround the subject property except to the south, across Winston Street, where there is a large industrial development. ○ The southern half of the subject property is constrained by the 27.40 m (90.00 ft.) deep easement (ref. Plan No 51254) which stipulates a no-build zone and no access to or from Winston Street. There is also a 12.20 m (40.00 ft.) deep easement (ref. Plan No 51255) that establishes a landscape buffer zone along Winston Street property line. 	

Neighbourhood Context Considerations
<ul style="list-style-type: none">○ The subject site is located in a mature single family neighbourhood.○ Several lots on each side of the subject property are constrained by the same two legal easements previously described. As a result, these lots share a similar development pattern. With site access limited to Lynndale Crescent (to the north), the dwellings and other structures are placed in the northern portions of the lots, leaving a large yard to the south.○ There is a common presence of attached garages in the front or to the side of the neighbouring residences.
Specific Project Considerations
<ul style="list-style-type: none">○ The existing carport was built under the recently issued Building Permit BLD18-00715, which also included the construction of a rear deck and an accessory building. Upon a site inspection by the City staff, the carport was identified to be encroaching within the required side yard.○ The carport is set back approximately 10.45 m (34.40 ft.) from the front property line (along Lynndale Crescent) and is 2.74 m (9.00 ft.) in height. The encroaching portion of the carport consists of three metal posts and sloping metal roof.○ Given the location of the carport on the west side of the dwelling, only the property at 3663 Lynndale Crescent could be affected by this variance. However, the significant vegetation cover between the two properties helps to screen the carport from this property views.○ In overall, the requested variance is minor in nature and does not create impacts on the neighbouring properties.

ADJACENT OWNERS' COMMENTS:

No correspondence was received regarding this appeal.

No speakers connected through the online webinar in response to the proposed appeal.

MOVED BY MR. FIRDOS
SECONDED BY MS. FELKER

THAT based on the plans submitted, this appeal be allowed.

CARRIED UNANIMOUSLY

BOARD MEMBER COMMENTS:

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

Ms. Felker found hardship due to physical site characteristics, also advising that the variance was minor and would not impact the neighbours, and voted to approve the variance.

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

Mr. Luongo found hardship due to physical site characteristics, also advising that the variance was minor, and voted to approve the variance.

4. NEW BUSINESS

There were no items of new business brought forward at this time.

5. ADJOURNMENT

MOVED BY MR. LUONGO

SECONDED BY MS. FELKER

THAT the Hearing adjourn at 5:40 p.m.

CARRIED UNANIMOUSLY

Mr. R. Dhatt, Chair

Mr. G. Firdos

Ms. B. Felker

Mr. A. Luongo

Ms. E. Prior
Acting Deputy City Clerk