



## 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](mailto:clerks@burnaby.ca)

#### Applicant

Name of Applicant PARKJIT SINGH KHERA (TONY)  
Mailing Address 945 WALLS AVE. COQUITLAM  
City/Town COQUITLAM Postal Code \_\_\_\_\_  
Phone Number(s) (H) 604-525-1416 (C) 778-386-7000  
Email tonykhera@yahoo.com

#### Property

Name of Owner PARKJIT SINGH KHERA (TONY)  
Civic Address of Property 7231- BROADWAY, BURNABY.  
B.C.

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.

SEP. 02ND, 2021  
Date

Parkjit Singh Khera  
Applicant Signature

#### Office Use Only

Appeal Date Oct 07

Appeal Number BV# ~~60089~~ 6440

#### 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**

|   |               |  |                   |
|---|---------------|--|-------------------|
| <b>DATE:</b> August 31, 2021  |               | <i>This is <u>not</u> an application.<br/>Please submit this letter to the<br/>Clerk's office (ground floor)<br/>when you make your Board of<br/>Variance application.</i> |                   |
| <b>DEADLINE:</b> September 7, 2021 for the October 7, 2021 hearing.   |               |  |                   |
| <b>APPLICANT NAME:</b> Jay Khera  |               |  |                   |
| <b>APPLICANT ADDRESS:</b> 8675 Armstrong Ave., Burnaby, BC, V3N 2H4   |               |  |                   |
| <b>TELEPHONE:</b> 778-386-7000  |               |  |                   |
| <b>PROJECT</b>  |               |  |                   |
| <b>DESCRIPTION:</b> New single family dwelling with secondary suite, attached garage and detached pool house. |               |  |                   |
| <b>ADDRESS:</b> 7231 Broadway   |               |  |                   |
| <b>LEGAL DESCRIPTION:</b>   | <b>LOT:</b> C | <b>DL:</b> 136   | <b>PLAN:</b> 8712 |

Building Permit application BLD21-00190 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

**Zone R2 / Sections 102.6(1)(b) and 102.7(b)****COMMENTS:**

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

- 1) To vary section 102.6(1)(b) – “Height of Principal Building” of the Zoning Bylaw requirement for the maximum building height from 7.40 m (24.30 ft.) to 11.27 m (36.96 ft.) measured from the front average grade for the proposed single family dwelling with a flat roof. The principal building height measured from the rear average grade will be 9.08 m (29.80 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 102.7(b) – “Depth of Principal Building” of the Zoning bylaw requirement for the maximum building depth from 18.30 m (60.00 ft.) to 40.40 m (132.56 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. The Board shall not, within one (1) year of the date of the decision of the Board, re-hear an appeal previously denied covering the identical grounds or principles upon which the Board has already rendered a decision.
  3. All new principal building projections into the resulting required yards will conform to the requirements of Section 6.12.
  4. Principal building projection exemptions in the calculations of building depth will conform to the requirements of the Depth, Principal Building definition.
  5. Retaining walls and Fences will conform to the requirements of Section 6.14.

MSA

Edmond Lin  
Assistant Chief Building Inspector

# HARDSHIP LETTER

Jay Khera, Parmjit Khera, Tejinder Khera & Govin Khera  
7231 Broadway, Burnaby BC  
778 241 1266

[Jaykhera1@gmail.com](mailto:Jaykhera1@gmail.com)

**Site Address: 7231 Broadway, Burnaby**

Board of Variance

Dear Members of the Board of Variance,

We are writing this letter to explain the hardships of the above-mentioned property in regards to our single family dwelling building application. This property was purchased with the intent of being our family's multi-generational house for years to come. This is by no means a business or commercial endeavour, but a home for my parents, my brother and our respective families. This long lot represents challenges that have created the need for relaxations.

Firstly, the lot is double the length of typical lots while only having the width of a conventional lot in this area of Burnaby. This "skinnier" than average lot, combined with the R-2 zoning setbacks, makes it impossible to achieve the maximum allowable floor area without going beyond the allowed building depth. The R2 zone stipulates:

**The depth of a principal building shall not exceed the lesser of:**

**(a) 50 percent of the lot depth, or**

**(b) 18.3 m (60.0 ft.)**

Our application abides by **paragraph a** by approximately 8 feet, but is physically and mathematically unable to achieve compliance with paragraph b. Once again, the unusual dimensions of the lot make it unfeasible to achieve our permitted above grade floor area requirement.

Secondly, the topographical characteristics of the lot represents a hardship with regards to maintaining the height requirements of the building on this property without having multiple over height and unacceptable retaining walls and providing a comfortable living on this property without the abundance of climbing stairs. There is an approximate 22 ft grade slope from our front property line to the back property line of this property.

The main floor rear living area has been located at a grade elevation for the accessibility of my aging parents into the rear yard area without having multiple steps or any over height retaining walls to maneuver.

We have worked very hard with our designer and with the building department through multiple revisions to sink the house into the lot as much as we can and try to reduce the height impact of the building onto our immediate neighbours, however we have reached an impasse.

The height requirements for this property are either 29.5 feet for roofs with a slope of 4/12 or better and having a maxing flat roof at 20% or 24.3 ft for roof slopes less than 4/12 (considered as flat roof's).

# HARDSHIP LETTER

Our Building is only 4.25 ft over the allowable 29.5 ft height but because we have a roof area over 20% of the flat roof requirement we are subjected to the lower height allowable of 24.3 ft. Subsequently, building up to the allowable floor area increases the area of the roof which doesn't allow us to use the increased height limit, further putting us in a hardship to achieve compliance with the bylaw for height.

We also designed our roof to have approximately 40% of flat roof rather than a sloping roof to lessen the height and reduce the impact onto our immediate neighbours.

Furthermore, not allowing the height relaxation would cause two more hardships for this home:

- 1) It would place the building at an elevation where our neighbours to the north (behind our property) would have a direct line of sight into the top floor bedrooms of the home, eliminating any sort of privacy.
- 2) It would place the main floor of the building too low to access from the lane located on the west property line, should we choose in the future to access the property from the lane rather than the front driveway.

In closing, we, as a family, hope that we have given enough information and explanation to help with this application process. We thank you for your time and consideration in this matter.

Warm regards,

**Jay Khera**

**Parmjit Khera**

**Tejinder Khera**

**Govin Khera**

## RECEIVED

MAR 01 2021

BUILDING DEPARTMENT

7.5 0 15 30  
ALL DISTANCES ARE IN FEET

**LEGEND**

- DENOTES LEAD PLUG
- DENOTES STANDARD IRON POST
- W DENOTES WITNESS
- ft 2 DENOTES SQUARE FEET
- ⚡ DENOTES POWER POLE
- ⚡ DENOTES POWER POLE WITH LIGHT
- ☼ DENOTES TREE AND CANOPY EXTENT
- ⓧ## DENOTES GROUND ELEVATION
- (tw) DENOTES TOP OF RETAINING WALL ELEVATION
- Dec. DENOTES DECIDUOUS
- Con. DENOTES CONIFEROUS
- Conc. DENOTES CONCRETE
- Rt. DENOTES RETAINING WALL
- ⓧC DENOTES SEWER INSPECTION CHAMBER

NOTES:

*Lot dimensions are derived from Posting Plan EPP103707.*

Measurements shown are to the exterior siding of building.

Elevations are Geodetic (CVD28 GVRD-2005 - IN FEET)  
Derived from Control Monument DTS-342  
located at the southwest part of junction of Broadway and  
Duffie Avenue and the northeast of House #7192. Elevation = 202.20ft.

*If this plan is used in digital form, Target Land Surveying will only assume responsibility for information content shown on original unaltered drawing.*

Tree diameters are taken at 4.6 ft. above grade and are shown in feet.

Contractor to verify all service locations prior to construction.

This Plan was prepared for architectural design and site servicing purposes, and is for the exclusive use of our client. The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of reproduction, transmission or alteration to this document without consent of the signatory.

### ***R-2 ZONING***

Frontyard Average:  
#7203: 24.8'  
#7223: 40.0'  
#7243: 24.6' (Vacant Lot)  
#2322: Panhandle Lot not used  
Average: 29.8' (shown)

Frontyard: 24.6'  
as per section 102.8

Sidyard: Min. 4.9' (shown)  
11.5' for the sum of both sideyards  
Rearyard: Shall not be less than 29.5'  
Building Depth: 60.0' (shown) can vary

\*Setbacks are preliminary and subject to approval by City of Burnaby

Original Survey Date: July 21, 2020  
Reinspection Date: February 3, 2021

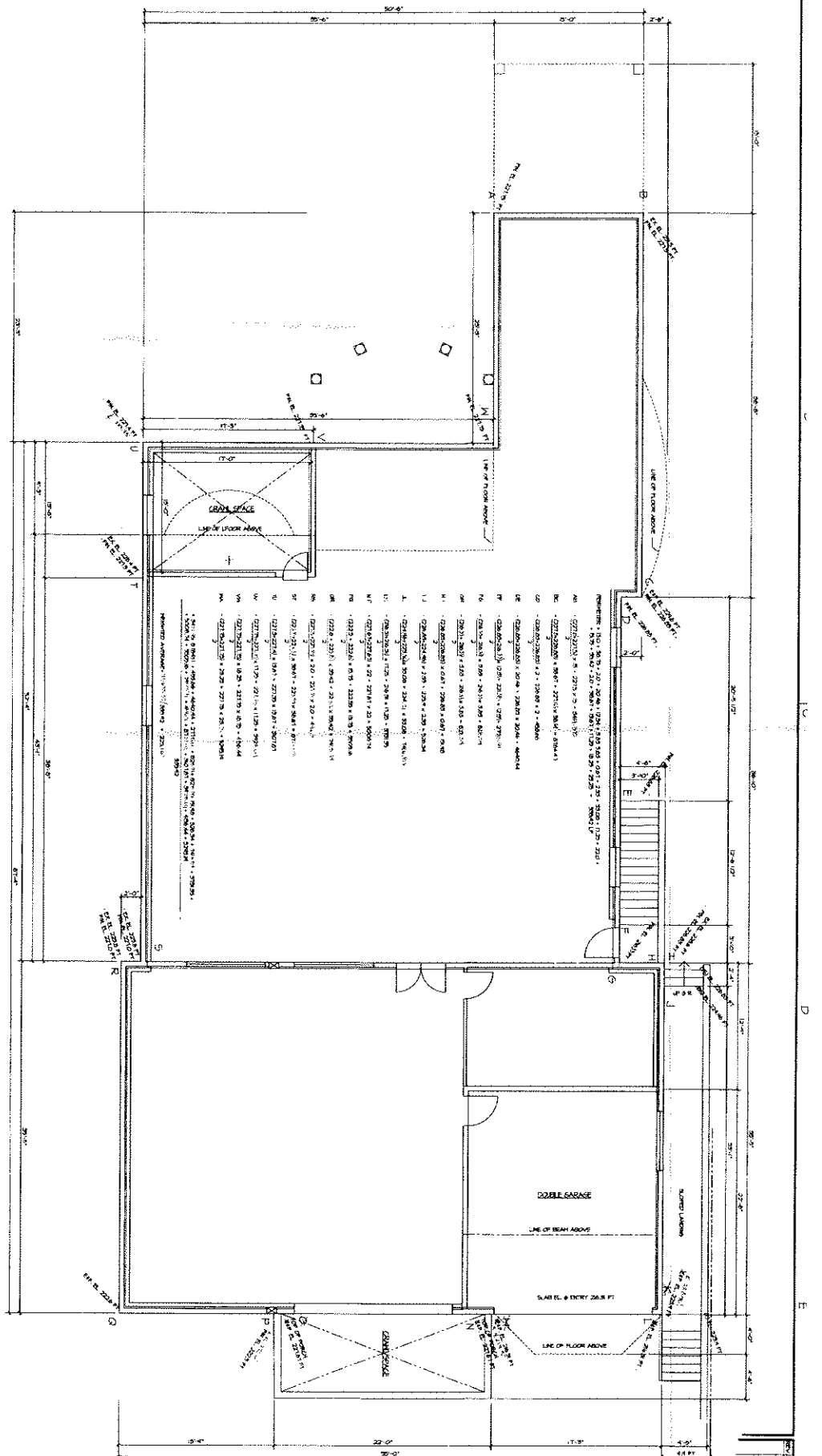
RAIG NAKAMURA  
CERTIFIED CORRECT  
DATED THIS 4TH DAY OF FEBRUARY, 2021

## RESULTS

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED  
BUILDING OFFSETS SHOWN ON THIS PLAN ARE NOT TO BE USED TO RE-ESTABLISH PROPERTY LINES OR CORNERS

**TARGET**  
LAND SURVEYING  
www.targetlandsurveying.co  
FILE: N4092-T090-ET-PT-REINSPECT

© TARGET LAND SURVEYING (NW) LTD 2021

[illegible]



UPPER ROOF LAYOUT

|             |      |         |
|-------------|------|---------|
| ROOF AREA = | 5000 | SQ. FT. |
| FLAT ROOF = | 2050 | SQ. FT. |
| FLAT ROOF = | 4070 | SQ. FT. |

ROOF PLAN

NEW CONSTRUCTION  
• 7231 BROADWAY  
BURNABY, B.C.

P 4: PASSIVE AIR INLET

|     |                                    |
|-----|------------------------------------|
| VSA | VENTILATION SUPPLY AIR             |
| EV  | 40 APP ELECTRICAL VEHICLE CHARGING |

|                  |  |          |  |          |  |
|------------------|--|----------|--|----------|--|
| NEW CONSTRUCTION |  |          |  |          |  |
| • 7291 BROADWAY  |  |          |  |          |  |
| BIRMINGHAM, B.C. |  |          |  |          |  |
| ROOF P.I.A.N     |  |          |  |          |  |
| 20-7291          |  | PROJECT  |  | DISTRICT |  |
| K.M.H.R.         |  | CHECKED  |  | P.O.D.E. |  |
| APPROVED         |  | APPROVED |  |          |  |
| AS of 10         |  |          |  |          |  |





