



BOARD OF VARIANCE MINUTES

**Thursday, October 7, 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 Luong, Resident Representative

STAFF: Ms. Margaret Malysz, Development Plan Approvals Supervisor
Mr. Rushi Gadoya, Development Plan Technician
Ms. Monica MacDonald, Administrative Officer

1. CALL TO ORDER

The Chair called the Open meeting to order at 5:00 p.m.

The Chair, Mr. Rana Dhatt, recognized the ancestral and unceded homelands of the hə́ŋqəmiŋəm 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 September 02

MOVED BY MR. FIRDOS
SECONDED BY MR. LUONGO

THAT the minutes of the Board of Variance meeting held on 2021 September 02 be now adopted.

CARRIED UNANIMOUSLY

3. APPEAL APPLICATIONS

3.1 BOV # 6439 - 7557 Lambeth Drive (5:00)

APPELLANT: Sukhdev Sidhu

REGISTERED OWNER OF PROPERTY: Sukhdev Sidhu, Sarbjot Sidhu

CIVIC ADDRESS OF PROPERTY: 7557 Lambeth Drive

LEGAL DESCRIPTION OF PROPERTY: LOT: 336 DL: 86 Plan: NWP46634

APPEAL:

An appeal for the relaxation of Sections 101.6(1)(a) (Height of Principal Building) and 101.7(b) (Depth of Principal Building) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with suite ready and detached garage. The following variances are being requested:

(a) the principal building height for a proposed single family dwelling with a sloped roof, measured from the rear average elevation would be 10.49 metres (34.42 feet), where 9.00 metres (29.53 feet) is permitted. The building height measured from the front average elevation would be 7.96 metres (26.13 feet); and

(b) the depth of the principal building would be 18.45 metres (60.52 feet) where a maximum depth of 18.30 metres (60.00 feet) is permitted.

APPELLANT'S SUBMISSION:

A letter was received from the homeowners requesting two variances to the zoning bylaw for 7557 Lambeth Drive. The first variance is being requested due to a substantial grade difference on the property. The homeowners advised that the neighbouring properties will not be negatively impacted and every effort has been made to reduce the amount of the height variance, including lowering the main floor elevation. The second variance is being requested due to the irregular lot shape which affects the building depth calculation.

Sukhdev and Sarbjot Sidhu, homeowners, appeared via Zoom before the Board.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

Project	New single family dwelling with suite ready and detached garage.
Zoning	R1 Residential District.

Neighbourhood	Buckingham Heights – Single Family Neighbourhood.
Appeal(s) to vary:	<p>1) Section 101.6(1)(a) – “Height of Principal Building” of Burnaby Zoning Bylaw requirement for a maximum principal building height for a sloped roof measured from the rear average elevation, from 9.00 m (29.53 ft.) to 10.49 m (34.42 ft.).</p> <p>The building height measured from the front average elevation would be 7.96 m (26.13 ft.).</p> <p>2) Section 101.7(b) – “Depth of Principal Building” of the Burnaby Zoning Bylaw requirement for a maximum building depth from 18.30 m (60.00 ft.) to 18.45 m (60.52 ft.).</p>
Zoning Bylaw intent:	<p>1) Limiting building height mitigates the massing impacts of new buildings and structures on neighbouring properties and preserves the views.</p> <p>2) Limiting building depth prevents the construction of long, imposing building walls that impact neighbouring properties.</p>
Variance Description:	<p>1) The proposed dwelling exceeds the permitted building height by 1.49 m (4.89 ft.) when viewed from the rear. The entire roof above the main fascia board at the rear elevation is over height and is the subject of this variance.</p> <p>2) The proposed dwelling exceeds the permitted building depth by 0.15 m (0.52 ft.). This measurement does not include the rear covered decks projection of 1.20 m (3.90 ft.), which is an allowable projection into a required yard. The 0.15 m (0.52 ft.) wide outermost portion of the rear covered decks (excluding the allowable projection) is the subject of this variance.</p>

Subject Site Considerations

- The subject property is an irregular interior lot with a rough hexagonal shape with a curved fronting property line bordering Lambeth Drive to the south.
- The lot has a frontage of approximately 18.92 m (62.06 ft.) along Lambeth Drive and is approximately 77.72 m (255.00 ft.) deep as measured from the center of the curving front property line to the farthest rear point of the property where the northwest and northeast rear property lines intersect.
- The most northwestern portion of the property is encumbered with a 4.50 m (14.76 ft.) Statutory Right of Way (SRW) for sewer purposes.
- The subject property observes a gradual downward slope of approximately 9.33 m (30.60 ft.) from the front to the rear.
- Vehicular access to the subject site is located from Lambeth Drive.

Neighbourhood Context Considerations

- The majority of single family dwellings in the subject block were built in the late 1970s.
- Single family dwellings surround the subject property in all directions, along with Buckingham Park in close proximity to the east.
- Generally, all adjacent properties observe a generous grade drop towards the Buckingham Creek ravine, which cuts through Buckingham Park and the neighbouring properties immediately to the north and northeast of the subject property.

Specific Project Considerations

1) Height of Principal Building

- Only the rear elevation exceeds the allowed maximum building height. The proposed dwelling is 1.03 m (3.37 ft.) below the allowed maximum height, when viewed from the front.

- When viewed from the side elevations, only small upper portions of the roof towards the rear corners of the dwelling are over height.
- Only the residence at 6025 Buckingham Avenue immediately to the north (rear) is impacted by the proposed over height dwelling. However, the height encroachment occurs at least 45.72 m (150.00 ft.) away from the north (rear) corner of the subject property. This generous distance, in combination with a significant vegetation cover along the shared rear property lines, would mitigate massing impacts on this residence (located farther to the north).
- In summary, the substantial grade difference between the front and the rear of the subject property contributes to the requested variance. The proposed variance is not expected to adversely impact the neighbouring properties to the rear and sides.

2) Depth of Principal Building

- The building depth calculation is based on the building depth as projected onto the lot depth, which is the line joining the centre points of the front and rear property lines or in this case a rear point. Due to the irregular shape of the lot, this line is angled in relation to the front and side property lines (see **attachment 1**). The siting of the proposed dwelling is also rotated in relation to the lot depth line. As a result, the proposed projected building depth exceeds slightly the maximum permitted building depth by 0.15 m (0.52 ft.).
- With the same design on a regular lot, the proposed building depth would be approximately 17.65 m (57.93 ft.), as measured from the outermost front face (south) to the rear porch, excluding the allowable projection (north), and would not require a variance.
- The excess building depth is contributed by the rear covered decks (two larger decks at the northeast corner of the dwelling and two smaller decks at the northwest corner) which are open on three side. Only 0.15 m (0.52 ft.) wide portion of these decks, is within the excess building depth

zone.

- The proposal would not create a long “wall” effect as viewed from the neighbouring properties to the sides, considering the rotated orientation and “staggered” footprint of the subject dwelling along the west (side) property line. Also, the main body of the dwelling parallel to the east (side) property line would be only approximately 13.41 m (44.00 ft.) long, which is substantially less than the permissible building depth.
- In summary, the requested variance is related to the site geometry which affects the building depth calculation. The requested variance is minor and is not expected to impacts the neighbouring properties.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the owner/occupant of 7576 Lambeth Drive in support of this appeal.

Correspondence was received from the owner/occupant of 7567 Lambeth Drive in support of this appeal.

Correspondence was received from the owner/occupant of 7547 Lambeth Drive in support of this appeal.

No further correspondence was received regarding this appeal.

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

MOVED BY MR. FIRDOS
SECONDED BY MS. FELKER

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

CARRIED UNANIMOUSLY

PART A BOARD MEMBER COMMENTS:

Ms. Chan found hardship due to physical site characteristics, and voted to approve the variance.

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

Ms. Felker found hardship due to physical site characteristics, 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, 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 be allowed.

CARRIED UNANIMOUSLY

PART B BOARD MEMBER COMMENTS:

Ms. Chan found hardship due to physical site characteristics, and voted to approve the variance.

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

Ms. Felker found hardship due to physical site characteristics, 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, and voted to approve the variance.

3.2 BOV #6440 - 7231 Broadway

The Chair, Mr. Dhatt, recused himself from the meeting due to a conflict of interest regarding BOV #6440 – 7231 Broadway.

The Board introduced the following motion:

MOVED BY MR. LUONGO
SECONDED BY MS. CHAN

THAT Brenda Felker be appointed as Acting Chair for the remainder of the meeting.

CARRIED UNANIMOUSLY

Ms. Felker assumed the position of Acting Chair.

APPELLANT: Parmjit S. Khera

REGISTERED OWNER OF PROPERTY: Parmjit Khera, Govinder Khera,
Jathenjit Khera, Tejinder Khera

CIVIC ADDRESS OF PROPERTY: 7231 Broadway

LEGAL DESCRIPTION OF PROPERTY: LOT: C DL: 136 PLAN: NWP8712

APPEAL:

An appeal for the relaxation of Sections 102.6(1)(b) (Height of Principal Building) and 102.7(b) (Depth of Principal Building of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new single family dwelling with secondary suite, attached garage and detached pool house at 7231 Broadway. The following variances are being requested:

(a) the principal building height for a single family dwelling with a flat roof, measured from the front average elevation would be 11.27 metres (36.96 feet), where a maximum height of 7.40 metres (24.30 feet) is permitted. The principal building height measured from the rear average elevation would be 9.08 metres (29.80 feet); and

(b) the depth of the principal building would be 40.40 metres (132.56 feet) where a maximum depth of 18.30 metres (60.00 feet) is permitted.

APPELLANT'S SUBMISSION:

A letter was received from Jay Khera, Parmjit Khera, Tejinder Khera and Gavin Khera requesting the variances due to the lot being double the length of a typical lot and 'skinnier' than average lots. This combined with the R-2 Zoning setbacks, would make it impossible to achieve the maximum allowable floor area without a variance to the allowable building depth.

The writers advised that the topographical characteristics of the lot present a hardship in regard to maintaining the height requirements required without having multiple over-height and unacceptable retaining walls. The lot has a grade difference of 22 feet from the front property line to the rear, necessitating the height variance requested.

Raman Sadhra, and members of the Khera family, appeared via Zoom before the Board.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

Project	New single family dwelling with secondary suite, attached garage and detached pool house.
Zoning	R2 Residential District.
Neighbourhood	Broadway – Single Family Neighbourhood.

Appeal(s) to vary:	<p>1) Section 102.6(1)(b) – “Height of Principal Building” of Burnaby Zoning Bylaw requirement for a maximum principal building height for a flat roof measured from the front average elevation, from 7.40 m (24.30 ft.) to 11.27 m (36.96 ft.).</p> <p>The building height measured from the rear average elevation would be 9.05 m (29.70 ft.).</p> <p>2) Section 102.7(b) – “Depth of Principal Building” of the Burnaby Zoning Bylaw requirement for a maximum building depth from 18.30 m (60.00 ft.) to 40.40 m (132.56 ft.).</p>
Zoning Bylaw intent:	<p>1) Limiting building height mitigates the massing impacts of new buildings and structures on neighbouring properties and preserves the views.</p> <p>2) Limiting building depth prevents the construction of long, imposing building walls that impact neighbouring properties.</p>
Variance Description:	<p>1) The proposed dwelling exceeds the permitted building height by 3.87 m (12.67 ft.) when viewed from the front. The upper portion of the front elevation (which is 16.76 m (55.0 ft.) wide), starting from approximately the sill line of the windows on the second floor, is over height and is the subject of this height variance.</p> <p>The proposed dwelling exceeds the permitted building height by 1.65 m (5.40 ft.) when viewed from the rear. The portion of the main roof at the</p>

	<p>rear elevation, starting from approximately 0.3 m (1.00 ft.) above the fascia board, is over height and is the subject of this height variance.</p> <p>3) The proposed dwelling exceeds the permitted building depth by 22.10 m (72.56 ft.). This depth is measured from the front porch/roof overhang line to the rear covered patio/roof overhang line, excluding an allowable projection into a required yard of 1.20 m (3.94 ft.) on both sides. More than half of the proposed dwelling length (approximately 55 percent), exceeds the permitted building depth and is the subject of this variance.</p>
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Subject Site Considerations

- The subject property is an elongated rectangular interior lot (see **attachment 1**), approximately 22.31 m (73.20 ft.) wide and 84.44 m (277.02 ft.) deep, fronting Broadway to the south.
- The subject property observes a continuous upward slope of approximately 7.92 m (26.00 ft.) over a distance of approximately 88.39 m (290.00 ft.) as measured from the south-west front corner to the north-east rear corner.
- Vehicular access to the site is located from Broadway to the south.

Neighbourhood Context Considerations

- The majority of single family dwellings in the subject block were built originally in late 1940s and 1950s.
- The subject block is a mix of shorter and longer lots (in total 16 lots) with depths varying from approximately 44.20 m (145.01 ft.) (7223 Broadway) to 123.71 m (405.87 ft.) (7279 Broadway). The placement of the neighbouring residences in relation to the front property line also vary; there is no street frontage established in the subject block.
- To the west the subject property borders three shorter lots, with a lane which runs in the west-east direction and terminates approximately in the middle of the west side property line. The northern portion of the subject property abuts the rear yards of the two properties fronting Duthie Avenue further to the west. The southern half borders a side yard of the property fronting Broadway to the south.
- To the north the subject property abuts a rear yard of a lot which is similar in size (elongated rectangular) but is oriented perpendicular in

<p>relation to the subject property.</p> <ul style="list-style-type: none"> ○ To the east the subject property borders a vacant lot fronting Broadway which is similar in size and orientation to the subject property. ○ The neighbouring properties across Broadway to the south are generally at a lower level than the subject property and feature large yards (facing the subject property), over 25.00 m (82.02 ft.) deep.
<p style="text-align: center;">Specific Project Considerations</p>
<p>1) Height of Principal Building</p> <ul style="list-style-type: none"> ○ The proposed dwelling features a combination of sloped and flat roof, with generally a large centrally located flat roof surface and sloped roof surface along the perimeter of the dwelling. ○ The Zoning Bylaw restricts the height of a building to 7.40 m (24.30 ft.) when more than 20 percent of all roof surfaces observe a pitch of less than 4 in 12 which is then considered to be a flat roof. ○ The proposed dwelling has a flat roof area that makes up 42.7 percent of the entire roof area. The pitch of the sloped roof is proposed at 4 in 12 (which is a minimum slope allowed for a sloped roof) at the overhangs, and at 7 in 12 for the rest of the sloped surfaces. ○ The proposed roof form, although categorized as a flat roof, allows for approximately up to 1.52 m (5.00 ft.) high attic space which contributes to the overall building height. ○ The proposed dwelling is substantially set back from the front and rear property line, 21.18 m (69.5 ft.) and 22.25 m (73.02 ft.) as measured to the front porch posts and rear covered patio posts, respectively. ○ The distant siting from the front and rear property line helps mitigate massing impacts of the over height portion of the proposed dwelling on the properties to the south (across Broadway) and to the north. ○ In addition, the over height portion of the dwelling at the rear is further setback due to the fact that the second floor is recessed approximately 13.87 m (45.50 ft.) from the outermost face of the main floor. Such generous setback is related to the excess building depth (which is subject of the second variance). ○ When viewed from the sides, the over height areas are the largest at the front corners of the dwelling, starting approximately at the window sill line, and gradually continuing up to approximately 0.3 m (1.00 ft.) above to the roof fascia board level, over the entire main roof area on the west and east elevation. ○ With respect to the neighbouring property to the west, although the proposed dwelling is set back so it does not overlap the (one storey) residence, considering the large scale of the requested variance, some

- negative impacts are expected on this neighbouring property's rear yard.
- The over height massing of the proposed dwelling will have an impact on designs for the future development of the vacant property to the east.
 - When viewed from the front property line, the over height portion of the proposed dwelling is approximately 3.87 m (12.67 ft.) high by 16.76 m (55.00 ft.) wide, or approximately one third of the whole front elevation, which is excessive.
 - The main floor elevation is proposed at 69.50 m (228.03 ft.) which is approximately 1.52 m (5.00 ft.) higher than the existing grade at the front corners of the dwelling. Such elevated placement is related to the excessive building depth (which is subject of the second variance) and is in response to accommodate the raising terrain, approximately 2.59 m (8.50 ft.) over 40.40 m (132.56 ft.) of the building length.
 - Further, the main floor is 4.17 m (13.68 ft.) higher than the existing pavement level of Broadway (assumed average elevation at 65.33 m (214.35 ft.)). In the same time, the grade immediately in front of the stair leading to the front porch is proposed at 66.75 m (219.00 ft.) which is approximately 0.91 m (3.00 ft.) lower than the existing grade. Such design amplifies massing impacts of the over height portion of the dwelling when viewed from the Broadway streetscape.
 - Furthermore, the proposed generous clear floor to ceiling heights on all levels, 3.30 m (10.00 ft.) at the cellar level, 3.65 m (12.00 ft.) at the main floor and 3.30 m (10.0 ft.) at the second floor, further contribute to the overall height.
 - In summary, although the sloped topography is a contributing factor, the requested height variance is major, and is mainly a result of design choices with respect to the dwelling size and form. Both, the front and rear elevations exceed substantially the allowable maximum building height for a sloped roof. Therefore, this variance is expected to have some negative impacts on the neighbouring properties, which is in the contrary to the intent of the Zoning Bylaw.

2) Depth of Principal Building

- The proposed dwelling is generous in size, with the above grade floor area of 758.71 m (8,166.70 sq. ft.), and it resembles a rough "L" in shape. The main body of the dwelling is approximately 26.52 m (87.00 ft.) deep (excluding the front porch and the covered lounge to the rear), with the eastern wing extending further to the north approximately 12.19 m (40.00 ft.). The outermost 4.57 m (15.00 ft.) of the wing is utilized by a covered patio.
- The proposed dwelling consists of a cellar of 390.01 m (4,198.00 sq. ft.) in area, a main floor of 432.09 m (4,651.00 sq. ft.) in area and a second

floor of 328.23 m (3,533.00 sq. ft.) in area. The cellar (including crawl space) and main floor observe an almost identical “L” shaped footprint, with the second floor proposed only over the main body of the dwelling, but further recessed on the north rear elevation by 4.11 m (13.50 ft.).

- The excessive building depth (22.10 m (72.56 ft.)), in combination with the excessive height (which is subject of the first variance) is expected to create massing impacts on the neighbouring properties to the west and east.
- The main body of the proposed dwelling (approximately 26.52 m (87.00 ft.) deep) overlaps the entire rear yard of the smaller neighbouring property to the west (fronting Broadway).
- The entire building length is visible essentially in a straight line from the neighbouring property to the west (currently vacant). The impacts of long, imposing building walls are further exacerbated due to the dwelling’s close proximity to the east side property line (approximately 1.50 m (4.90 ft.) away), which would make it more prominent to the future development on this property.
- Although elongated in shape, the subject property observes an adequate frontage along Broadway and can be developed with a building depth that meets the Zoning Bylaw.
- There are no unique site characteristics that require a building of this depth (such as an irregular shaped lot).
- In summary, the scale of this proposed dwelling presents a major variance which is mainly a result of design choices with respect to the dwelling size and form. Furthermore, the requested variance is expected negatively affect the neighbouring properties, and this is in the contrary to the intent of the Zoning Bylaw.

ADJACENT OWNERS' COMMENTS:

A petition letter was received from the owners/occupants at 2438, 2468 and 2488 Duthie Avenue, and 7223 Broadway. The petition read as follows:

‘We, the undersigned owners of our respective properties, declare that we have viewed the proposed building application for the above address and are in support of it being passed by the Board of Variance.’

No further correspondence was received regarding this appeal.

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

MOVED BY MR. LUONGO
SECONDED BY MR. FIRDOS

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

DEFEATED

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

PART A BOARD MEMBER COMMENTS:

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.

MOVED BY MR. LUONGO
SECONDED BY MS. CHAN

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

DEFEATED

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

PART B BOARD MEMBER COMMENTS:

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

Ms. Felker found that no hardship had been identified and this was a major variance, 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.

Upon conclusion of the vote, the applicants requested to WITHDRAW their application.

The Acting Chair, Ms. Felker, advised that once the Board had voted, the decision of the Board is final and the application could no longer be WITHDRAWN.

4. NEW BUSINESS

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

5. ADJOURNMENT

MOVED BY MR. LUONGO
SECONDED BY MS. CHAN

THAT the Hearing adjourn at 6:07 p.m.

CARRIED UNANIMOUSLY

Mr. R. Dhatt,
Chair

Ms. J. Chan

Ms. B. Felker,
Acting Chair

Mr. G. Firdos

Mr. A. Luongo

Ms. M. Macdonald,
Administrative Officer