



BOARD OF VARIANCE PLANNING COMMENTS

BV #	6442	Address	3789 Royal Oak Avenue
X-Reference	BOV #21-00027	Hearing	2021 December 02

Project	New retaining wall, sidewalks, lawn crypts and landscaping for Legacy Height Phase 3 at Forest Lawn Cemetery.
Zoning	Cemetery District P4
Neighbourhood	Greentree

Appeal(s) to vary:	Section 6.14.1(1) – “Retaining Walls” of the Burnaby Zoning Bylaw which, if permitted, would allow for the retaining walls of varying heights up to 2.62 m (8.63 ft.), where a maximum height of 1.20 m (3.94 ft.) is permitted.
Zoning Bylaw intent:	The intent of the Zoning Bylaw is to mitigate the massing impacts of retaining walls on neighbouring properties.
Variance Description:	<p>The appeal is related to the final phase of the six-phase development started in 2012, to construct tiers of lawn crypts and retaining walls of varying heights for future columbariums.</p> <p>The subject phase area is located approximately in the center of the western portion of the subject lot, approximately 48.62 m (159.50 ft.) away from the west property line and approximately 92.14 m (302.30 ft.) away from the short south property line.</p> <p>The proposed retaining walls vary in height and, with the exception of one small section, exceeds the permitted height up to 1.42 m (4.66 ft.). The relevant over-height portions of retaining walls are the subject of this appeal.</p> <p>The height of the retaining wall is measured vertically from the lower of natural or finished grade at the base of the wall, to the surface of the ground which it supports.</p>

Subject Site Considerations

- The subject property is a large, rough rectangular shaped corner lot, approximately 470.97 m (1,545.18 ft.) wide and 1,029.22 m (3,376.71 ft.) deep. The property stretches over the entire block between Woodsworth Street to the north and Moscrop Street to the south. Royal Oak Avenue flanks the subject lot to the east side. The Greentree Village residential complex borders the subject site to the west.
- The subject property is known as Forest Lawn Funeral Home and Memorial Park, and has been historically developed with lawn crypts, ground burials, office building, funeral home, chapel, mausoleum and sidewalks, origins of which predate the year 1948.
- The primary vehicular access to the property is provided from Royal Oak Avenue at the north-east corner. There is an additional access provided from Royal Oak Avenue, approximately in the middle of the east property line, and from Moscrop Street, approximately in the middle of the south property line.
- The subject property observes a relatively flat plateau in the north-east portion of the site, with a significant downward slope of approximately 26.00 m (85.30 ft.) over a distance of approximately 180.00 m (590.55 ft.) to the west of the plateau area. To the south, the site observes a more gradual downward slope of approximately 36.00 m (111.18 ft.) over a distance of approximately 620.00 m (2,034.12 ft.)
- Beaver Creek runs through the center of the subject site in the north-south direction, restricting developments around its northern and southern sections. The central section of the creek is not open and does not require a stream protection setback area on site.

Neighbourhood Context Considerations

- The subject property is surrounded by single family dwellings to the north across Woodsworth Street, south across Moscrop Street and east across Royal Oak Avenue. To the west, there is the Greentree Village residential complex which consist of single-family and multiple-family buildings developed under the comprehensive development (CD) zoning.

Specific Project Considerations

- The requested variance is directly related to the applicant's desire to continue/expand the same terraced layout of lawn crypts and retaining walls, as left off at the last phase of the development, completed around 2019, immediately to the north of the subject area. This recent phase of the development, Legacy Height Phase 5, as well as the previous phases of development, feature retaining walls of similar varying height which did not require a variance in the past.
- In July 2020, Council adopted an amendment to the Zoning Bylaw which regulates the design of retaining walls by limiting the height of retaining walls to 1.20 m (3.94 ft.) anywhere on site in all zoning districts. Therefore, the proposed design results in non-compliance with respect to the retaining wall height requirements in accordance to the current Zoning Bylaw.

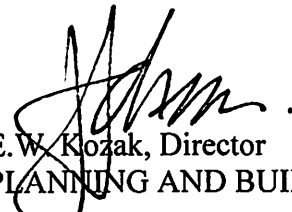
Comments from the Planning Department

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- However, a mitigating factor is that the proposed design is in response to the extreme slope conditions at the western portion of the subject property, with a drop within the subject phase area of approximately 6.00 m (19.69 ft.) in the east-west direction (*see attachment 1*).
- The proposed design also facilitates pedestrian accessible paths and service areas within the subject phase to all previous phases to the north. Adding interim terracing/retaining walls could potentially add circulation and reduce the burial area to a degree where the feasibility of the project may be affected.
- With respect to the impacts on the neighbouring residential property immediately to the west of the subject phase area, the over-height portions of the retaining walls would be at least 61.00 m (200.13 ft.) away from the shared west property line, which is a required minimum separation by the Zoning Bylaw. The distance to the neighbouring residential properties to the south would be greater, at least approximately 97.83 m (320.96 ft.). Such generous distances, along with the substantial landscaping proposed within the subject phase area, including trees and shrubs, would greatly mitigate massing impacts of the requested variance.
- Furthermore, the neighbouring properties feature the significant tree cover along the shared property lines, which would additionally help screening the over-height portions of the retaining walls from their views (*see attachment 1*).
- In summary, given the subject area restrictive topography and the nature of development, the expected impacts on the neighbouring properties would be minimal.


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