



BOARD OF VARIANCE MINUTES

**Thursday, November 04, 2021, 5:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC**

PRESENT: Mr. Rana Dhatt, Chair
Ms. Jacqueline Chan, Resident Representative (*participated via Zoom*)
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. Eva Prior, Acting Deputy City Clerk

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 həŋqəmiŋəm 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 October 07

MOVED BY MS. FELKER
SECONDED BY MR. LUONGO

THAT the minutes of the Board of Variance meeting held on 2021 October 07 be now adopted.

CARRIED UNANIMOUSLY

3. **APPEAL APPLICATIONS**

3.1 **BOV # 6441 – 7034 Belcarra Drive**

APPELLANT: Rui Gaspar

REGISTERED OWNER OF PROPERTY: Athanasia Gaspar, Rui Gaspar

CIVIC ADDRESS OF PROPERTY: 7034 Belcarra Drive

LEGAL DESCRIPTION OF PROPERTY: LOT: 85 DL: 216 Plan: NWP11626

APPEAL:

An appeal for the relaxation of Section 6.6(2)(d) (Accessory Buildings, Structures and Uses) of the Burnaby Zoning Bylaw which, if permitted, would allow for a new (already constructed) accessory building and an addition to the principal building including a sundeck and covered patio for the existing single family dwelling at 7034 Belcarra Drive. The relaxation would allow a side yard setback of 1.13 metres (3.7 feet), where a minimum side yard setback of 1.2 metres (3.94 feet) is required.

APPELLANT'S SUBMISSION:

A letter was received from Mr. Gaspar, homeowner of 7034 Belcarra Drive noting that he began the process of repairing his garage, however after noticing decay, made the decision to demolish and rebuild the structure. Due to COVID 19, Mr. Gaspar was unable to obtain the permit at City Hall. Mr. Gaspar has been made aware he is encroaching within the 29'6" rear property line.

Rui Gaspar, homeowner, appeared via Zoom before the Board.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

Project	New (partially constructed) accessory building and an addition to the principal building including a sundeck and covered patio for the existing single family dwelling.
Zoning	R11 Residential District.
Neighbourhood	Westridge – Single Family Neighbourhood.

Appeal(s) to vary:	Section 6.6(2)(d) – “Accessory Buildings, Structures and Uses” of the Burnaby Zoning Bylaw which, if permitted, would allow a side yard width of
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	1.13 m (3.70 ft.) where a minimum side yard setback of 1.20 m (3.94 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 a new accessory building which is already partly constructed at the south-east corner of the parcel. The accessory building encroaches into the required eastern side yard by approximately 0.07 m (0.24 ft.) with its entire length of 7.96 m (26.1 ft.). This encroachment area is the subject of this appeal (see attachment).
Subject Site Considerations	
<p>The subject property is an interior rectangular lot, approximately 18.29 m (60.00 ft.) wide and 36.58 m (120.00 ft.) deep, with a frontage on Belcarra Drive to the north and abutting a lane to the south.</p> <p>Single family residential dwellings surround the subject property on all sides. Vehicular access is provided from the rear lane (south).</p> <p>The subject property observes a downward slope of approximately 3.05 m (10.00 ft.) from the rear to the front.</p> <p>The subject property was originally improved with a single family dwelling and detached garage (built in 1950). The current proposal is to further improve the property with various additions and alterations to the existing dwelling and with a new accessory building.</p> <p>The new accessory building is sited essentially in the same location as the original detached garage (the south-east corner of the lot), but extends slightly to the west and north.</p>	
Neighbourhood Context Considerations	
<p>The subject property is located in a mature single family neighbourhood where most dwellings were built originally in 1950s.</p> <p>The majority of properties on the subject block and the block across the lane to the south are developed with detached garages in close proximity to the rear and side property lines.</p> <p>The neighbouring property to the immediate east is under construction for a new single family dwelling and a detached garage. The garage is located in the south-west corner of the lot, and directly opposite the new accessory building on the subject site.</p>	

Specific Project Considerations

The City Aerial indicates that the unauthorized construction of the accessory building (currently at forms and footing construction stage) started sometime between 2019 and 2020. The building permit application (BLD20-00848) associated with this proposal was received in October 2020; the side yard encroachment was identified during the initial review of this pending building permit application.

The accessory building contains a workshop at the lower level and parking pad on the top level. Also to accommodate an access to parking from the rear lane (the higher side of the lot), the accessory building is partially sunken in the ground.

The top parking pad slab (at 78.64 m (258.00 ft.)) is proposed essentially at the same level as the lane pavement (assumed average grade at 78.39 m (257.17 ft.)) and is proposed to be encompassed by a 1.07 m (3.50 ft.) high guard wall on three sides (other than the lane side) including the eastern wall (the subject encroachment area).

The overall height of the eastern wall to the top of the guard would vary from approximately 1.18 m (3.90 ft.) at the southern lane side to approximately 3.67 m (12.10 ft.) at the northern side facing the dwelling, due to the proposed drop along the northern elevation that faces the dwelling.

Considering that the side yard encroachment occurs along the eastern property line, only the neighbouring property to the east (7042 Belcarra Drive) could be affected by this variance. However, the impacts would be neutralized by the fact that their detached garage (under construction) overlaps and effectively screens almost entirely the new accessory building from this property view.

Further, considering the adjacent existing grades on the neighbouring property to the east at approximately 77.45 m (254.10 ft.), and the proposed top of the guard wall at 79.70 m (261.50 ft.), only a small northern portion of the eastern wall of the new accessory building, approximately 2.26 m (7.40 ft.) in height, would be visible from this property.

In overall, the requested variance is minor in nature and does not adversely impact neighbouring properties.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the owner/occupant of 7035 Ridge Drive in support of this appeal.

Correspondence was received from the owner/occupant of 7075 Ridge Drive in support of this appeal.

Correspondence was received from the owner/occupant of 7045 Ridge Drive in support of this appeal.

Correspondence was received from the owner/occupant of 7050 Belcarra Drive in support of this appeal.

Correspondence was received from the owner/occupant of 7026 Belcarra Drive in support of this appeal.

Correspondence was received from the owner/occupant of 7042 Belcarra Drive in support of this appeal.

Correspondence was received from the owner/occupant of 7041 Belcarra 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 MS. FELKER
SECONDED BY MR. LUONGO

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

CARRIED UNANIMOUSLY

PART A BOARD MEMBER COMMENTS:

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

Mr. Dhatt found hardship due to personal characteristics, noting this to be a minor variance, and voted to approve the variance.

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

Mr. Firdos noted this to be a minor variance, and voted to approve the variance.

Mr. Luongo noted this to be a minor variance, and voted to approve the variance

4. NEW BUSINESS

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

5. **ADJOURNMENT**

MOVED BY MR. LUONGO
SECONDED BY MS. FELKER

THAT the Hearing adjourn at 5:16 p.m.

CARRIED UNANIMOUSLY

Mr. R. Dhatt,
Chair

Ms. J. Chan

Ms. B. Felker,
Acting Chair

Mr. G. Firdos

Mr. A. Luongo

Ms. Eva Prior,
Acting Deputy City Clerk