

**TO:** CHIEF ADMINISTRATIVE OFFICER 2022 September 28

**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT

**SUBJECT:** Development Variance Permit Application (DVP #22-01)

**ADDRESS:** 7967 19<sup>th</sup> Avenue (Sketch #1 *attached*)

**LEGAL:** Parcel "A" (Reference Plan 3588) of Lot 22 District Lot 28 Group 1 New Westminster District Plan 632

**APPLICANT:** 1335138 BC LTD., INC.NO. BC1335138  
Attn: Randip Singh Virk  
6631 Fulton Avenue  
Burnaby, BC V5E 3G9

**PURPOSE:** To seek Council approval for a Development Variance Permit to facilitate the construction of a semi-detached dwelling.

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**RECOMMENDATIONS:**

1. **THAT** Council approve the issuance of Development Variance Permit (DVP #22-01).
2. **THAT** Council direct the City Solicitor to register notice of Development Variance Permit (DVP #22-01) with the Land Title Office.

**R E P O R T****1.0 INTRODUCTION**

The applicant is pursuing the construction of a new two-family semi-detached dwelling on the subject site, located at 7967 19<sup>th</sup> Avenue (see *attached* Sketch #1). To facilitate the construction of the semi-detached dwelling, which requires minor variances to the site's zoning, the applicant has submitted the subject Development Variance Permit (DVP) application to the City.

*Sections 498 and 498.1 of the Local Government Act (LGA)* allow a local government to issue, by Council resolution, a DVP to vary specific provisions of the Zoning Bylaw. With respect to the subject semi-detached dwelling, this application proposes to vary Section 105.7(2)(c) of the Zoning Bylaw to change the maximum height from 6.1 m (20.00 ft) to 7.4 m (24.25 ft), and Section 105.8(2)

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to change maximum depth from 19.8 m (65.00 ft) to 22.66 m (74.33 ft) (see *attached* Permit, Schedule A, and Schedule B). The public notification process for the subject DVP application, as outlined in Section 5.0, has been completed.

## 2.0 POLICY FRAMEWORK

The subject development variance permit (DVP) aligns with the following City Policies: *Corporate Strategic Plan (2022)*, *Regional Context Statement (2013)*, and *Official Community Plan (1998)*.

## 3.0 BACKGROUND

3.1 The subject site, located on the north side of 19<sup>th</sup> Avenue (mid-block between 4<sup>th</sup> Street and 6<sup>th</sup> Street), is zoned for single and two family dwellings under the R5 Residential District (see *attached* Sketch #1). Surrounding the subject site are single and two-family dwellings. Both the subject site and the surrounding properties are designated for “Single and Two Family urban” land uses in the Official Community Plan.

3.2 A Building Permit for the subject two-family dwelling was issued in April 2022, and thereafter, it was noted that there is a need for development variances to allow for the proposed height and depth under the R5 District. The subject DVP is being requested to permit minor increases to the maximum height and depth of the building in order to complete the construction of the project. This application did not go to the Board of Variance as the request is not related to hardship.

3.2 On 2022 July 25, Council received a report proposing a framework and procedure for the review and issuance of DVP applications, and authorized the preparation of amendments to the Development Procedures Bylaw (2022) and the Planning and Building Fees Bylaw (2017). The bylaw amendments will establish the type of DVP applications that require Council approval, and those more minor DVP requests that may be delegated to the General Manager Planning and Development for approval. These forthcoming bylaw amendments to formalize the procedure and fees are anticipated to be before Council for consideration this fall. In advance of these bylaw amendments being adopted, all DVP applications must be approved by Council resolution.

## 4.0 DVP APPLICATION

4.1 The applicant is seeking a variance to vary Section 105.7(2)(c) of the Zoning Bylaw to change the maximum height of the semi-detached dwelling from 6.1 m (20.00 ft) to 7.4 m (24.25 ft), and Section 105.8(2) to increase the depth from 19.8 m (65.00 ft) to 22.66 m (74.33 ft) (see *attached* Permit, Schedule A, and Schedule B).

- 4.2 With respect to the building height variance request, the intent of the Zoning Bylaw is to preserve views and mitigate the massing impacts of new buildings and structures on neighbouring properties. The design for the semi-detached dwelling features two second-storey flat roofs with a small downward slope from the front to rear of the building. The top portion of the flat roof at the front elevation exceeds that maximum permitted building height by 1.3 m (4.25 ft.), for a total building height of 7.4 m (24.25 ft).

From the front property line, the building's main floor is generously setback by approximately 17.17 m (56.33 ft.), and the second storey steps back further by approximately 2.19 m (7.18 ft.). This excess front yard setback helps to preserve views of neighbouring dwellings and reduces the building's overall massing impact from the street. The grades of the subject site further reduce the massing impact, as the building is slightly lower in elevation than the front property line facing the street.

At the rear of the property, the second-storey steps back from the main floor by approximately 8.97 m (29.42 ft.), and the downward sloping flat roof is at its lowest building height. This reduced scale of the second storey building massing at the rear of the dwelling helps to mitigate impacts on neighbours. Further, existing trees in the backyards of some neighbouring properties help to screen the building.

There are two neighbouring dwellings on each side of the subject site. The requested variance is expected to have a minimal impact on these side yard neighbours based on the proposed semi-detached dwelling's minor increase in height, reduced second storey massing, and excess front yard setback.

- 4.3 With respect to the building depth variance request, the intent of the Zoning Bylaw is to prevent the construction of long, imposing building walls that impact neighbouring properties. The building depth of the proposed semi-detached dwelling is measured from the outermost face of the main floor front elevation to the outermost face of the main floor rear elevation.

The rear elevation is recessed at the corners to accommodate large partly covered decks for each unit. As a result, the rear section of the main floor that exceeds the building depth maximum is further setback from the side yard property lines and neighbouring properties. Considering that this excess building depth area is only one-storey and features additional side yard setbacks, the proposed variance is not expected to adversely impact neighbouring properties.

- 4.4 In summary, for the reasons outlined in this Section, staff support the variance request to building height and depth to facilitate the construction of the proposed semi-detached dwelling on the subject site.

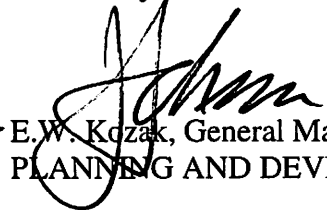
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## 5.0 PUBLIC NOTIFICATION

As per the requirements set out in the *LGA*, public notice of the subject DVP application was delivered to adjacent property owners and occupants (within 30 m of the subject property) at least ten (10) days before Council considers the application for approval. In addition to the *LGA* requirements, a sign was posted along the subject site's 19<sup>th</sup> Avenue frontage.

## 6.0 CONCLUSION

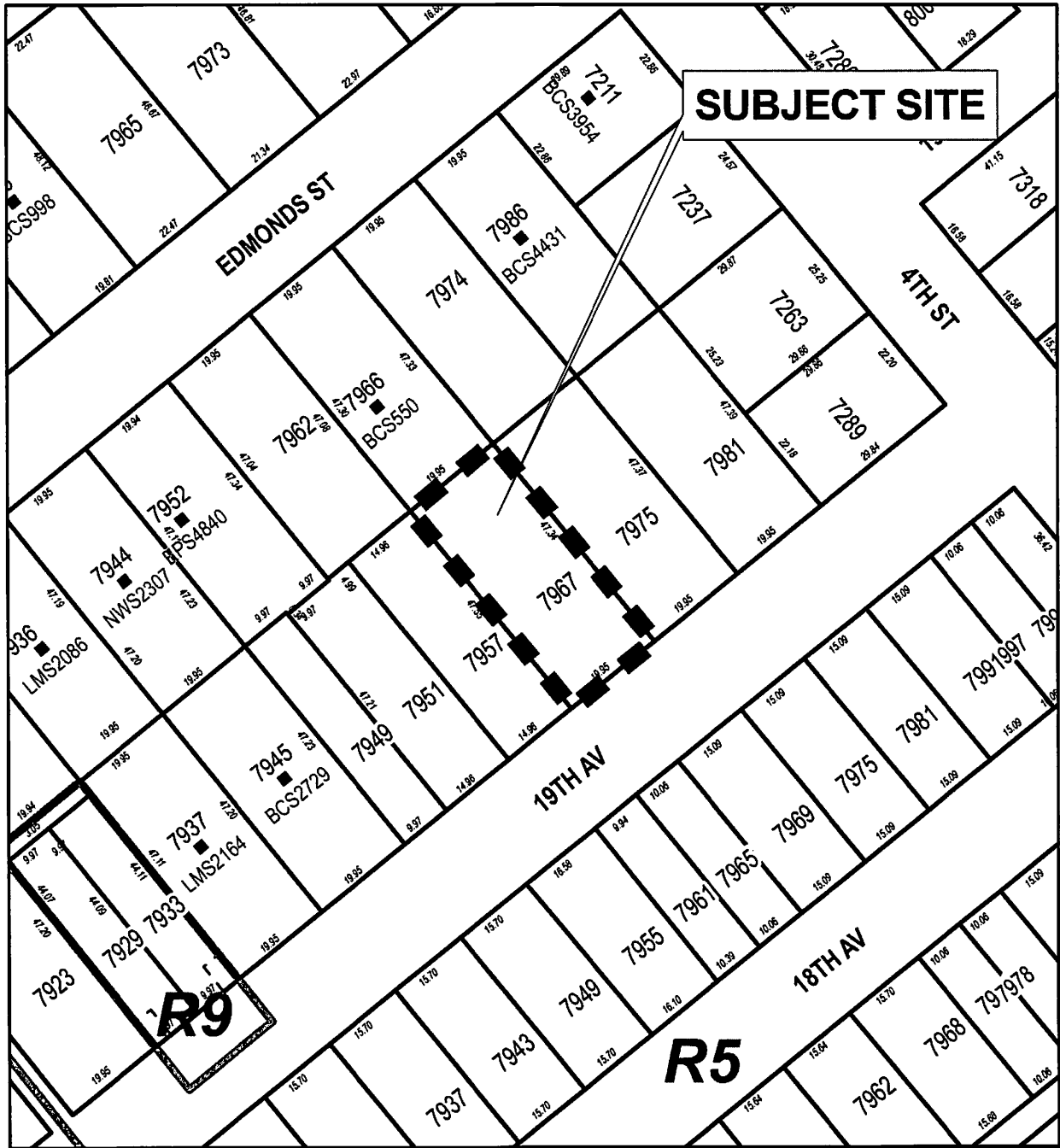
Staff request that Council approve the DVP application received for 7967 19<sup>th</sup> Avenue and direct the City Solicitor to register notice of the DVP with the Land Title Office. The requested variances to building height and building depth will facilitate the construction of a semi-detached dwelling on the subject site.


*EW*   
E.W. Kozak, General Manager  
PLANNING AND DEVELOPMENT

JD:tn

*Attachments*

cc: City Solicitor  
City Clerk



	
Date:	AUG 17 2022
scale:	1:1,200
Drawn By:	RW

PLANNING AND DEVELOPMENT DEPARTMENT



**DEVELOPMENT VARIANCE APPLICATION #22-01**  
**7967 19TH AVENUE**

 Subject Site

**CITY OF BURNABY  
DEVELOPMENT VARIANCE PERMIT DVP #22-01**

1. This Development Variance Permit DVP #22-01 (the "Permit"), issued pursuant to s. 498 of the *Local Government Act*, applies only to property with the civic address, parcel identifier, and legal description as follows:

Civic address: 7967 19<sup>th</sup> Avenue

PID: 003-295-893

Legal Description: Parcel "A" (Reference Plan 3588) of Lot 22 District Lot 28 Group 1 New Westminster District Plan 632

2. This Permit is issued to:

1335138 B.C. LTD., INC.NO. BC1335138

6631 Fulton Avenue

Burnaby, BC, V5E 3G9

3. This Permit varies the following sections of the *Burnaby Zoning Bylaw, 1965*, but only to the extent necessary to allow *the construction of a semi-detached dwelling, substantially in accordance with Schedule A (building elevations) and Schedule B (site plan) attached to this Permit:*

- Section 105.7(2)(c) by changing the maximum height from 6.1 m (20.00 ft) to 7.4 m (24.25 ft)
- Section 105.8(2) by changing the maximum depth from 19.8 m (65.00 ft) to 22.66 m (74.33 ft)

4. This Permit shall lapse if the owner does not substantially start any construction with respect to which this Permit is issued, within two (2) years of issuance of this Permit.
5. This Permit is not a building permit, sign permit, preliminary plan approval, or a subdivision approval.

AUTHORIZING RESOLUTION PASSED BY COUNCIL ON \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

THIS PERMIT IS HEREBY ISSUED THIS \_\_ DAY OF \_\_\_\_\_, 20\_\_

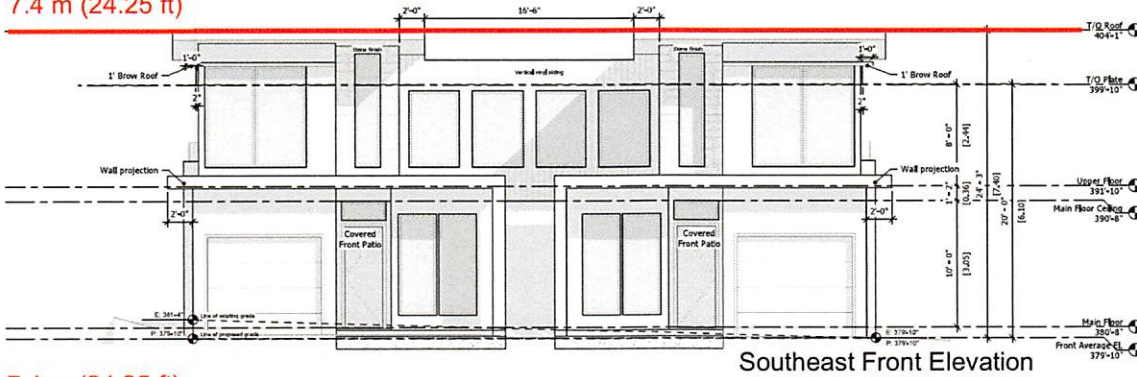
MAYOR

CLERK

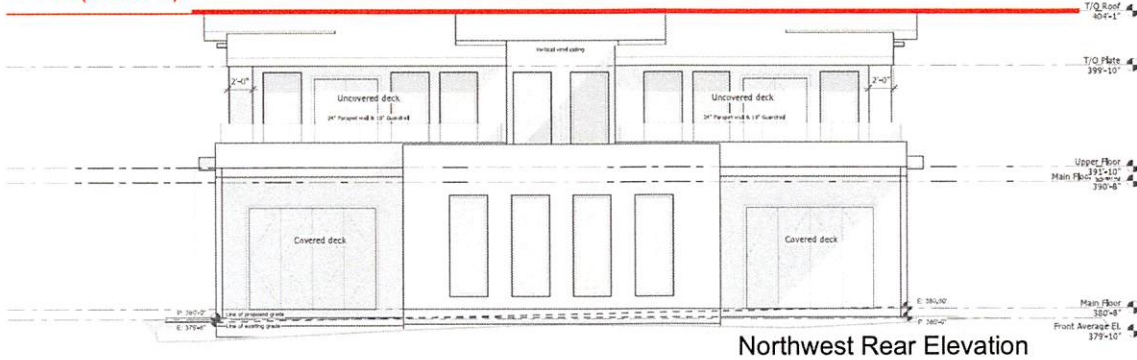
# Schedule A to Development Variance Permit DVP #22-01

## Building Elevations 7967 19th Avenue - Semi-Detached Dwelling

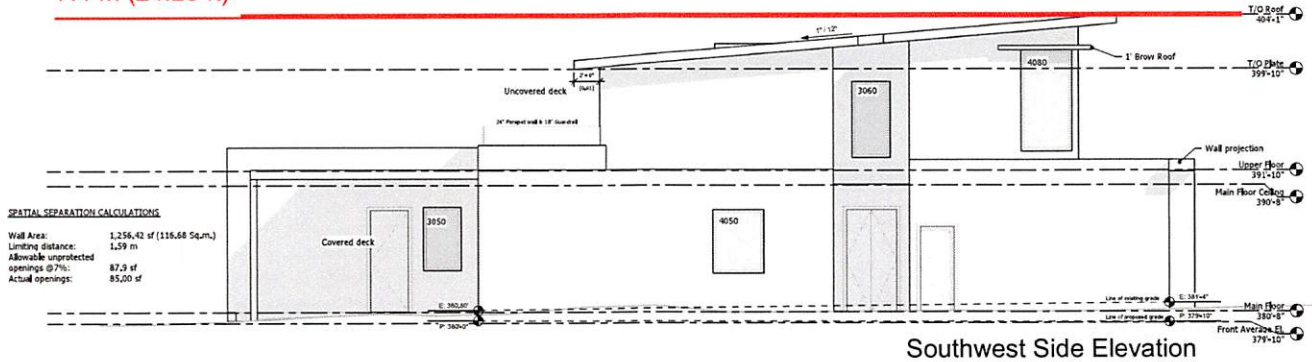
7.4 m (24.25 ft)



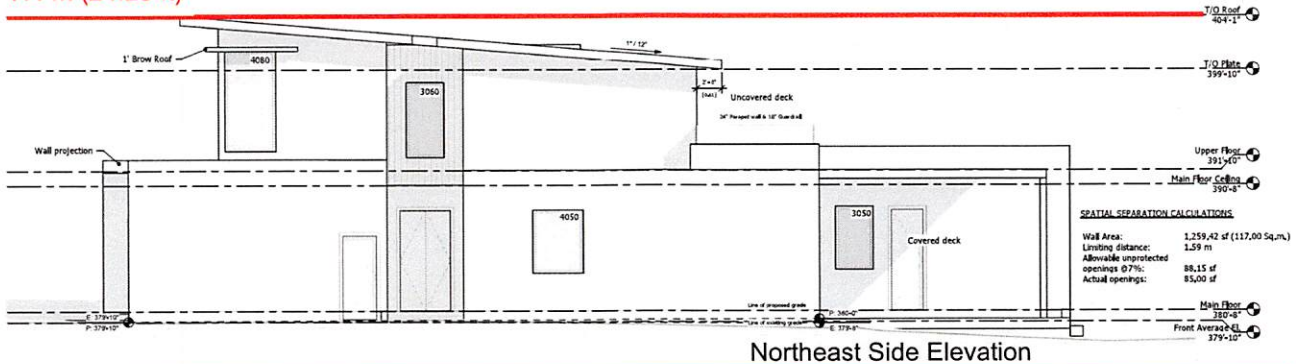
7.4 m (24.25 ft)



7.4 m (24.25 ft)



7.4 m (24.25 ft)



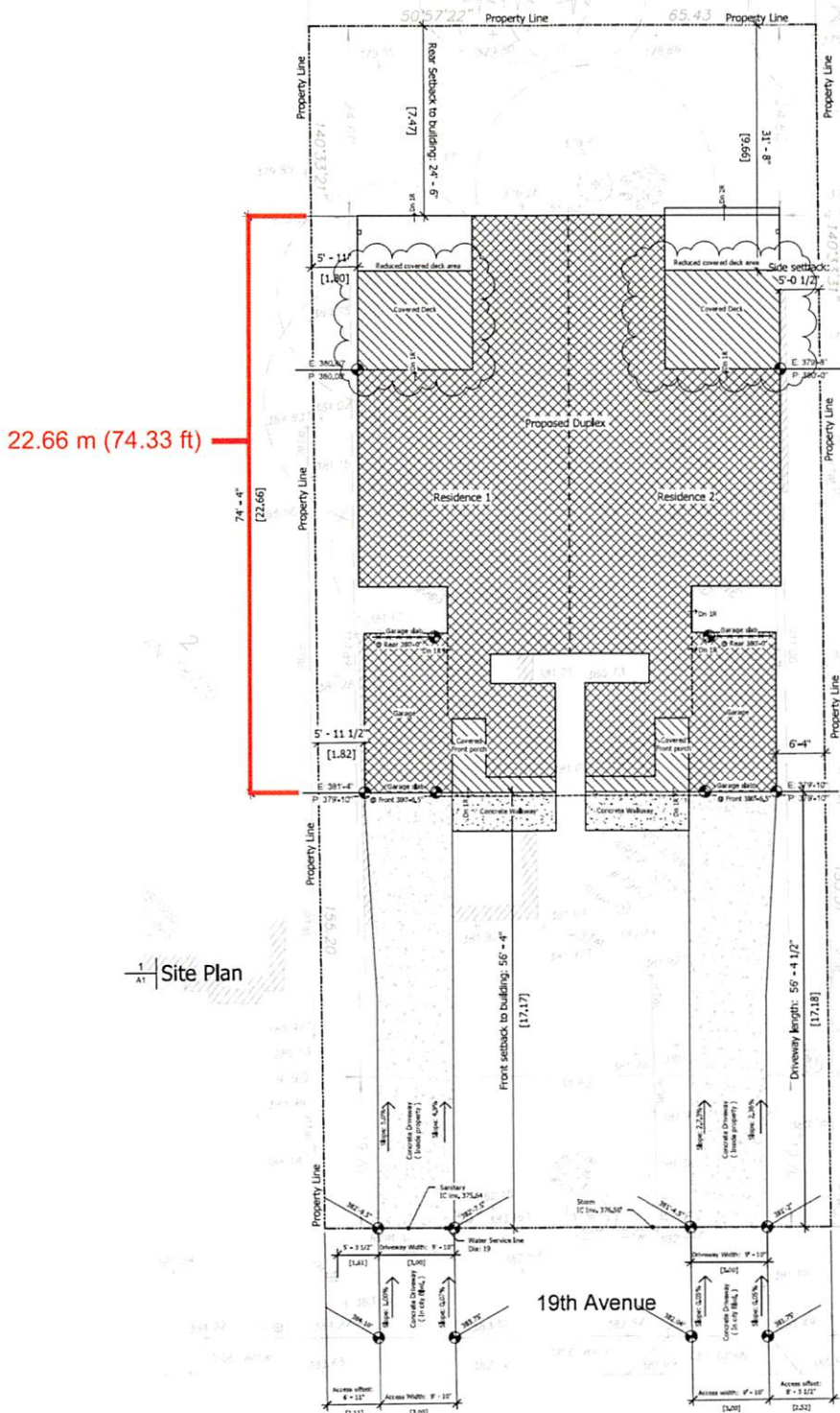
Vary Section 105.7(2)(c) of the *Burnaby Zoning Bylaw, 1965* by changing the maximum height from 6.1 m (20.00 ft) to 7.4 m (24.25 ft)



# Schedule B to Development Variance Permit DVP #22-01

## Site Plan

### 7967 19th Avenue - Semi-Detached Dwelling



Vary Section 105.8(2) of the *Burnaby Zoning Bylaw, 1965* by changing the maximum depth from 19.8 m (65.00 ft) to 22.66 m (74.33 ft)