

**TO:** MAYOR & COUNCILLORS  
**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT  
**SUBJECT:** **DVP #24-22 - 4244 NORLAND AVENUE  
SETBACK AND RETAINING WALL HEIGHT VARIANCE**  
**PURPOSE:** To seek Council approval for Development Variance Permit (DVP)  
#24-22.

## REFERENCES

**Address:** 4244 Norland Avenue  
**Legal:** PID: 030-543-070  
Title: Lot A District Lot 79 Group 1 New Westminster District Plan  
EPP78613  
**Applicant:** Johnston Davidson Architecture  
1301 – 877 East Hastings Street, Vancouver, BC V6A 3Y1  
Attn: Kimberly Johnston  
**Owner:** City of Burnaby  
**Current Zoning:** P2 Administration and Assembly District

## RECOMMENDATION

**THAT** the issuance of Development Variance Permit #24-22 included as Attachment 2 to the report titled “DVP#24-22 – 4244 Norland Avenue - Setback and Retaining Wall Height Variance” dated March 25, 2025, be approved; and

**THAT** the City Solicitor be directed to register notice of Development Variance Permit #24-22 with the Land Title Office.

### 1.0 POLICY SECTION

The subject Development Variance Permit (DVP) application aligns with the following policies and plans adopted by Council: Corporate Strategic Plan (2022), Regional Context Statement (2013), Official Community Plan (1998), Economic Development Strategy (2007), Social Sustainability Strategy (2011), Environmental Sustainability Strategy (2016), and Transportation Plan (2021).

### 2.0 BACKGROUND

2.1 The subject site at 4244 Norland Avenue (see **Attachment 1**) is zoned P2-administration and Assembly District and designated for Business Centre District under the Central Administrative Area Community Plan. The site is designated Business Centre under the City’s Official Community Plan, and as Mixed

Employment under Metro Vancouver’s Regional Growth Strategy. On January 29, 2024, Council endorsed the delivery of the new community safety building on the subject site.

- 2.2 Land uses adjacent to the subject site include a childcare facility, office buildings, and surface parking for the offices. Other nearby neighbourhood uses include the Norland Place Supportive Housing development to the north across Kincaid Street, and the Dania seniors housing development to the west across Norland Avenue.
- 2.3 The applicant has submitted a Development Variance Permit (DVP) application to request that Council consider variances to setback and retaining wall height. Sections 498 and 498.1 of the Local Government Act (LGA) allows a local government to issue, by Council resolution, a DVP to vary specific provisions of the Zoning Bylaw.

**3.0 GENERAL INFORMATION**

3.1 The applicant is seeking to vary certain requirements of the P2 Administration and Assembly District to enable the full and appropriate development potential of the property in the public interest. The proposed variances include relaxations to retaining wall heights, as well as front, side and rear yard setbacks. The table below identifies the requested variances to the applicable sections of the Zoning Bylaw:

**Table 1: Requested Variances**

Bylaw Section		Bylaw Requirement	Requested Variance
502.7	Front Yard	Minimum of 6.0 m	0.0 m
502.8	Side Yard	Minimum of 6.0 m	2.3 m and 3.3m
502.9	Rear Yard	Minimum of 6.0 m	5.5 m
6.14.1(1)	Retaining Walls	Maximum height of 1.2 m	1.8 m to 3.9 m

- 3.2 The variance sought under Section 502.7 is to permit a portion of the proposed parkade in the south-west corner with zero setback. The variance sought under Section 502.8 is to permit a proposed patio with structural glass balustrade and a raised portion of the basement on the northern boundary of the site with a 2.3m (9.5ft.) and 3.3m (10.8ft.) setback. The variance sought under Section 502.9 is to permit a 5.5m (18ft.) setback at the rear of the proposed building.
- 3.3 The Zoning Bylaw requirement for building setbacks is to accommodate suitable ventilation, lighting, sound insulation, site access and circulation, and landscaping. The proposed setback reductions would not negatively impact on these provisions as the portions of building within the reduced front yard and side yard setbacks are adjacent to Ledger Avenue, away from the closest residential properties. The

impact of the proposed reduction of the rear yard is minimal as the finished elevation of the site would be lower than the properties along Norland Avenue.

3.4 The applicant has provided a Traffic Impact Assessment to demonstrate that vehicle sightlines along Ledger Avenue are not impacted by the proposed building setbacks. The Assessment has been reviewed and accepted by the Engineering Department - Transportation.

3.5 The applicant also seeks to vary Section 6.14.1(1) of the Zoning Bylaw, which permits a maximum retaining wall height at 1.2m. As the site generally slopes down from north to south, the proposed building is sited to take advantage of the slope to reduce the number of earthworks, resulting in a number of retaining walls with varying height around the site.

3.6 Five sections of retaining wall would exceed 1.2 m including:

- a section along the southern boundary that is 8.3m in length and 2.0m in height, adjacent to a public parking lot,
- a section along the western boundary that is approximately 14m in length, with a varying height between 1.8m to a maximum height of 2.8m, adjacent to three city-owned properties and one privately owned commercial property,
- a section along the eastern boundary that is 6 m long with a height of 2.4m adjacent to Ledger Avenue, and
- a section between the surface parking area and the loading area which has a height of 3.9 m.

3.7 The intent of limiting retaining wall height is to limit the massing impact of the building on the neighbouring properties. As the site is at a lower elevation than the adjacent properties, the visual impact of the retaining walls will be minimal. The Building Division and Engineering Department has reviewed and accepted the proposed retaining wall height.

3.8 For the reasons outlined above, staff support the requested variances to facilitate the construction of the proposed community safety building. A copy of the permit for the requested variances is attached as **Attachment 2** to this report. If Council approves the issuance of the DVP, notice of the DVP will be deposited in the Land Title Office on title to the subject property.

**4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT**

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 Norland Avenue and Ledger Avenue frontages. The City has received no comments on this application.

**5.0 FINANCIAL CONSIDERATIONS**

There are no financial considerations related to this proposal.

Respectfully submitted,

Lee-Ann Garnett, Deputy General Manager, Planning and Development, on behalf of  
E. W. Kozak, General Manager Planning and Development

**ATTACHMENTS**

- Attachment 1 – Sketch #1
- Attachment 2 – Proposed DVP #24-22 and Schedule A

**REPORT CONTRIBUTORS**

This report was prepared by Charlene Liew, Planner 3, and reviewed by Mark Norton,  
Manager Development, May Leung, City Solicitor and Jesse Dill, Director Development.