

TO: MAYOR & COUNCILLORS

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: DVP #25-15 – 4838 BYRNE ROAD – VARIANCE FOR FENCE HEIGHT

PURPOSE: To seek Council approval for Development Variance Permit (DVP) #25-15.

REFERENCES

Address: 4838 Byrne Road
Legal: PID: 011-166-568
Lot 3 Except Part Dedicated Road in Plan BCP10078 DL 166A Group
1 NWDP 5970

Applicant: South West Garden Supplies Ltd.
7358 14th Avenue, Burnaby, BC V3N 1Z6
Attention: Jaswinder Singh Athwal (Authorized Agent)

Land Owner: Jaswinder Singh Athwal and Jasvir Kaur Athwal

Current Zoning: A1 – Agricultural District

RECOMMENDATION

THAT Development Variance Permit #25-15 included as **Attachment 2** in the report titled “DVP #25-15 – 4838 Byrne Road – Variances for Fence Height” dated June 24, 2025, be approved; and

THAT the City Solicitor be directed to register notice of Development Variance Permit #25-15 with the Land Title Office.

1.0 POLICY SECTION

The subject Development Variance Permit (DVP) aligns with the following policies and plans adopted by Council: Corporate Strategic Plan (2022), Official Community Plan (1998), Big Bend Community Plan (1972), Economic Development Strategy (2007), Social Sustainability Strategy (2011), Regional Context Statement (2013), Environmental Sustainability Strategy (2016) and Transportation Plan (2021).

The application for the requested variances is made pursuant to Section 498 and 498.1 of the *Local Government Act* (LGA), which allows a local government to issue, by Council resolution or staff delegation, a DVP to vary specific provisions of the Zoning Bylaw. The public notification process for the subject DVP application, as outlined in Section 4.0, has been completed.

2.0 BACKGROUND

- 2.1 The subject site is located at the corner of Byrne Road and North Fraser Way and is designated for Agriculture within the Big Bend Community Plan and Official Community Plan (see **Attachment 1** – Sketch #1). The subject site is comprised of one lot that is improved with an office building, greenhouse structures, and soil material storage areas related to agriculture.
- 2.2 The applicant is requesting a Development Variance Permit (DVP) to vary the front yard fence height, which is installed for security purposes related to the specialized horticulture and gardening activity taking place on the site (see **Attachment 1** – Sketch #2). The site is improved with an existing office building and the applicant is pursuing a Preliminary Plan Approval application (PPA #24-39) to facilitate the construction of a new greenhouse building.
- 2.3 The subject variance follows Sections 498 and 498.1 of the *Local Government Act* (LGA) allowing a local government to issue, by Council resolution, a DVP to vary specific provisions of the Zoning Bylaw. In addition to the subject variance to be considered by Council, the applicant is also pursuing 3 minor variances for building height, front yard setback, and eave projections, which are supported by the General Manager Planning and Development through the authority delegated by Council to issue a development variance permit in respect to minor variances (Part 4A of the *Burnaby Development Procedures Bylaw 2022*).
- 2.4 The public notification process for the subject fence height DVP application, as outlined in Section 4.0, has been completed.

3.0 GENERAL INFORMATION

- 3.1 The applicant is seeking to vary the Supplementary Regulations of the Zoning Bylaw to maintain security and continue efficiently using the site for proposed uses. The proposed variance is to increase the front yard fence height. 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
6.14.2(1)(a)	Front Yard Fence Height	Maximum of 1.07 m	1.83 m

- 3.2 The requested variance is supported by the following rationale:

Fence Height (s. 6.14.2 (1)(a))

The applicant is requesting a variance to increase front yard fence height to ensure the uses taking place on site are appropriately screened and security is maintained. The above variance is not expected to introduce new impacts to surrounding land uses, streetscapes, the neighbourhood, or the natural environment. Additionally, the variance maintains the efficiency of the site. The above requested variance does not conflict with any other City policies or regulations.

- 3.3 For the reasons outlined above, staff support the variance request to increase the permitted height of the fence within the front yard. The required permit for the requested variance is attached as **Attachment 2** to this report. If Council approves the issuance of this DVP, a notice of the DVP will be deposited in the Land Title Office and registered on the subject property's title.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

In accordance with the requirements set out in the *Local Government Act* and the *Burnaby Development Procedures Bylaw*, public notice of the subject DVP application was delivered to adjacent property owners and occupants (within 30m of the subject property) at least ten (10) days before Council considered the application for approval. A public notice was also published on the City's website, distributed as part of the City's online newsletter and a sign was posted along the subject site's street frontages.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations related to this proposal.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

ATTACHMENTS

Attachment 1 – Sketch #1 and Sketch #2

Attachment 2 – Development Variance Permit DVP #25-15

REPORT CONTRIBUTORS

This report was prepared by Jenna Singh, Planning Analyst, and reviewed by Kaitlynn Given, Planner 2, Jennifer Wong, Assistant City Solicitor, and Jesse Dill, Director Development.