

TO: MAYOR & COUNCIL
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **DVP 23-03 - 7501 6th STREET – VARIANCE TO MAXIMUM HEIGHT OF A STRUCTURE IN THE REQUIRED VISION CLEARANCE AREA**
PURPOSE: To seek Council approval for Development Variance Permit 23-03

REFERENCES

Address: 7501 6th Street
Legal: Lot 10 Block 11 District Lot 28 Group 1 New Westminster District Plan 627
Applicant: Calvin Tse, Organic Early Learning Society, 7535 6th Street, Burnaby, BC, V3N 3M2
Current Zoning: C4 Service Commercial District

RECOMMENDATIONS:

THAT the issuance of Development Variance Permit 23-03 be approved; and

THAT the City Solicitor be directed to register notice of Development Variance Permit 23-03 with the Land Title Office.

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS

I concur with the recommendation of the General Manager Planning and Development.

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), Sixth Street Community Plan (2012), Economic Development Strategy (2007), Social Sustainability Strategy (2011), Environmental Sustainability Strategy (2016), and Transportation Plan (2021).

2.0 BACKGROUND

The subject property at the south corner of 6th Street and 16th Avenue is zoned Service Commercial District (C4) and is designated for Medium Density Mixed Use within the Sixth Street Community Plan (see Attachment 1). The property is improved with a commercial building and associated landscaping and paved surfaced parking. To the northwest, across 16th Avenue, is a townhouse development, and to the northeast

across 6th Street, is a mix of single family residential and institutional uses. To the southeast is a commercial building and to the southwest is a single family home.

The applicant is proposing a child care facility on the subject property, which is an expansion of their childcare program currently located on the same block at 7535 6th Street. The north corner of the property near the 6th Street and 16th Avenue intersection is subject to the vision clearance requirements of the Zoning Bylaw. A small northern portion of the required fencing/guardrail around the proposed outdoor play area exceeds the permitted maximum height for any structure within the vision clearance. As a result, the applicant has requested a variance to accommodate the installation of the fence/guardrail to satisfy the safety requirements for an outdoor child care play space.

The requested variance follows *Sections 498 and 498.1* of the *Local Government Act (LGA)*, which allows a local government to issue, by Council resolution, a Development Variance Permit (DVP) to vary specific provisions of the Zoning Bylaw.

3.0 GENERAL INFORMATION

The applicant is seeking to vary Section 6.13(1) of the Zoning Bylaw to increase the maximum height of the proposed fence/guardrail structure located in the required vision clearance from 1.07 m (3.51 ft.) to 2.38 m (7.81 ft.). The intent of the required vision clearance is to facilitate vehicular, pedestrian and cyclist safety at street and lane intersections. In this case, the clearance area is a triangular area that runs 9.00 m (29.52 ft.) along the property lines from the corner of the intersection.

The subject fence/guardrail is proposed to be only 1.07 m (3.51 ft.) high within the vision clearance area. However, the fence/guardrail is proposed on top of a retaining wall currently fronting 6th Street which contributes to the overall fence height calculations. As a result, the height of the fence/guardrail requires a variance at its maximum height of 2.38 m (7.81 ft.). The existing principal building is also partly built within the vision clearance area, which is permitted by the Zoning Bylaw.

The proposed fence/guardrail is needed to secure the outdoor child care play area in the front of the property, and a further setback of the fence/guardrail from the vision clearance area would result in a reduced outdoor play area that would not meet Fraser Health child care licencing regulations. The outdoor area currently proposed is based on provincial funding for 29 children. The applicant has explored other options such as replacing parking spaces with outdoor play area to the rear of the property. This would create a shortfall of parking on site. Also, locating the outdoor play area on the roof was considered, but this option would trigger a roof reinforcement requirement and other BC Building Code upgrades that would be cost prohibitive to the proposal.

The fence/guardrail would be offset from the 6th Street property lines by 2.0 m (6.56 ft.) and partly screened by the existing building when viewed from the 16th Avenue side. The

existing building, as a principal building, is partly built within the vision clearance which is allowed by the Bylaw.

The proposed variance is considered supportable as the proposed fence/guardrail would not create significant massing impacts for the intersection or the surrounding properties. The fence/guardrail would be offset from the 6th Street property lines by 2.0 m (6.56 ft.) and would be partly screened by the existing building that is within the vision clearance area. Further, a requirement of the permit will be that the fence is designed with clear glazing to reduce impacts on vision clearance.

In summary, staff support the variance request to allow the height of fence/guardrail within the required vision clearance to be the maximum height of 2.38m (7.81 ft.). The required permit, including the site plan and building elevations that form part of the permit, are attached as Attachment 2 to this report. If approved, the permit will be deposited in the Land Title Office and registered on the subject property’s title.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

As per the requirements set out in the Local Government Act, public notice of the subject DVP application was delivered to adjacent property owners and occupants (within 50 m of the subject property) at least ten (10) days before Council considers the application for approval. In addition to the LGA requirements, signs were posted along the property’s 6th Street and 16th Avenue frontages.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations related to this proposal.

Respectfully submitted,

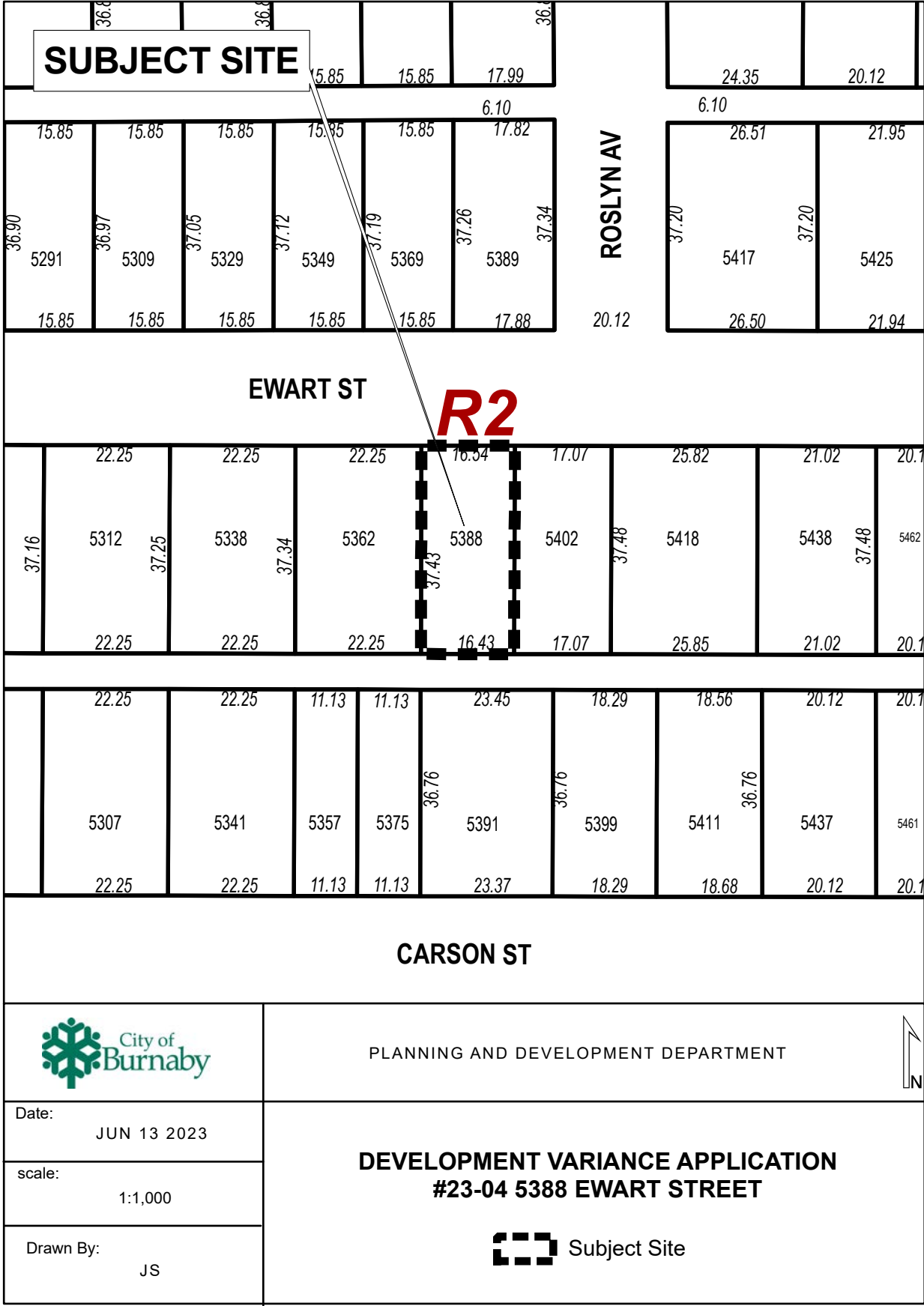
E.W. Kozak, General Manager Planning and Development

ATTACHMENTS

- Attachment 1 – Sketch #1
- Attachment 2 – Development Variance Permit #23-03, Schedule A (Site Plan), and Schedule B (Building Elevations)

REPORT CONTRIBUTORS

This report was prepared by Lisa De Silva, Planning Analyst, and reviewed by Margaret Malysz, Supervisor Preliminary Plan Approvals, Jesse Dill, Senior Development and Urban Design Planner, Johannes Schumann, Director Development and Urban Design, and Lee-Ann Garnett, Deputy General Manager Planning and Development.



Sketch #1



**CITY OF BURNABY
DEVELOPMENT VARIANCE PERMIT DVP #23-04**

1. This Development Variance Permit DVP #23-04 (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: 5388 Ewart Street

PID: 002-928-868

Legal Description: Lot 1 District Lot 158 Group 1 New Westminster District Plan 22633

2. This Permit is issued to:

Hardip Sahota

5388 Ewart Street, Burnaby, BC, V5J 2W4

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 single family dwelling, substantially in accordance with Schedule A (site plan) and Schedule B (building elevations) attached to this Permit*:

- Section 102.6 (1)(a) by varying the maximum height of the principal building from 2 1/2 storeys and 9.00 m (29.50 ft.) with a sloping roof to 2 1/2 storeys and 11.54 m (37.88 ft.) with a sloping roof.

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__

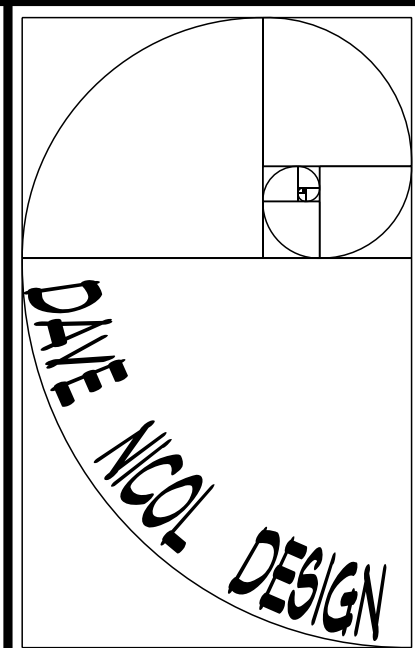
MAYOR

DIRECTOR LEGISLATIVE SERVICES

Schedule A (Site Plan) to Development Variance Permit DVP #23-04 - 5388 Ewart Street

AREA SCHEDULE		
NAME	COLOR	AREA
Gross Floor Area		3808.5 sq ft.
SUITE		528.3 sq ft.
GARAGE		495.1 sq ft.
CELLAR AREA		1122.5 sq ft.
MAIN FLOOR		1484.3 sq ft.
DECK		381.1 sq ft.
AGFA		2129.6 sq ft.
UPPER		1201.7 sq ft.
IMPERMABLES		3136.5 sq ft.
LOT AREA		6642.2 sq ft.

DRAWING SCHEDULE	
SITE PLAN	1
DRAWING NOTES	2
ELEVATIONS 1	3
ELEVATIONS 2	4
FOUNDATION	5
BASEMENT	6
MAIN FLOOR	7
UPPER FLOOR	8
CROSS SECTIONS	9
ENERGY EFFICIENCY	10



3876-204a Street
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CANADA V3A4X2
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(604) 510-2861
EMAIL:
davenicoldesign@gmail.com

New Home

5388 Ewart St
Burnaby BC

PHONE:

LEGAL DESCRIPTION:
LOT 1,
DISTRICT LOT 158,
GROUP 1,
NUD, PLAN 22633
ZONING:
R2.
LOT AREA:
6642.2 sq ft.

CONTRACTOR:

ON SITE CONTACT:

BUILDING CODE:
These plans conform to the 2018
British Columbia Building Code
VBSL 2018.
WRITTEN DIMENSION SHALL
HAVE PRECEDENCE OVER
SCALED DIMENSIONS.
CONTRACTORS SHALL VERIFY
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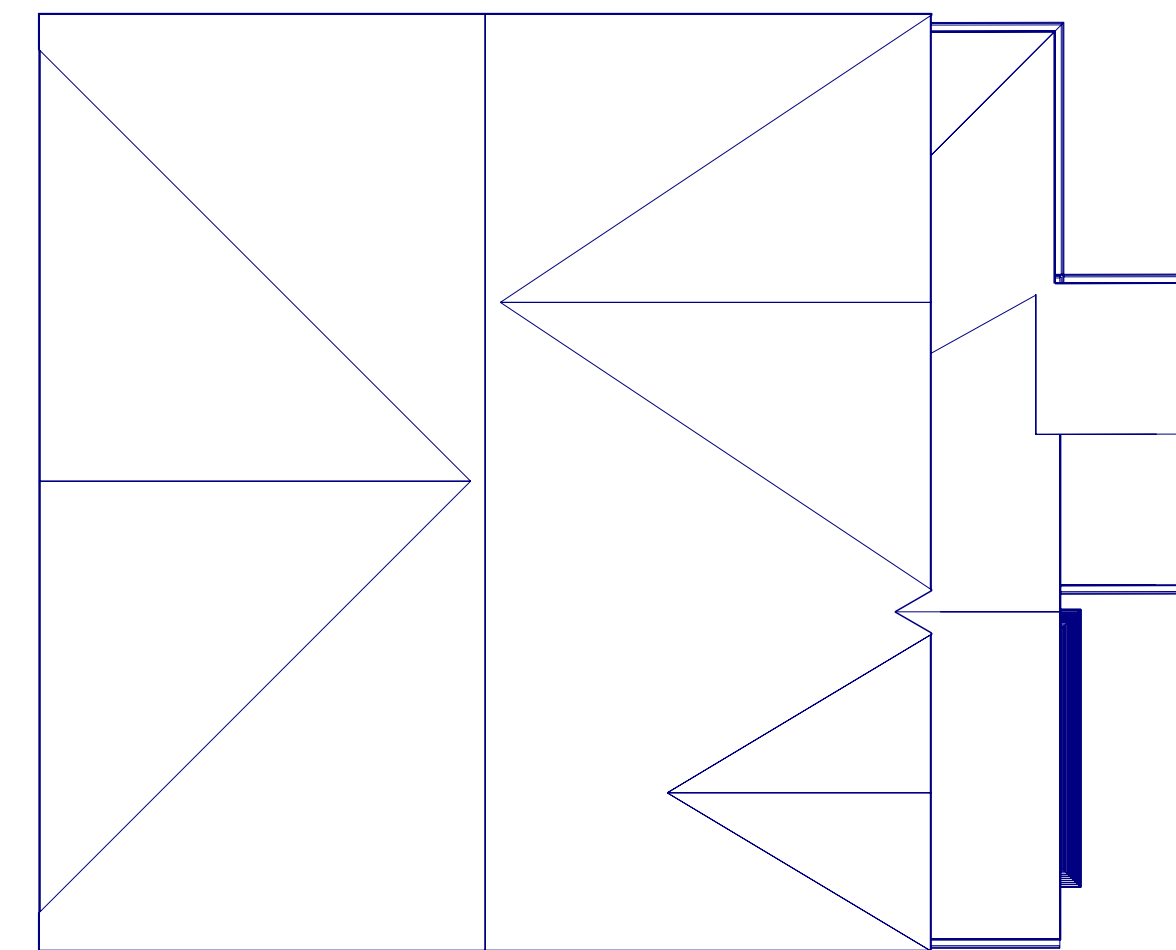
SITE PLAN

SCALE: AS NOTED:

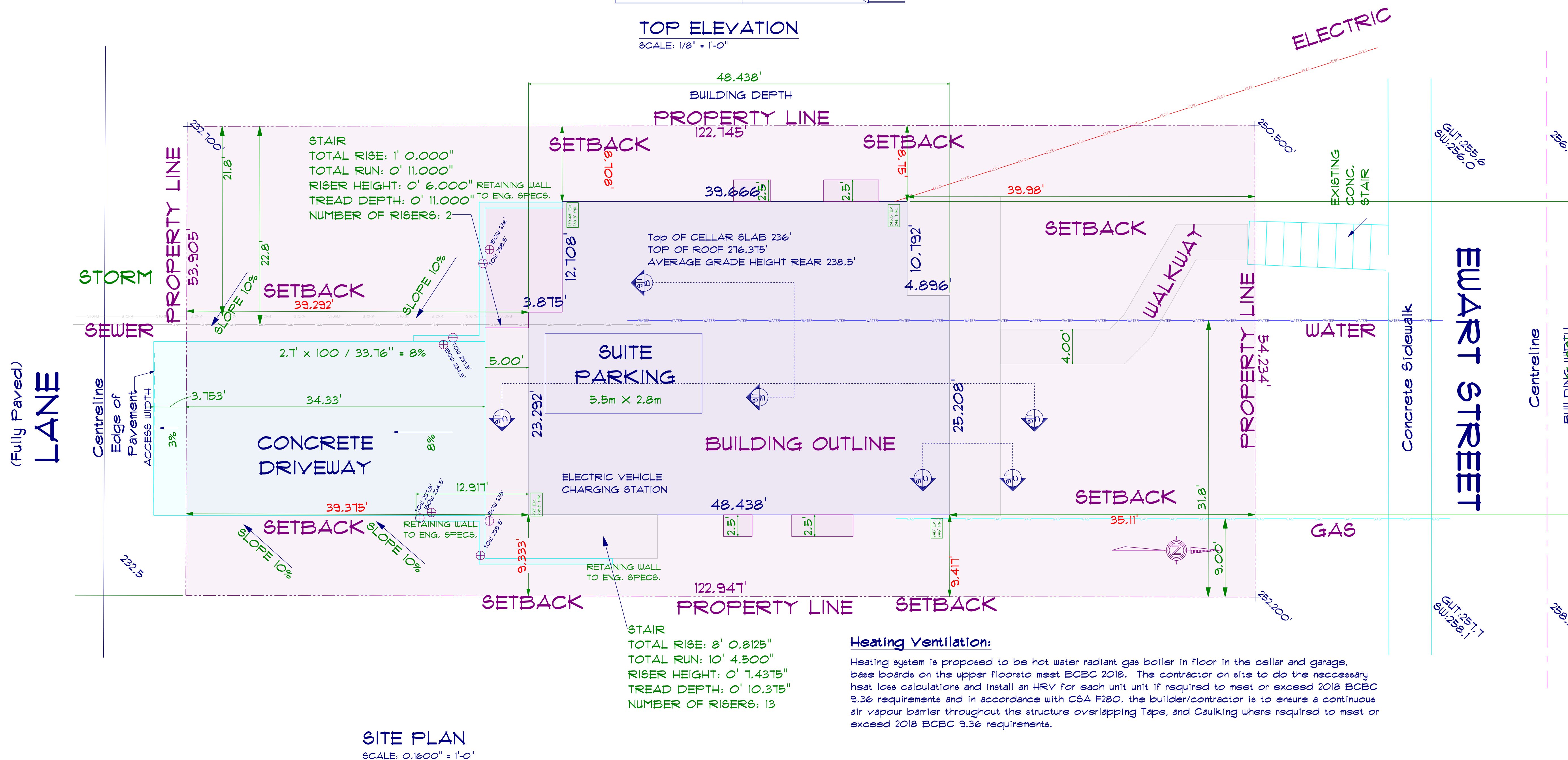
DATE:
April 7, 2022

PAGE:
116

Drawing #
2011-02RH



TOP ELEVATION
SCALE: 1/8" = 1'-0"



SITE PLAN
SCALE: 0.1600" = 1'-0"

(Fully Paved)
LANE

STORM
SEWER

ELECTRIC

WATER

GAS

EWART STREET

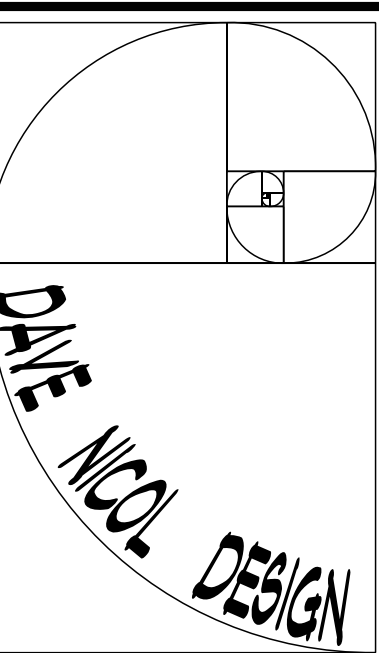
Centreline

BUILDING WIDTH

Concrete Sidewalk



Schedule B (Building Elevations) to Development Variance Permit DVP #23-04 - 5388 Ewart Street - Page 1 of 2



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WRITTEN DIMENSION SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE INFORMED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWING.

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ELEVATIONS 1

SCALE: AS NOTED
DATE: April 7, 2022

PAGE:
316

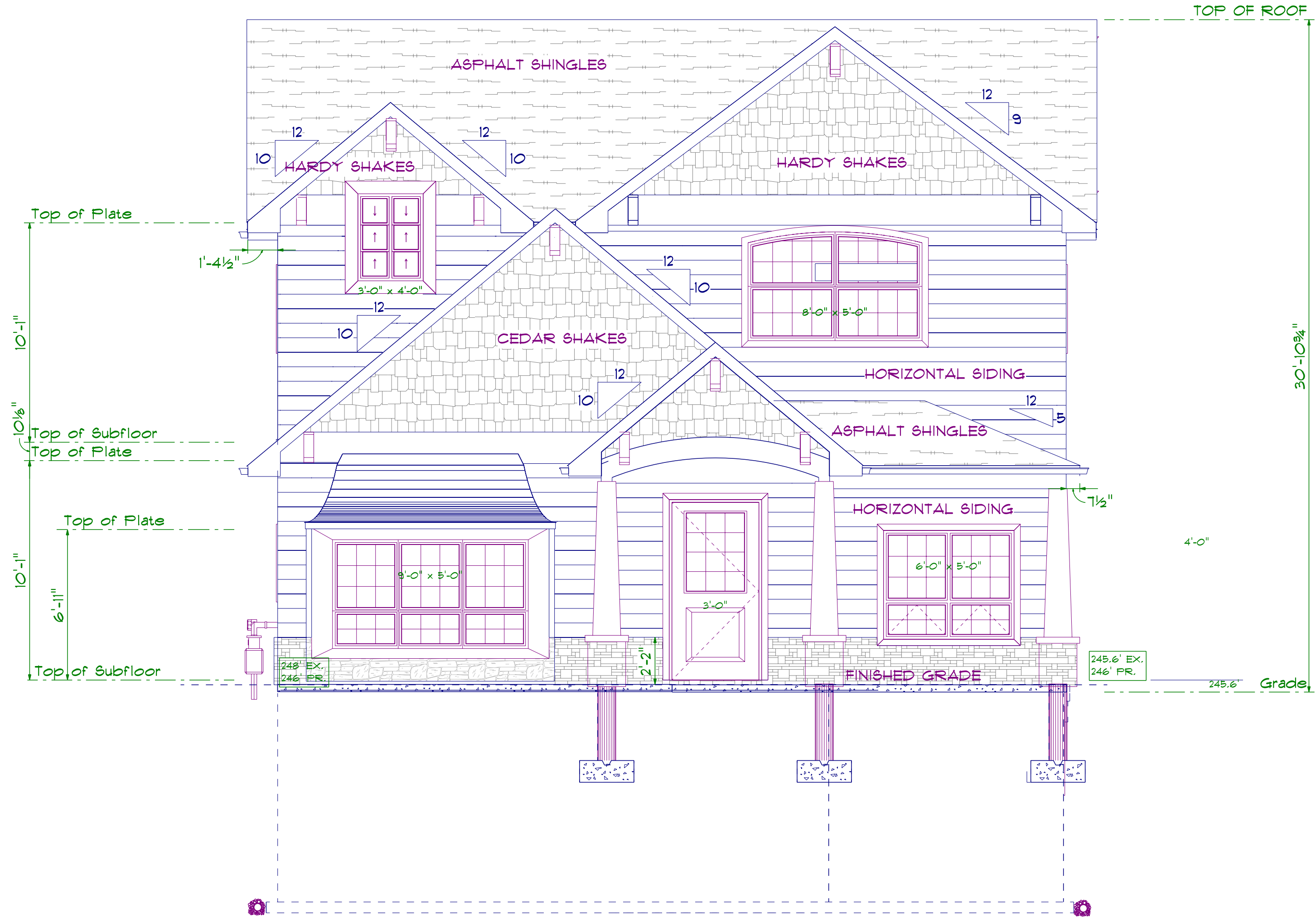
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Table 9.10.15.4
Maximum Area of Glazed Openings in Exterior Walls of Buildings Containing only Dwelling Units
Forming Part of Sentence 9.10.15.4.(1)

Column 1 Maximum Area of Exposing Building Face, m ²	Column 2: Maximum Aggregate Area of Glazed Openings, % of Exposing Building Face Area											
	Limiting Distance, m											
	Less than 1.2	1.2	1.5	2.0	4.0	6.0	8.0	10.0	12.0	16.0	20.0	25.0
30	0	7	9	12	39	88	100	-	-	-	-	-
40	0	7	8	11	32	69	100	-	-	-	-	-
50	0	7	8	10	28	57	100	-	-	-	-	-
100	0	7	8	9	18	34	56	84	100	-	-	-
Over 100	0	7	7	8	12	19	28	40	55	92	100	-

Area of exterior wall of existing building adjacent to proposed new lot line: 106 m² (a)
Area of all openings on the wall: 6.4 m² (b)
Calculations: 100 X (b) 640 divided by (a) 106 m² = 6 % (c)

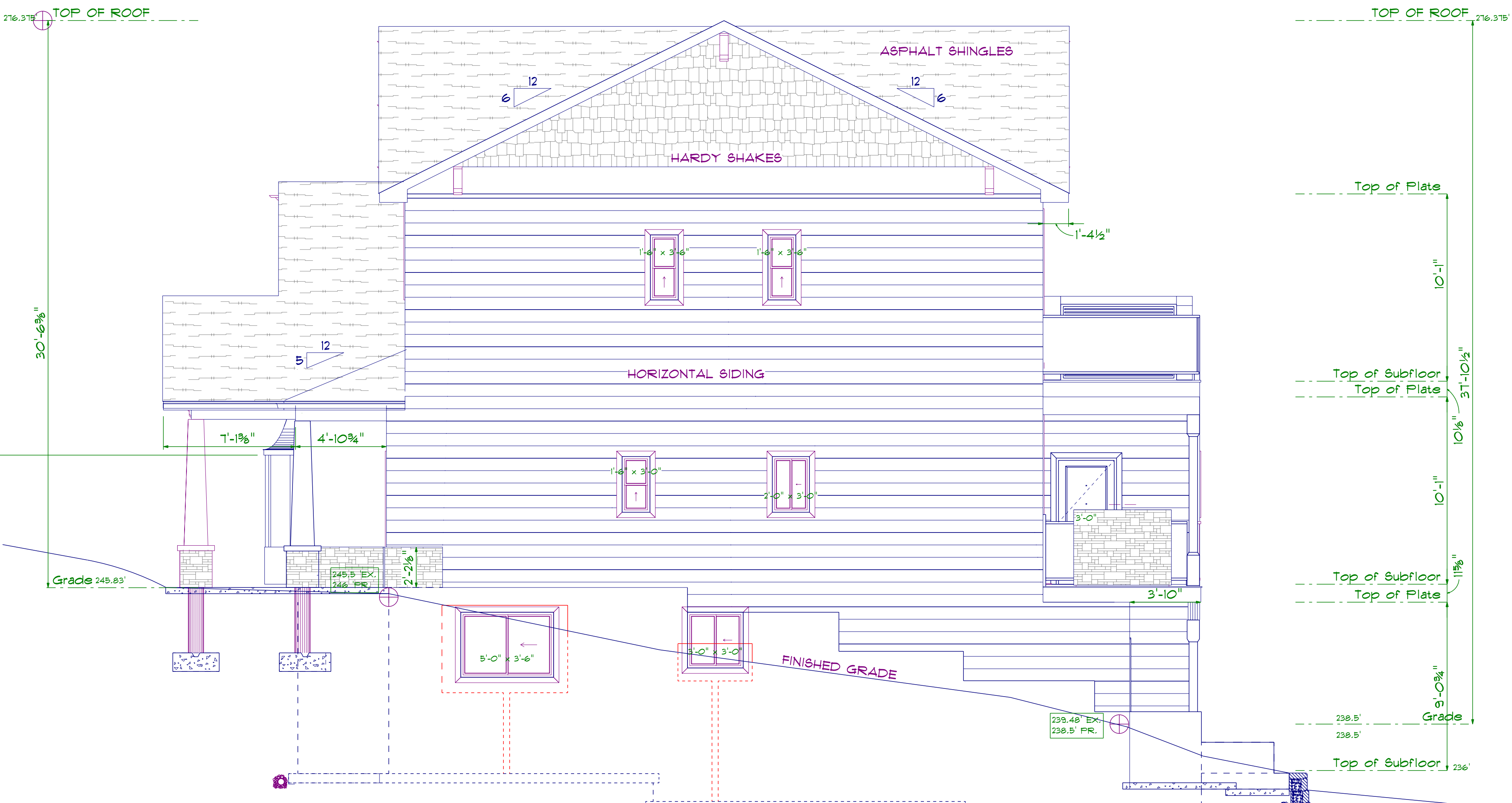
LIMITING DISTANCE WEST



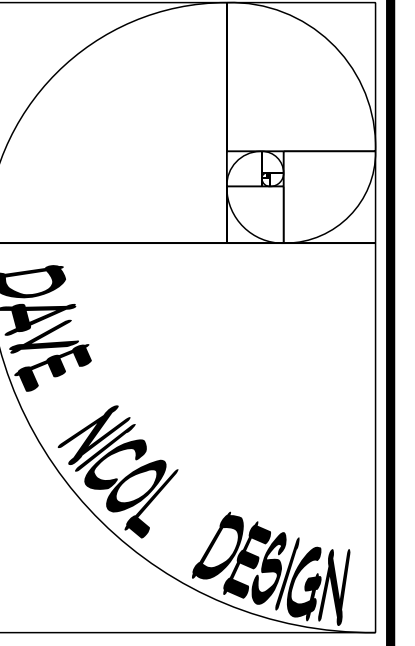
NORTH ELEVATION
SCALE: 1/4" = 1'-0"

WINDOW SCHEDULE		
PRODUCT CODE	SIZE	COUNT
36X48 DOUBLE HUNG 2-MODIFIED	3'-0" x 4'-0"	1
36X36 Picture Awning 1	3'-0" x 3'-0"	2
48X42 Picture Awning 2	4'-0" x 3'-6"	1
60X42 Picture Awning 2	5'-0" x 3'-6"	1
72X48 Picture Awning 2-MODIFIED	8'-0" x 5'-0"	1
72X60 Picture Awning 2-MODIFIED	9'-0" x 5'-0"	1
72X60 Picture Awning 2	6'-0" x 5'-0"	1
82X36 PICTURE 3	6'-10" x 3'-0"	1
18X36 SINGLE HUNG 1	1'-6" x 3'-0"	1
18X42 SINGLE HUNG 1	1'-6" x 3'-6"	2
60X72 SINGLE HUNG 2-MODIFIED	5'-0" x 8'-0"	1
24X36 SLIDER	2'-0" x 3'-0"	1
36X36 SLIDER	3'-0" x 3'-0"	2
60X42 SLIDER	5'-0" x 3'-6"	1
48X36 SLIDER	4'-0" x 3'-0"	1

DOOR SCHEDULE				
PRODUCT CODE	SIZE	HINGE	COUNT	
32X80 COLONIAL A 1	2'-8"	L	1	
36X80 COLONIAL A 1	3'-0"	L	2	
36X80 COLONIAL A 1	3'-0"	R	1	
36X80 COUNTRY A 1-MODIFIED	4'-0"	R	1	
36X80 COUNTRY A 1	3'-0"	L	1	
144X80 FACE SLIDING 4-MODIFIED	12'-0"	LLLL	1	
72X80 FACE SLIDING 2	6'-0"	LL	1	
72X80 FACE SLIDING 2	6'-0"	RR	1	
192X96 CLASSIC WIDE-MODIFIED	16'-0"	U	1	
72X80 BIFOLD COLONIAL 2	6'-0"	LR	1	
24X80 COLONIAL A 1	2'-0"	L	1	
24X80 COLONIAL A 1	2'-0"	R	1	
28X80 COLONIAL A 1	2'-4"	L	2	
28X80 COLONIAL A 1	2'-4"	R	2	
30X80 COLONIAL A 1	2'-6"	L	6	
30X80 COLONIAL A 1	2'-6"	R	7	
32X80 COLONIAL A 1	2'-8"	L	1	
60X80 COLONIAL A 2-MODIFIED	5'-0"	LR	1	
60X80 COLONIAL A 2	5'-0"	LR	5	
82X36 PICTURE 3	6'-10" x 3'-0"	LNR	1	



WEST ELEVATION
SCALE: 1/4" = 1'-0"



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ELEVATIONS 2

SCALE: AS NOTED:

DATE:
April 7, 2022

PAGE:
4 16

Drawing #
2011-02RH

BUILDING HEIGHT

BUILDING HEIGHT FROM AVERAGE GRADE AT REAR 37' 10.625"
ROOF PEAK ELEVATION276.375'
AVERAGE GRADE HEIGHT.....238.5'
CELLAR SLAB TOP..... 236'

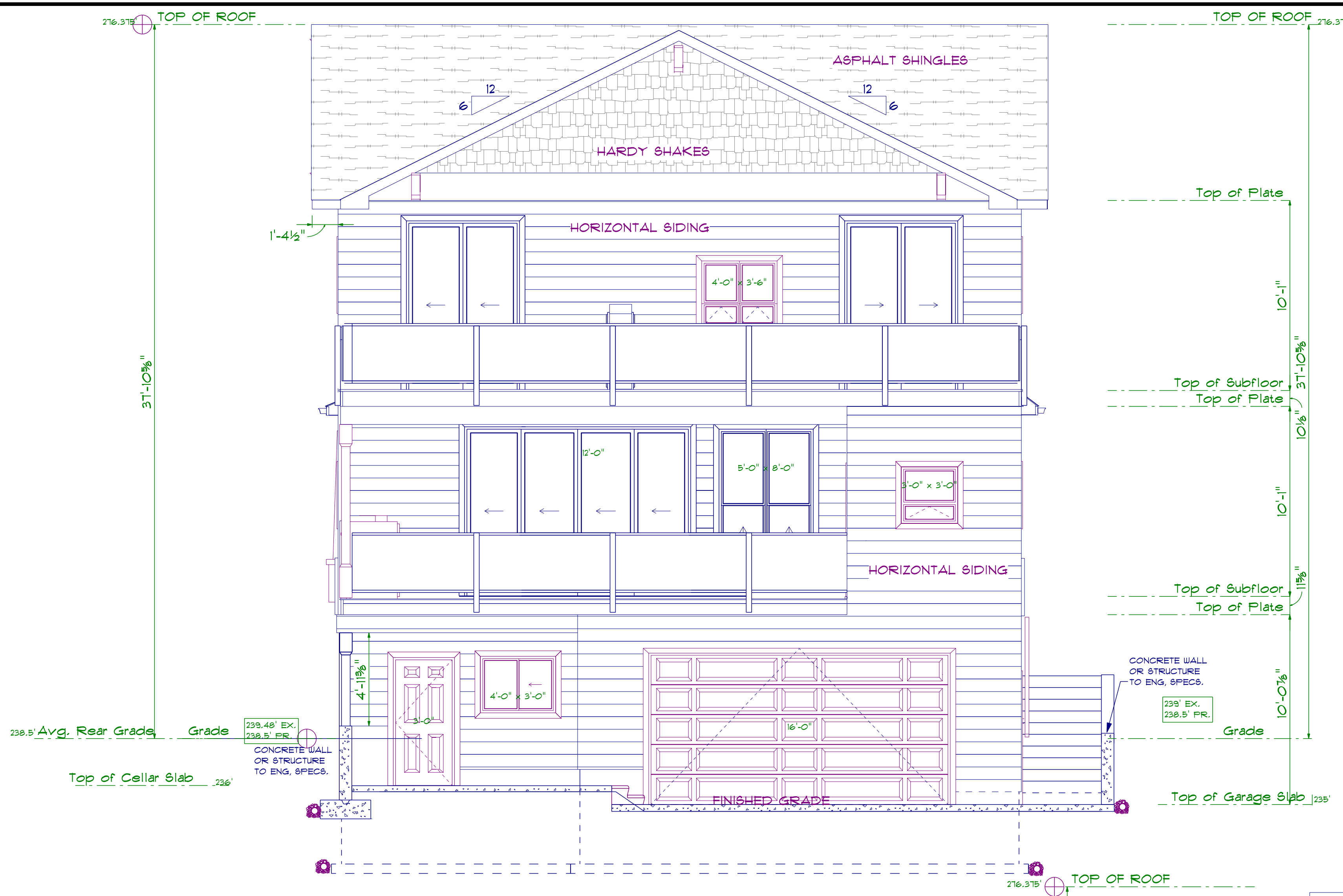
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50	0	7	8	10	28	57	100	-	-	-	-	-
100	0	7	8	9	(18)	34	56	84	100	-	-	-
Over 100	0	7	7	8	12	19	28	40	55	82	100	-

Area of exterior wall of existing building adjacent to proposed new lot line: 106 m2 (a)
Area of all openings on the wall: 7.26 sq. m. (b)
Calculations: 100 X (b) 7.26 divided by (a) 106 = 6.85 % (c)

LIMITING DISTANCE EAST

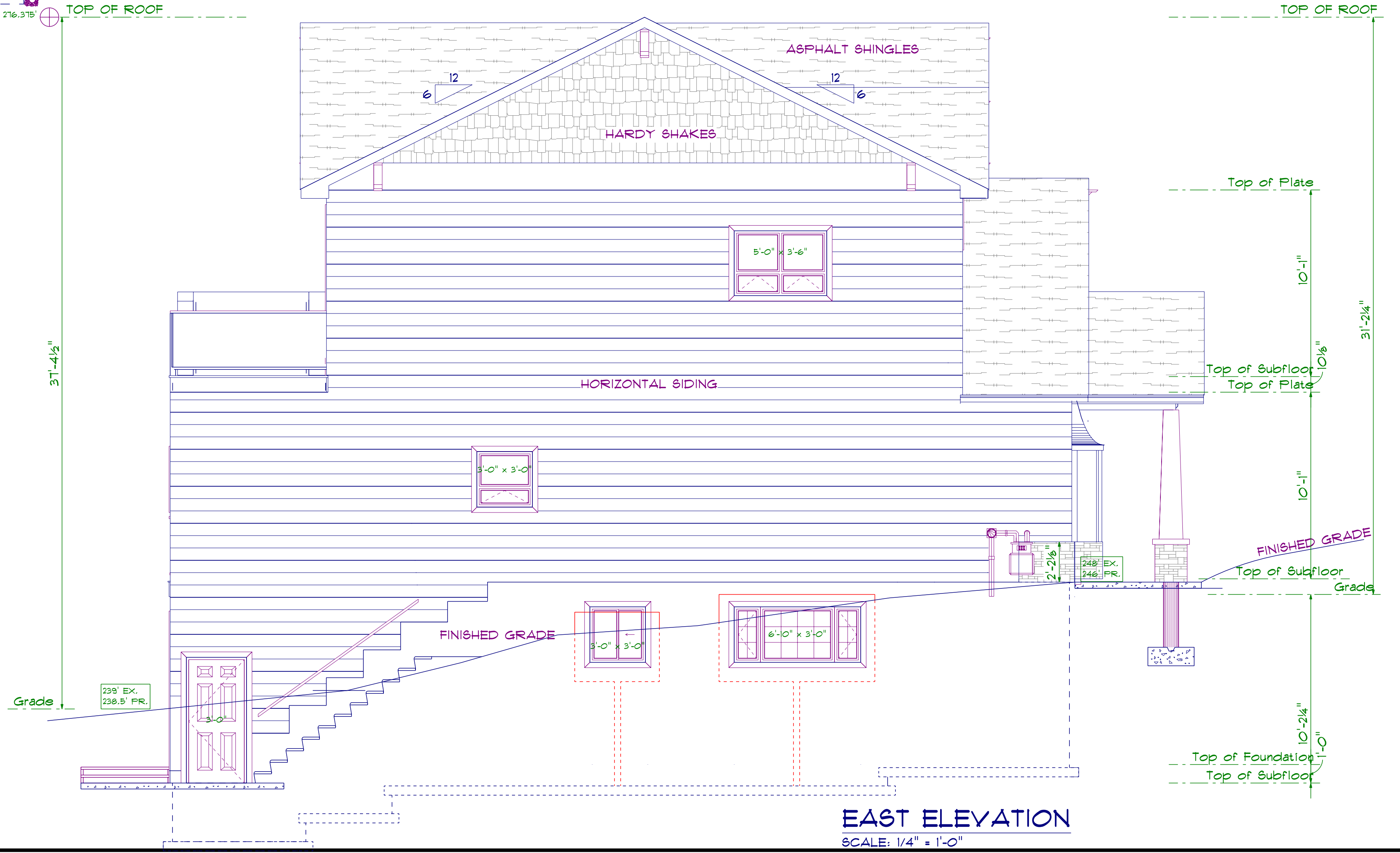
**Schedule B (Building Elevations) to Development Variance
Permit DVP #23-04 - 5388 Ewart Street - Page 2 of 2**



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

WINDOW SCHEDULE			
PRODUCT CODE	SIZE	COUNT	
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36X36 Picture Awning 1	3'-0" x 3'-0"	2	
48X42 Picture Awning 2	4'-0" x 3'-6"	1	
60X42 Picture Awning 2	5'-0" x 3'-6"	1	
72X48 Picture Awning 2-MODIFIED	8'-0" x 5'-0"	1	
72X60 Picture Awning 2-MODIFIED	9'-0" x 5'-0"	1	
72X60 Picture Awning 2	6'-0" x 5'-0"	1	
82X36 PICTURE 3	6'-10" x 3'-0"	1	
18X36 SINGLE HUNG 1	1'-6" x 3'-0"	1	
18X42 SINGLE HUNG 1	1'-6" x 3'-6"	2	
60X72 SINGLE HUNG 2-MODIFIED	5'-0" x 8'-0"	1	
24X36 SLIDER	2'-0" x 3'-0"	1	
36X36 SLIDER	3'-0" x 3'-0"	2	
60X42 SLIDER	5'-0" x 3'-6"	1	
48X36 SLIDER	4'-0" x 3'-0"	1	

DOOR SCHEDULE				
PRODUCT CODE	SIZE	HINGE	COUNT	
32X80 COLONIAL A 1	2'-8"	L	1	
36X80 COLONIAL A 1	3'-0"	L	2	
36X80 COLONIAL A 1	3'-0"	R	1	
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28X80 COLONIAL A 1	2'-4"	L	2	
28X80 COLONIAL A 1	2'-4"	R	2	
30X80 COLONIAL A 1	2'-6"	L	6	
30X80 COLONIAL A 1	2'-6"	R	7	
32X80 COLONIAL A 1	2'-8"	L	1	
60X80 COLONIAL A 2-MODIFIED	5'-0"	LR	1	
60X80 COLONIAL A 2	5'-0"	LR	5	
82X36 PICTURE 3	6'-10" x 3'-0"	LNR	1	



EAST ELEVATION
SCALE: 1/4" = 1'-0"