

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **DEVELOPMENT VARIANCE PERMIT #23-07 (3871 PANDORA STREET)**
PURPOSE: To seek Council approval for Development Variance Permit #23-07.

REFERENCES

Address: 3871 Pandora Street
Legal: Lot 1 District Lot 186 Group 1 New Westminster District Plan LMP30660
Applicant: Westbourne Projects Ltd.
300 – 1275 West 6th Avenue, Vancouver, BC V6H 1A6
Attention: Crystal Roche

RECOMMENDATION

THAT Development Variance Permit #23-07 (included as **Attachment 2**) to the report titled “Development Variance Permit #23-07 (3871 Pandora Street)” dated January 15, 2024, be approved; and

THAT the City Solicitor be directed to register notice of Development Variance Permit #23-07 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 site is currently zoned for institutional uses under the prevailing CD Comprehensive Development District (based on the P5 Community Institutional District) as a guideline.
- 2.2 The subject property is located on the west side of Ingleton Avenue between Triumph Street (north) and Pandora Street (south). To the west of the subject property are single family residential dwellings. The site is improved with a place of worship building on the north side along Triumph Street and three buildings assigned to St. Helen's Elementary private school one of which is located on the south side along Pandora Street and the other two which are located on the east side of the property facing Ingleton Avenue. The northernmost building along Ingleton Ave is the subject location of the proposed development variance permit (see **Attachment 1**).

3.0 GENERAL INFORMATION

- 3.1 The applicant is pursuing the construction of three temporary portable classrooms on the northeast corner of the subject property. In order to facilitate the construction of these portables, the applicant is seeking to vary Section 505.6 of the Zoning Bylaw to reduce the minimum front yard depth in the required front yard from 7.5 m (24.61 ft.) to 4.59 m (15.05 ft.) along Triumph Street, and Section 505.7 of the Zoning Bylaw to reduce the minimum side yard depth in the required side yard from 7.5 m (24.61 ft.) to 3.5 m (11.48 ft.) along Ingleton Avenue.
- 3.2 The intent of the required front yard setback is to provide light and privacy for adjacent dwellings and establish a consistent block frontage along the street. The intent of the side yard setback is to mitigate the massing impacts of new buildings on neighbouring properties. In this case, the subject property comprises more than 75% of the north block frontage (along Triumph Street) and the entire east side yard (along Ingleton Avenue).
- 3.3 The three portables are proposed to temporarily replace an old school building originally built in 1947 previously addressed at 109 Ingleton S Avenue. The building was deemed legal non-conforming as it did not meet the front or side yard setback requirements established in the Burnaby Zoning bylaw (1965). The building observed a front yard setback of 1.92 m (6.30 ft.) along Triumph Street and a side yard setback of 2.47 m (8.10 ft.) along Ingleton Avenue. The applicant completed the demolition of the old school building on September 15, 2023.
- 3.4 The applicant has requested the proposed building siting to maximize space while allowing each portable to have 2 classrooms each with a safe exit onto the central interior courtyard (see **Attachment 2**). The intended location of the proposed temporary buildings is to reduce massing impacts from the previous demolished school building.

- 3.5 The opportunity to construct the proposed portables was made possible by a November 6, 2023 amendment to Section 6.7(1)(e) of the Zoning Bylaw that allows temporary buildings to be erected or placed on private school land for the purpose of additional classroom space, for a period not exceeding 10 years.
- 3.6 For the reasons outlined, staff support the variance request to reduce the setback requirements, in order to facilitate the construction of three temporary portable classrooms on the subject site. The required permit to enact this variance is Development Variance Permit #23-07 (see **Attachment 2**). 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* and the *Burnaby Development Procedures Bylaw*, 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 accordance with the *Burnaby Development Procedures Bylaw*, signs were also posted along the subject site's Pandora Street, Triumph Street, and Ingleton 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 – DVP #23-07 Sketch #1
- Attachment 2 – Development Variance Permit #23-07

REPORT CONTRIBUTORS

This report was prepared by Laura Doan, Plan Technician Development, and reviewed by Jesse Dill, Director Development.

**CITY OF BURNABY
DEVELOPMENT VARIANCE PERMIT DVP 23-07**

1. This Development Variance Permit (DVP) 23-07 (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: 3871 Pandora Street

Legal Description: PID: 023-595-230, Lot 1 District Lot 186 Group 1 NWD Plan LMP30660

2. This Permit was applied for by

Westbourne Projects Ltd.
300-1275 West 6th Avenue
Vancouver, BC V6H 1A6

3. This Permit varies the following sections of the *Burnaby Zoning Bylaw, 1965*, but only to the extent necessary to allow *the construction of three new St. Helen's Elementary School Portables generally in accordance with Attachment 2 (DVP Key Plans) attached to this permit*:
 - Section 505.6 by varying the front yard depth from 7.5 m (24.61 ft.) to 4.59 m (15.05 ft.) along Triumph Street.
 - Section 505.7 by varying the side yard width from 7.5 m (24.61 ft.) to 3.50 m (11.48 ft.) along Ingleton Avenue.
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

DEPUTY CORPORATE OFFICER

