## TO: MAYOR \& COUNCILLORS <br> FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT <br> SUBJECT: DEVELOPMENT VARIANCE PERMIT \#23-06 - 381 GLYNDE AVENUE N - SINGLE FAMILY DWELLING HEIGHT VARIANCE

PURPOSE: To seek Council approval for Development Variance Permit \#23-06.

## REFERENCES

| Address: | 381 Glynde Avenue N. <br> Legal: <br>  <br>  <br> PID: 003-585-701 <br> Lot 18 Block 39 District Lot 189 Group 1 New Westminster District <br> Plan 4953 |
| :--- | :--- |
| Applicant: | Raffaele and Associates, <br>  <br> 2642 E Hastings Street, Vancouver, BC V5K 1Z6 <br> Attention: Trevor Toy |
| Current Zoning: | R2 Residential District |
| Proposed Zoning: | No change |
| RECOMMENDATION |  |

THAT Development Variance Permit \#23-06 included as Attachment 2 to the report titled "Development Variance Permit \#23-06 (381 Glynde Avenue N)" dated January 15, 2024, be approved; and

THAT the City Solicitor be directed to register notice of Development Variance Permit \#23-06 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 property, located at 381 Glynde Avenue N (see Attachment 1), is zoned R2 Residential District. The subject property fronts onto Glynde Avenue N to the east and abuts a lane to the rear (west). The subject property and surrounding properties are improved with single family dwellings, in line with the area's "Single Family Suburban" designation in the Official Community Plan.
2.2 The applicant had previously applied to the Board of Variance (BoV) to vary the maximum permitted height of a proposed residential dwelling from 9.0 metres to 12.08 metres. The BoV may grant a variance if compliance with a Burnaby Zoning Bylaw ("Zoning Bylaw") requirement respecting the siting, size or dimensions of a building or other structure would cause undue hardship. On December 1, 2022, the BoV denied a request by the applicant to vary the maximum building height of the proposed dwelling.
2.3 The applicant has since been issued a building permit for the construction of a new single-family dwelling at the subject site that complies with the Zoning Bylaw.
2.4 The applicant has now submitted a Development Variance Permit (DVP) application to request that Council consider a variance to the maximum permitted height of the proposed residential dwelling. Section 498 of the Local Government Act (LGA) permits a local government to issue, by Council resolution, a DVP to vary specific provisions of the Zoning Bylaw. Unlike the BoV process, the issuance of a DVP does not require a local government or Council to consider whether compliance with the Zoning Bylaw would cause undue hardship.

### 3.0 GENERAL INFORMATION

3.1 The applicant is seeking to vary Section 102.6(1)(a) by varying the maximum height of the principal building from $21 / 2$ storeys and 9.00 m with a sloping roof to $21 / 2$ storeys and 12.12 m with a sloping roof.
3.2 The proposed dwelling features a hip roof with a $4 / 12$ pitch on the east (uphill) side of the dwelling, and a flat roof top deck along the west (downhill) side of the dwelling. The protruding hip roof screens the elevator penthouse on the roof top deck on the uphill side of the house. The elevator goes down from the deck four levels to a sub-cellar corridor which is at grade with a sidewalk that connects to the garage.
3.3 As mentioned in Section 2.3 above, the applicant has been issued a building permit to construct a single-family dwelling at the subject site. There are two main differences between the approved Zoning Bylaw-compliant design and the design proposed as part of the subject DVP application:

1) The elevator penthouse - This feature provides elevator access to the roof top deck of the proposed dwelling. This feature extends approximately 2.16 metres above the rooftop railing.
2) Sidewalk to garage - The design proposed as part of the subject DVP application includes a level sidewalk directly from the garage to a sub-cellar elevator entrance. This sidewalk is proposed so that residents can move directly from the garage to the home with minimal elevation gain. The Zoning Bylaw permits pedestrian access to a basement or cellar to be exempt from the calculation of the principal building height, provided the access remains within certain size requirements. As the subject sidewalk exceeds those limits, the pedestrian access points must be considered in the height calculation, increasing the calculated height of the proposed dwelling by approximately 0.96 metres.

Cumulatively, the proposed height of the subject principal dwelling exceeds what is permitted in the Zoning Bylaw by 3.12 metres. Without these two features, the house design would be compliant with the Zoning Bylaw with respect to height but would be less accessible for the residents.
3.4 The intent of the height requirements of the Zoning Bylaw is to mitigate the massing and shade impacts of new buildings and structures on neighbouring properties and to preserve views. The sloping conditions of the area, the adjacent lane, and the generous dwelling setbacks help to mitigate adverse impacts on neighbours and views. More specifically, the supportive rationale for this variance is as follows:

- The proposed dwelling provides generous setbacks from neighbouring properties to help reduce the impact of the height variance, including a front yard setback of approximately 7.50 metres, a rear yard setback of approximately 13.16 metres and side yard setbacks of approximately 5.64 metres and 1.75 metres.
- The Zoning Bylaw requires that the height of the principal building in the R2 Residential District be measured from the lower of the front or the rear average elevation. The height of the subject proposed dwelling is measured from the average rear elevation, as the subject site observes a steep downward slope from the front to rear (east to west) of the lot of approximately 7.83 metres.
- Due to the slope of the surrounding land from east to west, the requested height variance would have minimal massing impacts on adjacent properties across Glynde Avenue N. Adjacent properties across the lane are screened by their own garages and separated by rear setbacks, also minimizing massing impacts.
- The applicant has advised that the improvements are designed to improve physical accessibility for those with mobility challenges, and that a level sidewalk from the garage to the principal building as well as elevator access is essential to allow the owners to fully access the proposed dwelling for years to come.

For the reasons outlined above, staff support the variance request to facilitate the construction of a new single-family home with a building height of $21 / 2$ storeys and 12.12 metres with a sloping roof. A copy of Development Variance Permit \#23-06 is included as Attachment 2 to this report. If Council approve the issuance of Development Variance Permit \#23-06, then staff also request that Council direct the City Solicitor to register notice of the permit in the Land Title Office.

### 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 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, a sign was posted along the subject site's Glynde Avenue N frontage.

The Planning and Development department received two responses from nearby residents in opposition to the application. The respondents expressed concerns that the elevator shaft would block the views of adjacent property owners and would appear unattractive and out of neighbourhood character. One respondent noted that the approval of the application could set a precedent for approving height variances for new developments in the neighbourhood.

### 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 23-06 Sketch \#1
Attachment 2 - Development Variance Permit \#23-06

## REPORT CONTRIBUTORS

This report was prepared by Cody Bator, Planning Analyst, and reviewed by lan Wasson, Senior Development Planner, and reviewed by Jesse Dill, Director Development and reviewed by Jennifer Wong, Assistant City Solicitor.



## CITY OF BURNABY <br> DEVELOPMENT VARIANCE PERMIT DVP 23-06

1. This Development Variance Permit (DVP) 23-06 (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: 381 Glynde Avenue N
Legal Description: PID: 003-585-701, Lot 18 Block 39 District Lot 189 Group 1 New Westminster District Plan 4953
2. This Permit was applied for by:

Raffaele and Associates
2642 E Hastings Street
Vancouver, BC V5K 1 Z6
3. This Permit varies the following section of the Burnaby Zoning Bylaw, 1965, but only to the extent necessary to allow the construction of a new residential dwelling, generally 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 to $21 / 2$ storeys and $12.12 \mathrm{~m}(39.78 \mathrm{ft}$.) 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 $\qquad$ DAY OF $\qquad$ , 20

THIS PERMIT IS HEREBY ISSUED THIS __ DAY OF $\qquad$ , 20 $\qquad$

MAYOR




