

28. Re: Letter from Messrs. D. Tanner and R.A. Bemben  
Dated November 9, 1972  
Preservation of Trees at 6182 Gordon Place

Appearing on the Agenda for the August 14, 1972, meeting of Council is a letter from Messrs. D. Tanner and R.A. Bemben concerning the preservation of trees at 6182 Gordon Place. Following is a reply dated November 14, 1972, from the Chief Building Inspector.

The Municipal Solicitor advises that the Chief Building Inspector "has suggested the proper course of action, namely an appeal to the Board of Variance (although, in my view, there is no undue hardship disclosed in the material)".

RECOMMENDATION:

THAT Messrs. Tanner and Bemben be advised to refer the matter to the Board of Variance in time for consideration by the Board at its next meeting on December 7, 1972.

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14 November, 1972

M. J. Shelley  
MUNICIPAL ENGINEER

Dear Sir:

Subject: 6182 Gordon Place  
Lot 227, D.L. 91, Plan 36959

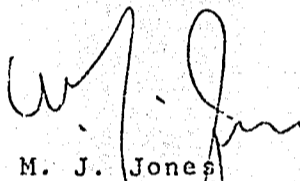
With respect to the letter of November 9, by Mr. D. Tanner and Mr. R.A. Bemben, we have the following comments to make.

1. Plans for a dwelling for Mr. and Mrs. Tanner on the above described property were submitted by Liedtke Construction to this Department on October 17, 1972, in application for building permit.
2. During checking of the building plans, siting discrepancies were noted with respect to minimum front yard setback and side yard total requirements. (Sections 101.5 and 101.6 respectively of Burnaby Zoning By-law).
3. Liedtke Construction, the contractor, returned to the Building Department October 20, and was made aware of the siting discrepancies. Site plan was amended to reflect by-law siting requirements. The contractor was in agreement with the amendments and the building permit was issued.
4. Form work for building foundation was inspected November 6 at which time it was noted that side yard and front yard discrepancies had occurred.
5. The owner's letter of November 9 mentions that desire to preserve trees on the site has caused the difficulty in siting the building in exact accordance with the by-law requirements.

(cont'd)

6. The Zoning By-law is quite clear in the setback amounts for siting requirements, however, difficulties often arise on odd-shaped lots, such as those with cul-de-sac frontages or diverging side-lines. In these sort of cases it has always been the practice of this Department to give the widest latitude of interpretation possible.
7. Following discussion after November 6, with the contractor, it had been our understanding that an appeal was to be placed with the Board of Variance for accepting of siting as is. We have learned that a formal appeal has not been placed, and instead the letter of November 9 has been directed to the Mayor and Municipal Council. The Council has no specified authority in the by-law to waive by-law requirements, since that function is in the hands of the Board of Variance.
8. In this particular case, the siting of the building now designed does become a hardship if the existing trees are to be preserved. The discrepancies in side and front yard amounts are not great (see attached).

Respectfully submitted,

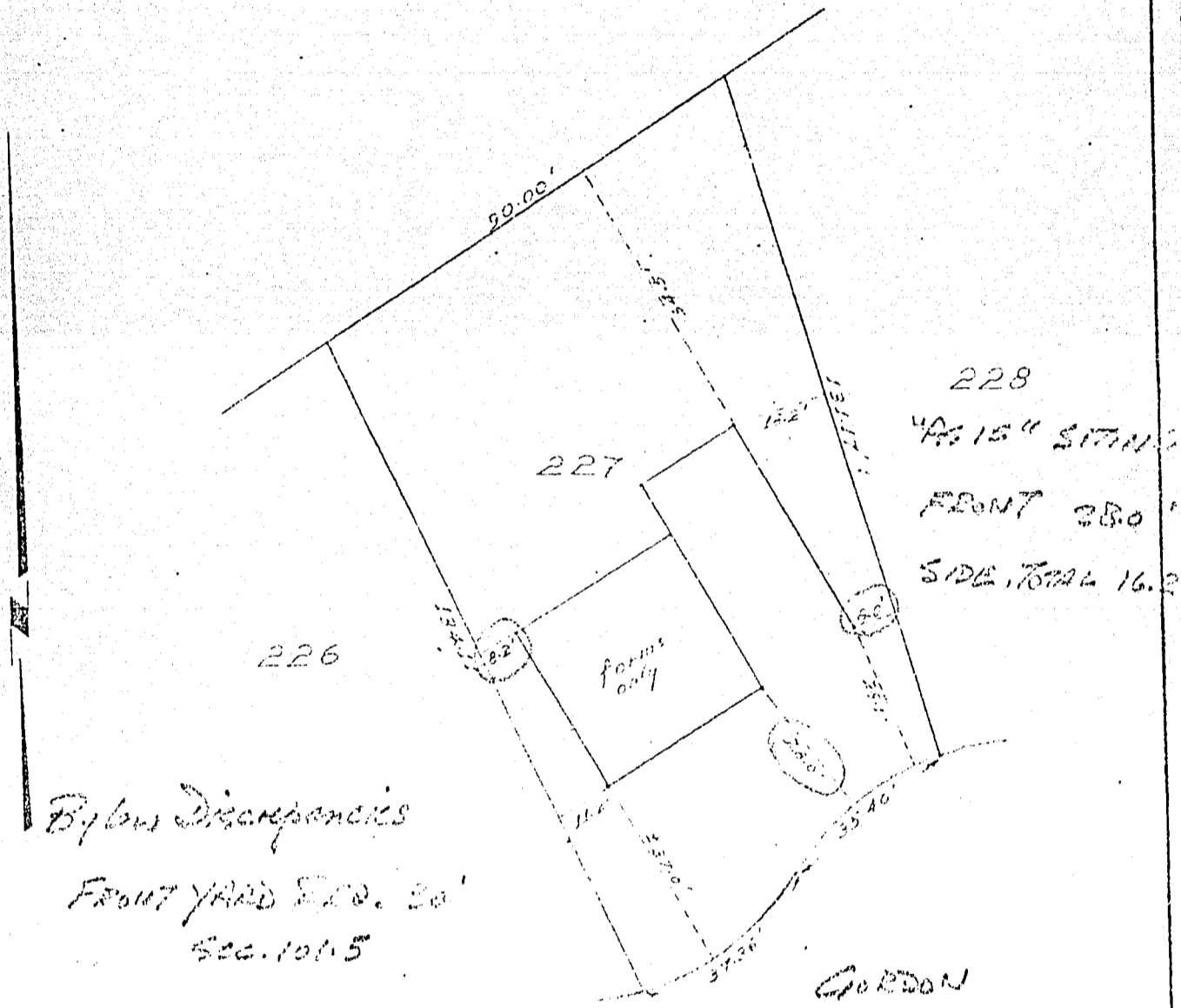


M. J. Jones  
CHIEF BUILDING INSPECTOR

MJJ:cmg

ITEM 28 (SUPPLEMENTARY)  
 MANAGER'S REPORT NO. 74  
 COUNCIL MEETING Nov. 14/72

PLAN SHOWING  
POSITION OF FORMS ON  
LOT 227 DISTRICT LOT 91  
GROUP ONE NEW WESTMINSTER DISTRICT PLAN 36959  
 Scale 30 feet to 1 inch



*Bylaw Discrepancies*  
 FRONT YARD REQ. 20'  
 Sec. 101.5  
 SIDE YARD REQ. MIN. 5'  
 TOTAL 18'  
 Sec. 101.6 (1)

NOTE--This plan is for the protection of the Mortgagee only and is not to be used for the location of the property lines. We accept no responsibility for the unauthorized use.

Certified correct this 6<sup>th</sup> day of November 1972  
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 B.C. Land Surveyor.

2551 SEABOARD STREET, PORT KAITUMA, B.C.  
 TELEPHONE: 942-0616