

2. Re: Slovenian Society, 5762 Sprott Street, Burnaby
(Item 19, Report No. 13, February 19, 1973)
(Item 25, Report No. 23, March 26, 1973)

During the meeting of Council on August 27, 1973, an inquiry was made regarding the present status of a facility at 5762 Sprott Street which is operated under the auspices of the Slovenian Society. Previous reports on this facility are attached for the benefit of the new members of Council.

The following were approved by Council on March 26, 1973:

1. THAT the Slovenian Society be granted the opportunity to implement its proposals, namely the continuing effort by the Society to reduce noise to a minimum level, the supervision of its parking area by Society members and resumption of religious services; and
2. THAT the Slovenian Society be provided with a copy of this report; and
3. THAT complainants be provided with a copy of this report, and advised to contact the appropriate departments in the event of violations.

Surveys conducted by the Manager's Office in May and on August 30, 1973 disclosed that no Municipal Department or the R.C.M.P. have received any type of complaint regarding the activities of the Slovenian Society on Sprott Street.

A report dated August 30, 1973 from the Superintendent, Officer in Charge, Burnaby Detachment, R.C.M.P. advises that:

"We have received no complaints since our last report, and our members have noted little activity in the area during the summer holidays. Prior to that time, weekly gatherings were held; however, they were orderly and traffic was not a problem."

The Chief Public Health Inspector advises that he has not received any recent complaints, but has discussed the proper care of grassed areas with the vice-president of the Society who has made a commitment to institute a program that will ensure that the grass is cut as required on a regular basis.

Following is a report from the Chief Licence Inspector regarding the efforts of the Society to resume religious services:

"We contacted Mr. Fred Pavlic, Vice-President of the Slovenian Society, and have been informed that pursuant to the endorsed recommendations the following steps have been initiated:

1. Control of Noise: Ventilation equipment has been installed in the hall and it is now possible to keep the doors and windows closed during social activities thereby containing the noise.
2. Parking: Supervision of street parking is supplied for the purpose of directing members' vehicles to park in a manner that will not inconvenience the local residents and to insure orderly dispersal thereby controlling noise.
3. Religious Services: Arrangements were made to provide for regular services and they embarked on a program. Unfortunately the clergyman became ill and was confined to hospital. Upon release he was involved in a motor vehicle accident over the Labour Day weekend, which resulted in his death.

As can be appreciated, the Slovenian Society is now faced with the problem of finding another clergyman, preferably capable of performing services according to their ethnic teachings.

We are informed by Mr. Pavlic that they intend to continue with a regular religious programme and the Licence Department will be advised of new arrangements. Such information will be forwarded as received."

RECOMMENDATION:

THAT the Slovenian Society be provided with a copy of this report.

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MANAGER'S REPORT NO. 67

COUNCIL MEETING Sept. 10/73

ITEM 19

MANAGER'S REPORT NO. 13

COUNCIL MEETING Feb. 19/73

19. Re: Slovenian Society
5762 Everett Street

Council on January 25th requested that a report be submitted on the conformity of the premises on the above described property with the Zoning Bylaw.

This site is zoned R4 Residential. Prior to the existing use of the premises by the Slovenian Society, the site was occupied and used by the Baptist Church. Before acquiring the site, the Slovenian Society wrote to the Corporation to determine if their use of the property could replace the existing non conforming use by the Baptist Church. A copy of their Solicitor's letter dated February 10th 1972 is attached.

This request was examined by the Planning, Licence and Legal Departments and it was their collective opinion that the Society could replace the Baptist Church if they were a religious organization. This was conveyed to them in the attached letter dated February 16th, 1972. The confirmation requested in the last paragraph of this letter was received in the attached letter dated March 6th 1972 from their solicitor which had appended, a statement of their uses over the Society seal.

This submission was reviewed by the Planning, Licence and Legal Departments and it was decided that their use could replace the Baptist Church use of the premises. By letter dated March 16th they were so advised.

CONCLUSIONS

1. The Corporation's position has been that the introduction of the Slovenian Society was the replacement of one non-conforming use with another as permitted under the Municipal Act.
2. It is understood that the R.C.M.P. have had complaints of noise at this location. The Slovenian Society should be advised of these complaints and their cooperation requested in putting an end to the source of the problem.
3. Reference is made in the R.C.M.P. report on noise to the use of the lot to the east for parking purposes. This lot was not a part of the Baptist Church property and if it is being used for parking, the Society should be advised that such use is illegal.

In order to acquire some factual evidence on when, how and for what purposes the building is being used, and in order to determine if the actual use of the site is consistent with the outline that was presented to the Municipality, the Chief Licence Inspector will closely observe the activities that take place in the facility over a three or four week period of time. The evening and weekend use of the premises will be observed by staff with the cooperation of the R.C.M.P.

This is for the information of Council.

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SUTHERLAND AND JOHNSTON
BARRISTERS & SOLICITORS

February 10th, 1972

Planning Department
Municipality of Burnaby
4949 Canada Way
Burnaby, B.C.

Attention: Mr. Armstrong

Dear Sirs:

Re: Church - 5762 Sprott
Street, Burnaby

Further to our telephone conversation of February 10th, 1972, this is to advise that after further discussions with the Treasurer of Slovenian Society the Society plans to purchase the above Church for the following uses:

1. Continued use as a Church for Sunday Mass, Meetings, and Choir Practise;
2. Ethnic folk art sessions, at which youth of the Society participate in such things as folk dancing and plays;
3. Private dances for members of the Society only, which would not be open to the general public, e.g. wedding receptions of a member.

The use contemplated by the Society is use only by members of the Society and for the purposes of promoting the Society's objects.

As we previously mentioned to you arrangements to purchase this property depends upon whether or not the church can be used for the above purposes and if it can be used for these purposes they wish to consummate the sale at the earliest opportunity.

Therefore, we would appreciate your consideration of these matters and your reply so that we might assist the Society in the early completion of this matter.

We thank you for your cooperation.

Yours very truly,

SUTHERLAND AND JOHNSTON

Per


Robert L. Johnston

RLJ/jj

c.c. Slovenian Society
c/o Mrs. Eva Fidel
3234 East 27th Avenue

ITEM 19

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Our File:

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February 1

MANAGER'S REPORT NO. 67
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Messrs. Sutherland and Johnston
Barristers and Solicitors
#302 - 2595 Granville Street
Vancouver 9, B. C.

Attention Mr. E. L. Johnston

Dear Sirs:

Re: Church - 5762 Spry Street
D.L. 80N, Plan 1832, S.D. 1,
6, 9 and 10, Blocks 9 and 10

We wish to acknowledge your letter of February 10th regarding the above described property and would advise that the Church is a legal non-conforming use as the site is zoned R1 Residential. The site is not capable of receiving the proper zoning which would legalize the Church use as the requirements for R1 Institutional zoning are a minimum frontage of 60' and a minimum area of 9600 square feet.

Under Section 705 of the Municipal Act, a copy of which is attached, a legal non conforming use can be continued regardless of ownership. There is therefore no question about the use of the building as a Church or place of worship. Related to any Church are a number of uses which involve people of all ages in a variety of activities both educational and recreational. These uses are however incidental to the use of the premises as a place of worship.

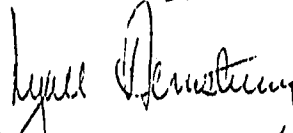
Our concern in this instance is that the use as outlined by the Slovenian Society and as reflected in your letter is principally that of an ethnic club or lodge with the Church use as an incidental use.

In conclusion, it is our opinion that the Society could operate in this location if:

1. The principle use of the premises is for religious purposes as a place of worship.
2. The basis for the Society is primarily religious.
3. The other uses which are carried on in the premises are an outgrowth of the religious program.

If your client can confirm that the Society's use of the premises would meet these criteria, we feel that they could legally operate in this location. We would appreciate their confirmation.

Yours truly,


A. L. FARR,
DIRECTOR OF PLANNING

LEA/mp

c.c. Legal Department
Licence Department

Attachment

SUTHERLAND AND JOHNSTON
BARRISTERS & SOLICITORS

ITEM 19
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March 6th, 1972

Director of Planning
The Corporation of the District
of Burnaby, Municipal Hall
4949 Canada Way
Burnaby 2, B.C.

Attention: Mr. Lyall Armstrong

Dear Sirs:

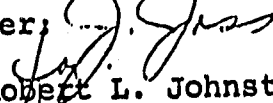
Re: Church - 5762 Sprott Street,
D.L. 80N, Plan 1852, S.D. 1,
6, 9 and 10, Blocks 9 and 10

Thank you for your letter of February 16th, 1972, with respect to the above-noted matter. With respect to the Society we wish to advise you that it is by persuasion a Catholic organization although not directly connected with the Catholic Church. For their own reasons they wish to remain relatively autonomous making their own arrangements to have priests perform whatever functions they deem necessary in their Church. The Society feels that the premises will be used for mainly religious purposes or activities growing out of religious purposes and to that end I would wish to provide you with an outline of the activities they have planned for the Church and I believe that you can see from their programme that the greatest majority of their activities will be of a religious nature.

We enclose a list of uses of the premises signed under the seal of the Society and we trust that the confirmation of these uses will allow them to carry on with the non-conforming use of the Church in the manner they have outlined. Would you kindly advise the writer at your earliest opportunity whether or not this meets with your approval.

Yours very truly,

SUTHERLAND AND JOHNSTON

Per: 
Robert L. Johnston

RLJ/jj
Encls.
c.c. Slovenian Society

#302 - 2695 GRANVILLE STREET • VANCOUVER 9, B.C. • TELEPHONE 738-3184
#103 - 3121 KINGSWAY • VANCOUVER 16, B.C. • TELEPHONE 437-3381

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ITEM 19
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Dear Sir!

Re.: Uses of the premises for our Slovenian Society.

1. We would use the premises for masses on sundays for our Slovenian people
2. sunday school for the children
3. choir practises
4. Easter, Christmas and other holiday celebrations for children
5. dinner parties with dances following aproximately two times a month for which we would require liquer permits from Burnaby municipality
6. Weddings for any member in our society
7. Unniversery celebrations for members
8. folklore dance, stage plays, and music practises
9. committee meetings two times a month

Slovenian society consists of 200 members. Our society was formed and registered in Victoria October 1958. Our members ages are aproximately 18 - 40 years 40%, 40 - over 60%.

Sincerely yours

SLOVENIAN SOCIETY
Committee



Ljiljana Kogej

25. Re: Slovenian Society, 5762 Sprott Street, Burnaby
(Item 19, Manager's Report No. 13, February 19, 1973)

Appearing on the Agenda for the February 19, 1973, meeting of Council was the above-noted report which deals with the use being made of the above property by the Slovenian Society.

At the February 19, 1973 meeting of Council it was noted that the Chief Licence Inspector would be observing the activities in the building on the property during the next three or four weeks, and that the R.C.M.P. would make similar observations in the evenings and on weekends.

The Chief Licence Inspector was asked to include in the report he submits after the observations have been made an indication as to whether the Society should be required to have a Trades Licence because the Society is renting the building for activities and is therefore conducting a commercial operation.

The Chief Public Health Inspector was also asked to advise whether the noise which sometimes emanates from the activities being carried on in the building is sufficient to warrant action under the Noise Bylaw.

Appearing on the Agenda for the March 26, 1973 meeting of Council are the following items, both of which concern complaints about noise emanating from the activities at the subject location:

1. Letter dated February 21, 1973, from Mr. R. Davy, 5812 Sprott Street, Burnaby.
2. Petition (undated) from D. Firth and others.

Appearing, also, on the Agenda for the March 26, 1973 meeting of Council is the report dated March 12, 1973, of the Officer in Charge, R.C.M.P., Burnaby Detachment, regarding a survey of activities at the subject property from February 17, 1973 to March 10, 1973 inclusive.

The Chief Public Health Inspector advises that periodic observations have been conducted at the subject premises and will continue to be conducted, as required. The Chief Public Health Inspector is of the opinion that there is not sufficient justification to proceed with action under the Noise Bylaw.

The Chief Licence Inspector has investigated the matter and reports as follows:

"In accordance with Council's instructions, observations of the subject premises were undertaken. This observation was maintained on a daytime basis, including weekends, and indicated limited activity at these premises. Contact was established with Mrs. Eva Fidel, Treasurer of the Slovenian Society, and Mr. Anton Zadnik, a society member. Review of the uses accepted under the original proposal were compared to the current uses. The current activities parallel the original proposal with exception of the religious services and rental of the premises to outside groups.

The Slovenian Society, via Mrs. Eva Field, has provided a letter, copy attached, in which is outlined the course of action they intend to follow to control or eliminate those situations which give cause for complaint.

Continued ...

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25 Re: Slovenian Society, 5762 Sprott Street, Burnaby - Cont'd.

The performing of Sunday Mass services, as outlined in the original proposal, was considered to be the principle function of these premises and from this consideration came the decision to accept the Slovenian Society as a continuing legal non-conforming religious use. Mrs. Fidel stated that due to lack of a clergyman, weekly services have not been performed for some time. They are concerned over the lack of such services and are endeavoring to arrange for an appropriate person to resume a weekly programme. Considerable difficulty has been experienced in attempting to arrange for such a person and they are hopeful the problem will be overcome in the near future.

Rental of the premises for activities not directly related to the Society constitute the operation of a public hall. The Society has been advised that such use is not permitted under their legal non-conforming status, therefore no rentals should be undertaken and no business licence could be issued. Mrs. Fidel stated they are prepared to accept such a restriction.

The remaining activities appear to be oriented toward the religious aspect of the Society, or are an accessory social activity comparable to the type of functions that are associated with any church, i.e. bingo, youth dances, club meetings, social gatherings.

The letter provided by the Society, dated March 14th, 1973, indicates they have given consideration to the cause for complaints and are taking reasonable steps to effect correction. At this time, it is not possible to assess the success of their action.

The claim that 40 parking spaces are available on their property cannot be substantiated without including the lot located to the east of the Church building. This property is zoned as residential and was not included in the original proposal, therefore, cannot be used for parking. The Society have been so advised, together with a suggestion to contact the Planning Department prior to proceeding with removal of the dwelling or with development. The Church property accommodates a maximum of 8 parking spaces."

The Chief Licence Inspector, in conclusion, states:

1. That occupancy of the subject premises is considered to be a continuing, legal non-conforming use.
2. That while the Society admits to having rented its' premises in contravention of the Zoning Bylaw, and has not recently been able to perform its prime function in the conduct of religious services, activities of the Society are basically in conformance with approved, original intent of the Society.

RECOMMENDATIONS:

THAT the Slovenian Society be granted the opportunity to implement its proposals, namely the continuing effort by the Society to reduce noise to a minimum level, the supervision of its parking area by Society members, and resumption of religious services; and
THAT the Slovenian Society be provided with a copy of this report; and
THAT complainants be provided with a copy of this report, and advised to contact the appropriate departments in the event of violations.

Burnaby March 1

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MANAGER'S REPORT NO. 67

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MANAGER'S REPORT NO. 23

COUNCIL MEETING Mar. 26/73

Slovenian Society
5762 Sprott Street
Burnaby 2. B. C.

Mr. H. Buckley
Chief Licence Inspector
Corporation of the district of Burnaby.

Dear Mr. Buckley.

Regarding Your letter of February 21. 1973 more specifically complaints You received from the public of the surrounding area from above address. Furthermore Your concern that we are extending our activities beyond Your approval.

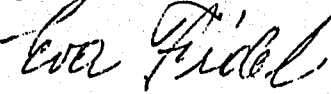
Our property (the hall) is used as stated in the letter by our solicitor Mr. Johnson on february 10. 1972 and forwarded to Burnaby council. The hall was rented on two occasions once to the Burnaby municipality for their elections, another time to one of our society member for his private or family event. Such events were also stated in the letter by our solicitor, and to the best of my knowlde they were also approved.

Regarding parking problems, there may have been some. For the future we have appointed one of our society members to take care of parking at each of our events. We have approximately 40. parking spaces on our property, which will considerably ease road allowance to the through going traffic on Sprott street. Noises from the activities in the hall we are keeping to a minimum, and further improvements regarding them are in progress.

Since we were refused by the Burnaby council to our tax exempt as a ethnic group we have no alternative but to keep beside our regular events one dance a month for the members to raise the necessary funds to cover our taxes, mortgage payments and expences.

Hope these informations will be sufficient regarding our activities and plans. If You are in need of any more informations please contact our president Mr. Ivan Skerbinek at 327-9612 who will be glad to assist You in any way he can.

Yours truly



Eva Fidel
Treasurer Slovenian Society.

RECEIVED

MARCH 1 1973

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"E" DIVISION

Royal Canadian Mounted Police
Burnaby Detachment
6355 Gilpin Street
Burnaby 2, B.C.
12 March, 1973

YOUR NO. 2092
VOTRE N°

OUR NO.
NOTRE N°

Mr. E. Ward
Deputy Municipal Clerk
The Corp'n. of the District of Burnaby
4949 Canada Way
Burnaby 2, B. C.

Dear Sir:

RE: 5762 Sprott Street, Burnaby,
SLOVENIAN SOCIETY

I would like to make the following comments
in regard to a copy of your letter dated February 23,
1973, to the Chief Public Health Inspector.

Since the receipt of that correspondence,
our Zone members have been conducting a survey of the
activities taking place at the indicated location.
These were:

- 17 FEB 73 Masquerade Dance, Hours - 7:00 PM - 1:00 AM,
L.C.B. Banquet Permit #365010 issued. No
complaints received.
- 18 FEB 73 During afternoon, few members of Society
playing Chess. No complaints received.
- 19 and 20 FEB 73 - No activity.
- 21 FEB 73 7:00 PM - 9:00 PM. Committee meeting. No
alcohol consumed. No complaints received.
- 22 and 23 FEB 73 - No activity.
- 24 FEB 73 10:00 AM - 12:15 PM - Language School.
- 25, 26, 27, 28 FEB. and 1 MAR 73 - No activity.
- 2 MAR 73 Choir Practice. No complaints received.

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12 March, 1973

RE: SLOVENIAN SOCIETY - cont'd.

3 MAR 73 10:00 AM - 12:15 PM - Language School
6:00 PM - 12:00 MN - Society Family Social
evening. L.C.B. Banquet Permit #353695 issued.
No complaints received at this office.

4 MAR 73 10:00 AM- 12:00 PM. Mass held by Father Turk,
Priest, St. Paul's Hospital. No complaints
received.

5 and 6 MAR 73 - No activity.

7 MAR 73 7:00 - 9:00 PM. Committee meeting. No alcohol
consumed.

8 MAR 73 - No activity.

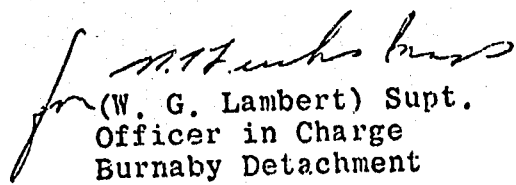
9 MAR 73 7:00 PM - 10:00 PM. Choir practice. No alcohol
consumed.

10 MAR 73 --No activity.

They had one liquor permit for the 8 PM - 1:00
AM period of January 20, 1973, and another for the 9:00 PM
- 1:00 AM period on February 10, 1973. No complaints were
received on either occasion.

Parking at the site is congested but no
infractions have been observed and this Society's activities
have not been of concern insofar as the Police are concerned.

Yours truly,


(W. G. Lambert) Supt.
Officer in Charge
Burnaby Detachment