

19. Re: Slovenian Society
5762 Sprott Street

ITEM 19

MANAGER'S REPORT NO. 13

COUNCIL MEETING Feb. 19/73

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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MANAGER'S REPORT NO. 13

COUNCIL MEETING Feb. 19/73

OUR FILE NO. P. 15411

SUTHERLAND AND JOHNSTON

BARRISTERS & SOLICITORS

February 10th, 1972

Planing 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

Our File: 03.100/80

February 16, 1972

Messrs. Sutherland and Johnston
Barristers and Solicitors
#302 - 2605 Granville Street
Vancouver 9, B. C.

Attention Mr. R. L. Johnston

Dear Sirs:

Re: Church - 5702 Sprott Street
D.L. 20N, Plan 1332, 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 9500 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
A. L. Farr,
DIRECTOR OF PLANNING

LEA/mp

c.c. Legal Department
Licence Department

Attachment

ITEM 19

MANAGER'S REPORT NO. 13

COUNCIL MEETING Feb. 19/73

OUR FILE NO. P. 15411

SUTHERLAND AND JOHNSTON

BARRISTERS & SOLICITORS

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:

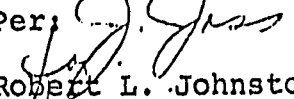
Re: Church - 5762 Sprout Street,
D.L. 80N, Plan 1852, S.D. 1,
6,9 and 10, Blocks 9 and 10

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

January 29, 1972
SLOVENIAN SOCIETY
3234 E. 27th Ave.
Vancouver, B. C.

ITEM 19

MANAGER'S REPORT NO. 13

COUNCIL MEETING Feb. 19/73

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 practices
4. Easter, Christmas and other holiday celebrations for children
5. dinner parties with dances following approximately two times a month for which we would require liquor permits from Burnaby municipality
6. Weddings for any member in our society
7. Anniversary celebrations for members
8. folklore dance, stage plays, and music practices
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 approximately 18 - 40 years 40%, 40 - over 60%.

Sincerely yours

SLOVENIAN SOCIETY
Committee



Ljiljana Klemenčič