

ITEM 25

MANAGER'S REPORT NO. 23

COUNCIL MEETING Mar. 26/73

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 ...

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.

