

5. Re: Petition Dated November 19, 1973 from Residents on McKee Street
 Subdivision Reference #202/73
D.L. 159, Blk. 20, Lot 14 Ex. E $\frac{1}{2}$ and Lot 14 E $\frac{1}{2}$, Plan 1813

Appearing on the Agenda for the December 3, 1973 meeting of Council is a petition expressing opposition to the Approving Officer's decision to not approve a proposal to subdivide and consolidate properties on McKee Street. Following is a report from the Approving Officer on this matter.

The Approving Officer advises that there are 33 foot frontage lots in Burnaby at the present time but that these were created prior to the current standards that are required by the Zoning Bylaw for an R4 Zone. These lots are primarily located in well established areas in North Burnaby, and not in relatively new areas such as the one in question. Approval of Sand Securities Limited's proposal to form a 33 foot lot through subdivision and consolidation would, in the opinion of the Approving Officer, encourage the development of incompatible 33 foot lots within the residential south slope area of Burnaby.

Note: See Item 22 for a related report on this same subject.

RECOMMENDATION:

THAT Council confirm the Approving Officer's decision to not approve the creation of the proposed lots, but advise the applicant that under Section 98(1) of the Land Registry Act, (copy attached) if he wishes to proceed with an appeal against the decision of the Approving Officer, he should proceed with an appeal to a Judge of the Supreme Court in Chambers; and

THAT a copy of this report and Report Item 22 be sent to the petitioners.

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PLANNING DEPARTMENT,
 NOVEMBER 28, 1973

SUBJECT: SUBDIVISION REFERENCE #202/73
D.L.159, BLK.20, LOT 14 EX.E $\frac{1}{4}$ and
LOT 14 E $\frac{1}{4}$, PLAN 1813

BACKGROUND

On October 9, 1973, the Planning Department received an application for subdivision of the above described properties. After studying the applicant's proposal (as shown on the attached sketch) we informed him in writing on October 12, 1973, that we could not give approval to the creation of two 33 foot lots. Subsequent to this, at the applicant's request, we re-examined the application in greater detail and reiterated that we could not favour his proposal.

Due to the following considerations, the Planning Department is still of the opinion that this proposal is not acceptable:

- 1) The Zoning By-law for the R4 zone requires a minimum 60' width for new lots. In this case both lots as proposed would be considerably below the minimum standards.
- 2) The majority of the existing lots in the general area conform to the minimum standards. We have suggested that the applicant have his property consolidated with an adjacent parcel so that the character of the area is preserved.
- 3) We have received a petition in opposition to this proposal from four property owners who are located either directly adjacent or opposite the subject property.
- 4) 10% side yard exceptions under the current by-law are allowed only on lots created prior to June 7, 1965. Any lots created after this date must observe a total setback of 12 feet for the sum of both side yards. This condition would apply to the lots proposed.

ITEM 5

MANAGER'S REPORT NO. 90


COUNCIL MEETING Dec. 3/73

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RECOMMENDATION

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Respectfully submitted,


A. L. Parr,
APPROVING OFFICER

HR:ea
Attchmts.

ITEM 5

MANAGER'S REPORT NO. 90

COUNCIL MEETING Dec. 3/73

Chap. 208

LAND REGISTRY

9 Eliz.2

Appeal to
Supreme
Court
Judge.

98. (1) If the plan has been rejected by the approving officer or has not been approved by him within the time limited by section 91, the owner of the land covered by the plan may, within twenty-one days after receipt by the person who tendered the plan for approval of the notice of the approving officer's refusal to approve the plan, or in a case where the plan has not been approved within the time limited by section 91, within twenty-one days after the expiration of that time, appeal to a Judge of the Supreme Court in Chambers in a summary way by petition, which shall be supported by an affidavit of the owner or his solicitor or agent, stating fully and fairly all the material facts of the case, and that to the best of the information, knowledge, and belief of the deponent all facts and things material to the application for approval have been fully and fairly disclosed.

(2) The approving officer shall be served with the petition, together with copies of all material and exhibits proposed to be used on the hearing.

(3) At least ten days' notice shall be given of the time and place of hearing, and at that time and place all parties interested (whether served with the petition or not) may appear and be heard.

(4) The Judge may make any order he sees fit as to the notification of other parties of the hearing, and upon the hearing he may make such order in the premises as the circumstances of the case require, and may order that the plan be deposited if it is otherwise in order, and may make such order as to costs of the parties appearing on such petition as he may see fit. R.S. 1948, c. 171, s. 98; 1950, c. 36, s. 5.

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D.L. 159

S.P. 202173

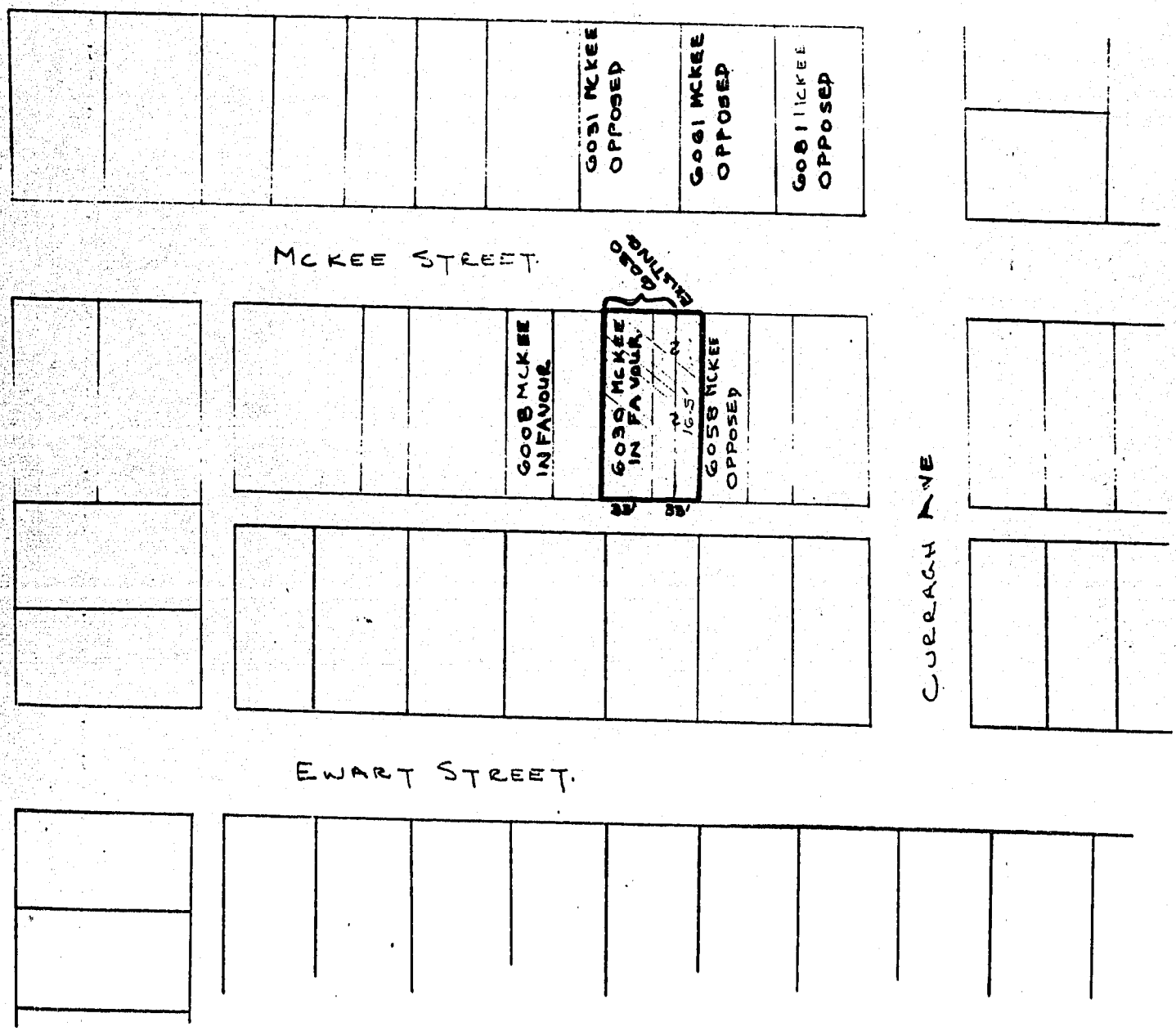
BLOCK 20


ZONING R4

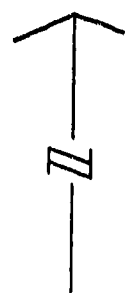
LOTS 14 Evc E14
 14 E14

PLAN 1813

BULLER AVE



SUBJECT PROPERTIES 



SCALE 1" = 100'