

ITEM 29

MANAGER'S REPORT NO. 55

COUNCIL MEETING Aug. 19/74

Re: Letter dated August 14, 1974, and Received August 14, 1974
From Olive G. North (Mrs. J.E.), 7356 Braeside Drive
Access to Property addressed at 7396 Barnet Highway Via a Lane
(Delegation, Council Meeting August 19, 1974)

Appearing on the Agenda for the August 19, 1974 meeting of Council is a letter from Olive G. North requesting approval for a representative of the "Westridge group" to appear before Council on August 19, 1974, to state the group's case with respect to "a proposal to obtain the primary access to property addressed at 7396 Barnet Highway via a lane."

Following is the report dated August 13, 1974 of the Planning Director with respect to the subject matter.

RECOMMENDATIONS:

THAT Council approve of the recommendation as contained within the report of the Planning Director; and

THAT Olive G. North and the property owners corresponding with, or petitioning to, the Planning Director be provided with a copy of this report.

* * * * *

PLANNING DEPARTMENT
AUGUST 13, 1974

TO: MUNICIPAL MANAGER

FROM: DIRECTOR OF PLANNING

RE: PROPOSAL TO OBTAIN THE PRIMARY ACCESS TO PROPERTY ADDRESSED
AT 7396 BARNET HIGHWAY VIA A LANE

The subject property is a 2.53 acre parcel located on the Barnet Highway approximately 1,300 feet east Bayview Drive as shown on the attached sketch. It is described as Lot 1, Block 1, D.L. 215 and 216, Plan 10936, N.W.D.

BACKGROUND

The Planning Department received letters from the prospective purchaser of the subject property and from the owner's agent requesting written assurance that the Municipality would grant access to the property via the lane only. The prospective owner wishes to construct a single dwelling on the property in conformance with the R2 Residential zone. It is not physically possible to obtain access from the legal frontage on the Barnet Highway as it is extremely steep.

Section 7.4(1) of the Zoning By-law states that:

"Notwithstanding any right contained in this By-law, the Chief Building Inspector may prohibit a person who proposes to erect a building from commencing the erection of such building until firm arrangements have been made to supply such building with electric power and public water, sewerage, street and other facilities."

Proposal to obtain the primary access to
Property addressed at 7396 Barnet Highway via a lane
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In order to determine the adequacy of the existing lane to fulfil the requirement to provide access as required in the Zoning By-law, the Planning Department solicited the opinion of the Chief Building Inspector, the Municipal Engineer and the property owners who abut the subject property.

EXISTING SITUATION

The Chief Building Inspector stated that because of the topography on the north side of Capitol Hill and in the subject area, his department and the Engineering Department have accepted in the past, accesses to properties via developed municipal lanes only. When accepting such accesses, the Chief Building Inspector stated that the circumstances have to be made abundantly clear to the property owners and permit holders. He concluded by stating that the Building Department would be prepared to continue lane access practice to the subject property.

The Municipal Engineer replied that lane access is available to the property and stated that, in the Engineering Department's opinion, provision for turning vehicles around should be made within the site as it would be impracticable to provide for this type of operation within the confines of the existing lane allowance.

The response from the adjacent property owners was negative and copies of individual letters and a petition expressing opposition to the proposal to obtain primary access to the subject parcel are attached for the information of Council. The main points of concern expressed were objections to a change in the character of the area by the addition of a new dwelling, the possibility that the property could be rezoned to a higher use, the question of emergency access and access generally, as well as the conservation of property values. In addition, the petitioners requested that this property be considered for park land acquisition.

QUESTION OF POSSIBLE PARKLAND ACQUISITION

The subject property was offered for sale to the Municipality in February of 1970. On April 1, 1970 the Planning Department submitted a report to the Parks and Recreation Commission which stated that this property had never been specifically designated for park use. However, the location of the lot in relation to the large Corporation owned holdings to the east suggested the possibility of its future addition in the proposed Burnaby Mountain Park Area. In fact, it was stated that this would appear to be the most logical use for the property. It was stated that as in the case of other limited use properties, (e.g. privately-owned ravine areas), it would be difficult to justify the attaching of any priority to its purchase, particularly when park acquisition funds are limited and when areas deficient in active park facilities exist in the Municipality.

It was suggested, therefore, that acquisition at that time should only be considered at a cost commensurate with the value of the property as part of a passive recreational area of rather limited usage.

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addressed at 7396 Barnet Highway via a lane
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The Parks and Recreation Commission considered this matter on April 15, 1970 and concluded that they did not wish to consider buying the subject property.

The report entitled 'The Public Meetings, Phase One' recommended that Burnaby Mountain be designated as a conservation area. The Municipal holdings east of the subject property are included in the lands proposed for the conservation area. The Municipal Council, at a Special Meeting on July 2, 1974, took the following action in respect to the conservation area proposal:

1. That Council approve in principle the establishment of a conservation area on Burnaby Mountain in addition to those lands occupied by Simon Fraser University and Burnaby Centennial Park.
2. That the Planning Department submit a report to Council on the estimated cost of completely servicing, by segments, portions of Burnaby Mountain up to any uppermost restricted areas and also the estimated cost of acquiring any private land above the 500 foot level.
3. That action on the following proposals be deferred until the Planning Department submits the report covered under point 2:
 - (a) That the Planning Department undertake a review of those required procedures (e.g., rezonings, acquisitions) necessary for the conservation of Burnaby Mountain.
 - (b) That those undeveloped areas on Burnaby Mountain below the delineated serviceable area be designated as residential development areas.
 - (c) That a series of design concepts be prepared for those undeveloped areas on Burnaby Mountain below the delineated serviceable level.

SUMMARY

The subject lot is a legal lot which can only receive access from an existing paved lane. The Municipal Engineer and the Chief Building Inspector have accepted similar accesses in the past and are prepared to recommend that this practice be continued in this case, subject to provision being made for a turn-around.

The areas' residents are opposed to granting this access for a variety of reasons as detailed in this report. They propose that the land be acquired as public parkland.

The Parks and Recreation Commission has considered the question of acquisition of this parcel in 1970 and at that time, they stated that they did not wish to buy the property.


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addressed at 7396 Barnet Highway via a lane
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RECOMMENDATION

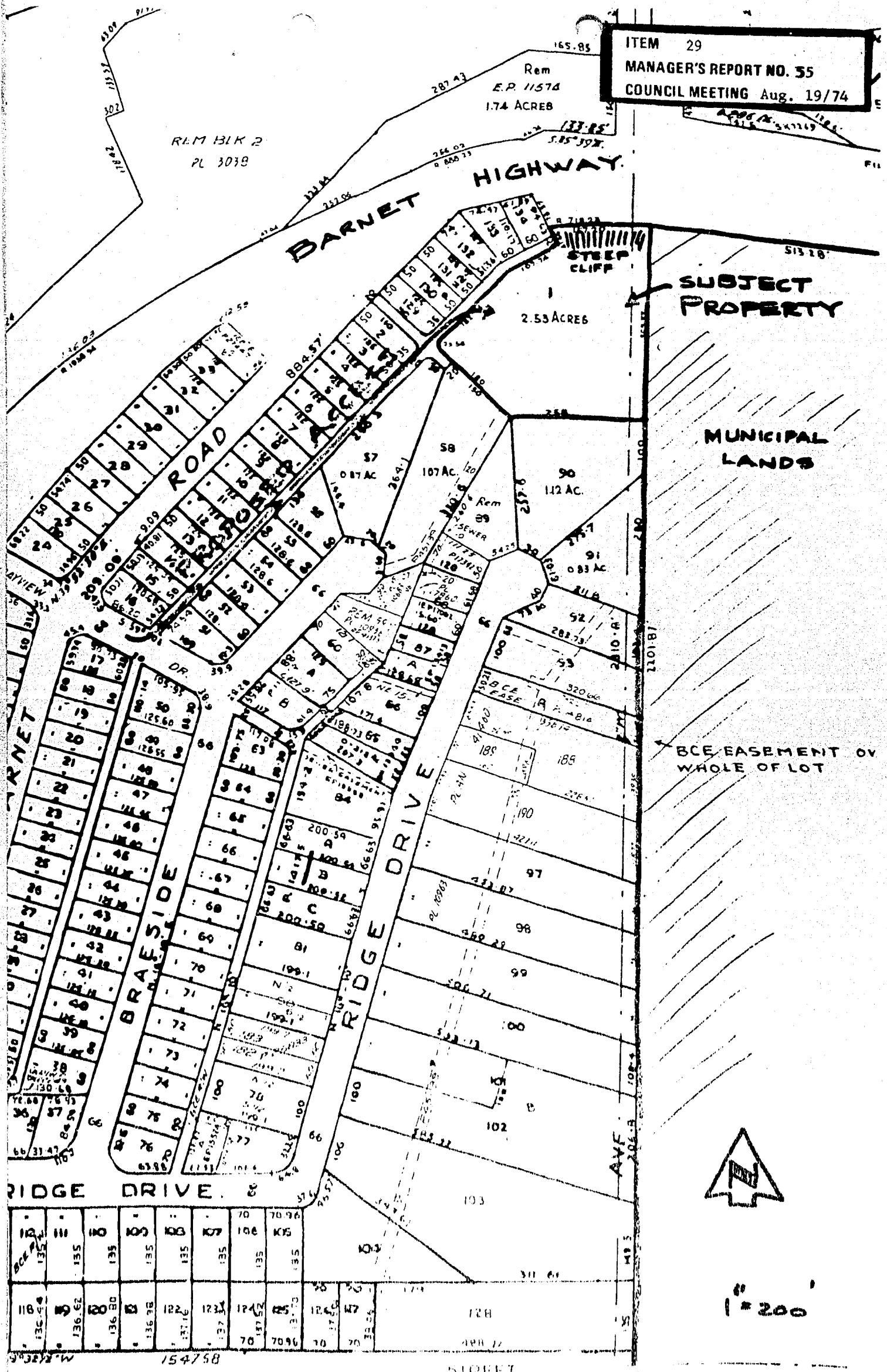
Inasmuch as the Corporation has granted access via developed Municipal lanes in the past to properties which, because of unusual and difficult topographic limitations cannot receive access from their legal street frontage; the Planning Department recommends THAT the Council authorize the Chief Building Inspector to grant a permit for construction of dwelling in conformance with the R2 Residential Zone on the condition that the owner provide a turn-around on public right-of-way to the approval of the Municipal Engineer. Should it be necessary to dedicate lands for this turn-around, this dedication should be a condition of the issuance of the building permit.

Should the Council conclude that access to the subject parcel via the lane only, is not sufficient, then an ALTERNATIVE would be to include this property within the area designated for the Burnaby Mountain Conservation Area, and as such, the acquisition by Burnaby would be included in the report to Council which is to provide the estimated cost of acquiring private lands.

PB:ea
Attchmt.


A. L. Parr,
DIRECTOR OF PLANNING

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COUNCIL MEETING Aug. 19/74



7356 Bracside Dr.,
August 7, 1974

Mr. G. L. Parr
Planning Dept.,
Municipal Hall,
4949 Canada Way,
Burnaby 2, B.C.

Dear Sir:

In reply to your letter of July 23, 1974, we have reached the decision that we are strongly opposed to the proposal to obtain the primary access to property addressed at 7396 Burnet Highway via a lane. This decision was reached after due consideration and for the reasons outlined below.

First of all, we must consider the safety of the residents of the area and the prospective purchaser.

1. The lane is narrow and is blocked from time to time. There is the very real possibility that an emergency vehicle, such as a fire engine or ambulance would be needed at the subject lot and speedy access would be a physical impossibility. Should it be a fire, it could prove disastrous.

2.

for neighbours as well as the owner of the lot.

2. In winter, when it snows, the lane is frequently impassable and this presents further problems since it would be serving as primary and secondary access.

3. There is a tendency to drive faster when there is a longer distance to go and the subject lot is more than a block from the entrance to the lane.

4. Poor vision is a concern and exists now when drivers maneuver vehicles out of garages and into the lane.

5. Further, the lane is unsuitable for any increase in personal traffic or service vehicles. Such an increase, endangers the safety of the children and those home owners who use the lane for various reasons.

There is no room to pass in the lane. As conditions exist now, it is inconvenient to the point where several residents park their car on Barnet Rd. rather than face the possibility of another delay in negotiating the lane.

The proposed access will mean a considerable increase in lane traffic and with it comes a further increase in noise pollution, which does not contribute to the general health and welfare of the residents.

3.

We are concerned not only for the nature of the present use of the land, but for its prospective use. The inevitable request for rezoning concerns us greatly. Living here for twenty-two years, we are well aware of the continuous quest for access to some several dwellings. With all the best intentions in the world, sooner or later, under some regime, rezoning is a distinct possibility. We would have to be very naive and too trusting to assume that only a single dwelling will be permitted in the foreseeable future. Should someone be permitted to build, he or she is almost certain to be under pressure to sell the property for a housing development or to share an interest in such a development. One has to love the land to withstand such pressures and experience has taught us it would be folly to extend that much trust. The amenities that we sought and have here, such as privacy, peace and rustic beauty would be destroyed.

The conservation of property value is important to us all. We are dubious and uncertain about these values if the proposed access is granted.

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Talking with the property owners in our immediate area this past week, we became very aware of an enthusiasm, joy and even excitement about living here. This feeling closely parallels that of the early 1950's. It is beneficial and overflows to make a better Westridge and Burnaby. There is a distinctive country-like character and charm in this area, which once destroyed would be an irreplaceable loss.

The Corporation of the District of Burnaby Bylaw # 4742, Section 2, firmly supports our position. In our opinion, granting access would contravene this section on several counts. For these reasons, we ask that you refuse the request for access and consider purchasing the 'subject lot' for conservation and parkland.

Yours truly
James G. North

Olive G. North

Attachment

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MANAGER'S REPORT NO. 55

COUNCIL MEETING Aug. 19/74

THE CORPORATION OF THE DISTRICT OF BURNABY
BYLAW No. 4742

The Reeve and Council of The Corporation of the District of Burnaby,
duly assembled, enacts as follows.

SECTION 1 SHORT TITLE

This Bylaw may be cited for all purposes as the "Burnaby Zoning Bylaw,
1965"

SECTION 2 PURPOSE

The Burnaby Zoning Bylaw regulates within the Corporation of the
District of Burnaby, the development and use of land and the location
and use of buildings and structures erected thereon, having due regard to:

- (1) The promotion of health, safety, convenience, and welfare of the public.
- (2) The prevention of the overcrowding of land, and preservation of the amenities peculiar to any zone.
- (3) The securing of adequate light, air and access.
- (4) The value of the land and the nature of its present and prospective use and occupancy.
- (5) The character of each zone, the character of the buildings already erected and the peculiar suitability of the zone for particular uses.
- (6) The conservation of property values.

SECTION 3 DEFINITIONS

In this Bylaw unless the context otherwise requires:

"ACCESSORY BUILDING" means

- (1) a building, the use or intended use of which is ancillary to that of a principal building situated on the same lot, or
- (2) a building which is ancillary to a principal use being made of the lot upon which such building is located.

"ACCESSORY USE" means

- (1) a use which is ancillary to a principal building, or use of a principal building, situated on the same lot, or
- (2) a use which is ancillary to a principal use being made of the lot upon which such accessory use is located.
- (3) An accessory use in an R1, R2, R3, R4 or R5 District may include an in-law suite for the parents or grandparents of the occupiers of a dwelling, subject to the following conditions:
 - (a) Such a lot shall meet the area requirements of the zoning district in which it is located.

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 - (a) Such a lot shall meet the area requirements of the zoning district in which it is located.

AUG 7, 1974

PLANNING DEPARTMENT,
CORPORATION OF THE DISTRICT OF BURNABY,
4949 CANADA WAY,
BURNABY 2, B.C.

DEAR SIR:

IN RESPONSE TO YOUR LETTER ASKING FOR OPINIONS REGARDING THE REQUEST TO ALLOW ACCESS TO THAT PARCEL OF LAND (2.53 ACRES) SHOWN ON YOUR MAP AS "SUBJECT LOT" BY WAY OF THE REAR LANE OF BARLET ROAD, WE NOW TENDER OUR OBJECTION AND LIST SOME REASONS FOR SO DOING.

- (1) IF THIS ACCESS IS GRANTED IT MAY SET A PRECEDENT, AND IN THE FUTURE ALLOW FURTHER DEVELOPMENT, NOT ONLY OF THIS PROPERTY, BUT OF OTHER TRACTS FRONTING THIS SAME LANE. MY OBJECTION TO THIS IS:
 - (a) IT COULD RESULT IN THE LANE BECOMING A MUCH HEAVIER TRAFFIC AREA, DESTROYING THE PRIVACY OF THE PROPERTY OWNERS IN THIS AREA.
 - (b) AS A PRIMARY ACCESS ROAD IT COULD RESULT IN A FASTER TRAFFIC PATTERN, DEPRIVING CHILDREN OF WHAT IS NOW A RELATIVELY SAFE PLACE TO PLAY, I.E. RIDE THEIR TRICYCLES, ETC.
- (2) IT COULD SET UP A POTENTIALLY DANGEROUS SITUATION NOT ONLY FOR THE OWNER OF THE HOME ON THAT SITE BUT ALSO OTHERS IN THE AREA BY:
 - (a) MAKING IT NECESSARY FOR FIREFIGHTING EQUIPMENT HAVING TO NEGOTIATE A 15' LANE TO ARRIVE AT THIS SITE. THIS IN ITSELF IS NOT OUTRILY DIFFICULT BUT IF A CAR OR OTHER VEHICLE IS PARTIALLY BLOCKING THE LANE IT COULD DELAY THE EQUIPMENT LONG ENOUGH TO RESULT IN THE FIRE

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GOING OUT OF CONTROL TO SUCH AN EXTENT AS
TO ENDANGER NEIGHBOURING PROPERTY.

(b) THIS SITUATION NOT ONLY APPLIES TO FIREFIGHTING
EQUIPMENT BUT ALSO OTHER EMERGENCY EQUIPMENT SUCH
AS AMBULANCES, INHALATORS, ETC.

(3) THE NECESSITY WOULD ARISE, THEREFORE, BY REASON OF THE ABOVE
POSSIBILITIES, THAT THE LANE WOULD NEED TO BE WIDENED TO THE
25' REQUIRED FOR NORMAL ROAD ALLOWANCE. THIS WOULD REQUIRE
A 5' EXPROPRIATION BY THE MUNICIPALITY FROM PROPERTY ON OTHER
SIDE OF THE LANE WHICH WOULD RESULT IN:

(a) THE NATURALLY DISTASTEFUL SITUATION OF HAVING A PUBLIC
ROAD BOTH FRONT AND BACK OF OUR HOMES.

(d) THE DESTRUCTION OF YEARS OF DEVELOPMENT, PLANT GROWTH
AND LANDSCAPING OF OUR LOTS.

(e) THE DEVALUATION OF PROPERTY VALUES FOR THESE REASONS.

IN SUMMARY, THEN, THESE ARE A FEW OF WHAT WE BELIEVE TO
BE THE OBVIOUS REASONS FOR NOT ALLOWING DEVELOPMENT OF
THIS PROPERTY, AND THOUGH NEITHER WE NOR MANY OF THE
OTHER OWNERS OF HOMES IN THE 7300 BLOCK BARNET ROAD
WERE INFORMED OF THE POSSIBILITY OF THIS HAPPENING, OUR
CONCERN FOR THE BEAUTY AND SAFETY OF OUR PROPERTIES IS
A VERY REAL AND IMPORTANT ISSUE. IT IS OUR REQUEST,
THEREFORE, THAT YOU NOT GRANT ACCESS TO THIS PROPERTY
BY WAY OF BARNET ROAD LANE. WE ALSO REQUEST THAT YOU
CONSIDER THE POSSIBILITY OF ACQUIRING THIS PROPERTY AS
A PARK/CONSERVATION AREA IN ORDER TO AVOID RECREATION OF
THE PRESENT SITUATION.

YOURS RESPECTFULLY,

George + Carol Young
7352 BARNET ROAD.

R.L. Davneport,
7345 Braeside Drive,
Burnaby, B.C.
291-2608

August 6, 1974

Mr. A.L. Parr,
Director of Planning,
Municipal Hall,
4949 Canada Way,
Burnaby, B.C.
V5G 1M2

Dear Mr. Parr;

It has come to my attention that you are considering a proposal to use the lane that runs past the bottom of my property as primary access for 7396 Barnet Highway.

In general, I do not feel that this would be an advantageous situation as far as my interests are concerned. It would increase traffic in the lane substantially because there are no garages on the lane past my property. One of the reasons I purchased my holding in the first place was the lack of traffic, and the safety afforded to children and animals by this fact. It is interesting to note that when I found out about the 'subject lot' several years ago I recognized its value and made initial enquiries. At that time I was informed by your department that under no circumstances would a dwelling be allowed in such a lot without street access. It seems there has been some policy change. Further, I attended a council meeting some weeks ago at which you presented your proposal for a building limitation at the 500' level (in Westridge). Your proposal to create a park and recreational area above this is one which I emphatically endorse. At that meeting, the point of access to this specific lot was raised by a council member (acting on behalf of someone in the gallery I believe) your response was, in effect, that such privately owned properties as lay above or were rendered inaccessible by the limiting elevation should be purchased by the municipality for inclusion into the park. Again, I endorse this idea.

However, to be more specific as to the proposed access to the subject lot, I do not feel that, all other factors being equal, we in the neighborhood can refuse normal access. I make this statement with the following reservations:

1. That one and only one single family dwelling be built on the property.
2. That no changes be made in or to the lane.
3. That we relieve an unconditional, irrevocable covenant that there will be no sub division of the property and no additional dwellings built at any future time.

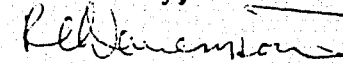
I make these statements because of my knowledge of the history of the property. It has previously occurred that access was granted tacitly by a neighbor and ostensibly for one single family dwelling. This escalated rapidly to a multi-dwelling development. I understand that the same person owns the property today. I cannot stress strongly enough, that I could not tolerate the use of the lane as access to more than one single family dwelling.

I would like to add one unreasonable covenant, that is that cutting of trees be restricted to that normally require for building and garden development. I say unreasonable because it is the mans property to do with pretty much as he pleases, but in this corner of Westerlodge we have a concentration of greenery and bird life practically unrivalled in the city and it would be sorely missed.

In conclusion, let me set my priorities. I hope must fervently that this property be included with the parklands already proposed. Barring this, one single family dwelling would not upset our neighborhood environmental balance and it would be reasonable to allow access within the limits of my stated covenants.

I hope I have stated my position clearly, and I would welcome the opportunity to discuss this further. Please allow me to be notified and/or included in any deliberation of this matter. Thank you very much for your time and consideration.

Yours truly,



R.L. Davenport

P.S. UPON FURTHER CONSIDERATION OF THIS MATTER, IT BECOMES APPARENT TO ME THAT THERE IS NO SECURITY IN THE COVENANTS I HAVE REQUESTED SINCE THEY MAY BE WAIVED AT ANY TIME BY AN APPLICATION TO COUNCIL. ON THIS BASIS, I STRONGLY OPPOSE ANY INITIAL DEVELOPMENT OF THIS LAND THAT COULD LEAD TO FUTURE EXPANSION.

RED 8/13/74

August 5 1974.

Mr. A. L. Farr,
Planning Dept.,
The Corporation Of The District Of Burnaby,
Municipal Hall,
4949 Canada Way,
Burnaby 2, B.C.

Dear Sir,

Re. PROPOSAL TO OBTAIN THE PRIMARY ACCESS TO
PROPERTY ADDRESSED AT 7396 BARNET HIGHWAY
VIA A LANE.

We, the undersigned, whose property is adjacent to the proposed
primary access to the subject property (see attached drawing)
strongly oppose this proposal and request the planning department
to refuse the request for access. Further, we request that this
property be considered for park land.

NAME.	ADDRESS.
Donald Buck	7305 BRAESIDE DR.
Larry Buchanan	7305 Braeside Drive
John Buchanan	7321 Braeside Drive NOT AN OWNER
Wm. J. MacDonald	7337 Braeside Drive
N. L. MacDonald	7337 Braeside Drive
R. Hanes	7345 BRAESIDE DRIVE
Sandra Davenport	7345 BRAESIDE DRIVE
Ernest H. H.	7353 BRAESIDE DRIVE
Mrs. K. Kidd	7353 Braeside dr.
Oliver G. North	7356 Braeside Dr.
James G. North	7356 Braeside Dr.
David L. Kelly	7313 Braeside Dr.
Sheryl Kelly	7313 Braeside Dr.
Wm. J. MacDonald	7321 Braeside Dr.
A. Jean MacDonald	7321 Braeside Dr.

CONTINUED,

Re. PROPOSAL TO OBTAIN THE PRIMARY ACCESS TO
PROPERTY ADDRESSED AT 7396 BARNET HIGHWAY
VIA A LANE.

NAME.	ADDRESS.
Buck	7302 Barnet Rd
M. Donaldson	7306 Barnet Rd.
James L. Davison	7310 Barnet Rd.
W. H. Ford	7311 Barnet Rd.
M. J. Jelford	" " "
Jonny Jarm	7318 Barnet
Linda Jaurin	7318 Barnet Rd.
A. C. Kelly	7322 Barnet Rd
Carilyn Kelly	7322 Barnet Rd.
G. S. Fletcher	7330 Barnet Rd.
K. A. Kitch	" " "
Irene Kitch	7334 Barnet Rd. Bky.
G. C. Cripps	7352 BARNET ROAD
Mrs. R. Calder	7372 Barnet Rd.
Mrs. Pat Hill	7374 Barnet Rd.
Steve Hill	7360 Barnet Rd.
Janet Popko	7364 Barnet Rd.
Brian Popko	7364 Barnet Rd.
J. G. Smith	7356 Barnet Rd.
Heanne Schuch	7368 Barnet Rd.

This petition was signed by every property owner whose property is adjacent to the proposed access and who is in town at present. There was insufficient time to contact three owner-landlords.

7367 Ridge Drive
Burnaby 2 BC
V5A 1B4

Mr. L. Parr
Planning Dept.
Corp. of Burnaby

Dear Mr. Parr:

We have become aware that a request for primary access, via lane, has been made by the owner of property addressed at 7396 Barnett Highway.

We are the owners of lot 90 7367 Ridge Drive, which is adjacent to the subject property, and are therefore, concerned regarding the plans for the property. We understand that at the present time the zoning regulations will permit a single family dwelling only. However, under another regime

we fear that pressure could bring about a change in zoning permitting a multi-dwelling complex.

As an alternative to the extension of the lane to provide access to the subject lot, we would like to propose that the 2.53 acres be purchased by the Corporation of Burnaby, and set aside for parkland. This would seem to be a natural course of action since the nature trails from Burnaby Mountain Park now lead right into the property, and would provide a beautiful addition to Burnaby Mountain park, and possibly at some future date, access to Barnett Beach, perhaps by overpass.

Yours very truly

(Mrs) Frances A. Gladstone

7364 Barnett Road,
Burnaby 2, B.C.,
August 2, B.C.

Corporation of the District of Burnaby,
4949 Canada Way,
Burnaby 2, B.C.

Attention: Mr. A. L. Parr; Director of Planning

Dear Sir:

Re: Your letter of July 23 regarding the
access to 7396 Barnett Hwy.

As an adjacent property owner to 7396 Barnett Hwy.,
we would like to voice our disapproval regarding the
question of relying on the lane for the only access
to the above mentioned property.

With such a busy roadway as the Barnett Hwy. in
the front of our house, we do not relish the idea
of opening the laneway behind as an only
access road. Besides destroying the privacy
we now have in our backyard, adding to
the already high traffic-noise level, and
increasing the dust and rock hazard, it
would, I feel, devalue our property and
be a definite disadvantage when
reselling.

If the developer wishes to build on the

(cont'd)

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subject property, then it is his responsibility to provide a roadway to his property. The steepness of the land should be his inconvenience, not his neighbours, as that is a factor in determining the price of his land.

My husband and I would appreciate being kept informed regarding this matter. If a meeting or council meeting is called, we would like to be present to express our further views.

Yours truly,
(Mrs) Janet Papko

7370 Barnet Road,
Burnaby, B. C.
August 2, 1974.

Planning Dept.,
Municipal Hall,
Burnaby, B. C.

Dear Sir,

Re: Proposal to obtain the primary access to property addressed at
7396 Barnet Highway, via the lane.

We would have no objection to this proposal, as long as we could have reasonable assurance that a many-peopled high-rise was not being planned which would cause the lane to be exceedingly busy with cars, and that some kind of turn-about be included at the end of the lane which at present is a dead end.

Thank you for requesting our opinion concerning this matter.

Sincerely,
Jean Beaton

R. J. and J. M. Beaton