

ITEM 21

MANAGER'S REPORT NO. 35

COUNCIL MEETING May 12/75

Re: Curtis Lumber Co. Ltd.

- a. Letter from Mr. M. Corak that appeared on the Agenda for the May 5, 1975 meeting of Council (Item 2d)
- b. Undated letter from Mr. Edward C. Underwood, 1010 Sperling Avenue, and letter dated May 7, 1975 from Mr. Brian G. Kask that appear on the Agenda for the May 12, 1975 meeting of Council (A letter dated May 6, 1975 from Mrs. Lester S. Jones is attached to Mr. Kask's correspondence).

As noted in the heading, Council last week received a letter from Mr. M. Corak regarding the Curtis Lumber Co. Ltd. (see attached sketch); appearing on the Agenda for the May 12, 1975 meeting of Council are letters from Mr. C. Underwood and Mr. Brian G. Kask on this same matter. Messrs. Corak, Underwood and Kask have all requested permission to appear as delegations at the next meeting of Council, as noted on the Agenda.

Attached are reports on this matter from the Planning, Licence, Engineering, Police and Health Departments. In addition, the Fire Chief advises that his Department inspected the property and did not find any evidence of an existing hazard. The Fire Chief also points out that under Burnaby Fire Prevention By-Law No. 5096, Section 2.3.4.1(2), "Lumber shall be piled with due regard to stability of piles, and in no case shall the height of the stickered pile (open for air drying) exceed 20 feet".

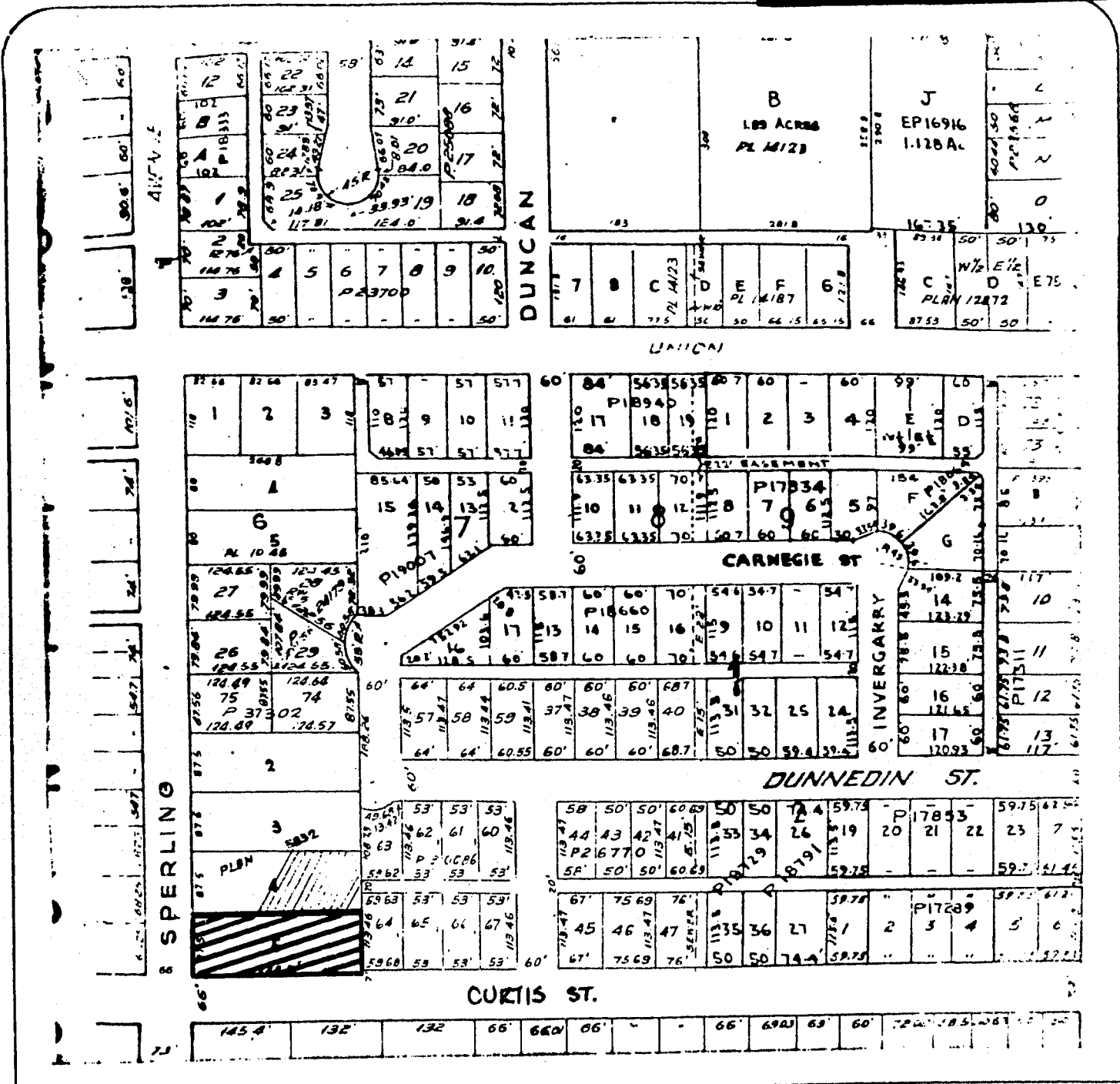
Although the reports contain considerable information on the specific complaints that have been referred to Council, it would be appropriate to emphasize that those pertaining to the Zoning By-Law are not subject to existing regulations because the property is legally non-conforming. Following is the section of the Municipal Act which provides municipalities with direction regarding such nonconformance:

"Non-conforming use. 705(2) A lawful use of premises existing at the time of the adoption of a zoning by-law, although such use does not conform to the provisions of the by-law, may be continued; but if such non-conforming use is discontinued for a period of thirty days, any future use of those premises shall, subject to the provisions of this section, be in conformity with the provisions of the zoning by-law."

RECOMMENDATION:

1. THAT a copy of this report be sent to each of the correspondents.

ITEM 21
 MANAGER'S REPORT NO. 35
 COUNCIL MEETING May 12/75




Date
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1:200

Drawn By

Burnaby Planning Department

CURTIS LUMBER CO. LOCATION

 APPROXIMATE AREA OF RESIDENTIALLY ZONED LOT 74 (WHICH THE LUMBER YARD IS STORING MATERIAL AS MORE SPECIFICALLY OUTLINED IN THE REPORT FROM THE CHIEF LICENSE INSPECTOR).

ITEM 21

MANAGER'S REPORT NO. 35

COUNCIL MEETING May 12/75

PLANNING DEPARTMENT
MAY 1, 1975

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
SUBJECT: STATUS OF CURTIS LUMBER CO. LTD.
6715 CURTIS STREET, BURNABY

1.0 INTRODUCTION:

On several occasions, numerous Burnaby residents have submitted a variety of complaints regarding the existing lumber supply operation located at the northeast corner of Sperling Avenue and Curtis Street. The Planning Department has now researched the situation and submits the following information.

2.0 BACKGROUND:

Appearing on the May 5, 1975 Council agenda is a formal written complaint dated April 17, 1975 submitted by a Burnaby resident regarding the incompatible situation existing between the subject industrial operation and the surrounding residential area. Included in this complaint was an itemized list of existing zoning regulations that are not being adhered to. The complainant stated that since no previous action has been taken as a result of previous complaints, the situation should be scheduled for discussion at a Council Meeting.

On April 8, 1975 the Planning Department responded to John Kask, representing Curtis Lumber Co. Ltd., regarding his submission of March 27, 1975 requesting expansion of the subject operation to include 934 Sperling Avenue. A copy of this letter is attached.

The Planning Department recommended that this expansion was unwarranted at this location since the area is primarily residential in nature and that an expansion of this facility would intensify industrial activity leading to the further disruption of the residential character of the area. Moreover, the Planning Department stated that this type of development should be encouraged to locate in areas within the Municipality that do not conflict with the surrounding land uses.

ITEM 21

MANAGER'S REPORT NO. 35

COUNCIL MEETING May 12/75

- 2 -

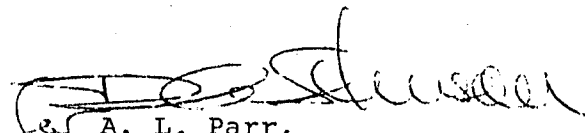
3.0 EXISTING SITUATION;

The subject property is located within a relatively small industrial enclave (M4) surrounded by a well developed residential area. This zoning is the result of historical circumstance and the surrounding residential area has developed relatively recently. The M4 Zoning District does not permit retail building supply establishments as a principal use. Consequently, no expansion of the development would be permitted under present zoning.

The existing operation is of a legally non-conforming nature since it was operating before the current Burnaby Zoning Bylaw 1965 was implemented. Consequently, the listed Bylaw discrepancies outlined in the complainants letter are not subject to the existing Bylaw regulations. However, the Municipal Act states that if the use of the site is altered or occupancy changes and is rendered vacant for a period of 30 days, then the use of the site must comply with those regulations as outlined in the current Zoning Bylaw.

Although the Planning Department has no authority to request that Curtis Lumber upgrade its operation to reflect the existing zoning regulations in that the current Bylaw regulations are not retroactive, we do acknowledge the concerns of the surrounding residents and have suggested that Curtis Lumber relocate to an area that is more compatible with the adjacent land uses. Respective reports from other concerned Municipal Departments regarding this situation are forthcoming for Council's information.

This report is submitted to Council for information.


A. L. Parr,
DIRECTOR OF PLANNING.


PDS:cm

Attach.

cc: Municipal Engineer
Chief Public Health Inspector
O.i/c, R.C.M.P., Burnaby Detachment
Chief Licence Inspector
Municipal Solicitor

Planning Department

April 8, 1975.

Mr. John Kask,
950 Sperling Avenue,
Burnaby, B. C.

Dear Sir:

Re: Expansion of Curtis Lumber Co. Ltd.
D.L. 206, Block 1, Lot 5, Plan 5832
950 Sperling Avenue

Further to your submission of March 27, 1975 regarding expansion of the existing facilities at 950 Sperling to include 934 Sperling, the following comments will refer.

The existing location of Curtis Lumber at 950 Sperling is currently zoned Special Industrial District (M4) surrounded primarily by a very well established Residential District Five (R5).

Expansion of the existing facility would necessitate rezoning of 934 Sperling Avenue from a residential use to an industrial use whereby an existing residential unit would be removed.


The Planning Department cannot give a favourable recommendation to this proposal. The location of an industrial facility in this location does not provide an appropriate interface with the surrounding residential element. Existing outside storage of lumber on the site and constant industrial vehicular movement generated by the subject facility detracts from the residential environment of the area.

Moreover, expansion of the existing facility in a northerly direction along Sperling Avenue would encourage a further disruption of the residential character of the area and would intensify industrial activity in an area where it is not warranted.

The Planning Department would, however, encourage development of this type in areas more appropriately zoned whereby the proposed facility would not conflict with the surrounding land uses. Numerous industrially zoned areas of this type are located throughout the Municipality.

For any further direction of this matter please feel free to contact Mr. Sanderson of the Planning Department.

Yours truly,


A. L. Parr,
DIRECTOR OF PLANNING.

PDS:hp

ITEM 21 MANAGER'S REPORT NO. 35 COUNCIL MEETING May 12/75

TO: MUNICIPAL MANAGER
FROM: CHIEF LICENCE INSPECTOR
RE: CURTIS LUMBER CO. LTD.

May 7, 1975

On May 5, 1975, Council received a complaint from Mr. M. Corak, 6801 Curtis Street, concerning violations of various municipal by-laws by the subject company in connection with the lumber yard they operate at 6715 Curtis Street, (also known as 950 Sperling Avenue) and use of the adjoining lot, 934 Sperling Avenue.

This report deals with item three of the complaint, mis-use of the R5 residential property at 934 Sperling Avenue.

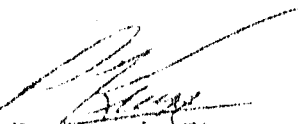
Curtis Lumber Co. Ltd., is licenced to operate a lumber yard for the sale of building supplies including lumber, finishing materials, hardware and assessory items at 6715 Curtis Street. Operation of the business requires open and covered storage. The original licence was issued on April 1, 1953. Existing zoning for this property is M4, special industrial district, in which the operation of a lumber yard is not a permitted use, therefore the occupancy is legal non-conforming.

A complaint of building supplies being stored on the rear yard of the residential property adjoining the lumber yard, 934 Sperling Avenue, resulted in Curtis Lumber being served a registered notice to remove the offending material by May 9, 1975. Following receipt of the notice, a representative of the company advised that they were preparing to apply for rezoning of the property, and in the meantime would comply with our notice by removing the material from the residential property.

The Zoning By-Law provides that when owners or occupiers use property contrary to the by-law, they shall be notified in writing, setting out the violation, the action necessary to correct such violation and establishing a deadline for the work to be completed. In this case the occupier, Curtis Lumber Co. Ltd., received a notice that provided 30 days to comply with the by-law. Previous complaints concerning mis-use of this property were investigated and the appropriate notices were issued. The company responded by removing the offending material.

Curtis Lumber Co. Ltd re-occupied the property at 934 Sperling Avenue with the knowledge that such occupancy is contrary to the Zoning By-Law. In the event they continue with non-conforming occupancy of the property after May 9, 1975, legal action will be implemented.

This is for the information of Council.



P. Kenzic
Chief Licence Inspector

PK:jf

ITEM 21
MANAGER'S REPORT NO. 35
COUNCIL MEETING May 12/75

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL ENGINEER
RE: CURTIS LUMBER CO. LTD., 6715 CURTIS STREET

APRIL 30, 1975

Reference the complaint of Mr. M. Corak of 6801 Curtis Street.

The majority of items listed in the written submission of Mr. Corak are related to violations of the Burnaby Zoning Bylaw 1965 and should be covered in the reports of the Planner and Chief License Inspector. The only item related to the Engineering Department would be Item 4 which involves the use of Curtis Street for loading operations.

Section 24(1) of the Burnaby Street and Traffic Bylaw states:

"No person shall excavate in, do or construct any works upon, cause a nuisance upon, encumber, obstruct, injure, foul, or damage any portion of a highway or other public place without written permission so to do from the Council and except under such terms and conditions as may be imposed by the Council in such permission."

We are informed by the R.C.M.P. that enforcement action has been and will continue to be carried out against violations on Curtis Street.

In addition to the above, we would advise that as part of the approved signal installation at Curtis Street and Sperling Avenue we intend to widen the pavement and prohibit parking on the north side of Curtis Street east from Sperling Avenue to provide left turn storage.

RECOMMENDATION:

THAT the R.C.M.P. continue to enforce violations of Section 24(1) Burnaby Street and Traffic Bylaw.

HB:wlh

EEOlsa
MUNICIPAL ENGINEER

ITEM 21

MANAGER'S REPORT NO. 35

COUNCIL MEETING May 12/75

TO: MUNICIPAL MANAGER May 1, 1975

FROM: OFFICER IN CHARGE BURNABY DETACHMENT RCMP

RE: COMPLAINTS REGARDING CURTIS LUMBER CO. LTD.,
6715 CURTIS STREET, BURNABY, B.C.

This has reference to the complaint of Mr. M. Corak dated 17 APR 75, and in particular items #1 and #4.

Item #1 - Vision is somewhat obstructed by lumber stored on the property. However, as this intersection is presently controlled by a four-way stop, no traffic hazard exists.

Item #4 - Our records indicate that no official complaint has ever been received from Mr. Corak or any other resident of the area with regard to traffic back ups caused by trucks loading or unloading at the above location. Our members have, on occasion, taken enforcement action and will continue to take action when a violation is observed under the Motor Vehicle Act or the Burnaby Street & Traffic By-Law with regard to the loading and unloading of lumber trucks on the street.

I am advised that a traffic signal is being installed at the intersection of Curtis Street and Sperling Avenue in the not too distant future and that parking will be banned on the north side of Curtis Street which should alleviate the present problem.

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

ITEM 21

MANAGER'S REPORT NO. 35

COUNCIL MEETING May 12/75

Mr. M.J. Shelley
Municipal Manager
Corporation of Burnaby

Dear Sir:

Re: CURTIS LUMBER CO. LTD., 6715 CURTIS STREET
COMPLAINANT: MR. CORAK, 6801 CURTIS STREET

Further to the above-noted letter of complaint, we would advise that the pertinent premises have been inspected by the Health Department in relation to Items 5 and 6.

Item 5

This retail lumber yard opens for business at 7 a.m., Monday to Saturday, inclusive. Mr. Brian Kask, proprietor, states, emphatically, that the yard does not open on Sundays nor is equipment operated. His statement was substantiated during our discussions with two neighbours. The intersection of Curtis and Sperling is extremely busy and noise from vehicular movement is to be expected. We have taken a few noise measurements from both street traffic and the Curtis Lumber yard operation. While these seem to be within the standards of the Burnaby Noise or Sound Abatement By-law, we are certainly not in a position to finalize a report on the subject of noise. We are, however, conducting a noise survey of this area and will be finalizing a report within one to two months.

Item 6


The Curtis Lumber yard property was inspected for rodent infestation. Evidence of the presence of rodents was noted in lawn and garden clippings, which had been deposited on the Curtis Lumber side of a fence separating the lumber yard and the Corak property. There is a rodent infestation in this area, but it does not originate from either the Curtis Lumber yard or the Corak property. The infestation is evident in the uncleared portion of a property to the north, namely 920 Sperling Avenue. Arrangements have been made with the owner of these premises whereby a program of abatement and elimination of rodents will be undertaken.

The property, addressed as 920 Sperling Avenue, was subjected to a rodent control program some three or more years ago. We were of the opinion that the situation was under control as our records do not reveal the receipt of a complaint since February 21st, 1972. The fact of the matter is that a rodent infestation does exist on this property at the present time and it will be eliminated either by action on the part of the owner or alternatively by Health Department staff.

Summation

- (1) That noise monitoring of both street traffic and lumber yard property will be completed and a report forwarded within one to two months.
- (2) The rodent infestation existing on premises addressed as 920 Sperling Avenue will be eliminated.

Respectfully submitted,


G.H. Armson, C.S.I. (C)
CHIEF PUBLIC HEALTH INSPECTOR

GHA/pm