

ITEM	12
MANAGER'S REPORT NO.	73
COUNCIL MEETING	ov. 15/76

Re: PETITION THAT APPEARED ON THE AGENDA FOR THE NOVEMBER 15, 1976
MEETING OF COUNCIL (Item 4f)
PROPERTY AT 4535 VICTORY STREET

Appearing on last week's agenda was a petition from E. J. Sirney regarding the operation of a business from property located at 4535 Victory Street. Following is a report from the Director of Planning on this matter.

RECOMMENDATION:

1. THAT the Director of Planning's recommendations be adopted.

* * * * *

PLANNING DEPARTMENT
NOVEMBER 10, 1976

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
**SUBJECT: PETITION RECEIVED BY COUNCIL NOVEMBER 8 -
PARKING AND ACTIVITIES AT 4535 VICTORY STREET**

Council at its meeting of November 8 received a petition submitted by residents of the 7100 Block Frederick Avenue and 4500 Block Victory Street concerning alleged activities conducted on or from 4535 Victory Street.

The complaints registered entailed:

1. the parking of a total of 7 vehicles including several loaded junk trucks in front of neighbouring properties for extended periods of time and
2. the transferring of scrap metals, etc., from one truck to another during day and night-time hours.

The Planning Director has been asked to submit a report on this subject, and has learned from the Licence Inspector's Office that the tenant of the property at 4535 Victory Street is the holder of a business licence to accommodate an office only in conjunction with the resident's scavenging business. The licence which was issued in 1973 bears the specific notation that the office function only is to be carried out on this site and that there is to be no storage of materials on the site.

The property at 4535 Victory Street is located within an R5 Residential District, and the licence that was issued by the Licence Inspector was for a personal business office only. Such an office is fairly common at the place of residence of small business operators, and entails customarily only the maintenance of business records, a telephone, and the like. The keeping of stock in trade, external storage of materials, use of unusual mechanical equipment, and employment of persons not resident in the dwelling, are not permitted in conjunction with such a personal business office.

Moreover, the Burnaby Zoning Bylaw provides that such a home occupation shall not create or cause traffic congestion on the street. Commercial vehicles used in conjunction with a business such as this should be parked or stored only on private property in a suitable industrially zoned district.

In response to past complaints from neighbouring residents the Licence Inspector has attended at the property on various occasions and is able to confirm that no infractions in terms of the business licence have been observed; i.e. the business operator does not store materials, equipment or vehicles used in his business on the property. However, it is a fact that Mr. K.W. MacFarlane, the operator of the business, is in the habit of parking numbers of private automobiles and as many as 2 commercial vehicles used in his business on the street boulevard within the road allowance in front of his property and neighbouring property owners' land.

This latter practice is in contravention of sections of the Burnaby Street and Traffic Bylaw 1961, and in response to the complaints that have been registered previously, the RCMP Traffic Section has been requested to police the situation and to take appropriate enforcement action. It has been learned from the Officer-In-Charge of the Traffic Section that enforcement action has been taken and offending vehicles ticketed on at least one occasion. However, it is apparent that the problem has not been corrected to date, and it was noted during a site visit on November 9 that 2 passenger cars and 2 trucks (of 12,000 and 20,000 lb. GVW, bearing markings identifying them with Action Scrap and Metal) were parked on the street in front of or near the subject property.

The RCMP Officer advises that due to a shortage of manpower in this section it has not been possible to maintain a constant surveillance and enforcement action in connection with this problem. However, it is noted that the parking of vehicles over 8,000 lb. GVW for more than 2 hours between 1:00 a.m. and 6:00 a.m. on any street is in contravention of Section 13, Sub-Section 5, of the Street and Traffic Bylaw and that further, the parking of any vehicle on any street abutting any premises used for residential or commercial purposes for more than 3 hours unless such premises are the property or residence of the vehicle's operator or the property of his employer, is a contravention of Section 13, Subsection 6 of the Street and Traffic Bylaw.

With reference to the claim that the tenant at the subject address persists in transferring materials from one truck to another at this location, we are advised that the Licence Inspector has determined that while this activity took place on one occasion according to his records, it is not a continuing or customary occurrence, and the licensee of Action Scrap and Metal has been advised that such activity is specifically prohibited at this location. We have no information on any subsequent occurrence.


In summary then, we would advise Council that there is no evidence that the property at 4535 Victory Street is being used in any way contradictory to the Zoning Bylaw and the terms of the business office licence that has been issued. The parking of vehicles including commercial vehicles on the street however is an apparent contravention of the Street and Traffic Bylaw and subject to enforcement by the police.

ITEM	12
MANAGER'S REPORT NO.	73
COUNCIL MEETING	Nov. 15/76

RECOMMENDATION

It is recommended THAT:

1. Mr. K.W. MacFarlane of 4535 Victory Street be advised that the creation of traffic congestion on the street, the keeping of loaded scrap vehicles and any related handling of materials at this residential location in connection with his business would be in violation of the Burnaby Zoning Bylaw, and further that the parking of vehicles on the public street in contravention of Section 13, Subsections 5 and 6 of the Burnaby Street and Traffic Bylaw, 1961, is a violation of the Municipal Bylaws and will result in further ticketing of the vehicles and towing away should it become necessary, and
2. the Traffic Section of the Burnaby RCMP be instructed to maintain an appropriate patrol to ensure that no further infractions will occur which will give rise to subsequent complaints from neighbouring residents.


A. L. Parr,
DIRECTOR OF PLANNING.

DGS:vap

c.c. Chief Licence Inspector
Officer-In-Charge, Traffic Section, Burnaby RCMP