

ITEM	13
MANAGER'S REPORT NO.	60
COUNCIL MEETING	Sept. 27/76

Re: DELEGATION IN CONNECTION WITH 5181 DUNDAS STREET (5 NORTH SPRINGER)
LOT 58, BLK. 54, D.L. 189, PLAN 4953

Appearing on the agenda of the September 27, 1976 meeting of Council is a request from the "Capital Hill Taxpayers" to appear as a Delegation in order to protest the building of a house on the corner of Dundas Street and Springer Avenue, North Burnaby. Following is a report dated September 23, 1976 from the Chief Building Inspector in this regard.

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. Harry Kirkpatrick, 12 North Springer Avenue, Burnaby, B.C. who represents the "Capital Hill Taxpayers."

* * * *

September 23, 1976.

Mr. M.J. Shelley,
MUNICIPAL MANAGER.

Subject: 5181 Dundas Street (5 North Springer)
Lot 58, Blk. 54, D.L. 189, Plan 4953

We have been asked to report on an undated letter received by the Municipal Clerk on September 23, 1976, from the "CAPITAL HILL" TAXPAYERS" who will be appearing before Council September 27 to protest against the construction of a house on the corner of Dundas Street and Springer Avenue, North Burnaby, and as above described.

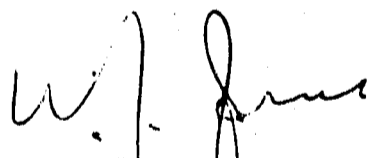
References in the letter to the Planning Department are incorrect. The matter under complaint has been handled solely in the Building Department and our report thereon follows:

- (1) On April 21, 1976, Mr. Anton Marinovic received a permit for the demolition of a single-family dwelling (5 North Springer Avenue), located on two 33-foot lots (37 and 38). Mr. Marinovic subsequently sold Lot 37 to G.N.P. Enterprises Ltd. who obtained a permit on June 21, 1976, to build a single-family dwelling (7 North Springer Avenue).
- (2) Mr. Marinovic, through his contractor, made application on July 30, 1976, for a building permit for construction of a single-family dwelling on Lot 38 (5181 Dundas Street).
- (3) The house on Lot 38 is a 2½-storey building with a roof system arranged to provide the upper one-half storey which consists of an open sundeck and games room. The building has a grade-to-ridge height of 29 feet. The Zoning By-Law provides the height of building in this R5 Residential District shall not exceed 35 feet nor 2½ storeys.

- (4) During discussion with the Building Department prior to issuance of the building permit, the owner of Lot 38 remained adamant in his desire for the upper one-half storey development and for exterior stair access to that upper area. Both items are regarded to be within his legal rights as set out in the Zoning By-Law. 144
- (5) Prior to the issuance of a building permit for the dwelling on Lot 38, an earlier house design submitted by the owner, containing three storeys and a flat roof, was rejected by the Building Department as not conforming to the storey height required of the by-law for this residential district.
- (6) Owners of view property are in error if they believe that their view can remain inviolate as development progresses around them; or that view protection power can be exercised by the Building Department except through application of existing Zoning By-Law regulations governing height, bulk and location of buildings.
- (7) On September 13, 1976, Mrs. Gyurcsek of 4 North Springer visited the Building Department, submitted a letter/petition of protest about the construction on Lot 38 (5181 Dundas Street) and spoke to Mr. Swift and Mr. Mehling of this department separately. Mrs. Gyurcsek was informed the work was proceeding within terms of the Zoning By-Law, and that the Building Department did not have authority to stop the work. On the same date (September 13, 1976), a building inspector visited the site and reported as above on the construction of the building.

The attached map of the Dundas/Springer area shows the location of the subject property.

Respectfully submitted,


M. J. Jones,
CHIEF BUILDING INSPECTOR.

MJJ:lm
Enc.

c.c. PLANNING DEPARTMENT

