

ITEM 9
MANAGER'S REPORT NO. 62
COUNCIL MEETING Oct. 4/76

Re: LETTER FROM MR. AND MRS. J. KOVESDI THAT APPEARED ON THE AGENDA FOR
THE SEPTEMBER 27, 1976 MEETING OF COUNCIL (ITEM 3f)
REQUEST FOR A VEHICULAR CROSSING AT 5340 SPRUCE STREET

Mr. J. Kovesdi appeared before Council on September 27, 1976 for the purpose of requesting a vehicular crossing to his property at 5340 Spruce Street. Council received his letter that was on the agenda, heard his presentation and then deferred the matter until October 4th, at which time Council was advised that a report would be available for consideration.

Following is a report from the Municipal Engineer on the request from Mr. Kovesdi for a crossing.

RECOMMENDATIONS:

1. THAT Council uphold the decision not to grant a sidewalk crossing to 5340 Spruce Street as the driveway serves an illegal parking area under Section 800.6 of the Burnaby Zoning By-Law 1965; and
2. THAT a copy of this report and Sections 4.2 and 800.6 of the Zoning By-Law be sent to Mr. and Mrs. Kovesdi.

* * * * *

29 September, 1976

TO: MUNICIPAL MANAGER

FROM: MUNICIPAL ENGINEER

SUBJECT: SIDEWALK CROSSING AT 5340 SPRUCE STREET

In June 1976 the Engineering Department investigated the existing driveways on Spruce Street in preparation for the "local improvement" project scheduled for this section of Spruce Street. At this time it was noted that the driveway at the captioned location, as well as several others on the street, did not conform to the existing Zoning By-law as it pertains to front yard parking. Subsequent investigation revealed that all driveways, except that of 5340 Spruce, were in existence prior to the By-law coming into effect in 1965, which, under Section 4.2 of this By-law, makes them "legal nonconforming".

The house at 5382 Spruce Street received a crossing inadvertently, as the nature of the remodelling in June 1974, was such that the entire front of the house was altered so it was not apparent upon initial investigation that any changes had been made. The 1965 air photos showed that both a house and a driveway existed at 5382 Spruce prior to the By-law, whereas the Kovesdi house has been built since 1965.

The Kovesdis applied for, and were granted, a building permit to enclose their carport and make it into an entry on 21 February, 1975. On 25 March, 1975, they were sent a letter, copy attached, in which they were informed that their existing driveway may not be utilized for off-street parking. We should also advise at this time that they have an existing double garage at the rear served by the lane.

On 21 June, 1976, the Kovesdis were sent a form letter informing them that they would not be receiving a sidewalk crossing under local improvement as their parking area did not conform to Section 800.6 of the Burnaby Zoning By-law. This letter also reminded them of the letter of 25 March, 1975.

(cont'd)

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Mrs. Kovesdi was again told that they would not be getting a crossing when she phoned to the Traffic Section to enquire about a crossing, at a time when the concrete sidewalk was in the process of being poured.

On 31 August, 1976, Mrs. Kovesdi delivered a letter to the Engineering Department, copy attached, in which they claimed that the new entry had been completed prior to the receipt of the letter of 25 March, 1975. A check of Building Department records gave 8 April, 1975, as the framing inspection date and 23 May, 1975, as the final inspection date. This information was included in the reply of 16 September, 1976, copy attached.

RECOMMENDATION:

THAT Council uphold the decision not to grant a sidewalk crossing to 5340 Spruce Street as the driveway serves an illegal parking area under Section 800.6 of the Burnaby Zoning By-law 1965.


MUNICIPAL ENGINEER

DE:cmg

c.c. () Traffic Supervisor

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THE CORPORATION OF THE DISTRICT OF BURNABY

MUNICIPAL HALL
4949 CANADA WAY
BURNABY B.C. V5G 1M2
TELEPHONE 299-7211

RECORDING DEPARTMENT
ENGINEERING DEPT.

MAR 25 1975

RECEIVED	NOTED	DATE
<i>[Signature]</i>	<i>[Signature]</i>	

March 25, 1975.

Mr. J. Kovcski,
5340 Spruce Street,
Burnaby, B.C.
V5G 1Y6

Dear Mr. Kovcski:

Subject: 5340 Spruce Street,
Lot 203, D.L. 80, Plan 36234

On February 21, 1975, Building Permit B 36680 was issued for the conversion of an existing carport into an entry. The existing front yard setback to the new entry is 25 feet which is the minimum allowable within an R-2 zoning under the Burnaby Zoning By-Law #4742. Section 00.6 of this By-Law prohibits parking within the required front yard. We must therefore advise you that the existing driveway may not be utilized for off street parking.

Yours truly,

[Signature]
M.J. Jones,
CHIEF BUILDING INSPECTOR.

LA:m

c.c. Clint Shewfelt, ←
Claims & By-Law Inspector,
Engineering Department.



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Joseph & Elizabeth Kovessi
5340 Spruce Street
Burnaby 2, B.C., V5G 1Y6
Telephone: 291 - 0294

RECEIVED IN
ENGINEERING DEPT.

August 31, 1976

AUG 31 1976

The Corporation of the District of Burnaby
Engineering Department
1949 Canada Way
Burnaby, B.C., V5G 1K2

REFER TO	NOTED	DATE
TTB		
ACTION BY	B.F. DATE	

Subject: Vehicle Crossing at 5340 Spruce Street

Now that the sidewalks have been completed on Spruce Street, it is obvious that we are the only ones, who do not have a Vehicle Crossing, even so we have a paved driveway. There are others in similar positions, who have garages in the back and their sidewalks have been cut to driveways which are the same length as ours and in at least one instant even shorter. In other words they are parking within 25 feet of City property. The people on 5246 Spruce Street have a double garage (2 separate garage doors) in the back and their driveway facing Spruce Street is much shorter than ours and yet they did get a vehicle Crossing.

You did inform us on March 25, 1975, following our application to convert our carport into a new entry, that front yard parking from this date on would be illegal. At the time you informed us of this, our new entry had been completed. You failed to inform us at the time of our application of this Burnaby Zoning Bylaw. If we had known than, we would never have converted our carport to a new entry.

On June 21, 1976 you informed us by mail of this Burnaby zoning bylaw again, referring to your letter of March 25, 1975. Upon receipt of the June 21st letter, we got in touch with your traffic Supervisor to find out what could be done about the situation before the sidewalks were constructed. we were told the only way to get a vehicle Crossing would be to covert our new entry again into a carport. However, you informed us of your Bylaw after construction had been completed, which was too late and obviously lots of money had been spent. why would you make exceptions to give vehicle Crossings to people in similar positions, who have garages in the back and not to us, although we did get into this situation through no fault of ours?

...../2

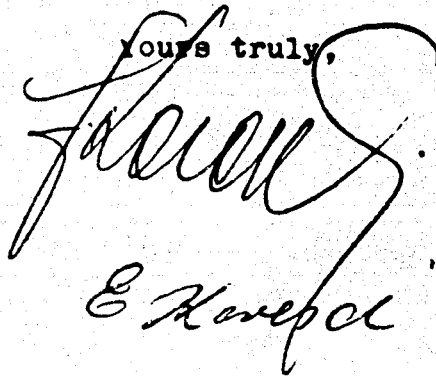
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Our front yard driveway would mostly just be used for the unloading of groceries and if our children have swimming lessons, skating lessons, etc. so we do not have to open and close the garage door all day long, and not for overnight parking. You practically risk your life going in and out of the car, when it is parked on Spruce Street, since the buses are speeding by and now that the road has been widened and repaved, lots of people are using Spruce Street for through traffic at speeds nearly twice the speed limit of 30 mph.

We would appreciate hearing from you at your earliest convenience,

Yours truly,


E Karpel

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THE CORPORATION OF THE DISTRICT OF BURNABY

MUNICIPAL HALL
4949 CANADA WAY
BURNABY B.C. V5G 1M2

The Office of the Engineer

16 September, 1976

J. & E. Kovasdi
5340 Spruce Street
Burnaby, B.C.
V5G 1Y6

Dear Sir and/or Madam:

Re: Sidewalk Crossing at 5340 Spruce Street

At the time of local improvement, i.e. sidewalks and paving of Spruce Street, your front yard parking did not conform to the Burnaby Zoning Bylaw 1965, Section 800.6, therefore no sidewalk crossing to serve this illegal parking area was provided. In your letter of August 31, 1976, you made reference to others who have front yard parking and have been given sidewalk crossings. These people had their parking areas prior to the Bylaw coming into effect in 1965, and as such are "legal non-conforming".

In February 1975 you applied for and were granted a building permit to convert your legal carport into an entry. On March 25, 1975 you were sent a letter advising you that you may not use the remaining driveway for off street parking. In your letter of August 31, 1976 you claim that you received our letter of March 25, 1975 "after construction had been completed". This claim is not substantiated by the Building Department's inspection records which give April 8, 1975 as framing inspection date and May 23, 1975 as the final inspection date.

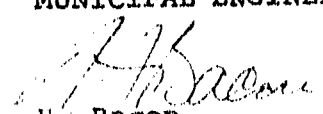
In regards to your comment on the speeding of vehicles on Spruce Street we suggest that you contact the R.C.M.P. as this is an enforcement matter, not an engineering problem.

Yours truly,

E. E. Olson, P. Eng.
MUNICIPAL ENGINEER

DE:wlh

cc: () Traffic Supervisor

by: 
H. Bacon,
TRAFFIC SUPERVISOR

