

ITEM	19
MANAGER'S REPORT NO.	17
COUNCIL MEETING	Mar. 7/77

Re: LETTER FROM MR. GEORGE KAPOGIANNIS WHICH APPEARED ON THE
AGENDA FOR THE FEBRUARY 28, 1977 MEETING OF COUNCIL (Item 3b)
CONDITIONS ON A COMMERCIAL PROPERTY ON 6TH STREET

Appearing on last week's agenda was a letter from Mr. George Kapogiannis regarding conditions on a commercial property adjacent to his own on 6th Street. Following is a report from the Director of Planning on this matter.

RECOMMENDATIONS:

1. THAT a copy of this report be sent to Mr. George Kapogiannis and Bee Cee Honey Ltd.; and
2. THAT Council express to the management of Bee Cee Honey Ltd. its interest in having the appearance of this property upgraded in the interest of the surrounding community.

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PLANNING DEPARTMENT
MARCH 2, 1977

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
SUBJECT: LETTER FROM MR. GEORGE KAPOGIANNIS
7670 - 6th Street

At the Council meeting of February 28, Council received a letter from Mr. George Kappogiannis, owner of a new restaurant development at 7670 - 6th Street, relative to an unsightly storage yard adjacent his restaurant location. Of particular concern to Mr. Kappogiannis is the visual eyesore represented by the outdoor storage of pallets and steel drums and the nuisance associated with insects attracted to the storage area, due to the presence of honey contained in the barrels.

BACKGROUND

This problem was discussed with Mr. Kappogiannis during the course of Mr. Kappogiannis' preparation for Preliminary Plan Approval for his property in mid-1976. In response to his concerns about the outdoor storage yard, operated by Bee Cee Honey Ltd., of 7925 13th Avenue, this matter was taken up with the Chief Licence Inspector who investigated the situation and visited the operators of Bee Cee Honey Ltd. to attempt to improve the situation. Additionally the Chief Public Health Inspector and the Fire Prevention Officer were asked to investigate, in order to determine whether there were any matters of concern related to their jurisdiction that could be applied to improve the situation.

An examination of the aerial photographs maintained by the Planning Department showed that on June 29, 1965, the subject area was being used as a parking lot, with no outside storage of pallets or steel drums. The subsequent photographs in 1970, 1973 and 1976 show that the entire yard area adjacent 6th Street was on those occasions being used only for outside storage, and no vehicular parking was being conducted.

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On the basis of the photographic record, it is believed that the outdoor storage use was introduced on the property subsequent to the passage of the 1965 Zoning Bylaw, thereby rendering it illegally non-conforming. However the Chief Licence Inspector indicates that Mr. Robert Bird, Vice-President of Bee Cee Honey Ltd. has indicated to him in a meeting last summer, that Bee Cee Honey Ltd. has occupied the premises since approximately 1927, and that the subject yard area has been used for outdoor storage for many years, prior to the 1965 Bylaw's effective date. He has further indicated that he is not prepared to voluntarily discontinue this storage use as he considers it to be necessary to the operation of his business and that he considers it legally non-conforming. (For information the honey processing plant and its outdoor storage area is non-conforming with respect to the provisions of the C2 and R5 zoning districts in which the plant is located.)

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The Chief Public Health Inspector has had his staff investigate the property during the summer of 1976 and again last week, and reports that the provisions of the Unsightly Premises Act do not apply in the case of this storage yard; the materials stored in the storage yard are not considered by him to be disorderly, and he could find no evidence of rodent infestation. Consequently he is not in a position to take any action under the Unsightly Premises Bylaw.

The Chief Fire Prevention Officer advises that the contents of the storage yard are not considered to be hazardous and is not able to offer assistance in having the area cleaned up on this basis.

THE PRESENT SITUATION

The Municipal Solicitor advises that the prospects for successful Bylaw prosecution action are questionable in this instance, with respect to any action contending that the storage use has been illegally introduced since the passage of the Bylaw. As there has been no application for Preliminary Plan Approval or Building Permits effecting this property since 1965, and since earlier Building Department records do not designate the use of this area of the site, we have no documentary information to support a prosecution action in this connection.

However your staff is sympathetic to the complaint of Mr. Kappogiannis and agrees whole-heartedly that the outdoor storage area is visibly objectionable and certainly does not contribute to the character of the adjacent commercial area. We propose therefore to pursue the avenues that appear to be available to at least control and reduce the height of outdoor storage in the existing yard, which should offer some improvement in the situation to which Mr. Kappogiannis refers. Coupled with this proposed height reduction, Mr. Kappogiannis may wish to consider erecting screening in the form of a 6' high fence or wall along his common property line abutting the storage yard, to reduce the impact of the unsightly storage on his patrons.

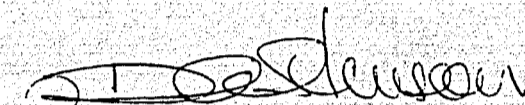
In summary, staff have given considerable attention to this situation in an effort to have the storage yard use discontinued, and are wholly sympathetic to the objections mentioned by the adjacent business operator. Your staff will be pursuing all the legal means available to eliminate or reduce the objectionable presence of the storage yard.

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RECOMMENDATION

It is recommended THAT:

1. Copies of this report be furnished to Mr. George Kappogiannis and Bee Cee Honey Ltd.
2. Council express to the management of Bee Cee Honey Ltd. its interest in having the appearance of this property upgraded, in the interests of the surrounding community.


A. L. Parr,
DIRECTOR OF PLANNING.

DGS:cm

- c.c. Chief Licence Inspector
Chief Public Health Officer
Chief Building Inspector
Chief Fire Prevention Officer
Municipal Solicitor