

Re: "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 60, 1977"
REZONING REFERENCE #25/75A
LOT 116, D.L. 130, PLAN 47649
6250 LOUGHEED HIGHWAY (ART KNAPP NURSERIES LTD.)

On 1978 February 06, By-law #7141, "Burnaby Zoning By-Law No. 60, 1977", which provided for rezoning of the subject property to permit the construction of an addition to the existing sales and display building on the site, was reconsidered and given final adoption. This action was taken with the understanding that information on the status of a building permit for this construction would be submitted to Council on 1978 February 13. This information is contained in the following report from the Chief Building Inspector.

This is for the information of Council

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1978 02 07

Mr. M.J. Shelley,
MUNICIPAL MANAGER.

Subject: 6250 Lougheed Highway
Lot 116, D.L. 130, Plan 47649
Art Knapp Nurseries Ltd.
"Burnaby Zoning By-Law 1965
Amendment By-Law No. 60, 1977"

An enquiry was raised in Council 1978 02 06 concerning construction on the above property without valid building permit and prior to adoption of the above-noted rezoning by-law. On 1977 11 14 Council received a report from the Planning Department on Rezoning Reference #25/75A. The report in part informed Council that:

"4.0 SUBJECT PROPOSAL:

- 4.1 The applicant has requested this rezoning in order to construct an additional 2,220 square feet of floor area at the western end of the existing structure to be utilized for bulk retail display and cashier-checkout purposes. Customer entrance will remain on the western end of the facility.

Council is advised that the Planning Department is also in receipt of a Preliminary Plan Approval Application (PPA #4296) involving proposed revisions to the north and east elevations of the existing indoor retail display structure. These revisions which are not the subject of this rezoning are minor in nature and essentially involve the introduction of new facade treatment for these elevations consisting of the following:

- 4.1(a) Horizontal cedar siding fascia
4.1(b) Wood clad columns
4.1(c) Sandstone colour masonry infill panels (in selected locations)

Relative to the subject rezoning, this exterior facade treatment is intended to be utilized on the proposed addition.

- 4.2 The Planning Department advises that the existing surface parking area has sufficient surplus spaces to satisfy the required parking associated with this proposed addition."

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The rezoning was concluded by Council 1978 02 06 with passage of by-law number: "Burnaby Zoning By-Law 1965, Amendment By-Law No. 60, 1977."

During consideration of the subject application for rezoning, application for PPA was made for a new facade treatment of the main east and north elevations of the existing structure. Building Permit No. B 43537 was issued 1977 12 01 for facade renovation work (Phase I), following issuance of PPA No. 4296 on 1977 11 29. It is evident that at the time the facade treatment was being designed and submitted for PPA application there were additions to the east and west ends of the existing building being planned. Amended drawings forming documents for PPA No. 4296 indicate these areas as Phase II work, but which was excluded from PPA No. 4296 issued 1977 11 29.

The same amended drawings were also being submitted to the Building Department and it follows that this department was aware of the ongoing consideration in the Planning Department of the application for additional building space and its prerequisite of amendment of Comprehensive Development zoning applicable to this property. The Building Department was also aware of construction commencing on the said areas. The sales area at the west end is now framed, roofed and ready for application of interior drywall and ceiling finish. The storage area at the east end is incorporated behind the new facade treatment as a fibreglass roofed space for site equipment.

On 1977 12 05 the Building Department notified Art Knapp Nurseries Ltd., attention of Mr. W. Vander Zalm, of unauthorized building alterations being undertaken without benefit of building permit, and the consequences of that action. During the past two months the Building Department has been contacted on a number of occasions by the building designer, and on 1978 01 20, Mr. Vander Zalm and Mr. Waenink, designer, visited the undersigned to discuss complications about issuance of building permit for the said additions. Mr. Vander Zalm pointed out that operation of a retail nursery is very dependent on seasonal weather fluctuations, and it was necessary to have construction activities completed and the new areas stocked ready for business in anticipation of mild weather and an early spring.

In summary, the Building Department has been aware of the intention to extend and upgrade the retail nursery premises and the fact that the application for same was supported by the Planning Department. The Building Department has had formal application for a building permit for Phase II work before it since 1978 01 10, and has kept track of unauthorized construction on the property since November 1977 when prerequisite rezoning was initiated. The Building Department has notified the property owner of breach of by-law for construction preceding by-law amendment and permit. With passage of the Comprehensive Development rezoning by-law, the department issued Building Permit No. 43887 for Phase II work following granting of PPA No. 4472 on 1978 02 08.

Burnaby Building By-Law No. 6333, in Section 7.(1), directs that where construction for which a permit is required is commenced prior to the issuance of a permit, the owner shall pay to the Corporation double the fee prescribed in Appendix A of the by-law. Extract Section 7.(1) of by-law is attached hereto.

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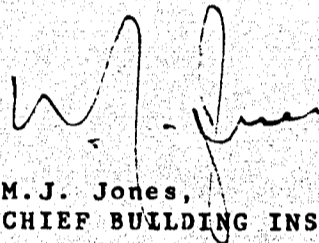
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The Building Department follows this directive in all applicable cases and has done so in this instance. In view of the overlapping nature of the permit applications and the phased character of the construction undertaken, no enforcement action other than the application of Section 7.(1) is contemplated.

RECOMMENDATION:

It is recommended this report be submitted for the information of Council.

Respectfully submitted,



M.J. Jones,
CHIEF BUILDING INSPECTOR.

MJJ:lm
Enc.

c.c. PLANNING DIRECTOR