

ITEM 21 (SUPPLEMENTARY)
MANAGER'S REPORT NO. 89
COUNCIL MEETING 1978 12 18

RE: LETTER FROM EATON'S WHICH APPEARED ON THE AGENDA FOR
THE 1978 DECEMBER 04 MEETING OF COUNCIL (ITEM 12h)
EATON'S AUTOMOTIVE CENTRE
NORTH-EAST CORNER OF WILLINGDON AVENUE AND LOUGHEED HIGHWAY
(ITEM 26, MANAGER'S REPORT NO. 87, 1978 DECEMBER 11)
(ITEM 13, MANAGER'S REPORT NO. 89, 1978 DECEMBER 18)

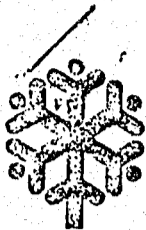
RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

The Secretary of the Board of Variance advises that he is in receipt of an appeal dated 1978 December 14 in connection with this matter.

Attached for the information of Council is a copy of the Municipal Manager's letter of 1978 December 15 advising Mr. Horton of the disposition of this matter.



THE CORPORATION
OF THE DISTRICT OF
BURNABY

4949 Canada Way, Burnaby, B.C. V5G 1M2

Manager's Department

ITEM 21 (SUPPLEMENTARY)
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COUNCIL MEETING 1978 12 18

Telephone (604) 294-7110

1978 December 15.
Our File: 4-10-50.
(R.Z. #36/77)

218

Mr. G. M. Horton,
Store Manager,
Eaton's Brentwood Store,
4567 Lougheed Highway,
Burnaby, B. C.,
V5C 3Z7.

Dear Mr. Horton:

Re: Appeal of Interpretation of Zoning Bylaw
Regarding C6a Zoning of Automotive Centre

You wrote to the Municipal Council on 1978 November 29 appealing the Planning Department's interpretation of the Zoning Bylaw with respect to the above.

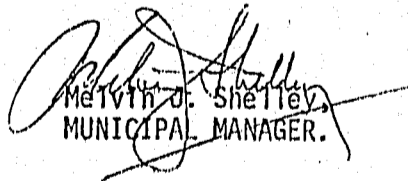
When the Municipal Council considered Item 26, Manager's Report No. 87 at its meeting of December 11 in this connection, direction was given to the Chief Building Inspector and the Chief Licence Inspector to issue the permits and licences involved, subject to the Municipal Manager checking with the Municipal Solicitor to determine if this direction could legally be given by the Municipal Council.

The Municipal Solicitor has advised that the Council may not interpret its own bylaws. He states that Section 709(1)(a) of the Municipal Act provides that the Board of Variance shall hear and determine any appeal by a person aggrieved by a decision of any official charged with the enforcement of the Zoning Bylaw insofar as that decision relates to an interpretation of the Bylaw or any operation thereof. Therefore, in accordance with the direction given by the Municipal Council, the conditional motion passed becomes inoperative.

Mayor Constable has advised me that he spoke to you on December 13 and advised you of this fact. This letter will confirm that conversation.

I am advised that you have filed an appeal with the Board of Variance. I will be away on vacation from December 18 to January 02, and if any questions arise in this connection, I would suggest that you direct them to Mr. Bart McCafferty, Acting Municipal Manager, who can be reached at 294-7360.

Yours truly,


Melvin J. Shelley,
MUNICIPAL MANAGER.

MJS:bp

c.c. Mayor Constable
Municipal Solicitor
Director of Planning
Municipal Clerk
Secretary, Board of Variance
Chief Licence Inspector
Chief Building Inspector