

ITEM	16
MANAGER'S REPORT NO.	22
COUNCIL MEETING	1978 03 20

Re: LETTER FROM GOWER, YEUNG AND ASSOCIATES LIMITED
SUITE 360, 522 - 7TH STREET, NEW WESTMINSTER
PROPOSED SUBDIVISION OF NIKOLAI MILLWORK INDUSTRIES LIMITED PROPERTY
5820 BYRNE ROAD
SUBDIVISION REFERENCE #24/78

Appearing on the agenda for the 1978 March 20 meeting of Council is a letter from S. Bonnettemaker regarding a desire to subdivide a property at 5820 Byrne Road. Following is a report from the Approving Officer in this regard.

RECOMMENDATION

It is recommended THAT:

1. A copy of this report be sent to Mr. S. Bonnettemaker of Gower, Yeung and Associates Limited.

PLANNING DEPARTMENT
1978 MARCH 15

TO: MUNICIPAL MANAGER
FROM: APPROVING OFFICER
SUBJECT: PROPOSED SUBDIVISION OF NIKOLAI MILLWORK INDUSTRIES LIMITED
PROPERTY — 5820 BYRNE ROAD (SUBDIVISION REFERENCE # 24/78)

Appearing on the agenda for the 1978 March 20 Council meeting is a letter from Gower, Yeung and Associates Limited pertaining to the proposed subdivision of the above referenced property. This property is located at the north-east corner of the intersection of Byrne Road and Prairie Street as illustrated on the attached Figures A and B.

Staff has met on several occasions with Mr. S. Bonnettemaker to discuss the requirements for subdivision approval as set out in the Subdivision Control By-law and the requirements which would pertain to the subdivision of the subject parcel. At the present time, this property is not serviced by a municipal sanitary sewer system and therefore, cannot be subdivided.

The Subdivision Control By-law states that the subdivider shall provide a sewage collection system in accordance with the standards set out in the By-law and that he shall make provision for the connection of this system with the established sewage system of the Municipality.

Mr. Bonnettemaker was apprised of the fact that the 1978 Provisional Capital Improvement Program proposes the construction of a sanitary sewer on Byrne Road from Hugh Drive to Marine Drive. The construction of this sewer would enable the subject property to be sewered. It was recognized, however, that this proposed sewer construction would be the subject of further design to determine the most effective type of sewer facility recognizing the difficult soil conditions in this area. Staff could not, therefore, provide a definitive date for the completion of this sanitary sewer. It was suggested that Nikolai Millworks Ltd. submit a subdivision application so that we could provide a more specific response which would reflect the proposed use and subdivision of the subject property and that of the surrounding lands. Upon completion of this process, a letter of tentative subdivision approval or disapproval would then be issued.

Proposed Subdivision of Nikolai
Millwork Industries Limited
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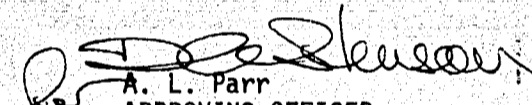
In Mr. Bonnettemaker's letter to Council he has suggested that Council consider entering into an interim agreement whereby:

- a) his client is granted a conditional approval for subdivision;
- b) the Municipality's interest is protected by performance deposits, restricted registerable covenants or other suitable forms of undertaking as recommended by Municipal Solicitors.

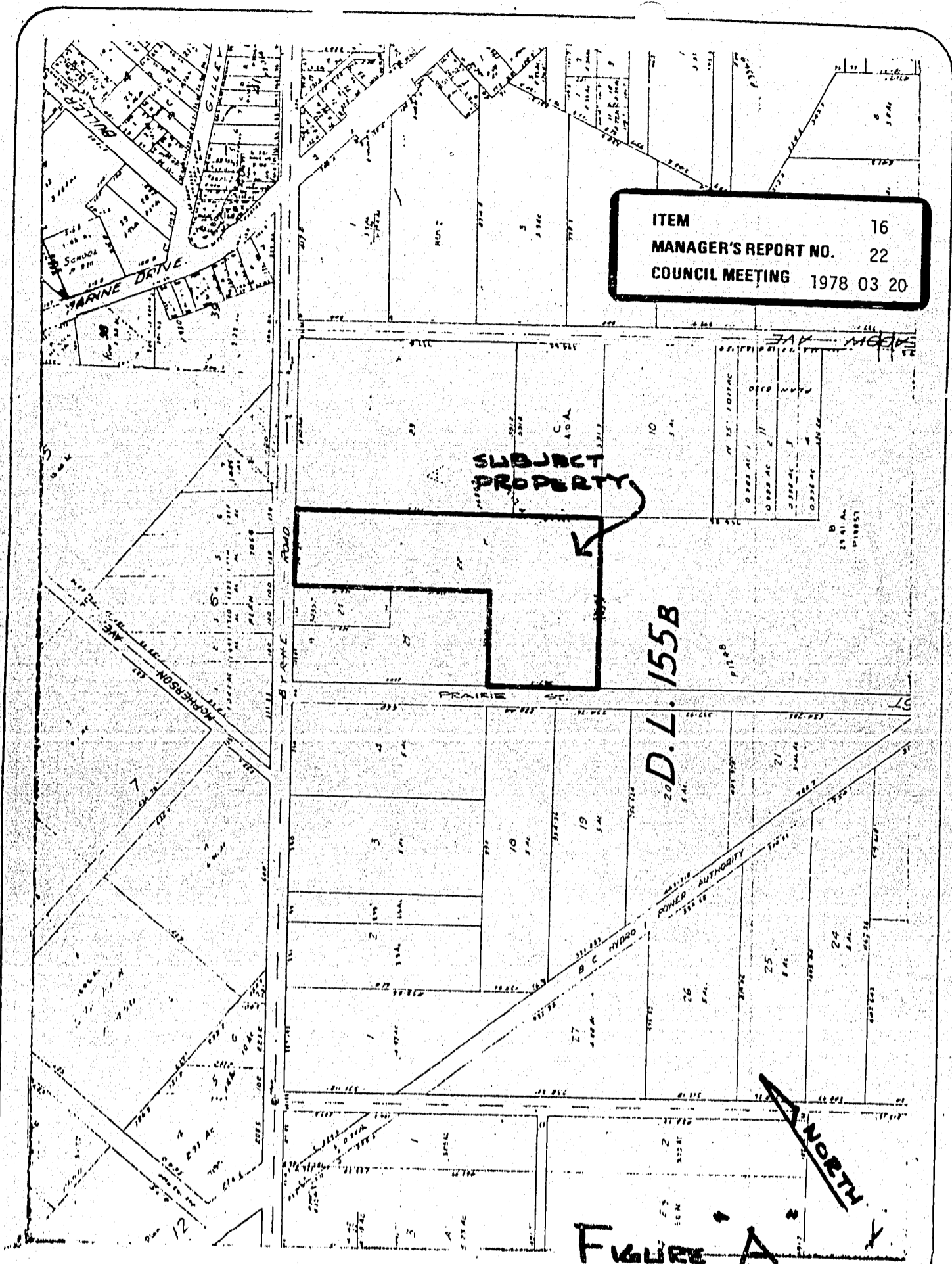
As noted previously in this report, this alternative is not viable as it clearly contravenes the Subdivision Control By-law. It is not possible to exempt a particular property as we need to maintain a consistent set of standards which are universally applied and not administered on an ad hoc basis. In the subject case, while the proposed use may not place a heavy demand on the sanitary sewerage facilities, it is conceivable that the use could change or the parcel be sold once subdivided. If indeed a subdivision was permitted which contravened the subdivision control By-law, a precedent would be set and the By-law effectively weakened.

At the present time, the Approving Officer is in receipt of a subdivision application which will be processed and a letter of tentative approval or disapproval granted accordingly.

This report is submitted for the information of Council.


A. L. Parr
APPROVING OFFICER

PB/ds
attachment



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SUBJECT PROPERTY

D.L. 155B

NORTH

FIGURE A

Date
 1978
 MARCH

Scale
 1" = 400'

Drawn By
 PB

Burnaby Planning Department

S.D. REF. # 24/78

PROPOSED SUBDIVISION OF
 NIKOLAI MILLWORK PROPERTY
 5820 BYRNE ROAD.



