

ITEM 4  
MANAGER'S REPORT NO. 48  
COUNCIL MEETING 1978 06 26

RE: PETITION FROM RESIDENTS ON BUXTON STREET  
DESIGN AND CONSTRUCTION OF A BUILDING AT 4791 BUXTON STREET

Appearing on the Agenda for 1978 June 26 meeting of Council is a petition regarding a house that is being constructed on Buxton Street. Following is a report from the Chief Building Inspector on this matter.

RECOMMENDATIONS:

1. THAT a copy of this report be sent to the petitioners.

\* \* \* \* \*

1978 06 20

Mr. M.J. Shelley,  
MUNICIPAL MANAGER.

Subject: 4791/93 Buxton Street;  
Lot 5 & 6, Block 14,  
D.L. 32, Plan 1667  
Correspondence and Petition  
to Council - 1978 06 26

The following report is in reply to the petition to Council demanding cessation of construction of a "quadraplex" at 4791/93 Buxton Street. The petition was received from Mr. J.E. Gallagher of 4757 Buxton Street, and is signed by some ten other persons resident in the 4700 or 4800 blocks Buxton Street.

Plans for a semi-detached, two-family dwelling, containing in each basement two self-contained bedrooms with separate exterior entrance, were first received in the Building Department on 1978 03 28. Due to the specific basement design of the subject building, the department requested a statement of use of the proposed building. A copy of this statement dated 1978 03 29 is attached hereto. The point of issue with the application, notwithstanding the stated use, was the fact that the separately entered boarding/lodging rooms in the basement were considered to be outside the intent of the Burnaby Zoning By-Law as controlled through definition of "Home Occupation" and as set out in Section 104.1 (4). The respective by-law provisions are attached hereto.

Specifically, the pre-designed basement sleeping rooms, self-contained and with separate exterior entrances, were not considered to be "...clearly incidental to the use of a dwelling unit for residential purposes..." A use which is "clearly incidental" might be expected to occur over the course of time without prior specific provision.

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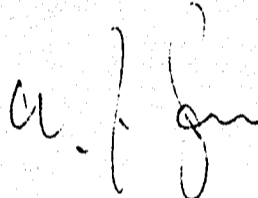
2.

However, since the keeping of not more than two boarders or lodgers is clearly accepted through the by-law, it is not possible to refuse permit for a design with extra basement bedrooms if the rooms may be considered as part of the dwelling unit, and not for separate independent use. The matter of incidental use was discussed at length with the applicant on a number of occasions. The result has been that building plans were amended to delete the separate external entrance to the basement bedrooms, and to make the said rooms part of the general basement finish of the principal dwelling unit, at which point the application received approval under terms of Building and Zoning By-Laws of the municipality. Building Permit No. B 44416 for a semi-detached, two-family dwelling was issued to M.P. Popham on 1978 May 01, and the building is now in the rough framing stage.

The petitioners may have information not known to the municipal staff when they claim the building is to be a "quadraplex", not a duplex. In that respect, every semi-detached, two-family dwelling with full basement at grade is a potential quadraplex, but that matter was dealt with at some length in a Residential Standards report to special Council meeting held 1977 August 02.

In summary, the subject building under construction at 4791/93 Buxton Street provides for the permitted use contained in Burnaby Zoning By-Law, and cannot at this time be construed as a quadraplex.

Respectfully submitted,



M.J. Jones,  
CHIEF BUILDING INSPECTOR.

MJJ:lm  
Enc.

c.c. PLANNING DIRECTOR



RES. 7333

Allan Corbett  
MANAGER

Loverock REALTY

101 - 5316 VICTORIA DR.  
VANCOUVER, B.C.  
V5P 3V7

GT

March 29<sup>th</sup>, 1978

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COUNCIL MEETING 1978 06 26

RECEIVED

MAR 30 1978

BUILDING INSPECTOR'S  
OFFICE

Corporation of the District of Burnaby  
Building Department  
4949 Canada Way  
BURNABY, B.C.

BY HAND

Attention: Mr. Jones, Chief Building Inspector

SUBJECT: Application for Building Permit  
Proposed Duplex at 4791/93 Buxton St.

Dear Mr. Jones:

The above application was submitted to your department yesterday on my behalf by my agent, Mr. Allan Corbett. As requested, this letter is to state the intended use of the building, and will form part of my application.

The intended use of the proposed building is for two single-family dwellings; ( it is proposed to strata-title this property, ) with provision for two boarders, each with separate washroom facilities, on each side, at the option of the occupant.

I trust this information is what you require.

Yours truly,

*H.P. Popham*

H.P. Popham

03 30

Discussion with Corbett confirms sincerity of statement of his father in his family venture project. FRM

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THE CORPORATION OF THE DISTRICT OF BURNABY  
BYLAW No. 4742

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SECTION 3 DEFINITIONS

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"HOME OCCUPATION" means an occupation or profession which is clearly incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling, and includes:

- (1) the office of an accountant, architect, clergyman, dentist, engineer, lawyer, physician or other professional person;
- (2) the office or studio of an artist, chiropractor, dressmaker, music teacher, musician, seamstress, writer, or of persons engaged in home crafts or hobbies;
- (3) the keeping of not more than 2 boarders or lodgers or not more than 4 foster children in each dwelling unit;
- (4) the operation of a kindergarten or day nursery for not more than 5 children. (B/L No. 4765-65-09-20)

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THE CORPORATION OF THE DISTRICT OF BURNABY  
BYLAW No. 4742

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104. RESIDENTIAL DISTRICT (R4)

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This District provides for the use and development of two-family dwellings on larger lots in medium density residential areas.

104.1 Uses Permitted:

- (1) Single family dwellings.
- (2) Two-family dwellings.
- (3) Rest homes for not more than 5 patients or group homes, when situated in a single family dwelling on a lot with an area of not less than 800 m<sup>2</sup> (8,611.41 sq. ft.). (B/L No. 5451-68-11-12)
- (4) Home occupations.
- (5) Accessory buildings and uses.