

ITEM	3
MANAGER'S REPORT NO.	30
COUNCIL MEETING	1979 04 17

RE: LETTER FROM MR. GEERT ODE WHICH APPEARED ON THE AGENDA
FOR THE 1979 APRIL 09 MEETING OF COUNCIL (ITEM 4g)
PROPOSED TWO-FAMILY DWELLING
3883/85 PRICE STREET, BURNABY, B.C.
LOT "B", EX. PLAN 13798, BLK. 40, D.L. 35, PLAN 1563
(ITEM 10, REPORT NO. 66, 1978 SEPTEMBER 25)
(ITEM 8, REPORT NO. 68, 1978 OCTOBER 02)

Appearing on last week's agenda was a letter from Mr. Geert Ode regarding a development that is proposed for construction on a property on Price Street. Following is a report from the Chief Building Inspector on this matter.

Attached for the convenient reference of Council is a previous letter that was received from Mr. Ode and the report that was considered on 1978 September 25.

RECOMMENDATION:

1. THAT the Chief Building Inspector's recommendation be adopted.

* * * * *

TO: MUNICIPAL MANAGER 1979 APRIL 10
FROM: CHIEF BUILDING INSPECTOR
RE: 3883 PRICE STREET, BURNABY
Lot "B", Ex. Plan 13798, Blk. 40,
District Lot 35, Plan 1563

RECOMMENDATION:

THAT a copy of this report be supplied to Mr. Lazo Bjelica and to those area residents in attendance at the meeting 1979 April 05.

REPORT:

In September 1978, Council received a petition from Mr. G. Ode of 3907 Price Street on behalf of residents affected by the proposed construction of a two-family dwelling on the above-described property located at the northeast corner of Price Street and Chesham Avenue. Council received the petition and Item 10, Municipal Manager's Report No. 66 on 1978 September 25. Arising out of Council's consideration was the motion:

"THAT Alderman Drummond, Council liaison to the Building Department, set up a meeting between himself, the Chief Building Inspector, the Developer and concerned residents of the area to see if the planned development could be made more compatible with the surrounding area."

For the balance of 1978, and up until March 1979, the developer, Mr. Lazo Bjelica, has been working with various building plans to achieve a compatible design for the subject property.

At 16:00 h, Thursday, 1979 April 05, a meeting was held in the Municipal Hall's fourth floor committee room, with Mr. Bjelica and attended by Alderman Drummond and Messrs. G. Ode, K.G. Knott, A. Koochin, T. Adamson, residents of the area, and Chief Building Inspector and Mr. G. Humphrey of the Building Department.

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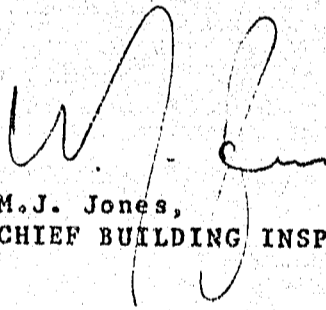
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The proposed building now being submitted in application for building permit by Mr. Bjelica is a semi-detached structure having one dwelling unit fronting on Chesham Avenue and the other dwelling unit fronting on Price Street. The structure has been revised to adapt more closely to the fall across the property by split floor levels leading to a height of one storey and basement across the Chesham frontage and two storey and basement across the rear of the property. Double-car, enclosed garages, reached via short driveways from the two streets, serve each of the units. The building design has been checked and is within allowable limits for site coverage, height, setbacks, balcony projections of the Zoning By-Law, as well as other requirements of the Building By-Law.

The one questionable aspect of the design, as shown by the drawings discussed at the meeting, was the height of the building in storeys. As noted above, the building has been described as either one or two storeys and basement; however, the design as presented is open to interpretation as three storeys in part, and if so interpreted, is in contravention of the Zoning By-Law. Mr. Bjelica has been made aware of this question and is amending the drawings to indicate without any doubt the depth of the ground floor below "average adjacent finished grade as determined by the Building Inspector." This matter, together with some other construction details and site grades to clarify the drawings, is now with Mr. Bjelica. It is fully expected Mr. Bjelica will be in a position to receive building permit with his return of the above clarifying details.

The foregoing circumstances were discussed and made known to the builder and to the area residents at the meeting.

The foregoing is submitted for the information of Council, with recommendation that a copy of this report be supplied to Mr. Bjelica and to those area residents in attendance at the meeting 1979 April 05.


M.J. Jones,
CHIEF BUILDING INSPECTOR

MJJ:lm
Enc.

c.c. G.H. Humphrey, Supervisor,
Plan Checking

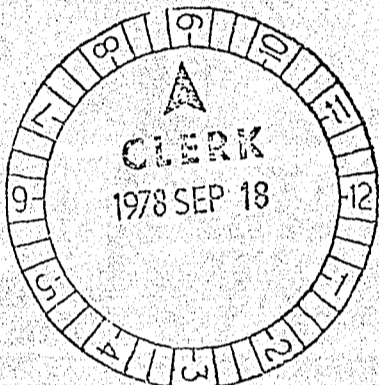
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CORRESPONDENCE AND PETITIONS
Regular Council Meeting
1978 September 25

Geert Ode - 3907 Price St., Burnaby, B.C. V5G 2L3 Tel.: 437-5461 Home
684-2261 Business

September 16, 1978

Municipal Council
District of Burnaby
Municipal Hall
Burnaby, B.C.



Re: Proposed Duplexes at 3883 Price Street, South Burnaby
Our petition dated July 26, 1978

Enclosed please find a copy of our petition to the Burnaby Building Department dated July 26, 1978 signed by very concerned citizens.

Most of the people concerned are long time residents of Burnaby.

The city should appreciate that people take their roots in Burnaby and are not moving every 5 year or so what seems to be quite normal otherwise.

One of the petitioners, the Family Hobson of 4878 Chesham Ave. right next to the property in question have already a sign "FOR SALE" on their lawn since they feel they cannot live with the new monstrous building to be erected - taking almost all their sun and privacy away.

This family has lived at 4878 Chesham Ave. for 25 years and raised their children their. They are residents of Burnaby for much longer.

The objections and concerns are also outlined in the covering letter for the petition.

In the By-Law No. 6333 under 8. (b) it is stated that the architectural design of a moved building shall not adversely affect the general design of buildings in the district to which the building is to be moved.

Surely the same rules have to apply to a newly constructed building. All the residents of this area feel very strongly that the general design of the building is adversely affected by the proposed structure.

10. (1) It shall be unlawful for any person to erect any building or other structure, the architectural design of which would depreciate the value of other buildings or structures in the area in which it is proposed to be erected.

- AGENDA (1978 09 25)
- COPY - MANAGER
- CHIEF BUILDING INSPECTOR (FOR REPORT)

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CORRESPONDENCE AND PETITIONS
Regular Council Meeting
1978 September 25

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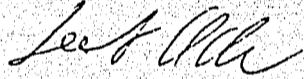
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All the residents of this area feel very strongly that the architectural design of the proposed building at 3883 Price Street depreciates the value of other Family houses in the neighborhood.

We, the residents of this area, ask you to please consider our concern again and intervene in this matter to avoid a reduction of our quality of life we enjoyed so far due to the action of a developer who considers this matter only as a business venture.

If nothing is done about cases like this, Burnaby soon will have the appearance of some parts in Vancouver east end - lots of houses very close together and hardly any trees and gardens.

We thank you for your kind consideration.



Geert Ode
on behalf of the residents affected

Encl.

cc. Mr. D. Drummond, Alderman
Mayor's Office
Mr. Shelly, Municipal Manager
Mr. Jones, Chief Building Inspector
Mr. Humphrey, Supervisor, Plan Checking

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COUNCIL MEETING	1979 04 17	COUNCIL MEETING	1978 09 25

Re: LETTER FROM MR. GEERT ODE
 3907 PRICE STREET, BURNABY, B.C. V5G 2L3
 CONSTRUCTION OF A DUPLEX AT 3883 PRICE STREET

Appearing on the agenda for the 1978 September 25 meeting of Council is a letter from Mr. Geert Ode regarding a development that is proposed for a property on Price Street. Following is a report from the Chief Building Inspector on this matter.

The location of the subject property is noted on the attached sketch.

RECOMMENDATION:

1. THAT the recommendation of the Chief Building Inspector be adopted.

* * * * *

TO: MUNICIPAL MANAGER 1978 SEPTEMBER 21
 FROM: CHIEF BUILDING INSPECTOR
 RE: 3883 PRICE STREET
 LOT "B", EXPL. PLAN 13798,
 BLK. 40, D.L. 35, PLAN 1563

RECOMMENDATION:

1. THAT a copy of this report be provided to Mr. G. Ode and to any other residents wishing a copy.

REPORT:

The property at 3883 Price Street is within an R5 Residential Zone permitting development thereon of a single-family dwelling or a two-family dwelling. Up until now the property has been occupied by a modest single-family dwelling. Application is currently in process for moving and relocating of the dwelling to a property at 6461 Elwell Street which is the subject of a separate report.

In June 1978, application was made on behalf of Lazo Construction Ltd. for building permit for a two-family dwelling on the subject property. A chronological record of involvement by the Building Department, since receipt of the application, follows:

1. 1978 06 28 Application was made on behalf of Lazo Construction Ltd. - Mr. Lazo Bjelica, proprietor, for permit for a two-family dwelling, 3883/85 Price Street.
2. 1978 06 28 Checking memo was completed and referred to the Engineering Department for comment.

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3. 1978 06 28 Building survey card completed and referred to building inspector to confirm if proposed two-family dwelling would be compatible with the surrounding homes. Plans were attached.
 4. 1978 06 29 Building survey returned by D. Stanbrook, Building Inspector, with report - "Proposed dwelling will be somewhat compatible if placed two feet lower."
 5. 1978 07 06 Memo prepared and sent to the Municipal Solicitor requesting preparation of restrictive covenant for basement finishing of this two-family dwelling.
 6. 1978 07 14 Checking memo returned from the Engineering Department.
 7. 1978 07 26 Telephone call received by Chief Building Inspector from Mr. K.R. Beedie of 4869 Woodglen Court inquiring of particulars of subject application and informing that Mr. Ode of 3907 Price Street would probably be contacting department respecting application.
 8. 1978 07 28 Mr. G.R. Humphrey, Supervisor, Plan Checking, received telephone call from Mr. Ode expressing concern about proposed development on subject property and stating that a letter expressing concern would follow.
 9. 1978 07 28 Mr. G. Ode came into Building Department and delivered copy of petition dated 1978 07 26.
P.M.
 10. 1978 07 31 Building Department wrote to Lazo Construction Ltd. suggesting that proposed development on subject property be discussed with adjoining property owners in a site meeting (see copy of letter attached.)
 11. 1978 07 31 Letter of acknowledgment written to Mr. Ode outlining by-law circumstances respecting subject application and confirming that application did not contravene municipal by-laws (see copy of letter attached.)
 12. 1978 08 03 Mr. Lazo Bjelica of Lazo Construction Ltd. telephoned to say that he had received the letter and would like to set up a meeting to discuss the matter. Meeting was scheduled for 15:30 h 1978 08 03.
 13. 1978 08 03 Mr. F.R. Mehling, Deputy Chief Building Inspector, and Mr. G.R. Humphrey, Supervisor, Plan Checking, met with Mr. Bjelica to relay residents' concern over the bulk of the building proposed for the subject property. Mr. Bjelica stated that all of his buildings were designed with specific customers in mind, many of which consisted of larger European families of more than one generation which were used to occupying one dwelling unit. Mr. Bjelica stated that he had talked to Mr. Ode, but had not been able to resolve the matter. He had offered to sell the property to Mr. Ode or any of the other neighbours as a means of resolving the matter. The staff meeting with Mr. Bjelica was adjourned on the understanding that the dwelling, if constructed, would be lowered approximately 2'-6" into the ground and revised plans to that effect would be submitted prior to the issuance of building permit.

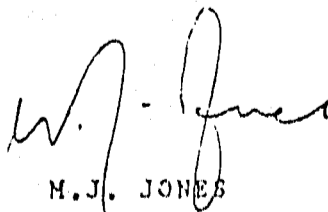
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14. 1978 08 09 Revised plans were submitted showing a reduction of approximately two feet.
15. 1978 08 10 Restrictive covenant returned from Municipal Solicitor's office, and Mr. Bjelica contacted by telephone to pick up covenant for completion.
16. 1978 09 12 No further progress had been made up to this time with subject application. Periodic calls have been received from Mr. Ode checking on the status of application. Mr. Bjelica obtained prepared restrictive covenant from Building Department.
17. 1978 09 18 Mr. Ode visited Building Department and submitted a copy of petition dated 1978 09 16.
18. 1978 09 19 Mr. Bjelica spoke on telephone to Mr. M. Jereb, Plan Checker, Building Department, inquiring of progress of permit to move dwelling from subject property. During the conversation, Mr. Bjelica stated he was contemplating a different two-family dwelling for the subject property and may submit other plans.

Salient factors in consideration of this petition are:

- (1) Building plans as initially submitted or as revised to lower the building further into the ground, meet municipal regulations.
- (2) The development of spacious, two-family dwellings is wide-spread in Burnaby and in other communities of the Lower Mainland.
- (3) The Building Department cannot find a basis for application of Section 10 (1) of Burnaby Building By-Law respecting depreciation of value of other buildings or structures by virtue of the development of the proposed structure.
- (4) Recognition has been taken of the impact of this particular proposed structure on the immediate area of older established single-family dwellings.
- (5) The applicant for permit for the subject property has given recent indication of changing the design of the proposed structure.
- (6) Regardless of possible change of design, the property will no doubt be redeveloped as the site of a two-family dwelling. Such a dwelling will be greater in height and bulk than the bungalow which has previously occupied the property.


M.J. JONES

MJJ:lm
Enc. (3)

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MANAGER'S REPORT NO. 56
COUNCIL MEETING 1978 09 25

Lazo Construction Ltd.,
5325 Halley Avenue,
Burnaby, B.C.
V5H 2P9

Dear Sirs:

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Subject: 3883/85 Price Street; Lot "B"
Ex. Plan 13798, Block 40,
District Lot 35, Plan 1563

On 1978 06 28 you made application for a building permit for a residential structure on the above-described property. Plans of your proposed building are undergoing checking in this department and you will be notified later regarding the building permit.

We have noted in checking thus far that your proposed building utilizes practically the full allowances of the Zoning By-Law with respect to area coverage, setbacks and height. The lot itself although zoned R5 for Residential Single- or Two-Family use is a flanking lot at the corner of Price Street and Chesham Avenue, and with the building oriented to the flanking street Price, leaves extremely little site for yard development. Residential single- and two-family developments traditionally seldom utilize the full limits of the Zoning By-Law and consequently it is customary to see a greater yard development than is shown by your proposal. However, your right to utilize the full privilege of the by-law is recognized. In so doing you should be aware of the impact of your proposed building in the immediate area and on adjoining property owners.

May we suggest that you discuss your proposed plan with some of the adjoining property owners in a site meeting, when concerns can be expressed and full understandings obtained by all affected parties. For this purpose, you could contact Mr. G. Ode at 684-2261 or Mr. K. Beedie at 433-2692.

Yours truly,

M.J. Jones,
CHIEF BUILDING INSPECTOR.

MJJ:lm

c.c. MUNICIPAL MANAGER

G.R. Humphrey, Supervisor,
Plan Checking

Mr. G. Ode,
3907 Price Street,
Burnaby, B.C. V6C 2G6

Mr. K. Beedie,
4869 Woodglen Crt.,
Burnaby, B.C. V5G 2X6

Mr. J. Dickson,
150 South Springer,
Burnaby, B.C. V5E 5K2

1976 07 31

Mr. G. Ode,
3907 Price Street,
Burnaby, B.C.
V6C 2G6

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Dear Mr. Ode:

Subject: Proposed New Two-Family Dwelling
3883/85 Price Street; Lt. "B",
Ex. Plan 13798, Block 40,
District Lot 35, Plan 1563

We are in receipt of your letter and accompanying petition dated 1978 07 26 in which you have expressed concern regarding the proposed size and appearance of the above-mentioned two-family dwelling.

Although we can understand the reasons for your concerns, we must advise that the proposed dwelling complies with the requirements as set out in the Burnaby Zoning By-Law No. 4742. Technically, the building is two storeys, plus basement, and is to be a maximum of 31'-0" in height. A basement does not constitute a storey if not used for habitable accommodation, which is the case in this application.

The area is zoned R5 which permits the construction of a two-family dwelling on any property meeting the size and area requirements as outlined in Section 105.3 (1). Copies of the above-mentioned sections of the Burnaby Zoning By-Law are enclosed for your reference.

This department must therefore advise that the issuance of a building permit for the proposal in application cannot be withheld; however, we will endeavour to discuss the situation with the applicant in order that a more acceptable proposal might be undertaken. It should be noted that we may only offer suggestions; the final decisions must come from the applicant as at present he is contravening no municipal by-laws.

Should you require any further information, please contact Mr. G. Humphrey at 294-7147.

Yours truly,

GR:lm
Enc.

M. J. Jones,
CHIEF BUILDING INSPECTOR.

c.c. MUNICIPAL MANAGER

G. Humphrey, Supervisor,
Plan Checking.

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