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| ITEM | 21 |
| MANAGER'S REPORT NO. | 85 |
| COUNCIL MEETING | 1979 12 17 |

RE: LOCAL IMPROVEMENT PROJECT FRONTING A COMMERCIAL ESTABLISHMENT AT
1244 BOUNDARY ROAD (STAUDACHER)

Following is a short chronology of events that have transpired with respect to the effect that a local improvement project has had on a vehicular crossing to the property at 1244 Boundary Road:

1. On 1979 November 05, Council received a letter from Joseph and Elisabeth Staudacher and also a report from Council (Item 12, Report No. 75). Council on this occasion passed the following motion:

"THAT further consideration of this matter be tabled pending a review of this situation by individual members of Council."

2. On 1979 November 19, Council received two further reports (Item 5, Report No. 79 and Item 9, Report No. 79). Council's discussion of this matter resulted in a request to the Chief Building Inspector to liaise with the owner of the building, and in conjunction with an examination of building department records, to determine when the alterations to the office and loading bay in the subject premises were carried out and whether the alterations were covered by a building permit.

Attached are reports on this matter from the Chief Building Inspector and the Municipal Engineer.

In summary, a drop was not constructed in the curb in question when work relative to a local improvement project on William Street was carried out because provision of such a drop would have contravened the Burnaby Zoning By-Law. Conformity with the by-law can now be obtained if a portion of an existing structure on the premises is removed by the owner.

Copies of the correspondence and previous reports which Council has received on this matter have been forwarded to the two new members of Council for their background information.

RECOMMENDATION:

1. THAT the recommendation of the Municipal Engineer be adopted.

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TO: MUNICIPAL MANAGER 1979 DECEMBER 05

FROM: CHIEF BUILDING INSPECTOR

RE: 3780 WILLIAM STREET/1244 BOUNDARY ROAD
VEHICULAR CROSSING TO A COMMERCIAL ESTABLISHMENT
Municipal Clerk's Memo of 1979 11 19
Item 12, Municipal Manager's Report No. 75, 1979 11 05
Item 5, Municipal Manager's Report No. 79, 1979 11 19
Item 9, Municipal Manager's Report No. 79, 1979 11 19

RECOMMENDATION:

1. THAT this report be received for the information of Council.

REPORT:

The building in question was originally built by McDonnell Metal Manufacturing Company under Building Permit No. 5616, 1952 September 26. The McDonnell company went into bankruptcy some time in 1967 and thereafter the building has been altered at various times by subsequent owners to accommodate the needs of a variety of tenants. The original building plans are on file and show the service door and loading bay off William Street into that part of the premises now occupied by Dependable Industries (1977) Ltd. Subsequent plans submitted for various building permit applications have continued to show the said loading door and also have shown a mezzanine toward the rear of the loading bay and stairs from the main floor to the mezzanine.

Further examination of records of the Building Department for the above building, plus site visit and consultation with Mr. J. Prior of Dependable Industries (1977) Ltd., and Mr. F. McGenn of McGenn Mechanical Contractors, and examination of a sprinkler drawing for the entire building confirms beyond doubt that the "mezzanine" installation took place in 1968 under provision of permit issued to Atlas Import Products Ltd. The said sprinkler drawing was produced by Fred Welsh & Son Ltd. dated 1968 July 03 and was approved by the Canadian Underwriters Association 1968 July 05. The drawing clearly shows the outline of the mezzanine and the required

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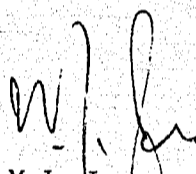
lower level sprinkler heads beneath the floor of the mezzanine to protect that area of the main floor otherwise obscured by the mezzanine itself. The installation of the mezzanine per se did not violate loading bay requirements of the Zoning By-Law since the required depth within the building was available, albeit to restricted headroom for the rear half of the bay.

Dependable Industries (1977) Ltd. is in the pattern-making business and relies mostly on custom ordered work. The company has no regular delivery schedule, but ships product or receives material through the loading bay door off William Street. Due to the irregular, intermittent and occasional use of the loading door, the company has located a bandsaw partly below the mezzanine and blocking a portion of the depth of the loading bay within the building. A table saw, which is located behind the loading door, is shifted whenever a vehicle has to enter the building through the door.

In summary, a building permit was issued to Atlas Import Products Ltd. in March 1968 for office alterations, which alterations included the mezzanine area. The mezzanine installation overran the inner half of the interior loading bay as defined. The loading door off William Street has been in the building since its original construction in 1952 and is the only service access to the space occupied by Dependable Industries (1977) Ltd. This loading access has been used intermittently, as required, by Dependable Industries (1977) Ltd. for the past eleven years.

MJJ:lm

c.c. MUNICIPAL ENGINEER



M.J. Jones
CHIEF BUILDING INSPECTOR

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TO: MUNICIPAL MANAGER 79 12 06
FROM: MUNICIPAL ENGINEER
SUBJECT: 3780 WILLIAM STREET/1244 BOUNDARY ROAD
VEHICULAR CROSSING TO A COMMERCIAL ESTABLISHMENT
MUNICIPAL CLERK'S MEMO OF 79 11 19
ITEM 12, MUNICIPAL MANAGER'S REPORT NO. 75, 79 11 05
ITEM 5, MUNICIPAL MANAGER'S REPORT NO. 79, 79 11 19
ITEM 9, MUNICIPAL MANAGER'S REPORT NO. 79, 79 11 19

RECOMMENDATION:

1. THAT Council concur with the action taken by the Engineering Department in denying vehicular access to a non-conforming use.

REPORT

As further information to the above we would advise that the Building Department has confirmed that the mezzanine installation took place in 1968 under provisions of a permit issued to Atlas Import Products Ltd.

The Engineering Department did not have authority to approve of vehicular access to the loading bay by virtue of the following sections of Burnaby Zoning Bylaw 1965, which pertain to the subject of the reduction of the height (and consequently the length) of the loading bay by the construction of the mezzanine in 1968:

(cont'd)

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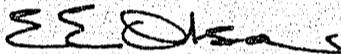
"900.6 Development and Maintenance Standards:

- (1) The location of all points of ingress and egress to a loading area shall be subject to the approval of the Municipal Engineer.
- (2) All off-street loading and unloading spaces shall be of adequate size, and with adequate access thereto, to accommodate the types of vehicles which will be loading and unloading, but in no case shall be insufficient to accommodate a vehicle 9.0 m (29.53 feet) in length, 2.4 m (7.87 feet) in width and 3.5 m (11.48) feet in height.

900.1 Existing Buildings, Structures and Uses:

The regulations contained in this Schedule shall not apply to buildings, structures or uses existing on the effective date of this Bylaw, except that:

- (2) Off-street loading existing on the effective date of this Bylaw shall not be reduced below the applicable off-street loading requirements of this Schedule."


MUNICIPAL ENGINEER

HB/ch

c.c. () Traffic Supervisor

Chief Building Inspector