

ITEM	13
MANAGER'S REPORT NO.	75
COUNCIL MEETING	1979 11 05

RE: VEHICULAR ACCESS TO PROPERTY AT 4033 EAST FIRST AVENUE
LOT 15, BLOCK 32, D.L. 117E½, PLAN 1222
(ITEM 9, REPORT NO. 73, 1979 OCTOBER 29)

On 1979 October 29, Council received a report on a request from Mr. P. Gordon and Mrs. Ivy Irene Willey for full frontage vehicular access to their property on East First Avenue. The agenda for the meeting on this date contained their letter, and Mr. Willey appeared as a delegation on this occasion. The additional information that Council requested is contained in the following report from the Director of Planning and the attached report from the Municipal Engineer.

RECOMMENDATION:

1. THAT a copy of this report and the report that Council received on 1979 October 29 (Item 9, Report No. 73) be sent to Mr. P. Gordon and Mrs. Ivy Irene Willey, 4033 East First Avenue, Burnaby, B.C. V5C 3W5.

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TO: MUNICIPAL MANAGER 1979 OCTOBER 31
FROM: DIRECTOR OF PLANNING
SUBJECT: 4033 EAST FIRST AVENUE
LOT 15, BLOCK 32, D.L. 117E½, PLAN 1222

RECOMMENDATION

THAT a copy of this report and the report submitted to Council on 1979 October 29 (Item 9, Manager's Report No. 73) be sent to Mr. P. Gordon Willey and Mrs. Ivy Irene Willey, 4033 East First Avenue, Burnaby, B.C. V5C 3W5.

REPORT

Council on 1979 October 29 heard a delegation from Mr. P.G. Willey concerning a driveway access to the above noted property, and were presented with a report from the Municipal Engineer dealing with the subject matter. At that time, a question was raised as to the legitimacy of the front yard parking area in question with reference to the Zoning By-law.

For Council's information, the Municipality's aerial photographs demonstrate that the front yard parking area referred to by Mr. Willey was not lawfully in existence in 1965, at the time of adoption of the Zoning By-law.

The 1965 and 1970 aerial photographs clearly show a landscaped front yard with grassed area, entry walk, and a driveway to what would appear to have been a basement garage in the residence situated on the property.

The 1973 photograph, however, and subsequent ones (1976 and 1979), show that some time between 1970 and 1973, the required landscaped area was eliminated, and the front yard paved to accommodate vehicular parking at variance with the

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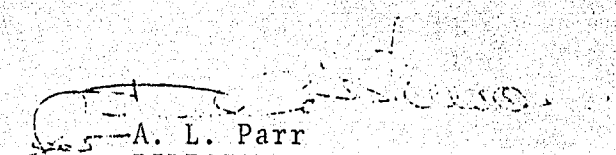
Municipality's By-law. This work was undertaken without benefit of Municipal permit or approval, and indeed could not have received approval had such been sought. The illegal creation of this front yard parking area was not observed by the Municipality at the time, and did not come to light until recently, in connection with the street improvement work recently undertaken.

For information, it may be noted that the basement garage that apparently formerly existed has at some time in the past been eliminated, and the driveway replaced with a frame wall, windows, and concrete block.

In view of the foregoing, it is clear that the front yard parking area was illegally created, presumably by a former owner, and as a result never enjoyed legal non-conformity.

This information was taken into consideration by the Board of Variance in their consideration of the appeal, which was denied on 1979 October 11.

This is provided for the information of Council.


A. L. Parr
DIRECTOR OF PLANNING

DGS/ds

cc Municipal Engineer

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TO: MUNICIPAL MANAGER 79 11 01
FROM: MUNICIPAL ENGINEER
SUBJECT: 4033 EAST FIRST AVENUE
LOT 15, BLOCK 32, D.L. 117 E $\frac{1}{2}$, PLAN 1222

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. P.G. Willey and Mrs. Ivy Ivy I. Willey, 4033 East First Avenue, Burnaby, B.C., V5C 3W5

REPORT

Council on 79 10 29 heard a delegation from Mr. P.G. Willey concerning an appeal to a decision of the Board of Variance and were presented with a report from the Municipal Engineer that among other things pointed out that a decision of the Board of Variance was final and binding.

As a result of Mr. Willey's presentation the following questions were raised and answers requested:

1. Was the paved front yard parking area legal non-conforming or non-conforming?

This question has been answered in the Director of Planning's report dated 79 10 31 that is included in this Agenda.

2. It was suggested that the Board of Variance was dealing with the request for driveway access, an area in which they have no authority.

The appeal considered by the Board of Variance was for a relaxation of Section 800.6(1) of the Burnaby Zoning Bylaw to allow the retention of vehicle parking within the required 19.69 foot front yard. It was NOT to consider the width or location of the vehicle access to the subject property.

3. Mr. Willey stated that he was not informed of the curb work and that his vehicles were trapped behind the raised curb.

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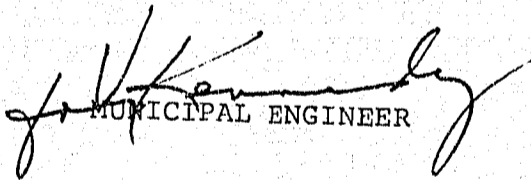
We have checked with the contractor and he advises that the occupants of the property were advised that the curb was to be constructed and to move their vehicles. They replied that they did not need to move the vehicles at that time and when they did they would use the driveway of the neighbour to the west. Recent checks have indicated that the front yard is still being used for parking and that access is being made through the driveway of the property to the west (see attached sketch).

4. A question was raised as to the history of the subject vehicle access and parking.
This item has been answered in the aforementioned Planner's report.

5. A question was raised as to whether we remove asphalt areas on the boulevard behind newly constructed curbs.
In answer to this question we would advise that it is normally our practice to remove such asphalted areas and replace them with top soil, particularly if the asphalt assists in continued illegal parking. As noted in Item #3, the asphalted boulevard is assisting in the violation of the Board of Variance decision that the front yard not be used for parking. It would therefore be our intention to remove all the asphalt on the boulevard area and replace it with top soil. The disposition of the asphalt within the front yard is the responsibility of the property owner.

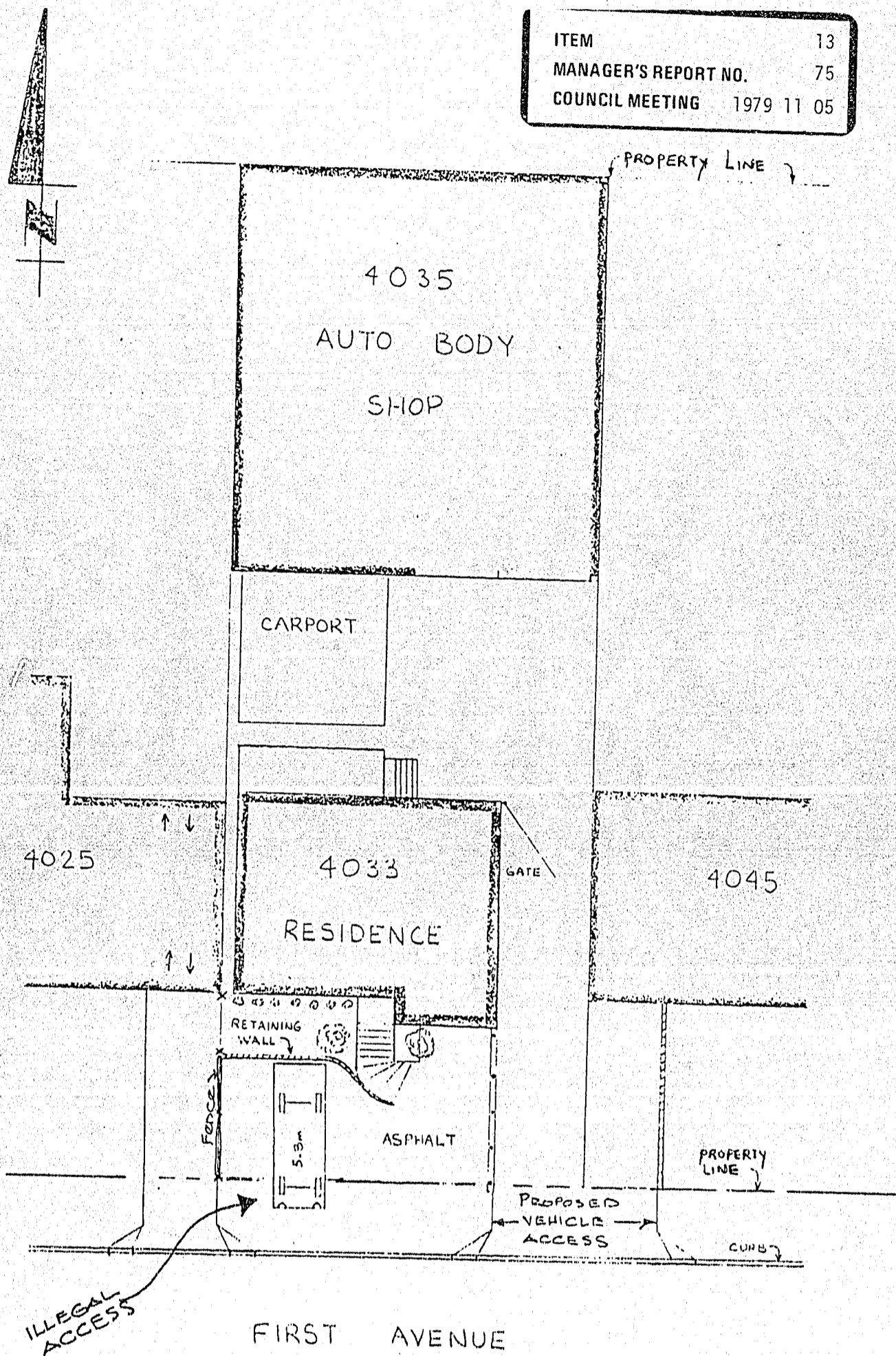
6. The question was raised as to the scale of the vehicle shown on our previous submission.
We would advise that the sketch submitted was drawn to scale and the vehicle depicted was a standard American sedan i.e. about 18 feet long. If this is compared to the lot width of 50 feet then the scale can be recognized.

The above is for the information of Council.


MUNICIPAL ENGINEER

HB:sp
Attach.

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79-10-09

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SCALE 1:200

TRAFFIC DIV.
DWG. J.A.T.

SKETCH # 151