

ITEM	9
MANAGER'S REPORT NO.	25
COUNCIL MEETING	1980 03 31

RE: LETTER FROM MR. STEVE ZESWICK WHICH APPEARED ON THE AGENDA FOR THE 1980 MARCH 24 MEETING OF COUNCIL (ITEM 4g)
LAVIGNE ENGINE REBUILDERS LTD/7405 KINGSWAY

Appearing on the agenda for the 1980 March 24 meeting of Council was a letter from Mr. Steve Zeswick regarding a business operation which is immediately adjacent to his residential property on Kingsway. Information on this matter is contained in the following report from the Chief Licence Inspector, and the attached report from the Chief Public Health Inspector.

RECOMMENDATION:

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

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1980 March 26

TO: MUNICIPAL MANAGER
 FROM: CHIEF LICENCE INSPECTOR
 RE: LAVIGNE ENGINE REBUILDERS LTD.
7405 KINGSWAY

RECOMMENDATION:

1. THAT copies of this report be forwarded to Mr. Steve Zeswick, 7397 Kingsway, Burnaby, and Lavigne Engine Rebuilders Ltd., 7405 Kingsway, Burnaby.

REPORT

At the meeting of 1980 March 24, Council received a letter from Mr. Steve Zeswick, 7397 Kingsway, concerning Lavigne Engine Rebuilders Ltd., 7405 Kingsway, and the neighbouring property, 7413 Kingsway.

This report deals with the status of the properties pertaining to the Burnaby Zoning By-law 1965, No. 4742. Both properties are zoned residential R5.

Lavigne Engine Rebuilders Ltd. has been licenced at this location to operate a machine shop for rebuilding engines since 1949 April. Since the adoption of By-law No. 4742 in 1965 June, the operation of the business has been classified as a legal non-conforming use. Machine shops require industrial zoning designated M2 or M3. The Municipal Act reads:

Section 705(2):

"A lawful use of premises existing at the time of adoption of a zoning by-law, although such use does not conform to the provisions of the by-law, may be continued; but if such non-conforming use is discontinued for a period of thirty days, any future use of those premises shall, subject to the provisions of this section, be in conformity with the provisions of the zoning by-law."

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Section 705(3):

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"A lawful use of a building or structure existing at the time of the adoption of the zoning by-law, although such use does not conform to the provisions of the zoning by-law, may be extended throughout the building or structure, but no structural alterations except those required by statute or by by-law or those allowed by the Board of Variance shall be made therein or thereto."

Under these provisions, an additional structure such as a shed could not be permitted on the property. We believe that the operator is fully aware of this situation.

Planning Department staff advise that no application for preliminary plan approval involving 7405 Kingsway has been received. Building Department staff advise that no plans for an additional structure have been received. Observation of the site determined that no construction is in progress.

Regarding 7413 Kingsway, this is the lot to the south of the shop on which is located a dwelling. It is owned by Lavigne Engine Rebuilders Ltd. It has become their practice to use the rear yard of this lot as an overflow parking area for customer or employee vehicles. It is important to note that the shop is located entirely on the rear of 7405 Kingsway, and there is a substantial amount of parking on this site. Nevertheless, the overflow situation does occur from time to time.

Use of this lot is contrary to the zoning by-law because it does not have a legal non-conforming status. In meeting with a company official, it was agreed that they would seek additional parking in an appropriate area which could be used for employees' vehicles, thereby making available more on-site customer parking.

We will monitor the use of 7413 Kingsway and take action as necessary to ensure that the illegal parking use is discontinued.

Submitted for the information of Council.



P. Kenzie
CHIEF LICENCE INSPECTOR

PK:gw

- cc: Municipal Treasurer
- Chief Public Health Inspector
- Chief Building Inspector
- Director of Planning

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1980 March 25

TO: MUNICIPAL MANAGER

FROM: CHIEF PUBLIC HEALTH INSPECTOR

RE: LETTER OF COMPLAINT FROM MR. S. ZESWICK
7397 KINGSWAY, BURNABY, B.C., V3N 3B8

RECOMMENDATION:

1. THAT a copy of this report be forwarded to Mr. S. Zeswick, 7397 Kingsway, Burnaby, B.C., V3N 3B8.

REPORT

Further to the subject letter of complaint pertaining to oil seepage and storage of engine blocks at Lavigne's Engine Rebuilders Ltd., 7405 Kingsway, we would advise as follows:

This Department has ascertained that the quality and discharge locations of trade waste effluent from Lavigne's Engine Rebuilders Ltd., 7405 Kingsway, is not satisfactory. As a result of our investigation, a letter was hand-delivered to the concerned company advising that the following improvements were to be completed by 1980 May 01:

1. The existing location of the waste oil tank is unsatisfactory and causing oil contamination of the storm water and ground contamination of the neighbouring west property. Complete cleanup and removal of sources of oil contamination in the engine block and waste oil storage area are required. All oil contaminated engine parts, including the waste oil above ground storage tank, must be relocated and the area cleaned so as to prevent contamination of storm water.
2. Trade waste effluent is to be discharged to the sanitary sewer.
3. Storm waters only are to be discharged to the storm sewer.
4. Prior to proceeding with sewer connection, the necessary Municipal permits are to be obtained.

It is our intention to proceed under the authority of pertinent regulations should the above noted improvements not be completed.



G.H. Armson, C.P.H.I. (C)
CHIEF PUBLIC HEALTH INSPECTOR

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