

ITEM 10  
MANAGER'S REPORT NO. 38  
COUNCIL MEETING 1981 08 10

RE: LETTER FROM MR. S. ALLISON,  
3751 FRANCES STREET, BURNABY, B.C., V5C 2N9  
REZONING REFERENCE #21/81  
LOT 15 AND 16'8" OF LOT 14, BLOCK 16, D.L. 116 N½, PLAN 1236  
3751 FRANCES STREET

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director of Planning be adopted.

TO: MUNICIPAL MANAGER 1981 AUGUST 19

FROM: DIRECTOR OF PLANNING

SUBJECT: REZONING REFERENCE #21/81  
Lot 15 and W 16'8" of Lot 14, Blk. 16,  
D.L. 116 N½, Pl. 1236

From: R5 Residential District  
To: R9 Residential District

3751 Frances Street

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. S. Allison,  
3751 Frances Street, Burnaby, B.C.

REPORT

Appearing on the Council Agenda is a letter from Mr. Sidney Allison regarding the above referenced Rezoning Application.

1.0 GENERAL DISCUSSION

- 1.1 On 1981 July 31 Council received the rezoning report (attached) on the subject application and adopted the recommendation of the Planning Department to not give favourable consideration.
- 1.2 As outlined in the rezoning report, the application involved two legal parcels of land, a 50 ft. lot and a

16.75 ft. lot, where the applicant proposed to create two 33.37 ft. lots from the combined 66.75 ft. lot frontage. Council was advised that the rezoning application as requested would fall within the context of Category "C" of the R9 Introductory Report and as such would first require consolidation of the two existing lots and then resubdivision. In this regard, Council was referred to the R9 zoning regulations (refer to Section 3.2 of the attached report) and advised that consolidation and resubdivision could not be pursued under the technical requirements of the bylaw since the site is not an "existing lot of record". As a result, the application was rejected on technical grounds.

- 1.3 Arising out of Council's consideration of the rezoning report and the specific technical reasons for rejection of the application, the Planning Department was requested to determine if there were any means of satisfying these requirements pursuant to the bylaw. The Planning Department advises that an appropriate method of satisfying these technical requirements has not been determined. However, a means will continue to be sought in consultation with the Municipal Solicitor. Notwithstanding these conclusions, the owner may wish to pursue consolidation of the two lots in question in order to construct a new single family dwelling or a two family dwelling that would be permitted under the prevailing R5 zoning.

*AP*  
PDS/g1

Attachments

c.c. Municipal Solicitor

*B. A. L. Parr*  
B. A. L. Parr,  
DIRECTOR OF PLANNING

THE CORPORATION OF THE DISTRICT OF BURNABY

PLANNING DEPARTMENT  
REZONING REFERENCE #21/81  
July 13 1981.

Item # 13

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1.0 GENERAL INFORMATION:

1.1 Applicant: Bright Realty Ltd.,  
3275 Kingsway,  
Vancouver, B.C.  
V5R 5K4

1.2 Subject: Application for the rezoning of:

Legal: Lot 15 & W 16'8" of Lot 14  
Blk. 16 DL116N $\frac{1}{2}$  Pl.1236

From: R5 Residential District  
To: R9 Residential District

1.3 Address: 3751 Frances St.

1.4 Location: The subject site is located on the north side of Frances St. between Esmond Ave. and Boundary Road (refer to attached sketches 1 & 2).

1.5 Size: The site is rectangular in shape with an area of 756 m<sup>2</sup> (8143 sq. ft.), a width of 20.34 m (66.75 ft.) and a depth of 37.2 m (122 ft.).

1.6 Services: The Municipal Engineer has been requested to provide all relevant servicing information.

1.7 Rezoning: The intent of the proposed rezoning bylaw is to permit the subdivision of the site into two parcels, maintain the existing residence on one lot and construct a new single family home on the other lot.

2.0 NEIGHBOURHOOD CHARACTERISTICS:

2.1 The subject site is presently occupied by an older single family dwelling. Single family homes are located to the north, south, east and west of the site. Vehicular access to the site is available from both Frances St. and a rear lane.

2.2 The block frontage in which the site is found contains one duplex and five small lots. There are ~~no~~ small lots within the remainder of the block but there are four smaller lots on the block frontage to the south across Frances Street ranging between 33 & 42 ft. in width. The immediate area could thus be characterized as a single family area with evidence of small lot development.

3.0 GENERAL COMMENTS:

3.1 The applicant has requested rezoning in order to subdivide the site into two 33.37ft. lots, maintain the existing residence on one lot and construct a new single family home on the other lot.

3.2 Council is advised that the subject application involves two legal parcels of land, a 50 ft. lot and a 66.75ft. lot (refer to legal description above). In this regard, we refer Council to Section 109.3(2) of the Zoning Bylaw where, pursuant to the R9 District, the regulations state:

"Notwithstanding anything in this section contained, existing lots of record may be subdivided in accordance with the following provisions:

- (a) In cases where existing lots of less than 372m<sup>2</sup> (4,000 square feet) in area, and less than 12.2m (40 feet) in width, give evidence in a block front of a historic small lot settlement pattern; any existing lot of record in that block front may be subdivided into two lots, each

with a width compatible with the prevailing lot width in the block front.

- (b) An existing lot of record located in an existing R4 or R5 Residential District which meets the required standards to experience two family dwelling development, may be subdivided into two single family residential lots in accordance with the following table:

	Minimum Lot Area	Minimum Lot Width
R4	400 m <sup>2</sup> (4,305.7 sq. ft.)	11 m. (36.09 ft)
R5	335 m <sup>2</sup> (3,600 sq. ft.)	9.25 m (30.35 ft)

Upon consideration of these regulations, the subject application can only be considered within the context of Category "B" of the R9 Introductory Report where the creation of two smaller lots should essentially result from an "infill" situation where there is evidence of existing lots within the block of a similar size and shape. This application cannot be considered within the context of Category "C" since neither of the two lots possess sufficient area or width to experience two family development under the prevailing R5 zoning.


3.3 In view of the foregoing information, the specific request to create two 33.75ft. lots, would first require consolidation of the existing two legal parcels in order to rezone and resubdivide. The Planning Department advises that this cannot be supported since such a request does not satisfy the technical requirements of the R9 District since the site is not an "existing lot of record". Approval of this request would not only contravene the Zoning Bylaw regulations but would set an unwarranted precedent for other similar requests.

3.4 It is therefore necessary to consider the suitability of subdividing the existing 50 ft. lot on its own merits. As such, the subdivision of the 50 ft. lot into two 25 ft. parcels cannot be supported since there is no evidence of 25 ft. lots within the block. Furthermore, a 25 ft. lot would not lend itself to conventional single family development that would be compatible with the neighborhood.

3.5 Notwithstanding the foregoing conclusions, the applicant may pursue consolidation of the two lots in order to construct a new single family dwelling or a two family dwelling pursuant to the prevailing R5 Regulations.

4.0 RECOMMENDATION:

THAT Council not give favourable consideration to the subject rezoning request.

 PDS/gt

Attachments

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# BRIGHT Realty Ltd.

SINCE  
1909

3275 Kingsway, Vancouver, B.C. V5R 5K4

(604) 434-3171

1981 January 23rd

Corp. of Burnaby. - Planning Dept.  
4949 Canada Way  
BURNABY, B.C.

Attention: Mr. Phil Sanderson

Dear Mr. Sanderson:

RE: Re-zoning Application ( R-9 )  
3751 Frances Street, Burnaby, B.C.  
Lot 15 & W.16'8" of 14, Blk.16,N½ D.L.116, Pl.1236

In support of this application to re-zone the above property, we are stating the intention of the owner as follows:

To move the existing lot line between the above noted legally separate lots, in order to form two lots of equal frontage, of approximately 33.5 feet each

The purpose of this change is to allow the owner, Mr. Sidney Allison to remain in the existing residence, which would then be situated entirely on the easterly lot, and to allow him to sell the westerly lot. In addition, this change would substantially improve the appearance of this site in a generally well kept neighbourhood.

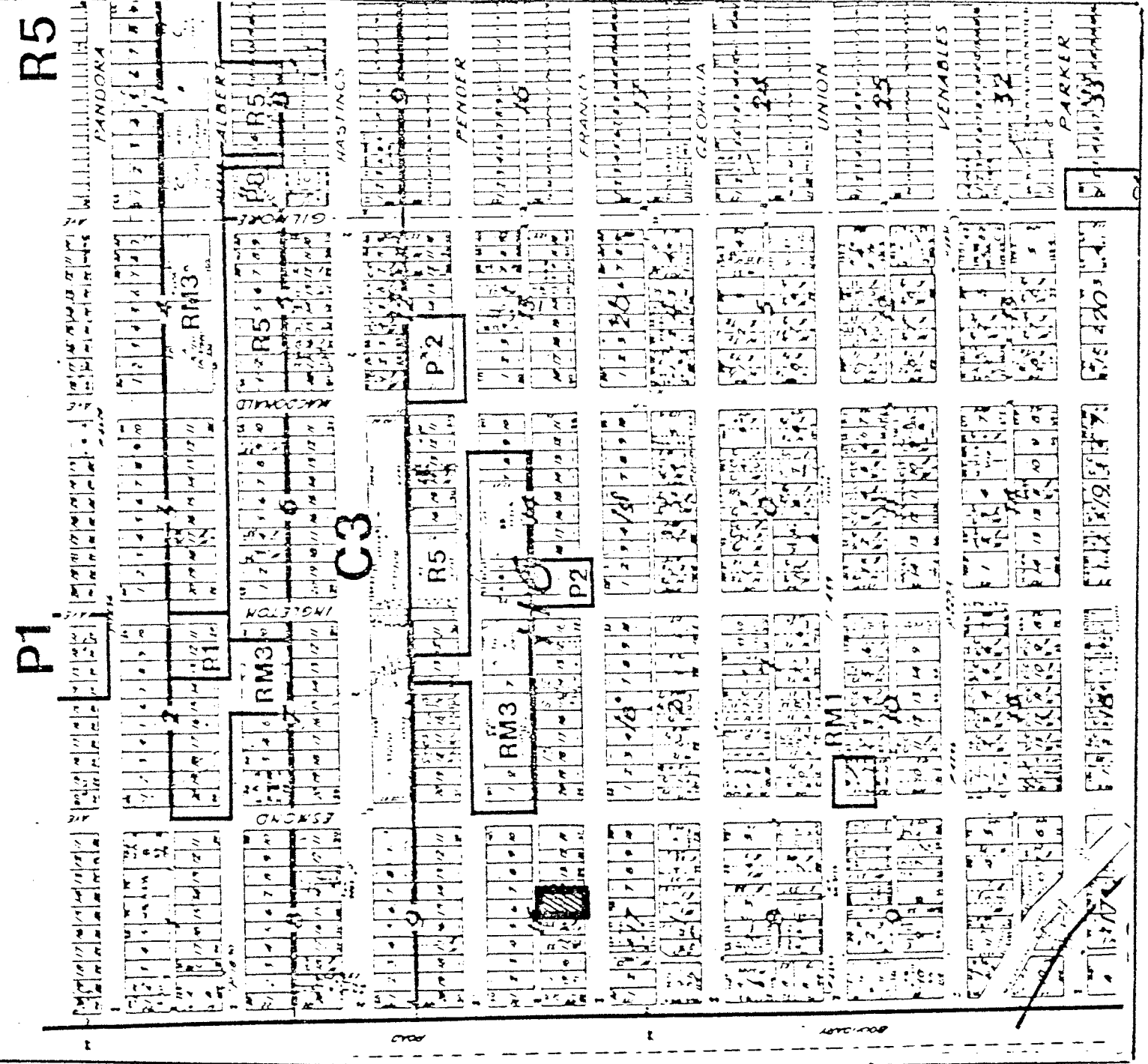
Yours truly,  
BRIGHT REALTY Ltd.




Paul Augustson




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Date 1981 JUNE  
 Scale 1:4800  
 Drawn By

 Burnaby Planning Department

REZONING REFERENCE # 21/81

 subject site

sketch # 2

