

RE: LETTER FROM MR. WALTER J. BOOTH WHICH APPEARED ON THE AGENDA FOR
THE 1983 JUNE 13 COUNCIL MEETING (ITEM 4a)
FINISHED GRADE ON NEWLY DEVELOPED LAND

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1983 JUNE 10

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

RE: LETTER FROM MR. WALTER J. BOOTH OF
5560 HARDWICK STREET, BURNABY

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. Walter J. Booth,
5560 Hardwick Street, Burnaby, B.C., V5G 1R1.

BACKGROUND:

At its regular meeting of 1983 June 13, Council received a letter from Mr. Walter J. Booth of 5560 Hardwick Street in which the writer referred to a recent development on land at the rear of his property and the difficulty created by a perceived lack of control of finished grade caused by excavated material not having been removed from the site (attachment 1). The suggestion was put forward that problems could be avoided by having finished grade established by the Building Inspector when plans were submitted in application for a building permit.

REPORT:

The disposition or removal of soil from undeveloped land or land which has not yet been subdivided into building lots has been controlled for many years under the jurisdiction of the Municipal Engineering Department. The "Burnaby Soil Removal Regulation By-Law 1961" and the "Burnaby Soil Deposit By-Law 1971" are used to ensure that any proposed excavation or land fill will not endanger or adversely affect the adjacent public or private properties, works, services or development potential. Applicants may be required to submit for the Engineer's approval a contour map of two-foot intervals showing in detail the extent of the intended work. It is understood that the regulations and procedures which are in place function well, providing the necessary control and protection of adjacent properties.

In the process of creating five building lots at the rear of 5560 Hardwick Street in early 1981, the developer cleared the one acre site and carried out what was considered to be normal site preparations, levelling out

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the humps and hollows as a convenience for future builders. At that time the Municipal Engineer determined that the extent of the work did not justify or necessitate permits authorizing the soil removal or land fill. The matter of grading was the subject of a letter dated 1981 March 12 from Mr. Booth and was dealt with in an information report to Council prepared by the Department of Planning & Building Inspection (attachement 2). The report concluded that only normal site preparation had been carried out and because the maximum height of buildings was referred to the curb height on Woodworth Street, the degree of "over-looking" was not a product of site grading.

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Amendments to the Zoning By-Law enacted in 1980 March 10 relating to the maximum height of residential buildings 9.8 m (32.12') or 2½ storeys and the cellar/basement definition have made the Building Department, designers and builders very aware of the need to establish original grade for reference purposes.

Extreme care is taken in the approval of building plans to ensure that the maximum allowable storey height is not exceeded in relationship to existing or original average grade. The use of extra material to raise the original reference grade, and thereby manipulate the height of the building in terms of defined storeys, may be controlled on the site by the Building Inspector. Beyond this point it has traditionally been the prerogative of the builders to dispose of surplus excavated material as seen fit for final grading or landscaping of the building site. Any regulation of final grading of the property has been considered beyond the jurisdiction of the municipality and the Building Inspector.

FRM:lm
Enc.



A.L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

c.c. DIRECTOR ENGINEERING

CORRESPONDENCE AND PETITIONS
Regular Council Meeting
1983 June 13

RECEIVED

JUN 9 1983

COUNCILING INSPECTORS
OFFICE

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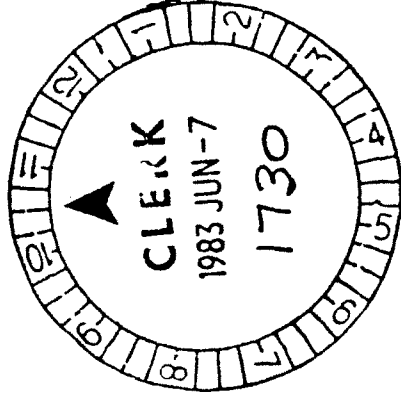
Envelope Addressed To -
"THE MAYOR AND COUNCIL"

5560, Hardwick St,
Burnaby, 2. V5G 1R1
June 1/83

Dear Sirs,

I have recently found from your Building Department that you have no by-law governing the finished grade of land on newly developed property adjacent to occupied residential land. It is my opinion that no by-law is needed. Why not have your Building Department set the finished grade on the plans submitted by a builder.

A recent development on land at the rear of my property has resulted in the land adjacent being three feet higher than my property (and higher than the original grade). This causes a loss of privacy to us, all because the builder avoided hauling away the excavated material. I realize that present rules prohibit any change, but I think you could prevent more cases like this.



Yours truly

W. Booth

(WALTER J. BOOTH)

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COPY- MANAGER

- DIRECTOR PLANNING &
BUILDING INSPECTION (FOR REPORT)

→ Building Dept

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23 March

1981 MARCH 17.
PLANNING DEPARTMENT

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING

SUBJECT: PLACEMENT OF FILL RELATIVE TO THE WOODSWORTH STREET
SUBDIVISION (S.D. 50/80)

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. W. J. Booth, 5560 Hardwick Street, Burnaby, B. C., V5G 1R1.

SUMMARY

Council has received a letter from Mr. W. J. Booth regarding the placement of fill on the subject subdivision (see Figure I below). Mr. Booth feels that the amount of fill that has been placed is excessive insofar as it will permit future occupants of the subdivision to overlook his property.

Staff have inspected the site relative to the general topography of the area and find that the filling and grading that have been carried out to date are not beyond what would be considered nominal site preparation.

REPORT

The area including the new subdivision slopes down to Douglas Road and staff inspection indicates that the construction of Woodsworth Street reflects existing topography. The subdivision site grading conforms to the vertical alignment of Woodsworth and integrates with existing ground lines. There will be a slope down from Woodsworth Street to the back yard ground line of the houses on Hardwick which reflects a natural cross fall slope of approximately 2-3%.

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The height of buildings in the new subdivision will have to conform with R3 zoning which stipulates that "the height of a building shall not exceed 9.8 m (32.12 feet) or 2½ storeys". The maximum height of buildings is determined, in accordance with the definition in the Zoning Bylaw, by reference to the curb level on Woodsworth Street. As the land in this instance slopes down and toward the north, the placing of fill material on the site will not result in an increase in the maximum permitted height dimension. The degree of "overlooking" will thus not be a product of site grading and will be no different from that experienced in other R3 areas of similar varied topography.

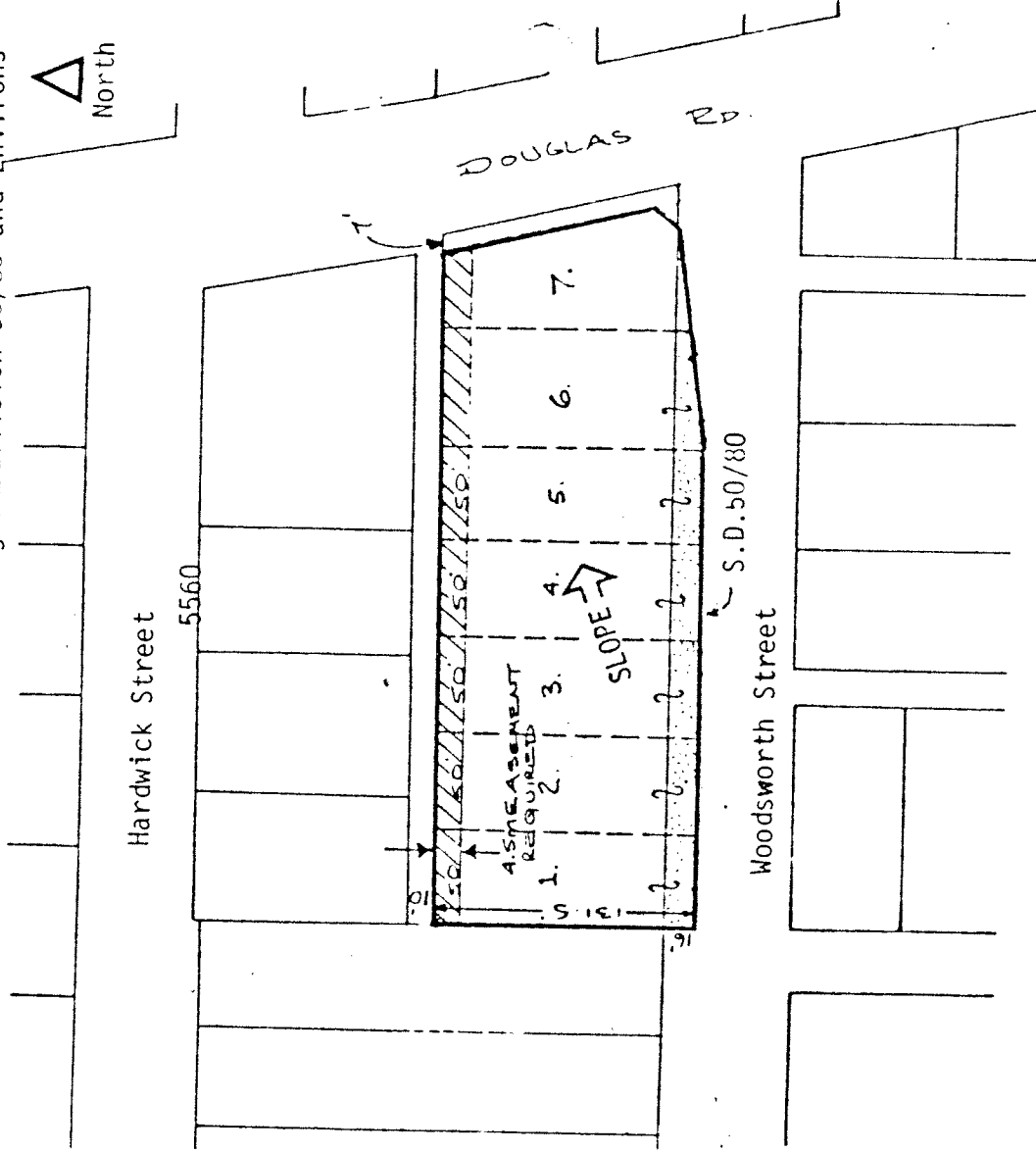
Some overlooking from the upper storeys of adjacent residential properties is to be expected in urban areas. The fence height limitations are set to ensure privacy at ground level, whilst maintaining a reasonable environment aesthetically. As the new subdivision matures it can be assumed that trees and shrubs will provide a harmonious screening between adjacent properties.

PL:bp

cc:Engineering Department
Building Department

A. L. Parr,
DIRECTOR OF PLANNING.

FIG. 1 Plan Showing Subdivision 50/80 and Environs



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To The Mayor & Council
of Burnaby Municipality

5560 Hardwick St,
Burnaby, 2. B.C.
V5G 1R1
March 12/81

Dear Sirs,

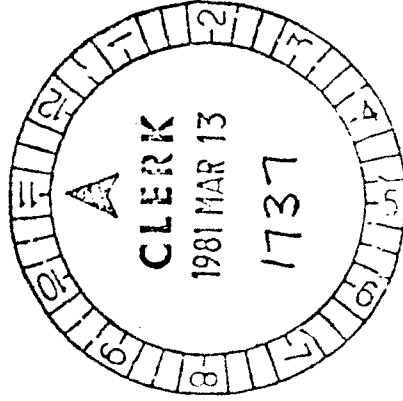
I wish to bring to your attention the matter of the grading of the land on the North side of Woodsworth St, particularly at the rear of the property at 5560 Hardwick St. The developer has placed a lot of the material excavated from Woodsworth St. on the original surface of this land thereby raising its elevation by at least three feet. This will permit the occupants of the houses to be built on this land to look over and down on our back garden and invade our privacy. It also would mean that in order to preserve our privacy we would have to build a board fence three feet higher than the normal six feet. I imagine your planning department has the jurisdiction over the elevation of developments such as this, and it was not their initial intention to raise the ground level.

While we will welcome the building of houses at the rear of our property because it will make our home less vulnerable to thieves, we do object to the unnecessary configuration of our surroundings.

Yours truly

Walter J. Booth

(WALTER J. BOOTH)



PLANNING DEPT.
1/1981

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COPY - MANAGER

- ENGINEER (~~For Report~~)
→ PLANNER (For Report)