

RE: LETTER FROM BURNABY BOARD OF VARIANCE
SUMMER KITCHEN APPEALS

ITEM 18
MANAGER'S REPORT NO. 37
COUNCIL MEETING 1983 05 24

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1983 MAY 19

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: ITEM OF CORRESPONDENCE FROM SECRETARY, BOARD OF VARIANCE
"SUMMER KITCHEN" APPEALS

RECOMMENDATION:

1. THAT the Board of Variance be advised that the Municipality does not propose to amend its bylaws to enable the creation of additional cooking facilities in single and two family dwellings.

REPORT

Appearing on the Agenda for the 1983 May 24 meeting of Council is a letter from the Secretary, Burnaby Board of Variance, requesting that Council advise the Board of its intention with respect to "summer kitchens" within the Municipality.

Burnaby Council has responded to the problems and complaints that arose in past years concerning the creation and occupancy of illegal, additional dwelling units in single and two family dwellings by amending and clarifying the bylaws. These measures have assisted in bringing the problem under control.

More specifically, in 1977 Council adopted Bylaw #7087 which amended the definition of "dwelling unit" as follows:

From: "DWELLING UNIT - means one or more habitable rooms, constituting a self-contained unit with a separate entrance, and used or intended to be used together for living and sleeping purposes for not more than one family and containing a separate and properly ventilated kitchen with a sink and cooking facilities and a bathroom with a water closet, wash basin and a bath or shower."

To: "DWELLING UNIT - means one or more habitable rooms constituting one self-contained unit with a separate entrance, and used or intended to be used for living and sleeping purposes for not more than one family and containing only one kitchen equipped with a sink, one set of cooking facilities, and one or more bath-rooms with a water closet, wash basin and bath or shower, and not more than one electrical service."

The important distinction between the former and present definition is the introduction of the words "and containing only one kitchen".

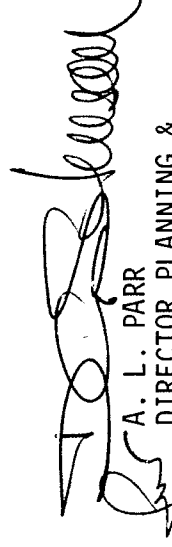
Moreover, in 1980 Council amended numerous sections of the Zoning Bylaw to prevent the unlawful conversion of building areas such as basements to create additional dwelling units in excess of the density regulations for the various zoning districts.

The regulation of the bylaw stipulating the inclusion of only one kitchen in a dwelling unit is considered to be the fundamental and the single most important means of preventing illegal conversions, and to compromise this regulation would be to open the door, in effect, to unlimited duplexing and fourplexing in single and two family areas.

The Board of Variance in recent years has been faced with numerous appeals from builders or from property owners who propose additional kitchens, typically in basements, contrary to the definition of a dwelling unit. From drawings submitted and from physical inspection of the premises in virtually all instances it is obvious that construction of a second kitchen would lead to occupancy as a separate, illegal dwelling unit. Accordingly, in most such cases the Board has recognized the consequences of developing the additional cooking facility, and denied the appeals.

The issue of housing compaction has been the subject of an extensive study that is now nearing completion. This study will identify for Council the appropriate means to increase residential densities in suitable areas, in keeping with neighbourhood character, capacity of services, age and type of housing stock, site size, and other criteria. Following Council consideration and decision, implementation of the means that will be recommended will enable compaction to occur in ways that will maintain neighbourhood stability and quality, in a planned and orderly fashion.

Staff are not aware of any present plan to amend the bylaw to reverse the 1977 text amendment.


A. L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

DGS:lf

cc: Chief Building Inspector