

ITEM 11
MANAGER'S REPORT NO. 34
COUNCIL MEETING 1983 05 09

RE: LETTER FROM MR. JOHN T. HAAR,
240 N. GAMMA AVENUE, BURNABY, B.C., V5C 1X9
PROPOSED CONSTRUCTION AT 232 NORTH GAMMA

ACTING 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 05

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: LETTER ADDRESSED TO BURNABY MAYOR AND COUNCIL
FROM MR. J.T. HAAR REGARDING 232 NORTH GAMMA AVENUE

RECOMMENDATION:

1. THAT a copy of this report be forwarded to Mr. J.T. Haar of 240 North Gamma Avenue, Burnaby, B.C. V5C 1X9

BACKGROUND:

On 1983 May 03, a letter was received in this department from Mr. J.T. Haar of 240 North Gamma Avenue, addressed to the Burnaby Mayor and Council. Mr. Haar requested clarification of municipal by-laws controlling residential construction and in particular, relating to changes which have taken place on the adjacent property at 232 North Gamma Avenue, with new ownership in the past two years.

REPORT:

Within the boundaries of the Municipality of Burnaby, Zoning By-Law 1965 regulates the development and use of land as well as the location and use of buildings and structures erected thereon. Burnaby Building By-Law 1973 provides for the administration and enforcement of the National Building Code of Canada and the Building Regulations of British Columbia. The Building By-Law requires any person proposing to engage in the construction, renovation, alteration or demolition of any building or structure to be in possession of a building permit issued by the Building Inspector. Building permits are not issued until the Building Inspector is satisfied that the proposed construction complies with the existing regulations and to this end, any applicant must submit scale drawings for review and approval prior to issuance of a permit and the start of construction. The intended use, siting, height, lot coverage, method of construction, and architectural compatibility of the proposed project are all subject to consideration by the Building Inspector within the context of the municipal regulations adopted for the appropriate zoning district involved.

There is no vehicle for the involvement of neighbouring property owners, except in instances where the applicant, because of hardship considerations, opts to appeal to the Board of Variance for relaxation of some aspect of the standing zoning regulations. In such instances the adjoining property owners within a radius of 30 m from the applicant's property are advised of the pending hearing before the Board.


The property under consideration at 232 North Gamma Avenue is located within an R-2 Residential District. A copy of the regulations governing that district is attached. Because the lot in question was created with a width of 10 m prior to adoption of the present Zoning By-Law, Section 6.12(3)(a) of the Zoning By-Law is applicable which provides for a minimum side yard on each side of the principal building of not less than 10% of the lot width (Attachment 2). The property also falls within the Capitol Hill Conservation Area in which the siting of improvements is subject to review by the Planning & Building Inspection Department. Siting of the existing 6.1 m x 6.1 m detached garage, which was built under Building Permit No. B-52791 in 1982 June, was so reviewed and approved prior to the permit being issued.

The present owner of the property has recently made application for a building permit to authorize the construction of a two-storey addition to the front of the existing premises, an upper floor half-storey addition, and an enclosure of a rear deck to create a small sunroom. Drawings have been prepared by an architectural design studio and the proposed construction appears to be appropriate to the character of the existing building and the neighbourhood. The application has been reviewed and approved by this department since the building proposal complies with all the technical requirements of the by-law, and a building permit is now available to the applicant.

A survey of the site reveals an extremely well built and finished detached garage within a well kept rear yard area. The storage area beneath the existing deck at the rear of the principal building is enclosed with cedar siding and hidden from view. A two-foot-wide excavation has been made at the front of the premises in preparation of foundations for the proposed addition. The excavated material has been distributed evenly over the front yard area.

There appears to be little cause for concern by adjacent property owners.

FRM:lm
Enc.


A.L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

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ATTACHMENT NO. 1

**THE CORPORATION OF THE DISTRICT OF BURNABY
BYLAW No. 4742**

102. RESIDENTIAL DISTRICT (R2)

This District provides for medium density urban-type residential areas.

102.1 Uses Permitted:

- (1) Single family dwellings.
- (2) Home occupations.
- (3) Accessory buildings and uses.

102.2 Height of Buildings:

The height of a building shall not exceed 9.8 m (32.12 feet) nor 2½ storeys. (B/L No. 7477-80-03-10)

102.3 Lot Area and Width:

Each lot shall have an area of not less than 670 m² (7,212.06 sq. ft.) and a width of not less than 18.5 m (60.70 feet).

102.4 Lot Coverage:

The maximum coverage shall be 35 percent of the lot area.

102.5 Front Yard:

A front yard shall be provided of not less than 7.5 m (24.61 feet).

102.6 Side Yards:

- (1) Side yards shall be provided with a minimum width of 1.5 m (4.92 feet) for the least side yard and 3.5 m (11.48 feet) for the sum of both side yards.
- (2) In the case of a corner lot the side yard adjoining the flanking street shall be not less than 3.5 m (11.48 feet) in width.

102.7 Rear Yard:

A rear yard shall be provided of not less than 9.0 m (29.53 feet) in depth.

102.8 Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw.

**THE CORPORATION OF THE DISTRICT OF BURNABY
BYLAW No. 4742**

SECTION 6 SUPPLEMENTARY REGULATIONS

6.12 Yards:

- (1) Projections into Required Yards:
The following features may project into a required front, side or rear yard:
- (a) Steps.
 - (b) Eaves and gutters, cornices, sills, belt courses, bay windows, chimneys, or other similar features, provided that such projections do not exceed 900 mm (2.95 feet), nor 600 mm (1.97 feet) in the case of a side yard of less than 1.5 m (4.92 feet) in width.
 - (c) Open porches and canopies, provided that such projections do not exceed 1.8 m (5.91 feet), nor 50 percent of the width of a required side yard.
 - (d) Balconies and sun shades, provided that such projections do not exceed 1.2 m (3.94 feet), nor 50 percent of the width of a required yard. (B/L No. 5883-71-05-03)
 - (e) An uncovered patio or terrace, which may be open or enclosed, in any yard in an A, R or RM District subject to the fence height limitations as specified in Section 6.14 of this Bylaw. The provision of an awning or similar temporary covering for such a terrace shall be permitted.
 - (f) Arbors and trellices, fish ponds, ornaments, flag poles, or similar landscape features.
 - (g) An uncovered swimming pool, provided that such pool shall not be constructed within any required front yard nor nearer than 3.0 m (9.84 feet) to any property line. Such pools shall be located within a fenced yard or be surrounded by a fence.
 - (h) A covered or roofed swimming pool, subject to the provisions of clause (g) and to the regulations governing accessory buildings contained in Section 6.6 of this Bylaw.
 - (i) Gasoline service pumps or pump islands in a required front yard or a required side yard, subject to the provisions of Clause (2) of Section 306.2 of this Bylaw.
 - (j) Underground parking structures, subject to suitable landscaping or architectural treatment and proper maintenance, and provided that such projections do not exceed 3.0 m (9.84 feet) in the case of a required front yard. (B/L No. 5526-69-06-16)
- (2) Exceptions to Front Yard Requirements:
In A or R Districts when at least 50 percent of the frontage in any one block front, excluding the corner properties, is improved with permitted principal buildings and all of such buildings have front yards which are less than the minimum front yard requirement for the district, then all new buildings in the block front may provide a front yard with a depth equal to the average existing front yard depth in the block front, except that no front yard shall be less than 6.0 m (19.69 feet) in depth.
- (3) Exceptions to Side Yard Requirements:
Where a lot with a width less than the required minimum existed on or before the effective date of this Bylaw, exceptions to the applicable side yard requirements of this Bylaw may be made in the following cases:
- (a) In A, R or RM Districts the required side yard on each side of the principal building may be reduced to a minimum of 10 percent of the lot width, provided that:
 - (i) the minimum side yard on any one side shall be not less than 900 mm (2.95 feet).
 - (ii) the lot is used for a single family dwelling.