

RE: (A) ITEM OF CORRESPONDENCE FROM BURNABY BOARD OF VARIANCE
SEMI-DETACHED OR DUPLEX DWELLINGS
(B) LETTER FROM MR. FRANK GHILARDUCCI, 245 S. FELL AVENUE
BURNABY, B.C. V5B 3Y3

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1984 September 20

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: ITEM OF CORRESPONDENCE FROM BURNABY BOARD OF VARIANCE
SEMI-DETACHED OR DUPLEX DWELLINGS

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RECOMMENDATION:

1. THAT Council reply to the Secretary, Board of Variance, expressing appreciation for the Board's interest in this matter but informing them that it would be inappropriate to amend the Zoning Bylaw as proposed, and attach a copy of this report.

REPORT

On 1984 September 17, Council received an item of correspondence from the Burnaby Board of Variance recommending that Council give consideration to amending the Zoning Bylaw to permit an increase in the allowable height and maximum gross floor area of semi-detached or duplex dwellings.

The purpose of this report is to inform Council of the current provisions governing height and bulk of these buildings, to outline the reasons the regulations were put in place, and to comment on the proposal now being put forward by the Board. Additionally, a reply is provided to the question that was raised by Council on September 17 concerning any possible relationship between Board of Variance appeals on semi-detached dwellings and R9 applications.

PRESENT REGULATIONS GOVERNING HEIGHT AND BULK OF TWO-FAMILY DWELLINGS

Two-family dwellings are permitted in the R4 and R5 Districts, on lots complying with the respective minimum lot area and with requirements of those zones. Such dwellings are permitted to have a gross floor area up to 116 m² (1247 sq.ft.) per dwelling unit. When developed in the form of a semi-detached dwelling (two units placed side-by-side), the maximum permitted height is 1 storey or 5.5 m (18 ft.); for a duplex form (two units placed one above the other), the maximum permitted height is 2 storeys or 9.0 m (29.53 ft.). A cellar is permitted and not counted as a storey; no dwelling unit or housekeeping unit is permitted in a cellar, but a cellar provides useful space for storage, recreation use, etc.

BACKGROUND

These regulations were adopted by Council as part of a set of comprehensive Zoning Bylaw text amendments passed in 1980 March, following an extensive review of Residential Occupancy Standards conducted by the Housing Committee of Council in 1979 and 1980. This review addressed a number of concerns that had arisen concerning excessive height and bulk of certain types of buildings in residential areas, strata title development, and the high incidence of illegal duplexing and fourplexing that was evident up to that time. In an effort to gain some control over such overbuilding and creation of excessive density and illegal use, the Housing Committee conducted a considerable amount of research including public meetings and hearing delegations, and subsequently made a series of recommendations to amend or introduce new definitions in the Bylaw, and to amend certain of the regulations governing single and two-family dwellings. Following submission to a Public Hearing on 1980 February 26, these amendments were adopted.

With specific reference to two-family dwellings, it had been concluded that mechanisms were necessary to overcome the growing practice at that time of building very bulky, semi-detached dwellings at a scale which was often totally incompatible with the size and form of surrounding residences, and to come to grips with the fourplexing problem which had grown to major proportions due to the tendency to build daylight basements which were obvious precursors to illegal suite construction.

The Committee as well as staff recognized that the two-family dwelling was and should remain an important element in the total range of housing types. However, it was also recognized that controls were necessary to help maintain the level of occupancy intended (two families per lot) and to preserve compatibility in the neighbourhoods in terms of building bulk.

The regulations that were adopted have generally proved to be effective: the incidence of illegal fourplex construction has been largely controlled (an exception is mentioned in another report appearing on this agenda, having to do with strata titling of new and unoccupied two-family dwellings without Municipal approval), and the scale of two-family dwellings constructed since the 1980 amendments in general conforms most satisfactorily to existing neighbourhood settings.

DISCUSSION OF BOARD OF VARIANCE PROPOSAL

The proposal advanced by the Board in its recent correspondence would run counter to the intent of the conclusions of the Housing Committee in its Residential Occupancy Standards study, and to the benefits that have resulted from adoption of the bylaw amendments that emerged from that process (improved compatibility in building forms in residential neighbourhoods and reduction in the incidence of illegal fourplexing). Additionally, it is felt that a move to increase permissible height and bulk would run counter to the manifest public view expressed in the recent Public Meetings held by the Housing Committee in its Residential Neighbourhood Environment Study, prior to its abandonment, and also counter to the referral to staff of the subject of building height and bulk controls, arising from that Study.

The prevailing height regulations permit appropriate single-storey semi-detached buildings which may also have a cellar for ancillary but non-dwelling unit use, and which do not as readily lend themselves to illegal fourplex conversion, as would two-storey semi-detached buildings. The maximum gross floor area requirement was based on a sampling of two-family dwelling permit applications processed by the Building Inspection Department in 1979, prior to the text amendments, and was and is considered to represent an adequate area in which to develop suitable family-oriented living accommodation, taking into consideration the opportunity to provide ancillary space in a cellar and the need to prevent building bulk of two-family dwellings from becoming excessive.

The submission by the Secretary of the Board indicates that 20 appeals of the nature represented by the appeal for 7878/80 Burriss Street have been received and denied by the Board since 1980 March. For clarification, it should be pointed out that, of these, only six (6) including the Burriss appeal have been for development of new two-family dwellings. The balance have been for a variety of other matters concerning such things as basement finishing, sundeck enclosures, "summer kitchens" in existing basements, and the expansion of existing single-family dwellings to create two-family dwellings on undersized lots.

Moreover, in response to a question posed at the September 17 Council meeting, Council is advised that only one of the 20 appeals cited resulted in an application being made for rezoning to the R9 category (the application was approved in 1983 February).

For further information, since 1980 March, sixty-four (64) permits have been issued for two-family dwellings conforming to Burnaby's adopted standards.

The submission from the Board states the opinion that a number of the appeals denied by the Board would have been compatible with existing housing stock in the areas involved, and that the design of the structures was such that conversion to four-family dwellings would have been difficult. Such conclusions depend on subjective and aesthetic design evaluations rather than on examination relative to explicit regulations, and as such fall within the area of design control. At this time, no provision has been made by Council for such design review and control by staff as part of the plan checking process, and unless Council determines that such authority should be given, it is not possible to rely on a subjective evaluation on such points.

CONCLUSION

Based on the foregoing, it is not recommended that the Zoning Bylaw be amended to increase the allowable height and maximum gross floor area of semi-detached or duplex dwellings. The larger topic of bulk, height and view obstruction relative to residential dwellings in general will be addressed in a forthcoming report from this Department as requested by Council.

DGS:lf


A. L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

