

RE: COUNCIL ENQUIRY ON THE CONSTRUCTION OF A DWELLING AT
3844 FIR STREET, BURNABY

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER
FROM: DIRECTOR PLANNING &
BUILDING INSPECTION
RE: 3844 FIR STREET, BURNABY
LOT 1, BLOCK 34, D.L. 35, PLAN 68945
SINGLE-FAMILY DWELLING UNDER CONSTRUCTION

1985 MAY 21

RECOMMENDATION:

1. THAT this report be received for information purposes.

SUMMARY:

Council, on 1985 May 06, inquired if the provisions of the Burnaby Zoning By-Law were fully met in regard to the issuance of a building permit for construction of a single-family dwelling at 3844 Fir Street. As noted in this report, all requirements of the by-law were met including those that permit the installation of an in-law accommodation.

REPORT:

The following is a summary of the procedures followed by the Building Inspection Division in the processing of the above application prior to the issuance of a building permit for the referenced R9 lot.

On 1985 January 29, Mr. Chandhok, the initial owner and developer of the property, submitted drawings in application for a building permit for the construction of a single-family dwelling. The drawings indicated first floor finishing which, in the opinion of this Division, exceeded the normal requirements for a single-family dwelling, and represented the possibility of use in contravention of the Burnaby Zoning By-Law. The Zoning By-Law definition of dwelling unit does not prohibit the finishing of rooms as proposed in this case; however, these rooms must be used in conjunction with the approved use under the designated zoning. In accordance with the policy of this Division, and prior to the issuance of the building permit, the plan checking staff requested the owner to complete a Covenant for the first floor finishing which is registered in the Land Titles Office and contains the following:

"...the Grantor covenants and agrees with the Grantee

- (a) to use the said single-family dwelling and the first floor finishing to be constructed therein as a single-family dwelling only in strict conformity with the provisions of By-Law No. 4742, being the Burnaby Zoning By-Law 1965;

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(b) not to use the said first floor finishing to convert the said single-family dwelling into a two-family or multiple dwelling."

This procedure is followed to ensure that both the initial owner and subsequent owners are apprised of the maximum permitted use of the dwelling.

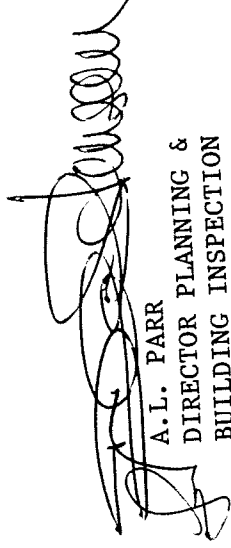
Subsequently, on 1985 April 04, revised drawings and title transfer documents were received from the new owner, Mr. Bhatti, in application for a building permit for in-law accommodation for his parents in the easterly half of the first floor which now included kitchen facilities. The Zoning By-Law definition of accessory use, sentences 3.(a) to (i), allows the installation of an in-law accommodation with the completion of a registered Covenant. The plan checking staff requested Mr. Bhatti to complete an additional in-law suite Covenant which is now also registered in the Land Titles Office.

As the proposed residence meets all of the provisions of the Burnaby Zoning By-Law, including building height, setbacks, and site coverage, this Division has issued the necessary building permits.

Building inspections carried out through the course of the construction process will ensure that the development conforms to the drawings and other permit documents upon which permit issuance was based.

This is for the information of Council.

GRH:lm
Att.


A.L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

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"ACCESSORY USE" means

- (1) a use which is ancillary to a principal building, or use of a principal building, situated on the same lot, or
- (2) a use which is ancillary to a principal use being made of the lot upon which such accessory use is located.
- (3) Any accessory use in an R1, R2, R3, R4, R5, or R9 District may include an in-law suite, subject to the following conditions:

- (a) Such an accessory use shall be permitted only within a dwelling unit occupied by the owner or his tenant.
- (b) Not more than one in-law suite shall be permitted in any dwelling unit.
- (c) The keeping of boarders or lodgers shall not be permitted in a dwelling unit in which an in-law suite has been provided.
- (d) An owner or his tenant who intends to construct an in-law suite shall obtain a building permit from the Building Department and the said in-law suite shall comply with the requirements of all applicable Bylaws and statutes.
- (e) The owner of an in-law suite, whether already constructed or not, shall obtain an in-law suite licence from the Building Department and submit a sworn statutory declaration that the said in-law suite is or shall be occupied only by his parents, grandparents, sons or daughters (including their spouses and dependent children, or those of his tenant) and shall pay a fee of \$30.00 for the said licence.
- (f) The number of adults accommodated by an in-law suite shall not exceed two.
- (g) The owner of an in-law suite or his tenant occupying an in-law suite shall renew annually the said in-law suite licence, paying a renewal fee of \$30.00.
- (h) When applying for a renewal in-law suite licence, the owner or his tenant shall submit a declaration that the said in-law suite continues to be used in accordance with the provisions of this Bylaw.
- (i) The owner of an in-law suite shall enter into a restrictive covenant with the Municipality registrable in the Land Title Office against his land to use the said land, including the in-law suite constructed thereon in accordance with the provisions of this Bylaw, and to discontinue the use of the in-law suite whenever it shall no longer be occupied or shall no longer be occupied in accordance with the provisions of this Bylaw, and thereafter to use his principal building (without the in-law suite) in accordance with the provisions of this Bylaw. (B/L No.7938-82-9-27)

"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 bathrooms with a water closet, wash basin and bath or shower, and not more than one electrical service. (B/L No. 7087-77-09-26)

