

RE: LETTER FROM MR. JOZEF HAJDU WHICH APPEARED ON THE AGENDA FOR THE
SEPTEMBER 28TH MEETING OF COUNCIL (ITEM 4 A)
INLAW SUITE IN TWO-FAMILY DWELLING 6725-27 LAKEVIEW AVENUE

MUNICIPAL MANAGER'S RECOMMENDATION:

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

* * * * *

FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: CORRESPONDENCE FROM MR. JOZEF HAJDU
INLAW SUITE IN TWO-FAMILY DWELLING
6725-27 LAKEVIEW AVENUE

=====

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. Jozef Hajdu, 6727
Lakeview Avenue, Burnaby, B.C., V5E 2P6.

R E P O R T

1.0 BACKGROUND

Appearing on the Council Agenda at the regular Council meeting of 1987
September 28 was a letter from Mr. Hajdu concerning his desire to have
approval for his granddaughter to live in a basement accommodation in his
two-family dwelling which is located in an R5 Residential Zone.

Staff have had the opportunity of meeting with Mr. Hajdu to obtain clarifica-
tion on his request. Staff have further been able to identify for Mr. Hajdu
the alternative avenues available to him to satisfy his need.

2.0 GENERAL DISCUSSION

Mr. Hajdu is the owner of a two-family dwelling situated at 6725-27 Lakeview
Avenue, and Mr. and Mrs. Hajdu reside in the unit at 6727 Lakeview Avenue.
Their principal living accommodation is on the second storey of 6727, and they
have completed a number of rooms on the first floor beneath that unit for
their own additional accommodation (pool table room, work room, bathroom and
cool storage room). The other dwelling unit (6725 Lakeview) is occupied by a
tenant.

The semi-detached dwelling was approved in 1977 April and is a two-storey
configuration with the main floor at grade. The approved plans indicated an
unfinished first storey. In April of this year, a complaint was received in
the Building Inspection Division relative to illegal suite accommodation in
the building. This matter was investigated in 1987 August and the inspector
observed that the first storey on both sides of the semi-detached dwelling had
been finished with completed rooms, including kitchen facilities on the lower
floor of 6725 Lakeview Avenue. This unauthorized additional dwelling unit was
found to be occupied in contravention of the Zoning Bylaw by a niece of the
owner, who is not related to the occupant of the dwelling unit immediately
above.

Following the investigation, a letter was sent to Mr. Hajdu on 1987 September
03 outlining the Bylaw infraction and requesting compliance by removal of the
illegal occupancy and the range including range wiring. Subsequently, on 1987
September 15, an application for approval of inlaw accommodation within the
first storey of 6725 Lakeview was submitted by Mr. Hajdu.

The intention at this time by Mr. Hajdu is that the unlawfully constructed accommodation in the first storey of 6725 would be occupied by his granddaughter. Mr. Hajdu is aware that the Zoning Bylaw does provide for grand children of the owner or occupant to occupy an approved inlaw suite, but that an inlaw suite may be occupied only within the dwelling unit of the related family members. In this instance, it is Mr. Hajdu's wish to retain the full accommodation he enjoys at 6727 (on both floor levels) as his dwelling unit, and to have his granddaughter occupy the separate self-contained dwelling unit beneath his tenant's quarters at 6725. It has been explained to Mr. Hajdu that this condition would result in a third separate dwelling unit on the property, which cannot be approved in a two-family zoning district.

In order to advise Mr. Hajdu of the alternatives available to him to allow his granddaughter to have accommodation in the existing building, staff have identified the following possibilities:

- a) It is possible to convert the lower floor of the semi-detached dwelling by physical means (involving fire separations, sound separations, heating system alterations, etc.) such that the lower floor of 6725 is made an extension of the dwelling unit at 6727. It is acknowledged that the technical requirements of the building code to effect this would be somewhat complex and costly.
- b) As Mr. Hajdu's niece has up to the present time occupied the illegal accommodation, and intends to relocate in order for the granddaughter to occupy the premises, it is possible to consider both family members occupying 6725 and sharing the cooking facilities; such that there would be no inlaw suite accommodation as such but each occupant would have relatively private sleeping and living quarters within the unit.
- c) It is possible for Mr. and Mrs. Hajdu's granddaughter to occupy the sleeping and living quarters on the first floor of 6725, while sharing meals with the Hajdu family. The range and range wiring would be removed from the present suite in order to comply with the Bylaw. The maximum number of unrelated persons occupying the resulting single dwelling unit at 6725 would be limited to 3 as provided in the definition of "family" in the Zoning Bylaw.

Mr. Hajdu has been informed of these alternatives and is at the present time considering which approach he would prefer to pursue. His initial indication was that the third alternative would appear to satisfy their needs and is his preferred option.

Staff have agreed to assist in any way whichever option Mr. Hajdu elects to pursue.

All of the foregoing is predicated on the inlaw suite provisions contained in the present Burnaby Zoning Bylaw. As Council is aware, a recent court decision in the District of North Vancouver has brought into question the ability of a Municipality to provide specifically for inlaw suite situations in its Zoning Bylaw, and this is the subject of a separate report appearing on the Agenda.

The contents of this report have been discussed with Mr. Hajdu. This is for the information of Council.

A.L.P.
DGS:lf

cc: Chief Building Inspector

A. L. Parr
A. L. Parr
Director Planning &
Building Inspection