

ITEM
MANAGER'S REPORT NO. 25
49
COUNCIL MEETING 88/07/25

RE: BUCKINGHAM AVENUE AND BURRIS STREET

Procedurally, it is suggested that Council move a motion adopted both recommendations, but then vote on the two recommendations separately. If the first motion carries, then the Council should table the second motion pending an appeal within thirty days.

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Director Engineering be adopted.

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TO: MUNICIPAL MANAGER 1988 JULY 18
FROM: DIRECTOR ENGINEERING
SUBJECT: BUCKINGHAM AVENUE AND BURRIS STREET

RECOMMENDATIONS:

1. THAT Mr. N. Cafik, 7591 Burris Street, Burnaby, B.C., V5E 1Z1, be sent a copy of this report and be given thirty days in which to appeal the removal or lowering of the landscaped berm.
2. THAT the southwest corner of Burris Street and Buckingham Avenue (portion of Lot 92) be brought into conformity with Section 6.13 of the Burnaby Zoning Bylaw 1965.

REPORT

At its meeting of 1988 June 27 Council directed that a report be submitted on the situation regarding a berm at the southwest corner of Burris Street and Buckingham Avenue.

In the early part of 1980 March, Mr. N. Cafik, 7591 Burris Street, approached the Municipality with a request to landscape the subject corner. The property registered as a portion of Lot 92 (see attached sketch) is a municipal lot.

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As it has been the general policy of the Municipality to encourage property owners to look after and grass or landscape the boulevard areas adjacent their properties, Mr. Cafik was given permission to tidy up and landscape the municipal portion of Lot 92. In his request he indicated that a feature of his landscaping would be a berm with low plantings.

In our letter of permission dated 80-03-14 (copy attached), we specified three conditions that he was to recognize. Condition No. 2 was that the landscaping "not create a vision obstruction to vehicles or pedestrians on intersecting streets".

In 1984 we began to receive complaints that the landscaping was creating a view problem to motorists approaching the intersection from the west on Buckingham Avenue. We checked these complaints out and found that the view obstruction (V.O.) was minimal and that if a motorist after stopping at the stop bar was to move ahead slightly, as any prudent motorist must do at many intersections in Burnaby, the sight distance was adequate. Complaints from one resident of the area continued and, in an attempt to resolve the complainant's concerns, we requested the Parks Department in 1986 January to cut back some bushes and remove a number of broom bushes.

The aforementioned resident, however, has continued to register his concerns related to the landscaped berm and has suggested that, in fact, it violates Section 6.13 of the Burnaby Zoning Bylaw 1965 related to vision clearances at intersections. Section 6.13 reads as follows:

6.13 Vision Clearance at Intersections:

In any zoning district, no fence, wall or structure other than a permitted principal building shall be erected to a greater height than 1 m (3.28 feet) and no hedge, bush, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance in the area bounded by:

- (1) The intersecting lot lines at a street corner and a line joining points along said lot lines 9.0 m (29.53 feet) from their point of intersection.
- (2) The intersecting lot lines at a lane corner and a line joining points along said lot lines 6.0 m (19.69 feet) from their point of intersection. A lane intersection shall include the intersection of a lane with any other lane or with a street.

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We have measured the berm location and height (see aforementioned sketch) and it would appear to violate the bylaw. This violation was brought to the attention of Mr. Cafik, who questioned the accuracy of the measurements and further countered that the other three corners of the intersection violate the same bylaw.

In response to the allegation that all four corners violate Section 6.13 of the Zoning Bylaw 1965, we must advise that there are hundreds of similar violations throughout Burnaby. It has not been our practice to arbitrarily enforce this section of the Zoning Bylaw but rather to use it if such violations were deemed to be the cause of a serious accident problem or a source of complaint. In such cases, we usually write to the owner of the property to bring their landscaping or fencing into conformity with the bylaw. We have never entered upon private property to date to correct a view problem and would not do so without a Court Order giving us the necessary authority. In the case of the subject complaint, the Municipality is the owner of the property and is obliged to uphold its own bylaws. For this reason, we must take the necessary action to correct the subject violation of Section 6.13 of the Burnaby Zoning Bylaw 1965.

Before any action is taken, however, Mr. Cafik has indicated that he would like to appear before Council to address his concerns over removal or lowering of the subject berm. It is considered by staff that Mr. Cafik should be given the opportunity to present his case and it is recommended that he be given a period of thirty days in which to do so.

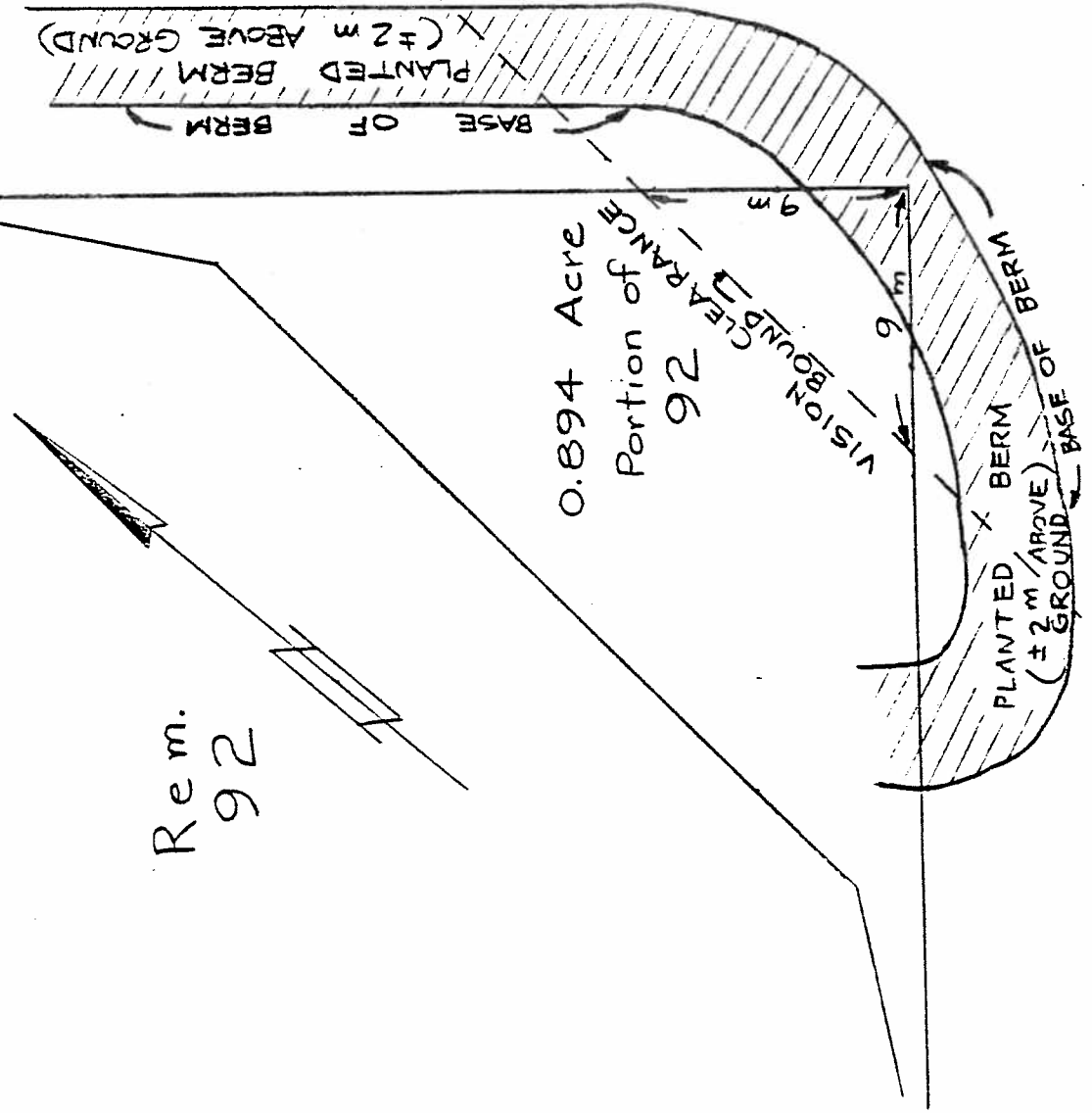
HB:ka
Attach. (2)


DIRECTOR ENGINEERING

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200 BUCKINGHAM



BURRIS

REVISION	
No.	DATE
CORPORATION OF THE DISTRICT OF BURNABY ENGINEERING DEPARTMENT	
DIVISION	
DESIGNED BY	SCALE 1:500
DRAWN BY R.E.P.	DATE MARCH 4/88
CHECKED BY	DRWG NO.
APPRVD BY	L.

SKETCH SHOWING LOCATION OF PLANTED BERM AT THE S.W. CORNER OF BURRIS ST. AND BUCKINGHAM AVE.

4949 Canada Way, Burnaby, B.C. V5G 1M2
Engineering Department

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Mr. N. Cafik (273 -9146) (work)
7591 Burris Street
Burnaby, B.C.

Dear Sir:

Re: BOULEVARD LANDSCAPING - SOUTHWEST CORNER
OF BURRIS AT BUCKINGHAM

In response to your request to landscape the captioned boulevard with a berm and low profile plantings we have investigated the existing situation. The Municipality, as a matter of policy, expects the property owner to maintain any adjacent boulevards. While the property owner is expected to maintain the boulevard there are restrictions and conditions placed on what is permitted. These conditions include that the landscaping:

1. Not interfere with the normal passage of pedestrian or vehicular traffic.
2. Not create a vision obstruction to vehicles, or pedestrians, on intersecting streets.
3. Not be the responsibility of the Municipality to replace in the event of Municipal works within the boulevard, or to maintain or repair.


In addition to these general conditions the subject location has two specific conditions attached to it due to the existence of the open watercourse in close proximity. These two conditions include that no material from the landscaping be permitted to enter the watercourse and that the existing metal pipe fence be retained as it is a safety feature. The former condition can be best met through the provision of a suitable ground cover which will prevent erosion of the base material. The safety fence we feel should be retained for its originally intended purpose. Relocation of this fence to a location more compatible to your proposed landscaping would be subject to the approval of the Municipal Engineer and would have to be done by Municipal works crews.

If you wish to have the fence relocated please submit to us a sketch showing the proposed new location so that we may assess the effectiveness of this location.

Thank you for your concern for the improvement of the boulevard and for consulting us in advance of proceeding with any work. Hopefully the finished product will meet the aforementioned conditions and be an asset to yourself and the Municipality of Burnaby.

Yours truly,

E.E. Olson, P. Eng.
MUNICIPAL ENGINEER

by: 
H. Bacon
TRAFFIC SUPERVISOR

DE/ch
c.c. () Traffic Supervisor

