

RE: LETTER FROM MRS. L. CORAK WHICH APPEARED ON THE AGENDA FOR
THE JULY 11TH MEETING OF COUNCIL (ITEM 3 C)
CURTIS LUMBER CO. LTD. - MIS-USE OF PROPERTY

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Finance be adopted.

* * * * *

TO: MUNICIPAL MANAGER

1988 July 20
File: L34

FROM: DIRECTOR FINANCE

RE: CURTIS LUMBER CO. LTD. - 934 SPERLING AVENUE
MIS-USE OF PROPERTY

RECOMMENDATION

1. THAT a copy of this report be sent to Mrs. Ljerka Corak, 6801 Curtis Street, Burnaby, B.C. V5B 2A9, and to Mr. Brian Kask of Curtis Lumber Co. Ltd., 840 Sperling Avenue, Burnaby B.C. V5B 4H8.

SUMMARY

Mrs. Corak, of 6801 Curtis Street, has submitted a letter expressing concern over several aspects of the Curtis Lumber Co. Ltd. operation adjacent to her property at 950 Sperling Avenue. We have confirmed that Lot 4 (934 Sperling) is being used for storage purposes in contravention of the Residential District (R5) zoning, and that the height of storage piles on Lot 5 (950 Sperling) requires monitoring to ensure that they do not exceed 2.4m (7.87 ft.) (see map attached). The general manager of Curtis Lumber has been informed of the contravention, and we will continue to work on resolving the problem through the removal of the trucks and building material from Lot 4.

We have contacted Mrs. Corak to explain the steps that we will be taking, and she has expressed satisfaction over the actions of the municipality.

REPORT

INTRODUCTION

This report is presented in response to a letter from Mrs. Ljerka Corak which appeared on Council's agenda of 1988 July 11. The letter expressed concern over the following aspects of the Curtis Lumber Co. Ltd. operations at 934 and 950 Sperling Avenue:

1. The continued operation of Curtis Lumber's retail building supply facility in contravention of the existing M4 zoning regulations;
2. The height of stored lumber;
3. The existence and location of a gas pump;
4. Noise, dust and visual pollution; and
5. The expansion of the Curtis Lumber operations onto residentially zoned property.

BACKGROUND

The property in question consists of two separate legal lots. 934 Sperling Avenue, or Lot 4 of Block 5, Plan 5832 is zoned Residential District (R5), while 950 Sperling Avenue, or Lot 5 of Block 5, Plan 5832 is zoned Special Industrial District (M4).

On the most southerly lot (Lot 5 - zoned M4) there is a legal non-conforming retail lumber yard, complete with outside storage and a non-commercial gas pump. This operation was in existence prior to the implementation of Zoning Bylaw 1965, No. 4742.

A number of complaints have been registered against this property as the residential housing built up around the lumber operation. Where there has been a bylaw infraction, the municipality has experienced cooperation from the owner and no formal charges have been laid.

Lot 4 (zoned R5), has not been a historic part of the Curtis Lumber operation. The legal non-conforming status of the operations on the adjacent Lot 5 is not applicable to Lot 4. Our files indicate that Curtis Lumber has, since 1965, received several warnings against using this lot for storage purposes.

For Council's information, Curtis Lumber Co. Ltd. also owns a retail building supply facility one block to the north at 840 Sperling Avenue which operates in conjunction with Lot 5. The facility at 840 Sperling had legal non-conforming status until 1985 when it was rezoned Comprehensive Development District (CD) (i.e. based on Manufacturing District (M1) regulations). The rezoning gave the company the right to conduct operations in accordance with CD regulations.

CURRENT POSITION

The following are in response to the issues raised in Mrs. Corak's letter:

1. Even though the retail lumber yard on Lot 5 is an activity that is generally incompatible with residential use, they have legal non-conforming status under Section 970 of the Municipal Act. Therefore the lumber operation has the right to continue operation on Lot 5.
2. While there were no height restraints for storage relating to lumber yards prior to the adoption of the present zoning bylaw, it is the interpretation of our Solicitor that Burnaby can regulate storage height. Stored materials cannot exceed a height of 2.4m (7.87 ft.) in accordance with section 6.15 (2)(b) of the zoning bylaw.
3. The gas storage facility and associated non-commercial pump was in existence on Lot 5 prior to adoption of the zoning bylaw and therefore has the same legal non-conforming status as the retail lumber operation.
4. The property was inspected by our Environmental Health Department on 1988 July 11. They determined that there are no violations of the Burnaby Noise and Sound Bylaws, and that the premises cannot be considered unsightly. Due to the inclement weather at the time of inspection, a test for dust was not practical and will be conducted as the weather permits.
5. The Curtis Lumber operation has expanded onto the residentially zoned Lot 4 to the north. An inspection on 1988 July 07 revealed the storage of several heavy commercial trucks and a significant amount of lumber. A follow-up inspection on July 08 confirmed that Lot 4 is being used by employees of Curtis Lumber on a daily basis. This is a contravention of the Residential District (R5) zoning which precludes industrial or commercial uses.

ACTIONS

We have discussed Mrs. Corak's concerns with the general manager of Curtis Lumber, Mr. Richard Getty. His response to a request for a cleanup of the property was generally positive. However, he did not wish to take action without the authority and involvement of the owner (Mr. Brian Kask) who is on holidays until 1988 August 01.

Mrs. Corak was contacted on 1988 July 12 in order to explain the legal non-conforming status of the retail lumber yard, and to clarify the nature of the neighborhood problem. She expressed an understanding of the situation. Her main concern was the dust and exhaust smell created when the forklifts moved lumber in the vicinity of her rear porch. The increased activity has led to difficulty in selling her house over the past year.

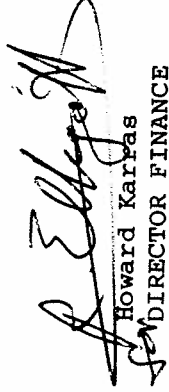
Mrs. Corak was satisfied with the actions taken by staff, and looks forward to the Health Department retesting for dust when the weather permits. Furthermore, Mrs. Corak was understanding of the difficulty in trying to resolve the situation without the owner being present.

CONCLUSION

The use of Lot 4 for storage purposes is a contravention of the zoning bylaw.

Staff will continue to work on the removal of all storage materials and trucks on Lot 4 immediately upon the return of the owner on August 2nd, 1988. In addition, Lot 5 will be monitored to ensure storage piles do not exceed 2.4m (7.87 ft.)

It is recommended that a copy of this report be sent to Mrs. Ljerka Corak, 6801 Curtis Street, Burnaby, B.C. and to Mr. Brian Kask of Curtis Lumber Co. Ltd., 840 Sperling Avenue, Burnaby, B.C. V5B 4H8.


Howard Karfas
DIRECTOR FINANCE

TJ:gw
Attach.

cc: Municipal Solicitor
Director Planning & Building Inspection
Chief Public Health Inspector

ITEM 1
 MANAGER'S REPORT NO. 49
 COUNCIL MEETING 88/07/25

104

