

RE: LETTER FROM MR. AND MRS. J. V. NERATINI WHICH APPEARED ON THE AGENDA  
FOR THE AUGUST 08TH MEETING OF COUNCIL (ITEM 21)  
PETITION RELATING TO SIZE OF BUILDING AT 5131 CAPITOL DRIVE

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: Municipal Manager  
1989 August 15

FROM: Director Planning &  
Building Inspection

SUBJECT: 5131 CAPITOL DRIVE

PURPOSE: To respond to a petition relating to the subject address.

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RECOMMENDATION:

1. THAT a copy of this report be forwarded to Mr. and Mrs.  
J. V. Neratini of 370 S. Glynde Avenue, Burnaby V5B 3J6  
and other signatories of the petition.

**REPORT**

At its meeting of 1989 August 08, Council received a petition from the owners of four properties on S. Glynde Avenue expressing concern for the potential loss of the view from their residences. In the light of the pending sale of the property at 5131 Capitol Drive, the petitioners asked if any building permit issued relating to that property could stipulate that new construction must face Capitol Drive.

The property in question is located at the north-east corner of Glynde Avenue and Capitol Drive, as shown on the attached sketch, and is presently occupied by a small older house built in 1949 facing Capitol Drive. The property is rectangular with frontage on Capitol Drive of 40.23m and frontage on Glynde Avenue of 37.8m.

The Burnaby Zoning Bylaw stipulates by definition in the case of corner lots that the front lot line shall be established consistent with the front lot line of the adjacent lots. This would accordingly require new construction to observe a front yard setback from the frontage on Glynde Avenue. Other than the restrictions contained in the bylaw which govern the footprint available for construction, there is nothing to regulate the position of any new construction or the direction which such construction

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must face. While it is customary for residences to face the front yard of their property, this is not mandatory, and it has always been the prerogative of property owners to position their residences to optimize the characteristics of the building site and their own desires. There is no capability within the bylaw to restrict new construction on the existing property to face either Glynde Avenue or Capitol Drive.

With regard to development density and the allowable height of new construction, the Zoning Bylaw currently reflects Council's increased awareness of the problems created by excessively bulky residential construction.

The volume of residential buildings is now more closely controlled through the introduction of an allowable floor area ratio and a maximum allowable gross floor area. The allowable height of residential construction has also been curtailed through a reduced permissible height of 9m (29.53') measured from the average grade at the front of the building to the highest point of the structure.

Should the new owner wish to subdivide the site into two lots, an application must be submitted to the Planning and Building Inspection Department for review by various municipal departments, outside agencies, and the Approving Officer who would be in a position to consider the concerns of adjacent property owners. If it was subsequently concluded that subdivision could be supported, the Approving Officer may consider the effect of the location of the new lot line and the orientation of the new lots on the positioning of new houses in relation to view preservation.

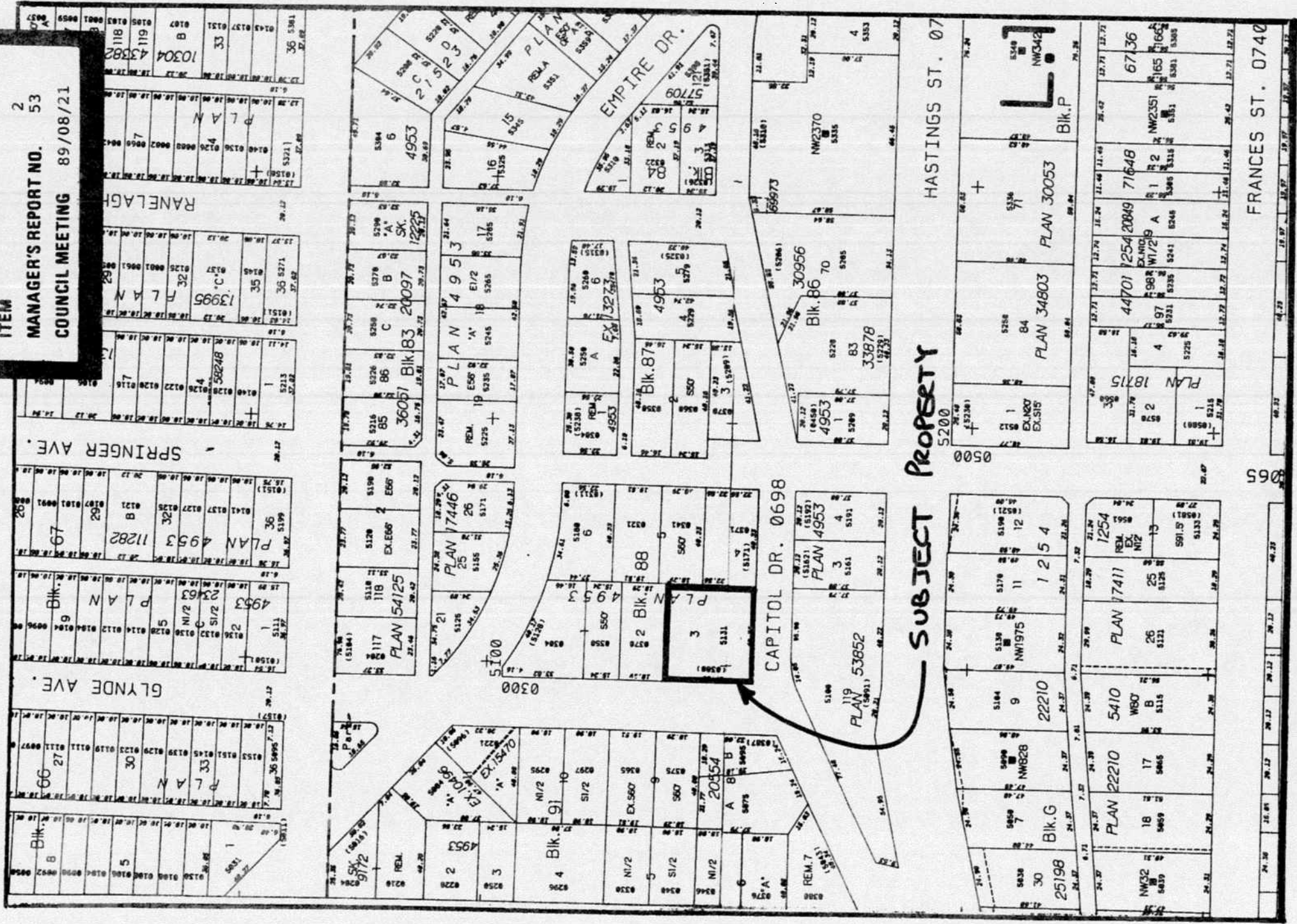
It should be noted that the matter of determining and implementing methods of controlling building heights to protect views is currently in the research stage. A report will be submitted to Council for consideration in the early fall.

*FRM*  
FRM/jce  
Attach.

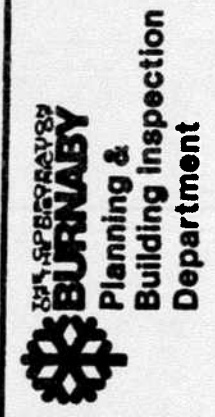
  
A. L. PARR  
DIRECTOR PLANNING &  
BUILDING INSPECTION

cc: Chief Building Inspector  
Subdivision Technician

ITEM  
 MANAGER'S REPORT NO. 2 53  
 COUNCIL MEETING 89/08/21



Date 1989 AUG.  
 Scale 1:2000  
 Drawn By



5131 CAPITOL DRIVE

