

ITEM 2  
MANAGER'S REPORT NO. 9  
COUNCIL MEETING 89/01/30

RE: HOUSE AT 5170 BOUNDARY ROAD ENCRDACHING ON THE ROAD RIGHT-OF-WAY

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1989 JANUARY 25

FROM: DIRECTOR PLANNING &  
BUILDING INSPECTION

SUBJECT: HOUSE AT 5170 BOUNDARY ROAD ENCRDACHING ON THE ROAD RIGHT-OF-WAY

PURPOSE: The purpose of this report is to obtain Council direction regarding a house that is encroaching on Boundary Road and impeding completion of construction presently taking place.

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**RECOMMENDATION:**

1. THAT the Municipal Solicitor be authorized to meet with the owner of a house at 5170 Boundary Road to negotiate a possible shared cost approach for the relocation of the house approximately 30 feet eastward on the lot.

**R E P O R T**

**1.0 BACKGROUND**

The reconstruction of the Boundary Road is well advanced in the area north of Price Street and a situation has arisen with regard to an existing old house at 5170 Boundary just north of Price Street which encroaches on the road right-of-way. The house has a large veranda around three sides and the front portion of this veranda is on top of the road for a distance of approximately 12 feet.

This house was at one time a farmhouse situated on a large holding on this site. In the 1950's the balance of the land was subdivided and the road dedication for the widening of Boundary was obtained, however the house has encroached on the road right-of-way for many years. From a legal point of view the responsibility to remove the encroachment rests with the owner. To date the owner has cooperated with the Municipality

to the degree that he has removed a set of stairs that were obstructing the first phase of the road construction work. However it is still necessary to remove the remaining encroachment within the right-of-way to permit the necessary sidewalks and retaining walls to be constructed. Presently as much work as possible is being done around the property.

## 2.0 EVALUATION OF THE HOUSE

The future of the house was raised in discussion at a Heritage Advisory Committee meeting as this house is one of those listed in the 1985 study of Burnaby conducted by the Burnaby Historical Society titled "Windows to Burnaby's Past" (refer attached photos). The house dates from the 1908-1912 period and is identified as being a farmhouse. A review of the architectural significance of the building by a consulting heritage conservation architect was commissioned by this department. He advises that the house is a good example of an "Edwardian Builder Style" or "Classic Box" and appears to be in good condition. The visible siting of the house, the large size and proportions and the basic retention of the unique original design provide the building with architectural significance in the opinion of the consultant.

## 3.0 POTENTIAL COURSES OF ACTION

- 3.1 It would be possible to issue an order for the owner to remove the veranda which encroaches onto the road by either demolishing the veranda or by moving the entire structure back on the foundation. The option of demolishing the veranda and relocating the main door, steps and electrical service is estimated by the Director Engineering to cost \$8,000 approximately. This would tend to destroy the architectural merit of the building and would leave the house directly adjacent the busy road with no setback.
- 3.2 A second option is to move the house back approximately 30 feet onto a new basement foundation at an estimated cost of approximately \$33,000. This would improve the house in that better siting and a new full height basement could be provided and a front yard setback would be achieved.
- 3.3 A third option is to negotiate to purchase the entire house and lot, demolish the house and sell the vacant lot. This option is not only very costly due to the size of the house, it results in the total loss of the building.
- 3.4 A fourth option is to allow the house to encroach for the lifetime of the structure. This option has been studied in detail and it has been concluded that it is not desirable due to the costs of additional retaining walls, the problems with sidewalk space, the break in the acoustical fence, the precedent problem in that all other property owners in the area have removed all other works on the right-of-way, the proximity of the house to the travelled portion of the road, and the awkward existing siting and appearance of the house and the streetscape resulting from the present siting.
- 3.5 A fifth option is to negotiate some financial contribution from the Municipality towards the cost of moving the house back onto a new foundation. If the Municipality were to make a contribution toward moving costs in order to preserve the architectural integrity of the house then it would be appropriate to obtain the owner's consent to having the house designated by Council as a heritage building under the terms of the Heritage Conservation Act that would limit the owner's rights in altering the exterior of the building as long as the building remains designated.

There are presently no funds specifically allocated for this purpose within the 1988-1992 Capital Budgets and would have to be allocated from Capital Contingency.

ITEM	2
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COUNCIL MEETING	89/01/30

4.0 CONCLUSIONS

In light of the options available staff propose that an effort be made to negotiate some arrangement to relocate the house. The majority of the benefits of relocation primarily accrue to the owner in that a setback from Boundary Road could be provided, while the community enjoys some unquantifiable benefits through the preservation of the building.

Should negotiations be unsuccessful then the most acceptable remaining option is to require the removal of the encroaching portion of the building from the road.

Should Council authorize staff to discuss this matter with the owner, a further report will be prepared prior to any final agreement being reached.



A.L. Parr  
DIRECTOR PLANNING &  
BUILDING INSPECTION

BR/JSB:je  
Attach.

cc: Municipal Solicitor  
Director Engineering  
Director Finance  
Director Administrative & Community Services  
Heritage Advisory Committee

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MANAGER'S REPORT NO. 9  
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BURNABY HISTORICAL SOCIETY  
HERITAGE ADVISORY COMMITTEE.

FILM ROLL and PRINT NUMBER  
108

12 - 07

INVENTORY FORM:  
Houses, Buildings,  
Structures, Sites,  
Natural Features, etc.

ADDRESS 5170 Boundary Road

LEGAL DESCRIPTION DL.35 BL.11 L.8 PL.16621

NAME \_\_\_\_\_

LOCAL AREA 1b Central Park

CURRENT ZONING \_\_\_\_\_

CURRENT OWNER(S) Mr. and Mrs. Smith

ADDRESS (ES) \_\_\_\_\_

CURRENT USE Residence

DATE \_\_\_\_\_

Exact \_\_\_\_\_

Period 1908-1912

REMARKS

Appearance Original

\_\_\_\_\_

\_\_\_\_\_

Condition Good

\_\_\_\_\_

FORM and/or STYLE \_\_\_\_\_

Classic Box with verandah on three sides

HISTORY (Original architect, builder, owner, use, significance etc.) \_\_\_\_\_

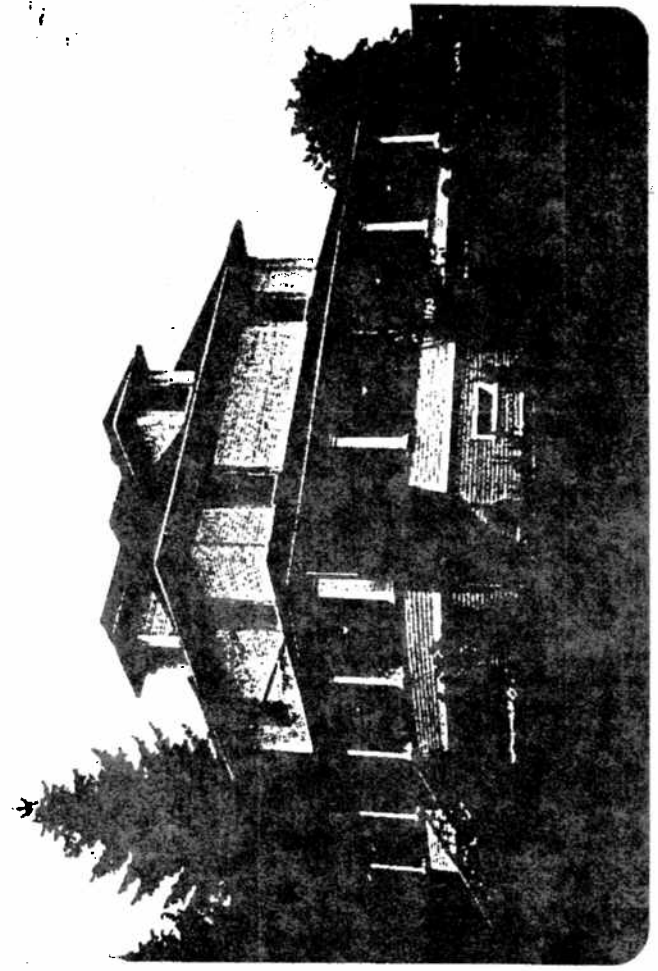
~~Originally a farm house dwelling~~

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\_\_\_\_\_

PRESENT USE/USEABILITY \_\_\_\_\_

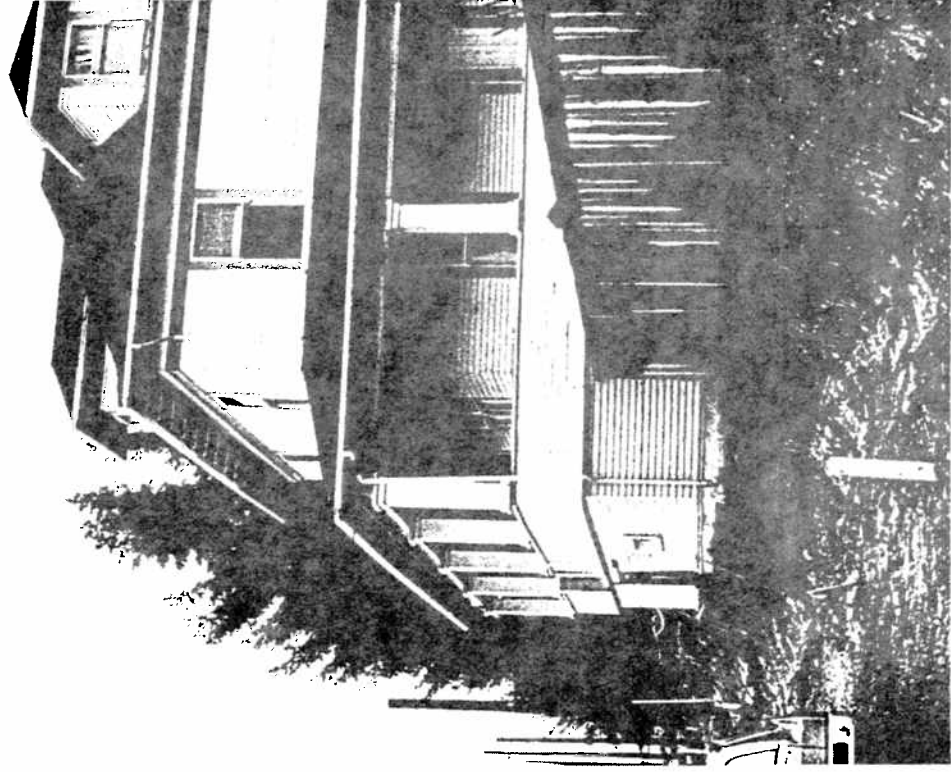
FROM WINDOWS TO EUNAEY'S PAST  
1985 SKETCH A



ITEM 2  
MANAGER'S REPORT NO. 9  
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Figure 1: View of 5170 Boundary Road looking north east.



NOTE:  
FENCE LOCATION  
APPROXIMATES  
PROPERTY  
LINE

109

1988 DEC

Figure 2: Detail of porch and road works. SKETCH 2

