

RE: REZONING REFERENCE NO. 42/89
404 N. HYTHE AVENUE

ITEM
MANAGER'S REPORT NO. 6
COUNCIL MEETING 19 90/03/12

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER DATE: 1990 MARCH 06

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: REZONING REFERENCE #42/89
404 N. HYTHE AVENUE
(SEE ATTACHED SKETCH)

PURPOSE: TO PROVIDE COUNCIL WITH INFORMATION ON THE RESULTS OF THE
DISCUSSIONS BETWEEN THE APPLICANT AND THE AREA RESIDENTS.

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RECOMMENDATION:

1. THAT Council receive this report for information purposes.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 On 1990 January 22, Council tabled Final Adoption of Rezoning Reference #42/89 in order to allow the applicant and the area residents to meet with staff to discuss the residents' concerns regarding this rezoning. Since that time, staff have met with the applicant, his architect and two representatives of the area residents twice to discuss the residents' concerns. Subsequent to these meetings, the applicant has applied to the Board of Variance and been granted two variances to the Zoning Bylaw in an attempt to address certain concerns of the area residents.

This report provides Council with a summary of the area residents' concerns and the resultant changes which have been made to the plan of development.

2.0 GENERAL DISCUSSION:

- 2.1 As noted above, since the tabling of this rezoning, Planning and Building Inspection Department staff met with the applicant, his architect and area residents twice. After the first meeting the applicant attempted to address the residents' concerns through altering the plan of development. After reviewing the amended plan of development at the conclusion of the second meeting, it was clear that the applicant has been able to accommodate some of the residents' concerns. However, a number of issues remained unresolved and the area residents continued to be unsupportive of this rezoning.

Subsequently, the applicant chose to apply to the Board of Variance for a variance of the Zoning Bylaw on the height of the revised dwelling and its rear yard setback, in order to further address specific concerns of the area residents. On 1989 March 01 the Board of Variance granted both requested variances to the Zoning Bylaw.

2.2 The following is a summary of the significant points of discussion between the applicant and the area residents and the resultant changes:

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- A) The residents were concerned about the degree of view obstruction and sun shading the proposed dwelling would have on the properties to the north and northeast along North Hythe Avenue. Upon applying to the Board of Variance and being granted the requested variance, the applicant was able to show the dwelling sited 5 feet closer to the rear property line, with a 25 foot rear yard setback. The dwelling is also sited two feet further to the southwest, with the garage to be sited one foot to the southwest.
- B) In response to concerns by area residents regarding sun shading and the overall massing of the structures on the north side of the site, the parapet on the garage has been reduced by one foot and the garage elevation has been dropped by six feet. Arising out of the alterations to the siting of the structure, in which the dwelling was moved up the slope of the site, and the need for the applicant to maintain wheelchair access from the garage, at its lowered elevation, the height of the dwelling increased by three feet to 31.6 feet. The Board of Variance supported the necessary two foot variance for dwelling height.
- In response to these proposed changes, three adjacent neighbours wrote to the Board of Variance expressing their general support for the requested siting and height variance.
- C) The area residents also requested that the overall gross floor area of the dwelling be reduced. The area to be eliminated was not necessarily required to be floor area which contributes to the visible bulk of the dwelling. In response, the applicants' architect amended the plan of development to indicate an area approximately 200 sq. ft. in size would be changed to crawlspace, which is not included in gross floor area. This space was formerly intended to be utilized as a darkroom.
- An area resident who spoke to the issue of the overall gross floor area of the dwelling at the two meetings indicated that he was not satisfied and that he hoped that the gross floor area of the dwelling would be reduced by at least 380 sq. ft.
- D) As well as the alterations to the plan of development, the residents requested that the applicant enter into a restrictive covenant verifying that the proposed dwelling will not be used as a two-family dwelling or a multiple-family dwelling. While the Planning and Building Inspection Department would consider such a covenant to be redundant due to the existing legal limitations placed on the use of the property by the Zoning Bylaw, this Department indicated it would not object to the applicant and the Municipality entering into such a covenant.
- The applicant agreed to enter into the covenant and once the Municipal Solicitor prepared the covenant documents, the covenant was executed by the applicant and the Municipality and will be deposited at the Land Title Office upon Final Adoption of the rezoning being given.

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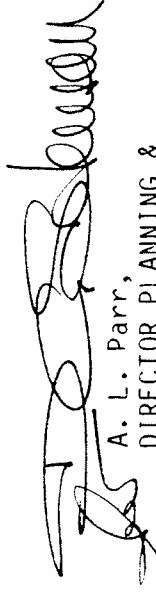
3.0 CONCLUSION:

3.1 Since Council tabled Final Adoption of Rezoning Reference #42/89, staff have met with the applicant, his architect and area residents on two occasions and the applicant has applied to the Board of Variance for variances on the R2 (and R2a) District rear yard setbacks and building height restrictions. Arising out of these discussions and the favourable Board of Variance rulings, the applicant has made some revisions to the plan of development, as noted above and entered into a restrictive covenant regarding the use of the property.

Rezoning Reference #42/89 appears elsewhere on this agenda as Item 1 under Tabled Matters.

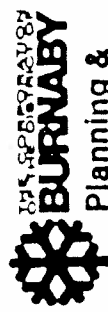
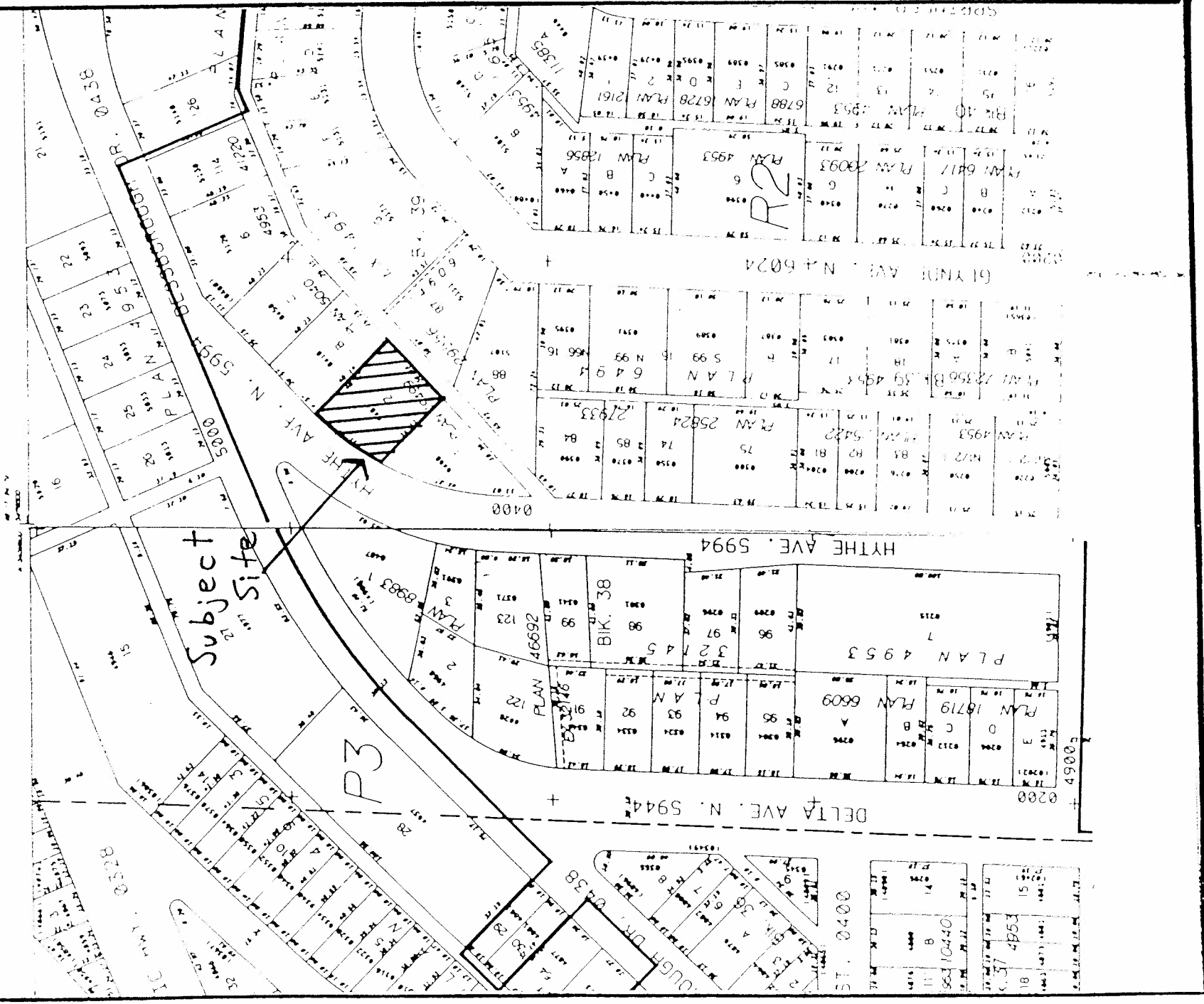
AP
BW/ds

cc: Municipal Clerk


A. L. Parr,
DIRECTOR PLANNING &
BUILDING INSPECTION

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BURNABY
 Planning &
 Building Inspection
 Department

Date 1990 Feb.
 Scale 1:2000
 Drawn By

Rezoning Reference # 42/89

