

ITEM	05
MANAGER'S REPORT #	02
COUNCIL MEETING	96/01/15

**TO:** CITY MANAGER 1996 JANUARY 09

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 3711 PETER STREET, BURNABY, B.C.

**PURPOSE:** To respond to a petition regarding an unauthorized deck enclosure at the subject address.

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**RECOMMENDATION:**

- 1) **THAT** a copy of this report be sent to the petitioners, Julia and George Lin, 3711 Peter Street, Burnaby, B.C. - V5J 1N5.

## REPORT

### 1.0 BACKGROUND:

At its meeting on 1996 January 08, City Council received a petition requesting that the property owners be allowed to retain an unauthorized enclosure of a roof deck on the second storey of their single family dwelling at 3711 Peter Street in Burnaby. This report addresses that petition.

### 2.0 THE COMPLAINT:

On 1995 December 15, the Building Department received a complaint from a resident in the neighborhood of 3711 Peter Street. The house at 3711 Peter Street had been constructed approximately three years before and the design originally approved for the single family dwelling had provided for a balcony on the second floor, covered and enclosed on three sides, that was not included in the allowable floor space. The complaint concluded that the present owners had now enclosed this balcony area thereby exceeding the allowable floor area in an apparent violation of the Zoning Bylaw.

### 3.0 INSPECTION AND REVIEW:

On 1995 December 27, a Building Inspector visited the property at 3711 Peter Street and confirmed that the deck area in question had been enclosed without the City's approval. At the time of that inspection, the Building Inspector left a written notice with the property owner advising them to remove the unauthorized enclosure and to return the deck area to its original form within two weeks.

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On 1995 December 28, the owners attended the office of the Building Department and reviewed the status of their deck enclosure with the Senior Building Inspector. At that time, it was confirmed that by enclosing the deck the owner had caused their single family dwelling to exceed the permitted above ground maximum floor area for that zone.

**4.0 CONCLUSION:**

Staff of the Plan Checking Section of the Building Department have reviewed the approved plans on file and have confirmed that when the house was built, it was eight square feet less than the maximum above ground floor area permitted. Enclosing the deck has increased the floor area by 124 square feet and the single family dwelling is now 116 square feet larger than allowed by the bylaw.

The jurisdiction of the Board of Variance does not allow it to vary development densities specified by a land use bylaw. As a result this matter can not be referred to that body.

In order to comply with the City's bylaws, the property owners will have to remove the unauthorized enclosure. Staff will work with them to bring the building into compliance.

This is for the information of Council.



D. G. Stenson, DIRECTOR  
PLANNING & BUILDING

DWM:ap

cc: Chief Building Inspector