

ITEM	01
MANAGER'S REPORT #	03
COUNCIL MEETING	96/01/22

TO: CITY MANAGER 1996 JANUARY 15

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 23 S. HOWARD AVENUE, BURNABY, B.C.

PURPOSE: To respond to delegation regarding the unauthorized conversion of the crawl space at 23 S. Howard Avenue, to habitable living area.

RECOMMENDATION:

- 1) **THAT** a copy of this report be sent to Ante and Sonja Pocrnic at 23 S. Howard Avenue, Burnaby, B.C., V5B 3P4.

R E P O R T

Appearing on the agenda for the 1996 January 22 meeting of Council is a request for a delegation to be heard in connection with the floor area of the building at 23 South Howard Avenue.

The following background is provided for Council's information in this regard.

1.0 BACKGROUND:

In April 1993, a building permit was issued for construction of a single-family dwelling at the captioned address. This permit was issued based on submitted plans showing a two storey home on a crawl space with a partial cellar. The maximum permitted Gross Floor Area applicable to this property was 2,413.4 sq. ft. and the total areas approved on the basis of the submitted design was 2,344.2 sq. ft.

On 1995 August 15, the Building Department received a complaint that the crawl space at 23 S. Howard Avenue was being excavated and converted to habitable living space.

After several unsuccessful attempts, the Building Inspector was able to carry out an inspection of the premises on 1995 October 20 and confirm that the crawl space had been completely excavated and converted into two bed rooms, a rec room and a 3-piece bathroom. At that time, the Inspector gave the property owners a written notice advising them to convert the floor area in the basement back to crawl space as it had been originally constructed in 1993.

On 1995 October 23, Supervisor , Building Inspections, sent a letter to the property owners advising them to either submit construction plans of the converted crawl space area to the Plan Checking Division to determine whether or not a building permit could be granted, or alternatively, remove all unauthorized construction and to call for re-inspection by 1995 November 15.

On 1995 November 09 and 1995 December 07, the owners attended the office of the Building Department to discuss this situation with building permit staff. On both occasions, staff explained that the house now exceeded the allowable gross floor area and that the area in question would have to be converted back to crawl space in order to comply with the Burnaby Zoning Bylaw.

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 69 sq. ft. less than the maximum gross floor area permitted. Excavating the crawl space and converting it to habitable space has increased the floor area by 694 sq. ft. The resulting gross floor area of the single family dwelling is now 625 sq. ft. larger than allowed by the Zoning Bylaw.

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

There have been several instances in the past where unlawful excavations of crawl spaces have been reported and the owners have been required, by law, to return the building to its approved condition in order to restore compliance with the City's density regulations for single family dwellings in the residential areas.

In order to comply with the City bylaws, the property owners will have to restore the crawl space to its previously approved condition. Staff will work with Mr. and Mrs. Pocrnic to obtain compliance.

This is for the information of Council.


D. G. Stenson, DIRECTOR
PLANNING & BUILDING


DWM:jk/ap

cc: Chief Building Inspector