

Item	7
Manager's Report No.	07
Council Meeting	97/03/03

TO: CITY MANAGER 1997 FEBRUARY 24

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 8336 MAPLE TREE LANE (SRDANOVIC)
LOT 216, D.L. 175, PLAN 46222

PURPOSE: To provide Council with information relating to a presentation submitted by Mr. Kenneth Anderson, appearing as a delegation at the 1996 December 16 Council meeting.

RECOMMENDATIONS:

- 1) **THAT** a copy of this report be sent to Mr. Anadelko Srdanovic, 8336 Maple Tree Lane, Burnaby, B.C. - V5J 5B3
- 2) **THAT** a copy of this report be sent to Mr. Kenneth Anderson, 1786 Western Drive, Port Coquitlam, B.C. - V3C 2X7.

REPORT

1.0 BACKGROUND:

At the regular Council Meeting held on 1996 December 16, Council received a presentation from Kenneth Anderson responding to staff's request that Council initiate a Section 750.1 Notice in the Land Title Office for 3867 Marine Drive, Burnaby, B.C.

On Page 2 of the presentation, Mr. Anderson lists five offences which he alleges have been created by Mr. Srdanovic, the property owner of 8336 Maple Tree Lane, located adjacent to Mr. Anderson's property at 3867 Marine Drive.

Council adopted staff's recommendation that the City Clerk file a Notice in the Land Title Office for 3867 Marine Drive, Burnaby, B.C., and directed that staff prepare a report on the allegation submitted by Mr. Anderson with respect to 8336 Maple Tree Lane.

2.0 8336 MAPLE TREE LANE - (SRDANOVIC):

The subject property is located in Residential District (R2) which permits single family dwellings and accessory buildings and uses. The property owners, Mr. and Mrs. Srdanovic, live on the property.

The adjoining property to the south and east of 8336 Maple Tree Lane is located in Residential District (R2). The adjoining property to the north of 8336 Maple Tree Lane is located in the Park and Public Use District (P3). Director Planning and Building advises that 8336 Maple Tree Lane is not in the Parkland Acquisition program.

3.0 PREVIOUS COMPLAINTS:

Mr. Anderson's 1996 December 16 presentation to Council suggests a history of unresolved complaints reported to the City which date back to 1987. However, a review of Engineering Department, Licence Office and Recreation and Cultural Services records have not revealed any previously recorded complaints concerning the subject property.

A review of Building Department records confirms that a written complaint was submitted by Mrs. Anderson on 1988 January 04 concerning an unauthorized suite at 8336 Maple Tree Lane. Staff carried out an inspection of the premises and ordered the owners to remove an unauthorized range and the associated wiring. On 1988 May 30, staff re-inspected the premises and found them to be in compliance with Burnaby Zoning Bylaw No. 4742.

A further complaint was received on 1988 January 25 concerning the unauthorized construction of an attached greenhouse. Discussion regarding this matter follows below.

4.0 CURRENT STATUS:

Engineering Department staff conducted a survey of the subject property on 1997 January 09. As a result of that survey, it was determined that the property owner has landscaped and maintained a portion of the City property north of 8336 Maple Tree Lane, resulting in several relatively minor encroachments.

Mr. Anderson alleges that Mr. Srdanovic has constructed an 8' x 10' smoke house on City property. During inspections carried out on 1997 January 09 to February 04, staff found no evidence of a smoke house on the subject property or on the adjoining City property. Staff did note a vacant 60 sq.ft. accessory building in poor condition situated at the rear of the property which has since been removed.

Mr. Anderson claims that cars, boats, lumber and other construction materials are permanently stored on City property. During inspections carried out 1997 January 09 to February 04, staff found no evidence of these items encroaching onto City property. Staff have requested that a woodpile and barbeque be relocated which are encroaching onto City property and will follow up within a reasonable time frame. Mr. Anderson states that a large greenhouse was built to the edge on the south side of Mr. Srdanovic's property.

The owner has constructed a 107.2 sq.ft. attached greenhouse in the south side yard which observes a zero side yard setback where 5'6" is required.

Staff have again reviewed this matter with the City Solicitor as a result of Mr. Anderson's recent complaint. The City Solicitor does not recommend an action to compel bylaw compliance, given that the size and unsubstantial nature of the construction does not present a safety concern.

Mr. Anderson advises that the property owner has constructed an outbuilding on the edge of the ravine which is wired with electricity. Staff confirm that the owner has constructed a small accessory building in the rear yard of his property. An inspection conducted by Building Department staff on 1997 January 24 confirms that the owner has terminated the electrical wiring to the building.

Mr. Anderson expresses concern that the property owner has constructed a cement ditch at the rear of his property which is used to drain automotive oil into Kaymar Creek. Recreation and Cultural Services staff and Engineering Department staff have inspected the property and surrounding area and confirm that the property owner has constructed a cement surface which is encroaching onto City property. Staff further report that there is no evidence of drainage into the creek or surrounding area causing environmental concerns.

Finally, Mr. Anderson suggests in his 1996 December 16 presentation that the installation of two "No Parking" signs in front of his property is in Mr. Anderson's words, "a heavy-handed tactic by staff" directed at himself. The Director Engineering advises that in response to a 1996 November 19 request from a Burnaby resident, Engineering Department staff carried out an inspection and determined that on-street parking obscured the view of oncoming traffic for motorists exiting onto Marine Drive. It was as a result of this review that "No Parking" signs were installed in front of the three adjoining properties: 8349 Greenall Avenue, 3885 Marine Drive and Mr. Anderson's property at 3867 Marine Drive. Therefore, we can confirm that the placement of the signs was prompted by a citizen traffic safety request and was not directed specifically at the property owned by Mrs. & Mrs. Anderson.

CONCLUSION:

The Acting Director, Recreation and Cultural Services, advises that the encroachments are minor enough as to not cause any environmental or safety concerns. The area, known as Kaymar Creek Ravine Park, is designated to remain in a natural state with no proposed trail or development plans in the future.

Recreation and Cultural Services and the Engineering Departments have been made aware of the information in this report and concur with its content. Staff will install a "No Dumping" sign to clearly identify ravine park property.

In accordance with the long standing direction of Council, the Building Department responds to written complaints from Burnaby residents on the matter of unauthorized suites. Based on the foregoing policy, Mr. Anderson's recent complaint of an unauthorized suite at 8336 Maple Tree Lane will not be pursued.

Staff have reviewed Mr. Anderson's allegations and are satisfied that they have been addressed to adequately reflect the interests of public health and safety. Unless otherwise instructed by Council, staff propose to take no further action at this time regarding Mr. Anderson's complaints.

With respect to Mr. Anderson's property at 3867 Marine Drive, inspections were conducted on 1996 December 24 and 1997 January 13 at Mr. Anderson's request. As the outstanding Building Code issues have now been remedied, staff will not proceed with filing a Section 750.1 Notice in the Land Title Office.



D.G. Stenson, DIRECTOR
PLANNING AND BUILDING

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cc: Deputy City Manager, Corporate Services
Director Engineering
Director Finance
Acting Director, Recreation and Cultural Services
City Clerk
City Solicitor
Chief Building Inspector