

TO: CITY MANAGER 1998 September 03

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: **3887 PIPER AVENUE, Burnaby, B.C.**
North ½ Lot 4, Block 4, D.L. 42, NW District, Group 1, Plan 9505

PURPOSE: To provide information in response to questions raised at the Council meeting of 1998 August 24 concerning the subject property.

RECOMMENDATION:

1. **THAT** this report be received for information purposes.

REPORT

1.0 **Background:**

At the "In Camera" Council meeting of 1998 January 07, Council adopted a report from the City Solicitor which recommended that staff be authorized to commence legal proceedings against the owner of the property at 3887 Piper Avenue to enforce a "Stop Work" order issued by the Chief Building Inspector. That report noted that the unresolved drainage and water infiltration problems associated with the construction were a breach of the Building Bylaw and the Building Code, and that the situation may over time affect the structural integrity of the building with resultant safety concerns that could lead to the deterioration of building materials and have possible health implications for the occupants.

As a result of the adoption of that report the City Solicitors are proceeding with the legal action necessary to obtain an injunction to halt the construction.

Prior to the City being able to obtain the necessary injunction required to enforce the Bylaws, it was brought to staff's attention that the property owner was planning to sell the property. In order to alert potential third party purchasers of the outstanding legal action relating to the property, Council at the 1998 August 10 regular meeting, received a report from the Director Planning and Building. This report recommended the City Clerk be directed to file a notice in the Land Title Office stating that a resolution relating to the land at 3887 Piper Avenue had been made under Section 700(1)(b) of the Municipal Act. Council received that report and subsequently tabled it in order to allow the property owner to appear as a delegation before Council to address the issues raised in the report.

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At the regular Council meeting of 1998 August 24 the property owner appeared as a delegation to address the issues raised in the report and as a result of that delegation Council requested additional information regarding the flow of water on the subject property. This report provides additional background information relating to those questions.

2.0 Additional Information:

The attached drawings, A 475a, A475b, and A475c illustrate how changes to the topography in the area of 3887 Piper have altered the drainage pattern over the years resulting in the current drainage concerns on the property.

A475a:

As this drawing indicates, an existing natural channel entering from the northeast was filled in 1967 and another existing channel, which flowed out of the property at 3887 to the south was filled in 1972. In 1972 and 1973 the existing natural swale which enters the property on the northwest corner was diverted to a storm sewer at the southeast corner of the property. This was the situation that existed when the current owner purchased the property in early 1997.

A475b:

During the spring and summer of 1997 the current owner raised the western portion of his property, making it higher than the surrounding properties to the west and south. The natural drainage patterns in the area continued to carry water towards the west and south boundaries of 3887 Piper and the natural swale to the north of the property continued to carry water in from the north, moving it in an easterly direction across the northern portion of the property.

These actions by the property owner interrupted natural water patterns and caused flooding on adjacent properties. Natural drainage from 3885, 3971 and 3931 Piper Avenue no longer had access to the previously existing swale. In addition, the diverted swale on 3887 Piper Avenue was constructed without an outfall. These combined actions led to flooding in and around 3887 Piper during last winter.

A475c:

In the spring of 1998, the property owner at 3887 Piper placed additional fill on the southwest corner of his property and added a small drainage pipe along the southern edge of the property which helped to eliminate some of the water buildup along the property line between 3971 and 3887 Piper. This does not resolve the problem of the natural drainage which continues to run onto the property from the northwest corner. Since this natural drainage has no avenue of escape from the property it continues to build up along the northern portion of the property and, during wet periods, has the potential to flood field drains around the house on the property.

3.0 Present Situation:

The general area surrounding 3887 Piper Avenue is a low point which collects water from the uphill slope as far north as Government Road. There is also a series of ditches which are part of the natural drainage area which are not being properly drained and could cause flooding to a number of the neighboring properties.

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Re: 3887 Piper Avenue, Burnaby, B.C.

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Page 3.

The drainage ditch or low lying area on the subject property is part of a natural watercourse which collects water from surrounding properties and enters the subject property near the northwest corner where it tends to collect on the northern portion of the property. It has always been the position of City staff that this watercourse, or seasonal creek, would have to be relocated out of the building envelope and redirected to the sewer inlet at the southeast corner of the subject property.

The siting approval which formed the basis for the issuance of a building permit for a new house on the property was issued on the understanding that the watercourse in question was to be relocated to a new course through the property to the existing storm sewer inlet on 3931 Piper Avenue. It was as a result of this understanding that a building permit was issued on 1997 July 25.

4.0 Conclusion:

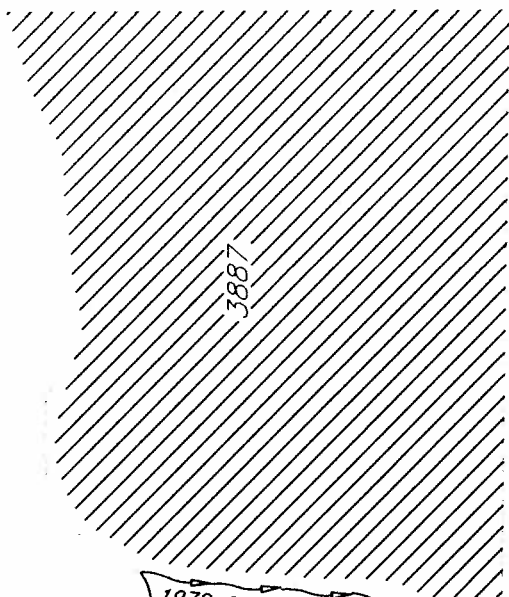
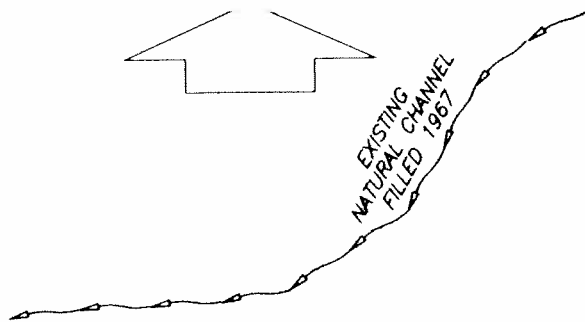
While construction of the new single family dwelling is virtually complete the watercourse has never been redirected, and as a result the potential for flooding remains a serious threat during rainy periods. In order to correct this situation, the natural drainage across the northern portion of the property must be redirected to the storm sewer at the southeast corner of the property. Until this work is complete, the Building Inspector cannot issue an occupancy certificate for the new single family dwelling which has recently been constructed on the property.



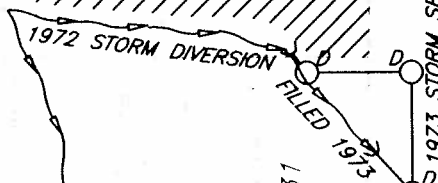
D. G. STENSON, Director
PLANNING AND BUILDING

DWM:mdw
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cc: City Solicitor
Chief Building Inspector
Director Engineering



3885



3971



1972 STORM SEWER

1967 STORM SEWER



EXTENT OF FILLING
BETWEEN 1967 to 1997

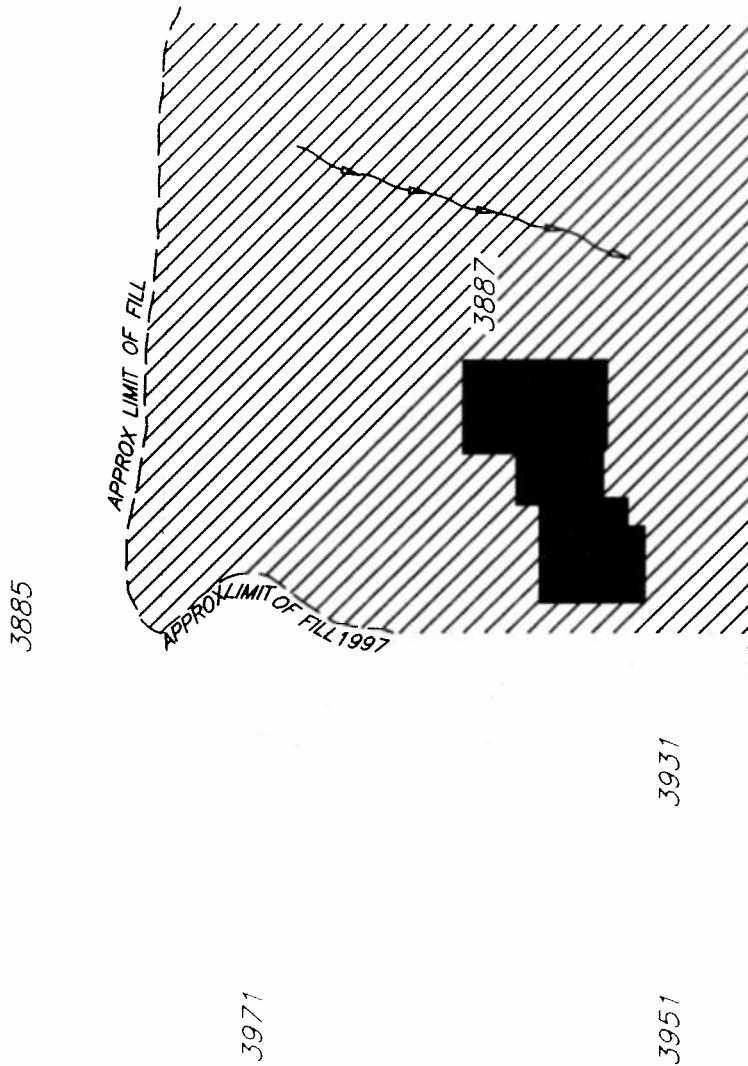
NO.	DATE	REVISION



**DRAINAGE & FILL HISTORY
FOR 3887 PIPER AVE
BETWEEN 1967 to 1997**

DRAWN BY: HLOUIE SCALE: N.T.S.
APPR'D BY: CDL DATE: 98-09-04

A 475a



EXTENT OF FILL

NO.	DATE	REVISION



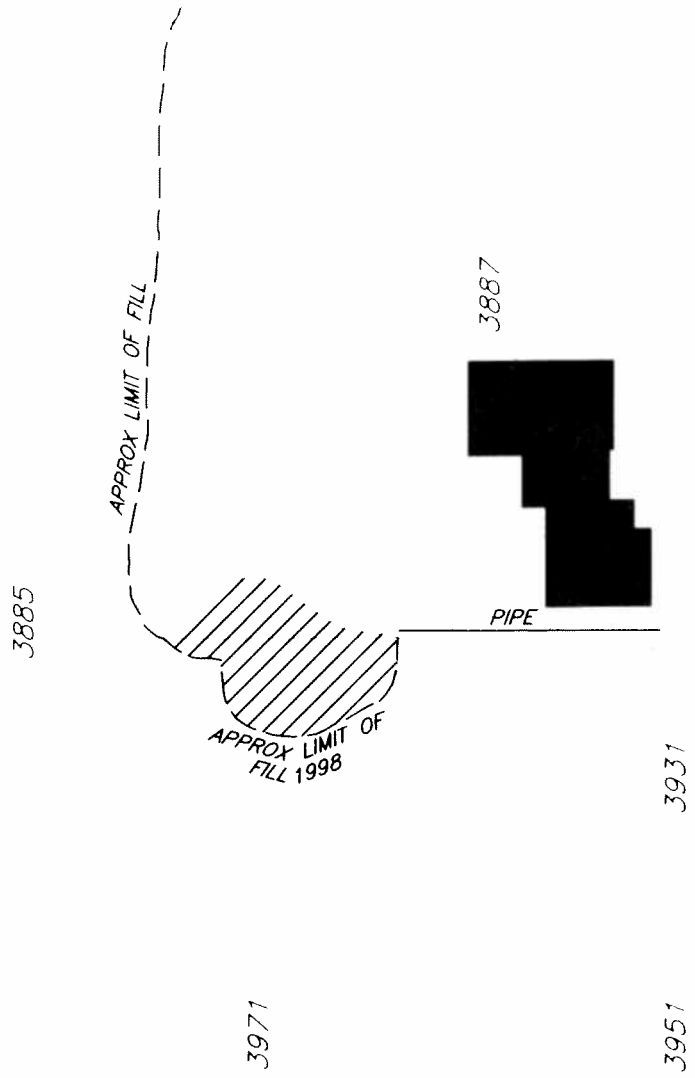
City of
Burnaby
ENGINEERING DEPARTMENT

DRAINAGE & FILL HISTORY
FOR 3887 PIPER AVE
SPRING / SUMMER 1997

122

DRAWN BY: HLOUIE	SCALE: N.T.S.
APPRV'D BY: CDL	DATE: 98-09-04

A 475b



NEW FILL TO RESOLVE
FLOODING ON 3971 PIPER AVE

NO.	DATE	REVISION

123



**DRAINAGE & FILL HISTORY
FOR 3887 PIPER AVE
SPRING 1998**

DRAWN BY: HLOUIE SCALE: N.T.S.
APPRV'D BY: CDL DATE: 98-09-04

A 475c