

CITY OF BURNABY

COMMUNITY PLANNING & HOUSING COMMITTEE

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

RE: PROPOSED AREA ZONING TO THE R4 DISTRICT

RECOMMENDATIONS:

1. **THAT** Council authorize staff to seek input on a proposed area zoning boundary adjustment in the 200 blocks of Howard and Ellesmere Avenues (as outlined in the attached map) to the R4 District so that the existing development is in greater conformance to the Zoning Bylaw.
2. **THAT** the rezoning of the City-owned lot at 5511 Capitol Drive known as "Tinkerbelle Corner" to the P3 (Parks and Public Use) District be included as part of the area rezoning process.
3. **THAT** a copy of this report be sent to Mr. Brent Chysyk, Park Georgia Realty Ltd., #216A-4501 North Road, Burnaby, B.C. V3N 4R7.

REPORT

The Community Planning and Housing Committee, at its meeting held on 1998 January 27, received the attached report responding to a request to rezone the 200 block of Ellesmere and Howard Avenues to the R4 District.

Respectfully submitted,

Councillor L.A. Rankin  
Chairman

: COPY - CITY MANAGER  
- DIRECTOR ENGINEERING  
- DIRECTOR FINANCE  
- DIR. PLNG. & BLDG.  
- DIR. PARKS, REC. & CULT. SERV.

Councillor C. Redman  
Member

Councillor J. Young  
Member

**TO:** CHAIRMAN AND MEMBERS January 22, 1998  
COMMUNITY PLANNING AND HOUSING COMMITTEE

**FROM:** DIRECTOR PLANNING AND BUILDING OUR FILE:

**SUBJECT: PROPOSED AREA ZONING TO THE R4 DISTRICT**

**PURPOSE:** To respond to a request to rezone the 200 block of Ellesmere and Howard Avenue to the R4 District.

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**RECOMMENDATION:**

1. **THAT** the Community Planning and Housing Committee recommend that City Council authorize staff to seek input on a proposed area zoning boundary adjustment in the 200 blocks of Howard and Ellesmere Avenue (as outlined in the attached map) to the R4 District so that the existing development is in greater conformance to the Zoning Bylaw.
2. **THAT** the rezoning of the City-owned lot at 5511 Capitol Drive known as "Tinkerbelle Corner" to the P3 (Parks and Public Use) District be included as part of the area rezoning process.
3. **THAT** a copy of this report be sent to Mr. Brent Chysyk, Park Georgia Realty Ltd., #216A-4501 North Road, Burnaby, BC, V3N 4R7.

**REPORT**

**1.0 BACKGROUND**

In August of last year, a petition was received by the Planning and Building Department signed by 9 of the 12 residents who live and own property on the 200 block of Howard Avenue (east side) and the 200 block of Ellesmere Avenue. This represents 75% of the residents in the subject area. The petition requested rezoning to the R4 District to allow subsequent subdivision of two lots on Howard Avenue into three lots.

Previously, the owners of 260 and 274 Howard Avenue had been the subject of a rezoning application to the R4 District in order to gain the ability to subdivide the properties into three

lots. The report on this rezoning concluded that it was inappropriate to rezone the subject single family residential lots on a spot zoning basis.

The report detailed the history of how the broader neighbourhood was rezoned to the R2 District to avoid individual lots being rezoned to the R9 District and subdivision occurring on an ad hoc basis. On June 28, 1993, Council adopted the recommendation not to give favourable consideration to the rezoning request.

Subsequently, in March 1997, the owners of the property once again applied for rezoning of 260 and 274 Howard Avenue to the R5 District. Once again, City Council did not give favourable consideration to the rezoning request based on the same reasons as the previous request.

The applicant now wishes to have the rezoning considered according to the City's policy framework for area rezoning of neighbourhoods. This report evaluates the proposed area rezoning on this basis.

## 2.0 THE SUBJECT AREA

The subject area, currently zoned R2 (Residential District) and R9 (Residential District), as shown in *attached* Map 1, is bounded by Capitol Drive to the south and east, Pandora Street to the north and Howard Avenue to the west. The area slopes significantly to the south. A small park with a commemorative plaque is located on a City owned property in the south-west corner of the area. The area contains a mix of small and large lots, ranging in widths from 36 feet to 78 feet with single family dwellings ranging from poor to good condition. There is also one legally non-conforming strata-titled duplex located on Howard Avenue. To the north of the area is a large neighbourhood characterized by small lots, while to the south are three storey apartments. To the west is a stable single family area characterized by bungalows in good condition.

Separated sidewalks are constructed on Howard Avenue and one side of Ellesmere Avenue and curb sidewalks are constructed on the other side of Ellesmere Avenue. Overhead wiring is located on both blocks.

## 3.0 THE REQUEST FOR AREA REZONING

In May of 1995, City Council approved a process for considering requests for area rezonings. One of the categories of area rezonings involve amendments to existing boundaries where the existing zoning of a site (or area) does not reflect the actual lot development pattern.

Following the receipt of a request, staff would evaluate the request in relation to the following criteria:

- ▶ at least 50% of the existing lots are not reflective of the current zoning category.
- ▶ that the proposed zoning category better reflects existing lot development.
- ▶ that the rezoning involves a realignment of existing zoning boundaries.

#### 4.0 REVIEW OF THE REQUEST

The request for an amendment to the boundary is evaluated according to the above criteria. The subject area contains 13 lots, one of which is designated for park use and should be zoned as such. Five lots have areas that are substantially smaller than the minimum of 7,200 square feet required of the R2 District and another two lots are under 6,000 square feet. One lot is developed with a strata-titled legally non-conforming semi-detached dwelling.

A rezoning of this neighbourhood to the R4 District would allow the subdivision of two lots on Howard Avenue into three lots with widths of about 43 1/2 feet. These lots would be generally consistent with the two 36 feet wide lots and one 76 feet wide lot on the balance of the block and the majority of the lots (36 feet wide to 66 feet wide) in the rest of the neighbourhood. The lot with the semi-detached building would also achieve subdivision potential under the R4 District, but due to the age of the building, the owner is unlikely to pursue subdivision in the foreseeable future.

The R4 District regulations reflect current development patterns better than the prevailing R2 District Zoning, reflecting in part, that the broader area was previously zoned R4. The upper density restrictions of the R4 District and the prevailing R2 District are the same; meaning that no property owner will lose development density, or no building will be rendered non-conforming by virtue of rezoning to the R4 District.

A site review showed that the development pattern and character of the houses in the subject area is remarkably different from the R2 area directly to the west. There is a much greater range in lot size and dwelling types and age in the subject area as compared to the homogenous area to the west. Physically, Howard Avenue acts as a boundary to the westerly neighbourhood, where there is a distinct change in road pattern. Both Pandora Street and Capitol Drive create boundaries to the west and north, accentuated by grade changes in the neighbourhood. Although the subject area is small, it shares enough similarities in development pattern to be considered distinct from the surrounding area.

## 5.0 DISCUSSION

Previously, the initiators of the area rezoning petition had, on two separate occasions, submitted applications to rezone their two lots to the R4 District and R5 District. These applications were not supported by Council because they represented spot zoning of two lots that had been rezoned previously to the R2 District to prevent ad hoc subdivision of small lots. Spot zoning also reduces the certainty and stability that zoning affords a neighbourhood.

Now, the applicants are attempting to achieve the same result (subdivision of their property) through an area rezoning process. Staff suggests that the proposal for area rezoning differs substantively from the previous spot zoning application on the following basis:

- ▶ 75% of the property owners have signed the petition in support of the proposed area rezoning.
- ▶ The proposed zoning to the R4 District better fits existing development patterns for the broader defined area.
- ▶ Even though the area is small, due to the existing development pattern, road pattern and roads, the area is distinct from the surrounding neighbourhoods.

On this basis, and given the fact that the request meets Council's criteria for an area rezoning review, staff suggest that this proposal merits further review in the context of an area rezoning process that would involve the normal consultation with the neighbourhood.

## 6.0 SERVICING

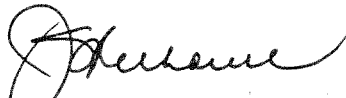
The subject area is serviced with curbs and sidewalks, overhead wiring and street lighting on hydro poles. Given the small number of new lots that can be created with the proposed rezoning, and the fact that sidewalks exist, the servicing is deemed to be sufficient for the area, and improvements at the lot development level can be pursued at the subdivision stage.

## 7.0 THE CITY OWNED LAND

If there is support for the area rezoning process and a formal rezoning process for the neighbourhood is initiated, then as a housekeeping measure, the City-owned property at the corner of Howard Avenue and Capitol Drive (Tinkerbelle Corner) should be rezoned to its appropriate P3 (Park and Public Use) designation.

## 8.0 RECOMMENDATION

It is recommended that the Housing Committee recommend that City Council authorize staff to seek input on a proposed area zoning boundary adjustment in the 200 blocks of Howard Avenue and Ellesmere Avenue (as outlined in the attached map) to the R4 District so that the existing development is in greater conformance to the Zoning Bylaw. It is also recommended that the City owned site at the corner of Holdom and Capitol Drive be included in the area rezoning so that it can receive the appropriate P3 (Parks and Public Use) designation.



B.G. Stenson, Director  
PLANNING AND BUILDING

BG/sk

cc. City Manager  
Director Parks, Recreation and Cultural Services  
Director Engineering  
Director Finance  
City Solicitor



