

TO: CITY MANAGER 1998 JULY 23

FROM: DIRECTOR PLANNING AND BUILDING OUR FILE: 16.300

SUBJECT: **4212 OXFORD STREET**

PURPOSE: To respond to the letter from Mrs. Mary Ranieri regarding the excavation of crawl space at 4212 Oxford Street.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to:

Mrs. Mary Ranieri
4212 Oxford Street
Burnaby, BC V5C 1E1

REPORT

1.0 BACKGROUND

Appearing elsewhere on the agenda of tonight's Council meeting is a letter from Mrs. Mary Ranieri of 4212 Oxford Street (see *attached* map) regarding excavation of a crawl space. Mrs. Ranieri is requesting that the City grant permission to turn part of the crawl space into a storage room.

The City became aware of the excavation of the crawl space at 4212 Oxford Street as a result of the submission of a written complaint. In early June, a Building Inspector inspected the subject premises and confirmed that a crawl space had been excavated without a permit. The owner was informed that any construction or alteration without a permit is a violation of the Burnaby Building Bylaw and requested to apply for a building permit by June 26, 1998 or alternatively, to reinstate the crawl space under the supervision of an Engineer and under building permit and arrange for re-inspection by July 27, 1998. To date, no action has been taken by the property owners.

2.0 THE MAXIMUM FLOOR AREA PERMITTED IN THE R5 DISTRICT

Considering that the property owner has not taken action, staff has reviewed the building permit file for 4212 Oxford Street to determine if there is an ability to convert the crawl space into floor space if the owner should apply for the requisite permits.

The subject dwelling was granted a building permit in October 1996 for the construction of a two storey on cellar single family house. The plans indicate 510 square feet of floor area in the cellar that is finished and three adjacent areas shown as crawl space. The plans and floor area calculations on file indicate that the building is built to the maximum 2,413 square feet permitted under the prevailing R5 (Residential District) zoning regulations. Therefore, unless floor area is removed elsewhere, it is not possible to convert crawl space into useable floor area.

3.0 CHANGES TO THE ZONING BYLAW IN 1991

In 1991, the City undertook a review that resulted in changes to the regulations affecting the size and shape of all single family houses. The changes controlled above grade building bulk and provided for some of the floor area to be provided in a cellar if one wished to maximize the allowable gross floor area. Previously, the entire floor area could be built above grade and in R5 areas, this typically resulted in two storey buildings on a slab. Now, often to maximize allowable floor area on smaller lots at least some of the floor area is put into the cellar with the balance of the lower level developed as crawl space. Floor area in cellars was counted as part of the maximum allowable floor area (Floor area ratio or FAR) both before and after this major bylaw change. Both then and now, if one wanted to develop a full cellar it was considered part of the allowable floor area.

It should be recalled that one of the options that was considered at that time was to lower overall allowable floor area for the dwelling and exempt cellar floor area from the total allowable FAR. However, it was felt by many of those consulted at that time was that this would "force" floor area into less desirable cellar areas. Also, it was pointed out by some residents that cellar floor area, especially in cases of sloping lots, does contribute to the overall building bulk and should be considered part of the allowable FAR. In past instances where the excavation of crawl spaces has led to excessive developed floor area, Council has informed property owners that the matter would need to be corrected to restore compliance with the bylaw.

4.0 CONCLUSION

The dwelling at 4212 Oxford Street is developed to the maximum allowable floor space and it appears that it is not possible to convert crawl space to additional floor area. Building Department staff will continue to pursue enforcement of the Building Bylaw as outlined in their letter to the owners of 4212 Oxford Street.



D.G. Stenson, Director
PLANNING AND BUILDING

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Attachment

cc: Chief Building Inspector

