

TO: CITY MANAGER

1999 March 19

FROM: DIRECTOR ENGINEERING
DIRECTOR PLANNING AND BUILDING

SUBJECT: **Delegation of Mr. & Mrs. Johal
5850 Elgin Place**

PURPOSE: To respond to the presentation made at the 1999 March 01 meeting regarding driveway access to the subject property.

RECOMMENDATION:

1. **THAT** a copy of this report be forwarded to Amarjit and Balinder Johal, 5850 Elgin Place, Burnaby, B.C. V5H 3R9.

REPORT

At the 1999 March 01 meeting of Council Mrs. Johal appeared and related the difficulty experienced in providing a workable means of vehicular access to a required on-site parking space on the property at 5850 Elgin Place. Following the delegation, Council requested a staff report on the situation. The following provides an outline of the physical circumstances that pertain to this site, the history of the owners' development of the present single-family dwelling on the property, and the avenues that have been explored to work out a solution to their problem.

The property in question is situated in a steeply-sloping residential neighbourhood overlooking Deer Lake. The access to the site, Elgin Place, itself presents a steep downhill grade, and the property (see *attached* Sketch #1) has a severe grade down from the east side of the cul-de-sac. The site also is served by a rear lane to the east, and the slope of the land up from the lane is also appreciable. As a result, development of the site presents a significant challenge in terms of both pedestrian and vehicular access.

The building permit application for the Johal's residence was made in 1995 and showed a single-family dwelling with a garage built into the south end, at ground floor level, with access to be taken from the front (the cul-de-sac). The building plans prepared by the designer then employed by the Johals provided the information necessary to calculate building height, finished grades, and determination of basement or cellar conditions, and also indicated grade elevations at the front property line.

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The drawings were circulated and reviewed in the normal fashion, and when it was determined that the design satisfied all the pertinent Bylaw requirements, the Building Permit was issued. The approved drawings were clearly stamped with a note that informed the applicant that: *"All work on the City road right of way, including surfacing or landscaping requires prior approval by the Director of Engineering."*

It should be pointed out that the City does not now, nor did it in 1995, regulate the grades of driveways on private property. While the Director Engineering has the authority to approve or not approve the location of driveway crossings that are requested, he does not regulate the gradient of driveways on private land, and in 1995 there was no requirement for Building Permit applicants to submit design information on driveway slopes and elevation. Since October 1996 the Building Department has distributed an informational brochure requiring submission of a site plan including location, width and elevations (slope) of driveways. The brochure also states that the driveway grade must be level from the curb or future curb to the property line. It recommends that the slope within private property not exceed 15%, but again, this is not a law.

When the residence was under construction in 1995 an Engineering Department Works Inspector observed work in progress within the Elgin Place cul-de-sac that was altering the grades of the public land beyond the edge of the interim cul-de-sac pavement. This work was not authorized (pursuant to the notation on the building plans) and would have not only affected the potential for future completion of the cul-de-sac to a finished standard with curbs and gutters, but would also have created storm drainage problems related to the cul-de-sac and the Johal's property. He had the property line located by survey, pointed out that the driveway could not commence its slope from the edge of the existing pavement within the public road right-of-way, and noted that to construct a driveway on a straight line from the property line directly to the garage would result in a particularly steep grade.

Our file indicates that a new designer then engaged by Mr. & Mrs. Johal came in to our offices during September 1995 to discuss the matter with Building staff. At that time staff identified several options:

- change the driveway configuration to reduce the slope (e.g. by increasing horizontal length)
- seek rezoning to allow a separate garage (additional GFA) to be built at the rear
- reduce cellar area by converting some space to crawl space to allow a separate garage at the rear.

The designer elected to pursue a rezoning request (to R4a) to allow additional area in a garage to be constructed at the rear. Staff recommended in favor of the application and the necessary Board of Variance appeal - both were granted and a revised Building Permit was issued.

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As we understand it, the Johals have since reconsidered due to the cost of retaining structures etc. involved in constructing a garage accessed from the lane, and because they consider it would be necessary to provide a second elevator to access such a garage as it would be below the basement level of the house. Consequently they have not proceeded in accordance with the plan of development approved in conjunction with the R4a zoning, but are seeking to have the City assist financially.

Staff have met with the owners' designer, on 1999 February 24, to explore any and all possible physical solutions that might exist as alternatives. All agree that the topography of this particular site is extraordinarily challenging, and as the Johals are not willing at this stage to disturb their front yard landscaping to provide a longer, reduced slope driveway from the lowest point on the street frontage, a possible course of action involving a parking space (or garage) at the north side of the house, adjacent an existing sewer right-of-way, was identified as the best remaining option. Such an approach, while it would still entail very steep gradients and the need for careful drainage design construction and maintenance, could be facilitated by cooperation with an adjacent neighbour whose driveway parallels the property line, or it could conceivably be created by driveway construction over the sewer. This type of solution would permit the on-site parking space to be constructed at or near grade level of the existing house. Construction of a garage, if desired, would require Council approval of an amendment to the existing Section 219 Covenant (part of the R4a zoning approval) and possible consideration by the Board of Variance, and would depend on careful attention to design and grading issues.

Staff have expressed a willingness to work with the Johal's designer if requested to determine the suitability of this approach, and we understand that the neighbour has indicated some receptivity to a cooperative joint driveway solution.

In summary, the owners have been seeking a more economical solution to the need for convenient on-site parking on this difficult lot, and staff have met to assist them in finding a possible alternative to what has already been approved. It is our intention to continue to assist their designer to ascertain whether the alternative described above can be achieved, if he is authorized to pursue this by the owners.

This is for the information of Council.



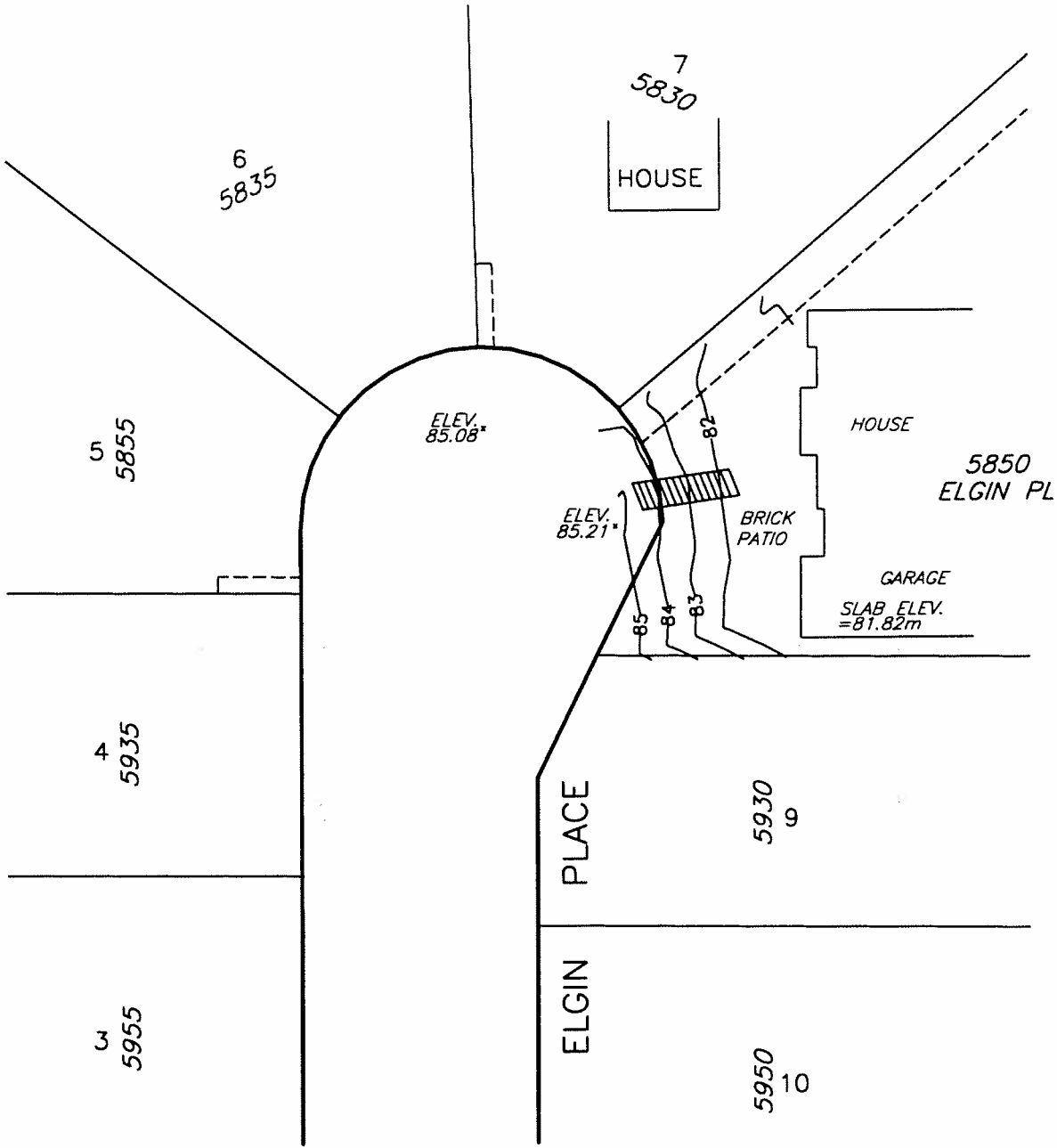
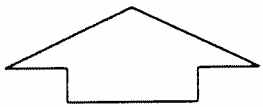
C. Sinclair
Director Engineering



D. G. Stenson
Director Planning and Building

Atts.

cc: Chief Building Inspector



LEGEND

85 CONTOURS

NO.	DATE	REVISION



SKETCH 1
5850 ELGIN PLACE

DRAWN BY: G.FUNK	SCALE: N.T.S.	A 500
APPRV'D BY: CDL	DATE: 99-03-22	