

**TO:** CITY MANAGER  
**FROM:** DIRECTOR PLANNING AND BUILDING  
**SUBJECT:** REZONING REFERENCE # 02-47  
Two-family Dwelling

2003 FEBRUARY 5

**ADDRESS:** 5042 Smith Avenue (see **attached** sketch)

**LEGAL:** Lot 1, D.L. 35, Group 1, NWD, Plan 1337

**FROM:** C1 Neighbourhood Commercial District

**TO:** R5 Residential District

**APPLICANT:** D.C.M. Projects  
7626 Burris Street  
Burnaby, B.C. V5E 1Z3  
(Attn. Bryan Bains)

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2003 March 18.

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**RECOMMENDATIONS:**

1. **THAT** a copy of this report be sent to the property owners at 5026 and 5042 Smith Avenue.
2. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2003 March 3 and to a Public Hearing on 2003 March 18 at 7:30 p.m.
3. **THAT** the following be established as prerequisites to the completion of the rezoning:
  - a. The deposit of sufficient monies, including a 4% Engineering Inspection Fee, to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
  - b. The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.

- c. The granting of the necessary covenant.
- d. The deposit of the applicable School Site Acquisition Charge.

## R E P O R T

### 1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to bring the zoning of the property into conformance with its current residential use and to permit the construction of a new two-family dwelling.

### 2.0 BACKGROUND

- 2.1 On 2003 January 27 Council received a report on an application to rezone the subject property from C1 Neighbourhood Commercial District to R5 Residential District in order to permit the construction of a two-family dwelling. The 2003 January 27 report included the following information:

The property has been utilized for single-family residential use for a considerable period of time and the proposed R5 District zoning of the property is in conformance with the prevailing zoning of the surrounding residential neighbourhood. It is also noted that there is a C1 Neighbourhood Commercial District zoned site nearby at 5010 Smith Avenue, which currently includes neighbourhood commercial uses and provides a sufficient neighbourhood commercial base.

The abutting property to the north is occupied by an older single-family dwelling in relatively poor condition. If the subject site were rezoned to R5 Residential District, the property at 5026 Smith Avenue would potentially be isolated between a newly developed R5 zoned property and the existing commercial development to the north. While the applicant has indicated that the owner of the property at 5026 Smith Avenue does not wish to have their property included in this rezoning, consideration must be given to the future redevelopment potential of that property. The property has a lot area of 404.7m<sup>2</sup> (4,356 sq. ft.) and a width of 10.06m (33 ft.). The R5 District requires a minimum lot area of 557.4m<sup>2</sup> (6,000 sq. ft.) and a minimum lot width of 15m (49.2 ft.) Therefore, the property at 5026 Smith Avenue cannot be rezoned to the R5 District in isolation. While it is legally possible for this property to be developed utilizing the C1 District, it is quite unlikely and impractical given the size

of the property. While this Department is generally supportive of the subject site being rezoned to the R5 District in conformance with the prevailing zoning of the residential area, the development potential, or lack of development potential, of abutting properties must be taken into account when a rezoning is considered which could directly affect the abutting property. In addition to considering the private development potential of 5026 Smith Avenue, it is questionable from a Planning viewpoint whether it is desirable to perpetuate commercial zoning and possible commercial development on this 33 ft. wide lot abutting a new residential development.

- 2.2 Council adopted the report recommendation that, in order to discuss the situation and possible consequences of a rezoning on the subject site and adjacent properties with the affected owners, and to explore possible options, this application be held in abeyance to allow staff to meet with the property owners.

**3.0 GENERAL DISCUSSION:**

- 3.1 On 2003 February 4, Planning staff met with the owners of both properties, 5042 and 5026 Smith Avenue, and the potential developer of the subject site, who is the rezoning applicant. The situation, including the fact that the property at 5026 Smith Avenue could not be redeveloped for residential use under its current commercial zoning and could not be rezoned to R5 Residential District due to the insufficient lot size, was explained to all parties present.

The applicant indicated that it was not economically viable to purchase the subject site in order to construct only one single-family dwelling while reserving a portion of the site for consolidation with 5026 Smith Avenue to create a second legal R5 single-family dwelling lot now or in the future. The current property owners of 5042 Smith Avenue also expressed the view that it was unfair to penalize them for the potential development limitations of the neighbouring property.

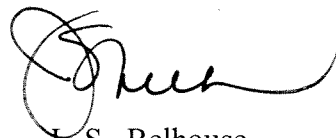
The owner of 5026 Smith Avenue was advised of the situation described above. She indicated she was aware of it, accepted it and did not want to impede the proposal to rezone the subject site and construct a two-family dwelling.

- 3.2 In light of the above discussion with both property owners and the rezoning applicant and the fact that the rezoning would bring the zoning of this property into conformance with the prevailing zoning of this residential neighbourhood, this Department is prepared to support the rezoning application. With the rezoning of the subject site and the construction of a two-family dwelling, the development potential for 5026 Smith Avenue would be limited, however, development under the current C1 commercial zoning could be pursued and other options could be explored when the owner is interested in redevelopment.

- 3.3 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site. The servicing requirements will include, but not necessarily be limited to the construction of two wheelchair ramps, on the east side of Smith Avenue on each side of Brandon Street.
- 3.4 Vehicular access to the site will be limited to Brandon Street through the owner entering into a Section 219 Covenant.
- 3.5 A School Site Acquisition Charge of \$1,000 per unit is applicable related to the potential second unit.

**4.0 CONCLUSION:**

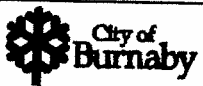
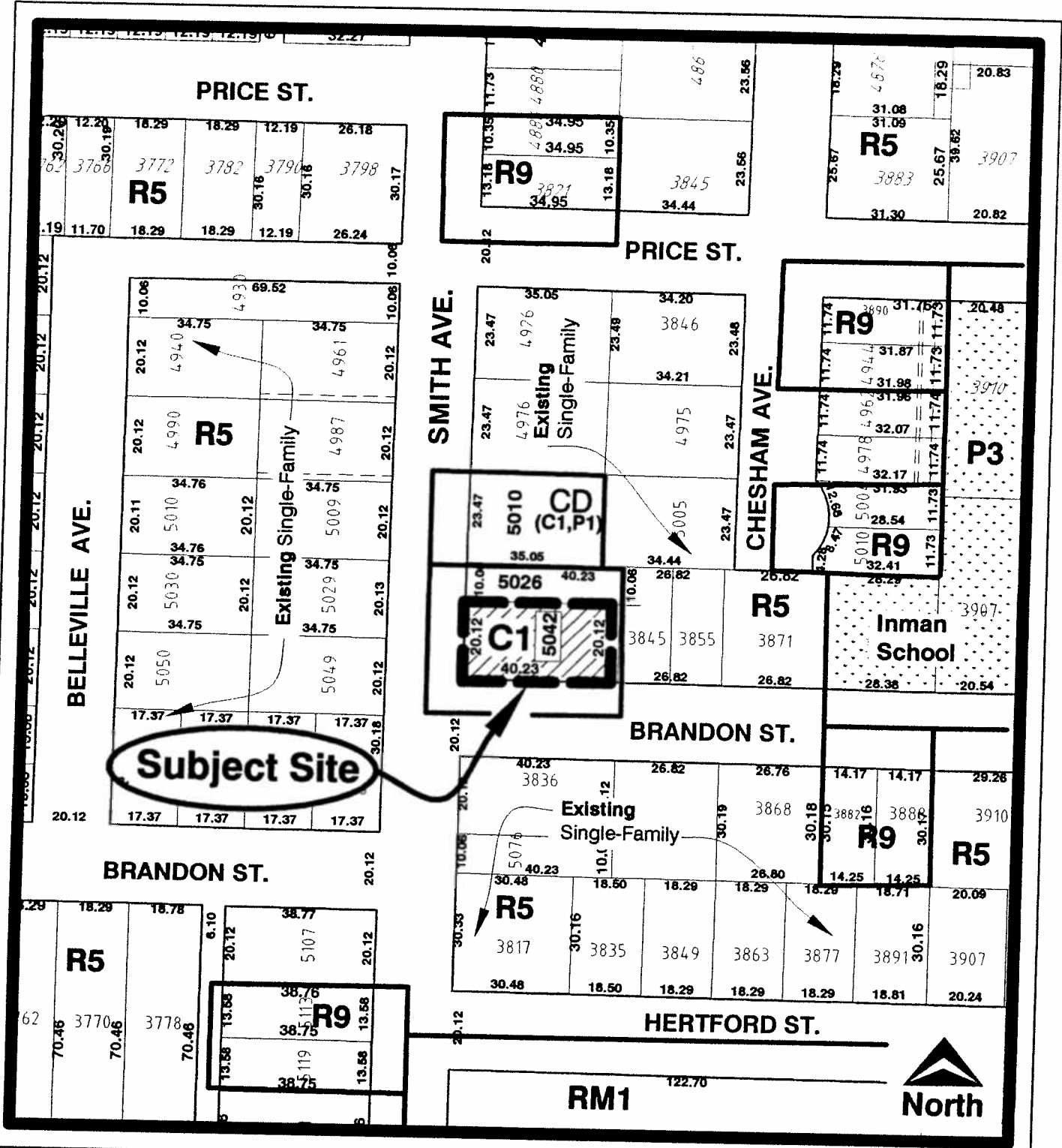
In light of the long term residential use of the property and the proposed R5 District zoning being in conformance with the prevailing zoning of the surrounding residential neighbourhood, as well as the results of the meeting with the owners of both the subject site and 5026 Smith Avenue, this Department recommends that the subject rezoning application be forwarded to a Public Hearing.



J. S. Belhouse  
Director Planning and Building

BW:gk  
Attach

cc: City Clerk  
City Solicitor  
Director Engineering



Planning and Building Department

Scale: 1 = 1500  
 Drawn By: J.P.C.  
 Date: January 2003

REZONING REFERENCE 02 -- 47  
 5042 Smith Ave.

Sketch # 1

