
TO: CITY MANAGER **DATE:** 2006 June 13

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 86000 20
Ref: *SUB Ref #05-56*

SUBJECT: DELEGATION TO COUNCIL - MS. MCDIARMID
(7866 ELWELL STREET)
SUBDIVISION REFERENCE #05-56

PURPOSE: To provide Council with information in response to a delegation received from Ms. McDiarmid on 2006 June 12 regarding Subdivision Reference #05-56.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to Ms. Laura McDiarmid of 7866 Elwell Street, Burnaby, BC, V5E 1M2.

REPORT**1.0 BACKGROUND**

At its meeting of 2006 June 12, Council received a delegation from Ms. Laura McDiarmid of 7866 Elwell Street, Burnaby. Ms. McDiarmid spoke to Council regarding her concerns arising from the approval process for a two lot residential subdivision of property at 7867 Rosewood Street, and the related requirement for the subdivision to complete construction of the rear lane allowance. The lane allowance to be constructed under the subject subdivision application abuts Ms. McDiarmid's property at 7866 Elwell Street, as shown on the *attached* sketch #1.

Ms. McDiarmid's expressed concern focused on the lack of notification to neighbouring properties of the subject subdivision application and the timing for works for construction of the rear lane allowance. Ms. McDiarmid's concern with regard to the future required construction of the lane allowance relates to the removal of vegetation in the unconstructed lane allowance, and the opening of the existing lane allowance for general use and an arising need for her to improve the fence on her rear property line to maintain her property security and privacy. Ms. McDiarmid expressed an opinion that abutting property owners should be provided with sufficient notice of development activity in order to allow for individual owners to plan for any desired private improvements. Given that the cost to improve or construct a new fence in her rear yard represents an unplanned

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expense to her, Ms. McDiarmid requested financial assistance from the City towards the cost of the fence improvement in her rear yard. Staff would note that Ms. McDiarmid's property has an older, 5 foot solid cedar fence, in need of repair, located on the rear property line.

Arising from Ms. McDiarmid's delegation, Council requested a report from staff on the issues raised.

2.0 SUBDIVISION APPROVAL PROCESS

An application for subdivision of the property at 7867 Rosewood Street, in conformance with the prevailing R5 Residential District, was received on 2005 September 20. Tentative Approval of Subdivision was issued on 2006 January 16.

The approval of applications for subdivision is the responsibility of the Approving Officer appointed by Council under the provisions of the Land Title Act. The Approving Office is required to ensure that property subdivision is undertaken in accordance with applicable provincial statutes and local government bylaws. Through the established subdivision approval process, each application is reviewed in relation to applicable City and other requirements. Where an application for subdivision conforms to Council's adopted Official Community Plan designation and prevailing zoning, meets other applicable requirements and all established conditions for approval, and is not otherwise against the public interest in the opinion of the Approving Officer, the Approving Officer is obliged to approve the application. This process does not contain any requirement for notice to or hearing of neighbouring property owners, as would occur through a Public Hearing notification for rezoning of property for an alternative use or form of development. Council's established practices for the development of land use policy and regulations through public consultation and public hearing processes is the appropriate venue for consideration of public input on future land use and development matters.

In considering the subject application for subdivision of property at 7867 Rosewood Street, the Approving Officer determined that the application to create two lots for single family development conforms to the requirements of the prevailing R5 Residential District, meets Provincial statutory requirements, and is consistent with the prevailing pattern of development. The application is required to provide for property servicing including construction of the dedicated lane allowance, consistent with the prevailing pattern of development in the area. On this basis, the subdivision approval process for the subject application has advanced to Tentative Approval, and will be finalized on satisfaction of the conditions for subdivision.

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3.0 SUBJECT LANE ALLOWANCE

The plan of development for the properties in this area fronting Elwell Street and Rosewood Street includes development of the rear lane allowance. The lane allowance provides for rear vehicle access to the properties in this area. In general, rear lanes allow for the location of garage entrances off the street front which helps to enhance the streetscape by maintaining space for street trees, and by retaining the potential continuity of any fronting public sidewalks. Finishing of the Elwell and Rosewood Street frontages could be pursued as part of a future Local Area Service Program (LASP).

The existing dedicated rear lane allowance extends across the lots located on Elwell Street and Rosewood Street, one lot in from Canada Way and 6th Street. The north and south legs of the lane and the western section of the lane are currently constructed and provide lane access from Elwell Street and Rosewood Street. The eastern portion of the dedicated lane is currently un-constructed behind 7849, 7857, and 7867 Rosewood Street, as shown on sketch #1. Servicing requirements for the subject subdivision at 7867 Rosewood will provide for the completion of the lane together with a dedicated turn-around.

In 2006 April, Ms. McDiarmid contacted staff to express concern regarding the potential future loss of existing small alder trees in the lane allowance. The City Landscape Inspector, in response to Ms. McDiarmid's concern, re-inspected the trees in the lane allowance and confirmed that the trees are not of significant size or value to be retained or to preclude construction of the required lane allowance. Staff inspection of the trees in the lane allowance identified a number of small caliber Western Red Alder which typically grow on previously cleared lands.

4.0 CONCLUDING COMMENTS

Ms. McDiarmid's concern relates to the lack of notification to neighbouring properties of the subject subdivision application and the timing for works for construction of the rear lane allowance. As outlined above, the established subdivision approval process does not contain a requirement for the issuance of notice to abutting properties for approval of property subdivision in conformance with prevailing Provincial laws, City bylaws and other regulations.

Staff would not propose that a public notification process form part of the standard subdivision approval process requirements given that the subdivision process primarily serves an implementation role of Council's adopted land use policies that are developed through other Council mandated public consultation processes. Staff would note, however, that in exceptional circumstances, public input with regard to a subdivision application is sought where subdivision approval is associated with a change of policy. Such is not the case in this instance. Public information on the prevailing zoning and subdivision potential of lands within the City is available from the Planning and Building Department.

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With regard to Ms. McDiarmid's request for the contribution of City funds towards the construction cost of a new rear fence, staff would advise that a subdivision of private lands and associated servicing in conformance with prevailing regulations does not provide justification or a supportable basis for the expenditure of public funds on an adjacent privately held improvement.

It is recommended that a copy of this report be sent to Ms. McDiarmid.

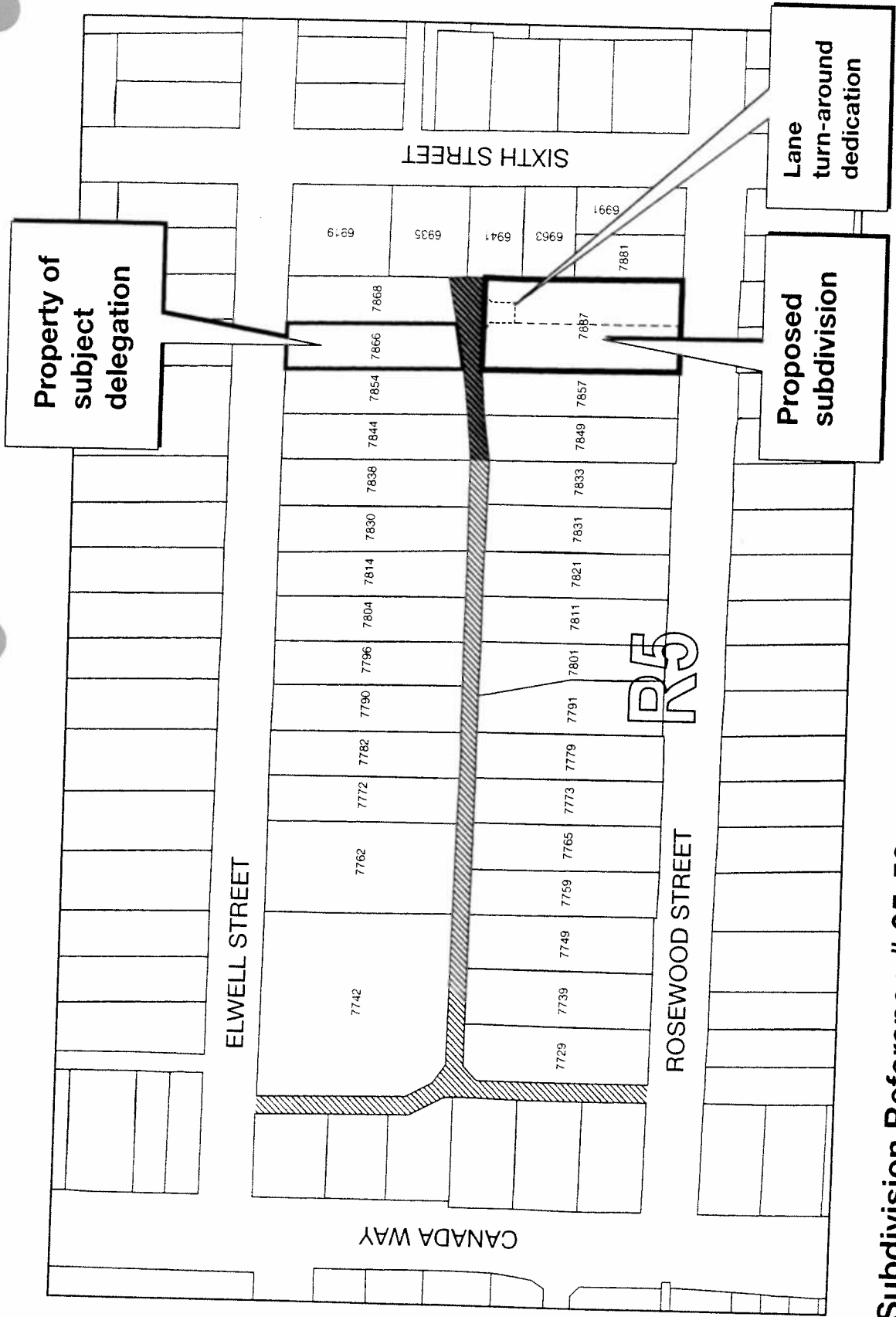


J.S. Belhouse, Director
PLANNING AND BUILDING

LP:jc
Attachment



cc: Director Engineering
City Clerk

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Sketch #1

Subdivision Reference # 05-56

-  Constructed Lane Allowance
-  Unconstructed Lane Allowance
(to be constructed under subdivision ref. #05-56)

