



Item .....
Meeting ..... 2012 July 30

COUNCIL REPORT

**TO:** CITY MANAGER 2012 July 25

**FROM:** ACTING DIRECTOR PLANNING AND BUILDING

**SUBJECT:** **REZONING REFERENCE #12-03**  
**New Single Family Dwelling**

**ADDRESS:** 5026 Smith Avenue (Sketch #1 *attached*)

**LEGAL:** Lot 2, DL 35, Group 1, NWD Plan 1337

**FROM:** C1 Neighbourhood Commercial District

**TO:** CD Comprehensive Development District (based on R5 Residential District and in accordance with the development plan entitled "5026 Smith Avenue" prepared by Shikder Design)

**APPLICANT:** Harpal (Paul) Minhas  
6220 Kerr Street  
Vancouver, BC V5S 3C1

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2012 August 28

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**RECOMMENDATIONS:**

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2012 July 30 and to a Public Hearing on 2012 August 28 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
  - a) The submission of a suitable plan of development.
  - b) 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.
  - c) The undergrounding of existing overhead wiring abutting the site
  - d) The granting of a Section 219 Covenant indicating that the subject property shall contain one dwelling unit only.

- e) The removal of all existing improvements from the site prior to Final Adoption but not prior to Third Reading of the Bylaw. Demolition will be permitted after Second Reading of the Rezoning Bylaw has been granted provided that the applicant acknowledges that such permission does not fetter Council’s ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse or vandalism.

## REPORT

### 1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a new single family dwelling to replace the existing legal non-conforming dwelling.

### 2.0 BACKGROUND

- 2.1 The subject property is occupied by a single-family dwelling constructed in 1910. The structure is not listed on Burnaby’s Community Heritage Register-Inventory and generally appears to be in poor condition.
- 2.2 In 1948, the “Local Commercial Zone” bylaw category was created and a number of properties were designated to the newly created zoning category, including the subject property. At that time, any use permitted in a Residential District was also permitted in this Local Commercial Zone, which allowed for the continued residential use on the subject property. In 1965, with the adoption of the Burnaby Zoning Bylaw, the current C1 Community Commercial District zoning, which does not permit single-family residential uses, was established for the subject property, and the existing residential use became legally non-conforming.
- 2.3 The subject property is located within a single and two-family neighbourhood in which the prevailing zoning is R5 Residential District. Given the lot’s constrained size and mid-block location, it could not feasibly be redeveloped under its existing commercial zoning. Under the Residential Policy framework of the Official Community Plan, the subject property is designated for Single and Two-Family Urban residential use. As such, the proposed rezoning would bring the site into conformance with its long standing residential use and designation under the Official Community Plan. It is noted that the adjacent property to the south at 3837 Brandon Street, was also rezoned from the C1 District to the R5 District in 2003 under Rezoning Reference #02-47.
- 2.4 Council, on 2012 March 19, received the report of the Planning and Building Department concerning the rezoning of the subject site and authorized the department to work with the applicant in the preparation of a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date.

The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.


To: City Manager  
From: Acting Director Planning and Building  
Re: Rezoning Reference # 12-03  
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**3.0 GENERAL COMMENTS**

- 3.1 The development proposal is for a single family dwelling with a floor area of 210.7 m<sup>2</sup> (2,268 sq. ft.). The proposed development conforms to the requirements of the R5 district for height, depth, coverage, setbacks and density of the development. The application of the CD Comprehensive Development District is to allow for a variance from the lot width and area requirements of the R5 District for the existing lot. The subject pre-existing lot has a width of 10.02 m (32.9 ft.) with an area of 403.1 m<sup>2</sup> (4,339 sq. ft.) whereas the R5 District requires a width of not less than 15.0 m (49.2 ft.) and an area of not less than 557.4 m<sup>2</sup> (6,000 sq. ft.). This application also recognizes that there is not a feasible opportunity to address the lot width and area requirements through subdivision with adjacent lands.
- 3.2 The applicant will be required to deposit cash-in-lieu for a new water service connection to the site.
- 3.3 The developer is responsible for the undergrounding of overhead wiring on the west side of Smith Street, abutting the site.
- 3.4 A Section 219 Covenant indicating that only a single dwelling unit is permitted is required.

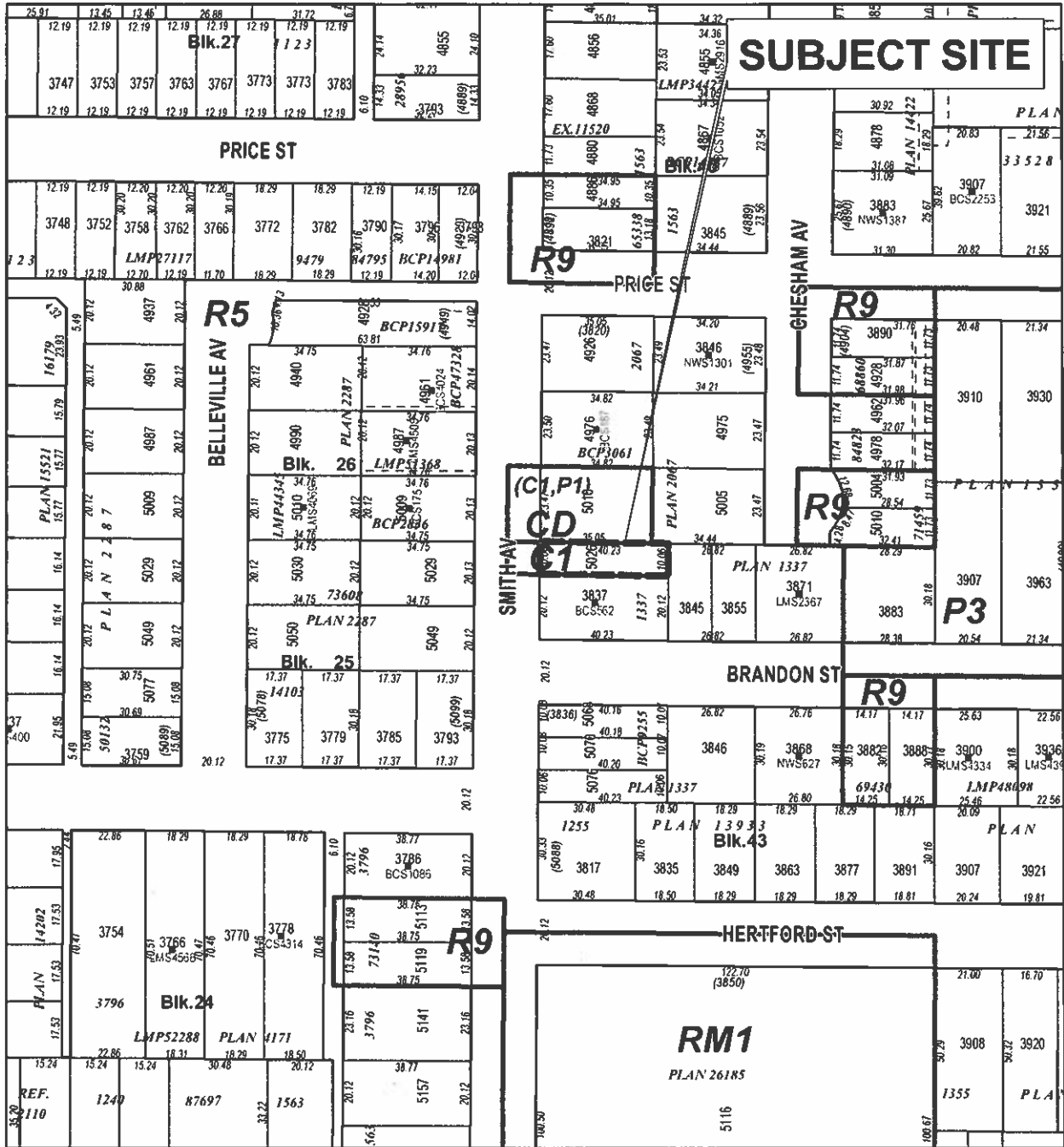
**4.0 DEVELOPMENT PROPOSAL**

- 4.1 Site Area: - 403.1 m<sup>2</sup> (4,339 sq. ft.)  
(Subject to detailed survey)
- 4.2 Density:  
Gross Floor Area (G.F.A.) - 210.7 m<sup>2</sup> (2,268 sq. ft.)  
Site Coverage - 31 %
- 4.3 Height - 2 Stories
- 4.5 Parking:  
Required and provided - 1 space

  
Lou Pelletier, Acting Director  
PLANNING AND BUILDING

DR:spf  
**Attachment**

cc: Director Engineering  
City Solicitor  
Acting City Clerk



PLANNING & BUILDING DEPARTMENT

DATE:  
 JULY 11 2012

SCALE:  
 1:2,000

DRAWN BY:  
 DJ

**Subject Site**

**REZONING REFERENCE #12 -- 03**

**5026 SMITH AVE**