

OCTOBER 19, 1976

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, October 19, 1976 at 7:30 P.M.

**PRESENT:** Acting Mayor - B.M. Gunn, in the Chair  
Alderman G.D. Ast  
Alderman D.P. Drummond  
Alderman A.H. Emmott  
Alderman D.A. Lawson  
Alderman G.H.F. McLean

**ABSENT:** Mayor T.W. Constable  
Alderman F.G. Randall  
Alderman V.V. Stusiak

**STAFF:** Mr. M.J. Shelley, Municipal Manager  
Mr. A.L. Parr, Director of Planning  
Mr. J. Hudson, Municipal Clerk  
Mr. B.D. Leche, Municipal Clerk's Assistant

(1) FROM NEIGHBOURHOOD INSTITUTIONAL DISTRICT (P1) TO RESIDENTIAL DISTRICT (R2)

Reference RZ #26/76

Southern 60' of Lots A & B, Block 25, D.L. 80, Plan 16273

5584 Kincaid Street - The subject site is rectangular in shape with an area of 7,920 square feet, a width of 60 feet, and a depth of 132 feet.

*The applicant has requested rezoning in order to create one lot for single family residential development based on the R2 Zoning District.*

Joeine Hancur, 5615 Forest Street, then addressed Council and spoke in opposition to the proposed rezoning. Miss Hancur presented the following documents in support of her submission:

- (a) An undated letter from Barbara Hancur, 5615 Forest Street, expressing opposition to the proposed rezoning;
- (b) A letter dated October 19, 1976, from the Hancur family, namely Richard and Elsie Hancur, J.L. Hancur, Barbara Hancur, Joseph E. Hancur Jr., and Joseph Hancur Sr. expressing opposition to the proposed rezoning;
- (c) A petition signed by 25 residents of the area adjacent to the site of the proposed rezoning expressing opposition to the proposal.

The following is the text of the undated letter received from Barbara Hancur:

"I am writing this letter to express my disappointment over the proposed rezoning of the First Spiritualist Church property bordering Forest Street and Teal Avenue.

Many residents in the immediate area affected by this rezoning proposal (including our household) bought our homes because we were told that the church zoning would not be changed, but if it were, that the houses would face Forest Street and not Teal Avenue. We were also told (as were other neighbours) that this would never happen because of the location of the church building located on Lots A & B of the said parcel. All our beliefs were verified by a visit to the Municipal Hall before purchase of our home was finalized.

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Lots A & B were marked with survey sticks and to my knowledge are fully serviced. The homes in this area are paying taxes on the improvements to the church property and feel if it must be subdivided, that it be done in the way that the property was originally surveyed and as shown on the original survey maps prior to this proposal. If this means moving the church, then let them move it. I sincerely believe that the appearance of the neighborhood would be thrown off-balance if the Municipality were to allow a home to face Teal. Our taxes are high enough and we do not want to encourage a beautiful neighbourhood to be turned into a hap-hazard one with homes and their back yards facing in all directions."

The following is the text of the letter dated October, 19, 1976 from the Hancur family:

"I am greatly concerned over the population growth in Burnaby over the past few years, and even more so now that the First Spiritual Church property on Forest and Teal has been proposed for subdivision.

Douglas School is greatly overcrowded and has found the need to use mobile class rooms. Too many homes have been built in this area as it is now. Within the past few months alone, 16 new homes have been built within 2 blocks of the school.

The taxes in this area are high enough without letting the school problem get out of hand. Already we have students from GreenTree Village subdivision attending Douglas.

I do not feel that childrens education should have to suffer because of overcrowded schools, or that they should be denied academic or physical activities due to the lack of facilities caused by the student/teacher ratio this community growth can and has in fact created.

I am glad that this rezoning issue has arisen because it gives me the opportunity to express in writing that the church be forced to clean up their property and maintain it. I do not believe that subdividing this property is the answer the neighbours are looking for — or would accept. After all, we and the children of this area are the ones who will suffer by approval of this rezoning issue."

The following is the text of the submission of Joeine Hancur:

"I wish to speak on the rezoning of the First United Spiritualist Church Property bordering Forest Street, Teal, and Kincaid. When we and other neighbours purchased our homes and questioned the property being rezoned today, we were informed and assured that the lots would be zoned to allow the dwellings to face Forest Street. There were to be 2 lots. We were even given plans stating this. As these lots in question are fully serviced lots off Forest Street, why then face the dwelling in a different direction. After all we have already been assessed and have paid for this improvement once.

Why change the lot sizes now, when all the lots on the same side of the street are larger. Reference the block plans' in the planning Department.

Why were the original survey stakes removed from the property.

Why were not all the neighbours notified by mail (by the Municipality)?

There were people directly across from the property in question not notified.

We ask that Council thoroughly review and evaluate all of the letters and the petition hereby submitted by the neighbours who would be immediately affected by the property being rezoned, prior to rendering its decision."

The following is the text of the preable to the petition received in opposition to the proposed rezoning:

"We the following neighbours hereby register our opposition to the rezoning of the property located on Forest Street, Teal and Kincaid owned by the First United Spiritualist Church.

We feel that as long as the Church remains here, rezoning should not be allowed. If however, our opinion as neighbours immediately adjoining the property is not acceptable by Council, then we demand that the following restrictions be attached to both lots:

- (1) A single family dwelling be erected compatible to those in the neighbourhood,
- (2) The dwelling in this case face Forest Street to provide continuity in the subdivision,
- (3) The dwelling be set back the same distance from Forest Street as the one at 5615 Forest Street,
- (4) The Church be required to maintain its property, unlike at the present,
- (5) In the event the Church moves, the second lot not be subdivided and a single family dwelling be erected.

Should the ordinance pass, and the house must face Teal, then we want restrictions regarding substructures such as storage sheds set back 35 feet from Forest Street."

Mr. D.R. Roller, 5590 Forest Street, then addressed Council and spoke in opposition to the proposed rezoning. The following is the text of Mr. Roller's submission;

"Council has been asked to consider the rezoning of the above described property from P1 to R2, the category of the other surrounding property of the neighborhood. In this area, which has been developed along Spruce and Kincaid Streets for many years, and along Forest Street for a lesser period, in some cases less than five years, all subdividing has been done to lend a semblance of relative uniformity by facing all the lots streetward, along Spruce, Forest and Kincaid streets. Teal, upon which no lots are faced, is a street one block long affording access to Forest from Kincaid, and thus onto Spruce, without the need to enter upon a busy Canada Way nearby.

This request for rezoning by the applicant indicates a lot that meets R2 specifications, but from all appearances, could develop into a situation where the entirely harmonious and relatively symmetrical plan for development, no doubt of concern to council, is thrown off balance by a "one-of-a-kind" lot, its development not open to comment at this time because a plan for development is not available. This lot would be the only one facing Teal Avenue, and would present a side profile directly to three homes presently located on Forest Street, a back view to the residence immediately to the east of it on Forest, and a less than pleasing impression for those who reside further along the street in either direction, and who have to see this odd creation, made to accomodate and facilitate an applicant which has heretofore already created an eyesore by sadly neglecting its maintenance.

The rezoning, as it is here applied for, would also have the effect of locating any dwelling thereon, and any other allowable structures, in such a manner that it would violate the intent of the provisions of the bylaw itself, to which other homes along Forest Street have been made subject. Homes require a front yard of not less than 25 feet in depath, yet this portion of the lot, if zoned, would become the side yard by definitions, in which case Section 102.6(2) applies, and requires only a 12 foot width on a flanking street. This, then, effectively brings any potential structure forward from the line of all the other homes by a full 12 ft, an amount which, if taken advantage of, could effectively destroy the aesthetic value of the area, and in effect, void the

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very purpose for which the by-law was originally intended, that was to create an orderly development of residential units within a given district.

Not least of the concerns which are triggered by this application, is any development, or lack of it, in that portion of the lot deemed to be the 'back yard', yet actually along Forest Street, and in line with and part of the 'front yards' of adjoining properties. As no plans have been included in this application, there is no possibility to speak to the nature of the actual development. However, it would certainly have considerable impact upon the value of a house in terms of dollars and cents, whether one looks out upon beauty of the mountains, or someone's derelict motor vehicle or abandoned paraphernalia of whatever description. Present tax revenue properties must be considered carefully before an allowance is made to proceed with a rezoning so completely differing from its surrounding properties. Adequate protection has been included for the potential 'buyer' of the said lot by having the applicant for rezoning satisfy certain conditions, including an adequate barrier between the church lot and this new lot, but the remainder of the neighbourhood is not afforded the same protective conditions against a potential developer for whatever is to be built, nor where it will be placed.

I would submit that the rezoning application as it is here presented to Council does not meet the intent of the said by-law in creating a meaningful and orderly development of a community to the benefit of the Municipality of Burnaby. However, if the concerns presented in this submission are not sufficient to encourage Council to set the application down, I would submit that an alternative proposal be considered, - that a restrictive covenant under Section 24 A of the Land Registry Act be registered against the proposed lot precluding any buildings to be built thereon within 25 feet of the flanking street, in this case, Forest Street. Should then a house be built upon the lot, it would possibly be orientated towards Forest Street and thereby conform to the front yards of the other properties along the street which have a required 25 foot depth."

Colleen E. Gregory, 6107 Buchanan Street, the former Secretary and now President of the First United Spiritualist Church, 5584 Kincaid Street, then addressed Council and spoke in favour of the proposed rezoning. Mrs. Gregory stated that the Church has, for some time, been very sensitive to the fact this lot is an eyesore in the neighbourhood. Efforts have been made in the past to keep it clean but there has been

At one point the Burnaby Mentally Retarded Association was in negotiation with the church to rent the basement for a day care centre and it was their intent to use the back lot. This has held things up.

However as that fell through we realized that we would have to clean this up ourselves. It is not an easy thing to do. We do not use this lot and our main intent in selling it, or requesting that it be rezoned for sale, is so that we can use the proceeds from the sale to beautify the property, to improve the appearance of the Church itself, and to further improve the outward appearance of the balance of the property. Mrs. Gregory noted that the Municipality was in possession of correspondence indicating that the Church is willing to conform with Council's wishes. It is certainly the Church's desire to improve the appearance of the neighborhood. There is no one in residence at the Church which makes it particularly difficult to maintain the property properly. For this reason the Church would request the rezoning application receive favourable approval.

In reply to a question by Alderman McLean, Mrs. Gregory advised that there were no plans to either relocate the Church or to abandon Church operations on this site.

Barbara Hancur, 5615 Forest Street, then addressed Council and spoke in opposition to the proposed rezoning. Miss Hancur complained about the condition of the Church property, traffic and parking problems, and the lack of any effort on the part of the Church to maintain their property in an acceptable manner. Miss Hancur stated that, to the best of her knowledge, no clean-up of the property has been attempted by the Church during the two to three year period she had resided at 5615 Forest Street.

Mrs. Ethel Gordon, 5612 Kincaid Street, then addressed Council and spoke in opposition to the proposed rezoning. Mrs. Gordon noted that on several occasions she had written letters to the Municipality asking that something be done to have the Church property cleaned up. Mrs. Gordon also stated that parking problems had been created by the Church and on at least one occasion her driveway had been completely blocked by people attending the Church. Mrs. Gordon concluded her remarks by stating that she was definitely opposed to the proposed rezoning.

There were no further submissions received in connection with the foregoing rezoning proposal.

(2) FROM RESIDENTIAL DISTRICT (R5) TO COMMUNITY INSTITUTIONAL DISTRICT (P5)

Reference RZ #30/76

East half of Carlton Avenue between Canada Way and Norfolk Street, D.L. 69

Carlton Avenue - The subject area is located on the east half of the undeveloped portion of the Carlton Avenue road allowance between Canada Way and Norfolk Street.

*The applicant has requested rezoning in order to acquire the redundant Carlton Avenue road allowance to be incorporated into the Carlton Private Hospital expansion.*

Mr. Brian Kramer, 3867 East Second Avenue, then addressed Council and spoke in favor of the project. Mr. Kramer is the architect for the proposed expansion of the Carlton Private Hospital. Mr. Kramer drew attention to the scale model of the proposed project on display in the Council Chamber this evening. Negotiations are presently underway between the Municipality and the Carlton Private Hospital for the acquisition of the redundant portion of the Carlton Avenue road allowance.

There were no further submissions received in connection with the foregoing rezoning proposal.

(3) FROM RESIDENTIAL DISTRICT (R2) and HEAVY INDUSTRIAL DISTRICT (M3) TO HEAVY INDUSTRIAL DISTRICT (M3)

Reference RZ #32/76

Lot 81, D.L. 59, Group 1, Plan 37737, N.W.D.

2671 Lake City Way - The subject site is located at the southwest corner of Lake City Way and Broadway.

*The applicant has requested rezoning in order to bring the northwest corner of the site into conformity with the M3 zoning of the area for the purposes of constructing an industrial facility.*

There were no submissions received in connection with the foregoing rezoning proposal.

(4) FROM SPECIAL INDUSTRIAL DISTRICT (M4) TO SERVICE COMMERCIAL DISTRICT (C4)

Reference RZ #36/76

Lot 4, Blocks 12 & 13, D.L. 94, Plan 2723 and Lot 5, Block 13, D.L. 94, Plan 2723

6610 and 6630 Royal Oak Avenue - The subject site is located at the southeast corner of Royal Oak Avenue and Grimmer Street.

*The applicant has requested rezoning in order to construct a Banking-Credit Union facility.*

There were no submissions received in connection with the foregoing rezoning proposal.

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(5) FROM RESIDENTIAL DISTRICT (R5) TO RESIDENTIAL DISTRICT (R1)

Reference RZ #40/76

Lots 340, 341, 343 and portions of Lots 343 and 345, Plan 49263, D.L. 86, Group 1, N.W.D.

7430, 7431, 7441, 7451, and 7461 Stanley Street - The subject properties are located on Stanley Street east of Malvern Avenue.

*The applicant is initiating this rezoning as a technical adjustment to bring the zoning into line with surrounding land use and with the original sale conditions for the subject properties.*

Mr. John G. Garraway, 3522 Willow Street, Vancouver, B.C. then addressed Council in opposition to the foregoing rezoning proposal, Mr. Garraway's Company, Garraway Construction Ltd., is the owner of Lot 342. The lot was purchased not from the Municipality but from Lornie Construction Ltd. who had purchased the property from the Municipality. Prior to the purchase of the property by Mr. Garraway, he had been to the Planning Department to check the zoning and had been informed it was R5 which met his specifications as to what he wished to purchase because of the size of the house that can be constructed on an R5 lot. Since then the proposal to rezone the subject properties to R1 has come forward which is not the type of lot Mr. Garraway wished to purchase. Mr. Garraway stated that he had been able to reach a compromise settlement with the Planning Department and it was his understanding that the proposed compromise would be presented to Council next Monday evening. He would, however, be out somewhere in the neighborhood of \$ 500.00. Mr. Garraway stated that he would not be opposed to the rezoning if a satisfactory arrangement can be concluded.

Mr. Jim Moore, 695 McIntosh Street, Coquitlam, B.C. then addressed Council and spoke in favour of the proposed rezoning. Mr. Moore stated that he had initiated the rezoning. The lots in question were sold as R1 lots and he had paid the purchase price as such. His main complaint was that the set back requirements between the R5 and the R1 zone was substantial. Mr. Moore further noted that any construction under the R5 zoning would be on speculation whereas he was planning on making this his premanent residence. Mr. Moore was of the opinion that the proposed rezoning was essential in order to make the subject properties compatible with the surrounding R1 area.

There were no further submissions received in connection with the foregoing rezoning proposal.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN AST:

"THAT this Public Hearing be now terminated."


CARRIED UNANIMOUSLY

The Public Hearing terminated at 8:25 P.M.

Confirmed:

Certified Correct:

  
ACTING MAYOR

  
MUNICIPAL CLERK'S ASSISTANT

BL/sb