

A Reconvened Public Hearing of the adjourned Public Hearing held on 1979 October 16 was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 1980 February 26 at 19:30 h.

PRESENT: Mayor D.M. Mercier, In the Chair
Alderman G.D. Ast
Alderman D.N. Brown
Alderman D.P. Drummond
Alderman F.G. Randall

ABSENT: Alderman A.H. Emmott
Alderman D.A. Lawson
Alderman W.A. Lewarne
Alderman V.V. Stusiak

STAFF: Mr. A.L. Parr, Director of Planning
Mr. D.G. Stenson, Assistant Director - Current Planning
Mr. James Hudson, Municipal Clerk
Mr. C.A. Turpin, Municipal Clerk's Assistant

The Public Hearing was called to order at 19:34 h.

PROPOSED TEXT AMENDMENTS TO ZONING BY-LAW FOR RESIDENTIAL OCCUPANCY STANDARDS

1. Definition of "Building"

The deletion of the last sentence from the definition of "Building" in Section 3 which is as follows:

"When a structure is separated by party walls located upon lot lines, then each portion of such structure shall be deemed a separate building."

There were no submissions received in connection with this amendment.

2. Definition of "Cellar"

The addition of the following sentence to the definition of "Cellar" in Section 3:

"No dwelling unit or housekeeping unit shall be permitted in a cellar."

Mr. William S.J. Burrell, 7642 Sussex Avenue then addressed the Members of Council and requested clarification respecting this definition. Mr. Burrell stated that he had just purchased a lot in Burnaby on which he wished to construct a new single family dwelling. Mr. Burrell indicated to the Members of Council that he may not require this home for too many years, at which point he may wish to sell the home to one of his children. In such an event, Mr. Burrell indicated that he may wish to reside in a self-contained unit in the basement of the home.

Mr. Stenson, Assistant Director - Current Planning, clarified the definition of "Cellar" and "Basement". Mr. Stenson stated that the definition of a basement is, "that which is partially underground but has more than 50% of its height above the average adjacent finished grade". In other words, it is only partially underground and is not more than half underground in total. A cellar on the other hand is again partially underground but has more than 50% of its finished height below the average adjacent finished grade. Mr. Stenson advised that the speaker's concern of constructing a legal in-law suite within a single family dwelling could be handled by designing the building in such a way that it has, indeed, a basement rather than a cellar.

3. Definition of "Dwelling, Duplex"

The addition of the following definition to Section 3:

"Dwelling, Duplex means a two-family dwelling wherein the two dwelling units are placed one above the other."

There were no submissions received in connection with this amendment.

4. Definition of "Dwelling, Semi-Detached"

The addition of the following definition to Section 3:

"Dwelling, Semi-Detached means a two-family dwelling wherein the two dwelling units are placed side by side."

Mr. Edward L. Burnham, 7988 Kaymar Drive then addressed Members of Council and advised that the definition of dwelling, semi-detached concerns him greatly because it basically means that what we call a side-by-side duplex will now become a dwelling, semi-detached. Mr. Burnham stated that what concerns him is that individuals will still be able to build underneath a dwelling, semi-detached, a cellar which would mean, basically, that a lot of dark suites will be located within the municipality. This definition will not prevent fourplexing and will create what Mr. Burnham considers "under ground" suites.

Mr. D.G. Stenson, Assistant Director - Current Planning, in answer to Mr. Burnham's questions advised Council that the provision for semi-detached two family dwellings provides for only one storey of occupied space and as has been pointed out the cellar would not be eligible for legal suite accommodation. It is the feeling of the Planning Department, which also has been supported by the Housing Committee, that the accommodation which could be illegally created in a cellar would not be an attractive proposition in a marketing sense. Therefore there would be less likelihood of it becoming a factor, and widespread, as is the case now with so called day-light basements, which have contributed to the phenomenon known as the four-plex. Mr. Stenson advised that the cellar would create space that is so substandard so as not to be attractive economically in the marketplace.

Mr. Burnham, in summary, wished to state that he did not feel that the definition of dwelling, semi-detached will in any way prevent the locating of suites in a basement.

5. Definition of "Storey"

The deletion of the last sentence from the definition of "Storey" in Section 3 and its replacement by:

"A basement shall be considered as a storey."

There were no submissions received in connection with this amendment.

6. Regulations Applicable Regardless of Form of Ownership

The amendment of Section 4.1 (Application) to read as follows:

"Within The Corporation of the District of Burnaby no land, buildings or structures, regardless of the form of ownership or tenure, and including the surface of water, shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, altered or enlarged, unless in conformity with this By-law, and the contrary shall be unlawful."

There were no submissions received in connection with this amendment.

7. The addition of a new Section (6.18) to the By-law (Supplementary Regulations)

"6.18 Development Under The Strata Titles Act:

Where a parcel of land is divided into strata lots under the Strata Titles Act, such parcel and any buildings which occupy it shall conform in all respects with the bulk regulations of this By-law."

There were no submissions received in connection with this amendment.

8. Height of Buildings in the R1 District

The deletion of Section 101.2 (Height of Buildings) and its replacement by:

"The height of a building shall not exceed 9.8 m (32.12 feet) nor 2½ storeys."

There were no submissions received in connection with this amendment.

9. Height of Buildings in the R2 District

The deletion of Section 102.2 (Height of Buildings) and its replacement by:

"The height of a building shall not exceed 9.8 m (32.12 feet) nor 2½ storeys."

There were no submissions received in connection with this amendment.

10. Height of Buildings in the R3 District

The deletion of Section 103.2 (Height of Buildings) and its replacement by:

"The height of a building shall not exceed 9.8 m (32.12 feet) nor 2½ storeys."

Mr. Barry A. Hegquist, 5361 Chaffey Avenue then addressed Members of Council and requested clarification on the method used to measure the height of a building.

Mr. D.G. Stenson, Assistant Director - Current Planning, advised Mr. Hegquist and Members of Council that the height of buildings means the vertical distance from the curb level to the highest point of the roof surface if a flat roof, the deck line of a mansard roof, and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Respecting a gable, hip or gambrel roof this would mean the average height between the highest point and that of the eaves.

Mr. Hegquist then questioned the possibility of having a barn type roof constructed on a house which could reach a possible height of fifty (50) feet.

Mr. Stenson advised that in order to achieve the fifty (50) foot height as described it would require the roof to have extremely low eaves with an equally extremely high pitch.

Mr. Hegquist indicated that he realized the fifty (50) foot measurement would be an absurdity but he is concerned that an overall height is not described. Mr. Hegquist advised that the new source of energy, solar collectors, are ideally suited to high pitched roofs and therefore this type of roofline may become common in the future. If this were to happen and an individual was to construct a high pitched roof adjacent to his neighbour who also wished to heat with solar collectors, the neighbour may be forced to abandon this idea because of the height of the adjacent roof which would block off all light to his solar collectors.

His Worship, Mayor Mercier, advised the Director of Planning that Mr. Hegquist presented a valid comment and it is a matter that should be addressed.

Mr. Edward L. Burnham, 7988 Kaymar Drive then addressed the Members of Council and advised that he was referring to Items 8, 9 and 10. Mr. Burnham questioned the reasoning behind dealing with the heights of buildings located within the residential districts as described by the designations R1, R2 and R3. Mr. Burnham did not understand why these height amendments are being dealt with as they do not deal with the fourplexing aspect.

Mr. D.G. Stenson, Assistant Director - Current Planning, advised that there were two reasons for dealing with the height requirements in these residential zones, the first being to regulate the total bulk of the buildings and secondly meet some of the concerns that have been expressed in the past respecting unnecessary view obstructions.

Mr. Burnham advised that he could not see any merit in these three amendments and they will not create any improvement with respect to light restriction and view.

11. Uses Permitted in the R4 District

The deletion of Clause (2) of Section 104.1 (Two-family dwellings) and its replacement by:

"Semi-detached or duplex dwellings with a maximum gross floor area of 116 m² (1247.30 square feet) per dwelling unit."

Mr. Neil D. Olm, 3737 Warren Street then addressed the Members of Council and advised he wished clarification on the gross floor area. Mr. Olm wished to know if the basement would be considered in the calculation of the gross floor area.

Mr. D.G. Stenson, Assistant Director - Current Planning, then advised that it is the maximum floor area of the dwelling unit itself exclusive of any basement or attic spaces that would be supplementary non-habitable areas. The basement is not included in the calculation if it is basically supplementary space.

12. Height of Buildings in the R4 District

The deletion of Section 104.2 (Height of Buildings) and its replacement by:

- "(1) The height of a single family dwelling shall not exceed 9.8 m (32.12 feet) nor 2½ storeys.
- (2) The height of a duplex dwelling shall not exceed 9.0 m (29.53 feet) nor 2 storeys.
- (3) The height of a semi-detached dwelling shall not exceed 5.5 m (18 feet) nor 1 storey."

Mr. Neil D. Olm, 3737 Warren Street then addressed the Members of Council and advised that he could not understand why Item 1 allowed a single family dwelling to reach a height of 32.12 feet where a semi-detached dwelling could not exceed a height of 18 feet.

Mr. D.G. Stenson, Assistant Director - Current Planning, advised that the Housing Committee and Council felt that by restricting the height of side-by-side duplexes it would reduce the bulk of such structures in relation to other single family dwellings in a mixed single and two-family dwelling area. The Housing Committee felt that this was an appropriate scale control respecting the semi-detached dwelling. Mr. Stenson advised that a basement would not be a permitted feature of a semi-detached dwelling.

13. Uses Permitted in the R5 District

The deletion of Clause (2) of Section 105.1 (Two-family dwellings) and its replacement by:

"Semi-detached or duplex dwellings with a maximum gross floor area of 116 m² (1247.30 square feet) per dwelling unit."

Mr. Edward L. Burnham, 7988 Kaymar Drive then addressed the Members of Council and advised that he is referring to Items 11 and 13 as he considered them one in the same. Mr. Burnham advised that he would personally like to see the deletion of the two-family dwelling from the residential areas as designated by R4 and R5. Mr. Burnham felt that the reduction of approximately 150 feet in the square footage permitted in duplex construction will not eliminate the fourplex situation. Mr. Burnham indicated that two-family dwelling units should be removed from the R4 and R5 residential areas and included under CD development and also triplexes, fourplexes, and fiveplexes should be permitted in some areas of Burnaby such as those near Freeways and industrial zones. These are places where people would not normally build a single family home.

14. Height of Buildings in the R5 District

The deletion of Section 105.2 (Height of Buildings) and its replacement by:

- "(1) The height of a single family dwelling shall not exceed 9.8 m (32.12 feet) nor 2½ storeys.
- (2) The height of a duplex dwelling shall not exceed 9.0 m (29.53 feet) nor 2 storeys.
- (3) The height of a semi-detached dwelling shall not exceed 5.5 m (18 feet) nor 1 storey."

Mr. Barry A. Hegquist, 5361 Chaffey Avenue then addressed Members of Council and advised that he had some concerns as to the likelihood of eliminating side-by-side duplexes. This would create many narrow buildings on seventy (70) or eighty (80) foot lots which would be of considerable height.

Mr. D.G. Stenson, Assistant Director - Current Planning, in response to the question from Mr. Hegquist advised that the Planning Department feels that side-by-side property duplexes are an important part of the total spectrum of housing that is offered within the municipality. The Planning Department is not attempting to prevent the construction of side-by-side duplexes, but in fact is trying to inhibit the construction of fourplexes. It is the opinion of the Planning Department, and also the Housing Committee, that these regulations would continue to make the construction of side-by-side duplexes viable.

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN BROWN:

"THAT this Public Hearing be now terminated."

CARRIED UNANIMOUSLY

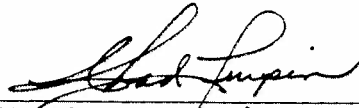
The Public Hearing terminated at 20:10.

Confirmed:

Certified Correct:



MAYOR



MUNICIPAL CLERK'S ASSISTANT