

CITY OF BURNABY

**PLANNING AND BUILDING
REZONING REFERENCE #16-36
2016 SEPTEMBER 28**

ITEM #04

1.0 GENERAL INFORMATION

- 1.1 Applicant:** Shaun Ouellette
6190 Sumas Street
Burnaby, BC V5B 2T6
- 1.2 Subject:** Application for the rezoning of:
Lot 323, DL 92, Group 1, NWD Plan 53936
- From:** CD Comprehensive Development District (based on R4 Residential District)
- To:** R4 Residential District
- 1.3 Address:** 6056 Gilley Avenue
- 1.4 Location:** The subject site is located on the east side of Gilley Avenue between Oakland Street and Parkview Place (Sketch #1 *attached*).
- 1.5 Size:** The site is rectangular in shape with a width of 15.24 m (50 ft.), a depth of 42.67 m (139.99 ft.), and a total area of 650.33 m² (7000.09 sq. ft.).
- 1.6 Services:** The Director Engineering will be requested to provide all relevant servicing information.
- 1.7 Rezoning Purpose:** The purpose of the proposed rezoning bylaw amendment is to permit the construction of a new single family dwelling.

2.0 NEIGHBOURHOOD CHARACTERISTICS

The subject site is a single lot at 6056 Gilley Avenue that is currently improved with an older single family dwelling. Surrounding properties to the north, east, south, and across Gilley Avenue to the west are also improved with older single family residences. Vehicular access to the subject site is from Gilley Avenue.

3.0 BACKGROUND INFORMATION

- 3.1** The subject site is not located within a Community Plan Area. The subject property and surrounding area are designated within Burnaby's Official Community Plan (OCP) as a Single and Two Family urban area.

- 3.2 On 1976 November 07, Council granted Final Adoption to Rezoning Reference #49/76, which rezoned the subject site and the properties to the east, north, and south (see *attached* Sketch #2) from R4 Residential District to CD Comprehensive Development District based on R4 District guidelines. The purpose of the rezoning was to permit the development of single family dwellings on 41 lots. A CD approach to the rezoning was taken so that the City could have control over the design and siting of the dwellings and to ensure compatibility with the surrounding neighbourhood. The CD plans for the subject site specified the type of single family dwelling to be built (one of five single family dwelling types, each with different gross floor areas and layouts), exterior materials and finishes, and the location of the dwelling.
- 3.3 Following adoption of the above rezoning, a subdivision plan for the subject area was registered, two internal roads were constructed, and six dwelling units, including one on the subject site, were constructed. However, due to difficulty in selling the six completed dwellings, the developer applied for another rezoning (Rezoning Reference #18/78) to amend the CD zoning along Gilley Avenue and to rezone the remaining undeveloped portion of the larger area to the R4 District (see *attached* Sketch #3). This rezoning received Final Adoption on 1978 December 18.

4.0 GENERAL INFORMATION

- 4.1 The applicant is requesting to rezone the subject property to the R4 Residential District in order to build a new house other than what would be permitted under the existing CD (R4) District zoning. It is noted that the subject lot meets the lot area and width requirements of the R4 District; therefore rezoning to the R4 District, rather than Amended CD (R4) District, is generally supportable. The maximum permitted gross floor area (GFA) on the subject property under existing CD (R4) zoning is 167 m² (1,800 sq. ft.), while the maximum GFA permitted under the R4 District regulations would be 390 m² (4,200 sq. ft.). This higher potential density would be generally consistent with the character of the neighbourhood and with the density permitted on R4 District lots located to the west and east but would be more than that permitted on CD (R4) District lots along Gilley Avenue, which are improved with dwellings that are undersized compared to dwellings on many neighbouring R4 lots.
- 4.2 It is noted that the properties to the north and south have zero lot line side yards abutting the subject property. However, the zero lot line is not of consequence as easement areas ranging in width from 0.61 m (2 ft.) to 1.52 m (5 ft.) are located along the north and south property lines of the subject site; therefore any proposed dwelling must be sited outside of these easement areas, as well as outside of the sewerage and drainage easement located along the east property line. In addition, the R4 District requires side yards of at least 1.5 m (4.9 ft.) for the least side yard and a minimum of 3.5 m (11.5 ft.) for the sum of both side yards. Therefore the minimum building separation that would be achieved between a new dwelling on the subject site and the adjacent existing dwellings to the north and south would be 1.5 m (4.9 ft.) where the 0.61 m (2 ft.) easement applies and 1.52 m (5 ft.) where the 1.52 m (5 ft.) easement applies.

- 4.3 The provision of any necessary covenants, easements, and/or statutory rights-of-way will be required. The existing encumbrances on the property indicated above – two use and maintenance easements related to neighbouring properties and a sewerage and drainage easement – will be required to remain.
- 4.4 The Director Engineering will be requested to provide an estimate for all site servicing.
- 4.5 A tree survey and an arborist report will be required to determine the suitability of preserving any existing on-site trees. The removal of any trees over 20 cm (8 in.) in diameter will require a Tree Cutting Permit. Any trees to be retained are to be protected during site development and construction by chain link fencing; a damage deposit and a Section 219 Covenant will be required, where warranted.
- 4.6 As the subject property meets the lot area and width requirements of the R4 District, this Department supports the rezoning of the subject property. Any future rezoning applications to rezone other properties within the CD (R4) District area along Gilley Avenue to the R4 District would be reviewed separately.
- 4.7 The proposed prerequisite conditions to the rezoning will be included in a future report.
- 4.8 Should Council authorize staff to work with the applicant, staff will undertake a public consultation process, prior to Public Hearing, which will include several means by which residents and property owners of the CD (R4) properties along Gilley Avenue and of the R4 properties which were rezoned under Rezoning Reference #18/78 can receive information on the current and proposed rezoning. This will include distribution of a brochure explaining the zoning; and staff will host an open at a nearby elementary school.

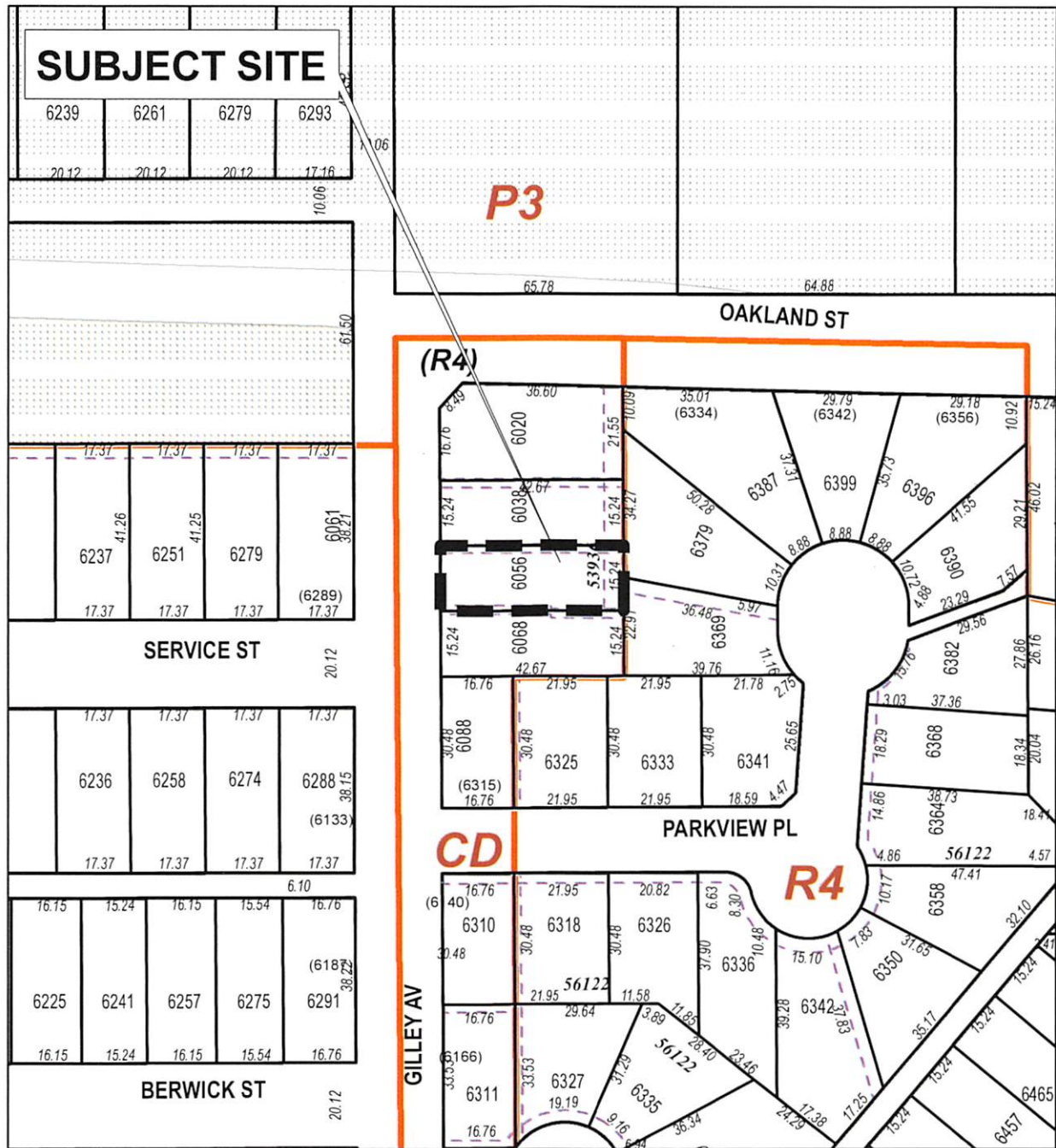
5.0 RECOMMENDATION

1. **THAT** the Planning and Building Department be authorized to continue to work with the applicant towards the preparation of a suitable plan of development for presentation to a Public Hearing on the understanding that a more detailed report will be submitted at a later date.

LP.

LS:spf
Attachments

cc: Director Engineering
City Solicitor
City Clerk



PLANNING & BUILDING DEPARTMENT

DATE:

SEP 20 2016

SCALE:

1:1,500

DRAWN BY:

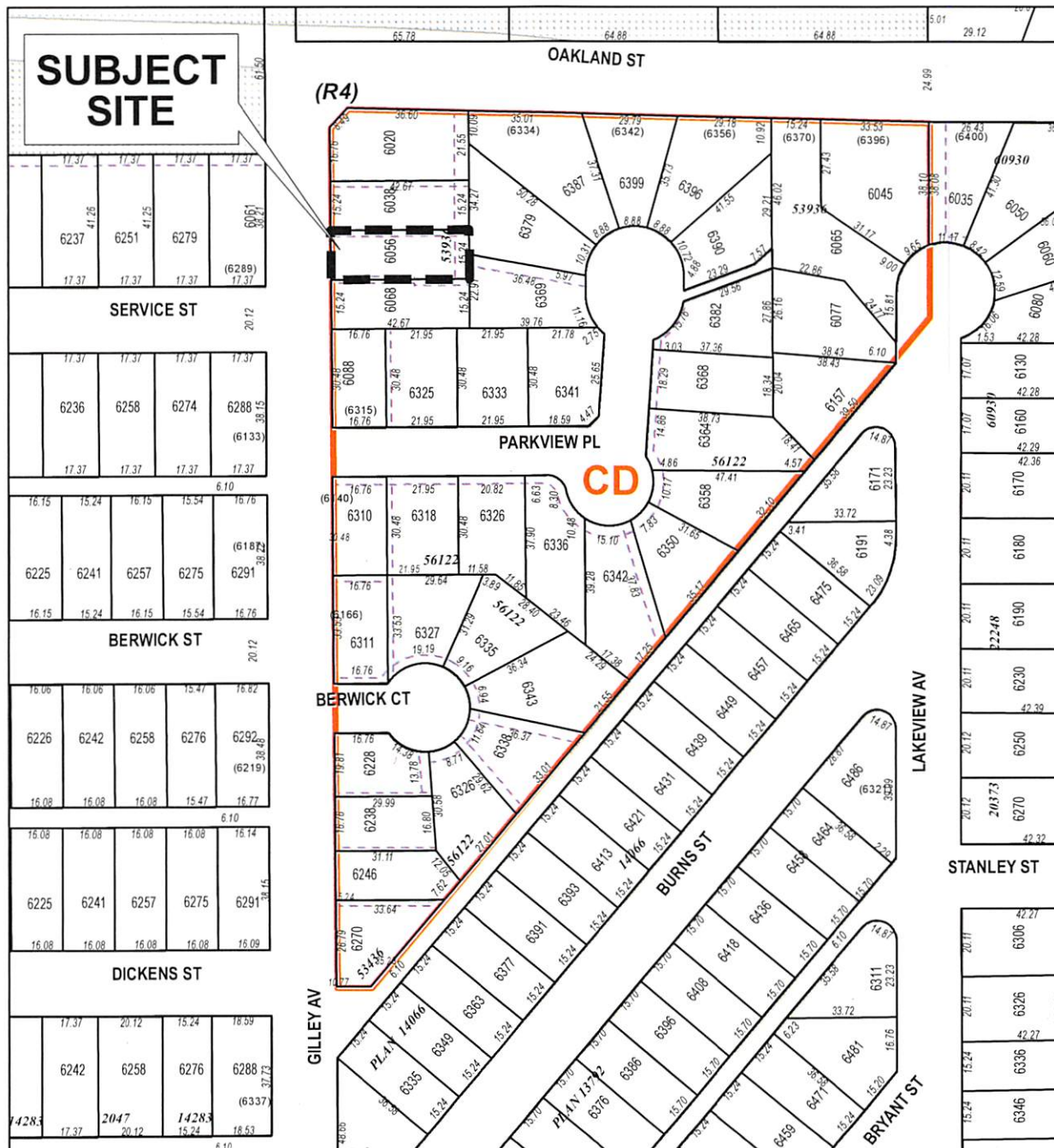
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REZONING REFERENCE #16-36
6056 GILLEY AVENUE



Subject Site

Sketch #1



PLANNING & BUILDING DEPARTMENT



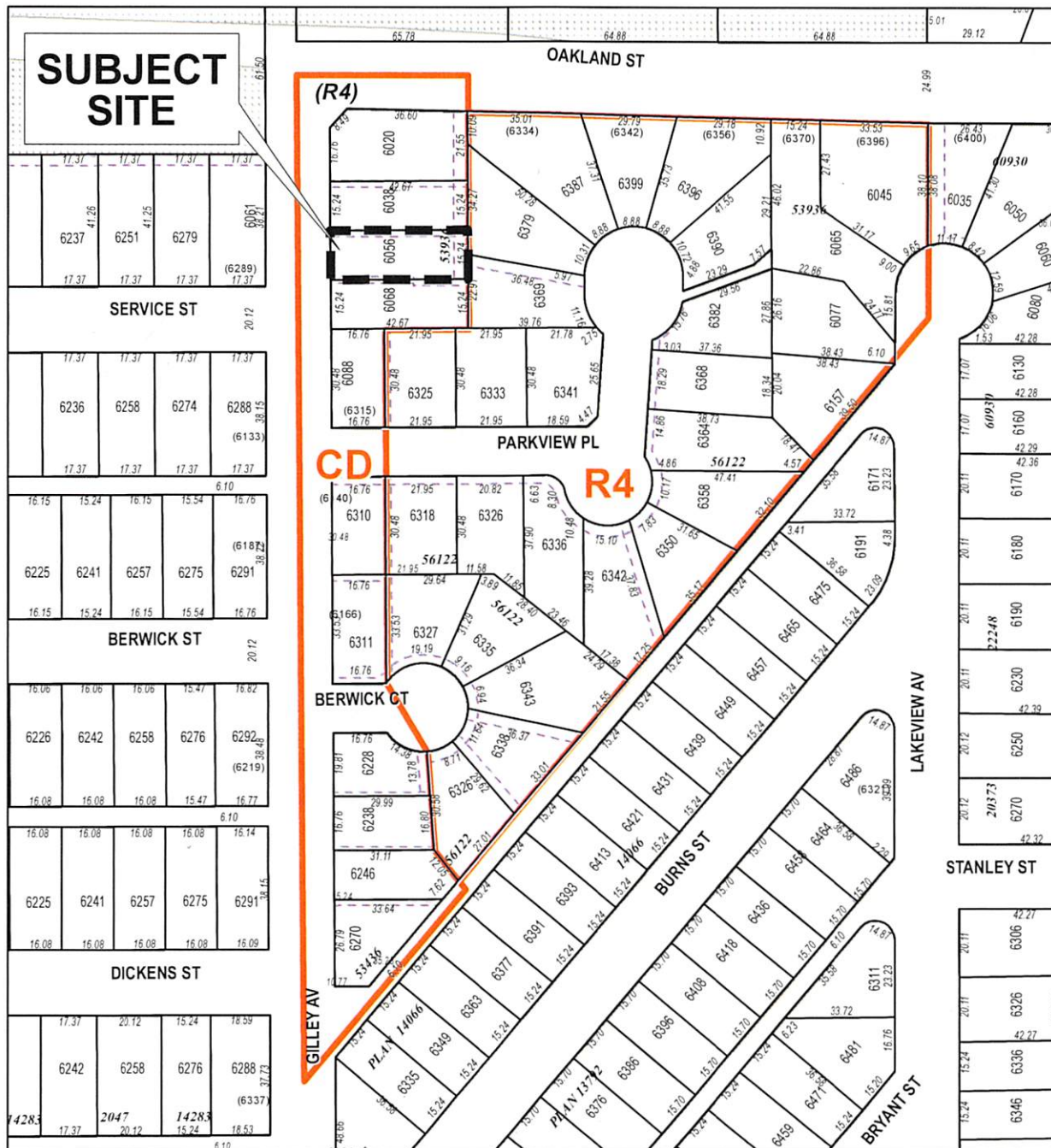
DATE:
SEP 20 2016

SCALE:
1:2,000

DRAWN BY:
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PAST REZONING - 1976
REZONING REFERENCE #49/76
6056 GILLEY AVENUE

Subject Site



PLANNING & BUILDING DEPARTMENT



DATE:
SEP 20 2016

SCALE:
1:2,000

DRAWN BY:
AY

PAST REZONING - 1978
REZONING REFERENCE #18/78
6056 GILLEY AVENUE

 Subject Site

Sketch #3

LETTER OF INTENT
6056 Gilley Avenue, Burnaby BC V5H 4B3
PID#002-731-398 Lot 323 District Lot 92

Dear Sirs and Madams,

My wife and I recently purchased the above property from my wife's mother and planned to demolish the old house constructed in 1977 and afterwards build a new craftsman style house on the property for us to live in. Unfortunately the lot is currently zoned CD-R4 rather than R4, resulting in significant restrictions that prevent us from building a modern, custom designed house on the lot.

Upon discussion with the City's Planning Department, the restrictions imposed by this particular CD-R4 that was applied to the lot in 1977 are so limiting that we were advised we would have to construct the exact same house from 1977 (size, colour, floor plan, siding, etc.), which we feel is impractical and regressive. There are also 3 easements currently imposed on the property.

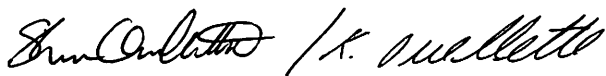
A total of 41 lots in the area were given the CD-R4 designation in 1977 and of those 30 have since been rezoned to R4. The majority of the other properties around ours are zoned R4. There are a large number of properties in the area that have new, modern style houses and so we would like to have the same opportunity as them, along with the other 30 properties that were rezoned, to construct a beautiful new house.

We reached out to the other 10 property owners that are still CD-R4 for a possible area rezoning to R4 but could not obtain unanimous consent from them, therefore we are applying to rezone just our own property.

Please rezone our property to R4. Also, please remove or revise the current easements to whatever degree possible.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shaun Ouellette / K. Ouellette', written in a cursive style.

Shaun and Katherine Ouellette