

BOARD OF VARIANCE

Monday, January 20th, 1969
630 Poirier Street
Coquitlam, B. C.

FEB 11 1969

Res. No. 158
Received

A meeting of the Board of Variance convened at the Social Recreation Centre, 630 Poirier Street, Coquitlam, B.C. on Monday, January 20th, 1969 at 7:30 p.m.

Members present were Mr. R.C. Parsons, Chairman, Mr. A.H. Kennedy, Mr. L.A. Miles, Mr. R.J. Arrell, and Mr. G. Crews. Also attending were Mr. N. Wainman, the Building Inspector, and Mr. T. Klassen, Assistant Municipal Clerk, who acted as Secretary to the meeting.

Mr. Parsons informed those present that the Board will hear all submissions and would rule on them after and that the applicants would be informed promptly of the decision of the Board by letter.

1. Appeal of Mr. N. Kelly
1988 Cape Horn Avenue
Lot 84 of D.L. 363, Plan 32080
SUBJECT: Frontyard setback

Mr. Kelly appeared before the Board and stated that he was requesting permission to build a garage with a 12 foot setback from Cape Horn Avenue.

Mr. Kelly stated that he had been granted permission by the Municipal Council in 1955 to erect the garage, but that he had now torn this structure down and wished to replace it.

Mr. Kelly further stated that this garage would be below the level of the road and this was the only place for the garage on the property in order for it to be accessible.

2. Appeal of Mr. Harvey Hall
564 Tipton Street
Lot 126 of D.L. 357, Plan 31510
SUBJECT: Frontyard setback

Mr. Hall appeared before the Board and informed them that he had purchased the lot with the intention of building a home on it for his own use.

He stated that the lot had a ravine at the back of his lot which would make it difficult to place a house on it if he would be required to maintain a 25 foot setback.

Mr. Hall further stated that he had not done a great deal of research to see if it would be possible to build a house on the lot according to by-law requirements but had only done preliminary investigation on his own.

3. Appeal of Mrs. Irene M. Blackburn
2020 Cape Horn Avenue
Lot 5 of 3 of 3 of D.L. 63, Plan 13516
SUBJECT: Frontyard setback

Mr. Blackburn appeared before the Board and stated that he wished to build a carport at the bottom of his lot which would be approximately 10 feet from the property line on the west corner of the carport.

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Board of Variance, Cont'd.

Mr. Blackburn stated that this would be the only position on the lot where it would be practical to build the carport in able to have access to it. Also, he stated that the carport would be below road level.

Mr. Blackburn presented letters from two neighbours stating that they had no objection to the proposed carport.

4. Appeal of George Furnadjieff
420 Westview Avenue
Lot 4 of 1 and 16, Plan 15812 and Balance of Lots
3 and 5 of 1 and 16 of Plan 874 and Plan 15812, N.W.D.
SUBJECT: Rearyard setback

Mr. Sequin appeared before the Board to represent Mr. Furnadjieff and informed the Board that they were requesting permission to erect a retaining wall 8 feet from the back yard. The reason that permission was required was that the retaining wall would form part of the underground parking lot and was, therefore, considered part of the building, thus requiring a setback of 25 feet.

The property on which the High Rise Apartment would be constructed is owned by the same people who own the property to the rear of the proposed development and this retaining wall would not affect this property in any way.

5. Appeal of Mr. P. Letwenz
1521 Harbour Drive
Lot 167 of Block B, D.L. 369, Plan 18427
SUBJECT: Rearyard setback

Mr. Letwenz appeared before the Board to request permission to erect a carport on his property which would have only a 12' setback from the backyard property line.

The reason that this carport would be this close to the rear yard line was the peculiar shape of his lot which backed onto five other lots.

Mr. Letwenz further stated that he had approached his neighbours and that they did not object to his proposal.

6. Appeal of Mr. E.P. Kurtz
671 Newport Street
Lot 3 of Block 4, D.L. 363, Plan 19125
SUBJECT: Sideyard setback

Mrs. Kurtz appeared before the Board to request permission to close in the existing carport. The carport, as existing, conforms to the municipal by-laws, however, if the building is closed in it should be 6 feet from the sideyard.

Mrs. Kurtz stated that the neighbour on the side of the carport had no objection to the closing in of the carport to make a garage.

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Board of Variance, Cont'd.

7. Appeal of Mr. Keith Anderson
699 Newport Street
Lot 6 of Block 3, D.L. 363, Plan 19125
SUBJECT: Sideyard setback

Mr. Anderson appeared to ask permission to erect a double carport which would be 16 feet wide and would leave a sideyard clearance of 2'6" instead of the required 4 feet.

Mr. Anderson stated that he did not feel it was possible to build the carport in the back yard as this area is 2 feet higher than the front yard and is retained by a cement wall.

Mr. Anderson presented letters from his neighbours at 701 Newport and 695 Newport which stated that they had no objections to the proposed carport.

8. Appeal of Terrace Development Co. Ltd.
821 Foster Avenue
The E 1/2 of 35 of Block 13, D.L. 366, Plan 6908
SUBJECT: Sideyard setback

Mr. Hamilton addressed the Board and stated that he wished to enclose an existing carport. The existing carport is 5'3" from the property line and the requirement for a garage is 6 feet.

9. Appeal of J. Allard
655 Clarke Road
Lot 14 of Block 7, D.L. 106, Plan 16433
SUBJECT: Alteration to non-conforming building

Mr. Clease of Russcher, Hanson and Associates addressed the Board and explained that his client wished to make alterations to the Willows drive-in to improve the appearance of the building and to put in proper plumbing facilities. Also, a new walk-in freezer would be installed.

Mr. Clease went on to explain how the appeal had come before the Board as a result of Council turning down a proposal to rezone to allow a modern drive-in restaurant.

Mr. Allard stated that the existing house on the property would be removed if he obtained permission to alter the existing facility. Mr. Clease also stated that his client is willing to place a fence or shrubbery surrounding the drive-in in order to screen it from the surrounding property owners.

Neighbours in the area were in attendance to protest against the continued use of the facility in the area on the following grounds.

1. Noise of cars late in the evening
2. Garbage from drive-in being spread on surrounding properties.
3. Parking to the rear of the building
4. Fences of surrounding properties being broken down
5. Drainage from this property going onto surrounding properties.

Mr. Allard agreed that at the present time the property was a mess but that should he receive permission to alter the building the

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Board of Variance, Cont'd.

property would be cleaned up and the water would be drained towards the front.

10. Appeal of Mr. A. Michie
1010 Ridgeway and 1021 Austin Avenue
Lot 296 of Blks. 21 - 30, D.L. 356, Plan 14379
SUBJECT: Alterations to non-conforming business

Mr. Michie appeared before the Board and stated that he had just recently purchased the business and that he wished to improve the premises in order to make the building supply yard a paying proposition.

He stated that he would alter the existing office for use as a show room and sales office and that the other existing building would be cleaned up for use as a storage shed.

Mr. Michie stated that he had applied for rezoning but that this would take some time to process and he wished to have his alterations complete by March 1st, 1969 in order to be ready for the spring and summer seasons.

Mr. Michie also stated that he had obtained money from the Industrial Development Bank to make the alterations and, therefore, would be able to go right ahead with his development.

11. Appeal of The Corporation of the District of Coquitlam
166 King Edward Street
Lot 7 of 1 of 46 of Plan 2624
SUBJECT: Frontyard setback

This was an appeal by the District of Coquitlam to make an addition to the Police Office to provide for a waiting room for those attending both the Police Offices and the Court.

There were two proposals presented for consideration by the Board with proposal "A" maintaining a setback of 18'9" and proposal "B" maintaining a setback of 14'1".

It was explained to the Board that this room was necessary as witnesses waiting to appear in Court were presently having to wait outdoors in the elements.

1. Mr. Kelly

Moved by Mr. Miles,
Seconded by Mr. Arrell -

That Mr. Kelly be allowed to construct a garage with a frontyard setback of 12 feet.

Carried

2. Mr. Hall

Moved by Mr. Kennedy,
Seconded by Mr. Arrell -

That Mr. Hall's application be declined.

Carried

Monday, January 20th, 1969
Board of Variance, Cont'd.

3. Mrs. Blackburn

Moved by Mr. Miles,
Seconded by Mr. Arrell -

That Mrs. Blackburn be allowed to construct a carport with a 15 foot setback from the road at the westerly corner of the proposed carport.

Carried

4. George Furnadjieff

Moved by Mr. Crews,
Seconded by Mr. Kennedy -

That Mr. Furnadjieff be allowed to construct the retaining wall within 8 feet of the rear yard property line.

Carried

5. Mr. Letwenitz

Moved by Mr. Miles,
Seconded by Mr. Crews -

That Mr. Letwenitz be allowed to construct a carport with a rear yard setback of 12 feet.

Carried

6. Mr. Kurtz

Moved by Mr. Crews,
Seconded by Mr. Arrell -

That Mr. Kurtz be allowed to close in his existing carport for use as a garage.

Carried

7. Mr. Anderson

Moved by Mr. Kennedy,
Seconded by Mr. Arrell -

That Mr. Anderson be allowed to construct a carport maintaining a 2'6" sideyard setback.

Carried

8. Terrace Development Co.

Moved by Mr. Kennedy,
Seconded by Mr. Crews -

That Mr. Hamilton be allowed to close in existing carport for use as a garage.

Carried

9. Mr. J. Allard

Moved by Mr. Miles,
Seconded by Mr. Crews -

That Mr. Allard be allowed to make alterations to his building at 855 Clarke Road in compliance with plans submitted to the Board and drawn by Russcher, Hanson and Associates, dated January 10th, 1969, together with an artist's conception of the proposed altered building.

Carried

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Board of Variance, Cont'd.

10. Mr. Michie

Moved by Mr. Kennedy,
Seconded by Mr. Crews -

That Mr. Michie be allowed to make alterations to his non-conforming buildings in compliance with his submission to the Board.

Carried

11. District of Coquitlam

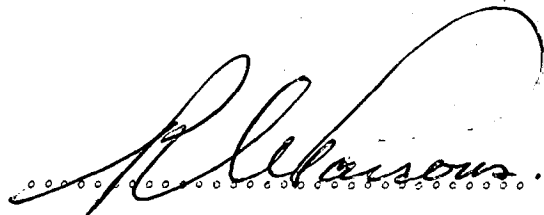
Moved by Mr. Crews,
Seconded by Mr. Kennedy -

That the District of Coquitlam be allowed to make an addition to the Police Office maintaining a 14'1" setback from King Edward Street as shown on proposal "B" as presented to the Board.

Carried

Mr. G. Crews at this time stated that for the record he was informing the Board that should any appeal ever be forthcoming which may involve the Sports Centre that he would have to excuse himself as he is presently serving on the Sports Centre Commission.

The meeting adjourned at 10:30 p.m.


.....CHAIRMAN

BOARD OF VARIANCE

Monday March 17th, 1969
630 Poirier Street
Coquitlam, B. C.

A meeting of the Board of Variance convened in the Council Chambers at the Social Recreation Centre, 630 Poirier Street, Coquitlam, B.C. on Monday, March 17th, 1969 at 7:30 p.m. Members of the Board present were Mr. R.C. Parsons, Chairman, Mr. G. Crews, Mr. R.J. Arrell and Mr. L.A. Miles. Also attending was T. Klassen, Assistant Municipal Clerk, who acted as Secretary to the meeting.

Mr. Parsons informed those present that the Board would hear all submissions and would rule on them later and that the applicants would be informed promptly of the decision of the Board by letter.

1. Appeal of Mr. D.A. Pegura
319 Burns Street
Lot 146 of Blk. 46, D.L. 1 and 16, Plan 34518
SUBJECT: Sideyard setback

Mr. Pegura appeared before the Board to explain that he wished to make an addition to a non-conforming dwelling.

Mr. Pegura stated that he had received permission from Council in 1954 to construct the house in the manner in which it now exists.

The addition to the home would be on the opposite side of the home that was in violation of Municipal By-Laws.

2. Appeal of Mr. G.W. Miller
580 Dansey Avenue
Lot 97 of D.L. 3, etc., Plan 27015
SUBJECT: Sideyard setback

Mr. Miller appeared before the Board and explained that he wished to build a double carport on the side of his home which would come right to the property line.

He stated that the carport would be about 18 feet wide by 24 feet long and that he had contacted his neighbours and they had no objections to the carport. Mr. Miller presented five letters from neighbours stating they had no objections.

Mr. Miller stated that if he were not allowed to build the carport in this position it would require a driveway of over 100 feet or the carport would have to have access from the lane. He did not wish to have access from the lane as this could cause difficulties during snowy weather as lanes are not plowed very rapidly.

3. Appeal of A.J. Cassivi
1037 Stewart Avenue
Lot 17 of 15 of 1 and 16, Plan 1481, N.W.D.
SUBJECT: Rearyard requirements

Mr. Cassivi appeared before the Board and stated that he wished to make an addition to a home that was non-conforming as he did not have the required 25 foot rearyard setback.

The addition would be approximately 12 feet by 12 feet and would be built on the front of the building and this will still leave the required front-yard setback of 25 feet.

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Monday, March 17th, 1969

Mr. Cassivi also stated that he wished to make changes to the roof on the existing dwelling at the same time as the addition is built.

4. Appeal of Mr. M. Russell
3003 Dewdney Trunk Road
Lot 2 of 4 of D.L. 381, Plan 1523
SUBJECT: Permission to build accessory building to
the rear of principal building

Mr. and Mrs. Russel in company with their son appeared before the Board to request permission to build a garage to the front of their existing dwelling.

The appellants stated that the garage would be 20 feet by 24 feet and explained to the Board why this could not be built in any other location on the lot.

Two neighbours spoke in opposition to the application as they stated that several old cars were presently being stored on the property which was creating a mess. There were also two letters submitted to the Board in opposition to the application.

5. Appeal of F. Crawley
622 Smith Avenue
Ptn. of Lot 3 of N 1/2 of N 1/2 of Lot 7, Plan 3967
SUBJECT: Sideyard setback

Mr. Crawley appeared before the Board to request permission to subdivide property leaving an existing dwelling with only a one-foot setback from the side property line on the older of the two dwellings presently situated on the lot.

Mr. Crawley stated that the subdivision had originally been approved in 1958, however, he had not registered the plan at that time and approval of the subdivision had expired.

The lot on which the new house is situated has been sold since January 1st, 1969, however, the property has not been able to be registered until such time as the subdivision has been approved.

Mr. Crawley stated also that the older home would most likely be removed in the near future as it is quite old.

A neighbour stated that he had no objection to the granting of the appeal.

6. Appeal of Mr. Owen Hamilton
807 Gatensbury Street
Lot 5 of W 1/2 of 1 of D.L. 369, Plan 21488, N.W.D.
SUBJECT: Frontyard setback

Mr. Hamilton appeared before the Board to request permission to build a camper port which would have only an 18 foot setback from the road. He stated that he could not put this in his rearyard as he had no lane to give access to the rear. Also, he did not have room on either side of his home to store his camper.

A neighbour who lived next door stated that he had no objection to the proposed building.

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Monday March 17th, 1969

7. Burquitlam Enterprises Ltd.
Northeast side of Brada Drive
Lot 127 of Blk. 20 of Plan 28669 and Rem. of
Lot 2 of Blk. 20, D.L. 106, Plan 10171
SUBJECT: Front and Rear yard setbacks

Mr. Brevick appeared before the Board and explained that he had been approached by Mr. Vandermeulen with a request to create a lot from the back portions of their two lots. He explained that if this was done, the created lot would have a depth of 51 feet and the permission of the Board would be required in order that a dwelling could be placed on the lot as there would not be enough room to maintain the required rearyard setback.

Mr. and Mrs. Stevens objected to the proposed subdivision as they felt it would create congestion in the area and they did not like the idea of the house being situated with only a 6-foot rearyard setback.

Two other neighbours also objected to the proposal.

One neighbour spoke in support of the proposition as he felt that if a subdivision was allowed and a home built on the lot, this would clean up the present messy condition on the unused portions of the two lots.

8. Appeal of Albert Fournier
2541 Barnet Highway
Lot 2 of A of Blk. 8, D.L. 238, Plan 13360
SUBJECT: Permission to make addition to non-conforming dwelling

Mr. Fournier appeared before the Board to request permission to make repairs and an addition to a dwelling which is situated in an M-1 General Industrial zone.

He stated that he had already purchased the building materials as he had been told originally that the addition would be permissible, however, when he went to make application for his permit he was informed that the house was non-conforming.

9. Appeal of White Spot Ltd.
Bernatchy and Brunette

Application withdrawn.

10. Spani and Sons Construction Co. Ltd.
665 North Road and 665 Whiting Way
Lots 100 and 101 of Lot 7, Group 1, Plan 31248
SUBJECT: Relaxation of requirements of By-Law 1507
Parking ratio

Mr. Spani appeared before the Board to request relaxation of parking requirements for the proposed apartments situated at 665 North Road and 665 Whiting Way.

He stated that he would be able to provide the required 150% parking,

Board of Variance (Cont'd)
Monday, March 17th, 1969

however, the Design Panel had requested landscaping of the Apartment Blocks and this would be impossible with the required parking space.

Mr. Spani stated that a permit to construct the apartment had been applied for and granted in May, 1967, however, due to difficulty in obtaining financing the building was not started at that time. In 1967, the required parking would have been 100%.

Mr. Spani said that underground parking was the only other alternative, however, this would mean that some suites would be lost making the venture uneconomic.

The Board expressed concern over approving relaxation of the required parking ratio for apartments and stated that any relaxation considered should only be on developments initiated prior to the new parking by-law coming into effect.

11. Appeal of Okron Developments Co. Ltd.
469 North Road
Lot 173 of D.L. 3, Plan No. 34235
SUBJECT: Sideyard setback

Mr. E. Whittaker appeared before the Board and stated that when their appeal was granted on September 17th, 1968 for a sideyard setback of 15 feet the construction foremen took this to mean to the centre of the columns instead of the face of the columns. This, therefore, made the setback 14 feet 9 inches instead of the required 15 feet.

Mr. Whittaker stated that to revise the location of the columns at this time would entail considerable expenditure and time. The business would be required to close down for a period of one and one half to two weeks.

12. Appeal of Carl G. Nielsen
2560 Barnet Highway
Lot 51 of Blk. 7, D.L. 238, Plan 31173
SUBJECT: Permission to build a swimming pool
in an M-1 Zone.

Mr. Nielsen appeared before the Board to request permission to build a swimming pool for his own use on property that was zoned General Industrial (M-1).

He stated that he had attempted to sell the property for industrial, however, he had been unable to dispose of the property at an acceptable figure to him.

He also stated that his neighbours had no objection to the proposed swimming pool which would be built in front of his home and would be approximately 30 feet by 15 feet.

13. Appeal of Mr. P. Dainius
419 Marmont Street
Lot 4 of Pcl. A of Blk. 30, D.L. 109, Plan 14333
SUBJECT: Permission to build duplex on lot which does
not have the required area.

Mr. Dainius appeared before the Board to request permission to construct

Board of Variance (Cont'd)
Monday, March 17th, 1969

a self-contained suite in the basement of his existing dwelling.

Mr. Dainius explained that his property is zoned duplex, however, he does not have the required 8,000 square foot area upon which to construct a duplex.

Mr. Dainius went on to explain that he proposed to use the suite in the basement for himself and rent out the top storey. He stated that should he not be allowed to proceed that it would be necessary for him to sell the house as he felt his future with regard to employment was quite limited and the rental of the house would provide income to him.

A neighbour appeared and stated that as long as Mr. Dainius owned the property he was not worried, however, should the property be sold in the future that problems could arise.

Another neighbour also voiced her objections to the proposed duplex.

1. Mr. Pegura

Moved by Mr. Miles,
Seconded by Mr. Arrell -

That Mr. Pegura be allowed to place an addition onto his present non-conforming dwelling. The addition to be made on the north side of the home.

Carried

2. Mr. Miller

Moved by Mr. Arrell,
Seconded by Mr. Miles -

That the appeal of Mr. Miller be declined.

Carried

3. Mr. Cassivi

Moved by Mr. Crews,
Seconded by Mr. Arrell -

That Mr. Cassivi be allowed to make alterations to the roof of the existing dwelling and that he also be allowed to make an addition to the front of the dwelling.

Carried

4. Mr. Russell

Moved by Mr. Crews,
Seconded by Mr. Miles -

That Mr. Russell be allowed to construct a garage 20 feet by 24 feet to be located to the front of his existing dwelling.

Carried

Board of Variance (Cont'd)
Monday, March 17th, 1969

5. Mr. Crawley

Moved by Mr. Crews,
Seconded by Mr. Miles -

That Mr. Crawley be allowed to subdivide his property maintaining a one-foot side yard clearance on the older dwelling presently existing on the property.

Carried

6. Mr. Hamilton

Moved by Mr. Crews,
Seconded by Mr. Miles -

That Mr. Hamilton be allowed to construct a camper port on his property maintaining an 18 foot setback from Gatensbury Street.

Carried

7. Burquitlam Enterprises

Moved by Mr. Miles,
Seconded by Mr. Crews -

That the application to construct a dwelling on a proposed lot maintaining a 6 foot rear yard be refused. That the applicant be advised that preliminary approval of the subdivision must first be obtained and that a plan of the proposed structure must be presented to the Building Inspector and that once the refusal to allow construction of a dwelling has been made, a new application will be entertained by the Board.

Carried

8. Mr. Fournier

Moved by Mr. Miles,
Seconded by Mr. Arrell -

That Mr. Fournier be allowed to make repairs and an addition to his non-conforming dwelling.

Carried

9. White Spot Ltd.

Application withdrawn.

10. Spani and Sons

Moved by Mr. Miles,
Seconded by Mr. Crews -

That Mr. Spani be allowed to construct his apartments maintaining 100% parking instead of 150%.

Carried

Board of Variance (Cont'd)
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11. Okron Development Co. Ltd.

Moved by Mr. Arrell,
Seconded by Mr. Miles -

That the setback of 14 feet 9 inches from North Road be allowed.

Carried

12. Mr. Nielsen

Moved by Mr. Crews,
Seconded by Mr. Arrell -

That Mr. Nielsen be allowed to construct a swimming pool on his property.

Carried


13. Mr. Dainius

Moved by Mr. Crews,
Seconded by Mr. Arrell -

That Mr. Dainius be allowed to convert his basement into a self-contained suite, thereby creating a duplex.

Carried

Meeting adjourned at 10:45 p.m.


.....CHAIRMAN

BOARD OF VARIANCE

Tuesday, June 3rd, 1969
1111 Brunette Avenue
Coquitlam, B. C.

A meeting of the Board of Variance convened in the Clerk's Office, 1111 Brunette Avenue, Coquitlam, B.C. on Tuesday, June 3rd, 1969 at 7 p.m. Members of the Board present were Mr. R.C. Parsons, Chairman, Mr. G. Crews, Mr. R.J. Arrell, Mr. A.H. Kennedy and Mr. L.A. Miles. Also attending were D.C. Reed, Municipal Solicitor and T. Klassen, Assistant Municipal Clerk.

Mr. Parsons called the meeting to order and explained that the meeting had been called to discuss with the Municipal Solicitor the intent of the Board of Variance and the powers and duties of the Board.

Mr. Reed had prepared a brief on the subject of the Board of Variance and proceeded to discuss this brief with the members of the Board.

Mr. Reed also explained to the Board that they are sitting as a Court and that applications should be treated with precedence and continuity. Also, that after hearing the submission and counter submissions that no further submission should be heard unless the applicant is present.

Mr. Reed also stated that members should be careful not to involve themselves personally in any application.

With regard to a member of the Board having an appeal, Mr. Reed suggested several steps which he felt members would be wise to observe. They are -


- A. Notify the Board that you have an appeal pending.
- B. Have the appeal made by someone other than yourself.
- C. Take no part whatsoever in the discussion on the appeal and, preferably, do not even attend any part of the meeting of the Board at which the appeal is being heard.

The members of the Board asked several questions on matters contained in the brief and received further clarification on these items.

The Board also discussed retaining a lawyer on a fee basis to be available when and if the Board felt clarification of an application was needed. This was left with the Solicitor and Assistant Clerk to investigate the possibility of obtaining the services of such a Solicitor.

The Board also asked that where an applicant is referred by another Committee of the Municipality to the Board of Variance that the Committee make a report to the Board on the application.

The meeting adjourned at 9 p.m.

 CHAIRMAN

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance

DEPARTMENT:

DATE: June 3, 1969

FROM: Mr. D. C. Reed
Municipal Solicitor

DEPARTMENT: Legal

YOUR FILE:

SUBJECT:

OUR FILE:

With reference to your recent request for clarification of the powers of your Board, the following comments may be of assistance to you.

As you are aware, the "Municipal Act" is the primary source for the powers of your Board. There are various statutory limitations, and in particular, Subsection (9) of Section 708, indicates that in the By-Law adopted to create the Board of Variance, that the procedures to be followed are to be outlined.

I do not think that in attempting to regulate the procedures, that any Municipal Council should indicate how, or under what circumstances the Board should make its decisions. I assume the "procedures" indicated in the "Act" are the formal procedures as they relate to a hearing, rather than the actual decision making process involved.

What then, may be established as the guide lines for the Board of Variance to follow. Section 709 of the "Municipal Act" states in a rather general way, the type of situations which are under the jurisdiction of the Board. I would think that the first thing that should happen in any application is that the Board should consider whether or not it has jurisdiction to deal with the particular problem. The difficulty with this, of course, is that most of the problems have first to be heard before really any question of jurisdiction can arise. Paragraphs (A) and (C) of Section 709 are both rather loosely worded. I think that the reason for this is to have as little restriction on the Board as is possible in order that it may grant relief where such is merited, without strict legal limitations.

- continued -

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance

DEPARTMENT:

DATE:

FROM: Mr. D. C. Reed

DEPARTMENT:

YOUR FILE:

OBJECT:

OUR FILE:

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Subsection (A) of Section 709 poses a different sort of problem for the Board. This Section, of course, relates to an interpretation of a by-law. It is in this area, that perhaps the Board would have to exercise a more legalistic approach than normal. A by-law should always be interpreted in a way that will make sense of the entire by-law. It would be equally open to the Board to say that the by-law was in part conflicting, and that therefore it is not a question of interpretation but rather one of error in the draftsmanship of the by-law and accordingly should be returned to the Council for proper amendment.

If the Board could, by observation of the entire by-law, determine the overall purpose and see how any particular clause fitted into that purpose, then I think it would be within their powers to interpret the by-law accordingly. It should be remembered, however, that as soon as an interpretation is given, then it would bind the Board in future cases and would certainly bind the Municipality in dealing with similar problems.

Statutory interpretation is unfortunately an art, and my only suggestion can be, is that in trying to interpret the particular by-law, that you, as nearly as possible, try to discern the general intent of the by-law after listening to the specific interpretation rendered by the official charged with its enforcement.

Subsection (C) of Section 709, also creates a problem for Boards of Variance. I am going to suggest, some practical rules as guidelines for you in this area. The following comments are not intended as rigid rules but it is hoped that they may clarify the role of the

- continued -

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance DEPARTMENT: DATE:
FROM: Mr. D. C. Reed DEPARTMENT: YOUR FILE:
SUBJECT: OUR FILE:

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June 3, 1969

Board of Variance and the effective implementation of a sound planning program.

The Basic purpose of a Board of Variance is to make minor adjustments in the strict application of the Zoning By-Law. This calls for a thorough knowledge of the Regional Plan and Zoning By-Law, and above all, an understanding of the intent and purpose of these documents, as the Board can only grant variance when the intent and purpose is maintained. The responsibility is placed upon the Board to judge the extent of the variance so that the end result will still be within the intent and purpose of the Regional Plan and Zoning By-Law.

The Board, in carrying out its functions, must accept the Regional Plan and Zoning By-Law as adopted by Council. It should not use its powers to zone, or to permit uses that are not permitted, or to correct what it may consider or what may be defective in planning or zoning, this being a matter for Council, as elected representatives responsible for regulating land use by zoning by-law.

Under normal conditions, only individual properties should be considered. Groups of properties are matters for an amendment to the Zoning By-law.

The responsibility for showing the necessity of granting a variance, is upon the applicant, and in explaining that compliance with the By-law, it is unreasonable or impossible, the applicant should provide reasons to the satisfaction of the Board of Variance. At this point, the Board can always adjourn the matter until the proper municipal officer can be in attendance to state the municipality's position.

- continued -

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance

DEPARTMENT:

DATE:

FROM: Mr. D. C. Reed

DEPARTMENT:

YOUR FILE:

SUBJECT:

OUR FILE:

page 4
June 3, 1969

The Board, in analyzing a case, should satisfy itself: (a) that there are practical difficulties which make the carrying out of the strict letter of the By-Law unreasonable or impossible; (b) that the circumstances which create the practical difficulties are peculiar to the property and not common to the area; (c) that by complying with the By-Law, the applicant can make no reasonable use of the property; (d) that the necessity for the variance is not one of convenience or monetary gain, when compliance with the By-Law is possible and reasonable; (e) the necessity for the variance results only from the application of the By-Law to the property, not from any other factor; (f) that the applicant has not self-created the circumstances that prevent him from complying with the strict terms of the By-Law; (g) that the application has sufficient merits of its own, not to create a precedent for similar requests from others.

The Board is frequently confronted with cases where a responsible official has ruled that a nonconforming use has not been established, and this is a most difficult area to rule upon. The legal complexity of determining a nonconforming use, or its termination, require a great deal of factual evidence, and more precisely, a review of a case law pertaining to each situation. I would suggest that the Board's cases which involve nonconforming use, are specifically referred for a legal opinion. This type of application will usually arise under Section 709, (A). It is not clear in British Columbia, that the Board of Variance does have the power to extend a nonconforming use unless it can be maintained that such interpretation relates to an interpretation of the Zoning By-Law.

- Continued -

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance

DEPARTMENT:

DATE:

FROM: Mr. D. C. Reed

DEPARTMENT:

YOUR FILE:

OBJECT:

OUR FILE:

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June 3, 1969

However, there may be cases in which it is strictly a question of interpretation, and thus the Board would be able to assume jurisdiction and the following factors might be borne in mind: (a) the general intent of the by-laws for the area; (b) evidence should be obtained to assure that the use requested is a lawful nonconforming use, and that such use has continued until the date of application; (c) that the Board should not grant an extension or enlargement of a building used for a nonconforming use except to prevent reasonable hardship and where the depreciating effect on the area is no greater than the original building; (d) the Board should not grant a change of nonconforming use unless the new use is either similar to the old one or will be more compatible with the permitted uses for the area; (e) the Board shall not permit the rejuvenation of a nonconforming use by the demolition of an old building and the replacement by a new one for either the existing use or a new conforming use.

Once a nonconforming use has been given up, or been inoperative for thirty (30) days, then the use cannot be resurrected and the normal zoning will apply. This, of course, raises many difficult questions, of fact, as it is often very difficult to determine when a nonconforming use has ceased to exist.

Many uses are made, which are relatively inactive and yet are carried on for a long period of time. An example of this would be the stock piling of gravel on lands not zoned for the purpose. Nothing may occur for years, until the gravel is used and the stock pile depleted. These, of course, are questions of fact, and depend upon the evidence before the Board for determination.

- continued -

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance

DEPARTMENT:

DATE:

FROM: Mr. D. C. Reed

DEPARTMENT:

YOUR FILE:

SUBJECT:

OUR FILE:

page 6
June 3, 1969

In general, the Board should bear in mind that any extension or enlargement of a building use, used for a nonconforming use, may extend a life of that use, and it is hoped that nonconforming uses will eventually disappear to make way for the proper conforming uses.

A Board of Variance should not use its powers to legalize contraventions of the Zoning By-Law resulting from the gross carelessness or indifference on the part of the applicant, or from poor municipal administration. For many, the powers of a Board of Variance, may appear to be wide, and as a result different interpretations of the authority granted to their body may be given. However, in this regard, it is emphasized that a Board of Variance, although not elected by the people, is given discretionary powers in many ways similar to that of a court of law. It would seem imperative that these powers be used and interpreted with considerable caution, if the Board of Variance is to serve its proper purpose in promoting the interests of the community as a whole, and it is to gain the confidence of all concerned.

An abuse of these powers may seriously reduce the effectiveness of the Zoning By-Law and could cause conflict between the Board of Variance and the Municipal Council, to the former, trying to either conscientiously or unconscientiously usurp some of the powers of the latter.

Your basic principle, as I see it, is that you are an agency intended to help zoning work more effectively, and to provide justice in removing some of the small inequities and frustrations that can

- continued -

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance

DEPARTMENT:

DATE:

FROM: Mr. D. C. Reed

DEPARTMENT:

YOUR FILE:

SUBJECT:

OUR FILE:

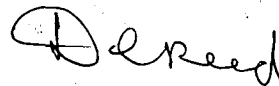
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June 3, 1969

arise in the zoning process, and making this important implementation part of the planning process more acceptable.

Please accept my remarks as being constructive rather than critical. There may be particular problems which will occur from time to time in which I can be of some assistance. It should be remembered, however, that as Municipal Solicitor, it is my duty to protect the position of the Corporation and advise the various municipal officers as best I can, as to the Municipality's arguments. Naturally, I try to review both sides of the particular problem, and I would certainly be prepared to let you have my opinion to be submitted as part of your overall decision, in those cases which are particularly complex.

If you receive what appears to be a legal submission, and you feel that it would be helpful, then I suggest you adjourn the matter, and have the argument referred to me to see if the Municipality wishes to submit either oral or written argument.

There may be other guidelines which could be helpful to you, and certainly if there are any further questions which you may have, or suggestions which could be incorporated in the Board of Variance By-Law, I would be most pleased to discuss these with you.



D. C. Reed
MUNICIPAL SOLICITOR

DCR:h1

BOARD OF VARIANCE

Moyle
Reed
Reed
JUN 24 1969
Res. No. _____

Tuesday, June 3rd, 1969
1111 Brunette Avenue
Coquitlam, B. C.

A meeting of the Board of Variance convened in the Clerk's Office, 1111 Brunette Avenue, Coquitlam, B.C. on Tuesday, June 3rd, 1969 at 7 p.m. Members of the Board present were Mr. R.C. Parsons, Chairman, Mr. G. Crews, Mr. R.J. Arrell, Mr. A.H. Kennedy and Mr. L.A. Miles. Also attending were D.C. Reed, Municipal Solicitor and T. Klassen, Assistant Municipal Clerk.

Mr. Parsons called the meeting to order and explained that the meeting had been called to discuss with the Municipal Solicitor the intent of the Board of Variance and the powers and duties of the Board.

Mr. Reed had prepared a brief on the subject of the Board of Variance and proceeded to discuss this brief with the members of the Board.

Mr. Reed also explained to the Board that they are sitting as a Court and that applications should be treated with precedence and continuity. Also, that after hearing the submission and counter submission that no further submission should be heard unless the applicant is present.

Mr. Reed also stated that members should be careful not to involve themselves personally in any application.

With regard to a member of the Board having an appeal, Mr. Reed suggested several steps which he felt members would be wise to observe. They are -

- A. Notify the Board that you have an appeal pending.
- B. Have the appeal made by someone other than yourself.
- C. Take no part whatsoever in the discussion on the appeal and, preferably, do not even attend any part of the meeting of the Board at which the appeal is being heard.

The members of the Board asked several questions on matters contained in the brief and received further clarification on these items.

The Board also discussed retaining a lawyer on a fee basis to be available when and if the Board felt clarification of an application was needed. This was left with the Solicitor and Assistant Clerk to investigate the possibility of obtaining the services of such a Solicitor.

The Board also asked that where an applicant is referred by another Committee of the Municipality to the Board of Variance that the Committee make a report to the Board on the application.

The meeting adjourned at 9 p.m.

..... CHAIRMAN

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance

DEPARTMENT:

DATE: June 3, 1969

FROM: Mr. D. C. Reed
Municipal Solicitor

DEPARTMENT: Legal

YOUR FILE:

SUBJECT:

OUR FILE:

With reference to your recent request for clarification of the powers of your Board, the following comments may be of assistance to you.

As you are aware, the "Municipal Act" is the primary source for the powers of your Board. There are various statutory limitations, and in particular, Subsection (9) of Section 708, indicates that in the By-Law adopted to create the Board of Variance, that the procedures to be followed are to be outlined.

I do not think that in attempting to regulate the procedures, that any Municipal Council should indicate how, or under what circumstances the Board should make its decisions. I assume the "procedures" indicated in the "Act" are the formal procedures as they relate to a hearing, rather than the actual decision making process involved.

What then, may be established as the guide lines for the Board of Variance to follow. Section 709 of the "Municipal Act" states in a rather general way, the type of situations which are under the jurisdiction of the Board. I would think that the first thing that should happen in any application is that the Board should consider whether or not it has jurisdiction to deal with the particular problem. The difficulty with this, of course, is that most of the problems have first to be heard before really any question of jurisdiction can arise. Paragraphs (A) and (C) of Section 709 are both rather loosely worded. I think that the reason for this is to have as little restriction on the Board as is possible in order that it may grant relief where such is merited, without strict legal limitations.

- continued -

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance

DEPARTMENT:

DATE:

FROM: Mr. D. C. Reed

DEPARTMENT:

YOUR FILE:

SUBJECT:

OUR FILE:

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June 3, 1969

Subsection (A) of Section 709 poses a different sort of problem for the Board. This Section, of course, relates to an interpretation of a by-law. It is in this area, that perhaps the Board would have to exercise a more legalistic approach than normal. A by-law should always be interpreted in a way that will make sense of the entire by-law. It would be equally open to the Board to say that the by-law was in part conflicting, and that therefore it is not a question of interpretation but rather one of error in the draftsmanship of the by-law and accordingly should be returned to the Council for proper amendment.

If the Board could, by observation of the entire by-law, determine the overall purpose and see how any particular clause fitted into that purpose, then I think it would be within their powers to interpret the by-law accordingly. It should be remembered, however, that as soon as an interpretation is given, then it would bind the Board in future cases and would certainly bind the Municipality in dealing with similar problems.

Statutory interpretation is unfortunately an art, and my only suggestion can be, is that in trying to interpret the particular by-law, that you, as nearly as possible, try to discern the general intent of the by-law after listening to the specific interpretation rendered by the official charged with its enforcement.

Subsection (C) of Section 709, also creates a problem for Boards of Variance. I am going to suggest, some practical rules as guidelines for you in this area. The following comments are not intended as rigid rules but it is hoped that they may clarify the role of the

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CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance DEPARTMENT: DATE:
FROM: Mr. D. C. Reed DEPARTMENT: YOUR FILE:
SUBJECT: OUR FILE:

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June 3, 1969

Board of Variance and the effective implementation of a sound planning program.

The Basic purpose of a Board of Variance is to make minor adjustments in the strict application of the Zoning By-Law. This calls for a thorough knowledge of the Regional Plan and Zoning By-Law, and above all, an understanding of the intent and purpose of these documents, as the Board can only grant variance when the intent and purpose is maintained. The responsibility is placed upon the Board to judge the extent of the variance so that the end result will still be within the intent and purpose of the Regional Plan and Zoning By-Law.

The Board, in carrying out its functions, must accept the Regional Plan and Zoning By-Law as adopted by Council. It should not use its powers to zone, or to permit uses that are not permitted, or to correct what it may consider or what may be defective in planning or zoning, this being a matter for Council, as elected representatives responsible for regulating land use by zoning by-law.

Under normal conditions, only individual properties should be considered. Groups of properties are matters for an amendment to the Zoning By-law.

The responsibility for showing the necessity of granting a variance, is upon the applicant, and in explaining that compliance with the By-law, it is unreasonable or impossible, the applicant should provide reasons to the satisfaction of the Board of Variance. At this point, the Board can always adjourn the matter until the proper municipal officer can be in attendance to state the municipality's position.

- continued -

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance

DEPARTMENT:

DATE:

FROM: Mr. D. C. Reed

DEPARTMENT:

YOUR FILE:

SUBJECT:

OUR FILE:

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June 3, 1969

The Board, in analyzing a case, should satisfy itself: (a) that there are practical difficulties which make the carrying out of the strict letter of the By-Law unreasonable or impossible; (b) that the circumstances which create the practical difficulties are peculiar to the property and not common to the area; (c) that by complying with the By-Law, the applicant can make no reasonable use of the property; (d) that the necessity for the variance is not one of convenience or monetary gain, when compliance with the By-Law is possible and reasonable; (e) the necessity for the variance results only from the application of the By-Law to the property, not from any other factor; (f) that the applicant has not self-created the circumstances that prevent him from complying with the strict terms of the By-Law; (g) that the application has sufficient merits of its own, not to create a precedent for similar requests from others.

The Board is frequently confronted with cases where a responsible official has ruled that a nonconforming use has not been established, and this is a most difficult area to rule upon. The legal complexity of determining a nonconforming use, or its termination, require a great deal of factual evidence, and more precisely, a review of a case law pertaining to each situation. I would suggest that the Board's cases which involve nonconforming use, are specifically referred for a legal opinion. This type of application will usually arise under Section 709, (A). It is not clear in British Columbia, that the Board of Variance does have the power to extend a nonconforming use unless it can be maintained that such interpretation relates to an interpretation of the Zoning By-Law.

- Continued -

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance DEPARTMENT: DATE:
FROM: Mr. D. C. Reed DEPARTMENT: YOUR FILE:
SUBJECT: OUR FILE:

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June 3, 1969

However, there may be cases in which it is strictly a question of interpretation, and thus the Board would be able to assume jurisdiction and the following factors might be borne in mind: (a) the general intent of the by-laws for the area; (b) evidence should be obtained to assure that the use requested is a lawful nonconforming use, and that such use has continued until the date of application; (c) that the Board should not grant an extension or enlargement of a building used for a nonconforming use except to prevent reasonable hardship and where the depreciating ^{As} effect on the area is no greater than the original building; (d) the Board should not grant a change of nonconforming use unless the new use is either similar to the old one or will be more compatible with the permitted uses for the area; (e) the Board shall not permit the rejuvenation of a nonconforming use by the demolition of an old building and the replacement by a new one for either the existing use or a new conforming use.

Once a nonconforming use has been given up, or been inoperative for thirty (30) days, then the use cannot be resurrected and the normal zoning will apply. This, of course, raises many difficult questions, of fact, as it is often very difficult to determine when a nonconforming use has ceased to exist.

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CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance

DEPARTMENT:

DATE:

FROM: Mr. D. C. Reed

DEPARTMENT:

YOUR FILE:

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OUR FILE:

page 6
June 3, 1969

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An abuse of these powers may seriously reduce the effectiveness of the Zoning By-Law and could cause conflict between the Board of Variance and the Municipal Council, to the former, trying to either conscientiously or unconscientiously usurp some of the powers of the latter.

Your basic principle^{AL}, as I see it, is that you are an agency intended to help zoning work more effectively, and to provide justice in removing some of the small inequalities and frustrations that can

- continued -

CORPORATION OF THE DISTRICT OF COQUITLAM

Inter-Office Communication

TO: Board of Variance DEPARTMENT: DATE:
FROM: Mr. D. C. Reed DEPARTMENT: YOUR FILE:
SUBJECT: OUR FILE:

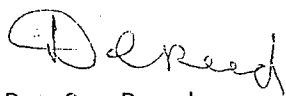
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Please accept my remarks as being constructive rather than critical. There may be particular problems which will occur from time to time in which I can be of some assistance. It should be remembered, however, that as Municipal Solicitor, it is my duty to protect the position of the Corporation and advise the various municipal officers as best I can, as to the Municipality's arguments. Naturally, I try to review both sides of the particular problem, and I would certainly be prepared to let you have my opinion to be submitted as part of your overall decision, in those cases which are particularly complex.

If you receive what appears to be a legal submission, and you feel that it would be helpful, then I suggest you adjourn the matter, and have the argument referred to me to see if the Municipality wishes to submit either oral or written argument.

There may be other guidelines which could be helpful to you, and certainly if there are any further questions which you may have, or suggestions which could be incorporated in the Board of Variance By-Law, I would be most pleased to discuss these with you.


D. C. Reed
MUNICIPAL SOLICITOR

DCR:h1

BOARD OF VARIANCE

Wednesday - June 18th, 1969
630 Poirier Street,
Coquitlam, B.C.

A meeting of the Board of Variance convened at the Social Recreation Centre, 630 Poirier Street, Coquitlam, B.C. on Wednesday, June 18th, 1969 at 7:30 p.m.

Members present were: Mr. A. H. Kennedy, Mr. L. A. Miles, Mr. R. J. Arrell and Mr. G. Crews. Also attending were: Mr. N. Wainman, the Building Inspector and T. Klassen, Assistant Municipal Clerk, who acted as secretary to the meeting.

Moved by Mr. Crews,
Seconded by Mr. Miles -

That Mr. Kennedy act as Chairman in the absence of Mr. Parsons.

Carried

Mr. Kennedy explained to those present that all appeals would be heard and would rule on them after and that the applicants would be informed of the decision of the Board by letter from the Municipal Clerk's Office.

1. Appeal of Mr. R. Maxwell
3133 Ozada Drive
SUBJECT: Accessary Building requirements

Mr. Maxwell appeared in support of his application and informed the Board that it was his desire to place a 1200 sq.ft. garage on his property and the By-Law requirement allows only an 800 sq.ft. building.

He explained that he had a large lot 63' x 300' and he was hoping to retire on this property and wished the building for a combination Hobby Shop and Garage and therefore needed a large space.

The Board inquired if he had checked into subdivision possibilities and he stated that the Planning Department had informed him that future plans called for his property to be an access road sometime in the future to allow subdivision of properties on either side.

Mr. Maxwell stated that his neighbours had no objections to his proposal.

Mr. Maxwell also stated that he intended to erect a building 30' x 40' as it was possible to obtain prefabricated buildings of this size making it more economical to build.

2. Appeal of Mr. F. Chernoff
1781 Grover Avenue
SUBJECT: Relaxation of side yard requirements

Mrs. F. Chernoff appeared before the Board and stated that when they had originally purchased the property they thought they had more side yard clearance, however, they discovered since, that the fence line was not the property line.

They now wish to erect a carport 13½ feet in width which would give them 12 feet clearance as the chimney juts out into the area proposed to be used for a carport. This would leave only 2'10" clearance from the side property line.

She further explained that there is an easement on the east side of their property which precludes them from building on that side.

Mrs. Chernoff stated that her neighbours had no objection to their proposal.

3. Appeal of Mrs. A. V. Fraser
584 Thompson Avenue
SUBJECT: Relaxation of front yard requirements

Mr. Fraser addressed the Board and stated that they wished to add a front porch to their home which now is sited the minimum distance of 25 feet from the property line.

Mr. Fraser informed the Board that at present they have no front stairs and thus have no access to their home by the front door.

Mr. Fraser explained that they had purchased this home 3½ years ago and had had a contractor lift the house and put in a basement. At this time they did not realize what the front yard setback requirement was.

Mr. Fraser stated that he had talked to his neighbours and that they had no objections to his proposal.

It was noted by the Board that the homes on Thompson Avenue have irregular setbacks.

4. Appeal of Mr. J. E. Day
316 Loring Street
SUBJECT: Relaxation of rear yard requirements

Mr. Day addressed the Board and stated that he now has a single carport on his home and would like to make an addition to enlarge it into a double carport. This would then leave a backyard of 16' instead of the required 20'.

Mr. Day stated that his house is located on a corner lot making it difficult to obtain required setback.

Mr. Day informed the Board that he had contacted his neighbours and they have no objections to his proposal.

5. Farwest Holdings Ltd.
1062 Austin Avenue
SUBJECT: Relaxation of parking requirements

Mr. Williams addressed the Board on the behalf of Farwest Holdings Ltd., and stated that instead of having parking for four cars in front of the building they wished to put in landscaping. He stated that landscaping would cost approximately \$1,000.00 whereas blacktopping for parking would only cost \$300.00.

Mr. Williams stated that he is attempting to have a lot behind his building rezoned for the parking use of his tenants and that an application for this has been submitted.

The Board were informed that there are 3 stores and 6 offices located in the Building.

Mr. Williams stated that he has been informed by the Municipal Planner that Austin Avenue will be widened in the very near future and that as

a result he would lose 2 parking spaces as well, one of the remaining spaces which would be used as access to the one remaining parking spot.

Mr. Williams further stated that he would commence immediately with landscaping if his appeal was allowed.

6. Mr. L. Tubbs
2979 Como Lake Avenue
SUBJECT: Relaxation of side yard requirements

Mr. Tubbs appeared and stated that he wished to erect a double carport which would leave a side yard clearance of 3' instead of the required 12½ feet.

Mr. Tubbs also explained that a portion of his property had been taken for the widening of Green Street at Como Lake Avenue.

Two neighbours appeared and voiced their support of Mr. Tubbs' application.

7. Mr. John Van Dongen
1375 Pipeline Road
SUBJECT: Interpretation of By Law

Mr. Van Dongen appeared and explained to the Board that he wished to operate a riding stable at 1375 Pipeline on property which he has leased from B.C. Hydro on a yearly basis. He went on to explain that when he came to apply for a building permit for a barn the matter of the interpretation of the by law came up.

Mr. Van Dongen explained that the section of the by law which is questioned is the section of the small holdings zone dealing with the keeping of animals. More specifically, the sections dealing with the number of animals which may be kept on a parcel of land.

Copies of correspondence, dealing with this matter, from Mr. Buchanan, the Municipal Planner and Mr. Reed, the Municipal Solicitor were supplied to the Board for their consideration.

Mr. Williams, who owns property adjoining Mr. Van Dongen's, appeared to support the proposal of a riding stable. He stated that up to the present time no problem has been created and there is ample parking area under the powerlines.

Another property owner in this area appeared to express his support of the proposal as he felt this was an ideal area for this type of operation.

Mr. Anderson appeared to express his disapproval of the proposed riding stable. He stated that he did not want horses in this area as others have run on his property in the past. He did state, however, that he had not had any problems with Mr. Van Dongen's horses.

8. Mr. E. A. Hales
1383 Dansey Avenue
SUBJECT: Relaxation of side yard requirements

Mr. Hales appeared before the Board to request permission to erect a carport on his property maintaining an 8" setback from the side property line.

Mr. Hales explained that his house is sited on the property on an

angle with a 14 foot side yard setback at the front of the house and an 11 foot setback at the back of the house.

The Board questioned Mr. Hales as to the possibility of placing a garage in the back yard with access from the lane. Mr. Hales stated that this would require fill as his property is 3' below the level of the lane and also he felt that by placing the carport on the end of the house he could improve the appearance of the dwelling. Mr. Hales also informed the Board that he wished to put a sundeck over the carport.

Several neighbours appeared to support Mr. Hales' application.

Mr. and Mrs. K. E. Kaerne apposed the application by way of a letter.

9. Mr. Eric Rastad
2190 Parkcrest
SUBJECT: Relaxation of side yard requirements

Mr. Rastad informed the Board that he wished to erect a garage at the back of his property maintaining a 2 foot setback from his side property line. He stated that he wished to build in line with his driveway which is 12 feet wide and runs right to the property line.

Mr. Rastad explained that if he built the garage in behind the house he felt that access to the garage would be restricted.

Mr. Rastad also stated that the garage would blend architecturally with the dwelling and that his neighbours had no objection to his proposal.

Some neighbours appeared in support of Mr. Rastad's application.

10. Standard Oil Company
750 Loughheed Hwy.
SUBJECT: Relaxation of rear yard requirements

Mr. Fred Moore appeared on behalf of Standard Oil and stated that they wished to redevelop Lindys Service Station. He informed the Board that they had applied to Council for cancellation of the lane to the rear of the Service Station and for the dedication of this land to Mr. Landreville to enlarge his parcel of land.

Mr. Moore explained that they wished permission to build a new garage maintaining no rear yard setback. Mr. Moore stated that if the property behind were zoned Service Commercial they could then build to the property line without maintaining any rear yard setback.

Mr. Dominellie, a neighbour to the rear, appeared to express his opposition to both the building of a new service station and to the cancellation of the lane. He stated that if a garage were erected where proposed, his view would be cut off.

Mrs. Racin also appeared to voice her objection to the cancellation of the lane.

1. Mr. R. Maxwell

Moved by Mr. Miles,
Seconded by Mr. Arrell -

That the application of Mr. Maxwell be declined.

Carried

2. Mr. F. Chernoff

Moved by Mr. Crews,
Seconded by Mr. Arrell -

That Mr. Chernoff be allowed to construct a carport on the west side of his dwelling maintaining a 2'10" sideyard setback.

Carried

3. Mrs. A. Fraser

Moved by Mr. Miles,
Seconded by Mr. Arrell -

That Mrs. Fraser be allowed to erect a front porch to extend no further than 6' in front of the house.

Carried

4. Mr. J. E. Day

Moved by Mr. Crews,
Seconded by Mr. Miles -

That Mr. Day be allowed to construct an extension to his carport maintaining a rear yard of 16 feet.

Carried

5. Farwest Holdings Ltd.

Moved by Mr. Crews,
Seconded by Mr. Miles -

That the application by Farwest Holdings be approved subject to the parking area being deleted being adequately landscaped as approved by the Design Panel and providing a bond is posted for the full amount of the cost of the landscaping.

Carried

Moved by Mr. Crews,
Seconded by Mr. Miles -

That the Municipal Planner review the by-law respecting parking regulations and that parking in front of commercial buildings of this sort be discouraged.

Carried

6. Mr. L. Tubbs

Moved by Mr. Miles,
Seconded by Mr. Crews -

That Mr. Tubbs' application be approved and he be allowed to construct a carport maintaining a side yard setback of 3 feet.

Carried

7. Mr. J. Van Dongen

Moved by Mr. Miles,
Seconded by Mr. Crews -

That the by-law be interpreted to mean four animals per acre and that Mr. Van Dongen's application be approved and also that the Municipal Council be informed of the interpretation of the by-law as given by the Board of Variance.

Carried

8. Mr. E. A. Hales

Moved by Mr. Miles,
Seconded by Mr. Crews -

That Mr. Hales be allowed to construct a carport maintaining an 8' sideyard setback.

Carried

9. Mr. Eric Rastad

Moved by Mr. Crews,
Seconded by Mr. Miles -

That Mr. Rastad be allowed to construct a garage maintaining a 2' sideyard setback from the east property line.

Carried

10. Standard Oil Company

Moved by Mr. Crews,
Seconded by Mr. Miles -

That action on this application be deferred until such time as the lane cancellation and dedication is completed.

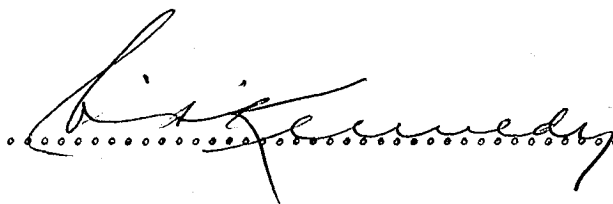
Carried

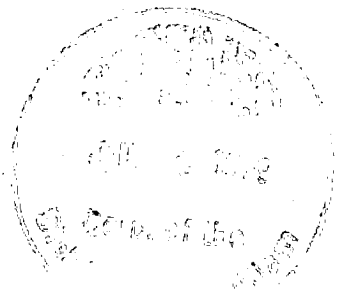
Moved by Mr. Miles,
Seconded by Mr. Crews -

That the meeting adjourn.

Carried

Meeting adjourned at 11 p.m.

 CHAIRMAN



BOARD OF VARIANCE

B. J. Ham
JUL 28 1969
Res. No.

Monday, September 29th, 1969
630 Poirier Street
Coquitlam, B. C.

A meeting of the Board of Variance convened at the Social Recreation Centre, 630 Poirier Street, Coquitlam, B. C. on Monday, September 29th, 1969 at 7:30 PM.

Members present were Mr. R. C. Parsons, Chairman, Mr. A. H. Kennedy, Mr. L. A. Miles, Mr. R. J. Arrell, and Mr. G. Crews. Also attending were Mr. N. Wainman, Building Inspector, and Mr. T. Klassen, Acting Municipal Clerk, who acted as Secretary to the meeting.

Mr. Parsons informed those present that the Board will hear all submissions and would rule on them after and that the applicants would be informed promptly of the decision of the Board by letter.

1. Appeal of Mr. F. M. Walker
698 Porter Street
Lot 275 of 119 of D.L. 365, Plan 35305
SUBJECT: Front and rearyard setback

Mr. Walker explained to the Board that he wished to subdivide the present lot which would create a new lot to be 90 feet by 80 feet on the corner of Porter Street and Smith Road which would leave the existing house non-conforming in regards to frontyard and rearyard setback.

Mr. Walker further explained that once a subdivision takes effect that his house would be considered as fronting on Smith Road and that he has only a 12 foot 6 inch setback whereas the requirement is 25 feet. Also this would leave a rear yard of only 19 feet and the requirement is 20 feet.

2. Appeal of Mr. C. A. Thompson
Como Lake and Hibbard Avenue
Parcel B of 61 & 62, Lot 6 of D.L. 368, Plan 10368
SUBJECT: Relaxation of Subdivision Servicing Requirements.

Mr. Thompson of Citizens Mortgage Corporation Limited explained that he had applied to the Subdivision Committee to subdivide the lot in question into two, and that such application had been made on March 1, 1969. He further explained that on May 7th, 1969 he had been given permission to subdivide subject to the full servicing of the two lots. He stated that this could cost him up to \$20,000.00 as he would be required to provide storm sewers from his proposed lots along both Hibbard and Como Lake out to Porter Street. He felt this would create a hardship on him as he was only gaining one extra lot and this was the only vacant lot left in the whole block and that at present there were no storm sewers in this neighbourhood.

3. Appeal of Mr. & Mrs. Tuma
1130 Hammond Avenue
Lot 88, D.L. 109, Plan 28325
SUBJECT: Relaxation of zoning requirements to allow a four-plex

Mr. & Mrs. Tuma appeared before the Board and informed them that they had purchased the property in May of 1968 and that at the time of purchase^{it} was presented to them as a fourplex and that at the time of purchase all four units were rented. They had been further informed by the agent that while the property was presently zoned duplex, the matter of having it rezoned^p to fourplex use was merely a technicality and would be accomplished within three or four months.

Mr. Tuma explained that they had purchased the building as security as he was unable to work at times and they felt that the rental from the four units would help sustain them. They explained to the Board each suite has some 1066 square feet with the two upper suites having two bedrooms and the lower suites each having one bedroom. Also there are only two electrical meters serving the property.

Mr. Tuma stated that they had believed the agent when the property had been presented as a fourplex and had not checked on their own with the Municipality to ascertain if in fact what they were told was true. They further explained that unless they would be allowed to rent the three units and live in the fourth, they would be unable to make the payments on the property and thus would create a hardship upon them.

The Building Inspector informed the board that he had expected that the basement suites would be eventually completed and therefore requested a letter from the builder to the effect that the suites in the basement would not be completed for rental purposes and had received such a letter.

4. Appeal of Mr. M. Desjarlais
1206 Rochester Avenue
Lot 4, Block 35 D.L. 109, Plan 6666
SUBJECT: Side Yard setback
-

Mr. Desjarlais appeared before the Board and requested relaxation of side yard requirements as he was desirous of adding a second story to his house and extending the present roof overhang and the house is now situated only four feet from the side property line, whereas six feet is required. Mr. Desjarlais also stated that he wished to extend the roof overhang an additional twenty inches to what it is now.

5. Appeal of Mrs. Emily Samuelson
1069 Dansey Avenue
Lot 111 of Block 4, D.L. 1 & 16, Plan 1481
SUBJECT: Rear Yard setback
-

Mrs. Samuelson appeared and addressed the Board and informed them that she had bought a house which had a carport presently constructed. However, she would have to demolish the carport as it was unsuitable and she now wished to construct a garage attached to the house which would require that she reserve a twenty foot rear yard. She requested that the board give relaxation to allow the construction of a garage maintaining a fourteen foot rear yard setback.

She informed the Board that she would be allowed to construct an open carport maintaining only a four foot rear yard setback, however she wished to have a closed in garage in order that she could use it for storage of garden tools as well as her car.

6. Appeal of Mrs. J. M. Baxter
624 Berry Street
Lot 63, Block S₂7, D.L. 357, Plan 26729
SUBJECT: Side yard Setback
-

The Secretary informed the Board that this application had been withdrawn by Mrs. Baxter by telephone call on September 24th, 1969 due to a death in the family.

7. Appeal of Mr. M. Jacobsen
3065 Ranch Park Way
Lot 8, Block 7, D.L. 373 & 374, Plan 19285
SUBJECT: Relaxation of Side yard requirements.
-

Mr. Jacobsen addressed the Board and stated that he has a carport presently constructed with a four foot setback and that he now wishes to enclose it to make a garage as well as extending it two feet to the rear of the existing carport. He stated that under the present by-law a six foot setback from the side property line is required and he is therefore unable to close the garage without permission of the Board.

A neighbour living across the street was present and stated that he had no objection to the garage being closed in.

8. Appeal of Canaveral Investments Ltd.
455 North Road
Lot 67, D.L. 3 etc., Plan 25320
SUBJECT: Parking requirements.
-

Mr. John McLoughlin, representing Canaveral Investments, appeared before the Board and read a prepared statement which contained proof of hardships in their estimation and also dealt with the advantages to the proposed development should their appeal be allowed. Mr. McLoughlin explained that they wished to have a Wagon Ho Restaurant established on the property and that a permit would not be issued to them because they did not have the required parking space to service the existing shopping centre under a by-law which was passed after a construction of the shopping centre.

Mr. Whittaker of Okron Engineering addressed the Board and stated that by redesigning the parking within the centre, the present 331 spaces could be increased by 46 and that the construction of the Wagon Ho would reduce this number by 23 thus leaving a net gain of 23 parking spaces.

The representative of the Wagon Ho Restaurant informed the meeting that the proposed Restaurant would be a sit-in restaurant and not a drive-in.

Mr. McLoughlin further informed the board that with the establishment of the Wagon Ho Restaurant they were planning a complete alteration of the existing stores to have a common western theme in the centre. He further stated that under the by-law now in existence they would require a total of 515 parking spaces.

A neighbour living at 521 Austin Avenue addressed the meeting and stated that he was in favour of the development, but thought that there should be access onto Austin Avenue from the centre. He further stated that it is his experience that the parking at this lot is congested on both Fridays and Saturdays.

9. Appeal of Mr. Earl Huber
908 Smith Avenue
Parcel A of Lot 6, Block 10 to 13, D.L. 366, Plan 22655
SUBJECT: Rear yard set back
-

Mr. Huber addressed the Board and stated that his house presently has a front yard setback of 22 feet 3 inches whereas the required minimum is 25 feet and that he wishes to make a fourteen foot addition to the rear of the existing dwelling.

He informed the board that he required the extra spaces because his family was growing up thus requiring more room.

Mr. Huber further informed the Board that his existing house does not project in front of surrounding dwellings to any great extent at the present time and was not obviously out of line with them.

10. Appeal of Mr. Reg Montgomery
Nestor Avenue
Lot 14, Section 12, Township 39 Plan 3022
SUBJECT: Relaxation of zoning by-law to allow construction of Mushroom barn.
-

As Mr. Montgomery was not present to present his case the Board decided that no action will be taken.

However, as there were several people present wishing to voice their objection the Chairman ruled that their names would be included in the Minutes as objecting to the proposed Mushroom barn. Those attending to object were Mr. & Mrs. N. Hill, Mrs. Fowler, Mrs. Anderson, Mrs. & Mr. Audette, Mr. & Mrs. Vakenti, Mrs. F. A. Boutin, Mr. Alec Anderson. Also objecting were Warner Housing Limited who own property in the area and submitted their objections in writing to the Municipal Clerk by way of a letter dated September 25, 1969.

11. Appeal of Mr. & Mrs. L. T. Scott
1001 Floyd Avenue
Lot 15, Block 18, D.L. 356, Plan 12814
SUBJECT: Side yard setback.
-

Mr. Scott addressed the Board and stated that he wished to make an addition to the rear of his dwelling and that the roof overhanging would encroach into the side yard requirement by a distance of one foot more than was allowable under the existing by-laws. Also the proposed addition would encroach by some two inches into the side yard requirement thus leaving a side yard setback of 5 feet 10 inches instead of the required 6 feet.

The Secretary informed the board that a telephone call had been received from a Mr. Sahlsten of 979 Floyd Avenue stating that he had no objections to Mr. Scott's proposal.

1. Mr. F. M. Walker

Moved by Mr. Crews,
Seconded by Mr. Kennedy -

That Mr. Walker's appeal be allowed subject to a certificate of a B. C. Land Surveyor being submitted showing the exact location of the existing house from existing ^{and} proposed property lines.

Carried

2. Mr. C. A. Thomson

Moved by Mr. Crews,
Seconded by Mr. Kennedy -

That this application be not considered by the Board of Variance as it is beyond the powers of the Board to adjudicate on.

Carried.

3. Mr. & Mrs. G. Tuma

Moved by Mr. Kennedy,
Seconded by Mr. Arrell -

That this application be declined.

Carried.

4. Mr. M. Desjarlais

Moved by Mr. Miles,
Seconded by Mr. Crews -

That Mr. Desjarlais be allowed to alter his dwelling by changing the roof line and developing a second story on the house maintaining a four foot side yard setback on the east side of his property.

Carried.

5. Mrs. Emily Samuelson

Moved by Mr. Crews,
Seconded by Mr. Kennedy -

That Mrs. Samuelson ^{be} allowed to construct a garage connected to her dwelling ^{with} maintaining a fourteen foot rear yard setback.

Carried.

6. Mrs. J. M. Baxter

Application withdrawn.

7. Mr. M. Jacobsen

Moved by Mr. Crews,
Seconded by Mr. Kennedy -

That Mr. Jacobsen be allowed to close in his existing carport making an addition of two feet to the rear of the carport maintaining a four foot side yard setback.

Carried.

8. Canaveral Investments Ltd.

Moved by Mr. Crews,
Seconded by Mr. Miles -

That Canaveral Investments be allowed to construct the Wagon Ho Restaurant maintaining a minimum of 354 parking spaces within the shopping centre complex provided that (1) the 331 spaces presently existing is the actual and correct figure, (2) that the proposed new restaurant together with the proposed alterations to the existing shopping centre be approved by the Design Panel, (3) that a 10% cash bond of the total amount of the

proposed alterations of the existing centre stores as approved by the Design Panel be posted. (4) that a cash bond equal to the cost of constructing the access from Adsting Avenue to the shopping centre be posted.

Carried.

9. Mr. Earl Huber

Moved by Mr. Crews,
Seconded by Mr. Miles -

That Mr. Earl Huber be allowed to construct a fourteen foot addition to the rear of his existing non-conforming dwelling situated at 908 Smith Avenue.

Carried.

10. Mr. Reg Montgomery

As Mr. Montgomery was not present no action was taken on this application.

11. Mr. & Mrs. L. T. Scott

Moved by Mr. Crews,
Seconded by Mr. Kennedy -

That Mr. Scott be allowed to construct the addition to the rear of his home maintaining a 5 foot 10 inch side yard setback from the west property line and that he be allowed a roof overhang of thirty inches ^{plus} maintaining a three foot four inch setback from the west property line.

Carried.

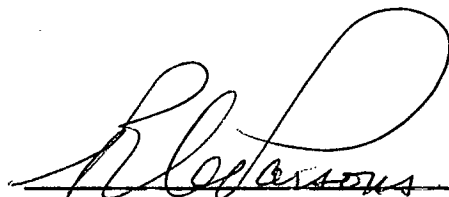
The Municipal Planner by way of a report dated September 29th, 1969 submitted a report on each application before the Board putting forth the Municipalities position on each application.

Moved by Mr. Crews,
Seconded by Mr. Miles -

That the meeting adjourn.

Carried.

Meeting adjourned at 11:30 PM.


CHAIRMAN

September 29, 1969

A SUBMISSION TO THE BOARD OF VARIANCE ON APPLICATIONS
TO BE CONSIDERED ON SEPTEMBER 29th., 1969.

On July 22nd., Council resolved that "all future applications to the Board of Variance be referred to the Planning Director for his comments". The Municipal Manager had asked for this in order that the Municipality's position could be put forward. If the Board wishes my representative could be present in person at the Board's future meetings to explain our viewpoints. In this case I merely submit our views in writing for your consideration.

1. Subdivision of S. M. Walker, 698 Porter Street (8-1833F).

This subdivision received preliminary approval on August 14th., subject to the house being located over six (6) feet from the new side lot line. Evidently it is four (4) feet six (6) inches from the side lot line and not the thirteen (13) feet five (5) inches recorded in our file as obtained from the applicant. Furthermore, the lot line on Smith Avenue becomes a front lot line with the subdivision so that a twenty-five (25) foot setback is normally required.

I have no objection to the proposal subject to decreasing the easterly lot to a seventy-eight (78) foot width to meet the requirement of preliminary subdivision approval, still leaving a lot of over seven thousand (7,000) square feet.

2. Subdivision of C. A. Thomson, Como Lake and Hibbard (8-1627B).

This subdivision received preliminary approval on May 7th., 1969. Full servicing is being required under the authority of the Land Registry Act, Municipal Act and Subdivision Control By-Law. The Board of Variance does not appear to have authority under the Municipal Act to deal with servicing requirements except for trunk watermains and trunk sanitary sewers in areas zoned for agricultural, rural, or industrial use where connection to an existing trunk over

two thousand (2,000) feet away is required. This is not the case here since -

- 1.) the property is zoned Residential (R-1).
- 2.) the services involved are storm sewers, curb and gutter, sidewalks and pavement.

I suggest that the Board not consider this application since it is beyond their jurisdiction under the Municipal Act. (I note that this has been discussed with the Municipal Solicitor and that he agrees with this interpretation.)

3. G. & M. Tuma (Z-715)

An application was made to Council to rezone this property from Residential Medium Density (R-2) to Multiple Family Residential (RM-1) in 1968. It was declined on my advice since the property was below the minimum parcel size for such use and well outside existing apartment areas. In 1967 a similar application (Z-574) had been declined, but evidently the developer built the units illegally and then sold the property to the people now before the Board of Variance.

In 1968, Council gave the applicants until December 31st., 1968 to vacate the two unlawful units. On July 11th., 1969, the Planning Department reminded the applicants of this since a complaint had been received. No legal action was taken since they have applied to the Board of Variance.

Since what is being sought is essentially the legalization of an unlawful use, I suggest that the Board decline the application. I feel that it is up to the applicant to take action against the person from whom they bought the property and not to obtain exemption from By-Laws. Finally, since this is a question of the use of land it may well be beyond the terms of reference of the Board.

3/

4. M. Desjarlais.

The question is whether this is a case of hardship due to siting requirements.

5. E. Samuelson.

I understand that the setback from Marmont Street is not to be decreased from the present. This is a major road and since future widening may be necessary no such reduction should be considered.

6. J. M. Baxter.

The point at issue is if there is genuine hardship from the by-laws siting requirement of six (6) feet.

7. M. Jacobsen.

This again is related to hardship in siting regulations. The Board must determine if this is the only possible location for the garage or if it is simply a convenient location.

8. Canaveral Investments (Z-694).

This is a major application since -

- 1.) The parking for the shopping centre is proposed to be total 352 spaces or 4.75 per 1,000 square feet. This is well below our requirement of 8 spaces and also the "rock bottom" American standard (urban land institute) of 5.5 spaces. Please note that no overall site plan with revised parking layout for the shopping centre has been submitted. (N.B. Loughheed Mall Centre is built at a standard of 5.5 spaces per 1,000 square feet, the minimum allowed by the Department of Highways.)
- 2.) The Company has never built the access route to the shopping centre from Austin Avenue to the Commercial Centre as promised in 1968. On the other hand, the Municipality has left a curb return for this and left room for a left turn lane with widened pavement

in this area. It is recommended that a performance bond preferably a cash bond be required for this work as originally required by Council if a variance is accepted.

3.) The design of the additions to the shopping centre have not been examined by our Design Panel. It is recommended that their favourable approval be made a condition if the variance is accepted.

9. E. Hubert.

On the basis of the site plan submitted the Planning Department has no objection to the addition.

10. R. Montgomery.

The question in this case is whether the growing of vegetable includes the growing of mushrooms in the Small Holdings Zone. It is a question of interpretation as what is a permitted use. Since a mushroom is classed as a fungus and not grown as a usual foodstuff, it was interpreted by me as being beyond the intent of the By-Law.

I note that the raising of poultry is permitted by the By-Law, which also is similarly objectionable from a nuisance viewpoint. Under our new zoning by-law this type of use was to be removed from the zoning provisions, but this by-law is still in the hands of the Legal Department.

The question here is one of interpretation as to whether the use is allowed under By-Law 860, our existing by-law. I leave it to the Board to determine if my interpretation was overly strict as to mushroom growing.

11. L. T. Scott.

An overhang of up to two (2) feet is proposed under our new Zoning By-Law thus increasing the present allowable overhang by four inches. The proposal is still in excess of that. It is up to the Board to determine if hardship

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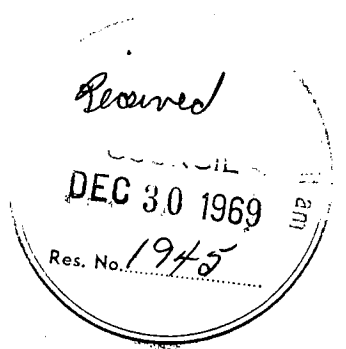
due to siting requirements is indeed the case.

Respectfully Submitted,

D. M. Buchanan

D. M. Buchanan,
Planning Director.

DMB:do



BOARD OF VARIANCE

Monday, December 15th, 1969
630 Poirier Street
Coquitlam, B. C.

A meeting of the Board of Variance convened at the Social Recreation Centre, 630 Poirier Street, Coquitlam, B. C. on Monday December 15th, 1969 at 7:30 p.m.

Members present were Mr. A. H. Kennedy, Mr. L. A. Miles, Mr. R. J. Arrell and Mr. G. Crews. Also attending were Mr. N. Wainman, Building Inspector, and Mr. T. Klassen, Assistant Municipal Clerk, who acted as Secretary to the meeting.

Moved by Mr. Miles,
Seconded by Mr. Arrell -

That Mr. A. Kennedy act as Chairman in the absence of Mr. Parsons.

CARRIED.

Mr. Kennedy explained to those present that all appeals would be heard and the Board would rule on them after and that the applicants would be informed promptly of the decision of the Board by a letter from the Municipal Clerk's Office.

1. Appeal of A. M. Poncelet
1019 Madore Avenue
SUBJECT: Setback on an Accessary building.

Mrs. J. Poncelet appeared before the Board and stated that they had hired a contractor to construct the addition to their garage and had instructed him to get a permit before beginning construction. She stated that she had phoned the contractor on more than one occasion to request that he take out a permit before beginning construction, however, upon checking with the Building Department when construction was completed, she discovered that the contractor had not taken out a permit nor was he licensed to do business within the District of Coquitlam.

Mrs. Poncelet explained that the garage now stands in front of the existing house, however, it is their intention in the future to construct a new house on the property which would then bring the garage in conformity with by-law requirements.

Mrs. Poncelet stated that at present they had a tenant in the house, however, they will be moved in shortly and they need the addition to the garage for storage and furniture until their new house is completed.

2. Appeal of Mr. M. G. Monkman
1590 Hammond Avenue
SUBJECT: Relaxation of front yard requirements

A letter from Mr. Monkman addressed to the Municipal Clerk dated December 11th, 1969 was read at the meeting, stated that due to certain circumstances he was unable to attend the Board of Variance Meeting. Attached to the letter was a

Monday, December 15th, 1969
Board of Variance cont.

statement signed by four surrounding property owners indicating their approval of Mr. Monkman's carport in the front of his property which is already completed.

As Mr. Monkman stated in his letter that he had only started out building a small porch and it has subsequently grown to a complete carport, that he had forgot about getting a permit. He further stated that the construction was not an eyesore but really did improve the looks of his property. Also that theirs was the last house on a deadend street and did not obstruct the view of any other property.

3. Appeal of Deluxe Drywall
743 - 745 Brada Drive
SUBJECT: Relaxation of front yard requirements

Mr. Kjelson representing Deluxe Drywall appeared before the Board and stated that the duplex had been completed on the property some two years ago and it has always been his intention to construct carports on the duplex and felt that this was part of the original application, however, they were not built until this summer and he had not taken out permits at the time of his constructing the carports. Well, one of the carports was sited properly in accordance with the Municipal by-laws but the other carport protruded into the front yard leaving a setback of only 10.4 feet instead of the required 35 feet.

Mr. Kjelson stated that this carport on the east side of the duplex was built in this manner because of the curve in the road making access to the carport easier.

4. Appeal of Jack Cewe Limited
1739 Pipeline Road
SUBJECT: Addition to a nonconforming building

Mr. Johnson, representing Jack Cewe Ltd., appeared before the Board and informed them that they wished to make an addition to the existing building on the property and that the existing building did not have the required setbacks from Pipeline Road. The setbacks presently existing were 24.2 feet and 24.8 feet whereas the requirement was 25 feet.

Mr. Johnson explained that were they to make is a separate building instead of an addition that this would be allowable however, it was their desire to make an addition to the existing repair shops. Mr. Johnson further explained that it would be possible to alter the existing building by taking down the front wall and moving it back, however, this would be extremely difficult and quite expensive.

Mr. Overland, who owns property adjacent to Jack Cewe Ltd. appeared, however, he thought the meeting was dealing with zoning instead of a relaxation of the by-law requirements and he therefore made no objection on that count.

5. Appeal of Mr. Edwin Meyers
500 Block Como Lake, Rem. 0.422 Ac. of Blk. 16,
D. L. 9, Ex. Pl. 8212
SUBJECT: Relaxation of rear yard requirements

Mr. Meyers appeared before the Board and explained that he wished to relocate his business 504 Clarke Road to the property

Monday, December 15th, 1969
Board of Variance cont'd

on Como Lake Avenue, however, the Lot is only 65 feet deep and he requires a 25 foot front setback with a 25 foot rear setback leaving him only 15 feet in which to place a building. He wishes to construct a building some 20 feet by 770 feet maintaining a 15 foot rear yard setback. It is his intention, should the appeal be granted, to remove the existing dwelling on the property and erect the cement block building with a basement if at all possible and also to provide parking in the front of his proposed building because at present his business is suffering from a lack of parking space at 504 Clarke Road.

6. Appeal of Irene M. Bonin
318 Marmont Street
SUBJECT: Relaxation of front yard requirements

Mr. Bonin addressed the Board and informed them that he wished to make an addition to the front of his dwelling and that the house at present does not conform with the municipal by-law with a setback from the 18 feet from Marmont Street instead of the required 25 feet.

The addition that he proposed to make would not extend further into the front yard but would be flush with the present protrusion into the front yard.

This addition was required in order to sound proof the front bedroom as Mrs. Bonin was having difficulty sleeping and Mr. Bonin presented a doctor's certificate to this effect. Mr. Bonin also presented a letter from Barron & Strachan Consulting Acoustical Engineers, who had done a study of the room and recommended the addition in order to sound proof the bedroom.

7. Josephine P. Nazer
1329 Cornell Avenue
SUBJECT: Relaxation of side yard requirements.

A Mr. L. T. Mortimer of 1333 Cornell Avenue appeared to represent Mr. Nazer as he was unable to attend, however, Mrs. Nazer was also in attendance.

Mr. Mortimer stated that Mr. Nazer wished to construct a carport on the east side of his property maintaining only a one foot setback from the property line instead of the required four feet. Mr. Mortimer stated that he was the neighbour on this side and he had no objection to the carport being built in this location.

In reply to the question from the Board, Mrs. Nazer stated that they can gain access to the property from the back lane.

8. Appeal of Mrs. U. Finlay
585 Como Lake Avenue
SUBJECT: Relaxation of by-law requirements
to allow a second kitchen in their home.

Mr. G. D. Vallance, representing Mrs. Finlay, appeared before the Board requesting permission on behalf of Mrs. Finlay to allow the construction of a second kitchen unit in the basement

Monday, December 15th, 1969
Board of Variance cont'd

as this is where Mrs. Finlay will be living while operating the real estate business from the main floor of the dwelling.

Mr. Vallance stated that Mrs. Finlay wished to maintain the kitchen on the main floor at the present time for the use of her staff and clients and it was not logical for her to be using the upstairs kitchen while living in the basement.

Mr. Vallance stated that the proposed alterations would not destroy the character building and that Mrs. Finlay would be living on the premises.

Mr. Kjelson, who owns property in the area, objected to the appeal being allowed as the extra kitchen would eventually lead to a duplex arrangement and felt that the kitchen should be removed from the main floor to the basement, and that if facilities for staff were needed a hot plate would be sufficient for this purpose.

Mr. Clarke, who lives directly across the street from this property, also stated that he was not in favour of the proposal and felt that the property should be maintained in residential state. He further stated that the only time he has observed Mrs. Finlay on the premises was during business hours and he also questioned the number of employees she would have as it was his understanding that only one person, not resident on the property, was allowed to be employed under the home occupation by-law.

9. Appeal of Mrs. A. Elloway
1383 Hockaday Street
SUBJECT: Relaxation of rear yard requirements

Mrs. Elloway appeared before the Board and stated that they wished to make an addition to their existing dwelling as there are eight people living there under crowded conditions. She stated that the proposed addition would have somewhere between a 12 and 18 foot offset from the rear of the property and the addition had been designed in this manner in order that it would match up with the rest of the house and so that they could obtain the roof line which they desired.

She stated that the addition could possibly be moved in order that the proper rear yard requirement could be met, however, it would require redrawing of plans as well as some trees would have to be removed to replace the addition and alter the location and also it would interfere with their present driveway. She also stated that they had gone ahead with all the preparation and have the forms for the foundation already prepared. Mrs. Elloway stated that they had proceeded to this point as they were under the impression that they only needed a permit once the building was actually started.

10. Wildwood Mobile Home Parks Ltd.
201 Cayer Street
SUBJECT: Relaxation of by-law requirements
to allow construction of additional mobile home bays

Mr. Allinger appeared before the Board and presented them with a written brief on his appeal. He elaborated, stating that he had originally bought the property in 1958 and had received approval for rezoning in order to construct a Mobile Home Park. He further stated that since that time

Monday, December 15th, 1969
Board of Variance cont'd

he has been pushing for sewers to service his property, however, Council on two occasions following votes of approval for sewer to be installed in this area did not go ahead with his portion of the project because of the high cost of money at that time.

Mr. Allinger stated that he is presently building a pumping station on his property to service his own mobile home park and that this would most likely cost him some \$50,000.

Mr. Allinger stated that he had received approval from the Building Inspector for Phase 3 of his project which covered an additional 111 bays and was now asking the Board to approve Phase 4 under the regulations in effect prior to By-Law 1565 and Mr. Allinger stated that he has gone ahead with the installation of trunk sewers in Phase 4 and that if he was now required to have bays of 4,000 square feet in area that approximately \$25,000 spent on servicing this area would be lost as the trunk take-offs would not be properly aligned for the new bays.

Mr. Allinger stated that his costs would increase from 25 to 80% under the new regulations, thus increasing the cost of rental of the bays. He also stated that none of the proposed bays would have less than 2400 square feet and that 88% would be over 3200 square feet and that there would be some 118 bays in Phase 4 of the project.

The matter of a proposed major arterial street south of Brunette Avenue to the Loughheed requiring a 100 foot area west of the B. C. Hydro line was discussed with Mr. Allinger and he stated that he had no indication of how soon the road would be going in and that it may be anywhere from 5 to 15 years and even at that the road had not definitely been established. Mr. Allinger felt that were he even to be allowed to use the area for 10 years that it would be worth the investment of constructing bays on this area.

11. Appeal of Hemka Construction Limited
2260 Bellevue Road
SUBJECT: Rear yard requirements

Mr. Werner Hempelman of Hemka Construction, appeared and informed the Board that while he has a large lot, there are several sewer easements running across it on which he is not allowed to build leaving the siting of the building very difficult on the property. He stated that he was requesting the rear yard relaxation to allow him to come within 8 feet of Lot 388 which was the lot south of him on Bellevue Avenue. Mr. Hempelman stated that he feels that this would be the best method of locating a dwelling on the property and that the proposed house would have approximately 1200 square feet.

The owners of Lot 37, being the Lot to the north, inquired as to how close the proposed dwelling would be to their rear yard. They understood that their house would be situated within six feet of their rear line. It was explained that the house was going to be more than twenty feet from their rear property line.

1. A. M. Poncelet

Moved by Mr. Crews,
Seconded by Mr. Miles -

Monday, December 15th, 1969
Board of Variance cont'd

That Mr. A. M. Poncelet be allowed to construct an addition to his garage which is presently located to the front of the existing dwelling in compliance with his application dated December 3rd, 1969

CARRIED

2. N. G. Monkman

Moved by Mrs. Crews,
Seconded by Mr. Arrell -

That Mr. Monkman be allowed to construct a carport in front of his house maintaining a front yard setback of 18 feet from Hammond Avenue in compliance with his application of December 3rd, 1969.

CARRIED

3. Delux Drywall

Moved by Mr. Arrell,
Seconded by Mr. Crews -

That Delux Drywall be allowed to construct a carport on the east side of the existing duplex maintaining a front yard setback of 10.4 feet from Brada Drive in compliance with their application dated November 7th, 1969.

CARRIED

4. Jack Cewer Limited

Moved by Mr. Miles,
Seconded by Mr. Crews -

That Jack Cewe Limited be allowed to construct an addition to the existing nonconforming building in compliance with their application dated November 27th, 1969.

CARRIED.

5. Mr. Edwin Meyers

Moved by Mr. Miles,
Seconded by Mr. Arrell -

That Mr. Meyers be allowed to construct a building on the lot and that the rear yard requirements be relaxed to the extent necessary as may be approved by the Design Panel of the District of Coquitlam with regards to siting. Also that the overall design be approved by the Design Panel and that bonds be posted to assure compliance with the approved plans. Further, the approval to be subject to a 37 foot setback of any building from Como Lake Avenue.

CARRIED

6. Irene M. Bonin

Moved by Mrs. Crews,
Seconded by Mr. Arrell -

That the applicant be allowed to make an addition to the front of their dwelling maintaining an 18 foot front yard

Monday, December 15th, 1969
Board of Variance cont'd

setback in compliance with their application dated October 15th, 1969.

CARRIED

7. Josephine Pi Nazer

Moved by Mr. Vews,
Seconded by Mr. Arrell -

That the application made by Josephine P. Nazer be declined.

CARRIED

8. Mrs. U. Finlay

Moved by Mr. Miles,
Seconded by Mr. Arrell -

That Mrs. Finlay be allowed to construct a second kitchen unit in the basement of the house subject to the second kitchen unit being removed once Mrs. Finlay conveys or vacates the property in order that the existing single family status of the building is maintained.

CARRIED

9. Mrs. A. Elloway

Moved by Mr. Arrell,
Seconded by Mr. Crews -

That Mrs. Elloway's application be declined and that the Board recommends that the applicants follow the advice of the Planner and maintain a 28 foot setback from the dotted line as shown on the application dated November 26th, 1969.

CARRIED

10. Wildwood Mobile Home Park Ltd.

Moved by Mr. Miles,
Seconded by Mr. Arrell -

That Wildwood Mobile Home Park Ltd. be allowed to complete Phase 4 of their development as shown on plans presented to the Board and numbered as Issue 5 showing 118 bays in Phase 4 pursuant to the by-laws in force prior to the passing of By-Law #1565, subject to the permit for the extension being applied for and received prior to May 31, 1970 and that the extension should be completed within one year from the date of the receiving of the said permit.

CARRIED

11. Hemka Construction Limited

Moved by Mr. Crews,
Seconded by Mr. Miles -

That Hemka Construction be allowed to construct a dwelling on Lot 389 maintaining a rear yard setback of 8 feet in compliance with their application dated November 6th, 1969.

CARRIED

Monday, December 15th, 1969
Board of Variance, cont'd

Construction Beginning Without Permits

The Board expressed concern over the number of applications which they are receiving for buildings which have been started without a permit being applied for and received, and felt that a study should be given to a possible remedy of the situation.

Moved by Mr. Crews,
Seconded by Mr. Miles -

That the Municipal Council be asked to consider the problem of buildings being started without permits having first been obtained.

CARRIED

Municipal Planner's Reports

The Municipal Planner by way of a report dated December 10th, 1969 submitted a report on each application before the Board putting forth the Municipalities position on each application.

Moved by Mr. Crews,
Seconded by Mr. Miles -

That the meeting adjourn.

CARRIED

The meeting adjourned at 12:00 midnight.


CHAIRMAN

December 10, 1969

BOARD OF VARIANCE REPORT #2/69 FOR MEETING
ON DECEMBER 15th., 1969

CHAIRMAN AND MEMBERS,
BOARD OF VARIANCE.

Gentlemen:

I hereby submit my report to you on appeals before you at your regular Board meeting. Unfortunately I am on holiday the week of your meeting. However, I do plan to attend your first session in 1970 in answer to your invitation. Perhaps you could advise on whether I should just appear at the public portion of the meeting to represent the Municipal position.

Item #1.

This is a possible case of "undue hardship" due to siting requirements under s. 709 (1) (c) of the Municipal Act. I understand that the Board has created a general precedent of allowing such exceptions to setback requirements unless the adjacent owner objects.

Item #2.

See Item #1.

Item #3.

See Item #1.

Item #4. Our Files: (Z-705 & Z-110-69)

See Item #1. I note that the Subdivision Committee has given preliminary approval to 8-1970 covering consolidation of three (3) properties owned by Jack Cewe Ltd. east of Pipeline Road. There is a private owner to the east abutting the Coquitlam River who will no doubt bring up the history of his relations with the Company. My involvement with problems in this area commenced in early 1968. Pollution (silting) of the River, rehabilitation, possible non-conforming use of the area east of Pipeline Road, and the service building are all intertwined in a complex history of the last two years. The Company is preparing a ten (10) year plan and long term plan of their whole operation at the present which is to be presented to Council in early 1970.

I hope Council will be in a position to determine whether any extension or some expansion of the gravel pit development is warranted.

I have no objection to the 24.5 foot setback since this is an existing building located before the Building By-Law was amended by Council to require surveyor's plot plans.

Item #5.

This application involves a lot currently zoned Local Commercial. Also, Como Lake Avenue is seen as a "major arterial street" in the 1969 Traffic Study and the 1961-62 Planning For Coquitlam Report. A setback allowing for widening to at least ninety (90) feet i.e. twelve (12) more feet is thus required.

I suggest that the applicant be asked to consider consolidation with other properties at the Board meeting. If this is not acceptable then any design should be subject to acceptance by the Design Committee of the Advisory Planning Commission and a proper setback from Como Lake Avenue.

Item #6.

See Item #1.

Item #7.

See Item #1. A one (1) foot setback is proposed; however this appears unwarranted. Also, a surveyor's certificate should certainly be required in such a case if it is acceptable.

Item #8. Our File: (Z-97-69)

The definition of "one-family dwelling" precludes more than "one set of cooking equipment" within the dwelling under By-Law #1298. This is a clear-cut statement and not a real matter of interpretation. The lot in question was proposed to be zoned commercial earlier this year by the applicant, but rejected by Council since it is on the edge of a residential area and was beyond the area designated for future commercial development in the 1967 Plan.

I recommend that the application be rejected since it could lead to a precedent for the establishment of basement suites in the R-1 zone. I suggest that it is clearly a question of "use of a building" and beyond the terms of reference of the Board.

Item #9.

This application is related to the erosion dangers from the Coquitlam River. The Pollard Report prepared by the Water Rights Branch in 1961 recommended that no intensive development take place along the River above Lincoln Avenue. Any subdivision along the River is now being required to be protected by riprapping.

A further consideration is our draft street plan for this area. In 1968 we drafted a proposal for this area to guide us in reviewing subdivision since one-acre subdivisions were still permitted in the area under Small Holdings zoning. In this plan a sixty-six (66) foot roadway is proposed from Gallette to Ozada Avenues except at the Hydro Line north of Pathan Avenue. Thus, the area alongside the existing house and particularly the proposed addition will be affected. I suggest that the proposed addition be no closer than twenty-eight (28) feet to the dotted line indicated in the submitted site plan. The roadway could well be located along the edge of the River and tied into a riprapping project.

Item #10. Our File: (Z-77-69)

By-Law No. 1565 introduced the highest standards for Mobile Home Parks in the Lower Mainland. A four thousand (4,000) square foot plot for each mobile home and a forty (40) foot wide undedicated roadway "allowance" are required under the By-Law. The objective was to create a pleasant living environment at residential densities. I would oppose any reduction of this high standard, since the applicant clearly had not completed his building permit application until well after the By-Law was passed (June 10th., 1969).

A further consideration is a proposed major arterial street south of Brunette Avenue to Lougheed. The one hundred (100) foot area west of the B.C. Hydro Line should be reserved for this purpose and kept in low intensity development if the Board grants the appeal.

New Building Permit Application Procedure.

The attached procedure is to go into effect on February 1st., 1970. It should avoid the confusing picture of Wildwood

Page 4/

Mobile Home Park, since an application procedure will be firmly established. Better co-ordination between Departments is also the key objective.

Respectfully Submitted,

D. M. Buchanan

D. M. Buchanan,
Planning Director.

DMB:do
Att.

THE CORPORATION OF THE DISTRICT OF COQUITLAM
PROCEDURE FOR APPLICATION FOR BUILDING PERMIT

January, 1970

- 1.) Everyone wishing to construct, alter, or make repairs to a building in the Municipality shall apply for a building permit; no consultation or review of any kind is considered an application for a building permit until a receipt is issued to the applicant as required by this procedure.
- 2.) Everyone wishing to demolish or make minor repairs to a building may obtain a permit, directly, upon the approval of the Chief Building Inspector, and is not therefore subject to this procedure.
- 3.) An application for a building permit consists of the following:
 - a.) seven copies of a completed form, approved for such use.
 - b.) copies of the following plans in the number indicated -
 - i) seven copies of a site plan, showing the location of the building(s) and access points; elevation of the four corners of the property to the G.V.S.&D.D. datum; off-street parking including type of surfacing and location of spaces; landscaping including type of plants.
 - ii) except where one and two-family housing, seven copies of a cross-section of the proposed building and adjacent property, municipal roads and lanes including proposed improvements thereto.
 - iii) three copies of a building plan indicating floor layouts in specific terms.
 - iv) three copies of a plan indicating the side or rear elevation of the building indicating exterior materials, existing and finished grades (G.V.S.&D.D. datum).

- v) except where one and two-family housing, one copy of a coloured perspective of the building.
 - vi) extra plans as required by the Chief Building Inspector for review by the Health and/or Welfare Departments.
 - c.) plans for the servicing of adjacent roads, lanes and easement prepared under the direction of and to the standards adopted by the Engineering Department, where to be required by an agreement with the Municipality.
 - d.) a receipt from the Treasury Department that a fee equal to 25% of final building permit fees has been paid to the Municipality, this to be on the application form (one copy of form received by Treasury).
 - e.) a signed statement by the applicant that the plans are in accordance with all municipal regulations to the best of his ability.
- 4.) Unless all the plans, particulars, specifications and information set forth in paragraph 3 hereof have been filed with the Chief Building Inspector, the application will be considered incomplete and automatically rejected.
- 5.) Where a receipt from the Treasury Department pursuant to paragraph 3(d) is issued, the application is considered received as of the date of such receipt and will therefore be considered in relation to all by-laws, regulations and procedures as at the date.
- 6.) The application forms are sent to the Engineering, Fire, Health and Planning Departments by the Chief Building Inspector or his delegates.
- 7.) The plans are distributed and reviewed as follows after an initial check by the Building Department that each are similar, all copies are identical, stamped received and a file number established:
- a.) the Building Department receive one copy of each plan (except coloured perspective) and check them for compliance with the Building By-Law, Plumbing By-Law and the Zoning By-Law insofar as one and

two-family housing on lots of less than 12,000 square feet.

- b.) the Engineering Department receive four copies of the site plan, four of the cross-section and all engineering plans and these are checked for compliance with the Traffic Control By-Law and servicing requirements including easements for such services.
 - c.) the Fire Department receive one copy of each plan, (except for one and two-family housing, and coloured perspective) and check them for compliance with the Fire Prevention By-Law.
 - d.) the Planning Department receive one copy of each plan and check them for compliance with the Zoning By-Law, except where one and two-family housing on lots of less than 12,000 square feet; buildings other than one and two-family housing are subject to review by the Design Committee of the Advisory Planning Commission.
- 8.) Except in the case of applications requiring the approval of federal, provincial or regional authorities, each Department will approve, reject or require changes to the plans within 30 days of the date of the receipt of the application.
- 9.) A letter is sent to the applicant by each Department (with c.c.'s to the other three departments) explaining the action of that Department, the applicant (or his Architect) is then responsible for meeting all objections and presenting a complete, final, and acceptable submission as per paragraph 4 (without an additional fee); if the plans are completely acceptable to all Departments proceed to paragraph 14 directly.
- 10.) The Health and Welfare Departments may also be involved in the review of an application for building permit. The Chief Building Inspector will advise you if they are since he has a list of types of buildings coming under their jurisdiction.

- 11.) The submission described in paragraph 9 will be submitted to the Building Department within 30 days of the date of receipt of the last letter from the four Departments described in paragraph 7.
- 12.) Plans are checked by the Building Department, stamped received, given a file number and distributed and checked as per paragraph 7.
- 13.) Except in the case of applications requiring the approval of federal, provincial or regional authorities, further submissions will be accepted, rejected or required to be changed within 20 days of receipt by the Building Department.
- 14.) Where plans are completely acceptable to a Department the Department concerned will advise the Chief Building Inspector and the applicant.
- 15.) Once all four Departments (Building, Engineering, Fire and Planning) have accepted plans which are completely identical, the Chief Building Inspector will then be able to issue a building permit subject to -
 - a) receipt of the remainder of the fees required by the Building By-Law (note-other fees may also be required under other By-Laws).
 - b) the Planning Director indicating in writing that all legal requirements with respect to rezoning have been met.
 - c) the Engineering Supervisor advising in writing that all legal requirements with respect to subdivision have been met.