



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: October 4, 2006
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VanRIMS No.: 06-3200-10
Meeting Date: October 31, 2006

TO: Vancouver City Council

FROM: Director of Real Estate Services, in consultation with the Director of Development Services, the Director of Legal Services and the General Manager of Engineering Services

SUBJECT: Approval of a roof eaves encroachment onto City-owned land from adjacent property located at 832 Salisbury Drive

RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to enter into an Easement Agreement on behalf of the City as owner of (PID 015-646-645) The North ½ of the West 5.5 feet of Lot 23, except the North 8 feet now lane, of Lot 9, Block E, District Lot 183, Plan 180, to validate an encroachment from the dwelling on (PID 003-843-921) The North ½ of Lot 24, except the North 8 feet now lane, Block 9 of Block E District Lot 183, Plan 180 ("the North ½ of Lot 24") at 832 Salisbury Drive. The Easement Agreement to be granted for a nominal fee, for the life of the existing structure and on such other terms and conditions as may be required by the Directors of Real Estate and Legal Services.
- B. THAT as a condition of the granting of the Easement the Owner of the North ½ of Lot 24 be required to enter into the City's standard Encroachment Agreement to validate the encroachments of eaves from the dwelling on the North ½ of Lot 24 onto the lane north of Venables Street east from Salisbury Drive, to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services.

GENERAL MANAGER'S COMMENTS

The General Managers of Corporate and Engineering Services RECOMMEND approval of the foregoing.

COUNCIL POLICY

Council approval is required for encroachments onto City-owned lands.

PURPOSE

The purpose of this report is to seek Council's approval of an easement agreement to validate an encroachment onto City-owned land.

BACKGROUND

The City-owned land is a parcel of approximately 313 square feet, too small to be developed on its own. In 2002, the City offered to sell the parcel at market value to the then adjacent owner for consolidation, who declined the City's offer.

In 2004, new owners (Ward Victor Bowman and Diana Catherine Phillips) approached the City to purchase the parcel for consolidation with their property. However, due to their own reasons, the owners were not able to conclude the purchase at market value.

In 2005, the owners applied to the City to upgrade and renovate their property at 832 Salisbury Drive (Development Application DB422598). During the application process, it was learned that the roof eaves encroach onto the adjacent City lane, and onto the City-owned land. The owners then approached the City for an easement agreement to contain the encroachments onto the City-owned land and an Encroachment Agreement for the eaves encroaching onto the City lane.

In June 2006, the Board of Variance approved an addition of an approximate 4 inches to the east side of the house at 832 Salisbury Drive to accommodate a stair design to meet current building code. This addition further encroaches easterly onto the City owned land.

DISCUSSION

One of the conditions of the Development Application was for the owners to have both encroachments validated. Engineering Services has agreed to have the encroachment over the lane validated with an agreement in accordance with the Encroachment By-law. To date the Owner of the North ½ of Lot 24 has not entered into the agreement. The Easement Agreement to validate the roof eaves encroachment onto the City-owned parcel requires Council approval.

The roof eaves and door awning to the east side of the house encroach by a maximum of 31.7 sq. ft. onto the City-owned parcel, legally described as The North ½ of the West 5.5 feet of Lot 23, except the North 8 feet now lane, of Lot 9, Block E, District Lot 183, Plan 180 (Appendix A).

As it would not be practical for the owners of the North ½ of Lot 24 to remove the encroachment, and with the Board of Variance approving additional area that further encroaches onto the City-owned parcel, we are recommending that an easement be granted for the life of the structure, in order to validate the encroachment approved by the Board of Variance, onto the City-owned land.

CONCLUSION

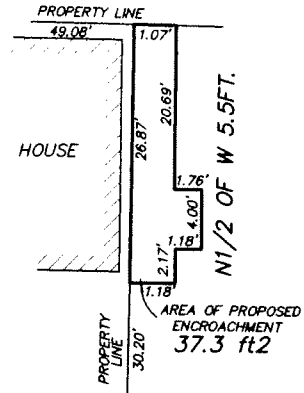
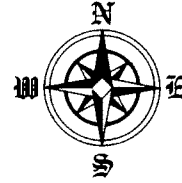
The Director of Real Estate Services is in the opinion that this encroachment will have little effect on the development potential of the City-owned land as the parcel is too small to be developed on its own.

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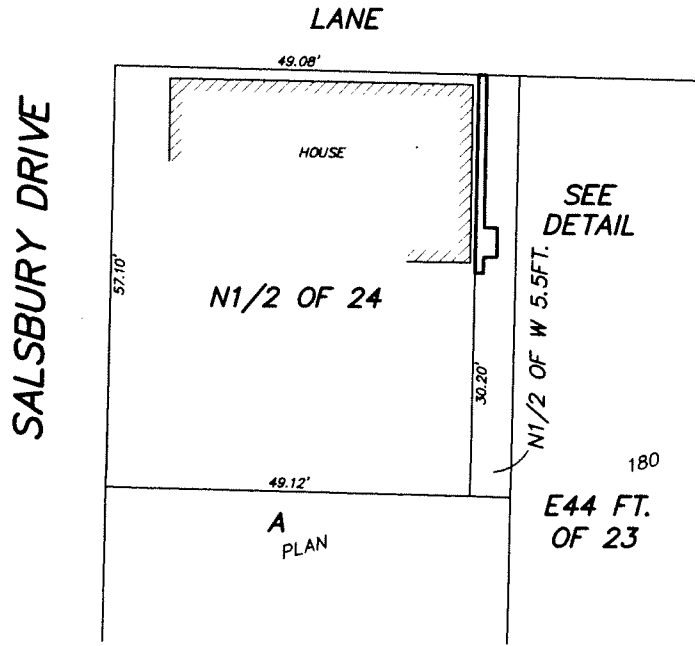
PROPOSED ENCROACHMENT ONTO THE NORTH 1/2
 OF THE WEST 5.5 FEET OF LOT 23,
 EXCEPT THE NORTH 8 FEET NOW LANE
 BLOCK 9 OF BLOCK E DISTRICT LOT 183 PLAN 180
 SCALE 1" : 20'

CIVIC ADDRESS: 832 SALSBURY DRIVE
 VANCOUVER, B.C.

NOTE: LOT DIMENSIONS ACCORDING TO FIELD SURVEY
 CONDUCTED ON OCTOBER 26, 2005



DETAIL
 NOT TO SCALE



CERTIFIED CORRECT
 THIS 6th DAY OF JULY, 2006.


 GARY SUNDVICK B.C.L.S.

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