

DATE OF MEETING November 19, 2020

AUTHORED BY DAVID LABERGE, MANAGER OF COMMUNITY SAFETY

SUBJECT ILLEGAL STRUCTURE – 3532 STEPHENSON PT ROAD

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to enforce the provisions of the Community Charter related to an unauthorized structure.

### **Recommendation**

That Council:

1. issue a Remedial Action Order at 3532 Stephenson Pt Road pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. Direct Staff or their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
3. Direct the remedial action consist of removing the illegal structure.

## **BACKGROUND**

The City received information from the public that prompted an inspection of the property at 3532 Stephenson Pt Road on 2020-MAY-25 by a building inspector.

An accessory building in excess of 107 sq. ft. was observed in the northwest corner of the property that encroached into the front yard setback from the roadway and that had been constructed without a permit. Information received indicated the structure was constructed in 2018.

The building inspector determined that glass and anchor features on the structure would have required a structural engineering design and supervision of construction. The inspector's photographs show that the building is situated at the property edge immediately adjacent to the roadway.

The Building Inspections Section forwarded the inspection report to the Bylaw Services Section advising that the building was constructed without a permit, did not conform to the BC Building Code, and was encroaching into the front yard setback.

The Bylaw Services Section inspected the property on 2020-JUN-19, confirming this information. The property owners were notified in writing on 2020-SEP-29 that Council would consider a Remedial Action Order pursuant to sections 72, 73 and 74 of the *Community Charter* to require the removal of the illegal structure.

The property owner contacted the Bylaw Services Section on 2020-OCT-06 asking for an exception to keep the accessory building where it was situated, and to question the accuracy of the building inspector's measurements, suggesting it was under 100 sq. ft. The owner expressed an intention to speak to Council regarding these matters.

## **DISCUSSION**

A building inspector has determined that the structure is more than 107 sq. ft., was constructed without a permit, would require a structural engineering design, and does not conform to the BC Building Code. The structure is situated at the property edge immediately adjacent to the roadway.

## **OPTIONS**

1. That Council:
  1. issue a Remedial Action Order at 3532 Stephenson Pt Road pursuant to Sections 72, 73 and 74 of the *Community Charter*;
  2. Direct Staff or their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
  3. Direct the remedial action consist of removing the illegal structure.
2. Take no action.
3. Provide alternative direction.

## **SUMMARY POINTS**

- The City received information from the public that prompted an inspection of the property at 3532 Stephenson Pt Road on 2020-MAY-25.
- A building Inspector observed an accessory building in excess of 107 sq. ft. that had been constructed without a permit, would require a structural engineering design, and did not conform to the BC Building Code.
- The structure was situated at the property edge encroaching on the front yard setback.
- A Remedial Action Order is recommended directing the removal of the illegal structure.

**ATTACHMENTS:**

ATTACHMENT A: Building Inspection Report 2020-MAY-25

ATTACHMENT B: Letter to Owner dated 2020-SEP-29

**Submitted by:**

Dave LaBerge  
Manager, Bylaw Services

**Concurrence by:**

Bill Corsan  
Director, Community Development

Dale Lindsay  
General Manager, Development Services