



CORPORATION OF THE CITY OF NEW WESTMINSTER

**PUBLIC HEARING**

January 11, 2010 7:07 p.m.  
Council Chamber  
City Hall

**NOTES**

**PRESENT:**

Councillor Lorrie Williams, Acting Mayor, Chair  
Councillor Bill Harper  
Councillor Bob Osterman  
Councillor Jaimie McEvoy  
Councillor Betty McIntosh

**REGRETS:**

Mayor Wayne Wright  
Councillor Jonathan Cote

**STAFF:**

Mr. Paul Daminato	- City Administrator
Mr. Rick Page	- Director of Legislative Services/Corporate Officer
Ms. Lisa Spitale	- Director of Development Services
Mr. Jim Lowrie	- Director of Engineering Services
Mr. Gary Holowatiuk	- Director of Finance and Information Technology
Ms. Judi Turner	- Assistant Corporate Officer

**BUSINESS**

1. [Zoning Amendment Bylaw No. 7365, 2009](#) [a Bylaw to Amend Zoning Bylaw No. 6680, 2001 re: 1932 Eighth Avenue]
  - i) The Director of Development Services summarized the intent of the bylaw and gave a brief description of the proposal.
  - ii) The Corporate Officer advised there were nineteen written submission received in response to the Notice of Hearing.

iii)

**MOVED and SECONDED**

**THAT** the following correspondence be received:

- Letter from Akter & Tanya Zainul, New Westminster, voicing concerns/opposed
- Letter to the Office of the Fire Commissioner from Akter and Tanya Zainul re: concerns about building codes
- Gerald Keyes, 724 Bowler Street re: concerns about impact to neighbourhood
- Wilhelm and Myrna Gavino, 731 20th Street re: concerns about impact to neighbourhood
- George Thomas, 723 Bowler Street re: concerns about safety and courtesy
- Norm Lehman, 726 Bowler Street re: concerns about impact to neighbourhood
- Richard Berrow, 1909 Seventh Avenue, opposed
- Resident, re: support
- Maureen Best, resident, re: support
- Morius Popa, resident, re: support
- James, Ounn, resident, re: support
- Ralph Marino, Susan Marino, David Marino, residents, re: support
- Dario Picioli, resident, re: support
- Alice and Ion Gabriel Iordache, residents, re: support
- S. Myers, resident, re: opposed / concerns about neighbourhood impact and safety
- Steve McNeely, resident, re: opposed / concerns about parking
- Mike and Myra Howell, residents, re: concerns about neighbourhood impact and safety
- Resident re: opposed / concerns about neighbourhood impact
- Amrik and Harbhajan Pooni, residents, re: support

**CARRIED.**

All members of Council voted in favour of the motion.

iv) The Acting Mayor invited persons having an interest in the above bylaw to address Council.

**Eric Pattison, Architect, 204 Sixth Street**, reviewed slides of the project highlighting the following:

- Site context and site plan
- Photographs of the existing building
- Proposal for addition and relocation of the altar
- Separation between church and neighbouring house

- Proposed massing sketch.

**Father Nico Iliuta, leader of the Romanian Church, representing the Orthodox Church of Romania**, advised that St. Gheorghe is the oldest Romanian Church in Canada. The church is growing resulting in a need to make architectural changes including moving the altar to face the sunrise and to adhere to the tradition of permitting only priests to approach the altar. As well, the proposal will help the church to accommodate attendance and visits from others.

**Akter Zainul** circulated and reviewed his speaking notes (which will be added to the Agenda package). He voiced concerns over the proposed rezoning, noting variances are required which will directly affect his property. An existing encroachment will be enlarged with the proposed renovation more deeply affecting his property. He voiced further concerns over potential fires at the church which could risk neighbouring houses including his own, noise from the church, traffic safety problems on the street, and emergency vehicle access to the street. He urged that the bylaw be rejected.

**MaryAnn Mortenson, Resident**, rose to state the proposal adversely affects the community. A building of this size should not be allowed to encroach on a neighbouring property as it does onto the Zainul property. The community should have been offered the opportunity to discuss the proposal. Church attendees park on the street in front of her property. When she attended a presentation on the proposal, she was told it would be a minor change and it would not affect parking – which is doubtful as the congregation is growing. She noted that the agreement for parking is not binding and legal but only a friendly agreement and could be altered at any time. She voiced concern that information provided to some, but not all residents, is not legible. Although the community likes having the church present, it objects to the encroachment on neighbouring properties. The CD 28 zone allows extension of an existing encroachment – Ms. Mortenson objected to this process.

**Dario Picioli of 1927 Eighth Avenue** rose to support the addition to the church. He has resided locally for 17 years and noted there have never been accidents or safety issues. He urged that the church proposal be approved.

**Richard Berrow of 1909 Seventh Avenue**, circulated and spoke to his speaking notes. He voiced concern over the application and the favourable recommendation it has received from staff. He spoke of the need to support the single family residential zoning in the area which

promotes the character of the neighbourhood. The proposed building is already out of compliance with this character and the substantial further departure from the standard is asking too much. The addition will increase the size of the structure by 100% and will increase its footprint. Neighbouring houses are already dwarfed by this structure without the addition and the expansion will have a significant impact being only 1.5 feet from the property line.

**Elmer Rudolph, resident**, noted that Development Services is stating that issues with the construction will be addressed at building permit stage before adoption of the bylaw is sought. Mr. Rudolph attended the West End Residents Association meeting where a presentation on the proposal was made. At that time, no mention was made of the kind of zoning that would be proposed nor any information about encroachment on the property line or details about the siting of the building. The community assumed the zoning would simply put the church into a proper zone and that the 4 foot setback would be adhered to. They were shocked to find that the 1.6 feet encroachment would be extended. The proposal is not the act of a good neighbour. Mr. Rudolph asked that the rezoning application be rejected or the church be asked to adhere to the 4 foot setback of the zone.

**Trevor Frith of 728 Boulder** rose to oppose the proposal. The CD process bypasses the variance process which offers opportunity for neighbours to have input. The building requires certain setbacks from the street and neighbours and these are important for the safety of all. What is proposed is a monster house that projects 16 feet further than any other house on the street and consumes all the street parking of the neighbourhood. The proposal will affect the enjoyment and use of the Zainul property. The process should require the applicant to consult with the Zainuls before proceeding.

**Dario Picioli** rose again to clarify the parking restrictions on Eighth Avenue. He pointed out that the church existed before residents purchased their homes. The church members are friendly and good people.

**Ralph Marino of 1933 Eighth Avenue** rose to support the renovation to the church. He lives across the street from the church and believes the church will not expand further and traffic issues have been addressed. If all is constructed according to the Building Code and law, why would there be a delay in the project.

**Ian Sorbhan of 1214 Edinborough** rose to comment on the parking problems that exist on Twelfth Street. There are parking problems in many locations for many reasons – living by a church or a school or a hospital will bring parking problems. Because stairs exist within the building, the altar has to be located as proposed. With regard to neighbours' complaints over the sun, he questioned how the sun will be blocked. The church has been present since 1934 and has never been a problem. It is not a monster house, but rather a commercial use. On Twelfth Street, commercial development is permitted to be built to the edge of the sidewalk. Commercial cannot be compared to residential development. Setbacks for the church are greater than for commercial on Twelfth Street. The problem with the gutters can be addressed by their removal. Concerns can be addressed.

**Nelson Reas of Eighth Avenue** rose and pointed out that he lives across from the church and would be the person most affected by the proposal. He appreciates the church and finds them to be good neighbours despite parking problems on Sundays. He agreed that the concerns of the neighbourhood should be addressed however the development of the church is important. The opinions of all should be considered before proceeding. The people who speak against the plans for the church are expressing valid concerns and further extension of an existing encroachment is not appropriate. He opposed the proposal in its present form, however he is not opposed to the church and its congregation.

**Del Kambo of Eighth Avenue** supported the church application, noting the church has pre-existed most residents and will remain longer than most residents. Mr. Campbell read a letter from the Khalsa Diwan Society supporting the church proposal. Mr. Kambo was joined by **Nash Singh**, representing the Sikh Temple. Mr. Kambo then read aloud a letter from Amrik and Harbhajan Pooni of 2005 Hamilton Street, who support the church expansion plans. They do not object to the temporary parking.

**Myrna Gavino** rose to comment on the proposal. Although she first thought the proposal was only to relocate the altar, it is actually to rezone the property from single family zoning. She is concerned that the church has grown to 150 members. She noted that her privacy is affected during the worship service however her family has accepted this to date. She voiced concern that the church is growing. Why is relocating the altar a justification for the expansion and suggested the church seek a larger site if they are growing. Their growth will affect the single family neighbourhood. Parked cars block their view and it is dangerous for them to exit their property.

**Eric Pattison** rose again to clarify the following:

- His sight lines and acoustic screening comments are not a reference to sun, but will protect from traffic noise and the addition will block a view of traffic on the street
- The site plan and the massing study were presented with photographs to the West End Residents Association; as well the public has access to all documents related to the project and notices were mailed to neighbours about the APC meeting in the fall and about this evening's Public Hearing
- The fire safety issue is not an issue for the rezoning process but is governed by the Building Code and would be addressed in the technical drawings which occur after third reading
- The new building will not encroach across the property line; the issue will be overhangs which will either be cut back or omitted altogether
- Noise from the activities of the church could be addressed with a Good Neighbour Agreement; the congregation is aware of parking restrictions and have given internal enforcement guidelines to the congregation to follow.

**Mr. Pattison** responded to a member of Council who suggested that the encroachment be set back by three feet.

**Trevor Frith** rose to state that his opposition is caused by the lack of inclusion in the process for the Zainuls. If the Zainuls are satisfied, his opposition would be withdrawn.

The Public Hearing recessed at 8:55 p.m. and reconvened at 9:02 p.m. with the following members present: Acting Mayor Lorrie Williams, Councillors Harper, McEvoy, McIntosh and Osterman.

In light of the strong opposition and support for the proposal, it was suggested that the Public Hearing be recessed to a specific date to allow all parties to discuss the issues. The Public Hearing would continue at that time without further notification.

**MOVED and SECONDED**

*THAT the Public Hearing on the following bylaw be recessed to February 8, 2010 in the Council Chamber:*

- *Zoning Amendment Bylaw No. 7365, 2009.*

**CARRIED.**

All members of Council voted in favour of the motion.

**ADJOURNMENT**

**ON MOTION**, the meeting adjourned at 9:08 p.m.

Certified Correct,

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**WAYNE WRIGHT**  
**MAYOR**

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**RICHARD L. PAGE**  
**CORPORATE OFFICER**