

ITEM	15
MANAGER'S REPORT NO.	47
COUNCIL MEETING	91/08/06

TO: MUNICIPAL MANAGER 1991 August 1

FROM: DIRECTOR PLANNING & BUILDING INSPECTION Our File: 16.400

SUBJECT: BUILDING PERMIT APPLICATION: 4554 NAPIER STREET

PURPOSE: To obtain Council authority to withhold a building permit for a proposed new single family dwelling at 4554 Napier Street.

RECOMMENDATIONS:

1. THAT Council identify the building permit application for a single family dwelling at 4554 Napier Street to be in conflict with the bylaw amendments under preparation for Brentwood Park, as outlined in this report.
2. THAT Council direct a building permit be withheld for a period of 30 days, commencing on 1991 July 31, for the proposed development at 4554 Napier Street.

REPORT

1.0 BACKGROUND

Following an extensive public review process, an area specific zoning proposal was developed for Brentwood Park (presently zoned R3 Residential District). The proposal was based on a number of new regulations affecting the height, size and shape of houses. When applied in combination, the regulations would ensure that new developments and renovations are compatible with the existing low-scale character of housing in the area. Regulations pertaining to front yard setbacks, fences and driveways were also incorporated to maintain the pleasant character of the streetscape.

At its meeting on 1991 May 13, Council authorized the Municipal Solicitor to prepare a bylaw amending the Burnaby Zoning Bylaw to establish a new zoning district (R10 Residential District) for Brentwood Park.

The creation of a new zoning district for Brentwood Park requires the following:

1. A bylaw to amend the Zoning Bylaw to establish the R10 District. This bylaw was given Final Adoption by Council on 1991 July 22.
2. A bylaw to rezone Brentwood Park from R3 to R10 Residential District. The rezoning process has been initiated. The schedule is as follows:

1991 August 19	Initial report to Council
1991 September 03	First Reading of Bylaw
1991 September 24	Public Hearing

It is anticipated that Final Adoption of the rezoning bylaw would be obtained on 1991 October 07. The schedule for the rezoning process had been delayed to accommodate residents who may be away on vacation during the summer period.

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2.0 BUILDING PERMIT APPLICATION: 4554 NAPIER STREET

On 1991 July 31, a building permit application was submitted for a new single family dwelling at 4554 Napier Street. It is located within the Brentwood Park area (see Attachment A).

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The proposed two storey dwelling is based on the regulations of the R3 Residential District. However, it does not conform to the regulations of the R10 District (to which Brentwood is being rezoned). The following table identifies the dimensions of the proposed dwelling (as submitted by the applicant) that are in conflict with the permitted dimensions under the R10 District. The building plans are shown in Attachment B.

	PROPOSED PLANS: 4554 NAPIER STREET	PERMITTED UNDER R10 DISTRICT	DIFFERENCE
Lot area	49.5 X 121.85 ft.	—	—
Total floor area	3,619 sq. ft. plus 452 sq. ft. for parking area Total = 4,071 sq. ft.	3,619 sq. ft. plus 452 sq. ft. for parking area Total = 4,071 sq. ft.	—
Above grade floor area	4,071 sq. ft. (includes attached garage)	2,412 sq. ft. (includes attached garages)	1,659 sq. ft.
Second floor above grade	2,011 sq. ft.	804 sq. ft.	1207 sq. ft.
Width of second floor	38.6 feet	32.15 feet	6.45 feet
Height	30.6 feet at the low side (rear) of the house	24.93 feet at the low side (rear) of the house	5.67 feet
Building Depth	59.6 feet	54.8 feet	4.8 feet
Front Yard	24.6 feet	greater of 24.93 ft. or average of adjacent lots	

3.0 WITHHOLDING OF BUILDING PERMIT

The ability to withhold a building permit that is contrary to a proposed bylaw amendment is related to Section 981 of the Municipal Act.

Since Council has, by resolution at its meeting on 1991 May 13, authorized the preparation of a bylaw to establish a new zoning district (R10 Residential District) for Brentwood Park, Council has the ability to withhold a building permit for the proposed development at 4554 Napier Street.

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If Council wishes to withhold the building permit, Council must pass a resolution identifying the conflict and direct that the building permit be withheld for a period of 30 days, commencing on the day the application for the permit was made.

During the 30 day period, Council shall consider the application for the permit and may direct the permit be withheld for a further 60 days, or grant the permit, but impose conditions in it that would be in the public interest, having regard to the plan or bylaw that is under preparation. If Council does not, within the 60 day period, adopt the rezoning bylaw for Brentwood Park, the owners of the land for which the building permit was withheld are entitled to compensation for damages arising from the withholding of the permit.

Staff anticipate that Final Adoption of the rezoning bylaw will be accomplished on 1991 October 07 which is within the time limit set by Section 981 of the Municipal Act.

4.0 RECOMMENDATIONS

Since the proposed single family dwelling is clearly in conflict with the bylaw amendment underway for Brentwood Park, it is recommended that Council:

1. Identify the building permit application for a single family dwelling at 4554 Napier Street to be in conflict with the bylaw amendments under preparation for Brentwood Park, as outlined in this report; and
2. Direct a building permit be withheld for a period of 30 days, commencing on the day of the building permit application (1991 July 31), for the proposed development at 4554 Napier Street.


A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

SL/jp

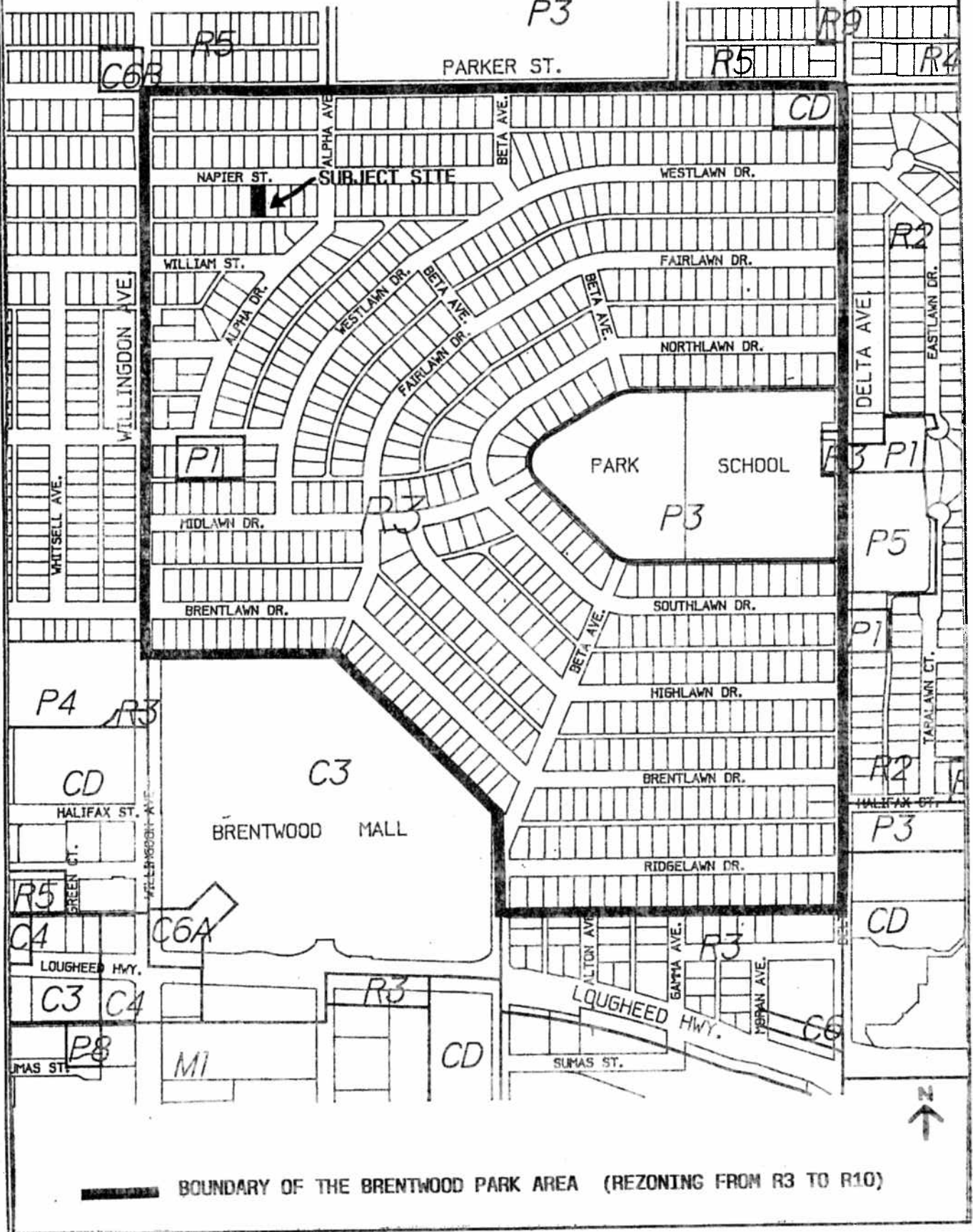
Attachments

cc: Municipal Solicitor
Chief Building Inspector

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Attachment A

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BOUNDARY OF THE BRENTWOOD PARK AREA (REZONING FROM R3 TO R10)

Date:
 1991 August 1

Scale:
 Not to scale

Drawn By:
 SL



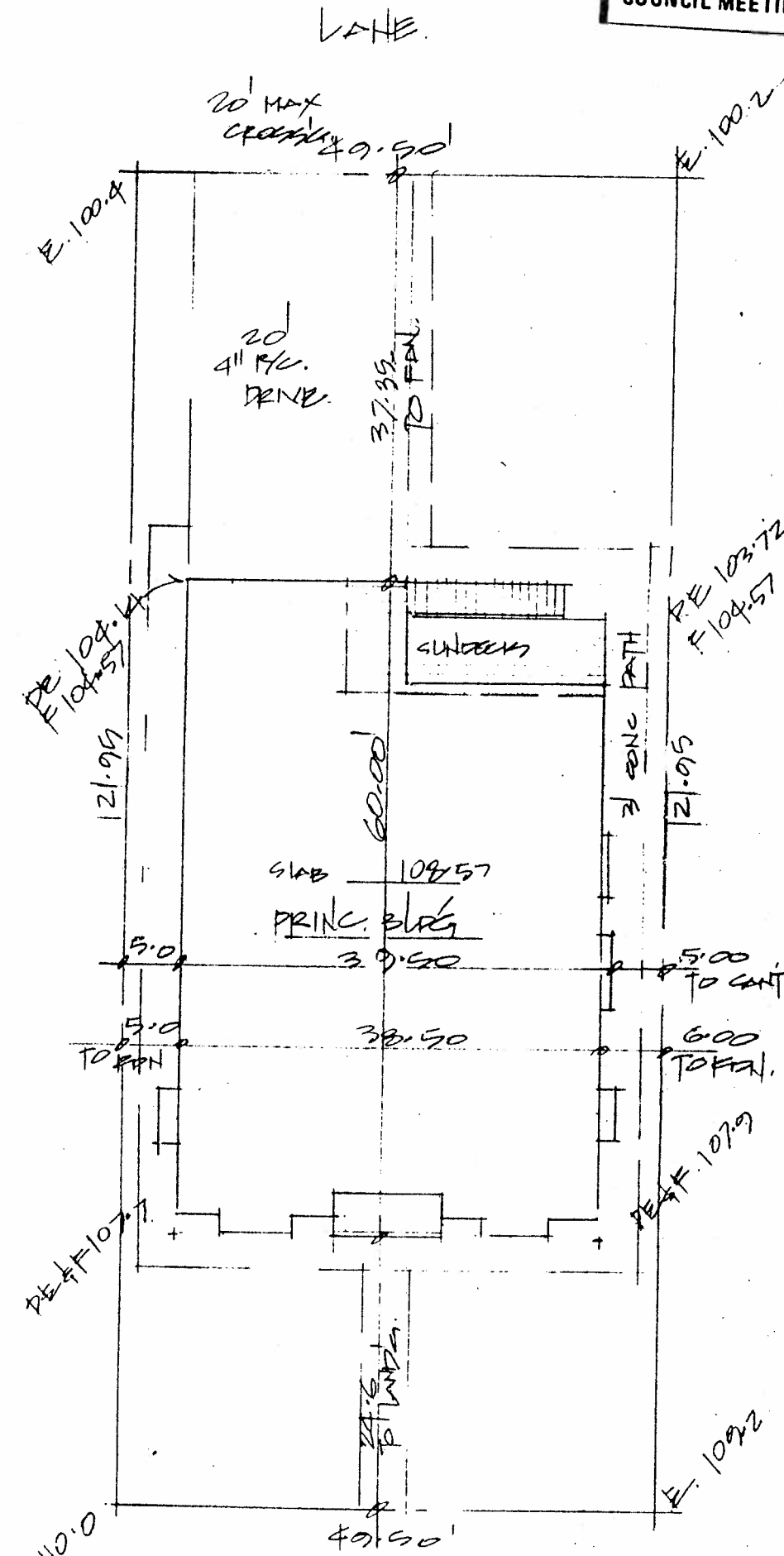
THE CORPORATION OF
BURNABY
 Planning &
 Building Inspection
 Department

BUILDING PERMIT APPLICATION
 FOR A SINGLE FAMILY DWELLING
 AT 4554 NAPIER STREET

SITE PLAN

Attachment B

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CLINIC ADD - 4551 NAPIER ST.
BBY DC.

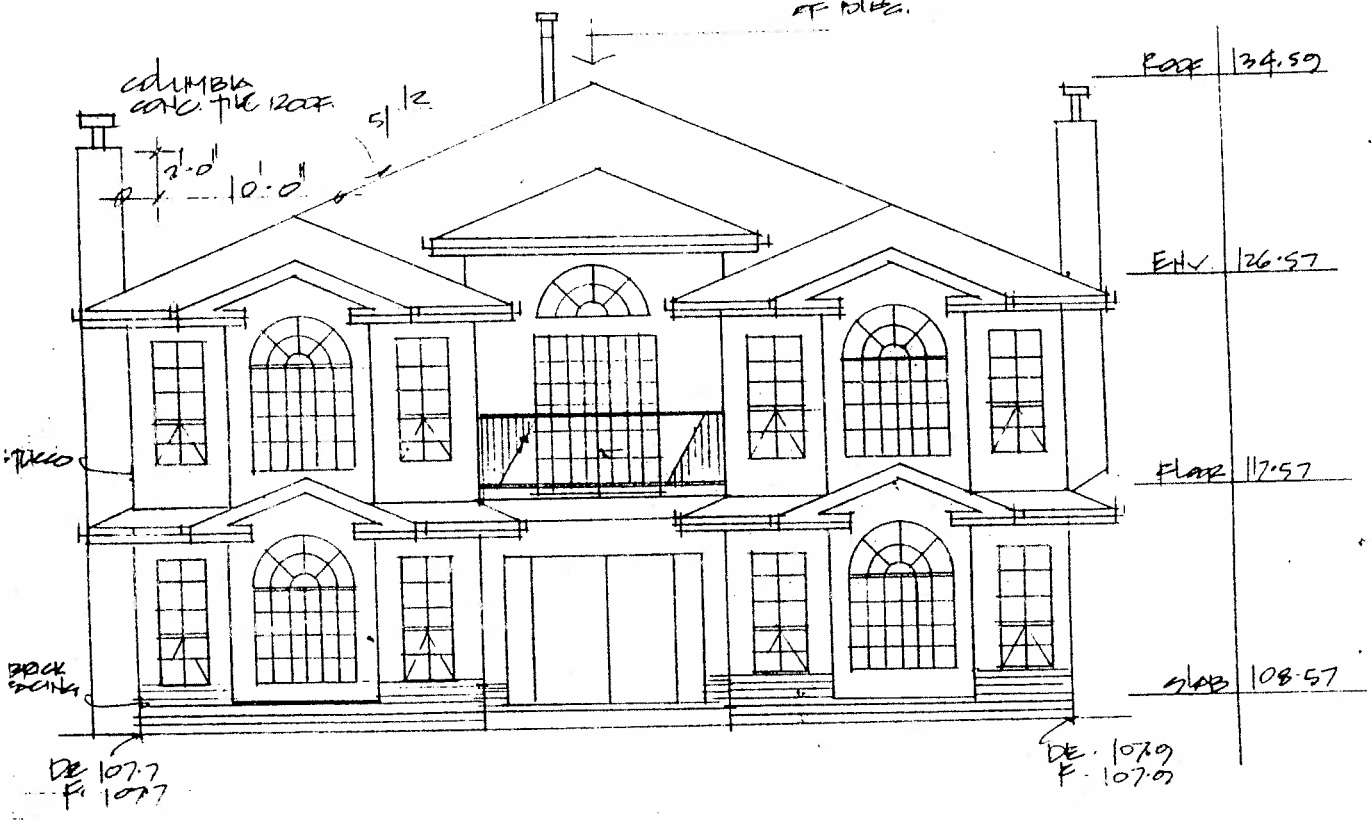
Vendor LOTD, BLK 40, SITE PLAN
PL. 13283 DL 23NW 3/32' = 1'-0"

FRONT AND REAR ELEVATIONS

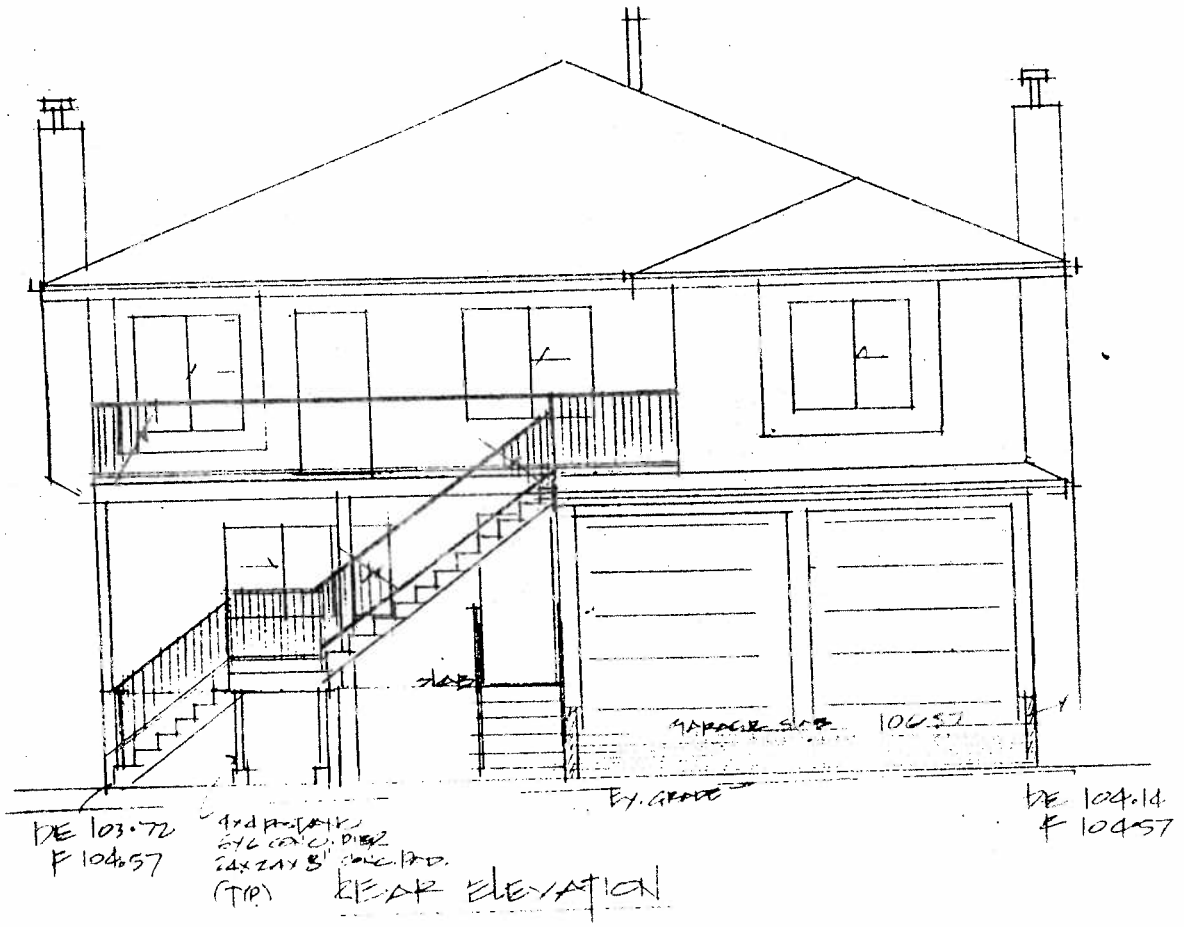
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Roof Height Not to Exceed 20'5" Above Ave Grade at Front of Plot.



FRONT ELEVATION 1/4" = 1'-0"



REAR ELEVATION