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MANAGER'S REPORT NO.	43
COUNCIL MEETING	91/07/08

TO: MUNICIPAL MANAGER

1991 July 02

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

Our File: 16.300

SUBJECT: PROPOSED CHANGES TO REGULATIONS AFFECTING SINGLE-FAMILY DWELLINGS IN SINGLE AND TWO-FAMILY AREAS; PROCESS TO HANDLE BUILDING PERMIT APPLICATIONS IN THE INTERIM

PURPOSE: To inform Council of a process to deal with applications to build new single family residences in the interim until the proposed changes to the zoning by-law are adopted.

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RECOMMENDATION:

1. THAT this report be received for the information of Council.

1.0 BACKGROUND

At its meeting of 1991 June 17, Municipal Council heard a delegation from Mr. Wolfram Galetzka of 4235 Gravely Street regarding the proposed changes to regulations affecting single family dwellings in single and two family areas. Arising from that delegation, Council requested staff to consider whether there should be a process in place to handle building permit applications in the interim while the new regulations are being prepared. This report responds to this request.

2.0 ABILITY TO WITHHOLD A PERMIT

As Council is aware, the ability to withhold a building permit is related to Section 981 of the Municipal Act. This section states that Council has the ability to withhold a building permit, if, at least 7 days before the application for a building permit was submitted, Council had instructed that the Zoning By-law be amended. If Council consider that a proposed building will conflict with the new Zoning By-law, Council may then pass a resolution identifying the conflict and direct that the building permit be withheld for 30 days. The 30 days can be extended for 60 days longer, and if the By-law has not then been enacted, the owners of the land for which a building permit was withheld are entitled to compensation for damages arising from the withholding of the permit.

The ability to withhold permits pursuant to Section 981 does not allow a moratorium on all single family residential building permits. The proposed changes to the Zoning By-law must be fairly explicit so that the conflict with the proposed change can be identified and the application must be considered by Council before a decision is made to withhold. Since the permit can only be withheld for ninety days, there must be an expectation that the amendment to the by-law would be adopted within this time frame.

3.0 PROCESS FOR HANDLING APPLICATIONS IN THE INTERIM

Following the public consultation process, Planning & Building Inspection Department staff will be providing a report to Municipal Council describing the issues and concerns raised at the public meetings and written submissions, suggesting changes to the proposal and if appropriate, recommending that staff work towards the preparation of a by-law amendment. After that, Planning & Building Inspection Department staff expect to be in a position to evaluate applications for single family dwellings to determine, in a broad sense, which applications are clearly in conflict with the proposed regulations.

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If Council should accept the recommendation of such a report described above and deem that the proposal was worthy to proceed further, then a Council resolution would be in place that would allow staff to refer to Council, proposed dwellings that clearly did not conform to the proposed regulations. It is estimated that the report to Council will be submitted to the meeting of 1991 August 6.

Staff believe that until the public consultation process is completed and staff is directed to work towards a final proposal, it would be premature to recommend that Council withhold single family residential building permits. It is realized that, in the interim, single family residential building permits for buildings that may not be in accordance with the proposed amendments may be approved. On the other hand, as was raised at many of the meetings held so far, those who have put considerable resources into the design of a new house in anticipation of a building permit application would have an opportunity to submit the application before permits could be withheld. Finally, as there are further reports to Council required, as well as the preparation of an actual by-law and the holding of a Public Hearing and granting of readings, it is evident that if a building permit was withheld now, the by-law would not be in place within the maximum 90 day period.

4.0 CONCLUSION

Planning & Building Inspection Department Staff believe that the review of single family building permit applications should await Council receiving a report on the public consultation process. It is intended that at that time Council will consider a recommendation directing staff to proceed further with the proposal which would provide the appropriate resolution required for Council to subsequently withhold building permits found to be in conflict with the proposal. On balance, this provides a fair approach to deal with the concerns of those who are currently in the design process and wish to submit an application before the proposed by-law change, as well as those who are concerned that more excessively large houses will be built in the interim.


A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

BG/mm

cc Municipal Solicitor
Chief Building Inspector