

ITEM	08
MANAGER'S REPORT #	15
COUNCIL MEETING	96/05/27

TO: CITY MANAGER

FROM: DIRECTOR PLANNING AND BUILDING.

SUBJECT: **BUILDING PERMIT FOR SEMI-DETACHED DWELLING AT 5010-5012 VICTORY STREET**

Purpose: To report on an application for a building permit to construct a semi-detached dwelling at 5010-5012 Victory Street.

**RECOMMENDATION:**

1. **THAT** the permit for a new semi-detached dwelling located at 5010-5012 Victory Street be issued according to the normal procedure, subject to:
  - i) the submission of a suitable landscaping plan, as discussed in Section 4.0 of this report, prior to issuance of the building permit; and
  - ii) the landscaping to be completed or bond posted prior to the issuance of the Occupancy Permit.

**REPORT**

**1.0 BACKGROUND**

At its meeting of May 6, 1996, Council considered a report from the Housing Committee that recommended minor changes to the text of the R4, R5 and R12 District affecting the development of semi-detached houses. The objective of the amendments is to help create semi-detached dwelling units that fit better in existing neighbourhoods and meet today's housing needs. Council adopted the following recommendation:

*THAT Council direct the City Solicitor to prepare a text amendment to the Zoning Bylaw as outlined in this report.*

One of the recommended text amendment changes affects the maximum size of attached garages on semi-detached dwellings. Currently, there is no maximum size for attached garages. While 452 square feet is exempted from the maximum floor area allowable, a bigger attached garage can be built by taking floor area away from the principal building. A larger attached garage on the front of the building would result in a situation where the front facade would comprise almost completely of garage doors visible from the front street.

This type of streetscape orientation is inconsistent with the goal of creating semi-detached dwellings that fit within existing neighbourhoods. One of the main concerns that has been raised about semi-detached dwellings is the prevalence of front yard paving and parking that was common with the construction of two storey semi-detached dwellings in the early 1970's.

To address this potential problem, the May 6 report recommended the maximum size for an attached garage in a semi-detached dwelling be limited to 452 square feet. This relates to a large sized two car garage (one space per dwelling unit) and means that the total exemption from floor area for parking can be taken advantage of.

## 2.0 BUILDING PERMIT FOR 5010-5012 VICTORY STREET

On Tuesday, May 14, the Building Department received an application for the construction of a two storey semi-detached dwelling at 5010-5012 Victory Street. The proposed building contains two separate two car garages along with two driveways. A copy of the site plan and front elevation is *attached* to this report.

The attached garages have a total floor area of 684 square feet, which is 232 square feet greater than the maximum of 452 square feet recommended in the proposed bylaw amendments. The space between the garages is used for front porches and main entry areas.

## 3.0 PROVISIONS OF THE MUNICIPAL ACT

The Municipal Act contains provisions whereby a local government can withhold a permit that is in contravention of a bylaw or plan that is under preparation. The Municipal Act states:

### *Withholding of permits and licences*

981. (1) *Where a local government passes a resolution identifying what it considers to be a conflict between a development proposed in an application for a building permit and*

- (a) *an official community plan,*
- (b) *a rural land use bylaw, or*
- (c) *a bylaw under sections 963 to 966 or 969*

*that is under preparation, the local government may direct that the permit be withheld for a period of 30 days, commencing on the day the application for the permit was made.*

(2) *Subsection (1) does not apply unless a local government has, by resolution at least 7 days prior to the application for a building permit, commenced the preparation of a plan or bylaw that is in conflict with the application.*

(3) *During the 30 day period referred to in subsection (1), the local government shall consider the application for the permit and may*

- (a) *direct the permit be withheld for a further 60 days, or*
- (b) *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.*

(4) *If the local government does not, within the 60 day period, adopt a plan or bylaw referred to in subsection (1), the owners of the land for which a building permit was withheld under this section are entitled to compensation for damages arising from the withholding of the building permit, and Division (4) of Part 12 applies.*

(5) *Where the council passes a resolution under subsection (1), the council may direct that a business licence, in respect of the same land, be withheld for a period not exceeding 90 days where the council considers that the use to which the land would be put and to which the business licence application relates would be contrary to the use that would be permitted by the bylaw that is under preparation.*

In the case of the building permit application for the building at 5010-5012 Victory Street, it is clear that the size of attached garages are larger than what would be permitted under the regulations proposed in the amendments identified in the May 6 report.

#### 4.0 SUGGESTED ACTION

There are three actions that Council could take regarding this building permit application:

- i) direct that the permit be issued subject to normal procedure;
- ii) direct that the plans be amended to reflect the proposed amendment; or
- iii) direct that the permit be issued, subject to the imposition of certain conditions.

In this case, it is recommended that the permit be issued subject to the imposition of certain conditions that will mitigate the impact of the two garages on the streetscape. It is suggested that the following conditions be added to the issuance of the building permit:

- i) the submission of a landscaping plan that indicates that all areas not used for driveway and sidewalk to the front entrance will be landscaped with suitable materials such as grass, shrubs, trees and plants. The sidewalk from the main entrances should be minimized. A planting list and costing for the landscaping should be included.
- ii) the landscaping should be completed or bond posted prior to the issuance of the Occupancy Permit.

The builder stated that ideally, he would like to build a detached garage off the lane. However, the City has not acquired the requisite right-of-way from adjacent property owners to permit the lane to be finished. Considering this, the builder has stated that the above described conditions related to landscaping are acceptable.

#### 5.0 CONCLUSION

The proposed semi-detached building for 5010-5012 Victory Street is in contravention of a suggested change to the regulations affecting the maximum size of attached garages on semi-detached dwelling units that are accessed off the front street.

In order to mitigate the impact of the garages and driveways on the streetscape, it is recommended that the permit be issued subject to the applicant submitting a suitable landscaping plan and that the landscaping be completed or bond posted prior to the issuance of the occupancy permit. The builder has agreed to this condition.

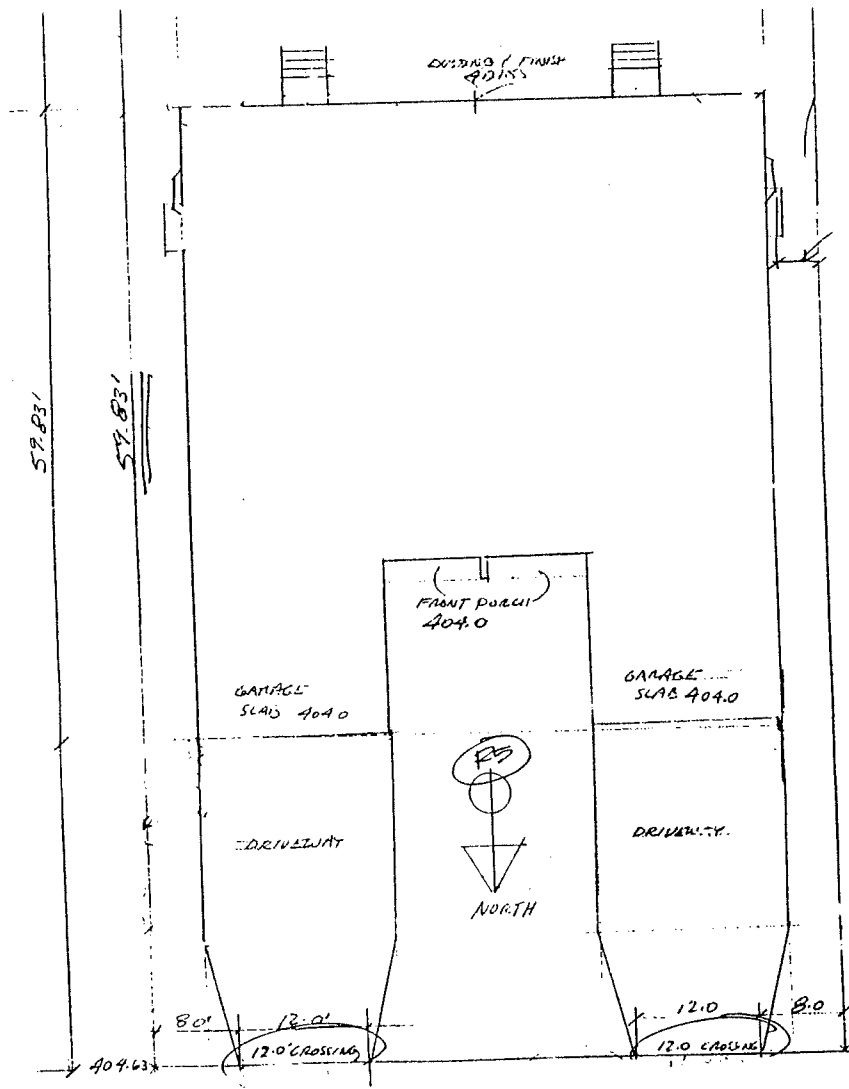
  
D.G. Stenson, Director  
PLANNING AND BUILDING

 BG/db



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FRONT ELEVATION



5010-5012 VICTORY STREET  
SITE PLAN