

1996 MAY 01

TO: CITY MANAGER

FROM: DIRECTOR PLANNING AND BUILDING

OUR FILE: 16.400.15

SUBJECT: **PRELIMINARY PLANS FOR AN ADDITION TO AN EXISTING SINGLE FAMILY DWELLING: 3850 DUBOIS STREET**

PURPOSE: To obtain Council direction for staff to submit a second report to Council if a building permit application, based on the preliminary plans described in this report, is made prior to the completion of the area rezoning process for the Joffre Avenue North neighbourhood.

RECOMMENDATION:

1. **THAT** Council direct staff to submit a second report to Council if a building permit application, based on the preliminary plans described in this report, is made prior to the completion of the area rezoning process for the Joffre Avenue North neighbourhood.

R E P O R T

1.0 BACKGROUND

The Joffre Avenue North neighbourhood is presently undergoing an area rezoning process (see map in **Attachment A**). A rezoning proposal based on the R10 District was sent to residents and property owners in December 1995. Based on the results of the questionnaire included with the rezoning proposal, Council, at its meeting on 1996 February 5, authorized staff to prepare a rezoning bylaw and forward it to Public Hearing. The Public Hearing on the rezoning bylaw (Bylaw 10363) was held on April 23. Bylaw 10363 will be considered for Second Reading later on this Agenda.

It is understood that while an area rezoning process is underway, building permit applications for a new house or a major renovation at variance with the proposed rezoning will be referred to Council for review.

2.0 PRELIMINARY PLANS FOR AN ADDITION TO AN EXISTING SINGLE FAMILY DWELLING

Staff initially met with the applicant in early March to discuss the applicant's proposal and the area rezoning process. The applicant was advised to submit a set of plans showing the height of the proposed addition and the floor area of the existing house and the proposed addition. Preliminary plans for the addition were received by staff on 1996 April 24. Rather than submit a complete set of plans, the owner submitted preliminary plans as a cost-saving measure in case design changes were required.

According to the preliminary plans provided, the owner would like to add a complete second storey to his existing dwelling. The existing dwelling has a gross floor area of approximately 2264 square feet and consists of a main floor and a basement. The owner has stated that he would prefer to create additional living space above the main floor rather than demolishing the existing house and building a new one. Preliminary front and side elevations of the proposed addition when completed are provided in **Attachment B**.

The addition proposed by the applicant does not conform to the regulations of the R10 District since a complete second storey is proposed where only half a storey is permitted. The proposed addition would also exceed the maximum height of 24.9 feet permitted under the R10 District. Under the R10 District, the owner would have the option of extending out the rear of the house (see diagram in **Attachment C**). The proposal would not exceed the maximum above grade floor area or gross floor area permitted under the R10 District.

The table below compares the dimensions of the applicant's proposal with the dimensions of the current R3 District zoning and the R10 District.

**Table 1: 3850 Dubois
 Applicant's Proposal in Relation to R3 and R10 Zoning**

			Applicant's Proposal (existing house plus addition) (lot size: 6709 square feet)		
Zoning Regulations	Permitted Under the Current R3 District	Permitted Under the Proposed R10 District	Applicant's Proposal	Proposal in Relation to R3	Proposal in Relation to R10
Building Height	29.5 ft	24.9 ft	29 ft	.5 ft less than R3	4.1 ft more than R10
Gross Floor Area	3982.8 sq. ft	3982.8 sq. ft	3462 sq. ft	520.8 sq. ft less than R3	520.8 sq. ft. less than R10
Above Grade Floor Area	2741.2 sq. ft.	2547.4 sq. ft.	2330 sq. ft	411.1 sq. ft less than R3	217.4 sq. ft less than R10
2nd floor above grade	no restriction	.5 of area of main floor	1198 sq. ft.	permitted	632 sq. ft more than R10

3.0 WITHHOLDING OF A BUILDING PERMIT APPLICATION

Under Section 981 of the Municipal Act, when a building permit application is in conflict with a rezoning bylaw that is under preparation, Council may direct that the building permit be withheld for an initial period of 30 days. During this period, Council may withhold the permit for a further 60 days or grant the permit with conditions imposed. If a bylaw is not adopted within the 60 day period, then the property owner is entitled to compensation for damages arising from the withholding of the building permit.

Since the applicant's proposal exceeds the maximum R10 building height and involves the addition of a complete second floor above grade, it is recommended that Council direct staff to submit a second report to Council on the proposed addition if a building permit application based on these plans is made prior to the completion of the area rezoning process for the Joffre Avenue North neighbourhood. If an application based on these plans is made during this time, staff, in the second report to Council, would recommend that a building permit be withheld until the area rezoning process for the Joffre Avenue North neighbourhood is completed.

A rezoning bylaw has been prepared for the Joffre Avenue North neighbourhood and will be considered for Second Reading later on this Agenda. If there are no issues arising from the Public Hearing held on 1996 April 23, the rezoning bylaw could be adopted within an initial period of 30 days.

4.0 CONCLUSION

It is recommended that if a building permit application is made based on the preliminary plans described in this report, that staff be directed to submit a second report to Council recommending that the building permit application be withheld until the area rezoning process for Joffre Avenue North is completed.



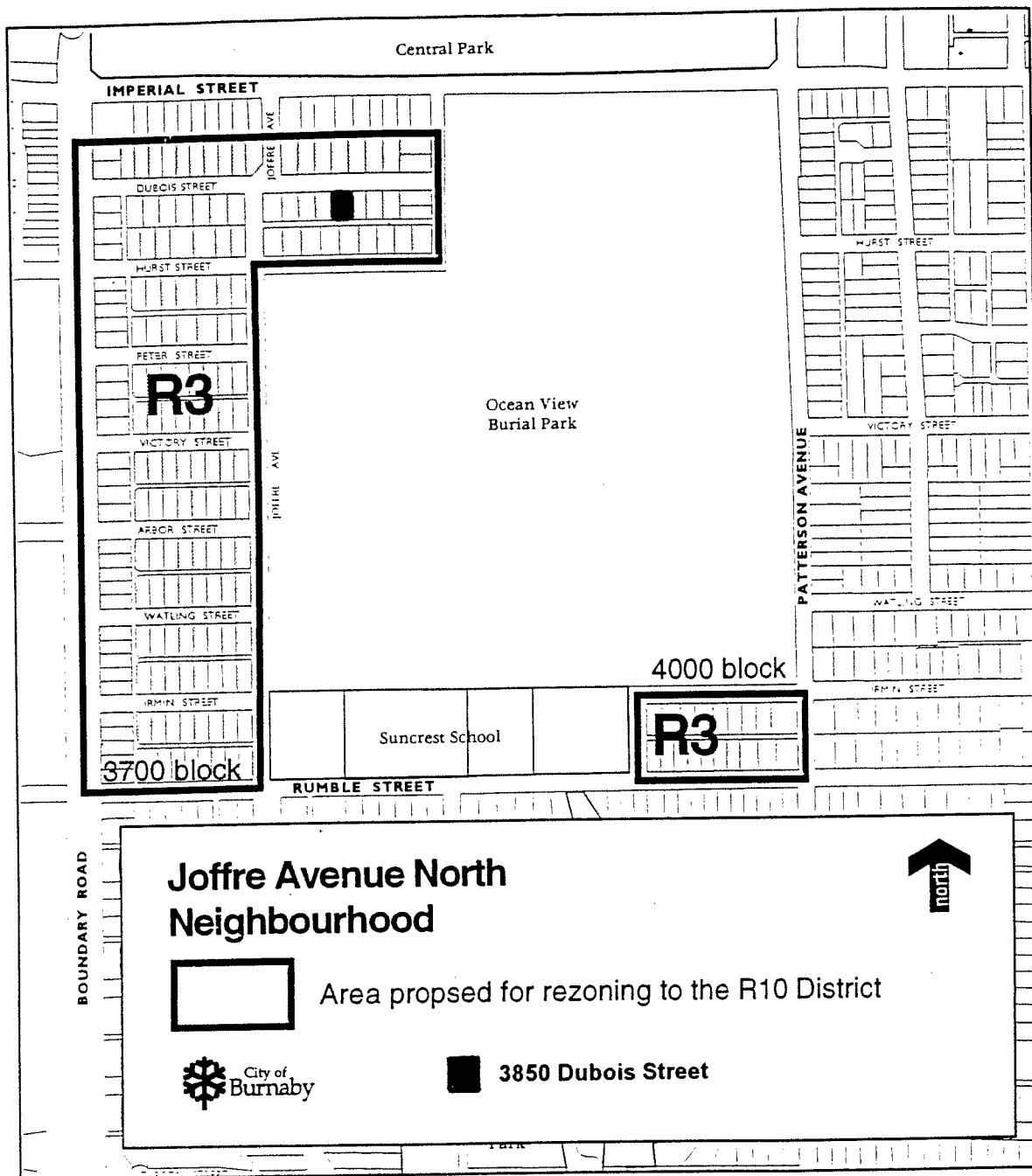
6 D.G. Stenson, Director
PLANNING & BUILDING



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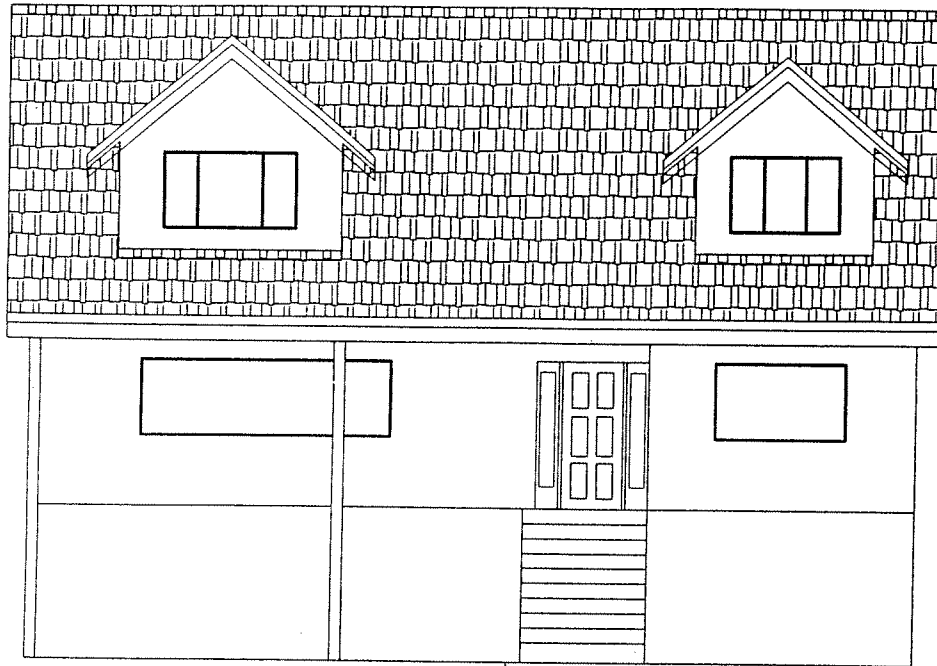
Attachments (3)

cc: Supervisor Plan Checking
City Solicitor

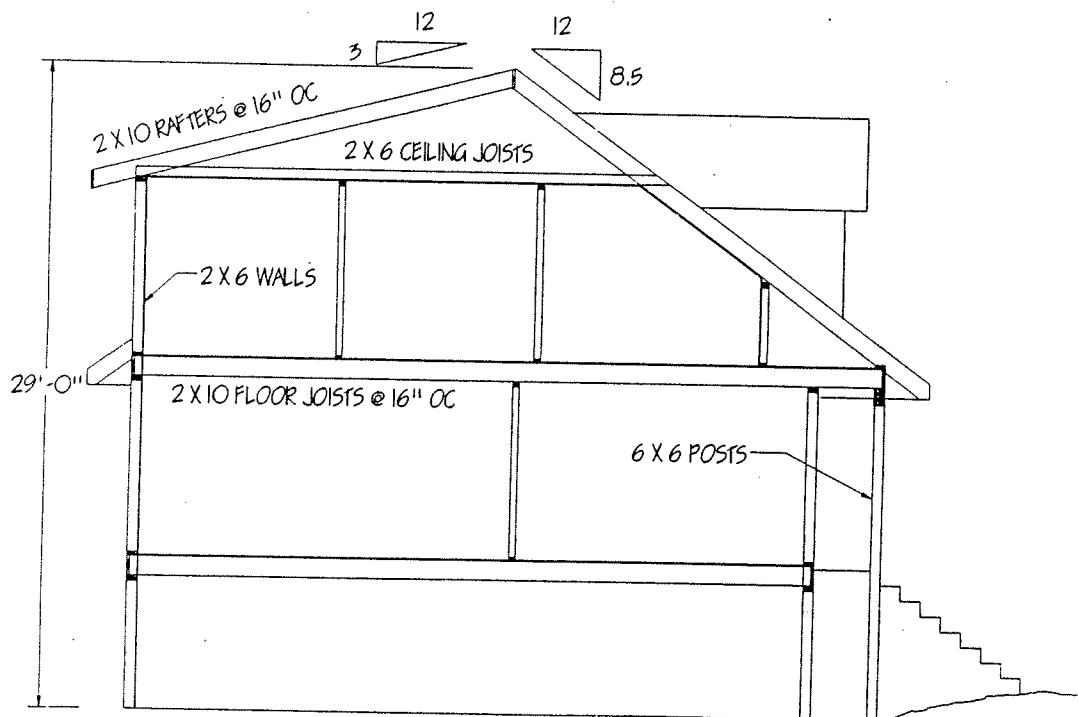


ATTACHMENT A

**PROPOSED SECOND FLOOR ADDITION
3850 DUBOIS STREET**



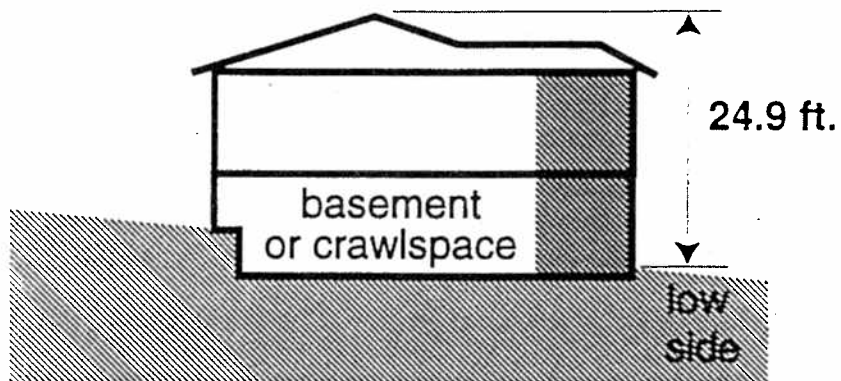
FRONT ELEVATION



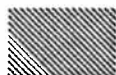
SIDE VIEW

ATTACHMENT B

**R10
additions to
older houses**



side view

 additions