

## 3620 Westwood Street – Consideration of Building Permit

### RECOMMENDATION:

*That pursuant to s.463 of the Local Government Act, that Council:*

- (1) Has identified a conflict between a development proposed at 3620 Westwood Street building permit application BP012969, it's resolution adopted on September 17<sup>th</sup> 2019 and resulting amendments to the Zoning Bylaw adopted on February 25, 2020;*
- (2) Has considered the development proposed in building permit application BP012969; and*
- (3) Directs that building permit application BP012969 only be issued subject to compliance with the provisions of Zoning Bylaw amendment No. 4162 which only allows for one dwelling unit and restricts building height to one storey.*

### PREVIOUS COUNCIL/COMMITTEE ACTION

At the Council meeting of February 25, 2020, Council adopted Zoning Amendment Bylaw No.4162 which amends the zoning of 3620 Westwood Street to allow for one dwelling unit and a maximum building height of one storey.

At the Council meeting of January 8, 2020, the following motion was passed:

*That pursuant to s.463 of the Local Government Act, that Council:*

- (1) Has identified a conflict between a development proposed at 3620 Westwood Street building permit application BP012969, and it's resolution adopted on September 17<sup>th</sup>:*
- (2) Directs that building permit applications BP012969 be withheld for a period of 30 days;*
- (3) Directs that building permit applications BP012969 be withheld for a further 60 days during which period staff will bring forward a report that will provide for consideration of the building permit applications.*

At the Council meeting of September 17, 2019, the following motion was passed:

*That pursuant to s.463 of the Local Government Act, that staff be directed to bring forward area-specific amendments to the Zoning Bylaw for the 3500/3600 Westwood Street area to achieve the following intent:*

- (1) that permitted uses within properties zoned Community Commercial be restricted to community commercial uses and the maximum height of a building be restricted to one storey, and;*
- (2) that the number of dwelling units permitted for properties zoned Residential Single Family RS1 be restricted to one and the maximum height of a building be restricted to one storey unless the following conditions are met:*
  - 1. Provision of vehicle access between the street and the lane with a minimum width of 20m and in direct alignment with Anson Avenue;*
  - 2. A mix of community commercial and residential uses with a minimum building height of six storeys; and*

## 3620 Westwood Street – Consideration of Building Permit

3. *If the floor area ratio exceeds 1.5, provision of a contribution in the amount of \$50 per square foot of additional floor area to City reserve funds for community amenities and social housing amenities.*

### **BACKGROUND**

Pursuant to s.463 of the *Local Government Act*, “a local government may direct that a building permit be withheld for a period of 30 days, beginning on the day the application for the permit was made, if it passes a resolution identifying what it considers to be a conflict between a development proposed in the application for a building permit and ...a Zoning Bylaw....” During the 30-day period, the local government must then 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.

On December 12, 2019, the property owner of 3620 Westwood Street, 2008615 Investments Ltd., submitted a building permit application (BP012969) for the construction of a two storey house. On January 8, 2020, Council considered the building permit application and identified a conflict between the proposed two storey residential development and their September 17<sup>th</sup> resolution restricting building height and density of development in the 3500 and 3600 blocks of Westwood Street. Council directed staff to withhold issuance of the building permit for 30 days and then a further 60 days.

On February 25, 2020, Council approved amendments to the zoning bylaw to limit building height at 3620 Westwood Street to one storey and density to one dwelling.

### **DISCUSSION**

The proposed development of a two-storey house does not comply with the amended zoning regulations. Staff recommend building permit BP012969 be issued subject to compliance with the provisions of the Zoning Bylaw which restricts the density of development to one dwelling unit and the height of the building to one storey.


### **FINANCIAL IMPLICATIONS**

None.

## 3620 Westwood Street – Consideration of Building Permit

### **OPTIONS**

(Check = Staff Recommendation)

#	Description
1 	Direct that the building permit be issued in accordance with the Zoning Amendment Bylaw No.4162 which allows for one dwelling unit and a maximum building height of one storey.
2	Direct that the building permit be issued in accordance with previous Zoning Bylaw regulations which permit construction of a two storey dwelling.