



City of Richmond
Urban Development Division

**Report to
Development Permit Panel**

To: Development Permit Panel

Date: December 15, 2004

From: Raul Allueva
Director of Development

File: DV 04-274515

Re: **Application by Al Rahman Farms for a Development Variance Permit at 15460
Westminster Highway**

Staff Recommendation

That the Development Variance Permit, to increase the maximum required setback from a public road in the Agricultural District (AG1) zone from 50 m (164 ft) to 60 m (197 ft) to accommodate a new single-family dwelling at 15460 Westminster Highway, be denied.

Raul Allueva
Director of Development

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Att.

Staff Report

Origin

Steve Palmier Architecture, on behalf of Al Rahman Farms, has applied to the City of Richmond for permission to vary the maximum setback from 50 m (164 ft) to 60 m (197 ft) to accommodate a portion of a new single-family dwelling located at 15460 Westminster Highway.

The proposal is to retain the existing dwelling on the subject property (for occupation by an agricultural worker) and build a new, principal single-family dwelling in behind for occupation by the property owner's family. As the site is over 8 ha (19.77 ac), the Agricultural District (AG1) zone permits one additional dwelling for occupation by an agricultural worker, thus allowing a maximum of two (2) dwellings on the subject property.

A location map is shown in "Schedule A" attached to this report. Drawings related to the existing dwelling, site plan and proposed new building are attached as Plans to this report.

Findings of Fact

Context and Surrounding Development

The subject site is a large parcel of agricultural land approximately 8.14 ha (20.13 acres) in size. The parcel is located within the Agricultural Land Reserve, with an Environmentally Sensitive Area abutting the south property line of the subject site. An existing dwelling is situated on the front portion of the site and complies with the 50 m (164 ft) maximum setback requirement of the zone. No additional structures or buildings associated with farming activities are located on the subject parcel. The property is not currently being utilized for intensive farming activities, with a majority of the front half of the site occupied by open fields. According to the submitted context plan, blueberry shrubs and mature vegetation are situated towards the rear of the parcel.

The property is situated in East Richmond (near the Westminster Highway and No. 7 Road intersection) and is surrounded by a number of large sized agricultural parcels involved in farming activities of varying intensity. Neighbouring properties generally have a residential dwelling on the lot that is within the 50 m (164 ft) maximum permitted setback. There are agricultural buildings and structures located on surrounding properties that are permitted to locate beyond this maximum setback, as they are associated with farming activities on the lot.

Proposed Development

Approximately one half of the proposed new single-family dwelling encroaches 10 m (33 ft) into the maximum setback of 50 m (164 ft) required in the zone. The dwelling to be retained has a total floor area of 170 m² (1,831 ft²). The new proposed dwelling has a total floor area of 1,508 m² (16,223 ft²). As the subject property is a large site, the resulting Floor-Area-Ratio (F.A.R.) is 0.02 whereas 0.6 is permitted in the Agricultural District (AG1) zone.

Zoning Compliance

A review of the survey and building permit for the dwelling to be retained shows that the existing structure complies with all regulations of the zone and is situated well within the 50 m (164 ft) maximum setback. This requirement is intended to limit the amount of agricultural land which is impacted by residential buildings. An aircraft noise covenant will also be required as the subject site is located within a Noise Exposure Forecast area. Preliminary drawings indicate that the lines for the septic system will extend to the north into the front yard. As required under the zoning, the applicant has indicated that the existing dwelling to be retained will be occupied by a farmhand who is employed on the subject site only as required in the AG1 zone. To satisfy this condition, a formal declaration (by letter) is required to be provided by the owner to obtain a Building Permit.

Analysis

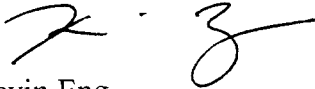
Staff have the following concerns regarding permitting a single-family dwelling to locate 10 m (33 ft) beyond the maximum required setback of 50 m (164 ft) on the subject site:

- The subject site is very wide (103 m or 338 ft) and adequate space exists on the westerly portion of the property to shift the building to the west and north in order to comply with the maximum setback requirement. The applicant has indicated that the increased setback is required to mitigate some of the noise impacts from Westminster Highway and provide adequate space for a rear garden between the existing dwelling and proposed new house. Staff note that if the proposed house is situated to be in compliance with the maximum setback provision, the front of the dwelling will still be approximately 33 m (108 ft) from Westminster Highway, providing adequate space for noise buffering. Similarly, if the dwelling is shifted to the west and north to be in compliance with the zone, there would be ample space for a rear yard and garden to be used by the existing dwelling.
- The intent of a maximum setback requirement is to protect the use of land for agricultural uses and not allow dwellings and other non-farming buildings to encroach into viable agricultural land. Staff remain concerned that pushing the building further away from Westminster Highway will result in alienation of more agricultural land for farming related activities.
- No precedent exists in the surrounding area for approved variance applications of a similar nature. Staff have concerns about the precedent this proposal may set if approved, which will negatively impact the viability of agricultural activities in the area. The applicant contends that surrounding properties have dwellings and buildings that are situated beyond the maximum setback. However, staff note that a majority of these buildings are for farming purposes (i.e. storage, tractor sheds, barns) and are not dwellings (There is no maximum setback provision within the Agricultural District (AG1) zone for buildings and structures associated with farming uses). The maximum setback provision applies only to dwellings and residential accessory buildings.
- A majority of the surrounding single-family residential dwellings on neighbouring properties comply with the 50 m (164 ft) maximum setback. The requested variance would be a considerable departure and not consistent with the setback of existing surrounding dwellings.

- Another possible way to comply with the maximum setback requirement and avoid the variance is to scale down and reduce the size of the proposed dwelling. This would allow for the dwelling to be situated in behind the existing house with adequate space existing between the two (2) dwellings for a garden and open space due to the reduced size and massing of the new proposed house. The applicant has rejected this option.
- The Official Community Plan's (OCP) objectives pertaining to agriculture in Richmond is to ensure continued protection of all farmlands in the Agricultural Land Reserve and maintain and enhance agricultural viability and productivity. Staff are concerned that this proposal is at variance with these objectives and will negatively impact agricultural activities on the subject site and set an undesirable precedent.

Conclusions

The proposal to vary the maximum required setback from 50 m (164 ft) to 60 m (197 ft) in order to permit a portion of a single-family dwelling to be situated beyond this maximum setback will alienate more land from possible agricultural uses, and set an undesirable precedent. The subject site has sufficient width and area to shift the proposed dwelling in order to comply with the zone, and the applicant has not provided adequate justification on this proposal. As such, staff do not support the subject application and recommend denial.



Kevin Eng
Planning Technician – Design
(Local 4626)

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No. DV 04-274515

To the Holder: AL RAHMAN FARMS

Property Address: 15460 WESTMINSTER HIGHWAY

Address: C/O STEVE PALMIER
STEVE PALMIER ARCHITECTURE
513 – 1540 WEST 2ND AVENUE
VANCOUVER, B.C. V6J 1H2

1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied by this Permit.
2. This Development Variance Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
3. The "Richmond Zoning and Development Bylaw No. 5300" is hereby varied by increasing the maximum required setback from a public road in the Agricultural District (AG1) zone from 50 m (164 ft) to 60 m (197 ft) to accommodate a portion of a new single-family dwelling (1,508 m² or 16,233 ft²) at 15460 Westminster Highway as shown on Plans #1 – #5 attached hereto.
4. As a condition of issuance of this Permit by Council, the applicant is required to enter into an Aircraft Noise Covenant.
5. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
6. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse.

This Permit is not a Building Permit.
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DAY OF _____

ISSUED BY THE COUNCIL THE

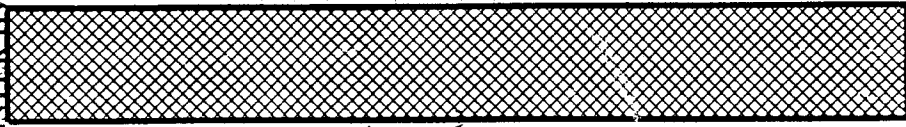
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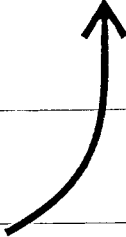


City of Richmond

WESTMINSTER HWY

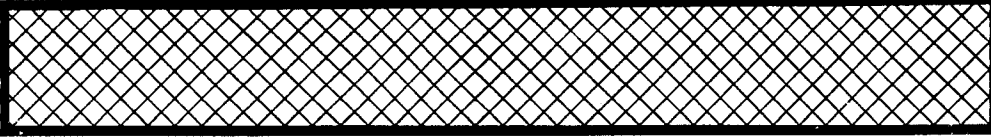


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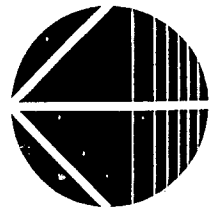


NO. 7 RD

WESTMINSTER HWY



NO. 7 RD



DV 04-274515
SCHEDULE "A"

Original Date: 07/29/04

Revision Date:

Note: Dimensions are in METRES

NOTES:
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
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3	FINAL LAYOUT	22/03/04
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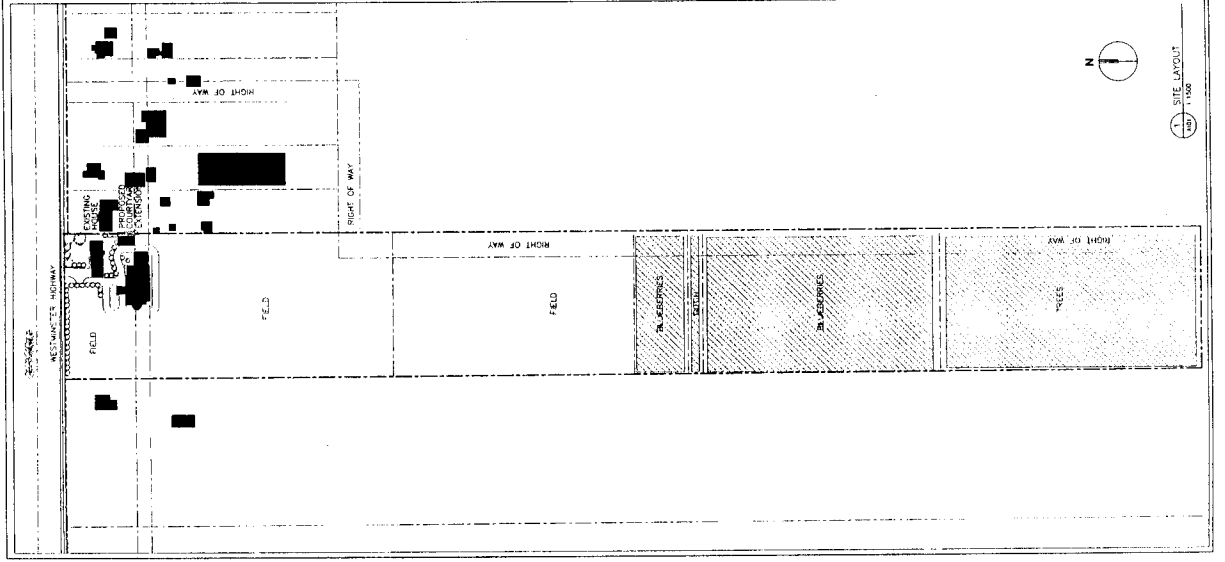
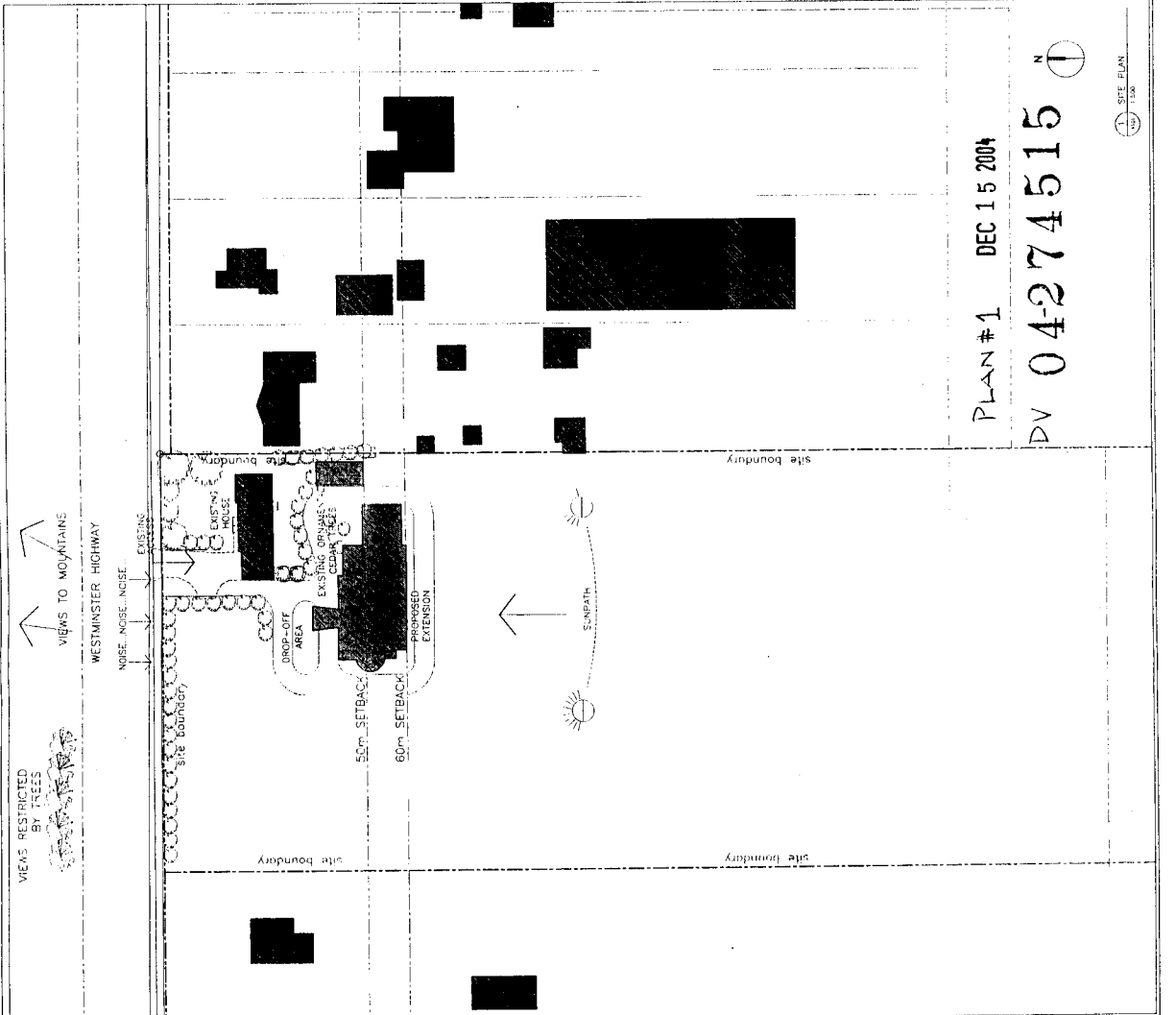
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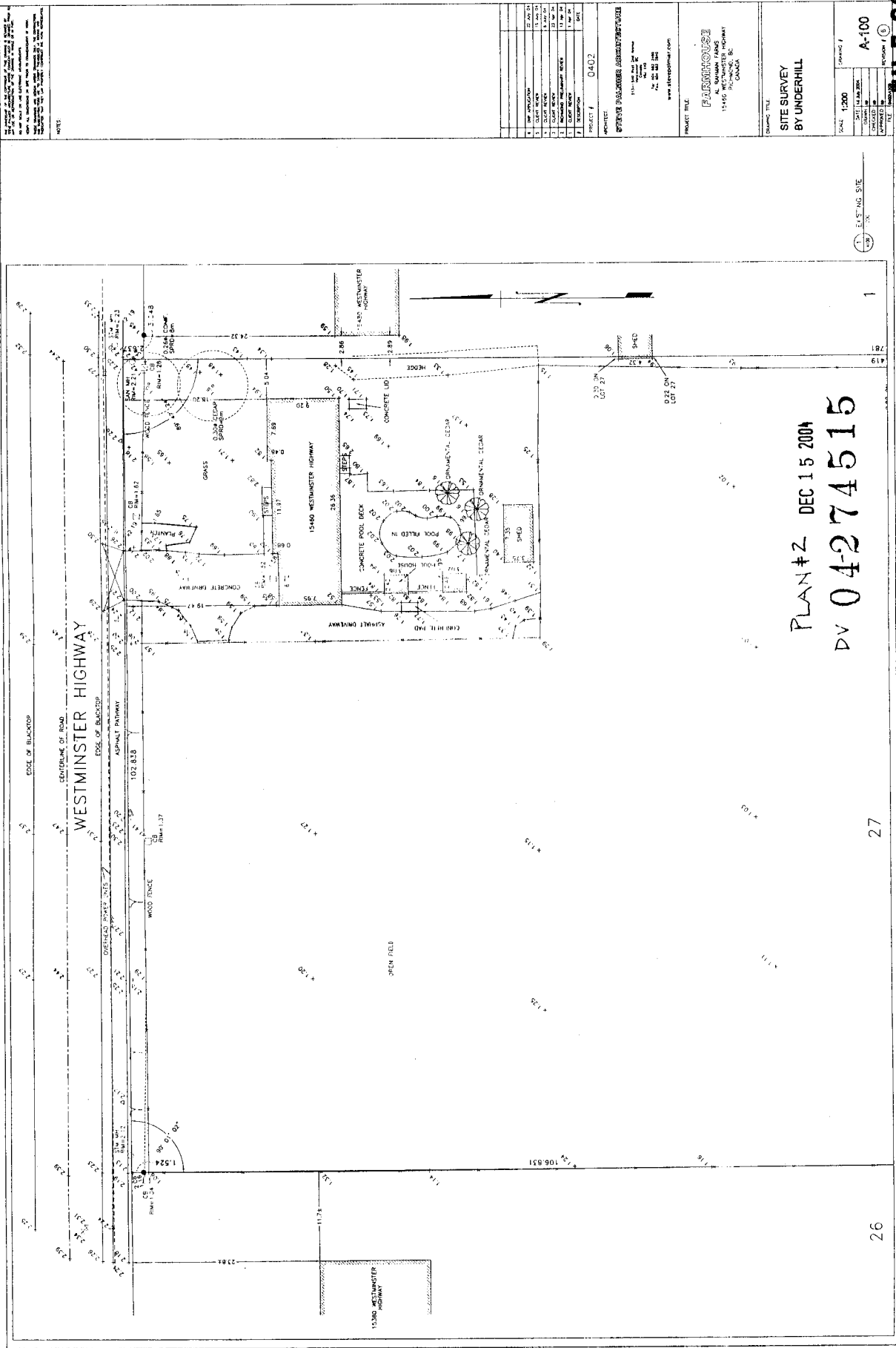
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PLAN # 2 DEC 15 2004
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PROJECT TITLE:
SITE SURVEY
BY UNDERHILL

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ARCHITECT:
STEVEN PALANCA ARCHITECTURE
15445 WESTMINSTER HIGHWAY
VANCOUVER, BC
CANADA
www.stevencpalanca.com

PROJECT #:
0402

DRAWING TITLE:
SITE SURVEY
BY UNDERHILL

SCALE: 1:200
DRAWING #
A-100
SECTION #
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WESTMINSTER HIGHWAY
15445 WESTMINSTER HIGHWAY
VANCOUVER, BC
CANADA

NOTES:
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 2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
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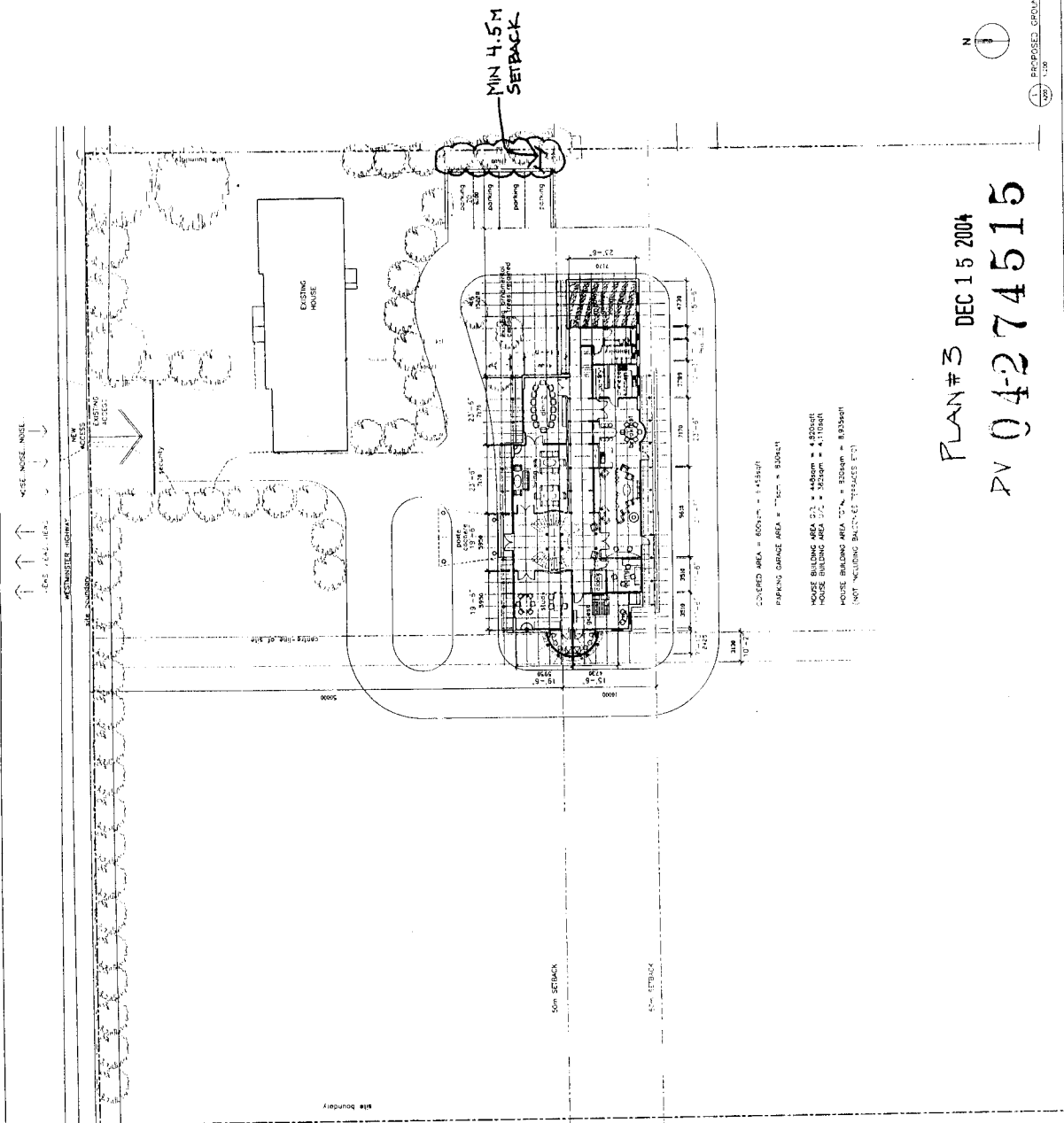
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97	ISSUED FOR PERMITTING	13.08.04
98	ISSUED FOR PERMITTING	13.08.04
99	ISSUED FOR PERMITTING	13.08.04
100	ISSUED FOR PERMITTING	13.08.04

ARCHITECT:
STEVEN PALMER ARCHITECTURE
 1111 1/2 Ave 24, Avoca
 Avoca, Victoria 3171
 PH: 03 9498 8888
 FAX: 03 9498 8889
 WWW: STEVENPALMER.COM

PROJECT FILE:
FARMHOUSE
 11-140 WESTHAMPTON HIGHWAY
 WILSONVILLE, VIC
 3089

DRAWING TITLE:
PLAN LAYOUT

SCALE: 1:200
 DATE: 13.08.04
 SHEET NO: 1
 TOTAL SHEETS: 1
 PROJECT NO: A-200
 REVISIONS:
 NO. DESCRIPTION DATE



PLAN #3 DEC 15 2004
 PV 04-274515

ESPOSSES GROUP PLAN
 100
 100

<p>NOTES:</p> <p>1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.</p> <p>2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.</p> <p>3. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE TO OR LOSS OF ANYTHING ON THE SITE DURING THE COURSE OF THE WORK.</p> <p>4. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE TO OR LOSS OF ANYTHING ON THE SITE DURING THE COURSE OF THE WORK.</p>		
NO.	DESCRIPTION	DATE
1	PRELIMINARY DESIGN	12/15/04
2	FINAL DESIGN	12/15/04
3	CONSTRUCTION PERMIT	12/15/04
4	CONSTRUCTION	12/15/04
5	COMPLETION	12/15/04
6	AS-BUILT	12/15/04
7	REVISIONS	12/15/04
8	REVISIONS	12/15/04
9	REVISIONS	12/15/04
10	REVISIONS	12/15/04
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99	REVISIONS	12/15/04
100	REVISIONS	12/15/04

WESTMINSTER HIGHWAY

NEW ACCESS

EXISTING ACCESS

MEASUREMENT

MIN 45M SETBACK

MIN 45M SETBACK

CONCRETE AREA = 600sqm = 645sqft

COVERED AREA = 800sqm = 845sqft

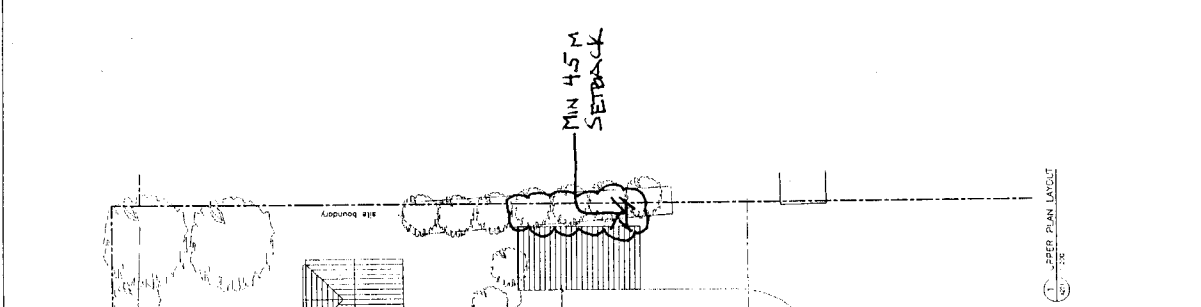
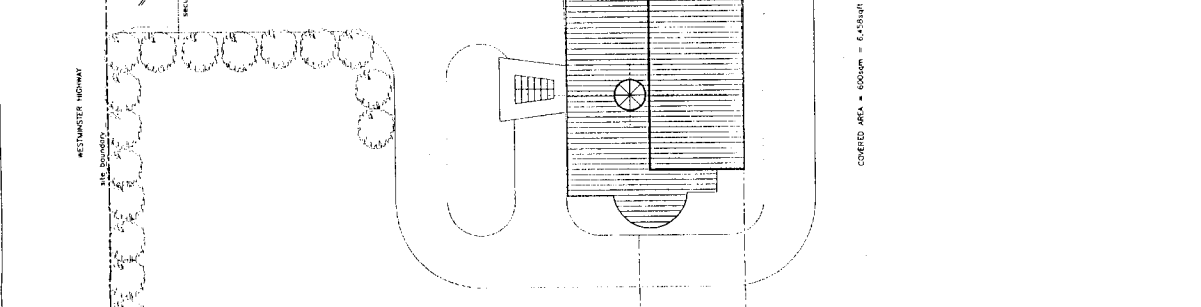
HOUSE GARAGE AREA = 77sqm = 825sqft

HOUSE BUILDING AREA G/L = 448sqm = 4790sqft

HOUSE BUILDING AREA U/L = 281sqm = 3010sqft

HOUSE BUILDING AREA TOTAL = 829sqm = 8800sqft

INT. ROLLING BALCONIES: TERRAZZO ETC.



WESTMINSTER HIGHWAY

NEW ACCESS

EXISTING ACCESS

MEASUREMENT

MIN 45M SETBACK

MIN 45M SETBACK

CONCRETE AREA = 600sqm = 645sqft

COVERED AREA = 800sqm = 845sqft

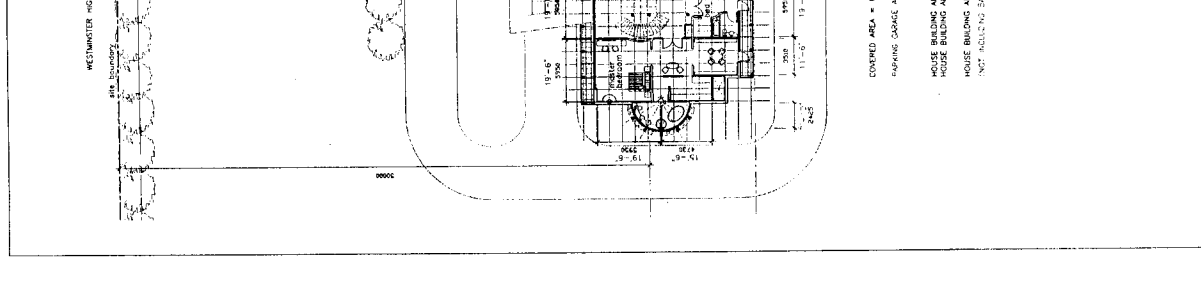
HOUSE GARAGE AREA = 77sqm = 825sqft

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WESTMINSTER HIGHWAY

NEW ACCESS

EXISTING ACCESS

MEASUREMENT

MIN 45M SETBACK

MIN 45M SETBACK

CONCRETE AREA = 600sqm = 645sqft

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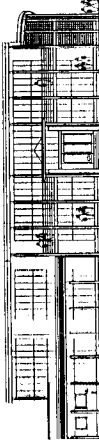
HOUSE BUILDING AREA TOTAL = 829sqm = 8800sqft

INT. ROLLING BALCONIES: TERRAZZO ETC.

NOTES



1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"

4 EAST ELEVATION
SCALE: 1/8" = 1'-0"



5 SECTION THROUGH ENTRY
SCALE: 1/8" = 1'-0"

PLAN #5 DEC 15 2004

DV 04-274515

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2004 NATIONAL BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.

DATE: 12/15/04
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1/8" = 1'-0"

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	12/15/04
2	ISSUED FOR CONSTRUCTION	12/15/04
3	ISSUED FOR OCCUPANCY	12/15/04
4	ISSUED FOR AS-BUILT	12/15/04
5	ISSUED FOR FINAL	12/15/04

PROJECT # 3402

PROJECT: 57000 P. SALMER, JACOBSVILLE

DATE: 12/15/04
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1/8" = 1'-0"

PROJECT FILE

P. BIRNHOUSE
15402 ASTORVILLE HIGHWAY
COLUMBIA, SC
29920

ELEVATIONS AND SECTION

SCALE: 1/8" = 1'-0"

DATE: 12/15/04

DRAWN BY: [Name]

CHECKED BY: [Name]

SCALE: 1/8" = 1'-0"

PROJECT # 3402

PROJECT: 57000 P. SALMER, JACOBSVILLE

DATE: 12/15/04

DRAWN BY: [Name]

CHECKED BY: [Name]

SCALE: 1/8" = 1'-0"

PROJECT FILE

P. BIRNHOUSE
15402 ASTORVILLE HIGHWAY
COLUMBIA, SC
29920

ELEVATIONS AND SECTION

SCALE: 1/8" = 1'-0"

DATE: 12/15/04

DRAWN BY: [Name]

CHECKED BY: [Name]

SCALE: 1/8" = 1'-0"

PROJECT # 3402

PROJECT: 57000 P. SALMER, JACOBSVILLE

DATE: 12/15/04

DRAWN BY: [Name]

CHECKED BY: [Name]

SCALE: 1/8" = 1'-0"

PROJECT FILE

P. BIRNHOUSE
15402 ASTORVILLE HIGHWAY
COLUMBIA, SC
29920