



City of Richmond
Urban Development Division

**Report to
Development Permit Panel**

To: Development Permit Panel

Date: December 9, 2004

From: Raul Allueva
Director of Development

File: DV 04-285184

Re: **Application by Rani Takhar for a Development Variance Permit at
4800 Tilton Road**

Staff Recommendation

That a Development Variance Permit be issued to reduce the Tilton Road setback (front and side yard setback) from 6 m (20 ft.) to 4.23 m (13.88 ft.) in order to permit the construction of a single-family dwelling located at 4800 Tilton Road.

Raul Allueva
Director of Development

KE:blg
Att.

Staff Report

Origin

Rani Takhar has applied to the City of Richmond for permission to reduce the required Tilton Road setback (front and side yard setback) from 6 m (20 ft.) to 4.23 m (13.88 ft.) to permit development of a single-family dwelling that is currently under construction at 4800 Tilton Road (refer to “**Schedule A**” attached to this report).

A partially constructed dwelling currently in the framing stage is located on the subject site. All construction has stopped on the dwelling, pending the outcome of this Development Variance application.

Findings of Fact

This Development Variance Permit application is being prompted by an error made by the applicant’s surveyor when the survey for the foundation was submitted to the City for review as part of the building inspections process. The initial surveyor’s certificate submitted to the City (**Attachment 1**) indicated that the foundations for the building walls were in compliance with all setback regulations stipulated in Single-Family Housing District, Subdivision Area E (R1/E).

As the subject property is a corner lot, a 6 m (20 ft.) setback along the entire Tilton Road frontage (generally north and east property line) is required in conjunction with a 1.2 m (4 ft.) setback along the south property line (remaining side yard) and west property line. Staff proceeded to check the surveyor’s foundation certificate, which indicated compliance with all required setbacks, and issued approval for the building construction (refer to **Attachment 1** for the initial survey).

As construction continued, the applicant’s contractor noticed the error and requested a re-survey of the foundation. It was at this time that the re-surveyed lot indicated the initial surveyor’s certificate was incorrect and that the dwelling’s foundations were situated too close to the property line running along Tilton Road. This has resulted in an encroachment ranging from 1.04 m (3.4 ft.) to 1.77 m (5.8 ft.) into the required 6 m (20 ft.) Tilton Road setback for portions of the single-family dwelling. The surveying error has not resulted in an increase in the building footprint or density, but has simply shifted the building approximately 2 m (6.56 ft.) to the north and increased the south property line setback (side yard) accordingly (Refer to **Plan #1** for a copy of the correct, resurveyed foundations).

Surrounding Development

Land uses and development surrounding the subject site is as follows:

- To the north, a mix of old and newer character single-family dwellings on the opposite side of Tilton Road;
- To the east, older character single-family dwellings;
- To the south, an older character single-family dwelling; and
- To the west, an older character single-family dwelling with the front door and house facing Tilton Road.

Staff Comments

A stop work order has been issued and will be in place until the setback encroachment has been resolved. Through the Building Approval process, staff clearly identified all required setbacks, including the 6 m (20 ft.) Tilton Road setback on the approved plans. The building encroachment into the City's utility right-of-way along the west property line was previously approved by the City's Engineering Department.

Analysis

Site Plan

The dwelling has been designed to maximize street front presence along the north property line facing Tilton Road. Garage and vehicle access is situated to the east. This site plan is consistent with the orientation of other single-family dwellings located on corner properties, as the dwelling has been designed to maximize the longer of the two (2) public road frontages (refer to **Attachment 2** for Building Permit plans).

Conditions of Adjacency

As the surveyor's error has resulted in a shift in the building to the north, there is now more space being provided in between the new proposed dwelling and existing single-family dwelling to the south. Although the dwelling is situated closer to Tilton Road, impacts on properties along the opposite side of the road will be minimal as the width of the road right-of-way is approximately 17 m (56 ft.).

The variance does not present any concern in relation to traffic sight lines. The existing road standard along Tilton Road for the subject site and surrounding neighbourhood consists of a strip of asphalt pavement with gravel and grass shoulders that blend into front yards, which is all contained within the existing road right-of-way. The road network in this neighbourhood does not contain any concrete sidewalks or curbs. The subject site's Tilton Road frontage will most likely consist of grass turf extending beyond the front property line into the road right-of-way until it meets a gravel shoulder or the edge of pavement. Although the reduced road setback will be 4.23 m (13.88 ft.), the appearance of the building encroachment will be minimized due to the grass shoulder between the edge of the pavement and actual property line.

Proposed Mitigation

In order to improve the aesthetics and streetscape, the applicant is implementing landscaping around the Tilton Road frontage, particularly along the north edge of the property. Landscaping will consist of low level shrubbery around the base of the building in conjunction with the planting of at least two (2) trees within the yard fronting Tilton Road. This will improve the overall aesthetics of the property and provide a 'softer' landscaped edge along the portions of the building encroaching into the Tilton Road setback. A landscaping bond is required to secure the implementation of the plantings (refer to **Plan#2** for a conceptual landscaping scheme).

Neighbourhood Consultation

The applicant has also contacted the neighbourhood residents in the surrounding area to explain the situation and identify possible concerns with the proposed encroachment. All neighbours contacted noted no objection to the proposed variance and signed a letter confirming their position (refer to **Attachment 3**).

Future Development

If approved, this Development Variance application will only apply to the existing single-family dwelling currently under construction on the subject site based on the approved survey. All substantial renovations, building alterations, extensions or reconstruction shall be undertaken in accordance to the existing zoning.

Conclusions

This Development Variance application is required to address a survey error in conjunction with a partially constructed dwelling located at 4800 Tilton Road. If permitted, the applicant could complete construction of the single-family dwelling and avoid costly reconstruction. Although such a variance is generally not supported, this variance will not create traffic sightline problems and the encroachment is mitigated by the wide existing gravel/grass shoulder and increased landscaping along Tilton Road. The applicant has also demonstrated that the surrounding residents do not object to the proposal. On this basis, the variance can be supported in this case.



Kevin Eng
Planning Technician – Design
(Local 4626)

KE:blg

Prior to issuance of the Development Variance Permit by Council, a letter of credit in the amount of \$2,000 is required for the proposed landscaping along the north yard of 4800 Tilton Road.

4800 TILTON ROAD 04-275396 B3

**BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION
OF CONCRETE FORMS ON LOT 11 BLOCK 4 SECTION 2 B4N R7W
NEW WESTMINSTER DISTRICT PLAN BCP 15613**

ATTACHMENT 1

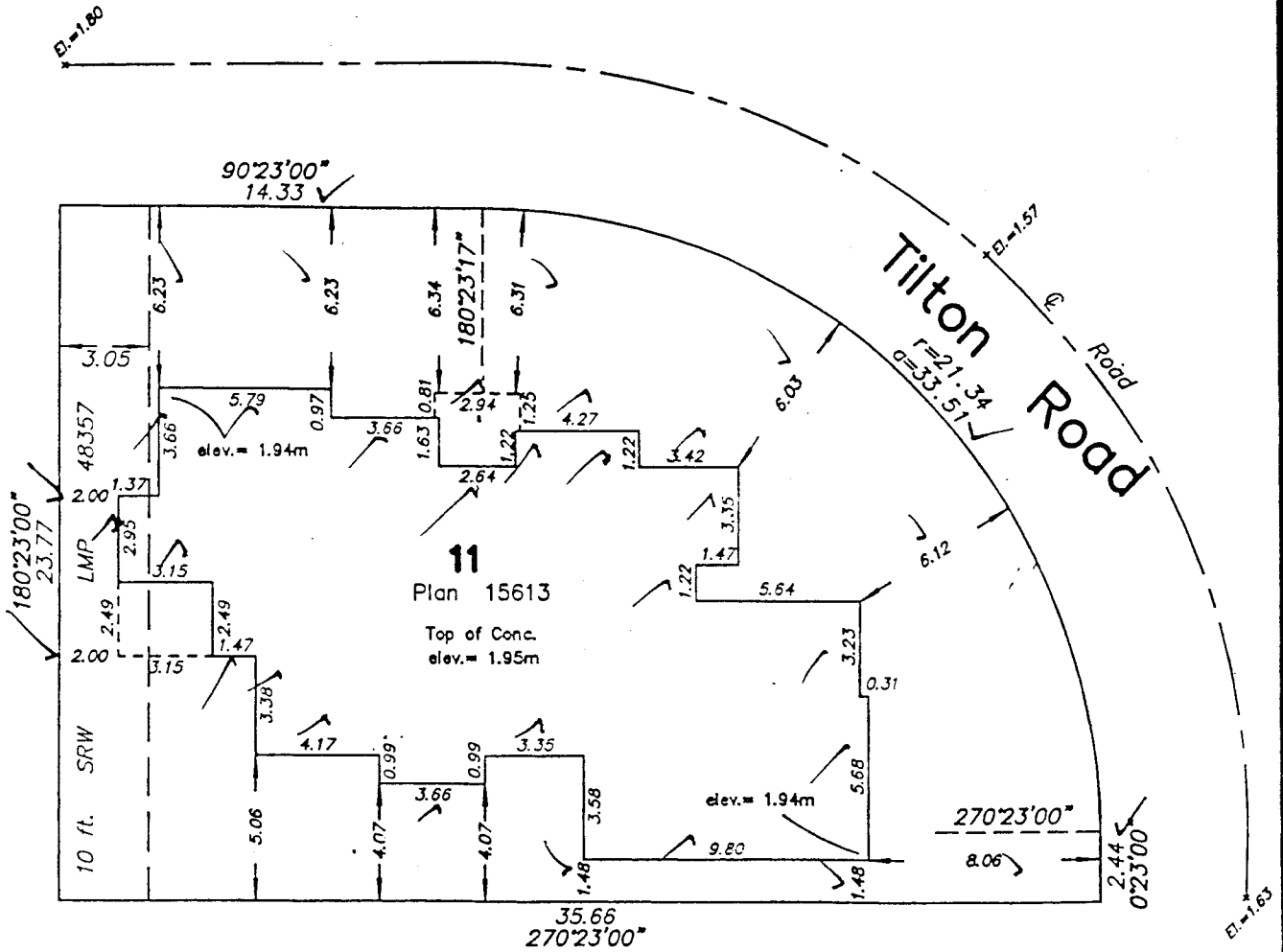
INCORRECT SURVEYOR'S CERTIFICATE

Current civic address:
4800 - TILTON ROAD
Richmond, B.C.

Notes:

- All dimensions are in metres.
- This plan is NOT to be used for location of property lines.
- All form dimensions correspond to outside face of exterior walls.
- Elevations are based on City of Richmond Geodetic datum.

SCALE 1:250



© COPYRIGHT
DHALIWAL & ASSOCIATES
LAND SURVEYING INC.
 121-13140 80th Avenue
 Surrey, B.C.
 V3W 3B2
 (ph) 501-6188
 (fx) 501-6189
 FILE: 0409-102-F01

DATE OF SURVEY:
 22nd DAY OF SEPTEMBER, 2004

[Signature]
 SUKH MINDER SINGH DHALIWAL
 B.C.L.S. 756

THIS DOCUMENT IS NOT VALID UNLESS
 ORIGINALLY SIGNED AND SEALED

BUILDING PERMIT PLANS

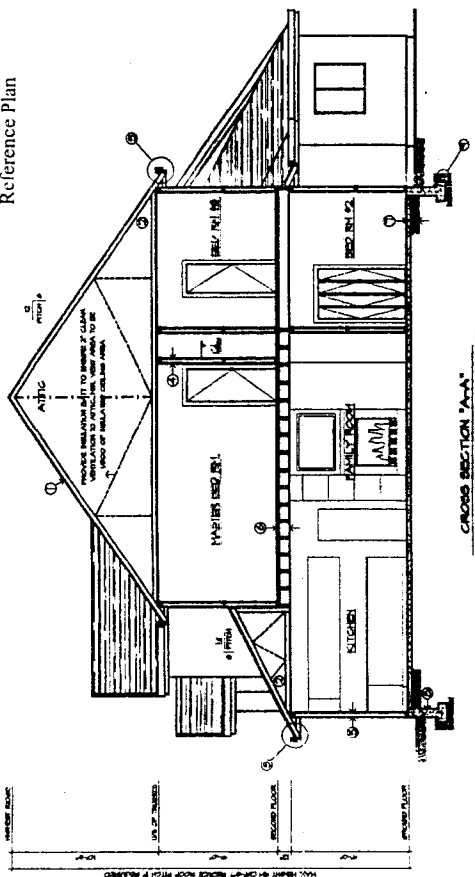
ATTACHMENT 2

Reference Plan

PARAGON DESIGNS
 ARCHITECTS & ENGINEERS
 1128 1/2 WEST 78 AVENUE, SUITE 101, DENVER, CO 80202
 PHONE: 303.733.9195 FAX: 303.733.9198 CELL: 303.621.3248

PROJECT: TOWN HOME 4800 TILTON ROAD
 PHASE: CROSS SECTION

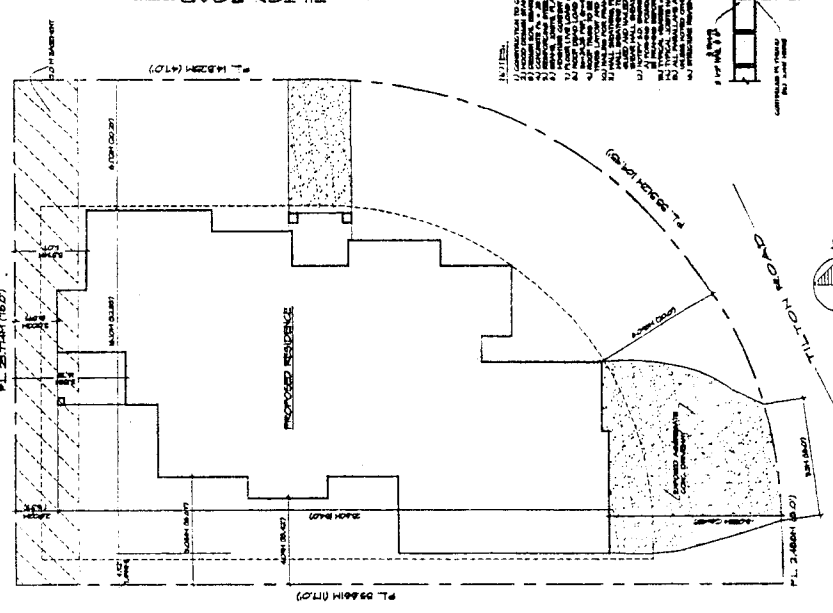
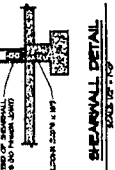
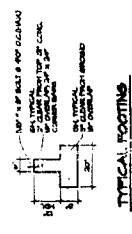
DATE: 11/11/11



- 1 - ROOF:**
 - 1 - 1/2" OSB SHEATHING
 - 2 - 2" X 6" RAFTERS @ 16" O.C.
 - 1/2" AIR SPACE @ 16" O.C.
 - 1/2" POLY. INS.
 - 1/2" AIR SPACE @ 16" O.C.
 - 1/2" OSB SHEATHING
- 2 - ATTIC VENTILATION:**
 - 1 - 1/2" OSB SHEATHING
 - 1 - 1/2" AIR SPACE @ 16" O.C.
 - 1 - 1/2" POLY. INS.
 - 1 - 1/2" AIR SPACE @ 16" O.C.
 - 1 - 1/2" OSB SHEATHING
- 3 - EXTERIOR WALLS:**
 - 1 - 1/2" OSB SHEATHING
 - 1 - 1/2" AIR SPACE @ 16" O.C.
 - 1 - 1/2" POLY. INS.
 - 1 - 1/2" AIR SPACE @ 16" O.C.
 - 1 - 1/2" OSB SHEATHING
- 4 - INTERIOR PARTITIONS:**
 - 1 - 1/2" OSB SHEATHING
 - 1 - 1/2" AIR SPACE @ 16" O.C.
 - 1 - 1/2" POLY. INS.
 - 1 - 1/2" AIR SPACE @ 16" O.C.
 - 1 - 1/2" OSB SHEATHING
- 5 - EXTERIOR WALLS (BASE ELEVATION):**
 - 1 - 1/2" OSB SHEATHING
 - 1 - 1/2" AIR SPACE @ 16" O.C.
 - 1 - 1/2" POLY. INS.
 - 1 - 1/2" AIR SPACE @ 16" O.C.
 - 1 - 1/2" OSB SHEATHING
- 6 - SECOND FLOOR:**
 - 1 - 1/2" OSB SHEATHING
 - 1 - 1/2" AIR SPACE @ 16" O.C.
 - 1 - 1/2" POLY. INS.
 - 1 - 1/2" AIR SPACE @ 16" O.C.
 - 1 - 1/2" OSB SHEATHING

NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL FINISHES ARE TO BE INDICATED ON THE DRAWINGS.
3. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER BUILDING CODE.
5. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER BUILDING CODE.
6. ALL ROOFING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER BUILDING CODE.
7. ALL MECHANICAL, ELECTRICAL, AND PLUMBING WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER BUILDING CODE.
8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER BUILDING CODE.
9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER BUILDING CODE.
10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF DENVER BUILDING CODE.



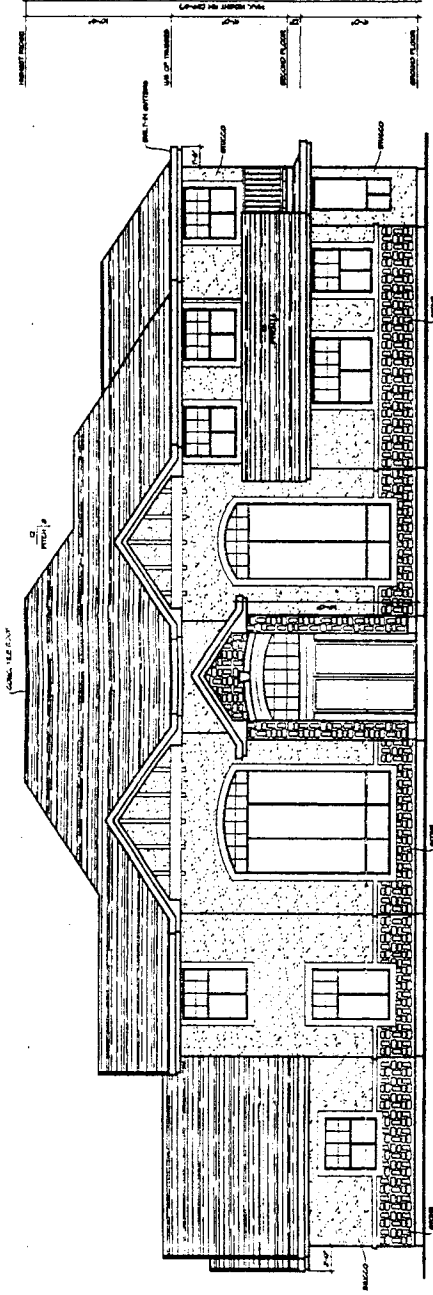
CIVIC ADDRESS: 4800 TILTON ROAD, DENVER, CO 80202
LEGAL DESCRIPTION: LOT 10, BLOCK 1, SECTION 2, TOWNSHIP 35N, RANGE 70N, COUNTY OF DENVER, COLORADO
PREPARED BY: PARAGON DESIGNS
DATE: 11/11/11

CROSS SECTION NOTES

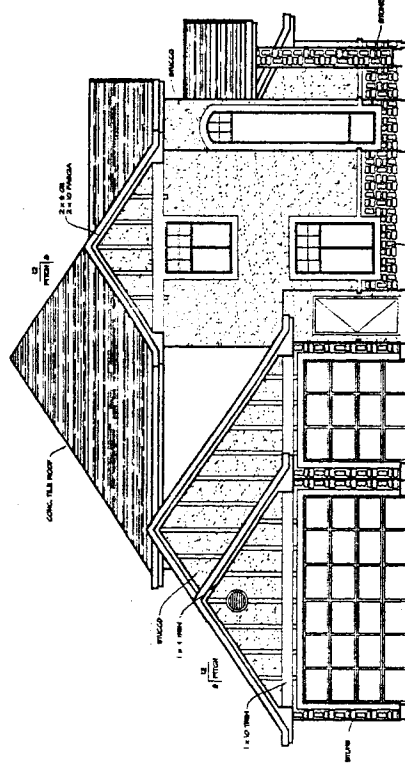
SITE PLAN

ATTACHMENT 2

Reference Plan



NORTH ELEVATION



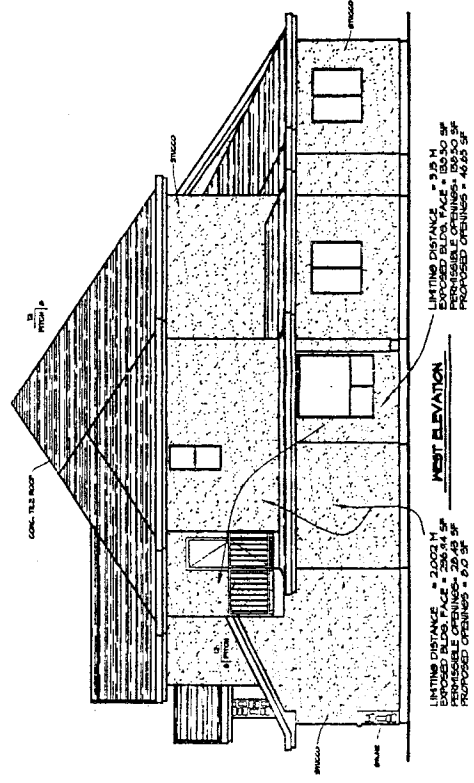
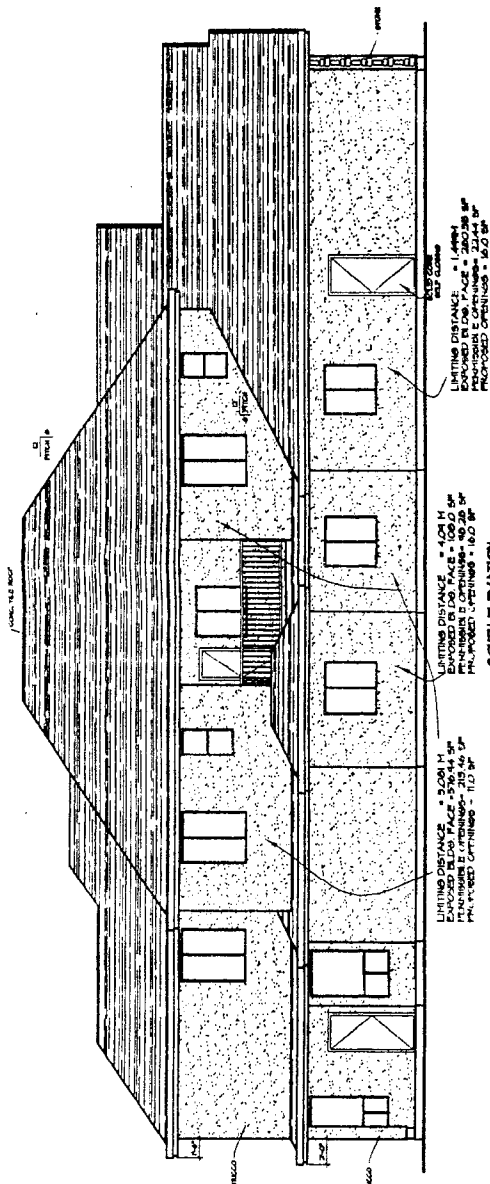
EAST ELEVATION

| | | | |
|--|--|---|---|
| <p>PARAGON DESIGNS</p> <p>ARCHITECTS</p> <p>1122 12477 74 AVENUE, SUITE 101, RICHMOND, B.C. V6X 2K9</p> <p>PH: 604.273.8888 FAX: 604.273.8888</p> | <p>DATE: _____</p> <p>SCALE: _____</p> | <p>PROJECT: TAYLOR RESIDENCE</p> <p>ADDRESS: 1400 TILTON ROAD</p> <p>CITY: RICHMOND, B.C.</p> | <p>ELEVATION</p> <p>NO. 1</p> <p>DATE: _____</p> <p>SCALE: _____</p> <p>BY: _____</p> |
|--|--|---|---|

ATTACHMENT 2

Reference Plan

| | | |
|--|--|--|
| PARAGON DESIGNS #1129 18427 76 AVENUE, SUITE 201, RICHMOND, B.C. V6V 2V4 PHONE: 604 856 8156 FAX: 604 852 8992 CELL: 604 85 3245 OFFICE: 604 856 8156 GUYTON HOBBS ARCHITECT ARCHITECT | RICHMOND, B.C. 4400 TILTON ROAD TAYLOR RESIDENCE PROPOSED | ELEVATIONS DATE: _____ DRAWN BY: _____ CHECKED BY: _____ SCALE: _____ SHEET NO. _____ TOTAL SHEETS _____ A5 |
|--|--|--|



15 R^x 75 G^T
November 22, 2004

ATTACHMENT 3

To Whom It May Concern:

Re: 4800 Tilton Road, Richmond, B.C. (the "Property")

My name is Rani Takhar, and in conjunction with my parents, Geet Takhar and Daljit Takhar, we are building the house located on the Property.

We were very happy when we were able to purchase the Property and have started construction of our new home on the Property.

The plans have been approved by the City, however, our surveyor has made an error in laying out the foundation for our new home, with the result that the front yard, which borders Tilton Road, is 4.2m in depth rather than the required front yard set back of 6m, under the Richmond zoning bylaw.

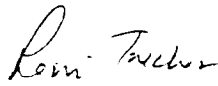
The house is almost at lockup and the City has registered a "Stop Work Order" against the Property because of the zoning infraction. The City has indicated that in conjunction with the support of our neighbours, that they would consider a zoning variance to the rezoning bylaw because of the hardship and financial costs that either destruction of the home in its present state of completion or moving it, would impose on our family.


I am writing this letter to seek your assistance and support so that we can obtain from the City of Richmond the required zoning bylaw variance and continue with the construction of our home.


We would be most grateful if you would assist us in expediting this process, by confirming that you have no objection to our application for a zoning bylaw variance by signing the bottom portion of this letter with your name and address. We intend to forward this letter to the City in conjunction with our application for the zoning bylaw variance.

We extend to you our sincere thanks for your co-operation and assistance.

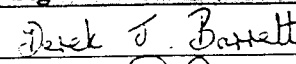
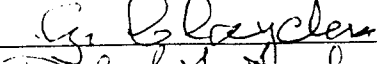
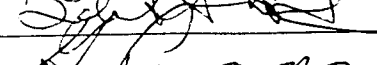
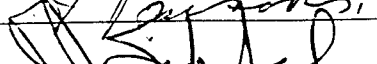

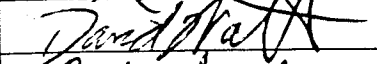


Yours very truly,


Rani Takhar


Geet Takhar


Daljit Takhar

CONFIRMATION OF NON-OBJECTION TO ZONING BYLAW VARIANCE ACKNOWLEDGED BY:

| Signature | Name | Address |
|---|-------------------|---|
|  | DEREK J. BARRETT | 5751 Easterbrook Rd. (direct neighbour) |
|  | GEORGE CLAYDON | 4760 TILTON RD. |
|  | DILIP B. KOTAK | 4808 RIVER ROAD |
|  | GORDON C. PARSONS | 5771 EASTERBROOK RD. |
|  | JOHN SULENTICH | 4860 TILTON RD |
|  | EILEEN ROLSTON | 4871 TILTON RD. |
|  | DAVID WATT | 5740 MURCHISON ROAD |
|  | BETTY DUNLOP | 5751 MURCHISON RD. |

15 of R. 0561
November 22, 2004

To Whom It May Concern:

Re: 4800 Tilton Road, Richmond, B.C. (the "Property")

My name is Rani Takhar, and in conjunction with my parents, Geet Takhar and Daljit Takhar, we are building the house located on the Property.

We were very happy when we were able to purchase the Property and have started construction of our new home on the Property.

The plans have been approved by the City, however, our surveyor has made an error in laying out the foundation for our new home, with the result that the front yard, which borders Tilton Road, is 4.2m in depth rather than the required front yard set back of 6m, under the Richmond zoning bylaw.

The house is almost at lockup and the City has registered a "Stop Work Order" against the Property because of the zoning infraction. The City has indicated that in conjunction with the support of our neighbours, that they would consider a zoning variance to the rezoning bylaw because of the hardship and financial costs that either destruction of the home in its present state of completion or moving it, would impose on our family.

I am writing this letter to seek your assistance and support so that we can obtain from the City of Richmond the required zoning bylaw variance and continue with the construction of our home.

We would be most grateful if you would assist us in expediting this process, by confirming that you have no objection to our application for a zoning bylaw variance by signing the bottom portion of this letter with your name and address. We intend to forward this letter to the City in conjunction with our application for the zoning bylaw variance.

We extend to you our sincere thanks for your co-operation and assistance.

Yours very truly,

Rani Takhar
Rani Takhar

Geet Takhar
Geet Takhar

Daljit Takhar
Daljit Takhar

CONFIRMATION OF NON-OBJECTION TO ZONING BYLAW VARIANCE ACKNOWLEDGED BY:

| Signature | Name | Address |
|----------------------|---------------|-----------------|
| <i>Lisa Sawers</i> | LISA SAWERS | 4831 Tilton Rd |
| <i>SEAN FOLK</i> | SEAN FOLK | 4831 TILTON RD. |
| <i>JEFF LEWIS</i> | JEFF LEWIS | 4851 TILTON RD. |
| <i>T. ELGOOD</i> | T. ELGOOD | 4751 TILTON RD |
| <i>L.M. ELGOOD</i> | L.M. ELGOOD | 4151 TILTON RD |
| <i>Janet Russell</i> | Janet Russell | 4771 Tilton Rd |
| | | |
| | | |

* The occupants of 4791 Tilton are on business in Toronto for a week.
 ** These signatures cover every residence in the immediate vicinity of 4800 TILTON ROAD.



No. DV 04-285184

To the Holder: RANI TAKHAR
Property Address: 4800 TILTON ROAD
Address: c/o 6411 RIVERDALE DRIVE
RICHMOND, BC V7C 2E7

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 reducing the side yard setback and front yard setback along the entire Tilton Road frontage from 6 m (20 ft.) to 4.23 m (13.88 ft.) for the partially constructed dwelling located at 4800 Tilton Road as shown on Plan #1 attached hereto. This Development Variance Permit applies to the existing dwelling only as indicated in the surveyed foundations (Plan #1). All substantial renovations, building alterations, extensions or reconstruction shall be undertaken in accordance with the existing zoning.
4. As a condition of this Development Variance Permit, landscaping is required to be implemented along the Tilton Road frontage, which consists of low level shrubbery around the base of the dwelling and a minimum two trees planted in the north yard generally as shown on Plan #2 attached hereto.
5. As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Holder if the security is returned. The condition of the posting of the security is that should the Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Holder, or should the Holder carry out the development permitted by this permit within the time set out herein, the security shall be returned to the Holder. The City may retain the security for up to one year after inspection of the completed landscaping in order to ensure that plant material has survived.

Development Variance Permit

No. DV 04-285184

To the Holder: RANI TAKHAR
Property Address: 4800 TILTON ROAD
Address: c/o 6411 RIVERDALE DRIVE
RICHMOND, BC V7C 2E7

There is filed accordingly:

An Irrevocable Letter of Credit in the amount of \$2,000.00

6. 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.
7. 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.

AUTHORIZING RESOLUTION NO.
DAY OF

ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF

MAYOR

**BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION
OF CONCRETE FORMS ON LOT 11 BLOCK 4 SECTION 2 B4N R7W
NEW WESTMINSTER DISTRICT PLAN 15613**

Current civic address:
4800 - TILTON ROAD
Richmond, B.C.

SCALE 1:250

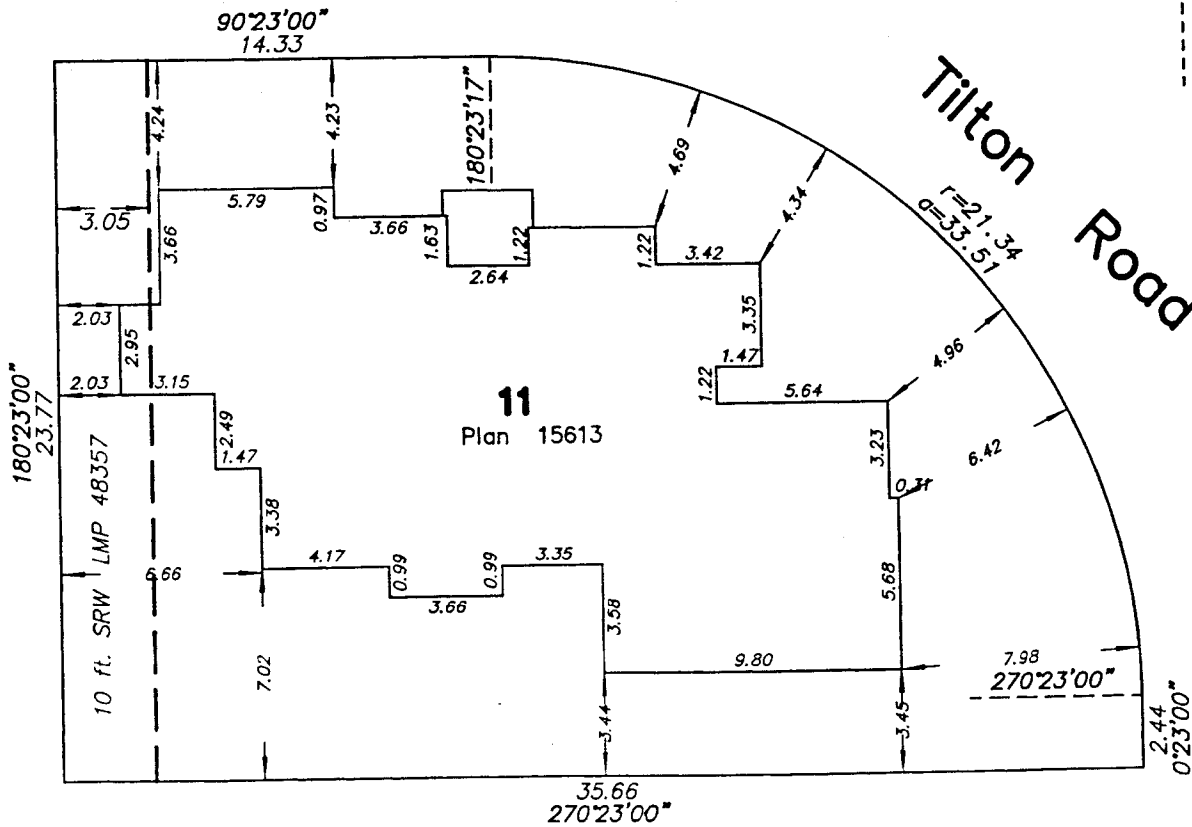
Notes:

- All dimensions are in metres.
- This plan is NOT to be used for location of property lines.
- All form dimensions correspond to outside face of exterior walls.
- Elevations are based on City of Richmond Geodetic datum.

PLAN #1

DEC 09 2004

DV 04-285184



© COPYRIGHT

**DHALIWAL & ASSOCIATES
LAND SURVEYING INC.**
121-13140 80th Avenue
Surrey, B.C.
V3W 3B2

(ph) 501-6188
(fx) 501-6189

FILE: 0409-102-F01

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED

DATE OF SURVEY:
17th DAY OF NOVEMBER, 2004

DATE OF SURVEY:
24th DAY OF SEPTEMBER, 2004

SUKHINDER SINGH DHALIWAL
B.C.L.S. 756

**BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION
OF CONCRETE FORMS ON LOT 11 BLOCK 4 SECTION 2 B4N R7W
NEW WESTMINSTER DISTRICT PLAN 15613**

CONCEPTUAL LANDSCAPE PLAN

Current civic address:
4800 - TILTON ROAD
Richmond, B.C.

SCALE 1:250

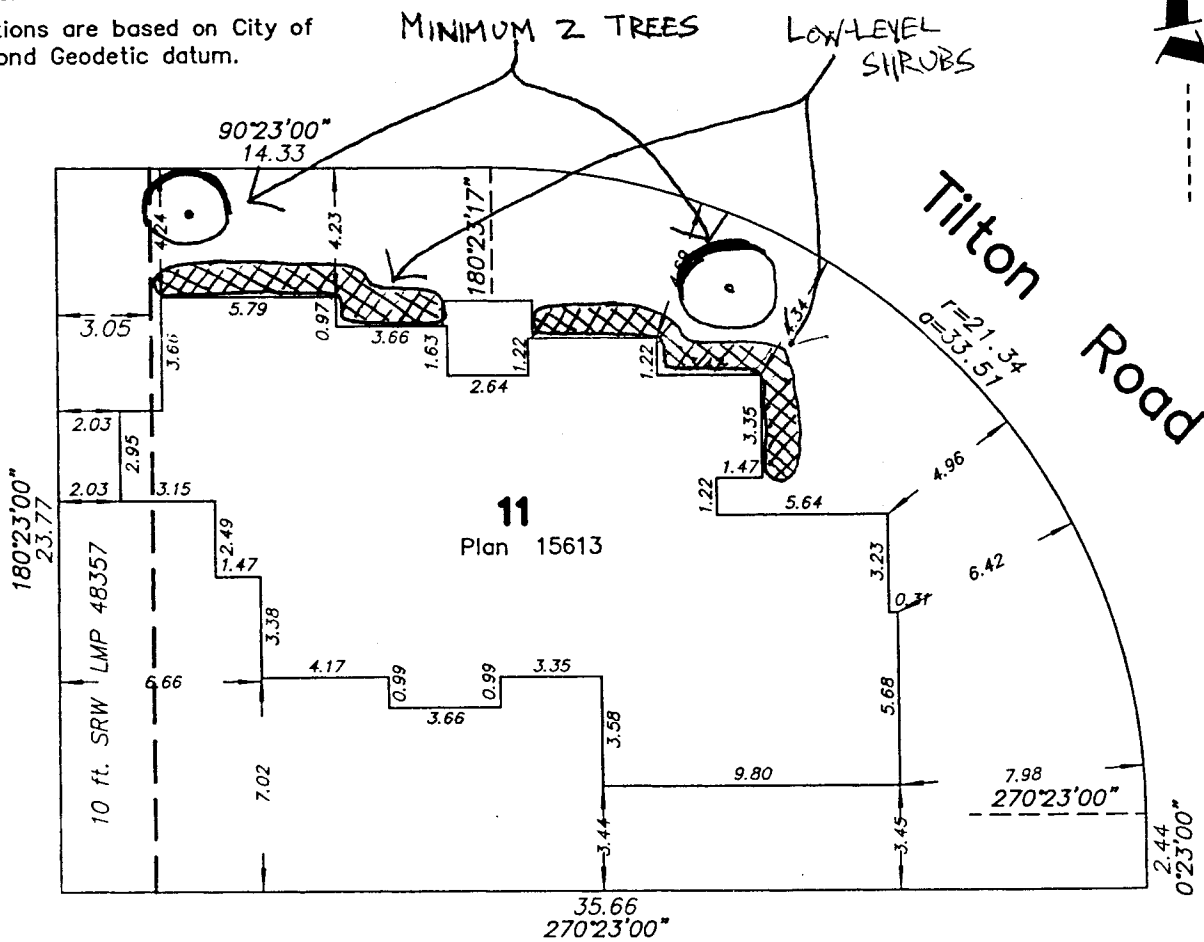
PLAN #2

DEC 09 2004

DV 04-285184

Notes:

- All dimensions are in metres.
- This plan is NOT to be used for location of property lines.
- All form dimensions correspond to outside face of exterior walls.
- Elevations are based on City of Richmond Geodetic datum.



DATE OF SURVEY:
17th DAY OF NOVEMBER, 2004

DATE OF SURVEY:
24th DAY OF SEPTEMBER, 2004

© COPYRIGHT

**DHALIWAL & ASSOCIATES
LAND SURVEYING INC.**

121-13140 80th Avenue

Surrey, B.C.
V3W 3B2

(ph) 501-6188

(fx) 501-6189

FILE: 0409-102-F01

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED

SMS
SUKH MINDER SINGH DHALIWAL
B.C.L.S. 756



City of Richmond

North Arm Fraser River

RIVER RD

SITE

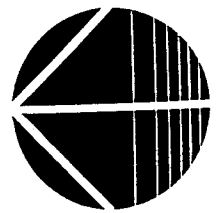
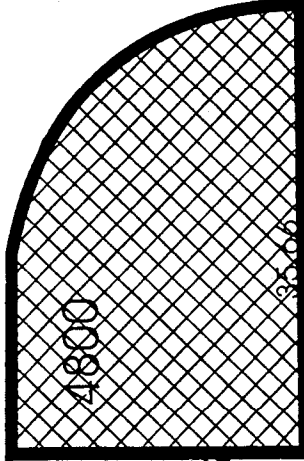
MURCHISON RD

TILTON RD

EASTERBROOK RD

REEVES RD

MCCALLAN RD



DV 04-285184 SCHEDULE "A"

Original Date: 11/26/04

Revision Date:

Note: Dimensions are in METRES