



CITY OF RICHMOND
URBAN DEVELOPMENT DIVISION

REPORT TO COMMITTEE

TO: Planning Committee
FROM: Joe Erceg
Manager, Development Applications
RE: **Application by Serge and Irene Roy for Rezoning from Single-Family Housing District, Subdivision Area E (R1/E) to Two-Family Housing District (R5) and a Strata Title Conversion at 8771/8791 Roselea Place**

TO PLANNING - JUNE 19, 2001
DATE: June 7, 2001
FILE: 8060-20-7243

STAFF RECOMMENDATION

1. That Bylaw No. 7243, for the rezoning of 8771/8791 Roselea Place from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Two-Family Housing District (R5)", be introduced and given first reading.
2. That the application for a strata title conversion by Serge and Irene Roy for the property located at 8771/8791 Roselea Place be approved on fulfilment of the following conditions:
 - a) Adoption of Bylaw No. 7243, rezoning the subject property from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Two-Family Housing District (R5)" and the filing by the City of a restrictive covenant limiting the number of dwelling units to two;
 - b) Payment of all City utility charges and property taxes up until and including the Year 2001 if the strata title conversion is to be approved prior to September 1, 2001 or the prepayment of the estimated property taxes for the Year 2002 if the strata title conversion is to be approved after September 1, 2001; and
 - c) Submission of appropriate plans and documents for execution by the Mayor and City Clerk within 180 days of the date of the adoption of Bylaw No. 7243.

H. Bullee

for Joe Erceg
Manager, Development Applications

HB:blg
Att.2

FOR ORIGINATING DIVISION USE ONLY
CONCURRENCE OF GENERAL MANAGER
David Bullee

STAFF REPORT**ORIGIN**

Serge and Irene Roy have applied to rezone 8771/8791 Roselea Place from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Two-Family Housing District (R5)" in order to legalize the existing duplex on the site and to permit a strata title subdivision.

Attachment 1 illustrates the location of the subject property and Attachment 2 is a copy of the proposed strata title subdivision plans.

The applicants have confirmed that the duplex is only used as a two-family dwelling and have granted the City permission to inspect the duplex if necessary. They have also indicated in writing that they will proceed with the registration of the strata title conversion within 180 days of rezoning approval and that the next years' taxes will be prepaid if required.

A current title search indicates that a two-family dwelling covenant is not registered on the title of the property. The applicants have agreed to the registration of such a covenant as a condition of rezoning approval.

The existing duplex is a legal, non-conforming use under the Local Government Act.

FINDINGS OF FACT

ITEM	EXISTING	PROPOSED
Owner	Serge and Irene Roy	To Be Determined
Applicant	Serge and Irene Roy	To Be Determined
Site Size	893 m ² (9613 ft ²)	Approximately 500 m ² (5382 ft ²) and 393 m ² (4231 ft ²)
Land Uses	Duplex	Duplex (strata titled)
OCP Generalized Land Use Designation	Neighbourhood Residential	No Change
OCP Specific Land Use Designation	Low-Density Residential	No Change
702 Policy Designation	None Available	No Change
Zoning	Single-Family Housing District Subdivision Area E (R1E)	Two-Family Housing District (R5)

RELATED POLICIES & STUDIES

The City does not have an official policy with regard to the strata title conversion of existing duplexes.

However, the subject application is consistent with the general approach taken with regard to this type of rezoning and strata title conversion application (i.e. confirmation that the duplex is not used as a fourplex; registration of a two-family dwelling covenant; compliance with the proposed "Two-Family Housing District (R5)" zone with regard to setbacks, lot coverage, floor area ratio, height restrictions, etc.; payment of taxes and utilities; commitment to proceed with the strata title conversion within 180 days).

STAFF COMMENTS

None of the staff to whom these applications were circulated had any objections or comments on either the proposed rezoning or strata title conversion.

ANALYSIS

The Building Department has noted in the past that the Zoning and Development Bylaw defines a "Two-Family Dwelling" as conforming to the following classification in the case of a duplex such as this:

- "(ii) Each **dwelling unit** consisting of two **storeys** only, the upper **storey** not containing a kitchen; not set upon another **storey** or upon a basement."

Unlike other duplexes that have been rezoned or strata titled that do not conform to this zoning definition, the subject duplex actually has its kitchens on the ground floor only. Although not strictly enforced, the intent of this provision is to ensure that the duplex does not have any illegal suites (which the subject duplex does not).

It is noted that the site has full frontage improvements (i.e. there is a sidewalk along Roselea Place and no open ditches).

FINANCIAL IMPACT

None to the City.

CONCLUSION

Serge and Irene Roy have applied to rezone the existing duplex (which is a legal, non-conforming use) at 8771/8791 Roselea Place and to strata title subdivide it. The applicants have confirmed that the duplex is only used as a two-family dwelling and are willing to register a two-family dwelling covenant on the property as a condition of rezoning. They have also indicated in writing that they will proceed with the registration of the strata title subdivision within 180 days and that all applicable taxes and utility bills will be paid. Staff have no objection to either application and recommend that the rezoning and strata title conversion be approved.



Holger Burke, MCIP
Development Coordinator

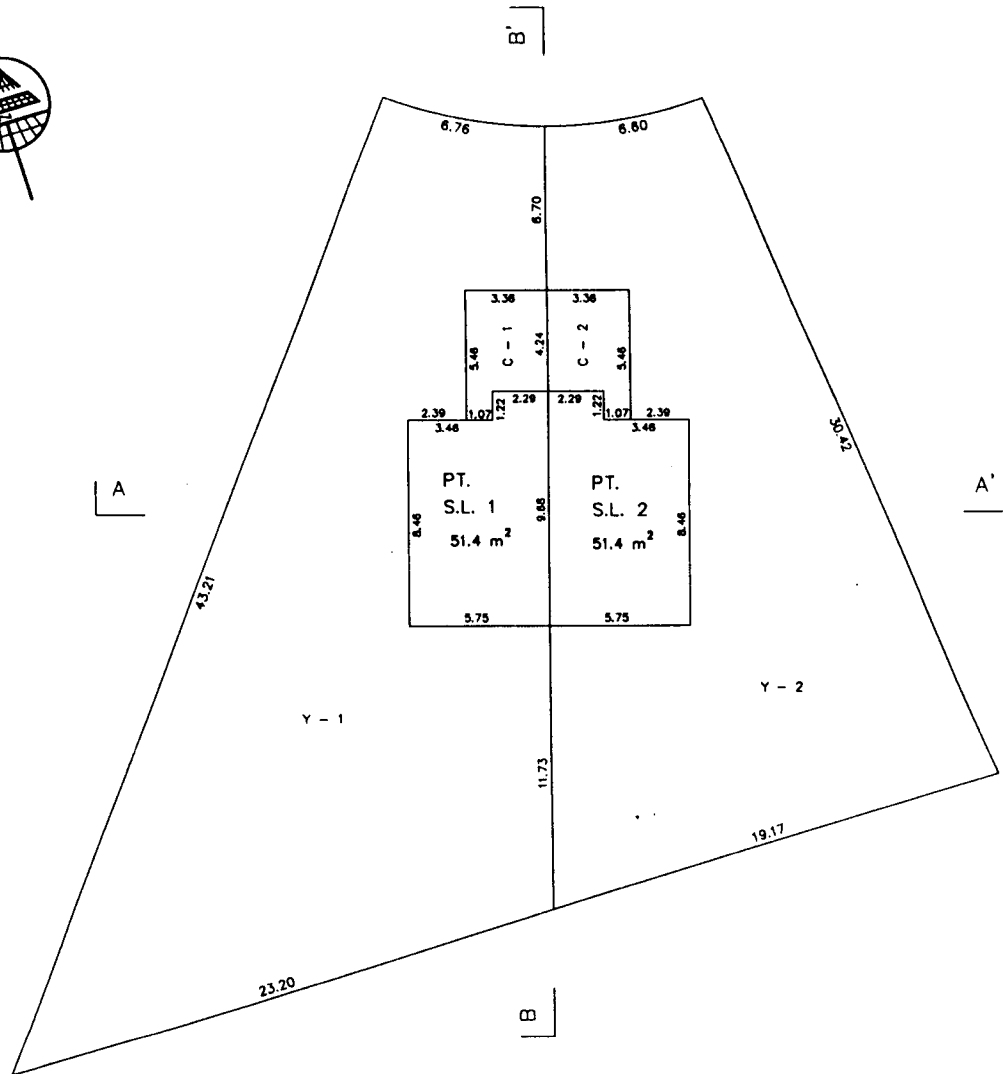
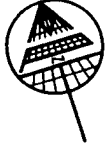
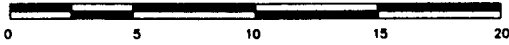
HB:blg

The only requirement to be dealt with prior to final adoption of the rezoning is the legal requirement that a two-family dwelling covenant be registered on the title of the property.

FIRST FLOOR

STRATA PLAN LMS

SCALE 1:200



MATSON, PECK & TOPLISS
 SURVEYORS AND ENGINEERS
 210-8171 COOK ROAD
 RICHMOND, B.C. V6Y 3T8
 (ph) 270-9331
 (fax) 270-4137
 CADFILE: 13111F03.FLX
 JOB NO. R - 13111

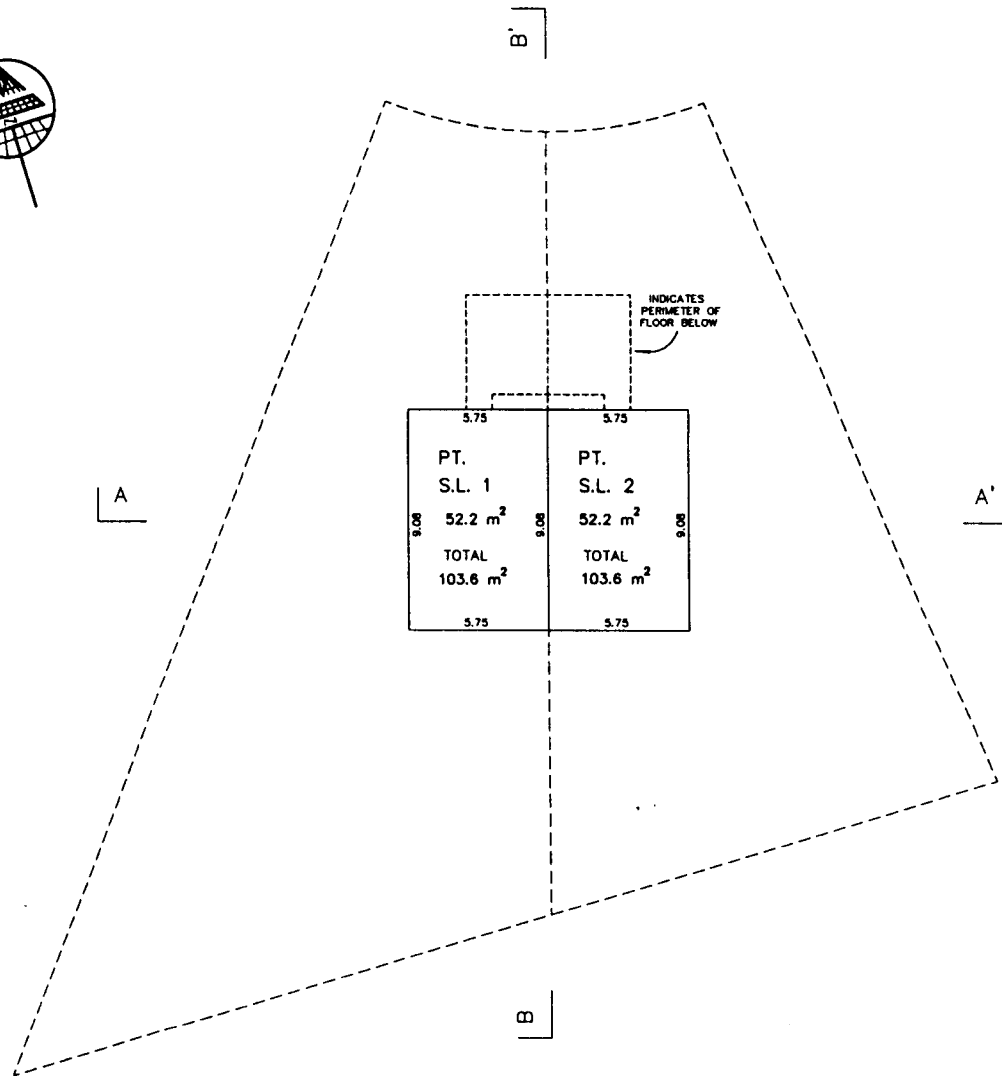
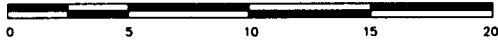
231

DATE May 18/01 WPN B.C.L.S.

SECOND FLOOR

STRATA PLAN LMS

SCALE 1:200



MATSON, PECK & TOPLISS

SURVEYORS AND ENGINEERS

210-8171 COOK ROAD

RICHMOND, B.C. V6Y 3T8

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JOB NO. R - 13111

232

DATE

May 18/01 WPK

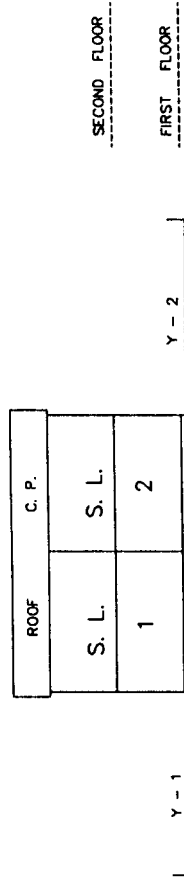
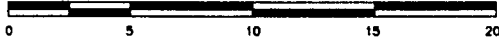
B.C.L.S.

SECTIONS

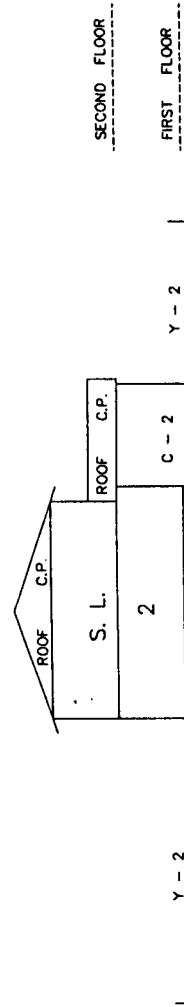
STRATA PLAN

LMS

SCALE 1:200



SECTION A - A'



SECTION B - B'

MATSON, PECK & TOPLISS
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233

DATE May 18/01 WPH B.C.L.S.

STRATA PLAN LMS

OWNERS :

[Signature]
 SERGE GUY ROY

[Signature]
 IRENE MARGARET ROY

WITNESSES :

[Signature]
 WITNESS as to both WILLIAM WONG .

[Signature]
 B.C. Land Surveyor
 OCCUPATION

210-8171 Cook Rd
 ADDRESS
Richmond, B.C.

MORTGAGEE :

CANADA TRUSTCO MORTGAGE COMPANY
 (INCORPORATION NO. 24065A)

[Signature]
 IAN GRAY
 MANAGER
 AUTHORIZED SIGNATORY

[Signature]
 AUTHORIZED SIGNATORY
 KATHARINE PLAWSKA
 SUPERVISOR

[Signature]
 WITNESS as to both J. McBayon

ASST. MGR
 OCCUPATION

 **Canada Trust**
 Pacific Credit Administration
 Royal City Centre
 #237, 610 6th St. 7563
 NEW WESTMINSTER, BC V3L 5V1

STRATA PROPERTY ACT
FORM T

ENDORSEMENT BY APPROVING AUTHORITY

I certify that the conversion of the building included in this strata plan has been approved under section 242 of the Strata Property Act.

Dated at Richmond this _____ day of _____, 20 _____

 Approving Officer for
 the CITY OF RICHMOND

MATSON, PECK & TOPLISS
 SURVEYORS AND ENGINEERS
 210-8171 COOK ROAD
 RICHMOND, B.C. V8Y 3T8
 (ph) 270-9331
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DATE May 18/01 WPN B.C.L.S.

CITY OF RICHMOND
BYLAW 7243
RICHMOND ZONING AND DEVELOPMENT BYLAW 5300
AMENDMENT BYLAW 7243 (RZ 01-115294)
8771/8791 ROSELEA PLACE

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning and Development Bylaw 5300, is amended by repealing the existing zoning designation of the following area and by designating it **TWO-FAMILY HOUSING DISTRICT (R5)**.

P.I.D. 004-931-637

Lot 413 Section 33 Block 4 North Range 6 West New Westminster District Plan 37545

2. This Bylaw may be cited as **"Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7243"**.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER REQUIREMENTS SATISFIED

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. HB
APPROVED for legality by Solicitor <i>[Signature]</i>

MAYOR

CITY CLERK