



City of Richmond
Urban Development Division

Report to Development Permit Panel

To: Development Permit Panel

To DPP - July 24, 2002

Date: June 13, 2002

From: Joe Erceg
Manager, Development Applications

File: DV 01-198936

Re: **Application by Chris and Jayne Biasutti for a Development Variance Permit at
5951 McCallan Road**

Manager's Recommendation

That the Development Permit Panel deny the application for a Development Variance Permit at 5951 McCallan Road, to vary the front yard setback from 6 m (19.685 ft.) to 2.438 m (8 ft.) in order to accommodate an existing scaled back carport.

Joe Erceg
Manager, Development Applications

JE:jdk

Staff Report

Origin

The subject site is located at the south-west corner of McCallan Road and Webster Road, and is zoned Single-Family Housing District, Subdivision Area E (R1/E).

This Development Variance Permit originally went to Development Permit Panel on March 13, 2002 where it was recommended that it be denied, and went on to Council on March 25, 2002 (The original staff report is attached as an Appendix). Council resolved "*That the application for Development Variance (DV 01-198936), for property at 5951 McCallan Road, be referred to staff to meet with the applicant to determine how the carport could be accommodated without requiring the removal of the existing trees*". In addition, Council requested a drawing showing where on the subject property the carport could be constructed in conformity with city setback requirements (see attached drawings Option 1 & Option 2).

A copy of the Development application filed with the Urban Development Division and a copy of the previous staff report is appended to this report.

Findings of Fact

As a result of a meeting on May 3, 2002 between staff and the applicants, it was determined that a revised site plan showing all of the trees, shrubs, sundeck and sheds be provided (see attached drawing).

The applicants confirmed that in their opinion there is no suitable alternative location for the carport on their property due to existing site conditions. They wish to retain the southern portion of their lot as a sundeck and open space.

Analysis

The applicants have constructed a carport in the northwest corner of their property without a Building Permit. The carport was constructed with the north face of the structure right on the north property line of the site. The applicants have indicated that they are willing to remove a portion of the structure, which would create a 2.42 m (8 ft.) setback from Webster Road. In addition they are willing to plant a cedar hedge along the west face of the structure as a buffer for the neighbour to the west.

The applicants have also indicated that the carport will be finished to match the house. They also plan to plant shrubs and vines along the east side of the carport to further buffer the structure from the street and neighbouring properties.

As requested by Council, Options 1 and 2 indicate the available building envelopes on the site in compliance with City setback requirements. It is noted that some pruning and/or removal of existing trees, and integration of design with the existing house will be required. The following potential locations are noted:

1. An area approximately 7.9 m wide (with the existing "sundeck" removed) to the south of the existing house.

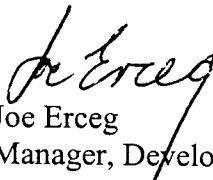
2. An area approximately 6.4 m wide to the west of the existing house.
3. An area approximately 5.1 m wide to the east of the existing house.

In addition, if a Variance is not approved the applicant has the option of reducing the length of the existing unlawful carport to comply with a 6 m setback from Webster Road.

Conclusions

Staff offer the following options:

- 1.) Deny the request for a setback variance. This would require that the structure be removed either totally or partially, allowing for a 6 m (19.685 ft.) setback from Webster Road.
- 2.) Approve the variance subject to the applicants applying for a Building Permit, removing a portion off the north end of the structure to create a 2.42 m (8 ft.) setback. As well as planting a minimum 1.83 m (6 ft.) high cedar hedge along the west side of the carport, as a buffer for the neighbouring property at 4960 Webster Road.



Joe Erceg

Manager, Development Applications

JDK:jdk



City of Richmond
Urban Development Division

Development Variance Permit

No. DV 01-198936

To the Holder: CHRIS & JAYNE BIASUTTI
Property Address: 5951 McCALLAN ROAD
Address: 5951 McCALLAN ROAD RICHMOND BC V7C 2H5

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 as follows:
 - a) The dimension and siting of buildings and structures on the land shall be as shown on Plan #1 attached hereto.
 - b) The elevations shall be as shown on Plan #2 attached hereto.
4. 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.
5. 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

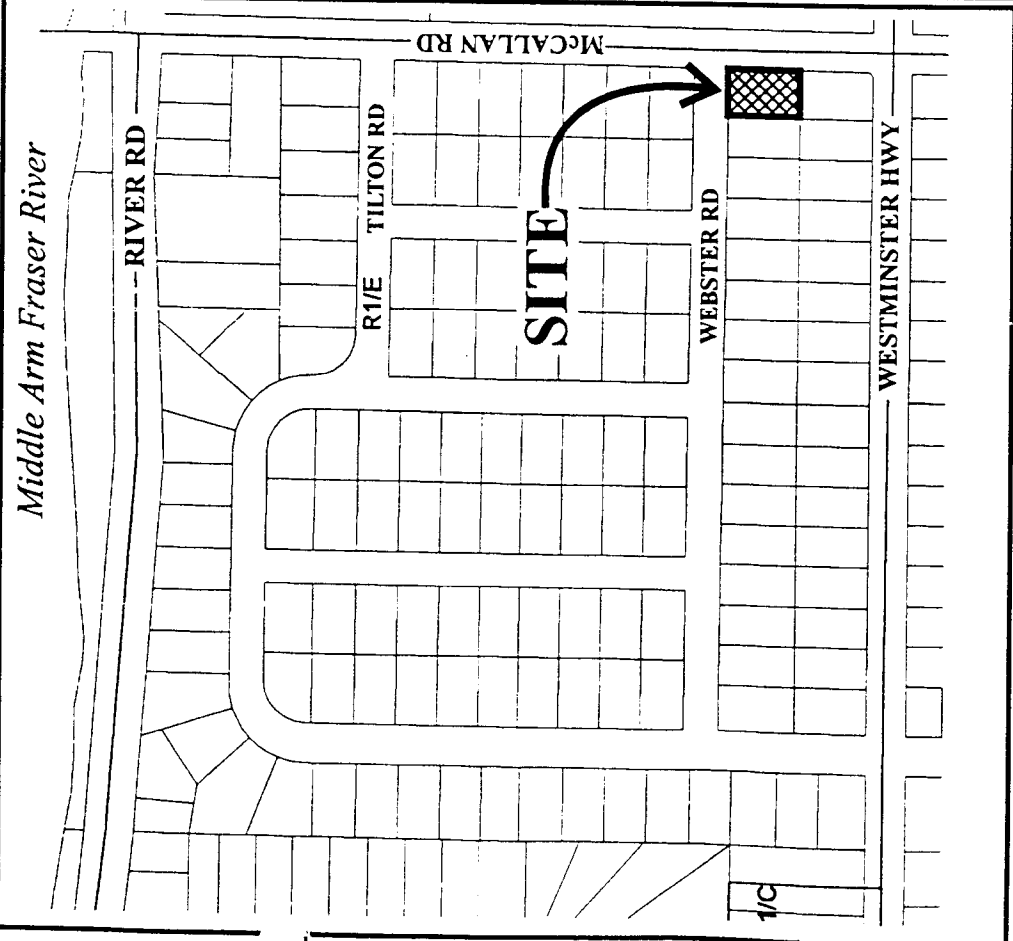
DELIVERED THIS DAY OF

MAYOR



City of Richmond

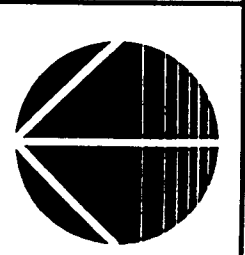
Middle Arm Fraser River



35.66	21.95	35.66	21.95	35.66	21.95	36.39	21.95
5911	5891	5931	4931	5931	5911	5911	5911
21.95	21.95	21.95	4931	21.95	21.95	36.27	21.95
35.66	35.66	35.66	35.66	35.66	35.66	36.15	36.15

35.95	21.03	20.42	20.42	20.42	20.42	20.42	20.42	20.42	21.81
36.12	36.12	36.12	36.12	36.12	36.12	36.12	36.12	36.12	4991
42	4911	4931	4951	4971	4971	4971	4971	4971	4991
36.12	21.03	20.42	20.42	20.42	20.42	20.42	20.42	20.42	21.81
35.95	35.81	35.67	35.53	35.53	35.53	35.39	35.39	35.39	34.62
180	21.03	20.42	20.73	21.03	21.03	21.03	21.03	21.03	34.62
42	21.03	20.42	20.42	20.42	20.42	20.42	20.42	20.42	21.81

886	21.03	20.42	20.42	20.42	20.42	20.42	20.42	20.42	21.81
191	4911	4931	4951	4971	4971	4971	4971	4971	4991
42	21.03	20.42	20.42	20.42	20.42	20.42	20.42	20.42	21.81
36.12	36.12	36.12	36.12	36.12	36.12	36.12	36.12	36.12	34.62
35.95	35.81	35.67	35.53	35.53	35.53	35.39	35.39	35.39	34.62
180	21.03	20.42	20.73	21.03	21.03	21.03	21.03	21.03	34.62
42	21.03	20.42	20.42	20.42	20.42	20.42	20.42	20.42	21.81



DV 01-198936 SCHEDULE "A"

Original Date: 01/07/02

Revision Date:

Note: Dimensions are in METRES

224.30

WEBSTER RD

886 21.03 20.42 20.42 20.42 20.42 20.42 20.42 21.81

McALLAN RD

WEBSTER RD

WESTMINSTER HWY

191 42 36.12 36.12 36.12 36.12 36.12 36.12 36.12 34.62

224.30



Development Applications Department

6911 No. 3 Road
Richmond, BC V6Y 2C1

City of Richmond

Main (604) 276-4000 Fax (604) 276-4177

DEVELOPMENT APPLICATION

Please submit this completed form to the Zoning, Land Use Planning and Development Applications Centre for each application (ie. rezoning; subdivision; development permit, etc.). All materials submitted to the City for a development application become public property, and therefore, available for public inquiry.

Please refer to the attached forms for details on application attachments and fees.

Type of Application: Development Variance
Property Address(es): 5951 McCallan Rd. Richmond, B.C.
Legal Description(s): Lot 32 Section 2-4-7 plan 15613

Applicant: CHRIS & JAYNE Biasutti

Correspondence/Calls to be directed to:

Name: Chris Biasutti

Address: 5951 McCallan Rd Richmond, B.C. V7C 2H5
E mail cymc@shaw.ca

Tel. No.: 604 278-1764 Postal Code _____
Business Residence Fax

Property Owner(s) Signature(s): [Signature] [Signature] [Signature]
Please print name

or

Authorized Agent's Signature: _____
Attach Letter of Authorization
Please print name

FOR OFFICE USE	
Date Received: <u>Dec. 21/01</u>	Application Fee: <u>\$525.00 Pd cheque</u>
File No.: <u>01-198936 DV</u> <small>Only assign if application is complete</small>	Receipt No.: <u>04-0075121</u>

ENTERED



City of Richmond
Urban Development Division

ORIGINAL STAFF REPORT

**Report to
Development Permit Panel**

To: Development Permit Panel
From: Joe Erceg
Manager, Development Applications
Date: February 19, 2002
File: DV 01-198936
Re: **Application by Chris and Jayne Biasutti for a Development Variance Permit at
5951 McCallan Road**

Manager's Recommendation

That the application for a Development Variance Permit to vary the front yard setback from 6 m (19.685 ft.) to 2.438 m (8 ft.) in order to accommodate an existing scaled back carport at 5951 McCallan Road be denied.


Joe Erceg
Manager, Development Applications

JDK:blg

Staff Report

Origin

The subject site is located at the south-west corner of McCallan Road and Webster Road, and is zoned Single-Family Housing District, Subdivision Area E (R1/E).

The applicants have constructed a roof over an existing paved sports court, not realizing that a Building Permit was required. As a result, the applicants are requesting permission to vary the front yard setback from 6 m (19.685 ft) to 2.438 m (8 ft.). The structure currently has zero setback from Webster Road.

A copy of the development application filed with the Urban Development Division is appended to this report.

Findings of Fact

The subject property is an 817.96 m² (8,804.69 ft²) corner lot with the existing house fronting onto McCallan Road. The surrounding neighbourhood consists of single-family homes zoned Single-Family Housing District, Subdivision Area E (R1/E). The City Works Yard is located across the street along the east side of McCallan Road.

Staff Comments

The Development Coordinator commented that the front of the house actually faces and is addressed off McCallan Road (although the Zoning Bylaw defines Webster Road as the front yard) and is setback 8.1 m (26.575 ft.) from the road. If this was considered the front yard, then the carport along Webster Road could be setback 3 m (9.843 ft.) from the road (not 6 m or 19.685 ft. as required by the Zoning Bylaw). He recommends the applicant be asked to scale back the existing carport from the proposed 2.438 m (8 ft.) to a 3 m (9.843 ft.) setback along Webster Road; the applicant has declined. The neighbour to the west has expressed some concerns about this carport and variance.

Analysis

Six years ago the applicants paved and fenced a portion of their yard for their children to use as a sports court. The children have since outgrown the sports court and the family have become owners of a truck, camper and a boat. The sports court became the ideal place to park these vehicles.

The applicants decided that they would use the existing fence posts to construct a roof in order to protect their investment from the elements. In the final stages of framing the roof, the applicants were informed by a City building inspector that a Building Permit was required. Upon having a survey done of their property, the owners discovered that the newly roofed carport did not comply with the required front yard setback from Webster Road. The carport is setback 1.41 m (4.63 ft.) from the west property line, whereas a minimum of 1.2 m (3.937 ft.) is permitted and currently has no setback from Webster Road.

The Zoning Bylaw defines Webster Road as the frontage and McCallan Road as the side yard of the site. In actuality, the house fronts McCallan Road with an 8.1 m (26.575 ft.) setback, and the north side of the house fronts Webster Road with a 11.2 m (36.745 ft.) setback.

The existing carport is surrounded by a number of mature birch trees which buffer the structure from the adjacent neighbours and roadways. This time of year the carport is quite visible from the street, however, when the trees are full of leaves, they will hide the structure to a large extent. The applicants have agreed to reduce the size of the carport by creating a 2.438 m (8 ft.) setback from Webster Road. They also plan to use roof shingles and paint the carport to match the house. In addition, the applicants plan to plant shrubs, grasses and vines to further buffer the carport from the street and the neighbours.

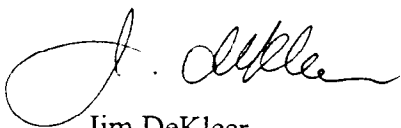
Staff accept that the applicants made an honest mistake by constructing a roof over the existing paved area without a Building Permit.

Conclusions

It is fair to say that staff have had differing opinions on the size and acceptability of the carport structure. While some feel that the impact of the structure can be mitigated by reducing its length and planting, others feel that its siting, size and its location at an entrance into this neighbourhood, make it incongruous with its surroundings. It is noted that recently approved variances for unlawful construction have tended to be for structures in the rear and side yard areas which were well screened from the street and neighbouring properties. Staff have identified the following options for this application:

- 1.) Support the variance subject to the applicant signing a Covenant ensuring the carport will not be closed in at any time in the future, but will remain open on all four sides, in order to maintain its unobtrusive appearance and its physical separation from the Webster Road surface.
- 2.) Deny the request for the variance to the front yard setback.

The Development Permit Panel will have the benefit of receiving public input from the neighbourhood regarding the acceptability of this variance.



Jim DeKleer
Engineering Assistant - Development & Processing

JDK:blg

TREE INVENTORY

Tree #	Dbh	Species	Dripline
1	28	Mountain ash	4
2	47	European birch	5
3	29	European birch	3.5
4	27	European birch	3.5
5	37	European birch	3.5
6	16	European birch	3.5
7	32	European birch	3.5
8	19	European birch	3.5
9	17	European birch	3.5
10	52	Deodar cedar	5
11	42	Scots pine	5
12	43	Scots pine	7
13	45	Austrian pine	1
14	multi	Western redcedar	4
15	38	Purpleleaved plum	2
16	multi	Western redcedar	3.5
17	34	Scots pine	5
18	100	Corkscrew willow	3
19	38	European birch	4.5
20	22	Western hemlock	4.5
21	25	Western hemlock	1.5
22	95	Lombardy poplar	3
23	23	European birch	3
24	23	European birch	3
25	44	Western hemlock	3
26	22	European birch	1
27	6	Western redcedar	1.5
28	19	Western redcedar	1.5

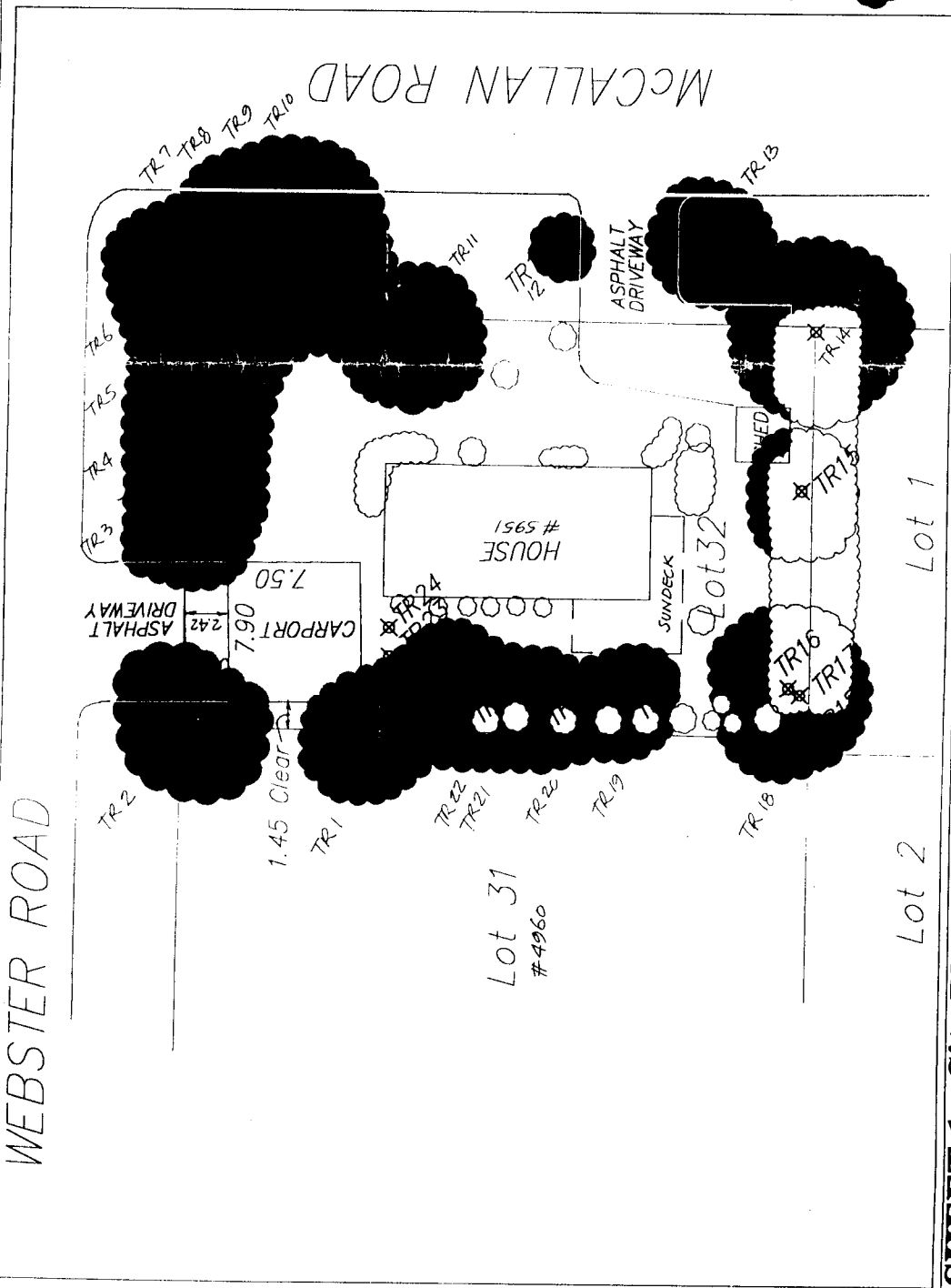
Dbh denotes diameter of trunk in cm.
 Dripline denotes radius of foliage extents in m.

LEGEND

⊗ TR# Denotes tree location and number

● Denotes tree dripline limits

☁ Denotes shrub location



SHEET 1 - Site Plan of Lot 32 BI 1 Sec 2 BI 4N R7W NWD Plan 15813

Client: Biasutti
 Project: Carport
 Site: 5951 McCallan Road Richmond BC

DV 02-198936 # 1

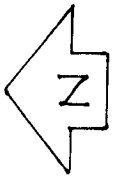
Elevations are geodetic (NAD 83) based on monument number 7744603 located at the intersection of Westminster Highway and McCallum Road.

JUN 28 2002

ARBORTECH CONSULTING LTD.
 Professional Tree & Vegetation Consultants
 Suite 204 - 3740 Chestnut Street
 Burnaby BC Canada V7E 4L5
 PH 604 275 3404 Fax 604 275 9854
 e-mail: tree@arborotech.bc.ca

Scale 1:250

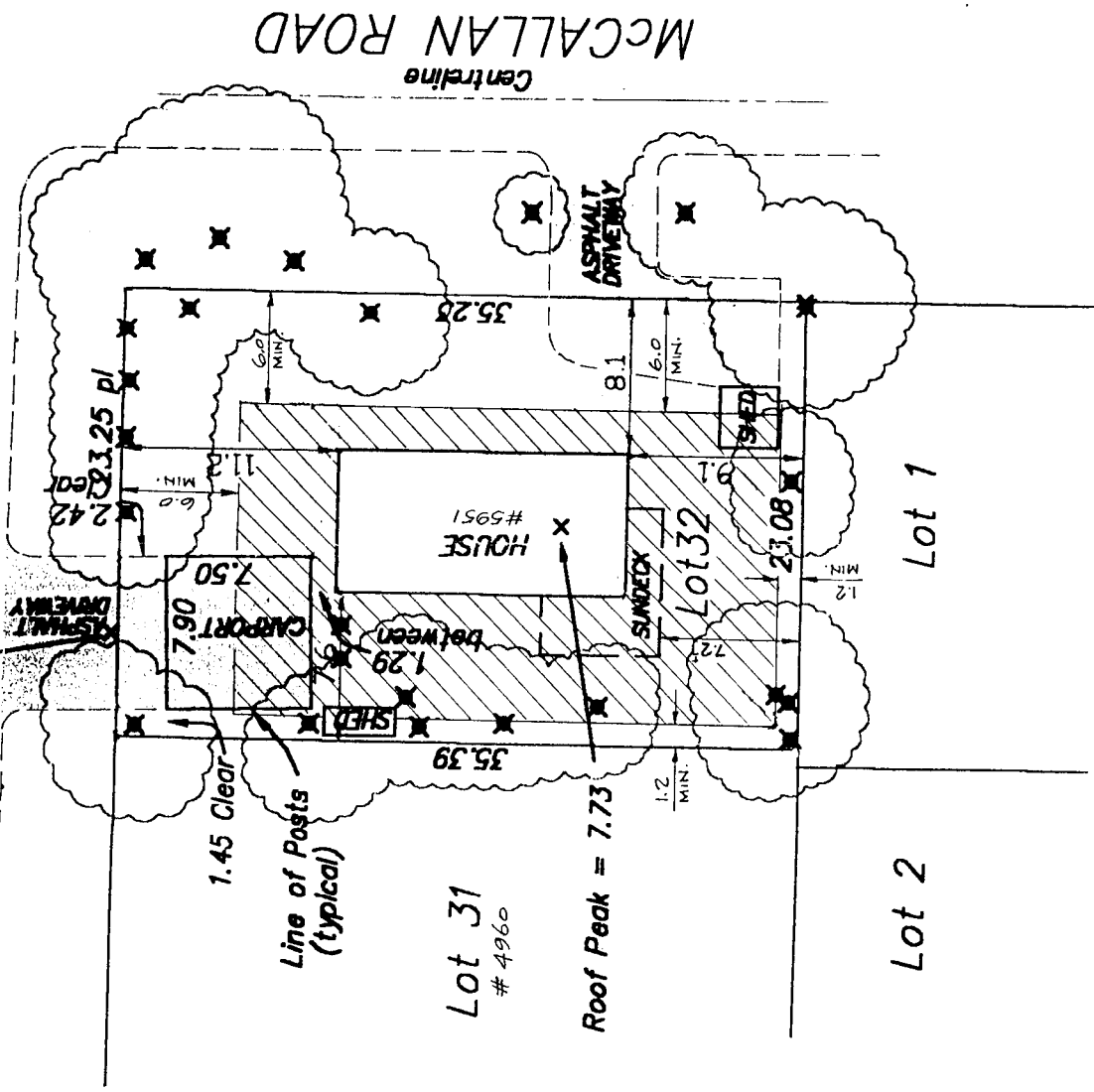
File: 01116 June 2002



Roof Peak Elev = 6.36

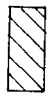
WEBSTER ROAD

Centreline



McCALLAN ROAD
Centreline

LEGEND



AREA IN WHICH
CARPORT COULD BE
CONSTRUCTED TO
CONFORM TO SETBACK
REQUIREMENTS

NOTE:

DETACHED GARAGE OR CARPORT
WOULD REQUIRE A 1.2m (4ft.)
SEPARATION FROM HOUSE.

OPTION 1

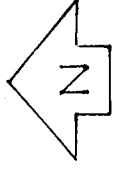
SCALE 1:250

Lot 31
4960

Roof Peak = 7.73

Lot 2

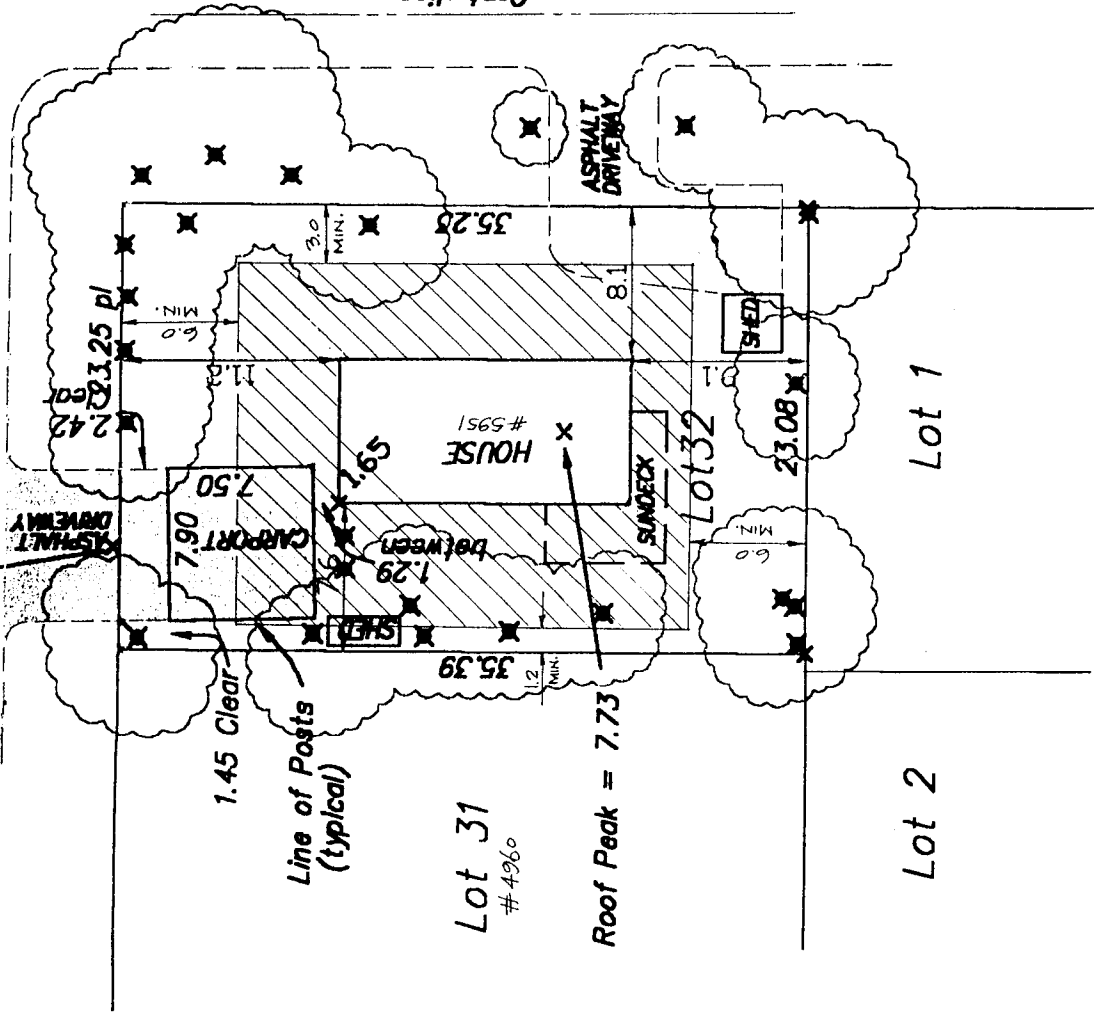
Lot 1



Roof Peak Elev = 6.36

WEBSTER ROAD

Centreline



McCallan Road
Centreline

LEGEND



AREA IN WHICH
CARPORT COULD BE
CONSTRUCTED TO
CONFORM TO SETBACK
REQUIREMENTS

NOTE:

DETACHED GARAGE OR CARPORT
WOULD REQUIRE A 1.2m (4ft.)
SEPARATION FROM HOUSE

OPTION 2

SCALE 1:250