



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** May 8, 2017
From: Gavin Woo, P. Eng. **File:** 12-8360-20-01/2017-Vol01
 Senior Manager, Building Approvals
Re: **Building Permit Application at 7251 No. 6 Road**

Staff Recommendation

That Building Permit Application No. 17-770896 for a single family dwelling at 7251 No. 6 Road, with a total floor area (including garage) of 1,246.3 m² (13,414.9 ft²) be withheld for a period of 30 days beginning on the date of application (April 26, 2017) pursuant to Section 463(1) of the *Local Government Act*, as Council considers that the proposed house size, farm home plate and setbacks are in conflict with the proposed Zoning Bylaw amendments under preparation.

Gavin Woo, P. Eng.
 Senior Manager, Building Approvals
 (604-276-4113)

Att. (1)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Development Applications Policy Planning Law	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

On March 27, 2017, Council adopted the following resolution:

Whereas Section 463 of the Local Government Act allows the withholding of building permits that conflict with bylaws in preparation; and

Whereas Council directed staff to conduct public consultation regarding house size, farm home plate and setbacks, including residential accessory buildings,

- 1. That staff be directed to prepare for Council's consideration a bylaw to limit house size, farm home plate and setbacks, including residential accessory buildings in the Agriculture (AG) zones; and*
- 2. That staff bring all building permit applications for residential development, including residential accessory buildings, in the Agriculture (AG) zones received more than 7 days after the passage of resolution #1 to Council, to determine whether such applications are in conflict with the proposed bylaw to limit house size, farm home plate and setbacks, including residential accessory buildings in the Agriculture (AG) zones.*

As a result of Council's resolution, and Section 463 of the *Local Government Act*, all completed building permit applications for residential buildings in the Agriculture (AG) Zones received after April 3, 2017 (7 days after the resolution) must be forwarded to Council for a decision, as to whether the building permit application is in conflict with the bylaws under preparation.

The purpose of this report is to bring forward a building permit application at 7251 No. 6 Road (No. 17-770896) for Council's consideration under Section 463 of the *Local Government Act* ("LGA"). Pursuant to Section 463(1) of the LGA, Council must:

- identify what it considers to be the conflict between the proposed building permit application and the proposed Zoning amendment bylaws under preparation, and
- if a conflict is identified, then resolve to withhold the building permit application for 30 days beginning on the date of application.

Then, pursuant to section 463(3) of the LGA, following consideration of the application, and as a separate resolution to that above, Council may direct that the building permit be withheld for a further 60 days.

Staff recommends that Council find that proposed building permit application (No. 17-770896) is in conflict with proposed zoning bylaw amendments to the Agriculture (AG) zones as they relate to house size and farm home plate size.

Findings of Fact

A building permit application was submitted on April 26, 2017 for the property at 7251 No. 6 Road (Attachment 1; Location Map). The proposal is for a 1,148.0 m² (12,357.1 ft²) single family house along with a 148.3 m² (1,596.2 ft²) detached garage for a total considered area of

1,246.3 m² (13,414.9 ft²). The proposed area defined as a Home Farm Plate to accommodate new construction for the house, detached garage and associated driveways and porches is 3,218.0 m² (34,640.0 ft²).

Details on the property can be found in Table 1 below. Details on the proposed size of the farm home plate, house, and residential accessory buildings, in addition to the maximum setbacks for both the house and residential accessory buildings can be found in Table 2.

Address:	7251 No. 6 Road
Applicant:	Jaswant & Interjit Virk
Owner:	Jaswant & Interjit Virk
Site Size:	20,635.0 m ² (222,113.3 ft ²)
Land Uses:	Existing Single Family House and Agricultural Uses
OCP Designation:	Agriculture
Zoning:	Agriculture (AG1)

Zoning Criteria	Existing Bylaw Requirement	Proposed Building Permit Application
Farm Home Plate	Not regulated	3,218.0 m ² (34,640.0 ft ²)
House Size	Maximum not regulated provided that the total building size is no greater than 0.6 floor area ratio	1,148.0 m ² (12,357.1 ft ²)
Residential Accessory Buildings Size	Maximum not regulated provided that the total building size is no greater than 0.6 floor area ratio	148.3 m ² (1,596.2 ft ²)
Maximum Setback for House	50.0 m (164.0 ft.)	50.0 m (164.0 ft.)
Maximum Setback for Residential Accessory Buildings	50.0 m (164.0 ft.) building separation from house	7.9 m (26.0 ft.)

Analysis

Staff Review

On April 24, 2017, Council gave first reading to bylaw amendments regulating single family dwelling development on agricultural zoned land. At Council, modifications were made to the Zoning Bylaw 9707 to increase the maximum Farm Home Plate setback, from 60.0 m (196.9 ft.) to 75.0 m (246.1 ft.) and to remove the septic field from the definition of Farm Home Plate.

Staff considered the proposed Building Permit Application No. 17-770896 in relation to the proposed bylaws under preparation by the City, and are of the opinion that the application is in conflict with the bylaws under preparation.

- The proposed Home Farm Plate at 3,218.0 m² (34,640.0 ft²), is 1,218.0 m² (13,110.4 ft²) or 60.9% greater than the 2,000.0 m² (21,528.0 ft²) maximum considered in the proposed bylaw amendments.

- The total floor area of the house at 1,148.0 m² (12,357.1 ft²) and detached garage at 148.0 m² (1,593.1 ft²) or 15% greater than the proposed 1,000.0 m² (10,764.3 ft²) floor area cap, as permitted in the proposed Bylaw 9712.

Building Permit Application at 7251 No 6 Road

If Council resolves that there is a conflict between the bylaws under preparation and the building permit application, then issuance of the building permit may be withheld for the balance of the 30 day period. If Council does not resolve that there is a conflict, then, if the building permit application is complete and otherwise compliant, the building permit must be issued.

As previously set out, prior to the end of the initial 30 day period, Council may consider a second resolution to either:

- grant a building permit, but impose conditions on it that would be in the public interest, having regard to the bylaw that is under preparation; or
- direct the permit issuance to be withheld for a further 60 days.

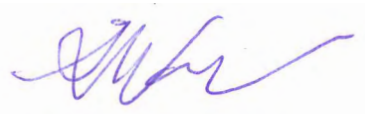
If the bylaws under preparation are not adopted by Council, and/or the applicant does not modify or re-submit their application such that it is not in conflict, within the initial 30 day period, staff intend to bring forward another report to recommend that Council withhold the issuance of this building permit for a further 60 days.

Financial Impact

None

Conclusion

Staff recommend that Council determine that the application for the proposed house located at 7251 No. 6 Road is in conflict with the bylaws under preparation to limit house size, farm home plate and setbacks, including residential accessory buildings in the Agriculture (AG) zones. It is recommended that the building permit application be withheld for 30 days from the date of submission (April 26, 2017).

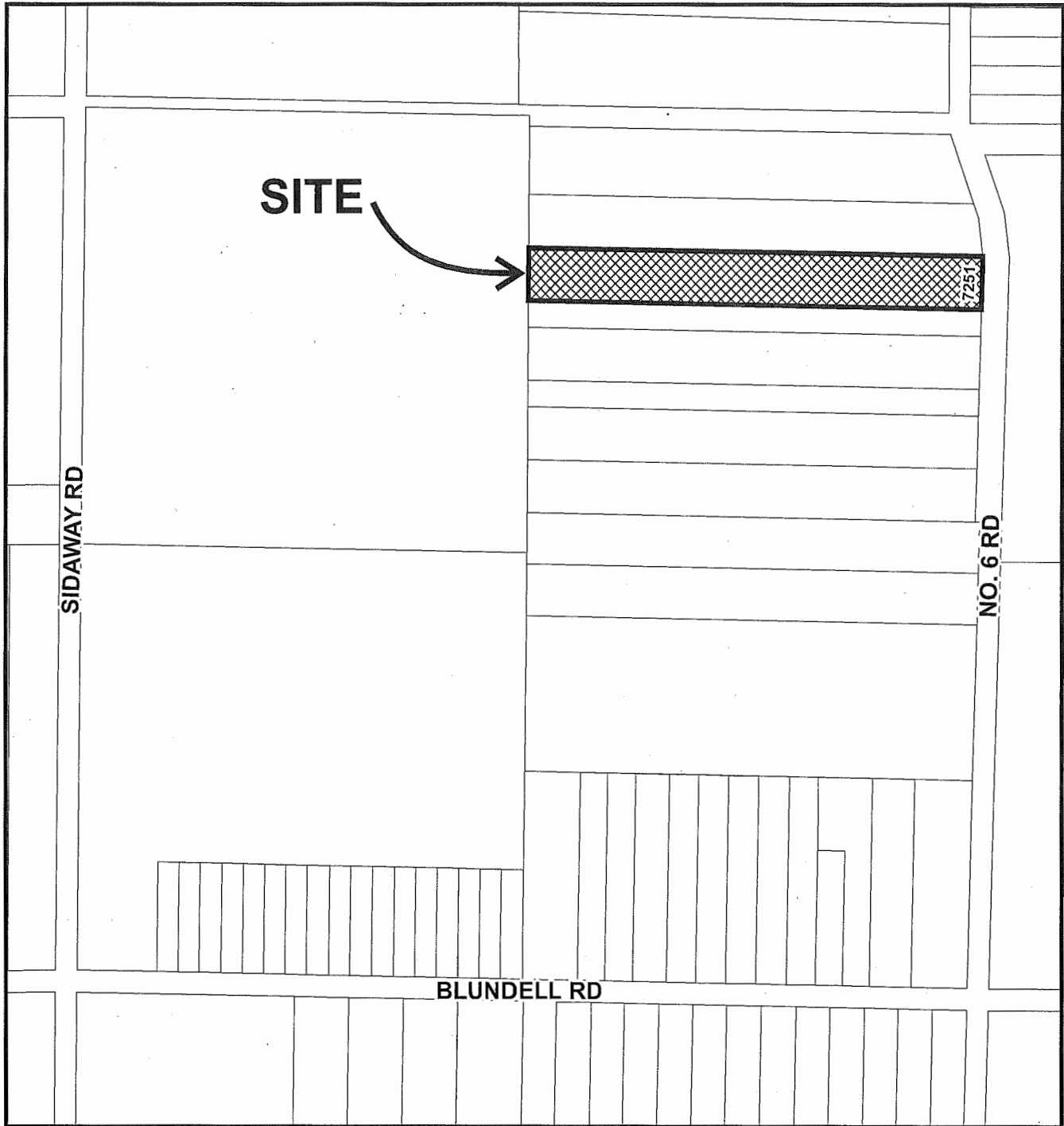


Gavin Woo, P. Eng.
Senior Manager, Building Approvals

Att.(1): Location Map



City of
Richmond



	<p>7251 No. 6 Road</p>	<p>Original Date: 05/08/17 Revision Date: Note: Dimensions are in METRES</p>
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