



To: Richmond City Council

Date: November 28, 2022

From: Milton Chan
Chair, Development Permit Panel

File: DV 22-015216

Re: **Development Permit Panel Meeting Held on November 16, 2022**

Staff Recommendation

That the recommendation of the Panel to authorize the issuance of a Development Variance Permit (DV 22-015216) for the property at 11251 Clipper Court, be endorsed and the Permit so issued.

Milton Chan
Chair, Development Permit Panel
(604-276-4377)

Panel Report

The Development Permit Panel considered the following item at its meeting held on November 16, 2022.

DV 22-015216 - RANDHILL CONSTRUCTION LTD. – 11251 CLIPPER COURT
(November 16, 2022)

The Panel considered a Development Variance Permit (DV) application to vary the provisions of Richmond Zoning Bylaw 8500 to reduce the minimum required rear yard setback under the “Single Detached (RS1/B)” zone for a portion of the first storey from 6.79 m (22.3 ft.) to 5.95 m (19.5 ft.) and the second story from 8.5 m (27.9 ft.) to 5.27 m (17.3 ft.) to permit the retention of an existing addition at 11251 Clipper Court.

The applicant, Randy Montroy, of Randill Construction Ltd., provided a brief visual presentation outlining the following:

- The owner purchased the property in 2016 for their family including children and aging parents;
- At the time of purchase, the owner was not aware that there was an unpermitted addition on the ground floor on the west and north sides of the home (including a games room, den and sunroom) as the real estate agent provided a document indicating that there were no alterations made to the house without the required permits;
- A contractor was hired by the homeowner in 2019 to repair the roof leak above the unpermitted addition and subsequent to the repair, a second storey deck was installed above the roof that was fixed;
- No application for Building Permit was made for the work done by the contractor at the time of construction; however, there was an intention to do so at a later time as the contractor was anticipating more work to be done on the house;
- Prior to the application for a Building Permit, a complaint was received by the City and an inspection was conducted by City staff which determined that certain previous and new additions required Building Permits and it was found that they encroached into the required ground floor and second storey rear setbacks;
- City staff advised that the owner would need to obtain a Development Variance Permit to comply with the City’s Zoning Bylaw in order to obtain the required Building Permits;
- The applicant is therefore requesting for a rear setback variance for a portion of the first and second storeys in order to retain the unpermitted structure on the ground floor and the second storey deck which they deem important to the family, particularly for aging in place purposes;
- The owner’s immediate neighbours surrounding the property provided letters of support for the retention of the unpermitted structures; and
- The existing first storey structure and second storey deck are screened from adjacent neighbours and the City of Richmond/Trail area by existing tall trees in the rear yard.

Staff noted that (i) should the subject Development Variance Permit application be endorsed by the Panel and approved by Council, it would facilitate the issuance of the required Building Permits to legitimize the existing unpermitted additions, (ii) the required Building Permit applications are currently under review by the City, (iii) the requested rear setback variance will not impact on-site vegetation, and (iv) the owner's efforts to reach out to their neighbours to obtain their support for the subject development variance permit application are appreciated.

In reply to queries from the Panel, the applicant noted that (i) the deck on the second floor is fully screened from adjacent properties by existing trees in the rear yard, and (ii) the applicant was not originally aware that there were encroachments to the rear yard setback as a result of the unpermitted additions but is present today to seek compliance.

The Chair advised that for future constructions, the applicant needs to check with the City to ensure compliance with the City's requirements.

The Panel recommends the Permit be issued.