



City of Richmond

Report to Development Permit Panel

To: Development Permit Panel

Date: May 24, 2016

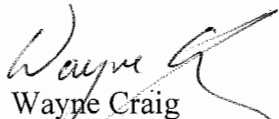
From: Wayne Craig
Director of Development

File: DV 15-717479

Re: Application by Su Wang for a Development Variance Permit at
10691 Bromfield Place

Staff Recommendation

That a Development Variance Permit be issued which would vary the provisions of Richmond Zoning Bylaw 8500 to reduce the minimum rear yard of the "Single Detached (RS1/E)" zoning bylaw from 6.0 m to 3.0 m, in order to allow retention of a non-conforming deck for the single-family dwelling located at 10691 Bromfield Place.



Wayne Craig
Director of Development

JR:blg
Att.

Staff Report

Origin

Su Wang has applied to the City of Richmond for permission to reduce the minimum rear yard requirement under the "Single Detached (RS1/E)" zone from 6.0 m to 3.0 m to permit a covered deck off the upper floor of the existing dwelling at 10691 Bromfield Place (Attachment 1).

Development Information

Please refer to the attached Development Application Data Sheet (Attachment 2) for a comparison of the development data with the relevant bylaw requirements.

Background

This Development Variance Permit would allow an existing non-conforming deck on the second floor of the existing dwelling to remain in place. This application has been submitted by the new owners of the property, who took possession on February 23, 2016. The previous property owner had applied for a Building Permit for the deck in 2005. Their Building Permit was rejected, as the proposed deck did not comply with the rear yard setback requirements contained in the "Single Detached (RS1/E)" zone. Construction of the existing deck began without a Building Permit between 2005 and 2006. A formal notice of the bylaw infraction was given to the owner on September 5, 2014.

The previous property owners applied for a Development Variance Permit on December 10, 2015, to allow the rear deck to remain on the property. Prior to completing the necessary steps of the application process, the property was sold to the applicant.

Development immediately surrounding the subject property is as follows:

- To the North and South: Two (2) single-family dwellings; each on a lot in the "Single Detached (RS1/E)" zone, fronting Bromfield Place.
- To the East: Three (3) single-family dwellings; each on a lot in the "Single Detached (RS1/E)" zone, fronting No. 4 Road; separated from the subject property by a tall cedar hedge.
- To the West: The Bromfield Place cul-de-sac.

There is an existing 3.05 m-wide statutory right-of-way along the rear (East) property line for the sanitary sewer, which will not be impacted by the requested variance.

Project Description

The deck projects 2.95 m into the required rear yard setback of 6.0 m, but does not encroach on the existing 3.05 m statutory right-of-way at the rear of the property. A site plan and side building elevation drawing are provided in Attachment 3.

The deck is located on the second storey of the principle building. It is composed of a covered portion with a single step down to an uncovered portion. The entire deck structure, including stairs, is 32.5 m² in area. The lower portion of the deck is elevated 2.39 m from grade, and the

upper portion is 2.64 m from grade. The lower portion is partially screened-in on the north and west sides, up to a height of 5.64 m, which is below the bottom of the roof gable. The upper portion of the deck has a sloped pergola roof that extends above the gable of the principle building. The deck is accessed directly from the second floor of the principle building and by an exterior stairway to the rear yard.

The proposed variance would apply only to the existing deck in the specific location it appears on the site survey submitted by the applicant. Issuance of a Development Variance Permit would not allow any further expansion or encroachment of the house or deck into the rear yard. The balance of the house conforms to all remaining requirements contained in the "Single Detached (RS1/E)" zone.

The applicant would need to obtain a Building Permit for the deck if this variance is approved. The deck will need to be inspected at Building Permit stage for structural soundness, and the owner will be responsible for any repairs or upgrades required to meet the BC Building Code.

Staff Comments

- In general, the submitted plans demonstrate that, while not compliant with the "Single Detached (RS1/E)" zone, the deck is well designed and is screened from adjacent houses (Attachment 4).
- The applicant has provided letters of support from the five (5) property owners who share a lot line with the subject property (Attachment 5).

Zoning Compliance/Variations

The applicant requests to vary the following provisions of Richmond Zoning Bylaw 8500:

- That the minimum rear yard setback requirement contained in the "Single Detached (RS1/E)" zoning bylaw be reduced from 6.0 m to 3.0 m. ***Staff support the requested variance because the applicant purchased the home after the non-conforming construction took place; the new owners have taken steps to inform their immediate neighbours of the situation and have obtained their support to retain the deck; overlook to adjacent properties is interrupted by a tall hedge; and there is no viable alternative location for the deck due to the irregular lot shape and depth.***

Analysis

Staff do not typically support the issuance of Development Variance Permits after the fact to legitimize construction undertaken without an approved Building Permit. However, as the applicant purchased the property after the non-conforming construction took place and have addressed staff concerns over privacy and adjacency, staff are willing to consider this application.

The applicant has provided letters of support from all five (5) adjacent property owners.

There is an existing tall coniferous hedge on the East and North property lines that effectively screens the deck from view of neighbouring properties. The applicant has agreed to enter into a legal agreement to protect and retain the hedge in perpetuity. Staff also note that the deck does not encroach on the existing 3.05 m statutory right-of-way.

The lot is of an irregular shape and shallow depth; therefore there is no other viable alternative location for a deck.

Conclusions

This Development Variance Permit would allow an existing non-conforming deck to remain in place by reducing the minimum rear yard from 6.0 m to 3.0 m at 10691 Bromfield Place.

The applicant purchased the home after the non-conforming construction took place. The proposed variance has the support of all five (5) adjacent property owners, and the applicant would be obligated through a legal agreement on title to maintain the existing hedge.

On this basis, staff recommends approval of this application.



Jordan Rockerbie
Planning Technician
(604-276-4092)

JR:blg

Attachment 1: Location Map
Attachment 2: Development Application Data Sheet
Attachment 3: Site Plan and Side Elevations
Attachment 4: Site photos
Attachment 5: Letters of Support

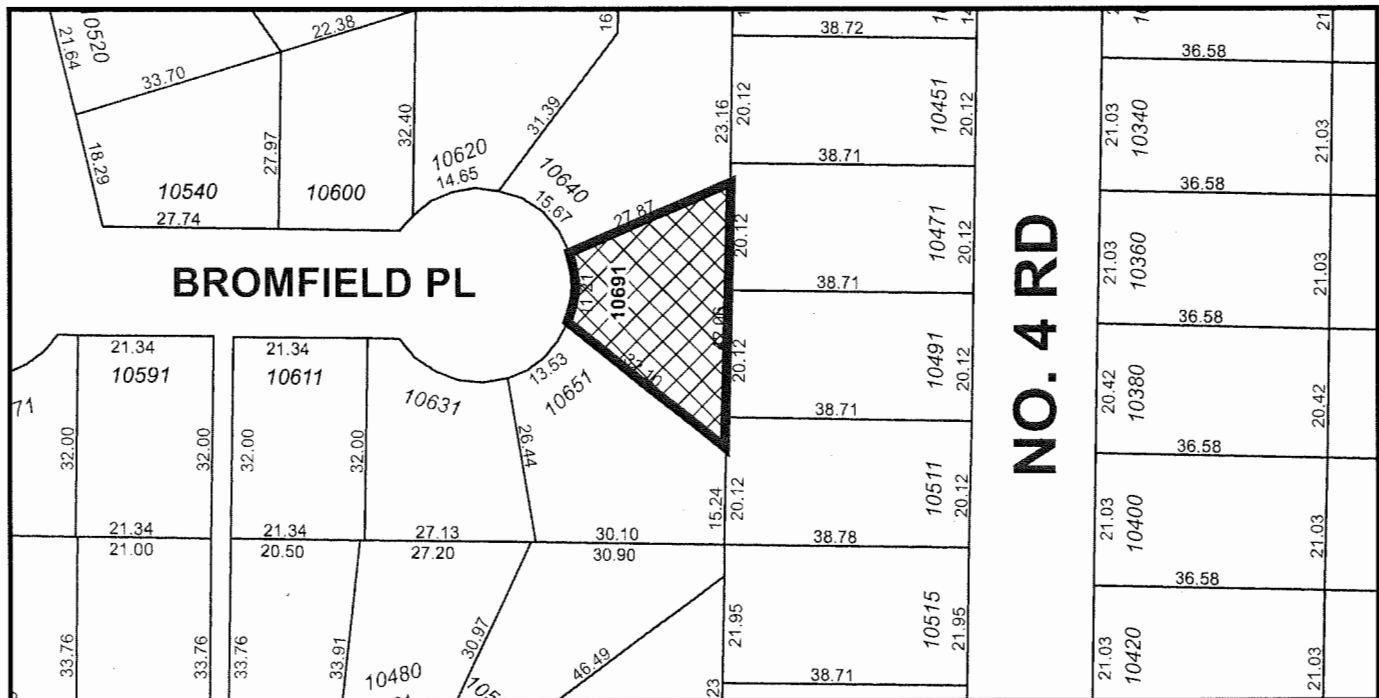
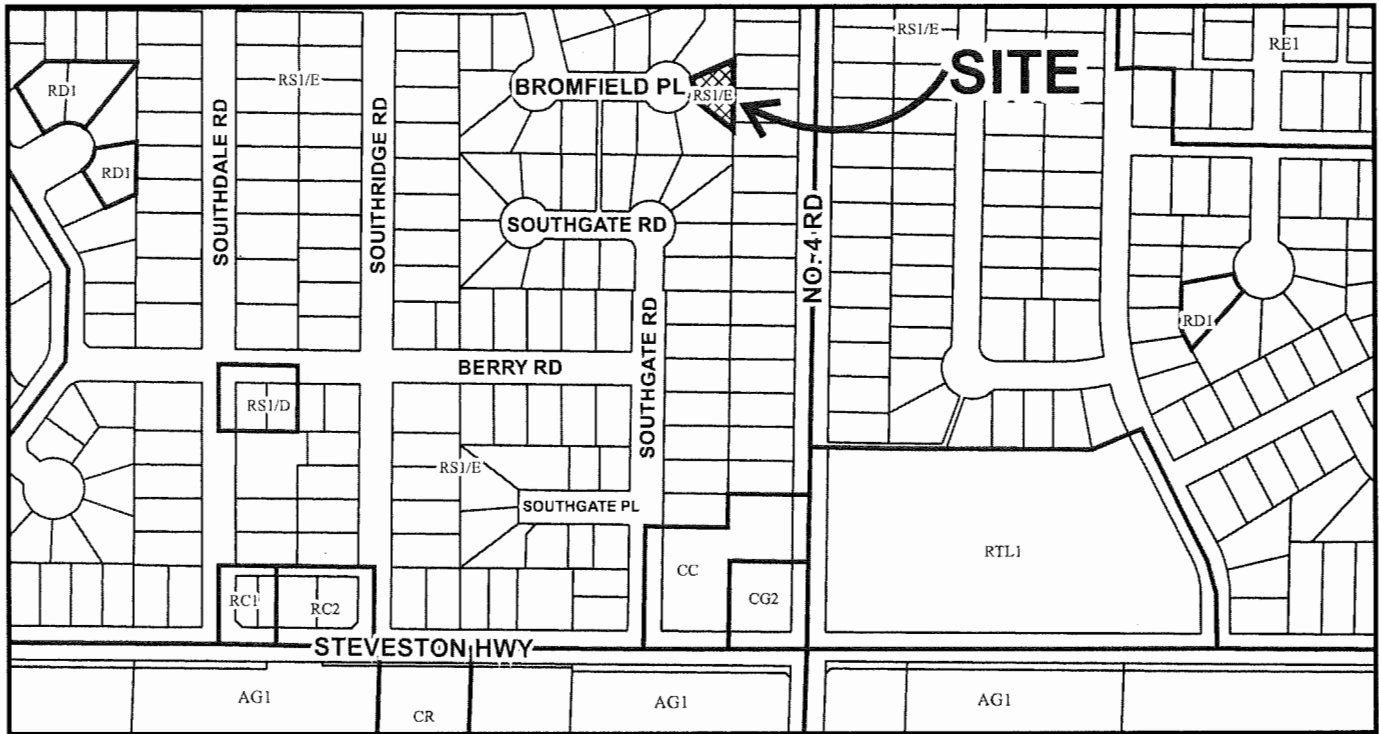
The following are to be met prior to forwarding this application to Council for approval:

Prior to future Building Permit issuance, the applicant is required to complete the following:

- Registration of a legal agreement on Title specifying that the existing hedge is to be maintained at such a height as to screen the deck and prevent overlook on neighbouring properties.



City of
Richmond



DV 15-717479

Original Date: 01/13/16

Revision Date:

Note: Dimensions are in METRES



City of Richmond

Development Application Data Sheet

Development Applications Division

DV 15-717479

Attachment 2

Address: 10691 Bromfield Place

Applicant: Su Wang

Owner: Yong Huang and Su Wang

Planning Area(s): Broadmoor Area

	Existing	Proposed
Land Uses:	Single-Family Dwelling	No change
OCP Designation:	Neighbourhood Residential	No change
Zoning:	RS1/E	No change

On Subject Lot	Bylaw Requirement	Existing condition	Variance
Lot Coverage:	Max. 45%	Max. 45%	None
Setback – Front Yard:	Min. 6 m	7.63 m	None
Setback – Side Yard:	Min. 1.8 m	1.8 m	None
Setback – Rear Yard:	Min. 6 m	3.05 m	Variance required
Height:	Max. 2 ½ Storeys	2 Storeys	None
Lot Size:	666 m ²	666 m ²	None

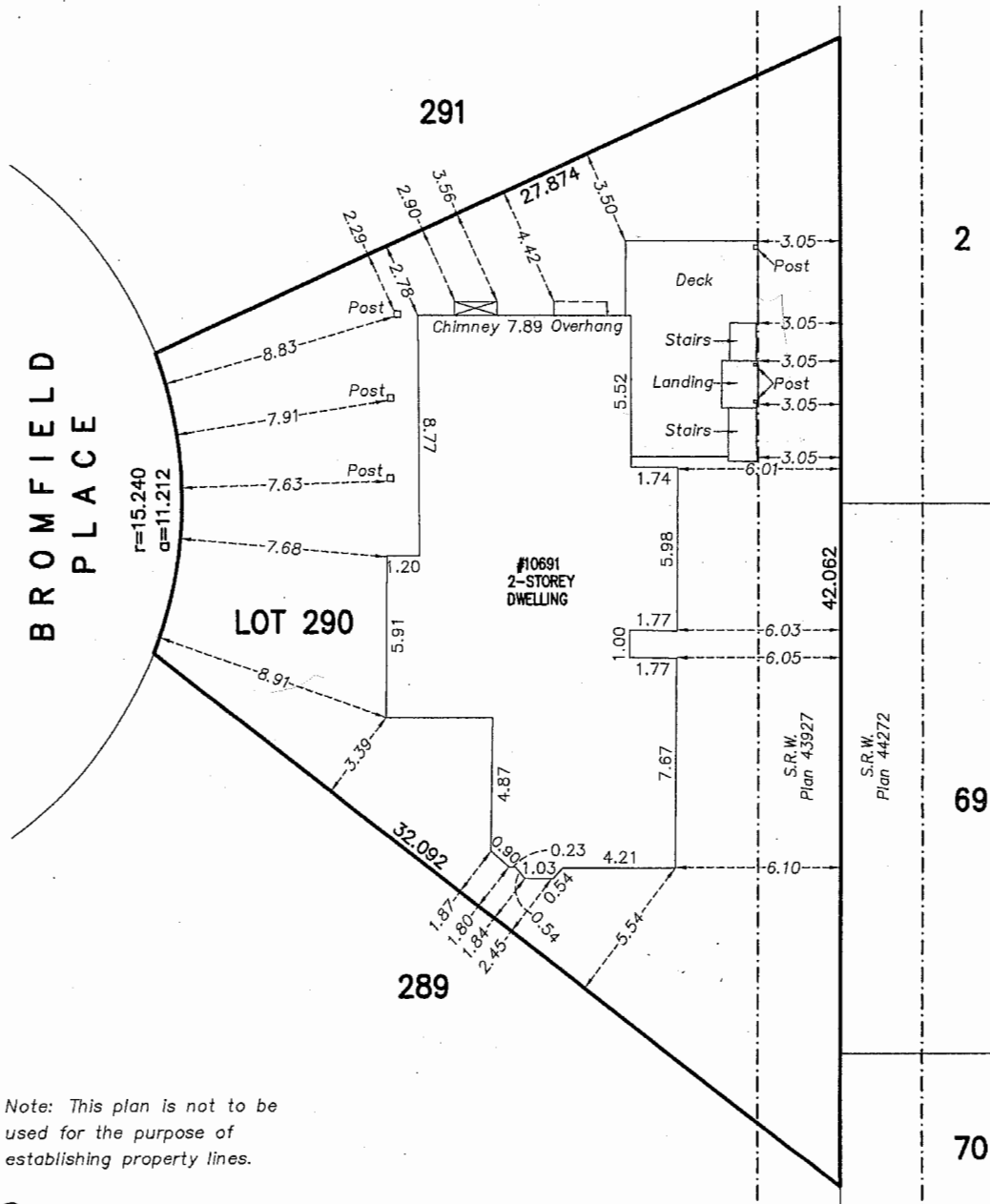
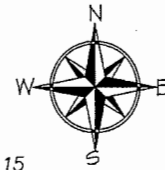
B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING
AS CONSTRUCTED ON LOT 290 SECTION 34
BLOCK 4 NORTH RANGE 6 WEST
NEW WESTMINSTER DISTRICT PLAN 43926

#10691 BROMFIELD PLACE,
 RICHMOND, B.C.
 P.I.D. 002-009-129

SCALE: 1:200



ALL DISTANCES ARE IN METRES AND DECIMALS
 THEREOF UNLESS OTHERWISE INDICATED



Note: This plan is not to be
 used for the purpose of
 establishing property lines.

© Copyright
 J. C. Tam and Associates
 Canada and B.C. Land Surveyor
 115 - 8833 Odlin Crescent
 Richmond, B.C. V6X 3Z7
 Telephone: 214-8928
 Fax: 214-8929
 E-mail: jctam@telus.net
 Job No. 6270
 FB-296 P25-27, 31; FB-293 P58
 Drawn By: IO/MY/WK

This document is not valid unless
 originally signed and sealed.

**CERTIFIED CORRECT FOR MORTGAGE
 PURPOSES ONLY:**

JOHNSON C. TAM, B.C.L.S., C.L.S.

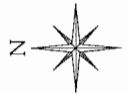
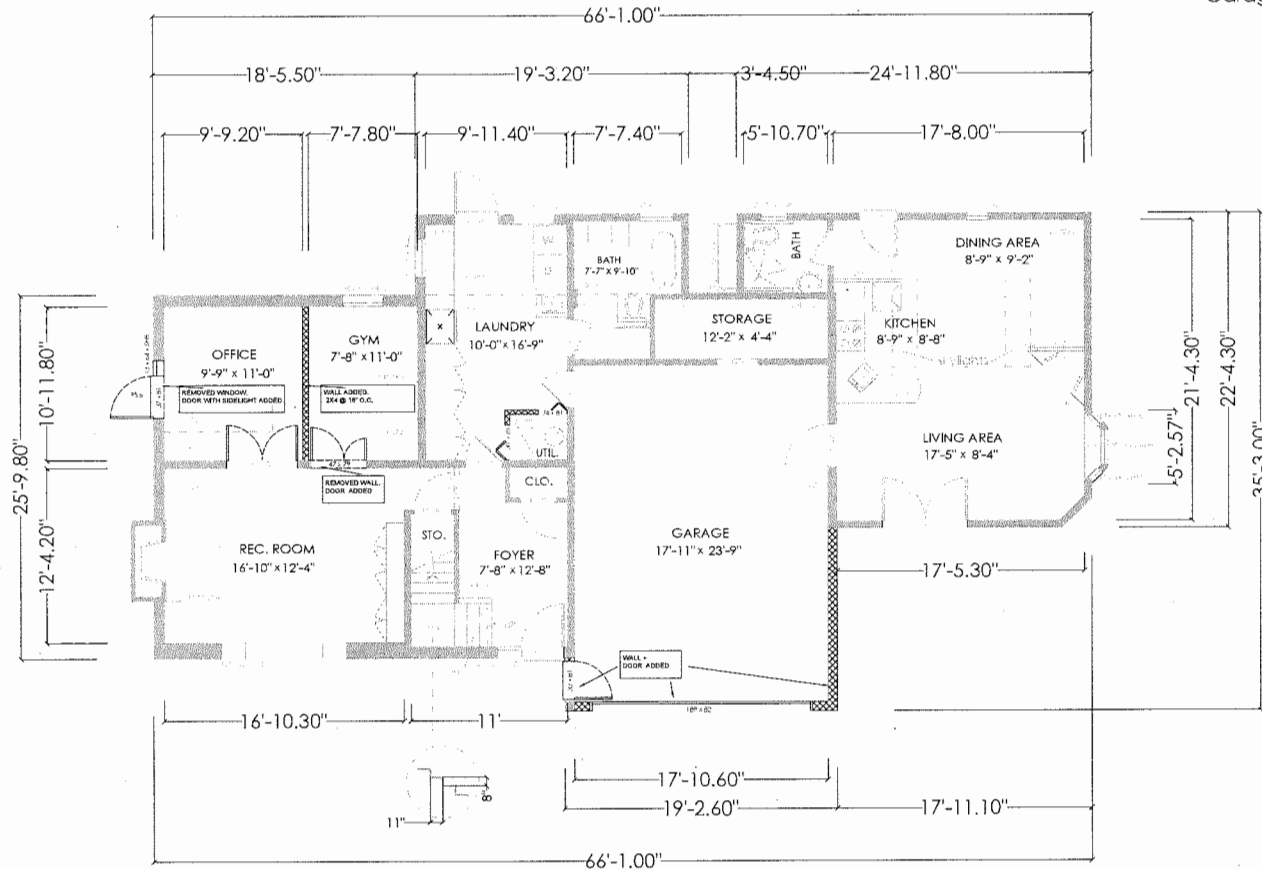
January 13th, 2016.

DWG No. 6270 - Cert -02

**10691 Bromfield Pl.
Richmond, B.C.**

Lower Floor: 1,358 sq.ft.
Main Floor: 1,269 sq.ft.
Total: 2,627 sq.ft.

Deck: 350 sq.ft.
Garage: 506 sq.ft.



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#80-1715 COOK ST.
VANCOUVER, B.C. V5Y 3A6
OFFICE: (604) 410-7738
EMAIL: info@DraftOnSite.com
www.DraftOnSite.com

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CHECKED BY:	PAPER SIZE:
DATE:	SCALE:
Jan. 12, 2016	1/4" = 1'

SHEET TITLE:

Floor Plans

ADDRESS:

10691 Bromfield Pl.

Richmond, BC.

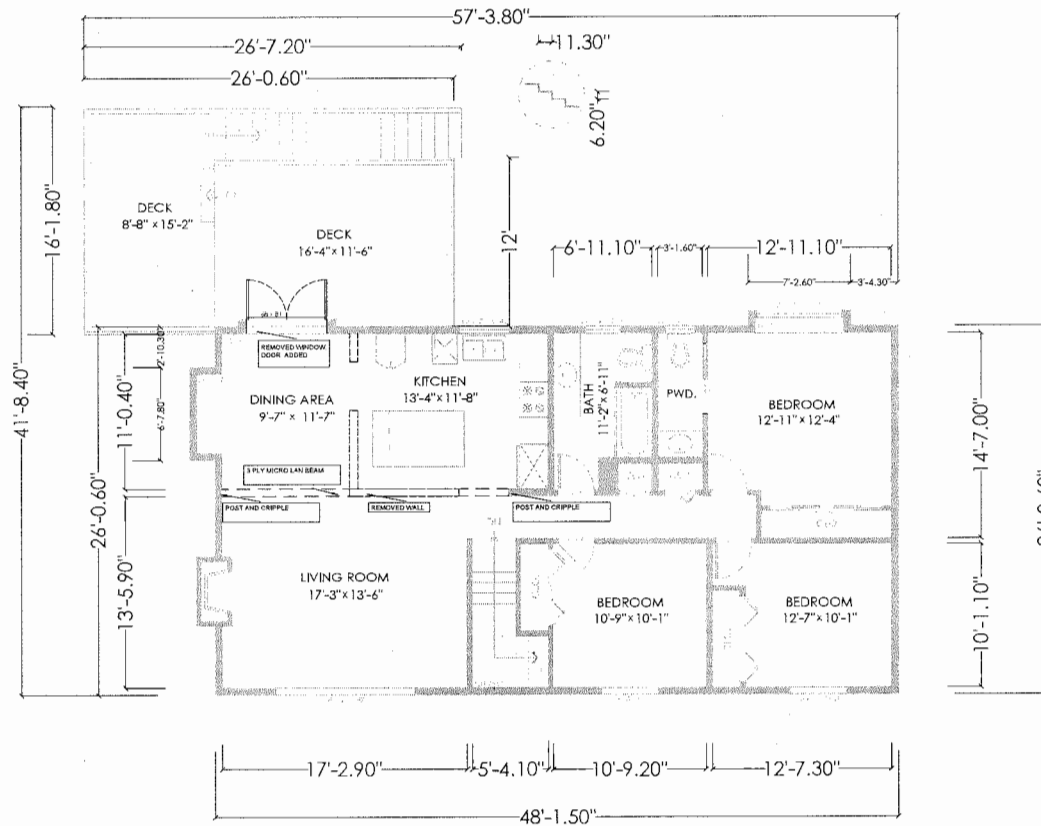
DRAWING:

1 OF 5

**10691 Bromfield Pl.
Richmond, B.C.**

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Main Floor: 1,269 sq.ft.
Total: 2,627 sq.ft.

Deck: 350 sq.ft.
Garage: 506 sq.ft.



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980-1715 COOK ST.
VANCOUVER, B.C. V6Y 3J8
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EMAIL: info@draftonsite.com
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SHEET TITLE:	

Floor Plans

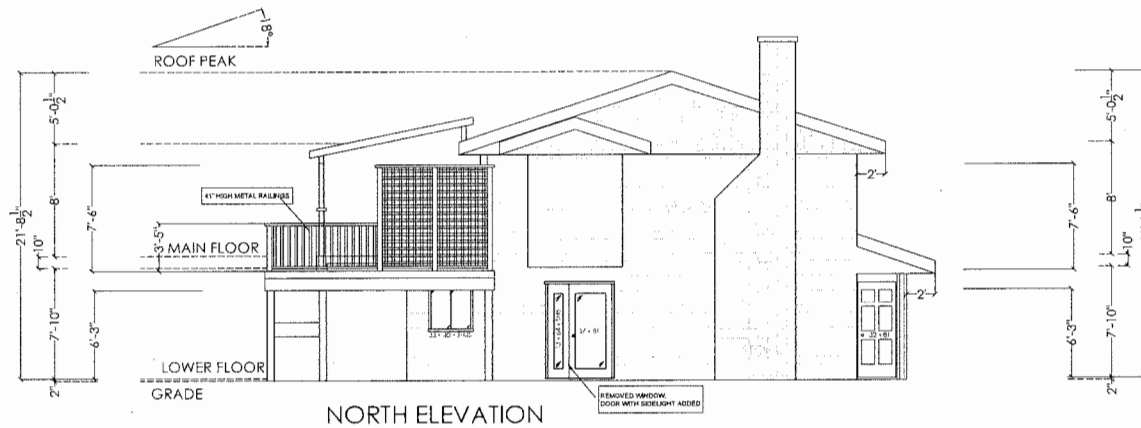
ADDRESS:

10691 Bromfield Pl.

Richmond, BC.

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2 OF 5



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EMAIL: info@DraftOnSite.com
www.DraftOnSite.com

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Elevations

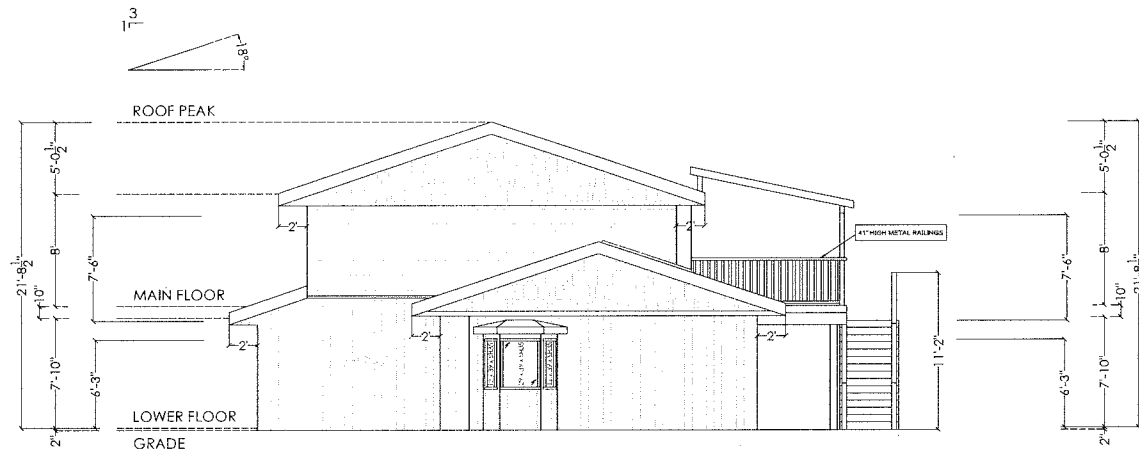
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10691 Bromfield Pl.

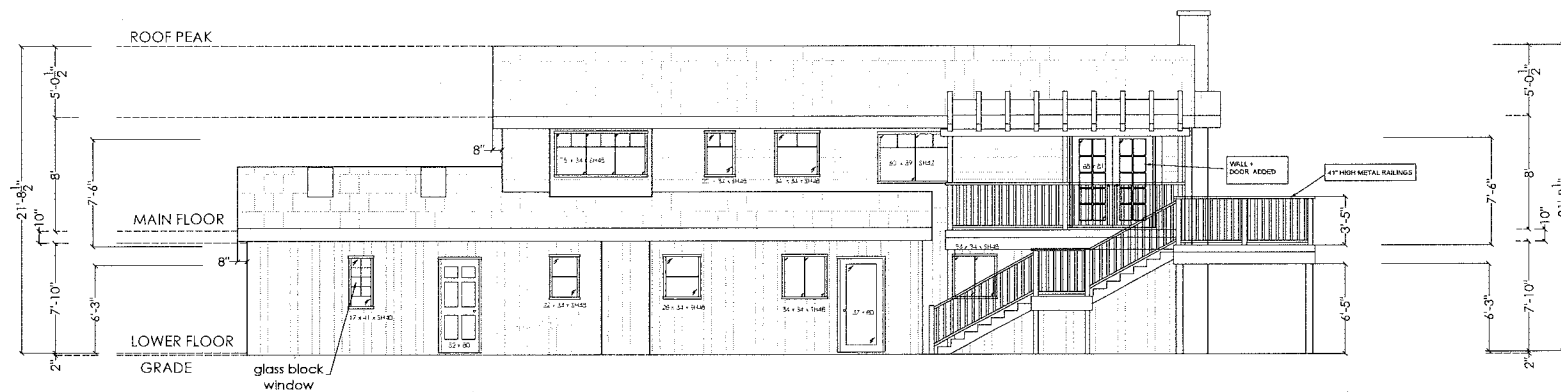
Richmond, BC.

DRAWING:

3 OF 5



SOUTH ELEVATION



EAST ELEVATION



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OFFICE (604) 676-3758
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DRAWN BY: MEASURED BY:
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DATE: 24"x36"
2017.12.20 SCALE: 1/4" = 1'
SHEET TITLE:

Elevators

ADDRESS:
10691 Bromfield Pl.

Richmond, BC.

DRAWING:
4 OF 5






To whom it may concern:

This is to acknowledge that I have been informed that a portion of the rear yard deck at this property (10691 Bromfield Place) is located within the rear yard setback. I understand that the owners, Yong Huang and Su Wang, are seeking a variance permit to allow the deck to remain in place. I have no objections to this deck being located within the rear yard setback.

Address: 10511 No. 4 Road, Richmond, BC V7A 4H8

Property Location to 10691 Bromfield Place: Southeast Neighbour

Name(s) Print: Kang Zhao

Signature(s): 

Date: Apr. 2nd. 2016.

To whom it may concern:

This is to acknowledge that I have been informed that a portion of the rear yard deck at this property (10691 Bromfield Place) is located within the rear yard setback. I understand that the owners, Yong Huang and Su Wang, are seeking a variance permit to allow the deck to remain in place. I have no objections to this deck being located within the rear yard setback.

Address: 10491 No. 4 Road, Richmond, BC V7A 4H8

Property Location to 10691 Bromfield Place: Southeast Neighbour

Name(s) Print: Indrajit + Seema Ahlwaba.

Signature(s):  

Date: 4/2/16

To whom it may concern:

This is to acknowledge that I have been informed that a portion of the rear yard deck at this property (10691 Bromfield Place) is located within the rear yard setback. I understand that the owners, Yong Huang and Su Wang, are seeking a variance permit to allow the deck to remain in place. I have no objections to this deck being located within the rear yard setback.

Address: 10651 Bromfield Place, Richmond, BC V7A 4H8

Property Location to 10691 Bromfield Place, Southwest Neighbour

Name(s) Print: LEE PUI MAN

Signature(s):



Date:

5 April 2016, Tuesday

DATE: January 11, 2016

TO: City of Richmond

RE: Rear Yard Deck located at 10691 Bromfield Place, Richmond, BC
Property owner's being Gordon Lebel and Sandra Back

This is to acknowledge that I have been informed that a portion of the rear yard deck at this property is located within the rear yard setback.

My understanding is the owner's, Gordon Lebel and Sandra Back, are applying to the City of Richmond's Board of Variance for approval of the portion of deck that is located in the rear yard setback area. Further that I have no objection to this application that is before the Board of Variance for approval to have a portion of the rear yard deck located within the rear yard setback.

SIGNED:

Dale Mitzel
Homeowner

PRINT NAME:

Dale Mitzel
Homeowner

ADDRESS:

10691 Bromfield Pl.

LOCATION OF YOUR ADDRESS IN RELATION TO 10691 BROMFIELD PLACE:

NORTH SIDE OF PROPERTY

DATE: January 11, 2015

TO: City of Richmond

RE: Rear Yard Deck located at 10691 Bromfield Place, Richmond, BC
Property owner's being Gordon Lebel and Sandra Back

This is to acknowledge that I have been informed that a portion of the rear yard deck at this property is located within the rear yard setback.

My understanding is the owner's, Gordon Lebel and Sandra Back, are applying to the City of Richmond's Board of Variance for approval of the portion of deck that is located in the rear yard setback area. Further that I have no objection to this application that is before the Board of Variance for approval to have a portion of the rear yard deck located within the rear yard setback.

SIGNED: _____

Homeowner

PRINT NAME: _____

Homeowner

ADDRESS: _____

LOCATION OF YOUR ADDRESS IN RELATION TO 10691 BROMFIELD PLACE:

REAR EAST -



City of Richmond

Development Variance Permit

No. DV 15-717479

To the Holder: SU WANG
Property Address: 10691 BROMFIELD PLACE
Address: C/O 10691 BROMFIELD PLACE
RICHMOND, BC V7A 4H8

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 Bylaw 8500" 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.
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 , .

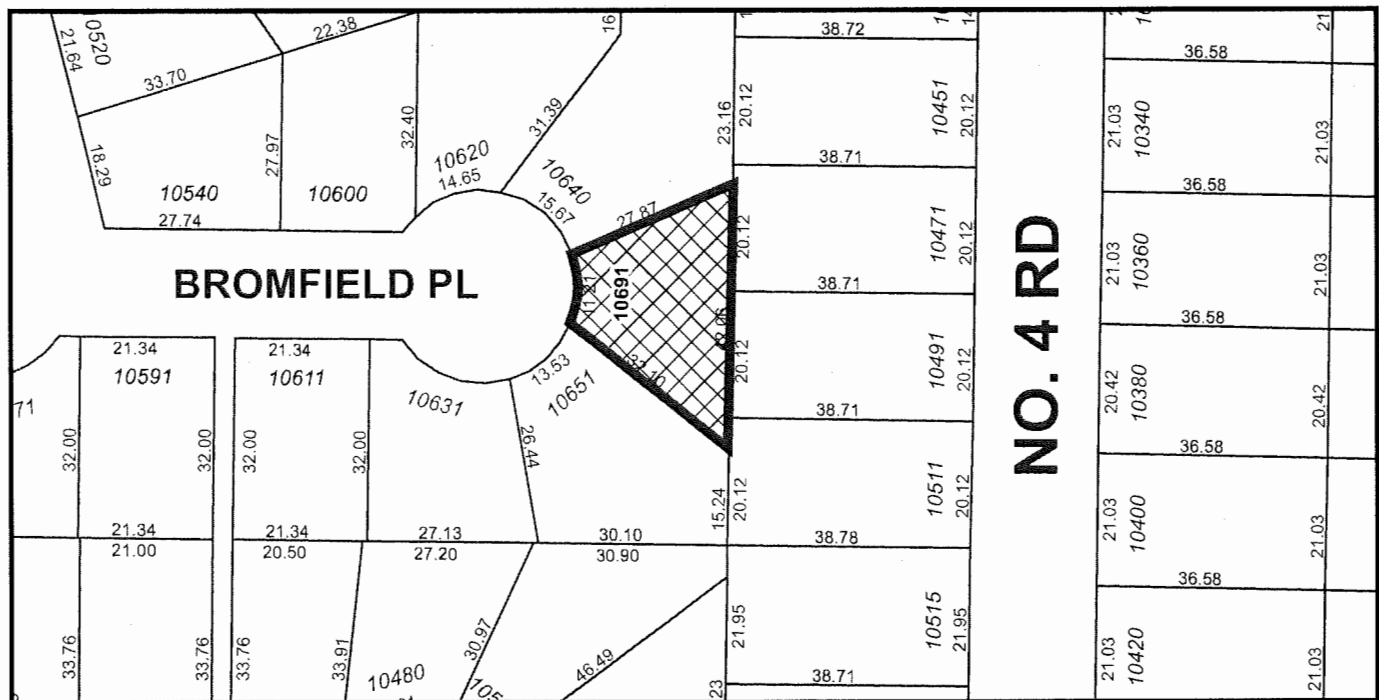
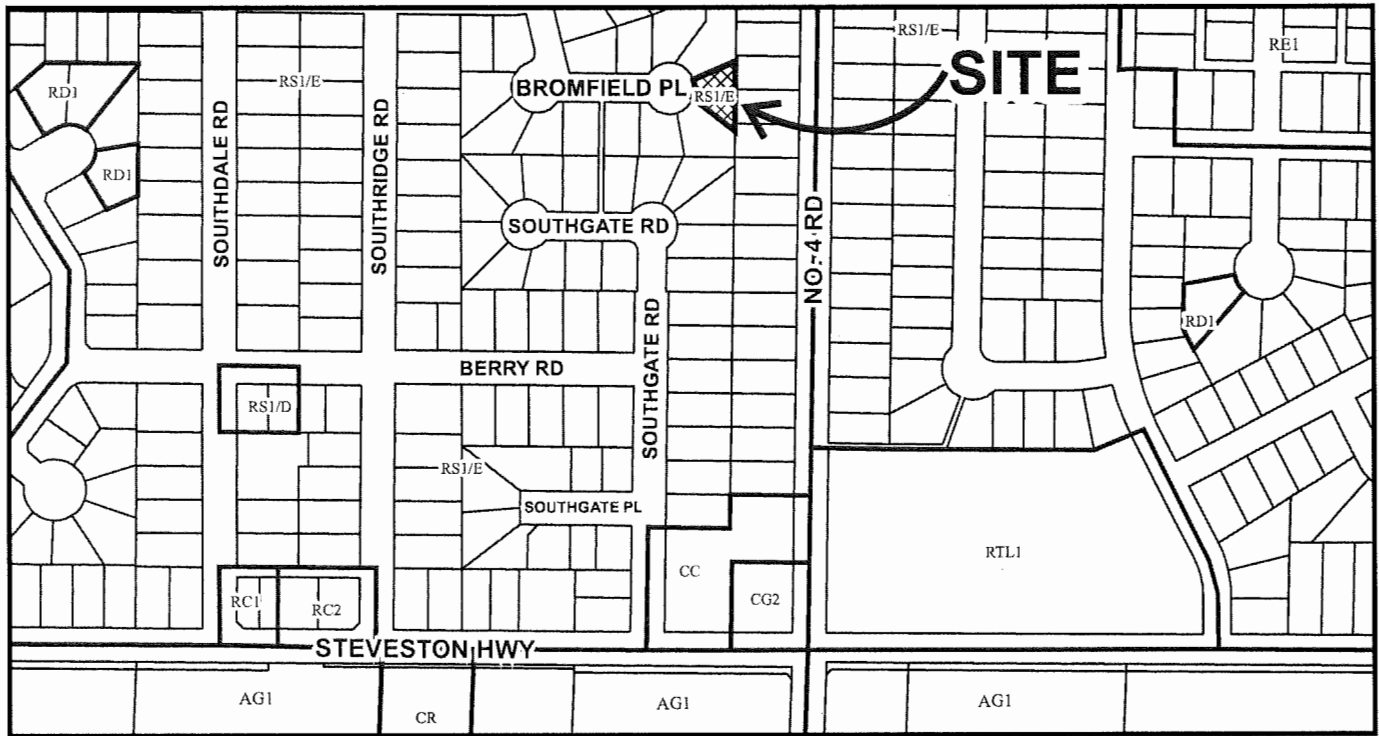
ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF , .

MAYOR



City of Richmond



DV 15-717479
SCHEDULE "A"

Original Date: 01/13/16

Revision Date:

Note: Dimensions are in METRES

