## City of

## Report to Development Permit Panel

| To: | Development Permit Panel | Date: | November 7, 2017 |
| :--- | :--- | :--- | :--- |
| From: | Wayne Craig | File: | DV 15-704583 |
|  | Director, Development |  |  |
| Re: | Application by Matilde Abella for a Development Variance Permit at <br>  |  |  |

## Staff Recommendation

That a Development Variance Permit be issued which would vary the provisions of Richmond Zoning Bylaw 8500 to:

1. Reduce the minimum required rear yard setback from 6.0 m to 3.85 m ; and
2. Reduce the requirement for live landscaping in the required front yard from $50 \%$ to $29 \%$.

This would permit the retention of an existing non-conforming addition to the single-family dwelling at 10455 Bridgeport Road on a site zoned "Single Detached (RS1/D)".


## Staff Report

## Origin

Matilde Abella has applied to the City of Richmond for permission to reduce the minimum required rear yard setback from 6.0 m to 3.85 m and reduce the minimum required coverage for live landscaping in the required front yard from $50 \%$ to $29 \%$, to permit the retention of a nonconforming addition to the single-family dwelling at 10455 Bridgeport Road, which was constructed without a Building Permit (Attachment 1). A site survey showing the existing condition is included in Attachment 2.

According to the applicant, the previous property owners made additions and alterations to the dwelling without a Building Permit, including an addition at the rear of the building, conversion of the carport into habitable space, and a number of interior alterations. Based on aerial photographs, the additions were constructed sometime between May 2007 and April 2009. Ownership transfer of the property to the current owners occurred in 2011.

The City was made aware of the illegal construction on January 18, 2015, during an inspection for illegal suites due to a complaint. Although no suites were found, the illegal construction was identified and a formal notice of bylaw infraction was provided to the owners on January 30, 2015. Subsequently, the owners applied for the required Building Permit to legitimize the previous construction and add a legal secondary suite (B7 15-693368). During the review process of the Building Permit application, it was determined that the addition at the rear of the dwelling does not comply with the minimum rear yard setback of the zone and a Development Variance Permit would be required to allow the existing house additions constructed without a Building Permit.

## Development Information

Please refer to the attached Development Application Data Sheet (Attachment 3) for a comparison of the proposed development data with the relevant bylaw requirements.

## Background

Development surrounding the subject site is as follows:
To the North: Single-family dwellings on lots zoned "Single Detached (RS1/D)" fronting McLennan Avenue.

To the East: Single-family dwellings on lots zoned "Single Detached (RS1/D)" fronting Bridgeport Road.
To the South: Across Bridgeport Road, a 54-unit townhouse development on a lot zoned "Low Density Townhouses (RTL1)".

To the West: Single-family dwelling on a lot zoned "Single Detached (RS1/D)" fronting McLennan Avenue.

## Staff Comments

Staff do not typically support the issuance of a Development Variance Permit to legitimize construction conducted without a Building Permit. However, the applicant purchased the property after the non-conforming construction occurred and has made an effort to address staff concerns regarding privacy, interface to adjacent properties and on-site landscaping. Additionally, the applicant has provided letters of support from all three adjacent property owners (or their representatives).

Issuance of a Development Variance Permit would not allow for further expansion or encroachment of the building into the rear yard. The applicant would still need to obtain a Building Permit for the existing addition if the variance is approved and the construction would be inspected at Building Permit stage for compliance to the B.C. Building Code (BCBC) and the Richmond Building Regulation Bylaw No. 7230. The owner will be responsible for any repairs or upgrades required to comply.

The proposed development plans attached to this report (Plan \#1 \& Plan \#2) have addressed the planning issues identified as part of the review of the subject Development Variance Permit application. In addition, the proposal complies with the applicable policies of the Official Community Plan (OCP) and is generally in compliance with the "Single Detached (RS1/D)" zone with the exception of the zoning variances noted below.

## Zoning Compliance/Variances (staff comments in bold)

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

1. Reduce the minimum required rear yard setback from 6.0 m to 3.85 m .
2. Reduce the requirement for live landscaping in the required front yard from $50 \%$ to $29 \%$.

## Staff recommend support for the proposed variances for the following reasons:

a) The proposal includes adding a legal secondary suite, which supports the City's Affordable Housing Strategy. However, due to the lot being located on an Arterial Road, an additional vehicle parking stall is required for the secondary suite, for a total of three stalls. In addition, due to the previous conversion of the carport into habitable space, the required parking is proposed to be accommodated on the driveway. Providing the required parking limits the ability to accommodate landscaping on-site.
b) The requirement for live landscaping in the front yard is relatively new, adopted by Council on July 24, 2017, and was not a requirement at the time of construction. Staff have worked with the applicant to maximize the amount of landscaping coverage in the front yard, while still providing the required off-street vehicle parking and maneuvering.
c) In addition to new landscaping proposed in the front yard, the applicant has also achieved a landscape design that provides adequate screening of the existing addition from the neighbouring properties and meets the requirement for a minimum $30 \%$ lot coverage for live landscaping is achieved. The proposal includes installing new fencing and removing existing paving to accommodate additional landscaping in the front and rear yards.

## d) The applicant has provided letters of support from all three adjacent property owners (or their representatives) (Attachment 4).

## e) While the applicant purchased the property after the non-conforming construction occurred, the applicant has worked with staff to address concerns regarding Zoning Bylaw compliance and achieved a proposal satisfactory to the adjacent neighbours.

## Analysis

## Conditions of Adjacency

- The existing rear addition, which consists of an enclosed kitchen/dining area and a covered patio open to two sides, projects 2.15 m into the required rear yard setback of 6.0 m , providing a 3.85 m separation from the property line to the north (Plan \#1).
- A 1.2 m side yard setback is provided to the east and west; consistent with the minimum requirement in the zone.
- To the north, east and west of the rear addition, the interfaces are single-family side yards. A new $1.8 \mathrm{~m}(6 \mathrm{ft}$.) high fence along the shared property lines between the neighbouring properties will be installed to ensure privacy between the properties and the subject site. The installation of the fence will be secured through the Landscaping Security (see "Landscape Design and Open Space Design" of this report).
- The area of the building addition is approximately $19.3 \mathrm{~m}^{2}\left(208 \mathrm{ft}^{2}\right)$ and the covered patio is approximately $28.1 \mathrm{~m}^{2}\left(302 \mathrm{ft}^{2}\right)$. The building addition is a single-storey and approximately $3.6 \mathrm{~m}(12 \mathrm{ft}$.) in height. The total floor area ratio of the dwelling, including the additions, complies with the requirements of the zone.
- Landscaping in the form of a tree and shrubs is proposed to provide additional screening of the existing addition from adjacent properties. More information is provided in the "Landscape Design and Open Space Design" section of this report.
- The structures do not encroach into the existing 3.0 m Statutory Right-of-Way for utilities (sanitary sewer) at the rear of the property. Engineering has no concerns with the proposal.


## Site Planning and Architectural Form \& Character

- The Building Permit application to legitimize the existing construction also includes an application for a legal secondary suite. The subject lot is located on an arterial road (Bridgeport Road), which requires one vehicle parking space for the secondary suite, in addition to the two vehicle parking spaces required for the principal dwelling, for a total of three parking spaces.
- Due to the conversion of the carport into habitable space, the required off-site parking is proposed to be located in the driveway. Staff have worked with the applicant to design the concrete area in the driveway to accommodate the required vehicle parking spaces, provide sufficient space for vehicle turn-around on-site to prevent vehicles from backing out onto Bridgeport Road, and maximize landscaping.
- The rear addition includes a gabled roof and siding that matches the existing dwelling. The covered patio includes an aluminum roof and railings. The design of the existing addition is consistent with the character of the single-family dwelling. For photos of the existing condition, please refer to Attachment 5.


## Landscape Design and Open Space Design

- Currently, approximately $1 \%$ of the lot coverage for the subject site is live landscaping. Staff have worked with the applicant to achieve the minimum lot coverage for live landscaping required in Zoning Bylaw 8500 (30\%), as demonstrated in the submitted Landscape Plan (Plan \#2).
- Included in the landscape plan, are the planting of two trees; one in the front yard and one in the rear yard, and a variety of shrubs, low-lying vegetation and grass. The proposal also includes removing portions of the existing concrete surface to increase the landscaped area on-site.
- A new $1.2 \mathrm{~m}(4 \mathrm{ft}$ ) high fence along a portion of the front yard and a new $1.8 \mathrm{~m}(6 \mathrm{ft}$.) high fence along the rear yard are proposed to provide screening of the vehicle parking area and rear addition, and increase privacy between the adjacent neighbouring properties.
- In order to ensure the proposed landscaping works are undertaken, the applicant is required to submit a Landscaping Security in the amount of $\$ 5,000$, which includes the installation of proposed fencing, prior to the application being forwarded to Council for approval. The security will be released after landscaping at the subject site is completed and a landscaping inspection by City staff has been passed.


## Conclusions

The applicant has applied to the City of Richmond for permission to reduce the minimum required rear yard setback from 6.0 m to 3.85 m and reduce the minimum required coverage for live landscaping in the required front yard from $50 \%$ to $29 \%$, to permit the retention of an existing non-conforming addition to the single-family dwelling at 10455 Bridgeport Road on a site zoned "Single Detached (RS1/D)".

The applicant purchased the subject property after the non-conforming construction occurred and has provided letters of support from all three adjacent property owners. The proposal complies with applicable policies contained within the OCP, and would generally comply with all aspects of the "Single Detached (RS1/D)" zone, with the exception of the two variances discussed.

The applicant has addressed the planning issues identified as part of the application review. On this basis, staff recommends support for the application.


Steven De Sousa
Planning Technician - Design
(604-204-8529)
SDS:blg
Attachment 1: Location Map
Attachment 2: Legal Survey
Attachment 3: Development Application Data Sheet
Attachment 4: Letter of Support
Attachment 5: Photos

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

1. Submission of a Landscaping Security to the City in the amount of $\$ 5,000$ to ensure replacement trees are planted and that the proposed landscaping works are undertaken.
Prior to future Building Permit issuance, the developer is required to complete the following:
2. Submit Building Permit plans that are consistent with Plan \#1 and Plan \#2.

## City of <br> Richmond



## TOPOGRAPHIC SITE PLAN OF LOT 392 SECTION 23 BLOCK 5 NORTH RANGE 6 WEST NWD PLAN 60845

CIVC ADDRESS:
10455 Bridgeport Road, Richmond
PID: 002-639--742

| SCALE | $1: 250$ |
| :--- | :--- |
| 2.5 | 0 |

ALL DISTANCES ARE IN MEIRES
The intended plot size of this plon is 280 mm in width
and 432 mm in height ( $B$ size) when piotted of a scale of 1:250.

LEGENO
$m^{2}$ DENOTES SOUARE METRES
$\triangle$ DENOTES CATCH BASIN - TOP ENTEY
O-C DENOTES STREET LIGHT - DAVIT

- DENOTES SANITARY MANHOLE DENOTES GROUND ELEVATION denotes concreti


NOIES
ot dimensions are derived from flon 60845
Meosurements shown are to the exterior siding of bullding


Elevations are Geodetic (CVD28 EVRD-IN METERS)
Derived from HPN Control Monument O2H2415
located of Bath Slough Pump Station North, South of Rivar Road, and East of No. 5 Raad. Elevation $=3.337 \mathrm{~m}$.

Invert elevotions are derived from field surve
Contractor to verify all service locations and inverts prior to construction
If this plan is used in digital form, Target Land Surveying (NW) Ltd.
will only ossume responsibility for information content
show on originol unaltered drawing.
This flan was prepared for architectural design and
site servicing purposes, ond is for the exclusive use
of our client. The signatory occepts no responsibility
or liability for any damages that may be suffered by a
alteration to this document without consent of the signatory.

This lot is subject to the following charges on the iitle
STATUTORY RIGHT OF WAY: RD82247
STATUTORY RIGHT OF WAY: RDI 35509 (EX. PLAN G0846) CERTIFIED CORRECT
DATED THIS 12TH DAY OF NINE, 2015

## DV 15-704583

Address: 10455 Bridgeport Road
Applicant: Matilde Abella
Owner: Matilde \& Paul Abella
Planning Area(s): Bridgeport

|  | Existing | Proposed |
| :--- | :---: | :---: |
| Site Area: | $408.7 \mathrm{~m}^{2}\left(4,399 \mathrm{ft}^{2}\right)$ | No change |
| Land Uses: | Single-family residential | No change |
| OCP Designation: | Neighbourhood Residential | Complies |
| Zoning: | Single Detached (RS1/D) | No change |


| Floor Area Ratio: | Bylaw Requirement | Proposed | Variance |
| :--- | :---: | :---: | :---: |
| Buildable Floor Area: | Max. 0.55 for $464.5 \mathrm{~m}^{2}$ of lot <br> area +0.3 for remainder | 0.5 | None permitted |
| Lot Coverage: | Max. $224.7 \mathrm{~m}^{2}\left(2,419 \mathrm{ft}^{2}\right)$ | $205.1 \mathrm{~m}^{2}\left(2,207 \mathrm{ft}^{2}\right)$ | None permitted |
| Setback - Front Yard: | Buildings: Max. $45 \%$ <br> Non-porous: Max. $70 \%$ <br> Landscaping: Min. $30 \%$ | Buildings: $39 \%$ <br> Non-porous: $69 \%$ <br> Landscaping: $31 \%$ | None |
| Setback - East Side Yard: | Min. 6 m | 11.12 m | None |
| Setback - West Side Yard: | Min. 1.2 m | 1.2 m | None |
| Setback - Rear Yard: | Min. 1.2 m | 1.2 m | None |
| Height: | Min. 6 m | 3.85 m | Variance <br> requested |
| Total off-street Spaces: | 2 for principal dwelling + <br> 1 for secondary suite $=3$ <br> total | 3 None |  |
| Front Yard Landscaping | $50 \%$ of the required front <br> yard setback | $29 \%$ | None |



Matilde Abella c/o Adison Zavier 10455 Bridgeport Rd., Richmond, BC V6X $1 \mathrm{S9}$ Contact Email: adison@kalyso-designs.com

June 26, 2017

Home Owner/Residents of:
10451 Bridgeport Rd.,
10491 Bridgeport Rd., and
2480 Mclennen Ave.
Richmond, BC

Dear Home Owner/Resident:

## RE: Letter of Support for the Development Variance Permit for 10455 Bridgeport Rd., Richmond BC

On behalf of the owner Ms. Abella, who is your adjacent neighbor at 10455 Bridgeport Rd., this letter is to inform and gather support for the Development Variance Permit for this property.

The following is a summary of items outlined in letters from the City of Richmond (attached):

1. Variance for permission to retain the current setback at $3.9 \mathrm{~m}(12.8 \mathrm{ft}$.) in lieu of the current bylaw of 6.0 m ( 19.7 ft .). - This variance is requested to retain the already existing back yard house additions and deck which was added prior the present owner's possession of the property.
2. Modification of Landscape to meet requirement of $\mathbf{3 0 \%}$ live material. The current landscape area is at $9 \%$. Additional landscaping will be incorporated to meet the city requirements as follows:
a) Reduction of the current asphalt surface at the front yard and the west side yard to become landscaping.
b) New fencing or additional height added to the backyard fence portion is required to provide adequate screening and privacy as noted in the attached letter dated May $16^{\text {th }}, 2017$. We propose a $5^{\prime}-10^{\prime \prime}$ to $6^{\prime}-0^{\prime \prime}$ high fence for the backyard.

The existing shrubs along the driveway beside the property 10491 Bridgeport Rd. will remain. All other fencing will remain as long as it meets the 4.0 height minimum, except for the backyard portion as noted in item in 2. b) above.

Attached for your reference is a copy of the Variance Application letters from the City of Richmond.

The owner will be make every effort to ensure the least amount of disruption to neighbours at the time of work to be performed on the property.

We trust that the information provided herein is in order and respectfully request your acknowledgement and support for proceeding with the Development Variance Permit application for 10455 Bridgeport Rd.

Please note: Time is of essence and we require this letter signed by or before Monday, July $3^{\text {rad }}$. Please deposit the signed original to the neighboring house of 10455 Bridgeport Rd. addressed to: Adison Zavier. Feel free to also contact me with any questions regarding this letter of support at: Email; adison@kalypso-designs.com, Ph: 778-382-7880

Sincerely,

Adison Zavier
on behalf of home owner: Matilde Abella


Encl.


Matioce -belia c/o Adison Zavier 104558 ridgeport Rd. Rithmond, 8C V6x 159 Contact Emat: adsonekalyso-des gns com

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tune-26.2017
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Resubmitted: August 13, 2017

$$
\begin{aligned}
& \text { Home Owner/Residente of. } \\
& 10451 \text { Bridgeport Rd. } \\
& 10491 \text { Bridgeport Rd., and } \\
& 2480 \text { McLennen Ave. } \\
& \text { Richmond, BC }
\end{aligned}
$$

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 Richmond.
 the time of work to be gerfor-sd on the proper.

 application for 10455 sidgeport Fd.

Please note: Time is of essence and we require this letter signed Upon Receipt of this Letter.
Please deposit the signed original to the neighboring house of 10455 Bridgeport Rd. addressed to: Adison Xavier, Principal - Kalypso Kreations - Designs

If you have further questions regarding this matter please contact the Steven De Sousa, City of Richmond at 604-204-8529.


Alison Xavier on behalf of home owner: Matilda Abella

Acknowledged and accepted in the City of Richmond by:
n
Residents of 10451 Bridgeport Rd., Richmond, British Columbia

Print Full Name
August 13,2017
Date signed

Encl.
From: Tammy Hannah [pmassist@sunstarrealty.ca](mailto:pmassist@sunstarrealty.ca)
Sent: Thursday, 9 November 2017 13:47
To:
De Sousa, Steven
Cc:
David Dak
Subject:
RE: Urgent - Owner of 10491 Bridgeport Road / Letter of Support for 10455 BridgeportRoad
Hi Steven
We have reviewed the information and have no issues with this request.
I hope this will be sufficient
Have a great day
Best Regards,
Sammy ..... Hannah
Manager | Operations
SUNSTAR REALTY LTD.
\#6-3003 Kingsway, Vancouver, BC. V5R 5J6
www. SunstarRealty.ca | T: 604-436-1335 | F: 604-436-1081
From: De Sousa,Steven [mailto:SDeSousa@richmond.ca]
Sent: November 9, 2017 1:46 PM
To: 'tammy@sunstarrealty.ca'
Subject: Urgent - Owner of 10491 Bridgeport Road / Letter of Support for 10455 Bridgeport Road
Hi Tammy,
As per our phone conversation, please see attached for letter of support for an adjacent Development Variance Permitapplication at 10455 Bridgeport Road to be signed by the property owner of 10491 Bridgeport Road.

The tenant has already provided a signed copy, but we need a copy from the owner.
Please let me know if you have any questions or concerns.

Thank you,

## Steven De Sousa

Planning Technician, Development Applications Department
City of Richmond / T: 604-204-8529

ATTACHMENT 5


No. DV 15-704583

To the Holder:<br>Property Address:<br>Address:<br>MATILDE ABELLA<br>10455 BRIDGEPORT ROAD<br>C/O ADISON ZAVIER \#407-1415 ST. GEORGES AVENUE NORTH VANCOUVER, BC V7L 4R9

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) Reduce the minimum required rear yard setback from 6.0 m to 3.85 m ; and
b) Reduce the requirement for live landscaping in the required front yard from $50 \%$ to 29\%.
4. The land described herein, and any buildings, structures, off-street parking facilities, landscaping and screening 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 (Plan \#1 \& Plan \#2).
5. As a condition of the issuance of this Permit, the City is holding the security in the amount of $\$ 5,000$ to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Holder if the security is returned. The condition of the posting of the security is that should the Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Holder. Should the Holder carry out the development permitted by this permit within the time set out herein, the security shall be returned to the Holder. The City may retain the security for up to one year after inspection of the completed landscaping in order to ensure the plant material has survived.
6. 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.

## Development Variance Permit

## No. DV 15-704583









