



Board of Variance

**Wednesday, May 29, 2019 – 7 p.m.
Council Chambers, 1st Floor**

**Richmond City Hall
6911 No. 3 Road
Richmond, BC V6Y 2C1**

CALL TO ORDER

1. Election of Chair.

MINUTES

BOV-3

*Adoption of the **minutes** of the meetings of the Board of Variance held on April 19, 2018.*

2. **BOARD OF VARIANCE APPEAL (PHIL AND MICHELE ISAAK – 8351 PIGOTT ROAD)**

(File Ref. No. BV 19-858915) (REDMS No.6176078)

BOV-7

See Page BOV-7 for full application

Applicant: Phil and Michele Isaak

Address: 8351 Pigott Road

Board of Variance Agenda
Thursday, April 19, 2018

Pg. # ITEM

Purpose: The applicants have submitted an appeal to the Board of Variance (Attachment 2) for the property at 8351 Pigott Road in order to vary the following provisions of Zoning Bylaw 8500:

1. Reduce the minimum required side yard setback (Section 4.7.8) from 1.2 m for portions of the principal building which do not exceed 5.0 m in height to 0 m.

Order of Proceedings:

1. Presentation from the applicant.
2. Written submissions.
3. Public submissions.
4. Board deliberation.

ADJOURNMENT





**Board of Variance
Thursday, April 19, 2018**

Time: 3:30 p.m.
Place: Council Chambers
Richmond City Hall
Present: Howard Jampolsky, Chair
Sheldon Nider
Dalip Sandhu
Sam Virani
Abdolhamid Ghanbari (entered at 7:10 p.m.)

The meeting was called to order at 7:04 p.m.

MINUTES

It was moved and seconded

That the minutes of the meeting of the Board of Variance held on January 18, 2018, be adopted.

CARRIED

1. BOARD OF VARIANCE APPEAL (BRIAN AND LINDA COOPER – 5511 CATHAY ROAD)

(File Ref. No. BV 17-792821) (REDMS No. 5684908)

APPLICANT: Brian and Linda Cooper

ADDRESS: 5511 Cathay Road

PURPOSE: The applicant has submitted an appeal to the Board of Variance for the property at 5511 Cathay Road in order to vary the following provisions of Zoning Bylaw 8500:

Board of Variance
Thursday, April 25, 2018

1. Reduce the minimum required rear yard setback (Section 8.1.6.6.) from 20% of the total lot depth (7.2 m) for a maximum width of 60% of the rear wall of the first storey and 25% of the total lot depth (9.0 m) for the remaining 40% of the rear wall of the first storey and any second storey (illustration provided in Attachment 3) to 3.0 m; and
2. Reduce the minimum required side yard setback (Section 8.1.6.3 & 4.7.8) from 2.0 m, and 1.2 m for portions of the principal building which do not exceed 5.0 m in height, to 0.8 m.

Applicant's Comments

Brian Cooper, 5511 Cathay Road, provided a brief overview of the application to the Board, noting that he has been working with the City to bring the bed and breakfast to compliance. Also, it was noted that in order to comply with the City's regulations, the accessory structure is no longer being used as a third bedroom. He added that neighbouring residents have expressed support for the bed and breakfast to continue operation.

Abdolhamid Ghanbari entered the meeting (7:10 p.m.).

Board Discussion

Discussion ensued with regard to the building permits issued for additions on-site. Staff noted that building permits were issued for the original house and the pool, however subsequent work done on the second floor were not permitted and operating the detached accessory building as a dwelling unit violates City regulations. Also, staff noted that the whole east portion of the main building would need a variance in order to bring the building into compliance.

In response to queries from the Board, Mr. Cooper noted that it is not economically feasible to relocate and attach the accessory building to the main building. After consulting with staff, Mr. Cooper has suggested that constructing an enclosed pathway to the accessory building in order to join the two buildings together may be a viable option in order to achieve compliance.

Written Submission

None.

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Gallery Comments

A family member expressed support for the application, noting that the operators have been working with the City to bring the bed and breakfast into compliance. She also read a letter from a Richmond bed and breakfast operator expressing support for the application.

Board Deliberation

Discussion ensued with regard the historical permits issued by the City for site and concern was raised that approving the application may be precedent setting.

In reply to queries from the Board, Mr. Cooper noted that the operation was licensed for three bedrooms and that maintaining a two bedroom operation is not economically feasible. He added that should the business license be revoked, reapplication for a new license would not be possible due to the site's proximity to other bed and breakfast businesses.

In reply to queries from the Board, staff noted that should the variance not be granted, the applicants may pursue an application through the Development Variance Permit process.

Board Decision

There was agreement to consider Parts (1) and (2) of the variance separately.

It was moved and seconded

That the appeal application to vary the provisions of Zoning Bylaw 8500 to reduce the minimum required rear yard setback (Section 8.1.6.6.) from 20% of the total lot depth (7.2 m) for a maximum width of 60% of the rear wall of the first storey and 25% of the total lot depth (9.0 m) for the remaining 40% of the rear wall of the first storey and any second storey (illustration provided in Attachment 3) to 3.0 m for 5511 Cathay Road be granted.

CARRIED

Discussion ensued with regard to (i) the works required on the main building and accessory building to achieve compliance, (ii) the historical permits and business licenses issued by the City to the bed and breakfast, and (iii) the City's regulations related to short-term rentals adopted in 2017.

In reply to queries from the Board, staff noted that Council granted a business license extension to the bed and breakfast in 2017.

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It was moved and seconded

That the appeal application to vary the provisions of Zoning Bylaw 8500 to reduce the minimum required side yard setback (Section 8.1.6.3 & 4.7.8) from 2.0 m, and 1.2 m for portions of the principal building which do not exceed 5.0 m in height, to 0.8 m, for 5511 Cathay Road be granted.

CARRIED

Opposed: Howard Jampolsky
Sam Virani

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (8:29 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the Board of Variance held on Thursday, April 19, 2018.

Howard Jampolsky
Chair

Claudia Jesson
Secretary to the Board (designate)



To: Board of Variance
From: Wayne Craig
Director, Development

Date: May 7, 2019
File: BV 19-858915

**Re: Board of Variance Appeal
(Phil and Michele Isaak – 8351 Pigott Road)**

Background

In August 2014, the City received a complaint for work done without permits regarding a carport on the subject property at 8351 Pigott Road. A City building inspector confirmed the unauthorized construction of the carport. The owners, and applicants of the subject application, applied for a Building Permit in September 2014. The plans submitted with the application showed compliance with Zoning Bylaw 8500, and staff issued a Building Permit in November 2014, for which the applicants also submitted a penalty fee for the unauthorized work.

The Building Permit application was never closed and in early 2019, a City building inspector visited the property and found that the carport was built to the west property line and is not in compliance with Zoning Bylaw 8500. The applicants claim the carport was built approximately ten years ago. In order to retain the existing carport, the owners have submitted an appeal to the Board of Variance to vary the provisions of Zoning Bylaw 8500.

Findings of Fact

The following table provides the regulatory context of the subject application at 8351 Pigott Road (Attachment 1), selected property features and the proposed variance.

Existing		Proposed	
Site Size:	735 m ² (7,911 ft ²)	No change	
Land Use:	Single family residential	No change	
OCP Designation:	Neighbourhood Residential	No change	
Zoning:	Single Detached (RS1/E)	No change	
Required		Proposed	Variance
Side yard setback:	1.2 m (for portions of the principal building which do not exceed 5.0 m in height)	0 m	Variance requested

Purpose

The applicants have submitted an appeal to the Board of Variance (Attachment 2) for the property at 8351 Pigott Road in order to vary the following provisions of Zoning Bylaw 8500:

1. Reduce the minimum required side yard setback (Section 4.7.8) from 1.2 m for portions of the principal building which do not exceed 5.0 m in height to 0 m.

A location map and aerial photo of the subject property are provided in Attachment 1. Information and supporting materials submitted in conjunction with the Board of Variance appeal are provided in Attachment 2. A copy of the drawings submitted with the Building Permit application in 2014 on file with the City is provided in Attachment 3.

Staff Comments

Zoning Bylaw 8500 prohibits structures within the required minimum side yard setback. For this property, the required side yard setback is 1.2 m where the portion of the structure is less than 5 m in height. The carport complies with all other technical requirements contained in the “Single Detached (RS1/E)” zone, except for the minimum side yard setback. The carport encroaches 1.2 m into the required side yard setback up to the property line.

The structure, as built, is contrary to the BC Building Code (BCBC) setback requirement of 1.2 m from the property line. Should the Board of Variance grant the request by the applicant, the applicant would be required to apply for a Building Permit, address the non-compliance with the BCBC, and be supported by a report from a Building Code engineer that demonstrates acceptable code equivalency. Staff have concerns that due to the current state of the carport and building materials used to construct the carport, significant alterations may be needed to achieve BCBC compliance.

Conclusion

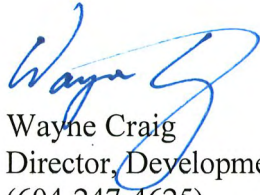
The applicant has submitted an appeal to the Board of Variance for 8351 Pigott Road in order to vary the side yard setback regulations (Section 4.7.8). The proposal is being forwarded to the Board of Variance for consideration.

May 7, 2019

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At the conclusion of the hearing for an application, the Board may:

- Grant or deny the order requested by the applicant and provide reasons.
- Request further information from the applicant, City staff, or any person who has made a submission to the Board in respect to the application and adjourn the meeting.
- Reserve its decision and provide a written decision at a later date.



Wayne Craig
Director, Development
(604-247-4625)

WC/NC:blg

Attachments:

Attachment 1: Location Map/Aerial Photo

Attachment 2: Application Package

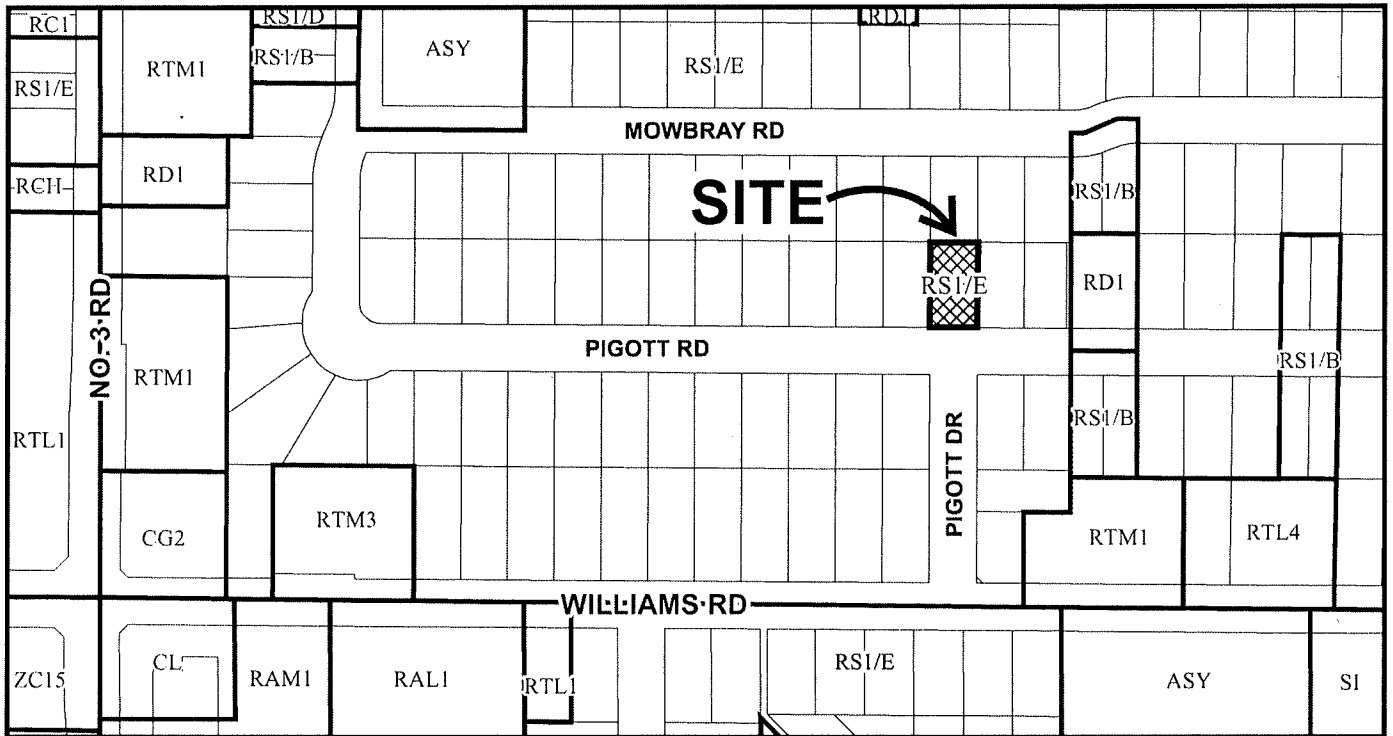
Attachment 3: Building Permit Drawings on File

pc: Joe Erceg, General Manager, Planning and Development



City of Richmond

ATTACHMENT 1



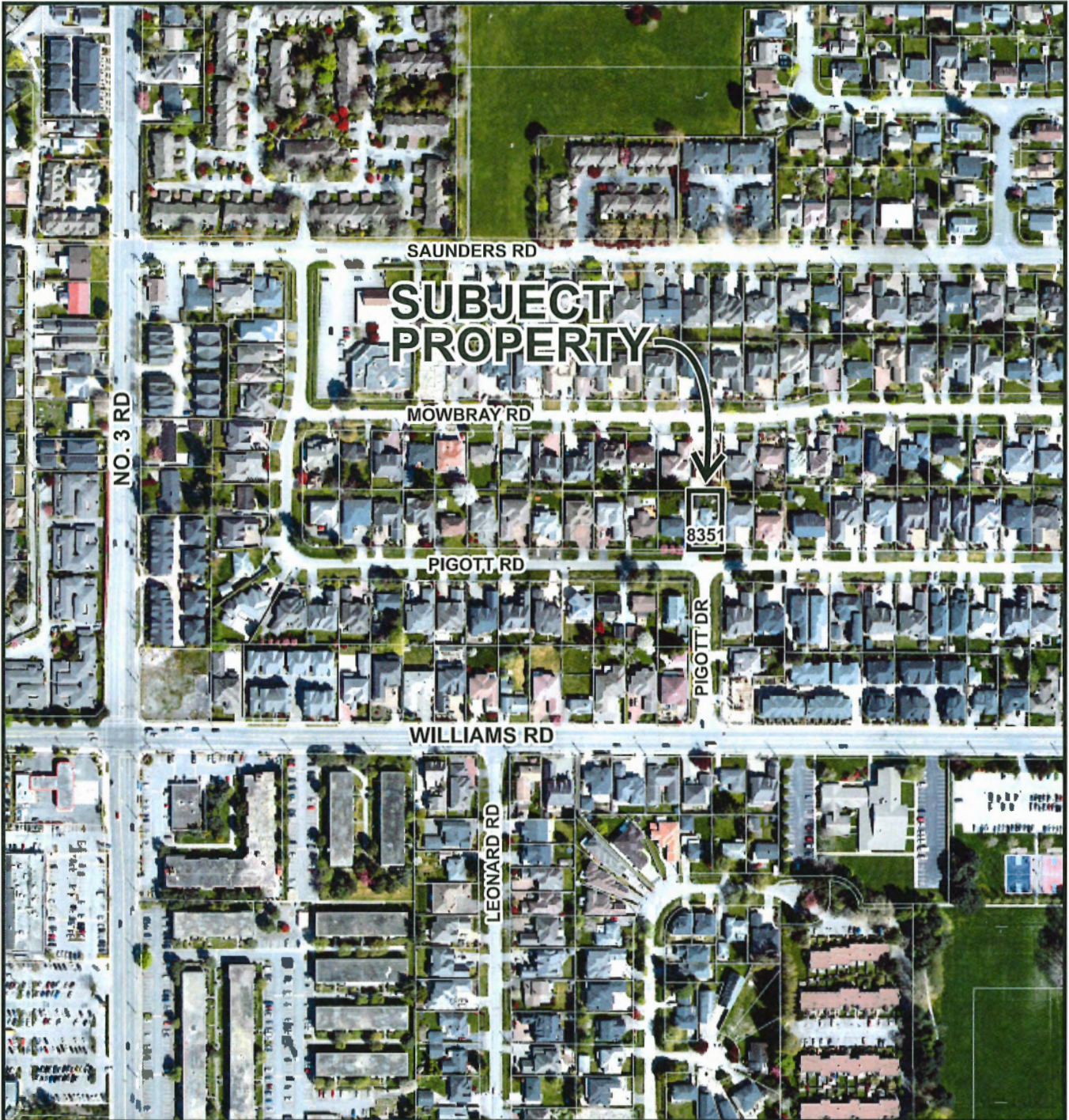
	20.12	20.12	20.12	20.12	20.12	20.12	20.12	13.41	15.22	20.12	21.4
36.58	36.58	36.58	36.58	36.58	36.58	36.58	36.58	36.58	36.58	40.75	40.75
	8271	8291	8311	8331	8351	8371	8391	8411	8451	84	
	20.12	20.12	20.12	20.12	20.12	20.12	18.34	30.43	20.12	21.1	

PIGOTT RD											
40.77	20.12	20.12	20.12	20.12	PIGOTT DR	20.12	20.12	14.32	14.32	20.12	20.9
	8280	8300	8320			8380	8400	8420	8428	8460	84
	40.77	40.77	40.77	40.77	9779	40.77	40.77	43.77	43.77	43.78	

	BV 19-858915	<p>Original Date: 04/29/19</p> <p>Revision Date:</p> <p>Note: Dimensions are in METRES</p>
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City of Richmond



BV 19-858915

Original Date: 04/29/19

Revision Date:

Note: Dimensions are in METRES