

Staff Report to Council

Planning and Development

FILE: 3090-20-2020-03

REPORT DATE: May 15, 2020 MEETING DATE: June 16, 2020
TO: Mayor and Council
FROM: Anne Berry, Director of Planning and Development
SUBJECT: Development Variance Permit Application for 11626 Harris Road

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S): THAT Council:

- A. Deny consideration of a development variance permit for 11626 Harris Road as outlined in the Staff Report dated May 15, 2020 and presented to Council at the June 16, 2020 Council Meeting;
OR
- B. Other.

PURPOSE

To present an application for a development variance permit at 11626 Harris Rd to reduce the minimum required rear and side yard setbacks to 0 m for a pergola.

☐ Information Report ☒ Decision Report ☐ Direction Report

DISCUSSION

Background:

Applicant/Owner: Daniel & Rheanell Gow
Civic Address: 11626 Harris Rd
Property Size: 376.9 m² (4,057 ft²)
OCP Designation: Residential – Low Density
Zoning: Comprehensive Development F



This property is part of the Fieldstone Park development. It contains a two-story, single-family dwelling with approximately 263 m² (2800 ft²) of gross floor area. It was built in 2010 with a 19 m² (205 ft²) open deck at the back of the house.

The current property owners purchased the house in July of 2019. After purchasing, they had a new, detached pergola built in the backyard. A complaint was received by the City about the construction of the pergola. Staff investigated and it was determined that the pergola was constructed without a building permit and too close to both the rear and side property lines and the existing house.

A building permit for the structure cannot be issued unless it complies with the regulations in the Zoning Bylaw. As noted, the structure does not comply with the required setbacks. As such, the property owners have applied for a development variance permit to allow the pergola to remain in its current location.

Relevant Policy, Bylaw or Legislation:

City of Pitt Meadows Zoning Bylaw No. 2505, 2011. The property's CD-F (Comprehensive Development F) zoning permits a single-family dwelling and accessory structures. Accessory structures are regulated in terms of height, setbacks, size and separation.

Analysis:

The property is located within the comprehensively planned, Fieldstone Park subdivision, consisting of compact lots with traditional heritage style homes featuring front porches and verandas. A covenant outlining the building and design guidelines was registered on all the properties in the neighbourhood, to ensure the cohesive and coordinated development of the subdivision. The design covenant is silent on the topic of accessory buildings and structures, other than to note that unenclosed rear decks can be constructed up to 1 m from the rear property line.

The subject pergola is 32 m² (344 ft²) and located along the north side of the property at 11626 Harris Rd. The posts are setback approximately 1.1 m from the rear and side property lines; the overhang is almost right up to those property lines. One post was constructed about 2 cm from the house, although the bulk of the pergola is about 1 m from the house.

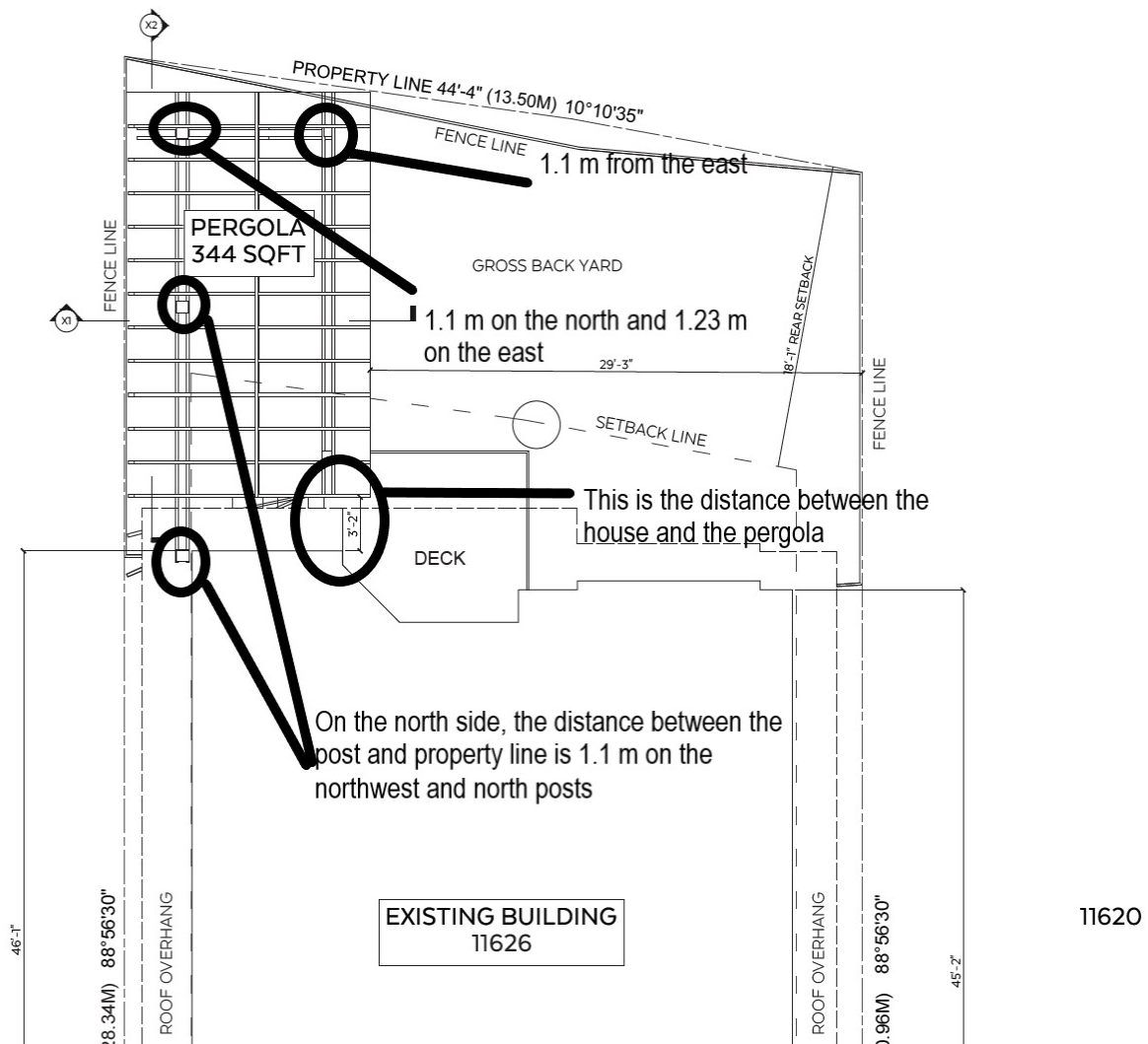


Figure 1: Site Plan of Pergola

The lots in this subdivision are compact and have smaller side setbacks than standard single-family lots in other parts of Pitt Meadows. The majority of single-family lots (R-1 zoning) in the City have a 1.5 m (5 ft) side setback; the properties in this subdivision have a 1.2 m (4 ft) setback and, therefore, the posts of the pergola are only slightly closer than the existing side of the house.

In the Zoning Bylaw, regulations for accessory buildings and structures (such as a pergola) include the following:

- Maximum two per lot;
- Maximum height of 4 m (13 ft);
- Maximum lot coverage of 46 m² (495 ft²);
- Minimum setback of 1.2 m (4 ft) from rear and side property lines;
- Eaves on an accessory structure may project 0.3 m (1 ft) into the rear and side setback; and

- Minimum separation of 2 m (6.5 ft) required between all buildings and structures on a lot.

The intent of these regulations varies but includes fire protection, backyard privacy, protection of open space, drainage; and maintenance of traditional single-family neighbourhood character. As this pergola was constructed without the benefit of a building permit, the homeowners and contractor may not have been aware of these regulations. However, in constructing the pergola in its current location, the following variances are required in order to permit it:

	<i>Required</i>	<i>Actual</i>	<i>Variance Amount</i>
<i>Rear setback</i>	1.2 m	0 m	1.2 m
<i>Side setback</i>	1.2 m	0 m	1.2 m
<i>Separation</i>	2 m	0.02m	1.98 m

Table 1: Variances Requested

Generally, staff are not supportive of structures that are built right to a property line, especially in single family residential neighbourhoods. They can lead to privacy and drainage issues between neighbours. The immediate next-door neighbor to this property is opposed to the location of the pergola, due to glare from the pergola glass into their master bedroom and potential for stormwater and debris to slide off the pergola roof into their property.

Recommendation

Although constructed without the benefit of a building permit, which would have identified the non-compliance prior to construction, the pergola appears to be well-built and a nice-looking feature to the house. Staff do not support zero lot line setbacks in single-family residential neighbourhoods and, therefore, do not support this application.

If this application is not approved, then a building permit cannot be issued for the structure as is. The property owners will be required to relocate or cut back the structure to ensure it complies with the regulations in the Zoning Bylaw, and then a building permit can be issued. If the structure is not brought into compliance, the City could order the structure be removed or relocated, or register a notice on title that building regulations were not complied with, under section 57 of the *Community Charter*.

Alternatively, Council can authorize that this application proceeds further by directing staff to:

- Draft a Development Variance Permit for 11626 Harris Road; and
- Publish notice that Council will consider the Development Variance Permit for 11626 Harris Road at an upcoming Regular Meeting of Council; and
- Notify surrounding property owners, within a 50 m radius, that Council will consider the Development Variance Permit for 11626 Harris Road at an upcoming Regular Meeting of Council.

COUNCIL STRATEGIC PLAN ALIGNMENT

- ☐ Principled Governance ☐ Balanced Economic Prosperity ☐ Corporate Excellence
☐ Community Spirit & Wellbeing ☐ Transportation & Infrastructure Initiatives
☒ Not Applicable
-

FINANCIAL IMPLICATIONS

- ☒ None ☐ Budget Previously Approved ☐ Referral to Business Planning
☐ Other
-

PUBLIC PARTICIPATION

- ☒ Inform ☒ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

If directed by Council to further process this application, staff will notify all property owners and residents within 50 m (164 ft) of the subject property, as per the City's Development Procedures Bylaw No. 2740, 2016. Any comments or feedback received will be reported to Council before consideration of issuance of the Development Variance Permit.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No

SIGN-OFFS

Written by:

Allison Dominelli
Development Services Technician

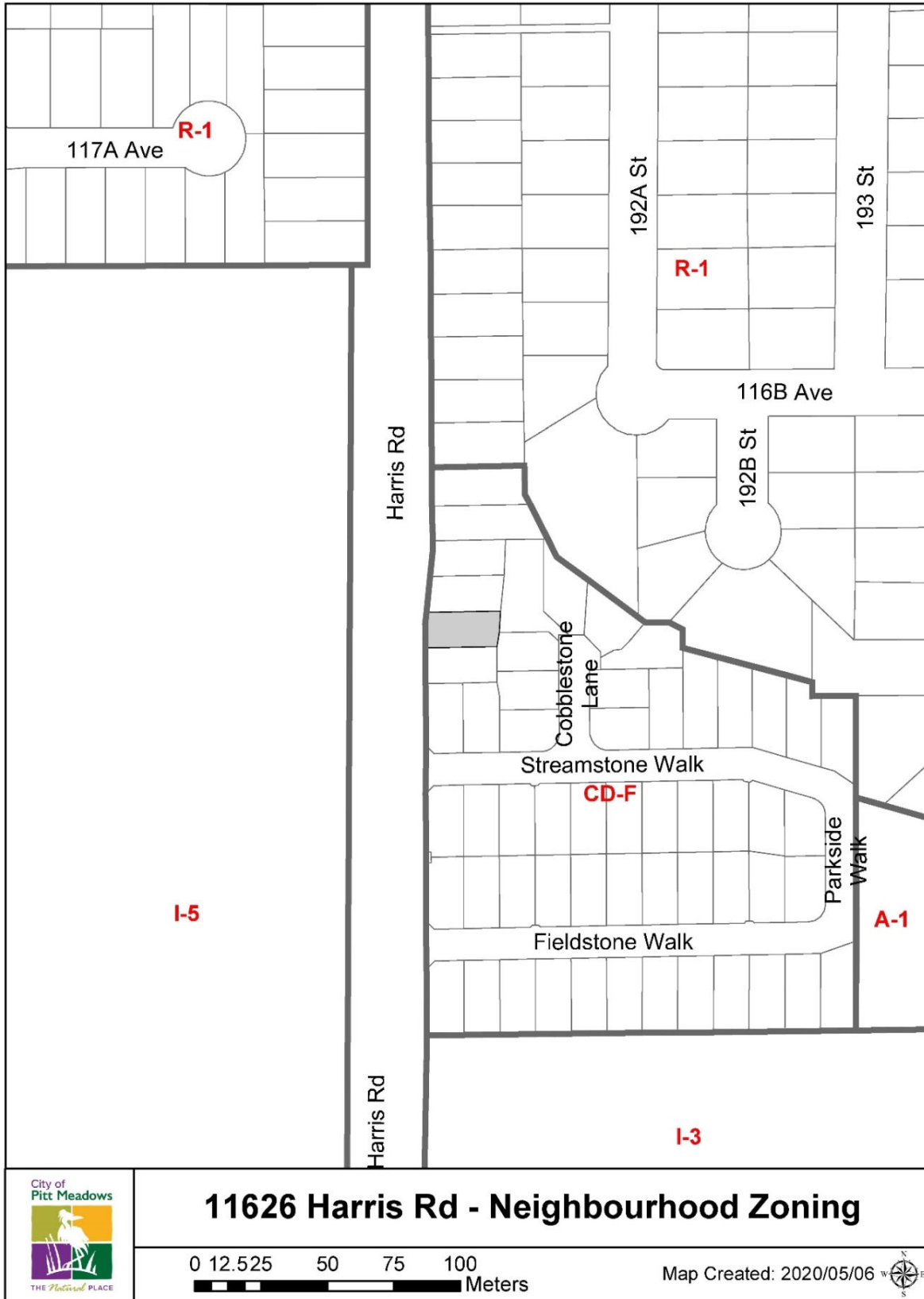
Reviewed by:

Alex Wallace
Manager of Community Development

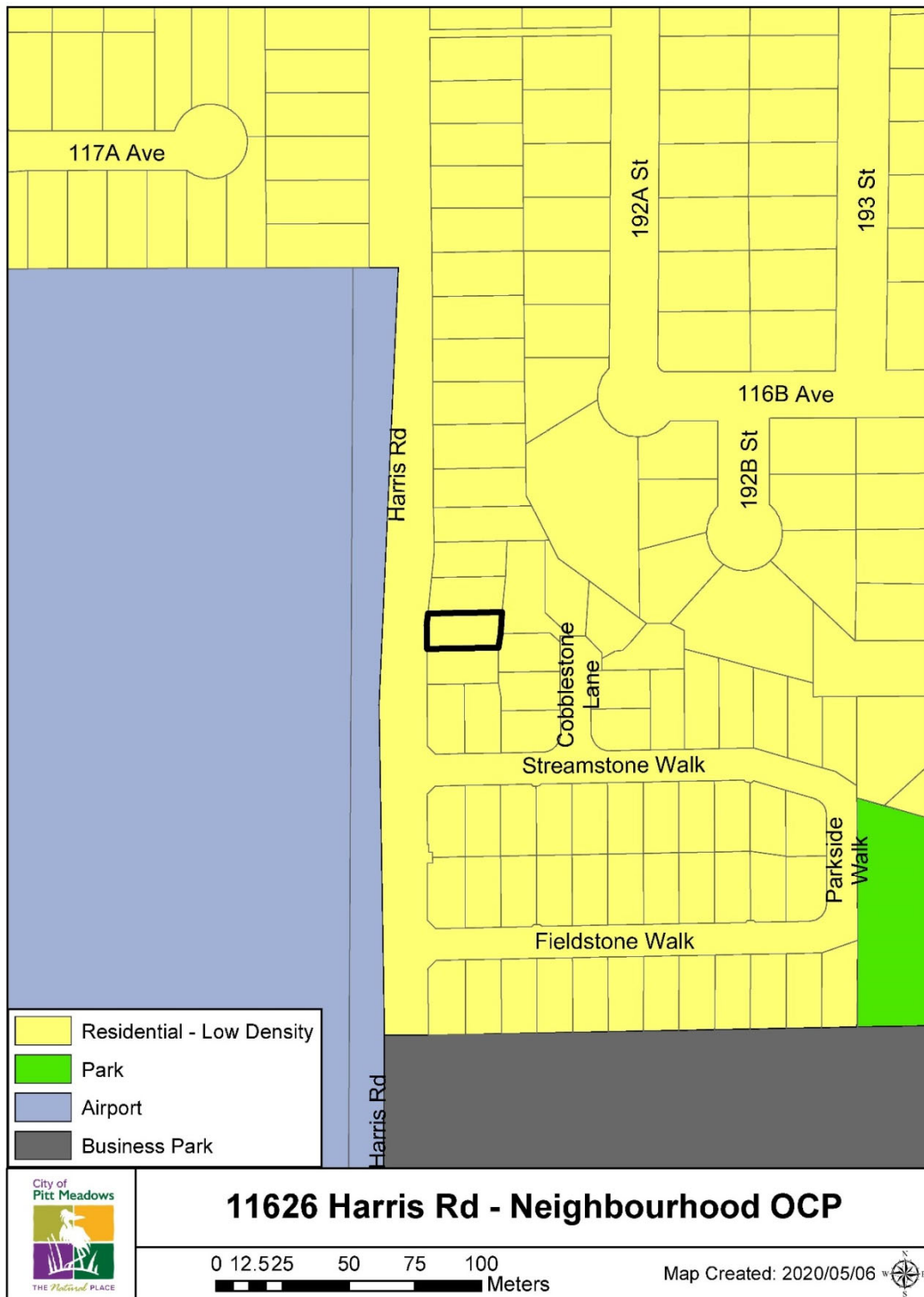
ATTACHMENT(S):

- A. Zoning Map
- B. OCP Map
- C. Aerial Photo
- D. Site Plan
- E. Elevations
- F. Letter of Intent
- G. Email from next-door neighbour

Attachment A: Zoning Map



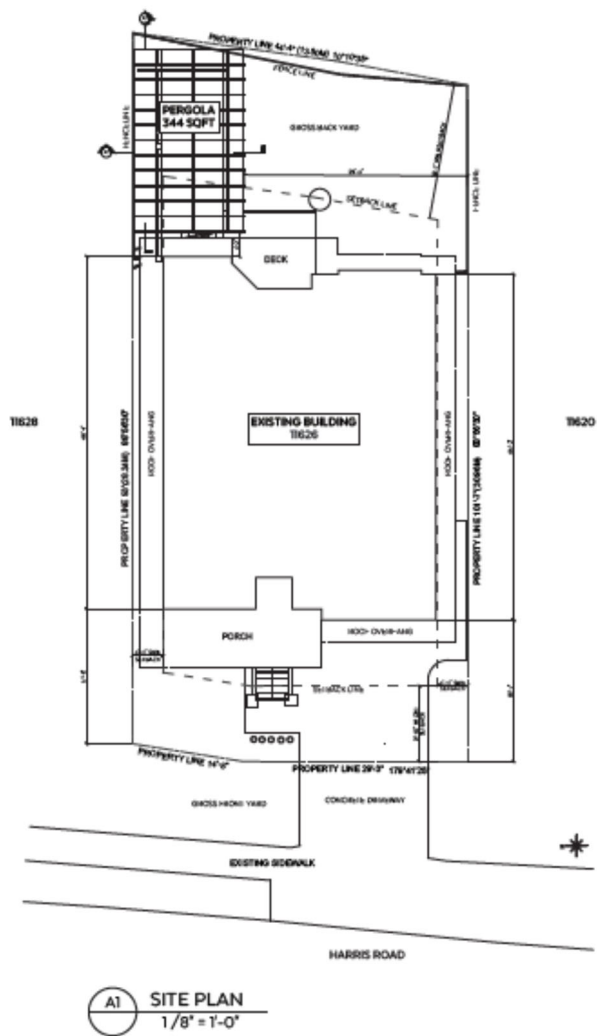
Attachment B: OCP Map



Attachment C: Aerial Photo



Attachment D: Site Plan



Attachment E: Elevations

PROJECT INFO:

ZONING : CD-F

LEGAL DESCRIPTION: LOT 30 PLAN BCP 25421 DISTRICT LOT 282 LAND DISTRICT 1 LAND DISTRICT 36

CIVIC ADDRESS: 11626 HARRIS ROAD, PITT MEADOWS

LAND SIZE : 4,057 SQFT

ZONING :

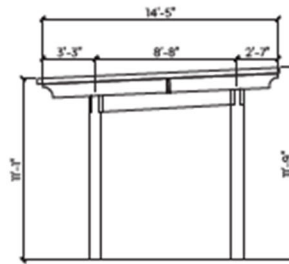
LOT COVERAGE SHALL NOT EXCEED A LOT COVERAGE OF 50%

LOT COVERAGE : 48.8%

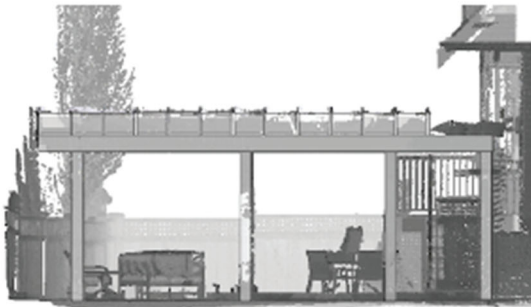
2,200 SQFT (TOTAL STRUCTURE FOOTPRINTS)/4,057 SQFT(LAND SIZE)
=0.488 X 100= 48.8



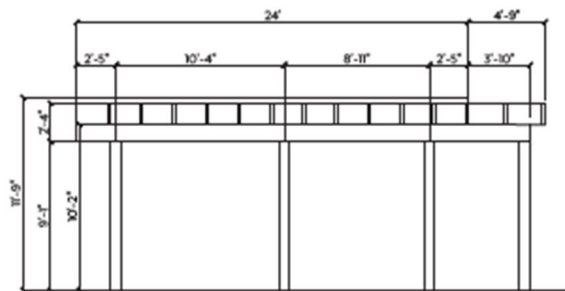
NORTH SOUTH SECTION IMAGE



X1 NORTH SOUTH SECTION
1/4" = 1'-0"



EAST WEST SECTION IMAGE



X2 EAST WEST SECTION
1/4" = 1'-0"

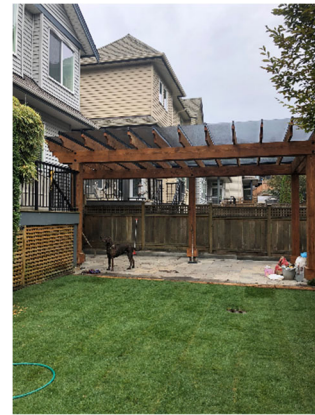
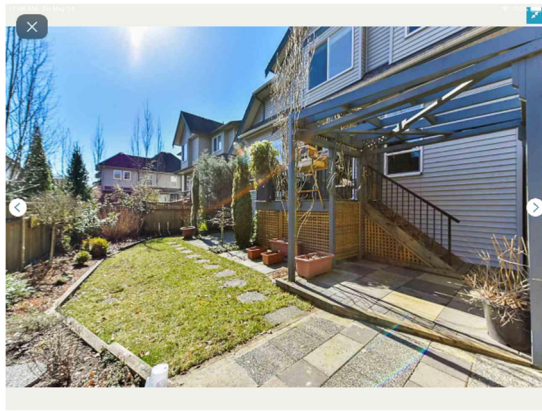
Attachment F: Letter of Intent

Letter of Intent

Re: Pergola structure at 11626 Harris Road, Pitt Meadows BC

To City of Pitt Meadows

We purchased this property with an existing pergola structure erected in the back yard. However, it was not well built and was very unstable. Therefore, it was removed and replaced with the structure that currently stands.



The setback on the vertical structure of the pergola is no more than that of the canted house setback and only 4" difference between the previous structure and the current one, in accordance with the 1.2m from the lot line. That is to allow for the sturdiness of the building materials used.



The roof rafter tail placements and eavestrough are in line with the fence between this property and the neighbouring property to the north (11628 Harris Road) and extending slightly past to the northeast property on one structure corner (11631 Cobblestone Lane). See Site Plan for details. This decision was to allow for maximum coverage and visual appeal. We are seeking a variance with the city to allow for a 0m setback. We are asking you to waive the setback as outlined by the city by-law.

The tinted glass on the roof is single-paned, non-coated, flat, and meant to withstand the weight of snow and rain. The colour, tint, and flatness of the glass should reduce any sun glare and prevent damage from the sun to neighbouring properties due to angles or cause it to be a parabolic reflector. The glass is flat and at a slight angle as to allow snow melt and rain runoff into the eavestrough and downspout on the north side.

We are fortunate in the Fieldstone neighbourhood along Harris Road to have extra drainage plumbed in through our backyards to account for the fact that these homes are built in a floodplain. We all have a storm sewer drain in our backyards and ours is not covered by the pergola. The downspout from the pergola goes directly into this drainage system, as does rainfall from the entirety of the back yard. We as well have removed all extra foliage, ground cover, dirt, and landscaping materials to allow for proper drainage on this property and not cause excessive ground saturation or increase in neighbouring water tables.

We are asking the city of Pitt Meadows to grant a variance permit for the pergola structure at 11626 Harris Road with a 0m setback and allow the structure to stay as is on the property.

Thank you

Dan and Rheanell Gow

Homeowners

Attachment G

Hi Ms. Allison,

This is Lara, thank you for the reply. I'm just curious about the status of my inquiries about my neighbors 'Pergola' or glass canopy.

I am new on this country and still learning lots of things. Anyway when I inquired about the property line rules, I was informed from the city hall that when they build the Pergola it has NO BUILDING PERMIT. And after few days our neighbor talked to us and gave us a compromise letter to sign. But my husband and I decided not to sign anything. At present, the glare of their Pergola roof was striking our masters bedroom window and back porch. And the other concerns might be on fall and winter time, because their gutter is exactly on the property line, the muck might possibly fall on our side.

(Anyway my point is, i want it to be moved! Its not our fault if they did not checked it in the city hall on building new structures on their back yard. If they want to keep it, do it on the right way!)

Please give me an update when this concern move forward.

Be safe and keep healthy