

Staff Report to Council

Planning and Development

FILE: 3090-20-2020-03

REPORT DATE: October 09, 2020

MEETING DATE: November 17, 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. Approve issuance of Development Variance Permit No. 2020-003 to vary setbacks for a covered pergola at 11626 Harris Road; OR
- B. Other.

PURPOSE

To issue a development variance permit at 11626 Harris Rd to reduce the minimum required setbacks for a covered pergola.

☐ Information Report

☒ Decision Report

☐ Direction Report

DISCUSSION

Background:

This application was initially considered by Council on June 16, 2020 where the following motion was passed:

“REFER back to Staff to work with the homeowner of 11626 Harris Road to identify options in order to bring the structure into compliance with City requirements and address concerns.”

The homeowners submitted a revised proposal for Council's consideration which included cutting back the overhang and installing a frosted spray paint treatment on the roof to reduce glare.

At the September 22, 2020 Meeting, Council passed the following motion:

"Direct staff to notify surrounding residents that Development Variance Permit No. 2020-003 to vary setbacks for a covered pergola at 11626 Harris Road will be considered at an upcoming Regular Meeting of Council."

Staff have provided written notice as outlined on Attachment D.

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 following variances are requested:

	<i>Required</i>	<i>Actual</i>	<i>Variance Amount</i>
<i>Rear setback posts</i>	1.2 m	1.1 m	0.1 m
<i>Rear setback overhang</i>	0.9 m	0 m	0.9 m
<i>Side setback posts</i>	1.1 m	1.1 m	0.1 m
<i>Side setback overhang</i>	0.9 m	0.6 m	0.3 m
<i>Separation</i>	2 m	0.02m	1.98 m

Table 1: Variances Requested

The proposed revisions to the pergola look like this, with the area where the roof overhang will be cut back highlighted in yellow:

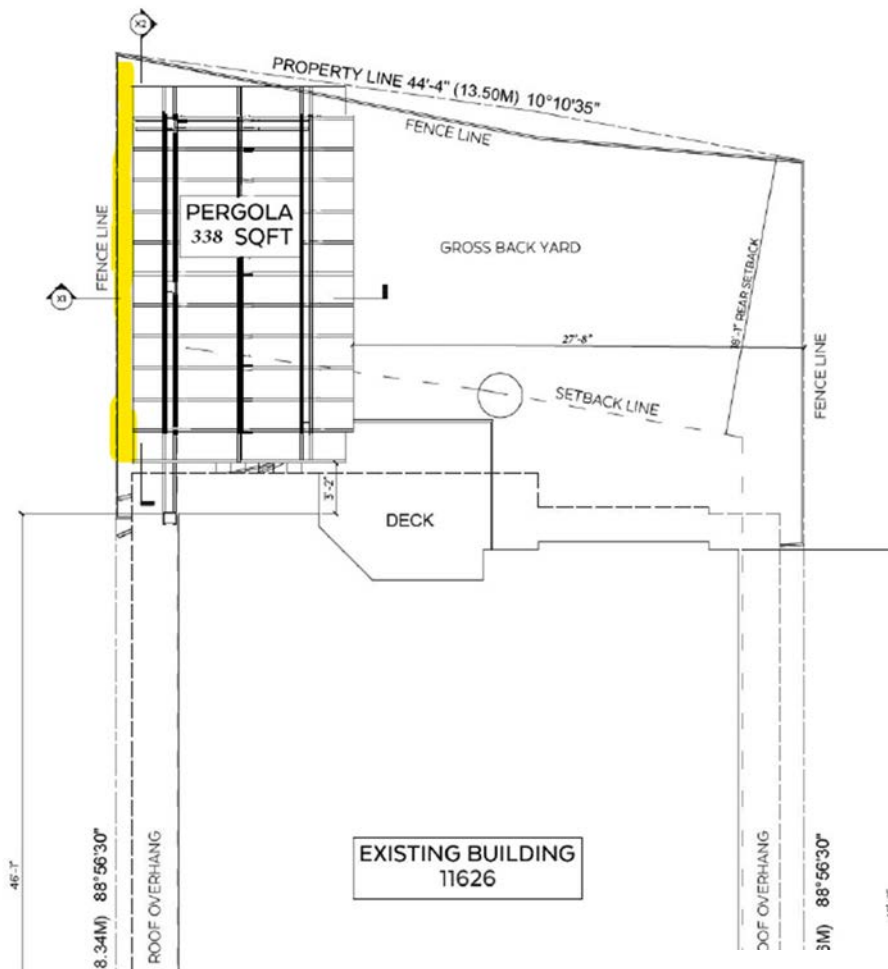


Figure 2: Proposed Site Plan of Pergola

The property owner has provided some additional information in response to some of Council's concerns (see Attachment E).

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. 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.

In this case, the homeowners are proposing to cut back the roof overhang closest to the most directly impacted neighbour, and apply frosted spray paint to the glass roof.

Surrounding residents within 50 m of the subject property were notified of the potential development variance permit.

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*.

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):

All property owners and residents within 50 m (164 ft) of the subject property were notified.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No

SIGN-OFFS

Written by:

Reviewed by:

Allison Dominelli
Development Services Technician

Alex Wallace
Manager of Community Development

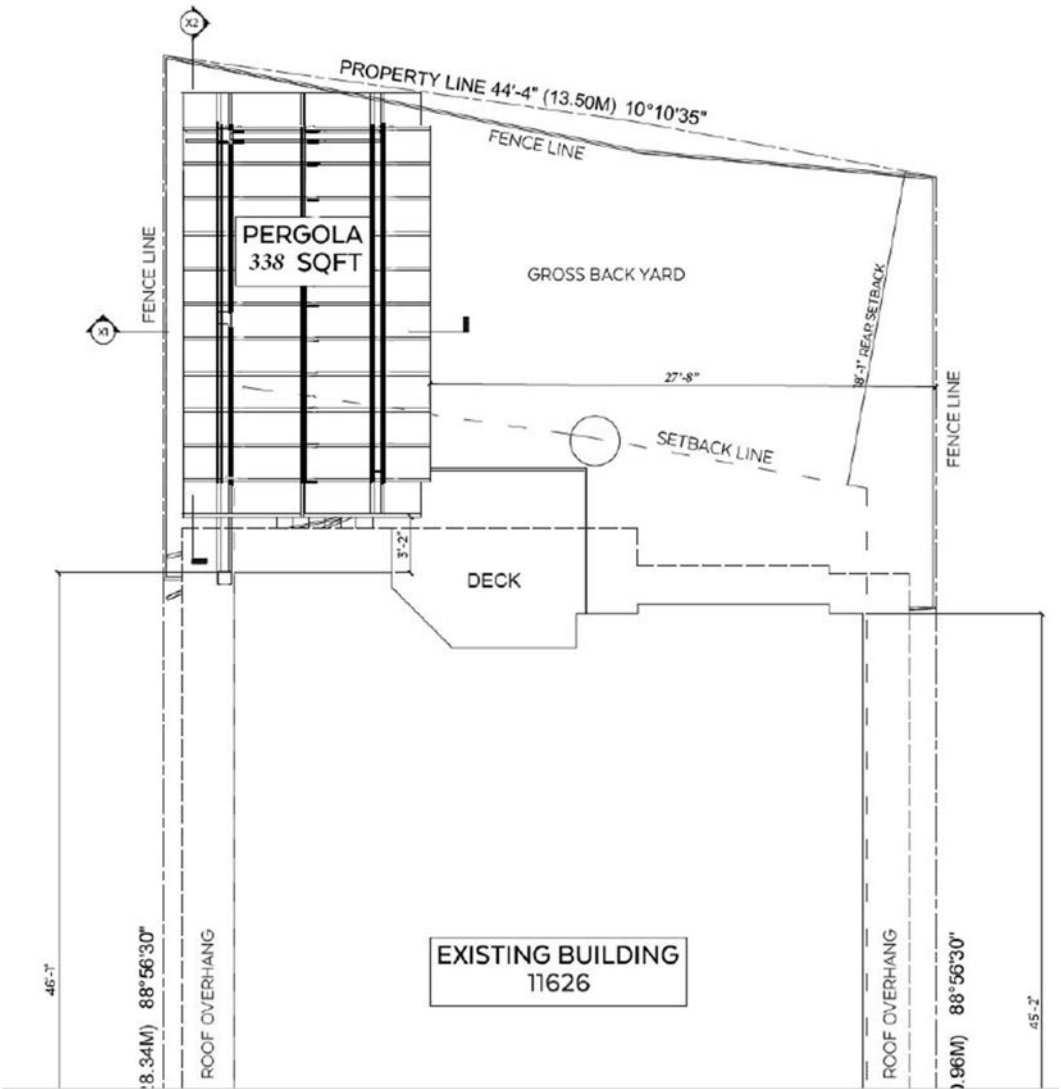
ATTACHMENT(S):

- A. Aerial Photo
- B. Proposed Revised Site Plan
- C. Proposed Revised Elevations
- D. Notification of Development Variance Permit
- E. Draft Development Variance Permit No. 2020-003
- F. Letter from property owner

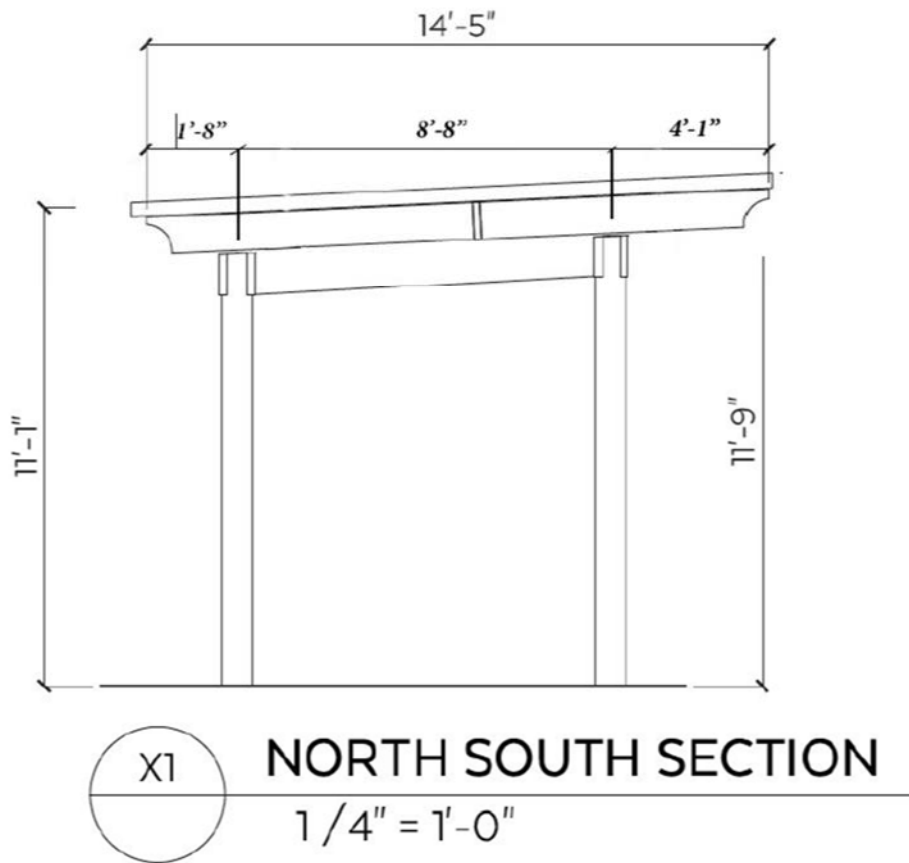
Attachment A: Aerial Photo



Attachment B: Proposed Revised Site Plan



Attachment C: Proposed Revised Elevation



CITY OF PITT MEADOWS

**[REVISED] NOTICE OF CONSIDERATION OF AN APPLICATION FOR A
DEVELOPMENT VARIANCE PERMIT**

Notice is hereby given pursuant to Section 499 of the *Local Government Act* that an application for a Development Variance Permit is being considered at the **Tuesday November 17, 2020** Council Meeting and is described as follows:

Purpose: To permit construction of a new covered pergola structure, the following section of Zoning Bylaw 2505, 2011 are varied as follows:

Part 4.13 - Accessory Residential and Accessory Farm Residential Buildings and Structures:

- a) Section 4.13 f), is varied to reduce the minimum required rear and side lot line setbacks from 1.2 m to 1.1 m;
- b) Section 4.13 h) is varied to increase the maximum eaves projection to 0.6 m on the side lot line and to 1.1 m on the rear lot line;
- c) **Section 4.14 is varied to reduce the minimum horizontal clearance between all buildings and structures to 0.02 m.**

Applicant:
Rheanell & Daniel Gow

Location:
11626 Harris Road,
Pitt Meadows, BC V3Y 0B1

Legal Description:
026-809-036

Lot 30 District Lot 282 Group 1
New Westminster District Plan BCP25421

How Do I Get More Information?
From November 6, 2020 to November 17, 2020, copies of all relevant information can be found online at
pittmeadows.ca/permit_considerations

For further information, contact:
Allison Dominelli
604.465.2433
adominelli@pittmeadows.ca



The proposed variance will be considered by Council at a Special (Public) meeting of Council scheduled for **Tuesday November 17, 2020 at 7:00 pm**. For details on how members of the public are able to participate in the meeting, visit pittmeadows.ca/councilmeetings.

There are several ways to take part in the Council Meeting:

1. Watch Live

View the livestream by visiting pittmeadows.ca/councilmeetings.

2. Participate Live by Phone

Phone in to the Zoom meeting to share your comments. An opportunity to speak will be provided to you during the meeting. Please watch the live stream and then follow the prompts on the screen when it's time.

3. Participate in Person

Members of the public may attend City Hall to watch a live stream of the Council meeting from the Meadows Room. The public will not be allowed in the Council Chamber area due to occupancy restrictions and COVID safety protocol.

Members of the public **must pre-register** for onsite attendance by calling 604.465.2472 or emailing the Deputy Corporate Officer at tbarr@pittmeadows.ca. A maximum of nine registrants will be permitted for any given public meeting. **No walk-ins will be permitted.**

4. Submit Written Comments

Email: Send an email to info@pittmeadows.ca with 'November 17, 2020 DVP 11626 Harris Road Submission' in the subject line.

Online: Submit your question or comment online at pittmeadows.ca/submitquestionsandcomments

Mail: Mail your comments to the Corporate Officer at:
City of Pitt Meadows, 12007 Harris Road, Pitt Meadows, BC V3Y 2B5

In person: Drop off your written comments at City Hall to the attention of the Corporate Officer

Submissions received BEFORE 3:00 pm on the Thursday prior to the meeting will be included in the meeting agenda package.

Submissions received AFTER this deadline, up until the end of the Council Meeting, will form part of an on-table circulation.

All oral and written submissions, including names and addresses, will become part of the public record which includes being made available for public inspection on the City's website.

If you have any questions regarding the Development Variance Permit process, please contact:

Kate Barchard, Corporate Officer
City of Pitt Meadows
kbarchard@pittmeadows.ca

CITY OF PITT MEADOWS

DEVELOPMENT VARIANCE PERMIT NO. 2020-003

ISSUED BY:

THE CITY OF PITT MEADOWS, a City under the "Local Government Act" of the Province of British Columbia, and having its Municipal Offices at 12007 Harris Road, in the Municipality of Pitt Meadows, in the Province of British Columbia,
V3Y 2B5

(hereinafter called the "City")

TO: **GOW, RHEANELL L**
GOW, DANIEL J
11626 HARRIS RD
PITT MEADOWS BC V3Y 0B1

(hereinafter called the "Permittee(s)")

WHEREAS the Permittee(s) requests certain provisions be varied or supplemented upon ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Pitt Meadows in the Province of British Columbia, and more particularly known and described as:

Parcel Identifier: 026-809-036

Legal Description: LOT 30 DISTRICT LOT 282 NEW WESTMINSTER DISTRICT PLAN BCP25421 GROUP 1.

hereinafter called the "Lands"

AND WHEREAS the Permittee(s) has made application for a Development Variance Permit (hereinafter "the Permit") in regard to the Lands;

AND WHEREAS the Local Government Act provides that in such a Permit certain matters may be regulated, required or limited; and

NOW THEREFORE, the Council of the City hereby issues this Permit in respect of the Lands as follows:

1. All development of lands shall conform to all requirements contained in the City's Bylaws except where specifically varied or supplemented by this Development Variance Permit.
2. To permit construction of a new covered pergola structure, the following sections of Zoning Bylaw No. 2505, 2011 are varied as follows:
 - i. Section 4.13 f), is varied to reduce the minimum required rear and side lot line setbacks from 1.2 m to 1.1 m;

- ii. Section 4.13 h) is varied to increase the maximum eaves projection to 0.6 m on the side lot line and to 1.1 m on the rear lot line, on the areas identified in the site plan forming part of this permit and included as "Attachment A";
3. Whenever the singular or masculine is used in this Development Variance Permit, the same shall be deemed to include the plural, or the feminine, or the body politic or corporate as the context so requires, and every reference to each part hereto shall be deemed to include the heirs, executors, administrators, successors and assigns of such party whenever this context or the parties so require.
4. It is understood and agreed that the City has made no representations, covenants, warranties, guarantees, promises or agreement (verbal or otherwise) with the Permittee(s) other than those in this Permit.
5. The terms of this Permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
6. This Permit is not a building permit.
7. This Permit shall expire upon demolition of the subject covered pergola structure.
8. The glass roof of the covered pergola structure shall be maintained with frosted spray paint or other such material to reduce glare.

AUTHORIZING RESOLUTION passed by Council the day of , 2020

ISSUED by the City of Pitt Meadows the day of , 2020

THE CORPORATE SEAL OF THE CITY OF PITT MEADOWS was
hereunto affixed on the day of , 2020

Bill Dingwall, Mayor, BGS, LL.B., CPHR

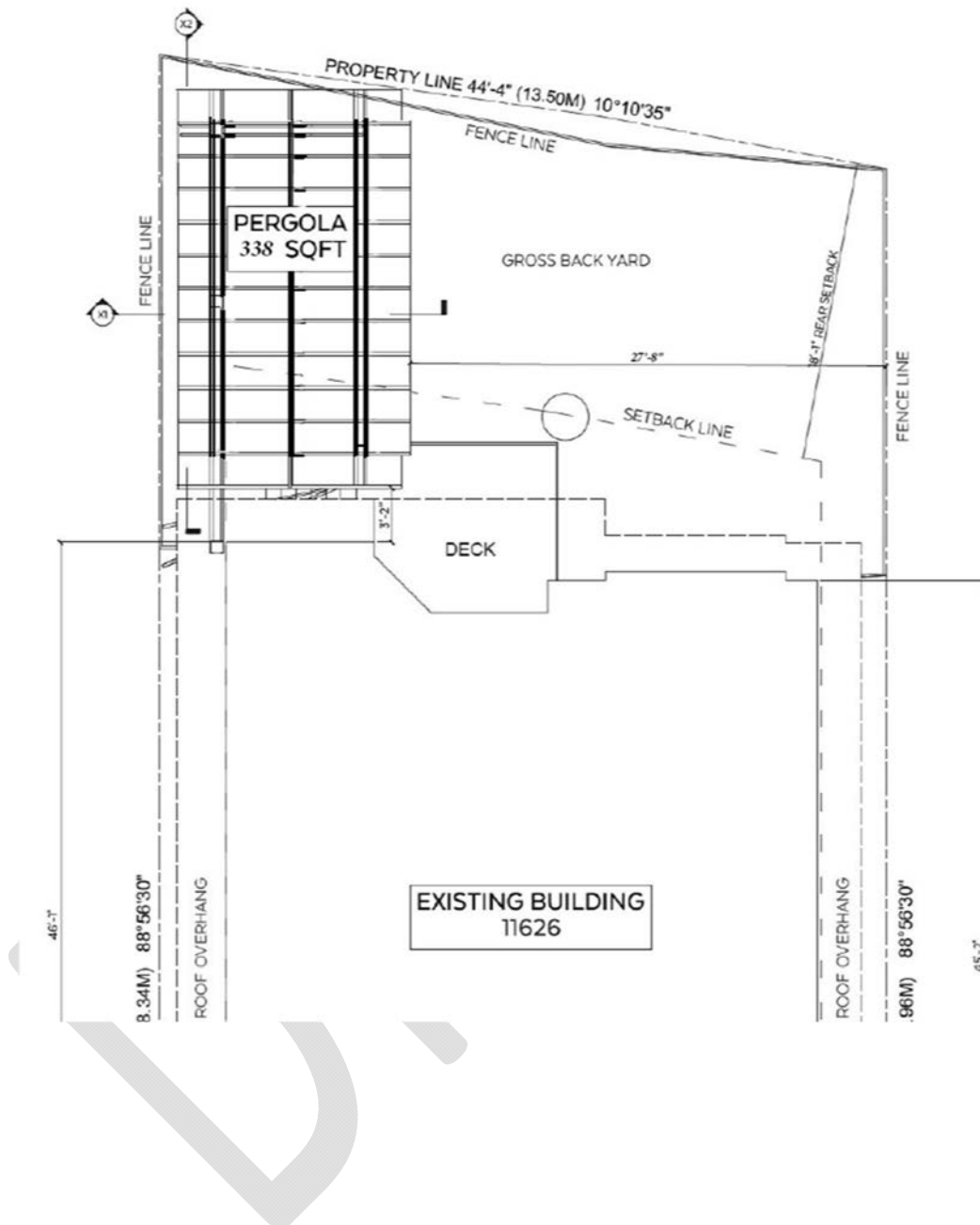
Kate Barchard, Corporate Officer

Owner of the Lands

(PRINT name of Owner)

SIGNED, SEALED AND DELIVERED BY
the Owner(s) on the day of , 2020

Attachment A



Good day,

One of the councillor's felt that the pergolas distance from the property line was too close even with the adjustment suggested. I should point out that the proposed eaves from the property line are identical to the eaves on the house from the property line. I trust that the house roofs are not needing to be removed to satisfy this councillor's suggestion. The reason for the distance is for a fire break between house structures. There are no structures on the other side of the fence where the pergola sits in its current configuration. There was further mention of privacy concerns. I am not sure what is meant by this. These homes all look onto one another in the back yards, so it cannot be about protecting open spaces. Many neighbours have put up trees on their properties to protect prying eyes. How does the pergola preventing the neighbours from seeing the children in my yard affect their privacy? There is no Home Owners Association in this area, nor are we in a Strata, so I am unclear if council is acting in a de facto HOA fashion.

Another issue raised by a councillor was concerning water drainage. This was addressed in my June 16 submission in paragraph 16 (d). The section states "I spoke to the eave and gutter overhang on the pergola. I agreed that the rafter tail is very close to the property line and I had added a gutter to control the drip edge as to not permit any water to accumulate on his property. The gutter goes directly into the drainage pipe that runs through the back yards on this section of Harris Rd meaning that there should never be an issue with water accumulation. I told him that I re-landscaped the entire back yard and hauled out 2 yards of dirt so that all water from rain and snow would go directly into the drain in my back yard."

Further to this, Councillor Simpson had attended my home, prior to the June 16 council meeting, and this point was explained to her. She was shown the gutter on the eaves and drainage into the pipes.

Paragraph 35 (c) also references the eaves and the pitch on the roof. "The drainage and run off were addressed by the eavestrough. The eavestrough is constructed so that it extends above the glass and is 'L' shaped to prevent cast off or over-run of the water. The water is immediately redirected into the eavestrough. The trough empties into a drainage line that runs at the rear of the houses along Harris Road. This same 'L' shaped trough would also prevent any snow from sliding off, although with that said, the angle of the glass has a pitch of only 4.598% or 2.6324 degrees making the sliding off snow very unlikely. The yard was landscaped to redirect nearly all the water into this same drain. The eavestrough would over flow, just as all other eaves on the houses do, during periods of heavy rain however, the over run would only amount to 5-10% of the water that would normally have been at 100% if the structure was not in place"

Lastly, the issue raised over the spray coating longevity being applied to the glass is not an easy question to answer. Homeowners conduct general maintenance to their properties to maintain their value. I am unaware of any provisions in any by-laws that require the same standard for any other structure of a home. Regardless, we are proposing to apply a Rust-oleum product, located in image below.

<h1>Safety Data Sheet</h1>	 RUST-OLEUM CORPORATION <small>* Trusted Quality Since 1921 *</small> www.rustoleum.com
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1. Identification

Product Name:	SPECLT SSPR 6PK FROSTED GLASS FIN	Revision Date:	8/15/2018
Product Identifier:	1903830	Supersedes Date:	11/4/2015
Recommended Use:	Frosted Glass Specialty Coating/ Aerosols		
Supplier:	Rust-Oleum Corporation 11 Hawthorn Parkway Vernon Hills, IL 60061 USA	Manufacturer:	Rust-Oleum Corporation 11 Hawthorn Parkway Vernon Hills, IL 60061 USA
Preparer:	Regulatory Department		
Emergency Telephone:	24 Hour Hotline: 847-367-7700		

<https://www.rustoleum.com/en/product-catalog/consumer-brands/specialty/frosted-glass-spray>

The specs for the glass configuration are found just below. The Glass makeup on the pergola is a 5 mm light Crystal grey single pane. Below the glass make up is an explanation into light transmission and reflection. I have spoken with AMPCP graphics representative who stated the glass itself is sufficient to reduce the glare and no coating is necessary, however the council seems insistent on jumping through this hoop.

In the June 16 submission, page 16, I provided a link to suncalc.org with the specific location of the pergola and the suns azimuth. IF you drag the yellow dot on the 24-hour time bar (at the top of the screen), you will notice how the azimuth of the sun reflects a glare for a short period of time. The glare however is moot. The sun shines directly onto and in the windows. I realize that this is overkill but this whole thing is so stupid.

If enough citizens are coming forward with variances, that should be an indicator for these councillors to look at the law and determine why the law is in place and is still applicable. It seems citizens want to use their properties for more than just a house. Even looking at google maps I can see that many people are in violation of a number of the by-laws.

Glass Makeup	Reflective colour	Visible Light(%)			Solar Energy(%)		U-Value		SC	SHGC
		Trans	Reflectance		Trans	Reflectance	(W/m ² .K)			
			Outer	Inner			Outer	Summer		
3mm Clear Float	Clear	91	8	9	88	8	5.34	5.92	1.03	0.90
4mm Clear Float	Clear	90	9	8	87	8	5.30	5.88	1.02	0.89
5mm Clear Float	Clear	90	8	8	85	8	5.27	5.85	1.01	0.88
6mm Clear Float	Clear	90	8	8	84	8	5.25	5.81	0.99	0.86
8mm Clear Float	Clear	89	8	8	82	8	5.19	5.75	0.97	0.84
10mm Clear Float	Clear	89	8	8	80	7	5.13	5.67	0.96	0.84
12mm Clear Float	Clear	88	8	8	77	7	5.08	5.61	0.94	0.82
15mm Clear Float	Clear	87	8	8	75	7	4.99	5.51	0.93	0.81
19mm Clear Float	Clear	86	8	8	72	7	4.89	5.39	0.90	0.78
5mm Euro Grey	Light grey	49	5	5	47	5	5.27	5.84	0.71	0.62
6mm Euro Grey	Light grey	44	5	5	43	5	5.25	5.82	0.68	0.59
8mm Euro Grey	Grey	34	5	5	33	5	5.19	5.75	0.61	0.53
10mm Euro Grey	Grey	28	5	5	28	5	5.13	5.68	0.56	0.49
5mm French Green	Green	77	7	7	48	6	5.27	5.84	0.72	0.63
6mm French Green	Green	75	7	7	44	5	5.25	5.81	0.69	0.60
8mm French Green	Green	70	7	7	36	5	5.19	5.74	0.63	0.55
10mm French Green	Green	65	6	6	30	5	5.13	5.68	0.59	0.51
5mm Crystal Grey	Light Grey	67	7	7	60	6	5.27	5.84	0.81	0.70
6mm Crystal Grey	Light Grey	64	6	7	56	6	5.25	5.81	0.77	0.67
8mm Crystal Grey	Light Grey	56	6	6	47	6	5.19	5.74	0.71	0.61
10mm Crystal Grey	Light Grey	49	6	6	40	5	5.13	5.67	0.65	0.56
5mm Ocean Blue	Blue	63	6	6	47	6	5.27	5.84	0.78	0.68
6mm Ocean Blue	Blue	65	6	6	51	6	5.24	5.81	0.74	0.64
8mm Ocean Blue	Blue	58	6	6	42	5	5.18	5.74	0.67	0.59
10mm Ocean Blue	Blue	52	6	6	36	5	5.13	5.68	0.63	0.55

<http://en.whbglass.com/PERFORMANCEData.html>



The second photo depicts the actual amount of light that could potentially be reflected into the upstairs bedrooms. The sun shines directly into this bedroom and I'm aware that the house layout is very similar in the neighbouring homes. On top of the limited time light is reflected from the pergola surface, the portion of the exposed glass capable of reflection is shaded by the large trees the neighbours to the east have along the fence line (not in the photos).

