



**BOARD OF VARIANCE**  
**THURSDAY, JULY 7, 2016**  
**Council Chambers, Richmond City Hall**  
**7:00 p.m.**

Call to Order

1. Election of Chair
2. Adoption of the **minutes** of the meeting of the Board of Variance held on Thursday, June 26, 2014.
3. **Application: BVL 16-726895**  
**Applicant:** Wade Gork  
**Address:** 4411 Windjammer Drive  
**Purpose:** The applicant is seeking to extend the early termination date of the land use contract as it applies to their property from November 24, 2016 to June 30, 2024.  
**Order of Proceedings:**
  - a. Applicant presentation
  - b. Written submissions
    - i. **David and Liliana Chamberlain**, Richmond resident
  - c. Public submissions
  - d. Board deliberation
4. **Application: BVL 16-728642**  
**Applicant:** Peter McCrae  
**Address:** 11340 Caravel Court  
**Purpose:** The applicant is seeking to extend the early termination date of the land use contract as it applies to their property from November 24, 2016 to June 30, 2024.

Pg. #      ITEM

**Order of Proceedings:**

- a. Applicant presentation
- b. Written submissions
- c. Public submissions
- d. Board deliberation

5.      Adjournment



## Board of Variance

Thursday, June 26, 2014

Time: 4:00 p.m.

Place: Anderson Room (M.2.001)  
Richmond City Hall

Present: Howard Jampolsky, Chair  
Abdolhamid Ghanbari  
Eldon Lau  
Sheldon Nider  
Dalip Sandhu

Acting Secretary to the Board – Michelle Jansson

Call to Order: The Secretary to the Board assumed the role of Chair and called the meeting to order at 4:06 p.m.

### ELECTION OF CHAIR

The Secretary to the Board called for nominations for the election of a Chair and Acting Chair to the Board of Variance.

1. It was moved and seconded
  - (1) *That Howard Jampolsky be elected as Chair of the Board of Variance Committee for 2014; and*
  - (2) *That Dalip Sandhu be elected as Acting Chair of the Board of Variance Committee for 2014.*

**CARRIED**

**Board of Variance**  
**Thursday, June 26, 2014**

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**MINUTES**

2. It was moved and seconded  
*That the minutes of the Board of Variance Meeting held on Wednesday, July 18, 2012, be adopted as circulated.*

**CARRIED**

3. **BOARD OF VARIANCE APPLICATION BV 14-660130**  
(File Ref. No.: BV 14-660130) (REDMS No. 4260002)

APPLICANT: Paul Binning

ADDRESS: 6491 No. 7 Road

PURPOSE: The applicant is seeking relaxation at 6491 No. 7 Road to:

- (1) the 50 m (164 ft.) maximum setback regulation in the Agriculture (AG1) zoning district (Section 14.1.6 of Zoning Bylaw 8500) for the redevelopment of a single-family dwelling utilizing the existing foundation, which is currently setback approximately 112.5 m (369 ft.) from No. 7 Road. The proposal will maintain the existing 112.5 m (369 ft.) setback and no portions of the redeveloped single-family dwelling will extend further into the lot; and
- (2) the 6.0 m (20 ft.) minimum interior side yard setback regulation in the Agriculture (AG1) zoning district (Section 14.1.6 of Zoning Bylaw 8500) to allow the interior side yard (north side of the site) to remain at 5.53 m (18 ft.).

**Applicant's Comments**

Paul Binning provided a brief historical overview on the application to the Board of Variance and provided the Board with background material and photographs (attached to and forming part of these minutes as **Schedule 1**).

*Dalip Sandhu left the meeting at 4:15 p.m. and returned at 4:16 p.m.*

**Board Discussion**

In reply to queries from members of the Board, Mr. Binning provided the following information:

- the applicant had received letters in support of the application from the adjacent neighbours and, if necessary, the said correspondence can be provided to the Board;
- the existing residence was in compliance with Richmond's Zoning Bylaw at the time of construction;

2.

## **Board of Variance**

### **Thursday, June 26, 2014**

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- farm status does not apply as the property is less than two acres;
- locating the proposed residence in compliance with the current zoning will (i) destroy existing trees and shrubs, and (ii) significantly increase construction costs;
- the proposed single storey residence addition will (i) allow the family unit to remain together, and (ii) enhance accessibility for an aging parent; and
- currently, there is no agricultural activity on the property, however, a small Christmas Tree farm operation may be considered in the future for the benefit of family and friends.

#### **Staff Comments**

In response to queries from the Board, Wayne Craig, Director, Development provided the following information:

- a maximum setback requirement was not specified in the zoning bylaw at the time the existing residence was constructed;
- the current proposal would comply with the zoning regulations at the time of the original construction;
- the proposed new dwelling will be constructed to meet all B.C. Code requirements;
- the intent of the maximum setback requirement is to ensure the consolidation of land in an area that would allow for agricultural activity on the property;
- a second storey addition would be permitted; however, for accessibility considerations, the applicant's preference is for a single storey dwelling; and
- the option to apply for an addition to the existing residence was considered; however, the addition will have to comply with the City's minimum Flood Construction Level, thereby creating a split level dwelling with accessibility concerns.

#### **Gallery Comments**

None.

#### **Board Discussion**

Discussion ensued on the merits of the application with regard to meeting the requirements under Section 901 of the *Local Government Act* with respect to subsection (2)(b) finding that undue hardship would be caused to the applicant if the bylaw is complied with, and subsection (2)(c)(iv) that the variance does not defeat the intent of the bylaw.

**Board of Variance**  
**Thursday, June 26, 2014**

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In reply to a query from the Board, Mr. Craig noted that the foundation would be raised approximately 1.4 metres in order to comply with the City's Flood Plain Designation and Protection Bylaw and that any improvements will impact the assessed value of the property. He further noted that the Board's approval is specific to both the property and the residential design submitted with the application.

**Board Decision**

It was moved and seconded

*That the application seeking relaxation for the property at 6491 No. 7 Road to:*

- (1) the 50 m (164 ft.) maximum setback regulation in the Agriculture (AG1) zoning district (Section 14.1.6 of Zoning Bylaw 8500) for the redevelopment of a single-family dwelling utilizing the existing foundation, which is currently setback approximately 112.5 m (369 ft.) from No. 7 Road. The proposal will maintain the existing 112.5 m (369 ft.) setback and no portions of the redeveloped single-family dwelling will extend further into the lot; and*
- (2) the 6.0 m (20 ft.) minimum interior side yard setback regulation in the Agriculture (AG1) zoning district (Section 14.1.6 of Zoning Bylaw 8500) to allow the interior side yard (north side of the site) to remain at 5.53 m (18 ft.),*

**BE GRANTED.**

The question on the motion was not called as discussion ensued regarding (i) deferring the application, (ii) whether the hardship criteria had been met, (iii) whether granting approval will defeat the intent of the maximum setback requirement of the zoning bylaw, (iv) whether denial would encourage larger residential uses on agricultural lands, and (v) whether the legal non-conforming conditions on the property should be extended. The Board concluded that (i) the existing residence complied with the zoning regulations at the time of construction, (ii) the proposed new construction will not extend beyond the existing 112.5 m (369 ft.) setback from No. 7 Road, and (iii) compliance with the maximum setback regulation results in hardship.

At the conclusion of the discussion, the question on the motion was then called and it was **CARRIED**.

**ADJOURNMENT**

It was moved and seconded

*That the meeting adjourn (5:07 p.m.).*

**CARRIED**

**Board of Variance**  
**Thursday, June 26, 2014**

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Certified a true and correct copy of the Minutes of the Regular Meeting of the Board of Variance of the City of Richmond held on Thursday, June 26, 2014.

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Chair (Howard Jampolsky)

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Acting Secretary to the Board  
(Michelle Jansson)



**To:** Board of Variance

**Date:** June 13, 2016

**From:** Cynthia Lussier  
Planner 1

**File:** BVL 16-726895

**Re:** Board of Variance Appeal (Wade Gork, 4411 Windjammer Drive)

### Purpose

The registered owner of 4411 Windjammer Drive has requested an appeal to the Board of Variance to extend the early termination date of the land use contract as it applies to their property from November 24, 2016 to June 30, 2024. A location map and aerial photo of the subject property is included in Attachment 1. A copy of the completed application package is included in Attachment 2.

### Background

In 2014, the Province amended the *Local Government Act* to terminate all Land Use Contracts (LUCs) by June 30, 2024. The legislation also enabled municipalities to consider earlier termination of LUCs, provided those bylaws are adopted by June 30, 2022.

On November 24, 2015, Richmond City Council adopted a set of bylaws that will terminate 93 separate LUCs that include single-family properties one year after adoption. The early termination date for those affected LUCs is November 24, 2016.

Section 543 of the *Local Government Act* allows the Board of Variance to consider appeals to extend the provisions of a LUC beyond the early termination date for a specified period of time ending no later than June 30, 2024. The appeal must be made by the owner alleging that the timing of the termination of the LUC would cause the owner hardship. The application must also be made within six (6) months of the adoption of the early termination bylaw, and the Board of Variance must make a decision on an application within six (6) months after the application is received. If an order is granted by the Board of Variance, it cannot run with the land. In other words, the appeal would not apply to future owners or purchasers of the property.

### Findings of Fact

Table 1 indicates the regulatory context of the subject property, selected property features, and the date that the application to the Board of Variance was received.

Existing development immediately surrounding the subject property is as follows:

- To the north and east, are single-family dwellings on lots fronting Clipper Court, which are under LUC 015.

- To the south, immediately across Windjammer Drive, is a single-family dwelling on a lot which is under LUC 015. The City's Building Approvals Department has received applications to demolish the existing dwelling and to construct a new dwelling on this lot under the provisions of the LUC (4380 Windjammer Drive).
- To the west, is a single-family dwelling on a lot which is under LUC 015.

| <b>Table 1</b>               |   |
|------------------------------|---|
| <b>Site Area:</b>            | Approximately 371 m <sup>2</sup> (3,993 ft <sup>2</sup> ) |
| <b>Land Uses:</b>            | Existing single detached dwelling                         |
| <b>OCP Designation:</b>      | Neighbourhood Residential                                 |
| <b>Underlying Zoning:</b>    | Single Detached (RS1/B)                                   |
| <b>Land Use Contract No:</b> | LUC 015   |
| <b>Application Date:</b>     | February 3, 2016  |

Table 2 provides a comparison of some of the key regulations for a single-family dwelling at the subject property under the LUC with the regulations of the underlying zone.

| <b>Table 2<sup>1</sup></b>       |  |  |
|----------------------------------|--|--|
| <b>Regulations</b>               | <b>LUC 015</b>   | <b>Single Detached (RS1/B) Zone</b>                                    |
| <b>Floor Area Ratio (max):</b>   | N/A  | 0.55 to max 464.5 m <sup>2</sup> of site area plus 0.3 for the balance |
| <b>Lot Coverage (max):</b>       | 33%  | 45%  |
| <b>Front Yard Setback (min):</b> | 6.0 m for principal building<br>1.5 m for garage/carport | 6.0 m  |
| <b>Side Yard Setback (min):</b>  | 1.2 m  | 1.2 m  |
| <b>Rear Yard Setback (min):</b>  | 6.0 m  | 6.0 m  |
| <b>Height (max):</b>             | 3 storeys  | 2 ½ storeys  |
| <b>Secondary Suite:</b>          | Not permitted  | Permitted  |

<sup>1</sup> Disclaimer: This comparison summary is provided for general information only and does not form a representation by the City. Any person making a land use, building construction or financial decision should obtain independent advice regarding all applicable regulations.

**Public Consultation**

In accordance with the *Local Government Act* and the Board of Variance Bylaw No. 9259, a notice of the subject application has been mailed to the applicant and to all owners and residents within 50 m (164 ft.) of the subject property, stating the subject matter of the application and the date, time, and place of the Board of Variance Meeting at which the application will be considered.

The owner of the subject property and those that received the notice may be heard by the Board of Variance at the meeting prior to the Board of Variance making a decision on the subject application.

**Conclusion**

The owner of 4411 Windjammer Drive has requested an appeal to the Board of Variance to extend the early termination date of the Land Use Contract as it applies to their property from November 24, 2016 to June 30, 2024.

At the conclusion of the meeting of the Board of Variance, the Board may:

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



Cynthia Lussier  
Planner 1

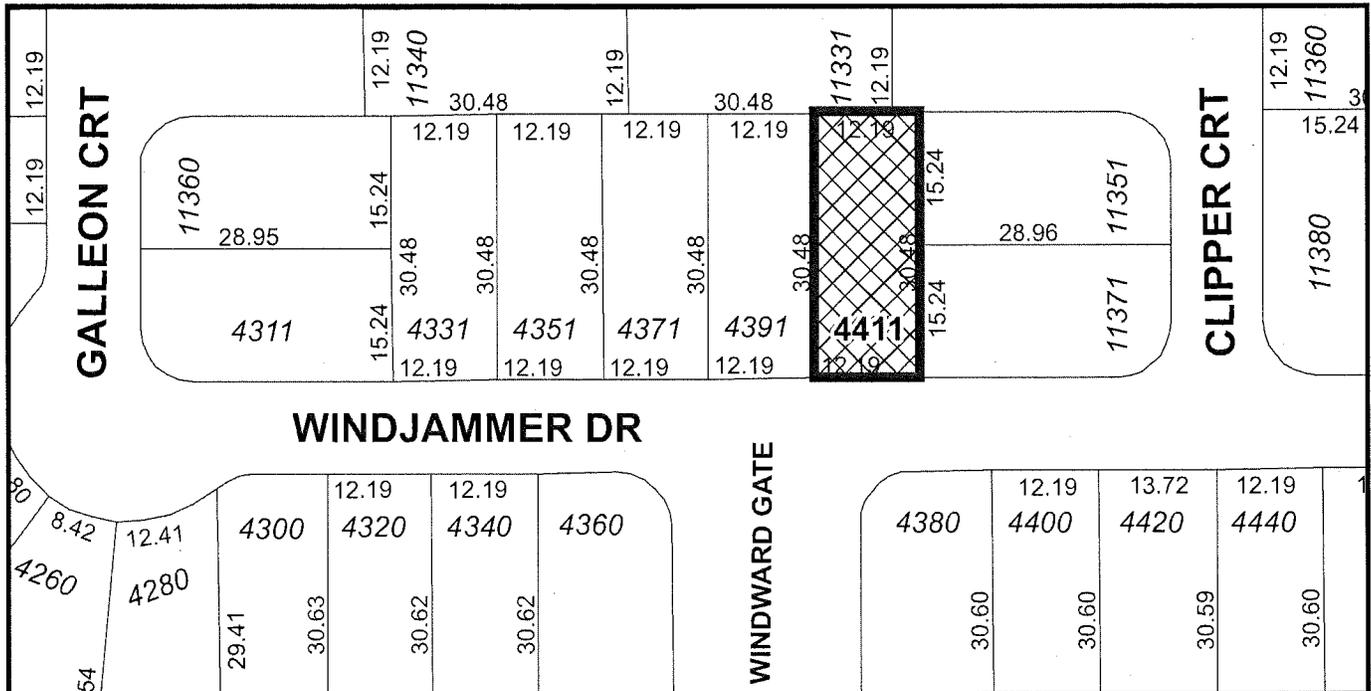
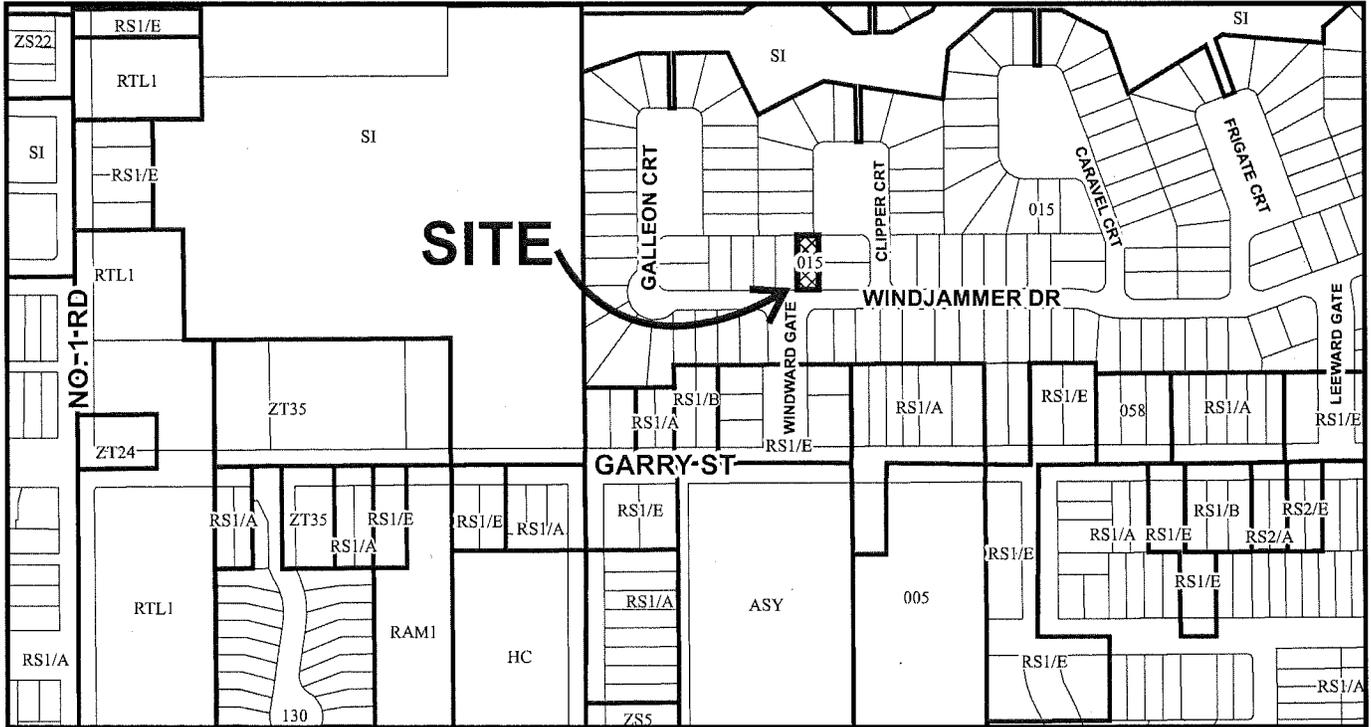
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Att. 2

Att. 1: Location Map/Aerial Photo  
Att. 2: Completed Application Package

pc: Joe Erceg, General Manager, Planning and Development  
Wayne Craig, Director, Development  
John Hopkins, Senior Planner



City of  
Richmond



|  |                        |   |
|--|------------------------|---|
|  | <h1>BVL 16-726895</h1> | Original Date: 06/14/16<br>Revision Date:<br>Note: Dimensions are in METRES |
|--|------------------------|---|



City of  
Richmond



**BVL 16-726895**

Original Date: 06/14/16

Revision Date:

Note: Dimensions are in METRES



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**To:** Board of Variance **Date:** June 16, 2016  
**From:** Cynthia Lussier **File:** BVL 16-728642  
Planner 1  
**Re:** Board of Variance Appeal (Peter McCrae, 11340 Caravel Court)

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### Purpose

The registered owner of 11340 Caravel Court has requested an appeal to the Board of Variance to extend the early termination date of the land use contract as it applies to their property from November 24, 2016 to June 30, 2024. A location map and aerial photo of the subject property is included in Attachment 1. A copy of the completed application package is included in Attachment 2.

### Background

In 2014, the Province amended the *Local Government Act* to terminate all land use contracts (LUCs) by June 30, 2024. The legislation also enabled municipalities to consider earlier termination of LUCs provided those bylaws are adopted by June 30, 2022.

On November 24, 2015, Richmond City Council adopted a set of bylaws that will terminate 93 separate LUCs that include single-family properties one (1) year after adoption. The early termination date for those affected LUCs is November 24, 2016.

Section 543 of the *Local Government Act* allows the Board of Variance to consider appeals to extend the provisions of a LUC beyond the early termination date for a specified period of time ending no later than June 30, 2024. The appeal must be made by the owner alleging that the timing of the termination of the LUC would cause the owner hardship. The application must also be made within six (6) months of the adoption of the early termination bylaw, and the Board of Variance must make a decision on an application within six (6) months after the application is received. If an order is granted by the Board of Variance, it cannot run with the land. In other words, the appeal would not apply to future owners or purchasers of the property.

### Findings of Fact

Table 1 indicates the regulatory context of the subject property, selected property features, and the date that the application to the Board of Variance was received.

Existing development immediately surrounding the subject property is as follows:

- To the north and south are older character single-family dwellings on lots under LUC 015 fronting Caravel Court.
- To the east, directly behind the subject property, are two (2) older character single-family dwellings on lots under LUC 015, which front Frigate Court, as well as a newly built single-family dwelling under LUC 15 to the southeast.

- To the west, immediately across the street on Caravel Court, is an older character single-family dwelling on a lot under LUC 015.

| <b>Table 1</b>               |   |
|------------------------------|---|
| <b>Site Area:</b>            | Approximately 517 m <sup>2</sup> (5,565 ft <sup>2</sup> ) |
| <b>Land Uses:</b>            | Existing single detached dwelling                         |
| <b>OCP Designation:</b>      | Neighbourhood Residential                                 |
| <b>Underlying Zoning:</b>    | Single Detached (RS1/B)                                   |
| <b>Land Use Contract No:</b> | LUC 015   |
| <b>Application Date:</b>     | April 4, 2016   |

Table 2 provides a comparison of some of the key regulations for a single-family dwelling at the subject property under the LUC, with the regulations of the underlying zone. The table does not include any court orders made since registration of the LUC.

| <b>Table 2<sup>1</sup></b>     |  |   |
|--------------------------------|--|---|
| <b>Regulations</b>             | <b>LUC 015</b>   | <b>Single Detached (RS1/B) Zone</b>   |
| <b>Floor Area Ratio (max):</b> | N/A  | 0.55 to max 464.5 m <sup>2</sup> of site area, plus 0.30 for the balance  |
| <b>Lot Coverage (max):</b>     | 33%  | 45%   |
| <b>Front Setback (min):</b>    | 6.0 m for principal building<br>1.5 m for garage/carport | 6.0 m   |
| <b>Side Setback (min):</b>     | 1.2 m  | <ul style="list-style-type: none"> <li>▪ 1.2 m for lots less than 18 wide</li> <li>▪ 1.8 m for lots of 18 m or more but less than 20 m in width</li> <li>▪ 2.0 m for lots of 20 m or more in width</li> </ul> |
| <b>Rear Setback (min):</b>     | 6.0 m  | 6 m (if the exterior setback is 6.0 m the rear yard can be reduced to 1.2 m)  |
| <b>Height (max):</b>           | 3 storeys  | 2 ½ storeys   |
| <b>Secondary Suite:</b>        | Not permitted  | Permitted   |

### **Public Consultation**

In accordance with the *Local Government Act* and the Board of Variance Bylaw No. 9259, a notice of the subject application has been mailed to the applicant and to all owners and residents within 50 m (164 ft.) of the subject property stating the subject matter of the application and the date, time, and place of the Board of Variance meeting at which the application will be considered.

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The owner of the subject property and those that received the notice may be heard by the Board of Variance at the meeting prior to the Board of Variance making a decision on the subject application.

**Conclusion**

The owner of 11340 Caravel Court has requested an appeal to the Board of Variance to extend the early termination date of the Land Use Contract as it applies to their property from November 24, 2016 to June 30, 2024.

At the conclusion of the meeting of the Board of Variance, the Board may:

- grant or deny the order requested by the applicant and provide reasons for the grant or denial;
- request further information from the applicant, City staff, or any person who has made a submission to the Board in respect of the application and adjourn the meeting; or
- reserve its decision and provide a written decision at a later date.



Cynthia Lussier  
Planner 1

CL:rg  
Att. 2

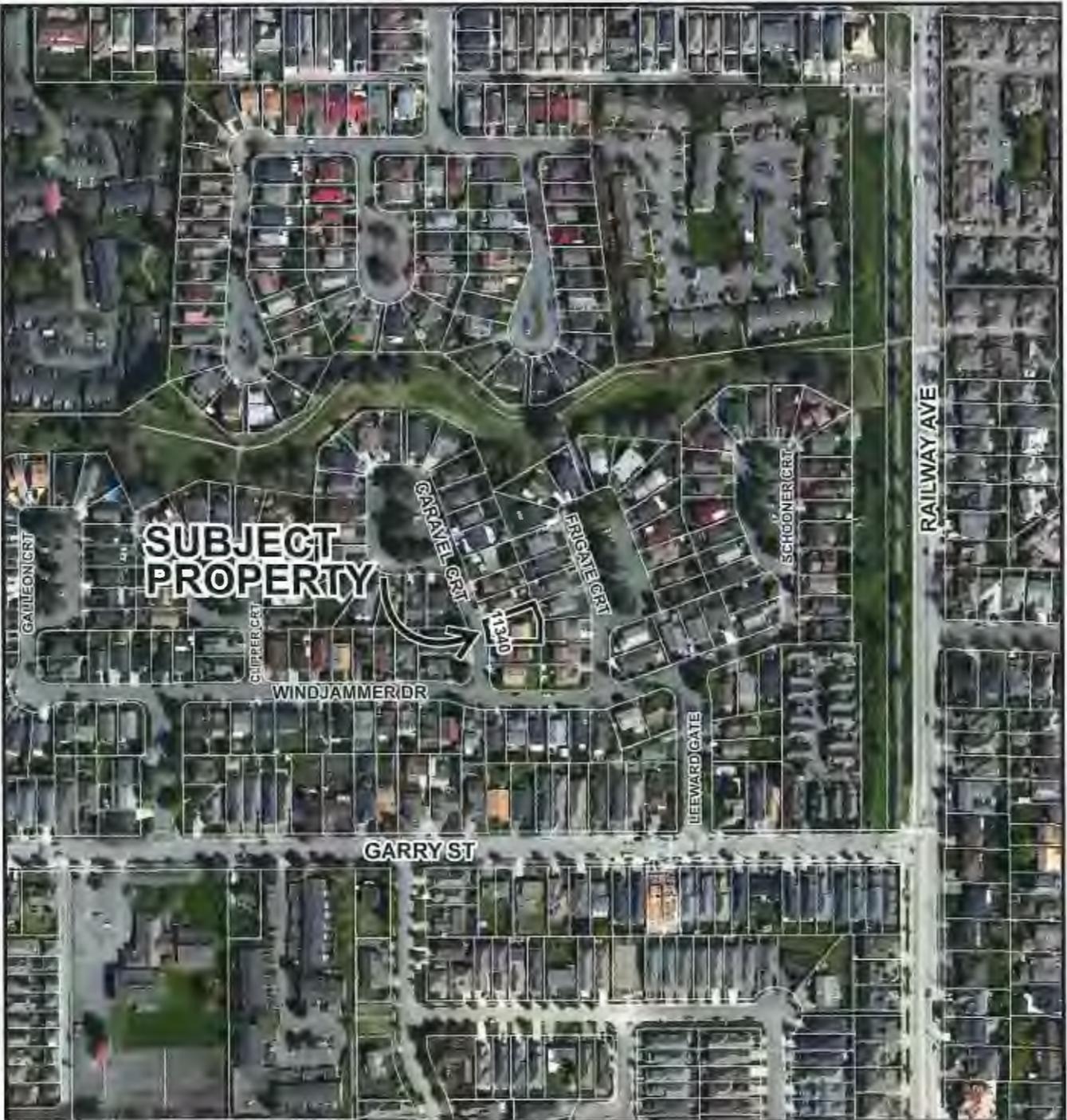
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BVL 16-728642

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