



Board of Variance

Thursday, July 7, 2016

Time: 7:00 p.m.

Place: Council Chambers
Richmond City Hall

Present: Howard Jampolsky, Chair
Abdolhamid Ghandbari
Sheldon Nider
Sam Virani

David Weber, Secretary to the Board

Absent: Dalip Sandhu

Call to Order: The Chair called the meeting to order at 7:00 p.m.

MINUTES

It was moved and seconded
*That the minutes of the Board of Variance meeting held on June 26, 2014,
be adopted as circulated.*

CARRIED

- BOARD OF VARIANCE APPLICATION BVL 16-726895**
(File Ref. No.: BVL 16-726895) (REDMS No. 504250)
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.

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Applicant's Comments

On behalf of Wade Gork, the applicant's wife, Jennifer Wong, provided a brief overview of the application to the Board of Variance.

In response to queries from the Board, Ms. Wong confirmed that:

- They do not currently reside in the home at 4411 Windjammer Drive and are the owners of the rental property.
- They wish to build a new home at 4411 Windjammer Drive and to live in the new home in their retirement years.
- They are the owners of the home in which they currently reside.

Written Submissions

- (a) David and Liliana Chamberlain, 11351 Clipper Court (Schedule 1)
- (b) Vicki Lingle, 4391 Windjammer Place (Schedule 2)

Gallery Comments

Vicki Lingle, 4391 Windjammer Drive, provided a written submission that has been noted as Schedule 2.

Ms. Lingle commented that the applicant should not receive special consideration, noting that the applicant does not reside in the home at 4411 Windjammer Drive and is not part of the neighbourhood community. Ms. Lingle expressed the opinion that the proposed construction of a three-storey home would not fit within the character of the neighbourhood and would shade the neighbouring properties.

In response to a query from the Board, Ms. Lingle advised that she is not planning to construct a larger home on her property.

Staff Comments

In response to queries from the Board, Cynthia Lussier, Planner 1, confirmed that there is an application to demolish and construct a new home immediately south of the subject property.

Board Discussion

Discussion ensued on the merits of the appeal under Section 543 of the Local Government Act noting:

- The early termination of the Land Use Contract might create a future, not a present, hardship to the owner.
- The concern that the construction of a three-storey house would not fit within the character of the neighbourhood.

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- The current zoning allows for a house of approximately 2,735 square feet, including a garage, to be built on the subject property.

Board Decision

It was moved and seconded

That the application seeking to extend the early termination date of the Land Use Contract as it applies to the property at 4411 Windjammer Drive from November 24, 2016 to June 30, 2024, be denied.

CARRIED

Opposed: S. Virani

2. **BOARD OF VARIANCE APPLICATION BVL 16-728642**

(File Ref. No.: BVL 16-728642) (REDMS No. 5046112)

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.

Applicant's Comments

Peter McCrae provided a brief overview of the application to the Board of Variance.

In response to queries from the Board, Mr. McCrae provided the following information:

- A financial hardship would be created if he were required to rebuild in accordance with the Land Use Contract at this time.
- A financial hardship would be created if he were restricted to building a smaller home in the future as it would not be equal in value to the other homes in the neighbourhood.
- Confirmation that he intends to build a larger home in the future to accommodate living arrangements for his family and his mother.
- The current home is approximately 2,000 square feet.

Written Submissions

None.

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Gallery Comments

Cheryl Murphy, 11260 Caravel Court, spoke in support of the application.

Ms. Murphy responded to queries from the Board with respect to the applicant's engagement with the community.

Staff Comments

In response to queries from the Board, Cynthia Lussier, Planner 1, provided the following information:

- No applications have been received to demolish and construct new homes adjacent to the subject property.
- The underlying zoning and the Land Use Contract, allow for a home to be built on the subject property of 3,400 square feet and 5,500 square feet, respectively, inclusive of a garage.
- Applications to build under the Land Use Contract provisions will be accepted until November 24, 2016.

Board Discussion

Discussion ensued on the merits of the appeal under Section 543 of the Local Government Act. It was proposed that the decision be deferred until the applications submitted by the three property owners on Caravel Court are heard.

Board Decision

It was moved and seconded

That the decision be deferred until the applications from all property owners on Caravel Court are heard by the Board of Variance and staff be directed to schedule the hearing of the two remaining applications at the same meeting.

CARRIED

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (8:23 p.m.).

CARRIED

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Certified a true and correct copy of the Minutes of the Board of Variance meeting of the City of Richmond held on Thursday, July 7, 2016.

Howard Jampolsky
Chair

David Weber
Secretary to the Board

Schedule 1 to the Minutes of the Board of Variance meeting held on Thursday, July 7, 2016.

CityClerk

From: David Chamberlain <david.chamberlain@shaw.ca>
Sent: Wednesday, 29 June 2016 1:39 PM
To: CityClerk
Cc: Liliana Chamberlain
Subject: File # 01-0100-30-BVARI-20-2016726895
Categories: 01-0100-30-BVAR1-01 - Board of Variance - General

To Board of Variance
Date: July 7, 2016
Item # 1
Re: BVL 16-726895
4411
Windjammer Drive

Board of Variance Application

File # 01-0100-30-BVARI-20-2016726895

We are the owners of a home immediately neighbouring the subject property at 4411 Windjammer Drive. Our back yard faces theirs.

We strongly object to the proposal to extend the provisions of the Land Use Contract to 2024.

First, we object to any site redevelopment that will place our back yard into shade. This is a primary recreation area for us and the area of our vegetable garden. As well, the main source of daylight for the inside of our house is drawn by the west side windows. A large three story home, especially if a "box" that maximizes internal floor space, will take away a great deal of our natural light and our aesthetics.

Second, the proposed extension of the Land Use Contract to 2024 simply gives the current owners significantly increased sales value for their home, regardless of their development plans. It is an unreasonable concession. If the owners want to develop something, then please control what they are approved to build and then they can get on with it. It takes one year to design a build a new home on the property so how can the owner's justify asking for eight years?

We wish to establish and maintain good relations with all our neighbours. We are not against a tasteful redevelopment of the property and one that meets the existing rules for the Land Use Contract without a special extension.

Sincerely,

David and Liliana Chamberlain
11351 Clipper Court

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Property at 4411 Windjammer Drive

Submission by Vicki Lingle, 4391 Windjammer Drive

I live next door, on the west side, to the home owned by Mr. Gork on Windjammer Drive.

Why should Mr. Gork get special treatment that the rest of us don't get? I don't think he should.

The home owned by Mr. Gork is similar to the other homes on the north side of the block on Windjammer Drive. There are no huge, 3 level homes on our side of the block on either side of the home owned by Mr. Gork.

Mr. Gork rents the house to 2 separate families. One family lives on the ground level in a 2 bedroom suite, a second family lives on the 2nd level, in a 3 bedroom suite.

Mr. Gork's house fits in with the other houses in the immediate vicinity, both on Windjammer, and in Clipper Court, which is directly behind Mr. Gork's house.

I see 4 issues regarding Mr. Gork's request.

1. **Our elected council voted to eliminate Land Use Contracts after more than a year of research and community involvement.**

The meeting last November at the hotel, which 600 people attended, was just the final step of a long and arduous process.

If anyone can ask for and receive an exception to what our elected council has voted for, what is the purpose of an elected council?

2. **The "Streetscape", or appearance of the immediately surrounding neighbourhood.**

When entering on Windward Gate to the "Tee", and looking both ways on Windjammer Drive, all the houses on the north side, on either side of Mr. Gork's house are 2 level houses. There are no 3 level houses in the block.

When driving into Clipper Court immediately behind Mr. Gork's house, all the house are 1 and 2 story houses, with the exception, on the far north side of the cul-de-sac, where there is 1 very well done 3 level house. All the other houses are 1 and 2 level.

Mr. Gork's three level house would stand out as being the only 1 that is huge and 3 level in the immediate vicinity.

3. Sunshine, Back Yards and Back Decks

A 3 level house on Mr. Gork's lot will block out -

- a. the afternoon sun in the backyards of 2 homes to the east of his house.
- b. the morning sun on the back deck of my house.

4. Hardship - Mr. Gork does not require special treatment due to Hardship.

- A. Mr. Gork owns 2 houses
 - i. This house, rented out to 2 separate families.
 - ii. Another house in Richmond, in which he lives.

This is not hardship. Most of us struggle to pay for 1 house.

- B. Mr. Gork claims he wants to build a home for his daughter and her family to live in on the upper 2 levels, and himself and his wife on the ground level.
 - a. Mr. Gork's daughter is 2 years old.
 - b. How does he know where his daughter and her family will want to live in 30 years?
 - i. Mr. Gork himself does not live in the country of his birth.
 - ii. Children do not always do what we, as parents, would like them to do.
 - iii. 30 years is a long time from now. Many things could change.
- C. Mr. Gork told me that he used to work full time, but he no longer does.
 - a. Few of us owned 2 houses when our children were 2 years old.
 - b. Few of us could afford to quit working full time when our children were 2 years old.
- D. This is not hardship. Mr. Gork does not deserve special treatment.

Summary:

This is a very nice neighbourhood - stable, with residents who have lived here a long time. The residents like it here. There are picnics in the cul-de-sac in the summer. It's easy to see why Mr. Gork wants to stay here.

The houses in the immediately of Mr. Gork's are all similar in size. There is room for landscaping and trees.

Mr. Gork should build a well-designed new house under the new zoning regulations and concentrate on becoming an active part of this neighbourhood that he claims to like.