



**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:

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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)