



BOARD OF VARIANCE

THURSDAY, JULY 28, 2016
Council Chambers, Richmond City Hall
7:00 p.m.

CALL TO ORDER

MINUTES

BOV-4 *Adoption of the **minutes** of the meeting of the Board of Variance held on July 7, 2016.*



1. **BOARD OF VARIANCE APPEAL – 10671 HOLLYMOUNT DRIVE**
 BVL 16-728842
 (File Ref. No. BVL 16-728842) (REDMS No. 5056234)

BOV-12

See Page BOV-12 for full application

Applicant: Xiaosheng Li

Address: 10671 Hollymount Drive

Purpose: The registered owner of 10671 Hollymount 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 (the applicant has not specified a date for their extension).

Order of Proceedings:

1. Presentation from the applicant
2. Written submissions
3. Public submissions
4. Board deliberation

Board of Variance Agenda – Thursday, July 28, 2016

Pg. #

ITEM

2. **BOARD OF VARIANCE APPLICATION – 6331 GOLDSMITH DRIVE
BVL 16-728863**

(File Ref. No. BVL 16-728863) (REDMS No. 5056490)

BOV-38

[See Page BOV-38 for full application](#)

Applicant: Siu Kin Lai and Sau Yung Lai-Ng

Address: 6331 Goldsmith Drive

Purpose: The registered owners of 6331 Goldsmith Drive has requested an appeal to the Board of Variance (BOV) 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:

1. Presentation from the applicant

2. Written submissions

BOV-57

(a) Yu Ning Zhan – 6428 Goldsmith Drive

3. Public submissions

4. Board deliberation

3. **BOARD OF VARIANCE APPLICATION – 5820 GOLDENEYE PLACE
BVL 16-729720**

(File Ref. No. BVL 16-729720) (REDMS No. 5057041)

BOV-58

[See Page BOV-58 for full application](#)

Applicant: Eric Wai-Yip Tung and Erica Suk Qun Chow

Address: 5820 Goldeneye Place

Purpose: The registered owners of 5820 Goldeneye Place have requested an appeal to the Board of Variance (BOV) to extend the early termination date of the Land Use Contract (LUC) as it applies to their property from November 24, 2016 to June 30, 2024.

Board of Variance Agenda – Thursday, July 28, 2016

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ITEM

Order of Proceedings:

1. Presentation from the applicant

2. Written submissions

BOV-77 (a) Greig Sheppard – #203-3740 Chatham Street

BOV-78 (b) Jason Tarnow – 5860 Goldeneye Place

BOV-79 (c) Ginny Wilkie and Daryl Wilkie – 5811 Goldeneye Place

3. Public submissions

4. Board deliberation

ADJOURNMENT





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

1. **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.

Board of Variance

Thursday, July 7, 2016

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.

Board of Variance

Thursday, July 7, 2016

- 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.

Board of Variance

Thursday, July 7, 2016

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

Board of Variance
Thursday, July 7, 2016

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



To: Board of Variance

Date: June 28, 2016

From: Cynthia Lussier
Planner 1

File: BVL 16-728842

Re: Board of Variance Appeal (Xiaosheng Li, 10671 Hollymount Drive)

Purpose

The registered owner of 10671 Hollymount 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 (the applicant has not specified a date for their extension). 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.

Table 1	
Site Area:	389 m ² (4,187 ft ²)
Land Uses:	Existing single detached dwelling
OCP Designation:	Neighbourhood Residential
Underlying Zoning:	Single Detached (RS1/B)
Land Use Contract No:	LUC 101
Application Date:	April 6, 2016

Existing development immediately surrounding the subject property is as follows:

- To the North, directly across Hollymount Drive, is a single-family dwelling on a lot under LUC 101.
- To the South, is a 7-unit townhouse complex on a lot zoned “Low Density Townhouses (RTL1)”, which fronts Steveston Highway.
- To the East and West, are single-family dwellings on lots under LUC 101.

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.

Table 2¹		
Regulations	LUC 101	Single Detached (RS1/B) Zone
Floor Area Ratio (max):	N/A	0.55 to max 464.5 m ² of site area plus 0.30 for the balance
Principal Dwelling Size:	466.8 m ² (5,024 ft ²)*	213.9 m ² (2,303 ft ²) plus max. 50 m ² garage Total: 263.9 m ² (2,840 ft ²)*
Lot Coverage (max):	40%	45%
Front Yard Setback (min):	4.5 m 1.5 m for carports or garages	6.0 m
Side Yard Setback (min):	1.2 m 0.9 m for carports	1.2 m
Rear Yard Setback (min):	4.5 m for first storey 6.0 m for second storey	6.0 m
Height (max):	3 storeys	2 ½ storeys
Secondary Suite:	Not permitted	Permitted

* preliminary estimate; exact building size to be determined through compliance review at Building Permit stage.

¹ 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.

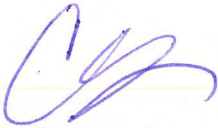
The owner of the subject property and those that received the notice may be heard by the Board of Variance at the meeting prior to the Board of Variance making a decision on the subject application.

Conclusion

The owner of 10671 Hollymount 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 (the applicant has not specified a date for their extension).

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
(604-276-4108)

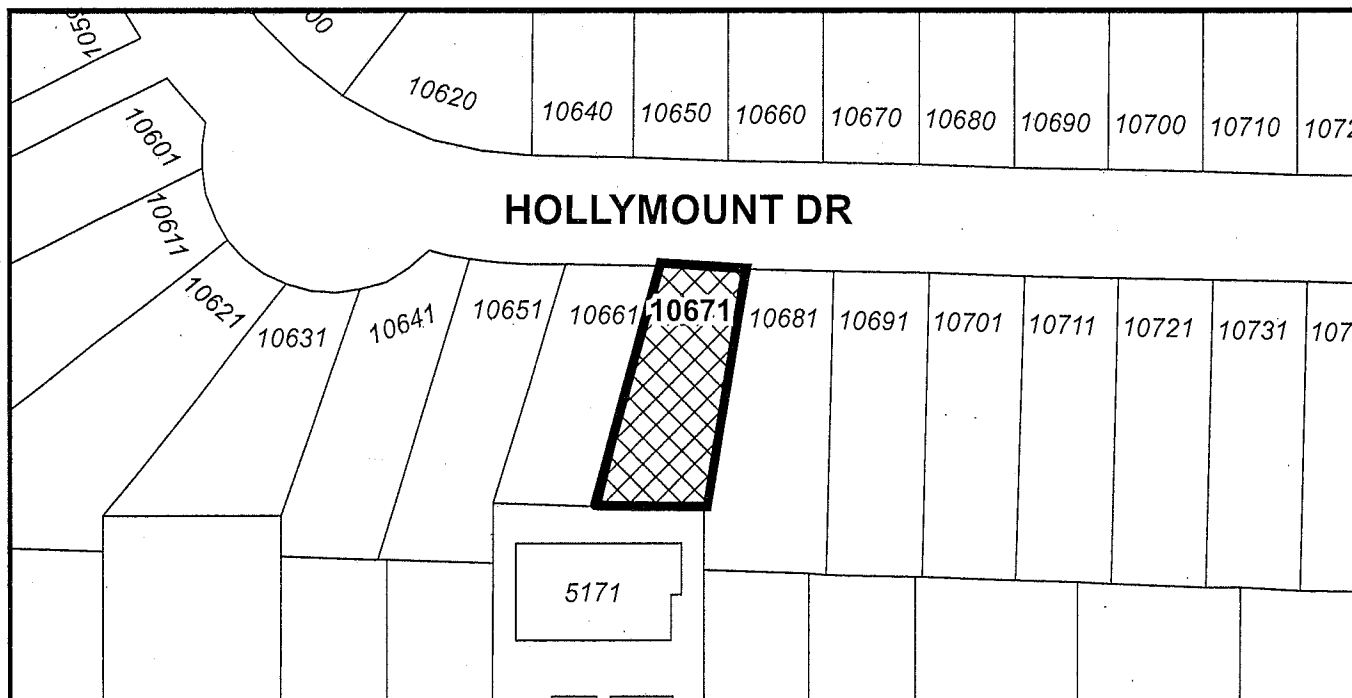
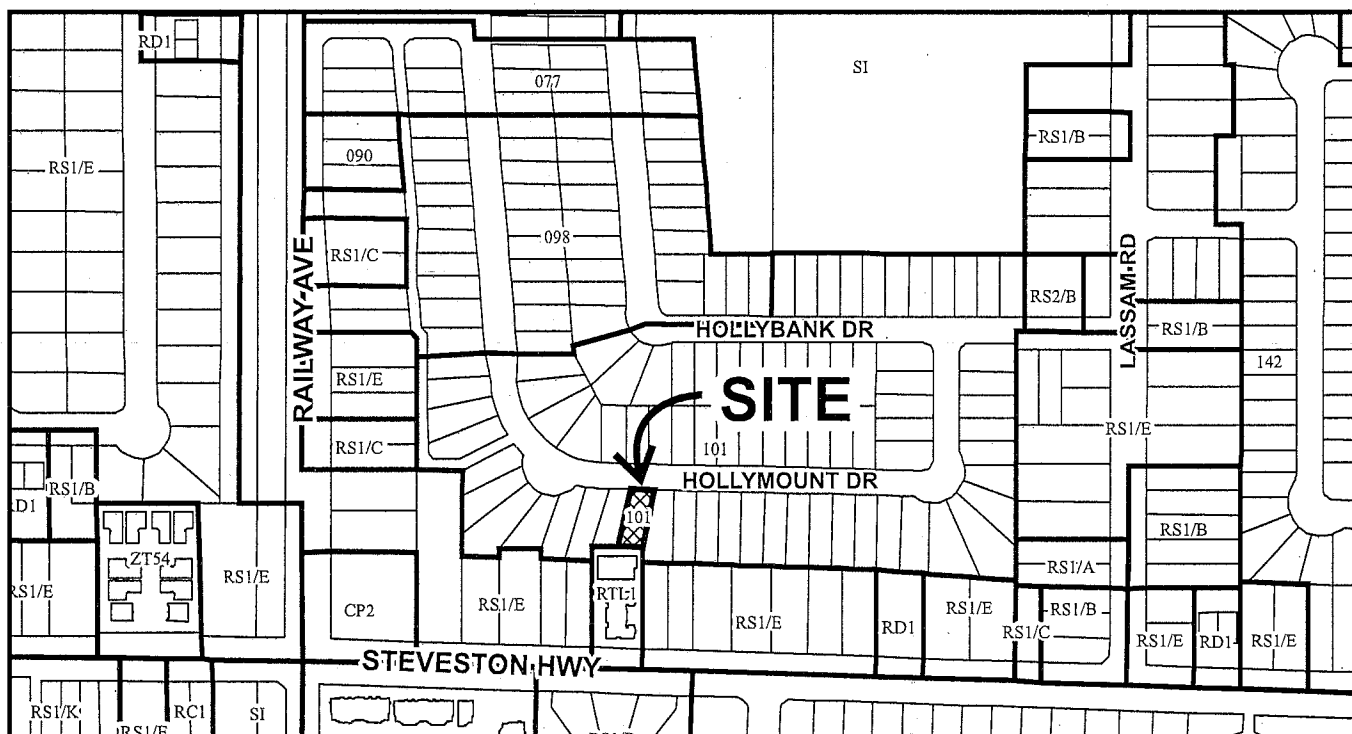
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Att. 2

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



BVL 16-728842

Original Date: 06/28/16

Revision Date:

Note: Dimensions are in METRES



City of
Richmond



BVL 16-728842

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To: Board of Variance
From: Cynthia Lussier
Planner 1
Date: June 28, 2016
File: BVL 16-728863
Re: Board of Variance Appeal (Siu Kin Lai & Sau Yung Lai-Ng, 6331 Goldsmith Drive)

Purpose

The registered owners of 6331 Goldsmith Drive has requested an appeal to the Board of Variance (BOV) 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, is a dwelling on a lot under LUC 011, which fronts Steele Court.
- To the South, directly across Goldsmith Drive, is a dwelling on a lot under LUC 011.
- To the East, is a lot under LUC 011, which contains a new three-storey dwelling; constructed consistent with the provisions of the LUC.

- To the West, is a lot under LUC 011, on which there is currently construction of a 2 ½ storey dwelling, consistent with the provisions of the LUC.

Table 1	
Site Area:	372 m ² (4,004 ft ²)
Land Uses:	Existing single detached dwelling
OCP Designation:	Neighbourhood Residential
Underlying Zoning:	Single Detached (RS1/B)
Land Use Contract No:	LUC 011
Application Date:	April 6, 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.

Table 2 ¹		
Regulations	LUC 011	Single Detached (RS1/B) Zone
Floor Area Ratio (max):	N/A	0.55 to max 464.5 m ² of site area plus 0.30 for the balance
Principal Dwelling Size:	558 m ² (6,006 ft ²)*	204.6 m ² (2,202 ft ²) plus max. 50 m ² garage Total: 254.6 m ² (2,740 ft ²)*
Lot Coverage (max):	50%	45%
Front Yard Setback (min):	9 m	6.0 m
Side Yard Setback (min):	1.2 m	1.2 m
Rear Yard Setback (min):	4.5 m	6 m (if the exterior setback is 6.0 m the rear yard can be reduced to 1.2m)
Height (max):	3 storeys	2 ½ storeys
Secondary Suite:	Not permitted	Permitted

* preliminary estimate; exact building size to be determined through compliance review at Building Permit stage.

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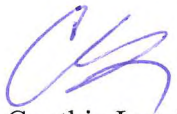
The owner of the subject property and those that received the notice may be heard by the Board of Variance at the meeting prior to the Board of Variance making a decision on the subject application.

Conclusion

The owners of 6331 Goldsmith Drive have 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.



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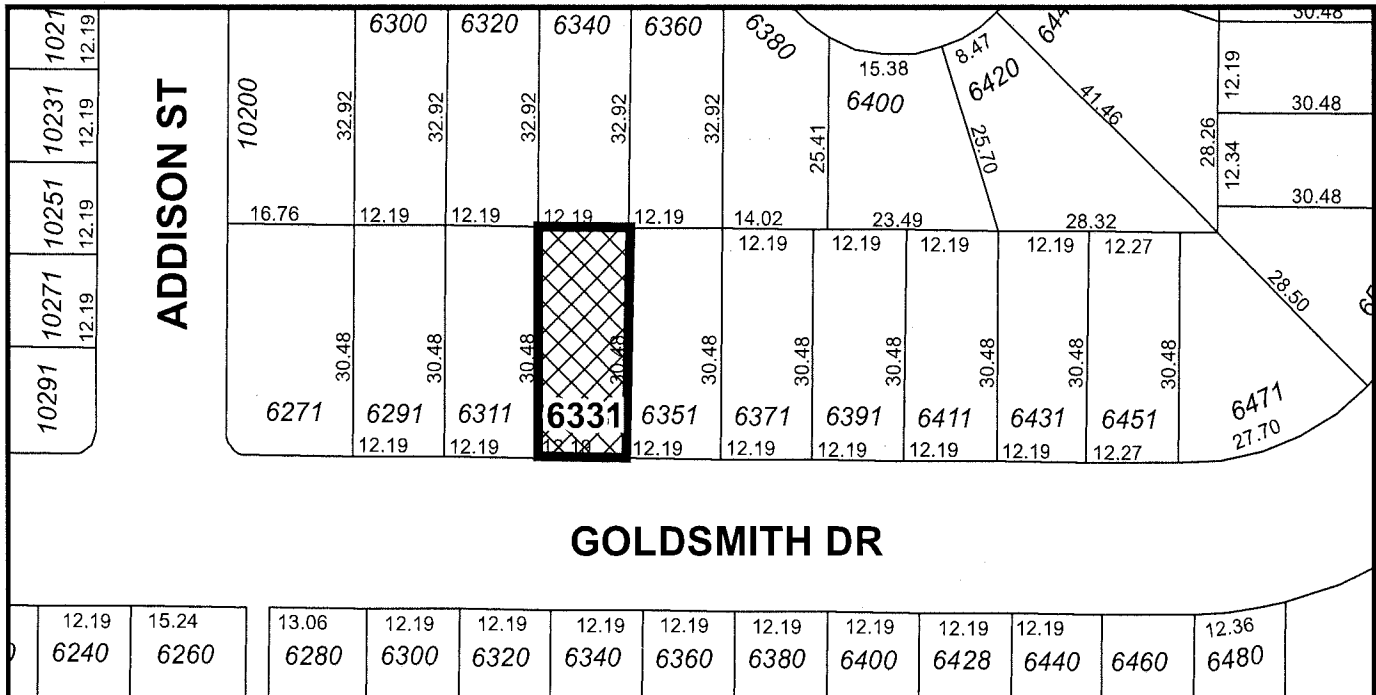
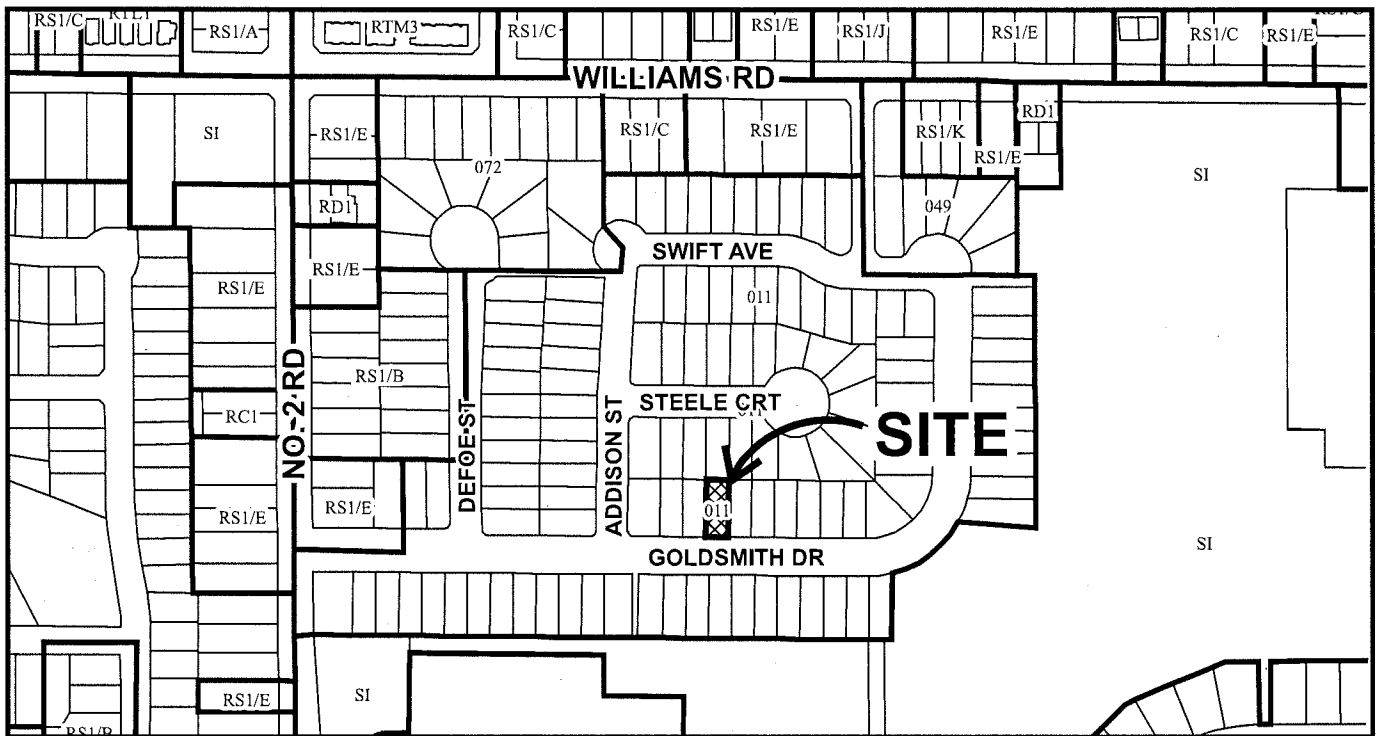
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To: Board of Variance

Date: June 28, 2016

From: Cynthia Lussier
Planner 1

File: BVL 16-729720

Re: Board of Variance Appeal (Eric Wai-Yip Tung & Erica Suk Qun Chow,
5820 Goldeneye Place)

Purpose

The registered owners of 5820 Goldeneye Place have requested an appeal to the Board of Variance (BOV) to extend the early termination date of the Land Use Contract (LUC) 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 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.

Table 1	
Site Area:	593 m ² (6,382 ft ²)
Land Uses:	Existing single detached dwelling
OCP Designation:	Neighbourhood Residential
Underlying Zoning:	Single Detached (RS1/E)
Land Use Contract No:	LUC 006
Application Date:	April 20, 2016

Existing development immediately surrounding the subject property is as follows:

- To the North, directly across Goldeneye Place, is a dwelling on a lot under LUC 006.
- To the South, are the rear yards of two (2) lots under LUC 006 that each front Goldeneye Place and Trumpeter Drive, each of which contain a single-family dwelling.
- To the East, is a dwelling on a lot under LUC 006, which fronts Goldeneye Place.
- To the West, directly across Trumpeter Drive, are dwellings on lots under LUC 006.

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.

Table 2¹		
Regulations	LUC 006	Single Detached (RS1/E) Zone
Floor Area Ratio (max):	N/A	0.55 to max 464.5 m ² of site area plus 0.30 for the balance
Principal Dwelling Size:	587 m ² (6,319 ft ²)*	294 m ² (3,164 ft ²) plus max 50 m ² garage Total: 344 m ² (3,702 ft ²)*
Lot Coverage (max):	33%	45%
Front Yard Setback (min):	6.0 m	6.0 m
Interior Side Yard Setback (min):	1.2 m	2.0 m (for lots of 20 m or more in average width)
Exterior Side Yard Setback (min):	4.5 m	3.0 m
Rear Setback (min):	3.0 m for corner lots and one storey	6.0 m (if the exterior side yard setback is 6.0 m, the rear yard can be reduced to 1.2m)
Height (max):	3 storeys	2 ½ storeys
Secondary Suite:	Not permitted	Permitted

* preliminary estimate; exact building size to be determined through compliance review at Building Permit stage.

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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 owners of 5820 Goldeneye Place have 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:

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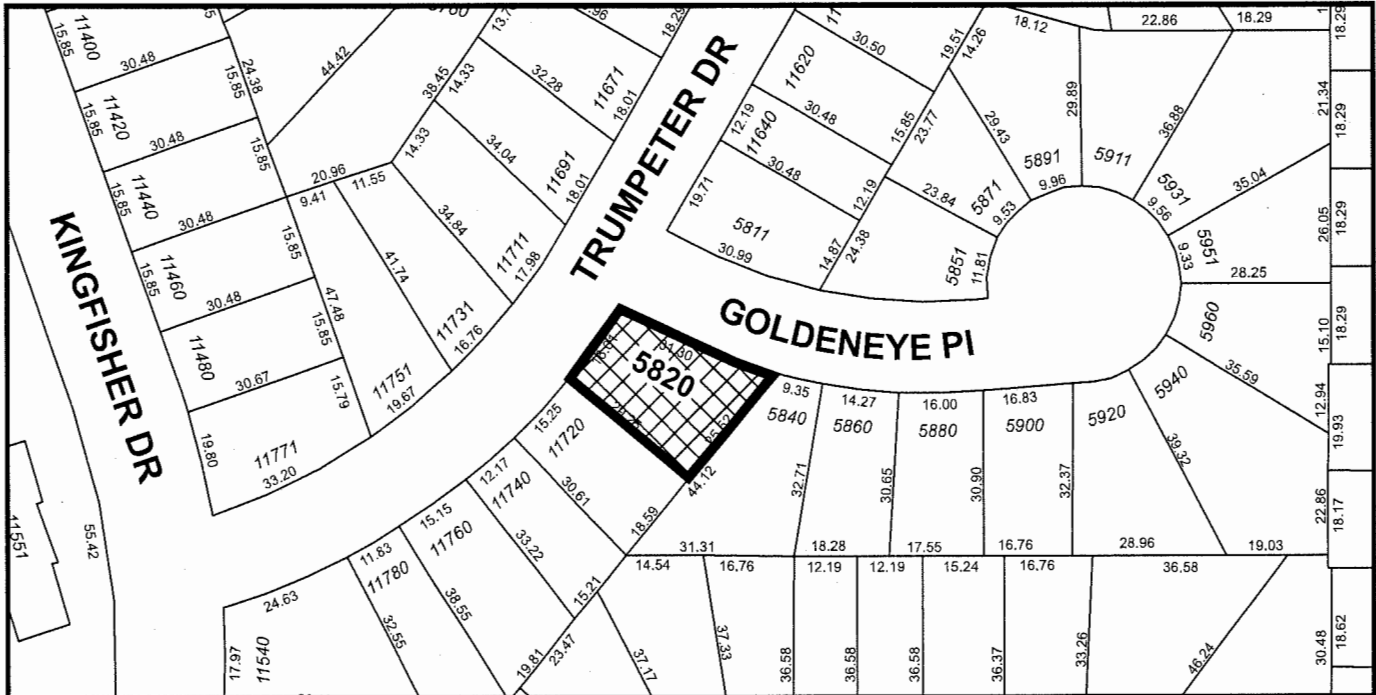
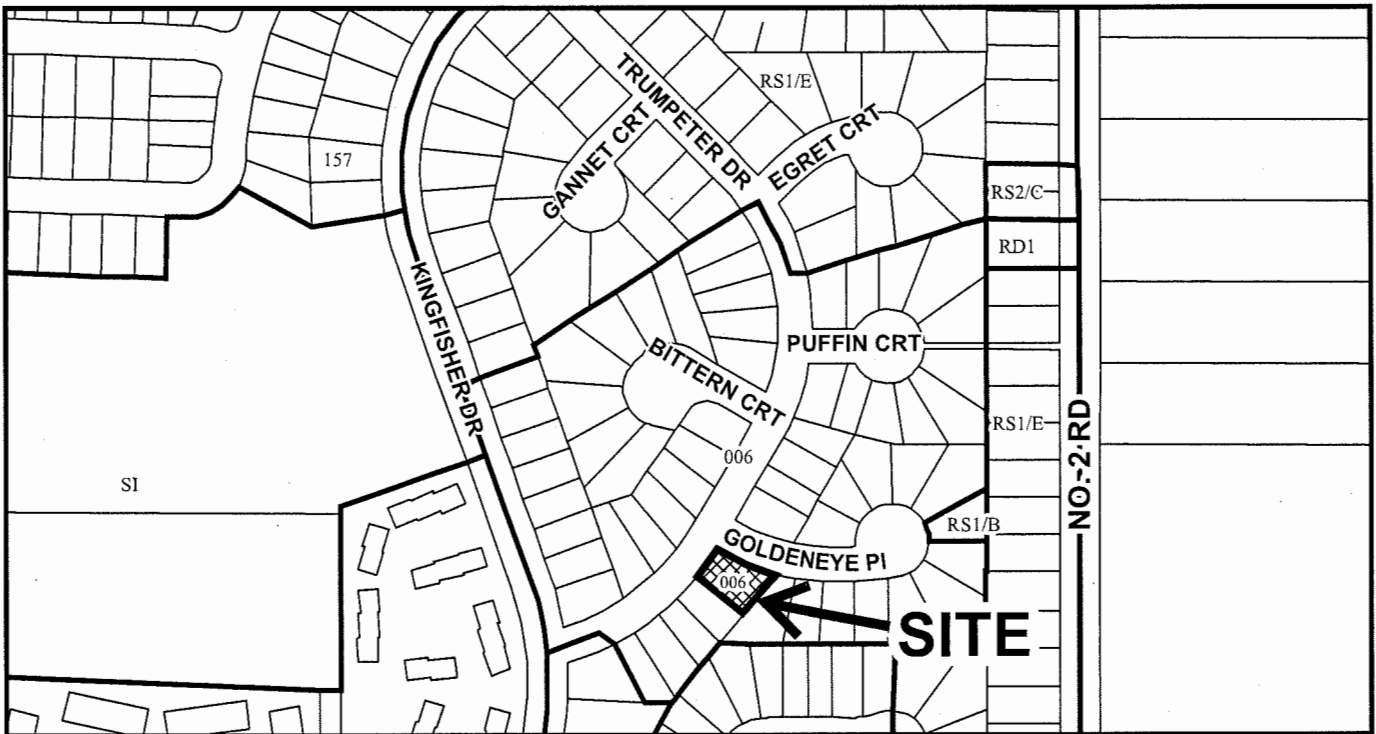
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pc: Joe Erceg, General Manager, Planning and Development
Wayne Craig, Director, Development
John Hopkins, Senior Planner



City of Richmond

ATTACHMENT 1



BVL 16-729720

Original Date: 06/28/16

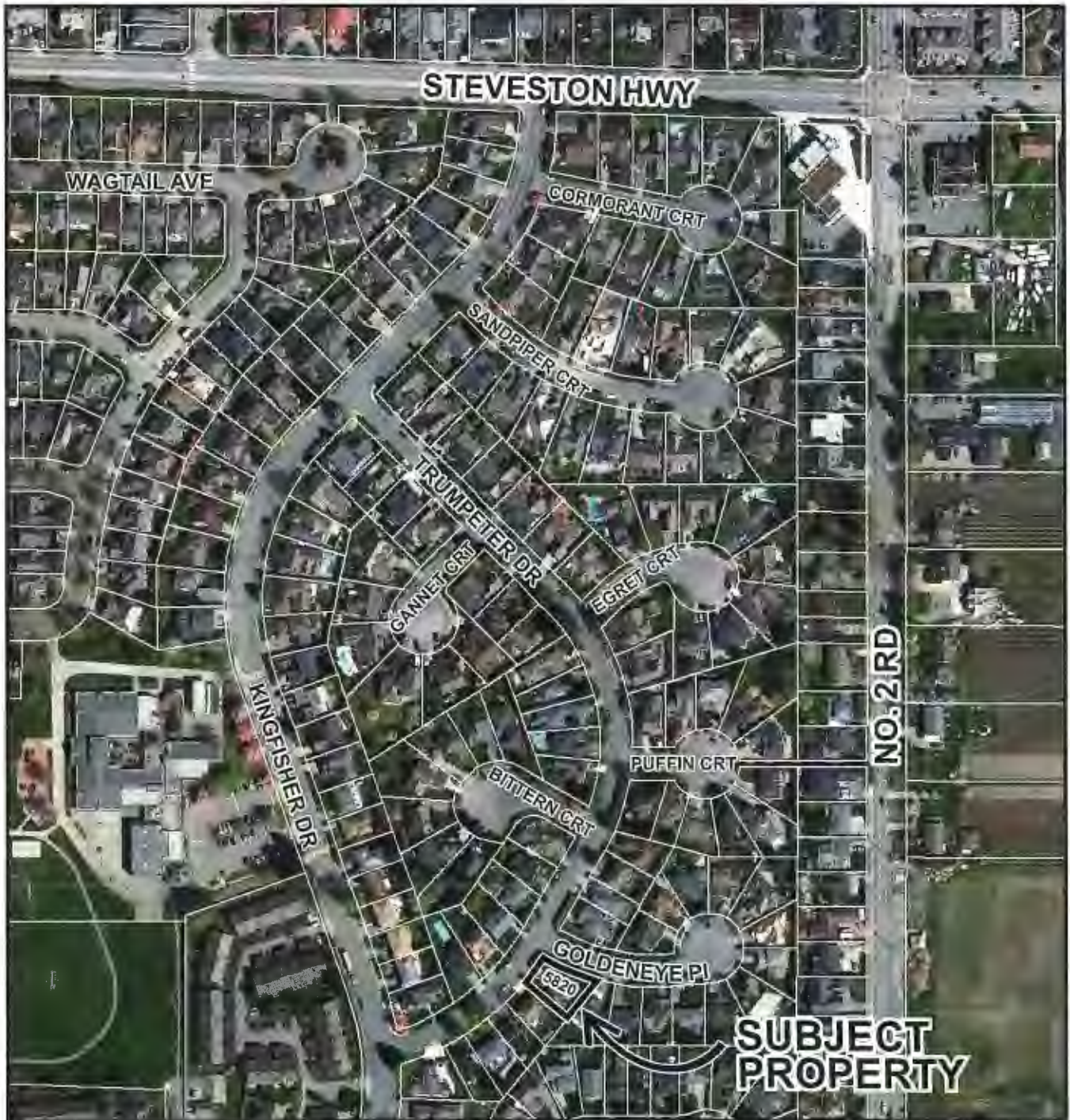
Revision Date:

Note: Dimensions are in METRES

BOV - 61



City of
Richmond



BVL 16-729720

Original Date: 06/28/16

Revision Date:

Note: Dimensions are in METRES