



## Board of Variance

Thursday, October 6, 2016

Time: 7:00 p.m.

Place: Council Chambers  
Richmond City Hall

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

David Weber, Secretary to the Board

Call to Order: The Chair called the meeting to order at 7:02 p.m.

### MINUTES

It was moved and seconded

*That the minutes of the Board of Variance meetings held on September 8, 2016, and September 15, 2016, be adopted as circulated.*

**CARRIED**

1. **BOARD OF VARIANCE APPEAL – 11480 PINTAIL DRIVE  
BVL 16-731402**

(File Ref. No. BVL 16-731402) (REDMS No. 5167557)

APPLICANT: Taylor and Michelle Los

ADDRESS: 11480 Pintail Drive

PURPOSE: The registered owners of 11480 Pintail 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.

1.

## **Board of Variance**

### **Thursday, October 6, 2016**

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#### **Applicant's Comments**

Taylor and Michelle Los provided a brief overview of the application to the Board of Variance.

In response to questions from the Board, Mr. and Mrs. Los provided the following information:

- Investments were made to upgrade the home prior to Council's decision to terminate Land Use Contracts on November 24, 2016.
- The family is not financially capable of building a new home at this time, as they have decided that one member of the family will stay home to raise their young children.
- The Land Use Contract allows for additional flexibility in the construction of a third storey to accommodate a home office.
- The applicants have elected to place a priority on spending time to raise their young children rather than constructing a new home at this time.

#### **Written Submissions**

- (a) Joseph Lau and Susana Ng, 11511 Pintail Drive (Schedule 1)
- (b) Christiane and Dr. Tilman Thrum, 5820 Plover Court (Schedule 2)

#### **Gallery Comments**

None.

#### **Board Deliberation**

Staff provided the following information in response to questions from the Board:

- The current zoning permits a home of 3,376 square feet, inclusive of a garage.
- There is criteria for the construction of a half-storey under the current zoning.

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

- The owner of the immediately adjacent property supports the application.
- The hardship cited by the applicants is self-imposed.
- The current zoning allows a home of a substantial size on the property.

**Board of Variance**  
**Thursday, October 6, 2016**

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- There is no clear evidence of hardship.

**Board Decision**

It was moved and seconded

*That the application to extend the provisions of the Land Use Contract, as it applies to the property at 11480 Pintail Drive, be denied.*

**CARRIED**

2. **BOARD OF VARIANCE APPLICATION – 11680 PLOVER DRIVE  
BVL 16-732374**

(File Ref. No. BVL 16-732374) (REDMS No. 5167839)

**APPLICANT:** Percy Bharucha and Jasmine Bhatena

**ADDRESS:** 11680 Plover Drive

**PURPOSE:** The registered owners of 11680 Plover 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.

**Applicant's Comments**

Jasmine Bhatena provided a brief overview of the application to the Board of Variance.

In response to questions from the Board, Ms. Bhatena and Percy Bharucha provided the following information:

- Easements on the property restrict the area where a home can be constructed, and would require the back yard to be eliminated.
- The Land Use Contract permits the construction of a three-storey home which would accommodate the restrictions on the lot.
- The current home is built on the easement, in accordance with a permit, but the City has indicated that this would not be allowed if a new home were to be constructed.
- There is a need to build a home that is large enough to accommodate multiple generations in the future.

**Written Submissions**

None.

**Board of Variance**  
**Thursday, October 6, 2016**

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**Gallery Comments**

None.

**Board Deliberations**

Staff provided the following information in response to questions from the Board:

- The current zoning allows the height to be varied, but not the total floor area.
- The building footprint on the lot is limited due to the easements.
- A home of the maximum allowable size under the current zoning could be constructed, but would result in a long, skinny house without green space.

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

- Restrictions on the property and the shape of the property would result in the construction of an oddly shaped house.
- Issues resulting from the shape of the property can be addressed through a regular variance.
- The existing home cannot be renovated due to problems with the foundation.
- The medical condition of a family member, has been noted.

**Board Decision**

It was moved and seconded

*That the application to extend the provisions of the Land Use Contract, as it applies to the property at 11680 Plover Drive, be granted.*

**CARRIED**

Opposed: Howard Jampolsky

It was moved and seconded

*That the provisions of the Land Use Contract, as it applies to the property at 11680 Plover Drive, be extended until December 31, 2021.*

**CARRIED**

Opposed: Sheldon Nider

**Board of Variance**  
**Thursday, October 6, 2016**

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3. **BOARD OF VARIANCE APPLICATION – 11460 PINTAIL DRIVE  
BVL 16-732505**

(File Ref. No. BVL 16-732505) (REDMS No. 5167669)

APPLICANT: Steve Ward and Adele Peters

ADDRESS: 11460 Pintail Drive

PURPOSE: The registered owners of 11460 Pintail 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.

**Applicant's Comments**

Steve Ward and Adele Peters provided a brief overview of the application to the Board of Variance.

In response to questions from the Board, Mr. Ward and Ms. Peters provided the following information:

- There is a preference to construct a new three-storey home under the Land Use Contract.
- There is a need to build a home that is large enough to accommodate multiple generations in the future.
- An adjacent large three-storey home shades their current home.
- Constructing a new home at this time would create a timing and financial hardship.
- The character of the neighbourhood is changing and it is expected that it will consist mainly of two and a half storey homes in the next ten years.

**Written Submissions**

- (a) Joseph Lau and Susana Ng, 11511 Pintail Drive (Schedule 3)

**Gallery Comments**

None.

**Board Deliberations**

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

**Board of Variance**  
**Thursday, October 6, 2016**

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- The only factor that could be considered a hardship is the size of the adjacent home.

**Board Decision**

It was moved and seconded

*That the application to extend the provisions of the Land Use Contract, as it applies to the property at 11460 Pintail Drive, be denied.*

**CARRIED**

4. **BOARD OF VARIANCE APPLICATION – 11717 YOSHIDA COURT  
BVL 16-732446**

(File Ref. No. BVL 16-732446) (REDMS No. 5168891)

APPLICANT: Shannon Mathers

ADDRESS: 11717 Yoshida Court

PURPOSE: The registered owner of 11717 Yoshida 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.

**Applicant's Comments**

Shannon Mathers provided a brief overview of the application to the Board of Variance.

In response to questions from the Board, Ms. Mathers provided the following information:

- Easements, setbacks and rights-of-way would constrain the footprint of a new home on the property, and would necessitate a three-storey house.
- The current home is approximately 1,300 square feet.
- The intent is to construct a home of between 2,600 and 2,800 square feet in the future, under the Land Use Contract.
- Currently, there is a lack of financial ability to undertake the construction a new home.
- A three-storey townhouse complex neighbours the applicant's property.

**Written Submissions**

- (a) Kim Aspden and Geoffrey Bell, 11711 Yoshida Court (Schedule 4)

**Board of Variance**  
**Thursday, October 6, 2016**

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- (b) Helina Clement, 11733 Yoshida Court (Schedule 5)
- (c) Laura Downey (Schedule 6)

**Gallery Comments**

None.

**Board Deliberations**

Staff provided the following information in response to questions from the Board:

- The owner of 11711 Yoshida Court has not submitted a development application.
- The easement is located on the south side of the lot.
- The extension of the Land Use Contract would not be registered on title.
- The allowable footprint of the home would be 800 square feet; the maximum allowable size would not be achieved under the current zoning or the Land Use Contract.

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

- The constraints imposed by the easements and rights-of-way, would result in the half-storey (which is permitted to be constructed under the current zoning) being unusable.
- The construction of a three-storey home on the property would be out of character with the neighbourhood.
- When the applicant purchased the property in 2015, she was unaware that the Land Use Contract could be terminated in 2016.
- There is a concern that a new purchaser of the adjacent property may not be aware of the extension of the Land Use Contract and the potential for a three-storey home to be constructed on the applicant's property.

**Board Decision**

It was moved and seconded

*That the application to extend the provisions of the Land Use Contract, as it applies to the property at 11717 Yoshida Court, be granted.*

**CARRIED**

**Board of Variance**  
**Thursday, October 6, 2016**

---

It was moved and seconded

*That the provisions of the Land Use Contract, as it applies to the property at 11717 Yoshida Court, be extended until September 30, 2021.*

**CARRIED**

**ADJOURNMENT**

It was moved and seconded

*That the meeting adjourn (9:40 p.m.).*

**CARRIED**

Certified a true and correct copy of the Minutes of the Board of Variance meeting of the City of Richmond held on Thursday, October 6, 2016.

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Howard Jampolsky  
Chair

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David Weber  
Secretary to the Board



## CityClerk

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**From:** Joe Lau <joesklau@gmail.com>  
**Sent:** Sunday, 25 September 2016 5:00 PM  
**To:** CityClerk  
**Subject:** Objection to 11480 Pintail Dr- application for Variance  
**Categories:** 01-0100-30-BVAR1

To	Board of Variance
Date:	Oct 6, 2016
Item #	1
Re:	11480 Pintail 16-731402

Hello

As the owners and residents of 11511 Pintail Dr, we are sending you this email to object to the passing of the variance to allow for the extension of the LUC 012 for 11480 Pintail Dr until June 30, 2016.

The City of Richmond has cancelled the LUC in order to maintain a cohesive residential neighbourhood in which the buildings will comply with existing and proven zoning by-laws. By allowing this address to extend its LUC, there is a risk of having a building that will be out of place in the neighbourhood it resides in and negatively affect its neighbours.

Sincerely,

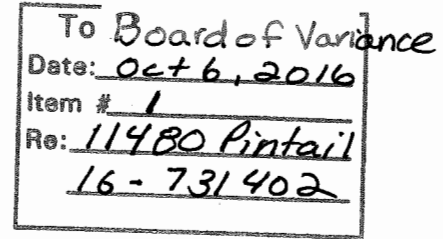
Joseph Lau and Susana Ng



# CityClerk

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**From:** Tilman Thrum <tthrum@googlemail.com>  
**Sent:** Sunday, 25 September 2016 7:00 PM  
**To:** CityClerk  
**Subject:** Board of Variance Application - 11480 Pintail Drive  
**Categories:** 01-0100-30-BVAR1-20-2016731402



To whom it may concern,

we are writing you in response to a Board of Variance Application for 11480 Pintail Drive, File 01-0100-30-BVAR1-20-2016731402 to extend the Land Use Contract for this property for another eight years.

## **We are opposed to this application.**

Reasons:

Pintail Drive, Plover Drive and Plover Court have mostly maintained the character of the original Westwind design intent - and with that the neighbourhood is still mostly intact and functioning in this area. Only four or five of the mega homes have made it into this part of Westwind. The house in question has similar original style Westwind homes to the immediate North and South border along Pintail. If a variance would be allowed it would likely defeat the very purpose of keeping renovations or rebuilds within the overall dimensional envelope and appearance of the neighborhood. Also the new zoning will still allow a larger house than the existing one to be built on this lot.

The city needs to be very careful not to defeat the intent of the early termination of the LUCs by bypassing this democratically achieved result through giving individual extensions without taking the current status of the immediate neighbourhood into consideration.

Thank you for your consideration,

Christiane and Dr. Tilman Thrum  
5820 Plover Court



**CityClerk**

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**From:** Joe Lau <joesklau@gmail.com>  
**Sent:** Sunday, 25 September 2016 4:58 PM  
**To:** CityClerk  
**Subject:** Objection to 11460 Pintail Dr- application for Variance  
  
**Categories:** 01-0100-30-BVAR1-20-2016732505

To Board of Variance  
Date: Oct 6, 2016  
Item # 3  
Re: 11460 Pintail  
16-732505

Hello

As the owners and residents of 11511 Pintail Dr, we are sending you this email to object to the passing of the variance to allow for the extension of the LUC 012 for 11460 Pintail Dr until June 30, 2016.

The City of Richmond has cancelled the LUC in order to maintain a cohesive residential neighbourhood in which the buildings will comply with existing and proven zoning by-laws. By allowing this address to extend its LUC, there is a risk of having a building that will be out of place in the neighbourhood it resides in and negatively affect its neighbours.

Sincerely,

Joseph Lau and Susana Ng



To BOARD OF VARIANCE  
Date: Oct 6, 2016  
Item # 4  
Re: 11711 Yoshida Court  
BVL 16-732446

CityClerk

**From:** Kim Aspden <kimaspen@hotmail.com>  
**Sent:** Monday, 3 October 2016 11:21 AM  
**To:** CityClerk  
**Subject:** BOARD OF VARIANCE APPLICATION – ITEM 4 - 11717 YOSHIDA COURT – BVL 16-732446 - Attention: Board of Variance

Hello,

I am writing in regards to Shannon Mathers who resides at 11717 Yoshida Court, Richmond.

We live at 11711 Yoshida Court (right next to Ms. Mathers on the north side) and we would like to show our support for her application to the Board to extend her Land Use Contract. We are planning on building on our lot and have no issue should she decide to do the same or renovate her home one day.

Many of the houses on this street are very small and are not conducive to growing families. In fact, there are very few families with more than one or two people on this street because of the small sizes of the homes.

Very best regards,

Kim Aspden and Geoffrey Bell



**CityClerk**

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**From:** Helina Clement <hclement@shaw.ca>  
**Sent:** Tuesday, 4 October 2016 12:23 PM  
**To:** CityClerk  
**Subject:** file: 01-0100-30-BVAR1-20-2016732446  
  
**Categories:** 01-0100-30-BVAR1-20-2016732446

To	BOARD OF VARIANCE
Date:	Oct 6, 2016
Item #	4
Re:	11711 YOSHIDA COURT BVL 16-732446

I am in favour of Shannon Mathers application for 11717 Yoshida Court.

Helina Clement  
11733 Yoshida Court  
Richmond, BC V7E 5C5



To Whom it May Concern,

This letter is to inform you that my sister, Shannon Mathers, is a caregiver to my two-year-old twins. Shannon looks after her niece and nephew every Monday, twice a week during the evening and often on the weekends while my husband and I work. It is imperative that she be able to look after them, as we cannot afford full time caregiving services. Having her move further away while she builds a new house would be very difficult for our family. It would cause my husband and I a lot of stress and anxiety if Shannon were unable to look after our kids. The disruption of care would also be difficult on our kids. Please grant her the extension of the Land Use Contract at least until my children are in school fulltime and may not need as much babysitting during the week.

If you have any further questions please do not hesitate to call.

A handwritten signature in black ink, appearing to read "Laura Downey", with a long horizontal flourish extending to the right.

Laura Downey

604-329-4477