



**To:** Richmond City Council  
**From:** David McLellan  
Chair, Development Permit Panel  
**Date:** May 20, 2003  
**File:** 0100-20-DPER1  
**Re:** **Development Permit Panel Meetings Held on April 30, 2003 and May 14, 2003**

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**Panel Recommendation**

1. That the recommendations of the Panel to authorize the issuance of:
  - i) a Development Permit (DP 97-121069) for the property at 8580 Cambie Road ;
  - ii) a Development Permit (DP 02-212758) for the property at 6400, 6420 Princess Lane & 6411, 6431 Dyke Road;
  - iii) a Development Permit (DP 02-212896) for the property at 4591 Garden City Road;
  - iv) a Development Permit (DP 02-221667) for the property at 8640 Alexandra Road;be endorsed, and the Permits so issued.
2. That the recommendation of the Panel to deny the issuance of a Development Variance Permit (DV 03-230315) for the property at 17086 Fedoruk Road be endorsed.
3. That a review of the universal accessibility provisions, particularly as they apply to commercial buildings in the city centre, be undertaken, with the findings to be presented to the Planning Committee.

David McLellan  
Chair, Development Permit Panel

**Panel Report**

The Development Permit Panel considered four Development Permits and one Development Variance Permit at its meetings held on April 30, 2003 and May 14, 2003.

**DP 97-121069 – MB 628 VENTURES LTD. – 8580 CAMBIE ROAD**

The proposal to construct two office buildings on the south side of Cambie Road east of Brown Road generated comment from the neighbouring school and the disabled community. The school was concerned that the development will rely on access from a new road to be constructed between the two sites. The school has had the use of an undeveloped road allowance and would prefer to see its construction deferred. It was noted that this is the only feasible legal access to the site and a deferral of construction would not be appropriate.

The Panel had at a previous meeting referred the application to the Richmond Committee on Disability, as elevator access is not being provided to the second floor. The Committee and the Panel was concerned that the design of the building would limit employment opportunities for the disabled on the site. The Panel was advised that the design is consistent with the building code and city bylaws, therefore, some obligation was felt that the design should be approved.

The Panel recommends that the permit be issued. In addition the Panel recommends that staff be directed to review the universal accessibility provisions as it applies to commercial buildings in the City Centre.

**DP 02-212758 – LONDON LANDING DEVELOPMENT CORP. – 6400, 6420 PRINCESS LANE & 6411, 6431 DYKE ROAD**

The proposal to construct 11 detached townhouses on Princess Lane in the London Landing neighbourhood generated comments from a number of interests. The Panel initially heard from a number of the business operators in the site to east that had concerns about buffering to industrial uses and the changes to road access and drainage to their site. In addition another neighbour explained the dispute he has with the City over the status of a right of way through the site. The Panel directed the staff to meet with the affected businesses over their issues and it was reported to the most recent meeting of the Panel that their issues had been addressed. The Panel found the dispute over the right of way did not have particular relevance to the issuance of the development permit. The Panel also found the design to be quite consistent with recent housing approvals in this neighbourhood.

The Panel recommends that the permit be issued.

**DP 02-212896 – D.M.H. EQUITIES LTD. – 4591 GARDEN CITY ROAD**

The proposal to construct a two storey commercial building on the west side of Garden City Way at what will be its intersection with Leslie Road did not generate any public comment. The Panel raised a number of questions related to the landscaping and façade treatments which were addressed by staff and the applicant. It was noted that the developer is undertaking significant works in the form of the dedication and construction of Leslie Road at the south edge of his site.

The Panel recommends that the permit be issued.

DP 02-221667 – SHARIF SENBEL – 8640 ALEXANDRA ROAD

The proposal to construct a five storey, fifty room hotel near the east end of Alexandra Road, did not generate any public comment. It was noted that the treatment along Alderbridge Way was consistent with other approvals on this street, particularly the larger hotel to the west. The Panel was satisfied that the design was appropriate to the use and to the area upon the provision of revised plans which relocated the bicycle racks and provided an additional sidewalk to the landscaped area.

The Panel recommends that the permit be issued.

DV 03-230315 – GURDIAL S. JOHEL – 17086 FEDORUK ROAD

The proposal to increase the maximum height for an accessory building for this site in rural east Richmond generated opposition from the neighbours. The concerns were that this a very open area visible to a number of adjacent yards, alternatives were available to accommodate the owners needs and the height of the structure would be taller than many of the homes in the vicinity. The Panel noted that the permit issued for the site further east accommodated an architectural style appropriate to its site in an area which was buffered by extensive landscaping. The Panel found that this application was not comparable and would impact its many neighbours with no apparent public benefit gained by the granting of the variance.

The Panel recommends that the permit be denied.

DJM:djm



## Development Permit Panel

Wednesday, May 14<sup>th</sup>, 2003

Time: 3:30 p.m.  
Place: Council Chambers  
Richmond City Hall  
Present: David McLellan, General Manager, Urban Development, Chair  
Lani Schultz, Manager, Manager, Corporate and Strategic Planning  
Cathryn Volkering Carlile, General Manager, Parks, Recreation and Cultural Services

The meeting was called to order at 3:30 p.m.

### 1. Minutes

It was moved and seconded

*That the minutes of the meeting of the Development Permit Panel held on April 30<sup>th</sup>, 2003, be adopted.*

**CARRIED**

### 2. Development Permit 02-212758 (Tabled from April 30<sup>th</sup>, 2003 Meeting) (Report: April 02/03 File No.: DP 02-212758) (REDMS No. 913670)

APPLICANT: London Landing Development Corp.

PROPERTY LOCATION: 6400 & 6420 Princess Lane and 6411 & 6431 Dyke Road

INTENT OF PERMIT:

To allow the development of eleven (11) detached townhouse units containing a total floor area of 1,816 m<sup>2</sup> (19,548.0 ft<sup>2</sup>) on a site zoned Comprehensive Development District (CD/115).

#### Applicant's Comments

The applicant stated that he had attended the meeting between staff and tenants of the Princess Lane Industrial Site and advised that an agreement had been reached. He stated that the ongoing dispute concerning the right of way and fire access would have to be resolved between the City and Mr. Eyestone.

### Staff Comments

Mr. Burke, Development Coordinator, stated that staff had a productive meeting with the tenants of Princess Lane. In response to the tenants' concerns regarding access, drainage and buffering, the following changes were being proposed:

- access to Princess Lane Industrial Park would be widened;
- the driveway letdown from Princess Lane to the lane would be widened;
- the amount of asphalt paving on Mr. Eyestone's property increased;
- additional tree planted in the boulevard at the intersection of Princess Lane and the lane to enhance the landscape buffer; and
- additional landscaping will be planted along the western face of the existing industrial building.

Mr. Burke advised that staff will again meet with both the tenants and owner of the industrial park prior to finalization of the Servicing Agreement to resolve any outstanding issues. He stated that changes made to the lane would accommodate most trucks accessing Princess Lane. However longer trucks would have to back into the Industrial site.

### Correspondence

Jonathan Baker, Baker, Corson & Baker (Schedule 1)

### Gallery Comments

Curtis Eyestone submitted his concerns in writing and noted the dispute with the City on the status of its right of way on his property. (Schedule 2)

### Panel Discussion

Chair advised that he was satisfied that measures were being taken to resolve the concerns of the tenants of the Princess Lane Industrial Site.

### Panel Decision

It was moved and seconded

***That a Development Permit be issued for 6400, 6420 Princess Lane and 6411, 6431 Dyke Road on a site zoned Comprehensive Development District (CD/115), which would allow the development of eleven (11) detached townhouse units containing a total floor area of 1,816 m<sup>2</sup> (19,548.0 ft<sup>2</sup>).***

CARRIED

### 3. Development Permit 02-212896

(Report: April 4<sup>th</sup>, 2003 File No.: 02-212896) (REDMS No. 989239)

APPLICANT: D.M.H. Equities Ltd.

PROPERTY LOCATION: 4591 Garden City Road

INTENT OF PERMIT:

1. To allow the construction of a two-storey commercial building on a site zoned Comprehensive Development District (CD/117); and

2. To vary the regulations in the Zoning and Development Bylaw to increase the number of small car parking spaces from 31 to 36.

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

In response to a query from the Panel the applicant stated that:

- there were awnings on the front windows fronting both Garden City Road and Leslie Road;
- there was extensive landscaping on the site in the form of trees and shrubs; and
- in certain areas there would be ornamental grasses, perennials and shrubs

#### **Staff Comments**

Mr. Burke advised that staff recommended approval of this development permit. He noted that the applicant would be dedicating Leslie Road and extending it to Garden City Road.

#### **Correspondence**

None.

#### **Gallery Comments**

None.

#### **Panel Decision**

It was moved and seconded

***That a Development Permit be issued for a property at 4591 Garden City Road that would:***

1. ***Allow the construction of a two-storey commercial building on a site zoned Comprehensive Development District (CD/117); and***
2. ***Vary the regulations in the Zoning and Development Bylaw to increase the number of small car parking spaces from 31 to 36.***

**CARRIED**

#### **4. Development Permit 02-221667** (Report: April 9<sup>th</sup>, 2003 File No.: DP02-221667) (REDMS No. 982088)

APPLICANT: **Sharif Senbel**

PROPERTY LOCATION: **8640 Alexandra Road**

INTENT OF PERMIT:

1. To permit the construction of a five-storey hotel on a site zoned Automobile Oriented Commercial District (C6); and
2. To vary the provisions of the *Zoning and Development Bylaw* to reduce the road setback from 6 m (19.685 ft.) to 0 for an entry structure and trellis.

### **Applicant's Comments**

The applicant stated that:

- to address pedestrian access on the Southern portion of the site an urban edge was created;
- sufficient parking was provided to the north of the site;
- a portal entrance was situated on Alexander Road
- a sufficient number of street trees had been provided, and some trees were saved along the south-east corner of the site;
- the architectural design was part of the identity of the "La Quinta" hotel chain; and
- the pedestrian entrance would be screened and trellised.

### **Staff Comments**

Mr. Burke, Development Coordinator, advised that staff recommended approval of this project. He stated that the project had been taken to the Advisory Design Panel three times and their concerns had been addressed by the applicant.

### **Correspondence**

None.

### **Gallery Comments**

None

### **Panel Discussion**

In response to queries from the Panel, the applicant stated that:

- the narrow piece of land to the east side of the project would be landscaped and seated areas would be provided;
- the bike rack would be placed closer to the main entrance for more visibility; and
- entrance to the landscaped area would be made more accessible.

### **Panel Decision**

It was moved and seconded

***That a Development Permit be issued for a property at 8640 Alexandra Road that would:***

- 1. Permit the construction of a five-storey hotel on a site zoned Automobile Oriented Commercial District (C6); and***
- 2. Vary the provisions of the Zoning and Development Bylaw to reduce the road setback from 6 m (19.685 ft.) to 0 for an entry structure and trellis.***

***Provided that the landscape plans were amended to ensure entry into the landscaped area was made more accessible and the bicycle racks were moved closer to the main entrance to provide better visibility.***

**CARRIED**

5. **Development Variance Permit 03-230315**  
(Report: April 23<sup>rd</sup>, 2003 File No.: DV03-230315) (REDMS No. 995441)

APPLICANT: **Gurdial S. Johal**

PROPERTY LOCATION: **17086 Fedoruk Road**

INTENT OF PERMIT:

To vary the maximum height for an accessory building in the Single-Family Housing District (R1) from 5 m (16.404 ft.) to 7.315 m (24 ft.) for a new accessory building.

**Applicant's Comments**

In response to a query from the Panel, Mr. Johal advised that:

- a similar variance had been granted a year ago in this area;
- the accessory building would be used to store equipment;
- the height of this building would not block the views of residents in the area; and
- there were trees close by which were higher than his house.

**Staff Comments**

Mr. Holger Burke, Development Coordinator, advised that staff recommended this project. The subject property was long and narrow and the accessory building was at least 61 m away from the back lane.

**Correspondence**

Linda Graham & Murray LaPointe, 17071 Westminster Highway, Richmond – Schedule 3

Don & Audrey Hubbard, 17051 Westminster Highway, Richmond - Schedule 4

Petition Letter from 7 Residents in the Neighbourhood - Schedule 5

**Gallery Comments**

Ms. Linda Graham, 17071 Westminster Highway, Richmond, expressed concern that the accessory building would block her view and change the ambience of the neighbourhood. (Schedule 3)

Mrs. Hubbard, 17051 Westminster Highway, Richmond, stated her concern that the accessory building was as high as her residence and would be situated in a long narrow strip, thus breaking up the open expanse. In response to a query from the Panel, she advised that the footprint of the building could be wider rather than higher. (Schedule 3)

**Panel Discussion**

Discussion ensued among the Panel, and Chair stated that he was aware of a similar variance that was granted in this area, but stated that the building was a rural barnlike structure, no objections were raised by the residents in the neighbourhood, and it is heavily landscaped. He stated that the impact of this structure on the neighbourhood would be negative and noted that Mr. Johal had other alternatives such as a longer or wider building.



**Panel Decision**

It was moved and seconded

*That a Development Variance Permit be issued that would vary the maximum height for an accessory building in the Single-Family Housing District (R1) from 5 m (16.404 ft.) to 7.315 m (24 ft.) for a new accessory building at 17086 Fedoruk Road be DENIED.*

**CARRIED**

**NEW BUSINESS**

**6. GENERAL COMPLIANCE - REQUEST FROM DARSAN RANGI FOR THE DEVELOPMENT PERMIT AT 9191 Blundell Road (REDMS: 100731)**

APPLICANT: Darsan Rangi

PROPERTY LOCATION: 9191 Blundell Road

**Panel Discussion**

In response to a query from the Panel, Mr. Rangi stated that a number of developments in this area made use of vinyl siding. Discussion ensued on this matter and Chair requested that staff report to Panel on the use of vinyl siding in this neighbourhood. It was agreed that the request for General Compliance would be heard at the next meeting of the Panel scheduled to be held on May 28<sup>th</sup>, 2003.

**7. Adjournment**

It was moved and seconded

*That the meeting be adjourned at 4:40 p.m.*

**CARRIED**

Certified a true and correct copy of the Minutes of the meeting of the Development Permit Panel of the Council of the City of Richmond held on Wednesday, May 14, 2003.

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David McLellan  
Chair

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Desiree Wong  
Administrative Assistant

Mayor and Councillors

<b>To Develop:</b>	<b>Permit Panel</b>
<b>Date:</b> <u>May 14, 2003</u>	
<b>Item #</b> <u>1</u>	
<b>Re:</b> <u>DP 02-212758</u>	
_____	

**From:** Jonathan Baker  
**Sent:** May 14, 2003 12:03 PM  
**To:** Mayor and Councillors  
**Cc:** eyestone@direct.ca  
**Subject:** London Landing Development Corp.

May 14, 2003

Fax: 604-276-4052

Schedule 1 to the Minutes of the  
 Development Permit Panel held on  
 Wednesday, May 14<sup>th</sup>, 2003

City of Richmond  
 Mayor and Council  
 6911 # 3 Road  
 Richmond, B.C V6Y 2C1

**Re: Re: Application by London Landing Development Corp for a Development Permit at 6400 , 6420 Princess Lane and 6411, 6431 Dyke Road.**

We are the solicitors for Mr. Curtis Eyestone and London Lane Industrial Park Ltd.

We note that the Development Permit Panel agenda includes the following item for this afternoon's meeting:

**Development Permit 02-212758** (Tabled from April 30<sup>th</sup>, 2003 Meeting)  
**(Report: April 02/03 File No.: DP 02-212758) (REDMS No. 913670)**

APPLICANT: London Landing Development Corp.

PROPERTY LOCATION: 6400 & 6420 Princess Lane and 6411 & 6431 Dyke Road

**INTENT OF PERMIT:**

To allow the development of eleven (11) detached townhouse units containing a total floor area of 1,816 m<sup>2</sup> (19,548.0 ft<sup>2</sup>) on a site zoned Comprehensive Development District (CD/115).

**Manager's Recommendations**

***That a Development Permit be issued for 6400, 6420 Princess Lane and 6411, 6431 Dyke Road on a site zoned Comprehensive Development District (CD/115), which would allow the development of eleven (11) detached townhouse units containing a total floor area of 1,816 m<sup>2</sup> (19,548.0 ft<sup>2</sup>).***

In February of 2003 we advised the Planning Staff by letter that the "Statutory Right of Way" in favour of Richmond is, no matter how much they wish it to be otherwise, not a public road. Since Richmond seems intent on pushing ahead with the London Landing development, and to the extent that the development may rely for access on the non-existent road, we have been instructed to commence an application in the Supreme Court to deal with the matter. We expect to serve Richmond with process next week.

So that you may be fully apprised of the basis for the application, and assuming your planning staff have not forwarded our earlier correspondence the argument will be in part as follows:

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It is well established in British Columbia and other Provinces that the intent to dedicate a road to the public must be clear and unequivocal. The Ontario Court of Appeal in **Reed v Town of Lincoln** 1975 6

O.R. (2d) 391 held that the intention to *dedicate* "ought not to be too readily inferred from use by the public in a rural community...." The Court held that the onus of proof was on the Municipality. Similarly, in **Watson v Township of Rideau et al** (1982), 36 O.R. (2D) 567 it was held that "the onus was on the township to show by cogent or substantial evidence that the plaintiff intended to dedicate the land for public use\*\*\* the granting of easements in 1961 and 1962 was inconsistent with an intent to dedicate the land for public use."

The document upon which Richmond relies is nothing more than a statutory right of way for Richmond's employees, servants and agents. The document states:

2....in consideration of the sum of One (\$1.00) Dollar \*\*\*the Owner does hereby grant unto Richmond the full, free and uninterrupted right of way for Richmond, its licensees, servants, officials, workmen, machinery and vehicles , at any time and at their will and pleasure for the benefit of Richmond:

(b) to make survey, tests and examinations upon the right of way, and to excavate the soil thereof and to construct, install, lay down, place and maintain a roadway for the purpose of public rights of passage with or without vehicles, together with ancillary appliances and fittings;

It is plain that its purpose was to construct the works, and that the word "roadway" where used simply referred to the right of passage for the purpose of maintaining constructing and servicing the works. (The facts also support a *non est factum* argument in that our client was deliberately misled when he executed the document in the first place. That argument was set out in our earlier letter. )

Mr. Eyestone has consistently sought to keep the public out and has never acquiesced to the use of this Road by the Public. Public use is fully inconsistent with his adjacent industrial use and is dangerous. Richmond's staff, in a manner that can most generously be described as highhanded, have removed the barriers to public access installed by Mr. Eyestone.

To the extent, therefore, that the Development you intend to approve, may depend on this service easement for public access, it should not be approved at this time. Whether it is approved or not, however, we will commence legal proceedings to have the right of way agreement construed by the court and to enjoin its use as a public road.

Sincerely,

BAKER, CORSON & BAKER

JONATHAN BAKER

Encl.

## London Lane Industrial Park Ltd.

6471 Dyke Road  
Richmond B.C. V7E 3R3  
Phone & Fax (604) 277-9553

City of Richmond - Urban Planning Division

6911 No. 3 Road  
Richmond B.C. V6Y 2C1

~~Tuesday, April 30, 2003~~

*May 13, 2003*

Schedule 2 to the Minutes of the  
Development Permit Panel held on  
Wednesday, May 14<sup>th</sup>, 2003

**Att: Development Permit Panel**

**Re: DP 02-212758**

Dear Committee Members:

As instructed by this Development Permit Panel at the Public Meeting held May 5<sup>th</sup>, 2003, wherein instructions were given to meet with Joe Erceg and review the outstanding issues surrounding this Development Permit Application, we regret to report that:

- Joe Erceg advises that he will be unavailable until after May 27<sup>th</sup> and that Holger Burke will act in his absence.
- A meeting was held on site but Mr. Burke insisted that his instructions were to address only the Tenant's truck access and drainage problems and he refused to address any of the other concerns expressed in our and our Tenants letters presented to you at the last Development Permit Panel, namely:
  - 1) City's use of the Right-of-way.
  - 2) Industrial Road Standards for widths and user separation for the existing North-South leg of Princess Lane (shown as McKinney Walk) that is an industrial road, provided by the Industrial Park owners, London Lane Industrial Park Ltd. for use by the industrial park and the owners of 6531 and 6461 Dyke Road for access, and is now being usurped for use as a pedestrian connection to the Dyke and an Emergency Vehicle Access.
  - 3) Failure to provide a sidewalk, on the least accessed side of the roadway (West) as required by law, to accommodate the public use of this trail.
  - 4) Elimination of the temporary nature of the road construction, by the use of lock-block retaining walls, instead of properly constructed curbs and paving surfaces on both sides of the road.
  - 5) The repeated contention by Al Schmidt that proper road construction would only occur on the existing portion of the North-South Princess Lane (McKinney Walk) if we accepted one of the Options presented by the City of Richmond which have all been clearly rejected by us, was not helpful.

Under the circumstances, very little was accomplished by this on site meeting and most of the issues presented to you remain unresolved or even addressed by City Staff. A clearer mandate is required from you.

**LONDON LANE INDUSTRIAL PARK LTD.**

Curtis C. Eyestone – President

Enclosures:

- Letter to Al Schmidt May 12, 2003 reference to - Break, Enter and Theft by City Employees

**London Lane Industrial Park Ltd.**

6471 Dyke Road,  
Richmond BC V7E 3R3  
Ph/Fx (604) 277-9553

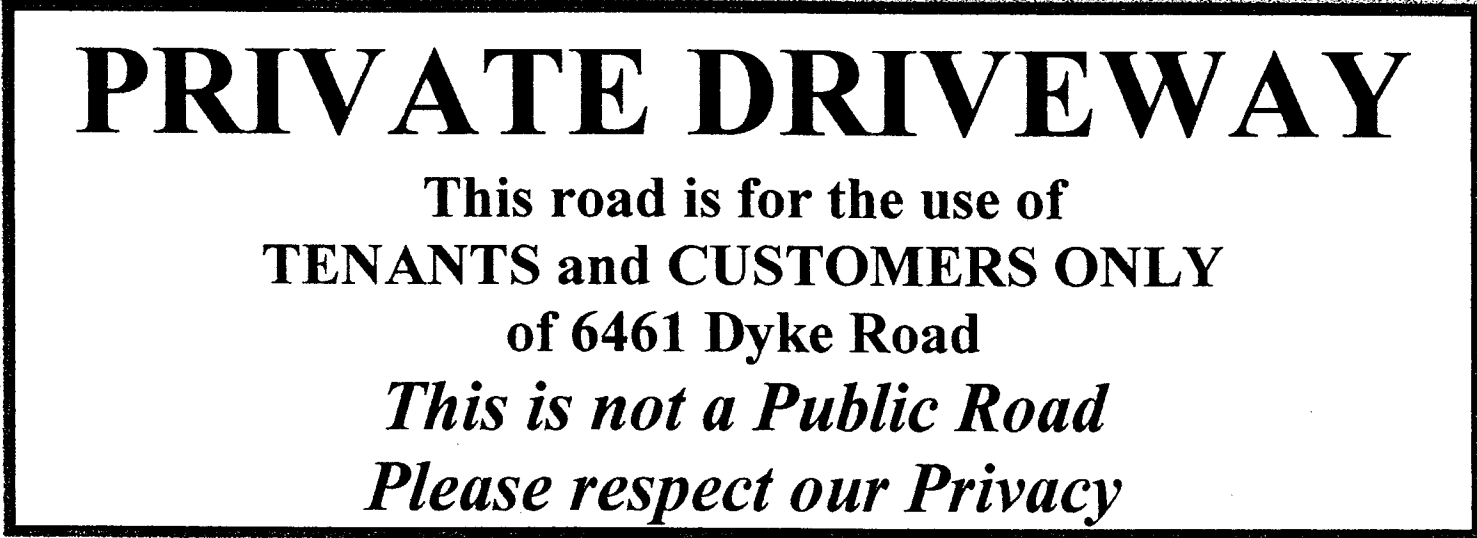
City of Richmond  
Works Yard-Lynas Lane, Richmond BC  
**Att: Al Schmidt - Supervisor Phone (604) 276-4086**

Copy to: RCMP Richmond  
**RE: RCMP File # 03-16403**  
Monday, May 12, 2003

Dear Sir;

As a result of the meeting on site with yourself and others, Thursday May 8<sup>th</sup>, 2003 it appears that you are responsible for removing our fence and notices, from our property.

I understand that you, Al Schmidt, issued instructions to have one or more of your City of Richmond employees enter onto property owned by London Lane Industrial Park Ltd. at 6451 Princess Lane, Richmond BC and remove a fence barrier and the following sign and one other sign that gave "Notice of Road Closure":



I also understand that a Work Order to perform this work was initiated by you.

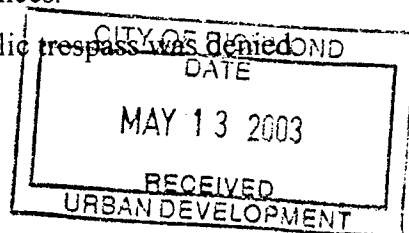
Under the terms and conditions of a "Right of Way" agreement that exists between London Lane Industrial Park Ltd. and the City of Richmond, the City has the right to remove fences for the purpose of servicing the works provided that the fences are replaced when the work is concluded. There is no provision that permits the City to retain possession of the fence. Nor is there any provision for the city to remove any notices from the property or retain possession of said notices. No servicing is being done on the works at this time and the liability created, by removing these notices and fences thereby permitting public access to our private property, is unacceptable.

Persons in your employ did carry out your instructions to forcibly enter London Lane Industrial Park Ltd.'s private property by cutting the metal support members on the fence, removed the fence and the signage notice and took both the fencing and the signage away. This in our opinion constitutes break, enter and theft.

We note that no written request has been received by London Lane Industrial Park Ltd. from the City instructing, requesting or ordering us to remove any signs, notices or fences.

On February 5<sup>th</sup> your verbal request to open our property to public trespass was denied.

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We therefore order that you have these items returned and re-installed to their original location.

Failure to comply will result in our requesting the RCMP to lay charges against you and your employees for this Break, Enter and Theft.

We also advise you that any attempt to conceal, destroy or not make available, to the investigating officers, the instructions that resulted in this work being carried out, can be viewed as an obstruction of justice, which is a Criminal Offence that could be added to the offences of Break, Enter and Theft, that may be applicable.

The City of Richmond and its employees are not exempt from obeying the law.

A copy of this letter and the evidence of the cut metal fence brackets are being delivered to the Richmond detachment of the RCMP for their appropriate action, should action be necessary.

LONDON LANE INDUSTRIAL PARK LTD.

Curtis Eyestone

President

Cc:

- Chair – Development Permit Panel – **DP 02-212758** City of Richmond
- Jonathan Baker - Baker, Corson, Baker  
17th Floor Nelson Square, 808 Nelson Street,  
Vancouver BC V6Z 2H2 Phone 604 891-0208 Fax 604 681-3504

<b>To Development Permit Panel</b>	
Date:	<u>May 14, 2003</u>
Item #	<u>5</u>
Re:	<u>DVP 03-230315</u>
	<u>17086 Fedoruk Rd.</u>

		INT
	JRM	
✓	DW	DW
	KY	
	AS	
	DB	
	WB	

May 13, 2003.

City Clerk  
6911 No. # Rd.  
Richmond, B.C. V6Y 2C1

Schedule 3 to the Minutes of the  
Development Permit Panel held on  
Wednesday, May 14<sup>th</sup>, 2003

**Re: Permit # DV 03-230315 - Gurdial S. Johel - 17086 Fedoruk Road**

03-230315

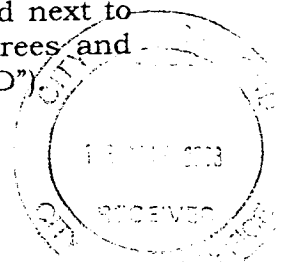
**To vary the maximum height for an accessory building in the Single-Family Housing District (R1) from 5 m (16.404 ft.) to 7.315 m (24 ft.) for a new accessory building.**

Our neighborhood, which is located between No. 7 Road and No. 8 Road, includes the frontage of Westminster Highway, Kartner Road and Fedoruk Road. It is one of Richmond's unique natural neighborhoods which has many large trees, natural greenery, open fields, views of the mountains and is situated in east Richmond's farming community. There are no other residential subdivisions in close proximity. Many of our neighbors are long term residents.

We are property owners of 17071 Westminster Highway and have resided at this address since 1995. Our property is directly south and across the City lane from the applicant's property at 17086 Fedoruk Road. As we have no access from Westminster Highway and use the City's lane as access, we consider our back yard (north side) as our front yard. Our large deck provides us with a scenic view of the North Shore Mountains.

We disagree with the Staff Report where it states that the proposed accessory building will have minimal impact on neighboring properties due to the size of the lots in this area as well as the large setbacks from both Fedoruk Road and the laneway. We feel it would have a great impact on the neighborhood and the following are the reasons why we oppose the proposed accessory building:

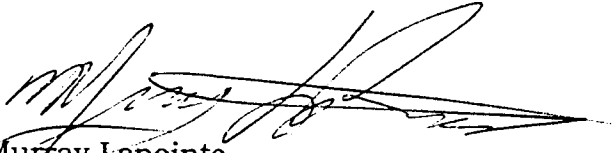
1. A similar accessory building height variance was approved approximately one (1) year ago at 17280 Fedoruk Road (DV 02-205449). The barn style building on 17280 Fedoruk Road is hidden behind an existing stand of tall trees. The lot at this address is 24.35 m wide. The well-treed lot absorbs the equally imposing structure (see picture "A").
2. The lot at 17086 Fedoruk Road is only 13.30 m. wide or 46% narrower than the property at 17280 Fedoruk Road. It is the narrowest of all the lots in our subdivision. The applicant verbally stated to Murray, that "it would be a difficult lot to build on". (This would impose limits on what a person could do.)
3. The lot at 17086 Fedoruk Road is not treed. This lot is situated next to three other lots, which between them have only a few fruit trees and more or less comprise a wide open area (see pictures "B" "C" & "D")



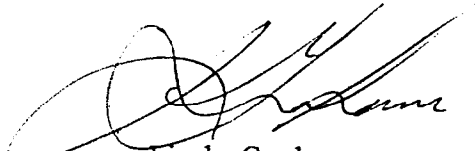
4. The majority of the houses in the immediate area (12) including ours at 17071 Westminster Highway form a half moon arrangement or crescent around these four adjacent lots due to the configuration of the City's unpaved lane. Several of them have decks that look out onto the existing open field. This area of the neighbourhood has a much higher housing density (see sketch #1).
5. The current or average height of these 12 buildings is 22 ft. Many have out buildings that do not exceed 12 ft. and most have a shallow pitch to their roofs. No one has had a problem with snow to my knowledge.
6. Further research into the actual plans of the proposed accessory building suggests a finished storage room with approximate dimensions of 16 ft X 18 ft X 8 ft. When you consider the stair case needed to service this upstairs storage room, it would be reduced to approximately 16 ft X 16 ft X 8 ft. This amounts to 2,048 cubic ft. (see drawing #2).
7. A building under the current maximum height limit could be built with an approximate 7-ft. vertical apex to its peak. Therefore; 16 X 16 X 7, would create 1,792 cubic ft.; a difference of 256 cubic feet (see drawing #3)
8. If the structure was widened or lengthened by as much as 2.3 feet in either direction, his needs would be easily meet.  $18.3 \times 16 \times 7 = 2050$  cubic feet. Therefore, the current height allowance would clearly enable the applicant to meet his desires, however, this storage room would not have a finished ceiling. It is unlikely the applicant would be stacking his possessions from floor to ceiling.
9. Please note that the hand drawings submitted by the applicant included a scale of  $\frac{1}{4}$  inch = 1 foot; however, his drawing is not to scale nor is it proportional. It suggests a building, 22' L X 16' W X 17' H. (see drawing #4).
10. If the accessory building at 17086 Fedoruk Road is situated on its raised geodetic level of 2-3 feet, then it may possibly finish off with a total height of 26 - 27 ft. It would **obstruct our view of the mountains**, despite its setback. The applicant's gain would be our loss. Therefore, the accessory building at 17086 Fedoruk Road would be an imposing structure on a very narrow lot with no trees as a buffer, keeping in mind that tree growth would take many years to reach a suitable height.
11. At a future date, an oversized floor area in an accessory building could be altered or used for other things other than its original intended purpose.



We do not feel the applicant's needs coincide with his variance request, nor do they justify changing the look of a unique and established neighborhood. Therefore, we oppose this Development Variance application.



Murray Lapointe



Linda Graham

"A"



"B"

PAGE 4



"C"



"S"



PAGE 7



City of Richmond  
British Columbia, Canada

GIS INQUIRY PAGE



KARTNER RD

FELDORUK RD

WESTMINSTER HWY

OVER HEIGHT PROPOSAL

17086

BARN STRUCTURE 17280

HEDGES + TREES

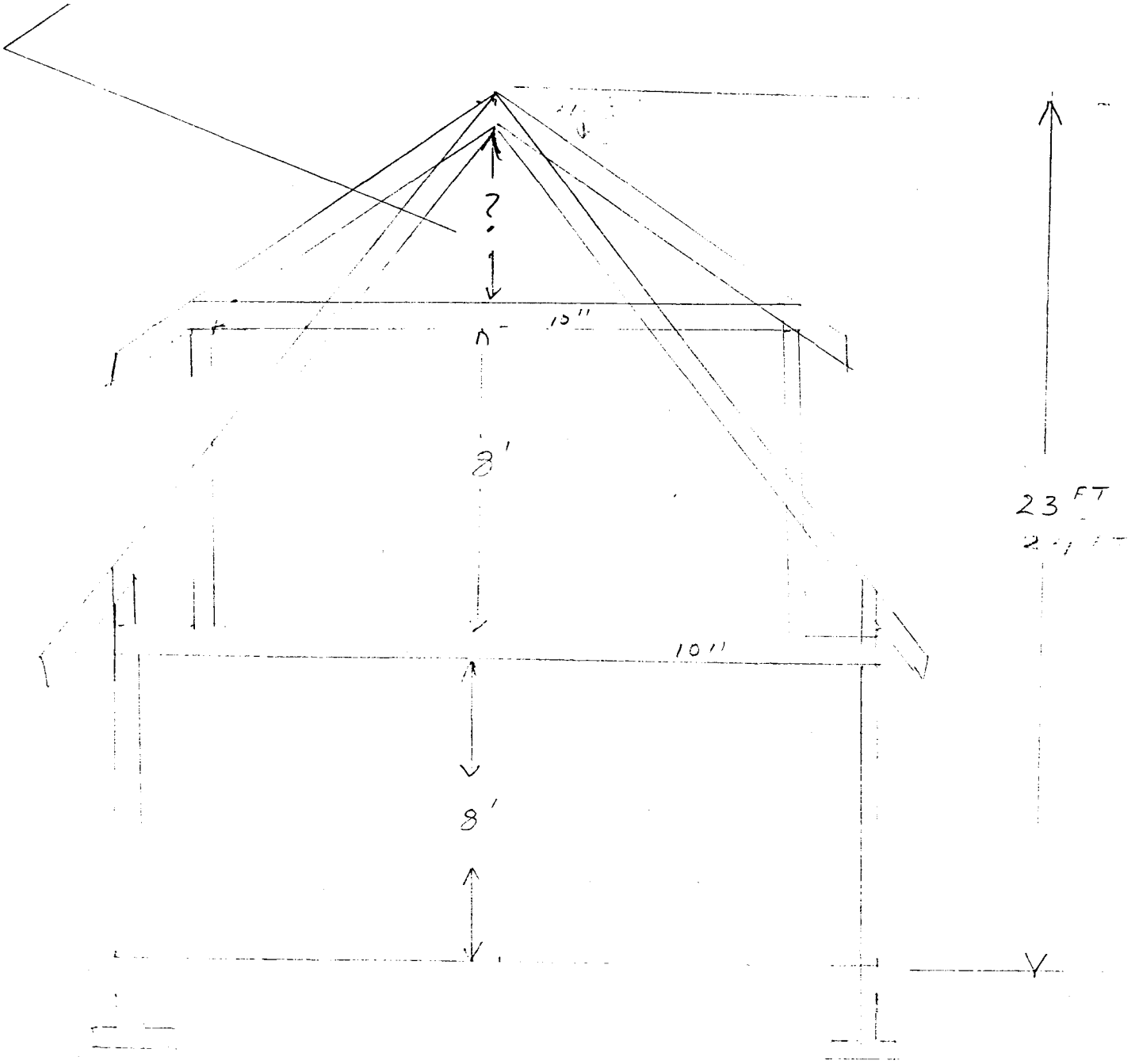
17071

Copyright (C) 2003 City of Richmond

1:04mm

2) THE FILE COPY NO 03-230315 WAS NOT TO PROPER SCALE OR PROPORTIONAL TO ITS SUGGESTED OVER ALL DIMENSIONS. (PAGE 8)

WHAT WILL THIS FINAL MEASUREMENT BE?  
 5' 11" OR 11' 5"?



SCALE  $\frac{1}{4}'' = 1'$

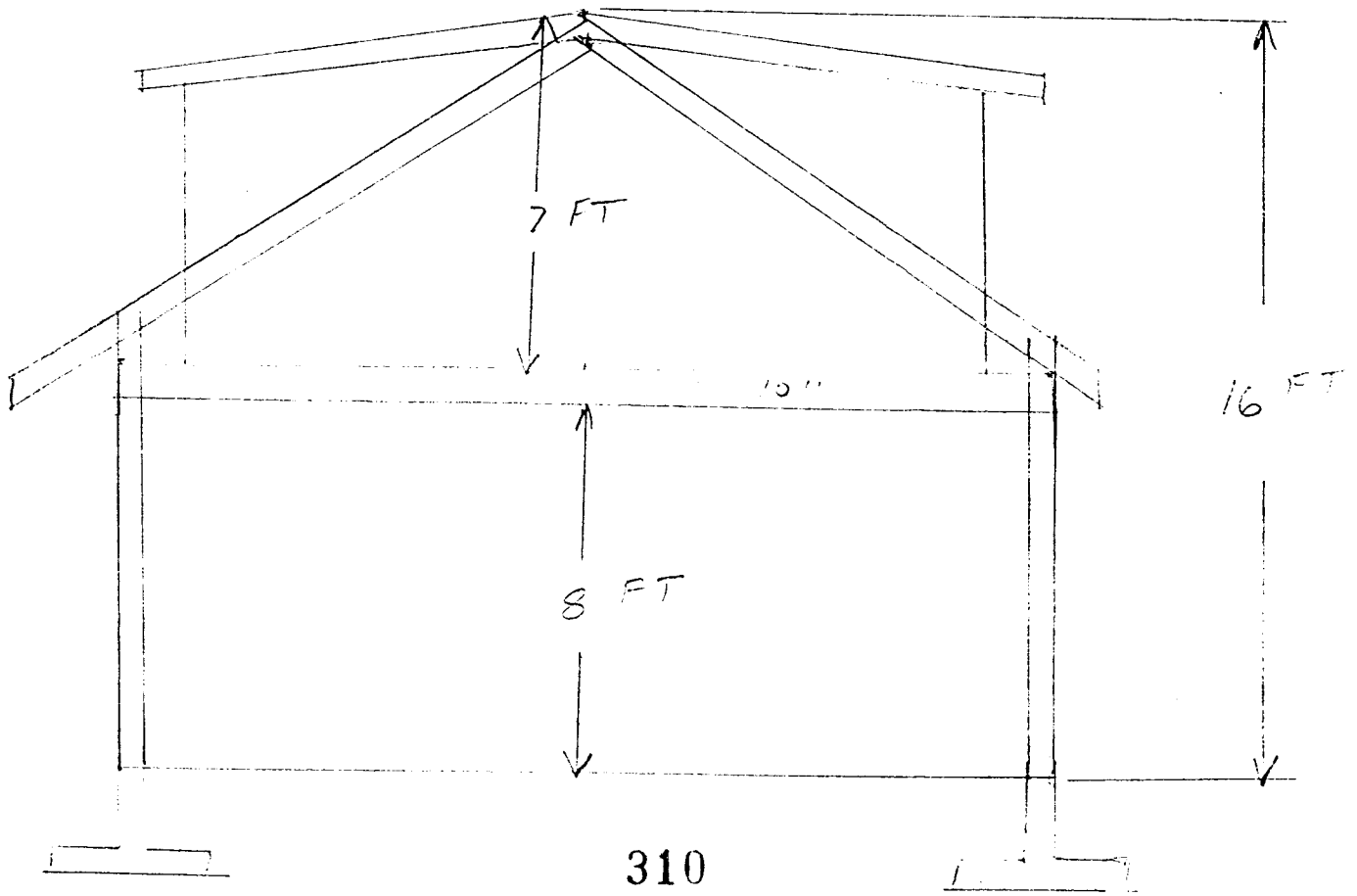
309

#2

OVER HEIGHT

3

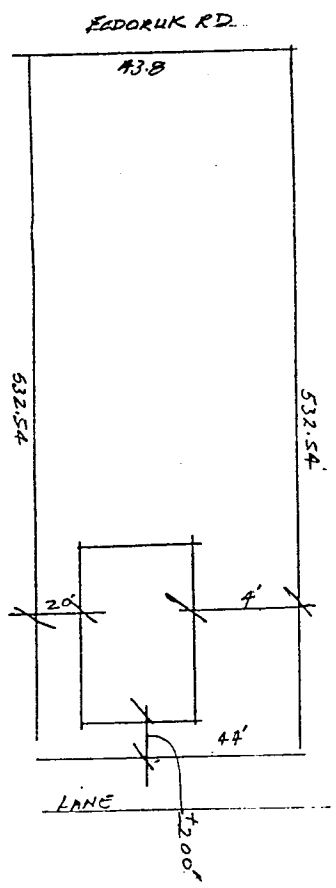
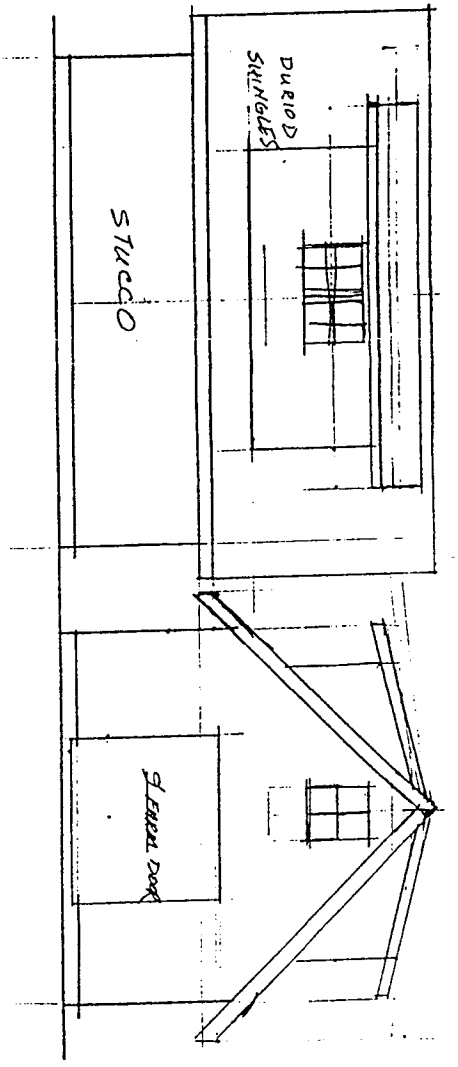
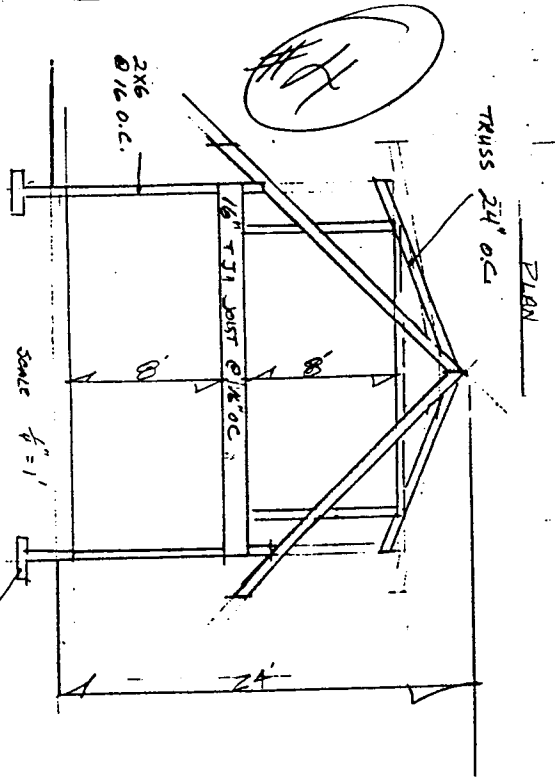
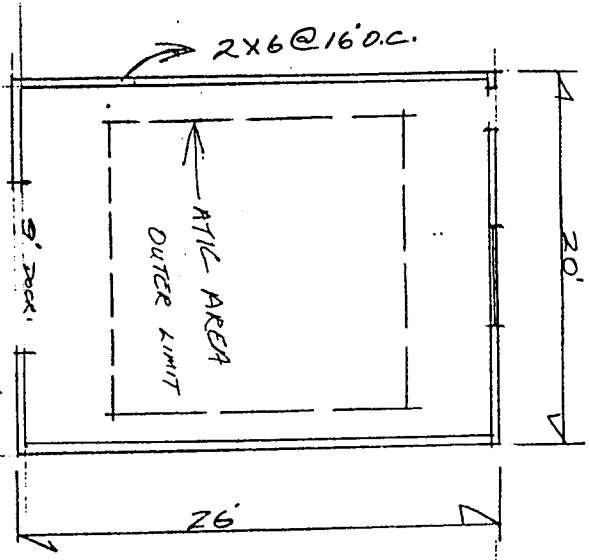
THE FILE COPY NO: 03-230315 PLAN SET INDICATES A SHALLOW PITCH TOP ROOF SIMILAR TO THE ONE SHOWN BELOW.



#3

SCALE  $\frac{1}{4}'' = 1'$

STANDARD HEIGHT



SIGHT PLAN

HTS.

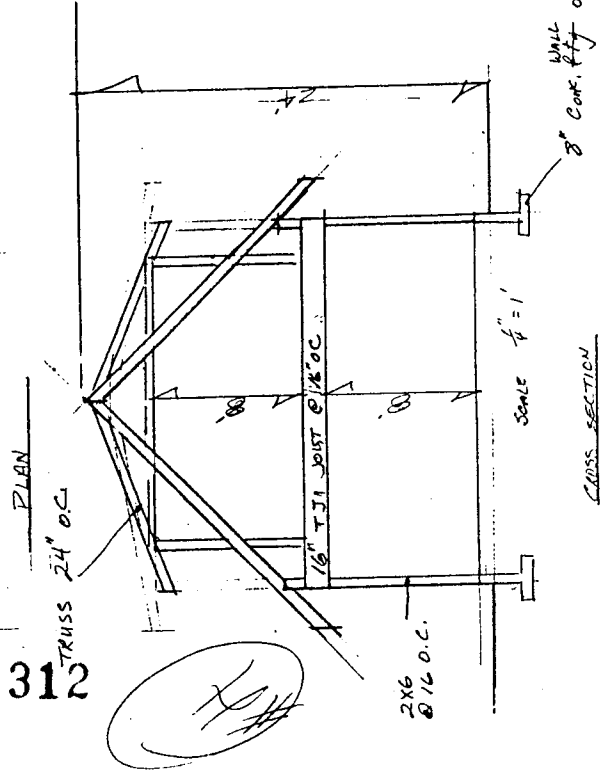
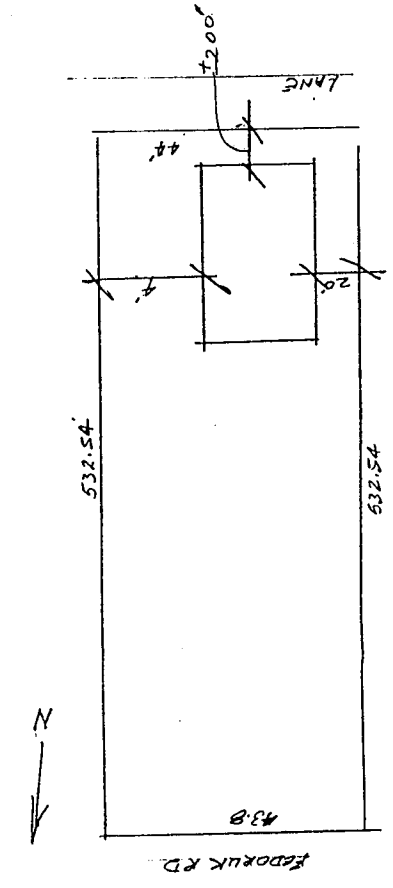
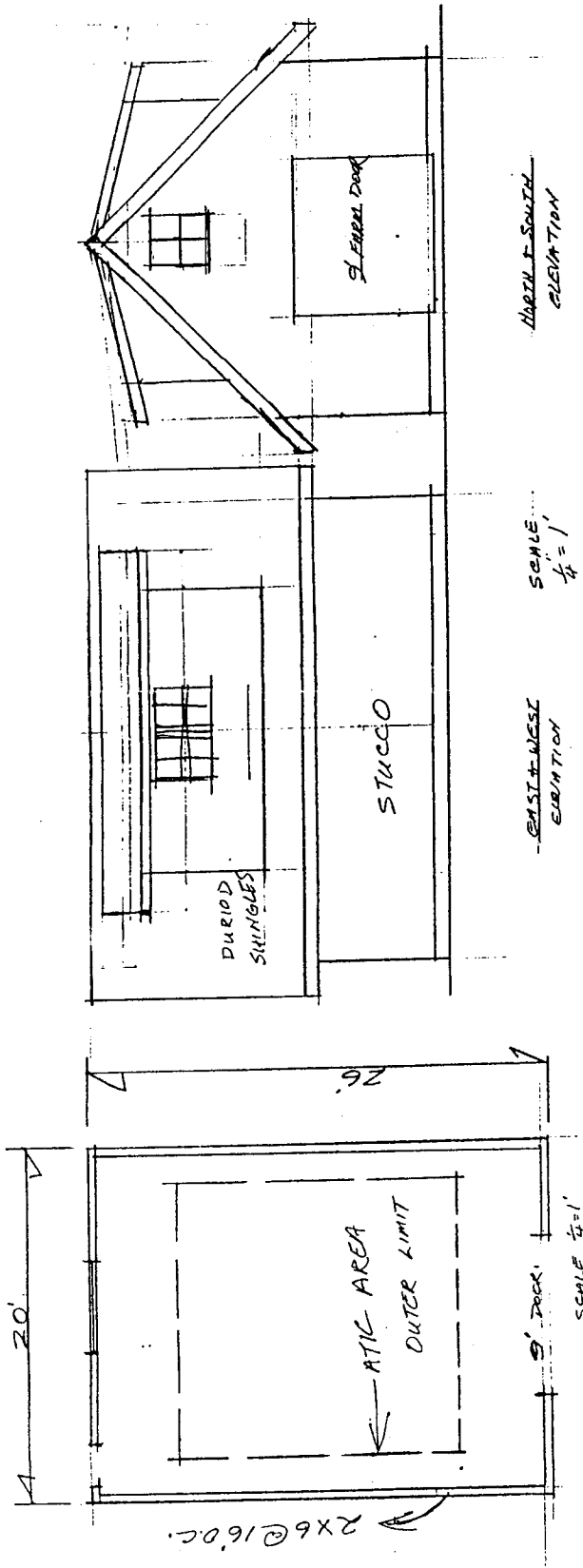
Height Variance for Accessory Bldg

Development Variance Permit

Approved by FEDERAL TOWER

Scale 1/8" = 1'-0"





312

SIGHT PLAN  
 MTS.  
 Height Variance for Accessory Bldg  
 Development Variance Permit  
 TOWN OF GARDNER  
 Scale: 1/8" = 1'-0"

May 8, 2003

<b>To Development Permit Panel</b>		
Date:	<u>May 14, 2003</u>	
Item #	<u>5</u>	
Re:	<u>DVP 03-230315</u>	
	<u>17086 Fedoruk Rd</u>	

		INT
	JRM	
<input checked="" type="checkbox"/>	DW	Dw
	KY	
	AS	
	DB	
	WB	

03-230315

Don and Audrey Hubbard  
17051 Westminster Highway,  
Richmond, B.C.

Attention: City of Richmond, Deverlopment Permit Panel

Re: Development Variance Permit DVP 03-230315 at 17086 Fedoruk Road.

We oppose the application of this permit for the following reasons:

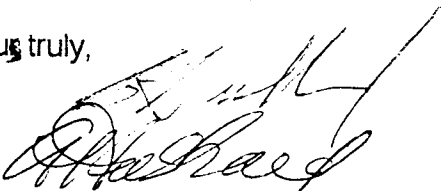
- A. The proposed accessory building of 24 feet would be the same height or higher( due to the land fill on the property) than all the older existing homes in the neighbourhood.
- B. The proposed building would be situated in the middle of open fields, on a long narrow lot, breaking up the open expanse.
- C. This could set a precedent for future requests on adjacent properties, resulting in an Industrial Park feeling. The integrity of farmland would be compromised.

We have lived in this neighbourhood for 30 years, and have remained here because of the beauty of the wide open spaces and the feeling of living in the country. This is truly a unique neighbourhood. On different occasions neighbours have grazed horses, sheep and goats in these fields. Over the past 30 years we have done without the normal amenities of a subdivision, such as a viable bus system, sidewalks, lighting, corner store, etc. The trade-off for us has been the ability to sit on our back patio and enjoy the country life.

Over the past twenty years, the construction of Alex Fraser Bridge, Shelter Island and the Industrial Park has obliged us to make the back yard our main yard. Therefore, we would find the proposed building on obstruction in this tranquil setting.

We realize that Mr. Johel has the right to build an accessory building on his property, but we feel that it should comply with the standard regulations in the "Richmond Zoning and Development Bylaw No. 5300". It appears that most neighbours comply with the standard regulation. Recently a variance was passed for a building at 17280 Fedoruk Road. This building was erected on property over twice the width of Mr. Johel's. The building was also built behind a stand of trees that are more than twenty years old.

Yours truly,



Don and Audrey Hubbard.

Schedule 4 to the Minutes of the  
Development Permit Panel held on  
Wednesday, May 14<sup>th</sup>, 2003



**To Development Permit Panel**  
 Date: May 14 2003  
 Item # 5  
 No: DVP 03-230315  
17086 Fedork Rd

**DEVELOPMENT VARIANCE PERMIT**  
**DVP 03-230315**

		INT
✓	JRM	
✓	DW	DW
	KY	
	AS	
	DB	
	WB	

WE, the undersigned property owners, oppose this application for the following reasons:

1. An accessory building with a height of 24 feet does not conform with the rural setting of our neighborhood. The majority of our homes are this height.
2. There is a City lane that runs directly behind the properties fronting Westminster Highway, Kartner Road and the south side of Fedork Road. Because the accessory building has a setback of 200 feet from the City's lane, this building would be a tower on a very narrow lot that is situated between 2 other properties that are open fields. A 24 foot building would impact this area of the neighborhood
3. Due to the size of the applicant's property, we feel that the accessory building could be redesigned to accommodate storage needs while keeping the standard height of the building.

03-230315

A Development Variance was passed for a large barn at 17280 Fedork Road. While this building does not conform with our neighborhood, a row of large trees along the City's lane provided a buffer close to the barn. As well, the lot size is wider.

Signature of property owner	Address	No. of years in the Neighborhood
<i>Fred Marsh</i> FRED MARSH	5860 KARTNER	20
<i>Tricia Knight</i> Tricia Knight	17131 Westminster Hwy	10
<i>Pat Donahue</i> PAT DONAHUE	17191 Westminster Hwy	29
<i>Diane Andrews</i> DIANE ANDREWS	17171 WESTMINSTER HWY RICHMOND BC V6V 1A9	29
<i>Joan Drake</i> JOAN DRAKE	17111 Westminster Hwy Richmond BC V6V-1A9	32



.../2

Re: Development Variance Permit 03-230315  
17086 Fedoruk Road

Signature of property owner	Address	No. of years in the Neighborhood
Charlotte Wiens	5940 Kartner Rd.	13 yrs.
Charlotte Wiens		
COLLEEN CHAMBERS	5980 KARTNER RD. RICHMOND BC.	2 YRS