



**CITY OF RICHMOND**  
URBAN DEVELOPMENT DIVISION

REPORT TO COMMITTEE

*To Planning - August 22, 2000*  
*To Planning - July 18, 2000*  
**DATE:** July 4, 2000

**TO:** Planning Committee  
**FROM:** Joe Erceg  
Manager, Development Applications

**FILE:** RZ 00-084689

**RE:** Application by John J. Volrich, on behalf of Gurdial and Inderjeet Dha, for Rezoning at 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F (R1/F)

**STAFF RECOMMENDATION**

That the application for the rezoning of 7931 McLennan Avenue from "Agricultural District (AG1)" to "Single-Family Housing District, Subdivision Area F (R1/F)" be denied.

Joe Erceg  
Manager, Development Applications

JE:hb  
Att. 4

FOR ORIGINATING DIVISION USE ONLY		
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>
Building Approvals.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Law .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

**STAFF REPORT****ORIGIN**

John J. Volrich has applied on behalf of Gurdial and Inderjeet Dha to rezone 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F (R1/F) in order to permit a two lot residential subdivision (see attached map for location of this property).

**FINDINGS OF FACT**

<b>ITEM</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Owner	Gurdial and Inderjeet Dha	Undetermined
Applicant	John J. Volrich	Undetermined
Site Size	0.36 ha (0.89 ac.)	Two lots 0.18 ha (0.445 ac.)
Land Uses	One single-family dwelling	Two single-family dwellings
OCP Designation (Generalized Land Use Map)	Agriculture	Neighbourhood Residential
Sub-Area Plan Designation	Agriculture	Residential
Zoning	Agricultural District (AG1) (2 ha/4.942 ac. minimum parcel size)	Single-Family Housing District, Subdivision Area F (R1/F) (0.0828 ha/0.20 ac. minimum parcel size)
ALR Designation	Within the ALR (but exempt because less than 0.8 ha/2 ac.)	No Change. Extension of McLennan Avenue will require Land Reserve Commission approval.

**RELATED POLICIES & STUDIES**

The Richmond Official Community Plan (OCP) adopted March 15, 1999 has two Agriculture objectives:

- *"Continue to protect all farmlands in the Agricultural Land Reserve."*
- *"Maintain and enhance agricultural viability and productivity in Richmond."*

In support of these objectives, Council has adopted the following policies in the OCP:

- *"Limit the subdivision of farmland and investigate ways to encourage the consolidation of lots in the ALR, for example in the McLennan agricultural area."*
- *"Discourage, wherever possible, major roads through the ALR."*
- *"Improve access routes for the purpose of farming."*

The goal of the McLennan Sub-Area Plan adopted on May 27, 1987 is:

- *"To preserve the agricultural lands in the East Richmond McLennan Sub-Area, and to minimize urban/rural conflicts."*

To achieve this goal, the Plan has as one of its objectives:

- *"To enhance the agricultural viability of the area east of No. 4 Road in the short term."*

The McLennan Sub-Area Plan also has the following policies:

- *"Retain the East Richmond McLennan Sub-Area in the Agricultural Land Reserve."*
- *"Approve rezoning applications that conform to Attachment 1."*  
(Attachment 1 is the Land Use map, and does not currently contain any Residential designated lands.)

On September 8, 1980, City Council adopted Policy 5013 with respect to Property Fronting Undeveloped Roads – Construction Requirements. This policy was reaffirmed by Council on July 27, 1998. Policy 5013 states:

*"It is Council policy that:*

*Prior to property being utilized for any purpose requiring a building permit, the following requirements must be met:*

1. *The property must be legally registered as a single parcel of land in the Land Title Office.*
2. *The property must have frontage on a public road right-of-way containing City services across the total frontage of the property to the required standards for the zone and sized for future extensions. The services must be extended or improved to meet this criterion.*
3. *Where extensions of existing roads will open or will effectively service other properties, such extensions must receive Council approval.*
4. *A lot which is the site of an existing dwelling unit may be used as a site for a replacement dwelling, although the lot does not meet the requirements of this policy.*
5. *If the required services do not exist, they must be provided at the cost of the applicant.*
6. *This policy applies to all City zones."*

Subdivision Bylaw No. 5428 was adopted by Council on May 14, 1990. It was subsequently replaced by Subdivision Bylaw No. 6530 on September 23, 1996. The latter bylaw requires that:

- *"Every person who subdivides land in the City of Richmond shall have the following works and services available for each lot created, at no cost to the City, and to the standards set out in this bylaw:*
  - (a) *Highways, including lanes, walkways, emergency access, sidewalks, curbs and gutters;*
  - (b) *Street lighting;*
  - (c) *Storm water collection system;*
  - (d) *Water distribution system;*
  - (e) *Sanitary sewerage collection system;*
  - (f) *Electrical, telephone, and gas distribution systems; and*
  - (g) *Boulevards."*
- *"Any person who is of the opinion that the standards set out in this bylaw are unreasonable in light of the standard of the existing services in the area of the proposed subdivision, may apply for a Development Variance Permit to have the standards varied as they apply to the proposed subdivision."*

Agricultural Land Reserve Procedure Regulation 452/98 stipulates that the *"dedication or construction of new highway, road or railway rights of way"* require a special case application and approval of the Land Reserve Commission. The only exemptions to this requirement are minor highway or road operations and construction (ie. if the area involved in widening, dedication or construction is less than 2500 m<sup>2</sup>/km of road).

**STAFF COMMENTS**

The Richmond Official Community Plan and McLennan Sub-Area Plan will have to be amended (Agriculture designation changed to Neighbourhood Residential and Residential). Area is designated in the OCP for agriculture use. Notwithstanding previous history of this site, approval of the rezoning is contrary to OCP, and as such refusal of the proposal is recommended.

Land Reserve Commission approval is not required for the subdivision since the subject property is exempt from the ALR because it was less than 0.81 ha (2 acres) on December 21, 1972. However, the proposal to extend McLennan Avenue would require the Commission's approval should this rezoning be approved.

If a lesser standard of roadwork is contemplated, a Development Variance Permit would be required to relax the Subdivision Bylaw standards for off-site improvements. This being the case, it is suggested that McLennan Avenue be designed with a 6 m (19.685 ft.) wide pavement extension either to the north property line of the site if the two existing driveways stay where they are presently located or to approximately 8 m (26.247 ft.) north of the existing pavement if the driveways are to be relocated the proposed shared property line. The applicant would be required to enter into a standard Servicing Agreement for the construction of these works as a condition of subdivision approval.

The Building Approvals Department has noted that the Development Variance Permit would also have to vary the required side yard setback of the existing house at 7931 McLennan Avenue should the proposed subdivision be approved. The Single-Family Housing District (R1) zone requires a 1.8 m (5.905 ft.) side yard setback for lots of 18 m (59.055 ft.) or more but less than 20 m (65.617 ft.). According to the proposed subdivision plan submitted by Mr. and Mrs. Dha, a side yard setback of 1.22 to 1.225 m (4 ft.) is proposed for the existing single-family dwelling and 0.61 m (2 ft.) for the existing shed.

Should Planning Committee and/or Council consider rezoning the subject property, the applicant should obtain written confirmation from a certified soils engineer that the soil conditions will support another septic disposal field (ie. percolation test; etc.). Prior to any building permits being issued, the applicant must apply for and be granted permits for the construction and use of on-site sewage disposal systems for the new lots from the Health Department. Proposed property lines must meet the minimum setback requirements for any existing and proposed septic fields.

**ANALYSIS**

Although the subject property and surrounding area has a unique history (see Appendix 1 to 4), staff can not support the proposed rezoning application on the following grounds:

1. It is contrary to the Richmond Official Community Plan and McLennan Sub-Area Plan.
2. Although these plans could be amended, staff are very concerned that this would set a precedent for similar rezoning and subdivision requests in the ALR.
3. The extension of McLennan Avenue to properly service the proposed subdivision could open the area to the north to further development pressure.

- 4. It has been Council's policy to require full municipal services for road extensions.
- 5. In the past, Council has not permitted the extension of roads and services other than to a bona fide farm property containing a minimum of 2.02 ha (5 ac.).

Should the Planning Committee and/or Council decide to favourably consider this rezoning application, an Official Community Plan and Sub-Area Plan bylaw amendment would also have to be introduced. Prior to the adoption of these bylaws, a Development Variance Permit and Agricultural Land Reserve application would have to be submitted by the applicant and approved by the Development Permit Panel/Council and Land Reserve Commission.

**FINANCIAL IMPACT**

None to the City.

**CONCLUSION**

John J. Volrich has applied on behalf of Gurdial and Inderjeet Dha to rezone 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F (R1/F) in order to permit a two lot residential subdivision. Staff are recommending that this application be denied because it is contrary to the Richmond Official Community Plan and McLennan Sub-Area Plan and would set a precedent for other development proposals in the ALR, particularly the McLennan Avenue area. Furthermore, the proposed extension of McLennan Avenue does not comply with City Policy 5013 – Property Fronting Undeveloped Roads – Construction Requirements and Subdivision Bylaw No. 6530.



Holger Burke, MCIP  
Development Coordinator

HB:hb

Should the Planning Committee and/or Council decide to favourably consider this rezoning application, the following items should be required prior to final adoption:

- an approved Development Variance Permit application ;
- an approved Agricultural Land Reserve application; and
- written confirmation from a certified soils engineer that the soil conditions will support another septic disposal field (ie. percolation test; etc.).



**APPENDIX 1**

**APPLICANTS' INFORMATION**

**JOHN J. VOLRICH**  
**GURDIAL & INDERJEET DHA**

**7931 McLENNAN AVENUE**

**J.J. Volrich**  
Suite 1700 – 808 Nelson Street  
Vancouver, BC V6Z 2H2  
Tel: (604) 684-6662  
Fax: (604) 685-8993

February 29, 2000

**City of Richmond**  
7577 Elmbridge Way  
Richmond, BC  
V6X 2Z8

Attention: Urban Development Division  
David McLellan,  
General Manager

Dear Mr. McLellan:

**Re: Mr. And Mrs. DHA**  
**Proposed Submission and Rezoning**  
**7931 McLennan Avenue**

Mr. and Mrs. Dha have requested my assistance, in regard to their application for rezoning and subdivision of the above property.

As you know from the history of the matter, they have been before you previously, the last occasion having been several years ago.

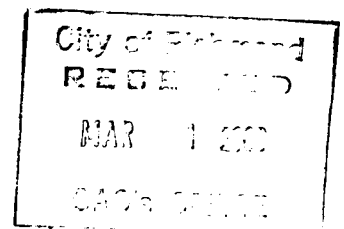
I have seen your letter to them of January 12, 2000, following from their discussion with the Mayor previously.

In your letter you indicate that your staff's position still is that they would not recommend approval of a new application to subdivide and rezone their above property.

Your letter appears to be an explanation as to why their application should not be compared to that of their neighbor Mrs. McMorrان, who had been granted approval to her similar application many years ago.

The purpose of this letter is to request that you take into account a number of factors that would seem to support the merits of their application, before your report and recommendations are presented to the Planning Committee and Council.

I start by agreeing with you that the approval to the McMorrان subdivision should not be used as the primary ground for the approval of their present application, as being in the nature of a precedent.





Rather, I submit in reviewing this matter that there are other factors of substance that can very reasonably and fairly support their application.

In regard to your reference to By-laws No. 5428 and 6530, both of which require the construction of full municipal services across the full frontage of the property being subdivided, Mr. and Mrs. Dha have at all times taken the position that they are prepared to complete the remaining services, in order to comply fully with the By-laws. Other services are already in place, including natural gas, hydro, and water, across the full frontage.

In regard to the adoption of the McLennan Area Plan in May 1987, I understand that the subject property has had approval in principle to it being removed from the Agriculture Land Reserve and, indeed, if one has regard for the configurations of the subject property and adjoining properties, it can be readily seen that this property should very properly be removed from the A.L.R., for that it cannot possibly, or reasonably, be destined for any agricultural use. There are no urban/rural conflicts that can possibly apply to the residential use of the subject property.

It is noted in your letter that the McMorran subdivision was completed prior to the adoption of Zoning and Development By-law No. 5300 in April 1989 (which zones the property Agricultural District with a 2 ha minimum parcel size). That By-law may well have proper application to a great many properties in the City. However, as with any By-law, there may well be special situations where the application of the By-law may be an unreasonable restriction on the use of a property and may impose an undue hardship on an owner, in regard to what he or she may wish to reasonably achieve with their property. Rights to property may be reasonably respected in some situations, where there is a little negative impact to the general purposes of the By-law. It is submitted that this applies very decidedly in regard to the subject property.

With reference to the subdivision and rezoning of the McLennan property, you say that this took place prior to the adoption of zoning and Development By-law No. 5300 in April 1989. That may well be the case, but I submit to you that no By-law is engraved in stone, and that a Council always has the authority to provide relief or to allow a relaxation of the By-law if it can be allowed without any prejudice to its over-all purposes, and in a situation where such relaxation may be deserving on grounds of fairness to a property owner who wishes to have a better and reasonable use of his property.

On that ground of fairness, while Mr. And Mrs. Dha feel that they are persons who have not been treated fairly, this is not an entirely unfounded feeling on their part. This is because, as they have stated to you, the subdivision of the McLennan property was allowed in 1988-89 with certain relaxations of by-law requirements in regard to road extension and upon compassionate grounds. There is nothing in the By-laws that followed which prevent Mr. and Mrs. Dha from receiving similar consideration.

In their recent letter to your office Mr. and Mrs. Dha express their view that the rezoning of their property will be entirely in keeping with the neighbourhood as it now exists. Indeed, it may be more than that, because it can be reasonably stated that the better use of that vacant property will be a positive improvement to the neighbouring area, for the simple reason that there will be a new residential home built there, in place of the unused and useless property that is there now.

It follows also, as I have stated, that the rezoning will allow the owners to make better use of this property without in any way, adversely affecting any features of the neighbouring area. In viewing the immediate area, it will in fact be seen that the building of a new residential home on the subject property will enhance the area, not detract from it. Further, the subject property, isolated as it is from other agricultural areas, cannot possibly have any agricultural uses.

It is to be noted that when a previous application for the rezoning of this property was made in 1990, the staff recommendation was that the rezoning be approved. The report of the Urban Development manager at that time commented that the rezoning would not in any way be of any prejudice to the programs and plans of the city, or the adjoining municipality, or the G.V.R.D., or the *Municipal Act*.

The report also at that time stated as follows:

“Council has expressed a wish that steps be taken to permit the subdivision into two lots of 7931 McLennan Avenue”.

Application was made by the Corporation to the Agricultural Land Commission for approval of the road extension. Provincial Flood Plan requirements were met. The Zoning Amendment By-law in regard to the subject property was approved by the Minister of Municipal Affairs in March, 1991.

A question was raised in regard to the matter of the road extension being in the nature of “stub” road, and this was dealt with in a report to Council by the Manager of Urban Development in March, 1991. In that report, it was noted as follows:

“McLennan Road is unique in the sense that small acreages abut the unopened portions of the road allowance for a considerable length. An overall policy dealing with this issue should be unnecessary as there are no similar circumstances, nor are any foreseen”.

Otherwise, there were no other concerns expressed by Council members during the first to third readings of the proposed by-law amendment.

At the Public Hearing held on February 18, 1991, there were three persons who expressed themselves as being opposed to the application, one in person and the other two by letters, insofar as I have been able to determine. One family expressed approval. Of the three opposed, I believe that it can fairly be said that only one person expressed opposition for a relevant reason, and that was for the reason that he was concerned about

the application "because a precedent would be established for all agriculturally-zoned properties".

To this, of course, there is the reply that this application would not possibly set a precedent for the fact that the subject property is a small and isolated lot that cannot possibly have any agricultural use.

The matter then came before the Council on April 22, 1991, at which time it was defeated at 3<sup>rd</sup> reading, with two members of Council being opposed.

The record of the progress of the matter is as follows:

Read a first time on:	January 28, 1991
A Public Hearing was held on:	February 18, 1991
Read a second time on:	February 18, 1991
Read a third time on:	February 18, 1991
Approved by Minister of Municipal Affairs:	March 11, 1991
Reconsidered, finally passed and adopted on:	Defeated - April 22, 1991

Finally, it would appear that, unfortunately, a previous issue which had taken place as between Mr. and Mrs. Dha and the City, which should have had no bearing or relevance whatever to the application for rezoning, was brought into the matter, perhaps inadvertently, perhaps otherwise, and which may have had a bearing on the outcome. This concern is supported by the fact that, in the Corporation's letter to Mr. and Mrs. Dha advising them of the fact that their application was defeated, there is in the same letter a reference to the other matter that was in issue and which had no relevance whatever to the rezoning application.

This is not a suggestion that there was any intentional relationship in regard to these separate issues, but there is the suggestion that they should not been dealt with together so that no adverse influence could be considered to have taken place.

It is with great respect that I request that the submissions set out in this letter be considered by your office and by Council.

Yours truly,



John J. Volrich

JJV:cl



# City of RICHMOND

7577 ELMBRIDGE WAY, RICHMOND, B.C. V6X 2Z8  
(604) 276-4000

URBAN DEVELOPMENT DIVISION  
FAX 276-4177 or 276-4157

January 12, 2000

File: SD 87-273; SD 88-234; SD 89-397; SD 90-168; SD 92-247;  
RZ 90-208; RZ 92-246; LCA 90-207; DV 90-209

Gurdial and Inderjeet Dha  
7931 McLennan Avenue  
Richmond, B.C.  
V6Y 2T8

Dear Mr. and Mrs. Dha:

**Re: Proposed Subdivision and Rezoning of 7931 McLennan Avenue**

This is to follow-up your conversation with Mayor Halsey-Brandt on December 13, 1999.

Apparently, you wanted to know why the proposed subdivision and rezoning of your property at 7931 McLennan Avenue is different than that of Mrs. McMorran at 7938 McLennan Avenue.

Unfortunately, because of the length of time that has elapsed since Mrs. McMorran applied for subdivision, some of the City's records have been destroyed.

However, according the information I have been able to locate, I can advise you as follows:

- it would appear that Mrs. McMorran applied to subdivide 7938 McLennan Avenue in 1980 (SD 80-091) and applied for a subdivision contract in 1981 (SD 81-029). The original parent property was created in July 1971 and was 0.4558 (1.1263 ac.) in area.
- Council authorized McLennan Avenue to be extended approximately 7.01 m (23 ft.) to accommodate the proposed subdivision by Mrs. McMorran in June 1981 (and reconfirmed this decision in June 1988). Part of the reason for this decision was because Mrs. McMorran had contributed to a local improvement program involving the construction of McLennan Avenue and because a building permit had been issued for the lot to the west. The subdivision creating 7938 McLennan Avenue (a 0.2533 ha or 0.6259 ac. parcel) and 10451 Blundell Road (a 0.2025 ha or 0.5004 ac. parcel) was not completed until November 1988 because the cost of extending McLennan Avenue was considered too onerous by Mrs. McMorran at the time.

COPY

- your applications for subdivision were made in July 1987 (SD 87-272), May 1988 (SD 88-234), November 1989 (SD 89-397), August 1990 (SD 90-168) and September 1992 (SD 92-247). Clearly, all of these applications were well after the 1980 subdivision proposal from Mrs. McMorran and the Council authorization to Mrs. McMorran for a partial extension of McLennan Avenue in 1981.

- the McMorran subdivision differs from your current proposal in a number of ways. For one thing, Council granted the relaxation regarding McLennan Avenue in 1981 prior to the adoption of Subdivision Bylaw No. 5428 in May 1990 (and its replacement Subdivision Bylaw No. 6530 which was adopted in September 1996 – both of which require the construction of full municipal services across the full frontage of a property being subdivided). Furthermore, the McMorran subdivision was originally approved prior to the adoption of the McLennan Area Plan in May 1987 (which designates the area as Agriculture and espouses a policy of retaining it in the Agricultural Land Reserve with a goal to preserve these agricultural lands and to minimize urban/rural conflicts). And finally, the McMorran subdivision was completed prior to the adoption of Zoning and Development Bylaw No. 5300 in April 1989 (which zones your property Agricultural District with a 2 ha (4.942 ac.) minimum parcel size).

In summary, staff's position still is that they would not recommend approval of a new application to subdivide and rezone 7931 McLennan Avenue nor do not believe the McMorran subdivision should be used as grounds to grant your proposal.

Yours truly,



David McLellan  
General Manager, Urban Development

DJM:hb

Mayor G. Halsey-Brandt	Councillor K. Kumagai
Councillor M. Brodie	Councillor B. McNulty
Councillor D. Dang	Councillor L. Barnes
Councillor L. Greenhill	Councillor H. Steves
Councillor K. Johnston	

Jan 18, 2000

The Corporation of the City of Richmond  
7577 Elmbridge Way  
Richmond, BC V6X 2Z8

Attention: Director of Planning

Dear Sirs:

**RE: Application for a minor subdivision with  
respect to Lot 38, Section 14, Plan 1149  
Property located at 7931 McLennan Ave, Richmond, BC**

We are applying for a minor subdivision <sup>+ rezoning</sup> of our property into two lots at 7931 McLennan Avenue, Richmond, BC. The application supported by the Planning Committee on March 29, 1990 but ultimately denied. Second time, it went up to the third reading and approval was met by the Minister of Municipal Affairs, however, it was defeated on April 22, 1991.

If equal treatment among neighbouring property owners counts for anything, then our request should be granted. Our subdivision was turned down in 1987 and 1988 while a similar subdivision of 7938 McLennan Avenue was allowed in 1988-89 with minimum road extension of 27 feet. This occurred notwithstanding of the current zoning by-laws.

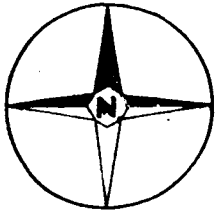
The proposed subdivision will create two lots each more than twice the minimum permitted size. The size of lots to be created will be in keeping with the prevailing size in the area. Lot sizes near the property (sketch attached), seventy seven percent of McLennan are under one acre, and sixty percent of owner parcels are less than one acre according to Bylaw 5400 Schedule 2.9, page 32.

There will be no cost to the Municipality of allowing this subdivision. The property is serviced with natural gas, hydro and water across the full frontage. The Provincial Flood Plan requirements have been met and we are prepared to extend the road in the same fashion as the owners of 7938 McLennan Avenue. This will complete the services of the property. We will accept the full cost of servicing.

In summary we feel that a precedent has been well established to allow us to subdivide the lot in the manner proposed and that the future development of the lot would be entirely in keeping with the neighbourhood as it now exists.

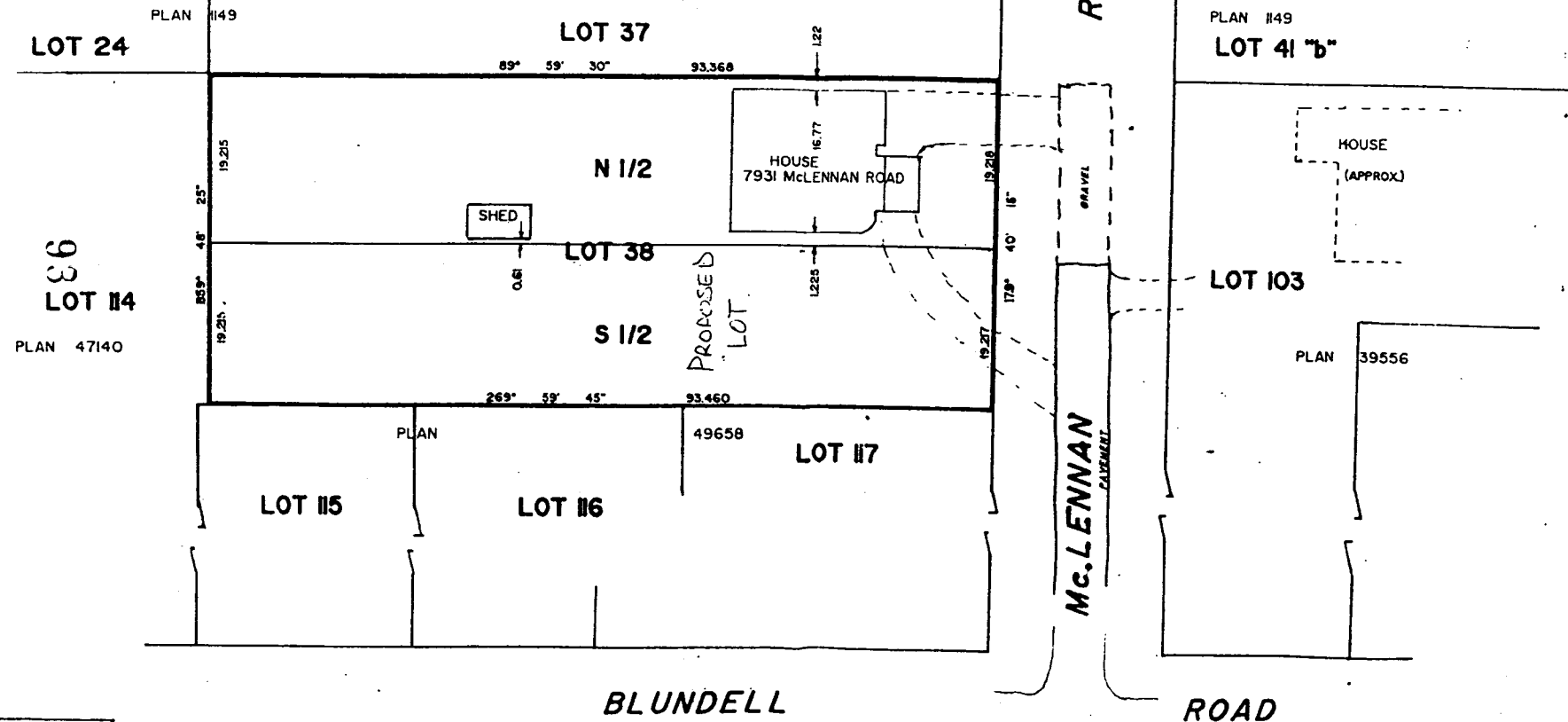
Sincerely,  
*Inderjeet Dha*  
Inderjeet Kaur Dha

*Gurdial Singh*  
GURDIAL SINGH DHA



SCALE: 1" = 500.

PLAN SHOWING PROPOSED SUBDIVISION OF :  
LOT 38, SECTION 14, BLOCK 4 NORTH, RANGE 6 WEST,  
NEW WESTMINSTER DISTRICT, PLAN #149.  
( 7931 McLENNAN ROAD )



C. WAGENAAR  
B.C. LAND SURVEYOR  
RICHMOND, B.C.  
TEL: (604) 277-6571

**APPENDIX 2**

**CHRONOLOGY OF REZONING AND SUBDIVISION  
APPLICATIONS**

**GURDIAL & INDERJEET DHA**

**7931 McLENNAN AVENUE**



- July 17, 1987** - Subdivision Application SD 87-273 to subdivide 7931 McLennan Avenue into two lots submitted by Gurdial and Inderjeet Dha.
- September 3, 1987** - SD 87-273 denied by Approving Officer because the road allowance on which the property fronts is not cleared, drained, constructed and surfaced to adequate standards.
- September 17, 1987** - Staff report to Planning and Development Services Committee recommending that Council's policy regarding building permits for unserviced lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- October 1, 1987** - Planning and Development Services Committee recommends that Council's policy regarding building permits for unserviced lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- October 15, 1987** - Planning and Development Services Committee reconfirmed its recommendation of October 1, 1987 to support the existing Council policy.
- May 13, 1988** - Subdivision Application SD 88-234 to subdivide 7931 McLennan Avenue into two lots submitted by Gurdial and Inderjeet Dha.
- May 18, 1988** - Staff report to Planning and Development Services Committee recommending that Council's policy regarding building permits for unserviced lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- May 26, 1988** - Planning and Development Services Committee recommends that Council's policy regarding building permits for unserviced lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- June 13, 1988** - Council adopts Planning and Development Services Committee recommendation that Council's policy regarding building permits for unserviced lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- November 10, 1989** - Subdivision Application SD 89-397 to subdivide 7931 McLennan Avenue into two lots submitted by Ross McLarty on behalf of Gurdial and Inderjeet Dha.
- January 8, 1990** - Staff report to Planning and Development Services Committee recommending that Council's policy regarding building permits for unserviced lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.

- March 29, 1990** - Planning and Development Services Committee recommends that the Dhas be permitted to subdivide their property at 7931 McLennan Avenue into two lots approximately 19.22 m x 93.31 m and that McLennan Road be extended, the minimum distance, in order to provide legal access to the northerly lot created (the access point to the northern lot would be at most southern end of the lot).
- April 9, 1990** - Council does not adopt the Planning and Development Services Committee recommendation but resolves that Council's policy regarding building permits for unserviced lots be confirmed with respect to the proposed development at 7931 McLennan Avenue.
- May 14, 1990** - SD 89-397 denied by Approving Officer because the road allowance on which the property fronts is not cleared, drained, constructed and surfaced to adequate standards and because the property is located in the Agricultural District (AG1) which has a minimum area of a parcel created by subdivision of 2 ha (4.942 ac.).
- August 30, 1990** - Approving Officer writes to the Dhas and outlines the process necessary to subdivide 7931 McLennan Avenue (ie. OCP amendment; rezoning; Development Variance Permit; and Provincial Agricultural Land Commission approval).

- Subdivision Application SD 90-168 to subdivide 7931 McLennan Avenue into two lots submitted by Inderjeet Dha.
- September 27, 1990** - Mr. and Mrs. Dha appear as a delegation at the Planning and Development Services Committee and SD 90-168 is tabled and referred to Solicitor for report on how this case and any other pending cases might be affected by the decision to permit the Dhas to subdivide.
- October 16, 1990** - Memo from Paul Kendrick advising that whether or not the Dhas are allowed to subdivide should be based on planning and engineering grounds and be divorced from the law suit (in which the Dhas were awarded \$220,000 due to differential settlement of the house they built on the property in 1986-87).
- October 25, 1990** - Planning and Development Services Committee resolves that the Public Works and Services Committee be asked to consider if they are willing to make any changes, in light of the Dha's case, to Council's policies with respect to not permitting the extension of roads and services, other than to a bona fide farm property containing a minimum of 5 acres, unless the area is serviced by a sanitary sewer system and not to allow a lot which does not have improved frontage to be used as the site of a dwelling.

- November 15, 1990** - The Municipal Engineer advises that he felt it was inappropriate for the Public Works and Services Committee to consider this referral and the Planning and Development Services Committee resolves to refer the matter to the November 26, 1990 In-Camera session of Council for direction.
- November 26, 1990** - Council directed staff to initiate the necessary steps to make the subdivision of 7931 McLennan Avenue legally and administratively feasible at an In-Camera meeting.
- November 28, 1990** - City of Richmond applies on behalf of the Dhas to amend the McLennan Sub-Area Plan designation of 7931 McLennan Avenue from Agricultural to Urban Residential and to rezone 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F in order to permit a two lot subdivision (RZ 90-208).
- City of Richmond applies on behalf of the Dhas to extend McLennan Avenue to the north boundary of 7931 McLennan Avenue within the Agricultural Land Reserve (LCA 90-207).
  - City of Richmond applies on behalf of the Dhas to vary the road standard to permit a lesser standard than required by the Subdivision Bylaw (DVP 90-209).
  - As directed by Council, staff report recommends that Official Community Plan Amendment Bylaw No. 5652 and Zoning Amendment Bylaw No. 5653 be introduced and given first reading (RZ 90-208) and that LCA 90-207 be submitted to the Provincial Agricultural Land Commission for approval.
- January 17, 1991** - Planning and Development Services Committee endorses staff recommendation that Official Community Plan Amendment Bylaw No. 5652 and Zoning Amendment Bylaw No. 5653 be introduced and given first reading (RZ 90-208) and that LCA 90-207 be submitted to the Provincial Agricultural Land Commission for approval.
- January 28, 1991** - Council resolves that Official Community Plan Amendment Bylaw No. 5652 and Zoning Amendment Bylaw No. 5653 be introduced and given first reading (RZ 90-208) and that LCA 90-207 be submitted to the Provincial Agricultural Land Commission for approval. Council also resolves that the Planning and Development Services Committee examine the feasibility of either establishing a policy which would allow a "stub" road to stop short of a property line, or creating a buffer strip along "agricultural stub roads", which would prevent the provision of a road or services to adjacent agricultural properties, and report to Council prior to final readings of Bylaw No. 5653.

- January 30, 1991** - Special Case ALR Application LCA 90-207 referred to the Provincial Agricultural Land Commission by the City as resolved by Council.
- February 18, 1991** - Public Hearing on Bylaw No. 5652 and Bylaw No. 5653 (RZ 90-208). Five individuals speak against the rezoning application and proposed amendment of the sub-area plan. Council gives second and third readings to both bylaws but also resolves that prior to reconsideration and final adoption that written information be provided by staff on: a detailed description of the legal fees which had been incurred by Mr. and Mrs. Dha in comparison to the amount of the award, and in particular, whether these fees were "hard or soft" legal expenses; whether the existing house, in its present condition, was suitable for occupancy or should be condemned, and the legal ramifications of allowing a "faulty" house to be sold to another individual; and the feasibility of either establishing a policy which would allow a "stub" road to stop short of a property line, or creating a buffer strip along "agricultural stub roads", which would prevent the provision of a road or services to adjacent agricultural properties.
- March 20, 1991** - Memo from staff responding to Council request for information regarding "stub" roads or "agricultural stub roads" advising that McLennan Avenue is unique in the sense that small acreages abut the unopened portions of the road allowance for a considerable length and that an overall policy dealing with this issue should be unnecessary as there are no similar circumstances nor are any foreseen.
- March 25, 1991** - Council tables Bylaw No. 5652 and Bylaw No. 5663 (RZ 90-208) to the April 8, 1991 Council meeting.
- April 8, 1991** - Council tables Bylaw No. 5652 and Bylaw No. 5663 (RZ 90-208) to the April 22, 1991 Council meeting.
- April 22, 1991** - Council motion that Bylaw No. 5652 and Bylaw No. 5653 (RZ 90-208) be reconsidered and finally adopted is defeated by a 7-2 margin.
- May 13, 1991** - Council brings forward the following In-Camera motions: that Official Community Plan Amendment Bylaw No. 5652 and Zoning Amendment Bylaw No. 5653 be forwarded to the open Council meeting for an appropriate resolution to ensure that no further action is taken on the rezoning; that the appeal of the decision in the Dha case be abandoned; and that the balance of the funds owing from the court judgement including costs (approximately \$100,000 in total) be paid to Mr. and Mrs. Dha.
- September 6, 1991** - Staff advise Provincial Agricultural Land Commission that LCA 90-207 can be closed because RZ 90-208 was defeated by Council.

- August 18, 1992** - Mr. and Mrs. Dha write to Mayor and Council asking for reconsideration of their application to subdivide 7931 McLennan Avenue.
- September 3, 1992** - Rezoning Application RZ 92-246 to rezone 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District, Subdivision Area F (R1/F) and Subdivision Application SD 92-247 for a two lot subdivision submitted by Gurdial and Inderjeet Dha.
- November 4, 1992** - Staff report recommending that a bylaw for the rezoning of 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District (R1/F) not be introduced.
- November 7, 1992** - Petition received from 21 residents representing 11 different properties in the area stating that if 7931 McLennan Avenue is rezoned from AG1 to R1/F they wish to have the same rezoning and asking for an explanation as to why this application would even be considered.
- December 3, 1992** - Planning and Development Services Committee resolves that a bylaw for the rezoning of 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District (R1/F) not be introduced.
- December 14, 1992** - Council resolves that a bylaw for the rezoning of 7931 McLennan Avenue from Agricultural District (AG1) to Single-Family Housing District (R1/F) not be introduced.

**APPENDIX 3**

**CHRONOLOGY OF BUILDING PERMIT AND LEGAL  
EVENTS**

**GURDIAL & INDERJEET DHA**

**7931 McLENNAN AVENUE**

- August 1986** - Building Permit issued by City of Richmond to Gurdial and Inderjeet Dha for the property at 7931 McLennan Avenue. Construction commences based on house designer plans and engineer's certification of the foundation.
- Early 1987** - Construction is completed and the Dhas occupy the residence.
- Summer 1987** - The Dhas call their builder to repair various cracks in the drywall and ill-fitting doors. Advised by builder that such problems are normal in new house.
- October/November 1987** - Problems with the deterioration of house continue to worsen.
- January 1988** - Dhas contact their Solicitor who writes to builder demanding rectification of deficiencies.
- April 1988** - Dhas' Solicitor retains Consulting Engineer to advise them.
- May 1988** - Consulting Engineers realize that dwelling deficiencies are attributable to foundation problems rather than contractor error.
- June 1988** - Dhas' Solicitor serves Writ of Summons against City (alleging negligent issuance of a Building Permit), house designer and foundation engineer.
- April 1990** - Judgement awarded to the Dhas in the amount of \$232,987.75 (\$215,000 – cost of moving and renovating house + \$6,987.75 – cost of moving and storing personal belongings while house being renovated + \$6,000 – four months rental while house is being renovated + \$5,000 – cost of moving and disposing of the existing slab).
- April 1990** - City of Richmond serves Notice of Appeal.
- June 1990** - The Dhas awarded and paid legal costs to date in the amount of \$21,384.70 by the City of Richmond.
- October 1990** - Partial settlement of judgement in the amount of \$100,000 paid by the City of Richmond to the Dhas.
- April 1991** - Appeal of original judgement abandoned by City Council.
- May 1991** - Final payment of judgement made to the Dhas by the City of Richmond in the amount of \$107,025.72 (\$98,197.75 – balance owing + \$8,827.97 – post judgement interest; \$34,790.00 paid by house designer).

**APPENDIX 4**

**MacMORRAN SUBDIVISION APPLICATION  
INFORMATION**

**(PARTIAL RECORD FROM CITY OF RICHMOND FILES)**

**7938 McLENNAN AVENUE**



- 1955**

  - Local improvement petition initiated by Elizabeth Johnston (west side of McLennan Avenue) and Melvin & Emma MacMorran (east side of McLennan Avenue). McLennan Avenue was constructed under a local improvement bylaw using funds from this petition.
  
- 1971**

  - Mrs. MacMorran reconfigures the 3 lots she originally owned into 4 new lots (one of which is an L-shaped lot fronting onto McLennan Avenue and Blundell Road).
  
- 1980**

  - Mrs. MacMorran applies to subdivide the L-shaped lot into 2 parcels (SD 80-091).
  - Planning Department rejects this subdivision application because it will create an unserviced lot on McLennan Avenue.
  
- 1980-81**

  - MacMorran's appeal to the Planning Committee and Public Works & Services Committee. Council approves the Committee's recommendation that the Approving Officer be authorized to approve the MacMorran's subdivision proposal, subject to Mrs. MacMorran entering into a development agreement to extend the existing road, water and drainage approximately 7.01 m (23 ft.) northward to a standard similar to the existing services and which is acceptable to the Municipal Engineer.
  - Mrs. MacMorran applies for a development agreement (SD 81-029) with respect to the extension of the services and roadway along McLennan Avenue.
  
- 1981-87**

  - Mrs. MacMorran does not proceed with the proposed subdivision (SD 80-091) or development agreement (SD 81-029) because the cost of extending McLennan Avenue is considered too onerous at the time.
  
- 1988**

  - Council reconfirms its decision to allow the MacMorran's subdivision application and development agreement.
  - 2 lot subdivision registered in the Land Title Office creating 7938 McLennan Avenue (0.25 ha or 0.63 ac. parcel) and 10451 Blundell Road (0.20 ha or 0.50 ac. parcel).

**Note: Aforesaid information is based on material available in some of the City of Richmond files.**