

**City of Surrey
Board of Variance
Minutes**

2E - Community Room A
City Hall
13450 - 104 Avenue
Surrey, B.C.
WEDNESDAY, MARCH 11, 2015
Time: 9:30 AM
File: 0360-20

Present:

Puneet Sandhar, Acting Chair
Inderjit Dhillon
Audrey Pease
Melissa Rook-Green

Absent:

Gil Mervyn, Chair

Staff Present:

B. Endersby, Manager, Residential Section,
Planning & Development
K. Broersma, Planner, Planning & Development
L. Luaifoa, Secretary

A. ADOPTION OF MINUTES

Minutes of the Board of Variance meeting held on February 11, 2015.

Moved by I. Dhillon
Seconded by A. Pease

THAT the Minutes of the Board of Variance meeting held on February 11, 2015 be received and adopted as circulated.

CARRIED UNANIMOUSLY

B. DEFERRED APPEALS

1. Appeal No. 15-003 - Peter Neliba

For permission to relax the east front yard setback from 7.5m to 4.9m; relax the north side yard setback requirement from 1.8m to 1.2m and relax the 80/20 rule of the bylaw as follows:

"the maximum permitted floor area of the second storey must not exceed 83% of the floor area of the main floor including the structure located within 7.5m of the front lot line. The reduced floor area of the second storey shall be accomplished by an offset at the second storey level from the wall at main storey level from any one side of a combination thereof" to allow for construction of a single family dwelling at 9370 – 138A Street, Surrey, BC.

Peter Neliba provided the following comments concerning the application to the Board:

- The appellant thanked the Board for their time and thanked staff their assistance with the application.

- There are two issues and the appellant is requesting two setbacks. The first setback relaxation is from the west property line and the north side property line. Peter read the first page of the letter regarding hardship.
- The hardship will be the additional construction costs for example, the plumbing and drywall etc. The costs for heating and air conditioning for the house will increase also. Another hardship will be the loss of the backyard because the house will be extended far to the east.
- The neighbour received a relaxation of their setbacks years ago.

The Chair noted that the Board will make their decision based on the information about the appeal that is before them. The Chair further noted that the Board cannot approve a variance based on previous granted appeals of neighbours.

In response to questions from the Board the appellant advised as follows:

- The house will be the appellant's primary residence and his current home is located close to the subject property.
- Access to the proposed house for a handicapped person, will not be affected if the variance is not granted.
- The hardship will be a longer house which increases costs and the house will not be appealing to look at. The longer hallways will be troublesome for the daughter who is on crutches and uses a wheelchair part time.
- The appellant has owned the property for 25 years and since the purchase there hasn't been any major changes to the bylaw.
- The appellant is aware of the DVP process.
- Staff is satisfied with the setbacks required including the 80/20 rule.
- The 80/20 rule will provide a house that is wider in the front. The appellant requested 83% be approved in the original application.

The Chair clarified that the original request from the appellant is for 83% and the Board will consider that figure and not 80%.

The Chair requested clarification from staff if it is possible to approve one setback requested from the appellant only. Staff noted the Board may approve one or all of the requested setbacks in an application.

The Chair questioned if there were any other persons present to speak to the application and confirmed there had been no correspondence received in response to notification regarding the appeal.

Members of the Board made the following concluding comment regarding the requested variance:

This configuration of the lot makes the property difficult to work with. There is a hardship if the appellant has to push the house back. The house layout will be narrow which is not good for the appellant's daughter who is handicapped.

Therefore, it was

Moved by I. Dhillon
Seconded by A. Pease

THAT Appeal No. 15-002 be **ALLOWED**, thereby permitting the relaxation of the east front yard setback from 7.5m to 4.9m; relaxation of the north side yard setback requirement from 1.8m to 1.2m and relaxation of the 80/20 rule of the bylaw as follows:

“the maximum permitted floor area of the second storey must not exceed 83% of the floor area of the main floor including the structure located within 7.5m of the front lot line. The reduced floor area of the second storey shall be accomplished by an offset at the second storey level from the wall at main storey level from any one side of a combination thereof”

CARRIED with P. Sandhar opposed.

I. Dhillon declared a conflict of interest for Appeal No. 15-004 and excused himself from the meeting.

C. NEW APPEALS

1. Appeal No. 15-004 – Bhawanjit Dhillon

For permission to allow the setback of the rear wall of the dwelling from the front lot line (Harvie Road) to be increased from 50m to 82m and allow the maximum depth of the farm residential footprint from the front lot line (Harvie Road) to be increased from 60m to 92m to allow for construction of a dwelling at 7648 Harvie Road, Surrey, BC.

Bhawanjit Dhillon provided the following comments concerning the application to the Board:

- Preload for the house was put down in 2008 in accordance to the City bylaw. The appellant applied for a permit recently and learned the bylaw changed.
- It would be a hardship financially to have to move the fill and it will take additional time to achieve enough settlement to build.
- There are two buildings planned for the lot which include a staff house and the family's main house.
- Staff noted there are some remediation issues with the appellant that will need to be resolved.

The Chair questioned if there were any other persons present to speak to the application and confirmed there had been no correspondence received in response to notification regarding the appeal.

Members of the Board made the following concluding comment regarding the requested variance:

This appeal should be supported based on the hardship caused by having to move the preload and lose more agriculture land. The preload was done according to the bylaw at the time.

Therefore, it was

Moved by M. Rook-Green
Seconded by A. Pease

THAT Appeal No. 15-002 be **ALLOWED**, thereby permitting the relaxation of the Farm Home Plate set back requirements to allow the construction of a single family dwelling that will not exceed 1800 m², excluding the driveway, or be located more than 435 m from the front lot line at 1122 184 Street.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS

There was no other business.

E. NEXT MEETING

The next scheduled meeting of the Board of Variance will be held on Wednesday, April 8, 2015 at 9:30 am.

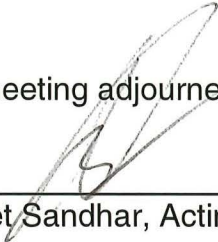
F. ADJOURNMENT

Moved by M. Rook-Green
Second by A. Pease


THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:00 am.



Puneet Sandhar, Acting Chair



Losa Luaifoa, Secretary