

**City of Surrey
Board of Variance
Minutes**

1E - Community Room B
City Hall
13450 - 104 Avenue
Surrey, B.C.
WEDNESDAY, SEPT. 9, 2015
Time: 9:30 AM
File: 0360-20

Present:

Gil Mervyn, Chair
Inderjit Dhillon
Audrey Pease
Puneet Sandhar

Absent:

Melissa Rook-Green

Staff Present:

K. Shangari, Residential Plan Checker, Building
K. Broersma, Planning & Development
L. Luaifoa, Secretary

A. ADOPTION OF MINUTES

Minutes of the Board of Variance meeting held July 8, 2015.

Moved by I. Dhillon
Seconded by P. Sandhar

THAT the Minutes of the Board of Variance meeting held on July 8, 2015 be received and adopted as circulated.

CARRIED UNANIMOUSLY

B. DEFERRED APPEALS

No items for this meeting.

C. NEW APPEALS

1. Appeal No. 15-10 – Cindy Brandes

For permission to relax the flanking yard setback from required 7.5 m to 0.4 m to allow the retention of an existing shed at 15834 -102B Avenue.

Cindy Brandes, appellant and Daniel Brandes (joint owner) provided a brief history on the subject property and noted that during the process of renovating the back yard in the summer, it was determined by a City Building Inspector that the garden shed was situated too close to the property line. The existing shed was built when the house was built.

The appellant requested a variance to allow the existing garden shed to remain in place. There is a financial hardship to have to remove the shed and there are no options to re-locate it in the backyard.

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 comments regarding the requested variance:

- There are many other similar sheds in the area that the City is not concerned about. The shed has been in place for so long with no complaints or concerns to date.
- The shed was in place prior to the backyard renovations and if the shed has to be moved, there is a hardship in terms of the cost to remove the shed and additional landscaping.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 15-10 be **ALLOWED**, thereby permitting the relaxation of the required flanking yard setback from required 7.5 m to 0.4 m to allow the retention of an existing shed at 15834 -102B Avenue.

CARRIED UNANIMOUSLY

2. **Appeal No. 15-11 – Graeme and Karen Garner**

For permission to relax the left side yard setback from required 1.8 m to 1.12 m and relax the right side yard setback from required 1.8 m to 1.65 m to allow retention of an addition at the existing house and the retention of the wall at 1416 – 129 Street.

Graeme and Karen Garner, appellants, were in attendance to speak to the Board of Variance application. The appellants noted that the variance requested is to permit the construction a second story addition. The appellant further noted that the home currently has two bedrooms; one regular sized room and one room as small as an office. The extension is financially achievable and will enable the couple to accommodate family and friends. The hardship would be to have to re-build the home which is financially not an option. While the existing bay window addition on the main floor projects into the required side yard by 150 mm, the bay window provides 4 ft. separation between it and the property line.

Members of the Board of Variance made the following comments in regards to the application:

- The Chair noted, for clarification, that the application submitted to the Board had two components for consideration; the second storey addition and the retention of the existing addition on the main floor. The existing addition to the side of the house projects into the required side yard setback. The Chair noted that the existing addition had been in place for a long time and there were no known complaints about it.
- A member of the Board questioned staff if the 80/20 rule of the Zoning bylaw applied to the application. It was explained that the 80/20 rule is 80% of what is done on the main floor can be deducted from the front or back, the 20% needs to be seen from the front or side of the house. The Board resolved that staff meet with the applicant to sort out the issue with the 80/20 rule and if required, the applicant would need to re-apply to the Board to vary the rule.

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 comments regarding the requested variance:

A hardship exists as the house is existing and it is unreasonable to require the construction of the proposed second story addition with different sideyard setbacks than those required for the original building. Requiring demolition of the existing house, and totally new construction would result in considerable financial hardship.

Therefore, it was

Moved by I. Dhillon
Seconded by A. Pease

THAT Appeal No. 15-11 be **ALLOWED**, thereby permitting the relaxation of the left side yard setback from required 1.8 m to 1.12 m and relaxation of the right side yard setback from required 1.8 m to 1.65 m to allow retention of an existing addition on the main floor and an addition on the second floor, at the existing house at 1416 – 129 Street, as shown in the drawings presented to the Board

CARRIED UNANIMOUSLY

3. Appeal No. 15-12 – Jagtar Bharya

For permission to relax the right side yard setback from required 1.8 m to 1.2 m to allow the construction of a single family dwelling at 13278 – 89A Avenue.

Jagtar Bharya, appellant, was in attendance to discuss the appeal and advised that building plans for a single family dwelling were approved. It was later determined that a long standing restrictive covenant on the property establishes an easement of 6 ft. wide that provides the neighbour at Lot 9 access rights to the rear of their property. The appellant noted that the neighbour has constructed a fence in the easement area which is approximately 1ft. away from the proposed new dwelling, leaving no room to be able to walk or work on the side of the dwelling. The appellant requested a variance of 1.8 m to 1.2 m to be able to proceed with building the dwelling, as approved by the City.

In response to questions for the Board, Staff noted:

- The easement is peculiar and normally, an easement would permit a house be built to the edge of the easement. In this case, the proposed dwelling does not fall within the easement, but due to the location of the neighbour's fence, it is not possible to proceed with construction.

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 comments regarding the requested variance:

- The issue beforehand is a civil one; however, due to the unwillingness of the neighbour to be accommodating, this creates a hardship for the appellant. The appellant should consider pursuing a court order to have the fence removed legally.
- Despite the above, it is a considerable hardship for the appellant to be delayed further in building their home.

Therefore, it was

Moved by I. Dhillon
Seconded by A. Pease

THAT Appeal No. 15-12 be **ALLOWED**, thereby permitting the relaxation of the right side yard setback from required 1.8 m to 1.2 m to allow the construction of a single family dwelling at 13278 – 89A Avenue, as shown in the drawings presented to the Board .

CARRIED UNANIMOUSLY

4. **Appeal No. 15-13 – Amarjit Toor**

For permission to relax the maximum front yard setback (Highway 10) from required 50 m to 150 m and to relax the maximum depth of the farm residential footprint from the front lot line (Highway 10) from 60 m to 160 m to allow the construction of a single family dwelling at 16176-56 Avenue.

Amarjit Toor, appellant, and Hardeep Toor (joint owner), were in attendance to speak to the appeal and advised that the farm was purchased in May, 2015. In July, when applying for preload permits for the construction of their proposed home, they were informed by the City of the 100 m setback required to protect the Pacific Water Shrew habitat under the Federal/ Provincial SARA legislation, which resulted in this application to the Board. The appellant advised the remainder of the property will be developed the production of blueberries and chickens. The front 100 m portion of the property will be developed in accordance with the habitat protection requirements.

The Board and appellants discussed the questionable presence of water shrew in the area and it was suggest that the Ministry of Environment personnel responsible for habitat protection be contacted to request that the area be reviewed and potentially removed from the boundaries that require Pacific Water Shrew protection.

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 comments regarding the requested variance:

- While it is very questionable that Pacific Water Shrew will ever be found on this property, the granting of the appeal is necessary to comply with the SARA legislation and therefore permit construction of the single family dwelling. If the appeal is not approved, the hardship will be not being able to build their home.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 15-13 be **ALLOWED**, thereby permitting the construction of a single family dwelling at 16176-56 Avenue, as shown in the drawings presented to the Board.

CARRIED
(A. Pease opposed)

D. OTHER BUSINESS

The Board of Variance will meet on October 30 at 9:00 am for the Information Session on the Termination of Land Use Contracts.

E. NEXT MEETING

The next scheduled meeting of the Board of Variance will be held on Wednesday, October 14, 2015 at 9:30 am.


F. ADJOURNMENT

Moved by P. Sandhar
Second by I. Dhillon

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:40 am.



Gil Mervyn, Chair



Losa Luaifoa, Secretary