

**City of Surrey
Board of Variance
Minutes**

1E - Community Room B
City Hall
13450 - 104 Avenue
Surrey, B.C.
WEDNESDAY, OCT. 14, 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 September 9, 2015.

Moved by P. Sandhar
Seconded by I. Dhillon

THAT the Minutes of the Board of Variance meeting held on September 9, 2015 be received and adopted as circulated.

CARRIED UNANIMOUSLY

The Chair requested an update from staff on Appeal 15-10 for 1416 - 129 Street in regards to the concern raised by the Board about the 80/20 rule. Staff reported that the Senior Planner confirmed that the proposal met the intent of 80/20 rule. The application has been approved and will not be coming back to the Board of Variance.

The Chair noted that communication has been made with the Ministry of Environment (MOE) regarding the designation of the Pacific Water Shrew on the property at 16176-56 Avenue. A response from the MOE is expected and an update will be provided to the Board when a response has been received.

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

B. DEFERRED APPEALS

C. NEW APPEALS

1. Appeal No. 15-14 – Vincent Liu

For permission to relax the southwest side yard setback from the required 4.5 m to 1.6 m to allow the construction of a new addition to the existing building at 2936 Country Woods Drive.

Vincent Liu, agent for the appellant noted that the owner is requesting a variance to allow the addition of a bathtub in the master bedroom. The appellant has a medical issue and is currently using the kid's bathtub which is not adequate. The current floor layout does not permit the addition for a bathtub to be installed. The existing building will extend along the existing line to accommodate the proposed renovation.

In response to a question from the Board, the appellant responded there is not enough room for access to the proposed enlarged bathroom from the master bedroom.

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

Due to the underlying health issue of the appellant, the addition is required to extend the bathroom. If the appeal is not approved, the house would have to be re-designed to accommodate a larger bathroom and that would cause financial hardship. The variance will not impact neighbours and there has been no opposition from the neighbours.

Therefore, it was

Moved by P. Sandhar
Seconded by A. Pease

THAT Appeal No.15-14 be **ALLOWED**, thereby permitting the relaxation of the southwest side yard setback from the required 4.5 m to 1.6 m to allow the construction of a new addition to the existing building, as presented in the drawings as presented to the Board.

CARRIED UNANIMOUSLY

2. Appeal No. 15-15 – Jagdip Sivia

For permission to:

- *Decrease the minimum front yard setback (40 Avenue) from 30 m to 20.5 m for proposed barn;*
- *Increase the maximum front yard setback (40 Avenue) from 50 m to 74.3 m for proposed single family dwelling);*
- *Increase the maximum depth of +the farm residential footprint from the front line (40 Avenue) from 60 m to 84.3 m;*
- *Increase the maximum side yard setback on flanking street (168 Street) from 50 m to 128.8 m for proposed single family dwelling;*
- *Increase the maximum depth of the farm residential footprint from the side lot line on a flanking street (168 Street) from 60 m to 138.8 m; and*
- *Increase the size of the farm residential footprint from 3,000 sq.m to 3,575 sq.m*

to allow the construction of a single family dwelling and barn at 16327 - 40 Avenue.

Jagdip Sivia, appellant, was in attendance to speak to the Board of Variance application. The appellant noted that the farm was purchased 5 years ago and was previously used to farm vegetables. The preload was in place prior to the change to the bylaw. The appellant informed the Board that the current and proposed continued use for the property is to farm blueberries. The appellant also noted that a previous appeal was approved by the Board of Variance in 2013.

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 has two separate issues: the issue of the preload and the setback for the barn. The Chair asked staff for clarification on the preload and whether or not an application needs to be made to the Agriculture Land Commission (ALR). Staff advised that as part of the review process, it was noted that the ALC's regulation stipulates that if more than .2 hectares of fill are placed on site, permission is required by the ALC. Staff further noted that before a building permit is issued by the City, this matter would be addressed regardless of the Board's decision. The appellant informed the Board that he has received ALC approval.
- In response to a question from the Board, the appellant responded that there is only one driveway for the two properties.
- The Board requested clarification from staff and questioned if the 3000 sq. m for residential use allows 2% for a farm accessory building.

Staff responded that the barn is separate and not considered residential. The only issue with the barn is the setback.

- In response to a question to staff about the rationale of implementing a minimum setback requirement for the barn while requiring a maximum setback for the residential footprint, staff noted that barns are typically used for purposes that may create undesirable odours such as chicken coups or storage of items such as machinery or equipment.
- The Board ensued discussion about the residence merging with the farm operations and staff noted that a portion of farm land is designated for residential use. It was further noted that the farm road is not calculated into the residential footprint.

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

A hardship exists due to the pre-load in place prior to the bylaw change and that the requested setbacks and residential farm plates were in compliance at that time. It was further noted that the appellant requires ALC approval and is required to comply with the ALC to ensure he will be able to proceed with his plans.

Therefore, it was

Moved by I. Dhillon
Seconded by P. Sandhar

THAT Appeal No. 15-15 be **ALLOWED**, thereby permitting the following:

- Decrease the minimum front yard setback (40 Avenue) from 30 m to 20.5 m for proposed barn;
- Increase the maximum front yard setback (40 Avenue) from 50 m to 74.3 m for proposed single family dwelling);
- Increase the maximum depth of the farm residential footprint from the front line (40 Avenue) from 60 m to 84.3 m;
- Increase the maximum side yard setback on flanking street (168 Street) from 50 m to 128.8 m for proposed single family dwelling;
- Increase the maximum depth of the farm residential footprint from the side lot line on a flanking street (168 Street) from 60 m to 138.8 m; and
- Increase the size of the farm residential footprint from 3,000 sq.m to 3,575 sq.m

to allow the construction of a single family dwelling and barn, as shown in the drawings presented to the Board.

CARRIED UNANIMOUSLY

3. Appeal No. 15-16 - Glen Pederson

For permission to relax the south side yard setback from 4.5 m to 0.4 m and relax the north side yard setback from 4.5 m to 1.1 m to allow a car port addition to the south side and covered deck addition to the rear of the existing building at 114 Peace Park Drive.

Terra Shimbashi, agent, advised that the appellant requires space to park his work truck under a covered area in the winter time. The lot is very narrow and which limits the use of the property. The agent noted that the appellant felt it was a hardship not being able to park his vehicle under a car port. The car port will be a simple structure that is not enclosed and will be located on the south side of the house. A covered canopy will be used on the north side of the house as cooking area during renovations for the kitchen. The agent reported that the neighbour at 106 Peace Park Drive provided a letter of support of the application to the Board.

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

The hardship is the limitations of the property due to the width and not being able to fully optimize the use of the property, to have a covered car port and covered canopy for the back of the house for cooking during kitchen renovations. The request does not interfere with the neighbour's property or the intent of bylaw. There are also many other existing non-conforming setbacks in the surrounding neighbourhood, including the property immediately to the south of the subject property.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 15-16 be **ALLOWED**, thereby permitting the relaxation of the south side yard setback from 4.5 m to 0.4 m and relaxation of the north side yard setback from 4.5 m to 1.1 m to allow a car port addition to the south side and covered deck addition to the rear of the existing building, as shown in the drawings presented to the Board.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS

E. NEXT MEETING

The next scheduled meeting of the Board of Variance will be held on Wednesday, November 18, 2015 at 9:30 am.

F. ADJOURNMENT

Moved by A. Pease
Second by P. Sandhar

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:30 am.



Gil Mervyn, Chair



Losa Luaifoa, Secretary