

**City of Surrey
Board of Variance
Minutes**

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

Present:

Gil Mervyn, Chair
Inderjit Dhillon
Audrey Pease
Puneet Sandhar

Absent:

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 October 14, 2015.

Moved by I. Dhillon
Seconded by P. Sandhar

THAT the Minutes of the Board of Variance meeting held on October 14, 2015 be received and adopted as circulated.

CARRIED UNANIMOUSLY

B. DEFERRED APPEALS

C. NEW APPEALS

1. Appeal No. 15-17 - Dawe

For permission to relax the south side yard setback from 3.0 m to 1.5 m to permit the retention of an existing sunroom at #2 – 2345 Cranley Drive.

Sheila Dawe, appellant, informed the Board of Variance that an application for a variance for a canopy roof was approved in 1991. Subsequently, the owner, at that time, built a sunroom without the proper permit.

The applicant is seeking a variance to retain and renovate the sunroom. The canopy and walls are instrumental from stopping the rain from pouring in. Due to the condition of the sunroom, approximately 2 inches of water is

pooling on the patio. The water has rotted away the stairs and most of what was there previously.

The hardship is the flooding of water and that there is no other suitable location on the property to place the sunroom.

In response to questions from the Board, the appellant noted the following:

- The concrete pad is not levelled which enables water to come in from outside and pool. The appellant will rectify this issue through renovations to the sunroom.
- Strata Council did not approve the original building plans for the renovation of the sunroom based on the intent to use wood for the exterior finish and requested that new plans be submitted to reflect the use of aluminum. The property manager stated there was no issue with the sought variance; the issue is the use of materials. Wooden siding is not permitted by the Strata Council; therefore, the sunroom must be finished with aluminum.
- The Chair noted that the Board does not determine the type of material used with the approval of the variance.
- The Chair confirmed with staff that prior to a building permit being issued; the City will require a letter of approval for the sunroom from the Strata Council.

The Chair acknowledged receipt of on-table correspondence from the neighbour in the adjoining development at #5 – 2303 Cranley Drive. The neighbour expressed concern that no relaxation be granted to the rear of the property which would impact their property. The Chair confirmed the variance requested by this application does not impact their property.

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

The hardship is the limitation of places to accommodate a sunroom on the property and that during the rainy season, the water pools hindering access to the property. It was also noted there were numerous other examples of similar variances within this development.

Therefore, it was

Moved by P. Sandhar
Seconded by A. Pease

THAT Appeal No.15-17 be **ALLOWED**, thereby permitting the relaxation of the south side yard setback from 3.0 m to 1.5 m to permit the retention and renovation of the existing sunroom at #2 – 2345 Cranley Drive, as shown in the drawings presented to the Board.

CARRIED UNANIMOUSLY

2. Appeal No. 15-18 - Bhambra

For permission to relax the north side yard setback from 4.5 m to 1.5 m to permit the construction of a single family dwelling at 2576 – 140 Street.

Harvey Bhambra, agent to the appellant, was in attendance on his parent's behalf to speak to the Board of Variance application. The agent informed the Board that there is a 15 ft. setback on both sides of the property and if the house is built according to those allowed setbacks, the house design will have to extend further back on the property. Currently, the rear of the property is decorated with trees, shrubs, figs and is landscaped nicely.

The agent reported that 140 Street is an arterial road and requires 12.5 m of setback from the front instead of 7.6 m. The current house sits at 3 m from the north side setback which is less than the bylaw requirement.

Par Dhinjal, family friend of the appellant, noted that one of the main reasons the home was purchased was for the back yard and the mature landscaping. In order for a home design to meet their requirements, they need a minimum building width of 60 ft. The current side yard setback requirements reduce the maximum building width to 49 ft. If the house is pushed further back, they will lose the landscaping. The backyard is a higher plateau than the front of the house. Even with keeping the front yard setback, they have managed to push house back without encroaching on the second plateau.

In response to questions from the Board, the appellant noted the following:

- The house, which was purchased a month ago, is intended to be demolished and rebuilt in time for a family wedding.
- The current house is not in good condition and too small to meet the family's requirements.

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

- The Chair expressed concern the current zoning of the property (RA) applies to one acre or more of land. The property in question is half acre and the setbacks are in accordance to a one acre, not a half acre lot. Based on the incorrect zoning, a hardship should be considered. The City should consider looking at the strip of properties in this area for potential re-zoning and the side yard setback for this property should be adjusted to be more appropriate to the narrower width of the property.

Staff noted that the setback required for a half acre lot (RH) is the same as the acre lot (RA) and confirmed that the subject property did not meet the minimum lot width requirement of the RH zone.

- The Chair questioned why the applicant requested the variance on one side of the property only and suggested it would be preferable to site the building more equally on the property.

The neighbours to the property were in attendance and made the following comments:

- **Elizabeth, 2562 – 140 Street**, neighbour to the south of the property, did not object to the application; however, stated that the character of the neighbourhood would be compromised if the variance is allowed. The neighbour further noted that all of the other half acre owners abided by the setbacks.
- **Ruisen, 2588 – 140 Street**, neighbor to the north side of the property expressed concerns with the variance, noting the building would be too close to his property. If the proposed setbacks were allowed this would affect the sunlight hitting his home, their privacy and the loss of the trees. He also feared there would be potential safety issues in the event of a fire.

In response to the concerns raised, the appellant made the following comments:

- A topographical survey shows that both trees as referenced by the neighbour on the north are located on the appellant's property. With the trees removed, there may be more sunlight.
- The house will be two-storey and measure 4700 sq. ft. and is the same height as current house.

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

- A hardship exists due to the unique shape of the lot and dimensions of the site, and the existing zoning is not appropriate to the site.
- While it is important to maintain the character of the neighbourhood and to maintain the natural environment, there would be no additional negative impact resulting from the proposed variance.
- The appeal is not supported as presented, as the requested sideyard reduction on only one side, results in the building being located too close to the adjoining property. The Board recommends that the appellant consult with the neighbours to develop an alternative proposal to address the neighbour's concerns which can be brought back to a future meeting.

Therefore, it was

Moved by I. Dhillon
Seconded by P. Sandhar

THAT Appeal No. 15 -18 be **DEFERRED**, to provide the appellant the opportunity to consult with the neighbours and submit a revised proposal for consideration.

CARRIED UNANIMOUSLY

3. Appeal No. 15-19 - Sandhu

For permission to increase the maximum front yard setback (127A Street) from 50 m to 65 m, to increase the maximum depth of the farm residential footprint from the lot line (40 Avenue) from 60 m to 80.2 m and increase the size of the farm residential footprint from 2,000 sq.m. to 2,559 sq. m to permit the construction of a single family dwelling at 4964 – 127A Street.

Baljit and Nirbhai Sandhu, appellants, were in attendance to speak to the Board of Variance application. The appellants noted that the property has been preloaded since 2009 to build a new home. The Zoning Bylaw changed and the footprint is required to be relocated to adhere to the new setbacks. The appellant noted that it is a hardship to relocate the preload.

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

- The Board requested clarification on the two preloads on the property. The appellant noted one of the preloads is for the shed and one is for the house. Staff confirmed the size and location of the two preloads were in accordance with the original approvals granted by the City.
- The hardship is the existing preload that was already in place prior to the change to the bylaw. The costs would be high to relocate the preload; the farm is active and if the preload is moved to comply with the current setback requirements, the viability of the affected land for agriculture would be destroyed. The time it would take to execute these changes is also a hardship.

Therefore, it was

Moved by I. Dhillon
Seconded by A. Pease

THAT Appeal No. 15-19 be **ALLOWED**, thereby permitting an increase to the maximum front yard setback (127A Street) from 50 m to 65 m, an increase to the maximum depth of the farm residential footprint from the lot line (40 Avenue) from 60 m to 80.2 m and an increase to the size of the farm residential footprint from 2,000 sq.m. to 2,559 sq. m, to permit the construction of a single family dwelling at 4964 – 127A Street, as shown in the drawings presented to the Board.

CARRIED UNANIMOUSLY

4. Appeal No. 15-20 - Bailey

For permission to increase the maximum front yard setback (192 Street) from 50 m to 365 m to permit the construction of an accessory garage at 4552 - 192 Street.

The Chair clarified that the setback should be from **60 m** and not 50 m.

Gary Bailey was in attendance to speak to the Board of Variance application and reported that the property is 75 acres and this retirement project started in 2007. The site was prepared in 2008 including all the rock and extensive retaining walls. Due to changing economic circumstances, the project halted and the garage was not built as originally planned. In September, the appellant applied for a building permit and was informed that the site was not in compliance any longer due to a change in the farm plate setback requirements in 2012.

The appellant noted that the footprint has not changed and the accessory garage is to be situated next to the residence.

The appellant further noted it is a hardship to have to build within the requirements of the bylaw. From a construction view, the costs would increase because the foundation would have to be a floating foundation and the site would require preloading again. Also, an additional driveway would be required if the garage is relocated closer to 192 Street.

The Chair requested clarification that the measurement of 365 m is the accurate dimension as listed in the application. Staff noted that the architect should verify that that is the correct measurement. The appellant responded that the designer was contacted and based on survey information, provided the 365 m measurement. Staff noted that when the building permit is applied for it will be provided based on the approved measurement by the Board of 365 m.

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

- Hardship exists in this appeal as the original plans for this development were approved prior to change in setback requirements, and to require compliance with the current farmplate location would be disruptive to operations of the estate and result in a loss of agricultural lands.

Therefore, it was

Moved by I. Dhillion
Seconded by P. Sandhar

THAT Appeal No. 15-20 be **ALLOWED**, thereby permitting an increase to the maximum front yard setback (192 Street) from 60 m to 365 m to permit the construction of an accessory garage at 4552 – 192 Street, as shown in the drawings presented to the Board.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS

1. 2016 Meeting Dates

The Board had for consideration a Memorandum from the City Clerk dated November 23, 2015 regarding the proposed meeting dates for 2016.

Moved by I. Dhillon
Seconded by P. Sandhar

THAT the 2016 Meeting Dates be approved as presented in the memo from the City Clerk dated November 23, 2015.

CARRIED UNANIMOUSLY

2. Pacific Water Shrew Update

The Chair provided the following verbal update:

- A meeting was held the previous Monday with representatives from Environment Canada, the Provincial Ministry of Environment and City of Surrey staff to discuss the critical habitat protection for the Pacific Water Shrew in Surrey. The issue of the Pacific Water Shrew arose from a previous Board of Variance application.
- It was determined at the meeting that the program of protection of the water shrew has been done without complete consideration of implementation procedures. A new process will be developed to provide for a more specific assessment of the suitability of the habitat protection on a property by property basis.
- It is unlikely the Board of Variance will receive any further applications resulting from the Pacific Water Shrew habitat protection requirements.

E. NEXT MEETING

The next scheduled meeting of the Board of Variance will be held on Wednesday, January 13, 2016 at 9:30 am.

F. ADJOURNMENT

Moved by I. Dhillon
Second by P. Sandhar


THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:30 am.



Gil Mervyn, Chair



Lora Luaifoa, Secretary