

**City of Surrey  
Board of Variance  
Minutes**

1E - Committee Room B  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
**WEDNESDAY, JULY 13, 2016**  
Time: 9:36 AM  
File: 0360-20

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**Present:**

Gil Mervyn, Chair  
Mike Bola  
Inderjit Dhillon  
Don Maciver  
Puneet Sandhar

**Absent:**

**Staff Present:**

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

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**A. ADOPTION OF MINUTES**

Minutes of the Board of Variance meeting held May 11, 2016.

Moved by I. Dhillon  
Seconded by P. Sandhar

THAT the Minutes of the Board of Variance meeting held on May 11, 2016 be received and adopted as circulated.

CARRIED UNANIMOUSLY

**B. DEFERRED APPEALS**

**C. NEW APPEALS**

**1. Appeal No. 16-08 - Paw Properties Ltd.**

*For permission to reduce the rear yard setback from 7.5 m to 7.0 m, and increase the side yard (north) setback from 0 m to 0.7 m, to permit an expansion of an existing industrial building at 12289 Industrial Road.*

The Board acknowledged the Letter of Authorization for Stephen Quigley, The Claiborne Architectural Group Pacific Inc., to act as Agent on behalf of Paw Properties Ltd.

Stephen Quigley, The Claiborne Architectural Group Pacific Inc., Agent for the Appellant, and Dan Andreassen, KTW Construction Inc., were in attendance before the Board to speak to the application. The Agent provided a larger drawing of the site to illustrate the rear (west) yard wall and side (north) property setback requirements as a result of the building foundation extending

over the property line. The building in relation to the neighbouring properties was also identified.

**In response to questions from the Board, the Agent for the Appellant made the following comments:**

- The rear yard relaxation requirement was discovered by the surveyor after the building was well under construction; after piling, foundations, and slab-on-grade were completed. It is not encroaching on a property line or right-of-way easement.
- A review of the drawings determined that the existing building, to which the new building is connected, is farther to the west than the dimensional information shown on the site plan; likely resulting from the existing building's west below-grade foundation wall footing projecting farther west than anticipated, due to the poor soil condition which dictates the substantial substructure below grade footing of the existing building. As a result, there was a dimensional written arithmetic error which needed to be recorded.
- The setback is to the CN Railway; CN Railway granted permission to allow storm drainage to drain on their property. Along the property line, there will be a chain-link fence on top of the low rock that is currently in place.
- The side yard variance being sought is the result of trying to match the existing building on the front portion of the site and the new building (addition) set at the property line. It was felt that the new building was built to the property line, as needed. In fact, the below grade structure of the new building is right up to the property line, with the actual building wall set back 0.7m from the property line.

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

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

- Typically an error in measurement for the rear setback would have been identified before the concrete was poured, however the building is essentially complete now.
- With respect to the provision that affects the 0 m side yard setback, it does not read as it 'must' be 0 m or 7.5 m; the intent of the provision (commercial or industrial) is to avoid dead space or provide sufficient landscaping between buildings. In this case, the setback is neither, however the intent was 0 m.
- From the point of view of the hardship, it would be physically impossible to achieve the 0 m setback for the side yard, and 7 m for the rear yard.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT Appeal No. 16-08 be **ALLOWED**, thereby permitting a relaxation to the rear yard setback from 7.5 m to 7.0 m, and an increase to the side yard (north) setback from 0 m to 0.7 m, for the expansion of an existing industrial building at 12289 Industrial Road, as shown in the drawings presented to the Board.

CARRIED UNANIMOUSLY

**2. Appeal No. 16-09 - Manmeet S. & Simranjeet K. Dhillon**

*For permission to relax the flanking side yard setback from 7.5 m to 6.95 m for a proposed detached garage and to relax the provision that the second floor area can be a maximum 80% of the ground floor area to add an addition to the house on the second level at 7911 141B Street.*

Manmeet Dhillon, Appellant, was in attendance before the Board to speak to the application. Mr. Dhillon reported that the home, located on the corner of 79 Avenue and 141B Street (the flanking street), is currently occupied by his wife, his two children, and his mother, father and brother. The home was bought in 2010, and was originally occupied by Mr. Dhillon, his wife and one child. Since then the family has grown. The option of purchasing a larger home is not financially possible, therefore permission for an addition to the house is being sought to accommodate the (now) family of seven. In addition, a variance to the setback from the flanking street to the existing concrete pad, to provide a three car garage, is also being sought as the garage pad is setback 0.55 m short of the 7.5m required setback. Since the concrete pad is already in place, moving the footing wall to meet the required setback would defeat the purpose of reducing building costs and would make it impractical to build the garage.

**In response to questions from the Board, the Appellant made the following comments:**

- Originally his father asked to extend the house to fill under the deck. In an effort to save the cost of building a new house, a friend of a friend was hired as the contract/construction manager. As a result, the application process was misguided and the property was subject to legal action from the City in 2012 for work done without a permit.
- There was a requirement to make sure the addition to the home was in compliance. At the time there was financial hardship and we were not able to move forward with the costs to bring into compliance. The appellant takes full responsibility for not being aware of the regulations at

the time and is now prepared to complete all of the requirements. All the necessary steps have been taken to correct any and all outstanding issues to finish the project in accordance with the required regulations.

- After consulting with Planning staff it was the understanding that the purpose of the 80/20 regulation was to avoid having the house look like a box. Although the house was built in 1973, prior to the 80/20 rule, the front room was moved from the front of the house to the middle to create an opening at the side and accommodate the 80/20 rule in some way.
- A secondary issue arose in 2014 when the concrete pad was poured by the driveway for the future garage. Not only is the pad .55 m short of the 7.5 m required setback to the street, a Landscape Review determined that the onsite paving had damaged trees, resulting in a requirement under an arborist's supervision that those trees and surrounding concrete be removed. Since then, an arborist has deemed those trees to be perfectly healthy and there is no need to remove them. The arborist is going to follow up with City.
- The garage would be at the rear of the house, and would not block the line of sight for the traffic at the corner.

The Chair questioned if there were any persons present to speak to the application. The Chair confirmed there had been 3 items of correspondence received in response to the notification regarding the appeal, expressing concerns and/or opposition to the appeal.

**In response to correspondence from the neighbours and further questions from the Board, the Appellant commented:**

- Since the stop work order, all the necessary steps have been and will continue to be taken to ensure the extension to the house and construction of the garage receive the proper permits and comply with all regulations. He has consulted with the Planning department and will be working with the Engineering department regarding drainage, and is now at the point of requiring the necessary variances.
- The garage will not have a coach house or be built too high, as per code.
- The mature trees will not be taken down as it has been confirmed by an arborist that they are still healthy and do not need to be removed.
- No issues of non-compliance have ever been raised with the appellant by any neighbours. He has a good relationship with the neighbours behind the property; perhaps information about the appeal has the neighbours concerned with their privacy.
- There is no retaining wall and the fence does not exceed 1.2m.
- A conversation with the Planning department confirmed that the doorstep porch at the front of the house was pre-existing, there is no way to change or lift it; a variance for this is not required.
- It is a 3 car garage to be built, not a business. There will be no business operations, no welding shop, nothing at all. The appellant has a full time job and his wife is an accountant.

- The area between the proposed garage and the house is a narrow driveway, to drive in from 141B Street.
- The hardship to be in compliance for the garage is that the footings that exist on the concrete pad would have to be removed.

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

- It is the understanding of the Board that the Planning department is prepared to consider the variance requested for the house subject to the decision of the Board. At the moment, the building is non-complying; there are some areas that cannot be considered existing as the additions were built without permits (photos shown).
- With so much having been done illegally (including red tagged in 2012), there is concern. The Appellant has a history of not abiding and only now seeking a variance in order to complete work. How can the Board be sure compliance going forward?
- Although efforts are now being made to ensure compliance, the Appellant is not doing the City any favours by saying that he is now following the rules. There is a bias initiated by not following regulations. It is not an excuse simply not to know or that the contractor did not know what to do. All citizens are required to ensure regulations are followed. Assurance is required that this behaviour will not continue; this shouldn't have happened in first place.
- It doesn't appear the Appellant made any effort to approach the neighbours as comments indicate that they do not know what is being planned which has created a situation that is not very neighbourly.
- Following the decision of the Board, the backyard will still be subject to a review regarding drainage.
- The house was built prior to the 80/20 rule and the Appellant is trying to conform.

Therefore, it was

Moved by M. Bola  
Seconded by I. Dhillon

THAT Appeal No. 16-09, to permit the relaxation of the provision that the second floor area can be a maximum 80% of the ground floor area, be **ALLOWED**, thereby permitting an addition to the house on the second level at 7911 - 141B Street, as shown in the drawings presented to the Board.

CARRIED UNANIMOUSLY

**Members of the Board commented further:**

- There is no requirement to have a 3 car garage; 420 sq. ft. is allowed, or enough off-street parking can be demonstrated on the lot.
- Something needs to comply. The garage has been defined by the placement of the footings of the foundation. Although the concrete is 6 or 7 inches higher than the side of the property, the footings can be moved – an engineer can address this.
- Undue hardship is not demonstrated to support the request to relax flanking for the garage. A wall can still be built on top of a pad without having footings, cutting or moving anything, which will result in a smaller garage that can still provide a really good 3 car garage.

Therefore, it was

Moved by I. Dhillon  
Seconded by M. Bola

THAT Appeal No. 16-09, to relax the flanking side yard setback from 7.5 m to 6.95 m, for a proposed detached garage at 7911 - 141B Street, be **DENIED**.

CARRIED UNANIMOUSLY

**3. Appeal No. 16-10 - Bruce & Susan Gernon**

*For permission to relax the provision that the second floor area be a maximum 80% of the ground floor area to add an addition to the house on the second level at 18610 63A Avenue.*

Bruce Gernon, Appellant, was in attendance before the Board to speak to the application. Mr. Gernon noted he and his wife have lived in the house, with their 3 children (ages 14, 16 and 18), for 19 years. With 2 sons in high school (heavily involved in sports) and a daughter now enrolled in university who will continue to reside at the home, it has become impossible to accommodate all 3 sharing 1 bathroom. Mr. Gernon further noted that the proposed additional bedroom and bathroom was considered in 2015, however the likelihood of the roof replacement in 2016, postponed consideration of the addition so that the two could coincide in 2016.

**In response to questions from the Board, the Appellant made the following comments:**

- Under the bylaw, a relaxation would not be required to construct the bedroom however, without an additional bathroom the home itself becomes insufficient to accommodate 3 young adults. As a result, the

addition of just the bedroom is not economically worth it and would not be constructed.

- Converting the current office space to a bedroom is not an option. The appellant is an engineer, works from home and requires an office.
- Ultimately, the hardship is that the family may have to consider moving from the home and neighbourhood that all 3 kids grew up in, away from the local high school that 2 family members still attend. It goes without saying that the family would prefer to stay in the home.
- Trying to eliminate opening of the house as much as possible. There is a header at the side of the house where it makes sense to open up for the addition (images shown). It would be a relaxation of the 80/20 rule in order to allow the addition.
- Consideration of all neighbours was given and personally spoke with many immediate neighbours before any plans were submitted. No issues were noted and all neighbours are now aware and have now had an opportunity to respond with any comments or concerns.

The Chair confirmed that no correspondence had been received in response to the notification regarding the appeal.

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

- The issue for this application is the 80/20 rule. The proposal meets all other bylaw regulations.
- The 80/20 rule states that the total floor of upper story cannot be more than 80% of lower floor, and the 20% difference must be noticeable.
- The intent of the 80/20 rule is to avoid a repetitive pattern/design of bulky, box-like homes.
- To emphasize the term intent, is the application to this rule contrary to the intent? If the application is approved, does it affect the intent? In this case, the answer is no.

Therefore, it was

Moved by P. Sandhar  
Seconded by M. Bola

THAT Appeal No. 16-10 be **ALLOWED**, thereby permitting relaxation of the provision that the second floor area be a maximum 80% of the ground floor area to allow an addition to the house on the second level at 18610 63A Avenue, as shown in the drawings presented to the Board.

CARRIED UNANIMOUSLY

**D. OTHER BUSINESS****1. BOV Application Neighbour Notifications**

Discussion ensued with respect to the minimal information contained in the BOV notification letters that are sent to the neighbouring properties of BOV applications. It was noted that many of the questions and comments received in response to these letters could be addressed if a copy of the site plan, which includes the elevation, was attached. As a result, it was requested that the correspondence to neighbouring properties for all future BOV applications include a copy of the site and elevation plan, ensuring that any personal information (if any) is removed.

**2. BOV Application Deadline**

With respect to BOV application deadline as identified in the 2016 BOV meeting schedule, it was suggested that rather than having a deadline to provide an application for a scheduled meeting, all applications will be considered and scheduled upon the receipt of fully completed applications. Further, as it is now required that siting information be included with the advance neighbour notification correspondence, incomplete applications will be delayed. An application deadline date is therefore no longer required. Completed applications can be received anytime (Mon. – Fri., 8:30 - 4:30), which will ensure all information is received and applications are ready to proceed before scheduling the meeting date.

**3. BOV Identification Badge**

For the purposes of site visits, if required, it was suggested that identification badges and/or business cards be considered for Board members.

**E. NEXT MEETING**

It was acknowledged that there is not a scheduled Board of Variance meeting in August. The next scheduled meeting of the Board of Variance will be held on **Wednesday, September 14, 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 11:21 am.



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Gil Melwyn, Chair



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Lorraine Anderson, Secretary