

**City of Surrey
Board of Variance
Minutes**

2E – Community Room B
City Hall
13450 - 104 Avenue
Surrey, B.C.
WEDNESDAY, JANUARY 11, 2017
Time: 9:30 AM
File: 0360-20

Present:

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

Absent:

Staff Present:

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

ELECTIONS and APPOINTMENTS

The Board was requested to elect a Chair for the 2017 calendar year.

It was

Moved by D. Maciver
Seconded by P. Sandhu

THAT Gil Mervyn be appointed Chair of the Board of Variance for the 2017 calendar year.

CARRIED UNANIMOUSLY

A. ADOPTION OF MINUTES

Minutes of the Board of Variance meeting held November 16, 2016.

Moved by P. Sandhar
Seconded by M. Bola

THAT the Minutes of the Board of Variance meeting held on November 16, 2016 be received and adopted as circulated.

CARRIED UNANIMOUSLY

B. DEFERRED APPEALS

C. NEW APPEALS**1. Appeal No. 17-01 – Robert and Anne Smith**

For permission to relax the minimum rear yard (south) setback from 7.5m to 5.66m to permit the construction of an addition to an existing house at 1791 - 127A Street.

The Board acknowledged the Letter of Authorization for Margaret Scott to act as the Agent on behalf of Robert and Anne Smith.

The Appellant, Robert Smith, and the Agent, were both in attendance to speak to the Board of Variance application.

The Agent advised that due to the configuration of the house on the property, the only location for the garage is in the rear yard, facing the side yard. The garage is needed to provide covered parking for the family vehicles, currently not covered and exposed to the falling sap and debris from the large trees on the property, spoiling the paint finish of the vehicles. In addition, the family have a significant amount of sporting equipment that could be stored and secured in the garage. The completed garage would not affect any neighbouring properties. There is an alley at the back of the yard.

The Agent further noted that an application to the Board for a similar appeal for 5.49m was approved in 2001, however ownership of the home has since changed and the application has lapsed; the previous Board appeal has no bearing on the current application.

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

- Technically, the house fronts 18 Avenue, however the house is built to face 127A Street.
- It is understood there are a number of buildings on the site that will be removed, including the garden shed.

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

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

- There will be very minimal impact to the neighbouring properties.
- It is not the site itself, but the way the building is sited on the property that creates the hardship.

- If the orientation of the house was not as it is on this property, and the garage faced 18 Avenue, the requested setback would not be required.
- Furthermore, there are security concerns with respect to not having a building to house sporting equipment, in addition to the vehicles, that can be locked and secure.

Therefore, it was

Moved by P. Sandhar
Seconded by D. Maciver

THAT Appeal No. 17-01, to relax the minimum rear yard (south) setback from 7.5m to 5.66m to permit the construction of an addition to an existing house at 1791 - 127A Street, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

2. **Appeal No. 17-2 – Gurdial and Rajwant Gill**

For permission to relax the northerly side yard setback from a minimum 13.5m to 2.0m, to permit the construction of a retaining wall at 4924 King George Boulevard.

The Board acknowledged the Letter of Authorization for Rob Gill to act as the Agent on behalf of Gurdial and Rajwant Gill.

The Agent was in attendance to speak to the Board of Variance application and noted that he had been before the Board on April 13, 2016 to speak to the first application for variances to permit the construction of a single family dwelling on the property, which was allowed. Subsequently, the Agent learned that the construction of wall, which is considered a structure and necessary to provide access to the garage on the north side of the property, is required to be within the setbacks. In addition, with the preload already in place for the home, the geotechnical engineer requires that the home be built within the existing preload area, which doesn't leave any room to alter the house without significant risk of differential settling. As a result, a further request to relax the side yard setback is required in order to provide a turn into the garages.

The Agent further commented that the continued delay in being able to build a house for the family continues to cause a hardship as this issue has been ongoing since 2015.

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

- In the Zoning Bylaw, the definition of 'structure' reads: "a construction of any kind whether fixed to, supported by or sunk into land, including stadiums, sheds, fences, platforms, display signs, tanks, poles, towers, swimming pools, windmills, chimney towers, satellite dishes and spires", which, as interpreted, includes the retaining wall as a structure.
- Often the request for minimum setbacks on agricultural land is to maximize the farm home footprint.
- Staff have been trying to initially approve fill permits based on whether or not there is a requirement for a retaining wall, in which case the setbacks would be established at that time.
- In this particular case, if the garage was designed to enter from the front of the property, a variance would not be required.

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

- The entire plan had to be revised, adding further cost (\$25,000) for the construction of the new home.
- The existing grade is right at sea level.
- The minimum height required to meet the minimum flood plain is 3.2 m.
- An engineered block wall will actually prevent any potential soil erosion onto the neighbours' property.

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

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

- The Appellant is in a situation with limited choice, given if the design of the home included the garage to face King George Boulevard, the Board Appeal would not be necessary. However, the Board has already endorsed the design of the house and it would be inappropriate at this time to change the design.
- There would also be a significant financial hardship to remove the preload, in addition to the expenses already incurred to date in order to construct the new home as permitted.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT Appeal No. 17-02, to relax the northerly side yard setback from a minimum 13.5m to 2.0m, to permit the construction of a retaining wall at 4924 King George Boulevard, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS

E. NEXT MEETING

The next Board of Variance meeting is scheduled to be held on Wednesday, February 8, 2017 at 9:30 am, in Meeting Room 2E – Community Room A, City Hall.


F. ADJOURNMENT

Moved by P. Sandhar
Second by D. Maciver

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:01 am.



Gil Mervyn, Chair



Lorraine Anderson, Secretary