

**City of Surrey  
Board of Variance  
Minutes**

**2E – Community Room A**  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
**WEDNESDAY, DECEMBER 12, 2018**  
Time: 9:00 a.m.  
File: 0360-20

**Present:**

Gil Mervyn, Chair  
Mike Bola  
Inderjit Dhillon  
Jennifer Rahiman  
Puneet Sandhar

**Absent:**

**Staff Present:**

K. Broersma, Planning & Development  
S. Chand, Plan Review Supervisor, Building  
L. Anderson, Secretary  
R. Charl, Clerk

**A. ADOPTION OF MINUTES**

1. Minutes of the Board of Variance hearing held November 14, 2018.

Moved by J. Rahiman  
Seconded by M. Bola

THAT the Minutes of the Board of Variance hearing held on  
November 14, 2018, be received and adopted as circulated.

CARRIED UNANIMOUSLY

**B. DEFERRED APPEALS**

**C. NEW APPEALS**

1. **Appeal No. 18-64 – Sandhu**

*For permission to relax the provision that the second floor area be 80% of the ground floor area, to permit the construction of an addition to the rear of an existing home at 17120 – 64 Avenue.*

The Board acknowledged Satraj Sandhu, Appellant, and S. Maan, in attendance to speak to the application.

Mr. Sandhu informed he has lived in the home for nine years and now requires more space for his growing family. As the expense of buying a larger home is not feasible, an extension to the home is being sought. Mr. Sandhu had a designer draw up plans for a legal addition to the rear of the home based on the clarification of the "80/20 Rule" (80/20) received from the City's Building Department. At that time the designer was advised there was no need to

follow the 80/20 if building an addition entirely to the rear of the home, as the rule applies to the front not the rear of the building. After filing for a Building Permit, Mr. Sandhu received notification that, although the application meets most of the requirements (allowable square footage, setbacks and lot coverage), a variance to the 80/20 would be required. A large portion of the upper floor would need to be demolished in order to meet the requirements of the 80/20, resulting in a loss to the overall additional square footage required.

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

- The bylaw is very clear and applies to all circumstances; however, the 80/20 has, in the past, been overlooked in some cases where there is an alteration to the rear of the home only. The practise has now changed and the 80/20 is being in all cases.
- The intent of the 80/20 was to reduce the repetitive massing of buildings as they appear from the street. The design of the existing buildings in this area are varied and do not result in the concern that lead to the adoption of the 80/20.

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

- The 80/20 applies only to the front and side of the home.
- The subject property was built before the 80/20 regulation was adopted; staff do not have any issues with respect to the application. The existing housing along the street were not a concern either.

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

- The house is set quite forward on a very busy street, behind a mature hedge in front, making it difficult to see the front of the home; no impact.
- Planning to extend the back of the home to join the roof of the main home. The entire addition is to the rear of the home and the property.
- Except for the 80/20, all other aspects of the extension are compliant.
- The location of the garage provides ample space for suite parking. The distance from the front of the garage to the rear property line is more than 25 feet, and a further 20+ feet on the left side where the shed is.
- The extension is required to support a change in the family structure. If the variance to the 80/20 is not permitted, the plans would need to be completely changed, a structural engineer would be required, and it would be a significant financial and emotional burden for the family.



- 80/20 compliance really cannot be done without demolishing a portion of the existing house. The changes needed would leave the extension limited in size with a difference of almost 360 ft. and not large enough to be utilized as needed.

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 additional comments regarding the requested variance:**

- Undue hardship has been demonstrated. It is an existing home that would need to be partially demolished in order to provide the addition at the rear of the home and comply with the 80/20. If the existing home size was reduced, it negates the benefit of the extension to the home.

Therefore, it was

Moved by I. Dhillon  
Seconded by J. Rahiman

THAT the Board finds that undue hardship would be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 18-64, to relax the provision that the second floor area be 80% of the ground floor area, to permit the construction of an addition to the rear of an existing home at 17120 – 64 Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

A brief discussion ensued with respect to compliance of the 80/20 for similar homes seeking an extension and the possibility of having those homes grandfathered.

It was

Moved by I. Dhillon  
Seconded by J. Rahiman

THAT the Board requests that Planning staff review the implications of the application of the 80/20 Rule to non-conforming structures, with the possibility of grandfathering developments constructed prior to the implementation of the Bylaw.

CARRIED UNANIMOUSLY

## 2. Appeal No. 18-65 – Bhangu

*For permission to relax the Special Building Setbacks provision in Part 7 of the Zoning By-law for the existing dwelling; and to reduce the front (north) yard setback for an addition to the existing dwelling from 7.5m to 2.2m, to legalize the existing structure at 9186 – 132 Street.*

The Board acknowledged Rawel Bhangu, Appellant, and Nazeer Bawa, Ewan Design and Construct, Agent for the Appellant, in attendance to speak to the application.

Mr. Bawa provided an overview of the property noting that the Appellant purchased the home not knowing it was non-conforming until an application for a Building Permit was submitted. The Appellant is setting up a home-based business in the small, single level space that was constructed illegally (without a permit) at the back of the garage. The Applicant is legalizing an addition to the front (north) side of the existing house. The hardship that would be caused if the Appeal is not supported would delay the development of the proposed home based business and considerable financial losses.

Current images of the property and the construction already underway, were shown.

### **In response to questions from the Board, Staff confirmed:**

- Previous images of the property do not show an existing structure as framed currently.
- Records show the old garage which is no longer there. The Appeal with a garage may be supported, but it is not a garage anymore.
- Zoning Bylaw 12000, Part 4, Section B, Sub-section 6, states that home occupations are permitted, provided that:
  - No alterations are made which change the character of the building as a dwelling;
  - The aggregate floor area of all home occupations shall not exceed 25% of the area of one floor of the principal building regardless of whether the home occupation is, or will be, carried on in the principal building or in an accessory building or structure; and
  - No evidence of the home occupation including storage of materials or illuminated signs, shall be visible from outside the confines of the dwelling.
- There was an original Appeal before the Board for this property in 1983 as part of a subdivision into four properties. The subject property was the existing dwelling and received Board approval for relaxed setbacks; it is an existing non-conforming dwelling.



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

- A portion of the original garage was removed in order to construct a new face to the garage. It was later confirmed that most of the pre-existing garage had been demolished.
- The garage was taken down and reframed on the existing footprint. It was deemed necessary to accommodate heating for the salon space.
- It will be a significant financial hardship to the Appellant to start over.

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:**

- This is not an existing or future garage, as the original garage was demolished, and a new purpose-built area was constructed to be used as a salon.
- Looking at the construction space in its current state, it would appear to be a salon, not a garage for the existing home. This is a proposed commercial use in a Residential Zone, and the alterations that are being done are specifically an addition for a salon. The Appeal, as presented to the Board, is not accurate.
- The home is an existing non-conforming building, which introduces another element to the discussion, as it does not comply to the current Bylaw over and above what the Appellant is seeking within the Appeal. It is not a straight forward situation of wanting to construct a small addition.
- This Appeal is for the new addition in the front, not a relaxation of the rear yard (already approved). The Appeal, as submitted, is not what the Board is considering. The Appeal also requires the legalization of a partially completed addition, constructed without a building permit, for a new use as a salon.
- This is not a minor addition to an existing non-conforming building. Permission is being sought for an addition which is intended to do something that is not permitted by the Bylaw. To consider this, the Board would then have to consider the provisions that restrict the home business. In other words, to permit the addition as submitted, would permit the use, which the Board cannot do.
- The Appellant can accomplish his goal of having a salon as a home occupation, but it must be done properly within the confines of what

exists, without constructing something that will look like a business from outside.

Therefore, it was

Moved by M. Bola  
Seconded by J. Rahiman

THAT the Board finds that undue hardship would not be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 18-65, to relax the Special Building Setbacks provision in Part 7 of the Zoning By-law for the existing dwelling, and to reduce the front (north) yard setback for an addition to the existing dwelling from 7.5m to 2.2m, to legalize the existing structure at 9186 – 132 Street, as presented to the Board, be **DENIED.**

CARRIED UNANIMOUSLY

**D. OTHER BUSINESS**

**E. NEXT MEETING**

The next Board of Variance hearing is scheduled for Wednesday, February 13, 2019 at 9:00 a.m.

**F. ADJOURNMENT**

Moved by J. Rahiman  
Second by M. Bola

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 9:46 a.m.

  
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Gil Mervyn, Chair

  
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Lorraine Anderson, Secretary