

**City of Surrey
Board of Variance
Minutes**

2E – Community Room B
City Hall
13450 - 104 Avenue
Surrey, B.C.
WEDNESDAY, FEBRUARY 13, 2019
Time: 9:00 a.m.
File: 0360-20

Present:

Gil Mervyn, Chair
Mike Bola
Inderjit Dhillon
Puneet Sandhar

Absent:

Jennifer Rahiman

Staff Present:

K. Broersma, Planning & Development
A. Kenny, Plan Review, Building
L. Anderson, Secretary

ELECTIONS and APPOINTMENTS

1. Election of Chair for 2019

The Secretary called for nominations for the Chair of the Board for the 2019 calendar year.

It was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Gil Mervyn be nominated for Chair of the Board of Variance for the 2019 calendar year.

Following due process, Gil Mervyn was elected Chair of the Board of Variance for the 2019 calendar year, by acclamation.

2. Appointment of Vice Chair for 2019

The Chair announced that the Vice Chair for the Board of Variance for the 2019 calendar year is Puneet Sandhar.

A. ADOPTION OF MINUTES

1. Minutes of the Board of Variance hearing held December 12, 2018.

Moved by M. Bola
Seconded by P. Sandhar

THAT the Minutes of the Board of Variance hearing held on December 12, 2018, be received and adopted as circulated.

CARRIED UNANIMOUSLY

B. DEFERRED APPEALS**C. NEW APPEALS****1. Appeal No. 19-01 – De Anna**

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 12661 – 96A Avenue.

Board member I. Dhillon declared a conflict of interest regarding Appeal No. 19-01 and left the meeting at 9:08 am.

The Board acknowledged Jon De Anna, Appellant, in attendance to speak to the application.

Mr. De Anna informed he purchased the home 30 years ago and now requires more space for his adult children which is why an extension to the home is being sought. He was informed of the "80/20 Rule" (80/20) during the formal design process for the addition. The proposed application is the result of many attempts to meet the 80/20 (a complete summary of options was included within the Appeal application). Although the application meets most of the requirements (allowable square footage, setbacks and lot coverage), a variance to the 80/20 is still required for compliance for the addition, as the upper floor was originally built greater than 80% of the lower floor (similar to most homes in the area). To meet the requirements of the 80/20, the proposed addition was designed with the smallest possible increase to the upper floor, and the least disruption to the licensed daycare Mrs. De Anna operates in the home, resulting in a proposed increase to the upper floor of only 31%. The lower floor will have an increase of 69%, leaving approximately a 75 sq. ft. difference in order to comply. Mr. De Anna stated that the direct application of the bylaw will limit his ability to do what most people can do when an addition to the home is needed. Furthermore, in addition to the loss of overall additional square footage needed for the family, the 80/20 requirement would compromise the daycare space, resulting in loss of income and an increase to the cost of construction.

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

- The addition to the home first came about from wanting to provide dedicated space for the daycare (instead of using family space) and provide private space for family members.

- The design submitted fits perfectly in line with the structural wall on the lower floor and also makes sense economically. To change the design to accommodate the 80/20 would require a reduction to the upper floor addition and affect existing floor space in the home, including the daycare. The reduction of income from the daycare and the expense of an alternative design, in addition to the costs incurred to date, would cause financial hardship.
- Except for the 80/20, all other aspects of the extension are compliant. The changes required to comply with the Zoning Bylaw negates the benefit of the extension to the home.
- The neighbours are aware of the proposed addition and have provided letters of support (submitted to the Board Secretary).
- Access to the back yard is an issue. There are plans to remove the boat and move the camper to where the boat is. Currently in the process of putting down paving stones as well.

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

- The subject property was built before the 80/20 regulation was adopted. The 80/20 applies only to the front and side of the home.
- There is an expectation from the City that the Appellant will do some work at the front of the home, e.g. gravel, boat, camper, etc.

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 expressive and thorough submissions from the Appellant, including a series of photos and options considered to meet the 80/20, are appreciated.
- The subject property was built before the 80/20 regulation was adopted. The intent of the 80/20 was to reduce the repetitive massing of buildings as they appear from the street and applies only to the front and side of the home, however an addition to the rear of the home still affects the side and therefore requires compliance with the 80/20.
- Undue hardship has been demonstrated. The Appellant is restricted in his ability to make the required alterations. It is an existing home that would require considerable alterations to the design for the proposed addition, resulting in the reduction of the upper floor area and existing daycare space. Furthermore, altered plans would result in financial

hardship to the family due to the additional structural costs and revenue loss from the disruption of the daycare, and limits the lifestyle for the three adult children in the home.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT the Board finds that undue hardship would be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 19-01, 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 12661 – 96A, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

I. Dhillon rejoined the meeting at 9:25 am.

D. OTHER BUSINESS

1. Planning Update re 80/20 Rule

The Chair recalled the December 12, 2018 meeting, where the Board passed a motion requesting Planning staff to review the implications of the application of the 80/20 Rule (80/20) to non-conforming structures, with the possibility of grandfathering developments constructed prior to the implementation of the Bylaw.

Staff reported there was no update at this time and discussion ensued with respect to next steps.

The Chair again noted the hurdles appellants encounter when met with the 80/20 requirement to construct an addition to the rear of their home and the efforts taken to express hardship. Concern was expressed with respect to the countless properties, similar to Appeal 19-01 above, built prior to the 80/20 now unable to conform without extensive renovations, and the likelihood that applicants will simply walk away from proceeding further once they are informed of the 80/20, unaware of the option of appealing to the Board.

Comments were as follows:

- The intent of the bylaw was to ensure new development was not repetitive. However, the intent does not fit for a simple addition to a

home, or for the homeowner to spend so much time and money to determine how to meet the 80/20.

- As noted previously, until approximately six months ago the 80/20 was overlooked in some cases where there was an alteration to the rear of the home only; this practise has now changed and the 80/20 is applied to all circumstances.
- Looking at the 80/20 formally, it is suggested that the intent should be reviewed as to where the 80/20 should apply, e.g. does it apply to all residential zones in Surrey?
- To formally address suggested changes to the 80/20, an amendment to the Bylaw is required. The Board could take the direction of making a recommendation to Council, or by writing a letter to Council, requesting Council direct Planning staff to review the implications of the application of the 80/20 to non-conforming structures, with the possibility of grandfathering developments constructed prior to the implementation of the Bylaw.
- There should be some push from the applicants as well; Planning staff have reported that there are a number of issues with the 80/20, and many examples to draw upon.
- There are many homes similar to Appeal 19-01 with one storey plus a basement that is 50% inground due to the sloping lot; essentially a 1.5 storey home. If not for the sloping lot, the home would be two storeys. However, the 80/20 applied to a 1.5 storey home requires the basement to be larger than the storey; this needs to be addressed.
- The concern is not how often an 80/20 appeal comes to the Board if there is a requirement as a result of the 80/20, it is how many possible similar applications do not go forward as a result of finding out the restrictions of the 80/20. There may be many residents that are told they have to meet the 80/20 and give up not knowing there is a process through the Board; there should be a process at the intake level advising of the option to appeal to the Board.
- If there comes a point where there are many similar appeals to the Board, then there would be supporting evidence for the need to review the intent and possible limitations of the 80/20.
- Planning staff will provide an update to the Board at the next meeting. Additionally, in situations as outlined earlier, Planning staff will ensure applicants are advised of the option to appeal to the Board.

E. NEXT MEETING

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

F. ADJOURNMENT

Moved by M. Bola
Second by P. Sandhar

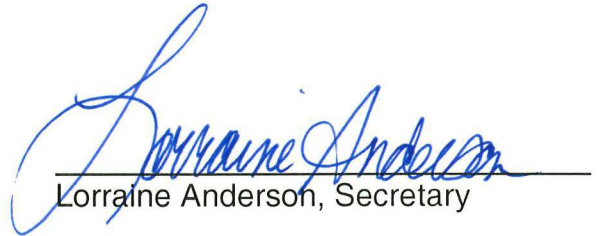
THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 9:41 a.m.



Gil Mervyn, Chair



Lorraine Anderson, Secretary