

City of Surrey
Board of Variance
Minutes

2E – Community Room A
City Hall
13450 - 104 Avenue
Surrey, B.C.
WEDNESDAY, JULY 10, 2019
Time: 9:00 a.m.
File: 0360-20

Present:

Gil Mervyn, Chair
Inderjit Dhillon
Jennifer Rahiman
Puneet Sandhar
Beerinder Sidhu

Absent:

Staff Present:

K. Broersma, Planning & Development
J. Wonfor, Plan Review, Building
L. Anderson, Secretary

A. ADOPTION OF MINUTES

1. Minutes of the Board of Variance hearing held June 12, 2019.

Moved by I. Dhillon
Seconded by B. Sidhu

THAT the Minutes of the Board of Variance hearing held on June 12, 2019, be received and adopted as circulated.

CARRIED UNANIMOUSLY

B. DEFERRED APPEALS

C. NEW APPEALS

1. Appeal No. 19-04 – Newlands

For permission to to reduce the side yard on flanking street setback from 7.5 metres to 6.4 metres, to permit retention of an existing detached garage at 10155 Mary Drive.

The Board acknowledged Rosa Salcido, Vivid Green Architecture Inc., Agent for the Appellant, in attendance to speak to the application.

Ms. Salcido informed the Appellant has owned the home since 2004, believing that everything was in order when he began the process in 2017 to renovate his home with an addition to the first floor and upgrade the kitchen and dining area. The Building Permit application package was submitted to the City in February 2018, including a Site Plan which identified the home and the existing garage. During construction it was reported that the Building Permit for the existing garage, built in 1972, was never closed and the inspection not completed. It was then requested that a secondary application be submitted

for the existing garage. During the review of that application, it was noted that the garage encroached on the 7.5m setback, with one corner encroaching more than the other. Planning and Development advised they are unable to find the documentation for the garage, noting that the Building Permit was opened in 1970 with no record of an inspection to close off. As a result, Mr. Newlands has had to spend in excess of \$5,000 for various reports required for approval of the existing garage in an effort to finalize the construction of the addition and renovations to his home. If the Appeal is not supported by the Board, the existing garage may need to be demolished and rebuilt, or at least altered, causing financial stress and further delay in completion of the originally planned home extension and renovations.

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

- All sorts of reports were supplied (Geotech, structural, inspection, etc.) which are typically required for a Building Permit for a new garage. In the end, all that was required was a drain tile and safety inspection of the existing garage.
- As the Building Permit for the garage was not closed, additional unforeseen expenses for approval for something the Appellant hasn't modified, has significantly hindered the completion of the extension and renovation to the home.

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

- The Building Permit for the garage was taken out in 1972 and is considered dormant. As the permit was not final, it is still an open case.
- There are no plans on record, but the carport was compliant at the time.
- Tearing down the garage is not the City's preferred option.

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 garage was built to be parallel to the street; not exactly straight.
- There is an existing fence and hedge along the property, with the neighbouring property having a very large recreational vehicle parked along side the property.

- Undue hardship has been demonstrated as the Appellant was not aware of any issues with the garage until he underwent renovations of the house, for which the completion is hindered due to the existing garage. The garage was existing when the home was purchased in 2004, without any knowledge of the Building Permit for the garage not closed. To remove and replace the garage at this point would cause additional financial hardship to the Appellant, in addition to the delay and significant financial stress already experienced to complete the home renovation.

Therefore, it was

Moved by P. Sandhar
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. 19-04, to reduce the side yard on flanking street setback from 7.5 metres to 6.4 metres, to permit retention of an existing detached garage at 10155 Mary Drive, as presented to the Board, be ALLOWED.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS

E. NEXT MEETING

The next Board of Variance hearing is scheduled for Wednesday, September 11, 2019 at 9:00 a.m.


F. ADJOURNMENT

Moved by P. Sandhar
Second by J. Rahiman

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 9:24 a.m.



Gil Mervyn, Chair



Lorraine Anderson, Secretary