

**City of Surrey  
Board of Variance  
Minutes**

**VIRTUAL MEETING  
WEDNESDAY, JUNE 10, 2020  
Time: 9:00 a.m.  
File: 0360-20**

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**Present:**

Gil Mervyn, Chair  
Dave Hans  
Puneet Sandhar  
Beerinder Sidhu

**Absent:**

Inderjit Dhillon

**Staff Present:**

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

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**A. ADOPTION OF MINUTES**

1. Minutes of the Board of Variance hearing held March 11, 2020.

Moved by P. Sandhar  
Second by B. Sidhu

THAT the Minutes of the Board of Variance hearing held on March 11, 2020,  
be received and adopted as circulated.

CARRIED UNANIMOUSLY

**B. DEFERRED APPEALS**

**C. NEW APPEALS**

1. **Appeal No. 20-03 – Roberts**

*For permission to reduce the rear yard setback from 7.5m to 2.13m, to permit  
the retention of an existing covered patio at 1529 – 129A Street.*

The Board acknowledged Kenneth and Maureen Roberts, Appellants, in  
attendance to speak to the application.

The Appellants informed the newly constructed home was purchased in 2017  
as their retirement home. To improve the home and provide outdoor covered  
seating, a professional home improvement firm was hired to develop the  
backyard deck, with an acrylic cover above, that was installed by the  
manufacturer; there was no reason to believe anything would be  
noncompliant. It was not until a permit for an interior renovation was sought  
that it was discovered that the covered patio had been built without permits  
and does not comply with the Zoning Bylaw for the rear yard setback.  
Although the end result was professionally done, and really enhances the  
space in the backyard, providing privacy and a space that can be enjoyed  
throughout the year, it was shocking and very disappointing to discover the  
noncompliance. It was understood (and relied upon) that the expertise of the  
professionals hired ensured that everything necessary to complete the project

would be taken care of by them. It is a hard lesson to learn years after the fact. As retired seniors, the unforeseen expense to remove the structure would escalate the costs for the interior renovation (already underway) and prohibitive to the overall household budget.

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

- A copy of the building scheme, endorsed by the consultant, was received.
- There has been tremendous support from neighbouring properties. Signed copies of a form letter of support, circulated in advance of submitting the Appeal, were submitted with the Appeal Application.
- A copy of the form letter was also delivered to the neighbour directly behind the property. It is believed the family were out of town at the time and a response was not received prior to the Appeal Hearing. The Appellants advised they had a good relationship with the neighbour and felt confident they would not object to the requested Appeal.

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

- There are no services that run along the back; nothing was flagged.
- The RF-12 Zone allows the rear yard setback to be reduced from 7.5m to 4.5m for an unenclosed patio that is not more than 50% of the width. Although the existing patio meets the width criteria, the unenclosed cover is 2.13m from the rear lot line.
- A maximum 10<sup>2</sup> m accessory building is permitted in the rear yard with a 1.0m setback. Such a building would have a greater impact than the covered deck which is the subject of this Appeal.

The Chair confirmed there was one person present to speak to the application and that no correspondence was received in response to the notification regarding the Appeal.

K. & D. Houghton, neighbours of the Appellants on 129A Street, were in attendance to confirm their support for the variance and to speak to the close community within the neighbourhood, noting that the Appellants are ideal neighbours.

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

- An accessory building would be closer to the property line, and result in a greater negative impact, than the current deck structure.
- Support from the neighbours is acknowledged.

- Undue hardship has been demonstrated. The Appellants applied to the City to finish their basement with the clear intention to comply with all zoning requirements. Now, in order to finish the basement, and through no fault of their own, they are required to comply with the Zoning which would incur substantial additional costs to demolish the existing structure and rebuild.

Therefore, it was

Moved by P. Sandhar  
Second by B. Sidhu

THAT the Board finds that undue hardship would be caused to the Appellants by compliance with the Zoning Bylaw and orders that Appeal No. 20-03, to reduce the rear yard setback from 7.5m to 2.13m, to permit the retention of an existing covered patio at 1529 – 129A Street, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

The Chair advised that significant consideration was given to all factors of the Appeal, the history and what the impacts are of approving it. It was further reported that the Board's decision does not, in anyway, establish a precedent and that it should be communicated to the Appellants neighbours and any parties that wish to have a similar structure, that the required permits should be sought from the City.

## 2. **Appeal No. 20-04 – Chen**

*For permission to reduce the flanking street yard setback (159A Street) from 7.5m to 4.0m, to permit an addition (containing an elevator) to the existing dwelling at 15938 – 113A Avenue.*

The Board acknowledged Tianren Chen, Appellant, in attendance to speak to the application.

Mr. Chen informed he and his wife have lived in the home for 17 years. Now both is their 70's, they have been experiencing mobility issues with the number of stairs in the home they love. Their daughter has been encouraging them to move to a home without stairs, but any of the homes they have looked at were not suitable or too expensive and they really do not want to leave the neighbourhood. It was decided that an elevator in the home would alleviate the difficulty with stairs. A designer was hired and plans were drawn. However, it was identified that the zoning has changed since the home was built and a variance is now required to accommodate the 4.0m setback required for the elevator.

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

- As seniors, the solution to install an elevator would provide relief from mobility issues and allow continued enjoyment of the home.

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

- The building steps back along the setback requirement from the street, which existed prior to the zoning bylaw amendment. The installation of the elevator will require the removal of a tree that is already doing damage to the house.
- From the point of view of a visual impact to the community, a variance for the elevator would not have any impact.

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

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

- The house is currently non-conforming along the side of the home where the elevator is sought. If the zoning for the home had not been changed, the original zoning would have permitted the setback required for the elevator.
- All the homes on the street conform to the previous zoning, not the current one.
- Undue hardship has been demonstrated. The Appellants have lived in the home a good number of years. Although they have tried to find a comparable home that would support their mobility issues, they weren't able to find a home sufficient for their needs. An elevator will allow them to stay in the home they love. If it hadn't been for the change in the zoning, the elevator, as presented, would have been permitted. Without an elevator it will be difficult to remain in the two-storey house and the Appellants would have to move from the home and neighbourhood they love so much.

Therefore, it was

Moved by P. Sandhar  
Second by D. Hans

THAT the Board finds that undue hardship would be caused to the Appellants by compliance with the Zoning Bylaw and orders that Appeal No. 20-04, for permission to reduce the flanking street yard setback (159A Street) from 7.5m to 4.0m, to permit an addition (containing an elevator) to the existing dwelling at 15938 – 113A Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

### 3. **Appeal No. 20-05 - Hessels**

*For permission to reduce the flanking street yard setback (Sundale Avenue) from 7.5m to 3.8m, and to reduce the rear yard setback (south) from 7.5m to 3.5m, to permit an addition to the existing dwelling at 5720 – 191A Street.*

The Board acknowledged William and Lorna Hessels, Appellants, in attendance to speak to the application.

Mrs. Hessels informed that her father had recently passed away and that her mother, who is 84, currently lives alone in Vancouver. To be able provide the same care, love and attention to her mother as her mother had provided for her father, it was decided that her mother would move to the Appellants' home, where they have lived for the past 10 years. Although the home is large, it is difficult to offer the desired private accommodation for the Appellant's mother and still be available to provide assistance when needed. Mr. Hessels reported that three options were looked at: an addition to the second floor, a carriage house and an addition to the rear of the home. It was determined that the extension to the rear of the home was the best and most viable option to provide privacy, accommodate any mobility issues and offer support and care when needed. As the home is non-conforming to the current zoning requirements, a variance to permit the addition is being sought.

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

- The option for an addition to the second floor would not offer as much privacy as having a separate area, it is the least desired option and it would be more costly the most (two or three times more expensive to build).
- The option for a carriage house would provide the privacy, but it would be set back from the main home and not easy to access in inclement weather. It is also the most expensive option. Furthermore, the location of a carriage house on the property may have a greater impact on the neighbours.

- The design of the house does not permit for the location of the addition to the rear of the home in another space, other than an extension from the garage, without impacting the use and enjoyment of the other spaces in the home. However, a variance to reduce the flanking street and rear yard setbacks will be required.
- Without approval of the variance, the carriage house would be the only option, which would create separation from the house and the family. It would also make it difficult to be able to provide immediate care; would need to go outside and across the back yard.

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

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

- Since construction of the home, the Zoning Bylaw was amended to require a 7.5m flanking street setback. The Appellants are proposing to follow the same 3.6m flanking street setback that was in place when the house was originally constructed.
- The rear yard is large and the neighbour's house to the south is relatively far from the proposed addition, with considerable privacy provided by the existing separation and trees.
- The garage itself is nonconforming now, but it did conform originally.
- Undue hardship has been demonstrated. Various options available to provide private accommodations for the Appellant's mother, while being close enough to be cared for by the family, have been discussed and the only viable option is the extension to the rear of the home. When looking at the reason for the addition, there is no other way to practically solve the requirement for the addition, which needs to be in the location identified in the plans as any other location to the rear of the home is not possible due to the use of the other spaces; extensive renovations would be required at a significant financial cost.

Therefore, it was

Moved by P. Sandhar  
Second by B. Sidhu

THAT the Board finds that undue hardship would be caused to the Appellants by compliance with the Zoning Bylaw and orders that Appeal No. 20-05, to reduce the flanking street yard setback (Sundale Avenue) from 7.5m to 3.8m, and to reduce the rear yard setback (south) from 7.5m to 3.5m, to permit an addition to the existing dwelling at 5720 – 191A Street, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

**D. OTHER BUSINESS**

**1. Appointment of Vice Chair for 2020**

The Chair announced that the Vice Chair for the Board of Variance for the 2020 calendar year is Puneet Sandhar.

**E. NEXT MEETING**

The next Board of Variance hearing is scheduled for Wednesday, July 15, 2020 at 9:00 a.m.

**F. ADJOURNMENT**

Moved by P. Sandhar  
Second by D. Hans

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:06 a.m.

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Gil Mervyn, Chair

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Lorraine Anderson, Secretary