

**City of Surrey
Board of Variance
Minutes**

**Virtual Meeting
WEDNESDAY, JULY 15, 2020
Time: 9:03 a.m.
File: 0360-20**

Present:

Gil Mervyn, Chair
Inderjit Dhillon
Dave Hans
Puneet Sandhar
Beerinder Sidhu

Absent:

Staff Present:

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

A. ADOPTION OF MINUTES

1. The minutes of the Board of Variance hearing held on June 10, 2020 to be adopted.

Moved by P. Sandhar
Second by D. Hans

THAT the Minutes of the Board of Variance hearing held on June 10, 2020, be received and adopted as circulated.

CARRIED UNANIMOUSLY

B. APPEALS FOR RECONSIDERATION

1. **Appeal No. 20-04 – CHEN**

For permission to reduce the flanking street yard setback (159A Street) from 7.5m to 3.6m, to permit an addition (containing an elevator) to the existing dwelling at 15938 113A Avenue.

The Board acknowledged Tianren Chen, Appellant, and Don Snider, Sniders Design, in attendance to speak to the application.

The Chair reported that at the June 10, 2020 Board of Variance meeting, under Appeal 20-04, a variance 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, was approved. After the Board meeting, the Agent indicated to staff that although all of the drawings showed a 4.0m setback (and notification was sent out as such), the Appellant had actually requested a 3.6m setback as was indicated in writing on the Appeal Application. The Board is therefore being asked to reconsider the decision to correct the administrative error.

I. Dhillon joined the meeting at 9:08 a.m.

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

- The plans submitted at the June 10th meeting were limited at the time, but the Application specifically requested to grandfather the setback to 3.6m as was permitted at the time the home was originally constructed; there was never the intention to request a relaxation to a 4.0m setback.
- Recognizing that there is only a 0.4m difference, it would still be taking a chance to avoid violating any setback restrictions with the 4.0m setback permitted on June 10th. Therefore, the originally requested 3.6m setback is more favourable.

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

- The text of the June 10 Appeal was not the same as indicated in the plan provided. Regrettably, the error was not caught.
- Staff have no concerns with the originally requested 3.6 m setback, and recommend the Board amend its resolution of June 10, 2020 pertaining to Appeal 20-04 to rectify the error.

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 final drawings were not available when the original Appeal was before the Board, but drawings presented did indicate a 4.0m setback.
- Undue hardship has been demonstrated. The Board was clear at the time that the intention was to allow the relaxation that retained the original setback, and the decision was with that understanding. The resolution of June 10 should be amended to read as presented in the agenda.

Therefore, it was

Moved by P. Sandhar
Second by B. Sidhu

THAT the decision of the Board, adopted on June 10, 2020, be amended to read as follows:

THAT the Board finds that undue hardship would be caused to the Appellant 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 3.6m, to permit an addition (containing an elevator) to the existing dwelling at 15938 - 113A Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

B. Sidhu declared a conflict of interest for Appeal 20-06 and left the meeting at 9:16 a.m.

C. NEW APPEALS

1. Appeal No. 20-06 – KHAN

For permission to relax the 80/20 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 13274 – 79 Avenue.

The Board acknowledged, Aj Gundhra, Agent, and Mubarak Khan, Appellant, in attendance to speak to the application.

The Agent informed a larger house is required to accommodate the growing extended family. Initially the Appellant had wanted to demolish the existing home and replace it with a larger new home, however, with the added complications due to the COVID19 pandemic, it was determined that option was cost prohibitive. The existing structure is non-conforming due to the "80/20 Rule" (80/20) which requires the second-floor area to be no more than 80% of the ground floor area. As a result, a relaxation of the 80/20 is being sought to accommodate the addition to the home.

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

- It is not possible to add to the exiting home and achieve compliance without demolishing a portion of the existing home to begin with, which is an unreasonable expectation and hardship for the family.
- The only other alternative is to demolish the home completely.

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

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

- This is a typical home built in the 1980's that had an open carport and has been well maintained. The terminology used for the permits is a one storey plus basement home, which would not be subject to the 80/20.
- The original intention of the 80/20 was to prevent the monotonous box home design and bring about variety, which is not a concern in this neighbourhood. The existing houses vary considerably in size and design.
- Undue hardship has been demonstrated. The addition is to the back of the home and it is not possible to achieve the 80/20 without demolishing a portion of the existing house, which negates the ability to provide the space required for the extended family.

Therefore, it was

Moved by I. Dhillon

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. 20-06, to relax the 80/20 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 13274 – 79 Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

B. Sidhu joined the meeting at 9:29 a.m. and I. Dhillon declared a conflict of interest for Appeal 20-07 and left the meeting at 9:29 a.m.

2. Appeal No. 20-07 – MANDAIR / CHEEMA / SINGH

For permission to increase the building height from 9.0m to 9.9m, to permit the construction of a new single family dwelling at 12505 - 113B Avenue.

The Board acknowledged Jasdeep Cheema, Appellant, in attendance to speak to the application.

The Appellant informed a designer prepared the plans for the new home in accordance with the RF (Single Family Residential) Zone for the property. Due to the floodplain construction restrictions, requiring the habitable space to be 4.4m above sea level, it is not possible to comply with the maximum building height of 9.0m, therefore a variance to increase the height to 9.9m is being sought to accommodate the required living space within the home.

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

- Even with a lower pitch for the roof, more height would be required.
- The only way to build the house and comply is to have one-storey only.

The Chair confirmed there were no persons present to speak to the application and two pieces of correspondence in opposition had been received from neighbours in response to the notification regarding the appeal.

Concerns expressed by the neighbours included the overall height of the new dwelling and the potential for changes to the construction following the final inspection, e.g. the restricted conversion of the home to include a suite.

In response, staff advised that Building Inspectors confirm the completion and compliance of all permitted construction. Complaints received after the fact will be reported to Bylaws to follow-up.

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

- A variance is required for the type of roof pitch and design proposed.
- There have been some instances of new homes in the area where the height of each floor could be reduced to accommodate the maximum height without the need for a variance, however it is really dependent on the exact location in Bridgeview.

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

- The drawings submitted for the Appeal do not exceed the floor space permitted.
- The home to the west is an older, smaller home, but there are similar homes being built in the area, many of which the Board considered in the past due to the floodplain restrictions.
- Undue hardship has been demonstrated resulting from the impact of the floodplain restrictions requiring the habitable space to be above the established floodplain level.

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. 20-07, to increase the building height from 9.0 meters to 9.9 metres, to permit the construction of a new single family dwelling at 12505 - 113B Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS

1. Board Recommendations

The Chair acknowledged Council's resolutions, passed on June 15, 2020, supporting the Board's recommendations of March 11, 2020:

- (a) **Concerns Arising from Board Appeals:** That Council direct staff to review the provisions of the 80/20 Rule, as applied to all existing principal buildings on the properties developed prior to the adoption of the 80/20 Rule, and give consideration to grandfathering such non-conforming principal buildings (RES.R20-902); and
- (b) **Floodplain Issues:** That Council direct staff to review the application and interpretation of the principle building height for new residential development in the Bridgeview area which are impacted by flood plain limitations (RES.R20-903).

E. NEXT MEETING

The next Board of Variance hearing is scheduled to be held on Wednesday, September 9, 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 9:48 a.m.

Gil Mervyn, Chair

Lorraine Anderson, Secretary