

**Present:**

G. Mervyn, Chair  
I. Dhillon  
D. Hans  
H. Meawad  
B. Sidhu

**Absent:****Staff Present:**

K. Broersma, Planner, Planning & Development  
S. Guinjicna, Plan Checker, Building  
R. Charl, Secretary

**A. ADOPTION OF MINUTES**

1. The minutes of the Board of Variance hearing held on July 21, 2021.

It was

Moved by I. Dhillon

Seconded by B. Sidhu

That the Minutes of the Board of Variance hearing held on July 21, 2021, be received and adopted as circulated.

Carried

**B. DEFERRED APPEALS**

This section had no items to consider.

**C. NEW APPEALS**

1. **Appeal No. 21-06 – Huynh**

*For permission to increase the building height from 9.0 metres to 9.55 metres, to permit the construction of a new single family dwelling at 11513 – 125A Street.*

The Board acknowledged N. Huynh, the Appellant, in attendance to speak to the application.

The Appellant informed the property is in the Bridgeview area and impacted by floodplain construction restrictions. Construction of a family home with 8.0-foot ceiling heights is proposed, which requires a building height of 9.55 metres, an increase to the permitted height for the RF (Single Family Residential) Zone property by 0.55 metres. As a result of the floodplain limitations and height challenges for the design of the home, a variance to increase the height to 9.55 metres is being sought.

The Chair confirmed that 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.

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

- The Appellant purchased the property in 2018 with no intention of rebuilding.
- To comply with the Bylaw, the ceiling heights would need to be less than 8 feet, or the home would need to be a single storey.

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

- The property is located in an area of the City which is affected by floodplain issues. As a result, property owners are limited in the achievable building height.
- Undue hardship has been demonstrated as a result of the impact from the floodplain restrictions requiring the habitable space to be above the established floodplain level.

It was

Moved by I. Dhillon  
Seconded by D. Hans

That the Board finds that undue hardship would be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 21-06, to increase the building height from 9.0 metres to 9.55 metres, to permit the construction of a new single-family dwelling at 11513 – 125A Street, as presented to the Board, be allowed.

Carried

## D. OTHER BUSINESS

### 1. Proposed 2022 Board of Variance Meeting Schedule

The proposed 2022 Board of Variance meeting schedule was reviewed.

The Board's Secretary advised that the Board may wish to amend the January 19, 2022 meeting date to January 26, 2022, in order to allow an opportunity for additional applications to be considered at the January meeting.

In response, Members of the Board made the following comments:

- In-stream applications can sometimes take longer than anticipated to be finalized and presented to the Board for consideration.
- A heavier January meeting may result in a cancelled meeting for the month of February.
- It is hoped that the Board will be able to meet more frequently in 2022 as compared to 2021.

It was Moved by I. Dhillon  
Seconded by B. Sidhu  
That the proposed 2022 Board of Variance  
meeting schedule, as presented, be adopted.  
Carried

2. **Staff Update: The 80/20 Rule and Floodplain Issues**

At the July 21, 2021 Board of Variance meeting, the Chair requested that staff provide an update at the next Board meeting with respect to the two Board recommendations of March 11, 2020, passed by Council on June 15, 2020, pertaining to the 80/20 Rule and floodplain issues:

- (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)
- (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)

Staff advised that discussions were held with the General Manager, Planning and Development, and informed the Board that no changes were proposed at this time. Staff commented that the number of appeals considered by the Board this year relating to the floodplain issues were minimal and related to properties in the Bridgeview area. In addition, Staff advised that no applications were considered in 2021 that related to the 80/20 Rule. As such, Staff were of the opinion that administratively, these issues were not pressing and did not require a change to the City's bylaws and processes.

In response, Members of the Board made the following comments:

- The fact that there has been a minimal number of appeals considered by the Board regarding the 80/20 Rule and floodplain issues is irrelevant to the resolutions that were passed by Council.
- The Board's role is to consider applications where a bylaw applies in a unique situation and there is undue hardship. Additionally, the Board serves as an assistant to Mayor and Council to identify patterns in the appeals that are considered by the Board, and to bring it to their attention so that appropriate changes can be made.
- The Board's role is to consider appeals that are rare exceptions to the rules rather than common issues. As an example, the vast majority of properties in the Bridgeview area are affected by floodplain issues and therefore these appeals are not unique exceptions to the Zoning bylaw.

- The Board represents the interests of the Surrey residents and how best to serve them. Changes should be made to City bylaws and processes in order to simplify the process and prevent unnecessary delay for residents.
- A plausible explanation for the reduced number of applications being considered by the Board is that residents are carrying out work without the appropriate permits in order to avoid the delay caused by City processes.
- It was suggested that perhaps the Board's recommendations were not communicated sufficiently to Council and the General Manager, Planning and Development, and that an in-person meeting would be beneficial.
- The Board was interested in meeting with or presenting at an upcoming Development Advisory Committee meeting to discuss these issues with the Committee members, which included Councillor Nagra, Chair, and Councillor Patton, Vice-Chair.

It was

Moved by D. Hans

Seconded by B. Sidhu

That the Board of Variance requests an opportunity to attend and present at an upcoming Development Advisory Committee meeting to discuss the following two Board resolutions passed by Council on June 15, 2020, pertaining to the 80/20 Rule and floodplain issues:

(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)

(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)

Carried

The Chair encouraged all members of the Board to attend this meeting once it has been set

**E. NEXT MEETING**

The next Board of Variance hearing is scheduled to be held on Wednesday, January 19, 2022, at 9:00 a.m.

F. ADJOURNMENT

It was

Moved by D. Hans

Seconded by B. Sidhu

That the December 8, 2021 Board of Variance

meeting be adjourned.

Carried

The Board of Variance meeting adjourned at 9:41 a.m.

Certified correct:

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Robin Charl, Secretary

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Gil Mervyn, Chair