

Present:

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

Absent:

H. Meawad

Staff Present:

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

ELECTIONS AND APPOINTMENTS**1. Election of Chair for 2022**

The Secretary called for nominations for the Chair of the Board for the 2022 calendar year.

It was

Moved by I. Dhillon

Seconded by D. Hans

That G. Mervyn be nominated for Chair of the
Board of Variance for the 2022 calendar year.

Carried

Following due process, Gil Mervyn was elected Chair of the Board of Variance for the 2022 calendar year, by acclamation.

The Chair then appointed I. Dhillon to be the Vice-Chair.

A. ADOPTION OF MINUTES**1. Board of Variance - December 8, 2021**

It was

Moved by B. Sidhu

Seconded by I. Dhillon

That the Minutes of the Board of Variance
hearing held on December 8, 2021, be received and adopted as circulated.

Carried

B. DEFERRED APPEALS

This section had no items to consider.

C. NEW APPEALS**1. Appeal No. 22-01 – Dhott**

For permission to reduce the north side yard setback from 4.5 metres to 1.2 metres, to permit the enclosure of an existing carport at 2022 – 181 Street.

The Board acknowledged H. Dhott, the Appellant, in attendance to speak to the application.

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.

The Chair then called on the Appellant to present their appeal.

The Appellant advised that the property was purchased in February 2021 and is seeking a variance to the RF (Single Family Residential) Zone, to reduce the north side yard setback from 4.5 metres to 1.2 metres, to permit the enclosure of an existing carport. At the time of purchase, the Appellant was unaware that the existing carport was built without the requisite permits and speculated that the carport was built some time ago. During the renovation process, an extensive mould issue was discovered and, as a result, demolition works were undertaken. The Appellant received Notice of Complaint from the Bylaws Division for carrying out works without the appropriate permits. The Appellant has since ceased these works and has applied for the appropriate permits with the City.

The Appellant advised that they had originally wished to renovate the existing home and add an extension; however, since they purchased the property as part of a multi-deal offer, this is no longer feasible as their budget is limited. The purpose of the requested variance is to enclose the existing carport and use this space as a playroom and office. The proposed variance would affect the northern side of the property, which would only affect the front portion of the property. The rear of the property would remain unaffected.

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

- The Appellant had begun renovation works when the mould issue was discovered. In carrying out the remedial works the City issued a Notice of Complaint.
- The Appellant confirmed a Stop Work Order was not issued.
- The Appellant has three children; the house has five bedrooms.
- Moving the addition to the right-side of the property is less desirable and more costly due to the slope of the property, a two-storey addition would be required. In addition, there are two septic lines located nearby.

In reviewing photographs of the site and the floorplans, Members of the Board made the following comments regarding the requested variance:

- There was no foundation to support the existing carport.
- The existing carport lines up with the rear of the building.

- The Appellant's appeal is inaccurate. While the Appellant has stated that the variance was being requested to enclose the existing carport, the floor plans indicate that, in fact, the Appellant is seeking a variance to relax the side yard setback to permit the construction of an addition to the property, which appears to extend further than the existing carport. In addition, it is unlikely that the existing carport could be retained as part of this proposal.
- The Board's role is to consider situations where undue hardship would result from the application of the Zoning Bylaw in unique circumstances and in cases where there is something unusual about the site which was not entertained by the bylaw when it was first adopted
- This site and the circumstances are not unique. There are a variety of different options to develop the site.
- This is not a situation in which the bylaw is the issue. This is a situation where the original siting of the principal residence at the extreme northern side of the lot, prevented any future additions to the north side of the building
- The Appellant has not demonstrated undue hardship, resulting from the application of the Zoning Bylaw.
- Cost savings alone is not sufficient to demonstrate undue hardship.
- The Appellant is still able to pursue the Development Variance Permit process and appear before Council, as this process does not require the Appellant to demonstrate undue hardship.

It was

Moved by I. Dhillon

Seconded by B. Sidhu

That the Board finds that undue hardship would not be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 22-01, permission to reduce the north side yard setback from 4.5 metres to 1.2 metres, to permit the enclosure of an existing carport at 2022 – 181 Street, as presented to the Board, be denied.

Carried

D. OTHER BUSINESS

1. Verbal Update: The 80/20 Rule and Floodplain Issues

Following the Board's request on December 8, 2021, to appear as a delegation at a Development Advisory Committee, the Chair met with senior staff from the Planning and Development department to discuss the Board's concerns. The Chair felt that while this was a positive step, to date, the Board's concerns have not been adequately communicated. This may be due to the fact that the Board has not been able to directly communicate their concerns to Council, as currently, these concerns are presented to Council as part of the Board's minutes. The Chair, with the support of the Board Members, proposed that a position paper be drafted to outline the key issues, provide relevant background information, and recommendations for effecting change. The Chair will circulate the draft paper to Board Members for their review and welcomes additional comments or recommendations. Once the position paper has been finalized, the Board will provide it to the Planning and Development department for review.

E. NEXT MEETING

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

F. ADJOURNMENT

It was

meeting be adjourned.

Moved by I. Dhillon

Seconded by D. Hans

That the January 19, 2022 Board of Variance

Carried

The Board of Variance meeting adjourned at 9:42 a.m.

Certified correct:

Robin Charl, Secretary

Gil Mervyn, Chair