

Present:

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

Absent:**Staff Present:**

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

A. ADOPTION OF MINUTES**1. Board of Variance – January 19, 2022**

It was

Moved by I. Dhillon

Seconded by B. Sidhu

That the Minutes of the Board of Variance hearing held on January 19, 2022, be received and adopted as circulated.

Carried

B. DEFERRED APPEALS

This section had no items to consider.

C. NEW APPEALS**1. Appeal No. 22-02 – Dhillon**

For permission to relax the 80/20 provision that the second floor area be 80% of the ground floor area to permit an addition to the existing dwelling; and

To relax the east side yard flanking street setback from 7.5 metres to 6.95 metres for a proposed detached garage at 7911 – 141B Street.

The Board acknowledged M. Dhillon, the Appellant, in attendance to speak to the application.

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

The Appellant advised the home was bought in 2010, and was originally occupied by Mr. Dhillon, his wife and one child. Since then, the family has grown and is currently occupied by his wife, his two children, and his mother and father. The option of purchasing a larger home along with rising real-estate prices and market uncertainty, is not financially possible, therefore permission for an addition to the house is being sought to accommodate the (now) family of seven, which will meet the needs of the family for the next several years.

In addition, a setback variance from the flanking street (141B Street) to the existing concrete pad for a three-car garage is also being sought as the garage pad is setback 0.55 metres short of the 7.5 metres required setback. Relocating the footing wall to meet the required setback would defeat the purpose of reducing building costs and would make it impractical to build the garage.

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

- The Appellant confirmed the drawings reflect current photos taken of the site by the Chair.
- The Appellant acknowledged a Stop Work Order was placed on the property in 2012, after extensive construction was carried out without the appropriate permits. The Appellant takes full responsibility for not being aware of the building regulations and guidelines at the time and has taken the necessary steps by consulting with Planning and Engineering staff to correct all outstanding issues and to finish the project in accordance with the required regulations.
- The Appellant confirmed the addition on the first floor is being occupied by the Appellant's grandparents and daughter. The second floor is being occupied by the Appellant, the Appellant's wife and other two children.
- The Appellant discussed the need for the variances with the surrounding neighbouring property owners, who have all signed a letter in support of the application.
- The variance to relax the 80/20 Rule was applied for and approved by the Board in 2016 but did not commence due to the financial burden caused by an unforeseen long-term illness in the Appellant's family. The Appellant resumed work on the project in 2020 by consulting with Planning and Engineering staff on options available as the original approval by the Board in 2016 had expired.

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

Concerns expressed by the neighbors included the removal of two mature trees, limiting privacy for surrounding neighbours 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 to correspondence from the neighbours and further questions from the Board, the Appellant commented:

- The Appellant has addressed the Stop Work Order, all the necessary steps have been taken and will continue to be taken in order to ensure the appropriate permits have been issued and construction complies with all regulations. The Appellant has consulted with Engineering and Planning staff on multiple occasions to ensure all works comply under the Zoning Bylaw.
- A Watercourse Report was required and completed due to the presence of a ditch on the northern side of the building. The watercourse is clear of fish.

- Staff required a comfort letter be provided by an Engineer, which was provided.
- City Officials from the Tree Department assessed the trees on the property. The trees were assessed healthy, and a damage deposit was provided.
- Concerns relating to privacy for the neighbouring property at 14155 – 79 Avenue have been addressed, as the property owner signed the Comfort Letter advising support for the proposal if it conforms with City Bylaws.
- Constructing a two-car garage would either require trenching and demolishing the existing pad and retaining wall in order to construct a new foundation wall or constructing support beams on the pillars on both sides to build a non-load bearing wall. Both options come at a significant cost with wastage of materials and resources.
- The Appellant has no tenants and there is limited availability of on-street parking. Constructing a three-car garage will allow the Applicant to park three of their six cars in a secured garage on the property.
- An Engineer has confirmed the foundation is sound and secure to support the walls.

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

- Construction must begin or the permits must be obtained within two years of the Board's decision, if that condition is not met, the Board's decision will expire.
- Although this appeal was considered by the Board in 2016, the Board at present is comprised of different members and are viewing this appeal as a new appeal. A decision does not need to be based on the previous appeal from 2016.
- Both aspects of the appeal do not have to be considered together, two motions can be carried to separate and address both aspects of the appeal individually.
- The 80/20 Rule is creating undue hardship and unless the existing structure is significantly altered by demolishing the front of the home, there is no option that would fulfill the requirement of the 80/20 Rule.
- Work proceeded without permits in 2016. If the work had been constructed with the appropriate permits it would have been determined at an early stage, before the concrete had been placed, that the setback did not meet the requirement of the Zoning Bylaw. However, undue hardship is now present as the foundation work has been completed, and if the Appellant were to pursue other options, it would disturb the area and could potentially harm the nearby ditch.
- The variance is for 0.55 metres and will not shadow the lane.
- Sincere impression from the Appellant that he is genuinely wanting to comply with City requirements and understands his past mistakes.

It was Moved by I. Dhillon
Seconded by B. Sidhu
That the Board finds that undue hardship would be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 22-02, permission to relax the 80/20 provision that the second floor area be 80% of the ground floor area to permit an addition to the existing dwelling, as presented to the Board, be allowed.

Carried

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. 22-02, to relax the east side yard flanking street setback from 7.5 metres to 6.95 metres for a proposed detached garage at 7911 – 141B Street, as presented to the Board, be allowed.

Carried

2. Appeal No. 22-03 – 1308559 B.C. Ltd.

For permission to increase the building height from 9 metres to 9.73 metres to permit the construction of a new single family dwelling at 11429 – 125A Street.

The Board acknowledged M. Singh and P. Singh, the Appellants, in attendance to speak to the application.

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

The Appellants advised that the property is in the Bridgeview area and impacted by floodplain construction restrictions. Construction of a family home with 9.0-foot ceiling heights is proposed on the main floor with 8.0-foot ceiling heights proposed for the second floor, which requires a building height of 9.73 metres, an increase to the permitted height for the RF (Single Family Residential) Zone property by 0.73 metres. As a result of the floodplain limitations and height challenges for the design of the home, a variance to increase the height to 9.73 metres is being sought.

In response to questions from the Board, the Appellant confirmed they have reduced the ceiling heights and slope of the roof in order to comply and still require the variance.

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

After review, it was determined the concerns expressed by the neighbors were not related to Appeal No. 22-03, as 11429 – 125A Street is a vacant property and the concerns were related to works done without appropriate permits.

In response to correspondence from the neighbours and further questions from the Board, the Appellant confirmed they are not the subject of the piece of correspondence that was received by the Board. The Appellants confirmed they have constructed another single family home in the Bridgeview Area but obtained all the necessary permits.

In reviewing photographs of the site and the floorplans, Members of the Board noted that 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 B. Sidhu

Seconded by I. Dhillon

That the Board finds that undue hardship would be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 22-02, to increase the building height from 9 metres to 9.73 metres to permit the construction of a new single family dwelling at 11429-125A Street, as presented to the Board, be allowed.

Carried

D. OTHER BUSINESS

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

Staff advised that discussions are actively being held to review applications coming forward to the Board pertaining to the 80/20 Rule and floodplain issues. Staff are meeting with the General Manager, Planning and Development to further discuss these two items and there is interest to make changes to the Zoning Bylaw.

In response, Members of the Board advised they are interested and willing to participate in any staff driven meetings if appropriate.

E. NEXT MEETING

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

F. ADJOURNMENT

It was

meeting be adjourned.

Moved by I. Dhillon
Seconded by D. Hans
That the February 9, 2022 Board of Variance

Carried

The Board of Variance meeting adjourned at 10:08 a.m.

Certified correct:

Sonya Hayer, Secretary

Gil Mervyn, Chair