

Present:

G. Mervyn, Chair
I. Dhillon
B. Sidhu

Absent:

H. Meawad
D. Hans

Staff Present:

K. Broersma, Planner, Planning & Development
S. Guinjicna, Plan Checker, Building
A. Chima, Plan Checker, Building
L. Blake, Secretary

A. ADOPTIONS**1. Adoption of the Minutes**

It was

Moved by I. Dhillon

Seconded by B. Sidhu

That the Minutes of the Board of Variance

hearing held on April 13, 2022, be received and adopted as circulated.

Carried

B. DEFERRED APPEALS

This section has no items to consider.

C. NEW APPEALS**1. Appeal No. 22-06 – Johal, Singh & Chahal**

- *To vary the north rear yard setback from 6.0m for 50% of the building width to 5.9m for 53% of the building width; and*
- *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 single family home located at 8971 146A Street.

The Board acknowledged B. Johal, 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 opposition to the proposal.

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

The Appellant advised that they had started construction on an addition to their home and were not aware that they needed a permit, resulting in a stop-work order.

In response to questions from the Board, the Appellant advised that they are doing the construction work themselves. The Appellant also advised that a portion of the proposed second floor that was previously enclosed will be opened in order for the proposal to comply with the floor space ratio requirements.

In response to questions from the Board, Sabrina Guinjicna, Plan Checker, advised that if an addition is more than 75% of the existing building, it is considered new construction.

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

- The project was started without the necessary permits and would not have complied with three aspects of the Zoning Bylaw: rear yard setback, 80/20 rule, and floor space ratio.
- The original home did not comply with the 80/20 rule.
- The application of the rear yard setbacks has different implications in irregularly-shaped lots such as the subject site. The proposed setbacks still provide a good amount of separation between the neighbouring properties, and still allows for recreational space. Therefore, the proposed setbacks do not defeat the intent of the rear yard setback.
- The Appellants are seeking minor variances and there would be financial hardship to demolish the work that has already been done.

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. 22-06, permission to:

- vary the north rear yard setback from 6.0m for 50% of the building width to 5.9m for 53% of the building width; and
- relax the 80/20 provision that the second-floor area be 80% of the ground floor area

for additions to the single family dwelling located at 8971 146A Street, as presented to the Board, be allowed.

Carried

The Board clarified that approval was provided for the drawings that have been submitted and the Appellants must ensure they are in compliance with all bylaw requirements.

2. Appeal No. 22-07 – Rowe

To vary the east flanking street setback from 3.6m to 1.5m to allow for replacement of an existing deck for the single family dwelling located at 14048 113A Avenue.

The Board acknowledged C. Rowe and J. Rowe, the Appellants, 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 opposition to the proposal.

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

The Appellants provided the following information:

- The Appellants are seeking to replace an existing deck that is in poor condition.
- The house was constructed in 1913, prior to the current setback requirements, and the setback runs through the dining room. If the Appellants were to build according to current requirements, they would lose access to their backdoor.
- The outdoor deck space is important to the family.

In response to questions from the Board, the Appellant provided the following information:

- Minor repairs to the deck were done about 10 years ago. The existing deck is unsafe, as it is rotting, there are holes and it is separating from the house.
- The house does not have heritage designation or protection. The Heritage Planner has not expressed any concerns regarding the proposal.
- The proposal includes minor changes to the deck, including lowering it.
- A separate application for an addition to the house has been submitted to the City.

In reviewing photographs of the site and the floorplans, Members of the Board noted that the existing setbacks should be grandfathered. The only way to improve the deck is to rebuild it and rebuilding it should not result in a loss of access to the backdoor.

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. 22-07, permission to vary the east flanking street setback from 3.6m to 1.5m to allow for replacement of an existing deck for the single family dwelling located at 14048 113A Avenue, as presented to the Board, be allowed.

Carried

3. Appeal No. 22-08 – Kumar

To increase the building height from 9.0 metres to 9.5 metres to permit the construction of a new single family dwelling for the property located at 12411 113 Avenue.

The Board acknowledged N. Kumar, the Appellant, and G. Punia, Developer, 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 opposition to the proposal.

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

The Appellant advised that they are seeking to build a two-storey plus crawl space Single Family home with a legal suite. Even with reduced ceiling heights and different roof designs, it is impossible to meet the Zoning Bylaw height requirements for a two-storey home due to flood plane constraints.

The Board noted that other appellants have received variances with higher ceiling heights in the flood plane. It was suggested that the appeal could be deferred if the Appellant wished to submit new drawings proposing higher ceilings.

The Appellant advised that their designer submitted various drawings to the City and are content with the proposed 8-foot ceiling design for the main and second floors.

In reviewing photographs of the site and the floorplans, Members of the Board noted that the Appellant is requesting the minimum height variance. If the house was not located in the flood plane, the Appellant would not require the variance.

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. 22-08, permission to increase the building height from 9.0 metres to 9.5 metres to permit the construction of a new single family dwelling for the property located at 12411 113 Avenue, as presented to the Board, be allowed.

Carried

D. OTHER BUSINESS

This section had no items to consider.

E. NEXT MEETING

The next meeting of the Board of Variance is scheduled to be held on Wednesday, June 9, 2022, at 9:00 a.m. in 1E – Community Room B.

F. ADJOURNMENT

It was

Moved by I. Dhillon

Seconded by B. Sidhu

That the May 11, 2022 Board of Variance meeting

be adjourned.

Carried

The Board of Variance meeting adjourned at 9:45 a.m.

Certified correct:

Lauren Blake, Secretary

Gil Mervyn, Chair