



MINUTES OF THE BOARD OF VARIANCE MEETING

Wednesday, July 27, 2022
6:13 p.m.
Remote Video / Teleconference

Present: Andrew Evindsen, Board Chair
Jim Wuest, Board Member
Angie McDonald, Board Member

Regrets: Evan Williams, Board Member

Staff Present: Bev Endersby, Manager of Building and Licensing
Kelly Kenney, Corporate Officer

Applicants: Bob and Melissa Onderwater

1. **CALL TO ORDER**

The Chair called the meeting to order at 6:13pm.

2. **MINUTES**

Adoption of the June 22, 2022 Board of Variance minutes.

It was MOVED and SECONDED

THAT the minutes of the June 22, 2022 Board of Variance meeting be adopted as circulated.

CARRIED

3. **APPLICATION No:**

Application No: BOV00032
Civic Address: 4674 209 Street
Owner: Bob and Melissa Onderwater
Applicants: Bob and Melissa Onderwater

The Chair invited the applicants to present their application.

Mr. Onderwater advised that when he bought the house 18 years ago there was a deck and stairs already installed and he had no idea that the existing deck was outside the set back. He subsequently replaced the original stairs as they were in need of repair and at the same time expanded the deck making it better and safer.

He became aware that the deck and stairs were outside the set back when his neighbour built a house. In order to maintain ease of access to their backyard, Mr. and Mrs. Onderwater would like to keep the deck and stairs the way they are but would make sure the deck meets all the required building codes.

There is no visual impact on the neighbour behind his property, because, as shown in the photographs submitted in support of their application, there is a large wall between their two properties. The deck provides good outdoor living space for his family.

Mrs. Onderwater advised that she moved into the house 6 ½ years ago when they married and the deck and stairs were there when she moved in. As she is an avid gardener, she fully utilizes the deck as it is the only area on their property that has a southern exposure. Being able to be in the sun also helps to relieve her anxiety and depression which she suffers from. She reiterated the safety benefits of having an exit on the second story and noted that all of the neighbours are supportive of them keeping the deck.

The Chair opened the floor to members of the Board to ask questions.

In answer to questions, Mr. Onderwater provided the following information:

- he is related to the land surveyor who provided the survey plan that was submitted as part of their application to the Board of Variance;
- he is connected to Design Lighting as he drives a delivery truck for the company;
- Design Lighting only sells products, it does not do any installations;
- when he purchased the house, he replaced the stairs and expanded the deck making it longer and wider;
- as a retired volunteer firefighter he feels having the deck is a safety benefit as it provides the only means of exit from the second storey. Without it, in the event of a fire in the basement, his family would have to go downstairs, likely through smoke, in order to exit the house.

In answer to questions, city staff provided the following information:

- City staff have known about the deck not being in compliance as it has been on the books as a follow for a number of years; however, due to limited staffing levels, staff have not been out there to get it completed so it is likely that the Onderwaters didn't know the existing deck and stairs that were put in by the previous owner of the property were built without a permit.

The Chair asked if there were any members of the public in attendance who wished to provide comments or if any correspondence was received.

There were no members of the public in attendance, and therefore no speakers. No correspondence was received.

The Board proceeded to deliberate and the following considerations were made:

- The variance does not interfere with, or affect the use and enjoyment of any neighbouring properties;
- The only means of access from the second storey to outside is provided by way of the deck;
- No neighbours attended the meeting to object to the variance, so it is reasonable to assume they don't have an issue with it;
- From a safety standpoint access to/from the second storey living area to the back yard is advantageous;
- Having the deck provides outside living space in the only part of the property that has southern exposure which has been particularly beneficial to one of the applicant's mental health as a cancer survivor;
- The Board has three options:
 - Approve the application as is;
 - Reject the application;
 - Approve a modified deck that would bring it into compliance with the City's Zoning Bylaw;
- In considering the seven topics the Board should consider before rendering a decision, Board members indicated they were satisfied that the application met the requirements.

It was MOVED and SECONDED

THAT Board of Variance application BoV00032 to reduce the rear lot line principle building setback from 7.5 m (24.61ft) to 3.09 m (10.13 ft) to legalize the existing deck at 4674 209 Street be approved.

CARRIED

The Applicants left the meeting.

Discussion ensued regarding the definition of undue hardship.

4. **ADJOURNMENT**

It was MOVED and SECONDED

THAT the meeting adjourn at 6:35 pm

CARRIED

CHAIR

CORPORATE OFFICER