



## MINUTES OF THE BOARD OF VARIANCE MEETING

Wednesday, April 27, 2022

6:15 p.m.

Remote Video / Teleconference

- Present: Andrew Evindsen, Acting Chair  
Angie McDonald, Board Member  
Jim Wuest, Board Member  
Evan Williams, Board Member
- Staff Present: Paula Kusack, Deputy Corporate Officer  
Bev Endersby, Manager of Building & Licensing
- Applicants: Puja and Karan Sachdev  
Chad and Jamie Paton  
Todd and Julie McLaurin
- Absent: John Meagher, Board Member

1. **CALL TO ORDER**

2. **ELECTION OF THE 2022 BOARD CHAIR PERSON AND ACTING BOARD CHAIR**

The Acting Chair invited nominations for Chair of the Board through December 31, 2022.

It was MOVED and SECONDED

THAT Andrew Evindsen be elected Chair of the Board through December 31, 2022.

BEFORE THE QUESTION WAS CALLED Mr. Evindsen accepted the nomination.

THE QUESTION WAS CALLED and same was

**CARRIED**

The Chair invited nominations for Acting Chair of the Board through December 31, 2022.

It was MOVED and SECONDED

THAT Evan Williams be elected Acting Chair of the Board through December 31, 2022.

BEFORE THE QUESTION WAS CALLED Mr. Williams accepted the nomination.  
THE QUESTION WAS CALLED and same was  
CARRIED

**3. MINUTES**

Adoption of the November 16, 2021 Board of Variance minutes.

It was MOVED and SECONDED

THAT the minutes of the November 16, 2021 Board of Variance meeting be adopted as circulated.

CARRIED

**4. APPLICATION No: BOV00029**

**Application No:** BoV00029

**Civic Address:** 5258 198 Street

**Owner:** Puja and Karan Sachdev

**Applicant:** Puja and Karan Sachdev

The Chair explained the meeting procedure and invited the first applicant to present their application.

Mr. & Mrs. Sachdev introduced themselves and Mrs. Sachdev explained that they were seeking relief for the setback encroachment of an addition and deck they put on their home. They acknowledged that they made a mistake constructing the addition without a building permit. They explained that they were misguided by their contractor and had they known it was a requirement they would have done it correctly. The existing home, before the addition, was not sufficient space for their family needs. They budgeted \$65,000 for the addition however the final expense was \$150,000. They had to borrow money to finish it. They explained they were in distress over it, and they apologized to the City for not doing it correctly. They wanted to bring it into compliance and so they are requesting the Board grant the variance to do so. They live there and plan to stay there. With the addition it fits their family. They recognize it is their fault and that it was done incorrectly and they expressed that they would be grateful if the variance could be granted. Mr. Sachdev explained that their families are not here in Canada but are supporting them from India. He noted they are getting by day by day but not doing well due to the mental stress. He noted that because of the small encroachment of 1.25m they don't want to have to redo all the work. They advised that it is costing money everyday and affecting them financially. They have debt because of their mistakes, and it is a burden. Their family is going to move in, and they need additional bedrooms. The stated they are law abiding citizens and want to support the community.

The Chair invited members of the public to provide comments.

There was a member of the public in attendance, however no one indicated a wish to speak.

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

Mr. Wuest asked for clarification if the setback requested was 1.25m as noted by the applicant or was it 2.77m as noted in the City's staff report.

Mrs. Sachdev clarified that they were willing to remove the deck that extended 1.5m past the addition encroachment of 1.25m. The deck is easily removed and would only make the setback encroachment 1.25m instead of the full 2.77m. Mr. Sachdev advised they would be willing to remove the deck if needed to grant the variance for the addition only.

Mr. Wuest noted the following:

- The city's staff reported a history of the applicant being informed of problems with the building process since August 2021.
- The drawings show the encroachment since February 2022.
- The applicant had the opportunity to remedy the situation since February 2022
- Stop work orders were posted on the property six times since August but the work didn't stop.
- On two occasions building officials observed construction continuing despite the stop work order.

Mrs. Sachdev admitted they did not know what to do when the stop work orders were placed. They were 80% finished the work and were told by their contractor to finish it and that they didn't need to worry about it.

Mrs. Sachdev advised that one of the stop work orders was ignored because they felt it was a safety issue to stop work as they had no railing on the upper deck and they worried their dog would get out and fall off the deck. She also noted that when they realized the stop work order was a serious issue, they left it.

Mr. Wuest explained that due to the applicant ignoring the six stop work orders he struggled to believe they would comply with removing the deck, as noted earlier in the meeting. He suggested the applicants go back to their contractor to seek recourse for the cost to remove the addition since he built the addition with no permits.

Mr. Williams felt that the Board's role was only to determine hardship and decide if they should be allowed to encroach into the setback.

Mr. Wuest agreed and noted that he was focused on that fact. He concluded his comments by noting that case law has shown that the Board can ignore financial hardship related to removing an existing building that was built without a permit.

Mr. Evindsen asked the building inspector if the City can inspect the home even though it is already constructed.

The building inspector advised that the applicant would need to do the following if the variance was granted:

- remove the drywall to get a framing inspection
- dig around the exterior to allow an inspection of drain tile and drainage
- dismantle most of the addition to allow various inspections
- the above action would require compliance from the owners.

Mr. Evindsen restated that the owners would need to cooperate, to which the applicants nodded their head indicating they agreed.

The Chair invited the member of public in attendance an opportunity to speak however no one wished to speak.

The Chair advised that the board was moving to deliberation.

Mr. Evindsen considered the impact to the neighbours and felt it wouldn't cause harm. He felt the addition looked good and that the stop work order violations were not within the Board's jurisdiction. He was comfortable that the city would ensure the home is up to code and safe to occupy if the variance was granted.

Mr. Williams walked the property and noted that he felt the deck was not interfering or impacting anyone so would suggest it be left intact. He felt it would be a financial hardship to remove the addition and he hasn't heard from any neighbours that feel negatively impacted. The home backs onto a street, so does not impact anyone from that perspective.

Ms. McDonald echoed Mr. Williams comments and felt the hardship would be to remove the addition.

It was MOVED and SECONDED

THAT Board of Variance application BoV00029 to reduce the rear lot line principle building setback 2.77m (9.10 ft) from 7.5m (24.61 ft) to 4.73m (15.52 ft) to legalize a two-story addition complete with an uncovered deck at the rear of the single-family dwelling located at 5258 198 Street, be approved.

CARRIED

Mr. Wuest opposed.

Staff advised the applicant that the application passed, and they would receive a formal letter to confirm. The applicant was advised to contact the building department to start the building permit process.

**5. APPLICATION No: BOV00028**

**Application No:** BoV00028  
**Civic Address:** 4582 196 Street  
**Owner:** Chad and Jamie Paton  
**Applicant:** Chad Paton

The Chair invited the applicant to present the application.

Mr. & Mrs. Paton noted they live on an abnormal lot created from a panhandle in the 1970s. Due to the shape of lot they do not have a typical 'back yard' and aren't able to build a garage in the back. They would like to use the side yard as the 'back' to add a double car garage and deck. They noted the existing house already encroaches into today's setbacks advising that the setback runs through their kitchen and bedroom areas.

The Chair invited members of the public to provide comments. No one indicated a wish to speak.

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

Mr. Williams looked at the property from all angles and advised that the variance request was a creative way to improve the esthetics of the property and make it more functional. He felt the addition was a good thing. The panhandle lot is very difficult and if the variance is granted the lot would be far more functional. He didn't feel the addition would adversely affect any neighbouring properties.

Mr. Wuest noted that because the lot is a panhandle it is very private. He noted that some of the existing buildings were in poor repair and that to deny the variance would cause the owner considerable hardship related to the cost to fix those buildings. In terms of inappropriate development of the site, Mr. Wuest noted storage of commercial materials, however deferred to the City in that regard. He raised a concern about four large cedar trees and inquired if the variance were granted they should not require any major pruning or removal of the trees. He noted he would like assurance that the root system would not be damaged during construction of the addition.

There was discussion about ways to protect the trees and the root system and the group determined that adding conditions to the variance was not necessary.

The Chair advised that the board was moving to deliberation.

There were no further comments from the board members.

It was MOVED and SECONDED

THAT Board of Variance application BoV00028 to reduce the rear lot line principle building setback from 7.5m (24.61 ft) to 1.5m (4.92 ft) to allow construction of an attached double garage with covered deck, and master bedroom addition to the single-family dwelling located at 4582 196 Street, be approved.

CARRIED

Staff advised the applicant that the application passed and they would receive a formal letter to confirm. The applicant was advised to contact the building department to start the building permit process.

**6. APPLICATION No: BOV00027**

**Application No:** BoV00027  
**Civic Address:** 4612 200A Street  
**Owner:** Todd and Julie McLaurin  
**Applicant:** Julie McLaurin

The Chair invited the applicant to present the application.

Mr. McLaurin introduced himself and explained his request for a variance of 9 square feet to close in their garage. His vehicle doesn't fit in the existing garage as it is 17 feet long and the garage is only 16 feet long. He would like to make the garage 19 feet long to align with the concrete pad that is existing on the property. He explained that by not having the ability to park in a secure garage he has had tools stolen more than once from his truck. Currently he must unload his tools every night and carry them up the steep driveway inside the house. He would like to be able to park the truck in the secure garage and not have to unload and load his tools every day. It is very challenging in the winter due to ice/snow to climb the steep driveway with tools in hand. The shape of the lot has the house pushed quite far ahead compared to the houses beside him. Making the garage 19 feet long would create a functional garage that he can park in and have some secure storage space.

The Chair invited members of the public to provide comments. No one indicated a wish to speak.

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

Mr. Evindsen acknowledged that he could see that the truck would not fit in the existing garage. He felt the variance would improve the property, would be more esthetically pleasing and more functional and would not negatively impact the neighbours.

Mr. McLaurin advised that if the variance was granted, he would apply for the building permit right away.

Mr. Williams agreed with Mr. Evindsen and felt it was a hardship to have his trade tools stolen or to have to carry them in and out daily. Tools are expensive and required to keep employed. He felt there was no negative impacts to the neighbours.

Mr. Wuest felt the variance request was appropriate and advantageous. He noted his agreement with the aforementioned hardships.

The Chair advised that the board was moving to deliberation.

There was no further discussion.

It was MOVED and SECONDED

THAT Board of Variance application BoV00027 to reduce the front lot line principle building setback from 7.5m (24.61 ft) to 6.4m (21 ft) to enclose and increase the depth of the existing carport attached to the single-family dwelling located at 4612 200A Street, be approved.

CARRIED

Staff advised the applicant that the application passed and he would receive a formal letter to confirm. The applicant was advised to contact the building department to start the building permit process.

Before the meeting was adjourned staff advised the Board that City Council had recently rescinded a motion that all committee meetings must remain virtual. Therefore, the Board had the option of returning to in-person meetings if they so chose.

After some discussion the members agreed that they are comfortable returning to in-person meetings, however they advised they'd like to allow applicants to make the decision of the meeting format based on their individual comfort level.

Staff noted that typically meeting format consistency is important, however the nature of the Board of Variance is not typical in that it meets 'as needed' therefore agreed that it was acceptable to determine with each applicant how the meetings will proceed. It was further noted that if there are several applicants and they do not agree on the format, the meeting will be electronic to respect everyone's ability to remain safe and healthy.

**7. ADJOURNMENT**

THAT the meeting adjourn at 7:27pm.

CARRIED

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PRESIDENT

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CORPORATE OFFICER