



MINUTES OF THE BOARD OF VARIANCE MEETING

Tuesday, November 16, 2021

7:06 p.m.

Remote Video / Teleconference

Present: Kurtis Williams, Board Member
Jim Wuest, Board Member, Acting Chair
Evan Williams, Board Member
John Meagher, Board Member

Applicant: Kevin Kroeker

Member of Public: Kevin Pidduck

Absent: Andrew Evindsen, Board Member

Staff Present: Paula Kusack, Deputy Corporate Officer
Bev Endersby, Manager of Building & Licensing

1. **CALL TO ORDER**

The Acting Chair called the meeting to order at 7:06pm

The Acting Chair explained the procedures of the hearing.

2. **MINUTES**

Adoption of the September 22, 2021 Board of Variance minutes.

It was MOVED and SECONDED

THAT the minutes of the September 22, 2021 Board of Variance meeting be adopted as circulated.

CARRIED

3. **APPLICATION No: BoV00026**

Application No: BoV00026

Civic Address: 20566 51A Avenue

Owner: Kevin & Naomi Kroeker

Applicant: Kevin & Naomi Kroeker

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

Mr. Kroeker introduced himself and explained the reason for the variance request. He noted he's been living in the subject property for 6 years and in Langley for 23 years. He advised that his father in law recently passed away and he and his wife would like his mother in law to come and live with them. The house they are in is a small rancher, not big enough for extended family. They either need to sell their home to buy a larger one or renovate their existing home to accommodate their family. The option to buy a larger home creates a financial hardship as it costs considerably more than renovating to add a second floor to the existing home. He only became aware of the issues when he had architectural plans drawn up for the renovation and applied for a building permit. In speaking with the building department, he learned that the existing garage was not completed as it was intended on the permit that was taken out at the time. He also learned at that time that the garage was encroaching on the property setback.

He understood that board members may wonder if he considered turning the garage space into living quarters, however he advised that he cannot do without a garage as his employment in the construction industry requires him to have a place to securely store his tools.

The part of the application for a front porch is because the current overhang of the eaves is smaller than the standard today and anyone standing at the front door gets wet when there is weather. Therefore, he would like to put a small roof covering over the door.

The renovation to add a second story does not require a height variance and would fall within the zoning bylaw. He noted the house foundation is already adequate for a second story addition. He advised that if the application is denied he will not proceed with the renovation because any renovation would need to tie into the garage and would require an approved variance. If he were permitted to rebuild the garage to today's building code but not be permitted to add the second storey directly on top of the encroaching first floor, it would create so many obscure rooflines to accommodate the current setbacks, it would cost an extra \$30,000 to remove the 250 square feet of the second floor which would overhang the current setback.

He reiterated his desire to stay in the home. He and his family would much prefer to stay and renovate than move. They like the house and the neighbourhood but need more space and it is within their means to renovate, but not move. To buy a similar home to what they are proposing in the renovation it would be twice the cost of the renovation and is not feasible for them.

He further noted that they bought the house with the existing garage and had no idea it was an encroaching on the setback. He also noted that he is not asking that the garage be bigger and closer to the property line than it already is, fourteen feet from the property line, it will be in exactly the same location, but be built to code. He noted that the garage has been there for a long time and no one has ever had an issue with it.

In reference to a concern noted from a neighbour, Mr. Kroeker advised that he would be willing to make one window frosted to block any view as they require it only for natural light, and he would consider moving the second window if would alleviate concern.

The Chair invited Mr. Pidduck to offer his comments.

Mr. Pidduck advised that he lives next door to the subject property and has for 28 years. He also noted that he and Mr. Kroeker have a good neighbour relation and he wished to keep it that way. He noted his appreciation for the new family situation and understands it. He advised that he bought his home because it was a cul-de-sac of ranchers. Although there is a mixture of 2-storey homes in the larger neighbourhood, it is mostly ranchers. He advised that he was not aware that the garage was encroaching on the setback until he received notice of the variance request. He noted how his house is situated compared to Mr. Kroeker's home advising that it puts his home in Mr. Kroeker's back yard and the garage is very close to his home. He expressed that there is considerable noise from the garage activity and that is concerning for him. The proximity of the garage to his master bedroom could be a deterrent for a potential buyer should they decide to sell their home. He wants to remain good neighbours and did not oppose the renovation but wanted to ensure his property use and value will not be effected. He further noted that he appreciated Mr. Kroeker is willing to consider moving / amending the window placement.

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

Mr. K. Williams asked for clarification that the second storey addition does not require a height variance and it was verified that no variance is required for the proposed height. He further noted that Mr. Kroeker could build a second storey without a variance if done within the zoning setbacks. Staff confirmed that plans for the second floor meet the building codes and height requirements.

Mr. K Williams advised that the type and placement of windows and noise from the garage are valid concerns, however they are not within the jurisdiction of the board to consider. He further noted it would be very difficult to fit the garage within the setbacks due to the pie shape of the lot, as is the case with many of the lots in the area.

There was some general discussion about the following:

- many homes/buildings in this area are close to the property lines
- type of permits that have been taken out at the property and the fact that they were never acted by the owner at the time
- current garage was completed without a permit

Mr. Meagher supported the front porch variance as it had no effect on neighbouring properties and will benefit the residents to keep them dry at the front door in our rainy climate. He further noted that he understands Mr. Pidduck's concerns however because a second storey is already permitted on

the property and there are a number of others in the neighbourhood already, he didn't see a greater impact on neighbouring properties.

Mr. E. Williams felt the second floor addition was very much inline with the homes on 51A Avenue, beside and across the street from the subject property. He also felt trying to build a second storey on the existing garage would be problematic and felt that a new garage would improve the property and the neighbourhood overall. He inquired if the current garage has insulation.

Mr. Kroeker advised that it did. He also noted regarding noise from his mechanic work, that he works in the driveway as his truck does not fit in the garage, nor would it fit in the new garage.

Mr. E. Williams noted that he felt the variance application was reasonable and has no negative effects on neighbouring properties, within the board's jurisdiction. He felt the financial burden and the shape of the lot were significant hardships.

Mr. Wuest inquired if Mr. Kroeker would consider putting in additional insulation in the garage to deaden the sound as much as possible?

Mr. Kroeker advised that if the variance is approved the new structure would be much more soundproof as the new construction would be 2x6 construction, instead of the current 2x4 construction, which would add 2 additional inches of insulation. It will also have a new door which will keep a lot more noise inside than the old door.

Mr. Wuest noted that although not in the Board's jurisdiction, he was pleased that Mr. Kroeker will consider moving / amending the windows.

Mr. Wuest inquired why Mr. Kroeker did not mark the variances on the property appropriately as required in the application guidelines.

Mr. Kroeker advised that he received very little direction from the City as to what was supposed to be marked so he marked the existing encroachments and relied on the survey provided in the agenda to show the variance.

Mr. K. Williams advised that he was satisfied with the markings as they were.

Ms. Endersby noted that the City advised the applicant that the variance was to be clearly marked and the property accessible. Staff would not ask that the property lines be marked in addition to the variance as it would be very costly for applicants to hire surveyors to mark property pins.

Mr. K. Williams expressed support in granting the variances. He heard the concerns raised and understood them, however they are outside the jurisdiction of the Board. Mr. Kroeker would be able to build on a second storey without a variance as it is permitted in the current zoning bylaw. He felt it was fair and that to deny the variance request would cause hardship.

Mr. Kroeker noted that he will not ignore the concern noted by his neighbour and will consider changes to find a suitable compromise.

There was discussion about content of the variance and the multiple requests and if the requests can be separated and voted on independently.

Staff noted that is possible if the board wishes to do so.

Mr. E. Williams did not wish to separate the variance requests as each is tied to another, except for the front porch, which no one has taken issue with.

Mr. Kroeker advised that if all of the variances are not permitted he will not go forward with the application as it is too costly to amend the building plans and accommodate a roof within the current zoning bylaw.

The Chair advised that the board was moving to deliberation.

Mr. K. Williams supported the variance for the reasons noted earlier in the meeting. He felt the house and neighbourhood would be more attractive with the improvements and that there would be no negative impact on neighbouring properties.

Mr. Meagher noted his support for the application. He is pleased that Mr. Kroeker will be increasing the amount of insulation to address garage noise and he advised Mr. Pidduck that if the noise is considerable he can call the city bylaw department if needed.

Mr. E. Williams supported the application noting that it improves the streetscape in the area. He felt the problem was with the original build and the fact that the previous owner did not pull a permit, however that is not Mr. Kroeker's fault. He felt the hardship was considerable if the application is denied.

Mr. Wuest advised that the placement of houses are quirky on the odd shaped lots, however work for both applicant and the neighbouring properties.

It was **MOVED** and **SECONDED**

THAT Board of Variance application BoV00026:

1. To reduce the rear lot line principle building setback from, 7.5m (24.61ft) to 4.3m (14.10 ft), for a portion of a garage that was constructed without a building permit by a previous property owner.
2. To reduce the rear lot line principal building setback as stated above to allow for a second storey addition.
3. To reduce the front lot line principal building setback from 7.5m (24.61') to 5.96m (19.58') to allow for a covered front entry porch at 20566 51A Avenue be approved.

CARRIED

Staff advised Mr. Kroeker that his application passed and he would receive a formal letter to confirm. He was advised to contact the building department to start the building permit process.

4. ADJOURNMENT

It was MOVED and SECONDED

THAT the meeting adjourn at 8:13 pm

CARRIED

ACTING CHAIR



DEPUTY CORPORATE OFFICER