

**City of Surrey  
Board of Variance  
Minutes**

1E - Community Room B  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
**WEDNESDAY, JULY 8, 2015**  
Time: 9:30 AM  
File: 0360-20

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**Present:**

Gil Mervyn, Chair  
Inderjit Dhillon  
Audrey Pease  
Puneet Sandhar

**Absent:**

Melissa Rook-Green

**Staff Present:**

K. Shangari, Residential Plan Checker, Building  
K. Broersma, Planning & Development  
L. Luaifoa, Secretary

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**A. ADOPTION OF MINUTES**

Minutes of the Board of Variance meeting held June 12, 2015.

Moved by P. Sandhar  
Seconded by A. Pease

THAT the Minutes of the Board of Variance meeting held on June 12, 2015 be received and adopted as circulated.

CARRIED UNANIMOUSLY

**B. DEFERRED APPEALS**

No items for this meeting.

**C. NEW APPEALS**

**1. Appeal No. 15-08 – Sunil Kumar**

*For permission to relax the east side yard setback from required minimum 1.8 m to 1.22 m to align with the existing house wall at 14909 - 76 Avenue.*

Sunil Kumar, appellant, provided a brief history on the subject property and noted the home was the ideal purchase for the appellant and his wife to be able to operate a daycare centre in the legal secondary suite located in the basement of the house. Through the licensing process for a daycare centre, an inspection by the City was performed and it was determined that a portion of the existing rear decks had been enclosed without permit. The enclosure and setback of the existing building was not in compliance with the side yard

setback of the current bylaw. In 2012, when the house was built, the setback permitted was 1.2 m and the current bylaw requirement is now 1.8 m for both side yard setbacks. In order to comply with the new provision, the house would require dismantling.

The appellant noted that the delay of the daycare centre opening is a financial hardship.

The Chair questioned if there were any other persons present to speak to the application and confirmed there had been no correspondence received in response to notification regarding the appeal.

Members of the Board made the following comments regarding the requested variance:

- The Chair clarified that the variance request is for the setback only. The infill of the decks did not increase the floor space ratio above the maximum permitted by the current bylaw.
- The property was purchased with the intent to open a daycare and the appellant did their due diligence; the appellant was not aware of the issue with the deck when they purchased the home and the delay in opening the daycare is a clear hardship.
- It would be unreasonable and considerable hardship to require the removal of the deck enclosures, as they do not exceed the maximum permitted floor space, and align with the existing side yard setback of the house.
- It was also noted that people should be encouraged to correct any illegal work that has been done and address minor variance issues to prevent this type of situation occurring.

Therefore, it was

Moved by P. Sandhar  
Seconded by A. Pease

THAT Appeal No. 15-08 be **ALLOWED**, thereby permitting the relaxation of the required minimum side yard setback of 1.8 m to 1.22 m, to permit the retention of the existing deck enclosures, which align with the existing house wall, at 14909 - 76 Avenue.

CARRIED UNANIMOUSLY

## 2. Appeal No. 15-09 – Malwinder Athwal

*For permission to relax the maximum front yard setback (152 Street) from required 50 m to 188.7 m, relax the maximum side yard setback on flanking street (48 Avenue) from required 50 m to 54.1 m and relax the maximum depth of the farm residential footprint from the front lot line (152 Street) from required 60 m to 192 m to allow the construction of a single family dwelling at 15328 - 48 Avenue.*

Malwinder Athwal, appellant, and Jagminder Athwal (joint owner), were in attendance to speak to the Board of Variance application. The appellant noted that the zoning bylaw changed after the preload permit was issued in October 2012. The preload is now complete and his family is ready to proceed with the construction of their new home in the area of the existing preload. To require a relocation of the homeplate to conform to the revised bylaw would result in considerable delay and financial hardship.

In response to questions from the Chair:

The appellant advised:

- the property is currently and will continue to be used for the growing of blueberries;
- the existing home located on the property will be retained and converted for farm use

Staff advised:

- the area of the existing house and surrounding driveways will be included in calculating the maximum permitted farm plate.

The Chair questioned if there were any other persons present to speak to the application and confirmed there had been no correspondence received in response to notification regarding the appeal.

Members of the Board made the following concluding comments regarding the requested variance:

- The preload existed before the bylaw changed and it is not possible to change the preload to meet the bylaw without resulting in hardship.



Therefore, it was

Moved by I. Dhillon  
Seconded by P. Sandhar

THAT Appeal No. 15-09 be **ALLOWED**, thereby permitting the construction of a residential building at 15328 - 48 Avenue in the original preload location as described in the preload survey drawings presented to the Board of Variance.

CARRIED UNANIMOUSLY

**D. OTHER BUSINESS**

**E. NEXT MEETING**

The next scheduled meeting of the Board of Variance will be held on Wednesday, September 9, 2015 at 9:30 am.

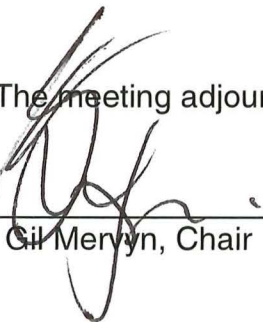
**F. ADJOURNMENT**

Moved by P. Sandhar  
Second by I. Dhillon

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:40 am.



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Gil Mervyn, Chair



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Losa Luaifofo, Secretary