

**City of Surrey  
Board of Variance  
Minutes**

1E - Community Room B  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
**WEDNESDAY, FEBRUARY 10, 2016**  
Time: 9:30 AM  
File: 0360-20

---

**Present:**

Gil Mervyn, Chair  
Mike Bola  
Inderjit Dhillon  
Audrey Pease  
Puneet Sandhar

**Absent:**

**Staff Present:**

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

---

The Chair introduced and welcomed the newest Board member, Mike Bola.

The agenda was varied.

**Election of Chair for 2016**

In accordance with Section 7 of the Surrey Board of Variance Establishment Bylaw, the Secretary called for nominations for the Chair of the Board for 2016.

It was

Moved by P. Sandhar  
Seconded by I. Dhillon

THAT Gil Mervyn be nominated for Chair of the Board of Variance for 2016.

CARRIED UNANIMOUSLY

Following due process, Gil Mervyn was elected Chair of the BOV for 2016 by acclamation.

**A. ADOPTION OF MINUTES**

Minutes of the Board of Variance meeting held December 9, 2015.

Moved by P. Sandhar  
Seconded by I. Dhillon

THAT the Minutes of the Board of Variance meeting held on December 9, 2015 be received and adopted as circulated.

CARRIED UNANIMOUSLY

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

Ruisen, 2588-140 Street, neighbour of property at 2576 – 140 Street, was noted in attendance to speak to the BOV regarding Appeal 15-18.

## **B. DEFERRED APPEALS**

### **1. Appeal No. 15-18 – Darshan and Rajinder Bhambra**

*For permission to relax the north side yard setback requirement of 4.5 m to 3 m and to relax the south side yard setback requirement of 4.5 m to 3 m, to permit the construction of a single family dwelling at 2576 – 140 Street.*

Harvey Bhambra, Agent for the Appellants, was in attendance on his parent's behalf, to speak to the BOV application. The Agent informed the Board that in order to build the appropriate residential home, the application requests relaxation of setbacks to both side yard requirements. The Agent advised he consulted with the south side neighbor and they expressed their support of the revised application to the BOV. The Agent was unable to speak to the neighbor on the north side.

The Agent advised the Board that the original plans for the house have since been revised and noted the following changes:

- 3-storey house to be constructed instead of a 2-storey house
- garage will be located at the rear of the house
- the retaining wall at the back of the property will be upgraded in case of erosion and to ensure there is proper irrigation and drainage

The Chair questioned the applicant if the revised plans had been reviewed by staff. Staff noted the site plan had been updated, which is the most relevant piece of information required at this time.

#### **In response to a question from the Board, the Agent noted the following:**

- The revised plans centre the house on the property and the width of the house will remain the same as before and, instead of having a 5 ft. setback on one side of the property and 15 ft. on the other side of the property, there will be 10 ft. on each side.

**The neighbour to the north side of the property made the following comments:**

- **Ruisen, 2588-140 Street**, re-iterated his concerns from the December BOV meeting, highlighting the loss of sunlight hitting his home if the proposed setbacks were approved and also the potential safety issues in the event of a fire.

**Members of the Board made the following comments in regards to the application:**

- The property is unusual due to its size and shape. Although this lot is currently zoned as an acre (RA) lot; it is a half acre (RH) lot and in this situation, the setbacks for an acre lot are the same as a half acre lot. The shape of half acre lots is mostly square and this particular lot is long and narrow. The difficulty is the setback requirements are not reasonable for this particular shape of lot.
- At the December BOV meeting, the neighbour to the north of the property expressed concerns about shadowing and the closeness of the proposed building to his property. The revised plans submitted move the proposed building further away from the neighbour's property which addresses some of the concerns raised by the neighbour.
- The Board questioned staff if the height of the proposed building is permitted. Staff noted that the applicant will not be allowed to build higher than the zoning requirements.
- The applicant was commended for taking the neighbours' concerns into consideration and revising the plans for the house.

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

- A hardship exists due to the inappropriate zoning and narrow width of the lot, and the limitations to the design resulting from the large sideyard setbacks required by the zoning.

Therefore, it was

Moved by I. Dhillon  
Seconded by P. Sandhar

THAT Appeal No. 15 -18 be **ALLOWED**, thereby permitting the relaxation of the north side yard setback from 4.5 m to 3 m and the relaxation of the south side yard setback requirement from 4.5 m to 3 m, to permit the construction of a single family dwelling at 2576 – 140 Street; and,

THAT all other Bylaw provisions are subject to further review by staff.

CARRIED UNANIMOUSLY

## C. NEW APPEALS

### 1. Appeal No. 16-01 – Hendrickson, Kahn, Conte

*For permission to decrease the westerly side yard setback of 10 m to 1.5 m to allow for the construction of a garage at 18314 – 8 Avenue.*

Serena and Clifford Gurniak, Agents to the Appellants, were in attendance to speak to the Board of Variance seeking a variance to the west side yard setbacks to build a garage.

The Agents noted that proposed location for the garage is the only logical space on the property for it to be built. The property contains trees, a well, a ditch and gas lines on the sides of the property eliminating the options of placing the garage elsewhere. The Agent further advised that if the garage was built to the setbacks, it would place the garage in the centre of the backyard.

In response to a question from the Chair, Staff clarified that the correct west side yard setback in an A-1 Zone is **10 m** and not 13.5 m. (*The corrected measurement will be updated in the minutes and all other related correspondence*). The intent of the setback is to minimize the impacts of smell and noise, arising from agricultural operations, on neighbouring properties.

**In response to questions from the Board, the Agents noted the following:**

- The proposed garage will be built 20 ft. to 25 ft. from the swale ditch which was built by the neighboring farmer to drain the field.

- The purpose of the garage is for storage of a motorhome and other items in the yard, and to increase security on the property. The Agents advised they have experienced break-ins to their vehicles while parked in the driveway.
- The hardship is the loss of the play area for the children. The yard cannot be extended to the side due to the drainage, orchard, well and septic tank. If the garage was built in accordance to the setbacks, the garage would be placed in the middle of the yard and there is no option to put the driveway around the opposite side of the house.

**Members of the Board made the following concluding comment regarding the requested variance:**

- The hardship is not maximizing the retention of green space and losing the play area for the kids. In addition, the proposed garage configures with the existing dwelling.

Therefore, it was

Moved by I. Dhillon  
Seconded by M. Bola

THAT Appeal No. 16-01 be **ALLOWED**, thereby permitting a decrease of the westerly side yard setback from 10 m to 1.5 m to allow for the construction of a garage at 18314 – 8 Avenue, as shown in the drawings presented to the Board.

CARRIED UNANIMOUSLY

**2. Appeal No. 16-02 – Jaspreet Dulay**

*For permission to relax the left side yard setback requirement from 3 m to 1.83 m; relax the right side yard setback requirement from 7.5 m to 2.46 m and to relax the maximum height requirement of 9 m to 10.47 m, to permit the construction of a single family dwelling at 10540 – 124 Street.*

The Chair clarified with staff the following corrections should be made:

- “right side yard setback requirement of 3 m” was changed to read “**7.5 m**”
- “height setback” was changed to read “**maximum height requirement**”
- “relax the elevation requirement of 4.5 m to 6.5 m” was declared outside the mandate for the Board and deleted.

Jaspreet Dulay, Appellant, was in attendance to speak to the Board of Variance regarding a previous appeal for left and right side yard setbacks that was approved by the BOV in December 2012.

The Appellant advised that the same relaxations as previously approved are being sought again due to the expiry of the 2 year timeline to begin construction.

The Appellant noted that the hardship is the limitations of maximizing the property caused by a Greater Vancouver Regional District (GVRD) Right of Way (ROW) and Row B on the property. The Appellant further noted that the intent of the appeal is to be able to maximize building space while being cognisant of the Row B.

**In response to questions from the Board, the Appellant noted the following:**

- The height relaxation request is to ensure that the property does not become the draining ground for water coming down from the road behind the property.
- The property was purchased in 2006 without knowledge of the restrictions on the property. Legal action taken by the Appellant to try to rectify the situation has not been successful.
- Lot 2 and Lot 6 will be naturally higher than their property without having to request a relaxation to the height of their homes.

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

- Concerns were expressed with the property being zoned as A1, without any floor space restrictions. The proposed house is considered extreme in size and mass, well beyond that which would normally be permitted in an RF zone. Staff reported that this lot was established in 1910, predating a zoning bylaw. The area, including this lot, was subsequently zoned A1, due to the lack of servicing.
- The previous application to the Board in 2012 did not include a height relaxation. The need to adjust the minimum building height required to meet the minimum flood plain levels in order to address potential flooding issues, as proposed by the appellant, is not clear.
- Given the zoning and drainage issues identified, the application is too complicated to be addressed without more detailed input from staff. The Board was not comfortable to make a decision that may negatively impact the area, as it continues to develop.
- The Board requested the appellant meet with Planning and Engineering staff in order to clarify drainage and site servicing issues, and the related need to increase the building grades.

Therefore, it was

Moved by I. Dhillon  
Seconded by P. Sandhar

THAT Appeal No. 16-02 be **DEFERRED** to enable the Appellant an opportunity to consult with appropriate City staff to address the potential flooding of this lot, and the related request to raise the building grade above the minimum flood plain, and relaxation of the height restriction.

CARRIED UNANIMOUSLY

**D. OTHER BUSINESS**

There was no Other Business.

**E. NEXT MEETING**

The next scheduled meeting of the Board of Variance will be held on Wednesday, March 9, 2016 at 9:30 am.

**F. ADJOURNMENT**

Moved by I. Dhillon  
Second by P. Sandhar

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:30 am.

  
\_\_\_\_\_  
Gil Mervyn, Chair

  
\_\_\_\_\_  
Losa Luaifoa, Secretary