

**City of Surrey  
Board of Variance  
Minutes**

1E - Community Room B  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
**WEDNESDAY, APRIL 13, 2016**  
Time: 9:30 AM  
File: 0360-20

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**Present:**

Gil Mervyn, Chair  
Mike Bola  
Inderjit Dhillon  
Puneet Sandhar

**Absent:**

**Staff Present:**

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

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The Chair announced the resignation of member Audrey Pease and recognized her many years of service to the Board of Variance.

**A. ADOPTION OF MINUTES**

Minutes of the Board of Variance meeting held February 10, 2016.

Moved by I. Dhillon  
Seconded by P. Sandhar

THAT the Minutes of the Board of Variance meeting held on February 10, 2016 be received and adopted as circulated.

CARRIED UNANIMOUSLY

**B. DEFERRED APPEALS**

**1. Appeal No. 16-02 – Jaspreet Gill (formerly Dulay)**

*For permission to relax the north side yard setback requirement from 7.5 m to 3 m and relax the south side yard setback requirement from 3 m to 1.8 m to permit the construction of a single family dwelling at 10540 – 124 Street.*

The Chair noted that the Board is primarily concerned with what actions have been taken since the previous meeting.

Jaspreet Gill, Appellant, was in attendance and informed the Board that the height relaxation has been removed from the application and the confusion between the right and left sides of the dwelling have been clarified. The request is to relax the flanking north side from 3 m to 1.8 m.

The Appellant further noted that the hardship is the GVRD Right of Way and the improper zoning of the lot. Currently, the lot is zoned as A-1; however, the

setbacks are not typical of an A-1 lot. The hardship is not being able to build a livable house.

The Appellant advised that she had met with City staff and decided to plan to build a soil system to work any water out off of the property if water became an issue.

The Agent further advised that the proposed building will include a basement and that the stairs will have to be changed, to reflect the change in building elevation.

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

- This lot is inappropriately zoned A-1 and if the Appellant was to follow the setbacks of an A-1 lot, the house would not be able to be built.
- The existence of the GVRD Right of Way limits the development of this site.

Therefore, it was

Moved by I. Dhillon  
Seconded by P. Sandhar

THAT Appeal No. 16-02 be **ALLOWED**, thereby permitting the relaxation of the north side yard setback from 7.5 m to 3 m and the relaxation of the south side yard setback requirement from 3 m to 1.8 m, to permit the construction of a single family dwelling at 10540 – 124 Street.

CARRIED UNANIMOUSLY

**C. NEW APPEALS**

**1. Appeal No. 16-03 – Gurdial and Rajwant Gill**

*For permission to relax the maximum distance to any portion of the single family dwelling from the front lot line (KGB) from 50 m to 207 m, to relax the maximum depth of the farm residential footprint from the front lot line (KGB) from 60 m to 212 m, to increase the maximum size of the farm residential footprint from 3,000 sq. m to 5,575 sq. m and, to relax the northerly side yard setback from 13.5 m to 12.6 m, to permit the construction of a single family dwelling at 4924 King George Boulevard.*

The Board acknowledged the Letter of Authorization for Rob Gill to act as the Agent on behalf of Gurdial and Rajwant Gill.

The Agent was in attendance to speak to the Board of Variance application and noted that a soil permit had been approved in 2008, prior to any changes to the Zoning Bylaw. The Agent further advised that prefill was placed on the lot where the land was not being farmed and although the prefill exceeds the allowable limit, the Appellants have committed to working with City staff in order to achieve compliance.

The Agent commented that the delay in being able to build a house for the family is creating a hardship as this issue has been ongoing since 2015. The Agent's current residence is 60 years old and is going to be used to house farming staff.

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

- The excessive prefill was a result of an error due to not being advised when the maximum limit of fill had been reached. All efforts will be made to rectify the situation to come into compliance with City requirements.
- The variance requested is significantly larger from 3000 to 5575 sq. m. because the maximum area includes existing buildings, the septic field and the road which takes up a significant chunk of what is allowable to build.
- A soil engineer has identified the amount of fill that has to be removed to come into compliance.

After discussion, the Board concluded the following:

- The decision of the Board will not interfere with any regulations that may be in place or enforced by the Agricultural Land Commission (ALC).
- The Zoning Bylaw changed after the prefill was approved. The appeal is based on the change to the bylaw and the hardship created.
- This is an exceptional case with outstanding excessive fill issues that will be addressed between the Appellant and City.

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

- There is a significant hardship given the fill was put in place prior to the Zoning Bylaw changes and based on the City not issuing a building permit prior to the excessive fill issue being addressed, this appeal is a hardship.

Therefore, it was

Moved by P. Sandhar  
Seconded by I. Dhillon

THAT Appeal No. 16-03 be **ALLOWED**, thereby permitting relaxation of the maximum distance to any portion of the single family dwelling from the front lot line (KGB) from 50 m to 207 m; relaxation of the maximum depth of the farm residential footprint from the front lot line (KGB) from 60 m to 212 m, an increase to the maximum size of the farm residential footprint from 3,000 sq. m to 5,575 sq. m and, relaxation the northerly side yard setback from 13.5 m to 12.6 m, to permit the construction of a single family dwelling at 4924 King George Boulevard.

CARRIED UNANIMOUSLY

## 2. Appeal No. 16-04 - Kanwar Walia

*For permission to relax the front yard setback for a proposed barn from required minimum 30 m to 10.06 m measured from the ultimate front property line (15.0 m from the existing property line) at 18164 – 40 Avenue.*

Kanwar Walia, Appellant, was in attendance to speak to the Board of Variance regarding the application and stated that due to fish habitat located at the front of the property and future road widening, a relaxation is being requested to accommodate a proposed barn. The Appellant further stated that if the setbacks were adhered to, it would result in hardship having to uproot the existing berry plants and trying to prevent killing the plants during transplanting, as well as the requirement to relocate the existing irrigation system.

The Agent advised that a Stop Work order had been placed on the right side of the property by the City and has since been lifted to rectify the situation.

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

- The measurement from the new property line to the proposed barn is 10.06 m. The Transportation Department requires a 4.9 m setback for future widening.
- Once the road is expanded, it won't be next to the barn. There will be a 10 m separation from the edge.

The Chair advised that it is the Board's role to refer any issues to the Planning Department and further noted that the provision of the 30 m setback in the Zoning Bylaw is contradictory to the other maximum setbacks contained within the bylaw, which are intended to conserve and promote the productive use of agricultural lands, and therefore recommends Planning staff review this.

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

- There is a hardship if the plants require transplanting and relocation of the irrigation system. If the plants do not survive, this would result in a loss of income which creates a financial hardship. In addition, the requirement to locate the proposed barn to comply with normal setback requirement would result in the loss of productive agriculture land.

Therefore, it was

Moved by P. Sandhar  
Seconded by M. Bola

THAT Appeal No. 16-04 be **ALLOWED**, thereby permitting the relaxation of the front yard setback for a proposed barn from required minimum 30 m to 10.06 m measured from the ultimate front property line (15.0 m from the existing property line), to permit the construction of a barn at 18164 – 40 Avenue.

CARRIED UNANIMOUSLY

**3. Appeal No. 16-05 - Sukhdev, Kuljeet and Jasdeep Grewal**

*For permission to relax the south side (on flanking street) setback from required minimum 7.5 m to 3m to permit the construction of a single family dwelling at 8415-188 Street.*

Kuljeet and Jasdeep, Appellants, were in attendance to speak to the Board of Variance application and noted that the family requirements for a house is to be able to accommodate 7 adults, 2 teenagers and 4 children; totaling 13.

The Appellants advised that there is an existing garage on the north side of the property that the family intend to retain due to the renovations the previous owner made. The garage is functional and can accommodate up to three vehicles. If the house is built towards the north of the property, access to the garage will no longer be available. It is a hardship to have the garage removed and then re-built.

Another hardship is the number of mature trees on north side of the property. If the house is built towards the north property line, trees would need to be cut and that is not a viable option.

Currently, a water well exists 23 m from the front property line. If the well is to be closed and relocated, this would cause financial hardship as it is costly to close and relocate the well.

The Appellants pointed out that the only available portion of the property to seek a variance is to the south setback which enables the extra space required to build a house.

It was also advised that the City and the Appellants had an agreement in place for the purchase of a part of a road allowance to extend 84 Avenue on the south side of their property. The sale price doubled in time and ultimately, the agreement was taken off the table completely, as the City decided it was no longer prepared to sell the property in part parcels. In the meantime, the family hired an architect and began designing the new home. The Appellants noted that fees were incurred for the work done in accordance to the land consolidation that never transpired. The family has already exerted considerable efforts to develop the plans to build a new home at the site.

The Chair acknowledged three letters from neighbours in opposition of the application and inquired if there were any neighbours present to speak to the appeal.

**The neighbours to the property were in attendance and made the following comments:**

- **Zach, 8431-188 Street**, neighbour to the north side of the property objected to the variance stating that there is a potential negative impact and loss of visual appeal to the area that may occur due to the size of the proposed single family dwelling.
- **Bill, 8037-188 Street**, neighbour to the south side of the property expressed concerns siting potential liability issues as an active farm to the neighbouring property.

**In response to the neighbours' comments, the Appellants noted the following:**

- The 2 existing houses located on the properties to the south are larger in size and the house on the corner of 184 Street is close in size. The objective is to build a house that is conforming to the neighbourhood and not out of character.

- The buffer between properties is 45 ft. which is adequate and in addition, a fence will be built around the property for security.

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

- The current zoning of the lot does not restrict the Appellant from building a house the size they propose to build.
- The act of farming and potential discomfort, even danger, are real and something the Board does not take into consideration; however; the Appellant should take these concerns into consideration.
- As the City no longer intends to extend 84 Avenue and is proposing to dispose of the road allowance, the subject property will no longer have a flanking street. Once the road allowance is eliminated, the south side set-back for this property will be reduced from 7.5 m to 3.0 m, the same as requested by this variance.
- A hardship exists, as the development of the property is being restricted by a proposed road extension that will not be implemented by the City.

Therefore, it was

Moved by I. Dhillon  
Seconded by M. Bola

THAT Appeal No. 16-04 be **ALLOWED**, thereby permitting the relaxation of the south side (on flanking street) setback from the required minimum of 7.5 m to 3 m, to permit the construction of a single family dwelling at 8415 188 Street.

CARRIED UNANIMOUSLY

## **D. OTHER BUSINESS**

### **1. Appointment of Vice Chair**

The Chair announced that the Vice Chair for 2016 for the Board of Variance is Puneet Sandhar.

**E. NEXT MEETING**

The next scheduled meeting of the Board of Variance will be held on Wednesday, May 11, 2016 at 9:30 am.


**F. ADJOURNMENT**

Moved by M. Bola  
Second by I. Dhillon

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 11:11 am.

  
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Gil Mervyn, Chair  
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Losa Luaifoa, Secretary