

**City of Surrey  
Board of Variance  
Minutes**

1E - Community Room B  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
**WEDNESDAY, MAY 11, 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  
L. Pitcairn Planning & Development  
L. Luaifoa, Secretary  
L. Anderson, Secretary

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**A. ADOPTION OF MINUTES**

Minutes of the Board of Variance meeting held April 13, 2016.

Moved by M. Bola  
Seconded by P. Sandhar

THAT the Minutes of the Board of Variance meeting held on April 13, 2016 be received and adopted as circulated.

CARRIED UNANIMOUSLY

**B. DEFERRED APPEALS**

**C. NEW APPEALS**

**1. Appeal No. 16-06 – Jaspal and Sharan Toor**

*For permission to reduce the northerly rear yard setback from 6.0 m to 3.58 m for 57% of the building width for a deck at 6783 - 182A Street.*

Jaspal Toor, Appellant, was in attendance before the Board to speak to the application. Mr. Toor noted that he was a first time homebuilder and during a building inspection, he was advised by the inspector that the constructed deck was non-conforming. Mr. Toor further noted that the design plans for the house submitted and approved for the building permit were incorrect in that they showed the deck at grade. In order to be in compliance with the Zoning Bylaw, Mr. Toor noted that the deck would have to be removed including the relocation of the adjoining doors which would result in a considerable financial burden, and impact the usability of the house.

**In response to questions from the Board, the following comments were made:**

- The mistake occurred by the designer which noted a grade deck (within 2ft. from the grade) but it is not a grade deck. The actual deck was constructed 6 ft. from grade.
- The deck was constructed according to the approved plans.
- The plans in the package provided to the Board are not the original approved plans. The cross-section shows a grade touching the deck.

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

The deck was built in accordance with the approved building plans and the house is near completion. If the Appellant is required to remove the deck, it will be costly thus creating financial hardship.

The Chair added that the neighbours directly affected are located to the rear of the property and there are no responses indicating any opposition from them.

Therefore, it was

Moved by I. Dhillon  
Seconded by P. Sandhar

THAT Appeal No. 16-06 be **ALLOWED**, thereby permitting the relaxation of the northerly rear yard setback from 7.5 m to 6.45 m for 57% of the building width, to permit the retention of the rear deck under construction at 6783 182A Street.

CARRIED UNANIMOUSLY

**2. Appeal No. 16-07 - Amarjit Dhesi / Majit & Jasvir Sangha**

*For permission to reduce the northerly front yard setback from 7.5 m to 6.45 m to permit the construction of a single family dwelling at 14044 – 66 Avenue.*

The Chair advised the Board has received information on-table that confirms Manesh Goyal is the new owner of the property at 14044 – 66 Avenue and will be named as the Appellant.

Manesh Goyal, Appellant, was in attendance before the Board to speak to the application. Mr. Goyal noted that he is a first time home builder and was not fully aware of the building requirements of sites near Riparian areas. Mr. Goyal further noted that the small creek located at the back of his property

site requires a buffer zone from the top of the bank. The 15 m setback from the top of the bank affects his house by limiting the size of house he can construct.

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

- The design depth of the proposed house is very limited due to the required buffer zone at the rear of the property.
- The setback requested is less than 1.0 m towards the front line.
- The existing house is non-conforming and is located much closer to the front property line.
- The trees to the front of the property will be retained.

The Chair confirmed two items of written correspondence were received in response to notification regarding the appeals. Both neighbours expressed opposition to the application stating the house would be invasive to the neighbourhood and the Riparian area.

1. Cornelia, neighbour at 14045 - 66 Avenue – Opposed
2. Ursula, neighbour at 6560 - 140 Street – Opposed

The Chair questioned if there were any persons present to speak to the application. Marcel, 14052 66 Avenue, neighbour, was noted in attendance to speak to the BOV regarding Appeal 16-07.

**Marcel, 14052 66 Avenue** (adjoining property to the east) expressed concerns about the proposed house changing the character of the neighbourhood. Marcel also noted that the current house is a single storey and the proposed house is two levels which affects the amount of sunlight his property will receive and also noted that there is an existing parking issue in the neighborhood and the issue may increase. Marcel cited his opposition to the variance application and stated that a buyer is responsible to do their due diligence to ensure a site fulfills their needs prior to the purchase of it; therefore, the hardship was caused by the Appellant. In addition, Marcel commented that all the neighbours are in opposition of the variance.

**In response to concerns from the neighbours, the Appellant commented:**

There is a misconception that the house will be built further to the front of the site as it is actually going to be built further back than the existing building. The Appellant also stated that the amount of sunlight the neighbouring property receives will not be affected; and, furthermore, that the house is smaller in comparison to the other new houses being built in the neighbourhood.

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

- Due to the Riparian regulations, the Appellant is requesting a variance to relax the required setback to 6.5 m to permit the construction of a building that meets his family requirements. The proposed house is within the size and floor ratio allowed by the Zoning Bylaw.
- The variance requested will not enable the Appellant to construct a bigger house than allowed in the bylaw or a house which is completely different from what is allowed in the neighbourhood. The request for a variance is reasonable based on the shape of the lot, and restrictions required to meet the Riparian buffer zone.

Therefore, it was

Moved by M. Bola  
Seconded by I. Dhillon

THAT Appeal No. 16-07 be **ALLOWED**, thereby permitting the relaxation of the northerly front yard setback from 7.5 m to 6.45 m to permit the construction of a single family dwelling at 14044 – 66 Avenue, as illustrated in the drawings presented to the Board.

CARRIED UNANIMOUSLY

**D. OTHER BUSINESS**

**E. NEXT MEETING**

The next scheduled meeting of the Board of Variance will be held on Wednesday, June 8, 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 10:00 am.

  
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Gil Mervyn, Chair

  
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Losa Luaifoa, Secretary