

**City of Surrey  
Board of Variance  
Minutes**

2E – Community Room A  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
**WEDNESDAY, MARCH 8, 2017**  
Time: 9:30 AM  
File: 0360-20

**Present:**

Gil Mervyn, Chair  
Mike Bola  
Inderjit Dhillon  
Puneet Sandhar

**Absent:**

Don Maciver

**Staff Present:**

K. Broersma, Planning & Development  
S. Chand, Plan Review Supervisor, Building  
M. Legge, Residential Plan Checker, Building  
L. Anderson, Secretary

**A. ADOPTION OF MINUTES**

Minutes of the Board of Variance meeting held February 8, 2017.

Moved by P. Sandhar  
Seconded by M. Bola

THAT the Minutes of the Board of Variance meeting held on February 8, 2017, be received and adopted as circulated.

CARRIED UNANIMOUSLY

**B. DEFERRED APPEALS**

**C. NEW APPEALS**

**1. Appeal No. 17-05 – M. and K. Jhajj**

*For permission to extend the effective termination date of Land Use Contract No. 376 for three years (January 16, 2021), to permit the construction of a new residential dwelling at 6221 – 129A Street.*

The Board acknowledged Mohan Singh Jhajj, Appellant, and his son Jagjot Singh Jhajj, in attendance to speak to the application.

The Appellant advised the property was purchased on October 1, 2016, mainly because of the advantages of the Land Use Contract (LUC) assigned to the property that would allow for a three-storey, above ground, family home. He reported that the intent was to hold the property until both of his sons, currently in university studying Medicine and Computer Engineering respectively, have completed their Degrees and he is no longer assisting with the university tuition and housing expenses; anticipated to be April, 2020.

Mr. Jhajj stated he was not aware of the LUC termination requirement and was shocked to receive the letter from the City only one month after purchasing the property. Given the substantial cost of the property and the financial commitment for university for both sons, it would be a financial hardship at this time to build the three-storey family home as planned, and currently permitted. The guidelines of the LUC permit a three-storey home, which is planned as the future home for both sons and their families on the lower floor, parents on the top floor and the Appellant and his wife on the main floor. Mr. Jhajj requested the Board grant an extension of three years to the effective termination date of the LUC (January 16, 2018), in order to allow sufficient time for his sons to graduate from university and construct a new family home.

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

- The property is currently rented.
- The family lives at their other property at 6484 – 152 Street, which will be sold once the new home is built at the subject property.
- All family members that live in the current home will continue to reside at the new home.
- The subject property was bought specifically to rebuild in the future for the Appellant and extended family.
- Financial obligations of university tuition and residence fees and expenses make it difficult to fund the construction of the new home within the current one-year timeline.
- The LUC termination date is January 16, 2018; asking for an extension of three years, to January 16, 2021.

The Chair confirmed there were no persons present to speak to the application and no correspondence received in response to the notification regarding the appeal.

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

- For clarification, it should be noted that if an extension is granted, it is to the current property owner(s) only and is not transferable.
- There is a hardship for the Appellant as he purchased the property prior to the initiation of the LUC termination process. Furthermore, the property was purchased with the intent to construct a new family home in three or four years.



- The termination in early 2018 would require the Appellant to build the new home right away, which would impact the family financially, given the recent purchase of the property and current university tuition and residence expenses for both sons.

Therefore, it was

Moved by P. Sandhar  
Seconded by M. Bola

THAT Appeal No. 17-05, to extend the effective termination date of Land Use Contract No. 376 for three years, to January 16, 2021, to permit the construction of a new residential dwelling at 6221 – 129A Street, in accordance with the provisions of Land Use Contract No. 376, be **ALLOWED**.

CARRIED UNANIMOUSLY

**2. Appeal No. 17-6 – H. Khural, G. Khural and A. Khural**

*For permission to reduce the minimum required width of a single family dwelling from 7.0 m to 6.43 m, to permit the construction of a new residential dwelling at 12547 – 68 Avenue.*

The Board acknowledged Harjinder Singh Khural, Appellant, in attendance to speak to the application.

The Appellant advised the property was purchased in June, 2016, following his review with BC Hydro with respect to any potential building limitations as a result of the BC Hydro right-of-way (ROW) registered to the property. Mr. Khural reported that in 2015, he submitted design plans to BC Hydro confirming the dimensions of the proposed new residential building. At the request of BC Hydro, the plans were redesigned and submitted, acknowledging the ROW and the required amendment to the width measurement of the proposed residential building to 6.43m. BC Hydro reviewed the details of the redesigned plans and advised they meet the requirements of the IEEE Standard, as determined by BC Hydro, to ensure that no part of the building is exposed to excessive electric fields. As a result of the approval from BC Hydro of the redesigned plans, Mr. Khural sold his home in order to purchase the subject property. However, the required width reduction to 6.43m does not comply with the residential bylaw, which requires a minimum width of 7.0m. Therefore, a variance is being sought to allow the narrower residential building.

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

- The property was purchased because it will accommodate ample parking for visitors, unlike the previous property that experienced ongoing parking concerns.
- It has been nearly two years already to undergo the BC Hydro approval process and City bylaw requirements.

The Chair confirmed there was no correspondence received in response to the notification regarding the appeal and acknowledged C. Gill, 12553 – 68 Avenue, who was in attendance on behalf of his family, as immediate neighbours to the subject property, to speak to the application.

Mr. Gill submitted a letter to the Board from his family, outlining the reason for not supporting the Appeal. Mr. Gill also provided a petition from eight additional neighbouring properties, addressing their shared concerns. Comments were as follows:

- All of the other homes on the block end at the same distance, allowing each resident to have an open view and enjoyment of their respective backyard space.
- Similarly, the houses behind the properties are also set back from the fence and allow for some privacy in each person's respective backyard.
- Mr. Khural's proposed new home would extend past the length of the neighbouring properties, would block the backyard views of multiple residents and also be close to the fence for all adjacent properties leaving no privacy in their own spaces.
- The proposed new home does not conform to the neighbourhood design and appeal and would alter the look of the neighbourhood and potentially have a negative impact on the value of the neighbouring homes.
- The previous home on the property was a one level rancher style home that was demolished due to a fire that took place September, 2016.
- It is felt that a home built within the current bylaw would conform to the length and not encroach on neighbouring properties.
- It is further believed that Mr. Khural may have purchased the property for investment purposes only, benefitting from the total size and knowing the restriction beforehand.
- Anything built there affects neighbouring properties permanently.



Discussion ensued with respect to the building footprint, noting that it is not dissimilar from what was there previously. Measurements for the proposed residential home in relation to the neighbouring property were reviewed further, and it was determined that the design of the proposed home does not extend beyond the required rear yard setback.

**In response to comments from Mr. Gill and further questions from the Board, the Appellant made the following comments:**

- At the time the original home was destroyed by a fire, a permit to construct a new replacement home had already been applied for.
- To ensure the purchase of the property, the Appellant sold his previous home at a lower than market price to achieve a quick sale.
- The purchase of the property is for a new family residence, not for investment purposes.

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

- The required 7.0m is for the width of the house. The 6.43m will make the house narrower, which is the only reason for the Board Appeal.
- If the property did not have the existing ROW, the Appellant could build the same home with the 7.0m width and existing setbacks, as shown in the design plans, without an Appeal.
- The setbacks, as noted in the plans, are permitted.
- The proposed home is 1,000 sq. ft. smaller than the size permitted, and meets all the requirements of the bylaw, except the width. It is the Appellant's choice to build a longer home.
- The plans reflect a lower height than the maximum allowable and has already been approved BC Hydro.

**In response to Mr. Gill's comments and the petition presented on behalf of the neighbouring properties, the Board made the following comments:**

- If the property was not encumbered with the BC Hydro ROW, the proposed house could be built wider and the application would not be before the Board; the result would have the same impact on the neighbouring property.
- One could argue that because of the ROW restriction, it requires the home be built longer, however the proposed length is permitted, and the height could be higher as well.

- The Appellant has advised he would have built a wider and shorter house if the 7.0m width was permitted; in which case the house would still be approximately 1,000 sq. ft. less than what is permitted.
- There are a number of factors that come into play with respect to this property. In particular, the configuration of the neighbouring houses and how they step back from their property lines. The subject property is a much different building envelope and to expect the owner of the property to maintain what the neighbouring properties have is not reasonable from the point of view of the owner of that property, given the limitations when he bought the property, but knowing it could be developed.
- From the point of view if the 7.0m restriction was not at issue, the Appellant could proceed to build the house. There needs to be a balance, and what the neighbours are really asking of the Appellant is not to develop the property at all, however he has a building design that is reasonable and conforms to the bylaw in every other way.

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

- There is a clear hardship given the restrictions of the property as a result of the BC Hydro ROW and the zoning and development bylaw as it pertains to the property.
- The BC Hydro ROW limits the size and location of the housing footprint area. Without the ROW, the Appellant could build the same home, with a width of 7.0m, within the requirements of the bylaw. However, without a variance, the Appellant cannot build a new residential building.

Therefore, it was

Moved by I. Dhillon  
Seconded by M. Bola

THAT Appeal No. 17-06, to reduce the minimum required width of a single family dwelling from 7.0 m to 6.43 m, to permit the construction of a new residential dwelling at 12547 – 68 Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

**D. OTHER BUSINESS**

**E. NEXT MEETING**

The next Board of Variance meeting is scheduled to be held on Wednesday, April 12, 2017 at 9:30 am, in Meeting Room 2E – Community Room A, City Hall.

**F. ADJOURNMENT**

Moved by M. Bola  
Second by P. Sandhar

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:33 am.

  
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Gil Mervyn, Chair

  
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Lorraine Anderson, Secretary