

**City of Surrey
Board of Variance
Minutes**

2E – Community Room A
City Hall
13450 - 104 Avenue
Surrey, B.C.
WEDNESDAY, JUNE 14, 2017
Time: 9:30 AM
File: 0360-20

Present:

Gil Mervyn, Chair
Mike Bola
Inderjit Dhillon
Puneet Sandhar

Absent:

Jennifer Rahiman

Staff Present:

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

A. ADOPTION OF MINUTES

Minutes of the Board of Variance meeting held May 10, 2017.

Moved by M. Bola
Seconded by I. Dhillon

THAT the Minutes of the Board of Variance meeting held on May 10, 2017, be received and adopted as circulated.

CARRIED UNANIMOUSLY

B. DEFERRED APPEALS

The Chair requested that Item D.1, Planning Update, be addressed as the next item of the agenda.

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT the Board of Variance Agenda be varied to address item D.1, Planning Update as the next item of the agenda.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS**1. Planning Update - Bridgeview Neighbourhood Concept Plan**

The Chair noted there have been a number of Appeals recently for the Bridgeview area as a result of the limitations of the floodplain zone. With the growing demand for property in Bridgeview, the Board has identified that the lack of any Neighbourhood Concept Plan (NCP) for the Bridgeview area will result in an increased number of appeal applications experiencing similar limitations as the area undergoes anticipated redevelopment.

Lee-Anne Pitcairn, Senior Planner, was in attendance to provide an update to the Board with respect to the Board's November 16, 2017 recommendation, requesting a formal review of the future development of the Bridgeview area and development of a NCP. The following was reported:

- For clarification, it is not really an NCP that should be considered, it is more of a zoning bylaw issue that affects Bridgeview and other areas in the city. In particular, the agricultural lands require preload which raises the elevation and results in homes that quite often become over height.
- It has been suggested that this issue be put on a work program to address a number of housekeeping amendments, which would include height restriction in the floodplain areas, resulting in a reduction of the number of applications before the Board.
- The Community Planning Section looks after amendments for overall zoning issues, typically in the Spring and the Fall each year. If the suggested bylaw amendment for the floodplain does not appear on the next scheduled update, it will be requested that the issue be advanced and dealt with at that time.
- It is not anticipated to be a long amendment; will need to determine first if there will be one text amendment or two separate amendments. Amendment(s) will be go through an introduction, first and second reading at the first Council meeting, followed by a Public Hearing at the next meeting of Council, which often can receive its final reading at that same meeting.

The Board expressed their appreciation for the update and the response suggesting a zoning bylaw amendment as opposed to an NCP. Discussion ensued and it was again noted that, given the development pressure anticipated for the Bridgeview area, timing is very important and there remains nothing directing the redevelopment of the area. In response, the Board was advised that there is an older NCP for the area, that is very old, and it is anticipated that the area will remain single family. However, plans will be looked at further as a transportation issue due to the Pattullo Bridge construction. It was also noted that even with the proximity to rapid transit, densification of the area is not desirable, based on the liability for the City and the requirement to address any emergency concerns (flooding, etc.) within 24 hours.

C. NEW APPEALS

The Chair confirmed there were no persons (other than the appellants) present to speak to any of the applications and that no correspondence has been received in response to the notification regarding any of the following appeals.

1. Appeal No. 17-08 – Harmesh Toor

For permission to extend the effective termination date of Land Use Contract No. 448 for four years and eight months until December 24, 2022, to permit the construction of a new residential dwelling at 7859 – 126A Street.

The Board acknowledged Harmesh Toor, Appellant, in attendance to speak to the application.

The Appellant advised she is a single mother, on disability, and bought the property because of its location within a cul-de-sac and the potential for building a larger home in the future for herself and her son (and his future family) after he graduates from university and secures permanent employment. There is a financial hardship to alter plans to build the larger home sooner as the Appellant has used her savings for her son's education. Her son has just graduated and started working, and will require some time to save for the cost of building the larger home. It is understood that any extension granted to the Land Use Contract would be to the Appellant only (property owner on title), and cannot be transferred. The Appellant's son is not on title; the property will remain in the Appellant's name.

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

- There is a hardship for the Appellant as a single mother who has been supporting her son through university.
- The intent was to construct a new family home in three to four years once her son had completed university and secured long term employment and was financially able to support the development of a larger family home.

Therefore, it was

Moved by I. Dhillon
Seconded by P. Sandhar

THAT Appeal No. 17-08, to extend the effective termination date of Land Use Contract No. 448 for four years and eight months, to December 24, 2022, to permit the construction of a new residential dwelling at 7859 – 126A Street, in accordance with the provisions of Land Use Contract No. 448, be **ALLOWED**.

CARRIED UNANIMOUSLY

2. Appeal No. 17-10 – Charnjit Gill and Sukhwinder Birring-Gill

For permission to extend the effective termination date of Land Use Contract No. 448 until January 1, 2023, to permit the construction of a new residential dwelling at 7835 – 126A Street.

The Board acknowledged Charnjit Gill and Sukhwinder Birring-Gill, Appellants, in attendance to speak to the application.

Mr. Gill advised that he and his wife purchased the property in 2007 as their first home. They have raised their family in the home and have become attached to the neighbourhood. It has been their dream to build a larger family home on the property in the future. Unfortunately the Appellants both suffered serious medical conditions over the past five years, interrupting their ability to work full time and significantly impacting them financially. Currently the Appellants are not working and are not in a position to undergo the financial commitment of building a new home. The Board is being asked to extend the effective termination date of the Land Use Contract (LUC) in order to provide the Appellants the opportunity to return to work and build up their finances to permit them to still build their dream home in the future.

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

- Not knowing how long the Board would extend the termination under the current circumstances, the goal is to try to get something started by January 1, 2023.
- If it is possible to extend the termination further, it would help. The goal remains to be able to build sooner rather than later, just wanting to have a greater time frame in case of any further setbacks and also to raise finances.

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

- This is a family facing a challenge because of the required change to the LUC. The family has planned their lives a certain way and is required to change their plans due to the required termination of their LUC.
- There is a clear financial hardship for this family as a result of the serious medical setbacks and inability to work.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-10, to extend the effective termination date of Land Use Contract No. 448 to January 1, 2023, to permit the construction of a new residential dwelling at 7835 – 126A Street, in accordance with the provisions of Land Use Contract No. 448, be **ALLOWED**.

A friendly amendment was made to increase the extension to the maximum allowable date of June 30, 2024.

Question was then called on the main motion as amended:

THAT Appeal No. 17-10, to extend the effective termination date of Land Use Contract No. 448 to June 30, 2024, to permit the construction of a new residential dwelling at 7835 – 126A Street, in accordance with the provisions of Land Use Contract No. 448, be **ALLOWED**.

CARRIED UNANIMOUSLY

3. Appeal No. 17-11 – Satnam and Amrit Aujla

For permission to extend the effective termination date of Land Use Contract No. 376 for five years to January 16, 2023, to permit the construction of a new residential dwelling at 6270 – 129A Street.

The Board acknowledged Satnam and Amrit Aujla, Appellants, and their son, Randip Aujla, in attendance to speak to the application.

On behalf of the Appellants, Randip Aujla advised that his parents purchased the property in 2015 at a premium cost because of the demand for properties with a Land Use Contract (LUC). This type of property allows for the type of home the Appellants would like to build in the future to accommodate the family and elderly parents. It was a shock to learn shortly after purchasing the property that the LUC was going to terminate. Plans for the new home

were not anticipated until after both children have completed their current university education, which is being paid for by the Appellants.

It was further reported that the house on the property is currently occupied by tenants who have lived there since 2009. The tenants take care of the home as if it were theirs; a family with strong ties to the community, with two children ages 10 and 11 who attend the local elementary school. Currently the tenants are experiencing financial hardship as a result of an extensive surgery required for the father of the family, which could potentially result in disability for an extended period of time. The Appellants understand the hardship for the tenants and would like to support them by allowing them to remain in the home during this difficult and uncertain time. To terminate their tenancy at this time in order to demo the house would result in the tenants having to move out of the city in order to afford comparable housing, creating considerable stress for a family that is already experiencing significant hardship.

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

- The new home will be for all family members and their elderly parents, all living together and supporting one another.
- The son has just started his undergraduate program and will finish university in approximately 2-3 years, and the daughter has just started university, completing in another 3-4 years. Ideally, the new home will be constructed following their graduation.
- An extension of the LUC would allow for the tenants to remain in their current home. Every effort is being made to help to support the tenants as they have been caring tenants of the home for almost 10 years and it would be heartbreaking to have to ask them to leave now, especially given their circumstances.

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

- With respect to the letter from the tenants and the suggestion that they would be required to move if the LUC extension is not granted, it is important to note that the City is not requesting the Appellant to demolish the house. The issue is that the LUC is coming to an end; it does not mean that the home needs to be demolished. If the Appellant chooses to tear-down the house in order to build a different house that will be their decision, not the City's.
- There is hardship for the Appellants given that they are currently paying the university fees for both of their children, not expected to be completed for another three to four years. It is reasonable that the Appellants want to focus on ensuring they are able to cover the

university fees in full before starting the process of building their new home.

- The secondary benefit to extending the LUC is that it will help the current tenants; compliments to the Appellants for their support.

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT Appeal No. 17-11, to extend the effective termination date of Land Use Contract No. 376 for five years to January 16, 2023, to permit the construction of a new residential dwelling at 6270 – 129A Street, in accordance with the provisions of Land Use Contract No. 376, be **ALLOWED**.

CARRIED UNANIMOUSLY

4. **Appeal No. 17-12 – Harjinder Malhi**

For permission to extend the effective termination date of Land Use Contract No. 32 for two years to April 24, 2020, to permit the construction of a new residential dwelling at 7822 Suncrest Drive.

The Board acknowledged Jaspinder Singh Malhi, son of the Appellant, in attendance as Agent to speak to the application.

Mr. Malhi advised that the property was purchased earlier this year specifically for its Land Use Contract (LUC) which permits a larger family home. The extension sought is only for two years to allow time to sell property in India, which will be placed on the market soon, providing the funds for constructing the new home. Construction may be sooner than the two years if the property in India sells quickly. However, if the extension is not granted the subject property will be sold as there will not be enough time to raise funds for the construction of the new home.

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

- The Appellant does not reside in the home it is currently rented to a tenant that has lived there for the past six or seven years.
- The property was bought with the full intention of building a larger home under the LUC. The property will be sold if an extension is not granted as there simply is not enough time to design and begin the building process for the new home as planned before April 2018. Unfortunately, nothing can be done until the other property is sold.

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

- The hardship is very reasonable. The family purchased the property and planned to build once the funding is in place from selling property overseas, but now forced to build earlier because of the termination of the LUC. Without permitting the extension, finances will not be available for the new home to be underway before the termination date and the property would likely need to be sold.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT Appeal No. 17-12, to extend the effective termination date of Land Use Contract No. 32 for two years to April 24, 2020, to permit the construction of a new residential dwelling at 7822 Suncrest Drive, in accordance with the provisions of Land Use Contract No. 32, be **ALLOWED**.

CARRIED UNANIMOUSLY

5. Appeal No. 17-13 – Mohinder and Kamaljit Dhillon and Guredev Dhillon

For permission to extend the effective termination date of Land Use Contract No. 92 for three years to April 24, 2021, to permit the construction of a new residential dwelling at 13035 Fairford Place.

The Board acknowledged Applicants Mohinder and Kamaljit Dhillon, in attendance to speak to their application.

The Appellants advised they have lived in the home for 14 years with the intention to build a larger home in the future. The property is in a cul-de-sac, which provides a great deal of privacy and enjoyment for the family. The Appellant's would like to stay in the neighbourhood and community they have become a part of. The area is in transition, with a number of the neighbouring homes already built under the Land Use Contract (LUC). With the LUC now terminating, they do not have the full financing immediately available to begin construction of a new home on the property. Alternate properties were considered for purchase instead of building, but they have not been able to find any homes or neighbourhoods comparable to where they are now and with homes similar to what they would like to build.

It was further reported that Mr. Dhillon's mother is currently on title (in name only) and in the process of being removed from title upon the sale of an

investment property held by all three parties which closes in June; it was not possible to remove the third party in advance of the Board meeting. The sale of the investment property will provide some of the funding for the new home, however Mr. Dhillon has not had as much work lately and he is cautious to incur significant expenses of building the new home immediately. An extension to the LUC would provide time to get all their finances in order, undergo a review with the City with respect to the trees on the property and establish a timeline for demolition and construction.

A brief discussion ensued with respect to ownership of the property, as listed on title. The Board noted that it is not that a new person is being added instead the current three parties will be reduced to two. The Chair advised the appeal, if approved, would be retained by the two remaining registered owners of the property. It was suggested the Appellants may wish to consult with a lawyer, if further certainty of the matter was required.

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

- A financial hardship has been established with respect to the current position the Appellants are under to buy out one of the registered owners.
- An extension of the LUC will allow the Appellants the time required to establish their finances and plan properly for the home they would like to build.

Therefore, it was

Moved by M. Bola
Seconded by I. Dhillon

THAT Appeal No. 17-13, to extend the effective termination date of Land Use Contract No. 92 for three years until to April 24, 2021, to permit the construction of a new residential dwelling at 13035 Fairford Place, in accordance with the provisions of Land Use Contract No. 92, be **ALLOWED**.

CARRIED UNANIMOUSLY

6. Appeal No. 17-14 – Harvinder and Gurpreet Sandhu

For permission to extend the effective termination date of Land Use Contract No. 448 until December 31, 2022, to permit the construction of a new residential dwelling at 7843 – 126A Street.

The Board acknowledged Harvinder and Gurpreet Sandhu, in attendance to speak to their application. Board member Puneet Sandhu provided translation for the Appellants.

The Appellants reported the property was purchased in November 2014 with the intention of building a new home under the Land Use Contract (LUC) guidelines. Two of the property owners are seniors and Mr. Sandhu provides the main source of income for the household, including school fees required for his three children and supporting his parents. Unfortunately, Mr. Sandhu was involved in an accident in April which resulted in a number of injuries to his arm that requires surgery, currently scheduled for August 24th. Recovery from the surgery to return to his previous employment may take up to 18 months if successful, however the doctors have advised there may be permanent damage that may affect the kind of work he can do in the future. In addition, the family has also been preoccupied with the recent heart surgery that Mr. Sandhu's mother recently underwent. Financially the family is not in a position to be able to prepare for the construction of a new home at this time. As Mr. Sandhu's future income is undetermined, an extension to the LUC would provide comfort and time to build their finances and delay building their new home until a later date.

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

- The property is located in the same neighbourhood as the first two Appeals above; a neighbourhood that is going to undergo a great deal of redevelopment. It is understandable that the Appellants would also like the opportunity to build a larger home, for their family and parents.
- With the uncertainty of Mr. Sandhu's continued occupation as a drywaller, and very limited finances presently as a result of his injuries, the hardship is clear.
- Given the surgery date is not until August and recovery is unpredictable at this time, the request to extend the LUC is reasonable.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-14, to extend the effective termination date of Land Use Contract No. 448 until December 31, 2022, to permit the construction of a new residential dwelling at 7843 – 126A Street, in accordance with the provisions of Land Use Contract No. 448, be **ALLOWED**.

CARRIED UNANIMOUSLY

7. Appeal No. 17-15 – Gurpal Grewal

For permission to allow a portion of a proposed single family dwelling to be farther than 50m from the front lot line (56 Avenue), in this case to be up to 59m from the front lot line; and to increase the maximum depth of the farm residential footprint from the front lot line (56 Avenue) from 60m to 69m, to permit the construction of a new single family dwelling at 15836 – 56 Avenue.

The Board acknowledged Inderbir Grewal, son of the Appellant and Agent, together with Perry Brar, Appellant's brother-in-law, in attendance to speak to the application.

Mr. Grewal advised that there are two Metro Vancouver force mains (sanitary) that run through the north end of the property close to the preload required for the proposed dwelling. Metro Vancouver has requested that no heavy equipment be operated within 15m of the 7.5m Statutory Right of Way (SRW). As a result, the Appellant is requesting to locate the proposed dwelling further to the south, necessitating the variances requested.

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

- The septic is part of the farmplate which will not be exceeding the maximum allowable 2,000m².
- The variance request was recommended from the Geotech and Metro Vancouver; it is very specific based on their requirement.
- The property is not currently farmed, however there are plans to lease the land to an active dairy farmer who will hay the land and take it away.

The Board made the following concluding comments regarding the requested variance:

- This application is not for a building design, it is for the location of the preload of the anticipated building and its footprint.
- The request is reasonable as there is a hardship based on the property limitations of the Metro Vancouver SRW which is a requirement. Without the variance, the impact to the Appellant would be a much smaller footprint and unworkable area for the proposed dwelling. The Appellant simply wants to satisfy the recommendations of Metro Vancouver.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT Appeal No. 17-15, to allow a portion of a proposed single family dwelling to be farther than 50m from the front lot line (56 Avenue), in this case to be up to 59m from the front lot line; and to increase the maximum depth of the farm residential footprint from the front lot line (56 Avenue) from 60m to 69m, to permit the preloading and ultimate construction of a new single family dwelling at 15836 – 56 Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS – continued

2. Handling of Land Use Contract Information

A brief discussion ensued with respect to the information the Board would like to receive for Land Use Contract Termination Date Appeal applications. It was determined that a copy of the LUC for each application was not required for each Board member, rather the LUC copy will remain in the Appellant's file, to be available at the Board meeting, if requested. If there is any unique or abnormal information within a particular LUC, it can be noted in the memo from Planning. As part of the appeal process, it was requested that the directive from the Board is that detailed information is required to support the hardship necessitating the LUC termination extension (e.g. school documentation: proof of university enrollment, including beginning and end date).

E. NEXT MEETING

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


F. ADJOURNMENT

Moved by M. Bola
Second by I. Dhillon

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 11:11am.



Gil Mervyn, Chair



Lorraine Anderson, Secretary