

**City of Surrey
Board of Variance
Minutes**

2E – Community Room A
City Hall
13450 - 104 Avenue
Surrey, B.C.
WEDNESDAY, JULY 12, 2017
Time: 9:32 AM
File: 0360-20

Present:

Puneet Sandhar, Vice Chair
Mike Bola
Inderjit Dhillon
Jennifer Rahiman

Absent:

Gil Mervyn, Chair

Staff Present:

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

A. ADOPTION OF MINUTES

Minutes of the Board of Variance meeting held June 14, 2017.

Moved by I. Dhillon
Seconded by M. Bola

THAT the Minutes of the Board of Variance meeting held on June 14, 2017, be received and adopted as circulated.

CARRIED UNANIMOUSLY

B. DEFERRED APPEALS

C. NEW APPEALS

1. Appeal No. 17-16 – Poonam and Sukhdev Bangar

For permission to extend the effective termination date of Land Use Contract No. 36 for four years until May 29, 2022, to permit the construction of a new residential dwelling at 12723 Drummond Place.

The Board acknowledged Poonam Bangar and his son, Saurabh Bangar, in attendance to speak to the application.

The Appellant advised he is seeking a four year extension as he is currently not in the financial position to build the home he would like to build as permitted under the Land Use Contract (LUC). The Appellants have just recently finished paying for their eldest son's university education and have just begun to pay university fees for their younger son to become a medicine professional, currently in his first year. The intention was to build their dream home after both sons have graduated from university; the termination date of

the LUC affects the time originally anticipated for building the home and would cause significant financial hardship. The eldest son has not established a stable career path and is not able to assist financially at this time. It is anticipated the family will continue to live together after the new home is constructed.

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

- Bought home 10 years ago and would like to continue to live in the peaceful, quiet, neighbourhood.
- More stable in four years when all university expenses paid and sons are gainfully employed.
- Youngest son is in his first year of university, anticipated to be four to five years to become a medical professional.

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:

- The supporting documentation provided is greatly appreciated and clearly outlines the financial education commitment for both sons.
- Hardship has been demonstrated as the financial commitment at this time is to the education of the two sons.

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT Appeal No. 17-16, to extend the effective termination date of Land Use Contract No. 36 for four years, to May 29, 2022, to permit the construction of a new residential dwelling at 12723 Drummond Place, in accordance with the provisions of Land Use Contract No. 36, be **ALLOWED**.

CARRIED UNANIMOUSLY

2. Appeal No. 17-17 – Baljeet and Daljeet Kanwar

For permission to extend the effective termination date of Land Use Contract No. 434 until June 30, 2024, to permit the construction of a new residential dwelling at 13263 – 64 Avenue.

The Board acknowledged Baljeet and Daljeet Kanwar, Appellants, in attendance to speak to the application.

The Appellants advised they purchased the home in 2005 and have lived there since February 2006. It is the only family home and property they have. The home was purchased with the understanding that the property has a Land Use Contract (LUC) that permits the construction of a larger home which was planned for the future. Time passed quickly, circumstances have changed and the plan changed to build the larger family home once the children are 18 years old. Mr. Kanwar has a medical disability and can no longer work or drive; Mrs. Kanwar has the sole responsibility of looking after the family. The two children (twins) will receive a substantial financial gift from their grandparents when they turn 18 years old. Those funds are not accessible right now and it is understood that it will be used to help pay for the construction of the new family home at that time. Until then it is impossible to begin plans to build the dream home.

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

- The home is very small with only one bathroom for the family of four.
- Only recently became aware of the grandparents intention to provide the financial gift to both children once they are 18 (currently 11 years old).
- Financial gift aside, the original goal was to pay the small remaining mortgage on the property in full within six or seven years, at which time arrangements would be made to finance the construction of the new home.

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:

- Knowing that there will be the finances to provide the opportunity to build a new family home in the future supports the request for the extension of the LUC termination.

- It has been demonstrated that the early termination of the LUC has caused a financial hardship and that the Appellants are unable to initiate the construction of their new home within the current timeframe.

Therefore, it was

Moved by I. Dhillon

Seconded by J. Rahiman

THAT Appeal No. 17-17, to extend the effective termination date of Land Use Contract No. 434 until June 30, 2024, to permit the construction of a new residential dwelling at 13263 – 64 Avenue, in accordance with the provisions of Land Use Contract No. 434, be **ALLOWED**.

CARRIED
(M. Bola Opposed)

3. Appeal No. 17-18 – Boota and Jatinder Beesla, and Harbans and Tarsem Beesla

For permission to extend the effective termination date of Land Use Contract No. 64 for three years until April 24, 2021, to permit the construction of a new residential dwelling at 14072 – 75A Avenue.

The Board acknowledged Boota Beesla, Appellant, and his daughter Harpreet Beesla, in attendance to speak to the application.

On behalf of her father, Harpreet Beesla advised the Board her parents purchased the property with the intention to build a larger home after her graduation from Simon Fraser University, anticipated in April, 2020. The family currently lives at a different property until their son completes high school at Sullivan Heights School, at which time they had planned to begin the design process for the new, larger home for the family and the two grandparents, also on title for the property.

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

- The family does not live at the property currently. The existing house on the property has three bedrooms and only one bath; not sufficient to accommodate the family of six at this time.
- The property was chosen for its LUC provisions and quiet neighbourhood; ideal for building the family home for all three generations.

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:

- The financial hardship is acknowledged as the Appellants are supporting their children's education currently and are not in a position to move forward to building their dream home at this time.

Therefore, it was

Moved by M. Bola
Seconded by I. Dhillon

THAT Appeal No. 17-18, to extend the effective termination date of Land Use Contract No.64 for three years until April 24, 2021, to permit the construction of a new residential dwelling at 14072 – 75A Avenue, in accordance with the provisions of Land Use Contract No. 64, be **ALLOWED**.

CARRIED
(J. Rahiman Opposed)

4. Appeal No. 17-19 – Gurinder and Samandeep Akali

For permission to extend the effective termination date of Land Use Contract No. 75 for five years until May 29, 2023, to permit the construction of a new residential dwelling at 12738 Arran Place.

The Board acknowledged Gurinder Akali, Appellant, in attendance to speak to the application.

The Appellant advised he bought the property in 2012 for its Land Use Contract (LUC) specifications that permits him to build a larger dream home for his family in the future. At that time he was working full time and his wife was on maternity leave with their first child and did not return to work. Since then the family has grown (now two children ages two and five) and the Appellant resigned from his employment and started his own business. With the new business start-up costs and the family having only the one income, it is financially not viable to build the new home within the LUC termination date provided.

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

- The five year extension is sought to allow time to build up the business and coincide with Mrs. Akali's return to work when the young children are both in school (approximately five years). It was the understanding that when the family is young, the preference is to stay at home and support the children.
- The new business is a mortgage business, East to West Financial; was not aware that supporting documentation should have been provided with the application. Additional information can be provided, e.g. Articles of Incorporation (end of 2015).
- Mrs. Akali previously worked in the banking industry and intends to return to the same line of work.
- The existing house is too small. When it was built in 1970 it would have been sufficient for that time. However things are different now and having only one bathroom will become an issue as the children grow up.
- In relation to other properties at the time of purchase, a premium was paid in order to purchase an LUC property which permits the type of home desired. A house under the RF zone is not sufficient.

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:

- The information provided does not satisfy the financial hardship declared.
- Although the hardship has been expressed, without supporting documentation, the Board is not in a position to determine the hardship clearly.
- The Appeal should be deferred to grant the Appellant the opportunity to provide documentation to support the hardship claimed. The Appeal can then be considered at the next or subsequent Board of Variance meeting.

Therefore, it was

Moved by M. Bola
Seconded by I. Dhillon

THAT Appeal No. 17-19, to extend the effective termination date of Land Use Contract No. 75 for five years until May 29, 2023, to permit the construction of a new residential dwelling at 12738 Arran Place, in accordance with the provisions of Land Use Contract No. 75, be **DEFERRED** pending the submission of documentation to support the claimed financial hardship.

CARRIED UNANIMOUSLY

5. Appeal No. 17-20 – David Stock

For permission to extend the effective termination date of Land Use Contract No. 376 for five years until January 16, 2023, to permit the construction of a new residential dwelling at 6260 – 129A Street.

The Board acknowledged David Stock, Appellant, in attendance to speak to the application.

The Appellant advised he bought the home in June 1978, where he raised his family, two daughters and one son. His wife passed away two years ago and, although currently in excellent health, out of concern for his health and welfare, both of his daughters and their children would like to live with him. The existing home is 39 years old and is not large enough to accommodate both families. Mr. Stock has been saving to accumulate sufficient funds to be able to build a larger home that will provide enough space and some privacy for all family members.

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

- Appellant's son lives out of the country. One daughter is in Mission and the other in Burnaby. Both daughters are insistent on keeping in touch with the Appellant to ensure he is well and is has been collectively agreed it would be better for everyone to be able to live together.
- With the daughters also having children there is a greater need for a larger home as the existing home is less than 1,000 sq. ft. and not sufficient to comfortably accommodate everyone.
- It is a simple matter of current financial circumstances that hinders being able to build a new, larger home within the timeframe permitted under the Land Use Contract (LUC) termination grace period.

- Daughters are both employed full time, one is a payroll administrator and the other is in project management.
- Although the home is fully paid for, no mortgage to pay, the Appellant is a pensioner and it is difficult to accumulate the funds needed. Both daughters are trying to put away money, including the small amount from their mother's estate, but at the moment there is not enough to begin the project.
- A five year extension is being sought as a precautionary measure just in case it takes that long. The intent is to build much sooner, but just wanted to ensure there is adequate time and did not want to encumber any substantial expenses or debt for any of the family members. It will be costly to build a home to accommodate three families.

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:

- Financial hardship has not been demonstrated. The Appellant is living in the home and he is the only one on title right now as well. The home is going to be built for the children who are not living with him at the moment; it is difficult to see a hardship.
- The intention of building the house is to provide a home that can accommodate the Appellant, his daughters and their families, so that they are able to help one another, especially if the Appellant's health deteriorates.

A brief discussion ensued with respect to the type of home permitted under the LUC versus the underlying RF zone. It was suggested the Appellant may be able to accommodate his family needs within the RF zone. Mr. Stock was advised that if the LUC terminated he would still be able to build a substantial home under the RF zone which would also permit a suite, allowing him to have his own kitchen. Whereas under the LUC provisions, a suite is not permitted and the home can only have one kitchen; it cannot be a multi-family home with multiple kitchens. The Board stated the onus is on the Appellant to talk to a designer to determine what is best in his situation.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-20, to extend the effective termination date of Land Use Contract No. 376 for five years until to January 16, 2023, to permit the construction of a new residential dwelling at 6260 – 129A Street, in accordance with the provisions of Land Use Contract No. 376, be **DENIED**.

CARRIED UNANIMOUSLY

6. Appeal No. 17-21 – Tejinder and Balbir Hans

For permission to extend the effective termination date of Land Use Contract No. 32 for three years until April 24, 2021, to permit the construction of a new residential dwelling at 7833 – 141B Street.

The Board acknowledged Tejinder Hans, Appellant, and her daughter Jaspreet, in attendance to speak to the application.

The Appellant advised the intention was to build a large house on the property under the LUC guidelines once her children had completed their studies. The Appellant has three children. Currently her oldest daughter Jaspreet (aged 19) has applied to KPU for nursing, her son has recently completed high school (now 18) and will also be attending post-secondary soon, and her youngest daughter is 13 years old. The other named person on title is the Appellant's mother, who also resides with the family. The father of the children does not live with them. The Appellant is the sole financial provider for the family.

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

- The existing home is very small, having only 1.5 bathrooms and three bedrooms. Although small, it was always the intention to be able to build a larger home under the LUC provisions that would comfortably house the Appellant, her mother and three children.
- The current dwelling is not sufficient to meet the needs of the family and they are not financially in a position presently to undergo the process of demolishing the home and building the new home.
- Jaspreet Hans does not live with her father, but has her mail sent to his address, as noted on the KPU application.
- It is anticipated that Jaspreet will have completed her health care assistant course within three years, enabling her to take on her own

education costs to continue to nursing. At that time the Appellant will be able to concentrate her finances on building the new house.

- The information provided on the KPU Application Summary, as submitted to the Board at the meeting, suggests it is an application only and does not confirm acceptance into the program. The registration is for 2018 and KPU will confirm acceptance closer to 2018. Further, the address noted on the application is the mailing address only for Jaspreet as that is her father's home; he does not reside with the family. Jaspreet lives with her mother, the Appellant.

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:

- Financial hardship has been demonstrated as the Appellant is the sole financial earner for the family and her mother and is currently paying the educational fees for her children.

Therefore, it was

Moved by I. Dhillon
Seconded by J. Rahiman

THAT Appeal No. 17-21, to extend the effective termination date of Land Use Contract No. 32 until April 24, 2021, to permit the construction of a new residential dwelling at 7833 – 141B Street, in accordance with the provisions of Land Use Contract No. 32, be **ALLOWED**.

CARRIED UNANIMOUSLY

7. Appeal No. 17-22 – Tirath and Darshan Mattu

For permission to extend the effective termination date of Land Use Contract No. 325 for four years until April 24, 2022, to permit the construction of a new residential dwelling at 13338 – 78A Avenue.

The Board acknowledged Tirath and Darshan Mattu, Appellants, in attendance to speak to the application.

The Appellant advised the home was bought two years ago. They have been living in the home and have undergone some renovations in the home as it

was not their immediate intention to build a new home under the Land Use Contract (LUC) as permitted. The extension of the LUC termination is being sought in order to allow time to sell property in India, which will provide funding to undergo construction of a new home.

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

- Although it is understood that a new home can still be built under the RF zone, the LUC permits a home that can be three floors above ground and does not require any living space below ground as the RZ zone does.
- There are seven family members that live in the house currently: the Appellants, their three children (ages six, two and four months), and the parents and brother of one of the Appellants. This is not expected to change, which is why a three level house is desired.
- Mr. Mattu is employed as an electrician and Mrs. Mattu is currently on maternity leave. They have the sole financial responsibility of the mortgage.

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.

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

- It is such a young family, with numerous extended family members planning to live with them. The RF zone would restrict them for space compared to what the LUC allows.
- Furthermore, there is currently limited earning potential to be able to contemplate designing and constructing a new home at this time.
- It should be noted that even though there are nine family members living in the home, it should be understood that the LUC does not permit a suite.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-22, to extend the effective termination date of Land Use Contract No. 325 for four years until April 24, 2022, to permit the construction of a new residential dwelling at 13338 – 78A Avenue, in accordance with the provisions of Land Use Contract No. 325, be **ALLOWED**.

CARRIED UNANIMOUSLY

8. Appeal No. 17-23 – Gurpreet and Ramandeep Khela

For permission to extend the effective termination date of Land Use Contract No. 99 until January 31, 2021, to permit the construction of a new residential dwelling at 13496 – 66A Avenue.

The Board acknowledged Gurpreet Khela, Appellant, and his young son, Jobhan, in attendance to speak to the application.

The Appellant advised he bought the property with the intention, as permitted in the Land Use Contract (LUC), to build a bigger home for the family of 10: the Appellants, two children, parents of both Appellants and grandparents. Currently the Appellants live in the home with Mrs. Khela's parents, with their children living with Mr. Kehla's parents, as the home has only two bedrooms upstairs and one bedroom downstairs. It is important that all the family members are together which is what the property can accommodate by having three full levels. Although the RF zone can provide a larger home, it is important also to have privacy for everyone, which can be accommodated under the LUC by having all the levels above ground. However, current financial position does not provide for the expense to build the desired home within the time permitted under the termination of the land use contract. Mr. Khela is employed as a long distance truck driver and Mrs. Khela is a homemaker, caring for all the family members, unable to work outside the home due to the commitment to Mr. Khela's employment requiring him to be away from home. It is not possible for Mr. Khela to change his job at this time from long haul to local driving as that would reduce his earning potential. The goal is to work hard to remove the burden of the large mortgage he currently holds in order to qualify for financing to build the new home. Mr. Khela believes he will be able to accomplish this within the three to four years and would like to extend the termination of the land use contract in order to provide the opportunity for him to be financially able to build a new home at that time.

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

- The new, larger house is required to accommodate four generations of family members (10 in total). An RF zoned home would provide the size but not all three equal levels, whereas the LUC permits some separation and privacy for each age group. As the only person earning an income, there simply is not the funding available at this time to meet the current deadline of the LUC.
- The original plan was to build a new house after Mr. Khela was married. The property was purchased three years ago with the intention to build the family home for the extended family. Having two children and working very hard delayed those plans as it has been very tiring to work hard and still have time to enjoy the children/family without being stressed about more money needed immediately to be able to pay the mortgage as well as build a home.
- Mr. Kehla has been a truck driver for 12 years. He owns his own truck and is subcontracted to haul scrap metal. He does not own any additional trucks.
- Mr. Khelsa believes he will be able to meet his goal of earning enough money by 2021 to build the home. He knows what he is capable of and does not need to extend further than requested, which is why he is seeking a three year extension only. Working hard now will provide him the time later to spend more time with his children and family, which is why it is important for Mr. Khelsa to meet his target for 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.

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

- Financial hardship is acknowledged for this appeal as Mr. Khelsa is the only person supporting the whole family and earning an income.
- The Appellant could have requested a longer LUC termination extension, however he is only seeking three years as he knows his limitations and appears confident that he can have the funding needed within that time.

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT Appeal No. 17-23, to extend the effective termination date of Land Use Contract No. 99 until January 31, 2021, to permit the construction of a new residential dwelling at 13496 – 66A Avenue, in accordance with the provisions of Land Use Contract No. 99, be **ALLOWED**.

CARRIED
(J. Rahiman Opposed)

D. OTHER BUSINESS

E. NEXT MEETING

The next Board of Variance meeting is scheduled to be held on **Wednesday, September 13, 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 10:52 am.



Puneet Sandhar, Vice Chair



Lorraine Anderson, Secretary