

**City of Surrey
Board of Variance
Minutes**

2E – Community Room A
City Hall
13450 - 104 Avenue
Surrey, B.C.
MONDAY, OCTOBER 16, 2017
Time: 9:00 AM
File: 0360-20

Present:

Gil Mervyn, Chair
Mike Bola
Inderjit Dhillon
Jennifer Rahiman
Puneet Sandhar

Absent:

Staff Present:

K. Broersma, Planning & Development
C. Lumsden, Planning & Development
A. Rossi, Planning & Development
I. Pooni Residential Plan Checker, Building
L. Anderson, Secretary

A. ADOPTION OF MINUTES

Minutes of the Board of Variance meeting held September 13, 2017.

Moved by P. Sandhar
Seconded by M. Bola

THAT the Minutes of the Board of Variance meeting held on September 13, 2017,
be received and adopted as circulated.

CARRIED UNANIMOUSLY

B. DEFERRED APPEALS

C. NEW APPEALS

Board member I. Dhillon declared a conflict of interest as the designer related to the following appeal and left the meeting at 9:06 a.m.

1. Appeal No. 17-44 – Malik

For permission to reduce the maximum flanking yard setback from 3.6 m to 2.6 m, to permit the construction of a new residential dwelling at 12545 – 106A Avenue.

The Board acknowledged Kirat Malik, Appellant, in attendance to speak to the application.

The Appellant advised this is the first time she has had a home built. After receiving the Building Permit in July it was reported that a retaining wall along the east property line was leaning into the property and the geotechnical engineer determined the retaining wall would need to be shored from the

inside of the property. As a result of the shoring, the space in the east side yard is no longer sufficient to allow workers adequate room to safely move between the retaining wall and the east building face in order to complete construction. In order to accommodate construction, a variance is requested to re-site the dwelling 1.0 m to the west. The overall building area and lot coverage will not change with the variance.

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

- The shoring is metal pile with steel braces between the shoring and some plywood as well. It is deep in the ground the same amount as above the ground, supported by concrete; all signed off by the engineer. (Photos of the shoring were shown and the height of the basement foundation was noted.)
- The retaining wall is not permanent at this stage. It will be replaced with an aesthetically pleasing and more landscaped retaining wall.
- The liability falls on the neighbour, however in an effort to avoid delay up to one year, the construction and expense of the retaining wall was undertaken by the Appellant. It was also seen as a way of ensuring a good relationship with the neighbour.
- The problem with the significant grade change to the property behind was not noted until excavation started and the shoring was put in.
- The property borders a short road and has green space across from it. The new home will not affect the neighbour's view. It is only projecting into a side yard.
- Although the neighbour's property may look vacant, it is inhabited.

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.

In response to questions from the Board, Planning staff advised:

- When there is an unstable situation such as the retaining wall, it is something that WorkSafe will get involved in.
- The retaining wall would not be something the City would be aware of at the time of applying for the Building Permit. It is not until the inspectors go out to see if the grades fit.

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

- In an ideal world, a situation like this would be addressed before initial construction of the house.
- Upon hearing the Appellant's struggle to meet the requirements for building the home and trying to make it safe for the neighbour's property as well, a significant hardship has been determined.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 17-44, to reduce the maximum flanking yard setback from 3.6 m to 2.6 m, to permit the construction of a new residential dwelling at 12545 – 106A Avenue, as described in the drawings presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

Board member I. Dhillon rejoined the meeting at 9:20 am

2. Appeal No. 17-45 – S. & M. Sran

For permission for an extension of five years to the effective termination date of Land Use Contract No. 36, until May 29, 2023, to permit the construction of a new residential dwelling at 12707 – 92 Avenue.

The Board acknowledged Sukhdev Sran, Appellant, in attendance to speak to the application.

The Appellant informed he purchased the 7,200 sq. ft. property in 2010 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. He lives in the home with his extended family of 11, including parents and grandparents, and his children attend the local school. The Appellant provided information relative to his hardship, including financial hardship due to an investment commitment with other family members for a parcel of land which took two years for the developer to subdivide and transfer ownership (documentation shown to the Board). The intent of the investment property is to develop (design plans are underway) and sell to support the funding required for the new larger family home at the subject property.

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:

- This is an area that is in transition; there is LUC redevelopment and larger homes in the area.
- Hardship has been demonstrated. There is a need for a larger home as allowed under the LUC provisions. Cannot start construction due to the investment property commitment initiated before the LUC termination.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-45, to extend the effective termination date of Land Use Contract No. 36 for five years until May 29, 2023, to permit the construction of a new residential dwelling at 12707 – 92 Avenue, in accordance with the provisions of Land Use Contract No. 36, be **ALLOWED**.

CARRIED
(J. Rahiman opposed)

In the absence of representation for Appeal No. 17-46, the Agenda was varied to defer the appeal until later in the meeting. Appeal No. 17-46 was considered immediately following Item 5.

4. Appeal No. 17-47 – M. & G. Dhaliwal

For permission for an extension to the effective termination date of Land Use Contract No. 36, until June 30, 2024, to permit the construction of a new residential dwelling at 9078 Buchanan Place.

The Board acknowledged Mr. Makhan Dhaliwal, Appellant, in attendance to speak to the application.

The Appellant informed he has lived in house, situated on an 8,851 sq. ft. lot, for approximately 16 years. It has been the intention to build a larger home for his extended family of 10, including his two children, his wife and her parents and sisters, under the Land Use Contract (LUC) specifications permitted. A mortgage was taken out on his home to purchase an investment property with his sister-in-law in 2016. As a result of the investment, he is unable to receive approval for a mortgage to construct the new family home prior to the LUC termination.

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

- Currently only one income; children are young and wife not working.
- Although there is no mortgage on the subject property, there is on the investment property, which would need to be sold in order to provide the funds necessary to build the new home.
- Under the RF zone, 4,600 sq. ft. on the upper two floors can be built. Depending on servicing, a basement may be built.
- There are other LUC homes in the neighbourhood, for example, the neighbour is building a 9,600 sq. ft. home on his 13,000 sq. ft. lot.

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 Appellant has another property purchased before the LUC termination as an investment to allow for the future construction of a new home. He has demonstrated the hardship and the intent for a much needed larger home that is not possible right now while his wife is not working. The area is also under transition.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-47, to extend the effective termination date of Land Use Contract No. 36 until June 30, 2024, to permit the construction of a new residential dwelling at 9078 Buchanan Place, in accordance with the provisions of Land Use Contract No. 36, be **ALLOWED**.

CARRIED
(J. Rahiman opposed)

5. Appeal No. 17-48 – J. & H. Mann

For permission for an extension of three years to the effective termination date of Land Use Contract No. 36, until May 29, 2021, to permit the construction of a new residential dwelling at 9158 Malcolm Place.

The Board acknowledged Jaspal Mann, Appellant, in attendance with his son, Gurpreet Mann, as translator to speak to the application.

The Board was informed the Appellant has been living in the home since 2002 with his wife and two sons. It is the only property he owns and it has a mortgage on it. For the past two years he has been planning and saving to build a new home under the Land Use Contract (LUC) specifications permitted for his future extended family. The early LUC termination has brought hardship as they are not financially ready to build at this time. Mr. Mann and his wife both work full-time, however their financial capabilities are restricted. Their youngest son is a high-school student and is unable to financially contribute to the family's income and their eldest son was recently involved in a serious motor vehicle accident for which there is an on-going insurance claim and he is unable to work. They anticipate being financially able to build their new home by 2021, and are seeking a three year extension.

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 property is 7,500 sq. ft., which would permit a 4,150 sq. ft. RF zone home. However a pattern of redevelopment for much larger homes is already happening in the neighbourhood.
- Hardship has been determined. The family was not prepared for the LUC termination and there has been an interruption in their financial plan of their son working due to his motor vehicle accident. The extension sought is only until 2021 to provide the opportunity to fund construction.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-48, to extend the effective termination date of Land Use Contract No. 36 for three years until May 29, 2021, to permit the construction of a new residential dwelling at 9158 Malcolm Place, in accordance with the provisions of Land Use Contract No. 36, be **ALLOWED**.

CARRIED UNANIMOUSLY

At 9:51 a.m. the Board was advised the Appellant for Appeal 17-46 was in attendance and the Agenda was varied to consider Appeal 17-46 accordingly.

3. Appeal No. 17-46 – Natt

For permission for an extension to the effective termination date of Land Use Contract No. 36, until November 13, 2023, to permit the construction of a new residential dwelling at 12755 – 90 Avenue.

The Board acknowledged Sukhwinder Natt, Appellant, in attendance with his son, Tanvar Natt, as translator to speak to the application.

The Board was informed the property was purchased two years ago for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The termination of the LUC was not anticipated and construction of a new 8,500 sq. ft. LUC home at their second property, next door to the subject property, recently completed with the intent to sell. Finances are not available to build the second home as there are mortgages on both properties.

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

- There are currently nine family members, including children and grandchildren, living in the recently completed second home.
- Ideally would like to have both properties to split between the nine family members – four and five family members accordingly.

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:

- In determining a hardship, it is important for the Board to understand what would significantly change and how the Appellants would be impacted negatively if the Appeal was not approved.
- Given the Appellant owns another property that is currently being redeveloped under the LUC provisions, and can redevelop the subject property with a large home under the RF provisions, hardship has not been demonstrated.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-46, to extend the effective termination date of Land Use Contract No. 36 until November 13, 2023, to permit the construction of a new residential dwelling at 12755 – 90 Avenue, in accordance with the provisions of Land Use Contract No. 36, be **DENIED**.

CARRIED UNANIMOUSLY

6. Appeal No. 17-49 – Basra

For permission for an extension to the effective termination date of Land Use Contract No. 36, until December 31, 2021, to permit the construction of a new residential dwelling at 9064 Robertson Drive.

The Board acknowledged Inderjit Basra, Appellant, and her daughter-in-law, Harpreet Basra, as translator, in attendance to speak to the application.

The Board was informed the property was purchased in 2009 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Construction of the new home was intended to begin in 2015, however Mrs. Basra's husband became seriously ill and all plans were put on hold. Her daughter-in-law stopped working and put her medical schooling on hold to look after Mr. Basra and her son reduced his hours of work in order to assist caring for his father. Mr. Basra passed away in August 2017 and his son has returned to full time employment and his wife has returned to school to complete the final year of her nursing studies and seek full time employment afterward. However, the two year setback has been further compounded by the recent LUC termination as they are not in the position financially to build the home within the time permitted. A three year extension is sought to provide time to become financially stable, remain in the neighbourhood they call home, and build the long anticipated larger new home for the family.

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

- There is currently a mortgage on the property.
- The extended family presently consists of seven members, the Appellant, her grandmother, her two sons and their wives and one grandchild.

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 neighbourhood is very much in transition with the majority of homes recently redeveloped or in the stages of construction, including the next door neighbour who has already submitted their plans.
- The family has experienced significant hardship during the past two years that has pushed back their plans to build a new home. They are now back on their feet and working towards the planning and construction of their new home for their extended family.

Therefore, it was

Moved by I. Dhillon
Seconded by J. Rahiman

THAT Appeal No. 17-49, to extend the effective termination date of Land Use Contract No. 36 until December 31, 2021, to permit the construction of a new residential dwelling at 9064 Robertson Drive, in accordance with the provisions of Land Use Contract No. 36, be **ALLOWED**.

CARRIED UNANIMOUSLY

7. Appeal No. 17-50 – Gill

For permission for an extension of six years to the effective termination date of Land Use Contract No. 448, until April 24, 2024, to permit the construction of a new residential dwelling at 7934 – 126A Street.

The Board acknowledged Gurpreet Gill, Appellant, in attendance to speak to the application.

The Appellant advised she and her husband purchased the property in 2012 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. With the expense of buying their first home and having a mortgage, and having only one income while the children (twins) are young, it was not possible to construct a new home, so it had been planned they would undergo renovations for the time being and opt for building the home in the future. Mrs. Gill further reported that her mother-in-law is in the early stages of a debilitating illness which would impact her significantly if she needed to move from her familiar environment. An extension to the LUC termination would allow time to save and build the new home.

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

- There are eight family members consisting of the Appellants, both of their parents and their two young children.
- RFG zone would permit 2,800 sq. ft. maximum for a new home. The need is for a home approximately 6,000 sq. ft., sufficient for the extended family and for when family visit from Toronto.

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 area is experiencing a transition. Many homes in the neighbourhood are original but there are new homes that have been built and some under construction currently, including a new house across the street from the subject property as well as plans recently submitted for next door neighbour.
- Hardship has been demonstrated. It is the Appellant's only property, they have undergone the expense of renovations and recent medical concerns prevent them from building at this time.

Therefore, it was

Moved by J. Rahiman
Seconded by M. Bola

THAT Appeal No. 17-50, to extend the effective termination date of Land Use Contract No. 448 for six years until April 24, 2024, to permit the construction of a new residential dwelling at 7934 – 126A Street, in accordance with the provisions of Land Use Contract No. 448, be **ALLOWED**.

CARRIED UNANIMOUSLY

8. Appeal No. 17-51 – Tut

For permission for an extension of six years to the effective termination date of Land Use Contract No. 448, until April 24, 2024, to permit the construction of a new residential dwelling at 7918 – 126A Street.

The Board acknowledged Pardeep Tut, Appellant, in attendance to speak to the application.

The Appellant informed the home was bought in 2013 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future to accommodate a growing young family. Approximately \$15,000 - \$20,000 has been spent on renovations to accommodate the current family members, including her husband and both sets of parents. The Appellant's parents are retired, her husband is working and she has recently started a new job as a health care assistant. There is a mortgage on the property. The lengthy extension has been requested to provide time to save for the construction of a larger home for the young growing extended family.

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:

- This is another example of a home in an area that is transitioning fast.
- Hardship has been determined. This is a young family not ready to build by the LUC termination deadline after spending money on renovations.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-51, to extend the effective termination date of Land Use Contract No. 448 for six years until April 24, 2024, to permit the construction of a new residential dwelling at 7918 – 126A Street, in accordance with the provisions of Land Use Contract No. 448, be **ALLOWED**.

CARRIED UNANIMOUSLY

9. Appeal No. 17-52 – B. Dhaliwal

For permission for an extension to the effective termination date of Land Use Contract No. 448, until June 30, 2024, to permit the construction of a new residential dwelling at 7819 – 126A Street.

The Board acknowledged Baldev Dhaliwal, Appellant, in attendance with her young daughter Bhavneet Dhaliwal, as translator, to speak to the application.

The Appellant's daughter informed the Board her mother purchased the property in 2013 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future, intended for her parents coming from India and her daughter's future family. This is the only property the Appellant owns and it was completely renovated soon after it was purchased.

Shortly before receipt of the LUC termination notification a further \$10,000 had been spent on building a sundeck; money that would not have been spent if she had been aware of the upcoming LUC termination. Financial hardship was reported as a result of having to be off work for six months following necessary surgery, and having insufficient funds to build prior to the land use contract termination date.

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 surrounding area is already accommodating LUC construction.
- Due to the cost of the renovations, the Appellant is not in the position to tear down and build again. Financial hardship, as stated in the written submission and in person, has been determined.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-52, to extend the effective termination date of Land Use Contract No. 448 until June 30, 2024, to permit the construction of a new residential dwelling at 7819 – 126A Street, in accordance with the provisions of Land Use Contract No. 448, be **ALLOWED**.

CARRIED UNANIMOUSLY

10. Appeal No. 17-53 – Bagri

For permission for an extension to the effective termination date of Land Use Contract No. 448, until June 30, 2024, to permit the construction of a new residential dwelling at 7875 – 126A Street.

The Board acknowledged brothers Tajinder and Mandeep Bagri, Appellants, in attendance to speak to the application.

The Appellants advised they are first time home buyers that purchased the property recently (completed September 12, 2017) for themselves and their spouses for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. There are four family members living in the home with the intent to have children in the future. Information was provided relative to their hardship, including financial hardship due to the purchase of the property, Mandeep's wife recently becoming a permanent

resident from the USA and looking for full time employment in the health care profession, and expenses related to Tajinder's recent marriage, leaving insufficient funds to build prior to the land use contract termination date. Furthermore, it has been determined the 7,700 sq. ft. lot would not permit a sufficient home for the growing families within the underlying RF zone.

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 neighbourhood is in transition and well under redevelopment of LUC larger, three-storey homes.
- Financial hardship has been determined as the home was recently purchased with all their savings and a mortgage in an effort to provide the opportunity to build a large home for both families to live together.

Therefore, it was

Moved by J. Rahiman
Seconded by M. Bola

THAT Appeal No. 17-53, to extend the effective termination date of Land Use Contract No. 448 until June 30, 2024, to permit the construction of a new residential dwelling at 7875 – 126A Street, in accordance with the provisions of Land Use Contract No. 448, be **ALLOWED**.

CARRIED UNANIMOUSLY

The Board recessed at 10:30 a.m. and reconvened at 10:41 a.m.

11. Appeal No. 17-54 – M. Dhaliwal

For permission for an extension of three years to the effective termination date of Land Use Contract No. 63, until April 24, 2021, to permit the construction of a new residential dwelling at 7672 – 140A Street.

The Board acknowledged Mohan Dhaliwal, Appellant, in attendance with Gurinder Multani, as translator, to speak to the application.

Mr. Multani advised that the Appellant purchased the property in 2013 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future for his extended family of 11 (including parents, his brother and sister, and their families). The Appellant had purchased an

investment property with sister on April 9, 2016 and was only notified about the LUC termination of the subject property when he received the letter later that same month. It was further reported that if the LUC termination had been determined earlier, the investment property would not have been purchased. As a result, the Appellant has two mortgages and is now unable to receive funding to build the new house within the timeframe. Therefore an extension of three years is being sought.

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

- The subject property is currently rented. The Appellant and his family have been living at another property (67B Avenue) owned by his brother since he purchased the property so that his children can attend the local school; the same catchment as the subject property.
- The extended family that will live in the new home currently live in multiple locations and pooling their resources to live in one family home.
- The purchase of the investment property, prior to the knowledge of the LUC termination, affects the ability financially to be able to undergo the construction of a new home at this time as there are now two mortgages.
- The children already go to school in the area because the plan is to build the forever home on the subject property in that school catchment.
- The current house is 3,900 sq. ft.; the intent was always to build a larger, three-storey home in anticipation of more family in the future. Under the RF zone he may not be able to build three-storey; it would be two storey plus basement.

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 neighbourhood is definitely undergoing a transition, with many larger LUC homes existing in the immediate area.
- The Appellant has stated that he would not have purchased the investment property had he known the LUC on the subject property was going to be terminated. He cannot develop right now because the Appellant's sister does not have additional funding required right now for construction of the extended family home.
- Financial hardship has been determined. The Appellant purchased the investment property shortly before knowing the LUC would terminate. The intent to build a larger family home has been illustrated as they are already in an extended family, and supported by the fact the children

were purposely enrolled in area school. Furthermore, they are not seeking the full extension, which supports their intent to build in the near future.

Therefore, it was

Moved by I. Dhillon
Seconded by P. Sandhar

THAT Appeal No. 17-54, to extend the effective termination date of Land Use Contract No. 63 for three years until April 24, 2021, to permit the construction of a new residential dwelling at 7672 – 140A Street, in accordance with the provisions of Land Use Contract No. 63, be **ALLOWED**.

CARRIED
(M. Bola and J. Rahiman opposed)

12. Appeal No. 17-55 – Moor

For permission for an extension of two years to the effective termination date of Land Use Contract No. 63, until April 24, 2020, to permit the construction of a new residential dwelling at 7691 – 140A Street.

The Board acknowledged Charnjit Moor, Appellant, in attendance to speak to the application.

The Appellant advised he is currently living in Victoria and had purchased the property in 2012 with his wife, his brother, and his brother's wife, for its Land Use Contract (LUC) specifications that permit the construction of a larger home for their families upon his retirement in the future. The house in Victoria will need to be sold to help fund the construction of the new house, which was planned to happen upon the Appellant's retirement in 2018. An extension of only two years is sought in order to meet continue with the plans of building the new house. Once complete, the new home will be for the Appellant's son, daughter, brother and their families. The subject property is currently rented.

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 neighbourhood is undergoing a transition of redevelopment to larger LUC homes.
- Hardship has been demonstrated. The property was purchased a number of years ago with the intent to live with extended family in the

future in a larger, newly constructed home for the extended family. The early LUC termination has altered the ability to put the original plan in motion. The extension sought is reasonable, April 24, 2020.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-55, to extend the effective termination date of Land Use Contract No. 63 for two years until April 24, 2020, to permit the construction of a new residential dwelling at 7691 – 140A Street, in accordance with the provisions of Land Use Contract No. 63, be **ALLOWED**.

CARRIED

(M. Bola and J. Rahiman opposed)

13. Appeal No. 17-56 – Pattar

For permission for an extension of four years to the effective termination date of Land Use Contract No. 44, until May 29, 2022, to permit the construction of a new residential dwelling at 8679 Tulsy Crescent.

The Board acknowledged Harminder and Harmesh Pattar, Appellants, in attendance to speak to the application.

The Appellants informed that they bought the property in 2015 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future for their family of six. They own two properties with Mr. Pattar's parents and live together at the second property, which also holds a mortgage. Information was provided relative to their hardship, including financial hardship due to a motor vehicle accident in 2016 resulting in Mr. Pattar being on disability and unable to qualify for a mortgage at this time. He is still receiving spinal decompression treatments. Furthermore, the property backs on to a creek which will require extra time to ensure design specifications comply with any restrictions in place as a result. An extension until 2022 is being sought to allow time to return to better health and full time employment.

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:

- It is an area that is in transition; there are new larger homes completed and underway throughout the neighbourhood.
- A financial hardship has been demonstrated as a result of the Appellant's injuries and inability to work following a motor vehicle accident prior to the LUC termination. He also will require more time to address any potential issues pertaining to the creek on the property.

Therefore, it was

Moved by M. Bola
Seconded by P. Sandhar

THAT Appeal No. 17-56, to extend the effective termination date of Land Use Contract No. 44 for four years until May 29, 2022, to permit the construction of a new residential dwelling at 8679 Tulsy Crescent, in accordance with the provisions of Land Use Contract No. 44, be **ALLOWED**.

CARRIED UNANIMOUSLY

14. Appeal No. 17-57 – Marok

For permission for an extension of five years to the effective termination date of Land Use Contract No. 44, until May 29, 2023, to permit the construction of a new residential dwelling at 13394 – 87B Avenue.

The Board acknowledged Harjinder Marok, Appellant, in attendance with his son, Jaspal Marok, as translator, to speak to the application.

The Appellant purchased the property in 2008 for its Land Use Contract (LUC) specifications that permit the construction of a larger home; suitable for his eight family members, including his son and his family and his in-laws arriving soon from India. The Appellant provided information relative to his hardship, including financial hardship, due to financial assistance provided to his son to build a warehouse, as well as currently being on disability and not able to get approval for a mortgage until the loans to his son are paid. It is anticipated it will take four or five years for his son to be financially stable and able to assist with the construction and expense of the future extended family home.

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

- There has also been a significant amount of renovations to the home since it was purchased in 2008 (e.g. flooring, kitchen, windows, etc.).

- The commitment to assist his son with the financial support to build the warehouse was already underway at the time of the LUC termination.
- Other than the subject property and the interest in the warehouse, no other properties are owned.
- An extension of five years to the LUC termination is sought to provide time for the warehouse to become financially stable and loans repaid.
- There are quite a few larger new homes in the neighbourhood in excess of 6,000 sq. ft., including one on the opposite side of the property and another across the street.

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:

- It is an area that is in transition; there are new larger homes completed and underway throughout the neighbourhood.
- Hardship has been determined as a result of the warehouse just recently being constructed utilizing all the available savings and loans. The Appellants just need a little extra time to become stable and raise the funds for the new extended family house.

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT Appeal No. 17-57, to extend the effective termination date of Land Use Contract No. 44 for five years until May 29, 2023, to permit the construction of a new residential dwelling at 13394 – 87B Avenue, in accordance with the provisions of Land Use Contract No. 44, be **ALLOWED**.

CARRIED UNANIMOUSLY

15. Appeal No. 17-58 – Athwal

For permission for an extension to the effective termination date of Land Use Contract No. 576, until June 30, 2024, to permit the construction of a new residential dwelling at 7274 – 140A Street.

The Board acknowledged Joginder and Surinder Athwal, Appellants, in attendance with their son, Sukhbir Athwal, as translator, to speak to the application.

The Appellant's son informed the Board that his parents purchased the property in 2015 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future for the family and future grandchildren. It is the only property they own. They are unable to begin construction of a new family home as his mother has just recently attained a full time job and he has also just finished college and started his first full time job; his sister is still in high school. Seeking the maximum LUC extension period available.

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

- Have not discussed the plans to build a new home with the neighbours. However, they are aware that there are neighbours that do not support the larger house style for the neighbourhood.
- Not looking to build a very large home, just a new home large enough to accommodate the five family members and will not be able to build the home if the extension is not granted due to finances. Mrs. Athwal and her son have only recently started working full time and her daughter is still in high school (grade 10).

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. However, it was reported that there had been three items of correspondence received in response to the notification for Appeal No. 17-59, which closely neighbours the subject property. As a result, those three items of correspondence were reviewed and the Board made the following comments regarding the correspondence:

- The neighbourhood currently has original homes and there haven't been any new houses built. However the underlying zone is RFG which, if the no permitted to build under the LUC, would limit the Appellants to a home of 2,800 sq. ft. maximum for the subject property, only slightly larger than the current home of 2,100 sq. ft.
- There was never any guarantee that at any time the neighbourhood would not have had someone building a larger home as permitted all these years; there has always been the possibility of larger homes.
- This area will redevelop, but this is an area that the intent of the bylaw to standardize the zoning and the types of development that is there needs to be considered. In this case, if the extension is not granted, the Appellants could go ahead and build should their situation change prior to the deadline for applying for a Building Permit. In addition, to determine if hardship has been established, the Board has to keep in mind the intent, even under RFG, it is going to redevelop and it is going to have secondary suites, and it is going to have extra parking.

- One of the items of correspondence particularly states their opposition as they believe a larger house would negatively affect the value of their property. Again, it should be noted that the neighbourhood has always allowed for larger homes, it is just that there hasn't been any redevelopment of the existing original homes, which is not to say that it still will not happen.
- With respect to concerns regarding parking, this is an issue of civic sense as opposed to larger homes; increasing the parking to accommodate the same number of occupants living in the current home as it would be in the new home. Keeping in mind the underlying zone, this is not something that someone can change, it was always permitted but for their circumstances did not build earlier.

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

- In many cases, those who purchased the homes originally had no idea that the larger types of homes were able to be built in their neighbourhood.
- There is change coming. Denying the appeal would not make a difference as construction of a new home could happen sooner if the property owner deems it necessary due to the limitations of the RFG zone in this case.
- This is a very typical example of a family that planned, it is their only property. Their needs may not be able to be met because of the underlying RFG.
- Hardship has been determined in this case as a result of the Appellants' financial situation as well as the limitations of the RFG zone preventing them from having a sufficiently large home for their family.

Therefore, it was

Moved by M. Bola

Seconded by J. Rahiman

THAT Appeal No. 17-58, to extend the effective termination date of Land Use Contract No. 576 until June 30, 2024, to permit the construction of a new residential dwelling at 7274 – 140A Street, in accordance with the provisions of Land Use Contract No. 576, be **ALLOWED**.

CARRIED UNANIMOUSLY

16. Appeal No. 17-59 – Virk / Rai

For permission for an extension to the effective termination date of Land Use Contract No. 576, until June 30, 2024, to permit the construction of a new residential dwelling at 7284 – 140A Street.

The Board acknowledged Simranjit Virk, Appellant, in attendance with his son, Yuvraj Virk, as translator, to speak to the application.

The Appellant's son advised his father purchased the family home in February, 2017 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in 2022 for his extended family. The property was purchased at a premium price because of its LUC and as a result, his father is not in a financial position to build at this time. He was not aware that the LUC was terminating until correspondence was received after he took possession. Currently his father and aunt are working and his mother is not working. They cannot afford to build now, but are saving to build the new home in the future for the family, consisting of himself and his parents, sister, aunt and grandmother.

A brief discussion ensued between the Board and Planning staff regarding LUC termination notification and the following was noted:

- With respect to Bylaw 19047, it received its first and second reading from Council on December 16, 2016, with the Public Hearing held on January 23, 2017, and final adoption on April 24, 2017.

The Chair confirmed there were no persons present to speak to the application and that there were three items of correspondence in response to the notification regarding the Appeal 17-59. The Board referred to the three letters in opposition and the status of redevelopment in the neighbourhood during Application 17-58.

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

- Although there has been correspondence received, it cannot be established whether or not the Appellant would have been aware of the termination simply because of the dates; benefit of the doubt is given.
- It is anticipated the area will be in transition. The underlying zone is much more restrictive and would not allow the type of house that many are now seeking.
- Financial hardship has been determined.

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT Appeal No. 17-59, to extend the effective termination date of Land Use Contract No. 576 until June 30, 2024, to permit the construction of a new residential dwelling at 7284 – 140A Street, in accordance with the provisions of Land Use Contract No. 576, be **ALLOWED**.

CARRIED UNANIMOUSLY

17. Appeal No. 17-60 – Gill

For permission for an extension to the effective termination date of Land Use Contract No. 325, until December 20, 2023, to permit the construction of a new residential dwelling at 13287 – 78A Avenue.

The Board acknowledged Simarjeet Gill, Appellant, in attendance with her son Jaz Gill, as translator, to speak to the application.

The Appellant's son advised the property was purchased in 1998. It was the intention to build a larger home for the extended family and plans were underway up until 2013 when his grandfather became unwell and his mother stopped working to look after her father. It was decided at that time to take out a mortgage on the home in order to find a smaller home that did not have any stairs and would accommodate his grandfather's limited mobility. The plan remained to build a new home on the subject property under the LUC in the future, however the termination of the LUC has created a financial hardship as there are currently mortgages on both properties and the Appellant is not in a position to build within the limited time available.

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

- The second property to accommodate the Appellant's father was purchased in 2014.
- Ideally would like to build a three-storey home to accommodate the 10 extended family members.
- The Appellant's son is anticipated to graduate from Beedie School of Business in 2023 and will then be in a position to assist with the plans for 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:

- The neighbourhood has already been experiencing redevelopment with many LUC type homes recently constructed.
- Hardship has been determined. They plan to build the house that will accommodate their large joint family that will provide privacy, especially for grandparents that need easy access. In addition, the post-secondary schooling costs limit their finances.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-60, to extend the effective termination date of Land Use Contract No. 325 until December 20, 2023, to permit the construction of a new residential dwelling at 13287 – 78A Avenue, in accordance with the provisions of Land Use Contract No. 325, be **ALLOWED**.

CARRIED UNANIMOUSLY

18. Appeal No. 17-61 – Atwal

For permission for an extension of five years to the effective termination date of Land Use Contract No. 325, until April 24, 2023, to permit the construction of a new residential dwelling at 13277 – 78A Avenue.

The Board acknowledged Orinder Atwal, Appellant, in attendance to speak to the application.

The Appellant informed that he bought the property nine years ago for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future for the extended family, currently six members. The timing of the LUC termination affects the plans for the new home as the savings have gone towards the education of the Appellant's sister's post-secondary education and for the trucking business recently started in an effort to raise the funds for the new home in the future. The Appellant anticipates being in a position to begin construction on a new home by 2023 and is seeking a five year extension.

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

- The Appellant lives in the home with his six family members. It is the only property they own.

- The new business was purchased after the termination letter was received.
- The children are still young and will need a home that provides more space than what they have now as they grow.

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:

- Hardship has been determined as the Appellants purchased a business recently in an effort to raise the finances required to build a larger home for their extended family. The home had been purchased specifically for the neighbourhood and the ability to build under the LUC. Many of the homes in the neighbourhood are already in transition.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-61, to extend the effective termination date of Land Use Contract No. 325 for five years until April 24, 2023, to permit the construction of a new residential dwelling at 13277 – 78A Avenue, in accordance with the provisions of Land Use Contract No. 325, be **ALLOWED**.

CARRIED UNANIMOUSLY

19. Appeal No. 17-62 – Heir

For permission for an extension of three years to the effective termination date of Land Use Contract No. 155, until May 29, 2021, to permit the construction of a new residential dwelling at 9362 – 132A Street.

The Board acknowledged Jaspal Heir, Appellant, in attendance to speak to the application.

The Appellant informed she and her husband purchased the property in 2008 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The home has been rented since it was purchased and the Appellants live at their other property, where they have lived for 17 years raising their family. The intent of the subject property was to build their larger home for their six family members and future extended family after their children had completed their post-secondary education. The Appellant provided information relative to the hardship caused by the early

LUC termination, including the current medical condition of her 85 year old mother-in-law who is experiencing the early stages of an illness which could have a significant impact on her health if she was removed from her familiar surroundings and her neighbourhood to relocate at this time. Further, it had been agreed with their tenant, who has been living at the property for six years, that he could stay longer as he now has his daughter and her four children living in the basement of the home. An extension of three years is sought to allow time to address her mother-in-law's health concerns and to allow time for the tenant to consider his options for his family.

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

- The Appellants own the subject property, the house they are living in and a one bedroom apartment for investment purposes.
- If the extension of time is not granted it will trigger the need to move the mother-in-law which will could accelerate her illness; it is extremely important at this stage of her illness to keep her in familiar surroundings.
- The children have recently completed their post-secondary education and will be helping with the construction of the new home.
- Really do not want to disrupt the tenant. He has been there for six years and has advised that if he had to move from the home now he would need to retire early and move to a smaller town, where he can afford reasonable rent for himself, his daughter and his grandchildren.

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:

- Looking at the area, that end of the cul-de-sac does not have any redevelopment but there are other homes further down the street that have already been redeveloped.
- Hardship has been determined as the Appellants would need to displace an older family member at an important time of her illness and they really want to be able to help their tenant for a little longer and not have to disrupt his family at this time.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-62, to extend the effective termination date of Land Use Contract No. 155 for three years until May 29, 2021, to permit the construction of a new residential dwelling at 9362 – 132A Street, in accordance with the provisions of Land Use Contract No. 155, be **ALLOWED**.

CARRIED

(M. Bola and J. Rahiman opposed)

20. Appeal No. 17-63 – S. & P. Mann

For permission for an extension of five years to the effective termination date of Land Use Contract No. 155, until May 29, 2023, to permit the construction of a new residential dwelling at 13286 – 95A Avenue.

The Board acknowledged Surjit and Parmjit Mann, Appellants, in attendance with their daughter Japnam Mann, as translator, to speak to the application.

The Appellant's daughter advised her parents are in the process of building a house on their second property next door to the subject property. All of their savings are being used for the second property at this time. She further informed she had just finished her post-secondary education at Simon Fraser University, paid for by her parents, is now expecting her first child and will be moving into the neighbouring property with her husband and her brother, currently attending Kwantlen Polytechnic University and his future wife. The subject property will be for the Appellants and their youngest son who will graduate from high school in 2018, and their cousins. An extension of the LUC termination date is required to provide enough time to raise the funds required to build the second home.

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

- The neighbouring property is approximately 6,000 sq. ft. and will be completed by April 2018.
- The current home on the subject property is 2000 sq. ft. Under the RF zone, a new home of approximately 4,020 sq. ft. would be permitted, which is not enough room for the Appellants, their cousins and their son and his future family.
- It is important to the family to be living close together. Having the properties directly neighbouring one another provides the opportunity to have sufficient space for all the family members.

- 4,000 sq. ft. for the subject property would not provide the privacy sought for all the family members. It will be the Appellant's dream home, and it is important that everyone else living with them has their own room, and that there is still space for when family and friends travel to visit.
- The Appellants want to provide two homes to accommodate their extended family members, with one of those homes built as their dream home. The termination of the LUC prevents them from building the size of home that they desire.
- Financial commitments to the first home (neighbouring property) and the expense of post-secondary education and the upcoming marriage of their son, prevents the Appellants from having the funds needed to begin construction of the second home before the LUC termination date.
- There are currently a total of 12 family members to be divided between the two houses (prior to grandchildren, etc.).

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:

- With one home of 6,000 sq. ft. already under construction, and a second home that could provide a 4,000 sq. ft. home under the RF zone, it is difficult to see the hardship of having 10,000 sq. ft. between the two homes for the family. There is a difference between desire of what one wants and hardship.
- The Appellants own two properties and have not been able to successfully illustrate hardship.

Therefore, it was

Moved by M. Bola
Seconded by P. Sandhar

THAT Appeal No. 17-63, to extend the effective termination date of Land Use Contract No. 155 for five years until May 29, 2023, to permit the construction of a new residential dwelling at 13286 – 95A Avenue, in accordance with the provisions of Land Use Contract No. 155, be **DENIED**.

CARRIED
(J. Rahiman opposed)

The Board recessed for lunch at 12:32 p.m. and reconvened at 1:20 p.m.

21. Appeal No. 17-64 – Chokaria

For permission for an extension of three years to the effective termination date of Land Use Contract No. 285, until April 24, 2021, to permit the construction of a new residential dwelling at 7907 – 134A Street.

The Board acknowledged Tarlochen Chokaria, Appellant, in attendance to speak to the application.

The Appellant informed he bought the property 10 years ago for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The property is currently rented and the Appellant and his family live at a second property on 102 Avenue owned by the Appellant, purchased prior to the subject property. The home on 102 Avenue had been a rental property initially, however unexpected extensive damage to that property made it necessary to rebuild the home nine years ago. As a result, the Appellant and his family of six have been living in the second property with plans to build their dream home on the subject property in the future. Plans were further interrupted due to the illness of a family member which resulted in travel and financial hardship as the Appellant is the only income earner.

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

- There was never the intention to rebuild the home on 102 Avenue or to be living there. It was only due to the extensive damage that it was necessary to rebuild the home. A new home of 3,000 sq. ft. was built, larger than the subject property, which made sense for the family to be.
- The surrounding neighbourhood is RF zoned. The subject property is on a corner lot with a neighbouring property two houses away that is an LUC three-storey home. It is the only LUC house in the neighbourhood. The Appellant would like to build a similar home. The RF zone permits a home of approximately 4,020 sq. ft. on the 7,200 sq. ft. property which does not provide the space desired for the extended family.
- The change in circumstance due to family illness has made it necessary to put plans on hold and seek an extension of the LUC termination date.

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:

- A hardship has been determined. It was the Appellant's intention to build the house that suited the needs of his family a number of years

ago, however circumstances where that he had to rebuild at his other property, delaying the opportunity to build on the subject property.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-64, to extend the effective termination date of Land Use Contract No. 285 for three years until April 24, 2021, to permit the construction of a new residential dwelling at 7907 – 134A Street, in accordance with the provisions of Land Use Contract No. 285, be **ALLOWED**.

CARRIED UNANIMOUSLY

22. Appeal No. 17-65 – B. & K. Sran

For permission for an extension of four years to the effective termination date of Land Use Contract No. 119, until April 24, 2022, to permit the construction of a new residential dwelling at 13040 Fairford Place.

The Board acknowledged Balbir Sran, Appellant, in attendance with his son Bho Sran, as translator, to speak to the application.

The Appellant's son advised the family have lived in the area for over 30 years and his father and sister purchased the property in 2010 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the same neighbourhood in the future. The intention was to build the larger home in 15 years. The unexpected termination of the LUC causes a hardship as his father and sister do not have the funds to build the new home right now.

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

- The subject property is currently rented and has a mortgage on it.
- The Appellant's son is currently on medical leave and unable to work.
- The Appellant has three properties and would like to make the larger LUC style family home at the subject property as the property where they currently live is not LUC zoned.
- There are currently six family members living together. The Appellant's daughter plans to be married and will also raise her family in 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:

- The area has undergone significant transition; the entire street has changed. From a financial point of view, there is some merit to a financial hardship. Furthermore, there has been significant redevelopment in the neighbourhood and it could be considered a hardship not to develop the same.
- Even though there is the potential for the Appeal to be denied and an extension not received, it does not mean the Appellant has lost the ability to build. The Appellant owns three properties and still has the option to redevelop and apply for the Building Permit by April 24, 2018. Hardship has not been determined.

Therefore, it was

Moved by J. Rahiman
Seconded by I. Dhillon

THAT Appeal No. 17-65, to extend the effective termination date of Land Use Contract No. 119 for four years until April 24, 2022, to permit the construction of a new residential dwelling at 13040 Fairford Place, in accordance with the provisions of Land Use Contract No. 119, be **DENIED**.

CARRIED
(G. Mervyn and P. Sandhar opposed)

23. Appeal No. 17-66 – Jagpal

For permission for an extension to the effective termination date of Land Use Contract No. 149, until June 30, 2024, to permit the construction of a new residential dwelling at 9254 – 123A Street.

The Board acknowledged Kushwant Jagpal, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property with his parents in 2015 specifically for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future for his extended family. The plan at that time was to build in five to ten years. The Appellant provided information relative to his hardship, including financial hardship due to being the only income earner while his wife completes her studies and having a substantial mortgage from buying the property only two years ago. He has

insufficient funds to build prior to the LUC termination date and is seeking an extension to provide sufficient time to raise the funds required.

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

- There are eight family members including retired parents and children.
- It is anticipated the Appellant's wife will begin working once she has completed her studies in a few months.
- This is the only property the Appellant owns. Under the RF zone, the 7,200 sq. ft. lot would allow for a home of approximately 4,200 sq. ft.
- There is no redevelopment immediately in this area, but there is an LUC style of home just across the street on another side cul-de-sac. It is believed there are neighbours also planning on redeveloping.

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:

- Hardship has been determined. This is a young family just starting out with their first home and, with only one person working and the cost of purchasing the home in the first place, they did not have any immediate plans to build.

Therefore, it was

Moved by I. Dhillon

Seconded by J. Rahiman

THAT Appeal No. 17-66, to extend the effective termination date of Land Use Contract No. 149 until June 30, 2024, to permit the construction of a new residential dwelling at 9254 – 123A Street, in accordance with the provisions of Land Use Contract No. 149, be **ALLOWED**.

CARRIED UNANIMOUSLY

24. Appeal No. 17-67 – Bal

For permission for an extension of five years to the effective termination date of Land Use Contract No. 170, until May 29, 2023, to permit the construction of a new residential dwelling at 13088 – 95 Avenue.

The Board acknowledged Kamaldeep and Shinderpal Ball, Appellants, in attendance to speak to the application.

The Appellants informed they purchased the property in 1998 and had been living there. In January 2017 they purchased a second property as an investment for rental income. Unfortunately, due to unforeseen circumstances with the tenant, the rental property needed to be torn down and rebuilt. As a result, the family moved to the new home with the intention to rent the subject property for a few years until they had the finances to build their dream home on that property. Further information was provided relative to their hardship, including financial hardship due to paying for the post-secondary education for both of their sons, having large mortgages on both properties and the interruption to their finances as a result of three motor vehicle accidents.

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

- The rebuilt second property is 4,500 sq. ft. As a growing family of six, a larger home was always planned. There had never been plans to move from the home in the first place, it was always going to be the location of the dream home in the future. The investment property having to be rebuilt and the circumstances surrounding that, altered the original plans. Now the unforeseen termination of the LUC may change future plans permanently.
- Right now the subject property is being rented, but the preference is to move back to the property, the old neighbourhood and build the larger home for the extended family, currently six members. It was always the original intent for the property to become the forever home. Everything is convenient there and the neighbourhood is familiar to the family.
- The unexpected requirement to build a home and the post-secondary education expenses, together with the now having two mortgages, make it impossible to have the funds available to build the new home now.
- There is one home already redeveloped and neighbours have advised that they have also requested an extension to the LUC for their property.

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 subject property was built in 1978. It is likely the neighbourhood will undergo some redevelopment; there is currently one newly constructed

home in the neighbourhood and the Appellant indicated there may be neighbours also looking to redevelop.

- Based on the unforeseen circumstances that exhausted the Appellant's finances, including post-secondary fees for his two sons, an income interruption due to motor vehicle accidents, and the unplanned need to rebuild a home on the second property, hardship has been determined.

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT Appeal No. 17-67, to extend the effective termination date of Land Use Contract No. 170 for five years until May 29, 2023, to permit the construction of a new residential dwelling at 13088 – 95 Avenue, in accordance with the provisions of Land Use Contract No. 170, be **ALLOWED**.

CARRIED UNANIMOUSLY

25. Appeal No. 17-68 – Pabla

For permission for an extension to the effective termination date of Land Use Contract No. 121, until June 30, 2024, to permit the construction of a new residential dwelling at 6837 Kilburn Place.

The Board acknowledged Dalbir Pabla, Appellant, in attendance with his son, Gaurab Pabla, as translator, to speak to the application.

The Appellant's son informed the Board that his parents own the property and that his father was also added to the title for two other properties with his grandmother after his grandfather passed away. His father is employed and his mother is self-employed, running a small business. It is the intention to build a larger home on the subject property under the Land Use Contract (LUC) specifications for the extended family and future grandchildren. The Appellant is currently paying the post-secondary education and housing costs for all three children and is financially unable to build the new family home within the time permitted under the LUC termination. The maximum LUC extension period available is being sought.

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

- There is a mortgage on all properties and a line of credit as well.
- The Appellant's son received his Bachelor's Degree and is currently in his second year of Law School; when completed he will be employed and contributing financially for the new home. The Appellant's daughters are both currently attending Simon Fraser University.

- The home on the property is only 1,000 sq. ft.
- This neighbourhood started to redevelop 20 years ago; the property is surrounded newer homes.

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 neighbourhood is well under transition with only a few isolated homes similar to the subject property not redeveloped.
- Hardship has been determined. This neighbourhood has almost entirely been redeveloped and the Appellants had planned to redevelop once their children had completed the post-secondary education.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT Appeal No. 17-68, to extend the effective termination date of Land Use Contract No. 121 until June 30, 2024, to permit the construction of a new residential dwelling at 6837 Kilburn Place, in accordance with the provisions of Land Use Contract No. 121, be **ALLOWED**.

CARRIED
(J. Rahiman opposed)

26. Appeal No. 17-69 – Bajwa

For permission for an extension of five years to the effective termination date of Land Use Contract No. 80, until April 24, 2023, to permit the construction of a new residential dwelling at 8973 Crichton Drive.

The Board acknowledged Tegbir Bajwa, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in 2005 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The family of seven (three generations) currently live at a second property purchased in 2011 as an investment. The Appellant provided information relative to his hardship, including financial hardship due to paying the post-secondary education for both sons and the financing commitment for the two properties, resulting in having insufficient funds to build prior to the LUC termination date. An extension of five years to the LUC

termination date is being sought, to provide time to save further and finish paying post-secondary.

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

- The Appellant owns two properties, both are financed. The subject property was purchased in 2005 and the second property in 2011.
- Anticipate being able to build in five years, which is why the maximum LUC termination extension is not being sought.
- Financial contribution from Appellant's sons is unsure at this time as the oldest son may carry on with medical sciences, taking longer, and the second son is in his first year of a four year program.

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:

- Hardship has been determined as the Appellant is supporting both of his children with their post-secondary expenses. Although the Appellant owns another property that he could potentially sell in order to build on the subject property, both properties are mortgaged and he is financially not in a position to sell right now.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-69, to extend the effective termination date of Land Use Contract No. 80 for five years until April 24, 2023, to permit the construction of a new residential dwelling at 8973 Crichton Drive, in accordance with the provisions of Land Use Contract No. 80, be **ALLOWED**.

CARRIED UNANIMOUSLY

27. Appeal No. 17-70 – Sandher

For permission for an extension of four years to the effective termination date of Land Use Contract No. 49, until April 24, 2022, to permit the construction of a new residential dwelling at 8932 Crichton Drive.

The Board acknowledged Balbir Sandher, Appellant, in attendance to speak to the application.

The Appellant informed the property was purchased in 2014 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The Appellant is a widow and has added her son on title. The intent was to be able to build the larger home for the family, including her three children and her elderly parent. Her son is getting married soon and will continue to live in the home with his wife. The unexpected termination of the LUC causes financial hardship as the Appellant does not have the savings required to be able to build a larger home for all of her family right now.

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

- Specifically asking for an extension of four years to coincide with when the Appellant's son completes his education and can contribute to the finances once he is employed.
- It is the only property the Appellant owns.

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:

- Hardship has been determined. The Appellant is a single mother with dependents and not financially stable to build a house at the moment.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-70, to extend the effective termination date of Land Use Contract No. 49 for four years until April 24, 2022, to permit the construction of a new residential dwelling at 8932 Crichton Drive, in accordance with the provisions of Land Use Contract No. 49, be **ALLOWED**.

CARRIED UNANIMOUSLY

28. Appeal No. 17-71 – Sandhu

For permission for an extension to the effective termination date of Land Use Contract No. 368, until December 31, 2021, to permit the construction of a new residential dwelling at 7043 – 129A Street.

The Board acknowledged Bhagat Sandhu, Appellant, in attendance to speak to the application.

The Appellant informed that he bought the property in March, 2008 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. It is the only property he owns lives there with his large family of 10, including his wife, mother-in-law, four biological children and three adopted children from India. The Appellant provided information relative to his hardship, including financial hardship due to paying for post-secondary education costs for two of his daughters and upcoming wedding expenses two other children, leaving insufficient funds to build prior to the LUC termination date.

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

- The Appellants are both working but there is a substantial mortgage on the property and more time is needed to be able to save for a new home.
- A larger home is very much needed as the current home has only one washroom.
- Once the daughters have completed their RN training they will be able to assist with the savings. The plan has always been to be able to build a larger home by 2021, which is why an extension sought only until December 31, 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:

- There are many homes in the neighbourhood already redeveloped, including one immediately adjacent to the property.
- Hardship has been determined. The Appellants have a very large family and need a much larger home. Their intention was to eventually build a larger home and the LUC termination at this time will negatively impact the family.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 17-71, to extend the effective termination date of Land Use Contract No. 368 until December 31, 2021, to permit the construction of a new residential dwelling at 7043 – 129A Street, in accordance with the provisions of Land Use Contract No. 368, be **ALLOWED**.

CARRIED UNANIMOUSLY

29. Appeal No. 17-72 – Bhela / Mehat

For permission for an extension of five years to the effective termination date of Land Use Contract No. 394, until April 24, 2023, to permit the construction of a new residential dwelling at 12641 – 76 Avenue.

The Board acknowledged Inderjit Bhela, Appellant, in attendance with his cousin Gaurab Bhela, as translator, to speak to the application.

The Appellant's cousin informed that as part of the Appellant's presentation to the Board of Variance, he would like to amend the request for an extension to the termination date of Land Use Contract (LUC) 394 for Appeal 17-72 from April 24, 2023 to June 30, 2024.

Therefore, it was

Moved by M. Bola
Seconded by P. Sandhar

THAT the request to amend the requested effective termination date of Land Use Contract No. 394 from April 24, 2023 to June 30, 2024, be approved.

CARRIED UNANIMOUSLY

The Appellant's cousin informed that the Appellant purchased the property in 2012 for its LUC specifications that permit the construction of a larger home in the future for his extended family. Information relative to the hardship was provided, including financial hardship as a result of the large mortgage he has from purchasing the home. The Appellant has been advised that he will need to increase his savings or income in order to be considered for further funding.

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

- It is the only property the Appellant owns.

- The Appellant did not qualify for a construction mortgage at this time and requires more time to save. His mother-in-law is also working and will be contributing to the savings for 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:

- Hardship has been determined. The Appellant is not in a position to build his new home at this time because of financial constraints from purchasing the home, and needs more time to save for the larger home.

Therefore, it was

Moved by I. Dhillon

Seconded by J. Rahiman

THAT Appeal No. 17-72, to extend the effective termination date of Land Use Contract No. 394 until June 30, 2014, to permit the construction of a new residential dwelling at 12641 – 76 Avenue, in accordance with the provisions of Land Use Contract No. 394, be **ALLOWED**.

CARRIED UNANIMOUSLY

The Board recessed at 2:41 p.m. and reconvened at 2:53 p.m.

30. Appeal No. 17-73 – Thind

For permission for an extension of three years to the effective termination date of Land Use Contract No. 42, until April 24, 2021, to permit the construction of a new residential dwelling at 8060 Dominion Place.

The Board acknowledged Charnjit Thind, in attendance on behalf of her husband and Appellant, Darshan Thind, to speak to the application.

The Appellant's wife informed that the Appellant had purchased the property in 2007 for its Land Use Contract (LUC) specifications that permit the construction of the larger home he had planned for the future. The Appellant lives in the home with his extended family of seven, including his wife, their three children and his parents. His brother and his family will be arriving from India soon, which will increase the extended family members to 11. Information relative to the Appellant's hardship was provided, including financial hardship due to the cost of renovations to the home only one year

ago and the financial commitment to the subject property and a second property purchased three years ago. A third property is owned in India (farm). The family has lived in the neighbourhood for 10 years now and would like to be able to stay there. It is close to the temple the Appellant takes his mother-in-law to and to his parent's home.

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

- It was the intention in 2007 when the property was purchased that a three-storey home would be built to accommodate the extended family. The LUC termination has a significant impact on that plan.
- There is a mortgage on both of the properties the Appellant owns.
- Currently it is only the Appellant who is working as his mother-in-law has not been well and unable to work. However, it is believed that an extension to the LUC termination date of three to four years will be sufficient to raise the funds required to build 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:

- Images of the neighbourhood and the property indicate no particular redevelopment at this time.
- Hardship has been determined. The Appellant has lived in the home for 10 years with the full intention of building a larger home for his extended family in the future and is not in the financial position to do so right now.

Therefore, it was

Moved by M. Bola

Seconded by J. Rahiman

THAT Appeal No. 17-73, to extend the effective termination date of Land Use Contract No. 42 for three years until April 24, 2021, to permit the construction of a new residential dwelling at 8060 Dominion Place, in accordance with the provisions of Land Use Contract No. 42, be **ALLOWED**.

CARRIED UNANIMOUSLY

31. Appeal No. 17-74 – Grewal

For permission for an extension to the effective termination date of Land Use Contract No. 494, until June 30, 2024, to permit the construction of a new residential dwelling at 9410 – 124A Street.

The Chair confirmed the Appellant was not present to speak to the Appeal.

Therefore, it was

Moved by M. Bola
Seconded by I. Dhillon

THAT Appeal No. 17-74, to extend the effective termination date of Land Use Contract No. 494 June 30, 2024, to permit the construction of a new residential dwelling at 9410 – 124A Street, in accordance with the provisions of Land Use Contract No. 494, be **DEFERRED** to provide the Appellant the opportunity to appear before the Board.

CARRIED UNANIMOUSLY

32. Appeal No. 17-75 – Sidhu

For permission for an extension to the effective termination date of Land Use Contract No. 97, until December 1, 2023, to permit the construction of a new residential dwelling at 7632 – 142 Street.

The Board acknowledged Maninder Sidhu, Appellant, in attendance to speak to the application.

The Appellant informed that her husband purchased the home in 2013 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. It is the first and only home they own. There are seven family members in the home, including the Appellant, her husband, two young children, her husband's parents and grandmother, and they are also planning to have another child. Information relative to the hardship was provided, including financial hardship due to the financial commitment of the mortgage and a vehicle loan for the commercial truck and trailer that was purchased for Mr. Sidhu's employment as an owner operator, and the recent full renovations to the home. An extension to the LUC termination date until December 1, 2023, to provide enough time to save for a larger home on the property, is being sought.

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

- The Appellant is working only part time just now and her husband works full time as an owner operator driver, driving for a company.
- There are a few larger homes built or being built in the broader area; approximately five to seven homes on 76 Avenue.
- The Appellant has spoken to one of their neighbours about their plans to build in the future. The neighbours did not have any concerns and noted that they recently renovated and had no plans whatsoever to rebuild.
- The underlying zone is RF. Would like to build a home between 4,000 to 5,000 sq. ft.; large enough to reasonably accommodate a family of eight.
- Really don't want to tear down the house right now after fully undergoing renovations to the whole house as well.
- Since the LUC termination there have been seven or eight homes taken down in the broader area; it is anticipated there will be new homes soon.

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:

- It may be that no other property owners in the immediate area desire a new or larger home and the Appellant's home would then be the largest, but the home was purchased for the LUC specifications and if it had been financially possible, the Appellant may have been building the new home already.
- Hardship has been determined. The Appellant's financial situation is not in favour of being able to construct a new house right now and the LUC termination extension requested is not for the maximum permitted, suggesting there is the intent to build the new home.

Therefore, it was

Moved by M. Bola
Seconded by P. Sandhar

THAT Appeal No. 17-75, to extend the effective termination date of Land Use Contract No. 97 until December 1, 2023, to permit the construction of a new residential dwelling at 7632 – 142 Street, in accordance with the provisions of Land Use Contract No. 97, be **ALLOWED**.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS

1. Written submission regarding Appeal 17-08

The Board had for consideration a memorandum from the Deputy City Clerk, dated September 25, 2007, with respect to correspondence received from Ms. Harmesh Kaur Toor regarding Appeal 17-08.

Upon review of the written submission regarding Appeal 17-08, the Board determined it is a matter that requires further legal consideration.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

The correspondence submitted with respect to Appeal 17-08 be received as information, and that any further consideration be deferred pending the receipt of an outside legal opinion.

CARRIED UNANIMOUSLY

The Chair advised the matter will be brought back to the Board upon receipt of the legal opinion.

E. NEXT MEETING

The next meeting of the Board of Variance will be held on **Thursday, November 9, 2017** at 9:00 a.m. in Meeting Room 1E – A & B, City Hall.

F. ADJOURNMENT

Moved by M. Bola
Second by P. Sandhar

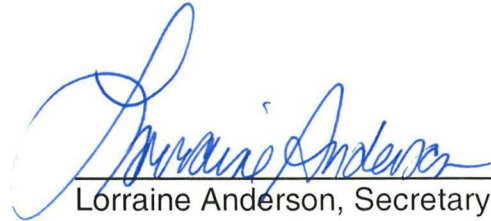
THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 3:22 pm



Gill Mervyn, Chair



Lorraine Anderson, Secretary