

**City of Surrey  
Board of Variance  
Minutes**

1E – Committee Rooms A & B  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
**THURSDAY, NOVEMBER 9, 2017**  
Time: 9:07 AM  
File: 0360-20

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**Present:**

Gil Mervyn, Chair  
Mike Bola  
Inderjit Dhillon  
Puneet Sandhar

**Absent:**

Jennifer Rahiman

**Staff Present:**

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

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**A. ADOPTION OF MINUTES**

Minutes of the Board of Variance meeting held October 16, 2017.

Moved by M. Bola  
Seconded by I. Dhillon

THAT the Minutes of the Board of Variance meeting held on October 16, 2017, be received and adopted as circulated.

CARRIED UNANIMOUSLY

**B. DEFERRED APPEALS**

**1. 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 Board acknowledged Kalwant Grewal, Appellant, in attendance with his brother-in-law Harman Chahal, as translator, to speak to the application.

The Appellant informed that he purchased the property in February 2014 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The family of six, including his brother and their families, currently live at a second property he recently built at 13128 – 98 Avenue, which is not large enough for the growing families. The Appellant provided information relative to his hardship, including financial hardship due to the recent construction costs of the second property, purchased as an investment to develop and sell in the future to help fund the extended family

home at the subject property. The recent cost of construction has resulted in having insufficient funds to build prior to the LUC termination date.

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

- Not in the financial position currently, but expect to be able to start planning the new home in two or three years.
- There is an easement on the subject corner lot that runs alongside the neighbouring property and impacts the setbacks and size of the home permitted. It should still be possible, however, to build a three storey home as desired.
- Construction on the second property just completed two or three months ago. It is a 4,400 sq. ft. home with a basement. Unaware of the upcoming LUC termination, it was decided that construction on that property was priority as it was in very poor condition. Now that it is complete and the families are living there, it is undecided if they will continue to live in that home for another three to four years and then build on the subject property.
- The RF zone would provide a home similar to the one recently constructed, which is too small for the extended family.
- Although the Appellant's current home is a reasonable size, the desire is to have a three storey LUC home to accommodate the joint families; which can be achieved at the subject property. It is also the location of his daughter's school, which is walking distance from the subject property; the children could walk to school as opposed to being dropped off and picked up.
- Neighbours immediately next door have not expressed any concerns.

The Chair confirmed there were no persons present to speak to the application and that three items of correspondence had been received from property owners in the area in response to the notification regarding the appeal. The correspondence was reviewed and concerns of traffic congestion, parking and the overall impact to the aesthetic of the neighbourhood, were noted.

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

- This is an area without any immediate LUC redevelopment, although there is one home on the next street. The three items of correspondence received from the neighbours, who have all lived in the neighbourhood since their homes were new, essentially expressed the same concerns of traffic congestion and aesthetic impact to the neighbourhood.

- Hardship has not been determined. The Appellant owns two properties, one he lives in at the moment, which is a large home that he stated he had to build, but he indicated the primary reason for the LUC extension was to be able to build close to the school for his children. With the extension that is sought, it is not likely the home would be built while the children still attend the same school.
- The Board also considers the general community benefit in an effort to achieve consistency with the zoning of the neighbourhood. In this instance, if the appeal had been allowed it is likely the proposed three storey development would be out of character with the existing and other future development, under the RF zoning. In considering the relationship and the impact of such approval, the Board has determined that the hardship is not sufficient.

Therefore, it was

Moved by M. Bola  
Seconded by I. Dhillon

THAT Appeal No. 17-74, 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, in accordance with the provisions of Land Use Contract 494, be **DENIED**.

CARRIED UNANIMOUSLY

## C. NEW APPEALS

### 1. Appeal No. 17-76 - 0777363 B.C. Ltd.

*For permission to allow a portion of a proposed single family dwelling to be farther than 50m from the front lot line (64 Avenue), in this case to be up to 172.7m from the front lot line; and to increase the maximum depth of the farm residential footprint from the front lot line (56 Avenue) from 60m to 183.3m, to permit the construction of a new residential dwelling at 15966 – 64 Avenue.*

The Board acknowledged Sukhi Kang, Appellant, in attendance to speak to the application.

The Appellant informed the 64 acre property, owned by his wife's company, has been farmed for decades by various farmers in the area and is now solely farmed by his family. A soil deposit permit was issued, permitting the required 2,000 m<sup>2</sup> preload, prior to the zoning change that came in to effect in November, 2012. As a result, it is now necessary to seek a variance to allow the front yard and rear yard setbacks established at the time of the preload in order to construct the new family home. The land is currently farmed and would be negatively impacted if required to meet the current zoning.

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

- The Soil Permit was issued November 2, 2012, money was spent and the pre-load was done. Now ready to begin construction. Plans are still at the City to be approved, but otherwise everything is ready to go.
- There are no creeks, streams, waterways or anything.
- The Appellant's family farms the land and currently lives close by at another property owned by his wife. That property will be sold once they move into the new family home.
- The portion of road on 60 Avenue along the property line is an unopened road used as a farm road only. The road is on the Appellant's land with proper setbacks, etc.

The Chair confirmed there were no persons present to speak to the application and one item of correspondence was received in response to the notification regarding the appeal. The Chair read the correspondence, noting that the concern expressed is with respect to the current zoning as opposed to the zoning at the time the pre-load permit was issued. It was also noted that there have been similar applications considered by the Board where a project had essentially begun prior to the by-law amendment. In this case, the Appellant has provided all the work necessary, paid the fees, etc., in good faith, to deny at this point would result in unnecessary loss of agricultural land and hardship to the Appellant.

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

- A hardship, based on financial and potential agricultural loss of land, has been determined. The By-law changed over time impacting the Appellant's plans already underway to construct a new family home. It is a reasonable hardship whereby the soil permit was issued before the zoning was changed.

Therefore, it was

Moved by P. Sandhar  
Seconded by M. Bola

THAT Appeal No. 17-76, to allow a portion of a proposed single family dwelling to be farther than 50m from the front lot line (64 Avenue), in this case to be up to 172.7m from the front lot line; and to increase the maximum depth of the *farm residential footprint* from the front lot line (56 Avenue) from 60m to 183.3m, to permit the construction of a new residential dwelling at 15966 – 64 Avenue, be **ALLOWED**.

CARRIED UNANIMOUSLY

**2. Appeal No. 17-77 - RCG Homes Ltd.**

*For permission to reduce the west side yard setback from 1.8m to 0.59m to permit the portion of the walkway beside the house that is greater than 0.6m in height to be within the setback area, to permit the retention of the walkway along the western side of the recently constructed new residential dwelling at 15452 - 77 Avenue.*

**This Appeal was withdrawn by the Appellant.**

**3. Appeal No. 17-78 – Satnam and Rajwinder Samra**

*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 12714 – 90 Avenue.*

The Board acknowledged Satnam Samra, Appellant, in attendance with his cousin Tajinder Uppal, as translator, to speak to the application.

The Appellant informed that he purchased the property in 2010 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. A few months later, after the birth of his son, it was determined that his wife would need to stay home and not able to return to work and the Appellant was the only income earner. Over time he got established and has spent almost \$90,000 for extensive renovations to the home (photos were acknowledged) with the intent to build a larger family home in approximately 10 years, once his children were older. His wife has since experienced significant health concerns which as impacted the family financially. In addition, plans to build the new family home have been affected by the termination of the LUC. An extension for a few more years to the LUC termination date is required as the Appellant requires more time to save. Both his brothers and his mother are also working now and helping to build up the savings; just need more time.

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

- The Appellant has an extended family of six adults and three children, including his wife, his mother, two brothers and a sister-in-law.
- The majority of renovations were started within about six months after the property purchase, with further renovations done in 2016.

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 already experiencing significant redevelopment.
- Hardship has been determined. The Appellant had planned to build a larger home but was impacted by serious medical conditions and is not in a financial position currently to meet the LUC termination date.

Therefore, it was

Moved by I. Dhillon  
Seconded by P. Sandhar

THAT Appeal No. 17-78, 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 12714 – 90 Avenue, in accordance with the provisions of Land Use Contract 36, be **ALLOWED**.

CARRIED UNANIMOUSLY

**4. Appeal No. 17-79 – Wazir and Kiranjit Gill**

*For permission for an extension to the effective termination date of Land Use Contract No. 36 until May 1, 2020, to permit the construction of a new residential dwelling at 12717 – 92 Avenue.*

The Board acknowledged Wazir Gil, Appellant, in attendance with his daughter Jasmine Samra, as translator, to speak to the application.

The Appellant's daughter informed that her parents purchased the property in 2004 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. They live in the home and currently own two other properties (one in Surrey and one in Langley) which they intend to sell in order to build a larger home on the subject property. The Appellants have spoken to their financial institution and are requesting a two year extension to the LUC termination date to allow time to sell their other properties and plan their dream home with the appropriate financing required.

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

- Post-secondary schooling costs limit finances with one child already in university and the second child pursuing a post-secondary education when he completes grade 12 in early 2018.
- There are five family members.
- In order to build the new home some adjustments will need to be made and it will be necessary to sell the other properties. As a result, it is important to ensure plans are drawn up carefully. There have already been discussions with builders and have viewed various home designs. Quotes so far have been well in excess of \$600,000 up to \$700,000. This is not something that should be rushed; it needs to be right.
- There has been quite a lot of redevelopment in the neighbourhood and have been informed that one of the neighbours has received an extension of their LUC until 2024 and another neighbour is also seeking an extension, so there will be further development in the area.
- Although the RF zone does provide for a larger home of approximately 4,100 sq. ft. plus a basement (if servicing permits), the desire is to have a larger home similar to the redevelopment that has occurred in the neighbourhood.
- Expecting to be able to build the new home within a reasonable short time. In order to do that, will need to sell the two other properties.
- If funding was readily available, construction of the new home would already be underway. Just need a little more time to prepare.
- The second Surrey property was purchased in 2013 and the Abbotsford property was purchased in May, 2016.

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:**

- Although there isn't any new construction in the immediate area, there is extensive redevelopment just beyond and one neighbour has already received an extension to build in the future. Redevelopment will occur.
- Hardship has been determined. The Appellants purchased the property quite some time ago and would like the family to stay together but can't right now because of the financial constraints to their other properties which they plan to sell. Furthermore, the Appellants have asked for a two-year extension only, which indicates they do intend to build soon.

Therefore, it was

Moved by P. Sandhar  
Seconded by I. Dhillon

THAT Appeal No. 17-79, for an extension to the effective termination date of Land Use Contract No. 36 until May 1, 2020, to permit the construction of a new residential dwelling at 12717 – 92 Avenue, in accordance with the provisions of Land Use Contract 36, be **ALLOWED**.

CARRIED  
(M. Bola opposed)

The Board recessed at 10:05 am and reconvened at 10:16 am.

**5. Appeal No. 17-80 – Kultar and Pardeep Dhaliwal**

*For permission for an extension 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 12686 – 90A Avenue.*

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

The Appellant informed that he purchased the property in 2015, spending approximately \$30,000 more for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. As the only family member working and having a limited income, the intention was to save as much as possible and plan to build in a few more years. There is financial hardship as the termination of the LUC affects the ability to be able to build the larger house in the future.

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

- It is hard to save for the future home with only one income. It is hoped that the once the Appellant's seven year old son is a little older and independent, it will become easier to save.
- Currently the Appellants live in the home with their young son. Plans for the future home will include Mr. Dhaliwal's mother and brother.
- The Appellant was under the impression that he just needed to buy an LUC property and construction of the new larger home could be at a later date. On that basis he paid extra specifically for an LUC property and has not even had two years to save further for the larger home for extended family members, including his mother and brother.



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 is a high concentration of LUC developed homes in the neighbourhood.
- Hardship has been determined. The Appellant purchased the property two years ago specifically to have the opportunity to build a larger home in the future for his extended family under the LUC provisions. He is not financially prepared for the LUC termination and has not yet prepared any plans for the new house. Termination of the LUC at this time causes a hardship.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT Appeal No. 17-80, for permission for an extension 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 12686 – 90A Avenue, in accordance with the provisions of Land Use Contract 36, be **ALLOWED**.

CARRIED UNANIMOUSLY

**6. Appeal No. 17-81 – Barinder and Balvinder Bachra**

*For permission for an extension to the effective termination date of Land Use Contract No. 49 until June 30, 2024, to permit the construction of a new residential dwelling at 8922 Ursus Crescent.*

The Board acknowledged Barinder and Balvinder Bachra, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in 2012 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Assistance was provided from family members in order to purchase the home, with the intention that a new larger home could be constructed in the future for their large extended family, including their parents, cousins and children. Without the financial assistance initially, the Appellant's would not have been able to purchase the property. As a result, they are not in a position to build a new home now and the termination of the LUC causes hardship for the family as they specifically need a larger home.

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

- The Appellants could not afford to purchase a larger home at the time they purchased the subject property.
- The home is 30-40 years old. The intent was to live in the home for approximately 10 years before building the new home.
- Planning a three storey house to accommodate the large extended family, including the Appellants' grandparents, mother-in-law, and children. Mother-in-law is handicapped and will need special consideration in designing a new home.
- There is currently just one new house that has been redeveloped in the immediate area.

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 typical RF zone for this property would provide a home of approximately 4,020 sq. ft. plus a basement if servicing available.
- A hardship could be considered as the Appellants purchased the property specifically to be able to build a much larger home in the future to accommodate their extended family and the LUC termination now impacts those plans as they are not financially prepared to build. Furthermore, the neighbourhood has already started to redevelop.
- This is an area where it is likely that the vast majority of the neighbourhood will not be developed under the LUC.

Therefore, it was

Moved by I. Dhillon

Seconded by P. Sandhar

THAT Appeal No. 17-81, for an extension to the effective termination date of Land Use Contract No. 49 until June 30, 2024, to permit the construction of a new residential dwelling at 8922 Ursus Crescent, in accordance with the provisions of Land Use Contract 49, be **ALLOWED**.

**DEFEATED – Tie Vote**

(M. Bola and G. Mervyn opposed)

The Chair assured the Appellant they can still build a larger home under the RF zone similar to the neighbouring property across the street.

**7. Appeal No. 17-82 – Charanjit and Sukhjit Sahota**

*For permission for an extension to the effective termination date of Land Use Contract No. 49 until June 30, 2024, to permit the construction of a new residential dwelling at 13925 – 89 Avenue.*

The Board acknowledged Charanjit Sahota, in attendance with his brother Balbir Sahota, as translator to speak to the application.

The Appellant informed that he purchased the property in 2004 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Health related issues dictates the need for a larger home to accommodate the master bedroom on the main floor, which can be achieved with greater lot coverage with an LUC home. However, he cannot afford to build the home currently as a result of financing two of his three children attending post-secondary education.

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

- The current home is 2,000 sq. ft.; lot size is 7,913 sq. ft. RF zone could provide approximately 4,270 sq. ft., and potential a basement.
- Would like to build a two storey LUC home only, not three storey home. Health concerns necessitate the master bedroom on the main floor, a home built under the LUC allows more square footage over two floors.
- There are five family members, including three children, in the home.
- The 35 year old neighbourhood has not undergone any transition; all homes are similar. There are some LUC homes on the street behind.

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 two storey home under the LUC would be approximately 5,000 sq. ft., however a two storey home under the RF for that property could be approximately 4,270 sq. ft., plus a basement if servicing available.
- A hardship could be determined as the Appellant purchased the property to build a large house. Although the Appellant only wants to build two storey house, health needs require the master bedroom to be on the

main level and the LUC permits a larger floor area to accommodate the required main floor bedroom. Financial hardship has also been determined.

- Although the LUC specifications provide for a larger lot coverage and subsequently larger home, the RF zone for the subject property would permit a substantial home that could accommodate the Appellants needs, as reported. Furthermore, the neighbourhood has not experienced any transition and any future redevelopment will be under the RF zone.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT Appeal No. 17-82, for an extension to the effective termination date of Land Use Contract No. 49 until June 30, 2024, to permit the construction of a new residential dwelling at 13925 – 89 Avenue, in accordance with the provisions of Land Use Contract 49, be **ALLOWED**.

**DEFEATED – Tie Vote**

(M. Bola and G. Mervyn opposed)

**8. Appeal No. 17-83 – Jaswinder Nahal and Avtar Nahal**

*For permission for an extension of three years to the effective termination date of Land Use Contract No. 49, until April 24, 2021, to permit the construction of a new residential dwelling at 13845 – 89 Ave.*

The Board acknowledged both Avtar Nahal and Jaswinder Nahal, Appellants, in attendance to speak to the application.

The Appellants informed that the property was purchased in 2004 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The extended family started planning to have a large home for their growing family, currently six adults and four children, over 10 years ago. With the LUC termination now in place, the design of the new home not yet initiated and another child on the way, the Appellants are not prepared to construct a new home within the time permitted and are seeking an extension of three years to provide time to properly plan the new family home.

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

- The Appellants are financially prepared for the new home but have not started the planning process yet and need time to consider their needs

and plan accordingly for the new home. Ideally, would like to build a three storey house with entertainment rooms, gym, etc.

- The immediate area is not developed right now; there are some new homes close by on 90A Avenue.

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 situation where there is a large family with three generations of family members that want to live together. Although financially able to build, it is a huge project and the Appellant does not want to rush building the family dream home; he is seeking a three year extension to 2021, not the maximum.
- Even though the area is not redeveloped now, the Appellant has the financial means to build and if the extension was denied he would likely start the process sooner and rush the construction.

Therefore, it was

Moved by P. Sandhar  
Seconded by M. Bola

THAT Appeal No. 17-83, for an extension of three years to the effective termination date of Land Use Contract No. 49, until April 24, 2021, to permit the construction of a new residential dwelling at 13845 – 89 Ave, in accordance with the provisions of Land Use Contract 49, be **ALLOWED**.

CARRIED UNANIMOUSLY

The Board recessed at 11:00 am and reconvened at 11:11 am.

**9. Appeal No. 17-84 – Suresh Kalra and Shama Kalra**

*For permission for an extension of six years to the effective termination date of Land Use Contract No. 80, until April 24, 2024, to permit the construction of a new residential dwelling at 13742 – 90 Ave.*

The Board acknowledged Suresh and Shama Kalra, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in May 2017 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future to accommodate their extended family. With the recent purchase of the property, the Appellants cannot afford to redevelop the property at this time and are seeking an extension of the LUC termination to provide time to save for the construction of a larger family home for their growing family.

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

- The home was bought with the intention of building a larger home. If it was financially possible a new home would be under construction already. Although not in a financial position now, the Appellants don't want to wait too long to build; approximately four or five years.
- A larger home will be needed to accommodate the Appellants, their two adult children and their spouses and growing families. In addition, their niece will be arriving soon to live with them and both Appellants' parents visit from overseas often and stay with them.
- The current home is 33 years old and does not provide enough room for the family; more bedrooms are needed. Although the RF zone could provide a home of 3,900 sq. ft. plus a basement, ideally they would like to build a larger two storey home.
- The cost of purchasing the home, the recent marriage of one of their sons and the upcoming marriage of their second son, together with the ongoing post-secondary costs, has exhausted their savings. More time is needed to save for the construction of the larger family home.

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

- The notification process for LUC termination is quite extensive. Property owners are notified initially and following the termination by-law introduction to Council and receiving adoption to move forward to a Public Hearing, the Public Hearing is well advertised and written notification is also provided to the property owners. Again, once the Public Hearing has taken place and the termination by-law has received final adoption, property owners are provided written notification confirming the date at which the LUC drops off.

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

Pearl Nastili Ramroop and Bisnath Ramroop, mother and step-father of the joint owners of the neighbouring property at 13734 – 90 Avenue, and also property owners in the same neighbourhood, provided correspondence to the

Chair authorizing them to speak on behalf of their children and express concerns. There comments were as follows:

- The main concern is the potential for increased traffic. With larger homes there are typically more vehicles and potentially more visitors looking to park along the road. The safety of the pedestrians, young children and other vehicles could be impacted.
- Winter is often a challenge in the neighbourhood as the road freezes and it is difficult to pass any vehicles parked along the road.
- This is an older neighbourhood. It is quiet and a nice area to walk. It has remained relatively unchanged. There aren't any large houses in the area as you look down the block.
- As owners of the home across the road and three houses over from the subject property, whatever happens to the property will affect us as well.

**In response to the concerns expressed on behalf of the neighbour, the Board commented as follows:**

- The issues and concerns raised with respect to increased traffic, larger homes and the general safety in the neighbourhood will be present whether the Appeal is granted today or not. The underlying RF does permit a larger home than what is there presently and will also permit a suite if the property owner would like. Redevelopment will likely happen anyway.
- Until April 24, 2018, without an extension to the LUC, the Appellant can still build a new home under the LUC by submitting their application for a Building Permit by April 24, 2018. They could also build right away under the RF zone if they wished. The underlying RF zone becomes the only zone of the property after April 24, 2018 and still permits the Appellants to build a larger home, including a suite. Therefore, the number of people living in the property will still be the same but it is also possible there will be more people in the home, given the opportunity for a suite. Going forward, any future new homes built in the neighbourhood will be under the RF zone and will be permitted to have a suite, making it highly likely that there will be more people in those homes as well.
- It should be noted that generally over time with older homes and as homeowners no longer want the larger properties, many properties in mature neighbourhoods begin to rezone and are replaced with homes that accommodate more people.

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

- With the property purchased in May and the LUC termination taking place in April, the Appellants should have known.

- Determination of hardship is difficult. Considering the neighbours' concerns, this is a neighbourhood that has not seen any development. However, the family is growing and there are more family members coming to live with them, which is why they purchased the property to build the larger home they require, resulting in clear financial constraints.
- The type of home described needs to be LUC and it would set a precedent and would guide the impact to the neighbourhood. All of the other properties would be affected. The Appellants are still given the opportunity to construct a larger home to meet the needs of the family under the RF zone.
- According to the planning report, the RF zone will affect 30 properties.

Therefore, it was

Moved by P. Sandhar  
Seconded by I. Dhillon

THAT Appeal No. 17-84, for an extension of six years to the effective termination date of Land Use Contract No. 80, until April 24, 2024, to permit the construction of a new residential dwelling at 13742 – 90 Ave, in accordance with the provisions of Land Use Contract 80, be **ALLOWED**.

**DEFEATED – Tie Vote**  
(M. Bola and G. Mervyn opposed)

**10. Appeal No. 17-85 – Jhalman and Shindo Thandi**

*For permission for an extension to the effective termination date of Land Use Contract No. 80, until March 31, 2024, to permit the construction of a new residential dwelling at 13786 – 90 Ave.*

The Board acknowledged Jhalman and Shindo Thandi, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in 1998 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Currently both of their children will be graduating in 2018, with continued post-secondary studies anticipated to finish by 2022. The educational expenses have incurred financial constraints for the Appellants. The goal was to begin to build a larger family home once the children had completed all of their studies and in a position to financially contribute to the mortgage for the construction of the new home, anticipated for 2024.



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

- The Appellants live in the home with their mother-in-law, a brother and their two grown children. Building a new home prior to the completion of the post-secondary education for the children was never planned.
- There are parental properties in India jointly owned with the brother. Unfortunately market conditions are poor at the moment, but it is anticipated those properties can be sold within two years, providing some of the funds for the new home.
- Would like to build a home with larger bedrooms similar to the neighbours to the south; definitely not as large as the home on the corner, but larger than what an RF zone permits for the property. Just not sure what the extended family needs will be for the future home to accommodate everyone. To be honest, if finances were not a problem and plans were ready, the home would have been underway.

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 is a joint growing family that had plans to continue stay together in a larger home once the children completed post-secondary education. They are financially not ready to build at this time. Furthermore, there is redevelopment in the area and anything that Appellants were to build in the future would be consistent with what is already there.

Therefore, it was

Moved by M. Bola  
Seconded by P. Sandhar

THAT Appeal No. 17-85, for an extension to the effective termination date of Land Use Contract No. 80, until March 31, 2024, to permit the construction of a new residential dwelling at 13786 – 90 Ave, in accordance with the provisions of Land Use Contract 80, be **ALLOWED**.

CARRIED UNANIMOUSLY

**11. Appeal No. 17-86 – Harvinder and Navjinder Chandi**

*For permission for an extension of four years to the effective termination date of Land Use Contract No. 155, until May 29, 2022, to permit the construction of a new residential dwelling at 9481 – 132A Street.*

The Board acknowledged Harvinder Chandi, Appellant, in attendance to speak to the application.

The Appellant informed that he recently purchased the property for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Given the unique opportunity to purchase the home next door to his parent's home, he sold his house and borrowed money from his parents in order to buy the home. He currently does not qualify for a construction loan as he also has a financial obligation to his son's post-secondary education. The Appellant currently works full time as a bus driver and his wife works part time. An extension of four years is sought to coincide with his son's completion of university and to provide time to save.

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

- Finances are restricted due to the UBC post-secondary fees and living expenses. Due to the course the Appellant's son is taking, it is necessary for him to stay close to the university.
- There is considerable redevelopment in the neighbourhood, including a new home next door and another directly 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:**

- A financial hardship has been determined. The Appellant purchased the home recently with all his savings in order to live next door to his parents. With the expense of purchasing the home and financial obligations to his son's expensive post-secondary education, including accommodation expenses, the opportunity for additional financing is not available at this time. Furthermore, the neighbourhood is already experiencing significant transition.

Therefore, it was

Moved by I. Dhillon  
Seconded by P. Sandhar

THAT Appeal No. 17-86, for an extension of four years to the effective termination date of Land Use Contract No. 155, until May 29, 2022, to permit the construction of a new residential dwelling at 9481 – 132A Street, in accordance with the provisions of Land Use Contract 155, be **ALLOWED**.

CARRIED UNANIMOUSLY

**12. Appeal No. 17-87 – Parmjit S. and Parmjit K. Virk**

*For permission for an extension of six years to the effective termination date of Land Use Contract No. 155, until May 29, 2024, to permit the construction of a new residential dwelling at 13296 – 95A Ave.*

The Board acknowledged Parmjit Virk, Appellant, in attendance with Avtar Dhadwal, as translator, to speak to the application.

The Appellant informed that he purchased the property in 2009 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The intent of the subject property was to build a larger home for the future extended family after his children had completed their post-secondary education. The financial commitment to the post-secondary education and not being aware or prepared for the LUC termination, prevents the Appellant from having the funds needed to begin construction of the new family home prior to the LUC termination date.

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

- The subject property is currently rented and the Appellant and his family live at 13305 – 95 Avenue. He also owns a third property.
- The subject property was purchased in 2009 and the other two properties were purchased in 2012.
- The Appellant would like a larger family home, preferably a three storey home that could accommodate a gym and a theatre and also provide the opportunity for his mother-in-law to come and live with them.
- Careful consideration and planning is required to determine the family needs and to prepare for building a new home for an 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:**

- The LUC extension request is for almost the maximum allowable, until 2024. The Appellants have other assets they could move around; they own three properties and could dispose of one if they wanted to build. At some point they will require the funding for the new home.
- Not sure that the hardship is 100% financial based on the fact the Appellant owns three properties. However, the Appellants are at the stage in their lives where their children are in school and they need to plan for the future needs for the family to continue to live together as the family grows. They are not prepared at this time to construct the new home they believe they will need which, although it seems very large, will have all the bedrooms on the upper floor. They are clearly not able to begin construction right away and, although they may be able to somehow gather the funds required, this is just not the right time for them to begin the process and commitment to building their future home. Furthermore, with the significant transition already taking place generally in the neighbourhood of the subject property, it would be a hardship for the Appellants to not have a similar style of home.
- Financial hardship, weighted by the fact that there is a neighbouring LUC home currently construction and numerous behind the subject property. It is an area that is significantly affected by change.

Therefore, it was

Moved by P. Sandhar  
Seconded by I. Dhillon

THAT Appeal No. 17-87, for an extension of six years to the effective termination date of Land Use Contract No. 155, until May 29, 2024, to permit the construction of a new residential dwelling at 13296 – 95A Ave, in accordance with the provisions of Land Use Contract 155, be **ALLOWED**.

CARRIED  
(M. Bola opposed)

The Board recessed at 12:20 pm and reconvened at 12:23 pm.

**13. Appeal No. 17-88 – Kapil and Balbir Judge**

*For permission for an extension of two years to the effective termination date of Land Use Contract No. 155, until May 29, 2020, to permit the construction of a new residential dwelling at 9471 – 132A St.*

The Board acknowledged Kapil Judge, Appellant, in attendance to speak to the application.

The Appellant informed that he is on Title as 50% owner of the property with his mother, which was bought in 2013 for its Land Use Contract (LUC) specifications that permit the construction of a larger home. Plans were to begin construction of a larger family home in late 2019 for his parents, brother and also his sister who is expected to be arriving from India with her family soon. As planned prior to the LUC termination, the Appellant is currently building two houses in Port Coquitlam to sell. The unexpected termination of the LUC interrupts plans already underway and causes financial hardship to meet the LUC termination date. An extension of two years is being sought in order to maintain the original timeline for building the new family home.

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

- The subject property was not purchased to redevelop and sell, it was purchased with the sole intention of building a larger family home for the Appellant's parents, his two siblings and their families.
- The Appellant currently lives with his parents and owns another property that he will be redeveloping for his future family. Appeal 17-89 for an LUC termination extension for that property has also been submitted to the Board for consideration and is considered under item C.14.
- The Appellant's parents also own the property at 8876 – 150 Street, purchased in 2015 and currently rented. They have not considered selling that property; it is perhaps for their retirement income.
- The guidelines for in ground basements are determined by having services available. If a three storey home including basement could be guaranteed that may be fine, but the City cannot guarantee until a Building Permit is approved.
- There will be many people living in the house and an LUC allows a larger home and much more open space inside so it is not simply a house full of rooms. Would also like to have a bar downstairs.
- The hardship is the timeline; it takes a year to plan a house properly. It is also a personal and business financial hardship as the LUC termination has affected your plans that were already in place.

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 under considerable redevelopment with many new houses currently under construction in the neighbourhood.
- A hardship can be determined. The Appellant and his mother own the property that was purchased for the sole purpose of building a future home for his parents and his siblings' families. A time line had been set in place based on financial commitments prior to the LUC termination which has now caused financial constraints. Furthermore, the neighbourhood is already in transition.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT Appeal No. 17-88, for an extension of two years to the effective termination date of Land Use Contract No. 155, until May 29, 2020, to permit the construction of a new residential dwelling at 9471 – 132A St, in accordance with the provisions of Land Use Contract 155, be **ALLOWED**.

CARRIED  
(M. Bola opposed)

**14. Appeal No. 17-89 – Kapil Judge**

*For permission for an extension of three years to the effective termination date of Land Use Contract No. 104, until May 29, 2021, to permit the construction of a new residential dwelling at 9042 Ben Nevis Crescent.*

The Board acknowledged Kapil Judge, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in 2008, paying almost \$75,000 more at the time for its Land Use Contract (LUC) specifications that permit the construction of a larger home. He has been running a home office there for the time being with the intention of building a new three storey family home in the future when he marries and starts a family. As noted in Appeal 17-88, the Appellant is currently building two new homes in Port Coquitlam at properties purchased in 2015 and 2016 for the sole purpose of redevelopment and sale. It was planned prior to the LUC termination and will provide financing for the redevelopment of the property considered under Appeal 17-88 and for the subject property. The unexpected termination of the LUC interrupts plans already underway and causes financial hardship to meet the LUC termination date. An extension of three years is being sought in order to maintain the original timeline for building the new home.

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

- It is imperative there is a separate floor of the home for the business which is why three storey home is required.
- The guidelines for in ground basements are determined by having services available. If a three storey home including basement could be guaranteed that may be fine, but the City cannot guarantee until a Building Permit is approved.
- Would like to build a home with character, not a 'box' style of home; a home with some bedrooms and many open areas throughout the 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:**

- A financial hardship has been determined as the Appellant purchased the property to be able to build and have space for his business. He already committed his finances to two other properties for development and sale, as planned prior to notification of the LUC termination. The maximum term extension is not being sought; the Appellant simply wants to maintain the timeline already underway prior to the unexpected LUC termination.

Therefore, it was

Moved by I. Dhillon  
Seconded by M. Bola

THAT Appeal No. 17-89, for an extension of three years to the effective termination date of Land Use Contract No. 104, until May 29, 2021, to permit the construction of a new residential dwelling at 9042 Ben Nevis Crescent, in accordance with the provisions of Land Use Contract 104, be **ALLOWED**.

CARRIED UNANIMOUSLY

The Board recessed at 12:45 pm and reconvened at 1:15 pm.

Board member P. Sandhar declared a conflict of interest related to the following appeal and left the meeting at 1:20 pm.

**15. Appeal No. 17-90 – Harpreet and Lukhvir Dhillon**

*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 7629 – 126A Street.*

The Board acknowledged Lukhvir Dhillon, in attendance with Gurinder Dhillon, Agent and daughter-in-law of Harpreet Dhillon, as translator to speak to the application.

The Agent informed that the property was purchased in 2002 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The property was purchased with the help of the Appellant's family and has been the home where, as a single parent, she raised her four children. Two of her children are married (2004 and 2008), one of which is the Agent's husband. Due to the size of the home, the Agent, her husband and their three children rent a home elsewhere. However, it has always been planned that the family would be able to build a new home to accommodate all family members again once everyone was employed and financially stable. The unexpected LUC termination has brought a hardship that will significantly impact the plans of a future home for the extended family. With two of the Appellants' sons to be married within the next two - five years, the Appellant and her children are not in a financial position to construct a new home within the LUC termination deadline.

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

- In addition to the Agent and her husband, two of the Appellant's sons now have stable employment. Furthermore, the Agent is self-employed and has been working from home for the past two years and is now established enough to help contribute to the family finances for the construction of the new home.
- The whole street is seeing substantial redevelopment.

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 parent who has looked after her children and the termination affects plans to build the joint family home in the future.

Therefore, it was

Moved by M. Bola  
Seconded by I. Dhillon

THAT Appeal No. 17-90, 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 7629 – 126A Street, in accordance with the provisions of Land Use Contract 394, be **ALLOWED**.

CARRIED UNANIMOUSLY

Board member P. Sandhar rejoined the meeting at 1:30 pm

**16. Appeal No. 17-91 – Manjit Gill**

*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 12631 – 76 Avenue.*

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

The Appellant's son informed that his mother has lived in the home since 1992 and, since 2006, raised both of her children as a single parent. He also reported he is a full time student looking to complete his MBA education, obtain full time employment and contribute to the financial cost of constructing a larger family home in the future. His mother's dream was always to have her children and their families live together in a larger home as permitted under the current Land Use Contract (LUC) specifications. Furthermore, extended family members from the UK (Aunt, Uncle and three cousins) are expected to be coming to live with the Appellant in the future. The termination of the LUC has created a financial hardship as there the Appellant is not in a financial position to change plans and build within the limited time available.

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

- Currently three family members live in the home, the Appellant, her son and her daughter.

- Not looking to build separate suites in the future home, just want to ensure there is some privacy for everyone.

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 has been a single mother supporting her children and one of them is in university where the cost of education is high based on his MBA designation. Furthermore, the neighbourhood is already in transition with plenty of redevelopment with larger homes.

Therefore, it was

Moved by M. Bola  
Seconded by I. Dhillon

THAT Appeal No. 17-91, 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 12631 – 76 Avenue, in accordance with the provisions of Land Use Contract 394, be **ALLOWED**.

CARRIED UNANIMOUSLY

**17. Appeal No. 17-92 – Gurpartap Sachar and Harleen Bhatia**

*For permission for an extension of two years to the effective termination date of Land Use Contract No. 26, until May 29, 2020, to permit the construction of a new residential dwelling at 13326 – 87B Avenue.*

The Board acknowledged Harleen Bhatia, Appellant, in attendance to speak to the application.

The Appellant informed that she and her husband purchased the property in 2011 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Unable to find a suitable larger house at the time and settled for a smaller affordable house where they could plan and build a larger home in the future. Her husband works away in California five days a week and she stays home to look after their two young children. It is planned that her parents will be arriving next summer to stay with her permanently and that her father could help with the planning of the new family home. The unexpected LUC termination causes a financial hardship for the Appellants as, with only one household income, they have

not been able to save and are not prepared financially or otherwise to begin the construction of a new home at this time.

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

- Ideally would like a home with two large master bedrooms on the main floor for the Appellants parents and in-laws, and have one large kitchen.
- The future family home will accommodate eight family members including the parents of both Appellants.

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 quite a few redeveloped homes in the area and one currently under construction; possibly larger RF permitted homes. The area behind the subject property is extensively redeveloped.
- The subdivision was originally developed with very small homes as small as 1,000 sq. ft. on some properties.
- Hardship has been determined. It is a growing family that needs a larger home for extended family and with one of the Appellants out of the country most of the time for employment, more time is needed to save for the new home. In addition, the neighbourhood is in transition.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT Appeal No. 17-92, for an extension of two years to the effective termination date of Land Use Contract No. 26, until May 29, 2020, to permit the construction of a new residential dwelling at 13326 – 87B Avenue, in accordance with the provisions of Land Use Contract 26, be **ALLOWED**.

CARRIED UNANIMOUSLY

**18. Appeal No. 17-93 – Mela Kalkett**

*For permission for an extension of three years to the effective termination date of Land Use Contract No. 46, until April 24, 2021, to permit the construction of a new residential dwelling at 13913 – 77A Avenue.*

The Board acknowledged Ravinder Kalkett, Agent, in attendance with Kultar Dhaliwal, to assist and to speak to the application.

The Agent informed that the Appellant purchased the property in 2003 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The Appellant's father would like to live with his two sons and their families as well. The timing of the LUC termination causes hardship as the Appellant has property overseas that needs to be sold and could take approximately two years. An extension of the LUC termination for three years is sought in order to secure the funds needs to build a larger extended family home.

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

- The subject property has been rented since it was purchased; the Appellant and his brother live together in a different house. Their father lives in another house and would like to sell his home and build a larger house on the subject property for all family members to live together.
- The Appellant's brother hopes to continue to rent the property where they currently live as they cannot build a larger house on that property.
- It doesn't make sense to tear down the brother's home because it is only five years old. A larger home can be built on the subject property; it is the only property owned with the LUC permitted specifications.
- Not considering selling the other properties to fund building a new home. Plan was to live together in the future once the children have grown up. With the Appellant's mother quite sick for the last five years, it was has not been a priority to contemplate building a new home.
- Living at the property with brother for four years since his house was built in 2014. It was the property that was developed first because it would have cost much more to build on the subject property at that time.
- Would like to build a large house to accommodate a large extended family of twelve to live together; the Appellant, his three children, brother and his family, and their parents. Would like to maximize the size of the house to accommodate everyone comfortably.
- The Appellant has three properties and the extended family that this house would be built for also own three properties.

The Chair confirmed there were two pieces of correspondence received in response to the notification regarding the appeal and one person present to speak to the application on behalf of three neighbours.

The Chair reviewed the correspondence noting concerns of increased traffic, parking and safety issues and the effect of LUC redevelopment in the quiet neighbourhood.

Andrew Bartosz, neighbour of the Appellant, residing at 13910 - 78 Avenue, presented concerns as follows:

- It appears the Appellant is aiming at long term implications to a neighbourhood for one home not conforming to what was built in the area in 1974, taking so much of the land of the lot to build a home. Certain neighbourhoods are just not prepared to support such development.
- In addition to the concerns expressed in the correspondence, it is understood the Appellant paid a lot of money for the house, but it does not make sense to build such a large house out of character of the neighbourhood. It is a lovely neighbourhood of similar homes; very much like a village.

**In response to comments from Mr. Bartosz, the Board advised the following:**

- If the Appellant was able to build his new home right now he could; he has until April 24, 2018 to apply for a Building Permit. The Board is not in a position to prevent an application under the LUC if the Appellant had the funds to build.
- Under the new zoning for this particular property, because of the size of the lot, the Appellant could build a 5,000 sq. ft. home, and larger if it has a basement. So even though the desire is to see the area not change, over time the reality is the new zone permits suites. Even if the appeal was denied, there is still the potential in the future that every one of those houses in the neighbourhood could redevelop.

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

- The Planning Report was issued in December 2016.
- Typically there is no cap on FAR, a home of roughly 10,000 sq. ft. with no applicable 80/20 restrictions could be built under the LUC.

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

- The Appellant owns multiple properties. This is an area where there has been only one redevelopment in close proximity of the home.

- The property is significantly larger than most of the other properties in the area; large enough that the Appellant may be able to subdivide the property if he wanted. Even with the new RF it could still be redeveloped into a large house.
- With a lot size over 12,700 sq. ft., the underlying RF zone would provide a home up to 5,000 sq. ft. plus a basement, if permitted, for a total of almost 8,000 sq. ft.
- The Board has heard submissions and a verbal presentation that represented three neighbour concerns, and has clarified that even if this Appeal was denied, it does not prevent the Appellant from building under the LUC prior to the termination date.
- There is no determination of hardship. Most of the houses would not be able to build as large a home as what the Appellant could build under the LUC, which would have quite an impact to the neighbourhood.
- There is a need for a larger home however, with so many other properties, it is not that the Appellant could not construct a new home before the LUC termination; he has the financial means.

Therefore, it was

Moved by M. Bola  
Seconded by P. Sandhar

THAT Appeal No. 17-93, for an extension of three years to the effective termination date of Land Use Contract No. 46, until April 24, 2021, to permit the construction of a new residential dwelling at 13913 – 77A Avenue, in accordance with the provisions of Land Use Contract 46, be **DENIED**.

CARRIED UNANIMOUSLY

**19. Appeal No. 17-94 – Sulinder Toor**

*For permission for an extension of six years to the effective termination date of Land Use Contract No. 75, until May 29, 2024, to permit the construction of a new residential dwelling at 12736 Arran Place.*

The Board acknowledged Sulinder Toor, Appellant, in attendance with Gurjit Tutt, Agent, to speak to the application.

The Agent informed that the Appellant purchased the property in 2010 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The unexpected LUC termination creates financial hardship as the Appellant is not working right now and her only son just bought a new truck for his employment this year.

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

- There are six family members living together including the Appellant, her husband, son and daughter-in-law and their two small children.
- The Appellant does not own any other properties.
- Within the area there are two homes already redeveloped.

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. The Appellant's son had already purchased a truck for employment and the family needs more time to save for a larger home that will be accommodate the family as they grow. Furthermore, the area is already experiencing redevelopment.

Therefore, it was

Moved by I. Dhillon

Seconded by P. Sandhar

THAT Appeal No. 17-94, for an extension of six years to the effective termination date of Land Use Contract No. 75, until May 29, 2024, to permit the construction of a new residential dwelling at 12736 Arran Place, in accordance with the provisions of Land Use Contract 75, be **ALLOWED**.

CARRIED UNANIMOUSLY

**20. Appeal No. 17-95 – Jaswinder and Parminder Dhamkal**

*For permission for an extension of five years to the effective termination date of Land Use Contract No. 84 until May 29, 2023, to permit the construction of a new residential dwelling at 9315 – 132A Street.*

The Board acknowledged Jaswinder Dhamkal, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in 2015 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. He has already planned to buy a new truck for work and is not able to put money aside for the new house at the moment. A larger

home to accommodate a growing family, including his in-laws currently living in the basement, is desired, but the LUC termination hinders the opportunity.

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

- The Appellant owns two properties including the subject property which is currently rented. He lives in the other property at 13305 – 94 Avenue, which he has owned since 2003. The subject property was purchased for the sole purpose of being able to build a larger family home in the future.
- The LUC termination came after the commitment to purchase a new truck for employment was already underway. He is financially not stable at this time as a result and will not be able to prepare for a Building Permit application prior to May 29, 2018.
- There are currently two new homes currently under LUC construction.

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 determined. The Appellant needed to buy a new truck for his work and intended to build, but the LUC termination now creates a hardship.

Therefore, it was

Moved by P. Sandhar  
Seconded by I. Dhillon

THAT Appeal No. 17-95, for an extension of five years to the effective termination date of Land Use Contract No. 84 until May 29, 2023, to permit the construction of a new residential dwelling at 9315 – 132A Street, in accordance with the provisions of Land Use Contract 84, be **ALLOWED**.

CARRIED UNANIMOUSLY

**21. Appeal No. 17-96 – Kulwinder Dhanoa**

*For permission for an extension to the effective termination date of Land Use Contract No. 170 until June 30, 2024, to permit the construction of a new residential dwelling at 13098 – 95 Avenue.*



The Board acknowledged Kulwinder Dhanoa, Appellant, in attendance to speak to the application.

The Appellant informed that she purchased the property in 2007 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Constructing the new home is not possible right now as her husband is currently the only family member working full time while she only works part time as they have two young children.

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

- The 7,200 sq. ft. lot under the RF zone could provide a two storey 4,000 sq. ft. home, plus a basement if servicing permits.
- Would like to build a larger home to accommodate the current seven family members including mother-in-law and brother, and the addition of her sister and her family arriving permanently from Australia in January.
- The 2,000 sq. ft. home was purchased with the intention to build a larger three storey home with rooms for everyone. The RF zone does not provide the size of home required to accommodate the needs of a growing extended family. A secondary suite is not needed. Would like to have larger rooms not necessarily a very large house; just a house that provides larger rooms.
- There are new larger homes behind the property and there is also one across the street. The neighbour has also advised he has already received an extension and he will be redeveloping in the future.

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 street is not redeveloped; mostly original homes. There are new houses on the corner, but there aren't any three storey LUC built homes in the immediate area.
- The Appellant has stated a larger house is needed and that the hardship is that there aren't the finances at this time to construct right now. The area is not developed much right now, but it could be. Although not satisfied that the Appellant's sister will also be living with them, it is a growing family that will need a larger house for all of them. However, it does not mean that the rooms need to be huge. It is difficult to be sure an RF zone house is not sufficient.

- The Appellant has not provided adequate proof of a hardship caused from not allowing the LUC extension. Not convinced that the RF zone on this property does not provide a large enough home for the family.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT Appeal No. 17-96, for an extension to the effective termination date of Land Use Contract No. 170 until June 30, 2024, to permit the construction of a new residential dwelling at 13098 – 95 Avenue, in accordance with the provisions of Land Use Contract 170, be **ALLOWED**.

**DEFEATED – Tie Vote**

(M. Bola and G. Mervyn opposed)

## 22. Appeal No. 17-97 – Khusdip Dhaliwal

*For permission for an extension to the effective termination date of Land Use Contract No. 193 until April 30, 2023, to permit the construction of a new residential dwelling at 13873 – 92A Avenue.*

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

The Appellant informed that she purchased the property in April 2017 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The previous home owner is now the Appellant's tenant as they needed more time in the home and sold it on the agreement that they could rent it for five years. The Appellant doesn't want to lose the opportunity to build her dream family home under the LUC provisions and is seeking an extension of the LUC termination date in order to continue the tenancy agreement and build in the future. If not for the tenancy agreement, the Appellant would have financial assistance, her husband would sell the house they are living in now and they would be building right away.

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

- The property was purchased without the knowledge of the impending LUC termination and with the understanding and agreement that the owner could rent the property back from the Appellant for five years. The LUC termination causes hardship as it has interrupted the plans to build the desired home in the future as a result of the agreement to purchase conditions with the original owner.

- Appellant owns only the subject property; her husband owns the house they currently live in. If at any point the previous property owners (now tenants) leave the house, the Appellant would build then.
- The property is in a convenient location close to the skytrain. Although the children are young just now, it will be ideal when they grow up.
- The plan is to invest in the house for now and have plenty of time to save for the family home.
- There are currently four family members, including two small children.
- The Appellant's husband is building another house right now, so there is experience to know the difference between what could be built under the RF zone versus the LUC. The RF zone does not meet the family's future needs.
- With many family members visiting every summer and living in a house that is only 3,500 sq. ft., a larger home for the family is needed.
- Want to invest properly in the family home. It was purchased with the plan to build in the future to accommodate an extended family; need to determine the needs of the family and plan accordingly.
- There is a home across the street that was built under the LUC and two more homes further down the street; three in the area.

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 purchased the property in good faith, agreed to a binding contract to allow the previous property owners to remain in the home and rent back, and now in position to have to wait for her tenant to move before being able to build; very limiting for the Appellant.
- A hardship can be determined, even though a financial hardship has not been established, the contract provided supports the Appellant purchased the property to build in five years. Furthermore, there is already development in the area.

Therefore, it was

Moved by I. Dhillon  
Seconded by P. Sandhar

THAT Appeal No. 17-97, for an effective termination date of Land Use Contract No. 193 until April 30, 2023, to permit the construction of a new residential dwelling at 13873 – 92A Avenue, in accordance with the provisions of Land Use Contract 193, be **ALLOWED**.

CARRIED  
(M. Bola opposed)

The Chair called for a 10 minute recess at 3:24 pm. The Board reconvened at 3:44 pm.

**23. Appeal No. 17-98 – Paramjit and Sukhjinder Sekhon**

*For permission for an extension of four years to the effective termination date of Land Use Contract No. 300 until June 26, 2022, to permit the construction of a new residential dwelling at 9278 – 123A Street.*

The Board acknowledged Sukhjinder Sekhon, Appellant, in attendance with his cousin Sukh Sandhu, as translator, to speak to the application.

The Appellant provided correspondence he had received from his neighbour providing support of the requested extension. It was also noted that correspondence from the same neighbour had also been received on November 2, 2017, expressing concerns.

The Appellant informed that he purchased the property in 2012 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Renovations to the home, including a new roof and painting throughout, were completed early in the year with the intention of maintaining the home for a few more years until the Appellant was financially able to build the larger family home. The Appellant is the only family member working. An extension of four years to the LUC termination date is sought to provide time to become financially sufficient to build a new home.

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

- It is financially impossible to meet the LUC termination deadline as the Appellant is the only person working and has a young family of three children and a fourth child on the way.
- The Appellant's parents will be arriving from India soon. At least three more years are needed to prepare for the type of home needed for the extended family, including his four children, mother-in-law (already living

with him) and his parents. Although seeking a four year extension, hoping to be able to begin the process in two and half years.

- There is some redevelopment at the end of the cul-de-sac, opposite the subject property. In the immediate area there are three new homes. In addition, another neighbour is starting to build a house and the immediate neighbour next door and his neighbour are both about to start building soon.
- No other properties are owned by the Appellants.

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's current situation is that he needs a larger home for an extended family but not financially able to construct a new home just now. Furthermore, the property is already in an area that is in transition.

Therefore, it was

Moved by P. Sandhar  
Seconded by I. Dhillon

THAT Appeal No. 17-98, for an extension of four years to the effective termination date of Land Use Contract No. 300 until June 26, 2022, to permit the construction of a new residential dwelling at 9278 – 123A Street, in accordance with the provisions of Land Use Contract 300, be **ALLOWED**.

CARRIED UNANIMOUSLY

**24. Appeal No. 17-99 – Pavitar and Rajwant Badesha**

*For permission for an extension of three years to the effective termination date of Land Use Contract No. 331 until April 24, 2021, to permit the construction of a new residential dwelling at 12860 – 69 Avenue.*

The Board acknowledged Rajwant Badesha, Appellant, in attendance to speak to the application.

The Appellant informed that she and her husband purchased the property in 2007 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. They currently own three properties, one in Chilliwack and two in Surrey, including the subject property.

It was always the intention to build a new larger home at the subject property in a few years after their children had completed their post-secondary education. However, a long illness of the father-in-law leaving him permanently needing a wheelchair, and the post-secondary education fees for all three of their children leaves them financially unable to build the new family home within the time permitted under the LUC termination. An extension of three years is sought to provide time to properly design the type of home that is now needed to accommodate a master bedroom on the main floor and be completely wheelchair accessible.

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

- The family currently live at their second Surrey property at 6815 Kilburn Place. It is eight years old, situated on a 7,100 sq. ft. lot, not as large as the subject property.
- The subject property was purchased at the time for investment, but now there is a need for a larger home to accommodate eight adults and be wheelchair accessible in order to provide as much comfort as possible for the Appellant's father-in-law.
- Financially not able to start the planning and construction of a new home yet because the Appellants have been paying for their children's post-secondary education; two in the medical field, one as a correction officer, and the other two in respiratory service. Now saving money for a new home.
- There is redevelopment in the area and new houses 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:**

- A hardship has been determined. This is a joint family that needs a larger home and needs to build something that is wheelchair accessible. The Appellant was not prepared for the LUC termination after paying for post-secondary education fees for his children. Furthermore, the neighbourhood is already undergoing redevelopment.

Therefore, it was

Moved by P. Sandhar  
Seconded by I. Dhillon

THAT Appeal No. 17-99, for an extension of three years to the effective termination date of Land Use Contract No. 331 until April 24, 2021, to permit the construction of a new residential dwelling at 12860 – 69 Avenue, in accordance with the provisions of Land Use Contract 331, be **ALLOWED**.

CARRIED UNANIMOUSLY

**25. Appeal No. 17-100 – Jatinder and Baljinder Khara**

*For permission for an extension to the effective termination date of Land Use Contract No. 350 until June 30, 2024, to permit the construction of a new residential dwelling at 12977 – 73B Avenue.*

The Board acknowledged Baljinder Khara, Appellant, in attendance with Harpal Dhudwal, as translator, to speak to the application.

The Appellant informed that she and her husband purchased the property in June 2017 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The Appellant's son has health issues and would like, with his wife and family, to move back home with his parents as his health is not getting any better. A larger home will be needed to accommodate the Appellants, their daughter, son and his wife and children to all live together. Unfortunately the Appellant was not aware of the LUC termination until they did their own research; it was not information that was disclosed at the time of purchase. As a result, they are not financially prepared to begin to plan and build a new family home at this time.

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

- Some LUCs are very prescriptive. The LUC for this area is limited to the style of homes that are already there. With this property, the kind of house that can be built is not really any larger than what can be achieved under the RFG.

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

- As a close family, the property was selected for its ideal location as well as LUC opportunity to provide the space desired to settle down and build a house that suited the needs of the extended family in a neighborhood with close proximity to everything. It would be a shame to have to relocate in order to have a larger home.

- Since purchasing the home there has been a significant amount of money invested into renovating the current home to best suit the growing family needs, knowing that as the family expands the current home will become too small for everyone.
- The Appellant's son has some health complications and having him with them so they can help is extremely important to them. Having his parents for moral support is also key to a speedy recovery as he faces his health concerns.
- Really do not want to demolish the home right away, but there will be a need for a larger home that can accommodate more room, including a bedroom, on the main floor as it is a challenge for their son to use stairs.

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 all developed with the same type of home on very narrow lots, all very close together.
- There is nothing to be gained by extending the LUC, which is probably why none of the homes have been redeveloped. The LUC is very prescriptive and would not allow a larger home to be built; it would have to be exactly the same. The Appellant has the option to build a larger home under the new RFG zone.
- While a hardship has been determined, there is no benefit for the Appellant to build under the LUC provisions. Based on the information provided to the Board, the Appellants are advised to seek further guidance to determine their needs and how they can be met within the underlying RFG zone, which is not as limiting as the current LUC.

Therefore, it was

Moved by M. Bola

Seconded by I. Dhillon

THAT Appeal No. 17-100, for an extension to the effective termination date of Land Use Contract No. 350 until June 30, 2024, to permit the construction of a new residential dwelling at 12977 – 73B Avenue, in accordance with the provisions of Land Use Contract 350, be **DENIED**.

CARRIED UNANIMOUSLY



**26. Appeal No. 17-101 – Sarnjit Valasra and Darshan Singh**

*For permission for an extension of five years to the effective termination date of Land Use Contract No. 453 until April 24, 2023, to permit the construction of a new residential dwelling at 12225 – 77A Avenue.*

The Board acknowledged Sarnjit Valasra and Darshan Singh, Appellants, in attendance with their son, Manbir Singh, as translator, to speak to the application.

The Appellant's son informed that his parents purchased the property in 2000 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The unexpected termination of the LUC causes financial hardship as his parents are not currently financially stable. From 2007 until 2015 his father had a medical history that prevented him from working, and one year after his father stopped working his mother was in a motor vehicle accident and was also unable to work. The financial commitment to his brother's post-secondary education has depleted their savings and more time is needed to save now for the larger house.

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

- There are six family members, including the Appellants, two of their parents and two sons.
- This is an area where there has been redevelopment. There are four houses at the moment that are LUC developed and one more under development.
- Would like to build something similar to homes in the neighbourhood; three storeys with a flat roof.

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 determined. The Appellant's have had interruptions to their income due to health complications, the area is already in redevelopment and the underlying zone does not permit a large home, allowing only a home that is significantly smaller than what the Appellants would like for their extended family.

Therefore, it was

Moved by I. Dhillon  
Seconded by M. Bola

THAT Appeal No. 17-101, for an extension of five years to the effective termination date of Land Use Contract No. 453 until April 24, 2023, to permit the construction of a new residential dwelling at 12225 – 77A Avenue, in accordance with the provisions of Land Use Contract 453, be **ALLOWED**.

CARRIED UNANIMOUSLY

**27. Appeal No. 17-102 – Amrinder Hans, Jagtar Hans and Baljinder Hans**

*For permission for an extension to the effective termination date of Land Use Contract No. 490, until June 30, 2024, to permit the construction of a new residential dwelling at 12989 – 66 Ave.*

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

Therefore, it was

Moved by I. Dhillon  
Seconded by P. Sandhar

THAT Appeal No. 17-102, for an extension to the effective termination date of Land Use Contract No. 490, until June 30, 2024, to permit the construction of a new residential dwelling at 12989 – 66 Ave, in accordance with the provisions of Land Use Contract 490, be **DEFERRED**.

CARRIED UNANIMOUSLY

**28. Appeal No. 17-103 – Satpal and Narinder Gill**

*For permission for an extension to the effective termination date of Land Use Contract No. 554, until December 30, 2022, to permit the construction of a new residential dwelling at 8640 Tulsy Crescent.*

The Board acknowledged Narinder Gill, Appellant, in attendance with Sunny Bal, as translator, to speak to the application.

The Appellant informed that the property was purchased in November 2016 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The property was purchased only six months after purchasing a duplex lot in May 2016 for redevelopment to sell and then build the family home on the subject property. The duplex lot will be ready for redevelopment in June 2018. The Appellant was not aware of the upcoming LUC termination on the subject property.

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

- There are 12 family members living together, including the Appellants' three children, brother, sister-in-law and their three children, and their mother and father.
- The lot is almost 10,000 sq. ft.; the underlying zone is RF.

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 have been several appeals for this area and there is extensive LUC development.
- Hardship has been determined. The Appellants' financial status is difficult as their funds are tied up with another property that hasn't completed or come into possession. Furthermore, the neighbourhood in transition.

Therefore, it was

Moved by M. Bola  
Seconded by P. Sandhar

THAT Appeal No. 17-103, for extension to the effective termination date of Land Use Contract No. 554, until December 30, 2022, to permit the construction of a new residential dwelling at 8640 Tulsy Cres, in accordance with the provisions of Land Use Contract 554, be **ALLOWED**.

CARRIED UNANIMOUSLY

**29. Appeal No. 17-104 – Jugraj, Rajwinder, Jaspal and Sharandip Atwal**

*For permission for an extension to the effective termination date of Land Use Contract No. 575, until June 30, 2024, to permit the construction of a new residential dwelling at 14194 – 72A Ave.*

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

The Appellant informed that the property was purchased in 2010 for its Land Use Contract (LUC) specifications that permit the construction of a larger

home in the future. It is a family of 14 that live together, with only the Appellants working. Financially not able to save in time to be able to plan and build the larger home that is very much needed for the growing family. The LUC termination causes financial and emotional hardship as the family do not want to lose the opportunity to have their future home where they are now.

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

- The current house has six bedrooms, accommodating the Appellants, their parents, brother and sister and children; 14 family members.
- The full extension is sought to provide as much time as possible to save for the type of home that will be required to comfortably accommodate all of the family members. The Appellants will build sooner if it is at all possible as they desperately need more space already.
- The Appellants do not own any other 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 area has no redevelopment, although behind the houses there are new larger homes facing 72 Avenue.
- Hardship versus general interest. The lot is 6,000 sq. ft. which the underlying RFG zone will provide a very small home of approximately 3,300 sq. ft. Under the current LUC, a larger home with approximately 1,900 sq. ft. per floor is permitted.
- This is not a case of someone wanting to build 10,000 sq. ft. home. This is a huge hardship for this family as the underlying zone is significantly smaller and the Appellants are just not in the financial position to build just now.
- Hardship has been determined. There is a need for this family to have a larger house that can accommodate all the family; just something that will suit their needs. If the appeal was denied, the underlying RFG zone would create a gap of approximately 2,400 sq. ft. smaller than the LUC.

Therefore, it was

Moved by P. Sandhar  
Seconded by M. Bola

THAT Appeal No. 17-104, for an extension to the effective termination date of Land Use Contract No. 575, until June 30, 2024, to permit the construction of a new residential dwelling at 14194 – 72A Ave, in accordance with the provisions of Land Use Contract 575, be **ALLOWED**.

CARRIED UNANIMOUSLY

**D. OTHER BUSINESS**

**1. Proposed 2018 Board of Variance Meeting Schedule**  
File No. 0540-20

The memo from the City Clerk, dated November 1, 2017, regarding the proposed 2018 Board of Variance meeting dates, was reviewed.

Therefore, it was

Moved by P. Sandhar  
Seconded by I. Dhillon

The proposed 2018 meeting schedule be adopted with a request that the City Clerk's office consider an alternate meeting date for January, 2018.

CARRIED UNANIMOUSLY

**E. NEXT MEETING**

The next meeting of the Board of Variance will be held on **Wednesday, December 13, 2017** at 9:00 a.m. in **2E – Community Rooms A & B**.

**F. ADJOURNMENT**

Moved by M. Bola  
Second by I. Dhillon

THAT the meeting be adjourned.

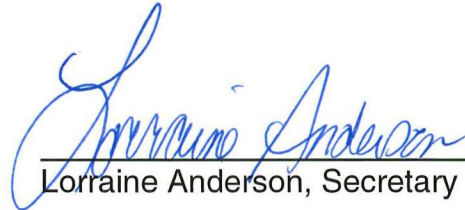
CARRIED UNANIMOUSLY

The meeting adjourned at 4:52 pm



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Gil Mervyn, Chair



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Lorraine Anderson, Secretary