

**City of Surrey
Board of Variance
Minutes**

2E – Community Rooms A & B
City Hall
13450 - 104 Avenue
Surrey, B.C.
WEDNESDAY, DECEMBER 13, 2017
Time: 9:05 AM
File: 0360-20

Present:

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

Absent:

Staff Present:

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

A. ADOPTION OF MINUTES

Minutes of the Board of Variance meeting held November 9, 2017.

Moved by P. Sandhar
Seconded by M. Bola

THAT the Minutes of the Board of Variance meeting held on November 9, 2017, be received and adopted as circulated.

CARRIED UNANIMOUSLY

B. DEFERRED APPEALS

C. NEW APPEALS

Board member I. Dhillon declared a conflict of interest related to the following appeal and left the meeting at 9:10 am.

**1. t
Appeal No. 17-105 – Tirth Kular**

For permission to reduce the rear yard setback from 7.5m to 4.36m, to permit the construction of a new residential dwelling at 6096 – 126 Street.

The Board acknowledged Tirth Kular, Appellant, in attendance to speak to the application.

The Appellant informed she purchased the property in 2016 with the understanding that redevelopment plans by the previous property owners were already approved by BC Hydro, for which a copy of the supporting letter

from BC Hydro was provided. However, when the Appellant formally applied with the proposed plans together with the BC Hydro letter, she was notified that the setbacks were no longer approved. It has now been a year of going back and forth with BC Hydro, only to be continually denied as a result of a change to their policy.

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

- BC Hydro is now willing to work with the setbacks submitted.
- For a construction mortgage the bank requires construction to begin within six months. The delay in proceeding with the plans has resulted in the construction mortgage being changed to a regular mortgage and a higher interest rate.
- It was a shock to receive the letter of denial from BC Hydro, the Appellant had been assured all the plans were already approved.
- The original plans that were submitted had not been approved by City as they were proposed plans at the time. Plans have now been developed based on the setback and the BC Hydro Right-of-Way.
- The issue was taken to a senior level officer with BC Hydro because there had been a letter issued previously that was approved and to find out why there was a change. The response continues to be simply that there was a change to the policy; a policy change has been the only reason provided throughout all contact with BC Hydro.

The Chair confirmed there were no persons present to speak to the application and that two items of correspondence were received in response to the notification regarding the appeal. The Chair read the correspondence, noting concerns with respect to the potential height of the new home blocking the sunlight to the neighbouring homes resulting in a lack of privacy from the new construction much closer to the property line.

The Board reported the design plans provided did not include the elevations for the new home. Planning staff were requested to provide a copy of the elevation plans for the building so that the Board could have a sense of the elevations for the new house.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-105 be tabled briefly until the information requested from Planning staff is available.

CARRIED UNANIMOUSLY

Board member I. Dhillon rejoined the meeting at 9:20 am. The Board continued to hear further appeals until the information requested was available.

At 11:38 am, Planning staff confirmed they were in receipt of the information sought to continue consideration of Appeal 17-105. Board member I. Dhillon declared a conflict of interest related to the appeal and left the meeting at 11:38 am.

Consideration of Appeal 17-105 continued.

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

- With the variance approval, the new home will be two-storeys plus a basement, situated approximately 15 ft. from the fence.
- If it was possible the home would be built closer but the BC Hydro restrictions prevent that.
- As suggested, the Appellant talked to the neighbours and there weren't any objections or concerns expressed at that time.
- After spending two or three months reviewing the plans with BC Hydro, all options to appeal BC Hydro's decision have been fully exhausted, including a request to grandfather the original approval.
- The Appellant did not address the issue with her MLA.

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

- There is no question there is a hardship, but the hardship must be balanced against the impacts of the community. The concerns expressed by the neighbours are valid.
- The diagram provided shows how much of the house that cannot be built if the appeal is denied.
- This would be an exceptional appeal if granted by the Board. It would also require appropriate action by the Appellant to ensure the neighbours understand and are not impacted by the development.
- A hardship has been determined as a result of the BC Hydro Right-of-Way and the change in policy. The Appellant has tried all other avenues and has not been successful.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-105, to reduce the rear yard setback from 7.5m to 4.36m, to permit the construction of a new residential dwelling at 6096 - 126 Street, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

Board member I. Dhillon rejoined the meeting at 11:53 am.

2. Appeal No. 17-106 – Jaswant Jawanda

For permission for an extension of three years to the effective termination date of Land Use Contract No. 235 until May 29, 2021, to permit the construction of a new residential dwelling at 12891 Carluke Crescent.

The Board acknowledged Jaswant Jawanda, Appellant, in attendance with Jay Hothi, as translator, to speak to the application.

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. The Appellant is not financially prepared at this time to build a new home as he has a young family, his wife is not currently working, and he is in the process of paying a business loan that was in place prior to the LUC termination notification. A three year extension to the LUC termination date is being sought.

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

- The house is currently 2,500 sq. ft., with a lot size of 7,200 sq. ft. The underlying RF zone would permit roughly a 4,000 sq. ft. home, plus a basement if services are available.
- A larger three-storey home of approximately 6,000 sq. ft. is desired to accommodate the family of six, including the Appellant's father and brother, as well room for guests.
- The Appellant is comfortable his wife will be working soon and they will be able to build in 3 years.

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 a young family, his wife not currently working, and he is seeking only a three year LUC extension, which does indicate he was planning to build in the near future.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT Appeal No. 17-106, for permission for an extension of three years to the effective termination date of Land Use Contract No. 235 until May 29, 2021, to permit the construction of a new residential dwelling at 12891 Carluke Crescent, in accordance with the provisions of Land Use Contract 235, be **ALLOWED**.

DEFEATED

(M. Bola, G. Mervyn and
J. Rahiman opposed)

Members voting in opposition to the motion noted the following:

- The underlying RF zone provides a minimum of 4,000 sq. ft. and up to 6,000 sq. ft. if a basement is permitted.
- At the moment the neighbourhood is mostly original homes and not experiencing redevelopment. It may also be an area where it is likely that the vast majority of the neighbourhood will not be developed under the LUC.
- With respect to the intent of the bylaw, and making sure the situation is consistent zoning and community benefit, it is possible that a larger home could still be built within the RF zone that will establish a pattern that can be repeated throughout the neighbourhood.
- If an extension to the LUC is not permitted, the Appellant could still apply for a Building Permit by May 29, 2018.

3. Appeal No. 17-107 – Paramjeet and Gagandeep Dhaliwal

For permission for an extension to the effective termination date of Land Use Contract No. 46 until June 30, 2024, to permit the construction of a new residential dwelling at 13875 – 77A Avenue.

The Board acknowledged Gagandeep Dhaliwal, Appellant, in attendance with Suki Gill, as translator, to speak to the application.

The Appellant informed that she and her husband purchased the property in April, 2015 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future to accommodate a large extended family. The early termination of the LUC has brought hardship, including financial hardship, as the Appellant is not working and her husband has not been able to work (roofer) for the past four months as a result of lung infection. The family of 11, including her husband and her two children, brother and sister in law and their two children, and parents, currently live at a second property owned by the Appellant, which is not large enough for the growing families. The intent was to save a little longer for construction of a larger home at the subject property and sell the home they are in to provide funds needed for construction.

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

- The subject property is currently rented. It was purchased with the intent of building a larger home for the growing extended family in the future.
- The family of 11 have lived at 67B Avenue for eight years; it is the only other property owned by the Appellants. The home will be sold when they are ready to undertake the construction of the new family home.
- The majority of the neighbourhood is original homes except for the LUC built home next door; would like to build a similar large, three-storey home.
- Current home is 3,000 sq. ft., lot is over 8,000 sq. ft., which would permit a home of approximately 4,000 sq. ft., plus a basement.

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

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

- The property was purchased to redevelop to accommodate a large family. It is an area that hasn't experienced much redevelopment, but might between now and when the LUC termination comes into effect.
- Hardship has been determined. The Appellants have a very large family that want to continue to live together in a larger house as the families grow. The main income earner currently has health concerns that prevent him from working and financially prepare to construct a new home at this time. Furthermore, the subject property is in an area that has begun to see some transition and although the Appellant could dispose of their second property sooner, they cannot get mortgage approval without being able to work.

Therefore, it was

Moved by I. Dhillon
Seconded by P. Sandhar

THAT Appeal No. 17-107, for permission for an extension to the effective termination date of Land Use Contract No. 46 until June 30, 2024, to permit the construction of a new residential dwelling at 13875 – 77A Avenue, in accordance with the provisions of Land Use Contract 46, be **ALLOWED**.

CARRIED
(M. Bola and J. Rahiman opposed)

4. Appeal No. 17-108 – Narinder Singher

For permission for an extension to the effective termination date of Land Use Contract No. 55 until June 30, 2024, to permit the construction of a new residential dwelling at 7418 – 140 Street.

The Board acknowledged Narinder Singher, Appellant, in attendance with her daughter, Manpreet Singher, to speak to the application.

The Appellant informed that she purchased the property with her sister approximately 20 years ago and assumed full ownership two years ago. She kept the property for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Termination of the LUC at this time is a hardship as the Appellant does not have the funds currently to build the home she intends for her growing family in the future.

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

- The subject property is located on a very busy main street with a variety of development. There is currently a new house under construction three houses away.
- After the expense of taking ownership of the home in 2015, the Appellant is not financially prepared at this time to design and build a new home.
- The Appellant's children would like to help their mother build a new home for their future families, but they are still in school.
- The Appellant does not own any other properties.
- The underlying zone is RF-G which is considerably more limiting in house size; probably not much more than the existing home.

In response to the notification regarding the appeal, the Chair confirmed there wasn't any correspondence received and there was one person present to speak to the application.

Lawrence Stone, residing at 7409 Todd Crescent, neighbour behind the Appellant's property, presented the Chair with correspondence from another neighbour concerned about parking issues for homes that have suites.

Mr. Stone further presented his concerns as follows:

- Two large homes have already been built on Todd Crescent.
- Not opposed to redevelopment, but object to a three-storey home and having neighbours looking down at his house because of their height.

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

- Under a typical RF zone, the actual peak of the roof is likely higher than a flat roof would be.
- This process will not prevent redevelopment. The intent of the City's actions in terminating the LUC is in trying to develop consistency in the residential areas.
- Generally when the Board is looking at an area that is not redeveloped, the impact to the neighbourhood in permitting the redevelopment of a property is also top of mind. However if an appeal is denied, it does not necessarily prevent the redevelopment as there is still time to pursue the ability to begin the building process before the termination of the LUC. The Appellant may wish to hurry up and build right away; but if approved it may delay the redevelopment of the property.
- The Board also looks at the underlying zone and what is permitted. The subject property is RF-G which, if the appeal was denied, would permit a much smaller house.
- With respect to concerns regarding parking, there is no parking from the back of this property, so any parking would need to be on the property, accessed from the front.

In response to comments from Mr. Stone and the Board, the Appellant further advised:

- A flat roof is not desired for the new home.
- The Appellant is just waiting for her son to be a little bit older so he can be involved in the design of the future family home.

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

- Hardship has been determined. The Appellant is financially not in a position to build the new family home early. Furthermore, the underlying zone is RF-G, which really restricts the size of the house that can be built, creating a significant hardship.

Therefore, it was

Moved by P. Sandhar

Seconded by M. Bola

THAT Appeal No. 17-108, for permission for an extension to the effective termination date of Land Use Contract No. 55 until June 30, 2024, to permit the construction of a new residential dwelling at 7418 – 140 Street, in accordance with the provisions of Land Use Contract 55, be **ALLOWED**.

CARRIED UNANIMOUSLY

5. Appeal No. 17-109 – Ajay and Preeti Garg

For permission for an extension to the effective termination date of Land Use Contract No. 450, until June 30, 2024, to permit the construction of a new residential dwelling at 13135 – 66A Avenue.

The Board acknowledged Ajay Garg, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in 2011 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. He is the only family member working at this time as he has a young family and his wife is upgrading her qualifications from India as a dentist, which may take a further two to three years, and will be seeking employment once she has completed her studies. An extension to the LUC termination will provide time to be gain employment and save for the design and construction of a new home.

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

- There are currently six family members in the home including the Appellant's two young children and in-laws. It is anticipated his parents will also join the family in one to two years, for a total of eight family members.
- The 'For Sale' sign is no longer on the property. With the family growing to eight members in the next year or two, there had been some

consideration to move, but it has since been decided the family will stay and just build a larger family home. If the LUC extension is granted, the home will not be sold.

- The house is 2,800 sq. ft., with a lot size of 7,240 sq. ft. which, under the RF zone, would permit a new home of approximately 4,000 sq. ft., plus a basement if permitted.
- This is the only property owned. Instead of having to move, would like to build a three-storey home to provide space and privacy, preferably on separate floors, for extended family members.

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

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

- The neighbourhood has not undergone any other development. There is redevelopment across the street which looks to be built under the RF. The area immediately to the west of the property has smaller RF-G lots with smaller original homes that cannot be redeveloped with larger homes.
- Hardship has been determined. Although there is no significant change to the neighbourhood, the Appellant purchased the property specifically to be able to build a larger home in the future for his children, his parents and his in-laws under the LUC provisions. He is not financially prepared for the LUC termination as his wife needs to complete her studies in order to secure employment in her field.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT Appeal No. 17-109, for permission for an extension to the effective termination date of Land Use Contract No. 450, until June 30, 2024, to permit the construction of a new residential dwelling at 13135 – 66A Avenue, in accordance with the provisions of Land Use Contract 450, be **ALLOWED**.

DEFEATED

(M. Bola, G. Mervyn and
J. Rahiman opposed)

Members voting in opposition to the motion noted the following:

- The underlying RF zone provides a minimum of 4,000 sq. ft. and up to 6,000 sq. ft. if a basement is permitted.
- At the moment the neighbourhood is mostly original homes and not experiencing redevelopment. It may also be an area where it is likely that the vast majority of the neighbourhood will not be developed under the LUC.
- With respect to the intent of the bylaw, and making sure the situation is consistent zoning and community benefit, it is possible that a larger home could still be built within the RF zone that will establish a pattern that can be repeated throughout the neighbourhood.
- If an extension to the LUC is not permitted, the Appellant could still apply for a Building Permit by May 29, 2018.

Board member P. Sandhar declared a conflict of interest related to the following appeal and left the meeting at 10:12 am.

6. Appeal No. 17-110 – Vishwanath Dhiri

For permission for an extension to the effective termination date of Land Use Contract No. 450, until June 30, 2024, to permit the construction of a new residential dwelling at 13111 – 66A Avenue.

The Board acknowledged Vishwanath Dhiri, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in October, 2004 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Due to the financial commitment related to his daughter's education in Switzerland and her recent marriage, he is not in a financial position to expedite plans to have a new home designed and to prepare for construction prior to the LUC termination date. A five year extension of the LUC termination date is sought.

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

- This is the only property owned by the Appellant. The intent is to replace the current 35 year-old home with a larger home that can accommodate the family of four, plus his daughter and her family in the future.
- The 2,800 sq. ft. home has been renovated and well maintained over the years, prolonging the need to replace for a few more years; not overly anxious to tear it down soon.

- A significant amount of money was spent on post-secondary education and wedding expenses for the Appellant's daughter. More time is needed to save for the construction of a new home.

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

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

- Ensuring there is a level of consistency within the neighbourhood is important for the Board to consider.
- With the renovations that were made to the existing home and the financial commitments of a post-secondary education and a wedding, it is clear that there weren't any immediate plans to begin construction of a new home when the LUC termination came into effect.
- Hardship has been determined. The Appellant has been responsible for expensive fees for an overseas post-secondary education for his daughter as well as her wedding expenses. In addition, renovations have been done to the current home in order to maintain it until the Appellant was in a financial position to undertake the construction of replacing the home.

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT Appeal No. 17-110, for permission for an extension to the effective termination date of Land Use Contract No. 450, until June 30, 2024, to permit the construction of a new residential dwelling at 13111 – 66A Avenue, in accordance with the provisions of Land Use Contract 450, be **ALLOWED**.

DEFEATED

(G. Mervyn and J. Rahiman
opposed)

Members voting in opposition to the motion noted the following:

- The underlying RF zone provides a minimum of 4,000 sq. ft. and up to 6,000 sq. ft. if a basement is permitted.
- At the moment the neighbourhood is mostly original homes and not experiencing redevelopment. It may also be an area where it is likely that the vast majority of the neighbourhood will not be developed under the LUC.

- With respect to the intent of the bylaw, and making sure the situation is consistent zoning and community benefit, it is possible that a larger home could still be built within the RF zone that will establish a pattern that can be repeated throughout the neighbourhood.
- If an extension to the LUC is not permitted, the Appellant could still apply for a Building Permit by May 29, 2018.

Board member P. Sandhar rejoined the meeting at 10:18 am.

The meeting recessed at 10:19 am and reconvened at 10:30 am.

7. Appeal No. 17-111 – Sarwan and Pavandeep Dhadda, and Kewal and Gurbax Dhadda

For permission for an extension to the effective termination date of Land Use Contract No. 450, until June 30, 2024, to permit the construction of a new residential dwelling at 13133 – 66B Avenue.

The Board acknowledged Sarwan Dhadda, Appellant, in attendance with Gurvir Brar, as translator, to speak to the application.

The Appellant informed that he purchased the property in 2007 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Termination of the LUC creates a hardship at this time as the Appellant is not financially able to build a new home; he is working full time and his wife works only part time.

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

- There are six family members in the home, including the Appellant's wife, parents and two children (ages 11 and 13).
- The subject property is the only home the Appellant owns. It is approximately 2,100 sq. ft., with a crawlspace (not a basement) situated on a 7,200 sq. ft. lot.
- The adjacent property is planning to build a three-storey home.
- Would also like to build the maximum three-storey home permitted for the property under the LUC. Services may not be available in order to have a basement under the RF zone.
- Financial hardship, only person working full time. Would like more time for when the children are older and less dependent on parents, so his wife can also work and they can qualify for a construction mortgage.

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

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

- Looking at the map and the adjacent property on 131 Street, the LUC boundary is on one side but not on the other. As you go into the cul-de-sac of the home, there are some large homes there. One side is more developed than the other.
- A financial hardship has been determined. The Appellant is the only family member working full time and his children are still young. His plan was once the children were grown they would build a new home to meet the needs of the family. Furthermore, there are two LUC houses adjacent to the subject property; transition of the neighbourhood is already underway.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-111, for permission for an extension to the effective termination date of Land Use Contract No. 450, until June 30, 2024, to permit the construction of a new residential dwelling at 13133 – 66B Avenue, in accordance with the provisions of Land Use Contract 450, be **ALLOWED**.

CARRIED
(M. Bola and J. Rahiman
opposed)

8. Appeal No. 17-112 – Baldev and Paramjit Dhaliwal

For permission for an extension of five years to the effective termination date of Land Use Contract No. 450, until April 24, 2023, to permit the construction of a new residential dwelling at 13136 – 66B Avenue.

The Board acknowledged Baldev Dhaliwal, Appellant, in attendance with Gurvir Brar, as translator, to speak to the application.

The Appellant informed that he purchased the property in 2008 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. He stated that he is financially unable to proceed with the construction of a new home at this time as his children are in college and there will be a wedding for the oldest child within a couple of years.

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

- The subject property is the only property the Appellant owns.
- The home was purchased solely with the intent of being able to build a larger extended family home in the future. Post-secondary fees and saving for an upcoming wedding of one of the Appellant's children creates a financial hardship in being able to meet the LUC deadline.

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

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

- Hardship has been determined as the Appellant is not financially in a position to build before the termination of the LUC. Furthermore, the neighbourhood is already experiencing redevelopment with new homes already built under the LUC and neighbours also applying to build.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-112, for permission for an extension of five years to the effective termination date of Land Use Contract No. 450, until April 24, 2023, to permit the construction of a new residential dwelling at 13136 – 66B Avenue, in accordance with the provisions of Land Use Contract 450, be **ALLOWED**.

CARRIED
(M. Bola and J. Rahiman
opposed)

9. Appeal No. 17-113 – Jagdish and Santosh Sunar

For permission for an extension to the effective termination date of Land Use Contract No. 63, until June 30, 2024, to permit the construction of a new residential dwelling at 7629 – 140A Street.

The Board acknowledged Jagdish Sunar, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in 2013 for its Land Use Contract (LUC) specifications that permit the construction of a larger

home in the future. The Appellant provided details of serious health issues both he and his wife have been experiencing since 2015. He is presently working, but his wife is unable to work at the moment. The LUC termination has brought further hardship as the Appellant is not currently in a position to consider the construction of a new home.

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

- The Appellant and his wife have been going through a difficult time with serious health issues; his wife will also have major surgery in February.
- Seven family members live in the home, including his two children, his father, and his wife and her parents.
- The Appellant owns two properties, a home on 122 Street where he and his family live, and the subject property, currently rented, and purchased with the sole intention of building a larger home for the extended family in the future. Once health issues have been resolved and the Appellant and his wife are working again and financially stable, the second property will be sold to fund the construction of the new family 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:

- There are currently four homes in the neighbourhood built under the LUC.
- Hardship has been determined. The Appellant has suffered serious health concerns in his family which have also resulted in financial hardship and is not able to begin the process of building a new family home within the time permitted under the LUC Termination. Furthermore, the neighbourhood is experiencing a transition.

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT Appeal No. 17-113, for permission for an extension to the effective termination date of Land Use Contract No. 63, until June 30, 2024, to permit the construction of a new residential dwelling at 7629 – 140A Street, in accordance with the provisions of Land Use Contract 63, be **ALLOWED**.

CARRIED UNANIMOUSLY

10. Appeal No. 17-114 – Surat and Gurbax Bhangu, and Harchand Bhangu

For permission for an extension of five years to the effective termination date of Land Use Contract No. 63, until April 24, 2023, to permit the construction of a new residential dwelling at 7620 – 140A Street.

The Board acknowledged Harchand Bhangu, Appellant, in attendance with Gurvir Brar, as translator, to speak to the application.

The Appellant informed that he purchased the property in 2011 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The main property owner is self-employed and started a company last year and is not financially prepared to undergo the redevelopment of the property at this time.

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

- This is a large family of seven family members that are currently sharing bedrooms because the home is too small. A larger home is needed, and although the Appellant would like to build as soon as possible, they do not have the funds available due to the schooling costs for two of the children and the costs associated with starting a business recently.
- Two of the property owners are on title for the next appeal 17-115, which is the Appellant's daughter's house; on title solely for the purposes of bank financing. Members of the same extended family, but no real connection other than helping to get mortgage approval.
- If both appeals are granted, both properties would be redeveloped to accommodate the Appellant's growing extended family. The subject property would accommodate the Appellant, his wife, his son and one daughter and their spouses and children (nine family members). The other property (Appeal 17-115) will accommodate the Appellant's other daughter, her children, her husband and his parents (eight family members).
- Applicant's son is self-employed. A mortgage application was made to accommodate funding for the new family home earlier in the year and was not approved as the company was just started last year. He is doing well now, and hoping to be able to help finance 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:

- Two of the registered owners for this appeal are both on title for the next appeal (17-115), the Appellant's daughter's property. If one of the registered owners for this appeal uses all his finances for this appeal, it may affect the financing approval for Appeal 17-115.
- Hardship has been determined. The Appellant has a large extended family to accommodate and there is financial hardship. Building a house is a big decision and can have a significant impact when it comes to a large family as all family members are impacted and must be considered. This is also an area that is already experiencing transition, and therefore does not defeat the intent of the bylaw.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT Appeal No. 17-114, for permission for an extension of five years to the effective termination date of Land Use Contract No. 63, until April 24, 2023, to permit the construction of a new residential dwelling at 7620 – 140A Street, in accordance with the provisions of Land Use Contract 63, be **ALLOWED**.

CARRIED

(M. Bola and J. Rahiman
opposed)

11. Appeal No. 17-115 – Chamkaur and Ramandeep Sangha, and Surat and Gurbax Bhangu

For permission for an extension of five years to the effective termination date of Land Use Contract No. 97, until April 24, 2023, to permit the construction of a new residential dwelling at 14226 – 75B Avenue.

The Board acknowledged Ramandeep Sangha, Appellant, in attendance with Gurvir Brar, as translator, to speak to the application.

The Appellant informed that she purchased the property in 2015 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Information relative to her hardship was provided, including financial hardship as a result of her husband being the only income earner (stone mason) for the entire family while she was on maternity leave. The Appellant has recently returned to work, but is also helping her husband support his two sisters that came from India to go to college; one has recently graduated and is working now, but the other sister is still in school. Due to continued college fees and the responsibility of small children, more time is needed to save for the construction of a larger home for the extended family.

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

- The Appellant only recently returned to work. Her husband has been financially responsible for the six family members, including their two young children and his two sisters, currently living in the home. If there had been enough savings prior to maternity leave, the construction of a new home would have been underway.
- The house is situated on a 7,200 sq. ft. lot. It has three bedrooms downstairs and two bedrooms upstairs, more space is needed.

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

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

- An owner can choose to apply at any time for a change of zone. So if all of the neighbours wanted to join together to request a rezone to a better zone to allow a larger home than the RF-G, they could apply.
- The RF-G zone is there to acquire some open space; common open public space. So these lots typically will be smaller, but there will be more open space. Usually the RF-G has a ravine in the property or open space. However in this case, there is both a smaller lot and more open land in the area.
- Keep in mind that when this was created, RF-G was not thought of as it was under LUC. Now maybe it doesn't have the open space.

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

- Much of the information is the same as what was provided in the previous Appeal 17-114.
- Based on inspection, none of the properties in this cul-de-sac have been redeveloped. Recognizing that when this was established there probably wasn't an RF-G at the time. Looking at other lots in the subdivision, some are smaller.
- There are two appeals on this smaller cul-de-sac, which means there is less than 25% of the cul-de-sac that want to redevelop larger homes than what the RF-G would provide for.
- Even if the lots were RF12 or RF13, the limit is still also 2,800 sq. ft. for a new home; the RF-G provides a greater percentage of the lot.

- The Board has to balance against the intent of the City to bring about consistency in the form of development in these areas of the city. If the Board approved the appeal, it could affect the neighbourhood significantly. However for some, the denial of an appeal to extend the LUC termination may result in property owners developing sooner.
- Most of the properties in this cul-de-sac have been informed of the appeal, but there has not been any correspondence received in response.
- Financial hardship has been determined. The Appellant's are not in a financial position to begin construction of a new home at this time. The deadline for the neighbours to apply for an extension of their LUC termination date has expired, which means there may not be any further applications for this area. However, the deadline to submit a Building Permit application has not expired, so there may still be more development. There has to be a balance between the intent of the bylaw and the hardship. The hardship is that the underlying is RF-G specifications will not allow for the size of home that will meet the needs of this large family. The benefit of doubt leans to the hardship for the family needing a larger house. Seeing the hardship of the RF-G, but strongly urge the Appellants to keep in mind when you rebuild.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT Appeal No. 17-115, for permission for an extension of five years to the effective termination date of Land Use Contract No. 97, until April 24, 2023, to permit the construction of a new residential dwelling at 14226 – 75B Avenue, in accordance with the provisions of Land Use Contract 97, be **ALLOWED**.

CARRIED UNANIMOUSLY

12. Appeal No. 17-116 – Hardeep S. Marahar and Amrinder S. Marahar

For permission for an extension of four years to the effective termination date of Land Use Contract No. 97, until April 24, 2022, to permit the construction of a new residential dwelling at 14229 – 75B Avenue.

The Board acknowledged Hardeep Marahar, Appellant, in attendance with Rajveer Dhaliwal, as translator, to speak to the application.

The Appellant informed that he purchased the property in 2014 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Bought the house and paid an extra \$50,000 because of the LUC lot. The plan was to stay in the home for a few more years and then build. Currently do not have the financial means to build the house as the

Appellant's wife does not work and his son only recently started working full time after getting married last year.

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

- There are currently six family members living in the home, including the Appellant, his wife, parents, son and an international student. His son's wife is expected to arrive from India within the next four-five months.
- The intention was to wait a few years after buying the home and design a new home to accommodate the needs of the Appellant's aging parents, who will require ground floor space as the stairs are becoming a challenge, and additional space for the growing extended family.

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

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

- Hardship has been determined. The Appellant's family is growing and the underlying RF-G zone will not accommodate their needs. Furthermore, the Appellant is not seeking the maximum extension, which shows the intent of their original plan to build a new home in the future.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-116, for permission for an extension of four years to the effective termination date of Land Use Contract No. 97, until April 24, 2022, to permit the construction of a new residential dwelling at 14229 – 75B Avenue, in accordance with the provisions of Land Use Contract 97, be **ALLOWED**.

CARRIED UNANIMOUSLY

13. Appeal No. 17-117 – Gurkirpal and Saneeta Johal

For permission for an extension to the effective termination date of Land Use Contract No. 26, until June 30, 2024, to permit the construction of a new residential dwelling at 13267 – 87B Avenue.

The Board acknowledged Gurkirpal Johal, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in 2006 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. He further provided information relative to his hardship, including financial hardship, due to the purchase of a business and land in Burnaby shortly before the termination of the LUC, leaving him financially unable to begin the process of building a new home at this time.

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

- The land that was purchased is also for the business in Burnaby; it is all business related.
- The Appellant currently owns three residential properties in Surrey. He lives at the subject property with his parents, wife and daughter. His son lives in another property with his wife and child as the subject property is too small, and the third property is rented.
- When the subject property is redeveloped, the Appellant's son and his family will live with the Appellant and extended family, and the house he is currently in will be sold.
- The location of the subject property is ideal as it is close to the Temple that the Appellant's father attends every day.

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 home immediately next door to the subject property was built under the RF zone, apparently at a time the 80/20 requirement was not in effect.
- There is no determination of hardship. The Appellant has multiple properties he could dispose of now rather than wait. He has the means to build; he could also build by submitting for a Building Permit before the termination date, and if not they can build under RF.

Therefore, it was

Moved by J. Rahiman
Seconded by M. Bola

THAT Appeal No. 17-117, for permission for an extension to the effective termination date of Land Use Contract No. 26, until June 30, 2024, to permit the construction of a new residential dwelling at 13267 – 87B Avenue, in accordance with the provisions of Land Use Contract 26, be **DENIED**.

DEFEATED
(I. Dhillon, G. Mervyn and
P. Sandhar opposed)

Members voting in opposition to the motion noted the following:

- The Appellant owns other properties. He worked hard and was able to buy homes and bought them with a plan for rental income when he retires. To have to force him to sell the property to build the house is not a fair assumption. It could be retirement planning for the future.
- Hardship can be if the Appellant is ready to build or not. For Appeal 17-117, a hardship has been determined. The Appellant just bought a new business prior to the LUC termination and wants to concentrate on the business. The area is already in transition with houses across the street currently under construction, and the Appellant would like to have the opportunity to also build a similar style of house.

Therefore, it was

Moved by I. Dhillon
Seconded by P. Sandhar

THAT Appeal No. 17-117, for permission for an extension to the effective termination date of Land Use Contract No. 26, until June 30, 2024, to permit the construction of a new residential dwelling at 13267 – 87B Avenue, in accordance with the provisions of Land Use Contract 26, be **ALLOWED**.

CARRIED
(M. Bola and J. Rahiman
opposed)

The Board recessed at 12:09 pm and reconvened at 12:45 pm.

14. Appeal No. 17-118 – Amarjit S. Dhillon

For permission for an extension to the effective termination date of Land Use Contract No. 26, until June 30, 2024, to permit the construction of a new residential dwelling at 13343 – 87A Avenue.

The Appellant was not present.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

In the absence of the Appellant at the time his appeal was called to be heard, that Appeal No. 17-118 be deferred until the Appellant is in attendance.

CARRIED UNANIMOUSLY

The Board acknowledged Amarjit S. Dhillon, Appellant, in attendance at 1:00 pm to speak to the application.

The Appellant informed that he purchased the property in 2003 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The family had a motor vehicle accident three years ago which resulted in a number of surgeries, delaying the original plans to redevelop the property. The Appellant is not financially stable at this time to begin the process of building a new home

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

- The Appellant has owned the home for 15-16 years. Plans were to build a larger home in the future for the 12 family members, including his wife, parents, children, sister and her children.

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 several large LUC homes developed in the neighbourhood.
- Hardship has been determined as a result of a motor vehicle accident, requiring the Appellant to undergo surgery and unable to work for three years, limiting his finances, which delayed plans to redevelop.

Therefore, it was

Moved by P. Sandhar

Seconded by M. Bola

THAT Appeal No. 17-118, for permission for an extension to the effective termination date of Land Use Contract No. 26, until June 30, 2024, to permit the construction of a new residential dwelling at 13343 – 87A Avenue, in accordance with the provisions of Land Use Contract 26, be **ALLOWED**.

CARRIED UNANIMOUSLY

15. Appeal No. 17-119 – Harpal and Sukhwinder Manan

For permission for an extension of three years to the effective termination date of Land Use Contract No. 154 until May 29, 2021, to permit the construction of a new residential dwelling at 8997 Queen Mary Blvd.

The Board acknowledged Harpal Manan, Appellant, in attendance with his son Phwantip Manan, as translator, to speak to the application.

The Appellant informed that he purchased the property in 2007 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Currently he is experiencing a financial hardship as he had purchased a vehicle before knowing about the LUC termination. The down payment for the vehicle and the payments required over three years, make it very difficult to save for the construction of a new home.

Furthermore, the Appellant's daughter graduated from BCIT but does not have an income at this time and his son only graduated recently and will be focussing on paying his student loans.

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

- The plan is to pool all incomes together to build a larger family home for all the family members. Currently there are eight family members in the home.
- On the 8,000 sq. ft. property, the underlying RF zone would permit a home of approximately 4,200 sq. ft., without a basement. Not sure if a basement is permitted for this property.
- The Appellant would like to build a 6,000 – 7,000 sq. ft. home; just enough space for every family member. No looking to have a three-storey home, just a large home 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:

- Although there is no new development or construction in the area currently, the next three appeals also in the neighbourhood of this appeal.
- Even though transition in the area has not started, it is evident from the number of appeals from the area that re-development is likely, and the preference of the immediate neighbourhood is to redevelop under the provisions of the LUC.
- The neighborhood is due for redevelopment. The underlying RF zone provides the opportunity to redevelop larger homes to meet the needs of most growing families.
- Hardship has been determined. The Appellant is not in a position to build right now.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 17-119, for permission for an extension of three years to the effective termination date of Land Use Contract No. 154 until May 29, 2021, to permit the construction of a new residential dwelling at 8997 Queen Mary Blvd., in accordance with the provisions of Land Use Contract 154, be **ALLOWED**.

CARRIED
(G. Mervyn opposed)

16. Appeal No. 17-120 – Kirpal and Jaspreet Bhatti

For permission for an extension of five years to the effective termination date of Land Use Contract No. 154 until May 29, 2023, to permit the construction of a new residential dwelling at 8995 Queen Mary Blvd.

The Board acknowledged Kirpal Bhatti, Appellant, in attendance with Phwantip Manan, as translator, to speak to the application.

The Appellant informed that he purchased the property in 2008 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. He is currently not in a financial position to begin the process to demolish and construct a new home. In addition, his mother has

had health concerns, resulting in there only being one family member working full time. More time is needed to be able to save to build the new family home.

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

- The Appellant intended to build a new home once his children had completed high school. Currently his children are in elementary and high school.
- Unsure at this time if a flat roof or sloped roof will be designed for the home.

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

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

- A 5,000 sq. ft. home can be achieved under the LUC on the 9,000 sq. ft. lot.
- Concerns expressed in the correspondence received where with respect to the anticipated height of the intended new home, noting that the preference for the neighbourhood style of homes would be a two-storey home, not a three-storey home.
- A financial hardship has been determined. Although the neighbourhood has not undergone any transition, the Appellant wishes to build under the LUC to provide the size of home he needs for his family.

Therefore, it was

Moved by H Dhillon
Seconded by P. Sandhar

THAT Appeal No. 17-120, for permission for an extension of five years to the effective termination date of Land Use Contract No. 154 until May 29, 2023, to permit the construction of a new residential dwelling at 8995 Queen Mary Blvd., in accordance with the provisions of Land Use Contract 154, be **ALLOWED.**

CARRIED UNANIMOUSLY

17. Appeal No. 17-121 – Makhan and Surjit Sidhu

For permission for an extension of three years to the effective termination date of Land Use Contract No. 154 until May 29, 2021, to permit the construction of a new residential dwelling at 8994 Queen Mary Blvd.

The Board acknowledged Makhan and Surjit Sidhu, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in 2010 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. An extension of the LUC termination date is being sought to provide enough time to sell property in India owned by the Appellants, which will provide funding for the construction of a new home as intended.

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

- There will be eight family members living in the new home.
- The Appellants own two properties in Surrey and wish to stay in the neighbourhood of the subject property and redevelop with a three-storey home. They also intend to sell their 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:

- The Appellants are encouraged to consider the pattern of the neighbourhood and the impact to the neighbours when designing the home and the setbacks and height of the home, keeping in mind the neighbours are building two-storey homes and the Appellant has expressed the desire to build a three-storey home.
- A hardship has been determined. The Appellants have owned the subject property for many years with the intention of selling their property in India when it was time to redevelop and build their larger family home. The termination of the LUC impacts those plans.

Therefore, it was

Moved by P. Sandhar

Seconded by M. Bola

THAT Appeal No. 17-121, for permission for an extension of three years to the effective termination date of Land Use Contract No. 154 until May 29, 2021, to permit the construction of a new residential dwelling at 8994 Queen Mary Blvd., in accordance with the provisions of Land Use Contract 154, be **ALLOWED**.

CARRIED UNANIMOUSLY

18. Appeal No. 17-122 – Harwinder and Jagdeep Cheema, and Navpreet Dhillon

For permission for an extension to the effective termination date of Land Use Contract No. 32 until June 30, 2024, to permit the construction of a new residential dwelling at 7843 – 141B Street.

The Board acknowledged Harwinder and Jagdeep Cheema, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in 2016 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Living in the area since 2006, it was determined that the location was the most ideal neighbourhood for purchasing a home when looking to buy a home for their extended family. At the time of purchase the Appellants were not aware of the LUC termination and are not currently financially able to begin the process for the construction of a new home.

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

- The home was just purchased in 2016, together with Mrs. Cheema's brother, once it was determined he would also be living with them.
- It is a small house, currently accommodating five family members, including the Appellant's parents and his wife and daughter, but a larger home is needed once the brother-in-law is married. It is also planned that his parents-in-law will also move to the new home in the future
- The property is close to all the amenities, temples, parks and their daughter's school. It is also close to his sister's home and his in-laws' house, for care for his daughter when needed.
- Due to limited funds at the time of purchase, it was decided best to renovate the house for the time being and stay in the current home for a few years before building a new house. The renovation cost twice as

much as originally anticipated, totalling \$60,000. As a result, more time is needed to save to build a new house.

- The underlying zone for this property is RF-G, which will not permit a home much larger than the current home. There is more flexibility with the LUC specifications not available with RF-G, including the much needed additional space.
- The Appellant cannot afford the larger house just now and does not want to sell as a result of not being able to build a large enough home for his family.
- There is one large house in neighbourhood currently.

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

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

- With the exception of the one larger home in the neighbourhood, no other houses have been redeveloped. However, property on the corner next to the subject property has also received an extension to the LUC.
- A financial hardship has been determined. This is a young family that purchased the home recently without knowing of the upcoming LUC termination. Significant renovations have already been done, putting a lot of their finances in renovating the house.
- Keeping in mind the other homes in the neighbourhood, the Appellants should be aware that with the slope on the property a house build under the LUC might appear to be very large in contrast to the other homes.

Therefore, it was

Moved by P. Sandhar

Seconded by M. Bola

THAT Appeal No. 17-122, for permission for an extension to the effective termination date of Land Use Contract No. 32 until June 30, 2024, to permit the construction of a new residential dwelling at 7843 – 141B Street, in accordance with the provisions of Land Use Contract 32, be **ALLOWED**.

CARRIED

(I. Dhillon opposed)

19. Appeal No. 17-123 – Bhupinder and Sukhjinder Summan

For permission for an extension to the effective termination date of Land Use Contract No 32 until June 30, 2024, to permit the construction of a new residential dwelling at 7830 – 140 Street.

The Chair confirmed the Appellants were not present to speak to the Appeal.

Therefore, it was

Moved by I. Dhillon

Seconded by M. Bola

THAT Appeal No. 17-123, for permission for an extension to the effective termination date of Land Use Contract No 32 until June 30, 2024, to permit the construction of a new residential dwelling at 7830 – 140 Street, in accordance with the provisions of Land Use Contract 32, be **DEFERRED**.

CARRIED UNANIMOUSLY

20. Appeal No. 17-124 – Darshan and Harbans Kalsi

For permission for an extension of four years to the effective termination date of Land Use Contract No. 325, until April 24, 2022, to permit the construction of a new residential dwelling at 13339 – 78A Avenue.

The Board acknowledged Harbans Kalsi, Appellant, in attendance with her son Balraj Kalsi, as translator, to speak to the application.

The Appellant informed that she purchased the property in 2003 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. She is financially not in a position to build a new home at this time as a result of her son only recently finishing school and working for only five months. A longer period of employment is needed for him to qualify with the Appellants for a mortgage.

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

- Mr. Kalsi currently owns property in India that he would like to sell to fund the construction of a new house.
- An application for a mortgage was submitted and not approved due to the short amount of time her son has been working. His income is needed for a mortgage.
- The current home is quite small. With only four family members it is sufficient for the time being, but once her son is married and starts a

family, the home will be far too small. A larger home will be necessary for the family to continue to live together as planned.

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 three other properties in the neighbourhood, close to the Appellant's property, that have already received an LUC extension.
- A financial hardship has been determined and the neighbourhood is already experiencing a transition.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-124, for permission for an extension of four years to the effective termination date of Land Use Contract No. 325, until April 24, 2022, to permit the construction of a new residential dwelling at 13339 – 78A Avenue, in accordance with the provisions of Land Use Contract 325, be **ALLOWED**.

CARRIED UNANIMOUSLY

21. Appeal No. 17-125 – Satnam Dhillon

For permission for an extension to the effective termination date of Land Use Contract No. 42, until June 30, 2024, to permit the construction of a new residential dwelling at 13320 – 81 Avenue.

The Board acknowledged Satnam Dhillon, Appellant, in attendance with his nephew Prince Dhillon, as translator, to speak to the application.

The Appellant informed that he purchased the property in January, 2016 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Have undergone extensive renovations of existing home and not wanting to demolish and build right now.

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

- Bought a year and a half ago with the intention of building a large, three-storey, 6,000 sq. ft. house in the future for the extended family, which

includes the Appellant's nephew and his children. The ideal location also has a school nearby for his grandchildren to attend 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 area is experiencing a transition, with redevelopment of several houses nearby and behind the subject property.
- Hardship has been determined. The Appellant provided supporting documentation to show the renovations he has already done to maintain the home until ready to redevelop. Furthermore, the neighbourhood is already in transition.

Therefore, it was

Moved by M. Bola
Seconded by P. Sandhar

THAT Appeal No. 17-125, for permission for an extension to the effective termination date of Land Use Contract No. 42, until June 30, 2024, to permit the construction of a new residential dwelling at 13320 – 81 Avenue, in accordance with the provisions of Land Use Contract 42, be **ALLOWED**.

CARRIED UNANIMOUSLY

22. Appeal No. 17-126 – Kawaldeep and Kamaljit Dhaliwal

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 9065 Ben Nevis Crescent.

The Board acknowledged Kawaldeep Dhaliwal, Appellant, in attendance 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. He is currently experiencing financial hardship as a result of just starting his own trucking business (owner/operator) and his wife unable to work at the moment as she looks after their young children and his mother, who has had serious health concerns. Once his mother returns to better health and can look after the children, then his wife will be able to work and help to save for the construction of a new home. A little more time is required.

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

- The home was bought with the intention to redevelop for the extended family, including the Appellant's wife, two young children, mother and two sisters that are planning to move in to the home as well.

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 previous LUC extension appeals approved for this area; there are several homes under construction.
- The Appellant is asking for an extension only until May, 2021.
- A hardship has been determined. The Appellant just opened his business and needs to focus on that and his mother's health before building the house.

Therefore, it was

Moved by I. Dhillon
Seconded by J. Rahiman

THAT Appeal No. 17-126, 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 9065 Ben Nevis Crescent, in accordance with the provisions of Land Use Contract 104, be **ALLOWED**.

CARRIED UNANIMOUSLY

23. Appeal No. 17-127 – Mandeep Heer and Satvinder Sunar

For permission for an extension to the effective termination date of Land Use Contract No. 395, until June 30, 2024, to permit the construction of a new residential dwelling at 14046 – 75 Avenue.

The Board acknowledged Satvinder Sunar, Appellant, in attendance with her brother Jagdish Sunar, as translator, to speak to the application.

The Appellant informed that she purchased the property in 2004 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Due to her husband's health issues, she is the only family

member working full time, with her husband working part time when he can. With young children and the family not currently financially stable enough to undergo the construction of a new home at this time, an extension to the LUC is sought to allow time to save to build the home they intended to build for their growing extended family.

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

- The Appellants own one other property on 148 Street; it was purchased four years ago and is currently rented.
- There are five family members living at the subject property, including the Appellant's husband, two children and father-in-law. More extended family members are anticipated to join the Appellant and her family in the future.
- The new home will not have a suite, the whole house will be for the Appellant and her family members.
- The lot is 6,760 sq. ft., permitting a home of approximately 3,866 sq. ft. under RF zone. A three-storey is not permitted under the RF. Two stories without a basement would only be 3,800 sq. ft. and there may not be the servicing for a basement.

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

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

- A similar style home to the neighbouring property may be permitted under the RF zone.
- The immediate area does not have many new homes, but in the general area there are some in and around the neighbourhood. Most of the area has original homes; the larger neighbouring home looks to be constructed under the RF zone.
- A hardship has been determined. Although there may not be any redevelopment under the LUC currently, and there may not be any further applications to extend the LUC for any of the surrounding properties, the subject property is smaller than the surrounding lots that have large RF zoned homes. In addition, there may not be servicing to allow a basement, which would limit the size of home the Appellant can build under the RF zone to 3,800 sq. ft. Furthermore, only one family member is able to work full time and more time is required to save for the larger home they will require.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT Appeal No. 17-127, for permission for an extension to the effective termination date of Land Use Contract No. 395, until June 30, 2024, to permit the construction of a new residential dwelling at 14046 – 75 Avenue, in accordance with the provisions of Land Use Contract 395, be **ALLOWED**.

CARRIED

(M. Bola and J. Rahiman
opposed)

24. Appeal No. 17-128 – Vipin Mohan

For permission for an extension of one year to the effective termination date of Land Use Contract No. 63, until April 24, 2019, to permit the construction of a new residential dwelling at 7630 – 140 Street.

The Board acknowledged Vipin Mohan, 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. As a result of his parents' home needing to be redeveloped first due to a fire, the Appellant has not been able to prepare for the development of his property and requires additional time to complete the work on his parents' home and begin the design for his future family home.

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

- The Appellant is currently living with his parents in a home that is rented while he helps them with their new house. He has been busy at his parents' new house and just needs more time to finish their house first and get his parents moved back in to their home.
- The subject property is rented until it is time to build new home.
- There are eight family members living together. Once the parents' home is complete, the Appellant's brother will live with his parents in their home.
- The idea is for both families to live side by side, however one of the homes caught on fire and needed to be built first, delaying the redevelopment of the subject property earlier.

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 of redevelopment.
- Hardship has been determined. Given the circumstances of the unexpected fire and the demands of addressing concerns regarding the redevelopment of that home, and that the Appellant is requesting an extension of only one year, it is reasonable to permit an extension of the LUC for the subject property. The neighbourhood is also experiencing redevelopment.

Therefore, it was

Moved by J. Rahiman
Seconded by M. Bola

THAT Appeal No. 17-128, for permission for an extension of one year to the effective termination date of Land Use Contract No. 63, until April 24, 2019, to permit the construction of a new residential dwelling at 7630 – 140 Street, in accordance with the provisions of Land Use Contract 63, be **ALLOWED**.

CARRIED UNANIMOUSLY

The Board recessed at 2:30 pm and reconvened at 2:45 pm

25. Appeal No. 17-129 – Gurpreet and Lakhwinder Garcha

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 7291 – 142 Street.

The Board acknowledged Gurpreet Garcha, Appellant, in attendance with Rajwinder Benipal, as translator, to speak to the application.

The Appellant informed that he purchased the property in 2016 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Using all his savings and financial assistance from his parents to purchase the property, he does not have the financial means to prepare for the redevelopment of the home prior to the termination of the LUC. In addition, his parents are retired and cannot assist with a mortgage for the construction.

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

- Two years ago the Appellant's brother moved to Canada and is currently renting a property and plans to build a new house for the family to all live together at the subject property in the future. A three-storey home with a flat roof is desired.
- There are six family members living in the home, including the Appellant, his wife, three children and his parents. His brother rents a home elsewhere because there is not enough room at the subject property to accommodate everyone.
- The anticipated family needs cannot be accommodated within the underlying RF-G zone on the 6,000 sq. ft. lot.

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

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

- Although the neighbourhood has not seen a transition, there was a recent approval by the Board for the redevelopment under the LUC nearby as a result of the underlying RF-G zone limiting the size of home that can be built.
- Hardship has been determined. The Appellant purchased the home when it was very expensive and used all his savings and is unable to build right now. Furthermore, a large home to meet the needs of the family cannot be met within the underlying RF-G zone.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT Appeal No. 17-129, 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 7291 – 142 Street, in accordance with the provisions of Land Use Contract 575, be **ALLOWED**.

CARRIED UNANIMOUSLY

26. Appeal No. 17-130 – Malkeet and Gurdip Bhamrah

For permission for an extension to the effective termination date of Land Use Contract No. 255, until June 30, 2024, to permit the construction of a new residential dwelling at 12369 – 78 Avenue.

The Board acknowledged Gurdip Bhamrah, Appellant, in attendance with her son Amandeep Bhamrah, who was recently added on Title, as a translator to speak to the application.

The Appellant's son informed that his parents purchased the property in 1996 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Unfortunately his mother was in a motor vehicle accident and now has medical issues. His father is a carpenter and due to financial constraints, is not in a position to build a new house right now.

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

- The Appellants having been waiting for their son (their only child) to complete school and be employed full time, so that he can help with the design and financial commitment of constructing a new home. He is currently attending school part time and working, but will need to work a little longer to become established and qualify for a mortgage.
- The new home is intended for the Appellants, their son and his future family.
- The property is zoned RF, situated on a 7,200 sq. ft. lot.

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

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

- A financial hardship has been determined. The Appellant's son, now on Title, has started a new career and needs to get established to be approved for a construction mortgage. One of his parents is now retired and unable to financially assist. Furthermore, there is a fair amount of LUC redevelopment on 123A Street, which neighbours the property.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 17-130, for permission for an extension to the effective termination date of Land Use Contract No. 255, until June 30, 2024, to permit the construction of a new residential dwelling at 12369 – 78 Avenue, in accordance with the provisions of Land Use Contract 255, be **ALLOWED**.

CARRIED UNANIMOUSLY

27. Appeal No. 17-131 – Jasmene K. Dhaliwal and Giftan S. Sidhu

For permission for an extension to the effective termination date of Land Use Contract No. 448, until June 30, 2024, to permit the construction of a new residential dwelling at 7884 – 126A Street.

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

The Appellant informed that she purchased the property in 2016 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Termination of the LUC at this time has caused a hardship as the Appellant is still in school and does not have the finances to construct a new home.

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

- The Appellant's cousin is on the property Title with her as she is currently in school and needed her cousin to co-sign for the mortgage.
- The property was purchased last year specifically to be able to redevelop for a larger home to accommodate the Appellant's husband, parents, children and two brothers, to all live together.

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 has been a very extensive list of LUC extension appeals approved for LUC 448.

- The underlying zone is RF-G which would restrict the house size significantly.
- A financial hardship has been determined. The Appellant bought the property to redevelop to accommodate his parents so that he is able to take care of them in the future. He could only afford the purchase of the home at the time of purchase and needs more time to save for the redevelopment to provide a larger family home. Furthermore, the neighbourhood is experiencing significant redevelopment.

Therefore, it was

Moved by I. Dhillon

Seconded by J. Rahiman

THAT Appeal No. 17-131, for permission for an extension to the effective termination date of Land Use Contract No. 448, until June 30, 2024, to permit the construction of a new residential dwelling at 7884 – 126A Street, in accordance with the provisions of Land Use Contract 448, be **ALLOWED**.

CARRIED UNANIMOUSLY

28. Appeal No. 17-132 – Deepinder and Navinder Sidhu

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 12968 – 66 Avenue.

The Board acknowledged Deepinder and Navinder Sidhu, Appellants, in attendance to speak to the application.

Deepinder Sidhu informed that the property was purchased in 2011 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Due to financial commitments on other properties owned jointly with his brother for the purpose of building and selling, he is currently not in a position to begin design and construction of his family home on the subject property prior to the LUC termination period.

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

- The house is currently rented; it is too small for the six family members.
- The Appellant and his family live with his brother and family in a home that they built and own together. His brother and his family will continue to live in that home once the new family home is built for the Appellant on the subject property, as was planned for the future.

- The Appellant has a builder's license and will build the new home under that license. He has four properties to develop for sale, all of which are much smaller (2,400 sq. ft.) than the size of home he requires for his family. Currently building a 2,000 sq. ft. home with a 400 sq. ft. garage, on a small lot; this type of home would not accommodate his family.
- Would like to build a three-storey house; design not started yet. The subject lot is RF-G which will provide a maximum home of 2,860 sq. ft., and the Appellant has been advised a basement is not possible.

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 LUC is mostly original with the exception of one very large redevelopment nearby. There is only one in the cu-de-sac.
- There is a legal suite downstairs in the existing home; a suite is not permitted under the LUC.
- A hardship has not been determined. Although the underlying RF-G zone is limited, there is no justification why the Appellant start the process for building his new family home before the LUC termination date. He has experience and can start the house before the deadline. The only hardship is limitations resulting from the RF-G underlying zoning.

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT Appeal No. 17-132, 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 12968 – 66 Avenue, in accordance with the provisions of Land Use Contract 490, be **DENIED**.

CARRIED UNANIMOUSLY

29. Appeal No. 17-133 – Avtar and Sukhwinder Kalkat

For permission for an extension to the effective termination date of Land Use Contract No. 92, until December 31, 2021, to permit the construction of a new residential dwelling at 13028 Linton Way.

The Board acknowledged Sukhwinder Kalkat, Appellant, in attendance to speak to the application.

The Appellant informed that she purchased the property in 2003 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Information pertaining to her financial hardship was provided, noting that her husband has been experiencing health issues and works only part time, depending on his health. The Appellant is working two jobs, as a housecleaner and a food packer, in an effort to save to provide the opportunity for her son to attend university. Termination of the LUC creates a hardship as the Appellant is not financially able to begin the process of building a new home until her son completes his post-secondary education.

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

- The Appellant has almost finished paying her mortgage off and needs to save a little longer for funds for her son's post-secondary education. Her goal is to be mortgage free so that she can get a construction mortgage; just needs a little more time.
- The Appellant's son will continue to live with his parents once he marries and starts his own family. In addition, the Appellant's parents will also be joining them soon.
- A much larger home is required for the growing extended family. A three-storey house is desired, depending upon the design preferences of the Appellant's son and what he would require for the future.
- Although the Appellant's son will not graduate from post-secondary until after 2021, an extension of only three and a half years is sought. The Appellant feels that will be sufficient time to save for the new home they will need.

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 one other appeal under this LUC located immediately behind the subject property. There are also two more in the same cul-de-sac.
- A hardship has been determined. The Appellant and her family have been working very hard to save for their son's university education and to allocate funds for the redevelopment of their home at this time impacts the ability to fund her son's education.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 17-133, for permission for an extension to the effective termination date of Land Use Contract No. 92, until December 31, 2021, to permit the construction of a new residential dwelling at 13028 Linton Way, in accordance with the provisions of Land Use Contract 92, be **ALLOWED**.

CARRIED UNANIMOUSLY

30. Appeal No. 17-134 – Jaspal and Baljeet Sangha

For permission for an extension to the effective termination date of Land Use Contract No. 536, until June 30, 2024, to permit the construction of a new residential dwelling at 14016 – 76 Avenue.

The Board acknowledged Jaspal and Baljeet Sangha, Appellants, in attendance to speak to the application.

The Appellants reported that that the third named party on the Title Certificate, Kuldeep K. Bassi, passed away; a new Title Certificate will be issued.

The Appellants further informed they purchased the property in 2010 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The home was originally owned by the Appellant, his wife, mother and brother. A new, larger home, built under the LUC is planned to become the home of the Appellant and his family, as well as his brother and his family. Unfortunately the Appellant's brother is not employed currently and not able to assist with the funding required for the redevelopment of the home.

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

- Currently there are five family members living in the home. The Appellant's brother also used to live with the Appellant and his family. Unfortunately the medical needs of his brother's first born son required the need for a different home for his brother and family. His brother's son passed away three years ago and the two brothers would like to live together again in a larger home that can accommodate their two families, including his brother's wife and two children.
- The termination of the LUC has created a hardship as the Appellant and his family are not in a financial position to redevelop at this time.
- There has been some thought to redeveloping the property by subdividing the lot, if permitted, to accommodate two new homes. If the

Appeal is granted to extend the LUC termination date but the opportunity to subdivide and build two homes under the RF zone is available, it may be the preferred option. Future plans are unknown at this time.

- If the property is subdivided, instead of building a home of 9,000 sq. ft., two homes of approximately 4,800 sq. ft., plus a basement if permitted, would be possible under the RF zone.

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

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

- The subject property is on a corner lot of a busy road. There hasn't been any previous applications for this LUC, however there is development underway in the immediate area; it is an area in transition.
- Hardship has been determined. This is two families that want to live together so they can support each other and raise their children where their mother lived. If the Appellants have the opportunity to subdivide the property for two homes, they will, however it that is not permitted, they will need to build the type of home permitted by the LUC to provide the space they require. Furthermore, it is an area in transition.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT Appeal No. 17-134, for permission for an extension to the effective termination date of Land Use Contract No. 536, until June 30, 2024, to permit the construction of a new residential dwelling at 14016 – 76 Avenue, in accordance with the provisions of Land Use Contract 536, be **ALLOWED**.

CARRIED UNANIMOUSLY

31. Appeal No. 17-135 – Mandip and Jasvir Bains

For permission for an extension of six years to the effective termination date of Land Use Contract No. 54, until April 24, 2024, to permit the construction of a new residential dwelling at 14852 Delwood Place.

The Board acknowledged Jasvir Bains, Appellant, in attendance to speak to the application.

The Appellant informed that she purchased the property in 2010 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future, and for the area itself. As a result of a motor vehicle accident last year and limited income, she is not in at position meet the LUC termination deadline for building a new home at this time.

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

- There are six family members in the home including the Appellant's parents, husband and two children. Currently the Appellant's grandparents live downstairs. A larger home, preferably three-storey if possible, to provide more space for the family, as well as extra space for guests and possibly a suite with a tenant, is desired.
- It is possible that planning of the new home would have started if finances were not interrupted by the motor vehicle accident.
- At the moment all of the houses in the cul-de-sac are original. There are new homes under construction close by but not in the cul-de-sac.

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 current home is less than 2,000 sq. ft. The underlying RF zone on the 7,200 sq. ft. provides for a home of approximately 4,000 sq. ft., plus a basement, if permitted; more than double the size of the current home.
- The Board is not in the position to say what is better for the Appellant, however it appears that what the Appellant proposes can be accommodated within the underlying RF zone. Furthermore, the area is not experiencing redevelopment at this time, it is reasonable to undertake new development under the provisions of the underlying RF zone.
- On the basis of hardship alone, and in recognition that the area is not in transition, a hardship has not been determined. The RF zone will likely be adequate to meet the Appellant's needs.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 17-135, for permission for an extension of six years to the effective termination date of Land Use Contract No. 54, until April 24, 2024, to permit the construction of a new residential dwelling at 14852 Delwood Place, in accordance with the provisions of Land Use Contract 54, be **DENIED**.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS

1. Decision regarding Appeal 17-08

A brief discussion ensued with respect to the Board's response to correspondence received regarding Appeal 17-08 – Toor, and the legal opinion provided.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT the Board of Variance has exhausted its jurisdiction with regard to Appeal 17-08 and has no jurisdiction to consider an appeal or further application, and that the Appellant be so advised.

CARRIED UNANIMOUSLY

2. Supporting Documentation for Board of Variance Appeals

General discussion ensued with respect to the Board's concerns regarding insufficient supporting documentation for Appeal submissions. It conclusion, the consensus of the Board was that it would be helpful to have more supporting documentation and that staff encourage appellants to provide more supportive information to better facilitate the Board's consideration.

E. NEXT MEETING

The next meeting of the Board of Variance will be held on **Tuesday, January 16, 2018** at 9:00 a.m. in **1E – Committee Rooms A & B**.

F. ADJOURNMENT

Moved by P. Sandhar
Second by J. Rahiman

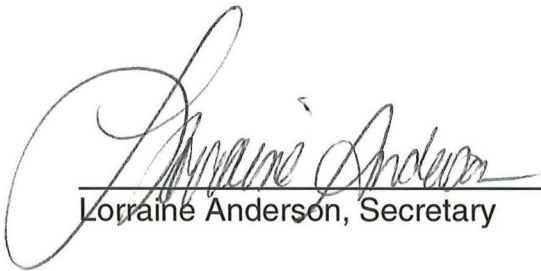
THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 4:15 pm



Gil Mervyn, Chair



Lorraine Anderson, Secretary