

**City of Surrey
Board of Variance
Minutes**

1E – Committee Rooms A & B
City Hall
13450 - 104 Avenue
Surrey, B.C.
TUESDAY, JANUARY 16, 2018
Time: 9:07 AM
File: 0360-20

Present:

Gil Mervyn, Chair
Mike Bola
Jennifer Rahiman
Puneet Sandhar

Absent:

Inderjit Dhillon

Staff Present:

K. Broersma, Planning & Development
C. Lumsden, Planning & Development
A. Rossi, Planning & Development
L. Anderson, Secretary

ELECTIONS and APPOINTMENTS

The Board was requested to elect a Chair for the 2018 calendar year.

It was

Moved by P. Sandhu
Seconded by M. Bola

THAT Gil Mervyn be appointed Chair of the Board of Variance for the 2018 calendar year.

CARRIED UNANIMOUSLY

A. ADOPTION OF MINUTES

Adoption of the Minutes of the Board of Variance meeting held December 13, 2017 were deferred to the February meeting.

B. DEFERRED APPEALS

1. Appeal No. 17-102 – A. Hans, J. Hans and B. Hans

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

The Board acknowledged A. Hans, Appellant, in attendance to speak to the application.

The Appellant informed that the property was purchased with his parents in 2012 for its Land Use Contract (LUC) specifications that permit the construction of a larger home for the Appellant's parents, his family and his

brother's family in the future. Termination of the LUC creates a financial hardship as Amrinder Hans lives at a different property he purchased with his wife only two years ago and has since determined that the home is not suitable for the extended family. He would like to move his family to the subject property to live with his parents. Unfortunately he is not in a financial position at this time to be able to begin the process for building a new home.

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

- There are currently two family members living in the home (parents). It is a small home with two large rooms and one very small room, not large enough to accommodate the extended family.
- The Appellant lives with his family at 6139 – 142 Street, purchased two years ago. Although the home could accommodate all the family members, it is a two-storey home with a basement, which does not accommodate a bedroom on the main floor, required for his parents. Furthermore, the location of this home is not convenient to the Khalsa school his children attend, which was not considered when the home was purchased.
- A maximum extension of the LUC termination is sought to allow time to design the right home for the family; prefer three-storey with enough rooms for six people with bedrooms on the main floor, eliminating stairs for parents.
- Ideally would like to build as soon as possible because the subject property is close to the Khalsa school the children attend.

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 significant RF-G development. The planning report notes a very small section of RF development across the street, but the subject property and the area behind it is RF-G, which permits a maximum of 2,800 sq. ft. for a new home. It would be a considerable exception to have any LUC development in the area.
- This is an area that has not been significantly developed except for one property. For this case uniquely, there is a hardship as it is a family that has been a joint family. The current house is too small. One of the Appellant's and his family moved to another house, but the children attend a Khalsa school which is in a different location from the new house and inconvenient for the children to be dropped off. The underlying

RF-G zone provides a maximum of only 2,800 sq. ft. for a new home, not large enough for a growing family of six, including two young children.

- A hardship should also be balanced against the impact on the community.
- A hardship has not been determined. The Appellant owns another property that he just bought which is significant and although there are stairs involved, would meet the Appellant's requirements as reported. Furthermore, because of the condition of the neighbourhood and the potential impact of a large three-storey home as proposed by the Appellant, it is difficult to support the Appeal.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

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

CARRIED
(P. Sandhar opposed)

2. Appeal No. 17-123 – B. and S. 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.

It was reported that the Appellants were not present for a second time and failed to respond to a response for additional information relative to their hardship. There is a lack of any evidence of hardship.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

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 **DENIED**.

CARRIED UNANIMOUSLY

C. NEW APPEALS**1. Appeal No. 18-01 – I. Kopystynski and E. Slijouk**

For permission for an extension to the effective termination date of Land Use Contract No. 451, until June 30, 2024, to permit the construction of a new residential dwelling at 1670 – 141B Street.

Appeal 18-01 was deferred to the next Board of Variance meeting at the request of the Applicant.

2. Appeal No. 18-02 – I. Dhot

For permission for an extension of three years to the effective termination date of Land Use Contract No. 256, until May 29, 2021, to permit the construction of a new residential dwelling at 13420 Waterford Place.

The Board acknowledged I. Dhot, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in 2005 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future for his two sons and their future families. Both sons have been attending post-secondary with one recently completed in December and the other to finish in April. The termination of the LUC creates a hardship as the Appellant is not financially prepared to redevelop the home earlier than originally planned.

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

- The Appellant owns two residential properties and one business property. He lives with his wife and sons at one property (constructed by his wife in 1992) and currently rents the subject property, bought as an investment for both of his sons in the future.
- With the timing of the completion of university for both of the Appellant's sons, property prices have increased substantially, making it impossible for them to save enough for their own home. Knowing this, the Appellant made the investment into the subject property early on to ensure his sons have a home of their own. It is anticipated his sons will marry within the next three to four years and will redevelop the property for the brothers to live together with their families.
- As a result of the post-secondary fees for his sons' first degrees and subsequent second degrees at an expense in excess of \$300,000, the Appellant is not financially able to redevelop the subject property before the LUC termination date.

The Chair confirmed there were no persons present to speak to the application and one item of correspondence had been received from a neighbour in response to the notification regarding the appeal. Concerns expressed by the neighbour included a lack of privacy for the neighbour as a result of the potential maximum height of the new home, the close proximity to the neighbour's property as permitted under the LUC, and the suggestion that any new home for the subject property would be better suited within the neighbourhood if constructed under the new zone.

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

- This is an area of considerable redevelopment, including either side of the subject property. The Board has also previously approved a number of appeals in the area.
- Hardship has been determined. The Appellant planned to settle his two children and their families after they are married. Given the property prices, the subject property is one they can afford and is also in an area that is under significant LUC redevelopment.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT Appeal No. 18-02, for permission for an extension of three years to the effective termination date of Land Use Contract No. 256 until May 29, 2021, to permit the construction of a new residential dwelling at 13420 Waterford Place, in accordance with the provisions of Land Use Contract 256, be **ALLOWED**.

CARRIED UNANIMOUSLY

3. Appeal No. 18-03 – Jasmine Schwab

For permission for an extension to the effective termination date of Land Use Contract No. 44, until June 30, 2024, to permit the construction of a new residential dwelling at 13368 Cypress Place.

The Board acknowledged Jasmine Schwab, Appellant, in attendance to speak to the application.

The Appellant informed that she has lived in the home for many years and intended to build a larger home in the future to accommodate her father when he retires, and provide additional space for her children throughout post-secondary and possibly beyond. Due to the high cost of constructing a new

home and the future post-secondary fees, she is not financially in a position at this time to begin the process of redevelopment before the termination of the Land Use Contract (LUC).

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

- The Appellant is not in a financial position to begin the process of constructing a new home right now as her priority is to ensure she has the funds available for the post-secondary education for her children first. Ideally would like to build the new home within five years, before her son graduates from high school.
- The home is a small rancher, approximately 1,200 sq. ft. Would like to have the opportunity to build a three-storey home, if feasible, to provide privacy for each of the five family members.
- The location of the home is ideal as it is five blocks from the Appellant's work and six blocks to her husband's shop.
- Long term plans are not known. The children may continue to live there longer because of the cost of homes.

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

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

- There are three large LUC homes in the cul-de-sac and two more on Galway Crescent.
- Hardship has been determined. This is an area with significant redevelopment already and the Appellant would like to have a similar three-storey home so her retired father can live with them and growing children can have the space the LUC will provide.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 18-03, for permission to the effective termination date of Land Use Contract No. 44 until June 30, 2024, to permit the construction of a new residential dwelling at 13368 Cypress Place, in accordance with the provisions of Land Use Contract 44, be **ALLOWED**.

CARRIED UNANIMOUSLY

4. Appeal No. 18-04 – Munish Bhardwaj, Inderjit Bhardwaj and Jit Bhardwaj

For permission for an extension of four years to the effective termination date of Land Use Contract No. 149, until June 26, 2022, to permit the construction of a new residential dwelling at 9268 – 124 Street.

The Board acknowledged Munish Bhardwaj, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in 2000 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. He has been living in the home for the past 17 years with his wife, four children and parents, with the intention of building a larger home for the growing family. Termination of the LUC causes a hardship as the Appellant's wife recently started a new daycare business, his oldest child is currently attending post-secondary (second year), and it is difficult to arrange any other funds due to investment projects prior to the LUC termination.

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

- The Appellant has been the only income earner for the last two years as his wife suffered a knee injury and was not able to work. She is now has a started a daycare business to help with the post-secondary fees for their daughter's education.
- There are currently eight family members that live in the home, including the Appellant, his wife, their four children (ages 19, 13, 5 and 3), and his parents. A much larger home with more space and bedrooms will be needed for the growing family.
- The location of the home is ideal; it is a safe neighbourhood for raising a family and for the Appellant's parents as well. His son is currently in grade eight, walking distance to his high school, and the two youngest children will be attending the local elementary school soon, which is less than five minutes away.

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 active area of significant redevelopment, including a very large home immediately next door to the subject property.

- A financial hardship has been determined. The Appellant has a growing young family and there is already significant redevelopment in the area.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 18-04, for permission for an extension of four years to the effective termination date of Land Use Contract No. 149 until June 26, 2022, to permit the construction of a new residential dwelling at 9268 – 124 Street, in accordance with the provisions of Land Use Contract 149, be **ALLOWED**.

CARRIED
(J. Rahiman opposed)

5. Appeal No. 18-05 – Parampal K. Sidhu and Devinder S. Sidhu

For permission for an extension to the effective termination date of Land Use Contract No. 341, until June 30, 2024, to permit the construction of a new residential dwelling at 9550 Oban Place.

The Board acknowledged Parampal Sidhu, Appellant, in attendance with her daughter, Sandip Sidhu, to speak to the application.

The Appellant informed that she and her husband purchased the property in 2009 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. A financial hardship was reported as the Appellant has not been able to work as a result of three motor vehicle accidents over the past two years. Her husband has been the only person working and he also has a financial commitment to the truck and trailer he purchased in 2013 for his employment. Furthermore, the Appellant's daughter is in her second year of post-secondary, and it won't be long before her son graduates high school and also enrolls in post-secondary.

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

- Five family members live in the small, three bedroom, 2,200 sq. ft. home, including the Appellant, her husband and their three children. Her mother-in-law used to live with them, but moved to her daughter's home in Kamloops, but would like to move back with the Appellant once the larger family home is built.
- Would like to build approximately 4,500 sq. ft. home with at least four bedrooms and a spare bedroom, if possible. Not sure at this time if a two-storey or three-storey home is preferred.

- Under the RF zone, it would be possible to build a home more than twice the size of the current home. The 9,590 sq. ft. property could provide a home of approximately 4,700 sq. ft., plus a basement if servicing is available.
- The footprint of the home can be expanded under the LUC specifications versus what is available under the RF zone.
- There is a BC Hydro Right-of-Way at the back of the property.

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

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

- This is an area that, upon inspection, does not have a significant change to the original neighbourhood. There isn't any development of new homes. The underlying RF zone would easily provide what the Appellant wants. Not sure if two-storey or three-storey is desired, but their primary wish is for more space and the RF zone allows more than twice the size of the current home, and could also include a basement. The underlying zone is not creating considerable hardship.
- Hardship has not been determined.

Therefore, it was

Moved by J. Rahiman
Seconded by M. Bola

THAT Appeal No. 18-05, for permission for an extension to the effective termination date of Land Use Contract No. 341, until June 30, 2024, to permit the construction of a new residential dwelling at 9550 Oban Place, in accordance with the provisions of Land Use Contract 341, be **DENIED**.

CARRIED UNANIMOUSLY

6. Appeal No. 18-06 – Harkanwal and Surinder Mahal

For permission for an extension to the effective termination date of Land Use Contract No. 170, until June 30, 2024, to permit the construction of a new residential dwelling at 13056 – 95 Avenue.

The Board acknowledged Harkanwal and Surinder Mahal, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in 2006 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. As his wife is not working and he is the only income earner, he is not in a financial position currently to begin the process of building a new home before the LUC termination.

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

- There are six family members in the home, including the Appellant, his wife, their two children (ages 13 and 11) and his parents-in-law. His mother may also come back from India to live with them in the future.
- This is the only property the Appellant owns, conveniently located close to both the elementary and high schools for his children. Ideally he would like a larger, above-ground, two-storey house, approximately 5,500 sq. ft., with large bedrooms (each with bathrooms) and additional facilities and privacy for the Appellant's in-laws.
- The Appellant has not checked with the City as to what is permitted under the RF zone for his property. He would like to have two-storey home similar to the home across the street from him and does not want a home with a basement or a suite due to the additional cost to build.

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

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

- The Appellant intends to construct a home of approximately 5,500 sq. ft., two-storey from ground level. The RF zone allows 4,000 sq. ft. from ground level (without basement).
- It is understandable the Appellant wants to build a certain size of house, two-storey without basement, however the area is not in transition as much as other areas. Based on the photos there is only one house in the neighbourhood possibly built under the LUC.
- The Appellant has time to submit an application under the LUC; not satisfied there is a hardship.
- There is no determination of hardship. The Appellant is able to build a sufficient size home within the RF zone.

Therefore, it was

Moved by J. Rahiman
Seconded by M. Bola

THAT Appeal No. 18-06, for permission for an extension to the effective termination date of Land Use Contract No. 170, until June 30, 2024, to permit the construction of a new residential dwelling at 13056 – 95 Avenue, in accordance with the provisions of Land Use Contract 170, be **DENIED**.

CARRIED
(P. Sandhar opposed)

The Board recessed at 10:30 am and reconvened at 10:43 am.

7. Appeal No. 18-07 – Tirth and Sharanjit Badesha, and Mehnga and Harvinder Badesha

For permission for an extension to the effective termination date of Land Use Contract No. 170, until June 30, 2024, to permit the construction of a new residential dwelling at 13080 Balloch Drive.

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

The Appellant informed that she purchased the property in November, 2017 with her husband and his parents for its Land Use Contract (LUC) specifications that permit the construction of a larger home for the extended family. As the result of the recent home purchase and her husband being the only family member that is currently working, the family is not in a financial position to begin the process to redevelop the property prior the LUC termination date.

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

- The LUC had already been terminated when the property was purchased, but the Appellant knew they could appeal to extend the termination date.
- This is the only home the Appellant owns. The neighbourhood is perfect for her young family; it is a quieter area, there is plenty of parking and a park and school is right behind the property for her children to play. The only drawback is the size of the house as it is not big enough for the family of seven.
- Planning to build a three-storey home if possible. Need a home with larger rooms for the children and the Appellant's parents-in-law would

also like to have more privacy as well as larger rooms. Just need more time to save for the funding of a larger home.

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

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

- The lot is 7,500 sq. ft., which could accommodate a home under the RF zone of approximately 4,200 sq. ft., plus basement if permitted. The existing home is already partially in ground.
- On this street there are two-storey homes in the area, with one right next door to the subject property and one across the street with a basement.
- The area is not fully under transition, with just one house that is different from the rest of the neighbourhood, but that could have been built many years ago. There aren't any other homes under construction presently.
- Not satisfied there is a hardship; the Appellant knew the LUC had terminated.
- RF zone will meet the needs of the Appellant and her family, allowing a home over 6,500 sq. ft., two-storey, plus basement; significantly larger house than what they have now. Equally, this is not an area that has changed from redevelopment under the LUC. Any transition in the neighbourhood will now be under the RF zone so there will be consistency in the neighbourhood, as intended by the LUC termination bylaw.
- Hardship has not been determined.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 18-07, for permission for an extension to the effective termination date of Land Use Contract No. 170, until June 30, 2024, to permit the construction of a new residential dwelling at 13080 Balloch Drive, in accordance with the provisions of Land Use Contract 170, be **DENIED**.

CARRIED UNANIMOUSLY

8. Appeal No. 18-08 – Pavitar and Sukhwinder Cheema

For permission for an extension to the effective termination date of Land Use Contract No. 170, until June 30, 2024, to permit the construction of a new residential dwelling at 13090 Balloch Drive.

The Board acknowledged Pavitar Cheema, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in May, 2005 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. He is not ready to build the new family home at this time.

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

- There are eight family members living in the home, including the Appellant's wife, three children (ages 10, 16 and 20), his parents and his mother-in-law.
- The existing home is 1,800 sq. ft., and has four bedrooms. A larger home is required to provide space for the family as they grow.
- The location of the property is ideal for the school (behind the property) and transit only two blocks away.
- Under RF zone the 6,800 sq. ft. lot could provide a home of approximately 4,200 sq. ft., plus a basement, if services available.
- If it was possible to build under the RF zone and it provided the space desired, that would be acceptable.
- Just want the home for the family only, not a basement suite.

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 position of the Board at the moment is consistent with earlier appeals. This is an area that is not under transition, without three-storey homes. The intent of the bylaw is to be consistent. In cases where redevelopment that has not happened the whole intention is to encourage redevelopment consistently. The intent of the bylaw takes a very strong position.
- The Appellant was provided considerable opportunity to express their hardship. Hardship has not been determined.

Therefore, it was

Moved by J. Rahiman

Seconded by M. Bola

THAT Appeal No. 18-08, for permission for an extension to the effective termination date of Land Use Contract No. 170, until June 30, 2024, to permit the construction of a new residential dwelling at 13090 Balloch Drive, in accordance with the provisions of Land Use Contract 170, be **DENIED**.

CARRIED UNANIMOUSLY

9. Appeal No. 18-09 – Kulwinder and Jaswinder Boparai

For permission for an extension to the effective termination date of Land Use Contract No. 170, until December 31, 2023, to permit the construction of a new residential dwelling at 9496 – 131A Street.

The Board acknowledged Jagdish Sunar, Appellant, in attendance with Sunny Ball, as translator 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 once his children complete university. He is not able to meet the LUC termination date and build the new family home as there is a fixed term tenancy for six years (until 2022) on the property.

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

- The property was purchased with the intent of building a three-storey home. It has been confirmed by the City's Engineering department that a basement would not be permitted. Therefore, the maximum size of home under the RF zone would be approximately 4,000 sq. ft.
- If a three-storey home was permitted under the RF zone, the Appellant would not be seeking an extension of the LUC termination date.
- The six year fixed term tenancy agreement until 2022 prevents the Appellant from the ability to build under the LUC prior to its termination. The Appellant has spoken with the tenant about potentially ending the lease and the tenant referred to the fixed term of six years of the tenancy contract. The tenant has a young family and does not want to move.
- The Appellant, his wife and one of his children currently live with his brother. He has three older children currently living on campus at UBC. The new family home was planned to begin once his children had completed university.
- The Appellant owns only the subject property and another property in Abbotsford he purchased in June, 2016 as an investment.

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 Tenancy website, it notes that a lease can be broken by the landlord if two months' notice is given and compensation is given for moving costs. Those costs could also be part of the hardship.
- The tenant could still oppose it the notice and arbitration could take months, extending beyond the LUC termination date and losing the opportunity to still build under the LUC.
- To break the lease sooner would cause hardship to the tenant. The property was purchased with a very clear intention of building a new home in the future.
- Hardship has been determined. The Appellant cannot build the house he desires under RF zone and has explained his hardship, noting that even having the financial means he cannot build because of tenancy agreement in place prior to the LUC termination. Furthermore, the decision of the Board does not defeat the intent of the bylaw given there is some transition in the area; the hardship carries more weight.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT Appeal No. 18-09, for permission for an extension to the effective termination date of Land Use Contract No. 170, until December 31, 2023, to permit the construction of a new residential dwelling at 9496 – 131A Street, in accordance with the provisions of Land Use Contract 170, be **ALLOWED**.

CARRIED UNANIMOUSLY

10. Appeal No. 18-10 – Kulwant and Gurbax Mann

For permission for an extension to the effective termination date of Land Use Contract No. 36, until June 30, 2024, to permit the construction of a new residential dwelling at 9392 – 127 Street.

The Board acknowledged Kulwant and Gurbax Mann, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in 2003 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The Appellant reported that he is not in a financial position 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 subject property is currently rented month to month.
- The Appellants own four properties, including the subject property. They currently live at one of the other properties they own, which was built under the LUC. Although it is approximately 6,000 sq. ft., they are not happy with the home (it has problems with the heating) and would like to sell that home and redevelop the subject property as their family home.
- The Appellants have four children and would like to develop a larger home, similar to other homes in the neighbourhood that would provide more space for their children. Under the RF zone, redevelopment of the subject property would permit a home of approximately 4,200 sq. ft., plus a basement if services available.

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 where there has been some redevelopment, with some properties redeveloped along 127 Avenue.
- The Appellants are property rich, owning four properties, as noted.
- There is no determination of hardship. Although the neighbourhood is in transition, it is not felt that the Appellants are prohibited from constructing a new home at this time if they were to choose.

Therefore, it was

Moved by J. Rahiman
Seconded by M. Bola

THAT Appeal No. 18-10, for permission for an extension to the effective termination date of Land Use Contract No. 36, until June 30, 2024, to permit the construction of a new residential dwelling at 9392 – 127 Street, in accordance with the provisions of Land Use Contract 36, be **DENIED**.

CARRIED UNANIMOUSLY

11. Appeal No. 18-11 – Bijendra and Bimal Naidu

For permission for an extension to the effective termination date of Land Use Contract No. 36, until December 29, 2020, to permit the construction of a new residential dwelling at 12752 - 90 Avenue.

The Board acknowledged Bijendra Naidu, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased property in 2000 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The property was originally owned by the Appellant's father and the family all lived there. It had been his father's dream to build a larger family to stay together in one home in the future. Due to the cost of building a new home, the Appellant is not prepared financially to begin construction. More time to plan finances to match the cost of construction is required. An extension of the LUC termination until December 2020 is being sought.

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

- The Appellant has been living at the subject property for 17 years.
- There are currently 7 family members living in the home, including the Appellant, his wife and two children, and his brother, his wife and child.
- It is important to the family to realize their father's dream of building a larger home for the family and their extended family in the future. Just need a little more time to determine finances.

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 with several very large homes, including one home directly opposite the subject property.
- Hardship has been determined as provided by the Appellant. It is clear he had the genuine intention of proceeding to build in the near future. Furthermore, the immediate neighbourhood is already in transition with larger homes already constructed.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 18-11, for permission for an extension to the effective termination date of Land Use Contract No. 36, until December 29, 2020, to permit the construction of a new residential dwelling at 12752 – 90 Avenue, in accordance with the provisions of Land Use Contract 36, be **ALLOWED**.

CARRIED UNANIMOUSLY

The Board recessed at 11:58 am and reconvened at 12:08 pm.

12. Appeal No. 18-12 – Mohammad and Shabnam Salim

For permission for an extension to the effective termination date of Land Use Contract No. 36, until December 15, 2023, to permit the construction of a new residential dwelling at 9147 Malcolm Place.

The Board acknowledged Mohammad and Shabnam Salim, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in 2003 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The Appellants are not financially prepared to build a new home prior to the LUC termination as there is the only one family member working and supporting their large family.

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

- The Appellants have lived in the home for 22 years. Although the intent was always to build a larger home, it has not been possible as Mr. Salim has been the only family member working to support his wife, four children (ages 22, 19, 17 and 4), and his parents. His two oldest children have started to work part time, which now helps.
- The needs of the Appellants' family are better met with a home constructed under the LUC specifications as opposed to the limited size of the underlying RF zone.
- A home of approximately 4,000 sq. ft. could be built under the RF zone without a basement. If a basement is permitted the home could be 6,600 sq. ft.
- The Appellants would like to have the option to build a three-storey above ground home that could provide enough room for separate space for the Appellants' parents and their children as they grow and get

married; similar to many of the newer homes in the neighbourhood. Not entirely sure how much space will be required, but estimating approximately 7,000 sq. ft.

- The new home would not be for business purposes, it is intended for three to four generations of family members.
- It is intended that the Appellants' children will also be saving to help fund the redevelopment of their family home once they are working full time.

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:

- Similar to other appeals, this is a growing family with the intention to build a home for all the family members. They are not at the stage of providing the finances needed to build a home right now. A large LUC home is needed for this property.
- This is also an area in transition; to the south and west there is significant transition. In the Appellants' cul-de-sac there have already been some LUC extensions approved.
- A financial hardship has been determined. The Appellant is the only family member working currently. He has a growing family of eight and a house built under the LUC specifications will meet the needs of the family better in terms of square footage available. Furthermore, the area is already experiencing a significant transition.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT Appeal No. 18-12, for permission for an extension to the effective termination date of Land Use Contract No. 36, until December 15, 2023, to permit the construction of a new residential dwelling at 9147 Malcolm Place, in accordance with the provisions of Land Use Contract 36, be **ALLOWED**.

CARRIED UNANIMOUSLY

13. Appeal No. 18-13 – Inderjit S. Rai and Kuldip S. Rai

For permission for an extension of three years to the effective termination date of Land Use Contract No. 36, until May 29, 2021, to permit the construction of a new residential dwelling at 9364 – 127 Street.

The Board acknowledged Kuldip Rai, 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. Due to personal family circumstances, the Appellant needs some time to put his finances in order to build the new family house that has been planned for years.

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

- The subject property is currently rented. The Appellant and his wife and child currently live with his parents in their 2,100 sq. ft. home.
- The Appellant has two brothers. He, his wife and child, will be sharing the new family home with his parents and one of his brothers and his wife and two children; a total of nine family members.
- The Appellant shares a financial interest in many properties with his other brother, who lives in his own house with his family of five. His investment properties include two properties he has owned for 10 and 15 years. There are six or seven other properties that are a shared investment with his brother.
- The Appellant owns a business and is making every effort to save for the new home. His parents do not want to sell their property and his finances are tied up in the properties he shares. Therefore an extension of three years to the LUC termination date is required to save the funding needed for the construction of the new family home.
- After looking at so many homes in Surrey to redevelop for the extended family home, there were only two properties that were LUC zoned and large enough to support the size of home desired. The subject property was the only LUC property that allowed a three-storey home. Furthermore, the property is conveniently located for work and for the various services required for the Appellant's parents.

Planning staff made the following comments:

- There are some LUC properties that have a height restriction that can limit them to two-storeys, often due to the elevation of the property (e.g. the road is higher than the 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 Appellant owns other properties on his own that he could sell but he does not want to sell, preferring to keep those properties for future investment.
- It is recognized that the area might have some redevelopment, but the Board is not satisfied why the Appellant is unable to build now.
- A financial hardship has not been determined.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT Appeal No. 18-13, for permission for an extension of three years to the effective termination date of Land Use Contract No. 36, until May 29, 2021, to permit the construction of a new residential dwelling at 9364 - 127 Street, in accordance with the provisions of Land Use Contract 36, be **DENIED**.

CARRIED UNANIMOUSLY

14. Appeal No. 18-14 – Jigna and Ankur Shah

For permission for an extension of five years to the effective termination date of Land Use Contract No. 36, until May 29, 2023, to permit the construction of a new residential dwelling at 12727 – 92 Avenue.

The Board acknowledged Jigna and Ankur Shah, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in 2013 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. They are seeking more time to plan financially in order to qualify for a construction mortgage to be able to build their new family home.

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

- This property is the only property the Appellants own. They live there with their two children, and expect their brother to move from Toronto

soon to live with them, as well as their parents in India, who are anticipated to join the family permanently in the future.

- As the first family members to move to Canada, the Appellants often have visitors come and stay with them. In anticipation of needing a larger home for the extended family and guests, and not being in a financial position to buy a large home, the subject property was purchased four years ago with the intent to save and replace the existing small home with a larger home in the future. The property is also conveniently located close to a neighbourhood elementary school that the Appellant's children (ages 12 and 8) now attend; which was another deciding factor in purchasing the property.
- As a result of using all their savings to purchase the home, more time is needed to raise the funds required to 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:

- The LUC in this area has had several appeals. The two adjoining properties to the left of the subject property have both been before the Board for an extension of the LUC and were approved.
- The area is not really under development right now. There would have been some grounds of hardship for the other appeals supported in the past.
- A financial hardship has been determined. Furthermore, there are two properties adjacent to Appellant's propriety that are under redevelopment and other properties in the area are transitioning.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 18-14, for permission for an extension of five years to the effective termination date of Land Use Contract No. 36, until May 29, 2023, to permit the construction of a new residential dwelling at 12727 – 92 Avenue, in accordance with the provisions of Land Use Contract 36, be **ALLOWED**.

CARRIED
(M. Bola opposed)

The Board recessed at 12:52 pm and reconvened at 1:20 pm.

15. Appeal No. 18-15 – Nachhater Mann, Kamaljit Mann and Sarabjit Mann

For permission for an extension of three years to the effective termination date of Land Use Contract No. 36, until May 29, 2021, to permit the construction of a new residential dwelling at 9378 – 127A Street.

The Board acknowledged Kamaljit Mann, Appellant, in attendance 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 for his family in the future. Due to the construction of another house that was underway prior to the LUC termination, the Appellant is not in a financial position to undergo the construction on the subject property prior to the final termination of the LUC.

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

- The subject property is currently rented. The tenants are seniors and don't have any family support. The Appellant would like the tenants to be able to stay in the home longer, if possible.
- The Appellant currently lives with his wife, children, parents and grandparents at 9673 – 131 Street, also owned by the Appellant. It is a 3,500 sq. ft. home with a basement. Although he could sell the property to finance the construction of a new, larger family home on the subject property, serious health concerns for his father-in-law that resulted in a recent surgery make it necessary to stay in the home until he is fully recovered and there is no risk of infection.
- Would like to build a three-storey home that can comfortably accommodate all eight family members and provide additional space for his children as they grow.
- If the Appellant had been aware of the impending LUC termination, he would have built his family home first. He was not aware of the termination until he received the notice from the City. Now, due to health concerns, the timing is not right to sell the home he is living in, but once the other home that is under construction is completed and sold, he can begin the process of constructing the new extended family home.
- In total, the Appellant owns three residential properties (two in Surrey and one in Abbotsford) and a business property. His brother-in-law (sister's husband) is a developer and helped with the purchase of the properties. Currently the Appellant is financing another residential home that is under construction.

- Completion of the home presently under construction is anticipated within seven to eight months; it is not an active building project at the moment and cannot be completed within the timeframe that the new family home could be built under the LUC if the appeal is denied.
- There is already a fair degree of redevelopment in the area, with two new homes already constructed on one side of the subject property and two additional homes completed and under construction close by.

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

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

- The Appellant is building a home currently and there is a contract on his property in Abbotsford. He has one property that is an LUC property and one that is not.
- The Appellant was aware that the City of Surrey was in the process of terminating LUCs early. The formal notification came out before he began the process of the development of the other property he is currently building.
- Hardship has not been determined; the Appellant has multiple properties.

Therefore, it was

Moved by J. Rahiman
Seconded by M. Bola

THAT Appeal No. 18-15, for permission for an extension of three years to the effective termination date of Land Use Contract No. 36, until May 29, 2021, to permit the construction of a new residential dwelling at 9378 – 127A Street, in accordance with the provisions of Land Use Contract 36, be **DENIED**.

DEFEATED
(P. Sandhar and G. Mervyn
opposed)

The Chair declared, as the motion resulted in a tie vote, and there was not a majority support by the Board, the appeal is denied.

16. Appeal No. 18-16 – Parwinder Nahal

For permission for an extension to the effective termination date of Land Use Contract No. 36, until June 30, 2024, to permit the construction of a new residential dwelling at 12747 Drummond Place.

The Board acknowledged Parwinder Nahal, Appellant, in attendance with Gary Khera, as translator, to speak to the application.

The Appellant informed that she purchased the property in 2011 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 for her growing family.

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

- The Appellant is a single mother, living with her mother-in-law and her two children (ages 21 and 19) who are currently attaining their post-secondary education. She has lived in the home for a long time and doesn't want to leave the neighbourhood in order to have a larger home.
- The Appellant is hoping to provide accommodation for her children for when they get married and start families of their own. She would like for the families to continue to live together in a home that is large enough for everyone to also have their own privacy.
- The current home has three bedrooms and a basement. Ideally the Appellant would also like to have a rental income as well, but not really sure at this time what type of home she would like or will need for certain. She would like to have the option of what type of home to develop once she is financially able to begin the process building her new family home.
- The Appellant has not had the chance to speak with her neighbours as she is always very busy working to financially support her family and her children's education.

The Chair confirmed there were no persons present to speak to the application and that one item of correspondence was received in response to the notification regarding both Appeal 18-16 and 18-17. The Chair read the correspondence, noting concerns with respect to the potential for traffic congestion and limited public parking availability as a result of more vehicles for the family and tenants of a larger home.

In response the Chair noted the issues and concerns raised with respect to increased traffic, parking issues, and the general road safety in the neighbourhood are present whether the Appeal is granted or not. The underlying RF does permit a larger home than what is there presently and will also permit a suite if the property owner would like. Redevelopment will likely

happen as the neighbourhood is one of the areas with the highest concentration of redevelopment under LUC provisions.

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

- This is one of the areas with the highest concentration of redevelopment under LUC provisions.
- Financial hardship has been determined. The Appellant is supporting her mother-in-law and two children in post-secondary and is not able to undergo the expense right now of building a home for her family and their families in the future. Furthermore, the area is heavily developed under LUC; 90% or so. To deny would be unreasonable.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 18-16, for permission for an extension to the effective termination date of Land Use Contract No. 36, until June 30, 2024, to permit the construction of a new residential dwelling at 12747 Drummond Place, in accordance with the provisions of Land Use Contract 36, be **ALLOWED**.

CARRIED UNANIMOUSLY

17. Appeal No. 18-17 – Arwinder and Harpreet Atwal

For permission to for an extension to the effective termination date of Land Use Contract No. 36, until March 20, 2024, to permit the construction of a new residential dwelling at 12727 Drummond Place.

The Board acknowledged Arwinder Atwal, Appellant, in attendance 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. Due to the amount of money he has spent renovating the existing home, he is currently not in a financial position to redevelop the property before the LUC termination date.

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

- The Appellant paid a premium to have an LUC property that would provide the type of home he will require for growing family of seven, his

wife, two daughters, parents and mother-in-law. As a result, he just needs a couple more years to save for the construction of a new home.

- The home required some immediate repairs when it was purchased and it was determined then that it would be better to undergo renovations to make the home last longer until financially able to redevelop.
- The Appellant owns another property in Chilliwack that he shares with three partners; bought in 2017.
- The Appellant is the only income earner at this time as his wife is not currently working while the children are so young. Once both children are in school his wife will seek full time employment.

The Chair confirmed there were no persons present to speak to the application and that there was one piece of correspondence received in response to the notification that pertained to Appeals 18-16 and 18-17. The traffic congestion and limited public parking availability concerns raised in the correspondence were addressed under Appeal 18-16.

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

- This is an area that is almost completely developed under LUC.
- Hardship has been determined. The Appellant is the only person working right now. He has very young children, his wife is not working. They need to build their credit history to build finances in order to be able to build a larger home in the future.

Therefore, it was

Moved by P. Sandhar
Seconded by M. Bola

THAT Appeal No. 18-17, for permission to for an extension to the effective termination date of Land Use Contract No. 36, until March 20, 2024, to permit the construction of a new residential dwelling at 12727 Drummond Place, in accordance with the provisions of Land Use Contract 36, be **ALLOWED**.

CARRIED UNANIMOUSLY

18. Appeal No. 18-18 – Gurdip and Rajwant Samra

For permission to for an extension to the effective termination date of Land Use Contract No. 326, until June 30, 2024, to permit the construction of a new residential dwelling at 12345 – 93 Avenue.

The Board acknowledged Rajwant Samra, Appellant, and Jasraj Samra, son, in attendance to speak to the application.

The Appellant informed that the property was purchased in November, 2016 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The property was purchased at a premium cost because it is an LUC lot, but it is in the neighbourhood that the Appellant has lived for 25 years and where she would like the growing family to live. Due to the cost of the home and the renovations that have been done since it was purchased, including a new roof, and the financial commitment of post-secondary fees for two of her three children, the Appellant is not in a financial position to redevelop the property at this time.

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

- The subject property is in good standing condition with renovations completed inside. It is currently rented to a family of eight
- The Appellant owns three properties very close in proximity to one another, including the home across the street from the subject property (12346 – 93 Avenue), where the Appellant lives with her family of seven, including the Appellant, her husband, three sons and parents-in-law.
- The third property owned by the Appellant is in the same neighbourhood, at 9268 - 123A Street. It was purchased a long time ago and currently has a three year lease agreement with the tenant. This property cannot be sold to fund the redevelopment of the subject property as a result of the lease contract. Also the Appellant would like to keep the property.
- 12346 – 93 Avenue is a three-storey home, approximately 5,500 sq. ft.
- The intent is to build a larger three-storey home on the subject property for the growing family, including some private space for each of the sons as they marry, so that all the family can live together. It is a larger corner lot that can also accommodate more parking, if needed.
- Would like to build the maximum three-storey home permitted for the property; at least 1,000 sq. ft. larger than the home the Appellant lives in currently. Just need more time for the sons to be finished university and employed full time to assist with the finances for the construction costs.
- In the long term, it is the Appellant's intension to have a separate house for each of her sons and their families.
- Under the RF zone, a home of approximately 6,500 sq. ft., including a basement (if services available) is permitted.

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

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

- The Appellant currently owns three properties, all located in the same neighbourhood. Her family lives at one of the properties that was already redeveloped for the family after selling another property she had owned, and receives a rental income from the other two properties.
- There doesn't appear to be anything preventing the Appellant from selling one of the homes to fund the redevelopment of the subject property, as done in the past, other than the desire to have separate homes for each of her sons in the future. In which case it is not understood why a three-storey home is required for the subject property.
- The Appellant was able to purchase the subject property one year ago under the same conditions then as she has now.
- The RF zone will provide the size of house the Appellant requires.
- There is no determination of hardship.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 18-18, for permission to for an extension to the effective termination date of Land Use Contract No. 326, until June 30, 2024, to permit the construction of a new residential dwelling at 12345 – 93 Avenue, in accordance with the provisions of Land Use Contract 326, be **DENIED**.

CARRIED UNANIMOUSLY

19. Appeal No. 18-19 – Pal and Darshan Grewal

For permission to for an extension to the effective termination date of Land Use Contract No. 23, until June 30, 2024, to permit the construction of a new residential dwelling at 12359 Iona Place.

The Board acknowledged Pal and Darshan Grewal, Appellants, in attendance with their son, Prabhdeep Grewal, to speak to the application.

The Appellant informed that they purchased the property in 1996 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Financial hardship was expressed as a result of currently building a new home next door at 12369 Iona Place, which is under the same LUC and also owned by the Appellants. As a result, it is difficult to secure funds from the bank.

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

- Construction of the neighbouring home will begin soon; demolition of the existing home is scheduled to take place in about two weeks. It will be replaced with a three-storey home for the Appellants, their two children and two of their parents; approximately 7,000 sq. ft.
- The subject property will be developed in the future for the Appellants' son, his business as a massage therapist on the ground floor, and his future family to occupy the two further levels of the home. The home is likely to be approximately 4,000 – 5,000 sq. ft. In the meantime, the family of eight will all live together at their neighbouring property currently under redevelopment.

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

- There are the same provisions for both the LUC and RF zoning with respect to operating a home business within the home:
 - No person other than a member of the immediate family occupying the dwelling may be employed;
 - No goods are displayed or sold on the premises;
 - No alterations are made which change the character of the building as a dwelling;
 - No evidence of the home occupation, including the storage of materials or illuminated signs, shall be visible from outside the confines of the dwelling; and
 - The aggregate floor area of all home occupations shall not exceed 25% of the area of one (1) floor of the principal building, regardless of whether the home occupation is, or will be, carried on in the principal building or in an accessory building or structure.

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:

- For the 7,200 sq. ft. lot, the Appellants could build a new home under the RF zone of approximately 4,000 sq. ft., plus a basement if permitted.
- A hardship has not been determined. The Appellants are currently building a home under the LUC and although they may not have the funds to build the second home right now, they were unable to satisfy the Board as to why they need both houses to be built under the LUC.

The Appellant's son could have a significantly large house built under the RF zone.

Therefore, it was

Moved by P. Sandhar

Seconded by M. Bola

THAT Appeal No. 18-19, for permission to for an extension to the effective termination date of Land Use Contract No. 23, until June 30, 2024, to permit the construction of a new residential dwelling at 12359 Iona Place, in accordance with the provisions of Land Use Contract 23, be **DENIED**.

CARRIED UNANIMOUSLY

20. Appeal No. 18-20 – Sukhjit K. Singh

For permission to for an extension of five years to the effective termination date of Land Use Contract No. 29, until May 29, 2023, to permit the construction of a new residential dwelling at 8810 – 127 Street.

The Board acknowledged Sukhjit K. Singh, Appellant, in attendance with her niece, Gurdeep Shergill, as translator to speak to the application.

Ms. Shergill informed that the Appellant purchased the property in 2007 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. She is a widow of seven years, with two daughters that she is financially supporting through their post-secondary education as well as all the costs of the recent marriage of her oldest daughter. As a result, the Appellant is not in a financial position at this time to build the larger family home she had planned with her husband. An extension of five years is sought to provide enough time to save for the construction of a new home.

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

- The Appellant's family, including her two daughters, her parents and her sister, lived at the subject property until almost five years ago. It is has been rented since then.
- The Appellant lives at her other property at 9373 – 140 Street with her family (and her son-in-law when he arrives from California). As a result of extensive fire damage to the second property five years ago, the family had to construct a new home and decided to move there once it was complete. The home was previously a duplex which was required to be a single family home when rebuilt; it is approximately 3,500 sq. ft.
- Would like to build a larger family home to accommodate the extended family and the Appellant's daughters' families in the future.

- The Appellant has been unable to determine at this time whether or not she will keep the second property as an investment or need to sell it in order 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:

- This property could probably be developed under the RF zone, which will permit up to 4,300 sq. ft. without a basement; and provide more with a basement.
- The subject property lot has a very different configuration. Considering this specific location, there is less of a concern of the impact on the neighbourhood.
- There is no question of hardship in this case. Circumstances of having a fire and having to build what wasn't desired in the first place prevented the Appellant from having the home she intended to build.
- The Appellant is a single parent that lost her husband and is no longer working. Her other property could provide some income as a retirement income and should not be a consideration for this appeal.
- Financial hardship has been determined. The Appellant would have built on the subject property if her other property had not experienced the fire damage and had to be rebuilt. Furthermore, LUC development on the property, located on a very busy road, will not impact the community.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 18-20, for permission to for an extension of five years to the effective termination date of Land Use Contract No. 29, until May 29, 2023, to permit the construction of a new residential dwelling at 8810 – 127 Street, in accordance with the provisions of Land Use Contract 29, be **ALLOWED**.

CARRIED
(M. Bola opposed)

21. Appeal No. 18-21 – Gurpreet and Navneet Heer

For permission to for an extension of four years to the effective termination date of Land Use Contract No. 104, until May 29, 2022, to permit the construction of a new residential dwelling at 9040 Skye Place.

The Board acknowledged Gurpreet Heer, Appellant, in attendance 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. Due to the significant financial loss from an unsuccessful business and the timing of the LUC termination, the Appellant is not financially prepared to redevelop the property at this time.

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

- Three years ago the Appellant added a basement to the home and also purchased a business that he operated for approximately two years at a loss. The financial loss of the business was a set back to the family and resulted in not being able to redevelop the home as the family grew. Bank financing is not possible at this time as a result of the business loss.
- The Appellant has recently been laid off from his current employment as an electrician due to a project completing, however he anticipates being contracted for more projects and being able to save for to redevelop the home within four years.
- The new home will be for the family of eight, including the Appellant, his wife, two children and both sets of parents. Currently there are six family members living together, the Appellant's parents-in-law have been staying with their son who will soon be moving to the United States. In addition, the Appellant's sister has applied to come to Canada and, if successful, will also be living with his 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:

- There are four properties in the neighbourhood that have been redeveloped under the LUC provisions.
- Under the RF zone, the Appellant could potentially build a home of approximately 5,000 sq. ft. and up to 8,000 sq. ft. if a basement is permitted.

- A financial hardship has been determined as a result of loss of funding through business and also being laid off from current employment. Furthermore, the neighbourhood is already experiencing redevelopment.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 18-21, for permission to for an extension of four years to the effective termination date of Land Use Contract No. 104, until May 29, 2022, to permit the construction of a new residential dwelling at 9040 Skye Place, in accordance with the provisions of Land Use Contract 104, be **ALLOWED**.

CARRIED UNANIMOUSLY

22. Appeal No. 18-22 – Aljit and Parmjit Bajwa

For permission to for an extension to the effective termination date of Land Use Contract No. 84, until June 30, 2024, to permit the construction of a new residential dwelling at 9310 – 132 Street.

Appeal 18-22 was deferred to the next Board of Variance meeting at the request of the Applicant.

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

23. Appeal No. 18-23 – Manjinder K. Sandhu and Gurpreet K. Virk

For permission to for an extension of four years to the effective termination date of Land Use Contract No. 154, until May 29, 2022, to permit the construction of a new residential dwelling at 12959 Carluke Crescent.

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

The Appellant informed that the property was purchased in May, 2017 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Due to the recent purchase of the property, the Appellant is not in a financial position to build the home needed for her large extended family.

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

- The Appellant's brother helped with the down payment for the home as her husband just recently started a new job and did not qualify for a mortgage and down payment. An extension of four years to the LUC termination date is sought to provide the time needed to save for the construction of a larger family home.
- There will be 12 family members living in the home including the Appellant, her husband, her parents and her parents-in-law, her children and her two brothers and their families.

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

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

- Hardship has been determined. The Appellant's husband just recently started a new job and is not in a position to qualify for a mortgage and down payment for construction of a new house at this time. Furthermore, the neighbourhood is already experiencing a transition.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 18-23, for permission to for an extension of four years to the effective termination date of Land Use Contract No. 154, until May 29, 2022, to permit the construction of a new residential dwelling at 12959 Carluke Crescent, in accordance with the provisions of Land Use Contract 154, be **ALLOWED**.

CARRIED UNANIMOUSLY

24. Appeal No. 18-24 – Bhagwant S. Bisla

For permission to for an extension to the effective termination date of Land Use Contract No. 154, until June 30, 2024, to permit the construction of a new residential dwelling at 8858 Queen Mary Boulevard.

The Board acknowledged Bhagwant Bisla, Appellant, in attendance with Gurinderjeet Singh Bajwa, as translator, 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. As an owner operator truck driver, the Appellant is the only family member working at this time and not financially prepared to undergo the expense to constructing a larger family home prior to the LUC termination date.

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

- There are six family members living in the home, including the Appellant, his wife, parents and parents-in-law. His grandparents are expected to also be joining the family in approximately two years.
- The Appellant is the only person employed in the family and needs more time to prepare for what type of family home is needed and to save for the construction of the new home.

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

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

- All other houses in area are original except the house next door. It is likely there will be redevelopment close by to smaller RF lots. For the 7,200 sq. ft. lot, the Appellant could build a home under the RF zone of approximately 4,000 sq. ft., plus a basement if servicing is available.
- Although there is minimal redevelopment in the area, the Board just dealt with a property on Carluke Crescent and there is also a new three-storey home right next door to the subject property. Redevelopment is starting to happen.
- Financial hardship has been determined. The Appellant does not have any assets he can dispose of at this time in order to construct a new home at this time.

Therefore, it was

Moved by P. Sandhar

Seconded by M. Bola

THAT Appeal No. 18-24, For permission to for an extension to the effective termination date of Land Use Contract No. 154, until June 30, 2024, to permit the construction of a new residential dwelling at 8858 Queen Mary Boulevard, in accordance with the provisions of Land Use Contract 154, be **ALLOWED**.

CARRIED

(J. Rahiman opposed)

25. Appeal No. 18-25 – Amarjit and Gurjeet Dhot

For permission for an extension to the effective termination date of Land Use Contract No. 154, until December 31, 2023, to permit the construction of a new residential dwelling at 8922 Edinburgh Drive.

The Board acknowledged Amarjit Dhot, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in 2009 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future for his growing family. Termination of the LUC has created a hardship as he has spent over \$30,000 in renovations of the current home, with the expectation of building a new home in another four to five years. Financially the Appellant is not prepared for the construction of a new home and will not be able to get approval for a mortgage at this time.

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

- There are two families of four living in the home, including the Appellant, his wife, their two children, his brother and sister-in-law, and their two children.
- Planning for the future, the Appellant would like to build a large home of approximately 7,000 sq. ft. to provide at least three bedrooms for each family.
- With a large lot over 9,000 sq. ft., the Appellant could have a two-storey home under the RF zone of approximately 4,800 sq. ft., and larger if basement is permitted.
- The Appellant assumes he may not be able to build a home with a basement under the RF zone as his neighbour had indicated that he was may not be able to build a new home with a basement and will be building a three-storey home above ground.

- The Appellant owns one other property on 132A Street as a rental 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:

- A hardship has been determined. The Appellant has two growing families living together. He has done recent renovations to the property; to have to demolish and build right away is a hardship.
- A hardship cannot be established. The area is in transition, but the Appellant does own more than one home and he could likely build a sufficient size of home to suit his needs under the RF zone.
- If the area is redeveloped under the RF zone it will be more consistent with the other homes in the area.

Therefore, it was

Moved by J. Rahiman

Seconded by M. Bola

THAT Appeal No. 18-25, for permission for an extension to the effective termination date of Land Use Contract No. 154, until December 31, 2023, to permit the construction of a new residential dwelling at 8922 Edinburgh Drive, in accordance with the provisions of Land Use Contract 154, be **DENIED**.

DEFEATED

(G. Mervyn and P. Sandhar
opposed – Tie Vote)

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

- Typically what would have occurred is if an LUC covers half the property then the LUC remains on Title and bleeds through. Portions of LUCs are on some RF lots; the LUC is on Title.
- The Planning Report itself speaks to the particular lots: 13160, 13172 and 13184, were regulated by the LUC, which would have been under the 1990 subdivision, but retained the LUC and was applied to the entire lot. That travels from the parent property.

- Looking at that subdivision they do look slightly larger. In the 1990's, the houses built were usually smaller than what are developed now under the LUC.

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

- On this cul-de-sac and in this area, there is only one home that has been re-constructed under the LUC, the rest of the homes are original.
- Based on the lot size, 4,800 sq. ft. would be allowed without a basement.
- In terms of future development of the area and consistency, similar to the RF zone, the homes are not to the extreme size of what is being built now.
- The Appellant had been planning to build but his brother had to go to India so they had to wait.
- A hardship has been determined. The Appellant is the only full time income earner; his money is stuck in a different property right now and because he bought last year he would lose money.

Therefore, it was

Moved by M. Bola

Seconded by P. Sandhar

THAT Appeal No. 18-25, for permission for an extension to the effective termination date of Land Use Contract No. 154, until December 31, 2023, to permit the construction of a new residential dwelling at 8922 Edinburgh Drive, in accordance with the provisions of Land Use Contract 154, be **ALLOWED**.

CARRIED

(J. Rahiman opposed)

26. Appeal No. 18-26 – Harjit S. Takhar and Ranjit K. Takhar

For permission for an extension to the effective termination date of Land Use Contract No. 300, until June 30, 2024, to permit the construction of a new residential dwelling at 9287 – 124 Street.

The Board acknowledged Harjit Takhar, Appellant, in attendance with his niece, Hardeep Sundhur, as translator to speak to the application.

The Appellant informed that he purchased the property in 2010 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Extensive renovations have been done to the home, including a new roof, all new windows and a new driveway. The termination

of the LUC causes a hardship as the Appellant is not financially prepared to build the larger home for his family at this time.

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

- Renovations to the home had been ongoing since a flood in the home five or six years ago. For the past two years the Appellant has been saving for the future redevelopment of his home for a larger home to meet the needs of his growing family.
- There are currently seven family members, including the Appellant, his wife, parents and children. His brother-in-law will also be coming to live with the family soon.
- There is a lot of development already happening in the area.
- The family does not want to move from the neighbourhood. The location of the home is ideal for the family. With a bus stop right in front of the property and the Appellant's parents looking after his children, it means that they can use transit while he is often out of town for his employment.
- The Appellant has a small share in another property he owns with three other people (in-laws) which was bought a year and a half ago.

The Chair confirmed there were no persons present to speak to the application and that one item of correspondence was received in response to the notification regarding the appeal. The Chair read the correspondence, noting concerns with respect the possible loss of 'curb appeal' of a small and quiet residential neighbourhood, and the potential for traffic congestion and limited public parking availability as a result of more vehicles for the family of a larger home. The Chair reiterated his comments in response to similar concerns noted in Appeals 18-16 and 18-17, and also noted that generally over time with older homes, and as homeowners no longer want the larger properties, many properties in mature neighbourhoods begin to redevelop with larger homes that accommodate more people.

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

- Earlier in the meeting the Board approved Appeal 18-04 which wasn't connected with Appeal 18-26 because it is in an adjoining LUC which is right across the street. The Board previously approved further appeals in the area, two of which are behind the subject property and another across the street.
- Hardship has been determined. The Appellant has invested money already in renovating the property and is not prepared to demolish and develop at this time. It has also been noted that there is evidence of increased redevelopment in the area.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT Appeal No. 18-26, for permission for an extension to the effective termination date of Land Use Contract No. 300, until June 30, 2024, to permit the construction of a new residential dwelling at 9287 – 124 Street, in accordance with the provisions of Land Use Contract 300, be **ALLOWED**.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS

E. NEXT MEETING

The next meeting of the Board of Variance will be held on Wednesday, February 14, 2018 at 9:00 a.m. in **2E – Committee Rooms A & B**.

F. ADJOURNMENT

Moved by M. Bola
Second by J. Rahiman

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 4:38 pm



Gil Mervyn, Chair



Lorraine Anderson, Secretary