

**City of Surrey
Board of Variance
Minutes**

2E – Community Rooms A & B
City Hall
13450 - 104 Avenue
Surrey, B.C.
WEDNESDAY, FEBRUARY 14, 2018
Time: 9:03 a.m.
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
A. Rossi, Planning & Development
L. Anderson, Secretary

A. ADOPTION OF MINUTES

1. Minutes of the Board of Variance meeting held December 13, 2017.

Moved by I. Dhillon
Seconded by M. Bola

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

CARRIED UNANIMOUSLY

2. Adoption of the Minutes of the Board of Variance meeting held
January 16, 2018 were deferred to the March meeting.

B. DEFERRED APPEALS

1. **Appeal No. 18-01 - Irina Kopystynski and Evdonkia Slijouk**

*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.*

The Board acknowledged Irina Kopystynski, Appellant, in attendance to
speak to the application.

The Appellant informed that she purchased the property 13 years ago with
her mother. The Appellant provided information relative to her hardship,
including financial hardship from not working for the past three years and
ongoing significant health issues her mother experiences.

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

- The Appellant's three sons grew up in the house and have expressed a desire to remain in the area with their growing families. With only three bedrooms a larger home is needed to accommodate the family. A two-storey home, approximately 3,000 sq. ft. without a basement, is desired. The Appellant does not want a three-storey home.
- Current home is approximately 1,900 sq. ft. The Appellant would like to a new home similar to other homes in the cul-de-sac that have more room on the second floor, as her mother also suffers from osteoarthritis and finds it more comfortable upstairs. As a result, the Appellant would like to move the main living space upstairs, including the kitchen.

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

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

- There has been no new development in the surrounding area and no other appeals for LUC 451.
- The underlying RF zone provides the opportunity to redevelop the property as described by the Appellant.
- Undue hardship has not been determined as the Appellant has not provided sufficient information to support the requirement for a home built under the LUC as opposed to the underlying RF zone which would permit a two-storey home of approximately 3,600 sq. ft. and meet the needs of the family as presented.

Therefore, it was

Moved by M. Bola
Seconded by I. Dhillon

THAT the Board finds that undue hardship would not be caused to the Appellant by the early termination of Land Use Contract No. 451, and orders that Appeal No. 18-01, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 1670 – 141B Street, as presented to the Board, be **DENIED**.

CARRIED UNANIMOUSLY

2. Appeal No. 18-22 - Ajit and Parmjit Bajwa

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.

The Board acknowledged Parmjit Bajwa, Appellant in attendance with her daughter, Harmanjit Bajwa, to speak to the application.

Harmanjit Bajwa informed the Board that her parents purchased the property in 1986 when they moved to Canada. It was their first home and their family home until eight years ago when they moved to a larger home in Newton. As the subject property has a Land Use Contract (LUC) with specifications that permit the construction of a larger home, the Appellants chose to keep the property as an investment until they were ready to build a larger extended family home in the future. Termination of the LUC at this time causes a financial hardship as the Appellants are not able to sell the home they are in now in time to begin the process of building a new home prior to the the termination of the LUC on May 29, 2018

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

- The Appellants own three properties including a small home on acreage that was purchased as an investment. The subject property was their first home and is currently rented. It has always been the home they wanted to go back to, keeping it in the family to redevelop to a larger home in the future for the growing extended family.
- The Appellant's current home is 5,200 sq. ft., which meets the needs of the family of five, including the Appellants, their daughter, son and daughter-in-law, at this time. However, with their son recently married and living in the lower portion of the home, and the anticipated addition of grandchildren in the future, the Appellants do not want their son's family living in a basement. They would like to build a two-storey home to provide the top floor for their son's family, with a master bedroom, living area and kitchen for the Appellants on the main floor.
- Looking at the footprint for a two-storey home, the RF zone permits 4,500 sq. ft. (without basement) and the LUC would provide 5,200 sq. ft.
- The Appellants are not financially ready to sell their current home and build a new home, as their son was recently married and their daughter has just completed her post-secondary education, both of which were paid by the Appellants.

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

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

- This property is not located in an identifiable neighbourhood; there is more redevelopment behind the property and one new home on 132 Street, a very busy road.
- A hardship has been demonstrated. The family is growing and will need a larger home in the future. Financial commitments to their son's wedding and daughter's post-secondary education have caused a financial hardship. Furthermore, the neighbourhood is experiencing some redevelopment.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 84, and orders that Appeal No. 18-22, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 9310 – 132 Street, as presented to the Board, be **ALLOWED**.

CARRIED

(M. Bola and J. Rahiman
opposed)

C. NEW APPEALS

1. Appeal No. 18-27 - Hundal / Mangat

This item was withdrawn prior to the meeting.

2. Appeal No. 18-28 - RCG Homes Ltd.

For permission to reduce the rear (south) yard setback from 6.0m to 4.69m, to permit the construction of a new residential dwelling at 18580 – 56B Avenue.

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

The Appellant provided an overview of the purchase of the property noting that the lot was purchased three years ago, at which time he was not sure if it would be redeveloped to sell or to keep. The Appellant has since determined that it is the ideal property for development of his family home, not as an investment. While submitting design plans to the City, the Appellant was advised that there is a Restrictive Covenant (RC) on the property as a result

of an issue raised by the community. The RC was placed on the property requiring a 10.5m front yard setback to accommodate additional off-street parking, instead of the standard 7.5 m setback which subsequently will require the plans to be revised. The Appellant has proposed to relocate the house on the property to accommodate the 10.5m setback in the front yard and relax the rear setback to 3.0m to accommodate his existing house plans.

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

- The Appellant relied on his realtor to advise him of any issues with the property as he is not well versed in realty documentation. Only later he discovered there was a RC on the property. Throughout the home designing process the Appellant worked with three different planners and a designer and spent over \$10,000 preparing house plans. Not until the plans were received back from the City was he advised of the RC and that he would be required to submit an entirely new set of plans.
- The Appellant was not aware there was a rear yard setback relaxation prior to being informed of the 10.5m setback requirement. This is why the Appellant is requesting an equivalent relaxation in the rear yard as he is now required to push back from the front.
- Should the variance be denied, the Appellant will be required to submit completely redesigned plans, resulting in financial loss associated with the previous plans and a smaller and less ideal floorplan. To accommodate the RC, new plans will result in the loss of two bedrooms and a home that will not support the needs for his eight family members.
- RCG Homes Ltd. owns only the subject property. Mr. Johal does not own any other properties. His parents own three homes. Once the new family home is built, his parents will sell their home and move in with him to be with him and his future family.
- The sunken well that provides access to the rear of the property is permitted within the rear yard setback and can be narrowed down if required.
- The Appellant has not spoken to his neighbour as there have not been any houses built on the new sub-divided properties.
- The home designer is not taking responsibility for not identifying the RC.
- Hardship is that the Appellant will need to invest money to redesign the home as the setback shrinks the home by approximately 500 sq. ft.

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 a few properties in this subdivision that increased the front yard setback and decreased the rear yard setback to accommodate a longer driveway. In this particular case, to relax the rear yard setback from the already relaxed setback of 6.0m would mean that there is only a 1.5m setback from the rear yard property line, which would typically be 9.0m.
- The lot was approved following consultation by the community and as a compensation for requiring more parking on the property, a relaxation to the rear setback was already permitted.
- It is not up to the Board to determine where the fault lies. While it is recognized a mistake was made in the preparation of the plans, the resulting hardship is not a result of the zoning bylaw.
- There is no determination of undue hardship.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT the Board finds that undue hardship would not be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 18-28 to reduce the rear (south) yard setback from 6.0m to 4.69m to permit the construction of a new residential dwelling at 18580 – 56B Avenue, as presented to the Board, be **DENIED**.

CARRIED
(P. Sandhar opposed)

3. Appeal No. 18-29 - Jordan Spencer and Aaron Spencer

For permission to reduce the minimum front yard setback from 7.5m to 4.64m from the ultimate property line (baseline setback) and to 6.58m from the existing property line, to permit the construction of a roof canopy over an existing front entry staircase at 13440 – 20 Avenue.

The Board acknowledged Jordan Spencer and Aaron Spencer, Appellant, in attendance to speak to the application.

The Appellants informed that when they submitted their building plans for the extensive renovation to their home to obtain a Building Permit they were advised that the non-conforming staircase could be retained. However, a roof over the stairs was permitted for only two feet as opposed to the five foot canopy that existed previously and taken down to prepare for the renovations.

As a safety concern as well as the overall aesthetic of the home once renovated, a variance is requested to permit the construction of a five foot roof to cover the entire landing of the staircase at the front of the home.

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

- Main concern is safety at the home entrance. A two foot roof would barely cover the steps, which will become wet and slippery/icy during the fall/winter months. A five foot roof will ensure visitors are better protected from the elements when arriving or leaving the home.
- The required setback is to the face of the building but previously there was a canopy that projected to the same distance to the stairs. Unfortunately, when the Appellants contacted the architect, they omitted telling him that there was an existing canopy.
- The new awning will have posts installed for support as opposed to the projected awning previously; complementary to the overall redesign of the home.

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

- Planning and Development do not have the original plans. It is an older house, built in 1975, which would have had some stairs at the front of the house.
- The setback is actually to the front face of the building, both stairs and the canopy are non-conforming; there is no requirement to have a canopy.
- Historically the setback requirement was aesthetic, but with the smaller houses being developed now, they are closer to the street but keeping the projection of the house away from the curb.

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:

- Undue hardship has been determined. It is an existing house with the existing stairs. Allowing the variance would not have any effect to the neighbourhood; it is the only house in the subdivision that faces 20 Avenue, with the neighbours even closer to the road, encroaching into the setback.

Therefore, it was

Moved by I. Dhillon
Seconded by J. Rahiman

THAT the Board finds that undue hardship would be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 18-29 to reduce the minimum front yard setback from 7.5m to 4.64m from the ultimate property line (baseline setback) and to 6.58m from the existing property line, to permit the construction of a roof canopy over an existing front entry staircase at 13440 – 20 Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

4. Appeal No. 18-30 – Kulwinder and Gurdev Dhillon and Rajinder Gill

For permission to reduce the minimum front yard setback from 18.0m to 17.07m, the minimum side yard setback from 1.0m to 0.40m and the minimum setback from the house from 1.0m to 0.92m, to permit retention of an existing shed at 12482 – 69A Avenue.

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

The Appellant informed that when he applied for a Building Permit for an addition to the three bedroom home it was discovered there was an existing non-conforming shed which was there at the time the Appellant purchased the property. To accommodate the renovations a variance is required to permit the retention of the shed.

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

- Considerable repairs were required when the home was purchased as it was roughly 32 years old and had previously been a rental property. In addition to repairs inside the home, a new roof and siding were installed on the house and shed, resulting in a newer look for the home and greater curb appeal.
- Being a contractor/carpenter by trade, the Appellant extensively utilizes the shed for the storage of scaffolding, extension ladders and table saws; the garage is for the Appellant's wife's car.

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

- The City bylaw requires the setback.

- Even though the City was not aware of the shed originally it is now. If the Appeal is granted the City may have liability if there was a fire, etc. without ensuring the required fire separation and safety measures are in place.

The Chair confirmed there were no persons present to speak to the application and the one supporting item of correspondence from a neighbour was received in response to the notification regarding the appeal.

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

- Undue hardship has been determined. The shed was an existing non-conforming structure, the Appellant has already spent a considerable amount of money upgrading the home and it would be difficult to construct a new shed.
- The adjoining property owner, most affected by the shed, has no objection.
- The Appellant will still need to address the building separation issues.

Therefore, it was

Moved by I. Dhillon
Seconded by J. Rahiman

THAT the Board finds that undue hardship would be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 18-30 to reduce the minimum front yard setback from 18.0m to 17.07m, the minimum side yard setback from 1.0m to 0.40m and the minimum setback from the house from 1.0m to 0.92m, to permit retention of an existing shed at 12482 - 69A Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

The meeting recessed at 10:15 am and reconvened at 10:30 am.

It was requested that Appeal 18-47 be brought forward and considered.

Therefore, it was

Moved by M. Bola
Seconded by P. Sandhar

THAT the agenda be varied to bring forward and consider item 21 of the agenda, Appeal 18-47, prior to Appeal 18-31.

CARRIED UNANIMOUSLY

21. Appeal No. 18-47 – Amarvir S. Mann

For permission 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 12323 – 93A Avenue.

The Board acknowledged Amarvir S. Mann, Appellant, in attendance with his sister, Jaspreet K. Mann, to speak to the application.

Ms. Mann informed the Board that her mother had transferred ownership of the property to her brother, the Appellant, in December, 2017, as it will be the future home for the Appellant, Ms. Mann, their families, as well as their older brother who is disabled. The property was transferred to the Appellant based on its Land Use Contract (LUC) provisions that permit the construction of a larger home in the future for the siblings to share. The Appellant is a Kinesiology student at UBC and will complete his degree next year. The Appellant's sister has just started her law degree and lives in Calgary. Therefore, the Appellant is not in a financial position to begin construction prior to the termination of the LUC on June 26, 2018.

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

- The Appellant currently lives with his parents at 9386 - 127 Street. The Appellant and his sister do not have the financial means to construct a new home prior to the LUC termination date.
- The Appellant's parents purchased multiple investment properties in the late 1990's and early 2000's. Although the Appellant's parents own four properties they have a lot of debt and a limited income. This situation is a result of the Appellant's mother not working for a year while his sister was sick and financial commitments made regarding the four properties. In addition, the Appellant's parents have been covering the Appellant's post-secondary costs. Therefore, the Appellant's parents are not in a position to financially assist with the construction of a new home at this time.
- One of the Appellant's parents' properties was the subject of an appeal for an LUC extension which was denied at the January 16, 2018 Board of Variance meeting.
- The subject property was gifted to the Appellant and his sister, but due to their parents' financial situation, the Appellant and his sister are responsible for the construction of the new home. By gifting this property the Appellant's parents are investing in their children's future.
- The intent is to build a home for the Appellant, his sister, and his disabled brother, plus their future families. The Appellant's parents may also move in with the Appellant if they eventually sell their current residence. Selling their current residence would improve the parents'

financial situation as the home in which they currently reside is not suitable for future cohabitation.

- The ability to construct a residence under provisions of the LUC is required as the Appellant wants to build a house with space for two families that includes some separation, and an area for his parents and disabled brother. This will require construction that is different from the parents' home that was built under the LUC.

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 family collectively owns five properties. The Appellant has been given the subject property and intends to eventually redevelop and live there with his sister and disabled brother.
- The Appellant lives in one property that was already developed under an LUC. The Appellant received the subject property from his parents but does not have an income and therefore cannot redevelop it right now. The Appellant's parents are also not in a position to provide financial assistance.
- The Appellant is not in a financial position to build. Financial hardship exists, but for the Board to approve an appeal the Board must understand why the Appellant needs to build under the LUC provisions rather than the underlying zoning.
- The Board determines undue hardship by balancing the hardship that would be caused to the Appellant by the termination of the land use contact against the general community benefit derived from the termination of the LUC. Undue hardship is therefore individual hardship that exceeds that which other members of the community would have to bear based on the termination of the LUC.
- The underlying RF zone permits the construction of a residence that is approximately 4,200 sq. ft., plus a basement if services permit; the LUC permits the construction of a residence that is approximately 6,750 sq. ft. The underlying zoning therefore permits construction of a residence that is similar in size to that which could be built under the land use contact.
- In terms of the community, only two homes have been redeveloped, both of which are two-storey, not three-storey. Everything else in that cul-de-sac is original construction. This area is not in transition, and the intent of the LUC termination bylaw is to ensure that redevelopment in the community is consistent. As there are no outstanding appeals for this area, future redevelopment will be under the RF zone.

- The Board must balance the burden placed on the Appellant by the early termination of the LUC against the benefits of the early termination to the community in order to determine undue hardship. In addition, the Board has to consider whether an extension to the LUC termination date, to allow a three storey house, would defeat the intent of the LUC termination bylaw.

Therefore, it was

Moved by I. Dhillon

Seconded by P. Sandhar

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 23, and orders that Appeal No. 18-47, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 12323 – 93A Avenue, as presented to the Board, be **ALLOWED**.

DEFEATED

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

5. Appeal No. 18-31 - Joga S. Thind and Paramjit K. Thind

For permission for an extension to the effective termination date of Land Use Contract No. 106, until June 30, 2024, to permit the construction of a new residential dwelling at 12550 Wells Place.

The Board acknowledged Joga Thind, 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. Termination of the LUC has created a hardship as he has spent \$65,000 in renovations of the current home, with the expectation of building a new home once his children complete their high school and post-secondary education. Financially the Appellant is not prepared to demolish the home he renovated and begin construction of a new home at this time.

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

- The Appellant, his wife and two children occupy the home currently and would like to stay in the neighbourhood and build a larger home in the future for his children once they marry and start a family.

- For this property a basement is not permitted under the RF zone; a two-storey home of approximately 4,130 sq. ft. is permitted. Under the LUC a 4,500 sq. ft. two-storey home is permitted.
- The Appellant would like to build a three-storey home without a suite.

The Chair confirmed there were no persons present to speak to the application and three items of correspondence received in opposition in response to the notification regarding the Appeal. The correspondence was reviewed noting concerns with respect to the limited public parking availability, the potential for increased traffic congestion and pedestrian safety, as a result of more vehicles for the family and tenants of a larger home. Issues with respect to secondary suites were also reported. In response, the Board noted:

- Concerns expressed with respect to increased traffic, parking issues and general road safety in the neighbourhood, are present whether the Appeal is granted or not. Parking and secondary suite issues should be raised with the City's Bylaw Enforcement department.
- The Board is not in a position to prevent an application under the LUC if the Appellant has the funds to begin the building process prior to the LUC termination date. If he was able to build his new home right now he could; he has until May 29, 2018 to apply for a Building Permit.
- Any future development will be under the RF zone, permitting a larger home than what is there presently, and also permit a suite if the property owner would like. An LUC developed property does not permit a suite.

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

- This is an area of older homes that were developed under the LUC zone at a time when development taking place was more similar to that provided by the RF zone, however none of the homes in the neighbourhood are three-storey.
- Undue hardship has not been determined. The Appellant has expressed financial hardship and has renovated the home, however the neighbourhood is not in transition and any future development in the neighbourhood will now be under the RF zone, providing consistency in the neighbourhood, as intended by the LUC termination bylaw.

Therefore, it was

Moved by J. Rahiman
Seconded by M. Bola

THAT the Board finds that undue hardship would not be caused to the Appellant by the early termination of Land Use Contract No. 106, and orders that Appeal No. 18-31, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 12550 Wells Place, as presented to the Board, be **DENIED**.

CARRIED UNANIMOUSLY

6. Appeal No. 18-32 - Nirmal S. Chattha and Karnail K. Chattha

For permission 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 8926 Queen Mary Blvd.

The Board acknowledged Nirmal Chattha Appellant, in attendance with Dharminder Grewal, 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.

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

- The Appellant currently owns two properties, including their current home which was purchased three years ago, prior to purchasing the subject property.
- At the time the Appellant built his current home there were no viable options located near the Gurdwara (temple) or the school for his grandchildren. The subject property was purchased while the Appellant was building his current 4,700 sq. ft., two-storey home, which he has lived in for just over one year and will sell to fund the construction of the new family home for his family of eight.
- Under the RF zone the size of home is limited to 4,300 sq. ft. (without a basement) for the 7,900 sq. ft. lot. As the family grows, more space will be required. The Appellant lives with his wife, two sons, daughter-in-law and one grandchild (five months old). His second son will marry and will also raise his family in the home. The Appellant also has two other grandchildren that live elsewhere and also attend the school near the subject property; he would like to be able to walk them to school 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:

- The Board has considered many appeals in the area; in the immediate vicinity of the subject property the homes are all original. There is a hardship for the desire for the Appellant to live in an area that is better suited to his needs however the Board also has to consider any impact to the surrounding neighbourhood.
- It can be difficult to sell a home within a few months in today's market, creating a hardship of timing to sell the home. It is unfortunate the Appellant committed to building the home he is in now when the opportunity to purchase a property in his desired location arose.
- Undue hardship has not been determined. The Appellant would like to live in the area, however a financial hardship is not necessarily present; it is more of a timing hardship. Furthermore the immediate area has not experienced any redevelopment. The Appellant still has the opportunity to submit a Building Permit application to begin the process prior to the LUC termination date on May 29, 2018.
- When looking at Council's intentions with respect to the termination bylaw, consistency is important. In those areas where the majority of homes are redeveloped under the LUC it makes sense to support consistency. In mature neighbourhoods with original homes, there will be a loss to what is otherwise affordable accommodation in an attractive area. It is difficult to support an LUC extension in an area without any other LUC homes; must consider the impact to the neighbourhood.

Therefore, it was

Moved by M. Bola

Seconded by J. Rahiman

THAT the Board finds that undue hardship would not be caused to the Appellant by the early termination of Land Use Contract No. 154, and orders that Appeal No. 18-32, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 8926 Queen Mary Boulevard, as presented to the Board, be **DENIED**.

CARRIED

(I. Dhillon and P. Sandhar
opposed)

7. Appeal No. 18-33 – Jasbir S. Dhaliwal and Charanjit K. Dhaliwal

For permission 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 8846 Queen Mary Blvd.

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

The Appellant informed that this is the first property that he has owned, which was purchased at a premium price due to the property's Land Use Contract (LUC) specifications that permit the construction of a larger home. He is the only person working currently as his wife is home with his three children, the youngest of which is 18 months.

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

- There are seven family members in the home, including the Appellant's family and his parents. The Appellant would like to build a three-storey home to accommodate his children as they grow.
- Although the maximum extension is sought, the Appellant would like to build earlier if his wife begins work and they are financially prepared.

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 majority of the properties in the immediate area have received approval from the Board for an LUC extension.
- A financial hardship has been determined. The Appellant has a young family and is the only person working at this time. Furthermore, the neighbourhood is experiencing a transition.

Therefore, it was

Moved by I. Dhillon
Seconded by J. Rahiman

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 154, and orders that Appeal No. 18-33, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 8846 Queen Mary Boulevard, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

8. Appeal No. 18-34 - Sukhwinder S. Tuhan and Gurdev S. Tuhan

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 13362 – 87B Avenue.

The Board acknowledged Gurdev Tuhan, Appellant, in attendance with Santy Garcha as translator to speak to the application.

The Appellant informed that he purchased the property with his son in 2009 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. In addition to paying a premium for the property, \$30,000 was spent to renovate the home. The Appellant and his son are not financially prepared at this time to undergo the construction of a new home.

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

- There are six family members currently in the home, including the Appellant, his wife, son and daughter-in-law and their two children (with a third on the way).
- The maximum LUC extension is being sought, but the intention is to build a new home for the growing family within three to four 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:

- This is another area where the Board has approved several appeals.

- Undue hardship has been determined. The growing family will need a larger home but not financially prepared at this time. Furthermore, the area is experiencing an extensive transition.

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 44, and orders that Appeal No. 18-34, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 13362 – 87B Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

9. Appeal No. 18-35 - Bikramjeet S. Sran

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 13421 – 87A Avenue.

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

Therefore, it was

Moved by P. Sandhar
Seconded by J. Rahiman

THAT Appeal No. 18-35, 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 13421 – 87A Avenue, be **DEFERRED**.

CARRIED UNANIMOUSLY

10. Appeal No. 18-36 – Jobanjit Mann, Nasib Mann and Jaspal Mann

For permission for an extension of five years to the effective termination date of Land Use Contract No. 44, until May 29, 2023, to permit the construction of a new residential dwelling at 13381 Cypress Place.

The Board acknowledged Jaspal and Nasib Mann, Appellants, in attendance to speak to the application.

The Appellants informed that the property was received as a gift from their parents in 2017. Until recently Mr. Mann has been the only family member working as his wife has been caring for their son who requires considerable medical attention. Now both working, the Appellants need more time to save and prepare to build a larger home, as permitted under the Land Use Contract (LUC) specifications, which will also accommodate the medical needs of their son in the future.

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

- The Appellants and their two children live in the home with one of their parents who was recently in a motor vehicle accident and unable to work and help financially.
- To address the medical and care needs for their children, and to save for a new home, both the Appellants have been working, but are not prepared at this time to undergo the cost of building 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:

- A financial hardship has been determined. Furthermore, the neighbourhood is experiencing an extensive transition.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 44, and orders that Appeal No. 18-36, to extend the effective termination date of the Land Use Contract for five years until May 29, 2023 to permit the construction of a new residential dwelling at 13381 Cypress Place, as presented to the Board, be **ALLOWED.**

CARRIED UNANIMOUSLY

The meeting recessed at 12:34 pm and reconvened at 1:09 pm.

11. Appeal No. 18-37 - Tarshotam Biran

For permission for an extension of three years to the effective termination date of Land Use Contract No. 209, until May 29, 2021, to permit the construction of a new residential dwelling at 9352 – 125 Street.

The Board acknowledged Tarshotam Biran, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in 1998 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The termination of the LUC has brought a financial hardship to the Appellant due to the current post-secondary financial commitment for both of his children.

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

- The Appellant has lived in the 2,000 sq. ft. home for almost 19 years; it is the only home he owns. He would like to build a home as large as possible under the LUC, approximately 6,500 sq. ft.
- The Appellant's neighbour advised him that he was not able to build three-storeys 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:

- There are only three LUC lots in the area, two of which are already developed as two-storey homes. The surrounding homes are zoned RF.
- If services are available, the Appellant could build a home almost three times larger than his current home. The RF zone could provide approximately 4,800 sq. ft. over two-storeys, consistent with other homes in the area, and almost 7,400 sq. ft. if a basement is permitted.
- Undue hardship could not be determined. In relation to the potential community impacts, the property is in a small area that does not have any new development and does not support the community interest with the type of home the Appellant wants to build.

Therefore, it was

Moved by I. Dhillon
Seconded by P. Sandhar

THAT the Board finds that undue hardship would not be caused to the Appellant by the early termination of Land Use Contract No. 209, and orders that Appeal No. 18-37, to extend the effective termination date of the Land Use Contract for three years until May 29, 2021 to permit the construction of a new residential dwelling at 9352 – 125 Street, as presented to the Board, be **DENIED**.

CARRIED UNANIMOUSLY

12. Appeal No. 18-38 - Kulwinder and Baljeet Sandhu and Sandeep Sandhu

For permission for an extension of four years to the effective termination date of Land Use Contract No. 470, until June 26, 2022, to permit the construction of a new residential dwelling at 12524 – 95 Avenue.

The Board acknowledged Kulwinder Sandhu, Appellant, in attendance with Tarshotam Biran as translator to speak to the application.

The Appellant informed that he purchased the property in June, 2015 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. As a result of the premium paid when he purchased the property, the Appellant is not financially prepared to undergo the construction of a new home at this time and needs more time to save.

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

- The Appellant, his wife, his brother and his wife are the registered owners of the property.
- There are nine family members living together in the 2,000 sq. ft. home, including the Appellant, his wife, two children, his brother and wife and their one child and his parents.

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:

- Under the RF zone, the Appellant would be permitted to build a home almost twice the size of the current home of approximately 3,960 sq. ft., plus a basement if permitted.
- There is not a lot of new development in the area, majority is original. The home next door and the large two-storey home up the road on the corner were built under the RF zone, not LUC. When those houses were built the maximum permitted under the RF zone was 3,550 sq. ft.
- There are only two lots in this neighbourhood that are LUC, all the surrounding properties are RF zone. If a three-storey was permitted there would not be any others in the area.

Therefore, it was

Moved by I. Dhillon

Seconded by M. Bola

THAT the Board finds that undue hardship would not be caused to the Appellant by the early termination of Land Use Contract No. 470, and orders that Appeal No. 18-38, to extend the effective termination date of the Land Use Contract for four years until June 26, 2022 to permit the construction of a new residential dwelling at 12524 – 95 Avenue, as presented to the Board, be **DENIED**.

CARRIED UNANIMOUSLY

13. Appeal No. 18-39 - Gurinder and Kulbir 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 13085 Balloch Drive.

The Board acknowledged Kulbir Mahal, Appellant, in attendance to speak to the application.

The Appellant informed that the property was purchased in March, 2017 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 because of the LUC and it was only after purchasing the property that the Appellant learned of the LUC termination. She is not financially prepared to construct a new home at this time as her husband just started working full time last year as an owner operator truck driver and will need more time to save to redevelop.

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

- There are four family members living in the home, including the Appellant, her husband and two sons. Currently her oldest son is in his second year of post-secondary and her youngest son is in grade 11.
- A larger house is needed to provide extra bedrooms and space for the family as it grows. Ideally, the Appellant would like to build a three-storey home, approximately 6,800 sq. ft., to accommodate her sons and their families in the future to continue to live together.
- The neighbouring house has an in-ground basement, however when the Appellant spoke with a surveyor, she was advised that a new home could not have a basement; this has not been confirmed with the City.

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 approximately 2,000 sq. ft. Without a basement, the RF zone would permit a 4,020 sq. ft. home. Under the LUC the maximum home for the property would be 6,500 sq. ft.
- Across the street there is a new two-storey home that does not have a basement, and next door to that are two properties with appeals that were previously denied by the Board. This is an area that does not show any transition and there are no other three-storey homes in the area, which was the rationale for the Board's denials.
- Although there may be a financial hardship for the Appellant, the intent of the bylaw is also considered. Previously the Board denied other appeals on this street and does not anticipate any redevelopment under the LUC before the termination date on May 29, 2018.
- In recognition of community interest there is no determination of undue hardship. There are no other houses developed under LUC and previous appeals were denied for this area.

Therefore, it was

Moved by M. Bola
Seconded by J. Rahiman

THAT the Board finds that undue hardship would not be caused to the Appellant by the early termination of Land Use Contract No. 170, and orders that Appeal No. 18-39, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 13085 Balloch Drive, as presented to the Board, be **DENIED**.

CARRIED
(I. Dhillon and P. Sandhar
opposed)

**14. Appeal No. 18-40 - Narinder and Dalpinder Kalra and
Manvinder and Jasbir Kalra**

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 8936 Lindsay Place.

The Board acknowledged Narinder and Dalpinder Kalra, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in May, 2017 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. The Appellants currently own two properties and have been trying to sell their second property for the last six months in order to fund the redevelopment of the subject property. More time is needed to sell the property and prepare for the construction of their new family home.

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

- The Appellants live as two families next door to the subject property at Mrs. Mahal's brother's newly constructed, 8938 Lindsay Place. There are 10 family members, including her brother, his wife, two children and his parents-in-law, and the Appellants and their two children.
- The subject property was bought so that the two families could live beside one another. Efforts to sell their second property, currently rented, were unsuccessful. More time is needed to sell the home to fund the construction of the new family home for the Appellants, their two sons and Mrs. Mahals' aging parents.

- The intention is to build a two-storey home, approximately 6,500 sq. ft., not as large as next door which is on a larger lot. The home will require wheelchair access and accommodate an extended family in the future when their sons marry. Initially there will be six family members in each of the neighbouring family 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:

- This is an area that is not under a great deal of transition other than the Appellant's brother's home which is the only property in the immediate area that was redeveloped under the LUC specifications. The likelihood is that the Appellants will build a two-storey home, as influenced by the brother's neighbouring home however, in considering the intent of the bylaw and community interest, it is difficult to support the desire for a larger house.
- On the 9,800 sq. ft. property the Appellants could build a two-storey home of approximately 4,950 sq. ft. under the RF zone. The hardship provided is for the families to live side by side, nothing else has been presented that supports the need for a larger 6,500 sq. ft. home. The reasons for the Appeal could be met under the RF zone.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 36, and orders that Appeal No. 18-40, to extend the effective termination date of the Land Use Contract until May 29, 2021 to permit the construction of a new residential dwelling at 8936 Lindsay Place, as presented to the Board, be **ALLOWED**.

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

15. Appeal No. 18-41 – Sandip Gill

For permission for an extension of five years to the effective termination date of Land Use Contract No. 455, until May 29, 2023, to permit the construction of a new residential dwelling at 9321 – 127 Street.

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

The Appellant informed that he purchased the property in June, 2016 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Due to high price paid for the property at the time, the Appellant was not financially able to build the new home for his growing extended family. He is the only family member working and is seeking more time to financially prepare for the construction of a new home.

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

- The 3,200 sq. ft. home was initially rented after it was purchased, but the Appellant and his family are living there now after undergoing over \$100,000 in renovations. They have a second property that will be upgraded and sold to fund the construction of the new home for the growing family.
- There are currently nine family members living together, including the Appellant, his wife, two children, two nieces, brother, sister-in-law and their child. His parents will also be joining the family soon, increasing the size of the family to 11. Although so much money was spent on renovations, more space is needed and it's no longer an option to wait.

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 across the street has multiple LUC developed homes and the surrounding area is zoned RF. Under the RF zone the 8,500 sq. ft. lot would permit a 4,500 sq. ft. home, and as much as 7,000 sq. ft. if a basement is permitted.
- Undue hardship has been determined. Although the Appellant's family is growing and need a larger home, the Appellant has undergone extensive renovations on his home and should not have to demolish the home sooner than needed. Furthermore, there is redevelopment in the area with larger homes right across the street.

Therefore, it was

Moved by I. Dhillon
Seconded by P. Sandhar

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 455, and orders that Appeal No. 18-41, to extend the effective termination date of the Land Use Contract until May 29, 2023 to permit the construction of a new residential dwelling at 9321 – 127 Street, as presented to the Board, be **ALLOWED**.

CARRIED
(M. Bola and J. Rahiman
opposed)

**16. Appeal No. 18-42 - Balhar and Jaswinder Cheema and
Harnek and Rajwinder Cheema**

For permission for an extension to the effective termination date of Land Use Contract No. 149, until June 30, 2024, to permit the construction of a new residential dwelling at 9257 – 124 Street.

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

The Appellant informed that the property was purchased in 2006 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. More time is needed to save for the construction of a new home as the Appellant has not been able to work until recently.

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

- There are four people on title including the Appellant, her husband, her sister and brother-in-law, who are wanting to build a large family home for the two families and the Appellant's parents; 9 family members.
- The children, ages 9, 10 and 14, will want more space as they get older.
- The Appellant also owns another property on 123 Street at 98 Avenue, purchased two years ago. It is a very old house and currently rented. Her husband and brother-in-law also share ownership of a joint property.
- The Appellant and her family would like to stay in the area as this is where her children go to school. More time is needed to save for the new home.

The Chair confirmed there were no persons present to speak to the application and one item of correspondence received in support of the appeal. The author of the correspondence was not identified.

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

- There have been several appeals already approved for this area, three of which are on the same street. It is an area in transition with a large amount of construction already underway.
- The Appellant has not been able to substantiate a hardship. An appeal before the Board is based on hardship, keeping in mind the intent of the bylaw to keep the development consistent. This Appeal was under hardship but the Appellant was not able to articulate that.
- Although the Appellant has not been able to clearly outline a hardship, it is recognized that this is an area with significant transition and where the Appellant has lived jointly with her sister's family since the home was purchased. There is a need for a larger home as the family grows.

Therefore, it was

Moved by P. Sandhar

Seconded by I. Dhillon

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 149, and orders that Appeal No. 18-42, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 9257 – 124 Street, as presented to the Board, be **ALLOWED**.

CARRIED

(M. Bola and J. Rahiman
opposed)

17. Appeal No. 18-43 - Jagdish Lal Sharma and Urmil Kaluram Sharma

For permission for an extension to the effective termination date of Land Use Contract No. 149, until June 30, 2024, to permit the construction of a new residential dwelling at 9265 – 124 Street.

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

The Appellant informed that he purchased the property in 1989. Although he does not have a large extended family, it was his plan to build a large new home to share with his wife, nephew and his family in the future. The termination of the Land Use Contract (LUC) for the property, which permits

the construction of a larger home than the underlying zone, has brought a hardship to the Appellant. He is not financially prepared to undergo the process of constructing a new home at this time because he needs to sell his other property in India to fund the construction of a new home.

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

- The Appellant has lived in the property for a very long time and had always planned to build a new home at some point. He lives with his wife and his nephew and his wife. He would like a larger home with room for his nephew and his family in the future to continue to live with him as the family grows. Planning to build a home similar to those recently developed in the neighbourhood.
- The Appellant is anxious to build his new home but needs time to sell his other property in India first. He will go to India in March to start the process of selling his home there to provide the funding required for construction.

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

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

- This neighbourhood has had several appeals in the past approved by the Board. There is a clear desire to redevelop in the area and a pattern of redevelopment has been established.
- Undue hardship has been determined. The Appellant wants to continue to live in home and build a dream home for his family. He needs time to sell property in India to fund his new home. Furthermore, the area is already experiencing a significant transition.

Therefore, it was

Moved by I. Dhillon

Seconded by P. Sandhar

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 149, and orders that Appeal No. 18-43, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 9265 – 124 Street, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

18. Appeal No. 18-44 - Kuldip and Raj Shergill

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 9277 – 124 Street.

The Board acknowledged Kuldip Shergill, Appellant, in attendance to speak to the application.

The Appellant informed that he purchased the property in 2001 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. He had intended to redevelop the home in 2016, however his wife experienced serious health concerns, recently completing treatment, and he was the only person working. Consequently, the Appellant is not financially prepared to undergo the construction of a new home at this time.

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

- The Appellant has lived in the home with his family for 16 years and would like to stay in the neighbourhood with his family as it grows.
- The Appellant has supported both of his sons, ages 23 and 25, through their post-secondary education, anticipated to complete in 2019 and 2020.

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 has supported his two sons through post-secondary and his wife through a serious medical condition. Furthermore, this is an area already in transition.

Therefore, it was

Moved by J. Rahiman

Seconded by I. Dhillon

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 300, and orders that Appeal No. 18-44, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 9277 – 124 Street, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

19. Appeal No. 18-45 - Balvinder and Baljinder Saroya

For permission for an extension of four years to the effective termination date of Land Use Contract No. 300, until June 26, 2022, to permit the construction of a new residential dwelling at 9313 – 124 Street.

The Board acknowledged Balvinder and Baljinder Saroya, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in 2008 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. As a result of injuries sustained by Mr. Saroya from two recent motor vehicles accidents, and injuries sustained by Mrs. Saroya from a slip and fall, the Appellants have not been able to work. Mrs. Saroya returned to work one year ago and Mr. Saroya is still off work. In addition, the Appellants are supporting their daughter's post-secondary education, which also includes the cost of her residence at the university. Due to financial hardship at this time and other circumstances outlined the supporting documents provided to the Board, the Appellants are seeking an extension of four years to provide time to save for the construction of their new home.

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

- The Appellants noted that it was always their intention to stay in the home and raise their children and build a larger home once the children were older. The early LUC termination on June 26, 2018 impacts those plans.
- The Appellants' daughter is currently in year three of a four year Bachelor of Science program; their son will graduate high school soon.
- The Appellants are not seeking the maximum extension, they just need more time to settle issues and plan accordingly without rushing; would like to build the maximum size home possible, approximately 6,000 sq. ft.

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 detailed and thorough information and documentation provided by the Appellants with the Appeal application is very much appreciated.

- A financial hardship has been determined, supported by the documentation provided with the appeal application. Furthermore, the neighbourhood is already experiencing a significant transition.

Therefore, it was

Moved by M. Bola

Seconded by P. Sandhar

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 300, and orders that Appeal No. 18-45, to extend the effective termination date of the Land Use Contract for four years until June 26, 2022 to permit the construction of a new residential dwelling at 9313 – 124 Street, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

20. Appeal No. 18-46 - Gurdeep (Gurdip) K. Samra, Rajwinder K. Samra and Harjit Takhar

For permission for an extension to the effective termination date of Land Use Contract No. 23 until June 26, 2024, to permit the construction of a new residential dwelling at 12318 Iona Place.

The Board acknowledged Gurdeep (Gurdip) Samra, Appellant, in attendance to speak to the application.

The Appellant informed that she purchased the property with her sister and brother-in-law in 2016 for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Not aware of the LUC would be terminating, significant renovations, including all new windows and a new roof, were done to the home. Due to the premium cost of purchasing the home and renovations afterward, the Appellant is not financially prepared construct a new home at this time.

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

- The property was purchased for the extended family, including the Appellant, her family and parents-in-law, sister and brother-in-law and their children. Another brother-in-law is on title for mortgage approval.
- To save for the funding of the new joint family home, the Appellant rents the subject property and lives with her sister at 12714 – 90 Avenue. Her sister and family will live with the Appellant and her family when the new home is built; unknown what her sister intends with her property.

- Have spoken to the neighbours and they do not have any objection to the redevelopment of the property.
- The funds needed for the construction of the new home will be saved from the rental income of the subject property. The Appellant is also working part time just now as she has a very young child.

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

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

- The whole cul-de-sac is LUC. There was a previous appeal for this area that was denied, but the hardship was not supported.
- A financial hardship has been determined. The Appellant has just started working part time and needs time to build her credit history. Furthermore, the cul-de-sac has mostly been redeveloped.

Therefore, it was

Moved by P. Sandhar
Seconded by I. Dhillon

THAT the Board finds that undue hardship would be caused to the Appellant by the early termination of Land Use Contract No. 23, and orders that Appeal No. 18-46, to extend the effective termination date of the Land Use Contract until June 26, 2024 to permit the construction of a new residential dwelling at 12318 Iona Place, as presented to the Board, be **ALLOWED**.

CARRIED
(J. Rahiman opposed)

The meeting recessed at 2:47 pm and reconvened at 3:01 pm.

21. Appeal No. 18-47 – Amarvir S. Mann

For permission 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 12323 – 93A Avenue.

This item was addressed earlier in the meeting.

22. Appeal No. 18-48 – Rampreet S. Dhaliwal and Jasveer K. Dhaliwal

For permission for an extension to the effective termination date of Land Use Contract No. 85, until June 30, 2024, to permit the construction of a new residential dwelling at 17466 – 61A Avenue.

The Board acknowledged Rampreet and Jasveer Dhaliwal, Appellants, in attendance to speak to the application.

The Appellants informed that they purchased the property in 2012 and paid a premium price for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. Due to the extra cost for purchasing the home and recent medical concerns of the Appellant's mother, they are not financially prepared to build their new home at this time.

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

- There are six family members, including the Appellants, their two sons (ages 2 and 11 years) and parents, living in the small 1,300 sq. ft. home. They would like to build a larger home to accommodate the family comfortably as they're children grow, provide space for their parents without any stairs and to have extra rooms available for guests.
- Ideally the Appellant would like a two-storey home, approximately 5,000-6,000 sq. ft.; considerably larger than what they have now. More time is needed to save for and design the home most efficiently.

In response to the notification regarding the Appeal, the Chair confirmed there were three items of correspondence received from property owners in the area and one person present to speak to the application. The correspondence was reviewed and concerns of safety, increased traffic congestion, parking issues and the overall impact to the aesthetic of the neighbourhood, were noted.

Lynda Roberts, neighbour across the street from the Appellant, residing at 17471 – 61A Avenue, reported that she had submitted correspondence outlining her concerns and was in attendance to speak to those concerns. Additional comments were as follows:

- The park and the school that has always been there and the flow of people coming and going is not going to change, but if a larger home is going to be there it will make a huge impact on the neighbourhood aesthetically.
- All of the homes that were built in that area were affordable, modest, single family homes. Now the zoning in this area is going to permit something different. The trend is for larger homes, introducing a larger footprint for very large homes into the neighbourhood. We are property rich and the houses are underdeveloped so people want to increase the value of the property they hold.

In response to comments from Mrs. Roberts, the Board advised the following:

- This is not an appeal to determine if the property can be redeveloped; all the homes can be redeveloped under the new zoning. Although the issues raised are valid neighbourhood concerns, they are not relevant to what the Board can consider.
- If the Appellant was able to build his new home right now he could; he has until June 26, 2018 to apply for a Building Permit. The Board is not in a position to prevent an application under the LUC if the Appellant has the funds to begin the building process prior to the LUC termination date.
- For this property the Appellant could build a two-storey 4,200 sq. ft. home without a basement; property falls into the Cloverdale town centre area that is at grade and will likely not permit a basement. Under the LUC, the Appellant could build a two-storey 5,000 sq. ft. home.
- Though the desire is not to see the area change, even if the Appeal is denied, the issue of redevelopment and increased traffic will still be there. With discrepancy for some, the underlying zone permits secondary suites.
- Downsizing to retain what is there now may be an option that could be pursued. The City's Planning and Development department can outline what would be required.

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

- There are no very large houses in the area. However, once the LUC is terminated a large house could still be built on the 7,800 sq. ft. lot. The RF zone will allow a two-storey house approximately 4,200 sq. ft.
- The Appellant had hoped to be able to build a larger home, which the Board needs to consider against the community interest. The vast majority is RF zoning and there are no existing larger redeveloped LUC homes in the area.
- The Appellant's hardship is noted, however the area is not redeveloped and the zoning in the area is RF which will permit a significant size house that will meet the needs of the Appellant.

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT the Board finds that undue hardship would not be caused to the Appellant by the early termination of Land Use Contract No. 85, and orders that Appeal No. 18-48, to extend the effective termination date of the Land Use Contract until June 30, 2024 to permit the construction of a new residential dwelling at 17466 – 61A Avenue, as presented to the Board, be **DENIED**.

CARRIED UNANIMOUSLY

23. Appeal No. 18-49 - David Hildebrand

For permission for an extension to the effective termination date of Land Use Contract No. 85, until June 1, 2024, to permit the construction of a new residential dwelling at 17486 – 61A Avenue.

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

Therefore, it was

Moved by I. Dhillon
Seconded by M. Bola

THAT Appeal No. 18-49, for an extension to the effective termination date of Land Use Contract No. 85, until June 1, 2024, to permit the construction of a new residential dwelling at 17486 – 61A Avenue, be **DEFERRED**.

CARRIED UNANIMOUSLY

24. Appeal No. 18-50 - Brigitte Budau

For permission for an extension of four years to the effective termination date of Land Use Contract No. 161, until July 31, 2022, to permit the construction of an in-ground pool and double garage at 14348 Gladstone Drive.

The Board acknowledged Brigitte Budau, Appellant, in attendance to speak to the application.

The Appellant informed that she inherited the property in 2016 from her father. Although the property currently has a Land Use Contract (LUC) with specifications that permit a larger home, the Appellant does not want to redevelop the home. The Appellant is seeking an extension of the LUC to permit the construction of an in-ground pool and double garage. Due to the

costs involved when inheriting and moving to the home, and the financial commitment to her son's post-secondary education, she is not financially prepared at this time to undergo the construction of the amenities proposed which may not be permitted under the RF zone.

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

- Lot coverage for the 11,500 sq. ft. lot under the RF zone would be 29% and under the LUC it would be 33%.
- Before the Board considers the Appeal to extend the termination date of the LUC, it is suggested the Appellant consult with City staff or a designer to specifically determine if the amenities sought would be permitted under the RF zone.

Therefore, it was

Moved by M. Bola
Seconded by P. Sandhar

THAT Appeal No. 18-50, for an extension to the effective termination date of Land Use Contract (LUC) No. 161, until July 31, 2022, to permit the construction of an in-ground pool and double garage at 14348 Gladstone Drive, as presented to the Board, be **DEFERRED**, pending further response from the Planning Department regarding the specific requests for the LUC extension as to whether or not it would be permitted under the RF zone.

CARRIED UNANIMOUSLY

D. OTHER BUSINESS

1. Vice Chair Appointment

The Chair announced the appointment of Puneet Sandhar as the Vice Chair for the 2018 calendar year.

E. NEXT MEETING

The next meeting of the Board of Variance will be held on Wednesday, March 14, 2018 at 9:00 a.m.


F. ADJOURNMENT

Moved by P. Sandhar
Second by J. Rahiman


THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 4:02 pm



Gil Merwyn, Chair



Lorraine Anderson, Secretary