

**City of Surrey  
Board of Variance  
Minutes**

**2E – Community Rooms A & B  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
WEDNESDAY, MARCH 14, 2018  
Time: 9:00 a.m.  
File: 0360-20**

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**Present:**

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

**Absent:**

**Staff Present:**

K. Broersma, Planner  
M. Legge, Residential Plan Checker  
L. Anderson, Secretary

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**A. ADOPTION OF MINUTES**

1. Minutes of the Board of Variance hearing held January 16, 2018.

Moved by M. Bola  
Seconded by P. Sandhar

THAT the Minutes of the Board of Variance hearing held on  
January 16, 2018, be received and adopted as circulated.

CARRIED UNANIMOUSLY

2. Minutes of the Board of Variance hearing held February 14, 2018.

Moved by J. Rahiman  
Seconded by M. Bola

THAT the Minutes of the Board of Variance hearing held on  
February 14, 2018, be received and adopted as circulated.

CARRIED UNANIMOUSLY

**B. DEFERRED APPEALS**

1. **Appeal No. 18-35 – B. Sran**

*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 Appellant was not present.

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Therefore, it was

Moved by M. Bola  
Seconded by P. Sandhar

THAT in the absence of the Appellant for Appeal 18-35, the Appeal be tabled for consideration later in the meeting.

CARRIED UNANIMOUSLY

At 9:26 am, the Board acknowledged B. Sran, Appellant, in attendance 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. When searching for a new home for his family he was advised by his realtor that the property price was substantially more expensive because it would be possible to build a large three-storey home similar to others in the neighbourhood. The intent was to build a new home in the future when his children are older. He was not aware that the LUC would be terminating. 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 property purchase price was more than \$100,000 over the price of similar homes in other neighbourhoods due to its LUC specifications. It is the only home the Appellant owns.
- The home was purchased in July, 2016 under the Appellant's wife's name and transferred to the Appellant in April, 2017.
- The Appellant would like to build a large home for his extended family of 10, including his wife, parents, two young children, brother, sister-in-law and their two young children. Would like to build a three-storey home similar to many of the neighbouring homes.
- The Appellant is not financially prepared to build a new home at this time. It had been his intention to build the larger home once the children are a little older.

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

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

- There have been multiple appeals in this area and considerable transition in the immediate area of the subject property.
- Undue hardship has been determined. The Appellant's young family is growing and will need a larger home in the future and the Appellant is not financially prepared to redevelop his property prior to the LUC termination. Furthermore, there is significant redevelopment in the immediate area and surrounding neighbourhood.

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. 44, and orders that Appeal No. 18-35, 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 13421 – 87A Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

**2. Appeal No. 18-49 – D. Hildebrand**

*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 Board acknowledged D. Hildebrand, Appellant in attendance to speak to the application.

The Appellant informed the Board that he purchased the property from a friend in 2013. Since then the Appellant has addressed the immediate renovations that were required at that time and has also completely renovated the interior of the home. Information regarding the termination of the Land Use Contract (LUC) and the specifications permitted under the LUC were explained to the Appellant by a realtor, noting that a larger home would be permitted, but the Building Permit would need to be applied for by June, 2018. The Appellant is not financially prepared to undergo the construction costs of a new, larger home at this time due to the cost of the extensive renovations invested in his home.

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

- The Appellant spent a considerable amount of money renovating his 2,000 sq. ft. home. The intent was to provide space in the future for his mother to live on the main floor (without stairs) and his family upstairs.
- The Appellant lives with his girlfriend and his 12 year old son. He and his girlfriend are expecting a child soon and, because of the close proximity to an elementary school, have been considering opening a daycare on the main floor of the home as an opportunity to provide a second income. With only one income currently, and a new child on the way, it is not possible to undergo the cost of redevelopment at this time.
- Information about the LUC was provided to the Appellant by a friend who is a realtor, who advised that a much larger home could be constructed under the LUC. The Appellant assumed that under the LUC he could have a suite for his mother, separate space for his son as he attends post-secondary in a few years, and additional space for a daycare under the LUC. He was not aware that a secondary suite was only permitted under the underlying RF zone.
- The Appellant confirmed he would like to build a home roughly double the size of the existing home and was unaware of what was permitted under the RF zone. The Board advised him that under the RF zone he could build a home of approximately 4,200 sq. ft. without a basement.

The Chair confirmed there were no persons present to speak to the application and noted two items of correspondence had been previously received in response to the notification regarding the appeal. The correspondence was reviewed and concerns regarding safety, increased traffic congestion, parking issues and the overall impact to the aesthetic of the neighbourhood, were noted.

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

- Almost all of the homes in the neighbourhood are standard two-storey homes. There has not been any LUC redevelopment in the area.
  - There is no determination of undue hardship as the Appellant is able to build at least 4,200 sq. ft. under the RF zone to meet his needs, which may also be preferable, as the home that he indicated he would like to build would not be permitted under the LUC.
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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. 85, and orders that Appeal No. 18-49, to extend 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, as presented to the Board, be **DENIED**.

CARRIED UNANIMOUSLY

**C. NEW APPEALS**

**1. Appeal No. 18-51 – R. and L. Wittet**

*For permission to reduce the minimum side yard setback from 3.0m to 2.13m, to permit an addition to an existing garage at 13701 - 18A Avenue.*

The Board acknowledged M. Scott, Agent for the Appellant, in attendance to speak to the application.

Ms. Scott provided an overview of the subject property and informed the Board of the need for a third garage, noting that the Appellants have two vehicles that park in the existing two-bay garage and a work truck that parks uncovered on the property. As a result of the many break-ins and theft in the neighbourhood, including incidents involving the Appellant's work vehicle which contains work-related equipment that is not insured by ICBC, the Appellants would like to build a third bay at the end of the existing two-bay garage.

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

- There are meters and a pipe on the east side of the house which means that the garage door has to be shifted further to the east to provide sufficient clearance.
- The property to the east side will be the only one impacted by the addition, and it has a very large yard flanking that is not being used.
- There are already houses in the neighbourhood with similar garage configurations which appear to extend into the 10 ft. sideyard. The additional garage bay will become an integral part of the house, as if it had been there all along.

- The Appellant canvassed the neighbours, including the adjoining the neighbour, informing of the proposed garage bay addition and required variance. Support was given by all neighbours.
- There is a separate accessory building (shed) in the back yard that is filled with garden equipment. The Appellants have been advised that a separate Building Permit will be required for the shed prior to any Building Permit issued for the proposed garage addition.
- If the appeal is not allowed, the work truck would continue to park outside uncovered, and if broken into, insurance would not cover the loss of tools.

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

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

- With respect to the width of the garage bay and the effect of the existing (permanent) meter, Staff advised the Board that Terasen would be responsible for the review of any impact to the meter.
- Many of the homes in the area are of similar design to what the Appellant is asking for.
- It is not likely the Board would want to entertain this Appeal under normal circumstances, as it appears to be more appropriate as a Development Variance Permit, noting that the information from the Planning Department makes reference to Council approval.
- There are numerous existing developments in the immediate vicinity, under the same zoning as the subject property, which have three bay garages which extend into the required side yard setback. This Appeal is consistent with conditions that already exist in the neighbourhood. It would therefore result in a hardship to deny this appeal.

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 compliance with the Zoning Bylaw and orders that Appeal No. 18-51 to reduce the minimum side yard setback from 3.0m to 2.13m, to permit an addition to an existing garage at 13701 - 18A Avenue, as presented to the Board, be **ALLOWED**.

CARRIED  
(J. Rahiman opposed)

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**2. Appeal No. 18-52 – K. and R. Shanghera**

*For permission to to reduce the minimum northwest side yard setback from 4.5m to 1.66m, to permit the construction of a single family dwelling at 14186 Melrose Drive.*

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

The Appellant provided an overview of his purchase of the property in July 2017, noting that the property had plans already developed at that time. It was not until those plans were presented to the City for a Building Permit that it was determined that approval from BC Hydro was required, as the site is encumbered with a significant BC Hydro right-of-way (RoW). The BC Hydro RoW limits the size and location of the housing footprint area. As a result, the Appellant worked with a designer and the City to redesign the home to meet the requirements of BC Hydro. It was determined a variance to locate the proposed house closer to the northwest property line than is permitted under the RA zone will also be required.

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

- The redesigned home is not larger than the original plans provided at the time of purchase; it is approximately 20-30 sq. ft. smaller.
- Although this is a large property, the surrounding properties are significantly narrower and are not subject to the same restrictions.

The Chair confirmed there were no persons present to speak to the application and one item of correspondence received in opposition in response to the notification regarding the appeal. The correspondence was reviewed noting concerns with respect to the size of the proposed home, infringement on the privacy of the neighbouring property and potential removal of some aged cedar trees. In response, the Board noted that the size of the home is permitted within the zone, and that the setback variance to be considered by the Board is consistent with the other smaller properties in the neighbourhood. The size and therefore zoning of this property is a result of the BC Hydro RoW.

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

- The new design of the home has been agreed to by BC Hydro. If the Board does not grant the Appeal, it would require a further reduction in the width of the home from 15 ft. to 9 ft. 5 in., which would not be workable.
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- The zoning in this area is interesting. The property is zoned RA, but the surrounding lots are very narrow. If this property was being treated the same as the adjoining lots, which were originally developed under a Land Use Contract (LUC), a variance would not be required.
- Undue hardship has been determined. The subject property is surrounded by other properties with similar setbacks and the requested variance is not out of the ordinary for the area.
- At some point perhaps the City can look at the underlying zoning revealed as a result of the termination of the LUC, as now all of the existing developments are non-conforming under the RA zone.

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 compliance with the Zoning Bylaw and orders that Appeal No. 18-52 to reduce the minimum northwest side yard setback from 4.5m to 1.66m, to permit the construction of a single family dwelling at 14186 Melrose Drive, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

**3. Appeal No. 18-53 – C. Darbyshire and P. Derbyshire**

*For permission to reduce the minimum southerly side yard on flanking street setback from 7.5m to 1.5m, to permit the construction of an in-ground swimming pool in the rear yard at 5812 – 185A Street.*

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

**4. Appeal No. 18-54 – C. Khera and G. Samra**

*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 12336 – 93 Avenue.*

The Board acknowledged C. Khera, Appellant, in attendance with her husband, to speak to the application.

Mr. Khera informed that the property was purchased in June, 2016, for its Land Use Contract (LUC) specifications that permit the construction of a larger home in the future. To assist in obtaining a mortgage for the property, G. Samra, his brother-in-law, is on title. Mr. Khera is currently attending BCIT as an apprentice, will complete his studies in two years, and obtain full time

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employment at that time. An extension to the LUC termination date is being sought to allow time for Mr. Khera to become established and qualify for a construction mortgage to build the new family home.

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

- The subject property is currently rented out and the Appellant's family currently rent a home on 185 Street. The Appellant lived in the subject home for a couple of months until it was determined that a larger home was needed for the extended family of 12, including her husband, three children, parents, brother and sister-in-law and their 3 children (and another on the way).
- The Appellant owns only the subject property. Her brother (and co-owner of the property) does not live with the Appellant; he lives next door at 12346 – 93 Avenue with his family, which he is currently selling, and he owns a second property at 12347 - 92A Avenue, the subject of the next appeal (18-55). The two appeals are for separate families.
- The Appellant's husband currently does not earn the income required to qualify for a construction mortgage, and her brother-in-law is studying to become a millwright, currently in his final year. Once they are both finished their studies and working full time, it is anticipated they will be able to save enough to satisfy the requirements of the bank for a construction mortgage.
- Ideally, the Appellant would like to build a 7,000 sq. ft. home to comfortably accommodate the large extended family of 12.
- The Appellant is not aware of what can be built under the RF zone.

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

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

- The Board has considered and allowed many appeals in the area. The area is in transition.
  - Undue hardship has been determined. A larger home is needed. The Appellant's husband is currently in school and not financially in a position at this time to qualify for the mortgage needed to build a new house.
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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. 300, and orders that Appeal No. 18-54, 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 12336 – 93 Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

**5. Appeal No. 18-55 – G. Samra**

*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 12347 – 92A Avenue.*

The Board acknowledged G. Samra, Appellant, in attendance with his son, A. Samra, to speak to the application.

A. Samra informed that his father purchased the property for its Land Use Contract (LUC) specifications that permit the construction of a larger home. The home is currently rented. The family of seven live at the second of two properties the Appellant owns, located directly behind the subject property at 12346 – 93 Avenue. The second property is currently for sale and will fund the construction of the new dream home for the growing extended family. The Appellant has three children, two of which are currently attending university, and the third to begin his post-secondary education at the end of the year. Due to financial commitments involving the post-secondary fees of his children and time required to sell his current home, the Appellant is currently not able to receive a construction mortgage. He is seeking an extension of the LUC to provide time to sell his current home, begin the design of the new home and also obtain financial assistance from his eldest son, who will be completing his studies soon and can then contribute financially.

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

- The Appellant does not have any interest, other than in name only, for the property considered by the Board earlier under Appeal 18-54.
  - The Appellant and his family of seven have lived at the second property for 11 years. The four bedroom (plus office) home is currently for sale as it will not be sufficient for the growing family. It was initially on the market last summer and then back on the market again in December.
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- The Appellant's eldest son is recently engaged and plans to live with his wife and her parents in the same home as his parents, grandparents and two brothers. There will be 10 family members living in the new home.
- The Appellant's son will help with the design of the new home. The preference is to have the home entirely above ground, without a basement.

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

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

- The Board has considered and approved many appeals in the area, including 123A Street.
- Undue hardship has been determined. The Appellant is trying to sell his second property in order to build a larger home for his growing family. Furthermore, the neighbourhood is already experiencing significant 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. 300, and orders that Appeal No. 18-55, 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 12347 – 92A Avenue, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

**D. OTHER BUSINESS**

**E. NEXT MEETING**

The next Board of Variance hearing is scheduled for Wednesday, April 11, 2018 at 9:00 a.m.

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**F. ADJOURNMENT**

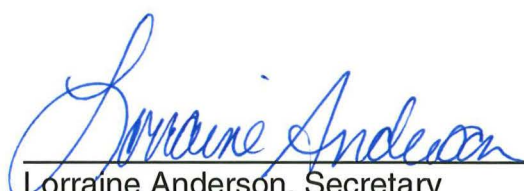
Moved by P. Sandhar  
Second by J. Rahiman

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:52 a.m.

  
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Gil Mervin, Chair

  
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Lorraine Anderson, Secretary