

**City of Surrey  
Board of Variance  
Minutes**

2E – Community Room A  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
**WEDNESDAY, OCTOBER 9, 2019**  
Time: 9:06 a.m.  
File: 0360-20

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**Present:**

Puneet Sandhar, Chair  
Inderjit Dhillon  
Jennifer Rahiman  
Beerinder Sidhu

**Absent:**

Gil Mervyn

**Staff Present:**

K. Broersma, Planning & Development  
J. Wonfor, Plan Review, Building  
L. Anderson, Secretary

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**A. ADOPTION OF MINUTES**

**B. DEFERRED APPEALS**

P. Sandhar, Chair, declared a conflict of interest regarding Appeal No. 19-05 and left the meeting at 9:07 a.m.

Board member I. Dhillon assumed the position of Chair.

**1. Appeal No. 19-05 – Kang**

*For permission to relax the side yard on flanking street (168 Street) setback from 30.0m to 15.3m, to allow construction of a farm accessory building at 4136 – 168 Street.*

The Board acknowledged Jatinder Kang, Appellant, and Gurinder Grewal, Appellant's house designer, in attendance to speak to the application.

Mr. Grewal informed that in 2014 all fill permits were approved for the house, detached garage and a farm accessory building and that prior to the construction of the buildings a Development Permit (DP) for Sensitive Ecosystems was approved (November 2017). The permit applications noted the proposed farm accessory building, but the front yard setback requirement was not questioned or flagged as an issue. Building Permits (BP) for the house and the garage were issued in spring 2018, however it was not until plans were submitted for the BP for the farm accessory building in the summer of 2018 that the requirement for the front yard setback was identified. Building designs were made to keep all the buildings tight on the property to allow as much farmable land as possible, compliance will require the disruption of berries already planted and moving the fill to the middle of the property, requiring new access roads and taking away farmable land; a significant financial expense.

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

- It was never the intention to have crops at the proposed location of the farm building.
- Throughout the whole process, including the Sensitive Ecosystems DP, the farm accessory building was identified but the setback requirement for compliance was never noted.

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

- In 2017 the Appellant was issued a Development Permit (DP) for the Sensitive Ecosystems. The DP showed the proposed farm accessory building and it wasn't noticed at that time that the building needed a setback variance from 168 Street.
- When the Appellant informed staff of the discrepancy, a further review confirmed the farm accessory building had been labelled correctly from the onset and that staff did not pick up on that.

The Chair confirmed that 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 demonstrated as the Appellant received permission for the preload that included the farm building. Preload is now in place and berries have been planted in all the surrounding areas. To move the preload would reduce the farmable land and defeat the purpose of the bylaw to protect farmland.

Therefore, it was

Moved by I. Dhillon

Seconded by J. Rahiman

THAT the Board finds that undue hardship would be caused to the Appellants by compliance with the Zoning Bylaw and orders that Appeal No. 19-05, to relax the side yard on flanking street (168 Street) setback from 30.0m to 15.3m, to allow the construction of a farm accessory building at 4136 – 168 Street, as presented to the Board, be **ALLOWED**.

CARRIED UNANIMOUSLY

P. Sandhar rejoined the meeting at 9:15 a.m.

**C. NEW APPEALS**

**D. OTHER BUSINESS**

**E. NEXT MEETING**

The next Board of Variance hearing is scheduled for Wednesday, November 13, 2019 at 9:00 a.m.

**F. ADJOURNMENT**

Moved by I. Dhillon  
Second by J. Rahiman

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 9:16 a.m.

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Puneet Sandhar, Chair

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Lorraine Anderson, Secretary