



# ***Surrey Board of Variance Minutes***

2E - Community Room B  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
**TUESDAY, OCTOBER 10, 2023**  
Time: 9:03 a.m.

---

**Present:**

I. Dhillon, Chair  
J. Dharampal  
P. Saran  
B. Sidhu  
J. Vinepal

**Absent:****Staff Present:**

D. Nip, Planner, Planning & Development  
R. Ordelheide, Planner, Planning & Development  
N. Gojevic, Plan Checker, Planning & Development  
J. Welkhu, Plan Checker, Planning & Development  
L. Blake, Assistant City Clerk, Legislative Services

---

**A. ADOPTIONS****1. Adoption of the Minutes**

It was

Moved by B. Sidhu

Seconded by J. Vinepal

That the minutes of the Board of Variance  
hearing held on June 13, 2023, be received and adopted as circulated.

Carried

**B. DEFERRED APPEALS**

This section had no items to consider.

**C. NEW APPEALS****1. Appeal No. 23-07 – Kerr**

The Board acknowledged M. Kerr, Applicant, in attendance to speak to the application.

Two pieces of correspondence in support of the appeal were received.

The Chair called on the Applicant to present their appeal.

The Applicant provided the following information:

- The Applicant hired a landscape designer and landscaping company to install an arbour and trellis (“the structure”) in the front yard to support drought tolerant and pollinator friendly plants and to provide dappled shade. The Applicant assumed that professionals in the industry would be aware of local bylaw requirements.

- The area around the structure receives sun all day long, including the hot, dry afternoon sun. The Applicant does not water their lawn as per watering regulations, so grass and hedging would consistently not survive and the area would turn to a dirt patch. A yew hedge was implemented further back on the property line, but was not continued to the front of the property, as all previous hedging did not survive in this area.
- The Applicant discussed the proposed structure with their neighbour, who did not express any concerns at the time.
- Inspiration for the structure was found within the Applicant's neighbourhood, as well as Crescent Beach.
- Removing the structure would result in a financial hardship due to the multiple previous unsuccessful landscaping attempts, as well as emotional difficulty, as gardening has been a part of the Applicant's rehabilitation from an injury.

The Chair called for any members of the public that wished to speak to the application.

M. and D. Williams ("the delegation") spoke in opposition to the application and noted the following comments:

- The delegation was out of town when the structure was installed, and was surprised to see it upon their return home. A stop work order was issued and subsequently relocated onto the structure, and is now obstructed by vegetation.
- The property has a large backyard with pavers and was previously used for furniture and is available for the Applicant's use.
- In an online review for the landscaping company, the Applicant indicated that the company had good communication and requested input during the process. The delegation suggested this review conflicts with the Applicant's presentation that they were unaware they needed a permit because they hired a professional company to complete the work.
- The delegation was not consulted with or involved in the decision of where to place the structure on the property line prior to work being done. The delegation's safety has been compromised due to the structure's close proximity to their roofline, as it could provide access for animals and humans to the second floor of their home and may be a fire hazard. These safety concerns could also negatively impact the resale value of the delegation's property.
- There is no impact study available for how the structure and vine growth could effect a cherry tree on the delegation's property. The Applicant has not demonstrated concern for the existing tree environment.

- Approval of the structure could set a precedent in the neighbourhood.
- The structure blocks the delegation's view of the neighbourhood due to its height and width.
- The cement foundation is exposed and allows water to run onto the delegation's property.
- There is potential for the structure to fall down and cause property damage and/or injury.
- The location of the structure reduces the delegation's enjoyment of their property, as the Applicant can host parties in both the front and back of their property.

In response to questions from the Board, the delegation advised that the location of the structure and its proximity to their home is an issue. The delegation also noted that the posts are right on the property line, and the cement footings are visible from their property.

The Chair provided an opportunity to respond to comments made by the delegation. The Applicant noted the following information:

- The Applicant directed the landscaping company to ensure the structure was located on their side of the property line, using an existing fence further back on the property as a guide.
- While the landscaping company registered the structure as a pergola, the Applicant will not be adding a roof to the structure; it will only be used as a trellis to support vegetation.
- The Applicant advised their neighbour that they would be installing the structure in this location; however, there was a short window during the spring when work could proceed. Unfortunately, the neighbour was out of town when construction occurred.

In response to questions from the Board, staff provided the following information:

- The arbour and trellis have been designated as an accessory structure, and is therefore required to comply with site setbacks. A pergola is a structure with a roof while a trellis is considered more of a fence structure.
- A fence is permitted to be on the property line.
- As the trellis is capable of being seen through, Transportation staff would not have concerns with the location close to the front property line, as it would not block visibility.

- Planning staff do not require a survey or cross section for a fence structure or a trellis; however, there are different requirements for structures with a roof and staff review of those applications are generally more stringent.
- The proposed variance request would apply only to the existing arbour and trellis. If the applicant or future property owner wanted to add a roof or additional posts, it would change the accessory structure designation and would require a permit and further review.
- A tree review or topographic survey was not included in the submission.

The Board questioned the designation of the arbour and trellis as an accessory structure, and the requirements for other residents to comply with setbacks if they were to add a trellis to an existing fence.

The Board noted that it is not clear if the posts are located on the Applicant's property line. The Board does not have the authority to allow the applicant to build on the neighbour's property, and can only consider the setback variance for the structure.

It was

Moved by B. Sidhu  
Seconded by P. Sran  
That the Board:

1. Defer Appeal No. 23-07, to vary the front yard (north) setback of the RF Zone from 18 metres to 4.0 metres to allow two accessory structures (arbour and trellis) to remain in the front yard of the subject property located at 16460 78A Avenue, to a future meeting; and
2. Request that the Applicant provide a land survey and cross section of the accessory structure.

Carried

**2. Appeal No. 23-08 – Dhawan**

The Board acknowledged H. Dhawan and M. Dhawan, Applicants, in attendance to speak to the application.

Eleven pieces of correspondence in opposition to the application were received.

The Chair confirmed that there were no persons present to speak to the application.

The Chair then called on the Applicants to present their appeal.

The Applicant provided the following information:

- The Applicant is renovating the home to make it more suitable for their family. An existing covered patio was enclosed in order to create a spice kitchen. The Applicant often cooks cultural food with spices that can seep into fabric, and a spice kitchen helps reduce the impact on clothing and other items in the home.
- The Applicant was unaware that a permit would be required as they knew other families who have done similar renovations without permits. The Applicant immediately stopped working on the property as soon as the stop-work order was issued. During that period, existing garbage and debris that was onsite was removed. The Applicant also applied for the proper permits.
- The Applicant is not renovating the home to include a secondary suite.
- The inability to move forward with the other renovations in the home due to the stop-work order for the addition has resulted in financial hardship. The home is currently not habitable, so the Applicant is renting a second home to live in during the renovations, and the mortgage on the subject property has increased. In addition, the Applicant invested a large amount into building the addition.

In response to questions from the Board, the Applicant provided the following information:

- The Applicant decided to move forward with an addition where the existing patio was located in order to minimize costs, as there was already a roof and some structural elements.
- The individual that constructed the addition did not advise the Applicant that a permit was needed.
- A storage room was constructed in part of the garage as the bedrooms are small and do not provide enough storage space for the Applicant's children. No additional plumbing was installed in the garage.
- There is parking available for six cars on the Applicant's property and the Applicant's family has two cars.
- A door to the yard was included in the addition in order to provide easier access to garbage and recycling.

In response to a question from the Board, staff advised that while the original plans for the home are not available, a main floor addition permit was issued in 1996 and later cancelled; however, the plans do not show the entire house, only the areas impacted by the proposed addition.

The Board noted the Applicant should have understood the permit requirements prior to starting the project and expressed concerns of setting a precedent for the neighbourhood. While a spice kitchen is a nice element to have in a home, it is not a necessity. While there may be a financial hardship due to the stop-work order, the Applicant decided to move forward with an expensive addition of a spice kitchen when other, more financially conservative options could have been implemented.

It was Moved by J. Dharampal  
Seconded by J. Vinepal  
That Appeal No. 23-08, for permission to vary the south side yard setback of the RH-G Zone from 3 m to 1.9 m to retain an unpermitted addition to the existing dwelling located at 6219 Killarney Drive, as presented to the Board, be denied.

Defeated  
With I. Dhillon, B. Sidhu and P. Sran opposed.

The Board further discussed the application, and noted the following comments:

- The south side neighbour's house is located a good distance from the property line. Spatially, the addition should not be a fire hazard.
- The addition converted an existing patio that did not conform to the site setbacks. Enclosing the patio did not change the footprint of the existing building.

It was Moved by B. Sidhu  
Seconded by P. Sran  
That the Board finds that undue hardship would be caused to the Appellant by compliance with the Zoning Bylaw and orders that Appeal No. 23-08, permission to vary the south side yard setback of the RH-G Zone from 3 m to 1.9 m to retain an unpermitted addition to the existing dwelling located at 6219 Killarney Drive, as presented to the Board, be allowed.

Carried  
With J. Dharampal and J. Vinepal opposed.

#### **D. OTHER BUSINESS**

This section had no items to consider.

#### **E. NEXT MEETING**

The next meeting of the Board of Variance is scheduled for November 14, 2023.

**F. ADJOURNMENT**

The Board of Variance meeting adjourned at 10:12 a.m.

\_\_\_\_\_  
Lauren Blake, Secretary

\_\_\_\_\_  
Inderjit Dhillon - Chairperson