



# Surrey Board of Variance Minutes

2E - Committee Room B  
City Hall  
13450 - 104 Avenue  
Surrey, B.C.  
TUESDAY, MARCH 12, 2024  
Time: 9:01 a.m.

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**Present:**

I. Dhillon, Chair  
B. Sidhu  
P. Sran

**Absent:**

J. Dharampal  
J. Vinepal

**Staff Present:**

E. MacGregor, Planner, Planning & Development  
R. Ordelheide, Planner, Planning & Development  
J. Wonfor, Plan Checker, Planning & Development  
L. Li, Plan Checker, Planning & Development  
L. Blake, Assistant City Clerk, Legislative Services

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**A. ADOPTIONS**

**1. Adoption of the Minutes**

It was Moved by P. Sran  
Seconded by B. Sidhu  
That the minutes of the Board of Variance  
hearing held on November 14, 2023, be received and adopted as circulated.  
Carried

**B. DEFERRED APPEALS**

**1. Appeal No. 23-07 – Kerr**

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

There was no correspondence received in response to the most recent notification for this application. Two pieces of correspondence in support of the appeal received when the appeal was considered by the Board at the October 10, 2023 meeting.

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

The Applicant summarized the appeal and hardships as presented at the October 10, 2023 meeting and provided the following information:

- The Applicant has invested a lot of money in the arbour and trellis ("the structure"), both for the initial installation and the subsequent relocation so the structure was located entirely on the Applicant's property, as well as numerous site surveys.
- The Applicant has been off from work for three and a half years dealing with a brain injury, and this project has helped support her recovery.

- The Applicant has lived in Surrey for 30 years without any bylaw infractions and did not intentionally break any bylaw rules with this project. The Applicant had hired a professional landscaping company to build and install the structure. The professionals did not advise that a permit was necessary, as they thought the structure would be considered a garden structure.
- The Applicant has tried to design the structure with wide openings so it does not block off the neighbouring property or impair sightlines. In addition, the structure is close to their side yard and does not impede the sidewalk.
- The Applicant had seen similar structures in front yards in Crescent Beach and South Surrey and did not think implementing something similar in her front yard would be an issue.

The Chair confirmed that the Board could now consider the application as a survey was provided demonstrating that the structure is fully located on the Applicant's property.

In response to a question from the Board, the Applicant advised that morning glory vines that had been planted have died, as they are an annual, and rose bushes have been planted near the structure.

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 had spoken at the October 10, 2023 meeting to express their opposition to the requested variance.
- The structure is a large structure located in the side yard near the delegation's property line.
- There is an existing smaller trellis located on the east side of the Applicant's property. The smaller trellis only has one panel and matches the fence height. In addition, due to a retaining wall, the trellis height has less impact on the neighbouring property.
- The area where the structure is located previously had trees, grass and a thriving vine.
- The Applicant has a large backyard with furniture and pavers that is available for their use and landscaping.
- The delegation is unclear how the Applicant advised that they had good communication with the landscaping company but were not aware they needed a permit.

- The landscaper registered the structure as a pergola, not a trellis. The Applicant would need a permit if they wanted to install a roof on the structure, and there is no guarantee that they will not do that in the future.
- There are security concerns due to the small openings that could allow animals or humans to climb, the vines regrowing and blocking sightlines and the structure's proximity to the delegation's home. There are also safety concerns due to the potential for termites, the structure's proximity to the delegation's home and the presence of cement on only three sides of the footings. There is also water run-off onto the delegation's property.

In response to a question from the delegation, the Board noted that this is the first variance they are aware of for a feature such as this, and that usually the structure would be considered a landscaping feature, or as part of a fence.

In addition, staff noted that since the structure has been classified as an accessory structure, the setback requirement is 18 metres from the front yard. The lot is not deep enough for an 18 metre setback, so the Applicant is seeking a variance to reduce the front yard setback to four metres.

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

- Water runs off from their property to the neighbour's property because the Applicant's property is higher. In addition, there were new hedges planted last year that required more water but should require less water this year as they are more established.
- The concrete footings surrounded by concrete on all four sides of the posts.

The Board found undue hardship and noted the following comments:

- The definition of an accessory structure is vague and can be interpreted differently. The Board does not consider the structure as an accessory structure, but more of a fence.
- The front yard setbacks would be unable to meet due to the lot depth.

It was

Moved by P. Sran

Seconded by B. Sidhu

That Appeal No. 23-07, for permission 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, as presented to the Board, be allowed.

Carried

**C. NEW APPEALS****1. Appeal No. 24-01 – Prasad and Singh**

The Board acknowledged A. Prasad, Applicant, in attendance to speak to the application.

The Chair confirmed that there were no persons present to speak to the application and that no correspondence had been received in opposition to the proposal.

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

The Applicant provided the following information:

- The house had an existing brick-layered patio that is approximately 4.5 metres wide. The Applicant was seeking to cover the patio to provide covered outdoor space that the family could enjoy and provide a shaded area for their kids when playing outside.
- Neighbouring property owners have expressed their support to the Applicant for the patio cover and many other homes in the area have similar covered patios.
- The Applicant was advised by a contractor that permits were not required for the project; however, the Applicant received a stop work order after construction had started.
- The Applicant has invested a significant funds into the project and would face financial hardship if required to remove the patio cover.

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

- The house was built in 2007 and the Applicant purchased the property in 2019 as the second property owner.
- The patio is an open structure, but the Applicant would like to add curtains on the sides.

The Board noted that a permit is required for a lot of construction jobs and that it is always the Applicant's responsibility to ensure if a permit is required or not. Implementing a project without the necessary permits is not a hardship.

The Board noted that there would be undue financial hardship if the Applicant was required to remove the patio cover.

It was

Moved by B. Sidhu

Seconded by P. Sran

That Appeal No. 24-01, for permission to vary the rear yard (east) setback of the "Single Family Residential (RF) Zone" from 7.5 metres to 2.74 metres to retain a patio cover in the rear yard of the subject property located at 16962 61B Avenue, as presented to the Board, be allowed.

Carried

**2. Appeal No. 24-02 – Fahim**

The Board acknowledged S. and W. Fahim, Applicants, in attendance to speak to the application.

The Chair confirmed that there were no persons present to speak to the application. One piece of correspondence was received in support of the proposal.

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

The Applicants provided the following information:

- The sunroom provides refuge and a place of relaxation for the family, as a few family members work in a stressful hospital environment. The sunroom is the only area where family members who work night shifts are able to enjoy year-round sunlight.
- Many other homes in the area have decks or sunrooms in similar locations.
- As the house was rented when the Applicants purchased it in 2017, they were unable to check the as-built drawings compared to the actual structure. The house was built in approximately 2009 by a builder. The Applicants assumed the builder would get the necessary permits for the sundeck, but it appears the builder did not.

In response to a question from the Board, the Applicant advised that there was a pre-existing sundeck that was enclosed to create a sunroom.

The Board noted that while the foundation is for the patio well and acts as a retaining wall, it was pre-existing and there would be undue financial hardship if the Applicant was required to remove the existing sunroom.

It was Moved by P. Sran  
Seconded by B. Sidhu  
That Appeal No. 24-02, for permission to vary the rear yard (east) setback of the "Single Family Residential (RF) Zone" from 7.5 metres to 4.07 metres to retain a sunroom in the rear yard of the subject property located at 5360 188 Street, as presented to the Board, be allowed.

Carried

**D. OTHER BUSINESS**

This section had no items to consider.

**E. NEXT MEETING**

The next meeting of the Board of Variance is scheduled for April 9, 2024.

**F. ADJOURNMENT**

The Board of Variance meeting adjourned at 9:44 a.m.

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Lauren Blake, Secretary

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Inderjit Dhillon - Chairperson