

City of Surrey  
PLANNING & DEVELOPMENT REPORT

Application No.: 7922-0044-00

Planning Report Date: May 9, 2022

**PROPOSAL:**

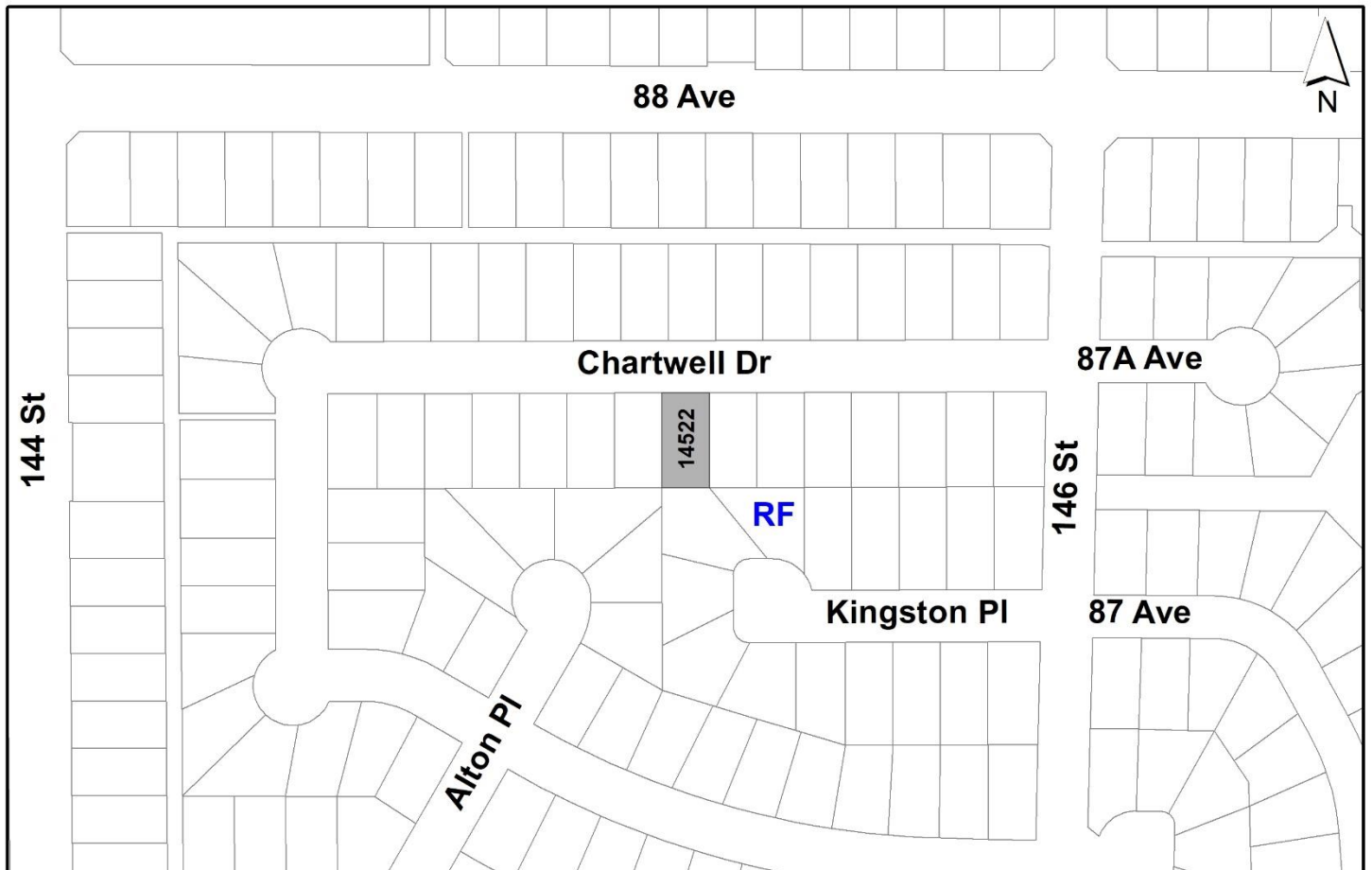
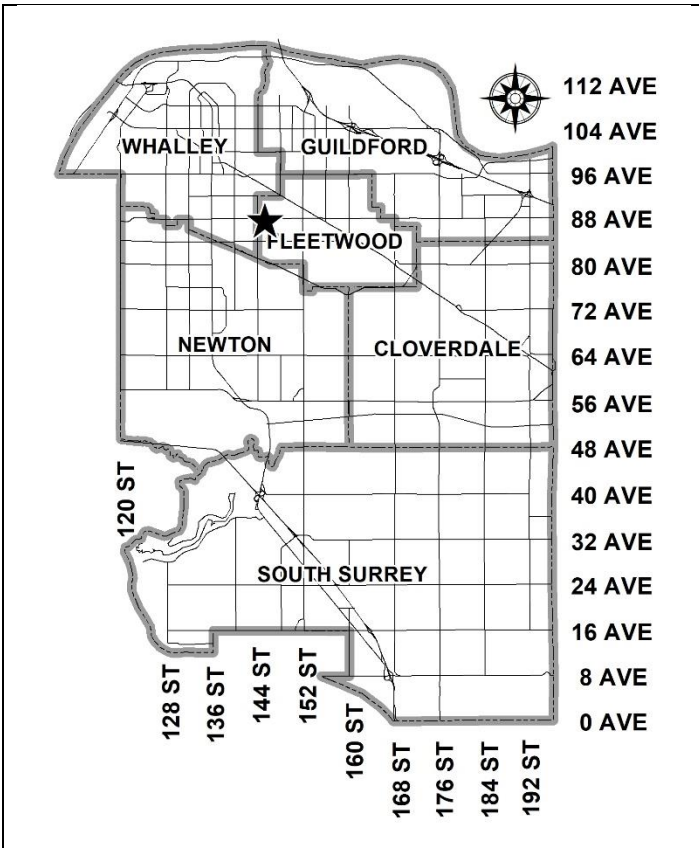
- **Development Variance Permit**

to reduce the minimum front and rear yard building setbacks on a lot encumbered by a natural gas transmission (FortisBC) right-of-way in order to construct a single family dwelling on the lot.

**LOCATION:** 14522 - Chartwell Drive

**ZONING:** RF

**OCP DESIGNATION:** Urban



**RECOMMENDATION SUMMARY**

- Approval for Development Variance Permit to proceed to Public Notification.

**DEVIATION FROM PLANS, POLICIES OR REGULATIONS**

- The applicant is proposing to reduce the minimum front and rear yard setback requirements of the RF Zone.

**RATIONALE OF RECOMMENDATION**

- The proposal complies with the Urban designation in the Official Community Plan (OCP).
- The proposal complies with the General Urban designation in the Metro Vancouver Regional Growth Strategy (RGS).
- The proposed density and building form are appropriate for this part of Fleetwood.
- Without the variance, the applicant will not be able to achieve the maximum allowable house size under the RF Zone.
- The proposed new house will be consistent with the established streetscape along Chartwell Drive.
- The proposal retains a full-length driveway for vehicle parking.
- The applicant acknowledges that no accessory buildings and structures are permitted within the right-of-way area.
- Development Variance Permit Nos. 7919-0324-00 and 7920-0174-00 were approved by Council for similar variances in this same neighbourhood on April 6, 2020, and October 19, 2020, respectively.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7922-0044-00 (Appendix III) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum front yard setback of the RF Zone for the principal building from 7.5 metres to 6.6 metres; and
  - (b) to reduce the minimum rear yard setback from the natural gas transmission (FortisBC) right-of-way from 7.5 metres to 2.3 metres for the principal building and to 0.5 metres to the basement access well.
2. Council instruct staff to resolve the following issues prior to final approval:
  - (a) submission of a finalized Tree Management Plan and Arborist Report to the satisfaction of the City Landscape Architect;
  - (b) registration of a Section 219 Restrictive Covenant for tree preservation; and
  - (c) the applicant provide tree replacement and bonding securities in the amount of \$7,100 to the satisfaction of the City Landscape Architect.

## SITE CONTEXT & BACKGROUND

| Direction                       | Existing Use           | OCP Designation | Existing Zone |
|---------------------------------|------------------------|-----------------|---------------|
| Subject Site                    | Single Family Dwelling | Urban           | RF            |
| North (Across Chartwell Drive): | Single Family Dwelling | Urban           | RF            |
| East:                           | Single Family Dwelling | Urban           | RF            |
| South:                          | Single Family Dwelling | Urban           | RF            |
| West:                           | Single Family Dwelling | Urban           | RF            |

### Context & Background

- The 669 square metre subject property is located at 14522 Chartwell Drive and is approximately 18.3 metres in width and 36.6 metres in depth.
- The lot is designated "Urban" in the Official Community Plan and currently zoned "Single Family Residential Zone (RF)" under the Surrey Zoning By-law No. 12000.

- A 12-metre wide FortisBC natural gas transmission right-of-way (ROW) encumbers the rear portion of the lot. Part 4 Section B.27 (a) of Zoning By-law 12000 states that the setback of principal buildings on lots containing a natural gas transmission right-of-way at the rear lot line shall not be less than 7.5 metres and such setback shall be measured at 90 degrees to the gas right-of-way boundary closest to the building line. The applicant is proposing a 0.5 metre setback from the ROW to the sunken basement access well and a 2.3 metre setback from the ROW to the principal building in order to construct a new single family dwelling.
- The applicant is also proposing to reduce the minimum front yard setback requirement of the RF Zone from 7.5 metres to 6.6 metres for the principal building.
- Without varying the front and rear yard setbacks, the applicant will not be able to achieve the maximum allowable house size under the RF Zone.
- FortisBC has indicated that they recommend the full 7.5 metre setback from the right-of-way be retained in order to allow ancillary structures in the backyard and to prevent any issues with such structures in the future.
- The applicant acknowledges that varying the setback to 0.5 metres and 2.3 metres respectively will preclude them from having any accessory buildings or structures on the lot.

## DEVELOPMENT PROPOSAL

### Planning Considerations

- The applicant is proposing to reduce the minimum front and rear yard setbacks for a proposed new single family dwelling on the lot in the Single Family Residential Zone (RF).

### Referrals

Engineering: The Engineering Department has no objection to the project.

FortisBC: Prior to Building Permit issuance, the applicant must obtain a FortisBC pipeline and/or right-of-way permit.

FortisBC has requested that the City consider registering a restrictive covenant over the FortisBC right-of-way area to prevent any future accessory buildings or structures that FortisBC deems an encroachment within the right-of-way area. Staff recommend against an overlapping covenant. FortisBC may seek to obtain additional rights from the owner but this a private, civil matter between these two parties.

## **POLICY & BY-LAW CONSIDERATIONS**

### **Regional Growth Strategy**

- The site is designated "General Urban" in the Regional Strategy (RGS).
- General Urban areas are intended for residential neighborhoods.
- The proposed single family residential development complies with the RGS designation for the site.

### **Official Community Plan**

#### Land Use Designation

- The subject property is designated "Urban" in the Official Community Plan (OCP). The proposed new single family dwelling complies with the Urban designation.

#### Themes/Policies

- The proposed redevelopment supports the Sensitive Infill policy of the OCP. The proposed new single family dwelling is appropriate in scale and density to its neighbourhood context. The compatible house design reinforces the neighbourhood character.

### **Zoning By-law**

#### Setback Variances

- The applicant is requesting the following variances:
  - (a) to reduce the minimum front yard setback of the RF Zone for the principal building from 7.5 metres to 6.6 metres; and
  - (b) to reduce the minimum rear yard setback from the natural gas transmission (FortisBC) right-of-way from 7.5 metres to 2.3 metres for the principal building and to 0.5 metres to the basement access well.
- Without varying the front and rear yard setbacks, the applicant will not be able to achieve the maximum allowable house size under the RF Zone.
- The proposal retains a full-length driveway from Chartwell Drive for vehicle parking and the proposed new house will be consistent with the established streetscape.
- The applicant acknowledges that no accessory buildings and structures are permitted within the right-of-way area.
- The yard space within the right-of-way area will still provide a functional outdoor space (without buildings or structures) on the lot.

- Development Variance Permit Nos. 7919-0324-00 and 7920-0174-00 were approved by Council for similar variances in this same neighbourhood on April 6, 2020, and October 19, 2020, respectively.
- Staff support the requested variances to proceed for consideration.

## TREES

- Francis Klimo, ISA Certified Arborist of Klimo & Associates prepared an Arborist Assessment for the subject property. The table below provides a summary of the tree retention and removal by tree species:

**Table 1: Summary of Tree Preservation by Tree Species:**

| Tree Species  | Existing | Remove   | Retain   |
|---|----------|----------|----------|
| <b>Deciduous Trees</b><br>(excluding Alder and Cottonwood Trees)              |          |          |          |
| Common plum   | 2        | 1        | 1        |
| Vine maple  | 1        | 0        | 1        |
| Katsura   | 1        | 0        | 1        |
| <b>Coniferous Trees</b>   |          |          |          |
| <b>Total</b> (excluding Alder and Cottonwood Trees)                           | <b>4</b> | <b>1</b> | <b>3</b> |
| <b>Total Replacement Trees Proposed</b><br>(excluding Boulevard Street Trees) |          | <b>2</b> |          |
| <b>Total Retained and Replacement Trees</b>                                   |          | <b>5</b> |          |

- The Arborist Assessment states that there are a total of 4 mature trees on the site. There are no Alder and Cottonwood trees. It was determined that 3 trees can be retained as part of this development proposal. The proposed tree retention was assessed taking into consideration the location of services, building footprints, road dedication and proposed lot grading.
- For those trees that cannot be retained, the applicant will be required to plant trees on a 2 to 1 replacement ratio. This will require a total of 2 replacement trees on the site. The applicant is proposing 2 replacement trees, meeting City requirements.
- In summary, a total of 5 trees are proposed to be retained or replaced on the site.

**INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

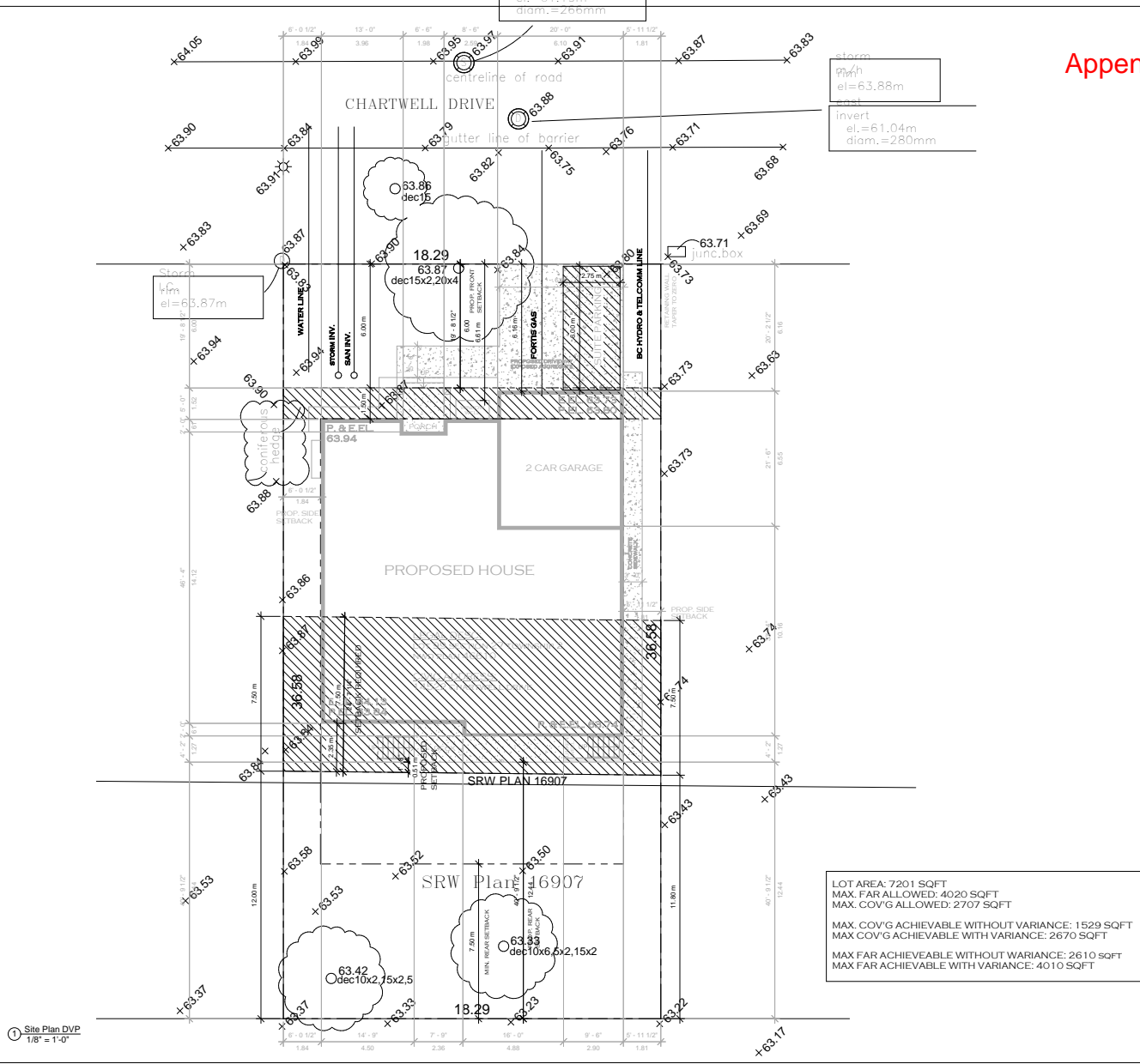
- Appendix I. Site Plan
- Appendix II. Tree Preservation Summary
- Appendix III. Development Variance Permit No. 7922-0044-00

*approved by Ron Gill*

Jeff Arason  
Acting General Manager  
Planning and Development

DQ/cm

# Appendix I



THESE PLANS CONFORM TO BCBC 2018  
 CONSTRUCTION SHALL FOLLOW LOCAL BUILDING BY-LAWS ALONG WITH THESE PLANS.  
 CONTRACTOR MUST CONFIRM ALL DIMENSIONS PRIOR TO START OF CONSTRUCTION.  
 THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS AND OMISSIONS IN THESE PLANS. IT IS THE BUILDER/OWNER'S RESPONSIBILITY TO REVIEW AND VERIFY THE WHOLE PLAN (i.e. ALL LEVELS, DIMENSIONS, STRUCTURAL ADEQUACIES) PRIOR TO CONSTRUCTION.  
 DO NOT SCALE DRAWINGS.  
 COPYRIGHT RESERVED. ANY VARIATIONS AND MODIFICATIONS TO THESE DRAWINGS SHALL NOT BE CARRIED OUT WITHOUT WRITTEN PERMISSION FROM PRO VILLA DESIGNS LTD. THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF PVDL AND CAN ONLY BE REPRODUCED WITH PVDL'S WRITTEN PERMISSION.  
 PLEASE NOTE THAT THESE DRAWINGS ARE FOR PERMIT APPLICATION PURPOSES AND NOT INTENDED TO BE ISSUED FOR CONSTRUCTION UNTIL APPROVED BY CITY.

Pro Villa Designs Ltd.  
 #108- 8299 129 Street  
 Surrey, B.C. V3W 0A6  
 Ph. 604-593-7070  
 info@villadesigns.ca  
 www.villadesigns.ca

DESIGNER  
 CERTIFIED PASSIVE HOUSE DESIGNER  
 CERTIFIED PASSIVE HOUSE TRADESPERSON

**Raj Khangura**  
 (778) 991 3062  
 rajkhangurahomes@gmail.com

**14522 Chartwell De.**  
 Surrey, B.C.

## SITE PLAN DVP

|                     |                     |
|---------------------|---------------------|
| Project number      | PVDL-22-1043 -DVPRK |
| Project Date        | 1 NOV 2019          |
| EA Plan Review Date | 1 NOV 2019          |
| Drawn by            | HB                  |
| <b>A1.1</b>         |                     |
| Scale               | 1/8" = 1'-0"        |

1 Site Plan DVP  
 1/8" = 1'-0"



**9.0 TREE PRESERVATION SUMMARY**

Appendix II

Surrey Project No: N/A

Address: 14522 Chartwell Dr, Surrey, B.C., V3S 5E4

Registered Arborist: Francis Klimo

| On-Site Trees   | Number of Trees |
|---|-----------------|
| Protected Trees Identified<br><i>(on-site and shared trees, including trees within boulevards and proposed streets and lanes, but excluding trees in proposed open space or riparian areas and non-bylaw protected trees)</i> | 4               |
| Protected Trees to be Removed   | 1               |
| Protected Trees to be Retained<br><i>(excluding trees within proposed open space or riparian areas)</i>   | 3               |
| Total Replacement Trees Required:   |                 |
| Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio<br><br>$X \quad \text{one (1)} =$   |                 |
| All other Trees Requiring 2 to 1 Replacement Ratio<br><br>$1 \quad X \quad \text{two (2)} = 2$  | 2               |
| <b>Replacement Trees Proposed</b>   | <b>2</b>        |
| <b>Replacement Trees in Deficit</b>   | <b>0</b>        |
| <b>Protected Trees to be Retained in Proposed [Open Space / Riparian Areas]</b>   | <b>N/A</b>      |

| Off-Site Trees  | Number of Trees |
|---|-----------------|
| Protected Off-Site Trees to be Removed  | 0               |
| Total Replacement Trees Required:   |                 |
| Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio<br><br>$0 \quad X \quad \text{one (1)} = 0$ | 0               |
| All other Trees Requiring 2 to 1 Replacement Ratio<br><br>$0 \quad X \quad \text{two (2)} = 0$          | 0               |
| <b>Replacement Trees Proposed</b>   | <b>0</b>        |
| <b>Replacement Trees in Deficit</b>   | <b>0</b>        |

Summary, report and plan prepared and submitted by:

*Francis Klimo*

April 26, 2022

(Signature of Arborist)

Date

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7922-0044-00

Issued To:

(the "Owner")

Address of Owner:

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations, or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 001-685-686  
Lot 99 Section 27 Township 2 New Westminster District Plan 46610  
14522 - Chartwell Drive

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Part 16 "Single Family Residential Zone (RF)" Section F. Yards and Setbacks the minimum front yard setback for the principal building is reduced from 7.5 metres to 6.6 metres; and
  - (b) In Part 4 General Provisions, Section B.27 Setbacks from Natural Gas Transmission Rights-of-Way, sub-section (a) Rear Setback for Principal Buildings, the minimum rear yard setback from the natural gas transmission right-of-way is reduced from 7.5 metres to 2.3 metres to the principal building and to 0.5 metres to the basement access well.
4. This development variance permit applies to only the portion of the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any

of the existing buildings shown on attached Schedule A, which is attached hereto and forms part of this development variance permit.

5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE      DAY OF      , 20 .  
ISSUED THIS      DAY OF      , 20 .

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Mayor – Doug McCallum

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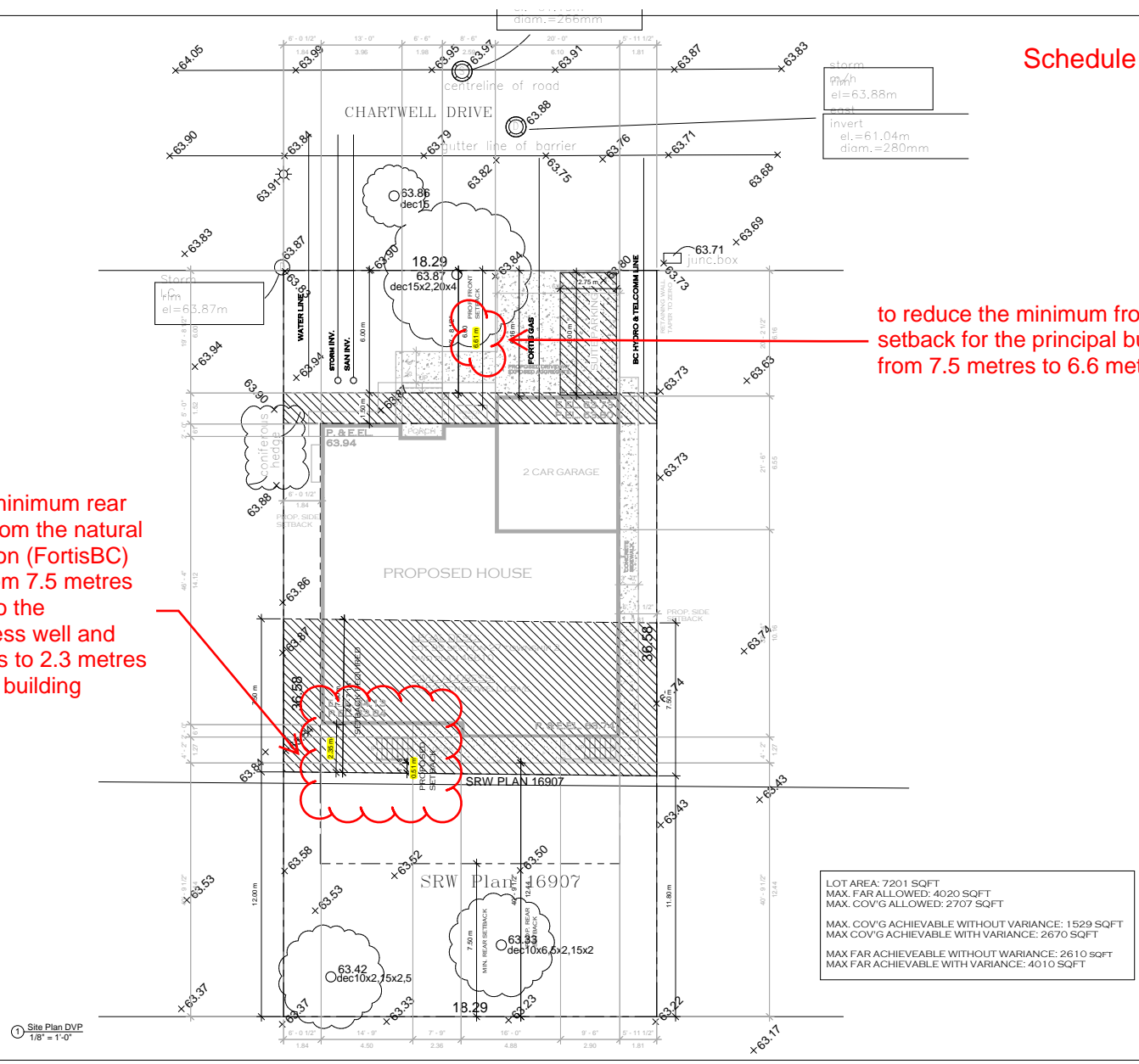
City Clerk – Jennifer Ficocelli

# Schedule A

THESE PLANS CONFORM TO BCBC 2018  
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to reduce the minimum rear yard setback from the natural gas transmission (FortisBC) right-of-way from 7.5 metres to 0.5 metres to the basement access well and from 7.5 metres to 2.3 metres to the principal building

to reduce the minimum front yard setback for the principal building from 7.5 metres to 6.6 metres



LOT AREA: 7201 SQFT  
 MAX. FAR ALLOWED: 4020 SQFT  
 MAX. COV'G ALLOWED: 2707 SQFT  
 MAX. COV'G ACHIEVABLE WITHOUT VARIANCE: 1529 SQFT  
 MAX. COV'G ACHIEVABLE WITH VARIANCE: 2670 SQFT  
 MAX FAR ACHIEVABLE WITHOUT VARIANCE: 2610 SQFT  
 MAX FAR ACHIEVABLE WITH VARIANCE: 4010 SQFT

1 Site Plan DVP  
 1/8" = 1'-0"



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 #108- 8299 129 Street  
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 Ph. 604-593-7070  
 info@villadesigns.ca  
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DESIGNER



CERTIFIED PASSIVE HOUSE TRADESPERSON

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**A1.1**

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