

# City of Surrey PLANNING & DEVELOPMENT REPORT Application No.: 7922-0185-00

Planning Report Date: July 11, 2022

## **PROPOSAL:**

# • Development Variance Permit

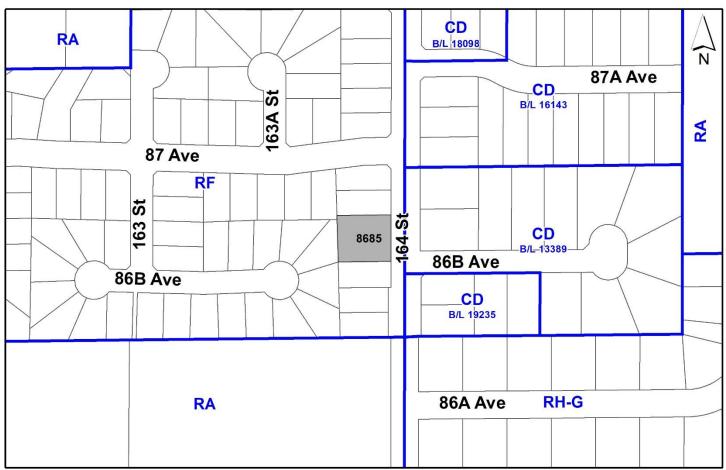
to vary the definition of *finished grade* in the Zoning Bylaw to accommodate construction of a new single family dwelling on the lot.

LOCATION: 8685 - 164 Street

ZONING: RF
OCP DESIGNATION: Urban

NCP DESIGNATION: Parks and Natural Areas

(Fleetwood Plan)



## RECOMMENDATION SUMMARY

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

# **DEVIATION FROM PLANS, POLICIES OR REGULATIONS**

• The applicant is seeking to vary the definition of *finished grade* in the Zoning Bylaw 12000 to permit the use of the proposed revised lot grading plan, rather than the lot grading plan that was approved by the City at the time of subdivision when the lot was created, for the purposes of establishing the finished grade on the subject lot.

#### RATIONALE OF RECOMMENDATION

- The applicant has applied for a building permit in order to build a new single family dwelling with a basement on the lot.
- Upon review, staff noted that the approved lot grading plan (Appendix II) under Development Application No. 7988-0220-00 precludes the applicant from achieving an inground basement for their proposed new single family dwelling.
- The applicant has intentions to subdivide the property in the future, at which time, a new lot grading plan would be prepared for the site.
- The applicant is seeking to construct their new house in advance of subdivision and is therefore requesting the subject variance to permit the use of a new, revised lot grading plan for the lot, prior to subdivision, in order to potentially achieve an in-ground basement.
- The proposed lot grading plan will not change the drainage pattern of the property and is not anticipated to result in interface impacts on neighbouring properties.
- The variance will allow the applicant to commence building construction prior to subdivision.
- Staff support the variance.

## RECOMMENDATION

The Planning & Development Department recommends that:

- 1. Council approve Development Variance Permit No. 7922-0185-00 (Appendix IV) varying the following, to proceed to Public Notification:
  - (a) to vary the definition of *finished grade* in Part 1 Definitions of Zoning Bylaw 12000, as amended, to permit the use of the proposed lot grading plan in Schedule A, attached to the Development Variance Permit, for the purposes of establishing the finished grade on the subject lot, rather than the lot grading plan that was approved by the City at the time of subdivision when the lot was created.

#### SITE CONTEXT & BACKGROUND

Direction	<b>Existing Use</b>	OCP/NCP	<b>Existing Zone</b>
		Designation	
Subject Site	Single Family	Urban/Parks &	RF
	Dwelling	Natural Areas	
North:	Single Family	Urban/Parks &	RF
	Dwellings	Natural Areas	
East (Across 164 Street):	Single Family	Suburban/Urban	CD (Bylaw No.
	Dwellings	Residential	13389)
South:	Single Family	Urban/Parks &	RF
	Dwellings	Natural Areas	
West:	Single Family	Urban/Parks &	RF
	Dwellings	Natural Areas	

## **Context & Background**

- The subject site is a 1,330 square metre property located at 8685 164 Street in Fleetwood. It is designated "Urban" in the Official Community Plan (OCP) and designated as "Parks and Natural Areas" in the Fleetwood Plan, which was endorsed by Council (Corporate Report No. Ro49: 2022) on March 7, 2022. It is currently zoned "Single Family Residential Zone (RF)".
- The subject property was created as a lot through subdivision under Development Application No. 7988-0220-00 (Lot 38, Plan 81939). A lot grading plan was approved for this lot at the time of subdivision approval.
- The owners of the subject site have recently applied for a building permit to build a new single family dwelling with a basement on the south side of the property. A new proposed lot grading plan (Schedule A) was submitted by CitiWest Consulting Ltd. with a minimum building elevation (MBE) of 55.85 metres. This proposed MBE is lower than the 56.24 metres approved in the original lot grading plan (Appendix II) submitted under Development Application No. 7988-0220-00.

## **DEVELOPMENT PROPOSAL**

# **Planning Considerations**

- The applicant is seeking to vary the definition of finished grade in the Zoning Bylaw to permit the use of a proposed revised lot grading plan, rather than the lot grading plan that was approved by the City at the time of subdivision when the lot was created, for the purposes of establishing the finished grade on the subject lot.
- Varying the definition of finished grade would potentially allow the applicant to achieve a basement on the south side of the property, subject to staff review.
- In accordance with the provisions of the Zoning Bylaw, an in-ground basement must have at least one-half of its volume below the finished grade (in order to be excluded from floor are calculations).
- Finished grade as defined in the Zoning Bylaw means:
  - (a) the rough grading elevation as identified on a lot grading plan, where such a plan has been approved by the City at the time of subdivision when the lot was created; or
  - (b) where there is no lot grading plan that was approved by the City at the time of subdivision when the lot was created, the lowest ground elevation existing prior to construction, as established on a legal survey by a registered British Columbia Land Surveyor, such ground elevation to include fill materials placed on the lot to raise the ground elevation up to, but not above, the average elevation of adjacent lots at the adjoining lot lines.
- In the case of the subject lot, the City considers finished grade as the grade established by the lot grading plan (Appendix II) created and approved by the City when the lot was created through subdivision under Development Application No. 7988-0220-00.
- The existing lot grading plan (Appendix II) that was approved by the City under Development Application No. 7988-0220-00 precludes the applicant from achieving a single family dwelling with a basement.
- In order to achieve a 50% in-ground basement, the MBE values have to be lowered. Through the proposed revised lot grading plan (Schedule A), the applicant is proposing to fill approximately 1.1 metres of the property to potentially accommodate a basement.
- The subject property has future potential to be subdivided from one to two lots under the RF Zone. Should a subdivision application be received, it would include an updated lot grading plan. However, the applicant is seeking to construct their new house in advance of subdivision and is therefore seeking the subject variance to permit the use of a new lot grading plan in advance of subdivision.

Application No.: 7922-0185-00 Page 5

## Referrals

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

# Requested Variance

• The applicant is requesting the following variances:

- (a) to vary the definition of *finished grade* in Part 1 Definitions of Surrey Zoning Bylaw 12000, as amended, to permit the use of the proposed lot grading plan in Schedule A, which is attached hereto and forms part of this Development Variance Permit, for the purposes of establishing the finished grade on the subject lot, rather than the lot grading plan that was approved by the City at the time of subdivision when the lot was created.
- The lot grading plan approved in 1989 precludes the applicant from achieving an in-ground basement for his proposed new single family dwelling.
- The proposed lot grading plan will not change the drainage pattern of the property and is not anticipated to result in negative interface impacts on neighbouring properties.
- The variance will allow the applicant to commence building construction prior to subdivision.
- Staff support the requested variance to proceed for consideration.

# INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Subdivision Plan 81939

Appendix II. Original Approved Lot Grading Plan under Development Application No.

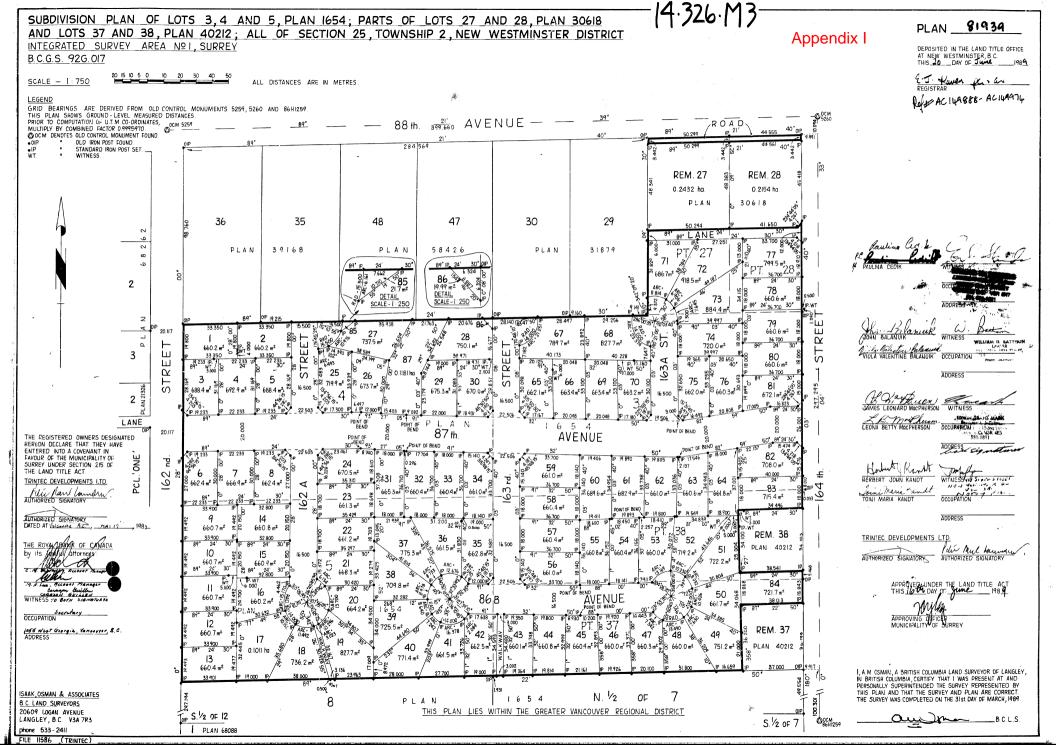
7988-0220-00.

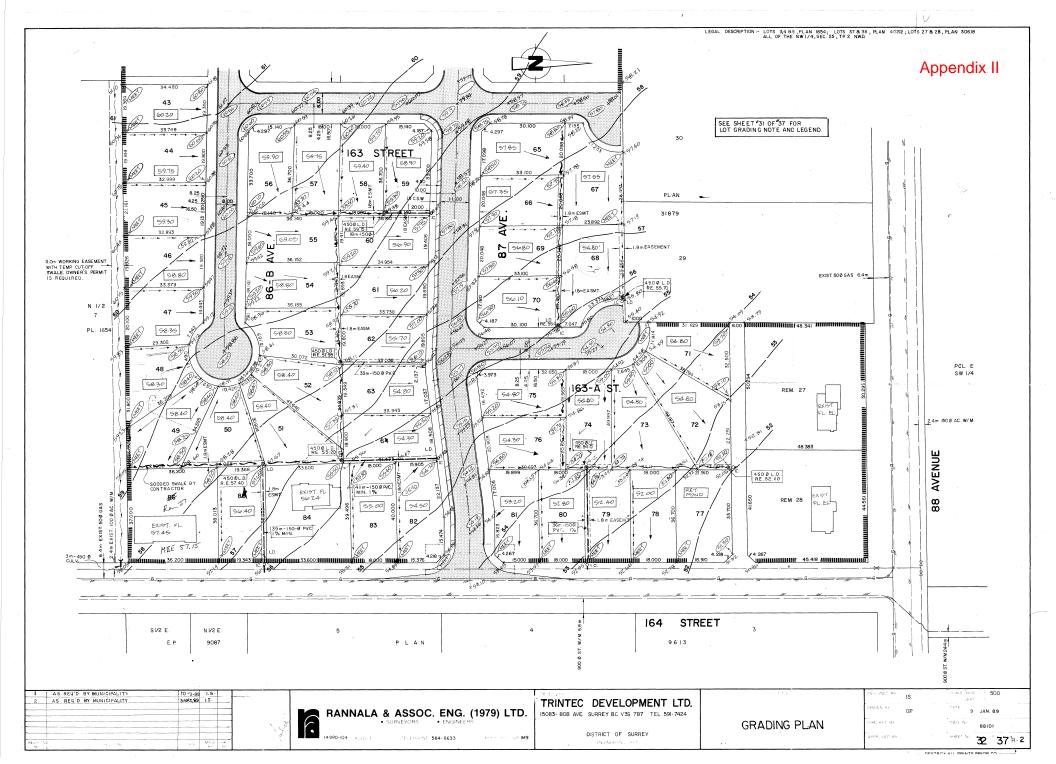
Appendix III Proposed Lot Grading Plan

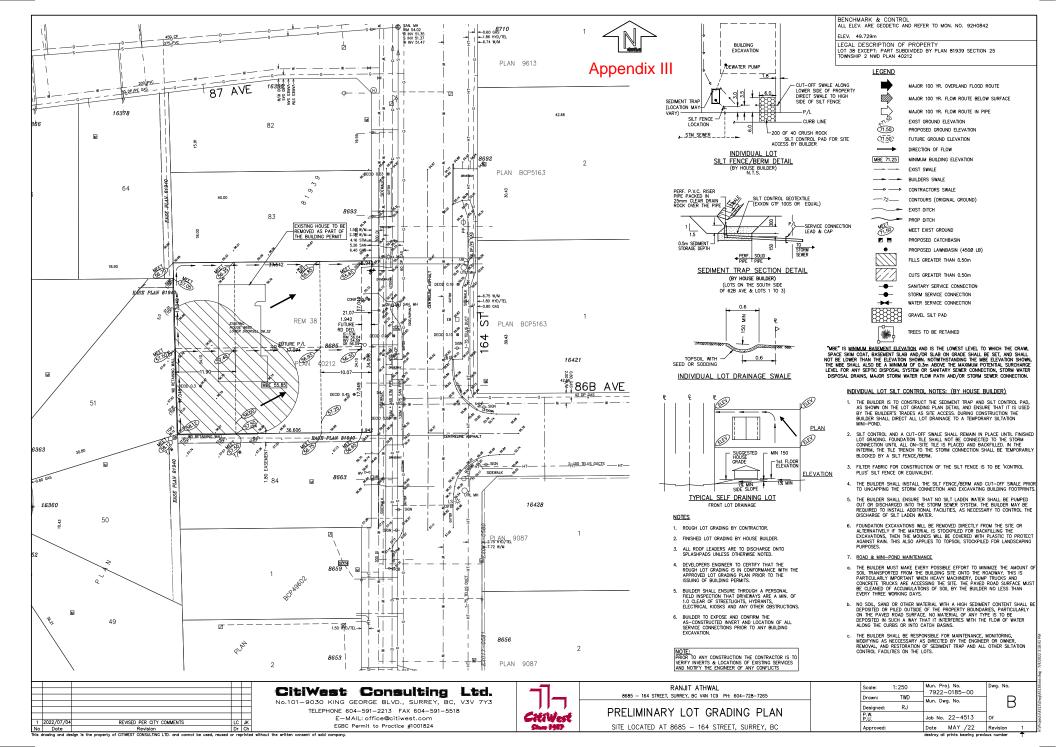
Appendix IV. Development Variance Permit No. 7922-0185-00 with Schedule A

approved by Ron Gill

Jeff Arason Acting General Manager Planning and Development







(the "City")

## **DEVELOPMENT VARIANCE PERMIT**

NO.: 7922-0185-00

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: 005-030-315 Lot 38 Except: Part Subdivided by Plan 81939; Section 25 Township 2 New Westminster District Plan 40212

8685 - 164 Street

(the "Land")

- 3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Part 1 "Definitions", the definition of *finished grade* is varied to permit the use of the proposed lot grading plan in Schedule A, which is attached hereto and forms part of this Development Variance Permit, for the purposes of establishing the finished grade on the subject lot, rather than the lot grading plan that was approved by the City at the time of subdivision when the lot was created.
- 4. This development variance permit applies to only the <u>portion of the Land</u> shown on 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 construction with respect to which this development variation (2) years after the date this development variation.	lopment variance permit is issued, within two	
7.	The terms of this development variance permit or any amendment to it, are binding on a persons who acquire an interest in the Land.		
8.	This development variance permit is not a building permit.		
	ORIZING RESOLUTION PASSED BY THE CC	OUNCIL, THE DAY OF , 20 .	
		Mayor Doug McCallum	
		Mayor – Doug McCallum	
		City Clerk – Jennifer Ficocelli	

