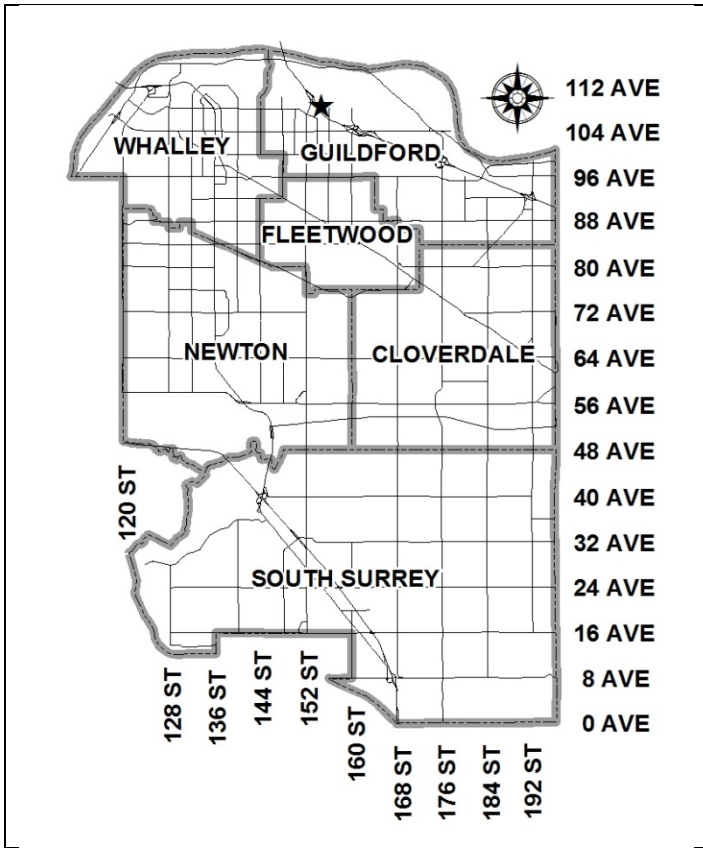


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7914-0333-00

Planning Report Date: January 11, 2016



PROPOSAL:

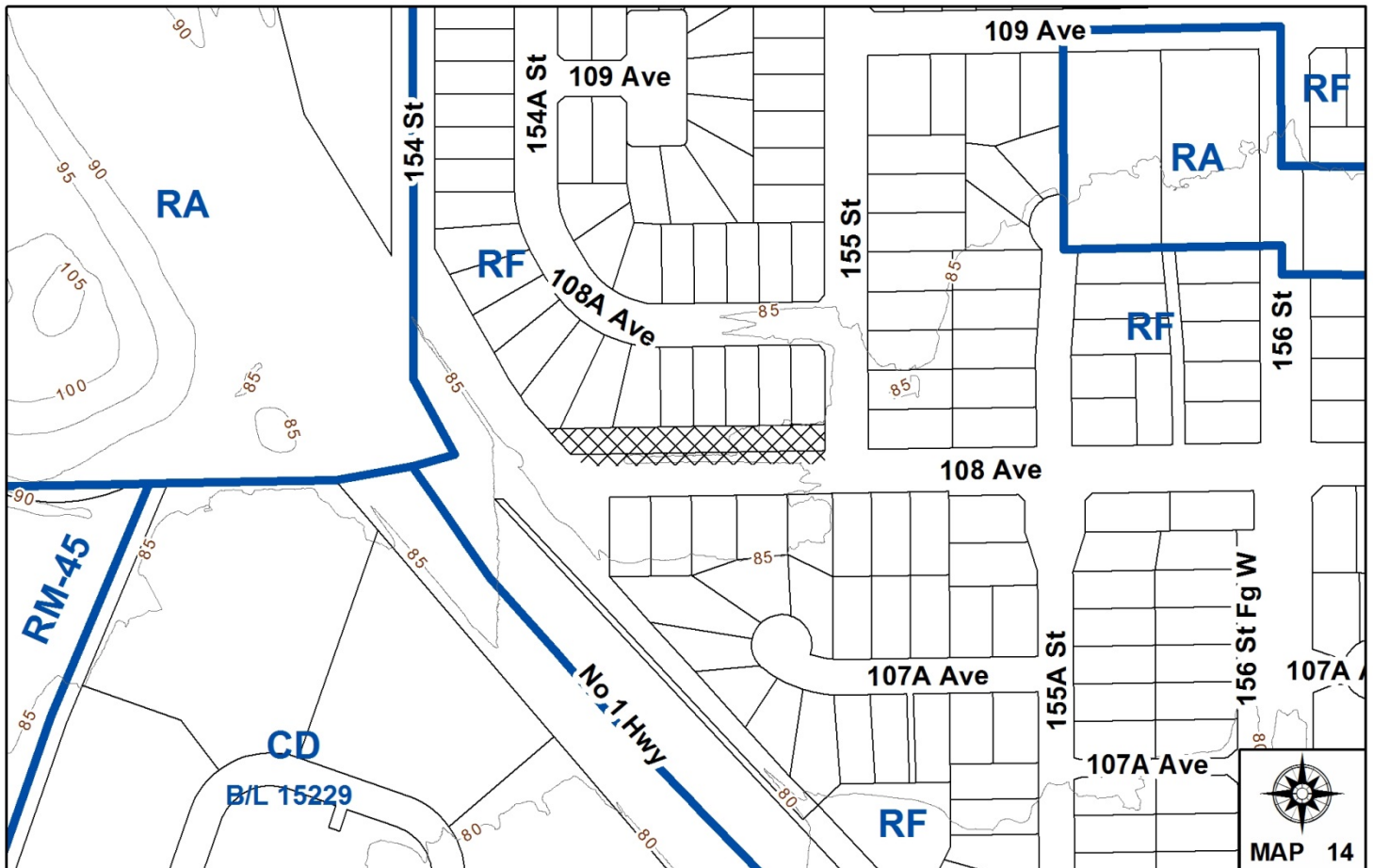
- **Development Variance Permit**
 to allow subdivision into 3 single family lots.

LOCATION: 10811-155 Street and a portion of road

OWNER: Kalwinder S Kang
 City of Surrey

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 seeking variances to lot depth and setbacks in the RF Zone.

RATIONALE OF RECOMMENDATION

- With the proposed closure and acquisition of a portion of 108 Avenue, the applicant is proposing 3 single family lots under the current RF Zone.
- Two of the three proposed lots are wide and shallow, requiring variances to lot depth and setbacks.
- The applicant has been able to demonstrate a functional site plan for each lot, which includes driveways that are a minimum of 6 metres (20 ft.) in length.
- The applicant's design consultant has made recommendations to reduce the privacy impacts on the lots to the north by limiting certain design features on the north side of the buildings, such as by limiting the area and height of decks, and by limiting the number and size of windows on the second floor. These design features will be incorporated in the Building Scheme.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7914-0333-00 (Appendix II) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum lot depth of the RF Zone from 28 metres (90 ft.) to 15 metres (50 ft.) for proposed Lots 1 and 2;
 - (b) to reduce the minimum front yard setback of the RF Zone for proposed Lots 1 and 2 as follows:
 - i. from 7.5 metres (25 ft.) to 4.0 metres (13 ft.) for the principal building;
 - ii. from 7.5 metres (25 ft.) to 2.5 metres (8 ft.) for the front porch or verandah; and
 - iii. from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for the garage;
 - (c) to reduce the minimum rear yard setback of the RF Zone for proposed Lots 1 and 2 as follows:
 - i. from 7.5 metres (25 ft.) to 4.0 metres (13 ft.) for the principal building;
 - ii. from 7.5 metres (25 ft.) to 2.0 metres (7 ft.) for the rear deck; and
 - iii. from 7.5 metres (25 ft.) to 2.5 metres (8 ft.) for the garage; and

2. Council instruct staff to resolve the following issues prior to approval:
 - (a) completion of the road closure and acquisition of a portion of 108 Avenue; and
 - (b) submission of a Section 219 Restrictive Covenant to identify and protect functional yard space for proposed Lots 1 and 2.

REFERRALS

Engineering: The Engineering Department has no objection to the Development Variance Permit.

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lot.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings.	Urban	RF

Direction	Existing Use	OCP Designation	Existing Zone
East (Across 155 Street):	Single family dwellings.	Urban	RF
South (Across 108 Avenue):	Single family dwellings.	Urban	RF
West (Across 154 Street Greenway and Highway No. 1):	Auto mall	Commercial	CD (By-law No. 15229)

DEVELOPMENT CONSIDERATIONS

- The 1,400-square metre (1/3 acre) subject property is located in Guildford, on the west side of 155 Street at the corner of 108 Avenue. The site is designated "Urban" in the Official Community Plan and is zoned "Single Family Residential Zone (RF)".
- The subject lot was originally created under Development Application No. 5692-0367-00, which included a rezoning from RS to R-F(R) under the former Zoning By-law No. 5542, in order to subdivide into 39 single family lots. With the adoption of Zoning By-law No. 12000 in 1993, the zoning changed to RF.
- At the time of subdivision approval, the subject lot remained under private ownership, however a no build Restrictive Covenant was registered on the subject property in favour of the Ministry of Transportation and Infrastructure (MOTI) to protect for a future overpass at 108 Avenue and Highway No. 1, should this ever be required. As this ultimately was not needed the Restrictive Covenant was subsequently discharged by MOTI in 2014.
- The current proposal is to subdivide the subject property into 3 single family lots under the existing RF Zone. The site is currently vacant and measures 12 metres (40 ft.) in width and 188 metres (617 ft.) in depth.
- The applicant intends to purchase 3 metres (10 ft.) of surplus 108 Avenue right-of-way in order to consolidate it with the subject site and achieve 15-metre (50 ft.) lot depth for each of the 3 proposed lots.
- There is a 5-metre (16 ft.) wide right-of-way that runs along the north portion of the site, and contains a drainage main for 5 of the single family lots located immediately to the north of the site. The applicant is required to relocate the drainage statutory right-of-way and drainage mains for these existing lots.
- The proposed lots range in lot area from 579 square metres (6,232 sq.ft.) to 662 square metres (7,125 sq.ft.).
- Proposed Lot 3 is oriented to 155 Street, and no variances are requested for this lot. Proposed Lots 1 and 2 are proposed to be wide and shallow lots fronting 108 Avenue. Variances are requested for Lots 1 and 2 for lot depth, front yard setback and rear yard setback (see By-law Variances section).

- The proposed lot width and lot areas exceed the minimum requirements of the RF Zone of 15 metres (50 ft.) lot width, and 560 square metres (6,000 sq.ft.) lot area.
- The applicant has demonstrated that a functional house plan can be achieved for all three proposed lots. In addition, due to the proximity of Highway No. 1, noise mitigation measures will be required for the proposed homes, as a condition of subdivision.

PRE-NOTIFICATION

Pre-notification letters are not required for the requested Development Variance Permit. However, Development Proposal Signs were erected on the property on January 8, 2015 for the associated subdivision application No. 7914-0333-00. Staff received one response to the Development Proposal Sign with the following comments (*staff comments in italics*):

- One caller expressed concern that the proposed variances would create privacy issues and would alter the form and character of the neighbourhood. There is one large tree on the property that should be retained.

(The applicant's design consultant made the following recommendations to reduce the privacy impacts on the lots to the north by limiting certain design features on the north side of the buildings, such as by limiting the area and height of decks, and by limiting the number and size of windows on the second floor.

The applicant has submitted an arborist report, which indicates that the on-site trees include 2 maple, 1 cherry and 1 western red cedar tree. All of the trees are reportedly in poor condition and are not suitable candidates for retention.)

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the lot depth for proposed Lots 1 and 2 from 28 metres (90 ft.) to 15 metres (50 ft.).

Applicant's Reasons:

- The subject site is zoned RF and is 1,400-square metres (1/3 acre) in size. The lot is oversized for the RF Zone, and by acquiring 3 metres (10 ft.) of surplus road, the site has enough area to subdivide into 3 lots.

Staff Comments:

- The RF Zone requires that lots be a minimum of 15 metres (50 ft.) wide, 28 metres deep (90 ft.), and 560 square metres (6,000 sq.ft.) in area.
- Proposed Lots 1 and 2 are wider yet shallower than the typical dimensions permitted in the RF Zone, although each of these proposed lots exceed the minimum lot area required by the RF Zone.

- The applicant's design consultant has submitted house plans to demonstrate a functional house design on proposed Lots 1 and 2 and functional yard space. Covenants will be required as a condition of subdivision to delineate and protect the functional yard space on proposed Lots 1 and 2.
- Staff support the requested variance.

(b) Requested Variances:

- To reduce the front yard setback of the RF Zone for proposed Lots 1 and 2 as follows:
 - from 7.5 metres (25 ft.) to 4.0 metres (13 ft.) for the principal building;
 - from 7.5 metres (25 ft.) to 2.5 metres (8 ft.) for the front porch or verandah; and
 - from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for the garage; and
- To reduce the rear yard setback for proposed Lots 1 and 2 as follows:
 - from 7.5 metres (25 ft.) to 4.0 metres (13 ft.) for the principal building;
 - from 7.5 metres (25 ft.) to 2.0 metres (7 ft.) for the rear deck; and
 - from 7.5 metres (25 ft.) to 2.5 metres (8 ft.) for the garage.

Applicant's Reasons:

- The applicant's design consultant has submitted house plans to demonstrate functional house design on these lots and functional yard space, including driveways that are a minimum of 6 metres (20 ft.) in length.
- The applicant's design consultant made the following recommendations, which will be incorporated into the Building Scheme, to reduce the privacy impacts on the lots to the north by limiting certain design features on the north side of the buildings, such as by limiting the area and height of rear decks, and by limiting the number and size of windows on the second floor north elevation.

Staff Comments:

- Staff have reviewed the design consultant's recommendations for setbacks and to address privacy concerns. The following is a summary of the conditions listed within the Building Scheme:
 - There are no balconies or decks at the upper floor on the north side of any home constructed on Lots 1, 2, and 3;
 - Decks at the main floor level on the north side of the dwelling shall not exceed an area of 2.0 square metres (21.5 sq.ft.), unless the top side of the deck is not more than 0.6 metres (2 ft.) above the lower of the existing or proposed grades. A covered roof is permitted above these decks;
 - At the upper floor, any room that has both a north wall face and a west wall face shall have windows only on the west wall face, and not on the north wall face;

- At the upper floor, any room that has both a north wall face and an east wall face shall have windows only on the east wall face, and not on the north wall face; and
- At the upper floor, any window located on the north wall face shall not exceed an area of 1.49 square metres (16 sq.ft.).
- Covenants will be required to delineate and protect the functional yard space on proposed Lots 1 and 2. The covenant areas are proposed to be 7.5 metres (25 ft.) in width along the east side yard setback of proposed Lot 1 and the west side yard setback of proposed Lot 2.
- Staff support the requested variances.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Development Variance Permit No. 7914-0333-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

SAL/dk

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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7914-0333-00

Issued To: KALWINDER S KANG

Address of Owner: 156 - 171 Street
Surrey, BC V3S 9P5

Issued To: CITY OF SURREY

Address of Owner: 13450 - 104 Avenue
Surrey, BC V3T 1VB

(collectively referred to as the "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: 019-154-810
Lot 38 Block 5N Section 16 Range 1W Plan LMP20881 NWD 10811 155 St

10811 - 155 Street

Portion of 108 Avenue

(collectively referred to as the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier:

- (b) If the civic address changes, the City Clerk is directed to insert the new civic addresses for the Land, as follows:
-

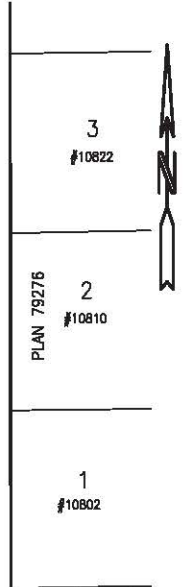
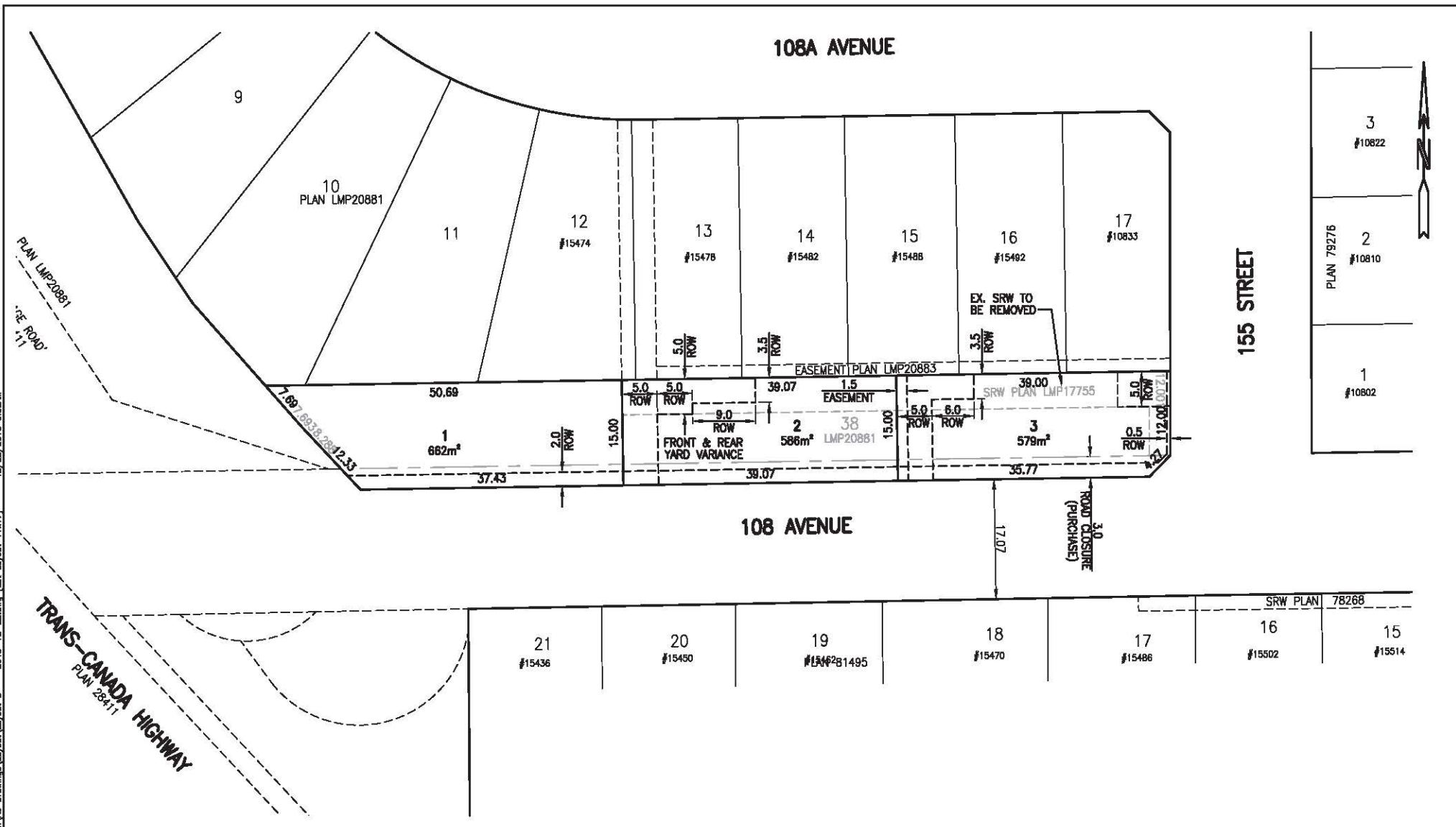
4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
- (a) Section K.3 of Part 16 Single Family Residential Zone (RF) is varied to reduce the minimum lot depth from 28 metres (90 ft.) to 15 metres (50 ft.) for proposed Lots 1 and 2 as shown in Schedule A, which is attached hereto and forms part of this development variance permit;
 - (b) Section F of Part 16 Single Family Residential Zone (RF) is varied to reduce the minimum front yard setback for proposed Lots 1 and 2, as shown in Schedule B which is attached hereto and forms part of this development variance permit:
 - i. from 7.5 metres (25 ft.) to 4.0 metres (13 ft.) for the principal building excluding the garage;
 - ii. from 7.5 metres (25 ft.) to 2.5 metres (8 ft.) for the front porch or verandah; and
 - iii. from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for the garage; and
 - (c) Section F of Part 16 Single Family Residential Zone (RF) is varied to reduce the minimum rear yard setback for proposed Lots 1 and 2 as follows:
 - i. from 7.5 metres (25 ft.) to 4.0 metres (13 ft.) for the principal building excluding the garage;
 - ii. from 7.5 metres (25 ft.) to 2.0 metres (7 ft.) for the rear deck; and
 - iii. from 7.5 metres (25 ft.) to 2.5 metres (8 ft.) for the garage.
6. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
7. This development variance permit shall lapse unless the subdivision, as conceptually shown on Schedule A, is registered in the New Westminster Land Title Office within three (3) years after the date this development variance permit is issued.
8. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

9. This development variance permit is not a building permit.

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

Mayor – Linda Hepner

City Clerk – Jane Sullivan



CLIENT:	PROJECT: 10811 - 155 STREET, SURREY				
DRAWING TITLE:	3 LOT SUBDIVISION				
PROJECT No.	14073	DATE	DEC 2015	LEGAL:	
				SCALE:	1:500
				MUNICIPAL PROJECT No.:	

Hub Engineering Inc.
Engineering and Development Consultants

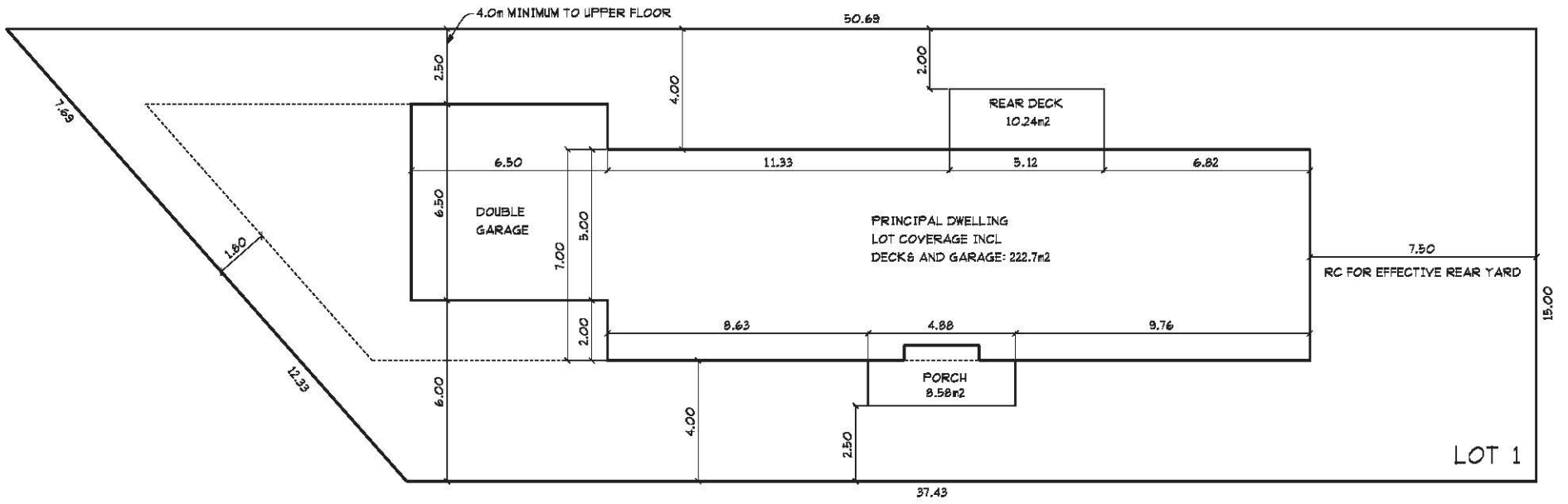
Member
PACIFIC LAND GROUP
Land Use, Development & Transportation Strategists

101 - 7485 - 130 Street, Surrey, B.C. V3W 1H8
Tel: 604-572-4328 Fax: 604-501-1825 E-mail: mail@hub-inc.com

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Schedule A

PRELIMINARY PLAN - SUBJECT TO APPROVAL (S) FROM FEDERAL, PROVINCIAL AND LOCAL AUTHORITIES



108 AVENUE