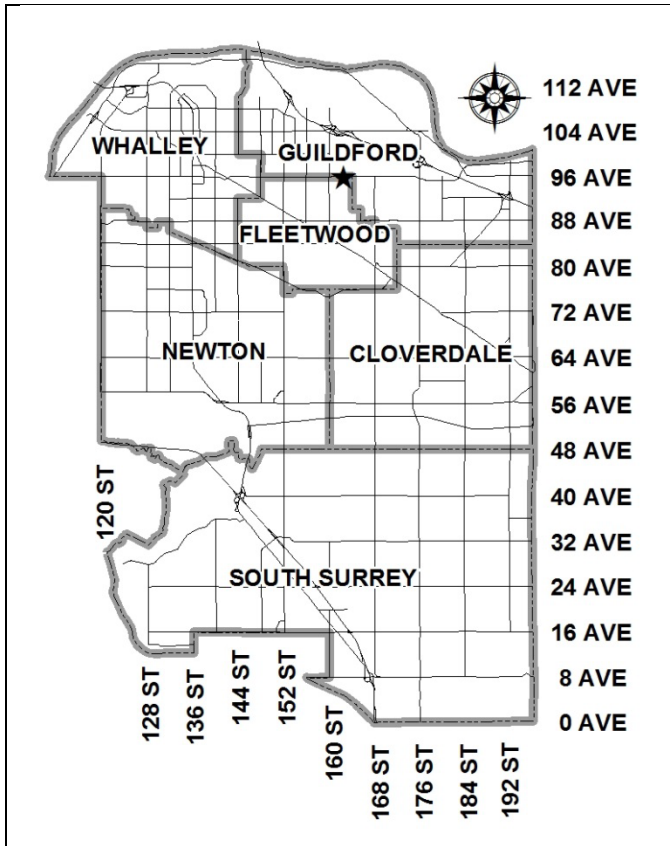


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7915-0001-00

Planning Report Date: February 23, 2015



**PROPOSAL:**

- **Development Variance Permit**

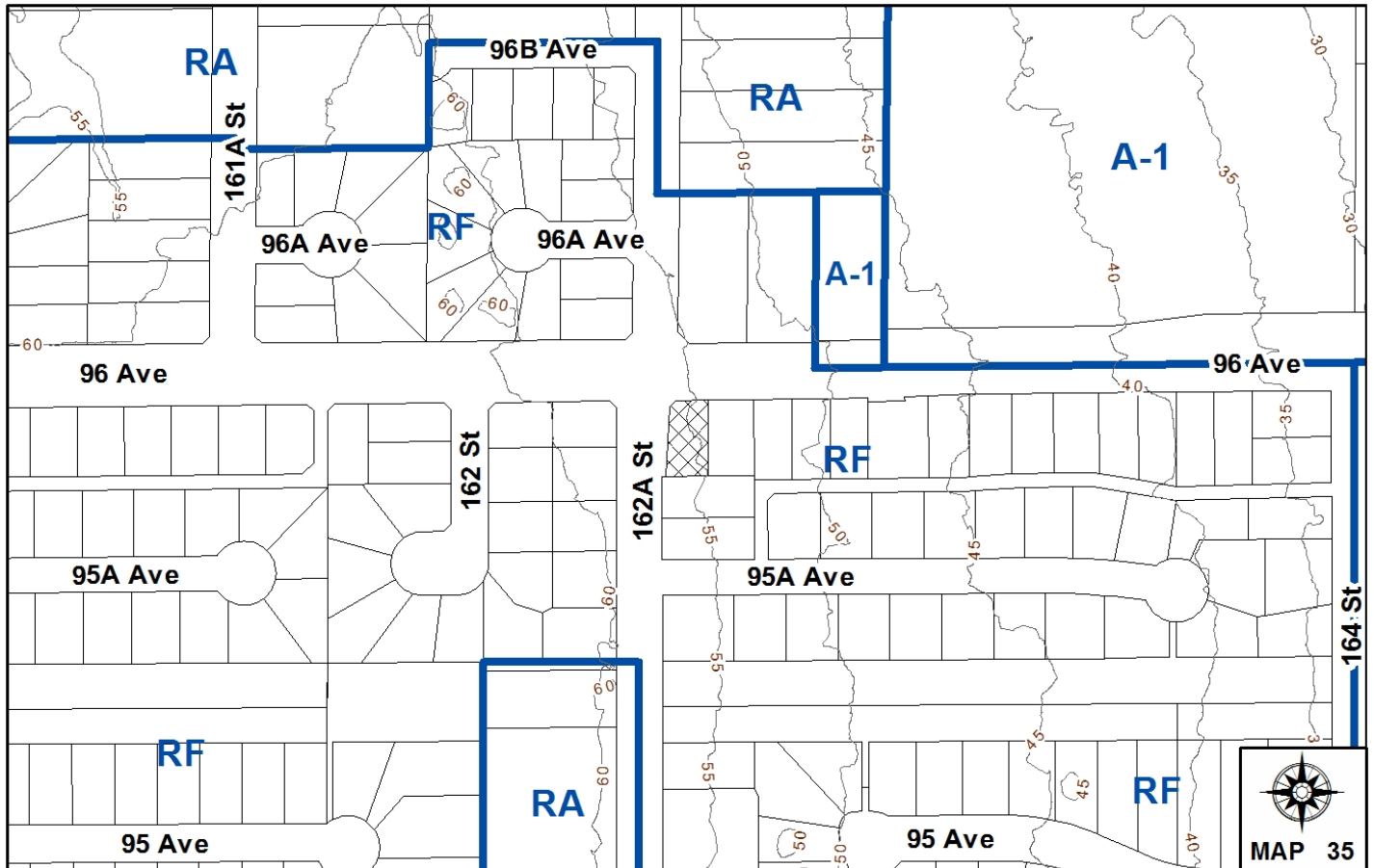
in order to relax the special building setback requirements for one existing single family lot located along an arterial road (96 Avenue).

**LOCATION:** 9588 - 162A Street

**OWNER:** Malkit Swaich

**ZONING:** RF

**OCP DESIGNATION:** Urban



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking to relax Part 7 Special Building Setbacks of Surrey Zoning By-law No. 12000 by reducing the minimum required front setback from the centerline of the ultimate road allowance for 96 Avenue from 22.5 metres (74 ft.) to 21 metres (69 ft.) for the principal building.

### RATIONALE OF RECOMMENDATION

- For lots fronting or flanking an arterial road or a collector road, in accordance with Part 7 Special Building Setbacks of the Zoning By-law, front yard setbacks and side yard setbacks on a flanking street are measured from the centerline of the ultimate road allowance.
- 96 Avenue is an arterial road, and under the new standards of the Subdivision & Development By-law approved by Council in 2011, the width for an arterial road increased from 27 metres (89 ft.) to 30 metres (98 ft.).
- To achieve a consistent streetscape with existing homes along 96 Avenue constructed under the previous road allowance standard, a reduced setback of 21 metres (69 ft.) from the centerline of the ultimate highway allowance for 96 Avenue, which equates to a 7.5-metre (25-ft.) front yard setback from the existing front lot line, or a 6.0-metre (21-ft.) setback from the ultimate front lot line, is supportable.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7915-0001-00 (Appendix III) varying the following, to proceed to Public Notification:

- (a) to relax Part 7 Special Building Setbacks of Surrey Zoning By-law, No. 12000, by reducing the minimum required front setback from the centerline of the ultimate highway allowance for 96 Avenue from 22.5 metres (74 ft.) to 21 metres (69 ft.) for the principal building.

REFERRALS

Engineering: The Engineering Department has no requirements relative to the issuance of the Development Variance Permit.

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lot.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 96 Avenue):	Single family dwellings.	Urban	RF
East:	Single family dwelling.	Urban	RF
South:	Single family dwelling.	Urban	RF
West (Across 162A Street):	Single family dwellings.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject lot is located in Fleetwood at 9588 – 162A Street and is zoned "Single Family Residential Zone (RF)" and is designated "Urban" in the Official Community Plan (OCP).
- The applicant is applying for a Building Permit to construct a new single family dwelling.
- The lot is 579 square metres (6,232 square feet) in size and has a width of 17.1 metres (56 ft.). The lot meets the minimum dimensional requirements of the RF Zone.
- The applicant is requesting a Development Variance Permit to relax the Special Building Setback requirements that apply to lots abutting existing or future Major Roads in the City.

BY-LAW VARIANCE AND JUSTIFICATION

## (a) Requested Variance:

- To relax Part 7 Special Building Setbacks of Surrey Zoning By-law No. 12000 by reducing the minimum required front setback from the centerline of the ultimate highway allowance for 96 Avenue from 22.5 metres (74 ft.) to 21 metres (69 ft.) for the principal building.

## Applicant's Reasons:

- The revised arterial road standard of 30-metre (98-ft.) width requires any new principal building on the existing lot to be set back 9.0 metres (30 ft.) from the existing front property line, which is 1.5 metres (5 ft.) greater than the RF Zone requires on lots where these Special Building Setback regulations do not apply.
- The applicant wishes to maintain a front yard setback that is consistent with other RF-zoned lots along 96 Avenue.

## Staff Comments:

- The subject site is located on 96 Avenue, which is a designated Arterial Road in the Surrey Road Classification Map (R-91), attached as Schedule D to Surrey Subdivision and Development By-law No. 8830. The Surrey Major Road Allowance Map, attached as Schedule K to the Subdivision and Development By-law, identifies a 30-metre (98-ft.) wide road allowance for arterial roads. The current 30-metre (98-ft.) wide road allowance for an arterial road, which was approved in 2011, is a 3.0-metre (10-ft.) increase from the previous arterial road allowance of 27 metres (89 ft.).
- Part 7 Special Building Setbacks of Zoning By-law No. 12000 stipulates that the setback of buildings on a lot abutting an existing or future major road as shown in the Surrey Major Road Allowance Map, shall be the sum of one-half of the ultimate highway allowance shown in the Major Road Allowance Map measured from the centerline of the road plus the required setback of the Zone in which the lot is located.
- On this basis, the required front yard setback for the existing lot is 15 metres (49 ft.) from the ultimate centreline of 96 Avenue plus the 7.5-metre (25-ft.) front yard setback requirement of the RF Zone for a total setback of 22.5 metres (74 ft.) from the ultimate centreline of 96 Avenue. This equates to a minimum front yard setback of 9.0 metres (30 ft.) from the existing front (north) lot line.
- Many of the existing homes in the neighbourhood were built at a time when the previous arterial road standard of 27 metres (89 ft.) was applicable (i.e. prior to 2011). Based on the former 27-metre (89-ft.) road allowance, one-half of the road allowance requirement is 13.5 metres (44 ft.) and when combined with the 7.5-metre (25-ft.) front yard setback requirement of the RF Zone, the building setback from the ultimate centreline of the road would be a total of 21 metres (69 ft.).

- To achieve a consistent streetscape within this block of 96 Avenue, a variance to the Special Building Setback from 22.5 metres (74 ft.) to 21 metres (69 ft.) from the centerline of the ultimate highway allowance for 96 Avenue is supportable.
- The City has no intentions of widening 96 Avenue to its ultimate standard at this location in the foreseeable future.
- Staff support the requested variance.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan
Appendix III	Development Variance Permit No. 7915-0001-00

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

LM/da

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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0001-00

Issued To: MALKIT SWAICH

("the Owner")

Address of Owner: 14070 – King Road  
Surrey, BC V3R 0M1

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: 010-097-431

Lot 1 Section 36 Township 2 New Westminster District Plan 15571 Except Plan BCP46799

9588 - 162A Street

(the "Land")

3. Section A.1 of Part 7 of Surrey Zoning By-law, 1993, No. 12000, requires that the *setback* of *buildings* and *structures* on a *lot* abutting existing or future *highways* shown on the "Surrey Major Road Allowance Map" attached as Schedule K to the "Surrey Subdivision and Development By-law, 1986, No. 8830," as amended shall be the sum of the following:
  - (a) One-half of the width of the ultimate *highway* allowance shown on the "Surrey Major Road Allowance Map" attached as Schedule K to the "Surrey Subdivision and Development By-law, 1986, No. 8830," as amended, measured from the centerline of the ultimate *highway* allowance, which may not necessarily coincide with the centreline of the existing *highway*; and
  - (b) The required *setback* set forth in Section F Yards and Setbacks of the Zone in which the *lot* is located.



4. Section A.1 of Part 7 of Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

The sum of one half of the width of the ultimate *highway* allowance and the required *front yard setback* in Section F Yards and Setbacks of the RF Zone, is varied from 22.5 metres [74 ft.] to 21 metres [69 ft.] for the principal building.

5. This development variance permit applies to only that portion of the buildings and structures on 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.
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 if the Owner does not substantially complete the building permit requirements with respect to the building for which this development variance permit is issued, within two (2) 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 .

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Mayor – Linda Hepner

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City Clerk – Jane Sullivan

# SCHEDULE A

