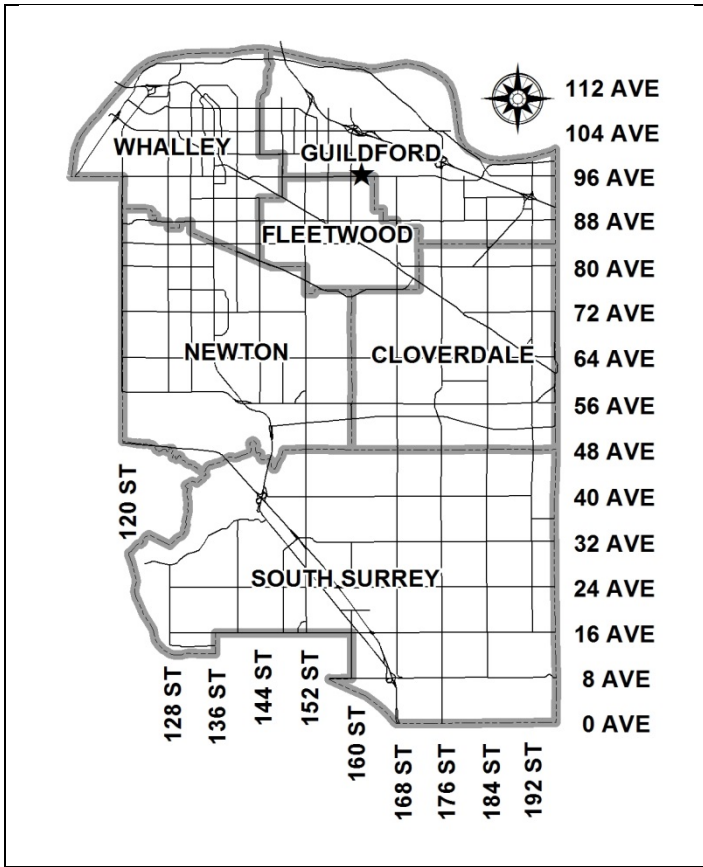


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0021-00

Planning Report Date: April 13, 2015



PROPOSAL:

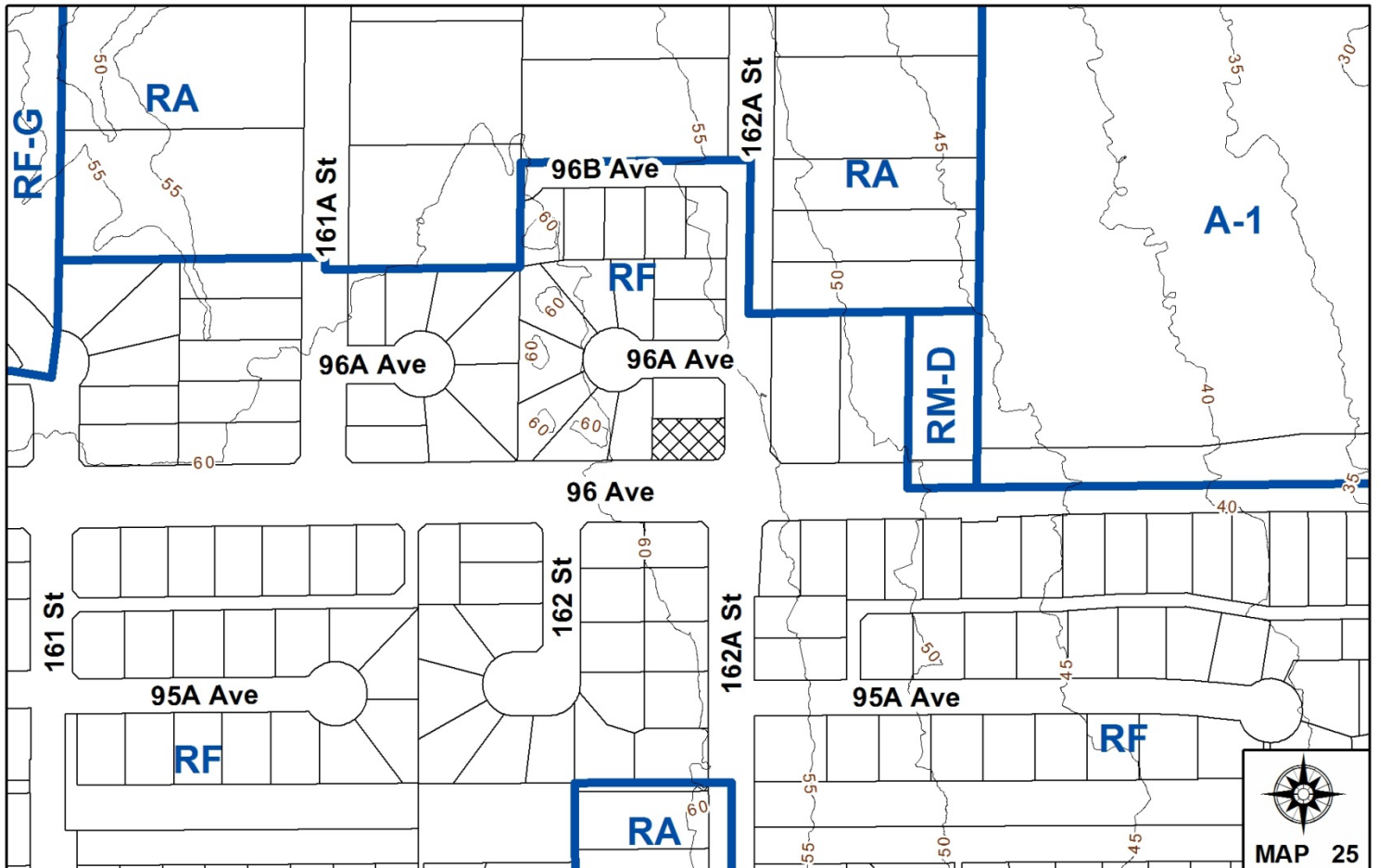
- **Development Variance Permit**
 in order to relax the special building setback requirements for a proposed single family dwelling on a lot located along an arterial road (96 Avenue).

LOCATION: 9619 - 162A Street

OWNERS: Gurdip S Nijjer
 Baljinder S Nijjer
 Balwinder S Nijjer
 Sukhbinder S Nijjer

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 side yard setback on a flanking street measured from the centerline of the ultimate road allowance for 96 Avenue, from 18.6 metres (61 ft.) to 17.1 metres (56 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 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 17.1 metres (56 ft.) from the centerline of the ultimate highway allowance for 96 Avenue, which equates to a 3.6-metre (12-ft.) side yard setback from the existing south side lot line, or a 2.1-metre (7-ft.) setback from the ultimate south side lot line, is supportable.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7915-0021-00 (Appendix II) 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 side yard setback on a flanking street measured from the centerline of the ultimate highway allowance for 96 Avenue, from 18.6 metres (61 ft.) to 17.1 metres (56 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:	Single family dwellings.	Urban	RF
East (Across 162A Street):	Single family dwellings.	Urban	RF
South (Across 96 Avenue):	Single family dwellings.	Urban	RF
West:	Single family dwellings.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject lot is located in Fleetwood at 9619 – 162A Street and is zoned "Single Family Residential Zone (RF)" and is designated "Urban" in the Official Community Plan (OCP).
- The subject lot was created in 2007 as part of Development Application No. 7903-0405-00.
- The applicant is applying for a Building Permit to construct a new single family dwelling.
- The lot is 560 square metres (6,024 square feet) in size and has a width of 17.9 metres (58 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 side yard setback on a flanking street measured from the centerline of the ultimate highway allowance for 96 Avenue, from 18.6 metres (61 ft.) to 17.1 metres (56 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 5.1 metres (17 ft.) from the existing south flanking side 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 flanking side 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 side yard setback on a flanking street for the existing lot is 15 metres (49 ft.) from the ultimate centreline of 96 Avenue plus the 3.6-metre (12-ft.) side yard setback on a flanking street requirement of the RF Zone for a total setback of 18.6 metres (61 ft.) measured from the ultimate centreline of 96 Avenue. This equates to a minimum side yard setback of 5.1 metres (17 ft.) from the existing flanking (south) 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 3.6-metre (12-ft.) side yard setback requirement of the RF Zone, the building setback from the ultimate centreline of the road would be a total of 17.1 metres (56 ft.).

- To achieve a consistent streetscape within this block of 96 Avenue, a variance to the Special Building Setback from 18.6 metres (61 ft.) to 17.1 metres (56 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. Development Variance Permit No. 7915-0021-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

LM/da

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Balwinder S Nijjer

 Address: 9538 - 134 Street
 Surrey, BC V3V 5S5

 Tel: (604) 537-9763

2. Properties involved in the Application
 - (a) Civic Address: 9619 - 162A Street

 - (b) Civic Address: 9619 - 162A Street
 Owner: Sukhbinder S Nijjer
 Balwinder S Nijjer
 Baljinder S Nijjer
 Gurdip S Nijjer

 PID: 027-182-207
 Lot 16 Section 35 Block 5 North Range 1 West New Westminster District Plan BCP32050

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7915-0021-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0021-00

Issued To: GURDIP SINGH NIJJER

Address of Owner: 13470 - 98A Avenue
Surrey, BC V3T 1C8Issued To: BALJINDER SINGH NIJJER
BALWINDER SINGH NIJJERAddress of Owner: 9538-134 Street
Surrey, BC V3V 5S5

Issued To: SUKHBINDER SINGH NIJJER

Address of Owner: 13117-98 Avenue
Surrey, BC V3T 1B8

(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: 027-182-207

Lot 16 Section 35 Block 5 North Range 1 West New Westminster District Plan BCP32050

9619 - 162A Street

(the "Land")

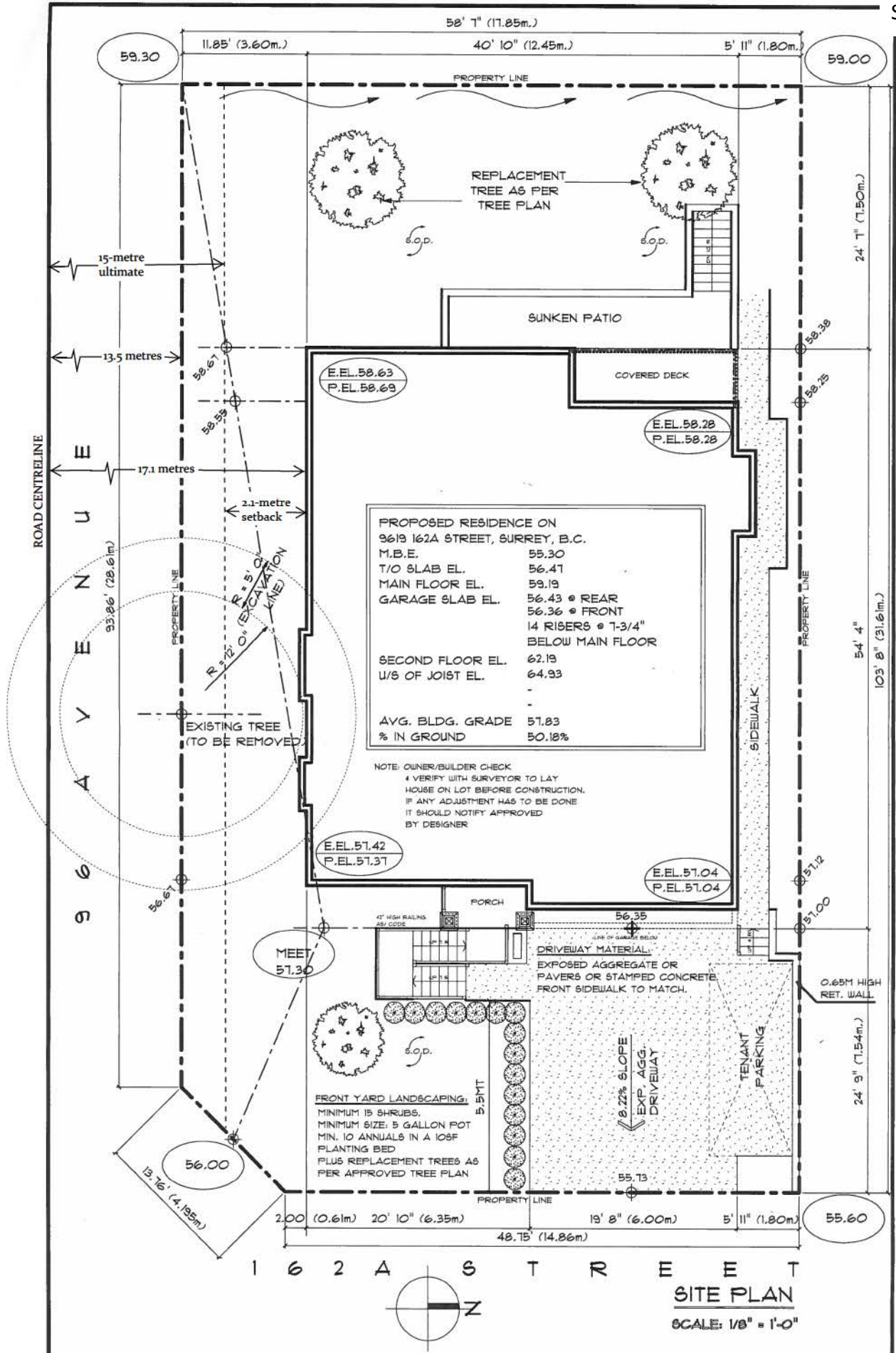
3. Section A.1 of Part 7 of Surrey Zoning By-law, 1993, No. 12000, requires that the *setback* of *buildings* and *structures* on a *lot* abutting existing or future *highways* shown on the "Surrey Major Road Allowance Map" attached as Schedule K to the "Surrey Subdivision and Development By-law, 1986, 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:
 - (a) The sum of one half of the width of the ultimate *highway* allowance and the required *side yard setback* on a *flanking street* in Section F Yards and Setbacks of the RF Zone, is varied from 18.6 metres [61 ft.] to 17.1 metres [56 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 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan



PROPOSED RESIDENCE for Mr. SHERGILL
 ON 4628, 236 ST. LANGLEY, B.C.

simple
 home design

SITE PLAN
 SCALE: 1/8" = 1'-0"