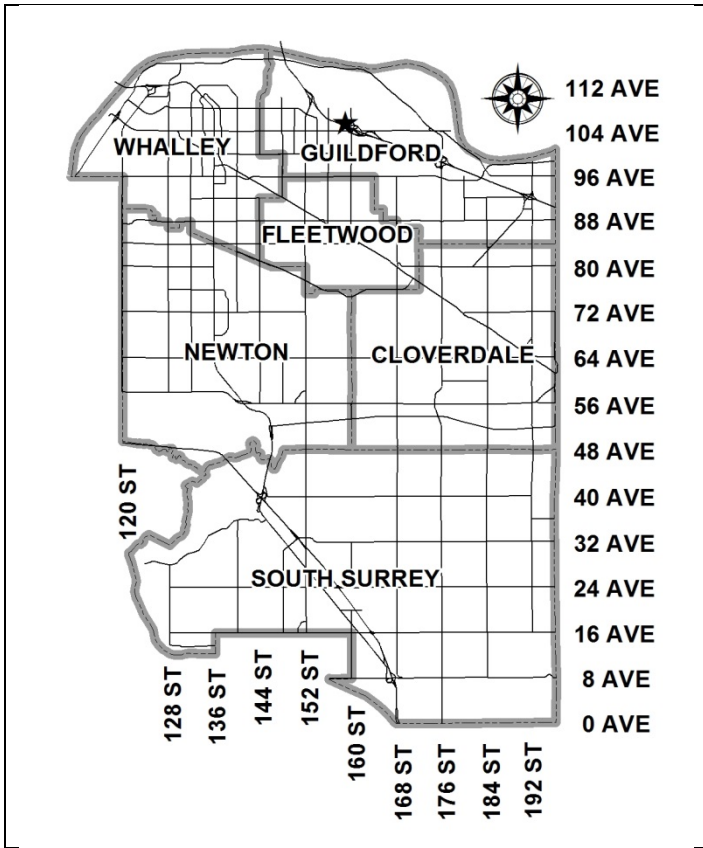


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0096-00

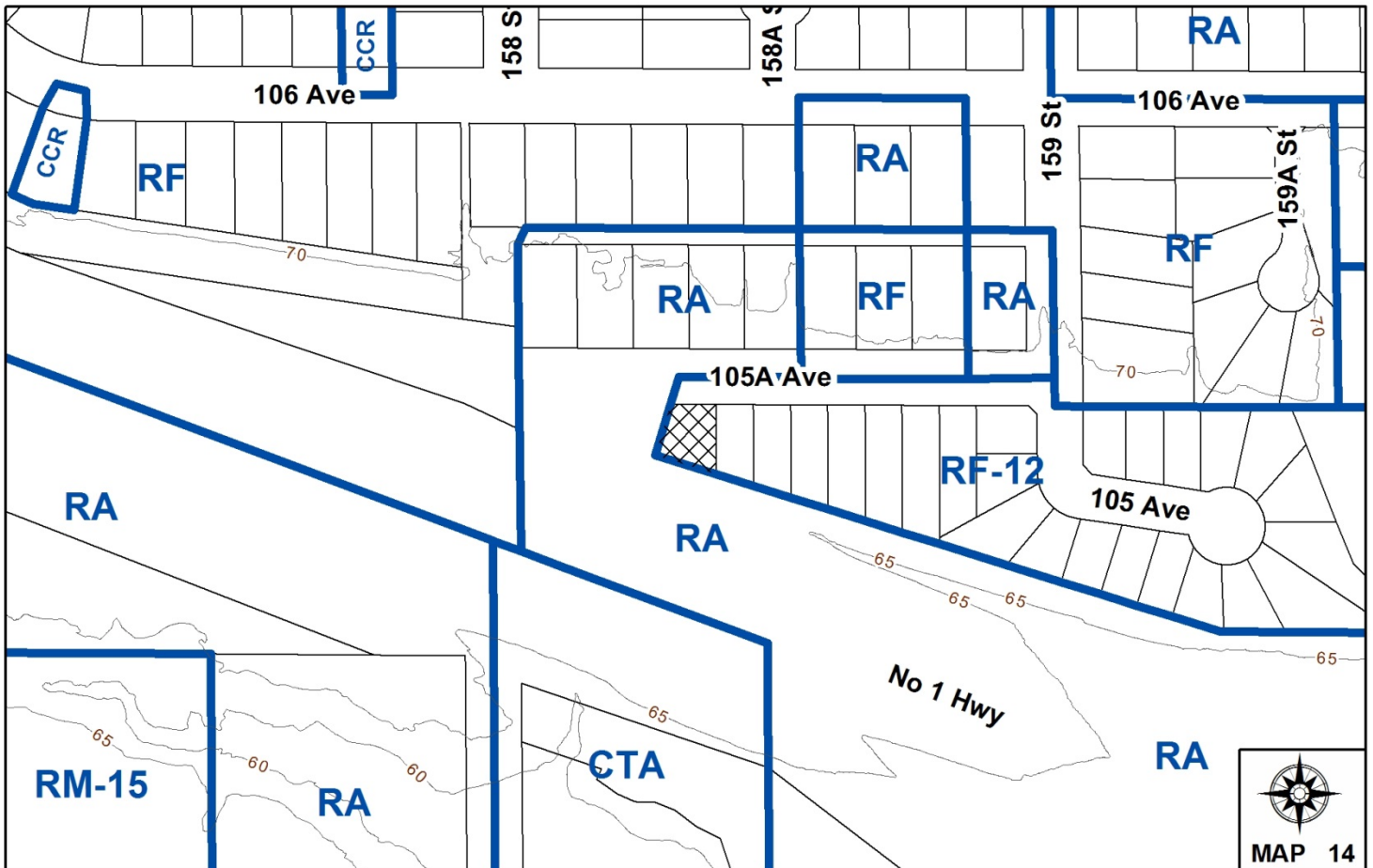
Planning Report Date: July 13, 2015



PROPOSAL:

- **Development Variance Permit**
 to reduce the rear yard (south) setback of the RF-12 Zone to allow for the construction of a single family dwelling and preserve trees along the west property line.

LOCATION: 15836 - 105A Avenue
OWNER: Ekam Development Ltd.
ZONING: RF-12
OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking a relaxation to the minimum rear yard (south) setback of the RF-12 Zone from 7.5 metres (25 ft.) and 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for 100% of the rear width of the principal building on the subject lot.

RATIONALE OF RECOMMENDATION

- Without the proposed rear yard (south) setback relaxation, the house size on the subject lot will be approximately 23% (or 38 sq.m. / 405 sq.ft.) smaller than the maximum permitted house size of 260 square metres (2,800 sq.ft.) in the RF-12 Zone.
- The subject lot is irregular in shape with mature trees along the north and west lot lines. The property has a front (north) lot width of 16.5 metres (54 ft.) and a rear (south) lot width of 23.0 metres (75 ft.), which is significantly wider than a typical RF-12 lot. Therefore, despite the proposed rear yard (south) setback relaxation, the outdoor yard space on the subject lot will exceed the outdoor yard space of a typical RF-12 lot.
- The requested rear yard (south) setback relaxation will not impact adjoining properties, as the subject lot abuts one (1) vacant, single family lot to the east. A City-owned detention pond is located directly to the west of the subject lot, while Highway No. 1 is located to the south.
- The building design guidelines registered on the title of the lot require specific noise mitigation design measures, and the approved tree plan requires an additional tree to be planted in the rear yard, in order to mitigate the impact of noise and dust from Highway No. 1.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7915-0096-00 (Appendix V) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum rear yard (south) setback of the RF-12 Zone from 7.5 metres (25 ft.) and 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for 100% of the rear width of the principal building on the subject lot.

REFERRALS

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

Ministry of Transportation and Infrastructure (MOTI): A referral to MOTI is not required since the proposed building setback is not less than 4.5 metres (15 ft.) from Highway No. 1.

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lot

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 105A Avenue):	Single family dwellings.	Urban	RA
East:	Vacant, single family lots recently approved under Development Application No. 7905-0165-00.	Urban	RF-12
South (Across Highway No. 1):	Vacant, provincially-owned lots and hotel / restaurant.	Urban	CTA
West:	City-owned detention pond.	Urban	RA

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is located at 15836 – 105A Avenue in Fraser Heights, and is approximately 430 square metres (4,640 sq.ft.) in size.
- The property is designated Urban in the Official Community Plan (OCP) and is zoned "Single Family Residential (12) Zone (RF-12)".
- On April 28, 2014, Council approved a rezoning from "One-Acre Residential Zone (RA)" to "Single Family Residential (12) Zone (RF-12)" for a 36-lot single family subdivision (File No. 7905-0165-00). The subject lot is Lot 1 of the 36-lot subdivision, and is located at the west end of 105A Avenue (Appendix II).

Current Proposal

- The subject lot is a Type II RF-12 lot, and at 430 square metres (4,640 sq.ft.) in size, is larger than the minimum lot size (320 square metres / 3,445 sq.ft.) of a Type II interior lot under the RF-12 Zone. The lot, however, is irregular in shape and is encumbered by mature trees along the north and west lot lines.
- The area containing the mature trees consist of three (3) trees (2 BigLeaf Maples and 1 Western Redcedar), as well as two (2) undersized cedars.
- As a result, the applicant retained Mike Tynan (certified design consultant) of Tynan Consulting Ltd. to review potential house layouts for the subject lot to determine whether or not the lot can achieve a standard-sized RF-12 house under the current setback provisions of the RF-12 Zone (Appendix IV). The review confirmed that a standard-sized house with a functional floor plan cannot be achieved, and therefore, a relaxation to the minimum rear yard (south) setback is being requested (see By-law Variance section).

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard (south) setback of the RF-12 Zone from 7.5 metres (25 ft.) and 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for 100% of the rear width of the principal building on the subject lot.

Applicant's Reasons:

- In order to accommodate a larger house size without affecting the trees along the west lot line, a reduction to the minimum rear yard (south) setback on the subject lot is requested.

- Without the variance, the owner is only able to achieve a maximum house size of approximately 200 square metres (2,150 sq. ft.), excluding the basement, on the subject lot. With the proposed relaxation of the rear yard (south) setback from 7.5 metres (25 ft.) and 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for 100% of the rear width of the principal building, the owner can achieve a larger house size by gaining an additional footprint area of 21 square metres (225 sq.ft.) and an overall floor area increase of 38 square metres (405 sq.ft.), excluding the basement, as shown in the table below:

RF-12 Zone House Size	Maximum Permitted Floor Area Based on RF-12 Zone (excluding the basement)	Achievable Floor Area (no DVP and excluding the basement)	Achievable Floor Area (with DVP and excluding basement)
Subject lot 430 sq.m. (4,640 sq.ft.) in size	260 square metres (2,800 sq.ft.)	200 square metres (2,150 sq.ft.)	238 square metres (2,550 sq.ft.)

Staff Comments:

- Although the subject lot is larger than a typical RF-12 lot, a number of mature trees are located near the north and west lot lines, including a Bigleaf Maple and a Western Red Cedar (Appendix III). In order to protect the trees, the west side yard of the future house will be set back 1.5 metres (5 ft.) from the tree protection zone, or set back approximately 4.3 metres (14 ft.) from the west lot line. The minimum side yard setback of the RF-12 Zone is 1.2 metres (4 ft.), and therefore, a significant portion of the west side of the lot is encumbered for tree protection.
- The minimum front yard setback of a principal building may be reduced to 4.0 metres (13 ft.) for up to 50% of the width of the front of the principal building (provided the garage is set back 6.0 metres / 20 ft.), and may be further reduced to a minimum of 2.0 metres (6.5 ft.) by an unenclosed / uninhabitable space like a porch or veranda (provided the garage is set back at least 4.0 metres). Due to the location of two (2) mature trees (Bigleaf Maple and Western Red Cedar) near the north-west corner of the lot, these reduced front yard building setbacks are unachievable, and as a result, the applicant has requested a relaxation to the minimum rear yard (south) setback to achieve additional floor area for the house.
- The minimum rear yard setback in the RF-12 Zone is 7.5 metres (25 ft.). However, a reduction to 6.0 metres (20 ft.) is permitted for a maximum of 50% of the width of the rear of the principal building for Type II lots (which the subject lot is). The applicant is requesting to reduce the minimum rear yard setback to 5.5 metres (18 ft.) for 100% of the rear width of the principal building.
- According to the footprint analysis by Tynan Consulting Ltd. (Appendix IV), the size of a future house on the subject lot would be approximately 200 square metres (2,150 sq. ft.), excluding the basement, based on the tree protection requirements and the current setback provisions of the RF-12 Zone. With the proposed rear yard setback relaxation, the house size could increase to approximately 238 square metres (2,550 sq.

ft.), which is slightly less than the maximum permitted floor area of 260 square metres (2,800 sq. ft.) in the RF-12 Zone, excluding the basement.

- The subject lot has a front (north) lot width of 16.5 metres (54 ft.) and a rear (south) lot width of 23.0 metres (75 ft.), which is significantly wider than a typical RF-12 lot. Therefore, despite the proposed rear yard setback relaxation, the outdoor yard space on the subject lot will exceed the outdoor yard space of a typical RF-12 lot.
- The requested rear yard setback relaxation will not impact adjoining properties as the subject lot only abuts one (1) single family lot, which is located to the east and is currently vacant. A City-owned detention pond is located directly to the west of the subject lot, while Highway No. 1 is located to the south.
- To mitigate noise from Highway No. 1, the building design guidelines registered on the title of the subject lot require noise mitigation design measures including triple glazed windows, larger wall studs, and thicker insulation. The developer of the subdivision is also required to plant an additional tree in the rear yard of the lot, as per the approved tree plan.
- 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.	Subdivision Layout for Application No. 7905-0165-00
Appendix III.	Tree Protection Plan
Appendix IV.	Conceptual House Footprint
Appendix V.	Development Variance Permit No. 7915-0096-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

DN/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: Jagdip Sivia
 Ekam Development Ltd.
 Address: 12708 - 80 Avenue
 Surrey, BC V3W 3A7

 Tel: (604) 306-8044 - Work

2. Properties involved in the Application
 - (a) Civic Address: 15836 - 105A Avenue

 - (b) Civic Address: 15836 - 105A Avenue
 Owner: Ekam Development Ltd.
 PID: 029-323-878
 Lot 1 Section 22 Block 5 North Range 1 West New Westminster District Plan EPP35633

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7915-0096-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

PRELIMINARY SUBDIVISION PLAN OF
 REM. LOT 'B' AND REM. PCL. 'ONE' OF LOT 'B', PLAN 5541,
 AND OF REM. LOT 'G', PLAN 28411, ALL OF
 SECTION 23, BLOCK 5 NORTH, RANGE 1 WEST, N.W.D.

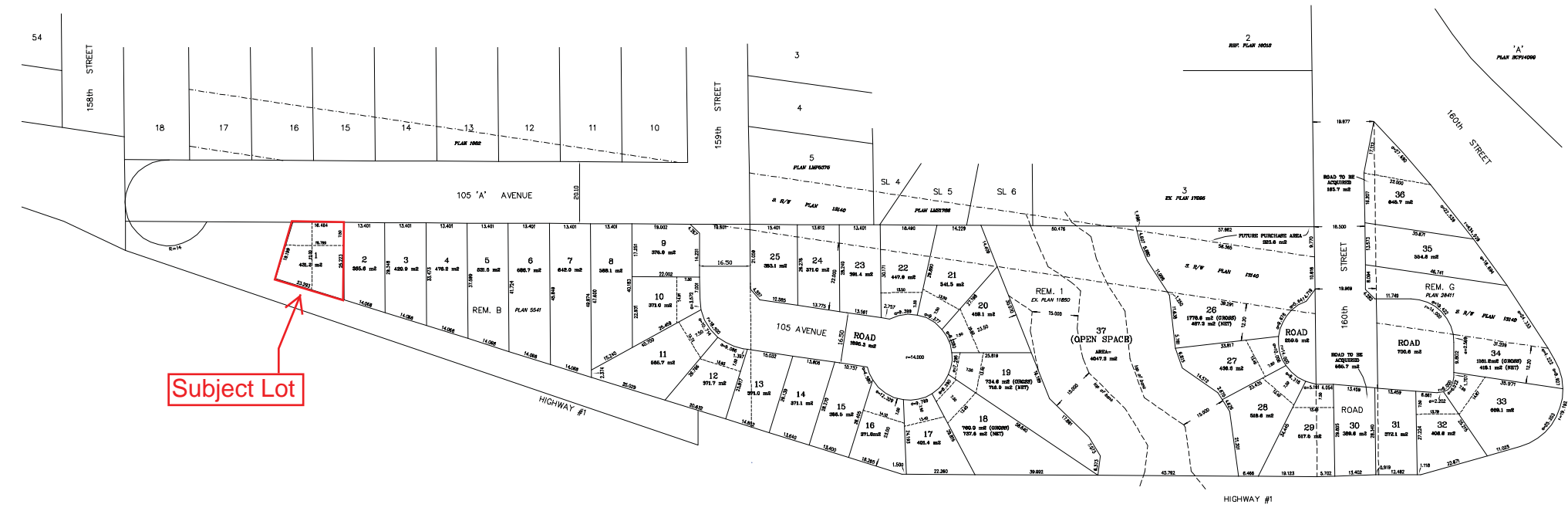
SCALE 1:500
 All Distances are in Metres.

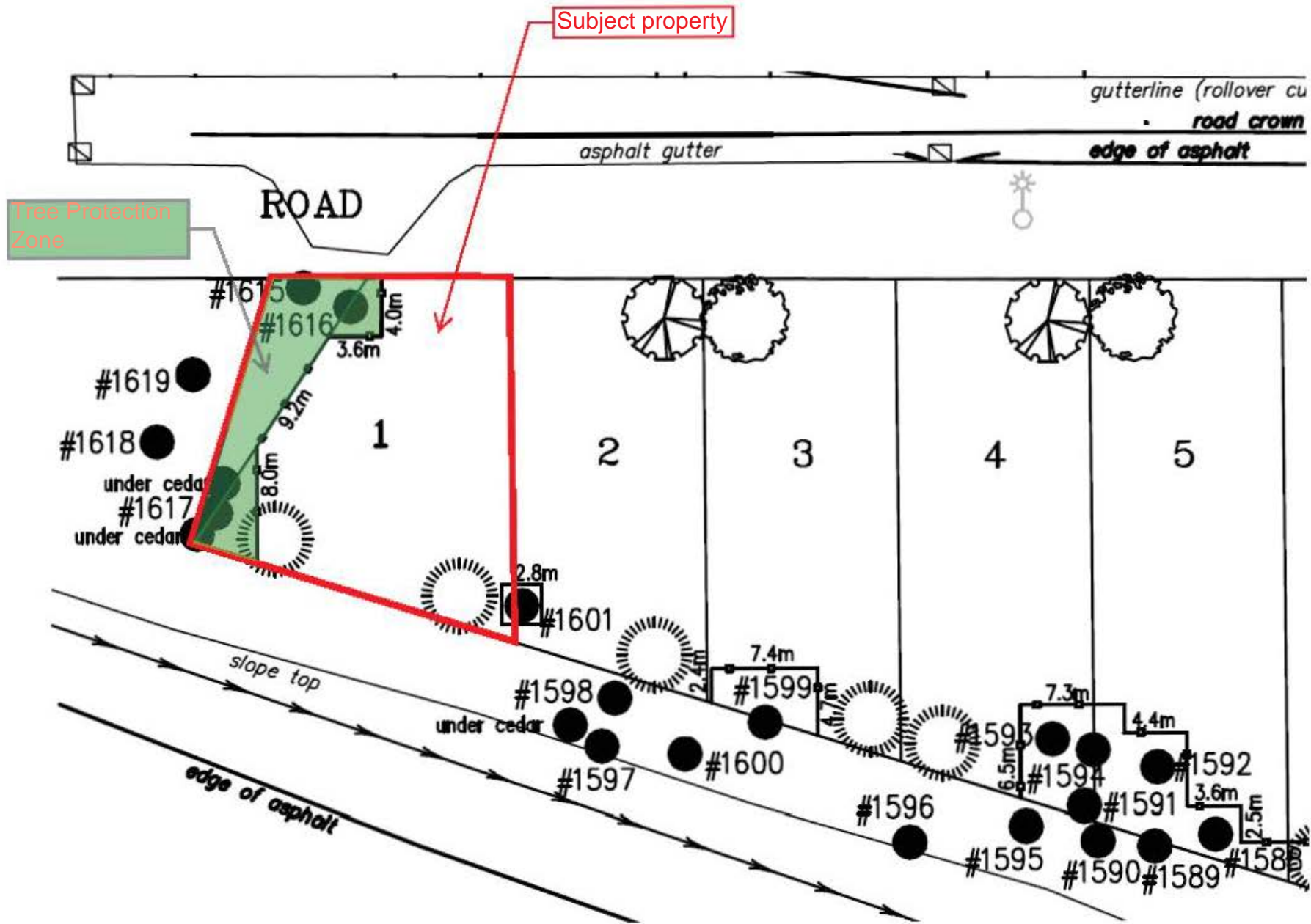
CIVIC ADDRESS
 158th St. 'A' AVENUE 105th Street
 AND 160th Street 10th Avenue, SURVEY, B.C.
 P.L.O. # 013-830-074, 011-154-555 & 008-888-439

Original Subdivision Layout
 File #7905-0165-00



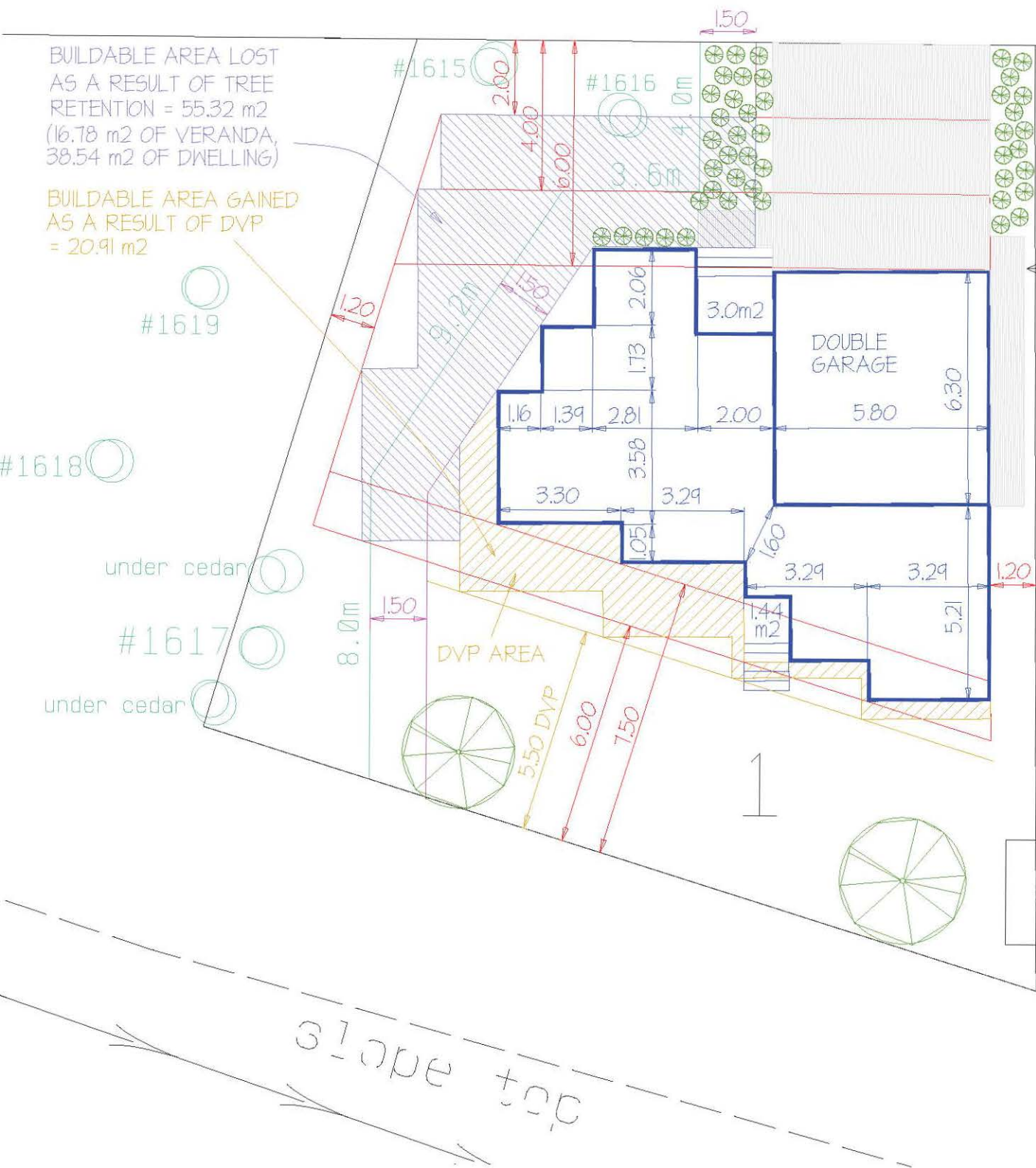
Subject Lot





BUILDABLE AREA LOST AS A RESULT OF TREE RETENTION = 55.32 m²
(16.78 m² OF VERANDA, 38.54 m² OF DWELLING)

BUILDABLE AREA GAINED AS A RESULT OF DVP = 20.91 m²



← LOT 1

MAXIMUM F.A.R. (CAP) = 2800 SQ.FT

IF TREES RETAINED, AND NO DVPs, THEN MAXIMUM HOUSE SIZE = 2147 SQ.FT.

IF DVP REDUCING REAR SETBACK TO 5.5 METRES IS GRANTED THEN :
ADDITIONAL MAIN FLR AREA = 20.91 m²
ADDITIONAL UPPER FLR AREA = 16.73 m²
TOTAL ADDED = 37.64 m² (405 SQ.FT.)

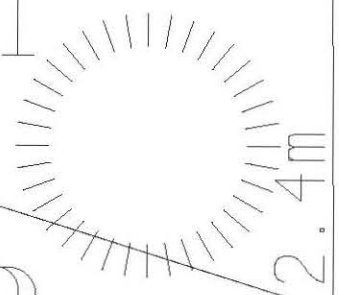
WITH DVP, TOTAL HOUSE SIZE (INCL. GARAGE) (AND EXCL. BSMNT = 237.1 m² (2552 SQ.FT.))

2.8m

2

#1601

#1598



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0096-00

Issued To: EKAM DEVELOPMENT LTD

("the Owner")

Address of Owner: 12708 - 80 Avenue
Surrey, BC V3W 3A7

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: 029-323-878

Lot 1 Section 22 Block 5 North Range 1 West New Westminster District Plan EPP35633

15836 - 105A Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F, Part 17A "Single Family Residential (12) Zone (RF-12)", the minimum rear yard (south) setback is reduced from 7.5 metres (25 ft.) and 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for 100% of the rear width of the principal building on the subject lot.
4. This development variance permit applies to only the Land 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 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.

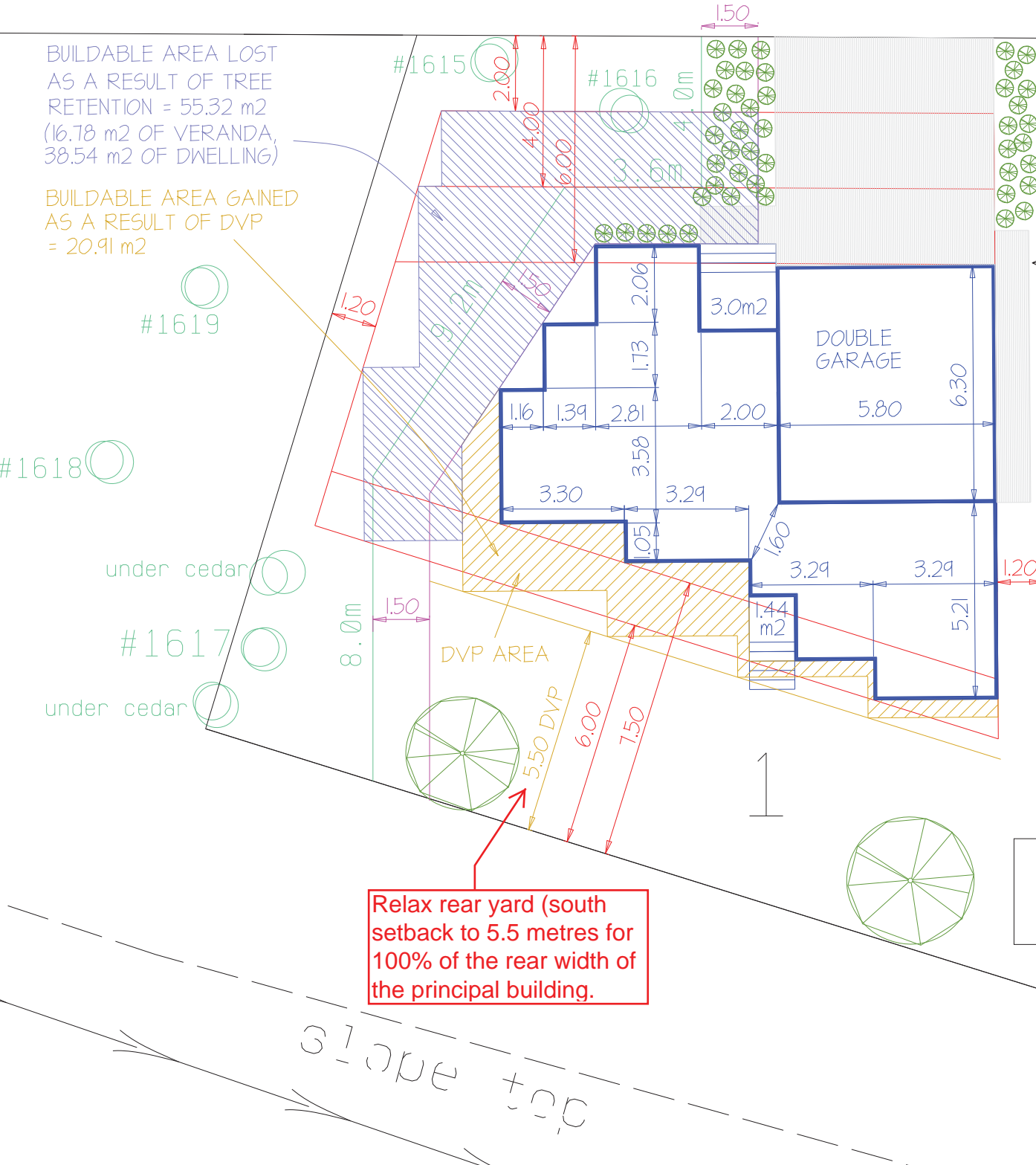
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE _____ DAY OF _____, 2015.
ISSUED THIS _____ DAY OF _____, 2015.

Mayor – Linda Hepner

City Clerk – Jane Sullivan

BUILDABLE AREA LOST AS A RESULT OF TREE RETENTION = 55.32 m²
(16.78 m² OF VERANDA, 38.54 m² OF DWELLING)

BUILDABLE AREA GAINED AS A RESULT OF DVP = 20.91 m²



← LOT 1

MAXIMUM F.A.R. (CAP) = 2800 SQ.FT

IF TREES RETAINED, AND NO DVPs, THEN MAXIMUM HOUSE SIZE = 2147 SQ.FT.

IF DVP REDUCING REAR SETBACK TO 5.5 METRES IS GRANTED THEN :

ADDITIONAL MAIN FLR AREA = 20.91 m²

ADDITIONAL UPPER FLR AREA = 16.73 m²

TOTAL ADDED = 37.64 m² (405 SQ.FT.)

WITH DVP, TOTAL HOUSE SIZE (INCL. GARAGE) (AND EXCL. BSMNT = 237.1 m² (2552 SQ.FT.))

Relax rear yard (south setback to 5.5 metres for 100% of the rear width of the principal building.

slope top

2.8m

2

#1601

#1598

2.4m