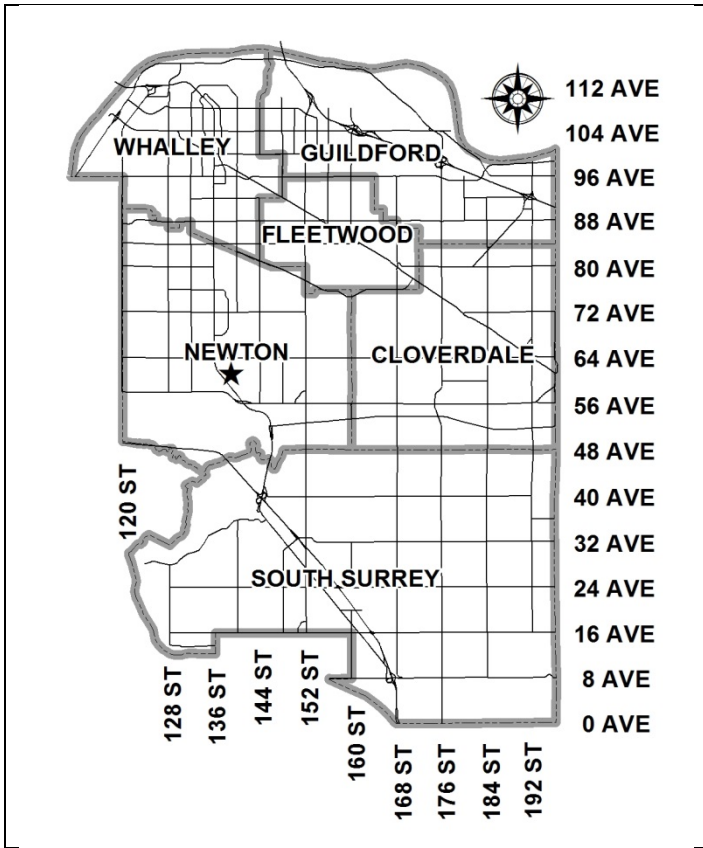


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7915-0140-00

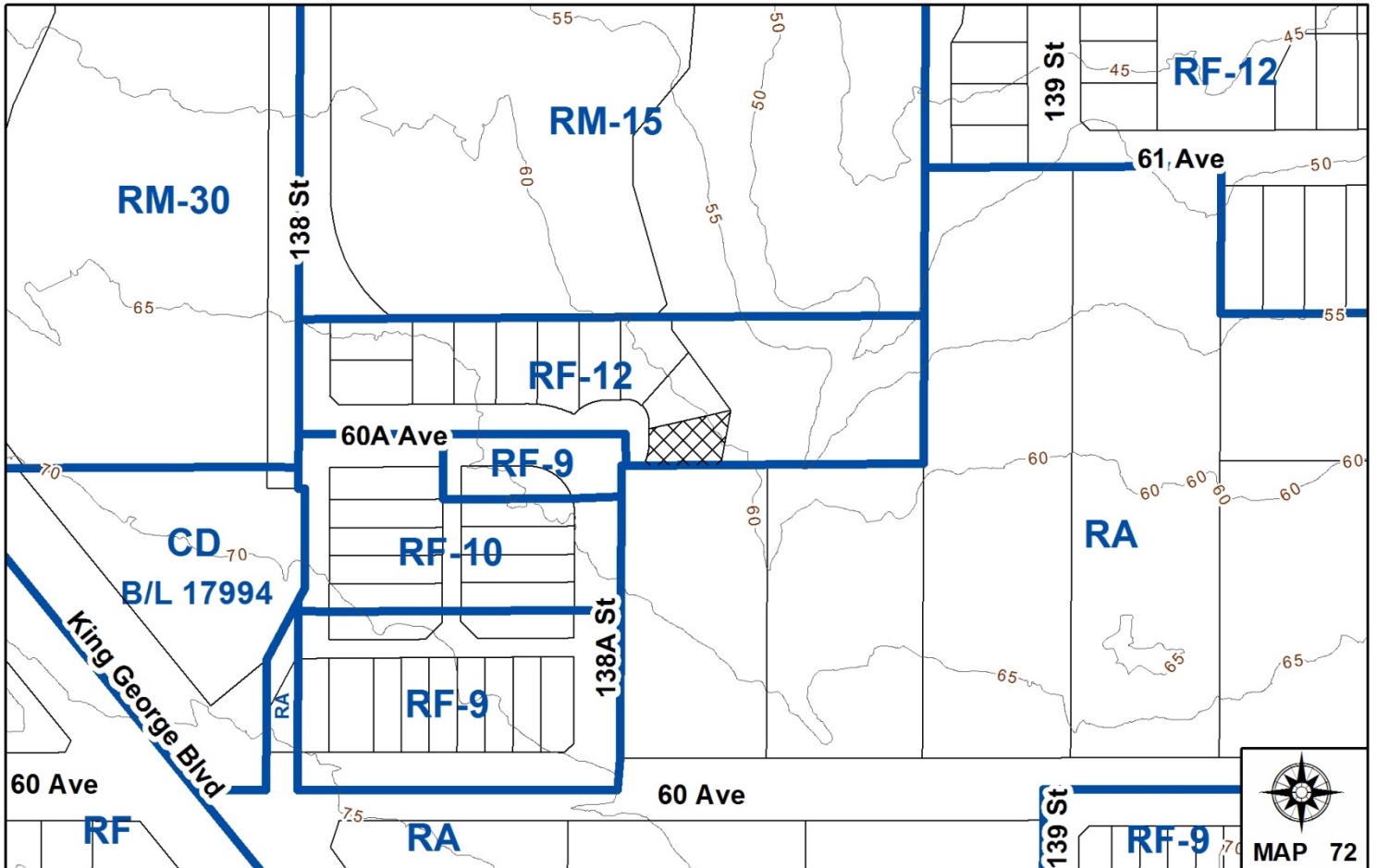
Planning Report Date: September 14, 2015



**PROPOSAL:**

- **Development Variance Permit** to reduce the minimum rear yard setback.

**LOCATION:** 6046 - 138A Street  
**OWNER:** Gurpreet S Toor  
**ZONING:** RF-12  
**OCP DESIGNATION:** Urban  
**NCP DESIGNATION:** Single Family Small Lots



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- A Development Variance Permit is required to reduce the minimum rear yard setback permitted in the "Single Family Residential (12) Zone (RF-12)", from 7.5 metres (25 ft.) to 5.5 metres (18 ft.).

### RATIONALE OF RECOMMENDATION

- The proposed variance will ensure a reasonable sized home with a functional floor plan can be constructed, while continuing to respect the no-disturb, no-build areas specified in the tree protection covenant registered on the property.
- The proposed variance will have little impact on neighboring properties.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7915-0140-00 (Appendix III) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum rear yard setback of the RF-12 Zone from 7.5 metres (25 ft.) to 5.5 metres (18ft.).

REFERRALS

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

Parks, Recreation & Culture: The Parks Department has no concerns with the project.

SITE CHARACTERISTICS

Existing Land Use: Vacant Single Family Residential Lot

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/NCP Designation</b>	<b>Existing Zone</b>
North & West:	Single Family Dwelling	Urban/Single Family Small Lots	RF-12
East:	Park Land	Urban/Creeks and Riparian Setback	RF-12
South:	Heavily treed property	Townhouse (15 u.p.a. max)/Creek and Riparian Setback	RA

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located at 6046 138A Street in a cul-de-sac at the intersection of 60 Avenue and 138A Street. The property is designated as "Urban" in the Official Community Plan (OCP) and is zoned "Single Family Residential (12) Zone (RF-12)".
- On July 29, 2013, Council gave final reading to By-law No. 17675 rezoning the three properties under Development Application No. 7912-0037-00 from "One-Acre Residential Zone (RA)" to "Single Family Residential (12) Zone (RF-12)" and "Single Family Residential (9) Zone (RF-9)" to create 30 new residential small lots.

- The application involved amending the South Newton Neighborhood Concept Plan (NCP) from "Townhouse 15 upa max" to "Single Family Small Lots".
- The subject lot (Lot 10) was created through this application. Lot 10 is a Type II RF-12 zoned, pie-shaped lot. The lot measures 360 square metres (3,872 sq. ft.) in area and backs onto Parkland (riparian area).
- At the time of subdivision, a tree protection covenant was registered against Lot 10. The covenant identifies no-build and no-disturb areas at the rear of the lot to protect the roots of several mature trees located on the adjacent parkland which was conveyed to the City under the application.
- The variance on Lot 10 is being requested due to the site's shape and configuration. While Lot 10 conforms to the Zoning Bylaw, it is shaped like a wedge, with a smaller frontage in comparison to its rear yard width. Much of the rear yard, however, cannot be developed or built upon as it is located within the specified tree protection area.
- The proposed variance will allow the applicant to add an additional 27 square metres (292 sq. ft.) of floor area, for a dwelling unit with a total floor area of 213 square metres (2,294 sq. ft.). Without the variance, the total floor area of the dwelling is 185 square metres (2,002 sq. ft.).
- It should be noted that even with this variance, the proposed dwelling unit will not be able to achieve the maximum floor area typically allowed on an RF-12 lot. Normally, a developer would be permitted to build a dwelling measuring 216 square metres (2,332 sq. ft.) plus an additional 35 square metres (380 sq. ft.) for the garage.

#### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Reduce the minimum rear yard east setback of the RF-12 Zone from 7.5 metres (25 ft.) to 5.5 metres (18 ft.).

Applicant's Reasons:

- The developable area of Lot 10 is limited by the shape and geometry of the pie-shaped lot. Reducing the required rear yard setback will enable the owner to add the additional floor area to achieve a larger, more marketable house and functional floor plan, while respecting the registered tree protection zones.
- The variance will ensure the future house on Lot 10 is in keeping with the character of the subdivision and the lot is not devalued.

Staff Comments:

- A reduction in the required minimum rear yard setback will increase the buildable area of Lot 10 and allow the construction of a reasonable sized house, closer to that typically allowed under the Zoning Bylaw.

- The reduced rear yard should have minimal impact on adjacent properties as the property backs onto a Park. Further, a similar variance for reduced setbacks was previously approved for the adjacent property to the north at 6050 138A Street. There is no building located on the property to the south.
- Staff supports this variance proceeding to Public Notification.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Site Plan
Appendix III.	Development Variance Permit No. 7915-0140-00

*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

AS/da

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KD 9/10/15 4:38 PM

Information for City Clerk

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

1. (a) Agent:      Name:                      Gurpreet S Toor  
  
   Address:                      12382 - 81 Avenue  
   Surrey, BC V3W 0X7  
  
   Tel:                              778-242-7277 - Primary  
   778-242-7277 - Home

2.      Properties involved in the Application

- (a)      Civic Address:                      6046 - 138A Street
  
- (b)      Civic Address:                      6046 - 138A Street  
   Owner:                              Gurpreet S Toor  
   PID:                                      029-154-928  
   Lot 10 Section 9 Township 2 New Westminster District Plan EPP32015

3.      Summary of Actions for City Clerk's Office

- (a)      Proceed with Public Notification for Development Variance Permit No. 15-0140-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

# DEVELOPMENT DATA SHEET

Proposed/Existing Zoning: RF-12

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)	N/A	360 sq. m. (3874.05 sq. ft.)
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)	N/A	N/A
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS ( in metres)		
Front	6.0 m (20ft.)	6.0 m (20 ft.)
Rear	7.5 m (25 ft.)	5.5 m (18 ft.)**
Side #1 (N)	1.2 m (4 ft.)	1.2 m (4 ft.)
Side #2 (S)	1.2 m (4 ft.)	1.2 m (4 ft.)
BUILDING HEIGHT (in metres/storeys)		
Principal		
Accessory		
NUMBER OF RESIDENTIAL UNITS	N/A	N/A
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential	N/A	N/A
FLOOR AREA: Commercial	N/A	N/A
Retail		
Office		
Total		
FLOOR AREA: Industrial	N/A	N/A
FLOOR AREA: Institutional	N/A	N/A
TOTAL BUILDING FLOOR AREA	N/A	N/A

\* *If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

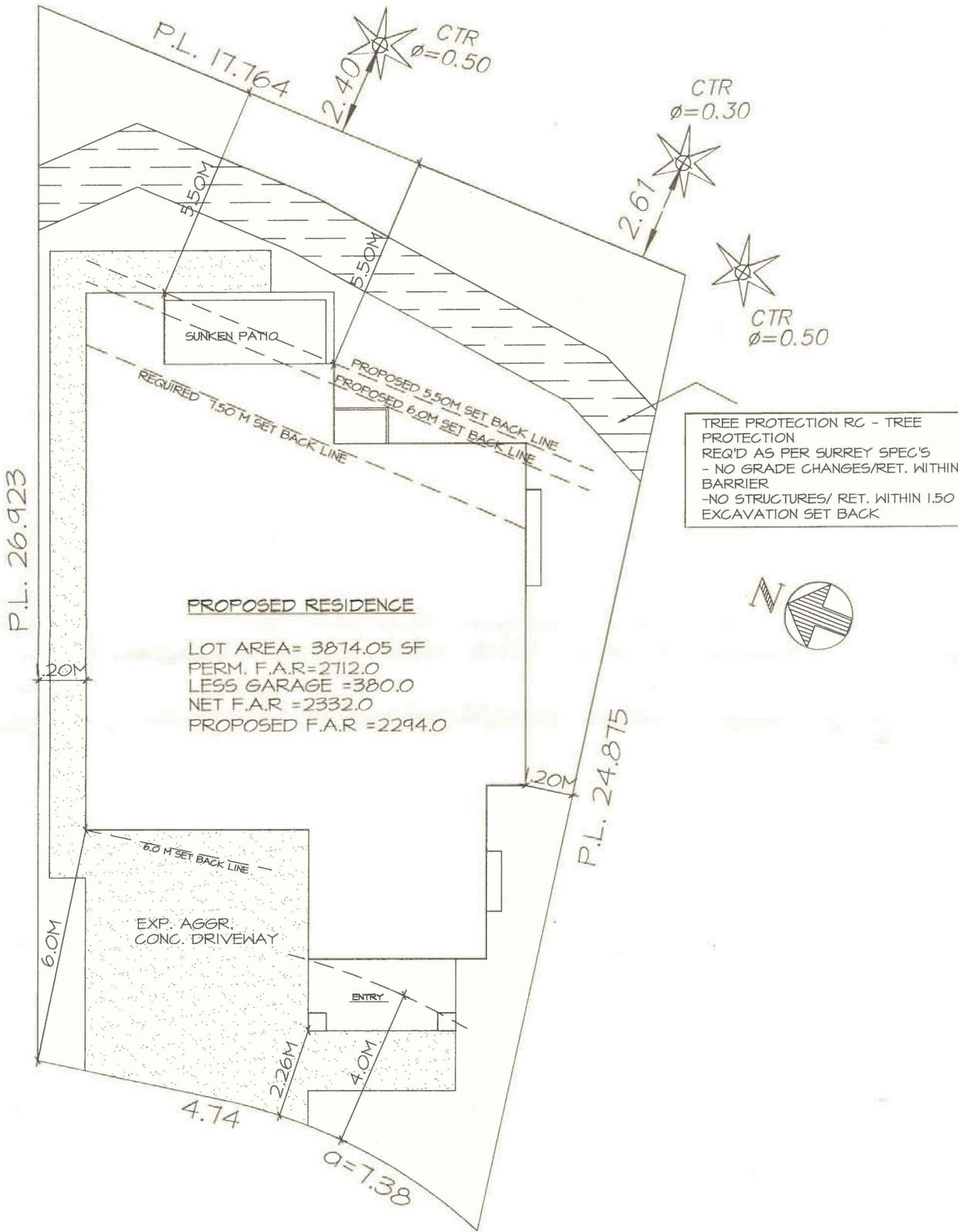
\*\* *Development Variance Permit (DVP) requested.*

**Development Data Sheet cont'd**

<b>Required Development Data</b>	<b>Minimum Required / Maximum Allowed</b>	<b>Proposed</b>
DENSITY	N/A	N/A
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)		
AMENITY SPACE (area in square metres)	N/A	N/A
Indoor		
Outdoor		
PARKING (number of stalls)	N/A	N/A
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces		
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	YES
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TREE PROTECTION RC - TREE PROTECTION  
 REQ'D AS PER SURREY SPEC'S  
 - NO GRADE CHANGES/RET. WITHIN BARRIER  
 - NO STRUCTURES/ RET. WITHIN 1.50 EXCAVATION SET BACK

**PROPOSED RESIDENCE**  
 LOT AREA= 3874.05 SF  
 PERM. F.A.R.=2712.0  
 LESS GARAGE =380.0  
 NET F.A.R =2332.0  
 PROPOSED F.A.R =2294.0

6046 - 138 A STREET

**SITE PLAN ( LOT # 10 )**

SCALE 1/8" = 1'-0"

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0140-00

Issued To: GURPREET S TOOR

("the Owner")

Address of Owner: 12382 - 81 Avenue  
Surrey, BC V3W 0X7

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: 029-154-928  
Lot 10 Section 9 Township 2 New Westminster District Plan EPP32015

6046 - 138A Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section F. Yards and Setbacks of Part 17A Single Family Residential (12) Zone, the minimum rear yard (east) setback for a primary dwelling is reduced from 7.5 metres (25 ft.) to 5.5 metres (18 ft.).
4. This development variance permit applies to only the portion of 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, 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.

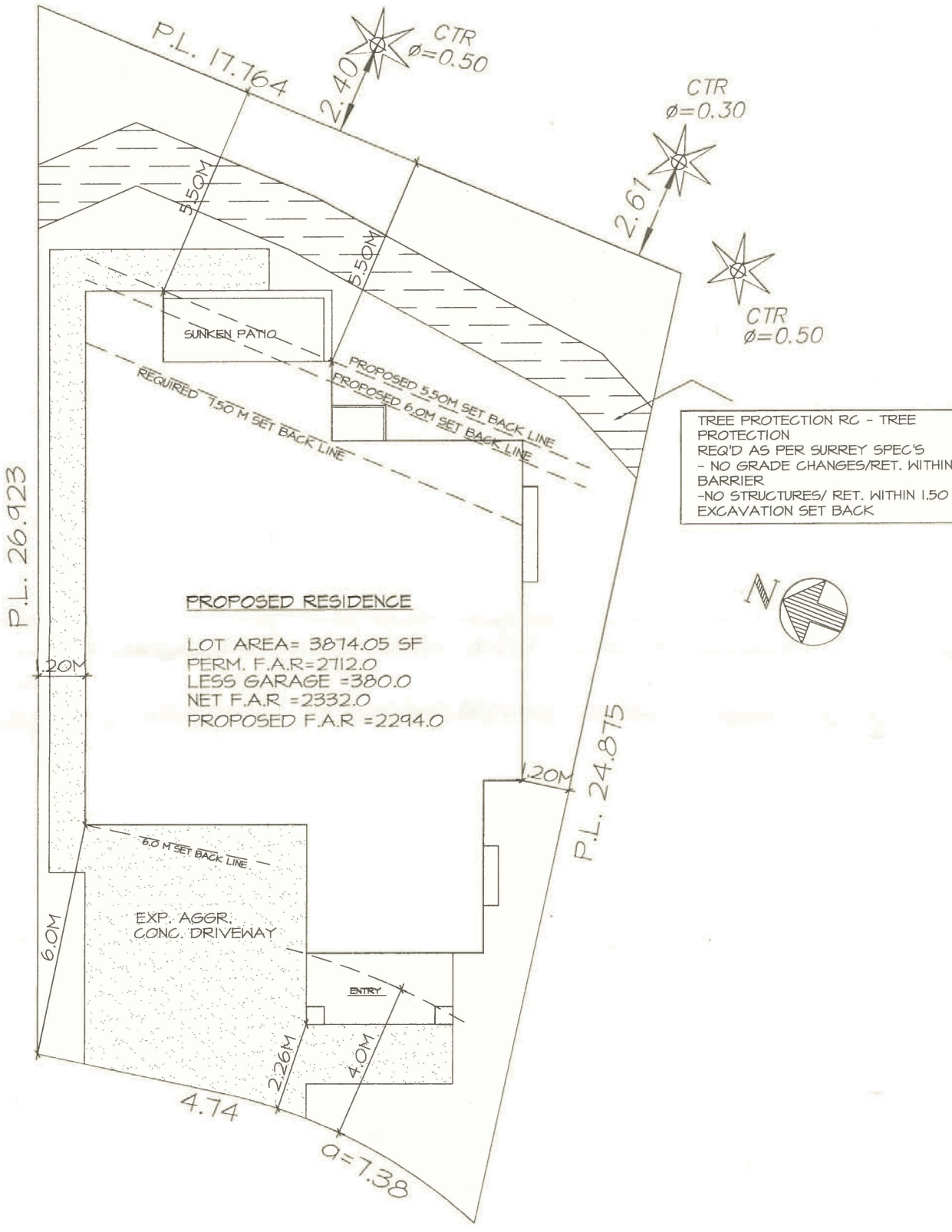
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE      DAY OF      , 20 .  
ISSUED THIS      DAY OF      , 20 .

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Mayor – Linda Hepner

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City Clerk – Jane Sullivan



6046 - 138 A STREET

SITE PLAN ( LOT # 10 )

SCALE 1/8" = 1'-0"