

# City of Surrey PLANNING & DEVELOPMENT REPORT File: 7915-0182-00

Planning Report Date: July 13, 2015

#### PROPOSAL:

#### • Development Variance Permit

to vary open space and play area locational requirements, as well as building and paving requirements for a proposed child care centre.

LOCATION: 17672 – 57 Avenue and

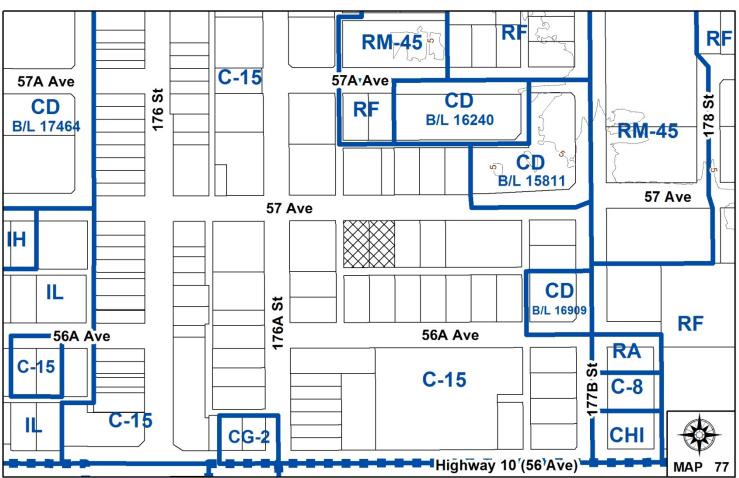
17676 - 57 Avenue

**OWNER:** Irshman Enterprises Inc.

**ZONING:** C-15

OCP DESIGNATION: Town Centre

TCP DESIGNATION: Institutional, Parking



#### RECOMMENDATION SUMMARY

• Council endorse <u>Option A</u>, which is approval for the Development Variance Permit to proceed to Public Notification, without the requested relaxation to allow a gravel parking area for the proposed child care centre, and thereby requiring an asphalt, concrete or similar pavement surface for the parking area.

#### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Requesting to vary the C-15 Zone to permit a child care centre to be located on a lot with its associated open space and play area located on the adjacent lot.
- Requesting to vary the Zoning By-law, to permit an open space and play area for a neighbouring commercial child care centre use on a lot without a building.
- Requesting to vary the Zoning By-law, to permit a parking area to be surfaced with gravel, rather than asphalt, concrete or similar pavement.

#### RATIONALE OF RECOMMENDATION

- Although the subject site is comprised of two separate lots, they have historically (since 1948) functioned as a singular site. The outdoor play area is proposed to be located immediately adjacent to the child care building even though it is on a different lot.
- The historic Danish Community Centre building occupies a large portion of the westerly property. There is insufficient space to provide the necessary outdoor play area and required parking on the westerly property alone.
- The proposed child care centre will revitalize a vacant building on the City's Heritage Inventory and provide needed child care spaces in the City.
- A paved parking area, with properly delineated stalls, would result in more orderly, safe and efficient parking on the site. It would also be more aesthetically pleasing, and would eliminate the impact of dust and debris on the City streets and adjacent properties. The paved parking area would also be graded and drained so as to properly dispose of surface water.
- A paved parking area would have a consistent, flat surface (i.e. no potholes) providing a more safe and comfortable walking environment for staff, parents, and children of the proposed child care centre.
- Child care centres tend to be long term ventures and the proposed child care centre will be a large commercial centre accommodating up to 48 children. As such, it is likely that the gravel parking lot would remain for some time if it is not paved as a condition of this proposal.
- Staff support the requested relaxations regarding the open space and play area location, but do not support the requested relaxation to the surfacing requirement for the associated parking lot.

#### RECOMMENDATION

The Planning & Development Department recommends that:

- 1.A. Council endorse <u>Option A</u>, which is to approve the Development Variance Permit No. 7915-0182-00 that is attached as Appendix III, varying the following, to proceed to Public Notification:
  - (a) to vary the C-15 Zone to permit a child care centre to be located on the westerly lot at 17672 57 Avenue, with its associated open space and play area located on a neighbouring lot at 17676 57 Avenue; and
  - (b) to vary Section B.3 of Part 4 General Provisions of the Zoning By-law to permit an open space and play area for a commercial child care centre use on the easterly lot at 17676 57 Avenue without a building.

#### OR

- 1.B. Should Council support the applicant's request to retain a gravel surface for the proposed child care centre parking lot, then Council could endorse **Option B**, which is to approve the Development Variance Permit No. 7915-0182-00, that is attached as Appendix IV, varying the following, to proceed to Public Notification:
  - (a) to vary the C-15 Zone to permit a child care centre to be located on the westerly lot at 17672 57 Avenue, with its associated open space and play area located on a neighbouring lot at 17676 57 Avenue;
  - (b) to vary Section B.3 of Part 4 General Provisions of the Zoning By-law to permit an open space and play area for a commercial child care centre use on the easterly lot at 17676 57 Avenue without a building; and
  - (c) to vary Section A.5(a) of Part 5 Off-Street Parking and Loading/Unloading of the Zoning By-law, to permit a parking area for a child care centre to be surfaced with gravel, rather than asphalt, concrete or similar surface.
- 2. Council instruct staff to resolve the following issues prior to approval:
  - (a) submission of a landscape plan and landscape cost estimate to the specifications and satisfaction of the City Landscape Architect.
  - (b) registration of a covenant / access easement and parking agreement for the outdoor play area and parking areas for the proposed child care centre.

#### **REFERRALS**

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

#### **SITE CHARACTERISTICS**

<u>Existing Land Use:</u> Existing vacant building (on the Heritage Inventory) on the

westerly lot and gravel parking lot on the easterly lot.

#### **Adjacent Area:**

| Direction                 | Existing Use  | OCP Designation | Existing Zone |
|---------------------------|---|-----------------|---------------|
| North (Across 57 Avenue): | Small commercial complex (including insurance broker, shoe repair, health clinic) | Town Centre     | C-15          |
| East:                     | Small commercial complex (including pet groomer, hair salon, print shop)          | Town Centre     | C-15          |
| South (Across lane):      | Parking lot and 2-storey office building  | Town Centre     | C-15          |
| West (Across lane):       | Single-storey law office building   | Town Centre     | C-15          |

#### **DEVELOPMENT CONSIDERATIONS**

#### **Background**

- The 1,494-square metre (0.37-acre) subject site consists of two neighbouring lots located at 17672 and 17676 57 Avenue in Cloverdale. Both properties are currently zoned "Town Centre Commercial Zone (C-15)", are designated "Town Centre" in the Official Community Plan (OCP), and are designated "Institutional" and "Parking", respectively, in the Cloverdale Town Centre Plan.
- The westerly property is occupied by the historic Danish Community Centre building, which was built in 1948 and is on the City's heritage inventory. Its associated gravel parking area is located on the easterly property.
- A previous development application on the subject site (File No. 7908-0165-00), proposing to rezone and consolidate the two lots in order to permit the development of a 4-storey, 22-unit apartment building, was closed in 2010 due to inactivity.

#### **Current Proposal**

- The applicant, who owns both of the lots that comprise the subject site, is proposing to locate a "CamRose Early Learning" child care centre in the existing building on the westerly lot.
- The proposed child care centre would accommodate 48 children and employ 9 staff. The centre would operate Monday-Friday, 7:00am 6:00pm, and would be closed on weekends and statutory holidays.

• The Zoning By-law requires a minimum of 18 parking spaces for the proposed child care centre. This is based on the required 9 full-time employees for 48 children in care. The applicant's architect has demonstrated that 18 delineated parking stalls, with a drive-aisle, can be accommodated on the site.

- A child care centre is a permitted use in the C-15 Zone, which governs the subject site, however, two variances are required to accommodate this proposal and a third variance is requested as follows:
  - 1. The C-15 Zone requires that a child care centre be located on the lot such that the centre has direct access to an open space and play area within the same lot. The applicant is proposing to locate the child care centre in the existing building on the westerly lot (17672 57 Avenue) and the associated open space and play area, as well as the parking lot, on the easterly lot (17676 57 Avenue). Although the proposed outdoor play area directly abuts the existing building, they are located on separate lots. Therefore, the applicant is requesting to vary the requirement that the open space and play area associated with a child care centre be located on the same lot as the child care centre.
  - 2. Under Part 4 General Provisions of Zoning By-law No. 12000, no use on any commercially- or industrially-zoned lot shall take place unless there is a building on the lot and the building must be at least 100 square metres (1,076 sq.ft.) in size and contain washroom facilities. Since the easterly lot is proposed to be used solely for the outdoor play area and parking lot for a child care centre located on an adjacent lot, and will not have a building on it, the applicant is seeking a variance to waive this building requirement for the easterly lot.
  - 3. Under Part 5 Off-Street Parking and Loading/Unloading of Zoning By-law No. 12000, all commercial parking areas are to be paved with an asphalt, concrete, or similar pavement. The applicant is proposing to retain the existing gravel surface for the child care centre parking lot and is therefore seeking a variance to relax this requirement.
  - Each of these requested variances is described in detail below along with the applicant's rationale and staff comments.

#### BY-LAW VARIANCES AND JUSTIFICATION

#### (a) Requested Variance:

• To vary the C-15 Zone to permit a child care centre to be located on the westerly lot at 17672 – 57 Avenue, with its associated open space and play area located on a neighbouring lot at 17676 – 57 Avenue.

#### Applicant's Reasons:

- Both the parking lot and the outdoor play area are required as part of the proposed child care centre.
- The applicant is the sole owner of both lots that comprise the subject site.

• The applicant does not want to consolidate the two lots into one lot.

#### **Staff Comments:**

- Although the subject site is comprised of two separate lots, they have historically (since 1948) functioned as a singular site.
- The outdoor play area will be located immediately adjacent to the child care centre building even though it is on a different lot.
- The historic Danish Community Centre building occupies a large portion of the westerly property. There is insufficient space to provide the necessary outdoor play area and required parking on the westerly property alone.
- Staff advised the applicant that the properties could be consolidated through a cancellation of interior lot line application through the Land Title Office as both properties are under the same ownership. However, the owner is not interested in consolidating the lots.
- The proposed child care centre is an appropriate use of this heritage building and will provide needed child care spaces in the City.
- Staff support the requested variance.

#### (b) Requested Variance:

• To vary Section B.3 of Part 4 General Provisions of Surrey Zoning By-law No. 12000, to permit an open space and play area for a commercial child care centre use on a lot without a building, for the property at 17676 – 57 Avenue.

#### Applicant's Reasons:

- There is insufficient space for an outdoor play area on the lot containing the existing heritage building in which the proposed child care centre will be located.
- The applicant is the sole owner of both lots that comprise the subject site.

#### **Staff Comments:**

- The proposed outdoor play area and parking lot on the easterly lot (17675 -57 Avenue) will serve the child care centre building on the westerly lot (17672 57 Avenue). Although the site will remain comprised of 2 separate parcels, once completed, the properties will appear and function as one consolidated site.
- As a condition of final issuance of the Development Variance Permit (DVP), the
  applicant will be required to register a covenant / access easement and parking
  agreement for the outdoor play area and parking areas for the proposed child care
  centre to ensure the child care centre could continue to operate if either property is
  sold.

• Staff support the requested variance.

#### (c) Requested Variance:

• To vary Section A.5(a) of Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law No. 12000, to permit a parking area to be surfaced with gravel, rather than an asphalt, concrete or similar pavement.

#### Applicant's Reasons:

- The existing gravel parking lot at 17676 57 Avenue has served the heritage building at 17672 57 Avenue since its construction in 1948.
- The parking lot will not be a high traffic area that will generate a substantial amount of dust. The site will mainly be accessed by employees and parents of children in the proposed child care centre.
- In accordance with the C-15 Zone, a continuous landscaping strip, 1.5 metres (4.9 ft.) wide, is proposed along the front property line outside of the driveway and pedestrian entryway.

#### **Staff Comments:**

- The Zoning By-law requires that all parking areas be surfaced with asphalt, concrete or similar pavement, so as to provide a surface that is dust free and graded and drained as to properly dispose of all surface water. The By-law also requires that the paved parking spaces be properly delineated with painted boundaries. This is a standard requirement of all parking areas within the City, with the exception of single family dwellings and duplexes, playgrounds and recreation areas, and golf courses and driving ranges.
- The Zoning By-law requires a minimum of 18 parking spaces for the proposed child care centre. This is based on the required 9 full-time employees for 48 children in care. The applicant's architect has demonstrated that 18 delineated parking stalls, with a drive-aisle, can be accommodated on the site.
- A paved parking lot, with properly delineated stalls, would result in more orderly, safe and efficient parking on the site and is more suitable for the Cloverdale Town Centre.
- A paved parking lot would also be more aesthetically pleasing, and would eliminate the impact of dust and debris on the City streets and adjacent properties. The paved parking area would also be graded and drained to property dispose of surface water.
- A paved parking area would have a consistent, flat surface (i.e. no potholes) providing a more safe and comfortable walking environment for staff, parents, and children to and from their vehicles.
- Child care centres tend to be long term ventures and the proposed child care centre will be a large commercial centre accommodating up to 48 children. As such, it is

likely that the gravel parking lot would remain for some time if it is not paved as a condition of this proposal.

• Staff <u>do not</u> support the requested variance.

#### TWO OPTIONS FOR CONSIDERATION

- Two of the three requested variances are required to allow the proposed child care centre to operate from the subject site. The third variance, to allow a gravel parking lot, is not required for the child care centre to proceed, but is requested by the applicant and not supported by staff.
- To enable the applicant to proceed with their Building Permit application before the summer break, staff have provided 2 options for Council's consideration.
- Staff recommend that Council endorse <u>Option A</u>, which is approval for Development Variance Permit No. 7915-0182-00 that is attached as <u>Appendix III</u>, to proceed to Public Notification. This variance excludes the requested relaxation to allow the parking area for the proposed child care centre to be surfaced in gravel rather than asphalt, concrete or similar pavement.
- Under <u>Option A</u>, the applicant can proceed with the proposed child care centre, subject to approval of the other 2 variances, provided that they pave the parking lot in accordance with Zoning By-law No. 12000.
- However, should Council support the applicant's request to retain a gravel surface for the proposed child care centre parking lot, then Council could endorse **Option B**, which is to approve Development Variance Permit No. 7915-0182-00 that is attached as <u>Appendix IV</u>, which includes the requested paving relaxation, to proceed to Public Notification.

#### **INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary

Appendix II. Site Plan, Building Plans and Building Elevations

Appendix III. Option A Development Variance Permit No. 7915-0182-00 (without paving

variance)

Appendix IV. Option B Development Variance Permit No. 7915-0182-00 (with paving

variance)

original signed by Judith Robertson Jean Lamontagne General Manager Planning and Development

#### Information for City Clerk

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

1. (a) Agent: Name: Art Doyle

Irshman Enterprises Inc.

Address: 17685 – 57 Avenue

Surrey, B.C. V<sub>3</sub>S <sub>1</sub>H<sub>1</sub>

Tel: 604-455-9160

2. Properties involved in the Application

(a) Civic Addresses: 17672 – 57 Avenue

17676 - 57 Avenue

(b) Civic Address: 17672 – 57 Avenue

Owner: Irshman Enterprises Inc.

PID: 012-520-411

Lot 5 Block 14 Section 8 Township 8 New Westminster District Plan 2107

(c) Civic Address: 17676 – 57 Avenue

Owner: Irshman Enterprises Inc.

PID: 012-520-420

Lot 6 Block 14 Section 8 Township 8 New Westminster District Plan 2107

- 3. Summary of Actions for City Clerk's Office
  - (a) Proceed with Public Notification for Development Variance Permit No. 7915-0182-00 (**Option A or B**) and bring the applicable Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

#### Appendix II 57th Avenue CamRose Early Learning "Little Red School House" 17672 -57<sup>th</sup> Avenue, Cloverdale, Surrey, B.C. BCBC 2012 Code Analysis + Project Data Building Area: 268.6 s.m. Construction: One storey combustible on crawl space Unsprinklered No fire alarm Classification: 3.2.2.28 Group A Div.2, One Storey Faces 1 street - 400 s.m. maximum No requirement for FRR on floor, walls or ceiling/roof Existing Gravel Lot Gross Floor Area: 268.6 s.m. (2,891.2 sq.ft.) 18 Total Onsite Parking Spaces Gross Area for Infants: 54.44 s.m. (586 sq.ft.) 50.30 s.m. (541.4 sq.ft.) 12 x 40 sq.ft = 480 sq.ft. Net area for Infants Required area for infants: Maximum O.L. Gross Area for Toddlers: 50.34/1.2 = 41 people 56.58 s.m. (1,117.3 sq.ft.) 51.79 s.m. (557.5 sq.ft.) Net area for Toddlers: Required area for Toddlers: 12 x 40 sq.ft = 480 sq.ft. Maximum O.L. 51.79/1.2 = 43 people Gross Area for **Child Care**: Net area for Child Care 103.8 s.m. (1,117.3 sq.ft.) 98.43 s.m. (1,059.5 sq.ft.) Required area for Child Care: 24 x 40 sq ft = 960 sq ft ADJACENT MIXED-USE BUILDING Maximum O.L. 98.43/ Total O.L. for Building 41+ 43+ 82 = 166 people 98.43/1.2 = 82 people Posted maximum O.L. 99 hildren, parents and staff) Previous approved O.L 100 people Exits: each space is interconnected with no fire separations between spaces. There are 3 exits each @900mm each. Maximum travel distance- as shown on drawings. Exit signs are required Limiting Distance: East: unlimited faces field and parking lot South: no openings faces 20'-0" lane West: wall area 98.5 s.m. Ratio 7 to 1, L.D to C/L Lane 5.94m Allowable openings: 16.76% = 16.5 s.m. Provided openings: 9.9 s.m. Washroom requirements: based upon Fraser Health Requirements 48 children require 5 stalls, including 1 enclosed accessible stall for both adult & children use. Washroom is unisex. Hard Surface Play Area 12'-5" x 11'3" 140 sq.ft. Outdoor Areas: Gross Area for Infants: Lawn for Infants: Hard surface for Infants: 547 sq.ft. 140 sq.ft. Hard Surface Play Area 12'-5" x 11'-9" 146 sq.ft. 222 sq. ft. Soft surface for Infants Soft Surface Play Area 11'-0" x 24'-2" 296 sq.ft. Gross Area for Toddlers: Lawn for Toddlers: 977 sq.ft 528 sq.ft. Hard surface for Toddlers: 146 sa.ft. Soft surface for Toddlers Gross Area for Child Care: Lawn for Child Care: Hard surface for Child Care: 1,835 sq.ft 1,411 sq.ft. 160 sq.ft. Extg. 6'-0" High Chain Link Fence Soft surface for Child Care THIS FACILITY IS DESIGNED FOR 48 CHILDREN Site Plan

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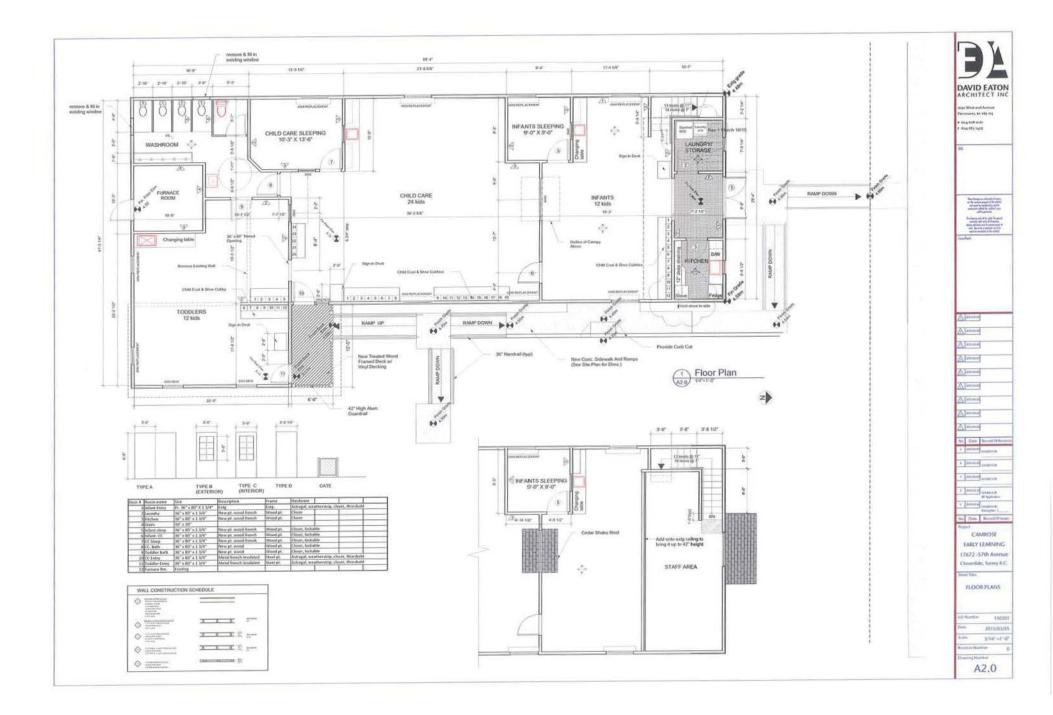
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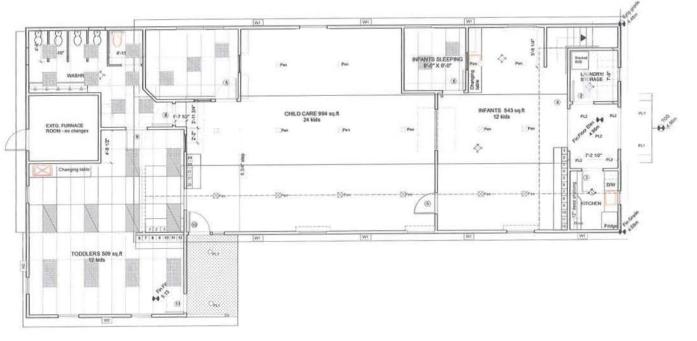
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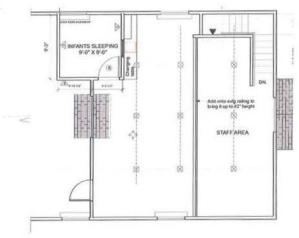
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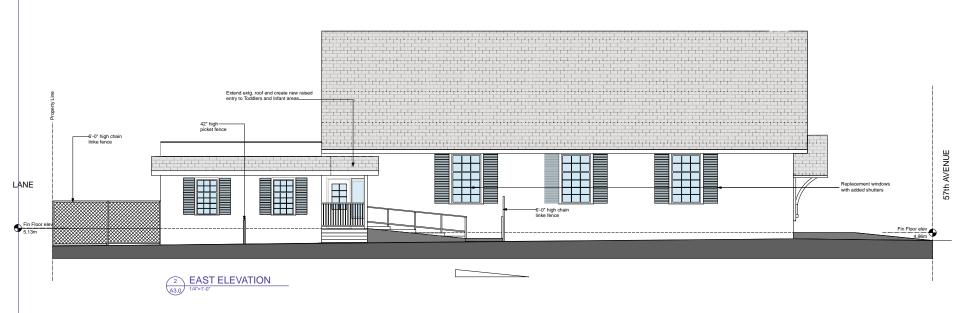
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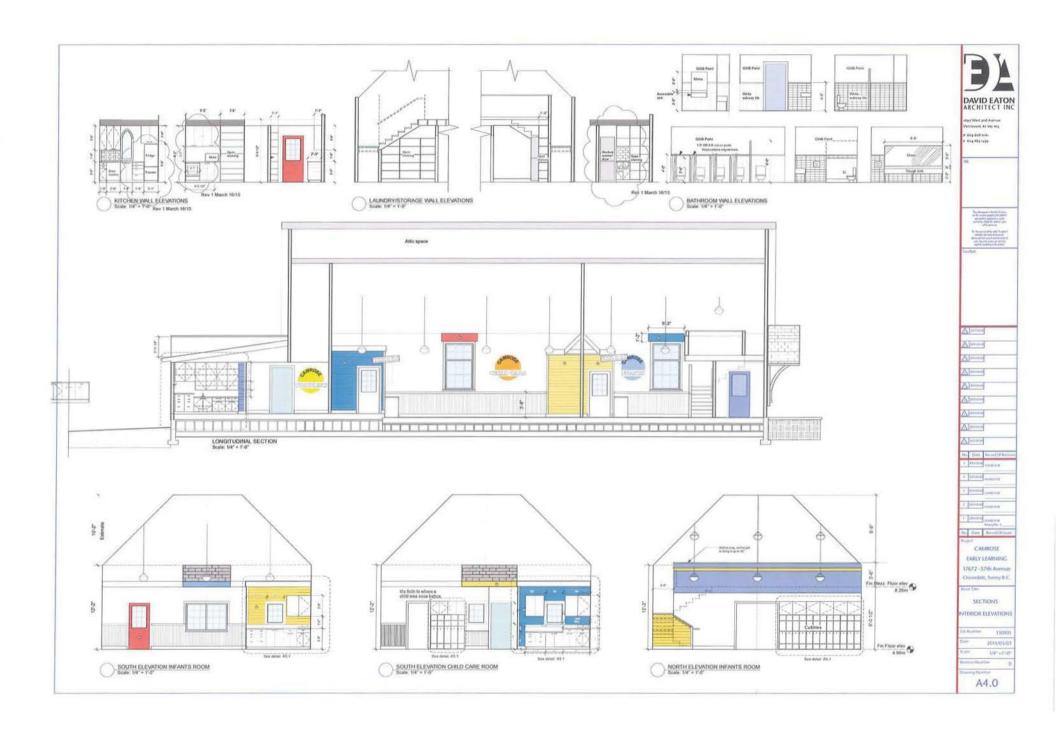
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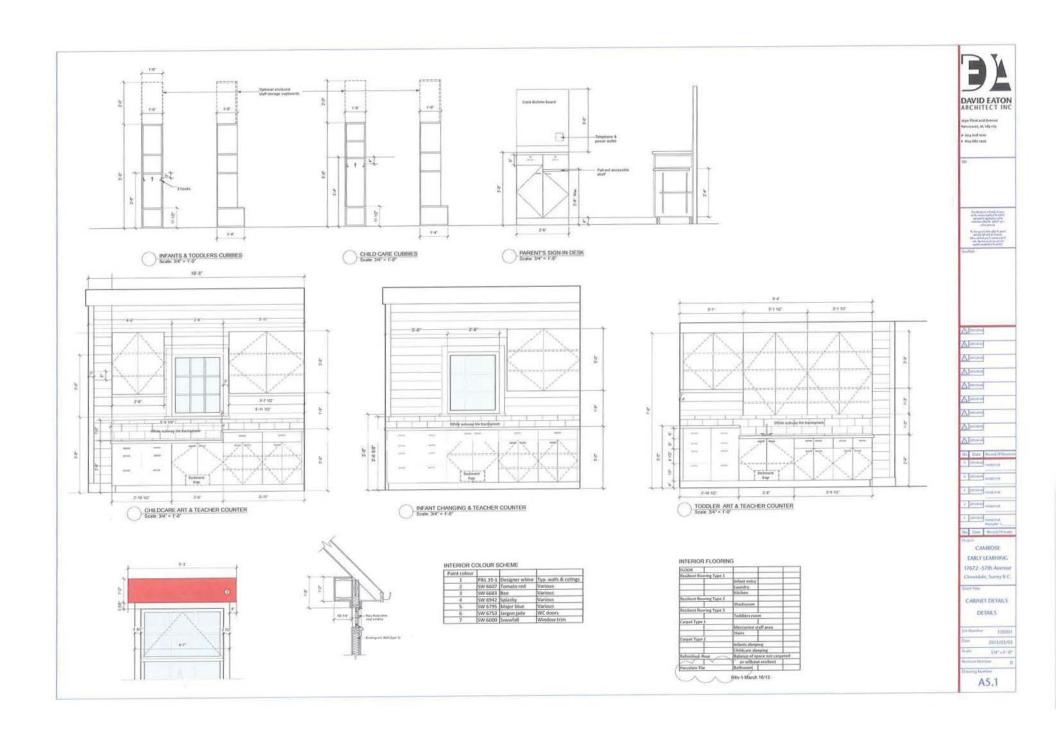
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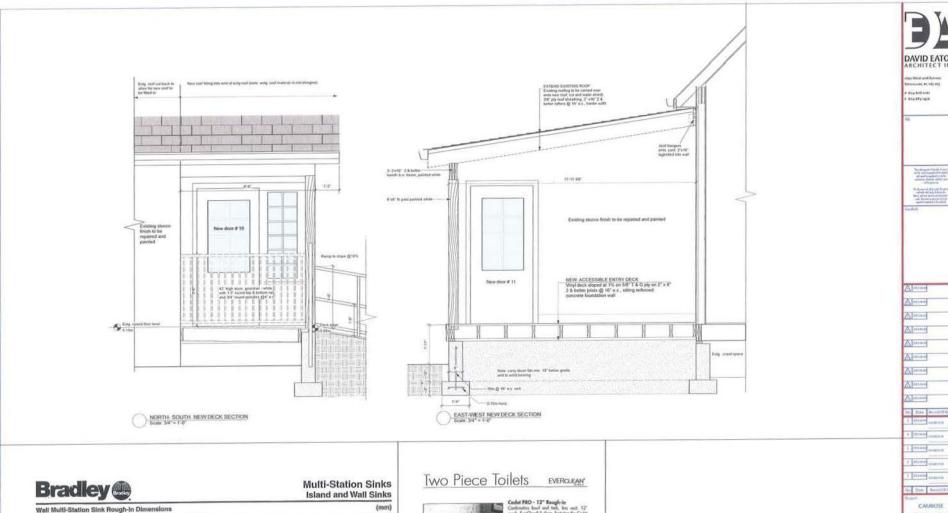
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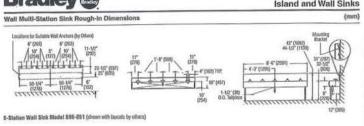
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EXTERIOR DETAILS

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#### **CITY OF SURREY**

(the "City")

#### **DEVELOPMENT VARIANCE PERMIT**

NO.: 7915-0182-00

Issued To: Irshman Enterprises Inc.

("the Owner")

Address of Owner: 17685 - 57 Avenue

Surrey, BC V<sub>3</sub>S 1H<sub>1</sub>

- 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 descriptions and civic addresses as follows:

Parcel Identifier: 012-520-411 Lot 5 Block 14 Section 8 Township 8 New Westminster District Plan 2107

17672 - 57 Avenue

Parcel Identifier: 012-520-420 Lot 6 Block 14 Section 8 Township 8 New Westminster District Plan 2107

17676 - 57 Avenue

(the "Land")

- 3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section J.3 of Part 37 Town Centre Commercial Zone (C-15), the regulation is varied to permit a child care centre to be located on the lot at 17672 57 Avenue with its associated open space and play area located on the neighbouring lot at 17676 57 Avenue; and

| <ul> <li>(b) In Section B.3 of Part 4 General Provisions, the building requirement is varied to permit an open space and play area for a commercial child care centre use on a lot without a building, for the property at 17676 – 57 Avenue.</li> <li>4. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.</li> <li>5. This development variance permit shall lapse if the Owner does not substantially start ar construction with respect to which this development variance permit is issued, within tw (2) years after the date this development variance permit is issued.</li> <li>6. The terms of this development variance permit or any amendment to it, are binding on a persons who acquire an interest in the Land.</li> </ul> |
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| provisions of this development variance permit.  5. This development variance permit shall lapse if the Owner does not substantially start are construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.  6. The terms of this development variance permit or any amendment to it, are binding on a substantially start are construction with respect to which this development variance permit is issued.   |
| construction with respect to which this development variance permit is issued, within tw (2) years after the date this development variance permit is issued.  6. The terms of this development variance permit or any amendment to it, are binding on a  |
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|   |
| 7. 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

#### **CITY OF SURREY**

(the "City")

#### **DEVELOPMENT VARIANCE PERMIT**

NO.: 7915-0182-00

Issued To: Irshman Enterprises Inc.

("the Owner")

Address of Owner: 17685 - 57 Avenue

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(the "Land")

- 3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section J.3 of Part 37 Town Centre Commercial Zone (C-15), the regulation is varied to permit a child care centre to be located on the lot at 17672 57 Avenue with its associated open space and play area located on the neighbouring lot at 17676 57 Avenue;

- (b) In Section B.3 of Part 4 General Provisions, the building requirement is varied to permit an open space and play area for a commercial child care centre use on a lot without a building, for the property at 17676 57 Avenue; and
- (c) In Section A.5(a) of Part 5 Off-Street Parking and Loading/Unloading, the requirement that all parking areas be surfaced with an asphalt, concrete or similar pavement, is varied to permit a gravel parking surface for parking associated with a child care centre use only.
- 4. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
- 5. 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.
- 6. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
- 7. 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