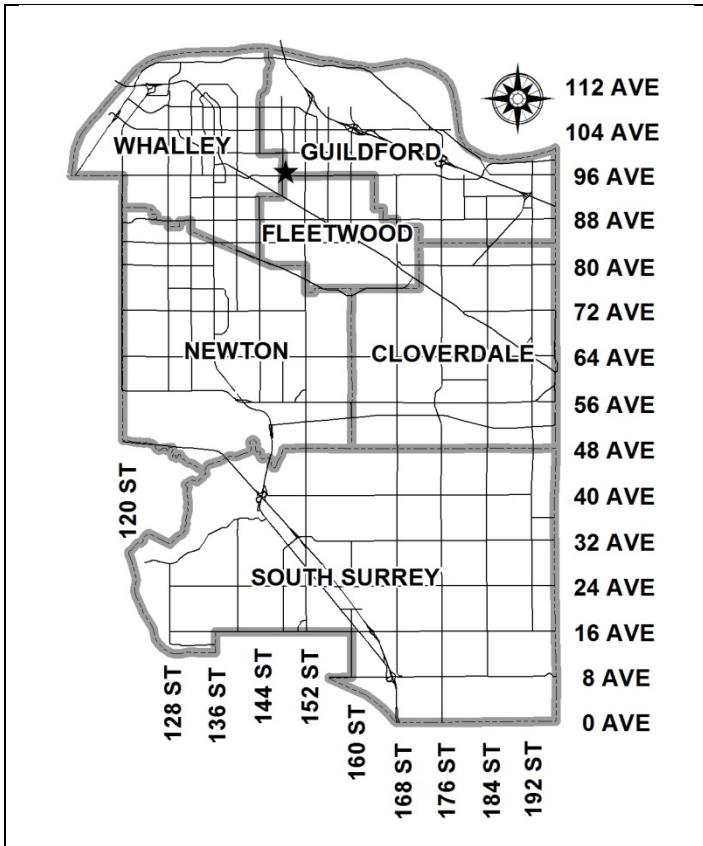


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0263-00

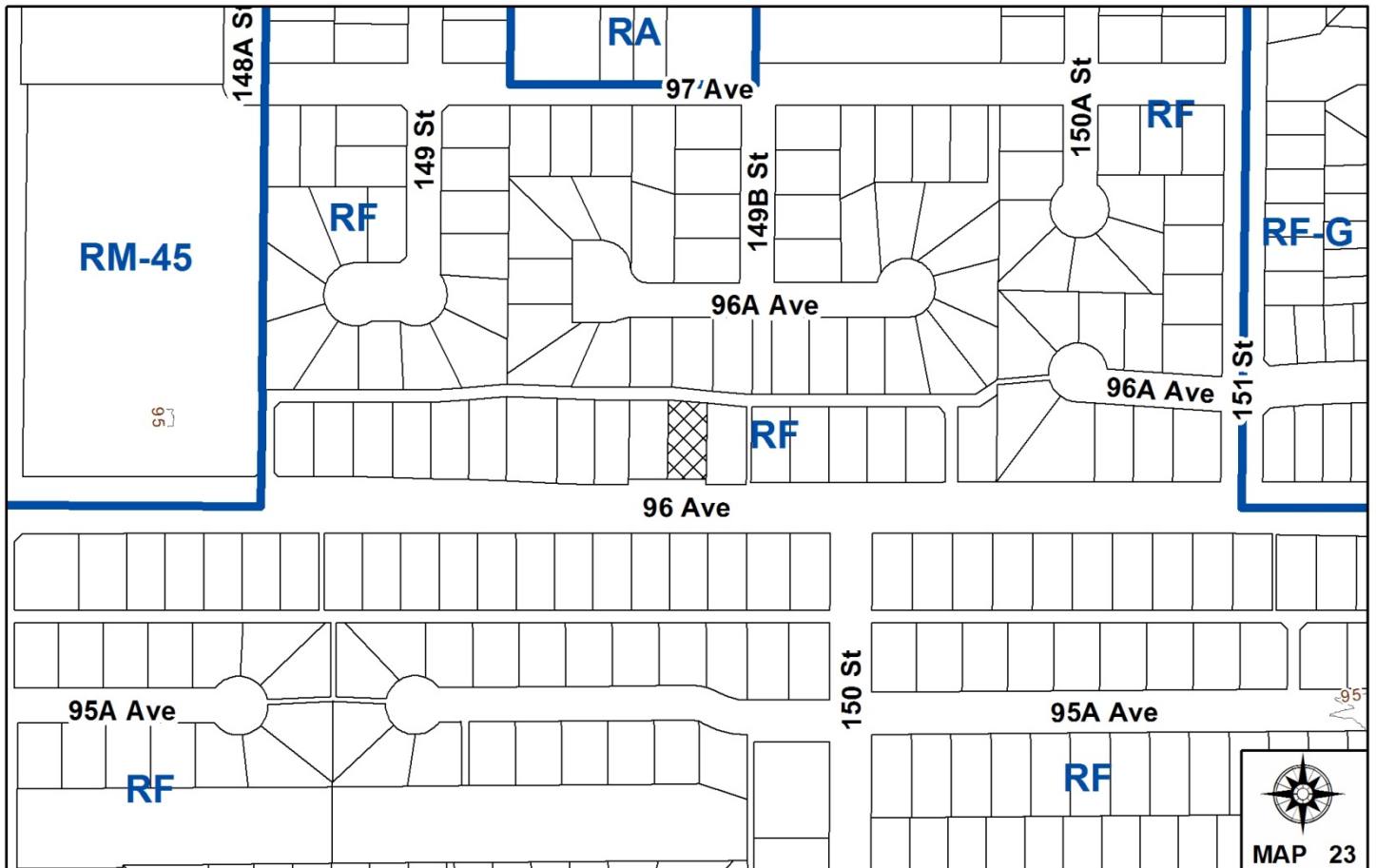
Planning Report Date: October 20, 2015



PROPOSAL:

- **Development Variance Permit**
 to reduce the west side yard setback for a proposed single family dwelling.

LOCATION: 14969 - 96 Avenue
OWNERS: Jaswant S Dhillon
 Jaswinder K Dhillon
ZONING: RF
OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking a variance to reduce the westerly side yard setback for the principal building from 1.8 metres (6 feet) to 1.2 metres (3.9 feet) in the RF Zone.

RATIONALE OF RECOMMENDATION

- The subject property is impacted by a 3.1-metre (10.2 ft.) wide easement along the easterly property line, which reduces the buildable area and functional floor space of the proposed house.
- The requested setback variance will allow additional floor space, and therefore a more functional floor plan for the main floor of the proposed house.
- The proposed side yard setbacks are consistent with the previous (prior to 2013) version of the RF Zone which permitted one side yard setback to be reduced to 1.2 metres (3.9 ft.) provided the opposing side yard is a minimum of 2.4 metres (7.9 ft.). The siting of the proposed dwelling will therefore be consistent with many of the homes of the neighbourhood constructed under the previous regulations in the RF Zone.
- The applicant reports that the neighbour to the west of the subject lot has raised no concerns with the proposed side yard setback relaxation.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7915-0263-00 (Appendix V) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum westerly side yard setback of the principal building in the RF Zone from 1.8 metres (6 ft.) to 1.2 metres (3.9 ft.).

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Vacant lot.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across lane):	Single family dwellings	Urban	RF
East:	Single family dwellings	Urban	RF
South (Across 96 Avenue):	Single family dwellings	Urban	RF
West:	Single family dwellings	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The 689-square metre (7,419 sq. ft.) subject lot is located at 14969 – 96 Avenue in Guildford.
- The lot is designated "Urban" in the Official Community Plan (OCP) and is zoned "Single Family Residential Zone (RF)".
- The subject lot was created in 2009 under Application No. 7907-0171-00. The application consisted of a subdivision to create 2 RF lots from 1 existing parent lot. The subject lot has been vacant since its creation in 2009.
- The parent lot of the subject lot was one of 11 lots (Lot 10) created in 1986 under Application No. 6086-0084-00 (Appendix IV).

- An easement (Z156822) and covenant (Z156823) were registered over the north-eastern portion of the subject lot on August 22, 1986 as a condition of the 11-lot subdivision. The easement is to accommodate a driveway, 3.1 metres (10.2 ft.) wide and 24.5 metres (80.4 ft.) long, over the eastern portion of the subject lot, as shown on Explanatory Plan No. 72539 (Appendix III). The driveway is for the benefit and use of the adjacent lot to the east, located at 14973 – 96 Avenue. As per the Easement and Covenant documents, the driveway area is not to be built upon and the adjacent lot owners are to retain free and unrestricted right and liberty for the purposes of ingress and egress over the driveway area.
- The easement was required as a condition of the 11-lot subdivision because the adjacent lot (14973 – 96 Avenue) does not have sufficient room off the rear lane to obtain a driveway. As per Highway and Traffic By-law No. 13007, driveway access for single family lots is not permitted on arterial roads and 96 Avenue is an arterial road. The driveway easement will therefore be required until such time as the adjacent lot rebuilds and is able to achieve its own driveway access from the rear lane.

Current Proposal

- The applicant is preparing to submit a building permit application to construct a single family dwelling on the subject lot, with an attached garage. Since the driveway easement cannot be built upon, the eastern face of the proposed dwelling must be located outside of the 3.1-metre (10.2 foot) wide driveway area. According to the preliminary house plans submitted by the applicant (Appendix II), the eastern face of the proposed dwelling will be located 3.2 metres (10.6 ft.) from the eastern property line.
- The requirement to site the dwelling outside of the 3.1-metre (10.2 foot) wide driveway area reduces the floor space of the proposed dwelling by 10.2 square metres (109.8 square feet) and results in a less functional floor plan on the main floor. To mitigate these impacts on the proposed dwelling, the applicant is requesting to vary the westerly side yard setback from 1.8 metres (6 ft.) to 1.2 metres (3.9 ft.) (see By-law Variance section).

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum westerly side yard setback of the principal building in the RF Zone from 1.8 metres (6 ft.) to 1.2 metres (3.9 ft.).

Applicant's Reasons:

- The proposed setback variance allows for a more functional floor plan and increases the floor space of the proposed dwelling, impacted by an existing easement along the easterly side yard.

Staff Comments:

- The proposed side yard setback reduction will help mitigate the impacts of the existing easement on the eastern portion of the subject lot.

- The requested variance will allow the proposed dwelling to achieve a more functional floor plan on the main floor.
- In 2013, Council approved several amendments to the RF Zone including to the setback requirements. The previous RF Zone permitted one side yard to be reduced to 1.2 metres (3.9 ft.) provided the opposing side yard was a minimum of 2.4 metres (7.9 ft.). The current RF Zone no longer includes this provision and as such both side yards are required to be a minimum of 1.8 metres (6 ft.). A number of dwellings in the surrounding neighbourhood were built in accordance with the requirements of the previous (prior to 2013) RF Zone. As such, the siting of the proposed dwelling will be in keeping with the surrounding residential context.
- The applicant has contacted the owner of the neighbouring lot to the west (14949 – 96 Avenue), and that owner reportedly has no concerns with the proposed setback relaxation.
- The RF Zone permits a maximum floor area of 381 square metres (4,103 square feet) on the subject lot. The proposed dwelling is 319.4 square metres (3,439 square feet) in floor area without the requested setback relaxation and 329.6 square metres (3,548 square feet) with the setback relaxation.
- The proposed front yard setback complies with Part 7 Special Building Setbacks in Zoning By-law No. 12000.
- 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.	Proposed Building Plan and Sections
Appendix III.	Explanatory Plan No. 72539, registered in 1986
Appendix IV.	Subdivision Plan No. 72537, approved in 1986
Appendix V.	Development Variance Permit No. 7915-0263-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

RC/da

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KD 10/15/15 11:33 AM

Information for City Clerk

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

1. (a) Agent: Name: Sonia Dhaliwal

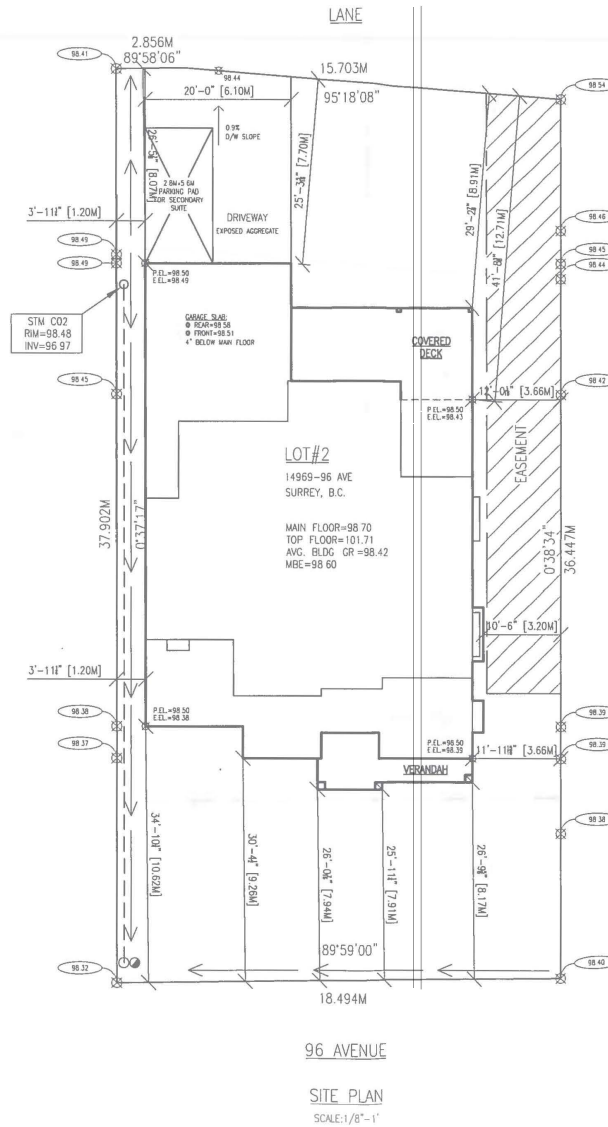
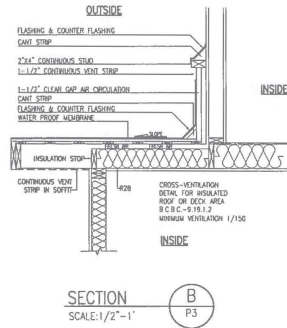
 Address: 103 – 15127 – 100 Avenue
 Surrey, BC V3R 0N9

 Tel: 604-725-7605

2. Properties involved in the Application
 - (a) Civic Address: 14969 - 96 Avenue

 - (b) Civic Address: 14969 - 96 Avenue
 Owners: Jaswinder K Dhillon
 Jaswant S Dhillon
 PID: 028-092-104
 Lot 2 Section 32 Block 5 North Range 1 West New Westminster District Plan BCP42972

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7915-0263-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.



Dhillon
Design



TITLE

PROPOSED FOR
MANDEEP DHILLON
LOT #2, 14969-96 AVE.
SURREY, B.C.

DWN	S.P.
SCALE	AS NOTED
DATE	07.09.11
CHD	H.B.
PHONE	604.376.5400

DRAWING NO.
DD11-5773-P4

THESE PLANS CONFORM TO REQUIREMENTS IN THE B.C. BUILDING CODE BOOK.

DHILLON DESIGN
UNIT 215-1030A-300A AVE.
SURREY, B.C. V3W 3A5
PHONE: (604) 598-2888
FAX: (604) 598-2878
Email: dhillon@dhillon.ca

→ Explanatory Plan for Easement 2156822 + Covenant 2156823 15-0263

**EXPLANATORY PLAN OF EASEMENT OVER
SECTION 32, BLOCK 5 NORTH, RANGE 1 WEST,
NEW WESTMINSTER DISTRICT**

14-326-M3

Appendix III

Appendix III

ACCORDING TO 72537
FOR ACCESS PURPOSES
PURSUANT TO SECTION 99 (1) (b) OF THE LAND TITLE ACT

ALL DIMENSIONS ARE IN METRES AND ALL AREAS ARE
IN SQUARE METRES UNLESS OTHERWISE INDICATED.



PLAN 72539
REGISTERED IN THE LAND TITLE OFFICE
AT NEW WESTMINSTER, B.C.
THIS 20 DAY OF Aug 2006
G. Rowen Jc
REGISTER
REF: 2156821



BOOK OF REFERENCE	
FOR ACCESS PURPOSES - SHOWN UNMATCHED	
LEGAL DESCRIPTION	AREA
LOT 10, SECTION 32, BLOCK 5 NORTH, RANGE 1 WEST, NEW WESTMINSTER DISTRICT PLAN, <u>72537</u>	79.87

MURPHY & ASSOCIATES
4811, 152nd STREET
SURREY, B.C.
V3R 4E2

* THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT *
(MUNICIPALITY OF SURVEY)

CERTIFIED CORRECT ACCORDING TO LAND
TITLE OFFICE RECORDS DATED THIS
12th DAY OF June 2006.
G. Rowen Jc
REGISTER

FILE 7240 23

14-326-M-3

DIVISION PLAN OF,
FIRSTLY: EAST HALF LOT 26, EXCEPT: FIRSTLY,
EAST 70 FEET, SECONDLY: PARCEL "C" (BYLAW PLAN 68366),
THIRDLY: EAST 70 FEET OF THE EAST HALF OF LOT 26,
EXCEPT PARCEL "D" (BYLAW PLAN 68366),
FOURTHLY: PARCEL "C" (BYLAW PLAN 68366) OF EAST HALF LOT 26,
FIFTHLY: PARCEL "D" (BYLAW PLAN 68366) LOT 26,
SITING OF SECTION 32, BLOCK 5 NORTH, RANGE 1 WEST,
IN PLAN 1142, NEW WESTMINSTER DISTRICT.

INTENSIFIED SURVEY AREA NO. 1 - DISTRICT OF SURREY
BEARING AND AREA BEARING UNLESS OTHERWISE STATED
THIS PLAN SHOWS UNLESS OTHERWISE INDICATED, MEASUREMENTS MADE TO COMPLETION
OF THE SURVEY UNLESS OTHERWISE STATED BY CHANGING FACTOR OTHERWISE STATED

- CONV DENOTES CONVENTIONAL POINT
- STANDARD DENOTES STANDARD HIGH POINT
- STANDARD DENOTES STANDARD HIGH POINT SET
- WT DENOTES WITNESS
- WT DENOTES SQUARE METRES
- HA DENOTES HECTARES
- LA DENOTES ANNOTATED LINE DATA (SEE TABLE)

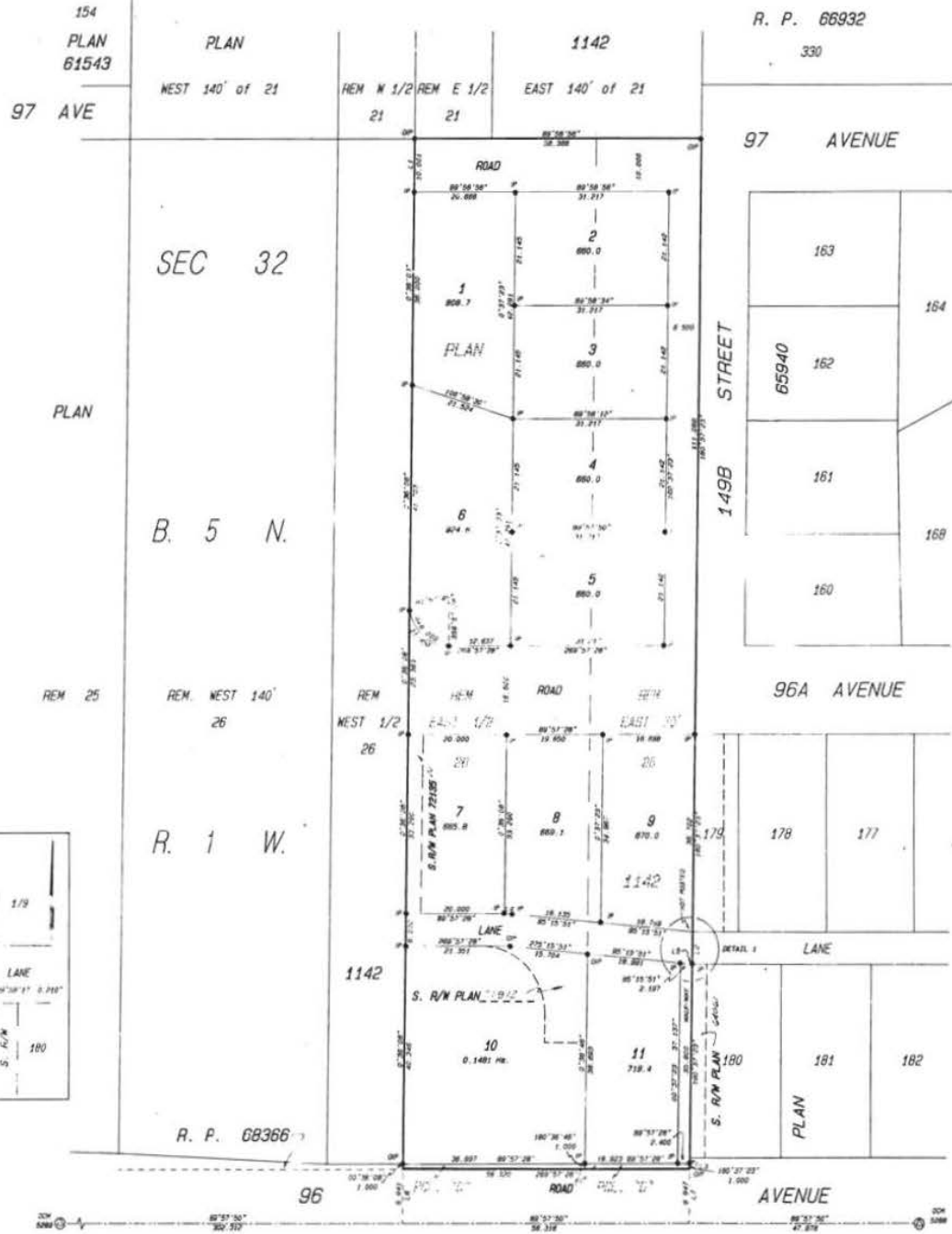
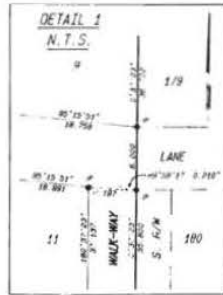
ALL DIMENSIONS ARE IN METRES AND ALL AREAS ARE IN SQUARE METRES UNLESS OTHERWISE INDICATED
SCALE 1:500

LINE	BEARING	DISTANCE
1	89° 58' 18"	10.000
2	89° 58' 23"	8.000
3	89° 58' 23"	1.250
4	89° 58' 18"	1.250
5	89° 58' 17"	0.210
6	89° 58' 18"	0.210
7	89° 58' 23"	8.847

APPROVED UNDER THE LAND TITLE ACT
DATED THIS DAY OF August, 1988
MUNICIPAL APPROVING OFFICER AND THE MUNICIPALITY OF SURREY

OWNER AS TO PARCELS "C" AND "D"
DISTRICT OF SURREY
MAYOR
CITY CLERK

MORTGAGE AS TO: EAST HALF LOT 26
THE ROYAL BANK OF CANADA
APPROVED SIGNATORY
John Sheehy
Branch Manager, Lending Services
WITNESS
Secretary



" THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT "
(MUNICIPALITY OF SURREY)

R. P. 66932

154
PLAN
61543

PLAN

1142

97 AVE

SEC 32

B. 5 N.

REM 25

REM. WEST 140'
26'

R. 1 W.

R. P. 68366

97 AVENUE

149B STREET

96A AVENUE

PLAN

PLAN 72537

DEPOSITED IN THE LAND TITLE ACT AT NEW WESTMINSTER THIS DAY OF Aug 1988

F. Raven

REF: 215601E-2156

OWNER AS TO: EAST HALF LOT 26

JASWANT SINGH SHILLON

JASWINDER KOUR SHILLON

KEVAL SINGH SHILLON

WITNESS (AS TO 2 SIGNATURES)

OCCUPATION OF WITNESS

ADDRESS OF WITNESS

MORTGAGE AS TO: EAST HALF LOT 26
VANCOUVER CITY SAVINGS CREDIT UNION

AUTHORIZED SIGNATORY

AUTHORIZED SIGNATORY

OWNER AS TO: THE EAST 70 FEET

WAYNE JOSEPH FOX

WILENE KATHY FOX

WITNESS (AS TO 2 SIGNATURES)

OCCUPATION OF WITNESS

ADDRESS OF WITNESS

MORTGAGE AS TO: THE EAST 70 FEET
FRASER VALLEY CREDIT UNION

AUTHORIZED SIGNATORY

AUTHORIZED SIGNATORY

Appendix IV

I, ERIC I. MARSH, A BRITISH COLUMBIAN SURVEYOR OF NEW WESTMINSTER, IN WITNESS WHEREOF I WAS PRESENT AT AND PERSONALLY SUPERVISED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SAID PLAN AND PLAN ARE CORRECT. THE SURVEY WAS COMPLETED ON 22ND DAY OF August 1988

E. I. Marsh

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0263-00

Issued To: JASWANT S DHILLON
JASWINDER K DHILLON

("the Owner")

Address of Owner: 14962 - 96A Avenue
Surrey, BC V3R 9V6

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: 028-092-104

Lot 2 Section 32 Block 5 North Range 1 West New Westminster District Plan BCP42972

14969 - 96 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F of Part 16 "Single Family Residential Zone (RF)", the minimum western side yard setback for the principal building is reduced from 1.8 metres (6 ft.) to 1.2 metres (3.9 ft.).
4. 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.
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.

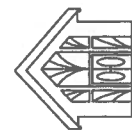
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan



Dhillon
Design



TITLE

PROPOSED FOR
LOT #2, 14969-96 AVE.
SURREY, B.C.

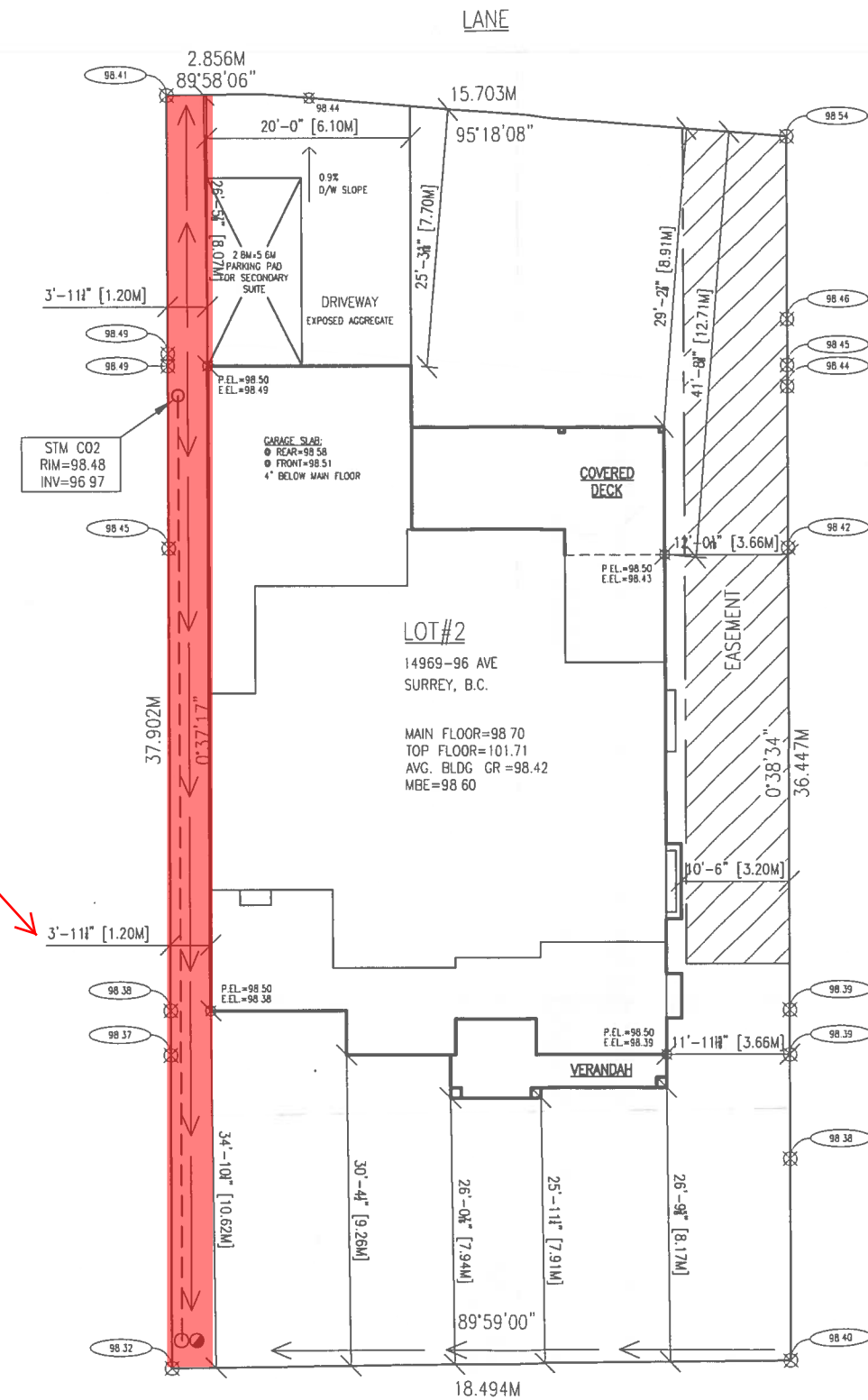
DWN:	S.P.
SCALE:	AS NOTED
DATE:	07.09.11
CHD:	H.B.
PHONE:	604.376.5400

DRAWING NO.

DD11-5773-P4

THESE PLANS CONFORM TO REQUIREMENTS IN THE B.C.
BUILDING CODE 2006.

DHILLON DESIGN
UNIT 215-12830-80th AVE.
SURREY, B.C. V3W 3A8
PHONE (604) 590-2808
FAX (604) 590-2878
EMAIL: dhillondesign@shaw.ca



Requested westerly
side yard setback
variance (from 1.8m
to 1.2m)

