

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0291-00

Planning Report Date: September 14, 2015

PROPOSAL:

- **Development Variance Permit**

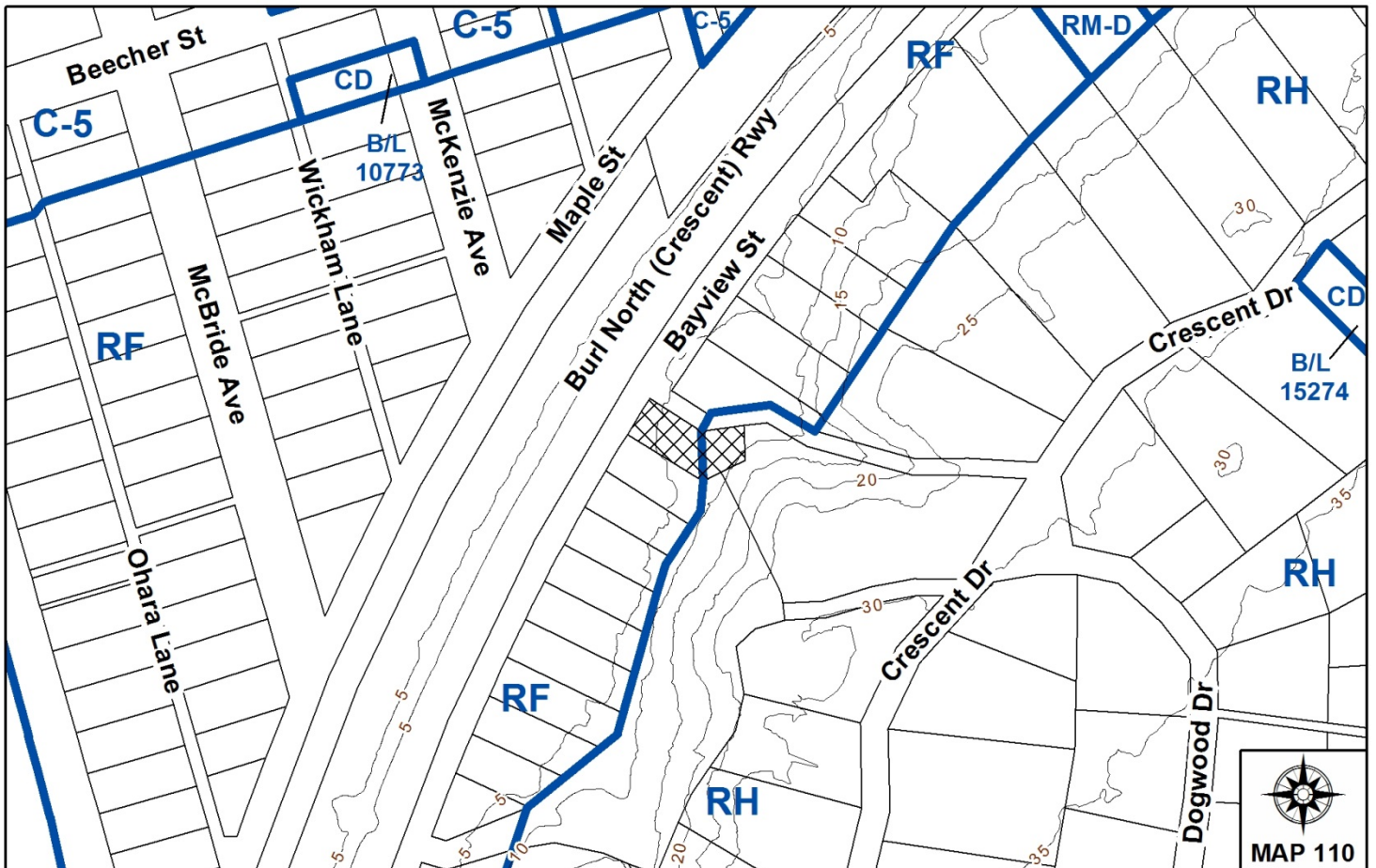
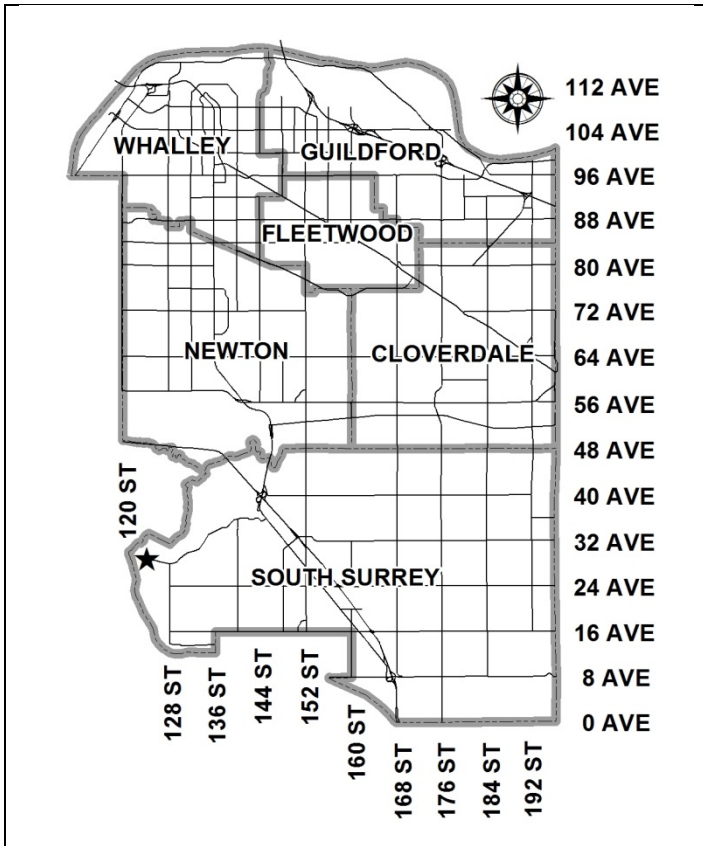
to permit a portion of a proposed single family dwelling to be located in the RH Zoned portion of a split-zoned property.

LOCATION: 2668 - Bayview Street

OWNER: Sean M. Miller

ZONING: RF / RH

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 the provision under Zoning Bylaw No. 12000, General Provisions (Part 4, Section E 13 (b)), which prohibits a principal building from being placed in more than one zone for a lot which lies within 2 or more Zones.

RATIONALE OF RECOMMENDATION

- The requested variance would allow for the construction of a standard size home that is consistent with the RF Zone and in keeping with the character of the neighbourhood.
- The size of the proposed home is below the maximum permitted under the RF Zone, and therefore the variance is not being used to build a larger home.
- The existing single family dwelling is currently sited across the zoning boundary to a greater extent than the siting of the proposed replacement dwelling.
- The house is proposed to be setback at the minimum required 7.5 m (25 ft.) from the front property line, which is generally consistent with the siting of other existing houses along Bayview Street.
- Only a small portion (approximately 6.3 sq.m. or 68 sq.ft.) of the proposed single family dwelling would encroach on the RH portion of the split zoned lot.
- Staff supports the requested variance to proceed to Public Notification.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7915-0291-00 (Appendix II) varying the following, to proceed to Public Notification:

- (a) to vary the requirement under Zoning Bylaw No. 12000, General Provisions (Part 4, Section E 13 (b)), by allowing a proposed single family dwelling to be sited across the zoning boundary of an existing split-zoned lot.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Split-zoned lot – single family residential (RF) and half-acre residential (RH)

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings	Urban	RF
East:	Single family dwellings on suburban lots of one-half acre or larger	Suburban	RH
South:	Single family dwellings	Urban	RF
West (Across Bayview Street and Burlington Northern (Crescent) Railway):	Single family dwellings	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is a split-zoned lot (RF and RH) located at 2668 - Bayview Street. 63% of the lot is located in the RF Zone and 37% is located in the RH Zone.
- The proposed home would replace an existing single family dwelling and is located in an established neighbourhood of single family homes.

Current Proposal

- The applicant is requesting a Development Variance Permit to allow a portion of the proposed single family home to be located on the RH Zone portion of the split-zoned lot.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the requirement under Zoning Bylaw No. 12000, General Provisions (Part 4, Section E 13 (b)), by allowing a single family dwelling to be sited across the zoning boundary of an existing split-zoned lot.

Applicant's Reasons:

- To permit the construction of a standard size (241.5 sq.m. or 2600 sq.ft.) single family dwelling of a size permitted under the RF Zone.
- Only a small portion (6.3 sq.m. or 68 sq.ft.) of the proposed dwelling encroaches on the RH Zone.

Staff Comments:

- The Zoning Bylaw states that where a lot lies within 2 or more Zones, a principal building may be placed on a portion of the lot lying in only 1 Zone and no further building shall be erected on those portions of the lot lying in any other Zone.
- The portion of the proposed home to be located in the RH Zone is approximately 6.3 sq.m. (68 sq.ft.), or approximately 3% of the building footprint and less than 1% of the total lot area.
- The existing single family dwelling is currently sited across the zoning boundary to a greater extent than the siting of the proposed replacement dwelling.
- The house is proposed to be setback at the minimum required 7.5 m (25 ft.) from the front property line, which is generally consistent with the siting of other existing houses along Bayview Street.
- The size of the proposed home is less than the maximum allowed under the RF Zone.
- Staff support the requested variance to proceed to Public Notification.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Survey Plan
- Appendix II. Development Variance Permit No. 7915-0291-00

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

RJG/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: Brad Martin
 Treeline Const. Ltd
 Address: 12601 - 19A Avenue
 Surrey, BC V4A 7M1

 Tel: 604-351-6599 - Work
 604-351-6599 - Fax

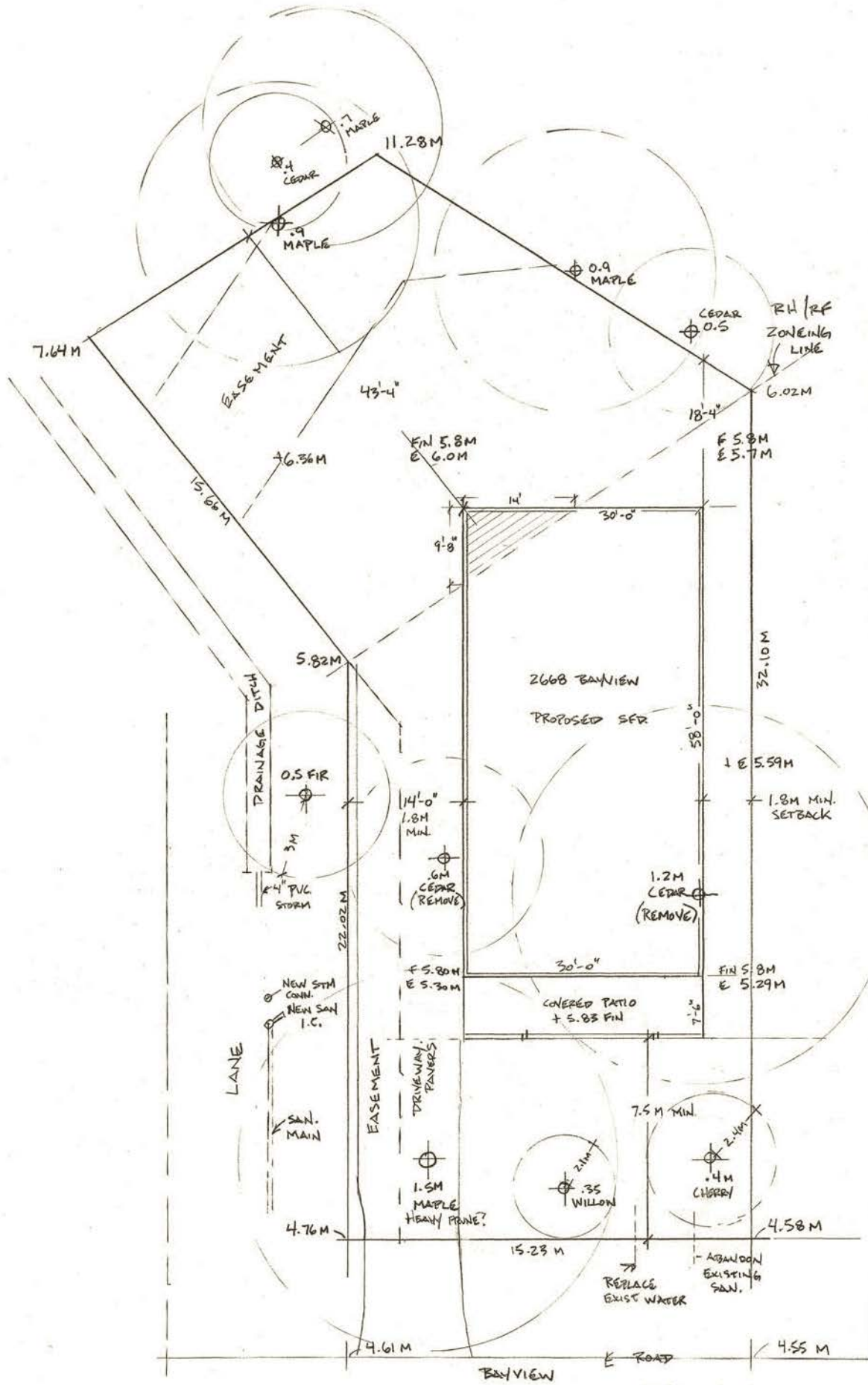
2. Properties involved in the Application

- (a) Civic Address: 2668 - Bayview Street

- (b) Civic Address: 2668 - Bayview Street
 Owner: Sean M Miller
 PID: 001-423-860
 Lot 63 District Lot 52 Group 2 New Westminster District Plan 58866

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Development Variance Permit No. 7915-0291-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.



1/8" = 1'-0"

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0291-00

Issued To: Sean M Miller

("the Owner")

Address of Owner: 2668 BAYVIEW ST
SURREY BC V4A 2Z4

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: 001-423-860
LT 63 DL 52 PL 58866
2668 Bayview St

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

(a) to vary the requirement under Zoning Bylaw No. 12000, General Provisions, (Part 4, Section E 13 (b)) where the principle building for a lot which lies within 2 or more Zones must only be place on a portion of the lot lying in only 1 Zone.

4. This development variance permit applies to only the portion of the Land OR 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