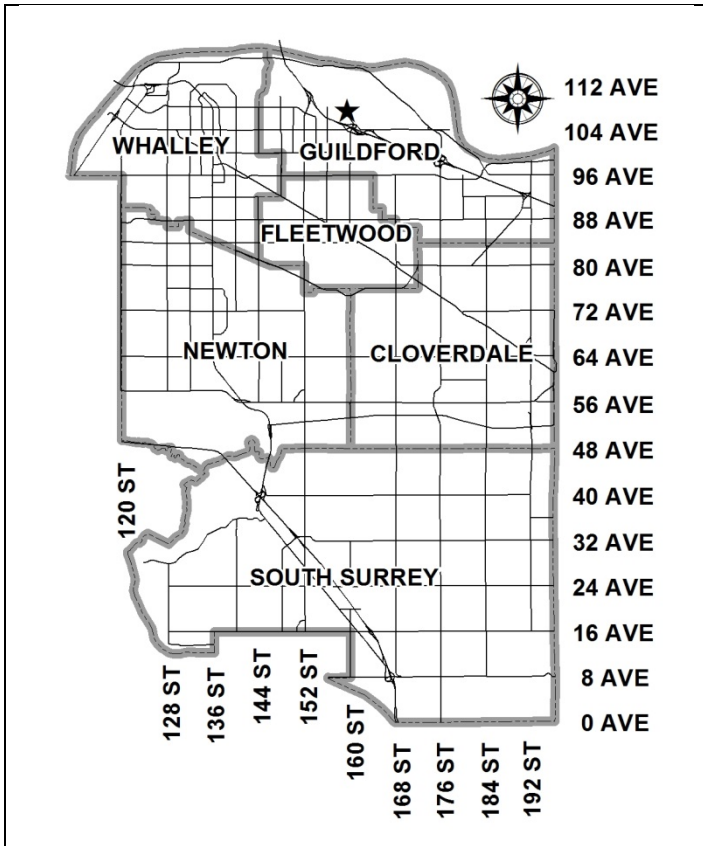


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0431-00

Planning Report Date: February 22, 2016



PROPOSAL:

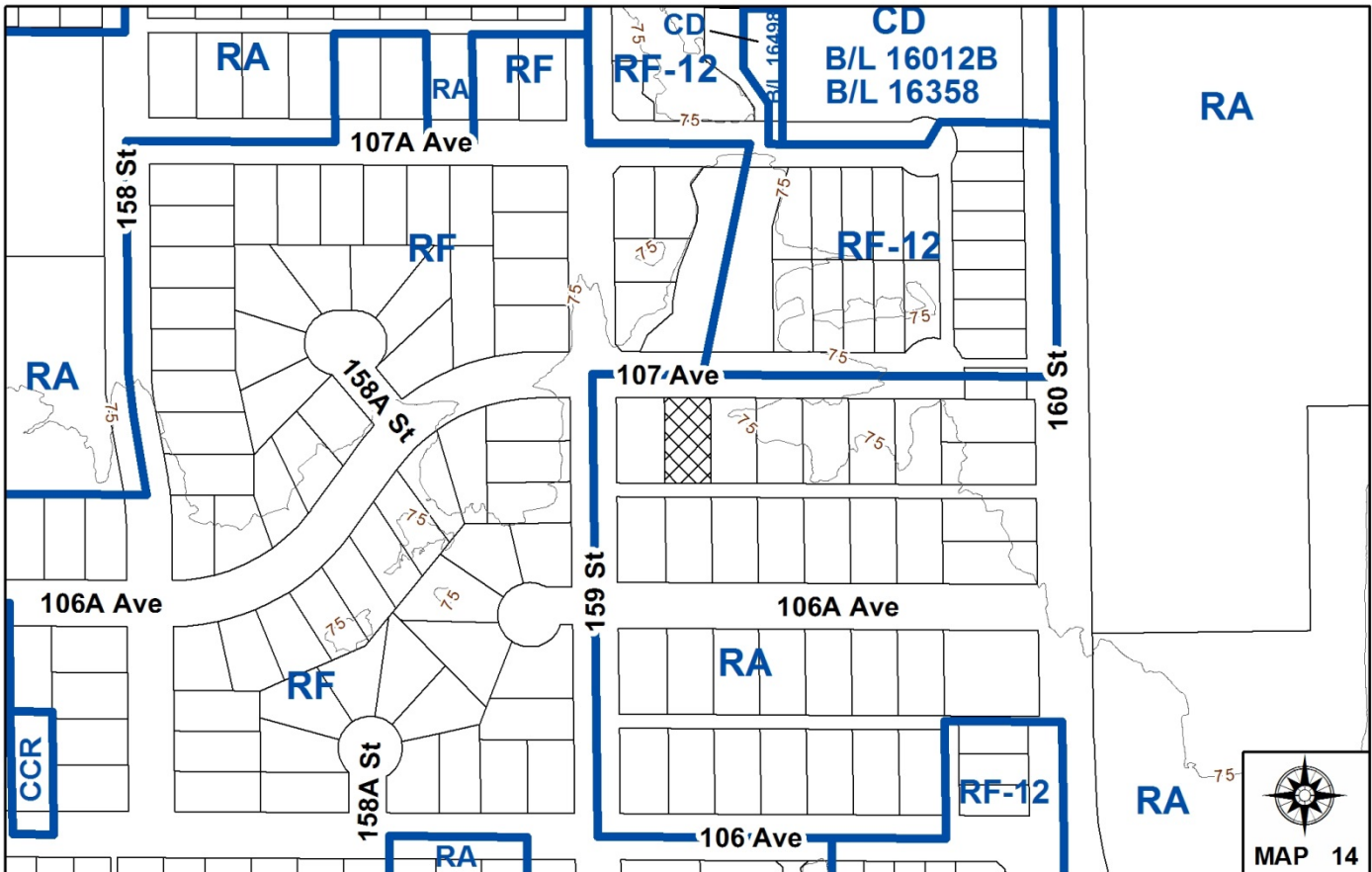
- **Development Variance Permit**
 to allow for the construction of a single family dwelling on an undersized lot impacted by a creek.

LOCATION: 15926 - 107 Avenue

OWNER: Sukhpreet S. Kang

ZONING: RA

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking to reduce the minimum rear yard (south) setback of the RA Zone for this undersized lot, from 7.5 metres (25 ft.) to 4.0 metres (13 ft.) for 100% of the rear wall of the principal building on the subject property.

RATIONALE OF RECOMMENDATION

- The subject property and surrounding RA-zoned lots are 752-square metre (8,095 sq.ft.) “lots of record”, created in 1911. The existing RA zoning is historic. For RA-zoned lots that are 1,858 square metres (0.5 acre) or less in area, the regulations in the RF Zone apply.
- The density, lot coverage and building setbacks of the RF Zone are applicable to the subject property as it is an RA-zoned, Urban-designated lot that is 1,858 square metres (0.5 acre) in area or less. Therefore, without the proposed rear yard (south) setback relaxation, the maximum house size on the subject lot would be approximately 218 square metres (2,350 sq.ft.), which is significantly smaller than the maximum permitted house size of 465 square metres (5,000 sq.ft.) in the RF Zone.
- A drainage right-of-way (ROW) for creek protection and maintenance (Serpentine Creek) is located on the eastern half of the subject property, and at approximately 385 square metres (4,145 sq.ft.) in area, encumbers over 51% of the lot. The unencumbered western half of the property, where the house is proposed, is approximately 367 square metres (3,950 sq.ft.) in area.
- The requested rear yard (south) setback relaxation is not expected to impact any of the neighbouring properties. The subject property is adjacent to a vacant, single family lot to the west (15916 – 107 Avenue), while the abutting single family lot to the east (15936 – 107 Avenue) is buffered from the proposed house on the subject property by the drainage right-of-way that contains mature trees and Serpentine Creek. The property to the south (15925 – 106A Avenue) is located across the existing 6.0-metre (20-ft.) wide unopened east/west lane, which provides additional separation between the two (2) rear yards.
- The City’s Environmental Coordinator has no concerns with the proposed variance to the rear yard (south) setback, provided the proposed single family dwelling is located outside of the drainage ROW. A chain link fence will be installed along the western edge of the drainage ROW in order to protect the creek, prior to Building Permit issuance.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7915-0431-00 (Appendix II) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum rear yard (south) setback of the RA Zone for this undersized lot, from 7.5 metres (25 ft.) to 4.0 metres (13 ft.) for 100% of the rear wall of the principal building on the subject property.

REFERRALS

Engineering: The Engineering Department has no objection to the proposal, provided a chain link fence is installed along the western edge of the drainage right-of-way, prior to Building Permit issuance.

SITE CHARACTERISTICS

Existing Land Use: Undersized, vacant RA-zoned lot, with Serpentine Creek running north/south along the east property line.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 107 Avenue):	City parkland.	Urban	RF
East (Across the drainage ROW):	Single family dwelling.	Urban	RA
South (Across the unopened east/west lane):	Single family dwelling.	Urban	RA
West:	Undersized, vacant RA-zoned lot.	Urban	RA

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located at 15926 – 107 Avenue in Fraser Heights and is designated "Urban" in the Official Community Plan (OCP) and is zoned "One-Acre Residential Zone (RA)".

- The subject property and surrounding RA-zoned lands are “lots of record”, created in 1911, and therefore existed before zoning regulations.
- This under-sized RA-zoned property is approximately 752 square metres (8,095 sq.ft.) in size and is currently treed and vacant.
- A drainage right-of-way (ROW), approximately 385 square metres (4,145 sq.ft.) in area, encumbers the eastern half of the property and was registered on the subject property in 2009 for creek protection and maintenance (Serpentine Creek). The ROW encumbers more than 51% of the subject property.
- The western half of the subject property, outside of the drainage ROW, is approximately 367 square metres (3,950 sq.ft.) in area.

Current Proposal

- According to the Zoning By-law, the requirements of the RF Zone (including the permitted density, lot coverage and building setbacks) are applicable to an RA-zoned, Urban-designated lot that is 1,858 square metres (0.5 acre) in area or less. The subject property, at 752 square metres (8,090 sq.ft.) in area, meets these criteria.
- The applicant is proposing to construct a single family dwelling on the western half of the subject property. The proposed single family dwelling is to be set back approximately 16.5 metres (54 ft.) from the front property line due to the curvature of the creek and the drainage right-of-way (ROW). As a result, the applicant is proposing a variance to the minimum rear yard (south) setback of the RF Zone from 7.5 metres (25 ft.) to 4.0 metres (13 ft.).
- The proposed east side yard setback measured to the east property line is 9.5 metres (31 ft.) and 1.2 metres (4 ft.) measured to the western edge of the drainage ROW. No variance is required for the east side yard setback. The proposed west side yard setback is 1.8 metres (6 ft.), which also does not require a variance.
- The table below summarizes the proposed building setbacks:

	Minimum RF Zone Setbacks*	Proposed Setbacks
Front Yard (north)	7.5 metres (25 ft.)	16.5 metres (54 ft.)
Rear Yard (south)	7.5 metres (25 ft.)	4.0 metres (13 ft.)
Side Yard (west)	1.8 metres (6 ft.)	1.8 metres (6 ft.)
Side Yard (east)	1.8 metres (6 ft.)	9.5 metres (31 ft.) to lot line and 1.2 metres (4 ft.) to the ROW
* The requirements of the RF Zone, including the minimum setbacks, are applicable		

TREES

- No trees are proposed for retention on the western half of the subject site, however, all trees located within the drainage right-of-way (ROW) are to be retained.

- The applicant is required to install a 1.2-metre (4-ft.) high black-coloured, chain link fence along the western edge of the drainage ROW in order to protect the riparian area, prior to the issuance of a Building Permit.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard (south) setback of the RA Zone for this undersized lot, from 7.5 metres (25 ft.) to 4.0 metres (13 ft.) for 100% of the rear wall of the principal building on the subject property.

Applicant's Reasons:

- The building footprint is significantly impacted by the watercourse and drainage right-of-way (ROW) located along the eastern portion of the property.
- The proposed variance will allow a house similar to the house sizes in the neighbourhood.

Staff Comments:

- The maximum house size that can be constructed on the western half of the subject lot, without the proposed rear yard (south) setback relaxation, is approximately 218 square metres (2,350 sq.ft.).
- The proposed variance to the minimum rear yard (south) setback, from 7.5 metres (25 ft.) to 4.0 metres (13 ft.), will allow the applicant to construct a house approximately 250 square metres (2,700 sq.ft.) in size, which is 32 square metres (345 sq.ft.) larger than without the proposed variance, and is comparable to the existing house sizes in the neighbourhood. A size comparison of the existing and proposed houses in the immediate area is shown in the following table:

HOUSE SIZE COMPARISON	Lot Size	House Sizes (excluding basements)
Subject RA lot* (15926 – 107 Avenue)	752 sq.m. (8,095 sq.ft.) Area outside ROW: 367 sq.m. (3,950 sq.ft.)	Proposed house: 250 square metres (2,700 sq.ft.)
Abutting RA lot to the west* (15916 – 107 Avenue)	784 sq.m. (8,440 sq.ft.)	Proposed house: 350 square metres (3,800 sq.ft.)
Abutting RA lot to the east* (15936 – 107 Avenue)	747 sq.m. (8,040 sq.ft.)	Existing house: 290 square metres (3,120 sq.ft.)
RF lot to the north-west (10718 – 159 Street)	615 sq.m. (6,620 sq.ft.)	Existing house: 227 square metres (2,445 sq.ft.)
RF-12 lot to the north-east (15947 – 107 Avenue)	690 sq.m. (7,425 sq.ft.)	Existing house: 225 square metres (2,420 sq.ft.)
* The requirements of the RF Zone, including the permitted house size, are applicable		

- The requested rear yard (south) setback relaxation is not expected to impact any of the neighbouring properties. The abutting property to the west (15916 – 107 Avenue) is currently vacant (with an in-process Building Permit application to construct a single family dwelling), while the property to the east (15936 – 107 Avenue) is buffered from the proposed house on the subject property by a drainage right-of-way that contains mature trees and Serpentine Creek.
- The property to the south (15925 – 106A Avenue) is located across the existing 6.0-metre (20-ft.) wide unopened east/west lane, which provides additional separation between the two (2) rear yards. Transportation Engineering has advised that the construction of the unopened lane will not be required for some time, but should be retained for possible future servicing and access needs.
- The City's Environmental Coordinator has no concerns with the proposed variance to the rear yard (south) setback of the principal building, provided the proposed building is located outside of the drainage right-of-way.
- 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. Development Variance Permit No. 7915-0431-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

DN/ar

\\file-server1\net-data\csdc\generate\areaproduct\save\5486561076.doc
KD 2/18/16 11:08 AM

Information for City Clerk

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

1. (a) Agent: Name: Lori Joyce
 H.Y. Engineering Ltd.
 Address: Suite 200, 9128 - 152 Street
 Surrey, BC V3R 4E7

 Tel: 604-583-1616 - Work

2. Properties involved in the Application
 - (a) Civic Address: 15926 - 107 Avenue

 - (b) Civic Address: 15926 - 107 Avenue
 Owner: Sukhpreet S. Kang
 PID: 012-386-049
 Lot 2 Block 12 Section 22 Block 5 North Range 1 West New Westminster District Plan 1832

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7915-0431-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0431-00

Issued To: Sukhpreet S. Kang

("the Owner")

Address of Owner: 5228 - 157 Street
Surrey, BC V3Z 1G2

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: 012-386-049
Lot 2 Block 12 Section 22 Block 5 North Range 1
West New Westminster District Plan 1832

15926 - 107 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) Section F of Part 12 "One-Acre Residential Zone (RA)" is varied for this undersized lot by reducing the minimum rear yard (south) setback of the RF Zone, from 7.5 metres (25 ft.) to 4.0 metres (13 ft.) for 100% of the rear wall of the principal building on the subject property.
4. This development variance permit applies to 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 _____, 2016.
ISSUED THIS _____ DAY OF _____, 2016.

Mayor – Linda Hepner

City Clerk – Jane Sullivan

