

City of Surrey PLANNING & DEVELOPMENT REPORT File: 7915-0432-00

Planning Report Date: September 12, 2016

PROPOSAL:

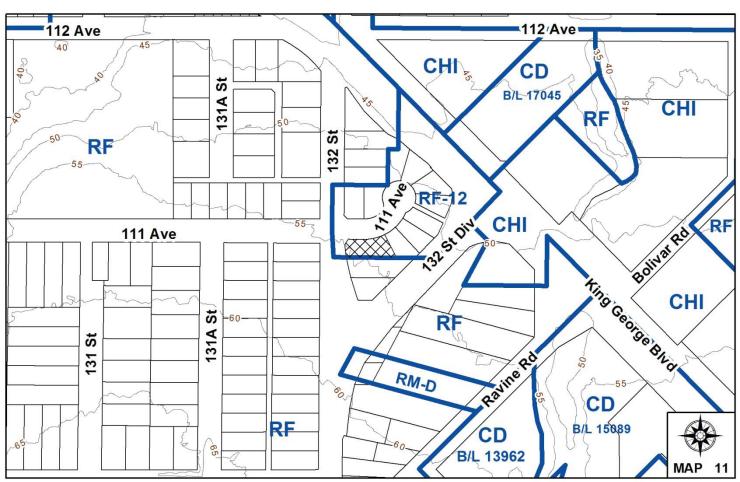
• Development Variance Permit

to permit a reduced rear (east) yard setback and a basement access well between the principal building and the side (south) lot line for a new single family dwelling, in order to retain trees.

LOCATION: 11106 - 132 Street

OWNER: Gurdeep S Nijjer

ZONING: RF-12
OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

• Seeking relaxation of the rear (east) yard setback of the RF-12 Zone from 7.5 metres (25 ft.) to 1.8 metres (6 ft.) and permission to construct a basement access well within the side (south) yard.

RATIONALE OF RECOMMENDATION

- The proposed variances will permit a standard sized RF-12 home to be built and the retention of mature trees.
- Development Variance Permit No. 7907-0226-01, to permit a reduced rear yard setback on the subject lot expired on March 31, 2016.
- Basement access is restricted to the rear of the house in the RF-12 Zone. The south side yard will function as the rear yard with its increased setback and therefore it is reasonable to permit basement access to encroach into the south side yard.
- Restrictive covenants (RCs) were registered on the subject lot as part of the original rezoning and subdivision (Development Application No. 7907-0226-00), to increase the setbacks along the west and north property lines to protect trees located in the front yard. These RCs were also originally intended to increase the setbacks along the south property line for the same purpose, however, this was inadvertently omitted and therefore will be required as part of the subject application.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7915-0432-00 (Appendix IV) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum rear (east) yard setback of the RF-12 Zone from 7.5 metres (25 ft.) to 1.8 metres (6 ft.); and
- (b) to vary the RF-12 Zone to permit the construction of a basement access and basement well with staircase to encroach between the principal building and the side (south) lot line.
- 2. Council instruct staff to resolve the following issues prior to final approval:
 - (a) discharge of the existing restrictive covenant (CA3520979), requiring a minimum north side yard setback of 4 metres (13 ft.) to the principal building face and 6 metres (20 ft.) to the garage face; and
 - (b) registration of a restrictive covenant requiring minimum 4-metre (13 ft.) north and south side yard setbacks to the principal building face and a minimum 6-metre (20 ft.) north side yard setback to garage face, with the exception of a front porch and staircase (which may encroach into the 4-metre (13 ft.) north side yard setback).

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 111	Vacant lot and new single family	Urban	RF-12
Avenue):	dwelling		
East:	New single family dwelling	Urban	RF-12
South:	Single family dwelling	Urban	RF
West (Across 132	Single family dwelling	Urban	RF
Street):			

DEVELOPMENT CONSIDERATIONS

Background

- On July 22, 2013, Council granted Final Adoption to Rezoning By-law No. 16908 (Development Application No. 7907-0226-00) to rezone four properties at 132 Street and 111 Avenue in Whalley from "Single Family Residential Zone (RF)" and "Highway Commercial Zone (CHI)" to "Single Family Residential (12) Zone (RF-12)" in order to allow subdivision into ten (10) small single family lots, including the subject lot (Appendix II).
- As part of this application, Council issued Development Variance Permit No. 7907-0226-00, which permitted a reduced rear yard (eastern) setback on the subject lot, to facilitate the retention of existing trees within the front yard (western) setback.
- Due to outstanding legal issues, the subdivision plan accompanying this proposal was not executed by the Approving Officer until December 2013 and was not registered at the Land Title Office until January 2014.
- Development Variance Permit (DVP) No. 7907-0226-00, which was issued on April 20, 2009, contained a clause indicating that the DVP would expire if the subdivision associated with the DVP was not registered within three years of the date of the issuance of the DVP. As a result DVP No. 7907-0226-00 expired on April 20, 2012.
- On August 22, 2012, the applicant submitted an application for a new DVP (to reduce the rear yard setbacks), which was issued on March 31, 2014. However, DVP No. 7907-0226-01 contained a clause indicating that the DVP would expire if the owner did not substantially start construction within two years of the date of issuance of the DVP. As a result DVP No. 7907-0226-01 expired on March 31, 2016.
- The applicant has submitted the subject application for another DVP in order to be able to construct the single family dwelling originally envisioned for the subject lot.

Current Application

- The subject site is designated Urban in the OCP, zoned "Single Family Residential (12) Zone (RF-12)" and is 625 square metres (6,727 sq. ft.) in size.
- The first two DVPs allowed a reduced rear (east) yard setback from 7.5 metres (25 ft.) to 1.8 metres (6 ft.) to facilitate the retention of existing, mature trees within the front yard (west) setback.
- As part of the original application, a no-build restrictive covenant (RC) was intended to be registered against the title of the subject lot to increase the north and south side yard setbacks to 4 metres (13 ft.) to the principal building face and to increase the north side yard setback to 6 metres (20 ft.) to the garage face. However, only an RC to increase the north side yard setback was registered as part of the original application (CA3520979). As a result, the discharge of this existing RC and the registration of a new RC (increasing both north and south side yard setbacks, as originally intended) will be required under the subject DVP application.

• In addition, the applicant has requested that a front porch and staircase be permitted to encroach within the 4-metre (13 ft.) north side yard setback and a basement access well and staircase be permitted to encroach within the 4-metre (13 ft.) south side yard setback in the new RC. This would facilitate the construction of a standard sized RF-12 house, for which the applicant submitted a building permit application on March 4, 2015 (currently on hold pending Council consideration of the subject DVP and until the RC issues are resolved).

• The applicant has also requested basement access along the south side yard, which is contrary to the RF-12 Zone. In accordance with the RF-12 Zone basement access and basement wells are permitted only between the principal building and the rear lot line and must not exceed a maximum area of 14-square metres (150-square ft.), including the stairs.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variances:

- To reduce the rear (east) yard setback of the RF-12 Zone from 7.5 metres (25 ft.) to 1.8 metres (6 ft.).
- To vary the RF-12 Zone to permit the construction of a basement access well and staircase between the principal building and the side (south) lot line.

Applicant's Reasons:

- The front (west) yard of the subject lot is encumbered by an approximate 15-metre (49 ft.) deep no-build tree protection restrictive covenant (CA3520977).
- The north and south side yard setbacks will be increased by another restrictive covenant to improve the streetscape and to increase privacy to the southern neighbour.
- By allowing a reduced rear (east) yard setback, a standard sized (2,800 sq. ft.) RF-12 house can be built on the subject lot.

Staff Comments:

- Two restrictive covenants (RCs) to increase setbacks were registered on the subject site as part of the original rezoning and subdivision application (Development Application No. 7907-0226-00). The first RC was to protect a stand of trees along 132 Street and to increase the front (western) yard setback from 7.5 metres (25 ft.) to approximately 15 metres (50 ft.).
- The second RC was intended to increase the setbacks along both the north and south property lines, however, the RC in actuality only increased the setbacks along the north property line. This RC will be discharged and a new RC to increase the setbacks along both the north and south property lines will be registered, as originally intended, as a condition of the subject DVP application. This new RC will permit a front porch and staircase to encroach into the north setback area.

• The applicant submitted a building permit application on March 4, 2015, which is currently on hold pending the approval of the proposed variances and registration of a new RC for north and south side yard setbacks.

- As the proposed house will face 111 Avenue, the northern side yard functionally becomes the front yard, although technically the front yard is along the 132 Street frontage of the lot. The southern side yard functionally becomes the rear yard, although technically the rear yard is along the eastern property line.
- The southern side yard will be well screened from 132 Street by a stand of trees preserved through an existing RC and from 111 Avenue by the proposed dwelling.
- The southern property line interfaces with the side lot line of the neighbouring lot to the south (11100 132 Street). The new RC to increase the side (south) yard setback to 4-metre (13 ft.) will allow for the retention of landscapable side yard space between the proposed dwelling on the subject lot and the southern lot line, as illustrated on the proposed site plan attached as Appendix III, creating a condition more similar to a rear yard to side yard condition than a side yard to side yard condition.
- The proposed relaxation of the rear (east) yard setback will allow the retention of mature trees on the site while still allowing the landowner to construct a standard RF-12 sized house.
- The eastern property line interfaces with the side lot line of the neighbouring lot to the east (13218 111 Avenue). As such, the proposed rear yard relaxation will essentially result in a side yard to side yard condition.
- The RF-12 Zone restricts basement access and basement wells to the rear yard. The south side yard will function as a rear yard, with the setback increased to 4 metres (13 ft.). It is reasonable to allow basement access to encroach in the south side yard.
- Staff support the requested variances.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary

Appendix II. Associated Subdivision

Appendix III. Site Plan

Appendix IV. Development Variance Permit No. 7915-0432-00

original signed by Judith Robertson

Jean Lamontagne General Manager Planning and Development

CRL/dk

<u>Information for City Clerk</u>

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

1. (a) Agent: Name: Gurdeep S Nijjer

Address: 6855 - 128 Street

Surrey, BC V₃W ₄E₁

Tel: 604-377-5909

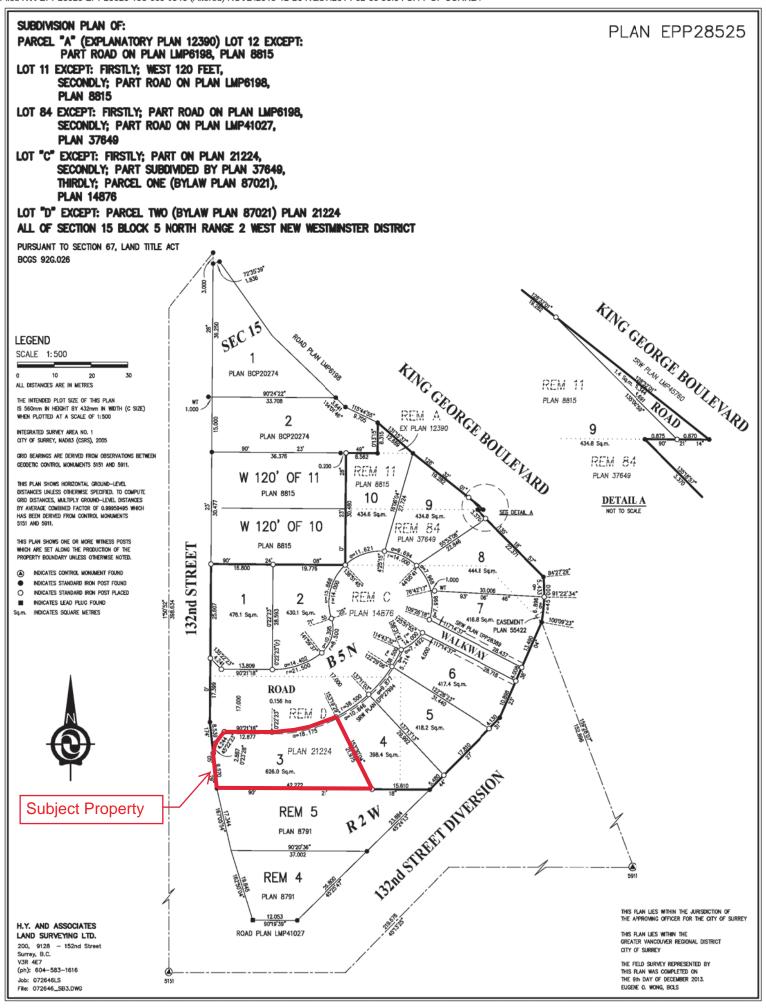
2. Properties involved in the Application

(a) Civic Address: 11106 - 132 Street

(b) Civic Address: 11106 - 132 Street
Owner: Gurdeep S Nijjer
PID: 029-247-365

Lot 3 Block 5N Section 15 Range 2w Plan Epp28525 New Westminster District

- 3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7915-0432-00 and bring the Development Variance Permit forward for an indication of support by Council. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk once all outstanding conditions are satisfied.
 - (b) Remove Notice of Development Variance Permit No. 7907-0226-01 from title.



ZONING CALCULATIONS: Lot# 3 - 11106 - 132St., Surrey - RF12

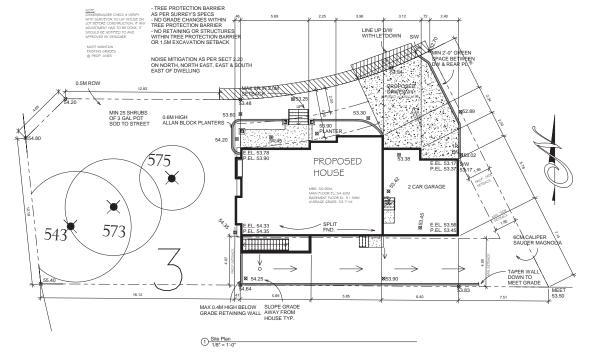
Lot Area = 6116 SQFT Allowed Lot Coverage = 3058 SQFT
Allowed FAR = 2800 SQFT
Proposed Lot Coverage = 1593.38 SQFT
Proposed FAR = 2668.76 SQFT

MAIN FLOOR AREA: 999.76 SQFT GARAGE: 464.67 SQFT TOTAL: 1464.43 SQFT

UPPER FLOOR AREA: 1256.84 SQFT STAIRS: 54.51 SQFT NET UPPER FLOOR: 1204.33 SQFT

MAIN FLOOR: 1464.43 SQFT UPPER FLOOR: 1204.33 SQFT TOTAL: 2668.76 SQFT

BASEMENT AREA: 999 76 SOFT SUNKEN WELL (EXCEPT STAIRS): 62.96 SQFT FRONT PORCH: 108.32 SQFT



GENERAL NOTES

-CONSTRUCTION MUST COMPLY WITH B.C. BUILDING CODE 2012, ELECTRICAL B.C. CODE 2012, PLUMBING B.C. CODE 2012 AND WINDOWS AND GLAZING B.C. CODE 2012.

-PROVIDE 8" CLEARANCE BETWEEN GRADE AND SIDING -CONCRETE OF FOOTINGS OR WALLS MUST HAVE #45 FELT AND BE ANCHORED WITH 1/2" DIA, BOLTS 4"- 0" O.C.

- ALL POOTINGS ARE TO EXTEND 18" BELOW GRADE MINIMUM

-GLASS IN WINDOWS 4 DOORS TO BE DOUBLE GLAZED S

-TUBS WITH SHOWERS MUST HAVE A MIN, HEIGHT OF 3'I I" FROM TUB

I" NOSING REQUIRED ON TREADS LESS THAN 10"

-R I 2 RIGID INSULATION REQUIRED UNDER ENTIRE SLAB AREA FOR SLABS WITH RADIANT HEATING

-MIRRORED DOORS AT ENTRANCES TO WALK-IN CLOSETS ARE TO BE BACKED W/ SOUD MATERIAL AS PER #9.6.5.3.

JE ASHING MUST BE PROVIDED OVER ALL EXTERIOR OPENINGS

-PROVIDE WEATHER-STRIPPING FOR ALL EXTERIOR DOORS.

-ALL EXTERIOR AND GARAGE ELECTRICAL OUTLETS TO BE WATERPROOFED.
-PROVIDE WEATHER-STRIPPING FOR ALL EXTERIOR DOORS.

ALL LINTELS NOT SPECIFIED ARE 2VL2 DOLLEUE

-PROVIDE SCREENED VENTILATION TO ALL ATTIC SPACES AS REQU

-PROVIDE BRACING TO ALL CORNERS

PROVIDE 21 CONTINUOUS SCREENED VENTUATION AT SOFFITS

BALCONY RAILINGS TO BE MINIMUM 3'G" OVER FINISH FLOORS

JALL FRAMING FLEMENTS MUST BE NA 2 DOUBLAS FIR REGISTERED STRUCTURAL ENGINEER SUBMITS LETTER OF UN FOR REVIEW, DESIGN AND SUPERVISION OF STRUCTURAL COMPONENTS, ALSO SEISMIC # WIND DESIGN AS PER OWC GUIDE.

4 ALL DOWNSPOUTS WILL TO CONNECTED TO DRA ALL AROUND THE PROPOSED BUILDING.

THESE PLANS CONFORM TO BCBC 2012

CONSTURLICTION SHALL FOLLOW LOCAL BUILDING BY-LAWS ALONG WITH THESE PLANS.

CONTRACTOR MUST CONFIRM ALL DIMENSIONS PRIOR TO START OF CONSTRUCTION.

THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS AND OMISSIONS IN THESE PLANS. IT IS THE BUILDER/OWNER'S RESPONSIBILITY TO REVIEW AND VERIFY THE WHOLE PLAN (i.e. ALL LEVELS, DIMENSIONS, STRUCTURAL ADEQUACIES) PRIOR TO CONSTURCTION.

DO NOT SCALE DRAWINGS

COPYRIGHT RESERVED, ANY VARIATIONS AND COPYRIGHT RESERVED ANY VARIATIONS AND MONDIFICATIONS TO THESE DRAWINGS SHALL NOT BE CARRIED OUT WITHOUT WRITTEN PERMISSION FROM PRO VILL DESIGNS LTD. THIS DRAWING IS THE EXCLUSIVE PROPERTY OF PVIDL. AND CAN ONLY BE REPRODUCED WITH PVIDL'S WRITTEN PERMISSION. PLEAR NOTE THAT THIS DRAWING IS FOR PERMIT APPLICATION PURPOSES AND NOT. INTENDED TO BE ISSUED FOR CONSTRUCTION UNTIL APPROVED BY CITY.



Pro Villa Designs #212- 8322 130 Street Surrey, B.C. V3W 8J9 Ph. 604-825-3547 Fax. 604-597-0809 info@villadesigns.ca

www.villadesigns.ca

E K Homes / Gurpal S.

PH.- 778-883-6549

boparai_kirpal@hotmail.com

lo.	Description	Date		
_				
11106 - 132 St. Surrey, B.C.				

SITE PLAN, NOTES & **CALCULATIONS**

PVDL-14mm-in-## GS

Α1

1/8" = 1'-0"

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0432-00

Issued To: GURDEEP S NIJJER

(the Owner)

Address of Owner: 6855 - 128 Street

Surrey, BC V₃W ₄E₁

- 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: 029-247-365 Lot 3 Block 5N Section 15 Range 2W Plan EPP28525 New Westminster District

11106 - 132 Street

(the "Land")

- 3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F of Part 17A "Single Family Residential (12) Zone (RF-12)" the minimum rear yard setback is reduced from 7.5 metres (25 ft.) to 1.8 metres (6 ft.).
 - (b) In Section J.1 of Part 17A "Single Family Residential (12) Zone", basement access and basement well with staircase is permitted to encroach between the principal building and the side (south) lot line.
- 4. This development variance permit applies to only the <u>portion of the Land</u> 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 accord provisions of this development variance permi		
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	

