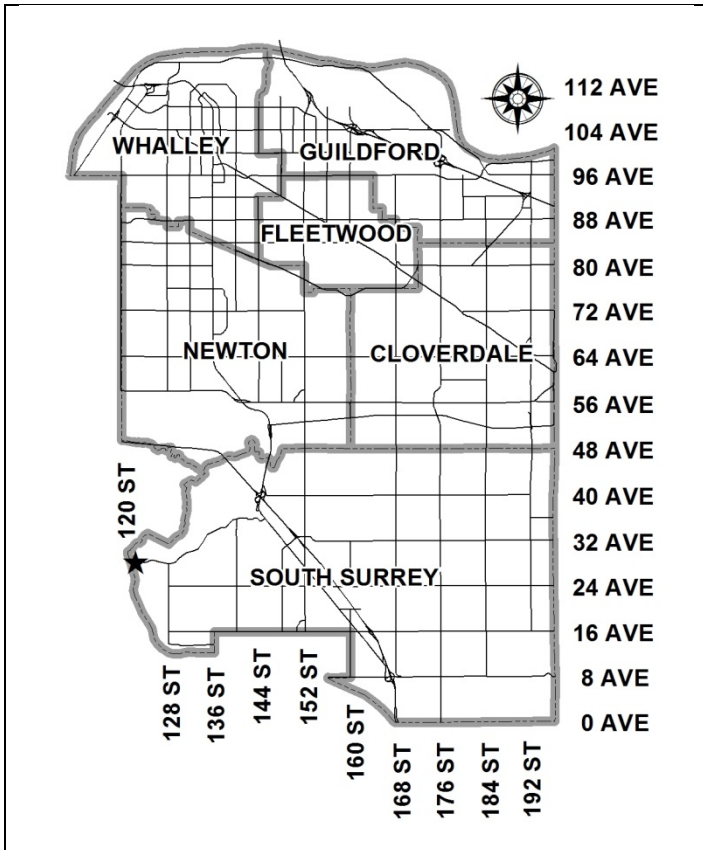


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7915-0447-00

Planning Report Date: March 7, 2016



**PROPOSAL:**

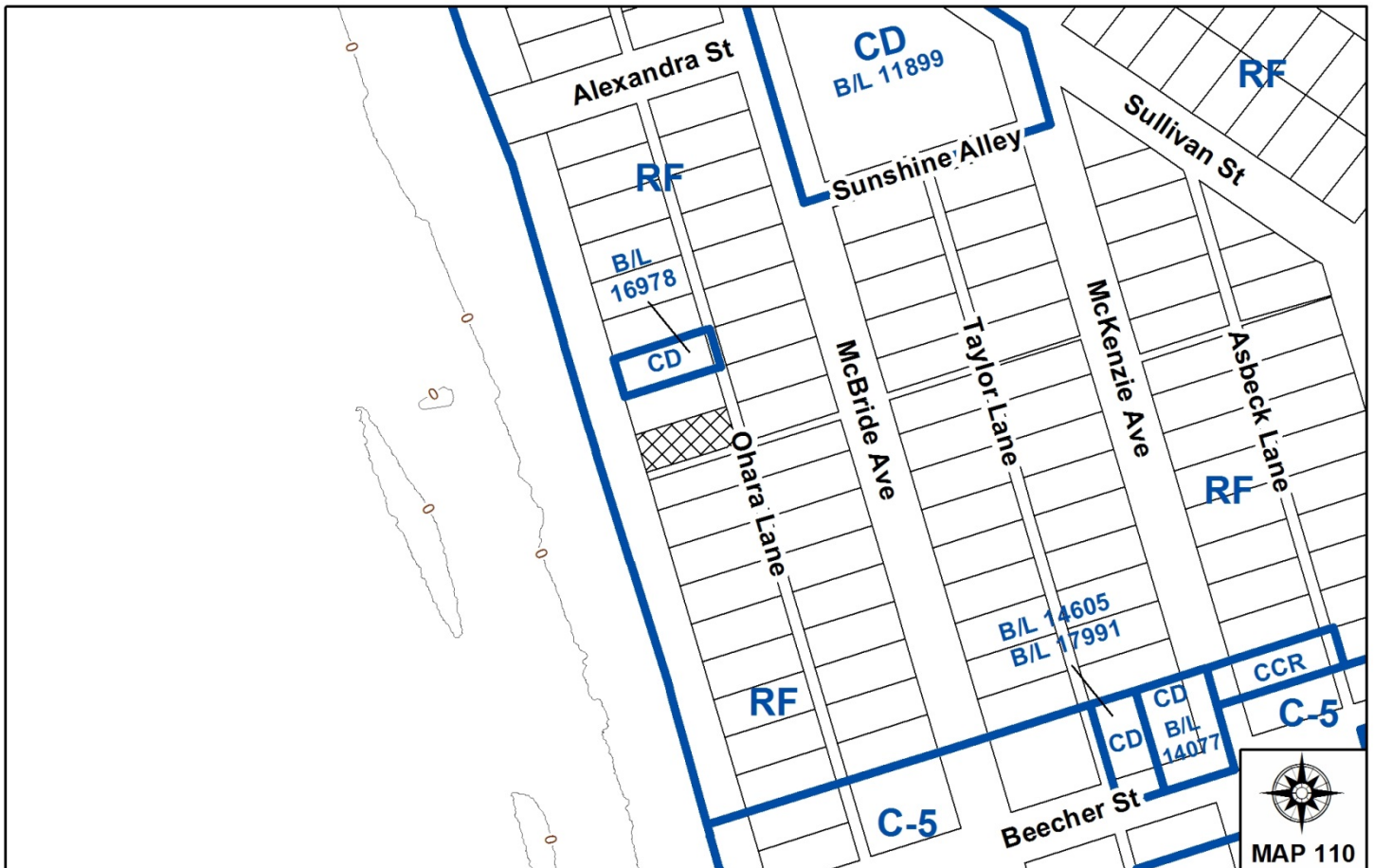
- **Development Variance Permit**  
 to vary the floodplain elevation for a proposed single family dwelling and reduce the minimum rear yard and north side yard setbacks for tree retention purposes.

**LOCATION:** 2818 - O'Hara Lane

**OWNER:** Cynthia Landolt

**ZONING:** RF

**OCP DESIGNATION:** Urban



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### RECOMMENDATION SUMMARY

Approval for Development Variance Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Minimum required floodplain elevation is reduced.
- The applicant is seeking to reduce the minimum rear yard (east) setback of the RF Zone from 7.5 metres (25 ft.) to 0.5 metres (1.5 ft.), and the minimum side yard (north) setback of the RF Zone from 1.8 metres (6 ft.) to 1.3 metres (4 ft.).

### RATIONALE OF RECOMMENDATION

- The request for a variance to the flood plain elevation is consistent with building elevations that are typically approved by Council in Crescent Beach.
- The reduced rear yard setback will allow a proposed new home to be sited closer to O'Hara Lane to accommodate the root protection zone of a mature tree located in the front yard (west).
- The reduced north side yard setback will allow more flexibility with respect to the design and siting of the proposed home for tree retention purposes.
- Staff supports the requested variances to proceed to Public Notification.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7915-0447-00 (Appendix V) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum rear yard (east) setback of the RF Zone from 7.5 metres (25 ft.) to 0.5 metres (1.5 ft.);
  - (b) to reduce the minimum side yard (north) setback of the RF Zone from 1.8 metres (6 ft.) to 1.3 metres (4 ft.); and
  - (c) to vary the minimum required building elevation of 3.5 m (11.5 ft) (Geodetic Survey of Canada (G.S.C.) Datum) to not less than 3.17 metres (10 ft), or 0.6 metres (2 ft.) above the centreline of the road at the midpoint fronting the land.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single Family Dwelling

Adjacent Area:

Direction	Existing Use	OCP	Existing Zone
North:	Single Family Dwelling	Urban	RF
East (Across O'Hara Lane):	Single Family Dwelling	Urban	RF
South:	Single Family Dwelling	Urban	RF
West:	Crescent Beach/ Boundary Bay	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is a 557 square metre (5,994 sq.ft.) lot in Crescent Beach, located at 2818 O'Hara Lane. The site is zoned "Single Family Residential Zone" (RF) and is designated "Urban" in the Official Community Plan.

- The applicant proposes to build a 386 square metre (4,159 sq.ft.) single family dwelling with attached garage on the subject site. A site plan is contained in Appendix II.

### Current Application

- The applicant proposes to vary the minimum rear yard (east) setback of the RF Zone from 7.5 metres (25 ft.) to 0.5 metres (1.5 ft.), and the minimum side yard (north) setback of the RF Zone from 1.8 metres (6 ft.) to 1.3 metres (4 ft.) in order to retain a significant maple tree.
- The reduced rear yard setback will allow the new home to be sited closer to the rear property line to accommodate the root protection zone of a mature maple tree located in the front yard (waterfront).
- The reduced north side yard setback of 1.3 metres (4 ft.) is to accommodate the garage portion of the principal residence only.
- A development variance permit for floodplain relaxation within the Crescent Beach Floodplain is also required to permit construction of the proposed dwelling.

### Discussion

- The applicant wishes to retain and protect a large maple tree located in the front yard on the waterfront side of the property. Retaining the tree and allowing for the Tree Protection Zone requires that the house be sited closer to the rear (east) property line. (See Appendix IV).
- Typically, a 1.2 metre (4.0 ft.) separation is required between the principal residence and a detached accessory building (garage). To allow for the tree to be retained, the applicant proposes attaching the garage to the principal residence. By attaching the garage to the principal residence, the setback requirements for a principal residence apply, resulting in the garage portion of the house encroaching into the side yard (north) setback. The rear of the principal residence, not counting the detached garage, is approximately 6.5 metres (21 ft.) from the rear property line.
- There is a precedent for garages on O'Hara Lane and the proposed garage design conforms to the established character of the area. The garage portion of the principal residence meets the height and setback requirements for the RF Zone for an accessory building, were it a detached garage.
- The proposal to vary the minimum floodplain elevation is consistent with the variances that are typically approved by the City through the Council approved expedited process for Crescent Beach.

### TREES

- Andrew Connell, ISA Certified Arborist of Diamond Head Consulting Ltd. prepared an Arborist Assessment for the subject property. The table below provides a summary of the tree retention and removal by tree species:

**Table 1: Summary of Tree Preservation by Tree Species:**

Tree Species	Existing	Remove	Retain
<b>Deciduous Trees</b> (excluding Alder and Cottonwood Trees)			
Maple (Big Leaf)	1	0	1
Laburnum	2	2	0
<b>Total (excluding Alder and Cottonwood Trees)</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>Total Replacement Trees Proposed (excluding Boulevard Street Trees)</b>		<b>0</b>	
<b>Total Retained and Replacement Trees</b>		<b>1</b>	
<b>Contribution to the Green City Fund</b>		<b>\$1,200.00</b>	

- The Arborist Assessment states that there are a total of 3 protected trees on the site, none of which are Alder or Cottonwood trees. It was determined that 1 tree can be retained as part of this development proposal. The proposed tree retention was assessed taking into consideration the location of services, building footprints, road dedication and proposed lot grading.
- The east yard setback and north side yard setback need to be reduced in order to facilitate the retention of a large big leaf maple tree (see By-law Variance section). A No-Build restrictive covenant will be required to identify the tree preservation area.
- For those trees that cannot be retained, the applicant will be required to plant trees on a 2 to 1 replacement ratio. This will require a total of 4 replacement trees on the site. Since no replacement trees are proposed for the site, the deficit of 4 replacement trees will require a cash-in-lieu payment of \$1,200, representing \$300 per tree, to the Green City Fund, in accordance with the City's Tree Protection By-law.
- In summary, 1 tree is proposed to be retained or replaced on the site with a contribution of \$1,200 to the Green City Fund.

#### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Reduce the minimum front yard (east) setback of the RF Zone from 7.5 metres (25 ft.) to 0.5 metres (1.5 ft.); and

(b) Requested Variance:

- Reduce the minimum side yard (north) setback of the RF Zone from 1.8 metres (6 ft.) to 1.3 metres (4 ft.).

**Applicant's Reasons:**

- A reduced front yard setback is required to enable the construction and siting of a new house of the size permitted in the RF Zone, while also retaining a significant maple tree in the front yard.
- The reduced north side yard setback of 1.3 metres (4 ft.) is for the garage portion of the principal residence only.
- There is a precedent for garages on O'Hara Lane and the proposed garage design conforms to the established character of the area.

**Staff Comments:**

- The reduced rear yard setback will allow the new home to be sited closer to O'Hara Lane to accommodate the root protection zone of a mature Big Leaf Maple tree located in the front yard.
- The reduced north side yard setback, which applies to the garage portion of the principal residence only, will allow more flexibility with respect to the design and siting of the proposed home for tree retention purposes.

**(c) Requested Variance:**

- To vary the minimum required building elevation of 3.5 m (11.5 ft) (Geodetic Survey of Canada (G.S.C.) Datum) to not less than 3.17 metres (10 ft), or 0.6 metres (2 ft.) above the centreline of the road at the midpoint fronting the land.

**Applicant's Reasons:**

- The Floodproofing Section in the Zoning By-law restricts minimum building elevation to 0.6m (2 ft.) above the 200 year flood level of the Nicomekl River. The subject site is within the identified floodplain region and the proposed dwelling will be below the 0.6 m (2 ft.) requirement.

**Staff Comments:**

- The minimum building elevation will be reduced to 0.6 m (2 ft.) above the centreline of the midpoint of the fronting road. Based on past precedents, the Building Division allows for this reduction.
- The proposal is consistent with floodplain elevation variances that are typically approved by the City through the Council approved expedited process.
- The registration of a Section 219 Restrictive Covenant will be required to indemnify the City against possible damages as a result of flooding. A commitment to register this covenant shall be a condition precedent to the issuance of a building permit.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Proposed Site Plan
- Appendix III. Tree Location and Retention Plan
- Appendix IV. Tree Preservation Summary
- Appendix V. Development Variance Permit No. 7915-0447-00

*original signed by Ron Hintsche*

Jean Lamontagne  
General Manager  
Planning and Development

RJG/ar

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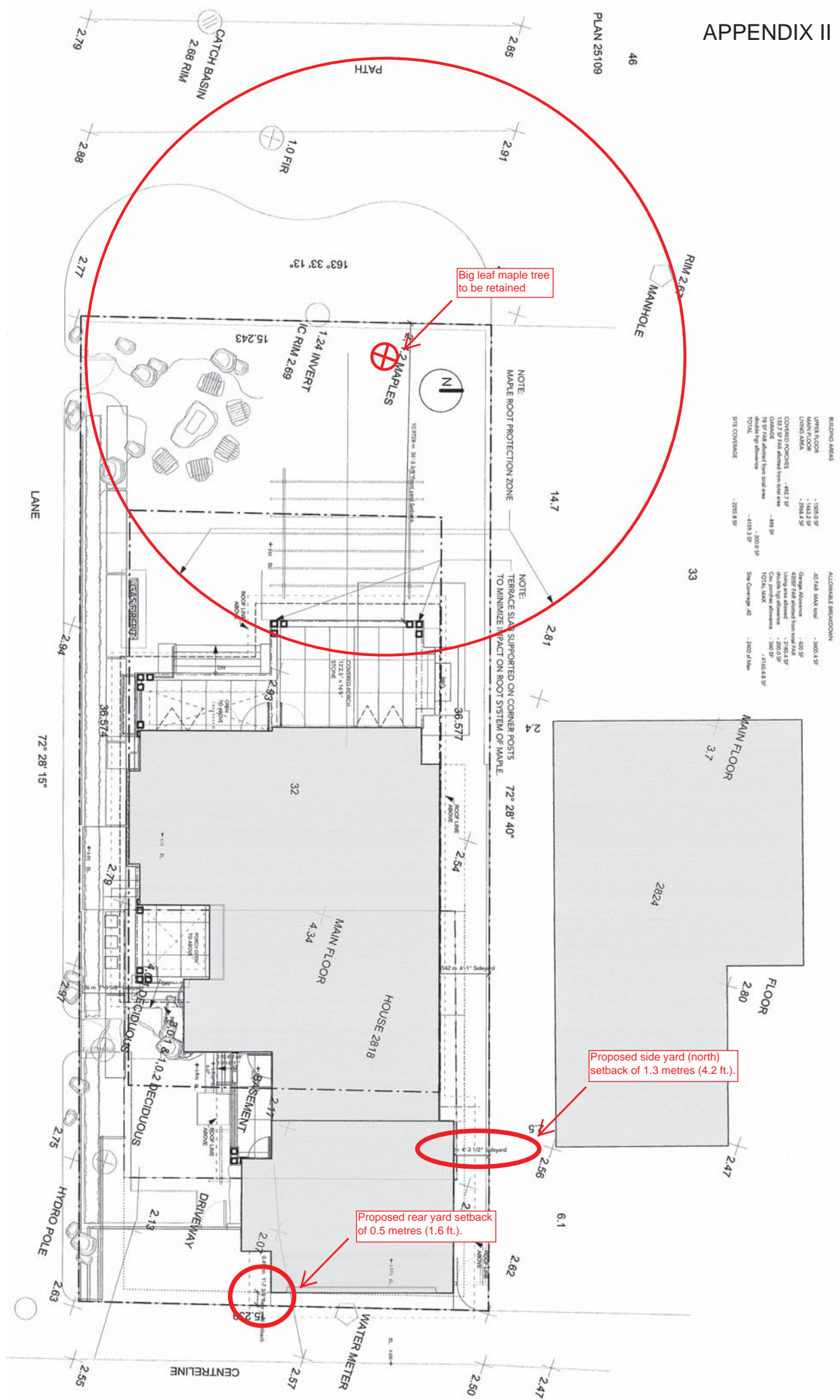
Information for City Clerk

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

1. Agent:            Name:            Byron Tokarchuk  
    Lamoureux Architect Incorporated  
    Address:        3392 - Marine Drive  
    West Vancouver, BC V7V 1M9  
  
    Tel:                604-925-5170 - Work  
    604-925-5170 -
  
2.        Properties involved in the Application
  - (a)       Civic Address:        2818 – O’Hara Lane
  
  - (b)       Civic Address:        2818 – O’Hara Lane  
    Owner:            Cynthia Landolt  
    PID:                001-862-502  
    Lot 32 District Lot 52 Block 5 Plan 2200 Nwd
  
3.        Summary of Actions for City Clerk's Office
  - (a)       Proceed with Public Notification for Development Variance Permit No. 7915-0447-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.



PLAN 25109  
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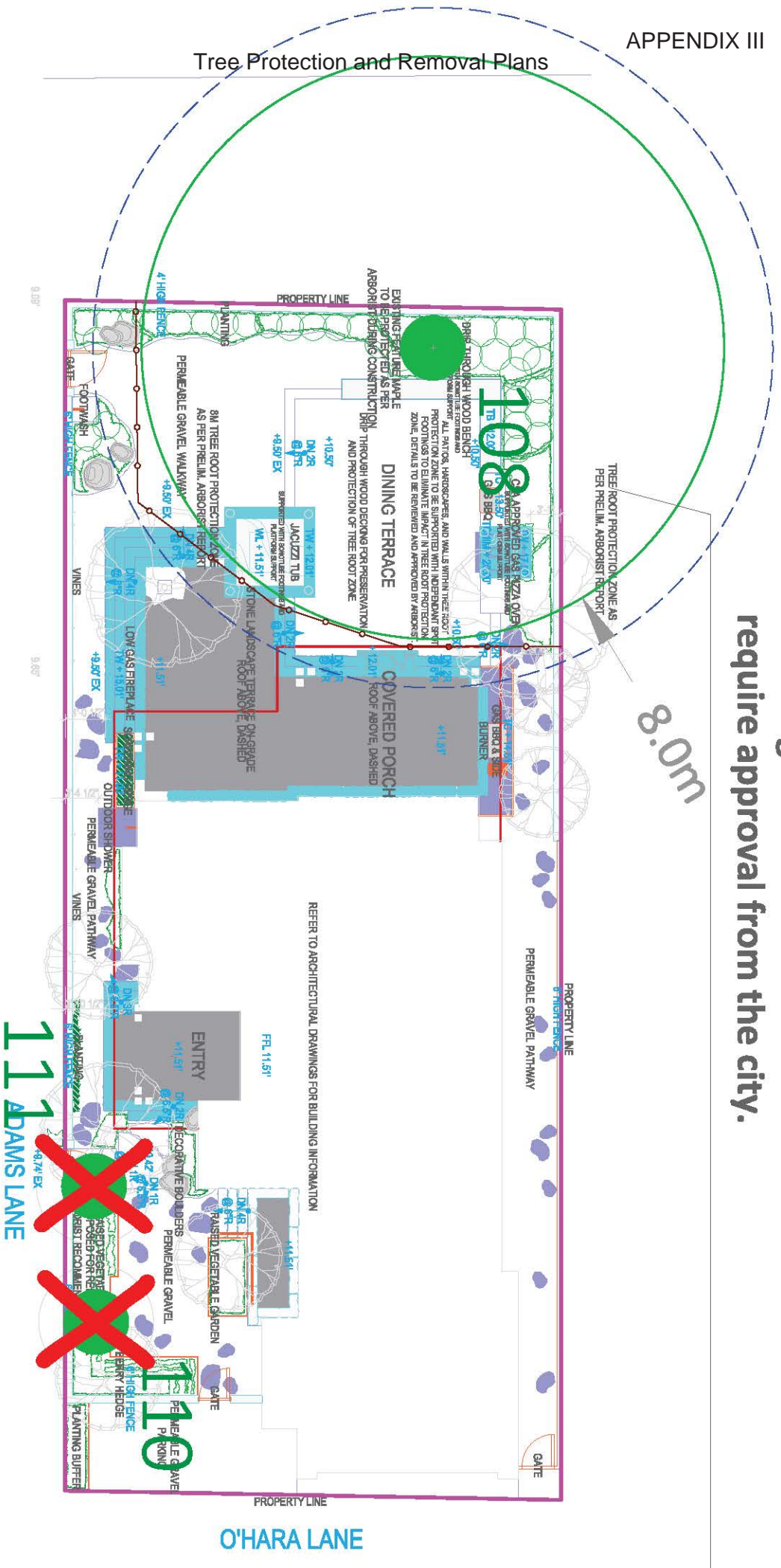
BUILDING AREAS		ALLOWABLE SETBACKS	
UPPER FLOOR	-1152.0 SF	40' PER SIDE	-2002.4 SF
MAIN FLOOR	-1823.2 SF	Overall Footprint	-422.5 SF
LIVING AREA	-2884.4 SF	Overall Footprint from Main Floor	-422.5 SF
COVERED PORCHES	-492.2 SF	Overall Footprint from Main Floor	-422.5 SF
DECK	-132.7 SF	Overall Footprint from Main Floor	-422.5 SF
DRIVEWAY	-999.5 SF	Overall Footprint from Main Floor	-422.5 SF
DOUBLE GARAGE	-200.0 SF	Overall Footprint from Main Floor	-422.5 SF
DOUBLE GARAGE	-459.3 SF	Overall Footprint from Main Floor	-422.5 SF
TOTAL	-2992.8 SF	Site Coverage 40%	-2002.4 SF

Big leaf maple tree to be retained

Proposed side yard (north) setback of 1.3 metres (4.2 ft.)

Proposed rear yard setback of 0.5 metres (1.6 ft.)

Tree Protection and Removal Plans



show significant residual structures within the no build zone  
require approval from the city.

O'HARA LANE

ADAMS LANE

### 3.0 Summary

The site inventory identified 3 trees on the subject site that are protected under the bylaw. Two of the trees are to be removed for the development. None of the trees were found to be at high risk of failing and will require removal. There are no offsite trees that will have root zones extending across the property line (discussed below). The location of protected trees, their root protection zones as well as those trees to be removed have been illustrated on the accompanying map.

#### 3.1 Summary of Tree Preservation by Tree Species

Table 2. Summary of Onsite Tree Preservation by Tree Species

Tree Species	Existing	Remove	Retain
<b>Alder and Cottonwood Trees</b>			
Red Alder	0		
Cottonwood	0		
<b>Deciduous Trees</b> (excluding Alder and Cottonwood Trees)			
Maple (BigLeaf)	1	0	1
Laburnum	2	2	0
<b>Total</b> (excluding Alder and Cottonwood Trees)	3	2	1
<b>Additional Trees in the proposed Open Space/Riparian Area</b>			
<b>Total Replacement Trees Proposed</b> (Excluding Boulevard Street Trees)			
<b>Total Retained and Replacement Trees</b> (Total + Total Replacement trees proposed)			

CITY OF SURREY

(the "City")

**DEVELOPMENT VARIANCE PERMIT**

NO.: 7915-0447-00

Issued To: CYNTHIA LANDOLT

("the Owner")

Address of Owner: 821 - Jackson Crescent  
New Westminster, BC V3L 4S1

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: 001-862-502  
Lot 32 District Lot 52 Block 5 Plan 2200 NWD

2818 – O'Hara Lane

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Subsection F, Yard and Setbacks, of Part 16 Single Family Residential Zone, the minimum rear yard (east) setback is reduced from 7.5 metres (25 ft.) to 0.5 metres (1.5 ft.); and
  - (b) In Subsection F, Yard and Setbacks, of Part 16 Single Family Residential Zone, the minimum side yard (north) setback are reduced from 1.8 metres (6 ft.) to 1.3 metres (4 ft.).
4. Surrey Zoning By-law, 1979, No. 5942, as amended is varied as follows:
  - (a) Section A.4 of Part VIII Floodproofing is deleted; and

- (b) Section C.1.(b) of Part VIII Floodproofing is deleted and replaced with the following:

Zero decimal three (0.6) metres above the centerline of road at midpoint fronting the Land at the date of this permit. With respect to this determination, the minimum floor elevation shall be no lower than 3.17 metres. Exemptions to this minimum floor elevation requirement are farm structures and non-habitable buildings or structures.

5. In granting the variation of the By-law as specified in Clause 3.(b) above, the following condition in a form satisfactory to the City, against the land is imposed:
  - (a) The registration of a Section 219 Restrictive Covenant to indemnify the City against possible damages as a result of flooding. A commitment to register this covenant shall be a condition precedent to the issuance of a building permit.
6. 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
7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
8. 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.
9. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
10. This development variance permit is not a building permit.

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

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Mayor – Linda Hepner

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City Clerk – Jane Sullivan



