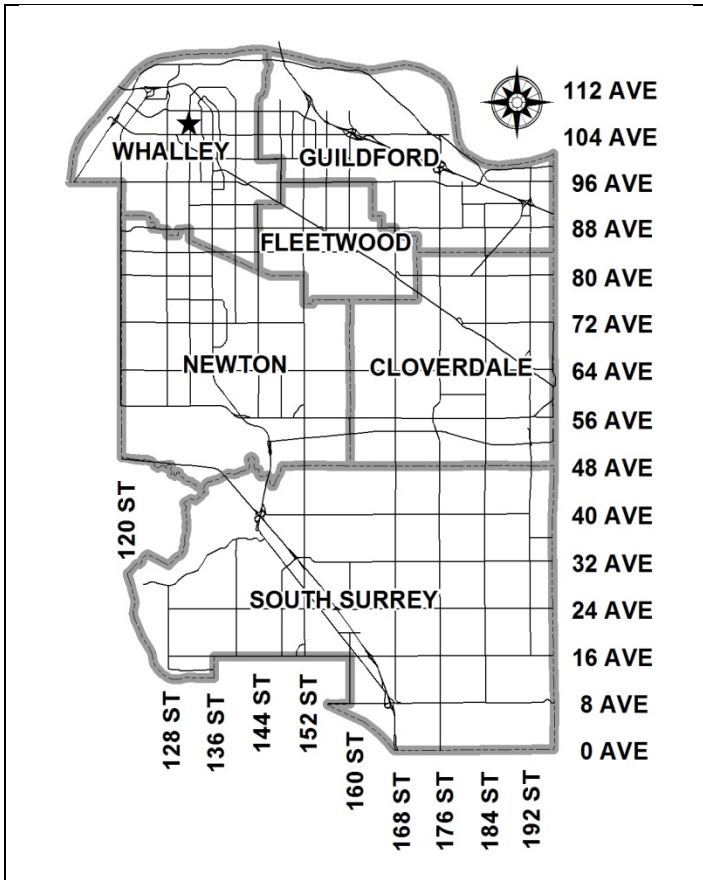


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0077-00

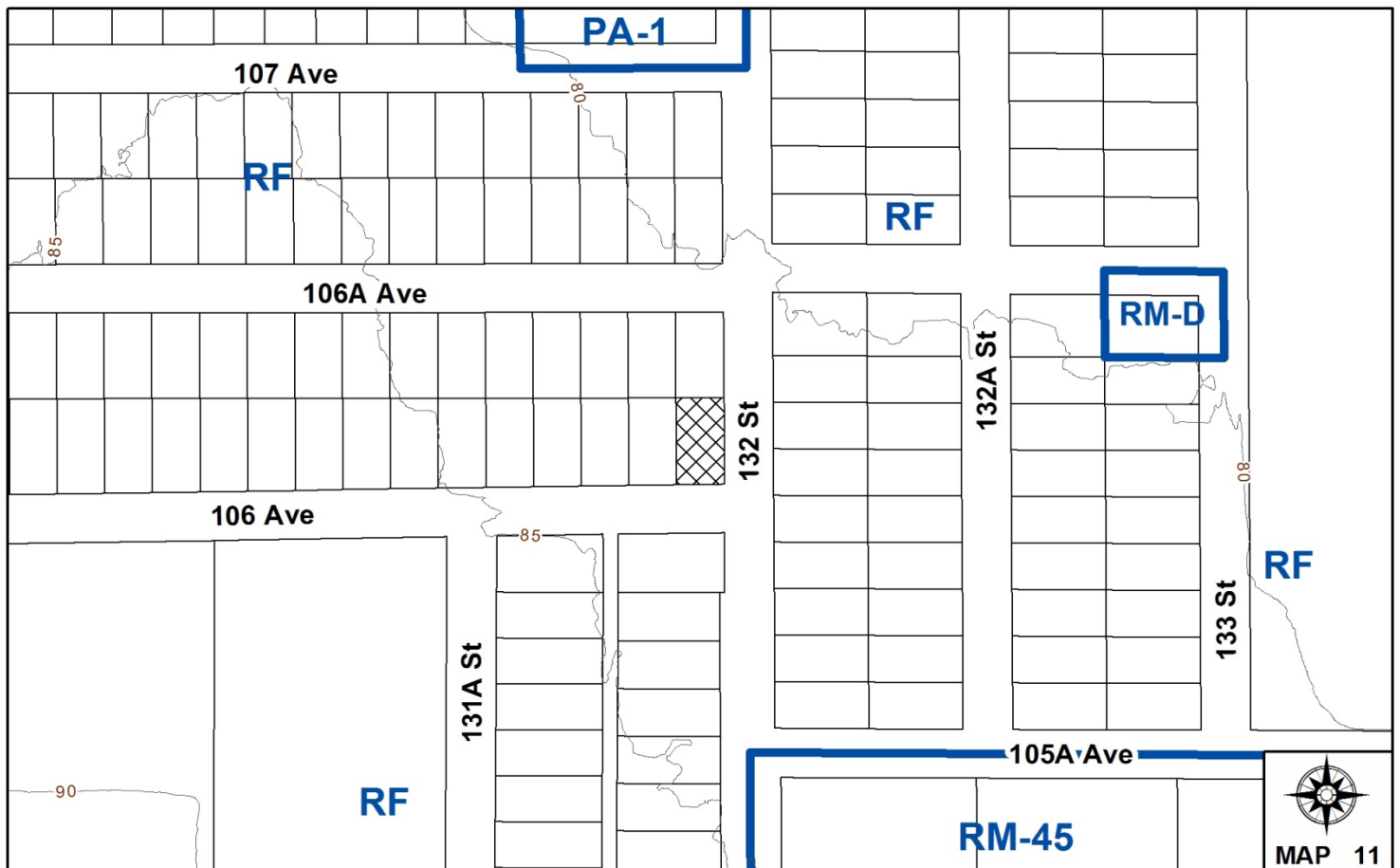
Planning Report Date: May 16, 2016



PROPOSAL:

- **Development Variance Permit**
 to relax both the interior and flanking side yard setbacks for a proposed single family dwelling on a lot located along an arterial road (132 Street)

LOCATION: 10615 - 132 Street
OWNERS: Harbinder Jhutti and Satnam Jhutti
ZONING: RF
OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- Council endorse Option A, which is approval for the Development Variance Permit to proceed to Public Notification with only the requested relaxation to the interior side yard setback and without the requested relaxation to the side yard setback along the flanking street (132 Street).

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking a variance to reduce the westerly interior side yard setback for the principal building from 1.8 metres (6 feet) to 1.2 metres (3.9 feet) in the RF Zone.
- The applicant is seeking to reduce the side yard setback along a flanking street of the RF Zone from 3.6 metres (12 ft.) to 2.1 metres (7 ft.) for a proposed single family dwelling located along an arterial road (132 Street).

RATIONALE OF RECOMMENDATION

- The applicant is seeking to construct a single family dwelling on the subject, corner lot, which has been vacant since 2013.
- In accordance with Part 7 Special Building Setbacks of the Zoning By-law, the side yard setback for lots flanking an arterial or collector road are measured from the centerline of the ultimate road allowance.
- Staff are not supportive of relaxing the flanking side yard setback for the subject site, as 132 Street is intended to be widened to its full 30-metre (98 ft.) standard and any setback relaxation would bring the house closer to the road edge.
- Recent single family subdivisions along the west side of 132 Street in the vicinity, have dedicated the full road widening requirement to achieve the 30-metre (98 ft.) road width.
- The proposed apartment project on the east side of 132 Street, immediately across from the subject site, will be providing 4.942 metres (16 ft.) of road dedication as one of the conditions of final adoption of the rezoning (Application No. 7913-0285-00).
- Due to the limited width of the buildable area of the lot, reducing the interior setback, which is Option A, is supported by staff. The reduced interior (west) setback will achieve a consistent setback with the existing house to the north.
- Option B, which reduces the setbacks along the west (interior) side yard and the flanking side yard (132 Street) is not supported by staff.

RECOMMENDATION

The Planning & Development Department recommends that Council endorse Option A, which is to approve the Development Variance Permit No. 7916-0077-00 that is attached as Appendix IV, varying the following, to proceed to Public Notification:

- (a) to reduce the minimum interior (west) side yard setback of the RF Zone for the principal building, from 1.8 metres (6 ft.) to 1.2 metres (4 ft.).

OR

Should Council support the applicant's request to relax the flanking side yard setback and the interior side yard setback, then Council could endorse Option B, which is to approve the Development Variance Permit No. 7916-0077-00 that is attached as Appendix V, varying the following, to proceed to Public Notification:

- (a) to reduce the minimum interior (west) side yard setback of the RF Zone for the principal building from 1.8 metres (6 ft.) to 1.2 metres (4 ft.); and
- (b) to reduce the minimum flanking side yard setback of the RF Zone for the principal building, from 3.6 metres (12 ft.) to 2.1 metres (7 ft.).

REFERRALS

Engineering: The Engineering Department does not support a reduced setback along the flanking street (132 Street) as 132 Street is intended to be widened to its ultimate standard.

SITE CHARACTERISTICS

Existing Land Use: Vacant lot.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwelling.	Urban	RF
East (Across 132 Street):	Single family dwellings under Application No. 7913-0285-00 for a 5-storey apartment building with a 2-storey townhouse base (at Third Reading).	Urban	RF
South (Across 106 Avenue):	Vacant (recently approved on May 2, 2016) single family small lot.	Urban	RF-9
West:	Single family dwelling.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject lot is located at 10615 – 132 Street, just west of the boundary of City Centre. The site is approximately 683 square metres (7,351 sq. ft.) in size, 19.3 metres (63 ft.) wide and 35.3 metres (116 ft.) deep. The lot is zoned "Single Family Residential Zone (RF)" and is designated Urban in the Official Community Plan (OCP).
- 132 Street, which flanks the subject lot, is classified as an arterial road. For lots fronting or flanking an arterial or collector road, in accordance with Part 7 Special Building Setbacks of the Zoning By-law, front yard setbacks and flanking side yard setbacks are measured from the centerline of the ultimate road allowance.
- Since 132 Street is an arterial road, under the revised standards of the Subdivision & Development By-law approved by Council in 2012, the ultimate width is 30 metres (98 ft.). The existing road allowance for 132 Street is 20.12 metres (66 ft.) in width, which requires an additional 4.942 metres (16 ft.) of dedication from the subject site.
- The Engineering Department has determined that, for this portion of 132 Street, the planned 30 metres (98 ft.) of road allowance will be necessary to ultimately widen 132 Street to the City's arterial standard.
- The subject lot is currently vacant and the applicant intends to construct a new single family dwelling on the subject lot. The applicant is seeking variances to accommodate a typical RF house on the subject lot (see By-law Variances Section).

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum flanking side yard setback of the RF Zone for the principal building from 3.6 metres (12 ft.) to 2.1 metres (7 ft.).

Applicant's Reasons:

- The applicant wishes to maintain a consistent streetscape with the neighbouring homes along 132 Street, which were constructed when the road width requirement for arterial roads was 27 metres (89 ft.).
- Similar variances to reduce Part 7 Special Building Setbacks of Zoning By-law No. 12000 have been supported along 132 Street and close to the subject site.
- The proposed flanking side yard setback variance would allow for a more functional floor plan and increases the floor space of the proposed house. The maximum size of dwelling constructed on a 683-square metre (7,351 sq. ft.) lot under the RF Zone is 378 square metres (4,074 sq. ft.). With the proposed variances, the applicant is able to construct an additional 30 square metres (320 sq. ft.) of floor area to meet the maximum floor area of 378 square metres (4,074 square feet).

Staff Comments:

- The subject lot is located on 132 Street, which is designated an arterial road. The Surrey Major Road Allowance Map, attached as Schedule K to the Subdivision and Development By-law No. 8830, identifies a 30-metre (98 ft.) wide road allowance for arterial roads. The current 30-metre (98 ft.) wide road allowance for an arterial road, approved by Council in 2012, is a 3-metre (10 ft.) increase from the previous arterial road allowance of 27 metres (89 ft.).
- Part 7 Special Building Setbacks of Zoning By-law No. 12000 stipulates that the setback of buildings on a lot abutting an existing or future major road as shown in the Surrey Major Road Allowance Map, shall be the sum of one-half of the ultimate highway allowance shown in the Major Road Allowance Map measured from the centerline of the ultimate highway allowance plus the required setback of the zone in which the lot is located.
- In the case of the subject lot, the required setback would be 15 metres (49 ft.) from the ultimate centerline of 132 Street plus the 3.6-metre (12 ft.) flanking side yard setback requirement of the RF Zone, for a total setback of 18.6 metres (61 feet) from the ultimate centerline of 132 Street. This equates to an additional 4.942 metres (16 ft.) of setback being required from the existing flanking side lot line along 132 Street.
- The examples of houses with similar setback variances referenced by the applicant along 132 Street all complied with the Zoning By-law or Land Use Contract (LUC) that regulated those sites at the time. The neighbouring house to the north at 10635 – 132 Street was constructed in approximately 2005, when the road width requirement of arterial roads was 27 metres (89 ft.).
- Recent single family subdivisions in Whalley along the west side of 132 Street have dedicated the full 30-metre (98 ft.) road widening requirement including:
 - Rezoning from RF to RF-9 (Application No. 7912-0207-00), across 106 Avenue to the south, was approved on May 2, 2016 to create 5 RF-9 lots;
 - Rezoning from RF to RF-10 (Application No. 7915-0101-00), approximately 170 metres (550 ft.) to the south, received Third Reading on February 1, 2016 and is intended to permit 2 RF-10 lots; and
 - Development Application No. 7916-0041-00, south of 100 Avenue, is pre-Council, but is proposing rezoning from RF to RF-12 to permit 3 RF-12 lots.
- In reviewing this portion of 132 Street, the Engineering Department has concluded that a reduction to the flanking side yard (132 Street) setback is not supportable as 132 Street is intended to be widened to its full 30-metre (98 ft.) standard and the relaxation would bring the house closer to the ultimate road edge.
- Staff do not support the requested variance to the flanking side yard.

(b) Requested Variance:

- To reduce the minimum interior (west) 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 applicant wishes to maintain a consistent streetscape and interior setback with the neighbouring home to the north.
- The applicant has indicated that they have received support for the variance from the neighbour to the west (13183 - 106 Avenue).
- The proposed setback variance allows for a more functional floor plan and increases the floor space of the proposed house.

Staff Comments:

- The existing neighbouring house to the north (10635 - 132 Street) was constructed with a similar 1.2-metre (4 ft.) side yard setback which was the allowed setback when the house was constructed in approximately 2005.
- The subject lot is 19.3 metres (63 ft.) wide. When the side (west) yard setback of 1.8 metres (6 ft.) and the combined flanking (east) street setback and Part 7 Special Building Setbacks of 8.542 metres (28 ft.) is subtracted, a 8.958-metre (29 ft.) wide building envelope remains. Reducing the side yard setback by 0.6 metre (2 ft.) increases the buildable area for the proposed house.
- The proposed interior side yard setback is consistent with the previous (prior to 2013) regulation 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.
- Staff supports this requested variance.

TWO OPTIONS FOR CONSIDERATION

- One of the two requested setback variances is supported by staff, to allow the applicant to construct a wider dwelling which will provide for a more functional floor plan and increase the floor space.
- Staff recommend that Council endorse **Option A**, which is approval of the Development Variance Permit No. 7916-0077-00 that is attached as Appendix IV, to proceed to Public Notification. This variance excludes the requested relaxation to the flanking side yard.
- However, should Council support the applicant's request to also reduce the minimum flanking side yard street setback, then Council could endorse **Option B**, which is to approve the Development Variance Permit No. 7916-0077-00 that is attached as Appendix V, which includes the requested variance to reduce the minimum flanking side yard setback from 3.6 metres (12 ft.) to 2.1 metres (7 ft.) for the principal building.

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. | Aerial Photo |
| Appendix IV. | Option A - Development Variance Permit No. 7916-0077-00 |
| Appendix V. | Option B - Development Variance Permit No. 7916-0077-00 |

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

JKS/dk

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KD 5/11/16 10:09 AM

Information for City Clerk

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

1. (a) Agent: Name: Satinder Singh Nijjer

 Address: 14257 - 72 Avenue
 Surrey, BC V3W 2P9

 Tel: 604-807-5855

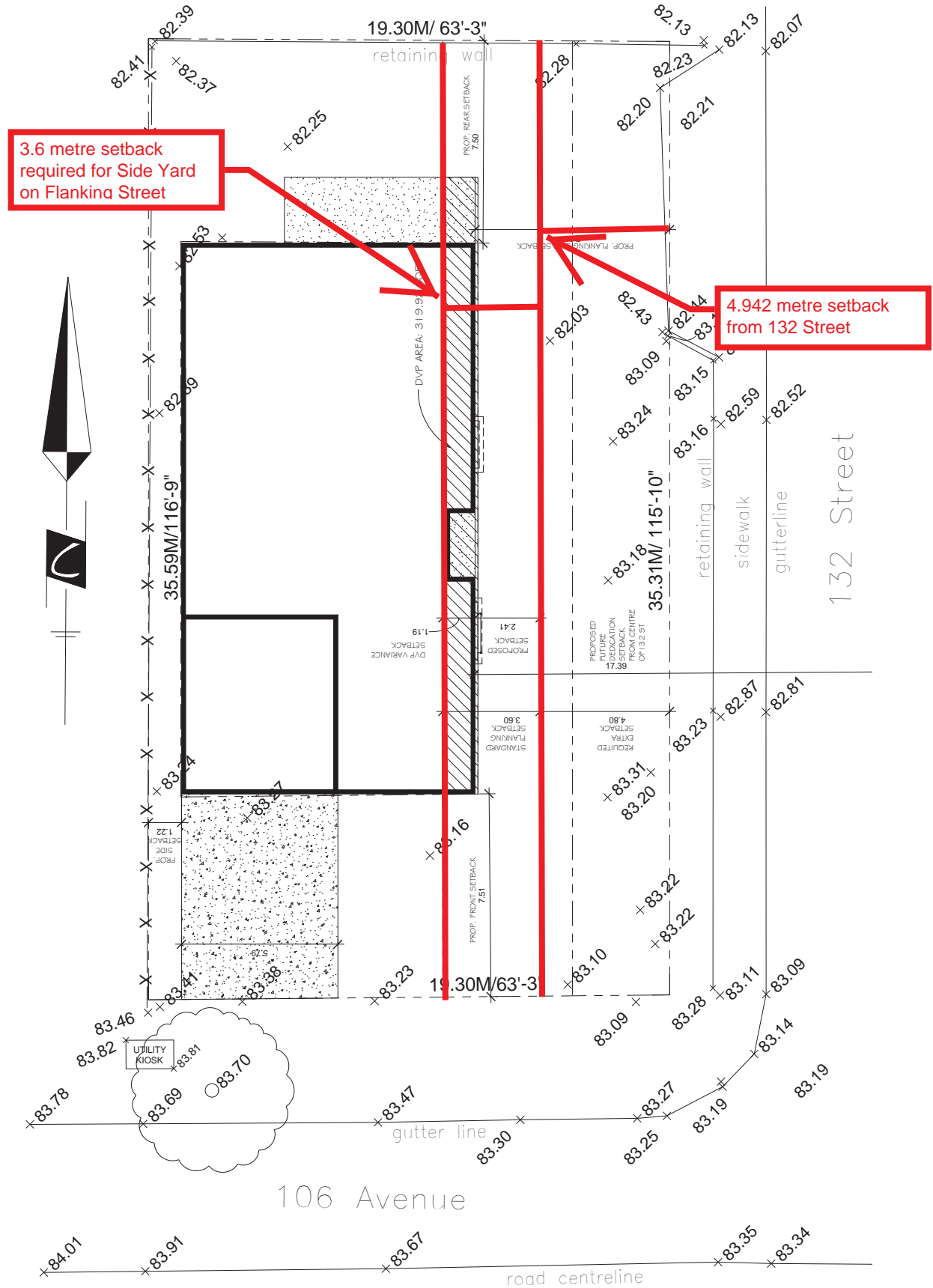
2. Properties involved in the Application

- (a) Civic Address: 10615 - 132 Street

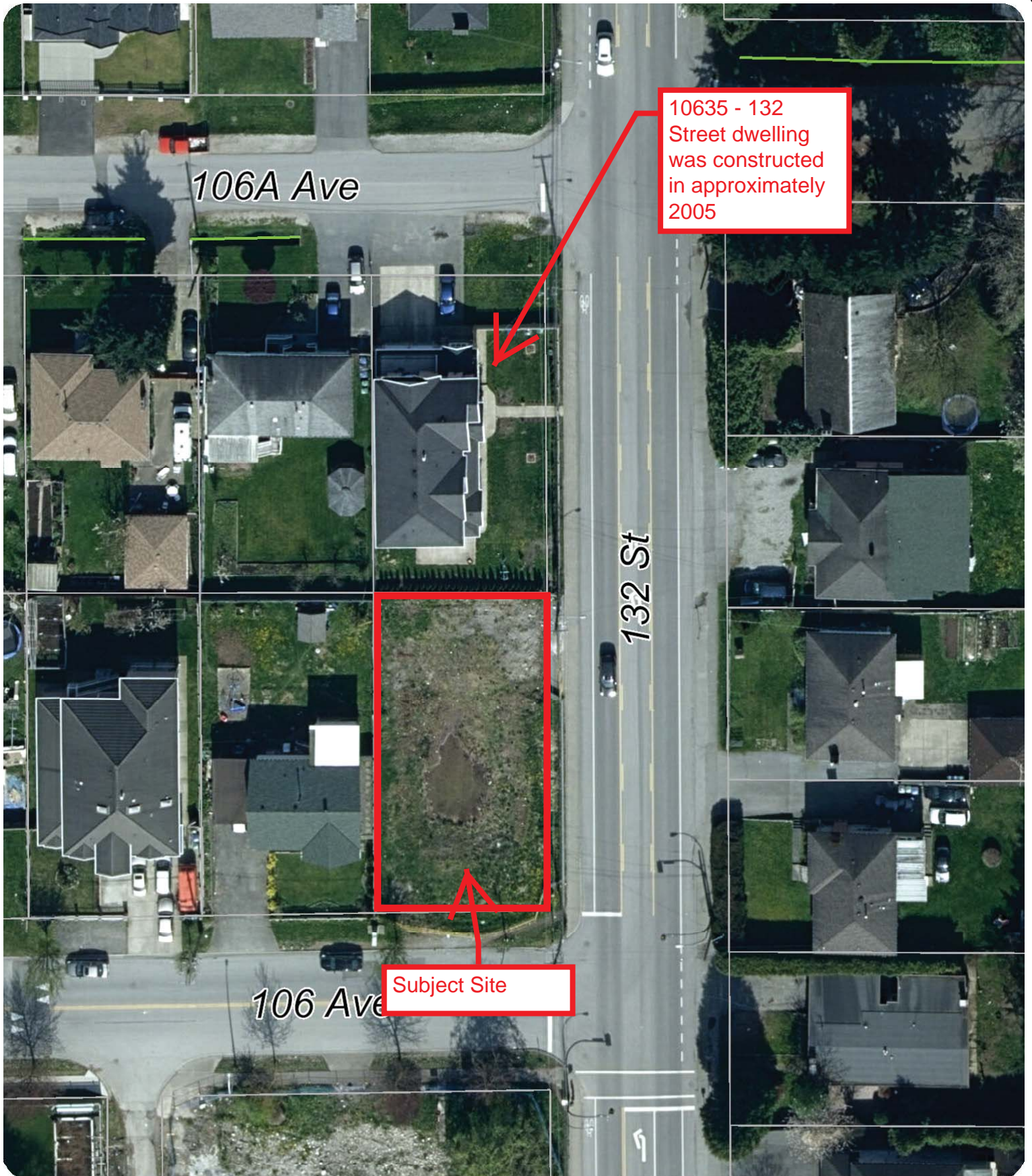
- (b) Civic Address: 10615 - 132 Street
 Owners: Satnam S Jhutti
 Harbinder S Jhutti
 PID: 009-757-287
 Lot 17 Section 21 Range 2 Plan 12973 New Westminster District

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for **Option A** - Development Variance Permit No. 7916-0077-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.



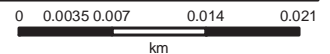
Aerial Photo of Subject Site



Enter Map Description

Scale: 1:566

The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0077-00

Issued To: HARBINDER S JHUTTY
SATNAM S JHUTTY

("the Owner")

Address of Owner: 6907 Clevedon Drive
Surrey, BC V3W 6H6

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: 009-757-287
Lot 17 Section 21 Range 2 Plan 12973 New Westminster District

10615 - 132 Street

(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 side (west) yard is reduced from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) for the principal building.
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. 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.

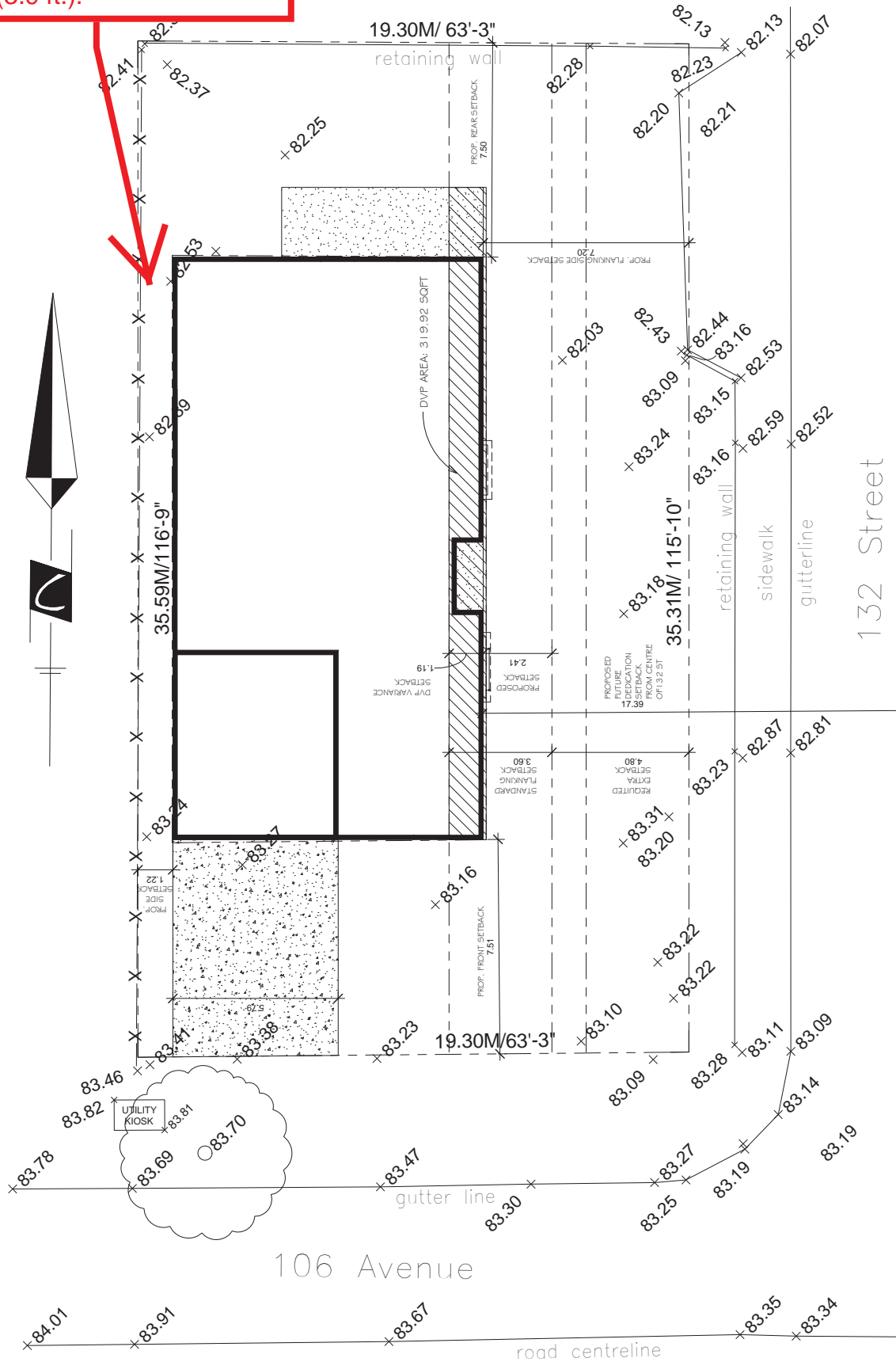
5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is 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

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



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and
 - (b) In Section F of Part 16 Single Family Residential Zone (RF), the minimum side yard on a flanking street setback is reduced from 3.6 metres (12 ft.) to 2.1 metres (7 ft.) for the principal building.

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. 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 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.
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reduce the minimum side yard on a flanking street setback of the RF Zone from 3.6 metres (12 ft.) to 2.1 metres (7 ft.) for the principal building

