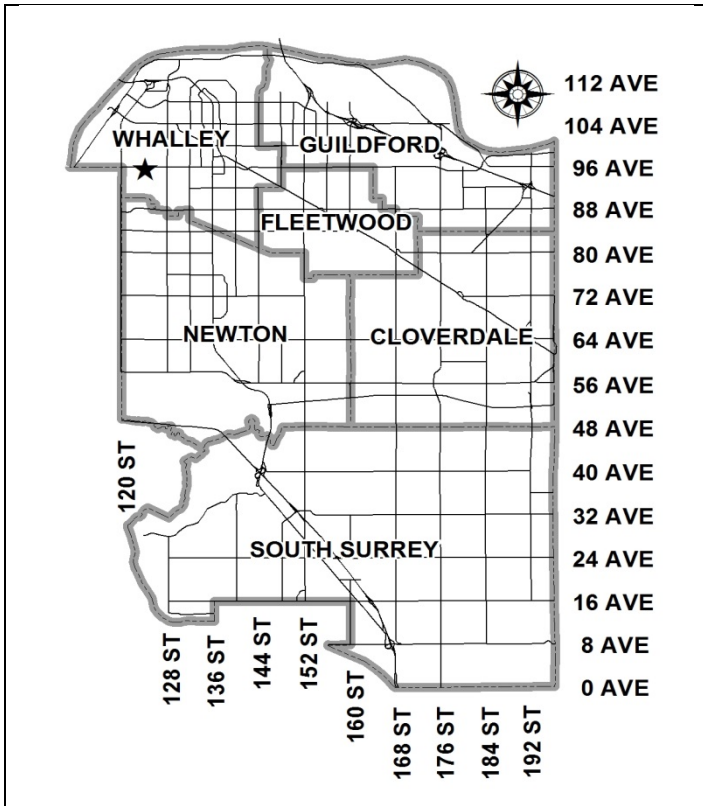


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0171-00

Planning Report Date: May 30, 2016



PROPOSAL:

- **Development Variance Permit**

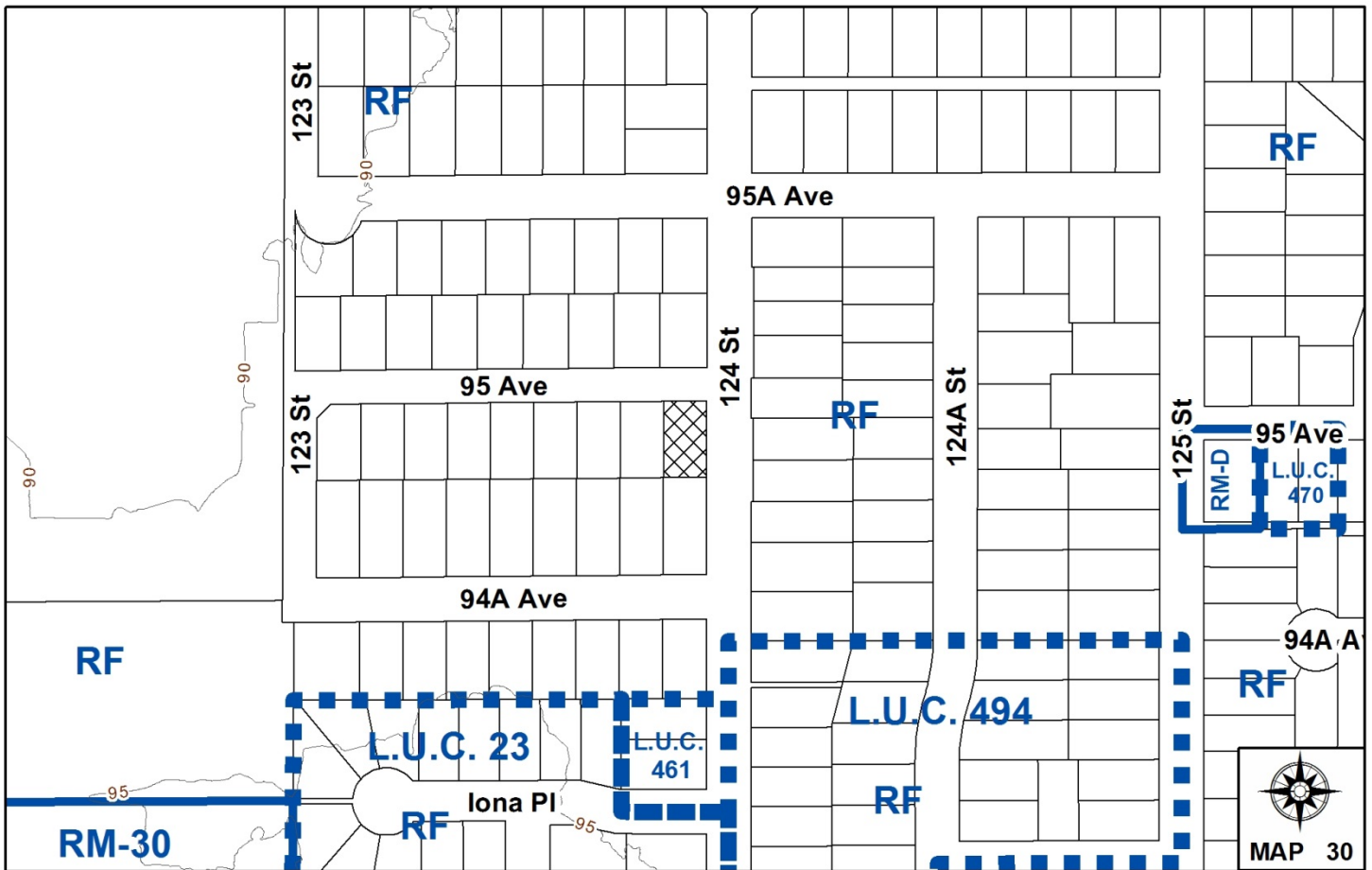
to relax the special building setback requirements for one existing single family lot located along a collector road (124 Street).

LOCATION: 12390 - 95 Avenue

OWNER: Surjit S Bhatti

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.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- 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 1.7 metres (6 ft.) for a proposed single family dwelling located along a collector road (124 Street).
- Should Council not support the requested reduced side yard on flanking street setback, as recommended by staff, the applicant is seeking a variance to reduce the westerly interior side yard setback for the principal building from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) in the RF Zone.

RATIONALE OF RECOMMENDATION

- The applicant is seeking to construct a single family dwelling on the subject, corner lot.
- 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 124 Street is intended to be widened to its full 24-metre (79-ft.) standard and any setback relaxation would bring the house closer to the road edge.
- The recent single family subdivision (Application No. 7912-0120-00) along the east side of 124 Street, across from the subject site, dedicated the full road widening requirement to achieve the 24-metre (79 ft.) road width as part of the development application.
- Due to the limited buildable width of the lot, reducing the interior side yard setback to 1.2 metres (4 ft.), which is Option A, is supported by staff.
- Option B, which reduces the setback along the flanking side yard (124 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. 7916-0171-00 that is attached as Appendix IV, 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.), to proceed to Public Notification.

OR

Should Council support the applicant's request to relax the flanking side yard setback, then Council should endorse Option B, which is to approve the Development Variance Permit No. 7916-0171-00 that is attached as Appendix V, to reduce the minimum flanking side yard setback of the RF Zone from 3.6 metres (12 ft.) to 1.7 metres (6 ft.), to proceed to Public Notification.

REFERRALS

Engineering: The Engineering Department does not support Option B, a reduced setback along the flanking street (124 Street), as 124 Street is intended to be widened to its ultimate standard. There are no concerns with Option A.

SITE CHARACTERISTICS

Existing Land Use: Single family home, to be demolished and replaced.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 95 Avenue):	Single family dwellings.	Urban	RF
East (Across 124 Street):	Single family dwellings.	Urban	RF
South:	Single family dwelling.	Urban	RF
West:	Single family dwelling.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject lot is located in Whalley at 12390 – 124 Street and is zoned "Single Family Residential Zone (RF)" and is designated "Urban" in the Official Community Plan (OCP).
- The applicant has applied for a Building Permit to construct a new single family dwelling on the subject lot.

- The lot is 672 square metres (7,229 square feet) in size and has a width of 19.5 metres (64 ft.). The lot meets the minimum dimensional requirements of the RF Zone.
- 124 Street, which flanks the subject lot, is classified as a collector 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 side yard setbacks are measured from the centerline of the ultimate road allowance.
- Since 124 Street is a collector road, under the revised standards of the Subdivision & Development By-law approved by Council in 2011, the ultimate width is 24 metres (79 ft.). The existing road allowance for 124 Street is 20.1 metres (66 ft.) in width, which requires an additional 1.942 metres (6 ft.) of dedication from the subject site.
- The Engineering Department has determined that, for this portion of 124 Street, the planned 24 metres (79 ft.) of road allowance will be necessary to ultimately widen 124 Street to the City's collector standard
- The applicant wishes to construct a new single family dwelling on the subject lot, and is seeking a side yard variance to accommodate a typical RF house on the subject lot (see By-law Variance Section).

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance (Option B):

- To reduce the minimum flanking side yard setback of the RF Zone for the principal building from 3.6 metres (12 ft.) to 1.7 metres (6 ft.).

Applicant's Reasons:

- The revised collector road standard of a 24-metre (79-ft.) width requires any new principal building on the existing lot to be set back 5.54 metres (18 ft.) from the existing side property line flanking 124 Street, which is 1.942 metres (6 ft.) greater than the RF Zone requires on lots where these Special Building Setback regulations do not apply.
- The applicant wishes to maintain a consistent streetscape with the neighbouring homes along 124 Street, the majority of which were constructed before the revised standards of the Subdivision & Development By-law approved by Council in 2011.
- The nearby house located at 12388 – 94A Avenue, to the south of the subject lot, was constructed with a reduced side yard setback along 124 Street, despite the Building Permit being approved after the revised standards of the Subdivision & Development By-law was approved.
- The proposed flanking side yard setback variance would allow the applicant a more substantial buildable width, consistent with other new homes in the neighbourhood.

- Approval of the requested flanking side yard relaxation would enable the existing house plans to be used without any redesign necessary.

Staff Comments:

- The subject fronts 95 Avenue, and flanks 124 Street, which is a designated Collector Road in the Surrey Road Classification Map (R-91), attached as Schedule D to Surrey Subdivision and Development By-law No. 8830. The Surrey Major Road Allowance Map, attached as Schedule K to the Subdivision and Development By-law, identifies a 24-metre (79-ft.) wide road allowance for collector roads. The current 24-metre (79-ft.) wide road allowance for a collector road, which was approved in 2011, is a 2.0-metre (7-ft.) increase from the previous collector road allowance of 22 metres (72 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 road plus the required setback of the Zone in which the lot is located.
- On this basis, the required side yard setback flanking 124 Street for the existing lot is 12 metres (39 ft.) from the ultimate centreline of 124 Street plus the 3.6-metre (12-ft.) flanking side yard setback requirement of the RF Zone for a total setback of 15.6 metres (51 ft.) from the ultimate centreline of 124 Street. Given that the existing road allowance for 124 Street is 20.1 metres (66 ft.) in width, an additional 1.942 metres (6 ft.) of setback is required from the existing flanking side lot line along 124 Street.
- The majority of houses referenced by the applicant along 124 Street complied with the Zoning By-law or Land Use Contract (LUC) that regulated those sites at the time. The neighbouring house to the south was constructed in 2003, before the road requirements were revised.
- A recent single family subdivision along the east side of 124 Street, and across from the subject site, dedicated the full 24-metre (79 ft.) road widening requirement as part of Development Application No. 7912-0120-00.
- The house one block to the south, at 12388 – 94A Avenue, was constructed in 2011, shortly after Council adopted the revised road standards in March 2011. The new 24-metre (79-ft.) standard for the Part 7 Special Setbacks was not applied to the new house when the Building Permit was issued in September 2011. This was an oversight by staff, and, as a result, when 124 Street is constructed to the ultimate width, the existing house will be located 1.942 metres (6 ft.) closer to the ultimate road edge.
- In reviewing this portion of 124 Street, the Engineering Department has concluded that a reduction to the flanking side yard (124 Street) setback is not supportable as 124 Street is intended to be widened to its full 24-metre (79-ft.) standard and the relaxation would bring the house closer to the ultimate road edge.
- The applicant can still achieve the maximum allowable house size under the RF Zone without the requested side yard on flanking street setback relaxation by making the house deeper, as the minimum front and rear setbacks are currently exceeded. This

has been explained to the applicant, however, the applicant does not wish to redesign the house.

- Staff do not support the requested variance.

(b) Requested Variance (Option A):

- 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 (4 ft.).

Applicant's Reasons:

- The applicant does not want to redesign the house and as such would prefer that Council support the requested reduction to the side yard on flanking street (124 Street) setback. However, should Council not support this request, the applicant would like Council to consider reducing the interior side yard setback to allow for a more functional floor plan and increase the buildable width of the proposed home.
- The applicant has indicated that they have received support for the variance from the neighbour to the west (12380 – 95 Avenue).

Staff Comments:

- The subject lot is 19.5 metres (64 ft.) wide. When the interior (west) side yard setback of 1.8 metres (6 ft.) and the combined flanking (east) side yard setback and Part 7 Special Building Setbacks of 5.5 metres (18 ft.) is subtracted, a 12-metre (40-ft.) wide building envelope remains. Reducing the interior side yard setback by 0.6 metre (2 ft.) increases the buildable width of the proposed home.
- 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 (4 ft.) provided the opposing side yard is a minimum of 2.4 metres (8 ft.). The siting of the proposed dwelling will therefore be consistent with the homes in the neighbourhood constructed under the previous regulations in the RF Zone.
- Staff supports the 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.
- Staff recommend that Council endorse **Option A**, which is approval of the Development Variance Permit No. 7916-0171-00 that is attached as Appendix IV, to reduce the interior (west) side yard setback from 1.8 metres (6 ft.) to 1.2 metres (4 ft.). This variance excludes the requested relaxation to the flanking side yard.
- However, should Council support the applicant's request to reduce the minimum flanking side yard setback, then Council could endorse **Option B**, which is to approve the

Development Variance Permit No. 7916-0171-00 that is attached as Appendix V, which includes the requested variance to reduce the minimum flanking side yard setback from 3.6 metres to 1.7 metres (6 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. 7916-0171-00
Appendix V.	Option B - Development Variance Permit No. 7916-0171-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

LM/dk

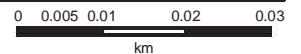
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The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances 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.: 7916-0171-00

Issued To: SURJIT S BHATTI

("the Owner")

Address of Owner: 12390 - 95 Avenue
Surrey, BC V3V 1N8

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: 007-206-097

Lot 36 Section 31 Township 2 New Westminster District Plan 35579

12390 - 95 Avenue

(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

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(the "City")

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