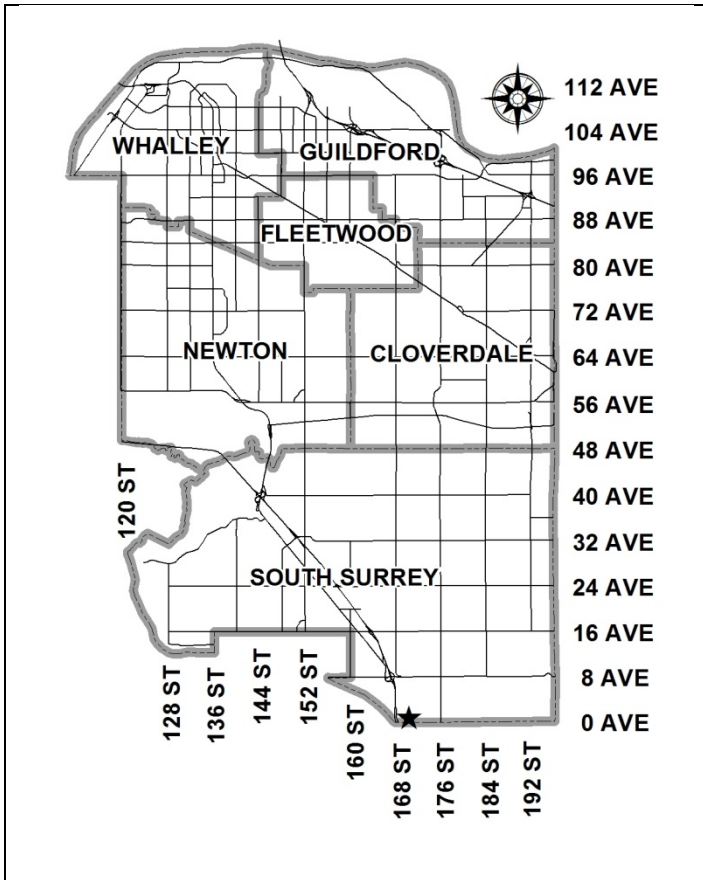


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7916-0196-00

Planning Report Date: June 13, 2016



**PROPOSAL:**

- **Restrictive Covenant Amendment** to allow the removal of a tree in the rear yard.

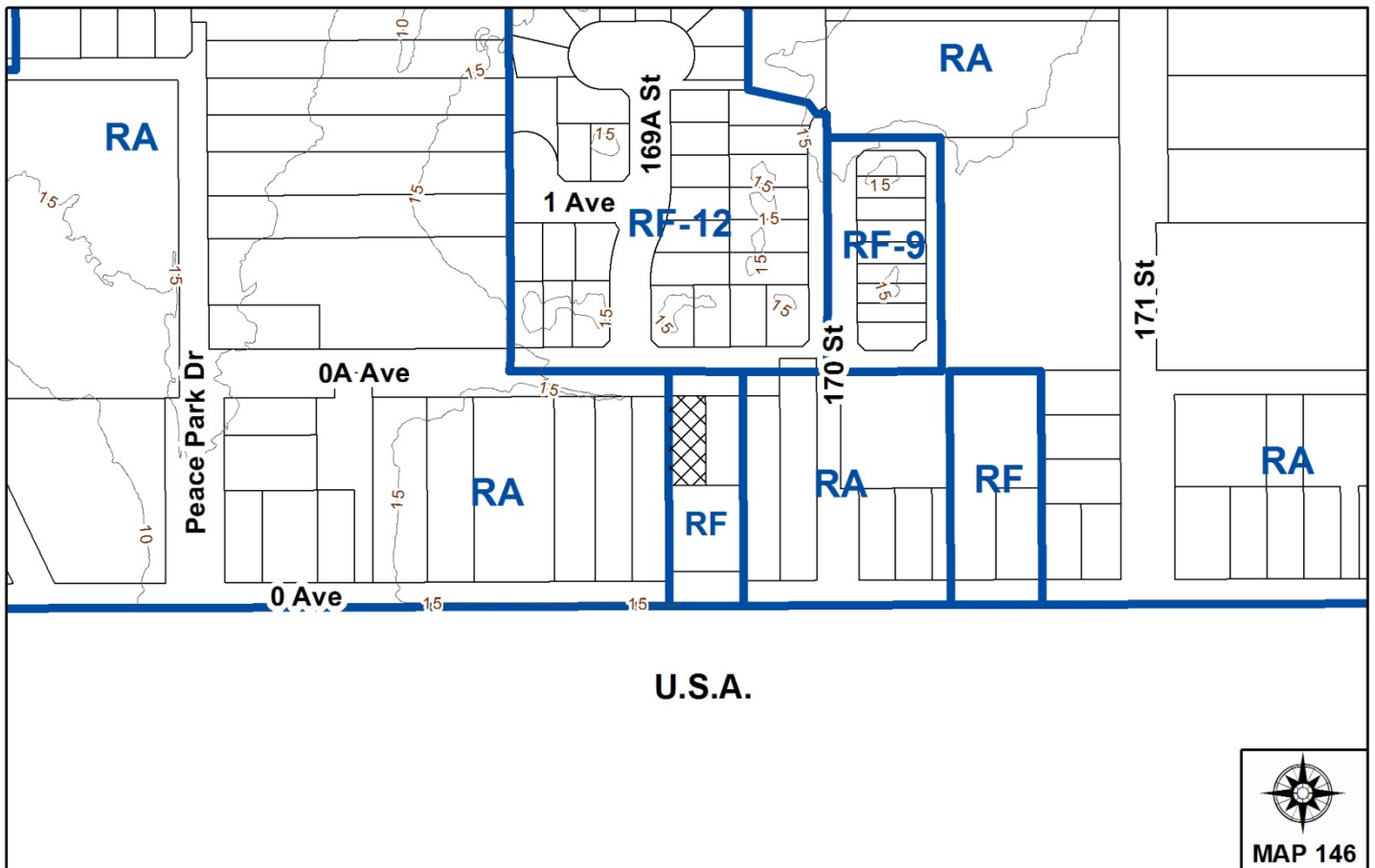
**LOCATION:** 16960 - 0A Avenue

**OWNER:** Daniel J. Johnson  
 Vanessa C. Johnson  
 Ricky J. Munn  
 Debra R. Hermann

**ZONING:** RF

**OCP DESIGNATION:** Urban

**NCP DESIGNATION:** Urban Single Family (6 upa)



### RECOMMENDATION SUMMARY

- The Planning and Development Department recommends approval to amend Restrictive Covenant No. CA4717070 to permit the removal of one tree located in the rear; and
- If the Restrictive Covenant Amendment is approved, request to revoke Development Variance Permit No. 7912-0005-00.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

### RATIONALE OF RECOMMENDATION

- The restrictive covenant currently registered on the title of the subject property limits the ability to achieve a full size dwelling, and limits the ability to construct the applicant's proposal for an outdoor covered deck and rear basement access as permitted under the current RF Zone.
- Development Variance Permit (DVP) No. 7912-0005-00 to reduce the front yard setback was granted to enable a building envelope of a suitable size under the former RF Zone standards while retaining a specimen Chestnut tree in the rear yard. However, the owners have demonstrated that they are unable to take advantage of the setback relaxations because of another tree protection area of off-site trees impacting the front of the subject site.
- If approval is granted for the restrictive covenant amendment, the DVP will no longer be necessary and should be revoked as a full size RF dwelling can be accommodated on the subject site under the standard RF Zone provisions.

**RECOMMENDATION**

The Planning & Development Department recommends that:

1. Council approve the applicant’s request to amend the Restrictive Covenant No. CA4717070 to allow the removal of a tree (#5327) in the rear yard.
2. If Council approves the Restrictive Covenant Amendment, Development Variance Permit No. 7912-0005-00 be revoked.

**REFERRALS**

**Engineering:** The Engineering Department has no objection to the proposed restrictive covenant amendment provided DVP No. 7912-0005-00 is revoked.

**Trees & Landscaping:** Trees & Landscaping has agreed to the restrictive covenant amendment due to the circumstances regarding the building envelope limitations if tree #5327 is retained. If the tree will no longer be protected by the restrictive covenant, a tree cutting permit is required for the removal, per the Tree Protection By-law.

**SITE CHARACTERISTICS**

**Existing Land Use:** Vacant single family lot

**Adjacent Area:**

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/NCP Designation</b>	<b>Existing Zone</b>
North (Across oA Avenue):	Single family residential	Urban/ Single Family Flex (6 - 14.5 upa)	RF-12
East:	Vacant single family residential	Urban/ Urban Single Family (6 upa)	RF
South:	Single family residential	Urban/ Urban Single Family (6 upa)	RF
West:	Single family residential	Urban/ Urban Single Family (6 upa)	RA

**DEVELOPMENT CONSIDERATIONS**

**Background**

- The subject site is located on the south side of oA Avenue, west of 170 Street in the Douglas area. The site is designated “Urban” in the Official Community Plan (OCP) and “Urban Single Family (6 units/acre)” in the Douglas Neighbourhood Concept Plan (NCP).

- The site has an area of 560 square metres (6,000 sq.ft.), measuring 15 metres (50 ft.) wide and 37 metres (120 ft.) deep. The site is currently zoned “Single Family Residential Zone (RF)”.
- The subject lot was created under Development Application No. 7912-0005-00 in September 2015, which created three RF Zoned lots (i.e. the subject site, 16968 – oA Ave to the east, and 16977 – o Ave to the south).
- Development Application No. 7912-0005-00, which was submitted to the City in January 2012, was “in stream” of the application process when amendments to the RF Zone of Surrey Zoning By-law were proposed (Corporate Report R119). The amendments to the RF Zone essentially increased the maximum allowable floor area ratio (FAR) and reduced the maximum lot coverage as determined by the size of the lot. The By-law (No. 17989) to amend the provisions of the RF Zone of Zoning By-law No. 12000 was adopted in July 2013.
- A comparison of the former and current RF Zone standards for the minimum lot size (i.e. subject site) is summarized below:

	<b>Former RF Zone Standards</b>	<b>Current RF Zone Standards</b>
<b>Minimum Lot size</b>	560 sq.m (6,000 sq.ft.)	560 sq.m (6,000 sq.ft.)
<b>Maximum Floor Area</b>	269 sq.m (2,890 sq.ft.)	336 sq.m (3,620 sq.ft.)
<b>Living area (excluding garage and covered outdoor space)</b>	233 sq.m (2,500 sq.ft.)	269 sq.m (2,900 sq.ft.)
<b>Effective FAR</b>	0.48 Maximum 270 sq.m (2,900 sq.ft.)	0.60 Maximum 465 sq.m (5,000 sq.ft.)
<b>Lot coverage</b>	40%	40%

- A Development Variance Permit (DVP) was also granted with the completion of Development Application No. 7912-0005-00 to reduce the front yard setback in order to retain a large Chestnut tree (#5327) situated approximately in the centre of the rear yard. The variance permitted the front yard setback to be reduced from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for an attached garage or carport, and to 4.0 metres (13 ft.) for the remainder of the principal dwelling.
- The DVP was supported based upon the Chestnut tree being assessed at the time to be in excellent health with a diameter at breast height (DBH) of 100 centimeters (3.3 ft.), and determined to be a good candidate for retention (Appendix IV).
- A restrictive covenant was registered on the site for the retention of existing trees, including the Chestnut tree and several off-site trees located at the northwest corner along the shared property line (i.e. front yard of the site) (Appendix III). The tree protection area (no build area) for the Chestnut tree extends 13.6 metres (45 ft.) from the rear lot line and spans almost entirely across the entire width of the lot (14 metres [46 ft.]).

### Current Proposal

- The applicant is proposing a Restrictive Covenant Amendment to facilitate the removal of the large Chestnut tree located in the middle of the rear yard of the subject site. Should it be supported, DVP No. 7912-0005-00 should be revoked as it had been previously approved to facilitate the Chestnut tree being retained.
- The applicant purchased the subject site from the developer and is proposing to construct a two-storey, single family dwelling with basement and outdoor covered deck under the current RF Zone standards (Appendix II). The house is proposed to have a floor area of 297 square metres (3,195 sq.ft.) with a 39 square metres (290 sq.ft.) double garage, resulting in a total floor area of 335 square metres (3,615 sq.ft.). The proposed lot coverage is 40%.

### RESTRICTIVE COVENANT AMENDMENT EVALUATION

- (a) Amend Restrictive Covenant No. CA4717070 for tree preservation to permit the removal of Tree #5327 on Lot 1.

#### Applicant's Reasons:

- The restrictive covenant currently registered on the title of the site limits the ability to achieve a full size dwelling, and limits the ability to construct an outdoor covered deck and rear basement access as permitted under the current RF Zone.
- Despite the reduced front yard setbacks permitted under the DVP No. 7912-0005-00, the front of the house is unable to take full advantage of the relaxations in the setback because of the tree protection area of off-site trees impacting the front portion of the subject site. As a result, the front veranda would be restricted to a narrow design.
- The DVP permits a 6 metre (20 ft.) setback from the attached garage, which makes parking restrictive for larger vehicles and accessing the front entry of the house difficult.
- The tree protection area for the Chestnut tree covers almost the entire rear yard, which would eliminate the ability to situate any accessory buildings or structures if desired.

#### Staff Comments:

- The applicant under Development Application No. 7912-0005-00 provided information which appeared to show that a reasonable sized building envelope could be achieved under the former RF Zone standards, even with the retention of the Chestnut tree in the rear yard. However, the current owners' building designer has provided more detailed building envelope plans which indicate that the floor area at the front of the proposed house is compromised, due to the existing tree protection area in the northwest corner of the lot (Appendix II). Hence, staff concurs that the owners are unable to take advantage of the current front yard setback variance to achieve a reasonable sized building envelope as originally anticipated.

- In order to achieve a reasonable building envelope, staff concurs it will be necessary to remove the Chestnut tree in the rear of the property, which will require modification of the current restrictive covenant on title.
- If Council approval is granted to remove the tree in the rear yard, a full size dwelling can be accommodated within the lot under the standard RF Zone provisions. Therefore, the DVP will not be necessary and should be revoked.

### PRE-NOTIFICATION

Pre-notification letter were mailed to the owners of 53 properties within 100 metres (328 sq.ft.) of the subject site, and to the Little Campbell Watershed Society. To date, staff have not received any comments.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary
Appendix II.	Proposed Site Plan
Appendix III.	Tree Retention Plan
Appendix IV.	Photo of Tree #5327

### INFORMATION AVAILABLE ON FILE

- Arborist Report prepared by Mike Fadum and Associates Ltd. dated July 22, 2015.

*original signed by Ron Hintsche*

Jean Lamontagne  
General Manager  
Planning and Development

DH/dk

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KD 6/8/16 11:10 AM

Information for City Clerk

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

1. (a) Agent: Name: Vanessa C. Johnson

Address: Unit 51, 15405 - 31 Avenue  
Surrey, BC V3Z 2W5

Tel: 604-619-8269

2. Properties involved in the Application

(a) Civic Address: 16960 - 0A Avenue

(b) Civic Address: 16960 - 0A Avenue  
Owners: Debra R. Hermann  
Ricky J. Munn  
Vanessa C. Johnson  
Daniel J. Johnson

PID: 029-669-090

Lot: 1, 029-669-090

Lot 1 Section 6 Township 7 New Westminster District Plan EPP49679

3. Summary of Actions for City Clerk's Office

(a) If Council supports the Restrictive Covenant Amendment, revoke Development Variance Permit No. 7912-0005-00 and remove notice from title.

**BUILDING ENVELOPE**

Lot is showing the Size of Footprint needed to achieve the MAX FAR based on lot size.

**MIN SETBACKS: DVP APPROVED**

FRONT: 6.0/4.0m REAR: 7.5m SIDE: 1.8m

PROJECT & SITE DATA

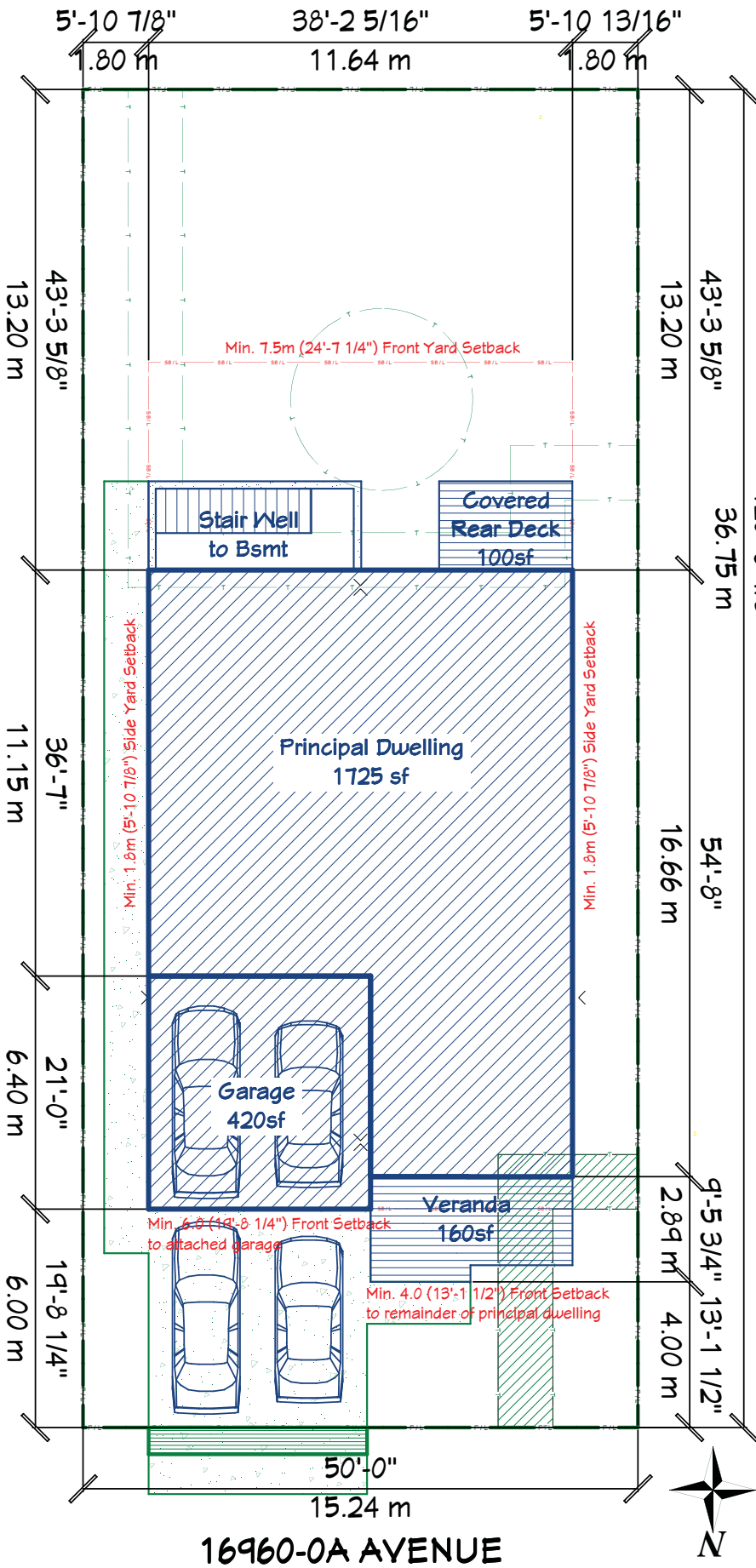
MUN. PROJ. NO.:	Rick Munn
SUBDIVISION AT.:	
LOT NO.:	
CIVIC ADDRESS:	16960-0A Avenue SRY
ZONE:	RF
LOT AREA (m <sup>2</sup> )	560.00
LOT AREA (sq)	6027.79

LOT COVERAGE

	ALLOWABLE	ACTUAL
Max.	40.00%	2411.12 sf
Main Floor		1725.00 sf
Garage	Min. (39m <sup>2</sup> )	420.00 sf
Main Floor & Garage		2145.00 sf
Veranda	Veranda Min.	160.00 sf
Rear Deck	Covered Area	140.00 sf
Accessory Building	Exempt	105.00 sf
		39.90%
		2405.00 sf

FLOOR AREA RATIO

	ALLOWABLE	ACTUAL
Max.	60.00%	3616.67 sf
Main Floor		1725.00 sf
Upper Floor		1470.00 sf
NET Area		3195.00 sf
Garage		420.00 sf
Accessory Building	Exempt	105.00 sf
		59.97%
		3615.00 sf



16960-0A AVENUE





SCHEDULE A

EXPLANATORY PLAN OF COVENANT OVER PARTS OF LOTS 1 AND 2, SECTION 6, TOWNSHIP 7, NEW WESTMINSTER DISTRICT, PLAN EPP49679

PLAN EPP50124

Pursuant to Section 99(1)(e), Land Title Act  
For Tree Protection Purposes  
City of Surrey BCCS 92G.007



SCALE - 1 : 250

All distances are in metres

The intended plot size of this plan is 432mm in width by 860mm in height (size C) when plotted at a scale of 1:250

Integrated Survey Area No. 1  
City of Surrey, NAD83 (CSRS) 4.0.0.BC.1.GVRD

Old bearings are derived from EPP49679

The UTM co-ordinates and estimated horizontal positional accuracy achieved are derived from Plan EPP49776.

This plan shows horizontal ground-level distances except where otherwise noted. To compute grid distances, multiply ground-level distances by the average combined factor of 0.9996049. The average combined factor has been determined from Plan EPP49679.

Legend:

m<sup>2</sup> Denotes square metres



Sec 6

Plan 11011

East 50' of 10  
Plan 3240

170th STREET

Tp 7

AREA "A": NON-HATCHED		
TREE PROTECTION ZONE		
Area	Lot	Area (m <sup>2</sup> )
"A1"	1	14.0
"A2"	2	8.4
"A3"	2	27.5
"A4"	1	143.8
Total		193.7

AREA "B": HATCHED		
1.0 METRE SETBACK FROM TREE PROTECTION ZONE		
Area	Lot	Area (m <sup>2</sup> )
"B1"	1	14.8
"B2"	2	17.3
"B3"	2	22.5
"B4"	1	42.9
Total		97.5

GEODETTIC CONTROL MONUMENT 89H1279  
DATUM: NAD83 (CSRS) 4.0.0.BC.1.GVRD  
UTM Northing: 5,427,720.843  
UTM Easting: 517,909.863  
Elevation: 13.521  
Combined Scale Factor: 0.9996049  
Estimated Horizontal Accuracy: 0.020

CANADA  
U.S.A.

GEODETTIC CONTROL MONUMENT 89H1284  
DATUM: NAD83 (CSRS) 4.0.0.BC.1.GVRD  
UTM Northing: 5,427,721.010  
UTM Easting: 518,295.906  
Elevation: 17.086  
Combined Scale Factor: 0.9996045  
Estimated Horizontal Accuracy: 0.020

Cameron Land Surveying Ltd.  
B.C. Land Surveyors  
Unit 206 - 18055 Fraser Highway  
Surrey, B.C. V4N 0B2  
Phone: 604-597-3777  
Fax: 604-597-3783

This plan is based on the following Land Title and Survey Authority of BC records:

Plan EPP49679, EPP50123

Kenneth W. Schuurman, BCLS (800)  
March 25, 2015

This plan lies within the Greater Vancouver Regional District

File 5010-COV

