

PROPOSAL:

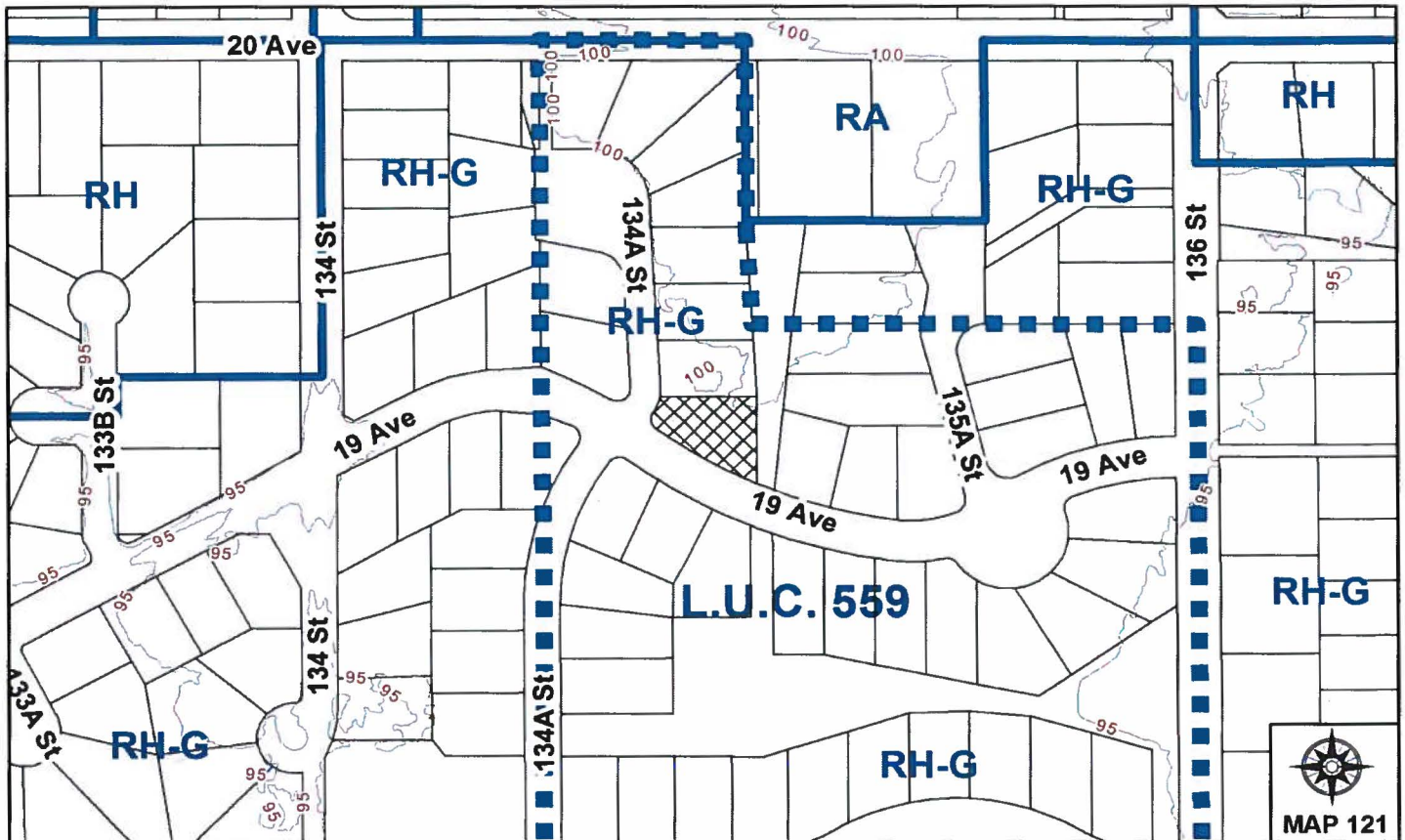
- **Development Variance Permit**
 to reduce the minimum front yard and side yard flanking street setbacks for a proposed accessory structure.

LOCATION: 13495 - 19 Avenue

OWNER: Gregory C. Levy
 Jacqueline M. Levy

ZONING: LUC No. 559 (RH-G underlying zone)

OCP DESIGNATION: Suburban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to reduce the minimum front yard setback for accessory buildings of Land Use Contract No. 559 from 18 metres (60 ft.) to 10.5 metres (35 ft.) and the side yard flanking street setback from 7.5 metres (25 ft.) to 4.5 metres (15 ft.).

RATIONALE OF RECOMMENDATION

- The reduced front and side yard flanking street setbacks will allow for an in-ground pool to be sited adjacent to the existing house's west facade, within the west front yard setback area, rather than in the backyard (north), which is smaller and heavily treed.
- The proposed in-ground pool will be well-screened from the street by an existing fence and trees.
- The applicant has demonstrated community support for the proposal.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7916-0205-00 (Appendix IV) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum front yard setback of Land Use Contract No. 559 from 18 metres (60 ft.) to 10.5 metres (35 ft.); and
- (b) to reduce the minimum side yard flanking street setback of Land Use Contract No. 559 from 7.5 metres (25 ft.) to 4.5 metres (15 ft.).

REFERRALS

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

Parks, Recreation & Culture: Parks, Recreation & Culture has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwelling	Suburban	LUC 559 (RH-G underlying zone)
East:	Greenbelt/Single family dwellings	Suburban	LUC 559 (RH-G underlying zone)
South (Across 19 Avenue):	Single family dwellings	Suburban	LUC 559 (RH-G underlying zone)
West (Across 134A Street):	Single family dwellings	Suburban	LUC 559 (RH-G underlying zone)

DEVELOPMENT CONSIDERATIONSBackground/Proposal

- The subject property is located at 13495 – 19 Avenue, is regulated by Land Use Contract (LUC) No. 559 [underlying zone is “Half-Acre Residential Gross Density Zone” (RH-G)], and is designated “Suburban” in the Official Community Plan.
- The by-law to terminate LUC No. 559 was given first and second readings by Council at the June 13, 2016 Land Use meeting of Council. The Public Hearing is scheduled for July 11, 2016.

Should Council grant third reading on July 11, and subsequently adopt the by-law to terminate LUC No. 559, there will be a one year grace period in which the LUC will remain in effect before the underlying RH-G zone comes into effect.

- The applicant is proposing a Development Variance Permit to reduce the setbacks for accessory buildings applicable to Land Use Contract No. 559, to reduce the minimum front yard setback from 18 metres (60 ft.) to 10.5 metres (35 ft.) and the minimum side yard flanking street setback from 7.5 metres (25 ft.) to 4.5 metres (15 ft.).
- The reduced front and side yard flanking street setbacks will allow for an in-ground pool to be sited in the yard west of the house, rather than in the smaller, heavily treed backyard north of the house.

TREES

- Lesley Gifford, ISA Certified Arborist of Urban Grove Tree Care & Consulting 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
Deciduous Trees (excluding Alder and Cottonwood Trees)			
Cherry	2	0	2
Coniferous Trees			
Deodar Cedar	1	0	1
Giant Sequoia	1	0	1
Western Red Cedar	1	1	0
Total (excluding Alder and Cottonwood Trees)	5	1	4
Total Replacement Trees Proposed (excluding Boulevard Street Trees)		0	
Total Retained and Replacement Trees		4	

- The Arborist Assessment states that there are a total of 5 protected trees on the portion of the site in proximity to the pool, none of which are Alder or Cottonwood trees. It was determined that 4 trees can be retained as part of this development proposal. The proposed tree retention was assessed taking into consideration the location of the footprint of the proposed accessory structure.
- 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 2 replacement trees on the site. The Arborist Assessment states that there are 13 undersized trees of good quality that will be protected and can count towards replacement tree requirements.

- In summary, a total of 4 by-law size trees are proposed to be retained on the site with the retention of 13 undersized trees to be counted towards the replacement tree requirements.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum front yard setback of Land Use Contract No. 559 from 18 metres (60 ft.) to 10.5 metres (35 ft.).
- To reduce the minimum side yard flanking street setback of Land Use Contract No. 559 from 7.5 metres (25 ft.) to 4.5 metres (15 ft.).

Applicant's Reasons:

- The requested front yard and side yard flanking street setback variance is to permit the construction of an in-ground pool located in the front yard to the west of the house.
- The pool is proposed to be sited west of the existing house, allowing for the preservation of trees in the backyard to the north.

Staff Comments:

- The existing house is oriented towards 19 Avenue and is located on the eastern portion of the lot. The location of the home on the lot provides ample room in the yard west of the house to accommodate a pool.
- The proposed pool will be well-screened from 19 Avenue and 134A Street by an existing fence and trees.
- The proposed pool complies with the minimum side yard (north) setback of 1 metre (3 ft.).
- The applicant has demonstrated support for the proposal by obtaining approval letters from the four closest neighbours at 1918 134A Street, 1919 134A Street, 1896 134A Street, and 13486 19 Avenue.
- Staff support the requested variance to proceed to Public Notification.

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 Preservation Summary
- Appendix IV. Development Variance Permit No. 7916-0205-00

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

CB/dk

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KD 6/23/16 10:34 AM

Information for City Clerk

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

1. (a) Agent: Name: Greg Levy

 Address: 13495 - 19 Avenue
 Surrey, BC V4A 6B3

 Tel: 604-536-1245 - Primary
 604-536-1245 - Cellular

2. Properties involved in the Application
 - (a) Civic Address: 13495 - 19 Avenue

 - (b) Civic Address: 13495 - 19 Avenue
 Owner: Jacqueline M. Levy
 Gregory C. Levy
 PID: 005-591-490
 Lot 304 Section 17 Township 1 Plan 57494 New Westminster District

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7916-0205-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

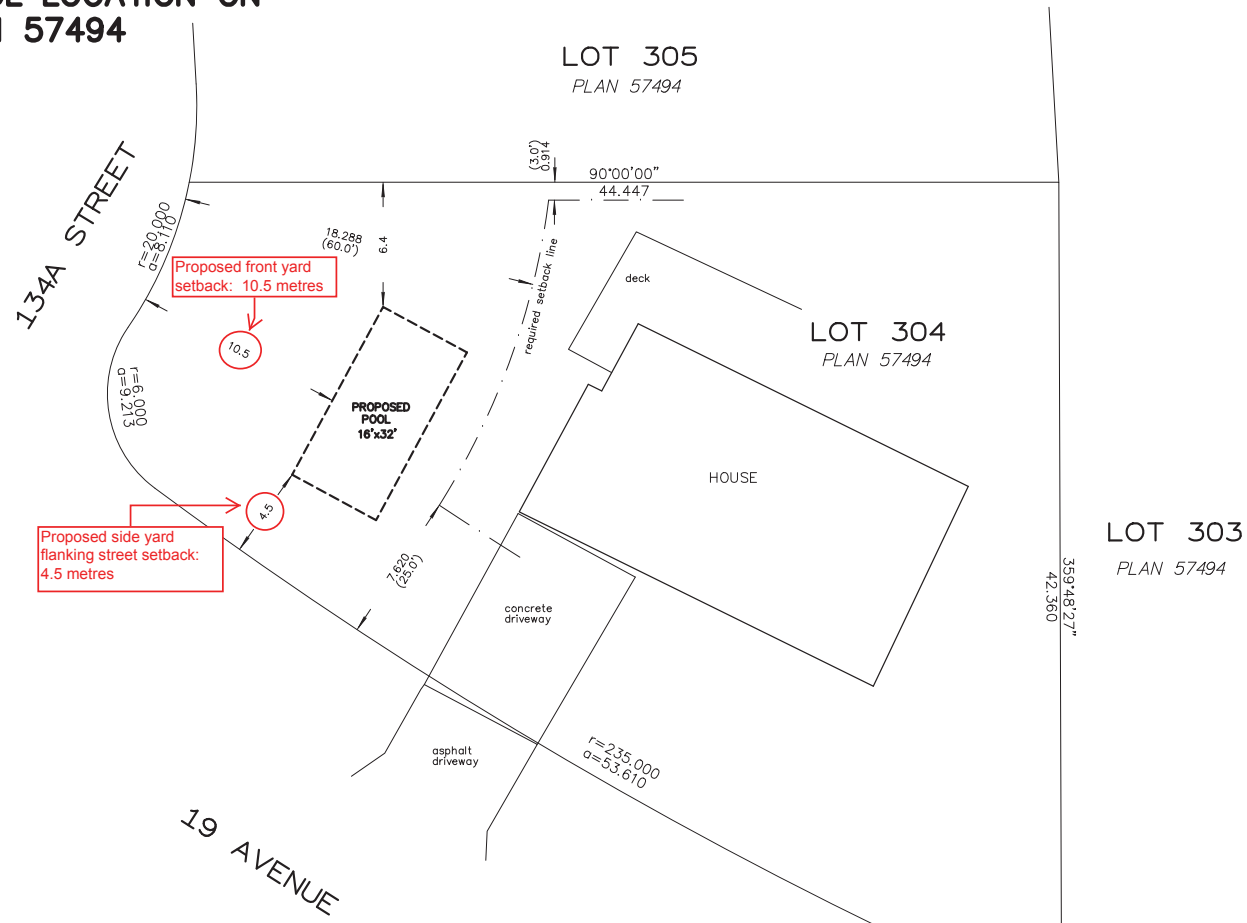
**SKETCH PLAN OF PROPOSED POOL LOCATION ON
LOT 304 SEC 17 TP 1 NWD PLAN 57494**

CIVIC ADDRESS:

13495 19th Avenue, Surrey, B.C.
P.I.D. 005-591-490



SCALE 1 : 250



Lot dimensions are derived from Plan 57494

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drawing date: JUNE 20 2016



FILE: 7968-proposed pool sketch

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Total Replacement Trees Proposed (excluding Boulevard Street Trees)		0	
Total Retained and Replacement Trees		4	

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0205-00

Issued To: Gregory C. Levy
Jacqueline M. Levy

("the Owner")

Address of Owner: 13495 - 19 Avenue
Surrey, BC V4A 6B3

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: 005-591-490
Lot 304 Section 17 Township 1 Plan 57494 New Westminster District

13495 - 19 Avenue

(the "Land")

3. Surrey Land Use Contract No. 559 Authorization By-law No. 5745 is varied as follows:
 - (a) In Schedule C. Siting, in accordance with Part VII, Section A.3 – Residential Zone No. One (1) of Surrey Zoning By-law, 1964, No. 2265, the minimum front yard setback for an accessory building is reduced from 18 metres (60 ft.) to 10.5 metres (35 ft.); and
 - (b) In Schedule C. Siting, in accordance with Part VII, Section A.3 – Residential Zone No. One (1) of Surrey Zoning By-law, 1964, No. 2265, the minimum flanking street setback for an accessory building is reduced from 7.5 metres (25 ft.) to 4.5 metres (15 ft.).

4. This development variance permit applies to only that portion of the proposed pool on the Land shown on 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

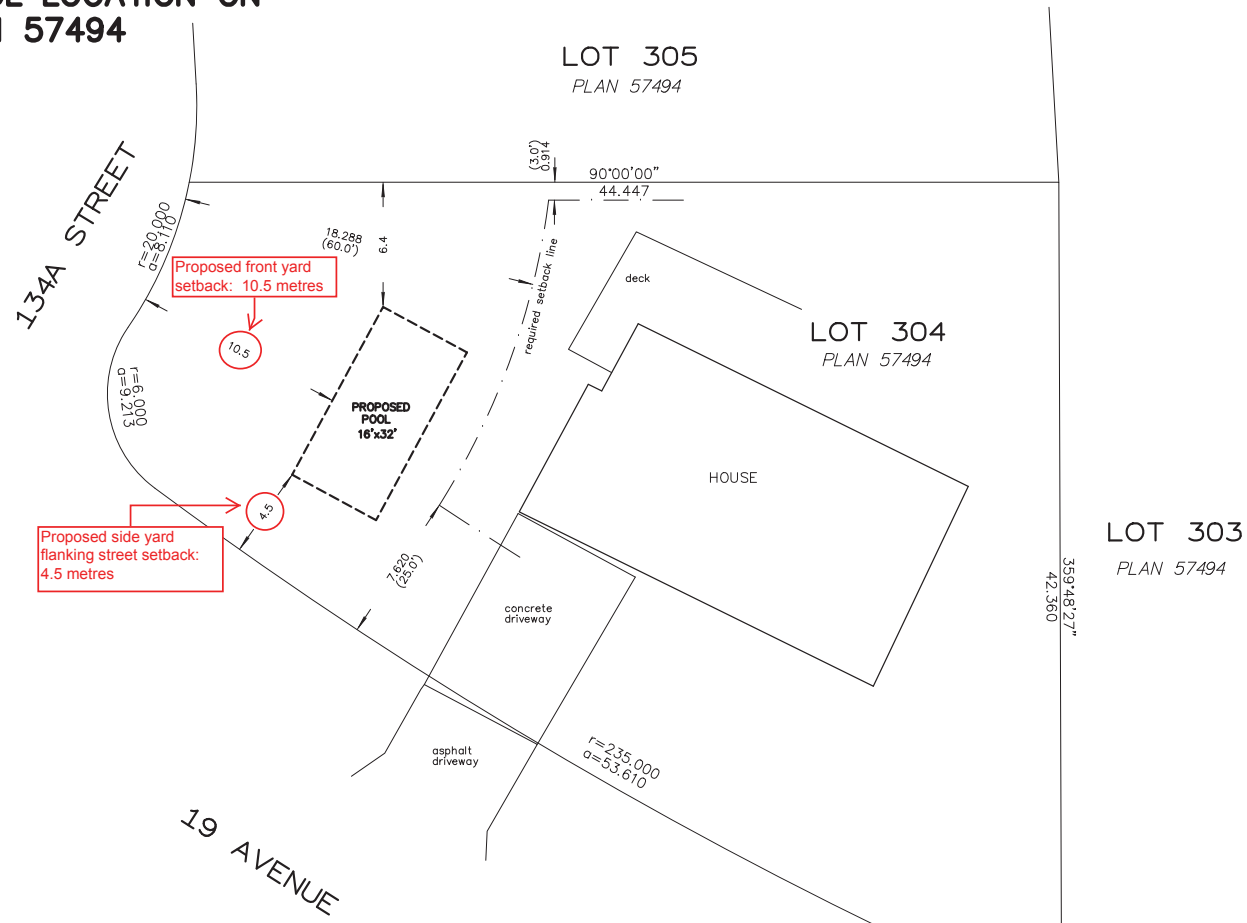
City Clerk – Jane Sullivan

**SKETCH PLAN OF PROPOSED POOL LOCATION ON
LOT 304 SEC 17 TP 1 NWD PLAN 57494**

CIVIC ADDRESS:
13495 19th Avenue, Surrey, B.C.
P.I.D. 005-591-490



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