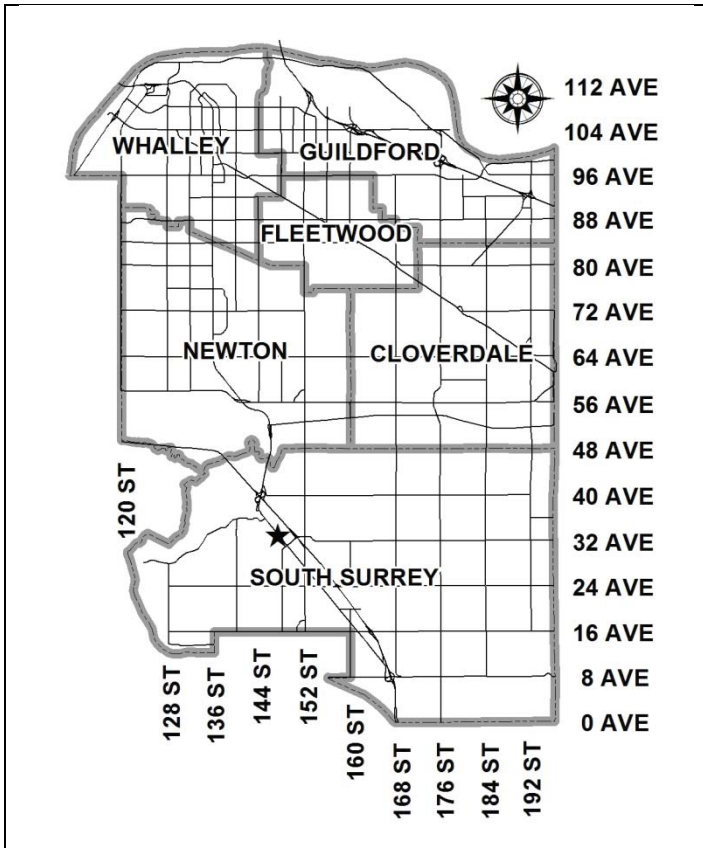


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7916-0410-00

Planning Report Date: October 24, 2016

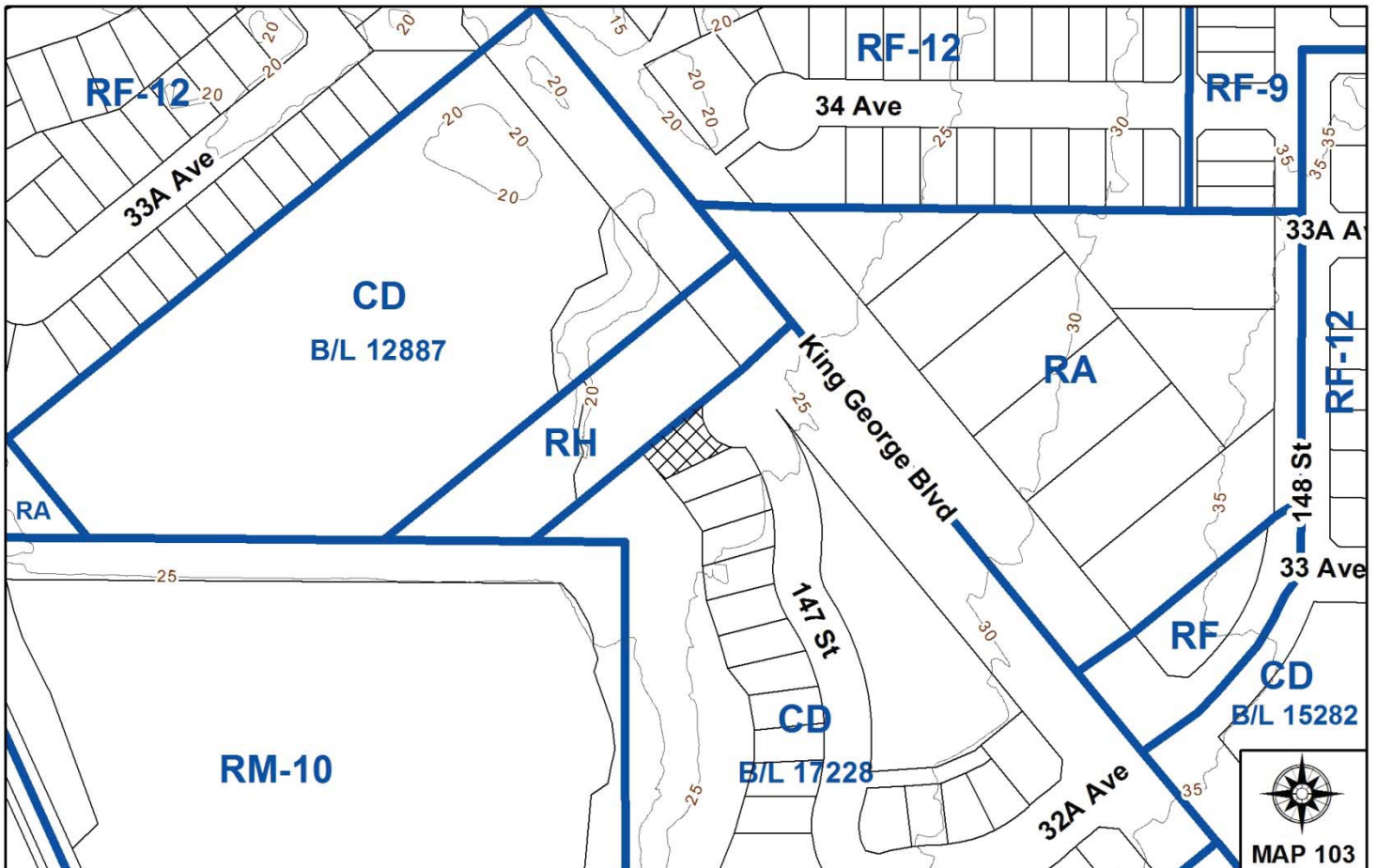


**PROPOSAL:**

- Restrictive Covenant amendment
- Development Variance Permit

to permit the development of a single family dwelling.

**LOCATION:** 3323 - 147 Street  
**OWNER:** Salal Developments Ltd.  
**ZONING:** CD (By-law No. 17228)  
**OCP DESIGNATION:** Urban  
**NCP DESIGNATION:** Clustering at Urban Single Family Density (8 upa)



### RECOMMENDATION SUMMARY

- Approval to amend Restrictive Covenant (RC) BB1987340 to reduce the size of the no build Covenant Area required for future consolidation with the neighbouring property at 3347 - King George Boulevard.
- Approval for Development Variance Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking to reduce the minimum front yard setback from 6.0 metres (20 ft.) to 4.0 metres (13 ft.) and the minimum rear yard setback from 7.5 metres (25 ft.) to 6.0 metres (20 ft.).

### RATIONALE OF RECOMMENDATION

- The amendment to the no build Covenant Area will ensure the ultimate lot area for the subject property meets the minimum requirements under the CD Zone (By-law No. 17228), while also maintaining subdivision potential for the neighbouring property at 3347 - King George Boulevard.
- The reduced front and rear yard setbacks will facilitate the construction of a house on the subject property similar in size to the others in the surrounding area.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the amendment to Restrictive Covenant BB1987340 reducing the size of the no build Covenant Area from 90.7 square metres (976 sq. ft.) to 62.7 square metres (675 sq. ft.) for future consolidation with the neighbouring property at 3347 - King George Boulevard.
2. Council approve Development Variance Permit No. 7916-0410-00 (Appendix III) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum front yard (east) setback of "Comprehensive Development Zone (CD)" (By-law No. 17228) from 6.0 metres (20 ft.) to 4.0 metres (13 ft.); and
  - (b) to reduce the minimum rear yard (west) setback of "Comprehensive Development Zone (CD)" (By-law No. 17228) from 7.5 metres (25 ft.) to 6.0 metres (20 ft.).

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lot.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single family dwelling	Urban/Clustering at Urban Single Family Density (8 upa) & Proposed landscape buffer	RH
East (Across 147 Street and King George Boulevard):	Single family dwellings	Urban/Clustering at Urban Single Family Density (8 upa) & Proposed landscape buffer	RA
South:	Single family dwelling	Urban/Clustering at Urban Single Family Density (8 upa)	CD (By-law No. 17228)
West:	Park	Urban/Clustering at Urban Single Family Density (8 upa)	CD (By-law No. 17228)

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject property is located on the west side of 147 Street, at the end of a cul-de-sac. The property is designated "Urban" in the Official Community Plan (OCP) and "Clustering at Urban Single Family Density (8 upa)" in the King George Highway Corridor Land Use/Development Concept Plan. The property is zoned "Comprehensive Development Zone (CD)" (By-law No. 17228).
- The subject property was created under Development Application No. 7909-0236-00 in August 2011, which created 43 single family small lots, 16 townhouse units, and a park. It is the last vacant property within that development.
- A Restrictive Covenant (RC) (No. BB1987340) was registered against the subject property at the time of the previous Development Application (7909-0236-00) that specified a no build Covenant Area of 90.7 square metres (976 sq. ft.) along the northern portion of the property for the purpose of future consolidation with the neighbouring property at 3347 - King George Boulevard.
- The RC states that the south side lot line of the Covenant Area boundary will be considered as the side lot line for the purposes of establishing the setback, and for the purposes of building construction the maximum density floor area and lot coverage will exclude the Covenant Area.

### Current Proposal

- The applicant is proposing to amend RC No. BB1987340 to reduce the no build Covenant Area from 90.7 square metres (976 sq. ft.) to 62.7 square metres (675 sq. ft.) by shifting the south side lot line of the Covenant Area boundary 1.2 metres (4 ft.) to the north (Appendix II).
- The applicant is also proposing a Development Variance Permit to reduce the front yard setback from 6.0 metres (20 ft.) to 4.0 metres (13 ft.) and the rear yard setback from 7.5 metres (25 ft.) to 6.0 metres (20 ft.).

## RESTRICTIVE COVENANT AMENDMENT EVALUATION

### Applicant's Reasons

- The Restrictive Covenant (RC) currently registered on the title for the purpose of future consolidation with the neighbouring property at 3347 King George Boulevard makes it difficult to achieve the full build out potential of the subject property and construct a house similar in size to others in the subdivision.
- With the current RC registered on title, the maximum allowable floor area for the subject property is 210 square metres (2,260 sq. ft.). If the RC is amended as proposed, the maximum allowable floor area would be 229.8 square metres (2,474 sq. ft.), which is comparable to other houses in the surrounding area.

### Staff Comments

- The purpose of the no build Covenant Area is for future consolidation with the neighbouring property to the north at 3347 King George Boulevard to maintain future subdivision potential. However, the current size of the Covenant Area would result in an ultimate lot area of 300 square metres (3,229 sq. ft.) for the subject property, which would not meet the minimum lot area of 320 square metres (3,445 sq. ft.) required under the CD Zone (By-law No. 17228).
- Reducing the size of the Covenant Area would ensure the ultimate lot area of the subject property meets the minimum required under the zoning, while also maintaining the subdivision potential of the neighbouring property to the north. It should be noted, however, that the subdivision potential of the neighbouring property at 3347 King George Boulevard is contingent on the owner successfully achieving a reduction to the streamside protection area from 30 metres (100 ft.) to 15 metres (50 ft.) from top of bank.

### PRE-NOTIFICATION

Pre-notification letters were sent on October 12, 2016 to the owners of 169 properties within 100 metres (328 ft.) of the subject property, and to the Semiahmoo Residents Association, the Crescent Road Corridor Community Residents Associations, and the Elgin Creek Ratepayers Association. To date, staff have not received any comments.

### BY-LAW VARIANCE AND JUSTIFICATION

#### (a) Requested Variance:

- To reduce the minimum front yard (east) setback from 6.0 metres (20 ft.) to 4.0 metres (13 ft.).
- To reduce the minimum rear yard (west) setback from 7.5 metres (25 ft.) to 6.0 metres (20 ft.).

#### Applicant's Reasons:

- The reduced front and rear yard setbacks will facilitate the construction of a house on the subject property that is similar in size to the others in the surrounding area.
- At approximately 23 metres (75 ft.) deep, the subject property is shallower than the neighbouring property to the south, which is approximately 29.5 metres (97 ft.) deep. The proposed variances to the front and rear setbacks of the subject property would facilitate construction of a house closer in size to the neighbouring house.

#### Staff Comments:

- The proposed amendment to the Covenant Area, along with the proposed variances to the front and rear setbacks creates a reasonable area within which to site the proposed house.

- 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, Action Summary and Project Data Sheets  
Appendix II. Proposed Site Plan  
Appendix III. Development Variance Permit No. 7916-0410-00

*original signed by Ron Hintsche*

Jean Lamontagne  
General Manager  
Planning and Development

CB/da



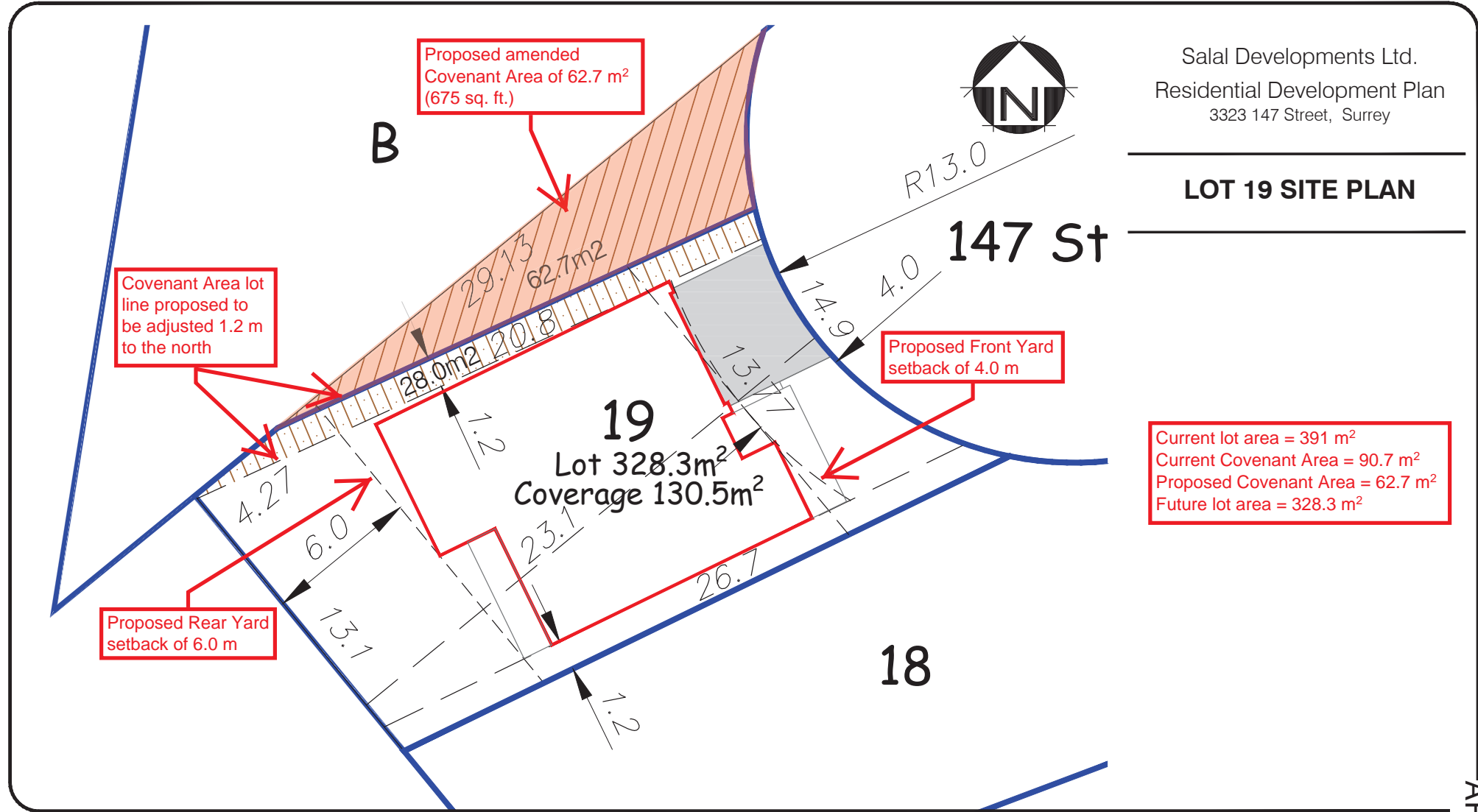
Proposed amended  
Covenant Area of 62.7 m<sup>2</sup>  
(675 sq. ft.)

Covenant Area lot  
line proposed to  
be adjusted 1.2 m  
to the north

Proposed Front Yard  
setback of 4.0 m

Proposed Rear Yard  
setback of 6.0 m

Current lot area = 391 m<sup>2</sup>  
Current Covenant Area = 90.7 m<sup>2</sup>  
Proposed Covenant Area = 62.7 m<sup>2</sup>  
Future lot area = 328.3 m<sup>2</sup>



Salal Developments Ltd.  
Residential Development Plan  
3323 147 Street, Surrey

**LOT 19 SITE PLAN**



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0410-00

Issued To: SALAL DEVELOPMENTS LTD.

(the Owner)

Address of Owner: 201, 15272 - Croydon Drive  
Surrey, BC V3Z 0Z5

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: 028-686-071  
Lot 19 District Lot 165 Group 2 New Westminster District Plan BCP49250

3323 - 147 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

(a) In Section F. Yards and Setbacks of CD Zone (By-law No. 17228), the minimum front yard (east) setback is reduced from 6.0 metres (20 ft.) to 4.0 metres (13 ft.); and

(b) In Section F. Yards and Setbacks of CD Zone (By-law No. 17228), the minimum rear yard (west) setback is reduced from 7.5 metres (25 ft.) to 6.0 metres (20 ft.).

4. This development variance permit applies to only the portion of 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 .

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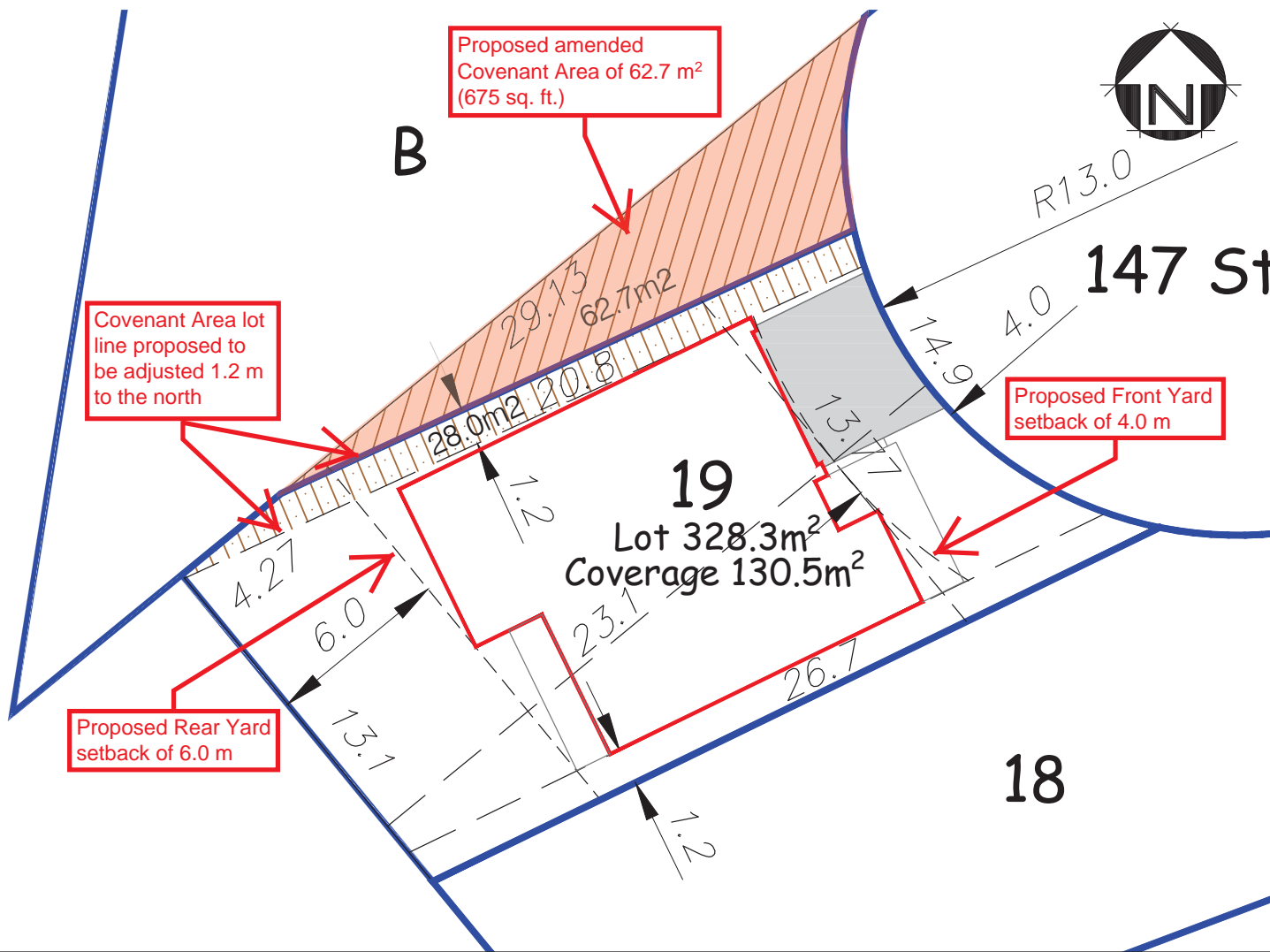
Mayor – Linda Hepner

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City Clerk – Jane Sullivan

Salal Developments Ltd.  
Residential Development Plan  
3323 147 Street, Surrey

**LOT 19 SITE PLAN**



Current lot area = 391 m<sup>2</sup>  
Current Covenant Area = 90.7 m<sup>2</sup>  
Proposed Covenant Area = 62.7 m<sup>2</sup>  
Future lot area = 328.3 m<sup>2</sup>

SCHEDULE A

**APLIN  
MARTIN**  
Project 10-244  
19 October 2016

