

City of Surrey PLANNING & DEVELOPMENT REPORT File: 7916-0437-00

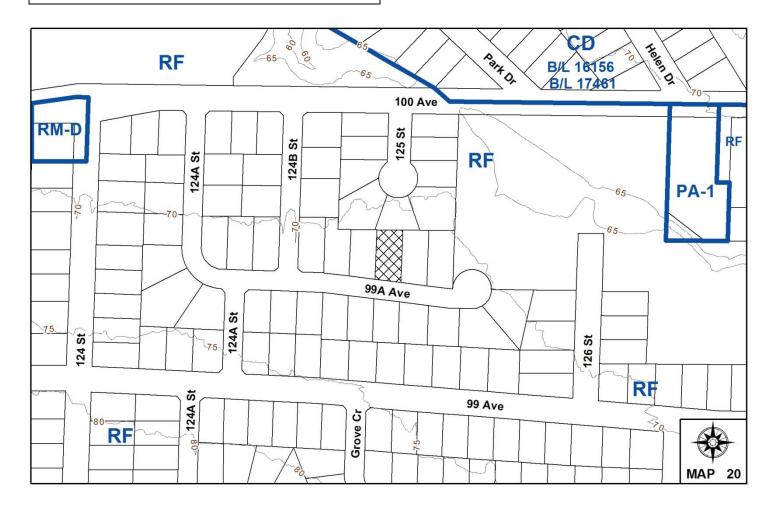
Planning Report Date: October 24, 2016

PROPOSAL:

• Development Variance Permit

to reduce the minimum rear yard setback from a natural gas transmission right-of-way as well as to reduce the minimum front yard setback in order to permit a new single family dwelling.

LOCATION:	12521 - 99A Avenue
OWNERS:	Jasvir K Mangat Sukhdip S Mangat
ZONING:	RF
OCP DESIGNATION:	Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- To vary the Zoning By-law to reduce the minimum rear setback of the principal building from a natural gas transmission right-of-way from 7.5 metres (25 ft.) to 0.9 metre (3 ft.); and
- To vary the minimum front yard setback of the RF Zone from 7.5 metres (25 ft.) to 4.9 metres (16 ft.).

RATIONALE OF RECOMMENDATION

- The proposed variances maintain access for pipeline maintenance and provide for an adequately sized building envelope on the single family lot.
- The applicant has demonstrated that the proposed house plan will interface well with the new house to the west of the subject lot (12509 99A Avenue). Both the new house at 12509 99A Avenue and the proposed house on the subject lot contain 1.5-storey, front gabled elements along the shared property line with 2-storey elements set back from the front façade to prevent a 'canyoning' effect.
- Due the curved front lot line and the proposed placement of the house, the reduced front yard setback for the two-storey portions of the front façade is approximately 6.92 metres (23 ft.). The resulting house plans demonstrate an attractive street presentation with a double side-by-side garage and massing that does not dominate the streetscape.
- The applicant has obtained a valid Pipeline and/or Right-of-Way Permit from FortisBC Energy Inc., dated June 1, 2016 and expiring on June 1, 2017, to permit demolition of the original house (which has occurred) and construction of a new house near the subject pipeline right-of-way. The FortisBC permit is subject to the onsite approval of a FortisBC Pipeline and Right-of-Way inspector and no construction activity is to take place without a FortisBC inspector on site.

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RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7916-0437-00 (Appendix IV) varying the following, to proceed to Public Notification:

- (a) to vary Part 4 of the Zoning By-law to reduce the minimum rear yard setback of the principal building from a natural gas transmission from 7.5 metres (25 ft.) to 0.9 metre (3 ft.); and
- (b) to reduce the minimum front side yard setback of the principal building in the RF Zone from 7.5 metres (25 ft.) to 4.9 metres (16 ft.).

REFERRALS

Engineering:	The Engineering Department has no objection to the project.
FortisBC:	The Property Services Department of FortisBC Energy Inc. has no objection to the project

SITE CHARACTERISTICS

Existing Land Use:	A one-storey single family dwelling has recently been removed. A
	gas right-of-way currently runs east-west along the rear yard.

Adjacent Area:

Direction	Existing Use	ОСР	Existing Zone
North (Across gas right-of- way):	Single family dwellings	Urban	RF
East:	Single family dwellings and Robson Park	Urban	RF
South (Across 99A Avenue):	Single family dwellings	Urban	RF
West:	Single family dwellings	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The 812-square metre (8,472-square foot) subject lot is located at 12521 99A Avenue in Whalley. The subject property is approximately 20 metres (69 ft.) in width and approximately 40 metres (131 ft.) in depth.
- The subject lot is designated "Urban" in the Official Community Plan (OCP) and is zoned "Single Family Residential Zone (RF)".
- The subject lot is located within the Sensitive Ecosystems Development Permit Area for Streamside Protection, as a portion of the property falls within a 50-metre (164 ft.) radius of the Top of Bank of a Class B watercourse (Robson Park Base Flow Channel). However, given that there are four (4) existing single family lots between the subject lot and the environmental area, and the gas right-of-way prevents additional planting of trees and groundcover on the subject property, the requirements of the Sensitive Ecosystems Development Permit have been waived.
- The subject property is encumbered by an 18.25-metre (60 ft.) wide natural gas transmission right-of-way (FortisBC Energy Inc.) located along the northern portion of the property. Many of the lots on the north side of this portion of 99A Avenue contain similar conditions to the subject lot, as shown by the aerial photo attached as Appendix II.
- The approximate distance between the front lot line and the southern edge of the gas right-ofway is 22 metres (72 ft.). In accordance with Sub-section E.18.(a) of Part 4 General Provisions of the Zoning By-law, the minimum rear setback of a principal building on a lot containing or abutting a natural gas transmission right-of-way shall be 7.5 metres (25 ft.). In accordance with the RF Zone the minimum front yard setback of the principal building on a lot shall be 7.5 metres (25 ft.). When both requirements are applied to the subject lot a 7-metre (23-ft.) deep building footprint remains.
- The required rear yard setback from a natural gas transmission right-of-way was established as a way of preventing the construction of dwellings directly adjacent to the right-of-way and providing for a useable backyard on encumbered lots while maintaining access to the natural gas transmission lines for maintenance purposes.
- In 2012, the owners of the adjacent lot (12509 99A Avenue) to the west of the subject property received permission from the Board of Variance to relax the rear yard setback requirement from the gas right-of-way from 7.5 metres (25 ft.) to 0.93 metre (3.05 ft.).
- The owners of the subject property applied for a building permit to construct a new single family dwelling on the lot but were later informed at the plans review stage that a minimum rear yard setback for a principal building from a gas right-of-way of 7.5 metres (25 ft.) is required. The owners applied for the subject Development Variance Permit (DVP) to match the existing site conditions of the adjacent lot to the west at 12509 99A Avenue.
- The one-storey house on the subject lot has been demolished and all other requirements of the demolition permit have been fulfilled to the satisfaction of the Building Department.

BY-LAW VARIANCES AND JUSTIFICATION

- (a) Requested Variances:
 - To vary the Zoning By-law to reduce the minimum rear yard setback of the principal building from a natural gas transmission right-of-way from 7.5 metres (25 ft.) to 0.9 metre (3 ft.); and
 - To reduce the minimum front yard setback of the principal building in the RF Zone from 7.5 metres (25 ft.) to 4.9 metres (16 ft.).

Applicant's Reasons:

- The owners have advised staff that they purchased the subject property in April 2014 and confirmed the setback requirements from the gas right-of-way at that time. They reportedly were misinformed that construction could occur up to the edge of the right-of-way. Furthermore, they note that the requested variances would match those granted by the Board of Variance to the adjacent property owners at 12509 – 99A Avenue.
- The applicants have proposed the front yard setback relaxation, as per the site plan attached as Appendix III(a), as part of the subject DVP in order to site the proposed house away from the southern edge of the gas right-of-way and have reconfigured some of the proposed massing in order to create a better interface between the new construction and the existing streetscape.

Staff Comments:

- The applicant obtained a valid Pipeline and/or Right-of-Way Permit from FortisBC Energy Inc., dated June 1, 2016 and expiring on June 1, 2017, to permit the demolition of the original house and construction of a new house the subject pipeline right-of-way. The FortisBC permit is subject to the onsite approval of a FortisBC Pipeline and Rightof-Way inspector and no construction activity is to take place without a FortisBC inspector on site.
- The applicant has demonstrated that the proposed house plan will interface well with the new house at 12509 99A Avenue, to the west of the subject lot. Both the existing new house at 12509 99A Avenue and the proposed house on the subject lot contain 1.5-storey, front gabled elements along the shared property line with 2-storey elements set back from the front façade to prevent a 'canyoning' effect as illustrated on the proposed site plan and building elevations attached as Appendix III(b) and III(c).
- The proposed variance to reduce the required rear yard setback of the principal building from a gas right-of-way from 7.5 metres (25 ft.) to 0.9 metre (3 ft.) is in line with that obtained from the Board of Variance for the neighbouring property to the west in 2012.
- As 12509 99A Avenue and 12521 99A Avenue are the only lots on the north side of 99A Avenue, east of 124B Street, on which new dwellings have been constructed they may set a precedent for future construction on adjacent lots to the east, also

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encumbered by the FortisBC gas right-of-way. The proposed variances maintain access for pipeline maintenance and provide for an adequately sized building footprint on the lot, will still maintaining a consistent, attractive streetscape along the north side of 99A Avenue.

• Staff support the proposed variances.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Aerial Photo (Neighbourhood Context)
Appendix III.	Proposed Site Plan and Building Elevations
Appendix IV.	Development Variance Permit No. 7916-0437-00

original signed by Judith Robertson

Jean Lamontagne General Manager Planning and Development

CRL/da

Information for City Clerk

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

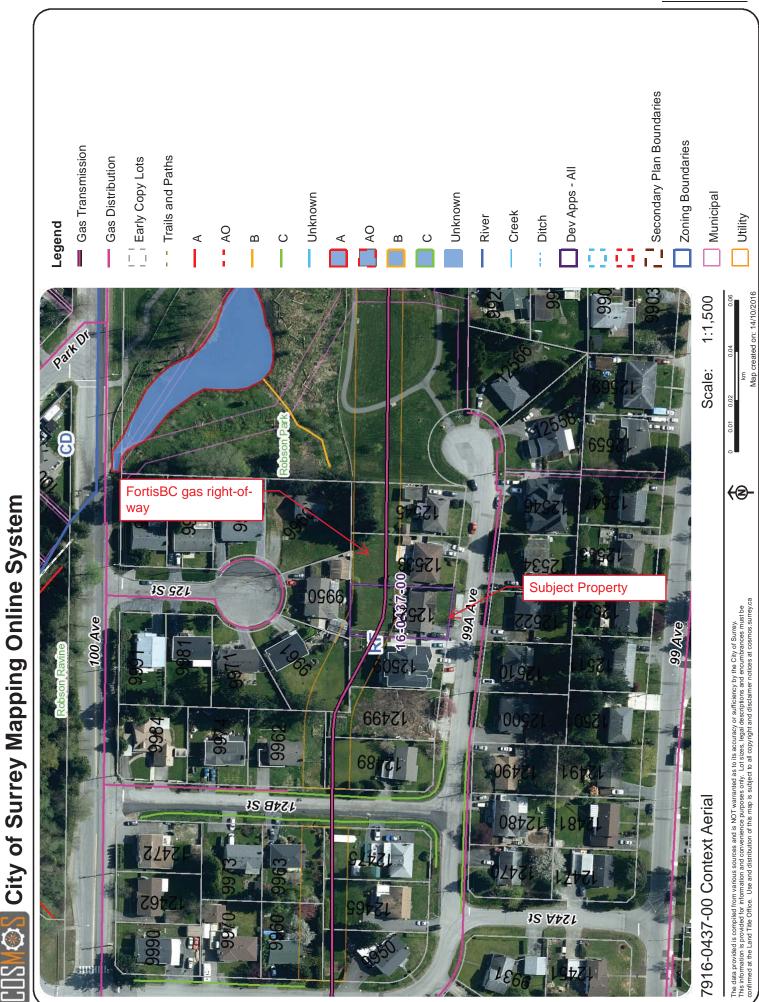
1. (a) Agent: Name: Komal Sidhu

Address: 7326 - Fairfield Place Delta, BC V3V 2P9

- 2. Properties involved in the Application
 - (a) Civic Address: 12521 99A Avenue

 (b) Civic Address: 12521 - 99A Avenue
Owners: Sukhdip Singh Mangat Jasvir K Mangat
PID: 007-482-795
Lot 43 Section 32 Block 5 North Range 2 West New Westminster District Plan 19325

- 3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7916-0437-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.



APPENDIX II

THESE PLANS CONFORM TO BCBC 2012

CONSTURUCTION SHALL FOLLOW LOCAL

BUILDING BY-LAWS ALONG WITH THESE PLANS.

THE WHOLE PLAN (i.e. ALL LEVELS, DIMENSIONS, STRUCTURAL ADEQUACIES)

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AND MONDIFICATIONS TO THESE DRAWINGS

SHALL NOT BE CARRIED OUT WITHOUT WRITTEN PERMISSION FROM PRO VILLA

WRITTEN PERMISSION FROM PRO VILLA DESIGNS LTJ. THIS DRAWING IS THE EXCLUSIVE FROPERTY OF PVDL. AND CAN ONLY BE REPRODUCED WITH PVDL'S WRITTEN PERMISSION. PLEAR NOTE THAT THIS RAWING IS FOR PERMIT APPLICATION PURPOSE AND NOT INDEXTED TO BE ISSUE DEPORTED BY CITY

CONSTRUCTION UNTIL APPROVED BY CITY.

Pro Villa Designs #108- 8299 129 Street

Surrey, B.C. V3W 0A6 Ph. 604-593-7070

info@villadesigns.ca

PH.

No.

Scale

www.villadesigns.ca

Jasvir Singh

12521 - 99A

Surrey, B.C.

SITE PLAN. NOTES &

CALCULATIONS

A1

12

Designs

Date

PVDL-16-1049-JS 10 March 2016 HB

GS

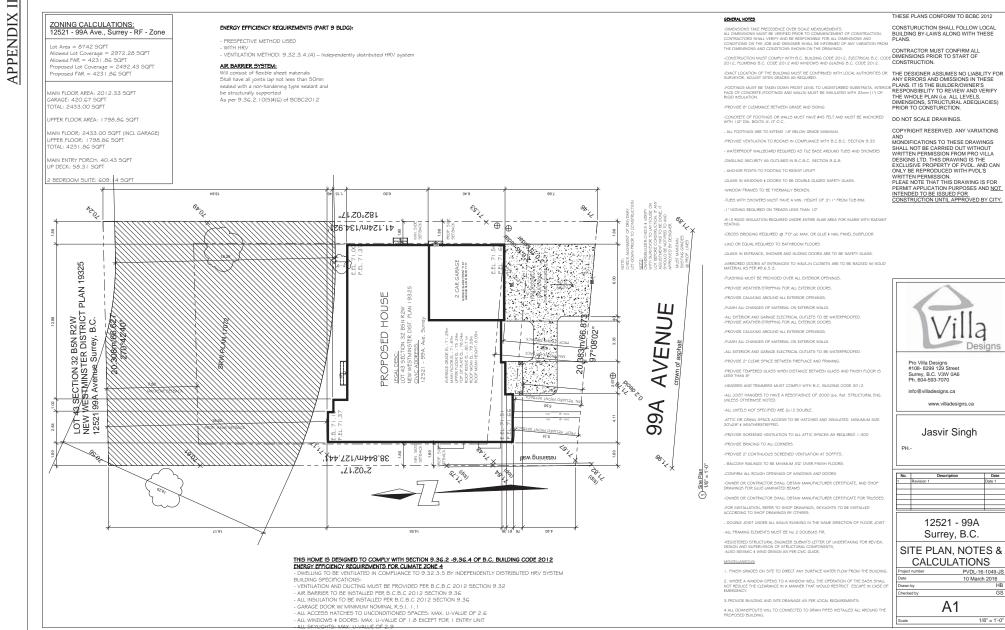
1/8" = 1'-0"

CONTRACTOR MUST CONFIRM ALL

DIMENSIONS PRIOR TO START OF

PRIOR TO CONSTURCTION.

CONSTRUCTION.





APPENDIX III(b)



APPENDIX IV

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0437-00

Issued To: SUKHDIP SINGH MANGAT JASVIR KAUR MANGAT

("the Owner")

Address of Owners: 12521 - 99A Avenue Surrey, BC V3V 2R6

- 1. This development variance permit is issued subject to compliance by the Owners 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: 007-482-795 Lot 43 Section 32 Block 5 North Range 2 West New Westminster District Plan 19325

12521 - 99A Avenue

(the "Land")

- 3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Sub-section E.18.(a) of Part 4 General Provisions the minimum setback of a principal building on a lot containing or abutting a natural gas transmission right-of-way is reduced from 7.5 metres (25 ft.) to 0.9 metre (3 ft.); and
 - (b) In Section F of Part 16 Single Family Residential Zone (RF), the minimum front yard setback for a principal building is reduced from 7.5 metres (25 ft.) to 4.9 metres (16 ft.).

- 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 Owners 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

SCHEDULE A

