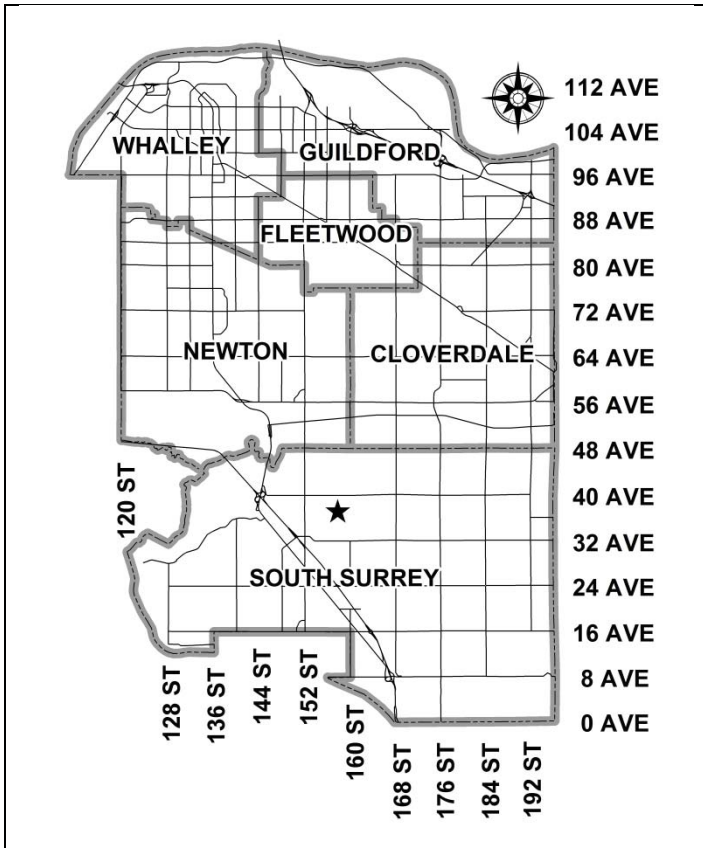


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0498-00

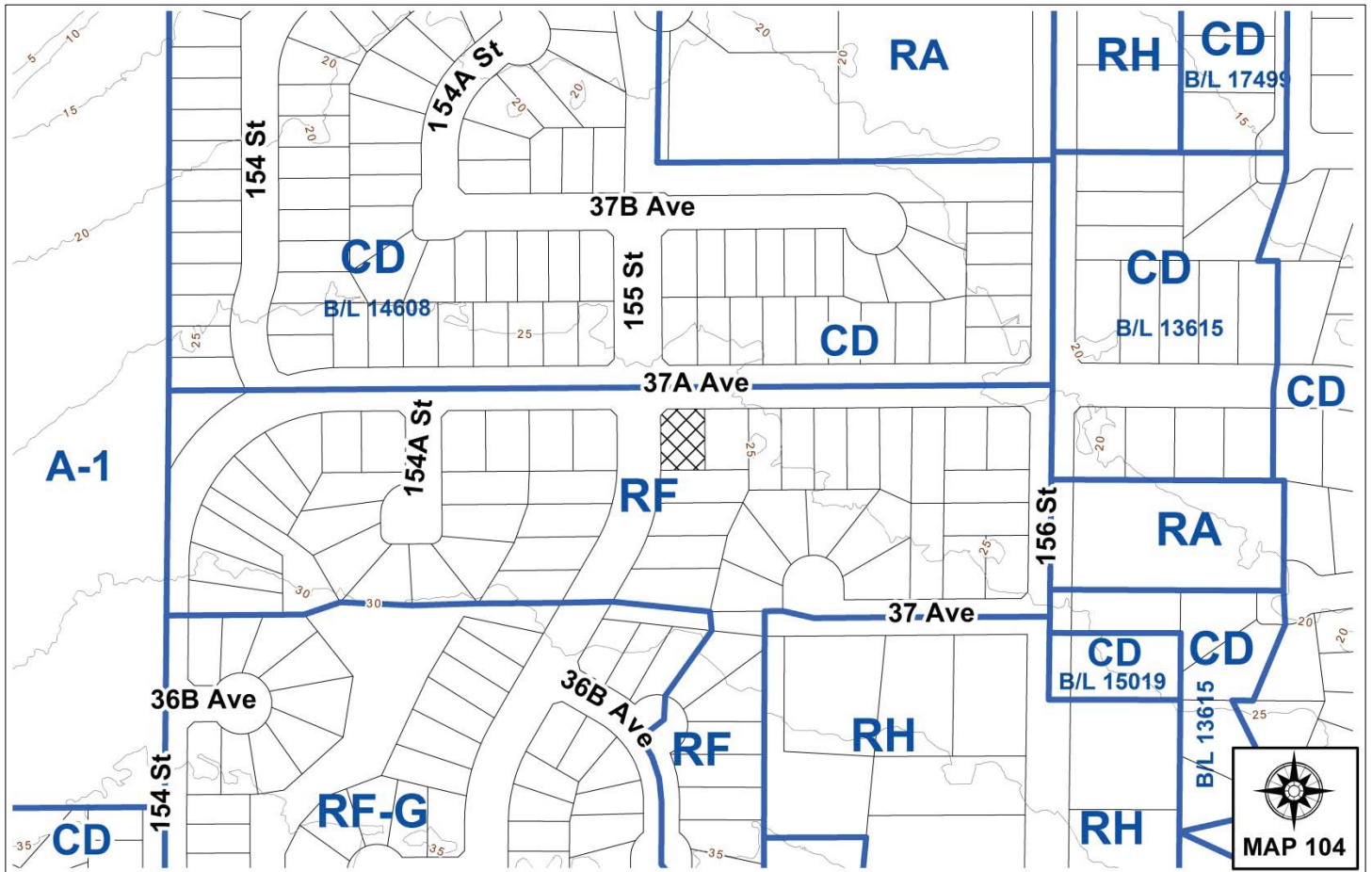
Planning Report Date: April 24, 2017



PROPOSAL:

- **Development Variance Permit**
to reduce the minimum side yard (flanking) setback for a proposed accessory structure (in-ground pool).

LOCATION: 15508 – 37A Avenue
OWNER: Gregory A Frers
Melissa A Frers
ZONING: RF
OCP DESIGNATION: Urban
NCP DESIGNATION: Single Family Residential



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking a variance to reduce the minimum side yard (flanking) setback for a proposed accessory structure (in-ground pool).

RATIONALE OF RECOMMENDATION

- The reduced side yard (flanking) setback is for an in-ground pool, proposed to be built in the rear yard of the subject property. The proposed in-ground pool is within the 7.5 metre (25 ft.) setback required for an accessory structure located in the side yard (flanking) in the RF zone.
- The rear of the property is well screened with large cedar hedges, offering screening from both 155 Street to the west, and to the property to the south.
- Letters of support for the proposed in-ground pool have been received from neighbouring property owners.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7916-0498-00 (Appendix II), to reduce the minimum side yard (flanking) setback of an accessory structure in the "Single Family Residential Zone (RF)" from 7.5 metres (25 ft.) to 5.0 metres (16.5 ft.), to proceed to Public Notification.

REFERRALS

Engineering: The Engineering Department has no concerns.

SITE CHARACTERISTICS

Existing Land Use: Single Family Dwelling

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 37A Avenue):	Single family dwelling	Urban / Clustering at Single Family Density	CD Zone (By-law No. 14608)
East:	Single family dwelling	Urban / Single Family Residential	RF
South:	Single family dwelling	Urban / Single Family Residential	RF
West (Across 155 Street):	Single family dwelling	Urban / Single Family Residential	RF

DEVELOPMENT CONSIDERATIONS

- The subject property, located at 15508 – 37A Avenue, is designated "Urban" in the Official Community Plan, "Single Family Residential" in the Rosemary Heights Central Neighbourhood Concept Plan, and zoned "Single Family Residential Zone (RF)".
- The applicant is proposing a Development Variance Permit to reduce the side yard (flanking) setback of an accessory structure (in-ground pool) from 7.5 metres (25 ft.) to 5.0 metres (16.5 ft.).
- A Development Variance Permit will allow for the construction of an in-ground pool in the rear yard of the property.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum side yard (flanking) setback of an accessory structure in the RF Zone from 7.5 metres (25 ft.) to 5.0 metres (16.5 ft.).

Applicant's Reasons:

- The accessory structure (in-ground pool) is proposed to be located in the rear yard, with a reduced side yard setback of 5.0 metres (16.5 ft.). The proposed in-ground pool will have the same side yard (flanking) setback as the existing dwelling.
- The rear (south) and side (west) yards are well screened with large cedar hedges.

Staff Comments:

- The proposed accessory structure (in-ground pool) does not comply with the required side yard (flanking) setbacks in the RF Zone.
- The applicant proposes to retain an existing shed in the rear yard, which prevents the proposed in-ground pool from locating east so as to comply with the minimum 7.5 metre (25 ft.) setback.
- The rear yard is well screened with large cedar hedges from both the south and west property lines, offering privacy from the property to the south and 155 Street to the west.
- Letters of support have been received from neighbouring property owners.
- Staff support this application proceeding to Public Notification.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners & Action Summary
Appendix II. Development Variance Permit No. 7916-0498-00

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

Information for City Clerk

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

1. (a) Agent: Name: Greg Frers

 Address: 15508 – 37A Avenue
 Surrey, BC V3Z 0H6

2. Properties involved in the Application
 - (a) Civic Address: 15508 – 37A Avenue

 - (b) Civic Address: 15508 – 37A Avenue
 Owner: Melissa A Frers
 Gregory A Frers
 PID: 024-049-620
 Lot 93 District Lot 244 Group 2 New Westminster District Plan 36837

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7916-0498-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0498-00

Issued To: GREGORY A FRERS
MELISSA A FRERS

(the "Owner")

Address of Owner: 15508 – 37A Avenue
Surrey, BC V3Z 0H6

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: 024-049-620
Lot 93 District Lot 244 Group 2 New Westminster District Plan LMP36837

15508 – 37A Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Part 16, Section F. Yards and Setbacks of Part 16 Single Family Residential Zone (RF), the minimum Side Yard on a Flanking Street Setback for an Accessory Structure is reduced from 7.5 metres (25 ft.) to 5.0 metres (16.5 ft.).
4. This development variance permit applies to only that portion of the buildings and structures (in-ground pool) 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. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

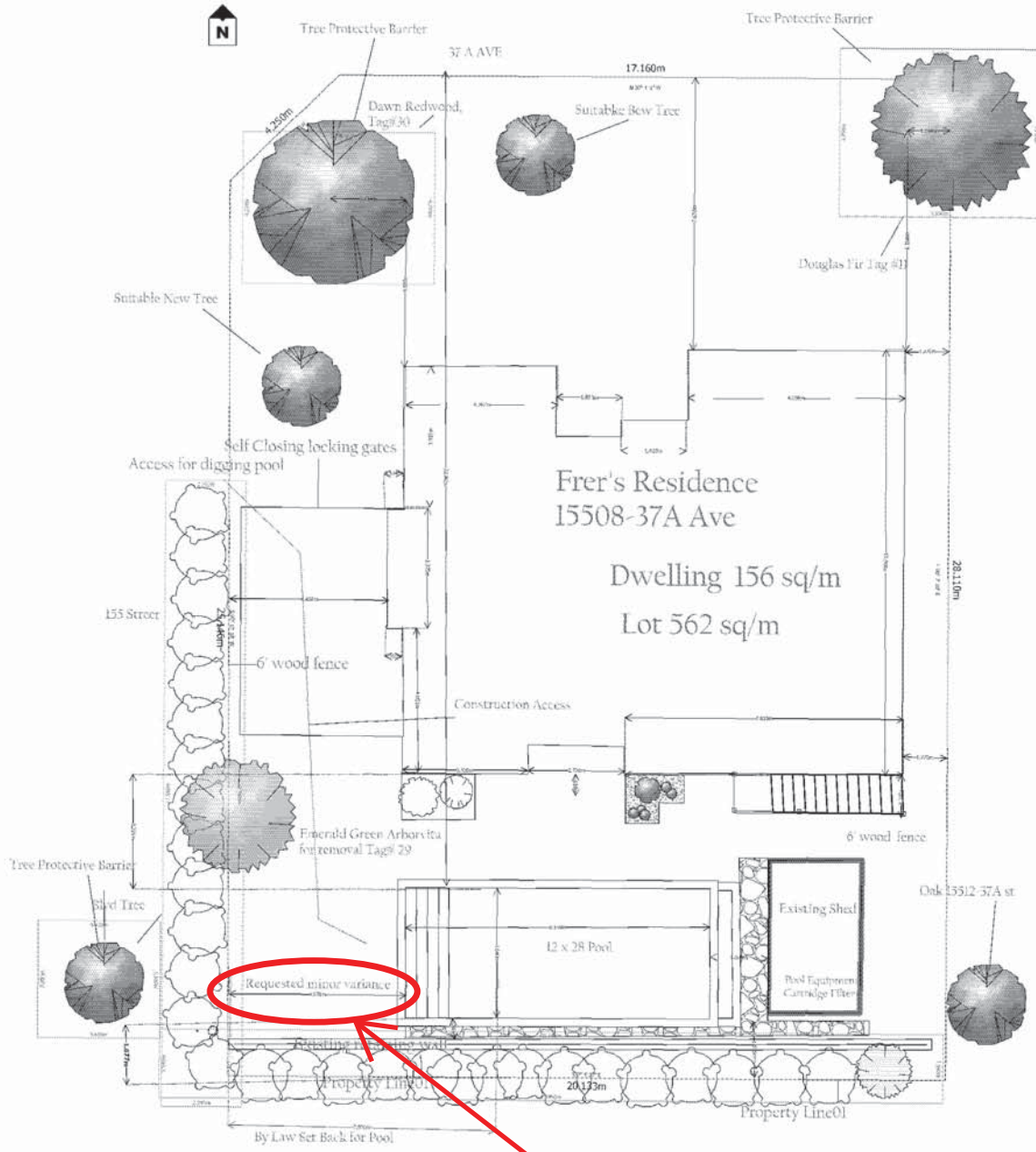
7. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan

SCHEDULE A



**Proposed Side Yard
Setback: 5 metres (16.5 ft.)**