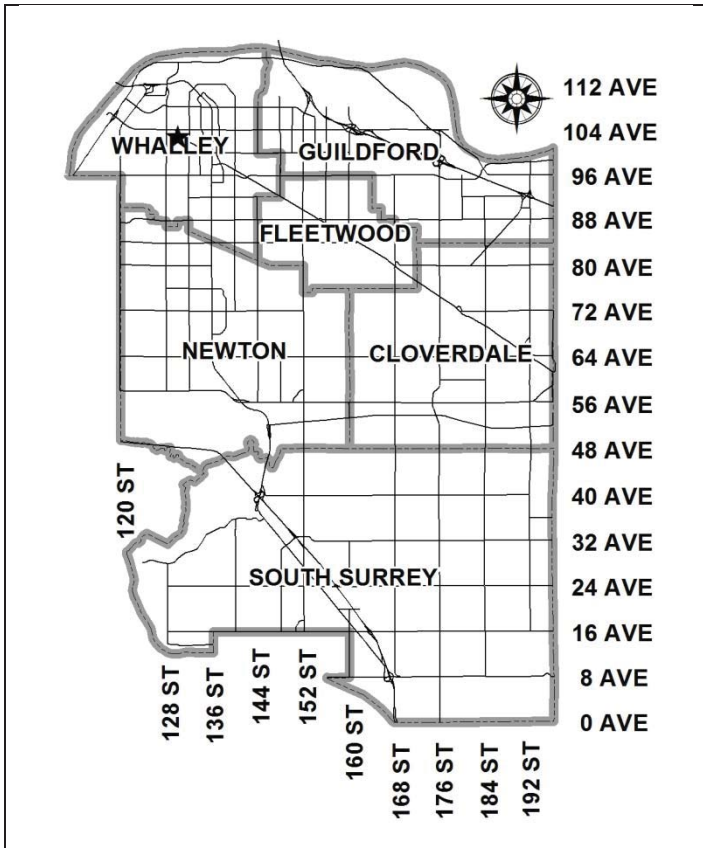


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0593-00

Planning Report Date: December 5, 2016



PROPOSAL:

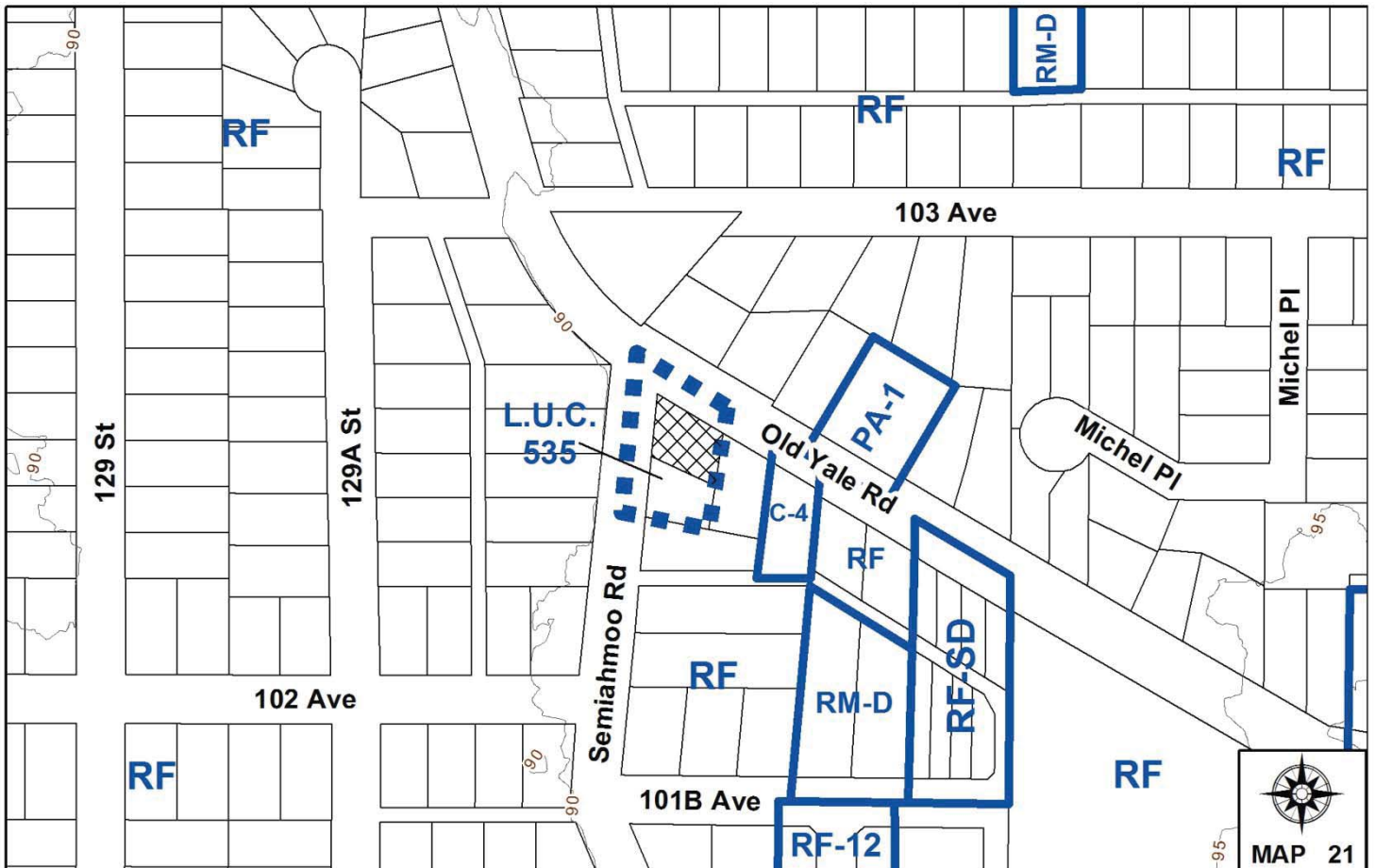
- **Development Variance Permit**
 to reduce the front and side yard setbacks of LUC No. 535 to permit construction of a new single family dwelling.

LOCATION: 10250 - Semiahmoo Road

OWNER: Jaswinder S Dhillon

ZONING: LUC 535 (RF Zone underlying)

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- To permit the construction of a new single family dwelling the applicant is seeking to vary the setbacks in LUC No. 535 for the subject lot as follows:
 - Reduce the minimum front yard setback, from 7.5 metres (25 ft.) to 5.2 metres (17 ft.), as measured from the front lot line to the western edge of the front staircase, and from 7.5 metres (25 ft.) to 6.0 metres (19.5 ft.), as measured from the front lot line to the principal building; and
 - Reduce the minimum south side yard setback from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) to the principal building.

RATIONALE OF RECOMMENDATION

- The overall lot coverage of all proposed buildings and structure on the lot will be 27% which is less than the 33% maximum lot coverage of LUC No. 535 (based on the R-3 Zone of Surrey Zoning By-law, 1964, No.2265).
- As LUC No. 535 (based on the R-3 Zone of Surrey Zoning By-law, 1964, No. 2265) does not permit stairs to encroach into the building setback area, the proposed minimum setback reduction of 5.2 metres (17 ft.) is calculated from front lot line to the outside edge of the proposed front entrance stairs. Due to the angular front lot line and the proposed placement of the house, the reduced front yard setback of 6.0 metres (20 ft.) only applies to small portions of the garage and front entry area with the majority of the building will be set back approximately 7 metres (23 ft.) from the front lot line.
- The proposed house placement complies with the special building setback provisions of LUC No. 535 (based on the R-3 Zone of Surrey Zoning By-law, 1964, No. 2265) along Old Yale Road.
- The proposed variances will allow for an adequately sized building footprint on the subject property.
- Although a by-law to terminate Land Use Contract No. 535 is in process, with the Public Hearing set for December 13th, 2016, there will be a one-year grace period after final adoption, before the underlying RF Zone comes into effect.
- The applicant has indicated that they are seeking Development Variance Permit (DVP) approval for the requested variances prior to the submission of a building permit. They have been informed by staff that they have one year after final adoption of the Land Use Contract Termination By-law to submit a complete building permit in order to construct a single family dwelling under the regulations of LUC No. 535 and have indicated that they plan to submit a building permit application shortly.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7916-0593-00 (Appendix III) varying the following setbacks in Land Use Contract No. 535, to proceed to Public Notification:

- (a) to reduce the minimum front yard setback from 7.5 metres (25 ft.) to 5.2 metres (17 ft.) for the front entry stairs and from 7.5 metres (25 ft.) to 6.0 metres (19.5 ft.) for the principal building; and
- (b) to reduce the minimum south side yard setback from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) for the principal building.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: There is an existing two-storey single family dwelling on the lot, which is to be removed.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across Old Yale Road):	Single family dwellings	Urban	RF
East:	Duplex	Urban	RF
South:	Single family dwelling	Urban	LUC No. 535 (RF Zone underlying)
West (Across Semiamoo Road):	Single family dwellings	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The 646-square metre (7,276-square foot) subject property is located at 10250 Semiamoo Road in Whalley.
- The subject site is designated "Urban" in the Official Community Plan (OCP) and is regulated by Land Use Contract (LUC) No. 535 with an underlying "Single Family Residential Zone (RF)".

- The by-law to terminate LUC No. 535 was given first and second reading by Council at the November 7, 2016 Regular Council - Land Use meeting. The Public Hearing is scheduled for December 13, 2016 at a special Public Hearing session dedicated to Land Use Contract terminations. Should Council grant 3rd reading and subsequently adopt the by-law to terminate LUC No. 535 there will be a one (1) year grace period in which the LUC will remain in effect before the underlying RF Zone comes into effect.
- The subject lot was created under Authorization By-law, 1978, No. 5775 in 1978. As per Schedule "C" of the Land Use Contract all buildings, structures and improvements shall be sited upon the land in accordance with "Residential Zone Number Three (R-3)" of Surrey Zoning By-law, 1964, No. 2265.
- In accordance with Section C of the R-3 Zone (By-law No. 2265). the minimum front yard and side yard setback requirements for the principal building are 7.5 metres (25 ft) and 1.8 metres (6 ft.) respectively.
- In accordance with Sub-section A.1 of Part XX "Special Building Setbacks" of Surrey Zoning By-law, 1964, No. 2265 for a corner site flanking Old Yale Road, between 120 Street and King George Highway, the building setback along the flanking street shall be a minimum of 6.0 metres (19.5 ft.) measured at right angles to the boundary of the flanking street.
- The applicant is seeking a Development Variance Permit (DVP) to vary the setback requirements under Land Use Contract (LUC) No. 535 to permit construction of a new single family dwelling.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variances:

- To vary the setbacks of LUC No. 535 (based on the R-3 Zone of Surrey Zoning By-law, 1964, No. 2265), for the construction of a new single family dwelling, as follows:
 - Reduce the minimum front yard setback from 7.5 metres (25 ft.) to 5.2 metres (17 ft.), as measured from the front lot line to the western edge of the front entry stairs and from 7.5 metres (25 ft.) to 6.0 metres (19.5 ft.), as measured from the front lot line to the principal building; and
 - Reduce the minimum south side yard setback from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) for the principal building.

Applicant's Reasons:

- The applicant has advised that given the setback restrictions of the lot the design of the proposed house has undergone a number of design iterations and the proposed variances, which total an approximate variance area of 35.4 square metres (381.2 sq.ft), has minimized potential setback encroachment and resulted in an appropriately sized building footprint on the lot.
- The applicant has indicated that they have not yet submitted a building permit application to the City to construct a new single family dwelling on the lot but are waiting to get Council's approval of the Development Variance Permit (DVP) before proceeding with their building permit application.

Staff Comments:

- As LUC No. 535 (based on the R-3 Zone of Surrey Zoning By-law, 1964, No. 2265) does not permit stairs to encroach into the building setback area the proposed minimum setback reduction of 5.2 metres (17 ft.) is calculated from front lot line to the outside edge of the proposed front entrance stairs. Due to the angular front lot line and the proposed placement of the house, the reduced front yard setback of 6.0 metres (20 ft.) only applies to small portions of the front façade at the garage and front entry areas with the majority of the massing set back approximately 7 metres (23 ft.) from the front lot line.
- The overall lot coverage of all proposed buildings and structures on the lot will be 27% which is less than the 33% maximum lot coverage of LUC No. 535 (based on the R-3 Zone of Surrey Zoning By-law, 1964, No. 2265.) and the 40% maximum of the underlying RF Zone.
- The proposed placement of the dwelling on the lot complies with Part XX Special Building Setbacks of Surrey Zoning By-law, 1964, No. 2265 in regards to the minimum required setback of 5.94 metres (19.5 ft.), measured at right angles from the boundary of the flanking street (Old Yale Road) to the principal building face.
- The proposed variances will not affect the Land Use Contract Termination By-law in process and once the variances are approved, staff can process the building permit application after it is submitted.
- Staff support the requested variances.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Site Plan (Proposed)
- Appendix III. Development Variance Permit No. 7916-0593-00

Original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

CRL/da

DEVELOPMENT DATA SHEET

Existing Zoning: LUC No. 535 (RF Zone underlying)

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	676 m ² (7276 ft ²)	<i>No change</i>
Road Widening area		
Undevelopable area		
Net Total	676 m ² (7276 ft ²)	No change
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	33%	27%
SETBACKS (in metres)		
Front	7.5 metres (25 ft.)	5.2 metres (17 ft.)*
Rear	7.5 metres (25 ft.)	7.54 metres (24.7 ft.)
Side #1 (N)	5.9 metres (19.5 ft.)	6.04 metres (19.75 ft.)
Side #2 (S)	1.8 metres (6 ft.)	1.2 metres (4 ft.)*
BUILDING HEIGHT (in metres/storeys)		
Principal	9 metres (30 ft.)	9 metres (30 ft.)
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total	N/A	N/A
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		
Office		
Total	N/A	N/A
FLOOR AREA: Industrial	N/A	N/A
FLOOR AREA: Institutional	N/A	N/A
TOTAL BUILDING FLOOR AREA		

*seeking variances

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)	N/A	N/A
FAR (net)	N/A	N/A
AMENITY SPACE (area in square metres)	N/A	N/A
Indoor		
Outdoor		
PARKING (number of stalls)	3	4

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0593-00

Issued To: JASWINDER SINGH DHILLON

("the Owner")

Address of Owner: 10250 - Semiahmoo Road
Surrey, BC V3T 3N4

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: 003-024-105
Lot 109 Section 28 Block 5 North Range 2 West New Westminster District Plan 56545

10250 - Semiahmoo Road

(the "Land")

3. Surrey Land Use Contract No. 535 Authorization By-law, 1978, No. 5575 is varied as follows:
 - (a) In Schedule C Siting, in accordance with Part XI, Section C – Residential Zone Number Three (3) of Surrey Zoning By-law, 1964, No. 2265, the minimum front yard setback is reduced from 7.5 metres (25 ft.) to 5.2 metres (17 ft.) for stairs and from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for the principal building; and
 - (b) In Schedule C Siting, in accordance with Part XI, Section C – Residential Zone Number Three (3) of Surrey Zoning By-law, 1964, No. 2265, the minimum south side yard setback for the principal building is reduced from 1.8 metres (6 ft.) to 1.2 metres (4 ft.).

4. This development variance permit applies to only that portion of the buildings and structures 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. 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


THESE PLANS CONFORM TO BCBC 2012
CONSTRUCTION SHALL FOLLOW LOCAL
BUILDING BY-LAWS ALONG WITH THESE
PLANS.

CONTRACTOR MUST CONFIRM ALL
DIMENSIONS PRIOR TO START OF
CONSTRUCTION.

THE DESIGNER ASSUMES LIABILITY FOR
ANY ERRORS AND OMISSIONS IN THESE
PLANS. IT IS THE BUILDER'S RESPONSIBILITY
TO REVIEW AND VERIFY ALL
DIMENSIONS, STRUCTURAL ADEQUACIES
PRIOR TO CONSTRUCTION.

DO NOT SCALE DRAWINGS.

COPYRIGHT RESERVED. ANY VARIATIONS
MODIFICATIONS TO THESE DRAWINGS
SHALL NOT BE CARRIED OUT WITHOUT
WRITTEN PERMISSION FROM VILLA
DESIGNS. PERMISSION FROM VILLA
ONLY BE REPRODUCED WITH PVOL'S
PLEASE NOTE THAT THIS DRAWING IS FOR
PERMIT APPLICATION PURPOSES AND NOT
INTENDED TO BE ISSUED FOR
CONSTRUCTION UNTIL APPROVED BY CITY.



Pro Villa Designs
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Surrey, B.C. V2W 0A6
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info@villadesigns.ca
www.villadesigns.ca

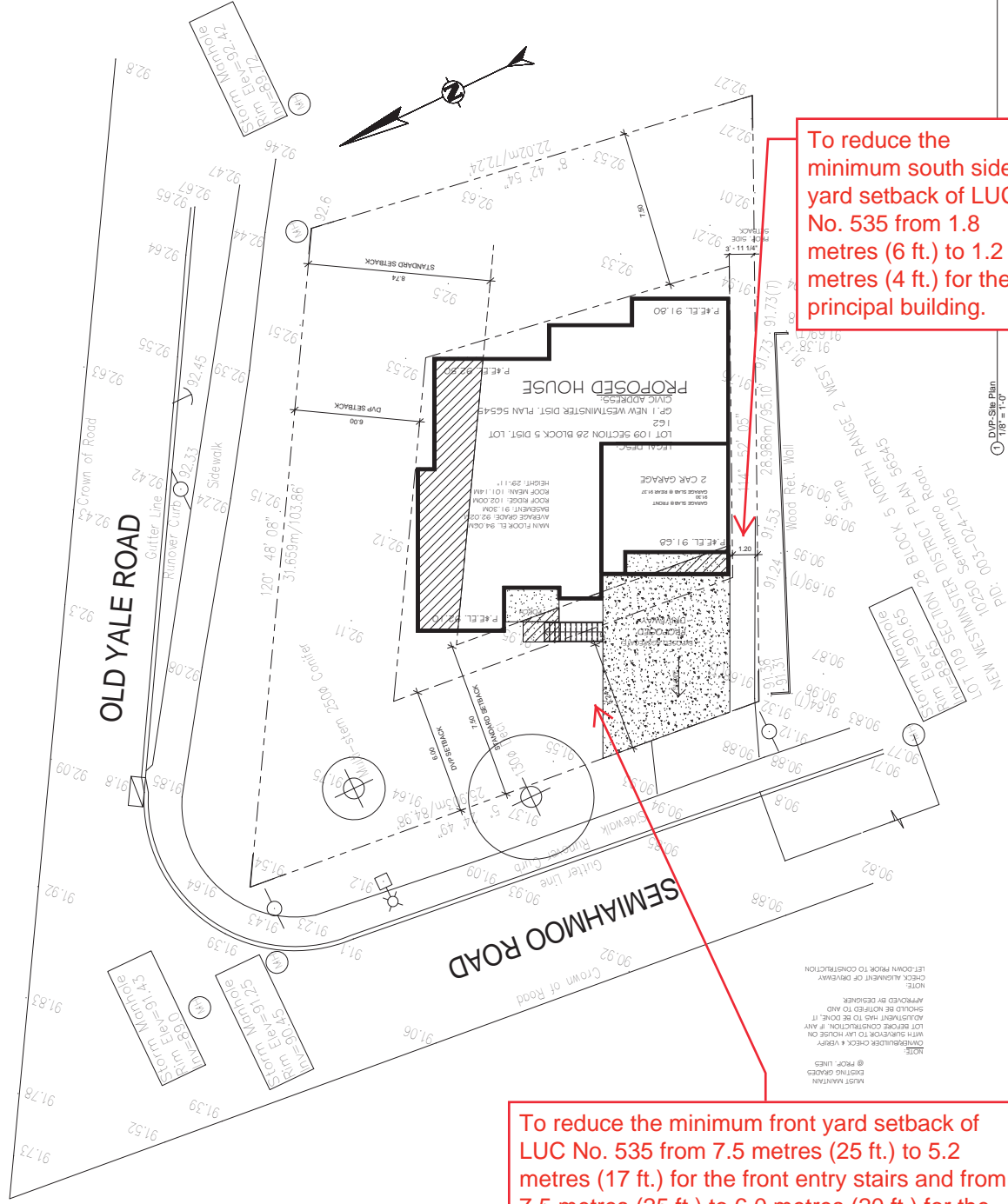
Jaswinder Singh
PH

No.	Description	Date

10250 Semiahmoo Rd.
Surrey, B.C.
DVP Site Plan

Project number	PVOL-15-1138-JD
Date	1 NOV 2016
Drawn by	HB
Checked by	GS

A1a
Scale: 1/8" = 1'-0"



To reduce the minimum south side yard setback of LUC No. 535 from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) for the principal building.

To reduce the minimum front yard setback of LUC No. 535 from 7.5 metres (25 ft.) to 5.2 metres (17 ft.) for the front entry stairs and from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for the principal building.

NOTE:
EXISTING GRADES @ PROPOSED LINES
MAY VARY
CONTRACTOR TO VERIFY WITH SURVEYOR TO AMOUNT ON LOT BEFORE CONSTRUCTION. IF ANY ADJUSTMENT HAS TO BE DONE, IT SHOULD BE NOTED TO AND APPROVED BY DESIGNER.
CHECK ALIGNMENT OF DRIVEWAY LET-DOWN MARK TO CONSTRUCTION.