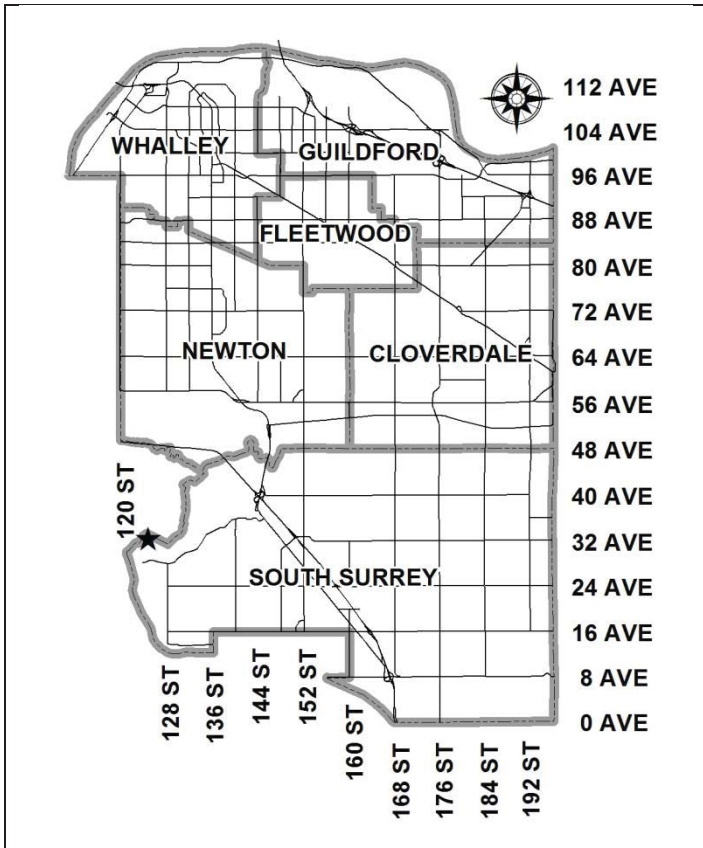


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7916-0666-00

Planning Report Date: December 5, 2016



**PROPOSAL:**

- **Development Variance Permit**

to reduce the minimum front yard setback of a proposed single family dwelling to facilitate the retention of an existing tree.

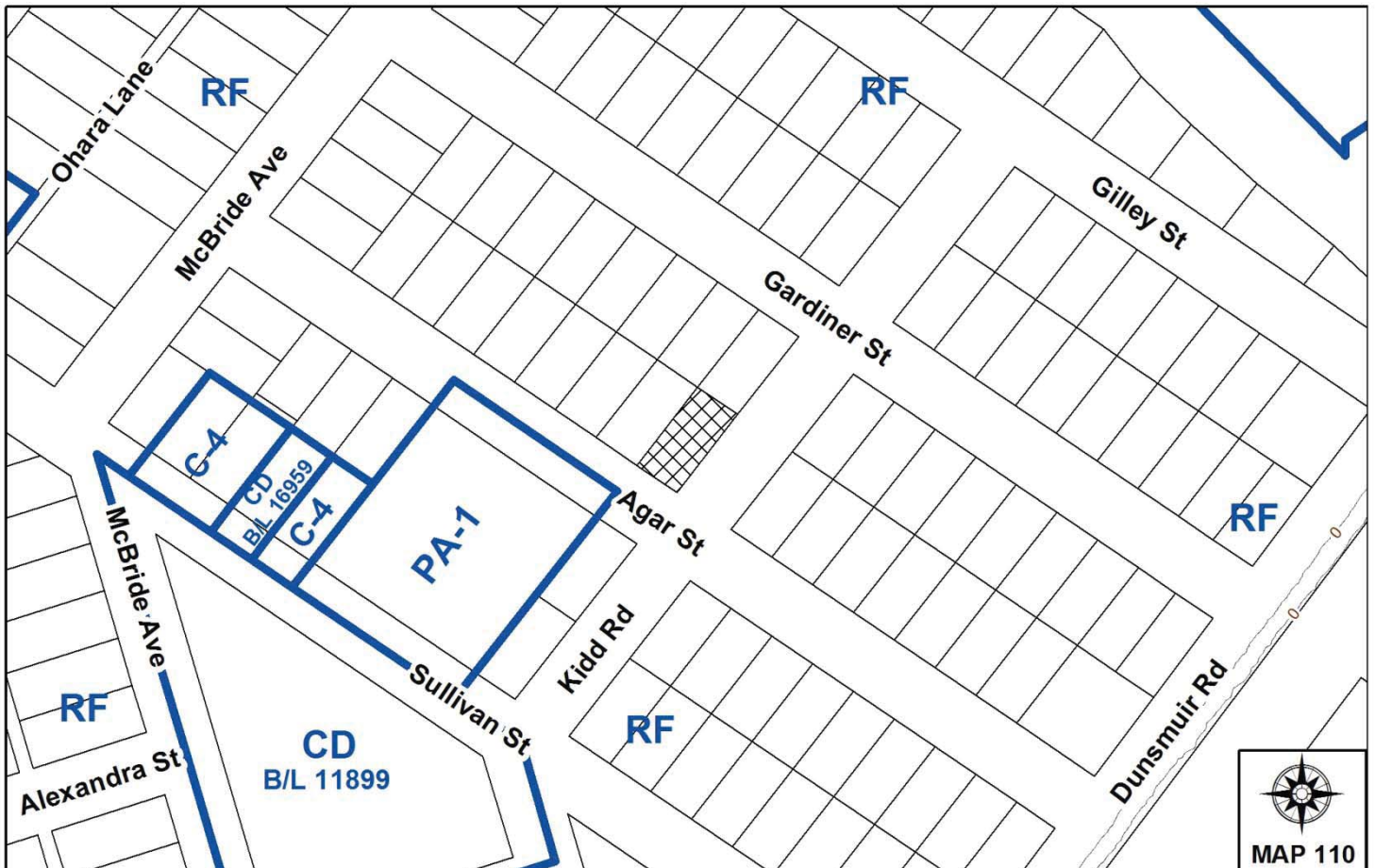
**LOCATION:** 12225 - Agar Street

**OWNER:** 1045735 B.C. Ltd.

**ZONING:** RF

**OCP DESIGNATION:** Urban

**LAP DESIGNATION:** Urban 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 front yard setback of the "Single Family Residential Zone (RF)" from 7.5 metres (25 ft.) to 6.0 metres (20 ft.).

RATIONALE OF RECOMMENDATION

- A reduction of the required front yard setback to 6.0 metres (20 ft.) will help facilitate the protection and retention of a City tree near the rear of the property.
- The neighbouring property to the west of the subject site has a similar front yard setback of approximately 6.1 metres (20 ft.).

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7916-0666-00 (Appendix II), to reduce the minimum front yard (south) setback of the "Single Family Residential Zone (RF)" from 7.5 metres (25 ft.) to 6.0 metres (20 ft.), to proceed to Public Notification.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Vacant single family residential lot.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North:	Single family dwellings.	Urban/Urban Residential	RF
East (Across Kidd Road):	Single family dwellings.	Urban/Urban Residential	RF
South (Across Agar Street):	Single family dwellings.	Urban/Urban Residential	RF
West (Across Agar Street):	Single family dwellings and privately owned park.	Urban/Institutional	PA-1

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is a corner lot located at 12225 - Agar Street. The property is designated "Urban" in the Official Community Plan (OCP), "Urban Residential" in the Crescent Beach Local Area Plan, and zoned "Single Family Residential Zone (RF)".
- The subject property has an area of 453 square metres (4,879 sq. ft.), making it an undersized RF Zone lot.
- The property owner applied for a Development Variance Permit (DVP) to reduce the required flood plain elevation in the Crescent Beach area to allow the construction of the proposed dwelling. The DVP was issued October 3, 2016.

- Through the Building Permit application process it was determined that there is a shared City owned tree on the subject site's east property line along Kidd Street. The Parks, Recreation and Culture Department has requested that this tree be retained. To facilitate this 7.5 metre (25 ft.) tree protection zone is required.

#### Current Proposal

- The applicant is proposing a Development Variance Permit to reduce the minimum front yard (south) setback of the RF Zone from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) to facilitate the retention of the shared City tree on the eastern property line.

#### BY-LAW VARIANCE AND JUSTIFICATION

##### (a) Requested Variance:

- Reduce the minimum front yard (south) setback of the RF Zone from 7.5 metres (25 ft.) to 6.0 metres (20 ft.).

##### Applicant's Reasons:

- Due to the size and required side yard setbacks for this corner lot, the house size and design is already constrained on this property. It would be difficult to maintain the setbacks of the zone and design around the required tree protection zone without significantly impacting the design or size of the dwelling.

##### Staff Comments:

- The Parks, Recreation and Culture Department has determined that the proposed dwelling and detached garage will need to be located a minimum of 7.5 metres (25 ft.) from the protected tree. However, the Parks Department, with specific requirements for construction, have permitted the driveway to the detached garage to be located within the tree protection zone to a minimum distance of 4.0 metres (13 ft.) from the shared tree. The applicant is willing to construct the driveway to the Parks Department's specifications.
- A reduction to the front yard setback will allow the property owner the opportunity to maintain a similar building size and design afforded to them under the RF Zone without compromising the health of the tree near the rear of the property.
- The neighbouring property to the west has a similar front yard setback of approximately 6.1 metres (20 ft.). The proposed building setback for the new dwelling will have no visual impact on the streetscape and will complement the existing setback for the building to the west.

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. Development Variance Permit No. 7916-0666-00

*Original signed by Ron Hintsche*

Jean Lamontagne  
General Manager  
Planning and Development

ARR/da

Information for City Clerk

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

1. (a) Agent: Name: Kendall Friesen  
1045735 B C Ltd  
Address: 10090 - 152 Street, Suite 300  
Surrey, BC V3R 8X8
  
2. Properties involved in the Application
  - (a) Civic Address: 12225 - Agar Street
  
  - (b) Civic Address: 12225 - Agar Street  
Owner: 1045735 B.C. Ltd.  
Director Information:  
Kendall Friesen  
Brian Regehr  
  
No Officer Information Filed  
PID: 006-230-661  
Lot 13 Block 17 District Lot 52 Group 2 New Westminster District Plan 9044
  
3. Summary of Actions for City Clerk's Office
  - (a) Proceed with Public Notification for Development Variance Permit No. 7916-0666-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

## DEVELOPMENT DATA SHEET

Existing Zoning: RF Zone

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	453 square metres (4,879 sq. ft.)	
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	40%	35.7%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS ( in metres)		
Front	7.5 metres (25 ft.)	6.0 metres (20 ft.)
Rear	7.5 metres (25 ft.)	9.1 metres (30 ft.)
Side #1 (W)	1.8 metres (6 ft.)	1.8 metres (6 ft.)
Side #2 (E)	3.6 metres (12 ft.)	3.7 metres (12 ft.)
BUILDING HEIGHT (in metres/storeys)		
Principal	9 metres (30 ft.)	7.7 metres (25 ft.)
Accessory	5 metres (16.5 ft.)	4.4 metres (14 ft.)
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential	272 square metres (2,928 sq. ft.)	253 square metres (2,723 sq. ft.)
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		

*\* If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

(the "City")

**DEVELOPMENT VARIANCE PERMIT**

NO.: 7916-0666-00

Issued To: 1045735 B C LTD  
(the Owner)

Address of Owner: 300, 10090 - 152 Street  
Surrey, BC V3R 8X8

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: 006-230-661

Lot 13 Block 17 District Lot 52, Group 2 New Westminster District Plan 9044

12225 - Agar 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 Part 16 Single Family Residential Zone, the minimum front yard (south) 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 buildings and structures 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 .

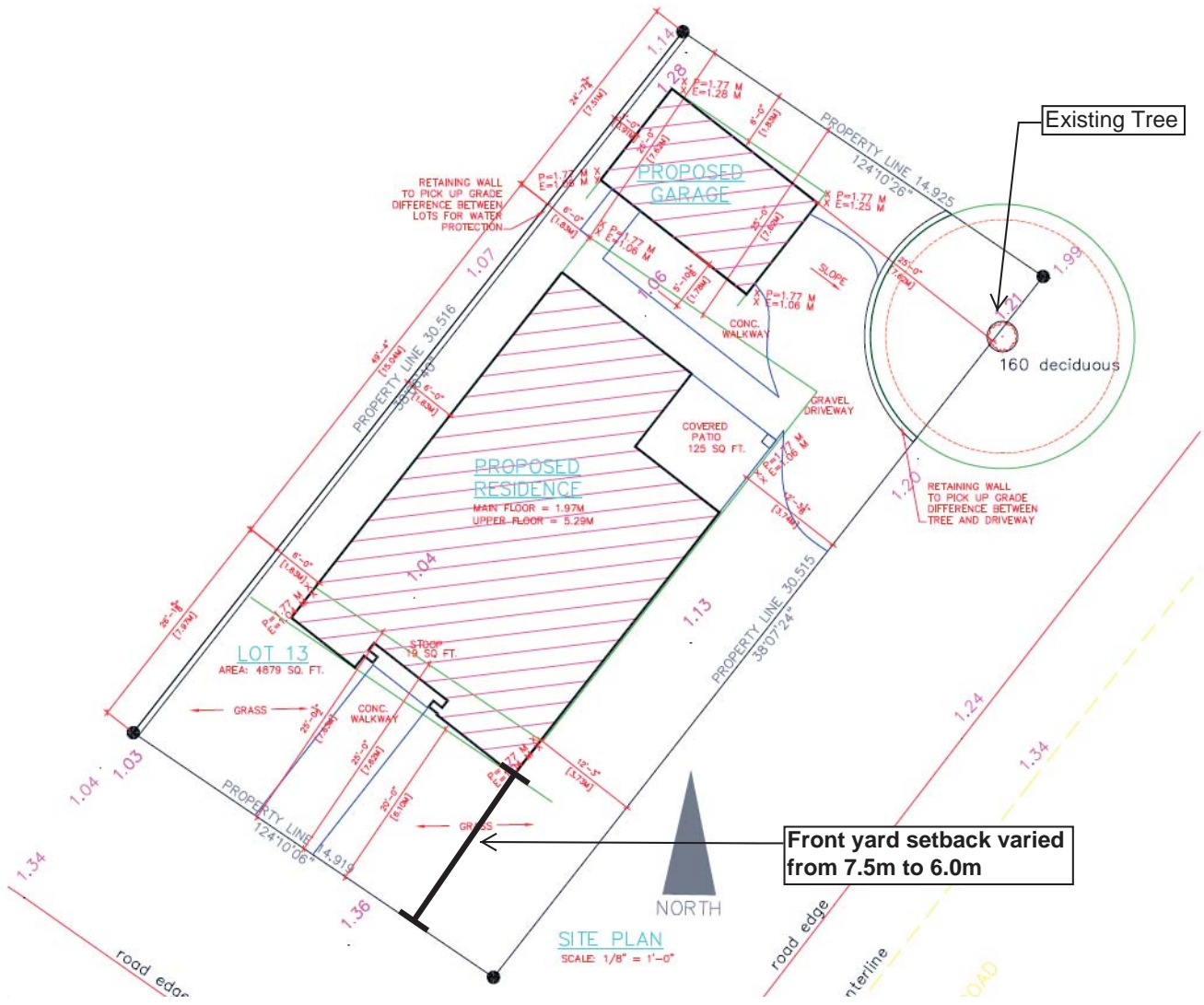
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Mayor – Linda Hepner

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City Clerk – Jane Sullivan

Schedule A



Front yard setback varied from 7.5m to 6.0m