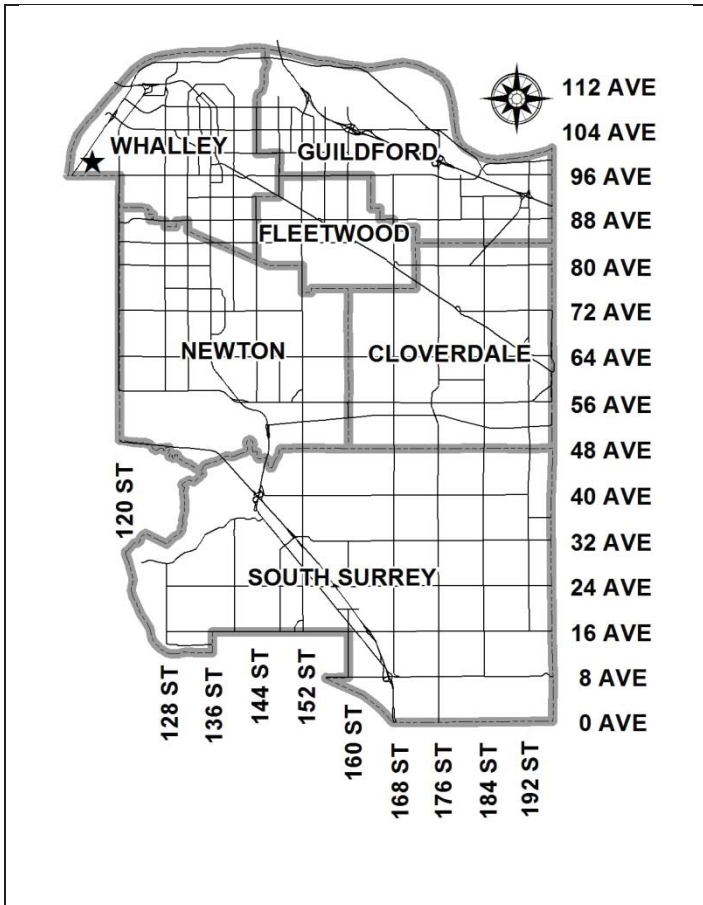


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0018-00

Planning Report Date: April 24, 2017



PROPOSAL:

- **Development Variance Permit**

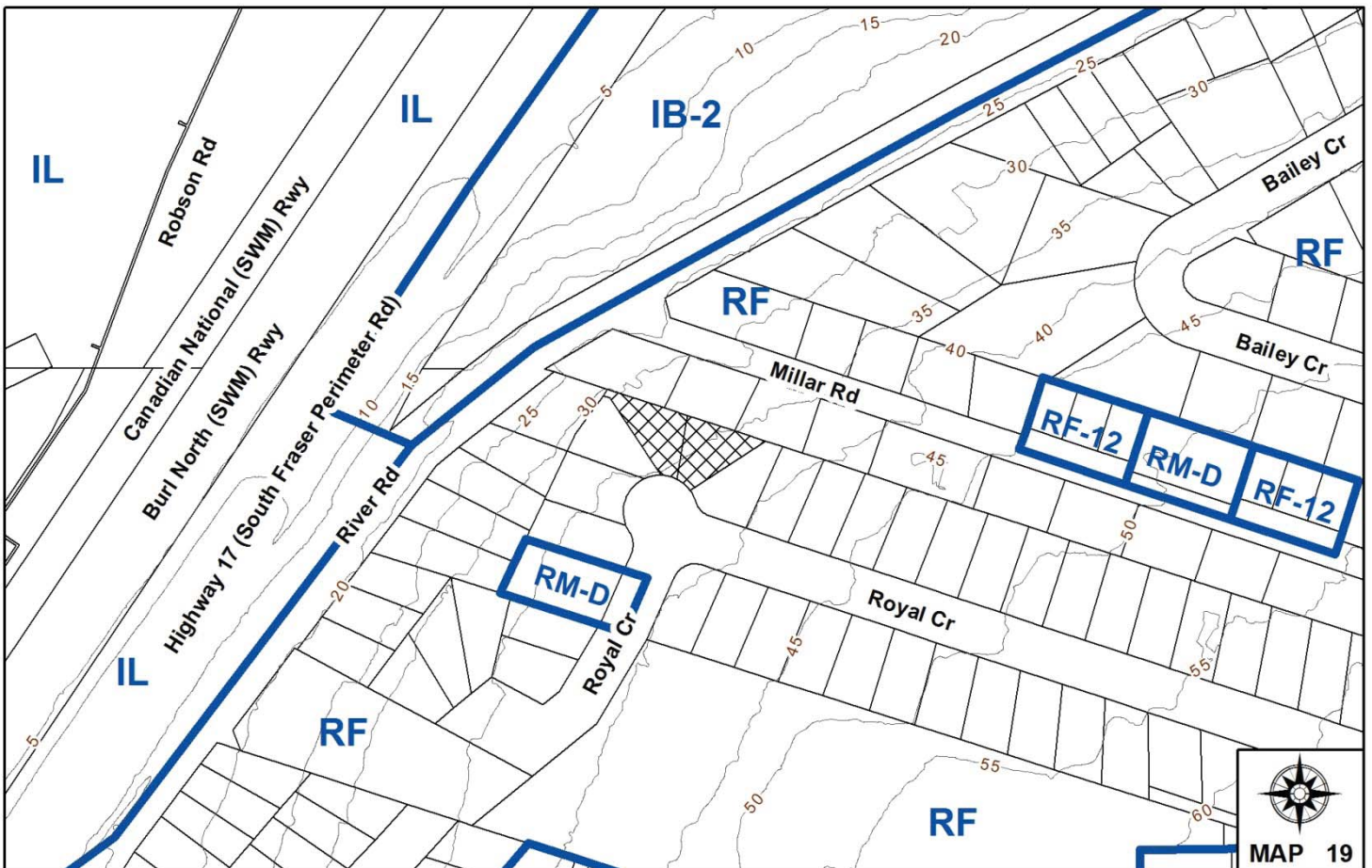
to reduce the front yard and rear yard setbacks, and to increase the maximum allowable coverage of a driveway within the front yard, to construct a single family dwelling on each of the two (2) recently created lots.

LOCATION: 11425 - Royal Crescent
 11431 - Royal Crescent

OWNERS: Shavinderjit K Rai
 Sukhpal S Brar

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- To permit construction of a single family dwelling on each of the two (2) subject lots, the applicant is seeking to vary the RF Zone as follows:
 - reduce the minimum front yard setback, as measured to the attached garage, from 11 metres (36 ft.) to 7.5 metres (25 ft.) for both subject lots;
 - increase the maximum allowable area of a driveway within the front yard from 53% to approximately 55% for the eastern subject lot (11431 Royal Crescent) and 72% for the western subject lot (11425 Royal Crescent); and
 - reduce the minimum rear yard setback from 7.5 metres (25 ft.) to 6 metres (20 ft.) for both subject lots.

RATIONALE OF RECOMMENDATION

- The subject lots were approved on July 15, 2016 as part of a four (4) lot subdivision under Development Application No. 7912-0124-00.
- Parking and setback regulations in the RF Zone were revised on July 25, 2016 (Corporate Report No. R158; 2016). In accordance with the RF Zone, as amended, for lots that front onto a cul-de-sac and have a frontage less than 8 metres (26 ft.), as determined by measuring a straight line drawn between the two front corners of the lot, the minimum front yard setback is 11 metres (36 ft.) as measured to the front building face of an attached garage.
- The applicant has demonstrated by means of a lot analysis plan prepared by the Design Consultant, Mike Tynan of Tynan Design Ltd., that the proposed variances as well as the corresponding proposed amendments to the existing Building Scheme will achieve adequately sized RF-zoned houses on the two (2) lots. On the eastern lot (11431 - Royal Crescent), the proposed variances and Building Scheme amendments will also ensure the preservation of both an on-site protected tree and two (2) trees shared with the adjacent property (11435 - Royal Crescent).
- The applicant will amend the existing Building Scheme to address interface concerns with the existing single family dwellings to the north as follows:
 - increase the eastern side yard setback on the eastern lot (11431 - Royal Crescent) from 1.8 metres (6 ft.) to 2.4 metres (8 ft.);
 - for the easternmost lot (11431 - Royal Crescent) that any future main floor deck at the rear of the dwelling be located only within the easternmost 50% of the rear façade; and
 - prohibit rear facing decks or balconies on the second floor of both subject lots.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7917-0018-00 (Appendix IV) varying the following setback and driveway coverage requirements of the RF Zone, to proceed to Public Notification:
 - (a) to reduce the minimum front yard setback, as measured to the front building face of an attached garage, from 11 metres (36 ft.) to 7.5 metres (25 ft.) for both subject lots;
 - (b) to increase the maximum allowable area of a driveway within the front yard from 53% to approximately 72% for the western lot (11425 - Royal Crescent) and to approximately 55% for the eastern lot (11431 - Royal Crescent); and
 - (c) to reduce the minimum rear yard setback from 7.5 metres (25 ft.) to 6 metres (20 ft.) for 100% of the rear wall of the principal building on both subject lots.
2. Council instruct staff to resolve the following issue prior to approval:
 - (a) registration of an amended Section 220 Building Scheme (CA5412573) and Section 219 Restrictive Covenant (CA5412564) to address interface issues.

REFERRALS

Engineering: The Engineering Department has no objection.

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lots, created in 2016 under Development Application No. 7912-0124-00

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings	Urban	RF
East:	Single family dwelling	Urban	RF
South (Across Royal Crescent):	Single family dwellings	Urban	RF
West:	Retained single family dwelling on lot created in 2016 under Application No. 7912-0124-00	Urban	RF

DEVELOPMENT CONSIDERATIONS

Background

- The 579-square metre (6,231-square foot) and 572-square metre (6,162-square foot) subject properties are located at 11425 and 11431 - Royal Crescent in Whalley.
- The subject lots are designated Urban in the Official Community Plan (OCP) and are zoned "Single Family Residential Zone (RF)".
- The subject lots were approved on July 15, 2016 as part of a four (4) lot subdivision under Development Application No. 7912-0124-00.
- On July 25, 2016, parking and setback regulations in the RF Zone were revised (Corporate Report No. R158). The new regulations affect the two (2) subject, pie-shaped lots, which front onto a cul-de-sac and have lot frontages less than 8 metres (26 ft.), by requiring that the minimum front yard setback to the garage be 11 metres (36 ft.). The intent of the amendment was to permit up to four (4) off-street parking spaces on the driveway in front of the garage, compensating for the lack of on-street parking available in the cul-de-sac.

Current Proposal

- The requested variances under the subject application (see By-law Variances sections) seek a reduction to the rear yard setback, from 7.5 metres (25 ft.) to 6 metres (20 ft.), as well as an additional reduction to the front yard setback, from 11 metres (36 ft.) to 7.5 metres (25 ft.), as measured to the front building face of an attached garage, for both subject lots.
- The applicants have indicated that they are seeking Development Variance Permit (DVP) approval prior to starting on more detailed house designs and the submission of building permits.

Hazard Land Development Permit (Steep Slopes)

- The subject properties are currently encumbered by steep slopes exceeding 15% grade and are within the Hazard Land Development Permit Area for Steep Slopes.
- As part of the detailed design phase of Development Application No. 7912-0124-00, to permit subdivision into four (4) single family lots, staff reviewed and deemed acceptable a geotechnical report, prepared by Western Geotechnical Consultants Ltd, and dated June 12, 2015 and a lot grading plan prepared by Hub Engineering Inc. and dated November 14, 2016 with regards to any slope stability issues arising from proposed on-site fill.
- With the addition of fill to accommodate future houses on the subject properties the on-site slopes will be significantly reduced to below the 15% threshold of the Hazard Land Development Permit guidelines and therefore a Development Permit (DP) is not required in conjunction with the subject DVP application.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum front yard setback of the RF Zone, as measured to the front building face of an attached garage, from 11 metres (36 ft.) to 7.5 metres (25 ft.), for lots that front onto a cul-de-sac bulb and have a frontage of less than 8 metres (26 ft.).

Applicant's Reasons:

- According to a lot analysis drawing provided by the applicant's Design Consultant, Mike Tynan of Tynan Design Ltd., an adequately sized RF-zoned house of approximately 336 square metres (3,600 sq.ft.) for the western lot (11425 - Royal Crescent) and 296 square metres (3,200 sq.ft.) for the eastern lot (11431 - Royal Crescent), can be achieved through a combination of the proposed front and rear yard variances.
- Both subject lots can accommodate four (4) off-street parking spaces each; two (2) side-by-side in the front driveway and two (2) side-by-side in the attached garage, which exceeds the minimum three (3) off-street parking spaces required under the RF Zone.

Staff Comments:

- Both 11425 and 11431 Royal Crescent front a cul-de-sac bulb and have frontage widths, as measured by a straight line connecting both front corners of each lot, of approximately 6.90 metres (22.5 ft.) and 7 metres (23 ft.) respectively.
- Only three properties (11421, 11425 and 11431 - Royal Crescent) fronting the cul-de-sac have a frontage less than 8 metres (26 ft.) and therefore the proposed reduction of the front yard setback would bring the subject properties in line with the allowable front yard setbacks of adjacent properties within this portion of Royal Crescent and in accordance with the RF Zone prior to July 25, 2016 amendments to the RF Zone.
- The existing Building Scheme stipulates that the front entrance of any proposed house on the subject lots must not exceed 3.66 metres (12 ft.) in height. Furthermore, in accordance with the RF Zone the maximum permitted floor area of a second storey for a principal building must not exceed 80% of the floor area of the main floor level, included an attached garage.
- The existing and proposed Building Scheme provisions, combined with the '80% Rule' of the RF Zone, will ensure that any future house constructed on the subject properties will consist of a series of 1-storey, 1.5-storey and 2-storey massings along the front elevation ensuring that the future houses will not dominate the existing streetscape.
- Staff support the requested variance.

(b) Requested Variance:

- To increase the maximum allowable area for a driveway within the front yard in the RF Zone from 53% to approximately 72% for the western lot (11425 - Royal Crescent) and approximately 55% for the eastern lot (11431 Royal Crescent).

Applicant's Reasons:

- The proposed driveway on the eastern lot (11431 Royal Crescent) can be located outside of the Tree Protection Zone (TCP) of the retained tree along the eastern lot line of the front yard.

Staff Comments:

- Under Development Application No. 7912-0124-00 the Arborist Report indicated that Tree #447, a Western Red Cedar in "fair" condition, be retained on 11431 - Royal Crescent in order to ensure the safe retention of a Western Red Cedar in "good" condition on the adjacent property to the east (11435 - Royal Crescent).
- Special protection measures were recommended in order to ensure the continuing health of the two (2) trees in relation to proposed on-site development at 11431 - Royal Crescent, including a comfort letter from the project arborist requiring supervision for the construction of a future driveway adjacent to the tree protection zone of the retained front yard trees.
- The applicant has demonstrated via a building footprint and lot analysis drawing (Appendix III) that the proposed driveway can be located entirely outside of the tree protection zone of Tree #447. City staff have reviewed the proposal and determined that no significant stress would be placed on the retained on-site tree as a result of the proposed development.
- Upon completion of the proposed driveway the applicant will be required to submit a follow-up comfort letter from the project arborist indicating that they were on-site for the installation and that no damage to the retained front yard trees occurred.
- Staff support the requested variance.

(c) Requested Variance:

- To reduce the minimum rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 6 metres (20 ft.) for 100% of the rear wall of the principal building on both subject properties.

Applicant's Reasons:

- A reduced rear yard setback is required, in conjunction with the reduced front yard setback, in order to achieve an adequately sized RF-zoned house on the subject properties.

Staff Comments:

- The proposed relaxation to the rear yard setback will not significantly reduce the useable outdoor space available on the subject properties as both 11425 and 11431 - Royal Crescent are pie-shaped lots with wider rear yard widths compared to a rectangular-shaped lot.
- To address potential interface concerns between future dwellings constructed on the subject lots and existing adjacent dwellings to the north, the Design Consultant, Mike Tynan of Tynan Design Ltd., has proposed the following amendments to the existing Building Scheme:
 - any deck at the rear of the dwelling on the eastern lot (11431 - Royal Crescent), with access from the main floor, shall be located in the eastern-most half of the rear façade; and
 - no balconies shall be permitted on the upper floor at the rear of the dwellings on both the western lot (11425 - Royal Crescent) and the eastern lot (11431 - Royal Crescent).
- The applicant has been informed by staff that the Building Scheme amendments will need to be registered against the subject properties prior to issuance of the subject DVP and have indicated that they have received consent from all affected property owners for the proposed amendments.
- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Plan of Subdivision
Appendix III.	Lot Analysis Drawing
Appendix IV.	Development Variance Permit No. 7917-0018-00

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: Paul Brar

 Address: 16211 - 79 Avenue
 Surrey, BC

2. Properties involved in the Application
 - (a) Civic Address: 11431 - Royal Crescent
 11425 - Royal Crescent

 - (b) Civic Address: 11431 - Royal Crescent
 Owner: Sukhpal S Brar
 PID: 029-929-881
 Lot 1 Section 35 Block 5 North Range 2 West New Westminster District Plan EPP58191

 - (c) Civic Address: 11425 - Royal Crescent
 Owner: Shavinderjit K Rai
 PID: 029-929-890
 Lot 2 Section 35 Block 5 North Range 2 West New Westminster District Plan EPP58191

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7917-0018-00 and bring the Development Variance Permit forward for an indication of support by Council. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk once the conditions of the Development Variance Permit are complete.

**SUBDIVISION PLAN OF LOT 5 SECTION 35 BLOCK 5 NORTH
RANGE 3 WEST NEW WESTMINSTER DISTRICT PLAN 7183**

PLAN EPP58191

PURSUANT TO SECTION 67 LAND TITLE ACT

BCGS MAP SHEET 92G.016



"ALL DISTANCES ARE IN METRES"

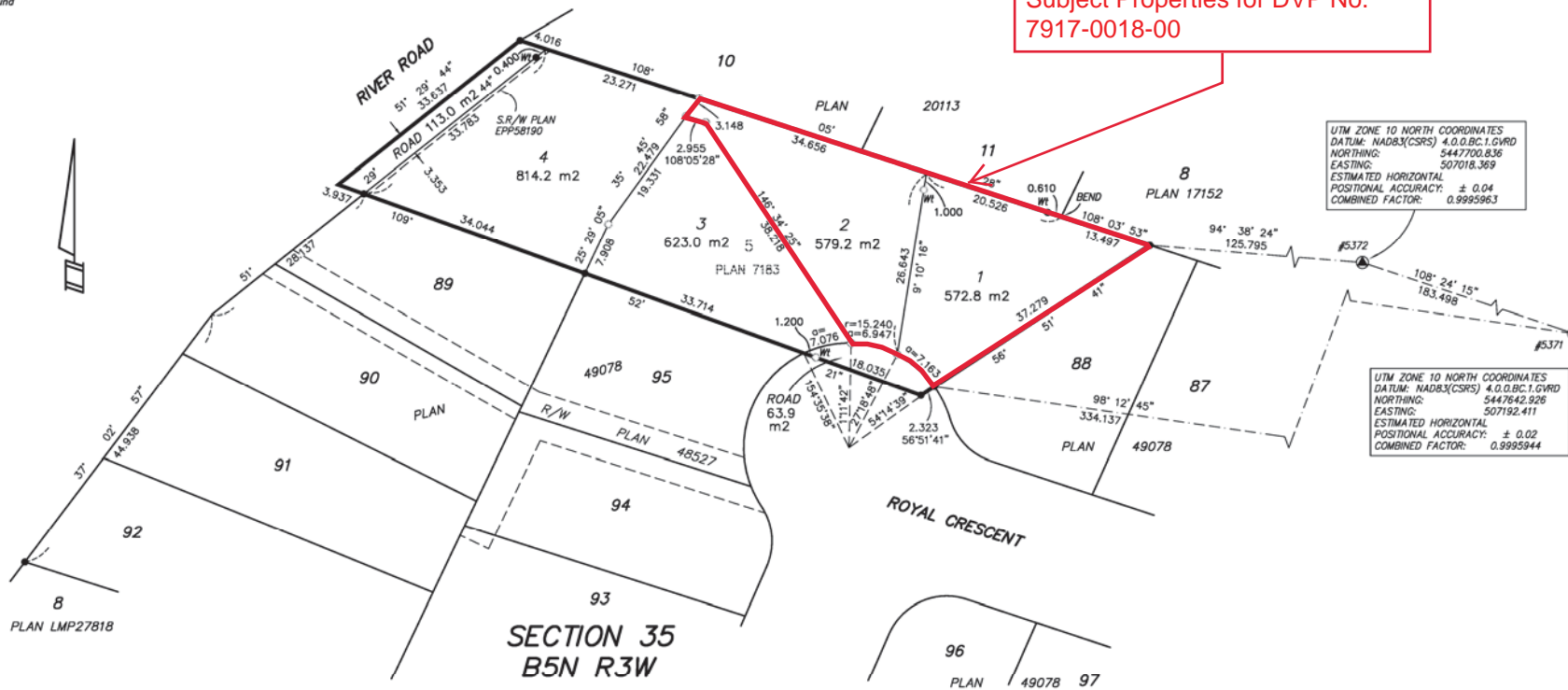
The intended plot size of this plan is 560mm in width
by 432mm in height (C size) when plotted at a scale of 1:500

NOTE:
This plan shows one or more witness posts
which are not set on the true corner(s).

Witness exaggerated for clarity.

LEGEND

- standard iron post found
- standard iron post placed
- ⊕ Control Monument found
- W Denotes Witness



Subject Properties for DVP No.
7917-0018-00

UTM ZONE 10 NORTH COORDINATES
DATUM: NAD83(CSR5) 4.0.0.BC.1.GVRD
NORTHING: 5447700.836
EASTING: 507018.369
ESTIMATED HORIZONTAL
POSITIONAL ACCURACY: ± 0.04
COMBINED FACTOR: 0.9995963

UTM ZONE 10 NORTH COORDINATES
DATUM: NAD83(CSR5) 4.0.0.BC.1.GVRD
NORTHING: 5447642.926
EASTING: 507192.411
ESTIMATED HORIZONTAL
POSITIONAL ACCURACY: ± 0.02
COMBINED FACTOR: 0.9995944

**INTEGRATED SURVEY AREA NO.1, SURREY
NAD83(CSR5) 4.0.0.BC.1.GVRD**

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN
GEODEIC CONTROL MONUMENTS 5371 AND 5372
THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY
ACHIEVED HAVE BEEN DERIVED FROM THE MASCOT PUBLISHED COORDINATES AND
STANDARD DEVIATIONS FOR GEODEIC CONTROL MONUMENTS 5371 AND 5372

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
UNLESS OTHERWISE SPECIFIED, TO COMPUTE GRID DISTANCES,
MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE
COMBINED FACTOR OF 0.99959535 WHICH HAS BEEN DERIVED
FROM GEODEIC CONTROL MONUMENTS 5371 AND 5372

SOUTH FRASER LAND SURVEYING LTD.
B.C. LAND SURVEYORS
SUITE 212 - 12992 76th AVENUE
SURREY, B.C. V3W 2V6
TELEPHONE: 604 599-1886
FILE: 15102250

THIS PLAN LIES WITHIN THE JURISDICTION OF
THE APPROVING OFFICER FOR THE CITY OF SURREY

THIS PLAN LIES WITHIN THE
GREATER VANCOUVER REGIONAL DISTRICT

INSPECTED UNDER THE LAND TITLE ACT
ON THE 15th DAY OF APRIL, 2016

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED
ON THE 11th DAY OF DECEMBER, 2015
DAVID J. DYCK BCL5 (543)

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0018-00

Issued To: SUKHPAL S BRAR
SHAVINDERJIT K RAI

("the Owner")

Address of Owner: 16211 - 79 Avenue
Surrey, BC V4N 0M7

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: 029-929-881

Lot 1 Section 35 Block 5 North Range 2 West New Westminster District Plan EPP58191

11431 - Royal Crescent

Parcel Identifier: 029-929-890

Lot 2 Section 35 Block 5 North Range 2 West New Westminster District Plan EPP58191

11425 - Royal Crescent

(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 (RF)", the minimum front yard setback, as measured to the front building face of an attached garage, on lots that front onto a cul-de-sac and have a frontage less than 8 metres (26 ft.), as determined by measuring a straight line drawn between the two front corners of the lot, is reduced from 11 metres (36 ft.) to 7.5 metres (25 ft.) for both Lots 1 and 2 (11425 and 11431 - Royal Crescent);

- (b) In Subsection H.3.c.iii of Part 16 "Single Family Residential Zone (RF)", the maximum allowable area of a driveway within the front yard is increased from 53% to 55% of the total area of the front yard for Lot 1 (11431 Royal Crescent) and to 72% of the total area of the front yard for Lot 2 (11425 Royal Crescent); and
 - (c) In Section F Yards and Setbacks of Part 16 "Single Family Residential Zone (RF)", the minimum rear yard setback is reduced from 7.5 metres (25 ft.) to 6 metres (20 ft.) for 100% of the length of the rear wall of the principal building on both Lots 1 and 2 (11425 and 11431 Royal Crescent).
- 4. This development variance permit applies to only those portions 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 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan

