

City of Surrey PLANNING & DEVELOPMENT REPORT File: 7917-0031-00

Planning Report Date: December 17, 2018

PROPOSAL:

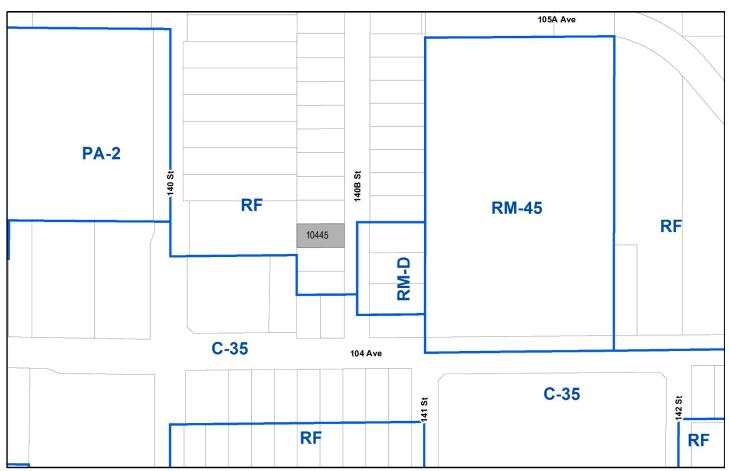
• Development Variance Permit

to reduce the minimum rear yard setback from a natural gas transmission right-of-way in order to construct a new single family dwelling on the lot.

LOCATION: 10445 - 140B Street

ZONING: RF

OCP DESIGNATION: Multiple Residential



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 yard setback of the principal building from a natural gas transmission right-of-way from 7.5 metres (25 ft.) to 3.0 metres (10 ft.).

RATIONALE OF RECOMMENDATION

- The proposed variance maintains access for pipeline maintenance and provides for an adequately sized building footprint on the single family lot.
- As the subject property is encumbered by 500-kilovolt electrical transmission overhead wires, the proposed house plans have been reviewed and approved by BC Hydro in relation to IEEE Standard C95.6-2007, stating that no part of a building, including outer walls, balconies and roofs, be exposed to electrical fields of 5 kilovolts per metre or greater.
- FortisBC have no objections to the proposed reduction to the rear yard building setback to the natural gas transmission right-of-way provided that prior to Demolition and Building Permit issuance, the applicant obtains a valid Pipeline and/or Right-of-Way Permit to permit demolition of the existing home and construction of a new home on the lot. FortisBC staff have confirmed that the permit process has been initiated for the subject property.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7917-0031-00 (Appendix IV), to vary Part 4 of the Zoning By-law to reduce the minimum rear yard setback of a principal building from a natural gas transmission right-of-way from 7.5 metres (25 ft.) to 3.0 metres (10 ft.), to proceed to Public Notification.

REFERRALS

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

BC Hydro: No objection.

FortisBC: No objection provided that prior to Building Permit issuance the

applicant obtains a FortisBC Pipeline and/or Right-of-Way Permit.

SITE CHARACTERISTICS

<u>Existing Land Use:</u> Existing one-storey single family dwelling, which is to be removed.

A combination hydro and gas right-of-way currently runs north-

east to south-west along the rear yard.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	City-owned parkland containing BC Hydro and FortisBC right-of-way	Multiple Residential	RF
East (Across 140B Street):	Duplex dwelling	Multiple Residential	RM-D
South:	Single family dwelling.	Multiple Residential	RF
West:	Vacant single family lot heavily encumbered by BC Hydro and FortisBC right-ofway.	Multiple Residential	RF

DEVELOPMENT CONSIDERATIONS

Background and Current Proposal

• The 706-square metre (7,600-sq.ft.) subject property is located at 10445 – 140B Street in Whalley.

• The subject lot is designated "Urban" in the Official Community Plan (OCP), zoned "Single Family Residential Zone (RF)" and is approximately 18.7 metres (61 ft.) in width and 37.6 metres (123 ft.) in depth.

- The subject lot is encumbered by a combination electrical (BC Hydro) and natural gas (FortisBC Energy Inc.) transmission right-of-way, whose width tapers 19 metres (62 ft.) to 7.5 metres (15 ft.) north to south, along the western portion of the property (see Appendix III, Neighbourhood Context Photo).
- The approximate distance between the front (east) lot line and eastern edge of the gas right-of-way (Fortis BC Energy Inc.) varies from 18.5 metres (60.6 ft.) along the north side lot line to 30 metres (100 ft.) along the south side lot line. The gas transmission right-of-way encumbers a total area of approximately 250 square metres (2,691-sq.ft.), which is equivalent to 35% of the total area of the subject lot.
- In accordance with Sub-section E.18.(a) of Part 4 General Provisions of the Zoning By-law, the minimum rear yard 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.), which may be reduced to 5.5 metres (18 ft.) at the lower level for 50% of the building width, excluding the garage. When both requirements are applied to the subject lot, a 3.5 to 15-metre (11.5 to 50-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 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.
- The applicant is requesting a Development Variance Permit (DVP) in order to reduce the minimum rear yard setback of a principal building from a natural gas transmission right-of-way in order to construct a new single family dwelling on the subject property (see By-law Variances section).

Sensitive Ecosystem (Green Infrastructure) Development Permit

• The subject lot is located within the Sensitive Ecosystems Development Permit Area for Green Infrastructure Areas, as the property falls within a 50-metre (164-ft.) radius of Local Biodiversity Conservation Strategy (BCS) Corridor No. 98. However, as the entirety of the target width of BCS Corridor No. 98 (50 metres / 164 feet) falls outside of the subject lot and the location of the gas transmission lines prevents the planting of additional trees and groundcover within the rear yard of the subject property, the requirements of the Sensitive Ecosystems Development Permit have been waived.

TREES

 Freedom Sukenick, ISA Certified Arborist of Freedom Tree Care Ltd., prepared an Arborist Assessment for the subject property. The table below provides a summary of the tree retention and removal by tree species:

Table 1: Summary of Tree Preservation by Tree Species:

Tree Species	Exis	ting	Remove	Retain		
Deciduous Trees (excluding Alder and Cottonwood Trees)						
Hazel	1		1	0		
Coniferous Trees						
Western Red Cedar	3		3	0		
Total	4		4	0		
Total Replacement Trees Prop (excluding Boulevard Street Trees	2					
Total Retained and Replacement Trees		2				
Contribution to the Green City Fund		\$2,400.00				

- The Arborist Assessment states that there are a total of four (4) protected trees on the site. There are no Alder or Cottonwood trees. It was determined that no trees can be retained as part of this development proposal. The proposed tree retention was assessed taking into consideration the location of services, building footprints and proposed lot grading.
- For those trees that cannot be retained, the applicant will be required to plant trees on a 2 to 1 replacement ratio. This will require a total of eight (8) replacement trees on the site. Since only two (2) replacement trees can be accommodated on the site, the deficit of six (6) replacement trees will require a cash-in-lieu payment of \$2,400, representing \$400 per tree, to the Green City Fund, in accordance with the City's Tree Protection By-law.
- In summary, a total of two (2) trees are proposed to be retained or replaced on the site with a contribution of \$2,400 to the Green City Fund.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

• To vary Part 4 General Provisions of 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 3.0 metres (10 ft.).

Applicant's Reasons:

• The proposed variance is required in order to accommodate an adequately sized building footprint on the subject property. The applicant has also indicated that they do not intend to construct any rear yard accessory buildings.

Staff Comments:

• Due to the required Part 4 and RF Zone setback requirements, the applicant is able to achieve a maximum house size of approximately 212 square metres (2,282 sq.ft.), which is 175 square metres (1,883 sq.ft.) less than the maximum permitted floor area under the RF Zone. With the requested variance, the applicant can achieve a house size of approximately 346 square metres (3,700 sq.ft.).

- The rear building face of the proposed home has been jogged to permit additional useable rear yard space between the principal building and the proposed minimum 3-metre (10-ft.) rear yard setback to the natural gas transmission right-of-way. Although no buildings or structures can be located within the gas transmission right-of-way, the area will remain as grassed rear yard space which will be accessible to the property owner.
- FortisBC have no objections to the proposed reduction to the rear yard building setback to the natural gas transmission right-of-way provided that prior to Demolition and Building Permit issuance, the applicant obtains a valid Pipeline and/or Right-of-Way Permit to permit demolition of the existing home and construction of a new home on the lot. FortisBC staff have confirmed that the permit process has been initiated for the subject property.
- As the subject property abuts 500-kilovolt electrical overhead wires, the proposed house plans have been reviewed and approved by BC Hydro in relation to IEEE Standard C95.6-2007, stating that no part of a building, including outer walls, balconies and roofs, be exposed to electrical fields of 5 kilovolts per metre or greater.
- Staff support the proposed variance.

<u>INFORMATION ATTACHED TO THIS REPORT</u>

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary (Confidential)

Appendix II. Proposed Site Plan

Appendix III. Neighbourhood Context Photo (COSMOS Aerial, April 2018)

Appendix IV. Development Variance Permit No. 7917-0031-00

original signed by Ron Gill

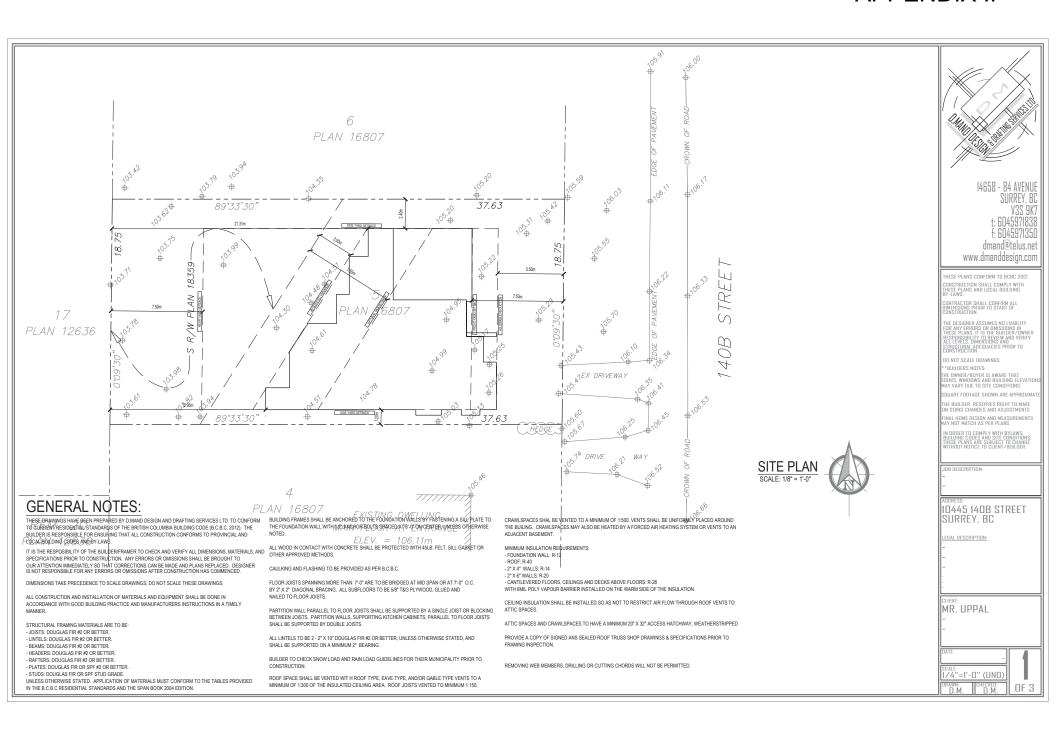
Jean Lamontagne General Manager Planning and Development

APPENDIX I HAS BEEN

REMOVED AS IT CONTAINS

CONFIDENTIAL INFORMATION

APPENDIX II





CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.:	7917-0031-00

Issued To:

("the Owner")

Address of Owner:

- 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: 007-379-081 Lot 5 Section 24 Block 5 North Range 2 West New Westminster District Plan 16807

10445 - 140B Street

(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 rear 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 3.0 metres (10 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.			
	ORIZING RESOLUTION PASSED BY THE CO D THIS DAY OF , 20 .	UNCIL, THE DAY OF , 20 .		
		Mayor – Doug McCallum		
		City Clerk		

