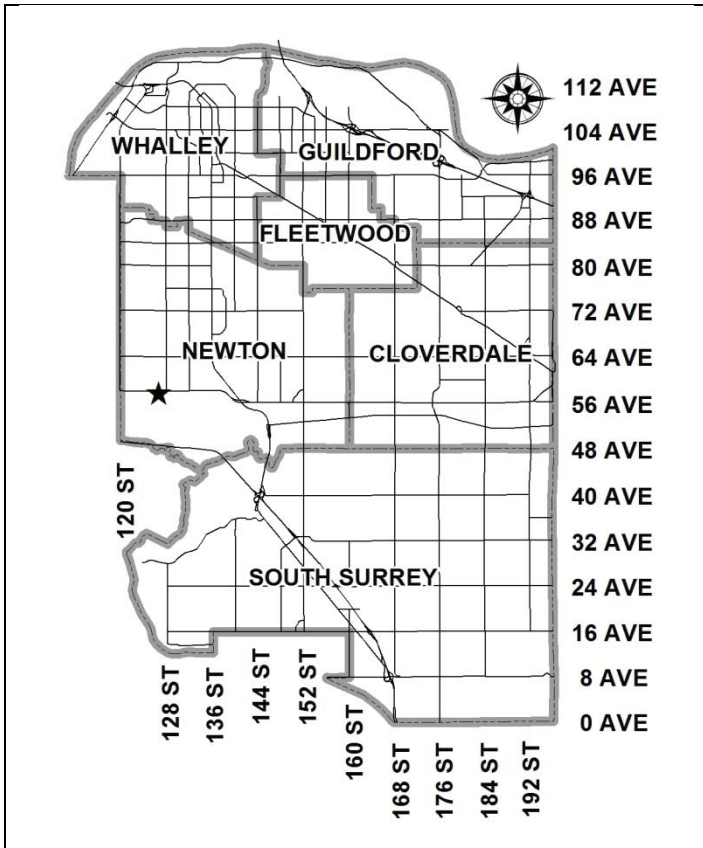


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7917-0163-00

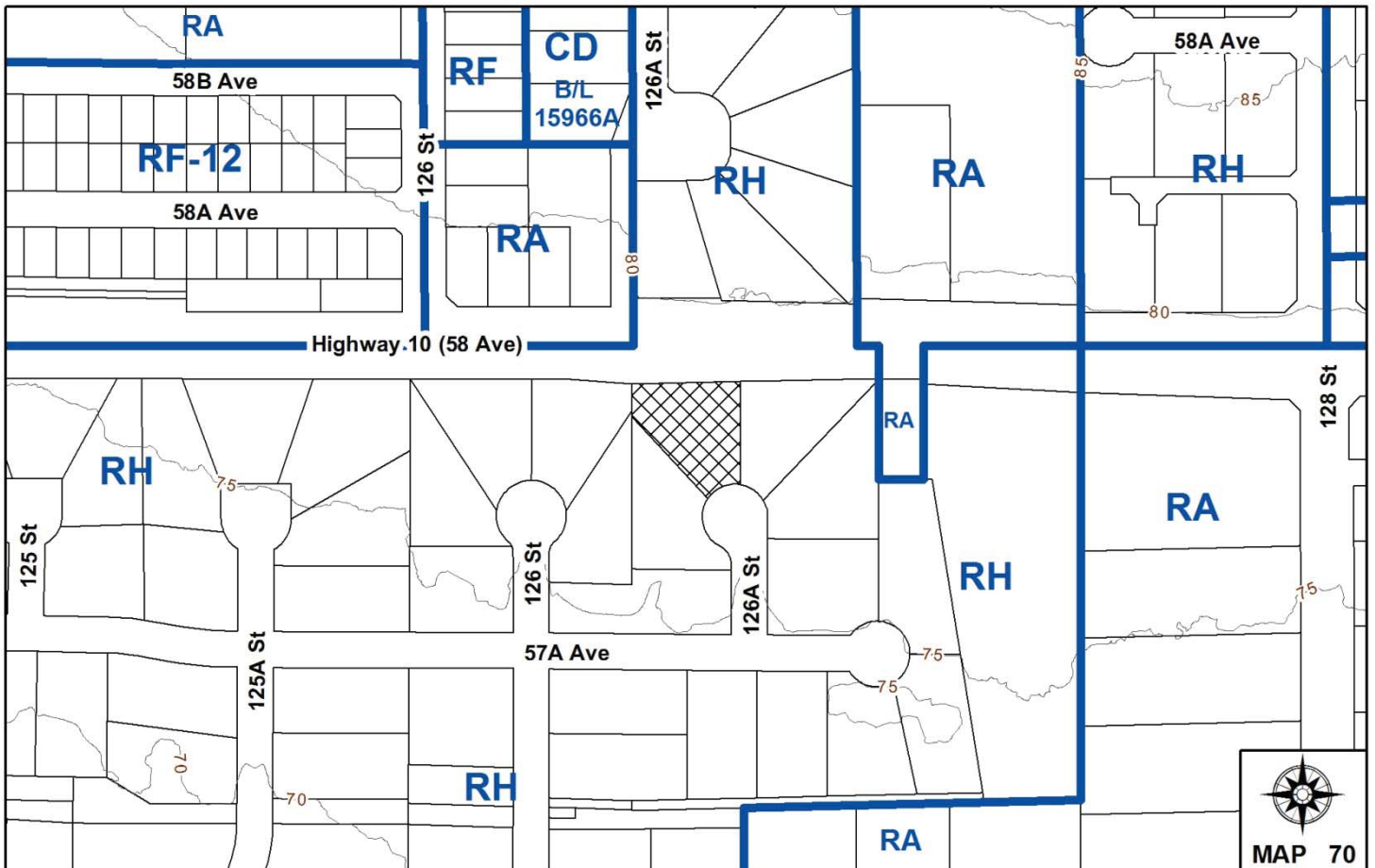
Planning Report Date: May 8, 2017



**PROPOSAL:**

- **Restrictive Covenant amendment**  
 to reduce the size of the existing no-build area to accommodate an addition to the existing dwelling.

**LOCATION:** 5789 - 126A Street  
**OWNER:** Mohammad M Sarwari  
 Fawzia Sarwari  
 Zuhra M Sarwari  
**ZONING:** RH  
**OCP DESIGNATION:** Suburban  
**LAP DESIGNATION:** Suburban Residential (1/2 Acre)



### RECOMMENDATION SUMMARY

- The Planning and Development Department recommends that this application be approved.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

### RATIONALE OF RECOMMENDATION

- The applicant has obtained letters of support for the proposal from their immediate neighbours who would be potentially impacted visually by this addition.
- The house, inclusive of the addition, would still be within the allowable lot coverage and Floor Area Ratio afforded to this lot under the RH Zone. No variances are required or proposed for construction of the addition.
- A reduced 12 metre (39 ft.) wide buffer area from the rear property line still exceeds the required 7.5 metre (25 ft.) rear yard setback of the RH Zone. Staff notes that no tree removal was necessary to accommodate the addition, and more importantly, the existing treed buffer along the north property line, adjacent to Highway 10, remains intact.

RECOMMENDATION

The Planning & Development Department recommends that the proposal to amend the area covered under the no-build restrictive covenant be approved.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling.

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/NCP Designation</b>	<b>Existing Zone</b>
North (Across Highway 10):	Single family dwellings.	Suburban / Existing Half Acre Lots	RH
East:	Single family dwelling.	Suburban Residential (1/2 Acre)	RH
South:	Single family dwelling.	Suburban Residential (1/2 Acre)	RH
West:	Single family dwellings.	Suburban Residential (1/2 Acre)	RH

DEVELOPMENT CONSIDERATIONSSite Description

- The subject site is approximately 1,897 square metres (20,420 sq. ft.) in area and contains a single family dwelling.
- The property is designated "Suburban" under the Official Community Plan (OCP), designated "Suburban Residential (1/2 Acre)" in the West Panorama Ridge Local Area Plan, and zoned "Half-Acre Residential Zone (RH)"

Proposal

- The applicant proposes to amend the area covered by an existing "no build" restrictive covenant that is registered on title in order to permit the construction of an addition to the rear of the house.

- The amendment being sought would reduce the 15 metre (49 ft.) wide buffer from the north property line to 12 metres (39 ft.), reducing the overall No Build area from 744.7 square metres (8,015 sq. ft.) to 595.8 square metres (6,413 sq. ft.).

### Background

- The subject property was created in 1990 as part of a 14 lot subdivision. As a condition of the subdivision a No-Build restrictive covenant was registered on title to create a 15 metre (49 ft.) wide buffer between Highway 10 and any structures on the property.
- In 1991, Building Permit No. 69287 was issued to the previous owners to construct a single family dwelling. The building received Final Occupancy on March 6, 1992.
- On December 20, 2016, a Building Permit application was submitted to construct an addition to the rear of the existing dwelling. Sometime after this application was made construction of the addition began before the Building Permit was issued.
- The construction includes a deck that extends into the No Build area by 2.7 metres (9 ft.) at its furthest point.

### PRE-NOTIFICATION

- Pre-notification letters were mailed to 39 properties within 100 metres (328 ft.) of the subject site on April 18, 2017. To date, staff have not received any comment in response to this notification.
- The applicant has provided four (4) letters of support for the proposal obtained directly from their immediate neighbours at 5777, 5782, 5790 – 126A Street and 5788 – 126 Street.

### RESTRICTIVE COVENANT AMENDMENT EVALUATION

- The applicant has advised that he hired a builder to handle the Building Permit application process. The builder advised him that they could commence with construction while the building plans were under review with the City. The applicant did not know this was not permitted and was unaware of the no build covenant area that is registered on the title of their property.
- The applicant has obtained letters of support for the proposal from their immediate neighbours who would be potentially impacted visually by this addition. Letters were received from the property owners at 5777, 5782, 5790 – 126A Street and 5788 – 126 Street.
- The house, inclusive of the addition, would still be within the allowable lot coverage and Floor Area Ratio afforded to this lot under the RH Zone. No variances are required or proposed for construction of the addition.
- A reduced 12 metre (39 ft.) wide buffer area from the rear property line still exceeds the required 7.5 metre (25 ft.) rear yard setback of the RH Zone. Staff notes that no tree removal

was necessary to accommodate the addition, and more importantly, the existing treed buffer along the north property line, adjacent to Highway 10, remains intact.

- In light of the above, staff has no objections to the requested covenant amendment.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary  
Appendix II. Survey Plan

*original signed by Ron Hintsche*

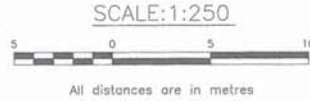
Jean Lamontagne  
General Manager  
Planning and Development

ARR/da



**SKETCH SHOWING PROPOSED RESTRICTIVE COVENANT  
ON LOT 9 SECTION 7 TOWNSHIP 2  
NEW WESTMINSTER DISTRICT PLAN 86739**

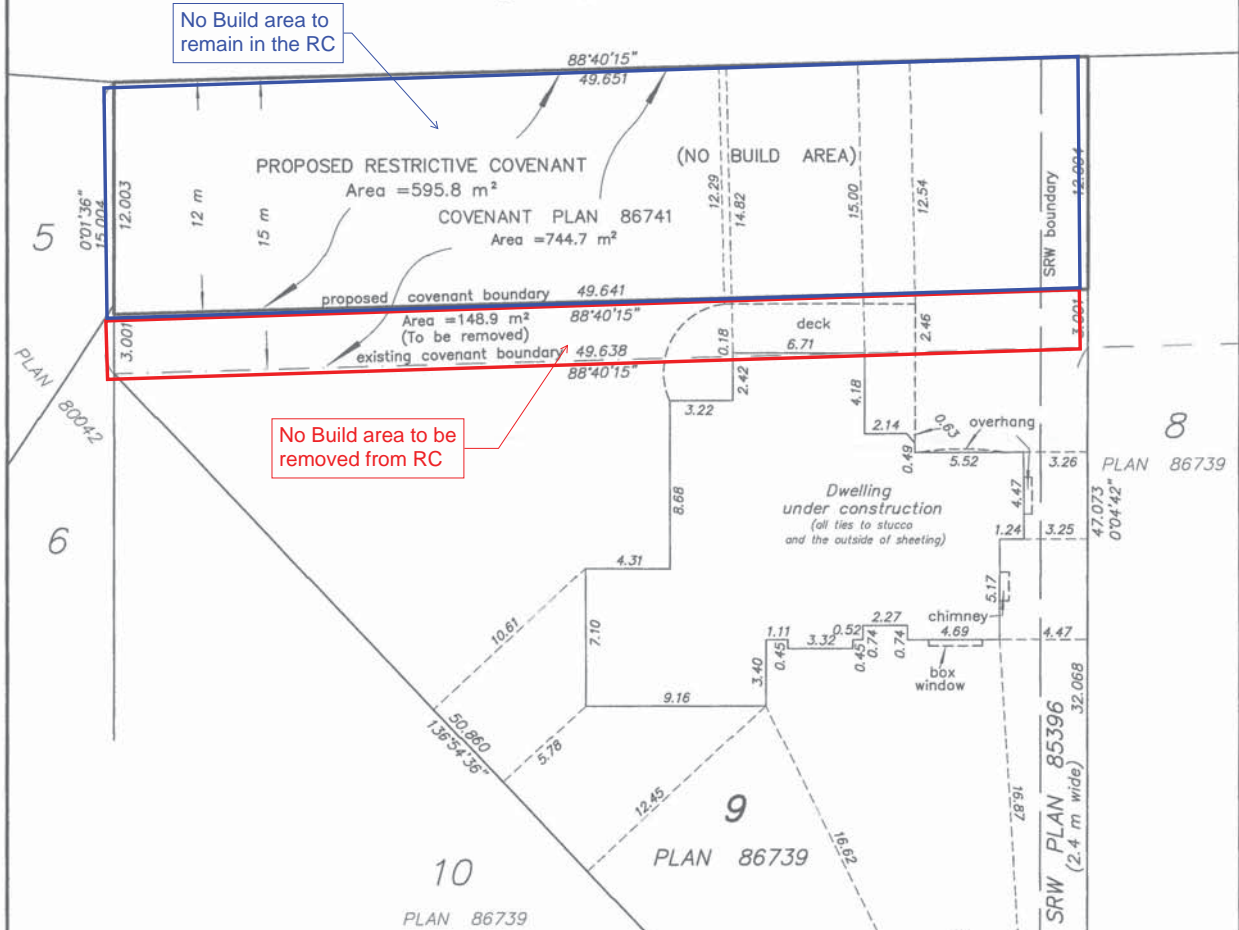
**Appendix II**



PARCEL IDENTIFIER      016-478-762  
CIVIC ADDRESS            5789 126A Street  
Surrey, B.C.

Existing Restrictive Covenant Area	744.7 m <sup>2</sup>
- Area to be removed	148.9 m <sup>2</sup>
= Proposed Restrictive Covenant Area	595.8 m <sup>2</sup>

**No. 10 Highway (58th Avenue)**



**LEGEND :**

m<sup>2</sup> Square Metres

Dwelling surveyed  
March 20th, 2017.

Lot dimensions are based  
on Plan 86739.

Offsets shown are not to be used to  
define property lines. This plan was  
prepared for a specific purpose and  
is for the exclusive use of our client.  
We assume no responsibility for  
the unauthorized use of this plan.

**CERTIFIED CORRECT**  
according to Plans 86739 & 86741  
this 19th day of April, 2017.

*[Signature]*  
P. (STEVEN) ZHAO      BCLS

CHARGES ON TITLE	
CHARGE NO.	NATURE
AD210912	COVENANT
BB623076	STATUTORY RIGHT OF WAY
AD210932	STATUTORY BUILDING SCHEME

COASTLINE LAND SURVEYING LTD.  
18-1506 EAGLE MOUNTAIN DRIVE  
COQUITLAM, B.C., V3E 3J4  
TEL : (604) 726-4598  
EMAIL office@coastlinesurveying.ca  
FILE NUMBER : 17005-RC