

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0177-00

Planning Report Date: September 17, 2018

PROPOSAL:

- **Development Permit**
- **Development Variance Permit**

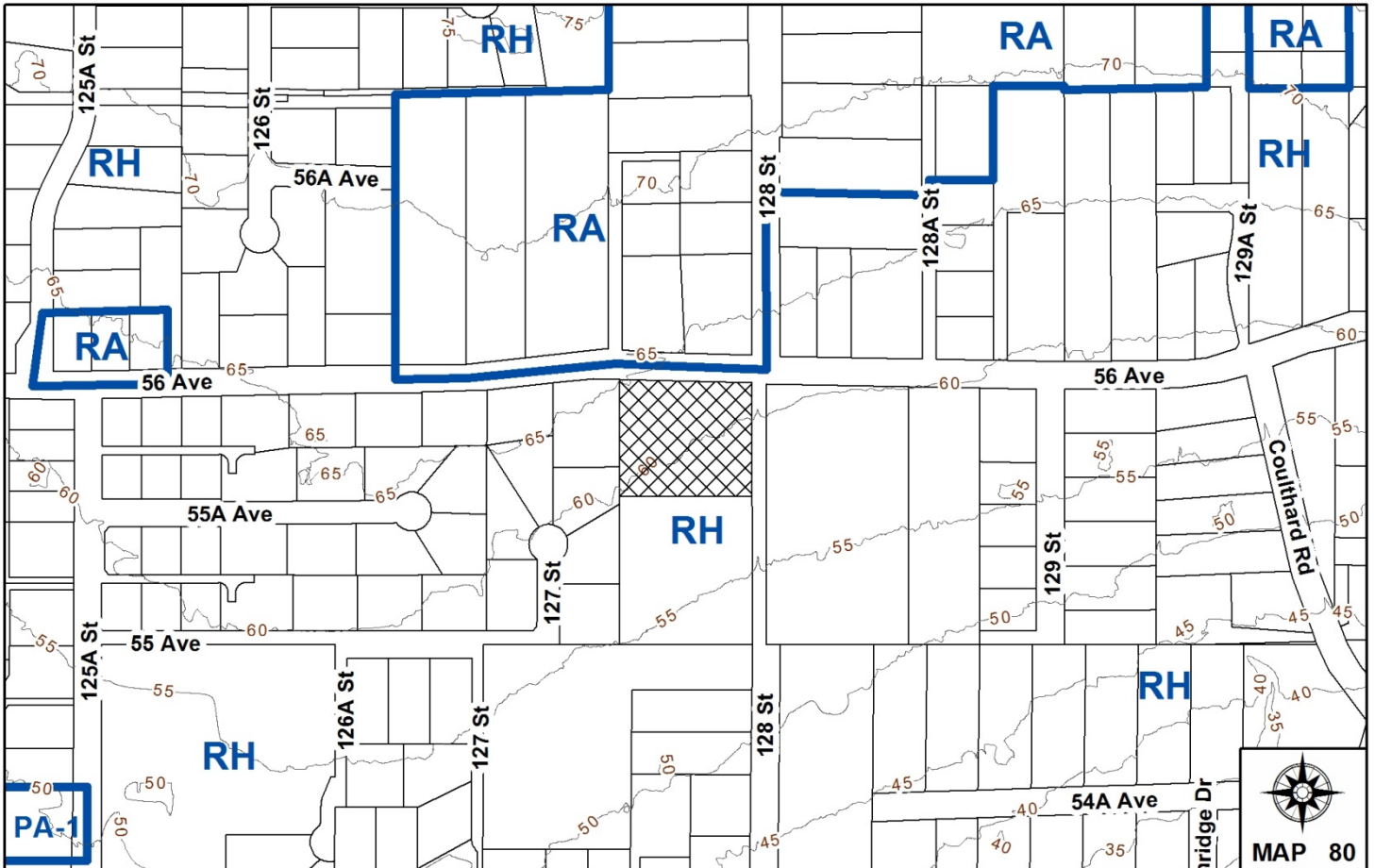
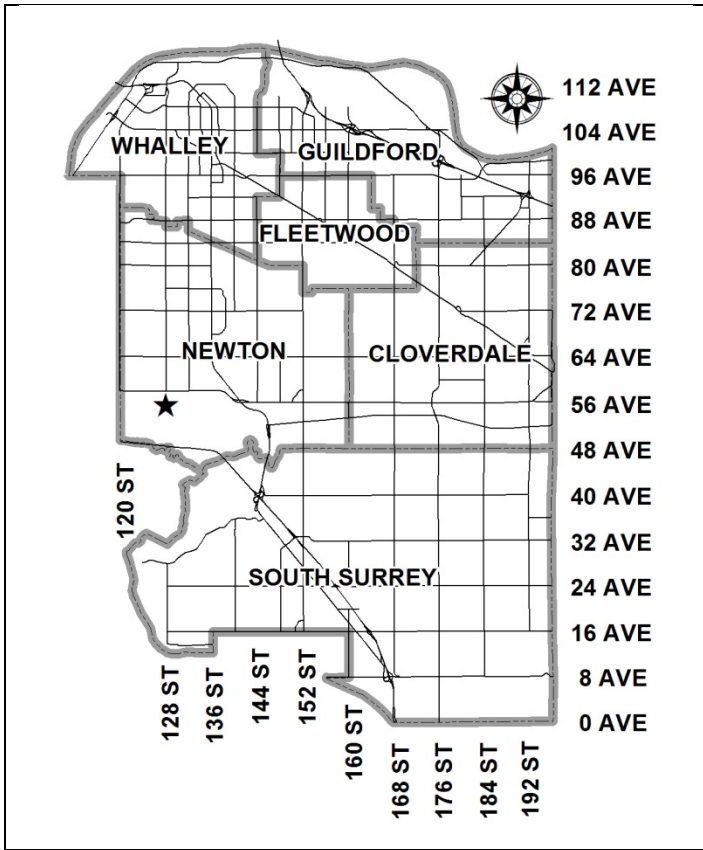
to allow the development of a new single family dwelling.

LOCATION: 12772 - 56 Avenue

ZONING: RH

OCP DESIGNATION: Suburban

LAP DESIGNATION: Suburban residential (1/2 acre) and Open space



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is proposing a Development Variance Permit (DVP) to reduce the minimum front yard setback and side yard setback on a flanking street in the "Half-Acre Residential" (RH) Zone for the principal building.

RATIONALE OF RECOMMENDATION

- The subject property is an oversized RH lot. The lot is constrained by a BC Hydro Right-of-Way (ROW) that runs north-south through the property. The ROW encumbers approximately 85% of the property, leaving approximately 1,206 square metres (12,981 sq. ft.) of buildable area on the lot. The buildable area has a triangular configuration, which further encumbers the property.
- The applicant is proposing to reduce the front yard setback from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) and the side yard setback on a flanking street from 7.5 metres to 6.5 metres (21 ft.) for a principal building in the "Half-Acre Residential (RH) Zone". The remainder of the dwelling conforms to the required setbacks.
- The reduced setbacks will allow for a more functional floor layout and the principal dwelling will be under the maximum floor area permitted by the RH Zone despite the reduced setbacks.
- A Green Infrastructure Network (GIN) Corridor is located on the eastern half of the Property, along with the BC Hydro Transmission Corridor. The GIN Corridor is located approximately 35 metres (115 ft.) away from the proposed dwelling. A landscaped buffer will not be a requirement of the Development Permit due to the spatial separation of the proposed dwelling from the GIN Corridor and the encumbrances that are a result of the ROW.
- To meet the Biodiversity Conservation Strategy and GIN objectives, the Development Permit will require that lands contained in the GIN Corridor may not be disturbed in any way except for the removal of invasive species and the planting of native species, in accordance with BC Hydro's "Planting Near Power Lines" guideline.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7917-0177-00 for Sensitive Ecosystems (Green Infrastructure Areas) generally in accordance with the Ecosystem Development Plan prepared by Enkon Environmental, dated June 8, 2018.
2. Council approve Development Variance Permit No. 7917-0177-00 (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front (east) yard setback of the Half-Acre Residential (RH) Zone from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) for the principal building; and
 - (b) to reduce the minimum side (north) yard setback on a flanking street of the Half-Acre Residential (RH) Zone from 7.5 metres (25 ft.) to 6.5 metres (21 ft.) for the principal building.
3. Council instruct staff to resolve the following issues prior to approval:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering.

REFERRALS

Engineering:	The Engineering Department has no objection to the project subject to the registration of a Section 219 Covenant to restrict driveway access to 56 Avenue as outlined in Appendix II.
Parks, Recreation & Culture:	Parks, Recreation & Culture has no objection to the project.
BC Hydro:	BC Hydro has no objection to the project.

SITE CHARACTERISTICS

<u>Existing Land Use:</u>	BC Hydro transmission corridor.
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Adjacent Area:

Direction	Existing Use	LAP Designation	Existing Zone
North (Across 56 Avenue):	Single Family Dwelling and Hydro Corridor	Suburban Residential (1 acre) and Open Space	RA
East (Across 128 Street):	Single Family Dwelling	Suburban Residential (1/2 acre) and Open Space	RH
South:	Single Family Dwelling and Hydro Corridor	Suburban Residential (1/2 acre) and Open Space	RH
West:	Single Family Dwelling and Hydro Corridor	Suburban Residential (1/2 acre) and Open Space	RH

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located at 12772 – 56 Avenue is zoned "Half-Acre Residential Zone (RH)", designated "Suburban Residential (1/2 Acre)" and "Open Space" in the West Panorama Ridge Local Area Plan (LAP), and designated "Suburban" in the Official Community Plan (OCP).
- The subject property is an oversized RH lot with a lot area of 7,967 square metres (85,758 sq. ft.).
- The majority of the property is constrained by a BC Hydro ROW that runs north – south within the western portion of the property. The ROW encumbers approximately 85% of the property, and results in 1,206 square metres (12,981 sq. ft.) of buildable area, which is located on the eastern portion of the lot. The buildable area is triangularly shaped, due to the BC Hydro ROW.
- Approximately half of the property is identified as having a Green Infrastructure Network Corridor (#72) located over it. The corridor is located on the western half of the lot, under a portion of the existing BC Hydro ROW.

Current Proposal

- The applicant is proposing a Development Permit for Sensitive Ecosystems (Green Infrastructure Areas) and a Development Variance Permit for reduced setbacks, to allow the construction of a new single family dwelling.

DEVELOPMENT PERMIT FOR SENSITIVE ECOYSTEMS

- In July 2014, Council endorsed the Biodiversity Conservation Strategy and the implementation measures it recommended to protect Surrey's streamside areas, natural habitats and sensitive ecosystems. This document identifies the use of a Development Permit Area (DPA) as an effective means to protecting Surrey's natural environmental areas.
- On September 12, 2016, Council approved amendments to the Official Community Plan (OCP) and the Zoning By-law (No. 12000) to implement a Sensitive Ecosystem DPA for the protection of the natural environment. These changes were detailed in Corporate Report No. R188, which was approved by Council on July 25, 2016. The amendment by-laws were given Final Adoption on September 12, 2016.
- A portion of the subject site falls within the Sensitive Ecosystem Development Permit Area due to Green Infrastructure Network (GIN) Corridor #72 running through the western half of the lot, within a portion of the BC Hydro ROW.
- In support of the Development Permit for Sensitive Ecosystems, the applicant submitted an Ecosystem Development Plan (EDP) prepared by Enkon Environmental, dated January 04, 2018 and which was revised on June 08, 2018.
- The Sensitive Ecosystem Development Permit guidelines recommend that a landscape buffer be planted adjacent to GIN corridors. However, staff considers landscaping to be unnecessary in this context, as the proposed dwelling will be setback approximately 35 metres (115 ft.) from the GIN corridor boundary, providing sufficient space for a functional rear yard and making encroachment unlikely. Further, the GIN corridor is fully located within the BC Hydro ROW where only limited development may occur.
- To protect the GIN corridor the EDP states that no grading, soil disturbances, installation of structures or removal of native vegetation may occur in the GIN area. Furthermore, the EDP requires that all future planting within the GIN corridor be native species and comply with BC Hydro's "Planting Near Power Lines" guideline. The requirements will also be reflected in the Development Permit for the project, should Council support the proposal.

BIODIVERSITY CONSERVATION STRATEGY

- The City of Surrey Biodiversity Conservation Strategy (BCS) Green Infrastructure Network (GIN) map, adopted by Council on July 21, 2014 (Corporate Report No. R141; 2014), identifies a Local BCS Corridor within the subject site, in the Colebrook BCS management area, with a Medium ecological value.
- The BCS further identifies the GIN area of the subject site as having a very low habitat suitability rating, derived from species at risk presence, species accounts and known ecosystem habitat inventories. The BCS recommends a target Corridor width of 50 meters (164 ft.), which represents approximately 50% of the property.

- Protecting green infrastructure Hubs (large habitat areas) and Sites (smaller habitat areas) are critical to preserving natural habitat refuges and a diversity of habitat features while maintaining/enhancing Corridors ensures connectivity between fragmented hubs for genetic variation throughout the City. The closest Biodiversity Hub connection in the GIN to the subject site is Colebrook Park, which is located approximately 850 metres (2,789 ft.) to the southeast.
- The proposed dwelling is not expected to affect the BCS corridor because the dwelling will be located approximately 35 metres (115 ft.) away and is located within an existing BC Hydro ROW.
- In order to protect the BCS corridor, grading, soil disturbances, installation of structures or removal of native vegetation will be prohibited, as specified within the EDP. Similarly, only limited improvements are permitted within the Hydro ROW given the restrictions that are placed on uses in these areas.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variances:

- to reduce the minimum front (east) yard setback of the Half-Acre Residential (RH) Zone from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) for the principal building; and
- to reduce the minimum side (north) yard setback on a flanking street of the Half-Acre Residential (RH) Zone from 7.5 metres (25 ft.) to 6.5 metres (21 ft.) for the principal building.

Applicant's Reasons:

- The buildable area on the property is constrained by an existing BC Hydro ROW. The proposed variance will allow for a more functional floor plan.

Staff Comments:

- Due to the presence of an existing BC Hydro transmission corridor, the subject 7,967 square metres (85,758 sq. ft.) site has only 1,206 square metres (12,981 sq. ft.) of developable area. The developable area is further constrained by its triangular shape, which is approximately 17 metres (56 ft.) deep at its widest point. For context, the minimum lot depth of a lot in the Single Family Residential (RF) Zone is 28 metres (90 ft.)
- The current buildable area would result in a long, narrow house that would be under the permitted floor area and lot coverage allowed under the RF Zone.
- Reducing the front yard setback to 4.6 metres (15 ft.) and the side yard setback on a flanking street to 6.5 metre (21 ft.) will allow for a more functional floor plan while still meeting the lot coverage and floor area requirements under the Zoning Bylaw.

- The properties to the north and east are across roadways, are heavily vegetated and have generous setback which should prevent the proposed setbacks from having any significant impact on the privacy of the adjacent properties.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary (Confidential)
- Appendix II. Engineering Summary
- Appendix III. Development Variance Permit No. 7917-0177-00

INFORMATION AVAILABLE ON FILE

- Environmental Report Prepared by Enkon Environmental Dated June 8, 2018.
- Complete Set of Architectural Plans prepared by Toora Home Plans, dated April, 2018.

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

BD/cm

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

TO: **Manager, Area Planning & Development
- South Surrey Division
Planning and Development Department**

FROM: **Development Engineer, Engineering Department**

DATE: **Aug 22, 2018** PROJECT FILE: **7817-0177-00**

RE: **Engineering Requirements
Location: 12772 - 56 Ave**

DEVELOPMENT PERMIT/DEVELOPMENT VARIANCE PERMIT

The following issues are to be addressed as a condition of *issuance of the Development Permit/Development Variance Permit*:

- A Restrictive Covenant is required to be registered on the title of the lands in order to restrict driveway access to 56 Avenue.

A processing fee of \$1,580.25 (GST included) is required to administer the legal document requirements.

The following issues are to be addressed as a condition of *issuance of the Building Permit*:

- Driveway to be constructed as per SSD-U.2.1.
- New water service connection and meter for the lot is required.
- This development is under Panorama ISMP; applicant should follow the drainage recommendations outlined in the ISMP; and
- Runoff from the roof to be directed to the pervious areas on the lot.



Tommy Buchmann, P.Eng.
Development Engineer

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0177-00

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: 011-946-814
Lot 1 except: Parcel A (Explanatory Plan 3159) Section 6 Township 2 New Westminster District
Plan 1082

12772 – 56 Avenue

(the "Land")
3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Part 14, Section F. Yards and Setbacks of Half-Acre Residential Zone (RH), the minimum Front Yard Setback (East) for the principal building is reduced from 7.5 metres (25 ft.) to 4.6 metres (15 ft.).
 - (b) In Part 14, Section F. Yards and Setbacks of Half-Acre Residential Zone (RH), the minimum Side Yard Setback on Flanking Street (North) for the principal building is reduced from 7.5 metres (25 ft.) to 6.5 metres (21 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. 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

Variance to reduce the side yard setback on a flanking street from 7.5 metres (25 ft.) to 6.5 metres (21 ft.)

Variance to reduce the front yard setback from 7.5 metres (25 ft.) to 4.6 metres (15 ft.)

