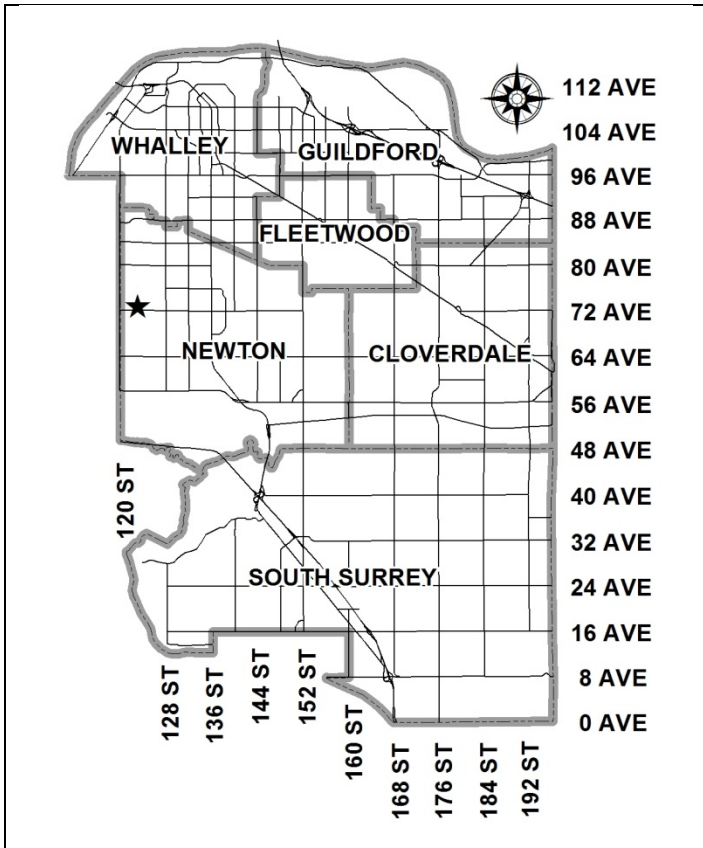


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0543-00

Planning Report Date: April 23, 2018



PROPOSAL:

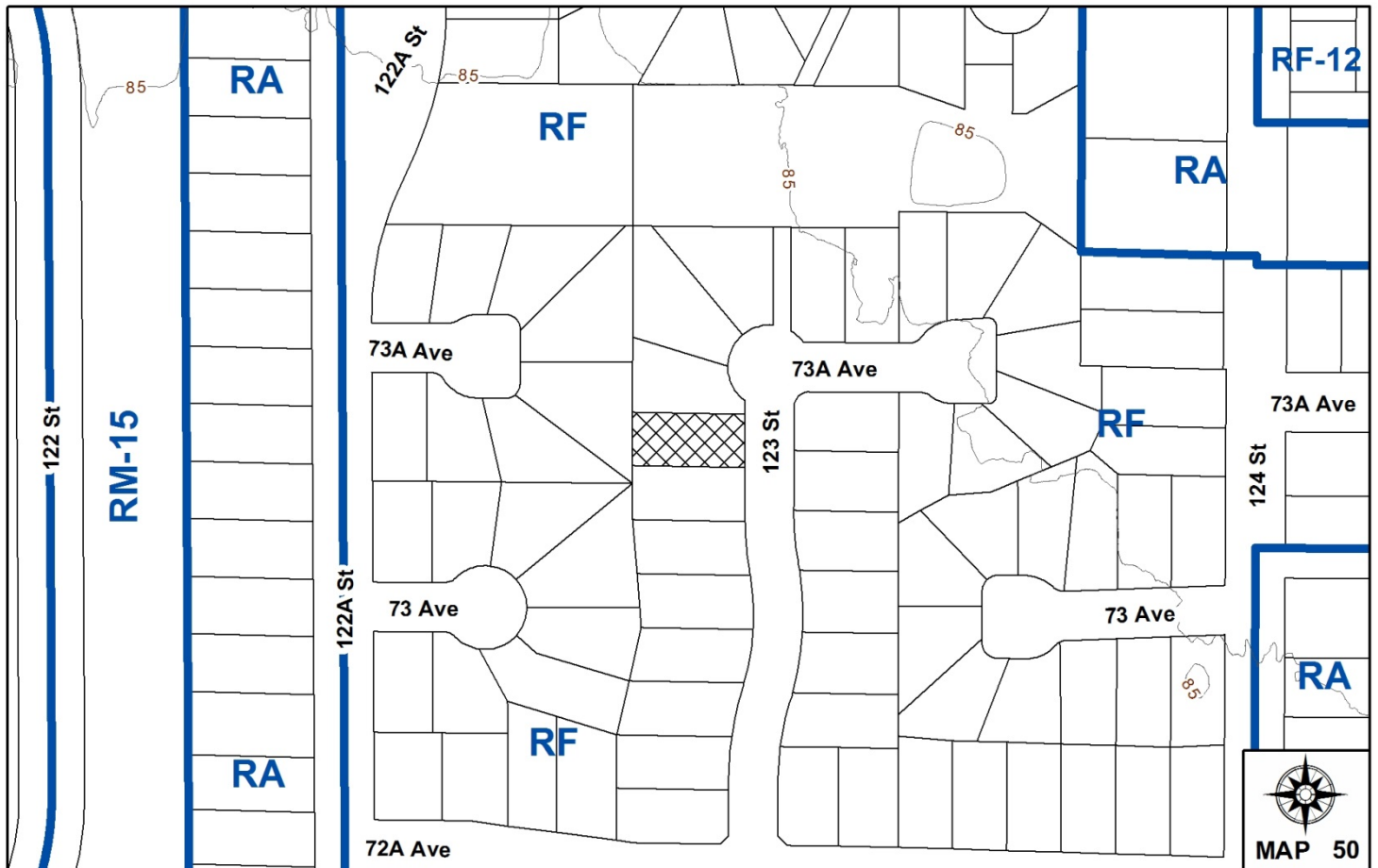
- Development Permit
- Development Variance Permit

for Sensitive Ecosystems and to reduce the minimum front yard setback to facilitate construction of a single family dwelling.

LOCATION: 7333 - 123 Street

ZONING: RF

OCP DESIGNATION: Urban



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 seeking to reduce the minimum front yard setback of the "Single Family Residential Zone (RF)".

RATIONALE OF RECOMMENDATION

- On September 12, 2016, Council gave Final Adoption to Text Amendment By-law No. 18809, which incorporates streamside protection regulations as Part 7A in the Zoning By-law and establishes a minimum 15 metre (50 ft.) setback from top of bank for all Class A stream types for lots of record.
- On September 12, 2016, Council also approved changes to the Official Community Plan (OCP) to create a new Sensitive Ecosystem Development Permit Area (DPA). The development guidelines for Sensitive Ecosystem DPAs require buildings to be located away from the Streamside Protection Area boundary as far as possible and for buffers to be established that are large enough to protect the ecological integrity of Sensitive Ecosystem Areas.
- The applicant is proposing to construct a new single family dwelling on the subject property close to the maximum size allowable under the Zoning By-law. If the proposed dwelling is located in such a way as to meet both the required front yard setback and Streamside Setback under the Zoning By-law, it would not leave an appropriately sized separation between the Streamside Protection Area boundary and the rear of the proposed dwelling.
- The reduced front yard (east) setback will allow the house to be sited closer to the front lot line, ensuring the Streamside Setback is adhered to, while also providing a reasonable separation of a minimum of 3.0 metres (10 ft.) between the Streamside Setback Area and the rear of the proposed house.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7917-0543-00 for Sensitive Ecosystems, generally in accordance with the Ecosystem Development Plan prepared by Marlim Ecological Consulting Ltd., dated March 2018.
2. Council approve Development Variance Permit No. 7917-0543-00 (Appendix II), to reduce the minimum front yard (east) setback of the "Single Family Residential Zone (RF)" from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) to the house and 6.6 metres (22 ft.) to the garage, to proceed to Public Notification.
3. Council instruct staff to resolve the following issues prior to Development Permit issuance:
 - (a) submission of a landscaping planting plan and landscaping cost estimate for the enhancement of the Streamside Setback Area, to the satisfaction of the City Landscape Architect;
 - (b) registration of a combined Restrictive Covenant/Statutory Right-of-Way against the property to ensure safeguarding and maintenance of the riparian protection area in perpetuity; and
 - (c) registration of a No Build Restrictive Covenant against the property until such time as the previous building infraction has been adequately addressed and the Landscaping works associated with the Development Permit are complete.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single Family Dwelling

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North, East, South & West:	Single family dwellings	Urban	RF

DEVELOPMENT CONSIDERATIONS

Background and Proposal

- The subject property is 675 square metre (7,265 sq. ft.) and is located on the west side of 123 Street, south of 73A Avenue.
- The site is designated "Urban" in the Official Community Plan (OCP) and is zoned "Single Family Residential Zone (RF)".
- The applicant is proposing to construct a new single family dwelling on the property.
- Cougar Creek, a red-coded watercourse, runs north-south and is located in the rear yards of the neighbouring properties to the east.
- On September 12, 2016, Council gave Final Adoption to Text Amendment By-law No. 18809, which incorporates streamside protection regulations as Part 7A in the Zoning By-law and establishes a minimum 15 metre (50 ft.) setback from top of bank for all Class A stream types for lots of record.
- On September 12, 2016, Council also approved changes to the Official Community Plan (OCP) to create a new Sensitive Ecosystem Development Permit Area (DPA). The development guidelines for Sensitive Ecosystem DPAs require buildings to be located away from the Streamside Protection Area boundary as far as possible and for buffers to be established that are large enough to protect the ecological integrity of Sensitive Ecosystem Areas.
- The applicant is proposing a Development Variance Permit to reduce the minimum front yard (east) setback from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) to the house and 6.6 metres (22 ft.) to the garage in order to construct a house close to the maximum size that is permitted under the Zoning By-law, while allowing sufficient space between the rear of the house and the fencing for the Streamside Protection Area.

Sensitive Ecosystem Development Permit

- The subject site falls within a Sensitive Ecosystem Development Permit Area (DPA) due to its proximity to Cougar Creek.
- The applicant submitted an Ecosystem Development Plan (EDP) prepared by Marlim Ecological Consulting Ltd., dated March 2018. The EDP proposes a Streamside Protection Area based on the City's Streamside Setback of 15 metres (50 ft.) from top of bank. The Streamside Protection Area will be separated from the remainder of the site by encroachment fencing immediately outside the Streamside Protection Area.
- The applicant has submitted a Landscape Planting Plan and cost estimate for the enhancement of the Streamside Protection Area. The Plan includes the removal of an existing fence along the west property boundary, the removal of a concrete slab, invasive species removal, planting of native trees and shrubs within the 192 square metre (2,065 sq. ft.) Streamside Protection Area, and the installation of encroachment fencing immediately outside the Protection Area.

- A combined Restrictive Covenant/Statutory Right-of-Way will be registered against the property to ensure the safeguarding and maintenance of the riparian protection area in perpetuity.

Previous Building Infraction

- The subject property had a previous building infraction from August 2010 related to an addition constructed at the rear of the existing home without permits.
- Although the addition has since been removed, the concrete slab for the addition remains, and therefore the demolition never received final acceptance from the City. The concrete slab is within the Streamside Protection Area.
- In order to ensure the concrete slab is satisfactorily removed prior to the construction of the proposed new dwelling, the applicant will be required to register a no build covenant on the title of the property. The no build covenant will require the applicant to complete the landscaping works detailed in the Landscape Planting Plan, as noted above, which includes removal of the concrete slab, planting of native species, and installation of encroachment fencing prior to a building permit being issued on the property for a single family dwelling.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum front yard (east) setback of the RF Zone from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) to the house and 6.6 metres (22 ft.) to the garage.

Applicant's Reasons:

- The reduced front yard setback will allow the proposed house to be sited closer to the front lot line, so that a house close to the maximum size permitted under the Zoning By-law can be achieved, while allowing a sufficient buffer between the rear of the house and the Streamside Protection Area.

Staff Comments:

- Under the "Single Family Residential Zone (RF)" in the Zoning By-law, except for the garage, the front yard setback may be relaxed at the lower floor level to 5.5 metres (18 ft.) for a maximum of 50% of the width of the principal building. The applicant is proposing a house layout whereby the front yard setback would be relaxed to 4.6 metres (15 ft.) for a maximum of 50% of the width of the principal building and the setback to the garage would be relaxed from 7.5 metres (25 ft.) to 6.6 metres (22 ft.). The proposed variance is therefore minimal.
- The reduced front yard setback will allow for a 3.0 metre (10 ft.) separation between the Streamside Setback Area and the rear of the house to allow sufficient rear access for house maintenance and passage without encroaching into the riparian area. Similarly, the setback will also allow for a small rear yard for the enjoyment of the residents.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary (Confidential)
Appendix II. Development Variance Permit No. 7917-0543-00

INFORMATION AVAILABLE ON FILE

- Ecosystem Development Plan Prepared by Marlim Ecological Consulting Ltd. dated March 2018

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

CB/da

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0543-00

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: 003-343-138
Lot 53 Section 19 Township 2 New Westminster District Plan 71098
7333 - 123 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Subsection F. Yards and Setbacks of Part 16 Single Family Residential Zone (RF), the minimum front yard setback is reduced from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) to the lower floor level of the house and 6.6 metres (22 ft.) to the garage.
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.
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.

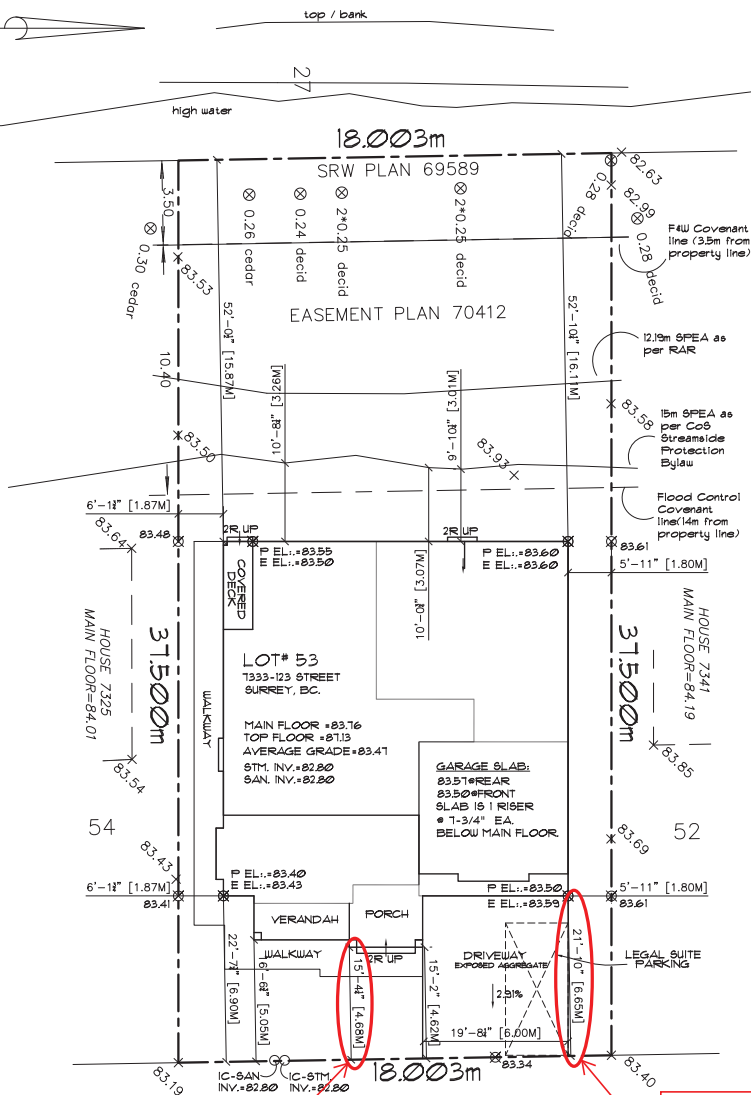
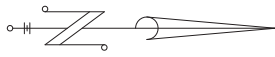
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF GILL DRAFTING LTD. AND MAY NOT BE REPRODUCED WITHOUT PERMISSION OF THE SAME.



Proposed minimum front yard setback to lower floor level of house: 4.6 m (15 ft.)

Proposed minimum front yard setback to garage: 6.6 m (22 ft.)

SITE PLAN
SCALE: 1/8" = 1'

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THIS PLAN AND DESIGN AND ITS COMPONENTS IS AND AT ALL TIMES REMAINS THE EXCLUSIVE PROPERTY OF GILL DRAFTING LTD. AND CANNOT BE USED IN WHOLE OR IN PART WITHOUT THE AUTHOR'S WRITTEN CONSENT. THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS. ALL ERRORS AND OMISSIONS ARE TO BE REPORTED TO GILL DRAFTING LTD. DO NOT SCALE THE DRAWINGS.
THE OWNER AGREES THAT ANY ATTEMPT BY THE OWNER TO USE THESE DRAWINGS FOR ANY PURPOSE CONSTITUTES ACCEPTANCE OF THE DRAWINGS BY THE OWNER. IT IS FURTHER AGREED THAT WITH ACCEPTANCE OF THESE DRAWINGS BY THE OWNER THE OWNER AGREES THAT ANY CLAIM SHALL BE LIMITED TO THE AMOUNT OF THE FEES PAID TO THE DESIGNER BY THE OWNER. DESIGNER WILL NOT BE RESPONSIBLE FOR COSTS INCURRED TO THE OWNER OR CONTRACTOR FOR ANY REASON AFTER BUILDING PERMIT HAS BEEN ISSUED.

THESE PLANS ARE IN COMPLIANCE WITH THE 2009 B.C. BUILDING CODE.

OWN: JUN	PROJECT NAME	DESIGNER ADDRESS:		REVISIONS	BY	DRAWING NO.	
SCALE: 1/8" = 1'-0"	PROPOSED RESIDENCE FOR NIRMAL SINGH GILL LOT # 53 @ 12333-123 STREET SURREY, BC	GILL DRAFTING LTD. SURREY DESIGN CENTRE UNIT #21 2871-16 AVE. SURREY, B.C. V3U 6E6 TEL: (604) 398-6886 FAX: (604) 398-6881 WEBSITE: WWW.GILLDRAFTING.COM				GD17-3884	
DATE: JULY 4/2017							SHEET NO.
CHKD: JPS							1 OF 10
PHONE: 604-600-6246							