

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7918-0022-00

Planning Report Date: June 11, 2018

**PROPOSAL:**

- **Development Variance Permit**
- **Restrictive Covenant Amendment**

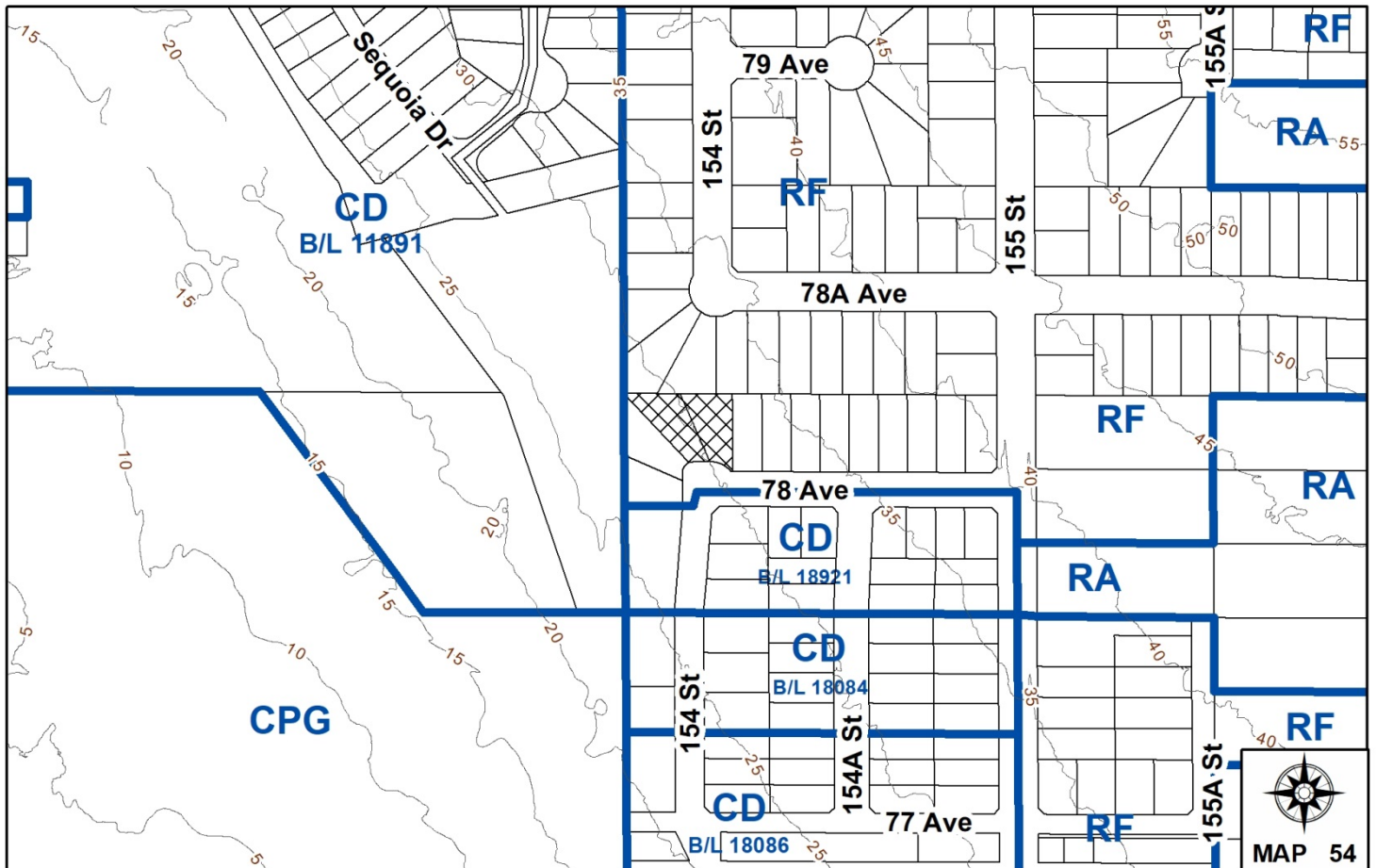
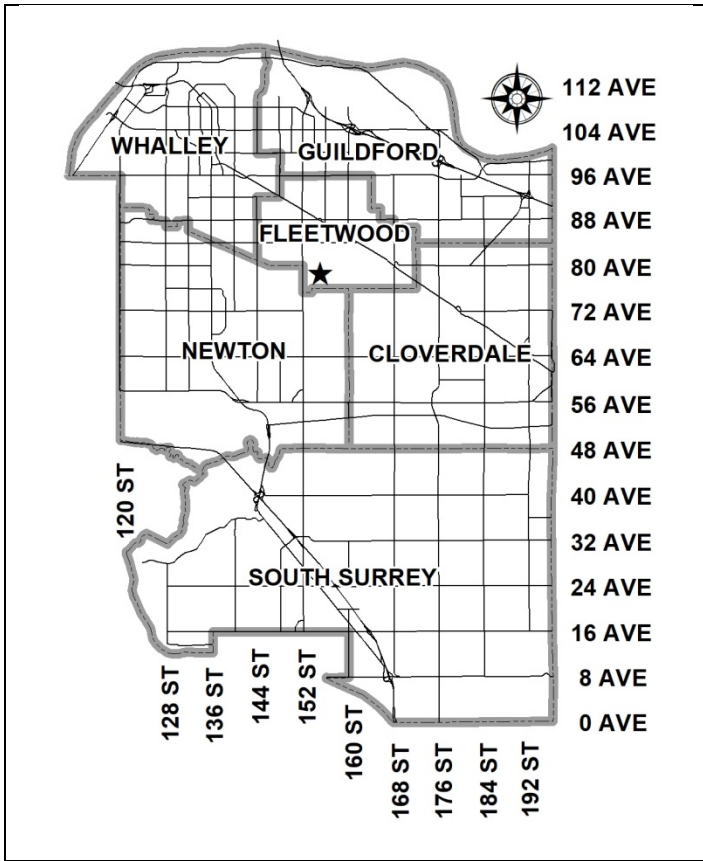
to reduce the minimum front yard setback in the RF zone for the garage portion of the principal building and to reduce the minimum rear yard setback specified in the restrictive covenant to the principal building.

**LOCATION:** 15401 and 15409 - 78 Avenue

**ZONING:** RF

**OCP DESIGNATION:** Urban

**NCP/LAP DESIGNATION:** Low-Medium Density Cluster (5 upa)/Private Landscape Buffer



### RECOMMENDATION SUMMARY

- 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 for the garage portion of the principal building from 7.5 metres (25 ft.) to 6.5 metres (21 ft.), and to reduce the rear yard setback for the principal building specified in the restrictive covenant from 15 metres (50 ft.) to 13.5 metres (44 ft.) for two (2) existing single family lots.

### RATIONALE OF RECOMMENDATION

- The subject lots are encumbered by a 7.5 metre (25 ft.) wide landscape buffer along the northern portion of the lots, which reduces the maximum Floor Area Ratio (FAR) achievable on each lot.
- The proposed front yard setback variance and covenant amendment will allow the applicant to build a more typical-sized RF Zoned house on the subject lots.
- The proposed front yard setback variance has no interface impact on neighbouring properties and the minimum required off-street parking can still be accommodated on the lots.
- The proposed amendment to the existing RC will provide any future house on the subject lots with a functional 6 metre (20 ft.) rear yard setback from the landscape buffer.
- Staff support the requested variance to proceed to Public Notification.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the applicant's proposed amendment to Restrictive Covenant CA6520809 reducing the rear yard building setback from the rear (north) lot line from 15 metres (50 ft.) to 13.5 metres (44 ft.) for the subject lots.
2. Council approve Development Variance Permit No. 7918-0022-00 (Appendix III), varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum front yard (south) setback of the RF Zone from 7.5 metres (25 ft.) to 6.5 metres (21 ft.) for the garage portion of the principal building on the subject lots.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Two (2) vacant single family lots.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single family dwellings	Urban in the OCP	RF
East (Across 155 Street):	Single family dwellings on acreage parcels under Application Nos. 7916-0080-00 and 7916-0223-00 (Third Reading)	¼-Acre Density (4 upa) in the Fleetwood Enclave Plan. Proposed for Low-Medium Density Cluster (5 upa).	RA (RF at Third Reading)
South (Across 78 Avenue):	Single family lots (recently approved) and unopened Park	Low-Medium Density Cluster (5 upa) and Open Space/Park in the Fleetwood Enclave Plan.	CD By-law No. 18921 (based on RF-G)
West:	Townhomes	Suburban in the OCP	CD By-law No. 11891 (based on R-1)

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject lots are located at 15401 and 15409 - 78 Avenue, on the north side of 78 Avenue, west of 155 Street. The lots are designated as "Low-Medium Density Cluster (5 upa)" in the Fleetwood Enclave Infill Area Concept Plan. The subject lots are designated "Urban" in the Official Community Plan (OCP) and zoned "Single Family Residential Zone (RF)".
- The subject lots were created as part of a twenty-nine (29) lot subdivision under Development Application No. 7915-0448-00, which was granted Final Adoption by Council on November 7, 2017. Under Application No. 7915-0448-00, the portion of the site north of 78 Avenue was rezoned from "General Agriculture Zone (A-1)" to "Single Family Residential Zone (RF)" in order to allow subdivision into 13 single family lots. The portion of the site south of 78 Avenue was rezoned from "General Agriculture Zone (A-1)" to "Comprehensive Development Zone (CD)" based on the RF-G Zone in order to allow subdivision into 15 single family lots (proposed Lots 14 to 28) and 1 lot for the purpose of open space (Lot 29).
- As part of Application No. 7915-0448-00, lots on the north side of 78 Avenue were required to have a larger 15.0-metre (50 ft.) rear yard setback to facilitate the installation of a 7.5 metre (25 ft.) wide landscape buffer, as per the Fleetwood Enclave Plan. This increased setback was secured through a restrictive covenant.
- The intent of the landscape buffer on private property is to soften the transition between the new developments in the Fleetwood Enclave area and the existing single family residential community to the north. The landscape buffers will be installed prior to the issuance of building permits on these lots and will be comprised of existing trees, new coniferous trees and native vegetation. A Section 219 Restrictive Covenant (RC) secures installation and maintenance of the buffer.
- Due to the existing RC for landscape buffer and the RF Zone setback requirements, the applicant is able to achieve a maximum house size of approximately 249 square metres (2,677 sq. ft.) on the lot at 15401 - 78 Avenue, which is 138 square metres (1,489 sq. ft.) less than the maximum permitted floor area under the RF Zone. On the lot at 15409 - 78 Avenue, the maximum house size is approximately 282 square metres (3,038 sq.ft.), which is 102 square metres (1,095 sq. ft.) less than the maximum permitted under the RF Zone, as shown in the table below:

Lot #	FAR Without Landscape Buffer	FAR With Landscape Buffer	Difference
15401 - 78 Avenue	387 sq. m (4,166 sq. ft.)	248.67 (2,677 sq. ft.)	138.33 sq. m. (1,489 sq. ft.)
15409 - 78 Avenue	384 sq. m. (4,133 sq. ft.)	282 sq. m. (3,038 sq. ft.)	102 sq. m. (1,095 sq. ft.)

Current Proposal

- The applicant is proposing a Development Variance Permit (DVP) to vary the front yard setback for the garage portion of the principal dwelling in the RF Zone from 7.5 (25 ft.) metres to 6.5 metres (21 ft.) for the subject lots.
- The applicant is also proposing to reduce the building setback from the rear (north) lot line as stipulated in the existing RC, from 15 metres (50 ft.) to 13.5 metres (44 ft.) for the subject lots. The amendment to the existing RC will provide any future house on the subject lots with a functional 6 metre (20 ft.) rear yard setback from the landscape buffer. Since this RC was a condition of rezoning, any modifications require Council approval.
- The applicant has retained Mike Tynan of Tynan Consulting Ltd., to conduct an analysis of the potential Floor Area Ratio (FAR) achievable on each lot, with and without the requested variance (Appendix II).
- The proposed DVP and RC Amendment will allow the applicant to achieve an additional 49 square metres (535 sq. ft.) of house size on the subject lots, without impacting the width of the rear yard landscaped buffer, as shown in the table below:

Lot #	FAR No Variance	FAR With Variance	Difference
15401 – 78 Avenue	249 sq. m. (2,677 sq. ft.)	298 sq. m. (3,212 sq. ft.)	49 sq. m (535 sq. ft.)
15409 – 78 Avenue	282 sq. m. (3,038 sq. ft.)	331 sq. m. (3,563 sq. ft.)	49 sq. m. (535 sq. ft.)

BY-LAW VARIANCE AND JUSTIFICATION

## (a) Requested Variance:

- To reduce the minimum front yard (south) setback of the RF Zone from 7.5 metres to 6.5 metres (21 ft.) for the garage portion of the principal building on the subject lots.

## Applicant's Reasons:

- The lots are encumbered by a landscape buffer along the northern portion of the site and the requested DVP is needed in order to construct a typical RF-sized house.

## Staff Comments:

- The requested DVP will not detract from the streetscape along 78 Avenue.
- The proposed variance has no interface impact on neighbouring properties and the minimum required off-street parking can still be accommodated on the lots.
- Staff support this variance to proceed to Public Notification.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary (Confidential) and Project Data Sheets
- Appendix II. Lot Layout
- Appendix III. Building Envelope/FAR Analysis
- Appendix IV. Development Variance Permit No. 7918-0022-00

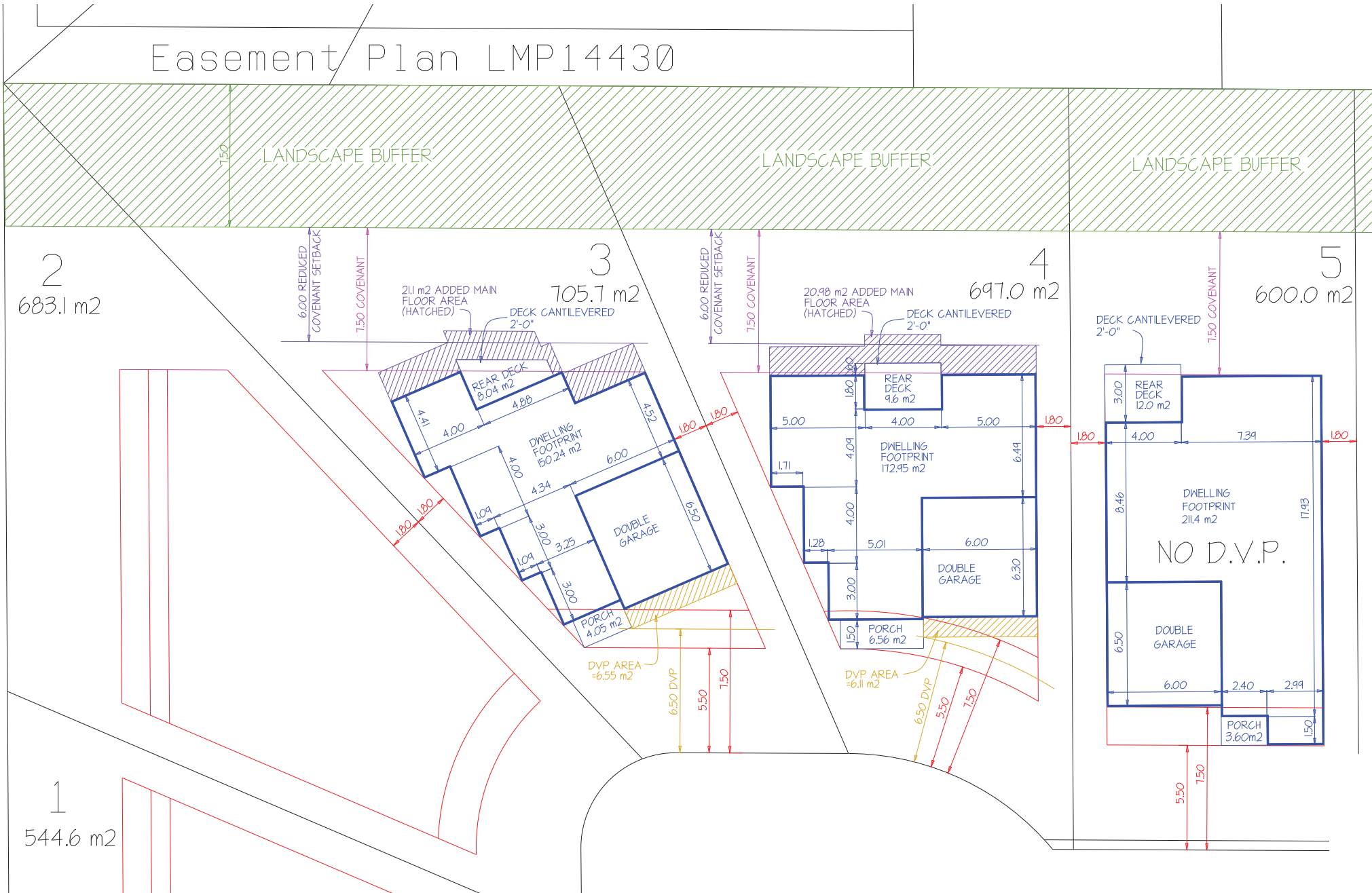
*original signed by Ron Gill*

Jean Lamontagne  
General Manager  
Planning and Development

RT/cm

APPENDIX I HAS BEEN  
REMOVED AS IT CONTAINS  
CONFIDENTIAL INFORMATION

## Easement Plan LMP14430





**Project :** 15-0448-00  
**Lot number** 3 with no DVP or Covenant change

**Zoning:** RF  
**Lot size:** 705.7

**ZONING BYLAW :**

Maximum Lot coverage:  
 Max. Floor Area

m2	sq.ft	% lot
260.17	2,800	36.9
387.00	4,166	54.8

**LOT COVERAGE:**

Main Floor area including Garage area  
 Front Porch / Veranda area  
 Rear Deck area

m2	sq.ft	%cov
138.15	1,487	92.0
4.05	44	2.7
8.04	87	5.4
<b>150.24</b>	<b>1,617</b>	100.0
<b>-109.93</b>	<b>-1,183</b>	

**Total achievable LOT COVERAGE**

\*\*\* Maximum lot coverage not achieved by :

**FLOOR AREA (incl garage)**

Minimum main floor footprint req'd to achieve max home  
 Largest main floor footprint achievable given setbacks

m2	sq.ft
215.00	2,314
138.15	1,487
<b>-76.85</b>	<b>-827</b>

**Achievable footprint too small by :**

**Plan illustrated :**

Main floor area including any garage at main floor level  
 Upper floor area (largest possible given main floor size))

m2	sq.ft	%area
138.15	1,487	55.6
110.52	1,190	44.4 0.87
<b>248.67</b>	<b>2,677</b>	100.0
19.00	205	
<b>-138.33</b>	<b>-1,489</b>	

**Total floor area incl. Garage and excl. Basement**

(assumed area open to below) =

\*\*\* Maximum floor area not achieved. Deficit =

**Comments :**

Note: This information is not to be used for legal agreements of any kind unless such use is approved in writing by Tynan Consulting Ltd. Values herein to be verified by owner and/or owner's designer prior to use.

**Project :** 15-0448-00  
**Lot number** 3 with DVP and Covenant change

**Zoning:** RF  
**Lot size:** 705.7

**ZONING BYLAW :**

Maximum Lot coverage:  
 Max. Floor Area

m2	sq.ft	% lot
260.17	2,800	36.9
387.00	4,166	54.8

**LOT COVERAGE:**

Main Floor area including Garage area  
 Front Porch / Veranda area  
 Rear Deck area

	m2	sq.ft	%cov
Main Floor area including Garage area	165.80	1,785	93.2
Front Porch / Veranda area	4.05	44	2.3
Rear Deck area	8.04	87	4.5
<b>Total achievable LOT COVERAGE</b>	<b>177.89</b>	<b>1,915</b>	100.0
<b>*** Maximum lot coverage not achieved by :</b>	<b>-82.28</b>	<b>-886</b>	

**FLOOR AREA (incl garage)**

Minimum main floor footprint req'd to achieve max home  
 Largest main floor footprint achievable given setbacks

	m2	sq.ft
Minimum main floor footprint req'd to achieve max home	215.00	2,314
Largest main floor footprint achievable given setbacks	165.80	1,785
<b>Achievable footprint too small by :</b>	<b>-49.20</b>	<b>-530</b>

**Plan illustrated :**

Main floor area including any garage at main floor level  
 Upper floor area (largest possible given main floor size))

	m2	sq.ft	%area
Main floor area including any garage at main floor level	165.80	1,785	55.6
Upper floor area (largest possible given main floor size))	132.64	1,428	44.4 0.86
<b>Total floor area incl. Garage and excl. Basement</b>	<b>298.44</b>	<b>3,212</b>	100.0
(assumed area open to below) =	19.00	205	
<b>*** Maximum floor area not achieved. Deficit =</b>	<b>-88.55</b>	<b>-953</b>	

**Comments :**

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**Project :** 15-0448-00  
**Lot number** 4 with no DVP or Covenant change

**Zoning:** RF  
**Lot size:** 697.0

**ZONING BYLAW :**

Maximum Lot coverage:  
 Max. Floor Area

m2	sq.ft	% lot
258.27	2,780	37.1
383.95	4,133	55.1

**LOT COVERAGE:**

Main Floor area including Garage area  
 Front Porch / Veranda area  
 Rear Deck area

**Total achievable LOT COVERAGE**

\*\*\* Maximum lot coverage not achieved by :

m2	sq.ft	%cov
156.80	1,688	90.7
6.56	71	3.8
9.60	103	5.6
172.95	1,862	100.0
-85.32	-918	

**FLOOR AREA (incl garage)**

Minimum main floor footprint req'd to achieve max home  
 Largest main floor footprint achievable given setbacks

**Achievable footprint too small by :**

m2	sq.ft
213.31	2,296
156.80	1,688
-56.51	-608

**Plan illustrated :**

Main floor area including any garage at main floor level  
 Upper floor area (largest possible given main floor size))

**Total floor area incl. Garage and excl. Basement**

(assumed area open to below) =

\*\*\* Maximum floor area not achieved. Deficit =

m2	sq.ft	%area
156.80	1,688	55.6
125.44	1,350	44.4 0.86
282.23	3,038	100.0
19.00	205	
-101.72	-1,095	

**Comments :**

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**Project :** 15-0448-00  
**Lot number** 4 with DVP and Covenant change

**Zoning:** RF  
**Lot size:** 697.0

**ZONING BYLAW :**

Maximum Lot coverage:  
 Max. Floor Area

m2	sq.ft	% lot
258.27	2,780	37.1
383.95	4,133	55.1

**LOT COVERAGE:**

Main Floor area including Garage area  
 Front Porch / Veranda area  
 Rear Deck area

m2	sq.ft	%cov
183.89	1,979	91.9
6.56	71	3.3
9.60	103	4.8

<b>Total achievable LOT COVERAGE</b>	<b>200.04</b>	<b>2,153</b>	100.0
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\*\*\* Maximum lot coverage not achieved by : **-58.23** **-627**

**FLOOR AREA (incl garage)**

Minimum main floor footprint req'd to achieve max home  
 Largest main floor footprint achievable given setbacks

m2	sq.ft
213.31	2,296
183.89	1,979

<b>Achievable footprint too small by :</b>	<b>-29.42</b>	<b>-317</b>
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**Plan illustrated :**

Main floor area including any garage at main floor level  
 Upper floor area (largest possible given main floor size))

m2	sq.ft	%area
183.89	1,979	55.6
147.11	1,583	44.4 0.85

<b>Total floor area incl. Garage and excl. Basement</b>	<b>330.99</b>	<b>3,563</b>	100.0
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(assumed area open to below) =

\*\*\* Maximum floor area not achieved. Deficit = **-52.96** **-570**

**Comments :**

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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7918-0022-00

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: 030-333-822

Lot 3 Section 23 Township 2 New Westminster District Plan EPP76644

15401 - 78 Avenue

Parcel Identifier: 030-333-831

Lot 4 Section 23 Township 2 New Westminster District Plan EPP76644

15409 - 78 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section F of Part 16 "Single Family Residential Zone (RF)" the minimum front yard (south) setback for garage portion of the 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 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 .

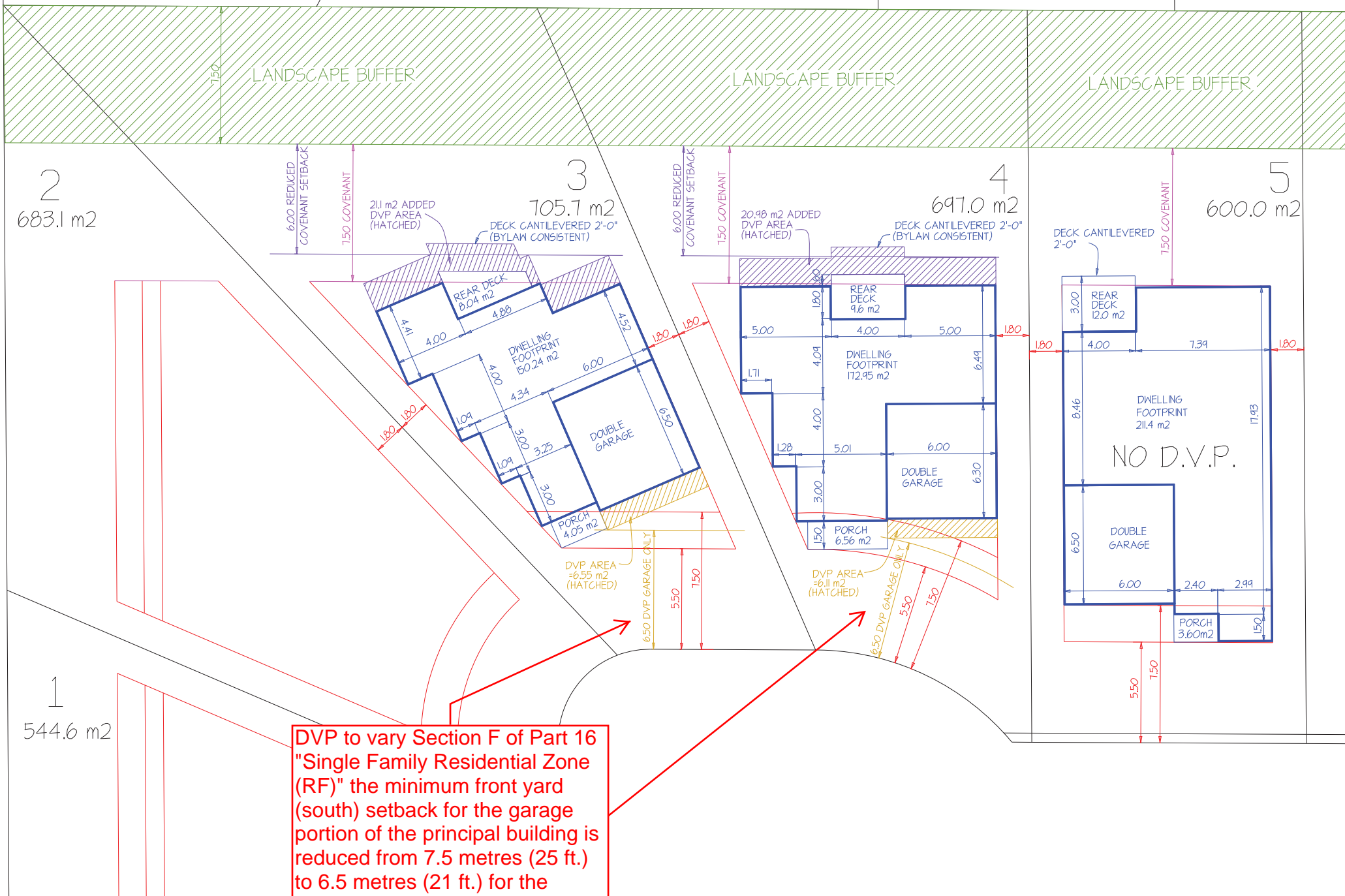
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Mayor – Linda Hepner

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City Clerk – Jane Sullivan

Easement Plan LMP14430



DVP to vary Section F of Part 16 "Single Family Residential Zone (RF)" the minimum front yard (south) setback for the garage portion of the principal building is reduced from 7.5 metres (25 ft.) to 6.5 metres (21 ft.) for the subject lots.