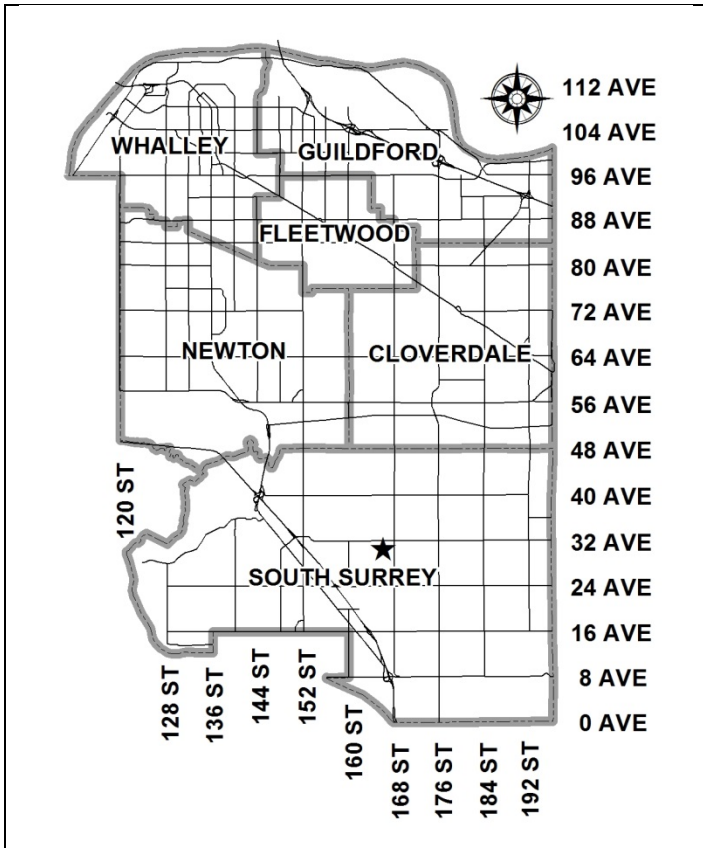


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0048-00

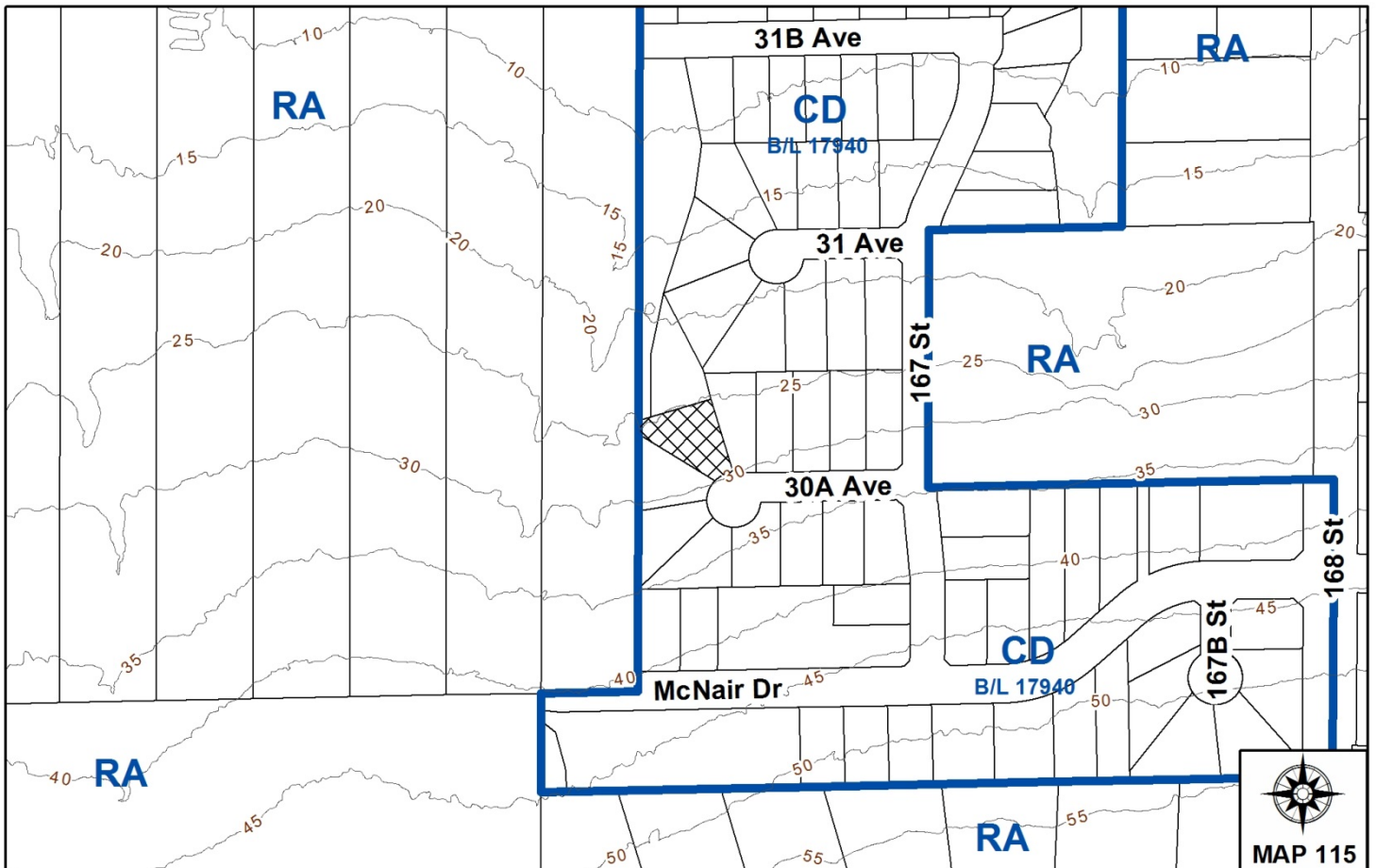
Planning Report Date: May 28, 2018



PROPOSAL:

- **Development Variance Permit**
to reduce the minimum streamside setback.

LOCATION: 16659 - 30A Avenue
ZONING: CD (By-law No. 17940)
OCP DESIGNATION: Suburban
NCP DESIGNATION: Single Detached (2 u.p.a.)



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking variance to reduce the minimum distance (setback) from top of bank for a Class B ditch in Part 7A of Zoning By-law.

RATIONALE OF RECOMMENDATION

- The subject lot is part of a subdivision which was approved under Development Application No. 7911-0223-00 in 2013, prior to the adoption of Part 7A Streamside Protection in the Zoning By-law.
- Upon subdivision, approximately 15% of the gross site area was conveyed to the City as open space in the form of a 20 metre (66 ft.) wide buffer along 32 Avenue, the protection and enhancement of two Class "B" watercourse riparian areas, and the dedication of a neighbourhood passive park.
- Under the development application, the applicant provided a Riparian Area Regulation (RAR) assessment which demonstrated that all of the lots in the proposed subdivision were compliant with RAR.
- Prior to issuing the Building Permit for the proposed dwelling, a variance to the new streamside regulation is required.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7918-0048-00 (Appendix II) to reduce the minimum setback distance from the top-of-bank for a Class B creek from 15 metres (50 ft.) to 10.4 metres (34 ft.) at its narrowest point, measured from the top-of-bank to the west lot line, to proceed to Public Notification.

REFERRALSEngineering:

The Engineering Department has no objection to the project. However, as a condition of issuance of the subsequent Building Permit, the applicant must confirm that the proposed works within the reduced setback area do not disturb the onsite rock pit and lawn basin drainage overflow system as required under project 7811-0223-00.

SITE CHARACTERISTICS

Existing Land Use: Vacant Single Family Lot

Adjacent Area:

Direction	Existing Use	NCP Designation	Existing Zone
North:	Single family lots	Single Family Detached (2 u.p.a.)	CD (By-law No. 17940)
East:	Single family lots	Single Family Detached (2 u.p.a.)	CD (By-law No. 17940)
South:	Single family lots	Single Family Detached (2 u.p.a.)	CD (By-law No. 17940)
West:	Single family acreage under application to develop into small suburban lots (7915-0336-00)	Proposed Open Space	RA

DEVELOPMENT CONSIDERATIONS

- The applicant is proposing to construct a single family dwelling on the subject lot.
- The subject lot was created as part of Development Application No. 7911-0223-00, which was approved in 2013 for an amendment to the North Grandview Heights Neighbourhood Concept (NCP) and rezoning to CD (By-law No. 17940) to allow to subdivision into 38 suburban single family lots.
- On September 12, 2016, Council approved changes to the Official Community Plan (OCP) and the Zoning By-law to implement a Sensitive Ecosystem DPA and Streamside Protection Measures, collectively known as Surrey's Ecosystem Protection Measures, for the protection of

the natural environment, including riparian areas. These changes were detailed in Corporate Report No. R188, which was approved by Council on July 25, 2016.

- During drafting of the Streamside Protection Measures, staff were aware that its implementation would create a number of non-conforming sites throughout the City of Surrey. As such, it was anticipated that Development Variance Permit (DVP) applications could be considered in specific extenuating circumstances.
- As part of the Development Application No. 7911-0223-00, the applicant had provided a Riparian Area Regulation (RAR) assessment report and peer review for the two Class B watercourses on the site, which were approved at a minimum of 10.0 metres (30 ft.) and an average of 15 metres (49 ft.) from the top of bank.
- Although the subject site is located within the newly established Sensitive Ecosystem DPA, a Sensitive Ecosystem Development Permit and accompanying Ecosystem Development Plan will not be required. However, prior to issuing the Building Permit, a Development Variance Permit is required.
- The applicant had the option of applying for a Development Variance Permit or Development Permit to complete landscape work within the required setback area. The subject property owner was advised of the Development Permit option; however, indicated interest in proceeding with the Development Variance Permit.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum distance (setback) from top-of-bank in Part 7A of the Zoning By-law from 15 metres (50 ft.) to 10.4 metres (34 ft.) to the west property line.

Applicant's Reasons:

- The lot was created under Development Application No. 7911-0223-00, which conveyed approximately 15% of the site to the City for open space purposes.
- There is a Restrictive Covenant registered for the subject property for tree replacement in the rear yard. The applicant feels that rear yard is encumbered with setback requirements. The reduced setback to the side yard will allow for a useful back yard space.

Staff Comments:

- Under the original development application (7911-0223-00), the applicant had provided a Riparian Area Regulation (RAR) assessment and peer review for the two Class B watercourses, which set a minimum 10.0 metres (30 ft.) and an average of 15 metres (49 ft.) setback from top-of-bank. Prior to issuing the Building Permit, a Development Variance Permit would be required.

- As the site was developed prior to the implementation of the Streamside Protection Measures in the Zoning Bylaw, and setbacks to the west property line are RAR compliant, staff have no objections to the proposed variance.

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. Development Variance Permit No. 7918-0048-00

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

HS/da

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7918-0048-00

Issued To:

Address of Owner:

(collectively referred to as the "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: 029-675-553
Lot 33 Section 24 Township 1 Plan EPP50321

16659 30A Ave

(the "Land")
3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In the table in Section B.2 of Part 7A "Streamside Protection", the minimum distance from top of bank for Class B "Creek" is reduced from 15 metres (50 ft.) to 10.4 metres (34 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.
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

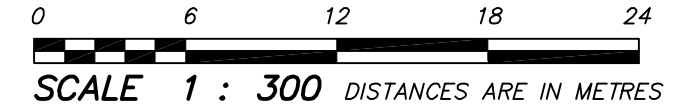
City Clerk – Jane Sullivan

**B.C. LAND SURVEYORS SURVEY PLAN
SHOWING CREEK TOP OF BANK LOCATED
WEST OF LOT 33 SECTION 24 TOWNSHIP 1
NWD PLAN EPP50321**

PID : 029-675-553

CIVIC ADDRESS :

16659 - 30A AVENUE
SURREY, B.C.



Seeking variance to reduce the minimum distance setback from top of bank for a Class B creek from 15 metres to 10.4 metres.

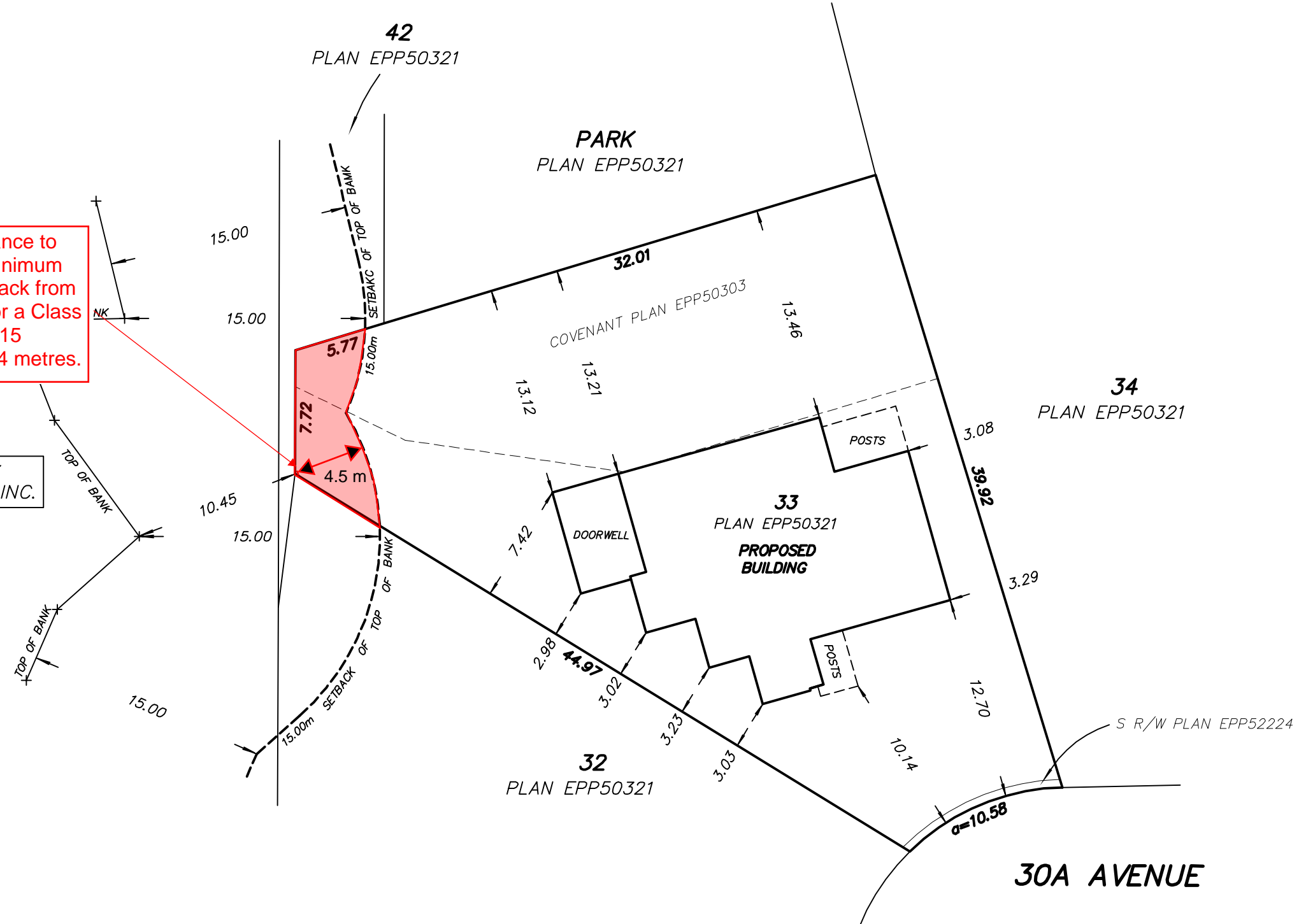
TOP OF BANK DEFINED BY ENVIROWEST CONSULTANTS INC.

Lot dimensions and clearances according to Plan EPP50321.

This plan does not show non-plan charges, liens or interests.

This plan was prepared for inspection purposes and is for the exclusive use of our client. The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made or actions taken based on this document. This documents shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

CERTIFIED CORRECT THIS 29th DAY OF JANUARY, 2018.



B.C.L.S.
LAKHJOT S. GREWAL

© GREWAL & ASSOCIATES
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DWG : 1706-050 CREEK2