

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0094-00

Planning Report Date: January 14, 2019

PROPOSAL:

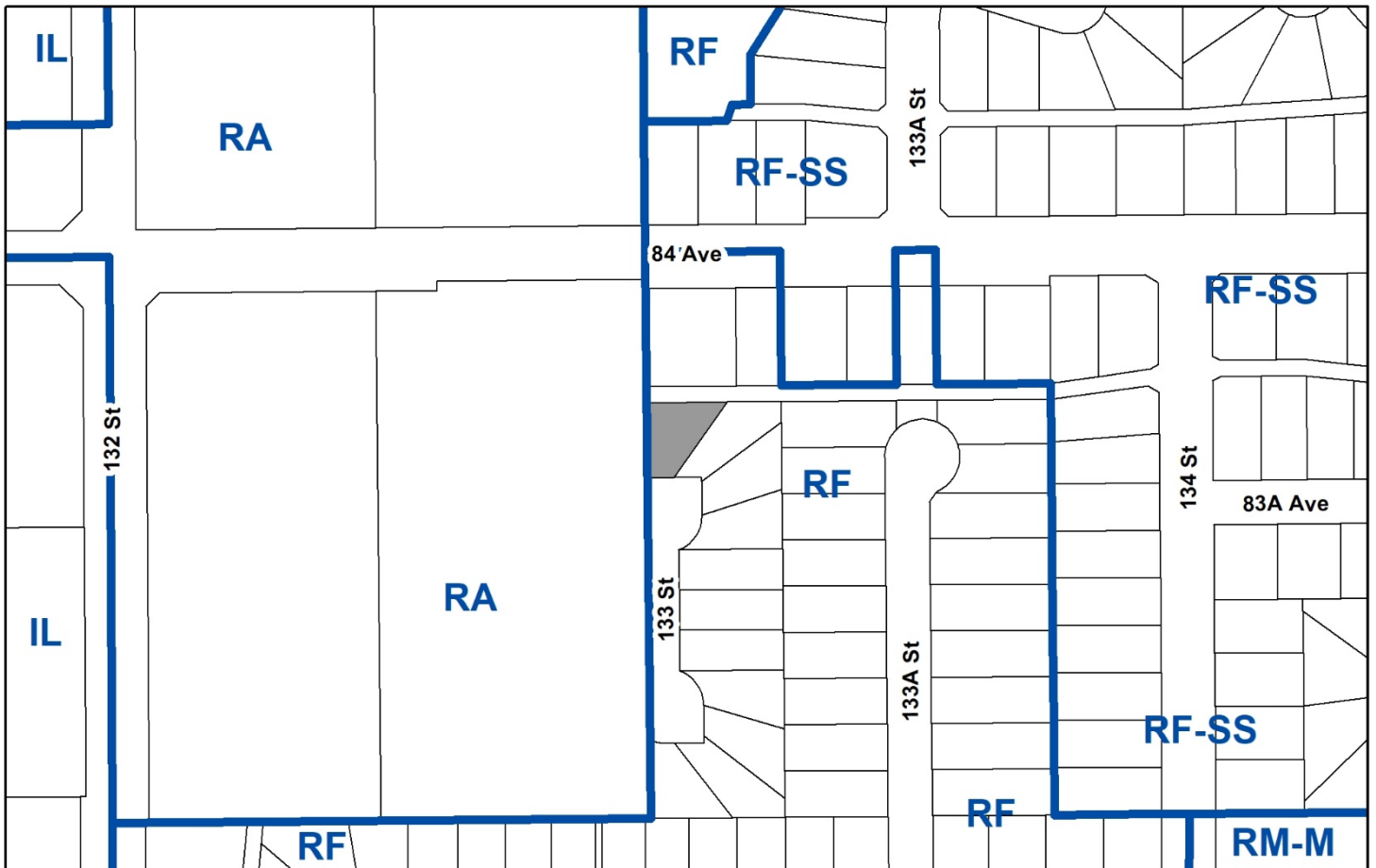
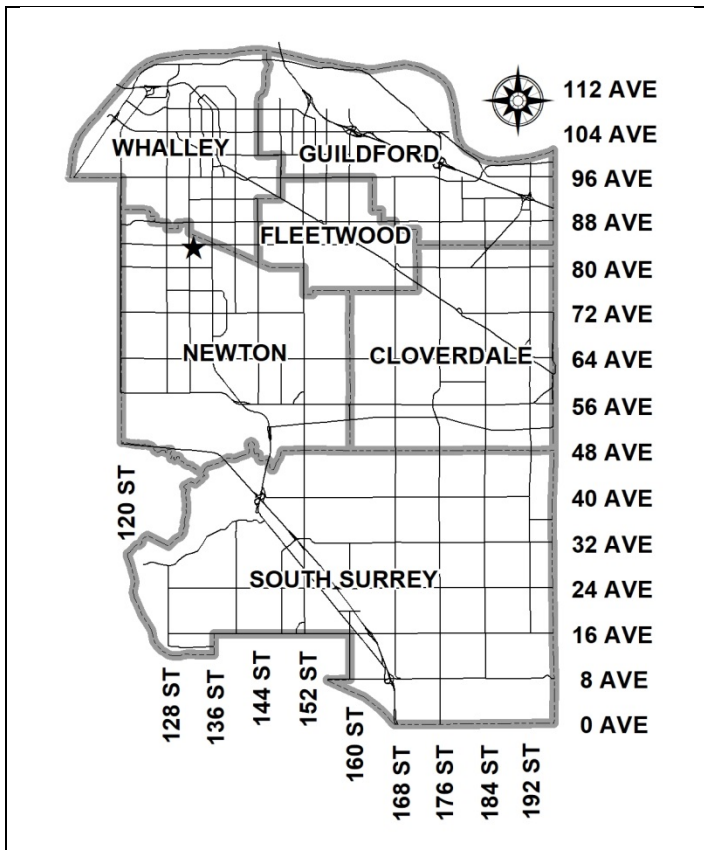
- Restrictive Covenant amendment
- Development Variance Permit

to permit the construction of a single family dwelling on the eastern portion of an existing lot.

LOCATION: 8388 - 133 Street

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is proposing to amend the existing "no build" restrictive covenant that is registered on the lot. The applicant is also proposing a Development Variance Permit to reduce the minimum required setbacks for a principal building, and to relax the "80/20 rule" required under the "Single Family Residential Zone (RF)" in order to construct a single family dwelling.

RATIONALE OF RECOMMENDATION

- A "no build" restrictive covenant (RC) was registered on the subject lot in 1996 through Development Application No. 7993-0435-00. The RC is proposed to be discharged from the property once access to 133 Street is provided from 132 Street through the development of properties to the west. As there is no indication that these adjacent properties will develop in the near term, the proposed amended covenant and development variance permit will allow for the construction of a custom-designed single family dwelling on the lot rather than leaving it vacant.
- The proposed variance to the "80/20" rule will accommodate a more functional buildable floor area, and the proposed architectural design and massing is reasonable. The design of the dwelling is considered an interim solution and the ultimate design of the dwelling will be achieved when the temporary access lane is discharged. When the temporary access lane is discharged, additions to the proposed dwelling will ensure the dwelling complies with the "80/20" rule.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7918-0094-00 (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum rear yard setback of the "Single Family Residential Zone (RF)" from 7.5 metres (25 ft.) to 1.8 metres (6 ft.); and
 - (b) to reduce the minimum offset for the second floor of a single family dwelling of the "Single Family Residential Zone (RF)" from 20% to 9.7%.
2. Council approve a Restrictive Covenant amendment to allow construction of a single family dwelling on the east portion of the subject site.
3. Council instruct staff to resolve the following issues prior to final approval:
 - (a) ensure that all engineering requirements and issues are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of an acoustical report and registration of a Section 219 Restrictive Covenant to ensure implementation of noise mitigation measures; and
 - (c) release of the existing "no build" Restrictive Covenant from title of the subject lot, and registration of an amended Section 219 Restrictive Covenant: (1) for "no build" over the west portion of the subject lot; and (2) to ensure the proposed residence is constructed in accordance with the design plans shown in Appendix II.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering requirements as outlined in Appendix III.

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lot.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across lane):	Temporary access lane and single family dwellings.	Urban	RF
East:	Single family dwellings.	Urban	RF
South:	Single family dwellings.	Urban	RF
West:	Active heritage farm.	Urban	RA

DEVELOPMENT CONSIDERATIONSBackground

- The subject lot is 560 square metres (6,028 sq. ft.) in size and is located on 133 Street, south of 84 Avenue. The property is vacant and designated "Urban" in the Official Community Plan (OCP) and is zoned "Single Family Residential Zone (RF)".
- The subject lot was created in 1996 through Development Application No. 7993-0435-00. To provide access to the lots south of the subject site, a temporary access lane was provided with a Right-of-Way registered over a portion of the property. A "no build" restrictive covenant was also registered on the entire lot.
- The temporary access lane, Right-of-Way and "no build" restrictive covenant were intended to be discharged once access to 133 Street was provided from 132 Street through the development of the lands to the west. A concept for the block was also provided through Development Application No. 7993-0435-00.
- The lands to the west are occupied by an active heritage farm, with no indication of being developed in the near future.

Current Proposal

- The applicant proposes to amend the "no build" restrictive covenant to allow construction of a custom-designed single family dwelling on the east portion of the lot, while maintaining the temporary access lane and Right-of-Way on the remainder of the lot.
- While the proposed dwelling does not include a garage, the applicant proposes to locate the required three (3) parking spaces on the portion of the lot where the house is proposed to be constructed. Three parking spaces are required to be provided to accommodate a secondary suite which is permitted under the RF Zone. Planning and Engineering (Transportation) staff has reviewed the proposed parking arrangement and have no concerns.

- The applicant proposes to construct a single family dwelling with an accessory building located at the rear of the property adjacent to the lane. The principal building and accessory building comply with the minimum required setbacks of the RF Zone, however, the accessory building is connected to the principal building below grade at the basement. Therefore, it is considered part of the principal building, and must comply with the minimum principal building setbacks.
- The applicant is proposing a Development Variance Permit to reduce the minimum required rear yard setback for a principal building from 7.5 metres (25 ft.) to 1.8 metres (6 ft.).
- Under the provisions of the RF Zone, the maximum permitted floor area of a second storey for a principal building must not exceed 80% of the floor area of the main floor level, and the reduced floor area of the second storey must be accomplished by an offset at the second storey level from the wall at the main floor level from either the front or side walls or a combination thereof, as would be visible from the street (the "80/20" rule). The second storey of the proposed dwelling conforms to the maximum 80% provision.
- While the proposed dwelling conforms to the maximum 80% floor area of a second storey, the applicant is proposing to vary the "80/20" rule to reduce the minimum required offset from 20% to 9.7%. The RF Zone required 20% offset is measured at the front or sides of a dwelling, as can be seen from the fronting street. The proposed dwelling achieves a 9.7% offset at the western side and rear of the principal building.
- Should the proposal be supported by Council, the applicant will be required to submit an Acoustical Report and to register a Section 219 Restrictive Covenant for noise mitigation given the proximity of the dwelling to the adjacent temporary access lane. The recommendations of the Acoustical Report will be incorporated into the building design and materials used to ensure livability of the dwelling while the temporary access lane remains in place.
- The applicant is also required to release the subject lot from the existing "no-build" Restrictive Covenant and register an amended Section 219 Restrictive Covenant over the west portion of the subject lot for a "no-build" and over the east portion of the lot to ensure the buildings are built in accordance with the approved building plans. A "no-build" Restrictive Covenant for the west portion of the lot is required to restrict development over this area until access to 133 Street is provided from 132 Street through the development of the lands to the west.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard setback for a principal building of the RF Zone from 7.5 metres (25 ft.) to 1.8 metres (6 ft.)

Applicant's Reasons:

- The proposed variance will allow the construction of a single family dwelling on a portion of a remnant lot and allow the applicant to maximize the buildable area for the small portion of the site that is located outside the temporary access lane and Right-of-Way.

- The reduced rear yard setback will allow for a more functional layout.
- The accessory building complies with the minimum required setbacks if it was not connected to the principal building at the basement. To this end, the accessory building complies with the minimum required rear yard and side yard setback as viewed from the street.

Staff Comments:

- The accessory building is connected to the principal building below grade at the basement and therefore is considered part of the principal building and is required to comply with the principal building setbacks.
- If the principal building and accessory building were not connected at the basement then the principal building and accessory building would comply with the minimum required setbacks of the RF Zone.
- The RF Zone requires a minimum 1.8 metre (6 ft.) side yard setback for principal buildings, however, this may be reduced to 1.2 metres (4 ft.) provided the side yard setback on the opposite side is increased to a minimum of 2.4 metres (8 ft.). The proposed dwelling provides a west side yard setback greater than 2.4 metres and therefore is permitted to reduce the east side yard setback for a principal building to 1.2 metres (4 ft.).
- As viewed from the rear lane the massing of the proposed accessory building is appropriate and would comply with the minimum required setback for an accessory building if it was not connected to the principal building at the basement. As a result, the reduced rear yard setback will have minimal impact on adjacent properties.

(b) Requested Variance:

- To reduce the minimum required offset of a second floor in relation to the main floor of the RF Zone from 20% to 9.7%.

Applicant's Reasons:

- The applicant is proposing to construct an architecturally unique house on a small portion of a remnant lot. Adhering to the minimum 20% offset for the second storey would further reduce the livable area of the proposed dwelling.

Staff Comments:

- The proposed reduction of the second storey offset will not vary or increase the density permitted under the RF Zone; but will allow the applicant more flexibility in designing a dwelling on the portion of the lot that is not encumbered by the temporary access lane and statutory right-of-way.
- The total floor area of the proposed dwelling is approximately 222 square metres (2,394 sq. ft.) excluding basement. The maximum floor area permitted under the current RF Zone for the subject lot is 336 square metres (3,624 sq. ft.). To this end, there would be approximately 114 square metres (1,227 sq. ft.) of buildable floor area remaining for future construction when the temporary lane (SROW area) is no longer required.
- In relation to above, the proposed variance to reduce the second storey offset will have minimal impact on surrounding properties as the maximum floor area that can be achieved on this lot under the RF Zone will not be built at this time. When the “no-build” Restrictive Covenant restricting building over the west portion of the lot is discharged, future additions to the dwelling will be required to bring the entire home into conformance with the provisions of the RF Zone, including the minimum 20% offset for a second storey.
- Should the applicant wish to construct an addition to the proposed dwelling at the time the “no build” restrictive covenant and temporary access lane are discharged, the addition must fully comply with the provisions of the RF Zone for floor area ratio, setbacks, and lot coverage. As the variance proposed through this application would only apply to the proposed dwelling, any future proposed additions would need to ensure the entire dwelling conforms to the RF Zone.

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.	Site Plan and Building Design Drawings
Appendix III.	Engineering Requirements
Appendix IV.	Development Variance Permit No. 7918-0094-00

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

KS/cm

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

DEVELOPMENT DATA SHEET

APPENDIX I

Existing Zoning: RF

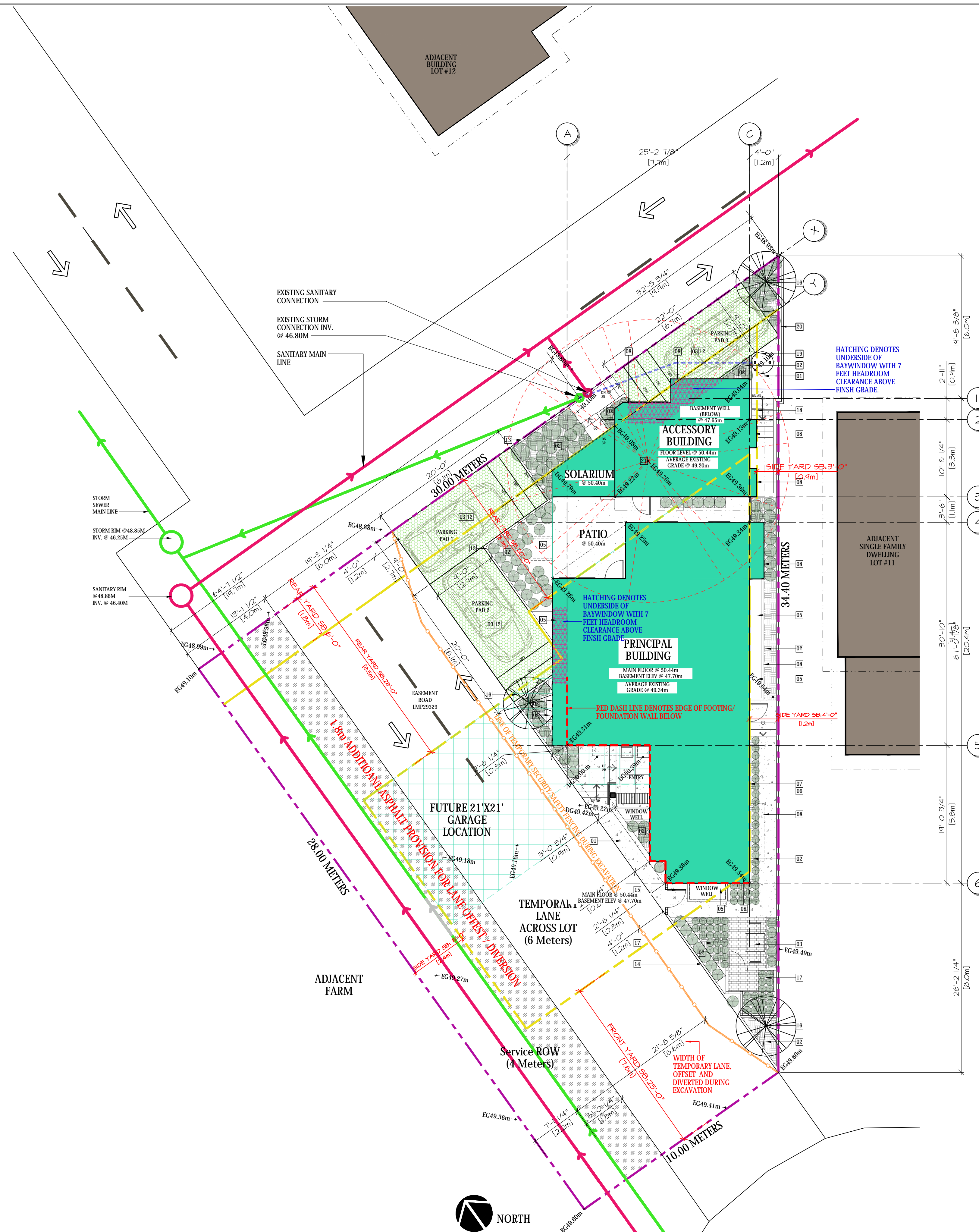
Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)	N/A	560
Gross Total		
Road Widening area		
Undevelopable area		
Net Total	N/A	560
LOT COVERAGE (in % of net lot area)	40%	27.2%
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	7.5	7.5
Rear	7.5	1.8
Side #1 (E)	1.2	1.2
Side #2 (W)	2.4	10.1
BUILDING HEIGHT (in metres/storeys)	9	8.5
Principal		
Accessory		
NUMBER OF RESIDENTIAL UNITS	N/A	N/A
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential	336 square metres	222 square metres
FLOOR AREA: Commercial	N/A	N/A
Retail		
Office		
Total		
FLOOR AREA: Industrial	N/A	N/A
FLOOR AREA: Institutional	N/A	N/A
TOTAL BUILDING FLOOR AREA	336 square metres	222 square metres

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY	N/A	N/A
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)		
AMENITY SPACE (area in square metres)	N/A	N/A
Indoor		
Outdoor		
PARKING (number of stalls)	N/A	N/A
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces		
Number of accessible stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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SITE PLAN LEGEND	
[Symbol]	CONCRETE WALKWAY
[Symbol]	SOFT LANDSCAPE (NON GRASS/SHRUBS)
[Symbol]	HARD LANDSCAPE (PAVER TYPE)
[Symbol]	SOD
[Symbol]	WINDOW WELL
[Symbol]	GAS METER LOCATION (ACCESS TO BE DETERMINED WITH FORTIS GAS)
[Symbol]	POWER METER LOCATION (ACCESS AND SETUP (TO BE DETERMINED WITH BC HYDRO))
[Symbol]	BAY WINDOW OR HUTCH (SEE FLOOR PLAN DRAWINGS) SOFT LANDSCAPE (NON GRASS/SHRUBS)
[Symbol]	SANITARY LINE
[Symbol]	STORM LINE
[Symbol]	DOMESTIC WATER LINE SUPPLY POINT (TBD)
[Symbol]	PARKING PAD (PERMEABLE)
[Symbol]	WOOD FENCE (6 FEET IN HEIGHT)
[Symbol]	ALUMINUM FENCE
[Symbol]	ENTRY GATE
[Symbol]	NEW TREE
[Symbol]	VEGETABLE GARDEN
[Symbol]	ACCESS DOWN TO BASEMENT WELL
[Symbol]	SUMP LOCATION
[Symbol]	MAXIMUM 4 FEET HIGH CONCRETE RETAINING WALL AS PER NEIGHBORS REQUEST.
[Symbol]	EXISTING TREE TO BE REMOVED

ANNEX II

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Residential | Commercial | Renovation
Design & Build

Cell: 778.242.0756
Email: pibisan@msn.com

No.	Description	Date
01	ISSUED FOR BUILDING PERMIT	2017-06-17
02	ISSUED FOR DEVELOPMENT VARIANCE PERMIT	2018-10-28

PROJECT / CLIENT INFO:

8388 133 STREET
SURREY BC
V3W 1E4

TITLE:
A1

A1



01 BUILDING PERSPECTIVE
SCALE: 1/16" = 1'-0"



02 BUILDING PERSPECTIVE
SCALE: 1/16" = 1'-0"



03 BUILDING PERSPECTIVE
SCALE: 1/16" = 1'-0"



04 BUILDING PERSPECTIVE
SCALE: 1/16" = 1'-0"

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01	ISSUED FOR BUILDING PERMIT	2017-06-17
02	ISSUED FOR DEVELOPMENT VARIANCE PERMIT	2018-10-26

PROJECT / CLIENT INFO:

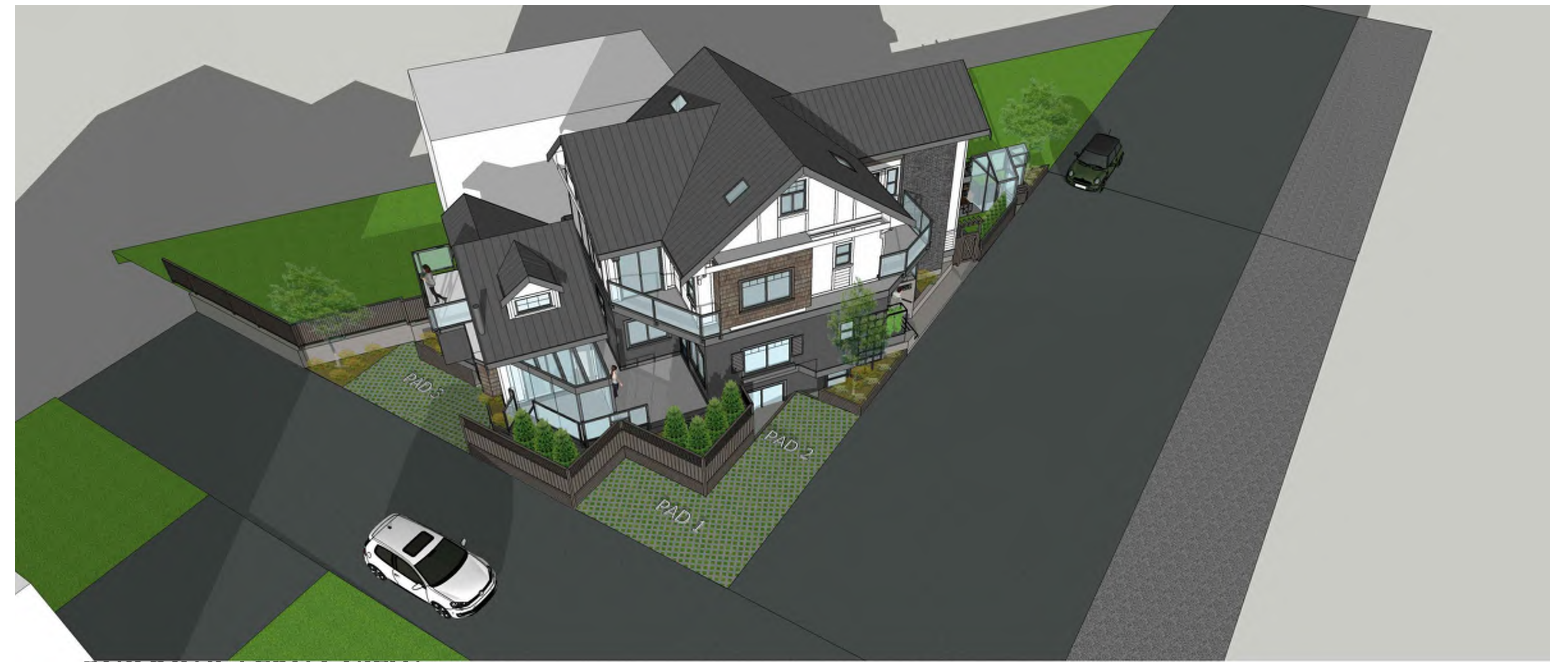
8388 133 STREET
SURREY BC
V3W 1E4

TITLE:

BUILDING PERSPECTIVES



01 BUILDING AERIAL VIEW
SCALE: 1/16" = 1'-0"



02 BUILDING AERIAL VIEW
SCALE: 1/16" = 1'-0"



03 BUILDING AERIAL VIEW
SCALE: 1/16" = 1'-0"



04 BUILDING AERIAL VIEW
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02	ISSUED FOR DEVELOPMENT VARIANCE PERMIT	2018-10-26

PROJECT / CLIENT INFO:

8388 133 STREET
SURREY BC
V3W 1E4

TITLE:

AERIAL VIEW

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

FROM: Development Engineer, Engineering Department

**DATE: Nov 13, 2018
*Supersedes June 6, 2018 version***

PROJECT FILE: 7818-0094-00

**RE: Engineering Requirements
Location: 8388 133 Street**

DEVELOPMENT VARIANCE PERMIT

The following issues are to be addressed as a condition of issuance of the Development Variance Permit (DVP) to relax building setbacks and amend an existing Restrictive Covenant (RC) to allow construction of single family dwelling:

- Pave the western portion of the North-South Lane to maintain a 6m road width for two-way traffic during construction of the building foundation. The excavation of the foundation may not extend into existing 6m SRW, and the applicant must reinstate the lane to original condition once the foundation is backfilled. Lane paving and restoration is subject to issuance of a City Road and Right-of-Way Permit obtainable as part of the Building Permit review; and
- Retain the existing 4.0m and 6.0m SROW's.



Tommy Buchmann, P.Eng.
Development Engineer

AY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7918-0094-00

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: 023-502-118
Lot 11 Section 29 Township 2 New Westminster District Plan LMP29329
8388 - 133 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Part 16, Section F. Yards and Setbacks of "Single Family Residential Zone (RF)", the minimum Rear Yard setback for a principal building is reduced from 7.5 metres (25 ft.) to 1.8 metres (6 ft.); and
 - (b) In Section D.2 (a) iii. of Part 16 "Single Family Residential Zone (RF)", the minimum required second storey offset is reduced from 20% to 9.7%.
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. 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.

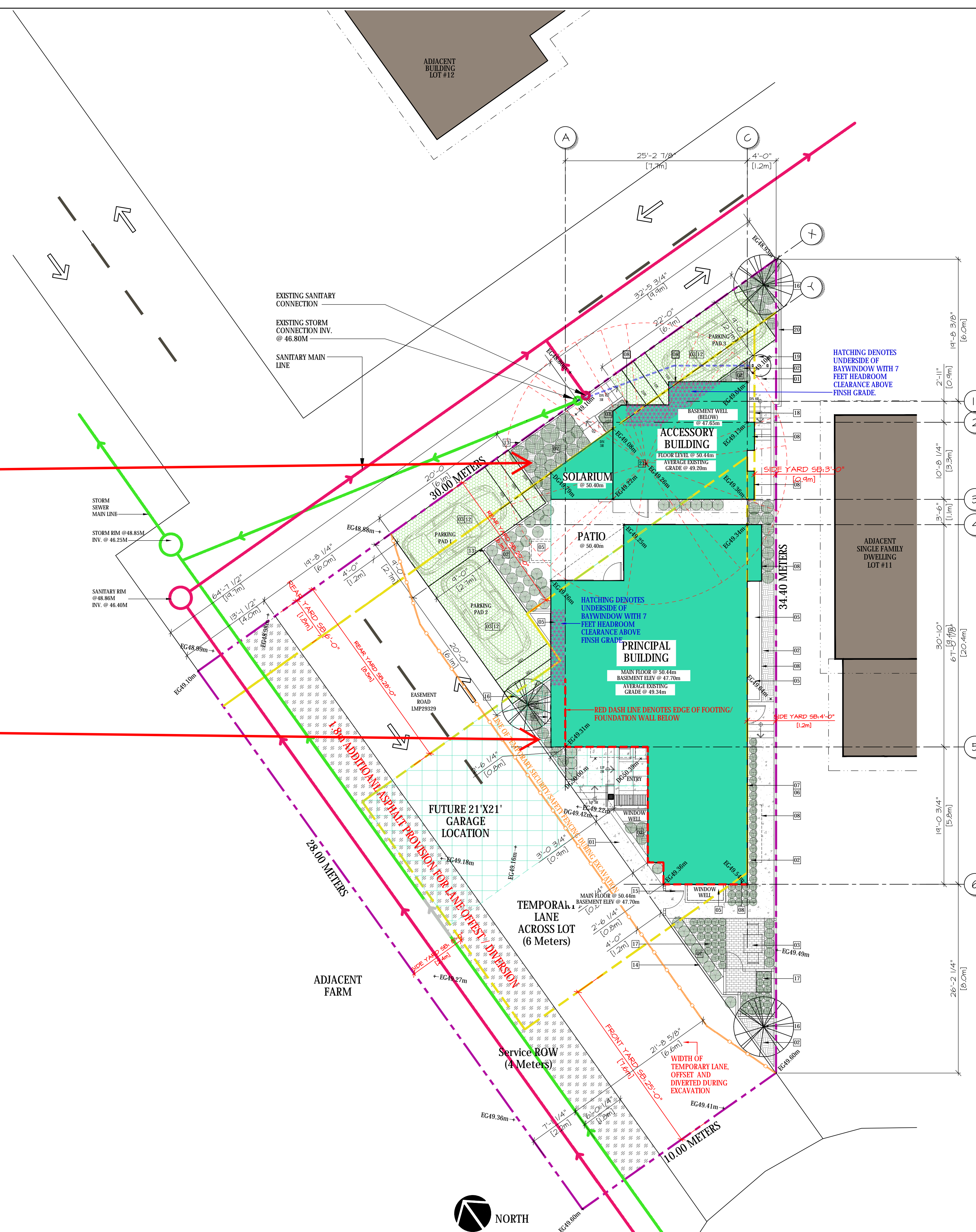
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Doug McCallum

City Clerk

Proposed variance to reduce the minimum rear yard setback from 7.5 metres (25 ft.) to 1.8 metres (6 ft.).

Proposed variance to reduce the minimum offset for a second storey from 20% to 9.7%.



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