

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0437-00

Planning Report Date: March 11, 2019

PROPOSAL:

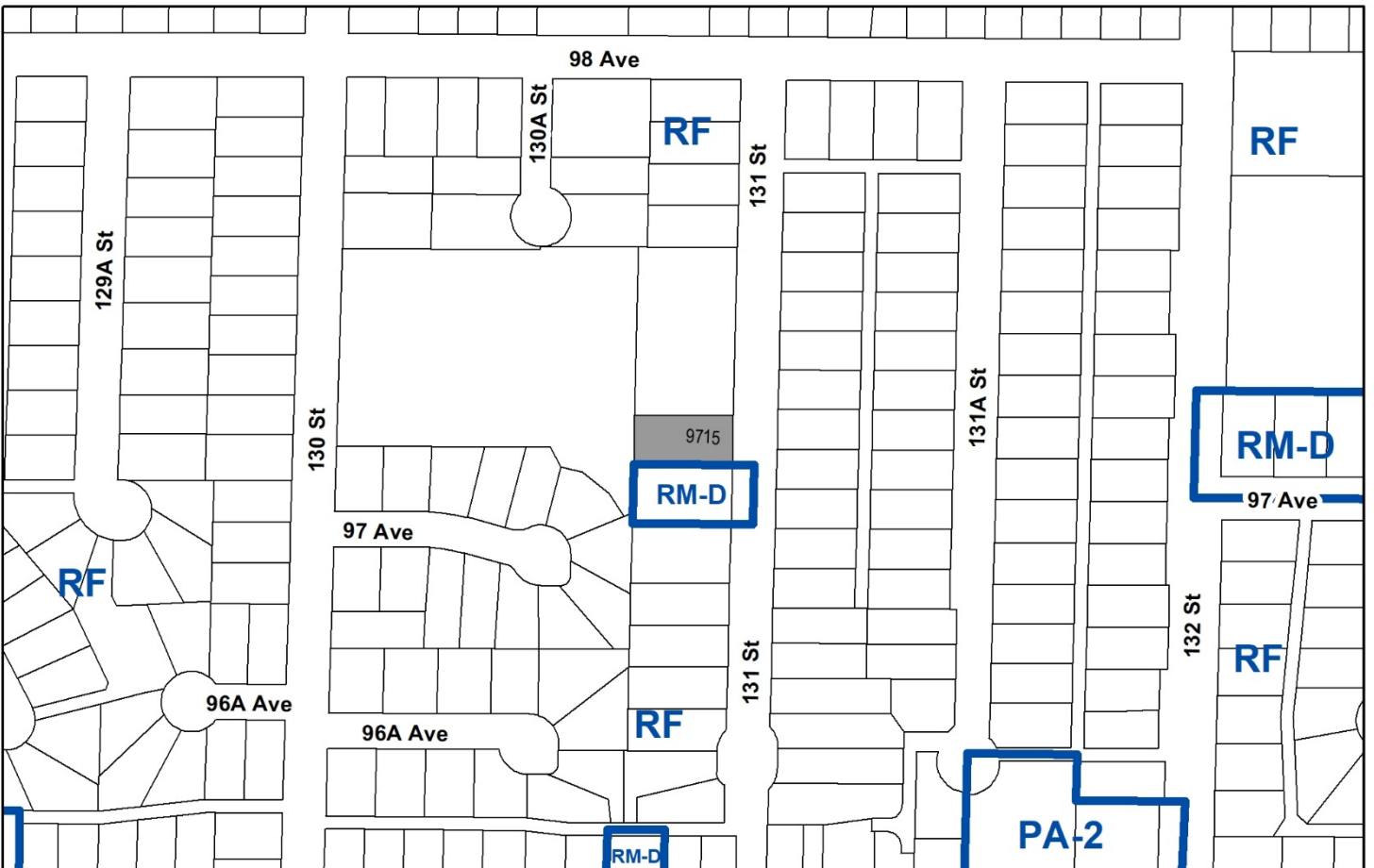
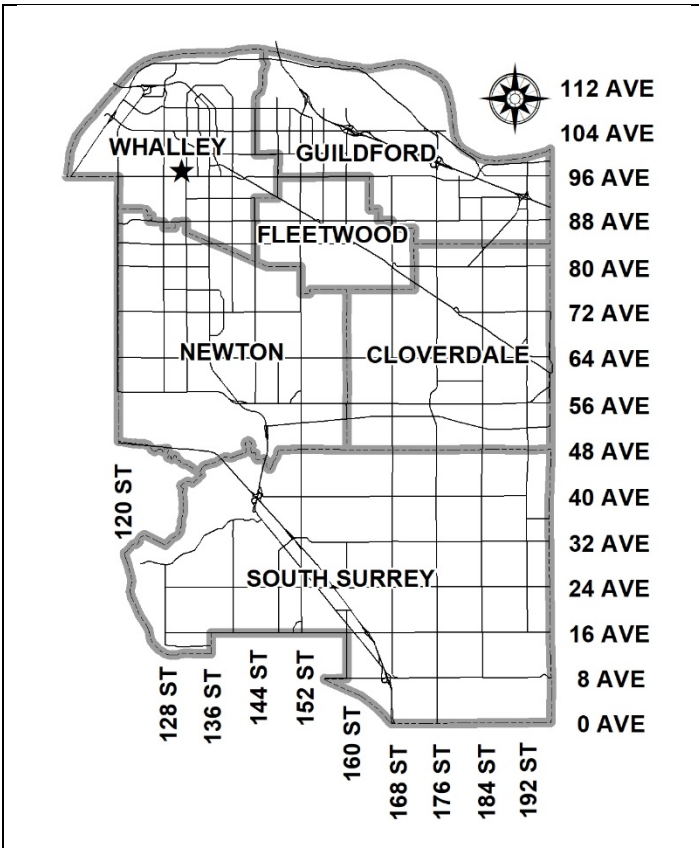
• **Development Variance Permit**

to reduce the minimum rear yard setback from a natural gas transmission right-of-way in order to permit a new single family dwelling.

LOCATION: 9715 - 131 Street

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- To vary the Zoning By-law to reduce the minimum rear setback of the principal building from a natural gas transmission right-of-way from 7.5 metres (25 ft.) to 2.6 metres (8.5 ft.).

RATIONALE OF RECOMMENDATION

- The western portion of the subject lot is impacted by an 18.25-metre (60-ft.) wide gas right-of-way.
- The proposed variance maintains access for pipeline maintenance and provides for an adequately sized building envelope on the single family lot.
- The applicant's building plans comply with the yard setbacks required in the RF zone. A Development Variance Permit is required only for the natural gas transmission right-of-way setback as listed in Sub-section E.18.(a) of Part 4 General Provisions of the Zoning By-law.
- The applicant has the support of Fortis BC for this DVP. Fortis BC has no objections to this Development Variance Permit as the variance still maintains access for pipeline maintenance.
- The proposed setback reduction will allow the applicant to construct a house with more proportional and efficient floor plans, with adequate rear yard space.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7918-0437-00 (Appendix IV), to vary Part 4 of the Zoning By-law to reduce the minimum rear yard setback of the principal building from a natural gas transmission right-of-way from 7.5 metres (25 ft.) to 2.6 metres (8.5 ft.), to proceed to Public Notification.

REFERRALS

- Engineering: The Engineering Department has no objection to the project.
- Parks, Recreation & Culture: The Parks, Recreation & Culture Department has no objection to the project.
- FortisBC: The Property Services Department of FortisBC Energy Inc. has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: A one-storey single family dwelling on the site that will be demolished before building permit issuance. A gas right-of-way runs within the west (rear) portion of the lot.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Bog Park	Urban	RF
East (Across 131 Street):	Single family dwellings	Urban	RF
South:	Duplex	Urban	RM-D
West (Across gas right-of-way):	Bog Park and single family dwellings	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The 1,047-square metre (11,265-square foot) subject lot is located at 9715 – 131 Street in Whalley. The subject property is approximately 23 metres (75 ft.) in width and approximately 45 metres (148 ft.) in depth.
- The subject lot is designated "Urban" in the Official Community Plan (OCP) and is zoned "Single Family Residential Zone (RF)".

- The subject property is encumbered by an 18.25-metre (60 ft.) wide natural gas transmission right-of-way (FortisBC Energy Inc.), a portion of which (approximately 11 metres) is located along the western portion of the property as shown by the aerial photo attached as Appendix II.
- The approximate distance between the front lot line and the eastern edge of the gas right-of-way is between 30 to 35 metres (98 to 115 ft.), as the right-of-way curves at the rear of the property. In accordance with Sub-section E.18.(a) of Part 4 General Provisions of the Zoning By-law, the minimum rear setback of a principal building on a lot containing or abutting a natural gas transmission right-of-way shall be 7.5 metres (25 ft.). In accordance with the RF Zone the minimum front yard setback of the principal building on a lot shall be 7.5 metres (25 ft.). When both requirements are applied to the subject lot, a 20-metre (65 ft.) deep building footprint remains.
- The required rear yard setback from a natural gas transmission right-of-way was established as a way of preventing the construction of dwellings directly adjacent to the right-of-way and providing for a useable backyard on encumbered lots and maintenance access to the natural gas transmission lines.
- The owners of the subject property applied for a building permit to construct a new single family dwelling on the lot and were later informed at the plans review stage that a minimum rear yard setback for a principal building from a gas right-of-way of 7.5 metres (25 ft.) is required. The owners applied for the subject Development Variance Permit (DVP) to vary this setback.
- A demolition permit has been requested to demolish the existing one-storey dwelling on the subject lot.

Current Proposal

- The applicant is proposing to build a single family dwelling on the subject lot. The building plans comply to all required yard setbacks under the RF Zone.
- The applicant is requesting a Development Variance Permit to vary Part 4 of the Zoning By-law to reduce the minimum rear yard setback of the principal building from a natural gas transmission right-of-way from 7.5 metres (25 ft.) to 2.6 metres (8.5 ft.) in order to construct a single family dwelling.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the Zoning By-law to reduce the minimum rear yard setback of the principal building from a natural gas transmission right-of-way from 7.5 metres (25 ft.) to 2.6 metre (8.5 ft.)

Applicant's Reasons:

- The building plans comply to all required yard setbacks under the RF Zone.
- The gas right-of-way setback of 7.5 metres (25 ft.) would reduce the maximum floor area of the proposed single family dwelling by 91 m² (980 ft²) under the RF Zone.
- Fortis BC has no objections to this Development Variance Permit as the variance still maintains access for pipeline maintenance.

Staff Comments:

- The subject lot is encumbered by a natural gas transmission right-of-way. The proposed variance still maintains access for pipeline maintenance and provides for an adequately sized building footprint on the lot. The variance is also supported by FortisBC.
- The proposed variance will allow the applicant to construct a house with more proportional and efficient floor plan.
- The gas right-of-way still provides functional rear yard space for the subject property with sufficient area to construct an accessory building.
- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

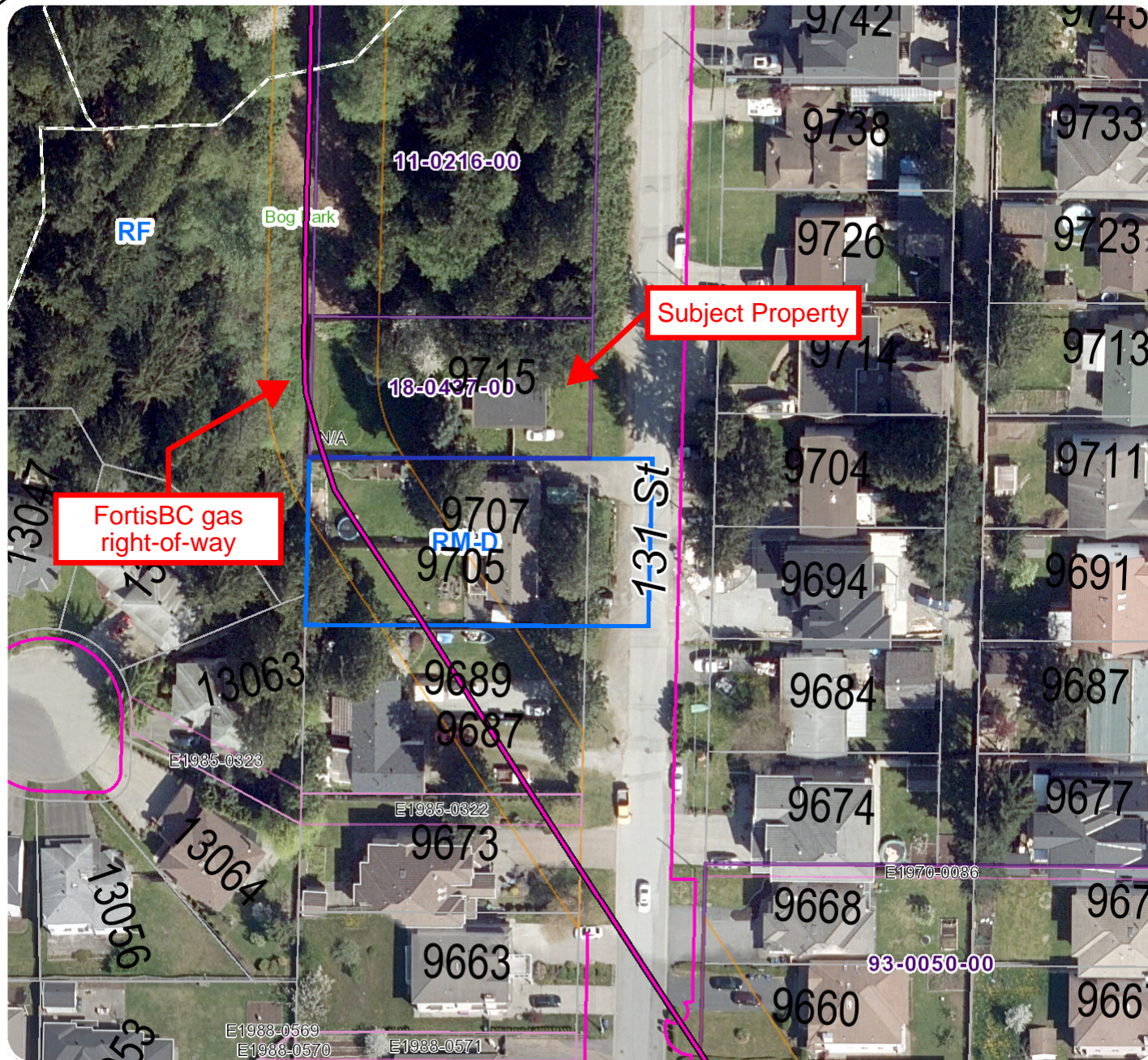
Appendix I.	Lot Owners and Action Summary (Confidential)
Appendix II.	Aerial Photo (Neighbourhood Context)
Appendix III.	Proposed Site Plan and Building Elevations
Appendix IV.	Development Variance Permit No. 7918-0437-00

original signed by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

SJ/cm

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION



Legend

Fortis BC Gas Mains

- Gas Transmission
- Gas Distribution

- Trails and Paths

- Dev Apps - All

- Zoning Boundaries

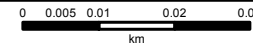
Rights of Way

- Municipal
- Utility

Subject Site: 9715 131 Street

Scale: 1:1,000

The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca



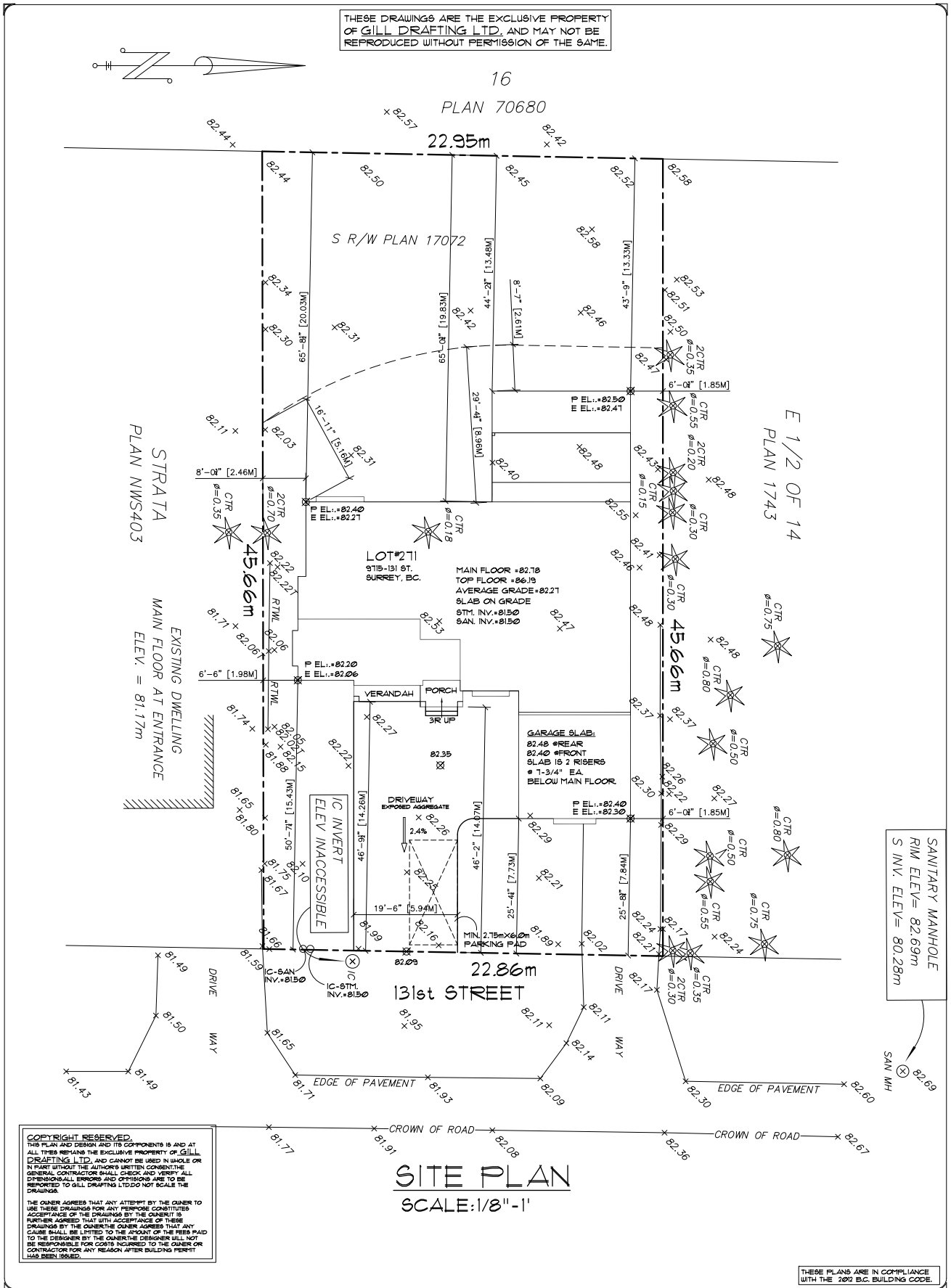
Map created on: 2019-03-04

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16

PLAN 70680

22.95m



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SITE PLAN
 SCALE: 1/8" = 1'

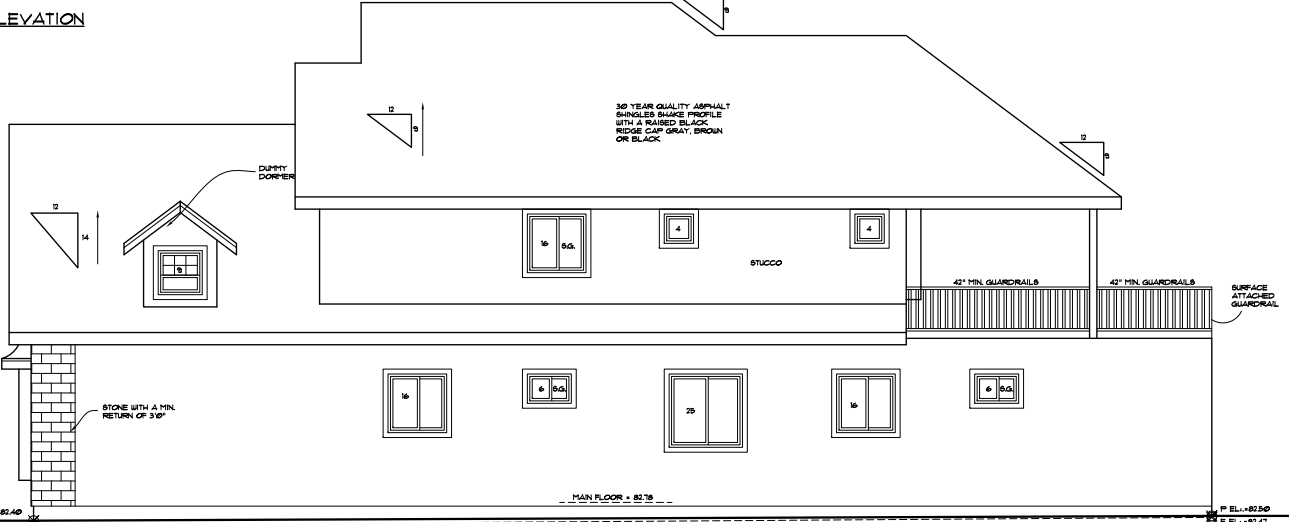
THESE PLANS ARE IN COMPLIANCE WITH THE 2010 B.C. BUILDING CODE.

OWNER: JUN	PROJECT NAME: PROPOSED RESIDENCE FOR MR. PRITPAL SINGH KANG LOT#271 @ 9715-131 STREET SURREY, BC	DESIGNER ADDRESS: GILL DRAFTING LTD. SURREY DESIGN CENTRE UNIT #21 9871-16 AVE. SURREY, BC. V3U 6E6 TEL: (604) 995-6886 FAX: (604) 995-6881 WEBSITE: WWW.GILLDRAFTING.COM		REVISIONS	BY	DRAWING NO. GD18-3973
SCALE: 1/8" = 1'-0"						SHEET NO. 1 OF 10
DATE: APR 27 2018						
DRAWN: JFS						
PHONE: 778-228-1080						

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FRONT ELEVATION



RIGHT ELEVATION

WALL FACE AREA = 1353 SQFT.
 ALLOWABLE GLASS AREA @ 7.6% = 102.8 SQFT.
 ACTUAL GLASS AREA = 102 SQFT.

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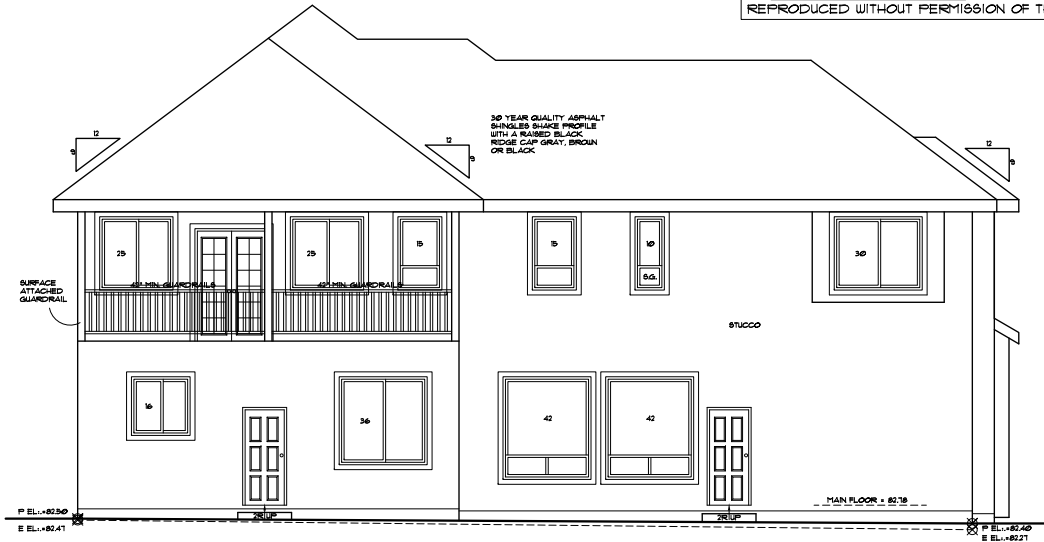
REVISION	BY	LEGAL DESCRIPTION	PROJECT NAME
			PROPOSED RESIDENCE FOR MR. PRITPAL SINGH KANG LOT#211 @ 9115-131 STREET SURREY, BC



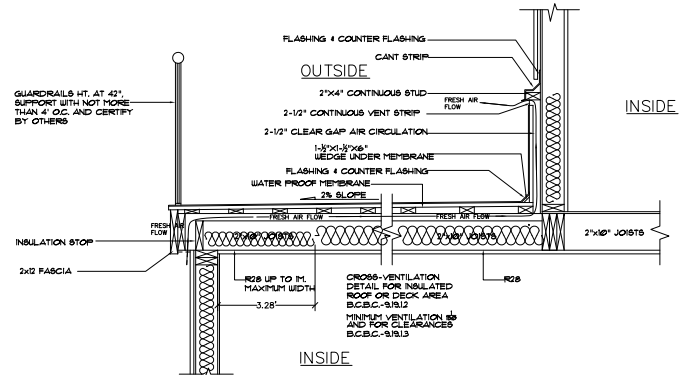
Gill Drafting Ltd.

OWN:	JUN	SHEET NO.	3 OF 10	DRAWING NO.	GD18-3973	DESIGNER ADDRESS:
SCALE:	1/4" = 1'-0"					GILL DRAFTING LTD. SURREY DESIGN CENTRE UNIT #21, 12811-16 AVE. SURREY, B.C. V3U 1E6 TEL: (604) 595-6886 FAX: (604) 595-6883 WEBSITE: WWW.GILLDRAFTING.COM
DATE:	APR 27, 2018					
CHKD:	JFS					
PHONE:	778-228-7080					

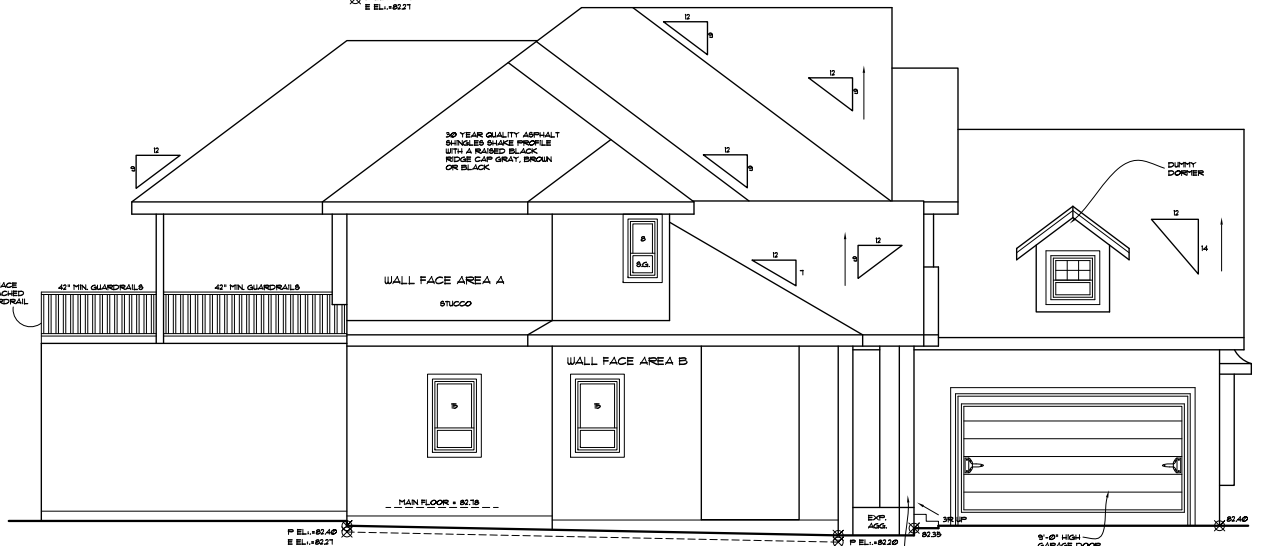
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REAR ELEVATION



CROSS VENTILLATION SECTION
SCALE: 1/2" = 1'



LEFT ELEVATION

WALL FACE AREA A = 299 SQFT.
ALLOWABLE GLASS AREA @12% = 35.8 SQFT.
ACTUAL GLASS AREA = 15 SQFT.

WALL FACE AREA B = 317 SQFT.
ALLOWABLE GLASS AREA @12% = 38.04 SQFT.
ACTUAL GLASS AREA = 23 SQFT.

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REVISION	BY	LEGAL DESCRIPTION	PROJECT NAME
			PROPOSED RESIDENCE FOR MR. PRITPAL SINGH KANG LOT 5 @ 1653-156A STREET SURREY, BC

DATE: JUN	SHEET NO. 4 OF 10	DRAWING NO. GD18-3973	DESIGNER ADDRESS: GILL DRAFTING LTD. SURREY DESIGN CENTRE UNIT #21, 5871-16 AVE. SURREY, B.C. V3U 1E6 TEL: (604) 599-6886 FAX: (604) 599-6883 WEBSITE: WWW.GILLDRAFTING.COM
SCALE: 1/4" = 1'-0"			
DATE: APR 27, 2018			
CHD: JPS			
PHONE: 778-228-1080			

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7918-0437-00

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: 006-190-472
Lot 271 Section 33 Block 5 North Range 2 West New Westminster District Plan 47888

9715 - 131 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Sub-section E.18.(a) of Part 4 of General Provisions the minimum rear setback of a principal building on a lot containing or abutting a natural gas transmission right-of-way is reduced from 7.5 metres (25 ft.) to 2.6 metres (8.5 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 – Doug McCallum

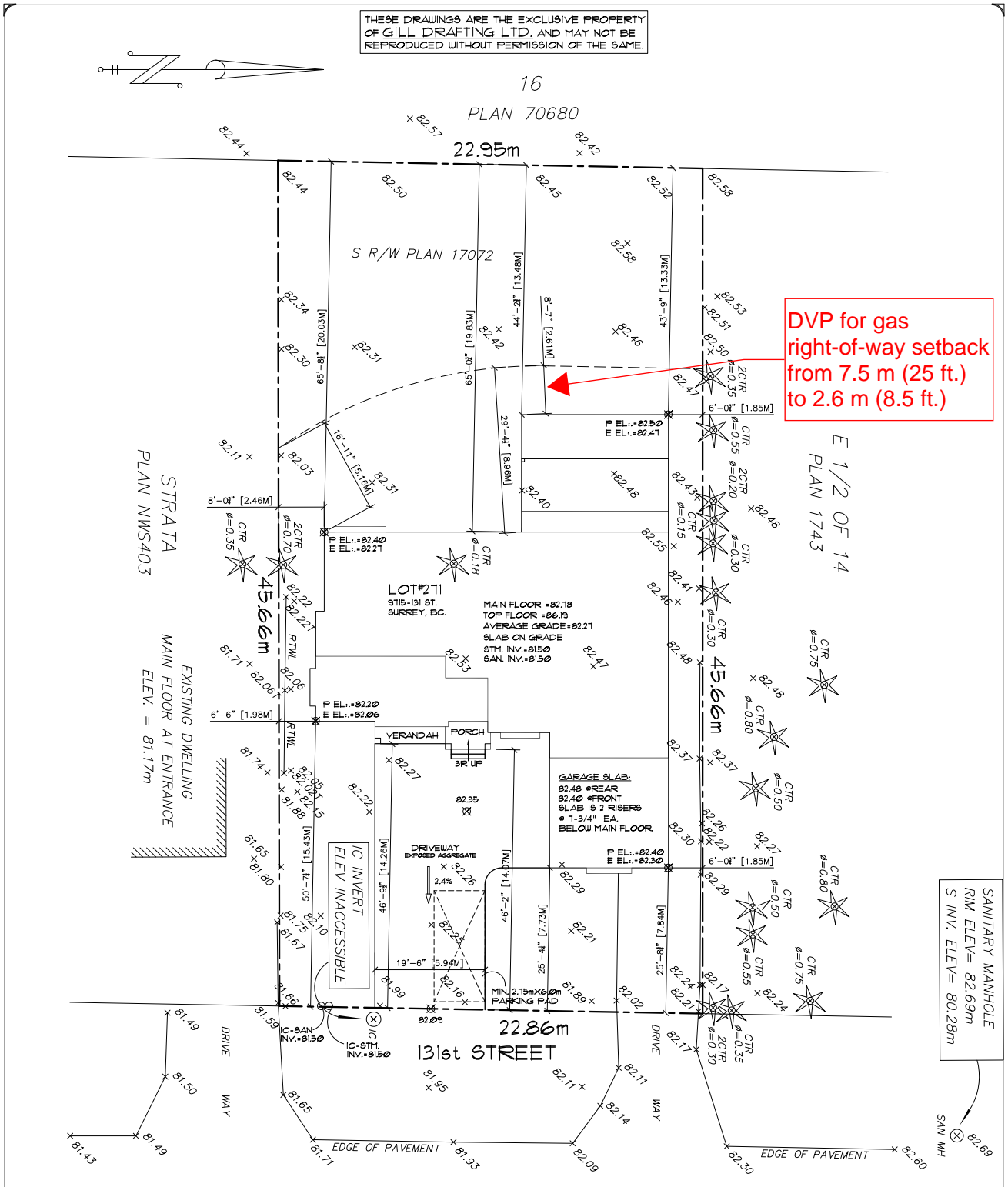
City Clerk

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16

PLAN 70680

22.95m



DVP for gas right-of-way setback from 7.5 m (25 ft.) to 2.6 m (8.5 ft.)

SANITARY MANHOLE
RIM ELEV = 82.69m
S INV. ELEV = 80.28m

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