

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7919-0124-00

Planning Report Date: September 16, 2019

PROPOSAL:

- **Development Variance Permit**

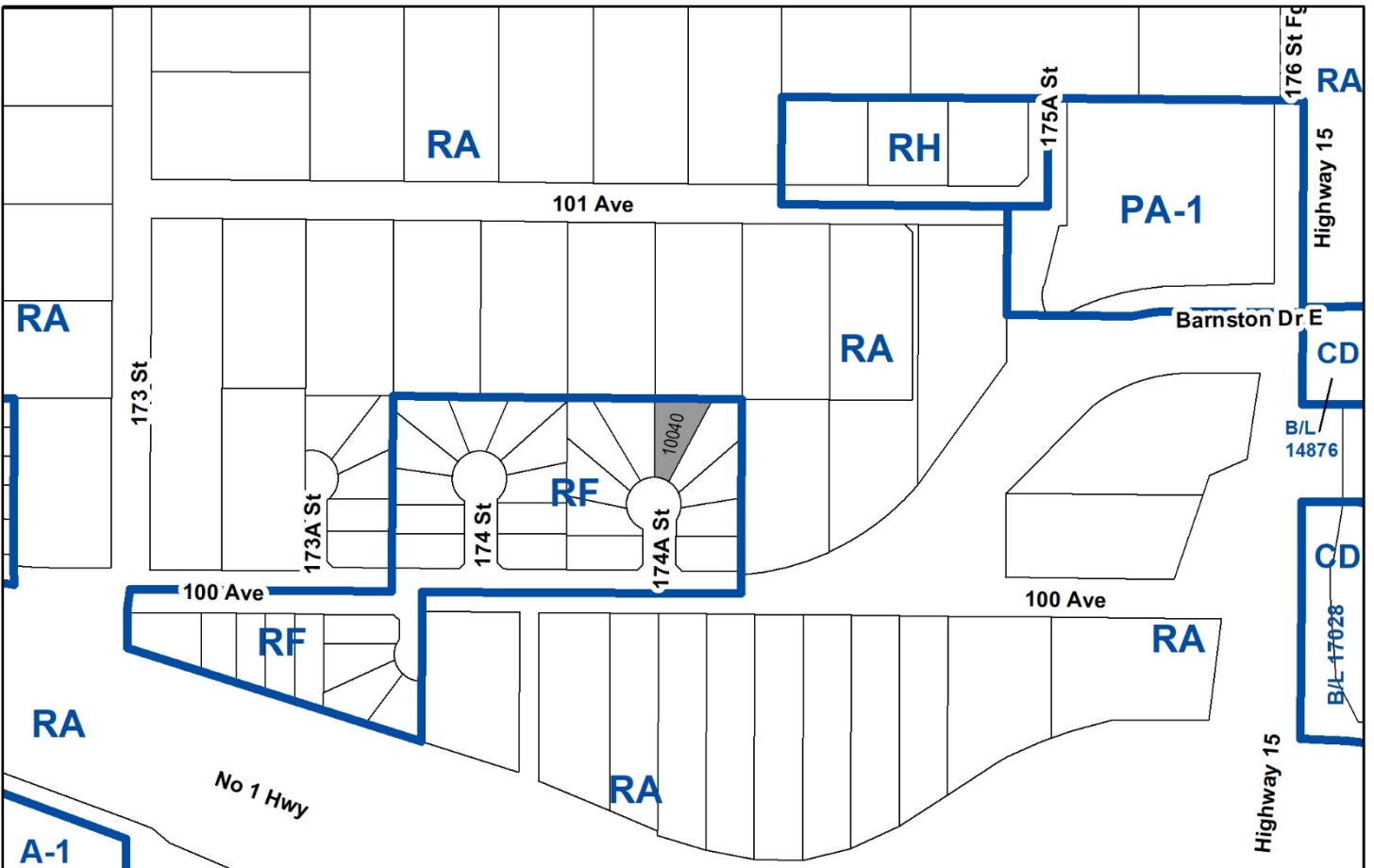
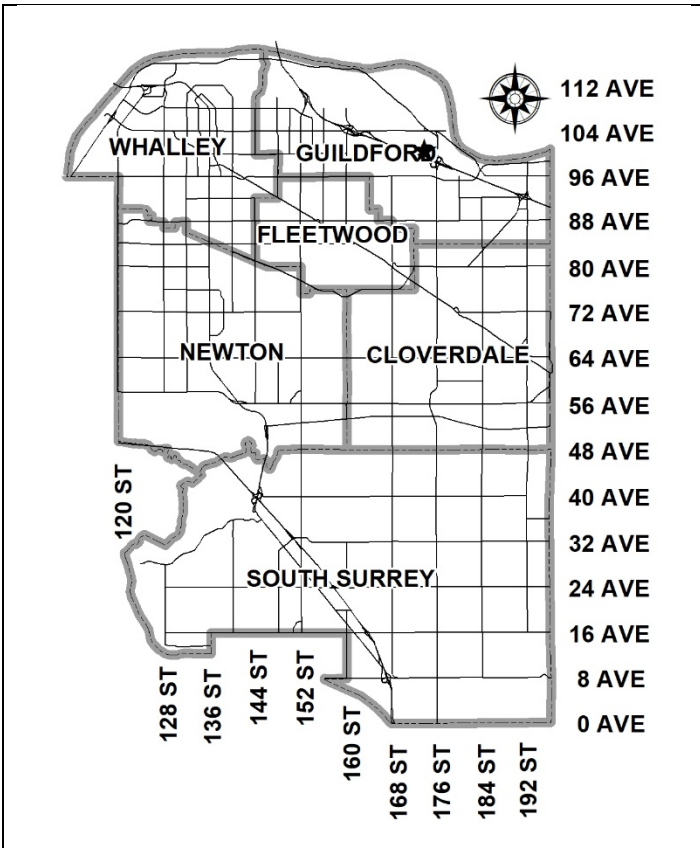
to reduce the front yard setback for a lot fronting a cul-de-sac bulb and the rear yard setback to the Trans Mountain (Kinder Morgan) right-of-way to allow the construction of a single family dwelling on the lot.

LOCATION: 10040 - 174A Street

ZONING: RF

OCP DESIGNATION: Urban

LAP DESIGNATION: Single Family Residential 4-6 upa
 (Stage 1 Abbey Ridge LAP)



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 front and rear yard setbacks to construct a new single family dwelling on the lot.

RATIONALE OF RECOMMENDATION

- The proposed variances provide for an adequately sized building envelope on the constrained single family lot.
- The proposed setbacks will formalize the single family dwelling that is under construction.
- The subject lot is heavily encumbered by the Trans Mountain (Kinder Morgan) right-of-way along the rear (north) lot line and required 11.0 metre (36 ft.) setback requirement from the front (south) lot line, due to the lot fronting a cul-de-sac bulb.
- The reduced front yard setback will still accommodate 4 off-street parking spaces (2 in the garage and 2 in the driveway).
- Trans Mountain (Kinder Morgan) has no objection to the proposed variance.
- Staff supports the requested variance to proceed to Public Notification.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7919-0124-00 (Appendix II), varying the following to proceed to Public Notification:

- (a) to reduce the minimum front yard setback of the RF Zone for lots that front onto a cul-de-sac bulb, from 11.0 metres (36 ft.) to 7.5 metres (25 ft.); and
- (b) to vary Part 4 General Provisions of the Zoning By-law No. 12000 to reduce the minimum rear yard setback from the Trans Mountain (Kinder Morgan) right-of-way, from 7.5 metres (25 ft.) to 0.0 metres (0 ft.).

REFERRALS

Engineering: The Engineering Department has no concerns relative to the Development Variance Permit.

Trans Mountain: Trans Mountain (Kinder Morgan) pipelines and rights-of-way are subject to the provisions of the National Energy Board Act and the BC Oil and Gas Activities Act. No ground disturbance is permitted within 30 metres of any pipeline without placing a BC One Call at 1-800-474-6886 and obtaining prior written consent from Kinder Morgan. Separate permission is required to install any permanent feature such as a fence, driveway, road, utility or landscaping within the right-of-way.

SITE CHARACTERISTICS

Existing Land Use: Non-conforming single family dwelling under construction.

Adjacent Area:

| Direction | Existing Use | OCP/NCP Designation | Existing Zone |
|------------------|---|---|----------------------|
| North: | Kinder Morgan ROW and Single family dwelling on 1-acre lot. | Suburban in OCP, Suburban Residential 2-4 UPA in LAP. | RA |

| Direction | Existing Use | OCP/NCP Designation | Existing Zone |
|-----------|---------------------------|---|---------------|
| East: | Single family dwelling. | Suburban in OCP, Low Density Multiple Residential 4-6 UPA Gross in LAP. | RF |
| South: | Single family dwelling. | Suburban in OCP, Single Family Residential 4-6 UPA in LAP. | RF |
| West: | Vacant single family lot. | Suburban in OCP, Single Family Residential 4-6 UPA in LAP. | RF |

DEVELOPMENT CONSIDERATIONS

- The 787 square metre (8,473 sq. ft.) subject property is located at 10040 - 174A Street in Abbey Ridge. The subject property is approximately 7.7 metres (25 ft.) wide fronting the cul-de-sac, 40 metres (131 ft.) deep at the west property line and 48 metres (157 ft.) deep at the east property line.
- The lot is designated “Urban” under the Official Community Plan (OCP) and currently zoned “Single Family Residential Zone (RF)” under Surrey Zoning By-law, 1993, No. 12000. The identified land use designation for the subject site is Single Family Residential 4-6 UPA (units per acre) in the Abbey Ridge LAP.
- On July 25, 2016, Bylaw No. 18777 was adopted to amend the front yard setback of the RF Zone from 7.5 metres (25 ft.) to 11.0 metres (36 ft.) to the front face of an attached garage on lots that front a cul-de-sac bulb. As outlined in Corporate Report 2016-R158, increasing the front yard setback allows for additional vehicles to park on the driveway in front of the garage, compensating for the lack of on-street parking available in a cul-de-sac.
- The subject lot was created under Development Application No. 7916-0200-00. The application was submitted to city staff on May 6, 2016 and received Final Adoption on October 2, 2017. As such, the application was in-stream during the time Bylaw No.18777 was under review and at time of bylaw adoption.
- The Trans Mountain (Kinder Morgan) right-of-way encumbers the rear portion of the lot. Part 4 Section E.18 of the Zoning By-law No. 12000 states that principal buildings on lots containing or abutting a natural gas transmission right-of-way at the rear lot line shall not be sited less than 7.5 metres (25 ft.) from the right-of-way boundary and such setback shall be measured at 90 degrees to the gas right-of-way boundary closest to the building line. City staff have interpreted this to also include the Trans Mountain (Kinder Morgan) right-of-way.
- A future housekeeping amendment to the Zoning By-law No. 12000 will be implemented to clarify that the same setbacks required from Natural Gas Transmission rights-of-ways also

apply to Trans Mountain (Kinder Morgan) right-of-ways. The intent of the setback provisions is to allow a functional yard with accessory buildings outside of the right-of-way area.

- The building permit for this subject lot was mistakenly issued without incorporating the correct front yard and rear yard setback and the owner has since began construction on their single-family dwelling. The error has since been caught by Building Division and the owner has been provided notice that final acceptance will not be granted until such time that a Development Variance Permit is approved. As such, the applicant is seeking a variance to reduce both the front and rear yard setbacks to legitimize the single-family dwelling.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- to reduce the minimum front yard setback of the RF Zone for lots that front onto a cul-de-sac bulb, from 11.0 metres (36 ft.) to 7.5 metres (25 ft.); and
- to vary Part 4 General Provisions of Zoning By-law No. 12000 to reduce the setback from the Trans Mountain (Kinder Morgan) Right-of-Way, from 7.5 metres (25 ft.) to 0.0 metres (0 ft.).

Applicant's Reasons:

- Varying the setbacks allows for retention of the partially constructed single family dwelling.
- Varying the setbacks allows for increased building potential without encroachment inside Trans Mountain (Kinder Morgan) right-of-way at the rear.
- With the proposed setback relaxations, the applicant can achieve a functional house plan closer to the maximum allowable floor area permitted under the RF Zone, as shown in the table below:

| | Permitted Floor Area Based on RF Zone | Achievable Floor Area (no DVP) | Achievable Floor Area (with DVP) |
|--------------|--|---------------------------------------|---|
| Proposed Lot | 415 sq.m. (4,463 sq. ft.) | 310 sq.m. (3,343 sq. ft.) | 317 sq.m. (3,808 sq. ft.) |

- Without the proposed setback relaxations, the applicant is able to achieve a maximum house size of 310 square metres (3,343 sq. ft.) due to encumbrances from onsite right-of-ways. The proposed variance allows for a house size of 317 square metres (3,808 sq. ft.).

Staff Comments:

- The maximum house size permitted under the RF Zone for the subject lot is 415 square metres (4,463 sq. ft.).

- The proposed variances allow for an adequately sized building footprint on the subject lot which is heavily encumbered by the Trans Mountain (Kinder Morgan) right-of-way.
- The decreased front yard setback will still accommodate a 7.5 metre (25 ft.) long driveway for garage access and 4 off street parking stalls. Staff would like to note that this can be supported, however it is less than the 6 off street parking stalls that would be achieved by the 11.0 metre (36 ft.) setback, as outlined in Corporate Report 2016-R158.
- The decreased rear yard setback will provide backyard space within the right-of-way area although construction of accessory buildings or structures (e.g sheds etc.) will not be permitted. The owner understands this restriction.
- Trans Mountain (Kinder Morgan) has no objection to the proposed variance.
- Staff support the requested variances to proceed to Public Notification.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Site Plan
Appendix II. Development Variance Permit No. 7919-0124-00

original signed by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

ELM/cm

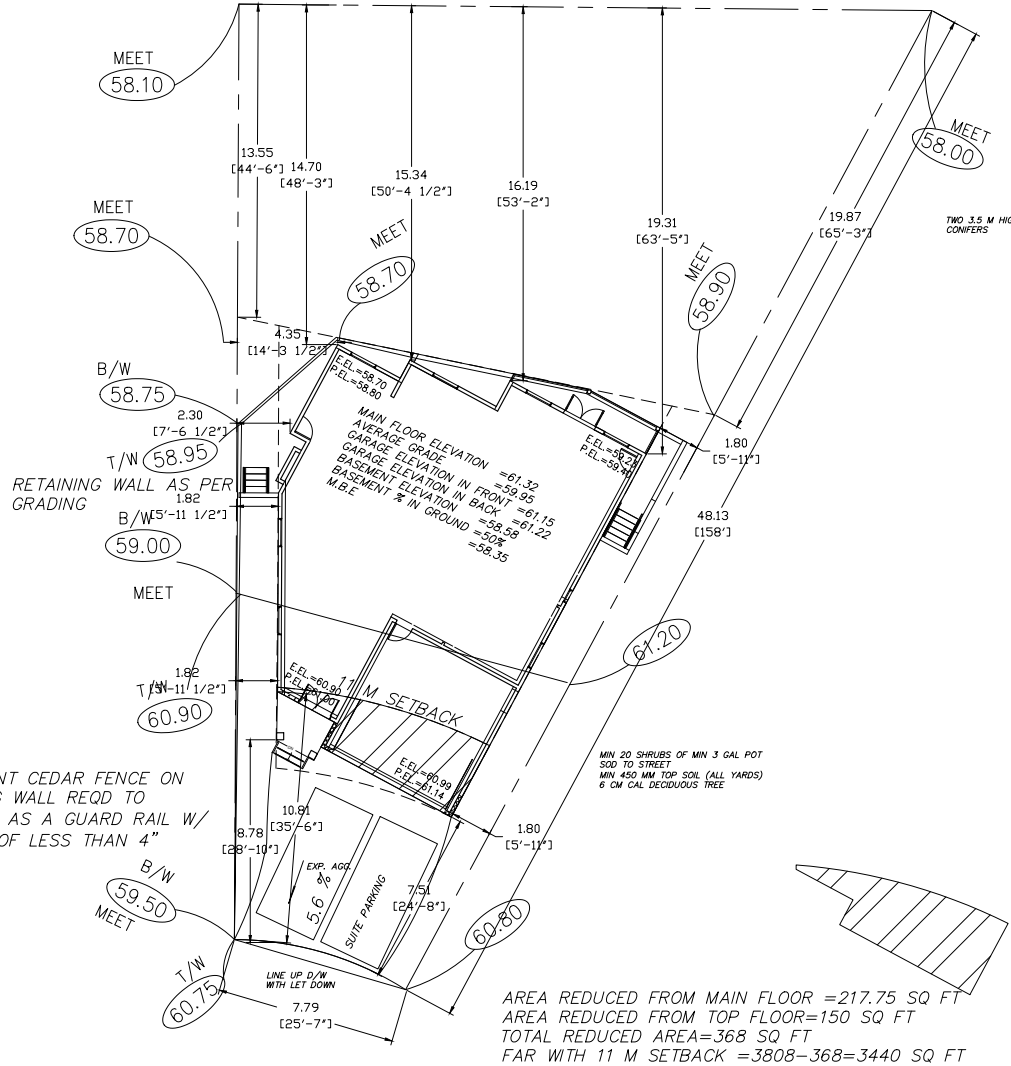
E5 HOME DESIGN INC.

E5 HOME DESIGN INC.
 13255 62 AVE
 SURREY, B.C.
 PHONE 604-512-9527
 e5design@outlook.com

PROPOSED HOUSE AT
 10040 174 A STREET
 SURREY B.C.

SITE PLAN

CIVIC ADDRESS 10040 174 A STREET
 SURREY, B.C.
 ZONING RF
 LOT AREA = 8468 SQ FT
 PERMITTED FLOOR AREA RATIO 60% X 6000+2468X.35
 = 4463.8 SQ. FT.
 PROPOSED FLOOR AREA RATIO MAIN+ GARAGE+ NET TOP FL
 = 3808.00 SQ. FT.
 PERMITTED TOP FLOOR AREA 60% X(TOTAL MAIN FLOOR+HERANDA)
 = 2260X.B=1808.000 SQ. FT.
 PROPOSED TOP FLOOR AREA =1743.00 SQ. FT.
 PERMITTED DECK AREA 10% X4463.8 SQ. FT.
 = 446.3850 SQ. FT.
 RESERVED DECK AREA FOR FRONT =160 SQ. FT.
 PROPOSED DECK AREA FRONT =47 SQ. FT.
 REAR =7650 SQ. FT.
 TOTAL =123 SQ. FT.
 BAY WINDOW+FIREPLACE = 650 FT
 PERMITTED LOT COVERAGE =35.06% X LOT AREA 8468 SQ. FT.
 =2968.00 SQ. FT.
 PROPOSED LOT COVERAGE = 2342.0050 FT
 PERMITTED BUILDING HEIGHT 9 M 30 FT
 PROPOSED BUILDING HEIGHT 8.79 M



AREA REDUCED FROM MAIN FLOOR =217.75 SQ FT
 AREA REDUCED FROM TOP FLOOR=150 SQ FT
 TOTAL REDUCED AREA=368 SQ FT
 FAR WITH 11 M SETBACK =3808-368=3440 SQ FT

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7919-0124-00

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: 030-293-723
Lot 5 Section 6 Township 9 New Westminster District Plan EPP71482
10040 - 174A Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F of Part 16 (3) "Single Family Residential Zone (RF)", the minimum front yard setback for lots that front onto a cul-de-sac bulb is reduced from 11.0 metres (36 ft.) to 7.5 metres (25 ft.); and
 - (b) In Section A Uses Permitted in All Zones of Part 4 (General Provisions), the minimum rear yard setback from the Trans Mountain (Kinder Morgan) Right-of-Way is reduced from 7.5 metres (25 ft.) to 0.0 metres (0 ft.).
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 .

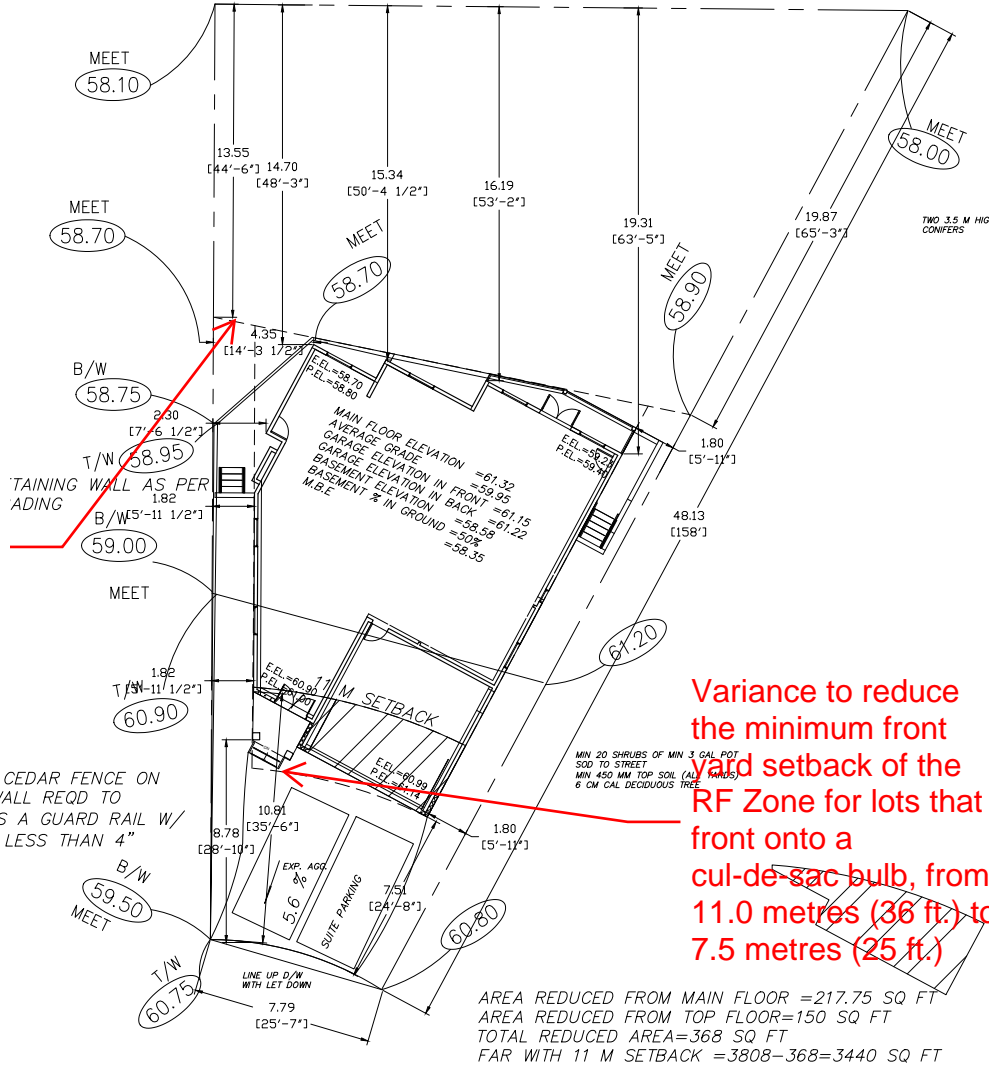
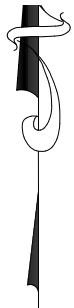
Mayor – Doug McCallum

City Clerk – Jennifer Ficocelli

SITE PLAN

CIVIC ADDRESS 10040 174 A STREET
SURREY, B.C.
ZONING RF
LOT AREA = 8468 SQ FT
PERMITTED FLOOR AREA RATIO 60% X 6000+2468X.35
= 4463.8 SQ. FT.
PROPOSED FLOOR AREA RATIO MAIN+ GARAGE+ NET TOP FL
= 3808.00 SQ. FT.
PERMITTED TOP FLOOR AREA 60% X(TOTAL MAIN FLOOR+VERANDA)
= 2260X.B=1808.000 SQ. FT.
PROPOSED TOP FLOOR AREA =1743.00 SQ. FT.
PERMITTED DECK AREA 10% X4463.8 SQ. FT.
= 446.3850 SQ. FT.
RESERVED DECK AREA FOR FRONT =160 SQ. FT.
PROPOSED DECK AREA FRONT =47 SQ. FT.
REAR =7650 SQ. FT.
TOTAL =123 SQ. FT.
BAY WINDOW+FIREPLACE = 650 FT
PERMITTED LOT COVERAGE =35.06% X LOT AREA 8468 SQ. FT.
=2968.00 SQ. FT.
PROPOSED LOT COVERAGE = 2342.00SQ FT
PERMITTED BUILDING HEIGHT 9 M 30 FT
PROPOSED BUILDING HEIGHT 8.79 M

Variance to reduce the rear yard setback of the General Provisions of Zoning By-law No. 12000 for setbacks from Trans Mountain (Kinder Morgan) Right-of-Way, from 7.5 metres (25 ft.) to 0.0 metres (0 ft.)



Variance to reduce the minimum front yard setback of the RF Zone for lots that front onto a cul-de-sac bulb, from 11.0 metres (36 ft.) to 7.5 metres (25 ft.)

AREA REDUCED FROM MAIN FLOOR = 217.75 SQ FT
AREA REDUCED FROM TOP FLOOR = 150 SQ FT
TOTAL REDUCED AREA = 368 SQ FT
FAR WITH 11 M SETBACK = 3808 - 368 = 3440 SQ FT

Schedule A

E5 HOME DESIGN INC.

E5 HOME DESIGN INC.
13255 62 AVE
SURREY, B.C.
PHONE 604-512-9527
e5design@outlook.com

PROPOSED HOUSE AT
10040 174 A STREET
SURREY B.C.