

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7911-0032-00

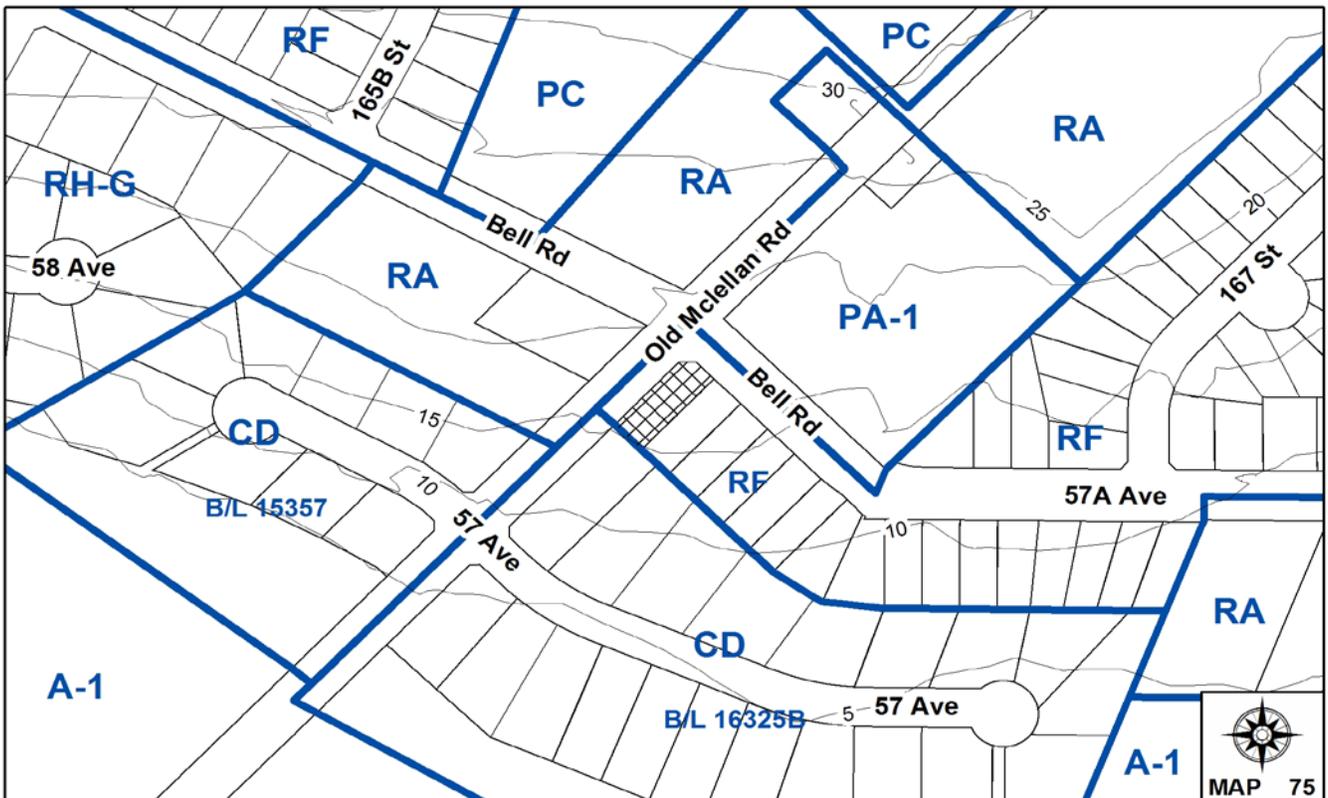
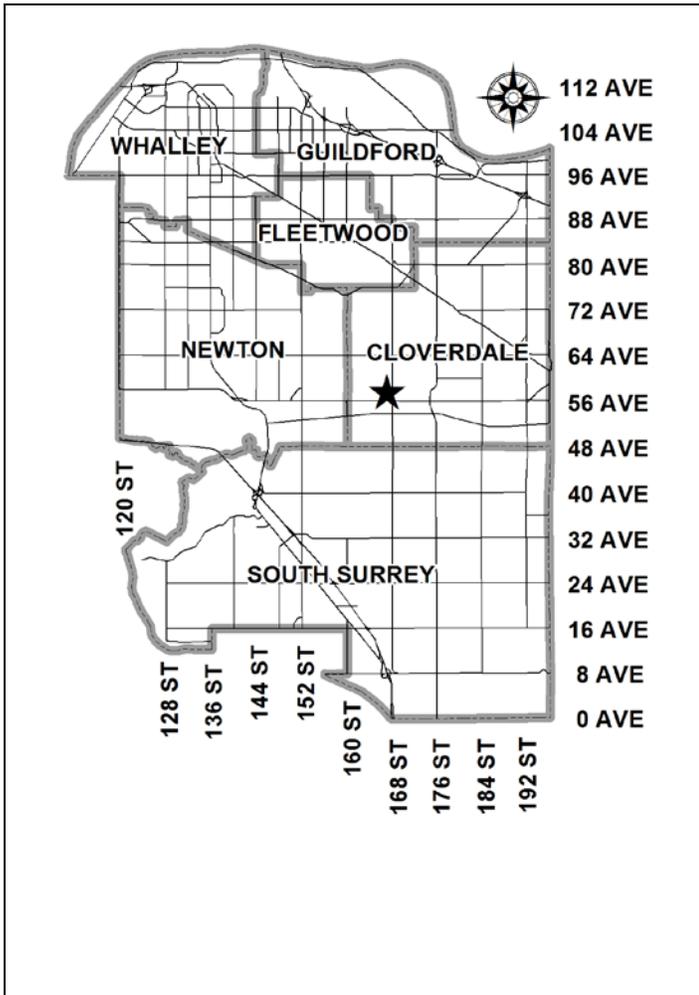
Planning Report Date: April 18, 2011

PROPOSAL:

- **Heritage Revitalization Agreement Amendment**
- **Heritage Alteration Permit**

in order to permit the development of a replica Charles Bell House.

LOCATION: 16602 Bell Road
OWNER: 57 Avenue Developments Ltd., Inc.
 No. 766857
ZONING: RF
OCP DESIGNATION: Urban
NCP DESIGNATION: Urban Single Family



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for amending Heritage Revitalization Agreement By-law, 2007, No. 16407.
- Approval to draft Heritage Alteration Permit.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- A Heritage Alteration Permit will be required to allow for the construction of a replica house with heritage character, due to the fact that the original Charles Bell House was destroyed by fire.
- An amendment to the Heritage Alteration Permit By-law, 2007, No. 16407, will be required to increase the maximum floor area ratio and floor area from the maximum permitted under the RF Zone.

RATIONALE OF RECOMMENDATION

- The proposed Heritage Alteration Permit (HAP) for the replica Charles Bell House is generally consistent with the approved Heritage Revitalization Agreement for the Charles Bell House, as originally approved under Application No. 7905-0019-00.
- The proposed house generally follows the massing and style of the original Bell House and proposes to utilize building materials and paint colours which are similar to that of the original house.
- The proposed building plans are generally supported by the Heritage Advisory Commission (HAC).

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend Heritage Revitalization Agreement By-law, 2007, No. 16407 and a date be set for Public Hearing.
2. Council authorize staff to draft Heritage Alteration Permit No. 7911-0032-00 in accordance with the attached drawings (Appendix II).

REFERRALS

Engineering: The Engineering Department has no objection to the project. There are no requirements to be completed.

Heritage Advisory Commission (HAC): An earlier version of the plans for the proposed replica Charles Bell House were reviewed by the HAC on November 18, 2009, prior to the submission of the HRA Amendment and HAP applications. The HAC recommended that the replica Charles Bell House be completed and final occupancy permit be granted prior to discharging the "No Build" restrictive covenants on the three residential lots: 16602, 16620 and 16626 Bell Road (the former location of the original Charles Bell House).

The HAC also recommended that in order to ensure that the reconstruction of the Charles Bell House is a true replica and that the architectural details are accurately replicated, the contract for the heritage consultant who prepared the heritage conservation plan should be extended to include the monitoring of the construction of the replica and the cost of this be passed on to the applicant (Appendix III).

SITE CHARACTERISTICS

Existing Land Use: Vacant, existing single family residential lot.

Adjacent Area:

Direction	Existing Use	NCP Designation	Existing Zone
North (Across Bell Road/57A Avenue):	The Avenue of Trees along the west side of Old McLellan Road, Christ Church Cemetery, Christ Church and Christ Church Bell Hall	Institutional	PC, PA-1 and PA-1

Direction	Existing Use	NCP Designation	Existing Zone
East:	Single family residential lots created under 7905-0019-00.	Urban Single Family	RF
South:	Single family residential lots created under 7905-0019-00 and 7907-0364-00.	1 Acre Cluster	CD By-law No. 16325B
West (Across Old McLellan Road):	Single family home on an acreage lot	1 Acre Cluster	RA

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is located at 16602 Bell Road in the West Cloverdale South NCP area. The property is zoned Single Family Residential Zone (RF), but is governed by Heritage Revitalization Agreement By-law, 2007, No. 16407. The property is designated Urban Single Family in the West Cloverdale South NCP.
- The subject property was created as part of a larger 2-phase 36-lot single family subdivision which was created under Application No. 7905-0019-00 and was approved by Council on June 26, 2007. The second phase of the subdivision creating 11 of the 36 lots was approved under Application No. 7907-0364-00 on February 5, 2010.
- As part of application No. 7905-0019-00, Council approved Heritage Revitalization Agreement By-law, 2007, No. 16407, to protect the existing Charles Bell heritage house on the subject site.
- The Charles Bell House was constructed around 1912 on the original property at 16588 Old McLellan Road (subdivided under Application No. 7905-0019-00) when the property operated as a farm and dairy by Charles Newton Bell and his brother Uriah Poley Bell.
- Heritage Revitalization Agreement By-law, 2007, No. 16407 set out the terms for which the Charles Bell House would be restored and maintained and ultimately relocated to the corner lot at 16602 Bell Road. The Agreement included a conservation plan prepared by Heritage Consultant Don Luxton and Associates Inc.
- The intent of the original application No. 7905-0019-00 was that the Charles Bell House would be relocated to the corner lot at Old McLellan Road and Bell Road (16602 Bell Road) and would comply with the parameters of the RF Zone.
- The original Charles Bell House was substantially destroyed by fire on January 5, 2008.
- However, under the terms of the Heritage Revitalization Agreement By-law, the owner of the property is obligated to construct a replica of the Charles Bell House and to provide compensation to the City in the amount of \$15,000 indexed to the Vancouver Consumer Price Index (CPI) for the loss in heritage value to the City.

Current Application

- The applicant is requesting an amendment to the Heritage Revitalization Agreement, By-law 2007, No. 16407, and a Heritage Alteration Permit to construct a replica of the Charles Bell House at 16602 Bell Road.

PRE-NOTIFICATION

A pre-notification letter was mailed out on March 30, 2011 to all property owners within a 100-metre (300 ft.) radius of the subject property. Staff have not received any comments regarding this proposal.

DESIGN PROPOSAL AND REVIEW

- The replica Charles Bell House is to be one and one-half storey wood framed construction with basement. The design will include side gabled roof, wide overhangs and a front gabled wall dormer at the front and a sleeping porch at the rear of the house, with a dual-pitched roof over the front and rear porches. Lapped wood siding will be used at the basement level and wood shingles on the remainder of the house (Appendix II).
- The colours of the house are proposed to honour the original colour palette. The applicant proposes to use Benjamin Moore's Historical Vancouver True Colours palette for colours including Pendrell Cream, Craftsman Brown, Harris Green and Edwardian Porch Grey throughout the house.
- The replica Charles Bell House will front Bell Road as opposed to the original orientation, which was from Old McLellan Road.
- The vehicular access is to be from Old McLellan Road, as in the original property. A new detached double car garage is proposed, and is designed to be compatible with the proposed replica Bell House.
- A rock wall which was located on the site of the original Bell House will be recreated and will be situated mid-way on the property between the house and the garage, to act as a retaining wall to deal with lot grading within the property.
- All of the existing trees along Old McLellan Road (on private property) are proposed to be retained and the house will be set back 1.2 metres (4 ft.) from the east side property line and will accommodate a flanking yard setback of 5.27 metres (17.3 ft.) from Old McLellan Road, in order to accommodate the preservation of trees along the west property line.
- The replica house design and tree preservation plan have been reviewed by the City Architect and City Landscape Architect and found to be acceptable.
- A heritage consultant will be retained to monitor the construction of the Bell House replica, to ensure that it is in general accordance with the Heritage Revitalization Agreement.

BY-LAW VARIANCES WITHIN THE HRA AMENDMENT AND JUSTIFICATION

- Under Sections 966 and 972 of the Local Government Act, a Heritage Revitalization Agreement (HRA) and Heritage Alteration Permit (HAP) may vary or supplement a by-law.
- The applicant is proposing two (2) Zoning By-law variances within the HRA (Appendix IV). As the proposed Zoning By-law variances within the HRA affect density, a Public Hearing is required.
- The variances are as follows:
 - (a) Requested Variances:
 - To increase the floor area ratio of the RF Zone from 0.48 to 0.63 and to increase the allowable maximum floor area of the RF Zone from 294 square metres (3,165 sq.ft.) to 388 square metres (4,178 sq.ft.).

Applicant's Reasons:

- Due to lot grading of the existing property and heritage characteristics which require that the majority of the basement be exposed out of the ground, the plans for the replica house do not comply with the definition of in-ground basement as described in the Zoning By-law, and therefore the basement area is included in the floor area ratio and floor area calculation.

Staff Comments:

- Surrey Zoning By-law, 1993, No. 12000 defines basement as "that portion of a building between two floor levels which is partially or wholly underground with at least one-half of the volume of the said portion below the finished grade adjoining its exterior walls and includes cellars". Due to the design of the original Bell House and its siting on the property, a number of windows were exposed at the basement level. In order to replicate this same feature for the replica house, the basement is required to be exposed above ground, therefore, making the basement non-complying with the definition of basement.
- As a result of plan checking, it has also been determined that since the decks at the front and rear of the house are enclosed by half walls, the decks will also have to be included in the calculation of the floor area ratio. The half walls are required to maintain the character of the original Bell House.
- Staff recognize that, generally, the proposed replica house complies with the style and character as set out in the original Heritage Revitalization Agreement. Staff concur with the applicant's reasons and find no issue with the proposed increase in floor area ratio or floor area.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data
- Appendix II. Proposed Site Plan, Building Elevations, Landscape Plans
- Appendix III. Heritage Advisory Commission Minutes
- Appendix IV. Heritage Revitalization Agreement Amendment

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

PL/kms

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DEVELOPMENT DATA SHEET

Existing Zoning: RF

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		613 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	40%	31%
SETBACKS (in metres)		
Front (Bell Road)	7.5 m	7.97 m
Rear (South)	7.5 m	>7.5 m
Side #1 (East)	1.8 m**	1.2 m
Side #2 (West) (Old McLellan Road)	3.6 m	5.27 m
BUILDING HEIGHT (in metres/storeys)		
Principal	9 m	8.24 m
Accessory		4.38 m
NUMBER OF RESIDENTIAL UNITS	n/a	n/a
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential	294 m ² (3,165 sq.ft.)	388 m ² (4,178 sq.ft.)
FLOOR AREA: Commercial		n/a
Retail		
Office		
Total		
FLOOR AREA: Industrial		n/a
FLOOR AREA: Institutional		n/a
TOTAL BUILDING FLOOR AREA		388 m ² (4,178 sq.ft.)

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

** The side yard may be reduced to 1.2 metres (4 ft.) if the opposite side yard is at least at 2.4 metres (8 ft.)

Development Data Sheet cont'd

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

Heritage Site	YES	Tree Survey/Assessment Provided under File No. 7905-0019-00	YES
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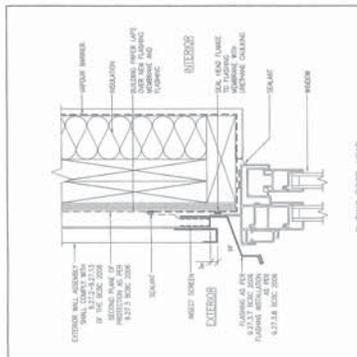
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1650 - BELL ROAD
SURREY, B.C.

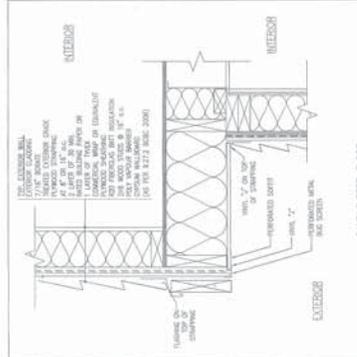
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THESE PLANS CONFORM TO REQUIREMENTS IN THE B.C. BUILDING CODE 2006.

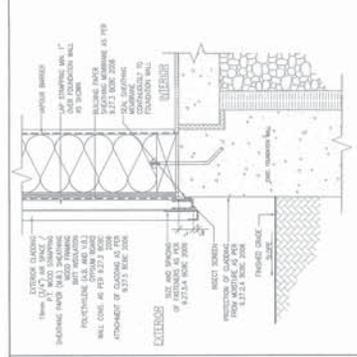
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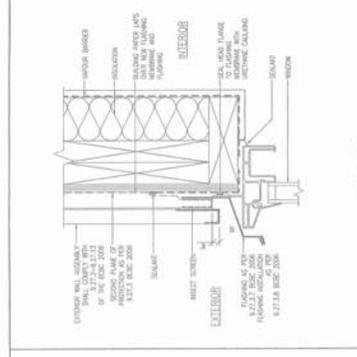
SLIDING DOOR-HEAD



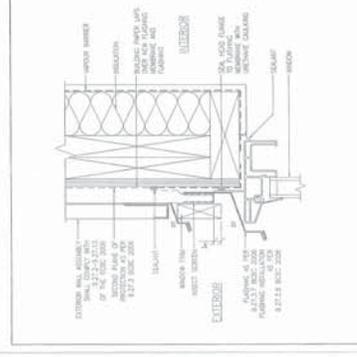
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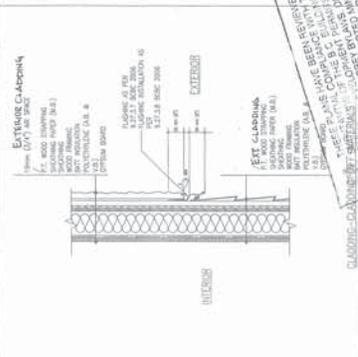
FOUNDATION AT RAIN SCREEN WALL



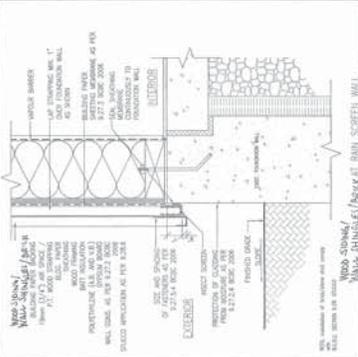
WINDOW-HEAD



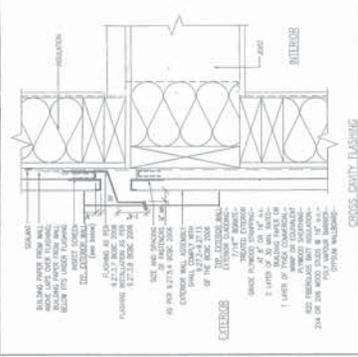
WINDOW-HEAD WITH TRIM



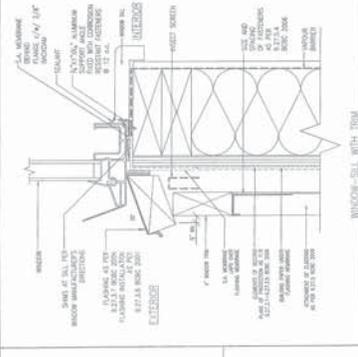
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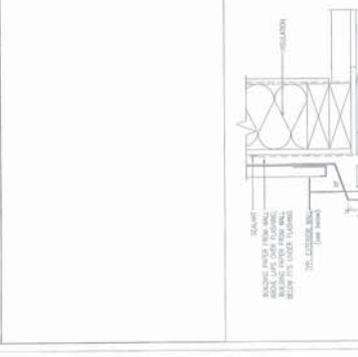
WALL AT RAIN SCREEN WALL



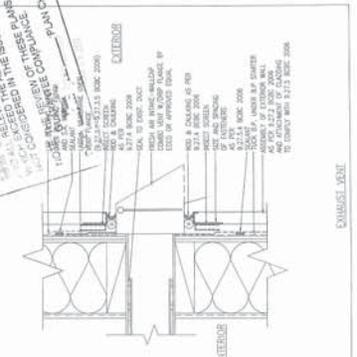
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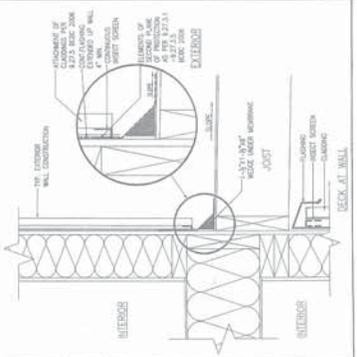
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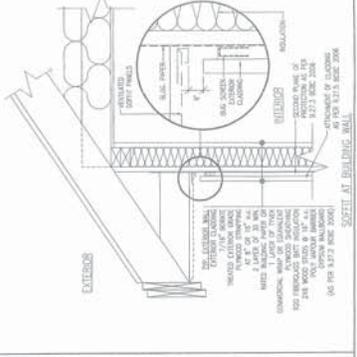
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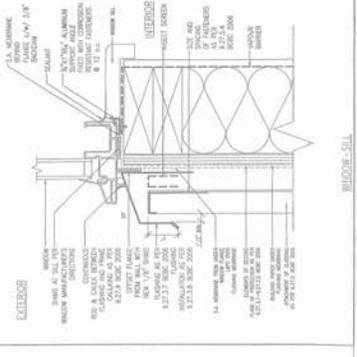
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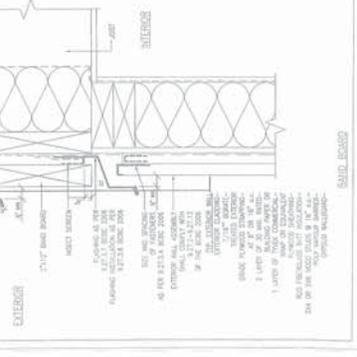
DECK AT WALL



SOFFIT AT BUILDING WALL



WINDOW-SILL



WALL AT RAIN SCREEN WALL

THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH THE B.C. BUILDING CODE 2006. THESE PLANS CONFORM TO REQUIREMENTS IN THE B.C. BUILDING CODE 2006.

UNLESS OTHERWISE NOTED:
SCALE: 1/4" = 1'-0"
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DRAWN: J. HILLON
CHECKED: J. HILLON

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99	1	WOODEN FRAME	WOODEN FRAME	WOODEN FRAME	MAIN FLOOR
100	1	WOODEN FRAME	WOODEN FRAME	WOODEN FRAME	MAIN FLOOR

GENERAL NOTES:

- WRITTEN DIMENSION SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
- CONTRACTOR SHALL VERIFY ALL ON SITE CONDITIONS PRIOR TO COMMENCEMENT OF THE WORK.
- ALL WORK SHALL CONFORM TO THE REQUIREMENT OF CSA 3.103 LATEST EDITION.
- CONCRETE WORK SHALL CONFORM TO THE REQUIREMENT OF CSA 3.103 LATEST EDITION.
- CONCRETE STRENGTH IS 28 DAYS, MINIMUM 3,000 PSI.
- ALL FRAMING AND WALLING SHALL CONFORM TO B.C. BUILDING CODE PART 9 AND DESIGN TO CSA LATEST EDITION.
- ALL FRAMING LUMBER SHALL BE DOUGLAS FIR #2 OR BETTER.
- WOOD TRUSSES SHALL BE DESIGN AND SEALED BY P.E.G. REGISTERED IN B.C.
- ALL FLOORING SHALL BE DOUGLAS FIR CONFORM TO B.C. BUILDING CODE PART 9 AND DESIGN TO CSA LATEST EDITION.
- CONCRETE SHALL BE DOUGLAS FIR CONFORM TO B.C. BUILDING CODE PART 9 AND DESIGN TO CSA LATEST EDITION.
- ALL DIMENSIONS ARE TO BE CHECKED ON SITE BEFORE WORK COMMENCES.

NOTES:

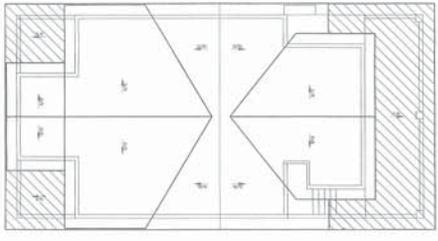
- THE FENCE IS NOT REQUIRED, BUT WHERE USED: THE FENCE IS CONSTRUCTED OF TREATED MATERIAL AND SURELY STAKED.
- POSTS ON THE SIDE OF THE SINGLE FAMILY DWELLING ARE LOCATED AT LEAST 1.8 METRES (6.0 FEET) BEHIND THE FRONT FACE OF THE SINGLE FAMILY DWELLING AS FOLLOWS.



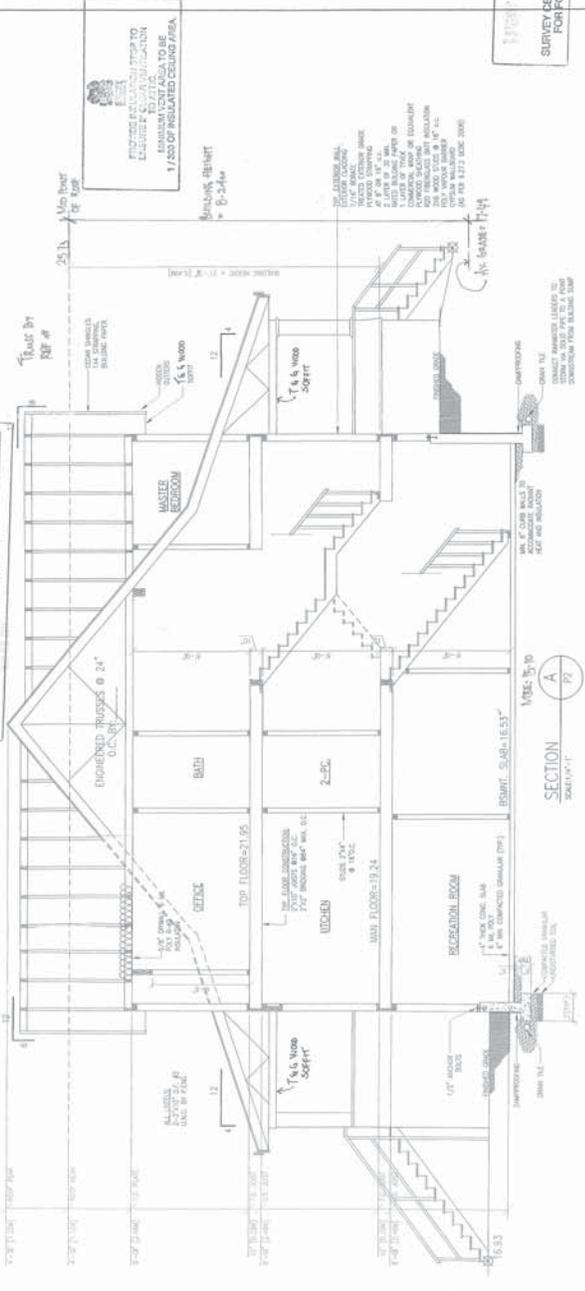
PROPOSED FENCE DETAIL
SCALE 3/4"=1'-0"

THESE PLANS HAVE BEEN REVIEWED FOR CONFORMANCE WITH THE MINIMUM REQUIREMENTS OF THE B.C. BUILDING CODE PART 9 AND DESIGN TO CSA LATEST EDITION. THE REVIEWER'S SIGNATURE AND SEAL ARE APPLICABLE TO THE PORTION OF THE PLANS WHICH ENCOMPASS THE REVIEWER'S SIGNATURE AND SEAL. THE REVIEWER IS NOT RESPONSIBLE FOR THE DESIGN OF THE PORTION OF THE PLANS WHICH ARE NOT REVIEWED.

DATE: _____ PLAN CHECKER: **KEVIN**



ROOF PLAN
SCALE 1/8"=1'-1"



SECTION A-A
SCALE 1/4"=1'-0"



PROPOSED RESIDENCE FOR
MR. JOE Dhillon
4666-668-1662 - BELL RD.
SURREY, BC

DRAWING NO. D008-4681-P4

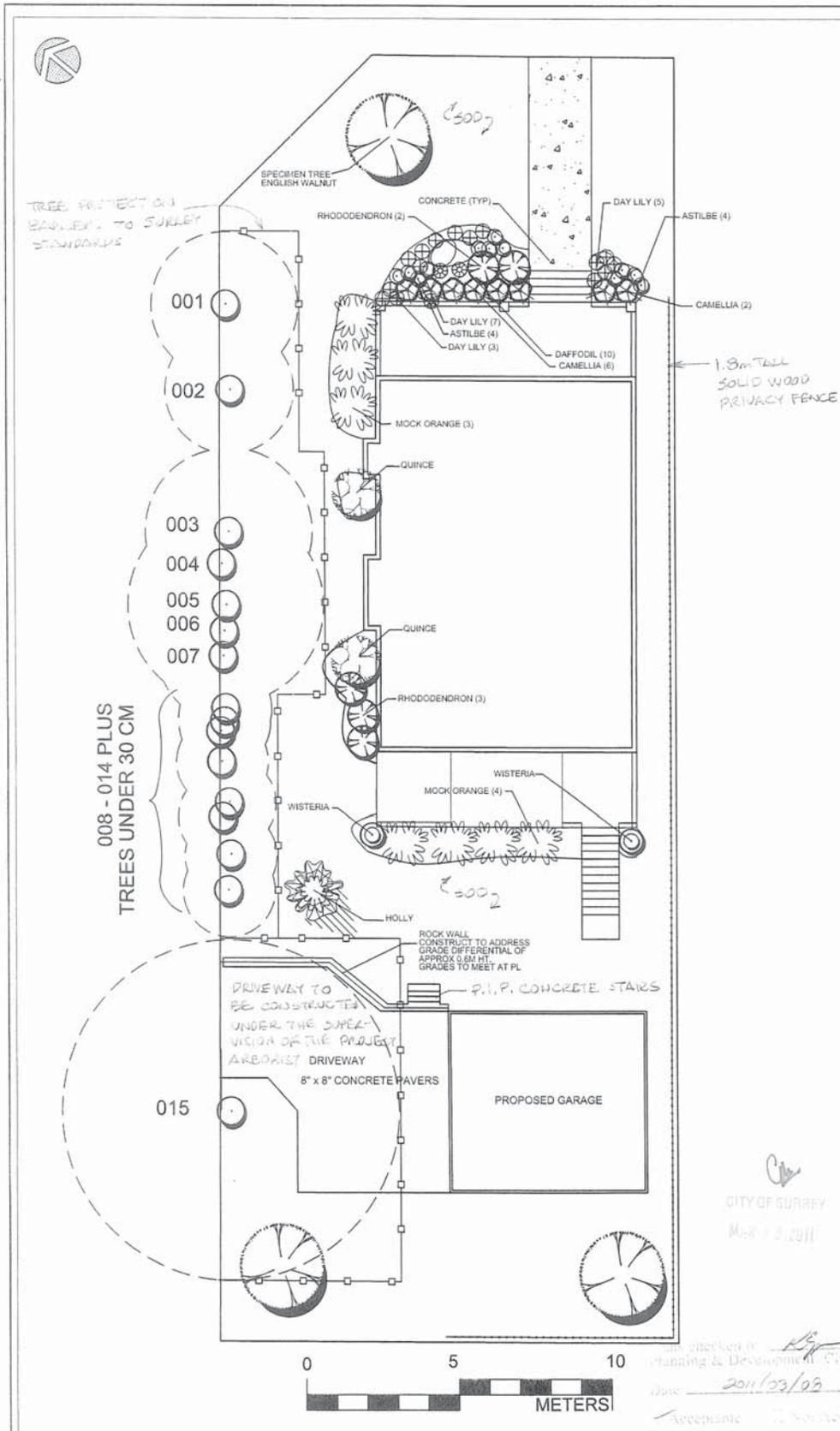
DATE: MAY 13/10
DRAWN BY: [Name]
CHECKED BY: [Name]

SCALE: 1/8"=1'-1"

THESE PLANS CONFORM TO REQUIREMENTS IN THE B.C. BUILDING CODE.

DATE: DEC 18/08

7911-0032
16602 BELL RD



MIKE FADUM AND ASSOCIATES LTD.
VEGETATION CONSULTANTS

11140 - 92A Avenue
Delta, British Columbia
V4C 3L8
Ph: (604) 582-0309
Fax: (604) 589-2888
Email: mfadum@fadum.ca

CLIENT
MR. JOE DHALIWAL

FILE NO.

PROJECT TITLE
LANDSCAPE PLANTING PLAN
16588 OLD MCLELLAN RD
SURREY, B.C.

REVISIONS:

NO.	DATE	BY	RECORD OF ISSUE
1	MAY 2010	MF	CITY COMMENTS
2	AUG 2010	MF	CITY COMMENTS
3	MAR 2011	SL	NEW BUILDING PLAN

NOTE: All plant material and contractor's work to meet or exceed BCSLA and BCJNA standards. The British Columbia Landscape Standard, 7th Edition, 2008 may be obtained from the following sources:

The British Columbia Society of Landscape Architects,
#101-355 Burrard Street,
Vancouver, B.C. V6C 2G8

The BC Landscape & Nursery Association,
#102, 5763 - 176A Street
Surrey, B.C. V3S 6S8

Final determination of location of planting may require adjustment to suit site conditions.

Tree symbols in plan are not representative of actual tree sizes.

SHEET TITLE
T1 - TREE PRESERVATION AND REMOVAL PLAN

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DRAWN
SL

SCALE
AS SHOWN

DATE
FEBRUARY 2010

L-1
SHEET 1 OF 1

LEGEND

- TREE TO BE RETAINED
- NO DISTURBANCE ZONE (6X DIAMETER AS PER CITY OF SURREY POLICY)
- TREE PROTECTION FENCING

PLANT LIST

- (3) specimen tree - see plan
- (1) ENGLISH HOLLY - *Ilex aquifolium* - #5
- (2) WISTERIA - *Wisteria sinensis* #3
- (8) CAMELLIA - *Camellia sinensis* #2
- (7) MOCK ORANGE - *Madura pomifera* #3
- (5) RHODODENDRON - *Rhododendron* spp #5
- (2) QUINCE - *Chaenomeles speciosa* #3
- (15) DAY LILY - *Heimericallis* #1
- (2) ASTILBE - *Astilbe chinensis* #1
- (10) DAFFOIL - bulbs

TREE PRESERVATION PLAN



Surrey Heritage Advisory Commission - Minutes

Planning Boardroom #1
City Hall
14245 - 56 Avenue
Surrey, B.C.
WEDNESDAY, NOVEMBER 18, 2009
Time: 5:02 p.m.

1. PLANNING & DEVELOPMENT

- (a) **Proposed House Plans for Charles Bell House Replica at
16588 Old McLellan Road
File: 7905-0019-00**

Memo dated November 10, 2009 from the Manager, Area Planning & Development – North Division.

The following comments were made:

- The owner of the Charles Bell House entered into a Heritage Revitalization Agreement (HRA) to restore, maintain and relocate the house to lot 16 of the 36 lot subdivision application. However, there was a fire in January of 2008 and the house was later demolished without authorization.
-
- As part of the HRA, the applicant is required to apply for a Heritage Alteration Permit (HAP) and build a replica of the House.
- Since that time, the applicant has submitted plans for the replica that staff have been reviewing on an ongoing basis. There are some outstanding issues that still need to be resolved.

The Commission made the following comments:

- It seems as though the garage does not have the same cladding as the house did.
- The driveway plans are not quite clear in character. Suggestion is to have something like stamped concrete used.
- Question was raised as to how the City will ensure that the \$15,000 required from the developer is in fact paid.
- Comment was made that there is no definition provided as to what the window material is and that there should be 'muntins' installed to keep with the original look of the windows.
- Question was asked whether the owner had kept the stones from the original retaining wall.

The following comments were made in response to the Commission:

- The owner has saved the stones from the retaining wall and are being stored until the house is re-built. The applicant also needs to identify on the site plan where these will be used.
- Work on the three lots is still on hold until everything is done, the \$15,000 paid and the City is ready to issue a permit.

It was

Moved by Commissioner Farrand
Seconded by Commissioner Foulkes
That the Surrey Heritage Advisory

Commission recommends to the General Manager, Planning & Development that the replica of the Charles Bell House be completed and final occupancy permit be granted prior to removing the 'no build' covenants on the two additional lots.

Carried

The Commission made the following additional comments:

- The quality of the work needs to be inspected and supervised by an expert to ensure that the heritage details are replicated properly.
- Question was raised whether both the interior and exterior of the building need to be replicated.
- Comment was made that a policy should be drafted as to how the Commission should deal with these type of circumstances in the future. Perhaps researching how other cities deal with replicas could be helpful.

The following additional comments were made in response to the Commission:

- The HAP applies to the exterior of the building.

It was

Moved by Commissioner Foulkes
Seconded by Commissioner Tracey
That the Surrey Heritage Advisory

Commission recommend to the General Manager, Planning & Development that in order to ensure that the reconstruction of the Charles Bell House is undertaken in such a way that is an actual replica and that the architectural details are accurately replicated, that the contract for the heritage consultant who prepared the heritage conservation plan be extended to include the monitoring of the construction of the replica and the cost of this be passed onto the applicant.

Carried

It was

Moved by Commissioner Hart
Seconded by Commissioner Hol
That the Surrey Heritage Advisory

Commission recommend to the General Manager, Planning & Development that the applicant be required to address the following outstanding items concerning the Charles Bell House:

1. Window wells are required to be shown on the plans and should be screened by landscaping;
2. The detail materials of the proposed handrails are required;
3. Clarification is required of the details of the "mouse-toothed necking";
4. The driveway to the garage should be a material which is complementary to the heritage character of the Bell House. Proposed material is "broom finished concrete", which is very modern in character;
5. A landscape plan is required to reflect the location of trees to be retained and/or removed, along with proposed landscaping to be complementary to the character of the Charles Bell House;
6. The rock wall is required to be relocated to this lot and shown on the site plan and landscape plan;
7. The extent of fencing is required to be shown as part of the landscape plan package;
8. A colour and materials board is required to be shown as part of the landscape plan package;
9. Payment of \$15,000.00 for the loss in heritage value of the Charles Bell House;
10. Ensure that the replicated windows are of the same construction as the original windows to compliment the character of the Charles Bell House (i.e. wood construction with surface applied wood muntins and internal back-to-back spacer bars to align with the surface applied muntins to match original).
11. Ensure that the design of the garage compliments the house and that like materials are used. Also ensure that the garage door is of a "heritage style".

Carried

P. Lau left the meeting at 6:50 p.m.

CITY OF SURREY

BY-LAW NO.

A by-law to amend the provisions of "City of Surrey
Heritage Revitalization Agreement By-law, 2007, No. 16407."
.....

The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. The City is authorized to enter into an amendment to the heritage revitalization agreement authorized by "Surrey Heritage Revitalization Agreement By-law, 2007, No. 16407" regarding certain lands and premises located within the City of Surrey and more particularly known and described as:

Parcel Identifier: 027-255-921
 Lot 16 Section 12 Township 2 New Westminster District Plan BCP31792
 16602 – Bell Road

(The "Heritage Revitalization Agreement")

- 2. The terms and conditions of the amending agreement (the "Amending Agreement") are attached to and form part of this By-law as Schedule "1", and the Amending Agreement becomes an addition to the Heritage Revitalization Agreement.
- 3. The Mayor and Clerk are authorized on behalf of the City to sign the Amending Agreement and to do all acts necessary and incidental to the completion of the Amending Agreement.
- 4. This By-law shall be cited for all purposes as "City of Surrey Heritage Revitalization Agreement By-law, 2007, No. 16407, Amendment By-law, 2011, No. _____".

PASSED FIRST AND SECOND READINGS on the day of , 2011.

PUBLIC HEARING HELD thereon on the day of , 2011.

PASSED THIRD READING on the day of , 2011.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the day of , 2011.

_____ MAYOR

_____ CLERK

SCHEDULE 1

**SURREY HERITAGE REVITALIZATION AGREEMENT
CHARLES BELL HOUSE
AMENDING AGREEMENT**

THIS AGREEMENT dated for reference the ____ day of _____, 2011.

BETWEEN:

CITY OF SURREY
14245 - 56th Avenue
Surrey, B.C., V3X 3A2

(the "City")

OF THE FIRST PART

AND:

57TH AVENUE DEVELOPMENTS LTD., INC. NO. 766857
305 - 9288 120 Street
Surrey, BC
V3V 4B8

(the "Owner")

OF THE SECOND PART

WHEREAS:

- A. The City and 57th Avenue Developments Ltd. (the "Owner") entered into a Heritage Revitalization Agreement dated for reference June 26, 2007 (the "Agreement") for the conservation, restoration, maintenance, and protection of the Lands, including the Charles Bell House, as more particularly described in the Agreement;
- B. The City and the Owner wish to amend the terms of the Agreement to vary the Zoning By-law to increase the permitted floor area on the Lands.
- C. Each capitalized term not otherwise defined herein shall have the meaning ascribed to it in the Agreement;

NOW THEREFORE this Amending Agreement witnesses that in consideration of the sum of \$1.00 paid by each party to the other and other good and valuable consideration (the receipt and sufficiency of which each party hereby acknowledges), the parties hereby covenant and agree as follows:

1. Amendments

The Agreement is hereby amended as follows:

- 1.1. By deleting Section 3 of the Agreement, and replacing it with the following:

3. Pursuant to Section 966(2) (b) of the Local Government Act, Part 16 Single Family Residential Zone (RF), Section D. Density, Sub-section 2 of the City of Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby varied in respect of the Lands as set out in Schedule "C" which is incorporated into and forms part of this Agreement.

- 1.2. By inserting the following new Schedule "C" following Schedule "B" of the Agreement:

Schedule "C"

PROVISIONS TO VARY AND SUPPLEMENT CITY BY-LAWS

- (1) City of Surrey Zoning By-law, 1993, No. 12000, as amended, is varied or supplemented with respect to the Lands as follows:

In Part 16 Single Family Residential Zone (RF), Section D. Density, Sub-section 2 is varied by deleting clause (b) and replacing it with the following:

"(b) For *building* construction within a *lot*, the *floor area ratio* (FAR) shall not exceed 0.63, provided that the maximum allowable floor area shall not exceed 390 square meters (4,198 sq. ft.)."

(Note: Terms used in Schedule "C" of this Agreement that are italicized are defined in Surrey Zoning By-law, 1993, No. 12000, as amended, and shall take their meaning from the by-law.)

2. Due Execution

The Owner hereby represents and warrants to the City that this Amending Agreement has been duly authorized and executed by the Owner and that the delivery of this Amending Agreement has been duly authorized by all necessary corporate action on the part of the Owner.

3. Full Force and Effect

The City and the Owner hereby agree that the Agreement shall hereinafter be read and construed in conjunction with this Amending Agreement and be regarded as being amended only to the extent herein provided that all the terms, covenants, provisos, conditions and provisions of the Agreement, as amended hereby, shall continue to be in full force and effect and nothing herein contained shall operate or be construed to modify or otherwise affect the rights and obligations created by the Agreement as amended hereby.

4. Enurement

This Agreement shall enure to the benefit of and be binding upon the respective successors and permitted assigns of the City and the Owner.

5. **Notice to be Filed**

Notice of this Agreement will be filed in the Land Title Office and once filed, this Agreement will be binding on all persons who acquire an interest in the Lands.

IN WITNESS WHEREOF the parties have executed this Amending Agreement as of the date set out above.

CITY OF SURREY

by its authorized signatories

Dianne Watts
Mayor

Jane Sullivan
City Clerk

57TH AVENUE DEVELOPMENTS LTD., INC. NO. 766857
by its authorized signatory



JOE DHALIN

Name: (print)