



Proposal: Development Variance Permit to reduce the minimum side and rear yard setbacks to retain a partially constructed single family dwelling.

Recommendation: Approval to Proceed

Location: 9752 - 160A Street

Zoning: CD (By-law No. 14725)

OCP Designation: Urban

Owners: Harjinder Singh Sandhu & Jaswinder Kaur Sandhu

PROJECT TIMELINE

Completed Application Submission Date: August 5, 2005
Planning Report Date: January 30, 2006

PROPOSAL

The applicant is proposing:

- a Development Variance Permit to vary the following by-law regulations:
 - to reduce the minimum east side yard setback of CD By-law (No. 14725) from 1.2 metres (4 ft.) to 0.37 metre (1.2 ft.); and
 - to reduce the minimum rear yard setback of CD By-law (No. 14725) from 7.5 metres (25 ft.) to 7.37 metres (24 ft.)

in order to allow the retention of a partially constructed single family dwelling.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7905-0259-00 (Appendix V), varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum east side yard setback of the CD By-law (No. 14725) from 1.2 metres (4 ft.) to 0.37 metre (1.2 ft.) and to reduce the minimum rear yard setback from 7.5 metres (25 ft.) to 7.37 metres (24 ft.).

REFERRALS

Engineering: The Engineering Department has no concerns (Appendix IV).

SITE CHARACTERISTICS

- **Existing Land Use** Partially constructed single family dwelling.
- **East:** Open space and creek preservation area surrounding Young Brook Creek, zoned RF-G, designated Urban.
- **South:** Single family dwellings on small urban lots, zoned CD (By-law No. 14725), designated Urban.
- **West:** Across 160A Street, residential acreage properties, zoned RA, designated Urban.
- **North:** Single family dwellings on small urban lots, zoned CD (By-law No. 14725), designated Urban.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

- The subject site is located in a cul-de-sac on 160A Street between 96A Avenue and 100 Avenue in the Guildford area. The site is designated Urban in the Official Community Plan (OCP) and zoned "Comprehensive Development Zone (CD)" (By-law No. 14725)".
- The subject property was created as part of a development application (File No. 7902-0008-00) to rezone from RF-G to CD to permit 19 single family lots. This application received Final Adoption by Council on June 12, 2003.
- The applicant is requesting a Development Variance Permit to relax the east side yard and rear yard setbacks in order to retain the existing dwelling that is partially constructed on the subject property.
- The dwelling on the subject property has been constructed to the "lock up" stage (i.e. roofing and windows installed but no siding). However, due to a survey error, the dwelling is encroaching into the east side yard and rear yard setbacks. During a routine building inspection of the subject dwelling on June 15, 2004, the building inspector questioned the spacing between the subject dwelling and the adjacent dwelling to the east. The City subsequently received a site survey indicating that the subject dwelling was incorrectly sited. A Stop Work order was posted on July 16, 2004.
- The applicant presented an appeal to the Board of Variance on August 17, 2004 for permission to relax the rear yard setback and the east side yard setback to allow retention of the partially constructed single family dwelling. The appeal was denied.
- The subject dwelling is located 0.37 metre (1.2 ft.) from the east property line and the east eave is encroaching onto the adjacent property. The owner has submitted an Equivalency Report to the Building Division which proposes to protect the window openings that are too close to the property line using a system of automatic fire sprinklers located near each window. In addition, the east eave will have to be amended so that it no longer encroaches onto the adjacent property. The applicant has submitted a revised eaves design and a letter from their design consultant, Douglas R. Johnson, confirming their acceptability. The Equivalency Report and revised eaves design have been reviewed by Building Division staff and are found to be generally acceptable.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the CD Zone (By-law No. 14725) as follows:
 - Reduce the minimum east side yard setback from 1.2 metres (4 ft.) to 0.37 metre (1.2 ft.); and
 - Reduce the minimum rear yard setback from 7.5 metres (25 ft.) to 7.37 metres (24 ft.).

Applicant's Reasons:

- Due to a survey error, the existing dwelling was incorrectly sited on the lot resulting in encroachment into the side yard setback and the rear yard setback. The proposed variance allows the existing partially constructed house to be retained.

Staff Comments:

- The subject dwelling has been framed, roof and windows installed and plumbing and electrical work roughed in.
- The proposed variances are required in order for the partially constructed dwelling to be retained and for construction to be completed.
- The subject dwelling has two floors and a proposed finished basement and will be similar in design and size to the surrounding dwellings. The dwelling has a floor area of 285 square metres (3,068 sq.ft.) and includes four bedrooms on the second floor.
- The east side yard setback is 0.37 metre (1.2 ft.) at the front of the dwelling, however, the side of the dwelling fans out and meets the minimum side yard setback requirement of 1.2 metres (4 ft.) at the rear of the dwelling.
- The applicant has submitted an Equivalency Report to the Building Division which assesses and provides recommendations on Building Code requirements associated with the limited distance to the adjacent property. In general, the Building Division agrees with measures proposed to achieve Code compliance.
- The rear yard setback variance is minimal, allowing for adequate outdoor space.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Contour Map
Appendix III.	Proposed Layout
Appendix IV.	Engineering Summary
Appendix V.	Development Variance Permit No. 7905-0259-00

INFORMATION AVAILABLE ON FILE

- Copy of CD By-law (No. 14725)

Murray Dinwoodie
General Manager
Planning and Development

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: John Kaminsky
 Address: 220 - 7525 King George Highway
 Surrey, B.C.
 V3W 5A8
 Tel: 604-591-7877

2. Properties involved in the Application
 - (a) Civic Address: 9752 - 160A Street

 - (b) Civic Address: 9752 - 160A Street
 Owners: Harjinder Sandhu and Jaswinder Sandhu
 PID: 025-670-239
 Lot 12 Section 35 Block 5 North Range 1 West New Westminster District Plan
 BCP5832

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7905-0259-00.

DEVELOPMENT DATA SHEET

Existing Zoning: CD (By-law No. 14725)

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	n/a	n/a
Road Widening area		
Undevelopable area		
Net Total	n/a	n/a
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	40%	37%
Paved & Hard Surfaced Areas	20%	12%
Total Site Coverage	60%	49%
SETBACKS (in metres)		
Front	7.5 m	7.77 m
Rear	7.5 m	7.37 m
Side #1 (East)	1.2 m	0.37 m
Side #2 (West)	1.2 m	1.66 m
BUILDING HEIGHT (in metres/storeys)		
Principal	9.0 m	8.23 m
Accessory		
NUMBER OF RESIDENTIAL UNITS	n/a	n/a
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential	292 m ²	285 m ²
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	n/a	285 m ²

** 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		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)	0.55	0.52
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	2	4
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	NO	Tree Survey/Assessment Provided	NO
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CONTOUR MAP FOR SUBJECT SITE

