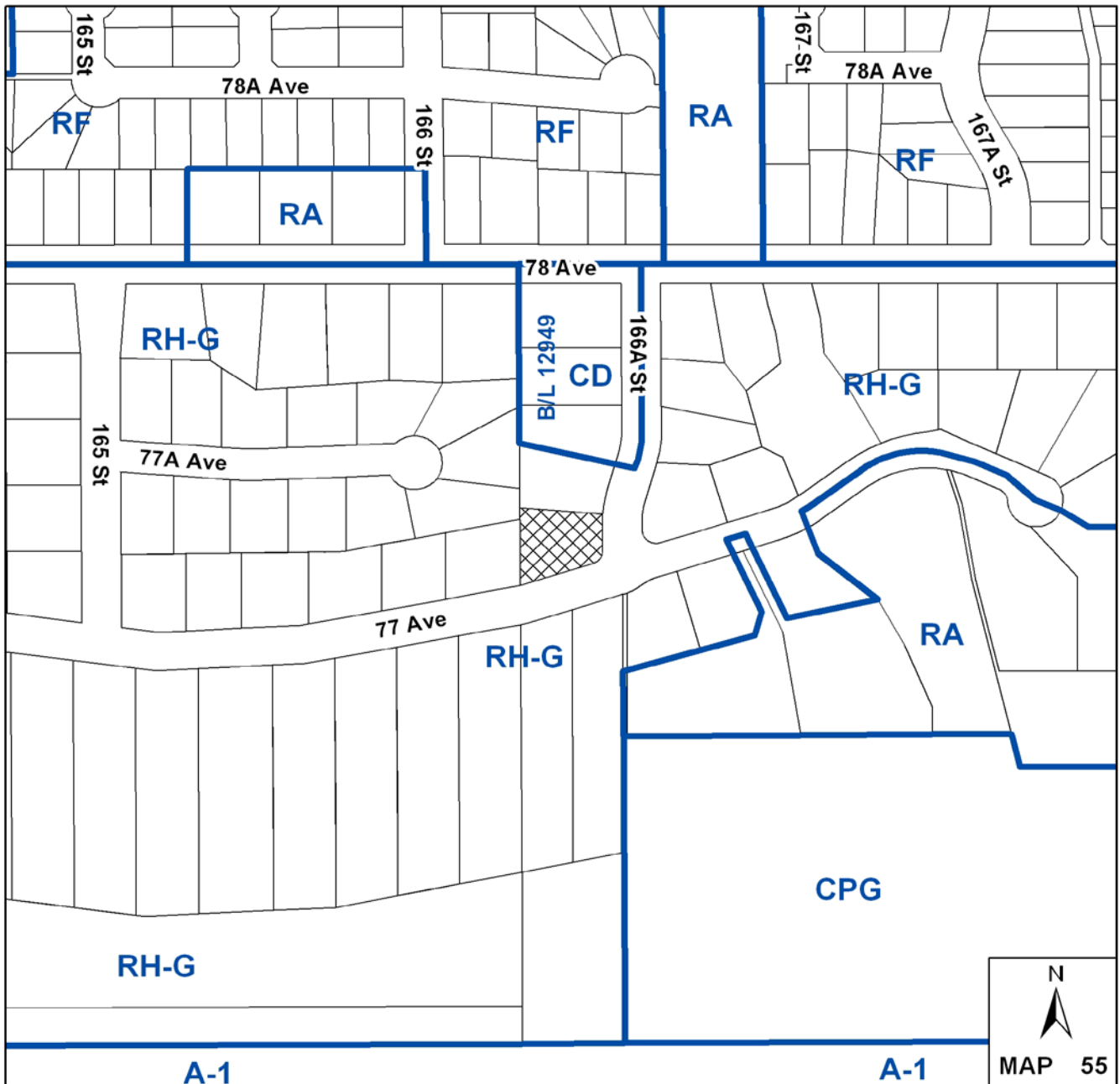


**Proposal:** Development Variance Permit to reduce the rear yard setback to permit construction of a single family dwelling.

**Recommendation:** Approval to Proceed

**Location:** 16625 - 77 Avenue      **Zoning:** RH-G

**OCP Designation:** Suburban      **Owner:** Mukhdev Singh Bagri



## PROJECT TIMELINE

Completed Application Submission Date: March 17, 2006  
Planning Report Date: March 27, 2006

## PROPOSAL

The applicant is proposing:

- a Development Variance Permit to vary the following by-law regulation:
  - to relax the minimum rear yard setback in the RH-G Zone from 7.5 metres (25 ft.) to 3.0 metres (9.8 ft.)

in order to permit the development of a single family dwelling.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7906-0112-00, (Appendix IV) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum rear yard setback of the RH-G Zone from 7.5 metres (25 ft.) to 3.0 metres (9.8 ft.).

## REFERRALS

Engineering: No concerns (Appendix IV).

## SITE CHARACTERISTICS

- **Existing Land Use** Vacant lot.
- **East:** Across 166A Street, single family dwelling, zoned RH-G, designated Suburban.
- **South:** Across 77 Avenue, single family dwellings, zoned RH-G, designated Suburban.
- **West:** Single family dwellings, zoned RH-G, designated Suburban.
- **North:** Single family dwelling, zoned RH-G, designated Suburban.

## PLAN AND POLICY COMPLIANCE

OCP Designation:                      Complies.

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject property is located in Fleetwood, south of the Fleetwood Town Centre in the Suburban-designated Serpentine View Estates subdivision.
- The subject property was rezoned from RS to R-H(G) (By-law No. 5942) in July 1993 (File No. 5692-0180-00, By-law No. 11523) to permit 5 half-acre gross density lots.
- As part of the associated subdivision, the applicants dedicated 15% open space, which was consolidated with the existing parkland to the west and east of the site.
- A Statutory Building Scheme was registered on the 5 properties created by the subdivision. This Building Scheme specifies that minimum setbacks for principal buildings must adhere to the requirements of the R-H(G) Zone in the Zoning By-law.
- With the adoption of Zoning By-law No. 12000 the zoning of this site was converted to RH-G, the closest equivalent zone.
- In July 1997, the property located at 16626 – 78 Avenue, which was included in the original 5-lot subdivision, was further subdivided (File No. 7996-0061-00). To satisfy the subdivision requirements the above-noted Building Scheme registered on title was discharged and replaced with one related specifically to the three newly created lots. As a result, there are only four properties from the original subdivision with the applicable Building Scheme registered on title.
- Nearly two years ago, the same applicant submitted a Development Variance Permit (DVP) application for the subject property (File No. 7904-0117-00). The applicant was requesting the same variance to the rear yard setback as is currently being sought. The Planning Report was forwarded to Council at the Regular Council – Land Use meeting on September 7, 2004.
- At that time, Planning and Development recommended that Council issue Development Variance Permit No. 7904-0117-00 after the Building Scheme (BG 325955) registered on titles of the original subdivision had been amended.
- The condition of approval was never fulfilled. After attempting unsuccessfully to contact the owner by telephone, on March 10, 2005 a registered letter was mailed to the owner advising that the application would be closed if the necessary legal documentation was not submitted within 15 days of the date of the letter. The registered letter was unclaimed and returned with no forwarding address.
- On April 12, 2005, staff requested Council to file the application as it had remained inactive for seven (7) months. The application was filed by Council on May 20, 2005.

### Current Proposal

- A new application was submitted on March 17, 2006. The application is identical to the initial application, 7904-0117-00.
- The applicant is seeking approval to relax the rear yard (west) setback in order to situate the house such that the front of the house is oriented toward 77 Avenue as opposed to 166A Street, which is the legal front lot line for the property.
- The subject site is vacant with a slight slope to the south. The Consultant retained by the applicant has indicated that it is possible to accommodate an in-ground basement. A lot grading plan was submitted and reviewed by the Building Division and was determined to be adequate. The applicant is not proposing to import any fill onto the property.
- There are no significant trees located on the subject site. The Building Scheme registered on title outlines the landscaping requirements.
- The applicant has supplied the City with building plans and has retained Sandbox Design Works, a division of Ankenman Associates Architects Inc, as the Design Consultant who has confirmed that the proposed building design plans are suitable for the neighbourhood and comply with the Building Design Guidelines registered on title (Appendix VI).
- The four lot owners of the properties that formed the original subdivision have had an opportunity to review the house plans and have approved the proposed design (Appendix VII).
- A minor amendment of the Building Scheme registered on title (BG325955) to exclude the subject lot from the specified siting and setbacks, is required in order to proceed. The amendment has been drawn up by the applicant's lawyer with the signatures of the four lot owners of the properties that formed the original subdivision.

### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To relax the minimum rear yard setback requirement of the RH-G Zone from 7.5 metres (25 ft.) to 3.0 metres (10 ft.).

Applicant's Reasons:

- The Design Consultant has maintained that re-orienting the house to front 77 Avenue rather than 166A Street would be more compatible with the existing homes along 77 Avenue.

**Staff Comments:**

- According to Surrey Zoning By-law, where a lot is a corner lot, the shortest of the lot lines abutting a highway shall be the front lot line. Therefore the “legal” front lot line is along 166A Street and the “legal” rear yard, being opposite to the front, is along the west lot line of the subject lot.
- As a result, the west setback area becomes the functional side yard of the proposed house and the applicant proposes a 3.0m (10 ft) setback which meets the minimum side yard requirement of the RH-G Zone. Similarly, the north setback although technically the side yard, becomes the functional rear yard of the house and complies with the 7.5m (25 ft) minimum rear yard requirement.
- In consideration of the natural downhill grade from north to south along the west edge of the property, the proposed house design takes advantage of the less steep area of the lot for placement of the rear yard.
- The property owner to the west has reviewed the proposal and supports the proposed change (Appendix VII).
- The requested variance will only apply to the proposed building plans attached to the Development Variance Permit (Appendix V).

**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 Site Plan, Typical Floor Plans and Elevations
Appendix IV.	Engineering Summary
Appendix V.	Development Variance Permit No. 7906-0112-00
Appendix VI.	Design Rationale Submitted by Applicant's Design Consultant
Appendix VII.	Owners' Signatures for House Design Approval

Murray Dinwoodie  
General Manager  
Planning and Development

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## DEVELOPMENT DATA SHEET

**Existing Zoning: RH-G**

Required Development Data	Minimum Required / Maximum Allowed	Proposed
<b>LOT AREA*</b> (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		1,331 m <sup>2</sup>
<b>LOT COVERAGE</b> (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	25%	21.3%
<b>SETBACKS</b> ( in metres)		
Front	7.5 m	7.5 m
Rear	7.5 m	3.0 m
Side #1 (North)	1.8 m	7.5 m
Side #2 (South)	1.8 m	7.5 m
<b>BUILDING HEIGHT</b> (in metres/storeys)		
Principal	9 m	8.39 m
Accessory		
<b>NUMBER OF RESIDENTIAL UNITS</b>		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
<b>FLOOR AREA: Residential</b>	413.85	
<b>FLOOR AREA: Commercial</b>		
Retail		
Office		
Total		
<b>FLOOR AREA: Industrial</b>		
<b>FLOOR AREA: Institutional</b>		
<b>TOTAL BUILDING FLOOR AREA</b>		

*\* 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)		
AMENITY SPACE (area in square metres)		
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/NO	Tree Survey/Assessment Provided	YES/NO
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CONTOUR MAP FOR SUBJECT SITE

