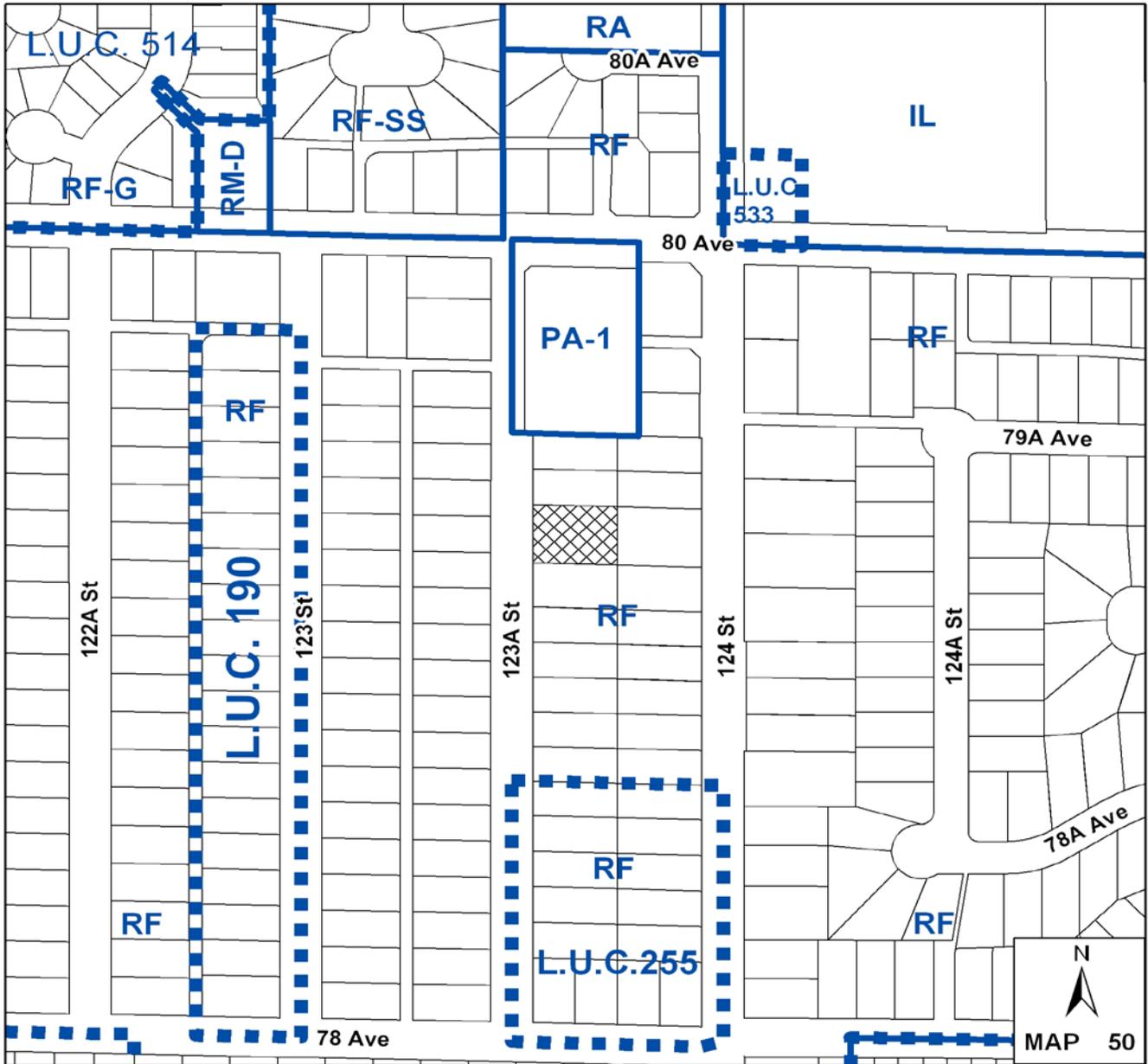


Proposal: Development Variance Permit to vary lot width and side yard setbacks on a proposed 2-lot subdivision.

Recommendation: Approval to Proceed

Location: 7928 - 123A Street **Zoning:** RF

OCP Designation: Urban **Owners:** Bakhtabar Sandhu and Sandeep Sidhu



PROJECT TIMELINE

Completed Application Submission Date: December 12, 2006
Planning Report Date: December 18, 2006

PROPOSAL

The applicant is proposing:

- a Development Variance Permit to vary the required setbacks and lot width in the RF Zone as follows:

Proposed Lot 1

- to vary the minimum side yard setback on the north side from 1.8 metres (5.9 ft) to 2.3 metres (7.5 ft);
- to vary the minimum side yard setback on the south side from 1.8 metres (5.9 ft) to 1.5 metres (4.9 ft);
- to vary the minimum lot width from 15 metres (49 ft) to 14.8 metres (48 ft).

Proposed Lot 2

- to vary the minimum side yard setback on the north side from 1.8 metres (5.9 ft) to 0.9 metres (3.0 ft);
- to vary the minimum side yard setback on the south side from 1.8 metres (5.9 ft) to 3.25 metres (10.7 ft);

in order to allow subdivision into two (2) RF lots.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7906-0142-00, (Appendix VI) varying the following, to proceed to Public Notification:

Proposed Lot 1

- (a) to vary the minimum side yard setback on the north side from 1.8 metres (5.9 ft) to 2.3 metres (7.5 ft);
- (b) to vary the minimum side yard setback on the south side from 1.8 metres (5.9 ft) to 1.5 metres (4.9 ft); and
- (c) to vary the minimum lot width for from 15 metres (49 ft) to 14.8 metres (48 ft).

Proposed Lot 2

- (a) to vary the minimum side yard setback on the north side from 1.8 metres (5.9 ft) to 0.9 metres (3.0 ft); and
 - (b) to vary the minimum side yard setback on the south side from 1.8 metres (5.9 ft) to 3.25 metres (10.7 ft);
2. Council instruct staff to resolve the following issues prior to DVP execution:
- (a) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (b) submission of a preliminary lot grading plan to the satisfaction of the Acting General Manager, Planning and Development;
 - (c) registration of a Section 219 Restrictive Covenant for an appropriate Building Scheme and Landscaping; and
 - (d) registration of a Section 219 Restrictive Covenant for tree preservation.

REFERRALS

Engineering: Comments from the Engineering Department will be received prior to the subdivision stage. The requirements will be completed to the satisfaction of the General Manager, Engineering, through the subdivision process.

SITE CHARACTERISTICS

- **Existing Land Use** Single family residential house which will be demolished upon subdivision of the parcel.
- **Significant Site Attributes** There are 22 coniferous trees on the subject property, which are approximately 15 metres (50 ft.) in height and approximately 40 years old.
- **East:** Single family residential, zoned RF, designated Urban in the OCP.
- **South:** Single family residential, zoned RF, designated Urban in the OCP.
- **West:** Across 123A Street, single family residential, zoned RF, designated Urban in the OCP.
- **North:** Single family residential, zoned RF, designated Urban in the OCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

Other Council Policy: This application does not comply with City Policy No. 0-30 (Single Family Infills).

DEVELOPMENT CONSIDERATIONS

Initial Application and Petition

- The subject property is located at 7928 - 123A Street. This property is 1,206 sq.m.(0.3 acre) in area and has a frontage of 29.96m (98 feet). This property is designated 'Urban' in the OCP and is zoned Residential Single Family (RF). The surrounding properties within this region are also designated 'Urban' in the OCP and zoned RF.
- Initially, the owner of the property applied to subdivide the lot into two RF lots. The proposed two lots exceeded the minimum lot area, but did not meet the minimum lot width requirement.
- The proposed two lots were 14.98 metres (49 feet) wide and each had an area of 603 sq.m (6,490 sq.ft). The minimum requirements for lot width and area of the RF zone are 15m (49 ft) and 560 sq.m (6,028 sq.ft). Furthermore, the proposed lot widths were not in compliance with the Single Family Infill Policy which states that, the width of new lots in 'infill' and 'street frontage completion' situations should be similar to the widths of existing lots and should not be less than 16.5m (Appendix IV). The typical lot width in the area is about 17 metres to 18 metres.
- Along with the initial application, the applicant submitted a petition of support for the proposal, which was dated July 2005. The petition was signed by owners on 53 properties in the proximity of the subject site.
- Following the erection of the development sign for the proposed subdivision, staff received a petition dated July 2006 opposing the application. The petition was signed 25 property owners on the subject street.
- Subsequently, the applicant submitted yet another petition dated August 2006 in support of the proposal. It was noted that many neighbours' signatures were found in each of the petitions in support and in opposition to the proposal.

Approving Officer's Hearing

- An Approving Officer's Hearing was held on October 18, 2006 to receive input from the neighbours regarding the proposed subdivision.
- There were 36 individuals who registered their name on the attendance sheet at the Hearing. Comments were made in opposition as well as in support of the proposed subdivision. Subsequent to the Hearing, staff received numerous letters expressing opposition to the application. Reasons for the opposition are as follows:

- Additional automobile traffic and parking that would occur with this development.
- Narrower lots is considered to decrease the value of surrounding homes.
- The proposed lot widths would not meet the City Policy on infills.
- The proposal does not meet the minimum requirement of a lot width for an RF lot according to the Zoning By-law.
- Increased density was unwanted.
- As a result of the Hearing, the applicant proposed the following measures to address the concerns raised:
 - Adjust the width of the proposed lots as follows: Lot 1 - 14.8m (48 ft) and Lot 2 - 15.2m (50 ft).
 - Preserve the existing trees along the north and south property lines by varying the side yard setbacks of both lots.
 - Develop a building scheme that would reflect the current design standards in the area and adjust the building envelopes to preserve some existing trees.
 - Maintain a maximum home size of 288 sq.m (3,100 sq.ft) in accordance with the RF zone with no in-ground basements.
 - Additional landscaping to enhance streetscape of the proposed 2 lots.
- In order to implement some of the measure proposed by the owner, a DVP application has been made to vary the lot widths and side yard setbacks.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- Relax the side yard setback on the south side of proposed Lot 1 to a minimum of 1.5 m (4.9 ft) from 1.8 m (5.9 ft), provided that the side yard setback on the north side will be increased to a minimum of 2.3 m (7.5 ft).

Applicant's Reason:

- The increased side yard setback will preserve the trees and provide buffer space between neighbours.
- A reduced south side yard setback is needed to offset the opposite side in order to provide appropriate space for the width of a building.

Staff Comments:

- By increasing the northern side yard, the existing trees will be preserved and a sense of space will be created. This is expected to assist in easing any concerns regarding the potential of a home being built too close to the northern boundary line.
- The reduced side yard setback is not expected to create any problems between neighbours since the homes do not currently exist and any future buyer would be able to see the distance between homes.
- In varying these side yards, 3 mature trees will be preserved on the northern property line. These 3 trees consist of 2 Spruce trees that are 45cm in width and a Douglas Fir that is 40cm in width (Appendix V).

(b) Requested Variance:

- Relax the side yard setback on the north side of proposed Lot 2 to a minimum of 0.9 m (3.0 ft) from 1.8m (5.9 ft) while increasing the minimum side yard setback on the south side to 3.25m (10.7 ft).

Applicant's Reason:

- The increased side yard setback will preserve the trees and provide buffer space between neighbours.
- A reduced side yard setback is needed to offset the opposite side in order to provide sufficient space for the width of a building.
- The width on the southern side would provide sufficient space for access to the sanitary easement at the rear of the property.

Staff Comments:

- By increasing the southern side yard, all of the trees (13) will be preserved and a sense of space will be maintained with the neighbour to the south. This proposal does not place a future building envelope any closer to the southern boundary line than what currently exists.
- The 13 trees along the southern property line consist of 11 Douglas Firs and 2 Hemlocks that range in size from 36cm to 58cm (Appendix V).
- The reduced side yard setback is not expected to create any problems between neighbours since the homes do not currently exist and any future buyer would be able to see the distance between homes.

(c) Requested Variance:

- Relax the frontage requirement of the RF Zone for proposed Lot 1 from 15m (49 ft) to 14.8m (48 ft).

Applicant's Reason:

- The reduced frontage is needed in order to provide the southern lot with extra space, which assists in providing access to the right of way.

Staff Comments:

- This request is contrary to the Infill Policy (Appendix IV), which requires lot frontage to be similar to other lot widths found in the area and should not be less than 16.5m (54 ft). The typical lot widths found in the area is 17 m to 18 m.
- The applicant is unable to acquire additional land from neighbouring properties to meet the minimum 15 m lot width prescribed in the RF Zone for Lot 1. With the existing location of adjacent homes, it is not possible to acquire additional land to meet the infill policy.
- If left unsubdivided, the lot is by far the widest in the area with 29.96 m (98.29 ft.).
- The applicant has proposed a building scheme to ensure house designs are compatible to the slightly reduced lot width and character of the existing neighbourhood.
- It should be noted that the applicant is proposing basement entry homes for both lots because the character study prepared by the Designer (Tynan Consulting Ltd.) indicates that most of the homes in the area are basement-entry style houses.
- The applicant proposes to have additional landscaping for the front yard to enhance the streetscape.
- The proposed side yard variances will result in tree preservation along the south and north property lines. The preservation of these trees will maintain the existing interface with the adjacent properties.
- Staff recommends that the proposed variances proceed to Public Notification.

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 Subdivision Layout
Appendix IV.	City Policy 0-30
Appendix V.	Summary of Tree Survey and Tree Preservation
Appendix VI.	Development Variance Permit No. 7906-0142-00

INFORMATION AVAILABLE ON FILE

- Tree Preservation and Replacement Plan dated November 30, 2006.
- Soil Contamination Review Questionnaire prepared by Bakhtawar Sandhu dated March 24, 2006.

How Yin Leung
Acting 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: Roger Jawanda, CitiWest Consulting Ltd.
 Address: #101 - 9030 King George Highway
 Surrey, B.C.
 V3V 7Y3
 Tel: 604-591-2213

2. Properties involved in the Application

(a) Civic Address: 7928 - 123A Street

(b) Civic Address: 7928 - 123A Street
 Owners: Bakhtawar Sandhu and Sandeep Sidhu
 PID: 001-299-344
 Lot A Section 19 Township 2 New Westminster District Plan 20855

3. Summary of Actions for City Clerks Office

(a) Proceed with Public Notification for Development Variance Permit No. 7906-0142-00.

SUBDIVISION DATA SHEET

Existing Zoning: RF

Requires Project Data	Proposed
TOTAL SITE AREA	
Acres	0.3 ac
Hectares	0.1 ha
NUMBER OF LOTS	
Existing	1
Proposed	2
PROPOSED SIZE OF LOTS	
Range of lot widths (metres)	14.8 m - 15.2 m
Range of lot areas (square metres)	598 sq.m. - 609 sq.m.
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	16.6 ha 6.7 ac
Lots/Hectare & Lots/Acre (Net)	
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	
Estimated Road, Lane & Driveway Coverage	
Total Site Coverage	
PARKLAND	
Area (square metres)	
% of Gross Site	
	Required
PARKLAND	
5% money in lieu	YES
TREE SURVEY/ASSESSMENT	YES
MODEL BUILDING SCHEME	YES
HERITAGE SITE Retention	NO
BOUNDARY HEALTH Approval	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others	YES

CONTOUR MAP FOR SUBJECT SITE

