

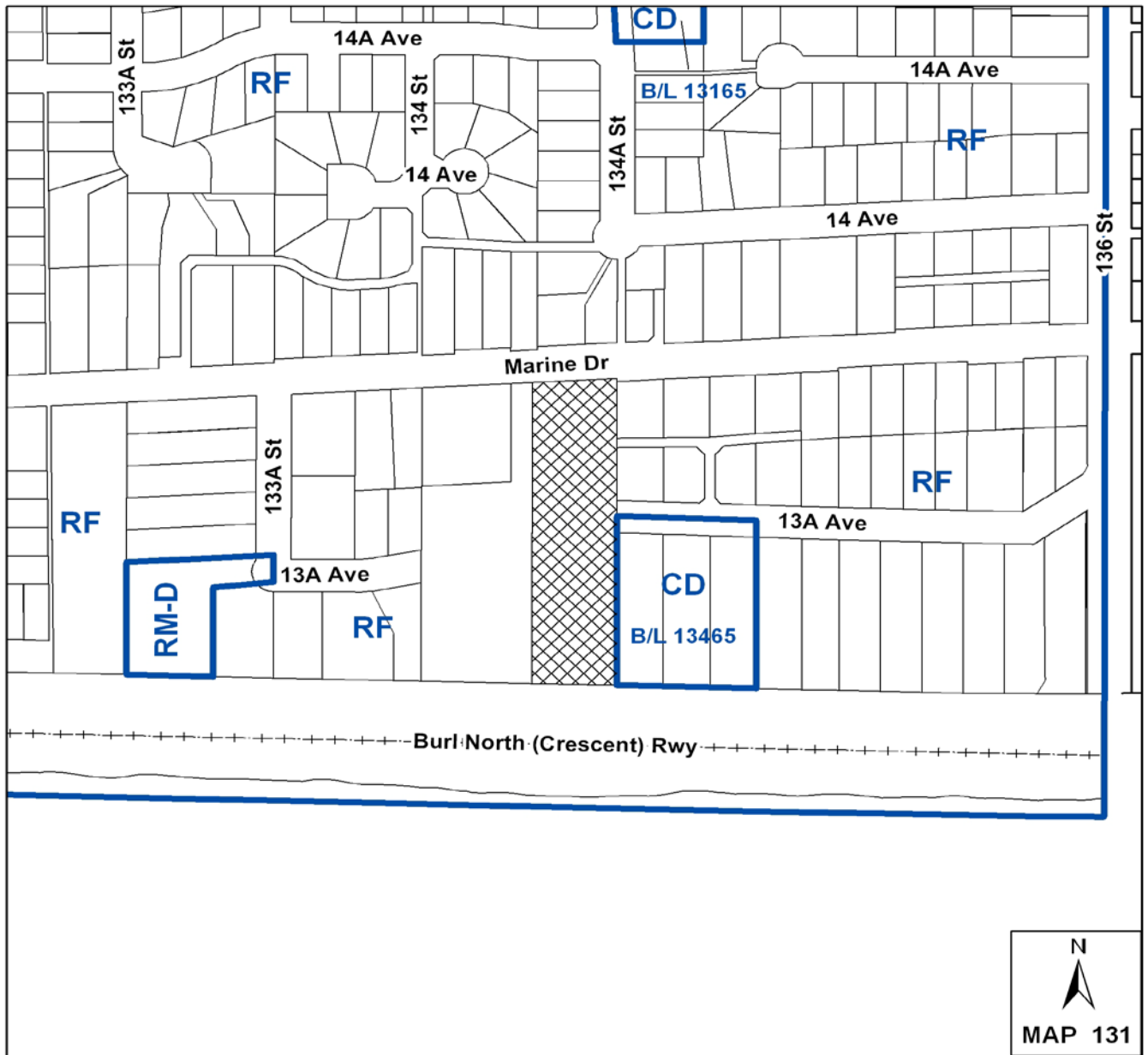
Proposal: Development Variance Permit to adjust the front, rear and side yard setbacks on several proposed lots to allow retention of an existing garage and mature trees.

Recommendation: Approval

Location: 13444 Marine Drive **Zoning:** RF

OCP Designation: Urban

LAP Designation: Urban Res. **Owner:** Verian Farnsworth



PROJECT TIMELINE

Completed Application Submission Date:	June 7, 2006
Application Revision & Re-submission Date:	December 12, 2006
Planning Report Date:	November 20, 2006
Additional Planning Comments:	December 18, 2006

PROPOSAL

The applicant is proposing:

- a Development Variance Permit on a proposed subdivision to vary the following by-law regulations:
 - to reduce the minimum front yard setback of the RF Zone and 7.5 metres (25 ft.) to 6 metres (19.7 ft.) for proposed Lots 1 and 2 provided the rear yard and side yard setbacks are increased generally in accordance with the Schedule A in the DVP;
 - to reduce the minimum front yard setback of the RF Zone from 7.5 metres (25 ft.) to 5 metres (16.4 ft.) for proposed Lot 3 provided the rear yard setbacks are increased generally in accordance with Schedule A in the DVP; and
 - to reduce the minimum front yard setback of the RF Zone from 18.0 metres (60 ft.) to 4.4 metres (14.4 ft.) for an existing garage on proposed Lot 5

in order to allow the retention of an existing garage and mature trees.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the amended Development Variance Permit No. 7906-0251-00 (Appendix E), varying the following:
 - (a) to reduce the minimum front yard setback of the RF Zone for principal buildings from 7.5 metres (25 ft.) to 5.0 metres (16.4 ft.) for proposed Lot 3 provided that the rear yard and side yard setbacks are increased generally in accordance with Schedule A in the DVP; and
 - (b) to reduce the minimum front yard setback of the RF Zone for accessory buildings from 18.0 metres (60 ft.) to 4.4 metres (14.4 ft.) for an existing garage on proposed Lot 5.
2. Council instruct staff to resolve the following issues prior to execution and issuance of the DVP:

- (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
- (b) submission of a subdivision layout to the satisfaction of the Approving Officer;
- (c) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect; and
- (d) registration of a Section 219 Restrictive Covenant to establish permitted building envelopes and to protect existing trees.

DEVELOPMENT CONSIDERATIONS

Background

- The proposed development was presented to Council on November 20, 2006 (Appendix III) with a Development Variance Permit to vary the following by-law regulations:
 - to reduce the minimum front yard setback of the RF Zone for principal buildings from 7.5m (25 ft) to 6.0m (19.7 ft) for proposed Lots 1 and 2;
 - to reduce the minimum front yard setback of the RF Zone for principal buildings from 7.5m (25 ft) to 5.0m (16.4 ft) for proposed Lot 3; and
 - to reduce the minimum front yard setback of the RF Zone for accessory buildings from 18.0m (60 ft) to 4.4m (14.4 ft) for an existing garage on proposed Lot 5
- The DVP was requested in order to allow the retention of several mature trees on proposed Lots 1 to 4 and retention of an existing garage on proposed Lot 5.
- Following the Public Notification process, Council received five (5) letters, from residents primarily along Marine Drive expressing opposition to the DVP. In particular, these residents raised concern about the proposed variance for reduced front yard setbacks for Lots 1 and 2 along Marine Drive. There were no concerns expressed regarding the other two variances for proposed Lots 3 and 5. As a result, Council passed a resolution (R06-2869) to table the application (see draft minutes in Appendix D). Subsequently, staff worked with the applicant's consultants to address the residents' concern about the reduced front yard setbacks along Marine Drive for lots 1 and 2.

Revised DVP Proposal

- Initially, the applicant's consultants indicated that a reduced front yard setback for proposed Lots 1 and 2 was needed to retain several mature trees in the rear yards of Lots 1 to 4, and provide sufficient building envelopes on Lots 1 and 2. However, in light of the opposition expressed by residents along Marine Drive, a more detailed analysis of the proposed building envelopes and tree locations was conducted by the applicant's consultants. The consultants have now confirmed that the front yard setbacks on Lots 1 and 2 can comply with the minimum 7.5 m (25 ft) requirement of the RF Zone without negatively impacting the opportunities for tree retention. Consequently, the request to vary the front yard setbacks on proposed Lots 1 and 2 has been

removed from the Development Variance Permit (Appendix E).

- Staff has contacted some of the neighbours who expressed concern and informed them of the elimination of the proposed front yard setback reduction for Lots 1 and 2.
- It is also noted that the proposed setback variances on proposed Lots 3 and 5 are conditional upon increased rear and side yard setbacks, generally shown in accordance with Schedule A in the DVP (Appendix E), in order to protect trees on all of the lots, including lots 1 and 2. To ensure these setbacks are observed, the applicant will be required to register a Section 219 Restrictive Covenant, which defines the building envelopes and trees to be retained.
- It is recommended that Council approve the amended DVP No. 7906-0251-00 by deleting the front yard setback variance for Lots 1 and 2. No further Public Notification will be required. However, final execution and issuance of the DVP will be held pending resolution of the following:
 - Submission of a subdivision layout to the satisfaction of the Approving Officer;
 - Submission of a finalized trees survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect; and
 - Registration of a Section 219 Restrictive Covenant to establish permitted building envelopes and protect existing trees.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix A.	Lot Owners, Action Summary and Project Data Sheets
Appendix B.	Contour Map
Appendix C.	November 20, 2006 Planning Report
Appendix D.	December 4, 2006 Council Resolution
Appendix E.	Amended Development Variance Permit No. 7906-0251-00

How Yin Leung
Acting General Manager
Planning and Development

LCR/kms

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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: Michael von Hausen, MVH Urban Planning & Design Inc.
 Address: 14562 - 16A Avenue
 Surrey, B.C.
 V4A 5S1
 Tel: 604-536-3990

2. Properties involved in the Application
 - (a) Civic Address: 13444 Marine Drive

 - (b) Civic Address: 13444 Marine Drive
 Owner: Verian Farnsworth
 PID: 011-295-228
 Lot 2 Section 8 Township 1 New Westminster District Plan 7744

3. Summary of Actions for City Clerks Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7906-0251-00.

CONTOUR MAP FOR SUBJECT SITE

