

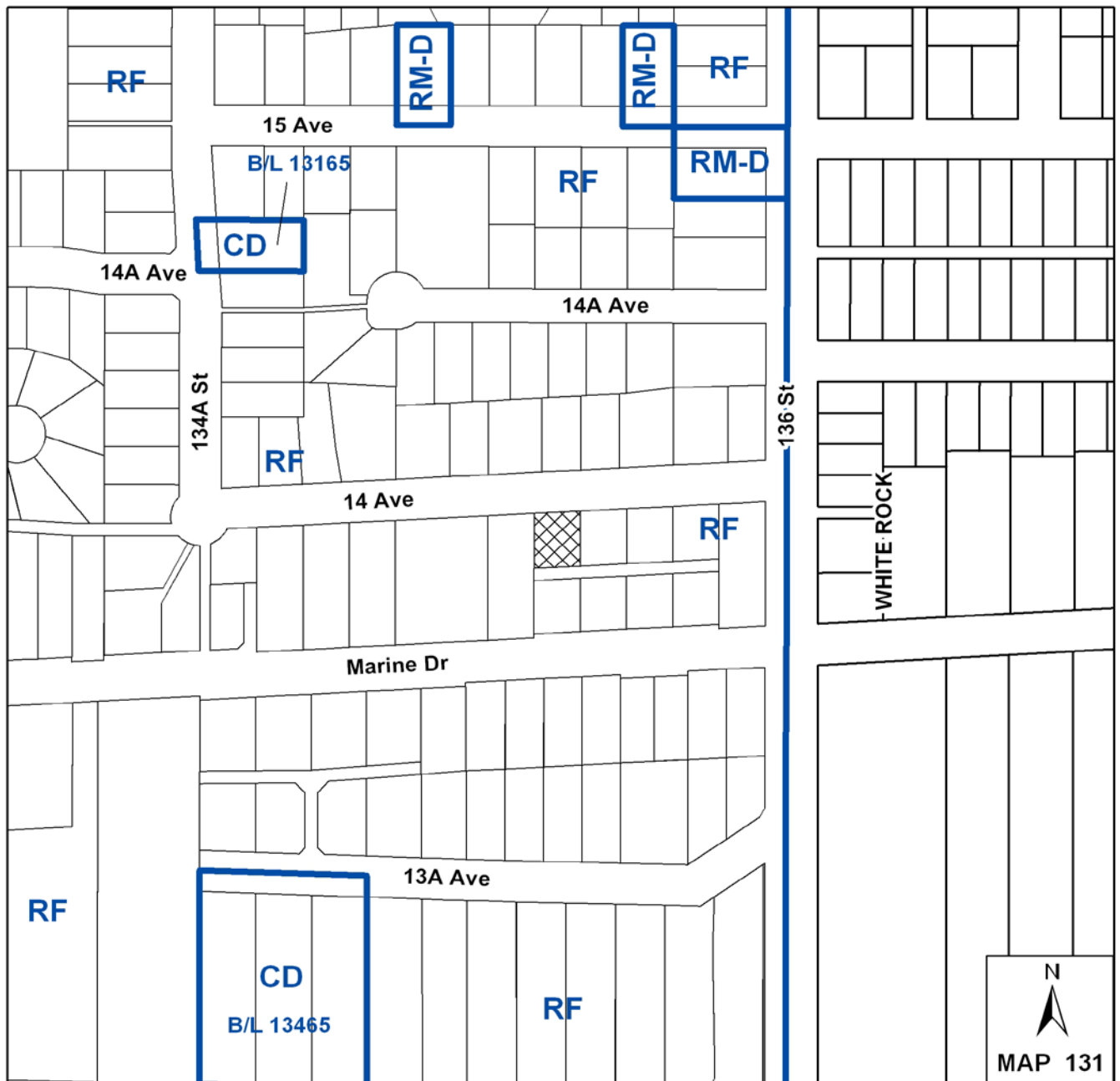
Proposal: Development Variance Permit to relax the front and rear yard setbacks for a new single family dwelling to allow for the retention of six (6) protected trees.

Recommendation: Approval to Proceed

Location: 13546 - 14 Avenue **Zoning:** RF

OCP Designation: Urban

LAP Designation: Urban Res. **Owner:** Ashiana Homes Ltd.



PROJECT TIMELINE

Completed Application Submission Date: June 20, 2006
Planning Report Date: June 26, 2006

PROPOSAL

The applicant is proposing:

- a Development Variance Permit to vary the following by-law regulations in the RF Zone:
 - Part 16 Section F. Front Yard Setback from 7.5 metres (25 ft.) to 6.0 metres (19.7 ft.) and Rear Yard Setback from 7.5 metres (25 ft.) to 5.5 metres (18 ft.)

in order to permit the development of a single family residential dwelling and allow for the retention of six (6) mature trees on site.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7906-0287-00 (Appendix V) varying the following, to proceed to Public Notification, subject to siting and construction of a dwelling with increased westerly side yard setbacks to retain the six (6) mature trees on site in accordance with Schedule 7906-0287-00(A) of the Development Variance Permit.
 - (a) to vary the minimum rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 5.5 metres (18.0 ft.); and
 - (b) to vary the minimum front yard setback of the RF Zone from 7.5 metres (25 ft.) to 6.0 metres (19.7 ft.).

REFERRALS

Engineering: No concerns.

SITE CHARACTERISTICS

- **Existing Land Use** Single family residential.
- **Significant Site Attributes** Six (6) City By-law protected trees along the westerly portion of the lot.
- **East:** Single family residential, zoned RF, designated Urban in the OCP.

- **South:** Single family residential, zoned RF, designated Urban in the OCP.
- **West:** 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.

LAP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

- The subject site was created as part of a 2-lot subdivision registered in June 2004 (Development Application No. 7903-0223-00). At the time of subdivision, a tree assessment and retention plan was submitted and found acceptable by the City. The assessment and retention plan identified 8 protected trees on the subject site, all of which were to be retained (Appendix IV). However, the lot was undeveloped at the time with no identified building envelope in the plan.
- The applicant is currently in the process of designing a new dwelling. Building Permit submission has been made. Upon review, the protected trees were identified as warranting special attention and the neighbour to the west also requested they be retained.
- Two of the identified protected trees were recently removed. One was found to be undersized and therefore not protected under the Tree Preservation By-law and a Tree Removal Permit was issued for the other to locate the driveway.
- The applicant has modified their house plan, creating a stepping building footprint on the side adjacent to the protected trees, in an attempt to minimize the impact of the new building on the protected trees. The house is setback from the western property line, where the 6 trees are located, from 5.2 metres (17.0 ft.) to 8.1 metres (26.6 ft.) while the permitted minimum side yard setback in the RF Zone is typically 1.8 metres (5.9 ft.).

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the front yard setback from 7.5 metres (25 ft.) to 6.0 metres (19.7 ft.) and the rear yard setback from 7.5 metres (25 ft.) to 5.5 metres (18 ft.) to allow for the retention of six (6) City By-law protected trees.

Applicant's Reasons:

- The RF Zone requires a 7.5 metre (25 ft.) front and rear yard setback. The variance requested is to permit the development of a principal building on a lot with a restricted building envelope due to the presence of 6 City By-law protected trees.
- The reduction in setbacks is minor and responds to the tree location.
- The lot is shallow (27 metres/88.6 ft.) and opportunities to fit the house outside of the tree area are not possible without relaxation.

Staff Comments:

- Due to the size and location of the protected trees located on the subject site, it would not be possible to achieve an adequate building envelope without granting a variance.
- The applicant has modified their building design to accommodate the no disturbance zones for the six trees on their property and one tree on the adjacent lot to the west.
- The proposed setback relaxations are relatively minor. The ability to preserve the 6 mature trees on the lot is considered to be an appropriate trade-off.
- The redesign will address the concerns of adjacent residents.
- The DVP also stipulates that the siting of the building to ensure minimum distances from protected trees is maintained.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Contour Map
Appendix III.	Site Plan
Appendix IV.	Approved Tree Plan for Development Application No. 7903-0223-00
Appendix V.	Development Permit No. 7906-0287-00

How Yin Leung
Acting General Manager
Planning and Development

JL/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: Parmjit Kang
 Address: 7231 - 120 Street, Suite 487
 Delta, B.C. V4C 6P5
 Tel: 604-781-5323

2. Properties involved in the Application
 - (a) Civic Address: 13546 - 14 Avenue

 - (b) Civic Address: 13546 - 14 Avenue
 Owner: Ashiana Homes Ltd.
 PID: 025-973-304
 Lot A Section 8 Township 1 New Westminster District Plan BCP11894

3. Summary
 - (a) Proceed with Public Notification for Development Variance Permit No. 7906-0287-00.

CONTOUR MAP FOR SUBJECT SITE

