

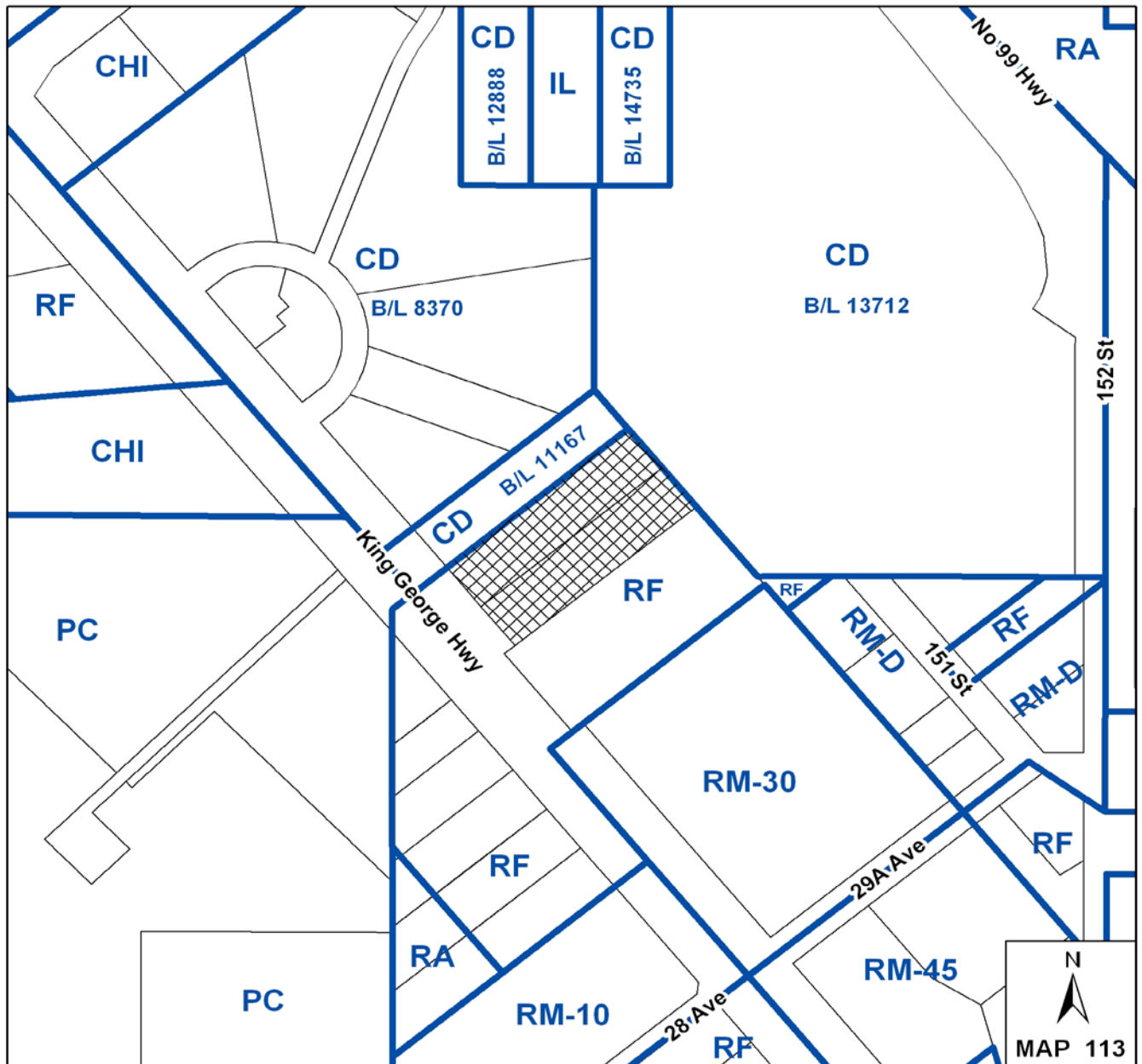
Proposal: Development Variance Permit to vary the rear yard setback of a four-storey mixed-use (commercial/residential) building.

Recommendation: Approval to Proceed to Public Notification

Location: 2958/76 KG Hwy and Portion of KG Hwy. **Zoning:** RF

OCP Designation: Multiple Residential

LAP Designation: Garden Apts. **Owner:** 0754740 BC Ltd.



PROJECT TIMELINE

Completed Application Submission Date: August 3, 2006
Planning Report Date: January 22, 2007
Additional Planning Comments Date: April 16, 2007

PROPOSAL

The applicant is proposing:

- a Development Variance Permit to relax the following by-law regulations:
 - Section F.2 of the Comprehensive Development Zone (CD) (By-law No. 16346) is varied as follows:
 - the minimum rear yard setback is varied from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for principal buildings and from 7.5 metres (25 ft.) to 5.4 metres (17.7 ft.) for cantilevered roof overhangs

in order to accommodate an amended road concept for a mixed-use (commercial/residential) complex.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7906-0360-00, (Appendix V) varying the following, to proceed to Public Notification:
 - (a) in Section F.2 of the "Comprehensive Development Zone (CD)" (By-law No. 16246), the rear yard setback is relaxed from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for principal building; and from 7.5 metres (25 ft.) to 5.4 metres (17.7 ft.) for cantilevered roof overhangs.

REFERRALS

Engineering: The Engineering Department has requested that an amended road cross-section for King George Highway be implemented for the site. No concerns (Appendix IV).

DEVELOPMENT CONSIDERATIONS

Background

- On January 22, 2007, Council considered Rezoning and Development Permit applications on the subject site, to allow the development of a four-storey mixed-use commercial/residential building (Project No. 7906-0360-00). The CD By-law No. 16246 (to rezone the subject site) received third reading on February 12, 2007, and the project is presently at Servicing Agreement Stage

and is nearing completion (Appendix III). A similar application is also being processed for the development the properties immediately to the south (Project No 7906-0329-00), which is being coordinated with the subject application.

- The proposal presented to Council on January 22, 2007 includes a 7.8 metre (26.6 ft.) a portion (7.8-metre/26.6 ft) of King George Highway, which is proposed to be purchased and consolidated with the site. This portion of land had been previously deemed surplus by the City.
- However, following completion of preliminary results of a recent transportation study in South Surrey, a new road concept has recently been developed by the Engineering Department to reflect the ultimate future road improvement at that section of King George Highway. The improvements would accommodate a bike lane, rapid bus and adequate boulevards and sidewalks. As a result, no excess land from the King George Highway right-of-way is now available for purchase in the South Surrey area.
- This decision was reached after the applicant has already completed drawings for a Building Permit and site layout based on the setbacks specified in the CD By-law (No. 16246), which included the portion of King George Highway proposed to be required from the City. As this happened at this stage of the development application process, the new road cross-section has been adjusted by moving the sidewalk next to the building, on a public right-of-way, to allow the sale of the 7.8 metre (26.6 ft.) portion of King George Highway fronting this site. There is a heritage Oak tree within this portion of King George Highway, and the sale will not include the 11 square metres (118.4 sq.ft.) of the land around the Oak tree.
- To accommodate the additional sidewalk requirement, a Development Variance Permit is required to relax the rear yard setback and allow the building and balconies to encroach into the setback area.
- Since this development is being designed comprehensively, with the development on the properties to the south (Project No. 7906-0329-00), a similar Development Variance Permit is proposed for that development, and is being presented to Council concurrently under a different report.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the rear yard setback requirement described in Section F.2. of CD By-law (No. 16246) from 7.5 metres (25 ft.) to 6 metres (20 ft.) for principal building; and from 7.5 metres (25 ft.) to 5.4 metres (17.7 ft.) to cantilevered roof overhangs.

Justification for Variance:

- The rear yard abuts the rear of the South Pointe Shopping Centre to the east, therefore, there are no adjacency concerns.

- The proposed relaxation is necessary as a result of the additional sidewalk requirements for King George Highway, which was identified very late in the process.
- The applicant has redesigned the front to incorporate the required pedestrian sidewalk along King George Highway in order to accommodate the new road cross section.
- The variance does not impact the King George Highway Cross Section, including the heritage tree, which will be retained within the King George Highway right-of-way.

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.	Site Plan Showing the Variances
Appendix IV.	Engineering Summary
Appendix V.	Development Variance Permit No. 7906-0360-00

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: Carson Nofle, Focus Architecture Inc.
 Address: 109 - 1528 McCallum Road
 Abbotsford, B.C.
 V2S 8A3
 Tel: 1-604-853-5222

2. Properties involved in the Application

- (a) Civic Address: 2958 and 2976 King George Highway and Portion of
 King George Highway

- (b) Civic Address: 2958 King George Highway
 Owner: 0754740 B.C. Ltd., Inc. No. 0754740

Director Information:
Franz Gehriger
David Jonash

PID: 011-355-913
Lot 13 Section 22 Township 1 New Westminster District Plan 8888

- (c) Civic Address: 2976 King George Highway
 Owner: 0754740 B.C. Ltd., Inc. No. 0754740

Director Information:
Franz Gehriger
David Jonash

PID: 002-157-705
Lot 14 Section 22 Township 1 New Westminster District Plan 8888

- (d) Civic Address: Portion of King George Highway

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Development Variance Permit No. 7906-0360-00.

CONTOUR MAP FOR SUBJECT SITE

