

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7907-0099-00

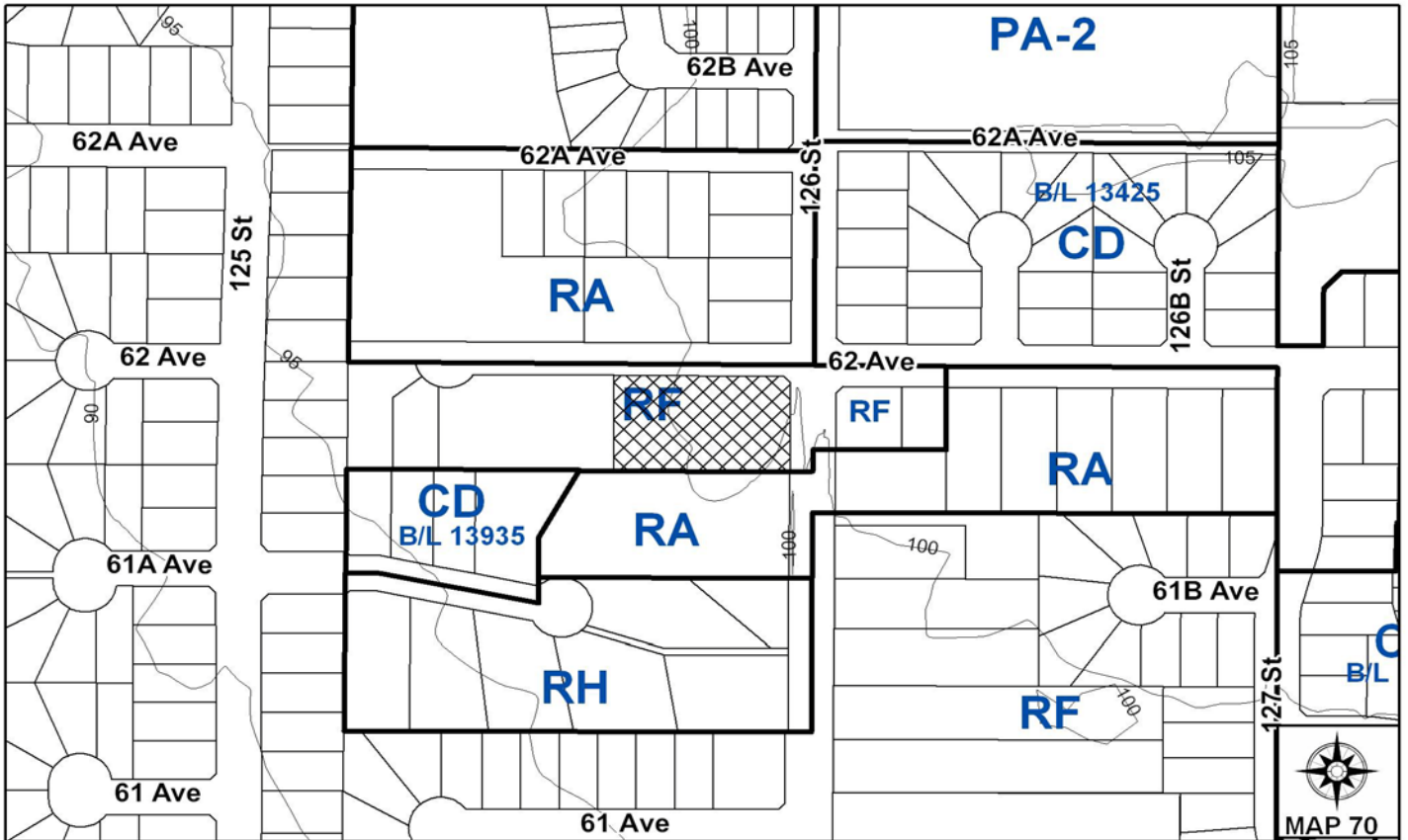
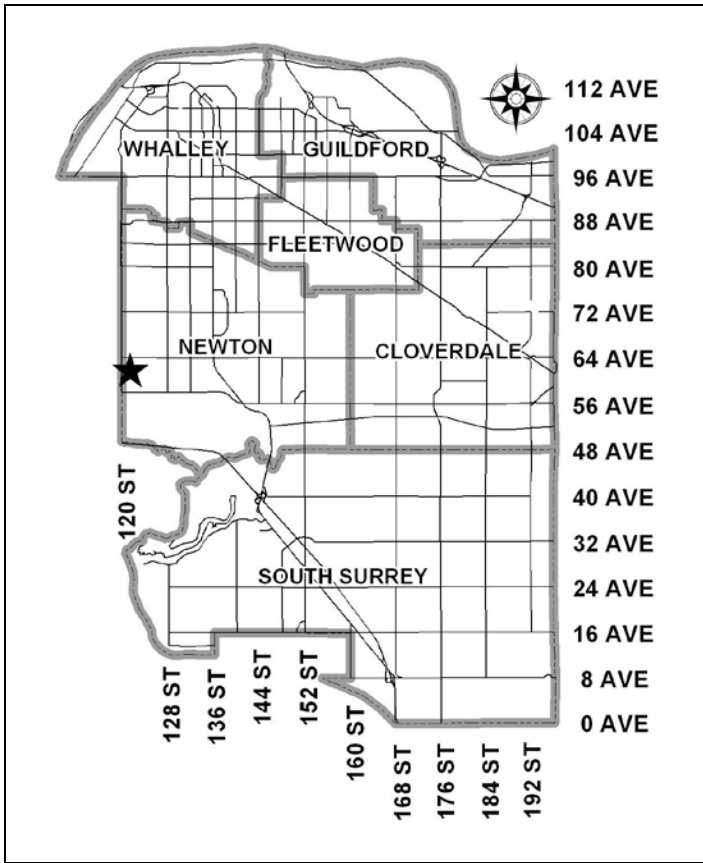
Planning Report Date: September 10, 2007

PROPOSAL:

- **Restrictive Covenant Amendment**

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

LOCATION: 12598 - 62A Avenue
OWNERS: Kuldeep and Nasib Sekhon
ZONING: RF
OCP DESIGNATION: Urban
LAP DESIGNATION: Single Family Residential



RECOMMENDATION SUMMARY

- Approve the proposed Restrictive Covenant amendment to proceed to Public Notification

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

RATIONALE OF RECOMMENDATION

- Complies with NCP Designation.
- The property is impacted by a hydro corridor, which severely restricts the lot's buildable area.
- Proposed setback allows for a modest dwelling unit size, which is more fitting with the neighbourhood.
- The variance maintains a functional yard for open space.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the applicant's request to amend the requested Section 219 Restrictive Covenant to reduce the required 5.0 metre (16 ft.) setback from the BC Hydro right-of-way to 3.0 metres (10 ft.).
2. Council instruct staff to resolve the following issues prior to approval:
 - (a) registration of a Section 219 Restrictive Covenant requiring specific modifications (electrical outlets, hoses) as per BC Hydro Requirements.

REFERRALS

Engineering: The Engineering Department has no objection (Appendix III).

Fire Department: No concerns. No outdoor plug on the side of house paralleling the right-of-way.

BC Hydro: No electrical wiring be installed on the right-of-way. Non-metallic pipes in any garden sprinkler system.

SITE CHARACTERISTICS

Existing Land Use: Vacant

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 62 Avenue):	Single family residential lots.	Urban	RA
East (Across: 126 Street):	Single family residential lots.	Urban	RF
South:	Single family residential lots.	Urban	RA
West:	Single family residential lots.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject property at 12598 – 62 Avenue is 0.25 hectares (0.8 acres) in size and is located at the southwest corner of the intersection of 126 Street and 62 Avenue. Access to the property is from 62 Avenue. The majority of the property is encumbered by the BC Hydro corridor, which cannot be built on – only the corner portion of the property can be developed.
- The subject property was part of a recently approved development application (File No. 7903-0477-00), which created four (4) single-family residential lots. That application received Final Adoption on January 15, 2007.
- Under the recently approved application (7903-0477-00), a DVP was also approved for this property. The DVP was necessary to allow the small portion of the site that is developable to accommodate a single family dwelling. The DVP relaxed the front yard setback on 126 Street from 7.5 m to 5.0 m and relaxed the flanking side yard setback on 62 Avenue from 3.6m to 3.0m. At that time, a Section 219 Restrictive Covenant was also required on the lot to restrict the construction of a dwelling within 5.0m (16.5 feet) of the BC Hydro Corridor.
- The applicant has now conducted a detailed house design, and has determined that a greater building envelope is required to achieve a reasonable house size. To achieve this house design, the applicant is proposing an amendment to the Restrictive Covenant to reduce the current 5.0m setback from the hydro corridor to 3.0m.

DISCUSSION

(a) Requested Restrictive Covenant Amendment:

- Amend the required 5.0 m (16 ft) setback from the hydro corridor to 3.0 m (10 ft).

Applicant's Reasons:

- The buildable area on the subject property is severely constrained by the location of the B.C. Hydro right-of-way and, therefore, does not allow for a dwelling unit of a desirable size.

Staff Comments:

- The B.C. Hydro right-of-way encumbers the majority of the subject property and therefore, encumbers the potential dwelling size.
- A detailed design was conducted and it determined that with the 5.0m setback, the potential house size (including garage) would be less than 185 sq.m (2,000 sq.ft.). With the reduced setback, as proposed, the potential house size increased to 248 sq.m. (2,672 sq.ft.). This house size is still far below the maximum house size permitted under RF Zoning, which allows a house to be 330 sq.m. (3,550 sq.ft.) in size.
- The site has a large open space within the BC Hydro Corridor and therefore, still has a functional rear yard.

- BC Hydro stipulates a few requirements must be made to the future house. These requirements include ensuring no outdoor plugs are installed on the side of the house which parallels the right-of-way, no electrical wiring be installed on the right-of-way, and that any garden sprinkling system that may be used should include only non-metallic pipes. A Restrictive Covenant in this regard will be required.
- Staff support the requested amendment.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets and Survey Plan
Appendix II.	Proposed Subdivision Layout
Appendix III.	Engineering Summary
Appendix IV.	Proposed House Design

Jean Lamontagne
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: Eric Aderneck, Aplin & Martin Consultants Ltd.
 Address: #201 - 12448 - 82 Avenue
 Surrey, BC V3W 3E9
 Tel: 604-597-9058

2. Properties involved in the Application

(a) Civic Address: 12598 - 62 Avenue

(b) Civic Address: 12598 - 62 Avenue
 Owners: Kuldeep Singh Sekhon and Nasib Kaur Sekhon
 PID: 026-994-178
 Lot 1 Section 7 Township 2 New Westminster District Plan BCP28726

3. Summary of Actions for City Clerk's Office