

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7907-0357-00

Planning Report Date: March 10, 2008

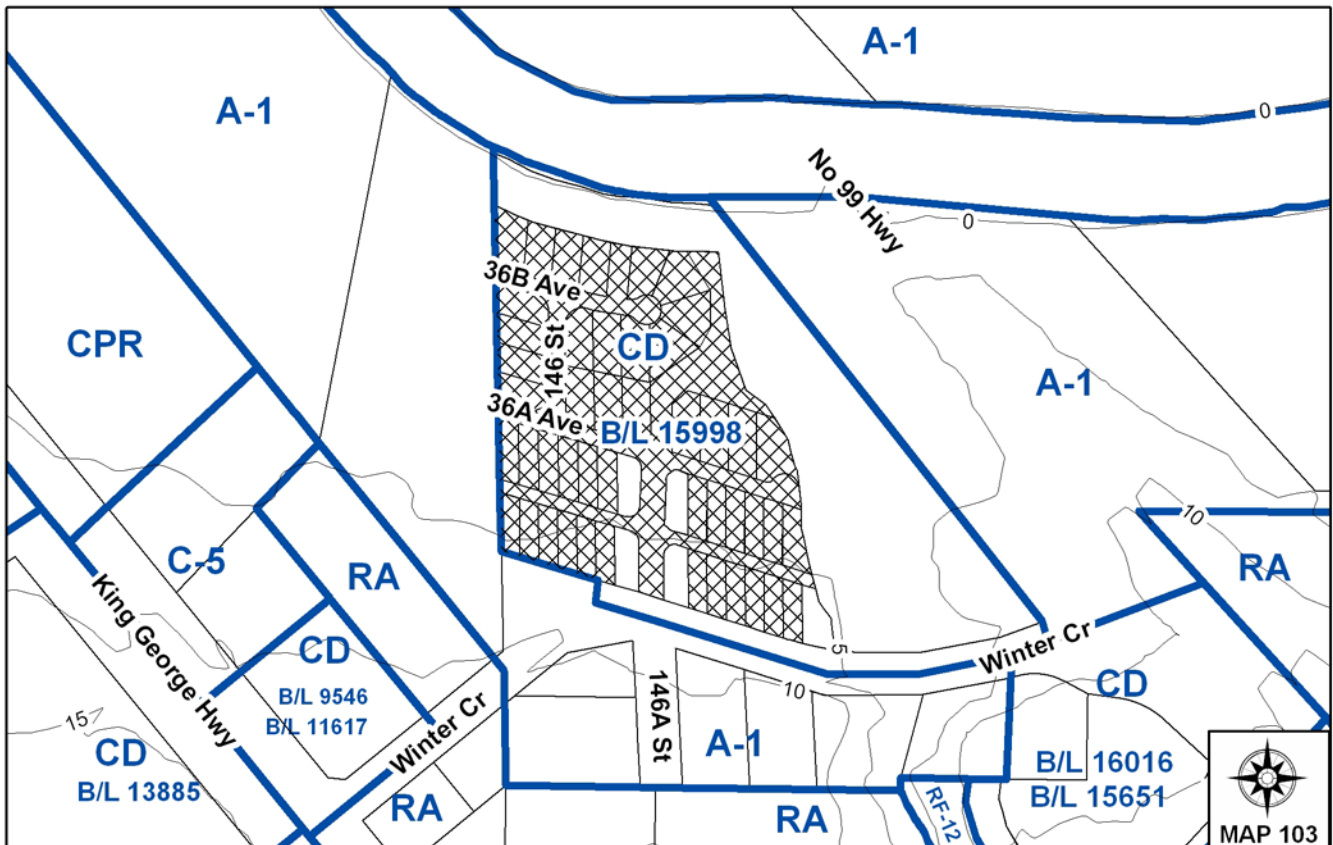
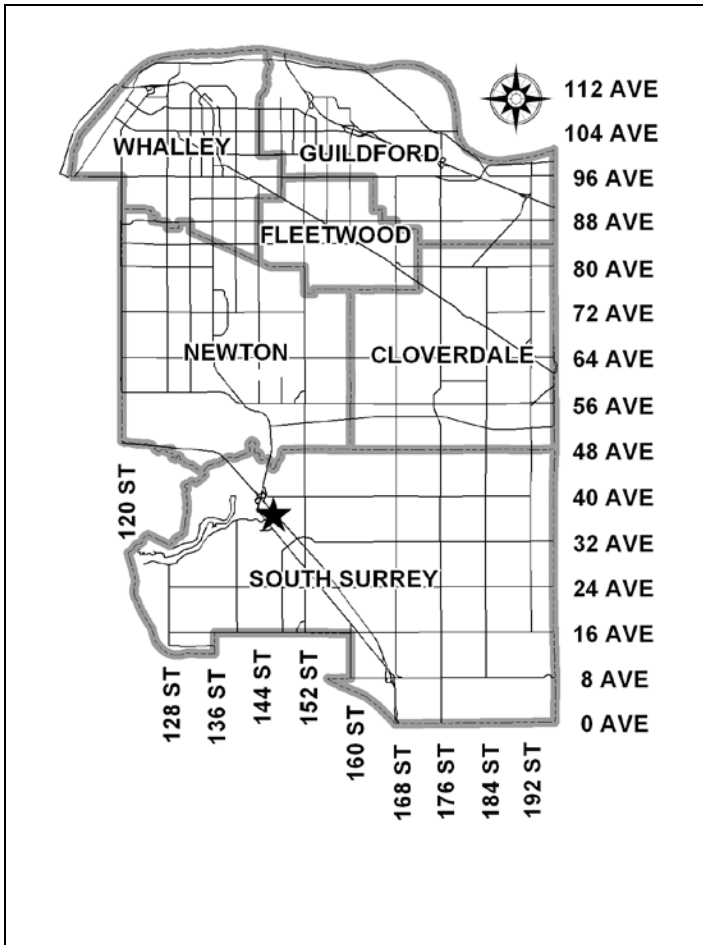
PROPOSAL:

- **Development Variance Permit**

in order to vary the required front, rear yard setbacks and building separation distance for various single family small lots in an existing bare land strata subdivision.

LOCATION:

OWNER: Epta Properties (Winter Crescent) Holdings Ltd.
ZONING: CD (By-law No. 15998)
OCP DESIGNATION: Urban
NCP/LAP DESIGNATION: Clustering at Urban Single Family Density



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Vary the CD Zone (By-law No. 15998) as follows:
 - reduce the rear yard setback from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for up to 50% of the width of the principal building for 22 RF-12 type bare land strata lots;
 - reduce the front yard setback from 3.5 metres (11.5 ft.) to 3.0 metres (10 ft.) for 12 RF-9 type bare land strata lots; and
 - reduce the required separation between the gharage and the proposed building for 12 RF-9 type bare land strata lots.

RATIONALE OF RECOMMENDATION

- The proposed rear yard setback relaxation requested for the RF-12 lots reflects a provision that is already in the RF-12 zone, but was inadvertently omitted from the CD Zone.
- The proposed front yard setback and building separation variances for the RF-9-type lots are required to address significant building constraints cause by the geometric configuration of the subject lots, which are parallelograms.
- The variances are required to ensure functional floor plans. On some lots it will not be possible to construct homes that achieve the maximum floor area permitted under the zone, even with the requested variances.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7907-0357-00, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum rear yard setback of the CD Zone from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) of up to 50% of the width of the rear of the principal building for Lots 1 to 18 and 48 to 51;
 - (b) to reduce the minimum front yard setback of the CD Zone from 3.5 metres (11.5 ft.) to 3.0 metres (10 ft.) for Lots 19 to 24 and Lots 42 to 47; and
 - (c) to reduce the minimum separation between the principal building and the garage of the CD Zone from 6.0 metres (20 ft.) to 5.0 metres (16 ft.) for Lots 27 to 32 and Lots 35 to 40.

SITE CHARACTERISTICS

Existing Land Use: Vacant. Land has recently been rezoned and subdivided under Application No. 7905-0402-00 for development of 51 bare land strata single family lots. The site is under construction.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Greenbelt, Nicomekl River and Highway No. 99	Agricultural north of Nicomekl River	A-1
East (Across Highway No. 99):	Vacant agricultural and residential land.	Urban	A-1 and RA
South (Across Winter Crescent):	Large lot single family residential.	Urban	A-1
West:	Large residential/agricultural parcel.	Suburban	A-1

DEVELOPMENT CONSIDERATIONS

- 51 bare land strata single family small lots were created under File No. 7905-0402-00 in the King George Highway Corridor Land Use Development Concept Plan area. The lots created as part of this application are zoned Comprehensive Development (CD), with some lots (Lots 1–18 and Lots 48–51) being based on the RF-12 Zone and the remainder (Lots 19–47) being based on the RF-9 Zone.

- While the lot sizes meet the respective requirements of the RF-12-type and RF-9-type regulations in the CD By-law, many of the lots in this subdivision are unconventionally shaped like parallelograms, making it impossible to achieve a reasonable house size while maintaining the required setbacks and building separation on many lots. The applicant has thus requested Development Variance Permits (DVPs) for 46 of the lots in order to achieve more functional building designs.
- For Lots 1-18 and 48 -51, which are all of the RF-12-type lots, the requested variance consists of a reduction in the rear yard setback for the principal building.
- For Lots 19-24 and 42-47, which are RF-9-type lots, the requested variance consists of a reduction in the front yard setback.
- For Lots 27-32 and 35-40, which front Winter Crescent and are also RF-9-type lots, the requested variance consists of a reduction in the separation between the principal building and the garage. The following table illustrates the proposed variances and these are discussed in detail below:

Address	Lot #	Lot Type	Requested Variance
14591 – 36B Avenue	1	RF-12	Reduce rear yard setback from 7.5m (25ft) to 6.0m (20ft) for up to 50% of the width of the rear of the principal building (standard as per the RF-12 zone)
14597 – 36B Avenue	2		
14611 – 36B Avenue	3		
14625 – 36B Avenue	4		
14635 – 36B Avenue	5		
14645 – 36B Avenue	6		
14656 – 36B Avenue	7		
14650 – 36B Avenue	8		
14640 – 36B Avenue	9		
14630 – 36B Avenue	10		
14620 – 36B Avenue	11		
14623 – 36A Avenue	12		
14631 – 36A Avenue	13		
14649 – 36A Avenue	14		
14661 – 36A Avenue	15		
14673 – 36A Avenue	16		
14681 – 36A Avenue	17		
14691 – 36A Avenue	18		
3651 – 146 Street	48		
3657 – 146 Street	49		
3661 – 146 Street	50		
3669 – 146 Street	51		
14696 – 36A Avenue	19	RF-9	Reduce the minimum front yard setback from 3.5m (11.5ft) to 3.0m (10ft)
14688 – 36A Avenue	20		
14682 – 36A Avenue	21		
14676 – 36A Avenue	22		
14668 – 36A Avenue	23		
14662 – 36A Avenue	24		
14636 – 36A Avenue	42		
14622 – 36A Avenue	43		
14618 – 36A Avenue	44		
14608 – 36A Avenue	45		
14598 – 36A Avenue	46		
14590 – 36A Avenue	47		

Address	Lot #	Lot Type	Requested Variance
14689 Winter Crescent	27	RF-9	Reduce the separation between the principal building and the garage from 6.0m (20ft) to 5.0m (16.5ft)
14681 Winter Crescent	28		
14677 Winter Crescent	29		
14673 Winter Crescent	30		
14669 Winter Crescent	31		
14661 Winter Crescent	32		
14639 Winter Crescent	35		
14633 Winter Crescent	36		
14629 Winter Crescent	37		
14621 Winter Crescent	38		
14619 Winter Crescent	39		
14609 Winter Crescent	40		

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard setback for Lots 1-18 and 48-51 from 7.5m (25 ft.) to 6.0m (20 ft.) for up to 50% of the width of the rear of the principal building (Appendix III).

Justification for Variance:

- The RF-12 zone includes this as a standard rear yard setback provision in Section F (Yards and Setbacks) of the zone, as follows:

"The minimum rear yard setback of the principal building may be reduced to 6.0 m (20 ft) for a maximum of 50% of the width of the rear of the principal building..."

- This provision was not requested by the applicant during the rezoning process and was inadvertently omitted from the CD zone when it was written, despite the fact that the CD zone is based on the RF-12 zone. It was always intended that this CD Bylaw would mimic the RF-12 Zone, therefore the addition of this provision is appropriate for these lots to allow the applicant the same flexibility that is included as a standard part of the RF-12 zone.

(b) Requested Variances:

- To reduce the minimum front yard setback on Lots 19 –24 and 42-47 from 3.5m (11.5 ft) to 3.0m (10 ft); and
- To reduce the separation between the principal building and the garage on Lots 27-32 and 35-40 from 6.0m (20 ft) to 5.0m (16 ft) (Appendix III).

Justification for Variances:

- The subject lots are parallelograms and create oblique building envelopes with constrained floor plans. Even with the proposed variances, the applicant will only be able to achieve the maximum RF-9 house size on one of the lots (Lot 19).

- The additional floor area that will be able to be achieved with the variance ranges from 6.6 - 16.0 square metres (71 – 172 square feet), as follows:

Lot #	Floor Area of without DVP	Floor Area of Home with DVP	Maximum Floor Area Permitted under CD Zone
19	157.0 m ² (1690 ft ²)	173.0 m ² (1862 ft ²)	173.0 m ² (1862 ft ²)
21-24	156.4 m ² (1684 ft ²)	163.0 m ² (1755 ft ²)	173.0 m ² (1862 ft ²)
27-32	141.5 m ² (1523 ft ²)	154.7 m ² (1665 ft ²)	173.0 m ² (1862 ft ²)
35-40	140.3 m ² (1510 ft ²)	153.5 m ² (1652 ft ²)	173.0 m ² (1862 ft ²)
42-47	162.8 m ² (1752 ft ²)	169.7 m ² (1827 ft ²)	173.0 m ² (1862 ft ²)

- Staff feel that the variance is supportable given the significant restrictions that would be placed on the house sizes due to lot shape without the reductions in building separation or front yard setback, and the reasonable gain in floor area that is achieved through the variance in order to make the dwellings more functional.
- An increase in buildable floor area for the homes will be achieved through one of two different variances for the RF-9-type lots, based on the lot orientation. Staff support a reduction in building separation for Lots 27-32 and 35-40 because these lots are located on Winter Crescent which is a busier public road. In this sense it is not appropriate to decrease the front yard setback and therefore a decrease in building separation is acceptable.
- Lots 19-24 and 42-47 are located on 36A Avenue, which is a quieter private road. For these lots, an increase in buildable floor area is more appropriately achieved through a reduction in the front yard setback, while leaving the south-facing rear yards at the typical size for an RF-9-type lot, and increasing on-site livability.
- Variances have not been requested for Lots 25, 26, 33, 34, and 41 in this subdivision.

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. Subdivision Layout
- Appendix III. Development Variance Permit No. 7907-0357-00

Jean Lamontagne
General Manager
Planning and Development

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SUBDIVISION DATA SHEET

Proposed Zoning: CD

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	
Hectares	
NUMBER OF LOTS	
Existing	46
Proposed	
SIZE OF LOTS	
Range of lot widths (metres)	9.4 m - 14.8 m
Range of lot areas (square metres)	253 m ² - 448 m ²
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	15.2 uph/6.1 upa
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	n/a
Area (square metres)	
% of Gross Site	
	Required
PARKLAND	
5% money in lieu	NO
TREE SURVEY/ASSESSMENT	NO
MODEL BUILDING SCHEME	NO
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