

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7907-0382-00

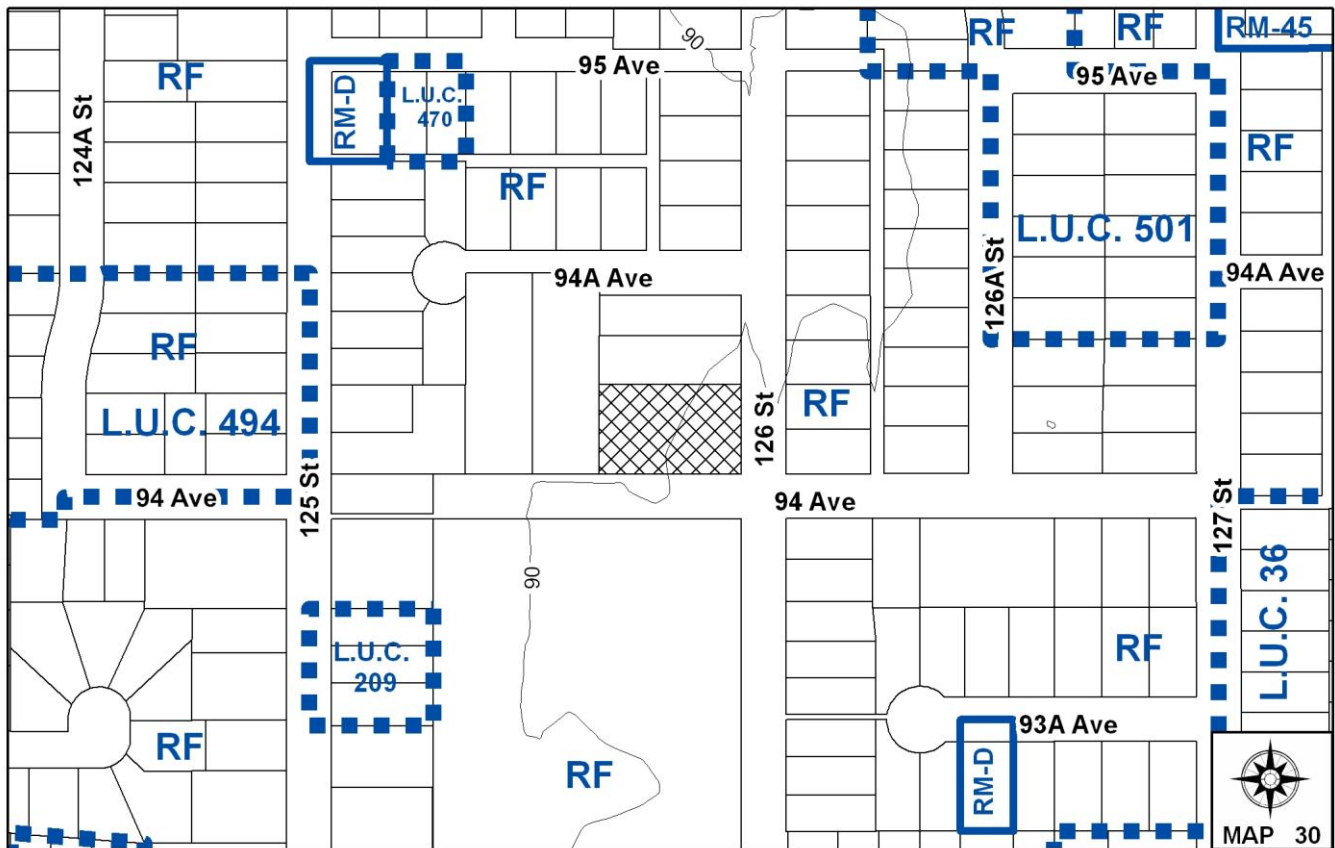
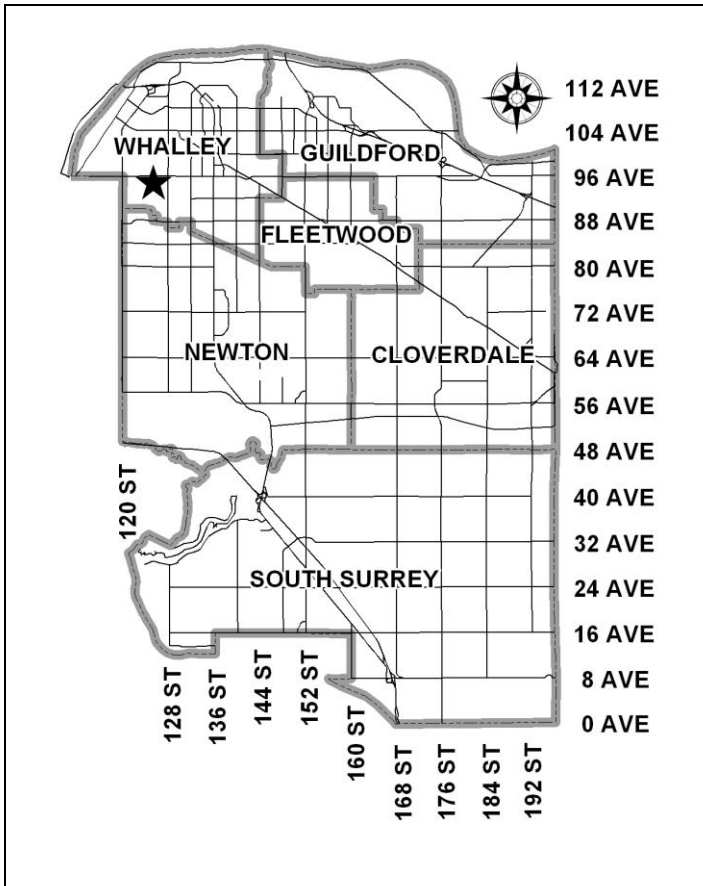
Planning Report Date: April 12, 2010

PROPOSAL:

- **Development Variance Permit**

in order to allow subdivision into four (4) RF lots and retention of trees within the unbuilt portion of 94 Avenue

LOCATION: 9413 - 126 Street
OWNERS: Baljit Singh Dhaliwal et al
ZONING: RF
OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- To relax the works and services requirements of the Subdivision and Development By-law for construction and improvements along unbuilt 94 Avenue.
- To reduce the minimum width of two (2) panhandle single family lots from 4.5 metres (15 ft.) to 3.0 metres (10 ft.) for proposed Lot 1 and to 2.25 metres (7.4 ft.) for proposed Lot 2.

RATIONALE OF RECOMMENDATION

- The requested variances will allow for the retention of a number of larger trees within the 94 Avenue road right-of-way.
- The Engineering Department has advised that the construction of 94 Avenue between 125 Street and 126 Street is not required at this time.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7907-0382-00, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to vary the works and services requirements of the Subdivision and Development By-law for the fronting portion of 94 Avenue; and
 - (b) to relax the minimum width of the two (2) proposed panhandle lots from 4.5 metres (15 ft.) to 3.0 metres (10 ft.) for proposed Lot 1 and to 2.25 metres (7.4 ft.) for proposed Lot 2.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Single family lot.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwelling on over-sized lot.	Urban	RF
East (Across 126 Street):	Single family dwellings.	Urban	RF
South (Across unbuilt 94 Avenue right-of-way):	Senator Reid Elementary School.	Urban	RF
West:	Rear yard of over-sized single family lot.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject property is located at 9413 – 126 Street, and is designated Urban in the Official Community Plan (OCP) and zoned Single Family Residential (RF). A single family dwelling currently occupies the site.
- The subject property is bordered to the south by the unopened 94 Avenue right-of-way, which contains a number of large By-law-sized trees including Douglas Firs. Senator Reid Elementary School is located across the road right-of-way (ROW) to the south.

- The owners had originally applied to subdivide the subject property into four (4) RF lots, with driveway access off 94 Avenue for proposed Lots 1 and 2. The proposed subdivision would require the construction of the adjacent portion of 94 Avenue.
- Staff discussed a number of layout options with the owners including the possibility of a 'green' road, which would be constructed to a reduced road standard and would meander around the trees within the unopened 94 Avenue right-of-way. However, it was determined that this option would still result in the removal of the majority of the existing mature trees.
- The applicant has revised their subdivision layout to provide vehicle access to all four (4) proposed lots off 126 Street in order retain the trees within the unopened 94 Avenue right-of-way. The current layout includes two (2) panhandle lots off 126 Street.
- As a result of revisions to the proposed subdivision layout, a Development Variance Permit is required for the following:
 - To vary the works and services requirements of the Subdivision and Development By-law for the fronting portion of the unopened 94 Avenue road right-of-way;
 - To vary the minimum width of the two (2) proposed panhandle lots (proposed Lots 1 and 2) from 4.5 metres (15 ft.) to 3.0 metres (10 ft.) and 2.25 metres (7.4 ft.), respectively.
- As a condition of subdivision, the Approving Officer will require a reciprocal access easement on the panhandles of proposed Lots 1 and 2.

PRE-NOTIFICATION

- Pre-notification letters were not required as part of the development application, however, the City Clerk will initiate the Public Notification as a result of the Development Variance Permit, should Council allow the application to proceed.
- A Development Proposal Sign has been installed on the subject property, and no telephone calls or letters of concern have been received.

BY-LAW VARIANCES AND JUSTIFICATION

- (a) Requested Variance:
- To vary the works and services requirements of the Subdivision and Development By-law to allow the fronting portion of 94 Avenue to remain unopened.

Applicant's Reason:

- Through discussions with City staff, the subdivision layout was revised in order to retain the trees within the unopened 94 Avenue road right-of-way.

Staff Comments:

- There are approximately 20 large trees within the unopened 94 Avenue road right-of-way directly south of the subject property. The construction of 94 Avenue would severely damage or require the removal of most of these trees.
- Most of the abutting properties to the north and west of the subject site have subdivision potential. The applicant has demonstrated that these neighbouring properties can subdivide without the construction of 94 Avenue (Appendix IV).
- Transportation Engineering has advised that the construction of 94 Avenue between 125 Street and 126 Street is not required, as existing roads are sufficient in meeting traffic needs in the area. Engineering supports the proposed variance.

(b) Requested Variance:

- To vary the minimum width of the two (2) proposed panhandle lots (proposed Lots 1 and 2) from 4.5 metres (15 ft.) to 3.0 metres (10 ft.) and 2.25 metres (7.4 ft.), respectively.

Applicant's Reasons:

- The reduced lot widths of the two (2) proposed panhandle lots are required due to the size constraints of the subject property.
- The applicant discussed a possible joint development application with the abutting property owners to the north, however, the neighbouring owners expressed no interest in developing their properties at this time.

Staff Comments:

- Staff worked closely with the applicant to revise the proposed subdivision layout in order to preserve the trees within the unopened 94 Avenue road right-of way. As a result, in order to protect the trees and to allow the owners to maximize their subdivision potential, the proposal includes the creation of two (2) panhandle lots.
- The applicant has provided preliminary confirmation from BC Hydro and Terasen Gas indicating that underground servicing for the proposed lots from 126 Street can be accommodated despite the reduced panhandle width.
- Land Development Engineering supports the proposed variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Proposed Subdivision Layout, Aerial Photo and Photo of Trees within the Unopened 94 Avenue Right-of-Way
- Appendix III. Development Variance Permit No. 7907-0382-00
- Appendix IV. Potential Subdivision Layout of Adjacent Properties

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: Avnash Banwait, Mainland Engineering Corp.
 Address: 8363 – 128 Street, Unit 206
 Surrey, BC
 V3W 4G1
 Tel: 604-543-8044

2. Properties involved in the Application
 - (a) Civic Address: 9413 – 126 Street

 - (b) Civic Address: 9413 – 126 Street
 Owners: Baljit Singh Dhaliwal, Jasvir Singh Dhaliwal and Gulwant
 Singh Senghera
 PID: 012-225-215
 Lot 8 Block 6 Section 31 Township 2 New Westminster District Plan 1535

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7907-0382-00.