

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0075-01

Planning Report Date: May 4, 2009

PROPOSAL:

- **Development Variance Permit**

in order to reduce the rear yard setback for an existing house on proposed Lot B.

LOCATION:

9379 - 159A Street

OWNERS:

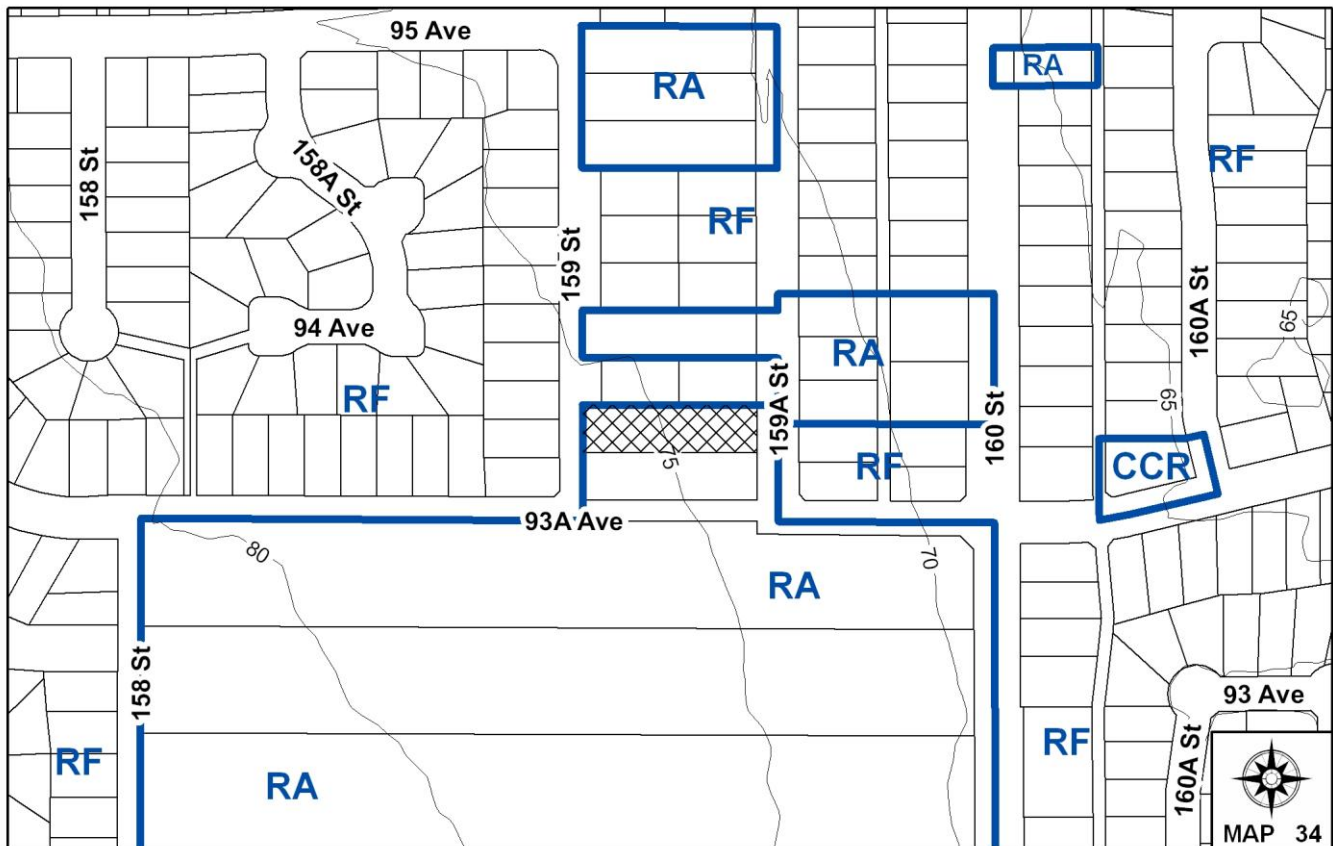
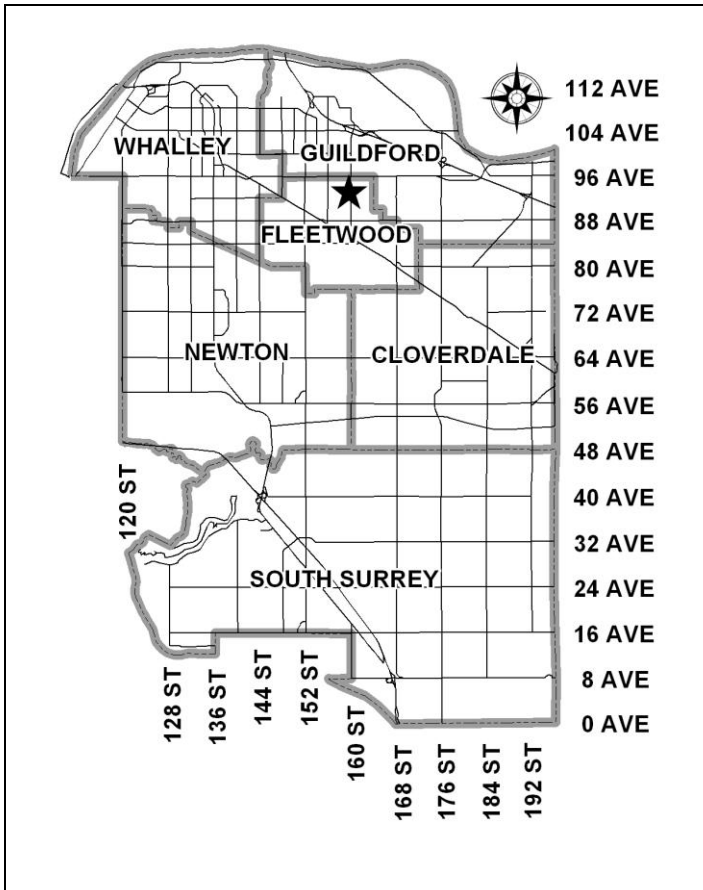
Jagmohan Sarwal and Inderjit Singh Sahota

ZONING:

RA

OCP DESIGNATION:

Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Reduced rear yard setback for an existing house on proposed Lot B.

RATIONALE OF RECOMMENDATION

- The proposed variance to the rear yard setback will allow the applicant to retain the mechanical room of the existing dwelling.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7908-0075-01, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 2.65 metres (9 ft.) for a portion of the existing house on proposed Lot B.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single family home, of which a portion will be removed.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings.	Urban	RF
East (Across 159A Street):	Single family dwellings.	Urban	RA and RF
South:	Single family dwelling on half-acre sized lot with future subdivision potential.	Urban	RA
West (Across 159 Street):	Single family dwellings.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject site is located north of 93A Avenue between 159A and 159 Streets in the Fleetwood area. It is designated Urban in the Official Community Plan (OCP) and currently zoned One-Acre Residential (RA).
- The subject site is currently under a development application to rezone to Single Family Residential (RF) Zone to subdivide into two lots (File No. 7908-0075-00).
- The Planning Report on this application was considered by Council on July 28, 2008. Following the Public Hearing, which was held on September 8, 2008, Council gave the rezoning by-law Third Reading.

- The Preliminary Layout Approval letter for the creation of two lots was issued on September 22, 2008.
- To complete the proposed rezoning and subdivision, the applicant is required to remove the rear portion of the existing dwelling to comply with the rear yard setback requirement of the RF Zone.
- As the applicant's engineer proceeded on the servicing agreement it was determined that the plumbing, heating, gas and electric equipment were located in a portion of the dwelling originally indicated for removal. Relocation of this equipment would be costly and problematic.
- The applicant is now requesting a Development Variance Permit to permit a portion of the existing house to encroach within the required 7.5-metre (25 ft.) rear yard setback.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 2.65 metres (9 ft.) for a portion of the existing house on proposed Lot B.

Applicant's Reasons:

- Plumbing, heating, gas and electrical equipment are located within this portion of the dwelling. Relocation of these services will be problematic and costly.

Staff Comments:

- Only a 4.87-metre (16 ft.) wide portion of the existing house will be sited within the reduced setback. The majority of the existing house will be sited with a rear yard setback of 11.7 metres (38 ft.).
- The proposed portion of the house to be encroaching will have a minimal impact on the functionality of the rear yard.
- The proposed variance will only apply to the existing house. All new construction will be required to comply with the applicable setback requirements.
- Staff support the requested 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 and Site Plan
- Appendix III. Development Variance Permit No. 7908-0075-01

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: Jake Sarwal
 Address: 7120 - 131A Street
 Surrey, BC
 Tel: 604-897-0036

2. Properties involved in the Application
 - (a) Civic Address: 9379 - 159A Street

 - (b) Civic Address: 9379 - 159A Street
 Owner: Jagmohan Sarwal and Inderjit Singh Sahota
 PID: 009-907-602
 Lot 13 Section 35 Township 2 New Westminster District Plan 14229

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7908-0075-01.