

City of Surrey  
**ADDITIONAL PLANNING COMMENTS**

File: 7908-0146-00

Planning Report Date: January 11, 2010

**PROPOSAL:**

- **Development Variance Permit**

in order to permit a reduced lot frontage to allow subdivision into two half-acre single family lots.

**LOCATION:**

12501 - 53 Avenue

**OWNERS:**

Avtar Singh Sendher and Amarjit Kaur Sendher

**ZONING:**

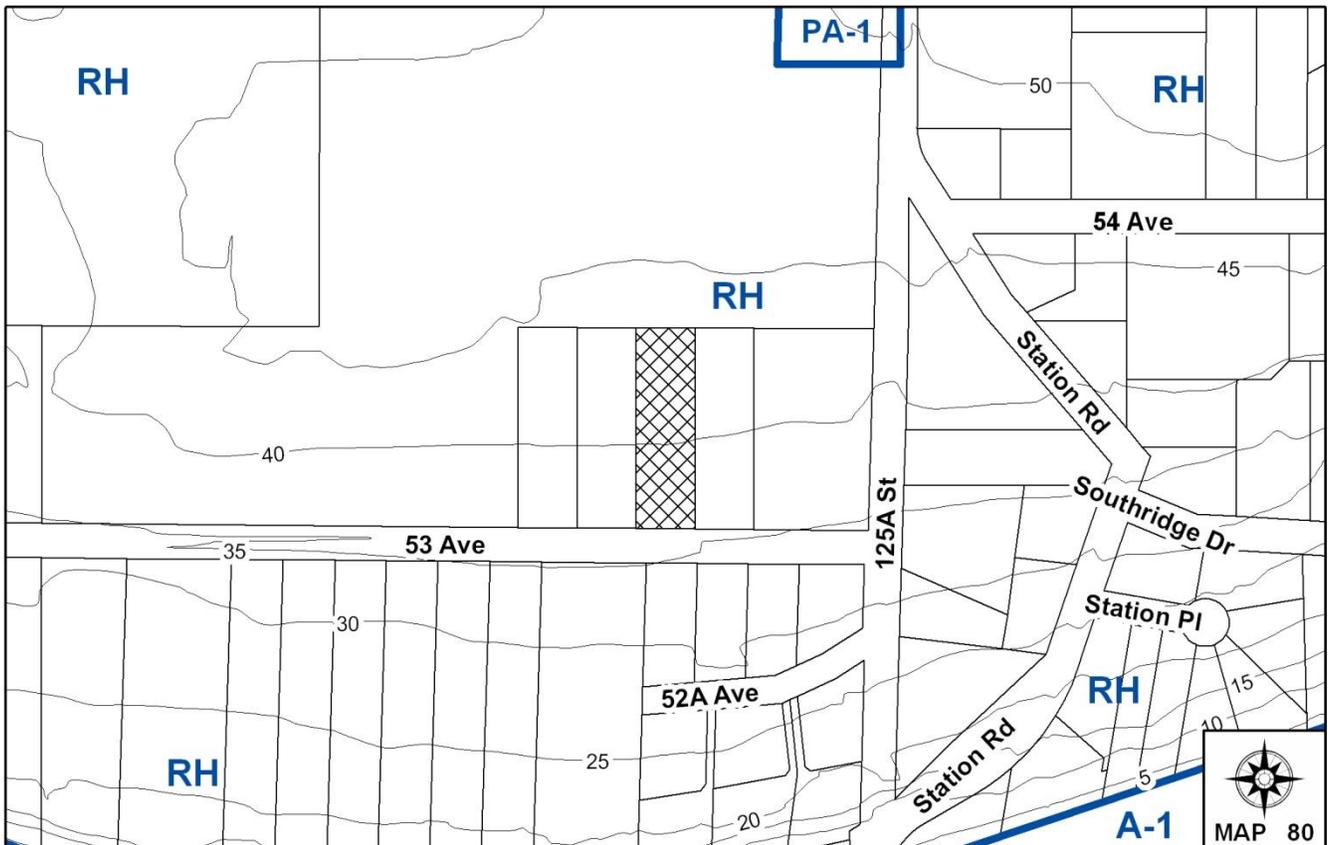
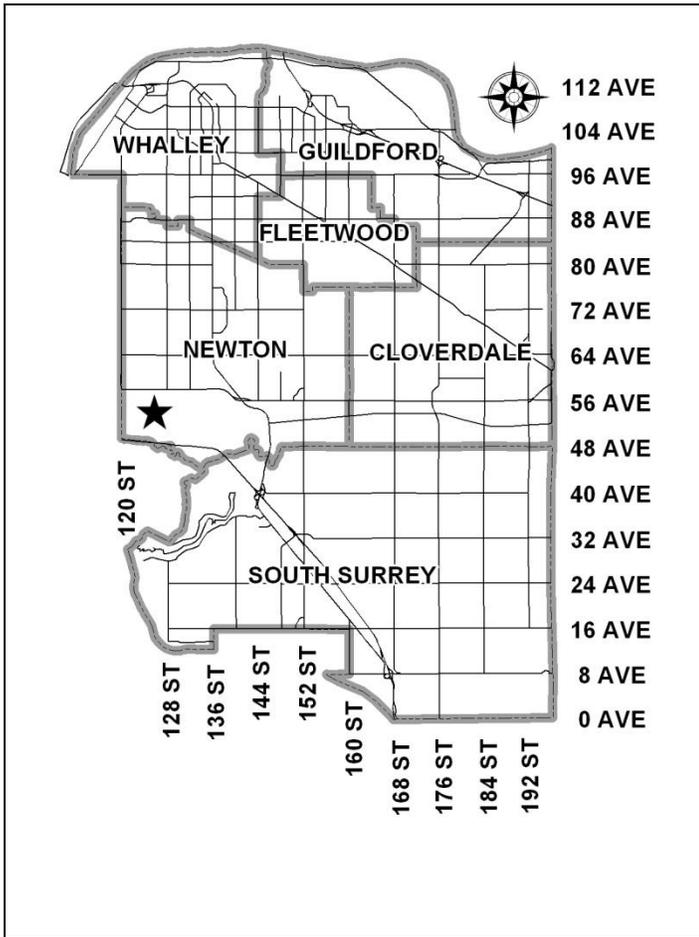
RH

**OCP DESIGNATION:**

Suburban

**LAP DESIGNATION:**

Suburban Half Acre Residential



### ADDITIONAL PLANNING COMMENTS

- When the proposed Development Variance Permit was considered by Council on February 23, 2009, Council deferred consideration of the DVP and requested staff to petition surrounding property owners regarding their interest in rezoning their properties from RH to RA.
- Prior to staff initiating the petition process, representatives of the West Panorama Ridge Rate Payers Association (WPRRA) submitted a letter representing many of the property owners that would be affected by the City petition indicating their opposition to participate in the survey/petition process directed by Council, and indicating their opposition to the proposed DVP (Appendix IV).
- In light of the position expressed by area residents and representatives of the WPRRA, the petition/survey process directed by Council will not have a meaningful outcome and therefore, staff are bringing back the proposed DVP to be considered by Council on its merits.

### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- A Development Variance Permit is required in order to allow a reduction in frontage from 4.5 metres (14.8 ft) to 4.4 metres (14.4 ft) for the panhandle portion of proposed Lot 2.

### RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with LAP Designation.
- The proposed panhandle subdivision layout conforms to the City Panhandle Policy (Policy No. O-15) and has been deemed by staff to be preferred over a conventional subdivision layout in order to avoid introduction of a new cul-de-sac road adjacent to Joe Brown Park and associated tree removal along the park edge. A Development Variance Permit (DVP) is required to accommodate a slightly reduced panhandle width in order to achieve this preferred layout.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7908-0146-00, (Appendix III) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum lot frontage from 4.5 metres (14.8 ft.) to 4.4 metres (14.4 ft.) for the panhandle portion of proposed Lot 2 only.

REFERRALS

Engineering: The Engineering Department has no objection to the Development Variance Permit.

SITE CHARACTERISTICS

Existing Land Use: Single family residential lot.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Joe Brown Park.	Suburban	RH
East and West:	Single family residential lots.	Suburban	RH
South (Across 53 Avenue):	Single family residential lots.	Suburban	RH

PLANNING COMMENTSProject History

- The proposed Development Variance Permit (DVP) was first placed on Council's Regular Council Land Use agenda on February 9, 2009. At that meeting, Council also received a delegation request from the West Panorama Ridge Ratepayers' Association (WPRRA) to speak on DVP. Council tabled the report until the following meeting, so that the variance could be considered on the same night as the delegation presentation.
- The DVP was considered at the February 23, 2009 Council meeting, at which time the WPRRA also spoke about the application. After considering both the comments from the community and the Planning Report, Council deferred consideration of the variance and requested staff to "petition the owners of properties in the subject area to determine their interest in rezoning their properties from the current RH 'Half Acre Residential' Zone to the RA 'One Acre Residential' Zone so as to eliminate the potential for subdivision into half acre lots, including panhandle lots in the area and that staff

provide a report to Council on the results of the petition complete with recommendations" (Res. Rog-246).

### Neighbourhood Consultation

- Subsequent to Council's directive, staff met and discussed with Bob Campbell, past president and representative of the WPRRA a number of times in anticipation of conducting the survey/petition of the neighbourhood, as per Council direction. He indicated that he had already spoken with a majority of the residents on 53 Avenue, who were opposed to the survey in principle.
- The WPRRA, together with many residents of 53 Avenue, have since written a letter to Mayor and Council outlining the reasons for their opposition to the survey and their comments on the proposed subdivision at 12501 – 53 Avenue. Appendix IV is a copy of the letter. Items raised by the community are addressed individually below.

### WPRRA Letter

- The letter from the WPRRA requests that Council deny the Development Variance Permit for the panhandle application, based on five (5) points. The staff comments and response to each point are listed in italics below each respective item.

- 1) Inappropriate Site for a Panhandle Lot. Creation of a panhandle in this location will encourage the same style of development on the remaining lots on the north side of 53 Avenue.

*Staff have assessed the proposed subdivision to be in compliance with the City's panhandle policy (No. O-15). The subject site is within the RH Zone and is of sufficient size to permit subdivision into two lots. If the panhandle were to be denied, the RH lot would be significantly oversized for the zone, or subdivision could be considered with access from a rear cul-de-sac road.*

*An access alternative does exist, in the form of a new cul-de-sac road along the southern edge of Joe Brown Park and connecting to 125A Street (Appendix VII). Neighbours have also voiced their opposition to the new cul-de-sac road. Considering the potential significant impact on trees, including trees within Joe Brown Park, staff deemed a panhandle to be a more appropriate and sensitive means to subdivide the site from a tree preservation perspective.*

- 2) Local Residents Opposed to the Application

*Staff have received comments from the neighbours and the WPRRA indicating their opposition to the panhandle subdivision. They have also stated an even stronger opposition to the introduction of a new cul-de-sac road along the southern border of Joe Brown Park. The subject property is currently zoned RH, and subdivision into two half-acre lots is consistent with the existing zoning. Based on the neighbourhood opposition to the road and the number of trees that would need to be removed to accommodate the road, staff consider a panhandle layout with a variance for lot frontage as the preferred option.*

- 3) A Panhandle Subdivision will Set a Negative Precedent

*The subject property, together with two properties to the west and one property to the east, all face similar circumstances in terms of subdivision potential. All are similarly zoned RH and would be served by a new cul-de-sac road at the south edge of Joe Brown Park. The subdivision pattern established on the subject site is expected to extend to these three other properties, all on the north*

*side of 53 Avenue. The City does have a concept plan in place for the south side of 53 Avenue. The concept plan reflects a subdivision pattern that have lots fronting 53 Avenue and a new 52A Avenue that minimize panhandle lots (Appendix VIII). Future subdivision of those properties will be considered in the context of the concept plan and assessment will be based on the merits of any individual proposal, based on approved City regulations and policies.*

4) Loss of Mature Trees

*While some trees would need to be removed to accommodate a panhandle subdivision of the subject site, an arborist report provided by the applicant shows that the creation of panhandle lots would require less tree removal than would installation of a new cul-de-sac road adjacent and within the park area. This information supports staff's assessment that a panhandle layout is the preferred subdivision layout for this property. See Appendix VII showing existing trees on the subject lot and possible future cul-de-sac location.*

5) Site Development and the Loss of Trees will be Detrimental to Joe Brown Park

*Given that the subject property does have subdivision potential under the RH Zone, staff consider the panhandle layout to be preferred over the cul-de-sac road option, in part because of the additional tree retention the panhandle lots will allow.*

- In addition to the above items, the residents' letter further requests that Council advise the Approving Officer to withhold approval of the panhandle subdivision and advise staff to discourage any attempt to build a road along the southern boundary of Joe Brown Park.
- Under the *Land Title Act*, Approving Officers are appointed by Council to deal with subdivision applications. Approving Officers are quasi-judicial officials who act independently to review subdivision applications in the context of the legislation and City By-laws and policies that are currently in place and to protect the best interest of the public.
- Further to the residents' request that Council deny the application, the letter also asks that Council retract their direction to staff to conduct a survey of neighbourhood property owners. Signatories to the letter state that they would not intend to participate in such a survey, therefore conducting a staff survey would have no purpose. Appendix V is a map showing the properties owned by the families who are signatories to the letter. By looking at the map of signatories, and considering the request in the letter, it is clear that conducting a survey of the neighbours, as per Council's direction, would not yield useful results in terms of determining the neighbourhood's opinions on a rezoning from RH to RA.
- Given the concerns expressed by residents and the WPRRA to the DVP, and their unwillingness to participate in a survey/petition process, it will be difficult for staff to proceed with the Council directed process. Therefore staff recommend that the proposed DVP be considered by Council on its merits.

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. Proposed Subdivision Layout
- Appendix III. Development Variance Permit No. 7908-0146-00
- Appendix IV. Letter from West Panorama Ridge Ratepayers' Association
- Appendix V. Map Showing Addresses of all Signatories to WPRRA Letter
- Appendix VI. Original Land Use Report, dated February 9, 2009
- Appendix VII. Plan Showing Tree Locations and Extent of Possible Cul-de-sac Road on the Subject Site
- Appendix VIII. City's Concept Plan Showing Future Road Pattern for Lots on South Side of 53 Avenue

Jean Lamontagne  
General Manager  
Planning and Development

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## SUBDIVISION DATA SHEET

Zoning: RH

Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	1.0 ac
Hectares	0.4 ha
<b>NUMBER OF LOTS</b>	
Existing	1
Proposed	2
<b>SIZE OF LOTS</b>	
Range of lot widths (metres)	30.0 m – 34.4 m
Range of lot areas (square metres)	1,861 m <sup>2</sup> – 1,904 m <sup>2</sup>
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	2.0 upha/5.0 upa
Lots/Hectare & Lots/Acre (Net)	2.0 upha/5.0 upa
<b>SITE COVERAGE (in % of gross site area)</b>	
Maximum Coverage of Principal & Accessory Building	17.8%
Estimated Road, Lane & Driveway Coverage	11.8%
Total Site Coverage	29.6%
<b>PARKLAND</b>	n/a
Area (square metres)	
% of Gross Site	
	<b>Required</b>
<b>PARKLAND</b>	
5% money in lieu	NO
<b>TREE SURVEY/ASSESSMENT</b>	YES
<b>MODEL BUILDING SCHEME</b>	YES
<b>HERITAGE SITE Retention</b>	NO
<b>BOUNDARY HEALTH Approval</b>	NO
<b>DEV. VARIANCE PERMIT required</b>	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others	YES