

City of Surrey
PLANNING & DEVELOPMENT REPORT
 File: 7909-0025-00

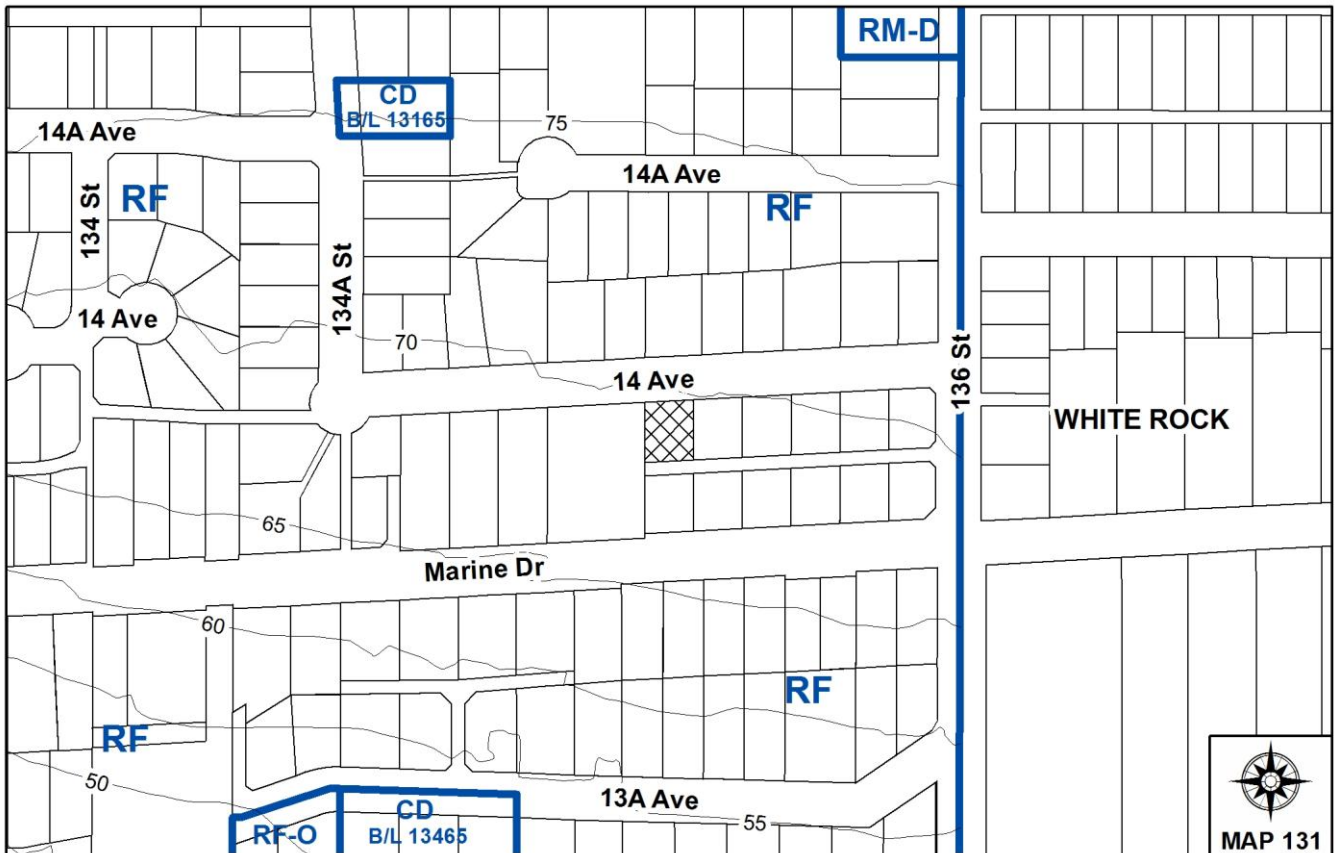
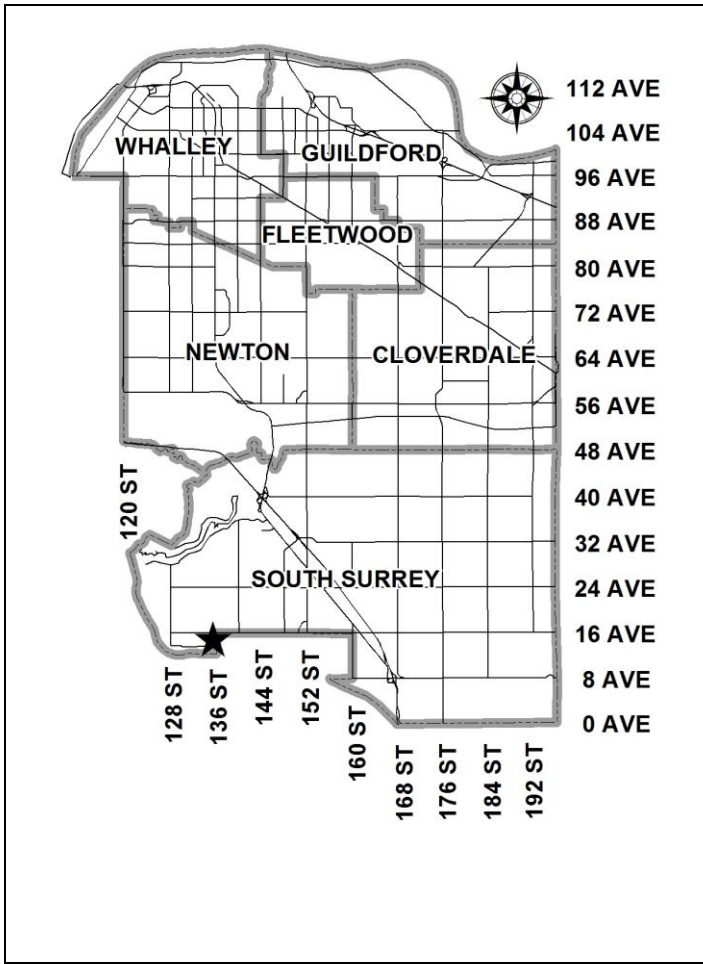
Planning Report Date: May 25, 2009

PROPOSAL:

- **Development Variance Permit**

in order to relax the front and rear yard setbacks for a new single family dwelling to allow for the retention of eight (8) protected trees.

LOCATION: 13536 - 14 Avenue
OWNER: Mark and Fiona Betts
ZONING: RF
OCP DESIGNATION: Urban
LAP DESIGNATION: Urban Residential



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The front yard setback is proposed to be varied from 7.5 metres (25 ft.) to 6.0 metres (20 ft).
- The rear yard setback is proposed to be varied from 7.5 metres (25 ft.) to 5.5 metres (18 ft.).

RATIONALE OF RECOMMENDATION

- The subject lot was created as part of a two-lot subdivision application (7907-0344-00). The arborist report that was submitted as part of the subdivision application recommended the retention of eight (8) protected trees whose canopies and root zones encroach on the subject property.
- The Arborist Report indicated that the off-site trees would be protected with increased side yard setbacks. In order to restrict the building envelope, a Section 219 Restrictive Covenant for tree protection was registered on title. As part of the subdivision application, the applicant's design consultant submitted a preliminary site analysis which showed that the restricted building envelope would accommodate a house that would achieve the maximum allowable floor area. Therefore, the subject lot was not identified as needing a DVP at that time. However, the new owner has now completed a house design and confirmed that a DVP is necessary in order to respect the tree protection area and achieve the maximum allowable floor area.
- The reduced setbacks proposed under the DVP will enable the preservation of the eight (8) trees and will not impact the streetscape.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7909-0025-00, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front yard setback of the RF Zone from 7.5 metres (25 ft.) to 6.0 metres (20 ft.); and
 - (b) to reduce the minimum rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 5.5 metres (18 ft.).

REFERRALS

Engineering: There are no engineering requirements relative to the issuance of the Development Variance Permit.

SITE CHARACTERISTICS

Existing Land Use: Single family residential.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North, East, South and West:	Single family residential.	Urban/Urban Residential	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is located on the south side of 14 Avenue, between 134A Street and 136 Street. It is designated "Urban" in the Official Community Plan (OCP) and "Urban Residential" in the Semiahmoo Peninsula Local Area Plan (LAP).
- The subject site was created as part of a two-lot subdivision registered in December, 2008 (Development Application 7907-0344-00). At the time of subdivision, a tree assessment and retention plan was submitted and found acceptable by the City. The Arborist assessment and retention plan identified twelve (12) protected trees affected by this development, of which ten (10) were proposed to be retained. Eight (8) of these trees affect the subject lot, as their canopies and tree roots extend into this property (Appendix IV).

- In order to ensure the protection of these eight (8) trees, a Section 219 Restrictive Covenant was registered on title as a condition of subdivision approval (Restrictive Covenant BB102866). This Restrictive Covenant restricts any construction or disturbance within the Tree Preservation Areas (Appendix IV). The tree preservation area is 3.51 metres (11.5 ft.) along most of the eastern property line. The tree preservation area is from 1.8 metres (6.0 ft.) to 3.28 metres (10.8 ft) along the western property line (Appendix IV). Because the applicant is proposing a basement, an additional 1.5 metres (5.0 ft.) of space for excavation is required from both of the tree protection areas.
- As part of the completion of the subdivision application, the applicant's design consultant submitted a preliminary site analysis which showed that a restricted building envelope necessary to save the trees would still accommodate a house that would achieve the maximum allowable floor area. Therefore, the subject lot was not identified as needing any setback relaxations at that time.

Proposed DVP and Amended Tree Protection Areas

- The applicant has now retained a Design Consultant and designed a new single family dwelling for the lot. However, in order to respond to the location of existing trees and to the tree preservation areas required to ensure their protection, adjustments to the required front and rear yard setbacks are needed.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the front yard setback from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) and the rear yard setback from 7.5 metres (25 ft.) to 5.5 metres (18 ft.) to allow for the retention of eight (8) City By-law protected trees.

Applicant's Reasons:

- The RF Zone requires a 7.5 metre (25 ft.) front and rear yard setback. The variance requested is to permit the development of a single family dwelling on a lot with a restricted building envelope due to the presence of eight (8) City By-law protected trees.
- The lot is shallow (26.95 metres / 88.4 feet deep) and the ability to construct a house is severely restricted due to the required tree preservation areas.
- The same variances for the front and rear yard setbacks were granted for the property to the east, at 13546 – 14 Avenue, under Development Application No. 7906-0287-00, in order to allow for the retention of six (6) City By-law protected trees.
- The reduction in setbacks is minor and responds to the tree location.

- The proposed house design respects the Tree Preservation Areas and 1.5 metre (5 ft.) excavation zones. The west side yard for the lot is proposed to be 5.0 metres (16.4 ft.), and the east side yard is proposed to be from 3.3 metres (10.8 ft.) to 4.78 metres (15.7 ft.). The required side yard setback in the RF Zone is 1.8 metres (6 ft.).

Staff Comments:

- Due to the size and location of the protected trees affecting the subject site, reduced front and rear yard setbacks are considered reasonable in order to achieve an adequate building envelope and house design.
- The applicant has modified their building design to accommodate the tree preservation zones for the eight (8) trees.
- The proposed setback relaxations are considered appropriate. The ability to preserve the eight (8) mature trees on the lot is considered to be an appropriate trade-off.
- The proposed variances will not negatively affect the streetscape. The proposed single family dwelling will have front and rear yard setbacks consistent with the house constructed on the lot to the east, at 13546 – 14 Avenue, which also obtained a DVP.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan and Building Plan
Appendix III.	Development Variance Permit No. 7909-0025-00
Appendix IV.	Plan Showing Tree Location and Proposed Variances

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: Mark Betts
 Address: 1577 - 126A Street
 Surrey, BC
 V4A 3R7
 Tel: 604-880-2618

2. Properties involved in the Application
 - (a) Civic Address: 13536 - 14 Avenue

 - (b) Civic Address: 13536 - 14 Avenue
 Owner: Mark and Fiona Betts
 PID: 027-761-665
 Lot A Section 8 Township 1 New Westminster District Plan BCP39282

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7909-0025-00.