

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7909-0118-00

Planning Report Date: September 14, 2009

PROPOSAL:

- **Development Variance Permit**

in order to reduce the required separation between the principal building and garage from 6.0 metres (20 ft.) to 5.0 metres (16.5 ft.) to permit stair access from the main floor to the rear yard.

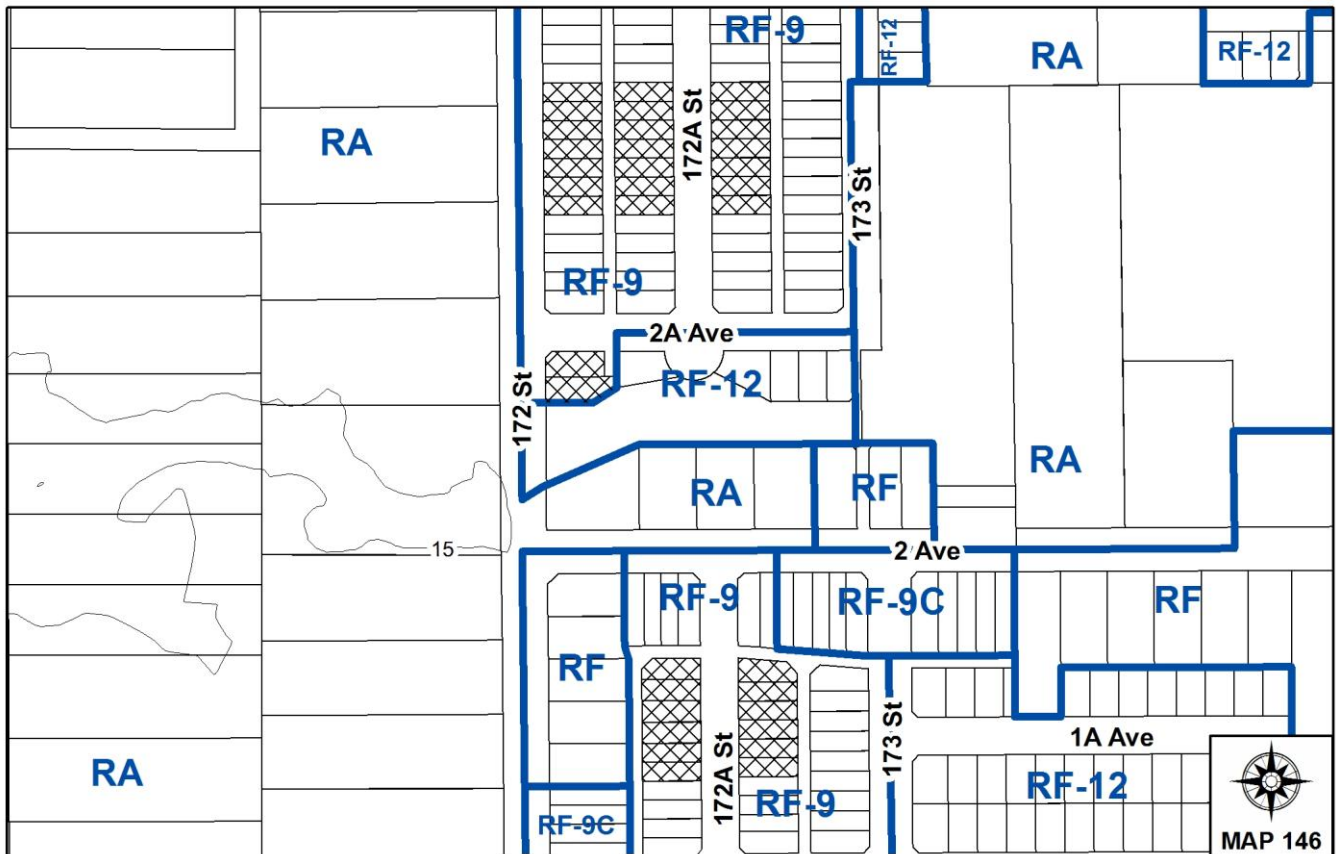
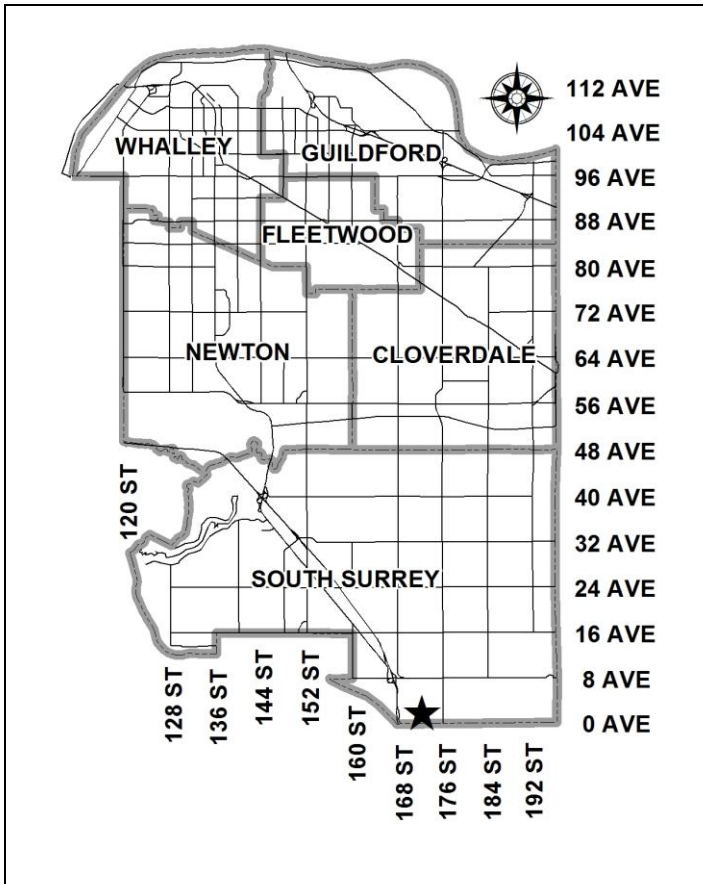
LOCATION: 3 Avenue/172 Street

OWNER: 701492 B.C. Ltd.

ZONING: RF-9

OCP DESIGNATION: Urban

NCP DESIGNATION: Single Family Flex (6-14.5 upa)



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking a Development Variance Permit (DVP) to permit the landing and stairs at the rear of the principal building to encroach into the 6 metre (20 ft.) separation between the principal buildings and detached garages by 1.0 metres (3.2 ft.).

RATIONALE OF RECOMMENDATION

- The subject properties are constrained by the high depth of services and prohibition on additional filling, which creates grade separation between the dwellings and the necessary access to grade that cannot be addressed by conventional means without losing buildable floor area on the lots.
- The applicant's Design Consultant has demonstrated that the stairs are required to facilitate access to the rear yards if basements are achieved on the sites.
- The variance would permit development of homes that are consistent in size and design as other RF-9 homes.
- The stairs and landings are proposed to run parallel to the house in order to minimize the impact on the useable rear yard.
- To compensate for the proposed stair encroachment on the rear yard, the applicant has agreed to limit the width of any window or access wells located at the rear of the dwelling to a maximum of 1.42 metres (4.6 ft.).

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7909-0118-00, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the required minimum separation between principal buildings and accessory buildings exceeding 2.4 metres (8 ft.) in height from 6 metres (20 ft.) to 5.0 metres (16.5 ft.) for stairs and landing only.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Undeveloped land, recently rezoned and subdivided under Development Application No. 7905-0338-00.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Undeveloped land.	Single Family Residential Flex (6-14.5 upa)	RF
East (Across 172A Street):	Undeveloped land.	Single Family Residential Flex (6-14.5 upa)	RF-9
South:	Undeveloped land.	Single Family Residential Flex (6-14.5 upa)	RF-9
West:	Existing single family home.	Commercial	RF/RF-9C

DEVELOPMENT CONSIDERATIONS

- The subject application involves 35 properties that are designated Urban in the OCP and Single Family Flex (6-14.5 u.p.a) in the Douglas Neighbourhood Concept Plan (NCP). All the subject lots are owned by Cressey Development Ltd. and were rezoned from RA to RF-9 as part of Development Application No. 7904-0411-00.
- Poor soil conditions in the Douglas area restrict the amount of fill that can be added to the lots, and also prevent lowering the depth of services. As a result, basements on the sites are required to be shallow. The sites are also gently sloped to the rear of the lots. When the lots were subdivided the exact implication of these constraints were not fully understood. Subsequently,

detailed house designs have shown that a conventional house design cannot address these constraints without losing buildable floor area on these lots.

- Therefore, the developer has applied for a Development Variance Permit (DVP) to allow a landing and stairs to encroach into the required 6.0 m (20 ft) separation area by 1.0 m (3.2 ft), to accommodate a row of stairs which run parallel to the building. The DVP is discussed below.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum separation between the principal buildings and accessory buildings and structures exceeding 2.4m (8 ft) in height from 6.0m (20 ft) to 5.0m (16.5 ft) for landings and stairs that run parallel to the principal building.

Applicant's Reasons:

- The soil and ground conditions in the Douglas area allow a maximum of 0.6m (2.0 ft) of fill to be added on the sites.
- The depth of services in the area are relatively shallow.
- This fill is adequate to allow basements that satisfy the 50 percent in-ground requirement, but do not allow for greater basement depths.
- Some of the subject sites are also gently sloped to the rear, which increases the distance in height between the main floor of the houses and the rear yards.
- Due to the site conditions outlined above, a conventional house design is not possible without losing buildable floor area, as the number of stairs required to provide rear yard access would encroach into the required 6.0m (20 ft) separation area (Appendix II).
- The developer feels that in order for the homes to be marketable, the main floor area cannot be reduced to incorporate a stairwell. Additionally, basements must be included in the houses and access must be provided from the main floor to the rear yard of the homes.
- Lots that are included in the DVP are those where the grade level at the rear of the home is 1.91m (6.2 ft) or less above the minimum basement elevation. The design consultant has demonstrated this requirement based on the finalized lot grading plans.

Staff Comments:

- The applicant's Design Consultant has demonstrated that site conditions would require more stairs than permitted in order to provide rear yard access.
- The 6.0m (20 ft) separation area is desired in order to provide a useable yard space.

- The stairs and landing are proposed to run parallel to the house in order to minimize the impact of the encroachment on the useable rear yard area (Appendix III).
- Although the proposed 1.0m (3.2 ft) encroachment will have some impact on the functionality of the outdoor space, the benefits of having rear yard access offset this.
- In addition to this, the depth of the basement window wells that are permitted as part of the DVP will be restricted to 1.42m (4.6 ft). In order to ensure that the rear yard space is not further compromised.
- Staff are supportive of the proposed variance.
- To compensate for the proposed stair encroachment, a maximum 1.42m (4.6 ft) window well depth is proposed on the subject lots and will form part of the DVP.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets and Survey Plan
Appendix II.	Site Plan and Cross Section Detailing Typical Grades and Stair Encroachment
Appendix III.	Development Variance Permit No. 7909-0118-00

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: Tynan Consulting Ltd.
 Address: 13659 - 108 Avenue
 Surrey, BC V3T 2K4
 Tel: 604-921-6912

2. Properties involved in the Application

(a) Civic Addresses: 300, 296, 292, 288, 284, 280 and 276 - 172 Street
 273, 277, 281, 285, 289, 293, 297, 298, 294, 290, 286,
 282, 278, and 274 - 172A Street
 240, 234 and - 172 Street; 139, 147, 153, 159, 178, 170,
 162, 156, 150, 144, 177 and 165, - 172A Street

(b) Civic Address: 300 - 172 Street
 Owner: 0701492 B.C. Ltd., Inc. No. 0701492
 Director Information:
 Scott Edward Cressey
 Norman Edward Cressey

Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)

PID: 027-358-411
Lot 1 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

(c) Civic Address: 296 - 172 Street
 Owner: 0701492 B.C. Ltd., Inc. No. 0701492
 Director Information:
 Scott Edward Cressey
 Norman Edward Cressey

Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)

PID: 027-358-429
Lot 2 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

- (d) Civic Address: 292 - 172 Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-437
Lot 3 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474
- (e) Civic Address: 288 - 172 Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-445
Lot 4 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474
- (f) Civic Address: 284 - 172 Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-453
Lot 5 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

(g) Civic Address: 280 - 172 Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey

Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)

PID: 027-358-461
Lot 6 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

(h) Civic Address: 276 - 172 Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey

Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)

PID: 027-358-470
Lot 7 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

(i) Civic Address: 273 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey

Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)

PID: 027-358-585
Lot 18 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

- (j) Civic Address: 277 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-593
Lot 19 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474
- (k) Civic Address: 281 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-607
Lot 20 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474
- (l) Civic Address: 285 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-615
Lot 21 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

- (m) Civic Address: 289 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-623
Lot 22 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474
- (n) Civic Address: 293 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-631
Lot 23 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474
- (o) Civic Address: 297 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-640
Lot 24 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

- (p) Civic Address: 298 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-658
Lot 25 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474
- (q) Civic Address: 294 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-666
Lot 26 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474
- (r) Civic Address: 290 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-674
Lot 27 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

- (s) Civic Address: 286 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey

Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)

PID: 027-358-682
Lot 28 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

- (t) Civic Address: 282 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey

Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)

PID: 027-358-691
Lot 29 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

- (u) Civic Address: 278 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey

Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)

PID: 027-358-704
Lot 30 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33474

- (v) Civic Address: 274 - 172A Street
 Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
 Scott Edward Cressey
 Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
 Norman Edward Cressey (CEO)
 Scott Edward Cressey (President)
- PID: 027-358-712
 Lot 31 Section 32 Block 1 North Range 1 East New Westminster District Plan
 BCP33474
- (w) Civic Address: 240 - 172 Street
 Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
 Scott Edward Cressey
 Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
 Norman Edward Cressey (CEO)
 Scott Edward Cressey (President)
- PID: 027-358-941
 Lot 54 Section 32 Block 1 North Range 1 East New Westminster District Plan
 BCP33474
- (x) Civic Address: 234 - 172 Street
 Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
 Scott Edward Cressey
 Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
 Norman Edward Cressey (CEO)
 Scott Edward Cressey (President)
- PID: 027-358-950
 Lot 55 Section 32 Block 1 North Range 1 East New Westminster District Plan
 BCP33474

- (y) Civic Address: 139 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-361-012
Lot 75 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33476
- (z) Civic Address: 147 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-361-021
Lot 76 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33476
- (aa) Civic Address: 153 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-358-039
Lot 77 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33476

- (bb) Civic Address: 159 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-361-055
Lot 78 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33476
- (cc) Civic Address: 178 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-361-187
Lot 90 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33476
- (dd) Civic Address: 170 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-361-209
Lot 91 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33476

- (ee) Civic Address: 162 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-361-217
Lot 92 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33476
- (ff) Civic Address: 156 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-361-225
Lot 93 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33476
- (gg) Civic Address: 150 - 172A Street
Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
Scott Edward Cressey
Norman Edward Cressey
- Officer Information: (as at August 6, 2009)
Norman Edward Cressey (CEO)
Scott Edward Cressey (President)
- PID: 027-361-233
Lot 94 Section 32 Block 1 North Range 1 East New Westminster District Plan
BCP33476

(hh) Civic Address: 144 - 172A Street
 Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
 Scott Edward Cressey
 Norman Edward Cressey

Officer Information: (as at August 6, 2009)
 Norman Edward Cressey (CEO)
 Scott Edward Cressey (President)

PID: 027-361-241
 Lot 95 Section 32 Block 1 North Range 1 East New Westminster District Plan
 BCP33474

(ii) Civic Address: 177 - 172A Street
 Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
 Scott Edward Cressey
 Norman Edward Cressey

Officer Information: (as at August 6, 2009)
 Norman Edward Cressey (CEO)
 Scott Edward Cressey (President)

PID: 027-961-354
 Lot 2 Section 32 Block 1 North Range 1 East New Westminster District Plan
 BCP41475

(jj) Civic Address: 165 - 172A Street
 Owner: 0701492 B.C. Ltd., Inc. No. 0701492
Director Information:
 Scott Edward Cressey
 Norman Edward Cressey

Officer Information: (as at August 6, 2009)
 Norman Edward Cressey (CEO)
 Scott Edward Cressey (President)

PID: 027-961-362
 Lot 3 Section 32 Block 1 North Range 1 East New Westminster District Plan
 BCP41475

3. Summary of Actions for City Clerk's Office

(a) Proceed with Public Notification for Development Variance Permit No. 7909-0118-00.