

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7909-0223-00

Planning Report Date: June 7, 2010

**PROPOSAL:**

- **Development Variance Permit**

in order to reduce the side yard setback for two proposed lots and to reduce the engineering works and services for a portion of 159 Street.

**LOCATION:**

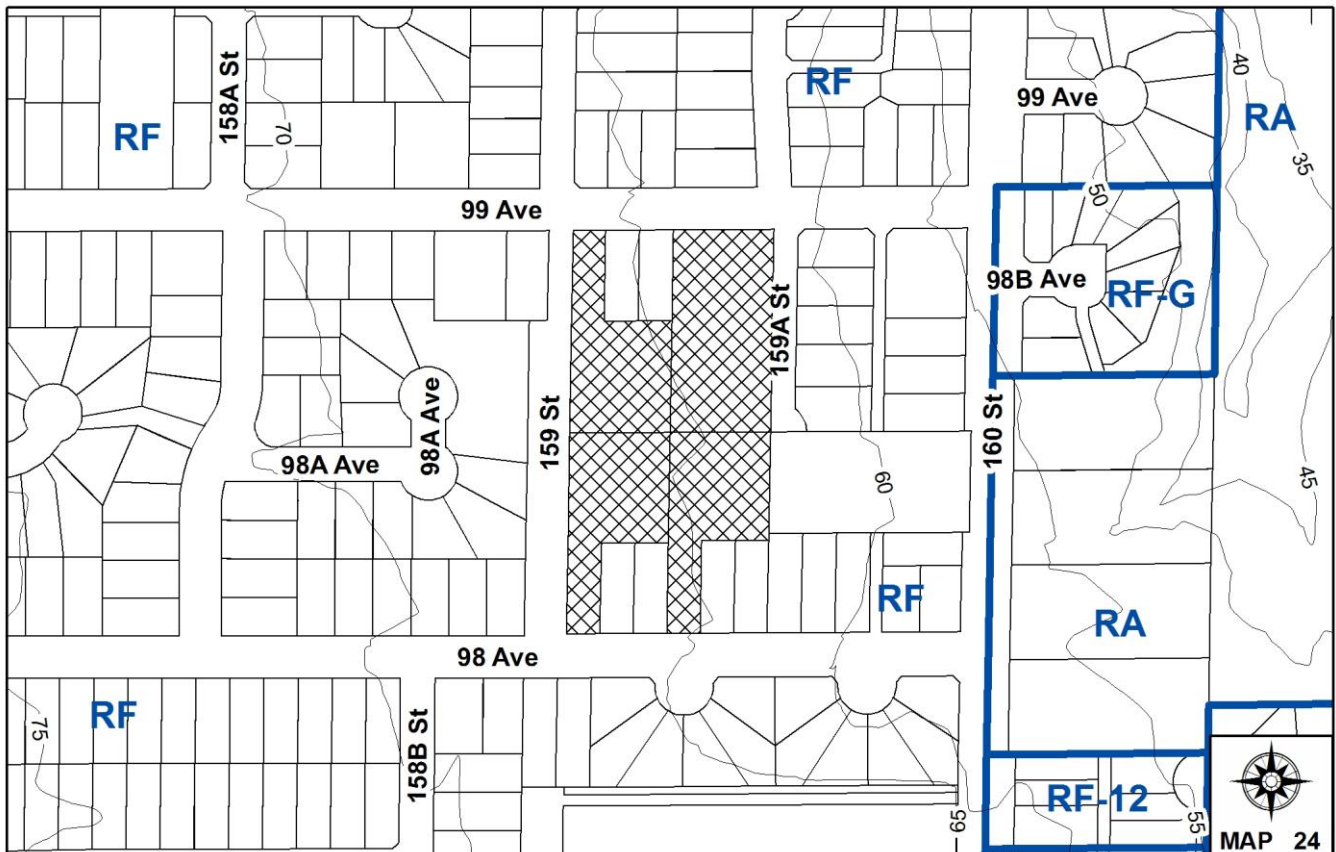
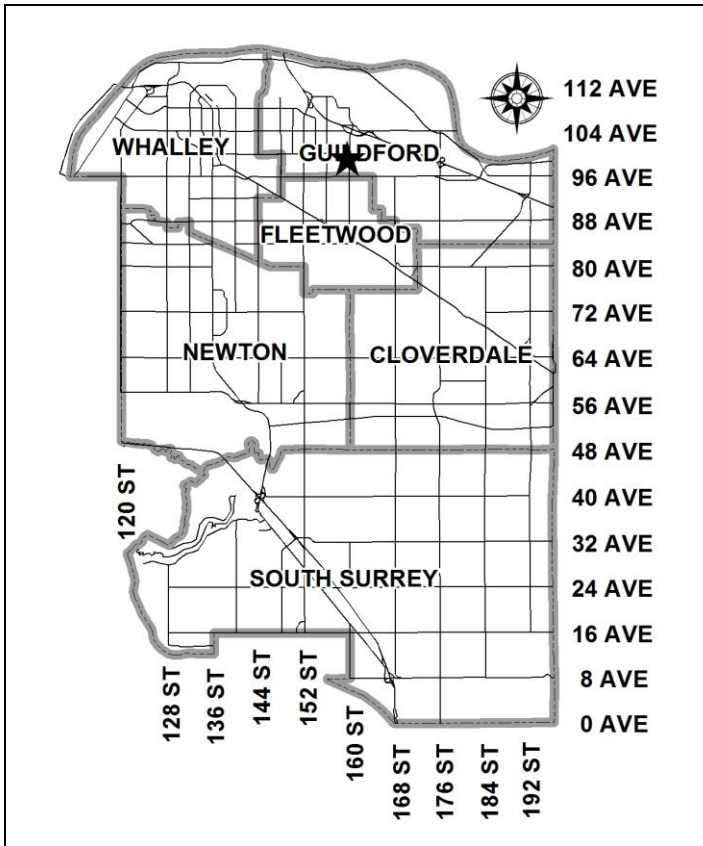
15909 & 15939 – 98 Avenue; 15906 & 15940 – 99 Avenue

**OWNERS:**

Various

**ZONING:**

Urban



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- To reduce the minimum side yard setback on a flanking street for two proposed lots and to vary certain engineering works and services for a portion of 159 Street.

### RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- The flanking street (159 Street) is dedicated but not constructed. The dedicated road is intended to be constructed as a pathway in the future. The applicant will be required to provide funds for the intended walkway.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7909-0223-00, (Appendix IV) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum side yard setback on a flanking street of the RF Zone from 3.6 metres (12 ft.) to 1.8 metres (6 ft.) for proposed Lots 110 and 111; and
  - (b) to vary the requirement of the Subdivision & Development By-law to provide certain works and services for the east portion of the adjoining 159 Street.

REFERRALS

Engineering: The Engineering Department has no objection.

SITE CHARACTERISTICS

Existing Land Use: Four single family dwellings on the four subject lots, three of which will be retained and one will be removed.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 99 Avenue):	Single family dwellings.	Urban	RF
East (Across 159A Street):	Single family dwellings.	Urban	RF
South (Across 98 Avenue):	Single family dwellings.	Urban	RF
West (Across Unopened 159 Street):	Single family dwellings and park.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject site is located to the west of 160 Street, between 98 and 99 Avenues and is comprised of four lots. The site is designated Urban in the Official Community Plan (OCP) and the site is currently zoned Single Family Residential (RF).
- The applicants are proposing to subdivide the subject site into 18 single family lots based on the existing RF Zone.

- As part of the subdivision application, the applicants will be required to construct the west half of 159A Street and the full extent of 98A Avenue both to the limited local standard.
- There is an existing dwelling on each of the subject lots. The dwellings on three of the subject lots are proposed to be retained. The dwelling on the fourth lot (at 15940-99 Avenue) is proposed to be removed.
- The subject site also fronts 159 Street, which is currently dedicated but not constructed. Under the concept plan for the area, 159 Street is proposed to be a pedestrian pathway in the future, and is not intended to be opened as a road.
- The applicants are requesting a Development Variance Permit to reduce the side yard setback on a flanking street for two proposed lots flanking 159 Street.
- The applicants are also requesting a Development Variance Permit to vary certain works and services requirements for the east half of the flanking portion of 159 Street.

### PRE-NOTIFICATION

Development Variance Permits do not require pre-notification. However, a development proposal sign was installed on January 15, 2010 for the associated subdivision application. To date, staff have received one phone call with the following comments (*staff comments in italics*):

- The caller expressed concern about water pooling and ice forming on 159A Street, and would like to see this improved as part of the development. The caller also expressed concern about the loss of trees on the subject site.

*(Staff directed the caller to the Transportation and Utilities Section in the Engineering Department to address the caller's immediate concerns about drainage and ice. The development proposal will construct the west half of 159A St. to a limited local standard which will improve the road drainage.)*

*Staff have reviewed the Arborist Report prepared by Mike Fadum & Associates. The subject site has 55 mature trees, all of which are proposed to be removed because they are either of poor quality, within the proposed roadways, or within the buildable area.)*

### BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum side yard setback on a flanking street requirement of the RF Zone for proposed Lots 110 and 111, from 3.6 metres (12 ft.) to 1.8 metres (6 ft.).

Applicants' Rationale:

- The adjoining 159 Street is not intended as a road.

- A side yard setback of 3.6 metres (12 ft.) will limit the size of house that can be built on the proposed lots.

Staff Comments:

- The adjoining 159 Street is currently dedicated but not constructed.
- The intent for the 159 Street is a future pedestrian pathway that will improve pedestrian connectivity to North Surrey Secondary, which is located at 15945-96 Avenue.
- The RF Zone requires a side yard setback of 1.8 metres (6 ft.) and a side yard setback from a flanking street of 3.6 metres (12 ft.) Although there are no plans to construct 159 Street in the future, it is technically considered a flanking street along the west side of the subject site. However, for practical purposes, it will function as a side yard and as such a 1.8-metre (6 ft.) setback is adequate.
- Staff support the requested variance.

(b) Requested Variance:

- To vary certain works and services requirements of the Subdivision and Development By-law for the east portion of the adjoining 159 Street.

Applicants' Rationale:

- As 159 Street is intended to be constructed as a pedestrian pathway in the future, the typical road construction standards should not be required.

Staff Comments:

- The applicant would typically be responsible for improvements for the adjoining portion of 159 Street, to the through local road standard.
- The City does not intend to have 159 Street constructed as a road. Rather, 159 Street is intended to be used as a pedestrian pathway in the future.
- The ultimate pathway design has not yet been determined.
- At this time, there is no set timeline for the construction of the planned pathway.
- The Engineering Department can 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   |

Appendix III. Development Variance Permit No. 7909-0223-00

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:                    H.Y. Engineering Ltd.  
                         Address:                    #200 – 9128 – 152 Street  
                                                            Surrey, BC  
                                                            V3R 4E7  
                         Tel:                                    604-583-1616
  
2.      Properties involved in the Application
  - (a)      Civic Addresses:            15909 and 15939 – 98 Avenue; 15906 and 15940 – 99 Avenue
  
  - (b)      Civic Address:            15909 – 98 Avenue  
                 Owner:                                    Rakinder Singh Sidhu  
                 PID:    024-039-870  
                 Lot 3 Section 34 Block 5 North Range 1 West New Westminster District Plan LMP36687
  
  - (c)      Civic Address:            15939 – 98 Avenue  
                 Owners:                                    Donny Dewinder Singh Gill and Robyn Rovinder Kaur Gill  
                 PID:    026-331-136  
                 Lot 1 Block 7 Section 34 Block 5 North Range 1 West New Westminster District Plan BCP18492
  
  - (d)      Civic Address:            15906 – 99 Avenue  
                 Owner:                                    Virendra Kumar Sharma and Lalita Devi Sharma  
                 PID:    018-630-065  
                 Lot 3 Section 34 Block 5 North Range 1 West New Westminster District Plan LMP14486
  
  - (e)      Civic Address:            15940 – 99 Avenue  
                 Owner:                                    Lakhbir Kaur Sidhu  
                 PID:    004-585-640  
                 Lot 2 Block 7 Section 34 Block 5 North Range 1 West New Westminster District Plan 2619A
  
3.      Summary of Actions for City Clerk's Office
  - (a)      Proceed with Public Notification for Development Variance Permit No. 7909-0223-00.