

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0035-00

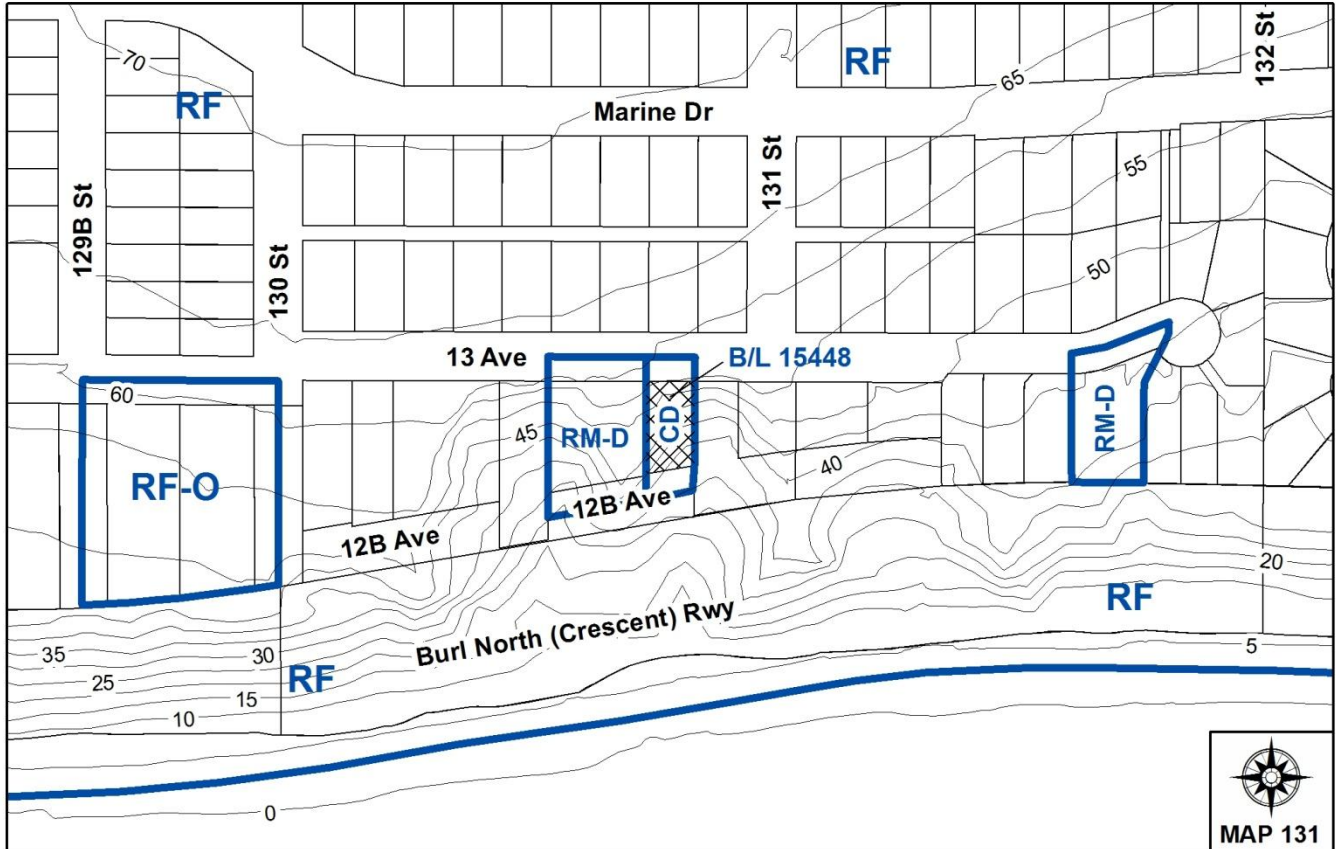
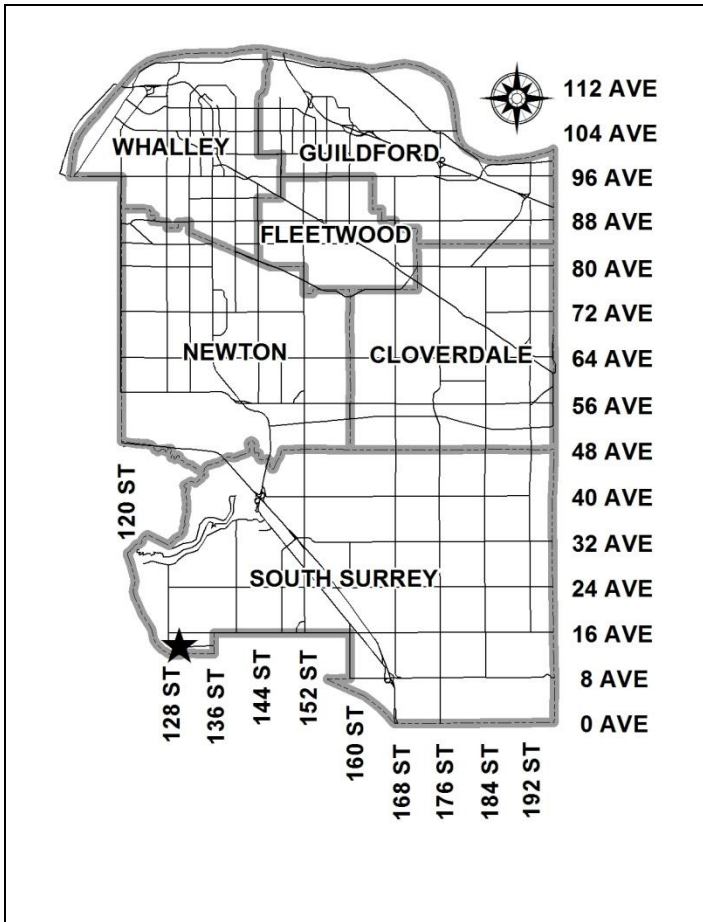
Planning Report Date: May 3, 2010

PROPOSAL:

- **Development Variance Permit**

in order to reduce the minimum side yard and rear yard setbacks for a single family dwelling.

LOCATION: 13078 - 13 Avenue
OWNERS: Luiz Leon and Patti Leon
ZONING: CD (By-law No. 15448)
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 applicant is requesting a Development Variance Permit to reduce the minimum side yard and rear yard setbacks in order to permit construction of a custom designed single family dwelling on the site with a steep slope.

RATIONALE OF RECOMMENDATION

- The proposed variance will correct an oversight not previously identified in the Planning Report for File No. 7904-0016-00. In rezoning the subject property, the need to vary the minimum rear yard setback in order to accommodate three cantilevered decks as shown on the elevation drawings and floor plans which accompanied the Planning Report was not recognized.
- In addition, the applicant has identified a need to vary the minimum side yard setbacks in order to significantly improve the overall design and structural integrity of the proposed single family dwelling.
- The proposed setback variances will have minimal impact on adjacent properties.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7910-0035-00, (Appendix II) varying the following, to proceed to Public Notification:
 - (a) to vary the minimum rear yard setback of the CD Zone (By-law No. 15448) from 19 metres (62 ft.) to 14.7 metres (48 ft.); and
 - (b) to vary the minimum side yard setback of the CD Zone (By-law No. 15448) from 2.8 metres (9 ft.) to 2.6 metres (8.5 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/LAP Designation	Existing Zone
North (Across 13 Avenue):	Single family residential	Urban/Urban Residential	RF
East:	Single family residential	Urban/Urban Residential	RF
South:	Burlington North Railway	Urban/Open Space	n/a
West:	Multi-family	Urban/Urban Residential	RM-D

DEVELOPMENT CONSIDERATIONS

- The property is located on the south side of 13 Avenue between 130 Street and 131 Street in South Surrey. The subject property is currently designated "Urban" in the Official Community Plan (OCP) and "Urban Residential" in the Semiahmoo Peninsula Local Area Plan (LAP).
- The property was rezoned from "Single Family Residential Zone (RF)" to "Comprehensive Development Zone (CD)" in order to permit a custom designed single family dwelling on a steep slope (File No. 7904-0016-00). The rezoning by-law (By-law No. 15448) also permitted a reduced minimum front yard setback from 7.5 metres (25 ft.) to 0.6 metres (2 ft.), increased the maximum building height from 7.3 metres (24 ft.) to 15.86 (52 ft.) as well as allowed the second-, third- and

fourth-storey to exceed eighty percent of the total ground floor area. Final adoption of the rezoning by-law was granted on January 11, 2010. As part of the rezoning process, the applicant was required to register a Section 219 Restrictive Covenant for "no build" on the southerly 19 metres (62 ft.) of the subject property for slope protection. In addition, the applicant was required to register a Section 219 Restrictive Covenant to prohibit construction on the site unless the building conforms with recommendations in the Geotechnical and Slope Stability Study prepared by Valley Geotechnical Engineering Services dated March 7, 2004.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard setback from 19 metres (62 ft.) to 14.7 metres (48 ft.).
- To reduce the minimum side yard setback from 2.8 metres (9 ft.) to 2.6 metres (8.5 ft.).

Applicant's Reasons:

- The requested variance will accommodate three cantilevered decks originally illustrated on the elevation drawings and floor plans which previously accompanied the Planning Report for File No. 7904-0016-00. However, the need to vary the minimum rear yard setback was not previously identified. As a result, Development Variance Permit No. 7910-0035-00 is designed to correct this omission thereby allowing cantilevered decks as shown on the original drawings.
- In response to difficult building conditions and challenging topography, the original drawings which previously accompanied the Planning Report for File No. 7904-0016-00 were further revised to include several 0.2 metre (0.67 ft.) concrete forms thereby significantly improving the overall design and structural integrity of the custom designed single family dwelling. As a result, the applicant requests a variance in order to reduce the minimum side yard setback.

Staff Comments:

- The proposed variance will correct an oversight not previously identified in the Planning Report for File No. 7904-0016-00 submitted to Council on July 5, 2004. At the time, the need to vary the minimum rear yard setback in order to accommodate three cantilevered decks originally illustrated on the elevation drawings and floor plans which subsequently accompanied the Planning Report was not recognized.
- In addition, the requested variance for minimum side yard setback will improve the overall design and structural integrity of the custom designed single family dwelling.
- The requested variance will not negatively impact the adjacent properties.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Development Variance Permit No. 7910-0035-00

Jean Lamontagne
General Manager
Planning and Development

MRJ/kms

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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: Luiz Leon
 Address: 1740 – 140A Street
 Surrey, BC
 V4A 8K5
 Tel: 604-542-2543

2. Properties involved in the Application
 - (a) Civic Address: 13078 – 13 Avenue

 - (b) Civic Address: 13078 – 13 Avenue
 Owners: Luiz Leon and Patti Leon
 PID: 001-050-915
 Lot 8 Block 7 section 8 Township 1 New Westminster District Plan 2715

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7910-0035-00.