

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0062-00

Planning Report Date: April 12, 2010

PROPOSAL:

- **Development Variance Permit**

in order to reduce the rear yard setback and to increase the front yard setback for construction of a single family dwelling.

LOCATION:

13481 Waterford Place

OWNER:

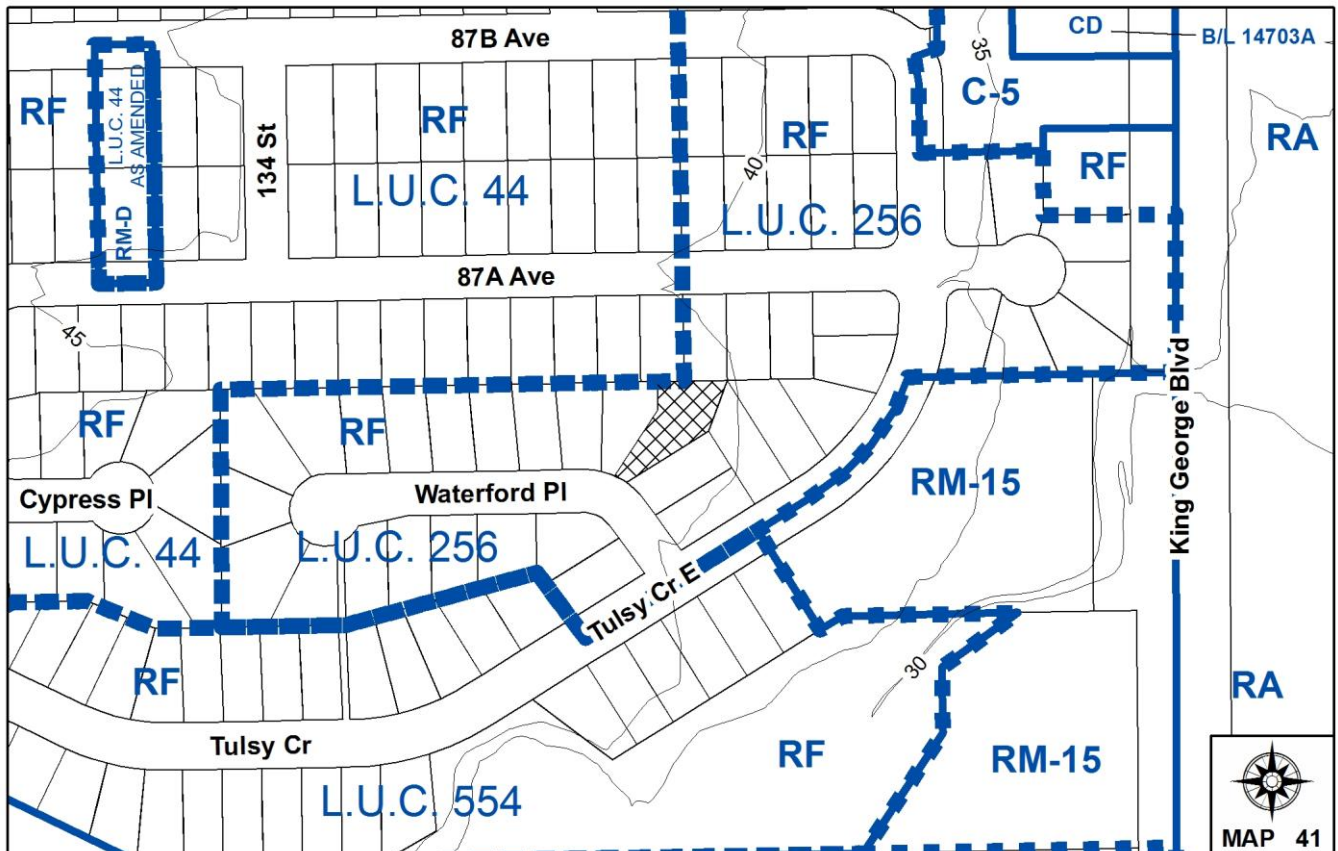
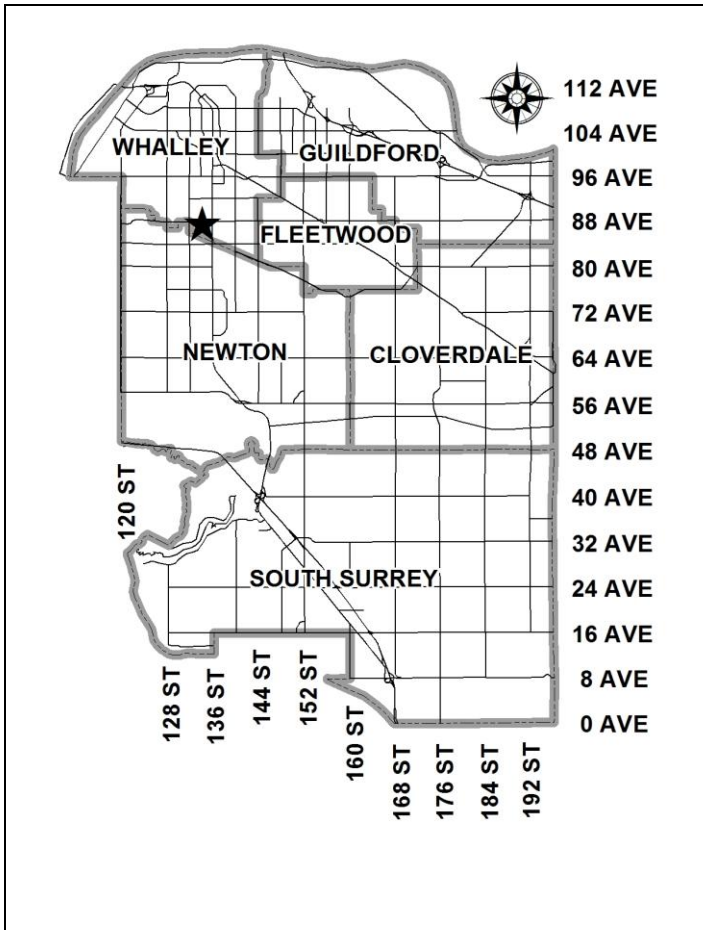
Ravinder and Sandeep Chauhan

ZONING:

Land Use Contract No. 256
 (underlying RF Zone)

OCP DESIGNATION:

Urban



RECOMMENDATION SUMMARY

- Refer the application back to staff to work with the applicant to reduce the impact of the proposed dwelling on the neighbourhood and neighbouring properties.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking variances to Land Use Contract No. 256 to reduce the rear yard setback and to increase the front yard setback for a proposed dwelling.

RATIONALE OF RECOMMENDATION

- The basement-entry style home has a floor area of 552 sq.m. (5,938 sq.ft.). The reduced rear yard setback in particular, will impact the privacy of the rear yards of adjacent homes.
- There are no opportunities to provide landscape screening along the rear property line based on the proposed 6-foot (1.8 m.) rear yard setback.
- Although requiring adjustments to the current house plans, the large lot (932 sq.m. / 0.23 acre) can accommodate a large home, without imposing on the privacy of neighbouring lots.
- The narrowness of the lot at the street justifies an increase to the prescribed 27-foot (8 m.) front yard setback in the Land Use Contract, however, the proposed 75-foot (23 m.) front yard setback is considered excessive.

RECOMMENDATION

The Planning & Development Department recommends that Council refer the application back to staff to work with the applicant to address interface concerns of the proposed dwelling on neighbouring properties.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling, which will be removed.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwelling.	Urban	LUC Nos. 44 and 256 (underlying RF Zone)
East:	Single family dwellings.	Urban	LUC No. 256 (underlying RF Zone)
South (Across Waterford Place):	Single family dwelling.	Urban	LUC No. 256 (underlying RF Zone)
West:	Single family dwelling.	Urban	LUC No. 256 (underlying RF Zone)

DEVELOPMENT CONSIDERATIONS

- The site is located at 13481 Waterford Place and is regulated by Land Use Contract (LUC) No. 256 which allows for only a single family dwelling and accessory building. This LUC was approved on December 27, 1978. The underlying zone is the Single Family Residential Zone (RF).
- Unlike the RF Zone, floor area and lot coverage are not regulated under LUC No. 256.
- The applicant submitted a building permit application to construct a 2-storey basement-entry style home on the subject property. The proposed house is 552 square metres (5,938 sq. ft.) in size and contains 8 bathrooms and 10 bedrooms. The kitchen, family room, living room, dining room and 4 bedrooms are on the 2nd level.
- The subject property is of an odd shape and as a result, has two rear property lines (see the drawings attached to Appendix II).

- Due to the odd shape of the subject lot, the applicant's house designer incorrectly determined one of the rear yard setbacks (the eastern) as a side yard setback.
- Also, the house designer did not take into consideration that LUC No. 256 requires a front yard setback of 27 feet (8.23 metres).
- Consequently, the applicant has applied for a Development Variance Permit to reduce the rear yard setback prescribed in LUC No. 256 from 25 feet (7.5 metres) to 6 feet (1.8 metres) and to increase the front yard setback from 27 feet (8.23 metres) to 75 feet (22.86 metres).

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard setback in Land Use Contract No. 256 from 25 feet (7.5 metres) to 6 feet (1.8 metres) for a new single family dwelling.

Applicant's Reasons:

- Due to the irregular configuration, lot lines are hard to determine.
- The proposed rear yard is 29.3 metres (96 ft.) wide which creates a substantial and very usable rear yard.
- A neighbouring property is able to build a house that can have a side yard setback which abuts another neighbour's rear yard without requiring a variance.

Staff Comments:

- The subject lot is of an irregular shape, and has two rear lot lines.
- The subject lot has substantial buildable area to design a reasonably-sized dwelling without requiring a variance to the rear yard setback.
- The proposed reduced setback will not allow for enough room to plant trees to assist in providing some screening to adjoining lots.

(b) Requested Variance:

- To increase the front yard setback in Land Use Contract No. 256 from 27 feet (8.23 metres) to 75 feet (23 metres) to provide for a new single family dwelling.

Applicant's Reasons:

- Due to the pie shaped front yard setback, designing a wide dwelling is difficult.
- Requiring a 27-foot (8.23-metre) front yard setback will negatively impact the neighbouring properties as views will be lost.

- Imposing the required front yard setback will lead to parking and safety issues.

Staff Comments:

- The increased front yard setback will be incompatible with the front yard setbacks of other houses on the block.
- The Land Use Contract includes a provision whereby the front yard setback can be increased if the prescribed setback creates an “undue hardship or not be in the public interest”. Given the pie shape of the front yard, an increase to the 27-foot setback is reasonable, however 75 feet is excessive as it results in the front of the proposed house aligning with the rear of the neighbouring house and reduces the rear yard setback.
- The previous house on the property was sited approximately 50 feet (15 metres) from the front lot line.

PROJECT EVALUATION

The following is a summary of the benefits and concerns of supporting the proposed rear and front yard building setbacks.

Benefits

- The proposed house size is permitted under the LUC regulating the subject property.
- The proposed 552-square metre (5,938 sq. ft.) house with 8 bathrooms and 10 bedrooms provides for extended family members to live together.
- A reasonable outdoor yard space is provided along the west side of the subject property.
- The increased front yard setback allows for a long driveway on which several cars can be parked on-site.
- The building permit application can proceed without requirement significant redesign.

Concerns

- The reduced rear yard setback combined with the 2-storey massing of the proposed house with kitchen and living areas on the 2nd floor will negatively affect neighbouring properties to the east.
- The proposed rear yard setback will not allow sufficient space to plant trees and other landscaping to screen the proposed house and to reduce the impact of the proposed house on the neighbouring properties.
- The underlying RF Zone permits a maximum house size of 330 square metres (3,550 sq. ft.). The size of the subject lot would appear to allow for the construction of a 330-square metre (3,550 sq. ft.) without any variances.
- The large 10-bedroom and 8-bathroom house will have significant parking demands.

Optional Courses of Action for Council

Option A: Refer the application back to staff to work with the applicant to re-site and redesign the proposed house to better address the interface condition with the neighbouring properties to the east.

Pros:

- A more neighbourly house design can be achieved.
- Re-siting the proposed house will allow more space to provide appropriate landscape screening to offset the size and parking impacts of the proposed dwelling.
- Additional landscaping can be made a requirement of the Development Variance Permit.

Cons:

- The applicant will not be able to construct his proposed house without redesigning.

Option B: Approve the application to proceed to Public Notification

Pros:

- Will allow neighbouring property owners to express any concerns they may have with respect to the proposed setback variances.
- There has been no pre-notification from staff on this proposal and neighbourhood reaction is unknown.

Cons:

- Could set a precedent for future development variance permit applications.
- Subject to the results of the public notification, the applicant may not be able to build his proposed house.
- There will be no opportunity for staff to require any additional landscaping as part of this application.

CONCLUSION

On balance and in light of the above discussion, the Planning & Development recommends Option A, that Council refer the application back to staff to work with the applicant to create a better interface condition and reduce the impact of the proposed dwelling on neighbouring properties.

Should Council decide to move forward to the Public Notification stage (Option B) the Development Variance Permit is attached as Appendix II.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary
- Appendix II. Development Variance Permit No. 7910-0062-00

Jean Lamontagne
General Manager
Planning and Development

JKS/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: Names: Ravinder and Sandeep Chauhan
 Address: 8716 Tulsy Crescent
 Surrey, BC
 V3W 6C4
 Tel: 604-783-8609

2. Properties involved in the Application

- (a) Civic Address: 13481 Waterford Place
- (b) Civic Address: 13481 Waterford Place
 Owners: Ravinder Singh Chauhan and Sandeep Kaur Chauhan
 PID: 000-557-552
 Lot 236 Section 29 Township 2 New Westminster District Plan 51409

3. Summary of Actions for City Clerk's Office