

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0131-00

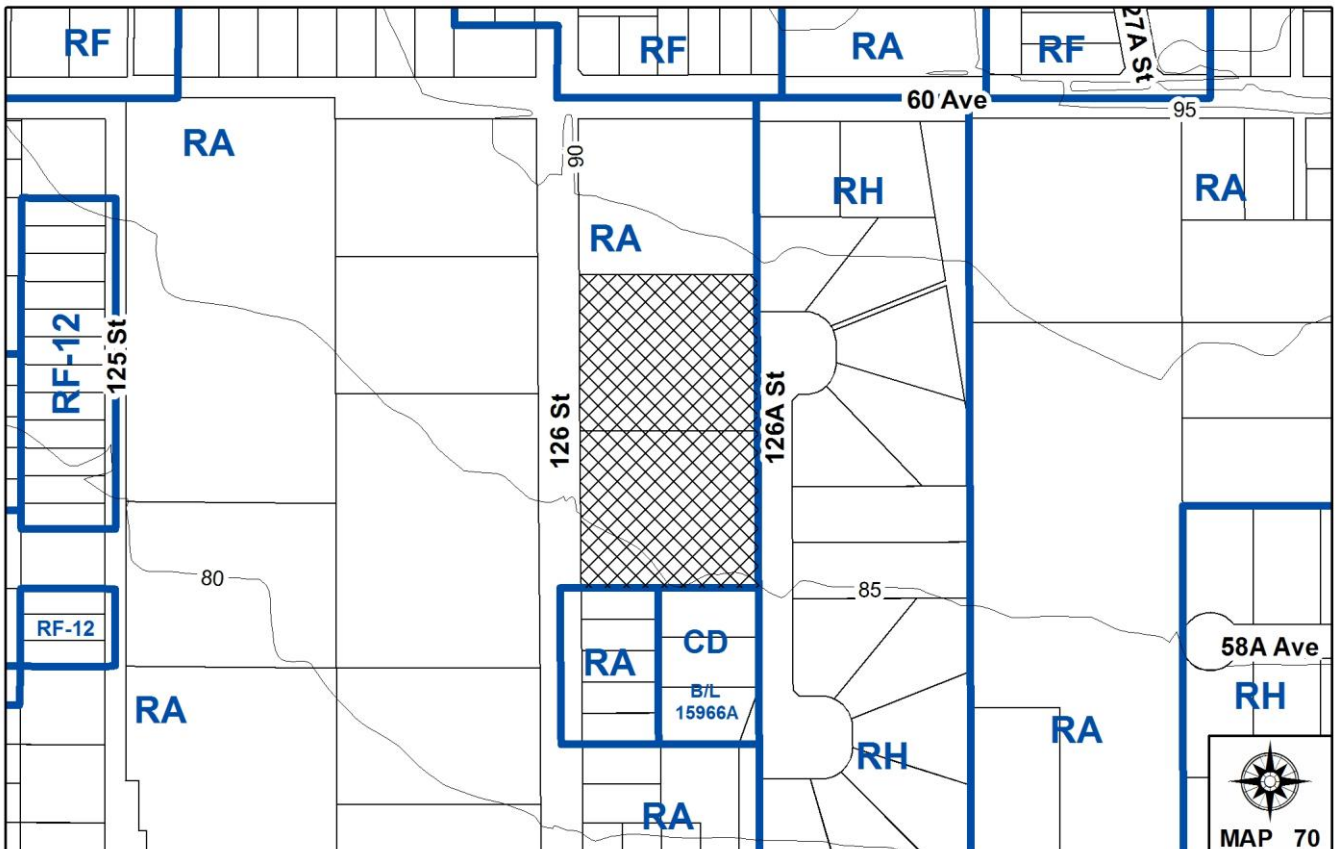
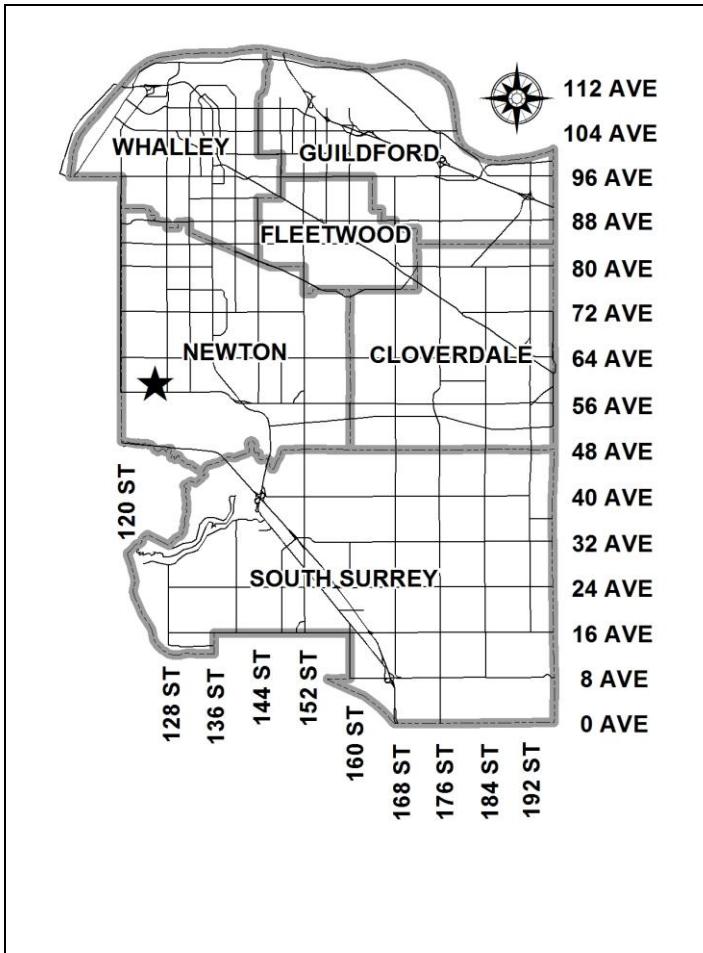
Planning Report Date: June 21, 2010

PROPOSAL:

- **Development Variance Permit**

in order to reduce the front yard setback requirement for two (2) proposed single family lots from 7.5 metres (25 ft.) to 6 metres (20 ft.) to allow tree retention.

LOCATION: 5916 and 5928 – 126 Street
OWNER: Shindo Kaur Sanghera et all
ZONING: CD (based on RH-G)
OCP DESIGNATION: Urban
NCP/LAP DESIGNATION: Single family and Suburban Transitional Lots



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking a variance to the rear yard setback requirement in the CD Zone (By-law No. 16907A) for two (2) proposed lots (Lots 9 and 10) from 7.5 metres (25 ft.) to 6.0 metres (20 ft.).

RATIONALE OF RECOMMENDATION

- The owners of proposed Lots 9 and 10 have recently completed detailed house plans for both lots and it has been determined that a reduction in the front yard setback requirement is required to accommodate the applicant's proposed dwellings without affecting a mature stand of trees located in the rear yards of the lots.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7910-0131-00, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front yard setback of the CD Zone (By-law No. 16907A) for proposed Lots 9 and 10 from 7.5 metres (25 ft.) to 6 metres (20 ft.).

SITE CHARACTERISTICS

Existing Land Use: The subject properties are under Rezoning Application No. 7908-0050-00, which is at Third Reading and near completion. This application proposes rezoning and subdivision to create 23 single family lots.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone	Proposed Zone Under Application No. 7908-0050-00
North:	Vacant residential lots to be created under Development Application No. 7908-0050-00.	Suburban/Suburban Transition	RA	CD (based on RH-G)
East (Across 126A Street):	Single family residential.	Suburban/Existing Half-Acre Lots	RH	n/a
South:	Single family residential.	Suburban/Suburban Transition	RA	CD (based on RH-G)
West:	Vacant residential lots to be created under Application No. 7908-0050-00.	Suburban/Proposed Single Family (6 upa)	RA	RF

DEVELOPMENT CONSIDERATIONS

- The subject site is between 126 Street and 126A Street in West Newton. The lots requiring a variance are two (2) lots, proposed Lots 9 and 10, which are proposed to be created as part of a larger development which is proceeding under Development Application 7908-0050-00, and is presently at Third Reading. The development comprises three (3) large properties, and includes rezoning from "One Acre Residential Zone (RA)" to "Single Family Residential Zone (RF)" and "Comprehensive Development Zone (CD)" (based on RH-G), and subdivision into 23 single family lots (Appendix II). The rezoning by-laws (By-laws 16907A and 16907B) are scheduled to proceed to Final Adoption at the July 7, 2010 Council Meeting. The site is currently designated "Suburban"

in the Official Community Plan (OCP), and is proposed to be re-designated to "Urban" under Development Application 7908-0050-00.

- The tree survey submitted for Development Application 7908-0050-00 identified a stand of fifteen (15) Douglas Fir trees and one (1) Western Red Cedar tree within the rear yards of proposed CD-zoned Lots 9 and 10 (Appendix V). These trees require a substantial tree protection zone, which encroaches into the building envelopes of both lots.
- As part of Development Application 7908-0080-00, Planning staff asked the applicant to have the Design Consultant confirm that houses could be accommodated on proposed Lots 9 and 10, considering the restricted building envelope resulting from the tree protection areas in the rear yards. The Design Consultant confirmed that, generally speaking, houses could be accommodated, which would achieve the maximum floor area permitted on each lot under the CD Zone. As a result, variances for these lots were not applied for as part of the original application.
- Recently, however, the owners of both Lots 9 and 10 have had house plans prepared by a home designer. Because of the specific layout of each of the customized homes, the houses designed for each lot require front yard setback variances, from 7.5 metres (25 ft.) to 6 metres (20 ft.) in order to ensure that there will be no impact on the tree protection areas in the rear yards. The applicants have submitted a DVP application to relax the rear yard, as noted below.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum front yard setback of the CD Zone (By-law 16907A) from 7.5 metres (25 ft.) to 6 metres (20 ft.) for proposed Lots 9 and 10 of Development Application 7908-0050-00 (Appendix II).

Applicant's Reasons:

- In order to accommodate the proposed house, and to respect the required tree protection zone in the rear yard, the front side yard setback must be reduced to 6 metres (20 ft.).
- Customized house plans have been prepared, resulting in the need to expand the allowable building envelope in order to save trees.

Staff comments:

- The applicant has modified the building siting for both lots to accommodate tree protection zones for the sixteen (16) protected trees. With the tree protection zone required, the rear yard setback to the proposed house is 17 metres (56 ft.) on Lot 9, and 15.5 metres (50 ft.) on Lot 10. In both cases, the proposed rear yard setback to the house, which respects the tree protection zone, is more than double the minimum setback requirement in the CD Zone, which is 7.5 metres (25 ft.).

- Due to the size and location of the protected trees affecting the subject lots, reduced front yard setbacks are considered reasonable in order to achieve the desired house design while protecting the trees in the rear yard.
- The proposed front yard setback relaxations are considered appropriate. The ability to preserve sixteen (16) mature trees on the lot is considered to be an appropriate trade-off.
- Staff support the proposed front yard setback variances.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Proposed Subdivision Layout (Development Application No. 7908-0050-00)
Appendix III.	Development Variance Permit No. 7910-0131-00
Appendix IV.	Proposed Site Plans
Appendix V.	Tree Retention Plan, Development Application No. 7908-0050-00

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: Paramjit Singh Sanghera
 Address: 6344 – 124A Street
 Surrey, BC
 V3W 5Y1
 Tel: 604-537-8065

2. Properties involved in the Application
 - (a) Civic Addresses: 5916 and 5928 – 126 Street

 - (b) Civic Address: 5916 – 126 Street
 Owners: Gurnam Singh Ahluwalia and Jaswant Kaur Ahluwalia
 PID: 007-623-381
 Lot "C" Section 7 Township 2 New Westminster District Plan 14035

 - (c) Civic Address: 5928 – 126 Street
 Owner: Shindo Kaur Sanghera, Harpinder Kaur Sanghera,
 Rajwant Kaur Sanghera, Navdeep Pal Kaur Sanghera and
 Amrik Singh Sanghera
 PID: 002-237-164
 Lot "B" Block 12 Section 7 Township 2 New Westminster District Plan 14035

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7910-0131-00.

DEVELOPMENT DATA SHEET

Proposed Zoning: CD (based on RH-G)
(By-law No. 16907A)

Required Development Data	Minimum Required / Maximum Allowed		Proposed	
	9	10	9	10
LOT AREA* (in square metres)				
Gross Total	1,025.1	1,077.6		
Road Widening area				
Undevelopable area				
Net Total				
LOT COVERAGE (in % of net lot area)	25%	25%		
Buildings & Structures	256.3%	269.4%	+240 m ²	+255 m ²
Paved & Hard Surfaced Areas				
Total Site Coverage				
SETBACKS (in metres)				
Front	7.5 m	7.5 m	6.0 m	6.0 m
Rear	7.5 m	7.5 m	17 m	15.5 m
Side #1 (N,S,E, or W)	3.0 m	3.0 m	3.0 m	3.0 m
Side #2 (N,S,E, or W)	3.0 m	7.5 m	3.0 m	7.5 m
Side #3 (N, S, E or W)				
BUILDING HEIGHT (in metres/storeys)				
Principal	9.0 m	9.0 m	8.9 m	8.86 m
Accessory				
NUMBER OF RESIDENTIAL UNITS				
Bachelor				
One Bed				
Two Bedroom				
Three Bedroom +				
Total				
FLOOR AREA: Residential	3,529 sq.m.	3,710 sq.m.	3,529 sq.m.	3,710 sq.m.
FLOOR AREA: Commercial				
Retail				
Office				
Total				
FLOOR AREA: Industrial				
FLOOR AREA: Institutional				
TOTAL BUILDING FLOOR AREA			3,529 sq.m.	3,710 sq.m.

* If the development site consists of more than one lot, lot dimensions pertain to the entire site.

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces		
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	YES
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