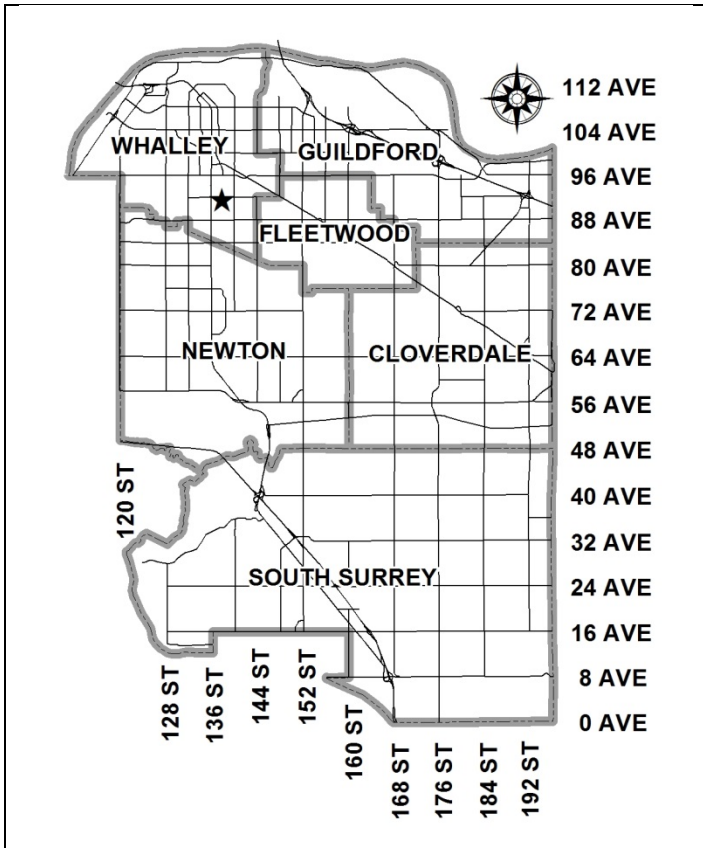


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7918-0165-00

Planning Report Date: May 7, 2018



PROPOSAL:

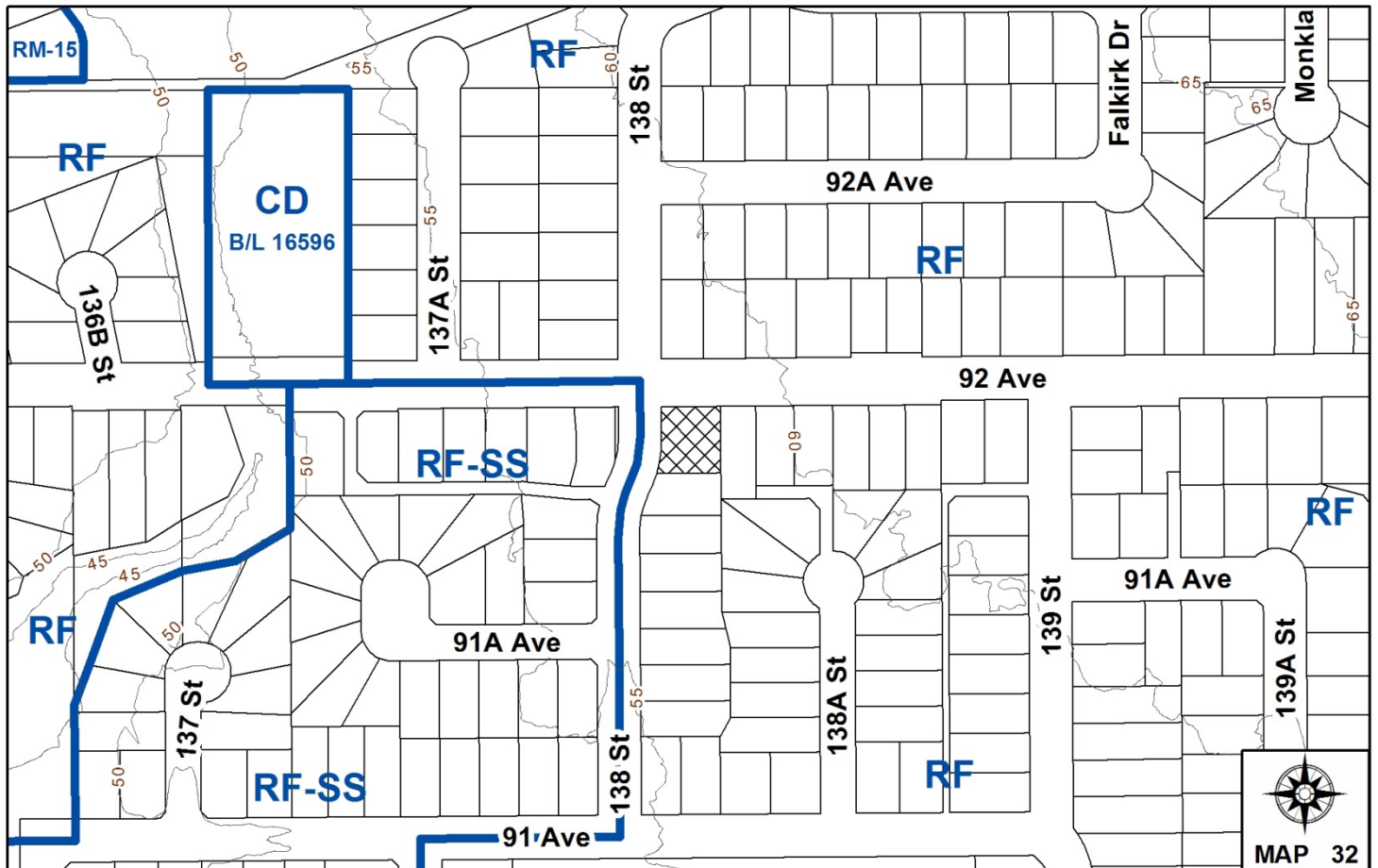
- **Development Variance Permit**

to relax the setbacks and the basement access well location for a proposed single family dwelling on the lot

LOCATION: 9192 - 138 Street

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to reduce the front and rear yard setbacks, to increase the side yard setbacks, and to allow a basement well access in the side yard setback of the RF zone to construct a new single family dwelling on the lot.

RATIONALE OF RECOMMENDATION

- The proposed setbacks will allow the owner to orient the house to face 138 Street.
- The increased east side yard setback creates a functional rear yard space on the lot and a 7.5 metre (25 ft.) long driveway for vehicle parking is accommodated with access to 138 Street on the lot.
- The proposed orientation of the house is consistent with the established streetscape in the area and therefore the requested building setback variances will have minimal impact on neighbouring properties.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7918-0165-00 (Appendix II) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum front (north) yard setback of the RF Zone for the principal building from 7.5 metres (25 ft.) to 6.2 metres (20 ft.);
- (b) to reduce the minimum rear (south) yard setback of the RF Zone for the principal building from 7.5 metres (25 ft.) to 1.2 metres (3.9 ft.);
- (c) to increase the minimum side (east) yard setback of the RF Zone from 1.8 metres (5 ft.) to 6.1 metres (20 ft.) to the covered deck and 7.5 metres (25 ft.) to the remainder of the principal building;
- (d) to increase the minimum west side yard on a flanking street setback of the RF Zone from 3.6 metres (12 ft.) to 5.9 metres (19 ft.) to the porch and veranda, and to 7.5 metres (25 ft.) to the remainder of the principal building; and
- (e) to vary the Special Regulations of the RF Zone to allow the basement access and basement well to be located between the principal building and the east side property line.

REFERRALS

Engineering: The Engineering Department has comments regarding this request

SITE CHARACTERISTICS

Existing Land Use: Vacant

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 92 Avenue):	Single Family Residential	Urban	RF
East (Across):	Single Family Residential	Urban	RF
South (Across):	Single Family Residential	Urban	RF
West (Across 138 Street):	Single Family Residential	Urban	RF-SS

DEVELOPMENT CONSIDERATIONS

Background

- The subject property was created with the registration of subdivision plan LMP212 in April, 1991. At the time of subdivision, an additional 2.134 metres (7 ft.) was dedicated to satisfy the future arterial road standards for 92 Avenue in effect at that time. A Section 215 Restrictive Covenant was also registered against the property requiring a "no-build" area of 9.14 metres (29 ft.) along 92 Avenue.
- The house that was on the property has been demolished in anticipation of the issuance of a building permit to allow for the construction of a new dwelling.

Current Proposal

- The 856-square metre (9,218 sq. ft.) subject property is located at 9192 - 138 Street. It is a corner lot at the south east corner of the intersection of 92 Avenue and 138 Street. The lot is designated "Urban" in the Official Community Plan (OCP) and is zoned "Single Family Residential Zone (RF)".
- On a corner lot, the frontage is considered to be the shorter of the two lot lines abutting a road (highway), regardless of the orientation of the front door of the dwelling. On this basis, the north property line along 92 Avenue is the frontage for this lot.
- During the design of this dwelling, the 138 Street road frontage was presumed to be the front yard for this lot, and the house was designed to satisfy the setback requirements on this basis. The nuance of the definition of frontage for a corner property was overlooked by both the house designer and the Building Division.
- After submitting a building permit for this dwelling, the owner has requested a relaxation of the setbacks so that the dwelling can be constructed as submitted rather than redesigning the entire dwelling.
- Since the creation of the subject property, the arterial road standards have been increased to accommodate the future road requirements. For 92 Avenue, a further 2.808 metres (9.2 ft.) is to be protected for the future road widening, resulting in a 10.3 metre setback (33.8 ft.) from 92 Avenue as per Part 7 Special Building setbacks of the Zoning By-law No. 12000.
- During the subdivision process, a "no build" Section 215 Restrictive Covenant was registered against the title to protect a setback of 9.14 metres (29 ft.) from 92 Avenue.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variances:

- (a) to reduce the minimum front (north) yard setback of the RF Zone for the principal building from 7.5 metres (25 ft.) to 6.2 metres (20 ft.);

- (b) to reduce the minimum rear (south) yard setback of the RF Zone for the principal building from 7.5 metres (25 ft.) to 1.2 metres (3.9 ft.);
- (c) to increase the minimum side (east) yard setback of the RF Zone from 1.8 metres (5 ft.) to 6.1 metres (20 ft.) to the covered deck and 7.5 metres (25 ft.) to the remainder of the principal building;
- (d) to increase the minimum west side yard on a flanking street setback of the RF Zone from 3.6 metres (12 ft.) to 5.9 metres (19 ft.) to the porch and veranda, and to 7.5 metres (25 ft.) to the remainder of the principal building; and
- (d) vary the Special Regulations of the RF Zone to allow the basement access and basement well to be located between the principal building and the east side property line.

Applicant's Reasons:

- The owner has incurred additional expenses with paying the mortgage and rent while waiting for the building permit to be issued. The redesign of the dwelling to satisfy the correct setbacks of the RF Zone on this property would require additional costs and delay prior to the construction of the dwelling.

Staff Comments:

- The proposed orientation of the house facing 138 Street is consistent with the established streetscape to the south.
- A full 7.5 metre (25 ft.) driveway will be accommodated with access to 138 Street.
- The interior east side yard setback is being increased as a result of the reorientation of the dwelling to reflect a rear yard setback and provide an adequate back yard.
- Staff support the variances to proceed to Public Notification.

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 7918-0165-00

original signed by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7918-0165-00

Issued To:

(the "Owner")

Address of Owners:

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 017-375-941
Lot 4 Section 33 Township 2 New Westminster District Plan LMP212

9192 - 138 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) Part 16, "Single Family Residential Zone (RF)" Section F. Yards and Setbacks, the minimum front yard setback is reduced from 7.5 metres (25 ft.) to 6.2 metres (20 ft.);
 - (b) Part 16, "Single Family Residential Zone (RF)" Section F. Yards and Setbacks, the minimum rear yard setback is reduced from 7.5 metres (25 ft.) to 1.2 metres (3.9 ft.);
 - (c) Part 16, "Single Family Residential Zone (RF)" Section F. Yards and Setbacks the minimum side (east) yard setback is increased from 1.8 metres (5 ft.) to 6.1 metres (20 ft.) to the covered deck and 7.5 metres (25 ft.) to the remainder of the principal building;

- (d) Part 16, "Single Family Residential Zone (RF)" Section F. Yards and Setbacks the minimum flanking side (west) yard is increased from 3.6 metres (12 ft.) to 5.9 metres (19 ft.) to the porch and veranda, and to 7.5 metres (25 ft.) to the remainder of the principal building; and
 - (e) Part 16, "Single Family Residential Zone (RF)" Section J. Special Regulations Subsection 2 is varied to allow the basement access and basement well to be located between the principal building and the east property line.
4. This development variance permit applies to only that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule A which is attached hereto and forms part of this development variance permit.
 5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
 6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
 7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
 8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan

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REVISION	BY	LEGAL DESCRIPTION
PROP HAND 9127-13 SURE		

To increase the minimum side yard on flanking street setback from 3.6 metres (12 ft.) to 5.9 metres (19 ft.) for the attached porch and veranda, and to 7.5 metres (25 ft.) to the remainder of the principal building

To reduce the minimum front yard setback from 7.5 metres (25 ft.) to 6.2 metres (20 ft.) to the principal building

Approximately 2.808 metres (9 ft.) of future road widening

To increase the minimum side yard setback from 1.8 metres (5 ft.) to 6.1 metres (20 ft.) to the covered deck and to 7.5 metres (25 ft.) to the remainder of the principal building

To reduce the minimum rear yard setback from 7.5 metres (25 ft.) to 1.2 metres (4 ft.)

To vary the Section J.2 of the RF Zone to allow basement access and a basement well between the principal building and the east side lot line.



Gill Drafting Ltd.

DATE	JUN 17/21
SCALE	1/8" = 1'-0"
DATE	JUNE 17/2011
CHD	JPS
PHONE	604-255-4533

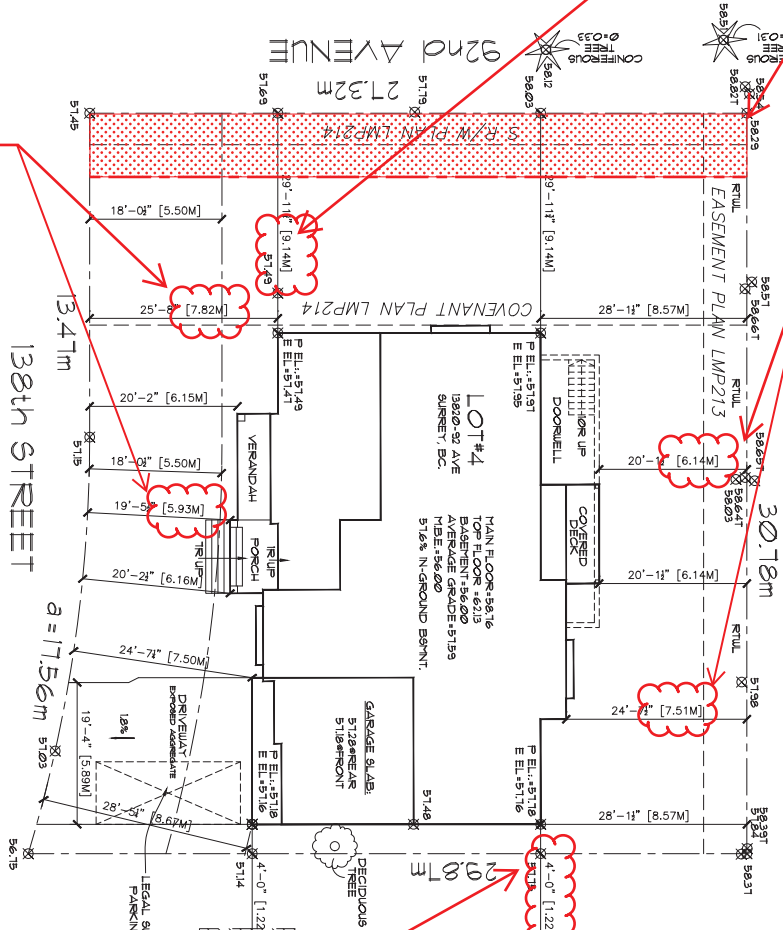
SHEET NO. 1 OF 11

DRAWING NO. GD17-3872

DESIGNER ADDRESS:
 GILL DRAFTING LTD.
 5110 171ST AVE
 SURREY, BC V3R 1K6
 TEL: (604) 255-4533
 FAX: (604) 255-4533
 WWW.GILLDRAFTING.COM

THESE PLANS ARE IN COMPLIANCE WITH THE 2006 B.C. BUILDING CODE

SITE PLAN
 SCALE: 1/8" = 1'-11"



F.A.R.:	TOTAL LOT AREA = 3205 SQFT.
	ALLOWABLE F.A.R. = 3600/12(135% OF 3205 95'+472) SQFT.
	ACTUAL F.A.R. = 4459 SQFT.
SITE COVERAGE:	TOTAL LOT AREA = 3205 SQFT.
	ALLOWABLE SITE COVERAGE = 93.35% = 3092 SQFT.
	ACTUAL SITE COVERAGE = 2871 SQFT.
DECK AREA:	ALLOWABLE DECK AREA = 472 (10% OF 472) = 160-312 SQFT.
	MIN. PORCH/VERANDAH AREA = 106 SQFT.
	MAIN FLOOR DECK AREA = 106 SQFT.
	TOTAL DECK AREA = 161 SQFT.
DOORWELL AREA:	ALLOWABLE DOORWELL AREA = 300 SQFT.
	ACTUAL DOORWELL AREA = 278 SQFT.
	ZONING: R1

EXISTING DWELLING
 MAIN FLOOR AT
 ENTRANCE
 ELEV. = 58.86m
 3
 PLAN LMP212

EXISTING DWELLING
 MAIN FLOOR AT ENTRANCE
 ELEV. = 57.25m

