

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

Application No.: 7920-0307-00

Planning Report Date: May 31, 2021

**PROPOSAL:**

• **Development Variance Permit**

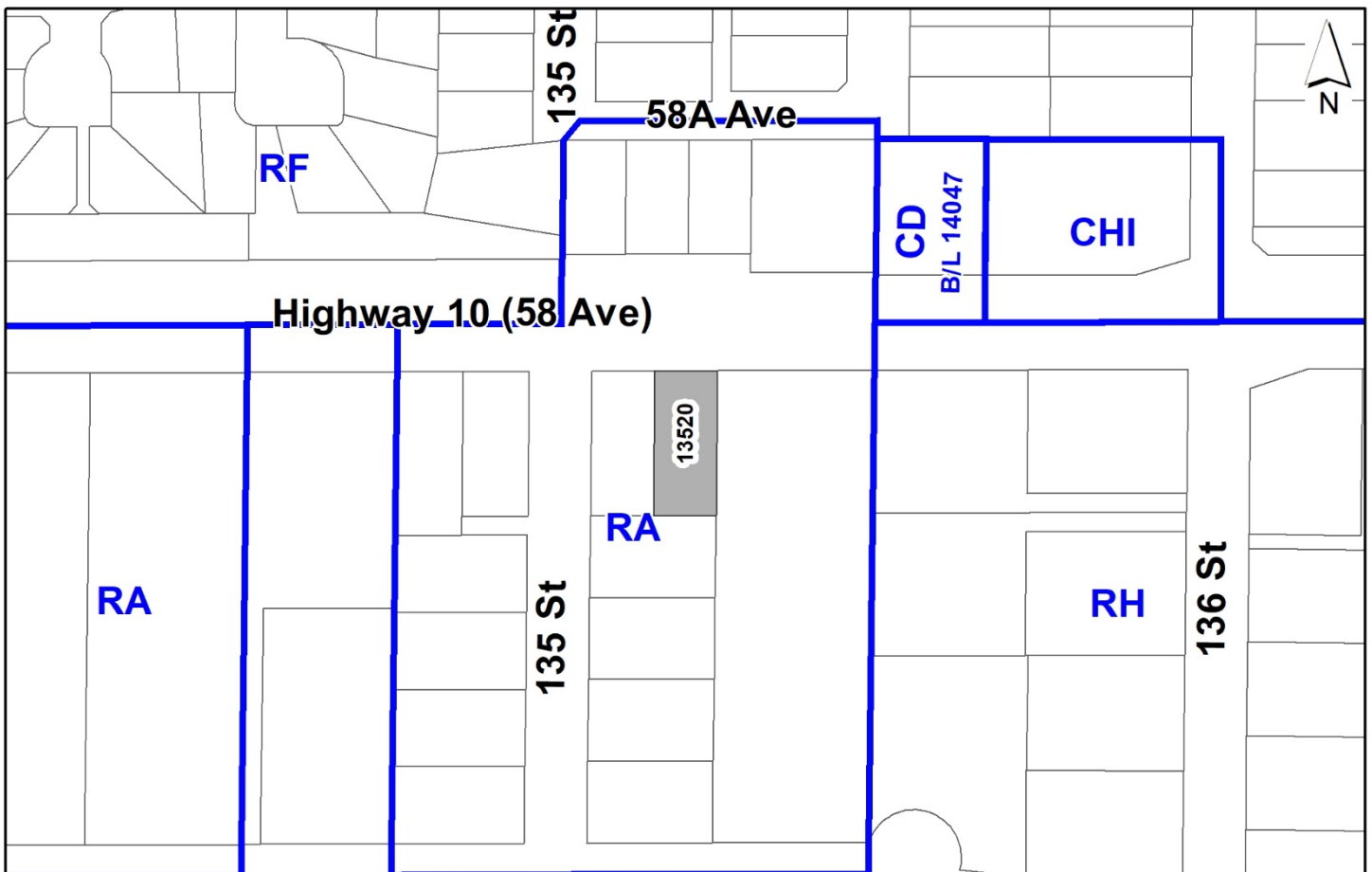
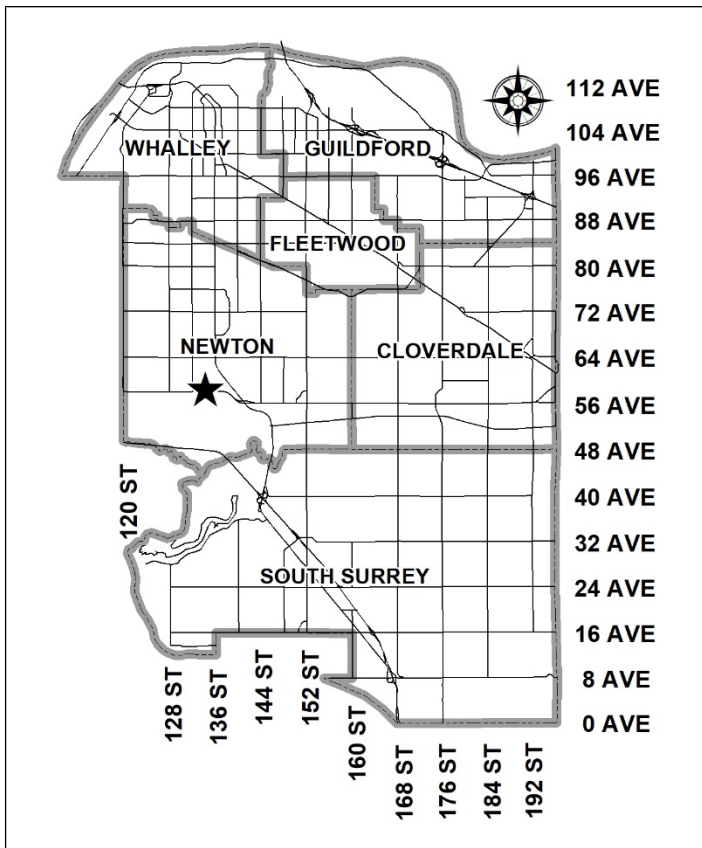
to reduce the minimum side yard setback to permit a single family dwelling.

**LOCATION:** 13520 – No. 10 (58 Avenue) Highway

**ZONING:** RA

**OCP DESIGNATION:** Suburban Density Exception Area  
(max 2 upa)

**LAP DESIGNATION:** Suburban Residential (1/2 Acre)



**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 reduce the minimum required side yard setback of the "One-Acre Residential (RA) Zone."

**RATIONALE OF RECOMMENDATION**

- The proposed lot is an undersized RA lot at 932 square metres in area. If an RA zoned property is less than 900 square metres in area and is designated "Suburban" in the Official Community Plan (OCP) then the Zoning Bylaw allows the minimum setbacks of the Single Family Residential Zone (RF) to be used instead of the RA setbacks.
- The property is 32 square metres larger in area than the maximum RA zoned lot that can utilize the minimum RF zone setbacks and the property is narrow compared to a typical RA lot.
- Due to the narrow lot width of the subject property, siting a single-family dwelling with a functional house design that would comply with the minimum RA Zone side yard setbacks is challenging.
- The proposed side yard setbacks are the same as those used for the existing dwelling, which is proposed to be demolished. There are also a number of similar sized lots improved with older homes in the area that do not comply with the minimum side yard setbacks of the RA Zone.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7920-0307-00 (Appendix III), to reduce the minimum side yard setback of the One-Acre Residential (RA) Zone for a principal building from 4.5 metres to 1.8 metres, to proceed to Public Notification.
2. Council instruct staff to resolve the following issues prior to final approval:
  - (a) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect; and
  - (b) the applicant satisfy the deficiency in tree replacement on the site, to the satisfaction of the Planning and Development Department.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	LAP Designation	Existing Zone
Subject Site	Single Family Residential	Suburban Residential (1/2 Acre)	RA
North (Across Highway 10 (58 Avenue)):	Single Family Residential	Existing Single Family (West Newton/Highway 10 NCP)	RA
East:	Acreage Residential	Suburban Residential (1/2 Acre)	RA
South and West:	Single Family Residential	Suburban Residential (1/2 Acre)	RA

### Context & Background

- The subject property is located at 13520 –Highway 10 (58 Avenue), is 932 square metres in area and is 20.1 metre wide.
- The subject property is designated "Suburban Density Exception Area (max 2 upa)" in the Official Community Plan (OCP), "Suburban Residential (1/2 Acre)" in the West Panorma Ridge Local Area Plan (LAP), and zoned "One-Acre Residential Zone (RA)".
- The subject property was created through subdivision in 1955 and the building permit for the existing house was issued in 1967. The current lot and dwelling do not conform to current OCP land use designation and RA Zoning provisions that apply to the site.
- The existing dwelling was constructed with 1.8 metre setbacks to both side yards, which is consistent with the minimum side yard setback of the "Single Family Residential Zone (RF)".

- As there are many undersized RA lots in the City, the RA zone has regulations that allow lots to use RF regulations if the property area is under a certain threshold and has a certain OCP land use designation.
- For example, the RA Zone permits the use of RF Zone setbacks for buildings and structures if the property is designated "Suburban" in the OCP and is 900 square metres in area or less.

## DEVELOPMENT PROPOSAL

### Planning Considerations

- The applicant is proposing a Development Variance Permit to reduce the minimum side yard setback in the "One-Acre Residential Zone (RA)" for a principal building from 4.5 metres to 1.8 metres to permit the proposed single family dwelling (Appendix III).

### Referrals

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

Ministry of Transportation & Infrastructure (MOTI): MOTI has no objection to the project, as the proposed single family dwelling will adhere to the minimum 4.5 metre Provincial setback from Highway No. 10.

## POLICY & BYLAW CONSIDERATIONS

### Official Community Plan

#### Land Use Designation

- The subject property is designated "Suburban Density Exception Area (max 2 upa)" in the Official Community Plan (OCP). As the subject property is a lot of record and no subdivision or rezoning is proposed, the proposed Development Variance Permit complies with the OCP.

### Zoning Bylaw

- The applicant is proposing the following variance:
  - to reduce the minimum side yard setback of the RA Zone for a principal building from 4.5 metres to 1.8 metres.
- The lot is 20.1 metres in width. The minimum lot width for an RA zoned lot created under the current Bylaw requirements is 30 metres, making the lot 33 percent narrower than a modern RA lot. Utilizing the minimum 4.5 metre side yard setbacks of the RA Zone on this lot would limit the house width to 11 metres.
- The proposed reduction to both the east and west side yard setback will allow the applicant to design a more functional floor plan for the dwelling.

- As previously mentioned, the RA Zone stipulates that "Suburban" designated lots are to utilize the minimum setbacks of the RF Zone if the lots are 900 square metres in area or less. The lot is 932 square metres in area, which is marginally above (approximately 3.6 percent above) the threshold used to allow the use of RF setbacks.
- The existing dwelling is setback 1.8 metres from both side lot lines and a number of older houses in the immediate vicinity were constructed with similar setbacks that are now considered legally non-conforming.
- Staff support the requested variance to proceed for Public Notification.

## PUBLIC ENGAGEMENT

- The applicant reached out to the owner of the property abutting the subject site to the west to get initial comments on the application. The proposed reduction to the side yard setbacks would have the greatest impact on this property owner.
- The neighbouring property owner expressed concern with respect to the proposed single family dwelling due to construction noise, the increased massing of the new dwelling and increased shade on the proponent's dwelling and yard, loss of privacy and the removal of a dogwood tree in the rear yard. The neighbouring property owner was also concerned that the proposed Development Variance Permit may reduce their property value as their property is not being given the same development rights as the subject site. Staff response to the neighbour's concerns are as follows:

- Construction noise, increased massing and shading and loss of privacy.

*The lot is currently under-built when considering modern RA Zone regulations. The lot is allowed 20 percent lot coverage and to build 9 metres in height. If the applicant were to build a new single family dwelling utilizing the RA zoning provisions, without the proposed Development Variance Permit, the result would likely be a longer house that would appear larger from the neighbour's property. The perceived impacts of the increased massing, increased shade, and loss of privacy are more a result of the proposed construction rather than the proposed Development Variance Permit to reduce the side yard setback. The construction noise is a temporary impact that would occur independent of the proposed Development Variance Permit.*

- Proposed removal of an existing Dogwood Tree in the rear yard.

*The applicant had an arborist assessment prepared by an ISA Certified Arborist who examine the on-site trees, including two dogwood trees located in the rear yard. The arborist has indicated that the trees are in poor health and have signs of decay. For these reasons, the project arborist has recommended removal of these two trees. Staff have reviewed the report and agree with its findings.*

- Negative impact on property value

*The neighbour has asserted that the proposed Development Variance Permit will negatively impact their property values because new construction on their property would need to follow the RA setbacks. The owner believes that a setback variance should be considered on their property concurrently. The neighbouring property owner was informed that it is more appropriate to have a Development Variance Permit application reviewed in conjunction with a specific building proposal and that a possible setback variance could be considered in the future, on its own merits.*

**TREES**

- Anne Kulla and Tony Zang, ISA Certified Arborist of Huckleberry Landscape Design prepared an Arborist Assessment for the subject property. The table below provides a summary of the tree retention and removal by tree species:

**Table 1: Summary of Tree Preservation by Tree Species:**

<b>Tree Species</b>	<b>Existing</b>	<b>Remove</b>	<b>Retain</b>
<b>Deciduous Trees</b> (excluding Alder and Cottonwood Trees)			
Dogwood	2	2	0
<b>Coniferous Trees</b>			
Douglas Fir	1	0	1
Spruce	1	1	0
<b>Total (excluding Alder and Cottonwood Trees)</b>	<b>4</b>	<b>3</b>	<b>1</b>
<b>Total Replacement Trees Proposed</b> (excluding Boulevard Street Trees)	<b>6</b>		
<b>Total Retained and Replacement Trees</b>	<b>7</b>		
<b>Contribution to the Green City Program</b>	<b>N/A</b>		

- The Arborist Assessment states that there is a total of 4 mature trees on the site, and no Alder and Cottonwood trees. It was determined that 1 tree can be retained as part of this development proposal. The proposed tree retention was assessed taking into consideration the location of services, building footprints, road dedication and proposed lot grading.
- For those trees that cannot be retained, the applicant will be required to plant trees on a 2 to 1 replacement ratio for all other trees. This will require a total of 6 replacement trees on the site. The applicant is proposing 6 replacement trees, meeting City requirements. No contribution to the Green City Program is required.
- In summary, a total of 7 trees are proposed to be retained or replaced on the site with no contribution to the Green City Program.

## INFORMATION ATTACHED TO THIS REPORT

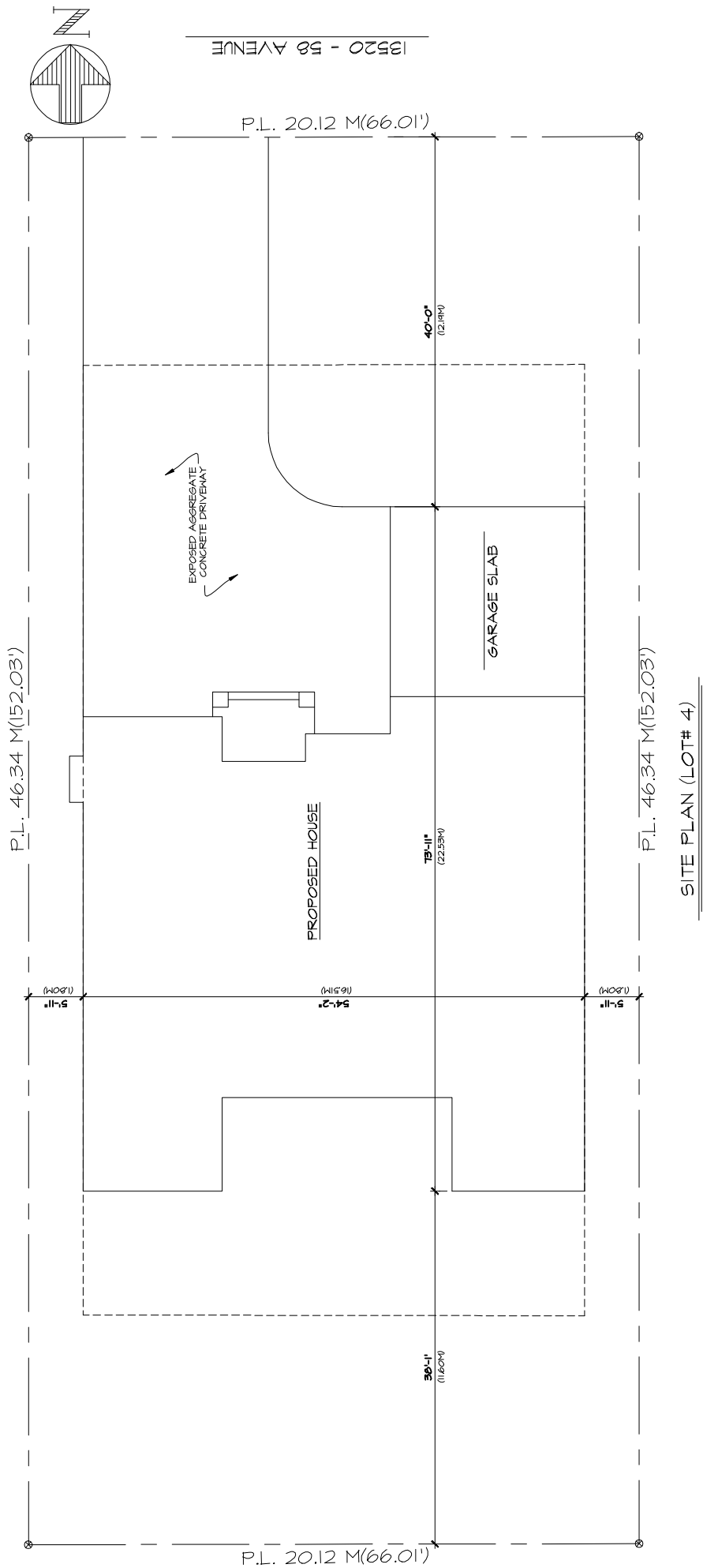
The following information is attached to this Report:

Appendix I.	Site Plan
Appendix II.	Summary of Tree Survey and Tree Preservation
Appendix III.	Development Variance Permit No. 7920-0307-00

*approved by Shawn Low*

Jean Lamontagne  
General Manager  
Planning and Development

BD/cm





## Tree Preservation Summary

**Surrey Project No:**

**Address:** 13520 58 Avenue, Surrey

**Registered Arborist:** Anne Kulla, Huckleberry Landscape Design

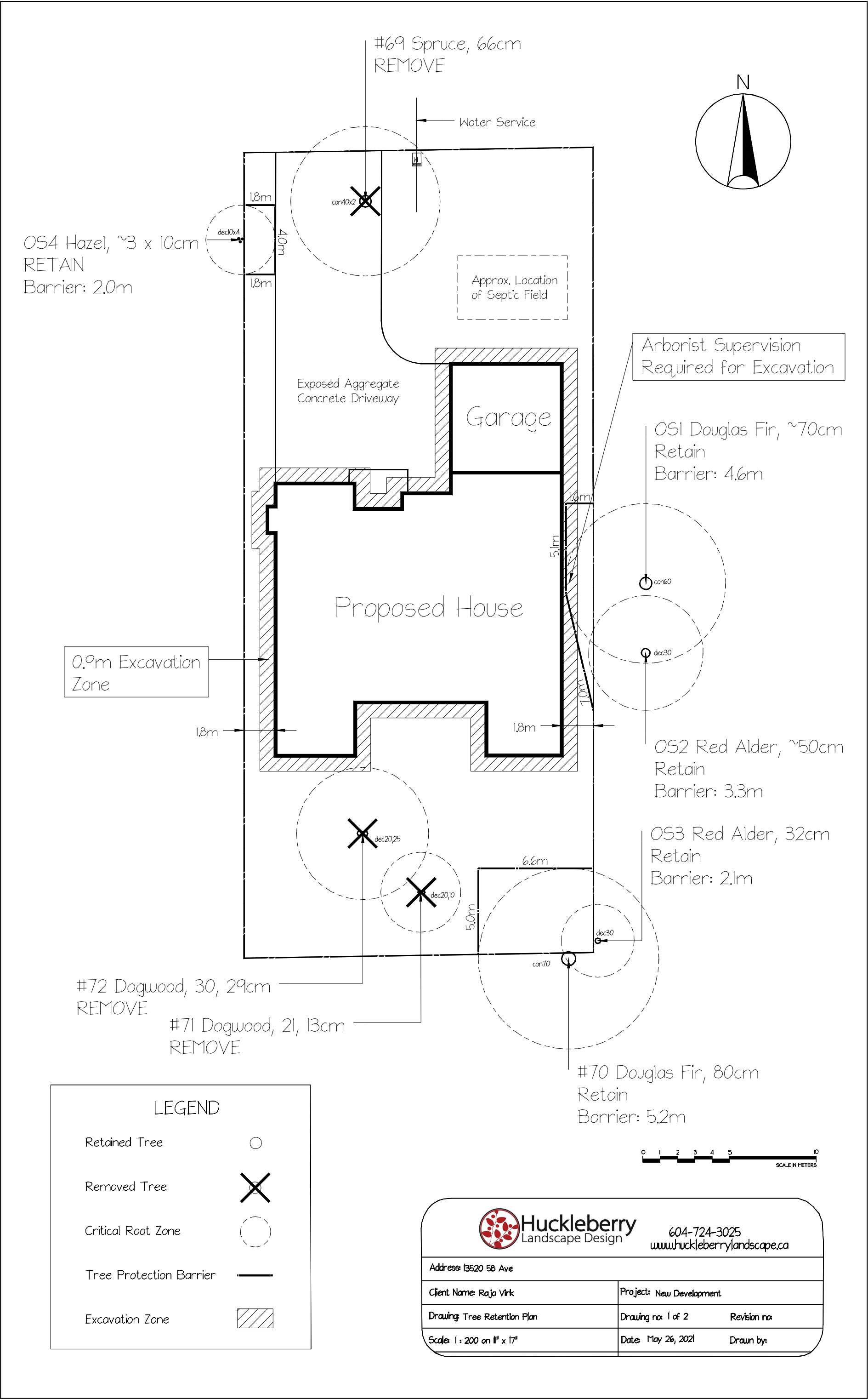
On-Site Trees	Numbers of Trees
<b>Protected Trees Identified</b> (on-site and shared trees, including trees within boulevards and proposed streets and lanes, but excluding trees in proposed open space or riparian areas and offsite trees)	<b>4</b>
<b>Protected Trees to be Removed</b>	<b>3</b>
<b>Protected Trees to be Retained</b> (excluding trees within proposed open space or riparian areas)	<b>1</b>
<b>Total Replacement Trees Required:</b> <ul style="list-style-type: none"> <li>Alder &amp; Cottonwood Trees Requiring 1 to 1 Replacement Ratio 0 X one (1) = 0</li> <li>All other Trees Requiring 2 to 1 Replacement Ratio 3 x two (2) = 6</li> </ul>	<b>6</b>
<b>Replacement Trees Proposed</b>	<b>6</b>
<b>Replacement Trees in Deficit</b>	<b>0</b>
<b>Protected Trees to be Retained in Proposed [Open Space/ Riparian Areas]</b>	<b>0</b>
Off-Site Trees	Numbers of Trees
<b>Protected Off- Site Trees to be Removed</b>	<b>0</b>
<b>Total Replacement Trees Required:</b> <ul style="list-style-type: none"> <li>Alder &amp; Cottonwood Trees Requiring 1 to 1 Replacement Ratio 0 X one (1) = 0</li> <li>All other Trees Requiring 2 to 1 Replacement Ratio 0 X two (2) = 0</li> </ul>	<b>0</b>
<b>Replacement Trees Proposed</b>	<b>0</b>
<b>Replacement Trees in Deficit</b>	<b>0</b>

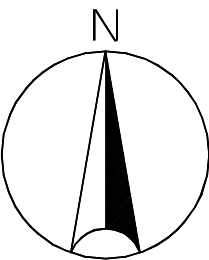
Summary, report and plan prepared and submitted by:



Anne Kulla

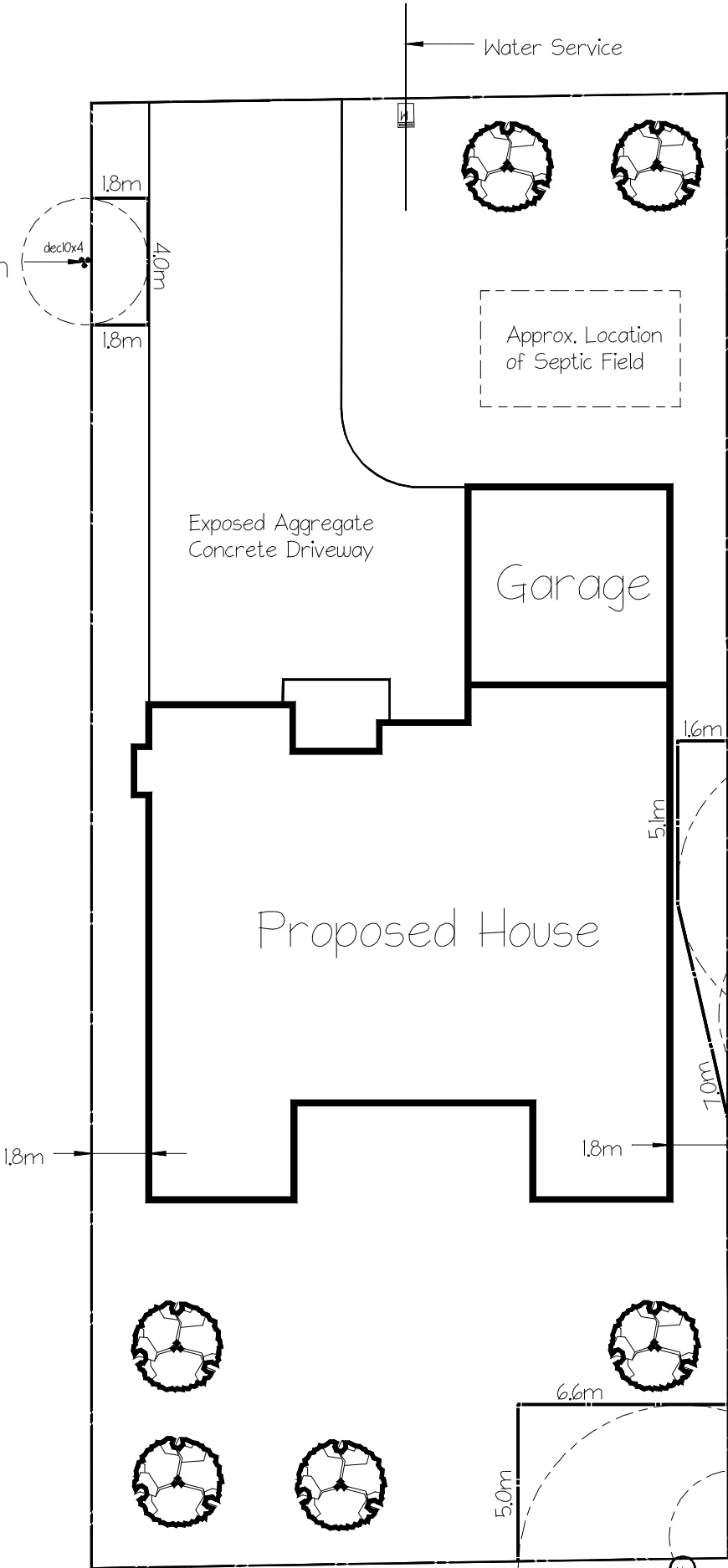
Certified ISA Arborist PN-6263A    Certified Tree Risk Assessor no. 334





Water Service

OS4 Hazel, ~3 x 10cm  
RETAIN  
Barrier: 2.0m



OS1 Douglas Fir, ~70cm  
Retain  
Barrier: 4.6m

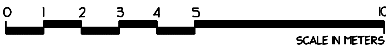
OS2 Red Alder, ~50cm  
Retain  
Barrier: 3.3m

OS3 Red Alder, 32cm  
Retain  
Barrier: 2.1m

#70 Douglas Fir, 80cm  
Retain  
Barrier: 5.2m

LEGEND

- Retained Tree
- Replacement Tree
- Critical Root Zone
- Tree Protection Barrier



**Huckleberry**  
Landscape Design

604-724-3025  
www.huckleberrylandscape.ca

Address: 13520 58 Ave

Client Name: Raja Virk

Drawing: Tree Replacement Plan

Scale: 1 : 200 on 11" x 17"

Project: New Development

Drawing no: 2 of 2

Date: May 26, 2021

Revision no:

Drawn by:

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7920-0307-00

Issued To:

(the "Owner")

Address of Owner:

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: 010-147-365  
Lot 4 Section 8 Township 2 New Westminster District Plan 15899  
13520 – 58 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:  
  
In Section F of Yards and Setbacks of Part 12 "One-Acre Residential Zone (RA)" the minimum side yard setback for a principal building is reduced from 4.5 metres to 1.8 metres.
4. This development variance permit applies to only the 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   .

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Mayor – Doug McCallum

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City Clerk – Jennifer Ficocelli

