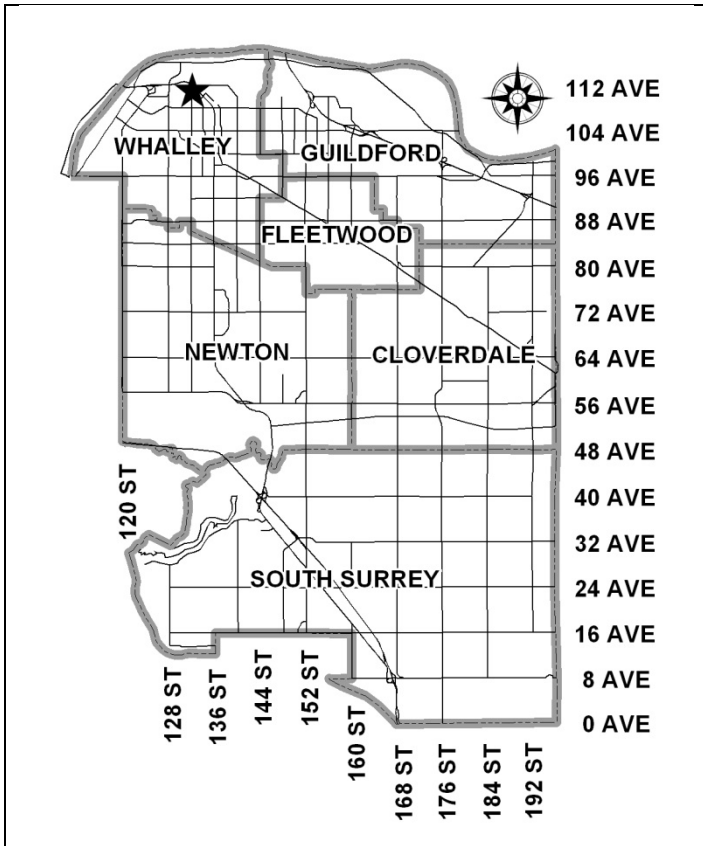


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7907-0226-01

Planning Report Date: March 10, 2014



PROPOSAL:

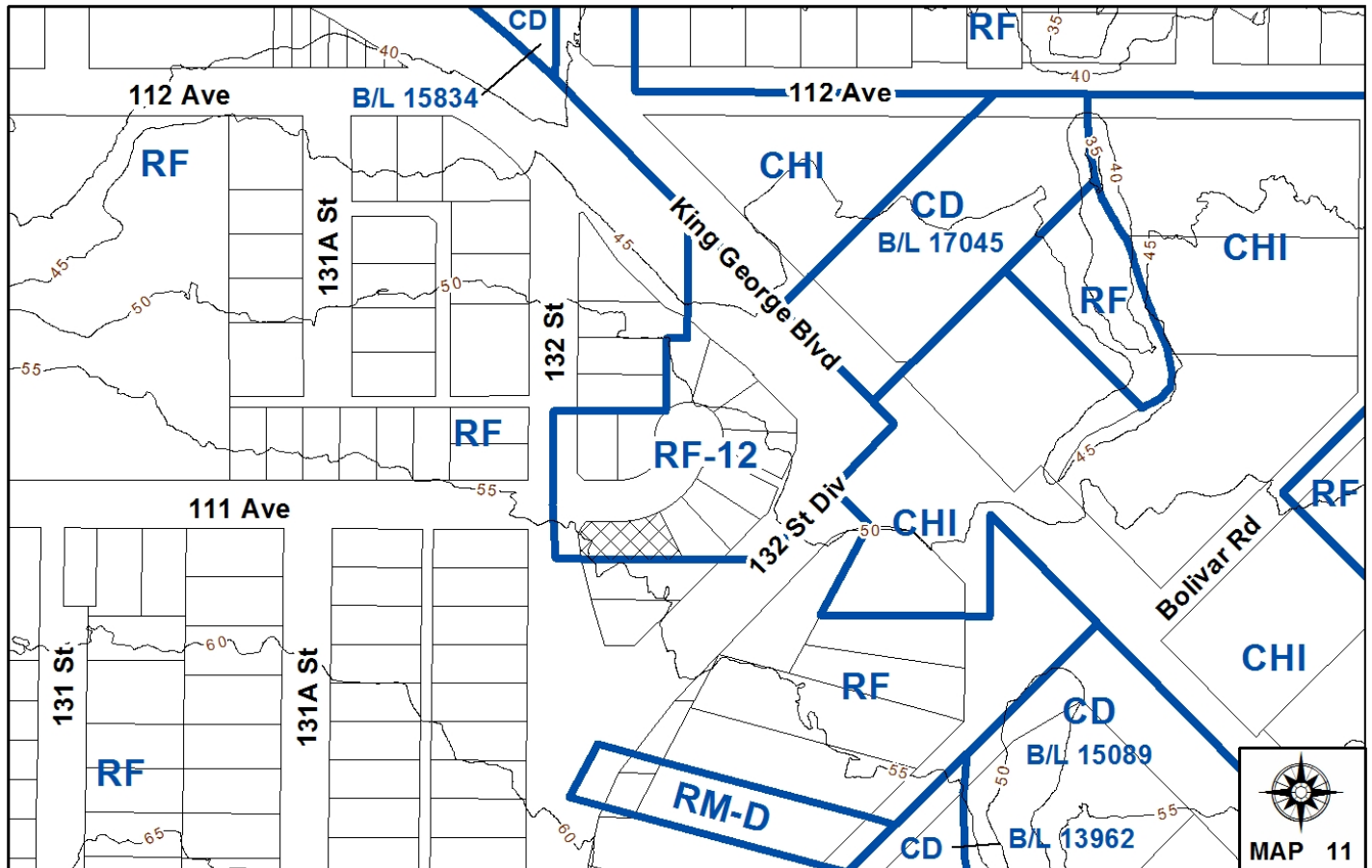
- **Development Variance Permit**
 to permit a reduced rear yard setback for a single family dwelling in order to retain trees.

LOCATION: 11106 - 132 Street

OWNER: 0927349 BC Ltd.

ZONING: RF-12

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking relaxation of rear (east) yard setback.

RATIONALE OF RECOMMENDATION

- A Restrictive Covenant was registered on the subject lot as part of the original rezoning and subdivision, to increase the setbacks along the west, north and south property line to protect the trees in the front yard.
- The proposed variance will permit a standard size home be built and the retention of mature trees.
- The previous Development Variance Permit, to permit a reduced rear yard setback, has expired.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7907-0226-01 (Appendix III) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum rear (east) yard setback of the RF-12 Zone from 7.5 metres (25 ft.) to 1.8 metres (6 ft).

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Vacant lot within recently approved subdivision.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 111 Avenue):	Vacant, recently created single family lots.	Urban	RF-12
East:	Vacant, recently created single family lot.	Urban	RF-12
South:	Single family dwelling.	Urban	RF
West (Across 132 Street):	Single family dwelling.	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- On March 30, 2009, Council considered a Planning Report (Development Application No. 7907-0226-00) to rezone four properties at 132 Street and 111 Avenue in Whalley from "Single Family Residential Zone (RF)" and "Highway Commercial Zone (CHI)" to "Single Family Residential (12) Zone (RF-12)" in order to allow subdivision into ten (10) small single family lots (Appendix II). The Rezoning By-law received Final Adoption on July 22, 2013.
- As part of this application, Council issued Development Variance Permit No. 7907-0226-00, which permitted a reduced rear yard setback on the subject lot, to facilitate the retention of existing trees within the front yard setback.
- Due to outstanding legal issues, the subdivision plans accompanying this proposal were not executed by the Approving Officer until December 2013 and were not registered at the Land Title Office until January 2014.

- However, Development Variance Permit No. 7907-0226-00, which was issued on April 20, 2009, contained a clause indicating that the DVP would expire if the subdivision associated with the DVP was not registered within three years of the date of the issuance of the DVP. As a result DVP No. 7907-0226-00 has expired.
- The applicant has submitted an application for a new DVP in order to be able to construct the single family dwelling originally envisioned for the subject lot.

Current Application

- The subject site is designated Urban in the OCP, zoned "Single Family Residential (12) Zone (RF-12)" and is 625 square metres (6,727 sq. ft.) in size.
- The original DVP allowed a reduced rear yard setback from 7.5 metres (25 ft.) to 1.8 metres (6 ft.) to facilitate the retention of existing, mature trees within the front yard setback.
- As part of the original application, a no-build restrictive covenant (RC) was registered against the title of the subject lot to increase the north and south side yard setbacks to 4 metres (13 ft.) to the building face and to increase the north side yard setback to 6 metres (20 ft.) to the garage face (see Schedule A of Appendix II). The applicant has recently applied for a minor RC amendment (to be processed by staff) to allow for a veranda and deck to be constructed within the 2-metre (7 ft.) setback from the northern property line.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the rear (east) yard setback of the RF-12 Zone from 7.5 metres (25 ft.) to 1.8 metres (6 ft.).

Applicant's Reasons:

- The front (west) yard of the subject lot is encumbered by an approximate 15-metre (49 ft.) deep no-build tree protection Restrictive Covenant.
- The north and south side yard setbacks have been increased by another restrictive covenant to improve the streetscape and to increase privacy to the southern neighbour.
- By allowing a reduced rear (east) yard setback, a standard sized (2,800 sq. ft.) RF-12 house can be built on the subject lot.

Staff Comments:

- Two Restrictive Covenants to increase setbacks have been registered on the subject site. The first RC is to protect a stand of trees along 132 Street that the front (west) yard setback is increased from 7.5 metres (25 ft.) to approximately 15 metres (50 ft.).

- The second Restrictive Covenant increases the setbacks along both the north and south property lines which further reduces the building envelope area.
- The proposed relaxation of the rear (east) yard setback will allow the retention of mature trees on the site while still allowing the landowner to construct a standard RF-12 sized house.
- As the proposed house will face 111 Avenue, the northern side yard becomes, functionally, the front yard, although, technically, the front yard is along the 132 Street frontage of the lot.
- With the house facing 111 Avenue, the eastern property line is to be considered a side property line, although it is technically the rear property line.
- As a condition of the DVP, the applicant will complete a cedar hedge along the south property line to provide privacy to the property to the south.
- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary
Appendix II.	Subdivision Layout
Appendix III.	Development Variance Permit No. 7907-0226-01

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

JKS/da

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7907-0226-01

Issued To: 0927349 BC Ltd.

("the Owner")

Address of Owner: 14223 - 68 AVENUE
SURREY, BC V3W 2H5

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: 029-247-365

Lot 3, Block 5, North Range 2 West, New Westminster District Plan EPP28525
11106 - 132 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

(a) In Section F of Part 17A "Single Family Residential (12) Zone (RF-12)" the minimum rear yard setback is reduced from 7.5 metres (25 ft.) to 1.8 metres (6 ft.).

4. The landscaping and the siting of buildings and structures shall be in accordance with the drawings numbered 7907-0226-01(A) through to and including 7907-0226-01(B) (the "Drawings") which are attached hereto and form part of this development variance permit.

5. (a) The landscaping shall conform to drawings numbered 7907-0226-00(B) (the "Landscaping").

(b) The Landscaping shall be completed within six (6) months after the date of the final inspection of the buildings and structures referred to in the Drawings.

(c) Prior to the issuance of the building permit for this development, security is to be submitted to ensure satisfactory completion of the Landscaping. The security for the Landscaping is to be submitted as follows:

Cash in the amount of \$1,800

(the "Security")

- (d)
 - i. When the Landscaping is substantially complete as determined by the City, without the City having to use the Security, 90% of the original Security will be returned. When the Landscaping receives final approval by the City, not earlier than twelve (12) months after the date of substantial completion of the Landscaping, 10% of the original Security will be returned.
 - ii. If final approval of the Landscaping is not given by the City, the City has the option of using the Security to complete the Landscaping and any remaining money shall be returned. The Owner hereby authorizes the City or its agents to enter upon the Land to complete the Landscaping.
 - iii. If the City elects not to enter upon the Land to complete the Landscaping and the Owner does not complete the Landscaping, the Security is forfeited to the City five (5) years after the date of the provisional or final inspection of the buildings and structures referred to in the Drawings.
- 6. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
- 7. 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.
- 8. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
- 9. 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 – Dianne L. Watts

City Clerk – Jane Sullivan

Proposed DVP
to reduce rear
yard setback
from 7.5 metres
(25 ft.) to 1.8
metres (6 ft.)

