

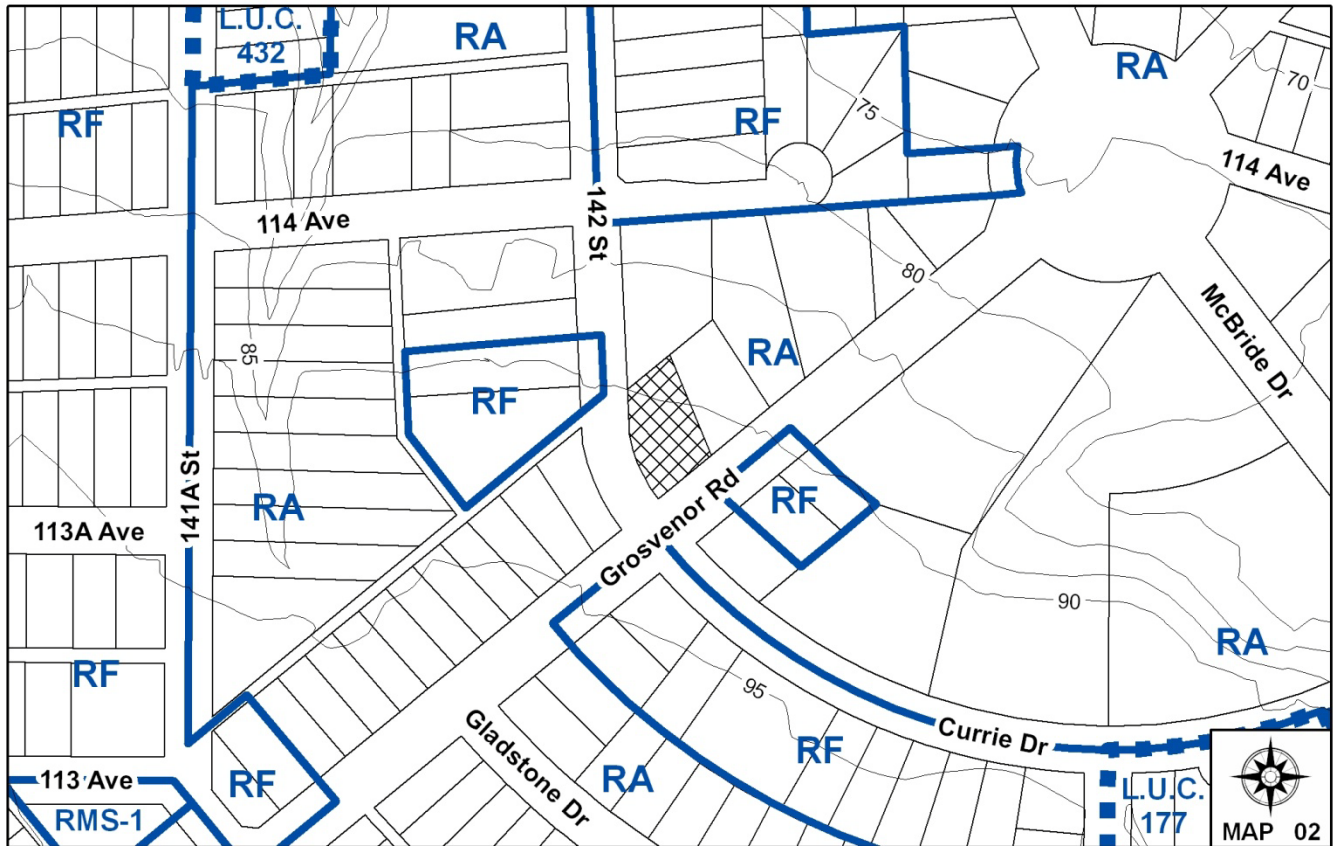
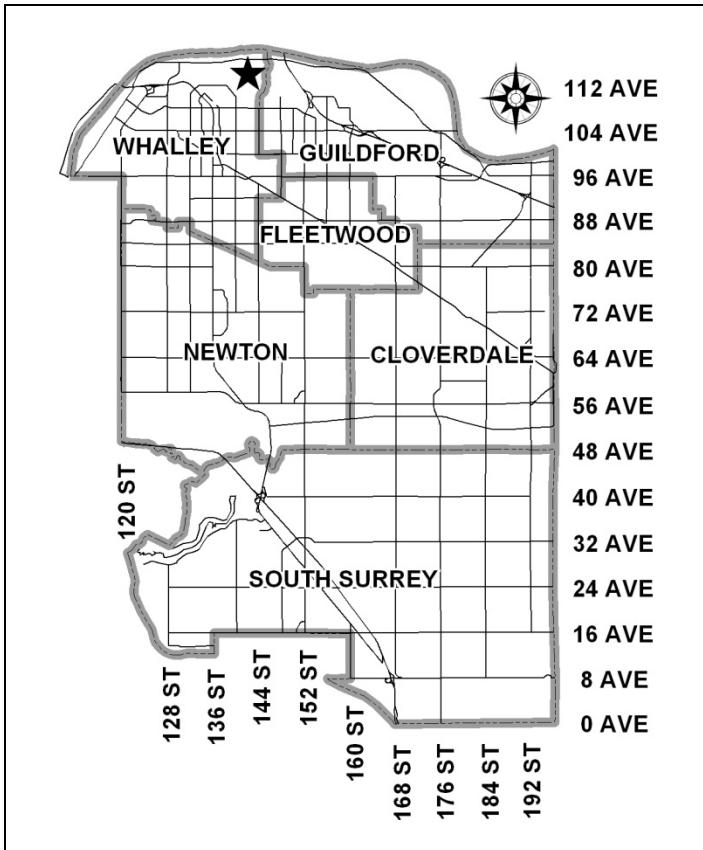
Planning Report Date: December 13, 2010

PROPOSAL:

- **Development Variance Permit**

in order to allow subdivision into two single family lots and retain an existing house.

LOCATION: 11356 - 142 Street
OWNER: Malkit Singh Swaitch
ZONING: RA
OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking rear yard setback variance for existing house.
- Seeking lot depth variance.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- The proposed subdivision conforms to the City's infill policy.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7908-0070-01, (Appendix II) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 5.9 metres (19 ft.) for proposed Lot 1; and
 - (b) to reduce the minimum lot depth of the RF Zone from 28 metres (90 ft.) to 23.5 metres (77 ft.) for proposed Lot 1.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling located on the northern portion of the lot, which is to be retained.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Vacant lot encumbered by BC Hydro right-of-way.	Urban	RA
East (Across Grosvenor Road):	Single family dwelling.	Urban	RA
South (Across Grosvenor Road and Currie Drive):	Single family dwelling.	Urban	RF
West (Across 142 Street):	Single family dwellings.	Urban	RA and RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located on the northeast corner of Grosvenor Road and 142 Street. The site is designated Urban in the Official Community Plan (OCP) and is zoned One-Acre Residential (RA).

- On September 29, 2008, Council considered a Planning Report to rezone the subject property from "One-Acre Residential" (RA) to "Single-Family Residential" (RF) in order to allow subdivision into two (2) single-family lots (Appendix II). The Planning Report also requested Council's consideration of a Development Variance Permit application to allow a reduced lot depth and to vary the rear yard setback for proposed Lot 1.
- The Public Hearing for this rezoning application was held on October 20, 2008 and Council granted Third Reading to the rezoning by-law on the same evening.
- Council also approved Development Variance Permit No. 7908-0070-00 on October 20, 2008.
- This development project was not completed earlier due to servicing issues that slowed completion of this project and other projects in the area. The previous DVP expired on September 29, 2010.
- The outstanding servicing issues are nearing resolution and the applicant is requesting re-approval of the variances previously approved under DVP No. 7908-0070-00.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard setback of the RF Zone from 7.5 m (25 ft.) to 5.9 m (19.5 ft.) for the existing house on proposed Lot 1.

Applicant's Reasons:

- The reduced setback will allow for retention of the existing dwelling on proposed Lot 1.

Staff Comments:

- As a result of the proposed subdivision, the current eastern side yard will become a rear yard for proposed Lot 1.
- Proposed Lot 1 is an odd-shaped lot. The large side yard setback on the north side of the existing dwelling (7.5 metres/25 feet) provides substitution for outdoor space for a rear yard. The layout of the existing dwelling is oriented to this side yard, with the kitchen, dining room, and covered sundeck facing the side yard.
- The variance will only apply to the existing dwelling.
- Staff, therefore, support the proposed variance.

(b) Requested Variance:

- To reduce the minimum lot depth of the RF Zone from 28 m (90 ft.) to 23.5 m (77.1 ft.) for proposed Lot 1.

Applicant's Reasons:

- The proposed subdivision and rezoning of the subject property is in conformance with the character of the neighbourhood.

Staff Comments:

- The subject lot is situated on the corner of 142 Street and Grosvenor Road. 142 Street has a slight curve to the east from the intersection of Grosvenor Road. As a result, the subject lot narrows from 29.4 m (165 ft.) along Grosvenor Road to 23.5 metres (77.1 ft.) at the north end.
- The Approving Officer has no delegated discretion to accept reduced lot depth.
- The proposed Lot 1 will compensate its shallower lot depth by having a frontage of 29.8 m (97.8 ft.) and a total area of 720 square metres (7,750 sq. ft.).
- Staff support the proposed variance.

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 No. 7908-0070-01

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

JKS/kms

v:\wp-docs\planning\plncom10\12011642jks.doc
. 12/1/10 4:43 PM

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Avnash Banwait, Mainland Engineering
 Address: #206 – 8363 – 128 Street
 Surrey, BC
 V3W 8G1
 Tel: 604-543-8044

2. Properties involved in the Application
 - (a) Civic Address: 11356 – 142 Street

 - (b) Civic Address: 11356 – 142 Street
 Owner: Malkit Singh Swaitch
 PID: 010-200-339
 Lot 1 Block 96 New Westminster District Plan 16511

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7908-0070-01.

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO. 7908-0070-01

Issued To: MALKIT SINGH SWAITCH

(the "Owner")

Address of Owner: 9035 - 135A Street
Surrey, BC
V3V 7C4

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: 010-200-339
Lot 1 Block 96 New Westminster District Plan 16511

11356 - 142 Street

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier:

- (b) If the civic address(es) change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F of Part 16 Single Family Residential Zone (RF) the minimum rear yard setback is reduced from 7.5 metres (25 ft.) to 5.9 metres (19 ft.) for proposed Lot 1 as shown on Schedule A; and
 - (b) In Section K of Part 16 Single Family Residential Zone (RF) the minimum lot depth is reduced from 28 metres (90 ft.) to 23.5 metres (77 ft.) for proposed Lot 1 as shown on Schedule A.
5. 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.
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 unless the subdivision, as conceptually shown on Schedule A, which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) 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

not to be used to define boundaries

Survey Certificate
for

NOT TO SCALE

PROPOSED SUBDIVISION OF LOT 1
BLOCK 26 PART MAIN SUBDIVISION
PLAN 16511 N.W.D.

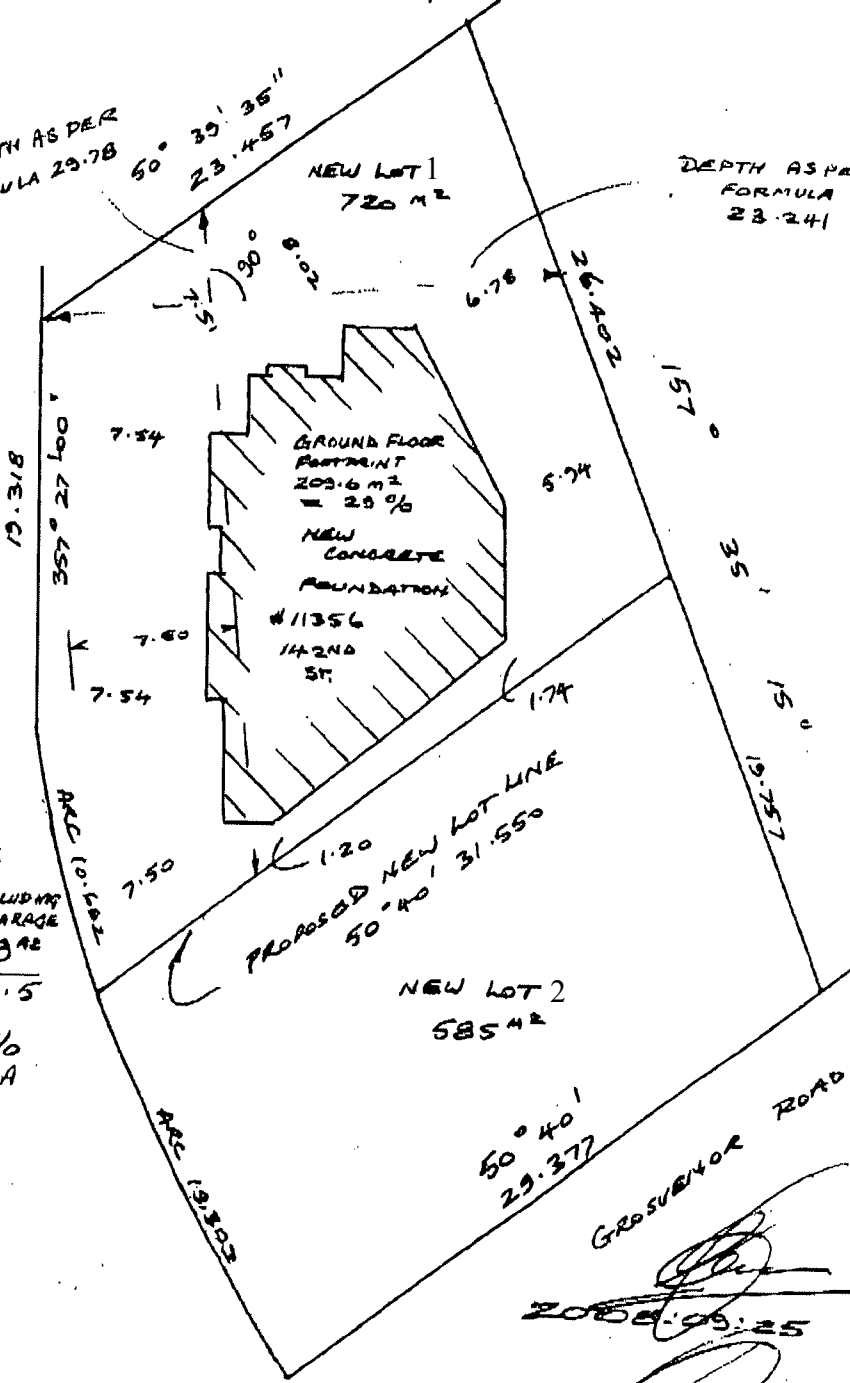
WIDTH AS PER
FORMULA 23.78

60° 39' 35"
23.457

DEPTH AS PER
FORMULA
23.241

NEW LOT 1
720 M²

NORTH
142ND STREET



AREAS

GROUND FLOOR	209.6 M ²
UPPER FLOOR INCLUDING GARAGE	120.9 M ²
TOTAL	330.5

= 46%
OF LOT A

Christopher J. James
British Columbia Land Surveyor
2822 Gordon Avenue
Surrey B.C. V4A 3J4
604-535-3261

certified correct
this 15 day of AUGUST 2003
B.C.L.S.
file 3289

ADDED DIMENSIONS
22 SEPTEMBER
2003

this document is not valid unless originally signed and sealed