

Planning Report Date: November 28, 2011

PROPOSAL:

- **Development Variance Permit**

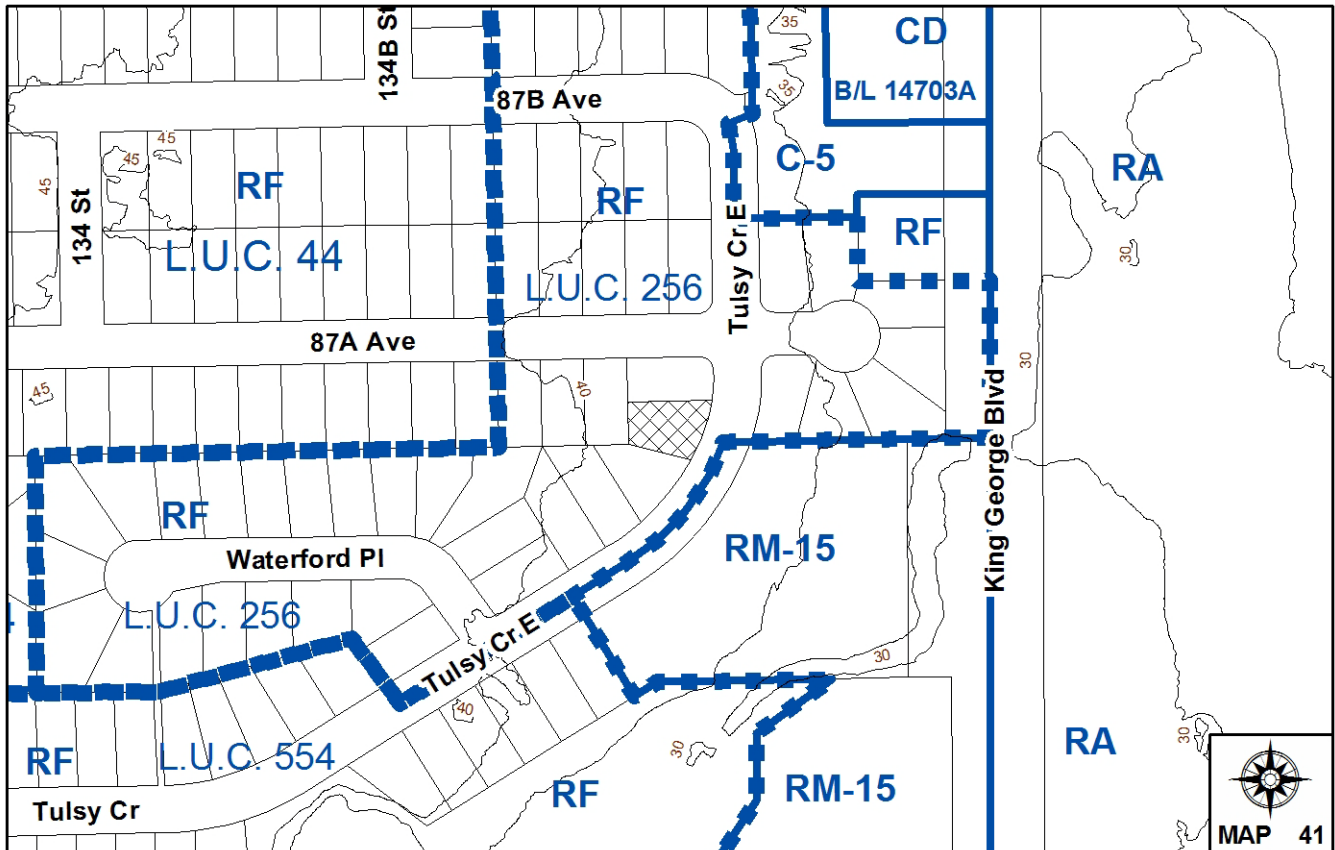
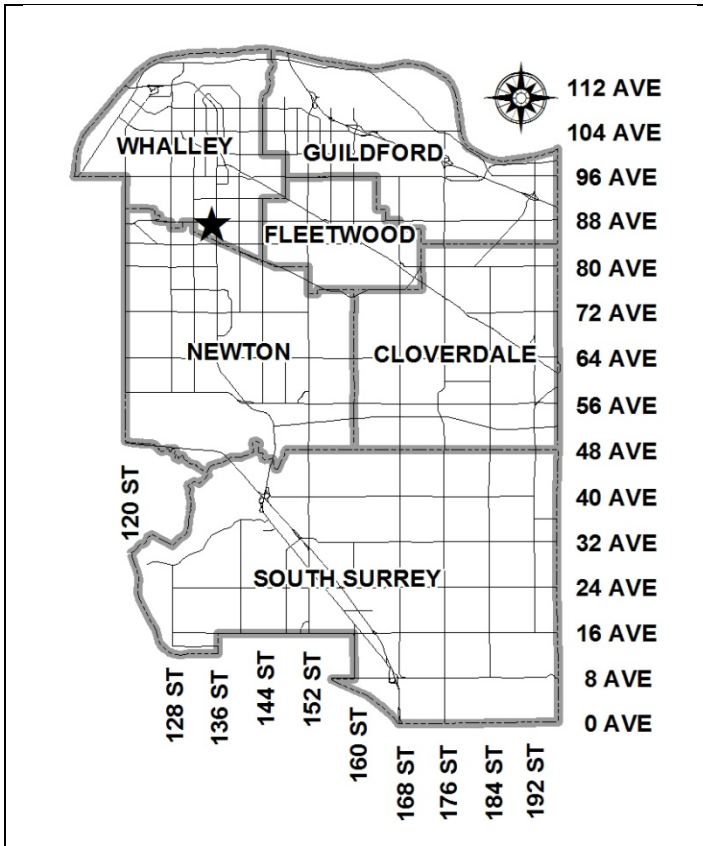
in order to reduce the north side yard setback to permit the construction of a new single family house

LOCATION: 8687 Tulsy Crescent East

OWNER: Amarjit S Khaira

ZONING: Land Use Contract No. 256
 (underlying RF Zone)

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking a variance to Land Use Contract No. 256 to reduce the north side yard setback from 6 feet to 4 feet to construct a new house.

RATIONALE OF RECOMMENDATION

- A 4.57-metre wide (15 ft.) sewer right-of-way partially encumbers the south portion of the site, thus reducing the net buildable area of the site.
- Although the subject site is regulated under Land Use Contract No. 256, the underlying zone is RF. The proposed building setbacks comply with the RF Zone.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7911-0256-00 (Appendix II) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum north side yard setback of Land Use Contract No. 256 from 6 feet (1.8 metres) to 4 feet (1.2 metres).

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Existing single family dwelling which will be removed

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings.	Urban	Land Use Contract No. 256 (underlying RF Zone)
East (Across Tulsy Crescent East):	Townhouses and single family dwellings.	Urban	RM-15 and Land Use Contract No. 256 (underlying RF Zone)
South:	Single family dwellings.	Urban	Land Use Contract No. 256 (underlying RF Zone)
West:	Single family dwellings.	Urban	Land Use Contract No. 256 (underlying RF Zone)

DEVELOPMENT CONSIDERATIONS

- The subject site is located at 8687 Tulsy Crescent East and is regulated by Land Use Contract (LUC) No. 256 which allows for only a single family dwelling and accessory building. The underlying zone is the Single Family Residential Zone (RF).
- Unlike the RF Zone, floor area and lot coverage are not regulated under LUC No. 256.
- LUC No. 256 requires that all buildings comply with the R-3 Zone of Surrey Zoning By-law No. 2265 (which is no longer the current Zoning By-law). The minimum side yard setback in the R-3 Zone is 6 feet (1.8 metres).

- There is a statutory right-of-way for a sewer line that partially encumbers the southern portion of the site. Approximately 140 square metres (1,506 sq.ft.) of the site is encumbered by the statutory right of way. A portion of the site to the south of the right-of-way, totaling approximately 98 square metres (1,054 sq.ft.), is not encumbered but is too small to construct a house.
- The net area available to construct a house, not including setbacks, is approximately 460 square metres (4,951 sq.ft.), or 66% of the lot, with a width of approximately 13 metres (43 ft.) and a depth of approximately 33 metres (108 ft.).
- The applicant has applied for a Development Variance Permit to reduce the north side yard setback prescribed in LUC No. 256 from 6 feet (1.8 metres) to 4 feet (1.2 metres).
- The applicant wishes to demolish the existing house on the subject property and build a two-storey house, approximately 4,250 square feet (394 sq.m.) in size. The preliminary house plans indicate the kitchen and living areas on the ground floor and 4 bedrooms and 3 bathrooms on the second floor. No basement is proposed at this time. The applicant intends to live in the new house once it is built, and intends to begin construction in the spring.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum north side yard setback in Land Use Contract No. 256 from 6 feet (1.8 metres) to 4 feet (1.2 metres) for a new single family dwelling.

Applicant's Reasons:

- There is a 4.57-metre (15 ft.) wide sewer right-of-way that encumbers the southern portion of the site.
- The resulting developable area of the site limits the size of house that can be achieved on the lot.
- The requested variance would allow for the owner to realize the full development potential of the lot.

Staff Comments:

- Land Use Contract No. 256 requires a minimum side yard setback of 6 feet (1.8 metres).
- The proposed house conforms with the 23-foot (7.0-metre) front yard setback, and the 25-foot (7.5-metre) rear yard setback permitted by Land Use Contract No. 256. The proposed south side-yard setback would exceed the 6-foot setback permitted by Land Use Contract No. 256.

- A statutory right-of-way partially encumbers the southern portion of the site, which results in a side yard setback ranging from approximately 20 feet (6 metres) to approximately 33 feet (10 metres). Approximately 1,506 square feet (140 sq.m.) of the site is encumbered by the right-of-way.
- The underlying zone of LUC No. 256 is the RF Zone. The side yard setback provisions of the RF Zone allow one side yard to be reduced to 4 feet (1.2 metres) if the opposite side yard is a minimum of 8 feet (2.4 metres). The proposed setbacks conform to the requirements of the underlying RF Zone.
- There are 4 by-law sized trees located on the subject site. All of the trees and tree protection barriers are located within the setback areas and should not be impacted by the proposed development.
- Given the above rationale, 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. Development Variance Permit No. 7911-0256-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

SAL/kms

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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: Santokh Khaira
 Address: 14108 - 90A Avenue
 Surrey BC
 V3V 8E1

 Tel: 604-591-8202

2. Properties involved in the Application

- (a) Civic Address: 8687 Tulsy Crescent East
- (b) Civic Address: 8687 Tulsy Crescent East
 Owner: Amarjit S Khaira
 PID: 001-121-111
 Lot 211 Section 29 Township 2 New Westminster District Plan 51409

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Development Variance Permit No. 7911-0256-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7911-0256-00

Issued To: AMARJIT S. KHAIRA

("the Owner")

Address of Owner: 8687 Tulsy Crescent East
Surrey, BC
V3W 6V1

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: 001-121-111
Lot 211 Section 29 Township 2 New Westminster District Plan 51409

8687 Tulsy Crescent East

(the "Land")

4. Surrey Land Use Contract No. 256 is varied as follows:
 - (a) In Schedule C, the minimum north side yard setback is reduced to 1.2 metres (4 ft.)
5. This development variance permit applies to only the portion of the Land shown on 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 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.

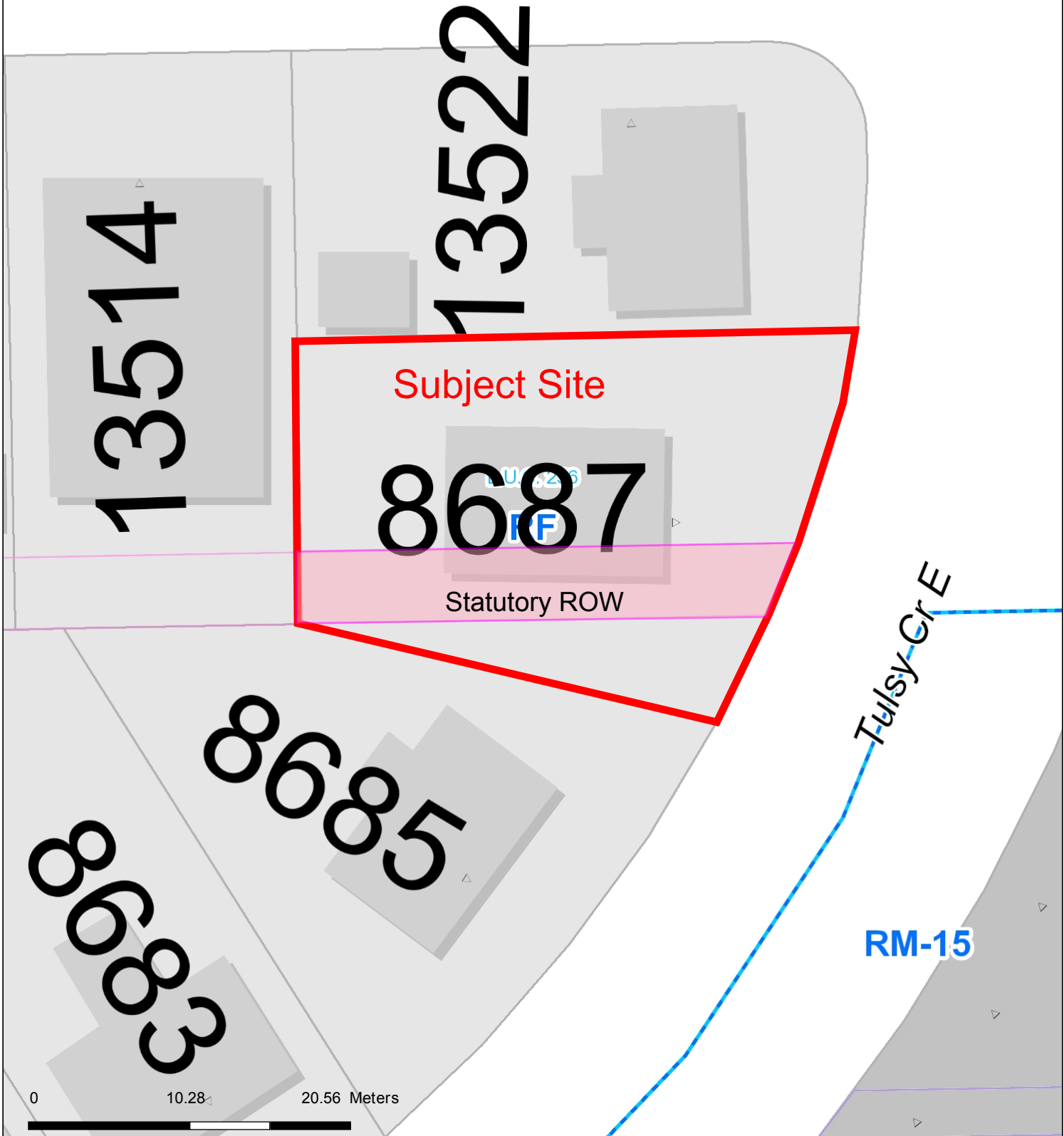
8. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

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



The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca.

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Scale: 1: 343

Map created on: Monday, 14 November 2011