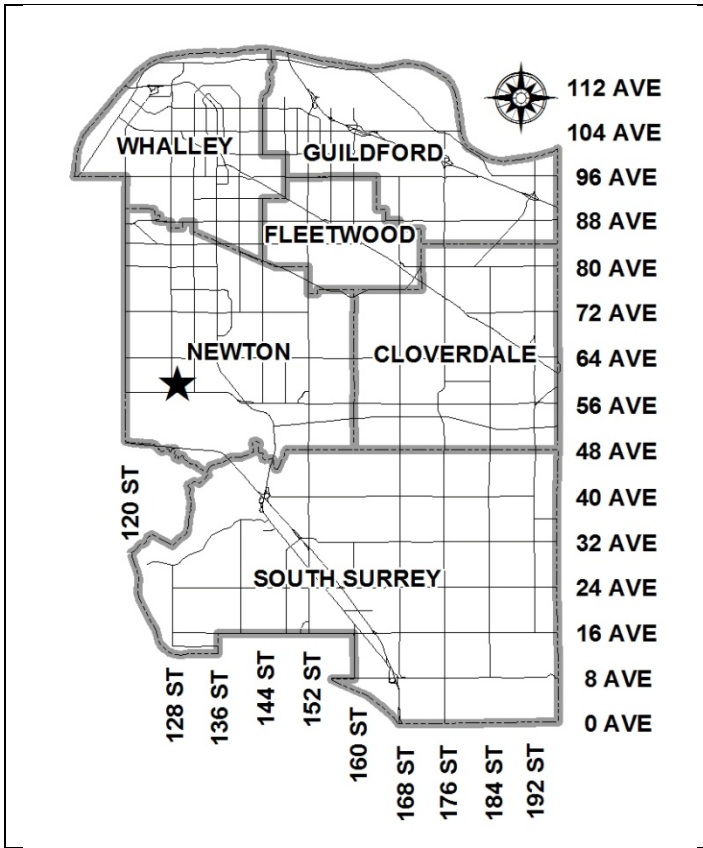


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7911-0274-00

Planning Report Date: December 12, 2011



**PROPOSAL:**

- **Development Variance Permit**  
 in order to preserve an existing 90 cm dbh red cedar tree in the rear yard.

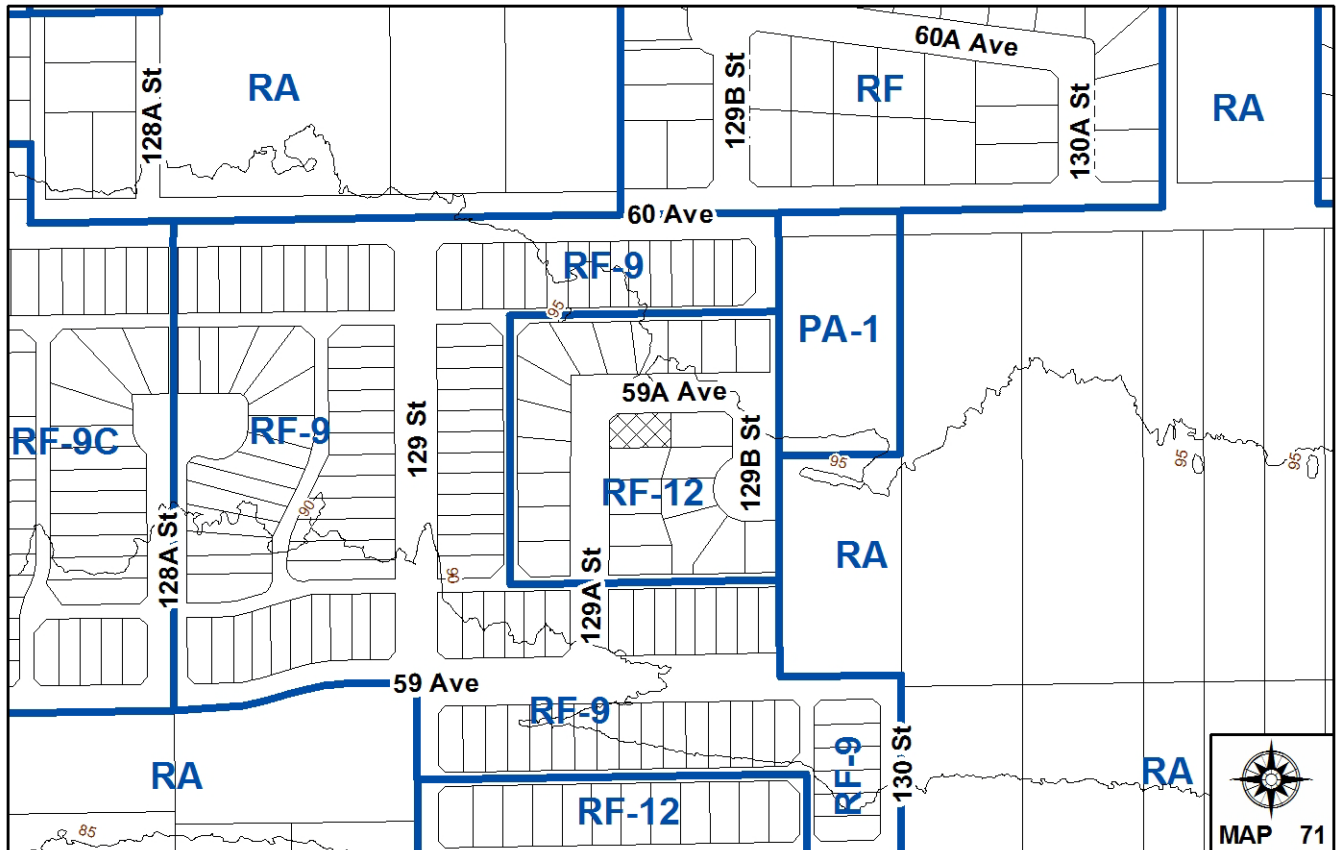
**LOCATION:** 5944 - 129A Street

**OWNER:** Ajeet Bains

**ZONING:** RF-12

**OCP DESIGNATION:** Urban

**NCP DESIGNATION:** Small lot (10 upa)



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is requesting a variance to the front yard setback of the RF-12 Zone in order to preserve an existing 90 cm dbh red cedar tree in the rear yard.

### RATIONALE OF RECOMMENDATION

- The existing tree in the rear yard is a 90 cm dbh red cedar tree in good condition.
- Based on FAR, the maximum allowable house size for this lot is 2,800 sq ft. However, the tree protection area registered on title under BB1209042, in conjunction with the standard front yard setback of the RF-12 Zone, limits the buildable area to a 2,101 sq ft. dwelling with a single-car garage.
- In order to accommodate a single family dwelling of a reasonable size with a two-car garage and preserve the existing tree in the rear yard, the DVP is supported.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7911-0274-00 (Appendix IV) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum front yard setback of the RF-12 Zone from 6 metres (20 ft.) to 4 metres (13 ft.)\*

\* The *front yard setback* of the *principal building* may be reduced to a minimum of 2.0 m [6ft. 6 in.] for up to 50% of the width of the front of the *principal building*.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Vacant lot.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 129A Street):	Single family dwelling.	Urban / Small lot (10 upa)	RF-12
East (Across 59A Avenue):	Single family dwelling.	Urban / Small lot (10 upa)	RF-12
South:	Vacant lot.	Urban / Small lot (10 upa)	RF-12
West:	Single family dwelling.	Urban / Small lot (10 upa)	RF-12

DEVELOPMENT CONSIDERATIONS

- The subject site, and RF-12 lot, was created under application No. 7904-0329-00. As a condition of subdivision approval, a Section 219 Restrictive Covenant for Tree Preservation was registered against the title of the land.
- The maximum allowable square footage for this lot would be 2,800 sq ft if it were not encumbered by the no-build tree preservation area.
- The no-build tree preservation area extends 8.897 metres into the rear yard for the westerly 9.405 of the lot and encompasses 79.6 m<sup>2</sup>. This limits the buildable area to a 2,101 sq ft. dwelling with a single-car garage.

- The applicant is requesting a variance to the front-yard setback in order to accommodate a single family dwelling of a reasonable size with a double-car garage, and continues to preserve the existing tree in the rear yard.

#### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum front yard setback of the RF-12 Zone from 6 metres (20 ft.) to 4 metres (13 ft.)\*

\* The *front yard setback* of the *principal building* may be reduced to a minimum of 2.0 m [6ft. 6 in.] for up to 50% of the width of the front of the *principal building*.

Applicant's Reasons:

- The tree protection area registered on title under BB1209042, in conjunction with the standard front yard setback of the RF-12 Zone, limits the buildable area to a 2,101 sq ft. dwelling with a single-car garage. The building size is considerably less than the other dwellings in the subdivision, all of which have double-car garages.

Staff Comments:

- In order to accommodate a single family dwelling of a reasonable size with a two-car garage and preserve the existing tree in the rear yard, the DVP is supported.
- The DVP will reduce the number of on-site parking spots by one. The reduced front-yard setback will eliminate the possibility of parking on the driveway; however the two-car garage will provide one more parking spot than would be achieved without the DVP. Despite the net loss of one parking spot, the minimum on-site parking requirement of the RF-12 Zone is achieved.

#### 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.	Explanatory Plan of Tree Preservation RC (BB1209042)
Appendix IV.	Development Variance Permit No. 7911-0274-00

*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

TH/kms

\\file-server1\net-data\csdc\generate\areaproduct\save\32105542050.doc  
. 12/8/11 11:12 AM

Information for City Clerk

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

1. (a) Agent:      Name:              Anoop Bains  
                         Address:            14021 - 34A Avenue  
                                              Surrey BC  
                                              V4P 0A8  
  
                         Tel:                      778-292-0667

2.      Properties involved in the Application

- (a)      Civic Address:            5944 - 129A Street
  
- (c)      Civic Address:            5944 - 129A Street  
                 Owner:                      Ajeet S Bains  
                 PID:                              028-041-917  
                 Lot 48 Section 8 Township 2 New Westminster District Plan BCP42159

3.      Summary of Actions for City Clerk's Office

- (a)      Proceed with Public Notification for Development Variance Permit No. 7911-0274-00

SUBDIVISION PLAN OF  
LOTS 33 AND 34 SECTION 8 TOWNSHIP 2 NWD PLAN 37207  
PARCEL "A" (EXPLANATORY PLAN 10097) LOT 13 SOUTH WEST  
QUARTER SECTION 8 TOWNSHIP 2 NWD PLAN 1577  
NORTH 33 FEET NORTH HALF LOT 13 SOUTH WEST QUARTER  
SECTION 8 TOWNSHIP 2 NWD PLAN 1577  
NORTH 33 FEET OF THE NORTH HALF LOT 14 SOUTH WEST  
QUARTER SECTION 8 TOWNSHIP 2 NWD PLAN 1577

PLAN BCP 42159

DEPOSITED IN THE LAND TITLE OFFICE  
AT NEW WESTMINSTER, B.C.  
ON THE 15th DAY OF JULY, 2009

Larry B. ...

REF # 881208975

BCGS 926.016  
SCALE 1 : 500

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF  
THE INTENDED PLOT SIZE OF THIS PLAN IS SHOWN BY DIMENSIONS  
BY BEARINGS IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:500

INTERESTED SURVEY AREA NO. 1 (DEPARTMENT OF SURVEY) (MNSIS)

8900 BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN  
CONTROL MONUMENTS 3344 AND 3670

THIS PLAN SHOWS HORIZONTAL, GRADE-LEVEL DISTANCES EXCEPT WHERE  
OTHERWISE NOTED TO COMPUTE LAND DISTANCES, MEASURED ALONG-LINE,  
DISTANCES BY COMBINED FACTOR SURVEYING

PART SRW BB 418334, BB 418338 AND 8841834  
PART SRW PLAN BCP 29263 DEDICATED ROAD

LEGEND

SYMBOLS	DESCRIPTION
●	CONTROL MONUMENT
○	STANDARD IRON POST
■	LEAD PLUG
□	DEMOTES SQUARE METRE(S)
○	DEMOTES REMAINDER
□	DEMOTES PARCEL
○	DEMOTES WITNESS

60 AVENUE



PCL "A"  
(REFERENCE  
PLAN 10891)  
15  
PLAN 1577

PLAN BCP29956

CANADIAN WESTERN BANK  
 AUTHORIZED SIGNATORY  
 AUTHORIZED SIGNATORY  
 WITNESS AS TO SIGNATURES  
 ADDRESS OF WITNESS  
 ADDRESS OF WITNESS  
 OCCUPATION OF WITNESS

THE TORONTO DOMINION BANK  
 AUTHORIZED SIGNATORY  
 AUTHORIZED SIGNATORY  
 WITNESS AS TO SIGNATURES  
 ADDRESS OF WITNESS  
 ADDRESS OF WITNESS  
 OCCUPATION OF WITNESS

0728106 B.C. LTD.  
 AUTHORIZED SIGNATORY  
 AUTHORIZED SIGNATORY  
 WITNESS AS TO SIGNATURES  
 ADDRESS OF WITNESS  
 ADDRESS OF WITNESS  
 OCCUPATION OF WITNESS

0704615 B.C. LTD.  
 AUTHORIZED SIGNATORY  
 AUTHORIZED SIGNATORY  
 WITNESS AS TO SIGNATURES  
 ADDRESS OF WITNESS  
 ADDRESS OF WITNESS  
 OCCUPATION OF WITNESS

THE CITY OF SURREY  
 AUTHORIZED SIGNATORY  
 AUTHORIZED SIGNATORY  
 WITNESS AS TO SIGNATURES  
 ADDRESS OF WITNESS  
 ADDRESS OF WITNESS  
 OCCUPATION OF WITNESS

I, S.A. ... A BRITISH COLUMBIA LAND SURVEYOR OF  
SURREY IN BRITISH COLUMBIA, CERTIFY THAT I WAS  
PRESENT AT AND PERSONALLY SUPERVISED THE SURVEY  
REPRESENTED BY THIS PLAN AND THAT THE SURVEY AND  
PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED  
ON THE 3rd DAY OF JULY, 2009. THE PLAN WAS COMPLETED  
AND CHECKED. THE CHECKLIST FILED UNDER 89000, ON  
THE 29th DAY OF AUGUST, 2009.

APPROVED UNDER THE LAND TITLE ACT, the 21st  
DAY OF ...

APPROVING OFFICER FOR  
CITY OF SURREY

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT - CITY OF SURREY

MELHAMNEY ASSOCIATES  
LAND SURVEYING LTD.  
13100 BRUNN AVENUE  
SURREY, BC V3W 3K3  
TEL: 864-598-1311  
FILE: 2112-42186-04 (R1)

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7911-0274-00

Issued To: AJEET S BAINS

("the Owner")

Address of Owner: 14021 - 34A Avenue  
Surrey, BC  
V4P 0A8

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: 028-041-917  
Lot 48 Section 8 Township 2 New Westminster District Plan BCP42159

5944 -129A Street

(the "Land")

4. 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 front yard setback is reduced from 6 metres (20 ft.) to 4 metres (13 ft.) for the *principal building*, and from 4 metres (13 ft.) to 2 metres (6 ft. 6 in.) for up to 50% of the width of the front of the *principal building*.
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 – Dianne L. Watts

---

City Clerk – Jane Sullivan



**EXPLANATORY PLAN OVER PARTS OF LOTS 44, 45, 47, 48, 49, 51 AND 52 SECTION 8 TOWNSHIP 2 NWD PLAN BCP**

PURSUANT TO SECTION 99(1)(c) OF THE LAND TITLE ACT  
BCGS 926.016

SCALE 1 : 250



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF  
THE INTENDED MAP SIZE OF THIS PLAN IS 500mm IN WIDTH  
BY 430mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:250

INTEGRATED SURVEY AREA No. 1, MUNICIPALITY OF SURREY, JAWAL (SSS)

ONE BEARING IS DERIVED FROM PLAN BCP

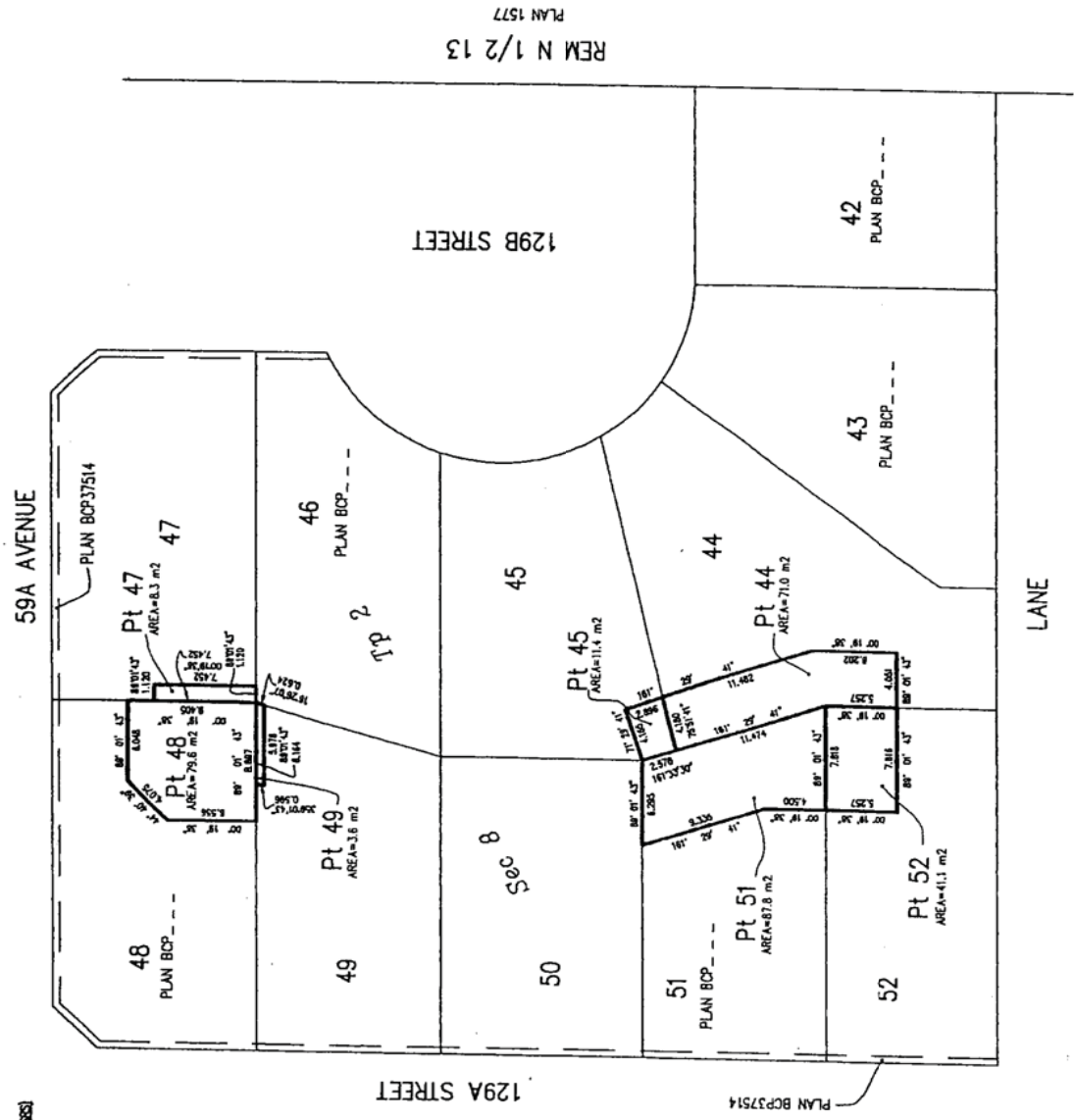
**LEGEND**  
m<sup>2</sup> DENOTES SQUARE METER  
Pt DENOTES POINT  
REM DENOTES REMAINDER



**THIS PLAN IS AT A REDUCED SCALE**

DESCRIPTION	AREA (m <sup>2</sup> )
LOT 44 SECTION 8 TOWNSHIP 2 NWD PLAN BCP	71.0
LOT 45 SECTION 8 TOWNSHIP 2 NWD PLAN BCP	11.4
LOT 47 SECTION 8 TOWNSHIP 2 NWD PLAN BCP	8.3
LOT 48 SECTION 8 TOWNSHIP 2 NWD PLAN BCP	78.4
LOT 49 SECTION 8 TOWNSHIP 2 NWD PLAN BCP	3.8
LOT 51 SECTION 8 TOWNSHIP 2 NWD PLAN BCP	87.8
LOT 52 SECTION 8 TOWNSHIP 2 NWD PLAN BCP	41.1

PLAN BCP  
DEPOSITED IN THE LAND TITLE OFFICE  
ON THE 18th DAY OF  
AUGUST 2008



REM N 1/2 13  
PLAN 1577

THIS PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER 926001, ON THE 18th DAY OF AUGUST, 2008 AND IS HEREBY CERTIFIED CORRECT IN ACCORDANCE WITH LAND TITLE OFFICE RECORDS.

EX. METER  
*[Signature]*

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT - CITY OF SURREY

LEGWANNERY ASSOCIATES  
13160 84th Avenue  
Surrey, BC V3W 2A3  
TEL: 604-596-0391  
FAX: 212 02186-06(41)