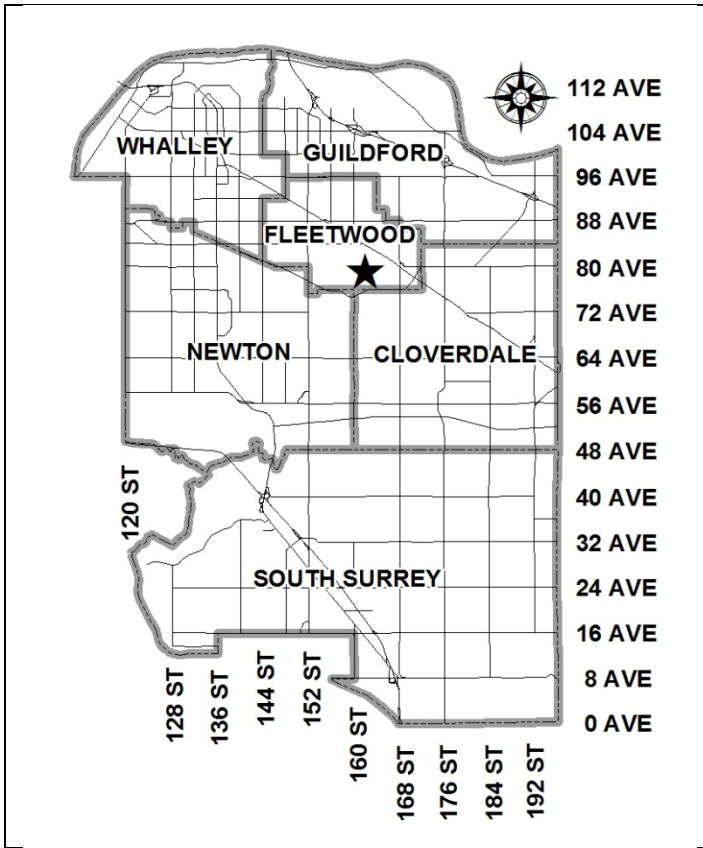


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7911-0308-00

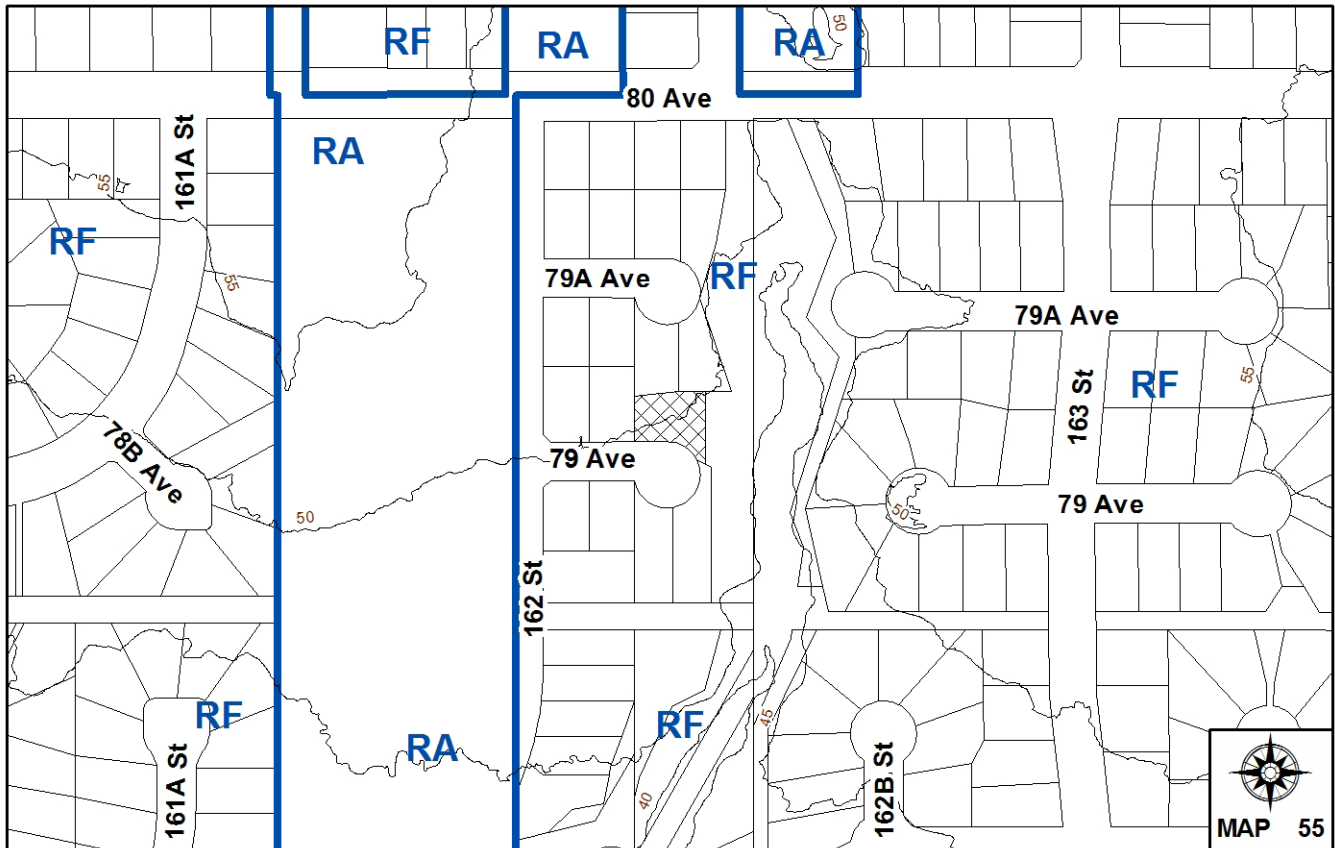
Planning Report Date: February 6, 2012



PROPOSAL:

- **Restrictive Covenant Amendment**
 in order to reduce the west and east side yard setbacks on a single family lot.

LOCATION: 16235 - 79 Avenue
OWNER: Balbir K. Gill and Bharat P. Gill
ZONING: RF
OCP DESIGNATION: Urban
LAP DESIGNATION: Urban Residential



RECOMMENDATION SUMMARY

- Approval to amend Restrictive Covenant No. BB1291394 to:
 - Reduce the minimum side yard setback on the west side from 3.6 metres (12 feet) to 2.4 metres (8 feet); and
 - Reduce the minimum side yard setback on the east side from 5.5 metres (18 feet) to 3.6 metres (12 feet).

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- A Restrictive Covenant amendment to the side yard setbacks is sought to allow a wheelchair accessible bedroom and bathroom to be constructed on the main floor of a proposed house.

RATIONALE OF RECOMMENDATION

- The residents of the adjacent lots have been consulted and are in support of the amendment.
- The applicant cares for an elderly family member who uses a wheelchair and requires a bedroom and ensuite bathroom on the main floor.
- The requested setback variances exceed the minimum side yard setback requirement of the RF Zone.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the applicant's request to amend Restrictive Covenant No. BB1291394 to:
 - (a) Reduce the minimum side yard setback on the west side from 3.6 metres (12 feet) to 2.4 metres (8 feet); and
 - (b) Reduce the minimum side yard setback on the east side from 5.5 metres (18 feet) to 3.6 metres (12 feet).

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lot.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family residential	Urban	RF
East:	Park with creek	Urban	RF
South (Across 79 Avenue):	Vacant single family lots	Urban	RF
West:	Single family lot	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located at 16230 – 79 Avenue and is zoned "Single Family Residential Zone (RF)." It is designated Urban in the Official Community Plan (OCP).
- The subject property was created in 2009 following Council approval of a Development Variance Permit (DVP No. 7909-0109-00) to reduce the minimum lot depth for the RF Zone from 28 metres (91.9 feet) to 19.42 metres (63.7 feet). Additionally, the DVP varied the minimum front yard setback from 7.5 metres (24.6 feet) to 5.5 metres (18 feet) for the first floor; 6.5 metres (21.3 feet) for the garage and second floor; and reduced the minimum rear yard setback to 6 metres (19.7 feet).

- In order to augment the reduced rear yard, and as a condition of the DVP, the applicant registered a Section 219 “no build” Restrictive Covenant to increase the side yard setbacks from 1.8 metres (5.9 feet) to 3.6 metres (11.8 feet) for the west side and from 1.8 metres (5.9 feet) to 5.5 metres (18 feet) for the east side.

Proposal

- The current applicant recently purchased the property. The applicant cares for an elderly relative with limited mobility and is seeking to build a new home on the subject property which includes a bedroom and ensuite bathroom on the main floor. It will also provide for wheelchair accessible hallways.
- However, the proposed house plan requires Council approval of an amendment to the Restrictive Covenant to reduce side yard setbacks from 3.6 metres (12 feet) to 2.4 metres (8 feet) on the west side and from 5.5 metres (18 feet) to 3.6 metres (12 feet) on the east side.
- The applicant has obtained written support from the affected adjacent property owners.
- The proposed side yard setbacks are still greater than the 1.8 metre (6 feet) side yard setback required in the RF Zone.
- The reason for the increased side yard setbacks in the restrictive covenant was to augment the reduced back yard that resulted from DVP 7909-0109-00. Staff has reviewed the proposed site plan with the amended side yard setbacks and a functional back yard is still achievable.
- The proposed building plans for a 2-storey home with basement indicate a Floor Area Ratio (FAR) of 0.45, which meet the requirements of the RF Zone.

PRE-NOTIFICATION

Pre-notification letters were mailed out on January 3, 2012. Staff did not receive any telephone calls or written correspondence in response.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary Plan
- Appendix II. Proposed Site Plan and Floor Plans

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

LM/kms/dlg

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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: Bharat P. Gill

Address: 8872 - 132B Street
Surrey, BC

Tel: 778-889-1334
604-533-0500

2. Properties involved in the Application

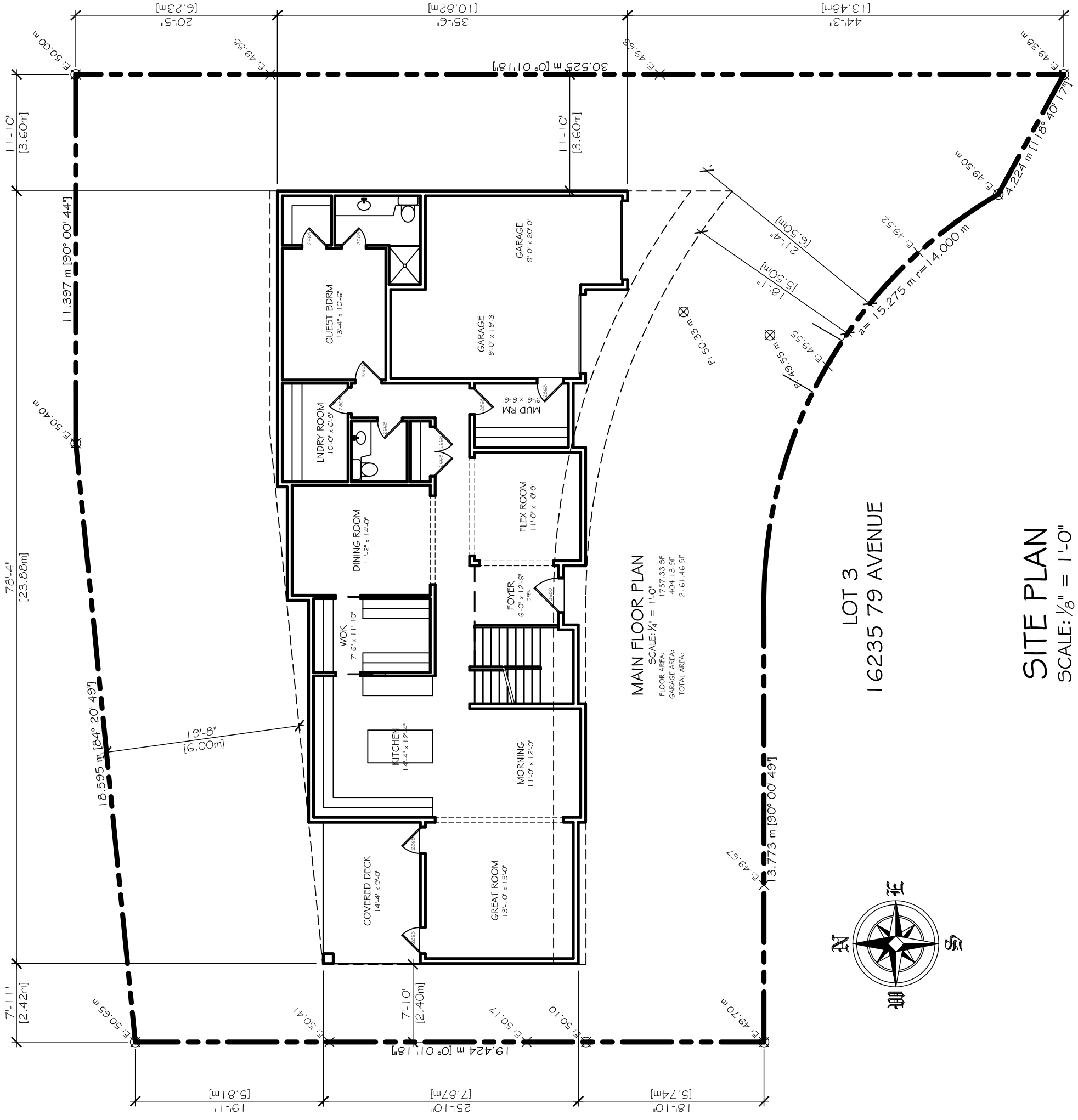
(a) Civic Address: 16235 - 79 Avenue

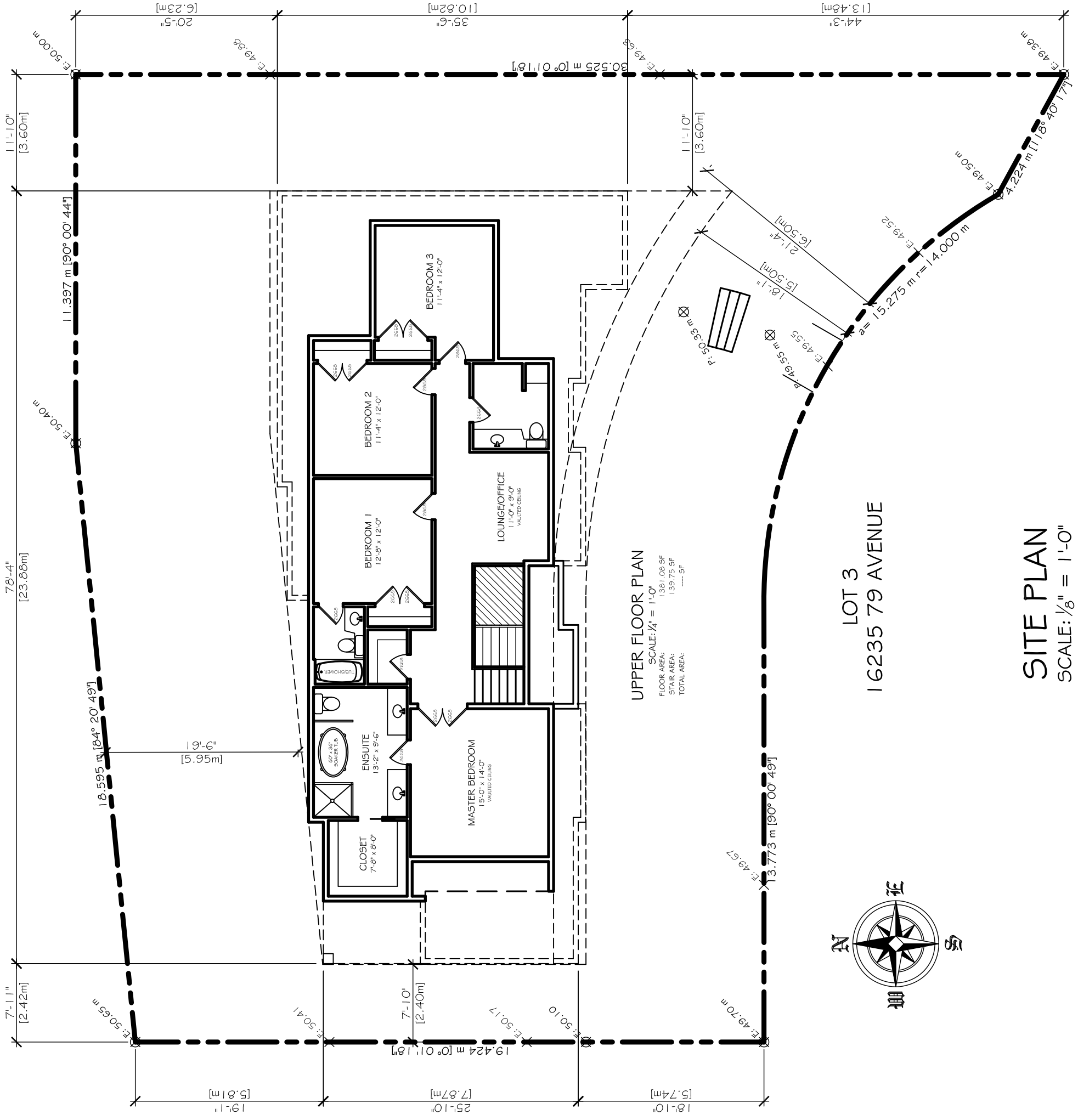
(b) Civic Address: 16235 - 79 Avenue
Owners: Bharat P. Gill
Balbir K. Gill

PID: 028-367-871

Lot: Lot 3 Section 24 Township2 New Westminster District Plan
BCP46522

3. Summary of Actions for City Clerk's Office



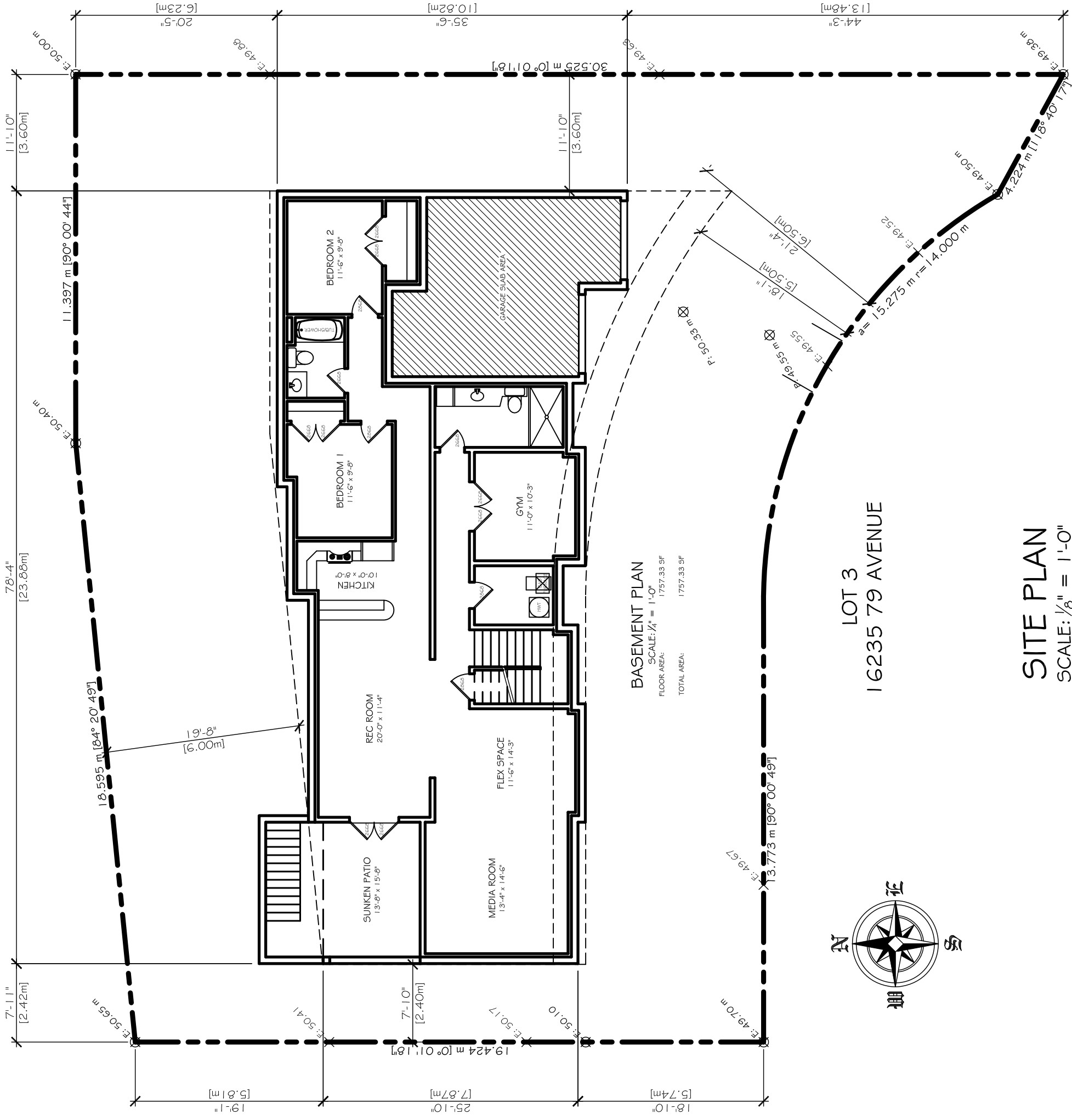


UPPER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 FLOOR AREA: 1361.06 SF
 STAIR AREA: 139.75 SF
 TOTAL AREA: 1500.81 SF

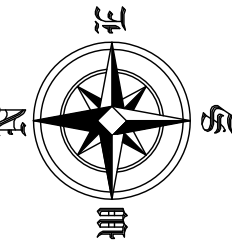


LOT 3
 16235 79 AVENUE

SITE PLAN
 SCALE: 1/8" = 1'-0"



BASEMENT PLAN
 SCALE: 1/4" = 1'-0"
 FLOOR AREA: 1757.33 SF
 TOTAL AREA: 1757.33 SF



LOT 3
16235 79 AVENUE

SITE PLAN
 SCALE: 1/8" = 1'-0"