

# City of Surrey PLANNING & DEVELOPMENT REPORT File: 7912-0072-00

Planning Report Date: April 23, 2012

#### PROPOSAL:

# • Development Variance Permit

in order to reduce the minimum east yard and south yard setback requirements for a townhouse project in the Douglas area.

LOCATION: 350 - 174 Street

OWNERS: 0693108 B.C. Ltd.

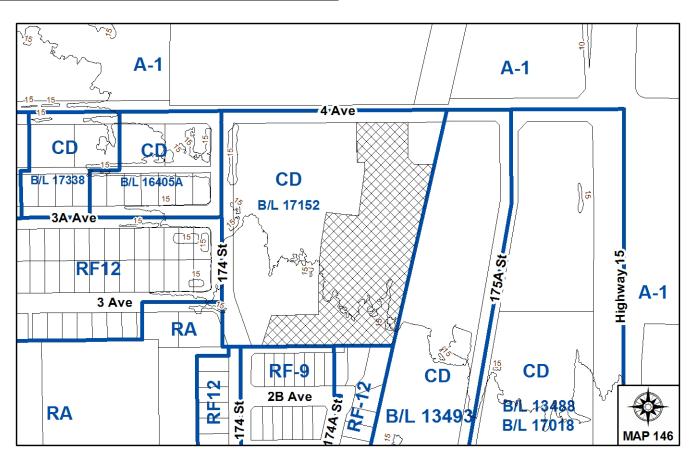
Apex Management Services Ltd.

546598 B.C. Ltd. 0762235 B.C. Ltd. Span Projects Inc.

**ZONING:** CD (By-law No. 17152)

**OCP DESIGNATION:** Urban

NCP DESIGNATION: Townhouse (15 u.p.a.)



#### **RECOMMENDATION SUMMARY**

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

#### **DEVIATION FROM PLANS, POLICIES OR REGULATIONS**

• The applicant is requesting a Development Variance Permit (DVP) in order to reduce the minimum east yard and south yard setback of the CD Zone (By-law No. 17152) to permit a covered outdoor patio area for several townhouse units in Douglas.

#### **RATIONALE OF RECOMMENDATION**

- The south yard setback relaxation is considered reasonable given recent changes to the original subdivision layout for the single family lots created directly south of the subject property which included a provision for rear lane driveway access thereby eliminating concerns about suitable treatment of rear yard interfaces between the single family homes and townhouse development.
- The east yard setback relaxation matches the minimum setback requirements prescribed in the CD Zone (By-law No. 13493) regulating the adjacent townhouse development at 17516 4 Avenue.
- The setback variances will address several unanticipated encroachments into the south yard and east yard setbacks thereby allowing several covered outdoor patio areas which improve liveability.
- The proposed setbacks will have a negligible impact on the personal privacy of adjacent owners.

#### **RECOMMENDATION**

The Planning & Development Department recommends that:

- 1. Council approve Development Variance Permit No. 7912-0072-00 (Appendix II) varying the following, to proceed to Public Notification:
  - to reduce the minimum south yard setback of the CD Zone (By-law No. 17152) from 7.5 metres (25 ft.) to 5.14 metres (16.9 ft.) for Building 4, 5 and 6; and
  - (b) to reduce the minimum east yard setback of the CD Zone (By-law No. 17152) from 6 metres (20 ft.) to 5.36 metres (17.6 ft.) for Building 7 and 8.

#### **REFERRALS**

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

#### **SITE CHARACTERISTICS**

<u>Existing Land Use:</u> Stratified townhouse development

#### Adjacent Area:

Direction	Existing Use	OCP/NCP/LAP Designation	<b>Existing Zone</b>
North (Across 4 Avenue):	Agricultural.	Agricultural/Agricultural	A-1
East:	Townhouse development.	Urban/Multiple Residential	CD (B/L 13493)
South:	Single-family residential.	Urban/Single Family Flex (6 – 14.5 u.p.a.)	RF-9 and RF-12
West (Across 174 Street):	Single-family residential.	Urban and Suburban/Suburban Half-Acre, Urban Single Family (6 u.p.a.), Single Family Flex (6 – 14.5 u.p.a.) and School/Park	CD (B/L 16405A), RF-12 and RA

# **DEVELOPMENT CONSIDERATIONS**

- The subject property is located on the south side of 4 Avenue, just east of 174 Street in the Douglas area. The property is designated "Urban" in the Official Community Plan (OCP) and "Townhouse (15 u.p.a.)" in the Douglas Neighbourhood Concept plan (NCP). The subject property is currently zoned "Comprehensive Development (CD)" (By-law No. 17152).
- Council previously approved a rezoning application and Development Permit (No. 7909-0171-00) in July, 2010 for an eighty-eight (88) unit townhouse project. A subsequent minor amendment to the Development Permit effectively reduced the number of townhouse units to eighty-three (83).

• The townhouse development was designed to provide an appropriate interface with the adjacent townhouse project at 17516 – 4 Avenue (Douglas Point) and included a landscape buffer (15 metres wide) along the northern boundary of the subject property directly adjacent to the ALR land.

• The applicant is requesting the setback variances in order to permit several covered patio spaces located along the southern façade and eastern façade of Building 4, 5, 6, 7, and 8 which promote greater outdoor enjoyment and enhance overall liveability.

#### **BY-LAW VARIANCE AND JUSTIFICATION**

# (a) Requested Variance:

- To reduce the minimum south yard setback of the CD Zone (By-law No. 17152) from 7.5 metres (25 ft.) to 5.14 metres (16.9 ft.) for Building 4, 5 and 6.
- To reduce the minimum east yard setback of the CD Zone (By-law No. 17152) from 6 metres (20 ft.) to 5.36 metres (17.6 ft.) for Building 7 and 8.

## Applicant's Reasons:

- The townhouse units which offer covered patios are favoured by potential homebuyers.
- The requested south yard variance is considered reasonable given recent changes to the original subdivision layout for the single family lots created directly south of the subject property which included a provision for rear lane driveway access. The decision to provide a 6 metre wide rear lane eliminated concerns about the need for appropriate treatment of rear yard interfaces between the single family dwellings and townhouse development.
- The east yard setback relaxation matches the minimum 5.36 metre setback requirements prescribed in the CD Zone (By-law No. 13493) regulating the adjacent townhouse project at 17516 4 Avenue. As a result, the minimum setback requirement for Building 7 and 8 will correspond to established setbacks for adjacent townhouse units at 17516 4 Avenue.

#### **Staff Comments:**

- The south yard setback variance is considered acceptable given that a 6 metre (20 ft.) wide lane is situated between the townhouse development and single family lots in the adjacent subdivision to the south.
- The east yard setback relaxation is considered reasonable given similarities to minimum setback requirements prescribed in the CD Zone (By-law No. 13493) which regulates the adjacent townhouse development at 17516 4 Avenue.
- The setback variances will address several unanticipated encroachments into the south yard and east yard setbacks thereby allowing the applicant to construct several covered outdoor patio areas which promote greater enjoyment and enhance overall liveability.
- The proposed setback variances will have a negligible impact on adjacent property owners.

• Therefore, the proposed variances are considered supportable by City staff.

# **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. 7912-0072-00

original signed by Nicholas Lai

Jean Lamontagne General Manager Planning and Development

# MRJ/kms

# Information for City Clerk

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

1. (a) Agent: Name: Colin A. Hogan

Focus Architecture Incorporated

Address: 1528 McCallum Road, Unit 109

Abbotsford, B.C.

V2S 8A3

Tel: 604-853-5222

2. Properties involved in the Application

(a) Civic Address: 350 – 174 Street

(b) Civic Address: 350 – 174 Street

Owners: Apex Management Services Ltd., Inc. No. 0635860

0693108 B.C. Ltd., Inc. No. 0693108

<u>Director Information:</u> Sukhvinder Singh Rana

Officer Information as at April 21, 2011 Sukhvinder Singh Rana (President)

546598 B.C. Ltd., Inc. No. 0546598

**Director Information:** 

**Manjit Bains** 

Officer Information as at July 11, 2011 Manjit Bains (President/Secretary)

0762235 B.C. Ltd., Inc. No. 0762235

<u>Director Information:</u> Iqbal Singh Grewal

Officer Information as at June 29, 2011 Iqbal Singh Grewal (President/Secretary)

Span Projects Inc., Inc. No. 0761801

PID: 028-330-579

Lot 1 Section 32 Block 1 North Range 1 East New Westminster District Plan BCP45828 Except Phases One, Two and Three Strata Plan BCS4061

- 3. Summary of Actions for City Clerk's Office
  - (a) Proceed with Public Notification for Development Variance Permit No. 7912-0072-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

#### **CITY OF SURREY**

(the "City")

# **DEVELOPMENT VARIANCE PERMIT**

NO.: 7912-0072-00

Issued To:

0693108 B.C. LTD.

Address:

13281 Comber Way

Surrey, B.C. V<sub>3</sub>W<sub>5</sub>V<sub>8</sub>

Issued To:

APEX MANAGEMENT SERVICES LTD.

Address:

5535 – 184A Street Surrey, B.C. V<sub>3</sub>S 8S<sub>1</sub>

Issued To:

546598 B.C. LTD.

Address:

18845 – 54 Avenue Surrey, B.C. V<sub>3</sub>S 8E<sub>5</sub>

Issued To:

0762235 B.C. LTD.

Address:

5535 – 184A Street Surrey, B.C. V<sub>3</sub>S 8S<sub>1</sub>

Issued To:

SPAN PROJECTS INC.

Address:

18845 – 54 Avenue Surrey, B.C. V<sub>3</sub>S 8E<sub>5</sub>

(collectively referred to as the "Owner")

- 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:

Lot 1 Section 32 Block 1 North Range 1 East New Westminster District Plan BCP45828 Except Phases One, Two and Three Strata Plan BCS4061

350 - 174 Stre	e	۱
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(the "Land")

3⋅	Surrey Zoning	By-law, 19	93, No. 12000	o, as amended	is varied	as follows:
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- (a) In Section F of Comprehensive Development Zone (CD) (By-law No. 17152), the minimum South Yard setback is reduced from 7.5 metres (25 ft.) to 5.14 metres (16.9 ft.) for Building 4, 5 and 6.
- (b) In Section F of Comprehensive Development Zone (CD) (By-law No. 17152), the minimum East Yard setback is reduced from 6 metres (20 ft.) to 5.36 metres (17.6 ft.) for Building 7 and 8.
- 4. 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.
- 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 ISSUED THIS	PASSED BY	THE COU	NCIL, THE	DAY OF	, 20 .

C:4 C11	1 0	11.	

Mayor - Dianne L. Watts

