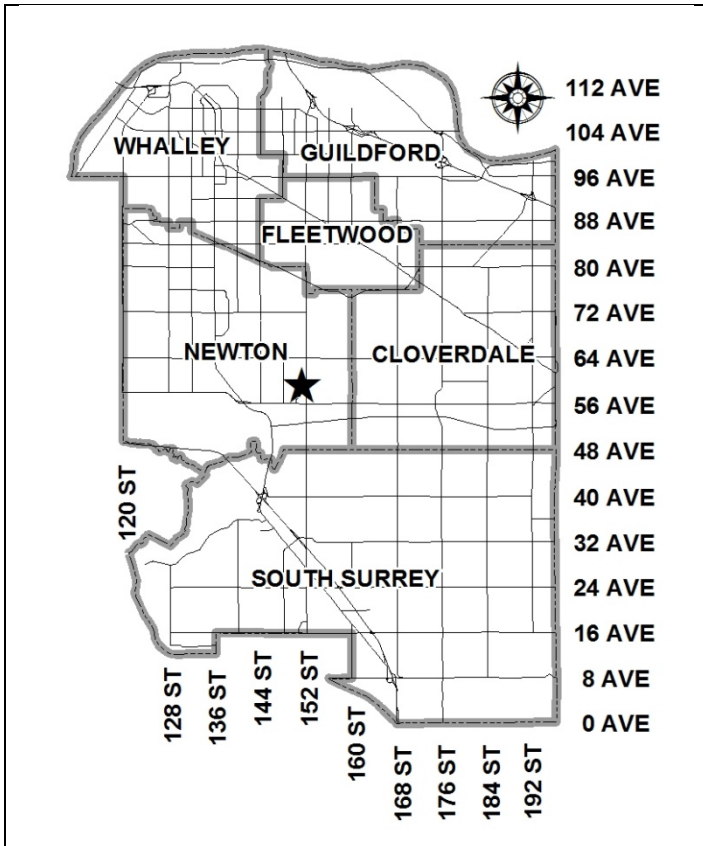


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0287-00

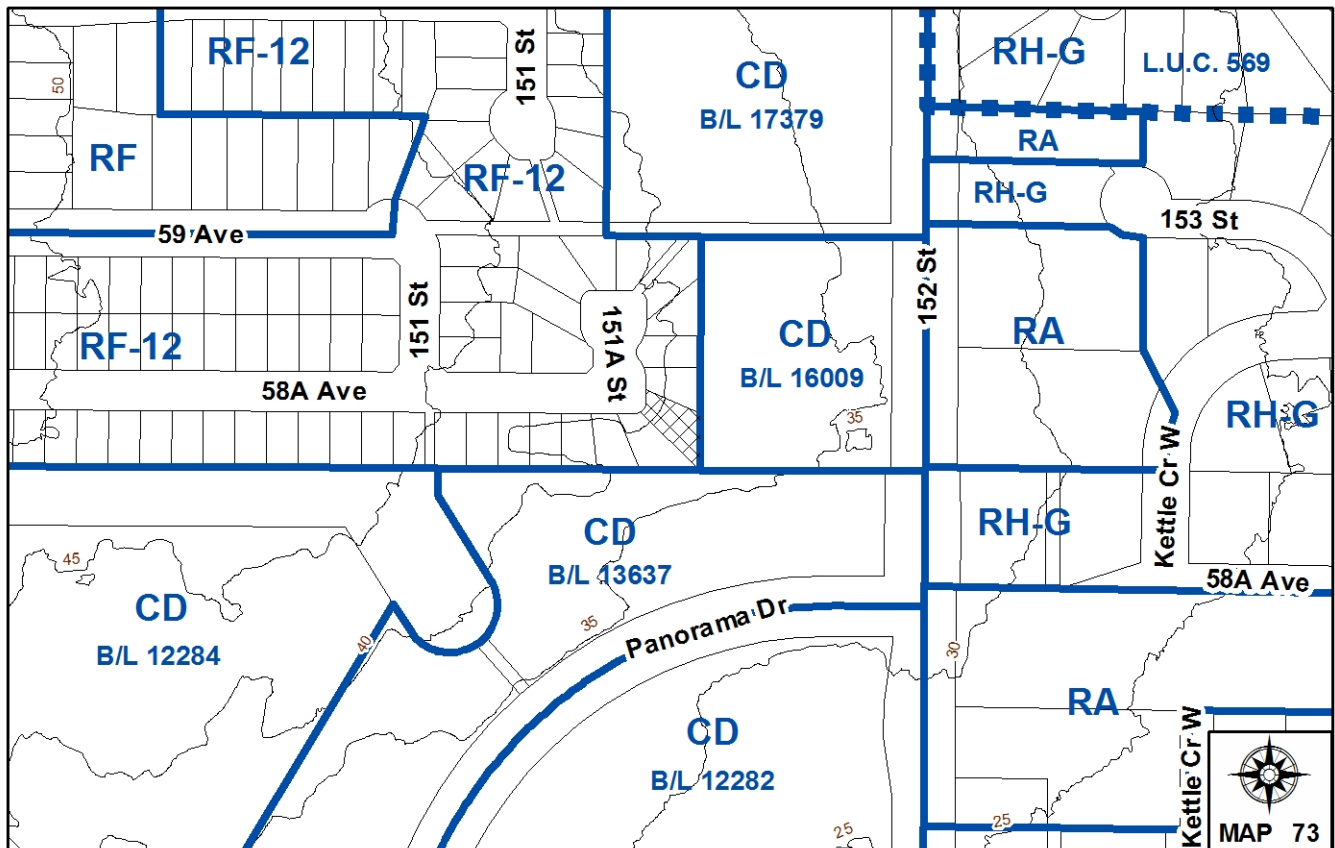
Planning Report Date: November 26, 2012



PROPOSAL:

- **Development Variance Permit**
 in order to permit the development of a single family residential dwelling.

LOCATION: 5850 - 151A Street
OWNER: Ozee Homes Ltd., Inc. No. BC0901966
ZONING: RF-12
OCP DESIGNATION: Urban
NCP DESIGNATION: SF res flex 6-14.5 upa



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant proposes to construct a single family dwelling at a reduced front yard setback due to tree preservation constraints in the rear yard.

RATIONALE OF RECOMMENDATION

- The reduced front yard setback enables the owner to increase the permitted floor area of the single family dwelling consistent with the size of other houses in the neighbourhood, while respecting the Tree Protection Area located in the rear yard of the lot.
- There is sufficient driveway length available in which to park two vehicles side by side outside of the garage.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7912-0287-00 (Appendix II) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front yard setback of the RF-12 Zone as follows:
 - i. from 6.0 metres (20 ft.) to 4.0 metres (13 ft.) for the garage;
 - ii. from 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for the second storey above the garage; and
 - iii. from 4.0 metres (13 ft.) to 1.99 metres (6.6 ft.) for an unenclosed porch.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Vacant single family residential lot encumbered by a Restrictive Covenant for Tree Preservation.

Adjacent Area:

Direction	Existing Use	OCP / South Newton NCP Designation	Existing Zone
North and West:	Single family dwellings.	Urban / Single Family Residential Flex 6-14.5 u.p.a.	RF-12
East:	Semi-detached dwellings.	Urban / Townhouses (25 u.p.a. max)	CD (Based on RM-15)
South:	Townhouse units.	Urban / Apartments (45 u.p.a. max)	CD (Based on RM-45)

DEVELOPMENT CONSIDERATIONSBackground

- The subject property was rezoned from One-Acre Residential Zone (RA) to Single-Family Residential (12) Zone (RF-12) and created by Subdivision Plan BCP 32590 in 2007 under City Application No. 7905-0378-00. During the course of that application there were numerous concerns over tree preservation in the South Newton NCP. As a result, the subdivision layout was revised to increase the number of trees to be retained and Restrictive Covenants were registered for tree preservation on a number of lots.

- The Tree Preservation areas reduced the allowable building envelopes for 11 Lots in the subdivision. Development Variance Permits for 7 of the lots were issued to reduce the minimum front yard setbacks where the Tree Preservation areas in the rear yards encroached into the building envelopes. The minimum front yard setbacks were reduced from 6.0 metres (20 ft.) to 2.0 metres (6.6 ft.) (Lots 20, 21, 68, and 69); 7.5 metres (25 ft.) to 4.0 metres (13 ft.) (Lots 36 and 40); and, 7.5 metres (25 ft.) to 6.0 metres (20 ft.) (Lot 39). Corresponding increases to the rear yard setbacks were applied to these lots.

Subject Property

- The subject property is located in South Newton and is 417.1 square metres (4,490 sq. ft.) in size. The property is zoned RF-12 and the last lot to be developed on Subdivision Plan BCP 32590.
- The property is encumbered by a Restrictive Covenant for Tree Preservation in the rear yard encompassing 145.5 square metres (1,566 sq. ft.), which is approximately 35% of the total lot area.
- The property is located at the intersection of 58A Avenue and 151A Street and is "pie" shaped. The building envelope is constrained by the narrow lot frontage and the configuration and size of the Tree Protection area in the rear yard.

DESIGN PROPOSAL AND REVIEW

- The proposed single family dwelling has a floor area 249.4 square metres (2,684 sq. ft.). The floor area of the second storey meets the requirement of a maximum 80% of the first floor and is offset from the front wall at the first storey.
- The building design provides for a consistent interface with the adjacent properties. The massing is broken up by the varied offsets of the second storey from the front wall and the veranda on the ground floor.
- The minimum setback requirements of 1.2 metre (4 ft.) for the side yards and 6.0 metres (20 ft.) for the rear yard (up to 50% of the width of the rear of the principal building) are met. The non-garage portion of the principal building and the veranda meet the permitted front yard setback reductions of 4.0 metres (13 ft.) and 2.0 metres (6.6 ft.), respectively, from the front lot line.
- The front lot line and the garage face are not parallel due to the north side lot line and front lot line meeting at an angle less than 90 degrees. The proposed garage is 6.0 metres (20 ft.) from the front lot line at its furthest point and decreases to 4.0 metres (13 ft.). The proposed driveway will be approximately 7.0 metres (23 ft.) at its shortest point from the curb to the garage. There is no sidewalk along the front of the property and unlikely that a sidewalk will be constructed in the future. As a result, there is sufficient space to park two vehicles on the driveway.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the minimum front yard setback of the RF-12 Zone for 5850-151A Street as follows:
 - i. from 6.0 metres (20 ft.) to 4.0 metres (13 ft.) for the garage;
 - ii. from 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for the second storey above the garage; and
 - iii. from 4.0 metres (13 ft.) to 1.99 metres (6.6 ft.) for an unenclosed porch.

Applicant's Reasons:

- The size and location of the Tree Preservation Restrictive Covenant restricts the building envelope on the subject property. The applicant would like to build a single family dwelling on the subject property to the permitted maximum floor area of 260 square metres (2,800 sq. ft.) permitted under the RF-12 Zone, to retain the full value of the property.

Staff Comments:

- The Tree Preservation Restrictive Covenant provides for a public benefit and is also a buffer between the subject property and the multiple-family dwellings to the east. The Tree Preservation area encompasses a large portion of the property and significantly reduces the potential building envelope.
- The site's pre-shaped configuration and large tree protection area make it challenging to design a functional interior layout while achieving the permitted floor area of 260 square metres (2,800 sq. ft.).
- The RF-12 Zone permits a reduced minimum front yard setback of 4.0 metres (13 ft.) for up to 50% of the width of the front of the principal building provided the garage is set back a minimum of 6.0 metres (20 ft.). The proposed garage is 6.0 metres (20 ft.) from the front lot line at its furthest point and decreases to 4.0 metres (13 ft.).
- The reduction in the minimum garage setback from the front property results in a shorter driveway. However, as there is no sidewalk along the front of the property and unlikely that one would be constructed in the future, the additional 3.0 metres (10 ft.) of boulevard space between the curb and the property line allows for sufficient space to park two vehicles side by side on the driveway outside of the garage.
- There will be minimal impact on the adjacent single family dwelling to the north as portion of the garage that is 6.0 metres (20 ft.) from the front lot line is along the shared side lot line.
- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets and Survey Plan
- Appendix II. Development Variance Permit No. 7912-0287-00

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

MAJ/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: Kartar Matharu
 Address: 5865 - 151 Street
 Surrey, BC
 V3S 3T2

 Tel: 604-613-1523

2. Properties involved in the Application

- (a) Civic Address: 5850 - 151A Street
- (b) Civic Address: 5850 - 151A Street
 Owner: Ozee Homes Ltd., Inc. No. BC0901966
 PID: 027-251-004
 Lot 57 Section 10 Township 2 New Westminster District Plan BCP 32590

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Development Variance Permit No. 7912-0287-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

SUBDIVISION DATA SHEET

Zoning: RF-12

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	0.1
Hectares	0.0417
NUMBER OF LOTS	
Existing	1
Proposed	1
SIZE OF LOTS	
Range of lot widths (metres)	13.4
Range of lot areas (square metres)	417.1
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	N/A
Lots/Hectare & Lots/Acre (Net)	N/A
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	37.7%
Estimated Road, Lane & Driveway Coverage	4%
Total Site Coverage	41.7%
PARKLAND	
Area (square metres)	N/A
% of Gross Site	N/A
Required	
PARKLAND	
5% money in lieu	NO
TREE SURVEY/ASSESSMENT	
	NO
MODEL BUILDING SCHEME	
	NO
HERITAGE SITE Retention	
	NO
BOUNDARY HEALTH Approval	
	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others	YES

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7912-0287-00

Issued To: OZEE HOMES LTD., INC. NO. BCo901966
("the Owner")

Address of Owner: 5865 - 151 Street
Surrey, BC
V3S 3T2

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: 027-251-004
Lot 57, Section 10, Township 2, New Westminster District, Plan BCP 32590

5850 - 151A Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

(a) Section F, Yards and Setbacks, of Part 17A Single Family Residential (12) Zone (RF-12) is varied to reduce the minimum front yard setback as follows:

- i. from 6.0 metres (20 ft.) to 4.0 metres (13 ft.) for the garage;
- ii. from 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for the second storey above the garage; and
- iii. from 4.0 metres (13 ft.) to 1.99 metres (6.6 ft.) for an unenclosed porch.

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 RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Dianne L. Watts

City Clerk – Jane Sullivan

