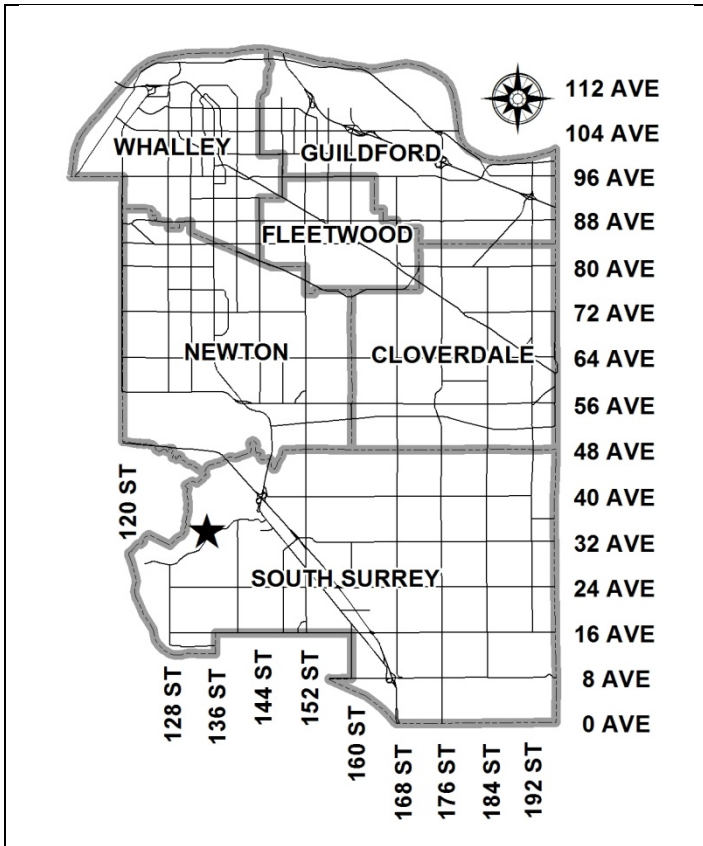


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7913-0082-00

Planning Report Date: July 8, 2013



PROPOSAL:

- Development Variance Permit in order to reduce the setbacks of the RA zone.

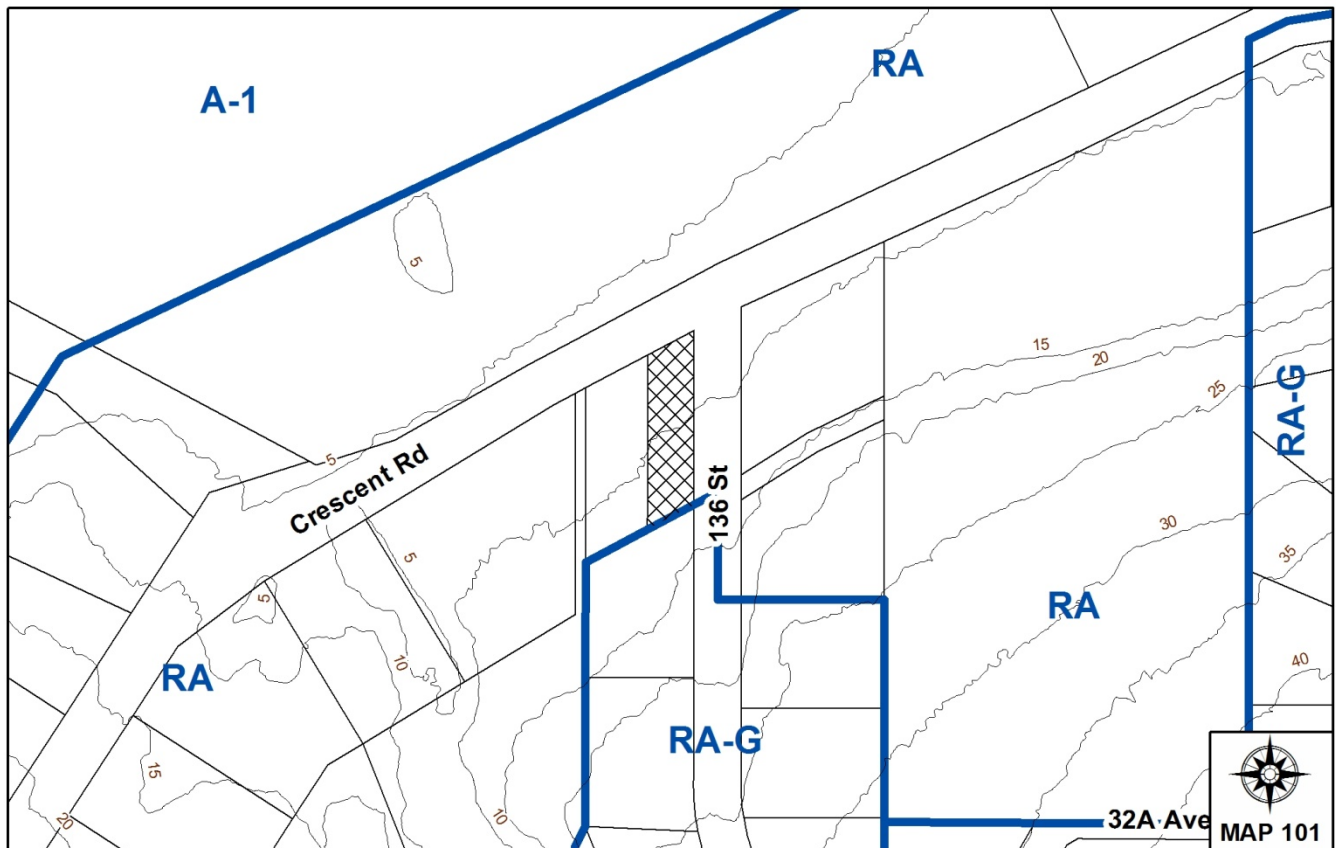
LOCATION: 13592 - Crescent Road

OWNER: Daniel J Van Zanten
 Marion Van Zanten

ZONING: RA

OCP DESIGNATION: Suburban

LAP DESIGNATION: Suburban Residential ½ Acre



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The subject property is a legal non-conforming parcel that is less than half of the minimum width of the RA Zone.
- The existing setbacks of the RA Zone result in a substantially reduced buildable area of only 5.7 metres (19 ft.) in width.
- The proposed side-yard setback reduction is consistent with the location of a previous legal non-conforming structure on the subject property (now removed).
- The applicants have demonstrated that minimal trees will be affected by the proposed setback reductions.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7913-0082-00 (Appendix V) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum side yard setback of the RA Zone for a principle building from 4.5 metres (15 ft.) to 3.0 metres (10 ft.);
- (b) to reduce the minimum side yard on flanking street setback of the RA Zone for a principle building from 9.44 metres (31 ft.) to 2.0 metres (7 ft.).
- (c) to increase the minimum front yard setback of the RA Zone for a principle building from 7.5 metres (25 ft.) to 15.0 metres (50 ft.).

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Uninhabited lot with detached garage structure.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across Crescent Road):	Elgin Heritage Park	Agricultural	RA
East (Across 136 Street):	Single Family Residential	Suburban	RA
South:	Single Family Residential	Suburban	RA-G
West:	Single Family Residential	Suburban	RA

DEVELOPMENT CONSIDERATIONS

- The subject site is comprised of a 0.14 hectare (0.36 acre) parcel zoned "One Acre Residential Zone (RA)" and designated Suburban in the OCP. It is located at the south-west corner of Crescent Road and 136th Street.
- The parcel is legal non-conforming and does not meet the minimum width or area requirements of the respective RA zone. The parcel is 19.6 metres (64 ft.) wide and 73.4 metres (240 ft.) deep.

- The subject property was subdivided from a parent parcel in 1949, prior to a zoning regulation bylaw being adopted by the City. The property was then "blanket zoned" along with most of Semiahmoo in 1952 with an acreage zone of the City's first zoning bylaw. Subsequent zoning bylaws have carried forward this zoning.
- The site currently contains a 2-storey detached garage accessory structure, with a footprint of approximately 80m² (875 sq. ft.).
- Previous owners of the property began construction of this structure without building permits. The structure does not meet the maximum accessory building height or minimum flanking street side yard setback of the RA Zone. A 1995 Board of Variance decision allowed retention of this structure. Building Permits were subsequently issued and the structure was completed. This structure is proposed to remain.
- The current owners took possession of the property in 2011.
- The property is currently listed for sale.

Proposal

- The applicants propose to reduce the *Side Yard* and *Side Yard on Flanking Street Setbacks* of the RA Zone (for a principle building) in order to widen the buildable area of the subject property.
- These existing setbacks result in a 5.7 metre (19 ft) wide building envelope.
- The applicants do not have proposed building plans for the subject site. Their intention is to receive a development variance permit in order to facilitate a sale of the property. The existing constrained building envelope has precluded the applicants being able to sell the property.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce to side yard setback (from the west property line) from 4.5 metres (15 ft.) to 3.0 metres (10 ft.) and the side yard to flanking street setbacks (from 136th Street) from 7.5 metres (25 ft.) to 2.0 metres (6 ft.).
- To increase the front yard setback (from Crescent Road) from 7.5 metres (25 ft.) to 15.0 metres (50 ft.)

Applicant's Reasons:

- Potential purchasers of the subject property are deterred by the existing setbacks and resulting narrow buildable area.

Staff Comments:

- The *Rear Yard* setbacks are not proposed to be changed.
- The applicants have volunteered to increase the *Front Yard* setback in order to ensure tree protection is maintained at the front of the lot, along Crescent Road.
- The RA Zone does not have a maximum floor area ratio (FAR). The size of structures on the property is regulated by the maximum lot coverage, which is 20%.

Previous Structure

- The principle dwelling that was originally on the subject site was irreparably damaged by fire in 2010 and subsequently demolished by the previous owners.
- Prior to its removal, this structure was approximately 205m² (2225 sq. ft.) in total floor area and was located approximately 3 metres (10 ft.) from the side [interior] lot line. It was built in 1974 and conformed to the Zoning Bylaw (No. 2265; repealed) at the time of construction. The structure became legal non-conforming upon adoption of subsequent zoning bylaws (No. 1549 and No. 12000, respectively), which reflected an increase in the side-yard setback for acreage type zoning.
- This previous structure was relatively small by modern standards. Given the size of existing dwellings on surrounding properties in the surrounding Semiahmoo area, it is reasonable to expect that any new principle dwelling constructed will be substantially larger. The existing setbacks cannot accommodate this.

Existing Setbacks & Buildable Area

- The existing *Side Yard on Flanking Street* setback, including the *Special Building Setback* (detailed below) is 9.44 metres (64 ft.) from the east property line (bordering 136th Street).
- The existing *Side Yard* setback (from the west [interior] property line) is 4.5 metres (15 ft.).
- These setbacks result in a potential building envelope width of 5.7 metres (19 ft.) (Appendix III).

Special Building Setbacks

- 136 Street does not currently meet the ultimate 30.0 metre (98 ft.) Highway allowance designation of “arterial” identified in the Surrey Subdivision and Development Bylaw, 1986, No. 8830. As such, *Special Building Setbacks* of Part 7 of the Zoning Bylaw (No. 12000) also apply to the subject property.
- Therefore, a 1.94 metre setback is required in addition to the *Side Yard on Flanking Street* setback of 7.5 metres (25 ft.).
- The Engineering Department has advised that there are currently no plans to widen 136 Street to its ultimate standard.

- Subsequent to the proposed Side Yard to Flanking Street setback of 2.0 metres (6 ft.), the 1.94 Special Building Setback will still apply, therefore making the flanking street setback a total of 3.94 metres from the existing property line.

Tree Preservation

- The applicants have provided a tree survey and arborist report along with a site plan indicating a potential building envelope. The site plan shows that reducing the setbacks and therefore increasing the buildable area will have minimal impact on tree retention (Appendix IV).
- The increased Front Yard setback provides additional security for the retention of trees along Crescent Road
- Retention and/or removal of specific trees resulting from construction of a dwelling will be addressed at the Building Permit stage. Potential purchasers of the property will be required to justify removal of any on-site or City trees as part of the plan-check and permitting process.
- The applicant has demonstrated that the maximum lot coverage (20%) can be achieved within this proposed building envelope.

Justification for Variance Permit

- The RA Zone setbacks are intended for parcels of land that are a minimum 50 metres wide, more than double the width of the existing parcel.
- The narrow building envelope would result in a house that would be out of character with surrounding single family dwellings. The maximum permitted sized structure could not be achieved within these setbacks.
- The proposed reduced side yard setback is consistent with the location of the previous structure on the property.
- Given that the parcel is legal non-conforming, that the previous principle dwelling was legal non-conforming, and that minimal trees will be affected by the reduced setbacks, staff believe that the proposal is justified.
- Staff agree that the reduced buildable area is an undue hardship to the existing and future owners.
- Staff support the proposed variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- | | |
|--------------|--|
| Appendix I. | Lot Owners and Project Data Sheet |
| Appendix II. | Site Plan (Existing) |
| Appendix III | Site Plan (Proposed) |
| Appendix IV | Site Plan (With Existing Trees) |
| Appendix V | Development Variance Permit No. 7913-0082-00 |

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

DS/da

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DRV 7/4/13 9:56 AM

Information for City Clerk

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

1. (a) Agent: Name: Mike Fadum

 Address: 12240 – Northpark Crescent
 Surrey, BC V3X 2B2

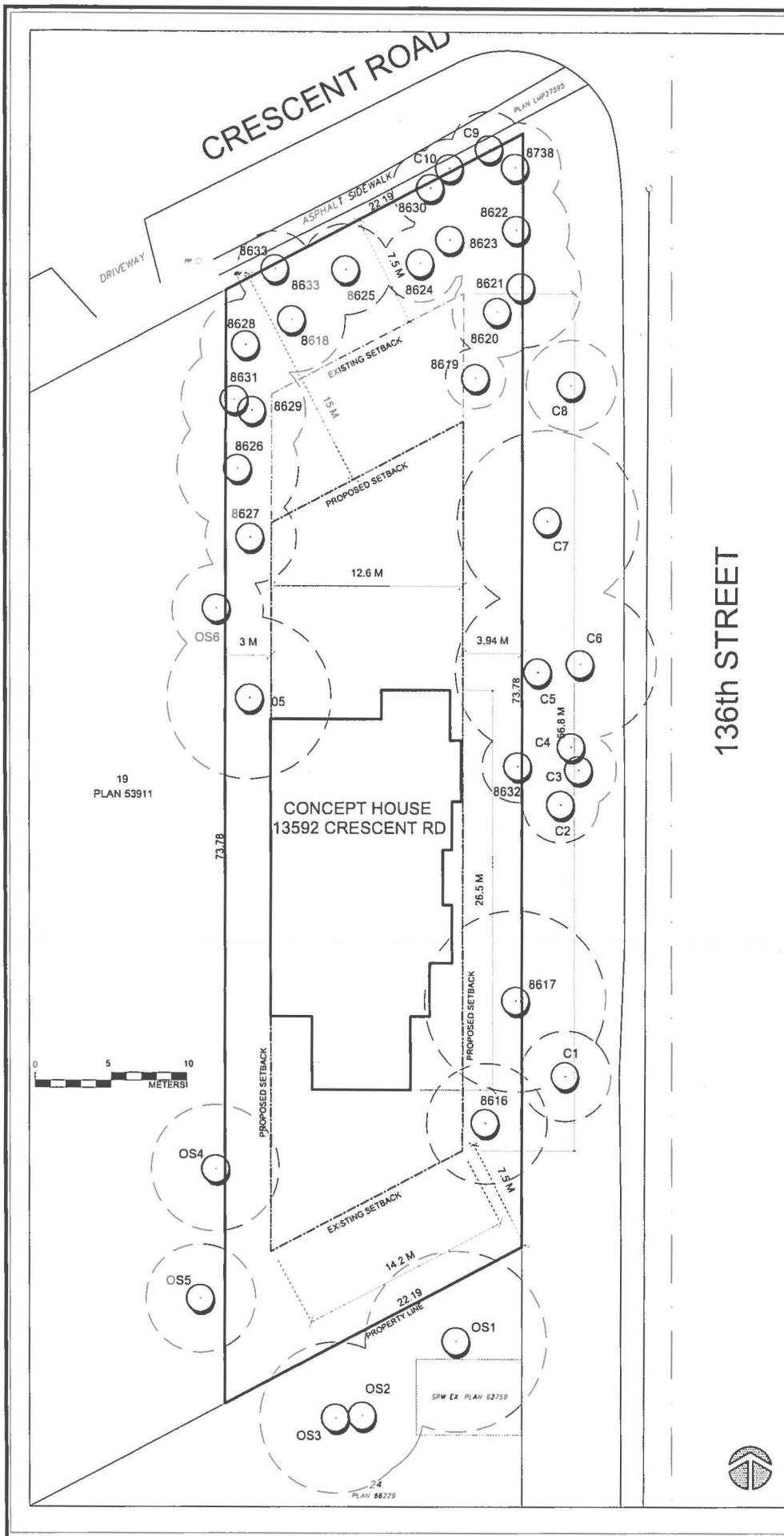
 Tel: 778-593-0300 - Office
 604-240-8867 - Cell

2. Properties involved in the Application
 - (a) Civic Address: 13592 - Crescent Road

 - (b) Civic Address: 13592 - Crescent Road
 Owner: Marion Van Zanten
 Daniel J Van Zanten

 PID: 007-729-731
 Lot 2 Except: Part Dedicated Road On Plan Lmp27595 Section 29 Township 1 New
 Westminster District Plan 10823

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7913-0082-00 and
 bring the Development Variance Permit forward for issuance and execution by the Mayor
 and City Clerk.



MIKE FADUM AND ASSOCIATES LTD.

#105, 8277 129 St.
 Surrey, British Columbia
 V3W 0A6
 Ph: (778) 593-0300
 Fax: (778) 593-0302
 Mobile: (604) 240-0309
 Email: mfadum@fadum.ca

CLIENT
 DAN VAN ZANTEN

FILE NO.

PROJECT TITLE
 TREE PRESERVATION
 AND PROTECTION PLAN
 13592 CRESCENT RD.,
 SURREY, B.C.

REVISIONS:

NO.	DATE	BY	REVISION
1	JUNE 5/13	SL	SITE REVISIONS

LEGEND
 EXISTING TREE
 MINIMUM NO DISTURBANCE ZONE
 (8X DIAMETER AS PER CITY OF SURREY POLICY)

SHEET TITLE
 SB3 - PROPOSED HOUSE
 LOCATION ON SITE

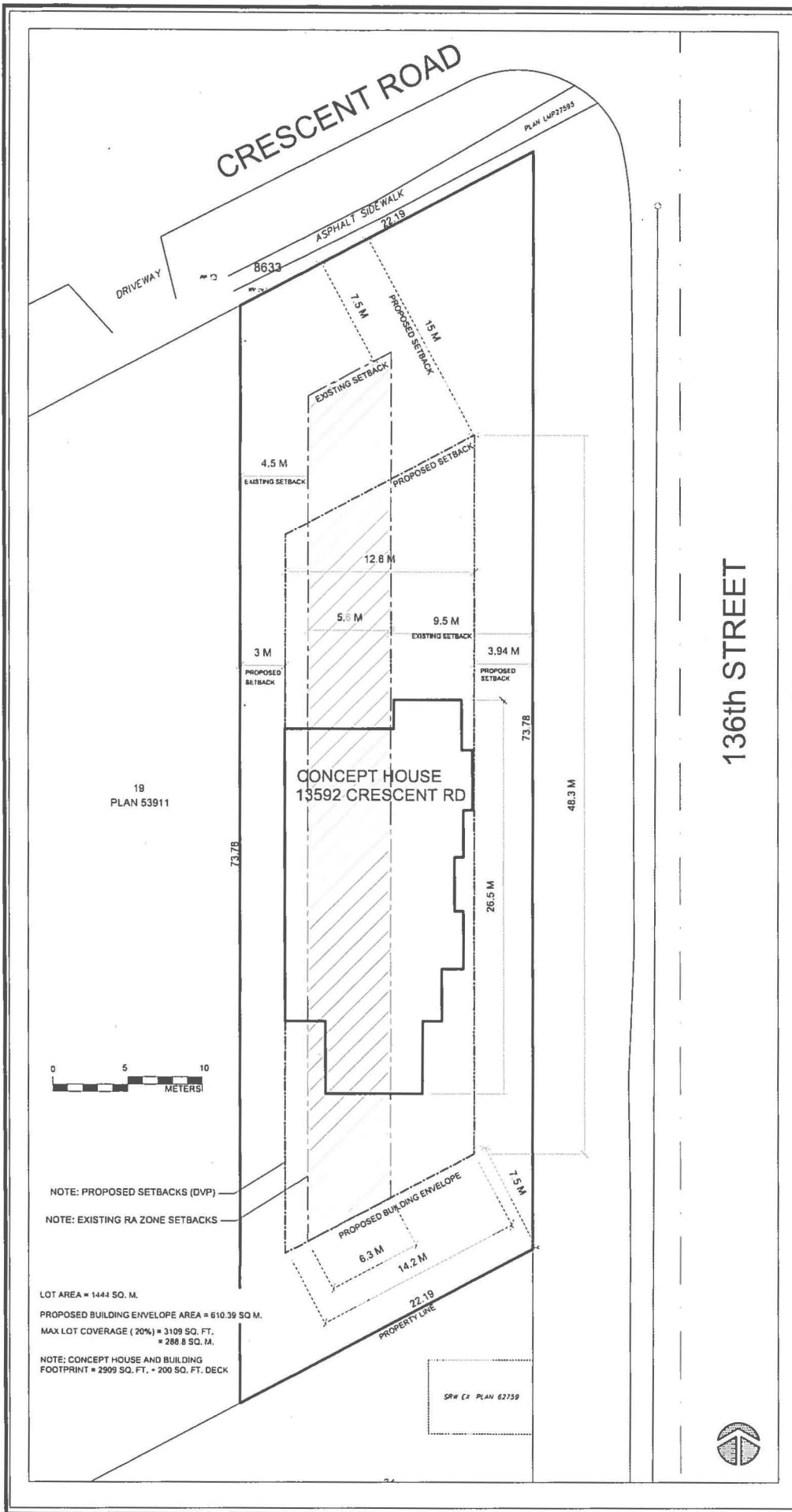
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SCALE
 AS SHOWN

DATE
 APRIL 26, 2013

SB-3
 SHEET 3 OF 3



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Mobile: (604) 240-0309
Email: mfadum@fadum.ca

CLIENT
DAN VAN ZANTEN

FILE NO.

PROJECT TITLE
TREE PRESERVATION AND PROTECTION PLAN
13592 CRESCENT RD., SURREY, B.C.

REVISIONS:

NO.	DATE	BY	REVISION
1	JUNE 5/13	SL	SITE REVISIONS

NOTE: DEVELOPMENT VARIANCE PERMIT TO VARY SETBACKS AS SHOWN

SHEET TITLE
SB1 - SETBACK PLAN

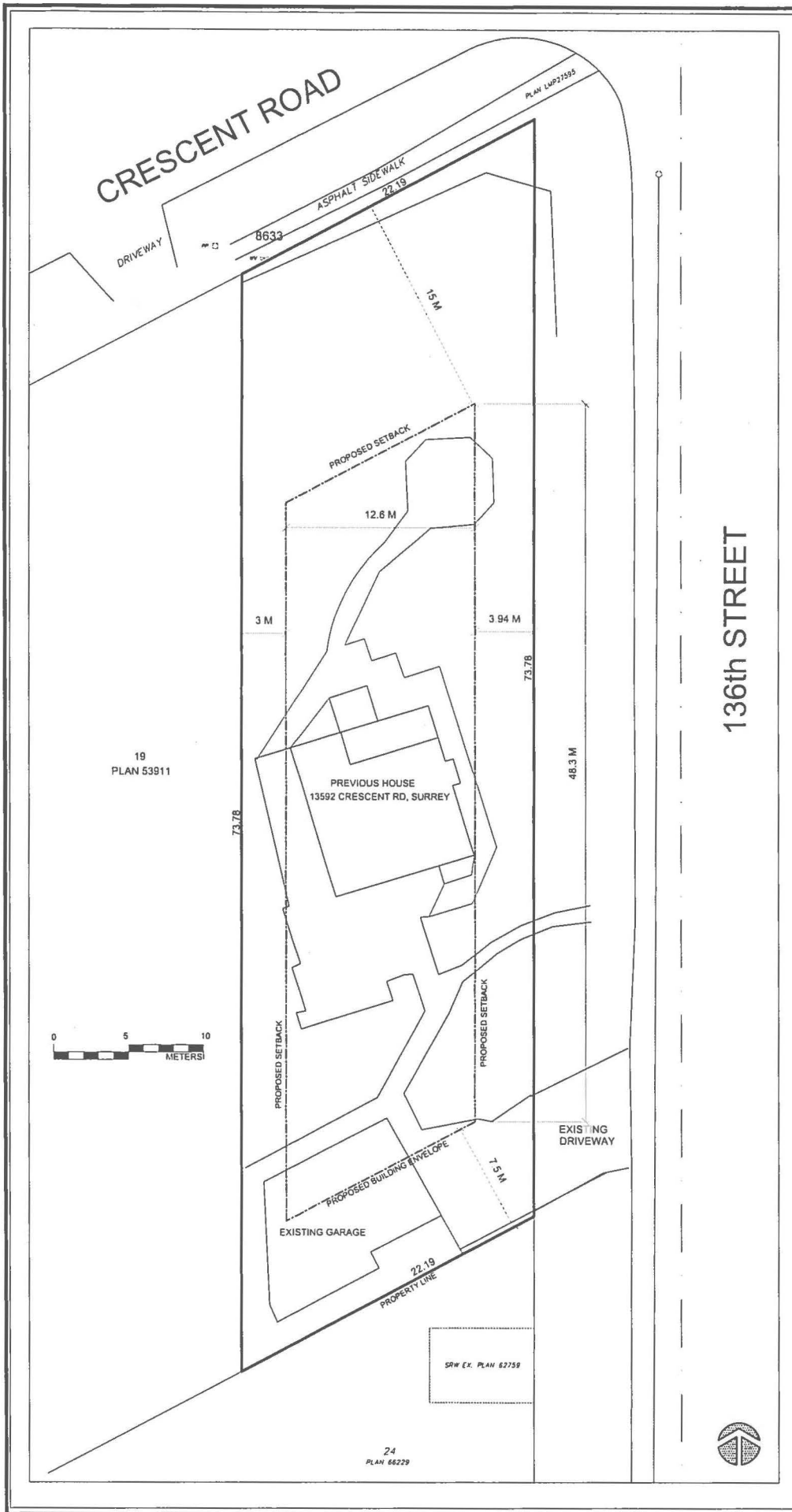
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SB-1
SHEET 1 OF 3



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CLIENT
DAN VAN ZANTEN

FILE NO.

PROJECT TITLE
TREE PRESERVATION AND PROTECTION PLAN
13592 CRESCENT RD., SURREY, B.C.

REVISIONS:

NO.	DATE	BY	REVISION
1	JUNE 5/13	SL	SITE REVISIONS

SHEET TITLE
SB2 - PREVIOUS HOUSE LOCATION ON SITE

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APRIL 26, 2013

SB-2
SHEET 2 OF 2



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7913-0082-00

Issued To: DANIEL J VAN ZANTEN
MARION VAN ZANTEN

("the Owner")

Address of Owner: 12090 - 57 Avenue
Surrey, BC V3X 2S4

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: 007-729-731

Lot 2 Except: Part Dedicated Road On Plan Lmp27595 Section 29 Township 1 New
Westminster District Plan 10823

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Part 12, Section F. "Yards and Setbacks", the minimum "*Side Yard on Flanking Street*" setback for a principle building is reduced from 7.5 metres (25 ft.) to 2.0 metres (6.0 ft.).
 - (b) In Part 12, Section F. "Yards and Setbacks", the minimum "*Side Yard*" setback for a principle building is reduced from 4.5 metres (15 ft.) to 3.0 metres (10 ft.).
 - (c) In Part 12, Section F. "Yards and Setbacks", the minimum "*Front Yard*" setback for a principle building is increased from 7.5 metres (25 ft.) to 15.0 metres (50 ft.).
4. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

5. 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.
6. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
7. 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