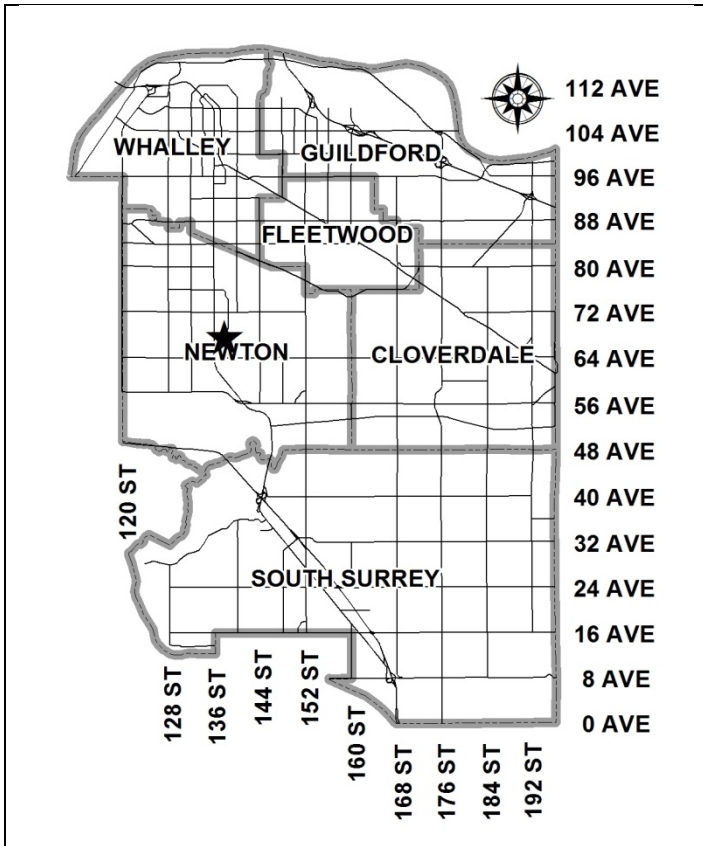


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7913-0084-00

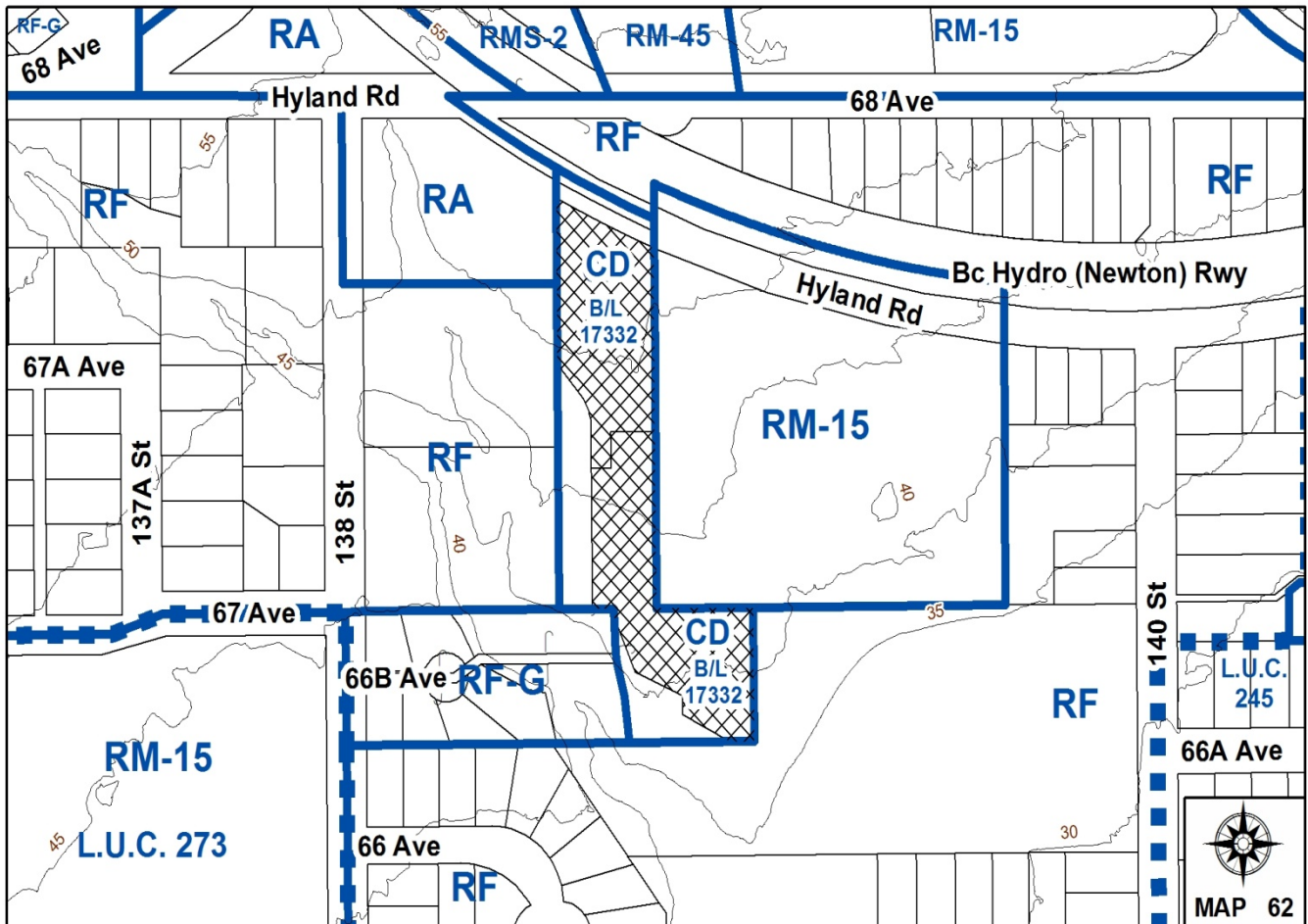
Planning Report Date: May 27, 2013



PROPOSAL:

- **Development Variance Permit**
 in order to relax the side yard setback to allow retention of newly constructed amenity building

LOCATION: 13864 - Hyland Road
OWNER: Alpha Beta (Hyland Properties) Ltd
ZONING: CD (By-law No. 17332)
OCP DESIGNATION: Urban
LAP DESIGNATION: Urban Residential



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking reduced side yard setback from 2.8 m to 2.73 m to allow existing encroachment of the newly constructed amenity building.

RATIONALE OF RECOMMENDATION

- The proposed development was approved under application 7909-0214-00, and there was an error during construction. The variance requested is less than 0.1 m (4 in).
- The proposed setback relaxation will not impact the current site layout on adjacent park.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7913-0084-00 (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum Side Yard #1 (West) setback of the CD By-Law No. 17332 from 2.8 metres (9 ft.) to 2.73 metres (8.9 ft.).

REFERRALS

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

Parks, Recreation & Culture: Parks has no concerns with the reduced building setback provided the riparian area/fencing remains untouched.

SITE CHARACTERISTICS

Existing Land Use: Multi-family buildings under construction

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across Hyland Road):	BC Hydro (Newton) Railway single family and multi-family dwellings	Urban / Urban Residential and Multiple Residential (medium rise)	RM-45, RM-15 and RF
East:	Townhouse development and Hyland Elementary School	Urban / Urban Residential and Open Space & School	RM-15 and RF
South:	Hyland Creek Park and Hyland Elementary School	Urban / Urban Residential and Open Space	RF-G and RF
West:	Single Family homes and Hyland Creek	Urban / Open Space	RF and RA

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is currently zone “Comprehensive Development Zone (CD) By-Law No. 17332”, designated “Urban” in the OCP, and designated “Urban Residential” in the Newton Local Area Plan (LAP).
- The proposed development was approved under Development Application No. 7909-0214-00, for 43 townhouses and amenity building, with final adoption in November 2011. Phase 1 is complete with 19 units and the amenity building, and Phase 2 is under construction with the remaining 24 units.

Current Proposal

- According to the approved Development Permit, the amenity building was supposed to be sited at a minimum 2.80 m setback from the dedicated park to the west. However, a survey of the completed building revealed that the building was actually setback 2.73 m, as shown in Appendix III.
- The applicant is seeking relaxation to allow existing building to be retained in the current location, effectively at a 0.07 m (4 in) encroachment into the setback area.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary Side Yard #1 (West) Setback from 2.8 m (9 ft.) to 2.73 m (8.9 ft.).

Applicant's Reasons:

- Due to an error in construction, the amenity building was built with a slight encroachment into the existing setback, and the applicant would like to vary the setback so the building can be retained in its current position.

Staff Comments:

- The proposal to reduce the side setback will allow the building to be retained in current position, and will not impact the current site layout or adjacent park.
- 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
Appendix II.	Site Survey
Appendix III	Development Variance Permit No. 7913-0084-00

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

LFM/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: Arthur Buse
 Boldwing Continuum Architects Inc.
 Address: Unit 300 - 7337 - 137 Street
 Surrey BC
 V3W 1A4

 Tel: 604-594-4787

2. Properties involved in the Application
 - (a) Civic Address: 13864 Hyland Road
 Owner: Alpha Beta (Hyland Properties) Ltd
 PID: 028-739-426
 Lot 1 Section 16 Township 2 New Westminster District Plan BCP49721

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7913-0084-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

DEVELOPMENT DATA SHEET

Proposed/Existing Zoning: CD By-Law No. 17332

Required Development Data	Minimum Required / Maximum Allowed	Proposed
SETBACKS (in metres)		
Side Yard #1 (W)	2.8 m	2.73 m

B.C. LAND SURVEYORS CERTIFICATE OF LOCATION SHOWING IMPROVEMENTS ON PART OF LOT 1 SECTION 16 TOWNSHIP 2 NEW WESTMINSTER DISTRICT PLAN BCP49721

0 25 50

SCALE 1 : 500 DISTANCES ARE IN METRES

PREPARED FOR: ALPHA BETA (HYLAND PROPERTIES) LTD.

Lot dimensions and clearances according to Plan BCP49721.

This plan was prepared for inspection purposes and is for the exclusive use of our client. The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made or actions taken based on this document. This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

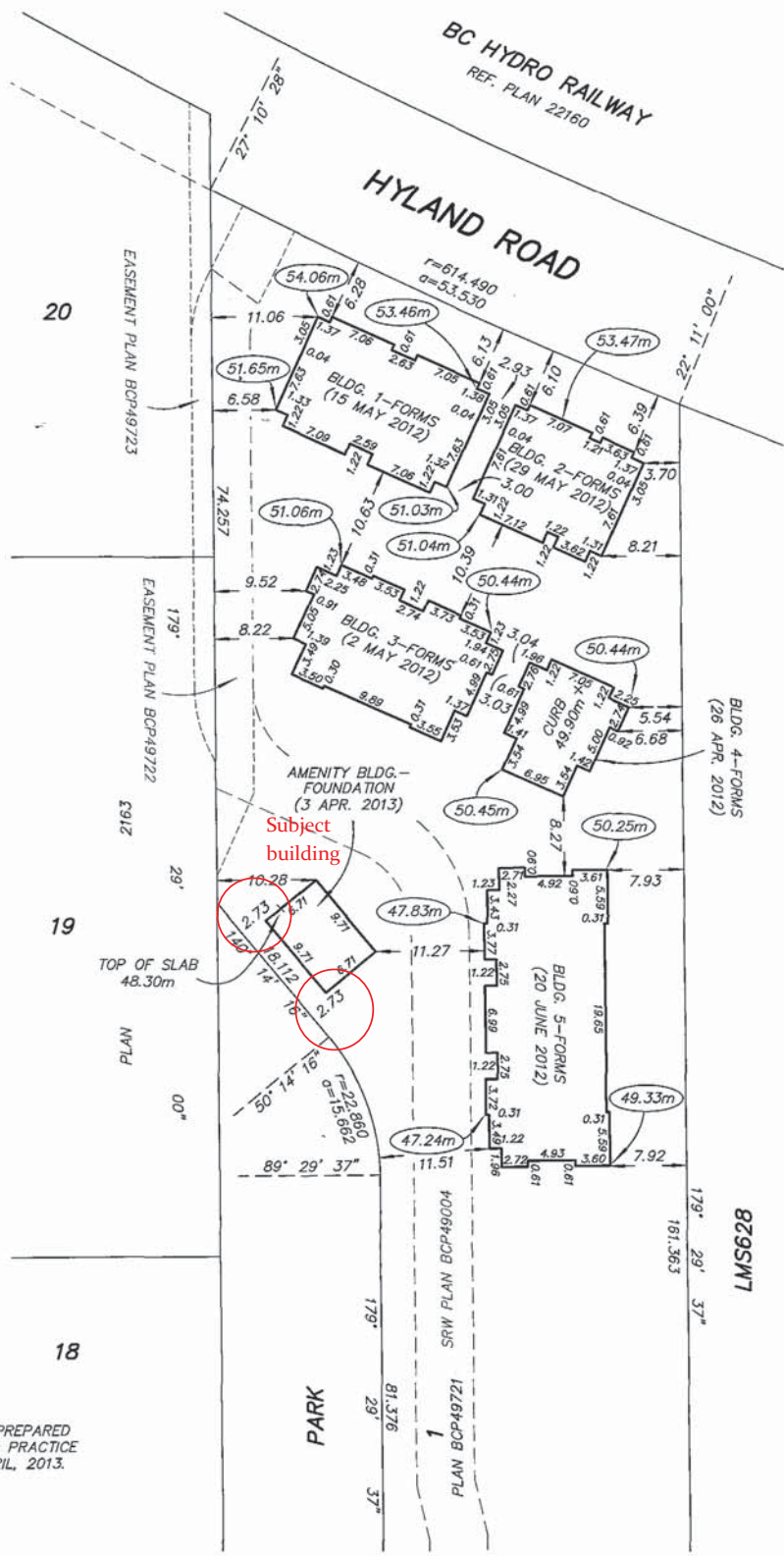
CIVIC ADDRESS:

13864 HYLAND ROAD
SURREY, B.C.

ELEVATION DERIVATION

ELEVATIONS ARE DERIVED FROM CITY OF BURNABY CONTROL MONUMENT
No. 5928 ELEVATION=54.021m
CVD28 GVRD (2010)

00.00m DENOTES POUR STRIP ELEVATION



THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS 3rd DAY OF APRIL, 2013.

[Signature]

B.C.L.S.

JESSE MORIN

This document is not valid unless originally signed and sealed.

FOR MUNICIPAL AND OR MORTGAGE PURPOSES

**BUTLER
SUNDVICK**

4 - 19089 94th Ave
Surrey, BC V4N 3S4
www.butlersundvick.ca
Tel. 604-513-9611

File: 4041
Dwg: 4041-LO (CE) REV. 6

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7913-0084-00

Issued To: ALPHA BETA (HYLAND PROPERTIES) LTD

("the Owner")

Address of Owner: Unit 918 1030 West Georgia Street
Vancouver BC
V6E 2Y3

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: 028-739-426
Lot 1 Section 16 Township 2 New Westminster District Plan BCP49721

13864 Hyland Road

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended by By-Law No. 17332, is varied as follows:
 - (a) In Section F of CD By-law No. 17332, the minimum side yard #1 (west) setback is relaxed from 2.8 metres (9 ft.) to 2.73 metres (8.9 ft.), as shown on attached Schedule A, which forms part of this permit.
4. 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.
5. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

6. 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

**B.C. LAND SURVEYORS CERTIFICATE OF LOCATION
SHOWING IMPROVEMENTS ON PART OF LOT 1 SECTION 16
TOWNSHIP 2 NEW WESTMINSTER DISTRICT PLAN BCP49721**



SCALE 1 : 500 DISTANCES ARE IN METRES

PREPARED FOR: ALPHA BETA (HYLAND PROPERTIES) LTD.

Lot dimensions and clearances according to Plan BCP49721.

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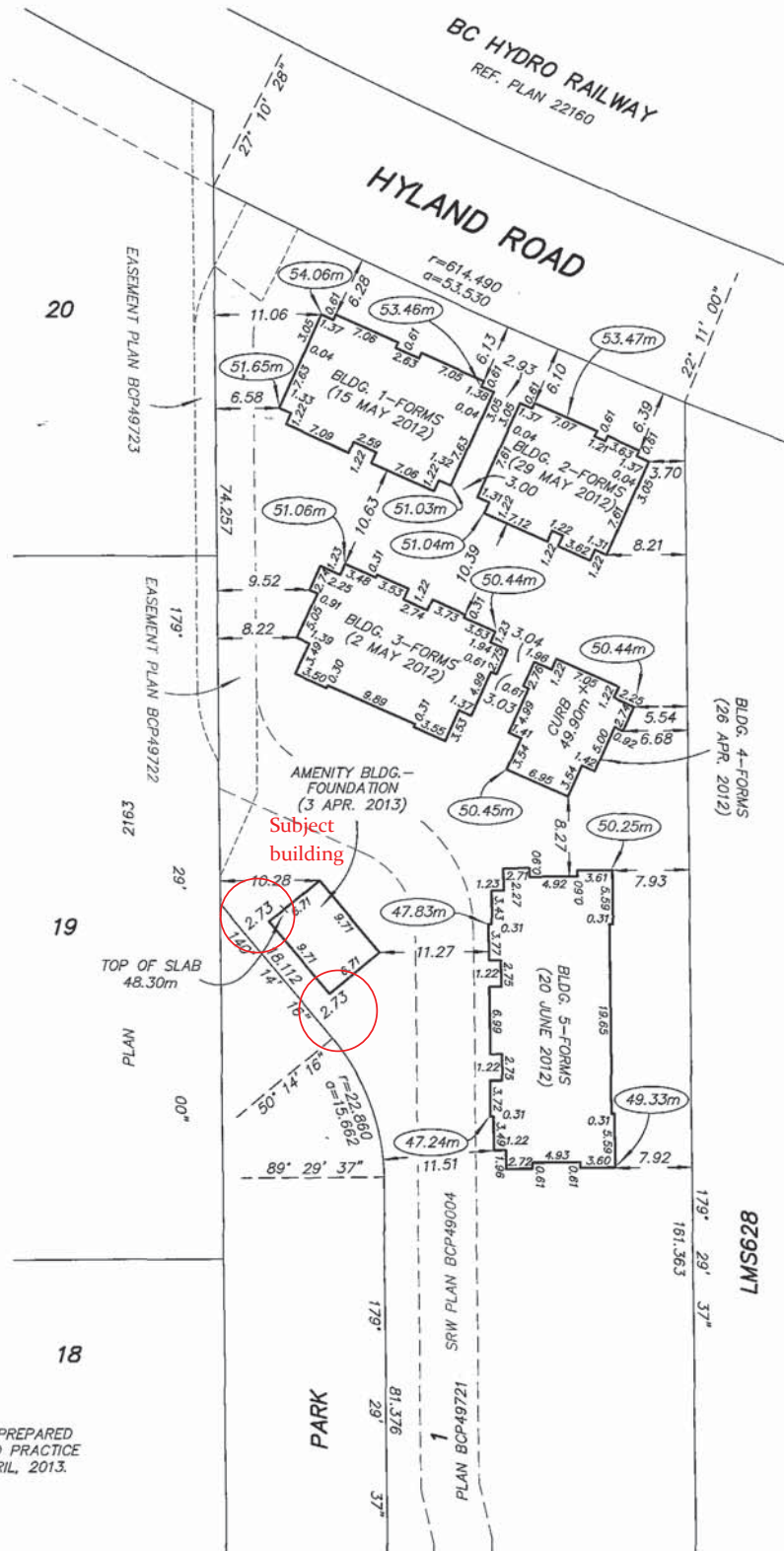
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