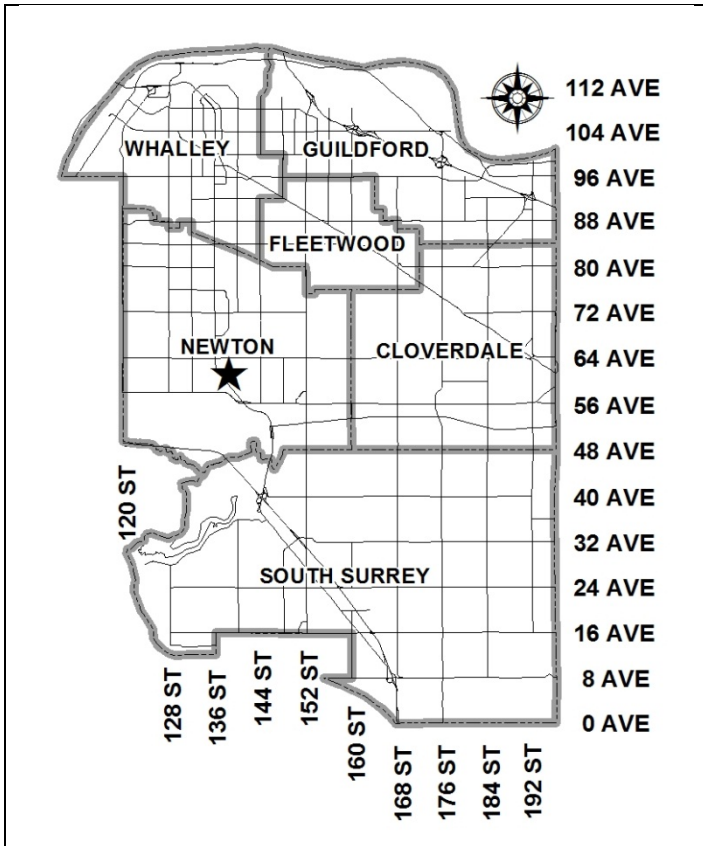


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7913-0204-00

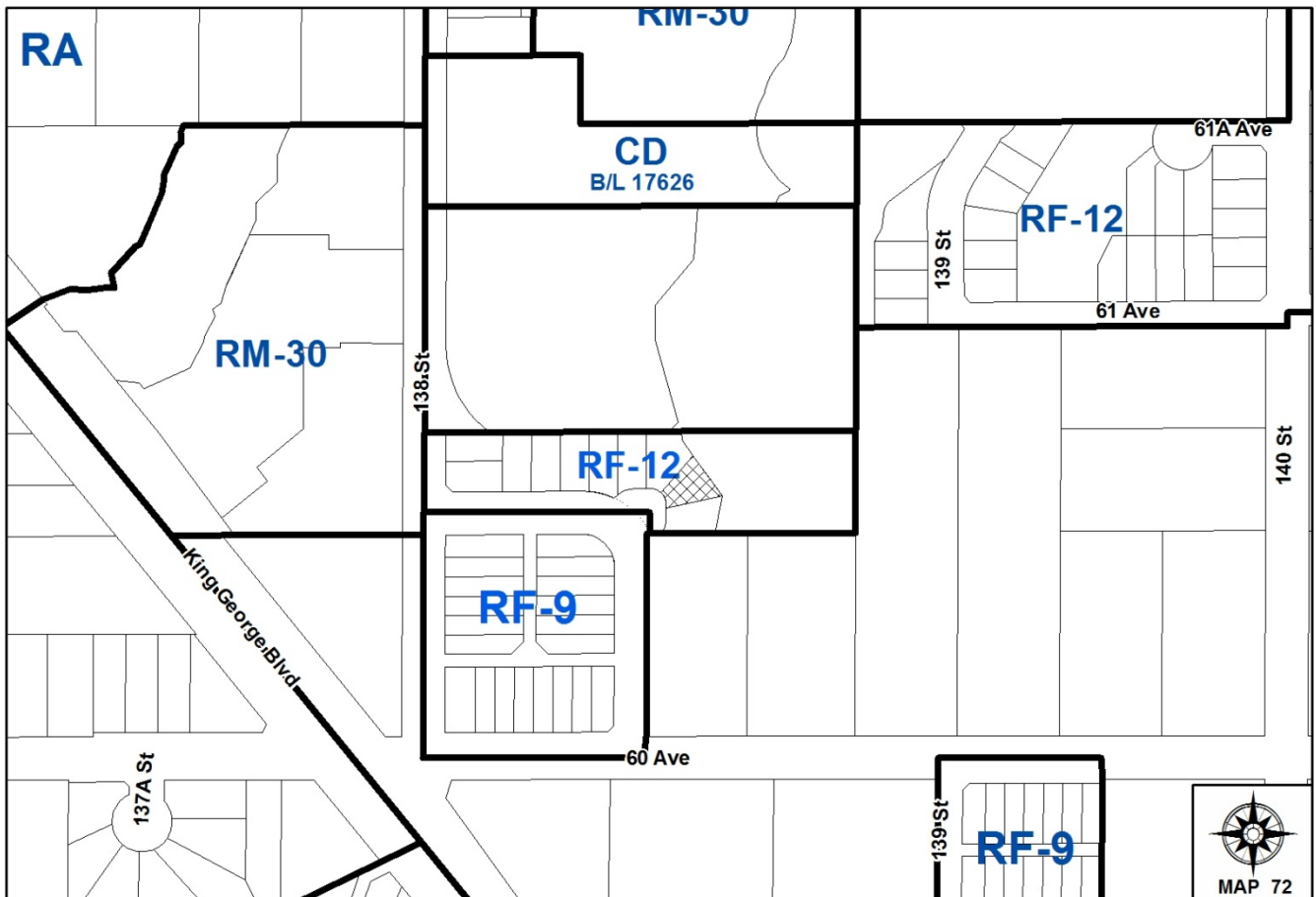
Planning Report Date: September 23, 2013



**PROPOSAL:**

- **Development Variance Permit**  
 To reduce the minimum rear yard setback on Lot 9.

**LOCATION:** 6050 - 138A Street  
**OWNER:** North 60 Development Inc.  
**ZONING:** RF-12  
**OCP DESIGNATION:** Urban  
**NCP DESIGNATION:** Single Family Small Lots



### RECOMMENDATION SUMMARY

- Approval for Development Variance Permit (DVP) to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- A DVP is required to vary the minimum rear yard setback in the RF-12 Zone from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for 50% of the rear width of the principle building and 5.5 metres (18 ft.) for the remaining 50% of the rear width of the building.

### RATIONALE OF RECOMMENDATION

- The proposed variance will ensure the future owner of Lot 9 can build a reasonable sized home with a functional floor plan, while continuing to respect the no-disturb, no-build areas specified in the tree protection covenant registered on-site.
- The proposed variance will have little impact on neighbouring properties, and will provide for a useable back yard.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7913-0204-00 (Appendix III) varying the following, to proceed to Public Notification:

- (a) Reduce the minimum rear yard setback on Lot 9 to 6.0 metres (20 ft.) for 50% of the principal building's rear width and to 5.5 metres (18 ft.) for the remaining 50% of the building's rear width.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Empty single family residential lot

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Empty residential lot	Urban/ Single Family Small Lots	RF-12
East:	Dedicated park land	Urban/Creeks and Riparian Setbacks	RA
South:	Empty residential lot	Urban/Single Family Small Lots	RF-12
West:	Empty residential lot	Urban/Single Family Residential	RF-12, RF-9

DEVELOPMENT CONSIDERATIONSBackground

- On July 29, 2013, Council gave final reading to By-law No. 17675 rezoning the three properties under application #7912-0037-00 from "One-Acre Residential Zone (RA)" to "Single Family Residential (12) Zone (RF-12)" and "Single Family Residential (9) Zone (RF-9)" to create 30 new residential small lots.
- The application involved amending the South Newton Neighbourhood Concept Plan (NCP) from "Townhouse 15 upa max" to "Single Family Small Lots".
- The present development site, Lot 9, was created through this application. Lot 9 is a Type II RF-12 zoned, pie-shaped lot, which abuts a new cul-de-sac bulb at the north east corner of a re-aligned 138 Street. The lot measures 359 m<sup>2</sup> (3,864 ft<sup>2</sup>) in area and backs onto a riparian area.
- At the time of subdivision, a tree protection covenant was registered against Lot 9. The covenant identifies no-build and no-disturb areas at the rear of Lot 9 to protect the roots of several mature trees located on the riparian land, conveyed to the City under the application.

### The Proposal

- Under the RF-12 Zone, the minimum rear yard setback for the principle building is 7.5 m (25 ft.). This setback may be further reduced to 6.0 m (20ft) for a maximum of 50 % of the building's rear width.
- The applicant is proposing to vary the Zoning By-law by reducing the minimum rear yard setback on Lot 9 to 6.0 metres (20 ft.) for 50% of the principle building's rear width and to 5.5 metres (18 ft.) for the remaining 50% of the building's rear width.
- The applicant is, therefore, effectively requesting a variance of 1.5 metres (5 ft) along 50% of the building's rear width and 0.5 metres (1.6 ft.) along the remaining 50% of the building's rear width. The "hatched" area shown in the attached DVP sketch illustrates the additional buildable area which may be achieved through the proposed rear yard variance (Appendix II).
- The variance on Lot 9 is being requested due to the site's shape and configuration. While Lot 9 conforms to the Zoning Bylaw, it is shaped like a wedge, with relatively little frontage in comparison to its rear yard width. Much of the rear yard, however, cannot be developed or built upon as it is located within the specified 7.5 metre setback. Consequently, the total floor area a dwelling unit could achieve, without a variance, is approximately 194 m<sup>2</sup> (2,089 sq.ft.).
- The proposed DVP will allow the applicant to add an additional 10.92 m<sup>2</sup> (117.5 sq.ft) of floor area to the main floor and an additional 8.74 m<sup>2</sup> (94 ft<sup>2</sup>) to the upper floor, for a dwelling unit with a total floor area of 213 m<sup>2</sup> (2,301 ft<sup>2</sup>).
- It should be noted even with this variance, the proposed dwelling unit will not be able to achieve the maximum floor area typically allowed on an RF-12 lot, the size of Lot 9. Normally, a developer would be permitted to build a 251 m<sup>2</sup> (2,705 ft<sup>2</sup>) home on a rectangular shaped lot measuring 359 m<sup>2</sup> (3,864 ft<sup>2</sup>) in area.

### BY-LAW VARIANCE AND JUSTIFICATION

#### (a) Requested Variance:

- To reduce the minimum rear yard setback on Lot 9 from 7.5 metres to 6.0 metres (20 ft.) for 50% of the rear width of the principal building and 5.5 metres (18 ft.) for the remaining 50% of the rear width of the principle building.

#### Applicant's Reasons:

- The developable area of Lot 9 is limited by the shape and geometry of the pie-shaped lot. Reducing the required rear yard setback will enable a future owner to add the additional floor area to achieve a larger, more marketable house and functional floor plan, while respecting the registered tree protection zones.
- The variance will ensure the future house on Lot 9 is in keeping with the character of the subdivision and the lot is not devalued.

**Staff Comments:**

- The RF-12 zone permits a relaxation to the minimum rear yard setback of 7.5 metres (25 ft.) at the first floor to 6.0 metres (20 ft.) for a maximum of 50% of the width of the rear of the principal building.
- The requested variance will allow 50% of the dwelling unit to have a rear yard setback of 6.0 metres (20 ft.) and the remaining 50% of the dwelling unit to have a rear yard setback of 5.5 metres (18 ft.)
- Allowing for the reduction of the minimum rear yard setback (by 1.5 metres (5ft.) and 0.5 metres (1.6 ft) respectively), will increase the buildable area of Lot 9 and enable the development of a reasonable sized house, closer to that typically allowed under the Zoning Bylaw.
- The impact of the DVP is anticipated to be minor. The rear yard of Lot 9 backs onto a riparian area and will allow for an 8 foot wide deck to cantilever into the setback. It will also still result in a useable back yard area, with no impact on the surrounding tree protection zones.
- The extension of the building' envelope into the rear yard setback is will have little impact or overlook into the rear yards of neighbouring Lots 8 and 10.

**INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

Appendix I	Lot Owners and Action Summary
Appendix II	7913-0204-00 Subdivision Layout, DVP Sketch for Lot 9
Appendix III	Development Variance Permit No. 7913-0204-00

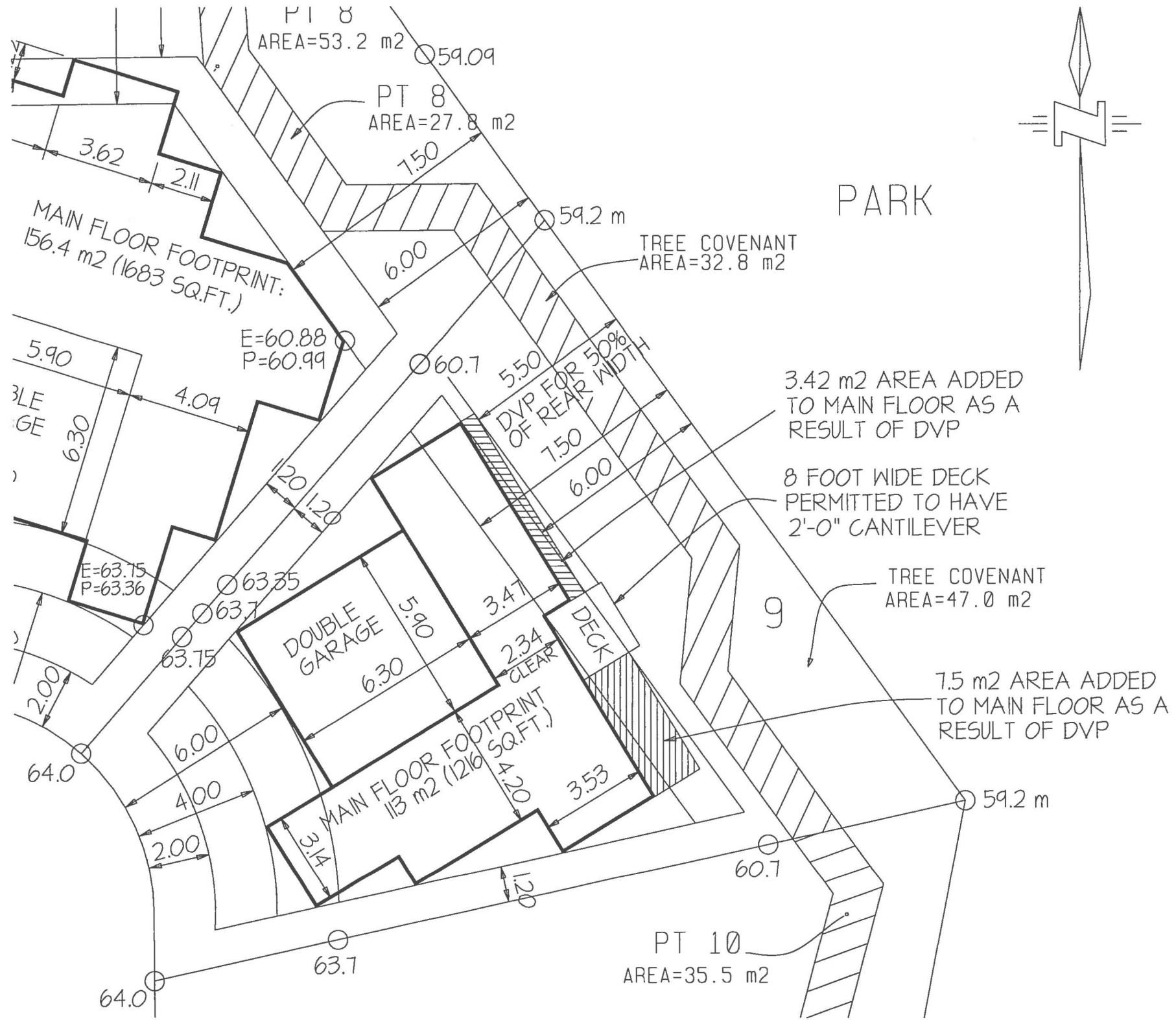
*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

HP/da

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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7913-0204-00

Issued To: NORTH 60 DEVELOPMENT INC

("the Owner")

Address of Owner: 2638 - Cedar Drive  
Surrey, BC V4A 3K7

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: 029-154-910  
Lot 9 Section 9 Township 2 New Westminster District Plan EPP32015

6050 - 138A Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:  
  
In Section F of Part 17A "Single Family Residential (12) Zone (RF-12)" the minimum rear yard setback may be reduced to 6.0 metres (20 ft.) for a maximum of 50% of the width of the rear of the principal building and 5.5 metres (18 ft.) for the remaining 50% of the width of the rear of the principal building.
4. This development variance permit applies to only the portion of the Land (Lot 9) shown on 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 .

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Mayor – Dianne L. Watts

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City Clerk – Jane Sullivan

STRATA PLAN  
BCS1446

PARK  
PLAN BCP14288

COVENANT  
PLAN BCP14289

PLAN BCP14290

REM 10  
PLAN 42271

PARK  
0.332 ha

SECTION

SEE  
DETAIL

BLOCK 2

SCHEDULE A

