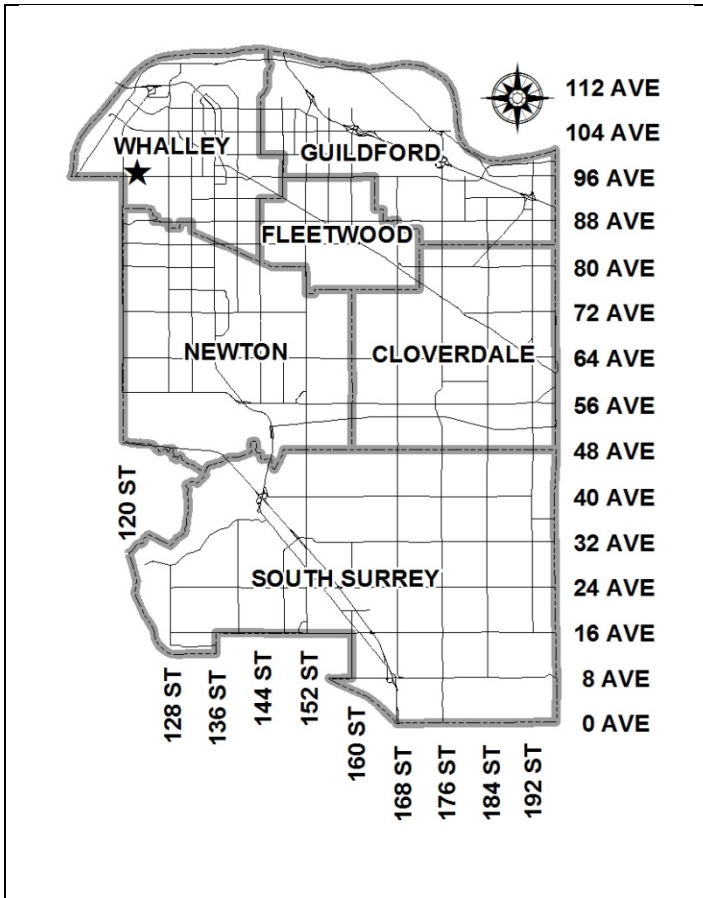


City of Surrey  
**ADDITIONAL PLANNING COMMENTS**

Files: 7913-0207-00  
 7911-0320-00

Planning Report Date: June 23, 2014



**PROPOSAL:**

- **Rezoning** portions from RM-D and RF to CD (based on RM-D) and RF-12
- **Development Variance Permit**
- **Development Permit**

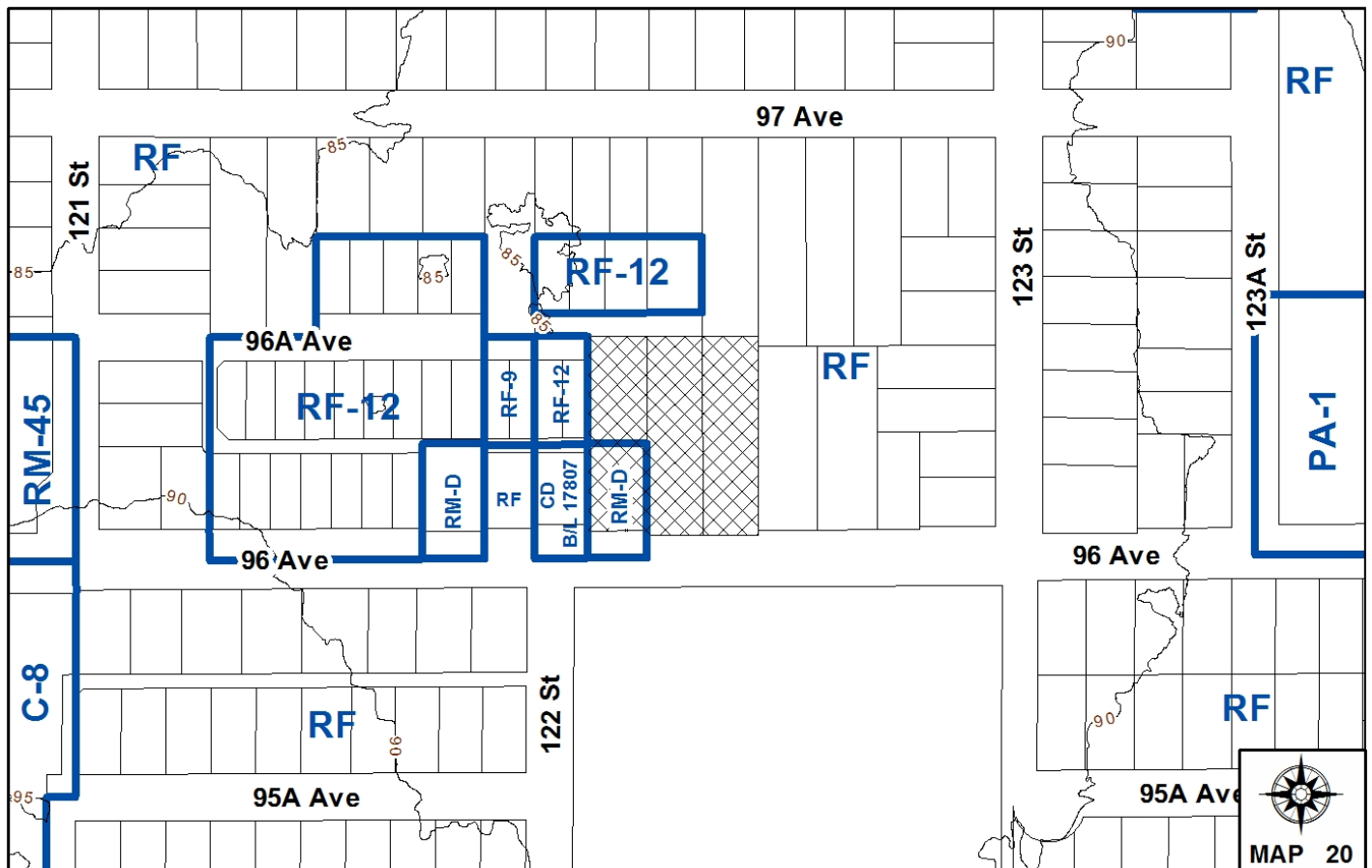
in order to retain an existing duplex and to allow subdivision into 10 small single family lots under two separate applications.

**LOCATION:** 12215, 12217, 12229 and 12239 - 96 Avenue

**OWNERS:** Gurwinder K Sarai et al.

**ZONING:** RM-D and RF

**OCP DESIGNATION:** Urban



### RECOMMENDATION SUMMARY

- Council proceed with Option 1 as outlined in this report, consider Third Reading of Rezoning By-law Nos. 18176, 18177, and 18178, rezoning a portion of the site from RM-D to CD and the remaining portions from RF to RF-12.
- Based on Option 1, Council consider support of Development Variance Permit No. 7911-0320-00, to vary the rear yard setback for an existing single family dwelling and duplex.
- Based on Option 1, Council approve Development Variance Permit Nos. 7911-0320-01 and 7913-0207-01 to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking a variance for reduced lot width and setbacks.

### RATIONALE OF RECOMMENDATION

- Following the March 10, 2014 Public Hearing for the two subject applications, Council required that concerns raised at the Public Hearing be addressed.
- Various options have been considered, however, no option has been endorsed by all applicants and property owners consulted.
- Although not the preferred option of the applicants, Option 1 addresses several concerns, including the potential for all stakeholders to achieve RF-12 lots fronting 96A Avenue. Additionally, it secures the rear lane outlet to 96A Avenue under the subject applications and eliminates the requirement for a temporary turnaround within the rear lane.
- The proposed location of a future north/south rear lane is generally acceptable to the Transportation Division.

RECOMMENDATION

The Planning & Development Department recommends that Council proceed with Option 1 (Appendix B), as outlined in this report, and that Council:

1. Consider Third Reading of Rezoning By-law Nos. 18176, 18177 and 18178.
2. Consider support of Development Variance Permit No. 7911-0320-00 to:
  - (a) reduce the minimum rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) for proposed Lot 5; and
  - (b) reduce the minimum rear yard setback of the proposed CD Zone from 15 metres (50 ft.) to 7.3 metres (24 ft.) for proposed Lot 6.
3. Council approve Development Variance Permit No. 7911-0320-01 (Appendix I) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum lot width of the RF-12 Zone from 12 metres (40 ft.) to 11.09 metres (36 ft.) for proposed Lots 1 to 4 inclusive.
4. Council approve Development Variance Permit No. 7913-0207-01 (Appendix J) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum lot width of the RF-12 Zone from 12 metres (40 ft.) to 11.09 metres (36 ft.) for proposed Lots 1 and 2; and
  - (b) to reduce the minimum lot width of the RF-12 Zone from 12 metres (40 ft.) to 11.91 metres (39 ft.) for proposed Lots 3 and 4.
5. Instruct staff to resolve all conditions of approval endorsed by Council on February 24, 2014 [RES.R14-216 and RES.R14-223], as documented in initial Planning Report Nos. 7911-0320-00 and 7913-0207-00 (Appendices G and H), prior to consideration of final adoption.

Should Council wish to proceed with Option 2 (Appendix C), as outlined in this report, it is recommended that Council:

1. Consider Third Reading of Rezoning By-law Nos. 18176, 18177 and 18178.
2. Consider support of Development Variance Permit No. 7911-0320-00 to:
  - (a) reduce the minimum rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) for proposed Lot 5; and
  - (b) reduce the minimum rear yard setback of the proposed CD Zone from 15 metres (50 ft.) to 7.3 metres (24 ft.) for proposed Lot 6.

3. Consider support of Development Variance Permit No. 7913-0207-00 to:
  - (a) reduce the minimum lot width of the RF-12 Zone from 12 metres (40 ft.) to 11.9 metres (39 ft.) for proposed Lots 1 to 4 inclusive.
4. Instruct staff to resolve all conditions of approval endorsed by Council on February 24, 2014 [RES.R14-216 and RES.R14-223], as documented in initial Planning Report Nos. 7911-0320-00 and 7913-0207-00 (Appendices G and H), prior to consideration of final adoption, and instruct staff to resolve the following additional issue prior to final adoption:
  - (a) provide the City cash-in-lieu for 100% of the construction cost of the 6-metre (20 ft.) wide future north/south rear lane, proposed off-site to the east on 12249 and 12261 - 96 Avenue.

Should Council wish to proceed with Option 3 (Appendix C), as outlined in this report, it is recommended that Council:

1. Consider Third Reading of Rezoning By-law Nos. 18176, 18177 and 18178.
2. Consider support of Development Variance Permit No. 7911-0320-00 to:
  - (a) reduce the minimum rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) for proposed Lot 5; and
  - (b) reduce the minimum rear yard setback of the proposed CD Zone from 15 metres (50 ft.) to 7.3 metres (24 ft.) for proposed Lot 6.
3. Consider support of Development Variance Permit No. 7913-0207-00 to:
  - (a) reduce the minimum lot width of the RF-12 Zone from 12 metres (40 ft.) to 11.9 metres (39 ft.) for proposed Lots 1 to 4 inclusive.
4. Instruct staff to resolve all conditions of approval endorsed by Council on February 24, 2014 [RES.R14-216 and RES.R14-223], as documented in initial Planning Report Nos. 7911-0320-00 and 7913-0207-00 (Appendices G and H), prior to consideration of final adoption, and instruct staff to resolve the following additional issue prior to final adoption:
  - (a) provide the City cash-in-lieu for 50% of the construction cost of the 6-metre (20 ft.) wide north/south rear lane, proposed off-site to the east on 12249 and 12261 - 96 Avenue.

Should Council wish to proceed with Options 4 or 5 (Appendices D and E), as outlined in this report, it is recommended that Council:

1. Consider Third Reading of Rezoning By-law Nos. 18176 and 18177.
2. Consider support of Development Variance Permit No. 7911-0320-00 to:

- (a) reduce the minimum rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) for proposed Lot 5; and
  - (b) reduce the minimum rear yard setback of the proposed CD Zone from 15 metres (50 ft.) to 7.3 metres (24 ft.) for proposed Lot 6.
3. Instruct staff to resolve all conditions of approval endorsed by Council on February 24, 2014 [RES.R14-216], as documented in initial Planning Report No. 7911-0320-00 (Appendix G), prior to consideration of final adoption.
4. Refer Application No. 7913-0207-00 back to staff to determine the appropriate Development Variance Permit and/or rezoning that is required to proceed.

### ADDITIONAL PLANNING COMMENTS

#### Background

- On February 24, 2014, Planning Reports for the two subject applications were presented to Council recommending that Council introduce by-laws to:
  - rezone a portion of 12215/12217 – 96 Avenue from "Duplex Residential Zone (RM-D)" to "Comprehensive Development Zone (CD)" (By-law No. 18176);
  - rezone a portion of 12215/12217 and 12229 – 96 Avenue from "Single Family Residential Zone (RF)" to "Single Family Residential (12) Zone (RF-12)" (By-law No. 18177); and
  - rezone 12239 – 96 Avenue from "Single Family Residential Zone (RF)" to "Single Family Residential (12) Zone (RF-12)" (By-law No. 18178), andset a date for the Public Hearing and consider a Development Variance Permit to reduce lot width and setbacks.
- Following consideration of the initial Planning Reports, Council gave First and Second Readings to Rezoning By-law Nos. 18176, 18177 and 18178 and set March 10, 2014 as the date for the Public Hearing.
- At the March 10, 2014 Public Hearing, one resident spoke against the proposed developments under the two subject applications.
- The concerned resident, Mr. Birk, expressed concerns on behalf of his parents. His parents reside at 12249 – 96 Avenue (the "Birk property"), which is the adjacent property to the immediate east of the easterly subject site.

- In response to Mr. Birk's concerns raised at the March 10, 2014 Public Hearing, Council passed the following resolutions:

*"That Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2014, Nos. 18176 and 18177 and the associated application [7911-0320-00] be referred back to staff to review the local area plan for the neighbourhood and address the concerns raised during the Public Hearing." [RES.R14-374]*

and

*"That Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2014, No. 18178 and the associated application [7913-0207-00] be referred back to staff to review the local area plan for the neighbourhood and address the concerns raised during the Public Hearing." [RES.R14-375]*

#### Summary of Comments and Concerns

- The comments and concerns that Mr. Birk presented at the March 10, 2014 Public Hearing, under Application Nos. 7911-0320-00 and 7913-0207-00, are summarized below:
  - The current development plan (Appendix F) will detrimentally affect the Birk property (12249 - 96 Avenue);
  - Mr. Birk requested certainty as to how the properties to the east and northeast of the proposed development, will be developed in the future;
  - The proposed lane and road dedication shown on the concept plan for the Birk property will result in a financial loss to the family;
  - There should be a defined plan in place for this neighbourhood, prior to the proposed developments proceeding;
  - The proposed location of the north/south lane that daylight to 96A Avenue, has shifted several times over the years as subdivision plans have come and gone; and
  - Mr. Birk expressed interest in consolidating the Birk property with the current applications to the west, so that his concerns related to lane placement and a defined plan for the area, could be worked out.
- Following the March 10, 2014 Public Hearing, Mr. Birk expressed additional concerns through meetings and correspondence with staff. These comments and concerns of Mr. Birk regarding the current development plan (Appendix F) are summarized below:
  - The proposed location of the future north/south rear lane where it daylight to 96A Avenue, creates a dangerous situation for traffic and pedestrians;
  - The lane dedication and associated costs should be shared among the two subject applications to the west of the Birk property. Mr. Birk is willing to share these costs if the lane is not indicated on his property;

- Mr. Birk is opposed to all or a portion of the future north/south rear lane being located on the Birk property and suggested that the Birk property may not redevelop in the near future. This would result in a dead end rear lane if the current applications in the area do not provide a lane outlet to 96A Avenue. Staff should therefore review shifting the future north/south rear lane to the west of the Birk property;
  - Should the current applications proceed, the shape of the future cul-de-sac bulb proposed to the north of the Birk property should be revised to an "L" shape, so that it reduces the amount of road dedication on the Birk property and allows for deeper lots fronting 96A Avenue;
  - Two RF-12 lots fronting 96A Avenue would be preferred, rather than one RF-10 lot and one RF-12 lot, as shown in the applicant's initial concept plan for the area (Appendix F);
  - The rear building face of the home on the Birk property is approximately 2 metres (7 ft.) away from the future east/west rear lane. This would require a development variance permit (DVP) to reduce the rear yard setback. Mr. Birk also expressed concerns about livability due to the proximity of the future north/south lane to the rear of his parents' home; and
  - Mr. Birk proposed several potential subdivision options for the area. These proposals suggested various consolidation options with the surrounding properties in which the future north/south rear lane could be accommodated to the west of the Birk property, while still achieving RF-12 lots for the affected lots, contingent upon a DVP for lot width being supported. The proposed lot widths generally ranged from 11.1 metres (36 ft.) to 11.8 metres (38 ft.).
- In addition to Mr. Birk's comments, the resident of 12261 – 96 Avenue, to the east of the Birk property, provided a letter to staff dated May 28, 2014, that generally shared the same concerns as Mr. Birk, in relation to the proposed developments in this area.

### Responses to Concerns

- Following the March 10, 2014 Public Hearing, Mr. Birk requested to meet with staff so that he could provide further comments regarding the two proposed developments in the area. Staff met with Mr. Birk on the following dates: March 13, April 4, April 11, April 14, April 28, May 12, May 22, and May 26 2014. Staff took note of his comments and answered general questions he had about the development application process.
- At the request of the applicants, staff facilitated a meeting on April 4, 2014, that was attended by the applicants of Application Nos. 7911-0320-00 and 7913-0207-00, the applicants' agent (Roger Jawanda and Sunny Sandher of CitiWest Consulting Ltd.), Mr. Birk and Mr. Birk's father, and City staff.
- During the April 4, 2014 meeting, the stakeholders of the proposed developments summarized their positions, and the meeting concluded with the applicants suggesting a few options that may address Mr. Birk's concerns. These options, as well as additional efforts and comments made to date by the applicants, are summarized below (staff comments in *italics*):

- The applicant of Application No. 7913-0207-00 (easterly site) submitted an offer to purchase the rear portion of the Birk property (encompassing the land area between the southern boundary of the future rear lane and the southern boundary of future 96A Avenue). The applicant indicated the amount he offered was consistent with the amount he paid for 12239 – 96 Avenue, on a cost per square foot basis.

*(Mr. Birk did not accept the offer, and indicated that he and the applicant were too far apart in what each thought was a fair value for the land. Mr. Birk and the applicant explored alternative options, that involved a land exchange, but ultimately, no agreement could be reached.)*

- The applicants provided a revised concept plan to show an "L" shaped cul-de-sac configuration to the north of the Birk property.

*(The initial concept plan by the applicant (Appendix F) showed a slight cul-de-sac bulb encroaching into the Birk property along the 96A Avenue frontage. This encroachment impacted the development potential of the Birk property by reducing the lot depth and lot area of the future lots fronting 96A Avenue.*

*The applicants provided a revised concept plan (Appendix C) that reduces the amount of road dedication on the Birk property, and increases the lot area and lot depth of the future lots fronting 96A Avenue. This creates potential for the Birk property to achieve two RF-12 lots fronting 96A Avenue, instead of one RF-12 lot and one RF-10 lot as shown on the initial concept plan. A DVP for lot width would be required, and staff indicated that a DVP would have merit, but would require Council approval.*

*The proposed alignment of the east/west rear lane has not changed. The rear building face of the home of the Birk property is located about 2 metres (6.5 ft.) south of the future rear lane. Contingent upon a development application being submitted, a DVP to reduce the rear yard setback rather than shifting the rear lane northward, may have merit.)*

- The applicants have agreed to pay 50% of the costs of the future portion of the north/south rear lane shown on the Birk property.

*(In order to offset the associated costs of the future north/south rear lane, the applicants have agreed to pay the construction costs of the 3-metre (10 ft.) width of the future north/south lane if half the north/south lane is located on the Birk property. However, this does not address the concern raised by the neighbouring resident to the east at 112261 – 96 Avenue, who also feels the future north/south rear lane should not be placed on his property.)*

- Sharing the north/south lane between the Birk property and the lot to the east of the Birk property (12261 – 96 Avenue) provides a relatively proportionate amount of road and lane dedication among the three properties located at 12239, 12249 and 12261 - 96 Avenue, compared to placing all or a portion of the north/south lane within the two subject applications.



*(The following table provides a summary of the amount of road and lane dedication for 12239 – 96 Avenue and the two properties to the east, based on the applicants initial concept plan shown in Appendix F:*

<b>Address</b>	<b>Amount of road and lane dedication</b>	<b>Road and lane dedication as a % of gross site</b>
12239 – 96 Avenue	382 square metres (4,100 sq. ft.)	20.0%
12249 – 96 Avenue	450 square metres (4,800 sq. ft.)*	23.5%*
12261 – 96 Avenue	302 square metres (3,250 sq. ft.)	15.8%

*\*Amount of road and lane dedication would be slightly reduced based on the applicants' revised concept plan shown in Appendix C.)*

- Locating the north/south lane within the boundaries of the subject applications would result in a long dead-end for the east/west rear lane, east of the north/south lane.

*(The Transportation Division reviewed the following potential locations for the location of the future north/south rear lane:*

1. Lane shared between the Birk property and the lot to the east at 12261 - 96 Avenue:

*This proposed location is generally acceptable to the Transportation Division.*

*In order to address sight line issues where the lane intersects the future 96A Avenue, a slight curve is shown at the northern part of the lane which will improve sight lines and slow traffic entering and exiting the lane. Upon a development application being submitted for 12249 – 96 Avenue, the Engineering Department will review the lane alignment to ensure that there are adequate sight lines for vehicles using the rear lane. The proposed location of the north/south rear lane also reduces the length of the dead-end section of the east/west lane, compared to the north/south portion of the lane being located further west.*

2. Lane shared between 12239– 96 Avenue (lot under application no. 7913-0207-00) and the Birk property at 12249 – 96 Avenue:

*This location could result in less than ideal sight lines between vehicles exiting westbound from the lane and vehicles turning west onto 96A Avenue from the future 122A Street, however this location can be considered due to anticipated vehicle traffic volume.*

3. Lane shared between 12229 and 12239 – 96 Avenue (application nos. 7911-0320-00 and 7913-0207-00 respectively):

*This proposed location is generally acceptable to the Transportation Division, however, it would result in a 70- to 75-metre (230 – 245 ft.) dead-end at the eastern end of the east/west lane. A turn-around would not be required as the Engineering Department's Design Criteria Manual requires a turnaround for dead-end lanes in excess of 100 metres (330 ft.).*

- The applicants did not agree to adjusting their proposed layouts in order to accommodate the full or a portion of the future 6-metre (20 ft.) wide north/south rear lane within their applications, nor did they agree to consolidate the Birk property into their applications.

*(If the applicants adjusted their layouts to accommodate all or a portion of the future north/south lane within their site, it would require revising their requested Development Variance Permits and civil drawings. The applicants also indicated it would add costs and time to their application process.*

*In order for the Birk property to develop, rights-of-way and easements need to be secured from two properties to the north (12252 and 12260 – 96 Avenue) in order to construct 96A Avenue to a half-road standard. If those rights-of-way and easements could not be secured, it could delay or prevent the properties consolidated with the Birk property, from developing.)*

### OPTIONS FOR CONSIDERATION

- Following the Public Hearing on March 10, 2014, staff discussed various subdivision layouts with the applicants, including layouts suggested by Mr. Birk.
- As consensus was not reached between the applicants and Mr. Birk, five options are presented for Council's consideration.

#### Options 1 and 4 (Lane shared between 12229 and 12239 – 96 Avenue, both under application)

- Option 1 (Appendix B) is recommended by staff (see Pros and Cons Table on pages 11 and 12). This option shares the north/south lane between 12229 and 12239 – 96 Avenue, with a greater portion of the lane being on 12229 – 96 Avenue, so that both applications can achieve 11.1-metre (36 ft.) wide lots fronting 96A Avenue.
- Option 4 (Appendix D) shares the north/south rear lane equally between 12229 and 12239 - 96 Avenue.
- Neither option would require a temporary turnaround in the rear lane as the rear lane would be day-lighting onto 96A Avenue.
- Under the applicants' initial layout (Appendix F), a temporary turnaround was proposed at the rear of the existing duplex (12215/17 – 96 Avenue, under Application No. 7911-0320-00). Temporary turnarounds can be problematic as they consume land on private property and as a result, take away land for on-site parking. Since 96 Avenue is an arterial, no on-street parking is permitted along 96 Avenue.
- The applicants are not in agreement with Options 1 or 4.

Options 2 and 3 (Cost sharing of rear lane):

- Options 2 and 3 (Appendix C) propose to keep the future north/south rear lane in the same location as shown in the layout in the Initial Planning Reports to Council on February 24, 2014, with a slight reduction to the future 96A Avenue road dedication along the northern edge of the Birk property.
- A temporary turnaround in the rear lane would be required within the subject applications.
- Under Option 2, the applicants would pay for 100% of the construction costs of the future north/south lane.
- Under Option 3, the applicants would pay for 50% of the construction costs of the future north/south lane.
- The applicants are in agreement with Option 3 but are not in agreement with Option 2.

Option 5 (Lane shared between Birk property and 12239 – 96 Avenue)

- Option 5 (Appendix E) proposes to daylight the rear lane along the property line shared between 12239 – 96 Avenue (under application no. 7913-0207-00) and the Birk property.
- Under this option, 12239 – 96 Avenue may only be able to achieve one RF-12 lot and one RF-10 lot fronting the future 96A Avenue, instead of two RF-12 lots.
- A temporary turnaround in the rear lane would be required within the subject applications, unless the Birks agree to dedicate their portion now.
- The applicants do not agree with Option 5.

Summary of Options

- The following table summarizes the Pros and Cons of each option and notes the potential amendments required for each application:

Option (and Location of Proposed North-South Lane)	Pros	Cons	Required Amendments to Subject Applications
<p><b>1</b> (Lane relocated and shared so that all proposed and potential lots on 96A Avenue have equal width)</p>	<p>Could secure entire north/south rear lane if Application Nos. 7911-0320-00 and 7913-0207-00 proceed.</p> <p>Option 1 allows both subject applications, the Birk property and 12261 – 96 Avenue to achieve all RF-12 lots fronting 96A Avenue, subject to a DVP for reduced lot width being supported for some lots.</p>	<p>Results in a 70-75 metre (230 – 245 ft.) dead end for the ultimate east/west lane.</p> <p>Option 1 requires the two subject applications to work together.</p>	<p>Both applications require a new DVP for reduced lot width to 11.09 metres (36.4 ft.) for the lots fronting 96A Avenue in order to achieve RF-12 lots.</p>
<p><b>4</b> (Lane relocated and equally shared for two sites but proposed lot widths vary)</p>	<p>The lane will daylight onto 96A Avenue and a temporary turnaround in the rear lane would not be required.</p>	<p>Reduced opportunities for on-street parking along 96A Avenue (i.e. loss of 2 on-street parking spaces).</p>	<p>Application No. 7913-0207-00 may require rezoning to RF-10 for one of the two proposed lots fronting 96A Avenue and/or a revised DVP for lot width. New DVP required for lot width for Application No. 7911-0320-00.</p>
<p><b>2 and 3</b> (Lane location the same as that proposed at Public Hearing)</p>	<p>Allows both subject applications, the Birk property and 12261 – 96 Avenue to achieve all RF-12 lots fronting future 96A Avenue (subject to a DVP for reduced lot width being approved for some of the lots).</p> <p>Minimizes dead-end length of east/west lane.</p> <p>Maximizes on-street parking opportunities along 96A Avenue (i.e. 2 additional parking spaces).</p> <p>Allows each project to proceed independently.</p>	<p>Potential that the eastern portion of the rear lane will not daylight to 96A Avenue in the near future, or at all if the Birk property does not redevelop.</p> <p>The homes on future lots at the rear 12261 – 96 Avenue, would appear to front the north/south lane and not 96A Avenue.</p> <p>A temporary turnaround in the rear lane would be required.</p>	<p>None.</p>

Option (and Location of Proposed North- South Lane)	Pros	Cons	Required Amendments to Subject Applications
<p><b>5</b> (Lane equally shared between eastern application site and neighbour who spoke at Public Hearing)</p>	<p>Could secure half of the north/south rear lane if Application No. 7913-0207-00 proceeds.</p> <p>Allows for Application No. 7911-0320-00, the Birk property and 12261 – 96 Avenue to achieve all RF-12 lots fronting future 96A Avenue (subject to a DVP for reduced lot width being approved for some of the lots).</p> <p>Allows each project to proceed independently.</p>	<p>Application No. 7913-0207-00 may only achieve one RF-12 lot and one RF-10 lot instead of two RF-12 lots.</p> <p>Potential that the eastern portion of the rear lane will not daylight to 96A Avenue in the near future, or at all if the Birk property does not redevelop.</p> <p>Could result in less than ideal sight lines between vehicles exiting westbound from the lane and vehicles turning west onto 96A Avenue from the future 122A Street.</p> <p>A temporary turnaround in the rear lane would be required until full north/south rear lane is constructed.</p> <p>Reduced opportunities for on-street parking along 96A Avenue.</p>	<p>Application No. 7913-0207-00 may require rezoning to RF-10 for one of the two proposed lots fronting 96A Avenue and/or a revised DVP for lot width.</p> <p>No amendments required for Application No. 7911-0320-00.</p>

## CONCLUSION

- At the March 10, 2014 Public Hearing, and during several meetings with staff, Mr. Birk, requested that the Birk property be able to achieve two RF-12 lots fronting 96A Avenue, and that the north/south portion of the future lane be relocated to the west of the Birk property.
- In response to Mr. Birk's concerns, the applicants revised the concept plan for the Birk property to achieve two RF-12 lots fronting 96A Avenue (Appendix C). However, the concept plan still included the north/south rear lane on the Birk property.
- Therefore, staff reviewed several other potential layout options.
- Staff recommends Option 1 (Appendix B) as it achieves several benefits, including RF-12 lots fronting 96A Avenue for all stakeholders, the potential to secure the north/south portion of the rear lane under the current development applications, and a temporary turnaround in the rear lane would not be required. Option 1 is not supported by the applicants but is supported by the neighbours to the east.

- In light of the preceding, it is recommended that Council consider Third Reading of Rezoning By-law Nos. 18176, 18177 and 18178 and indicate support for requested Development Variance Permit No. 7911-0320-00.
- Furthermore, it is recommended that Council approve Development Variance Permit Nos. 7911-0320-01 and 7913-0207-01 to proceed to Public Notification.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix A.	Lot Owners and Action Summary
Appendix B.	Option 1 Layout
Appendix C.	Options 2 and 3 Layout (Applicants Revised Concept Plan)
Appendix D.	Option 4 Layout
Appendix E.	Option 5 Layout
Appendix F.	Initial Layout and Concept Plan Proposed under Application Nos. 7911-0320-00 and 7913-0207-00
Appendix G.	Initial Planning Report No. 7911-0320-00 dated February 24, 2014 minus appendices except Development Variance Permit No. 7911-0320-00 and proposed CD By-law (No. 18176)
Appendix H.	Initial Planning Report No. 7913-0207-00 dated February 24, 2014 minus appendices except Development Variance Permit No. 7913-0207-00 and building footprint study
Appendix I.	Development Variance Permit No. 7911-0320-01
Appendix J.	Development Variance Permit No. 7913-0207-01

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

JD/da

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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: Roger Jawanda  
 Citiwest Consulting Ltd.  
 Address: 9030 - King George Blvd, Unit 101  
 Surrey, BC V3V 7Y3  
 Tel: 604-591-2213 - Work

2. Properties included in Application No. 7911-0320-00

(a) Civic Addresses: 12229 - 96 Avenue  
 12215 and 12217 - 96 Avenue

(b) Civic Address: 12229 - 96 Avenue  
 Owners: Gurwinder K Sarai  
 Tarsem S Sarai  
 Harjit K Randhawa  
 Inderjit S Randhawa  
 PID: 003-654-761  
 West Half Lot "A" Section 31 Block 5 North Range 2 West New Westminster District Plan  
 13298

(c) Civic Addresses: 12215 and 12217 - 96 Avenue  
 Owners: Gurpreet Purewal  
 Harminder S Chahal  
 Narinder Aujla  
 PID: 010-415-131  
 Lot "E" Section 31 Block 5 North Range 2 West New Westminster District Plan 21342

3. Properties included in Application No. 7913-0207-00

(a) Civic Address: 12239 - 96 Avenue

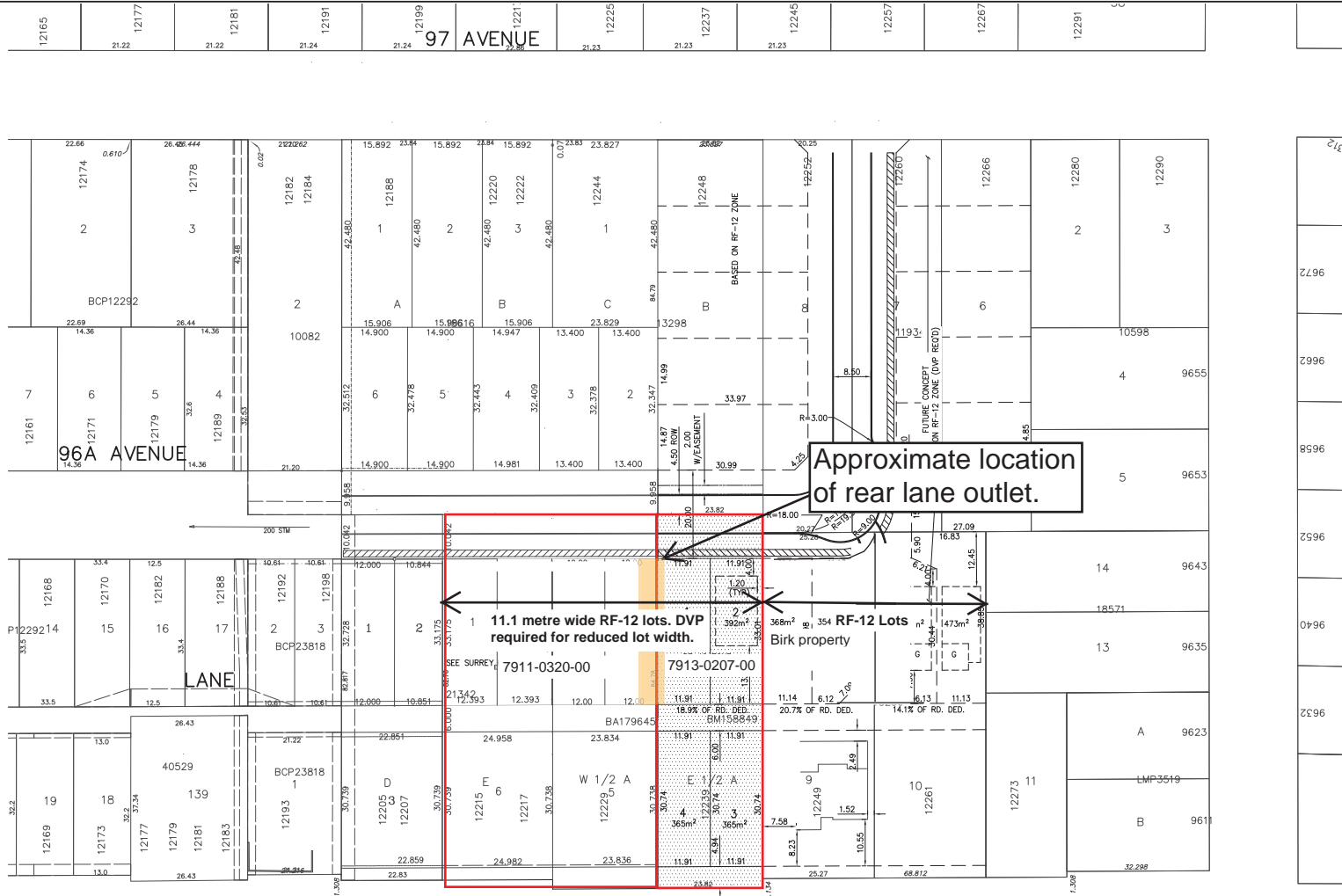
(b) Civic Address: 12239 - 96 Avenue  
 Owner: Satvir Kaur Nijjar  
 Manu Manraj Singh Nijjar  
 Monica Manveer Kaur Nijjar  
 PID: 009-797-777  
 East Half Lot "A" Section 31 Block 5 North Range 2 West New Westminster District Plan  
 13298

4. Summary of Actions for City Clerk's Office

- (a) Consider Third Reading of Rezoning By-law Nos. 18176, 18177 and 18178 to rezone portions of the site from RM-D and RF to CD and RF-12.
- (b) Consider indication of support of Development Variance Permit No. 7911-0320-00. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk in conjunction with the final adoption of the associated Rezoning By-laws.
- (c) Proceed with Public Notification for Development Variance Permit Nos. 7911-0320-01 and 7913-0207-01 and bring the Development Variance Permit forward for an indication of support by Council. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk in conjunction with the final adoption of the associated Rezoning By-law.

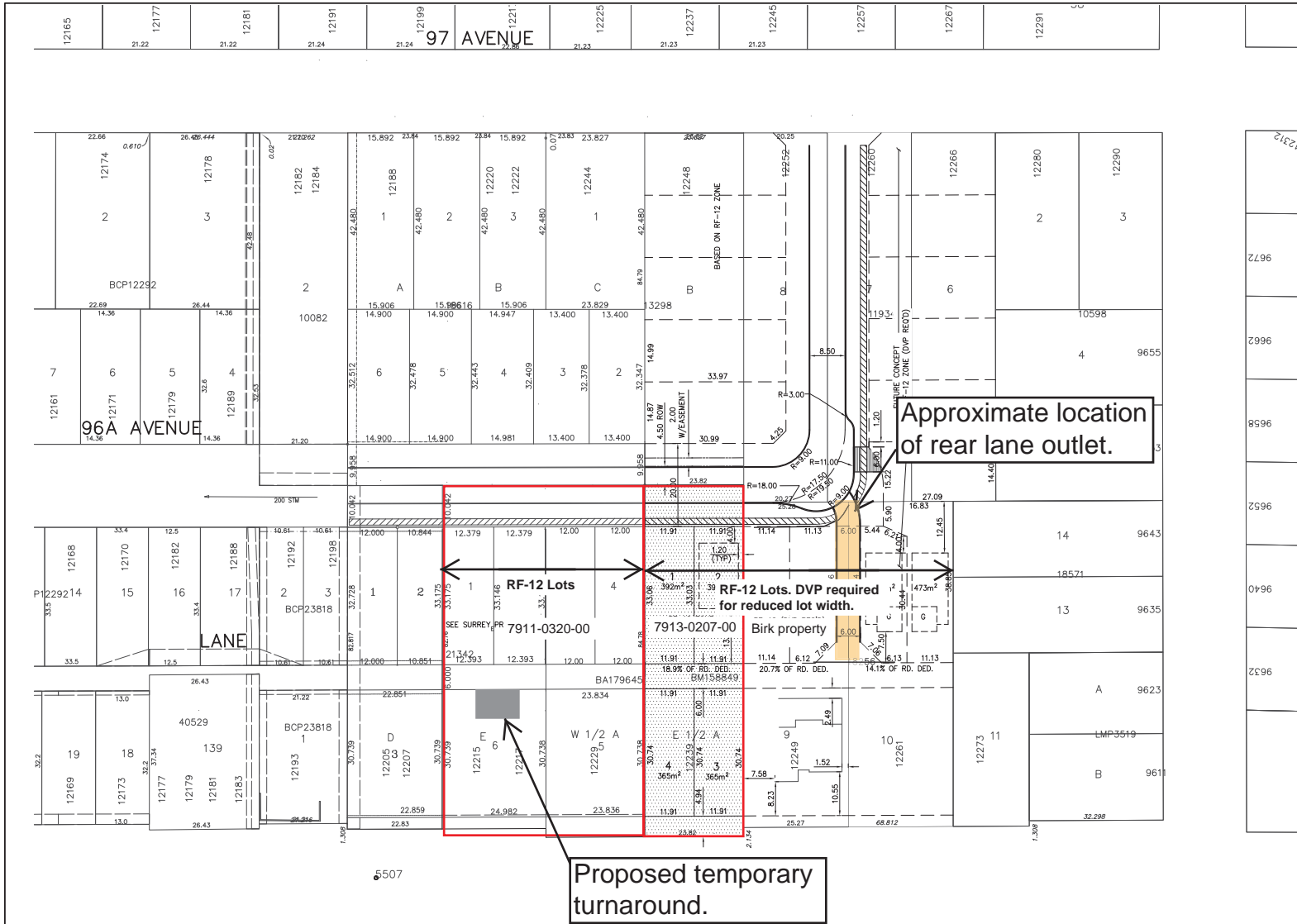


# OPTION 1

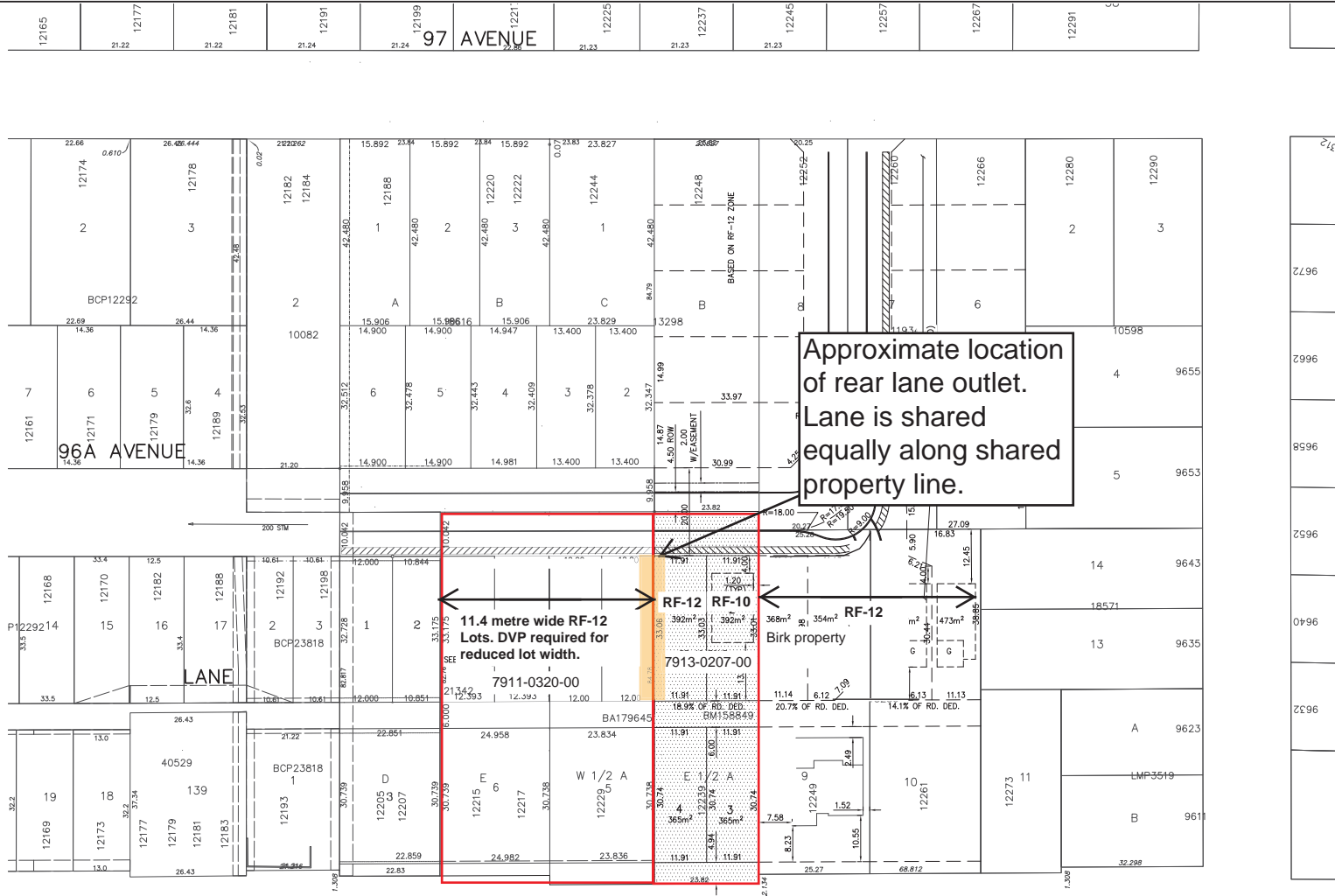


507

# OPTIONS 2 and 3 (Applicants revised concept plan)



# OPTION 4



11.4 metre wide RF-12  
Lots. DVP required for  
reduced lot width.

RF-12 RF-10

7913-0207-00

7911-0320-00

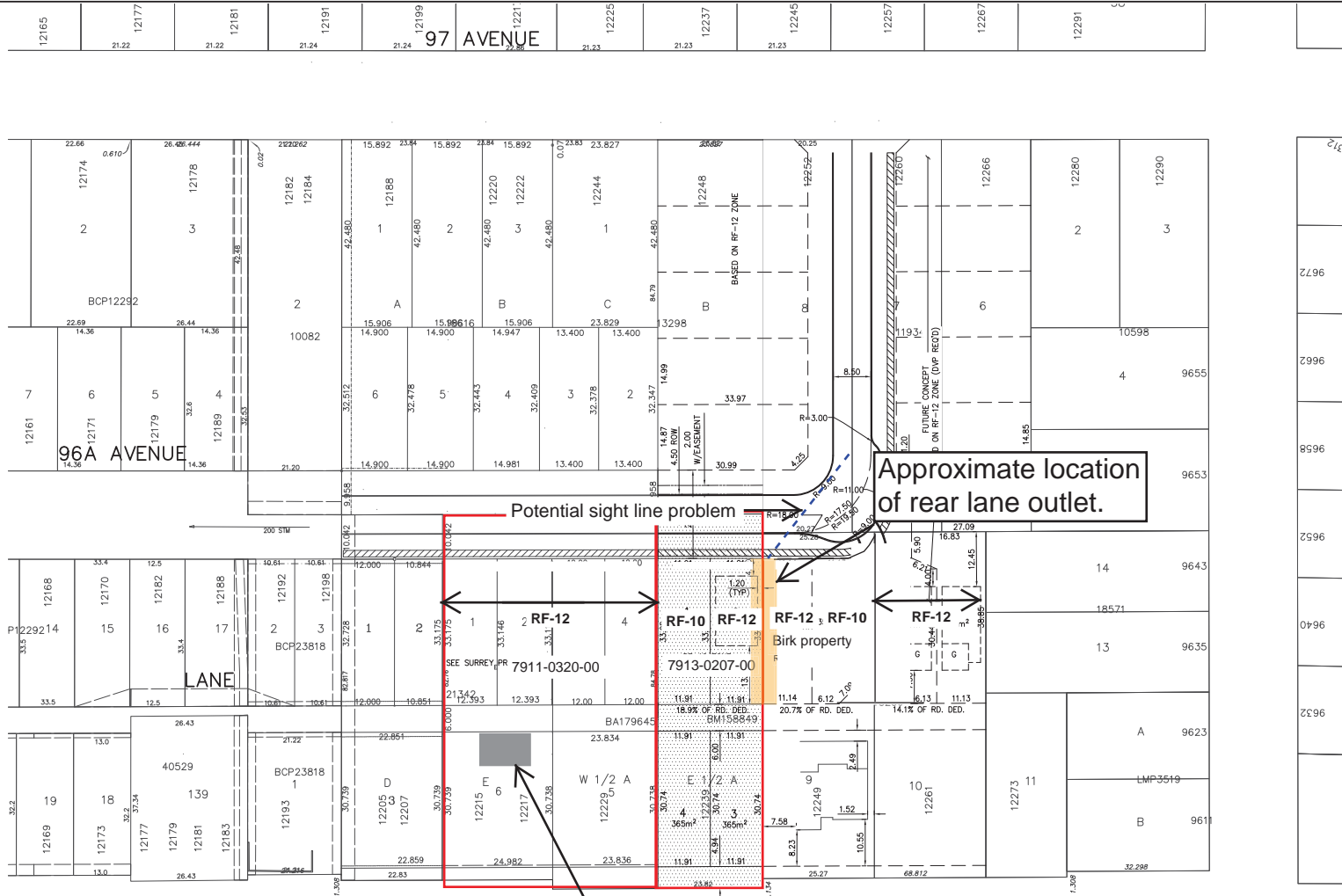
Birk property

Approximate location  
of rear lane outlet.  
Lane is shared  
equally along shared  
property line.

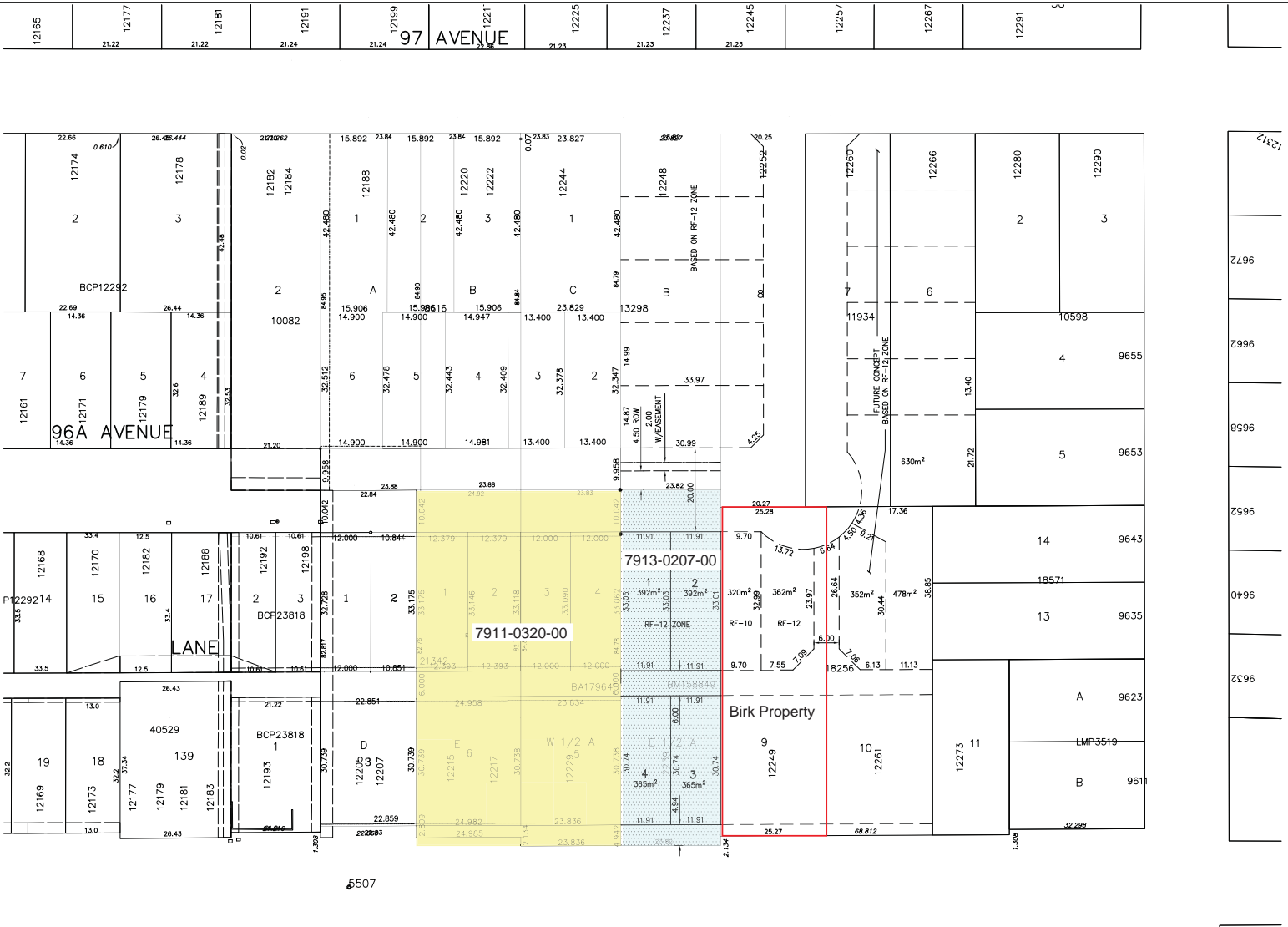
507

Disregard shown dimensions

# OPTION 5



12312  
9672  
9696  
9659  
9652  
9640  
9632  
9623  
9611



12312
9672
2696
8596
2596
0496
2696
5

18394	B	12164	23	24	23.61	23.61	12174	33	31109	34	12186	23.61	23.61	12183	34	12210	5
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- NOTES:**
1. ALL DIMENSIONS ARE APPROXIMATE ONLY BASED ON MASTER PLANS.
  2. LAYOUT IS PRELIMINARY AND SUBJECT TO APPROVALS AND SURVEYS.
  3. EXISTING HOUSE TO BE REMOVED
  4. DEVELOPMENT VARIANCE PERMIT REQUIRED FOR THE RF-12 LOTS TO BE REDUCED FROM 12.00m TO 11.91m

No.	Date	Revision	LC	SS
1	13/10/31	REVISED LAYOUT CONCEPT	LC	SS
			Dr	Ch

**CitiWest Consulting Ltd.**  
 No.101-9030 KING GEORGE BLVD., SURREY, BC, V3V 7Y3  
 TELEPHONE 604-591-2213 FAX 604-591-5518  
 E-MAIL: office@citwest.com



MTM DEVELOPMENTS LTD.  
 10208 - GILMORE CRESCENT, RICHMOND, BC, V6X 1X2, PH: 604-837-2886, EMAIL: mtmonline@shaw.ca

**PRELIMINARY LOT LAYOUT**  
 SUBDIVISION AT 12239 - 96 AVENUE, SURREY

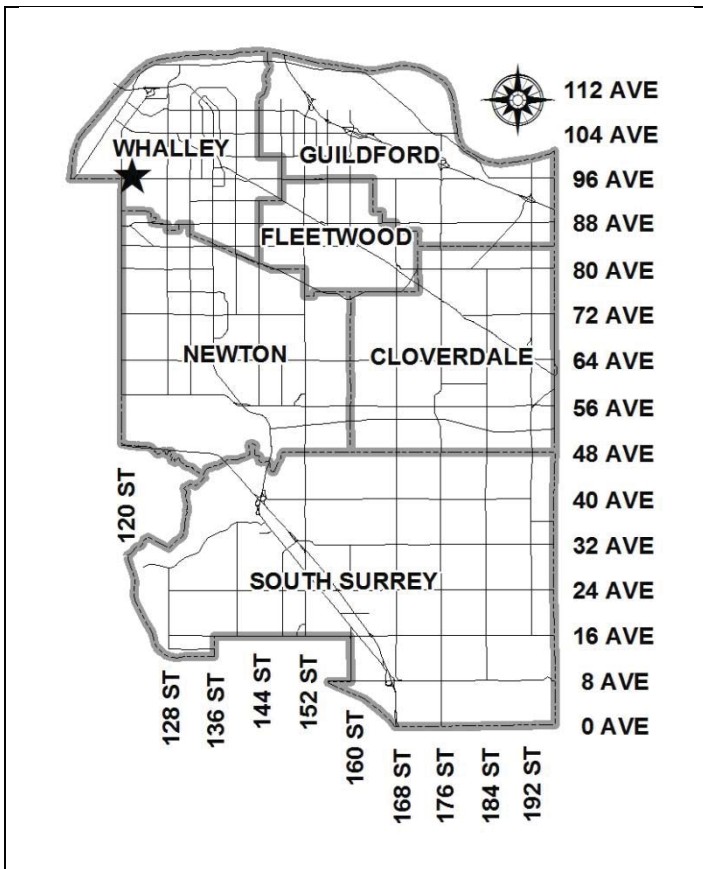
Scale: 1:1000	Mun. Proj. No.	Dwg. No.
Drawn: LC	Mun. Dwg. No.	A
Designed: SS	Job No. 13-3052	Of
P.W. P.U.	Date SEPT/2013	Revision
Approved:		destroy all prints bearing previous number

This drawing and design is the property of CITWEST CONSULTING LTD. and cannot be used, reused or reprinted without the written consent of said company.

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7911-0320-00

Planning Report Date: February 24, 2013



**PROPOSAL:**

- **Rezoning** portions from RM-D and RF to CD (based on RM-D) and RF-12
- **Development Permit**
- **Development Variance Permit**

in order to retain an existing duplex and to allow subdivision into six lots.

**LOCATION:**

12229 – 96 Avenue  
 12215 and 12217 – 96 Avenue

**OWNERS:**

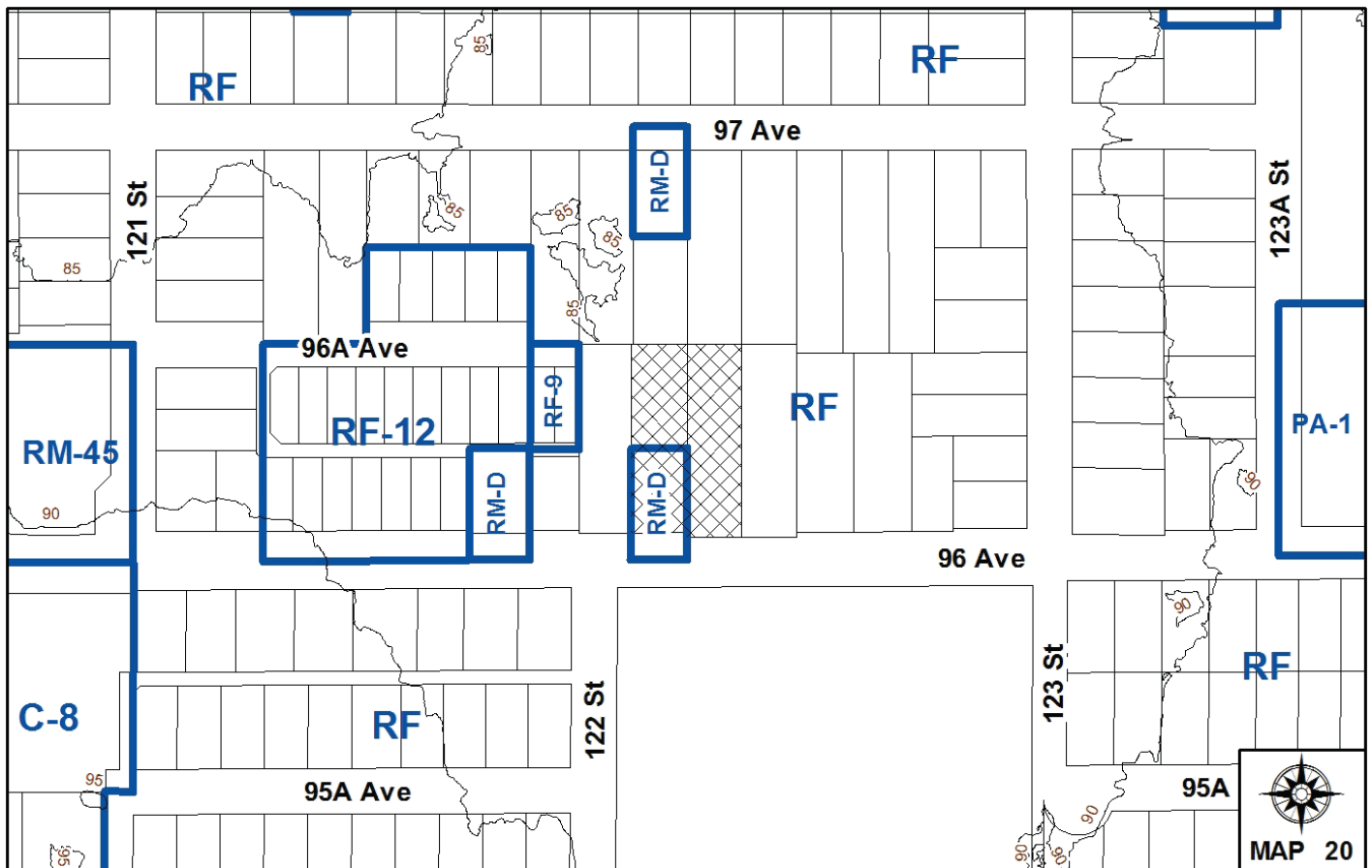
Narinder Aujla et al.

**ZONING:**

RM-D and RF

**OCP DESIGNATION:**

Urban



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
  - Rezoning portion to CD (based on RM-D); and
  - Rezoning to RF-12.
- Approval to draft Development Permit.
- Approval for Development Variance Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking rear yard setback relaxations for the two buildings proposed to remain.

### RATIONALE OF RECOMMENDATION

- Complies with the Urban designation in the OCP.
- The proposed subdivision is compatible with the existing pattern of development in this area.
- The applicant wants to retain the existing duplex and has agreed to make improvements to the building exterior and the landscaping, in accordance with the proposed Development Permit.
- The existing driveways to the duplex and the single family dwelling on the subject lots along 96 Avenue will be eliminated, with new accesses being provided through a new rear lane.
- Variance is required to retain the 10-year old single family dwelling on proposed Lot 5 that will not conform to the rear yard setback of the RF Zone, once the lane is dedicated.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone Block A as shown on the Survey Plan (Appendix I) from "Duplex Residential Zone (RM-D)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. a By-law be introduced to rezone Block B as shown on the Survey Plan (Appendix I) from "Single Family Residential Zone (RF)" (By-law No. 12000) to "Single Family Residential (12) Zone (RF-12)" (By-law No. 12000) and a date be set for Public Hearing.
3. Council authorize staff to draft Development Permit No. 7911-0320-00 generally in accordance with the attached drawings (Appendix III).
4. Council approve Development Variance Permit No. 7911-0320-00 (Appendix VIII) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) for proposed Lot 5; and
  - (b) to reduce the minimum rear yard setback of the proposed CD Zone from 15 metres (50 ft.) to 7.3 metres (24 ft.) for proposed Lot 6.
5. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
  - (b) submission of a subdivision layout to the satisfaction of the Approving Officer;
  - (c) submission of an acceptable tree survey and a statement regarding tree preservation;
  - (d) the applicant satisfy the deficiency in tree replacement on the site, to the satisfaction of the Planning and Development Department;
  - (e) submission of a landscaping plan and landscaping cost estimate for proposed Lot 6, to the specifications and satisfaction of the Planning and Development Department;
  - (f) resolution of all urban design issues for proposed Lot 6, to the satisfaction of the Planning and Development Department;
  - (g) the applicant address the concern that the development will place additional pressure on existing park facilities to the satisfaction of the General Manager, Parks, Recreation and Culture;
  - (h) demolition of portions of the existing duplex on proposed Lot 6, to the satisfaction of the Planning and Development Department;



- (i) provision of a security bond for the proposed improvements to the existing duplex on proposed Lot 6; and
- (j) indication of support by Council for Development Variance Permit No. 7911-0320-00.

### REFERRALS

**Engineering:** The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix IV.

**School District:** **Projected number of students from this development:**

2 Elementary students at Cedar Hills Elementary School  
1 Secondary student at L.A. Matheson Secondary School

(Appendix V)

The applicant has advised that the new dwelling units in this project are expected to be constructed and ready for occupancy by early 2015.

**Parks, Recreation & Culture:** Parks has some concerns about the pressure this project will place on existing Parks, Recreation and Culture facilities in the neighbourhood.

### SITE CHARACTERISTICS

**Existing Land Use:** Duplex and single family dwelling both facing 96 Avenue, which are intended to remain.

### Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings and a duplex under Application Nos. 7911-0323-00 and 7912-0007-00 (both at Third Reading) to subdivide into RF and RF-12 lots.	Urban	RF

Direction	Existing Use	OCP Designation	Existing Zone
East:	Single family dwelling, under Application No. 7913-0207-00 (Pre-Council) to subdivide into 4 RF-12 lots.	Urban	RF
South (Across 96 Avenue):	L.A. Matheson Secondary School	Urban	RF
West:	Single family dwelling, under Application No. 7907-0391-00 (Third Reading) to subdivide into 3 single family lots.	Urban	RF

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject site consists of two, 2,000-square metre (0.5 ac.) properties located on the north side of 96 Avenue, west of 123 Street, in Whalley.
- The front portion of the western-most subject lot at 12215/17 – 96 Avenue, contains a duplex that is to be renovated and retained, and is currently zoned "Duplex Residential Zone (RM-D)". The remaining portions of both subject properties are zoned "Single Family Residential Zone (RF)". Both properties are designated Urban in the Official Community Plan (OCP).
- The eastern-most subject lot at 12229 – 96 Avenue, contains a single family dwelling that was built in 2004 that will be retained.

### Current Proposal

- The applicant proposes to rezone the front portion (Block A on the Survey Plan in Appendix I) of 12215/17 – 96 Avenue from RM-D to CD (based on RM-D) and to rezone the rear portion (Block B on the Survey Plan in Appendix I) of both properties from RF to RF-12, in order to allow subdivision into five (5) single family lots (4 RF-12 and 1 RF) and one (1) duplex lot (CD).
- The proposed duplex lot and the proposed RF lot will front 96 Avenue, while the four proposed RF-12 lots will front 96A Avenue which will be constructed as part of this application.
- All proposed lots will have vehicle access from a proposed east/west rear lane which will also be constructed as part of this development.
- A Development Permit and Development Variance Permit are required to retain the existing duplex on proposed Lot 6.
- A Development Variance Permit is also required to retain the existing single family dwelling on proposed Lot 5.

### Proposed Single Family Lots

- Proposed Lots 1-4 comply with the dimensional requirements of the RF-12 Zone.
- Under completed land development Application No. 7902-0284-00 to the west, a gradation of RF-sized single family lots fronting 97 Avenue to smaller single family lots fronting 96 Avenue and 96A Avenue was created. The proposed development is consistent with this pattern of development, as well as with the following existing applications (Appendix II):
  - Application No. 7913-0207-00 (Pre-Council) proposes four (4) RF-12 lots.
  - Application No. 7912-0007-00 (Third Reading on November 5, 2012) proposes one (1) RF and one (1) RF-12 lot.
  - Application No. 7911-0323-00 (Third Reading on November 5, 2012) proposes three (3) RF lots and three (3) RF-12 lots.
- Proposed Lot 5 complies with the dimensional requirements of the RF Zone, however, a setback variance is needed in order to retain the existing single family dwelling (see By-law Variance section). The applicant has provided a Survey Plan showing the house complies with the Floor Area Ratio (FAR) requirement of the RF Zone on proposed Lot 5.
- All proposed lots will have vehicle access from the proposed rear lane.
- There is no garage for the existing house on proposed Lot 5. The east side yard setback is 7.67 metres (25 ft.) wide and is currently used, and will continue to be used as a parking pad, and can accommodate two vehicles.

### Proposed Development Permit to Retain the Existing Duplex on Proposed Lot 6

- The existing duplex is proposed to be retained on proposed Lot 6. Proposed Lot 6 is 766 square metres (8,235 sq. ft.) in size and does not meet the minimum 930-square metre (10,000 sq. ft.) lot size of the RM-D Zone.
- The existing duplex has a floor area of 473 square metres (5,100 sq. ft.) which exceeds the maximum 372 square metre (4,000 sq. ft.) floor area permitted in the RM-D Zone.
- As a result, in order to retain the existing duplex, proposed Lot 6 needs to be rezoned to a Comprehensive Development Zone (CD). A Development Permit will be required to regulate the form and character of the duplex and the landscaping.
- The existing duplex was constructed in the 1960's. Although it is approximately 50 years old, the duplex is still useable and provides a source of income for the applicant. The applicant has indicated it is more economical to retain the duplex, than to demolish the duplex and develop two RF-12 lots fronting 96 Avenue.
- The applicant has agreed to make minor upgrades to the building exterior and the landscaping of the duplex as part of the Development Permit requirements. Some of these improvements include:

- The carports at the front of the duplex as well as an addition at the rear of the duplex will be removed. Vehicles will utilize the proposed rear lane to access the site and will park on parking pads at the rear of the duplex. One parking pad will be provided for each duplex unit and both parking pads will be large enough to accommodate two vehicles.
- Fresh paint, new trim and decorative posts will be applied to the front façade.
- The siding will be painted light brown and the trim will be painted a cream colour.
- New shrubs and two new trees will be planted at the front and at the rear of the duplex. An existing Western Red Cedar tree in the front yard will be retained. The existing driveway in the front yard will be removed and replaced with lawn.
- The applicant has agreed to provide a security bond for the cost of the proposed improvements to the duplex and the lot. The removal of the carports and rear addition will be required before consideration of final adoption of the rezoning.

#### Proposed CD Zone for Existing Duplex

- The following chart shows the differences between the proposed CD Zone and the existing RM-D Zone:

	<b>Proposed CD Zone</b>	<b>RM-D Zone</b>
<b>Minimum Lot Size</b>	765 square metres (8,235 sq. ft.)	930 square metres (10,000 sq. ft.)
<b>Rear Yard Setback</b>	15 metres (50 ft.)	7.5 metres (25 ft.)
<b>Floor Area</b>	475 square metres (5,100 sq. ft.)	372 square metres (4,000 sq. ft.)

- The maximum permitted floor area of the proposed CD Zone, including the basement, garage and carport is 475 square metres (5,100 sq. ft.). Currently, a garage, carport, or accessory structure is not proposed for the duplex lot and the existing duplex which does not have a basement, is at the maximum floor area allowed in the proposed CD Zone.
- The existing floor area of the duplex exceeds the floor area permitted in the RM-D Zone by 25%. By limiting the maximum floor area of the existing duplex to its current size, it will prevent further expansion of the duplex.
- The rear yard setback for the principal building in the proposed CD Zone is 15 metres (50 ft.) and as a result, will require a Development Variance Permit (see By-law Variance section) in order to retain the existing duplex. Staff required the rear yard setback of the proposed CD Zone to be increased to 15 metres (50 ft.) to discourage the property owner from constructing a new duplex of the same size in the future. In order to construct a new duplex to the maximum size permitted in the proposed CD Zone, a DVP will be required to reduce the rear yard setback, which will require Council approval. A Development Permit would also be required. The applicant has no objection to this approach.

Building Scheme and Lot Grading

- The applicant for the subject site has retained Tynan Consulting Ltd. as the Design Consultant. The Design Consultant conducted a character study of the surrounding homes and based on the findings of the study, proposed a set of building design guidelines for proposed Lots 1-5 (Appendix VI).
- A preliminary lot grading plan was submitted by Coastland Engineering & Surveying Ltd. and reviewed by staff and was determined to be adequate.
- Based on the proposed grading, basements can be achieved on all four proposed RF-12 lots. However, final confirmation whether in-ground basements are achievable will be determined once final engineering drawings have been reviewed and accepted by the City's Engineering Department.
- The existing single family dwelling on proposed Lot 5 does not have a basement.

Tree Survey and Preservation Plan

- Trevor Cox of Diamond Head Consulting Ltd. prepared the Arborist Report and Tree Preservation/Replacement Plans, which have been reviewed by the City Landscape Architect and deemed generally acceptable.
- The following chart provides a summary of on-site tree retention and removal by species

<b>Tree Species</b>	<b>Total No. of Trees</b>	<b>Total Proposed for Retention</b>	<b>Total Proposed for Removal</b>
Cherry	1	1	0
Douglas-fir	1	1	0
Shore Pine	1	1	0
Western Red Cedar	1	1	0
<b>Total</b>	<b>4</b>	<b>4</b>	<b>0</b>

- No trees are proposed for removal, therefore no replacement trees are required. The average number of trees proposed per lot is 0.67, however, the applicant has volunteered to provide up to three trees per lot as shown on the preliminary tree replacement plan in Appendix VII.

PRE-NOTIFICATION

Pre-notification letters were mailed on January 13, 2013, and staff received no responses.

**SUSTAINABLE DEVELOPMENT CHECKLIST**

The applicant prepared and submitted a sustainable development checklist for the subject site on January 4, 2012. The table below summarizes the applicable development features of the proposal based on the seven (7) criteria listed in the Surrey Sustainable Development Checklist.

<b>Sustainability Criteria</b>	<b>Sustainable Development Features Summary</b>
1. Site Context & Location (A1-A2)	<ul style="list-style-type: none"> <li>• The site in an urban infill area.</li> </ul>
2. Density & Diversity (B1-B7)	<ul style="list-style-type: none"> <li>• Secondary suites will be permitted on the RF-12 and RF lots.</li> </ul>
3. Ecology & Stewardship (C1-C4)	<ul style="list-style-type: none"> <li>• Recycling pickup will be available.</li> </ul>
4. Sustainable Transport & Mobility (D1-D2)	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
5. Accessibility & Safety (E1-E3)	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
6. Green Certification (F1)	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
7. Education & Awareness (G1-G4)	<ul style="list-style-type: none"> <li>• Pre-notification letters were mailed, a development proposal sign was installed, and a Public Hearing will be held.</li> </ul>

**BY-LAW VARIANCES AND JUSTIFICATION****(a) Requested Variance:**

- To reduce the minimum rear yard setback in the proposed CD Zone from 15 metres (50 ft.) to 7.3 metres (24 ft.) for proposed Lot 6.

**Applicant's Reasons:**

- The duplex provides a source of rental income for the applicant, and is reportedly more economical to retain than to demolish and subdivide into two (2) RF-12 lots.

**Staff Comments:**

- As the existing duplex is located 7.3 metres (24 ft.) from the proposed rear property line, a Development Variance Permit (DVP) is required in order to retain the duplex.
- The proposed variance only applies to the existing structure, and not a future or replacement structure.

- The proposed CD Zone permits a duplex up to 475 square metres (5,100 sq. ft.) on a 766-square metre (8,245 sq. ft.) lot. This use is not consistent with the redevelopment pattern of the neighbourhood, which is seeing neighbouring lots subdivide into compact single family lots, nor is it compatible with the massing of neighbouring single family homes. However, the duplex is suitable for retention until it reaches its maximum life span, at which time, it will presumably be removed, and proposed Lot 6 can redevelop into a higher and better use, such as two RF-12 lots.
- In an effort to prevent the same size duplex from being rebuilt in the future, and to encourage redevelopment to a more appropriate and compatible use, the proposed CD Zone increases the rear yard setback to 15 metres (50 ft.), which will require Council to approve a future setback variance if the landowner applies to rebuild the duplex to the maximum size of 475 square metres (5,100 sq. ft.).
- If a future rear yard setback relaxation is not supported, the owner would be able to construct a two-storey duplex with a floor area of approximately 372 square metres (4,000 sq. ft.) which is the maximum floor area permitted for an interior lot in the RM-D Zone.
- Staff support the requested variance.

(b) Requested Variance:

- To reduce the minimum rear yard setback in the RF Zone from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) for proposed Lot 5.

Applicant's Reasons:

- The existing house on proposed Lot 5 was built in accordance with Zoning By-law No. 12000 when the building permit was issued in 2004.

Staff Comments:

- The RM-D Zone was amended on January 9, 2006, by deleting the maximum 0.48 floor area ratio (FAR) and replacing the FAR with a maximum floor area of 372 square metres (4,000 sq. ft.) for interior lots.
- The proposed relaxation for the rear yard setback will not impact any homes to the rear, as the rear portion of the lot is being subdivided into two new RF-12 lots.
- The east side yard setback can accommodate parking for two vehicles.
- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary, Project Data Sheets and Survey Plan
Appendix II.	Proposed Subdivision Layout
Appendix III.	Proposed Site Plan, and Building and Landscaping Improvements to the Existing Duplex
Appendix IV.	Engineering Summary
Appendix V.	School District Comments
Appendix VI.	Building Design Guidelines Summary
Appendix VII.	Summary of Tree Survey and Tree Preservation
Appendix VIII.	Development Variance Permit No. 7911-0320-00
Appendix IX.	Aerial Photo
Appendix X.	Proposed CD By-law

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

JD/da

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DRV 2/20/14 10:26 AM



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7911-0320-00

Issued To: NARINDER AUJLA

Address of Owner: 12322 - 64A Avenue  
Surrey, BC V3W 5Y5

Issued To: HARMINDER S CHAHAL

Address of Owner: 7295 - 130A Street  
Surrey, BC V3W 6E9Issued To: INDERJIT S RANDHAWA  
HARJIT K RANDHAWA  
TARSEM S SARAI  
GURWINDER K SARAIAddress of Owner: 12229 - 96 Avenue  
Surrey, BC V3V 1W6

Issued To: GURPREET PUREWAL

Address of Owner: 16270 - 60 Avenue  
Surrey, BC V3S 1S4

(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: 003-654-761  
West Half Lot "A" Section 31 Block 5 North Range 2 West New Westminster District Plan 13298

12229 - 96 Avenue

Parcel Identifier: 010-415-131  
Lot "E" Section 31 Block 5 North Range 2 West New Westminster District Plan 21342

12215 and 12217 - 96 Avenue

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier:

---

- (b) If the civic address(es) change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

---

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

- (a) In Section F of Part 16 Single Family Residential Zone (RF), the minimum rear yard setback for the principal building is reduced from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) for proposed Lot 5; and
- (b) In Section F of Comprehensive Development By-law No. \_\_\_\_\_), the minimum rear yard setback for the principal building is reduced from 15 metres (50 ft.) to 7.3 metres (24 ft.) for proposed Lot 6.

5. This development variance permit applies to only the 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.

6. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

7. This development variance permit shall lapse unless the subdivision, as conceptually shown on Schedule A which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) years after the date this development variance permit is issued.

8. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
  
9. 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

**SKETCH PLAN SHOWING EXISTING BUILDING AND PROPOSED LOT LINES ON LOT "E", SECTION 31, BLOCK 5 NORTH, RANGE 2 WEST, NWD, PLAN 21342**



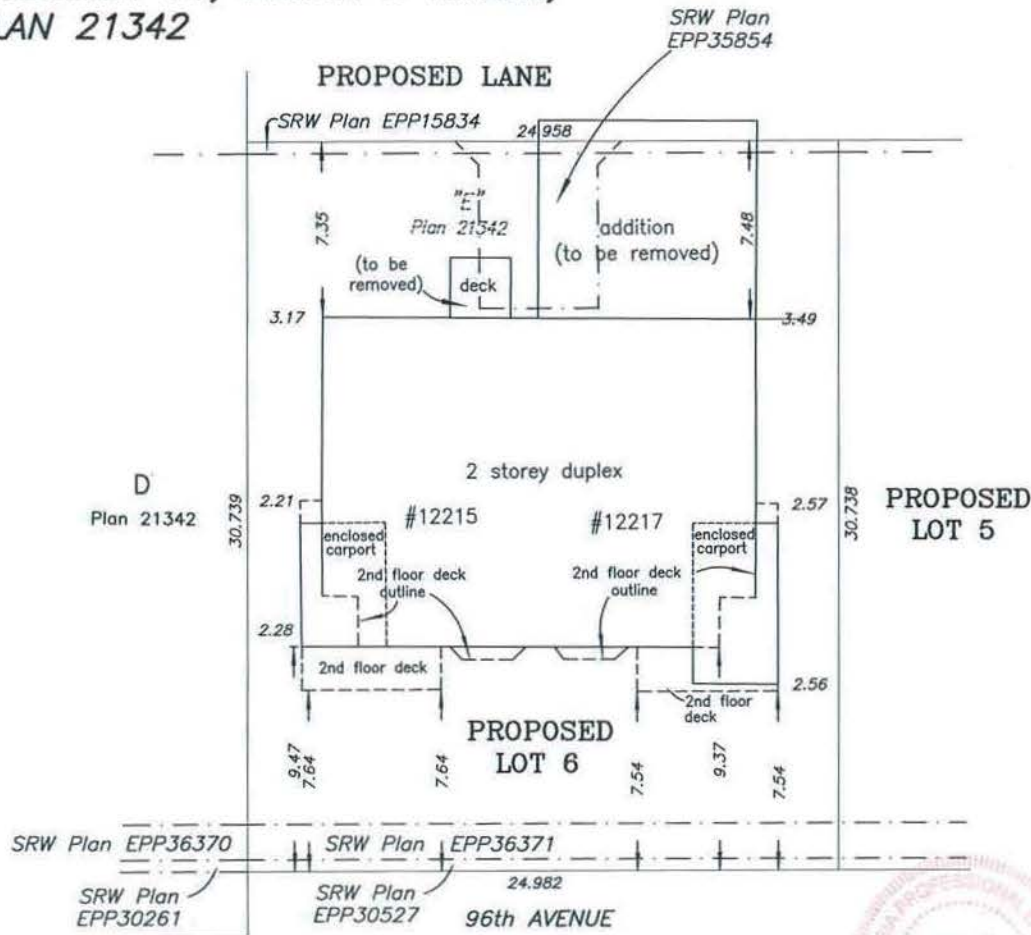
SCALE - 1 : 250  
All distances are in metres

Civic Address:  
12215/12217 - 96th Avenue  
Surrey, B.C.

Height of roof peak above ground = 7.42 m<sup>2</sup>



Cameron Land Surveying Ltd.  
B.C. Land Surveyors  
Unit 206 - 16055 Fraser Highway  
Surrey, B.C. V4N 0G2  
Phone: 604-597-3777  
Fax: 604-597-3783



Area of First Floor	=	269.9 m <sup>2</sup>
Area of Enclosed Carports	=	43.2 m <sup>2</sup>
Area of First Floor (after carport enclosure removal)	=	226.7 m <sup>2</sup>
Area of Second Floor	=	245.9 m <sup>2</sup>
Total Floor Area	=	472.6 m <sup>2</sup>
Area of Proposed Lot 6	=	767.5 m <sup>2</sup>
F.A.R.	$\frac{472.6 \text{ m}^2}{767.5 \text{ m}^2}$	= 0.616

12215/17 - 96 Avenue - Existing Duplex.  
 Variance to reduce the rear yard setback for existing structure only.

SCHEDULE A

Certified correct this 29th day of January, 2014.

  
Ken W. Schuurman, B.C.L.S.



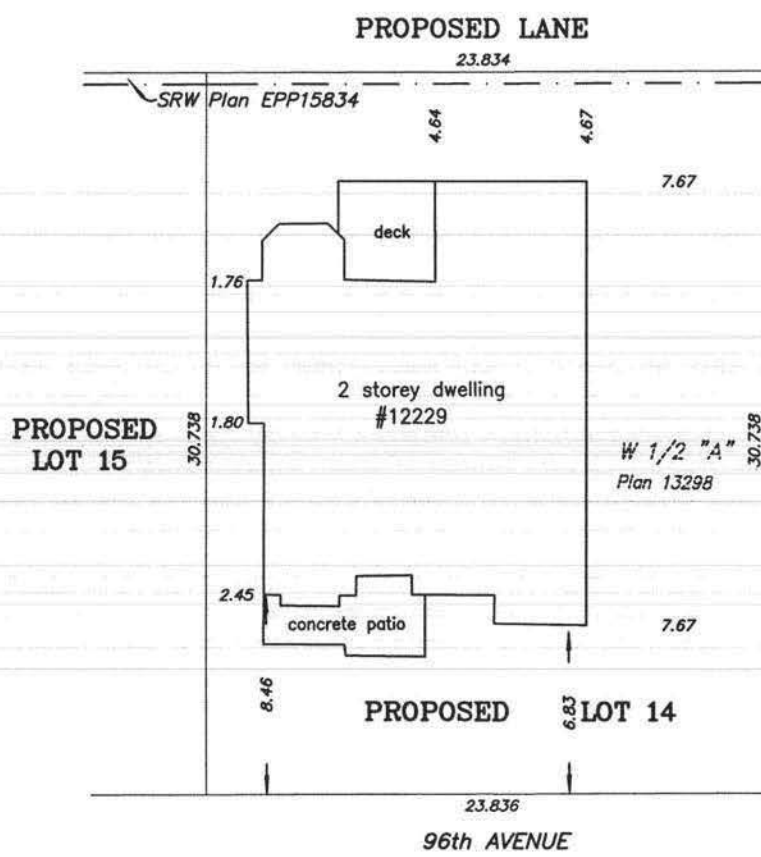
**SKETCH PLAN SHOWING EXISTING BUILDING AND PROPOSED LOT LINES ON WEST HALF OF LOT "A", SECTION 31, BLOCK 5 NORTH, RANGE 2 WEST, NWD, PLAN 13298**

Area of First Floor	=	227.2 m <sup>2</sup>
Area of Second Floor	=	119.9 m <sup>2</sup>
Total Floor Area	=	347.1 m <sup>2</sup>
Area of Proposed Lot	=	732.6 m <sup>2</sup>
F.A.R.	$\frac{347 \text{ m}^2}{733 \text{ m}^2}$	= 0.47



SCALE - 1 : 250  
All distances are in metres

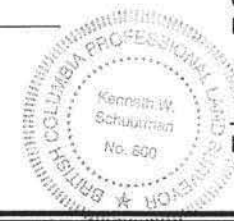
Civic Address:  
12229 - 96th Avenue  
Surrey, B.C.



12229 - 96 Avenue - Existing Single Family Home.  
Variance to reduce the west and rear yard setbacks.

Cameron Land Surveying Ltd.  
B.C. Land Surveyors  
Unit 206 - 16055 Fraser Highway  
Surrey, B.C. V4N 0G2  
Phone: 604-597-3777  
Fax: 604-597-3783

Certified correct this 3rd day of  
May, 2012.



*Ken W. Schuurman*  
Ken W. Schuurman, B.C.L.S.





CITY OF SURREY

BYLAW NO. \_\_\_\_\_

A by-law to amend Surrey Zoning By-law, 1993, No. 12000, as amended  
.....

THE CITY COUNCIL of the City of Surrey ENACTS AS FOLLOWS:

- 1. Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby further amended, pursuant to the provisions of Section 903 of the Local Government Act, R.S.B.C. 1996 c. 323, as amended by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of Surrey Zoning By-law, 1993, No. 12000, as amended as follows:

FROM:            DUPLEX RESIDENTIAL ZONE (RM-D)

TO:                COMPREHENSIVE DEVELOPMENT ZONE (CD)

Portion of Parcel Identifier: 010-415-131  
Lot "E" Section 31 Block 5 North Range 2 West New Westminster District Plan 21342 as shown on the Survey Plan attached hereto and forming part of this Bylaw as Schedule A, certified correct by Ken W. Schuurman, B.C.L.S. on the 29th day of January 2014, containing 912.6 square metres, called Block A.

Portion of 12215 and 12217 - 96 Avenue

(hereinafter referred to as the "*Lands*")

- 2. The following regulations shall apply to the *Lands*:

**A. Intent**

This Zone is intended to accommodate and regulate *duplex* dwellings on an *urban lot*.

**B. Permitted Uses**

*Lands* and *structures* shall be used for one (1) *duplex* provided that the minimum *lot* size shall be 765 square metres [8,235 sq. ft.] and the minimum *lot* width shall be 24 metres [80 ft.]. Where the *lot* under this zone is subdivided into strata lots, only 1 *dwelling unit* shall be permitted within each of the strata lots and in the case of such a subdivision, each of the permitted *dwelling units* must form part of the *duplex* constructed on the *lot* as it existed prior to the subdivision.

**C. Lot Area**

Not applicable to this Zone.

**D. Density**

1. For *building* construction within a *lot*, the maximum allowable floor area shall be 475 sq. m. [5,100 sq. ft.].
2. For the purpose of this Section, the following must be included in the calculation of floor area:
  - (a) The *basement*;
  - (b) The combined area of all covered outdoor spaces with a height of 1.8 metres [6 ft.] or greater, except for a maximum of 20 sq. m. [215 sq. ft.] per *dwelling unit*, of which 10 square metres [108 sq. ft.] per *dwelling unit* shall be reserved for a covered *deck* or veranda;
  - (c) Floor area with extended height, including staircases, must be multiplied by 2, where the extended height exceeds 3.7 metres [12 ft.], except for a maximum of 19 square metres [200 sq.ft.] per *dwelling unit*;
  - (d) Garages and carports; and
  - (e) The area of any *accessory building* and *structure* in excess of 10 square metres [105 sq.ft.].

**E. Lot Coverage**

The maximum *lot coverage* shall be 33%.



**F. Yards and Setbacks**

*Buildings and structures* shall be sited in accordance with the following minimum setbacks:

---

<b>Use</b>	<b>Setback</b>	<b>Front Yard</b>	<b>Rear Yard</b>	<b>Side Yard</b>
<i>Principal Building</i>		7.5 m. [25 ft.]	15 m. [50 ft.]	1.8 m. [6 ft.]
<i>Accessory Buildings and Structures Greater Than 10 square metres [105 sq.ft.] in Size</i>		18 m. [60 ft.]	1.8 m. [6 ft.]	1.0 m. [3 ft.]
<i>Other Accessory Buildings and Structures</i>		18 m. [60 ft.]	0.0 m.	0.0 m.

---

Measurements to be determined as per Part 1 Definitions, of Surrey Zoning By-law, 1993, No. 12000, as amended.

**G. Height of Buildings**

Measurements to be determined as per Part 1 Definitions, of Surrey Zoning By-law, 1993, No. 12000, as amended.

1. *Principal building*: The building height shall not exceed 9 metres [30 ft.].
2. *Accessory buildings and structures*: The building height shall not exceed 4 metres [13 ft.] except that where the roof slope and construction materials of an *accessory building* are the same as that of the *principal building*, the *building height* of the *accessory building* may be increased to 5 metres [16.5 ft.].

**H. Off-Street Parking and Loading/Unloading**

1. Resident and visitor *parking spaces* shall be provided as stated in Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. Outside parking or storage of *campers*, boats and *vehicles* including cars, trucks and *house trailers* ancillary to a *dwelling unit* shall be limited to:
  - (a) A maximum of 2 cars or trucks;
  - (b) *House trailer*, *camper* or boat, provided that the combined total shall not exceed 1; and

- (c) The total amount permitted under (a) and (b) shall not exceed 2.
- 3. *Vehicle* access to a *lot* is permitted only from the lane.
- 4. A single or double garage or a single or double carport is permitted for each *dwelling unit*.
- 5. No outside parking or storage of a *house trailer* or boat is permitted within the *front yard setback*, or within 1 metre [3 ft.] of the *side lot line*.

**I. Landscaping**

- 1. The parking or storage of *house trailers* or boats shall be adequately screened by compact evergreen trees or shrubs at least 1.8 metres [6 ft.] in height and located between the said *house trailer* or boat and any point on the *lot line* within 7.5 metres [25 ft.] of the said *house trailer* or boat, in order to obscure the view from the abutting *lot* or street, except where the *driveway* or the parking area is used for parking or storage of a *house trailer* or boat, the landscape screen is not required within the said *driveway*.
- 2. All portions of the *lot* not covered by *buildings, structures* or paved areas shall be landscaped including the retention of mature trees. This *landscaping* shall be maintained.

**J. Special Regulations**

- 1. Basement access and basement wells are permitted only between the *principal building* and the *rear lot line* and must not exceed a maximum area of 28 square metres [300 sq. ft.] per *dwelling unit*, including the stairs.
- 2. *Secondary suites* are not permitted.

**K. Subdivision**

*Lots* created through subdivision in this Zone shall conform to the following minimum standards:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
765 sq. m. [8,235 sq.ft.]	24 metres [80 ft.]	28 metres [90 ft.]

Dimensions shall be measured in accordance with Section E.21, Part 4 General Provisions, of Surrey Zoning By-law, 1993, No. 12000, as amended.

## L. Other Regulations

In addition to all statutes, bylaws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in Surrey Zoning By-law, 1993, No. 12000, as amended, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of Surrey Zoning By-law, 1993, No. 12000, as amended and in accordance with the servicing requirements for the RM-D Zone as set forth in the Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.
3. General provisions are as set out in Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended.
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
5. Sign regulations are as set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law, 1993, No. 12000, as amended.
7. *Building* permits shall be subject to the Surrey Building Bylaw, 2012, No. 17850, as amended.
8. *Building* permits shall be subject to Surrey Development Cost Charge By-law, 2013, No. 17856, as may be amended or replaced from time to time, and the development cost charges shall be based on the RM-D Zone.
9. Tree regulations are set out in Surrey Tree Protection By-law, 2006, No. 16100, as amended.
10. Development permits may be required in accordance with the Surrey *Official Community Plan*, 1996, By-law No. 12900, as amended.

3. This By-law shall be cited for all purposes as "Surrey Zoning Bylaw, 1993, No. 12000, Amendment By-law, \_\_\_\_\_, No. \_\_\_\_\_."

PASSED FIRST READING on the \_\_\_\_\_ th day of \_\_\_\_\_, 20 .

PASSED SECOND READING on the \_\_\_\_\_ th day of \_\_\_\_\_, 20 .

PUBLIC HEARING HELD thereon on the \_\_\_\_\_ th day of \_\_\_\_\_, 20 .

PASSED THIRD READING on the \_\_\_\_\_ th day of \_\_\_\_\_, 20 .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_\_ th day of \_\_\_\_\_, 20 .

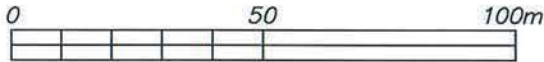
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

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**SURVEY PLAN TO ACCOMPANY CITY OF SURREY REZONING BYLAW NO. \_\_\_\_\_ OF LOT "E", PLAN 21342; THE WEST HALF OF LOT "A" PLAN 13298; BOTH OF SECTION 31, BLOCK 5 NORTH, RANGE 2 WEST, NWD**

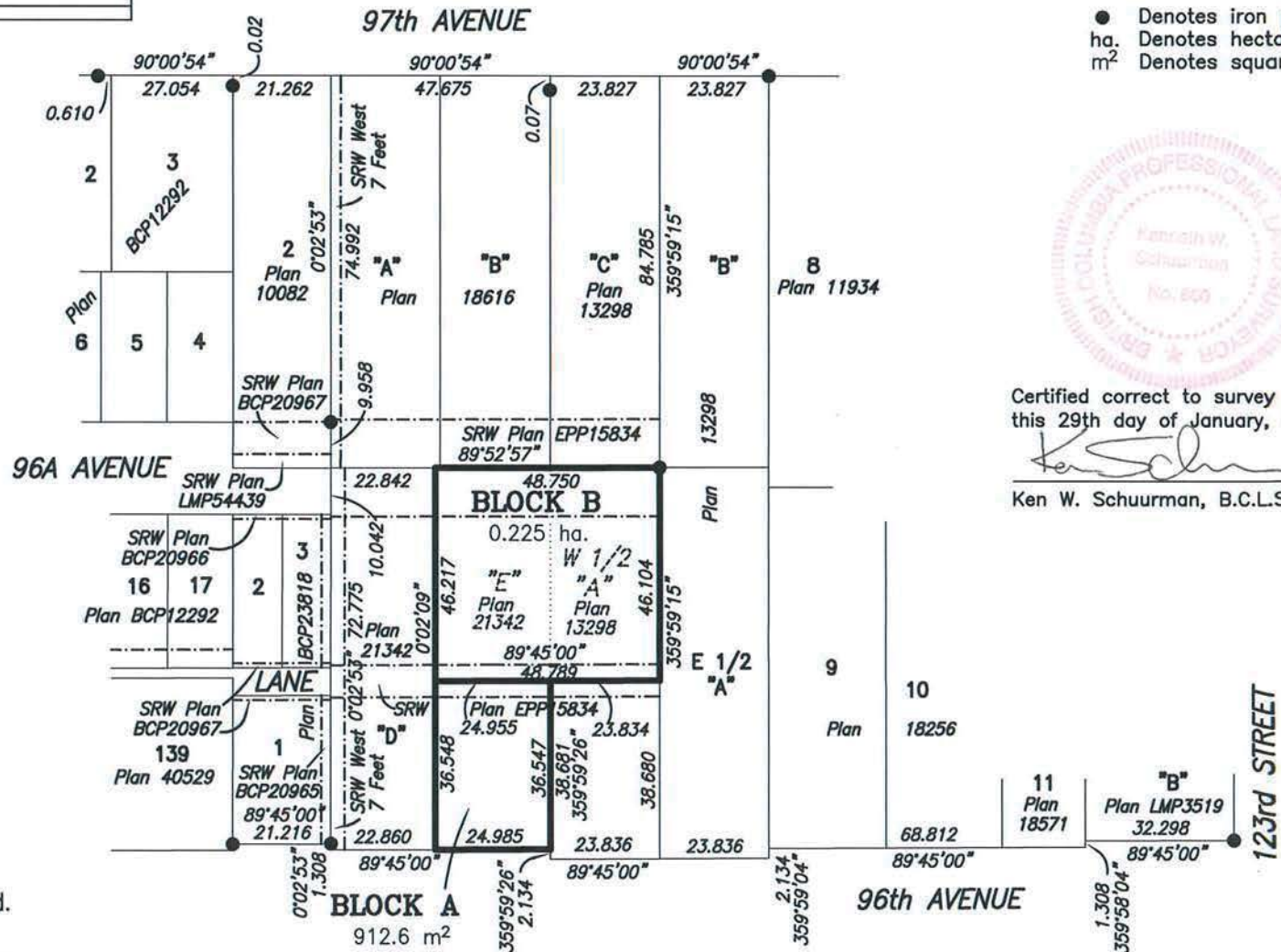
City of Surrey B.C.G.S. 92G.016



SCALE 1 : 1500  
All distances are in metres

Legend:

- Denotes iron post found
- ha. Denotes hectares
- m<sup>2</sup> Denotes square metres



Certified correct to survey dated this 29th day of January, 2014.

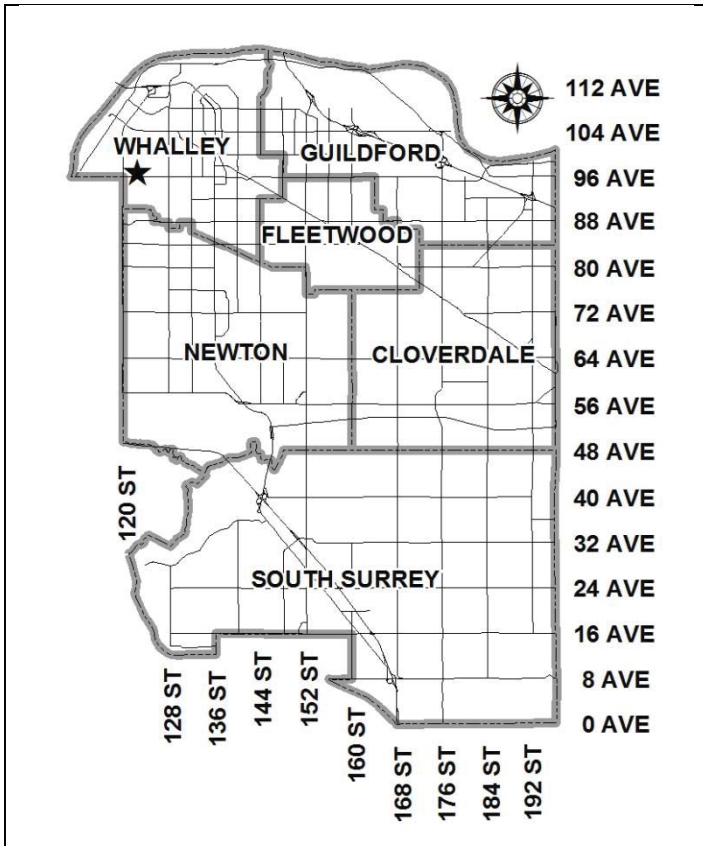
*Ken W. Schuurman*  
Ken W. Schuurman, B.C.L.S.

Cameron Land Surveying Ltd.  
B.C. Land Surveyors  
Unit 206 - 16055 Fraser Highway  
Surrey, B.C. V4N 0G2  
Phone: 604-597-3777  
Fax: 604-597-3783

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7913-0207-00

Planning Report Date: February 24, 2014



**PROPOSAL:**

- **Rezoning** from RF to RF-12
- **Development Variance Permit**

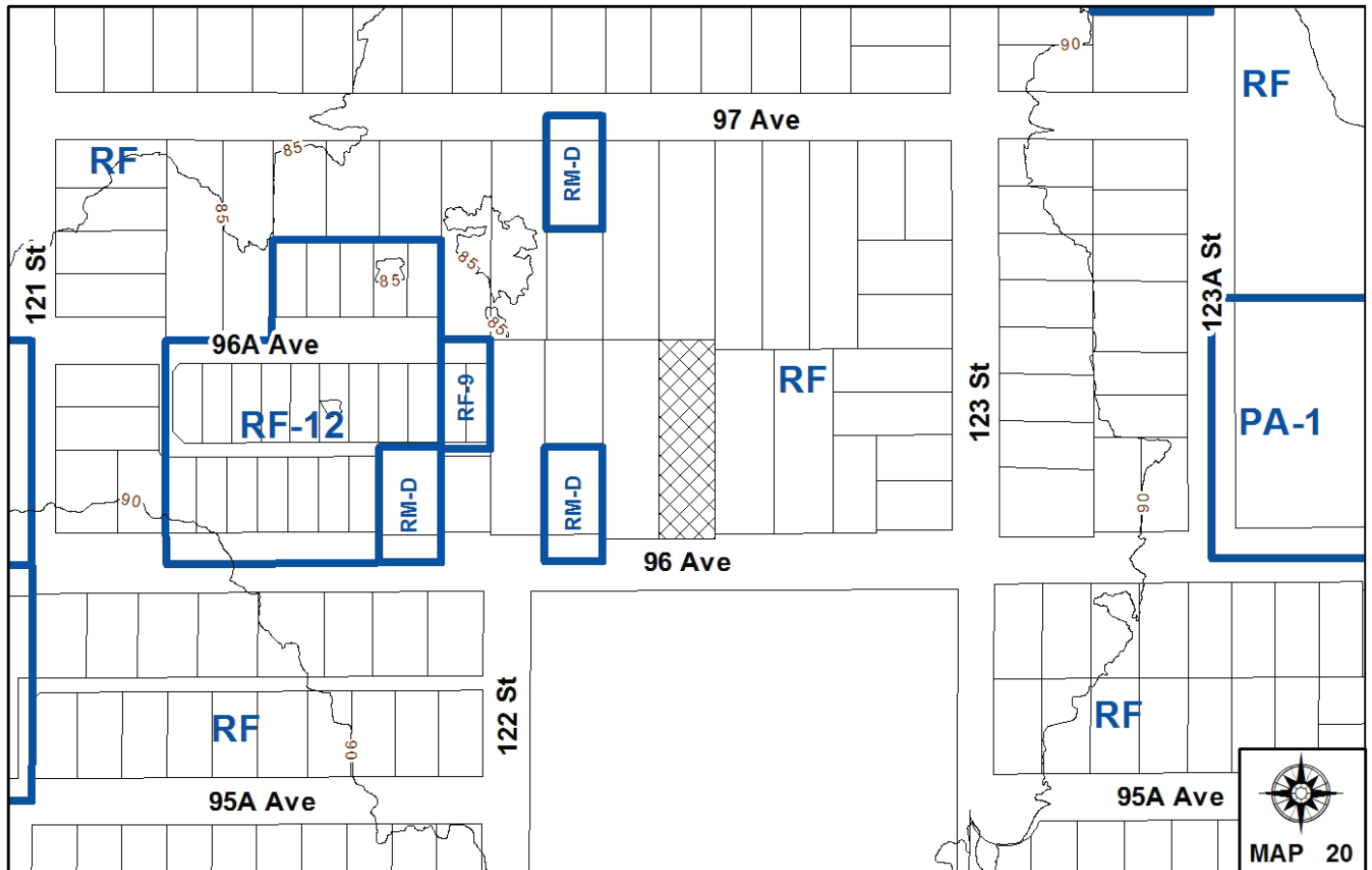
in order to allow subdivision into four (4) small single family lots.

**LOCATION:** 12239 - 96 Avenue

**OWNERS:** Satvir Kaur Nijjar  
 Manu Manraj Singh Nijjar  
 Monica Manveer Kaur Nijjar

**ZONING:** RF

**OCP DESIGNATION:** Urban



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval for Development Variance Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking a variance for reduced lot width for all four proposed lots.

### RATIONALE OF RECOMMENDATION

- Complies with the Urban designation in the OCP.
- The proposed subdivision is compatible with the pattern of development in the area.
- The proposed lot width is only slightly reduced from the 12-metre (40 ft.) minimum requirement of the RF-12 Zone.







**School District: Projected number of students from this development:**

2 Elementary students at Cedar Hills Elementary School  
 1 Secondary student at L.A Matheson Secondary School

(Appendix IV)

The applicant has advised that the dwelling units in this project are expected to be constructed and ready for occupancy by early to mid-2015.

**Parks, Recreation & Culture:** Parks has some concerns about the pressure this project will place on existing Parks, Recreation and Culture facilities in the neighbourhood.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling to be removed.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwelling on oversized lot.	Urban	RF
East:	Single family dwelling.	Urban	RF
South (Across 96 Avenue):	L.A. Matheson Secondary School	Urban	RF
West:	Single family dwelling on oversized lot under Application No. 7911-0320-00 (Pre-Council) for rezoning to subdivide into small single family lots.	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The 2,000-square metre (0.5 ac.) subject site is located on the north side of 96 Avenue, to the west of 123 Street in Whalley.
- The site is currently zoned "Single Family Residential Zone (RF)" and is designated Urban in the Official Community Plan.
- The applicant proposes rezoning the subject site from RF to RF-12 and has requested a Development Variance Permit (DVP) to reduce the lot widths (see By-law Variance section), in order to subdivide the site into four (4) small single family lots.
- All four lots exceed the minimum area and depth requirements of the RF-12 Zone.

- All four lots will have garage access from a 6-metre (20 ft.) wide rear lane, which will be constructed as part of this development. Access to the rear lane will be achieved from the west with the anticipated completion of Application Nos. 7907-0391-00 (Third Reading received on November 26, 2012) and 7911-0320-00 (Pre-Council).
- The existing single family dwelling and accessory structures will be removed.
- The proposal is consistent with the following existing applications in the area (Appendix II):
  - Application No. 7911-0320-00 (Pre-Council) to the west, proposes to rezone and subdivide into four (4) RF-12 lots, while retaining an existing duplex and a recently constructed single family dwelling that front 96 Avenue.
  - Application No. 7912-0007-00 (Third Reading received on November 5, 2012) to the northwest, proposes to rezone a portion and subdivide into one (1) RF lot fronting 97 Avenue, one (1) RF-12 lot fronting 96A Avenue with potential for an additional RF-12 lot fronting 96A Avenue (requires consolidation with 12220/22 – 97 Avenue, under Application No. 7911-0323-00).
  - Application No. 7911-0323-00 (Third Reading received on November 5, 2012) to the northwest, proposes three (3) RF lots fronting 97 Avenue and three (3) RF-12 lots fronting 96A Avenue, with potential for an additional RF-12 lot (requires consolidation with 12244 – 97 Avenue, under Application No. 7912-0007-00).

#### Concept Plan for Properties to the East:

- The Planning Reports for Development Application Nos. 7911-0323-00 and 7912-0007-00 (both at Third Reading), showed a preliminary concept plan (Appendix IX) for the properties to the east of the subject site.
- Under this initial concept plan, the north/south portion of the future rear lane was shown to be shared equally between the subject site and 12249 – 96 Avenue. However, the applicant suggested that it may be more appropriate to relocate the north/south portion of this lane to the east, to be shared between 12249 and 12261 – 96 Avenue. Staff requested the applicant to demonstrate how the relocation of the lane would impact 12249 and 12261 – 96 Avenue. To address this request, the applicant provided the following information:
  - The applicant provided a revised concept plan (Appendix II) to demonstrate how the existing lots at 12249 and 12261 – 96 Avenue can redevelop independent of each other in the future with the north/south portion of the rear lane being shared equally between the two lots.
  - Based on the revised concept plan and subject to rezoning, 12249 – 96 Avenue can achieve one RF-10 lot and one RF-12 lot fronting 96A Avenue. 12261 – 96 Avenue can achieve two RF-12 lots fronting 96A Avenue. These lot yields and zones are the same as shown in the original concept plan (Appendix IX) from Application Nos. 7911-0323-00 and 7912-0007-00. A DVP for reduced lot widths would be required for all three (3) potential RF-12 lots fronting 96A Avenue.

- The applicant also provided a footprint study (Appendix VIII) for 12261 – 96 Avenue to demonstrate that both of the potential RF-12 lots fronting 96A Avenue could achieve the maximum house size, a detached garage, and a parking pad, based on the current RF-12 Zone.
- The revised concept plan will allow for more on-street parking, due to the fact that the lane connecting to 96A Avenue is now located along the bulb of the cul-de-sac, where on-street parking is not normally permitted, leaving additional area along the street for parking.
- If the north/south portion of the rear lane was shared with the subject site and 12249 - 96 Avenue, the future rear garages of the proposed lots fronting 96A Avenue, would need to be paired and share a common wall, in order to have enough space to accommodate a parking pad.
- The following table provides a summary of the amount of road dedication for the subject site and the two properties to the east:

Address	Amount of road and lane dedication	Road and lane dedication as a % of gross site
Subject site	382 square metres (4,100 sq. ft.)	20.0%
12249 – 96 Avenue	450 square metres (4,800 sq. ft.)	23.5%
12261 – 96 Avenue	302 square metres (3,250 sq. ft.)	15.8%

- Based on the above chart, there is a relatively proportionate amount of road and lane dedication among the three properties. If the lane was to be shared between the subject site and 12249 – 96 Avenue, the subject site would have a disproportionate amount of lane and road dedication compared to the other two properties.

#### Design Guidelines and Lot Grading

- The applicant retained Tynan Consulting Ltd. as the Design Consultant. The Design Consultant conducted a character study of the surrounding homes and based on the findings of the study, proposed a set of building design guidelines for all proposed lots (Appendix V).
- A preliminary lot grading plan was submitted by CitiWest Consulting Ltd. and reviewed by staff and was determined to be adequate. Based on the proposed grading, basements can be achieved on all proposed lots.

#### Tree Preservation and Replacement

- Trevor Cox of Diamond Head Consulting Ltd. prepared the Arborist Report and Tree Preservation/Replacement Plans, which have been reviewed by the City Landscape Architect. Minor revisions are required, which the applicant must address prior to the rezoning being considered for final adoption.

- The following chart provides a preliminary summary of on-site tree retention and removal by species:

Tree Species	Total No. of Trees	Total Proposed for Retention	Total Proposed for Removal
Apple	1	0	1
Black Cottonwood	1	0	1
Douglas-fir	1	0	1
Pine (Ponderosa)	1	0	1
Spruce (Norway)	1	0	1
Willow (Weeping)	1	0	1
<b>Total</b>	<b>6</b>	<b>0</b>	<b>6</b>

- All 6 trees proposed for removal are either hazardous, are located within, or near the building envelope or road dedication, or are only suitable for retention within a group of trees.
- Based upon 6 trees to be removed, 12 replacement trees are required. The development proposes 8 replacement trees, leaving a deficit of 4 replacement trees. The applicant will provide cash-in-lieu for the shortfall in replacement trees.
- The average number of trees proposed per lot is 2.

#### PRE-NOTIFICATION

Pre-notification letters were mailed on January 27, 2014 and included the proposed layout and concept plan for the eastern properties. Staff received one comment, which is summarized below (staff comments are in *italics*):

- The adjacent resident (12249 – 96 Avenue) to the east of the subject site, inquired about the proposed layout and did not express any objections to the proposal.

*(Staff e-mailed the resident a copy of the proposed layout).*

#### SUSTAINABLE DEVELOPMENT CHECKLIST

The applicant prepared and submitted a sustainable development checklist for the subject site on February 11, 2014. The table below summarizes the applicable development features of the proposal based on the seven (7) criteria listed in the Surrey Sustainable Development Checklist.

Sustainability Criteria	Sustainable Development Features Summary
1. Site Context & Location (A1-A2)	<ul style="list-style-type: none"> <li>The subject lot is an urban infill site and is consistent with the OCP.</li> </ul>
2. Density & Diversity (B1-B7)	<ul style="list-style-type: none"> <li>Secondary suites will be permitted.</li> </ul>

3. Ecology & Stewardship (C1-C4)	<ul style="list-style-type: none"> <li>Recycling pickup will be available.</li> </ul>
4. Sustainable Transport & Mobility (D1-D2)	<ul style="list-style-type: none"> <li>NA</li> </ul>
5. Accessibility & Safety (E1-E3)	<ul style="list-style-type: none"> <li>NA</li> </ul>
6. Green Certification (F1)	<ul style="list-style-type: none"> <li>NA</li> </ul>
7. Education & Awareness (G1-G4)	<ul style="list-style-type: none"> <li>Pre-notification letters were mailed to nearby residents and a Public Hearing will be held.</li> </ul>

### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum lot width of the RF-12 Zone for Type I Interior Lots from 12 metres (40 ft.) to 11.9 metres (39 ft.) for proposed Lots 1-4.

Applicant's Reasons:

- The proposed variance will allow for subdivision into four RF-12 lots instead of two RF lots. RF-12 lots are a higher and better use of the site, and are consistent with the pattern of development in this area.

Staff Comments:

- The proposed variance is a 10 centimeter (4 inch) relaxation to the lot width, which will have no visual impact on the massing of the future homes.
- All four proposed lots can accommodate a parking pad next to a two-car garage.
- All four proposed lots range in depth from 30.74 metres (100 ft.) to 33 metres (108 ft.), which exceeds the minimum 26-metre (85 ft.) depth requirement of the RF-12 Zone.
- The proposed variance will not affect the useable yard space.
- 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.	Proposed Subdivision Layout and Concept Plan for Surrounding Properties
Appendix III.	Engineering Summary
Appendix IV.	School District Comments
Appendix V.	Building Design Guidelines Summary
Appendix VI.	Summary of Tree Survey and Tree Preservation
Appendix VII.	Development Variance Permit No. 7913-0207-00
Appendix VIII.	Footprint Study for 12249 and 12261 – 96 Avenue
Appendix IX.	Initial Concept Plan for Eastern Properties

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

JD/da

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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7913-0207-00

Issued To: SATVIR KAUR NIJJAR  
MANU MANRAJ SINGH NIJJAR  
MONICA MANVEER KAUR NIJJAR

("the owner")

Address of Owner: 10208 - Gilmore Crescent  
Richmond, BC V6X 1X2

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: 009-797-777

East Half Lot "A" Section 31 Block 5 North Range 2 West New Westminster District Plan 13298

12239 - 96 Avenue

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier:

\_\_\_\_\_

- (b) If the civic address(es) change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

\_\_\_\_\_

4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section K of Part 17A Single Family Residential (12) Zone (RF-12), the minimum lot width for a Type I Interior Lot is reduced from 12 metres (40 ft.) to 11.9 metres (39 ft.) for proposed Lots 1-4.
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 unless the subdivision, as conceptually shown on Schedule A which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) 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   .

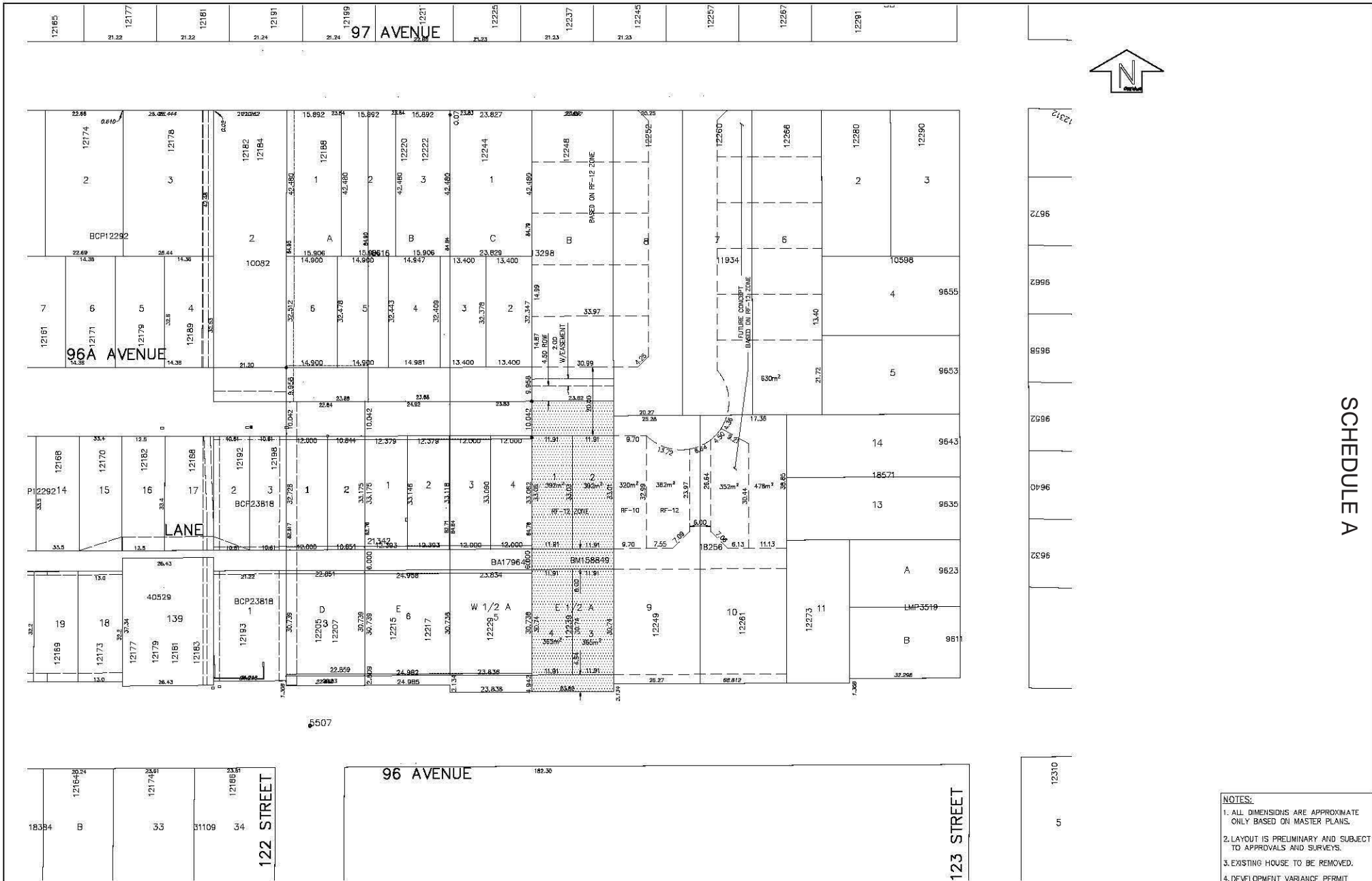
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Mayor – Dianne L. Watts

---

City Clerk – Jane Sullivan





SCHEDULE A

**NOTES:**

1. ALL DIMENSIONS ARE APPROXIMATE ONLY BASED ON MASTER PLANS.
2. LAYOUT IS PRELIMINARY AND SUBJECT TO APPROVALS AND SURVEYS.
3. EXISTING HOUSE TO BE REMOVED.
4. DEVELOPMENT VARIANCE PERMIT REQUIRED FOR THE RF-12 LOTS (1-4) TO BE REDUCED FROM 12.00m TO 11.91m

Scale: 1:1000	Mun. Proj. No.	Dwg. No.
Drawn: LC	Mun. Dwg. No.	A
Designed: SS	Job No. 13-3052	Of
P.W. P.U.	Date SEPT/2013	Revision 1
Approved:	custody of prints bearing previous number	

No.	Date	Revision	Dr	Ch
1	13/10/31	REVISED LAYOUT CONCEPT	LC	SS

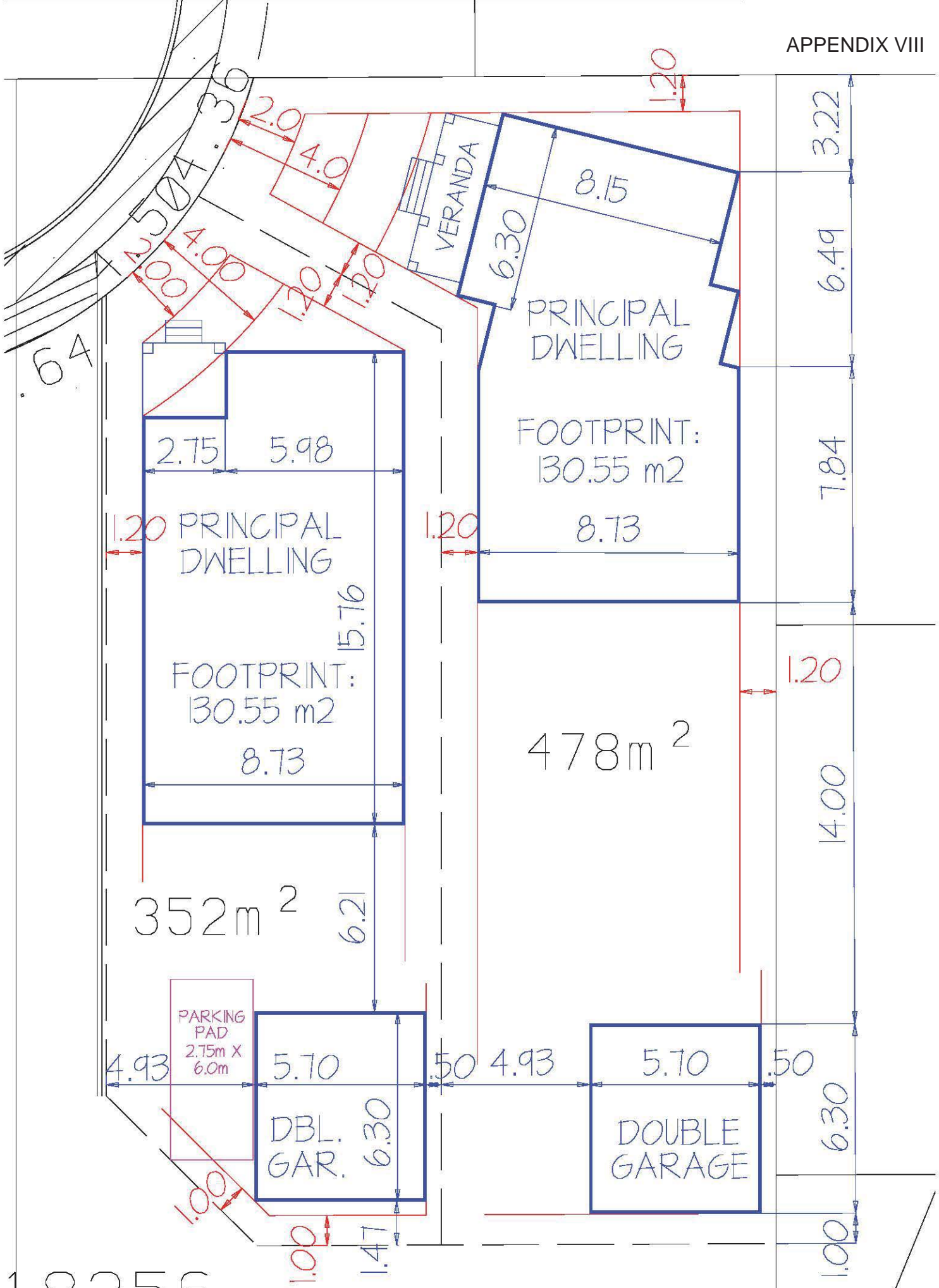
**CitiWest Consulting Ltd.**  
 No. 101-8030 KING GEORGE BLVD., SURREY, BC V3V 7Y3  
 TELEPHONE 604-591-2213 FAX 604-591-5519  
 E-MAIL: office@citywest.com



MTM DEVELOPMENTS LTD.  
 10208 - GILMORE CRESCENT, RICHMOND, BC, V6X 1X2, PH: 604-837-2886, EMAIL: mtm@mtmdev.com

**PRELIMINARY LOT LAYOUT**  
 SUBDIVISION AT 12239 - 96 AVENUE, SURREY

This drawing and design is the property of CITIWEST CONSULTING LTD. and cannot be used, reused or reprinted without the written consent of said company.



18256

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7911-0320-01

Issued To: NARINDER AUJLA

Address of Owner: 12322 - 64A Avenue  
Surrey BC V3W 5Y5

Issued To: HARMINDER S CHAHAL

Address of Owner: 7295 - 130A Street  
Surrey, BC V3W 6E9

Issued To: INDERJIT S RANDHAWA  
HARJIT K RANDHAWA  
TARSEM S SARAI  
GURWINDER K SARAI

Address of Owner: 12229 - 96 Avenue  
Surrey, BC V3V 1W6

Issued To: GURPREET PUREWAL

Address of Owner: 16270 - 60 Avenue  
Surrey, BC V3S 1S4

(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: 003-654-761

West Half Lot "A" Section 31 Block 5 North Range 2 West New Westminster District Plan 13298

12229 - 96 Avenue

Parcel Identifier: 010-415-131  
Lot "E" Section 31 Block 5 North Range 2 West New Westminster District Plan 21342

12215 - 96 Avenue

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier:

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- (b) If the civic addresses change, the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

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

- (a) In Section K of Part 17A Single Family Residential (12) Zone (RF-12), the minimum Lot width for a Type I Interior Lot is reduced from 12 metres (40 ft.) to 11.09 metres (36 ft.) for proposed Lots 1 – 4 inclusive;
- (b) In Section F of Part 16 Single Family Residential Zone (RF), the minimum rear yard setback for the principal building is reduced from 7.5 metres (25 ft.) to 4.6 metres (15 ft.) for proposed Lot 5; and
- (c) In Section F of Comprehensive Development By-law No. 18176, the minimum rear yard setback for the principal building is reduced from 15 metres (50 ft.) to 7.3 metres (24 ft.) for proposed Lot 6.

5. 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.

6. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

7. This development variance permit shall lapse unless the subdivision, as conceptually shown on Schedule A which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) years after the date this development variance permit is issued.
  
8. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
  
9. 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

**SKETCH PLAN SHOWING EXISTING BUILDING AND PROPOSED LOT LINES ON LOT "E", SECTION 31, BLOCK 5 NORTH, RANGE 2 WEST, NWD, PLAN 21342**



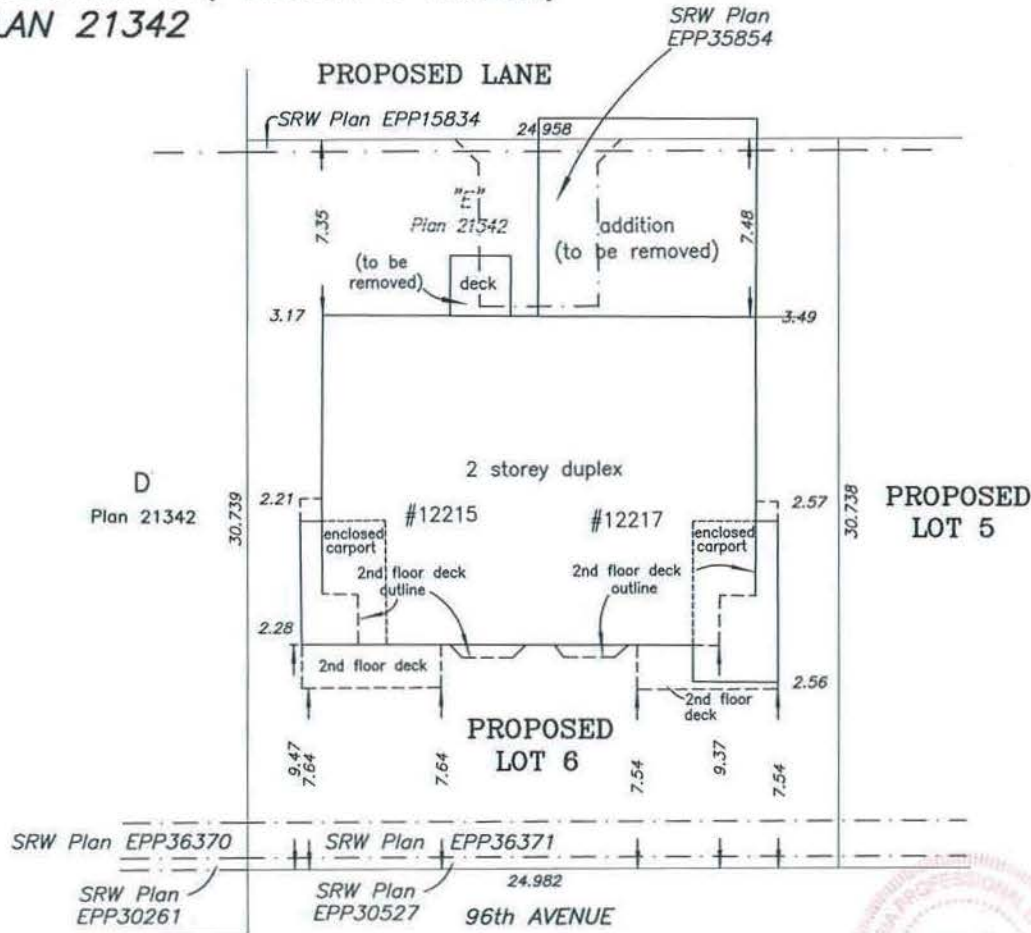
SCALE - 1 : 250  
All distances are in metres

Civic Address:  
12215/12217 - 96th Avenue  
Surrey, B.C.

Height of roof peak above ground = 7.42 m<sup>2</sup>



Cameron Land Surveying Ltd.  
B.C. Land Surveyors  
Unit 206 - 16055 Fraser Highway  
Surrey, B.C. V4N 0G2  
Phone: 604-597-3777  
Fax: 604-597-3783



Area of First Floor	=	269.9 m <sup>2</sup>
Area of Enclosed Carports	=	43.2 m <sup>2</sup>
Area of First Floor (after carport enclosure removal)	=	226.7 m <sup>2</sup>
Area of Second Floor	=	245.9 m <sup>2</sup>
Total Floor Area	=	472.6 m <sup>2</sup>
Area of Proposed Lot 6	=	767.5 m <sup>2</sup>
F.A.R.	$\frac{472.6 \text{ m}^2}{767.5 \text{ m}^2}$	= 0.616

12215/17 - 96 Avenue - Existing Duplex.  
Variance to reduce the rear yard setback for existing structure only.

SCHEDULE A

Certified correct this 29th day of January, 2014.

  
Ken W. Schuurman, B.C.L.S.



4960-FAR1



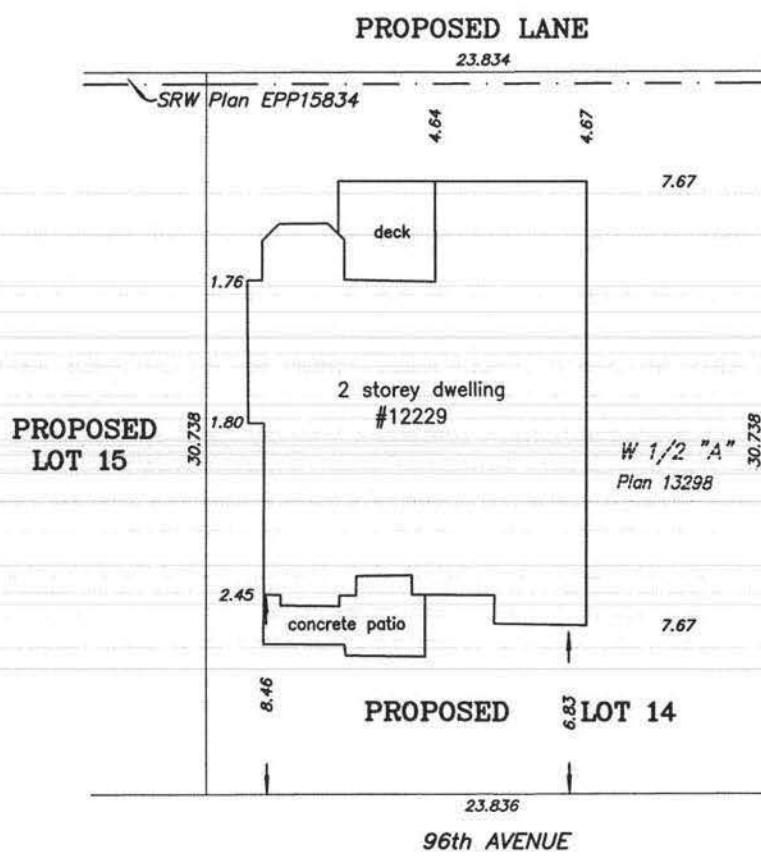
**SKETCH PLAN SHOWING EXISTING BUILDING AND PROPOSED LOT LINES ON WEST HALF OF LOT "A", SECTION 31, BLOCK 5 NORTH, RANGE 2 WEST, NWD, PLAN 13298**

Area of First Floor	=	227.2 m <sup>2</sup>
Area of Second Floor	=	119.9 m <sup>2</sup>
Total Floor Area	=	347.1 m <sup>2</sup>
Area of Proposed Lot	=	732.6 m <sup>2</sup>
F.A.R.	$\frac{347 \text{ m}^2}{733 \text{ m}^2}$	= 0.47



SCALE - 1 : 250  
All distances are in metres

Civic Address:  
12229 - 96th Avenue  
Surrey, B.C.

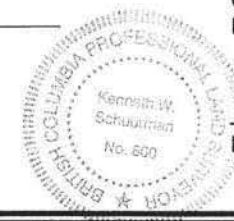


E 1/2 "A"  
Plan 13298

W 1/2 "A"  
Plan 13298

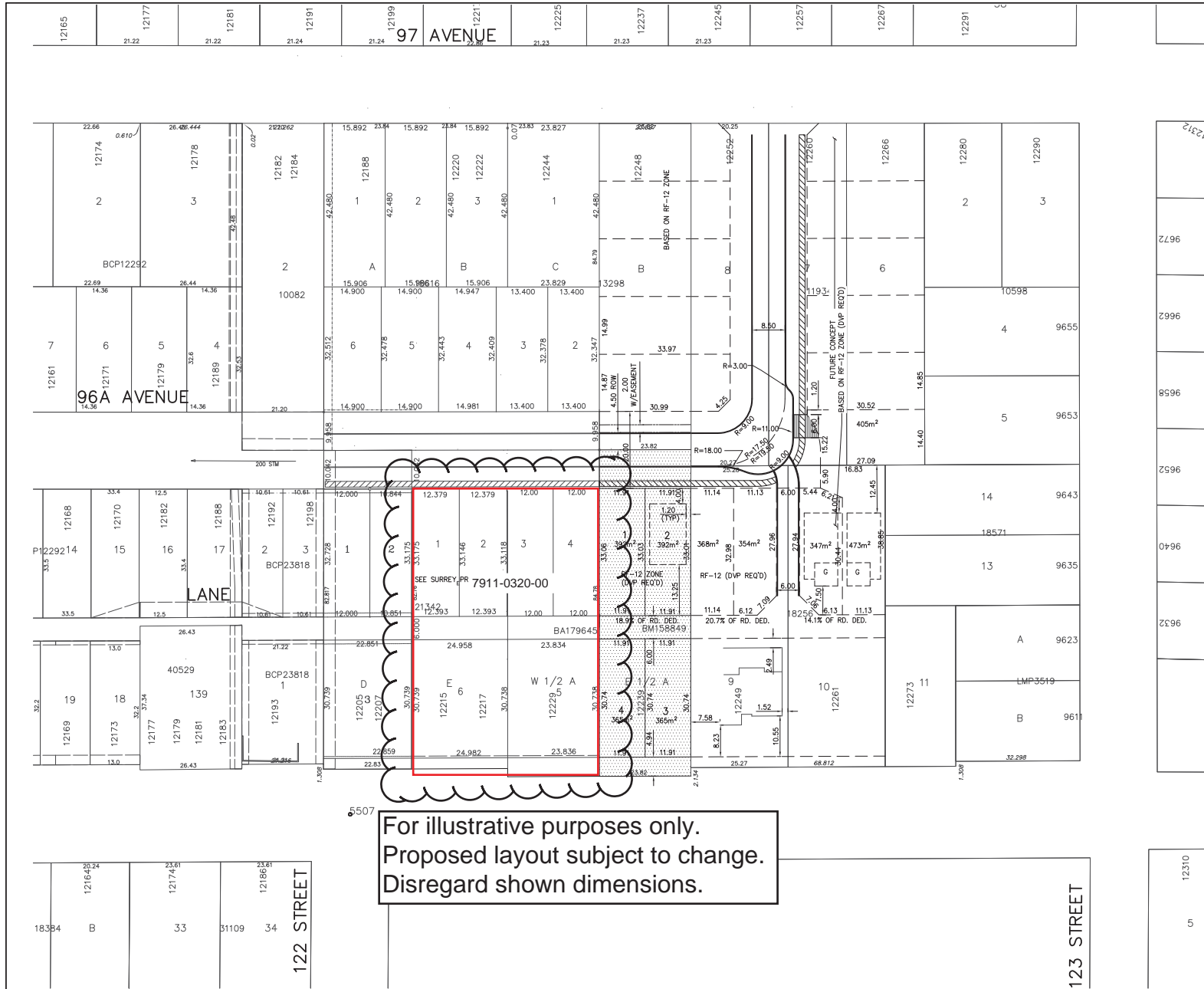
Cameron Land Surveying Ltd.  
B.C. Land Surveyors  
Unit 206 - 16055 Fraser Highway  
Surrey, B.C. V4N 0G2  
Phone: 604-597-3777  
Fax: 604-597-3783

Certified correct this 3rd day of  
May, 2012.



*Ken W. Schuurman*  
Ken W. Schuurman, B.C.L.S.

12229 - 96 Avenue - Existing Single Family Home.  
Variance to reduce the west and rear yard setbacks.





CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7913-0207-01

Issued To: SATVIR KAUR NIJJAR  
 MANU MANRAJ SINGH NIJJAR  
 MONICA MANVEER KAUR NIJJAR

("the Owner")

Address of Owner: 10208 - Gilmore Crescent  
 Richmond, BC V6X 1X2

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: 009-797-777

East Half Lot "A" Section 31 Block 5 North Range 2 West New Westminster District Plan 13298

12239 - 96 Avenue

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier:

\_\_\_\_\_

- (b) If the civic address changes, the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

\_\_\_\_\_

4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section K of Part 17A Single Family Residential (12) Zone (RF-12), the minimum Lot width for a Type I Interior Lot is reduced from 12 metres (40 ft.) to 11.09 metres (36ft.) for proposed Lots 1 and 2; and
  - (b) In Section K of Part 17A Single Family Residential (12) Zone (RF-12), the minimum Lot width for a Type I Interior Lot is reduced from 12 metres (40 ft.) to 11.9 metres (39ft.) for proposed Lots 3 and 4.
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 unless the subdivision, as conceptually shown on Schedule A which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) 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

---

City Clerk – Jane Sullivan

