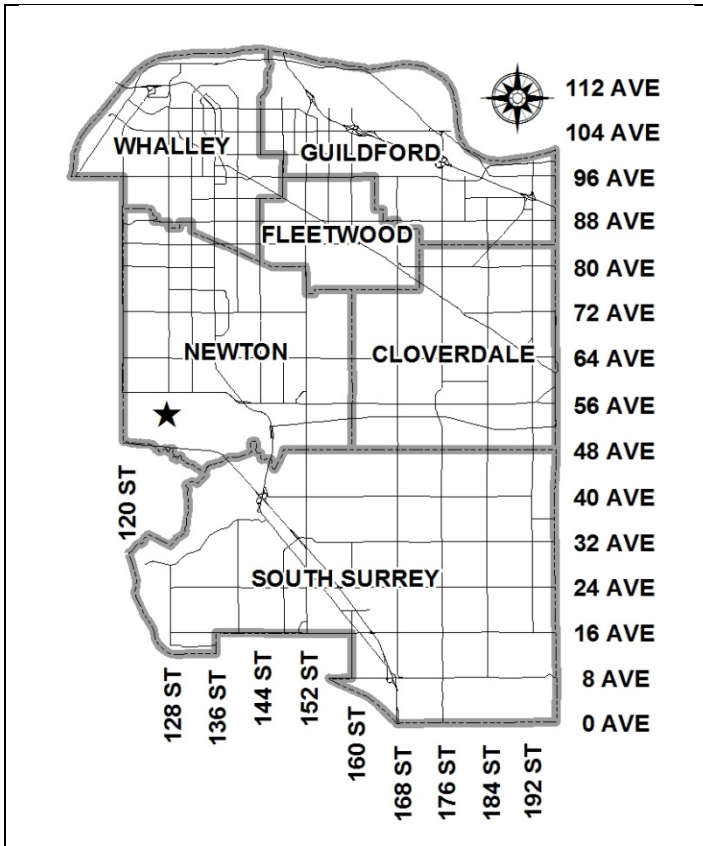


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7913-0222-00

Planning Report Date: February 3, 2014



PROPOSAL:

- **Rezoning** from RH to CD (based on RH)

in order to permit a recently built addition to the house to be retained.

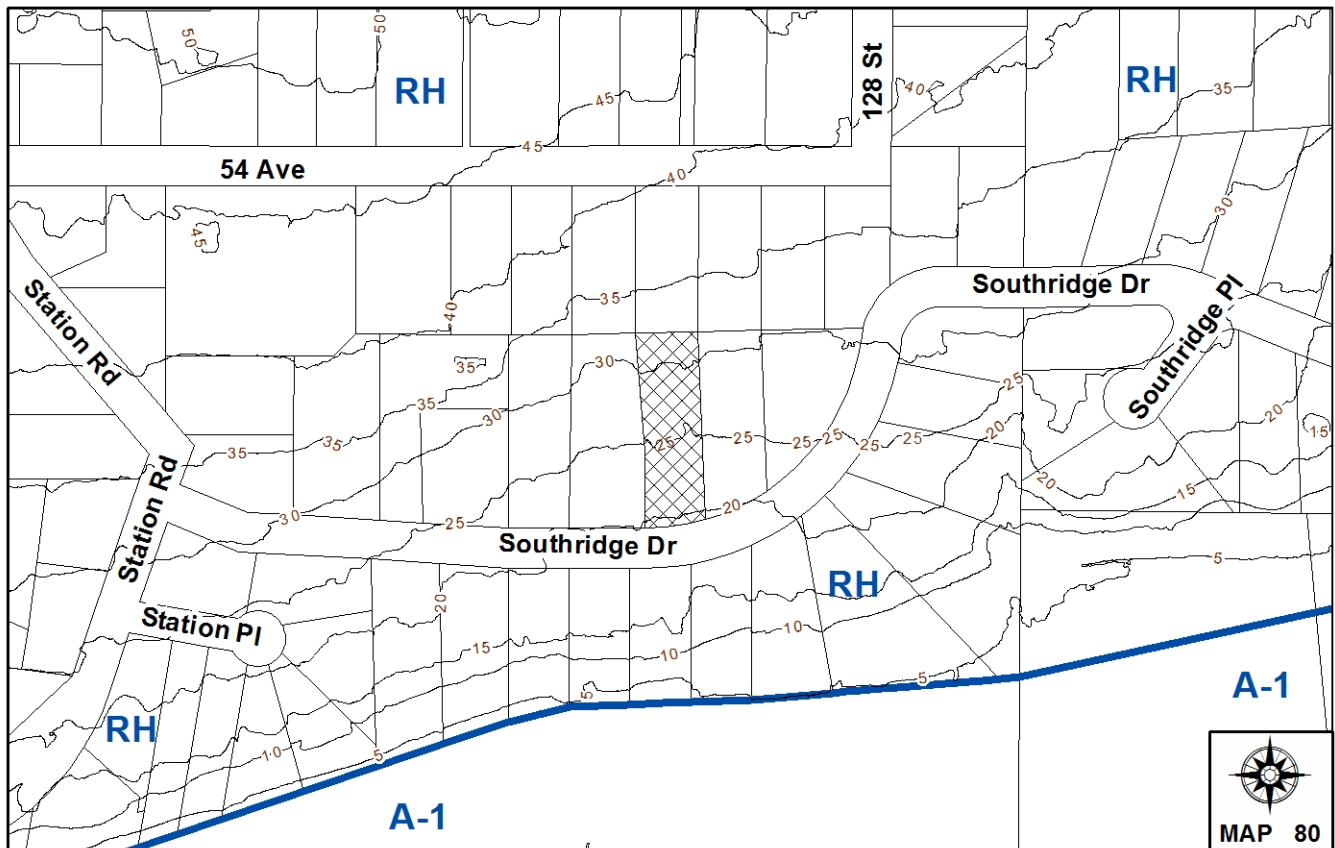
LOCATION: 12755 - Southridge Drive

OWNER: Mankesh K Bains

ZONING: RH

OCP DESIGNATION: Suburban

LAP DESIGNATION: Suburban Residential (½ Acre)



RECOMMENDATION SUMMARY

- The Planning & Development Department recommends that this application proceed to Public Hearing.
- By-law Introduction and set date for Public Hearing for Rezoning.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The increase in the maximum allowable floor area is not significant (3.6% larger than the maximum allowable floor area), and does not result in any appreciable increase in the massing of the dwelling.
- Area residents have raised objections to the proposal, and specifically cite concerns of the precedent that would be set for allowing any further increase in building floor area than currently permitted in the RH Zone.
- To address some of the concerns raised, staff is prescribing a number of conditions, including the registration of a restrictive covenant to prevent further addition of floor area to the house, and the removal of all temporary structures.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site in Development Application No. 7913-0222-00 from "Half-Acre Residential Zone (RH)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. 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) registration of a Restrictive Covenant with the floor plans to prevent any future additions; and
 - (c) removal of all temporary structures and floors to the satisfaction of the City.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: single family dwelling

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North:	single family dwelling	Suburban / Suburban Residential (½ Acre)	RH
East:	single family dwelling	Suburban / Suburban Residential (½ Acre)	RH
South (Across Southridge Dr.):	single family dwelling	Suburban / Suburban Residential (½ Acre)	RH
West:	single family dwelling	Suburban / Suburban Residential (½ Acre)	RH

DEVELOPMENT CONSIDERATIONS

Background

- The site area is 2,932 m² (31,560 sq. ft.), designated Suburban in the OCP and Suburban Residential (½ Acre) in the West Panorama Ridge Local Area Plan (LAP). The site is currently zoned "Half-Acre Residential Zone (RH)".
- The applicant originally applied for a building permit in December, 2011 (reviewed in June, 2012 to adjust lot size, dwelling size, grades and building heights). During the course of the construction, the applicant converted a deck to interior floor space, contrary to his approved Building Permit plans, resulting in additional floor space that exceeds the maximum allowed in the RH Zone. The applicant has applied for rezoning to allow the additional floor space to be retained.

Proposal

- The applicant is proposing to rezone the site to "Comprehensive Development Zone (CD)", based on RH Zone, to allow for a recently built house to be retained with the existing floor area, which exceeds the maximum allowable under the RH Zone.
- The current allowable floor area is 733 m² (7,890 sq. ft.), based on the maximum 0.25 Floor Area Ratio (FAR) specified in the RH Zone. The proposal is for an additional 28 m² (300 sq. ft.) to the building, for a total floor area of 760 m² (8,174 sq. ft.), which is equivalent to an FAR of 0.26.
- The additional 28 m² (300 sq. ft.) of floor area relates to room on the southeast corner of the house, on the second floor. The room was initially planned to be a covered deck, so the roof lines have not changed with the addition of the walls, and the creation of the room.
- Summary of house floor area

Area	Square metres	Square feet
Main floor	363.2 m ²	3,910 sq. ft.
Upper floor	236.5 (208.5 + 28) m ²	2,544 (2,244 + 300) sq. ft.
Garage	45 m ²	484 sq. ft.
Carport	80 m ²	858 sq. ft.
Basement under porch	7.3 m ²	78 sq. ft.
Accessory reserve	28 m ²	300 sq. ft.
TOTAL	760 (732 + 28) m²	8,174 (7,874+300) sq. ft.
Other basement (not counted on the FAR)	417 m ²	4,486 sq. ft.

Staff comments on the Proposal

- The proposed additional floor area is not supported by the neighbourhood, nor by the West Panorama Ridge Ratepayers Association, as outlined in the Pre-notification section of this report. The concerns focus on the sheer size of the dwelling, and the precedent that would be set for allowing any further increase in building floor area beyond what is currently allowed in the RH Zone.

- From a building massing perspective, the conversion of covered deck to interior floor space does not significantly impact the overall volume of the dwelling. The roof lines have not changed as a consequence of filling in the deck; therefore, the exterior shell of the dwelling remains largely unchanged.
- The additional room, being located at the southeast corner of the dwelling, is not in close proximity to any immediate neighbour's house. The room is located approximately 30 metres (98 ft.) from the dwelling to the east (10 metres [33 ft.] from the driveway), and 22 metres (72 ft.) from the dwelling to the west, though not as visible from the west. The room is also setback a substantial 30 metres (98 ft.) from Southridge Drive, and 50 metres (164 ft.) from dwellings across the street.
- There is temporary additional floor area built above the garage. The removal of this additional floor area will be a condition of final adoption of the rezoning bylaw.
- If following the Public Hearing, Council believes there is merit in allowing this application to proceed, staff recommends that the current house plans with the additional room on the second floor be registered as a Restrictive Covenant on Title, to prevent any further deck enclosures, floors on double-height spaces, and any other additions to the floor area of the dwelling.

Comprehensive Development (CD) Zone

- The applicant proposes to rezone from "Half-Acre Residential Zone (RH)" to "Comprehensive Development Zone (CD)", generally based on "Half-Acre Residential Zone (RH)".
- The table below provides a comparison between the RH Zone and the proposed CD By-Law:

	RH Zone	Propose CD By-Law
FAR	0.25	0.26

- Based on the lot area of 2,932 m² (31,560 sq. ft.), the maximum allowable floor area is 760 m² (8,174 sq. ft.), which is 3.6% larger than the maximum allowable floor area in the existing RH Zone.
- Of the resulting allowable floor area, 67 m² (720 sq. ft.) shall be reserved for use only as a garage or carport, and 28 m² (300 sq. ft.) shall be reserved for use only as accessory buildings and structures. The dwelling currently has 125 m² (1,342 sq. ft.) of garage and carport, which exceeds the 67 m² (720 sq. ft.) and is duly accounted for in the current floor area calculation. No accessory buildings or structures are proposed at this time.
- All other requirements from the RH Zone shall apply.

PRE-NOTIFICATION

Pre-notification letters were sent on November 14, 2013 and staff received a letter from the West Panorama Ridge Ratepayers Association (WPRRA), as well as a petition with signatures of 23 households along Southridge Drive, Station Road, Station Place and 54 Avenue (along the back of the subject property) (one signature on 129 Street and one signature on Coulthard Road). 21 of the signatures are within 300 metres of the subject site, and the other 2 signatures are within 600 metres of the subject site. Four properties along Southridge Drive were identified as being rented, and the lot owners could not be reached. One lot owner is out of the country, but left a letter with one of the neighbours opposing any rezoning to allow for additional area before the application was made. The petition was to express opposition to the proposed zoning change that would permit the size of the dwelling constructed on the subject property to exceed that allowed in the current RH Zoning.

The letter from the WPRRA describes this application as a lack of respect for the existing zoning by-laws, and outlined concerns about setting a precedent, regardless of how much additional area is being asked for. They also point out that the house under construction, even without this additional area, would already be at least double the size of the other houses in the area, and it greatly overwhelms the other homes on Southridge Drive. Concern was also expressed about the number of Stop Work Orders issued, and the various violations reported, including the construction of additional area, which is, after the fact, under a rezoning application.

As residents who signed the petition were concerned about privacy and did not want to be identified publicly, a map of signatures is not included in this report. The letter from the WPRRA is included as Appendix V.

CONCLUSION

- The Planning & Development Department recommends that this application proceed to Public Hearing.
- The increase in the maximum allowable floor area is not significant (3.6% larger than the maximum allowable floor area), and does not result in any appreciable increase in the massing of the dwelling.
- Area residents have raised objections to the proposal, and specifically cite concerns of the precedent that would be set for allowing any further increase in building floor area than currently permitted in the RH Zone.
- To address some of the concerns raised, staff recommends the prescription of a number of conditions, including the registration of a restrictive covenant to prevent further expansions and removal of all temporary structures before final adoption of the rezoning bylaw.

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. Floor Plans and Elevations
- Appendix III. Engineering Summary
- Appendix IV. Proposed CD By-law
- Appendix V. Letter from West Panorama Ridge Ratepayers Association

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

LFM/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: Dilraj Bains

 Address: 12367 - 63A Avenue
 Surrey, BC

 Tel: 604-716-8884 - Work
 604-716-8884 - Home

2. Properties involved in the Application
 - (a) Civic Address: 12755 - Southridge Drive

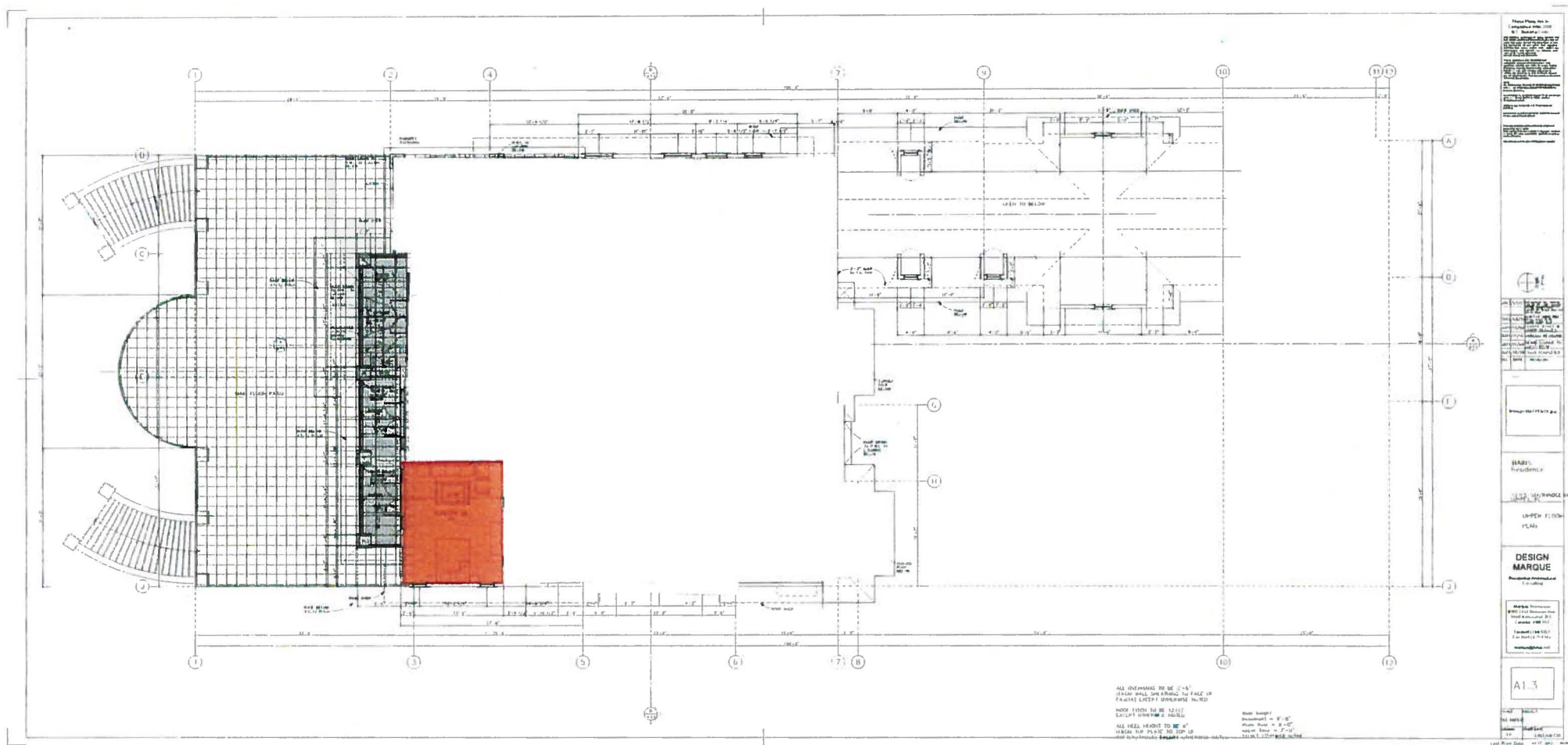
 - (b) Civic Address: 12755 - Southridge Drive
 Owner: Mankesh K Bains
 PID: 007-259-051
 Lot 88 District Lot 51 Group 2 New Westminster District Plan 44167

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to rezone the property.

SUBDIVISION DATA SHEET

Proposed Zoning: CD

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	0.724 acres
Hectares	0.2932 hectares
NUMBER OF LOTS	
Existing	1
Proposed	1
FLOOR AREA RATIO	
FAR on RH	0.25
FAR on proposed CD	0.26
Required	
PARKLAND	
5% money in lieu	NO
TREE SURVEY/ASSESSMENT	
	NO
MODEL BUILDING SCHEME	
	NO
HERITAGE SITE Retention	
	NO
BOUNDARY HEALTH Approval	
	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	YES
Others	NO



Project Name: [Redacted]
 Location: [Redacted]
 Date: [Redacted]

Scale: 1/8" = 1'-0"

DESIGN MARQUE

Project: [Redacted]

Sheet: A1.3

ALL OVERHANGS TO BE 1'-4"
FROM WALL BEARING TO FACE OF
FASCIA EXCEPT OTHERWISE NOTED

ROOF PITCH TO BE 12/12
EXCEPT OTHERWISE NOTED

ALL HILL SIDING TO BE 4"
FROM TOP PLATE TO TOP OF
RAFTER/TIMBER EXCEPT OTHERWISE NOTED

These Plans Are In
Compliance With 2006
I.C. Building Code

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2006 I.C. BUILDING CODE AND ALL APPLICABLE AMENDMENTS THEREOF.

2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2006 I.C. BUILDING CODE AND ALL APPLICABLE AMENDMENTS THEREOF.

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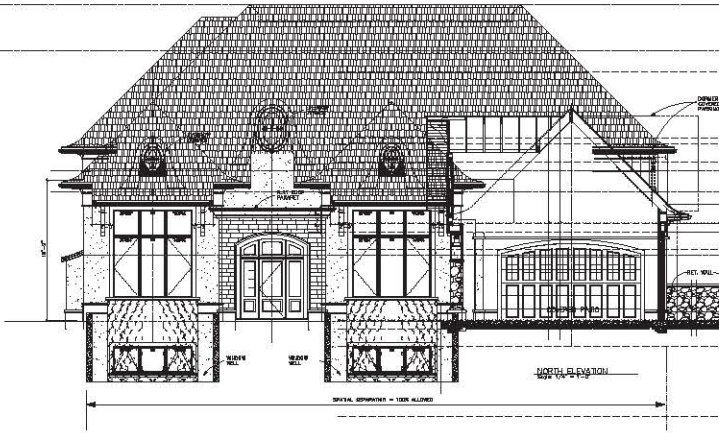
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40. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2006 I.C. BUILDING CODE AND ALL APPLICABLE AMENDMENTS THEREOF.



- EXTERIOR FINISH SCHEDULE
1. GIBBS SIDING
 2. GIBBS SIDING
 3. WOOD BRACKETS
 4. WOOD BRACKETS
 5. WOOD BRACKETS
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 20. WOOD BRACKETS



INTER-OFFICE MEMO

TO: **Manager, Area Planning & Development
- South Surrey Division
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **January 7, 2014** PROJECT FILE: **7813-0222-00**

RE: **Engineering Requirements
Location: 12755 Southridge Drive**

REZONE***Works and Services***

- Construct a 6.0 metre wide concrete driveway with a maximum 5% slope for 6 metres from property line.
- Fully restore the boulevard along the frontage with topsoil and sod as previous home was accessed with a U-shaped driveway.
- Provide on-site stormwater mitigation features due to the the extent of on-site impervious area.
- Inspect and clean out the adjacent catch basins along Southridge Drive.
- Provide water, storm, and sanitary service connections to service the lot.

A Servicing Agreement is not required for the proposed Rezone



Rémi Dubé, P.Eng.
Development Services Manager

CE

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: HALF-ACRE RESIDENTIAL ZONE (RH)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 007-259-051
 Lot 88 District Lot 51 Group 2 New Westminster District Plan 44167
 12755 - Southridge Drive

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

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

A. Intent

This Comprehensive Development Zone is intended to accommodate and regulate the development of a *single family dwelling* on a *suburban lot*.

B. Permitted Uses

The *Lands* and *structures* shall be used for the following uses only, or for a combination of such uses:

- 1. One *single family dwelling* which may contain 1 *secondary suite*.
- 2. *Accessory uses* including the following:
 - (a) Bed and Breakfast use in accordance with Section B.2, Part 4 General Provisions of Surrey Zoning By-Law, 1993, No. 12000, as amended; and

- (b) The keeping of *boarders* or *lodgers* in accordance with Section B.2, Part 4 General Provisions of Surrey Zoning By-Law, 1993, No. 12000, as amended.

C. Lot Area

Not applicable to this Zone.

D. Density

1. For the purpose of this section, and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of Surrey Zoning By-Law, 1993, No. 12000, as amended, all covered areas used for parking shall be included in the calculation of *floor area ratio* unless covered parking is located within the *basement*.
2. For *building* construction within a *lot*, the *floor area ratio* shall not exceed 0.26, provided that of the resulting allowable floor area, 67 square metres [720 sq. ft.] shall be reserved for use only as a garage or carport, and 28 square metres [300 sq. ft.] shall be reserved for use only as *accessory buildings* and *structures*.

E. Lot Coverage

The *lot coverage* shall not exceed 25%.

F. Yards and Setbacks

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

Use	Setback	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard</i>
<i>Principal Building</i>		7.5 m. [25 ft.]	7.5 m. [25 ft.]	4.5 m. [15 ft.]
<i>Accessory Buildings and Structures Greater than 10 m² [105 sq. ft.] in Size</i>		18.0 m. [60 ft.]	1.8 m. [6 ft.]	1.0 m. [3 ft.]
<i>Other Accessory Buildings and Structures</i>		18.0 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 buildings: 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

1. Resident *parking spaces* shall be provided as stated in Table C.6 of 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 the residential use, 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 3.
3. No outside parking or storage of a *house trailer* or boat is permitted within the *front yard setback*, or within the required *side yards* adjacent the *principal building*, or within 1 metre [3 ft.] of the *side lot line*, except where there is no vehicular access to the *rear yard* or where access is not feasible through modification of *landscaping* or fencing or both, either 1 *house trailer* or 1 boat may be parked in the front *driveway* or to the side of the front *driveway* or in the *side yard*, but no closer than 1 metre [3 ft.] to a *side lot line* nor within 1 metre [3 ft.] of the *front lot line* subject to the residential parking requirements stated in Table C.6 of Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.

I. Landscaping

1. All developed 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.

2. Along the developed sides of the *lot* which abut a *highway*, a continuous *landscaping* strip of not less than 1.5 metres [5 ft.] in width shall be provided within the *lot*.
3. The boulevard areas of *highways* abutting a *lot* shall be seeded or sodded with grass on the side of the *highway* abutting the *lot*, except at *driveways*.
4. Garbage containers and *passive recycling containers* shall be screened to a height of at least 2.5 metres [8 ft.] by *buildings*, a *landscaping* screen, a solid decorative fence, or a combination thereof.

J. Special Regulations

1. A *secondary suite* shall:
 - (a) Not exceed 90 square metres [968 sq. ft.] in floor area; and
 - (b) Occupy less than 40% of the habitable floor area of the *building*.

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>
1,858 sq. m. [0.5 acre]	30 metres [100 ft.]	30 metres [100 ft.]

Dimensions shall be measured in accordance with Section E.21 of 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 RH 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. Subdivisions shall be subject to the applicable 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 RH Zone.
9. Tree regulations are set out in Surrey Tree Protection By-law, 2006, No. 16100, 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

WEST PANORAMA RIDGE RATEPAYERS ASSOCIATION

November 20, 2013

Re File: 7913-0222-00 Notice of Proposed Development at 12755 Southridge Drive

Dear Ms. Moraes,

It has come to my attention that an applicant has proposed to rezone the property at 12755 Southridge Drive from the existing RH, Half Acre Residential Zone, to CD, Comprehensive Development Zone to permit the construction of a home larger than permitted by RH zoning.

Our full Board Of Directors (BOD) has discussed this proposed zoning change. On behalf of the BOD, the residents of West Panorama Ridge and the adjacent neighbours, the WPRRA is adamantly opposed to it. This request is, to the best of our knowledge, unprecedented. We believe it is the first time in at least 20 years, perhaps the first time ever (on West Panorama Ridge) that a zoning change has been requested to allow a larger residential home than existing zoning permits on an existing, single lot where subdivision is not proposed.

Such a request makes a mockery of existing zoning law. Why have zoning at all if you can simply construct what you want, and then change the zoning to suit your purposes? If such a request is approved, we believe a very dangerous precedence will have been established in our community. Our experience is that when one developer is granted an exception, word quickly spreads in the development community and soon every developer requests the same consideration. In the past, Council has been hard pressed to show fairness and grant the same consideration to others in a similar situation. The size of the requested increased square footage is irrelevant; it is the precedence set that is important.

It is our understanding that the house recently constructed at this address, excluding the requested additional square footage, is already at the maximum square footage and lot coverage for RH zoning. It is a huge home that overwhelms Southridge Drive and is at least double the size of the next largest home on this street. There is no obvious reason why this additional square footage should be permitted. We are not aware of any residents of this street that support a larger home at this address.

We are also aware that numerous stop work orders have been issued for this home based on various violations including un-permitted construction and the excessive size and height of the structure. This request for a zoning change appears to be one more attempt to bypass the laws of the City of Surrey.

We strongly request that the City of Surrey Planning Department maintains the integrity of the existing zoning by-laws and recommends that Mayor and Council reject this application. We cannot see any circumstance where to recommend acceptance would be considered good planning policy that benefits the community. To allow this zoning change to proceed would gut existing zoning by-laws and set a dangerous precedence for future development in our community.

Thank-you for your attention to this matter.

Regards,

A handwritten signature in blue ink that reads "Arnie Van Hattem". The signature is written in a cursive style with a large, stylized initial 'A'.

Arnie Van Hattem

President

West Panorama Ridge Ratepayers Association

CC Mayor and Council, City of Surrey