

# City of Surrey PLANNING & DEVELOPMENT REPORT File: 7913-0251-00

Planning Report Date: December 16, 2013

#### **PROPOSAL:**

## • Development Variance Permit

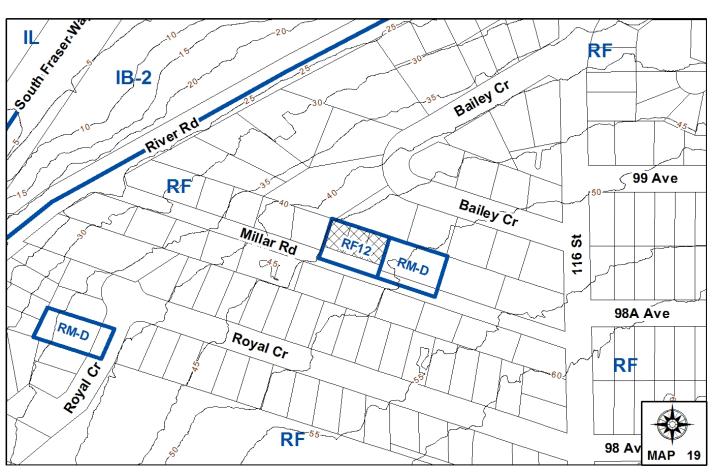
in order to permit the construction of three single family dwellings on three, recently created, small lots.

LOCATION: 11505, 11511 and 11529 - Millar Road

**OWNERS:** Harjit S Grewal

Gary Basi

ZONING: RF-12
OCP DESIGNATION: Urban



#### **RECOMMENDATION SUMMARY**

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

#### **DEVIATION FROM PLANS, POLICIES OR REGULATIONS**

• Seeking additional variances to the front and rear yard setbacks of the RF-12 Zone for the principal buildings on Lots 1, 2 and 3.

#### **RATIONALE OF RECOMMENDATION**

- Due to the lot depth, tree retention requirements, and garage location, the applicant is experiencing difficulty in developing functional floor plans for proposed houses on the 3 recently created residential lots.
- The applicant is proposing to reduce the variance already granted for Lot 2 (under Development Variance Permit No. 7907-0190-01) by increasing the front yard setback to the garage from 5.0 metres (16 ft.) to 5.5 metres (18 ft.).
- To address concerns about the massing of the house for Lots 2 and 3, the requested variance will apply to the main floor and basement only. The second floor of the dwelling will comply with the setback requirements of the RF-12 Zone.
- There is an existing Restrictive Covenant registered on Lot 1 which reduces the massing on the west side of the second floor, to minimize the impact on the existing downslope house to the west. No change is proposed to this Restrictive Covenant.

#### RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7913-0251-00 (Appendix IV) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum front yard setback of the RF-12 Zone from 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for the attached garage of the principal building on Lots 1, 2, and 3 (Appendix II); and
- (b) to reduce the minimum rear yard setback of the RF-12 Zone for the principal building from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for the full width of the basement and main floor on Lots 2 and 3.

#### **REFERRALS**

Engineering: The Engineering Department has no objection to the requested

variances.

#### SITE CHARACTERISTICS

<u>Existing Land Use:</u> Three vacant small single family lots.

# Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings.	Urban	RF
East:	Duplex.	Urban	RM-D
South (Across Millar Road):	Single family dwellings.	Urban	RF
West:	Single family dwellings.	Urban	RF

#### **DEVELOPMENT CONSIDERATIONS**

# **Background**

- The subject site is located on the north side of Millar Road, between 116 Street and River Road. It is designated Urban in the Official Community Plan (OCP) and is currently zoned "Single Family Residential (12) Zone (RF-12)".
- Development Application No. 7907-0190-00 was submitted in July, 2007 to rezone the subject site from RF to RF-12, and to subdivide the subject site into 3 single family lots, which will be referred to in this report as Lots 1, 2 and 3 (Appendix II). On April 22, 2013, Council granted

Final Adoption to Rezoning By-law No. 16932, rezoning the subject site from RF to RF-12. A companion Development Variance Permit (No. 7907-0190-01) to vary the road width, lot depth and setbacks, was also approved on April 22, 2013.

- Millar Road, which fronts the subject site, is classified as a collector road, but was developed
  many years ago and as a result, has a cross-section that is substantially narrower than current
  collector road cross-sections. Further, the entire length of Millar Road is completely
  developed with single family residences and the opportunity to achieve a current collector
  road cross-section of 22 metres (72 ft.) is not possible without acquisition and elimination of
  existing residences.
- To address this issue, a modified collector road standard was developed for Millar Road that would allow Millar Road to function as a collector while, at the same time, having minimal impact on the adjoining single family lots and the ability of these single family lots to redevelop to slightly higher densities.
- As a result of road dedication requirements along Millar Road, the depth of the 3 subject lots was decreased (by Development Variance Permit No. 7907-0190-01) from 22.0 metres (72 ft.) required under the RF-12 Zone, to a 21.6-metre (71 ft.) depth, which impacted the ability of the applicant to develop functional house plans for the 3 lots.
- At the same time, area residents raised concerns with respect to the retention of mature trees on the 3 proposed lots. In order to address these concerns, tree retention and tree protection areas were placed on all 3 proposed lots, which further impacted the areas of these lots on which houses could be built.
- As the buildable areas on the three proposed lots was so restricted as a result of addressing road and neighbourhood concerns, Council granted variances to the RF-12 Zone (Development Variance Permit No. 7907-0190-01). These variances reduced the rear yard setbacks for Lots 1 and 2 from 7.5 metres to 6.0 metres for the full width of the building face and reduced the front yard setback for the attached garage on Lot 2 from 6.0 metres (20 ft.) to 5.0 metres (16 ft.).
- Despite these variances granted by Council, the developer of the 3 lots is still experiencing
  difficulty in developing functional house plans for the three lots and is now requesting
  additional variances.

## **Current Proposal**

- The applicant has been working with their design consultant to create functional house plans for the new lots. However, due to the lot depth, tree retention requirements, and garage location, the applicant is continuing to experience difficulty creating a functional floor plan for the main floor.
- The applicant is requesting further variances to those approved under Development Variance Permit No. 7907-0190-01, as described in the following table:

	Setback requirements of the RF-12 Zone	Setback variances approved under Development Application No. 7907-0190-01	Requested setback variances
Lot 1	Front Yard: 6.0m to the garage Rear yard: 6.0m for 50% of the rear building face, 7.5m for the remainder	Front Yard: No variance Rear yard: 6.0m for the full width of the building face	Front Yard: 5.5m to the garage Rear yard: No change
Lot 2	Front Yard: 6.0m to the garage Rear yard: 6.0m for 50% of the rear building face, 7.5m for the remainder	Front Yard: 5.0m to the garage Rear yard: 6.0m for the full width of the building face	Front Yard: 5.5m to the garage Rear yard: 6.0m for the full width of the building face for the main floor and basement only.
Lot 3	Front Yard: 6.0m to the garage Rear yard: 6.0m for 50% of the rear building face, 7.5m for the remainder	Front yard: No variance Rear yard: No variance	Front yard: 5.5m to the garage Rear yard: 6.0m for the full width of the building face for the main floor and basement only.

## **BY-LAW VARIANCES AND JUSTIFICATION**

## (a) Requested Variance:

• To relax the front yard setback of the RF-12 Zone for the attached garage of the principal building from 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for Lots 1, 2 and 3.

## Applicant's Reasons:

- Due to tree retention requirements and road dedication provided under Development Application No. 7907-0190-00, the resulting developable area on all 3 lots is less than typically achieved under the RF-12 (Type II) Zone.
- Due to the shallow depth of the existing lots (21.6 metres, 71 ft.), there is insufficient space for a functional room to be located behind the garage, which is located at the front of the house facing the street.
- The reduced front yard setback is requested in order to achieve functional main floor spaces for the proposed dwellings on these lots.

# **Staff Comments:**

• As part of the arborist report for Development Application No. 7907-0190-00, mature trees were identified both on the subject site and on neighbouring properties. Staff and the applicant worked together to try to retain trees on the subject site.

• There was a large cedar tree located at the front of Lot 1, which affected the house footprints on Lots 1 and 2. Initially, it was believed that this cedar tree could be retained, but it was subsequently discovered that, due to road construction requirements, it would not be a viable tree to retain. As a condition of the tree cutting permit, the applicant will plant a large-growing tree in its place and a restrictive covenant was registered to ensure there be adequate space for the new large-growing tree. The restrictive covenant that was registered continues to affect the house footprints on Lots 1 and 2. The large cedar tree was donated to the Cwenengitel Aboriginal Society for cultural purposes.

- There is a deciduous tree located on the neighbouring property to the east, and its critical root zone extends into the subject site. This tree was retained as part of Development Application No. 7907-0190-00, and a restrictive covenant was registered to protect the critical root zone for this tree. This restrictive covenant affects the house footprint of Lot 3.
- The applicant is requesting a relaxation in the front yard setback from the front property line to the face of the attached, double garage from 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for Lots 1, 2, and 3.
- In Part 5, Off-Street Parking and Unloading of the Zoning By-law, the minimum length of a parking stall is 5.5 metres (18 ft). As the applicant is proposing a front yard setback relaxation to 5.5 metres (18 ft) for the double garage, the resulting driveway length in front of each garage is sufficient to park a vehicle.
- The remainder of the proposed houses will conform to the front yard setback provisions of the RF-12 Zone.
- Development Variance Permit No.7907-0190-01 reduced the required front yard setback for the garage on Lot 2 from 6.0 metres (20 ft.) to 5.0 metres (16 ft.). As part of the request to reduce the front yard setbacks on Lots 1 and 3 from 6.0 metres (20 ft.) to 5.5 metres (18 ft.), the applicant has agreed to increase the front yard setback on Lot 2 from 5.0 metres (16 ft.) to 5.5 metres (18 ft.) so that the garages on all three lots are sited a consistent distance from the front property line.
- Staff support the requested variance.

## (b) Requested Variance:

• To reduce the minimum rear yard setback of the RF-12 Zone from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for the main floor and basement only on Lots 2 and 3.

## Applicant's Reasons:

• Due to the retention of a neighbour's tree and the road dedication provided under Development Application No. 7907-0190-00, the resulting developable area on Lot 3 is less than typically achieved under the RF-12 (Type II) Zone.

• Due to the shallow depth of the existing lots (21.6 metres, or 71 ft.), there is insufficient space for a functional room to be located behind the garage, which is located at the front of the house facing the street.

• The setback variance is requested in order to achieve functional main floor space for the proposed dwelling on these lots.

#### **Staff Comments:**

- The RF-12 Zone permits a rear yard setback reduction to 6.0 metres (20 ft.) for 50% of the width of the rear of the building for Type II lots. The applicant is requesting a 6.0-metre (20 ft.) rear yard for the full width of the main floor and basement of the proposed dwelling on Lots 2 and 3.
- A Development Variance Permit (7907-0109-01) reduced the rear yard setback on Lots 1 and 2 from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for the entire width of the dwellings. This variance was supported as Lots 1 overlooks the rear yard of the adjoining single family lot to the north at 11540 Bailey Crescent.
- However, Lots 2 and 3 are more immediately adjacent to the existing single family dwelling on the adjoining single family lot to the north at 11540 Bailey Crescent and there is some concern that reducing the rear yard setback for a proposed dwellings on Lots 2 and 3 will have negative impacts on the adjoining property, particularly for portions of the building on Lot 3 that may extend above the ground floor.
- As a result, to address this concern, staff support the requested variance to reduce the
  rear yard setback on Lots 2 and 3 for the entire width of the dwelling, but for only the
  basement and main floor of the dwelling. The second floor of the proposed dwelling
  on Lots 2 and 3 will need to comply with the rear yard setback requirements of the RF12 Zone.

#### **INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary

Appendix II Map of subject site

Appendix III. Proposed Site Plan and Floor Plans

Appendix IV. Development Variance Permit No. 7913-0251-00

original signed by Judith Robertson

Jean Lamontagne General Manager Planning and Development

# Information for City Clerk

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

1. (a) Agent: Name: Ran Chahal

**Apex Designs Group** 

Address: 8120 - 128 Street, Unit 157

Surrey, BC V<sub>3</sub>W <sub>1</sub>R<sub>1</sub>

Tel: 604-543-8281 - Work

604-543-8281 - Cellular

2. Properties involved in the Application

(a) Civic Address: 11505 - Millar Road

11511 - Millar Road 11529 - Millar Road

(b) Civic Address: 11505 - Millar Road

Owner: Gary Basi

Harjit S Grewal

PID: 029-075-777

Lot 1 Section 35 Block 5 North Range 3 West New Westminster District Plan EPP24154

(c) Civic Address: 11511 - Millar Road

Owner: Gary Basi

Harjit S Grewal

PID: 029-075-785

Lot 2 Section 35 Block 5 North Range 3 West New Westminster District Plan EPP24154

(d) Civic Address: 11529 - Millar Road

Owner: Gary Basi

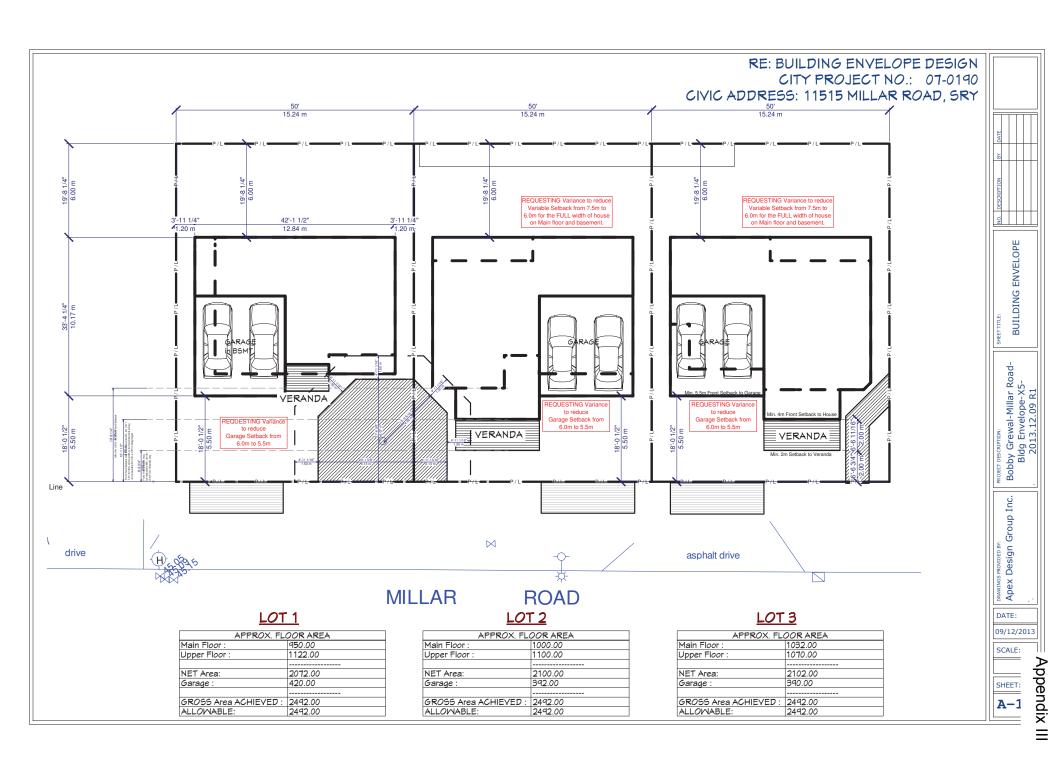
Harjit S Grewal

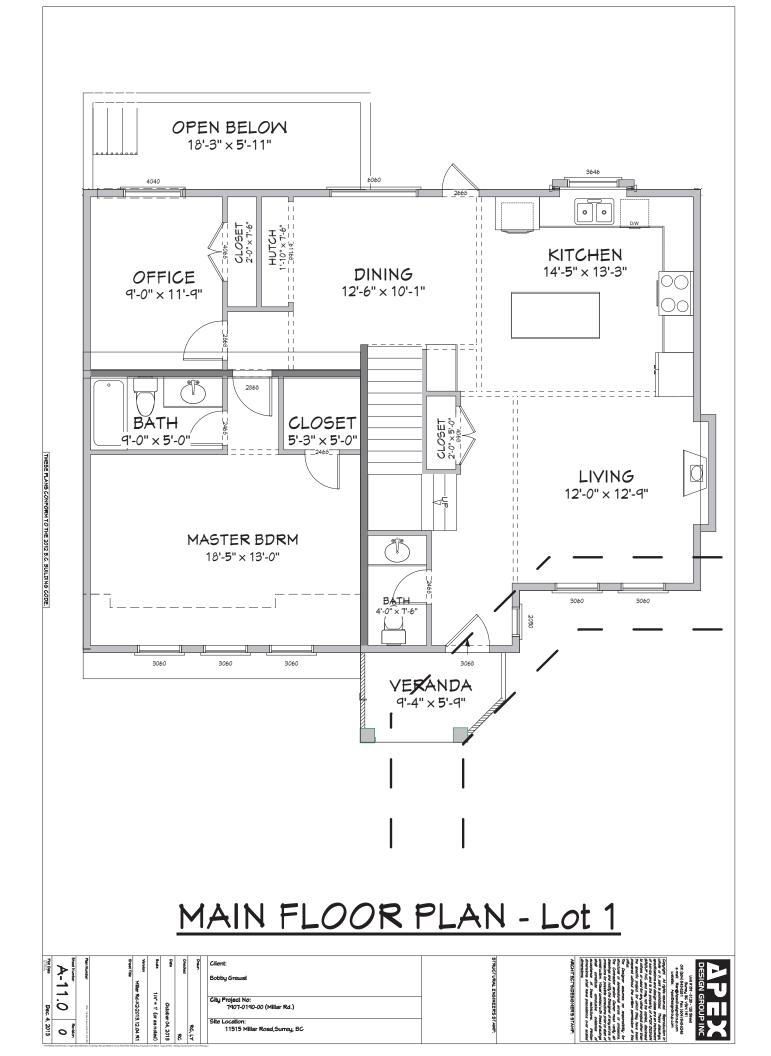
PID: 029-075-793

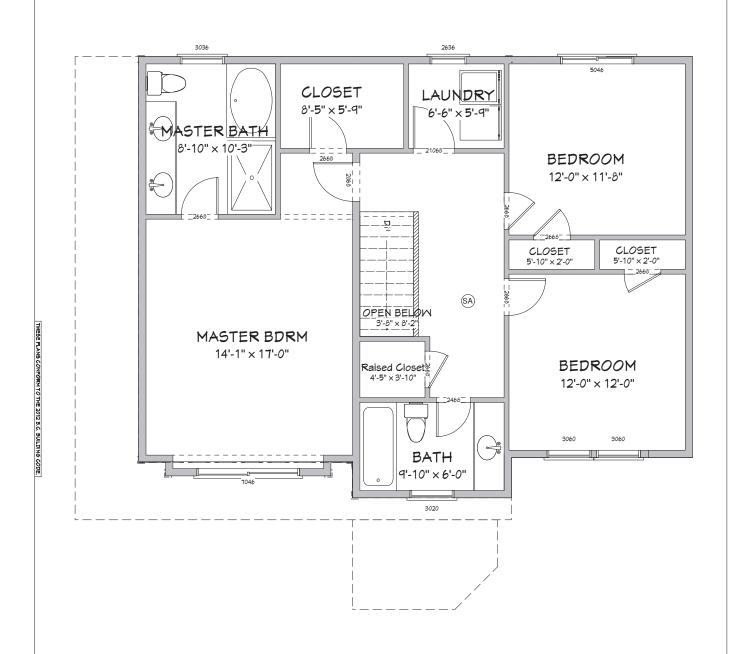
Lot 3 Section 35 Block 5 North Range 3 West New Westminster District Plan EPP24154

## 3. Summary of Actions for City Clerk's Office

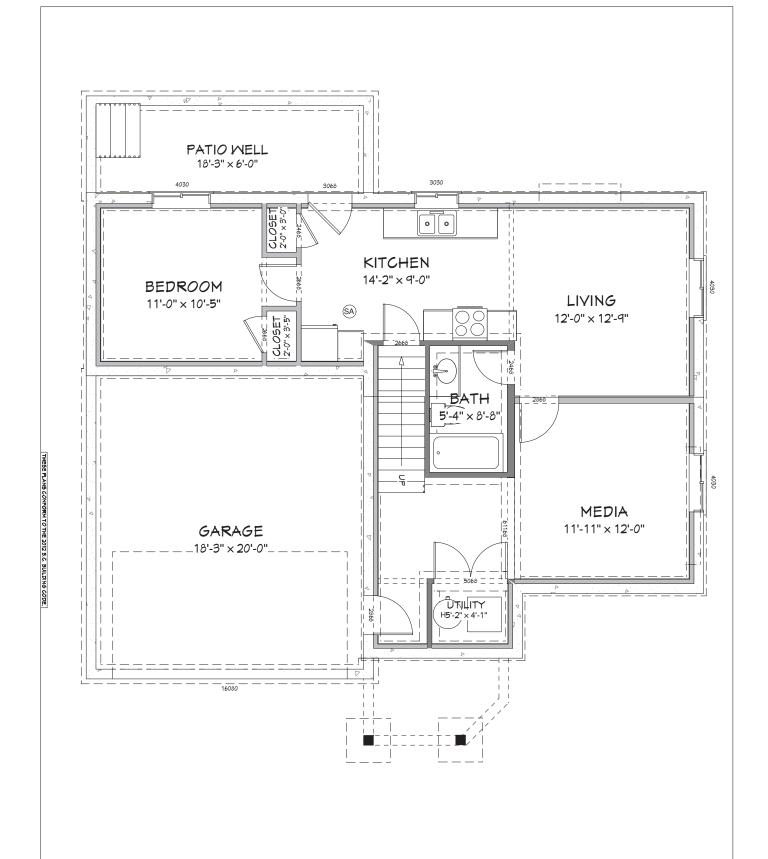
(a) Proceed with Public Notification for Development Variance Permit No. 7913-0251-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.





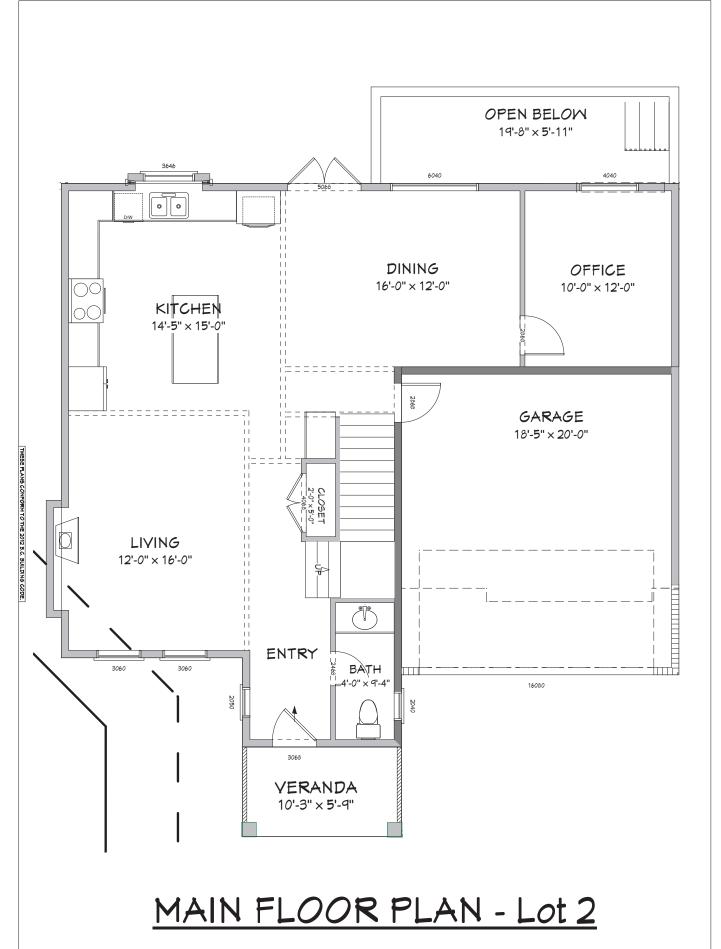


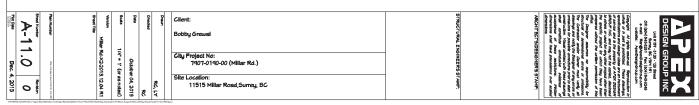
# UPPER FLOOR PLAN - Lot 1

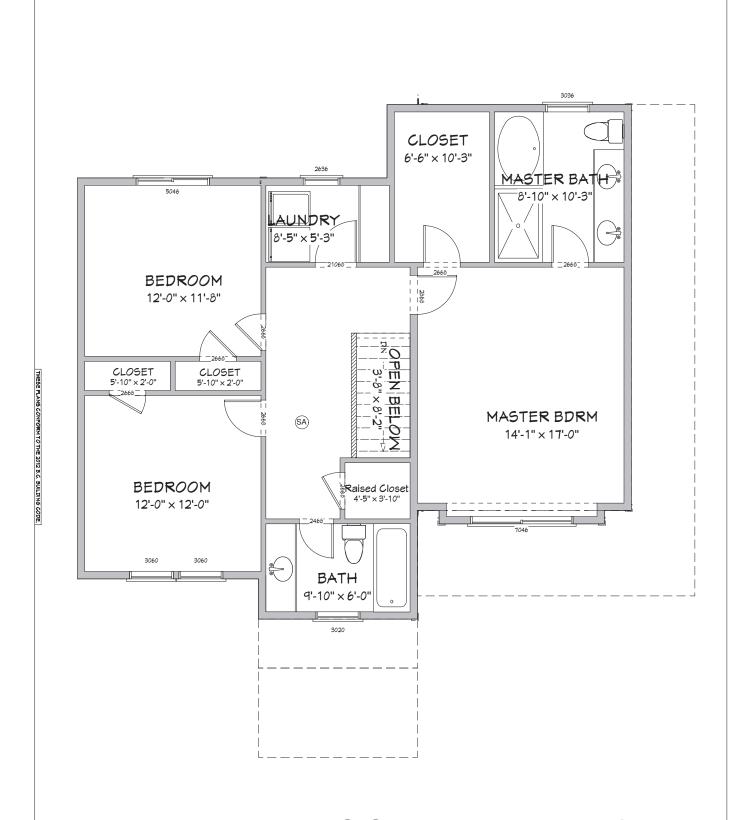


# BASEMENT PLAN - Lot 1

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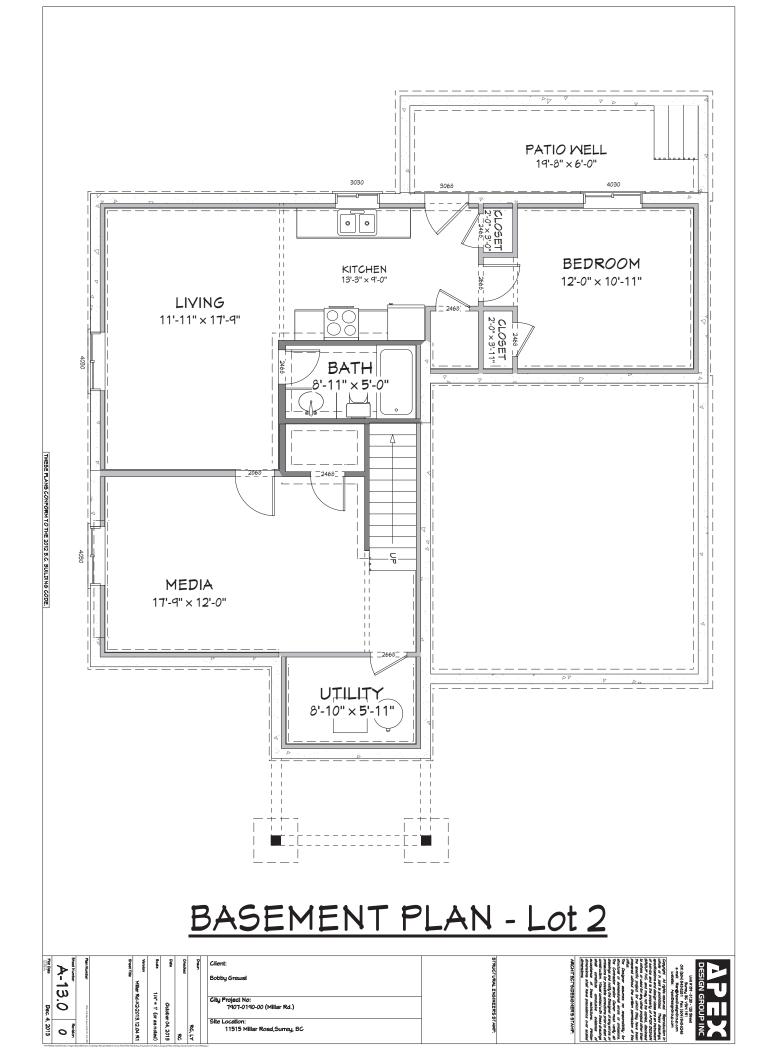


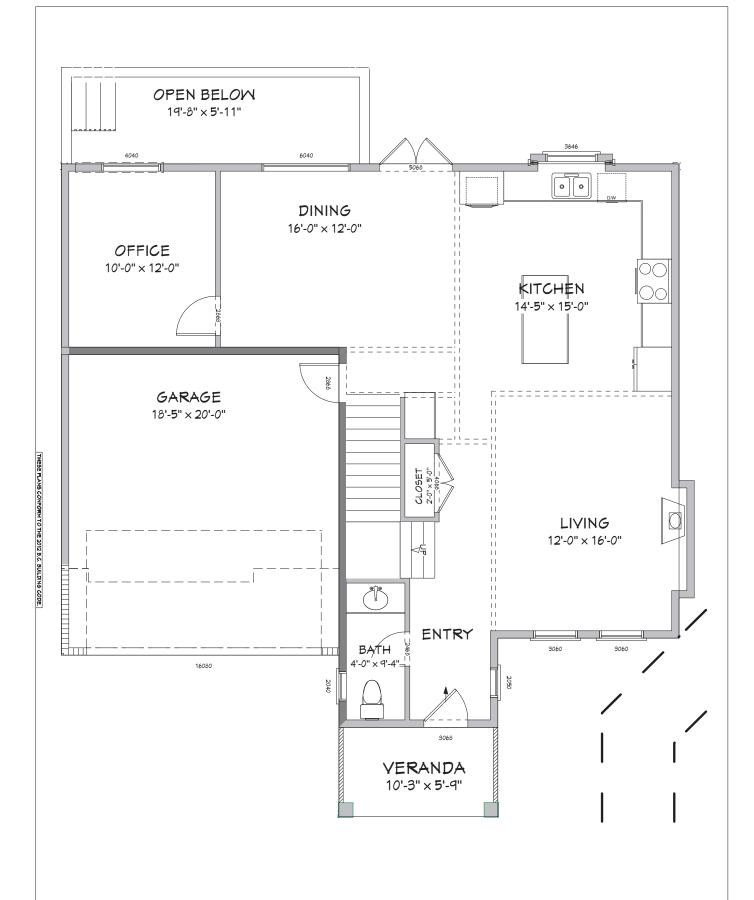




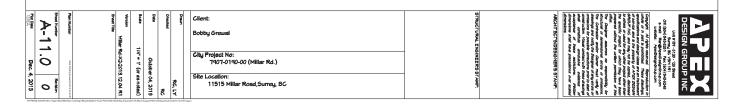
# UPPER FLOOR PLAN - Lot 2

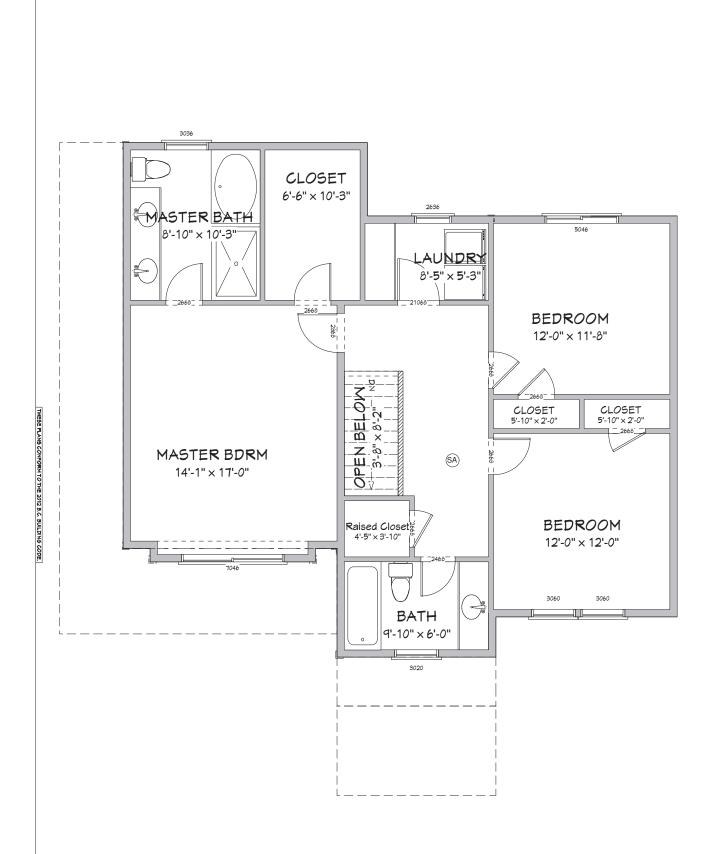
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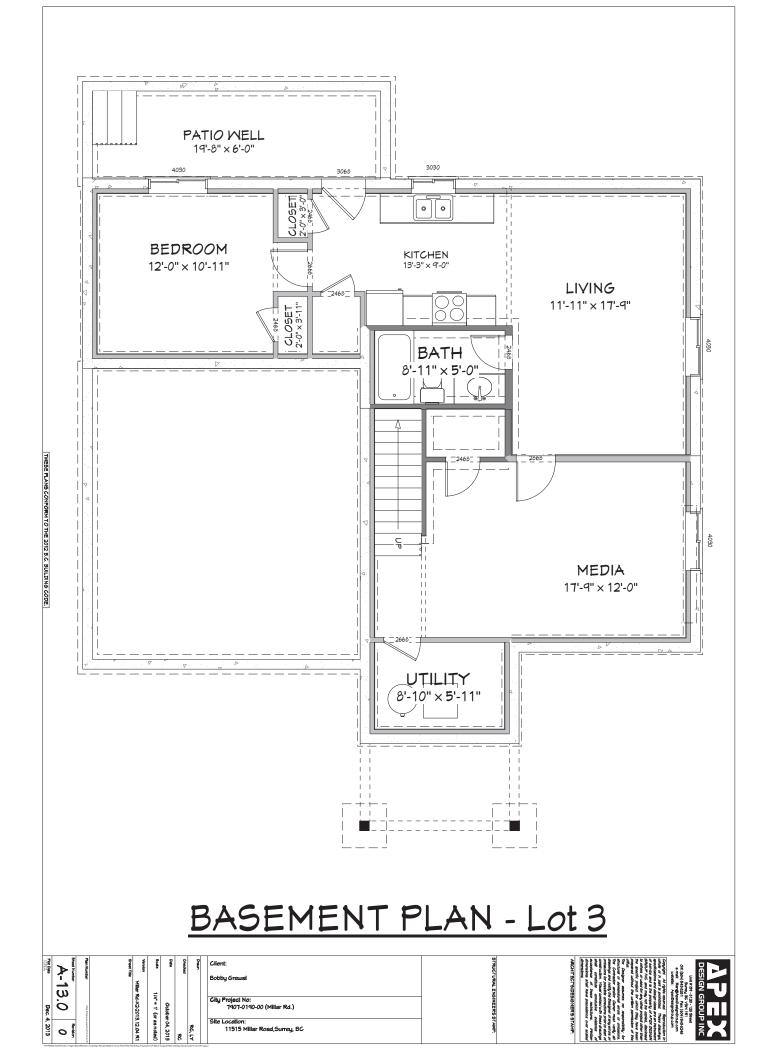
# MAIN FLOOR PLAN - Lot 3





# UPPER FLOOR PLAN - Lot 3

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#### **CITY OF SURREY**

(the "City")

#### **DEVELOPMENT VARIANCE PERMIT**

NO.: 7913-0251-00

Issued To: HARJIT S GREWAL

("the Owner")

Address of Owner: 16368 - 91A Avenue

Surrey, BC V<sub>4</sub>N <sub>5</sub>S<sub>5</sub>

Issued To: GARY BASI

("the Owner")

Address of Owner: 11515 - Millar Road

Surrey, BC V<sub>3</sub>V<sub>2</sub>V<sub>1</sub>

- 1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
- 2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 029-075-777 Lot 1 Section 35 Block 5 North Range 3 West New Westminster District Plan EPP24154

11505 - Millar Road

Parcel Identifier: 029-075-785 Lot 2 Section 35 Block 5 North Range 3 West New Westminster District Plan EPP24154

11511 Millar Road

Parcel Identifier: 029-075-793 Lot 3 Section 35 Block 5 North Range 3 West New Westminster District Plan EPP24154

11529 - Millar Road

(the "Land")

		- 2 -
3.	3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:	
	(a)	In Section F of Part 17A "Single Family Residential (12) Zone (RF-12)", the minimum front yard setback is reduced from 6.0 metres (20 ft.) to 5.5 metres (18 ft.) for the attached garage of the principal building on Lots 1, 2 and 3; and
	(b)	In Section F of Part 17A "Single Family Residential (12) Zone (RF-12)", the minimum rear yard setback of the RF-12 Zone for the principal building from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for the full width of the basement and main floor on Lots 2 and 3.
4.	The siting of buildings and structures shall be in accordance with Schedule A which is attached hereto and form part of this development variance permit.	
5.	This development variance permit amends Development Variance Permit No 7907-0190-01.	
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 if the Owner does not substantially start an construction with respect to which this development variance permit is issued, within tw (2) years after the date this development variance permit is issued.	
8.		erms of this development variance permit or any amendment to it, are binding on all ns who acquire an interest in the Land.
9.	This d	levelopment variance permit is not a building permit.

DAY OF

Mayor – Dianne L. Watts

City Clerk - Jane Sullivan

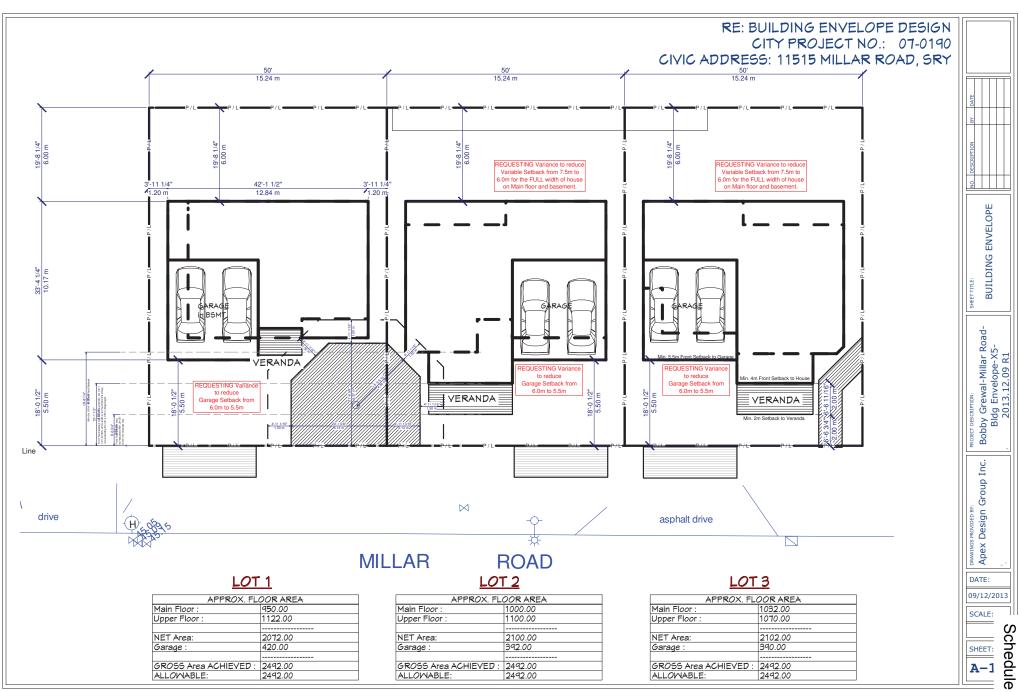
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DAY OF

**ISSUED THIS** 

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE

, 20 .



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