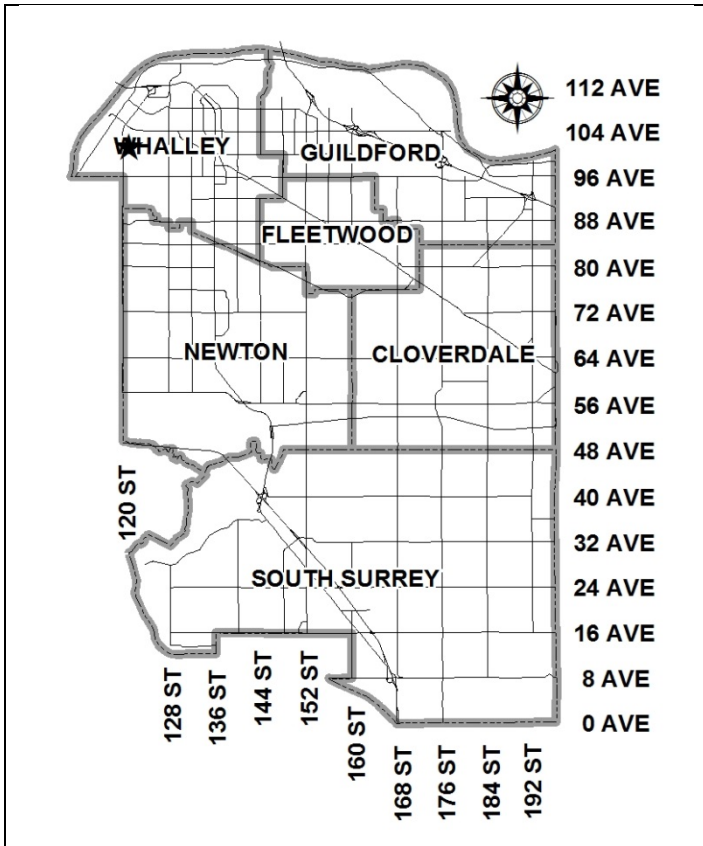


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7914-0068-00

Planning Report Date: April 14, 2014



PROPOSAL:

- **Development Variance Permit**

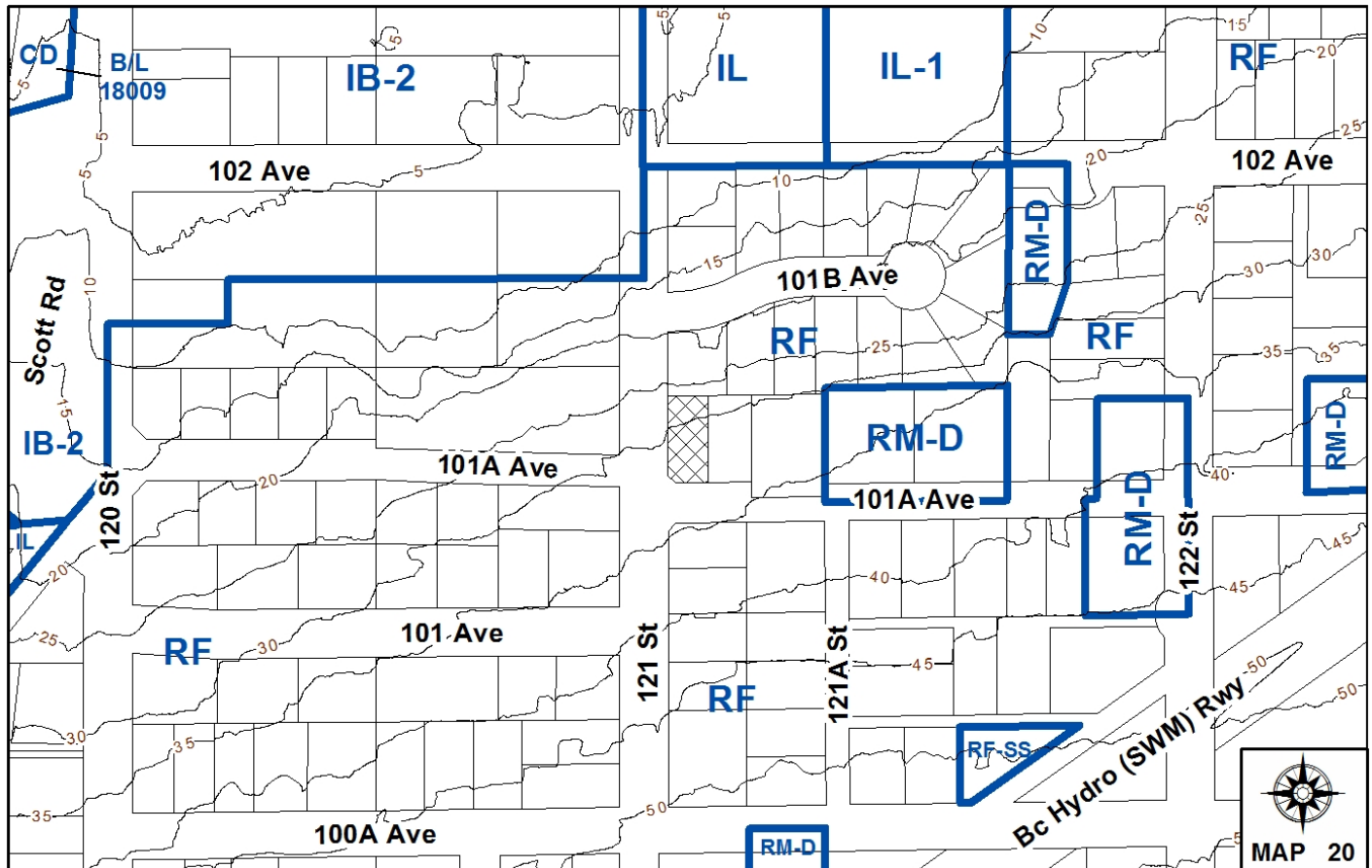
in order to reduce the east side yard setback for a proposed house, to retain a dogwood tree and an oak tree.

LOCATION: 12107 - 101A Avenue

OWNERS: Hansraj and Avtar Chahal

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking to reduce the side yard setback for a principal building from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) in order to retain two trees.

RATIONALE OF RECOMMENDATION

- The dogwood and oak trees to be retained are good quality trees located at the northwestern portion of the subject site.
- The setback provisions of the RF Zone have changed since the subject lots were created through Development Application No. 7907-0250-00 and the applicant is no longer able to build a house that meets the maximum floor area of the RF Zone.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7914-0068-00 (Appendix II) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum side yard setback of a principal building in the RF Zone, from 1.8 metres (6 ft.) to 1.2 metres (4 ft.).

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Vacant lot that was created in 2010.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwelling.	Urban	RF
East:	Single family dwelling.	Urban	RF
South (Across 101A Avenue):	Single family dwelling.	Urban	RF
West (Across 121 Street):	Single family dwelling.	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject lot is currently vacant and located at 12107 – 101A Avenue in Whalley. The lot is designated Urban under the Official Community Plan (OCP), and is zoned "Single Family Residential Zone (RF)".
- In 2010, the subject lot was created as part of a 2-lot subdivision under Development Application No. 7907-0250-00. As a condition of the subdivision, the applicant registered a building scheme through the registration of a restrictive covenant. The building scheme includes a tree planting and protection plan (Appendix III) which protects a dogwood tree and an oak tree on the subject lot and limits the footprint of the proposed dwelling.
- The two trees are located at the northwestern portion of the site (see Appendix III) with the oak tree located approximately 2 metres (7 ft.) and the dogwood tree located approximately 5 metres (16 ft.) from the western property line.

RF Zone Changes

- On July 29, 2013, Council granted final adoption to Zoning By-law Text Amendment By-law No. 17989, which included changes to the floor area ratio (FAR) and side yard setback provisions of the RF Zone.
- Previously, the RF Zone allowed a reduction of the minimum 1.8-metre (6-ft.) side yard setback to 1.2 metres (4 ft.) when the opposite side yard setback was a minimum of 2.4 metres (8 ft.). This provision was removed in order to establish consistency with revised requirements in the 2012 BC Building Code with respect to limiting distances (for fire safety). The minimum side yard setback of the RF Zone is now 1.8 metres (6 ft.) in all instances.

Current Proposal

- The subject lot was impacted in two ways by the text amendments to the RF Zone:
 - The maximum house size increased for lots larger than 560 square metres (6,028 sq. ft.). As the subject lot is 589 square metres (6,340 sq. ft.) it is now allowed a 346-square metre (3,368 sq. ft.) house which is an increase in 16 square metres (172 sq. ft.) over the previous 330 square metres (3,550 sq.ft.) allowed prior to the July 29, 2013 amendments.
 - The side yard setback was increased from 1.2 metres (4 ft.) to 1.8 metres (6 ft.).
- Without removing either of the trees and without being granted a variance to the interior side yard setback, the applicant could only construct a 313-square metre (3,368 sq. ft.) house which is 33 square metres (360 sq. ft.) below the maximum allowed under the RF Zone for this 589-square metre (6,340 sq. ft.) lot.
- If the proposed variance to reduce the interior side yard setback from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) was granted, the house footprint would be increased by 12 square metres (128 sq. ft.) and provide an additional total floor area of 21.5 square metres (231 sq. ft.).
- The changes to the permitted house size are summarized in the following table:

Lot Area of 589 square metres (6,340 sq. ft.)	RF Zone Pre-July 29, 2013	RF Zone Post-July 29, 2013
Maximum house size	330 square metres (3,550 sq.ft.)	346 square metres (3,724 sq. ft.)
Maximum house size with tree retention	330 square metres (3,550 sq. ft.)	313 square metres (3,368 sq. ft.)
Maximum house size with tree retention and DVP	N/A (1.2-metre (4 ft.) side yard setback was permitted in RF Zone at that time)	334 square metres (3,599 sq. ft.)

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Reduce the side yard setback of the principal building in the RF Zone, from 1.8 metres (6 ft.) to 1.2 metres (4 ft.).

Applicant's Reasons:

- The proposed variance will provide for the same interior side yard setback regulation prior to the recent RF Zone amendments.
- When the property was created in the subdivision approval in 2010, the house that could be constructed was smaller. In order to take advantage of a larger house size now permitted without affecting the trees, a reduction in the side yard setback is required.
- The proposed variance will allow for the retention of two trees.

Staff Comments:

- When the subject lot was created in 2010, the RF Zone allowed for the construction of a house that is smaller than the size of a house that can now be built, due to recent changes to the RF Zone.
- Two trees located at the northwestern portion of the site have been protected by a restrictive covenant.
- In order to allow the applicant the opportunity to achieve the maximum house size permitted on the lot while, at the same time retaining two protected tree on the site, a reduction in the interior side yard setback is required.
- Reducing the interior (eastern) side yard setback from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) will have minimal impact on the existing dwelling to the east.
- The applicant will be required to comply with the BC Building Code regulations for soffit construction and limiting distance for fire safety between structures.
- Staff support the proposed variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Development Variance Permit No. 7914-0068-00
- Appendix III. Approved tree planting and retention plan

Original signed by Judith Robertson for
Jean Lamontagne
General Manager
Planning and Development

JKS/da

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J 4/10/14 11:41 AM

Information for City Clerk

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

1. (a) Agent: Name: Jasdeep Chahal

 Address: 9380 - 124 Street
 Surrey BC V3V 4S3

 Tel: 604-582-7832 - Home
 778-895-7832 - Cellular

2. Properties involved in the Application

(a) Civic Address: 12107 - 101A Avenue

(b) Civic Address: 12107 - 101A Avenue
 Owners: Avtar and Hansraj Chahal
 PID: 028-240-979
 Lot 1 Section 30 Block 5 North Range 2 West New Westminster District Plan BCP45039

3. Summary of Actions for City Clerk's Office

(a) Proceed with Public Notification for Development Variance Permit No. 7914-0068-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7914-0068-00

Issued To: Hansraj and Avtar Chahal
("the Owner")

Address of Owner: 9380 - 124 Street
Surrey BC V3V 4S3

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.

2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 028-240-979

Lot 1 Section 30 Block 5 North Range 2 West New Westminster District Plan BCP45039
12107 101A Avenue

(the "Land")

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

(a) In Section F. Yards and Setbacks of Part 16 Single Family Residential Zone (RF), the minimum interior side yard setback of the principal building is reduced from 1.8 metres [6 ft.] to 1.2 metres [4 ft.].

4. 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.

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

6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.

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

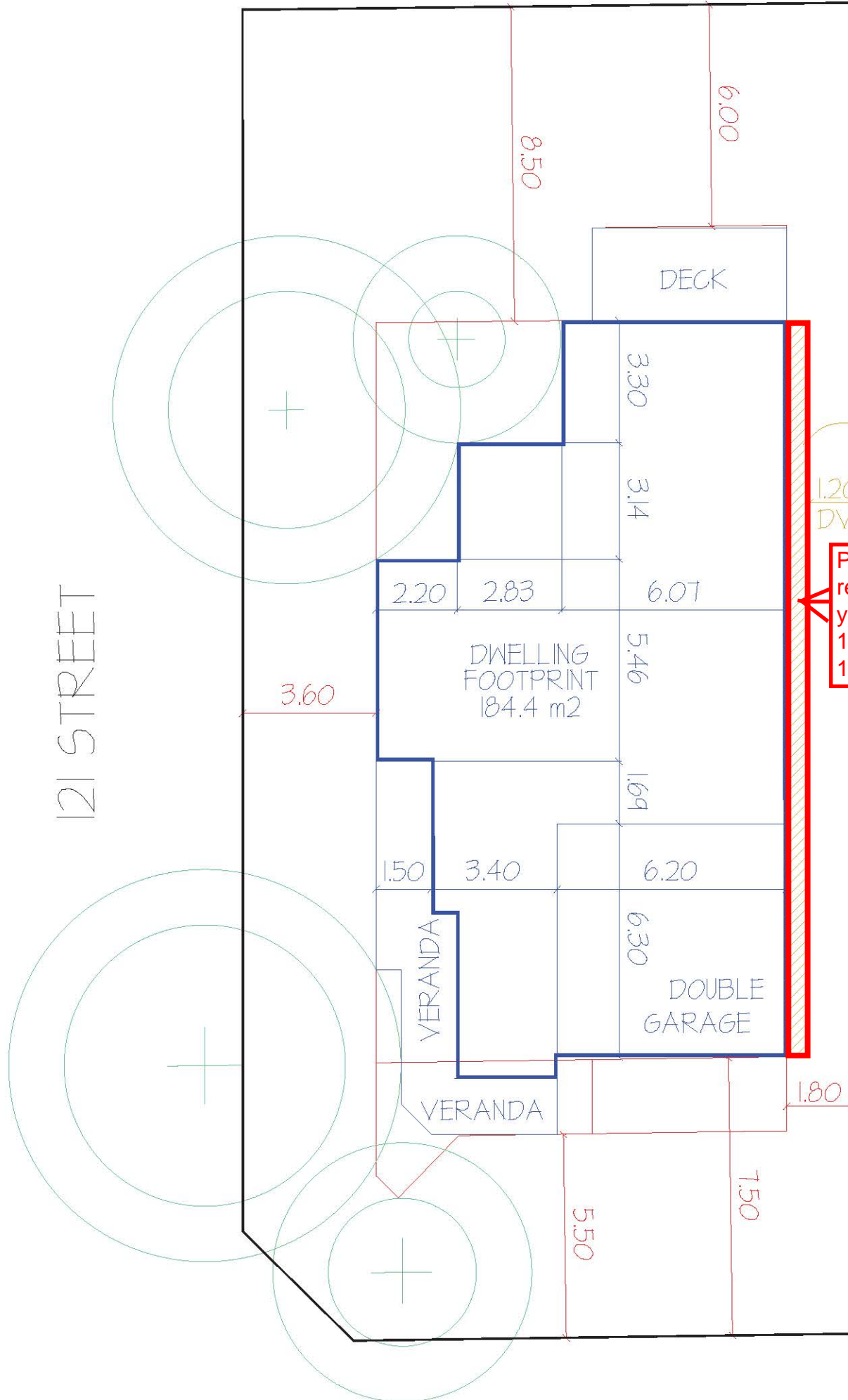
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Dianne L. Watts

City Clerk – Jane Sullivan

121 STREET



DVP AREA:
11.92 m²
(128 SQ.FT.)

1.20
DVP

Proposed DVP to reduce east side yard setback from 1.8 metres (6 ft.) to 1.2 metres (4 ft.).

PLANT LIST

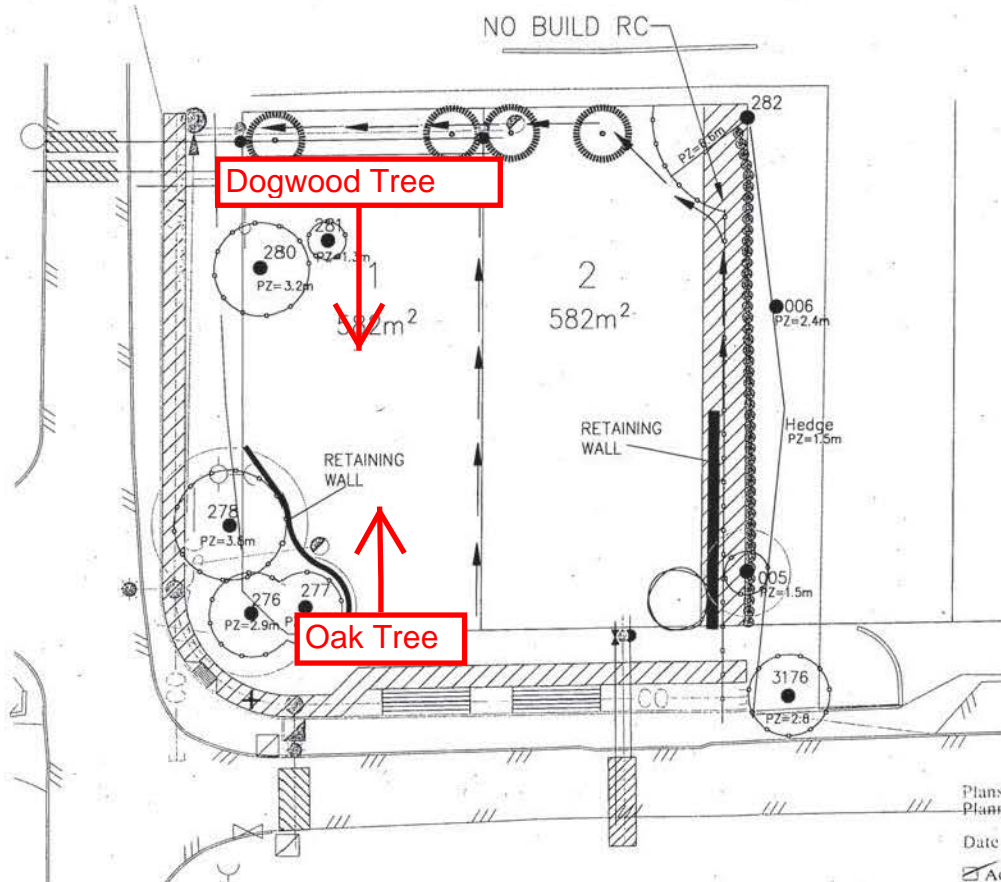
KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	SPACING	REMARKS
	ACER PALMATUM 'BLOODGOOD'	BLOODGOOD JAP. MAPLE	1	5 CM. CAL.	AS SHOWN	B. & B.
	PICEA OMORIKA	SERBIAN SPRUCE	4	3.00 METERS	AS SHOWN	B. & B.



PLANTS IN THE PLANT LIST ARE SPECIFIED ACCORDING TO THE LANDSCAPE CANADA GUIDE SPECIFICATIONS FOR NURSERY STOCK AND THE BCNTA STANDARD FOR CONTAINER GROWN PLANTS.

ALL LANDSCAPING AND LANDSCAPE MATERIALS TO CONFORM TO THE LATEST EDITION OF THE BCLNA/BCSLA "LANDSCAPE STANDARDS"

ALL ASPECTS OF THIS PLAN AND THE WORK THAT IT REFERS TO OR SUGGESTS MUST CONFORM TO THE CITY OF SURREY'S TREE PRESERVATION BY-LAW #16100



LEGEND

- = TREES TO BE RETAINED
- = TREES TO BE REMOVED
- = PROTECTION BARRIER

DATE	REVISION	DESCRIPTION
JAN/08	REVISED SITE PLAN	3
FEB/08	City of Surrey Request	2
May/08	City of Surrey Request	1
SITE	NUMBER	REVISED

C.KAVOLINAS & ASSOCIATES INC
 VELA CONSULTANTS
 2462 JUDGE COURT
 ABOTSFORD, B.C.
 V2C 3J8
 PHONE (604) 857-2378

CLIENT
 HAYWARD CHRYSLER
 4/6 GIMBERT EDUCATING LTD.
 SUITE #101
 6030 KING GEORGE HIGHWAY
 SURREY, B.C.
 PHONE (604) 591-2213

TITLE
 PLAN VIEW
 TREE LOCATION PLAN
 TREE REPLACEMENT PLAN
 2 LOT SPLIT
 12109 - 101A AVENUE
 SURREY, B.C.

SCALE	DATE	BY
1:150	JAN/08	
DATE	DATE	
DATE	DATE	
DATE	DATE	

Plans checked by [Signature]
 Planning & Development, City of Surrey

Date 2009/07/09

Acceptable Not Acceptable

PROJECT	DATE

L-2