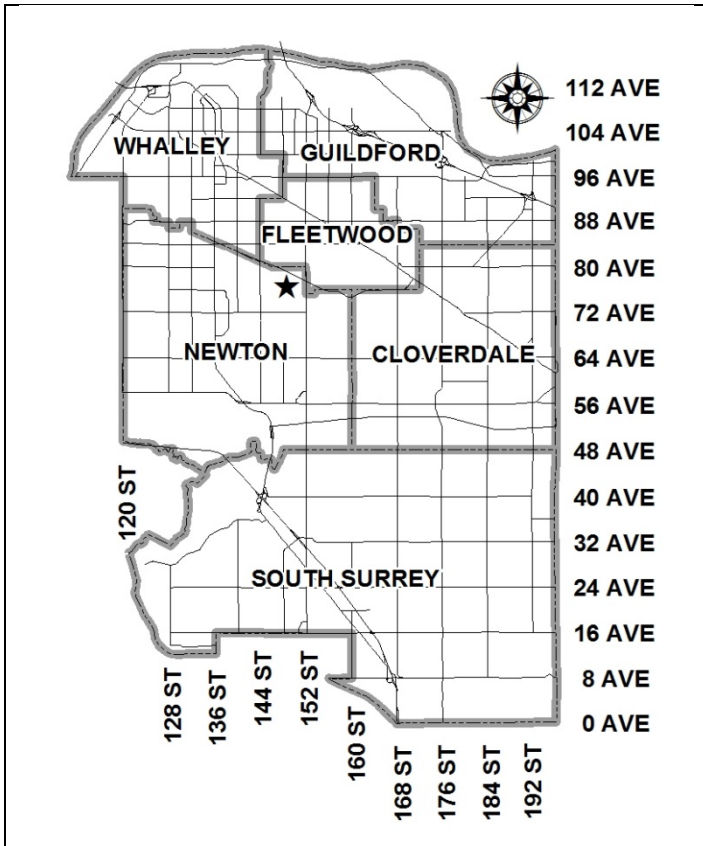


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7914-0170-00

Planning Report Date: July 21, 2014



**PROPOSAL:**

- **Development Variance Permit**

to vary the minimum rear and side yard setbacks in order to permit a single family dwelling to be built on a recent subdivision.

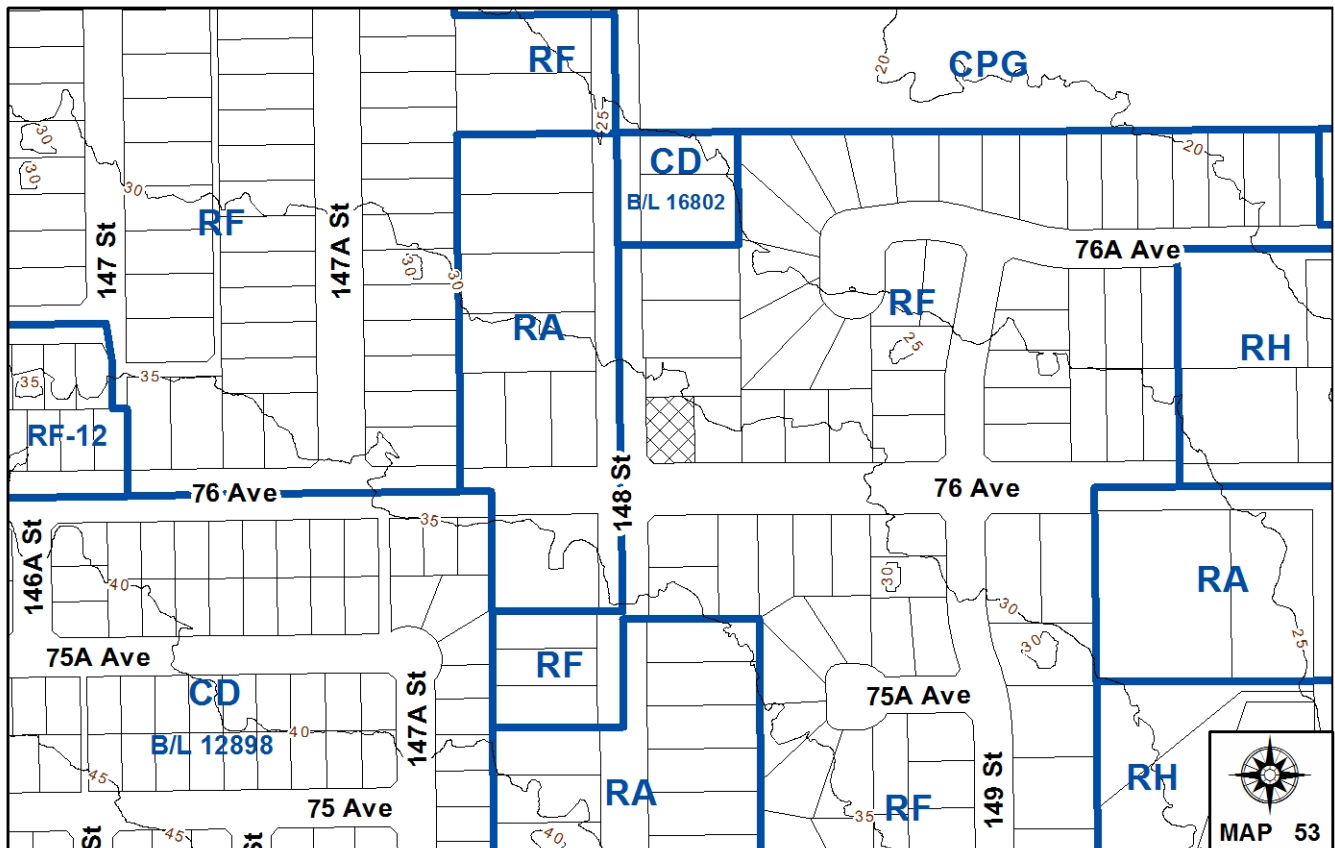
**LOCATION:** 14811 - 76 Avenue

**OWNER:** Karamjit Singh

**ZONING:** RF

**OCP DESIGNATION:** Urban

**NCP DESIGNATION:** Urban Residential



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking relaxation of the rear yard and side yard setbacks to accommodate tree protection.

RATIONALE OF RECOMMENDATION

- The proposed reduced setbacks will allow the applicant to align the garage with the driveway, as driveway cannot be moved due to restrictive covenant to protect tree.
- The tree protection increases the setback on the west side of the house, and the variance includes a relaxation of the east side yard setback to better accommodate the house on the lot, while retaining the trees.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7914-0170-00 (Appendix III) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum rear yard setback of the Single Family Residential (RF) Zone for the garage from 7.5 metres (25 ft.) to 2.1 metres (6.9 ft.); and
  - (b) to reduce the minimum east side yard setback of the Single Family Residential (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

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single family dwelling	Urban / Urban Residential	RF
East:	Single family dwelling	Urban / Urban Residential	RF
South (Across 76 Avenue):	Single family dwelling	Urban / Urban Residential	RF
West (Across 148 Street):	Single family dwelling	Suburban / Transitional Suburban	RA

DEVELOPMENT CONSIDERATIONSBackground

- On July 23, 2012, Council approved the rezoning from RH to RF, and redesignation in the East Newton North NCP from "existing Suburban Transitional" to "Urban Residential", to allow subdivision of one lot into three lots. As part of the subdivision application, some trees were identified for retention, and a restrictive covenant was registered on the lots.

### Current Proposal

- The subject lot (Lot 2) is impacted by two tree protection areas, which restrict the building envelope. Being a corner lot, the location of the driveway is also restricted, and there was only one location where the driveway was permitted.
- The tree on the west side restricts both the driveway location, and also the west side yard setback. The side yard setback on a flanking street would normally be 3.6 m [12 ft.], and that was increased to 5.4 m [17.7 ft.] to protect a Big Leaf Maple tree.
- The other tree (a Fir tree) retained on the lot does not impact the building envelope, as it is contained within the front yard setback (7.5 m [25 ft.]), but it does restrict the driveway location on 76 Avenue, and forces the driveway to be located on 148 Street.

### TREES

- No further trees are impacted, and the purpose of the Development Variance Permit is to allow the building envelope to encroach on standard setbacks in order to retain trees on the lot already protected by a restrictive covenant.

### BY-LAW VARIANCE AND JUSTIFICATION

#### (a) Requested Variance:

- To relax rear yard setback from 7.5 metres (25 ft.) to 2.1 metres (6.9 ft.) for the garage

#### Applicant's Reasons:

- To allow the garage to align with the driveway on 148 Street.

#### Staff Comments:

- There are two protected trees on the site to be retained, which restrict the driveway location to the northern part of the lot.
- The neighbour to the north has a side yard setback to this property, being 1.8 m (6 ft) from the lot line, and this proposal would bring the garage on the subject site to 2.1 m (6.9 ft.) from the property line.
- The applicant is proposing to maintain the house at 7.5 m (25 ft.) from the property line, to allow for enough area for a usable backyard, and only the garage require a relaxation.
- Staff support this variance.

#### (b) Requested Variance:

- To relax east side yard setback from 1.8 metres (6 ft.) to 1.2 metres (4 ft.)

**Applicant's Reasons:**

- To allow for a wider house, since a tree covenant restricts the building envelope on the west side.

**Staff Comments:**

- The west side of the house has an increased setback from be 3.6 m (12 ft.) to 5.4 m (17.7 ft.) due to a restrictive covenant for tree protection. The relaxation requested is of just 0.6 m (2 ft.) to allow for a better size home.
- Staff support this 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 Site Plan
Appendix III.	Development Variance Permit No. 7914-0170-00

*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

LFM/da

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# SUBDIVISION DATA SHEET

Proposed Zoning: RF

Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	0.14
Hectares	0.056
<b>NUMBER OF LOTS</b>	
Existing	1
Proposed	1
<b>SIZE OF LOTS</b>	
Range of lot widths (metres)	20.25 m
Range of lot areas (square metres)	563.3 m <sup>2</sup>
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	2.4 uph / 6 upa
Lots/Hectare & Lots/Acre (Net)	2.4 uph / 6 upa
<b>SITE COVERAGE (in % of gross site area)</b>	
Maximum Coverage of Principal & Accessory Building	n/a
Estimated Road, Lane & Driveway Coverage	n/a
Total Site Coverage	n/a
<b>PARKLAND</b>	
Area (square metres)	n/a
% of Gross Site	n/a
<b>Required</b>	
<b>PARKLAND</b>	
5% money in lieu	NO
<b>TREE SURVEY/ASSESSMENT</b>	
	NO
<b>MODEL BUILDING SCHEME</b>	
	NO
<b>HERITAGE SITE Retention</b>	
	NO
<b>FRASER HEALTH Approval</b>	
	NO
<b>DEV. VARIANCE PERMIT required</b>	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others: setbacks	YES





CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7914-0170-00

Issued To: KARAMJIT SINGH

("the Owner")

Address of Owner: 8741 - 140A Street  
Surrey, BC V3W 0M4

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: 028-914-571

Lot 2 Section 22 Township 2 New Westminster District Plan BCP51251

14811 - 76 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 Rear Yard setback for *Principal Building* is reduced from 7.5 metres [25 ft] to 2.1 metres [6.9 ft] for the garage; and
  - (b) In Section F. Yards and Setbacks of Part 16 Single Family Residential Zone (RF), the minimum East Side Yard for *Principal Building* is reduced from 1.8 metres [6 ft] to 1.2 metres [4 ft].
4. The siting of buildings and structures shall be in accordance with the drawing numbered 7914-0170-00 (A) (the "Drawings") which are attached hereto and form part of this development variance permit.
5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
8. This development variance permit is not a building permit.

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

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Mayor – Dianne L. Watts

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City Clerk – Jane Sullivan

