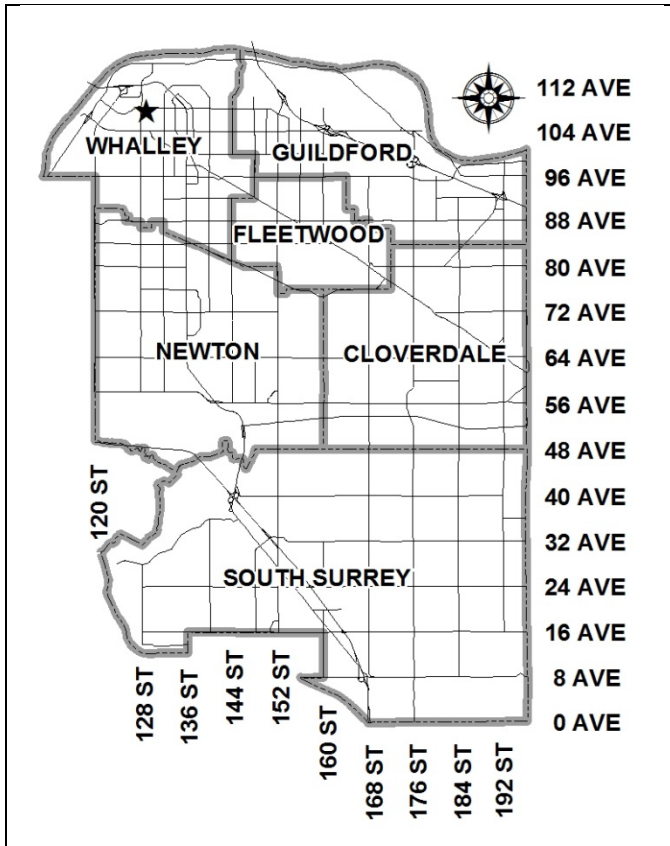


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7914-0268-00

Planning Report Date: December 1, 2014



**PROPOSAL:**

- **Development Variance Permit**

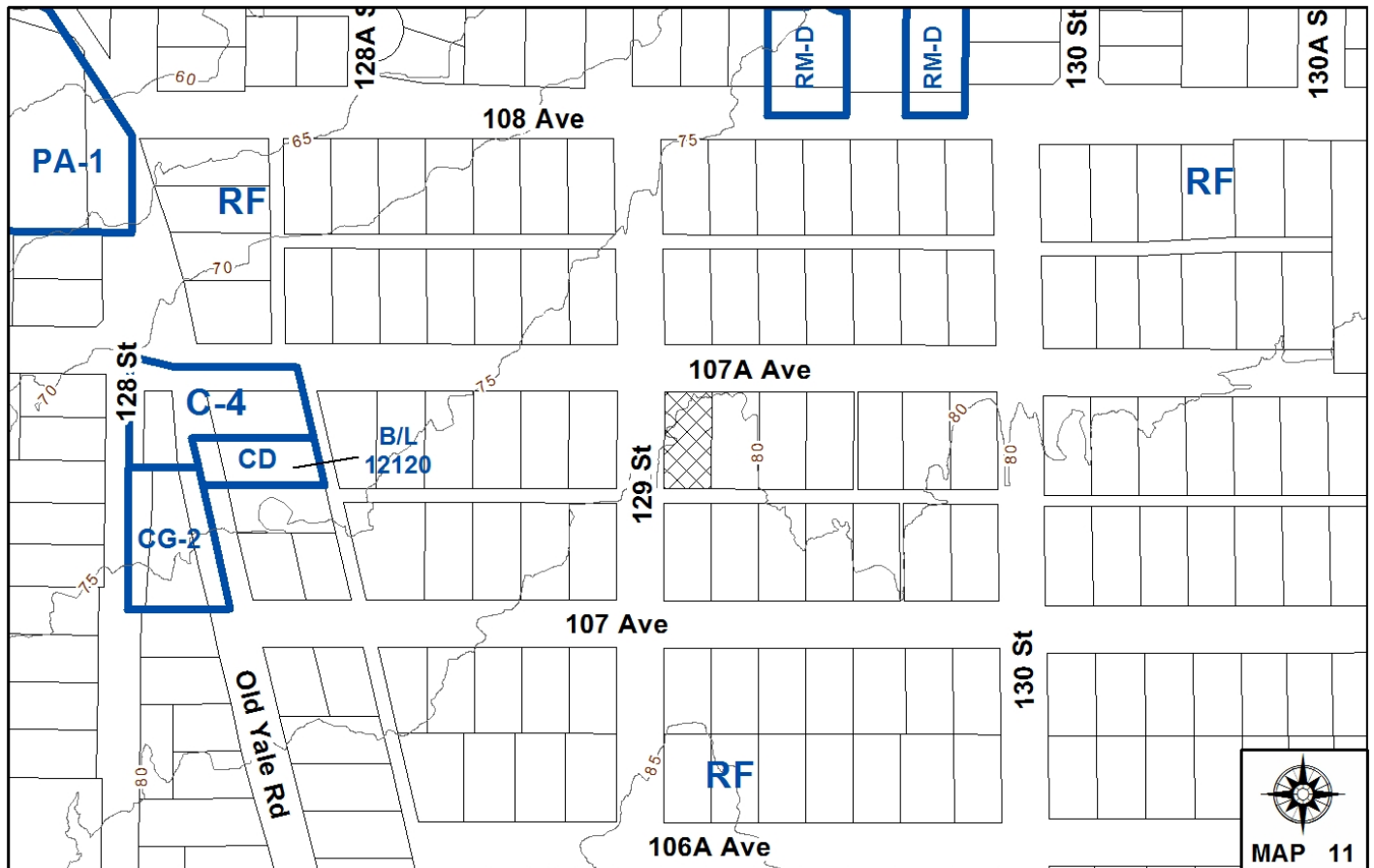
in order to vary the side and front yard setbacks of the RF Zone for an existing single family dwelling.

**LOCATION:** 10736 - 129 Street

**OWNERS:** Nainipal S. Samra  
 Harpreet Samra

**ZONING:** RF

**OCP DESIGNATION:** Urban



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Requesting relaxation of the minimum east side yard setback of the RF Zone from 1.8 metres (6 ft.) to 1.66 metres (5.4 ft.) for the existing single family dwelling.
- Requesting relaxation of the minimum front yard setback of the RF Zone from 7.5 metres (25 ft.) to 7.44 metres (25 ft.) for the existing single family dwelling.

### RATIONALE OF RECOMMENDATION

- The proposed east side yard setback complies with the provision of the RF Zone prior to the amendment to the RF Zone on July 29, 2013 (By-law No. 17989).
- The eastern adjacent property owner (12934 – 107A Avenue) supports the application.
- The proposed front yard setback relaxation is very minor.
- Approval of both setback relaxations is required to process the building permit application now submitted to address the unauthorized construction and to allow a further addition to the house.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7914-0268-00 (Appendix II) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum east side yard setback of the RF Zone from 1.8 metres (6 ft.) to 1.66 metres (5.4 ft.); and
- (b) to reduce the minimum front yard setback of the RF Zone from 7.5 metres (25 ft.) to 7.44 metres (25 ft.).

REFERRALS

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

SITE CHARACTERISTICSExisting Land Use:Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 107A Street):	Single family dwellings	Urban	RF
East:	Single family dwelling	Urban	RF
South (Across rear lane):	Single family dwelling	Urban	RF
West (Across 129 Street):	Single family dwellings	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject property is located at 10736 – 129 Street in Whalley. The property is zoned "Single Family Residential Zone (RF)" and is designated Urban in the Official Community Plan.
- In 2011, the applicant made an unauthorized addition to the eastern portion of the existing home. The approximate size of the unauthorized addition is 42 square metres (450 sq. ft.). It includes a bedroom, bathroom and living area and was constructed to accommodate extended family.
- After the unauthorized addition was constructed, the resulting east side yard setback was 1.66 metres (5.4 ft.), which does not comply with the minimum 1.8-metre (6 ft.) side yard setback of the RF Zone.

- The front yard setback of the existing home is 7.44 metres (25 ft.), which is slightly less than the minimum 7.5-metre (25 ft.) front yard setback of the RF Zone.
- The home was originally constructed in the 1950's or 1960's, and it appears the front face of the home has not been modified (with the exception of the eastern addition) since the home's original construction date.
- The applicant is seeking a setback variance for the east side yard and front yard setbacks to enable the building permit to be processed, to legalize the existing building as constructed, and to authorize a further addition to the house.

#### BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variances:

- To reduce the east side yard setback of the RF Zone from 1.8 metres (6 ft.) to 1.66 metres (5.4 ft.); and
- To reduce the front yard setback of the RF Zone from 7.5 metres (25 ft.) to 7.44 metres (25 ft.).

Applicant's Reasons:

- The eastern house addition was intended to have a minimum side yard setback of 1.8 metres (6 ft.), but a measurement error at the time of construction resulted in a reduced setback.
- A building permit application was recently submitted for an addition to the southern portion of the home, and this building permit cannot be approved, until the existing building as constructed is brought into compliance with the RF Zone.
- The proposed southern addition will comply with the RF Zone, and the requested setback variances will not apply to the proposed addition, only to the existing unauthorized addition.

Staff Comments:

- The requested east side yard variance was previously permitted when the RF Zone allowed a reduced side yard setback of 1.2 metres (4 ft.) if the opposite side yard setback was at least 2.4 metres (8 ft.). This regulation was deleted on July 29, 2013 (By-law No. 17989) in order to establish consistency with revised requirements in the 2012 BC Building Code with respect to limiting distances (for fire safety).
- At the time of the unauthorized construction of the eastern house addition in 2011, the east side yard setback complied with the RF Zone, as the west side yard setback exceeded 2.4 metres (8 ft.). Had the owner applied for a building permit in 2011 for the eastern addition, a variance for the east side yard setback would not have been required.

- Inclusive of the unauthorized eastern addition, the existing home conforms to the floor area ratio (FAR) and lot coverage requirements of the RF Zone.
- The requested front yard setback variance is consistent with the home's original 1950's/60's siting and would have been legally non-conforming if not for the unauthorized addition.
- The requested variances only apply to the existing house and not to any future additions or new house.
- As a condition of building permit issuance for the proposed new southern addition, a building permit is also required for the previously constructed eastern addition.
- The adjacent neighbour to the east supports the application.
- Staff support the requested variances.

#### 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. 7914-0268-00

*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.: 7914-0268-00

Issued To: NAINIPAL S. SAMRA  
HARPREET SAMRA

("the Owner")

Address of Owner: 10736 - 129 Street  
Surrey, BC V3T 3H6

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: 006-646-662

Lot 29 Section 21 Block 5 North Range 2 West New Westminster District Plan 13070

10736 - 129 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section F, Part 16 "Single Family Residential Zone (RF)", the minimum east side yard setback is reduced from 1.8 metres (6 ft.) to 1.66 metres (5.4 ft.); and
  - (b) In Section F, Part 16 "Single Family Residential Zone (RF)", the minimum front yard setback is reduced from 7.5 metres (25 ft.) to 7.44 metres (25 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. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
  
7. 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

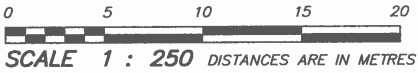
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City Clerk



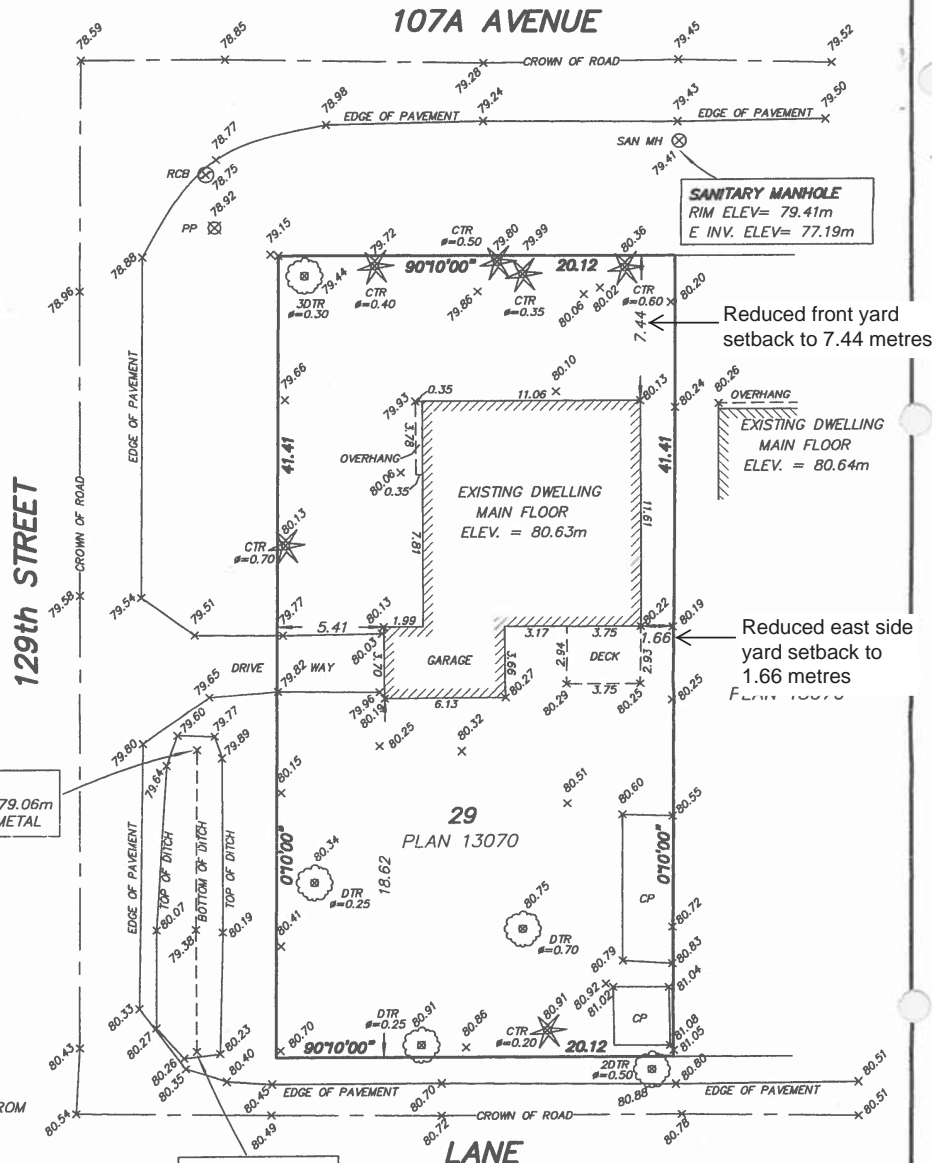
# TOPOGRAPHICAL SURVEY PLAN OF LOT 29 SECTION 21 BLOCK 5 NORTH RANGE 2 WEST NWD PLAN 13070

PID : 006-646-662



**CIVIC ADDRESS :**

10736 - 129th STREET  
SURREY, B.C.



**ELEVATION DERIVATION**

ELEVATIONS ARE GEODETIC DERIVED FROM  
CITY OF SURREY CONTROL MONUMENT  
No. 5335 ELEVATION=78.126m  
DATUM CVD28GVRD 2005

Lot dimensions and clearances according to  
Plan NWP13070.

This plan does not show non-plan  
charges, liens or interests.

This plan was prepared for inspection purposes and is  
for the exclusive use of our client. The signatory  
accepts no responsibility or liability for any damages  
that may be suffered by a third party as a result of  
any decisions made or actions taken based on this  
document. This documents shows the relative location  
of the surveyed structures and features with respect to  
the boundaries of the parcel described above. This  
document shall not be used to define property lines or  
property corners. All rights reserved. No person may  
copy, reproduce, transmit or alter this document in  
whole or in part without the consent of the signatory.

THIS TOPOGRAPHICAL SURVEY HAS BEEN PREPARED  
IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE  
AND IS CERTIFIED CORRECT THIS 12th DAY OF FEBRUARY, 2014.

**LEGEND :**

- CP DENOTES CONCRETE PAD
- RCB ⊗ DENOTES ROUND CATCH BASIN
- PP ⊗ DENOTES POWER POLE
- DTR ⊗ DENOTES DECIDUOUS TREE
- CTR ⊗ DENOTES CONIFEROUS TREE

*Lakhjot S. Grewal*  
LAKHJOT S. GREWAL

B.C.L.S.

© GREWAL & ASSOCIATES  
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SURREY, B.C. V3S 2C1  
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DWG : 1402-004 T1