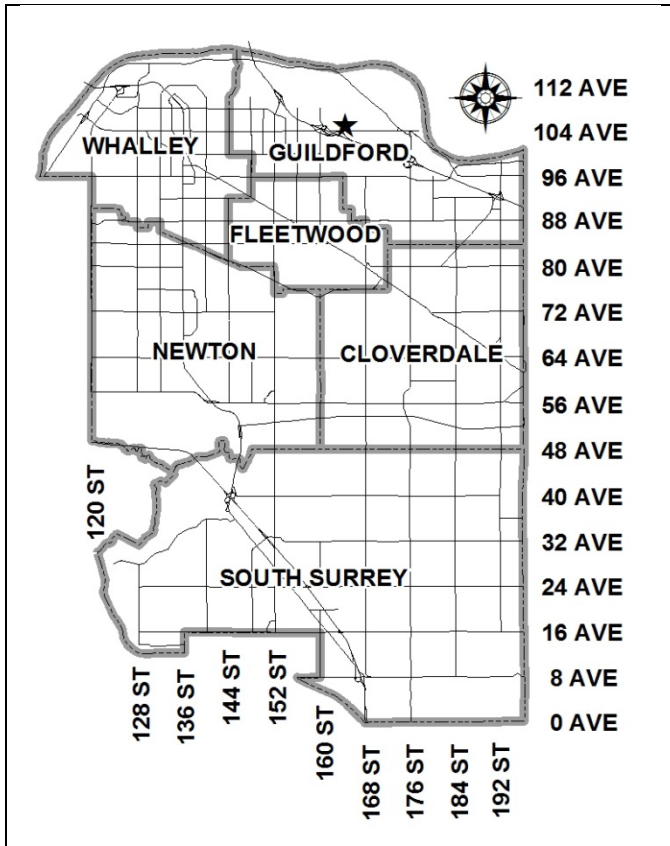


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7914-0275-00

Planning Report Date: December 1, 2014



PROPOSAL:

- **Development Variance Permit**

to vary the side yard setback on Lot 6 and the side and rear yard setbacks on Lot 15 to allow for tree retention and the construction of two single family dwellings.

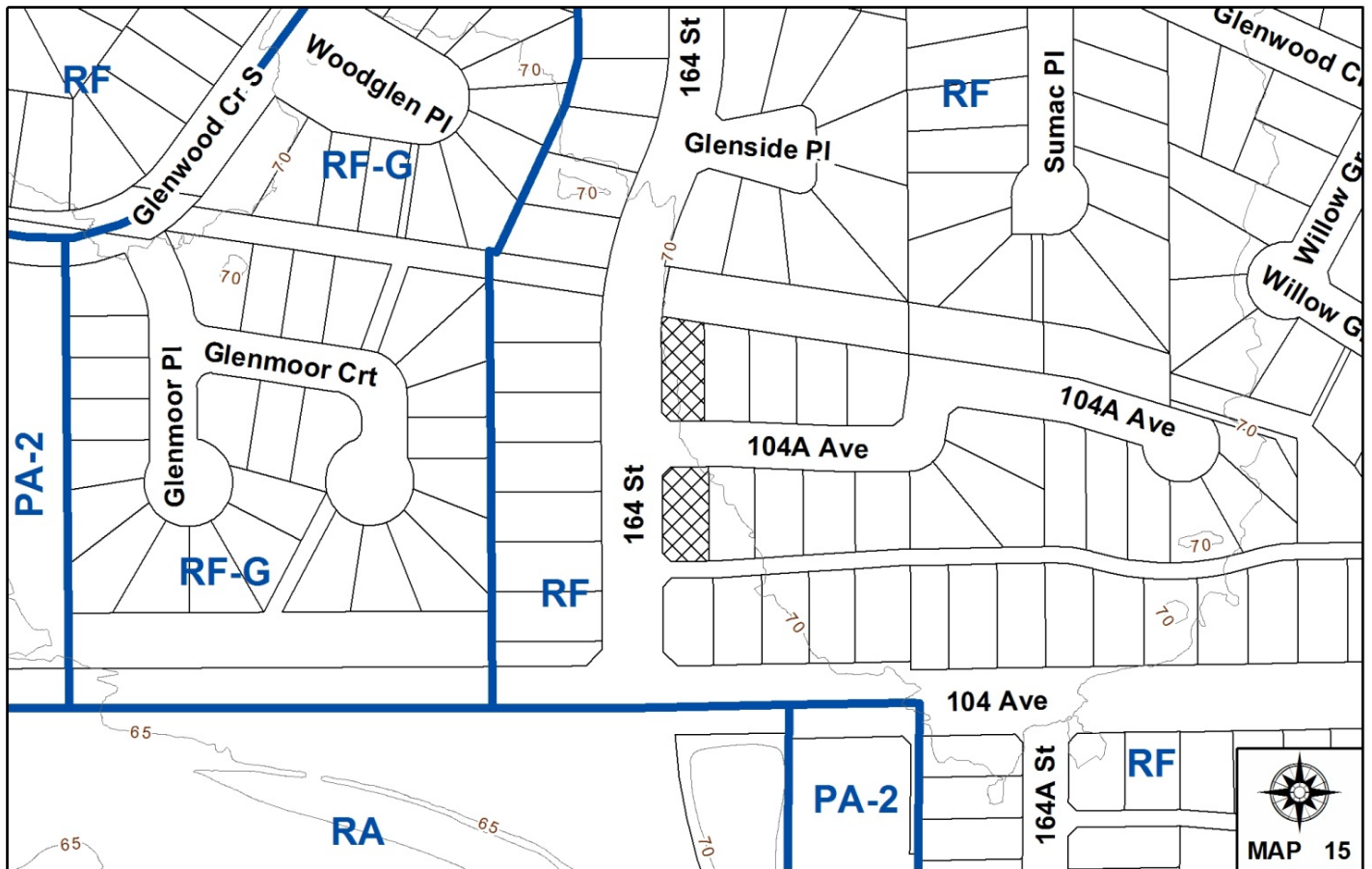
LOCATION: 10438 - 164 Street

10468 - 164 Street

OWNER: 0943151 BC Ltd

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- A reduced east side yard setback is requested on Lot 6 (southerly subject lot) to retain existing trees.
- A reduced east side yard setback and rear yard setback are requested on Lot 15 (northerly subject lot) to retain existing trees.

RATIONALE OF RECOMMENDATION

- The requested variances will allow for retention of a significant row of trees located along the west property lines of Lots 6 and 15, while still allowing homes of maximum floor area to be constructed.
- The proposed side yard setback reductions will allow the applicant to construct houses with more proportional front façades and efficient floor plans.
- The requested setback relaxations will have minimal impact on the adjoining properties.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7914-0275-00 (Appendix III) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum east side yard setback for the principal building in the RF Zone, from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) for Lots 6 and 15; and
- (b) to reduce the minimum rear yard setback for the principal building in the RF Zone, from 7.5 metres (25 ft.) to 7.0 metres (23 ft.) for Lot 15.

REFERRALS

Engineering: The Engineering Department has no requirements relative to the issuance of the Development Variance Permit.

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lots.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings and Fraser Heights Greenway.	Urban	RF
East:	Vacant single family lots.	Urban	RF
South:	Vacant single family lots.	Urban	RF
West (Across 164 Street):	Single family dwellings.	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject site consists of two properties at 10468 – 164 Street (Lot 15) and 10438 - 164 Street (Lot 6) in Fraser Heights.
- The lots are designated Urban in the Official Community Plan (OCP) and zoned "Single Family Residential Zone (RF)".

- On April 28, 2014, Council approved a rezoning of the parent lot from the "One-Acre Residential Zone (RA)" to "Single Family Residential Zone (RF)" to permit a 15-lot single family subdivision (File No. 7912-0209-00). As part of the development, the applicant registered a restricted covenant to protect the trees to be retained, including a row of 20 mature trees along the entire western edge of the site, adjacent to 164 Street.
- Since that time, a survey error has been identified which indicates that the root protection zones of the trees along the western edge of Lots 6 and 15 (the subject lots) impact the developable area more than previously anticipated.

Current Proposal

- The applicant is proposing to build single family dwellings on Lots 6 and 15. However, given the recently discovered tree survey errors, the buildable area and buildable width of each of the lots have been reduced, which has impacted the owner's ability to achieve homes of maximum floor area.
- The applicant is requesting a Development Variance Permit to reduce the east side yard setback on Lot 6 (the southerly subject lot) and the east side yard setback and rear yard setback on Lot 15 (the northerly subject lot) in order to allow for homes of maximum floor area to be constructed while still retaining the row of protected trees.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variances:

- To reduce the east side yard setback for the principal building in the RF Zone, from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) for Lots 6 and 15; and
- To reduce the rear yard setback for the principal building in the RF Zone, from 7.5 metres (25 ft.) to 7.0 metres (23 ft.) for Lot 15.

Applicant's Reasons:

- When the properties were created in May 2014, the tree survey indicated that the location of the tree protection zones would still allow for houses of maximum size to be constructed. However, a subsequent survey of the tree protection areas has indicated that the houses that can be constructed are smaller. In order to take advantage of larger house sizes without affecting the trees, a reduction in the east side yard setbacks on Lots 6 and 15 and rear yard setback on Lot 15 are required.
- The proposed variances will allow for the retention of the row of mature trees along the western edge of the subject site.
- The applicant is only able to achieve a maximum house size of 317 square metres (3,412 sq. ft.) on Lot 6 and 305 square metres (3,283 sq.ft.) on Lot 15 due to the existing root protection zones and minimum setback areas.

- With the proposed modifications to the side and rear yard setbacks, the applicant can achieve the maximum house size permitted in the zone, as shown in the table below:

	Permitted Floor Area Based on RF Zone	Achievable Floor Area (no DVP)	Achievable Floor Area (with DVP)
Lot 6 (10438 – 164 St.)	336 sq.m. (3,617 sq.ft)	317 sq.m. (3,412 sq.ft)	336 sq.m. (3,617 sq.ft)
Lot 15 (16409 – 104A Ave.)	336 sq.m. (3,617 sq.ft)	305 sq.m. (3,283 sq.ft)	336 sq.m. (3,617 sq.ft)

- The constricted buildable width on the lots results in a floor plan that is very narrow in comparison to a typical RF house and a front façade on Lot 15 that is dominated by the garage.
- A typical RF-zoned house is 11.4 metres (37 ft.) wide and 18 metres (60 ft.) deep. Limiting the width of the houses on Lots 6 and 15 to 9.84 metres (32 ft.) and 8.75 metres (29 ft.), respectively, will result in houses that appear very narrow in relation to their overall depth, which poses difficulty in designing efficient floor plans.
- The requested variance to the east side yard setbacks would increase the width of the dwellings proposed for both lots by 0.6 metre (2 ft.), and will lessen the impact of the garage as the focal point of the front façade on Lot 15.

Staff Comments:

- For the subject lots, each with a lot area of 560 square metres (6,028 sq. ft.), the maximum house size permitted under the RF Zone is 336 square metres (3,617 sq. ft.).
- Lots 6 and 15 are encumbered by root protection zones from a row of mature trees along the west property line of Lots 6 and 15.
- Given the root protection zones and setback requirements on Lot 6, the maximum achievable floor area is only 317 square metres (3,412 sq. ft.) and the buildable width is only 9.84 metres (32 ft.).
- Given the root protection zones and setback requirements on Lot 15, the maximum achievable floor area is only 305 square metres (3,283 sq. ft.) and the buildable width is only 8.75 metres (29 ft.).
- The reduced buildable widths result in narrow floor plans on both lots and a house that is dominated by the garage element along the front façade on Lot 15, as there is no rear lane. Lot 6 has lane access, which could accommodate garage access for the lot, however, if the owner chooses to construct the garage at the front of the house, the reduced buildable width would result in a house dominated by the garage element along the front façade of Lot 6 as well.

- Reducing the east side yard setback on Lot 6 from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) will allow the applicant the opportunity to achieve the maximum permitted house size of 336 square metres (3,617 sq. ft.).
- Reducing the east side yard setback on Lot 15 from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) will allow the applicant to achieve a house size of 328 square metres (3,530 sq. ft.), which is still less than the maximum permitted 336 square metres (3,617 sq. ft.) in the RF Zone. By also reducing the rear yard setback on Lot 15 from 7.5 metres (25 ft.) to 7.0 metres (23 ft.) the applicant can achieve the maximum permitted house size.
- Reducing the east side yard setbacks will increase the buildable widths of Lot 6 and 15 to 10.44 metres (34 ft.) and 9.35 (31 ft.), respectively.
- The increased building envelope provides for a more functional layout and decreases the dominance of the garage element along the front façades.
- In order to allow the applicant the opportunity to achieve the maximum house sizes permitted on the lots and functional floor plans, while at the same time retaining the protected row of mature trees along the western property line of each lot, reductions in the east side yard setback on Lot 6 and the east side yard setback and rear yard setback on Lot 15 are required.
- The proposed setback reductions will have minimal impact on the neighbouring properties to the east.
- Staff support the requested variances.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

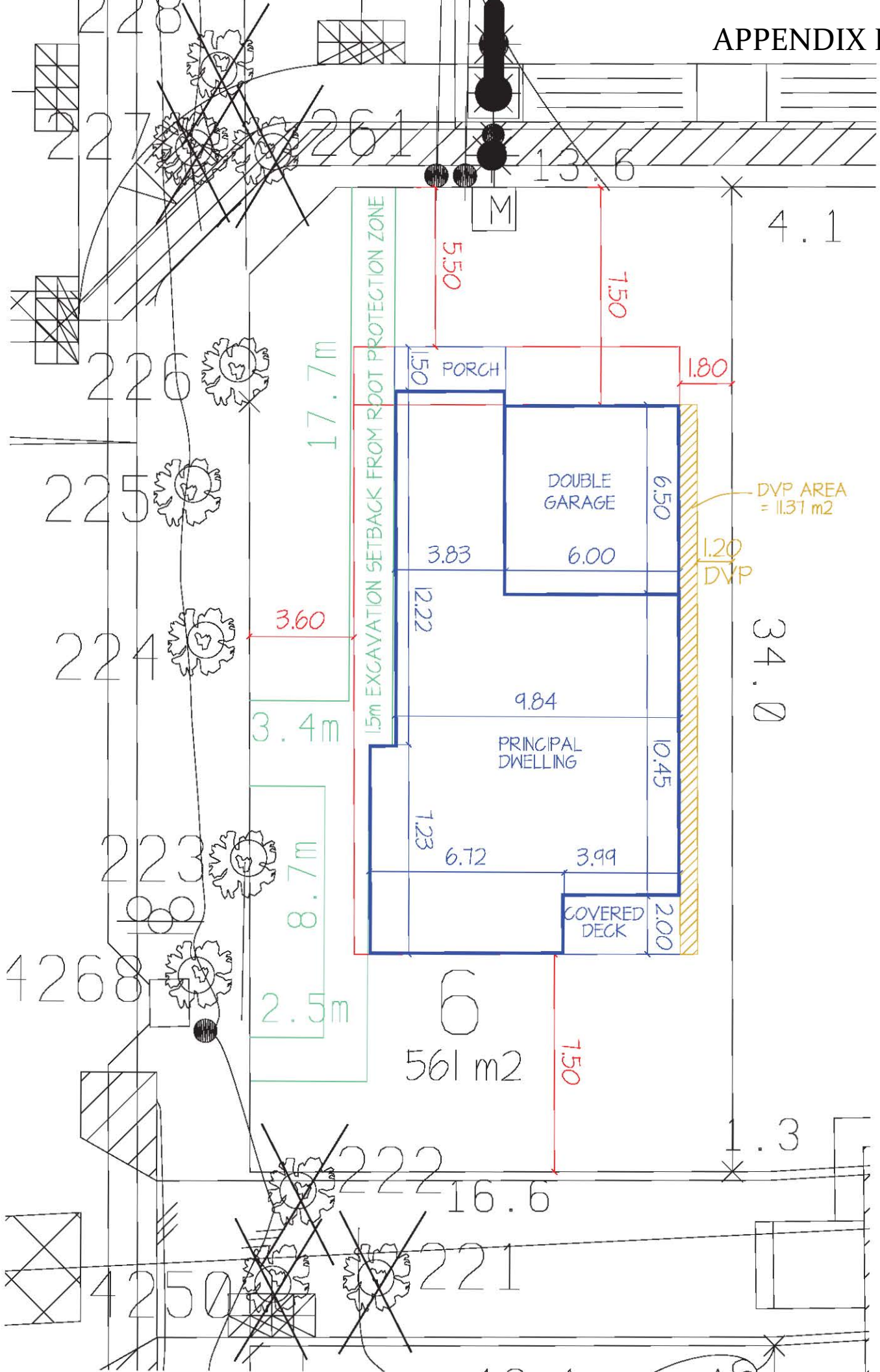
Appendix I.	Lot Owners and Action Summary
Appendix II.	Comparison of achievable floor plans
Appendix III.	Development Variance Permit No. 7914-0275-00

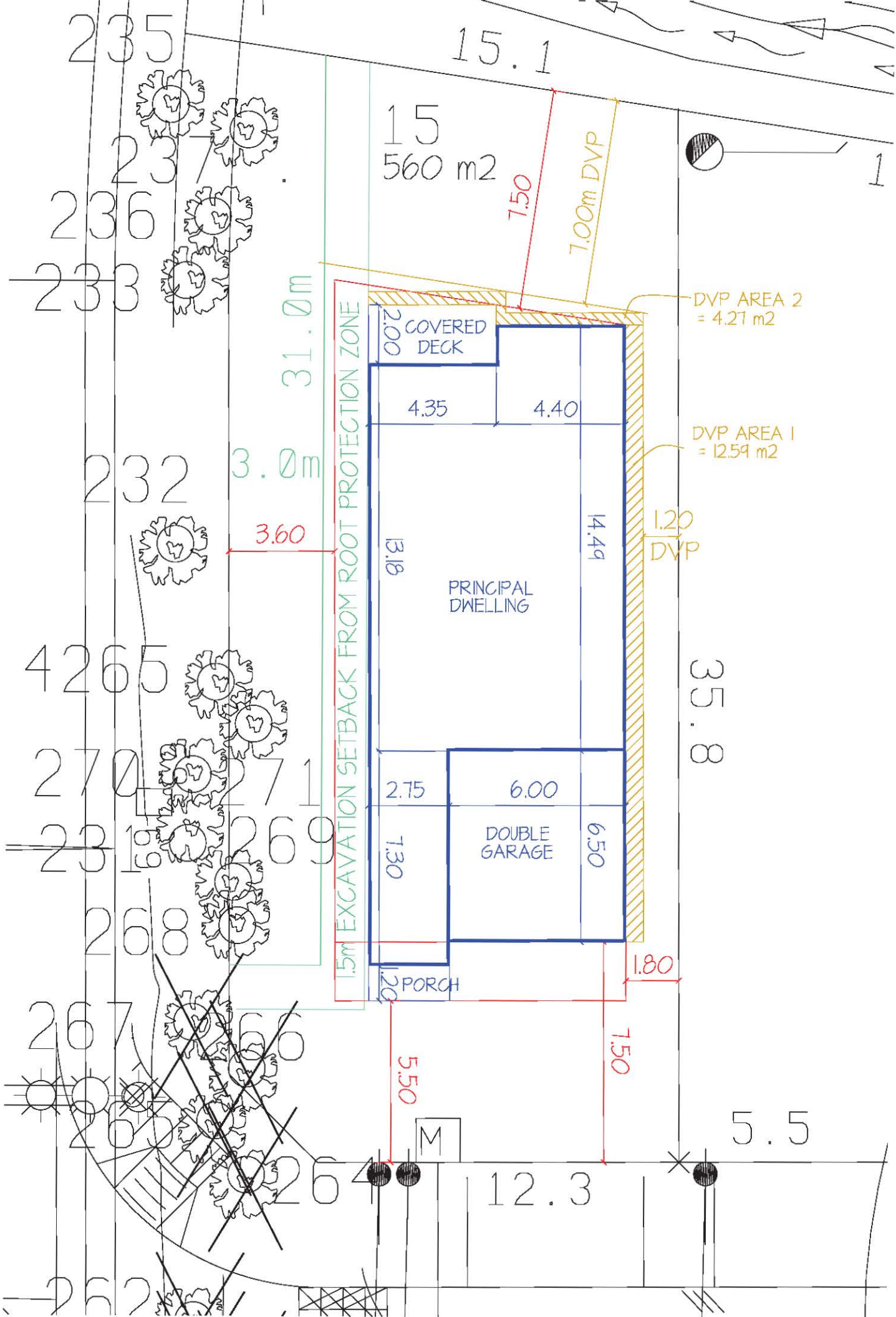
original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7914-0275-00

Issued To: 0943151 BC LTD
("the Owner")

Address of Owner: 12708 - 80 Avenue
Surrey, BC V3W 3A7

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: 029-301-394
Lot 6 Section 24 Block 5 North Range 1 West New Westminster District Plan EPP3688o
10438 - 164 Street

Parcel Identifier: 029-301-441
Lot 15 Section 24 Block 5 North Range 1 West New Westminster District Plan EPP3688o
10468 - 164 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F of Part 16 Single Family Residential Zone (RF), the minimum east side yard setback for the principal building is reduced from 1.8 metres (6 ft.) to 1.2 metres (4 ft.) for Lots 6 and 15; and
 - (b) In Section F of Part 16 Single Family Residential Zone (RF), the minimum rear yard setback for the principal building is reduced from 7.5 metres (25 ft.) to 7.0 metres (23 ft.) for Lot 15.
4. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

5. 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.

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 .

Mayor

City Clerk