

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7919-0283-00

Planning Report Date: July 27, 2020

PROPOSAL:

- **Development Variance Permit**

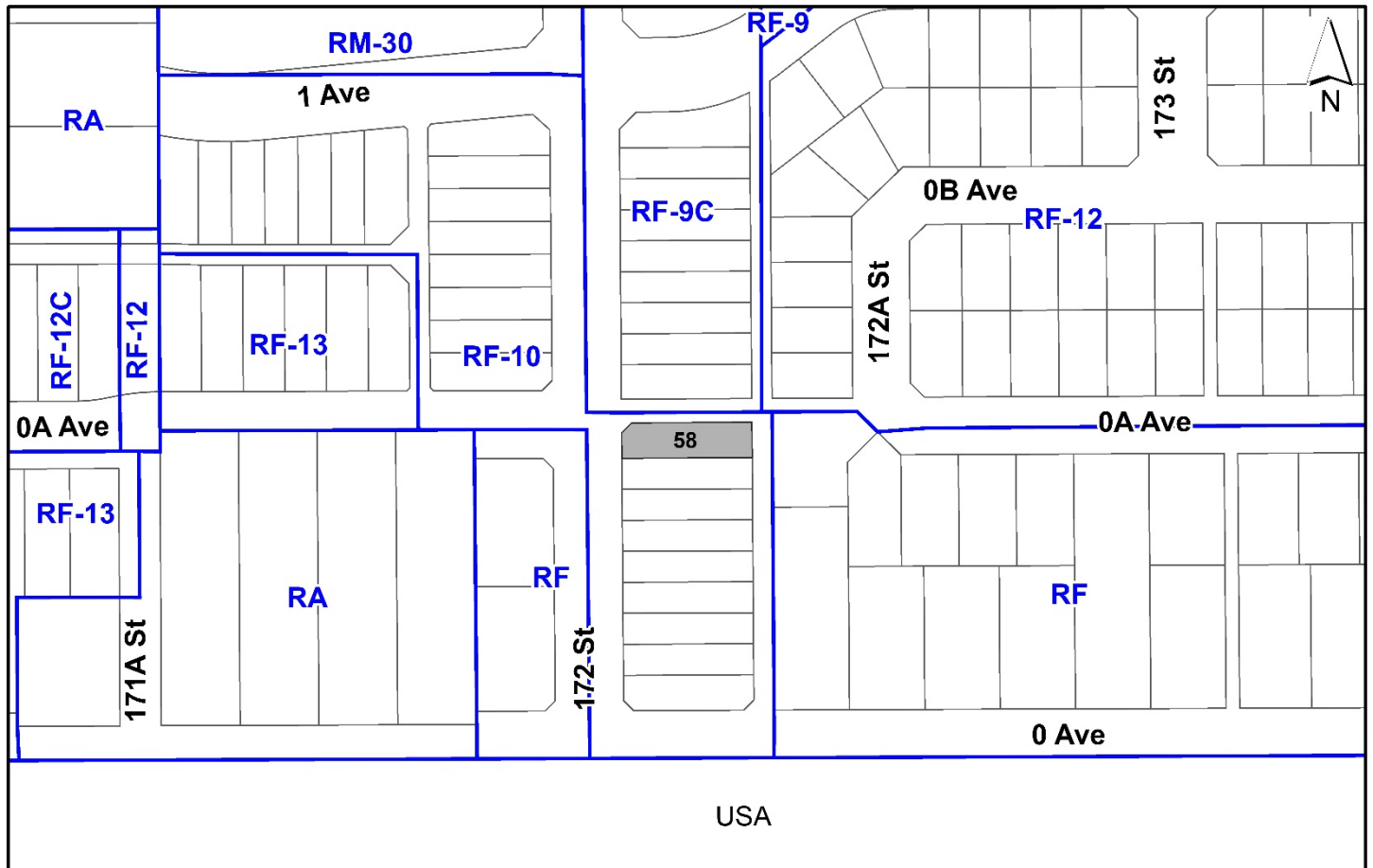
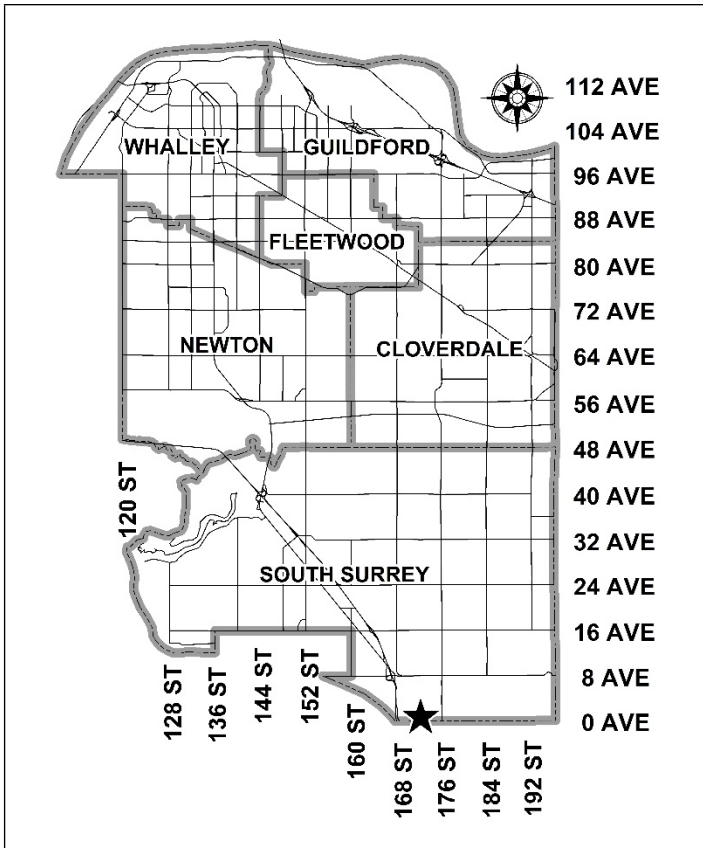
to reduce the setbacks of a proposed detached garage and to reduce the off-street parking requirements for an existing single family dwelling.

LOCATION: 58 - 172 Street

ZONING: RF-10

OCP DESIGNATION: Urban

NCP DESIGNATION: Single Family Flex (6-14.5 u.p.a)



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant proposes to reduce the side yard (south) and rear yard setback requirements for an accessory building or structure of the "Single Family Residential (10) Zone (RF-10)".
- The applicant proposes to reduce the minimum off-street parking requirements from three (3) spaces to two (2) spaces under the "Single Family Residential (10) Zone (RF-10)".

RATIONALE OF RECOMMENDATION

- Surrey Zoning By-law No. 12000 requires that all single family dwellings provide three off-street parking spaces. The third parking stall is intended to accommodate parking for secondary suites.
- Three (3) City trees adjacent to the subject site were proposed for retention under completed Development Application No. 7916-0315-00. At the time of subdivision, the lot was anticipated to be able to site an RF-10 sized house with a secondary suite and a garage with a 6.0 metre long driveway to meet the off-street parking requirements. After further staff review, it has been determined that a garage cannot be sited at the required 6.0 metre rear yard setback without conflicting with the Tree Protection Restrictive Covenant on title.
- In order meet the minimum requirement for three (3) off-street parking stalls, a parking stall would need to be sited inside the tree protection zones of the City trees on the subject property. It is anticipated that a parking stall within the tree protection zones would lead to damage of the root system of the City trees and possible failure of the trees.
- 172 Street has a designated on street parking pocket, which provides an opportunity to accommodate additional parking needs within the neighbourhood.
- The reduced rear yard and side yard setbacks for the proposed garage limits encroachment into the Tree Protection Restrictive Covenant area as much as possible while still allowing for two parking stalls to be located on the property, both within the proposed garage.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7919-0283-00 (Appendix I) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum side yard (south) setback of an accessory building of the "Single Family Residential (10) Zone" from 0.85 metres to 0.50 metres;
 - (b) to reduce the minimum rear yard setback of an accessory building of the "Single Family Residential (10) Zone" from 6.0 metres to 1.2 metres; and
 - (c) to reduce the minimum number of on-site parking spaces from three (3) to two (2).

2. Council instruct staff to resolve the following issues prior to final approval:
 - (a) registration of a Section 219 Restrictive Covenant Modification to the existing Tree Protection Restrictive Covenant (CA6746038); and
 - (b) submission of a Tree Bonding Security to the satisfaction of the City Landscape Architect.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	NCP Designation	Existing Zone
Subject Site	Single Family Residential	Single Family Flex (6-14.5 u.p.a.)	RF-10
North (Across City Walkway):	Single Family Residential	Single Family Flex (6-14.5 u.p.a.)	RF-9C
East:	Single Family Residential	Single Family Flex (6-14.5 u.p.a.)	RF
South:	Single Family Residential	Single Family Flex (6-14.5 u.p.a.)	RF-10
West (Across 172 Street):	Single Family Residential	Urban Single Family (6 u.p.a.)	RF

Context & Background

- The subject property, located at 58 – 172 Street, is designated "Urban" in the Official Community Plan (OCP), "Single Family Residential Flex (6-14.5 u.p.a.)" in the Douglas Neighbourhood Concept Plan (NCP), and is zoned "Single Family Residential (10) Zone".
- The subject lot was created under Development Application No. 7916-0315-00 which approved an NCP amendment to the current designation of "Single Family Residential Flex (6-14.5 u.p.a.)", rezoned the parent parcel to RF-10 and permitted a 9 lot subdivision. Dedication was proposed north of the subject lot to complete a City Walkway.

- Under Development Application No. 7919-0315-00, there were three Western Red Cedar trees proposed for retention which were located within the dedicated area to complete the City Walkway. At the time, staff felt that the three City trees could be retained while still allowing for a standard RF-10 house to be built with a double garage and a third parking stall in a driveway.
- A building permit was applied for and issued for a house with a secondary suite on the subject property with the understanding that the lot could achieve the minimum off-street parking stalls required. The building permit for the house has received final acceptance.
- The double garage that was proposed at the time, required a separate building permit. During staff review of the building permit for the garage, the issue of siting the garage and an additional parking stall in the driveway without encroaching into the Tree Protection Restrictive Covenant area on the property was discovered.
- Siting of the garage with a driveway long enough to accommodate a third parking stall is not feasible on the property without significantly encroaching into the Tree Protection Restrictive Covenant area. In order to retain the trees, the applicant worked with staff to shift the proposed garage east closer to the lane and seek a development variance to permit the location of the garage.

DEVELOPMENT PROPOSAL

Planning Considerations

- The application is proposing a Development Variance Permit for the following:
 - Reduce the off-street parking requirement from three (3) spaces to two (2) spaces;
 - Reduce the minimum side yard (south) setback requirement for an accessory building of the "Single Family Residential (10) Zone" from 0.85 metres to 0.50 metres; and
 - Reduce the minimum rear yard setback of an accessory building requirement of the "Single Family Residential (10) Zone" from 6.0 metres to 1.2 metres.

Referrals

Engineering:	The Engineering Department has no objection to the project.
Parks, Recreation & Culture:	Parks requires further review pertaining to the proposed Tree Protection Restrictive Covenant Modification.
Surrey Fire Department:	No referral required.

Transportation Considerations

- The applicant proposes to reduce the minimum of three (3) off-street parking spaces required under the RF-10 zone to two (2) off-street parking spaces. Typically, a third off-street parking space would be required for single-family zones to accommodate a secondary suite within the principal building. However, under Rezoning Application No. 7916-0315-00, this lot was created with a Tree Protection Restrictive Covenant to allow for retention of the adjacent City trees alongside the City walkway to the north. A third parking stall and garage cannot be accommodated on the site without being sited in a location that would potentially jeopardize the health of the adjacent City trees.
- In consideration of the unique tree retention requirements and the resulting constraints on siting the garage and driveway, staff can support the two (2) off-street parking stalls, as the proposal will allow for retention of adjacent City trees.

POLICY & BY-LAW CONSIDERATIONS

Official Community Plan

Land Use Designation

- The subject property is designated Urban in the Official Community Plan (OCP). The proposal complies with the OCP.

Secondary Plans

Land Use Designation

- The subject property is designated "Single Family Residential Flex (6-14.15 u.p.a.)" in the Douglas Neighbourhood Concept Plan (NCP). The proposal complies with the Douglas NCP.

Zoning By-law

Setback Variance

- The applicant is requesting the following variances:
 - Reduce the minimum side yard (south) setback requirement for an accessory building of the "Single Family Residential (10) Zone" from 0.85 metres to 0.50 metres; and
 - Reduce the minimum rear yard setback of an accessory building requirement of the "Single Family Residential (10) Zone" from 6.0 metres to 1.2 metres.
- The reduced side yard and rear yard setbacks will limit the encroachment of the proposed garage into the Tree Protection Restrictive Covenant area as much as possible.
- The RF-9C lots to the north each have a garage/coach house setback from the lane at a similar distance to the proposed 1.2 metre rear yard setback for the garage.

Parking Variance

- The applicant is requesting the following variance:
 - Reduce the off-street parking requirement from three (3) spaces to two (2) spaces.
- In order to meet the minimum off-street parking requirements for three (3) off-street spaces, two (2) spaces would be located within the garage with a third space located either in a driveway or alongside the garage.
- Due to the Tree Protection Zones of the adjacent City trees within the subject property, it is not feasible to site a third parking space on the property without significant encroachment into the Tree Protection Restrictive Covenant on title. Doing so would likely lead to damage to the root systems of the adjacent City Trees resulting in possible failure of the City trees.
- Currently 172 Street has a designated on street parking pocket, which provides an opportunity to accommodate additional parking needs within the neighbourhood. As the presence of City Trees adjacent to the site is unique to the subject lot, all other residential lots in the area are meeting the off street parking requirements.
- The relaxation of 1 parking stall is not expected to affect the demand and availability of on street parking in the surrounding area.
- Staff support the requested variances to proceed for consideration.

TREES

- Tree retention and tree removal was assessed under Development Application No. 7916-0315-00. A Tree Protection Restrictive Covenant to allow for retention of the adjacent City trees alongside the City walkway to the north was registered on this lot under the original subdivision application.
- The applicant proposes to retain the three adjacent City Trees. The applicant is required to amend the existing Tree Protection Restrictive Covenant to permit the footing of the proposed garage slab which slightly encroaches into the RC area. Parks staff approval of the RC amendment is required prior to final approval.
- A comfort letter prepared by the project arborist will be required to be submitted with a follow up letter with photos showing any roots encountered and correctly addressed.
- If there is any unexpected city tree removal due to construction impacts, the full appraised value of the trees will be required as compensation. The applicant is required to submit a \$9,000 Tree Bonding Security prior to final approval.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Development Variance Permit No. 7919-0283-00

approved by Shawn Low

Jean Lamontagne
General Manager
Planning and Development

WS/cm

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7919-0283-00

Issued To:

("the Owner")

Address of Owner:

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: 030-417-520

Lot 1 Section 32 Block 1 North Range 1 East New Westminster District Plan EPP75728

58 - 172 Street

("the Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section C. Required Parking Spaces of Part 5, Off-Street Parking and Loading/Unloading, the required off-street parking spaces for a single family dwelling is reduced from three (3) spaces to two (2) spaces; and
 - (b) In Section F. of Yards and Setbacks of the "Single Family Residential (10) Zone" the required side yard (south) setback of a Type III lot for an accessory building is reduced from 0.85 metres to 0.50 metres to permit a garage, and
 - (c) In Section F. of Yards and Setbacks of the "Single Family Residential (10) Zone" the required rear yard setback of a Type III lot for an accessory building is reduced from 6.0 metres to 1.2 metres to permit a garage.

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 – Doug McCallum

City Clerk – Jennifer Ficocelli

