

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7920-0084-00

Planning Report Date: April 12, 2021

PROPOSAL:

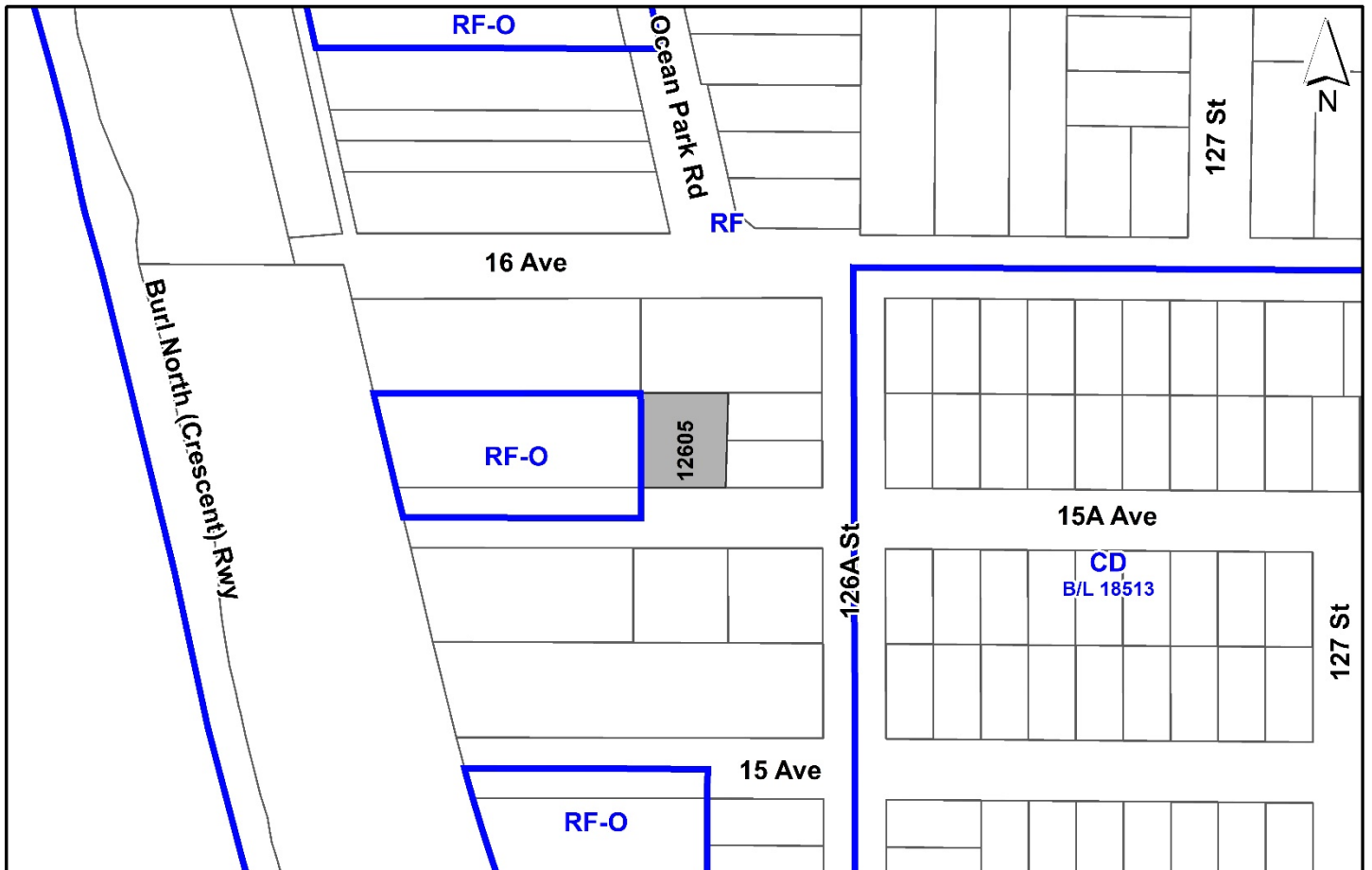
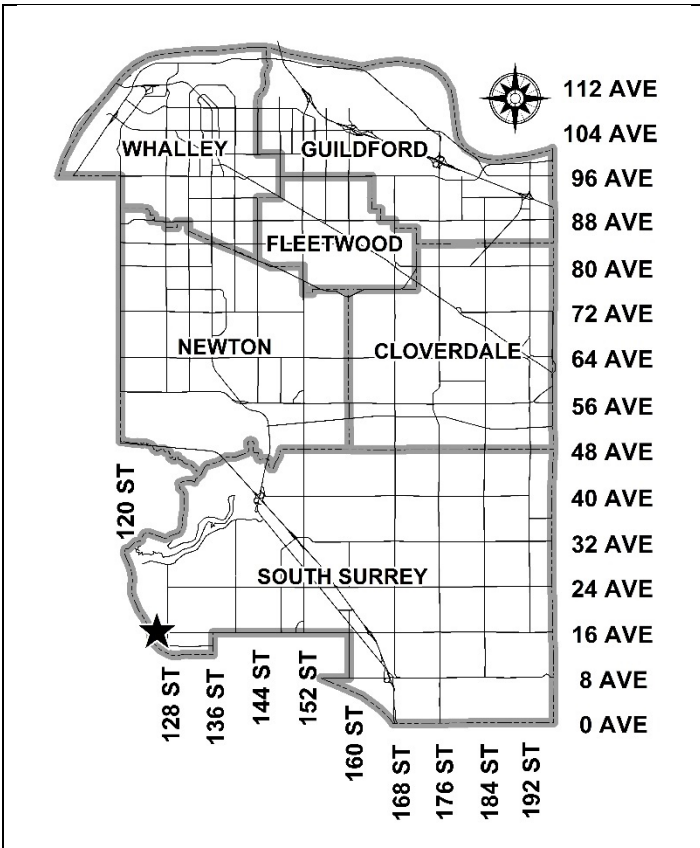
- **Development Variance Permit**

to reduce the minimum rear yard setback to permit a single family dwelling.

LOCATION: 12605 - 15A Avenue

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking a variance to reduce the minimum required rear yard setback of the "Single Family Residential (RF) Zone."

RATIONALE OF RECOMMENDATION

- The proposal complies with the Urban designation in the Official Community Plan (OCP).
- The proposal complies with the General Urban designation in the Metro Vancouver Regional Growth Strategy (RGS).
- The applicant proposes a rear yard setback of 3 metres for the proposed single family dwelling which exceeds the 2.7 metre rear yard setback of the previous single family dwelling on the subject property that has been demolished.
- The proposed 3.0 metre rear yard setback will enable a house design that provides for more private yard space in the western yard which aligns with the adjacent lots which have western facing rear yards.
- The applicant has provided a signed letter of support from the neighbouring property owners at 1563, 1577, and 1595 – 126A Street which are the property's which would be most affected by the reduced rear yard.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7920-0084-00 (Appendix I), to reduce the minimum rear yard (north) setback of the Single Family Residential (RF) Zone from 7.5 metres to 3.0 metres to the principal building face, to proceed to Public Notification.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Single family dwelling.	Urban	RF
North:	Single family dwellings.	Urban	RF
East:	Single family dwellings.	Urban	RF
South (Across 15A Avenue):	Single family Dwellings.	Urban	RF
West:	Single family dwelling.	Urban	RF-O

Context & Background

- The subject property, located at 12605 – 15A Avenue, is designated "Urban" in the Official Community Plan and zoned "Single Family Residential (RF)".
- The previous single family dwelling on the property was located within 2.65 metres of the rear property line (north). The 2.65 metre setback was formalized through Development Variance Permit No. 7900-0212-00 to facilitate a three (3) lot RF subdivision with retention of this dwelling. A demolition permit was issued in April 2020 for this building to be demolished which has been completed.
- A third party Restrictive Covenant, registration no. BV120062, was registered on the title of the subject property in April 2003 which restricts the building height of a proposed structure to a maximum of 55.83 metres Geodetic elevation, landscaping height to 52.63 metres Geodetic, and a rear yard setback of no less than 7.5 metres in depth.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is proposing a Development Variance Permit to reduce the minimum rear yard (north) setback from 7.5 metres to 3.0 metres to the principal face of a proposed single family dwelling (Appendix I).
- The proposed single family dwelling will be setback slightly further than the previous single family dwelling on the property which had a rear yard setback of 2.65 metres.

- The reduced rear yard setback will enable the proposed house design to allow for increased west yard space to be utilized as a functional rear yard. The adjacent homes are oriented so that they utilize western yard space as rear yards. This will allow the applicant to enjoy a more private yard to the west rather than have a rear yard space directly adjacent to the eastern neighbour's rear yard and deck at 1577 - 126A Street.
- The applicant and their neighbours are aware of the third party Restrictive Covenant, registration no. BV120062, registered on title which requires a rear yard setback of no less than 7.5 metres. The applicant and the neighbours party to Restrictive Covenant BV120062 agreed to reduce this setback restriction from 7.5 metres to 3.0 metres through registration of a Restrictive Covenant Modification, registration no. CA8833777.

Referrals

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

Parks, Recreation & Culture: The Parks Department has no objection to the project. The Parks Department is to review all pruning requests for City trees.

Surrey Fire Department: No referral required.

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The subject property is designated General Urban in the Regional Growth Strategy (RGS). The proposed new single-family dwelling complies with the General Urban designation.

Official Community Plan

Land Use Designation

- The proposal aligns with the Urban designation within the Official Community Plan (OCP).

Zoning By-law

Setback Variance

- The applicant is requesting the following variance:
 - to reduce the minimum rear yard (north) setback of the RF Zone from 7.5 metres to 3.0 metres to the principal building face.
- The proposed 3.0 metre setback is a slight increase from the previous rear yard setback of the existing single family dwelling on the property, which is proposed for demolition.

- The reduced rear yard (north) setback will allow for an increased western yard space which aligns with the adjacent properties that all utilize west yards as rear yard space. The western rear yard will allow an increased level of privacy to the applicant and adjacent property owners.
- The proposed setback should have minimal impact on the property to the west at 12587 15A Avenue given the reduced setback would be adjacent the driveway and areas used for parking for this property with active spaces being located on the west side of this property.
- The subject property has two shared cedar hedges along the west and east property lines. The 3 metre high shared cedar hedges will aid in screening the subject property from the abutting lots to the west and east. Four adjacent western red cedars, all approximately 5 metres in height, to the north of the subject property at 1595 – 126A Street will aid in screening the proposed single family dwelling from the abutting lot to the north.
- A letter of support has been received from three out of the four neighbouring property owners, including the neighbour to the north.
- Staff support the requested variance to proceed for consideration.

TREES

- Max Rathburn, ISA Certified Arborist of Diamond Head Consulting prepared an Arborist Assessment for the subject property dated July 6, 2020.
- The Arborist Assessment states that there is a total of two (2) protected trees on the site, both of which are proposed for retention. Four (4) neighbouring trees and eleven (11) City Trees were identified adjacent to the subject property. All off-site trees will be retained.
- No trees are proposed for removal through this application.
- If boulevard trees shown to be retained in the arborist report are removed or damaged due to construction, the full appraised value of the trees will be required as compensation from the applicant.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Development Variance Permit No. 7920-0084-00

approved by Shawn Low

Jean Lamontagne
General Manager
Planning and Development

WS/cm

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7920-0084-00

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: 025-564-188
Lot 3 Section 7 Township 1 New Westminster District Plan BCP3195

12605 - 15A Ave

(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 rear yard (north) setback is reduced from 7.5 metres to 3.0 metres for the principal building.
4. This development variance permit applies to only the portion of the Land shown on 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.

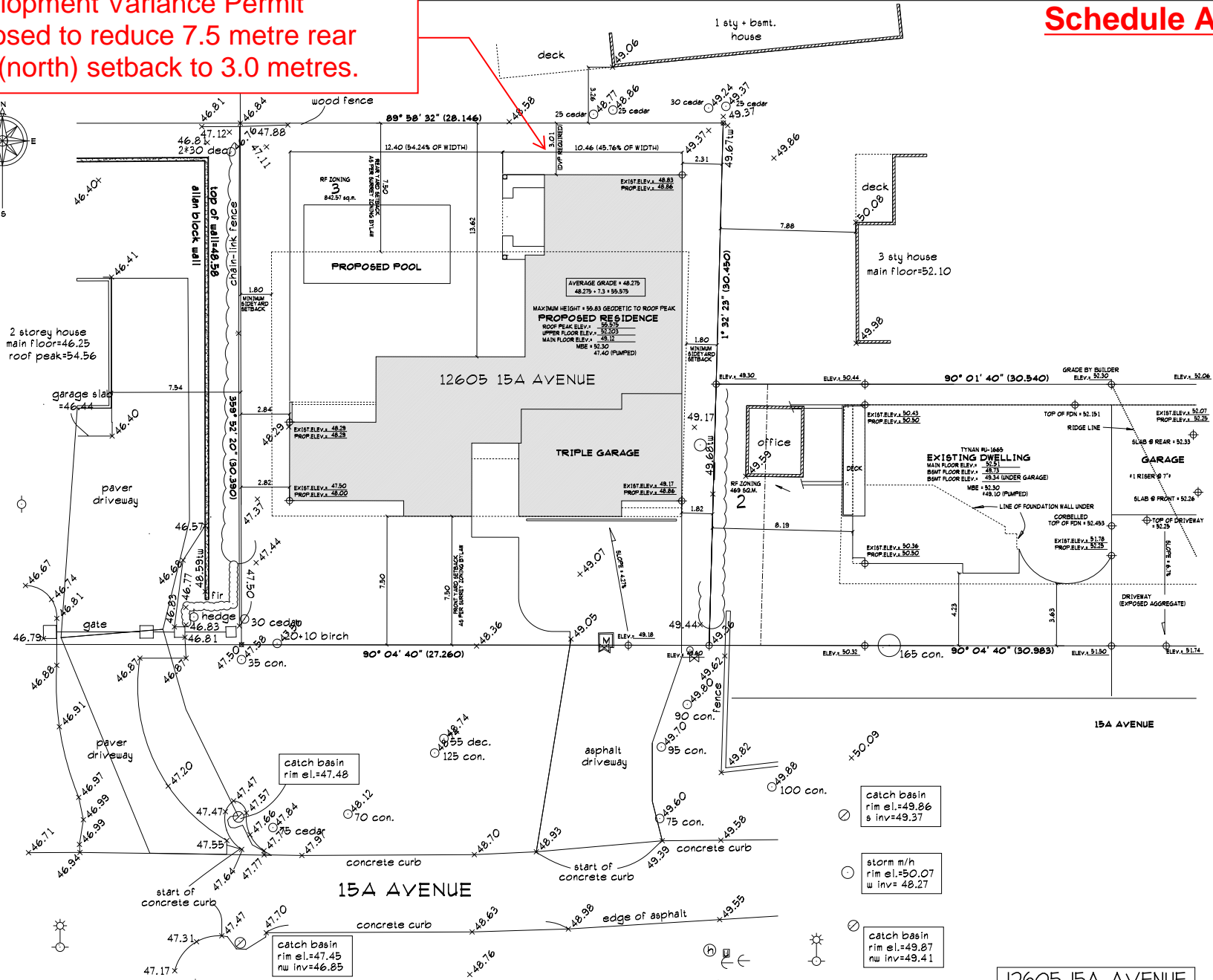
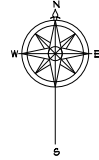
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Doug McCallum

City Clerk – Jennifer Ficocelli

Development Variance Permit proposed to reduce 7.5 metre rear yard (north) setback to 3.0 metres.

Schedule A



LICENSE AND COPYRIGHT
 THE FULL CONTENT OF THESE PLANS AS ALL THINGS REMAINING THE EXCLUSIVE PROPERTY OF TYTAN DESIGN LTD. AND ALL RIGHTS OF USE AND REPRODUCTION ARE HEREBY RESERVED. ANY REPRODUCTION OF THESE PLANS BY ANY MEANS, IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT FROM TYTAN DESIGN LTD.

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ENGINEERING REQUIREMENT
 THESE PLANS ARE INTENDED TO BE USED ONLY IN CONJUNCTION WITH STRUCTURAL SPECIFICATIONS PROVIDED BY A REGISTERED PROFESSIONAL ENGINEER ACCREDITED BY THE CANADIAN PROFESSIONAL ENGINEERING BOARD. THE PURCHASER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OF THE DWELLING.

RESPONSIBILITY OF LICENSEE
 A LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OF THE DWELLING. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OF THE DWELLING.

INFORMATION SOURCES
 PREPARATION OF THESE PLANS REQUIRES RELIANCE ON INFORMATION PROVIDED BY OTHERS, INCLUDING LOCAL PLANS, LOT GRADING PLANS, AND OTHER INFORMATION PROVIDED BY OTHERS. TYTAN DESIGN LTD. DOES NOT ACCEPT LIABILITY FOR INFORMATION USED ON THESE PLANS THAT WAS OBTAINED BY AN ENTITY OTHER THAN TYTAN DESIGN LTD.

LOT GRADING
 GRADING INFORMATION PROVIDED ON THIS PLAN IS BASED ON A MEAN SEA LEVEL DATUM. THE REPRESENTATION IS MADE THAT THE LINEAR INTERPOLATED DATA POINTS SHOULD BE USED TO ESTABLISH PRECISE EXISTING GRADES FOR THEIR OWN INFORMATION. THEY SHOULD CONSULT A PROFESSIONALLY CERTIFIED SURVEYOR FOR MORE DETAILED DATA.

RETAINING WALLS
 TYTAN DESIGN LTD. ACCEPTS NO RESPONSIBILITY FOR THE CONSTRUCTION OF RETAINING WALLS. RETAINING WALLS SHALL BE CONSTRUCTED ACCORDING TO GENERAL ACCEPTED PRACTICE IN CONSIDERATION OF SOILS, LOCATION, AND POTENTIAL SETTLEMENT. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OF THE DWELLING.

LIMITS OF LIABILITY
 TYTAN DESIGN LTD. ACCEPTS NO LIABILITY FOR ANY DAMAGES, CONSEQUENTIAL OR OTHERWISE, ARISING FROM THE USE OF THESE PLANS. THE PURCHASER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OF THE DWELLING.

TREES
 TREES SHOWN ARE LOCATED USING A SCALING METHOD BECAUSE DIMENSIONAL DATA IS NOT AVAILABLE. THEREFORE, THE LOCATION OF TREES ON THESE PLANS IS INHERENTLY IMPRECISE. TREE LOCATIONS MUST BE CONFIRMED BY A REGISTERED SURVEYOR PRIOR TO CONSTRUCTION AND ANY DISCREPANCIES MUST BE REPORTED TO TYTAN DESIGN LTD. TYTAN DESIGN LTD. ACCEPTS NO RESPONSIBILITY FOR THE USE OF SCALING TREE LOCATION INFORMATION TO SURVEY CONSTRUCTION OF A REGISTERED LAND SURVEYOR IS PROVIDED TO US PRIOR TO CONSTRUCTION.

LEGAL DESCR.
 LOT 3

BUILDING CODE:
 THESE PLANS CONFORM TO THE BRITISH COLUMBIA BUILDING CODE 2006 EDITION, OCCUPANCY GROUP C1.

CUSTOMER:
 MUELLER

DESIGN: MS
DRAWING: MS
CHECKED: MS

REV. DATE BY
 A 20231 MS

SCALE: 1:100 (METRIC)

SITE PLAN (LOT 3)

SHEET 1 OF 1

TYTAN DESIGN LTD.
 12605 15A AVENUE, SUITE 200, VANCOUVER, BC V6M 2K4
 TEL: 604-273-8888
SITE PLAN
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SITE PLAN

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