

PROPOSAL:

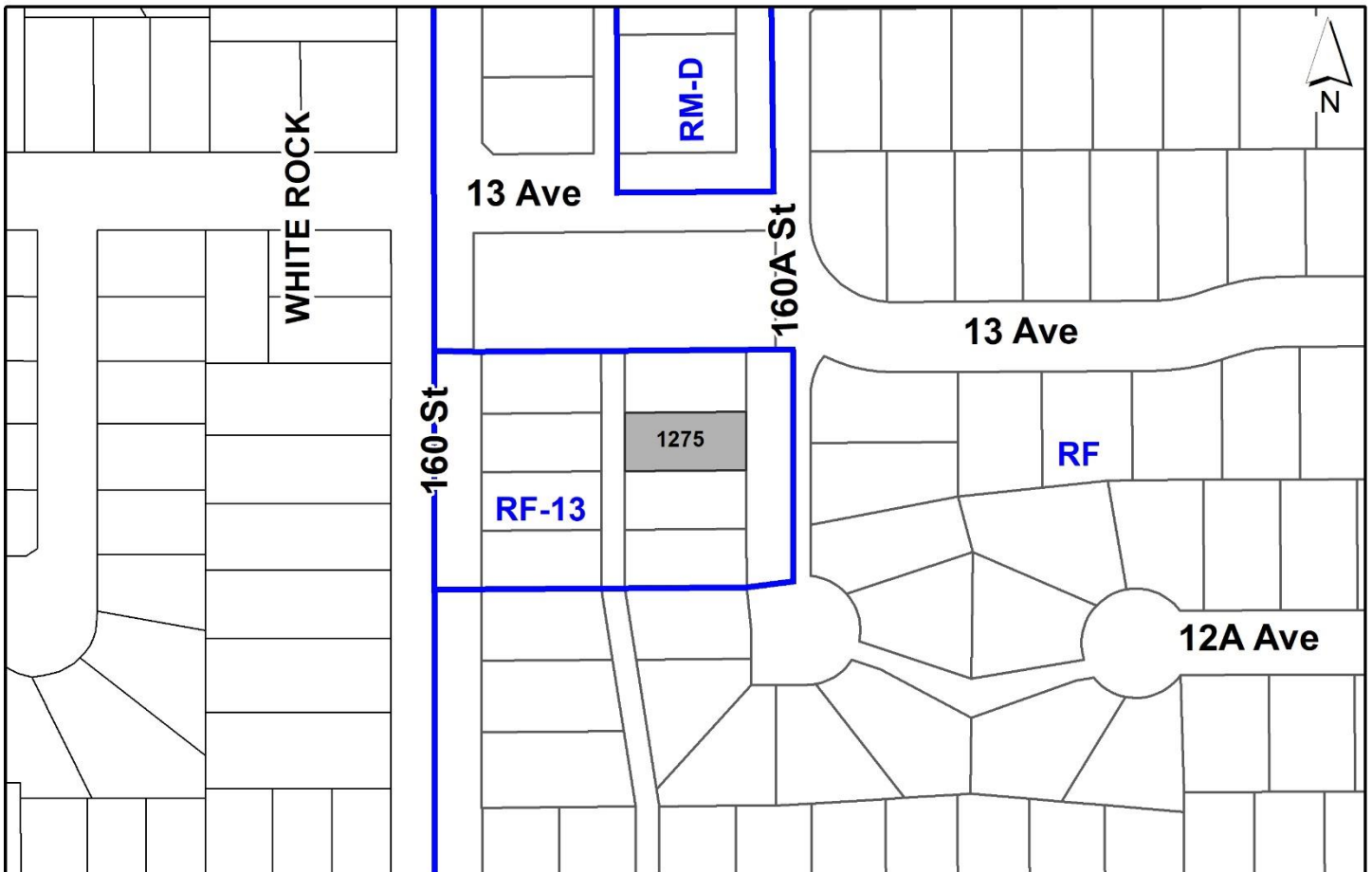
- **Development Variance Permit**

to permit basement access to be located in the side yard to allow construction of a new single-family dwelling.

LOCATION: 1275 - 160A Street

ZONING: RF-13

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing to permit basement access between the principal building and (north) side lot line in the “Single Family Residential (13) Zone (RF-13)”.

RATIONALE OF RECOMMENDATION

- Section J.2 of Part 16B “Single Family Residential (13) Zone” of Zoning Bylaw 12000 states that basement access and basement wells are permitted only between the principal building and the rear lot line.
- A Building Permit was issued on March 14, 2022, for the proposed single-family dwelling. The building plan depicts basement well access between the principal building and the (north) side lot line. The building permit was issued with a conditional notice that basement access siting did not conform with the Zoning Bylaw. Consequently, the applicant could proceed with construction but could not achieve final occupancy until the Zoning Bylaw was amended to permit the basement access design or a supporting Development Variance Permit had been endorsed by Council.
- Amendments to the Zoning By-law regarding basement access and basement wells have not been made, and upon further review by the Planning & Development Department, are not anticipated at this time. Without the subject variance, the applicant would need to amend their previously approved Building Permit.
- The Surrey Fire Service have assessed the non-conforming siting of basement access and have confirmed that this is acceptable for this site.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7922-0275-00 (Appendix I) varying the following, to proceed to Public Notification:
 - (a) Under Section J.2 of Part 16B “Single Family Residential (13) Zone (RF-13)”, basement access is permitted between the principal building and the (north) side lot line.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Vacant Lot	Urban	RF-13
North:	Vacant Lot	Urban	RF-13
East (Across 160A Street):	Single Family Dwelling	Urban	RF
South:	Vacant Lot	Urban	RF-13
West:	Vacant Lot	Urban	RF-13

Context & Background

- The subject site is approximately 463 square metres in size. It is designated “Urban” in the Official Community Plan (OCP) and is zoned “Single Family Residential (13) Zone (RF-13).”
- The subject site was created under previous Development Application No. 7919-0069-00, which rezoned and subdivided six (6) “Single Family Residential Zone (RF)” lots into eight (8) “Single Family Residential (13) Zone (RF-13)” lots.
- Building Permit No. 2021-039647-00 was issued on March 14, 2022, for the proposed single-family dwelling. The Building Permit was issued under the condition that the proposed basement well was acceptable and approved as non-conforming with the current Zoning Bylaw. It was noted that final occupancy would not be granted until the Zoning Bylaw was amended to permit the proposed basement access design, or a supporting Development Variance Permit had been endorsed by City Council.
- An erroneous bulletin was published on the City of Surrey website, depicting that below ground basement access doors, stairs and wells may be placed between the principal building and side lot line if they are located within the 50% of building depth nearest to the rear lot line. Due to this, multiple Building Permits were issued with this conditional notice, as an amendment to the Zoning Bylaw to permit side yard basement access and wells in residential zones was anticipated.

- Amendments to the Zoning By-law regarding basement access and basement wells have since not been made, and upon further review by the Planning & Development Department, are not anticipated at this time.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is proposing a Development Variance Permit (DVP to permit basement access between the principal building and the (north) side lot line of the “Single Family Residential (13) Zone (RF-13)”.
- Surrey Fire Services has assessed this variance proposal and does not object to the non-conforming basement access siting on this site.

Referrals

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

Parks, Recreation & Culture: South Meridian Park is the closest active park and contains amenities including a soccer field, open space, and trails, and has inventoried natural areas. The park is 285 metres walking distance from the development.

Surrey Fire Department: The Surrey Fire Department has no objection to the project.

The Fire Department had noted that the south (side) portion of the lot is to have access to the west (rear) side of the proposed single-family dwelling no less than 0.9 metres, clear and obstructed, from the east (front) portion of the lot. This is depicted on the site plan.

Zoning By-law

Basement Access Variance

- The applicant is requesting the following variances:
 - Under Section J.2 of Part 16B “Single Family Residential (13) Zone (RF-13)”, basement access is permitted between the principal building and the (north) side lot line.
- The Building Permit for the proposed single-family dwelling was issued on March 14, 2022. The Building Permit was issued under the condition that the proposed basement patio well was acceptable. This was based on an erroneous bulletin published on the City of Surrey website, depicting that below ground basement access doors, stairs and wells may be placed between the principal building and side lot line if they are located within the 50% of building depth nearest to the rear lot line

- The applicants were informed by City Staff that Zoning Bylaw No. 12000 was to be amended to allow for basement access and basement wells to be in the side yard setbacks of properties zoned “Single Family Residential (13) Zone (RF-13)”.
- On July 26, 2022, the applicants were notified that Zoning Bylaw 12000 was not being amended to permit basement access and a basement well between the principal building and the side yard lot line of the “Single Family Residential (13) Zone (RF-13)”.
- The applicant was permitted to proceed to construction. Without a variance, they would be required to pursue a time-consuming and costly re-design through applying to amend their building permit.
- The Surrey Fire Service have assessed the non-conforming location of basement access and have confirmed that it is acceptable for this specific site.
- Staff support the requested variance to proceed for consideration.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Development Variance Permit No. 7922-0275-00

approved by Shawn Low

Jeff Arason
Acting General Manager
Planning and Development

JC/ar

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7922-0275-00

Issued To:

("the Owner")

Address of Owner:

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: 031-420-168
Lot 6 Section 12 Township 1 New Westminster District Plan EPP109014
1275 - 160A Street

(the "Land")
3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - Under Section J.2 of Part 16B "Single Family Residential (13) Zone (RF-13)", basement access is permitted between the principal building and the (north) side lot line.
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 – Brenda Locke

City Clerk – Jennifer Ficocelli

