## City of Surrey PLANNING & DEVELOPMENT REPORT Application No.: 7923-0125-00

Planning Report Date: May 15, 2023

## **PROPOSAL:**

## • Development Variance Permit

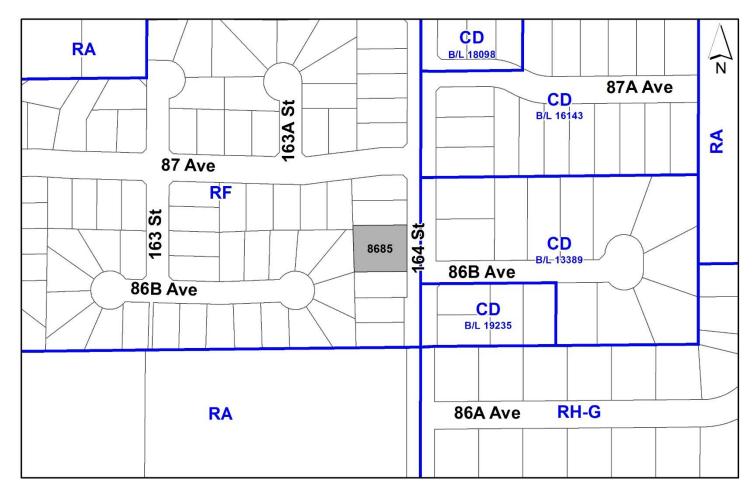
to vary the definition of finished grade in the Zoning Bylaw to accommodate construction of a new single family dwelling on the lot.

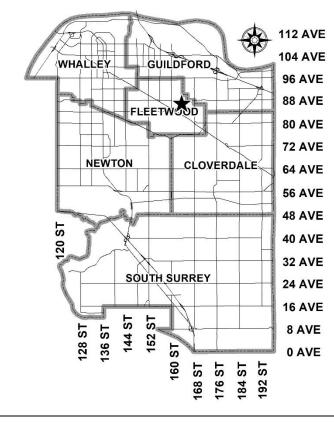
LOCATION: 8685 - 164 Street

ZONING: RF OCP DESIGNATION: Urban

NCP DESIGNATION:

Parks and Natural Areas (Fleetwood Plan)





## **RECOMMENDATION SUMMARY**

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

## **DEVIATION FROM PLANS, POLICIES OR REGULATIONS**

• The applicant is seeking to vary the definition of *finished grade* in the Zoning Bylaw 12000 to permit the use of an updated revised lot grading plan (Appendix I), rather than the revised lot grading plan that was approved by Council on July 25, 2022 (Appendix II), for the purpose of establishing the finished grade on the subject lot.

## **RATIONALE OF RECOMMENDATION**

- On July 25, 2022, Council approved Development Variance Permit Application No. 7922-0185oo, allowing the applicant to use a revised lot grading plan (Appendix II) to establish the finished grade on the lot for the purposes of house construction, rather than the lot grading plan approved by the City at the time of subdivision under Development Application No. 7988-0220-00 (Appendix III) when the lot was initially created.
- Upon subsequent review of the approved revised lot grading plan under Development Application No. 7922-0185-00 (Appendix II), staff recommended that the applicant consider relocating the proposed service connections to reduce infrastructure costs. The applicant is also proposing additional fill on the property to potentially accommodate an in-ground basement. These changes have been incorporated into an updated revised lot grading plan (Appendix I).
- The relocation of the proposed service connections in front of the proposed single family dwelling could potentially avoid upgrading of the existing storm sewer at time of subdivision. The applicant has intentions to subdivide the property in the future. The updated revised lot grading plan (Appendix I) under Development Application No. 7923-0125-00 could potentially be used for the site at that time.
- The applicant is seeking to construct their new house in advance of subdivision and is therefore requesting the subject variance to permit the use of the updated revised lot grading plan for the lot (Appendix I), in order to potentially achieve an in-ground basement.
- The applicant's building permit can only be issued based on the approved lot grading plan attached to Development Application No. 7922-0185-00 (Appendix II). Since the revised lot grading plan was submitted after Council approval, Development Application No. 7923-0125-00 is necessary for Council to approve the updated revised lot grading plan (Appendix I).
- The proposed lot grading plan will not change the drainage pattern of the property and is not anticipated to result in interface impacts on neighbouring properties.
- The variance will allow the applicant to commence building construction prior to subdivision.
- Staff support the variance.

## RECOMMENDATION

The Planning & Development Department recommends that:

- 1. Council approve Development Variance Permit No. 7923-0125-00 (Appendix V) varying the following, to proceed to Public Notification:
  - (a) to vary the definition of *finished grade* in Part 1 Definitions of Zoning Bylaw 12000, as amended, to permit the use of the proposed lot grading plan in Schedule A, attached to the Development Variance Permit, for the purpose of establishing the finished grade on the subject lot, rather than the lot grading plan that was approved by the City at the time of subdivision when the lot was initially created.

Direction	Existing Use	OCP/NCP	Existing Zone
		Designation	
Subject Site	Single Family	Urban/Parks &	RF
	Dwelling	Natural Areas	
North:	Single Family	Urban/Parks &	RF
	Dwellings	Natural Areas	
East (Across 164 Street):	Single Family	Suburban/Urban	CD (Bylaw No.
	Dwellings	Residential	13389)
South:	Single Family	Urban/Parks &	RF
	Dwellings	Natural Areas	
West:	Single Family	Urban/Parks &	RF
	Dwellings	Natural Areas	

#### SITE CONTEXT & BACKGROUND

## Context & Background

- The subject site is a 1,330 square metre property located at 8685 164 Street in Fleetwood. It is designated "Urban" in the Official Community Plan (OCP) and designated as "Parks and Natural Areas" in the Fleetwood Plan, which was endorsed by Council (Corporate Report No. R049: 2022) on March 7, 2022. It is currently zoned "Single Family Residential Zone (RF)".
- The subject property was created as a lot through subdivision under Development Application No. 7988-0220-00 (Appendix IV Lot 38, Plan 81939). A lot grading plan was approved for this lot at the time of subdivision approval (Appendix III). *Note: Appendix III indicates the subject lot as Lot 84 instead of Lot 38*.
- The owners of the subject site applied for a building permit to build a new single family dwelling with a basement on the south side of the property. A revised lot grading plan (Appendix II) was submitted by CitiWest Consulting Ltd. proposing a minimum building elevation (MBE) of 55.85 metres, lower than the 56.24 metres approved in the original lot grading plan (Appendix III) submitted under Development Application No. 7988-0220-00. The revised proposed lot grading plan (Appendix II) was approved by Council on July 25, 2022.
- Upon subsequent review of the approved revised lot grading plan under Development Application No. 7922-0185-00 (Appendix II), staff recommended that the applicant consider

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relocating the proposed service connections to reduce infrastructure costs. The applicant is also proposing additional fill on the property to potentially accommodate an in-ground basement. These changes have been incorporated into an updated revised lot grading plan (Appendix I).

• The proposed MBE of the updated revised lot grading plan under Development Application No. 7923-0125-00 is 56.30 metres (Appendix I). Additional fill is proposed to meet the existing grade at the top of the retaining walls along the south and west property lines.

# DEVELOPMENT PROPOSAL

# **Planning Considerations**

- The applicant is seeking to vary the definition of finished grade in the Zoning Bylaw to permit the use of an updated revised lot grading plan (Appendix I) prior to subdivision, rather than the approved revised lot grading plan (Appendix II) supported by Council on July 25, 2022 for the purpose of establishing the finished grade on the subject lot.
- Varying the definition of finished grade would potentially allow the applicant to achieve a basement on the south side of the property as well as potentially avoid upgrading the storm sewer at time of subdivision, subject to staff review.
- In accordance with the provisions of the Zoning Bylaw, an in-ground basement must have at least one-half of its volume below the finished grade (in order to be excluded from floor area calculations).
- Finished grade as defined in the Zoning Bylaw means:
  - (a) the rough grading elevation as identified on a lot grading plan, where such a plan has been approved by the City at the time of subdivision when the lot was created; or
  - (b) where there is no lot grading plan that was approved by the City at the time of subdivision when the lot was created, the lowest ground elevation existing prior to construction, as established on a legal survey by a registered British Columbia Land Surveyor, such ground elevation to include fill materials placed on the lot to raise the ground elevation up to, but not above, the average elevation of adjacent lots at the adjoining lot lines.
- In order to achieve a 50% in-ground basement, the applicant is proposing to fill 0.6 metres at the south side of the proposed single family dwelling and 1.5 metres at the north side (Appendix I). The proposed fill will then grade down and meet the existing grades of the property. The rear of the proposed single family dwelling will drain into the northwest corner of the property through a lawn basin that will drain onto 164 Street.
- The subject property has future potential to be subdivided from one to two lots under the RF Zone. Should a subdivision application be received, the applicant could potentially use the updated revised lot grading plan (Appendix I), subject to staff review.

• The applicant is seeking to construct their new house in advance of subdivision and is therefore seeking the subject variance to permit the use of an updated revised lot grading plan prior to subdivision.

# Referrals

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

## **Requested Variance**

- The applicant is requesting the following variances:
  - (a) to vary the definition of *finished grade* in Part 1 Definitions of Surrey Zoning Bylaw 12000, as amended, to permit the use of the proposed lot grading plan in Schedule A, which is attached hereto and forms part of this Development Variance Permit, for the purposes of establishing the finished grade on the subject lot, rather than the lot grading plan that was approved by the City at the time of subdivision when the lot was initially created.
- The updated revised lot grading plan could potentially allow the applicant to achieve an inground basement for the proposed new single family dwelling.
- The updated lot grading plan will not change the drainage pattern of the property and is not anticipated to result in negative interface impacts on neighbouring properties.
- With the updated lot grading plan, upgrading of the existing storm sewer could potentially be avoided at time of subdivision, subject to staff review.
- The variance will allow the applicant to commence building construction prior to subdivision.
- Staff support the requested variance to proceed for consideration.

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# INFORMATION ATTACHED TO THIS REPORT

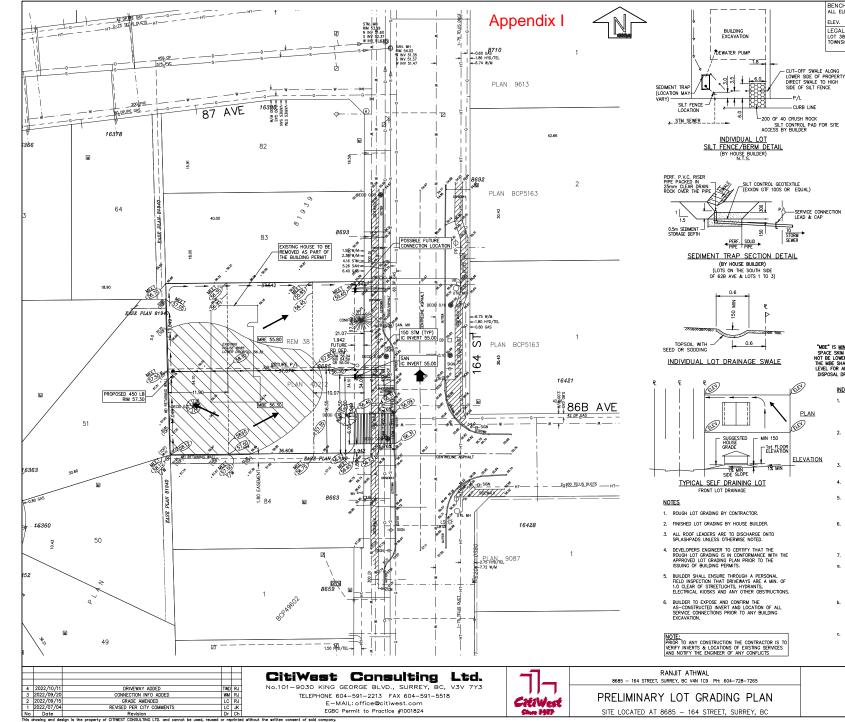
The following information is attached to this Report:

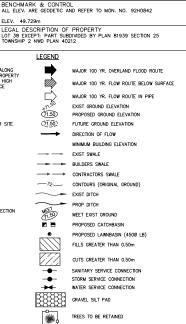
Updated Revised Lot Grading Plan
Revised Lot Grading Plan approved by Council on July 25, 2022
Original Approved Lot Grading Plan under Development Application No 7988-0220-00
Subdivision Plan 81939 Development Variance Permit No. 7923-0125-00 with Schedule A

approved by Ron Gill

Don Luymes General Manager Planning and Development

DQ/ar



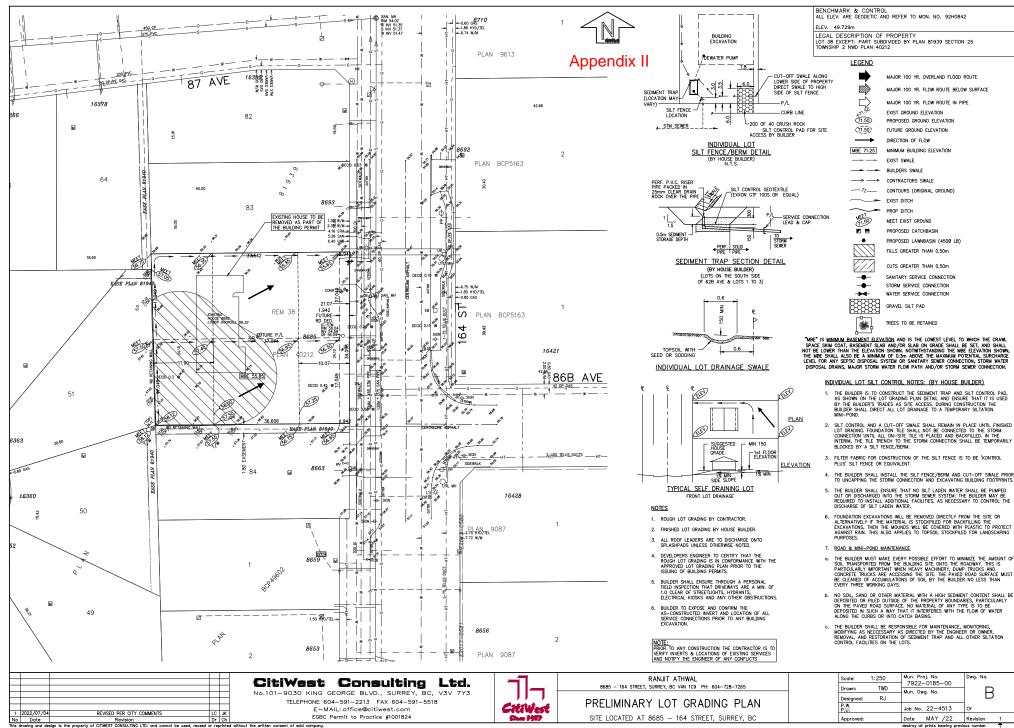


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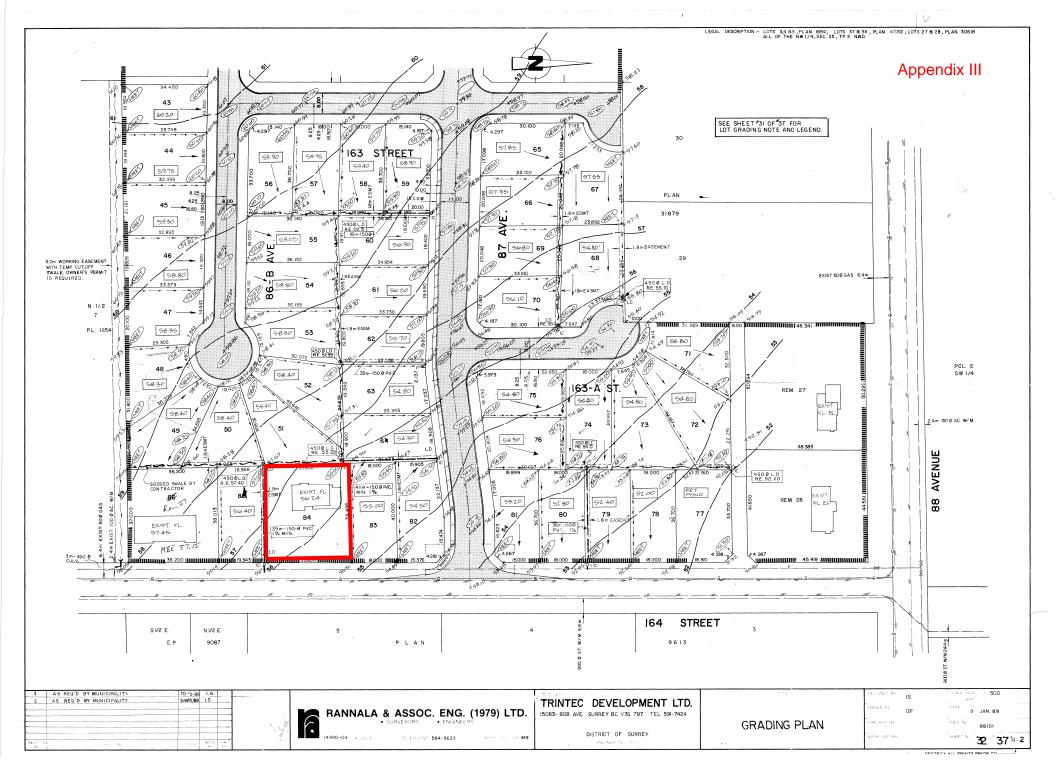
#### INDIVIDUAL LOT SILT CONTROL NOTES: (BY HOUSE BUILDER)

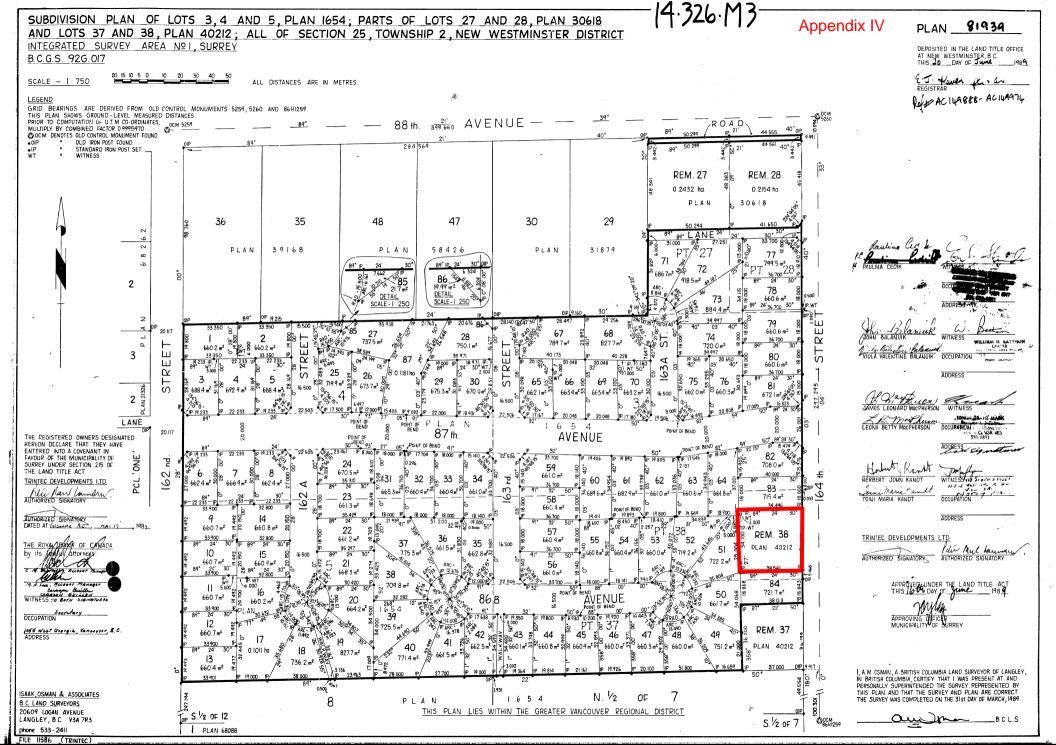
- THE BUILDER IS TO CONSTRUCT THE SEDIMENT TRAP AND SILT CONTROL PAD, AS SHOWN ON THE LOT GRADING PLAN DETAIL AND ENSURE THAT IT IS USED BY THE BUILDER'S TRADES AS SITE ACCESS, DURING CONSTRUCTION THE BUILDER'S SHALL DIRECT ALL LOT DRAINAGE TO A TEMPORARY SILTATION MINI-POND.
- SILT CONTROL AND A CUT-OFF SWALE SHALL REMAIN IN PLACE UNTIL FINISHED LOT GRADING, FOUNDATION THE SHALL NOT BE CONNECTED TO THE STORM CONNECTION UNTIL ALL ON-SITE THE IS TACKED AND BACKFILED. IN THE INTERM, THE THE TRENCH TO THE STORM CONNECTION SHALL BE TEMPORARILY BLOCKED BY A SILT FORC/BERM.
- 3. FILTER FABRIC FOR CONSTRUCTION OF THE SILT FENCE IS TO BE 'KONTROL PLUS' SILT FENCE OR EQUIVALENT.
- THE BUILDER SHALL INSTALL THE SILT FENCE/BERM AND CUT-OFF SWALE PRIOR TO UNCAPPING THE STORM CONNECTION AND EXCAVATING BUILDING FOOTPRINTS.
- 5. THE BUILDER SHALL ENSURE THAT NO SILT LADEN WATER SHALL BE PUMPED OUT OR DISCHARGED INTO THE STORM SEVER SYSTEM. THE BUILDER MAY BE REQURED TO INSTALL ADDITIONAL FACILITIES, AS NECESSARY TO CONTROL THE DISCHARGE OF SILT LADEN WATER.
- FOUNDATION EXCAVATIONS WILL BE REMOVED DIRECTLY FROM THE SITE OR ALTERNATIVELY IF THE WATERIAL IS STOCKPILED FOR BACKFILLING THE EXCAVATIONS, THEN THE MOUNDS WILL BE COVERED WITH PLASTIC TO PROTECT AGAINST RAIN, THIS ALSO APPLIES TO TOPSOIL STOCKPILED FOR LANDSCAPING PURPOSES.
- 7. ROAD & MINI-POND MAINTENANCE
- 2. THE BULDER WUST MAKE EVERY POSSIBLE EFFORT TO WINNARE THE AMOUNT OF SOLI TRANSPORTD FROM THE BULDION GOTE ONTO THE ROADINARY, THIS IS PARTICULARY IMPORTANT WHEN HEAVY WACHINERY, DUMP TRUCKS AND CONCRETE TRUCKS ARE ACCESSION THE SITE. THE PARED ROAD SUPFACE WUST BE CLEANED OF ACCUMULATIONS OF SOLI BY THE BUILDER NO LESS THAN EVERY THREE WORKING DAYS.
- b. NO SOIL, SAND OR OTHER MATERIAL WITH A HIGH SEDIMENT CONTENT SHALL E DEPOSITED OR PILED OUTSIDE OF THE PROPERTY BOUNDARES, PARTICULARLY ON THE PAVER ROAD SUPERACE. NO MATERIAL OF ANY TYPE IS TO BE DEPOSITED IN SUCH A WAY THAT IT INTERFERS WITH THE FLOW OF WATER ALONG THE CURRES OR INTO ACTION BASING THE FLOW OF WATER
- c. THE BUILDER SHALL BE RESPONSIBLE FOR MAINTENANCE, MONITORING, MODIFYING AS NECCESSARY AS DIRECTED BY THE ENGINEER OR OWNER, REMOVAL, AND RESTORATION OF SEDIMENT TRAP AND ALL OTHER SILTATION CONTROL FACILITIES ON THE LOTS.

	Scale:	1:250	Mun. Proj. No.	Dwg. No.	
	Drawn:	TWD	7922-0185-00 Mun. Dwg. No.		
	Designed:	RJ			
	P.W. P.U.		Job No. 22-4513	Of	
	Approved:		Date MAY /22	Revision 4	
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## CITY OF SURREY

# (the "City")

# **DEVELOPMENT VARIANCE PERMIT**

NO.: 7923-0125-00

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: 005-030-315 Lot 38 Except: Part Subdivided By Plan 81939; Section 25 Township 2 New Westminster District Plan 40212

8685 - 164 Street

(the "Land")

- 3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Part 1 "Definitions", the definition of *finished grade* is varied to permit the use of the proposed lot grading plan in Schedule A, which is attached hereto and forms part of this Development Variance Permit, for the purposes of establishing the finished grade on the subject lot, rather than the lot grading plan that was approved by the City at the time of subdivision when the lot was initially created.
- 4. This development variance permit applies to only the <u>portion of the Land</u> 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 – Brenda Locke

City Clerk – Jennifer Ficocelli

