

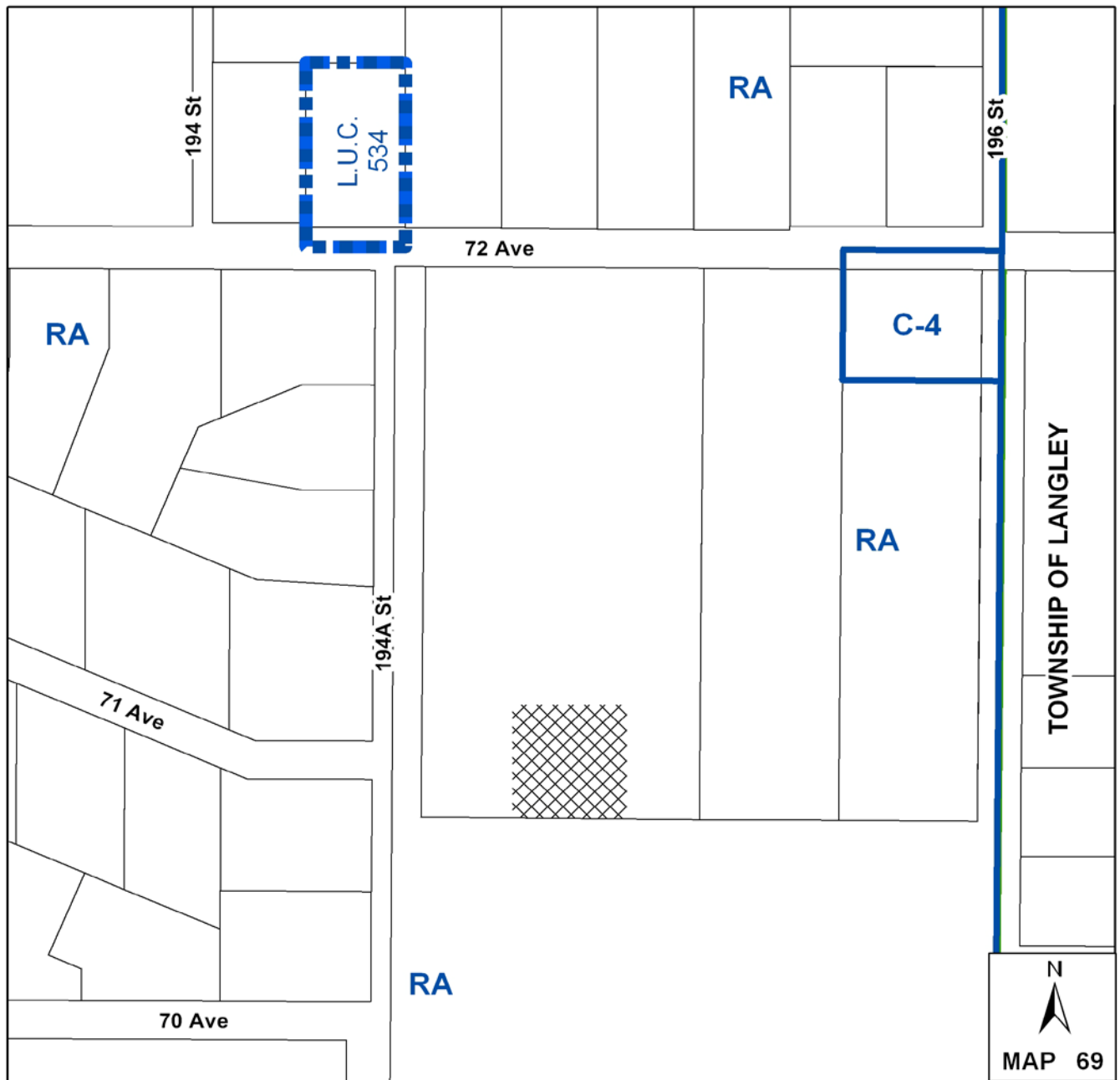
**Proposal:** DVP to allow reduced rear yard setback for the principal building and to permit the location of accessory structures within the front yard setback for proposed Lots 66 to 71.

**Recommendation:** Approval to Proceed

**Location:** Portion of 19518 - 72 Ave    **Zoning:** RA

**OCP Designation:** Urban

**NCP Designation:** Low & Medium Density    **Owners:** 689225 BC Ltd., Inc. No. 689225, et al



## PROJECT TIMELINE

Completed Application Submission Date: August 30, 2006  
Planning Report Date: September 11, 2006

## PROPOSAL

The applicant is proposing:

- a Development Variance Permit to vary Section F. Yards and Setbacks of the RF-9C Zone as follows:
  - to reduce the minimum rear yard setback for the principal building from 6.5 metres (21 ft.) to 3.5 metres (11 ft. 6 inches) to the building face and 2 metres (6.5 ft) to the covered veranda; and
  - to permit accessory structures such as a garage and a coach house above the garage within the front yard setback with a minimum distance of 0.5 metre (1.6 ft.) from the front lot line

in order to permit the construction of a dwelling unit, a garage and a coach house on proposed Lots 66 to 71.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7903-0104-01 (Appendix III), varying the following, to proceed to Public Notification:
  - (a) to vary Section F. Yards and Setbacks of the RF-9C Zone to reduce the minimum rear yard setback for the principal building from 6.5 metres (21 ft.) to 3.5 metres (11 ft. 6 inches) to the building face and 2 metres (6.5 ft.) to the covered veranda, for proposed Lots 66 to 71; and
  - (b) to vary Section F. Yards and Setbacks of the RF-9C Zone to permit the location of a garage and a coach house above the garage within the front yard setback with a minimum distance of 0.5 metre (1.6 ft.) from the front lot line, for proposed Lots 66 to 71.

## SITE CHARACTERISTICS

- **Existing Land Use** The site is vacant.
- **East:** Acreage parcel split-zoned C-4 and RA, designated Medium Density in the East Clayton NCP, rezoning to RF-9C and RF-12C under Rezoning Application No. 7903-0275-00 (By-law No. 15306 at Third Reading) to create approximately 47 small lots.

- **South:** Residential acreage, zoned RA, split-designated Low, Medium Density and Medium High Density in the NCP, under two separate rezoning applications (No. 7902-0363-00 under By-law No. 15308 to rezone to RF-9C and RF-12C to allow subdivision into 118 small lots and No. 7905-0020-00 under By-law No. 16064 to rezone to RM-30 to allow construction of 230 townhouse units), both of which are at Third Reading.
- **West:** Across 194A Street, Aloha Estates one-acre residential subdivision, zoned RA, designated Half-Acre Residential in the NCP.
- **North:** Across 72 Avenue, residential acreage, zoned RA and designated Low Density and Public Open Space in the East Clayton NCP North Extension.

### PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

NCP Designation: Complies.

### DEVELOPMENT CONSIDERATIONS

#### Background

- The subject site is located in the East Clayton Neighbourhood Concept Plan (NCP) area and forms part of the original rezoning application File No. 7903-0104-00 involving the following:
  - a rezoning from RA to RF-9C, RF-12C and RF-9S;
  - a subdivision into 117 small single family lots;
  - provision of approximately 4,500 square metres (1.11 acres) of land to form part of a larger public greenway/open space system in East Clayton; and
  - dedication of a park between the future 195 Street and 195A Street.
- Out of the 110 lots being proposed, 6 lots front the northern edge of the park, with driveway access to be achieved from the lane (Appendix IV). However, under the Zoning By-law, a lane is not to be considered a road and the lot line abutting a lane is not to be considered as the front lot line.
- To address this situation, Council approved a Development Variance Permit (No. 7902-0363-00) on March 22, 2004 to vary the definitions of "Front Lot Line" and "Frontage" to allow the lane to be the front lot line for the 6 proposed lots fronting the proposed park (i.e., proposed Lots 66 to 71).
- The applicants are currently working on finalizing the various subject conditions associated with the rezoning and subdivision.

### Current Application

- In the course of reviewing the subject conditions for rezoning and subdivision approval, staff realized that two issues related to the following have not been addressed:
  - The minimum rear yard setbacks between the principal building and the rear lot line abutting the park; and
  - The location of garages and coach houses above the garages facing the lane (the new front yard).
- The applicants are requesting variances to the setback provisions of the RF-9C Zone to allow a reduced rear yard setback between the proposed dwelling and the rear lot line (abutting the park), to permit the location of accessory buildings within the front yard setbacks, with a minimum dimension of 0.5 metre (2.0 ft.) to the front lot line (abutting the proposed lane).
- Based on the originally approved DVP, the yard fronting the lane is now considered as the front yard, therefore, the yard at the opposite end of the proposed lot (the yard facing the park) becomes the rear yard. The RF-9C Zone requires a setback of 6.5 metres (21 ft.) between the principal building and the rear lot line. Covered, but not habitable and not enclosed verandas are also allowed to be sited at a minimum of 2.0 metres (6.5 ft.) from the front lot line. The proposed home will most likely be sited at a minimum of 3.5 metres (11 ft. 6 inches) and 2 metres (6.5 ft.) from the rear lot line for the covered veranda, contravening the rear yard setback requirements for the principal building of the RF-9C Zone and, therefore, require a variance (see By-law Variance Section).
- As well, with the front yard facing the lane (the only means of vehicular access to the proposed lots), the location of the proposed accessory buildings (garage with a provision for a coach house above the garage) within the required front yard setback will also be in contravention of the Zone. The Zone does not allow accessory buildings to be located within the front yard setback and, therefore, a further variance is required (see By-law Variance Section).

### BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard setback of the principal building from 6.5 metres (21 ft.) to 3.5 metres (11 ft. 6 inches) to the building face and 2.0 metres (6.5 ft.) for the covered veranda for proposed Lots 66 to 71, inclusive.

Staff Comments:

- By varying the definitions of "front lot line" and "frontage" to include a lane, proposed Lots 66 to 71 are now allowed to have front yards facing the lane, with the rear yards facing the park.

- The reduced rear yard setback for the principal building from 6.5 metres (21 ft.) to 3.5 metres (11 ft. 6 inches) will facilitate the construction of proposed homes fronting the park. When incorporated with the house, a covered veranda provides attractive articulation and "eyes on the park".
- Staff are in support of the proposed reduced rear yard setback.

(b) Requested Variance:

- To allow a garage with or without a coach house above the garage, to be located within the front yard setback of the principal building for proposed Lots 66 to 71, inclusive.

Staff Comments:

- The approval of the original Development Variance Permit (No. 7903-0104-00) facilitates the use of the lane as a fronting road serving the proposed lots between the lane and the small park. Consequently, the area between the south property line abutting the lane and the dwelling unit becomes the front yard.
- The variance will implement the original intent in the NCP, of dwellings fronting the open space and, therefore, staff are in support.
- The same variance has been approved for proposed Lots 99 to 104, which are proposed to front the southerly edge of the same public open space (under application No. 7902-0363-00).

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Contour Map
Appendix III.	Development Variance Permit No. 7903-0104-01
Appendix IV.	Proposed Subdivision Layout

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Acting General Manager  
Planning and Development

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### CONTOUR MAP FOR SUBJECT SITE

