

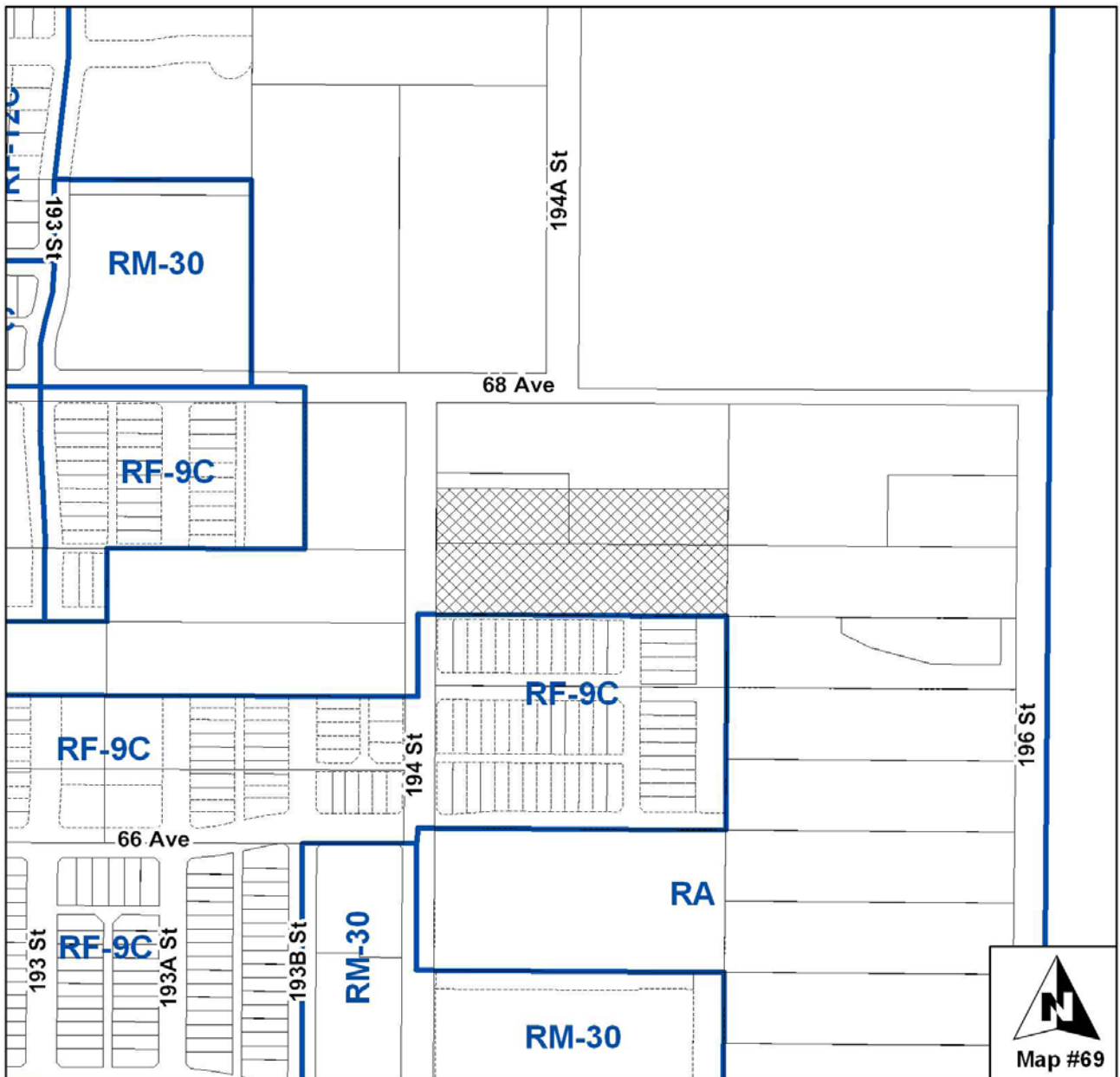
**Proposal:** DVP to allow reduced rear yard setback for the principal building and permit the location of accessory structures within the front yard setback for proposed Lots 15 to 22.

**Recommendation:** Approval to Proceed

**Location:** 6738 & Portions of 6764 & 6784 - 194 Street      **Zoning:** RA

**OCP Designation:** Urban

**NCP Designation:** 15-25 (Medium High Density)      **Owner:** Samra Holdings Ltd. and S-384 Holdings Ltd.



## PROJECT TIMELINE

Completed Application Submission Date: January 19, 2006  
Planning Report Date: January 30, 2006

## PROPOSAL

The applicant is proposing:

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- 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 to 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 setback of 0.5 metre (1.6 ft.) from the front lot line

in order to permit the construction of a single family dwelling, a garage and a coach house on proposed Lots 15 to 22.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7904-0176-01 (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 to 2 metres (6.5 ft.) to the covered veranda, for proposed Lots 15 to 22; 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 setback of 0.5 metre (1.6 ft.) from the front lot line, for proposed Lots 15 to 22.

## SITE CHARACTERISTICS

- **Existing Land Use** There are existing structures on the property, which will be demolished.
- **East:** Acreage residential lots zoned RA, designated 22-45 upa (High Density) in the East Clayton Neighbourhood Concept Plan (NCP) with an in-stream application (File No. 7904-0262-00, seeking a rezoning to RM-30 to allow 54 townhouse units) with By-law No. 15694 at Third Reading.
- **South:** Recently approved single family subdivision zoned RF-9C, designated 6-10 upa (Low Density).
- **North:** Portion of parent parcels zoned RA, designated 15-25 upa (Medium-High Density) under a separate application (File No. 7904-0446-00) seeking a rezoning to RM-30 to allow 55 townhouse units) with By-law No. 15857 at Third Reading.
- **West:** Across 194 Street, large acreage parcel, zoned RA and designated 15-25 upa (Medium-High Density) with an in-stream application (File No. 7906-0011-00, seeking a rezoning to RF-9C to allow subdivision into 21 small lots), which is under preliminary review.

## PLAN AND POLICY COMPLIANCE

- OCP Designation: Complies.
- NCP Designation: Needs Amendment from 15-25 upa (Medium-High Density) to 10-15 (Medium Density).

## 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. 7904-0176-00 (with By-law No. 15598 at Third Reading) involving the following:
  - NCP amendment from 15-25 upa (Medium-High Density) to 10-15 upa (Medium Density);
  - rezoning from RA to RF-9C;
  - subdivision into 36 single family lots; and
  - dedication and acquisition of the westerly half of the 40-metre (131-ft.) wide greenway.
- Out of the 36 lots being proposed, 8 lots (with mandatory coach houses above the garage) front the western edge of the designated greenway, with driveway access to be achieved from the lane (Appendix IV). However, under the Zoning By-law, a lane is not considered to be 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. 7904-0176-00) on December 12, 2004, to vary the definitions of "Front Lot Line" and "Frontage" to allow the lane to be the front lot line for the 8 proposed lots fronting the proposed greenway, i.e., proposed Lots 15-22 (see previous Planning Report attached as Appendix V).
- The applicants are currently working on the various subject conditions associated with the proposed rezoning and subdivision.

### Current Application

- In the course of reviewing the subject conditions for rezoning and subdivision approval, staff realized that the following two issues related to proposed Lots 15 to 22 have not been addressed:
  - The minimum rear yard setbacks between the principal building and the rear lot line abutting the proposed greenway; and
  - The location of garages and coach houses above the garages facing the lane (the new front lot line).
- The applicants are requesting variances to the setback provisions of the RF-9C Zone to allow a reduced rear yard setback between the proposed single family dwelling and the rear lot line (abutting the greenway) and to permit the location of accessory buildings (garage and coach house) within the front yard setback, 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 for proposed Lots 15 to 22 is now considered as the front yard, therefore, the yard at the opposite end of the proposed lots (the yard facing the greenway) becomes the rear yard. The RF-9C Zone requires a minimum setback of 6.5 metres (21 ft.) between the principal building and the rear lot line. Covered, but not habitable and unenclosed verandas are also allowed to be sited at a minimum of 2.0 metres (6.5 ft.).
- However, the proposed homes on proposed Lots 15 to 22 were envisioned to be sited at a minimum of 3.5 metres (11 ft. 6 inches) from the rear lot line (abutting the greenway), with the covered and unenclosed veranda being 2 metres (6.5 ft.) from the rear lot line. These setbacks contravene the rear yard setback requirements for the principal building of the RF-9C Zone.
- 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 the mandatory coach house above the garage) within the required front yard setback for proposed Lots 15 to 22 will also be in contravention of the RF-9C Zone. The RF-9C Zone does not allow accessory buildings to be located within the front yard setback.
- To address these issues, an additional DVP, varying the setback requirements, is being requested.

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 to 2.0 metres (6.5 ft.) for the covered veranda for proposed Lots 15 to 22, inclusive.

## Staff Comments:

- With Council's earlier approval (on December 12, 2004) to vary the definitions of "front lot line" and "frontage" to include a lane, proposed Lots 15 to 22 are now allowed to have front yards facing the lane, with the rear yards facing the greenway.
- 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 greenway. When incorporated with the house, a covered veranda provides an attractive "face".
- The reduced setbacks will enhance surveillance of the proposed greenway.
- Staff are in support of the proposed reduced rear yard setback.

## (b) Requested Variance:

- To allow a garage with a coach house above the garage to be located within the front yard setback of the principal building for proposed Lots 15 to 22, inclusive.

## Staff Comments:

- The approval of the original Development Variance Permit (No. 7904-0176-00) facilitates the use of the lane as a fronting road serving the proposed lots between the lane and the greenway. Consequently, the area between the west 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.

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. 7904-0176-01
- Appendix IV. Proposed Subdivision Layout
- Appendix V. Initial Planning Report for 7904-0176-00, dated November 29, 2004

Murray Dinwoodie  
General Manager  
Planning and Development

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent:      Name:                  James Pernu, McElhanney Consulting Services Ltd.  
                         Address:                 13160 - 88 Avenue  
   Surrey, B.C. V3W 3K3  
   Tel:                      604-596-0391
  
2.      Properties involved in the Application:
  - (a)      Civic Addresses:      6738 and Portions of 6764 and 6784 - 194 Street
  
  - (b)      Civic Address:          6738 – 194 Street  
                 Owners:                     Samra Holdings Ltd.  
                 PID:                             004—606-981  
                 Lot 16 Section 15 Township 8 New Westminster District Plan 25480
  
  - (c)      Civic Address:          Portion of 6764 – 194 Street  
                 Owners:                     S-384 Holdings Ltd.  
                 PID:                             Portion of 002-451-816  
                 Lot 44 Section 15 Township 8 New Westminster District Plan 60362
  
  - (d)      Civic Address:          Portion of 6784 – 194 Street  
                 Owners:                     S-384 Holdings Ltd.  
                 PID:                             Portion of 000-439-355  
                 Lot 43 Section 15 Township 8 New Westminster District Plan 60362
  
3.      Summary of Action for City Clerk's Office
  - (a)      Proceed with Public Notification for Development Variance Permit No. 7904-0176-01.

CONTOUR MAP FOR SUBJECT SITE

