



**Proposal:** Rezone from RA to RH to allow subdivision into two single family lots. Development Variance Permit to reduce the front yard setback of the RH Zone and the rear setback from the Terasen Pipeline right-of-way for one proposed lot.

**Recommendation:** Approval to Proceed

**Location:** 10018 - 173 Street      **Zoning:** RA

**OCP Designation:** Suburban

**Owner:** Gurpaul Banes

## PROJECT TIMELINE

Completed Application Submission Date: October 18, 2004  
Lot Grading Plan Revision Submission Date: January 6, 2006  
Planning Report Date: February 20, 2006

## PROPOSAL

The applicant is proposing:

- a rezoning from RA to RH; and
- a Development Variance Permit to vary the following Zoning By-law regulations:
  - to reduce the minimum front yard setback of the RH Zone from 7.5 metres (25 ft.) to 3.9 metres (12.8 ft.) for proposed Lot 2; and
  - to reduce the minimum rear setback from the Terasen Pipeline right-of-way in Part 4 General Provisions, from 7.5 metres (25 ft.) to 2.1 metres (6.56 ft.) for proposed Lot 2

in order to allow subdivision into two single family lots.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the property from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Half-Acre Residential Zone (RH)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7904-0381-00 (Appendix X), varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum front yard setback of the RH Zone, for proposed Lot 2, from 7.5 metres (25 ft.) to 3.9 metres (12.8 ft.); and
  - (b) to reduce the minimum rear setback from the Terasen Pipeline right-of-way in Part 4 General Provisions, for proposed Lot 2, from 7.5 metres (25 ft.) to 2.1 metres (6.56 ft.).
3. Council instruct staff to resolve the following issues prior to approval:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
  - (b) submission of a subdivision layout to the satisfaction of the Approving Officer;
  - (c) approval from Ministry of Transportation;

- (d) approval from Terasen Pipelines;
- (e) submission of an acceptable tree survey and a statement regarding tree preservation; and
- (f) ensure that the existing non-conforming duplex on the subject site is converted to a single family dwelling, to the satisfaction of the General Manager, Planning and Development.

### REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as identified in the attached (Appendix IV).

School District:

#### **School Impacts:**

#### **Projected number of students from this development:**

Elementary students = 1 student  
 Secondary students = 0 students  
 Total new students = 1 student

#### **School Catchment Area/Current Enrollment/School Capacity:**

Bothwell Elementary School = 206 enrolled/355 capacity  
 Fraser Heights Secondary School = 1,286 enrolled/1,000 capacity

#### **Projected number of students from development approvals in the last 12 months (not including subject project) in the subject school catchment areas:**

Elementary students = 0 students  
 Secondary students = 17 students  
 Total new students = 17 students

#### **Approved Capacity Projects and Future Space Considerations**

*An addition at Fraser Heights Secondary to a capacity of 1,300 is identified in the Five Year Capital Plan.*

(Appendix V).

Ministry of Transportation: No concerns (Appendix VI).

Terasen Pipelines: No concerns (Appendix VII).

### SITE CHARACTERISTICS

- **Existing Land Use** One duplex proposed to be converted into a single family dwelling.
- **Significant Site Attributes** A Terasen pipeline traverses the property.
- **East:** Residential acreage properties, zoned RA, designated Suburban.
- **South:** Across 100 Avenue, vacant site, bounded by Highway No. 1 to the south, zoned RA, designated Suburban.
- **West:** Across 173 Street, residential acreage properties, zoned RA, designated Suburban.
- **North:** Across 101 Avenue, residential acreage properties, zoned RA, designated Suburban.

### PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

### DEVELOPMENT CONSIDERATIONS

- The 0.664 hectare (1.64 acre) subject site is located between 100 Avenue and 101 Avenue on the east side of 173 Street, in the Fraser Heights area. The site is designated Suburban in the Official Community Plan (OCP).
- The subject site is currently zoned "One-Acre Residential" (RA). The applicant is proposing to rezone the site to "Half-Acre Residential" (RH) to allow subdivision into two (2) single family lots. The proposed RH Zone is consistent with the designation in the Official Community Plan (OCP).
- The proposed lots conform to the minimum requirements of the RH Zone in terms of lot area, width and depth. Each lot is proposed to be 3,320 square metres (0.8 acre) in area, 36.7 metres (120.4 ft.) wide, and 90.4 metres (296.5 ft.) deep.
- There is an existing non-conforming duplex on the subject site that is proposed to be converted into a single family dwelling prior to Final Adoption of the Rezoning By-law.
- A Terasen Pipeline statutory right-of-way runs in an east-west direction through the middle of proposed Lot 2.
- Council Policy No. 0-13 (Appendix XI) states that all single family residential lots to be created by subdivision along Hydro and natural gas transmission rights-of-way should have adequate area, width and depth, outside the right-of-way and meet the minimum front, rear and side yards specified in the Zoning By-law. The applicant has demonstrated that there is sufficient buildable area on the north portion of proposed Lot 2 (Appendix III).

- However, in order to allow for an adequate buildable area for proposed Lot 2, the applicant is proposing to vary the minimum front yard setback requirement from 7.5 m (25 ft.) to 3.9 m (12.8 ft.) to accommodate a garage structure, and the minimum rear setback requirement from the Terasen Pipeline right-of-way from 7.5 m (25 ft.) to 2.1 m (6.56 ft.), as described in the By-law Variance section.
- The applicant for the subject site has retained Marque Thompson as the Design Consultant. The Design Consultant conducted a character study of the surrounding homes and based on the findings of the study, proposed a set of building design guidelines (Appendix VIII).
- An in-ground basement is proposed for Lot 2 based on the lot grading and tree preservation information that was provided by the applicant. The basement will be achieved with minimal cut or fill. The information has been reviewed by staff and found to be generally acceptable.
- The existing duplex on proposed Lot 1, which will be converted to a single family dwelling, does not have a basement.
- Basement-entry homes and secondary suites will not be permitted.
- C. Kavolinas & Associates Inc. prepared the Arborist Report and Tree Preservation and Replacement Plans. They have been reviewed by the City's Landscape Architect and deemed acceptable.
- The Arborist Report indicates there are 19 mature trees on the subject site. The report proposes the removal of three (3) alder trees on proposed Lot 2. The report proposes 16 trees be retained and five (5) replacement trees to provide 10.5 trees per lot.

### PRE-NOTIFICATION

Pre-notification letters were sent out on November 5, 2004 and staff received the following response:

- A written response was received on November 17, 2004 from a resident concerned about the rezoning, the proposed lot sizes and the impact on existing infrastructure.

*(The proposed lots are considerably larger in area than the RH Zone requirements and are consistent with the lot pattern of the block. The additional lot created through this proposed rezoning and subdivision application should not add significant pressure to the existing infrastructure.)*

### BY-LAW VARIANCES & JUSTIFICATION

(a) Requested Variances:

- To reduce the minimum front yard setback of the RH Zone from 7.5 m (25 ft.) to 3.9 m (12.8 ft.), for proposed Lot 2.

- To vary Part 4 General Provisions of the Zoning By-law, to reduce the minimum rear setback from the Terasen Pipeline right-of-way from 7.5 m (25 ft.) to 2.1 m (6.56 ft.), for proposed Lot 2.

Applicant's Reasons:

- A variance to the front yard setback and the rear setback from the pipeline right-of-way will allow for a sufficient building envelope outside of the right-of-way for proposed Lot 2.
- The applicant has canvassed the adjacent neighbours and has submitted four letters of support for the requested front yard setback variance.

Staff Comments:

- There is substantial rear yard outdoor space south of the pipeline right-of-way on proposed Lot 2.
- The proposed front yard variance is to accommodate a proposed 3-car attached garage at the northwest corner of proposed Lot 2. At this time, the owner does not have any proposed house plans other than the site plan.
- With the exception of the proposed garage, the proposed dwelling is set back more than 7.5 metres (25 ft.) from the front lot line.
- Terasen Pipelines has no objection to this proposal provided that there be no construction within the boundaries of the right-of-way, including no overhangs.
- Staff support the proposed variances.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Contour Map
Appendix III.	Proposed Subdivision Layout
Appendix IV.	Engineering Summary
Appendix V.	School District Comments
Appendix VI.	Ministry of Transportation
Appendix VII.	Terasen Pipelines Comments
Appendix VIII.	Building Design Guidelines Summary
Appendix IX.	Summary of Tree Survey and Tree Preservation
Appendix X.	Development Variance Permit No. 7904-0381-00
Appendix XI.	Council Policy No. 0-13

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated February 13, 2006, revised from November 26, 2004.
- Tree Preservation and Replacement Plan dated C. Kavolinas & Associates Inc. and dated February 14, 2005.
- Residential Character Study and Proposed Building Scheme prepared by Marque Thompson and dated October 24, 2005.
- Soil Contamination Review Questionnaire prepared by A.B. Mikes dated October 18, 2004.

Murray Dinwoodie  
General Manager  
Planning and Development

SR/kms

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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:                    Tony Mikes, ABM Engineering Services  
                         Address:                    P.O. Box 185  
                                                            Maple Ridge, B.C. V2X 7G1  
                         Tel:                                    604-462-7121

2.      Properties involved in the Application

(a)      Civic Address:                    10018 - 173 Street

(b)      Civic Address:                    10018 - 173 Street  
                         Owner:                                    Gurpaul Banes  
                         PID:                                        010-102-892

Lot C Except: Part Dedicated Road on Plan 44429 Section 6 Township 9 New  
Westminster District Plan 15411

3.      Summary of Actions for City Clerk's Office

(a)      Introduce a By-law to rezone the property.

(b)      Proceed with Public Notification for Development Variance Permit No. 7904-0381-00.



## SUBDIVISION DATA SHEET

**Proposed Zoning: RH**

Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	1.64 acres
Hectares	0.664 ha
<b>NUMBER OF LOTS</b>	
Existing	1
Proposed	2
<b>SIZE OF LOTS</b>	
Range of lot widths (metres)	36.7 m
Range of lot areas (square metres)	3,315.5 m <sup>2</sup> - 3,276.5 m <sup>2</sup>
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	0.82
Lots/Hectare & Lots/Acre (Net)	0.7
<b>SITE COVERAGE (in % of gross site area)</b>	
Maximum Coverage of Principal & Accessory Building	25%
Estimated Road, Lane & Driveway Coverage	5%
Total Site Coverage	30%
<b>PARKLAND</b>	
Area (square metres)	n/a
% of Gross Site	
	<b>Required</b>
<b>PARKLAND</b>	
5% money in lieu	NO
<b>TREE SURVEY/ASSESSMENT</b>	
	YES
<b>MODEL BUILDING SCHEME</b>	
	YES
<b>HERITAGE SITE Retention</b>	
	NO
<b>BOUNDARY HEALTH Approval</b>	
	NO
<b>DEV. VARIANCE PERMIT required</b>	
	YES

CONTOUR MAP FOR SUBJECT SITE

