

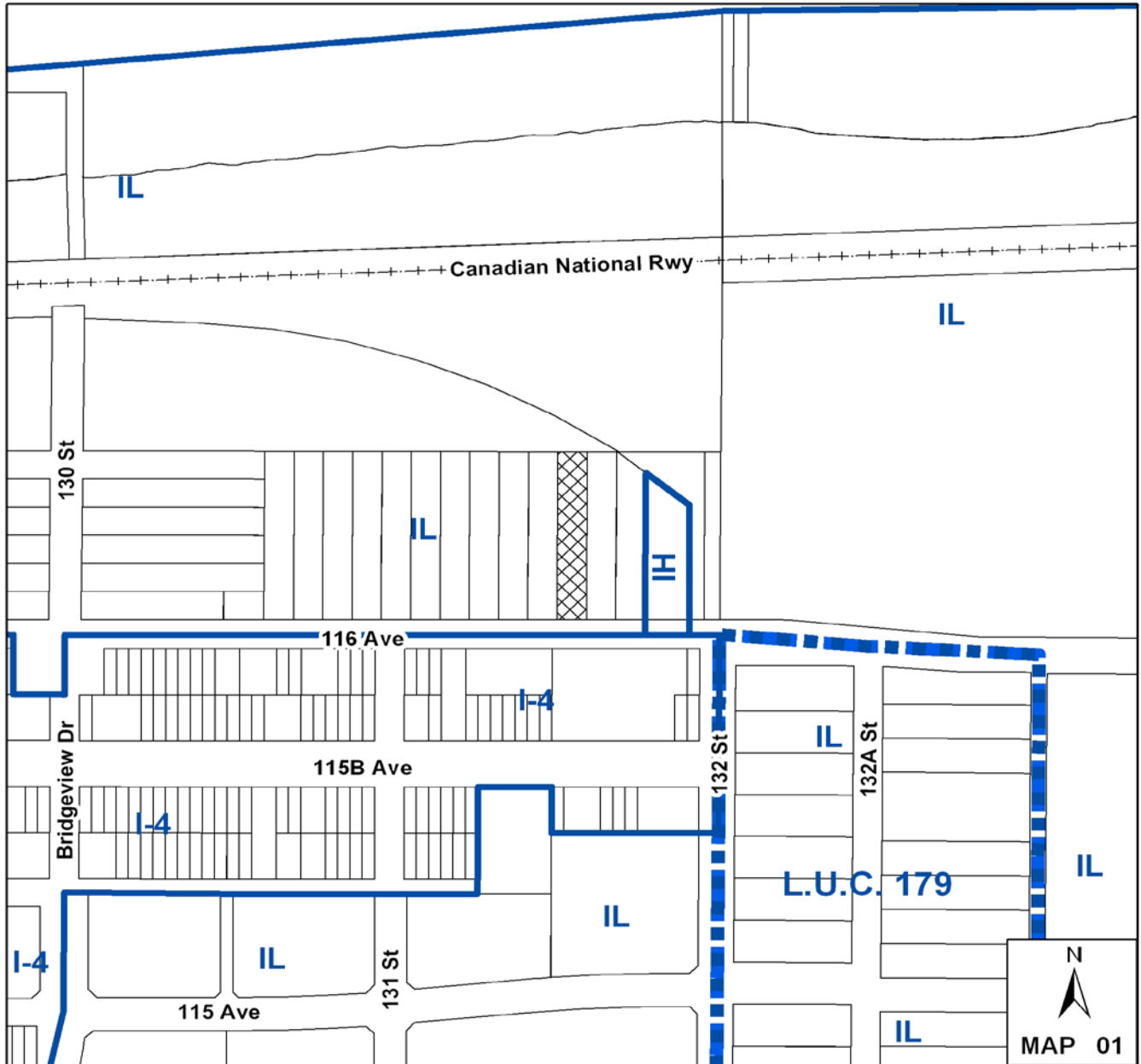
**Proposal:** Development Variance Permit to relax the east and west side yard setbacks for an existing workshop.

**Recommendation:** Approval to Proceed

**Location:** 13155 - 116 Avenue      **Zoning:** IL

**OCP Designation:** Industrial

**LAP Designation:** Industrial      **Owner:** Amrik and Dalbir Gill



### PROJECT TIMELINE

Completed Application Submission Date: April 13, 2005  
Application Revision & Re-submission Date: August 8, 2006  
Planning Report Date: September 11, 2006

### PROPOSAL

The applicant is proposing:

- a Development Variance Permit to vary the following by-law regulations:
  - to relax the west side yard setback of the IL Zone from 7.5 metres or 0 to 1.5 metres (5 ft.); and
  - to relax the east side yard setback of the IL Zone from 7.5 metres (25 ft.) to 4.5 metres (14 ft.)

in order to legalize an existing workshop for a heavy truck repair business.

### RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7905-0108-00, (Appendix IV) varying the following, to proceed to Public Notification:
  - (a) to relax the west side yard setback of the IL Zone from 7.5 metres or 0 to 1.5 metres (5 ft.); and
  - (b) to relax the east side yard setback of the IL Zone from 7.5 metres (25 ft.) to 4.5 metres (14 ft.).

### 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).

### SITE CHARACTERISTICS

- **Existing Land Use** Non-conforming single family dwelling and illegally constructed workshop.
- **East:** Trucking and storage business with outside storage operating from a non-conforming single family residence, zoned IL, designated Industrial.
- **South:** Across 116 Avenue, vacant land, zoned I-4 (By-law No. 5942), designated Industrial.
- **West:** Non-conforming single family residence with outside storage, zoned IL, designated Industrial.
- **North:** Across a right-of-way registered for a dyke, trucking and cartage company and CN Intermodal Yard, zoned IL, designated Industrial.

### PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

### DEVELOPMENT CONSIDERATIONS

#### Background

- The existing single family dwelling on the subject property was constructed many years ago. Building permits were issued for outbuildings and an addition to the single family structure in the 1960s. The residential use on the property became legally non-conforming with the Council-initiated zoning change in Bridgeview to the "General Industrial Zone (I-A)" (By-law No. 5942) and subsequent conversion in 1993 to the "Light Impact Industrial Zone (IL)".
- Prior to 2005, the previous owner constructed a 148.8-square metre (1,600 sq. ft.) workshop with a 62-square metre (667 sq. ft.) canopy located behind the house without a building permit. This shop was constructed to residential standards and does not satisfy the requirements for non-combustible construction for an industrial use
- The applicant has been operating a truck repair and service business out of the illegally constructed workshop.
- Although the IL Zone permits the applicant's truck repair and service business, the workshop does not meet the building setbacks of the IL Zone or the BC Building Code requirements for non-combustible construction for an industrial use.
- The applicant initially submitted a Temporary Industrial Use Permit (TUP) application.

- Subsequent to the submission of the TUP application, it was determined by staff that a TUP could not address the issue of the illegal construction on the site.
- As a result of discussions with staff, the applicant converted the original TUP application to a Development Variance Permit application.

### Current Proposal

- The applicant has made an application for a Development Variance Permit to relax the side yard setback requirements of the IL Zone for the workshop from 7.5 metres (25 ft.) or 0 to 1.5 metres (5 ft.) along the west property line and from 7.5 metres (25 ft.) to 4.5 metres (14 ft.) along the east property line. Should the DVP application be approved by Council, it will allow for the retention of the existing structure in its current siting (see By-law Variance Section).
- A Development Permit is not required as the existing workshop is located north of the existing house on the property, and is not visible from 116 Avenue. In addition, there are no proposed external renovations to the existing house on the property.
- To ensure that the existing structure is upgraded to satisfy the requirements of the BC Building Code, restrictions will be placed on the issuance of a business license to require the owner to submit a building permit application to upgrade the existing workshop complete with a report from a Fire Protection Code Engineer to provide information with respect to upgrading the existing structure or providing equivalencies in order to satisfy the BC Building Code for industrial construction with 6 months of the issuance of a business license.
- The business license will further require that the necessary upgrading be completed within one year from the issuance of the building permit. Annual business license renewal will be subject to compliance of these conditions and/or further assessment of the situation.
- The subject property fronts 116 Avenue, which will eventually become part of the South Fraser Perimeter Road network system. In the future, access to this property will be restricted to a future local road to be located parallel to the north property line.
- The subject site is located within a floodplain area, with a restricted minimum building elevation of 4.4 metres (14.4 ft.) geodetic. Garages, which include the existing workshop, are exempt from the minimum floodproofing elevations. Any future buildings, other than garages, will be required to satisfy the minimum floodproofing elevations.

### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To relax the west side yard setback of the IL Zone from 7.5 metres (25 ft.) or 0 to 1.5 metres (5 ft.) and to relax the east side yard setback from 7.5 metres (25 ft.) to 4.5 metres (14 ft.).

Applicant's Reasons:

- The requested relaxation is to allow the retention of a structure which was constructed by a previous owner without a building permit. In order to correct the illegal construction, a variance is required prior to the issuance of a building permit.

Staff Comments:

- Staff agrees with the rationale provided by the applicant and supports the requested 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 Site Plan
Appendix IV.	Engineering Summary
Appendix V.	Development Variance Permit No. 7905-0108-00

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated August 28, 2006.

How Yin Leung  
Acting General Manager  
Planning and Development

LAP/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:                 Randeep Kang  
                         Address:                 13436 - 84 Avenue  
   Surrey, B.C.  
   V3W 3H2  
                         Tel:                         604-691-4597
  
2.      Properties involved in the Application
  - (a)      Civic Address:                 13155 - 116 Avenue
  
  - (b)      Civic Address:                 13155 - 116 Avenue  
                 Owner:                         Amrik and Dalbir Gill  
                 PID:                                 011-237-295  
                 Lot 38 Section 4 Block 5 North Range 2 West New Westminster District Plan  
                 6630
  
3.      Summary
  - (a)      Proceed with Public Notification for Development Variance Permit No. 7905-0108-00.

## DEVELOPMENT DATA SHEET

**Existing Zoning: IL**

Required Development Data	Minimum Required / Maximum Allowed	Proposed
<b>LOT AREA*</b> (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		2,019 m <sup>2</sup>
<b>LOT COVERAGE</b> (in % of net lot area)		
Buildings & Structures	60%	
Paved & Hard Surfaced Areas		
Total Site Coverage		
<b>SETBACKS</b> ( in metres)		
Front	7.5 m	7.5 m
Rear	7.5 m	6.6 m
Side #1 (West)	7.5 m or 0	1.5 m
Side #2 (East)	7.5 m	4.5 m
<b>BUILDING HEIGHT</b> (in metres/storeys)		
Principal	18.0 m	approx. 6.0 m
Accessory	6	n/a
<b>NUMBER OF RESIDENTIAL UNITS</b>		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
<b>FLOOR AREA: Residential</b>		96.34 m <sup>2</sup>
<b>FLOOR AREA: Industrial</b>		148.8 m <sup>2</sup>
Canopy		62 m <sup>2</sup>
Retail		
Office		
Total		
<b>FLOOR AREA: Industrial</b>		
<b>FLOOR AREA: Institutional</b>		
<b>TOTAL BUILDING FLOOR AREA</b>	2,019 m <sup>2</sup>	307.18 m <sup>2</sup>

**\* If the development site consists of more than one lot, lot dimensions pertain to the entire site.**

## Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)	1.0	
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	3	6
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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### CONTOUR MAP FOR SUBJECT SITE

