

Proposal: Rezone from RA to RH to permit subdivision into two half-acre lots.

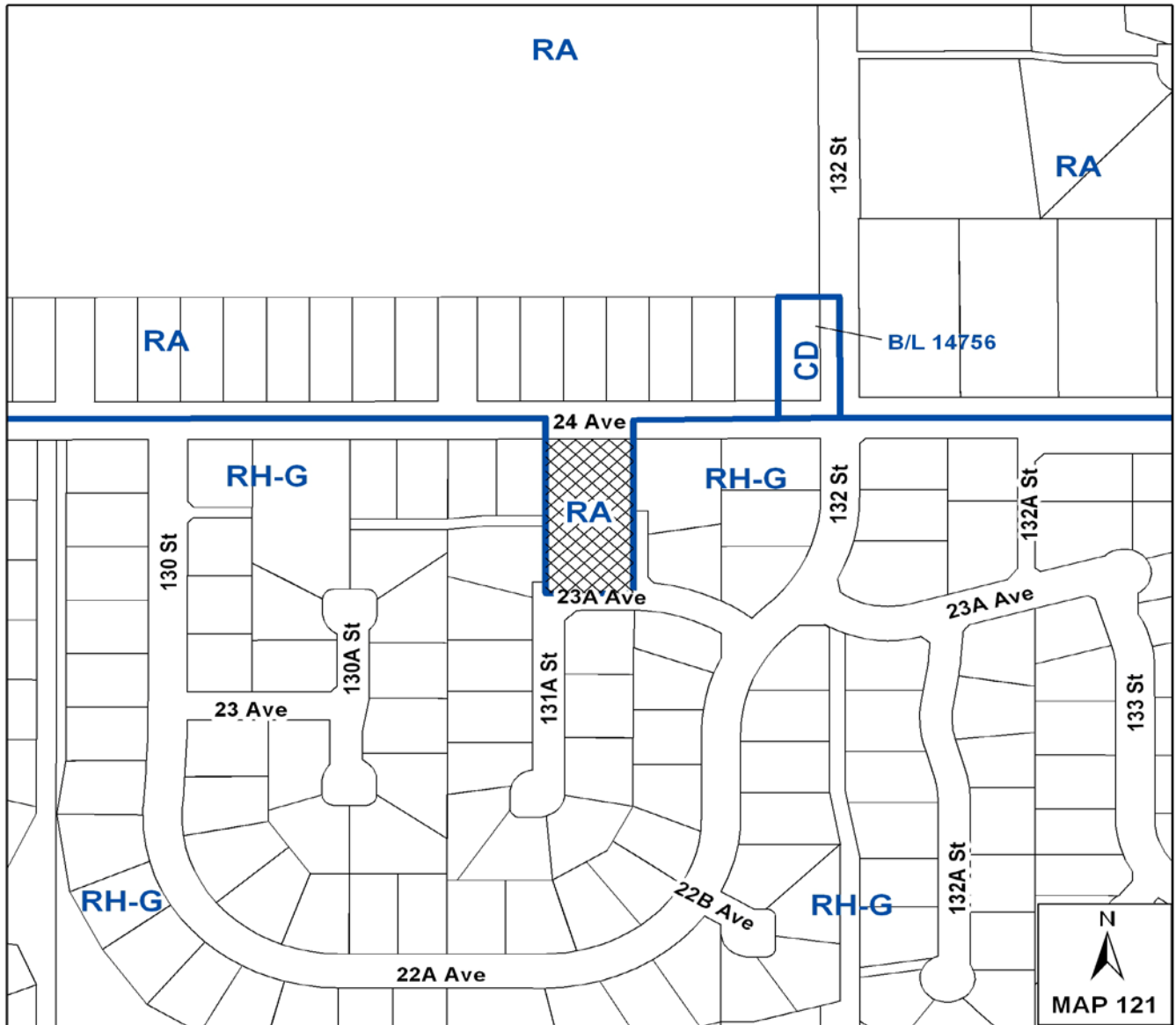
Recommendation: Approval to Proceed

Location: 13136 - 24 Avenue **Zoning:** RA

OCP Designation: Suburban

LAP Designation: Suburban **Owner:** Yovko Djitlarsky

Res ½ Acre



PROJECT TIMELINE

Completed Application Submission Date: June 21, 2005
Application Revision & Re-submission Date: July 13, 2006
Planning Report Date: September 11, 2006

PROPOSAL

The applicant is proposing:

- a rezoning from RA to RH; and
- a Development Variance Permit to vary Part 14. Yards and Setbacks of the RH Zone as follows:
 - relax the easterly side yard setback from 4.5 metres (14.76 ft.) to 0.15 metre (0.49 ft.); and
 - relax the rear (south) yard setback from 7.5 metres (25 ft.) to 3.6 metres (11.8 ft.) to accommodate the retention of the existing house

in order to allow subdivision into two half acre 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. 7905-0191-00, (Appendix VI) varying the following, to proceed to Public Notification to allow the retention of the existing house:
 - (a) to reduce the minimum side yard setback of the RH Zone from 4.5 metres (14.7 ft.) to 0.15 metre (0.49 ft.); and
 - (b) to reduce the minimum rear yard setback of the RH Zone from 7.5 metres (25 ft.) to 3.6 metres (11.8 ft.)
3. Council instruct staff to resolve the following issues prior to final adoption:
 - (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; and
 - (c) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect.

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:

Crescent Park Elementary School = 309 enrolled/455 capacity
 Elgin Park Secondary School = 1,185 enrolled/1,200 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 = 3 students
 Secondary students = 2 students
 Total new students = 5 students

Approved Capacity Projects and Future Space Considerations

There are no new capital projects proposed at either the secondary or elementary school.

(Appendix V)

SITE CHARACTERISTICS

- **Existing Land Use** Single family dwelling on a property zoned RA.
- **Significant Site Attributes** Some significant trees located on the southern portion.
- **East, West and South:** Single family homes, zoned RH-G, designated Suburban in the OCP.
- **North:** Across 24 Avenue, single family homes and Crescent Park, zoned RA, designated Suburban in the OCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

- The subject area is characterized by newer half-acre lots. The proposed rezoning and subdivision is in keeping with the form and character of the area, as well as the established parcel sizes.
- The project will require the construction of a rear lane to provide alternative access to 24 Avenue, which is an arterial road. This lane is not completed, as portions have yet to be acquired. Some parts of this lane have been built, and are accessed through a right-of-way between houses located at 13096 and 13108 - 24 Avenue. The existing right-of-way access from the lane to 24 Avenue is to remain until the current laneway section is completed to 130 Street.
- Construction of the laneway will result in the removal of seven mature trees. The alignment of the laneway has been carefully considered and aligned to maximize the number of trees that can be retained (see tree retention and removal plan attached as Appendix IX).
- Proposed lot sizes of 1,862 square metres (for the north lot) and 1,677 square metres (for the south lot) are slightly larger than the surrounding RH-G zoned lots, and it will fit the surrounding character.
- The existing house at 13136 - 24 Avenue has been determined to be non-conforming with respect to the side yard setback under the current RA Zone. The retention of the dwelling, which is in good condition, will therefore require a setback variance under the proposed RH Zone. The house is currently located 0.15m (0.49 feet) from the easterly lot line (the side lot line), where 4.5 metres (14.76 ft.) of setback is required. The eave of the building project over the property line to the east. An encroachment agreement was registered privately between the two property owners to deal with this existing encroachment. The applicant does not intend to make any changes to the existing dwelling whatsoever.
- The introduction of the required rear lane as part of the subdivision will also result in a variance to the rear yard setback for the existing dwelling from the required 7.5 metres (25 feet) to 3.6 metres (11.8 feet) in the RH. A Development Variance Permit is proposed to deal with the two setback variances, and is discussed below.

Building Scheme and Lot Grading

- A Building Scheme was prepared by Michael E. Tynan (Tynan Consulting Ltd.) and was based on a Neighbourhood Character Study of the area. This Neighbour Character Study identified the prevailing context of the surrounding homes to be of "Traditional" and "Heritage" character.

- According to the building scheme, the new homes will reflect the "Traditional" and "Heritage" suburban-estate character of the surrounding homes. The design will meet the year 2000's standards, which includes the proportionally correct allotment of mass between various street facing elements.
- According to the Building Scheme, the dwelling types will be two storey, split level, and bungalows. The minimum roof pitch will be 8:12, and the allowable roof materials are cedar shingles and shake or slate profile concrete roof tiles. The exterior materials will only be stucco, cedar, hardiplank, brick, or stone.
- While an in-ground basement is being proposed by the applicant, basement-entry homes and secondary suites will not be permitted.
- The applicant submitted preliminary lot grading plan based on a review of the site topography, proposed servicing, and adjacent grading. The lot grading plan has been found to be generally acceptable by staff. The lot grading plan does not illustrate fill greater than 0.5 metres being proposed. There are existing retaining walls on the subject property. The retaining wall at the rear of the existing home will be required to be removed as it is located within the proposed lane. A replacement retaining wall will not be needed as the property will be graded to meet the lane.

Tree Preservation

- The applicants retained Randy Greenizan to conduct a tree survey and prepare a Tree evaluation. The arborist identifies 76 mature trees on the site and concludes that 7 will have to be removed. 1 of the trees to be removed is declared hazardous due to natural causes and a further 6 are within or adjacent to the proposed laneway and will not survive grading and construction. The 68 trees to be retained are clustered in the front, rear, and side yards of the two lots.
- No replacement trees are required as the average number of trees per lot is 34, which exceeds the 3 trees per lot requirement.

PRE-NOTIFICATION

Pre-notification letters were sent on August 9, 2005, and staff received the following comment:

- The residents of 2332 - 131A Street wrote in opposition to this rezoning and the potential loss of trees due to laneway construction. They asked that the application be denied.

(The Planning and Development Department considers the application to be consistent with the plan designations and density provisions of the Official Community Plan, and will create large half-acre lots. The Engineering Department requires the lane be provided, and the layout of the laneway has been adjusted in order to spare the root systems of the majority of trees at the east side of the site. Of 76 trees, only 7 are proposed to be removed to accommodate the lane.)

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Reduction in the required side yard setback of the RH Zone from 4.5 metres (14.76 ft.) to 0.15 m (0.49 ft.) due to the location of the existing house near the east property line.

Applicant's Reasons:

- The house in question is existing, and is in good condition. There is an existing 3 m (9.84 feet) servicing easement across western edge of the property to the east, effectively limiting construction of a house near the side lot line in question.
- There is an existing encroachment agreement registered over the lot to allow the eave of the existing dwelling to project over the airspace of the adjacent lot.

Staff Comments:

- The existing dwelling is in good condition and has been substantially renovated over the years.
- The proposed reduction in side yard is due to this being an existing condition. There are no plans to encroach further beyond the existing condition.
- A municipal right-of-way for sanitary purposes exists on the western portion of the neighbouring lot to the east of the subject property, effectively limiting construction of a new dwelling or other structure in close proximity to the existing house at 13136 - 24 Avenue.

(b) Requested Variance:

- Reduction in the required rear yard setback of the RH zone from 7.5 metres (25 feet) to 3.6 metres (11.8 feet) due to the location of the existing house and the unusual laneway orientation proposed.

Applicants Reason:

- The house in question is existing, and is in good condition.

Staff Comments:

- In keeping with Official Plan Policy with respect to tree preservation, and due to concerns about tree retention on this mature site, staff support a varied laneway pattern that places the existing house in non-conformity with the rear yard setback requirements of the RH zone.
- The proposed reduction in rear yard is due to this being an existing condition. There are no plans to encroach further beyond the existing condition.

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, Site Plan, Typical Floor Plans and Elevations, Landscape Plans and Perspective
Appendix IV.	Engineering Summary
Appendix V.	School District Comments
Appendix VI.	Development Variance Permit No. 7905-0191-00
Appendix VII.	Public Comments Received
Appendix VIII.	Survey Plan
Appendix IX.	Conceptual Layout

INFORMATION AVAILABLE ON FILE

- Survey Plan, 3 copies

How Yin Leung
Acting 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: Hunter Laird Engineering Limited
 Address: #300 - 65 Richmond Street
 New Westminster, B.C.
 V3L 5P5
 Tel: 604-525-4651

2. Properties involved in the Application
 - (a) Civic Address: 13136 - 24 Avenue

 - (b) Civic Address: 13136 - 24 Avenue
 Owner: Yovko Djitlarsky
 PID: 002-480-484
 Lot 16 Section 17 Township 1 New Westminster District Plan 60333

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

SUBDIVISION DATA SHEET

Proposed Zoning: RH

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	1.0 ac
Hectares	0.406 ha
NUMBER OF LOTS	
Existing	1
Proposed	2
SIZE OF LOTS	
Range of lot widths (metres)	44.9 m
Range of lot areas (square metres)	1,862 - 1,677 sq.m.
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	2 ac
Lots/Hectare & Lots/Acre (Net)	
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	25%
Estimated Road, Lane & Driveway Coverage	5%
Total Site Coverage	30%
PARKLAND	
Area (square metres)	
% of Gross Site	
	Required
PARKLAND	
5% money in lieu	YES
TREE SURVEY/ASSESSMENT	
	YES
MODEL BUILDING SCHEME	
	YES
HERITAGE SITE Retention	
	NO
BOUNDARY HEALTH Approval	
	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	YES
Others	NO

CONTOUR MAP FOR SUBJECT SITE

