

Proposal: To amend the Design Guidelines/House Plan Restrictive Covenant to permit a pool and hot tub on the site.

Recommendation: Approval to Proceed

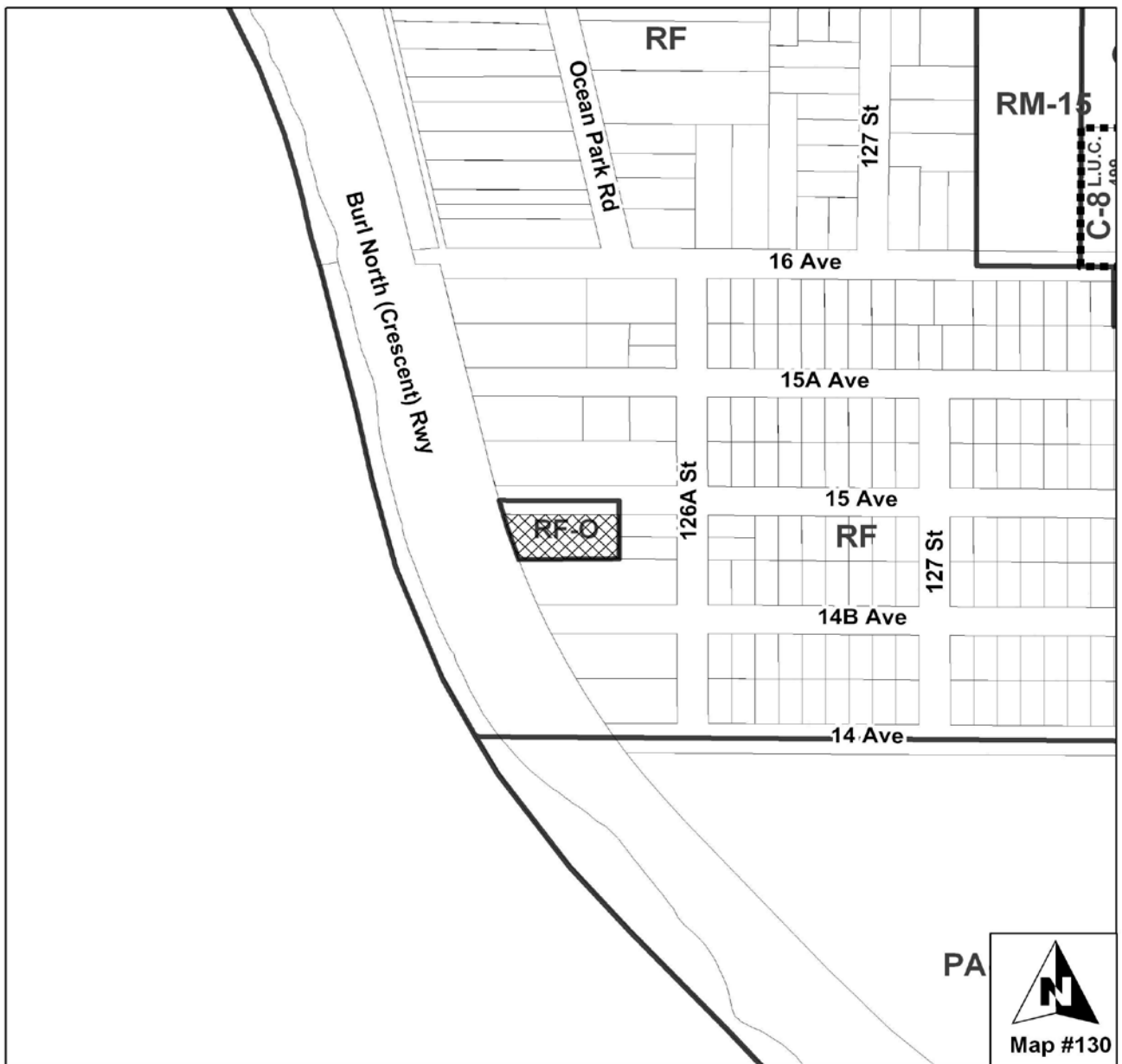
Location: 12626 - 15 Avenue

Zoning: RF-O

OCP Designation: Urban

LAP Designation: Urban Res.

Owners: Paul and Gay Hough



PROJECT TIMELINE

Completed Application Submission Date: December 13, 2006
Planning Report Date: December 18, 2006

PROPOSAL

The applicant is proposing:

- a Restrictive Covenant (Design Guidelines/House Plan) amendment

in order to permit the construction of a pool and hot tub on the site.

RECOMMENDATION

The Planning & Development Department recommends that Council approve the proposed amendments to the Restrictive Covenant (Design Guidelines/House Plans) to permit a pool and hot tub on the site to proceed to Public Notification (Appendix IV).

REFERRALS

Engineering: No concerns.

SITE CHARACTERISTICS

- **Existing Land Use** Vacant lot.
- **East:** Single family residential, zoned RF, designated Urban in the OCP.
- **South:** Single family residential, zoned RF, designated Urban in the OCP.
- **West:** Burlington Northern Santa Fe Railway right-of-way, zoned RF, designated Urban in the OCP.
- **North:** Across 15 Avenue, single family residential, zoned RF, designated Urban in the OCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.
LAP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is located at 12626 – 15 Avenue, along the ocean bluff in South Surrey. The parcel was rezoned from "Single Family Residential Zone" (RF) to "Single Family Residential Oceanfront Zone" (RF-O) in September 2006. A Development Variance Permit (DVP) was also approved to vary the north front yard setback, south rear yard setback and lot depth.

- During the rezoning and DVP process, a number of issues were raised by the neighbours in the area, including the following:
 - tree-cutting without a tree cutting permit;
 - preservation of existing trees;
 - house design and view protection; and
 - slope stability.
- Subsequent to the Public Hearing, the application was referred back to staff to address concerns raised at the Public Hearing.
- Staff facilitated meetings between the applicant and the concerned neighbours to find solutions to address the issues. As a result of numerous discussions, the following resolutions were arrived at:
 - reducing the width of the second floor by 1.2 metres (3.9 feet) on the north and south sides and sloping the roof lines inward to widen the view corridor;
 - lowering the roof to 0.60 metres (1.96 feet) below the height allowed under the existing Restrictive Covenant registered on title;
 - centering the house on the lot, with 4.8 metres (16 feet) on both the north and south side of the lot;
 - cleaning up the debris caused by the tree topping;
 - providing a geotechnical report to the satisfaction of the City and registering this geotechnical report on title through a Restrictive Covenant;
 - registering a Restrictive Covenant to limit landscaping in view corridors;
 - registering a Restrictive Covenant that specifies the site plan and building plans;
 - registering a Restrictive Covenant to ensure any further construction on the site would be subject to an acceptable geotechnical report; and
 - removing the proposed pool from the application. (Any future pool proposal will be subject to an acceptable geotechnical report.)
- The rezoning by-law received Final Adoption on September 11, 2006 and the Development Variance Permit was executed on the same day.

Current Application

- Subsequent to the Final Adoption of the rezoning by-law, the applicant submitted plans for the proposed house in accordance with the arrangements established during the rezoning and DVP process and a Building Permit was issued on December 11, 2006.
- On October 20, 2006, a Building Permit application was made for the construction of a pool and hot tub. The pool and hot tub are proposed to be on the west side of the house, set in a patio area that is adjacent to the proposed house (Appendix IV).
- A geotechnical report dated November 14, 2006 was prepared as part of the pool/hot tub building permit application. The pool is to be built behind the 2 Horizontal : 1 Vertical projection line from the toe of the slope and this location is determined to be safe from the effects of landslides. The geotechnical report describes the slope as presently stable and concludes that the land may be used for the purpose intended (construction of a single family residence and a pool). Staff have reviewed the geotechnical report and found it acceptable.

- A Building Permit has not been issued for the proposed pool/hot tub at this present time because the pool/hot tub are not shown on the plans attached to the Design Guidelines/House Plan Restrictive Covenant that was registered on title as part of the rezoning process (Appendix III).
- The applicant is applying for an amendment to the Design Guidelines/House Plan Restrictive Covenant, to allow for a pool and hot tub.

Evaluation of the Proposed Pool and Hot Tub

- During the rezoning process, some adjacent neighbours indicated their desire to be notified if a pool was proposed on the site in the future. These neighbours will be informed of the current proposal as part of the Public Notification process. Similar to the requirement of a DVP, notification on the proposed Restrictive Covenant amendment will be sent to residents adjacent to the subject property.
- The proposed pool and hot tub should have no impact on the neighbours and will not impede their views in any way. In addition, the proposal will not negatively impact any trees on the site because the proposed patio/pool/hot tub area has been designed to be an appropriate distance away from any existing trees along the north property line.
- As the geotechnical concerns have been addressed by the applicant and there is no negative impact to the neighbours, the requested Restrictive Covenant amendment can be supported and proceed to Public Notification.

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.	Design Guidelines/House Plan Restrictive Covenant
Appendix IV.	Proposed Site Plan with Pool and Hot Tubs

How Yin Leung
Acting General Manager
Planning and Development

KB/kms

v:\planning\plncom06\12131016.kb.doc
SEH 7/14/10 4:14 PM

CONTOUR MAP FOR SUBJECT SITE

