

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7907-0252-00

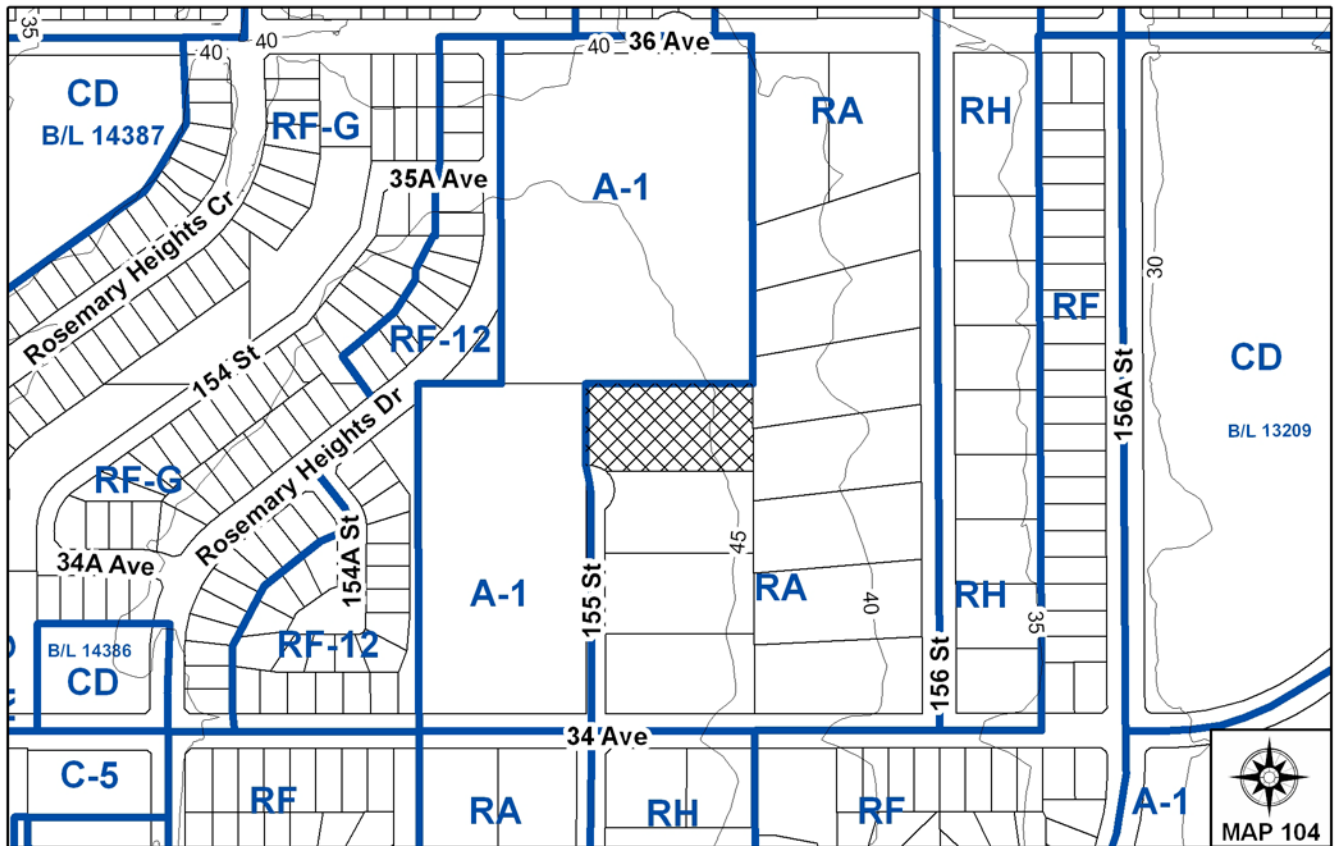
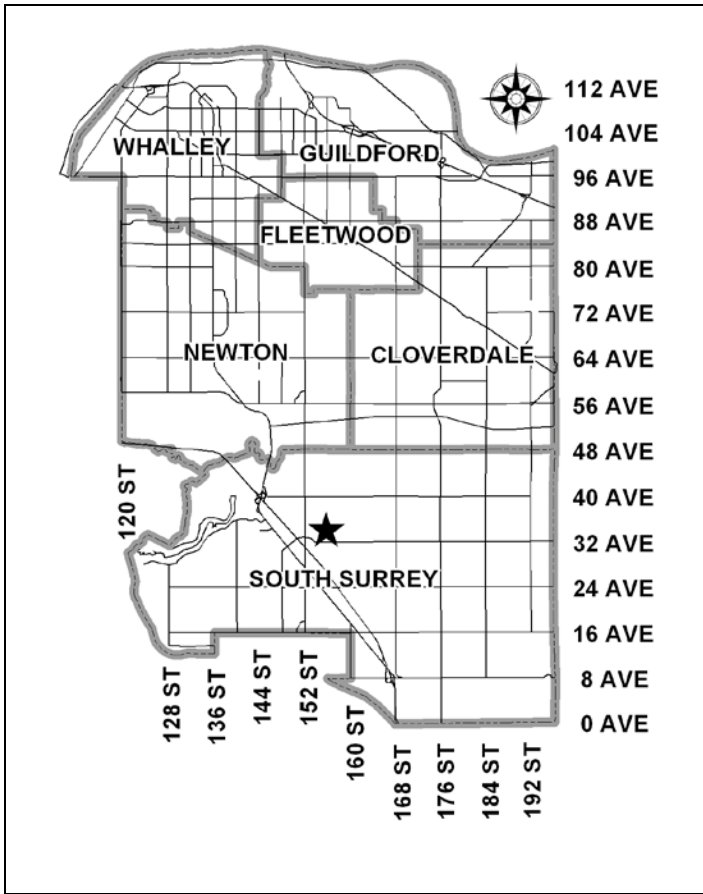
Planning Report Date: November 5, 2007

**PROPOSAL:**

- **Development Variance Permit**

to increase the maximum height of a structure from 4.0 metre to 6.41 metres to allow retention of an existing sports court on a RA zoned site.

**LOCATION:** 3486 - 155 Street  
**OWNERS:** Tim and Nancy Barker  
**ZONING:** RA  
**OCP DESIGNATION:** Suburban  
**NCP DESIGNATION:** Suburban ½ Acre Residential (in the Rosemary Heights West NCP)



### RECOMMENDATION SUMMARY

- Denial
- Should Council allow the proposed variance to proceed, the application should be referred back to staff to prepare the Development Variance Permit with the associated conditions.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Exceeds the maximum allowable height of an accessory structure in the RA Zone.

### RATIONALE OF RECOMMENDATION

- The height and design of the structure are out of character with permitted and existing structures in the surrounding residential lots.
- The proposed height and scale are not appropriate for the surrounding Rosemary Heights Neighbourhood.
- Area residents and community association representatives have raised objections to the proposal.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

REFERRALS

**Engineering:** The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.

**Building Division:** With the exception of building height, the proposal complies with the 2006 BC Building Code and the City of Surrey Zoning By-law No. 12000.

SITE CHARACTERISTICS

Existing Land Use: Single family residential home on an RA zoned lot.

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/NCP Designation</b>	<b>Existing Zone</b>
North:	Vacant land - a public school is under construction.	School	A-1
East and South:	Single family residential houses on 1 acre lots.	Half Acre Residential	RA
West:	Vacant land - proposed park owned by the City.	Park	A-1

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located at the end of a cul-de-sac at 3486 155 Street, in Rosemary Heights. The property is zoned One-Acre Residential (RA), is designated Suburban in the OCP, and Suburban ½ Acre Residential in the Rosemary Heights Central NCP. A single family home with attached garage is located on the property.
- The property is located in an area typified by large houses on one acre lots with a high standard of landscaping. Buildings in the area are built to a high architectural standard.
- The lot is surrounded by residential uses to the east and south, proposed park to the west, and proposed school to the north (the school is under construction).

### Existing Sports Court Building

- The owner erected the covered sports court in early 2007 in order to provide his children with a sports facility that is protected from the weather. A Building Permit was not applied for. It is comprised of a "Lindome" Fabric Structure erected over a steel frame, on a reinforced concrete pad. The concrete floor is to be covered with a rubberized surface. The covering fabric is white, and the roof has an arched shape (Appendix II). The structure is engineered, and the specifications indicate that it is in full compliance with Canadian Building Codes.
- The structure is suitable for ball hockey, basketball, or other court sports that would normally be played outdoors or in a gymnasium. The structure is neither heated nor lit, though lights could easily be fitted to the metal superstructure that gives the dome its shape. The structure has doors located at two corners.
- The sports structure covers an area of approximately 259 square metres (2790 square feet). It is about ½ the size (footprint) of the existing house and attached garage on the site. The structure is located north of the garage, in the north west corner of the property.
- The sports court structure has a height of 4.26 metres (14 feet) from the ground to the eave, and 4.26 metres (14 feet) from the eave to the top of the dome. Based on the measurement approach prescribed in the Zoning By-law, the structure is considered to have a height of 6.41 metres (21 feet), when measured to the average of the eave and ridge. The maximum height of a structure in the RA Zone is 4.0 metres (13.1 feet). All of the other provisions of the RA Zone, including lot coverage and building setbacks, are met for the subject property.
- In February 2007, complaints were received from neighbourhood residents regarding the construction of the sports court structure. A City site inspection revealed the construction partially complete without Building Permit and contrary to the RA Zone, and a Stop Work order was posted. The applicant was requested at that time to remove the structure or pursue the necessary approvals and permits to allow its retention.

### Board of Variance

- The owners made application to the Board Of Variance for a relaxation to the maximum height of an accessory structure in the RA Zone in March 2007.
- Concerns were expressed to the Board by neighbourhood residents following their notification procedure. The principal concerns expressed were related to the aesthetics and size of the structure.
- Based on these proceedings, and submission of comments from the public, the Board ruled that the variance requested was not considered "Minor" nor in keeping with the neighbourhood, and in May 2007 rejected the application (Appendix VI).
- The applicant subsequently applied for a Development Variance Permit (DVP) to relax the height of an accessory structure in the RA Zone to allow the sports court to remain. By-law and Licensing Enforcement action was held in abeyance pending conclusion of the DVP process.

## BY-LAW VARIANCE AND JUSTIFICATION

### (a) Requested Variance:

- To vary the maximum permitted height of an accessory building in the RA Zone from 4.0 metres (13.1 feet) to 6.45 metres (21 feet) to allow a covered sports court.

### Applicant's Reasons:

- A covered sports court allows year-round sports activities, such as basketball and volleyball, and the height is required in order for the structure to accommodate these types of sports.
- The structure is partially hidden by the house and garage.
- The property on which the court is located is quite large (4963.4 square metres or 1.23 acres), and is located in area of predominantly large lots.
- The property is located adjacent to a school and park.
- The court's fabric covering could be replaced with a more suitable colour, or painted.
- Landscaped screening could be planted around the structure. The applicant has stated that the hedge surrounding this property is currently at 4.25 metres (14 feet) in height, and is a combination of evergreen species.
- The applicant has indicated that most of the immediate neighbours have voiced no objection to the structure.

### Staff Comments:

- The structure is white, and easily visible from surrounding properties, particularly during the winter season when there is decreased screening provided by landscaping.
- The structure would be easily visible from a School, currently under construction on the adjacent lot to the north.
- The structure is very large, and covers an area of approximately ½ the footprint of the existing house. This is deemed to be an excessive size, given the overall height of the structures on the property.
- Interior lighting that would allow wintertime and evening use of the structure has not been addressed. Lighting inside the structure would make the white canvas glow during dark hours and render the building more visible to adjacent landowners.
- Representatives of the Morgan Creek Homeowners Association and the Rosemary Heights Neighbourhood Community Association both voiced objections to the DVP application to the Planning and Development Department.

- Immediate neighbours voiced objections to the colour and visibility of the structure at the Board Of Variance hearing earlier in 2007.

Overall, while some actions could be taken by the owner to mitigate the visual impact of this structure, such as painting or landscaping screening, on balance, the covered sports structure is out of scale and character with the area and the Planning & Development Department recommends that this application be Denied.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan
Appendix III.	Engineering Summary
Appendix IV.	Photos of Sports Court
Appendix V.	Minutes of the Board of Variance

Jean Lamontagne  
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:                      Tim and Nancy Barker  
                         Address:                      3486 - 155 Street  
                                                              Surrey, BC  
                                                              V3S 0G4  
                         Tel:                                      604-535-5532
  
2.      Properties involved in the Application
  - (a)      Civic Address:                      3486 - 155 Street
  
  - (b)      Civic Address:                      3486 - 155 Street  
                         Owners:                                      Tim and Nancy Barker  
                         PID:    017-211-883  
                         Lot 1 Section 26 Township 1 New Westminster District Plan NWP88363
  
3.      Summary of Actions for City Clerk's Office