

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0060-00

Planning Report Date: March 31, 2008

PROPOSAL:

- **Development Variance Permit**

in order to vary the side yard setback for attached garages on nine (9) existing single family small lots.

LOCATION:

14500 Block of 60A Avenue

OWNERS:

0713426 B.C. Ltd. et al

ZONING:

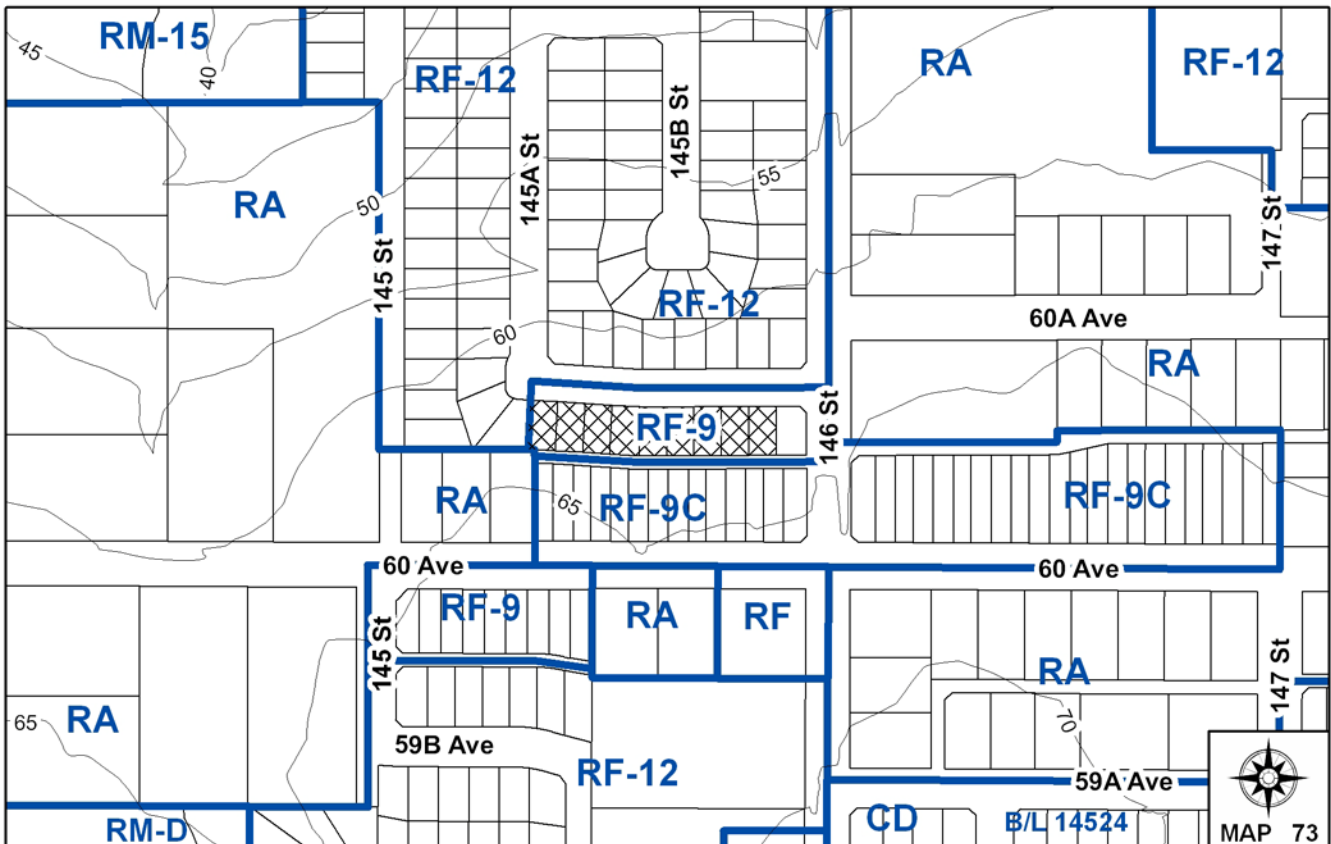
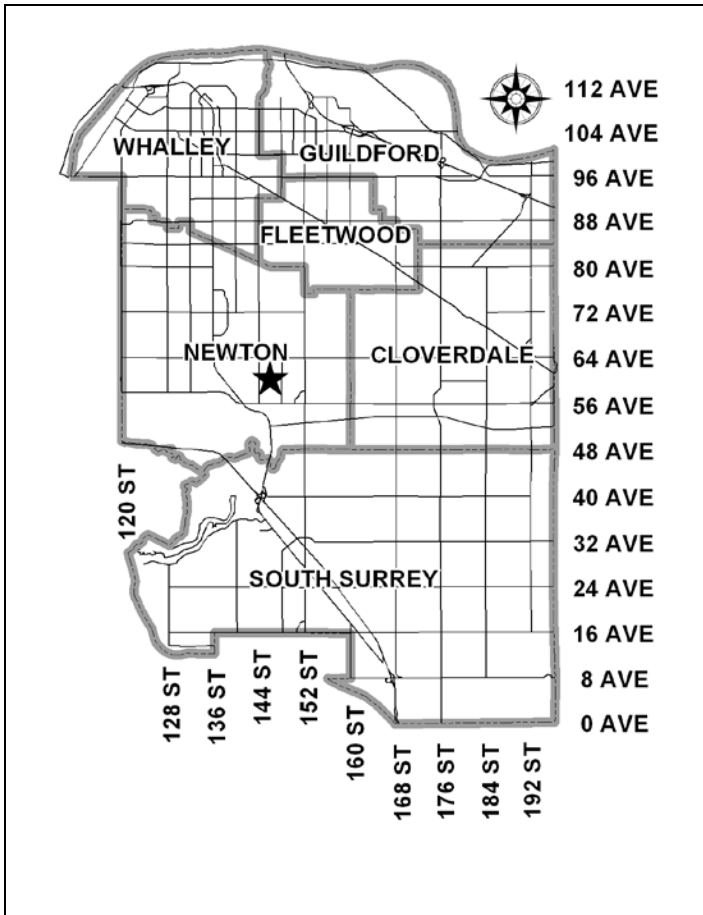
RF-9

OCP DESIGNATION:

Urban

NCP DESIGNATION:

Single Family Residential Flex 6-14.5 upa



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The subject lots are Type III RF-9 lots, which are required to have attached garages accessed from a rear lane. The RF-9 Zone requires that attached garages for this type of lot be located with a side yard setback of 0.0 metre on one side. The applicant proposes to increase this setback to 0.6 metre.

RATIONALE OF RECOMMENDATION

- The RF-9 Zone was incorrectly drafted to require a 0.0 metre side yard for attached garages for Type III lots. Because Type III RF-9 lots are rare, this error has not been discovered until recently.
- The applicant's request is compatible with the original intent of the RF-9 Zone. Further, an amendment to the RF-9 Zone will be undertaken in the near future to allow for increased setbacks for attached garages on RF-9 Type III lots. With the proposed variance, these lots will comply with the new RF-9 Zone (Type III) once the amendment has been made.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7908-0060-00, (Appendix III) for Lots 16 to 24 varying the following, to proceed to Public Notification:
 - (a) to vary the maximum permitted side yard setback of the RF-9 Zone for Type III lots allowed from 0.0 metre (0 ft.) to 0.6 metres (2.0 ft.) on one side for an attached garage.

REFERRALS

Engineering: The Engineering Department has no objection to the Development Variance Permit.

SITE CHARACTERISTICS

Existing Land Use: Vacant. Land has recently been rezoned and subdivided under Application No. 7904-0046-00, whereby the subject lots were created.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 60A Avenue):	Vacant recently created single family lots.	Urban	RF-12
East (Across 146 Street):	Existing large single family lots. Single family lots under construction.	Urban	RA RF-9C
South (Across Lane):	Vacant single family lots.	Urban	RF-9C
West:	Vacant single family lots.	Urban	RF-12

DEVELOPMENT CONSIDERATIONS

- The subject site is located on the south side of 60A Avenue in the South Newton area. The site is designated Urban in the Official Community Plan (OCP) and Single Family Residential Flex 6 – 14.5 upa in the South Newton Neighbourhood Concept Plan (NCP).
- Rezoning and subdivision were recently completed on the subject site. The site is currently zoned Single Family Residential (9) Zone (RF-9).

- All nine (9) subject lots conform to the minimum requirements of the RF-9 Zone Type III lots in terms of lot area, width and depth. They range in size from 270 square metres (2,906 sq.ft.) to 283 square metres (3,046 sq.ft.). All lots are 12.3 metres (40 ft.) wide.
- For Type III lots in the RF-9 Zone, rear-accessed attached garages are required to be located at 0 metres from one side lot line, however, this was not the original intent of the zone. Type III RF-9 lots are uncommon and there has therefore been few opportunities for this error to be brought to light.
- Despite this error, four building permits were issued with the garages sited with a 0.6 metre (2 ft) side yard setback. Construction of these homes had begun before it was recognized that these were not in compliance with the existing setback regulations of the zone.
- Planning & Development Department staff are in the process of preparing an amendment to the RF-9 Zone to correct this error. However, in order to allow the subject lots to be developed immediately, a DVP application has been submitted to increase the side yard setbacks as noted.
- Lot 15 at 14596 – 60A Avenue, which is adjacent to the east of the subject properties, is not included in this application because it is a corner lot and the RF-9 Zone currently allows for a setback of up to 1.2 metres (4 ft) on corner lots. A building permit was issued for Lot 15 at the same time as the four permits were issued for Lots 16-19.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Increase the maximum side yard setback from 0 metres to 0.6 metres (2 ft) for the attached garages on nine (9) Type III RF-9 lots.

Applicant's Reasons:

- Constructing attached garages with a 0 metre side yard setback can create complications relating to roof overhang and fence placement and maintenance unless garages on neighbouring lots are twinned with a shared wall along the shared property line. The applicant is not proposing twinned garages: garages for all lots are proposed to be located adjacent to the east property lines.
- Building permits have already been issued and construction has begun on four of the subject lots, with 0.6 metre (2 ft) side yard setbacks. The applicant is seeking to bring those four lots into compliance with the zone. The applicant would like to maintain the same building pattern on the remaining lots that has already been established.

Staff Comments:

- Planning staff are currently reviewing the setback requirements of the RF-9 Zone and it is anticipated that the zone will be amended in the near future to allow for a larger setback for the garage, provided that the garage remains a minimum of 6.0 metres (20 ft) from the opposite side lot line.
- With an increase in the garage setback to 0.6 metres on the east property line, there will still be more than 6.0 metres (20 ft) remaining to the west property line for all subject lots. The backyard spaces, therefore, will be of a reasonable size.
- The DVP will allow the lots to be developed immediately, rather than waiting until the zoning amendment is brought forward.

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. Existing Subdivision Layout
Appendix III. Development Variance Permit No. 7908-0060-00

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: Paul Gill
 Address: #102 - 15272 Croydon Drive
 Surrey, BC
 Tel: 604-538-6300

2. Properties involved in the Application

- (a) Civic Addresses: 14590, 14586, 14580, 14574, 14570, 14568, 14566,
 14560 and 14558 - 60A Avenue
- (b) Civic Address: 14590, 14586, 14580, 14574, 14570 - 60A Avenue
 Owners: Amritpal Gill and Jagdeep Gill
 Lots 16 - 20 Section 10 Township 2 New Westminster District Plan BCP29809
- (c) Civic Addresses: 14568, 14566, 14560 and 14558 - 60A Avenue
 Owners: 0713426 B.C. Ltd.
 Director Information:
 Amritpal Singh Gill

Officer Information: (as at January 11, 2007)
Amritpal Singh Gill (President, Secretary)

Lots 21 - 24 Section 10 Township 2 New Westminster District Plan BCP29809

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Development Variance Permit No. 7908-0060-00.

DEVELOPMENT DATA SHEET

Existing Zoning: RF-9

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	3.5 m min.	3.5-4.6 m
Rear	6.5 m min.	6.7-7.9 m
Side #1 (West) (Principal Building)	1.2 m min.	1.2 m
Side #2 (East) (Principal Building)	1.2 m min.	1.2 m
Side #3 (East) (Attached Garage)	0.0 m max.	0.6 m
BUILDING HEIGHT (in metres/storeys)		
Principal		
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		

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