

City of Surrey
PLANNING & DEVELOPMENT REPORT

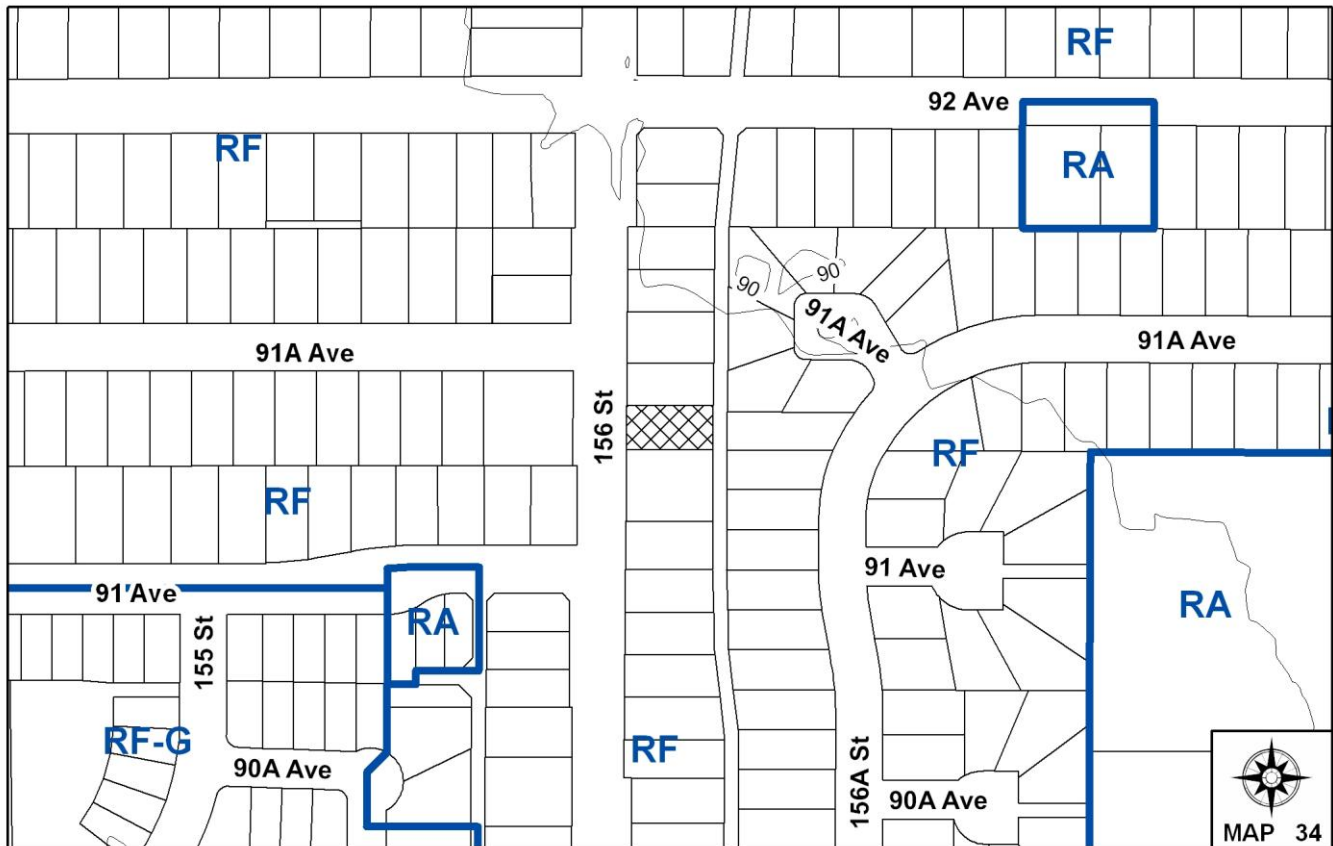
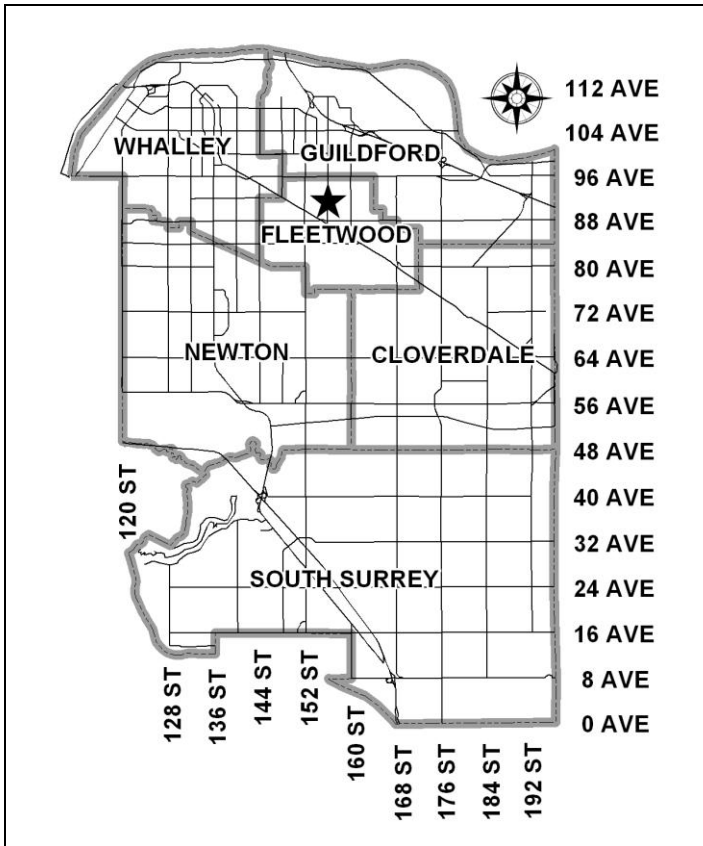
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Planning Report Date: July 14, 2008

PROPOSAL:

- **Rezoning** from RF to CD (based on RF) in order to allow the retention of a 421-square metre (4,537 sq.ft.) house.

LOCATION: 9134 - 156 Street
OWNERS: Surjit Singh Bahia and Jaswant Bahia
ZONING: RF
OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- Denial.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- House not constructed in accordance with the building permit.
- House exceeds maximum floor area permitted in the RF Zone by 91 square metres (980 sq.ft.).

RATIONALE OF RECOMMENDATION

- Area residents have raised objections to the proposal.
- Support could set an undesirable precedent.

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.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling with illegal addition.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North, East and South:	Single family dwellings.	Urban	RF
West (Across 156 Street):	Single family dwellings.	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The 687-square metre (0.17 acre) subject site is located on the east side of 156 Street, south of 92 Avenue. The site is designated Urban in the Official Community Plan (OCP) and zoned "Single Family Residential (RF)".
- A building permit was issued for a 330-square metre (3,550 sq.ft.) house (the maximum permitted under the RF Zone on the lot) with a double garage and without a basement, on December 24, 2004. There is no Building Scheme registered on the subject lot. The building permit allows a basement-entry style house with 4 bedrooms on the 1st floor and 4 bedrooms and kitchen and living area on the 2nd floor. The garage is indicated as being contained within the 1st floor and accessed from the rear lane.
- On June 8, 2006 a Stop Work Order was posted for an addition that was constructed at the rear of the dwelling without a valid building permit. At that time the owner was advised that the City's records indicated that the dwelling on the property was at the maximum size permitted for an RF-zoned property and that the City would not be able to issue a permit for the additional work that was started. A second stop work order was posted on June 20, 2006 and a third Stop Work order was posted on January 24, 2007.

- The City of Surrey proceeded with legal action against the applicant. On March 27, 2008, the Honourable Judge Hyde granted an Order under Section 263.1 of the Community Charter that the accused remove all non-permitted construction on the subject site within six months or rezone the property to allow the additional square footage.

Current Proposal

- As a result of the court's decision, the applicant submitted an application for rezoning on April 9, 2008.
- The applicant is proposing to rezone the subject site from "Single Family Residential Zone (RF)" to "Comprehensive Development Zone (CD)" to accommodate the illegal 91-square metre (979-square foot) additions with a floor area ratio (FAR) of 0.69 and a maximum house size of 421 square metres (4,537 sq.ft.). The additional floor area was created by enclosing existing decks on both storeys.
- The RF Zone permits a maximum house size of 330 square metres (3,550 sq.ft.) for lots greater than 560 square metres (6,000 sq.ft.) provided 37 square metres (400 sq.ft.) is reserved for a garage or carport. Therefore the maximum floor area of livable space in the RF Zone is 293 square metres ($330 - 37 = 293$). The applicant is seeking approval for a 421 square metre (4,537 sq.ft.) home including double garage, or an increase of 91 square metres (1,378 sq.ft.) in floor area ($421 - 330 = 91$).
- The RF Zone limits the number of vehicles parked or stored outside on the lot to a maximum of 2 cars or trucks and 1 house trailer, camper or boat for a total number of vehicles not exceeding 3. No parking is permitted on 156 Street, as it is a designated arterial.
- Although staff have received some comments by neighbours that the double garage within the subject house has been converted to livable space, the applicant advises that no such conversion has occurred.
- The chart below compares the existing floor area ratio (FAR) and house size with that of the RF Zone and the proposed CD Zone. The proposed FAR is calculated after the-4 metre (13 ft.) road dedication requirement.

	Existing Situation	Proposed CD Zone (due to road widening)	Current RF Zone
FAR	0.62	0.69	0.48
Maximum House Size	421 square metres (4,537 sq.ft.)	421 square metres (4,537 sq.ft.)	330 square metres (3,550 sq.ft.) with 37 sq.m. (400ft ²) reserved for garage

- The subject site is located within a stable neighbourhood, with an established character with house sizes ranging from 171.5 square metres (1,846 sq.ft.) to 330 square metres (3,550 sq.ft.).
- Staff are concerned that the proposal, if approved, will set a significant precedent for homeowners and builders to undertake unauthorized renovations and additions and later attempt to legalize through a rezoning process.

- In addition to zoning issues, the illegal renovations have been constructed in violation of the Building By-law and may not conform to the Building Code.
- Also, information received from neighbouring owners through the pre-notification process indicates that the applicant is renting out rooms. The proposed zoning only permits one kitchen.
- Should Council determine the rezoning has merit an inspection of the house, both interior and exterior, will be required to confirm whether suites exist. The applicant will also be required to submit a Building Permit application reflecting all modifications.
- In support of the application, the applicant has submitted a 27-name petition with signatures of the neighbours who do not have any objection to the addition or to the proposed rezoning.

PRE-NOTIFICATION

Pre-notification letters were sent out on May 5, 2008 and staff received three telephone call responses with respect to the application. The residents' comments are summarized below:

- The applicant is renting out rooms and has a number of "For Rent" signs up.
- The illegal addition does not comply with "Single Family Residential Zone" because the house now has a "Multiple Family" use.
- There are too many cars in the back alley. It is difficult to drive through as there is no room and there is no parking for any of the other residents.
- The applicant is abusing the system and should comply with the rules and regulations just as everyone else does. There are too many cars in the alley and it is creating problems for the residents. The applicant should have a garage. It should not be used for living space.
- This is a single family neighbourhood and this kind of construction is multiple family it does not belong in their neighbourhood.

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.	Approved Site Plan and Building Elevations
Appendix III.	Engineering Summary
Appendix IV.	Photographs of Subject Building

Jean Lamontagne
General Manager
Planning and Development

SA/kms

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Jaswant Bahia
 Address: 9134 - 156 Street
 Surrey, BC
 V3R 5Y8
 Tel: 604-584-7112

2. Properties involved in the Application
 - (a) Civic Address: 9134 - 156 Street

 - (b) Civic Address: 9134 - 156 Street
 Owners: Surjit Singh Bahia and Jaswant Bahia
 PID: 005-508-002
 Lot 5 Section 35 Township 2 New Westminster District Plan 73174

3. Summary of Actions for City Clerk's Office

DEVELOPMENT DATA SHEET

Proposed Zoning: CD (based on RF)

Required Development Data	Minimum Required / Maximum Allowed in the RF Zone	Proposed CD By-law
LOT AREA* (in square metres)		
Gross Total		686 m ²
Road Widening area		74.96 m ²
Undevelopable area		
Net Total		611 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	40%	37%
Paved & Hard Surfaced Areas	n/	16%
Total Site Coverage	n/a	48%
SETBACKS (in metres)		
Front	7.5 m	7 m
Rear	7.5 m	9 m
Side #1 (North)	1.2 m	1.2 m
Side #2 (South)	2.4 m	2.4 m
BUILDING HEIGHT (in metres/storeys)		
Principal	9 m	9 m
Accessory	4 m	4 m
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential	330 m ²	421 m ²
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	330 m ²	421 m ²

*** 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)	0.48	0.69
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	2	2
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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