

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0163-00

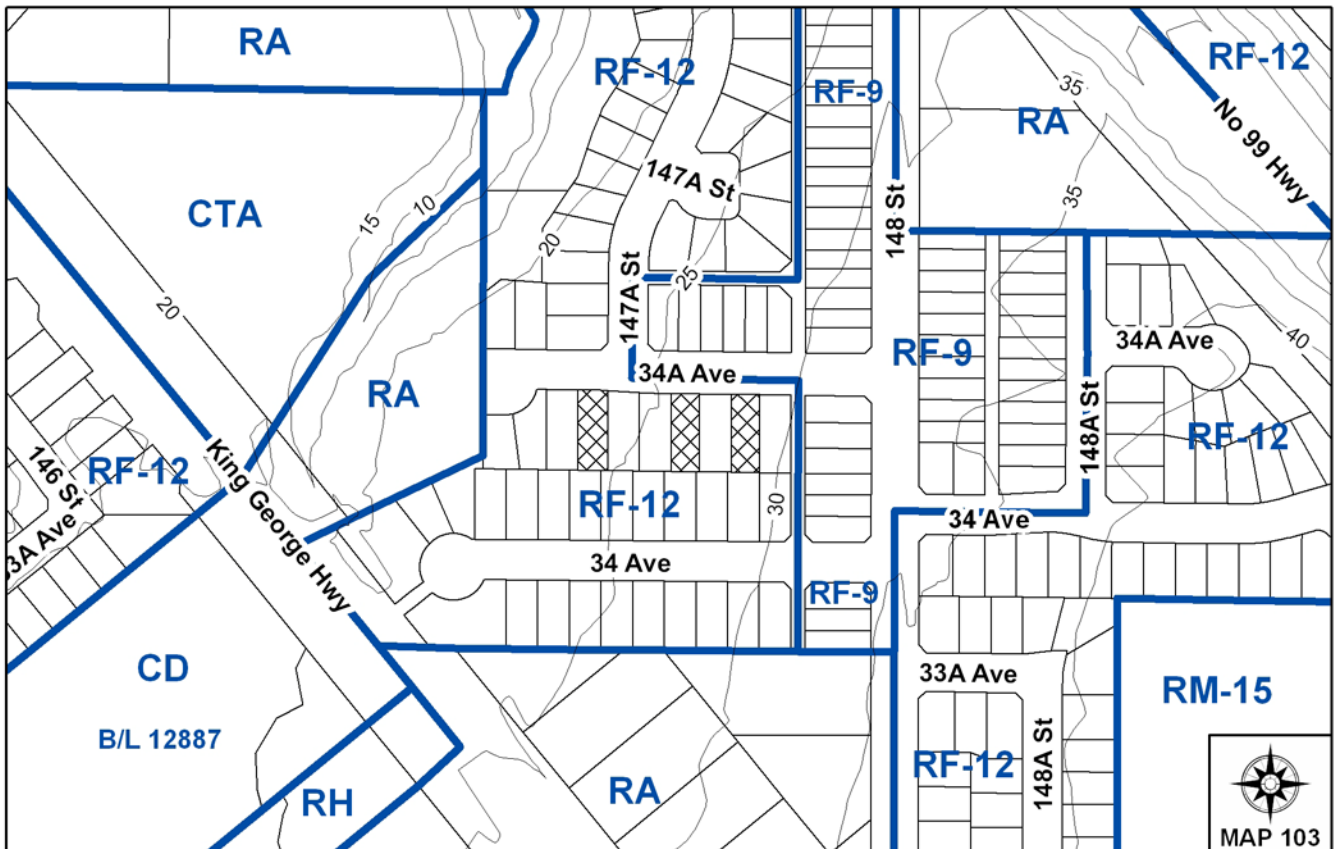
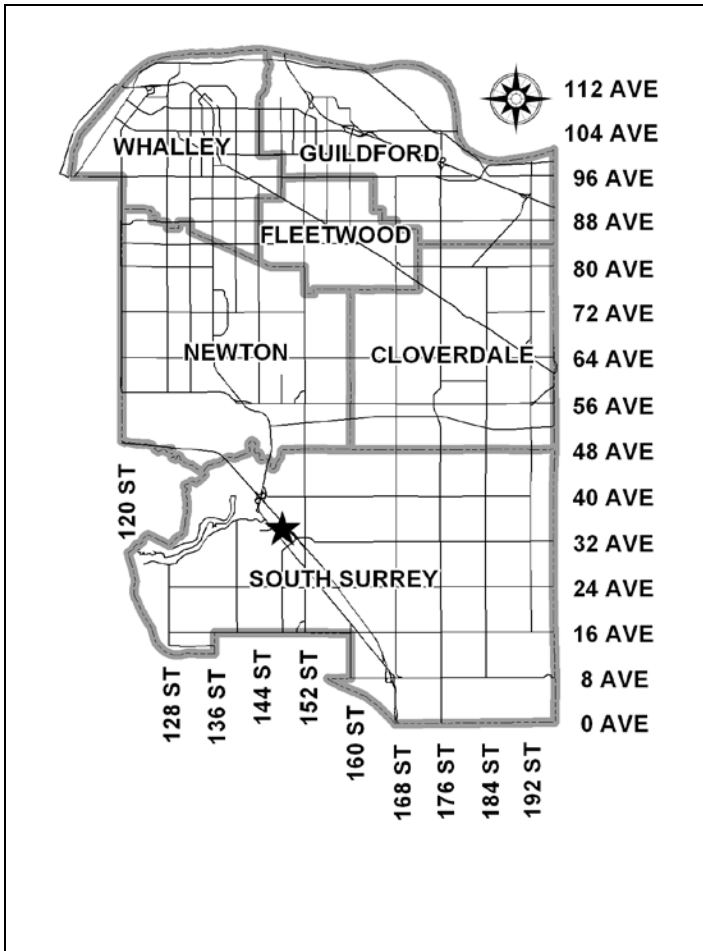
Planning Report Date: July 28, 2008

PROPOSAL:

- Restrictive Covenant discharge
- Development Variance Permit

in order to allow side-by-side two-car garages on 12 metre wide (RF-12 lots when the minimum width to permit 2-car garages is 13.4 metres.

LOCATION: 14770, 14758 and 14746 - 34A Avenue
OWNER: 0814720 B.C. Ltd. et al
ZONING: RF-12
OCP DESIGNATION: Urban
LAP DESIGNATION: Clustering Urban Single Family (8 upa)



RECOMMENDATION SUMMARY

- Deny the applicant's request for a Restrictive Covenant discharge and Development Variance Permit to allow side-by-side, two-car garages on 12 metre wide RF-12 lots.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The subject lots were approved as part of development application No. 7906-0374-00. The lots range from 12.0 (39.4 ft.) to 12.6 metres (41.3 ft.) wide. Under Surrey Zoning By-law, 1993, No. 12000, "a double-car garage or carport to accommodate two vehicles parked side-by-side shall not be permitted on any lot less than 13.4 m (44 ft.) wide".
- The current Restrictive Covenant BB0194163, registered on title in February 2008, established that only single car garages or single-tandem parking garages may be constructed on the subject lots.
- The applicant is therefore seeking a discharge of Restrictive Covenant BB0194163 and a Development Variance Permit in order to build double-car garages to accommodate two vehicles parked side-by-side.

RATIONALE OF RECOMMENDATION

- The three 12 metre wide RF-12 lots were proposed by the developer in order to maximize lot yield for the site. A Section 219 Restrictive Covenant was required at the time of rezoning and subdivision to prohibit double-car side-by-side garages. In the Planning Report for the application, it was directly stated that the purpose of the Restrictive Covenant was to "notify future owners of this limitation and prohibit the owners from submitting an application to vary this restriction".
- The purpose of this restriction in the Zoning By-law is to limit the dominance of the garage at the front of the home. The garage should not take up more than 50 percent of the front of the home. The RF-12 Zone stipulates minimum side yard setbacks at 1.2 metres (4 ft.). This leaves 9.6 metres (31.5 ft.) for the building envelope on a 12 metre wide (39.4 ft.) lot. Double garages are typically 5.5 metres (18 ft.) wide. Hence, on a maximum 9.6 metres (31.5 ft.) wide home, the garage would take up more than 50 percent (57%) of the front of the home.
- If this Development Variance Permit and Section 219 Restrictive Covenant discharge is allowed, it will create precedent for more Development Variance Permit applications to build double-car garages on 12 metre wide RF-12 lots, which contravenes the Zoning By-law and adversely affect the streetscape.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council deny the applicant's request for a Restrictive Covenant discharge and Development Variance Permit to permit side-by-side two car garages on 12 metre (39.4 ft.) wide RF-12 lots.

REFERRALS

Engineering: There are no engineering requirements relative to the Restrictive Covenant Amendment or issuance of the Development Variance Permit.

SITE CHARACTERISTICS

Existing Land Use: Vacant single family lots zoned RF-12.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 34 Avenue):	Single family homes.	Urban/Clustering (8 upa)	RF-9/RF-12
East:	Single family homes.	Urban/Clustering (8 upa)	RF-9
South:	Single family homes.	Urban/Clustering (8 upa)	RF-12
West:	One-acre residential lots under Rezoning Application No. 7908-0082-00 for rezoning from RA to RF-12 to allow subdivision into approximately 6 RF-12 lots.	Urban Clustering (8 upa)	RA

DEVELOPMENT CONSIDERATIONSBackground

- The subject lots are located on the south side of 34A Avenue in the King George Highway Corridor Local Area Plan (LAP). The site is designated Urban in the Official Community Plan and Clustering Urban Single Family (8 upa) in the King George Highway Corridor LAP.

- The subject lots were rezoned from "One-Acre Residential Zone (RA)" to "Single Family Residential (12) Zone (RF-12)" in December 2007 under project No. 7906-0374-00. In order to maximize the number of single family RF-12 lots on the site, the developer proposed to have a number of lots with 12 metre (39.4 ft.) frontages.
- One of the limitations of 12 metre wide RF-12 lots is the prohibition of double garages/carports unless the said garages/carports are located at the rear of the single family house and has vehicle access from a rear lane.
- In order to ensure future owners/builders are aware of this limitation, a Section 219 Restrictive Covenant to prohibit two-car garages in a side-by-side arrangement was registered on Lots 4, 7 and 10. Lots 4 and 7 are 12.0 metres (39.4 ft.) wide, and Lot 10 is 12.6 metres (41.3 ft.) wide.

JUSTIFICATION FOR THE RESTRICTIVE COVENANT DISCHARGE AND DEVELOPMENT VARIANCE PERMIT

Requested Discharge and DVP

- To discharge Restrictive Covenant BB0194163 and to obtain a Development Variance Permit in order to build homes with side-by-side two-car garages on 12 metre (39.4 ft) wide RF-12 lots.

Applicant's Justification

- The subject lots will physically accommodate two-car garages resulting in a preferred appearance and desired service to the homeowner. Most of the homes in the area have two-car garages, and homes with single-car garages will look out of place.
- Two-car garage single family homes are dominant in the area. There are very few single garage homes in the area, and these homes do not sell as well as two-car garage homes. It can be assumed that most homebuyers considering buying in the area own two vehicles and want the standard two-car garage.
- Singular parking is not convenient and poses a safety issue. Many vehicle accidents involve the reversing of vehicles, and singular or stacked parking intensifies this potential problem. Another safety concern relates to the second car parked on the driveway or the street, where children behind cars may go unseen resulting in fatal accidents.
- The applicant believes that vehicle vandalism is more likely when cars are parked on the street, and that building homes with single car garages will promote vehicles being parked on the street.
- The applicant argues that most of the lots in the area are smaller in lot area than the subject lots, and have double car garages. Homes zoned "Single Family Residential (9) Zone (RF-9)" have double garages as well. (Note: The garages are accessed from a rear lane.)

Staff Comments

- The Zoning By-law restricts two-car garages on RF-12 lots with smaller lot widths in order to limit the dominance of the garage at the front of small homes. 12 metre (39.4 ft.) wide lots are not large enough to allow for a two-car garage that takes up less than 50 percent of the front of the home.
- The 12 metre (39.4 ft.) wide RF-12 lots were proposed by the developer in order to maximize the lot yield for the site.
- There are a number of single-car garages on RF-9 lots in the area. Many of the RF-9 lots on 148 Street have single-car or tandem garages.
- RF-9 homes with two-car garages have rear access from a laneway. The RF-9 Zone stipulates that a driveway to the lot is permitted only from a rear lane on RF-9 lots. Therefore, garages for RF-9 homes must be built at the rear of the house. This means that the dominance of the garage from the front of the home is not an issue. Under the RF-12 zoning, two-car garages are allowed on 12 metre wide lots if the garage is located at the rear of the home on the lot and has vehicle access from a rear lane or side street.
- Safety and vandalism are of no more concern here than in other residential areas that permit only a single or tandem garage.
- If this amendment discharge and DVP are allowed, it will create precedent for others to try to justify two-car garages on small RF-12 lots and jeopardize the integrity of the RF-12 Zone. The purpose of the Restrictive Covenant was to notify future owners of the limitation on garages and to prohibit owners from submitting an application to vary this restriction, by way of a Development Variance Permit.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Subdivision Layout
Appendix III.	Restrictive Covenant BB0194163

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: Fred Harris
 Address: 3336 - 145 Street
 Surrey, BC
 V4P 3N6
 Tel: 604-290-4452

2. Properties involved in the Application

(a) Civic Addresses: 14770, 14758 and 14746 - 34A Avenue

(b) Civic Address: 14770 - 34A Avenue
 Owner: 0814720 B.C. Ltd., Inc. No. 814720
 Director Information:
 Fred Harris
 John McCutcheon

No Officer Information Filed

PID: 027-397-475
Lot 5 District Lot 165 Group 2 New Westminster District Plan BCP34740

(c) Civic Address: 14758 - 34A Avenue
 Owner: 0814720 B.C. Ltd., Inc. No. 814720
 Director Information:
 Fred Harris
 John McCutcheon

No Officer Information Filed

PID: 027-397-491
Lot 7 District Lot 165 Group 2 New Westminster District Plan BCP34740

(d) Civic Address: 14746 - 34A Avenue
 Owner: Elgin Developments Ltd., Inc. No. BC0800699
 PID: 027-397-521
 Lot 10 District Lot 165 Group 2 New Westminster District Plan BCP34740

3. Summary of Actions for City Clerk's Office