

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7909-0005-00

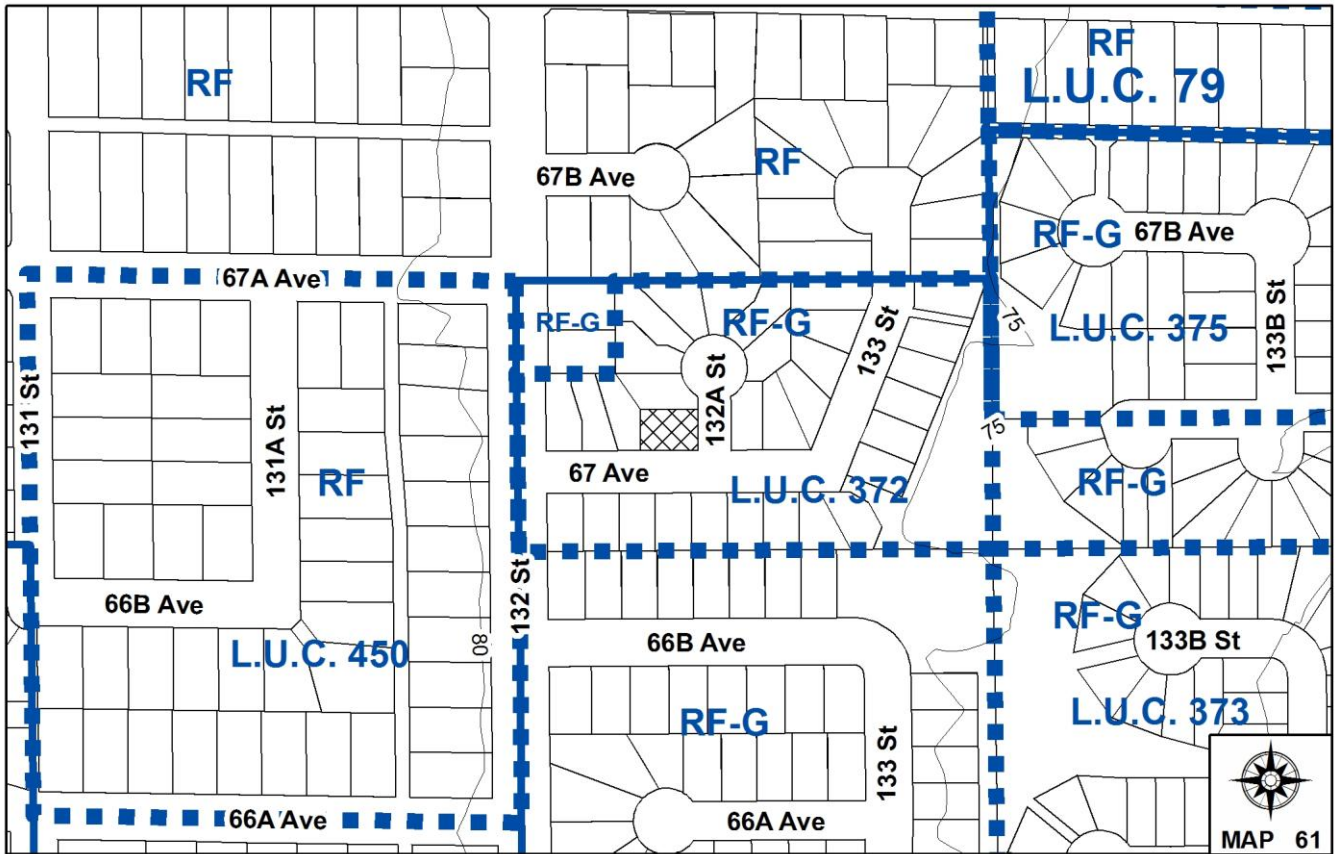
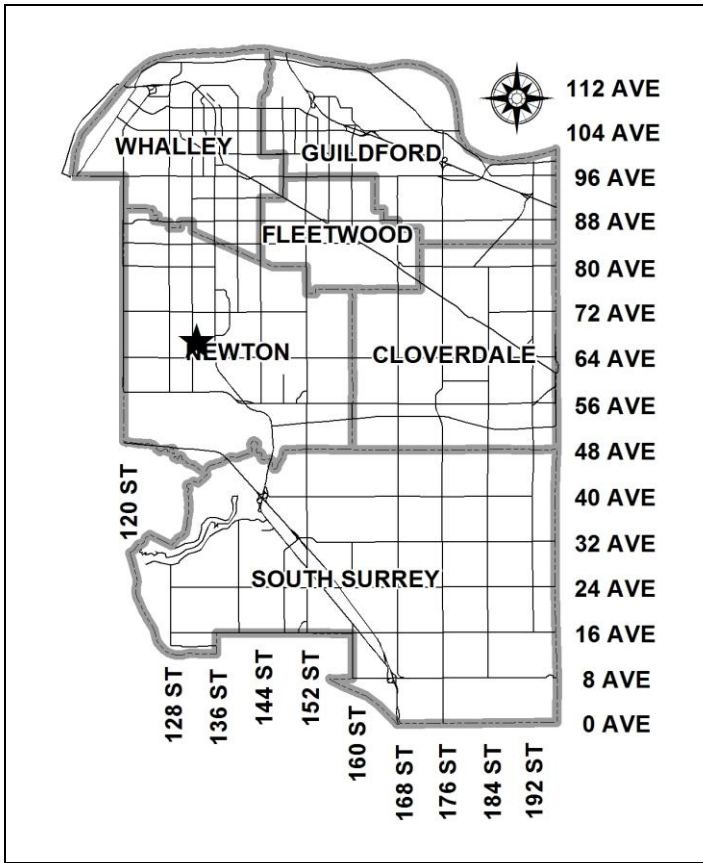
Planning Report Date: June 15, 2009

PROPOSAL:

- Partial **Land Use Contract** discharge
- **Development Variance Permit**

in order to allow the underlying RF-G Zone to come into effect and permit the construction of an attached garage on a single family lot. The DVP is intended to reflect the setbacks prescribed in the Land Use Contract.

LOCATION: 6701 - 132A Street
OWNER: Nigel Gentry & Jeremy Phillips
ZONING: LUC No. 372
OCP DESIGNATION: Urban
LAP DESIGNATION: Urban Residential



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for partial Land Use Contract discharge.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Land Use Contract No. 372 does not permit an attached garage for the subject lot. The applicant proposes to discharge Land Use Contract No. 372 to allow the underlying RF-G Zone to come into effect in order to allow the proposed garage.
- A Development Variance Permit is required to vary the front yard, rear yard and flanking side yard setbacks of the RF-G Zone, in order to allow the proposed attached garage and reflect the setback provisions of the Land Use Contract.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with the Newton Local Area Plan.
- The partial discharge of LUC No. 372 for the subject lot will have a negligible effect on the neighbourhood. The underlying RF-G Zone is appropriate for this area and consistent with the surrounding uses.
- The public consultation undertaken for this development application has not generated any significant concerns with regard to the partial Land Use Contract discharge.
- The setback variances will prescribe similar setback requirements of the Land Use Contract and indirectly limit the buildable floor area of the lot.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to partially discharge Land Use Contract No. 372 from the subject property at 6701 - 132A Street and a date for Public Hearing be set.
2. Council approve Development Variance Permit No. 7909-0005-00, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front yard setback of the RF-G Zone from 7.5 metres (25 ft.) to 3.9 metres (12.9 ft.);
 - (b) to reduce the minimum flanking side yard setback of the RF-G Zone from 3.6 metres (12.0 ft.) to 3.0 metres (9.8 ft.); and
 - (c) to vary the minimum rear yard setback of the RF-G Zone from 7.5 metres (25 ft.) to 8.1 metres (26.6 ft.).
3. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering; and
 - (b) the applicant removes the existing dwelling and replaces the existing wood fence along the northern property line, including installation of a gate alongside the proposed garage.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North, West, South and East:	Single family residential dwelling.	Urban/Urban Residential	Land Use Contract No. 372

DEVELOPMENT CONSIDERATIONS

Background

- The property is designated "Urban" in the Official Community Plan (OCP) and "Urban Residential" in the Newton Local Area Plan (LAP).
- The subject property comprises an existing single-family dwelling located on the western corner of 67 Avenue and 132A Street. The property is located within a single-family subdivision developed in 1978 and regulated by Land Use Contract No. 372.
- Land Use Contract No. 372 allows a range of single family dwellings on smaller urban lots with minimal restrictions on house size or unit density. The Land Use Contract is based on the R-3 (Residential 3) Zone under Zoning By-law No. 2265, Part IX, which only restricts the building size through a combination of height, lot coverage and setback requirements (Appendix IV).
- The Land Use Contract does not permit attached garages or enclosed carports. However, there appear to be a number of unauthorized carport enclosures and attached garages on adjacent properties.
- The applicant proposes to discharge Land Use Contract No. 372 from the subject property in order to allow the underlying RF-G Zone to come into effect and permit the construction of an attached garage.
- The proposed attached garage addition will conform to the regulations set by the underlying RF-G Zone except for the front yard setback and side yard flanking setback. As a result, the applicant has also applied for a Development Variance Permit (DVP) to relax these requirements and ensure the dwelling conforms to the RF-G Zone once the Land Use Contract is discharged. The DVP is discussed below.

Evaluation of Partial Discharge of Land Use Contract No. 372

- The proposed attached garage will have a negligible impact on current land-use.
- Due to the complexity of Land Use Contracts, the discharge of Land Use Contracts, wherever possible, is considered good practice to simplify the administration of land-use regulations.
- The proposed attached garage is considered reasonable in order to promote greater safety and security for on-site vehicles.
- The underlying RF-G Zone along with the DVP are considered appropriate and generally conform with the restrictions imposed on single-family dwellings under Land Use Contract No. 372.
- The proposed attached garage establishes a precedent that encourages neighbouring property owners to better integrate any future attached garages or enclosed carports with the existing dwelling. In addition, adjacent property owners may be willing to adopt a similar approach and discharge the Land Use Contract prior to building an attached garage or enclosing a carport.

PRE-NOTIFICATION

Pre-notification letters were sent on April 28, 2009. Staff received one phone call in response to the pre-notification letter.

- The adjacent property owner at 6709 – 132A Street called to request additional information on the development application.
- In response to discussions with the adjacent property owner, the applicant has agreed to replace the existing wood fence along the northern lot line and install a gate alongside the proposed garage in order to provide access to a gas metre located at 6709 – 132A Street.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the front yard setback from 7.5 metres (25.0 ft.) to 3.9 metres (12.9 ft.).
- To reduce the flanking side yard setback from 3.6 metres (12.0 ft.) to 3.0 metres (9.8 ft.).
- To vary the rear yard setback from 7.5 metres (25.0 ft.) to 8.1 metres (26.6 ft.).

Applicant's Reasons:

- The reduced setbacks will enable the proposed attached garage addition to be integrated with the existing dwelling.

Staff Comments:

- The proposed reduction in front yard and side yard flanking setback is required to allow the owner to retain the existing dwelling in its present location and configuration.
- The varied rear yard setback from 7.5 metres (25.0 ft.) to 8.1 metres (26.6 ft.) reflects the rear yard requirement of the Land Use Contract and indirectly limits the buildable floor area of the lot after the Land Use Contract is discharged.

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. Engineering Summary
- Appendix III. Development Variance Permit No. 7909-0005-00
- Appendix IV. Zoning By-law No. 2265, Part IX

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: Nigel Gentry
 Address: 6701 - 132A Street
 Surrey, BC
 V3W 7S4
 Tel: 604-590-8264

2. Properties involved in the Application
 - (a) Civic Address: 6701 - 132A Street

 - (b) Civic Address: 6701 - 132A Street
 Owners: Jeremy Michael Phillips and Nigel Howard Gentry
 PID: 005-442-206
 Lot 372 Section 17 Township 2 New Westminster District Plan 56437

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to partially discharge Land Use Contract No. 372.

 - (b) Proceed with Public Notification for Development Variance Permit No. 7909-0005-00.

DEVELOPMENT DATA SHEET

Existing Zoning: RF-G

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	370 m ²	420.9 m ²
Road Widening area		
Undevelopable area		
Net Total	370 m ²	420.9 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		29.6%
Paved & Hard Surfaced Areas		8%
Total Site Coverage	45%	37%
SETBACKS (in metres)		
Front	7.5 m	3.9 m
Rear	7.5 m	10.2 m
Side #1 (North)	1.2 m	1.5 m
Side #2 (South)	3.6 m	3.0 m
BUILDING HEIGHT (in metres/storeys)		
Principal	9.0 m	8.5 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		1
Total		1
FLOOR AREA: Residential	260 m ²	174.3 m ²
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	260 m ²	174.3 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)	0.55	0.41
FAR (net)		
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		
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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