

**City of Surrey
PLANNING & DEVELOPMENT REPORT**

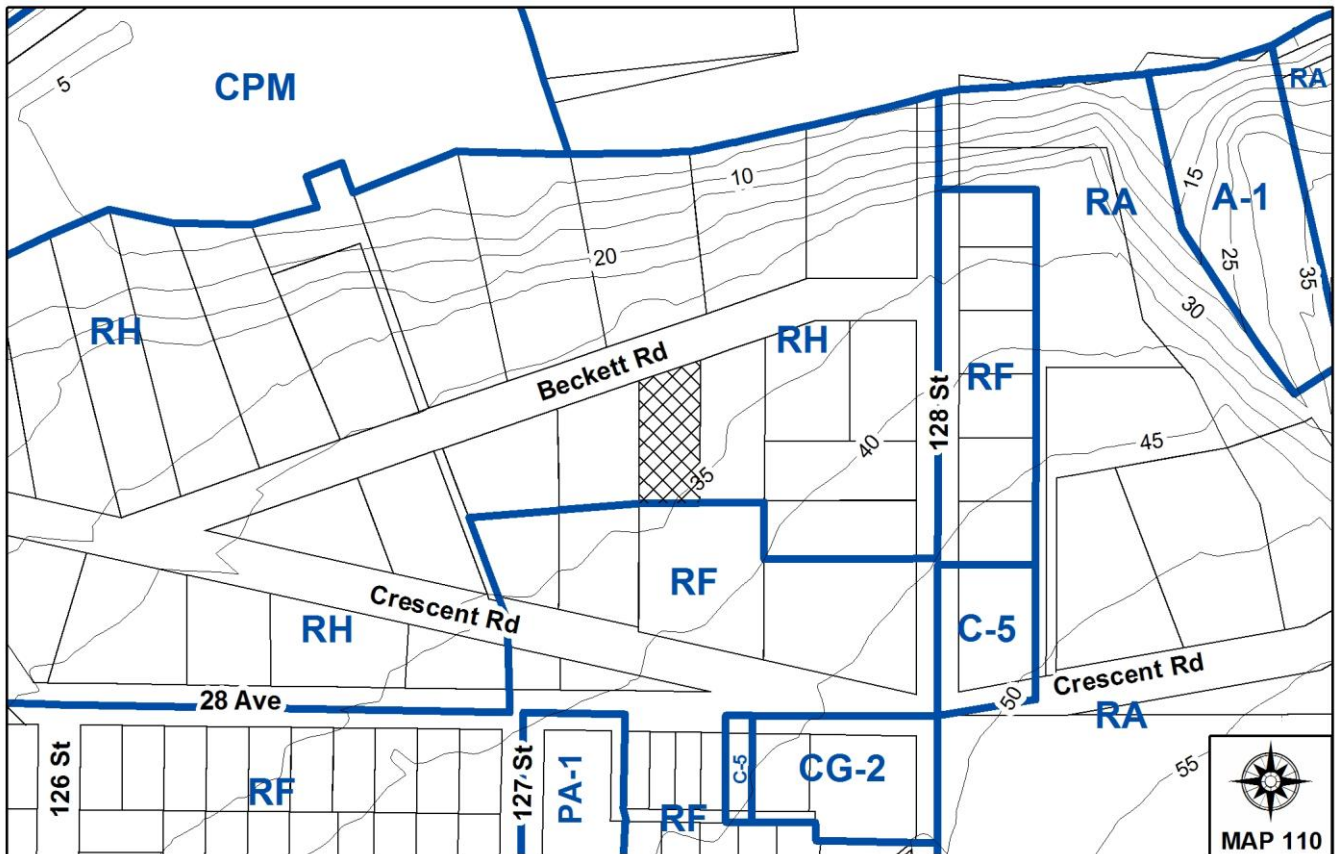
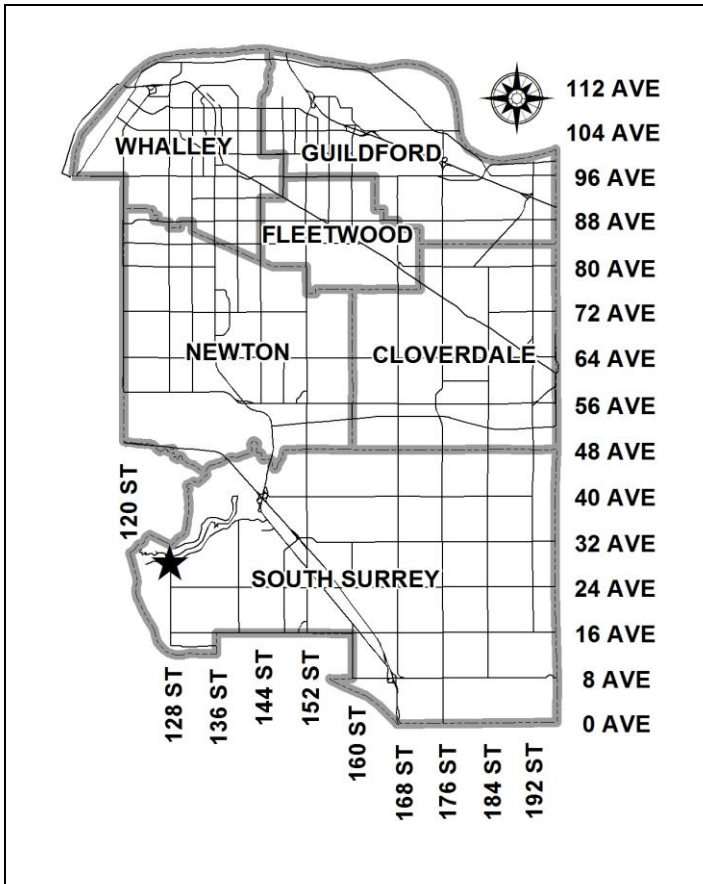
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Planning Report Date: July 13, 2009

PROPOSAL:

- Development Variance Permit
in order to vary the building height for a detached garage.

LOCATION: 12738 Beckett Road
OWNER: Miles Murray and Susan Prins
ZONING: RH
OCP DESIGNATION: Suburban
LAP DESIGNATION: Suburban Residential (1/2 Acre)



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The height of an accessory building (garage) is proposed to be varied from 4.0 metres (13 ft.) to 4.98 metres (16.3 ft.).

RATIONALE OF RECOMMENDATION

- Staff recommend that the proposed variance to relax the height of an accessory building from 4.0 metres (13 ft.) to 4.98 metres (16.3 ft.) be approved, as the applicants have committed to building new house on the property which will match the garage in terms of roof slope, design and building material, thus bringing the garage height into compliance with the RH Zone.
- A Section 219 Restrictive Covenant and Security will be required to ensure the new house will be constructed with the appropriate design within five years.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7909-0102-00, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to vary the maximum building height of accessory buildings and structures greater than 10 square metres (105 sq.ft.) of the "Half-Acre Residential Zone (RH)" from 4.0 metres (13 ft.) to 4.98 metres (16.3 ft.).
2. Council instruct staff to resolve the following issue prior to approval:
 - (a) registration of a Section 219 Restrictive Covenant with a \$10,000 security to ensure the construction of a new house on the property to match the existing detached garage within five years.

REFERRALS

Engineering: There are no engineering requirements relative to the issuance of the development variance permit.

SITE CHARACTERISTICS

Existing Land Use: Single family residential.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across Beckett Road):	Single family dwelling.	Suburban/Suburban Residential (1/2 acre)	RH
East:	Single family dwelling.	Suburban/Suburban Residential (1/2 acre)	RH
South:	Single family dwelling.	Urban/Urban Residential	RF
West:	Single family dwelling.	Suburban/Suburban Residential (1/2 acre)	RH

DEVELOPMENT CONSIDERATIONS

Background

- The subject site is located on Beckett Road, between 128 Street and Crescent Road in South Surrey. It is designated "Suburban" in the Official Community Plan (OCP) and "Suburban Residential – Half Acre" in the Semiahmoo Peninsula Local Area Plan. The property is zoned "Half-Acre Residential (RH)".
- The applicants have owned the property since 2005. They started renovating the garage in September 2008. The applicants took the roof off of the original structure, and added on to the back of the garage, adjacent to the side property line. This garage renovation commenced without a building permit.
- On January 15, 2009, a Stop Work order was posted by the City.
- The garage does not conform to the RH Zone in terms of building height or side yard setback. The maximum building height for an accessory building in the RH Zone is 4 metres (13 ft.), unless the roof slope and construction materials for the accessory building are the same as that of the principal building, in which case the maximum height is increased to 5 metres (16.5 ft.). The height of the garage is 4.98 metres (16.3 ft.). The minimum side yard setback for an accessory building in the RH Zone is 1.0 metres (3 ft.). The garage is set back from the east side yard 0.72 metres (2.4 ft.).
- The applicants appealed to the Board of Variance on January 27, 2009. The Board of Variance denied their appeal, on the basis of no determination of hardship.
- The applicants seek to retain their garage, and complete construction. In order to bring the garage into compliance with the setback requirements in the RH Zone, the applicant proposes to alter the garage in order to bring it into conformity, by removing the portion of the garage that encroaches into the side yard setback. However, a DVP is needed to vary the maximum height of the garage.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the maximum building height of an accessory building from 4.0 metres (13 ft.) to 4.98 metres (16.3 ft.)

Applicant's Reasons:

- The applicants plan to demolish the existing dwelling on the property and build a new dwelling sometime in the future, which will match the garage in terms of roof slope and construction materials. Therefore, once the new house is constructed, the garage height will conform to the RH Zone.

Staff Comments:

- The portion of the garage that encroaches into the side yard setback will be removed, in order to bring the garage into compliance with the RH Zone siting requirements.
- The applicants have committed to construct a new house which will match the garage in terms of roof slope and construction materials. Once a new house that matches the garage is constructed, the garage height will be in compliance with the RH Zone.
- The applicants have provided house plans for a new house on the lot that will match the garage. A Section 219 Restrictive Covenant will be required to commit the applicants to building the new single family dwelling. The house plans will be attached to the covenant as a schedule. A Security in the amount of \$10,000 will also be required to ensure the house will be constructed within five (5) years.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Proposed Site Plan and Building Plans and Elevations
Appendix III.	Development Variance Permit No. 7909-0102-00

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: Susan Prins
 Address: 12738 Beckett Road
 Surrey, BC
 V4A 2X1
 Tel: 604-351-8570

2. Properties involved in the Application
 - (a) Civic Address: 12738 Beckett Road

 - (b) Civic Address: 12738 Beckett Road
 Owners: Miles Murray and Susan Prins
 PID: 002-406-527
 Lot 43 Section 19 Township 1 New Westminster District Plan 56978

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7909-0102-00.