

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0125-00

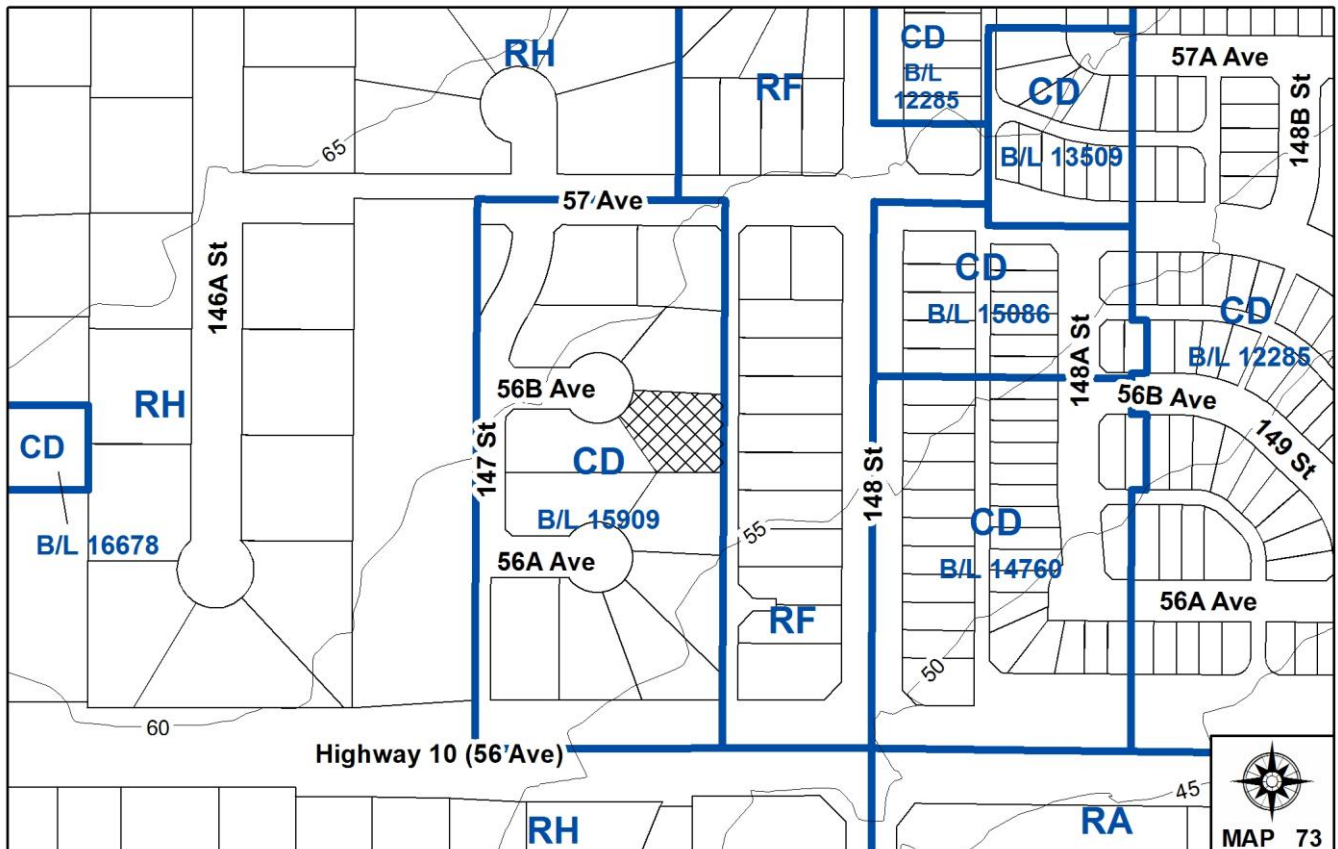
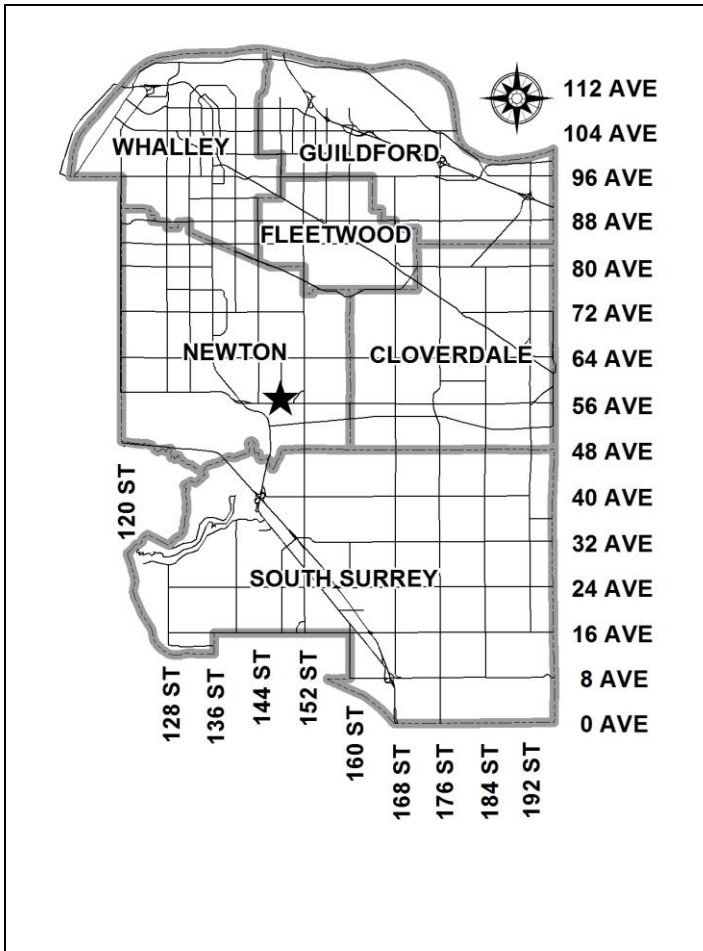
Planning Report Date: July 26, 2010

PROPOSAL:

- **Restrictive Covenant Amendment**
 (Building Scheme)

in order to allow for three (3) bedrooms on the main floor of the house.

LOCATION: 14746 – 56B Avenue
OWNER: Jasbir Singh Luddu and Sandesh Luddu
ZONING: CD (By-law No. 15909)
OCP DESIGNATION: Urban
NCP DESIGNATION: Single Family Residential Large Lots



RECOMMENDATION SUMMARY

- Approval for amending the Building Scheme.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- An amendment to the Building Scheme for Lot 5 is required to accommodate three (3) bedrooms on the main floor of the house.

RATIONALE OF RECOMMENDATION

- The residents of the immediate neighbourhood have been consulted and are in support of the proposal.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve amendments to the Building Scheme as discussed in the report.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Large urban lots rezoned and subdivided under Development Application No. 7904-0151-00.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 57 Avenue):	Single family houses.	Urban/Suburban Residential ½ Acre and Single Family Residential	RH
East:	Single family houses.	Urban/Single Family Residential	RF
South (Across Highway No. 10):	Single family houses.	Suburban	RH
West:	Single family house.	Urban/Suburban Residential ½ Acre	RH

DEVELOPMENT CONSIDERATIONSBackground

- On June 15, 2007, Council approved amendments to the South Newton NCP and Zoning By-law (Application No. 7904-0151-00) to permit the development of 12 large single family lots in the 14700 Block of 56 Avenue.
- The application was subject to significant community consultation. The resulting CD By-law (No. 15909) and Building Scheme were established as a result of discussions with neighbouring property owners to address concerns about neighbourhood character and secondary suites.
- Specifically, the CD By-law was written to ensure that future homes on Lots 1-12 were compatible with the existing neighbourhood by restricting house size and lot coverage. Lots 1- 12 were also designed to provide an appropriate interface between the existing neighbourhood suburban lots to the west and the urban lots to the east.

2010 Application

- In May 2010, the owners of Lots 1-12 (except Lot 5), applied to the City to amend the CD By-law and registered Building Scheme to increase the maximum allowable floor area (Application 7910-0068-00). The owners argued that amending the zone was necessary to sell the majority of the lots, given the restrictions on house size. On June 21, 2010, Council considered and gave the application Third Reading. A DVP was also requested to allow for increased fence height at the southern portions of Lots 10, 11 and 12 to provide a sound attenuation wall along Highway 10.

Lot 5

- Lot 5 was initially included in the 2010 application. While Lot 5 was not considered for increased floor area, an amendment to the Building Scheme to allow for additional bedrooms on the ground floor was included in the original report to Council.
- Prior to the Council meeting, the City received a petition from the neighbourhood requesting additional time to review the proposal. Lot 5 was subsequently pulled from consideration and the staff report to Council proceeded with the recommendation to approve all amendments to the By-law and Building Scheme, except those relating to Lot 5.

Proposal

- The applicant has consulted the neighbourhood and now is wishing to proceed with the current application to amend the Building Scheme on Lot 5 to allow for three (3) bedrooms on the ground floor of the house. Section 6.1 (b) of the Building Scheme currently prohibits more than one bedroom on the main floor. The purpose of this clause is to restrict secondary suites. The proposed ground floor bedrooms are required to accommodate aging parents.

Public Consultation

- On Saturday, July 3, 2010, the applicant met with several neighbours to discuss the proposal and review the house plans for Lot 5. Most of these neighbours were signatories to the original petition expressing concern about the proposal and the potential for future secondary suites in the neighbourhood.
- The meeting was not attended by a representative from the Planning Department. On July 7, 2010, however the City received a follow up letter from the meeting and a petition of support for the Lot 5 amendment from 11 of the 22 of the property owners who initially voiced concern over the proposal.
- According to Mr. Jensen, a spokesperson for the group of residents of the 22 homes situated on Woodside Place and 146A Street, the July 7th petition represents the core group of neighbours involved in the discussions and conveys the neighbourhood's general acceptance of the proposal.
- On June 28, 2010, the City also received a petition of support for the Lot 5 amendment from several property owners along 57th Avenue and 148th Street.
- The owners of the 11 lots in the CD zoned subdivision who initially applied for amendments to the CD By-law and Building Scheme are also in support of the proposal.

PRE-NOTIFICATION

Pre-notification letters were mailed out on June 21, 2010. In addition to the petitions of support, staff also received two phone calls.

- The first call from a nearby resident expressed concern over the Lot 5 amendment prior to receiving additional information from the neighbours.
- A second caller living on 148 Street objected to having to share the existing rear lane with Lot 5.

(A message was left with the resident informing the household there are no restrictions on access to any of the single family properties abutting the lane. The Engineering Department further confirmed the lane is maintained by the City in public ownership and conforms to the engineering standards required to service the area.)

DISCUSSION

- The applicant is wishing to amend the registered Building Scheme on Lot 5 to allow up to three (3) bedrooms on the main floor of the house. The amendment will provide sleeping accommodation (3 bedrooms with ensuites) on the ground floor to accommodate aging parents.

Applicant's Reasons:

- The City issued a building permit for Lot 5 on May 29th 2010. The foundations of the house have now been poured. A subsequent request for a revision to the plans to include two ensuite bathrooms (effectively creating three bedrooms on the ground floor) was denied.
- An amendment to the Building Scheme is now required to complete the construction of the house so it may accommodate two elderly individuals with limited mobility.
- The proposed ground floor bedrooms cannot be easily converted into secondary suites as they lack separate outdoor entries and cooking facilities.

Staff Comments:

- The applicant has consulted and addressed the concerns of the residents in the neighbourhood who requested additional time to review the proposal.
- The petitions of support indicate many residents in the neighbourhood have no further objections and are supportive of the proposal.
- The applicant understands and accepts having three bedrooms on the ground floor will limit the ability to include additional bedrooms or future habitable living space on the second floor of the house without exceeding the specified density under the By-law.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Survey Plan
- Appendix II. Lot 5 House Plans and Elevations

Jean Lamontagne
General Manager
Planning and Development

HP/kms

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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: Jasbir Singh Luddu and Sandesh Luddu
 Address: 6170 – 127A Street
 Surrey, BC V3X 3P5
 Tel: 604-760-3284

2. Properties involved in the Application

(a) Civic Address: 14746 – 56B Avenue

(b) Civic Address: 14746 – 56B Avenue
 Owners: Jasbir Singh Luddu and Sandesh Luddu
 PID: 027-216-209
 Lot 5 Section 10 Township 2 New Westminster District Plan BCP32480

3. Summary of Actions for City Clerk's Office