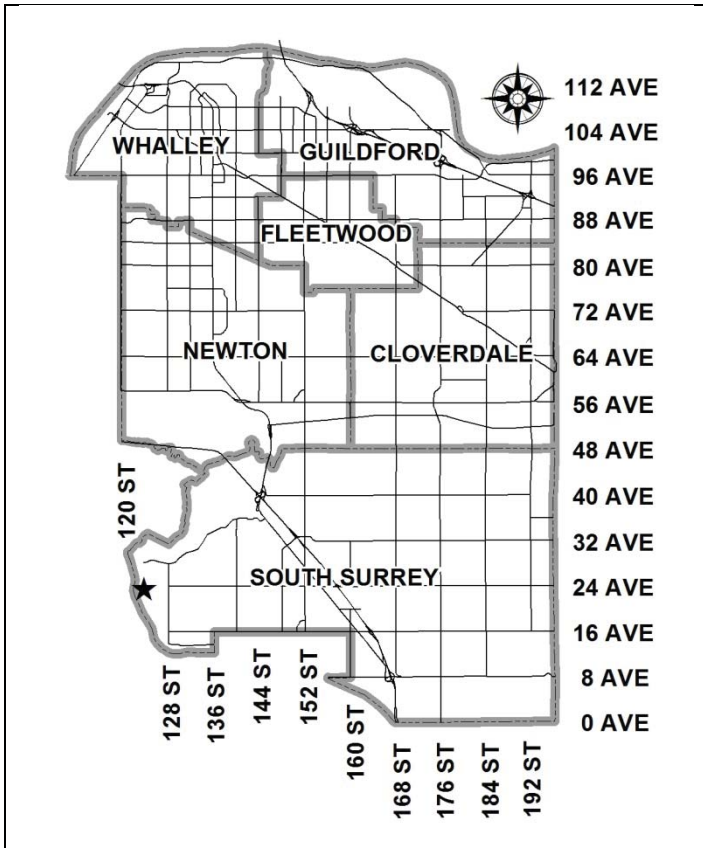


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0260-01

Planning Report Date: May 8, 2017



PROPOSAL:

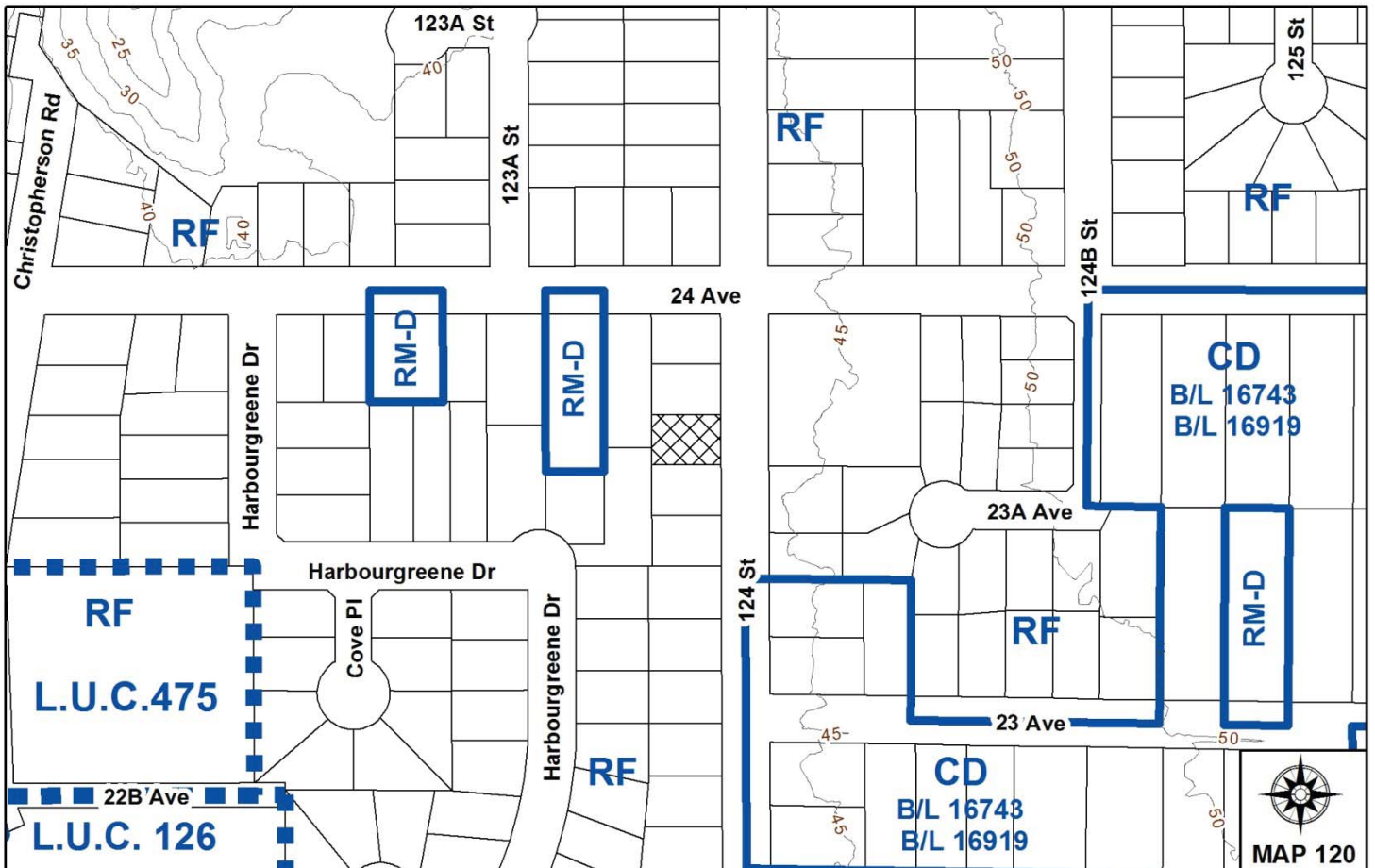
- **Development Variance Permit**
 to reduce the front and side yard setbacks for an existing accessory building.

LOCATION: 2365 - 124 Street

OWNER: Kirk M. Buchanan
 Claire E. Egan

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking a variance to reduce the minimum required front yard and side yard setbacks for an accessory building under the RF Zone.

RATIONALE OF RECOMMENDATION

- The reduced front yard and side yard setbacks are proposed for an existing detached garage that was constructed by a previous owner without a permit. The location of the garage does not comply with the required front yard and side yard setbacks required for an accessory building under the RF Zone.
- A Development Variance Permit is required to allow the retention of the structure in its current location.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7916-0260-01 (Appendix II) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum front yard setback of the RF Zone from 18 metres (60 ft.) to 15.9 metres (52 ft.); and
- (b) to reduce the minimum side yard (north) setback of the RF Zone from 1.0 metre (3 ft.) to 0.6 metres (2 ft.).

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single Family Dwelling

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North, West, and South:	Single family dwellings	Urban	RF
East (Across 124 Street):	School & single family dwellings	Urban	RF

DEVELOPMENT CONSIDERATIONS

- The subject property, located at 2365 – 124 Street, is designated "Urban" in the Official Community Plan (OCP) and is zoned "Single Family Residential Zone (RF)".
- 124 Street, which fronts the subject property, is classified as a collector road. In accordance with Part 7 Special Building Setbacks of Zoning By-law No. 12000, for lots fronting or flanking an arterial road or a collector road, front yard setbacks and side yard setbacks on flanking streets are measured from the centerline of the ultimate road allowance.
- Since 124 Street is a collector road, under the revised standards of the Subdivision and Development By-law approved by Council in 2012, the width for a collector road was increased from 22 metres (72 ft.) to 24 metres (79 ft.).
- The current property line is 10.058 metres (33 ft.) from the centerline, whereas the ultimate property line is 1.942 metres (6.5 ft.) to the west, or 12 metres (39 ft.) from the road centerline.

- In accordance with Part 7 Special Building Setbacks of the Zoning By-law, the front yard setback must be measured from one-half the width of the ultimate road allowance of 12 metres (39 ft.), as measured from the centerline of the road. Therefore, the building setbacks must be measured from a line drawn at 1.942 metres (6.5 ft.) inside the existing property line on 124 Street.
- The applicant is proposing a Development Variance Permit to reduce the front yard setback from 18 metres (60 ft.) to 15.9 metres (52 ft.) and the side yard (north) setback from 1.0 metre (3 ft.) to 0.6 metres (2 ft.) for an existing detached garage.
- The reduced front yard and side yard (north) setbacks will allow for the retention of the existing detached garage in its current location.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum front yard setback of an accessory building in the RF Zone from 18 metres (60 ft.) to 15.9 metres (52 ft.).
- To reduce the minimum side yard (north) setback of an accessory building in the RF Zone from 1.0 metre (3 ft.) to 0.6 metre (2 ft.).

Applicant's Reasons:

- The applicant would like to retain the existing detached garage that was constructed by a previous owner without a permit. The garage does not conform to the required front yard and side yard setbacks under the Zoning By-law.

Staff Comments:

- The applicant has applied for a building permit for an addition to the principal building and requires a Development Variance Permit for the non-conforming detached garage in order to proceed.
- The Zoning By-law requires that the minimum 18.0 metre (60 ft.) front yard setback be measured from 1.942 metres (6.5 ft.) within the existing property line to accommodate the ultimate road right-of-way [24 metres (79 ft.)] for 124 Street. The accessory building (detached garage) would need to be setback 19.942 metres (65 ft.) from the existing property line to meet the ultimate requirement.
- In its current location and without the additional Special Building Setback required under the Zoning By-law, the building would be located 17.78 metres (58 ft.) from the front property line and thus would be deficient from meeting the required setback of 18 metres (60 ft.) by 0.12 metres (0.5 ft.).
- Having said that, the proposed variance is minimal and will allow the applicant to retain the existing detached garage.

- The City has received no formal complaints from other property owners regarding the siting of the existing garage.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary
Appendix II. Development Variance Permit No. 7916-0260-01

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

CB/da

Information for City Clerk

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

1. (a) Agent: Name: Stirling McLeod
 Sarah Gallop Design Inc.
 Address: 1835 – 56 Street, Suite 11
 Delta, BC V4L 2L8

2. Properties involved in the Application
 - (a) Civic Address: 2365 – 124 Street

 - (b) Civic Address: 2365 – 124 Street
 Owner: Claire E. Egan
 Kirk M. Buchanan
 PID: 009-719-458
 Lot 33 Section 18 Township 1 New Westminster District Plan 12538

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7916-0260-01 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0260-01

Issued To: KIRK M BUCHANAN
CLAIRE E EGAN

(the "Owner")

Address of Owner: 2365 – 124 Street
Surrey, BC V4A 3M9

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 009-719-458
Lot 33 Section 18 Township 1 New Westminster District Plan 12538

2365 – 124 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F. Yards and Setbacks of Part 16 "Single Family Residential Zone (RF)" the minimum front yard setback for an accessory building is reduced from 18 metres (60 ft.) to 15.9 metres (52 ft.); and
 - (b) In Section F. Yards and Setbacks of Part 16 "Single Family Residential Zone (RF)" the minimum side yard (north) setback for an accessory building is reduced from 1.0 metre (3 ft.) to 0.6 metre (2 ft.).
4. This development variance permit applies to only that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit.

5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan

