



# **Corporate** NO: R060

# **Report** COUNCIL DATE: March 13, 2000

## **REGULAR COUNCIL**

**TO: Mayor & Council**    **DATE: March 9, 2000**

**FROM: General Manager, Planning & Development**    **FILE: 2152-16100**  
**7900-0057-00**

**SUBJECT: Existing Non-Conforming Duplex at 161 Street and 14 Avenue**

## **RECOMMENDATION**

The Planning & Development Department recommends that:

1. the lot at 1417-161 Street/16091-14 Avenue be rezoned through a Council initiative from "Single Family Residential Zone (RF)" (By-law No. 12000) to "Duplex Residential Zone (RM-D)" (By-law No. 12000); and
2. Council authorize the City Clerk to introduce the appropriate by-law and a date for Public Hearing be set.

## **BACKGROUND**

The owner of the property located at 1417 - 161 Street/16091 - 14 Avenue recently discovered that the existing duplex on the site does not conform to the current zoning on the property. The owner has requested that Council rezone the site to "Duplex Residential Zone (RM-D)" through a Council initiative to allow the duplex use as a conforming use.

## **DUPLEX ZONING CONVERSION PROCESS**

When Surrey Zoning By-law No. 5942 was adopted in 1980, the R-F Family Residential Zone allowed both single family dwellings and duplexes as permitted uses. In 1987, to ensure greater design control over the location and design of duplexes, City Council instructed staff to eliminate duplexes from the list of permitted uses in the R-F Zone and to propose a separate duplex zone. As a result, the R-F Zone was amended on December 14, 1987 by limiting the list of permitted uses to one single family dwelling on any one lot. The new R-F(D) Family Residential Duplex Zone was adopted on January 25, 1988.

As a result of these changes to the Zoning Bylaw, all duplexes already existing in the R-F Zone became legally

non-conforming uses. To avoid creating a situation where existing duplexes throughout the City were non-conforming, Council decided to undertake a Council -initiated rezoning of duplex sites in accordance with a recommended zoning conversion process.

To qualify for inclusion in the Zoning conversion process, Council approved the following criteria :

- the lot must have been zoned R-F;
- the lot must have met the minimum lot width (24 metres/80 feet) and minimum lot area (930 square metres/ 10,000 square feet) requirements;
- the lot could not have been vacant; and
- the existing building on the lot must have contained two dwelling units only.

Once it was determined that a lot met the zoning and size criteria, By-law Enforcement personnel were sent to the property to ensure that the building was a duplex, i.e. containing two dwelling units. Once By-law Enforcement confirmed that the building was a duplex, the property was brought before Council for a City-initiated rezoning to R-F (D).

Determining which properties were eligible for conversion to the new R-F(D) Zone proved to be a difficult task as there was no comprehensive list of duplexes in Surrey. Most of the information about existing duplexes was obtained from a review of zoning maps and field surveys. A number of landowners, becoming aware of the zoning conversion process from various sources, public notices, newspaper advertisements and word of mouth, also came forward requesting that their R-F zoned duplexes be rezoned to the new R-F (D) Zone.

Due to the lack of sufficient information available to staff at that time, it was acknowledged that some duplexes could be missed in the zoning conversion process. An information bulletin outlining the zoning conversion process was prepared for distribution at the Planning and Development front counter. An advertisement with the same text as the bulletin was placed in the local newspapers to apprise the general public and invite landowners to submit their zoning requests by May 31, 1989 deadline. It was noted in both the bulletin and advertisement that any landowner seeking rezoning after the May 31, 1989 deadline would be required to submit a rezoning application and would be required to pay the applicable application fees.

Approximately 1,300 lots were identified as potential lots for the new R-F(D) Zone. Staff determined that 584 of these lots (45%) satisfied all the duplex criteria and as a result, were subsequently rezoned to R-F(D). The last zoning conversion by-law was adopted by Council on May 14, 1990.

In 1993, Surrey Zoning By-law No. 12000 was adopted. All properties formerly zoned R-F Family Residential under Zoning By-law No. 5942 were converted to the RF Single Family Residential Zone. All properties formerly zoned R-F(D) Family Residential Duplex Zone under Zoning By-law No. 5942 were converted to the RM-D Duplex Residential Zone.

## **DISCUSSION**

The owner of the subject lot (1417 - 161 Street/16091 - 14 Avenue) indicated that the original property was subdivided to create a duplex size lot and a single family size lot. Subsequently, a Building Permit was issued for the construction of a duplex on the duplex-size lot in 1983. All construction was approved and an occupancy certificate was granted in December 1983. The lot meets the requirement of the RM-D Zone with more than 24 m (80 feet) of frontage and 930 square metres (10,000 square feet) in area (Appendix II).

However, the subject property was not included in the Council-initiated rezoning process and retained the "Single Family Residential Zone (RF)".

A review of the City's records substantiates the claims of the property owner. As such, it is reasonable for the site to be rezoned by way of a Council initiative to "Duplex Residential Zone (RM-D)" so that the existing duplex use becomes a conforming use.

## CONCLUSION

In order to ensure greater control over the location and design of duplexes, Council, in 1987 amended Zoning By-law No. 5942 to remove duplexes as a permitted use in the single family R-F Zone and in, 1988, created a new R-F (D) Zone for duplexes. To avoid a situation where existing duplexes throughout the City were non-conforming, Council also initiated a process of rezoning existing duplexes, provided certain criteria were met.

Due to incomplete information, the subject property, 1417- 161 Street/16091-14 Avenue was not rezoned under the Council-initiated rezoning conversion of 1988-1990 and, as a result, the duplex is now an existing non-conforming use. The owner of the duplex, however, has demonstrated that the property complies with the requirements of the RM-D Zone and should have been included in the earlier Council-initiated rezoning process for duplex lots. Therefore, it is appropriate that Council initiate a rezoning of the property to make the existing duplex conforming. On this basis, it is recommended that Council authorize the City Clerk to introduce the appropriate by-law and a date for the related Public Hearing be set.

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General Manager

Planning & Development Department

RK/bea

Appendix I - Context Plan

Appendix II - Subject Site

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