



Corporate NO: R133

Report COUNCIL DATE: June 12, 2000

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **May 30, 2000**

FROM: **General Manager, Planning & Development** FILE: **2152-11400**

SUBJECT: **Proposed Second Dwelling Unit - 13863 - 114 Avenue**

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Receive this report as information; and
2. Instruct the City Clerk to forward a copy of this report to Dan and Wendy MacLaren and advise them to seek a suitable solution with staff from among the four options presented in this report.

BACKGROUND

At the May 1, 2000 Regular Council meeting, Council considered a letter dated April 30, 2000 (copy attached as Appendix II) from Dan and Wendy MacLaren, requesting permission to construct a second dwelling, for compassionate reasons, on Mr. MacLaren's father's property at 13863 - 114 Avenue. Council passed the following resolution:

“That the letter from Mr. MacLaren be referred to staff for a report.”

DISCUSSION

The MacLarens are seeking to construct a second home on a 1.6-acre (0.65 hectare) site in North Surrey (Appendix I). The subject property, at 13863 - 114 Avenue, is zoned Single Family Residential (RF) and has been owned by Mr. MacLaren Senior for over 43 years. According to building permit records, the existing home is approximately 1,364 sq.ft. (127 m²) in size (including attached garage) and was built by Mr. MacLaren Senior in 1957.

The subject site is located in the single family neighbourhood of Boliver Heights, immediately north of Len Shepherd Junior Secondary School. The site slopes from south to north and contains many mature coniferous trees, particularly to the north and east of the house. The land has subdivision potential based on the dedication and construction of a half-road (138A Street) along the west property line, coinciding with the location of the existing driveway. Although the lot fronts sanitary sewer, the existing house is on a septic disposal system.

To provide personal care to Mr. MacLaren Senior, who is blind and hearing impaired, Dan and Wendy MacLaren have appealed to Council to receive permission to construct a second single family dwelling on the lot. The intent is for Mr. MacLaren Senior to live independently in his existing home, while his son and his wife would live nearby in their own single family dwelling on the same lot. The son could provide assistance as well as security, when necessary, to Mr. MacLaren Senior.

Options

Staff have considered various options which could accommodate a second dwelling on the subject site and have consulted the Legal Services Division. Based on advice from Legal Services, it has been determined that four options are feasible. The pros and cons of each option are described below.

1. Two-Lot Subdivision

Under this option the existing 1.6-acre lot would be subdivided into two lots. One of the lots would contain Mr. MacLaren's existing home and the second could accommodate a new dwelling for his son and his family.

Although this over-sized RF-zoned lot has potential for more than two lots, the road dedication and construction requirement could be deferred to a subsequent phase if only two lots are sought initially, provided proper legal documents are registered to protect the alignment of the future road.

Pros

- achieves the MacLarens' goal
- compliant with the Concept Plan for the area
- road dedication and construction can be deferred to future subdivision thereby minimizing costs

Cons

- time-consuming
 - a building scheme and character study are required
 - servicing agreement (or requires a Development Variance Permit to defer works and services requirements on 114 Avenue)
- expensive
 - subdivision application fee (\$1,384 for 2 proposed lots)
 - consultants' fees (design consultant, engineer, lawyer, surveyor)
 - development cost charges of \$19,710 applicable to the new lot
 - works & services applicable for 114 Avenue frontage (may be deferred by Development

Variance Permit)

- additional taxes and user charges payable for additional lot

2. Rezoning to Allow Two Dwelling Units on One Lot for Care of Relative

Under this option, a Comprehensive Development Zone could be adopted to allow two separate single family dwellings on the subject property.

Pros

- achieves the MacLarens' goal
- future subdivision potential can be protected

Cons

- time-consuming
 - establishing care criteria to legitimize the zone
 - By-law process, including Public Hearing
- uncertainty in the rezoning process
- relatively expensive
 - rezoning application fee (\$3,854 for CD zoning)
 - consultants' fees (design consultant, engineer, surveyor)
 - works & services applicable for 114 Avenue frontage (may be deferred by Development Variance Permit)
- precedent setting

3. Expand Existing House With No Additional Kitchen

Under this option, the existing home would be expanded up to a total maximum floor area of 330 m² (3,550 sq. ft.), provided there is only one kitchen. The expanded dwelling could accommodate both the MacLaren family and Mr. MacLaren Senior.

Pros

- building permit issue only
- additional costs limited to a sanitary sewer connection for the expanded house (a sanitary sewer exists on 114 Avenue)
- relatively quick solution
- no by-law or policy variances required

Cons

- independence for father not achieved

- renovation may be as costly as a new home
- house size limitation of 3,550 sq.ft. in RF Zone (maximum addition of approximately 2,186 sq.ft./ 213 m² permitted based on the existing house having an area of 1,364 sq.ft.)

4. Adopt New Zone to Allow One Mobile Home on a Residential Lot In Addition to a Single Family Dwelling for Care of Relative

Surrey Mobile Homes and Trailer Regulation and Control By-law, 1980, No. 6142 allows, under specific conditions, a mobile home to be placed on a lot for the purpose of caring for a relative. The Zoning By-law, however, does not allow more than 1 dwelling unit on a lot and, therefore, this specific Mobile Home By-law provision has no effect for single family zones (except in the Agricultural Zones). If the Zoning By-law was amended, by introducing a new zone that permits a single family dwelling and a mobile home, the Mobile Home By-law provisions could then be utilized. The current provisions in the Mobile Home By-law, however, specify that the mobile home should be for the person receiving care (not for the care giver). Therefore, for the MacLarens' purposes, the Mobile Home By-law also requires revisions.

Pros

- independence for father achieved
- future subdivision potential can be protected
- address future compassionate issues of others

Cons

- does not achieve the MacLarens' goal of two permanent, independent dwellings
- time-consuming
 - establishing care criteria
 - By-law process, including Public Hearing for both the Zoning By-law amendment to incorporate the new zone, the rezoning by-law for this site, and possible amendments to the Mobile Home By-law
- uncertainty in the rezoning process
- relatively expensive
 - rezoning application fee (approximately \$3,000 for new zone)
 - consultants' fees (engineer, surveyor)
 - works & services applicable for 114 Avenue frontage (may be deferred by Development Variance Permit)

Option Selection

During the past number of weeks, staff have reviewed these options with the MacLarens. The key factors for the MacLarens are wanting a relatively quick solution, wanting to minimize the amount of expense involved, and the need for independent dwellings. Options 1 and 2 are both time-consuming and costly, nevertheless

they achieve the goal of separate dwellings. Option 3 could be as costly as building a new building but does not result in independent dwelling units. Option 3, however, could provide a relatively quick solution. Option 4 is time-consuming and does not achieve the goal of two permanent homes on the lot. Based on consultation with the City Solicitor, there does not appear to be any other viable options.

All four options described in this report are achievable. However, none of the options fulfills all of the MacLaren's wishes.

CONCLUSION

Staff have investigated means by which the MacLarens can achieve their goal of a second dwelling unit on the 1.6-acre site in Boliver Heights so that they can provide care for their elderly father. Four options are available to the MacLarens; options 1 and 2 appear to best meet their needs.

It is recommended that Council receive this report as information and instruct the City Clerk to forward a copy of this report to Dan and Wendy MacLaren and to advise them to seek a suitable solution with staff from among the four options described in this report.

Murray Dinwoodie

General Manager

JR/bea Planning & Development Department

Attachments

c.c. - City Solicitor

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