



Corporate *NO: R003*

Report *COUNCIL DATE: January 6, 2003*

REGULAR COUNCIL			
TO:	Mayor & Council	DATE:	January 3, 2003
FROM:	General Manager, Planning & Development	FILE:	07354-18400
SUBJECT:	Proposed Amendment to the RA Zone to Accommodate an Ancillary Skateboard Ramp Structure		

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Approve amendments to Surrey Zoning By-law, 1993, No. 12000 as documented in Schedule "A";
2. Instruct the Acting City Clerk to bring forward the necessary amendment by-law for the required readings and to set a date for the Public Hearing;
3. Instruct the Acting City Clerk to notify the owners of all properties located within 100 metres (300 ft.) of 7354 – 184 Street, of the proposed amendment by-law in addition to normal notification procedures for Zoning By-law text amendments; and
4. Instruct the Acting City Clerk to forward a copy of this report and Council's resolution to Mr. Henderson, the representative of the owner of the property at 7354 – 184 Street.

BACKGROUND

During the summer of 2002, City staff received a complaint of a skateboard ramp structure being constructed on an RA-zoned property in the Clayton area (7354 - 184 Street - refer to Schedule "B") without a building permit. Staff investigated the complaint and confirmed that such a structure was being constructed and did not conform to the requirements of the City's Zoning By-law. Staff forwarded a letter to the owner of the property requesting that the structure be removed. In response to this direction, Mr. Darren Henderson requested to appear before Council as a delegation on behalf of the owner of the property, to appeal the City's decision that the ramp be removed. Council granted this request and Mr. Henderson made a presentation to Council at a

Council-in-Committee meeting on October 21, 2002. In response to the delegation's appeal, Council requested staff to prepare a Corporate Report on the matter, prior to any further action being taken.

At the Regular Council meeting on November 4, 2002, Council considered Corporate Report No. R214 and a supplemental memorandum to Council (attached as Schedule "C"), which outlined the options available to Council regarding the skateboard ramp. After consideration of the alternatives, Council instructed staff to prepare a text amendment to the RA Zone as contained in the Surrey Zoning By-law to accommodate the skateboard structure.

DISCUSSION

Based on the definitions contained in Surrey Zoning By-law, 1993, No. 12000, an accessory structure on a lot cannot be greater in area than the principal structure (i.e. the single family dwelling) on the same lot. Based on this definition the subject skateboard ramp cannot be considered an accessory use because the area covered by the structure exceeds the area covered by the single family dwelling (the principal structure) on the site. The subject property at 7354 – 184 Street is 0.93 hectares (2.3 acres) in area. The area covered by the skateboard ramp structure is 173.4 square metres (1,865 sq. ft.) and the area covered by the existing single-family dwelling is 110.3 square metres (1,187 sq. ft.).

To implement Council's direction to accommodate the existing skateboard ramp, it is proposed that the RA Zone be amended to permit a skateboard ramp structure in association with a single family dwelling, provided the following conditions are satisfied:

- the lot area is a minimum of 0.9 hectare (2.2 acres);
- a single family dwelling exists on the lot;
- the skateboard ramp structure:
 - is no higher than the single family dwelling constructed on the lot, but in any case does not exceed 5 metres (16 ft.) in height as measured from finished grade at the base of the structure to the top of the highest point of the structure, including any handrails;
 - covers an area no greater than 173.4 sq. m. (1,865 sq. ft.) and is contained within an envelope on the lot measuring 14.3 metres (47 ft.) by 12.2 metres (40 ft.) wide;
 - is sited behind the rear wall of single family dwelling and is a minimum of:
 - 18.0 metres (60 ft.) from the front property line;
 - 7.5* metres (25 ft.) from the side property line (*one side yard setback may be reduced to not less than 3 metres (10 ft.) if the opposite side yard setback on the lot is at least 15 metres (50 ft.) and the reduced side yard abuts property that is designated Suburban in the OCP;
 - 36.0 metres (120 ft.) from the rear property line; and
 - 36.0 metres (120 ft.) from the side yard on a flanking street;
 - not used for commercial purposes;
 - used for the enjoyment of the residents of the single family dwelling on the lot; and
 - completely enclosed by a fence measuring a minimum of 1.8 m (6 feet) and a maximum of 3.6 m (12 feet) in height or is equipped with a security device to prohibit unauthorized use of the structure; and
- lot coverage of all buildings and structures on the lot does not exceed 20%.

Although not anticipated to be a common request, the amendment to the RA Zone is being made relatively restrictive due to the size of the structure and the potential noise impacts that could be generated by its use. Mr. Henderson was requested to review and comment on the proposed amendments to the RA Zone. It has been confirmed by Mr. Henderson that the existing skateboard ramp structure fulfils all of the proposed requirements.

Mr. Henderson submitted a survey certificate that identified the location, dimensions and setbacks of the single-family dwelling and the skateboard ramp that are constructed on the site at 7354 – 184 Street. Based on this information, which is outlined in the following table, the existing skateboard ramp structure conforms with the proposed text amendments to the RA Zone.

Proposed Text Amendments to the RA Zone	Subject Site Compliance with Proposed Text Amendments
Minimum lot area of 0.9 ha. (2.2 ac.)	0.93 ha. (2.3 ac.)
Existing single family dwelling on the lot	Yes
Skateboard ramp structure	
<ul style="list-style-type: none"> ▪ No higher than the height of the constructed SF dwelling 	House – 8.2 m. / Ramp – 5.0 m.
<ul style="list-style-type: none"> ▪ A maximum of 5.0 m. (16 ft.) high 	5.0 m. (16 ft.)
<ul style="list-style-type: none"> ▪ Conforms with the dimension restrictions 	Yes
<ul style="list-style-type: none"> ▪ Conforms with setback requirements 	Yes (one side yard setback is relaxed to 3.0 m. (10 ft.)
<ul style="list-style-type: none"> ▪ Not used for commercial purposes 	Yes
<ul style="list-style-type: none"> ▪ Used for the enjoyment of the residents on the site 	Yes
<ul style="list-style-type: none"> ▪ Enclosed by a fence or equipped with a security device 	Yes
Lot coverage (of all buildings/structures) does not exceed 20%	3 %

The proposed text amendments to the RA Zone were reviewed by Legal Services and were confirmed to be satisfactory from a legal perspective.

Staff recommend that the standard public notification process for text amendments be expanded, in this instance, to ensure that potentially affected property owners in the vicinity of the property at 7354 – 184 Street are aware of the proposed text amendment to the RA Zone that will allow the existing skateboard ramp on the subject property to remain on a permanent basis. The standard process for Zoning By-law text amendments is to advertise in two consecutive printings of a local paper, within 10 days of the scheduled Public Hearing date. In this case, staff recommend that in addition to the standard notification process for Zoning By-law text amendments, the Acting City Clerk be instructed to provide notification regarding the Public Hearing to the owners of all properties that are located within 100 metres (300 ft.) of 7354 – 184 Street, as illustrated in Schedule "D".

CONCLUSION

In response to Council's directive, staff has prepared text amendments to the RA Zone to accommodate an ancillary skateboard ramp structure subject to certain conditions. The proposed regulations are restrictive; however, they will accommodate the skateboard ramp structure erected on the site at 7354 – 184 Street. It is recommended that Council approve the proposed text amendments, introduce and give first and second readings to the necessary amendment by-law and set a date for the Public Hearing. It is further recommended, in addition to the normal notification procedures for the Public Hearing for any Zoning By-law text amendments, that Council authorize the Acting City Clerk to send notification of the Public Hearing to the owners of each property that is located within 100 metres (300 ft.) of 7354 – 184 Street and forward a copy of this report and Council's resolution to Mr. Henderson, the representative of the owner of the property at 7354 – 184 Street.

Murray Dinwoodie
General Manager
Planning and Development

AP/kms/saw

Attachments

Schedule "A" – Proposed Text Amendments to the RA Zone

Schedule "B" – Location Map

Schedule "C" – Corporate Report No. R214 and Supplemental Memorandum to Council

Schedule "D" – Proposed Notification Area for Proposed Text Amendment

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