

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7911-0030-00

Planning Report Date: May 30, 2011

PROPOSAL:

- **Partial Land Use Contract discharge**

in order to allow the underlying RF Zone to come into effect and permit the construction of an addition to the existing dwelling.

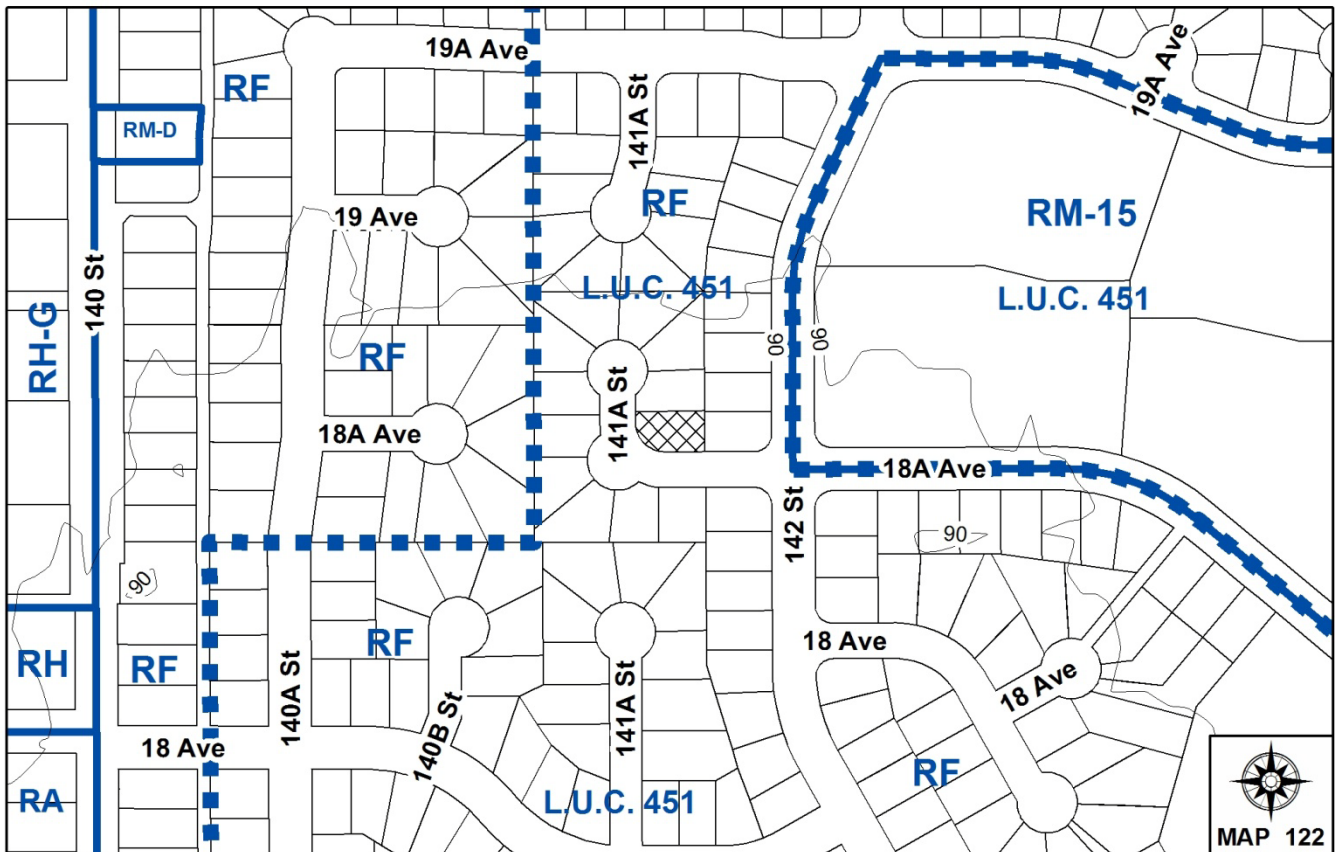
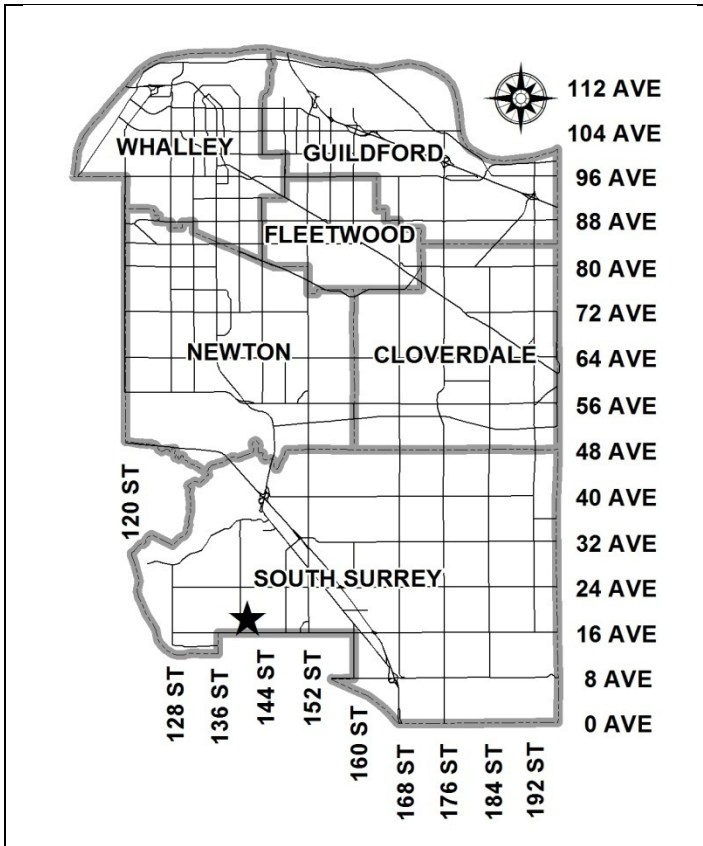
LOCATION: 1868 - 141A Street

OWNERS: Greg Kendall and Erin E Kendall

ZONING: Land Use Contract No. 451

OCF DESIGNATION: Urban

LAP DESIGNATION: Urban Residential



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Partial Land Use Contract Discharge.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Land Use Contract No. 451 does not permit the proposed addition to the existing dwelling on the subject property. The applicant proposes to discharge Land Use Contract No. 451 to allow the underlying RF Zone to come into effect in order to permit the proposed addition.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with the Semiahmoo Peninsula Local Area Plan.
- The partial discharge of Land Use Contract No. 451 on the subject property will have a negligible effect on the surrounding neighbourhood and the proposed addition to the existing single family dwelling will have minimal impact on the rear yard privacy of adjacent properties.
- The underlying RF Zone is considered appropriate for the area and consistent with established land uses which include single family dwellings on smaller urban lots.
- The public consultation undertaken for this development application has not generated any significant concerns with regard to the partial Land Use Contract discharge.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to partially discharge Land Use Contract No. 451 from the subject property at 1868 141A Street and a date for Public Hearing be set.
2. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) registration of a Section 219 Restrictive Covenant to prevent future conversion of the garage to livable space and prohibit a secondary suite; and
 - (b) registration of a Section 219 Restrictive Covenant to restrict lot coverage to 36%.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North:	Single family dwelling.	Urban/Urban Residential	LUC No. 451
East:	Single family dwelling.	Urban/Urban Residential	LUC No. 451
South (Across 18A Avenue):	Single family dwelling.	Urban/Urban Residential	LUC No. 451
West (Across 141A Street):	Single family dwelling.	Urban/Urban Residential	LUC No. 451

DEVELOPMENT CONSIDERATIONSBackground/Proposal

- The property is designated “Urban” in the Official Community Plan (OCP) and “Urban Residential” in the Semiahmoo Peninsula Local Area Plan (LAP).
- The subject property is 557 square metres in area and has an existing one-storey single family dwelling located at the northeast corner of 141A Street and 18A Avenue. The property is located within a larger single family subdivision developed in 1983 and regulated by Land Use Contract No. 451.

- Land Use Contract No. 451 is based on the Residential Zone Number Three (R-3) under Zoning By-law No. 2265, Part IX, which restricts the building size through a combination of height, lot coverage and setback requirements (Appendix III).
- The owners of 1868 – 141A Street submitted a building permit application for a second floor addition on February 1, 2011 and were issued the permit on February 25, 2011. This upper floor addition is in compliance with Land Use Contract No. 451 and construction is currently underway for its completion.

Proposed Addition

- The proposal involves partially discharging Land Use Contract No. 451 in order to permit an 8.5 square metre (92 sq. ft) ground-level addition to an existing residential dwelling. The proposed addition is located along the south side of the existing dwelling and maintains a relatively large side yard setback of 4 metres (13 ft.) from the south property line.
- The proposed addition to the existing dwelling will conform to regulations established by the underlying RF Zone.

Evaluation of Partial Discharge of Land Use Contract No. 451

- The proposed addition will have a negligible impact on current land use or residential dwellings located on adjacent properties within the surrounding neighbourhood.
- Due to the complexity of Land Use Contracts, the discharge of Land Use Contracts, wherever possible, is considered good practice to simplify the administration of land-use regulations.
- The underlying RF Zone is considered appropriate and generally conforms with restrictions imposed on single-family dwellings under Land Use Contract No. 451.
- City staff have expressed concerns that partially discharging Land Use Contract No. 451 will enable the owner of 1868 141A Street to create a future secondary suite given recent changes, approved by Council, to Zoning By-law No. 12000 which now permits one secondary suite in single family residential zones. In order to maintain greater consistency with adjacent properties regulated under Land Use Contract No. 451, the applicant has agreed to register a S. 219 Restrictive Covenant on title for 1868 – 141A Street to prevent a future secondary suite, as well as conversion of the existing garage to liveable space.
- A restriction to lot coverage will also be put in place as the maximum lot coverage permitted under the RF Zone is 40% while the maximum lot coverage under Land Use Contract No. 451 is 33%. The applicant has agreed to register a S. 219 Restrictive Covenant on title to restrict the maximum lot coverage to 36% (the amount currently sought with the proposed addition).

PRE-NOTIFICATION

Pre-notification letters were sent out May 13, 2011 and staff received 3 phone calls in response:

- City staff received 3 phone calls from nearby property owners who requested additional information on the development application. There was some confusion regarding whether this application is related to current construction taking place at 1868 – 141A for an upper floor addition. After obtaining further information regarding the proposed addition at 1868 – 141A Street, two callers were not opposed to discharging the Land Use Contract. The other caller did not provide comment.

(City staff clarified that a building permit application for this upper floor addition was submitted on February 1, 2011 and the permit was issued on February 25, 2011. This application is separate from the current development application under proposal for a main floor addition.)

CONCLUSION

- The partial discharge of Land Use Contracts is considered good practice to simplify the administration of land-use regulations. Furthermore, the proposed addition and existing dwelling generally conform with restrictions imposed on single family dwellings currently regulated under Land Use Contract No. 451. Where restrictions differ, the applicant has agreed to register S. 219 Restrictive Covenants to: (1) prohibit secondary suites; (2) prohibit conversion of the garage to liveable space; and (3) to restrict the maximum lot coverage to 36%. These measures will ensure the dwelling is similar to the single family homes on adjacent properties, and the underlying RF Zone is considered appropriate within the context of the surrounding neighbourhood.
- On this basis, City staff recommend the application proceed to By-law Introduction and a date be set for Public Hearing to discharge the Land Use Contract from 1868 – 141A Street.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Site Plan and Building Elevations
Appendix III.	Residential Zone Number Three (R-3) from Zoning By-law No. 2265
Appendix IV.	LAP Plan

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

CAL/kms

\\file-server1\net-data\csdc\generate\areaproduct\save\15005961025.doc
. 5/26/11 8:31 AM

APPENDIX IInformation for City Clerk

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

1. (a) Agent: Name: Lance A Ponych
 Address: 15439 Poplar Drive
 Surrey BC
 V4A 5J7
 Tel: 604-536-3241 - Home
 778-881-7482 - Cellular

2. Properties involved in the Application
 - (a) Civic Address: 1868 - 141A Street

 - (b) Civic Address: 1868 - 141A Street
 Owner: Erin E Kendall
 Greg Kendall
 PID: 000-514-641
 Lot: Lot 490 Section 16 Township 1 New Westminster District Plan 66017

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to partially discharge Land Use Contract #451.

DEVELOPMENT DATA SHEET

Proposed/Existing Zoning: RF

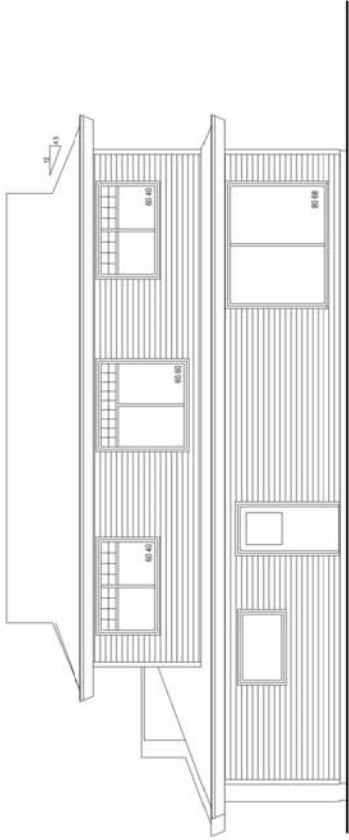
Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		557 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	33%	36%
SETBACKS (in metres)		
Front		
Rear		
Side #1 (N,S,E, or W)		
Side #2 (N,S,E, or W)		
Side #3 (N, S, E or W)		
BUILDING HEIGHT (in metres/storeys)		
Principal		
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential	270 m ²	262.5 m ²
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

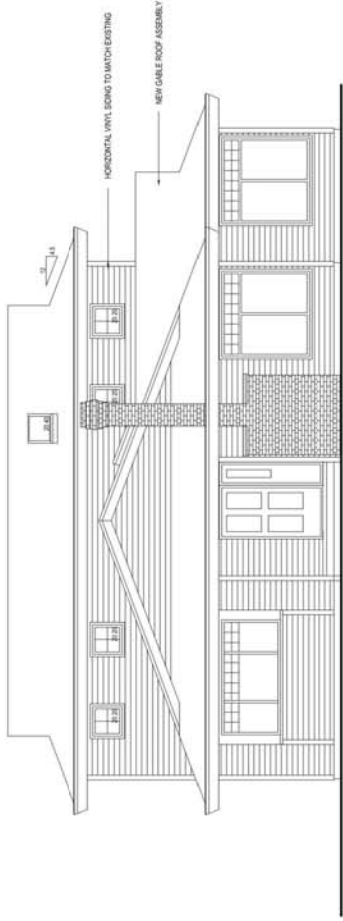
Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)		0.47
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces		
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

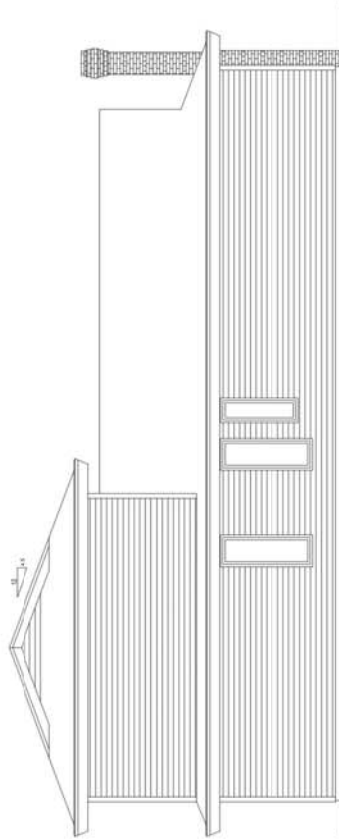
Heritage Site	NO	Tree Survey/Assessment Provided	NO
---------------	----	---------------------------------	----



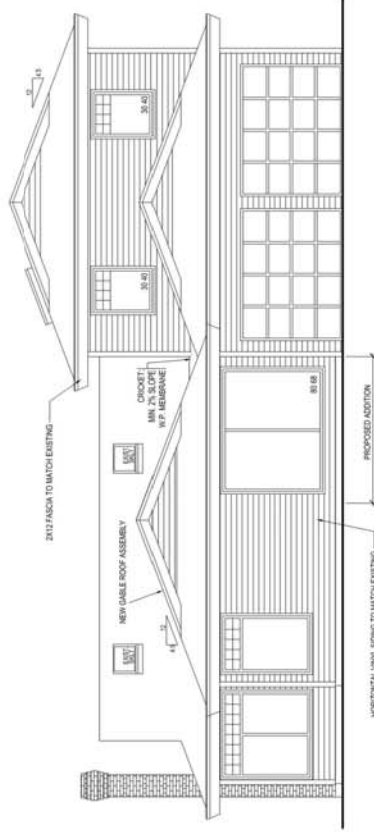
EAST ELEVATION
18-1122



WEST ELEVATION
18-1122



NORTH ELEVATION
18-1117



SOUTH ELEVATION
18-1117

The responsibility of the fabricator with all dimensions and specifications prior to construction and to verify the fabricator immediately of any discrepancy or omission.
The fabricator must conform to all applicable Codes and all other regulatory bodies with jurisdiction.
All construction and installation of materials and equipment shall be done in accordance with good building practice and MANUFACTURER'S INSTRUCTIONS.

THESE PLANS CONFORM
TO B.C. BUILDING CODE
2006 EDITION

PROJECT: ADDITIONS & ALTERATIONS TO EXISTING DWELLING
KENDALL HOUSE
1868 141 A STREET
SURREY, B.C.

KOKAS DESIGN
105-1071 J.W. JULE
SURREY, B.C. V4A 4G3
604-532-3244

MAY 2010 DRAWN: MK
ELEVATIONS

REV:

4

SCALE: AS SHOWN

PART IX -- R-3 RESIDENTIAL ZONE NUMBER THREE (3)USES

A. Land and structures shall be used for the following purposes only:

1. Residential single-family uses only.
2. Accessory building not exceeding twelve (12) feet in height, located in the rear yard of the building to which they are accessory, provided that:

A private garage or accessory building shall be situated:

- (i) From the street line in front minimum sixty (60) feet;
 - (ii) From the lane five (5) feet;
 - (iii) From the side lot line three (3) feet;
 - (iv) From a flanking street .. twenty-five (25) feet.
3. Storage or parking ancillary to a residential use on the same lot:
 - (a) Three vehicles, one of which may be a truck not exceeding three-quarter 3/4 ton capacity, and
 - (b) One house trailer and one camper, and
 - (c) Pleasure boats kept for other than gain or sale, and
 - (d) Wrecked vehicles are prohibited.

SUBDIVISION

B. No land in an R-3 Zone shall be subdivided into parcels of less than seventy-two hundred (7200) square feet, and further that:

1. Minimum width of the site shall be sixty (60) feet.
2. Minimum depth of the site shall be ...seventy-two (72) feet.

YARDS

C. Minimum yard requirements shall be as follows:

1. Front yard twenty-five (25) feet;
2. Rear yard twenty-five (25) feet;
3. Side yard six (6) feet;
4. Side yard on a corner site.... twelve and one-half (12-1/2) feet.

COVERAGE

D. Maximum site coverage of all buildings thirty-three (33) per cent.

HEIGHT

E. Maximum height of a building thirty (30) feet.

GARAGE

F. Where lane access or secondary access is not available the design of every single family dwelling shall provide sufficient space for, or incorporate therein, an attached garage or carport, or a detached garage, of not less than ten (10) feet by twenty (20) feet.

