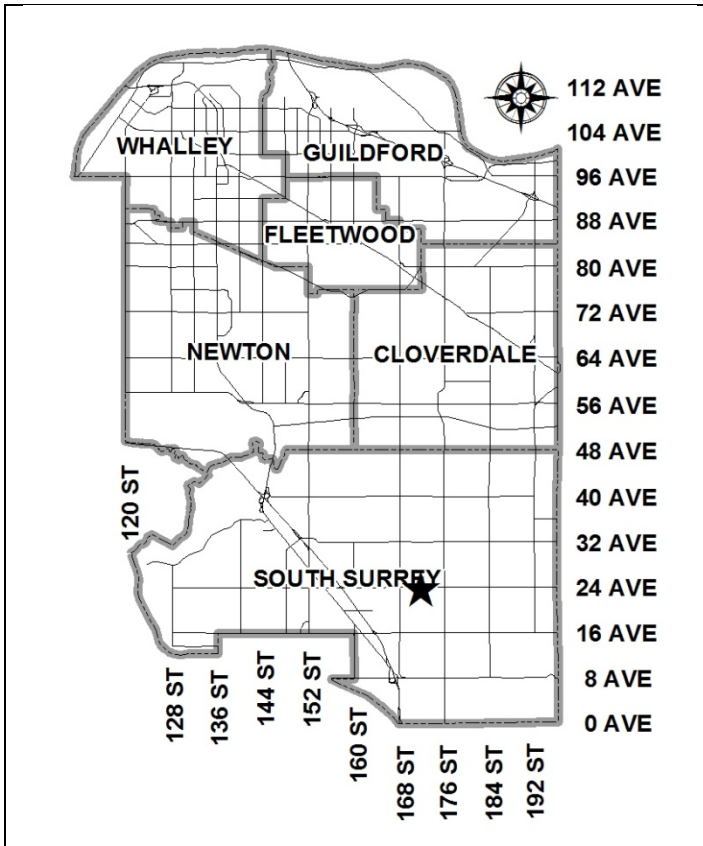


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7911-0184-00

Planning Report Date: April 2, 2012



**PROPOSAL:**

- **Development Variance Permit** to legalize two existing accessory buildings

**LOCATION:**

17140 - 24 Avenue

**OWNER:**

Steve Czinege, Jolan Czinege and Steve A Czinege

**ZONING:**

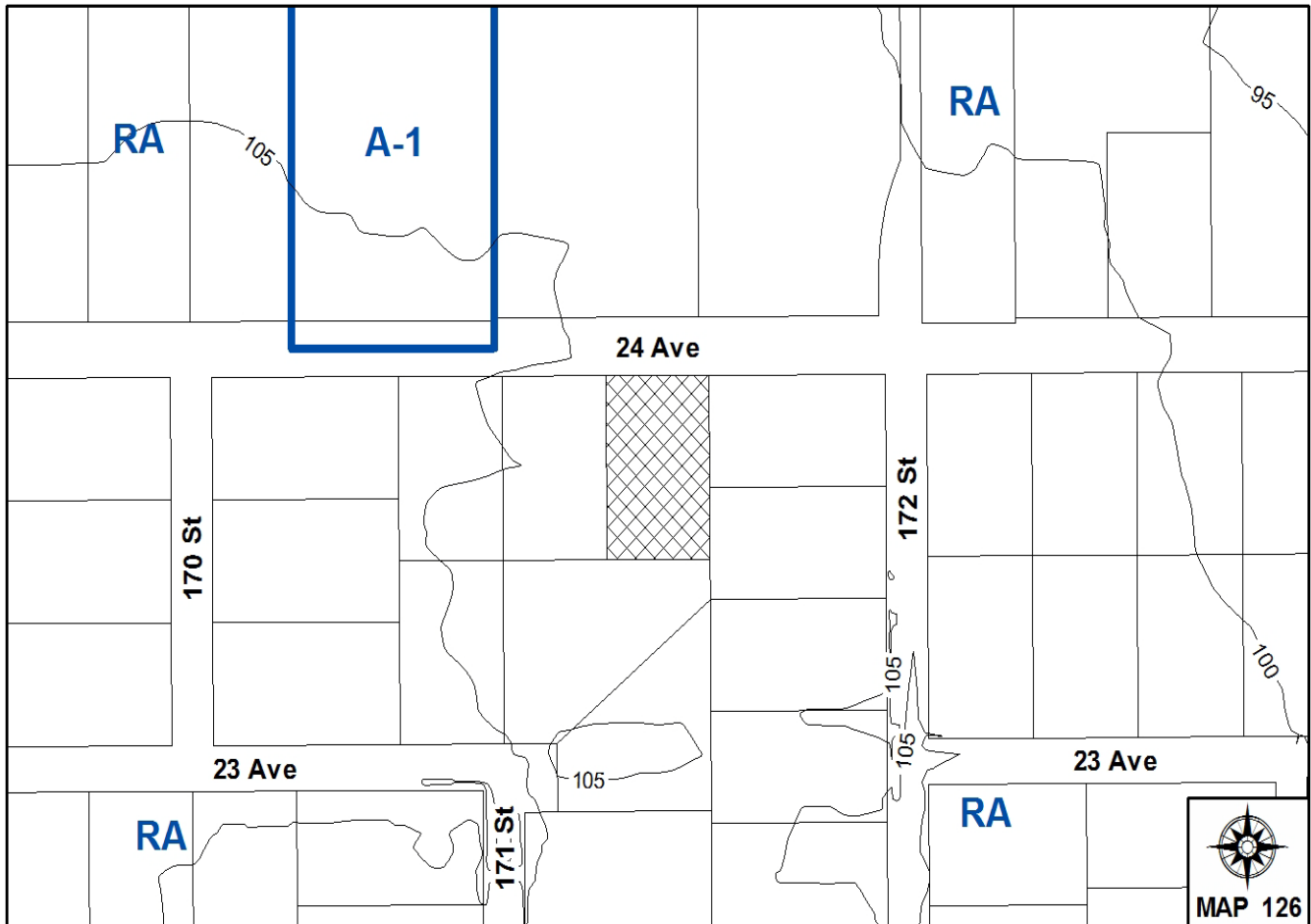
RA

**OCP DESIGNATION:**

Suburban

**LAP DESIGNATION:**

Suburban Residential



### RECOMMENDATION SUMMARY

- Approval for Development Variance Permit for accessory building (Building 1) rear yard setback to proceed to Public Notification.
- Denial of Development Variance Permit for accessory building (Building 2) height.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- One accessory building (Building 1) has been constructed too close to the rear property line, requiring a setback relaxation from 1.8m (5.9 ft) to 1.5m (4.9 ft).
- Another accessory building (Building 2) is two stories 6.6m (21.7 ft) in height, exceeding the maximum allowable height of 4.5m (14.8 ft).

### RATIONALE OF RECOMMENDATION

#### **Rear yard setback variance for one-storey garage (Building 1):**

- The one-storey accessory building is hidden by hedges on both the east and south property line.
- The accessory building is not located in close proximity to any neighbouring homes.

#### **Height variance for two-storey workshop/office (Building 2):**

- Some neighbours have objected to the height and size of the two-storey accessory building.
- The second floor of the two-storey building is constructed in a manner that would allow it to be easily converted to a dwelling unit.
- The accessory building is larger than the single family home, which is contrary to the Zoning By-law.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7911-0184-00(1) (Appendix III) (Building 1) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum accessory building rear yard setback of the RA Zone from 1.8 metres (5.9 ft.) to 1.5 metres (4.9 ft.) for the existing one-storey garage.
2. Council instruct staff to resolve the following issue prior to approval:
  - (a) The applicant obtain the necessary permits for this structure, including appropriate confirmation that it is in compliance with the BC Building Code;
  - (b) The applicant conduct appropriate review of the lot grading and drainage to ensure that drainage does not affect neighbouring properties; and
  - (c) The applicant pay any penalties that may be associated with the construction of this accessory building without permits.
3. Council deny the following variance:
  - (a) to vary the maximum accessory building height of the RA Zone allowed from 4.5 metres (14.8 ft.) to 6.6 metres (21.7 ft.) for the existing two-storey workshop/office (Building 2).

Should Council determine that there is merit in allowing this variance, the appropriate motion is as follows:

1. Council approve Development Variance Permit No. 7911-0184-00(2) (Appendix IV) (Building 2) varying the following to proceed to Public Notification:
  - (a) to vary the maximum accessory building height of the RA Zone allowed from 4.5 metres (14.8 ft.) to 6.6 metres (21.7 ft.) for the existing two-storey workshop/office.
2. Council instruct staff to resolve the following issues prior to approval:
  - (a) The applicant register a restrictive covenant to prohibit conversion of the accessory structure into dwelling units;
  - (b) The applicant obtain the necessary permits for this structure, including appropriate confirmation that it is in compliance with the BC Building Code;
  - (c) The applicant conduct appropriate review of the lot grading and drainage to ensure that drainage does not affect neighbouring properties; and
  - (d) The applicant pay any penalties that may be associated with the construction of this accessory building without permits.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Existing single family home and accessory buildings

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
All directions:	Single family acreage properties.	Suburban in the OCP. Suburban Residential in the Grandview Heights General Land Use Plan.	RA

DEVELOPMENT CONSIDERATIONSBackground

- The one-acre property is located on the south side of 24 Avenue among other similarly-sized residential lots.
- The applicant has constructed two accessory buildings without permits in the rear of the house that do not comply with the provisions of the existing RA zone.
- The applicant now proposes to legalize these two buildings through the use of development variance permits.

Rear yard setback variance for one-storey garage (Building 1)

- The applicants constructed a one-storey garage in the southeast corner of the property, which encroaches into the minimum rear yard setback by 0.3m (1 foot) (see Appendix II). The applicant requests a variance to the minimum rear yard setback for the accessory building from 1.8 metres (5.9 ft.) to 1.5 metres (4.9 ft.) in order to retain this building in its present location. See Appendix V for photographs of the one-storey garage.

Height variance for two-storey workshop/office (Building 2)*History*

- The applicant has ceased construction on the two-storey accessory building due to complaints from neighbours about the size and height of the structure.
- The applicant subsequently applied to the Board of Variance in March, 2011 to have the building legalized. In July, 2011, the Board chose not to rule on the matter, stating that it was outside of their jurisdiction.

- The applicant is now pursuing a Development Variance Permit (DVP) for the height of this accessory building. The permitted height in the RA zone is 4.5 metres (14.8 ft.); the building is constructed to a height of 6.6 metres (21.7 ft.).

#### *Size of Accessory Building*

- The size of the workshop/office is approximately 350 m<sup>2</sup> (3,775 ft<sup>2</sup>) over the two stories. This exceeds the size of the single family dwelling, which is approximately 290 m<sup>2</sup> (3,120 ft<sup>2</sup>). The Zoning By-law prohibits accessory uses from exceeding the size of the principal use on a lot.
- The applicant is currently planning a renovation and extension of the single family home to increase it to approximately 500 m<sup>2</sup> (5,375 ft<sup>2</sup>). When the renovation is complete, the accessory use will comply with the Zoning By-law.

#### *Neighbours' Complaints*

- Neighbours to the east and south of the subject property have registered complaints about the structure. See Appendix VI for photographs of the two-storey workshop/office (Building 2)
- The neighbour to the east complained about the visibility of the building and cited increased flooding in her rear yard after the building was constructed. This neighbour has since moved out of the neighbourhood.
- The neighbour to the south was concerned about the possibility of the workshop or office areas to be converted into a dwelling unit, and about the fact that the construction was done without a permit.

#### *Staff Comments*

- Because of the neighbours' concerns, the fact that the workshop/office building is significantly overheight, and that it could be easily converted to habitable space, staff have reservations about supporting the height variance.
- If Council determines that there is merit in allowing the height variance, staff recommend that the following conditions be imposed:
  - As stated in the Development Permit document, the applicant must complete the proposed renovations to increase the size of the existing single family home so that it exceeds the size of the accessory workshop/office.
  - The applicant must register an RC to prohibit conversion of the accessory structure into a dwelling unit;
  - The applicant must obtain the necessary permits for the structure, including appropriate confirmation that it is in compliance with the BC Building Code;
  - The applicant must conduct appropriate review of the lot grading and drainage to ensure that drainage does not affect neighbouring properties; and
  - The applicant must pay any penalties that may be associated with the construction of accessory buildings without required permits.

BY-LAW VARIANCES AND JUSTIFICATION

## (a) Requested Variance (Building 1):

- Rear yard setback reduction for existing accessory garage from 1.8 metres (5.9 ft.) to 1.5 metres (4.9 ft.)

## Applicant's Reasons:

- The building is not visible to the neighbours on the east or south sides of the subject property. Because it is in the rear yard and surrounding lots are all one acre, the garage remains far from any neighbouring home.

## Staff Comments:

- Staff feel that the proposed variance is supportable as it is minor in nature and has minimal impact on adjacent properties.

## (b) Requested Variance (Building 2):

- Increase in maximum height for an accessory workshop/office from 4.5 metres (14.8 ft.) to 6.6 metres (21.7 ft.).

## Applicant's Reasons:

- The applicant's hobby is to restore and repair vehicles. The large accessory building was designed to allow an extensive workshop space and storage for vehicles. The second floor is intended as an office and storage for car parts. The building has been designed to accommodate a lift to assist with movement of parts from the ground floor to the second floor.

## Staff Comments:

- Staff are concerned that the upper floor could be easily converted to a dwelling unit, by the current or future owners. Also, the scale of the two-storey building in the home's rear yard is very large. Staff feel that the accessory structure would be acceptable at one storey, but that the second storey should not be permitted.

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.	Proposed Site Plan and Building Elevations
Appendix III	Development Variance Permit No. 7911-0184-00(1)
Appendix IV	Development Variance Permit No. 7911-0184-00(2)
Appendix V	Photographs of the one-storey garage (Building 1)
Appendix VI	Photographs of the two-storey workshop/office (Building 2)

*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

MJ/kms

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## DEVELOPMENT DATA SHEET

Existing Zoning: RA

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)	4043	
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)	20% permitted under RA zone	10% existing for all structures
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (metres) –one-storey garage		
Front	18.0	>70
Rear	1.8	1.5
Side #1 (East)	1.0	1.7
Side #2 (West)	1.0	>35
SETBACKS (metres) –two-storey workshop/office		
Front	18.0	>55
Rear	1.8	15
Side #1 (East)	1.0	15
Side #2 (West)	1.0	18
BUILDING HEIGHT (in metres/storeys)		
Principal	9.0	7.6m
Accessory (one-storey garage)	4.5	2.7
Accessory (two-storey workshop/office)	4.5	6.6

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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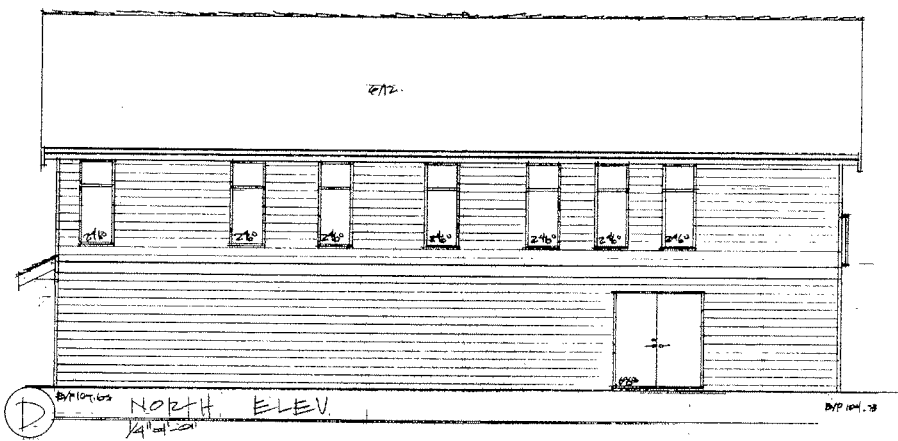
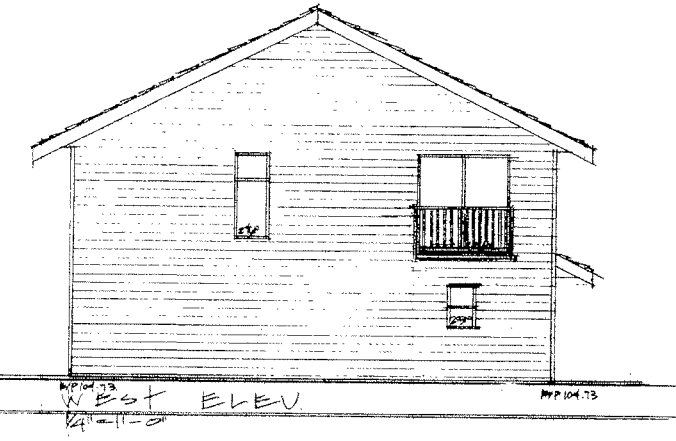
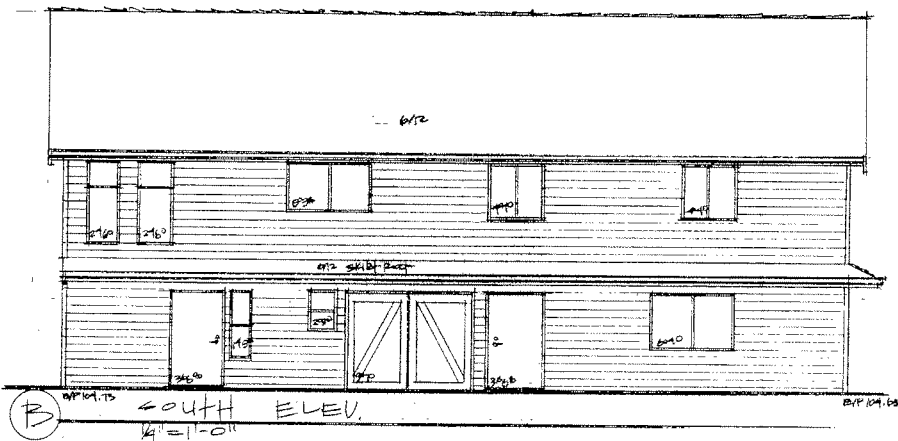
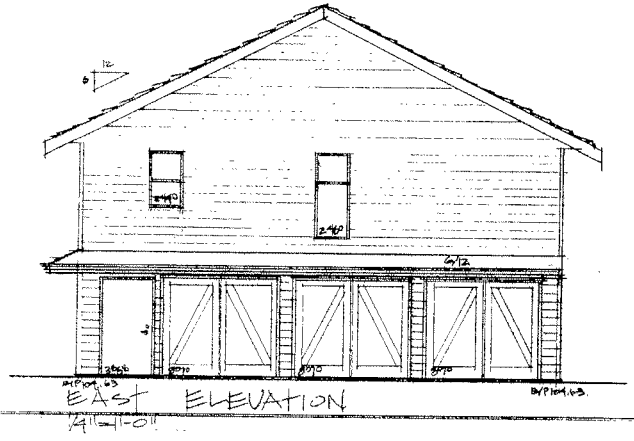


NO.	REVISIONS	BY

DAG DESIGN & COMPANY  
 1879-1146 Street, South Surrey, B.C. V8B 0V5  
 604. 538. 2981  
 DATED: 08/01/11

**CZINEGE SHOP**  
 17140 - 24th Avenue, South Surrey, B.C.

Date: 7/25/11  
 Scale: 1/4" = 1'-0"  
 Drawn: [Signature]  
 No: 103  
 Sheet: A3.34



(the "City")

**DEVELOPMENT VARIANCE PERMIT**

NO.: 7911-0184-00(1)

Issued To: STEVE CZINEGE  
JOLAN CZINEGE  
STEVE A CZINEGE

("the Owner")

Address of Owner: 17140 - 24 Avenue  
Surrey BC  
V3S 9Z1

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: 001-410-792  
Lot 16 Section 18 Township 7 New Westminster District Plan 34574

17140 - 24 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section F of Part 12 One-Acre Residential Zone (RA) the minimum rear yard setback for an accessory building greater than 10 square metres is decreased to 1.5 metres (4.9 feet) from 1.8 metres (5.9 feet) for the existing garage.
4. The siting of buildings and structures shall be in accordance with the drawing numbered 7911-0184-00(1) (A) (the "Drawing") 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.

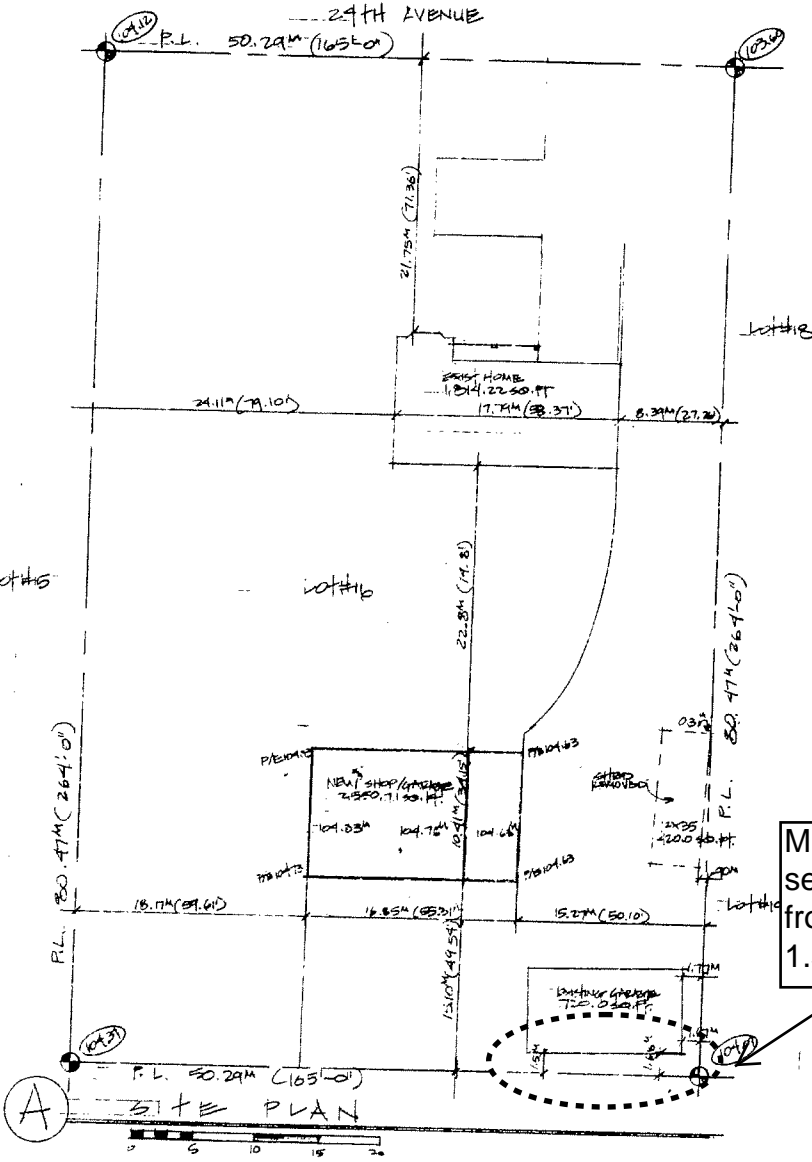
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE      DAY OF      , 20 .  
ISSUED THIS      DAY OF      , 20 .

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Mayor – Dianne L. Watts

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City Clerk – Jane Sullivan



Minimum rear yard setback variance from 1.8 metres to 1.5 metres

(the "City")

**DEVELOPMENT VARIANCE PERMIT**

NO.: 7911-0184-00(2)

Issued To: STEVE CZINEGE  
JOLAN CZINEGE  
STEVE A CZINEGE

("the Owner")

Address of Owner: 17140 - 24 Avenue  
Surrey BC  
V3S 9Z1

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: 001-410-792  
Lot 16 Section 18 Township 7 New Westminster District Plan 34574

17140 - 24 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section G of Part 12 One-Acre Residential Zone (RA) the maximum height for an accessory building is increased to 6.6 metres (21.7 feet) from 4.5 metres (14.8 feet) for the existing workshop/office.
4. The siting of buildings and structures shall be in accordance with the drawing numbered 7911-0184-00(2) (A) (the "Drawing") 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 apply to increase the floor area of the existing single family home so that it exceeds the size of the accessory workshop/office, 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.

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