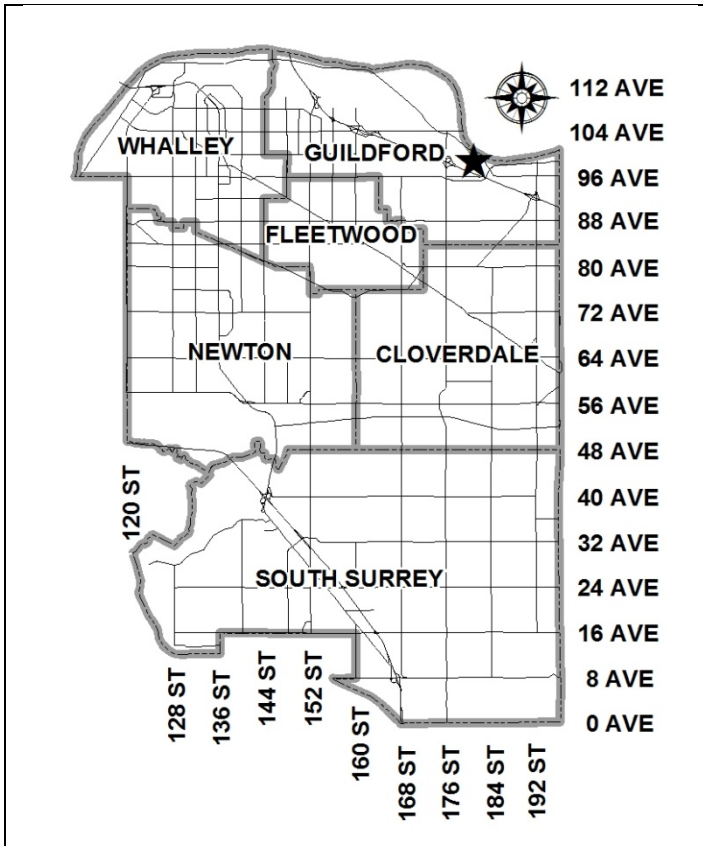


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0249-00

Planning Report Date: October 22, 2012



PROPOSAL:

- **Development Variance Permit**
 to relax the rear yard setback and the servicing in order to allow the construction of a boat shed.

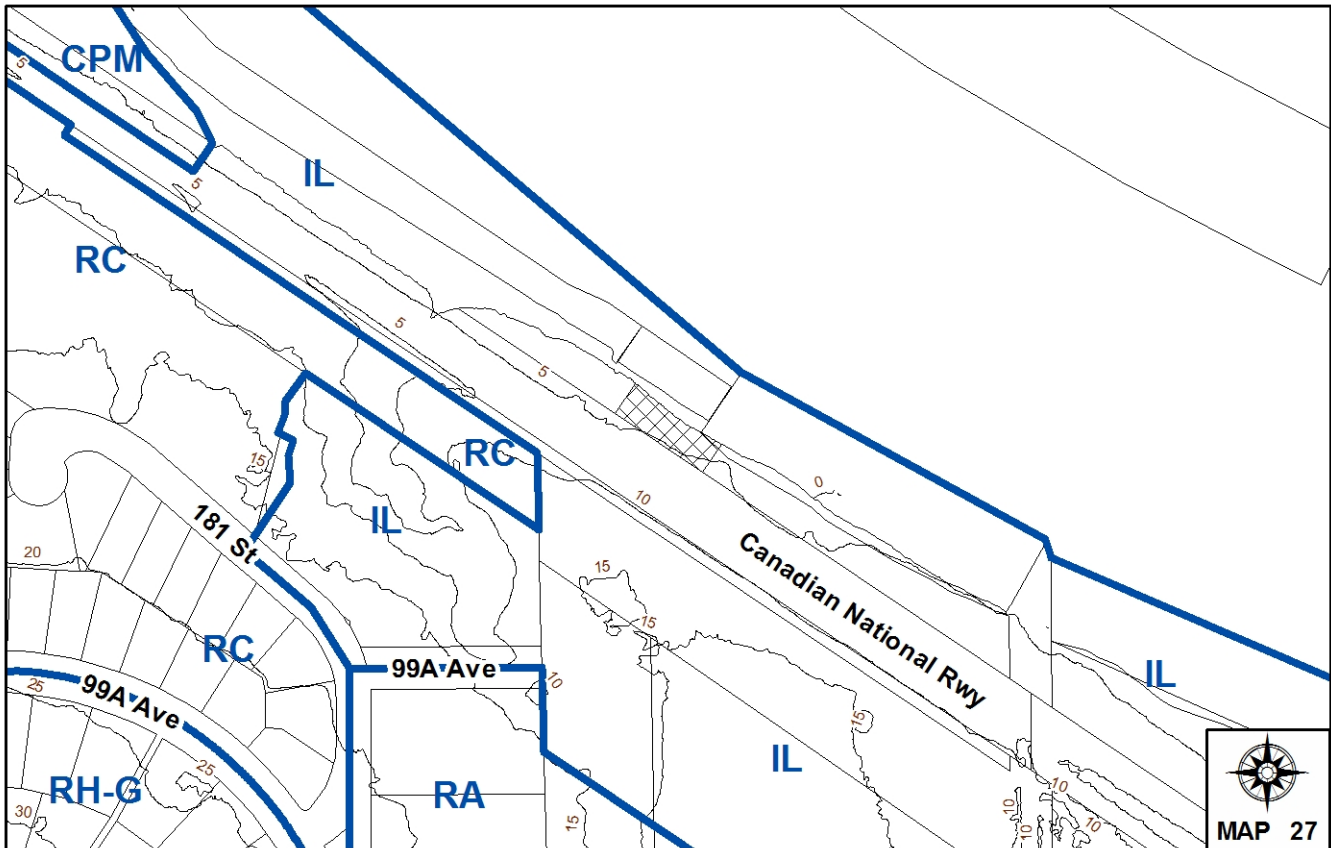
LOCATION: 18155 Canadian National Railway

OWNERS: Leoran Virgil Anhorn
 Marion Adele Anhorn

ZONING: IL

OCP DESIGNATION: Industrial

LAP DESIGNATION: Industrial



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking a reduced rear yard setback and to allow for an alternate water and sewage system.

RATIONALE OF RECOMMENDATION

- The configuration of the property significantly constrains development without a reduced rear yard building setback.
- The cost of extending water and sewer service to this site makes it uneconomic to develop.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7912-0249-00, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum rear yard (south) setback of the IL Zone from 7.5 metres (25 ft.) to 3.6 metres (12 ft.); and
 - (b) to relax the Subdivision and Development By-law No. 8830, to allow for an on-site well and an alternate sewage disposal system.

REFERRALS

Engineering: The Engineering Department has no objection to the project as outlined in Appendix II.

Fraser River Estuary Management Program (FREMP): FREMP has approved the siting of the proposed boat shed, subject to conditions.

SITE CHARACTERISTICS

Existing Land Use: Boat moorage and outdoor storage.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across Parsons Channel):	Barnston Island	N/A	N/A
East:	Non-conforming single family house and out buildings.	Industrial	IL
South (Across Canadian National Rail Right-of-Way):	Future South Fraser Perimeter road, non-conforming single family home.	Industrial	IL
West:	Boat building, sales and rental.	Industrial	IL

DEVELOPMENT CONSIDERATIONSBackground:

- The property owner has held title to the subject property since 1975 and has a foreshore lease with the Fraser Port Authority for an existing dock. He has resided at 18147 – 99A Avenue, to the south of the adjacent railway line, and has operated a fishing and boat repair business from the two lots (the subject lot and his residence).
- The subject property was created in 1911, and has legal frontage on Parsons Channel.

- The lands parallel to the south side of the Canadian National Railway are intended, by the Gateway Program (“Gateway”), for a connector road from the South Fraser Perimeter Road at 176 Street and 104 Avenue to the intersection of 96 Avenue and the Golden Ears Bridge connector. Gateway has recently completed the acquisition of the property at 18147 – 99A Avenue, will be removing the existing single family dwelling in the near future, and will begin preloading the property to facilitate the future road construction.
- Although his home and outbuildings have been sold to Gateway, the property owner would like to continue his fishing business and would like to construct a building on the property at 18155 Canadian National Railway, the subject property.
- The subject property had a previous Development Variance Permit application (No. 7910-0097-00) to relax the front and rear yard setback requirements of the IL Zone to permit the construction of a boat shed. Development Variance Permit No. 7910-0097-00 was issued on July 26, 2010 and expired on July 26, 2012 as construction had not begun on the structure allowed under the permit.

Current Proposal

- The subject property is approximately 786 square metres (8,460 sq. ft.) in area, and lies between the Canadian National Railway and Parsons Channel (i.e. Fraser River). Access to the site is by a gravel vehicle driveway which runs parallel to the north side of the railway tracks, which has been secured through a license agreement with Canadian National Railway.
- The proposed building has a floor area of 139.3 square metres (1,500 sq. ft.). The proposal represents a floor area ratio (FAR) of 0.18 and a lot coverage of 17.72% which is well within the maximum FAR of 1.0 and lot coverage of 60% permitted in the IL Zone.
- The subject property is located within a floodplain and will be constructed at a 4.4-metre (14 ft.) geodetic elevation to satisfy floodproofing requirements.
- The current proposed building location is modified from the previous proposal in 2010, and the applicant is now seeking a relaxation of the rear yard setback only. All other setbacks satisfy the minimum requirements of the IL Zone (see By-law Variance Section)
- The subject property is currently serviced with water and power from the single family dwelling at 18147 - 99A Avenue with a conduit under the Canadian National Railway. A license agreement for this conduit has been entered into with the railway.
- With the property acquisition by the Gateway Program, the applicant provided an alternate servicing plan for the subject land, which included water, sewer and utilities, as required by the Subdivision and Development By-law No. 8830.
- The estimated cost of constructing the servicing from the subject property to 99A Avenue is \$400,000.00. The subject land is currently assessed \$70,300.00 for taxation purposes and, as a result, Gateway has refused to pay for the extension of services as it would be at a cost well in excess of the value of the property.

- The owner has therefore requested a Development Variance Permit to relax the rear yard setback and the servicing requirements.
- The Engineering Department is supportive of the relaxation of the servicing provided there is a No-Build Restrictive Covenant to prohibit the construction of additional buildings, other than the proposed boat shed, and to require connection to the sanitary sewer if the septic system should fail.
- The proposed industrial building will be oriented east-west on the property.
- The existing driveway constructed on the north side of the rail right-of-way will provide access into the site. Gateway is currently reviewing the road intersection of the South Fraser Perimeter Road connector and 182A Street. This intersection may have restricted turning movement upon completion of the road construction.
- The building is proposed to be constructed with earth tone coloured metal cladding and roof. The proposed size of the building satisfies the building requirement in Part 4 General Provisions of Surrey Zoning By-law No. 12000, by having a floor area over 100 square metres (1,075 sq. ft.).
- The proposed building is 6.9 metres (22.5 ft.) in height, which is within the 18 metres (60 ft.) permitted in the IL Zone.
- The subject property is exempt from a Development Permit as it does not front an arterial road and is not adjacent residential uses but the design will be regulated in the required Restrictive Covenant.

BY-LAW VARIANCES & JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard setback of the IL Zone from 7.5 metres (25 ft.) to 3.6 metres (12 ft.).

Applicant's Reasons:

- The subject property is 14.71 (48 feet) in depth. The requirement of a 7.5-metre (25 ft.) setback from the rear property line renders the property undevelopable without a variance.

Staff Comments:

- Staff concur with the applicant.

(b) Requested Variance:

- To relax the requirement of the Subdivision and Development By-law of providing sanitary sewer and water and allowing for alternate sewage and water services.

Applicant's Reasons

- The cost of providing these services is in excess of the value of the land,. The proposed alternate servicing will facilitate the installation on one toilet and one sink for the use of the employees. A Certified Professional from Clear Tech has evaluated the existing conditions, and an Environ septic system can be sized for low flows and performs well with intermittent flow conditions.
- A & H Drilling conducted a drill test on the site, and found water on the site at a flow and quality that can be used for drinking water.

Staff Comments:

- The servicing of this site in accordance with the Subdivision and Development By-law is cost prohibitive. Certified professionals have conducted the necessary tests to prove that safe alternate systems can be provided for this low intensity use of the site. Prior to building permit issuance, sealed reports are to be forwarded to South Fraser Health Region.
- Staff have requested the registration of two Restrictive Covenants to prohibit additional structures on the land other than the proposed boat shed, and to require connection to a sanitary sewer system in the event that the septic system fails.

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
Appendix III.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7912-0249-00
Appendix V.	Map of Future Roads in the Vicinity

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

LAP/kms

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. 10/18/12 9:20 AM

Information for City Clerk

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

1. (a) Agent: Name: Oleg Verbenkov, Pacific Land Resources Group
 Address: #101 – 7485 – 130 Street
 Surrey, BC
 V3W 1H8
 Tel: 604-501-1624

2. Properties involved in the Application

- (a) Civic Address: 18155 Canadian National Railway
- (b) Civic Address: 18155 Canadian National Railway
 Owners: Leoran Virgil Anhorn and Marion Adele Anhorn
 PID: 002-520-010
 Lot H District Lot 121 Group 2 New Westminster District Plan 911

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Development Variance Permit No. 7912-0249-00 and bring the Development Variance Permit forward for an indication of support by Council. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk once the requirements identified by Engineering staff have been fulfilled.

DEVELOPMENT DATA SHEET

Existing Zoning: IL

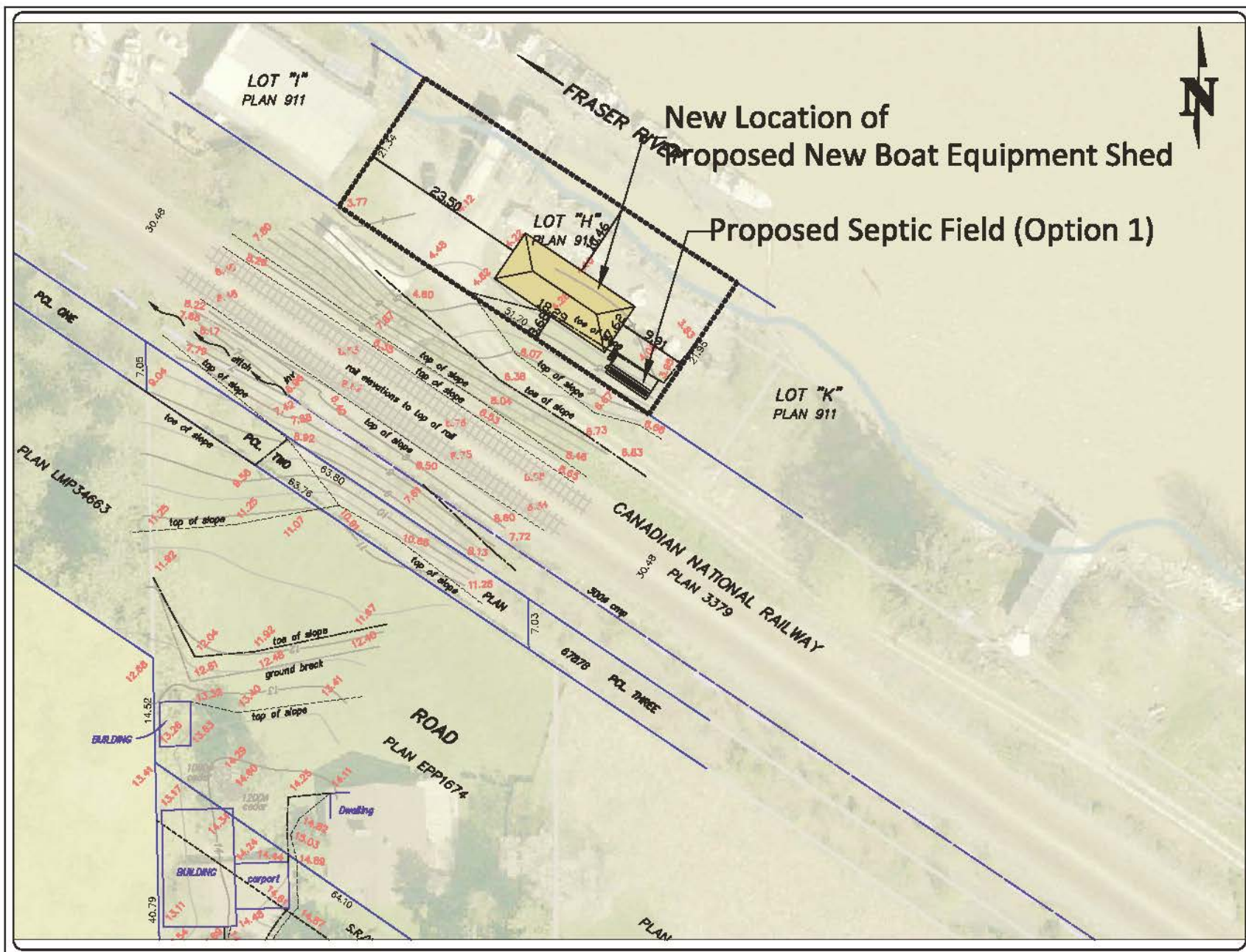
Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA (in square metres)		
Gross Total		786 m ²
Road Widening area		
Undevelopable area		
Net Total		786 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	60%	17.7%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front (North)	7.5 m	3.41 m*
Rear (South)	7.5 m	3.68 m*
Side #1 (West)	7.5 m	17.61 m
Side #2 (East)	7.5 m	14.38 m
BUILDING HEIGHT (in metres/storeys)	n/a	n/a
Principal		
Accessory	1	n/a
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial	786 m ²	139.3 m ²
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	786 m ²	139.3 m ²

* *Variance requested.*

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)	1.0	.18
FAR (net)		
AMENITY SPACE (area in square metres)	n/a	n/a
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial	1	1
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	1	1
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
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New Location of Proposed New Boat Equipment Shed

Proposed Septic Field (Option 1)



PACIFIC LAND GROUP
Land Use, Development & Environmental Scientists

Pacific Land Resource Group Inc.

Suite 101 - 7485 130 Street
 Surrey, British Columbia
 Canada V3W 1H8
 Tel: 604-501-1624
 Fax: 604-501-1625
 www.pacificlandgroup.ca
 info@pacificlandgroup.ca

PROJECT:

**18147 - 99A Avenue,
 Surrey**

DRAWING TITLE:

**Proposed New Boat House
 Location
 (Option 1)**

PRELIMINARY PLAN - SUBJECT TO APPROVAL(S) FROM
 FEDERAL, PROVINCIAL AND LOCAL AUTHORITIES

CLIENT:

Marion & Leoran Anhorn

SCALE:

1:500

DATE:

August 29, 2012

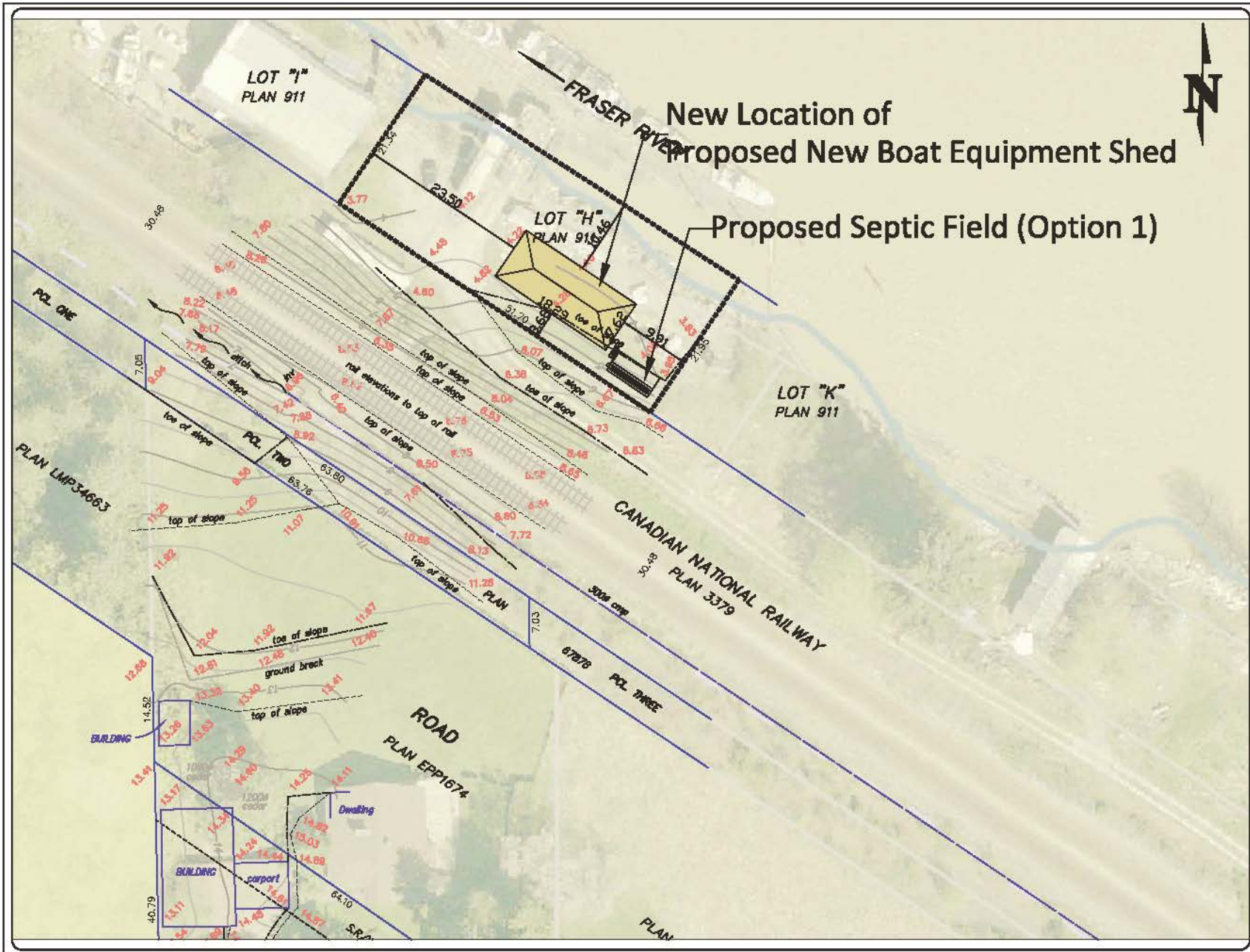
PROJECT No:


09-758

DRAWING No:

03

DESIGNED BY: EW	CHECKED BY: OY
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 PACIFIC LAND GROUP <i>Land Use, Development & Environmental Scientists</i>	
Pacific Land Resource Group Inc. Suite 101 - 7485 130 Street Surrey, British Columbia Canada V3W 1H8 Tel: 604-501-1624 Fax: 604-501-1625 www.pacificlandgroup.ca info@pacificlandgroup.ca	
PROJECT: 18147 - 99A Avenue, Surrey	
DRAWING TITLE: Proposed New Boat House Location (Option 1)	
PRELIMINARY PLAN - SUBJECT TO APPROVAL(S) FROM FEDERAL, PROVINCIAL AND LOCAL AUTHORITIES CLIENT: Marion & Leoran Anhorn	
SCALE: 1:500	
DATE: August 29, 2012	
PROJECT No: 09-758	
DRAWING No: 03	
DESIGNED BY: EW	CHECKED BY: OY

TO: **Manager, Area Planning & Development
- North Surrey Division
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **October 16, 2012** PROJECT FILE: **7812-0249-00**

RE: **Engineering Requirements (Commercial/Industrial)
Location: 18155 Canadian National Rwy**


DEVELOPMENT VARIANCE PERMIT

Subject to external agency referrals, there are no engineering requirements relative to issuance of the Development Variance Permit to vary the front and rear yard setback requirements.

The following issues are to be addressed as a condition of issuance of the Development Variance Permit to relax the Subdivision and Development By-law for an alternate water supply and septic system:

- A Hydro-geologist must certify that the water well has sufficient quantity to provide a continuous flow of 2300 litres per day.
- The applicant must provide written certification that the well meets the Fraser Health drinking water quality requirements.
- A sewage disposal system must be designed and certified by an "Authorized Person" as defined, and in accordance with, the Sewerage System Regulation under the B.C. Health Act and Ministry of Health Sewerage System Standard Practice Manual.
- A No-Built Restrictive Covenant, except for boat shed must be registered on title.
- A Restrictive Covenant for Septic System Failure must be registered on title.

A Servicing Agreement for this application is not required; however, a processing fee of \$1,220.80 (HST included) is required to administer the legal document requirements.



Rémi Dubé, P.Eng.
Development Services Manager

IK1

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7912-0249-00

Issued To: LEORAN VIRGIL ANHORN
MARION ADELE ANHORN

("the Owner")

Address of Owner: 18147 – 99A Avenue
Surrey BC
V4N 4V6

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: 002-520-010
Lot H District Lot 121 Group 2 New Westminster District Plan 911

18155 Canadian National Railway

(the "Land")
3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) Part 48 Light Impact Industrial Zone, Section F Yards and Setbacks the minimum rear yard setback is reduced from 7.5 metres [25 feet] to 3.6 metres [12 feet].
4. Surrey Subdivision and Development By-law, 1986, No. 8830, as amended is varied as follows:
 - (a) Table 1 is relaxed to permit an on-site alternate water source and alternate sewage disposal system.
5. The siting of buildings and structures shall be in accordance with the drawing numbered 7912-0249-00(A) (the "Drawing") which is attached hereto and forms part of this development variance permit.

6. This development variance permit applies to only the building on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the proposed building shown on attached Schedule A.

7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

8. 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.

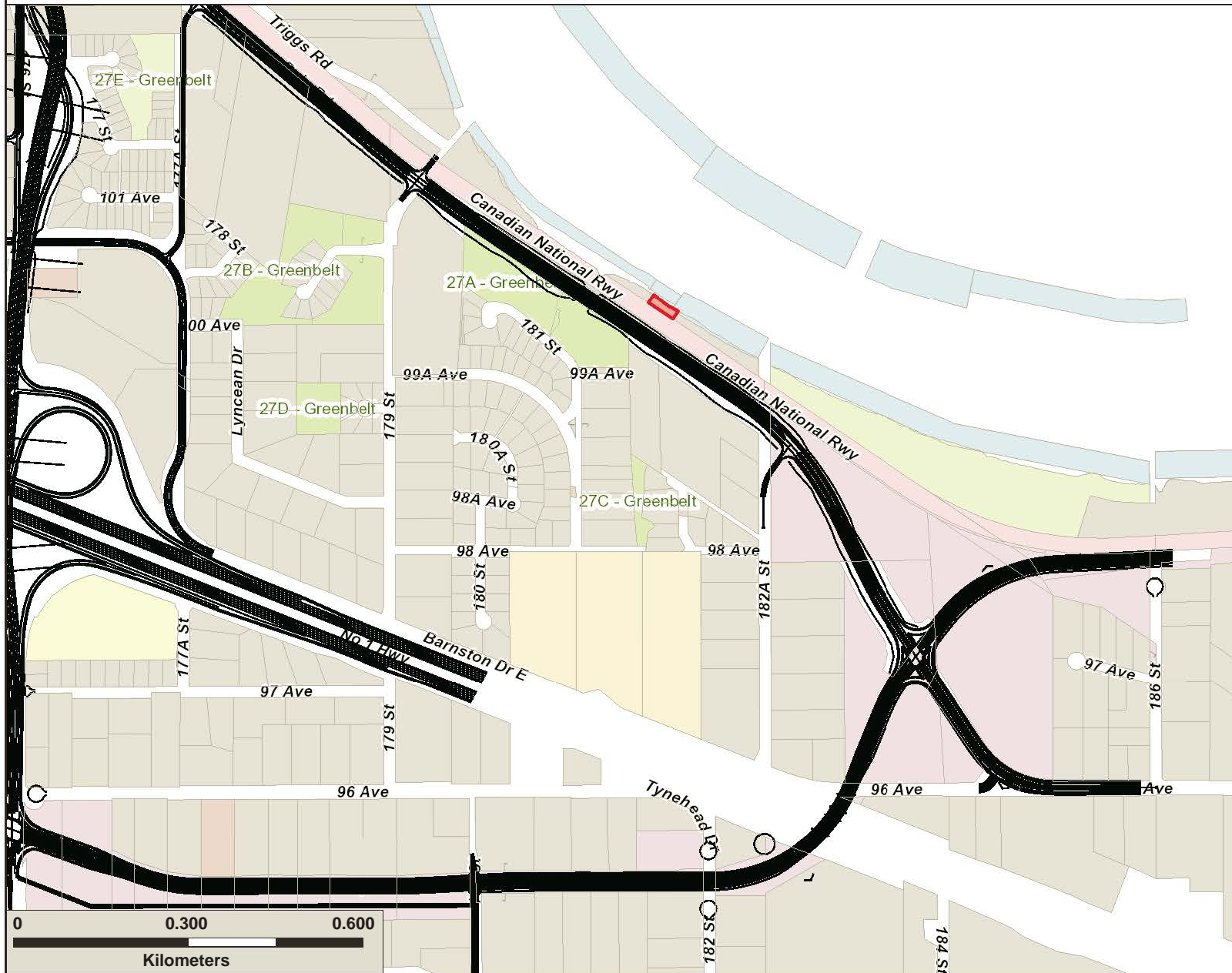
9. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

- 10+1. This development variance permit is not a building permit.

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

Mayor – Dianne L. Watts

City Clerk – Jane Sullivan



- ### Legend
- Lots (Outline)
 - S.F.P.R. - Proposed - CONFID
 - Road Names4000_25000
 - Park Name Labels
 - Early Copy Lots
 - Lots**
 - BC Gas
 - BC Hydro
 - BC Rail Standard Lot
 - BN Rail Standard Lot
 - CN Rail
 - City Land Standard Lot
 - City Land Strata
 - FRPA Foreshore Tenure
 - Federal Standard Lot
 - GVRD Standard Lot
 - Harbour Board Standard Lot
 - Park - City Dedicated
 - Park - City Purchased
 - Park - Provincial
 - Park - Regional
 - Private Standard
 - Private Strata
 - Provincial Standard
 - Road
 - School Standard Lot
 - Transit Standard Lot



The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca.

Golden Ears Bridge Connector and Road Network

Scale: 1: 10,000
Map created on: October-17-12