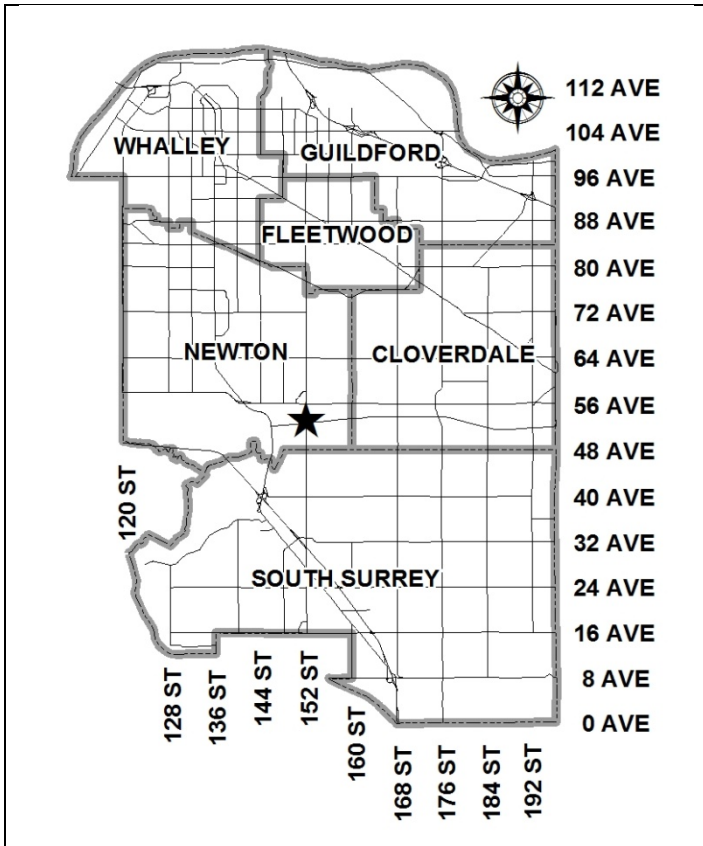


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0300-00

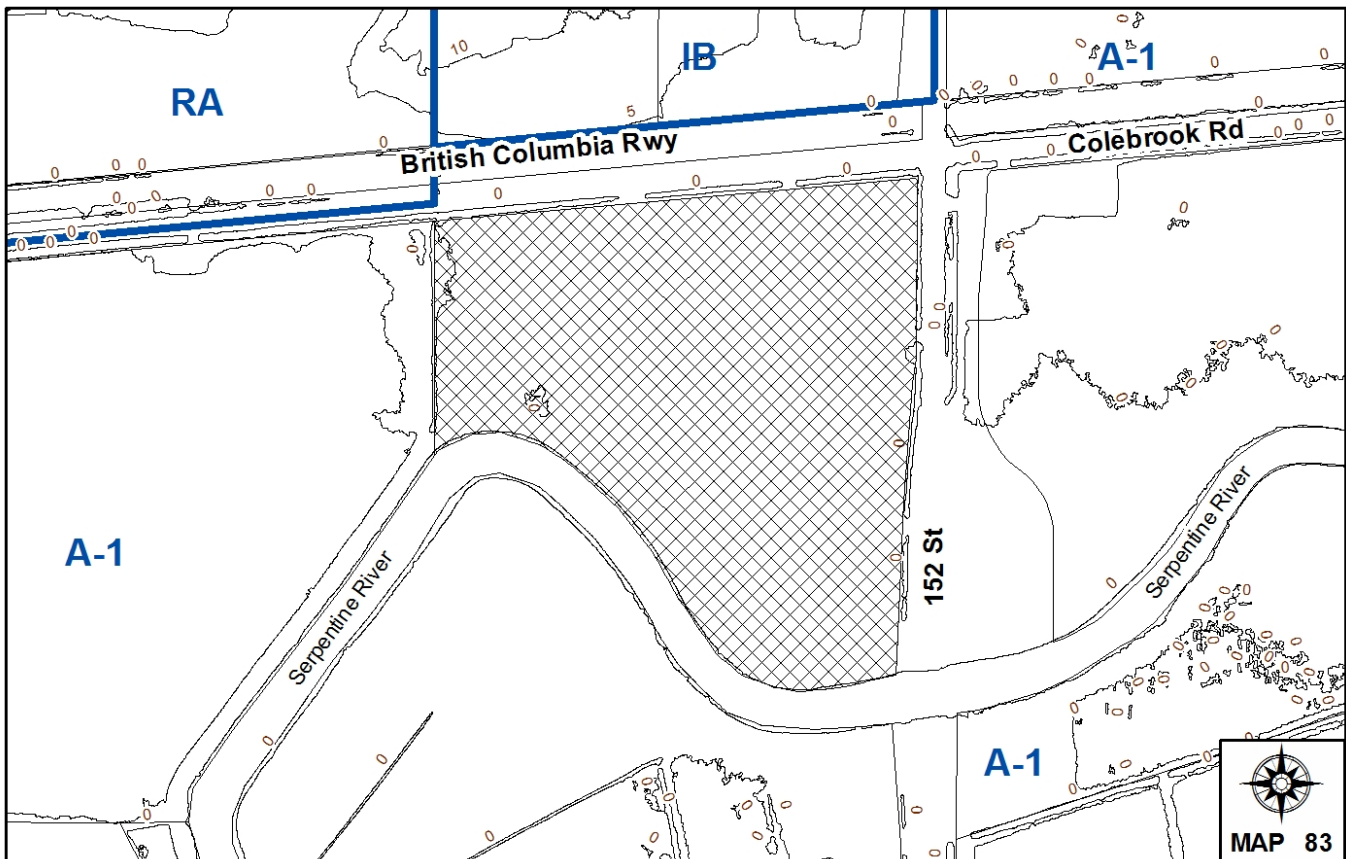
Planning Report Date: January 14th, 2013



PROPOSAL:

- **Development Variance Permit**
 in order to legalize 7 existing greenhouses located within the side yard flanking street setback.

LOCATION: 5151 - 152 Street
OWNER: Pan American Holdings Ltd.
ZONING: A-1
OCP DESIGNATION: Agricultural
NCP/LAP DESIGNATION: n/a



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant requests a variance to the side yard setback on a flanking street in the A-1 zone from 30 metres (100 ft.) to a minimum of 4.84 metres (16 ft.) in order to legalize 7 existing greenhouse structures on the subject site.

RATIONALE OF RECOMMENDATION

- The existing non-conforming greenhouse structures have been located in their respective locations for several years.
- The subject site borders a major arterial road (152nd Street) and is within an active agricultural area. Impacts on neighbouring properties as result of this reduced setback are negligible.
- The Agriculture and Food Security Advisory Committee supports the variance.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7912-0300-00 (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum side yard on flanking street setback of the “General Agriculture Zone” (A-1) from 30.0 metres (100 ft.) to 4.84 metres (16 ft.).

REFERRALS

Engineering: The Engineering Department has no objection to the project. There are no requirements relative to the issuance of the DVP.

Agriculture and Food Security Advisory Committee (AFSAC): Support.

SITE CHARACTERISTICS

Existing Land Use: Horticulture/Nursery stock production including several greenhouses and raised open planter beds. 1 combined warehouse and office facilities building, as well as on-site parking and storage facilities.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across Colebrook Road):	Southern Railway of BC/BC Hydro Rail Corridor	Industrial	A-1
East (Across 152 Street):	Active farmland/agricultural retail operation	Agricultural	A-1 (ALR)
South (Across Serpentine River):	Active farmland	Agricultural	A-1 (ALR)
West:	Active farmland	Agricultural	A-1 (ALR)

DEVELOPMENT CONSIDERATIONS

- The subject site is an 11.6 hectare (28.7 acre) site zoned A-1 (“General Agricultural Zone” and designated Agricultural in the Official Community Plan (OCP). It is within the Agricultural Land Reserve (ALR). The subject site is currently occupied by the Pan American Nursery Products company, including horticulture production, warehousing, and office facilities, which has been operating continuously at this location since 1982.
- To facilitate the construction of the 152nd Street railway overpass (over Colebrook Road and the railway corridor) the Realty Services Department has negotiated from Pan American Bulb Company a permanent statutory right-of-way paralleling 152nd Street (for access and utility works), as well as a 1048m² temporary right-of-way (for a construction work area).
- During survey activities for these right-of-ways, it came to the attention of City Staff that 7 existing greenhouses encroached into the flanking street setbacks. The encroachments range from a minimum of 4.84 metres (16 ft.) for Greenhouse #2 to 12.39 metres (41 ft.) for Greenhouse #1 (as shown in schedule A of the attached Development Variance Permit – Appendix III). Further investigation by City Staff revealed that the majority of the greenhouses had been constructed without building permits.
- The structures are classified as low human occupancy farm buildings, and are regulated under the National Farm Code (1995) however do require building permits to ensure safety to life and property.
- Greenhouse #9, as shown in Schedule A of the attached Development Variance Permit, encroaches 4.0 metres (13 ft.) into the City’s dyke right-of-way of the Serpentine River (illustrated as an unlabeled dotted line paralleling the river). The City’s Engineering department has no concerns with this encroachment. The structure otherwise conforms to the setback requirements from this property line.
- In order to legalize the location of the structures and issue a building permit, a Development Variance Permit is required.
- The proposal was reviewed by the Agriculture and Food Security Advisory Committee at their December 6th, 2012 meeting. The Committee supports the applicant’s request.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the Side Yard on Flanking Street Setback of the “General Agriculture Zone” (A-1) from 30.0 metres (100 ft.) to 4.84 metres (16 ft.).

Applicant's Reasons:

- The greenhouse structures already exist.

Staff Comments:

- The subject site borders 152nd Street, with agricultural land further to the east. Impact on neighbouring properties from the greenhouse structures is negligible.
- The greenhouse structures shown on the attached site plan are existing. Although located illegally, most have been in their current location in excess of a decade.
- The development variance permit will apply only to the existing structures, in their current locations, as per the attached site plan. Any future construction within the minimum setbacks will require an additional development variance permit and subsequent building permit.
- Upon issuance of a development variance permit, the Building Division will take steps to ensure that the structures meet the minimum safety requirements necessary to issue building permits.
- Staff have no objections to the proposed variances.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II	Draft Agriculture and Food Security Advisory Committee Minutes
Appendix III	Development Variance Permit No. 7912-0300-00

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

DS/da

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Information for City Clerk

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

1. (a) Agent: Name: Edward van Zanten
 Address: 5151 - 152 Street
 Surrey, BC V3S OL2

 Tel: 604-576-8641 - Work

2. Properties involved in the Application
 - (a) Civic Address: 5151 - 152 Street

 - (b) Civic Address: 5151 - 152 Street
 Owner: Pan American Holdings Ltd
 PID: 004-030-702
 Lot 1 Except : Parcel A (Bylaw Plan 64891) District Lot 167 Plan 50270

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7912-0300-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

D. NEW BUSINESS

1. **ALR Exclusion – 6480 – 152 Street; ALR Inclusion – Portion of 19103 – 8 Avenue**
File No.: 7912-0304-00

The Committee received notification that this item has been removed from the agenda at the request of the applicant.

2. **Development Variance Permit Application Within the ALR**
5151 – 152 Street
File No.: 7912-0300-00

D. Sturgeon, Planning Technician, was in attendance to review the memo from Ron Hintsche, Current Planning Manager – South, dated November 22, 2012, regarding the above subject line. Comments were as follows:

- The subject property is an 11.6 hectare (28.7 acre) irregular shaped parcel located at the southwest corner of 152 Street and Colebrook Road, zoned A-1 within the ALR.
- There was an assumption by the property owners they did not need a permit for the structures. As such, the application has been made to relax the side yard setback to a flanking street in order to legalize a number of already constructed greenhouses that are located on the eastern side of the subject property, adjacent to 152 Street. This process will bring the greenhouses into conformity with all zoning requirements. The variance will be considered by Council.
- The City will subsequently issue a building permit for all structures, confirming their safety and adherence to current BC Building Code standards.
- Greenhouses 1, 2, 5 -9 all lie within the 30 metre minimum setback to a flanking street, as is required in the A-1 zone.
- The principle building conforms to all zoning requirements and is not included as part of this application.
- Use of the land and horticultural business operations on the subject property have not changed.

Concern was raised regarding the perception as a possible precedent and the prevention of this happening again. Staff advised that each application is evaluated on a case by case basis.

It was

Moved by M. Bose

Seconded by S. VanKeulen

That the Agriculture and Food Security Advisory

Committee recommend to the G. M. Planning and Development support of Variance Application No. 7912-0300-00.

Carried

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7912-0300-00

Issued To: PAN AMERICAN HOLDINGS LTD
("the Owner")

Address of Owner: 5151 - 152 Street
Surrey, BC
V3S 0L2

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: 004-030-702

Lot 1 Except: Parcel "A" (Bylaw Plan 64891) District Lot 167 Group 2 New Westminster District
Plan 50270

5151 - 152nd Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F.1 of Part 10 "General Agriculture Zone" the minimum Side Yard on Flanking Street setback is varied from 30.0 metres (100 ft.) to 4.84 metres (16 ft.).
4. This development variance permit applies to only that portion of the buildings and structures on the Land shown on Schedule A 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. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

7. 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

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION SHOWING IMPROVEMENTS ON PART OF LOT 1 EXCEPT: PARCEL "A" (BYLAW PLAN 64891), DISTRICT LOT 167 GROUP 2 NEW WESTMINSTER DISTRICT PLAN 50270

PID No.: 004-030-702

SCALE 1 : 1250 DISTANCES ARE IN METRES

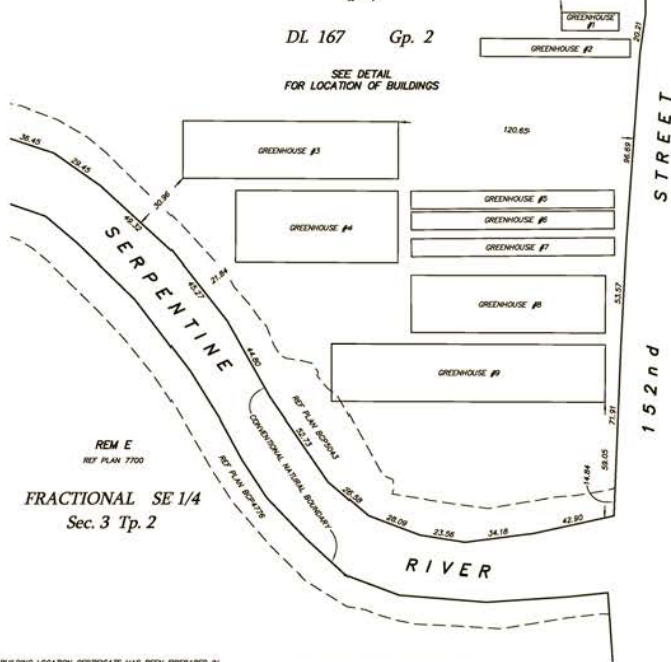
PREPARED FOR: PAN AMERICAN NURSERY PRODUCTS INC.

CIVIC ADDRESS:
5151 - 152nd STREET
SURREY, B.C.



COLEBROOK ROAD

REM 1
PLAN 50270
(#151)
DL 167 Gp. 2
SEE DETAIL
FOR LOCATION OF BUILDINGS



REM E
REF PLAN 7700
**FRACTIONAL SE 1/4
Sec. 3 Tp. 2**

LOT DIMENSIONS AND CLEARANCES DERIVED FROM LAND TITLE OFFICE RECORDS

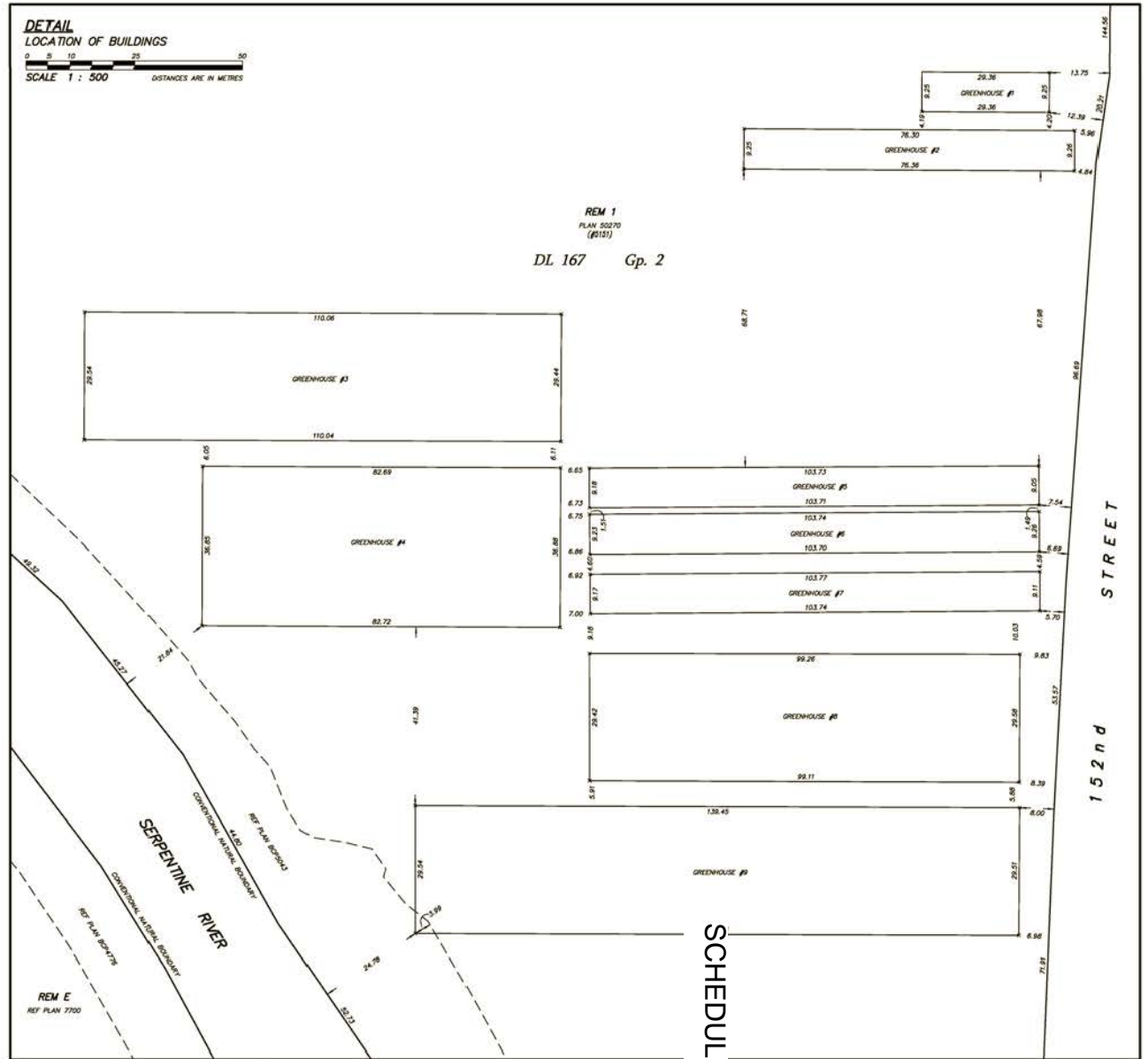
This plan was prepared for municipal and provincial purposes and is for the exclusive use of the applicant. The applicant accepts, in irrevocability of liability for any errors and omissions, the accuracy of the data and the result of the survey. This document shows the relative location of the parcels and the boundaries with respect to the adjacent parcels and the public roads. It is not intended to be used for any other purpose or to create any new boundaries. It is subject to the provisions of the Land Title Act and the regulations thereunder. It is not to be used in any way which would be contrary to the public interest.

GARY SANDWICK B.C.L.S.

GARY SANDWICK
This document is not valid unless originally signed and sealed.
FOR MUNICIPAL AND OR MORTGAGE PURPOSES

**DETAIL
LOCATION OF BUILDINGS**

SCALE 1 : 500 DISTANCES ARE IN METRES



REM 1
PLAN 50270
(#151)
DL 167 Gp. 2

SCHEDULE A

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