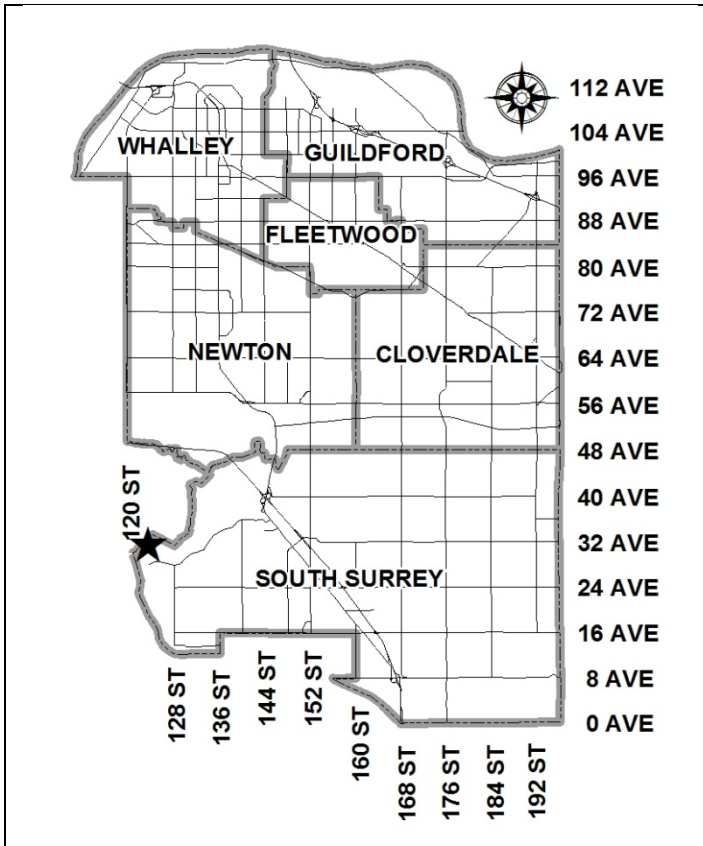


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7913-0055-00

Planning Report Date: May 27, 2013

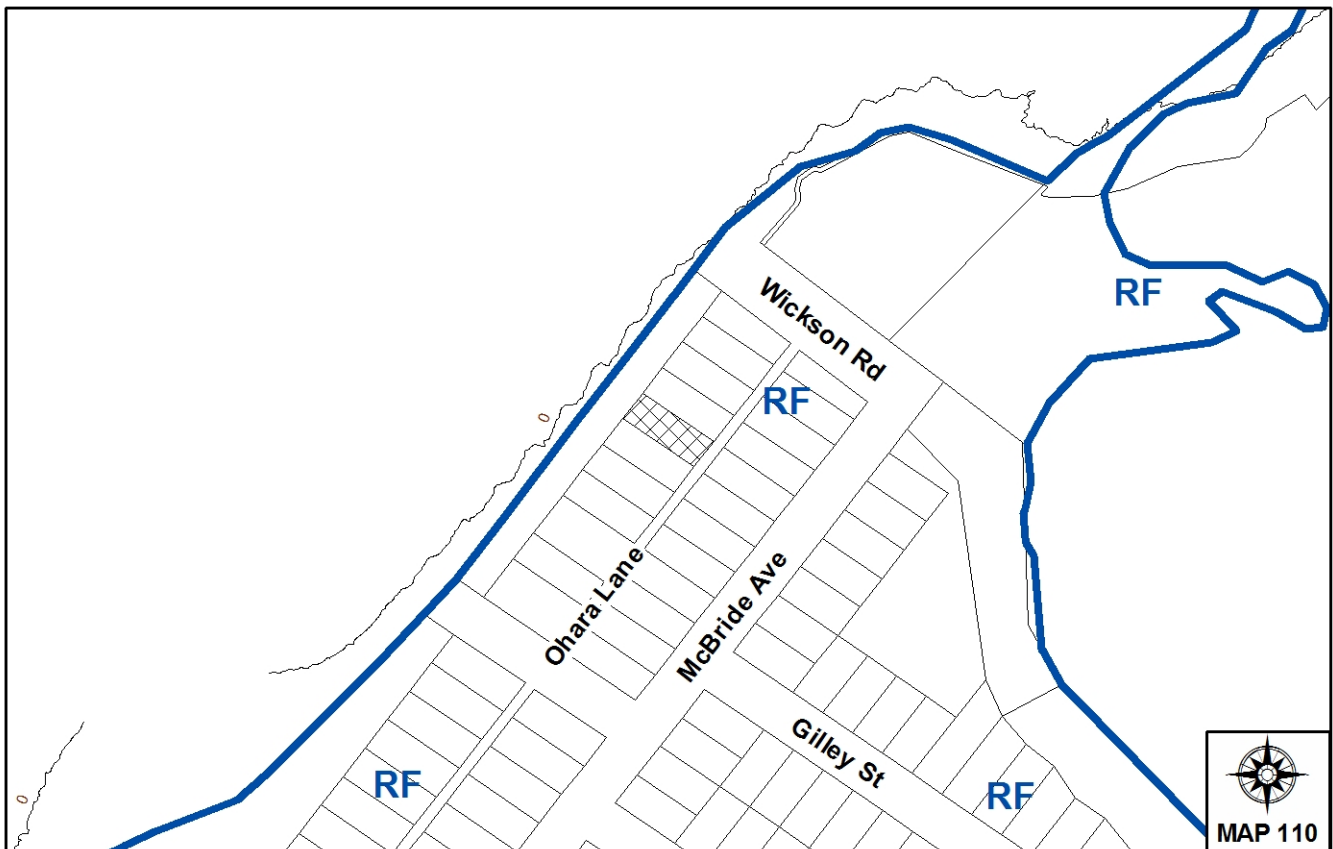


**PROPOSAL:**

- **Development Variance Permit**

in order to permit the eave of the principle building to encroach an additional 0.3 metre (1 ft.) into the required minimum setback.

**LOCATION:** 3106 - O'Hara Lane  
**OWNER:** Brock N Dorward  
**ZONING:** RF  
**OCP DESIGNATION:** Urban  
**LAP DESIGNATION:** Urban Residential (Crescent Beach Land Use Plan)



### RECOMMENDATION SUMMARY

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

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is proposing an increase of the allowable encroachment of an eave into the required setback from 0.6 metre (2 ft.) to 0.9 metre (3 ft.) for the principle dwelling.

### RATIONALE OF RECOMMENDATION

- The Zoning By-law has provisions that would, in some circumstances, permit an eave to extend to within 0.6 metre (2 ft.) of the property line for a principle building. The proposed variance will result in an eave extending to 0.9 metre (3 ft.) of the property line.
- The dwellings on adjacent properties have minimal windows on the side walls. Staff do not foresee any significant negative impacts on the use or enjoyment of these properties as result of the eaves.
- Staff have received a number of letters both in opposition to and in support of the proposed variance. However, the two adjoining neighbours of the subject property are opposed to the proposed variance.
- A restrictive covenant will be registered on the title of the property to address some of the concerns of neighbouring property owners.
- Staff support the proposed development variance application to proceed to public notification.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7913-0055-00 (Appendix VI) varying the following, to proceed to Public Notification:
  - (a) In Part I of Surrey Zoning By-law, 1993, No. 12000 as amended, under the Definition of Setback, the allowable encroachment of an eave into the required setback is increased from 0.6 metre (2 ft.) to 0.9 metre (3 ft.).
2. Council instruct staff to resolve the following prior to final adoption:
  - (a) Registration of a Section 219 restrictive covenant prohibiting a railing from being located on the second storey eaves and further prohibiting them from being used as a passageway from the front to the rear of the building.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling and detached garage accessory structure currently under construction.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single family dwelling.	Urban/Urban Residential (Crescent Beach Land Use Plan)	RF
East:	Single family dwelling.	Urban/Urban Residential (Crescent Beach Land Use Plan)	RF
South:	Single family dwelling.	Urban/Urban Residential (Crescent Beach Land Use Plan)	RF
West:	Crescent Beach Greenway/ City Park /Ocean Beach	Urban/Open Space (Crescent Beach Land Use Plan)	RF

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject site is a 500 m<sup>2</sup> (5,300 sq.ft.) RF zoned ocean-front parcel in Crescent Beach, located at 3106 O'Hara Lane.
- The applicant is currently constructing a 2-bedroom, 249 square-metre (2,680 sq.ft.), three-storey single family residence with a single-car detached garage on the subject property. The construction is currently at the sheathing/roofing stage. A building permit was issued on October 4<sup>th</sup>, 2012.
- On July 26, 2012, under Application No. 7912-0190-00, Council approved a development variance permit on the subject site for a relaxation of the floodplain elevation requirements for new construction.
- On October 22<sup>nd</sup>, 2012, under Application No. 7912-0258-00, Council approved a development variance permit on the subject site permitting elimination of the 20% reduction rule for the second storey floor area of the dwelling, as well as allowing a second storey sundeck to encroach into the front yard setback.

### Current Application

- Upon being issued a building permit and development variance permits as described, the applicant proceeded to begin construction on the subject site.
- During construction of the structure, it was brought to the City's attention that the eaves (overhangs) on both the first and second storey, at the side and front lot lines, encroach into the setback by 0.3 metres (12 inches/1 foot) more than is permitted in the Zoning By-law.
- These eaves, as they are currently constructed, were included on the original building plans to the City. They were properly scaled, however were not properly dimensioned. A Building Permit was therefore issued.
- The building plan designer/draftsperson has advised the City that this was an inadvertent misinterpretation of the By-law and that it would have been addressed earlier if the situation was known.
- In order for the applicant to proceed with construction of the structure, maintain bylaw conformity, and be issued a final occupancy permit, a development variance permit is necessary.

### Discussion

- The Zoning Bylaw allows building eaves to encroach beyond the minimum building setback by 0.6 metre (2 ft.) for the entire length of the building.
- The principle purpose of the eaves, typically, is to provide protection to the main structure from the elements (rain and snow). The secondary purpose serves to articulate the massing of a structure.

- The minimum side yard setback of the RF zone is 1.8 metres (6 ft) from the lot line to the building face. In conformance with the Zoning Bylaw, eaves would be permitted to extend a further 0.6 metre (2 ft.) horizontally from the building face, whether forming part of a flat or sloped roof, to within 1.2 metres (4 ft.) of the side lot line.
- The RF zone allows for a reduction of the minimum side yard setback to 1.2 metres (4 ft.) (from the lot line to the building face) when the opposite side yard setback is a minimum 2.4 metres (8 ft.). In a scenario as such, the eaves would be permitted to extend to within 0.6 metres (2 ft.) of the side lot line.
- The front yard setback of the RF zone is 7.5 metres (25 ft.) for 50% of the building width, and 5.5 metres (20 ft.) for the remainder. The eaves are therefore permitted to encroach 0.6 metres (2 ft.) into the front yard setback, making them 6.9 metres (23 ft.) for 50% of the building width, and 4.9 metres (16 ft.) for the remainder.
- The minimum side yard setback of the RF zone for an accessory structure is 1.0 metres (3 ft.). The eaves of an accessory structure are therefore permitted to encroach to within 0.4 metres (1.5 feet) of the side lot line. The eaves of the accessory structure (garage) on the subject site extend to a distance of 0.43 m (1.5 feet) of the property line, which is permitted by By-law.
- The dwelling under construction is located at 1.8 metres (6 ft) from both side lot lines, and 7.5 metres (25 ft.)/5.5 metres (20 ft.) from the front lot line. Given that the lot is relatively small for the RF zone, the applicant has maximized the allowable building envelope and built to the maximum setbacks at the front and sides of the lot.
- The proposed eaves meet the 2012 BC Building Code in terms of limiting distance.
- The proposed variance will apply only to the principle building on the subject site.

#### Neighbour Concerns and Support

- There is indication of both support and opposition to the proposed variance.
  - Form letters in support of the proposal, from 21 separate properties in the Crescent Beach area, were submitted to staff.
  - Form letters in opposition to the proposal, from 17 separate properties in the Crescent Beach area, were submitted to staff. Opposition form letters from 13 additional properties outside of the Crescent Beach area were also received.
  - A map of the locations of support and opposition is contained in Appendix IV.
  - Detailed correspondence was received from an adjacent property owner objecting to the eaves as they are currently constructed (and to the proposed variance). This property owner's principle concern is the location of the balcony, the massing of the structure, and its effect on their property. These concerns are not directly related to this development variance permit application.

- The property owner of the second adjacent property is deceased, and the property is being held in trust. Staff have received correspondence from relatives of the owner, objecting to the eaves as they are currently constructed (and to the proposed variance). The principle concern expressed was that the second storey eave could be used as a passageway from the front to the rear of the building, and secondly that the eave would impact the use and enjoyment of the property.

#### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To increase the allowable encroachment for eaves into the required setback from 0.6 metre (2 ft.) to 0.9 metres (3 ft.) for the principle building.

Applicant's Reasons:

- The eaves contribute to the flat roof and heavy timber styling of the structure and are integral to its architectural design.
- Given that the eaves were included on the original plans submitted to the City, and thus are already partially constructed, it would be a hardship to remove them.
- The impact on the neighbouring properties is negligible.

Staff Comments:

- The building eaves extend 0.9 metres (3 ft.) from the building,  $\frac{1}{2}$  of the width of the setback. This is 0.3 metres (1 ft.) more than is permitted by bylaw, making the edge of the eave 0.9 metres (3 ft.) from the property line.
- The dwelling located at 3112 O'Hara Lane (adjacent property to the north) is a non-conforming structure, located approximately 1.2 metres (4 ft.) from the side lot line, with an additional (approximately) 0.45 metre (1.5 ft.) eave and an approximately 1.5 metre (4.5 ft.) wide chimney that encroaches approximate 0.3 metre (1 ft.) into the respective setback.
- The dwelling at 3100 O'Hara Lane (adjacent property to the south) is located 1.8 metres (6 ft.) from the lot line and conforms to the Zoning By-Law in this regard.
- Both adjacent dwellings, located at 3100 and 3112 O'Hara Lane, have minimal windows on the sides of the structures.
- As detailed previously in this report, the Zoning By-law would permit a reduction of the side yard setback (in particular circumstances) to 1.2 metres (4 ft.), allowing an eave to extend to within 0.6 metre (2 ft.) of the lot line. The eaves, as proposed, extend to within 0.9 metre (3 ft.) of the lot line.

- Considering the previous statements, it is staff's opinion that the additional 0.3 metre (1 ft.) eave does not have a significant impact on the view amenity or use and enjoyment of the neighbouring properties.
- In order to address the neighbour's concerns that the eaves will be used as a passageway/walkway, a restrictive covenant will be required to be registered against the title of the property, forbidding the use of the 2<sup>nd</sup> storey eave as a passageway from the front to the rear of the dwelling.
- Staff support the proposed variance to proceed to Public Notification.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Proposed Site Plan and Building Elevations
Appendix III	Site Photos (Construction)
Appendix IV	Map of Opposition and Support letters
Appendix V	Computer rendering of (proposed) completed structure
Appendix VI	Development Variance Permit No. 7913-0055-00

#### INFORMATION AVAILABLE ON FILE

- Correspondence from adjacent property owners
- Map of form letters (support/oppose)
- Letter of Justification from Treeline Construction (Designer)
- Additional Site visit photos

*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

DS/kms/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:                Brock N. Dorward  
                         Address:            12482 – 23A Street  
                                                Surrey, BC  
                                                V4A 9X6  
  
                         Tel:                    604-538-1804  
                                                604-240-6789

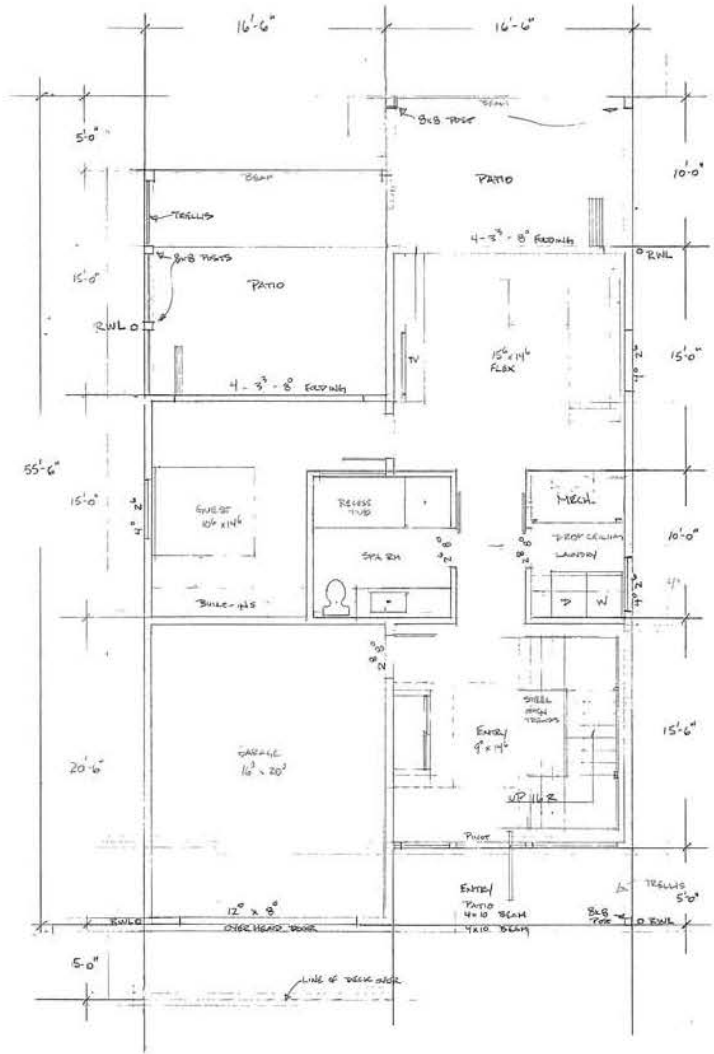
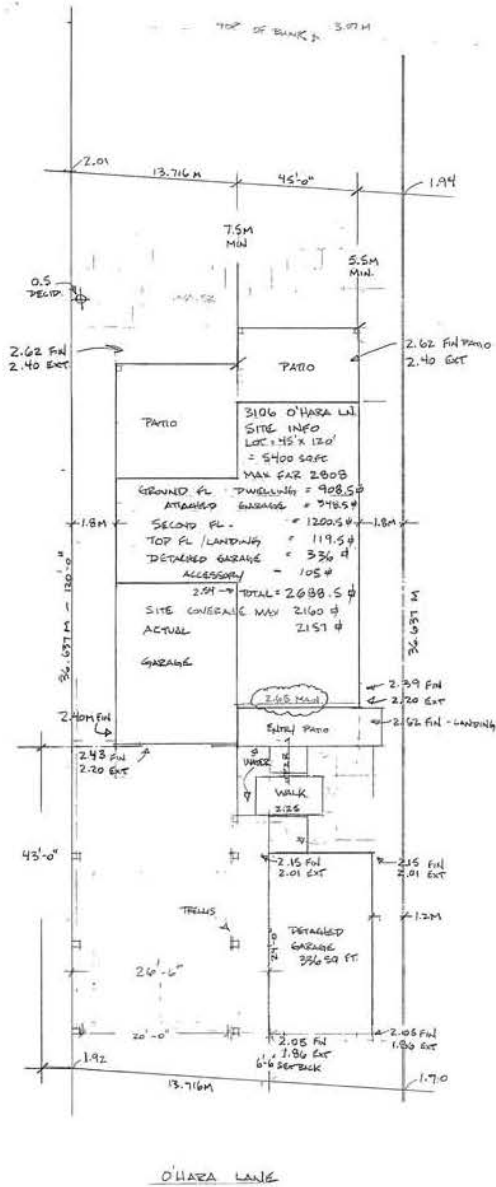
2.      Properties involved in the Application

- (a)      Civic Address:            3106 - O'Hara Lane
- (b)      Civic Address:            3106 O'Hara Lane  
                 Owner:                        Brock N. Dorward  
                 PID:                            003-669-025  
                 Lot 8 District Lots 52 and 231 Group 2 New Westminster District Plan 5014

3.      Summary of Actions for City Clerk's Office

- (a)      Proceed with Public Notification for Development Variance Permit No. 7913-0055-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.





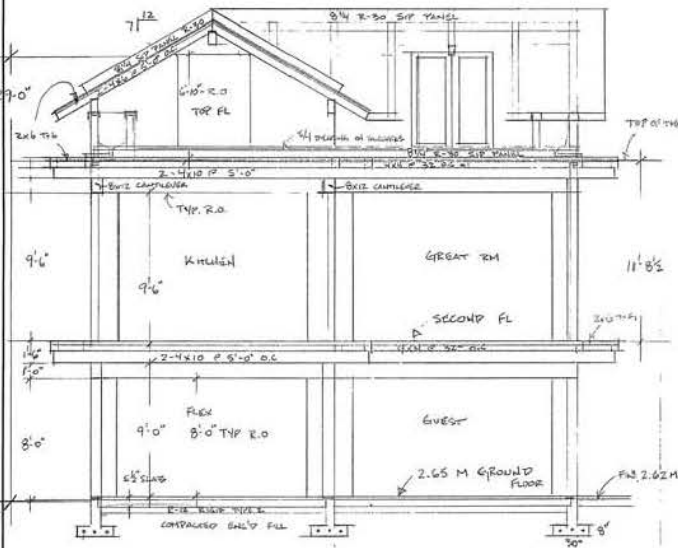
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 GARAGE 348.5 #

SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY:
DATE:	REVIEW:	REVIEW:
3106 O'HARA LANE		
SITE PLAN / GROUND FL	DRAWING NUMBER	

SECTION

TOP FL. 119.5 #

2ND FLOOR 1200.5 #



**ROOF FRAMING - SLOPED**  
 STANDING SEAM METAL ROOF ON APPROVED MEMBRANE ON 8" SIP PANELS R-30 ON 4" MIN. UNB. OR 2x6 T&G FILL ON 2x4x6 FR. PAPERS @ 5'-0" O.C. ALL JOINTS AND PANEL JOINTS/SEAMS TO BE APPROVED BY ENGINEER.

**ROOF FRAMING - FLAT**  
 5/8" x 5' SIP DECKING ON 2x4 TRUSS JOISTS ON 2 PLY TECH. ON MEMBRANE ON 8" SIP PANELS R-30 ON 4" MIN. UNB. OR 2x6 T&G DECKING ON 2x4x10 JOISTS @ 5'-0" O.C. ALL JOINTS AND PERIMETERS SEALED AND FASTENED AS PER ENGINEER SPEC.

**EXTERIOR WALLS**  
 1 1/2" CEDAR WALL SHINGLES ON APPROVED 10 MM BREATHER MAT 80% OPEN WEAVE 'PRYNAL' BRAND AIR SPACE, ON DBL 5/8" MIN. PAPER ON 1/2" FIB. INS. ON 2x6 STUDS @ 16" O.C. R-20 BATT INSULATION 6" MIN. UNB. 3/8" GYP. FINISH

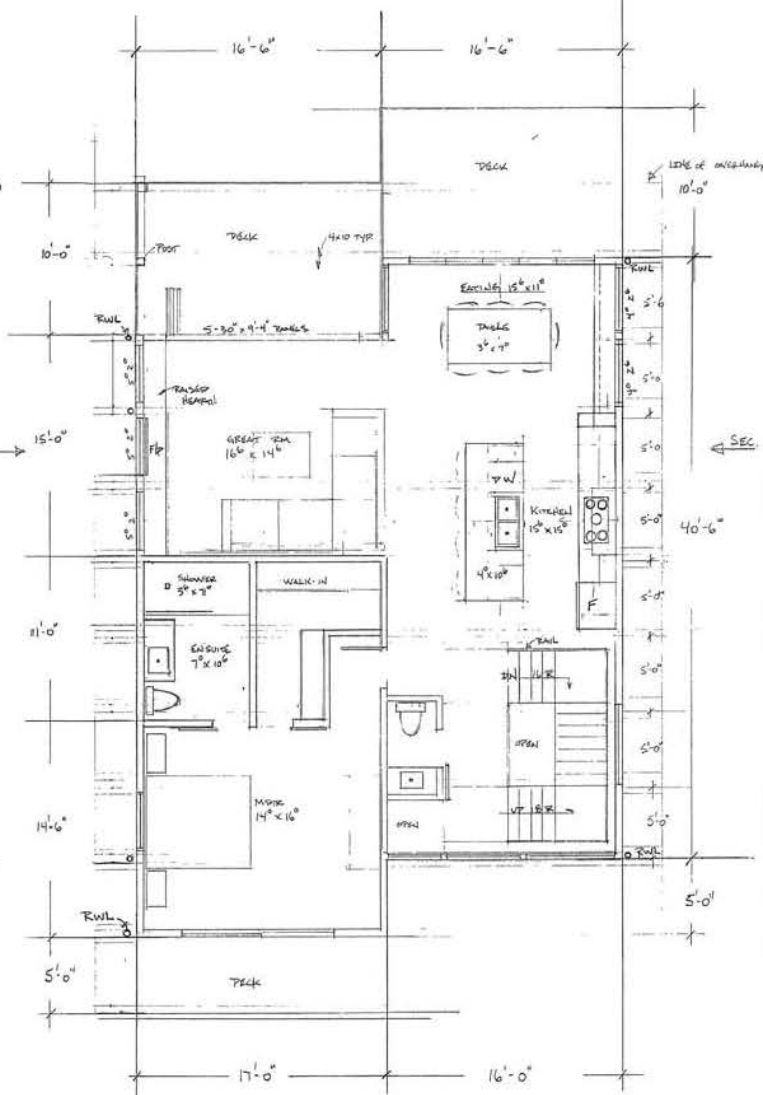
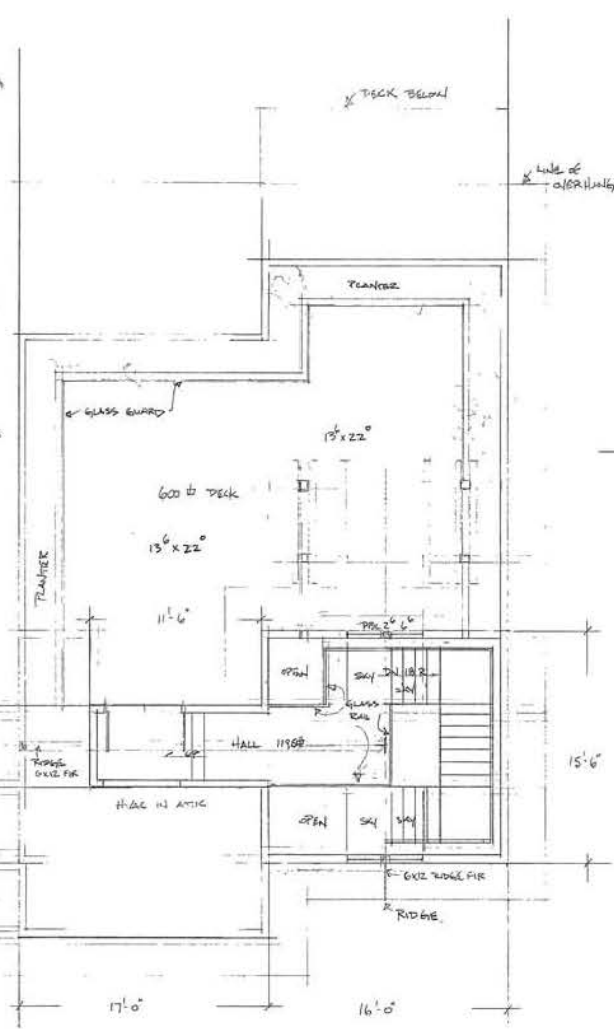
**INT. WALLS**  
 2x6 STUDS @ 16" O.C. INSULATE ALL PARTITIONS WITH 1/2" DRYWALL + STAPLES 1/2" DRYWALL FINISH

**FENCES**  
 2 PLY TECH. ON MEMBRANE ON 2x6 T&G DECKING ON 4" MIN. UNB. @ 32" O.C. ON 2x4x10 FR. JOISTS @ 5'-0" O.C. ROOF DRAINS AS PER FLOOR PLAN.

**2ND FLOOR FRAMING**  
 1 1/2" CONCRETE TOPPING OR 1" WARM BOARD ON 2x6 T&G DECKING ON 4x4 PURLINS @ 32" O.C. ON 2x4x10 @ 5'-0" O.C. JOISTS @ 6" APART

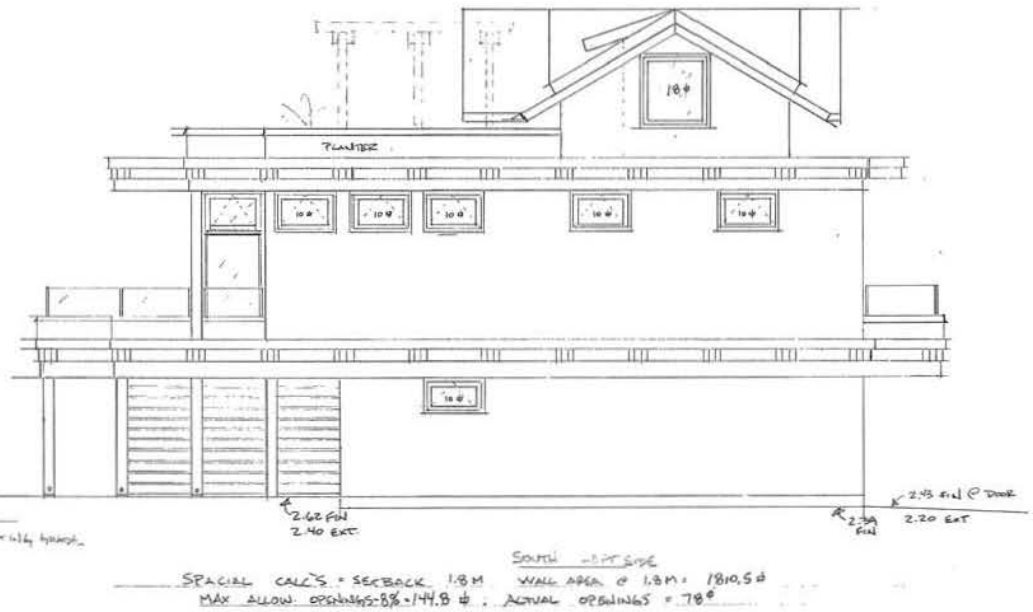
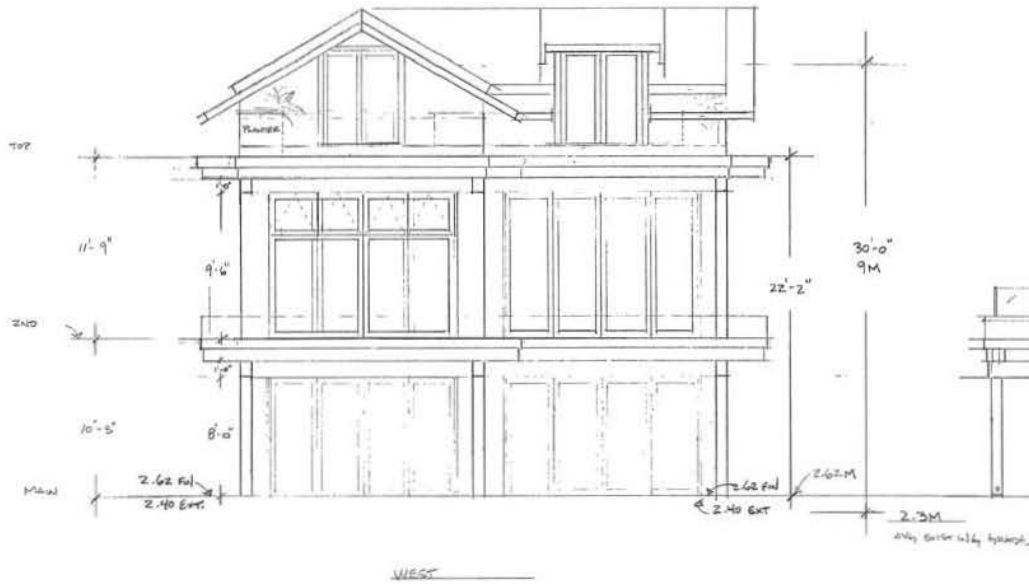
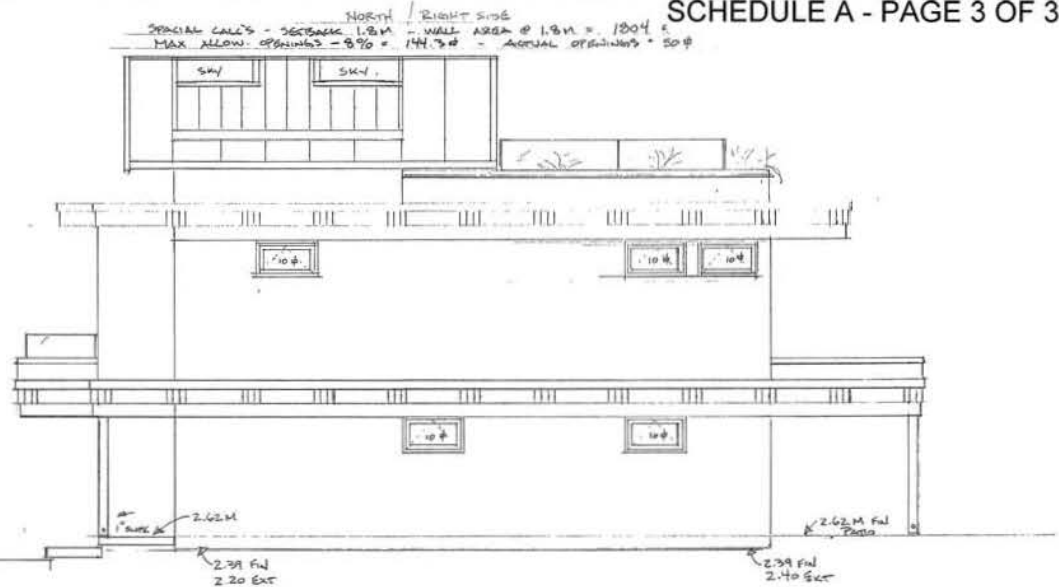
**MAIN/GROUND FLOOR SLAB**  
 5 1/2" CONCRETE SLAB 32 MPA W/ 10M @ 20" O.C. DOWELS @ 20" O.C. 6" MIN. UNB. TIED TO REBAR AND HYDRANT 3/2" PER HOUSING PIPES TO ENGINEER UNFT. ON JOISTS ON R-12 BATT INS. 2" MIN. COMPACTED ENGINTEERED FILL

**FENCE + REAR TERRACE**  
 TYPICAL STONE OR SLOTTED CONCRETE ON MIN 16" COMPACTED ENGINTEERED FILL SECTRET SAND

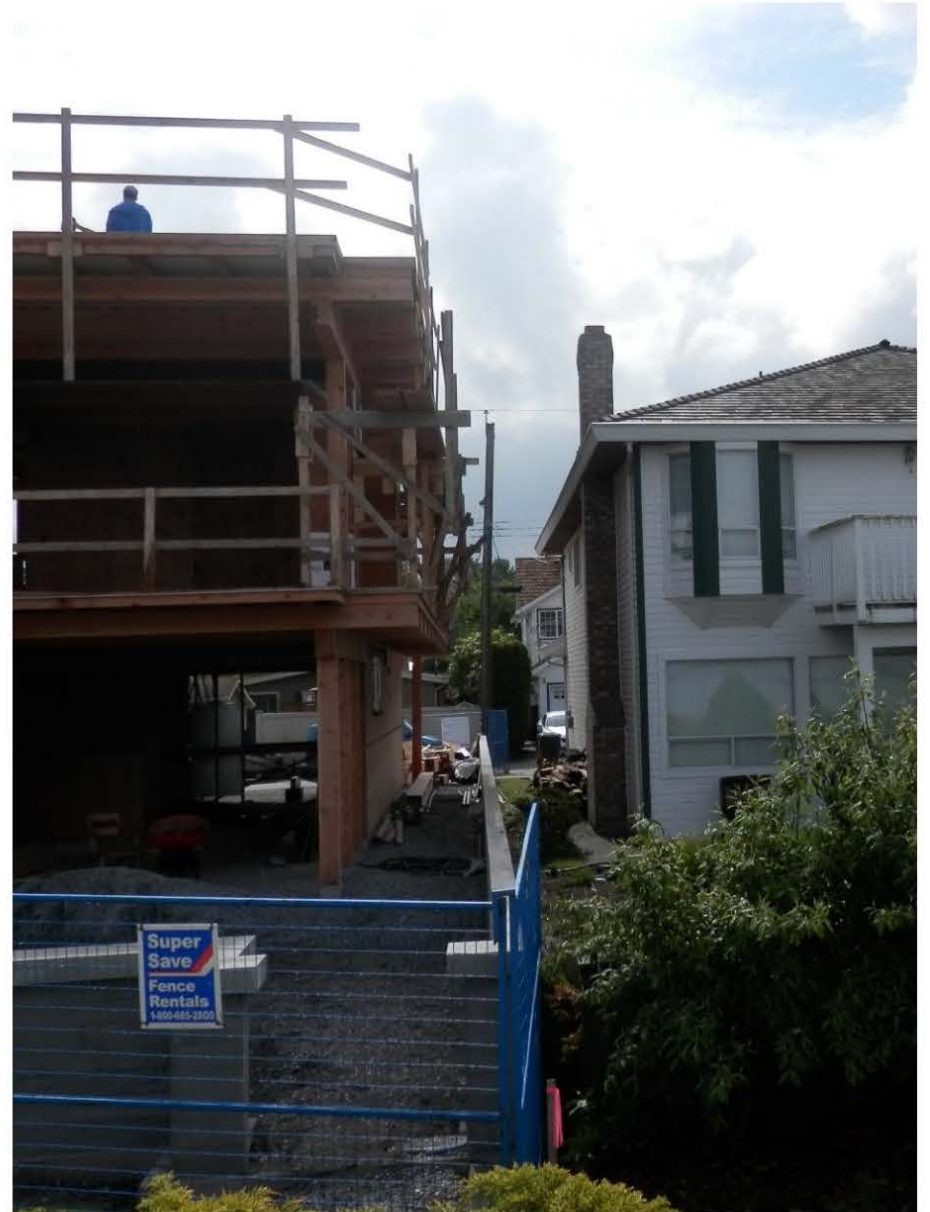


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3106 O'HAIRA LANE		
SECTION / TOP FL / 2ND FL	DRAWING NUMBER	

EAST / O'HARA LINE



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ELEVATIONS		DRAWING NUMBER






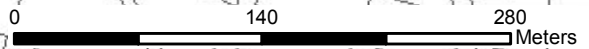




**Legend**

- Total Lots FOR = 21
- × Total Lots OPPOSE = 17  
(Note: 13 Additional Lots Oppose Outside of map area)

 7913-0055-00







CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7913-0055-00

Issued To: BROCK N DORWARD

("the Owner")

Address of Owner: 3106 - O'Hara Lane  
Surrey, BC  
V4A 3E7

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: 003-669-025

Lot 8 District Lots 52 and 231 Group 2 New Westminster District Plan 5014

3106 - O'Hara Lane

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

In Part I, under the Definition of Setback, the allowable encroachment of an eave into the required setback is increased from 0.6 metre (2 ft.) to 0.9 metre (3 ft.) for the principle building. This increase shall not apply to accessory structures, chimneys, hutches, balconies or sun decks and bay or boxed windows, which may encroach on each storey into the required setbacks, to a maximum of 0.6 metre [2 ft.], provided that said hutches and bay or boxed windows shall not exceed a total of 2.4 metres [8 ft.] in horizontal length along any exterior wall.

4. This development variance permit applies to 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. 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.

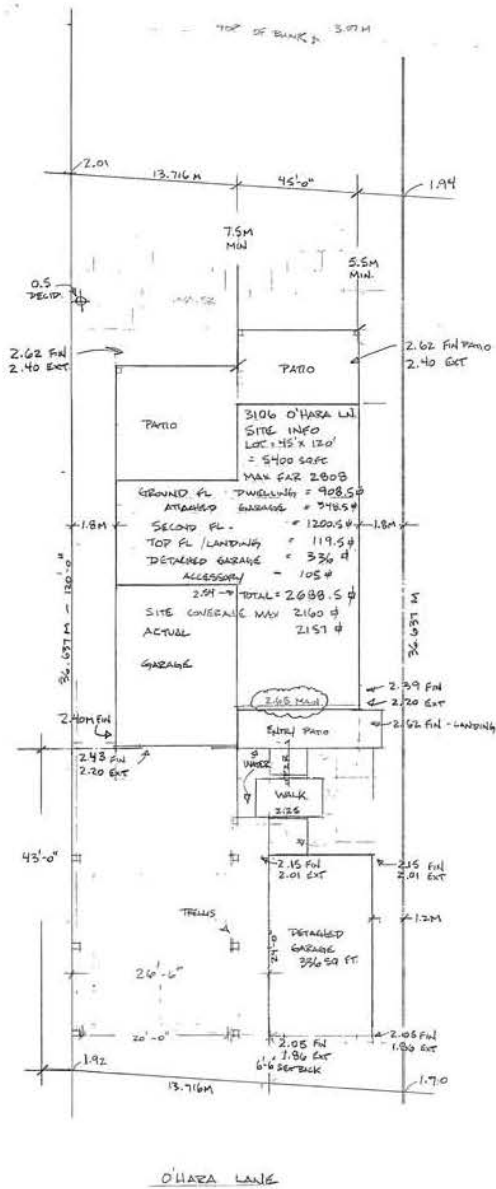
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE      DAY OF      , 20 .  
ISSUED THIS      DAY OF      , 20 .

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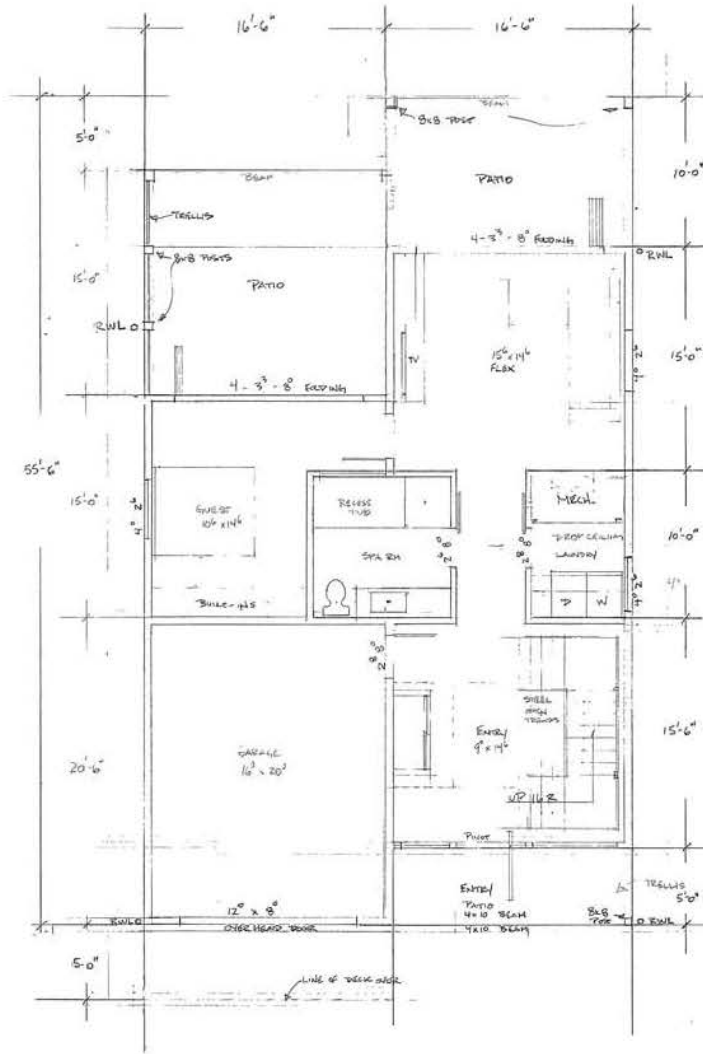
Mayor – Dianne L. Watts

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City Clerk – Jane Sullivan



O'HARA LANE



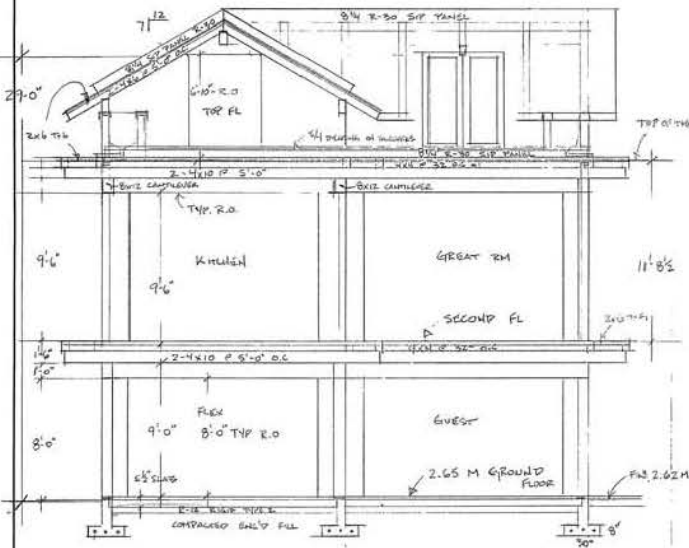
GROUND LEVEL 908.5 #  
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SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY:
DATE:	REVIEWED:	
3106 O'HARA LANE		
SITE PLAN / GROUND FL		DRAWING NUMBER

SECTION

TOP FL. 119.5 #

2ND FLOOR 1200.5 #



Roof Framing - Sloped  
 Standing seam metal roof on approved membrane on 8 1/4" SIP panels R-30 on 4 mil UVB on 2x6 TH fill on 2x4x6 fir rafters @ 5'-0" O.C. all fasteners and panel joints/sealants to be approved by submittal.

Roof Framing - Flat  
 5/8" x 5' decking on 2x4 treated joists on 2 ply tech on membrane on 8 1/4" SIP panels R-30 on 4 mil UVB on 2x6 TH fill on 2x6 T&G decking on 2-4x10 joists @ 5'-0" O.C. all joints and perimeters sealed and fastened as per engineer's spec.

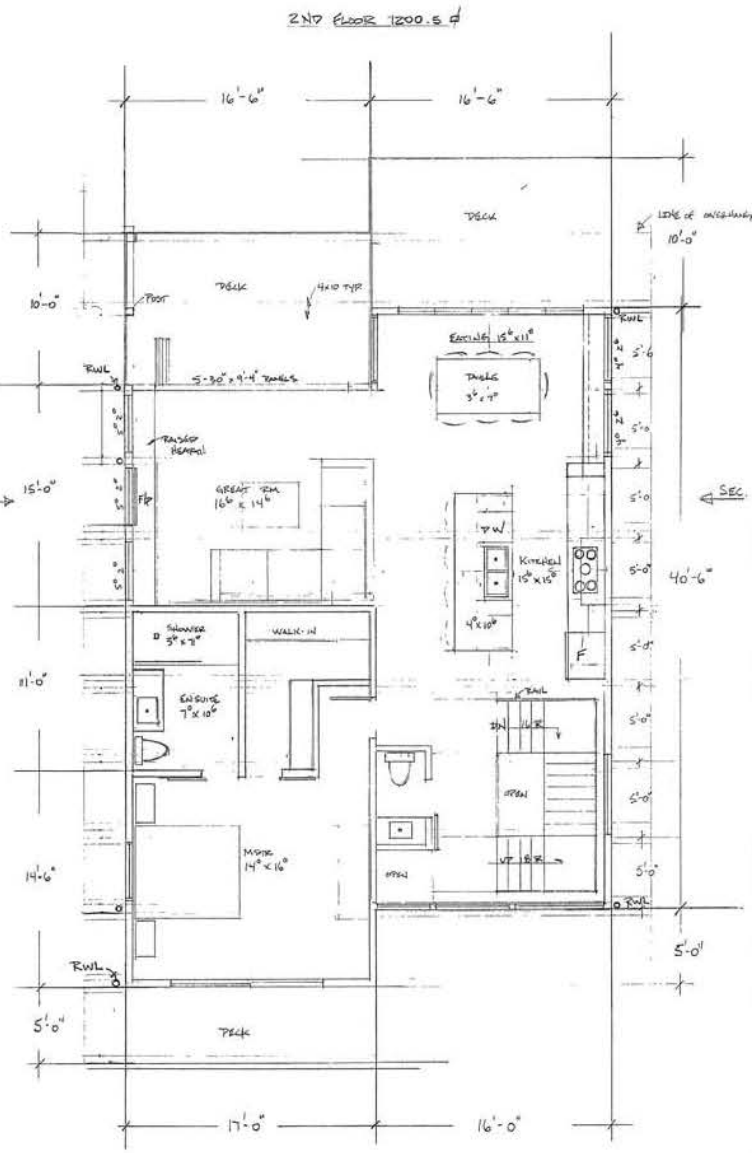
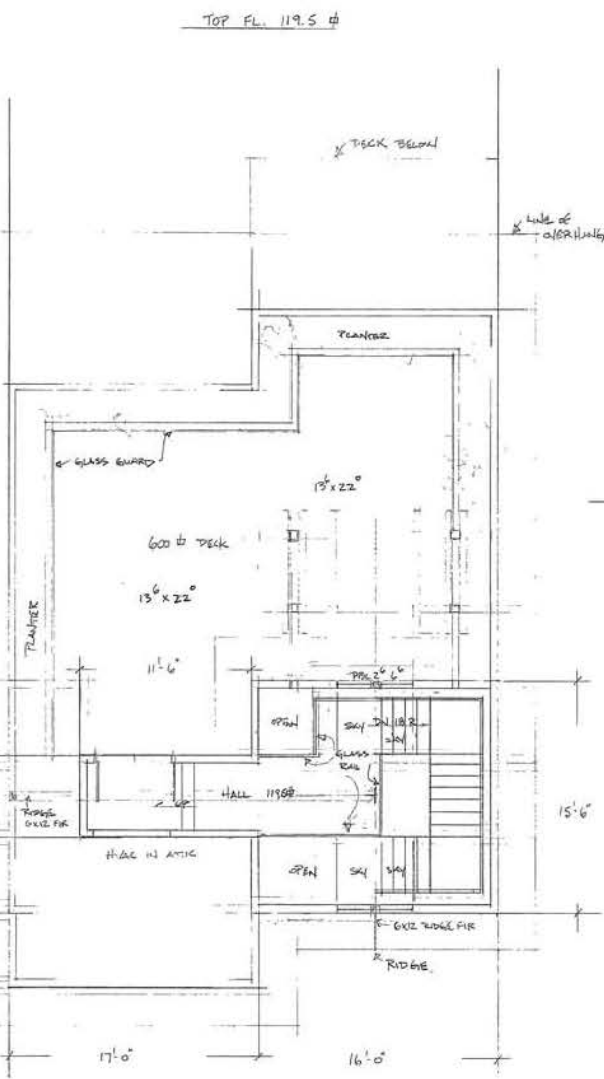
Exterior Walls  
 1 1/2" cedar wall sheath on approved 10 mm ZEPHEUS MAT 80% OPEN WEAVE DRYWALL BRAND AIR SPACE, on DBL 30 MIN PAPER ON 1/2" FIBER INS ON 2x6 STUDB @ 16" O.C. R-20 EAT INSULATION 6 MUUVS. 3/8" GYPROC FINISH

2ND FLOOR FRAMING  
 1 1/2" CONCRETE TOPPING OR 1" WARM BOARD ON 2x6 T&G DECKING ON 4x4 PURLINS @ 32" O.C. ON 2-4x10 @ 5'-0" O.C. JOISTS 2" SPACED 6" APART

INT WALLS  
 2x6 STUDB @ 16" O.C. INSULATE ALL JOINTS WITH TRANS + STACKS 1/2" DRYWALL FINISH

Main/Ground Floor Slab  
 5 1/2" CONCRETE SLAB 32 MPa w/ 10M @ 20" O.C. DOWEL @ 20" O.C. 6" MIN. TIE TO BEAR AND HYDRAULIC 32 PER HOLES PILES TO ENGINEERS UPLIFT ON GUNNYS ON R-12 rigid IPS 2 on compacted submittal fill

FINISHES  
 2 PLY TECH ON MEMBRANE ON 2x6 T&G DECKING ON 4x4 PURLINS @ 32" O.C. ON 2-4x10 FIR JOISTS @ 5'-0" O.C. ROOF DRAINS AS PER FLOOR PLAN

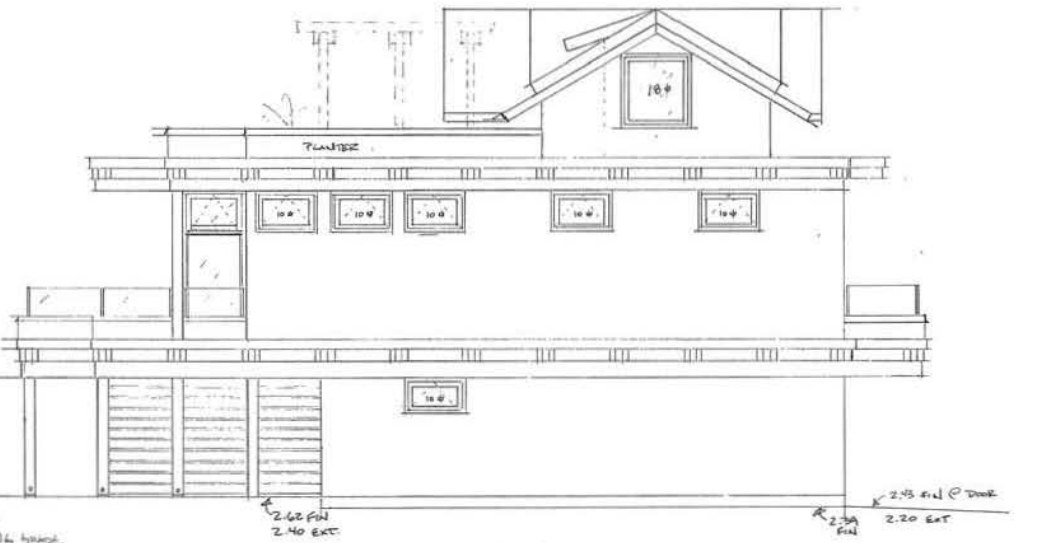
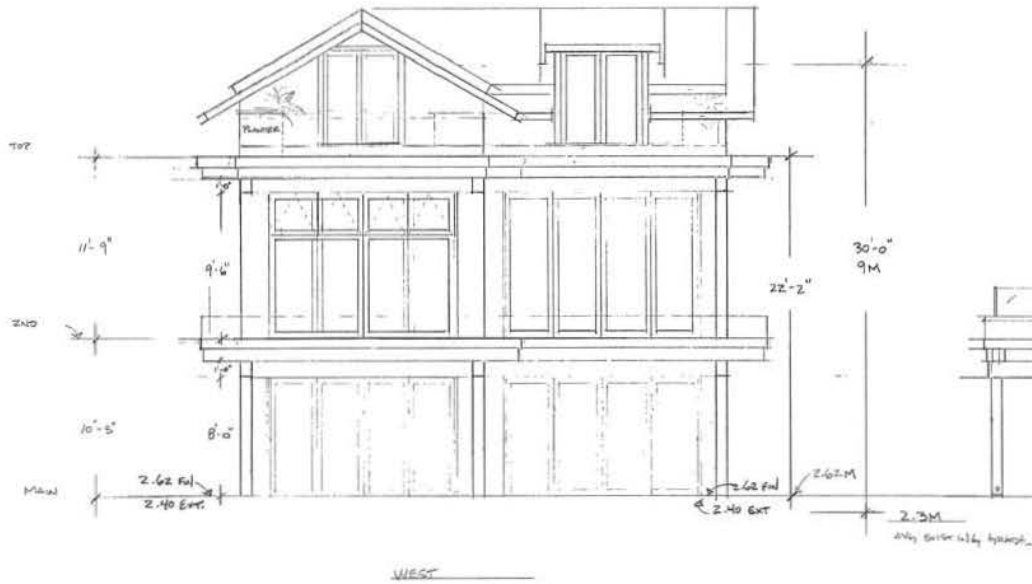
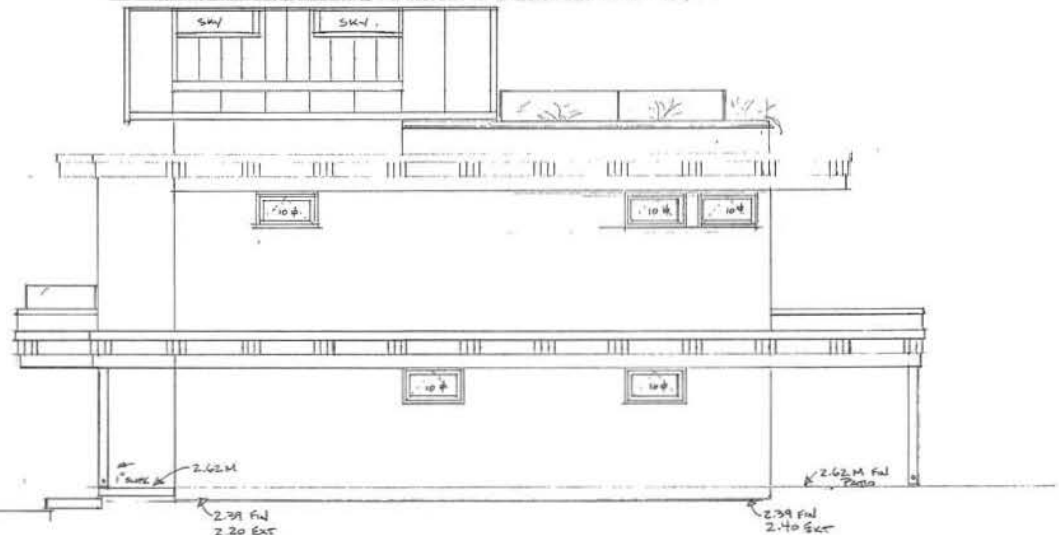


SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY:
DATE:	REVIEWED:	REVIEWED:
3106 O'HAIRA LANE		
SECTION / TOP FL / 2ND FL	DRAWING NUMBER	

EAST / O'HARA LINE



NORTH / RIGHT SIDE  
 SPECIAL CALC'S - SETBACK 1.8M - WALL AREA @ 1.8M = 180.4 #  
 MAX ALLOW. OPENINGS = 8.9% = 14.3 # - ACTUAL OPENINGS = 50 #



SOUTH / LEFT SIDE  
 SPECIAL CALC'S - SETBACK 1.8M - WALL AREA @ 1.8M = 1810.5 #  
 MAX ALLOW. OPENINGS = 8% = 144.8 # - ACTUAL OPENINGS = 78 #

SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY:
DATE:	REVIEWED:	
3106 O'HARA LINE		
ELEVATIONS		DRAWING NUMBER