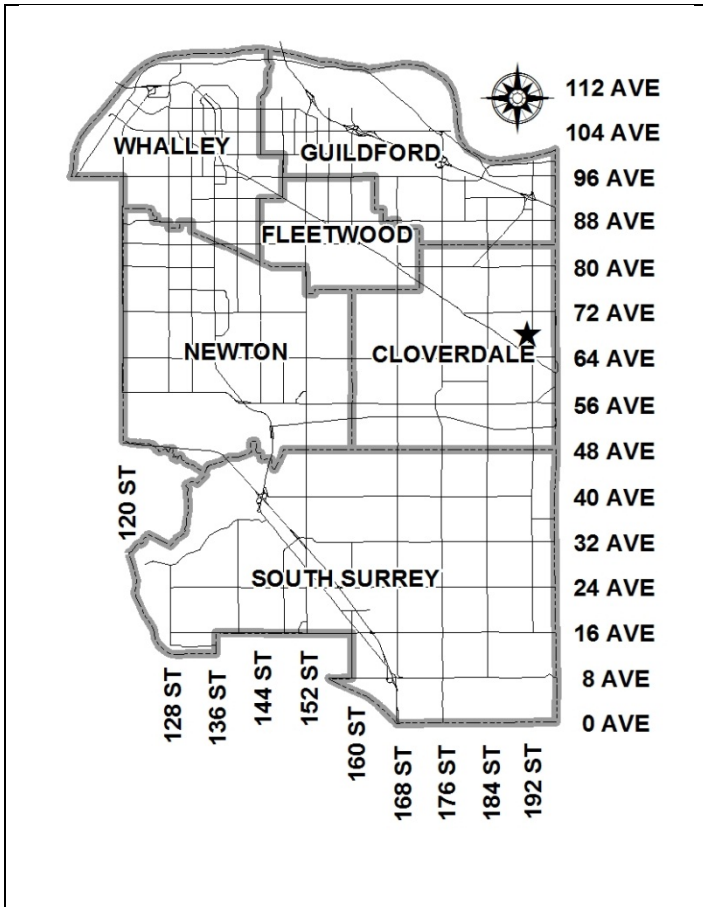


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7913-0261-00

Planning Report Date: March 31, 2014



PROPOSAL:

- **Development Variance Permit**
 to vary the minimum separation between the principal building and garage in order to permit the construction of a new house and detached single-storey double garage on a proposed lot.

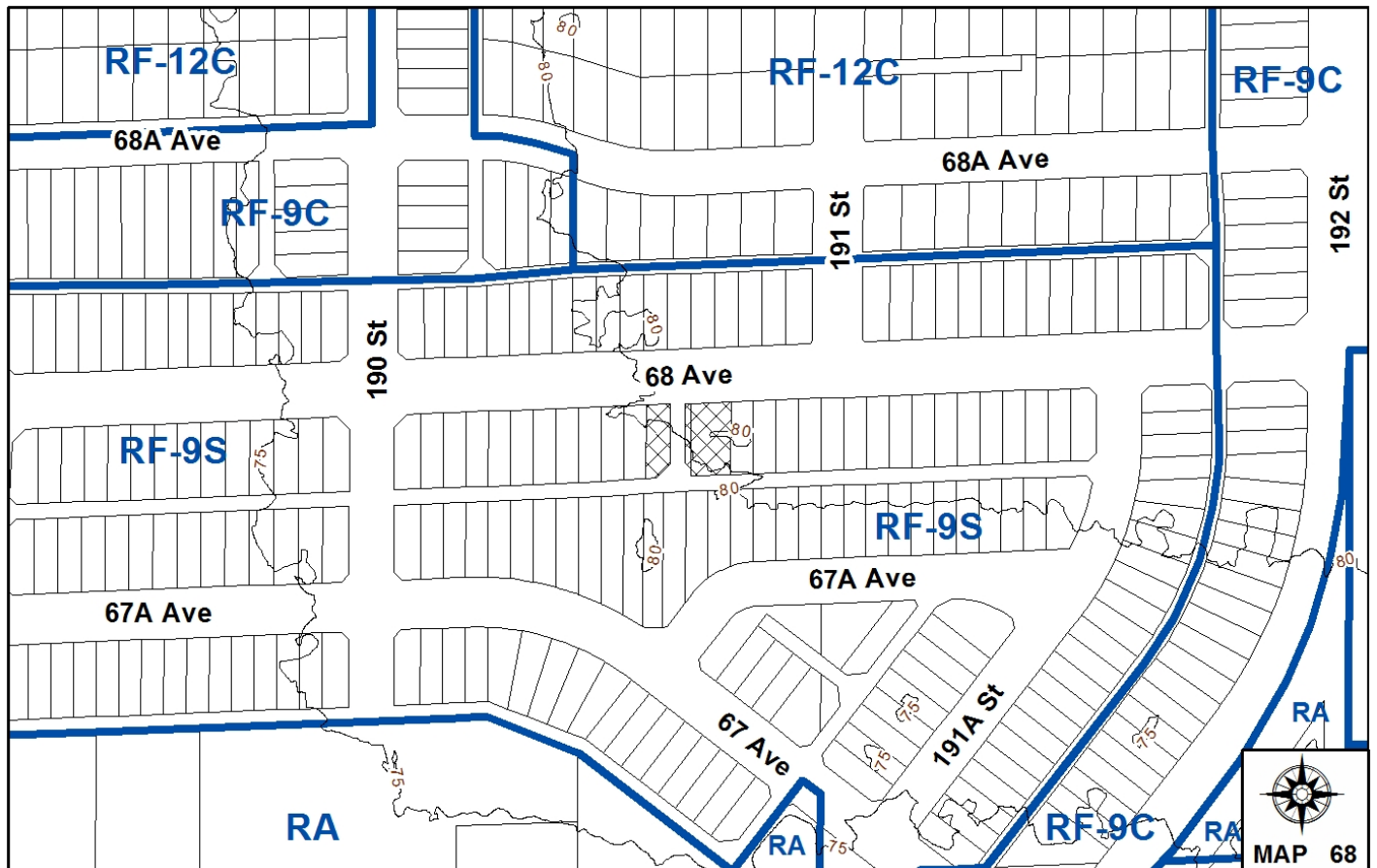
LOCATION: 19076 - 68 Avenue
 19068 - 68 Avenue

OWNERS: Peter Schwitay
 Kristie Schwitay
 Man Hung Chan
 Chong Leng Tho

ZONING: RF-9S

OCP DESIGNATION: Urban

NCP DESIGNATION: 10-15 Special Residential



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking to reduce the minimum separation between the principal building and garage for a new house and single-storey garage on proposed Lot 2.

RATIONALE OF RECOMMENDATION

- Increasing the minimum separation requirement of the RF-9S Zone will allow the applicant to increase the floor area that can be achieved for the proposed single family dwelling on proposed Lot 2.
- The proposed variance will only apply to a single-storey garage and will therefore not accommodate a coach house.
- Three parking spaces can be accommodated on proposed Lot 2, with two (2) spaces in the garage and one (1) on a parking pad.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7913-0261-00 (Appendix III) varying the following, to proceed to Public Notification:

- (a) to reduce the minimum separation between the principal building and accessory building of the RF-9S Zone from 6.0 metres (20 ft.) to 5.0 metres (16 ft.) for 50% of the width of the garage on proposed Lot 2.

REFERRALS

Engineering: The Engineering Department has no requirements relative to the issuance of the Development Variance Permit.

SITE CHARACTERISTICS

Existing Land Use: Two single family dwellings, with coach houses, and a general service use business which operates out of one of the dwellings.

Adjacent Area:

| Direction | Existing Use | NCP Designation | Existing Zone |
|---------------------------|--|--|---------------|
| North (Across 68 Avenue): | Single family dwellings with detached garages. | 10-15 u.p.a. Special Residential in East Clayton NCP | RF-9S |
| East: | Single family dwellings with coach houses. | 10-15 u.p.a. Special Residential in East Clayton NCP | RF-9S |
| South: | Single family dwellings with coach houses. | 10-15 u.p.a. Special Residential in East Clayton NCP | RF-9S |
| West: | Single family dwellings with coach houses. | 10-15 u.p.a. Special Residential in East Clayton NCP | RF-9S |

DEVELOPMENT CONSIDERATIONSBackground

- The 784-square metre (0.19-acre) subject site consists of two lots located at 19068 and 19076 - 68 Avenue in East Clayton.
- The site is designated "Urban" in the Official Community Plan (OCP), "10 - 15 u.p.a. Special Residential" in the East Clayton Neighbourhood Concept Plan (NCP), and is zoned "Special Single Family Residential (9) Zone (RF-9S)".

- The easterly subject lot at 19076 – 68 Avenue was created in 2008 as part of Development Application No. 7905-0384-00 and a "no build" Section 219 Restrictive Covenant was registered on the westerly portion of the lot in order to ensure that it could be consolidated with the lands to the west.
- The westerly subject lot at 19068 – 68 Avenue was subsequently created in 2012 as part of Development Application No. 7911-0161-00. This lot is a "hooked" lot, separated by a north/south lane, with a "no build" Restrictive Covenant on the easterly portion of the lot, so that it could be consolidated with 19076 – 68 Avenue to create a future RF-9S-zoned lot.
- Two business licenses have been issued to allow the operation of a photography and videography business at 19068 – 68 Avenue, which is permitted under the RF-9S Zone. There are a small number of licensed businesses operating along this portion of 68 Avenue.

Current Proposal

- The applicant is now proposing to subdivide and consolidate the "no build" portions of each lot in order to create three (3) single family lots under the existing RF-9S Zone (Appendix II).
- The existing "no build" Restrictive Covenants registered on both lots for future consolidation will be discharged as a condition of the associated subdivision.
- A single family house was constructed on the easterly portion of 19076 – 68 Avenue in 2010, and a single family house is currently under construction on the westerly portion of 19068 - 68 Avenue. Each of these properties has a detached garage with coach house at the rear of the lot, accessed from the rear lane.
- As part of the subdivision, the applicant is required to dedicate a 3.0-metre (10-ft.) by 3.0-metre (10-ft.) corner cut on the northwest corner and a 5.0-metre (16-ft.) by 5.0-metre (16-ft.) corner cut on the southwest corner of proposed Lot 2, resulting in a lot area of 242 square metres (2,605 sq.ft.).
- Proposed Lot 2 is 242 square metres (2,605 sq. ft.) in area, which is below the minimum 250-square metre (2,690-sq. ft.) lot size required in the RF-9S Zone, but is still within the discretion of the Approving Officer pertaining to the creation of the last lot.
- The applicant is proposing to construct a single family dwelling on proposed Lot 2, with a detached garage at the rear of the property, which would be accessed by the rear lane. The proposed single family dwelling and detached garage are consistent with the form of development on the existing lots along this portion of 68 Avenue.
- The applicant has agreed not to construct a coach house above the garage.
- The RF-9S Zone allows a single family dwelling to have a maximum floor area of 173 square metres (1,865 sq.ft.). However, if the applicant complies with the minimum setback requirements between the house and the detached garage at the rear of the property, the largest house size that can be achieved on proposed Lot 2 is only 124 square metres (1,335 sq. ft.).

- Therefore, the applicant is requesting a variance to the minimum separation between the principal building and accessory building from 6.0 metres (20 ft.) to 5.0 metres (16 ft.) for 50% of the garage on proposed Lot 2 in order to achieve a house with a larger floor area.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum separation between the principal building and accessory building of the RF-9S Zone from 6.0 metres (20 ft.) to 5.0 metres (16 ft.) for 50% of the garage on proposed Lot 2.

Applicant's Reasons:

- The constricted building envelope results in a maximum house size of 124 square metres (1,335 sq. ft.), which is significantly less than the 173 square metres (1,865 sq.ft.) permitted in the RF-9S Zone.
- The requested variance would allow an additional 13.24 square metres (143 sq.ft.) of floor area, for a total floor area of 137.24 square metres (1,477 sq.ft.), which is more consistent with other RF-9S-zoned dwellings in the area.

Staff Comments:

- At the time that Development Application No. 7913-0261-00 was submitted, the width of proposed Lot 2 was 9.3 metres (31 ft.) and the area was 255 square metres (2,745 sq.ft.), which met the minimum area requirement of 250 square metres (2,691 sq.ft.) of the RF-9S Zone.
- Since the existing house and detached garage with coach house at 19076 – 68 Avenue were constructed in 2010, an updated version of the BC Building Code was implemented which does not allow roof overhangs to be within 0.45 metre (1.5 ft.) of a lot line. Under the initial subdivision layout, the lot line was proposed to be 0.3 metre (1 ft.) from the garage wall, which meant that roof overhang would encroach by 0.15 metre (0.5 ft.).
- Consequently, the applicant has revised the proposed subdivision layout by reducing the width of proposed Lot 2 from 9.3 metres (31 ft.) to 9.0 metres (30 ft.), thereby increasing the width of proposed Lot 3 to 9.3 metres (31 ft.), and proposing to cut the roof overhang on the west side of the existing garage with coach house on proposed Lot 3 in order to be in compliance with the BC Building Code.
- However, as a result of reducing the width of proposed Lot 2 to 9.0 metres (30 ft.) and of requiring corner cuts on the northwest and southwest corners of the proposed lot, the resulting lot area is only 242 square metres (2,605 sq.ft.). The reduced lot area is within the Approving Officer's discretion.
- The RF-9S Zone permits a house to have a maximum floor area of 173 square metres (1,865 sq.ft.). However, if the applicant complies with all of the setback requirements

of the RF-9S Zone, the largest maximum floor area that can be achieved for a house on proposed Lot 2 would be 124 square metres (1,335 sq. ft.).

- The RF-9S Zone requires a 6.0-metre (20-ft.) minimum separation between the principal building and accessory building.
- The applicant is requesting a variance to the minimum separation between the principal building and accessory building from 6.0 metres (20 ft.) to 5.0 metres (16 ft.) for 50% of the garage in order to achieve a house with a larger floor area.
- Although the RF-9S Zone allows a secondary suite or coach house, the proposed variance is only for a single-storey garage. A coach house will not be permitted.
- With the proposed variance to the minimum separation between the single family dwelling and the detached garage, the applicant can achieve a maximum house size more in line with that permitted in the zone, as shown in the table below.

| | Permitted Floor Area Based on RF-9S Zone | Achievable Floor Area (no DVP) | Achievable Floor Area (with DVP) |
|-----------------------|---|---------------------------------------|---|
| Proposed Lot 2 | 173 sq.m. (1,865 sq.ft) | 124 sq.m. (1,335 sq.ft) | 137.24 sq.m. (1,477 sq.ft) |

- To help off-set of the reduced separation for 50% of the garage, the applicant is proposing to increase the minimum separation of the remaining 50% of the garage from 6.0 metres (20 ft.) to 7.0 metres (23 ft.) in order to ensure that the resulting size of the rear yard space would be the same as without the variance, and will still be functional.
- The applicant is still able to achieve two (2) off-street parking spaces within the proposed side-by-side garage, as well as one (1) off-street parking space on a parking pad adjacent to the garage.
- The proposed variance will not result in a negative impact to the streetscape and adjoining properties.
- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

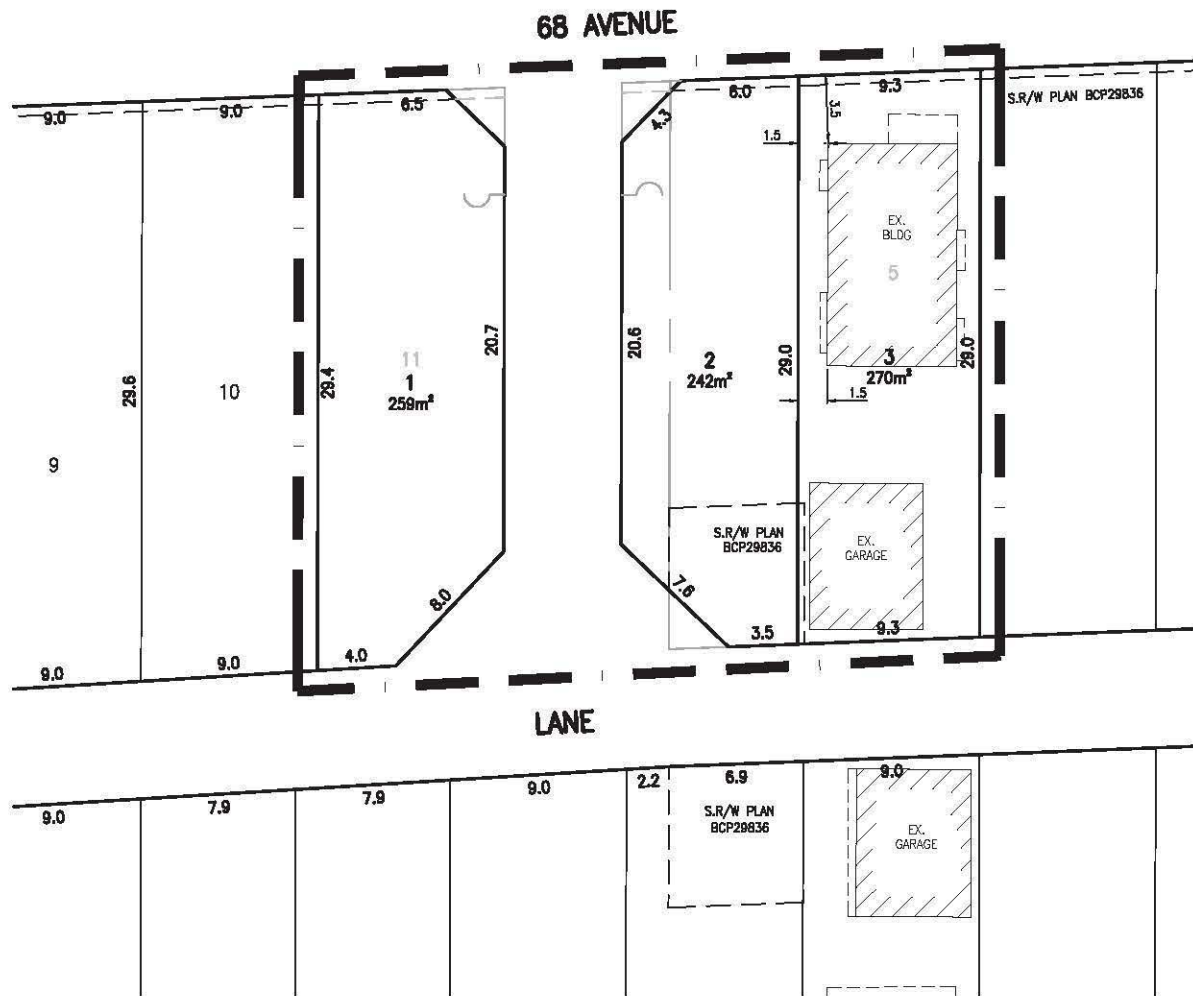
- Appendix I. Lot Owners, Action Summary and Project Data Sheets
- Appendix II. Proposed Subdivision Layout and Location Certificates
- Appendix III. Development Variance Permit No. 7913-0261-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

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|--|-------|--|----------|--------------------|--|
| CLIENT: | | PROJECT: 19068 & 19076-68 AVENUE, SURREY | | | |
| DRAWING TITLE: RESIDENTIAL SUBDIVISION | | | | | |
| PROJECT No: | 13061 | DATE: | JAN 2014 | LEGAL: | |
| | | SCALE: | 1:250 | SURREY PROJECT No: | |
| PRELIMINARY PLAN - SUBJECT TO APPROVAL(S) FROM FEDERAL, PROVINCIAL AND LOCAL AUTHORITIES | | | | | |

Hub Engineering Inc.
Engineering and Development Consultants

Member
PACIFIC LAND GROUP
Land Use, Development & Environmental Strategists

101 - 7485 - 130 Street, Surrey, B.C. V3W 1H8
Tel: 604-572-4328 Fax: 604-501-1825 E-mail: mail@hub-inc.com

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7913-0261-00

Issued To: PETER SCHWITAY
KRISTIE SCHWITAY

Address of Owner: 19076 - 68 Avenue
Surrey, BC V4N 6A5

Issued To: MAN HUNG CHAN
CHONG LENG THO

Address of Owner: 19068 - 68 Avenue
Surrey, BC V4N 6A2

(collectively referred to as "the Owner")

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: 027-453-961
Lot 5 Section 16 Township 8 New Westminster District Plan BCP35548

19076 - 68 Avenue

Parcel Identifier: 028-934-563
Lot 11 Section 16 Township 8 New Westminster District Plan BCP51440

19068 - 68 Avenue

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once titles have been issued, as follows:

Parcel Identifier:

- (b) If the civic addresses change, the City Clerk is directed to insert the new civic addresses for the Land, as follows:
-

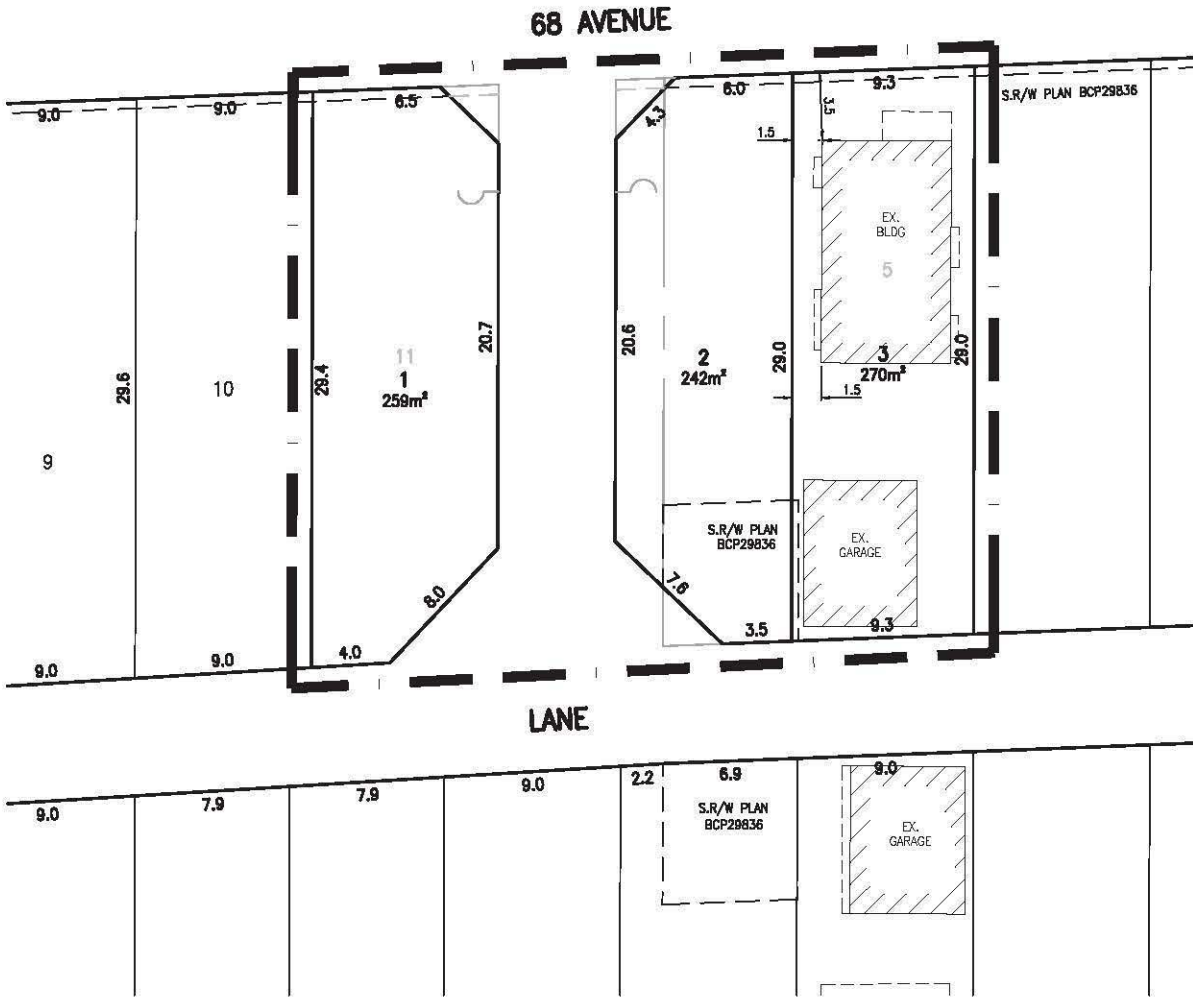
4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
- (a) In Section F. Yards and Setbacks of Part 17G Special "Single Family Residential (9) Zone (RF-9S)", the minimum separation of the principal building and a single-storey accessory building is reduced from 6.0 metres (20 ft.) to 5.0 metres (16 ft.) for 50% of the width of the garage on proposed Lot 2, as shown on Schedule B.
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 unless the subdivision, as conceptually shown on Schedule A which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) 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 .

Mayor – Dianne L. Watts

City Clerk – Jane Sullivan

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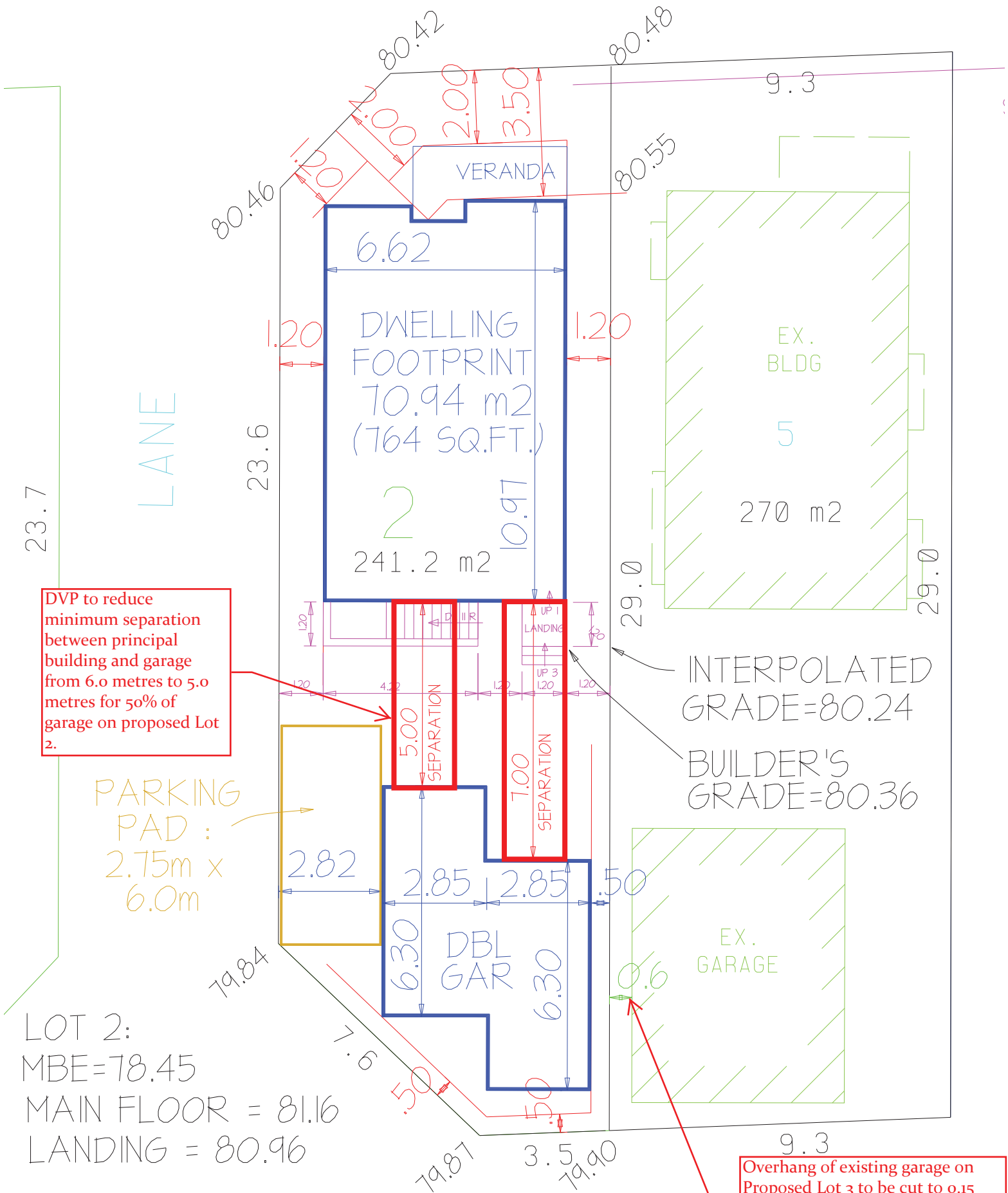
| | | | | | |
|----------------|--|-------|----------|--------------------|-------|
| CLIENT: | PROJECT: 19068 & 19076-68 AVENUE, SURREY | | | | |
| DRAWING TITLE: | RESIDENTIAL SUBDIVISION | | | | |
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 Tel: 604-572-4328 Fax: 604-501-1825 E-mail: mail@hub-inc.com



DVP to reduce minimum separation between principal building and garage from 6.0 metres to 5.0 metres for 50% of garage on proposed Lot 2.

LOT 2:
MBE=78.45
MAIN FLOOR = 81.16
LANDING = 80.96

Overhang of existing garage on Proposed Lot 3 to be cut to 0.15 metres to comply with BC Building Code requirement of roof overhangs being a minimum of 0.45 metres from lot lines.