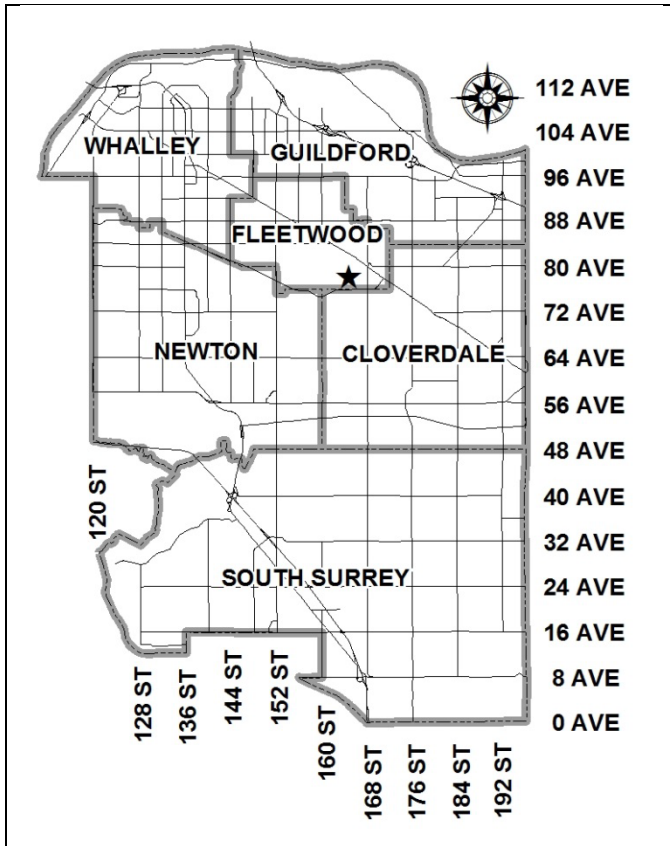


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7914-0353-00

Planning Report Date: February 23, 2015



PROPOSAL:

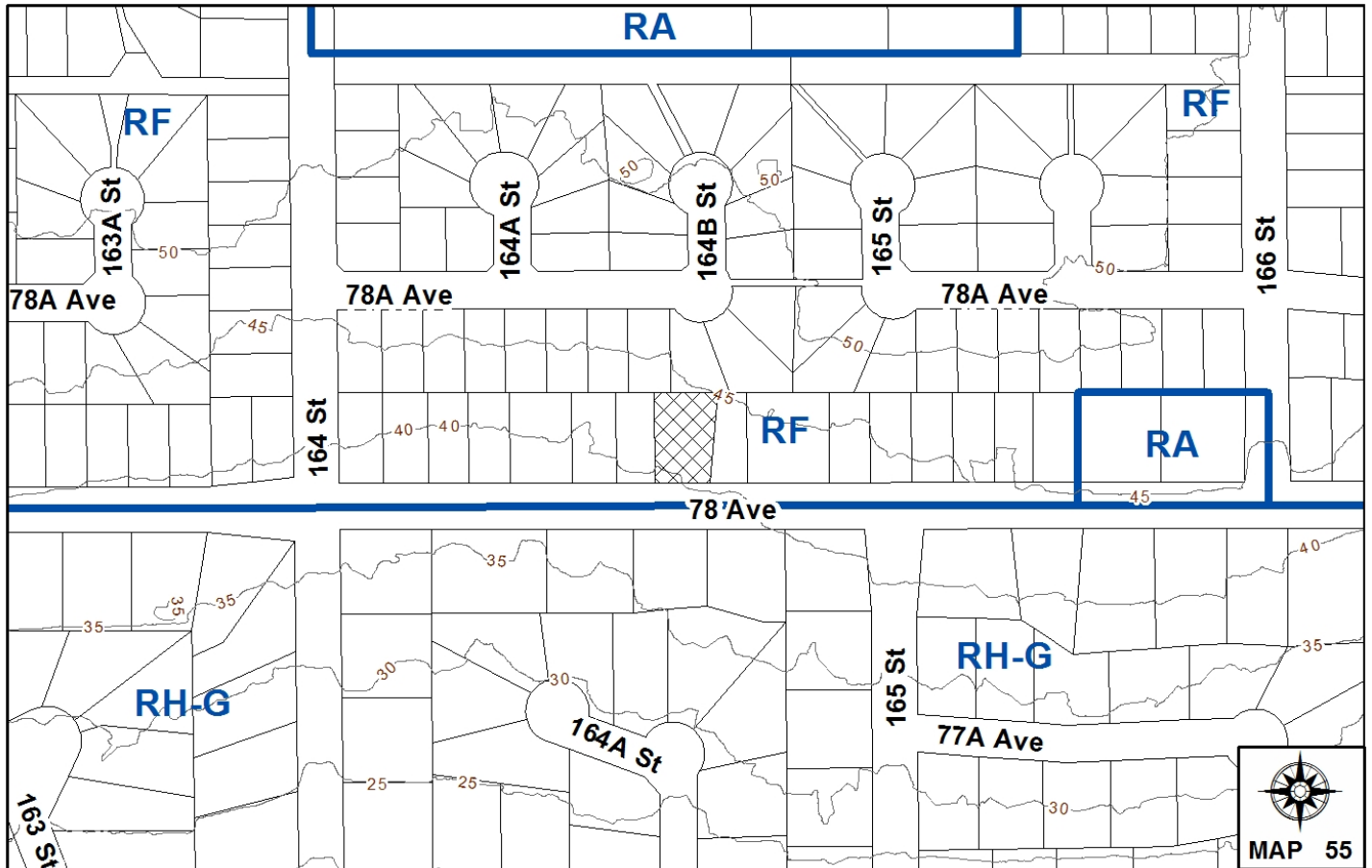
- **Restrictive Covenant** amendment in order to remove the height restriction for a proposed single family dwelling.

LOCATION: 16475 - 78 Avenue

OWNERS: Sarvjit S. Bhatti
 Rajwinder K. Deol

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- Denial

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- A Building Scheme amendment is sought to remove the height restriction in the Building Scheme and Restrictive Covenant, in order for a new single family dwelling to be constructed to the 9-metre (30 ft.) maximum height permitted in the RF Zone, on the subject lot, which is 4.24 metres (14 ft.) higher than what is currently permitted for the subject lot, based on a roof slope of 7/12.

RATIONALE OF RECOMMENDATION

- The subject lot was created under rezoning and subdivision application No. 7901-0050-00, which created two RF-zoned lots (the subject lot and 16483 – 78 Avenue to the immediate east) in 2002. During the application process, residents to the north, including the resident located at 16488 – 78A Avenue, to the northeast of the subject lot, expressed concerns that the future homes on the two newly created lots could obstruct their views. Therefore, a height restriction was placed in the Statutory Building Scheme and associated Building Scheme Restrictive Covenant (RC) that limited the height to less than the 9-metre (30 ft.) height permitted in the RF Zone.
- The resident located at 16488 – 78A Avenue, who is the same resident that expressed concerns in 2002, opposes the proposed height increase due to perceived impact on views. The applicant has not addressed the neighbour's concerns.
- The home located at 16483 – 78 Avenue, to the immediate east of the subject site, was built in 2003 in compliance with the same height restriction as the subject site. The adjacent home is one-storey with a basement.
- The applicant can achieve a two-storey home plus a basement if the Building Scheme is amended to increase the house height to 51.06 metres (168 ft.) geodetic (the geodetic height is the height of a given point above sea level), which is 2.26 metres (7.4 ft.) higher than currently permitted. However, the applicant is seeking the maximum height permitted in the RF Zone in order to take advantage of the view to the south and to raise the main floor above grade such that a retaining wall would not be necessary at the rear of the future home.
- Due to the height restriction being a concern of the neighbour to the north during the rezoning of the site in 2002, the height limitation being incorporated in the registered Building Scheme and Restrictive Covenant, and the same neighbour objecting to the proposed Building Scheme amendment, staff do not support the application.
- The applicant has advised staff that they are not amenable to any compromise and are seeking no height restriction other than the maximum height permitted in the RF Zone.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

REFERRALS

Engineering: The Engineering Department has no objection to the Restrictive Covenant amendment.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling constructed in the 1960's, proposed to be removed.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings	Urban	RF
East:	Single family dwelling	Urban	RF
South (Across 78 Avenue):	Single family dwellings	Suburban	RH-G
West:	Single family dwelling	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located at 16475 – 78 Avenue in Fleetwood and is zoned "Single Family Residential Zone (RF)" and contains a single family dwelling.
- The subject lot was created under rezoning and subdivision Application No. 7901-0050-00, which created two RF-zoned lots (the subject lot and 16483 – 78 Avenue to the immediate east) in 2002. During the application process, three residents to the north expressed concerns that the future homes on the two proposed lots could obstruct their views.
- Therefore, in order to address these concerns, a height restriction was placed in the Statutory Building Scheme and associated Building Scheme Restrictive Covenant (RC) that limited the highest point of the roof to less than what is permitted in the RF Zone.

- The Statutory Building Scheme and associated Restrictive Covenant restricts the highest point of the roof to a geodetic height of 48.8 metres (160 ft.) on the subject lot, which is approximately 4.24 metres (14 ft.) less than the 9-metre (30 ft.) maximum roof height that could be achieved in the RF Zone. The geodetic height is the height of a given point above sea level.
- The current height restriction of 48.8 metres (160 ft.) geodetic is equal to the highest point of the roof of the existing home on the subject lot.
- The existing home is a two-storey home without a basement. The height restriction in the Building Scheme and RC will not allow for a two-storey home plus basement.
- The applicant recently purchased the property with the intention of removing the existing single family dwelling and constructing a new home.
- The Building Scheme and RC are notations on Title; however, the applicant stated they were unaware of the height restriction, in the Building Scheme and RC, prior to purchasing the lot.

Proposal

- The applicant is requesting to amend Statutory Building Scheme BT169245 and Restrictive Covenant No. BT169247 in order to remove the 48.8-metre (160 ft.) geodetic height restriction for a single family dwelling.
- The requested amendment would allow a new home to be constructed to the maximum 9-metre (30 ft.) height permitted in the RF Zone.
- The requested amendment results in a home which is 4.24 metres (14 ft.) higher than what is currently permitted on the lot (based on a roof slope of 7/12).

PRE-NOTIFICATION

The applicant installed a development proposal sign on December 21, 2014.

Pre-notification letters were mailed on December 9, 2014. Staff received three responses, as summarized below:

- The resident located at 16488 – 78A Avenue to the northeast of the subject site, opposes the proposal and commented that a taller house and taller landscaping will impact their view.

(Staff requested the resident to provide photos of the view in order for staff to better understand the impact the applicant's proposal will have on the resident's view. To date, the resident has not responded to staff's request. Without additional information, such as photos of the resident's view, staff cannot determine with certainty the impact the applicant's proposal will have on the resident's view.)

The applicant has reportedly spoken to the neighbouring resident but has not been able to address the resident's concerns.)

- A resident, who resides to the south of the subject site, commented that a taller house would not be in character with the height of existing homes in the area.

(There is a mix of new and older homes along the north side of 78 Avenue, within the vicinity of the subject site. The older homes are predominantly two-storey homes. The newer homes are two-storey plus basement homes, with the exception of the home located at 16483 - 78 Avenue, to the immediate east of the subject lot, which is a one-storey home with basement.)

- One resident inquired for further information on the proposal.

(Staff clarified the proposal and explained that the requested variance to the current height restriction complies with the RF Zone. The resident had no further comments.)

DISCUSSION

- The applicant has advised staff that they were not aware of the height restriction in the Building Scheme RC until after purchasing the property. The applicant indicated that once they engaged a certified design consultant (Mike Tynan of Tynan Design Ltd.) to prepare a house design, the height restriction was brought to the applicant's attention.
- The applicant seeks to construct a two-storey home with a basement. Only a one-storey home plus a basement can be achieved under the existing height restriction in the Building Scheme.
- The applicant has provided the following rationale in support of their application:
 - In order for the applicant to achieve a view from their main floor, the future house needs to be at the requested height. The requested height would provide a view above the house (16480 - 78 Avenue) across the street from the subject lot;
 - A retaining wall up to 1-metre (3.2 ft.) in height may be required in the rear patio area, if the maximum house height is 51.06 metres (168 ft.) geodetic, which is the minimum height needed for a 2-storey home with basement;
 - The Building Scheme on Title is only valid for twenty years from the date of registration. Therefore, it will have no force and effect after May 17, 2022, at which time the applicant could construct a home to the maximum 9-metre (30 ft.) height allowed in the RF Zone;
 - The owner of the most impacted lot, located immediately north of the subject site at 16475 - 78A Avenue is supportive of the proposed height increase;
 - The resident located at 16488 - 78A Avenue, who is opposed to the proposal, would not be significantly impacted by the height increase, as the resident's house is oriented away from the subject lot, and, is approximately 2-3 metres (6.5 - 10 ft.) above the rear yard of the subject lot;

- The applicant obtained written support from residents of 9 addresses, specifically: 16431, 16443, 16451, 16463, 16480, 16483, 16509 and 16535- 78 Avenue and 16475 - 78A Avenue; and
- There are several two-storey plus basement homes on the north side of the block, such as the homes to the east located at 16509, 16535, 16541 and 16543 – 78 Avenue.

Height Scenarios

- The height restriction was incorporated in the Building Scheme in order to address concerns from residents to the north. To date, the applicant has not demonstrated that the proposed height increase will not impact the view for the northeast neighbour (16488 - 78A Avenue), who remains opposed to the application. The owner of this neighbouring lot is the same owner who originally raised concerns that new homes could block views.
- The registered Building Scheme requires that the roof have a minimum slope of 6/12.
- The applicant retained Mike Tynan, certified design consultant to review the height restriction in the Building Scheme. Mr. Tynan initially suggested that the highest point of the roof (not the average and not the mid-point) could be increased to 51.06 metres (168 ft.) geodetic as a compromise between the current building height restriction (48.8 metres / 160 ft. geodetic) and the maximum height allowed in the RF Zone (53.04 metres / 174 ft. geodetic) for the subject lot.
- Based on Mr. Tynan's analysis, a geodetic height of 51.06 metres (168 ft.) is the minimum height required to allow for a two-storey plus basement home, with 8- to 9-foot ceiling heights per floor.
- Following Mr. Tynan's initial analysis, the applicant provided Mr. Tynan with a potential house plan. After reviewing the house plan, Mr. Tynan then increased his suggested maximum house height to 51.78 metres (170 ft.) geodetic for the western 50% of home and to 51.25 metres (168 ft.) geodetic for the eastern 50% of home. The eastern roof height would be lower than the western roof height in an attempt to reduce the impact on the view from 16488 – 78A Avenue. However, it is uncertain how/if this further height increase would impact the view from 16488 – 78A Avenue.
- The following table summarizes four different house height scenarios, as they apply to the subject site:

Scenario	Highest roof point allowed	Potential for 2-storey home with in-ground basement	Height difference compared to the maximum height permitted in the RF Zone
1. Existing height restriction (highest point of current house)	48.8 metres (160 ft.) geodetic	No	4.24 metres (14 ft.) lower
2. Initial height suggested by the design consultant	51.06 metres (168 ft.) geodetic	Yes	1.98 metres (6 ft.) lower

Scenario	Highest roof point allowed	Potential for 2-storey home with in-ground basement	Height difference compared to the maximum height permitted in the RF Zone
3. Subsequent height suggested by the design consultant	51.78 metres (170 ft.) geodetic for western 50% of home and 51.25 metres (168 ft.) geodetic for eastern 50% of home	Yes	1.26 metres (4 ft.) to 1.79 metres (6 ft.) lower
4. Applicant's proposal to remove the building height restriction	53.04 metres (174 ft.) geodetic	Yes	0 m. (0 ft.)

- The applicant's proposed building height increase is 4.24 metres (14 ft.) taller than the height of the existing house on the subject lot as well as the height permitted in the registered Building Scheme, assuming a roof slope of 7/12. A roof slope that is steeper than 7/12, would result in a roof point higher than 53.04 metres (174 ft.) geodetic.
- The applicant is not agreeable to any height limitation other than the maximum 9-metre (30 ft.) building height in the RF Zone.
- The home located at 16483 - 78 Avenue, to the immediate east of the subject site, was built in compliance with the height restriction in the Building Scheme and is a one-storey home with a basement.

CONCLUSION

- The applicant seeks to amend the building height restriction in the Building Scheme and Restrictive Covenant, in order construct a taller house than what the Building Scheme and Restrictive Covenant permit.
- The building height restriction was put in place on the subject lot and the lot to the east, to address concerns that were raised from neighbours during the pre-notification process for completed rezoning and subdivision Application No. 7901-0050-00.
- A house was built on the lot to the east in compliance with the Building Scheme and Restrictive Covenant that also regulates the subject lot.
- The applicant has not addressed the concerns raised by the resident located at 16488 - 78A Avenue, who is one of the original owners to raise concerns about house height and view impacts, when the subject lot was created in 2002.
- The applicant's proposed height increase is taller than the 51.06-metre (168 ft.) geodetic height initially suggested by the applicant's design consultant (Mr. Tynan) as a compromise between the current height restriction and the RF Zone.
- The applicant is seeking a building height that exceeds what is required to allow for a two-storey home plus a basement.

- The applicant was unable to demonstrate with any certainty, what (if any) impact the requested height increase would have on the view from 16488 – 78A Avenue.
- The Planning and Development Department recommends that this application be denied.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

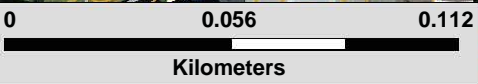
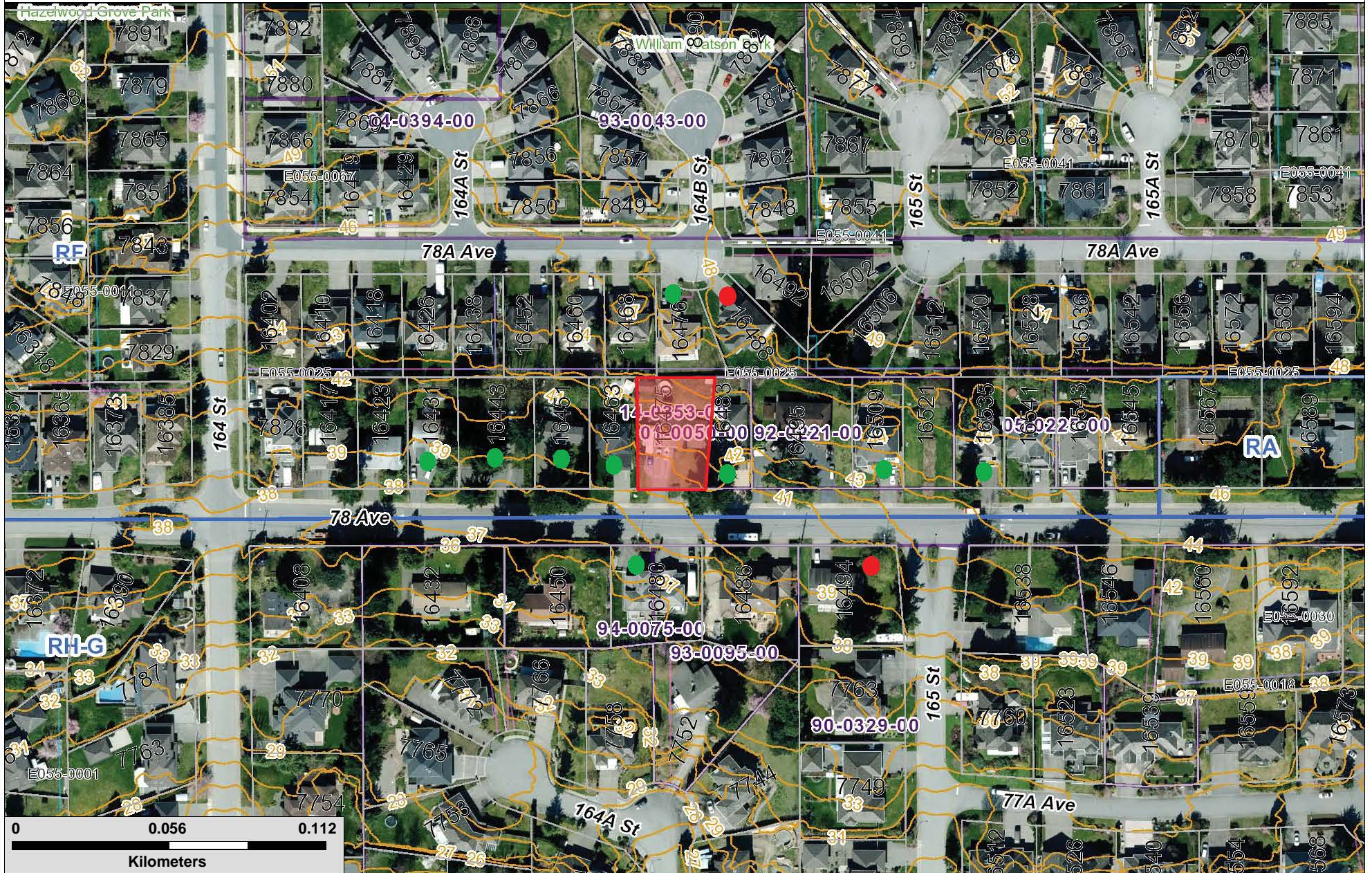
Appendix I.	Lot Owners and Action Summary
Appendix II.	Contour Map and Map of Public Responses
Appendix III.	Photos Provided by the Applicant
Appendix IV.	Sample Front Elevation of Potential Home

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

JD/da

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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.

Enter Map Description



Scale: 1: 1,859

Map created on: December-15-14



3



View from ground level of subject the lot

4



16488 - 78A Avenue
(opposed)

Subject lot

View from the rear yard of the subject lot, looking northeast

Redline notations reflect the revised height recommendation by the design consultant.

