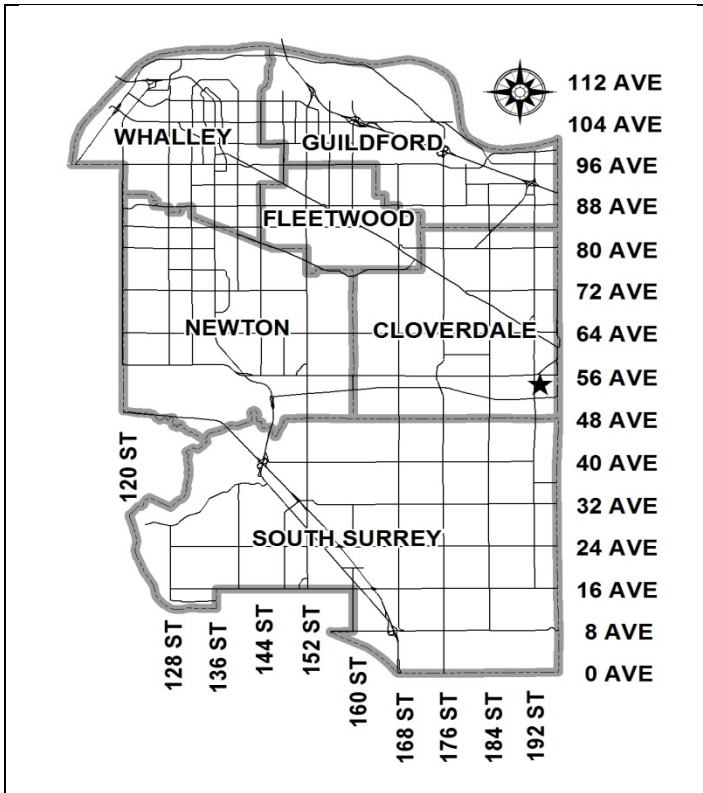


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0142-00

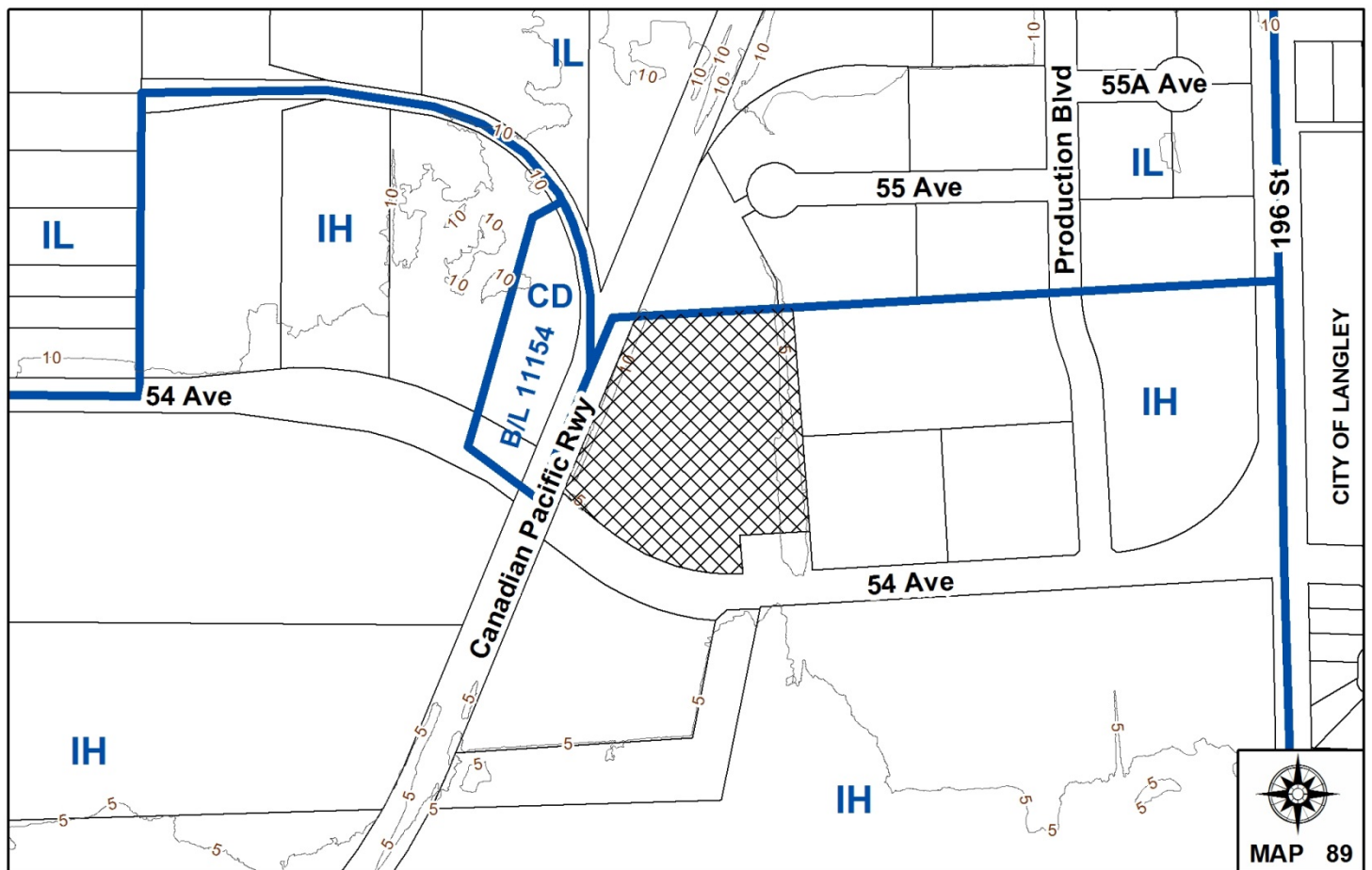
Planning Report Date: March 7, 2016



PROPOSAL:

- **Development Variance Permit**
to reduce the rear yard setback of an accessory structure in order to permit the retention of an existing detached vehicle wash station.

LOCATION: 19429 - 54 Avenue
OWNER: Phoenix Industrial Properties Ltd
ZONING: IH
OCP DESIGNATION: Industrial



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking a variance to the IH Zone to reduce the rear yard setback of an accessory structure from 7.5 metres (25 feet) to 0.67 metre (2.2 feet), to permit retention of an existing detached vehicle wash station constructed without a building permit.

RATIONALE OF RECOMMENDATION

- The requested setback variance would enable the retention of an existing vehicle wash station constructed without a building permit. The owner reports that they were unaware when they purchased the property in 2013 that the vehicle wash station structure was built without the proper permits.
- A 8,156-square metre (26,760 sq. ft.) multi-tenant industrial building was constructed on the site in 2008.
- The existing vehicle wash station is regularly used by the six tenants of the subject lot, which include automotive repair and trucking businesses.
- Six statutory rights-of-way (ROW) are registered over the subject lot and a red-coded creek runs along the eastern portion, which restrict the amount of buildable space on the property. The current location of the vehicle wash station at the northwest corner of the subject lot provides the most functional layout of the site, as it provides the maximum amount of space for vehicle parking and maneuvering around the existing buildings and the ROW areas.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7915-0142-00 (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum rear yard setback of the IH Zone from 7.5 metres (25 ft.) to 0.67 metre (2.2 ft.) for an accessory structure (vehicle wash station).

REFERRALS

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

BC Hydro: BC Hydro has no objection to the proposal.

SITE CHARACTERISTICS

Existing Land Use: There is an existing two-storey warehouse and office building, a covered vehicle parking structure, and detached vehicle wash station on the subject site. The Class A watercourse McLellan Creek runs along the eastern property line, while the remainder of the site is used for surface parking and exterior storage.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Vacant lot	Industrial	IL
East:	Warehouse building and exterior storage	Industrial	IH
South (Across 54 Avenue):	Unauthorized container truck storage	Industrial	IH
West (Across the Canadian Pacific Railway and BC Hydro ROW):	Scrap metal recycling facility and recycling depot	Industrial	CD By-law No. 11154

DEVELOPMENT CONSIDERATIONS

- The 18,727-square metre (201,579 sq. ft.) subject lot is located at 19429 – 54 Avenue in Cloverdale.
- The lot is designated “Industrial” in the Official Community Plan (OCP) and is zoned “High Impact Industrial Zone (IH)”.

- The subject lot was created in 2007 under Application No. 7906-0067-00, which consisted of a subdivision to create 8 industrial lots from 4 parent parcels.
- A 8,156-square metre (26,760 sq. ft.) multi-tenant industrial building was constructed on the site in 2008.
- The site is to the immediate east of the 54 Avenue railway overpass, which opened in June 2014, as part of the Roberts Bank Rail Corridor Project.
- There are six statutory rights-of-way registered over the subject lot by the City of Surrey, BC Hydro, and the Southern Railway of BC. The Class A watercourse McLellan Creek runs along the eastern property line.
- A Stop Work Order was posted at the subject site on November 14, 2014 following an inspection that discovered that several accessory buildings had been constructed without valid building permits, including a detached parking shed along the west property line and a detached vehicle wash station at the northwest corner of the lot.
- The owner, Phoenix Industrial Properties Inc., purchased the property in 2013 and reports they were unaware that there were structures on-site constructed without building permits. The owner subsequently applied for building permits to permit these structures on April 1, 2015. The detached vehicle wash station is within the rear yard setback of the subject lot, and thus the owner applied for the subject DVP Application No. 7915-0142-00 to permit the structure to be retained within the rear yard setback on May 7, 2015.
- The subject lot is currently leased to six businesses, including automotive repair service and trucking companies.
- The applicant would like to retain the existing structures on the subject lot and bring them into compliance in order to have the Stop Work Order lifted, and therefore has applied for building permits and the subject Development Variance Permit (see By-law Variance section).

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard setback of an accessory structure in the IH Zone, from 7.5 metres (25 ft.) to 0.67 metre (2.2 ft.) for an existing vehicle wash station.

Applicant's Reasons:

- The vehicle wash station was already on-site at the date of the purchase of the property by the applicant in 2013 and the applicant was unaware that the structure had been constructed without a building permit. The applicant is now attempting to secure a building permit and the subject Development Variance Permit No. 7915-0142-00 to retain the existing wash station and bring it into compliance with the Building By-law and Zoning By-law.

- The vehicle wash station is crucial to the operations of the six tenants, which include automotive repair service and trucking companies, as it is regularly used by employees to clean their fleet of vehicles.
- It would be impractical and expensive to demolish and relocate the wash station outside the setback area. The current siting of the wash station in the northwest corner of the property provides the maximum space on the lot for maneuvering and parking trucks and trailers, around the existing warehouse structure and outside of the statutory right-of-way areas.

Staff Comments:

- The subject lot is impacted by six statutory rights-of-way registered by the City of Surrey, BC Hydro, and the Southern Railway of BC, which restrict the amount of useable space on the lot. In particular, two Statutory Rights-of-Way registered by the City of Surrey in 2001 (charges BR345966 and BR345967) over the eastern portion of the lot for the purposes of the protection of the Class A watercourse McLellan Creek reduce the useable space of the subject lot by approximately 7,310 square metres (1.8 ac.).
- The applicant has demonstrated that, given the area of the subject lot encumbered by the six statutory rights-of-way and the existing warehouse building, the current location of the vehicle wash station results in the most functional site layout in that it provides the maximum space for vehicle parking and maneuvering.
- The vehicle wash station is 3.9 metres (13 ft.) in height and the adjacent rear property line is fenced with a 1.2-metre (4 ft.) chain-link fence mounted on a concrete lock block wall.
- The adjacent lot to the north is a vacant, treed lot which is not likely to be adversely impacted by the proposed reduced rear yard setback.
- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

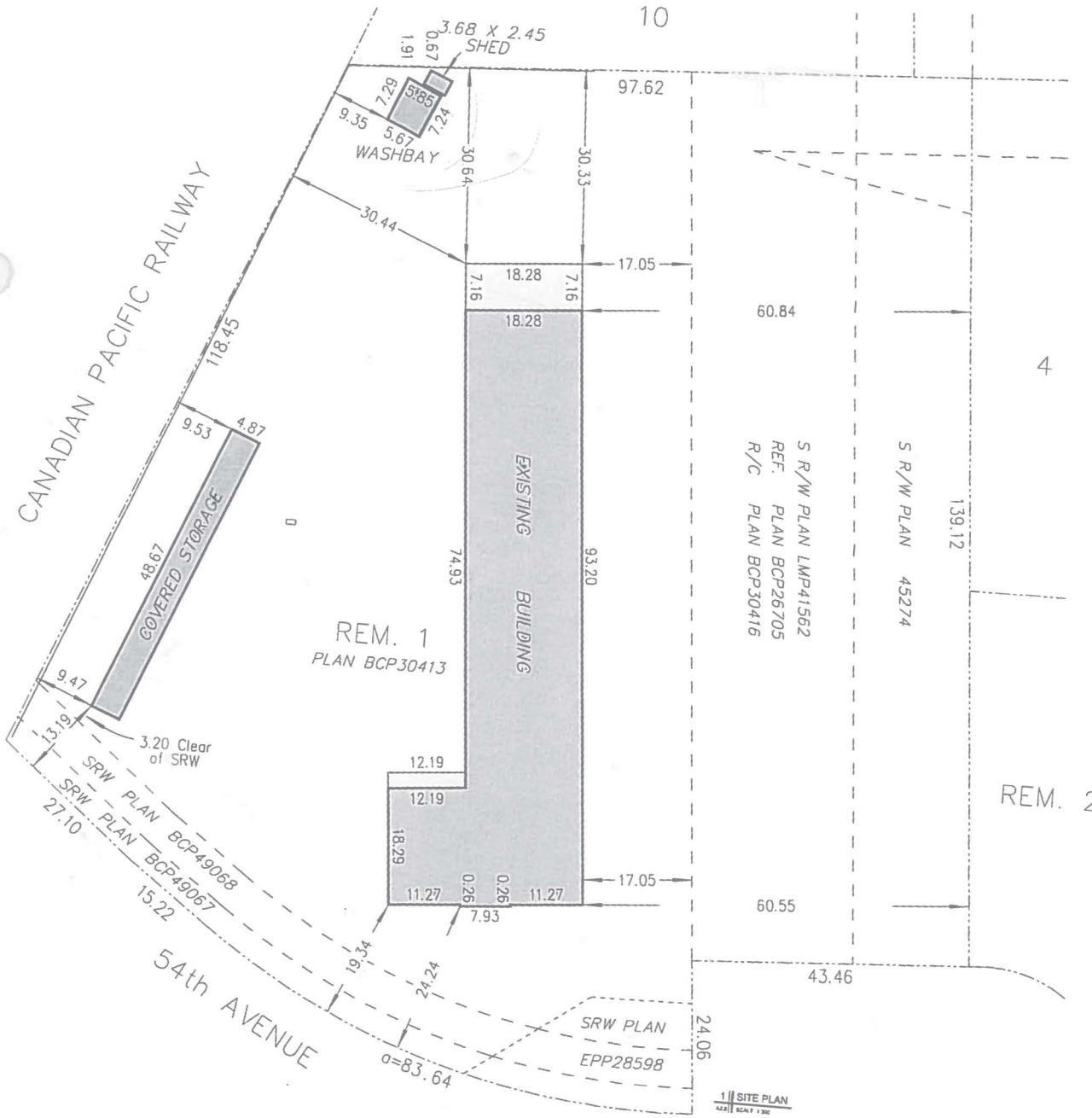
Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan and Building Elevations
Appendix III.	Development Variance Permit No. 7915-0142-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

RC/dk

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KD 3/2/16 3:57 PM



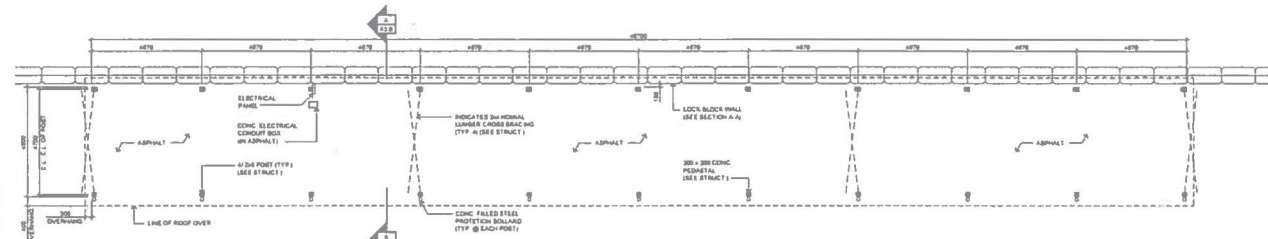
B & B CONTRACTING -
AUXILIARY BUILDINGS

19429 54th AVENUE
SURREY, B.C.

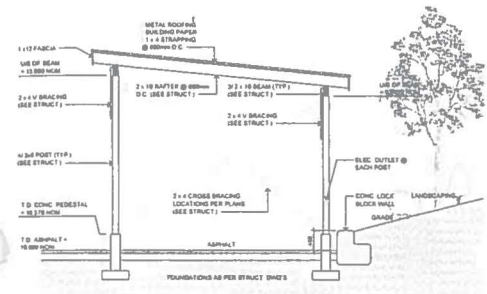
SITE PLAN

AS NOTED
M/A
P/L
42 14016

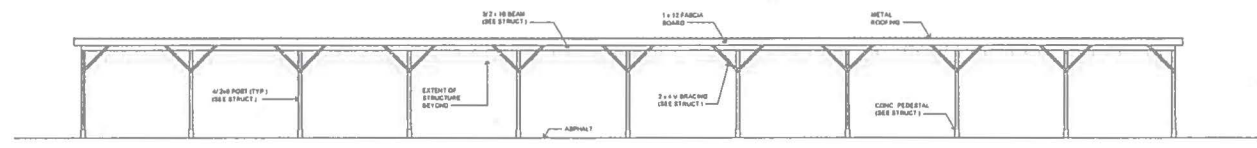
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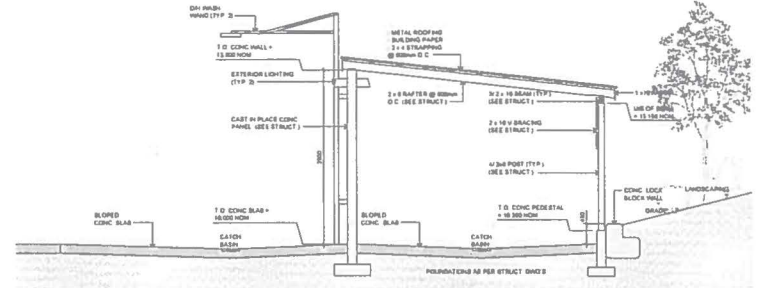
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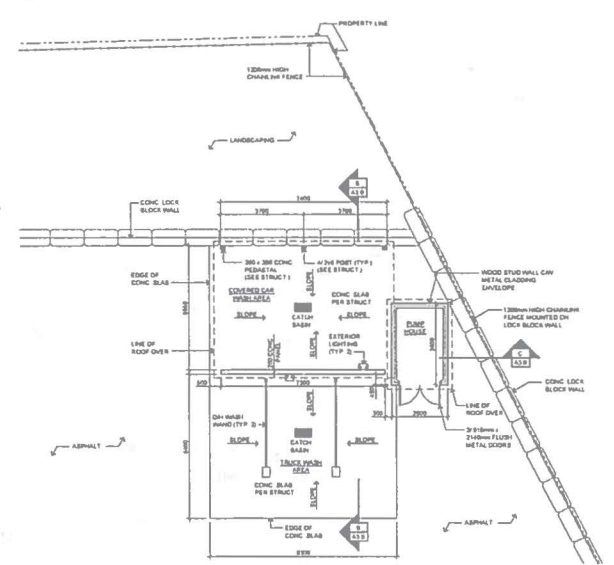
3 COVERED PARKING SECTION A-A
A3 0 | SCALE 1 50



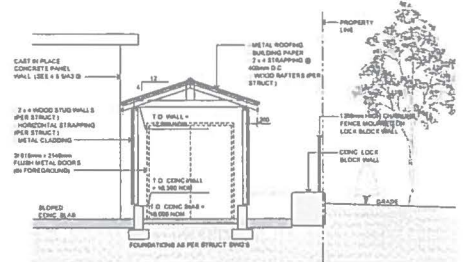
2 COVERED PARKING ELEVATION
A3 0 | SCALE 1 100



5 VEHICLE WASH STATION SECTION B-B
A3 0 | SCALE 1 50



4 VEHICLE WASH STATION PLAN
A3 0 | SCALE 1 100



6 PUMP HOUSE SECTION C-C
A3 0 | SCALE 1 50

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0142-00

Issued To: PHOENIX INDUSTRIAL PROPERTIES LTD

("the Owner")

Address of Owner: 19429 - 54 Avenue, Unit 200
Surrey, BC V3S 7X2

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: 027-100-677

Lot 1 Section 3 Township 8 New Westminster District Plan BCP30413 Except Plan BCP49066

19429 54 Ave

(the "Land")

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

(a) In Section F of Part 49 High Impact Industrial Zone (IH), the minimum rear yard setback for an accessory structure is reduced from 7.5 metres (25 feet) to 0.67 metres (2.2 feet).

4. This development variance permit applies to only the 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. 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.

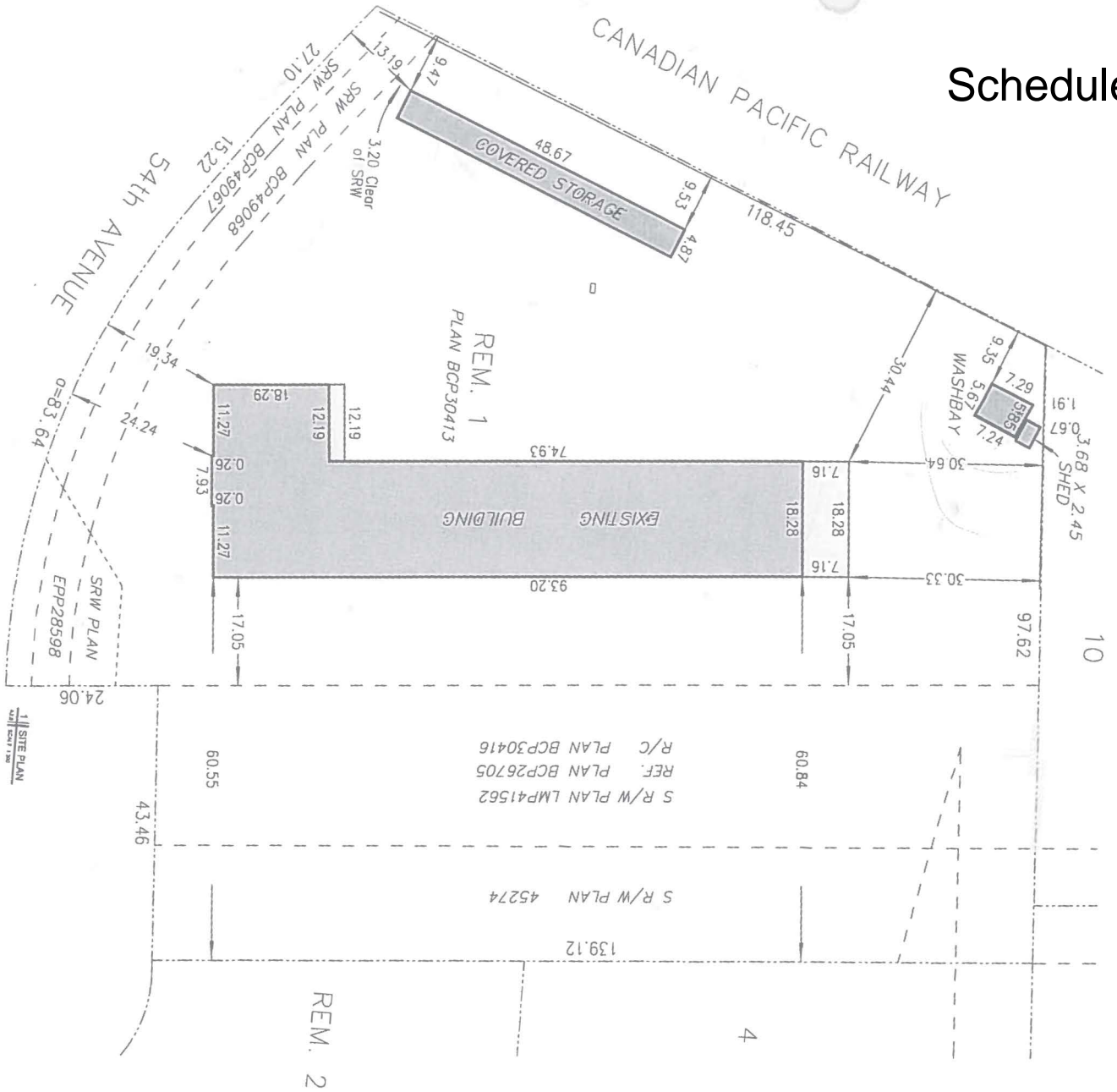
8. This development variance permit is not a building permit.

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

Mayor – Linda Hepner

City Clerk – Jane Sullivan

Schedule A



Requested rear yard setback (0.67m)



10420 54th AVENUE
 SURREY, B.C.
 B & B CONTRACTING -
 AUXILIARY BUILDINGS
 SITE PLAN
 A2.0