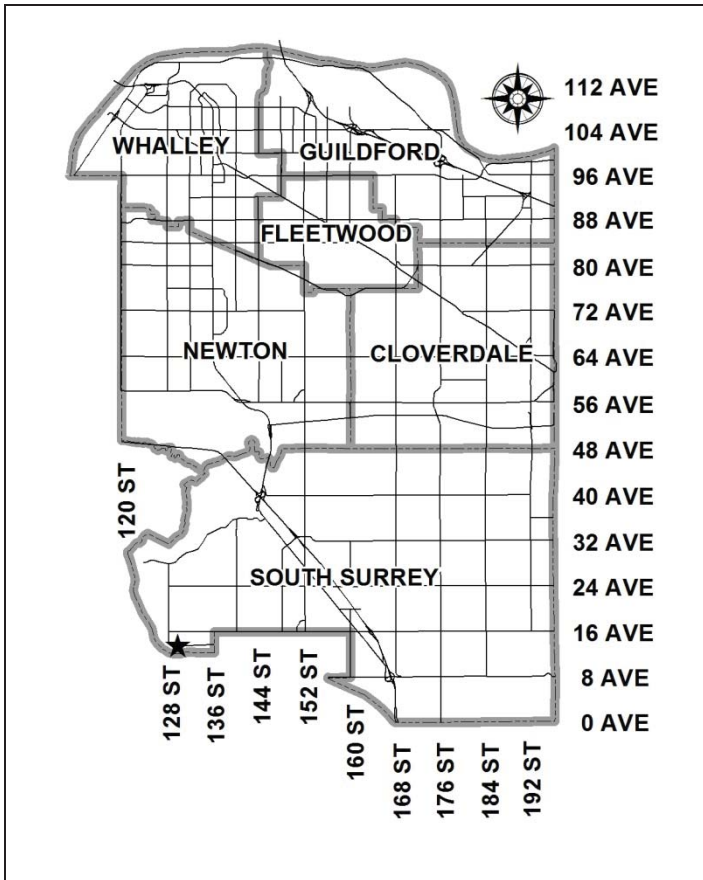


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0406-00

Planning Report Date: July 11, 2016



PROPOSAL:

- **Rezoning** from RF to RF-O
- **Development Variance Permit**
- **Development Permit**

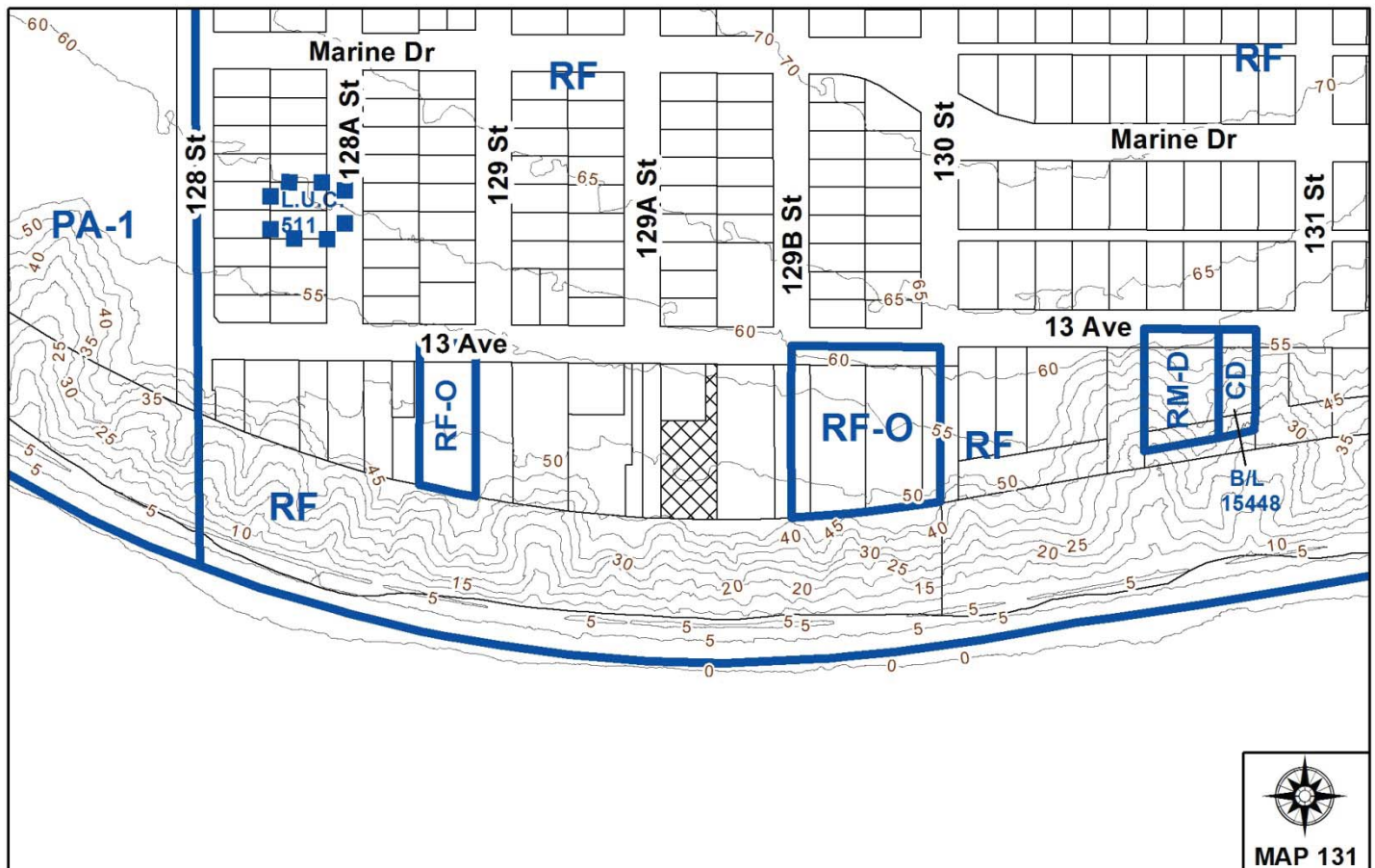
to reduce the front yard setback of a proposed accessory building and increase the maximum building height of a flat roof structure.

LOCATION: 12938 - 13 Avenue

OWNER: Carolyn M Ginther

ZONING: RF

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval for Development Variance Permit to proceed to Public Notification.
- Approval to draft Development Permit

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to reduce the minimum front yard setback of the Single Family Residential Oceanfront Zone (RF-O) for an accessory building from 10 metres (33 ft.) to 1.2 metres (4 ft.).
- The applicant is seeking to increase the maximum height of the Single Family Residential Oceanfront Zone (RF-O) for a principal building with a roof slope of less than 1:4 from 7.3 metres (24 ft.) to 9.2 metres (30 ft.).

RATIONALE OF RECOMMENDATION

- The proposal complies with the site's OCP Designation.
- The proposed development complies with the locational criteria of the RF-O Zone.
- The reduced front yard setback for an accessory structure will allow for a detached garage in the front yard of the property. Siting the garage in the rear yard of the property is not practical given the steep slopes at the rear of the site.
- The property is a panhandle lot. Locating the accessory building 1.2 metres (4 ft.) from the front property line should not impact views from the road.

RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to rezone the subject site from "Single Family Residential Zone" (RF) to "Single Family Residential Oceanfront Zone" (RF-O) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7915-0406-00 (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front yard (north) setback of the RF-O Zone for an accessory building from 10 metres (33 ft.) to 1.2 metres (4 ft.); and
 - (b) to increase the maximum building height of the RF-O Zone for a flat roof building from 7.3 metres (24 ft.) to 9.2 metres (30 ft.).
3. Council authorize staff to draft Development Permit No. 7915-0406-00 for Hazard Lands.
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) approval and issuance of a Development Permit for Hazard Lands; and
 - (c) registration of a Section 219 Restrictive Covenant to ensure future house construction is in accordance with the recommendations in the approved geotechnical report.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering requirements as outlined in Appendix III.

Parks, Recreation & Culture: The Parks, Recreation & Culture Department has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Single family residential.

Adjacent Area:

Direction	Existing Use	OCP	Existing Zone
North:	Vacant - Single family residential.	Urban	RF
East:	Single family residential.	Urban	RF
South:	Burlington Northern Railway Right-of-Way.	N/A	N/A
West:	Vacant - City lot.	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located at 12938 13 Avenue, along the ocean bluff in South Surrey, backing onto the Burlington Northern Santa Fe Rail right-of-way. It is designated “Urban” in the Official Community Plan (OCP) and is zoned “Single Family Residential Zone” (RF).
- The property was created as a panhandle lot as part of a two lot subdivision under Development Application No. 7913-0197-00.
- In June 2015, the property owners were issued a building permit for a single family dwelling based of the parameters of the RF Zone under Building Permit No. 14-52292. During the building stage the property owners decided they would like to build a covered deck at the rear of the house and a detached garage. However, the limits on Floor Area Ratio and Lot Coverage for the RF Zone had already been achieved in the approved design. Therefore, rezoning to RF-O would be required to allow an increase in habitable building area.
- Upon review of the current development application it was determined that the residential dwelling approved under Building Permit No. 14-52292 is over height for the RF-O Zone. The pitch of the highest roof line of the constructed building is less than 1:4. Under the RF-O Zone a building with this roof slope would be allowed a maximum height of 7.3 metres (24 ft.). The house was approved and built to a maximum height of 9.14 metres (30 ft.).
- The site is moderately sloped but drops off steeply at the south end. According, the site is located within a Hazard Lands Development Permit area in the OCP.

Current Proposal

- The applicant is proposing to rezone the site from “Single Family Residential Zone” (RF) to “Single Family Residential Oceanfront Zone” (RF-O) to permit construction of an accessory building and a covered patio addition to the principal building (Appendix II).

- The applicant is proposing a Development Variance Permit to reduce the front yard setback under the RF-O Zone for an accessory building from 10 metres (33 ft.) to 1.2 metres (4 ft.) to facilitate the construction of a detached garage that will be located in the front yard along the northern property line.
- The applicant is also proposing a Development Variance Permit to increase the maximum building height under the RF-O Zone for a principal building with a flat roof from 7.3 metres (24 ft.) to 9.2 metres (30 ft.).
- A Development Permit for Hazard Lands (Steep Slopes) is also required to accommodate the proposal.
- The proposed development complies with the criteria of the RF-O Zone as follows:
 - The property is an oceanfront lot, as it is located such that no residential lots exist between the subject site and the ocean water front;
 - The subject property is 30.4 metres (100 ft.) wide, 52.9 metres deep (173 ft.) deep, and has a total area of 1800 square metres (0.45 acres); as such it fully satisfies the dimensional and area standards of the RF-O Zone; and
 - The proposed floor area for the new dwelling is below the maximum permitted floor area ratio (FAR) of 0.32 and the maximum permitted Lot Coverage of 25%.

Hazard Lands Development Permit (Steep Slope)

- The site is subject to a Development Permit (DP) for Hazard Lands under the Official Community Plan, due to the steep slopes at the rear yard of the property.
- The subject site is bordered to the south by an east-west escarpment slope approximately 40 metres (131 ft.) in height, with the Burlington Northern Railway at the base below.
- The applicant submitted a geotechnical report for the site, prepared by GeoPacific Consultants Ltd. on June 30, 2015, as part of the original subdivision application (Development Application No. 7913-0197-00) and the building permit application (Building Permit No. 14-52292). This report was reviewed by staff and found generally acceptable.
- The June 30, 2015 report states the site is considered safe for its intended use, and that the existing slope meets the accepted requirements for development under both static and seismic conditions subject to the recommendations included in the report related to disturbance on and around the slope.
- The geotechnical report makes recommendations on building setback, site preparation, building foundation, slab-on-grade floors, seismic design of foundations, lateral pressures on foundation walls, lot grading, landscaping, drainage, and excavation.
- Since the issuance of Building Permit No. 14-52292, GeoPacific Consultants Ltd. completed field reviews for the construction of the house and have no geotechnical concerns at this time.

- The applicant has submitted an updated geotechnical report, prepared by GeoPacific Consultants Ltd. on April 25, 2016, for the current Development application. As the existing construction has been inspected and approved by GeoPacific Consultants Ltd. staff finds the current report generally acceptable.

PRE-NOTIFICATION

- Pre-notification letters were sent out on April 26, 2016 to 39 households within 100 metres (328 ft.) of the subject property. A development proposal sign was also erected on February 4, 2016.
- Staff received comment from one (1) neighbour wanting to know more about the proposal. They were specifically concerned about the size, height, and location of the accessory building. Further concern was expressed that the overall size of the house is already exceeding what would be allowable under RF-O.

(Staff provided clarification on the location of the accessory building, what the provisions for accessory building height are under the RF-O Zone, and how FAR and Site Coverage are applied when determining the allowable size of structures on a property.)

TREES

- An Arborist Report from Arbortech for the subject site was reviewed and approved by the City's Landscape Architect under the subdivision Development Application No. 7913-0197-00.
- No trees are proposed for removal under the current Development Application No. 7915-0406-00.
- Building plans for the proposed covered patio and accessory building will be reviewed at the Building Permit Application stage to ensure there are no conflicts with the retained trees.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Reduce the minimum front yard (north) setback of the RF-O Zone for an accessory building from 10 metres (33 ft.) to 1.2 metres (4 ft.).

Applicant's Reasons:

- There is no rear yard space for an accessory building due to the steep slope setbacks for this property. Having an accessory building to park two cars and a boat would be visually nicer than having them out in the open.

Staff Comments:

- As the subject site is a panhandle lot the accessory building will not be visible from the street.
- The accessory building is proposed to be located in the north-west corner of the site. The lot to the west is City owned and the lot to the north is vacant and owned by the applicant.

(b) Requested Variance:

- Increase the maximum building height of the RF-O Zone for a flat roof building from 7.3 metres (24 ft.) to 9.2 metres (30 ft.)

Applicant's Reasons:

- The building height and design had previously been approved by the Building Department. The variance will bring the approved building design into conformance with the RF-O Zone.

Staff Comments:

- Upon review of the current application it was determined that the residential dwelling approved under Building Permit No. 14-52292 is over height for the RF-O Zone. Under the RF-O Zone a building with a flat roof would be allowed a maximum height of 7.3 metres (24 ft.). The current proposal will bring the dwelling into compliance with the Zoning By-law.
- Staff supports the proposed variances proceeding to Public Notification.

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.	Site Plan and Building Elevations
Appendix III.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7915-0406-00

INFORMATION AVAILABLE ON FILE

- Geotechnical Study Prepared by GeoPacific Consultants Ltd. Dated April 25, 2016

Jean Lamontagne
General Manager
Planning and Development

ARR/dk

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KD 7/7/16 8:42 AM

Information for City Clerk

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

1. (a) Agent: Name: Tyler Ginther
- Address: 5333 - 176 Street
 Surrey BC V3Z 1C2
- Tel: 604-722-1374 - Work

2. Properties involved in the Application

- (a) Civic Address: 12938 - 13 Avenue

- (b) Civic Address: 12938 - 13 Avenue
Owner: Carolyn M Ginther
PID: 029-529-361
Lot 2 Section 8 Township 1 New Westminster District Plan Epp48565

3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to rezone the site.
- (b) Proceed with Public Notification for Development Variance Permit No. 7915-0406-00 and bring the Development Variance Permit forward for an indication of support by Council. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk in conjunction with the final adoption of the associated Rezoning By-law.

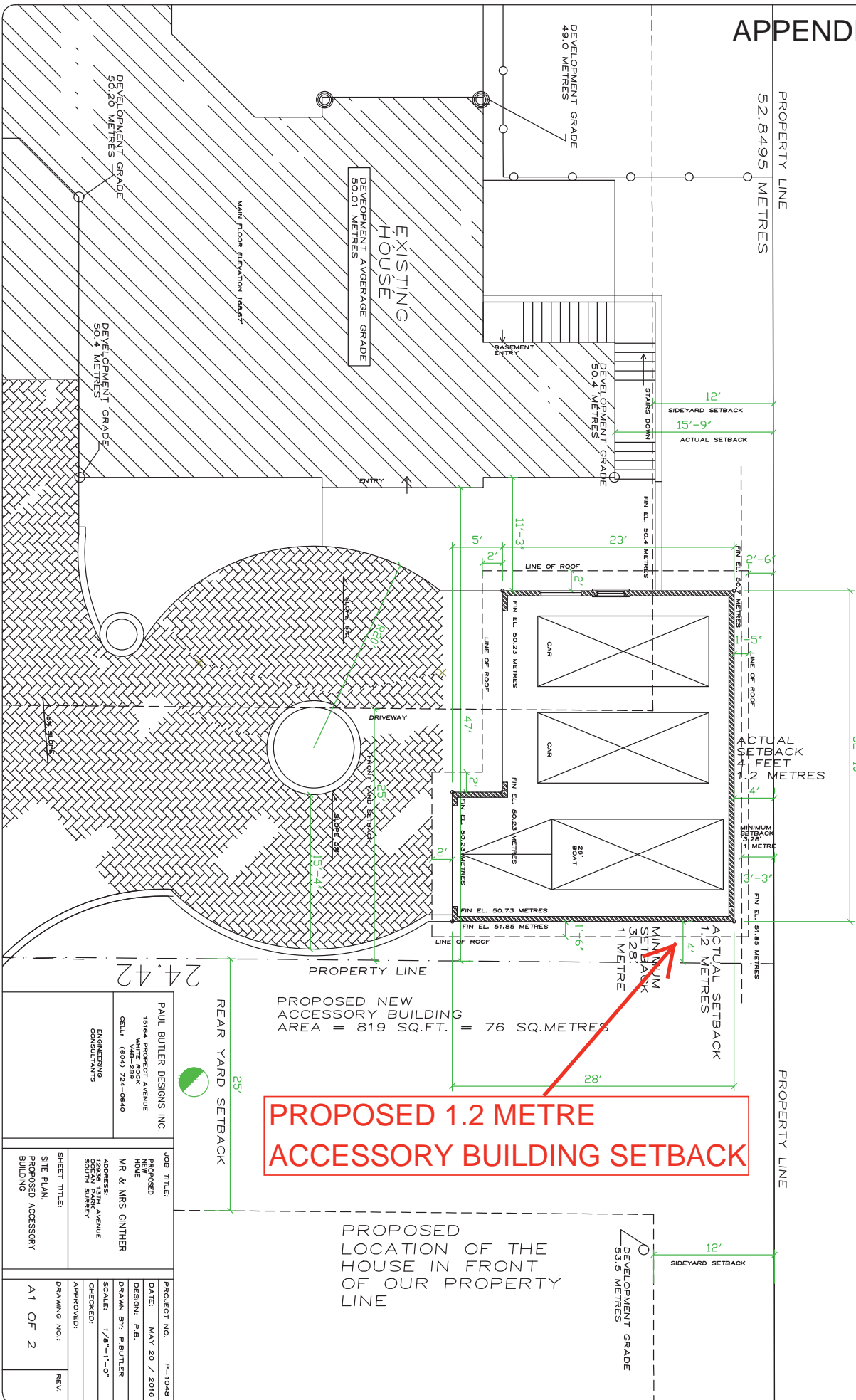
DEVELOPMENT DATA SHEET

Proposed Zoning: RF-O

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	-	1795 m ²
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	25%	25%
Paved & Hard Surfaced Areas		
Total Site Coverage		
ACCESSORY BUILDING SETBACKS (in metres)		
Front	10 metres	1.2 metres
Rear	10 metres	41.8 metres
Side #1 (N,S,E, or <u>W</u>)	1 metre	1.2 metres
Side #2 (N,S, <u>E</u> , or W)	1 metre	20.7 metres
Side #3 (N, S, E or W)		
BUILDING HEIGHT (in metres/storeys)		
Principal	7.14 metres	9.15 metres
Accessory	4 metres	4 metres
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential	574 square metres	574 square metres
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

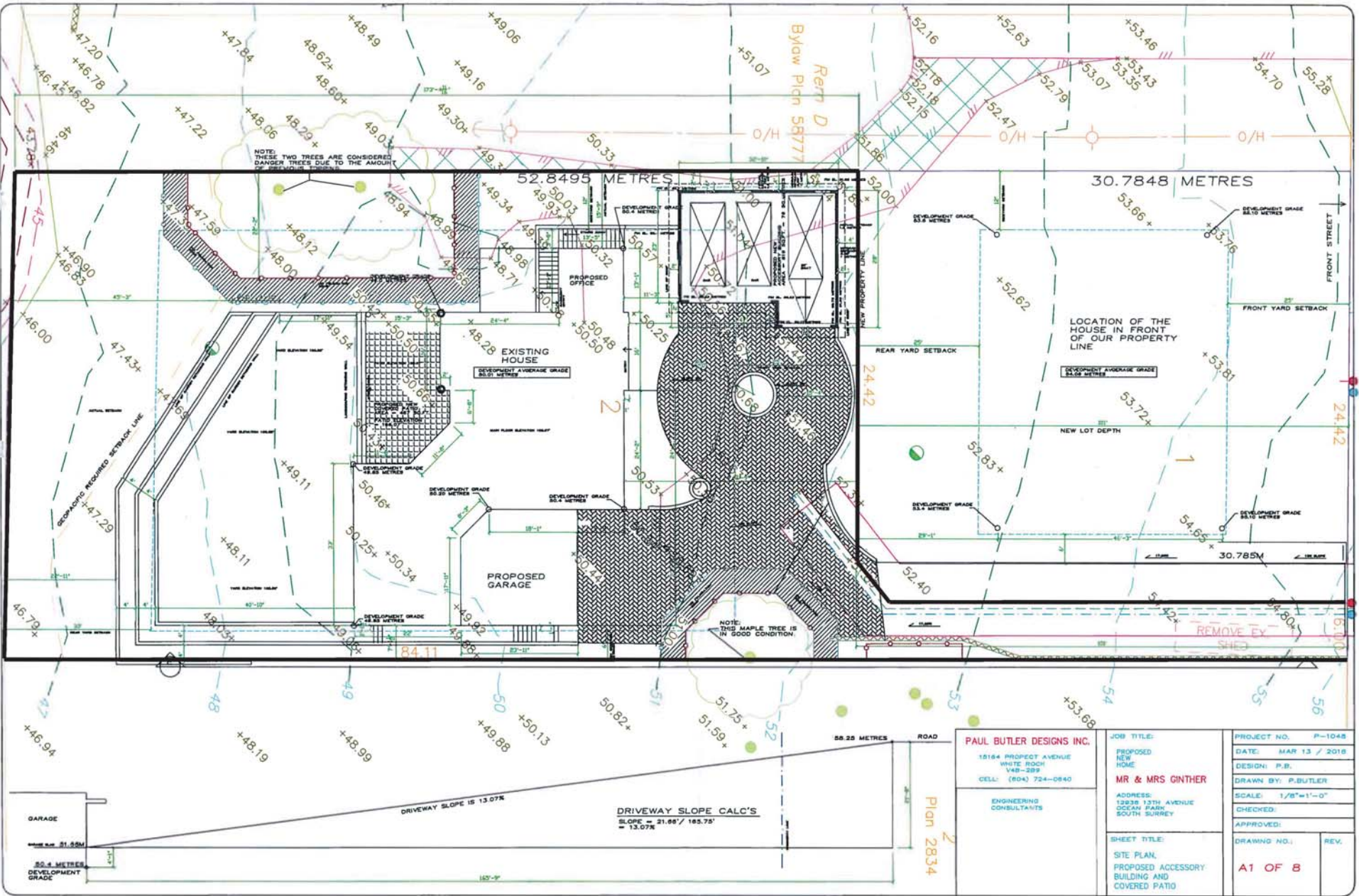
APPENDIX II



**PROPOSED 1.2 METRE
ACCESSORY BUILDING SETBACK**

PROPOSED LOCATION OF THE HOUSE IN FRONT OF OUR PROPERTY LINE

PAUL BUTLER DESIGNS INC. 19164 PROSPECT AVENUE WHITE ROCK CELL: (604) 724-0840 ENGINEERING CONSULTANTS		JOB TITLE: PROPOSED HOME MR & MRS GINTHER 10685TH AVENUE SCOTT PARK SURREY		PROJECT NO. P-1048 DATE: MAY 20 / 2016 DESIGN: P.B. DRAWN BY: P.BUTLER SCALE: 1/8"=1'-0" CHECKED: APPROVED:	
REAR YARD SETBACK 25'		SHEET TITLE: SITE PLAN, PROPOSED ACCESSORY BUILDING		DRAWING NO.: A1 OF 2 REV.	



PAUL BUTLER DESIGNS INC.
 15154 PROSPECT AVENUE
 WHITE ROCK
 YAB-2B9
 CELL: (604) 724-0840

ENGINEERING
 CONSULTANTS

JOB TITLE:
 PROPOSED
 NEW
 HOME

MR & MRS GINTHER

ADDRESS:
 12938 13TH AVENUE
 OCEAN PARK
 SOUTH SURREY

SHEET TITLE:
 SITE PLAN,
 PROPOSED ACCESSORY
 BUILDING AND
 COVERED PATIO

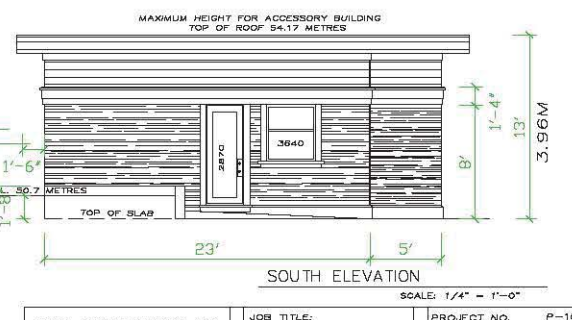
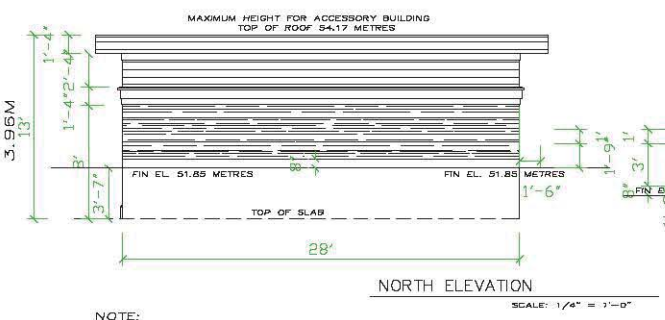
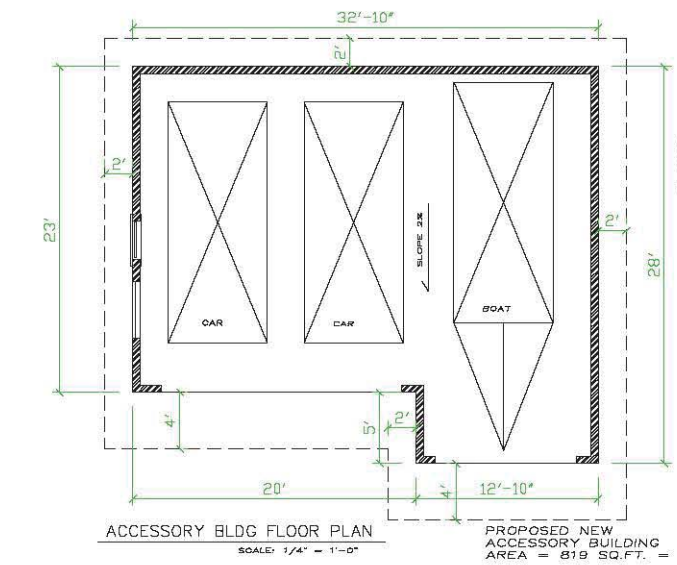
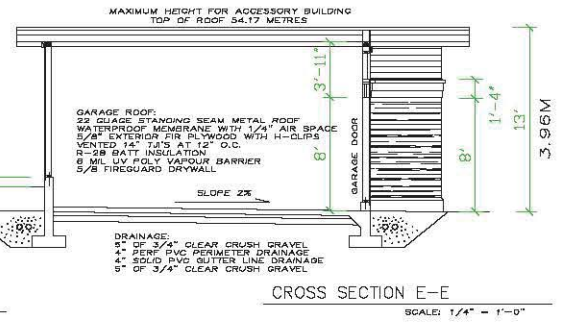
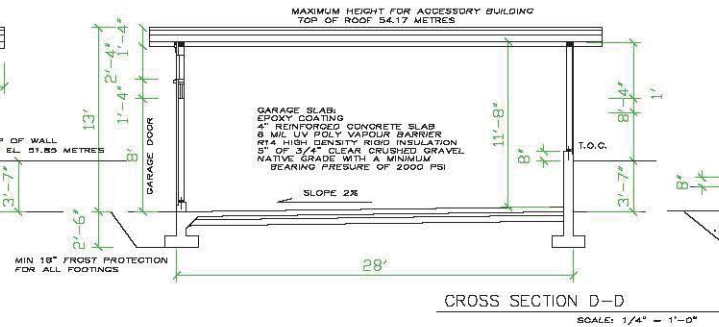
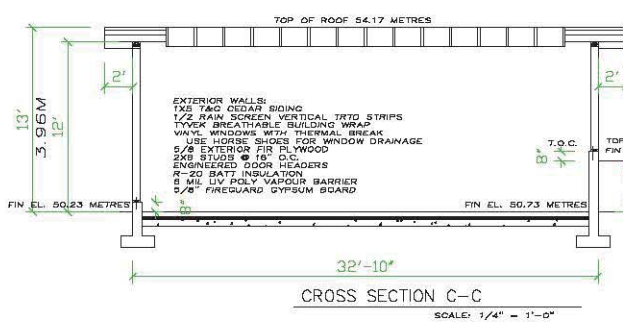
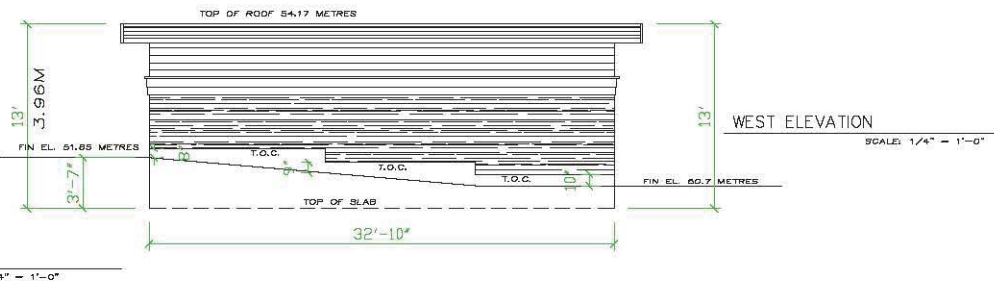
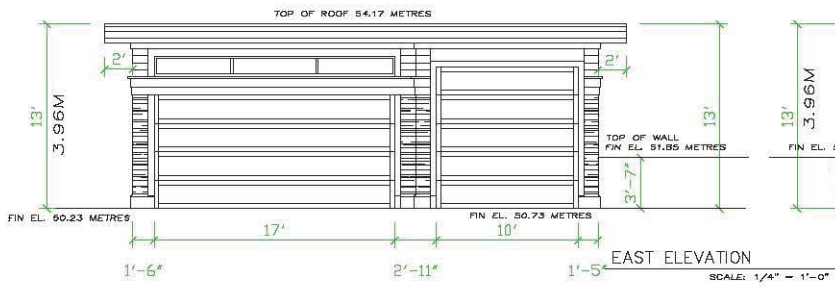
PROJECT NO. P-1048
 DATE: MAR 13 / 2018
 DESIGN: P.B.
 DRAWN BY: P.BUTLER
 SCALE: 1/8"=1'-0"
 CHECKED:
 APPROVED:

DRAWING NO.:
A1 OF 8

REV.



Plan 2834



NOTE:
THE ACCESSORY BUILDING IS THE SAME STYLE AS THE HOUSE AND THEREFORE IT HAS AN ALLOWABLE MAXIMUM HEIGHT OF 16'-6".

PROPOSED NEW ACCESSORY BUILDING
AREA = 819 SQ.FT. = 76 SQ.METRES

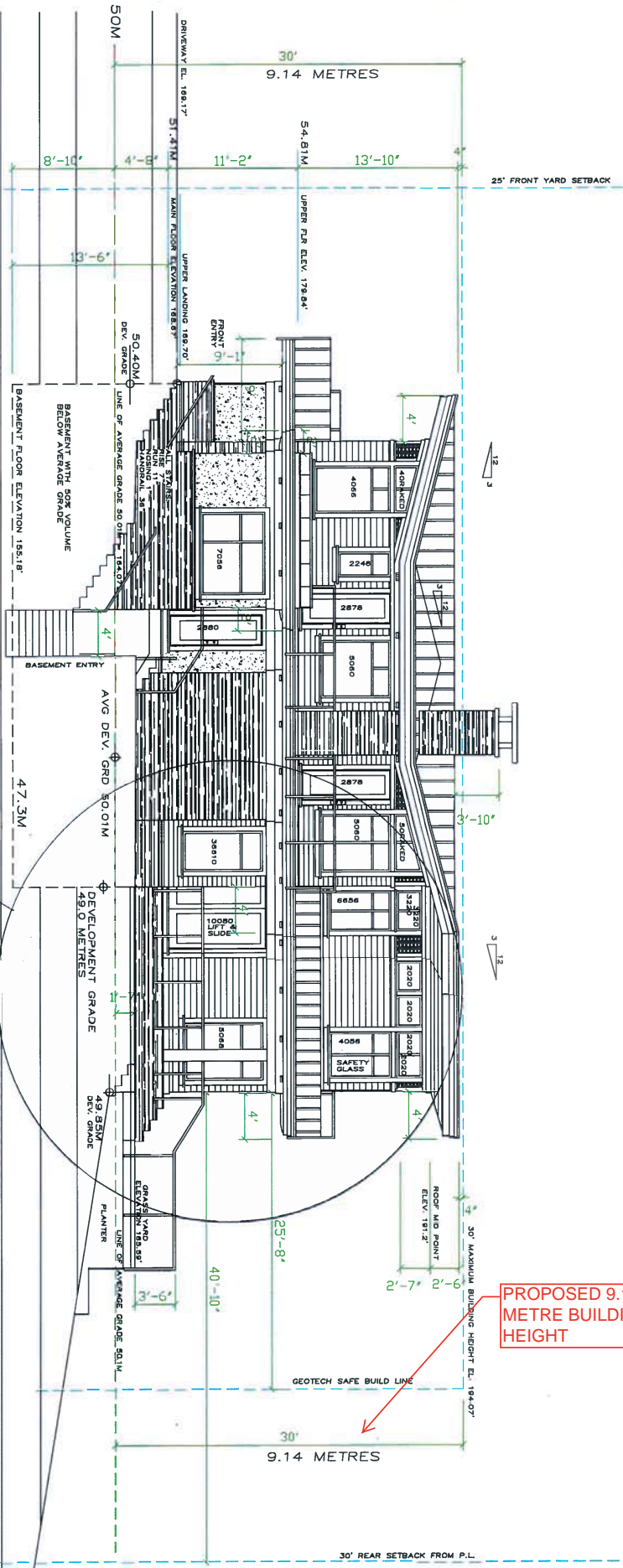
PAUL BUTLER DESIGNS INC. 15184 PROPECT AVENUE WHITE ROCK V4B-2B99 CELL: (604) 724-0840	JOB TITLE: PROPOSED NEW HOME	PROJECT NO. P-1048 DATE: MAY 20 / 2016 DESIGN: P.B. DRAWN BY: P.BUTLER
	MR & MRS GINTHER ADDRESS: 12630 13TH AVENUE OCEAN PARK SOUTH SURREY	SCALE: 1/8"=1'-0" CHECKED: APPROVED:
ENGINEERING CONSULTANTS		DRAWING NO.: A2 OF 2 REV.

SPATIAL FIRE SEPARATION
 LIMITING DISTANCE = 25'-0" = 8.54 METRES
 ALTERNATE DISTANCE = 15.24

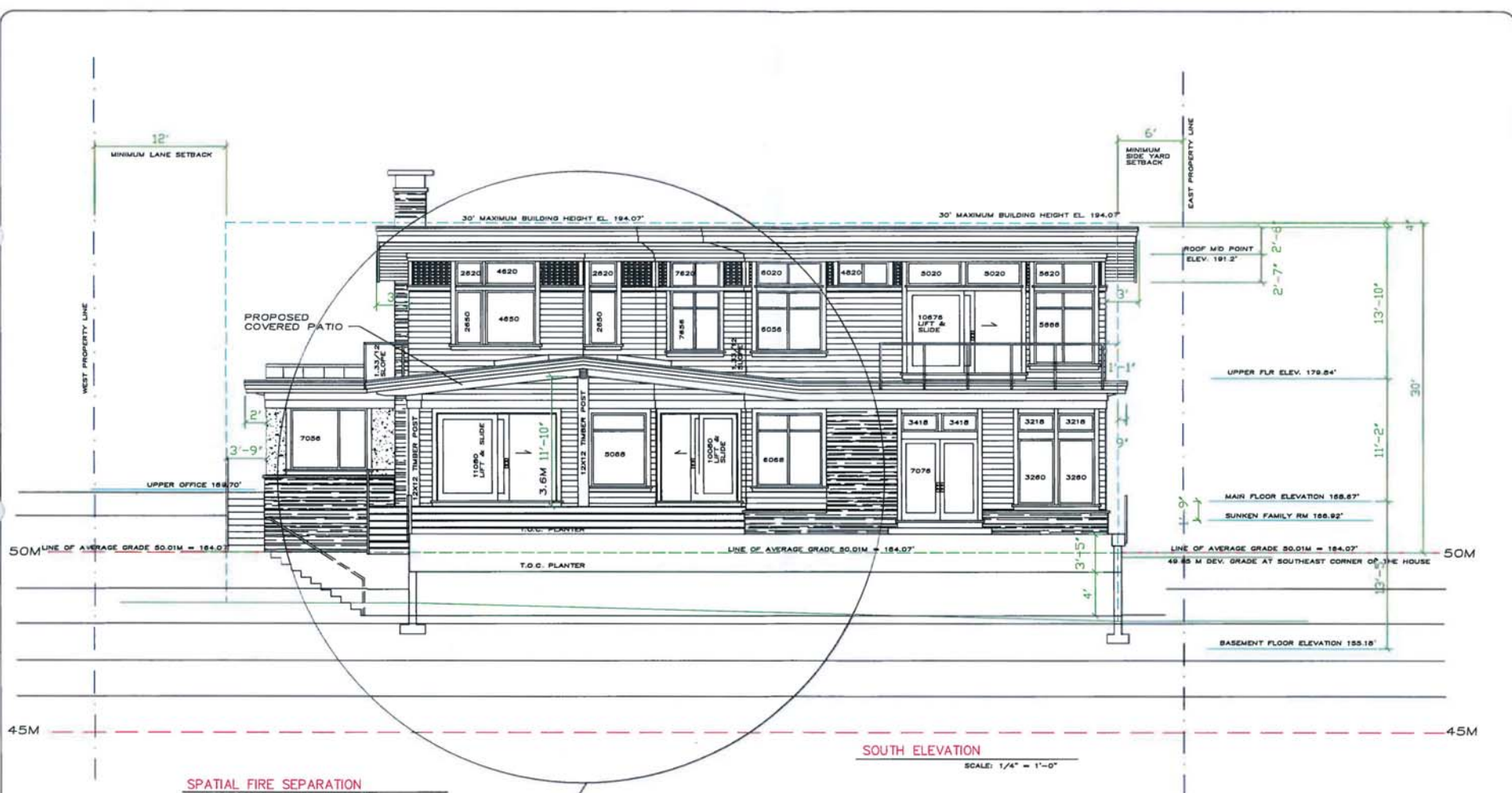
PROPOSED COVERED PATIO

WEST ELEVATION

SCALE: 1/4" = 1'-0"



PAUL BUTLER DESIGNS INC. 18164 PROJECT AVENUE NEW RIVER CELL: (904) 724-0840 FAX: (904) 724-0840 ENGINEERING CONSULTANTS		MR & MRS GINTHER ADDRESS: 12226 12TH AVENUE SOUTH SURETY	
PROJECT NO. P-1048 DATE: MAR 13 / 2016 DESIGN: P.B. DRAWN BY: P.BUTLER SCALE: 1/4"=1'-0" CHECKED: APPROVED: DRAWING NO.: REV.		JOB TITLE: PROPOSED NEW HOME SHEET TITLE: WEST ELEVATION LOT 2 PROPOSED COVERED PATIO A3 OF 8	



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

SPATIAL FIRE SEPARATION
LIMITING DISTANCE = 71'-7" = 21.8 METRES
ALLOWABLE OPENINGS = 100K

PROPOSED COVERED PATIO

PAUL BUTLER DESIGNS INC. 15184 PROSPECT AVENUE WHITE ROCK V4B-2B9 CELL: (604) 724-0840 ENGINEERING CONSULTANTS	JOB TITLE: PROPOSED NEW HOME MR & MRS GINTHER	PROJECT NO. P-1048 DATE: MAR 13 / 2018 DESIGN: P.B. DRAWN BY: P.BUTLER SCALE: 1/4"=1'-0" CHECKED: APPROVED:
	ADDRESS: 12936 13TH AVENUE OCEAN PARK SOUTH SURREY	SHEET TITLE: SOUTH ELEVATION LOT 2

TO: **Manager, Area Planning & Development - South Surrey Division
Planning and Development Department**

FROM: **Development Project Engineer, Engineering Department**

REVISED: **June 7, 2016** PROJECT FILE: **7815-0406-00**
DATE: **May 19, 2016**

RE: **Engineering Requirements
Location: 12938 13 Ave**

REZONING

Property and Right-of-Way Requirements

- There are no road dedications or issues at this location.

Works and Services

- There are no works and services on the site, as it is fully serviced, however the applicant is advised to maintain the driveway grade requirements constructed under project 7813-0197-00 (maximum driveway grade of 5% for 6.0 m transitioning to maximum 15% grade for ultimate boulevard).

A Servicing Agreement is not required prior to rezoning. However the applicant is to confirm that the Restrictive Covenants for pumped connections previously registered under project 7813-0197-00 are still applicable to the current Geotechnical Report and/or setbacks proposed under this application. Revisions to the existing RCs may be required.

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT

The following issues are to be addressed as a condition of issuance of the Development Variance Permit:

- As part of the Hazard Lands Development Permit Area, additional submissions may be required to assess geotechnical concerns, slope stability, and drainage concerns, prior to issuance of the Development Permit and Development Variance Permit; and
- Applicant to confirm that GeoPacific or another certified P.Eng in geotechnical engineering has been on site to review the geotechnical recommendations and that items recommended in the geotechnical report are addressed.



Robert Cooke, Eng.L.
Development Project Engineer

MS

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7915-0406-00

Issued To: CAROLYN M GINTHER

("the Owner")

Address of Owner: 1274 - 129A Street
Surrey, BC V4A 3Y4

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: 029-529-361
Lot 2 Section 8 Township 1 Plan EPP48565 New Westminster District

12938 - 13 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F. Yards and Setbacks of Part 15B Single Family Residential Oceanfront Zone, the minimum front yard setback (north) for an accessory building is reduced from 10 metre (33 ft.) to 1.2 metre (4 ft.)
 - (b) In Section G. Height of Buildings of Part 15B Single Family Residential Oceanfront Zone, the maximum building height of a principal building with a roof slope of less than 1:4 is increased from 7.3 metres (24 ft.) to 9.2 metres (30 ft.).
4. This development variance permit applies to only the portion of the Land shown on Schedule A which is attached hereto and forms part of this development variance permit.

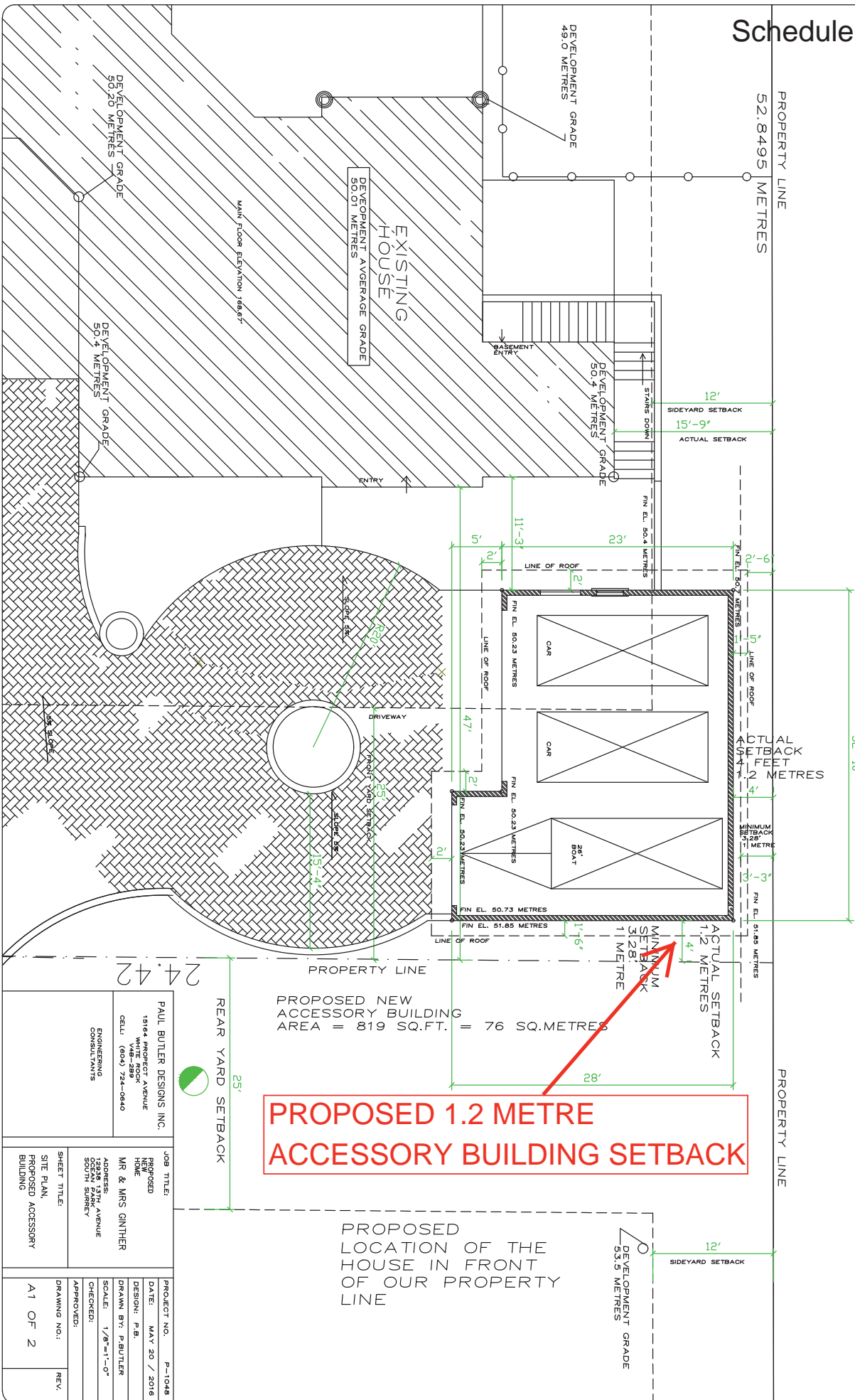
5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is 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



**PROPOSED 1.2 METRE
ACCESSORY BUILDING SETBACK**

PROPOSED
LOCATION OF THE
HOUSE IN FRONT
OF OUR PROPERTY
LINE

PROPOSED NEW
ACCESSORY BUILDING
AREA = 819 SQ.FT. = 76 SQ.METRES

PAUL BUTLER DESIGNS INC. 19164 PROSPECT AVENUE WHITE ROCK CELL: (604) 724-0840 ENGINEERING CONSULTANTS		JOB TITLE: PROPOSED HOME		PROJECT NO.: P-1048	
MR & MRS GINTHER 10085TH AVENUE SCOTT PARK SURREY		DATE: MAY 20 / 2016		DESIGN: P.B.	
ADDRESS: 10085TH AVENUE SCOTT PARK SURREY		DRAWN BY: P.BUTLER		SCALE: 1/8"=1'-0"	
SHEET TITLE: SITE PLAN, PROPOSED ACCESSORY BUILDING		CHECKED:		APPROVED:	
DRAWING NO.:		REV.		A1 OF 2	