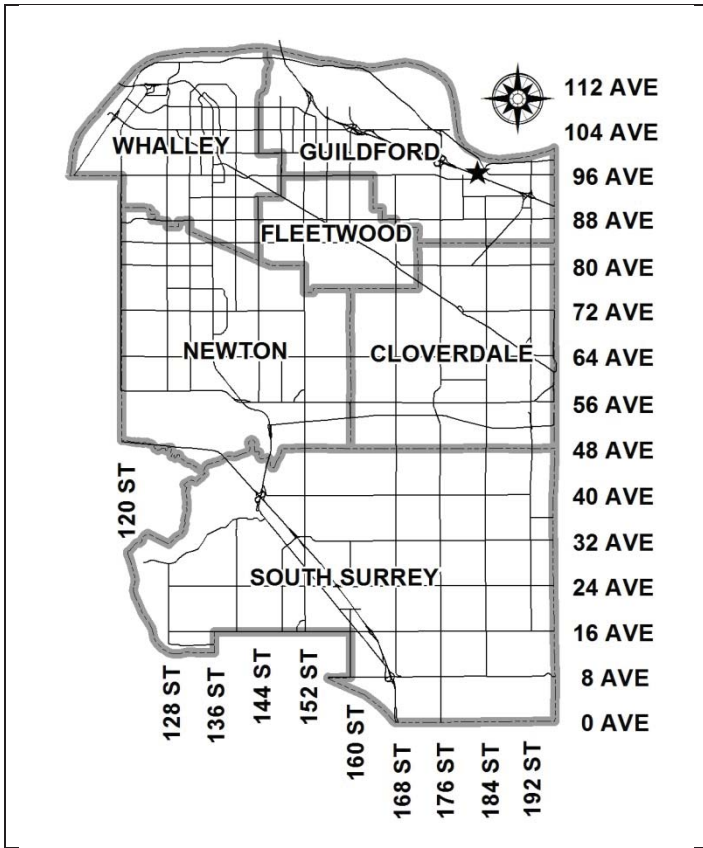


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0288-00

Planning Report Date: June 27, 2016



PROPOSAL:

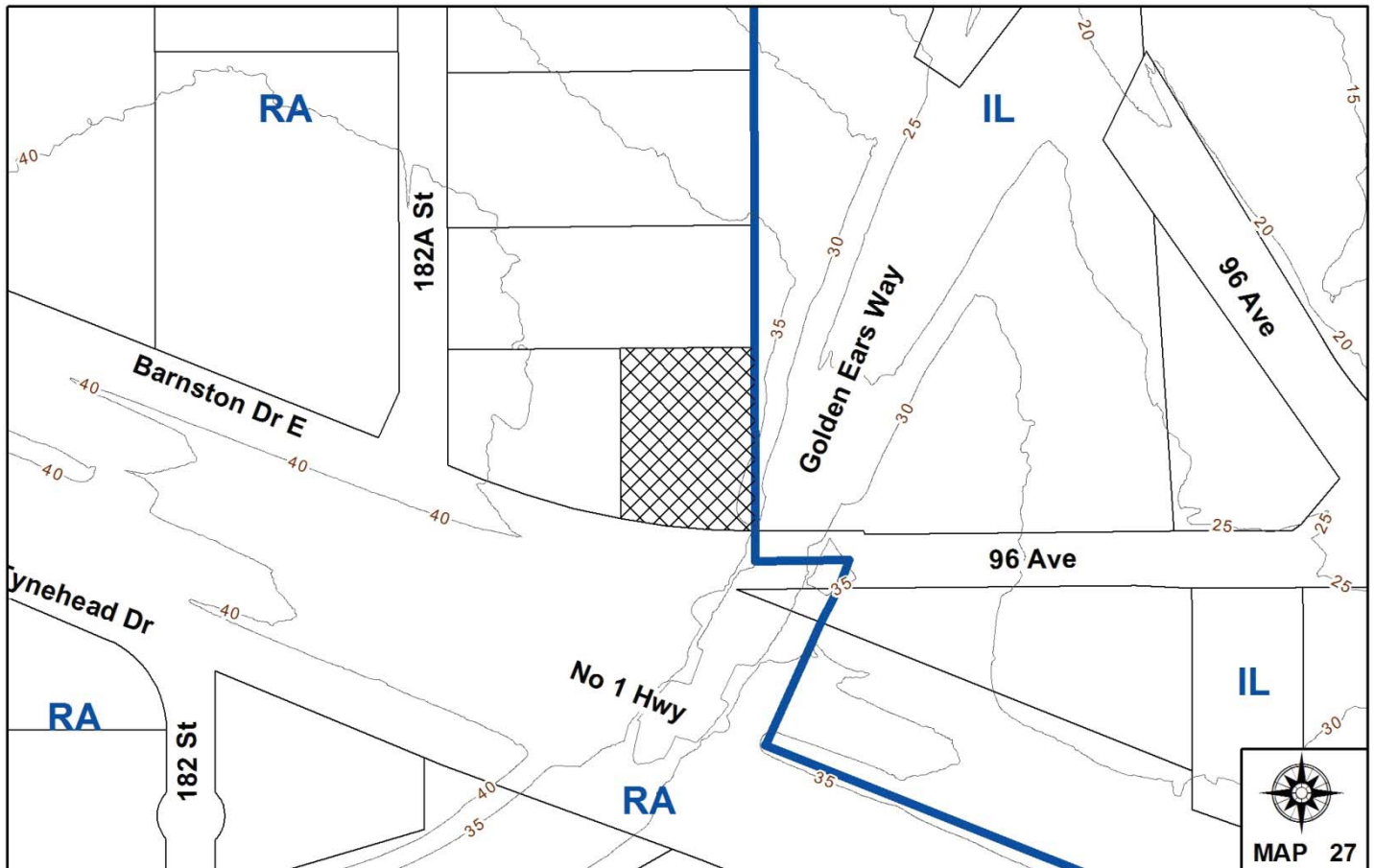
- **Development Variance Permit**
 to permit an accessory building with a lot coverage greater than the principal building on the suburban residential lot.

LOCATION: 18293 - 96 Avenue

OWNERS: Dale E Leinweber
 Karon L Leinweber

ZONING: RA

OCP DESIGNATION: Suburban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to vary the definition of *accessory building* in the Surrey Zoning By-law to permit a detached accessory building (workshop/garage) with a lot coverage, but not floor area, greater than the principal building (single family dwelling) on the lot.

RATIONALE OF RECOMMENDATION

- Both the existing 2-storey single family dwelling and single storey detached accessory building (garage/workshop) on the subject lot were constructed with valid building permits prior to the adoption of Surrey Zoning By-law No. 12000 in September 1993.
- The definition of accessory building in the Zoning By-law precludes the owner from expanding the existing detached garage/workshop as the lot coverage and floor area would be greater than that of the single family dwelling.
- The proposed one-storey addition to the existing accessory building is located on the northern portion of the subject lot, approximately 55 metres (180 ft.) from the front lot line behind the two-storey principal building, with minimal visibility from 96 Avenue.
- At 4,086 square metres (43,980-square foot), the subject property is a sizeable One-Acre Residential Zone (RA) lot and the overall coverage of all proposed and existing buildings falls below the 20% maximum allowable lot coverage of the RA Zone.
- Staff support the requested variance.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7916-0288-00 (Appendix III), to vary the definition of *accessory building* in Part 1 of Surrey Zoning By-law No. 12000 to permit an accessory building (workshop/garage) to have a lot coverage greater than the principal building on the lot, to proceed to Public Notification.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: There is an existing two-storey single family dwelling on the property as well as a one-storey detached accessory building (workshop/garage).

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings	Suburban	RA
East:	Vacant land – Highway 17 and Golden Ears Way interchange	Industrial	IL
South (Across 96 Avenue and No. 1 Highway):	Single family dwellings	Urban/Mixed Employment	RA
West:	Single family dwellings	Suburban	RA

DEVELOPMENT CONSIDERATIONS

- The 4,086-square metre (43,980-square foot) subject lot is located at 18293 – 96 Avenue in the Abbey Ridge Local Area Plan (LAP) area.
- The lot is designated “Suburban” in the Official Community Plan (OCP) and is zoned “One-Acre Residential Zone (RA)”.
- The subject property is also designated “Low Density Multiple Residential 10-15 u.p.a. Gross” within the Stage 1 Abbey Ridge Local Area Plan approved by Council in December 2015.
- A 161.04-square metre (1725-square foot) two-storey single family dwelling with attached double garage and deck was constructed on the site in 1971.

- A 211.82-square metre (2,280-square foot) detached single storey accessory building (workshop/garage) was constructed on the site in 1992.
- Both the principal building and detached accessory building on the subject lot were constructed prior to the adoption of Surrey Zoning By-law, 1993, No. 12000 in September 1993.
- An accessory building is defined under the Zoning By-law as a detached building situated on the same lot as and used for the better enjoyment of the principal building. In accordance with Sub-section (d) of the “Accessory Building” definition the said accessory building is to be smaller in floor area and lot coverage than the floor area and lot coverage of the principal building. Since the existing detached garage/workshop is already larger in both floor area and lot coverage than the principal building, and has a valid building permit, it is considered non-conforming with respect to these requirements.
- The current owners purchased the property in 2010 and report that they were unaware of the existing, non-conforming status of the detached accessory building in relation to lot coverage and floor area requirements relative to the principal building.
- The owners applied for a building permit to permit the construction of a 92-square metre (988-square foot) addition to the existing accessory building (workshop/garage). At this time the applicant was made aware by staff that the proposed addition would bring the existing non-conforming accessory building into further non-compliance with the Zoning By-law and therefore the building permit could not be issued.
- The owner is aware of the land use plan under preparation for the Abbey Ridge area and the land use designation for the subject site, but is anxious to proceed with expanding the garage/workshop.
- In order to partially meet the Zoning By-law requirements the owner is proposing to construct a corresponding addition to the existing principal building (dwelling) such that upon completion of the two renovations the principal building will be larger in total floor area than the detached accessory building. However, since the principal building is two storeys and the accessory building is one-storey the lot coverage requirement cannot be met without a much larger addition to the dwelling, which is not financially practical to the owner. As such, the owner has submitted the subject variance application to vary the accessory building definition regarding lot coverage.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the definition of *accessory building* in Part 1 of Surrey Zoning By-law No. 12000, to permit an accessory building (workshop/garage) to have a lot coverage, but not floor area, greater than the principal building on the lot.

Applicant's Reasons:

- The workshop/garage was already on-site when the property was purchased by the owner in 2010 and the owner/applicant was unaware that the structure was non-conforming to the Zoning By-law and that the proposed addition would increase the non-compliance.
- The applicant requires the proposed extension to the existing accessory building (garage/workshop) in order create space for the maintenance and storage of a collection of personal vehicles.
- The applicant has proposed to undertake a corresponding addition to the existing single family dwelling in order to ensure that the resultant floor area of the principal building will be greater than that of the total floor area of the accessory building. Plans are underway for this addition.

Staff Comments:

- The overall lot coverage of all proposed additions and existing structures on the subject property will be 12.50%, which is less than the 20% maximum lot coverage of the RA Zone.
- The detached accessory building, built in 1992 with a building permit is considered non-conforming on the subject property, as it is larger than the single family building, which was built in 1971.
- The proposed one-storey addition to the existing accessory building is located on the northern portion of the subject lot, approximately 55 metres (180 foot) from the front lot line behind the two-storey principal building with minimal visibility from 96 Avenue.
- The adjacent lot to the east of the subject property, owned by the South Coast BC Transportation Authority, contains a highway interchange while the lot directly north is 126.48 metres (415 ft.) in depth and contains no residential buildings adjacent to the proposed addition to the existing accessory building.
- 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
- Appendix III. Development Variance Permit No. 7916-0288-00

Original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

CRL/dk

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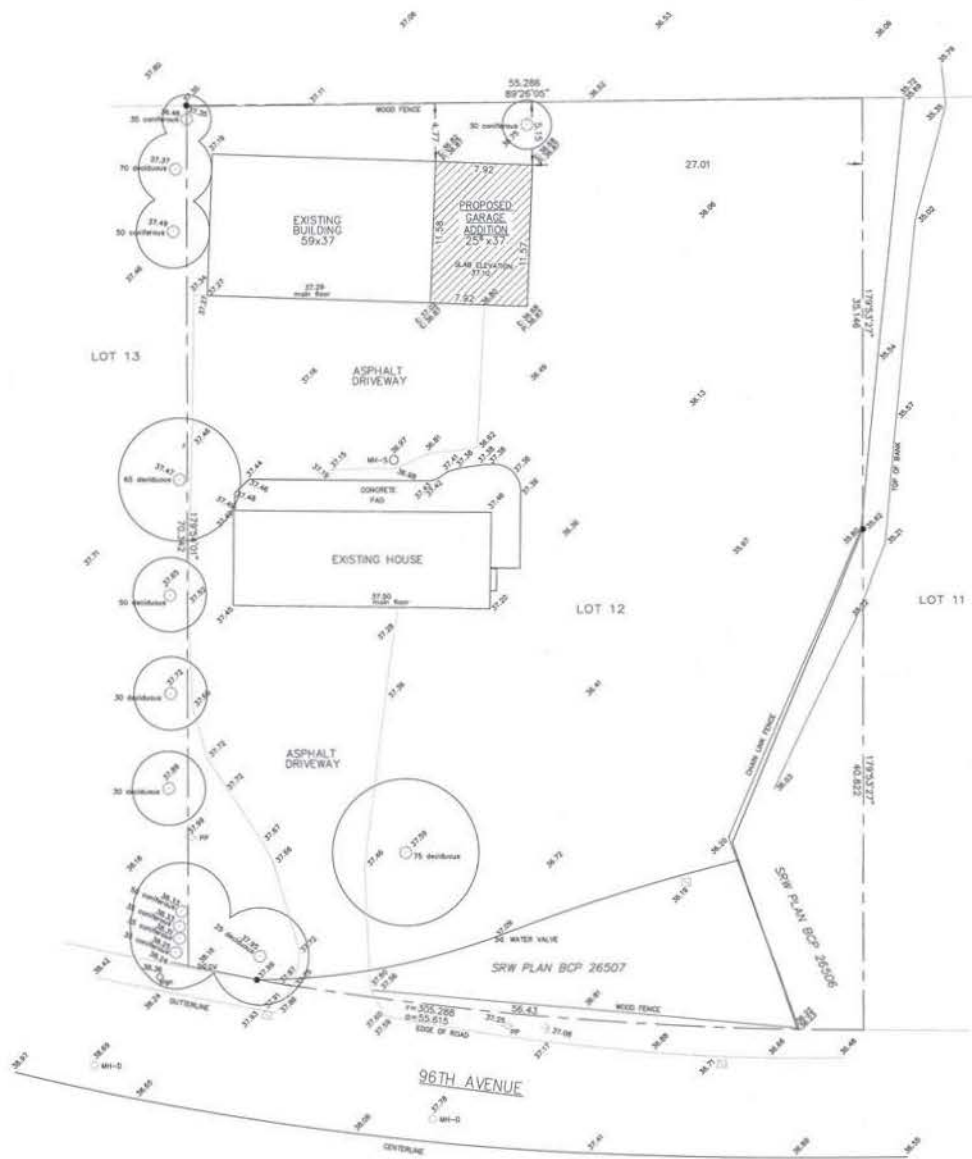


PLAN SHOWING BUILDINGS
CONSTRUCTED ON LOT 12

CIVIC ADDRESS:
18293 - 96TH AVE
SURREY, B.C.
P.I.D 002-182-475

LOT AREA: 43,980 SQ.FT.

EXISTING FLOOR AREA: 2280 SQ.FT.
PROPOSED ADDITION AREA: 988 SQ.FT.
GROSS FLOOR AREA: 3268 SQ.FT.



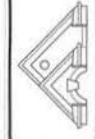
SITE PLAN 1/16" = 1'0"

NOTE:
THESE DRAWINGS CONFORM TO
BCBC 2006 EDITION

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8130 - 188 B STREET, SURREY, B.C. V4N 5E4
PHONE: (604) 575-1281 FAX: (604) 575-1289

L.G. BURTON DESIGN
Custom Design, Renovations & Stock Plans



PROJECT:
LEINWEBER PROPOSED SHED
ADDITION: LOT 12 @ 18293
96TH AVE SURREY, B.C.

TITLE:
SITE PLAN

DATE: _____ DRAWN: _____
SCALE: 1/16" = 1'-0"
DRAWING NO. _____ SHEET: 1 OF 1
LEINWEBER

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0288-00

Issued To: DALE E LEINWEBER
KARON L LEINWEBER

("the Owner")

Address of Owners: #8, 10505 - 171 Street
Surrey, BC V4N 4Y3

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: 002-182-475
Lot 12 District Lot 99 Plan 33269 New Westminster District Group 2.

18293 - 96 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Part 1 "Definitions" the definition of *accessory building* is varied to permit a detached accessory building (garage/workshop) to have a greater lot coverage, but not floor area, than the lot coverage of the principal building (single family dwelling) on the lot.
4. This development variance permit applies to only the 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

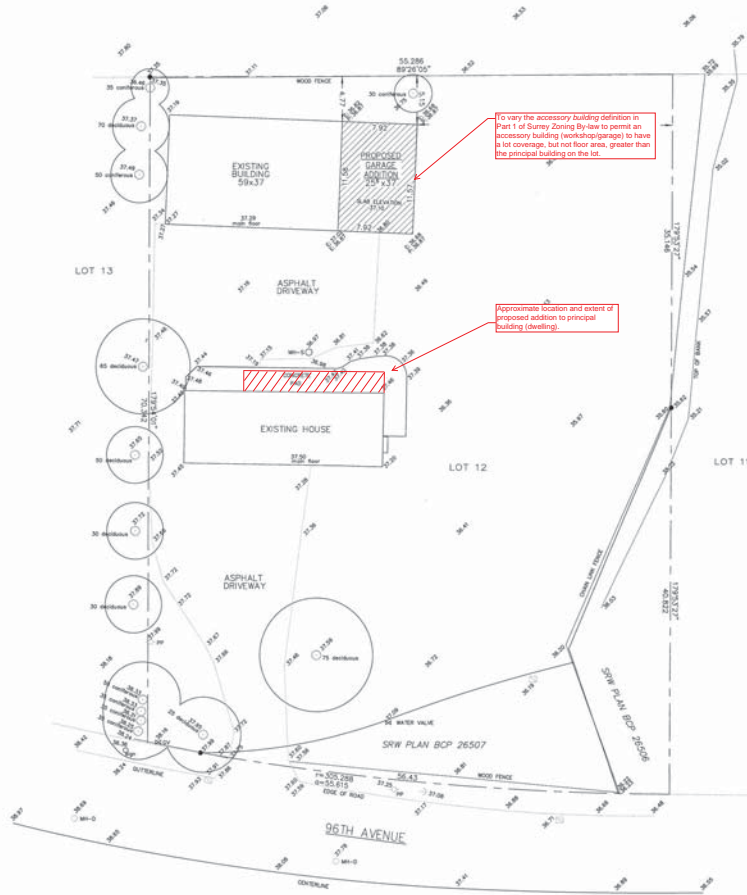


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CONSTRUCTED ON LOT 12

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PROPOSED ADDITION AREA: 988 SQ.FT.
GROSS FLOOR AREA: 3268 SQ.FT.



To vary the accessory building definition in Part 1 of Surrey zoning By-law to permit an accessory building (workshop/garage) to have a lot coverage, but not floor area, greater than the principal building on the lot.

Approximate location and extent of proposed addition to principal building (dwelling).

SITE PLAN 1/16" = 1'0"

NOTE:
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PROJECT:
LENWEBER PROPOSED SHED
ADDITION, LOT 12 @ 18293
96TH AVE SURREY, B.C.

TITLE:
SITE PLAN
DATE: 05/11/11
DRAWN: [initials]
SCALE: 1/16" = 1'0"
DRAWING NO. [blank]
SHEET: 1 OF 4

LENWEBER