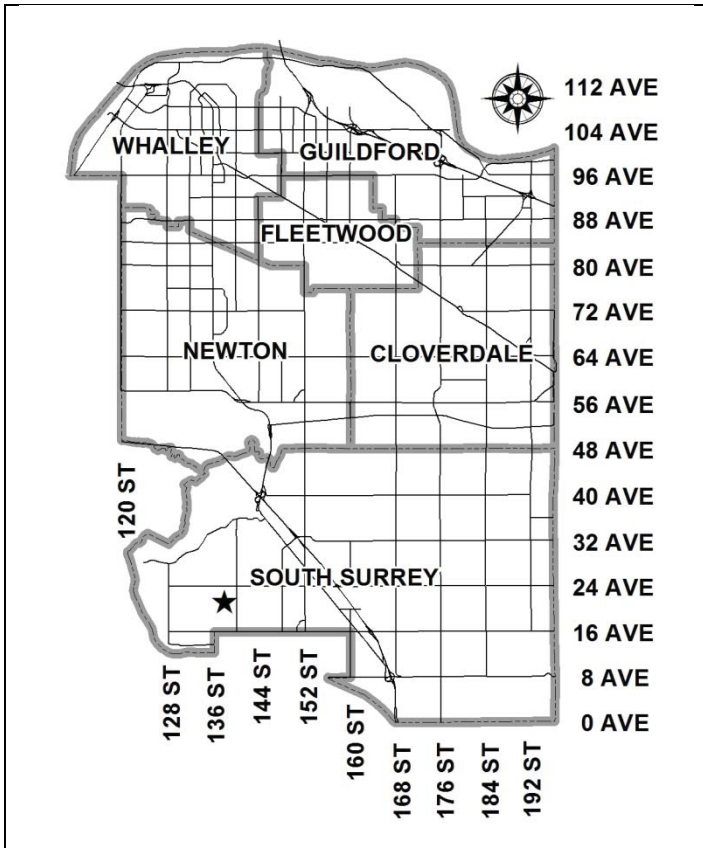


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0016-00

Planning Report Date: March 6, 2017



PROPOSAL:

- **Development Variance Permit**

to reduce the minimum rear yard setback for an existing Single Family Dwelling in the RH-G Zone.

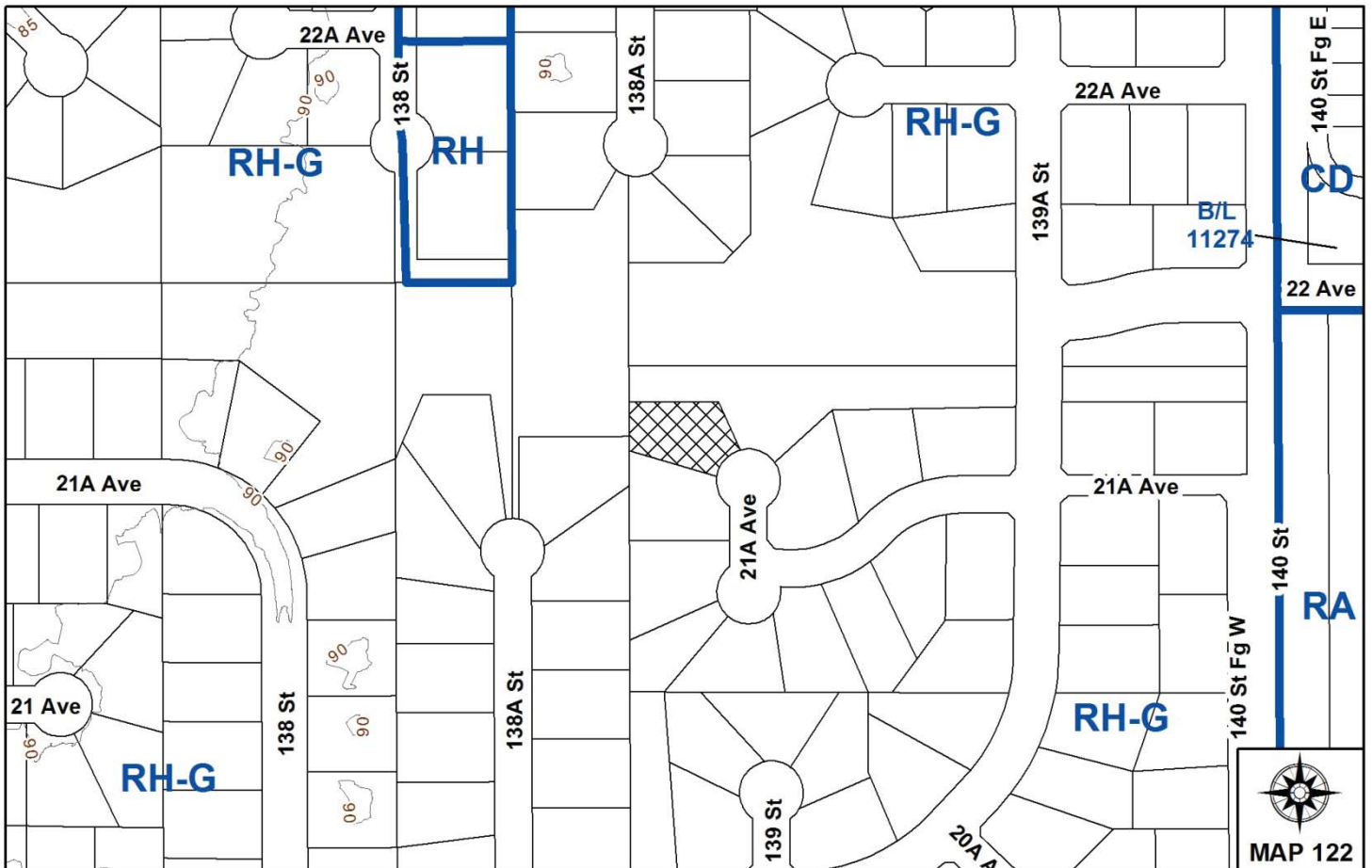
LOCATION: 13900 - 21A Avenue

OWNER: Brent E Baynton
 Jennifer A Baynton

ZONING: RH-G

OCP DESIGNATION: Suburban

LAP DESIGNATION: Half-Acre Gross Density



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking a variance to vary the minimum rear yard setback of an existing covered patio attached to the principal building.

RATIONALE OF RECOMMENDATION

- The reduced rear yard setback is for an existing covered patio that is attached to the single family dwelling on the property. The covered patio was constructed previously without permit. The patio's north-east corner is non-conforming with the minimum 7.5 metre (25 ft.) setback required for principal buildings in the RH-G zone. The rest of the principal building complies with the required setbacks.
- A Development Variance Permit is required to allow for the retention of the covered patio in its current location.
- The subject property backs onto Chantrell Park and, therefore, the siting of the covered patio has minimal impact on neighbouring properties.
- Staff noticed that encroachments have occurred into Chantrell Park from the subject property, with a fence and landscaping being built on City property. The applicant was made aware that prior to issuance of the Development Variance Permit, removal of the fence and any other structures on City property must be completed, along with a cash-in-lieu payment for remediation, replanting, and maintenance. In addition, a Fence Restrictive Covenant has been requested to ensure any replacement fence will adhere to Parks standards.
- Parks has confirmed that the fence and other structures on City property have been removed to their satisfaction, and a cash-in-lieu payment for remediation, replanting, and maintenance has been submitted. The submission of a Restrictive Covenant for fence replacement is in process, and will be a condition of final Development Variance Permit issuance.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7917-0016-00 (Appendix II), to reduce the minimum rear yard (north) setback of a principal building in the "Half-Acre Residential Gross Density Zone (RH-G)" from 7.5 metres (25 ft.) to 2.6 metres (8.5 ft.).
2. Council instruct staff to resolve the following issues prior to Development Variance Permit issuance:
 - (a) Registration of a Section 219 Restrictive Covenant that restricts the height and type of any fence constructed on the property in the future.

REFERRALS

Engineering: The Engineering Department has no concerns.

Parks, Recreation & Culture: Parks notes the applicant was encroaching into parkland. The applicant has removed all encroachments and returned the park to a condition satisfactory to Parks. A cash-in-lieu payment of \$4,530.00 was paid by the applicant for replanting and maintenance of the encroached area.

SITE CHARACTERISTICS

Existing Land Use: Single Family Dwelling

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Parkland	Suburban	RH-G
East:	Parkland	Suburban	RH-G
South:	Single Family Dwelling	Suburban	RH-G
West:	Parkland	Suburban	RH-G

DEVELOPMENT CONSIDERATIONS

- The subject property, located at 13900 – 21A Avenue, is designated "Suburban" in the Official Community Plan, "Half-Acre Gross Density" in the Central Semiahmoo Peninsula Local Area Plan, and zoned "Half-Acre Residential Gross Density Zone (RH-G)".
- The applicant is proposing a Development Variance Permit to reduce the required rear yard (north) setback of a principal building from 7.5 metres (25 ft.) to 2.6 metres (8.5 ft.).
- Approval of the proposed reduced rear yard setback will allow for the retention of the existing covered patio that is attached to the principal building.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard setback of a principal building in the RH-G Zone from 7.5 metres (25 ft.) to 2.6 metres (8.5 ft.).

Applicant's Reasons:

- The existing covered patio, which is attached to the principal building, was constructed previously without permit, with the north-east corner of the patio encroaching into the required rear yard setback.
- The applicant is requesting the Development Variance Permit to make the covered patio conforming in order to sell the property at a future date.

Staff Comments:

- Only the north-east corner of the covered patio is non-conforming with the setback requirements in the Zoning By-law. The rest of the principal dwelling unit and accessory buildings on the property conform to the required setbacks.
- The property is surrounded on three sides (east, north, and west) by City parkland (Chantrell Park), including the north frontage for which the Development Variance Permit is proposed. Therefore, the siting for the covered patio will have minimal impact on neighbouring properties.
- The City has received no formal complaints from other property owners with the siting of the covered patio.
- Staff noticed that encroachments have occurred into Chantrell Park from the subject property, with a fence and landscaping being built on City property. The applicant has removed all encroachments and returned the park to a condition satisfactory to Parks. A cash-in-lieu payment of \$4,530.00 was paid by the applicant for replanting and maintenance of the encroached area.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Development Variance Permit No. 7917-0016-00

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

DZ/da

Information for City Clerk

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

1. (a) Agent: Name: Brent E Baynton

 Address: 13900 – 21A Avenue
 Surrey, BC V4A 9V9

2. Properties involved in the Application
 - (a) Civic Address: 13900 – 21A Avenue

 - (b) Civic Address: 13900 – 21A Avenue
 Owner: Jennifer A Baynton
 Brent E Baynton
 PID: 018-948-219
 Lot 16 Section 16 Township 1 New Westminster District Plan LMP18912

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7917-0016-00 and bring the Development Variance Permit forward for 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 once all outstanding conditions are satisfied.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0016-00

Issued To: BRENT E BAYNTON
JENNIFER A BAYNTON

(the "Owner")

Address of Owner: 13900 – 21A Avenue
Surrey, BC V4A 9V9

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: 018-948-219
Lot 16 Section 16 Township 1 New Westminster District Plan LMP18912

13900 – 21A 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 15 Half-Acre Residential Gross Density Zone (RH-G), the minimum rear yard setback for a single family dwelling is reduced from 7.5 metres (25 ft.) to 2.6 metres (8.5 ft.).
4. This development variance permit applies to only to 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. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule A, which is attached hereto and forms part of this development variance permit.
5. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

6. 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

**B.C. LAND SURVEYOR'S BUILDING LOCATION
CERTIFICATE ON LOT 16 SECTION 16
TOWNSHIP 1 NEW WESTMINSTER DISTRICT
PLAN LMP18912**

PID: 018-948-219



SCALE 1 : 250 DISTANCES ARE IN METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 280mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1:250

LOT DIMENSIONS AND CLEARANCES ARE ACCORDING TO PLAN LMP18912.
BUILDING DIMENSIONS ARE TO EXTERIOR STUCCO/SIDING.
FOUNDATION IS TYPICALLY IN FROM STUCCO 0.02m.

PREPARED FOR: BRENT BAYNTON

DOCUMENT NUMBERS BH328560, BH328561,
AND BH328562 ARE REGISTERED ON TITLE
AND MAY AFFECT THE LOCATION OF
IMPROVEMENTS.

CIVIC ADDRESS:
13900-21A AVENUE
SURREY, BC

CERTIFIED CORRECT THIS 13th DAY OF JANUARY, 2017.

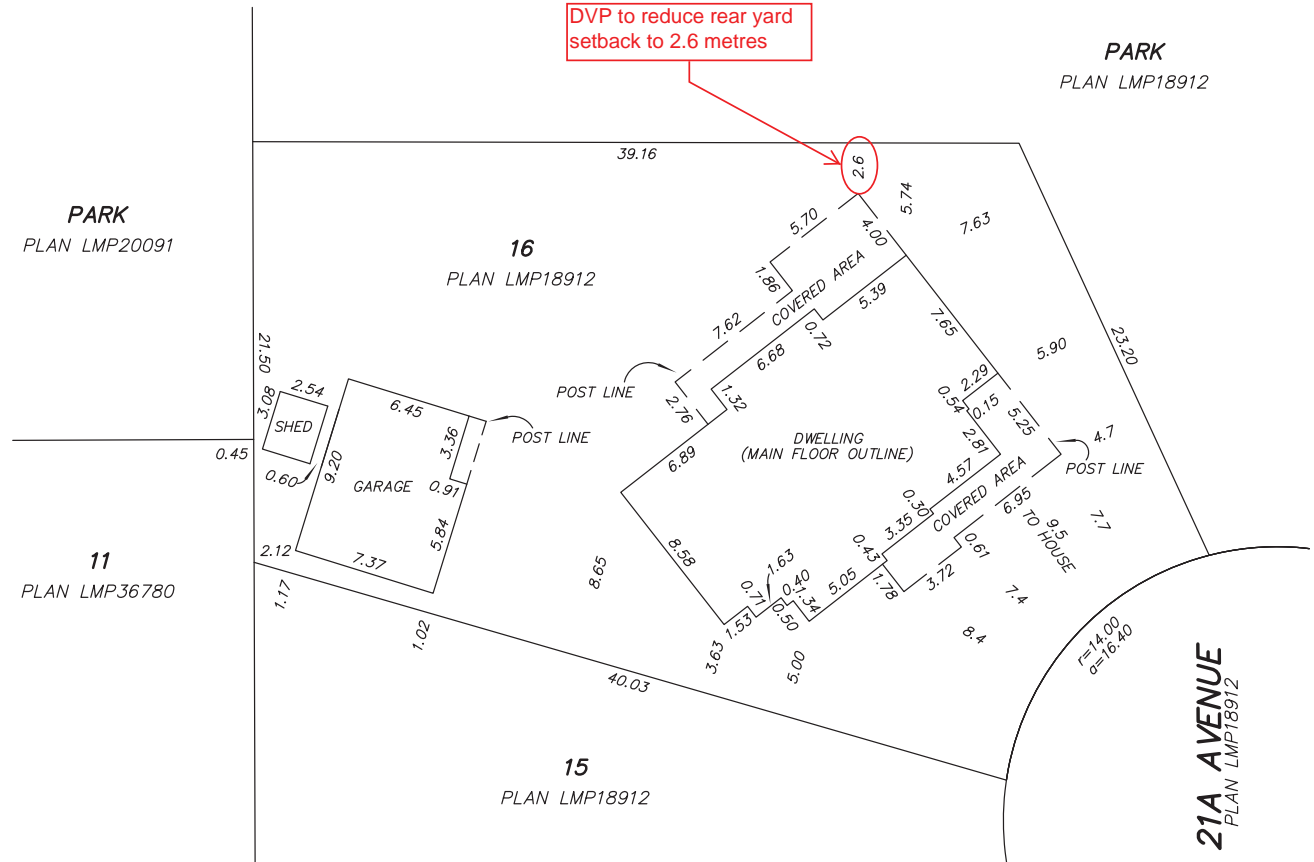
B.C.L.S.

SCOTT M. TODD

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or originally signed and sealed.

FOR MUNICIPAL AND OR MORTGAGE PURPOSES

This plan was prepared for municipal and or mortgage purposes and is for the exclusive use of our client. The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made or actions taken based on this document. This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.



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FILE : 17-004 DWG : 17-004-CE