

Township of  
Langley



Est. 1873

## REPORT TO MAYOR AND COUNCIL

**PRESENTED:** MARCH 23, 2020 – PUBLIC HEARING  
**FROM:** COMMUNITY DEVELOPMENT DIVISION  
**SUBJECT:** DEVELOPMENT VARIANCE PERMIT  
 APPLICATION NO. 100118 (HILTON / 24634 - 44 AVENUE)

**REPORT:** 20-35  
**FILE:** 10-34-0066

### PROPOSAL:

Development Variance Permit application to vary Section 110.1 – Minimum Subdivision Requirements, of the Township of Langley Zoning Bylaw 1987 No. 2500, to reduce the minimum depth requirement of a two (2) lot subdivision from 55 m (180 ft) to 51.4 m (169 ft).

### RECOMMENDATION SUMMARY:

That Council authorize issuance of Development Variance Permit No.100118.

### RATIONALE:

As a variance to the minimum lot depth for two (2) proposed lots has been requested, Council consideration of a Development Variance Permit is required in conjunction with staff processing the subdivision application.



**RECOMMENDATION:**

**That** Council authorize issuance of Development Variance Permit No. 100118 for property located at 24634 - 44 Avenue, to facilitate a subdivision into two (2) lots, subject to the following conditions:

- a. Section 110.1 – Subdivision Requirements of Township of Langley Zoning Bylaw 1987 No. 2500 being varied to reduce the minimum lot depth requirements in the Suburban Residential Zone SR-1 from 55 metres (180 feet) to 51.4 metres (169 feet) as indicated in Schedule A; and
- b. Registration of an exterior design control agreement at the time of subdivision, to the acceptance of the Township's General Manager of Engineering and Community Development.

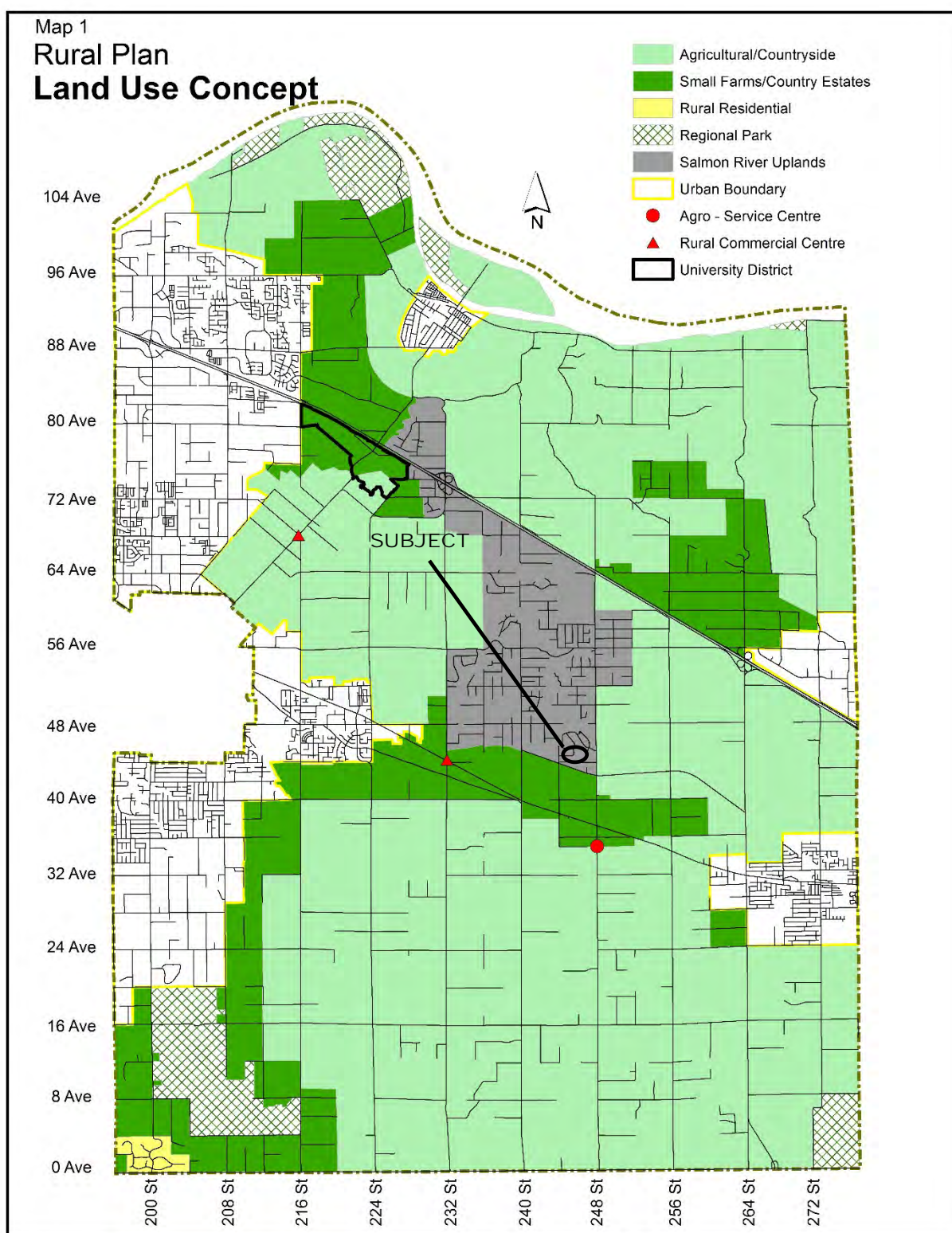
**EXECUTIVE SUMMARY:**

Kurt Alberts, on behalf of Colin and Kimberlee Hilton, has applied for a Development Variance Permit, to vary the minimum subdivision requirements of the Township of Langley Zoning Bylaw, to reduce the minimum lot depth requirement in the Suburban Residential (SR-1) Zone from 55 m (180 ft) to 51.4 m (169 ft). The purpose of the variance is to facilitate subdivision of property located at 24634 – 44 Avenue into two (2) lots.

Staff note the rectangular lots are proposed to be approximately 110 m (361 ft) wide by approximately 51.4 m (169 ft) deep, based on the proposed configuration and orientation in consideration of the adjacent road, access requirements, topographical and natural features including the presence of a water course and associated streamside set back area requirements. Having said that, the proposed areas meet and exceed the minimum lot size requirements of the Township of Langley Zoning Bylaw. Notwithstanding, a variance is required due to the definitions of the Township Zoning Bylaw with respect to lot depth for panhandle lots, which specifies lot depth as that being measured along the shorter of the lot lines, which is 51.4 m (169 ft) in the case of the subject application, as illustrated on the proposed site plan included in this report.

**PURPOSE:**

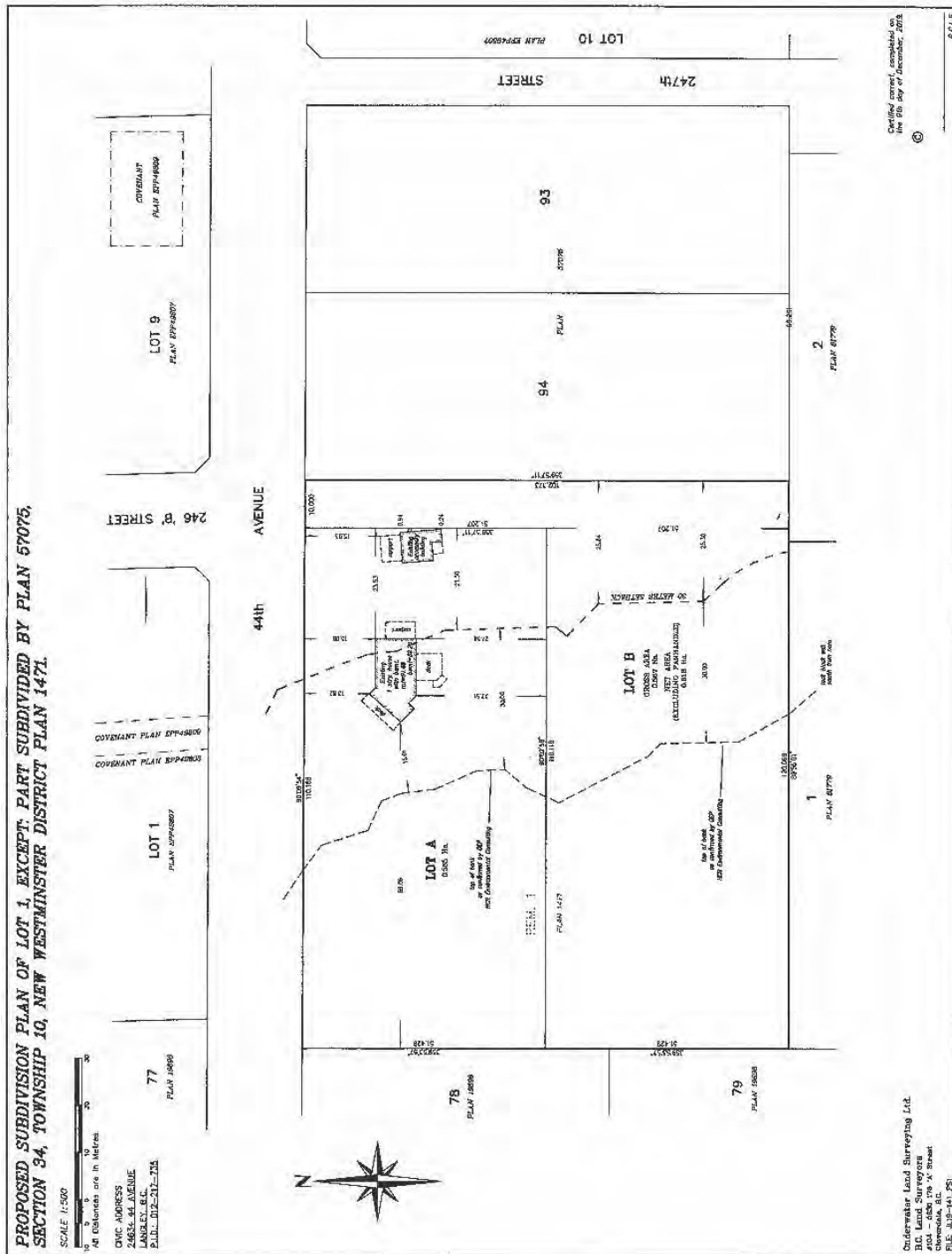
The purpose of this report is to advise and make recommendations to Council with respect to proposed Development Variance Permit No. 100118 for property located at 24634 – 44 Avenue.







**ZONING BYLAW NO. 2500**



## Preliminary Subdivision Plan – SUBMITTED BY APPLICANT

**REFERENCE:**

<b>Owner:</b>	Colin and Kimberlee Hilton 24634 – 44 Avenue Langley, BC V2Z 1L6
<b>Applicant:</b>	Kurt Alberts Box 760 STN Fort Langley Langley, BC V1M 2S2
<b>Legal Description:</b>	Lot 1 Except: Part Subdivided by Plan 57075 Section 34 Township 10 New Westminster District Plan 1471
<b>Location:</b>	24634 – 44 Avenue
<b>Area:</b>	1.23 ha (3.03 ac)
<b>Rural Plan:</b>	Salmon River Uplands
<b>Zoning:</b>	Suburban Residential Zone SR-1 (minimum lot size 0.37 ha / 0.92 ac)

**BACKGROUND/HISTORY:**

The subject property is located at 24634 – 44 Avenue, is designated Salmon River Uplands in the Rural Plan, and zoned Suburban Residential Zone SR-1, and is not in the Agricultural Land Reserve. Section 110.1 – Minimum Subdivision Requirements, of the Township of Langley Zoning Bylaw 1987 No. 2500, requires parcels in Suburban Residential Zone SR-1 to have a minimum lot depth of 55 m (180 ft).

The applicant is proposing to vary the lot depth requirements of the Suburban Residential Zone SR-1 from 55 m (180 ft) to 51.4 m (169 ft) to facilitate subdivision of the subject property into two (2) lots.

**DISCUSSION / ANALYSIS:**

The subject property is designated Salmon River Uplands in the Rural Plan. The property is zoned Suburban Residential Zone SR-1 in accordance with Zoning Bylaw No. 2500, which permits a minimum lot size for subdivision of 3,716 m<sup>2</sup> (39,999 ft<sup>2</sup>). The subject property has subdivision potential under the existing zoning, however, does not have enough lot depth to achieve two (2) viable lots, each with the 55 m (180 ft) required depth. Accordingly, the subject Development Variance Permit Application has been submitted in conjunction with a subdivision application proposing two (2) oversize lots (approximately 5,650 m<sup>2</sup> / 70,611 ft<sup>2</sup> vs. the required 3,716 m<sup>2</sup> / 39,999 ft<sup>2</sup>) with a 6% reduction in each lot depth (51.4 m / 169 ft vs. 55 m / 180 ft). The applicant has provided rationale in support of the proposed variance included as Attachment B to this report.

### Adjacent Uses:

- North: 44 Avenue, beyond which is a 0.38 ha (0.94 ac) suburban residential property zoned Suburban Residential Zone SR-1 and designated Salmon River Uplands in the Rural Plan;
- South: Suburban residential properties 0.61 ha (1.52 ac) and 0.37 ha (0.92 ac) in size, zoned Suburban Residential Zone SR-1 and designated Salmon River Uplands in the Rural Plan;
- East: A suburban residential property 0.4 ha (1 ac) in size, zoned Suburban Residential Zone SR-1 and designated Salmon River Uplands in the Rural Plan;
- West: Two Suburban residential properties 0.4 ha (1 ac) in size, zoned Suburban Residential Zone SR-1 and designated Salmon River Uplands in the Rural Plan.

### Proposed Subdivision / Variance:

The applicant is proposing to subdivide the subject property into two (2) lots. Proposed Lot A is 0.565 ha (1.40 ac) in size with 110 m (361 ft) of frontage along 44 Avenue and 51.4 m (169 ft) deep. Proposed Lot B is 0.616 ha (1.52 ac) in size with 10 m (33 ft) panhandle frontage on 44 Avenue and 51.4 m (169 ft) deep. The applicant is requesting a lot depth variance of 3.6 m (11.8 ft) which equates to a 6% reduction (based on the 55 m / 180 ft SR-1 Zoning requirement) for each of the proposed lots.

Staff note that a typical rectangular lot configuration is being sought as detailed in the above site plan, however, the Zoning Bylaw definition for lot depth does not anticipate the proposed perpendicular panhandle configuration, therefore a lot depth variance is necessary in order to accommodate the proposed layout. For clarity, the lot depth and width by definition are reversed because the proposed lots are oriented parallel to 44 Avenue (with access via a panhandle for Lot B) in order to accommodate the riparian area on the western half of the subject property.

The above is further explained below in the following excerpts from Section 102 - Definitions of the Zoning Bylaw:

Lot depth	<i>"means the average distance between the front and rear lot line boundaries, excluding panhandles."</i>
Front lot line	<i>"means the lot line common to the lot and an abutting street: c) In the case of a panhandle lot, the front lot line shall be the lot line of the main body of the lot closest to the highway from which the lot is accessed, including the width of the panhandle."</i>
Rear lot line	<i>"means the lot lines opposite to, not adjoining and most distant from the front lot line."</i>

### Servicing:

The subject property is designated as Service Level 3 – Suburban which requires connection to municipal water supply as a subdivision prerequisite. Staff note there is a municipal water main near the property frontage on 44 Avenue that was extended as part of the adjacent single family residential development (TOL Project: 10-34-0056). Servicing related requirements associated with the proposed development will be addressed at the subdivision stage, in compliance with the Subdivision and Development Servicing Bylaw No. 5382, should the application proceed.

### **Environmental Considerations:**

The Township's Sustainability Charter includes environmental objectives to protect and enhance rivers, streams, wildlife habitats and environmentally sensitive areas in the Township. These environmental objectives are supported by policy and guidance outlined in the Township's Environmentally Sensitive Areas Study, Wildlife Habitat Conservation Strategy, Schedule 3 of the Township of Langley Official Community Plan, Erosion and Sediment Control Bylaw, and Subdivision and Development Servicing Bylaw (Schedule I – Tree Protection) which promote sound environmental management practices and outline Township environmental performance expectations. Full urban services exist to the subject site. The provision of storm water management and sediment control measures and compliance with the Township's Subdivision and Development Servicing Bylaw (Schedule I – Tree Protection) satisfies the objectives of the Sustainability Charter.

A red coded watercourse traverses the western portion of the subject property. Protection of the watercourse in accordance with Schedule 3 of the Township of Langley Official Community Plan will be required at time of subdivision, should the application proceed.

### **Public Information Meeting:**

Given that the application is not rezoning the property or proposing to amend the Community Plan, the requirement for the applicant to hold a public information meeting pursuant to Section 4.1 of the Developer Held Public Information Meeting Policy (Policy No. 07-164) has been waived. Staff note that an opportunity for public input is provided through notification mail-outs to adjacent property owners/occupants consistent with Township bylaws.

### **POLICY CONSIDERATIONS:**

Development Variance Permit No. 100118 proposes to vary Section 110.1 of the Township of Langley Zoning Bylaw 1987 No. 2500, to reduce the minimum lot depth requirements from 55 m (180 ft) to 51.4 m (169 ft) for the Suburban Residential SR-1 Zone. The requested variance is required as a result of Zoning Bylaw definition language and represents a 6% reduction in the minimum lot depth requirement.

Staff have notified adjacent property owners that the Development Variance Permit application is being considered, and that they may attend and speak to the matter should they deem necessary. Should Council wish to grant the applicant's request, Development Variance Permit No. 100118 is provided as Attachment A to this report.

Respectfully submitted,

Daniel Graham  
 DEVELOPMENT PLANNER  
 for  
 COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A      Development Variance Permit No. 100118

ATTACHMENT B      Applicant Rationale



THE CORPORATION OF THE TOWNSHIP OF LANGLEY

Development Variance Permit No. 100118

This Permit is issued this \_\_\_\_\_ day of \_\_\_\_\_, 2020 to:

1. Name: Colin and Kimberlee Hilton

Address: 24634 – 44 Avenue  
Langley, BC V2Z 1L6

2. This permit applies to and only to those lands within the Municipality described as follows and to any and all buildings, structures and other development thereon:

LEGAL DESCRIPTION: Lot 1 Except: Part Subdivided by Plan 57075 Section 34 Township 10 NWD Plan 1471

CIVIC ADDRESS: 24634 – 44 Avenue

3. This Permit is issued subject to compliance with all of the Bylaws of the Municipality of Langley applicable thereto, except as specifically varied or supplemented by this permit as follows:

- a. Section 110.1 – Subdivision Requirements of Township of Langley Zoning Bylaw 1987 No. 2500 being varied to reduce the minimum lot depth requirements in the Suburban Residential Zone SR-1 from 55 metres (180 feet) to 51.4 metres (169 feet) as indicated in Schedule A; and
- b. Registration of an exterior design control agreement at the time of subdivision, to the acceptance of the Township's General Manager of Engineering and Community Development.

4. The land described herein shall be developed strictly in accordance with the terms, conditions and provisions of this Permit and any plans and specifications attached as a Schedule to this Permit which shall form a part hereof.

This Permit is not a Building Permit.

All developments forming part of this Development Variance Permit shall be substantially commenced within two years after the date the Development Variance Permit is issued.

This permit shall have the force and effect of a restrictive covenant running with the land and shall come into force on the date of an authorizing resolution passed by Council.

It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreement (verbal or otherwise) with the developer other than those in this Permit.

This Permit shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

AUTHORIZING RESOLUTION PASSED BY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

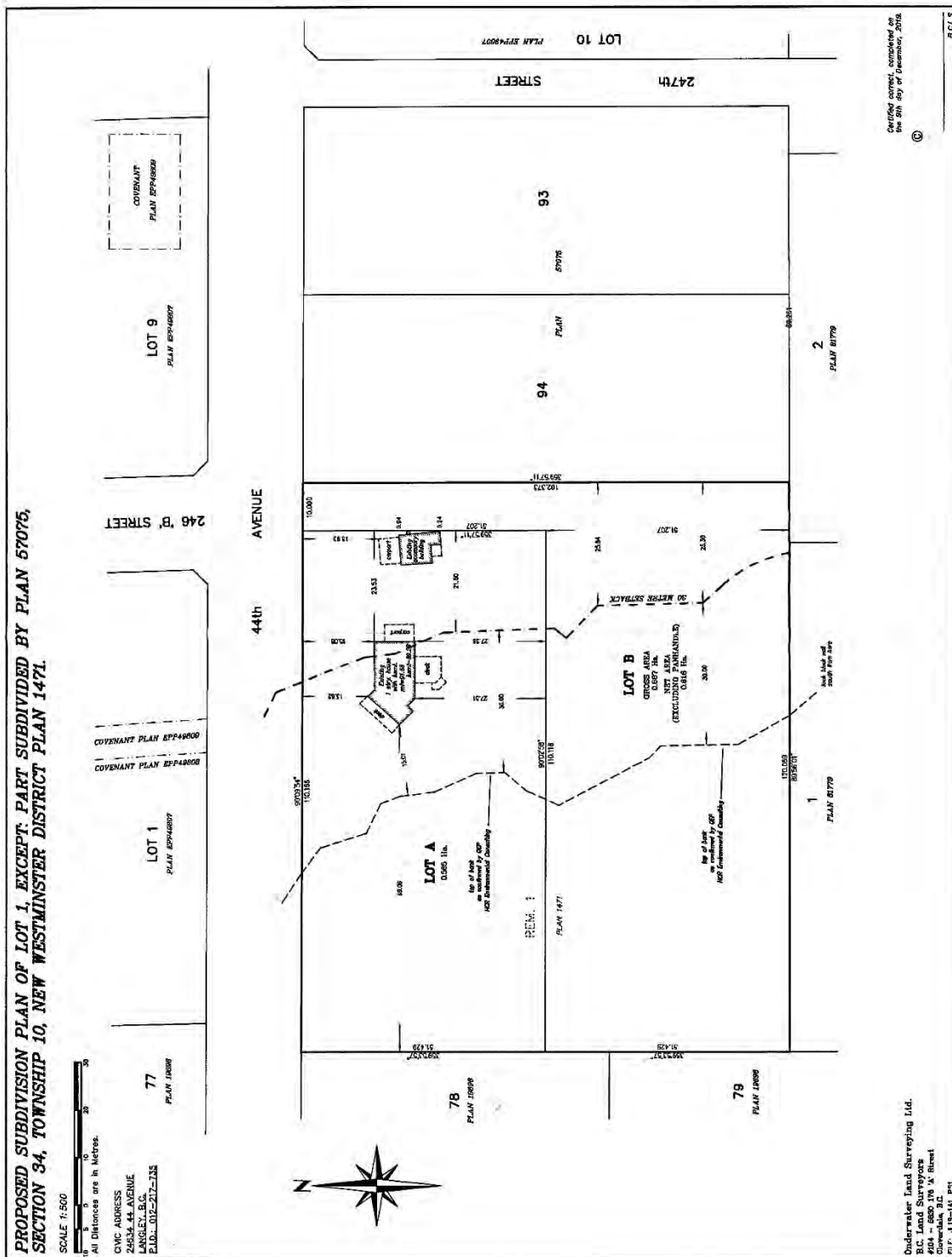
Attachment: SCHEDULE A – Preliminary Subdivision Plan



# SCHEDULE A PRELIMINARY SUBDIVISION PLAN



Est. 1873



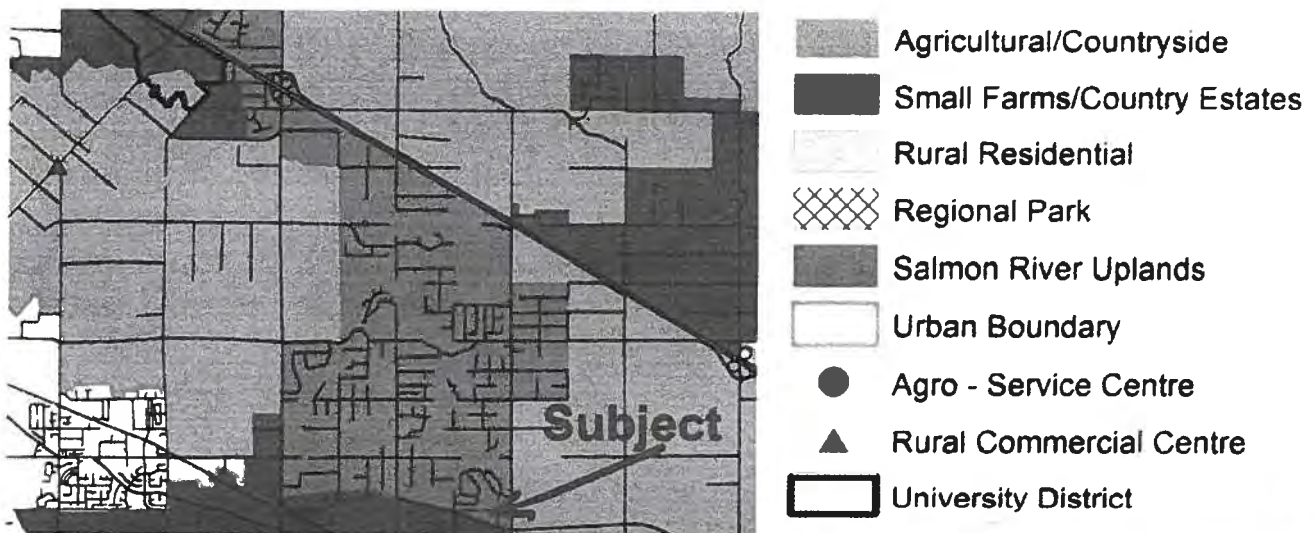
**KURT ALBERTS RPP, MCIP**  
**URBAN and REGIONAL PLANNER**  
**BOX 760 9054 GLOVER ROAD**  
**FORT LANGLEY B.C. V1M 2S2**  
**604 888-4395 kurt@kurtalberts.com**

## LETTER OF INTENT

Application for Subdivision in SR-1 Zone, Salmon River Uplands  
Application for Development Variance Permit to vary Lot Depths  
To create 1 Additional Lot with Panhandle Access  
24634 - 44 Avenue, Applicant: Colin and Kim Hilton

### Introduction

The subject property is 3 ac (12,302 sq m) and zoned SR-1 which permits a minimum parcel size of 0.92 ac (3,716 sq m). The OCP designates the subject property as "Rural" where "Development at gross densities based on the current Zoning Bylaw is permitted within the Salmon River Uplands area as defined in the Rural Plan." The subject property is shown below within the "Salmon River Uplands" on the Land Use Concept (Map 1) of the Rural Plan. The intent is to develop the property in accordance with the gross density permitting one additional SR-1 lot together with protection of the watercourse and 30m setback area.

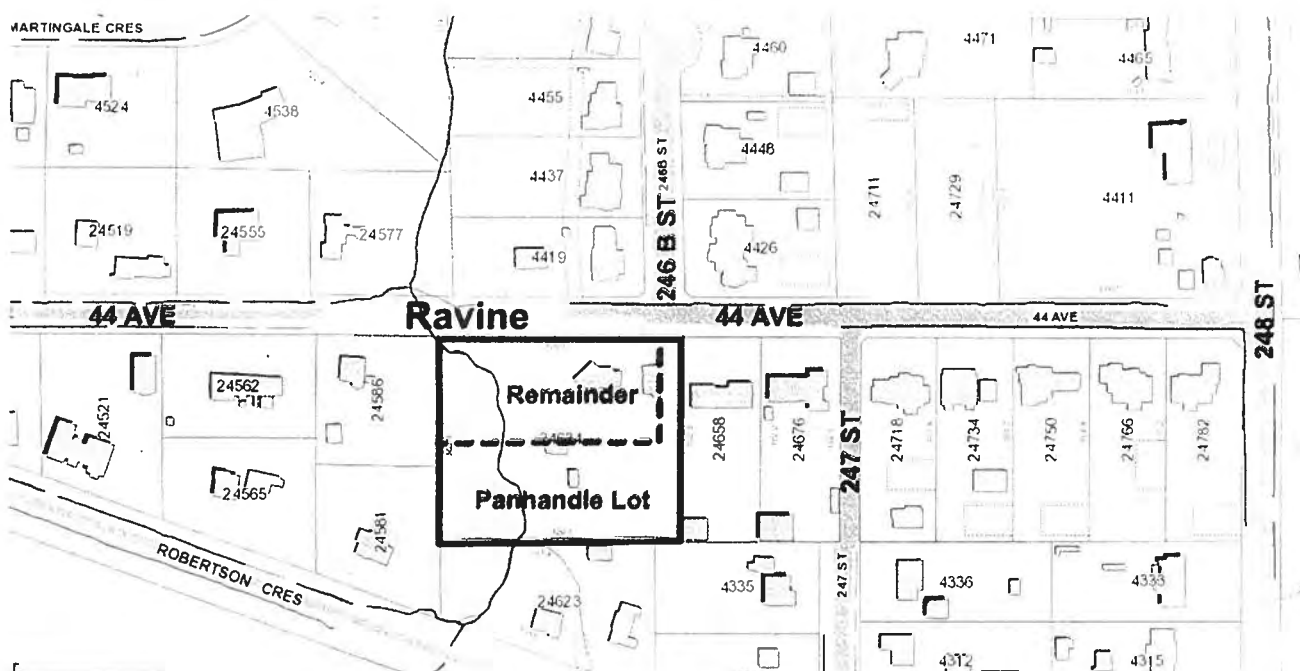


## Planning Rationale for Panhandle Access

The subject property has access from 44 Avenue which terminates at 246 B Street. 44 Avenue is not intended to be extended across the ravine formed by a major tributary of the Salmon River. This same ravine limits the subdivision layout possible for the subject property.

While the property has an area of 3 ac (1.232 ha), the preservation of the watercourse with a 30m Streamside Protection and Enhancement Area leaves sufficient area to create only one additional lot. The proposed new lot of 1.6 ac (6,669 sq m) and the remainder of 1.4 ac (5,650 sq m) will both substantially exceed the bylaw minimum lot size of 0.92 ac (3,716 sq m).

Due to the topography of the property a narrow access strip (panhandle) along the eastern boundary is intended to serve the proposed new lot. The use of panhandle access strips is provided for in Langley Township Council Policy 07-230. The provision of a panhandle frontage for a lot may be considered in certain circumstances including: *"Where the existing topography of the parcel being subdivided prohibits subdivision in the conventional manner."* (Sec. 4.5.1 a)



The existing topography of the subject property with its ravine area, prohibits subdivision in the conventional manner. Other relevant considerations for use of the panhandle policy apply as follows:

- Being located within the "Salmon River Uplands", the subject parcel will not be capable of any further subdivision under the OCP/Rural Plan designation which only permits breakdown to the gross density of the existing SR-1 Zone.
- The proposed panhandle is wide enough to serve the proposed lot having due regard to topography, physical features, adjoining lands and the subdivision potential of such lot. Both lots will conform to the frontage requirements of the Zoning Bylaw.
- The panhandle access will comply with the minimum width of 10 metres and will be sufficient to accommodate a safe driveway of not less than 6 metres in width.

As well, given the extra large lot sizes, the creation of a new lot, as proposed, will maintain the rural character of the neighbourhood.

## Planning Rationale for Variance to Minimum Lot Depth

The Zoning Bylaw sets minimum requirements for subdivision in the SR-1 Zone as follows:

Required	Proposed
Minimum Area: 0.3616 ha	0.565 and 0.667 ha (includes 0.051 for panhandle)
Minimum Frontage: 40 m	110 m
Minimum Lot Depth: 55 m	51.4 m

While *Area* and *Frontage* conform and substantially exceed the Zoning requirements, the *Lot Depth* is slightly deficient, 51.4 m where 55 m is required. The Zoning Bylaw definition for *Frontage* dictates the rear lot line location and hence the *Lot Depth*. The topographic orientation of the property, east/west rather than north/south, makes a minor variance to *Lot Depth* necessary in this case.

Accordingly application has been made for a Development Variance Permit to vary the *Lot Depth* from **55 m** to **51 m** for both lots of the proposed subdivision as shown below.

Arguments in favour of the minor variance to *Lot Depth*:

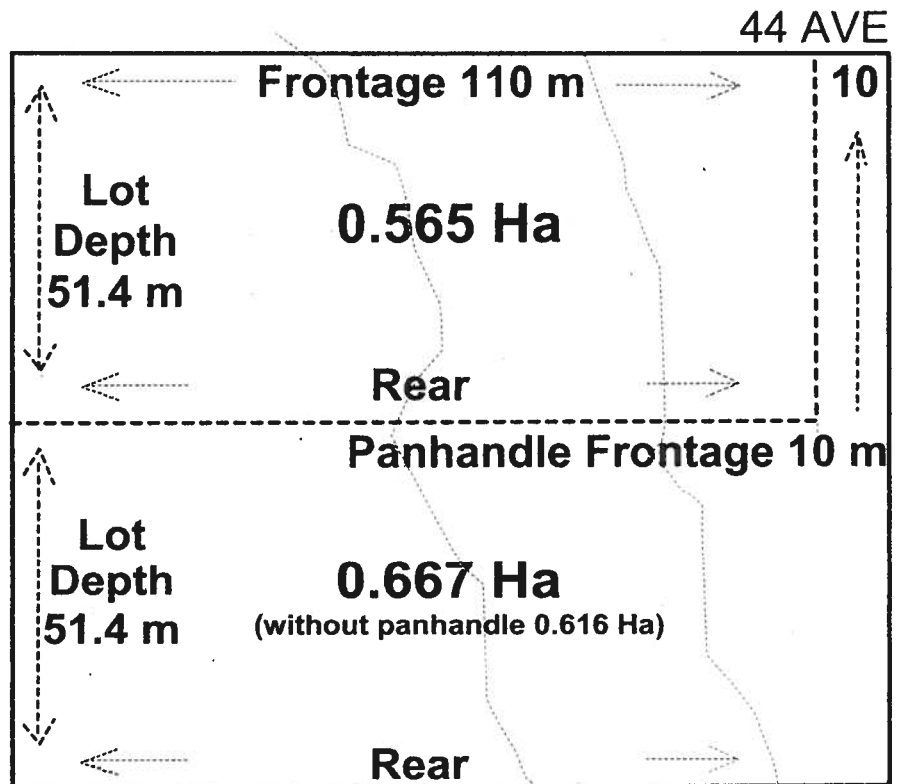
1. The legislative intent of Development Variance Permits recognizes the need for some flexibility relative to the Zoning Bylaw. The topography of the subject property precludes subdivision in the usual orientation.

2. The Local Government Act states that a DVP may vary the provisions of a zoning bylaw providing there is no variance to land use and density. The requested variance to *Lot Depth* does not vary land use (single family residential) nor density (SR-1).

3. The proposed lots will exceed the minimum *Lot Area* by 55% and 70%. The *Frontage* is 2.75 times the minimum.

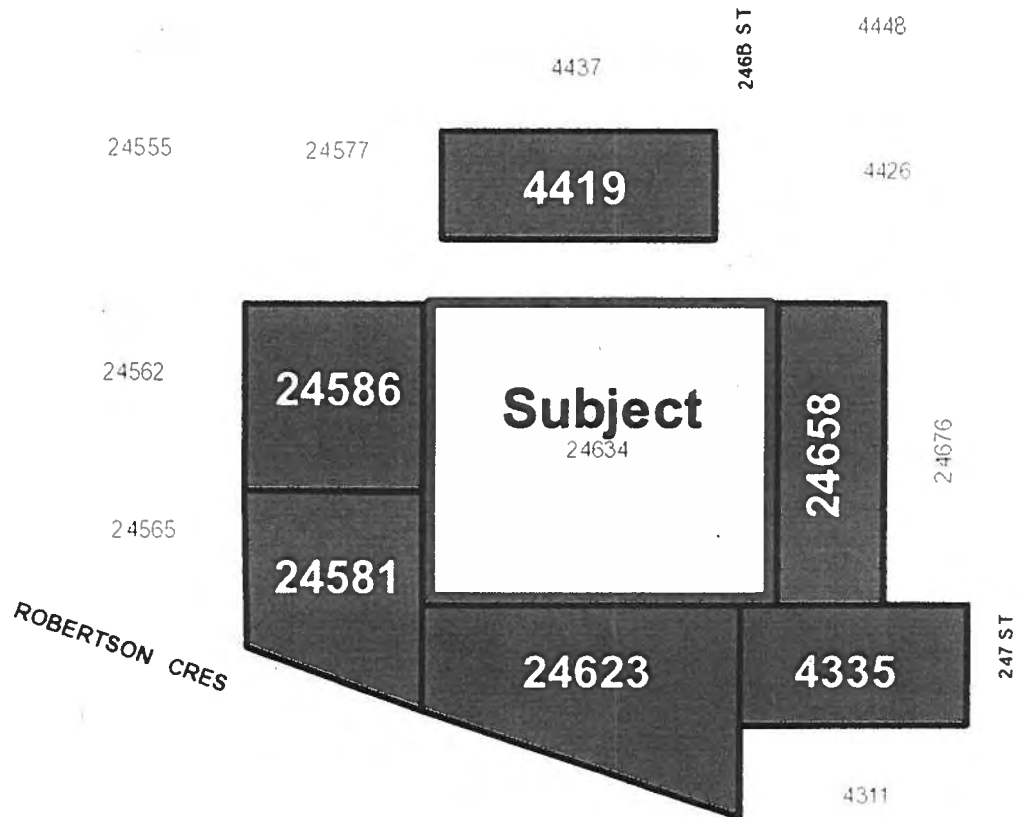
4. The introduction of one additional home with a significant streamside protection area will have minimal impact on the neighbourhood character.

5. All six of the Immediate neighbours have indicated in writing that they do not object to the creation of one additional lot as shown above with panhandle access and a Development Variance Permit to allow lot depths to be reduced from 55m (180 ft) to 51m (168 ft). The map on the following page shows the neighbours' property locations.





Location of  
neighbours  
indicating  
"no objection"  
to subdivision  
as proposed.

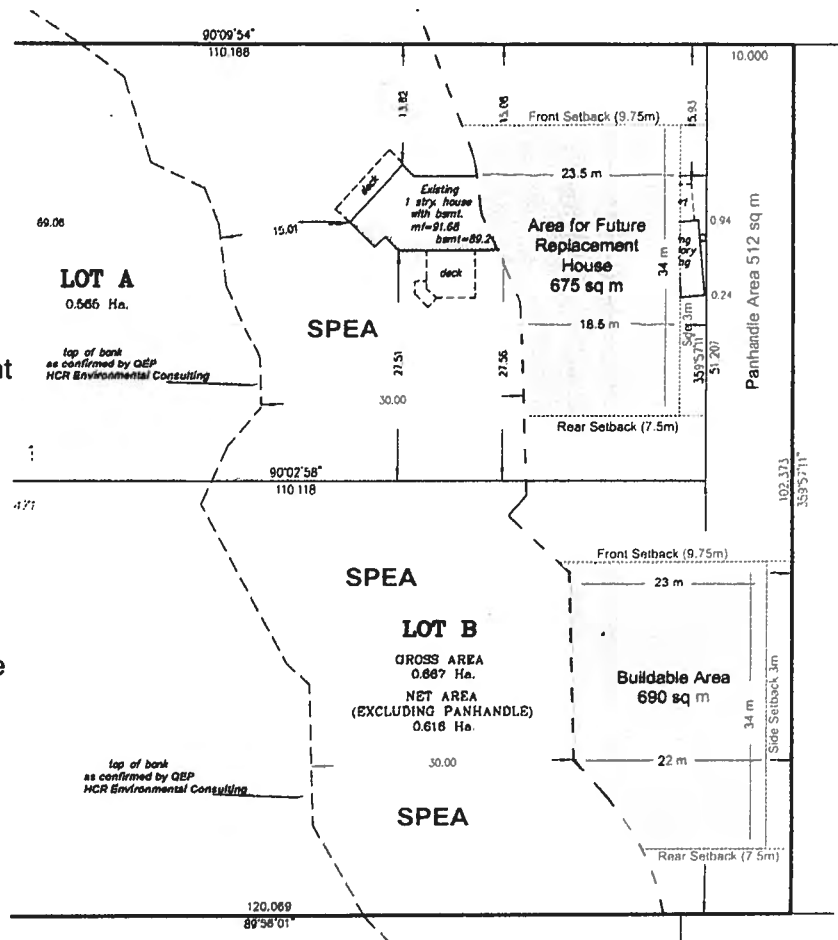


### Streamside Protection and Buildable Areas

The required 30m setback from the top of bank has been confirmed by survey and a Qualified Environmental Professional, HCR Environmental Consulting. While the resulting Streamside Protection and Enhancement Area is quite large, there is sufficient area remaining for building on both proposed parcels as shown to the right.

The existing house with a setback of 15m predates the new OCP streamside regulations and therefore is "grand-parented". In the event the house is destroyed or replaced in the future, there is sufficient buildable area outside of the SPEA area.

After yard setbacks, proposed Lot A has a building area of 675 sq m (7,266 sq ft) and Lot B has 690 sq m (7,427 sq ft).



## **Trees**

Above the top of bank there are a total of 39 trees, all but two will be retained. In addition to the 37 retained trees there are also 15 trees protected within the ravine area below the top of bank for a total of 52 trees.

## **Summary**

The creation of one additional SR-1 lot on the subject property, 24634 - 44 Avenue, is appropriately served with a panhandle access strip in accordance with Council Subdivision Policy 07-230.

The protection of the watercourse will be secured by designation of a Streamside Protection and Enhancement Area in compliance with the OCP watercourse regulations.

The requested variance to lot depth is minor and will not impact the character of the neighbourhood. All six of the immediate neighbours have indicated "no objection" to the requested Development Variance Permit and the panhandle design for the proposed new lot.

Respectfully Submitted



Kurt Alberts RPP, MCIP

## **Attachments**

Appendix A Proposed Plan of Subdivision

Appendix B Neighbours' Letters