

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500
AMENDMENT (LEBCAN DEVELOPMENTS INC.) BYLAW 2017 NO. 5284**

EXPLANATORY NOTE

Bylaw 2017 No. 5284 rezones 0.68 hectares (1.69 acres) of land located at 8738 – 217A Street from Rural Zone RU-1 to Suburban Residential Zone SR-3A to accommodate a two (2) lot residential subdivision.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500
AMENDMENT (LEBCAN DEVELOPMENTS INC.) BYLAW 2017 NO. 5284**

A Bylaw to amend Township of Langley Zoning Bylaw 1987 No. 2500

WHEREAS it is deemed necessary and desirable to amend "Township of Langley Zoning Bylaw 1987 No. 2500" as amended;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (Lebcam Developments Inc.) 2017 Bylaw No. 5284".
3. The "Township of Langley Zoning Bylaw 1987 No. 2500" as amended is further amended by rezoning the lands described as:

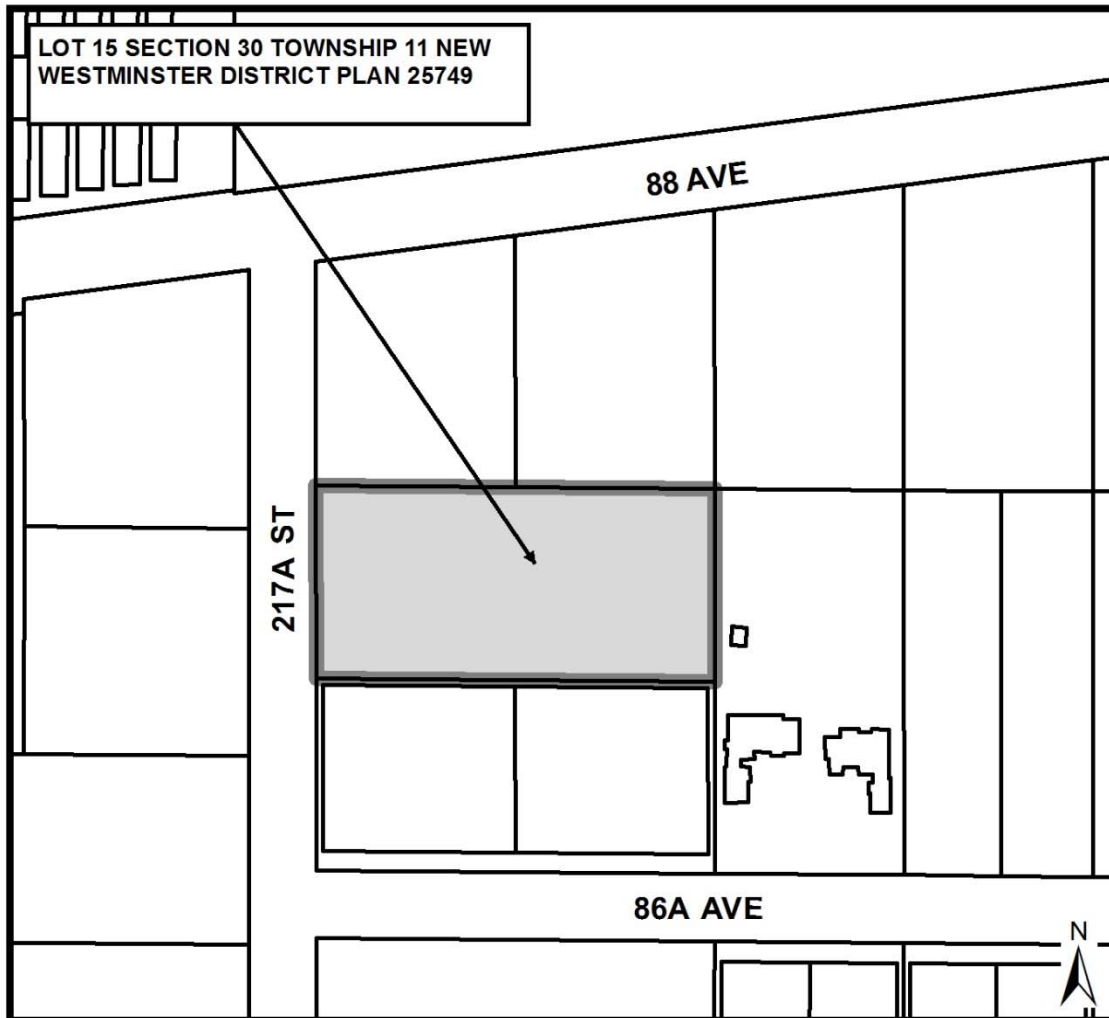
Lot 15 Section 30 Township 11 New Westminster District Plan 25749

as shown delineated on Schedule "A" attached to and forming part of this Bylaw to Suburban Residential Zone SR-3A.

READ A FIRST TIME the	08	day of	May	, 2017.
READ A SECOND TIME the	08	day of	May	, 2017.
PUBLIC HEARING HELD the		day of		, 2017.
READ A THIRD TIME the		day of		, 2017.
RECONSIDERED AND ADOPTED the		day of		, 2017.

_____ Mayor _____ Township Clerk

SCHEDULE 'A' BYLAW NO. 5284



Township of
Langley



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED: MAY 8, 2017 - REGULAR EVENING MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: REZONING APPLICATION NO. 100458
 DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 100087
 (LEBCAN DEVELOPMENTS INC. / 8738 – 217A STREET)

REPORT: 17-46
FILE: 11-30-0023

PROPOSAL:

Application to rezone 0.68 ha (1.69 ac) of land at 8738 - 217A Street in the Rural Plan area to Suburban Residential Zone SR-3A, and vary the required setback from a side lot line to accommodate subdivision into two (2) lots.

RECOMMENDATION SUMMARY:

That Council give first and second reading to Rezoning Bylaw No. 5284, subject to the completion of five (5) development prerequisites; issuance of Development Variance Permit No. 100087; and that staff be authorized to schedule the required Public Hearing.

RATIONALE:

Staff are supportive of the development proposal as it complies with the land use and density provisions of the Rural Plan and Council's direction.



RECOMMENDATIONS:

That Council give first and second reading to Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (Lebcan Developments Inc.) Bylaw 2017 No. 5284, rezoning 0.68 ha (1.69 ac) of land at 8738 – 217A Street in the Rural Plan area to Suburban Residential Zone SR-3A to accommodate subdivision into two (2) lots, subject to the following development prerequisites being satisfied prior to final reading:

1. A Servicing Agreement being entered into with the Township to secure required road and utility upgrades and extensions in accordance with the Township's Subdivision and Development Servicing Bylaw, and compliance with the Erosion and Sediment Control Bylaw, to the acceptance of the Township;
2. Provision of a final tree management plan incorporating tree retention, replacement, protection details, and security in compliance with the Subdivision and Development Servicing Bylaw (Schedule I – Tree Protection), to the acceptance of the Township;
3. Provision of road dedications, widenings, and necessary traffic improvements to the acceptance of the Township;
4. Completion of an erosion and sediment control plan in accordance with the Erosion and Sediment Control Bylaw to the acceptance of the Township; and
5. Payment of applicable site servicing fees and supplemental rezoning fees;

That Council at time of final reading of Township of Langley Zoning Bylaw 1987 No. 2500 Amendment Rezoning Bylaw No. 5284 authorize the issuance of Development Variance Permit No. 100087 for the proposed development as follows:

- a) Section 304.4 (1) – Siting of Buildings and Structures of Township of Langley Zoning Bylaw 1987 No. 2500 being varied to reduce the minimum side lot line setback for a principal building in Suburban Residential Zone SR-3A zone from 3 m (9.84 ft) to 1.08 m (3.54 ft) for proposed Lot 1 as indicated in Schedule "A"; and from 3 m (9.84 ft) to 1.67 m (5.48 ft) for proposed Lot 2 as indicated in Schedule "A"; and further

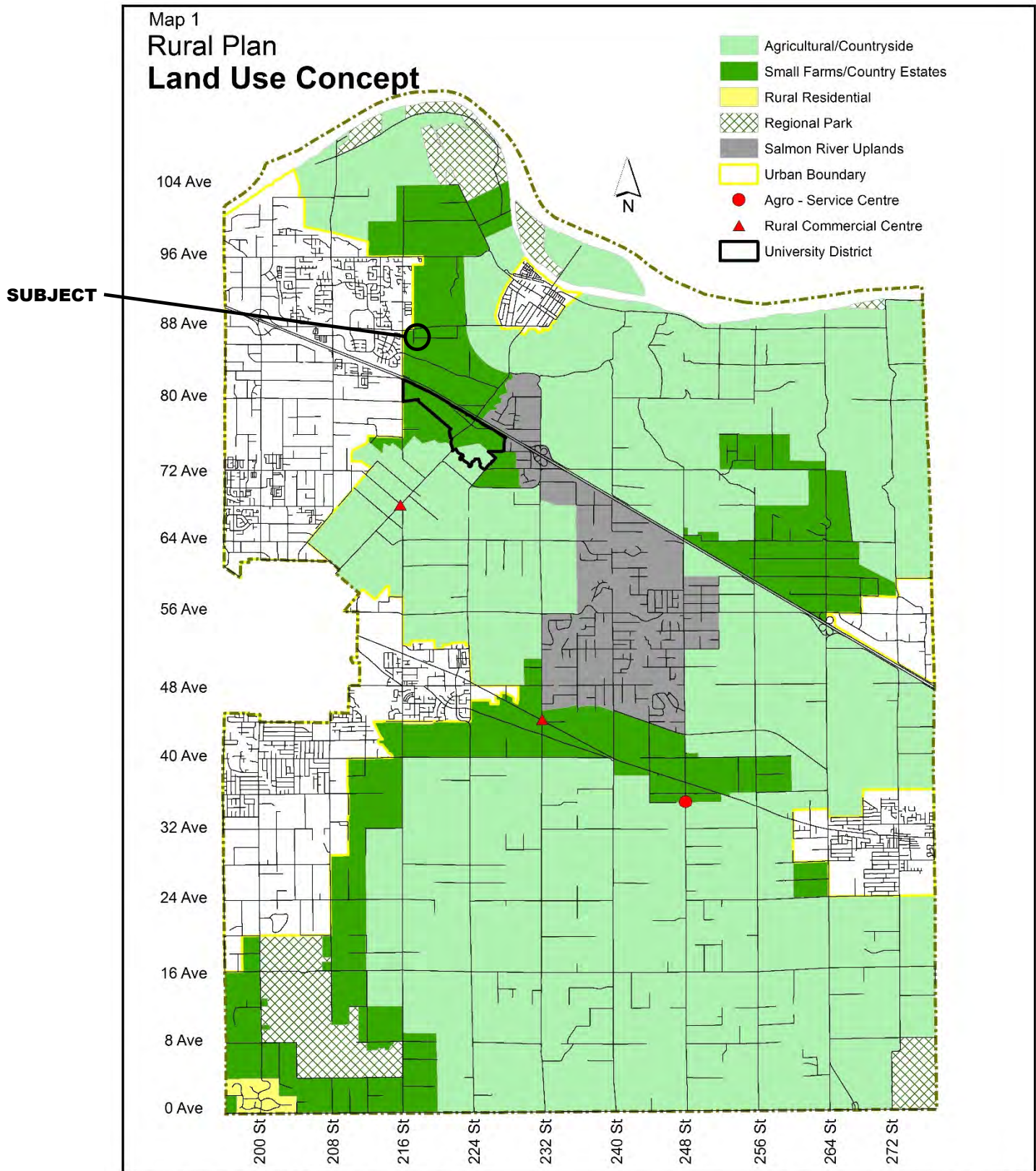
That Council authorize staff to schedule the required public hearing for Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (Lebcan Developments Inc.) Rezoning Bylaw No. 5284 in conjunction with the hearing for proposed Development Variance Permit No. 100087.

EXECUTIVE SUMMARY:

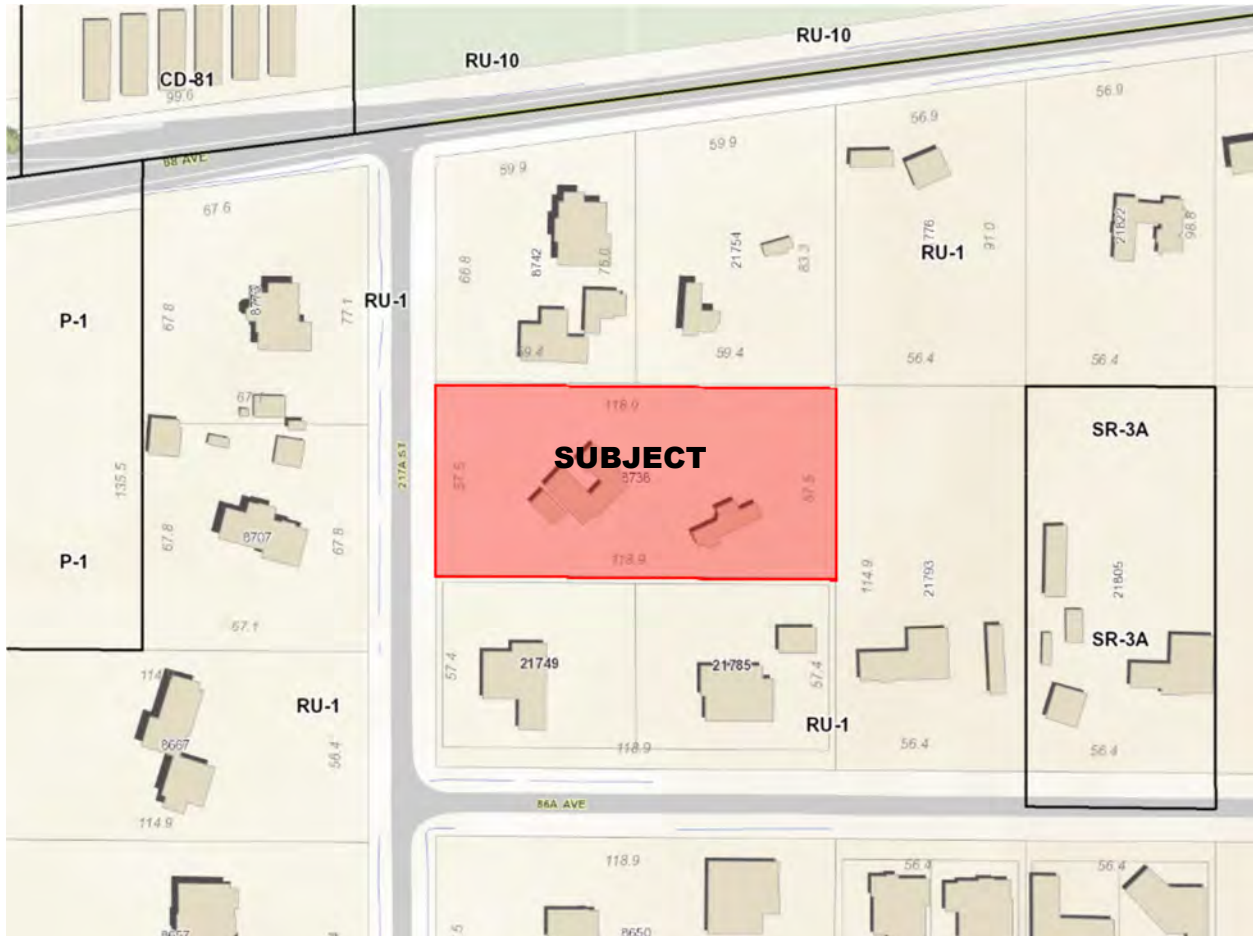
Lebcan Developments Inc. has applied to rezone 0.68 ha (1.69 ac) of land at 8738 – 217A Street in the Rural Plan area to Suburban Residential Zone SR-3A to facilitate subdivision of the subject property into two (2) lots. A Development Variance Permit is being processed in conjunction with the rezoning application to vary the required setback from the side lot line for both of the proposed lots. The application complies with the provisions of the Rural Plan which accommodates the subdivision of existing non-ALR fee simple lots in the area south of 88 Avenue adjacent to the eastern boundary of Walnut Grove into two (2) lots, as directed by Council. Final reading of the rezoning bylaw is contingent upon completion of the five (5) development prerequisites outlined in this report.

PURPOSE:

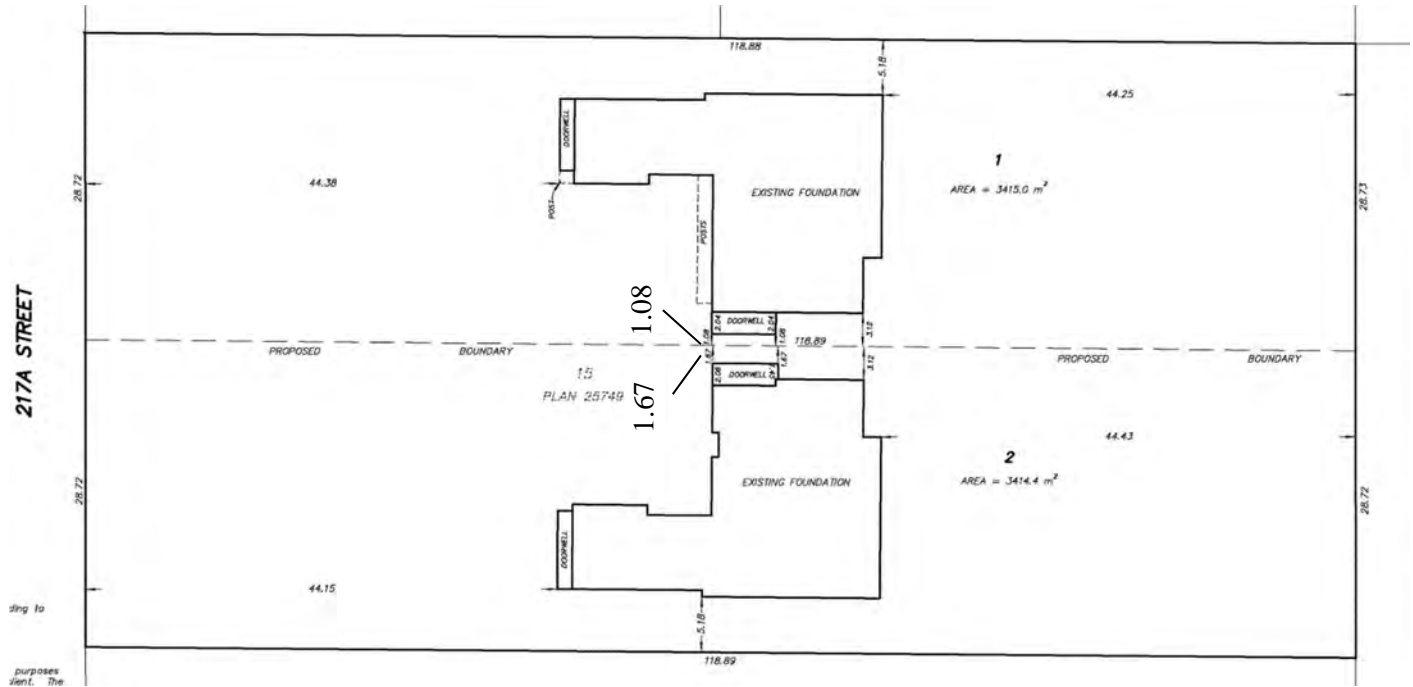
The purpose of this report is to advise and make recommendations with respect to Rezoning Bylaw No. 5284 and Development Variance Permit No. 100087.



REZONING APPLICATION NO. 100458
DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 100087
(LEBCAN DEVELOPMENTS INC. / 8738 – 217A STREET)
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ZONING BYLAW NO. 2500



SUBDIVISION PLAN – SUBMITTED BY APPLICANT

REFERENCE:

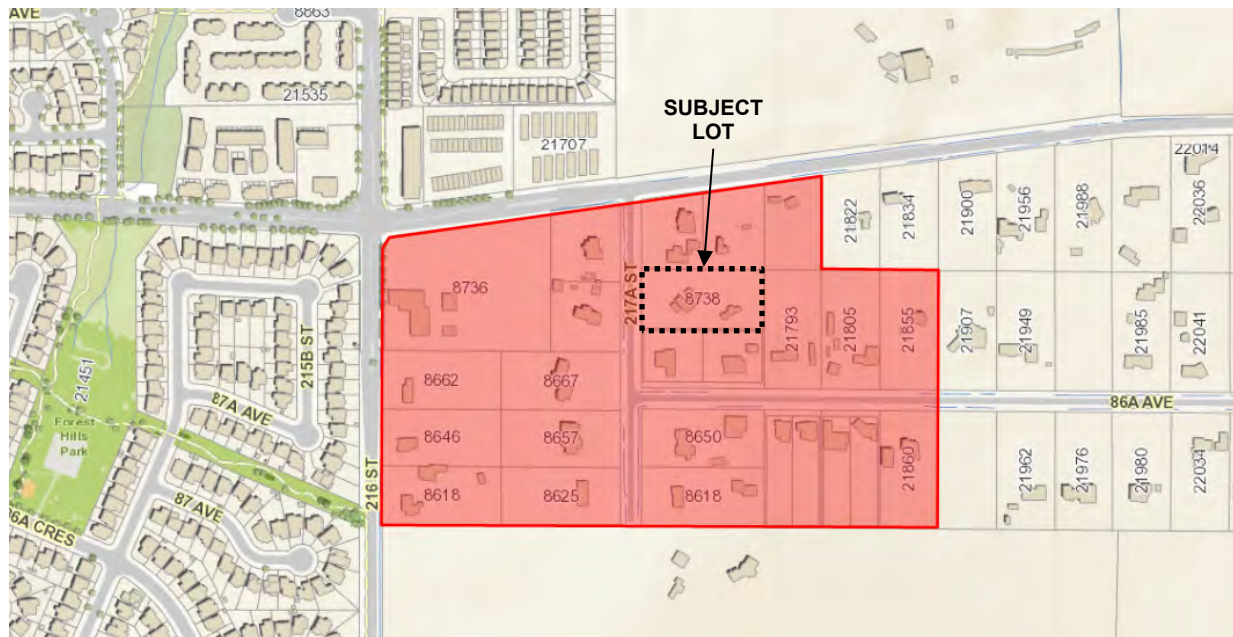
Applicant:	Lebcan Developments Inc. 20722 – 80 Avenue Langley, BC V2Y 1X6
Agent:	Alan Krayem 20722 – 80 Avenue Langley, BC V2Y 1X6
Owner:	Ronny, Fouad, and Souad Krayem 20722 – 80 Avenue Langley, BC V2Y 1X6
Legal Description:	Lot 15 Section 30 Township 11 New Westminster District Plan 25749
Civic Address:	8738 – 217A Street
Area:	0.68 ha (1.69 ac)
Rural Community Plan:	Small Farms / Country Estates (minimum lot size 1.7 ha / 4.2 ac, subject to provisions of Section 5.6.5)
Existing Zoning:	Rural Zone RU-1 (minimum lot size 1.7 ha / 4.2 ac)
Proposed Zoning:	Suburban Residential Zone SR-3A (minimum lot size 1,765 m ² / 18,999 ft ² , subject to subdivision being limited to the creation of two (2) lots from any fee simple lot in existence as of April 28, 2014)

BACKGROUND/HISTORY:

The subject property is currently zoned Rural Zone RU-1, designated 'Small Farms / Country Estates' in the Rural Plan, and is not located in the Agricultural Land Reserve (ALR). The RU-1 zone permits construction of two dwelling units per lot. Several property owners in the surrounding non-ALR area (east of 216 Street and south of 88 Avenue) have constructed two (2) houses on their properties and have registered strata plans on existing fee simple lots (pursuant to provincial regulations) to provide for separate ownership (strata tenure) of each dwelling unit.

In 2013 as part of the public hearing concerning the Official Community Plan (OCP) update, several landowners in the area submitted a petition requesting that properties in the area be included in the Walnut Grove Community Plan to allow two (2) fee simple lots to be created from each existing lot. Council subsequently passed a motion on July 22, 2013 directing staff to bring forward for review and, if appropriate, consideration of a bylaw amendment to facilitate future subdivision in the area. On April 28, 2014, via Bylaw No. 5059, Council approved the amendment of the Rural Plan (specifically in relation to the area shown on the map referenced below in this report) to facilitate future subdivision of existing properties into two (2) lots in the referenced area. On January 16, 2017, Council adopted Bylaw No. 5168 on which created a new Suburban Residential Zone SR-3A.

Area Affected by Rural Plan Section 5.6.5



DISCUSSION / ANALYSIS:

The subject property is currently zoned Rural Zone RU-1 and is located in the Rural Plan area. Two homes are currently under construction on the site. The proponent has applied to rezone the subject property to Suburban Residential Zone SR-3A to accommodate subdivision of the property into two (2) lots. This is one of five rezoning/subdivision applications to be processed in the area following Council's adoption of amendments to the Rural Plan in 2014. In support of the rezoning application, the applicant has submitted a preliminary subdivision plan.

Adjacent Uses:

- North: Single family residential properties zoned Rural Zone RU-1 and designated 'Small Farms / Country Estates' in the Rural Plan, beyond which is 88 Avenue;
- South: Single family residential properties zoned Rural Zone RU-1 and designated 'Small Farms / Country Estates' in the Rural Plan;
- East: A Single family residential property zoned Rural Zone RU-1 and designated 'Small Farms / Country Estates' in the Rural Plan, currently under development application (Township of Langley Project No. 11-30-0026); and
- West: 217A Street, beyond which are single family residential properties zoned RU-1 and designated 'Small Farms / Country Estates' in the Rural Plan, one of which is under development application (Township of Langley Project No. 11-30-0028).

Rural Plan:

The subject lot's Rural Plan designation ('Small Farms / Country Estates') provides for agricultural uses, with a minimum lot size of 1.7 ha (4.2 ac). Section 5.6.5 was added to the 'Small Farms / Country Estates' designation via the adoption of Bylaw No. 5059 on April 28, 2014. Section 5.6.5 states:

"Subdivision in the area immediately adjacent to the eastern boundary of Walnut Grove, south of 88 Avenue and not located in the ALR may be permitted, provided the current permitted density of two dwelling units per fee simple lot is maintained. Rezoning of properties in the area shall be considered provided:

- *The proposed zoning allows only two lots for each existing fee simple lot and only one single family dwelling per lot;*
- *The lot is serviced by municipal water and sanitary sewer services; and*
- *Access to lots fronting 216 Street and 88 Avenue is provided by new roads connecting to 217A Street or 86A Avenue."*

The proposed rezoning of the subject lot and subsequent subdivision into two (2) fee simple lots complies with the provisions of Section 5.6.5 of the Rural Plan, as adopted by Council in 2014.

Rezoning (SR-3A Zone):

The applicant proposes to amend the Zoning Bylaw by rezoning the subject property from RuralZone RU-1 to Suburban Residential Zone SR-3A. Suburban Residential Zone SR-3A is intended only to be used for rezoning applications in this area, and is modeled after the Suburban Residential SR-3 Zone with respect to provisions concerning permitted uses, lot coverage, lot area, lot width and depth, siting and height of buildings and structures, parking and loading. The proposed development complies with the provisions of the Suburban Residential SR-3A zone with the exception of the siting variances in Development Variance Permit No. 100087. A preliminary subdivision plan has been submitted in support of the rezoning application, proposing the creation of two (2) single family lots (Lot 1 with an area of 3,415 m² / 36,758.75 ft² and Lot 2 with an area of 3,414.4 m² / 36,752.30 ft²). Details of the subdivision will be addressed at the subdivision stage pursuant to the requirements of the Subdivision and Development Servicing Bylaw, subject to Council's approval of the rezoning.

Development Variance Permit:

In conjunction with the rezoning and subdivision applications, the applicant has requested the minimum side yard setback in the SR-3A zone be varied from 3 m (9.84 ft) to 1.08 m (3.54 ft) for proposed Lot 1 and 1.67 m (5.48 ft) for proposed Lot 2. Development Variance Permit No. 100087 is provided as Attachment A. Staff note that the requested setback variance pertains only the siting of the stairwells between the two (2) houses on the property.

The applicant has provided a letter (Attachment B) including a rationale (quoted in part below) for the proposed variance:

“When this issue came to light and was brought to our attention by our Planner. We consulted our Engineer and his outlook on the issue was that:

- a) The two stairwells are internal and facing each other with no impacts to properties on either side of your property*
- b) The variance would not be noticeable by any passer-by’s as the homes are located so far from 217A Street. (Approximately 150 ft+)*
- c) Further there is ample room for each home owner to walk past these stairwells and not trespass onto the adjacent property to gain access to the rear yard area for each property.*

The simple truth is that it was a minor oversight from our behalf. The individuals that previously drafted the plans had made the stairwells bigger than usual and it was not detected by anyone. We respectfully ask Mayor and Council to assist us in this situation and to please approve our request of this variance.”

School Sites:

School District 35 has provided comments (Attachment C) and anticipates that the proposed development will generate approximately one (1) new student for Topham Elementary located approximately 1 kilometre north of the site and one (1) new student for Walnut Grove Secondary located approximately 1.7 kilometres west of the site.

Parks:

Forest Hills Park is located approximately 0.5 km west of the subject site.

Transit:

Transit service (routes 807 and C62 on 88 Avenue, and route 509 on 216 Street) is currently provided approximately 300 m north west of the subject site.

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, Streamside Protection Bylaw, 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. The provision of stormwater 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. There are no watercourses on the subject site.

Tree Protection / Replacement:

Eight (8) significant trees were identified on site, all of which are proposed to be retained. In accordance with the Township's Subdivision and Development Servicing Bylaw (Schedule I - Tree Protection), a total of twenty-seven (27) replacement trees are required, all of which are proposed to be planted on-site. An additional four (4) street trees will be secured as part of the subdivision process. Final tree retention, protection, and replacement plans are subject to the final acceptance of the Township. This requirement has been included in the list of development prerequisites to be completed prior to final reading of the rezoning bylaw.

Servicing:

Prior to final reading, the applicant will be required to enter into a Servicing Agreement to secure servicing works such as the construction of roads, utility upgrades and /or extensions and provide a stormwater management plan to the acceptance of the Township. The applicant will also be required to provide erosion and sediment control measures in accordance with the Erosion and Sediment Control Bylaw, to the acceptance of the Township.

In February 2014, concurrent with adoption of amendments to the Rural Plan, Council also adopted an amendment to the Subdivision and Development Servicing Bylaw amending the subject area's service level from Level 4 – Rural to Level 2 – Special Urban, requiring provisions of rural standard roads and connection to the municipal water, storm and sewer systems. Servicing details will be addressed at time of subdivision in accordance with the Township's Subdivision and Development Servicing Bylaw, as amended.

Public Information Meeting:

Given the application's consistency with the Rural Plan and pursuant to Section 3.1 of the Developer Held Public Information Meeting Policy, the public information meeting requirement has been waived due to the minor nature of this application. Staff note that should Council advance the subject application, a Public Hearing will be required with notification including newspaper advertisement, mail-outs, and on-site signage consistent with Provincial statute as well as Township bylaws and policy.

Development Prerequisites:

Prior to consideration of final reading of the rezoning bylaw, the following prerequisites must be completed:

1. A Servicing Agreement being entered into with the Township to secure required road and utility upgrades and extensions in accordance with the Township's Subdivision and Development Servicing Bylaw, and compliance with the Erosion and Sediment Control Bylaw, to the acceptance of the Township;
2. Provision of a final tree management plan incorporating tree retention, replacement, protection details, and security in compliance with the Subdivision and Development Servicing Bylaw (Schedule I – Tree Protection), to the acceptance of the Township;
3. Provision of road dedications, widenings, and necessary traffic improvements to the acceptance of the Township;
4. Completion of an erosion and sediment control plan in accordance with the Erosion and Sediment Control Bylaw to the acceptance of the Township; and
5. Payment of applicable site servicing fees and supplemental rezoning fees.

REZONING APPLICATION NO. 100458
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POLICY CONSIDERATIONS:

The proposed development is located in an area designated 'Small Farms / Country Estates' in the Rural Plan. The proposed development complies with the land use and density provisions of this plan. The proposal also complies with the proposed Suburban Residential SR-3A zoning under the Township's Zoning Bylaw (with the exception of the side lot line setbacks, which are proposed to be accommodated through a Development Variance Permit).

Accordingly, staff recommend that Council give first and second reading to Bylaw No. 5284 (subject to five (5) development prerequisites), authorize issuance of Development Variance Permit No. 100087 (to be issued at time of final reading of the rezoning bylaw), and authorize staff to schedule the required Public Hearing.

Respectfully submitted,

Joel Nagtegaal
DEVELOPMENT PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A	Development Variance Permit No. 100087 - SCHEDULE A – Subdivision Plan
ATTACHMENT B	Applicant Rationale
ATTACHMENT C	School District Comments

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

Development Variance Permit No. 100087

This Permit is issued this _____ day of _____ 2017 to:

1. Name: Ronny, Fouad and Souad Krayem

Address: 20722 – 80 Avenue
Langley, BC V2Y 1X6

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 15 Section 30 Township 11 New Westminster District Plan
25749

CIVIC ADDRESS: 8738 – 217A Street

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 304.4 (1) – Siting of Buildings and Structures of Township of Langley Zoning Bylaw 1987 No. 2500 being varied to reduce the minimum side lot line setback for a principal building in Suburban Residential Zone SR-3A zone from 3 m (9.84 ft) to 1.08 m (3.54 ft) for proposed Lot 1 as indicated in Schedule “A”; and from 3 m (9.84 ft) to 1.67 m (5.48 ft) for proposed Lot 2 as indicated in Schedule “A”.

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.

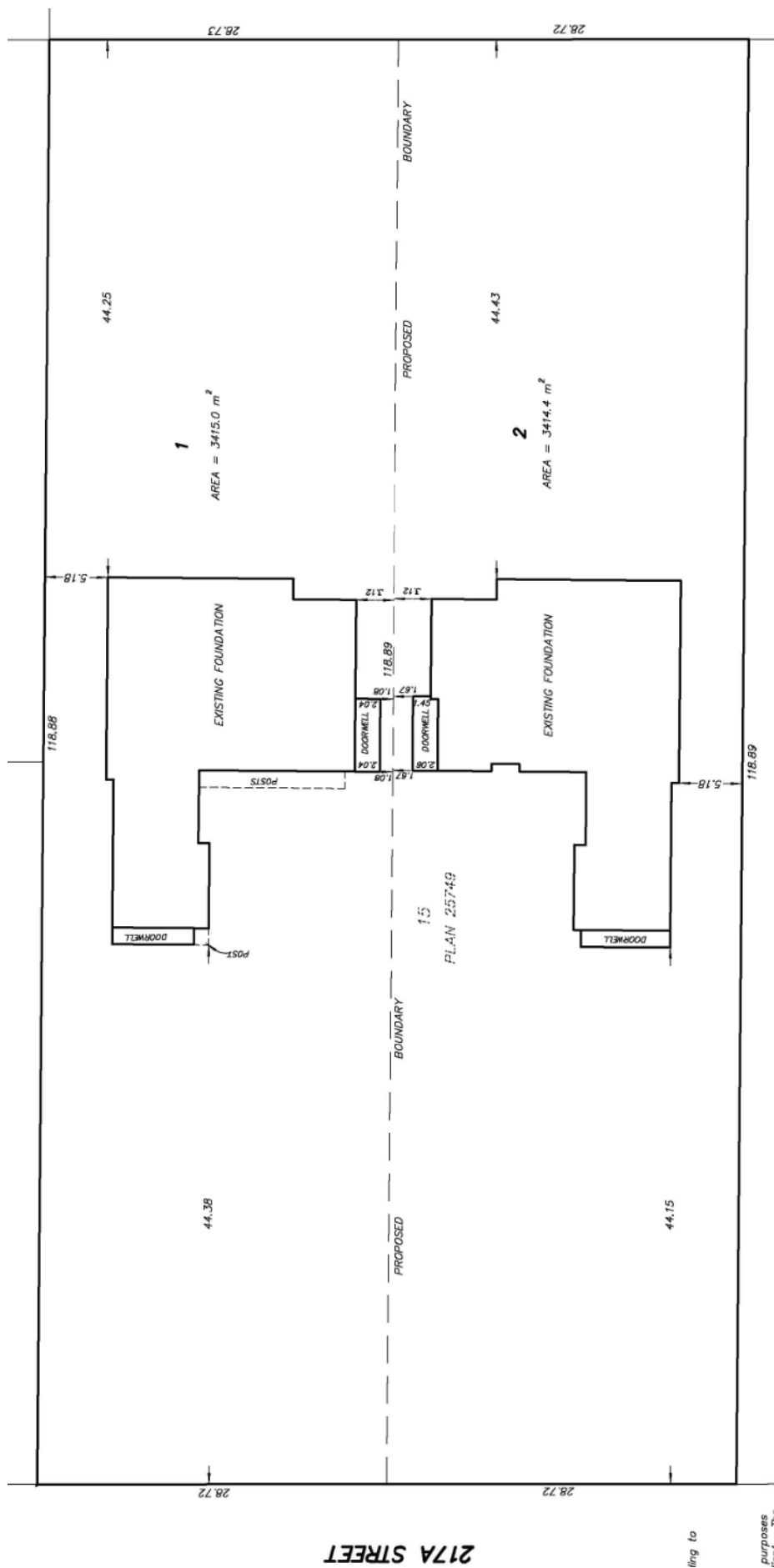
This Permit shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

AUTHORIZING RESOLUTION PASSED BY COUNCIL THIS ____ DAY OF _____, 2017.

Attachments:

SCHEDULE A Subdivision Plan

SCHEDULE A SUBDIVISION PLAN



Attn: Joel Nagtegaal or Township Staff

Project No. 11-30-0023

As requested by Joel, enclosed is our request for a variance and the reasons why.

When we purchased the property, the plans for both houses came with it. It was part of the agreement. Then when we submitted the plans to the Township and they were approved, we assumed that everything was fine. It never came to our attention that we should look into anything like this as we thought that they had been drawn to abide by the Townships by-laws. They had been looked at by the surveyor and Engineers as well prior to submission so we assumed that all was well on that front. Nothing was brought up by the Township as well so we thought all was well.

When this issue came to light and was brought to our attention by our Planner. We consulted our Engineer and his outlook on the issue was that:

- a) The 2 stairwells are internal and facing each other with no impacts to properties on either side of your property.
- b) The variance would not be noticeable by any passer-by's as the homes are located so far from 217 A Street. (Approximately 150ft+)
- c) Further there is ample room for each home owner to walk past these stairwells and not trespass onto the adjacent property to gain access to the rear yard area for each property.

The simple truth is that it was a minor oversight from our behalf. The individuals that previously drafted the plans had made the stairwells bigger than usual and it was not detected by anyone.

We respectfully ask Mayor and Council to assist us in this situation and to please approve our request of this variance.

Respectfully Submitted

Mr. & Mrs. Krayem



September 21, 2016

Zorica Andjelic
Development Planner
Township of Langley
20338 65 Avenue
Langley, BC V2Y 3J1

RE: Development Application Project 11-30-0023 / LEBCAN DEVELOPMENTS INC

Civic: 8738 – 217A Street
Legal: Lot 15 Section 30 Township 11 NWD Plan 25749

We have reviewed the above proposal. We calculate the approximate number of students generated by this proposal will be as follows:

Type of Housing	Number of Units	Elementary K-7	Secondary 8-12
Single Family Units	2	1	1

Given the current school catchments this development would impact Topham Elementary and Walnut Grove Secondary.

There is currently sufficient capacity within the School District to enroll the students as noted above if the projected numbers were actually seeking admission to schools at the present time. While the School District is committed to making every effort to enroll students at their catchment schools, such may not be possible in all cases.

Please advise if you need any other information.

Yours sincerely,

J. David Green, CA
Secretary-Treasurer