

Township of  
**Langley**



Est. 1873

## REPORT TO MAYOR AND COUNCIL

**PRESENTED:** MAY 7, 2018 – REGULAR EVENING MEETING  
**FROM:** COMMUNITY DEVELOPMENT DIVISION  
**SUBJECT:** LAND USE CONTRACT DISCHARGE  
 APPLICATION NO. 100516  
 (SCHINKEL/SEKHON / 27045 AND 27137 – 27B AVENUE)

**REPORT:** 18-52  
**FILE:** 13-19-0337

### PROPOSAL:

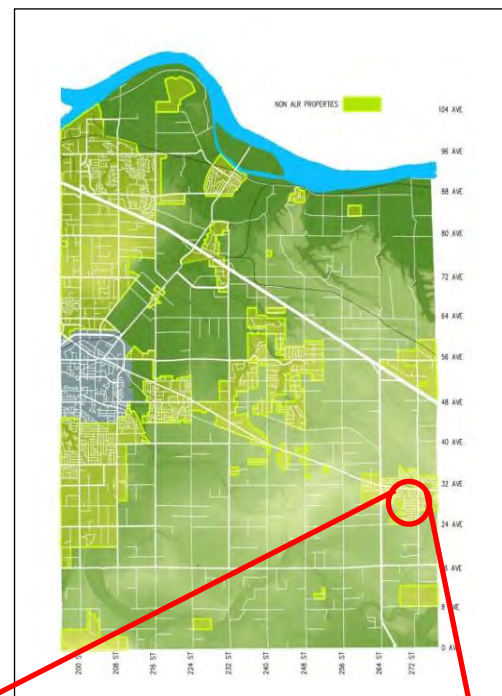
Application to discharge Land Use Contract No. 19 and apply the underlying Residential R-1B Zone.

### RECOMMENDATION SUMMARY:

That Council give first and second reading to Land Use Contract Discharge Bylaw No. 5366 and that staff be authorized to schedule the required Public Hearing.

### RATIONALE:

Discharge of Land Use Contract No. 19 and regulation of land use matters by the underlying Residential R-1B Zone is consistent with the property's "Low Density Residential" designation in the Aldergrove Community Plan.



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**RECOMMENDATIONS:**

**That** Council give first and second reading to Land Use Contract No. 19 Discharge (Schinkel/Sekhon) Bylaw 2018 No. 5366, discharging Land Use Contract No. 19 from two properties located at 27045 and 27137 – 27B Avenue; and further

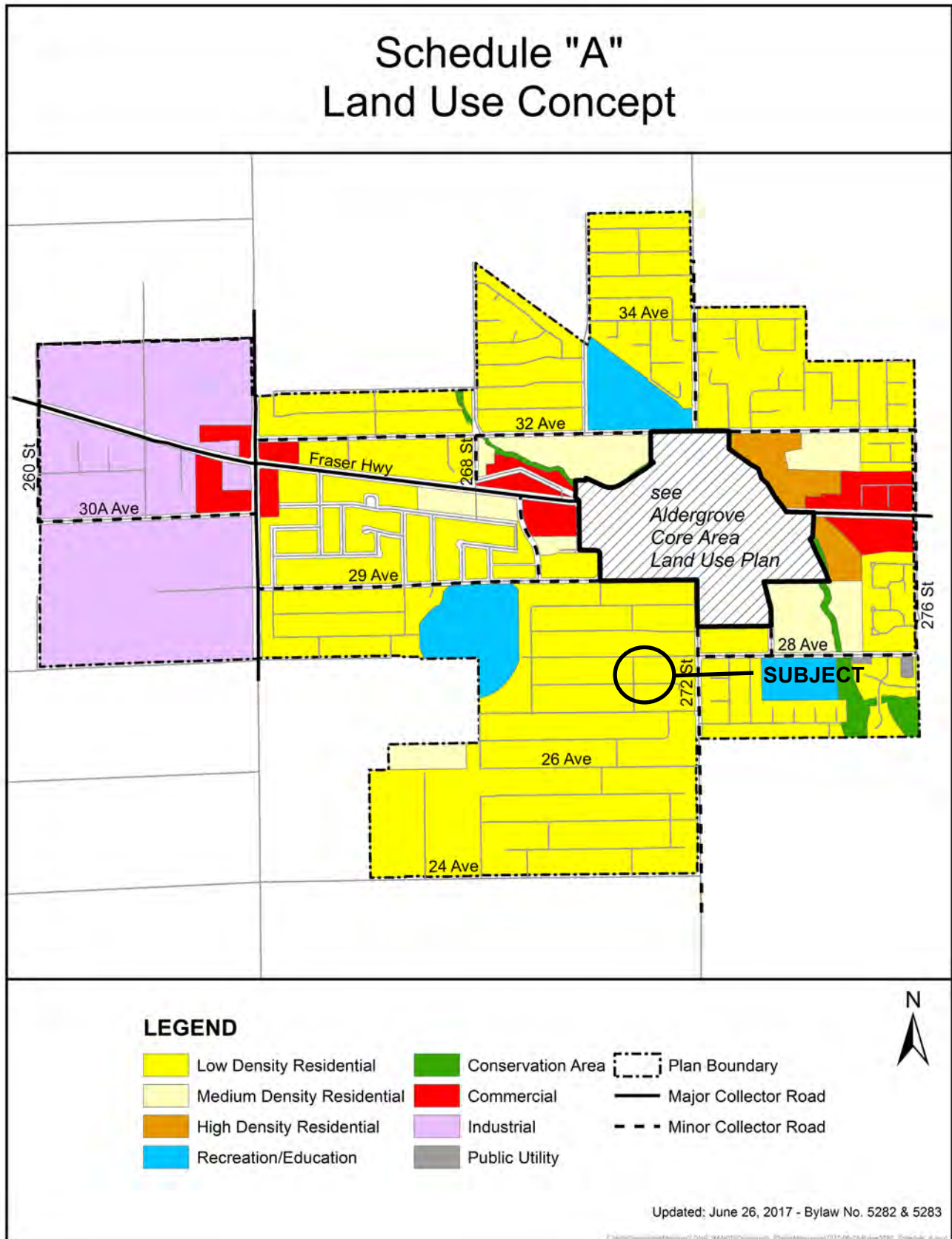
**That** Council authorize staff to schedule the required public hearing for Land Use Contract Discharge Bylaw 2018 No. 5366.

**EXECUTIVE SUMMARY:**

Bhinderpal Sekhon has applied on behalf of Bhinderpal and Charanjit Sekhon and Allan and Kristin Schinkel to discharge Land Use Contract No. 19 from two properties located at 27045 and 27137 – 27B Avenue. Following the discharge, the underlying Residential R-1B Zone will regulate development of the site. The discharge of Land Use Contract No. 19 and regulation of land use matters by the underlying R-1B Zone is consistent with the site's "Low Density Residential" designation in the Aldergrove Community Plan. Staff note that the province has adopted amendments to the Local Government Act, which will require the termination of all existing Land Use Contracts (LUC) by June 2024.

**PURPOSE:**

The purpose of this report is to advise and make recommendations to Council with respect to Land Use Contract Discharge Bylaw 2018 No. 5366 in Aldergrove.



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**ZONING BYLAW NO. 2500**



**REFERENCE:**

<b>Owners:</b>	Bhinderpal and Charnjit Sekhon 27960 Junction Avenue Abbotsford, BC V4X 2R6
	Allan and Kristin Schinkel 27045 – 27B Avenue Langley, BC V4W 3E5
<b>Legal Description:</b>	Lots 103 and 111 Section 19 Township 13 New Westminster District Plan 50693
<b>Location:</b>	27045 and 27137 – 27B Avenue
<b>Area:</b>	736.5 m <sup>2</sup> (7,928 ft <sup>2</sup> ) (27045 – 27B Avenue) <u>736.2 m<sup>2</sup> (7,926 ft<sup>2</sup>) (27137 – 27B Avenue)</u> 1472.7 m <sup>2</sup> (15,854 ft <sup>2</sup> ) (Total Area)
<b>Aldergrove Community Plan:</b>	Low Density Residential (maximum density 9 units per acre)
<b>Existing Land Use Regulation:</b>	Land Use Contract No. 19 (underlying zoning: Residential Zone R-1B)
<b>Proposed Land Use Regulation:</b>	Zoning Bylaw No. 2500 - Residential Zone R-1B

**BACKGROUND/HISTORY:**

A Land Use Contract (LUC) is a mechanism to govern land use matters (as an alternative to a Zoning Bylaw) which was enabled by the province through the Municipal Act for a limited time period in the mid 1970's. Land Use Contract (LUC) No. 19 was adopted by Council in 1976 at the time this portion of Aldergrove was being developed. The LUC is applied to the 57 single family lots created by Plan 50693 (located between 27B and 28 Avenue, from 269 to 272 Street). The LUC regulates items such as permitted uses, lot size and setbacks in a manner similar to a Zoning Bylaw.

In the late 1970's the province amended the Municipal Act to eliminate the LUC provisions, resulting in all future land use matters being regulated by Zoning Bylaws. In 2014, the province adopted amendments to the Local Government Act, which require the termination of existing LUC's by June 30, 2024.

On October 23, 2017, Council discharged LUC #19 for a property located at 27105 – 27B Avenue.

**DISCUSSION/ANALYSIS:**

Bhinderpal Sekhon has applied on behalf of Bhinderpal and Charanjit Sekhon and Allan and Kristen Schinkel to discharge Land Use Contract No. 19 from two properties located at 27045 and 27137 – 27B Avenue. The applicants wish to replace the existing houses with new single family dwellings under the provisions of the underlying Residential R-1B Zone.

The site is designated as “Low Density Residential” in the Aldergrove Community Plan, which accommodates single family and semi-detached housing forms up to a maximum density of 9 units per acre.

The subject properties are currently occupied by single family dwellings. The surrounding lands are all designated “Low Density Residential” in the Aldergrove Community Plan. Adjacent lots to the west, north (fronting 28 Avenue) and east are part of an established single family residential area and are regulated by Land Use Contract No. 19. Lands to the south (across 27B Avenue) are part of an established single family neighbourhood (regulated by the Township’s Zoning Bylaw, Residential R-1B Zone), as is the area north of 28 Avenue.

#### **Comparison of LUC No. 19 and Residential Zone R-1B:**

The table below highlights the main provisions of the LUC and the R-1B Zone. Land Use Contract No. 19 was written to permit a specific 57 lot single family residential subdivision, consisting of 48 lots (18.3m / 60 ft. width) fronting onto 27B and 28 Avenues, and 9 lots (26.8 m / 88 ft. width) fronting onto 269 and 270B Streets. The LUC regulates permitted uses, height, lot coverage and siting through references to the “Aldergrove Zoning Bylaw 1975 No. 1526” (a predecessor to the Township’s current Zoning Bylaw 1987 No. 2500).

Both the LUC and the R-1B Zone permit one single family dwelling per lot. The main differences relate to required setbacks on corner lots (flanking streets), lot coverage, maximum building height, subdivision, and lot coverage. The LUC required construction of buildings in accordance with a set of building plans, elevations and perspective drawings as well as compliance with provisions of the Aldergrove Zoning Bylaw 1975 No. 1526.

	<b>Land Use Contract No. 19</b>	<b>Residential Zone R-1B</b>
<b>Permitted Uses</b>	1) Accessory Buildings and uses 2) Home Occupations 3) Single Family Dwelling	1) Accessory Buildings 2) Accessory Home Occupations subject to Section 104.3 3) Residential Uses (one single family dwelling per lot) 4) Hobby Beekeeping
<b>Minimum Lot Size</b>	N/A – a total of 57 lots (ranging from 695 to 793 m <sup>2</sup> (7,477 to 8,533 ft <sup>2</sup> ) as shown in Plan 50693 were permitted, with no further subdivision permitted	464.5 m <sup>2</sup> (5,000 ft <sup>2</sup> )
<b>Height of Principal Buildings</b>	7.6 m (25 ft) or 2.5 stories	9 m (29.5 ft)
<b>Maximum Lot Coverage</b>	30%	25%; may be increased to 35% subject to meeting design provisions related to building massing, etc. (see Attachment A)

	<b>Land Use Contract No. 19</b>	<b>Residential Zone R-1B</b>
<b>Siting of Principal Buildings</b>	Front: 7.6 m (25 ft) Rear: 7.6 m (25 ft) Flanking: 7.6 m (25 ft) Side: 1.5 m (8 ft)	Front: 7.5 m (24.6 ft) Rear: 7.5 m (24.6 ft) Flanking: 4.6 m (15 ft) Side: 1.5 m (5 ft)

Given the large lot area of the LUC lots, the potential exists for larger homes to be built on them if the LUC is replaced by the R-1B Zone. Discharge of the LUC will also remove the requirement for house design to comply with the plans and elevations which form part of the LUC.

In the longer term, if the LUC was discharged on all lots currently subject to it, and replaced by R-1B Zone provisions, the potential may exist for creation of additional (smaller) lots through assembly and resubdivision.

### **Public Information Meeting**

Given the application's consistency with the Aldergrove Community Plan and its compatibility with surrounding residential uses, the requirement for the applicant to hold a public information meeting pursuant to Section 3.1 of the Developer Held Public Information Meeting Policy has been waived. 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.

### **Servicing:**

As full urban services exist to the subject site, there are no servicing related requirements for this application.

### **Environmental Considerations:**

The Township's Sustainability Charter includes environmental objectives to protect and enhance rivers, streams, wildlife habitat 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. 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.

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**POLICY CONSIDERATIONS:**

The subject application concerns an area designated “Low Density Residential” in the Aldergrove Community Plan. The proposed Land Use Contract discharge is consistent with the overall objectives of the Township’s Official Community Plan and the Aldergrove Community Plan. Staff note that the province has adopted amendments to the Local Government Act, which will require the termination of all existing LUCs by June 2024. Accordingly, staff recommend that Council give first and second reading to Bylaw No. 5366 and authorize staff to schedule the required public hearing.

Respectfully submitted,

Ruby Sandher  
DEVELOPMENT PLANNER  
for  
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A      Zoning Bylaw No. 2500 – Residential Zone R-1B



**Uses Permitted**

- #5109 402.1 In the R-1B, R-1C, R-1D and R-1E Zones only the following *uses* are permitted and all other *uses* are prohibited:  
14/09/15
- 1) *accessory buildings*
  - 2) *accessory home occupations* subject to Section 104.3
  - 3) *residential uses* subject to Section 402.2.
  - 4) *hobby beekeeping* in R-1D and R-1E zones, subject to Section 104.18

**Residential Uses**

- 402.2 No more than one *single family dwelling* is permitted on any one *lot*.

**Lot Coverage**

- #3585 402.3 1) Except as provided for in subsections 402.3 2) and 402.3 3) *buildings* and  
24/06/96 *structures* constructed after the date of adoption of this bylaw shall not cover  
#4567 more than 25% of the *lot area*.  
07/05/07
- 2) *Lot Coverage* may be increased to 35% where the *gross floor area* of a *single family dwelling* is less than 280 m<sup>2</sup> (including all attached and detached garages and carports, and including *basements* where the surface of the first floor is more than .8 metres above the average grade at any *building* elevation facing a *street*).
  - 3) *Lot Coverage* may be increased to 35% where the *gross floor area* of a *single family dwelling* is 280 m<sup>2</sup> or greater (including all attached and detached garages and carports, but excluding *basements* where permitted), provided that:
    - a) the maximum *height* of the dwelling does not exceed two *storeys* plus an in-ground *basement* where permitted; and
    - b) the primary *cooking facility*, living room and dining areas are located on the first *storey*, and except for a single *storey building*, the majority of the bedrooms are located on the second *storey*; and
    - c) the *gross floor area* of the second *storey* does not exceed 80% of the *gross floor area* of the first *storey* (including all attached and detached garages and carports); and
    - d) the facade of the second *storey* is set back a minimum of 1.2 metres from both the front and at least one side wall of the first *storey*; and
    - e) the surface of the first floor is not more than .8 metres above the average grade at any *building* elevation facing a *street*, except that where the average slope of the lot is 5% or more, a maximum of 80% of a permitted in-ground *basement* elevation (including garages and carports) facing a *street* may be exposed, or a walkout *basement* elevation at the rear of the dwelling may be fully exposed.

- #4859 402.4 **Siting of Buildings and Structures**  
30/05/11

- 1) Except as provided for in Sections 104.4, 105.1 2), no principal *building* or *structure* shall be sited less than:
  - a) 7.5 metres from a *front lot line*;
  - b) 7.5 metres from a *rear lot line*;
  - c) 1.5 metres from a *side lot line*; and
  - d) 4.5 metres where the *side lot line* abuts a *flanking street*.

- 2) Except as provided for in Sections 104.4, 104.15 and 105.1 2), no *accessory building* or *structure* with a *gross floor area* equal to or greater than 6 m<sup>2</sup> shall be sited less than:
  - a) 7.5 metres from a *front lot line*;
  - b) 1.5 metres from a *rear lot line* except that where a *lot* fronts onto 2 *streets* the setback shall be the same as for the front yard setback for the principal *building*;
  - c) 1.5 metres from a *side lot line*; and
  - d) 4.5 metres where the *side lot line* abuts a *flanking street*.
- 3) Except as provided for in Sections 104.4, 104.15 and 105.1 2), no *accessory building* or *structure* with a *gross floor area* less than 6 m<sup>2</sup> shall be sited less than:
  - a) 7.5 metres from a *front lot line*;
  - b) 0.6 metres from a *rear lot line* except that where a *lot* fronts onto 2 *streets* the setback shall be the same as for the front yard setback for the principal *building*;
  - c) 0.6 metres from a *side lot line*; and
  - d) 4.5 metres where the *side lot line* abuts a *flanking street*.

### **Height of Buildings and Structures**

- #3088 402.5 Except as provided for in Section 104.5  
 06/01/92  
 #3782  
 27/07/98  
 #4339  
 01/11/04  
 #4567  
 07/05/07
- 1) The *height* of principal *buildings* and *structures* shall not exceed 9 metres.
  - 2) The *height* of *accessory buildings* and *structures* shall not exceed 3.75 m or one *storey*, whichever is lesser.
  - 3) Hoop, arch or similar type *buildings* having a semicircular or similar roof design primarily curving downwards to form walls, or any frame type *building* covered or partially covered by tarpaulin or other fabric like material, shall be a maximum of 2.0 metres.

### **Parking and Loading**

- 402.6 Parking and loading shall be provided in accordance with Section 107.

### **Subdivision Requirements**

- 402.7 All *lots* created by *subdivision* shall comply with Section 110 of this Bylaw and the Subdivision and Development Servicing Bylaw 2011 No. 4861 as amended.

### **Landscaping, Screening and Fencing**

- 402.8 Landscaping areas, landscaping screens and fencing shall comply with Section 111.

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**TOWNSHIP OF LANGLEY LAND USE CONTRACT NO. 19 DISCHARGE  
(SCHINKEL/SEKHON) BYLAW 2018 NO. 5366**

**EXPLANATORY NOTE**

Bylaw 2018 No. 5366 discharges Land Use Contract No. 19 from property located at 27045 - 27B Avenue and 27137 – 27B Avenue. Following the discharge, the lands will be subject to Residential Zone R-1B.

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**TOWNSHIP OF LANGLEY LAND USE CONTRACT NO. 19 DISCHARGE  
(SCHINKEL/SEKHON) BYLAW 2018 NO. 5366**

A Bylaw to discharge Land Use Contract No. 19

WHEREAS Land Use Contract No. 19 was entered into with the Township of Langley and filed in the Land Title Office, New Westminster, British Columbia under No. M72543;

And WHEREAS Bhinderpal Sekhon, Charanjit Sekhon, Allan Schinkel and Kristen Schinkel, the owners of lands which are subject to the said Land Use Contract has requested that the said Land Use Contract be discharged;

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 Land Use Contract No. 19 Discharge (SCHINKEL/SEKHON) 2018 Bylaw No. 5366".
2. The Land Use Contract registered in the Land Title Office, in the City New Westminster, Province of British Columbia, under M72543 is hereby discharged with respect to the lands described as:

Lot 103 Section 19 Township 13 New Westminster District Plan 50693  
Lot 111 Section 19 Township 13 New Westminster District Plan 50693

as shown delineated on Schedule "A" attached to and forming part of this Bylaw.

READ A FIRST TIME the	day of	, 2018.
READ A SECOND TIME the	day of	, 2018.
PUBLIC HEARING HELD the	day of	, 2018.
READ A THIRD TIME the	day of	, 2018.
RECONSIDERED AND ADOPTED the	day of	, 2018.

\_\_\_\_\_ Mayor \_\_\_\_\_ Township Clerk

# SCHEDULE 'A' BYLAW NO. 5366

