

Township of  
**Langley**



Est. 1873

## REPORT TO MAYOR AND COUNCIL

**PRESENTED:** OCTOBER 3, 2016 – PUBLIC HEARING  
**FROM:** COMMUNITY DEVELOPMENT DIVISION  
**SUBJECT:** DEVELOPMENT VARIANCE PERMIT  
APPLICATION NO. 100078  
(TILLEY / 127 - 8888 – 216 STREET)

**REPORT:** 16-99  
**FILE:** 11-31-0047

### PROPOSAL:

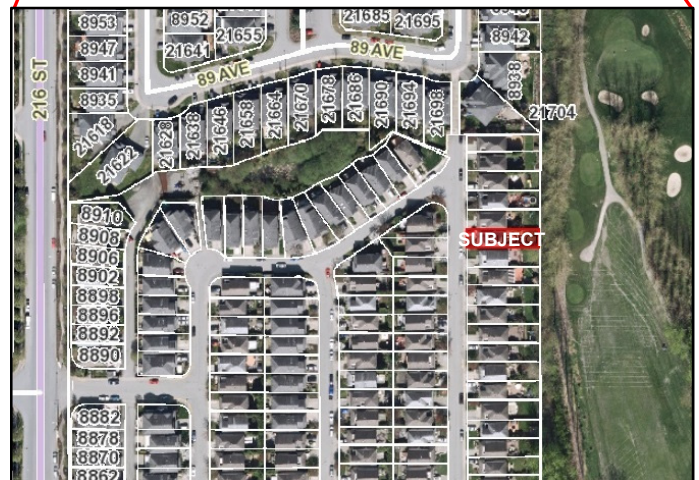
Development Variance Permit to vary Section 921.5 2) b) of Township of Langley Zoning Bylaw 1987 No. 2500, to reduce the minimum rear lot line setback for a principal building adjacent to an RU-10 Zone from 15 m (49.2 ft) to 13.5 m (44.3 ft) to facilitate the construction of an addition to a single family dwelling.

### RECOMMENDATION SUMMARY:

Council approve Development Variance Permit No.100078.

### RATIONALE:

The application to vary the minimum rear lot line setback in the Comprehensive Development CD-21 Zone is consistent with the siting of existing single family dwellings in the single family residential neighbourhood to the immediate north.



**RECOMMENDATION:**

**That** Council authorize issuance of Development Variance Permit No. 100078 for property located at 127 - 8888 – 216 Street, to facilitate the construction of an addition to a single family dwelling, as follows:

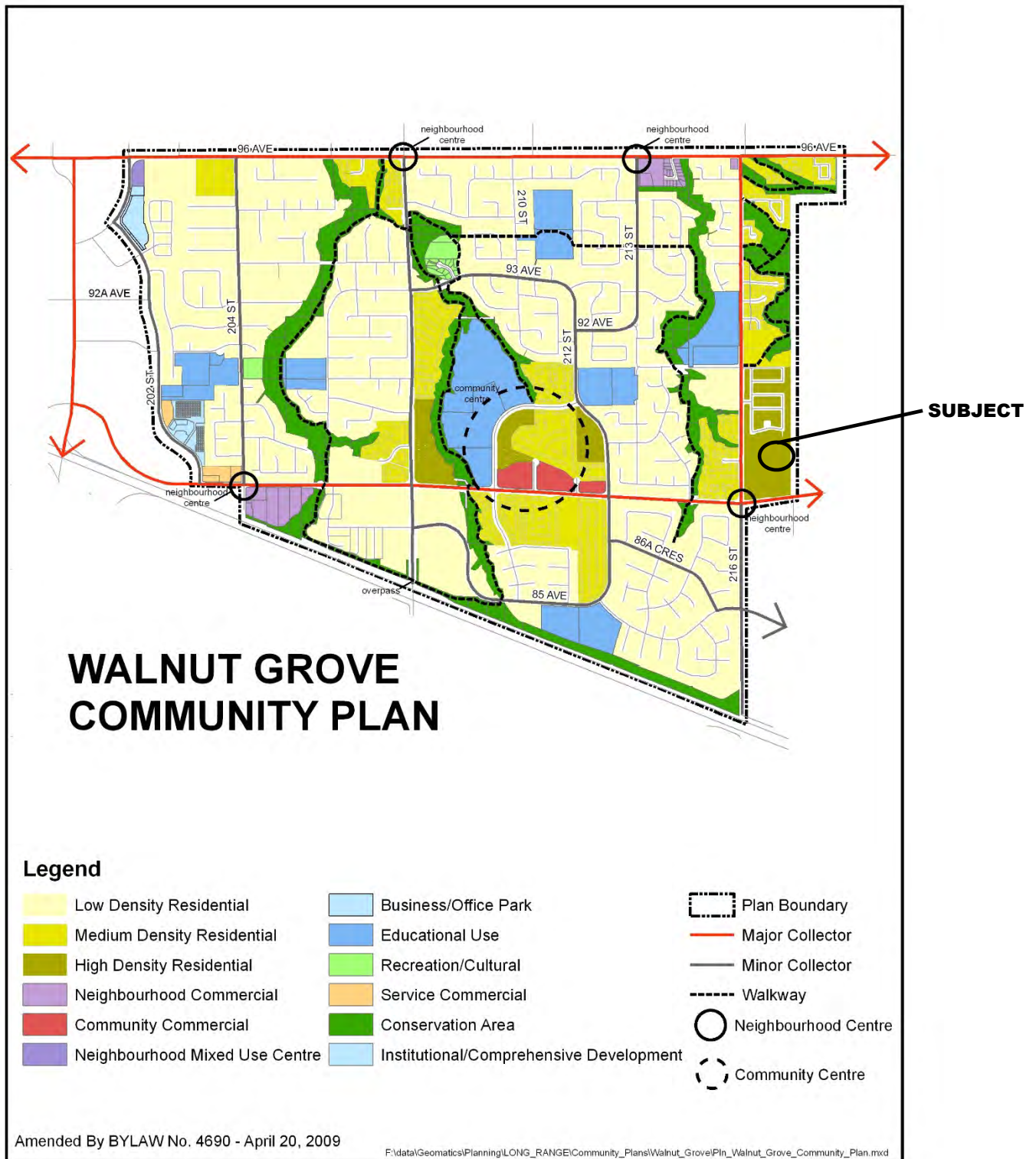
- a. Section 921.5 2) b) – Siting of Buildings and Structures of Township of Langley Zoning Bylaw 1987 No. 2500 being varied to reduce the Comprehensive Development CD-21 zone principal building minimum rear lot line setback abutting a RU-10 zone from 15 m to 13.5 m as indicated in Schedule “A”.

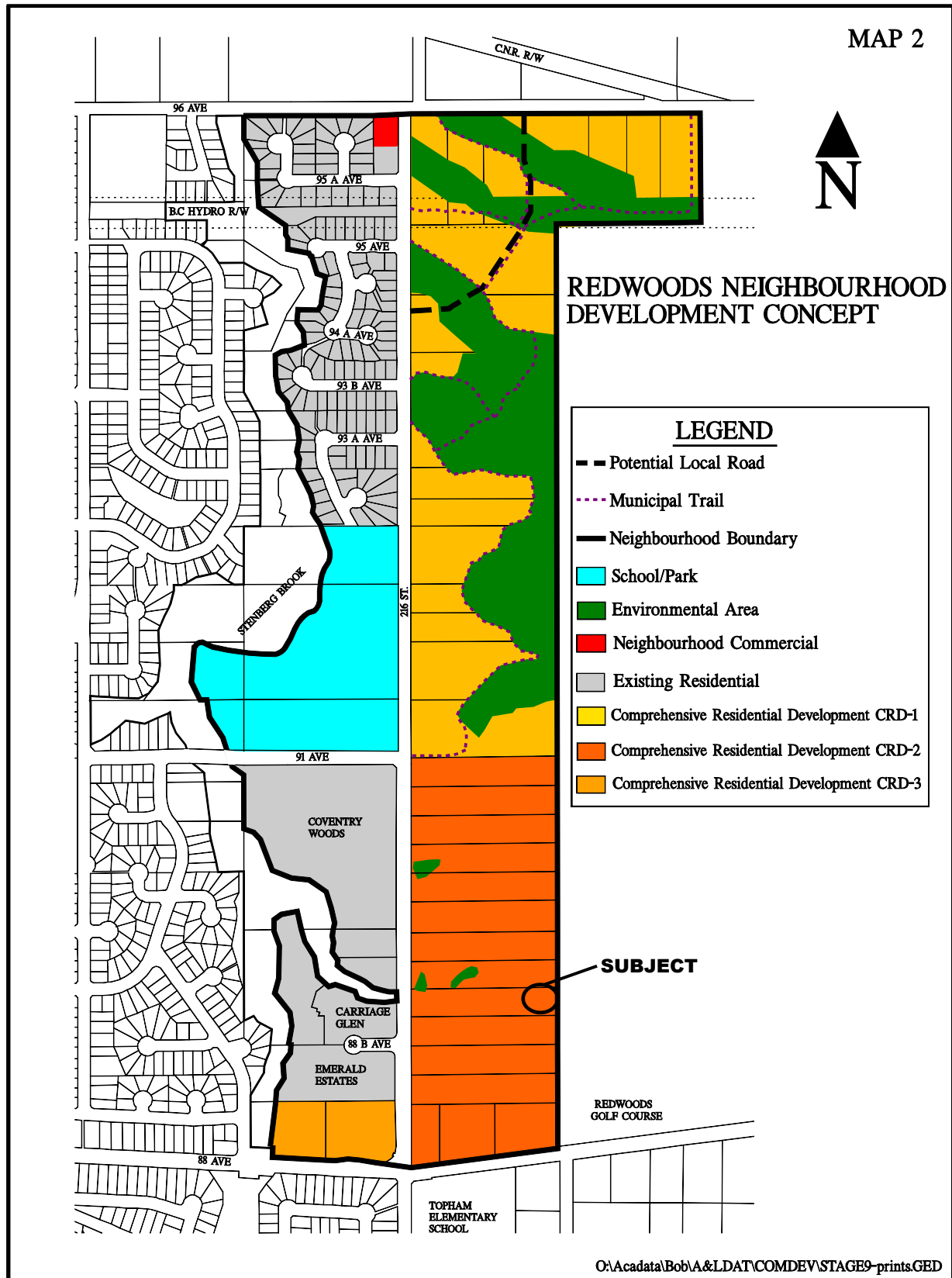
**EXECUTIVE SUMMARY:**

Bradley and Francine Tilley have applied to vary the minimum rear lot line setback to facilitate an addition to a single family dwelling at 127 - 8888 – 216 Street. The proposed siting setbacks are consistent with siting of existing single family dwellings in the single family residential neighbourhood to the immediate north. Proposed Development Variance Permit No. 100078 (Attachment A) may be considered for issuance by Council.

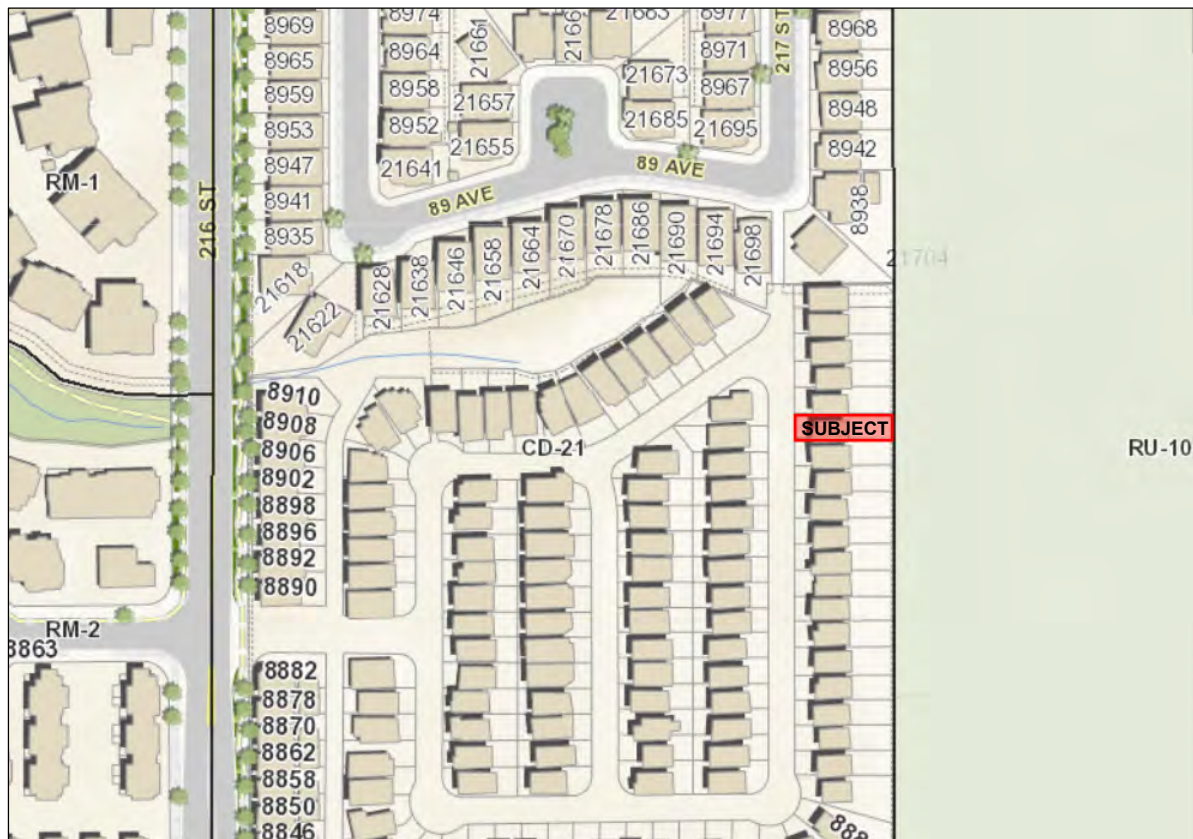
**PURPOSE:**

The purpose of this report is to advise and make recommendations to Council with respect to proposed Development Variance Permit No. 100078 for property located at 127 - 8888 – 216 Street.

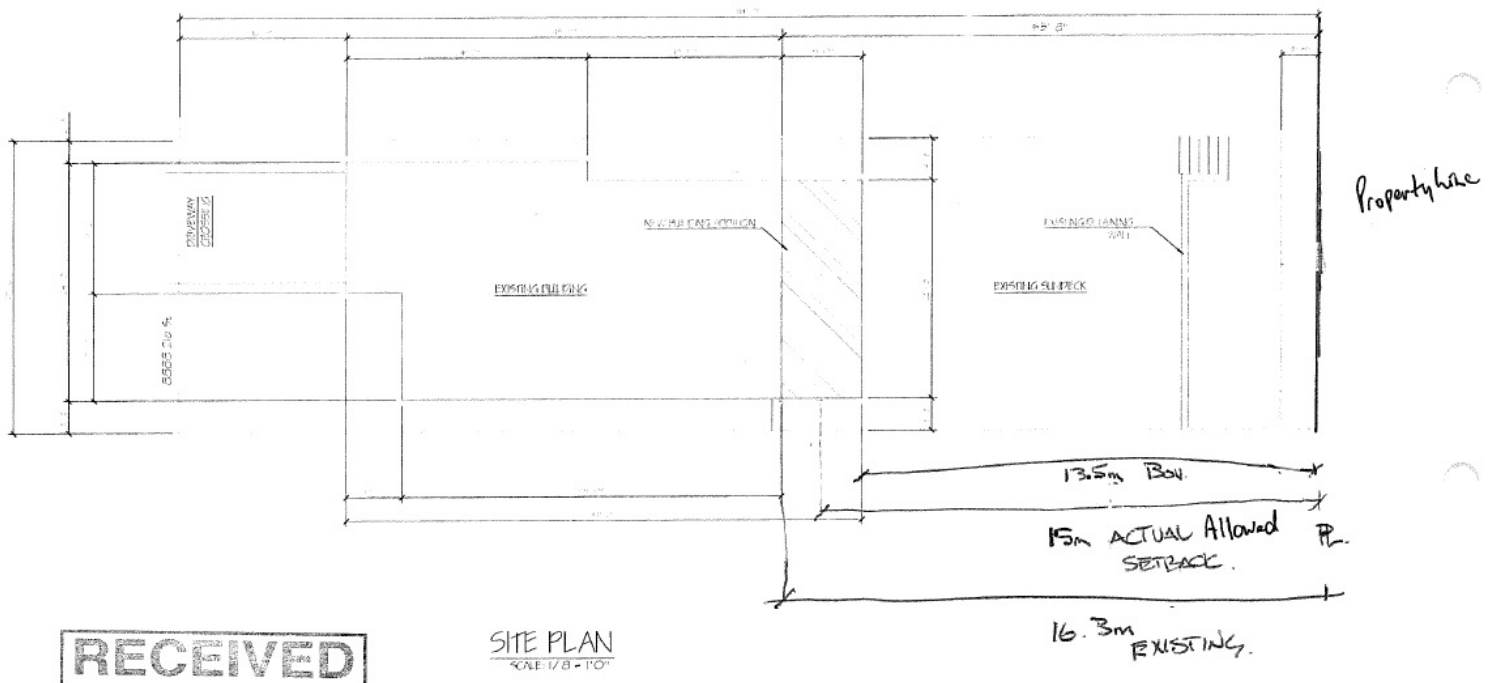








**ZONING BYLAW NO. 2500**



**SITE PLAN – SUBMITTED BY APPLICANT**

**REFERENCE:**

<b>Owner:</b>	Francine Louise Rose Tilley and Bradley Robert Tilley 127 – 8888 – 216 Street Langley, BC V1M 3Z8
<b>Legal Description:</b>	Strata Lot 63 Section 31 Township 11 New Westminster District Strata Plan LMS3865
<b>Location:</b>	127 – 8888 – 216 Street
<b>Area:</b>	312.4 m <sup>2</sup> (3,363 ft <sup>2</sup> )
<b>Walnut Grove Community Plan:</b>	High Density Residential
<b>Redwoods Neighbourhood Plan:</b>	Comprehensive Residential Development CRD-2
<b>Existing Zoning:</b>	Comprehensive Development Zone CD-21 (minimum lot area 285 m <sup>2</sup> / 3,067 ft <sup>2</sup> for bare land strata lots abutting an RU-10 Zone)

**BACKGROUND/HISTORY:**

The subject site is designated High Density Residential in the Walnut Grove Community Plan, and is designated Comprehensive Residential Development CRD-2 in the Redwoods Neighbourhood Plan. The property is in a larger area rezoned to Comprehensive Development Zone CD-21 in 1998 as part of an overall comprehensive development plan. The southern portion of the CD-21 zoned lands was developed as a bareland strata project (including the subject property), while the northern portion was developed as a fee simple subdivision (Madison Park).

Lands to the east of the CD-21 zoned lands are located in the Agricultural Land Reserve (ALR) and are part of the Redwoods Golf Course (zoned Rural Golf Course Zone RU-10). Development Permit guidelines contained in Section 4.1.1 of the Redwoods Neighbourhood Plan provide for a building setback of 15 m (49.2 ft) measured from the ALR boundary (i.e. the eastern edge of the Redwoods neighbourhood). The Comprehensive Development CD-21 Zone was written to require a 5 m (16.4 ft) principal building setback from a rear lot line, except where a rear lot line abuts an RU-10 zone (as the subject site does) in which case a rear yard setback of 15 m (49.2 ft) is required.

The Development Permit for the subject site and surrounding bareland strata issued in 1998 included a requirement for a 6 metre wide landscape buffer along the east edge of the development, intended to provide separation between the residential uses and the adjacent golf course. Although the buffer was installed, there were many encroachments (e.g. gazebos, hot tubs, expanded yard areas) into the landscaped area by adjoining homeowners, which in turn caused conflict with the adjoining golf course operation. The golf course ultimately installed a berm along its western boundary, and erected a fence to provide separation from the residential area.

The 15 m (49.2 ft) rear setback requirement for the Madison Park subdivision to the north (also zoned CD-21) was varied to 12 m (39.4 ft) as part of a Development Permit issued in 2002, subject to the construction of a 27.4 m (90 ft) tall safety net on the west side of the adjacent golf course.

### Adjacent Uses:

North: Single family homes (part of the same bareland strata development as the subject site), zoned Comprehensive Development Zone CD-21; beyond which are single family homes (part of the Madison Park fee simple subdivision (also zoned CD-21);

South: Single family homes (part of the same bareland strata development as the subject site), zoned CD-21;

East: the Redwoods Golf Course (located in the ALR), zoned Rural Golf Course Zone RU-10);

West: An internal strata road beyond which are single family homes (part of the same bareland strata development as the subject site), zoned CD-21.

### DISCUSSION / ANALYSIS:

The subject property has a total area of 312.4 m<sup>2</sup> (3,363 ft<sup>2</sup>), is zoned Comprehensive Development Zone CD-21 and currently accommodates a single family dwelling on the western portion of the strata lot with access from an internal strata road. The property owners intend to build an addition on the rear (east side) of the house to allow expansion of the basement and first storey.

The applicant is proposing to reduce the principal building minimum rear lot line setback on the subject property from 15 m (49.2 ft) to 13.5 m (44.3 ft) to facilitate the construction of an addition to a single family dwelling. The applicant has provided rationale stating that the lots located in the adjacent single family subdivision (Madison Park) north of the property are also zoned CD-21 and were granted a variance to vary the minimum rear lot line setback to 12 m (39.4 ft). The applicant indicates they would like to build an addition to the single family dwelling in order to accommodate family gatherings and avoid having to move. The applicant has provided a letter (Attachment B) providing the following rationale (quoted in part below) for the decreased setback:

*Currently the measurement to the rear lot line is 16.3 meters. I am writing today to request a relaxation of only 1.5m. This would leave a distance of 13.5m to our rear property line instead of the required 15m. This would also be less variance than the subdivision beside us called Madison Park is 12m.*

*.... The challenge we were facing immediately and even more now as the family is growing in size and friends, because the kitchen and family room and basement is so small it doesn't have reasonable room to study or have Christmas, Thanksgiving and birthday dinners. The entire kitchen Family room is only 12' x 22'. It's difficult to have other people over and they are not coming over because there is no room! For that reason we are asking for a minimal relaxation of 1.5m so we can enjoy some quality time in our home. The request for a minimal house extension of 8' x 22' would make it much more comfortable for our family as you can clearly understand, than to move again. Moving is not a viable option with Langley real estate booming, outrageous prices, Real Estate fees, bidding wars to buy, not to mention adding more stress on our family. This simple addition makes the most sense for our family to stay long term but we desperately need a little more roof over our heads to make it work for our growing family.*



The proposed rear setback will be 1.5 m (4.9 ft) less than homes immediately north and south of the subject site. The proposed rear setback is consistent with siting of the adjacent single family development located to the north of the subject property.

**Tree Protection:**

A Tree Management Plan submitted by the applicant indicates that five (5) significant trees exist in the development area, all of which are proposed to be retained. In accordance with the Tree Protection Bylaw, no replacement trees are required to be planted. Final tree retention, protection and replacement plans are subject to the acceptance of the Township prior to issuance of a Building Permit.

**Public Information Meeting:**

Given the application's consistency with the Walnut Grove Community Plan, its minor nature and its compatibility with surrounding properties, 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.

**POLICY CONSIDERATIONS:**

The proposed rear setback will be less than homes immediately north and south of the subject site. However, the proposed rear setback is consistent with siting of the adjacent single family development located to the north of the property.

The golf course design, landscape buffer and protective fencing make the conflict between the golf course and subject site minimal. Accordingly, staff supports the issuance of the proposed Development Variance Permit No. 100078.

Staff have notified adjacent property owners that this Development Variance Permit application is being considered at the October 3, 2016 Public Hearing, and they may attend to speak to the matter should they deem necessary.

Respectfully submitted,

Joel Nagtegaal  
DEVELOPMENT PLANNER  
for  
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A      Development Variance Permit No. 100078:  
Schedule A – Site Plan

ATTACHMENT B      Applicant Rationale Letter

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

Development Variance Permit No. 100078

This Permit is issued this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to:

1. NAME: Bradley and Francine Tilley

ADDRESS: 127 - 8888 – 216 Street  
Langley, BC V1M 3Z8

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: Strata Lot 63 Section 31 Township 11 New Westminster  
District Strata Plan LMS 3865

CIVIC ADDRESS: 127 – 8888 – 216 Street  
Langley, BC V1M 3Z8

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 921.5 2) b) – Siting of Buildings and Structures of Township of Langley Zoning Bylaw 1987 No. 2500 being varied to reduce the Comprehensive Development CD-21 zone principal building minimum rear lot line setback abutting an RU-10 zone from 15 m to 13.5 m 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.

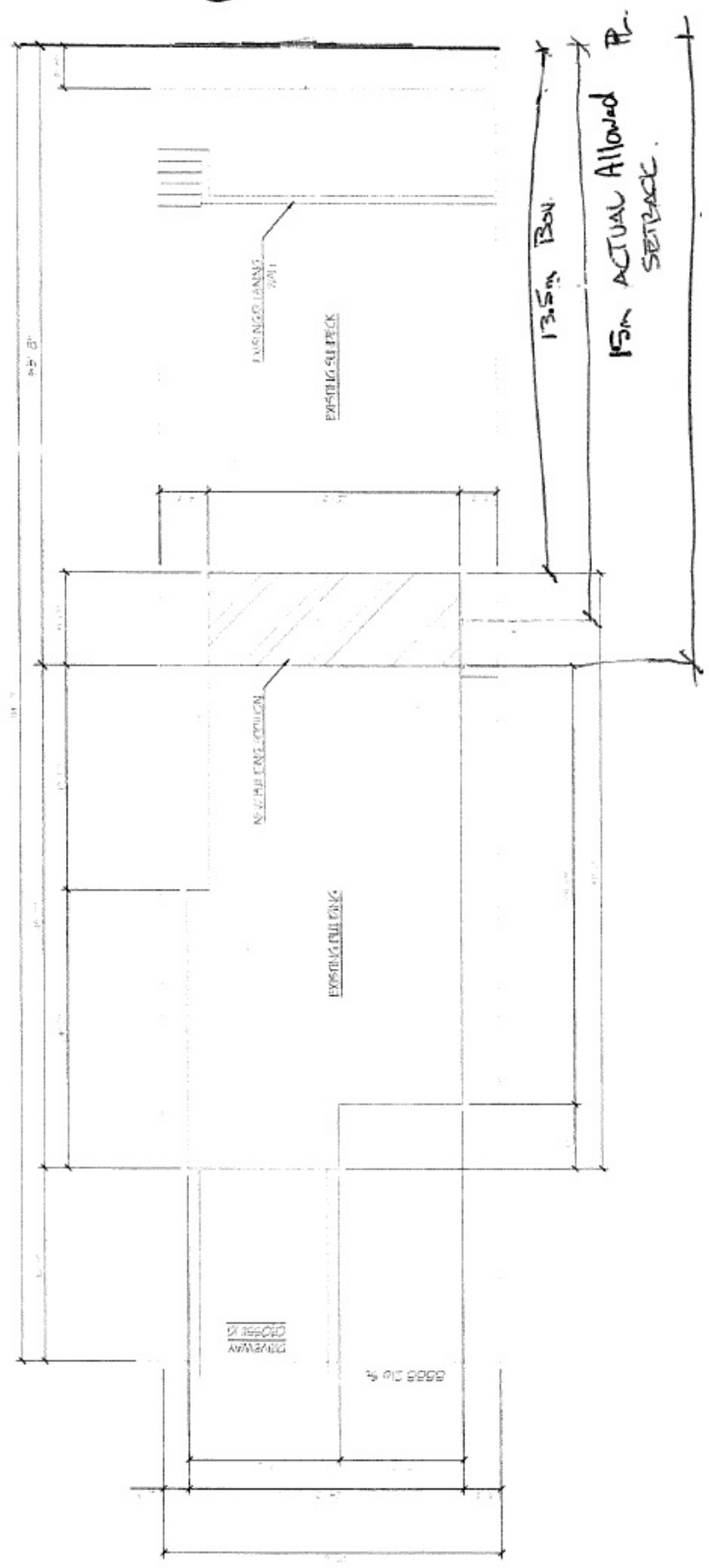
This permit shall have the force and effect of a restrictive covenant running with the land and shall come into force on the date of an authorizing resolution passed by Council.

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 \_\_\_\_\_, 2016.

SCHEDULE A – Site Plan



SITE PLAN  
SCALE 1/8" = 10'

RECEIVED

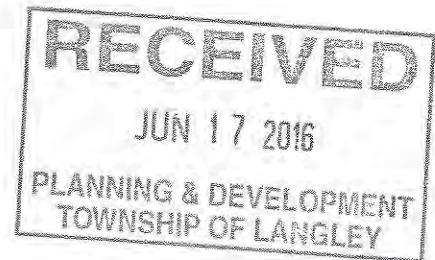
# SCHEDULE A SITE PLAN

## Attachment B

April 30<sup>th</sup> 2016

Secretary to the Board of Variance  
Township of Langley  
20338-65 Avenue  
Langley BC  
V2Y 3J1

Address of Subject property  
#127-8888 216 St  
Langley BC  
V1M-3Z8



Zoning of Subject property  
Comprehensive Development Zone CD-21  
Under 921.5, 2,b)

Buildings and Structures shall be sited in accordance with the provisions of the development permit  
Except as provided for in Sections 104.4 and 921.6, no principle building or structure shall be sited less than  
5.0 Meters from a rear lot line, except where the rear lot line abuts an RU-10 zone the minimum rear yard shall be 15 meters.

Currently the measurement to the rear lot line is 16.3 Meters. I am writing today to request a relaxation of only 1.5M. This would leave a distance of 13.5 M to our rear property line instead of the required 15M. This would also be less variance than the subdivision beside us called Madison Park is 12M.

I am a long term resident of Walnut Grove since 1998. Prior to moving here I lived in Discovery Town and built 2 homes in Madison Park. I have a wife and three kids, two in local University and one in High School at WGSS. We love the community.

I have been a high earning commission sales rep for 25 years after building a successful business over many years of hard work. We were living in Madison Park for 10 years, a block from where we are now but in a brand new 4200 square foot house. In 2008 when the US economy turned for the worse, the company I was working for was sold and within 3 years they went out of business under the new ownership. Forced to make a career change overnight and accept a 50% pay cut we made a decision to downsize but wanted a house in Walnut Grove in the same neighborhood and school zone for our kids. We found the house listed above and although it had 4 bedrooms and a basement its very small at only 1800 square feet, with a nice quiet yard on the golf course. The challenge we were facing immediately and even more now as the family is growing in size and friends, because the kitchen and family room and basement is so small it doesn't have reasonable room to study or have Christmas, Thanksgiving and birthday dinners. The entire kitchen Family

room is only 12' x 22'. Its difficult to have other people over and they are not coming over because there is no room! For that reason we are asking for a minimal relaxation of 1.5 M so we can enjoy some quality family time in our home. The request for a minimal house extension of 8' x 22' would make it much more comfortable for our family as you can clearly understand, than to move again. Moving is not a viable option with Langley real estate booming, outrageous prices, Real Estate fees, bidding wars to buy, not to mention adding more stress on our family. This simple addition makes the most sense for our family to stay long term but we desperately need a little more roof over our heads to make it work for our growing family.

Thank you for your consideration.

Sincerely

Brad, Francine Tilley and Family