

**TO:** CITY MANAGER

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** **REQUEST TO AMEND A COVENANT RESTRICTING  
THE DEVELOPMENT OF THE SITE  
7437 BURRIS STREET (SEE ATTACHED SKETCH)  
AMENDED COVENANT #1/95**

**PURPOSE:** To seek Council approval to amend the covenant restricting the development of the site.

**SUPPLEMENTARY**  
1995 AUGUST 10

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**RECOMMENDATION:**

1. **THAT** Council approve the preparation and execution of a covenant reflecting the plans presented at the 1995 July 25 Public Meeting.

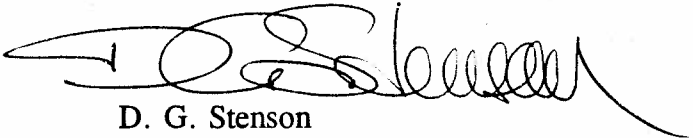
**R E P O R T**

On 1995 March 15, Council received a report regarding a request to amend a covenant on the property which restricts the development of the site. The report informed Council that the request involved subdividing the property, while retaining the R1a District zoning and that the proposed lot meets the minimum lot area and width requirements, but that subdividing would require an amendment to the registered restrictive covenant and the presentation of a complete plan of development at a Public Meeting. The report concluded that a suitable plan of development could be finalized showing on Lot 2, a single-family dwelling compatible with the existing R1a zoning and the neighbouring dwellings. The existing dwelling would remain on Lot 1 and continue to meet the requirements of the R1a zoning. At that time Council authorized staff to work with the applicant towards the preparation of a suitable plan of development.

On 1995 June 16, Council received a further report advising that the applicant has submitted a suitable plan of development for the construction of a 993.5m<sup>2</sup> (10,695 sq.ft.) single-family dwelling on the proposed Lot 2. That report provided details of the plan of development and recommended that the covenant be considered at a Public Meeting on 1995 July 25 and that Council consider the amendment at the next regularly scheduled Council meeting.

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Council received public input on the requested amendment to the covenant at the Public Meeting on 1995 July 25. At the Public Meeting Council expressed an expectation that the landscape plan would indicate the significant existing trees to be retained and landscape buffers. Staff will ensure that the proposed covenant includes the landscaping plan indicating buffer screening and retention of significant existing trees which are not within the building envelope, with the deposit of appropriate security. As the Public Meeting has now been held, it would now be appropriate for Council to consider the recommendation to amend the covenant. The Public Meeting minutes are attached for information.



D. G. Stenson  
Director Planning and Building

BW:gk  
Attach

CITY OF BURNABY

1995 JULY 25

A Public Meeting was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 1995 July 25 at 9:50 p.m.

PRESENT: Mayor W.J. Copeland (In the Chair)  
Councillor D.R. Corrigan  
Councillor D.P. Drummond  
Councillor D.G. Evans  
Councillor D.N. Johnston  
Councillor C. Redman

ABSENT: Councillor D.A. Lawson  
Councillor L.A. Rankin  
Councillor J. Young

STAFF: Mr. K. Ito, Acting Assistant Director Current Planning  
G. McCaskie, Committee Secretary

The Public Meeting was called to order at 9:50 p.m.

- 1) Proposed Amendment to Covenant  
7437 Burriss Street  
Lot 189, D.L. 86, Plan 30019

A Public Hearing was held to present an opportunity for concerned Burnaby residents to provide Council with their views related to a proposed amendment to a restrictive covenant at 7437 Burriss Street.

- The existing covenant is related to a condition of the rezoning of the property to the R1(a) zoning district, and limits the development of the property to the plans for a single family dwelling which were presented at the 1991 May 28 Public Meeting.
- The owner has applied to Council to amend the existing covenant to allow the subject property to be subdivided into two lots and the construction of a new dwelling on one lot, while retaining the existing dwelling on the other lot, both under the R1 "a" District Zoning.

James Hancock, Architect for the project, Suite 100 - 207 West Hastings Street, Vancouver was in attendance to address questions regarding the proposed amendment to the restrictive covenant.

1995 JULY 25

Judith Robertson, 7485 Whelen Court, Burnaby appeared before Council to address concerns with amending the restrictive covenant. The speaker stated that perhaps this new home may be out of character for the neighbourhood and that adequate landscape buffering should be incorporated along the perimeter of the property. If Council deem it appropriate to amend the restrictive covenant and in turn allow the Approving Officer to amend the covenant and approve a two lot subdivision, it was suggested that conditions be imposed by Council on the second lot R1(a) by downsizing to R1 and that a further restrictive covenant be registered on the second lot.

There were no further submissions received in connection with this proposed amendment to the Restrictive Covenant.

MOVED BY COUNCILLOR EVANS  
SECONDED BY COUNCILLOR JOHNSTON

"THAT the Public Meeting do now adjourn."

CARRIED UNANIMOUSLY

The Public Meeting adjourned at 10:04 p.m.

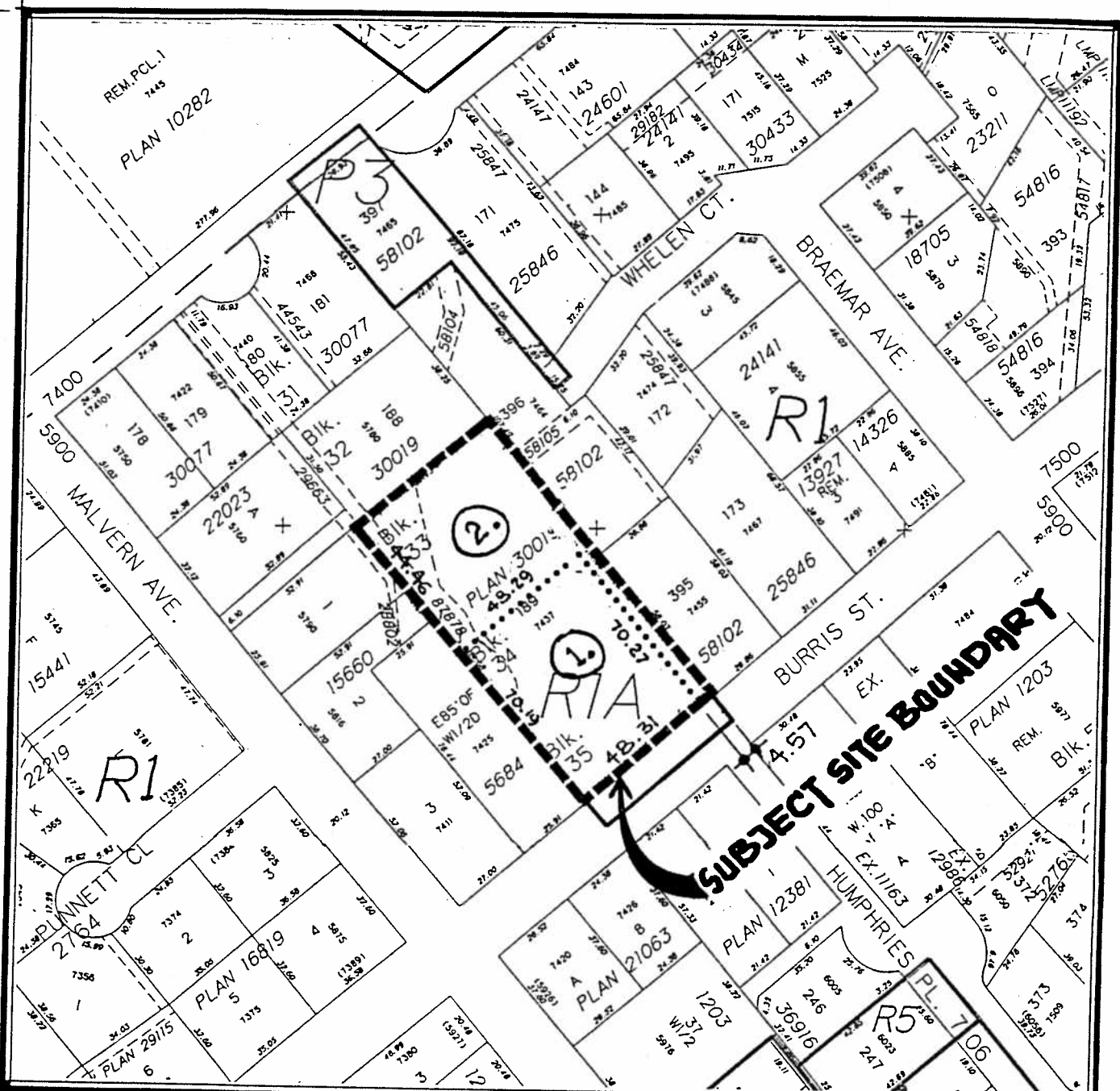
Confirmed:

Certified Correct:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
COMMITTEE SECRETARY

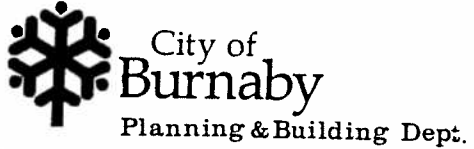
ITEM  
 MANAGER'S REPORT # 27  
 COUNCIL MEETING 37  
 95/08/14



Date:  
 MARCH 1995

Scale:  
 1:2000

Drawn By:  
 J.F.C.



**AMENDED RESTRICTIVE COVENANT # 1/95**  
 "PROPOSED SUBDIVISION"  
 SKETCH # 2

