

TO: CITY MANAGER

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REQUEST TO AMEND A COVENANT
RESTRICTING DEVELOPMENT OF THE SITE
5510 SPRUCE STREET (see attached sketch)
AMENDED COVENANT #04-01**

2004 MAY 03

PURPOSE: To provide Council with a recommendation on the subject application to permit the proposed amendment to the covenant registered on the subject property.

RECOMMENDATION:

1. **THAT** the covenant on the property be amended to permit an increase in the gross floor area permitted on the subject property, subject to approval of the Board of Variance for two variances, as discussed in this report.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 On 2004 March 22 Council received a report on a request to amend a covenant registered against the subject property. The covenant, which was registered against the Title of the property as a prerequisite condition of the completion of Rezoning Reference #7/88, limits the development of the property to the plans for a single-family dwelling presented to the Planning and Building Department. The application has been submitted in order to permit the conversion of an attached garage into recreation space and the retention of the existing detached garage which was built without a building permit. The only changes to the site in terms of the registered Covenant which would be visible from the exterior are alterations to sides of the attached garage and the retention of the existing garage. However, the proposed development plan represents a 1,017 sq. ft. addition to the 5,664 sq. ft. gross floor area which was originally approved in 1988.
- 1.2 The report advised that in addition to seeking an amendment to the covenant registered against the property, an application to the Board of Variance will be required for a variance to the provisions of the Zoning Bylaw which regulate the setback requirements for accessory buildings from lanes and the maximum gross floor area for accessory buildings. The requested variances would be to permit the retention of the detached garage which was built without permit by the previous owner, which has a gross floor area of 702 sq. ft. and a nil setback from the rear lane, where accessory buildings with single family dwellings are permitted to have a maximum gross floor area of 602.8 sq. ft. and require a minimum 3.94 ft. setback from the rear lane.

1.3 At that time Council adopted the recommendation that the requested amendment to the covenant be considered at a Public Meeting to be held at the conclusion of the Public Hearing scheduled for 2004 April 27.

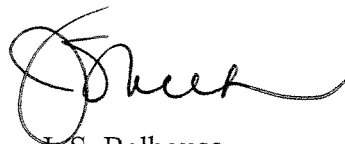
2.0 GENERAL DISCUSSION:

2.1 The Public Meeting was held on 2004 April 27. No speakers addressed Council on this matter with the exception of a representative of the property owner. One letter was received which objected to the increase in the floor space if the purpose is to accommodate tenants.

The submitted plan of development indicates that the attached garage will be converted into recreation space and our Building Division is satisfied that the renovation is not conducive to conversion into a suite. Staff have been advised that there are no suites in the dwelling.

In light of the lack of objections expressed at the Public Meeting, it is recommended that the covenant on the property be amended to permit an increase in the gross floor area permitted on the subject property, subject to approval of the Board of Variance for two variances.

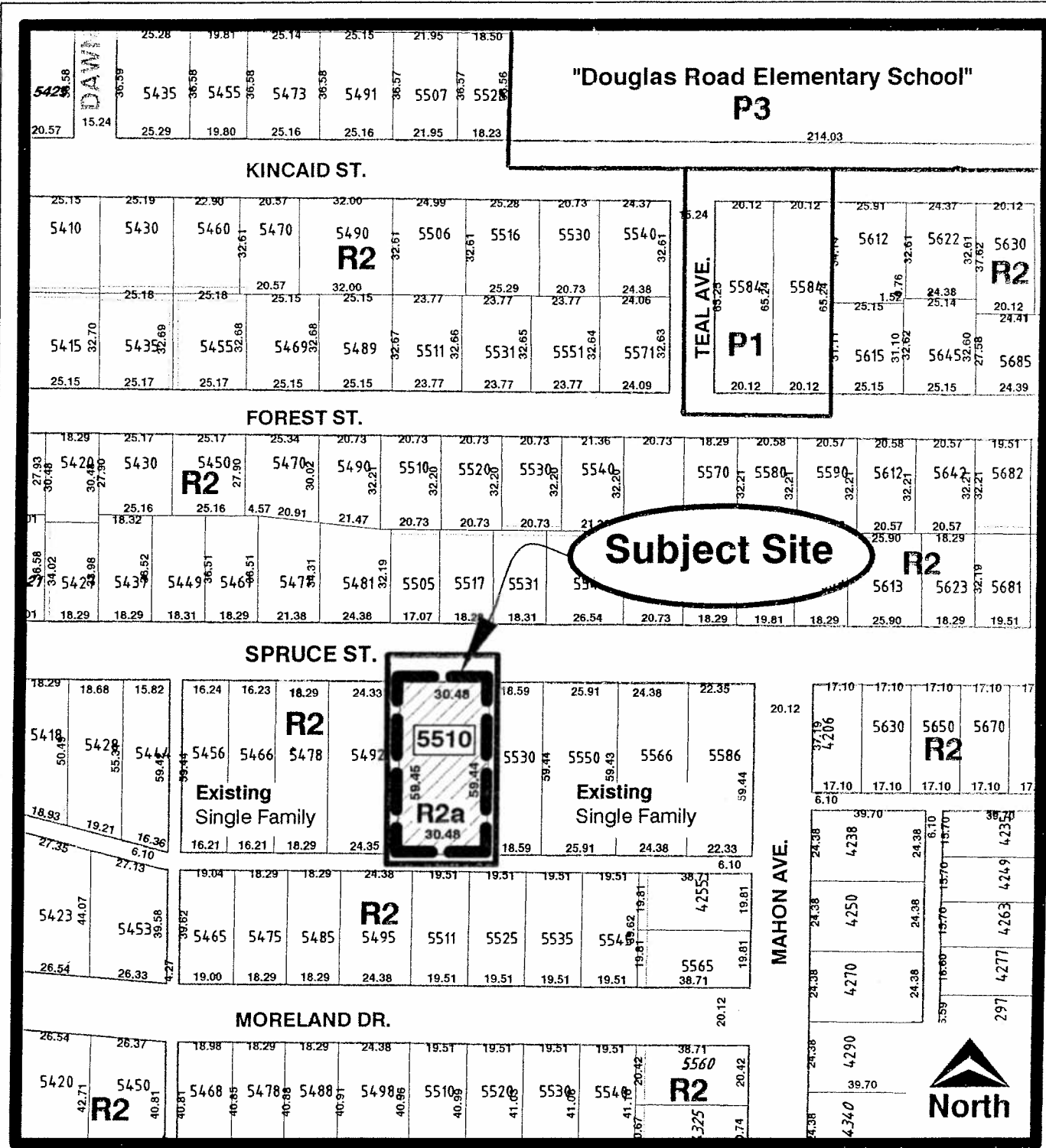
2.2 If Council adopts the recommendation in this report and subsequently the Board of Variance grants the variances discussed above, the owner will be required to pay all document preparation and registration fees in order for an amended covenant, including the revised plans for the house, to be registered at the Land Title Office.



J. S. Belhouse
Director Planning and Building

BW:gk
Attach

cc: Chief Building Inspector
City Solicitor



Planning and Building Department

Scale: 1 : 1500

Drawn By: J.P.C.

Date: March 2004

Amended Covenant AC 04 -- 1
5510 Spruce St.

Sketch # 1

