
TO: CITY MANAGER **DATE:** 2005 September 08

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 49500 15
Reference: AC #05-01

SUBJECT: **REQUEST TO AMEND COVENANT
RESTRICTING DEVELOPMENT OF THE SITE
PTN. OF 3555 DOUGLAS ROAD (SEE ATTACHED SKETCH)
AMENDED COVENANT #05-01**

PURPOSE: To provide Council with a recommendation on the subject application to permit the proposed amendment to the covenant registered against 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 site, as discussed in this report.

REPORT**1.0 BACKGROUND INFORMATION:**

The property at 3555 Douglas Road, known as the Frederick and Edna Cunningham House, is one of the City's designated heritage sites which was protected by bylaw in 1996. In 2004, the house was the subject of a rezoning from the R3 Residential District to the R3a Residential District (Rezoning Reference #04-15). This rezoning was initiated by the property owners in order to allow for the construction of a small addition to the residence that was approved with a Heritage Alteration Permit by Council. As a prerequisite condition of the completion of the rezoning, a Covenant was registered against the title of the property which limits its development to the plans submitted to the Planning and Building Department.

On 2005 July 25, Council received a report on a request to amend the Covenant in order to permit the conversion of an area previously approved as a crawlspace to cellar, which would involve an increase in the gross floor area permitted on the site. The only change in the dwelling which would be visible from the exterior would be the addition of a small window at the cellar level. This change is minor and a Heritage Alteration Permit would not be required. However, the development plan represents an addition of 456.7 sq.ft. to the 4,901 sq.ft. of gross floor area which was approved earlier this year.

To: City Manager
From: Director Planning and Building
Re: REQUEST TO AMEND COVENANT
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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 2005 August 30.

2.0 GENERAL DISCUSSION:

2.1 The Public Meeting was held on 2005 August 30. No speakers addressed Council and no correspondence was received on this matter.

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 gross floor area on the property.

2.2 If Council adopts this recommendation, the owner will be required to pay all document preparation and registration fees in order for an amended covenant, reflecting the revised plans for the dwelling, to be registered at the Land Title Office.

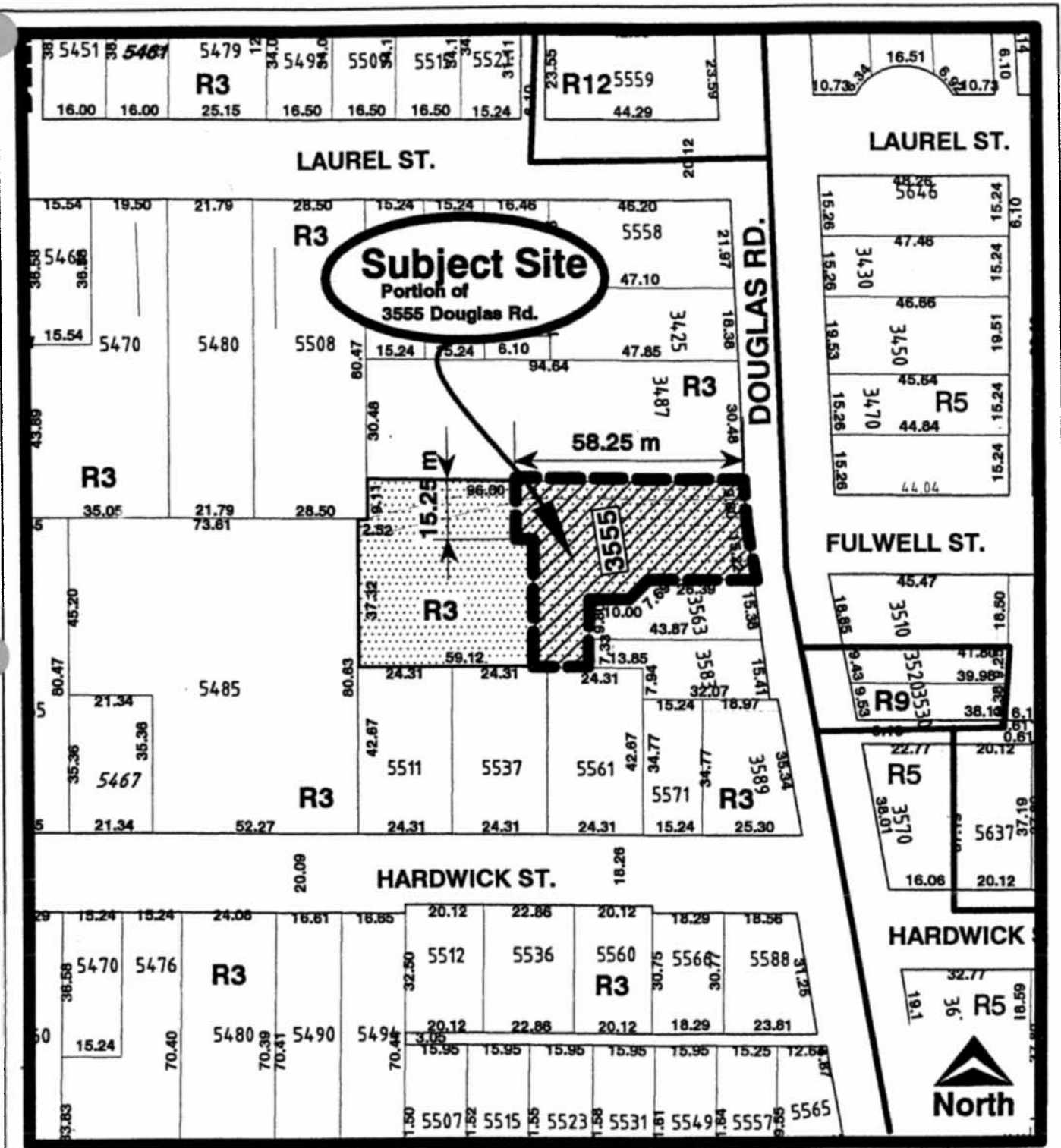


fw J. S. Belhouse
Director Planning and Building

BW:gk
Attach

cc: City Solicitor
City Clerk
Chief Building Inspector

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Planning and Building Department

Scale: 1 : 1500

Drawn By: J.P.C.

Date: July 2005

AMENDED COVENANT #05 -- 01

Portion of 3555 Douglas Road

Sketch # 1

