

TO: CITY MANAGER

2005 July 19

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REQUEST TO AMEND A COVENANT
RESTRICTING DEVELOPMENT OF THE SITE
Ptn. Of 3555 DOUGLAS ROAD (see attached sketch)
AMENDED COVENANT #05-01

PURPOSE: To seek Council authority to hold a Public Meeting to consider a proposed amendment to the covenant registered on the subject property.

RECOMMENDATION:

1. **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.

REPORT

1.0 INTRODUCTION:

- 1.1 This Department has received an application (Amended Covenant #05-01) to amend the covenant registered against the subject property in order to permit the excavation of a cellar in an area which was previously approved as crawl space. There would be no changes to the site in terms of the registered Covenant which would be visible from the exterior. However, the proposed development plan represents a 456 sq. ft. addition to the 4,901 sq. ft. gross floor area which was originally approved earlier this year. Under the maximum 0.60 Floor Area Ratio development density permitted under R3a zoning, the maximum gross floor area permitted for the subject site is 1,095.6 m² (11,794 sq. ft.).

1.0 BACKGROUND INFORMATION:

- 1.1 On 2005 February 7, Council gave Final Adoption to Rezoning Reference #04/15, which involved rezoning the subject site to R3a Residential District in order to permit additional gross floor area on the site beyond that permitted under the prevailing zoning. Rezoning Reference #04-15 involved a request to add 800 sq.ft. to an existing 4,100 sq.ft. single-family dwelling which was already legally non-conforming in terms of gross floor area. As a condition of the completion of the rezoning, a covenant was registered against the subject property at the Land Title Office, which limits the development of the property to the plans for a single-family dwelling presented to the Planning and Building Department. The necessary covenant was prepared by the City Solicitor, executed by both parties and registered at the Land Title Office prior to Final Adoption.
- 1.2 Council has approved a procedure whereby the plans which are the subject of the covenant are examined in detail to determine that the proposed single-family dwelling would be compatible with the surrounding neighbourhood, through utilizing the Council-adopted R"a" District design guidelines and a site specific analysis. A Public Hearing is held in order for the adjacent residents to be given an opportunity to provide public input on the proposed rezoning.

In light of the reliance placed on covenants to ensure that the development conforms to that presented to Council and the public, Council approved a process for considering requests for certain changes to the approved plans which is similar to rezoning applications. Consideration of such requests includes its submission to a Public Meeting in place of a Public Hearing, with the Public Meeting to consider the proposed amendment to the covenant to be held immediately following a regularly scheduled Public Hearing. The types of proposed changes that Council concurred should be processed through an Amended Covenant process similar to rezoning applications, are as follows:

1. altering the gross floor area permitted on the site;
2. changing the overall building bulk of the improvements on the site; or
3. altering the impact any improvements on the site would have on the adjacent properties through changes to the structures or their siting.

1.3 A request has been received from the owner of the property to convert an area previously approved as crawl space to cellar, which would involve an increase in the gross floor area permitted on the site. Therefore, it is necessary to process this request through the Amended Covenant process approved by Council on 1992 June 29, which includes the holding of a Public Meeting in place of a Public Hearing.

2.0 GENERAL DISCUSSION:

2.1 Staff have examined the development plans and conducted a site visit to assess the proposal in the neighbourhood context. In consideration of the fact that the excavation of the cellar should have no impact on the adjacent properties, the proposed amendment to the Covenant and alteration to the existing dwelling are supported in principle.

2.2 The subject property was designated as a City heritage site in 1996. In connection with the addition to the dwelling approved through Rezoning Reference #04-15, Council issued a Heritage Alteration Permit on 2004 June 7. This request for an amendment to the Covenant does not involve any exterior changes to the building – with the exception of an addition of a small window at the cellar level - and will not require any further approvals in connection with its heritage status.

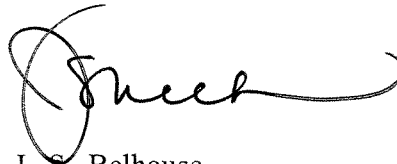
2.3 A subdivision guideplan was created in the 1980's for the block bounded by Douglas Road, Hardwick Park and Hardwick and Laurel Streets, which includes the subject property. In order to protect future subdivision potential in this block, the area rezoned to R3 "a" District generally reflects the easterly edge of the subdivision guideplan, with one exception. The exception reflects a small garage located in the north/central area of the property, which necessitated a minimal jog to the west in the proposed zoning boundary. The development statistics for this proposal, therefore, relate to the subject R3 "a" zoned portion of the property.

2.4 If Council advances this request to the Public Meeting stage, public notification would be pursued in a manner identical to that required for a Public Hearing.

2.5 A further report would be forwarded to Council summarizing the results of the Public Meeting and recommending the next steps in the process, which could involve either not recommending that the Covenant be amended or that the Covenant be amended to permit the additional gross floor area.

3.0 DEVELOPMENT STATISTICS

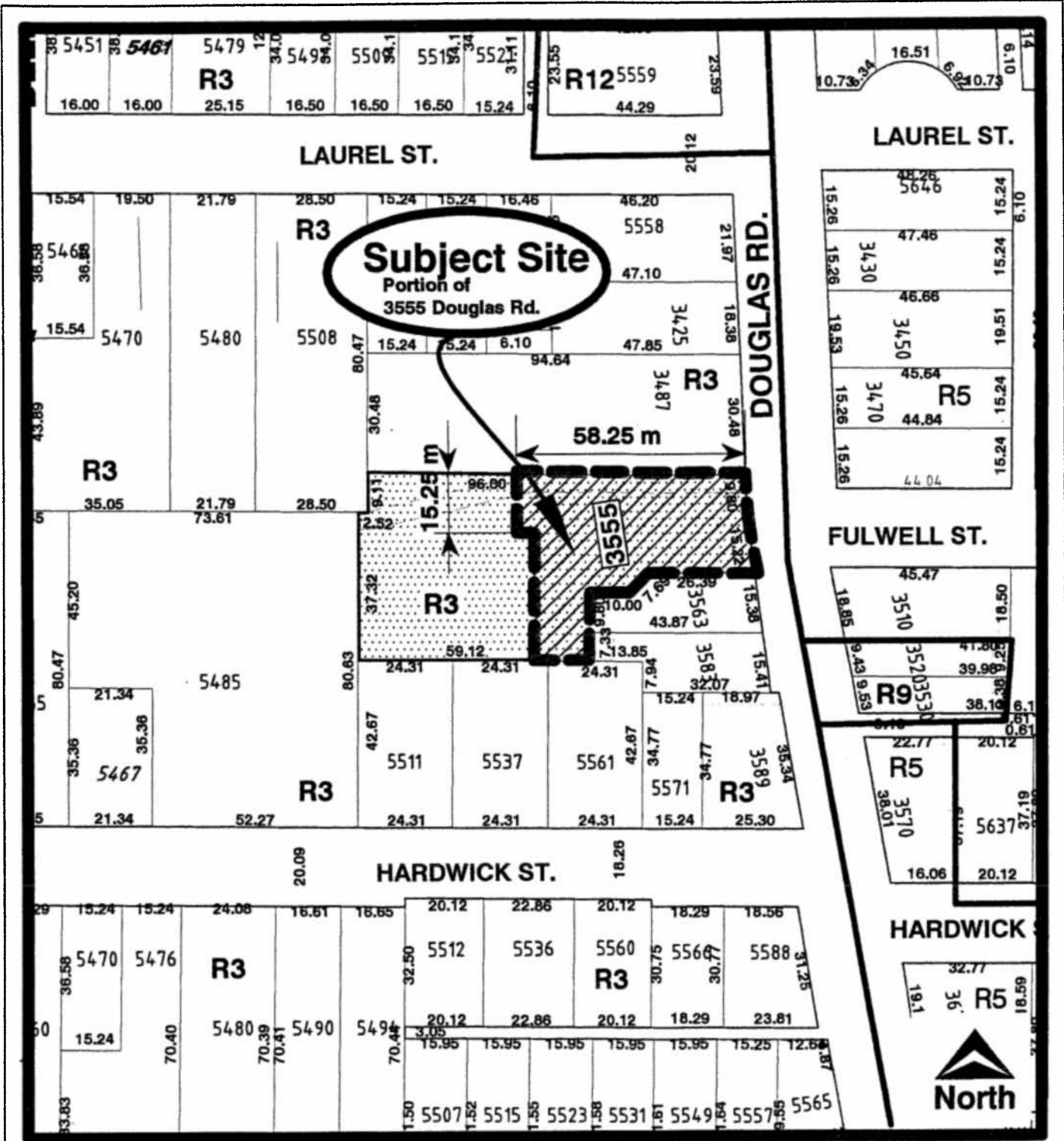
- 3.1 Overall Property Area: - 3,862m² (41,578 sq. ft.)
 - R3 "a" District Zoned Area - 1,862m² (19,657 sq. ft.)
 - Lot Coverage Permitted: - 40%
 - Current and Previously Approved Lot Coverage: - 12.6% (No Change)
- 3.2 Previously Approved Gross Floor Area: - 453m² (4,901 sq. ft.)
 - Proposed Additional Gross Floor Area: - 42.4m² (456.7sq. ft.)
 - Proposed New Total Gross Floor Area: - 495.4m² (5,333 sq. ft.)
- 3.3 Maximum Development Density permitted under R3a zoning - 0.60 (11,794 sq. ft. for the subject site)
 - Previously Approved Floor Area Ratio: - 0.25
 - New Floor Area Ratio: - 0.27



J. S. Belhouse
Director Planning and Building

BW:gk
Attach

cc: Chief Building Inspector
City Clerk



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