
TO: CITY MANAGER 2007 August 29

FROM: DIRECTOR PLANNING AND BUILDING **FILE: 49500.15**
Reference: AC #07-01

SUBJECT: AMENDED COVENANT #07-01
404 NORTH HYTHE AVENUE
Request To Amend a Covenant Restricting Development of the Site

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

RECOMMENDATIONS:

1. **THAT** the covenant on the property be amended to permit an increase in the gross floor area permitted on the subject site, as outlined in this report.
2. **THAT** a copy of this report be sent to the property owner, Sauro Perticarini, 404 North Hythe Avenue, Burnaby BC, V5B 1G5.

R E P O R T

1.0 BACKGROUND

- 1.1 The subject property at 404 North Hythe Avenue was rezoned in 1989 from the R2 District to the R2a District to permit a dwelling with a floor area greater than that permitted under the prevailing zoning (see *attached* Sketch #1). As a condition of the rezoning, the owner entered into a covenant certifying that the land shall be developed only in accordance with the suitable plan of development that was submitted. Since the gross floor area of the existing dwelling is below the maximum permitted under the R2a District, under a Council-adopted process, additional gross floor area could be permitted at the dwelling, subject to the submission of a revised suitable plan of development and an amendment to the covenant requiring presentation to a Public Meeting and Council approval.

On 2007 July 23, Council received a report on a request to amend the covenant registered against the subject property in order to permit a 313 sq.ft. expansion of an existing deck on the main floor of the dwelling. At that time, Council adopted the recommendation

To: City Manager
From: Director Planning and Building
Re: Amended Covenant #07-01
2007 August 29 Page 2

that the requested amendment to the covenant be considered at a Public Meeting to be held at the conclusion of the Public Hearing of 2007 August 28.

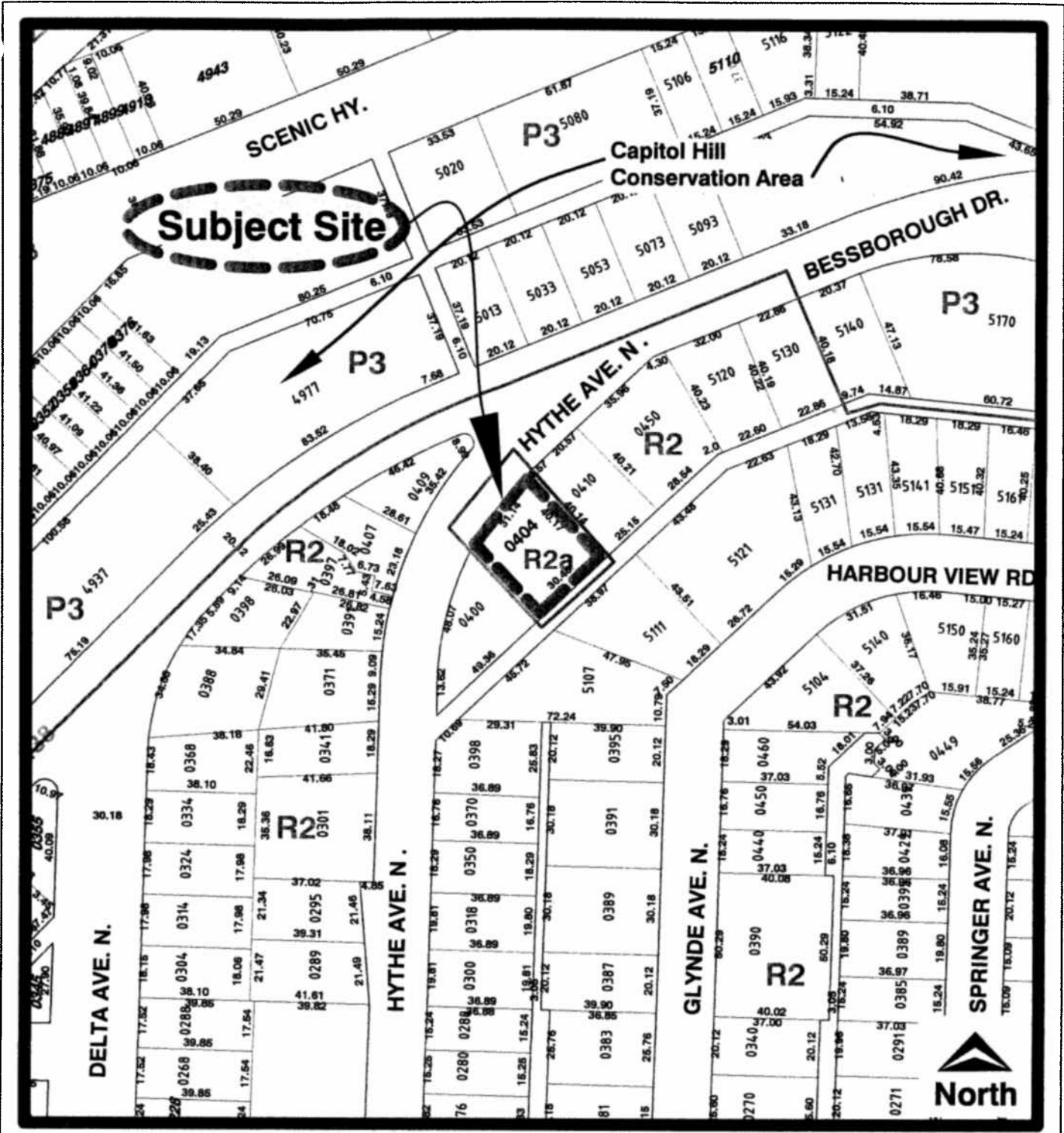
2.0 GENERAL DISCUSSION

- 2.1 The Public Meeting was held on 2007 August 28. No speakers addressed Council and no correspondence was received on this matter. As such, it is recommended that the covenant on the property be amended to permit the requested 313 sq.ft increase in gross floor area on the property.
- 2.2 With Council adoption of the recommendation, the owner will be required to pay all document preparation and registration fees to amend the covenant to reflect the revised plans for the dwelling for registration at the Land Title Office.


for B. Luksun
Director Planning and Building

KH:gk
Attach

cc: Chief Building Inspector
City Clerk
City Solicitor



Planning and Building Department

Scale: N.T.S.
 Drawn By: J.P.C.
 Date: July 2007

Amended Covenant # 07 -- 01
404 N.Hythe Ave.
 (Amend Restrictive Covenant to Enlarge Deck) **Sketch # 1**