
TO: ACTING CITY MANAGER **DATE:** 2021 May 26

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** INQ #21-00120

SUBJECT: REQUEST TO DISCHARGE COVENANT
8125 GRAY AVENUE

PURPOSE: To seek approval from Council to discharge a covenant that restricts the height of a new single family dwelling.

RECOMMENDATION:

1. **THAT** Council approve the discharge of a covenant at 8125 Gray Avenue, Filing No. C8174 registered on title CA8630307.

R E P O R T**1.0 POLICY FRAMEWORK**

This aligns with the following City policies: Corporate Strategic Plan (2017) and Official Community Plan (1998).

2.0 BACKGROUND

On 2021 January 07, the Planning Department received a letter from the owners of 8125 Gray Avenue requesting the discharge of a covenant registered on the property which limits the height of a single-family dwelling to 5.4 m (18 ft.). This height restriction is lower than the Zoning Bylaw maximum height of 9.0 m (29.5 ft.) that applies to the property. The purpose of this report is to inform Council of the recommendation to discharge the registered covenant for reasons outlined below.

The subject property was created in 1967 from the subdivision of the rear portions of 4637 and 4649 Carson Street. At that time, the Planning Department had indicated to the applicant that it would only consider a subdivision application if written confirmation of support was provided by the four property owners across the street (Gray Avenue). Letters of opposition were received from the owners of the properties on the east side of Gray Avenue with noted concerns on the proposed height of the new dwelling. Subsequently, a subdivision application (SUB #65-119) was submitted in 1965 and discussions were held with the applicant regarding concerns over the height of a new dwelling. In response, the requirement of a restrictive covenant was included as a condition of subdivision approval, and on 1967 February 03 Council adopted the recommendation for the City Clerk to execute the agreement.


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At the time of subdivision, the adjacent owners had been given an opportunity to comment on the original proposal, and it was determined that the neighbouring properties should be given the option to comment on the requested covenant discharge. On 2021 April 09, a letter was sent to the owners of the ten adjacent properties on Carson Street and Gray Avenue. The Planning Department received one phone call requesting clarification of the matter, and one letter from the adjacent property owner at 8038 Gray Avenue opposing the removal of the covenant. It should be noted that three new homes have been constructed on Gray Avenue in the past few years all to Bylaw regulated height.

3.0 CONCLUSION

With Council approval, staff will instruct the Legal Department to discharge the covenant to allow the subject property to develop with a building height in line with the adopted Zoning Bylaw.



E.W. Kozak, Director
PLANNING AND BUILDING

PJL:tn

cc: City Solicitor