

2014-59

MEMORANDUM

TO: Mayor and Council

FROM: Director of Building and Planning

DATE: February 19, 2014

RE: Covenant Approval
1630 York Place
Strata Lot 8, Section 69, Victoria District, Strata Plan 1752 together
with an interest in the common property in proportion to the unit
entitlement of the Strata Lot as shown on Form 1
RS-3, One Family Residential

BACKGROUND:

In October 2013 the owner obtained approval for a Development Variance Permit to develop their attic space into living area. Although the property is not on the Oak Bay Community Heritage Register, there is a *Section 215* Restrictive Covenant registered on title to the property. The covenant was registered as part of the Strata subdivision which occurred in 1989. The covenant states "that no alteration to any building on the Land shall be made unless and until the proposal to erect the same and proper plans, elevations, including details as to exterior finish, shall have first been submitted to and approved in writing by the Grantee". The Grantee referred to in the covenant is the Corporation of the District of Oak Bay.

The owner would like to make another change on the north side of the dwelling to accommodate a long stair providing access to the newly developed attic. The location of the proposed stair is between two wings of the house that are separated by approximately 4 feet. This stair could create an independent living space; the owner should clarify that there is not currently and will not be a second kitchen in this single family dwelling.

Council may wish to send the application to the Heritage Commission for consideration of the exterior change to this building. Attached for information is the registered covenant and in particular Clause #2 and #3 are applicable to this property.

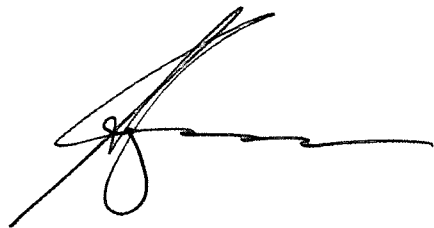
OPTIONS:

1. That it be recommended to Council that the plans to install an exterior stair up to the second floor at 1630 York Place be approved as to architectural design as required by the registered 215 covenant.
2. That it be recommended to Council that the application be denied.
3. That it be recommended to Council that the plans to install an exterior stair at 1630 York be referred to the Heritage Commission for recommendation to Council.

RECOMMENDATION(S):

That it be recommended to Council that the plans to install an exterior stair at 1630 York be referred to the Heritage Commission for recommendation to Council.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a large, sweeping initial 'R' followed by a horizontal line and a small loop at the end.

Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.

Helen Koning
Chief Administrative Officer