Agenda - Council - September 28, 2005

Report - Standing Policy Committee on Property and Development - September 12, 2005

Item No. 10 Zoning Agreement Amendment - 52 McKall Bay
File ZAA 9/2005 [c/r DASZ 8/86]

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That Zoning Agreement Caveat No. 1128881 under File DASZ 8/86 [DASSF 88/88 and By-law No. 4929/88] dated October 15, 1986, be amended to permit a 43 foot (13.1 metre) rear yard to a sunroom addition, instead of the required 57 feet (17.4 metres).

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 8/86 [DASSF 88/88 and By-law No. 4929/88] dated October 15, 1986, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development - September 12, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 12, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 2005, the Riel Community Committee did not concur in the administrative recommendation and recommended that Zoning Agreement Caveat No. 1128881, under File DASZ 8/86 [c/r DASSF 88/88 and By-law No. 4929/88] dated October 15, 1986, be amended to permit a 43 foot (13.1 metre) rear yard to a sunroom addition instead of the required 57 feet (17.4 metres) and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 52 McKall Bay**
File ZAA 9/2005

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Marc A. Pittet, Clerk**
Riel Community Committee

Report date: **July 25, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 2005, the Riel Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement Caveat No. 1128881 under File DASZ 8/86 [c/r DASSF 88/88 and By-law No. 4929/88] dated October 15, 1986, be amended to permit a 43 foot (13.1 metre) rear yard to a sunroom addition instead of the required 57 feet (17.4 metres).

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 8/86 [c/r DASSF 88/88 and By-law No. 4929/88] dated October 15, 1986, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee did not agree with the administrative comments contained in the report from the Manager of Planning and Land Use dated June 24, 2005.

PUBLIC HEARING SUMMARY

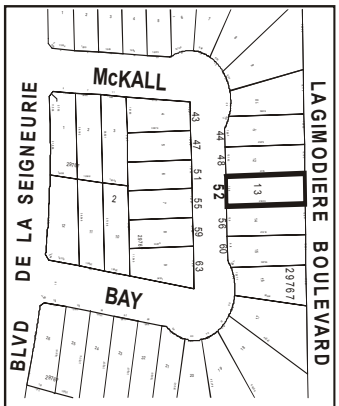
File: ZAA 9/2005

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Magnifico

Public Hearing: July 18, 2005
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: Slimline Sunrooms (Flo Jonasson)

Subject:



APPLICANT : SLIMLINE SUNROOMS
FILE : ZAA 9/05
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above to permit a rear yard of 43 feet instead of 57 feet as required. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: SLIMLINE SUNROOMS
N° DE RÉFÉRENCE : MCZ 9/05
PROJET : Modification de la convention de zonage des biens-fonds indiqués ci-dessus afin de permettre une marge arrière de 43 pieds au lieu de 57 pieds ainsi que le prévoit la convention. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 52 McKall Bay

Exhibits Filed:

1. Application dated May 24, 2005
2. Notification of Public Hearing dated June 2, 2005
3. Manitoba Status of Title 1324640
4. Letter of authorization dated April 16, 2005 from Byron and Rita Duncan to Slimline Sunrooms
5. Zoning Agreement
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated June 24, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Flo Jonasson

In Opposition

Nil

For Information:

Kevin Lalor, Senior Planner, Planning, Property and Development Department
Chris Torpey, Land Development Administrator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Flo Jonasson appeared in support of the application.

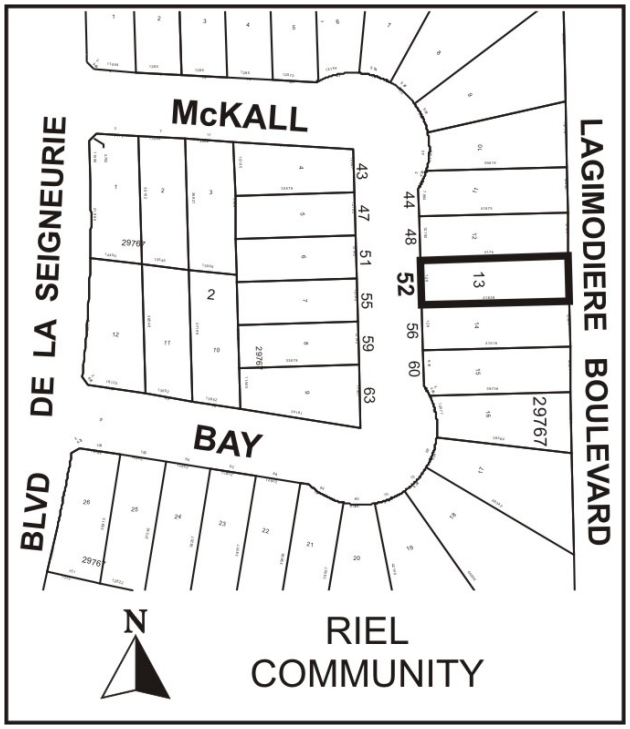
Exhibit "7" referred to in File ZAA 9/2005

Planning, Property and Development Department Report

To the Riel Community Committee

Date: **June 24, 2005**
File: **ZAA 9/05**
Related Files: **N/A**
Subject: **Reduce rear yard requirement**

Location: **52 McKall Bay**
Legal Description: **Lot 13, Block 1, Plan 29767**



Applicant: **Slimline Sunrooms**
Owner: **Byron and Rita Duncan**

Recommendation: (That the Zoning Agreement Amendment be denied)

Site Description

The subject property is zoned "R1-4" One Family Residential District, is approximately 5746sqft (533m^2) in area, and is currently occupied by a single family home.

Surrounding Land Uses
North: Single-family homes zoned "R1-4" One Family Residential District.
South: Single-family homes zoned "R1-4" One Family Residential District.
East: Landscaping berm then Lagimodiere Boulevard, and then vacant land zoned "A5" Agricultural District.
West: McKall Bay, then single-family homes zoned "R1-4" One Family Residential District.

Background

The original rezoning application (DAZ 8/86) rezoned the subject property to a one family residential zone, to allow for the construction of a single-family subdivision. At that time a zoning agreement was placed on the title that, among other things, required all lots abutting Lagimodiere Boulevard to have a minimum rear yard of 57ft (17.5m). This rear yard was required in order to mitigate noise produced from automobile and commercial truck/tractor-trailer traffic on Lagimodiere Boulevard.

Description of the Proposed Development

The applicant wishes to construct a sunroom addition onto the rear of the single-family dwelling. The sunroom will measure approximately 12ft (3.65m) in length by 10ft (3m) in width for a total area of approximately 120sqft (11m^2), and will be fully enclosed on all sides with glazing panels.

Analysis

The Public Works Department has reviewed the application and notes that the rear yard requirement of 57ft (17.5m) is to provide additional separation related to attenuation of traffic noise from Lagimodiere Boulevard. Furthermore, the Public Works Department recommends that the requested reduction of the rear yard be rejected, as a reduction will lead to increased noise levels being experienced by the residents. See memo attached.

East of the rear property, within the Lagimodiere Boulevard road right of way, there is approximately a 164ft (50m) wide landscape area, which includes a berm, that is intended to add further separation from the traffic noise generated from Lagimodiere Boulevard for the adjacent residential neighborhood. It should be noted that in the future this landscape buffer might be reduced when Lagimodiere Boulevard is widened to accommodate increased automobile traffic.

The Planning and Land Use Division recognize that sunroom additions are common in residential areas, and enhance the enjoyment of a homeowner's property. However, in this case an addition that places the living space closer to the rear property line, and the noise produced from Lagimodiere Boulevard, may have a negative impact on both the current and any future residents of the subject property. Therefore the Planning and Land Use Division recommend

that the application be denied.

Recommendation

The Planning and Land Use Division recommend denial for the following reasons:

- The proposed reduced setback, to accommodate a sunroom addition, is not compatible with the adjacent traffic corridor (Lagimodiere Boulevard).
- The proposed reduced setback, to accommodate a sunroom addition, may constitute a substantial adverse effect on subject property.

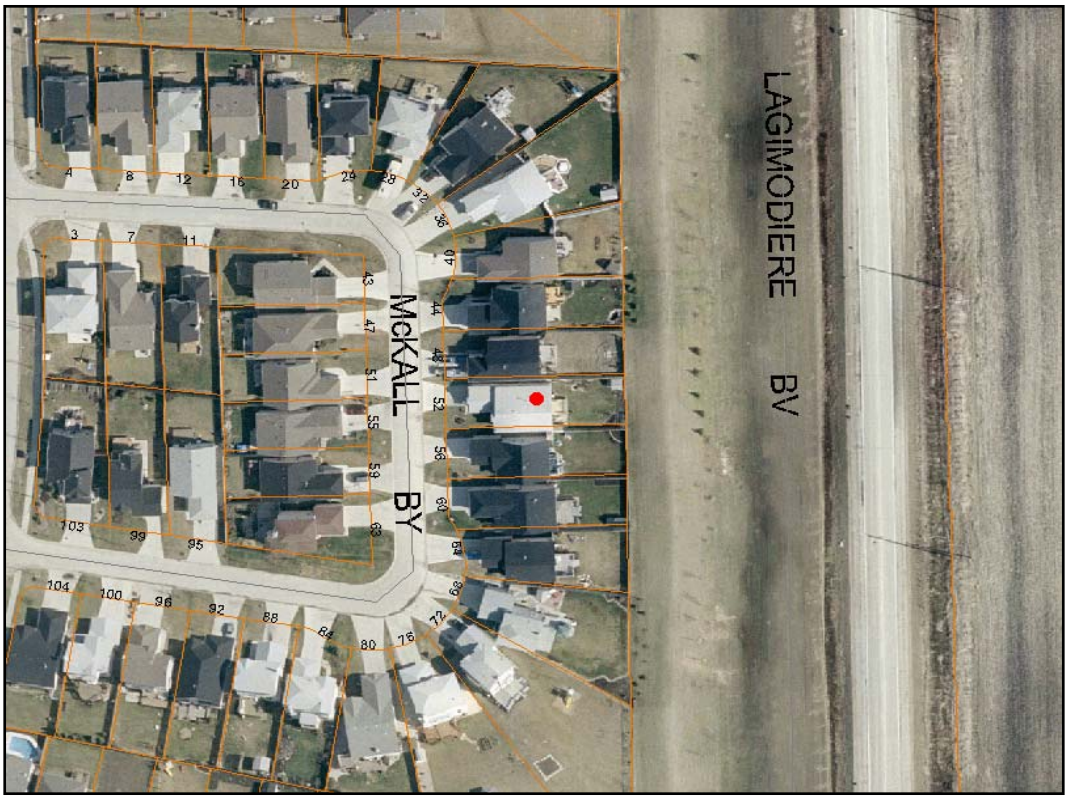
Recommended Conditions of Approval

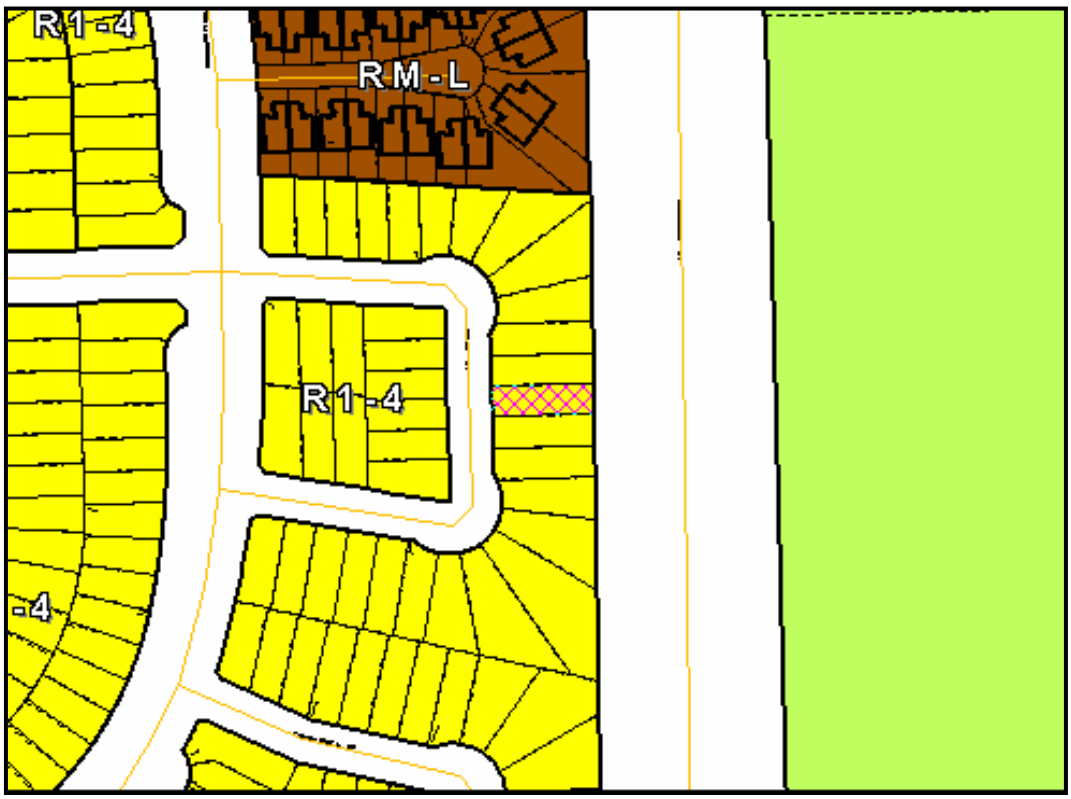
I. That the Zoning Agreement Caveat No. 1128881 under file no. DAZ 8/86 (DASSF 88/88) dated, October 15, 1986 (By-Law # 4929/88), amendment not be proceeded with.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: (Derek Eno, Planner)
PPD File # (ZAA 9/05)

Figure 1: Air Photo





Public Works Department
Transportation Division
100 Main Street
Winnipeg, Manitoba
R3C 1A4
(Fax: 986-7020)

Winnipeg

INTER-OFFICE MEMORANDUM

TO:	E. AXELROD, SUBDIVISION OFFICER DEVELOPMENT AND INSPECTIONS DIVISION PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT Main Floor – 65 Garry Street	FROM:	R. J. HARTMANN, P. ENG. TRAFFIC ASSESSMENT ENGINEER TRANSPORTATION DIVISION PUBLIC WORKS DEPARTMENT 3rd Floor – 100 Main Street
FILE NO.	R/D, R/C/10		
REF:	H:\WDDOCS\MINRRYDS.DOC	DATE:	2005 06 21

RE: YOUR FILE NO. ZAA 9/05 – TO AMEND THE SPECIAL REAR YARD REQUIREMENTS OF THE ZONING AGREEMENT – 52 McKALL BAY

The above-referenced application is to be considered by the Riel Community Committee at its upcoming regular public meeting to be held on Monday, July 18, 2005.

The Public Works Department has reviewed the proposal and wishes to advise that the yard of the subject property was established with a minimum depth to allow for a minimum rear yard of 17.5m to the principle dwelling. This minimum rear yard was stipulated for those lots backing onto Lagimodiere Boulevard. The minimum rear yard is stipulated to provide additional separation between the roadway to be contained in Lagimodiere Boulevard and the principle dwelling on a typical lot. The provision of this additional separation is related to the attenuation of traffic noise from the above-referenced street.

The Public Works Department objects to any reduction in the minimum rear yard as it will lead to increased traffic noise levels being experienced by the residents of the of the dwelling located on the subject lot which may lead to complaints regarding traffic noise. The minimum rear yard has been planned taking into account future traffic volumes on Lagimodiere Boulevard, which will occur when this area of the City is fully developed.

RECEIVED
'05
LAND DEVELOPMENT
BRANCH

/rjh
cc: K. Lalor, Senior Planner