Minutes – Executive Policy Committee – October 19, 2005

PUBLIC HEARINGS

Minute No. 602 Variance – 50 and 56 Dunkirk Drive
File DAV 129773/2005D [c/r DASZ 16/2005]

EXECUTIVE POLICY COMMITTEE DECISION:

The Executive Policy Committee concurred in the administrative recommendation and approved a Variance on "the land":

1. To vary the "PR2" Parks and Recreation District regulations of The Winnipeg Zoning By-law No. 6400/94 to permit as follows:

    A. A proposed parcel plan of survey (Parcels E, F and G) to permit no vehicular access to a public street;

    B. An accessory parking area for an existing golf course (Parcels E, F and G) to permit as follows:

        i. no front yard instead of 20 feet (6.10 metres);
        ii. no west side yard instead of 20 feet (6.10 metres);
        iii. no light-proof fence and no landscaping abutting a public street (Dunkirk Drive), and;

2. To vary the proposed "RM-3" Multiple Family District regulations of The Winnipeg Zoning By-law No. 6400/94 for the construction of a multiple family dwelling for seniors to permit an east side yard of 23.86 feet (7.27 metres);

subject to the following condition:

1. That if any variance granted by this Order is not established within two (2) years of the date hereof this Order, in respect of that Variance, shall terminate.

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DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That criteria (a) to (d) of Subsection 247(3) of The City of Winnipeg Charter are satisfied.

Carried

Moved by Councillor Steeves,

That the administrative recommendation be concurred in.

Carried

Moved by Councillor Steeves,

That the public hearing with respect to this application be concluded.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 12, 2005, the Executive Policy Committee passed the following motions:

- That the administrative report be taken as read.
- That the receipt of public representations be concluded.
- That the public hearing be adjourned to its meeting on October 19, 2005.

The City of Winnipeg
VARIANCE ORDER
EXECUTIVE POLICY COMMITTEE

DAV 129773/2005D [c/r DASZ 16/2005]

Before:	Executive Policy Committee His Worship Mayor Katz, Chairperson Deputy Mayor Pagtakhan Councillor Clement Councillor Eadie Councillor De Smedt Councillor Steeves Councillor Thomas
Hearing:	October 19, 2005 October 12, 2005 Council Building, 510 Main Street
Applicant:	Caleb Group of Companies (Matt Mann)
Premises Affected:	50 and 56 Dunkirk Drive
Legal Description:	Lot 2/3 Plan 27760 111/112 ST B, hereinafter called "the land"
Property Zoned:	"PR-2" (Parks and Recreation District)
Zoning Atlas Sheet:	AE26
Nature of Application:	1. To vary the "PR2" Parks and Recreation District regulations of The Winnipeg Zoning By-law No. 6400/94: A. For the establishment of proposed parcel plan of survey (Parcels E, F & G) to permit no vehicular access to a public street; B. For the establishment of accessory parking area

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for an existing golf course (Parcels E, F & G) to permit as follows:

i. no front yard instead of 20 feet (6.10 metres)
ii. no west side yard instead of 20 feet (6.10 metres)
iii. no light-proof fence and no landscaping abutting a public street (Dunkirk Drive).

2. To vary the proposed "RM-3" Multiple Family District regulations of The Winnipeg Zoning By-law No. 6400/94 for the construction of a multiple family dwelling for seniors to permit an east side yard of 23.86 feet (7.27 metres) instead of 24.95 feet (7.60 metres).

It is the opinion of the Executive Policy Committee that subject to conditions listed below, if any, this Order meets the statutory criteria of The City of Winnipeg Charter in that it:

(a) is consistent with Plan Winnipeg, and any applicable secondary plan;

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

C.W. Charter Subsection 247(3)

ORDER:

The Executive Policy Committee orders that:

1. The provisions of the "PR2" (Parks and Recreation District) regulations of The Winnipeg Zoning By-law No. 6400/94 are varied on "the land" to permit:

A. A proposed parcel plan of survey (Parcels E, F & G) having no vehicular access to a public street;
B. An accessory parking area for an existing golf course (Parcels E, F & G) having:

i. no front yard
ii. no west side yard

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iii. no light-proof fence and no landscaping abutting a public street (Dunkirk Drive).

2. The provisions of the proposed "RM-3" Multiple Family District regulations of The Winnipeg Zoning By-law No. 6400/94 are varied on "the land" for the construction of a multiple family dwelling for seniors having an east side yard of 23.86 feet (7.27 metres),

subject to the following condition, which the Executive Policy Committee considers necessary to ensure compliance with criteria (a) to (d) above, namely:

1. That if any variance granted by this Order is not established within two (2) years of the date hereof this Order, in respect of that Variance, shall terminate.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: October 20, 2005

CERTIFIED BY:



Jo-Ann Park
Clerk, Executive Policy Committee

HOW TO APPEAL

You may appeal against either the whole of this order or part(s) of it by filing a letter of appeal.

That letter must be submitted in writing, be signed by the appellant, show the printed name of the appellant, contain the mailing address of the appellant, contain the contact telephone number of the appellant, and

(a) be addressed as set out below,

(b) be received at that office not later than 4:30 p.m. on November 7, 2005, [IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 129773/2005D [c/r DASZ 16/2005], give brief reasons for the appeal and must describe whether you appeal the whole order or only part(s) of it.

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Any appeal letters not containing all of the above elements will be rejected by the City Clerk as invalid appeals and will not be heard at an appeal hearing.

You can attend the appeal hearing and speak on issues raised in someone else's appeal, but the appeal committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address:	City Clerk, City of Winnipeg c/o Standing Policy Committee on Property and Development Council Building, 510 Main Street Winnipeg, MB R3B 1B9
Fax:	947-3452
Email:	cfreeman@winnipeg.ca

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:
Tim Krivoshen, Caleb Group of Companies
Darrell Remai, President and CEO, Caleb Group of Companies
Clinton Sahulka, Bering Commercial Real Estate Inc.
Louise Thibeault

In Opposition:
Rick Bochinski, Tennis Manitoba
Don Brehaut
Arlene E. Cameron
Jeanne Cromb
Robert Papineau
Maureen (Mo) Tipples
Harold Westdal

For Information:
Kennedy Andrews
Erika Blackie
Lucille and Ed Butterfield
Laurel Clark
Bruce Dixon
A. Delaney
Amanda Green
Matthew Jordan
Glen Manning
Betty Young

For the City:
Michelle Richard, Senior Planner (Plan Winnipeg), Planning, Property and Development Department
Kevin Lalor, Senior Planner, Planning, Property and Development Department
Kevin Nixon, Park Strategic Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DAV 129773/2005D [c/r DASZ 16/2005]

1. Application dated September 27, 2005
2. Notification of Public Hearing dated September 27, 2005
3a. Title Searches 1353001, 1353003, 1417623, 1802675, 1950038, 1950039, 1950041
3b. Certificate of Titles 778312, 344548, 394251, 419820, 444748, A48026, 488877, 56856, B86080
4. Letter of authorization dated February 9, 2005 from Manager of Real Estate Division, Planning, Property and Development Department, City of Winnipeg, to Caleb Construction Ltd., Attention: Matt Mann, Vice-President, Construction Division
5. Confirmation from the Zoning Development Administrator that the subject property may be posted in substitution for newspaper advertising
6. Misc. Plan Nos. 4750/19, 4750/26
7. Plans, Sheet 1 to 16 inclusive, for File DAV 129773/2005D dated May 11, 2005
8. Report from the Director of Planning, Property and Development dated October 3, 2005
9. Inspection Report
10. Proposed Revision to Plate "A" Land Use Plan Winnipeg submitted by the Planning, Property and Development Department at the public hearing
11. Misc. Plan No. 4750/26 submitted by the Planning, Property and Development Department at the public hearing
12. PowerPoint presentation with respect to the application, submitted by Tim Krivoshen, Caleb Group of Companies, at the public hearing
13. Package including a bound proposal, two brochures, and a list of phone enquiries, submitted by Darrell Remai, Caleb Group of Companies, at the public hearing
14. Communication dated October 2, 2005 from Louise Thibeault in support of the application submitted by Darrell Remai, Caleb Group of Companies, at the public hearing
15. Site Plan submitted by Darrell Remai, Caleb Group of Companies, at the public hearing
16. Communication in opposition to the application submitted by Arlene Cameron at the public hearing
17. Presentation dated October 12, 2005, in opposition to the application submitted by Maureen (Mo) Tipples at the public hearing