Agenda - Council - October 24, 2007

Report - Standing Policy Committee on Property and Development - October 2, 2007

Item No. 5 Zoning Agreement Amendment - 7 Deepwater Cove (Old Kildonan Ward) File ZAA 7/2007

STANDING COMMITTEE RECOMMENDATION:

On October 17, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Committee and submits the following to Council:

1. That Zoning Agreement under File DASZ 26/85 dated February 5, 1986, in respect to Lot 2 on Plan 19970 be amended as follows:

   A. That Clause 2 be replaced with "The principal building located on the lot which backs onto Leila Avenue shall have a minimum rear yard of thirty-four (34) feet."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 26/85 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 - October 2, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 17, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 2 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 7 Deepwater Cove**
(Old Kildonan Ward)
File ZAA 7/2007

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

Prepared by: **Diane Timmins, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **September 24, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement under File DASZ 26/85 dated February 5, 1986, in respect to Lot 2 on Plan 19970 be amended as follows:

   A. That Clause 2 be replaced with "The principal building located on the lot which backs onto Leila Avenue shall have a minimum rear yard of thirty-four (34) feet."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 26/85 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated September 11, 2007.

PUBLIC HEARING SUMMARY

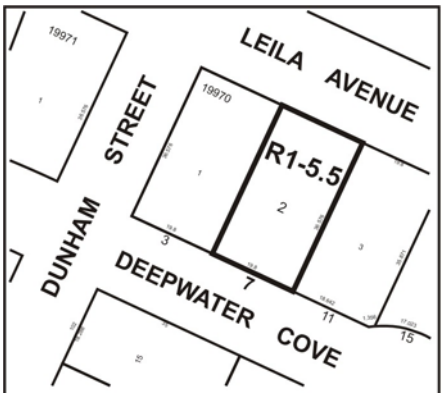
File: ZAA 7/2007

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko
Councillor O'Shaughnessy

Public Hearing: September 18, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: SunShade Products Ltd.

Subject:



Premises Affected: 7 Deepwater Cove

Exhibits Filed:

1. Application dated August 9, 2007
2. Notification of Public Hearing dated August 16, 2007
3. Manitoba Status of Title 14412702
4. Letter of authorization dated July 27, 2007 from Steven Ross Anderson and Marlene Anne Chyzzy to SunShade Products Ltd.
5. Surveyor's Building Location Certificate and sketch dated September 12, 1996
6. Zoning Agreement DASZ 26/85
7. Communication dated June 18, 2007, submitted by the applicant, purporting to contain signatures of two neighbours in support of the application
8. Drawing of the subject property
9. Report from the Planning and Land Use Division dated September 11, 2007
10. Inspection Report

REPRESENTATIONS:

In Support:

Brad DeSerranno

In Opposition

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Brad DeSerranno, the applicant, appearing in support of the application, indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated September 11, 2007.

Exhibit "9" referred to in File ZAA 7/2007

Winnipeg

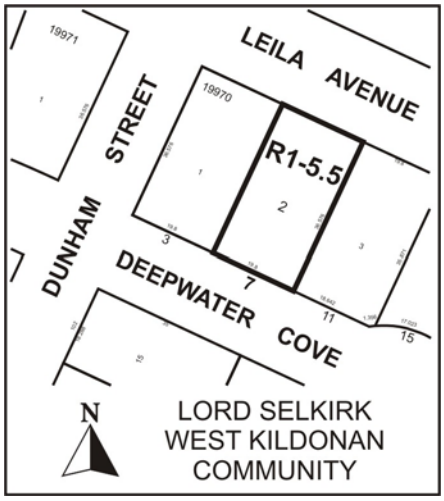
Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **September 11, 2007**
File: **ZAA 06/2007**
Related Files:
Subject: Application to replace clause no.2 that states "Every principle building located on a lot which backs onto Leila Avenue shall have a minimum rear yard of forty-five (45) feet." With "Every principal building located on a lot which backs onto Leila Avenue shall have a minimum rear yard of thirty-four (34) feet."

Location: **7 Deepwater Cove**

Legal Description: **Lot 2, Plan 19970**



Applicant: **Sunshade Products Ltd**

Owner: **Steven Ross Anderson and Marlene Anne Chzzy**

Recommendation: **Approval**

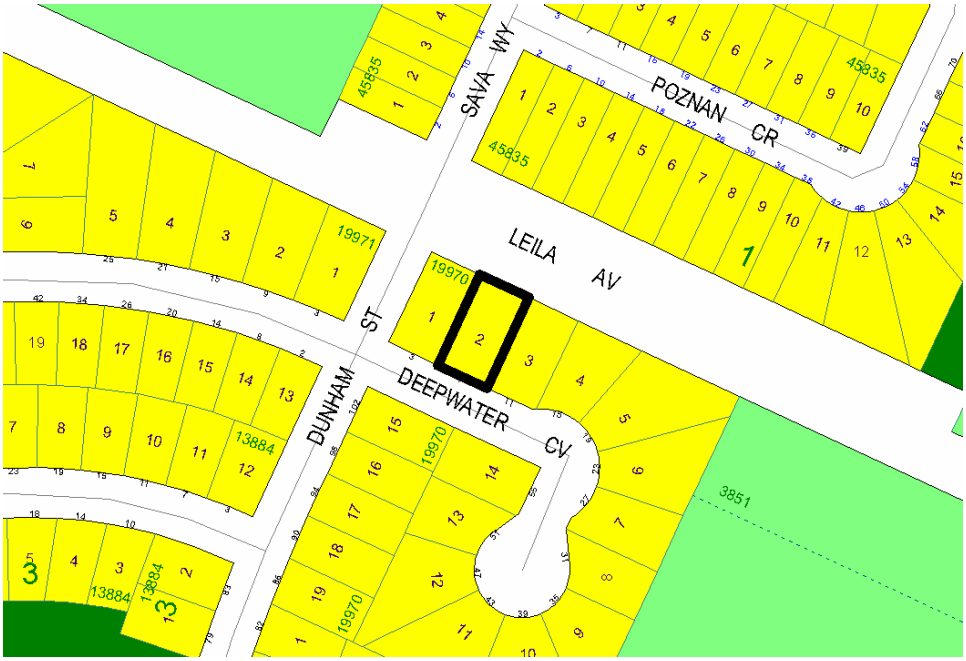
Report Summary:

- **The proposed use is compatible with the area**
- **The proposed use will not have an adverse effect upon adjacent properties**
- **The Planning and Land Use Division recommends that the Zoning Agreement be amended**

Site Description

The subject property, which is zoned "R1-5.5" Residential single family, is located on Deepwater Cove, and baking onto the future Lelia Ave, in the Dufferin neighbourhood of the Mynarski ward.

North: Single Family Residential zoned "R1-4"
South: Single Family Residential zoned "R1-5.5"
East: Single Family Residential zoned "R1-5.5" and Agricultural land zoned "A.5"
West: Single Family Residential zoned "R1-5.5"



Background

The subject property was rezoned in 1985 under file number DASZ 26/85. Pursuant to that application, a zoning agreement was attached as a caveat to several properties that are now described as numbers 3 to 19 Deepwater Cove. The current ZAA only applies to 7 Deepwater Cove.

This zoning agreement included a provision which required a minimum rear yard of (45) forty-five feet. This provision related to traffic noise attenuation in anticipation of Leila Avenue being

constructed as a (4) four lane roadway. The provision was added at the request of the Public Works department.

Description of the Proposed Development

At this time, the applicant wishes to attach a (3) three season sunroom to the existing dwelling at 7 Deepwater Cove. The rear yard to the sunroom will be approximately (34) thirty-four feet instead of (45) forty-five feet.

Analysis

The only concern raised by the Division is the effect of noise on the residents of the dwelling after the construction of Leila Ave. Noise attenuation is normally provided for habitable rooms such as bedrooms, living room, etc. It was questioned whether a 3 season sunroom was considered a habitable room and if it was then it would require noise attenuation. It was concluded that a 3 season sunroom was a semi-outdoor recreation space similar to a roofed deck or verandah and could encroach into the special yard.

Further to this, consultation was undertaken with Public Works (as the special yard requirement was in response to a memo from their department) and they have no objection to the proposed encroachment for the purpose of installing a sunroom.

The clause shall be amended so that it refers only to the lot which was advertised and not every lot which backs onto Leila Avenue. Consultation was undertaken with public works in respect to 7 Deepwater only.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- **Adverse effects from future traffic noise is anticipated to be minimal.**
- **The proposed use is compatible with the area**
- **The proposed use will not have an adverse effect upon adjacent properties**

Recommended Conditions of Approval

1. That Zoning Agreement under File DASZ 26/85 dated February 5, 1986, in respect to Lot 2 on Plan 19970 be amended as follows:

    A. That, Clause 2 be replaced with "The principal building located on the lot which backs onto Leila Avenue shall have a minimum rear yard of thirty-four (34) feet."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 26/85 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.

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

Report Prepared by: Leah Sorohan
PPD File # ZAA 6/07



Figure 1: Aerial Photo (Flown in 2005)