Report - Standing Policy Committee on Property and Development - January 6, 2003

Item No. 12 Proposed Closing - part of Gauvin Street at Lyndale Drive
File DAC 16/2002

STANDING COMMITTEE RECOMMENDATION:

On January 22, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, that the proposed closing under File DAC 16/2002 not be proceeded with.

Report - Standing Policy Committee on Property and Development - January 6, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 6, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 10, 2002, the Riel Community Committee did not concur in the administrative recommendation, and recommended to the Standing Policy Committee on Property and Development that the proposed closing under File DAC 16/2002 not be proceeded with.

PUBLIC HEARING SUMMARY

File: DAC 16/2002

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Vandal

Public Hearing: December 10, 2002
Community Committee Chamber, 604 St. Mary's Road

Applicant: Brock Hamilton
140 Birchdale Avenue
Winnipeg, MB R2H 1S4

Premises Affected: Part of Gauvin Street at Lyndale Drive

Exhibits Filed:

1. Memorandum from the Real Property Officer dated November 25, 2002
2. Report of the Real Property Officer dated November 29, 2002
3. Photograph(s) of the site and Inspection Notice
4. Communication, dated December 5, 2002 from Kesh Ramnarace opposing the application
5. Petition, dated December 5, 2002, submitted by Joel Marcoux purporting to contain the signatures of thirty-three (33) area residents opposing the application

REPRESENTATIONS:

In Support:

Brock Hamilton, 140 Birchdale Avenue, Winnipeg, Manitoba, R2H 1S4

In Opposition:

Lynne Arbez, 38 Gauvin Street, Winnipeg, Manitoba, R2H 1Y3
Alison Demare, 34 Gauvin Street, Winnipeg, Manitoba, R2H 1Y3
George and Helen Bromwell, 657 Lyndale Drive, Winnipeg, Manitoba, R2H 1N7
Glen Horst, 42 Gauvin Street, Winnipeg, Manitoba, R2H 1Y3
Joel Marcoux, 631 Lyndale Drive, Winnipeg, Manitoba, R2H 1N5
Germain J. Simard, 45 Gauvin Street, Winnipeg, Manitoba, R2H 1Y4

P. Colleen Smith, 41 Lloyd Street, Winnipeg, Manitoba, R2H 1Y6
Kesh Ramnarace, 50 Gauvin Street, Winnipeg, Manitoba, R2H 1Y3

For the City:

Glenn Halldorson, Real Property Office, Planning, Property and Development

November 29, 2002

TO THE CHAIRPERSON AND MEMBERS
OF THE RIEL COMMUNITY COMMITTEE

RE: FILE NO. DAC 16/02 – PROPOSED CLOSING OF PART OF GAUVIN STREET AT LYNDALE DRIVE
SAINT BONIFACE WARD

RECOMMENDATION:

That the Community Committee approve the proposed closing and recommend:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with the attached **Schedule "A"** , Misc. Plan No. 11723.

II. That the proper officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

REASON:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

The portion of Gauvin Street proposed to be closed was created in 1950 by the subdivision of the adjacent lands. The land has been used as boulevard since then.

In 1990, Mr. Bruce Hamilton applied to purchase this property for the purpose of building a house. The matter was placed before the Saint Boniface–Saint Vital Community Committee under Application No. DAC 14/92 in September of 1992.

In October of 1992, a petition was submitted to the Land Surveys and Real Estate Department. The petition stated three concerns of those area residents opposed to the closing:

1. that any building erected on the site would would be too small in comparison to the other properties in the vicinity and therefore out of character with the area
2. that the building would back onto Gauvin Street
3. that the building would obstruct the view of the river and Lyndale Drive.

This petition was forwarded to the Community Committee with the recommendation that the closing not be proceeded with, and that the matter be filed. In November of 1992, the Saint Boniface–Saint Vital Community Committee concurred with this recommendation.

The Planning, Property, and Development Department has received a request from Mr. Brock Hamilton (no relation to the previous applicant) to purchase the portion of Gauvin Street identified as "Proposed Closing - DAC 16/2002" on Schedule "A". Mr. Hamilton intends to build a house on the property.

DISCUSSION:

This proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing and sale of the street.

The Transportation Division of the Public Works Department has advised that a portion of the street measured 10 metres along Lyndale Drive and 5 metres along Gauvin Street must remain as boulevard.

Any building proposed for the lot will require zoning variances. The nature of these variances will require approval from the Board of Adjustment.

The Senior Planner for the Community will be consulted concerning the design of the house and its compatibility with the other buildings in the neighbourhood. This will be a very difficult site to work with because of its size and configuration. Any planning assessment will try to ensure:

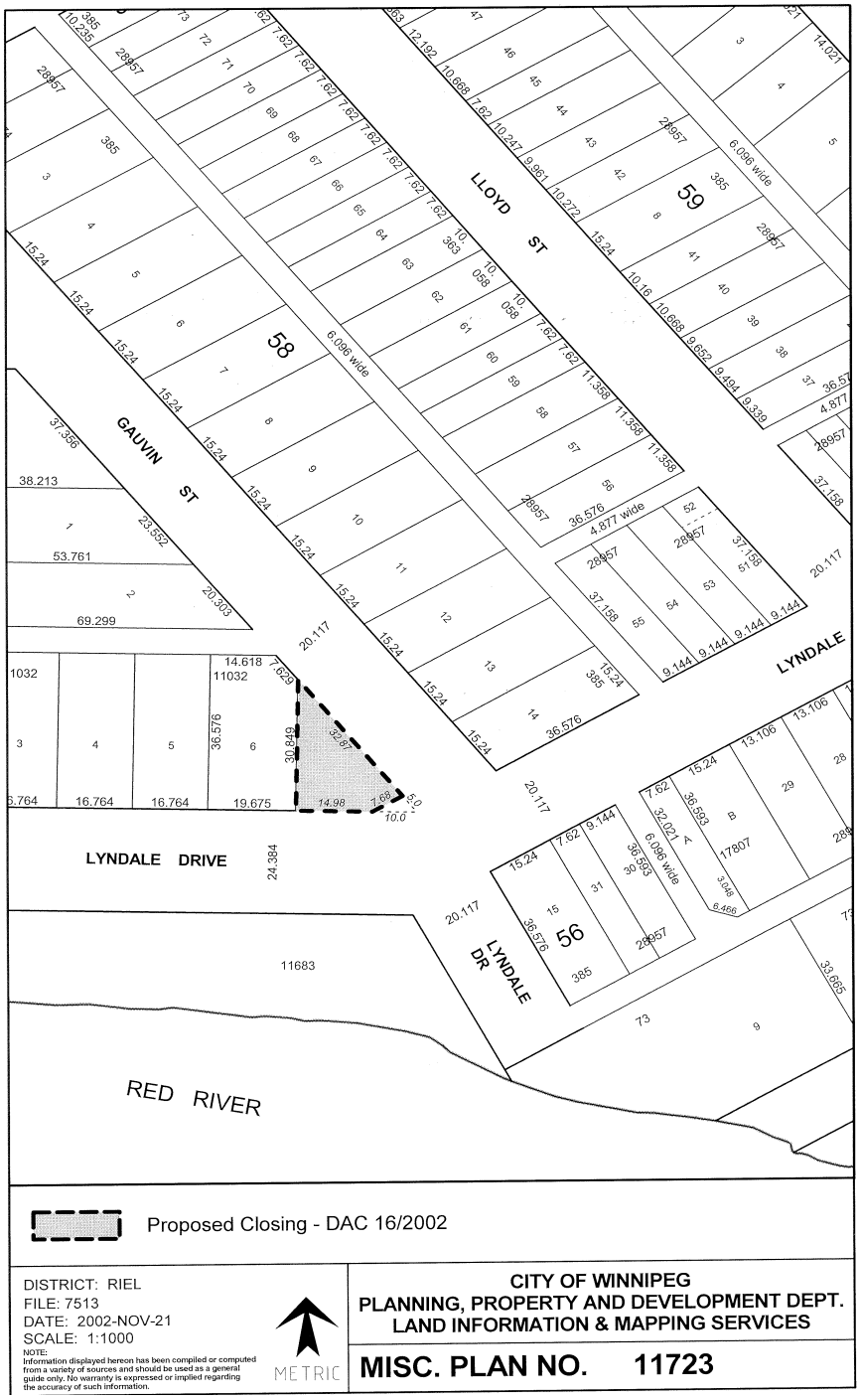
1. that the front yard alignment on Lyndale will be maintained;
2. that the intersection will be safe for traffic; and
3. that there will be minimal impact on the use and enjoyment of existing property.

Notwithstanding these significant challenges, the administration has no objection to Mr. Hamilton exploring the possibilities of building on the lot. Mr. Hamilton has expressed his desire to build a house that will be in keeping with the character of the neighbourhood. The Planning, Property and Development Department will ensure that the final design of his building is appropriate to the area.

Approval of the closing will allow the Planning and Land Use Division to enter into discussions with Mr. Hamilton regarding the building specifications, and will allow the Real Estate Division to determine the value of the land. These are factors that are crucial to Mr. Hamilton's decision making process. If the restrictions on the type of building that will be allowed are not acceptable to him, or if the cost of purchasing the property is prohibitive, Mr. Hamilton will abandon the application to purchase the street and the closing process will be stopped.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. 7513



SCHEDULE "A"
TO THE REPORT TO THE RIEL COMMUNITY COMMITTEE
FOR APPLICATION NO. DAC 16/2002
DATED NOVEMBER 29, 2002