Agenda - Council - January 29, 2003

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

Item No. 13 Proposed Zoning Agreement Amendment - 71 Georgetown Drive File ZAA 11/2002 [c/r DAZ 58/85]

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 Assiniboia Community Committee, and submits the following to Council:

1. That Zoning Agreement DAZ 58/85 (By-law No.7440/99) be amended by adding the following to Clause 2(a):

   "excepting Lot 7, Block 2, Plan 37,403, which shall provide a minimum setback of 22 metres (72 feet) to the principal building."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 58/85 (By-law No. 7440/99) as approved in 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 Act.

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 Assiniboia 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 Assiniboia Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 10, 2002, the Assiniboia Community Committee concurred in the administrative recommendation, and submitted its recommendation to Standing Policy Committee on Property and Development.

RE:	**Proposed Zoning Agreement Amendment - 71 Georgetown Drive ZAA 11/2002 [c/r DAZ 58/85]**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Josie Marques, Clerk, Assiniboia Community Committee**
Report date:	**December 13, 2002**

COMMUNITY COMMITTEE RECOMMENDATION:

The Assiniboia Community Committee concurred in the administrative recommendation and recommends:

1. That Zoning Agreement DAZ 58/85 (By-law No.7440/99) be amended by adding the following to Clause 2(a):

   "excepting Lot 7, Block 2, Plan 37,403, which shall provide a minimum setback of 22 metres (72 feet) to the principal building."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 58/85 (By-law No. 7440/99) as approved in Recommendation I.

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 Act.

The Assiniboia Community Committee provided the following supporting reason(s) for its recommendations:

1. That the Assiniboia Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use.

PUBLIC HEARING SUMMARY

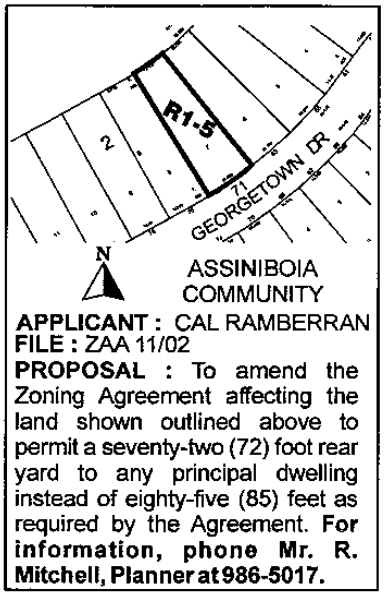
File: ZAA 11/2002 [c/r DAZ 58/85]

Before: Assiniboia Community Committee
Councillor Eadie, Chairperson
Councillor Clement
Councillor De Smedt

Hearing: December 10, 2002
Community Committee Chamber, 2000 Portage Avenue

Applicant: Cal Ramerran
71 Georgetown Drive
Winnipeg, MB R3Y lR8

Subject:



Premises Affected: 71 Georgetown Drive

Exhibits Filed:
1. Application dated November 5, 2002
2 Notification of Public Hearing to Applicant dated November 13, 2002
3. Manitoba Status of Title 1711185
4. Surveyor's Building Location Certificate and Sketch dated March 1, 2000
5. Letter of Authorization
6. Rear Elevation and Site Plans (comprising of 2 pages)

7. Report of the Manager of Planning and Land Use dated November 25, 2002
8. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS;

In Support:

Rishi Ramberran, 71 Georgetown Drive, Winnipeg, R3Y 1R8

In Opposition:

Nil

For the City:

John S. Wintrup , Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

Rishi Ramberran appeared in support of the application.

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-3684

File No. ZAA 11/02
Our c/f CP 500 (.647)

November 25, 2002

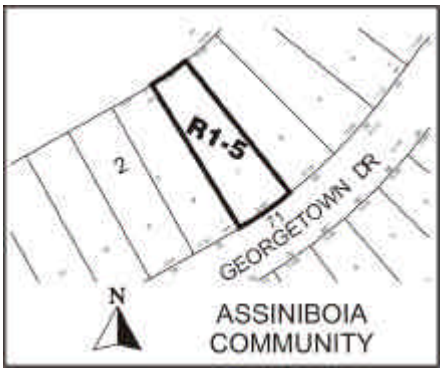
Ms. Josie Marques, Community Clerk
Assiniboia Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

ZONING AGREEMENT AMENDMENT
71 Georgetown Drive
Assiniboia Community
File No. ZAA 11/02

An application has been received from Calega Krishna Ramberran, to amend the Zoning Agreement affecting the property shown below by amending Clause 2 of By-Law 7440/94 to exempt the subject property from the rear yard requirement of 85 feet to any principal building.

RELATED FILES: N/A



SITE DESCRIPTION:

Dimensions: lake lot: approx. 65 feet across front, 180 feet deep, narrowing to 44 feet at normal water level.

Site Area: about 9,900 square feet.

Existing Land Use and Zoning: single-family house zoned "R1-5" Single-Family Residential District.

DEVELOPMENT DESCRIPTION:

The lake lot contains a bungalow with walkout basement. The house was constructed with a deck (balcony) off the rear of the house at the main floor level. The deck, as initially constructed, provided a 72-foot rear yard. Normally the subject deck would be considered part of the principal building for zoning purposes. However, according to the Zoning Administrator, at the time of house construction decks were not considered part of the "principal building" for purposes of interpreting the Zoning Agreement. The reasoning was that the substantial rear yard of 85 feet was really intended to guard against basement flooding from the adjacent lake.

The subject ZAA was considered necessary as the applicant proceeded to enlarge the deck (from about 390 square feet to about 520 square feet) and enclose about 460 square feet of the surface with what appears to be a year-round Florida room. These improvements were undertaken without the necessary permits and *did* serve to expand the principal building into the 85-foot building setback. Stairs were also added to gain access to the rear yard. The attached digital photos show the extent of the work and the relationship of the property to the adjacent houses on Georgetown.

ADMINISTRATIVE COMMENTS:

The retention lake set backs were established by the Water and Waste Department in order to protect private property from potential lake flooding and to guard against related legal and financial repercussions. However, as the subject structure is elevated, flooding of the living space is not an issue. From a planning perspective, the building addition does not have a detrimental impact on adjacent properties except possibly in reducing the viewing angle from the adjacent properties. The denial of this application would require the applicant to demolish the structure, which is too severe a penalty for the infraction. Hopefully the actions of the applicant will not encourage others to undertake similar expansions.

RECOMMENDATION:

I. That Zoning Agreement DAZ 58/85 (By-Law #7440/99) be amended by adding the following to Clause 2(a): ***excepting Lot 7, Block 2, Plan 37,403, which shall provide a minimum setback of 22 metres (72 feet) to the principal building.***

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 58/85 (By-Law #7440/99) as approved in aforesaid Clause I.

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

IV. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Yours truly,

V. Buckley
Manager of Planning and Land Use

Per: Ross Mitchell, Senior Planner
(Assiniboia Community)
986-5017

/mf

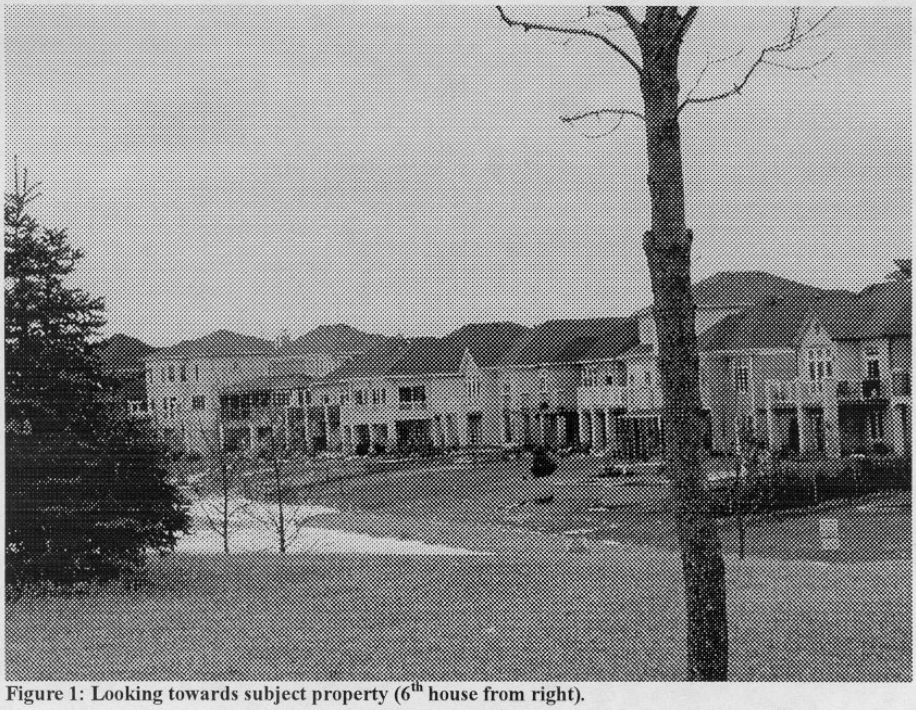


Figure 1: Looking towards subject property (6th house from right).

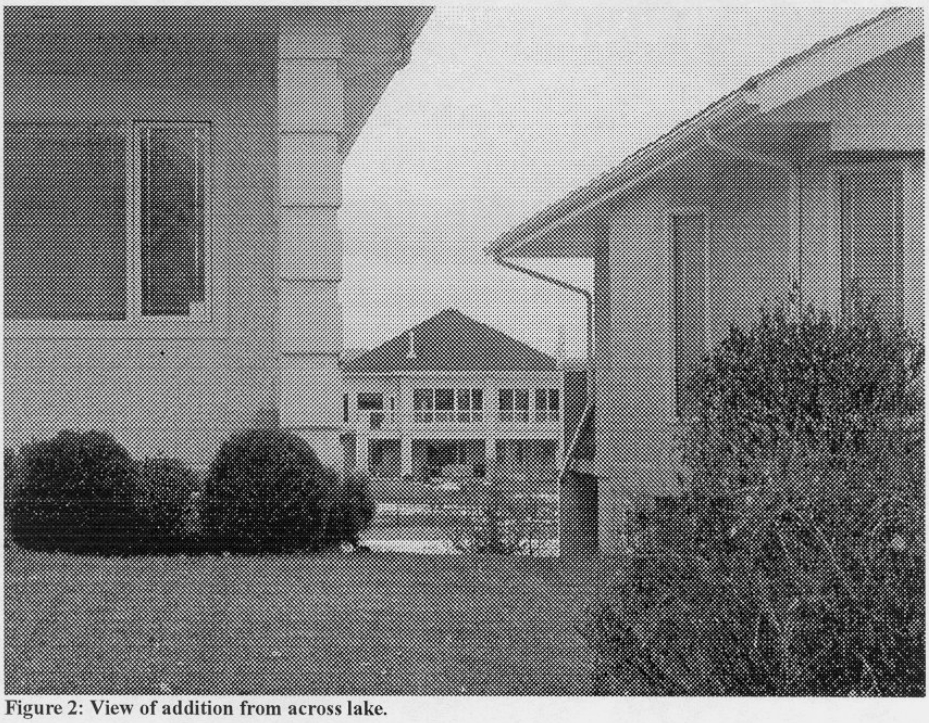
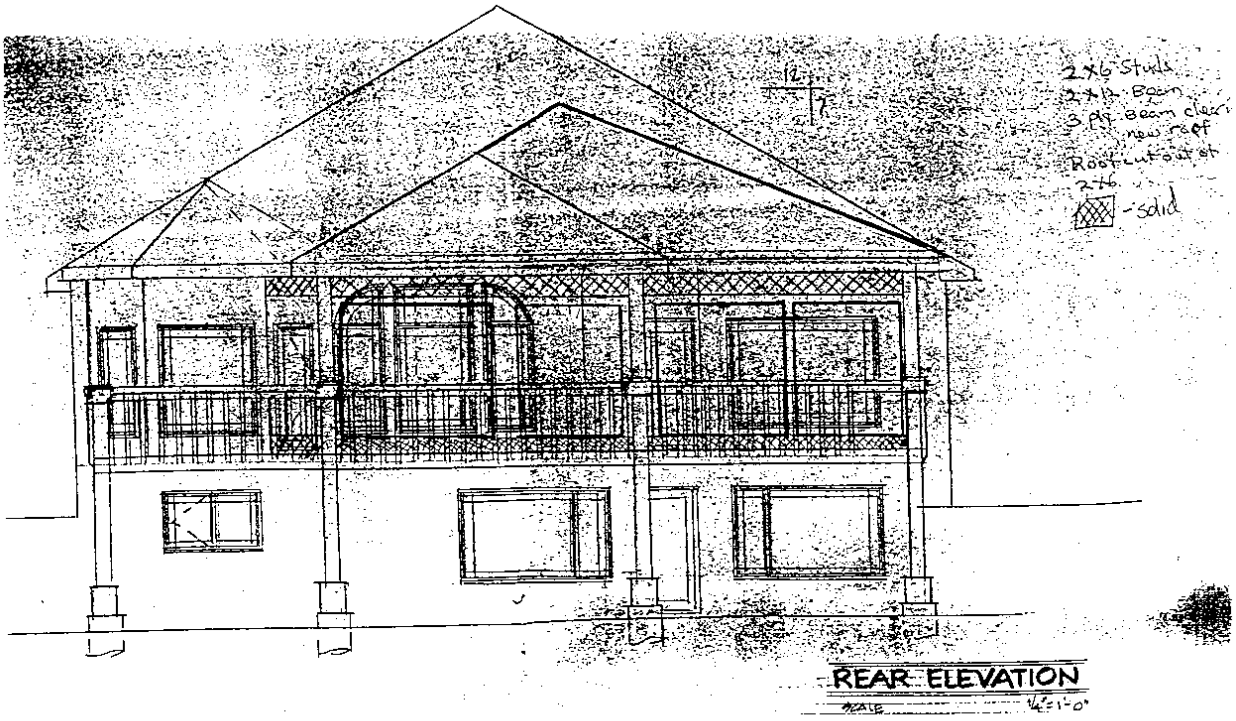


Figure 2: View of addition from across lake.

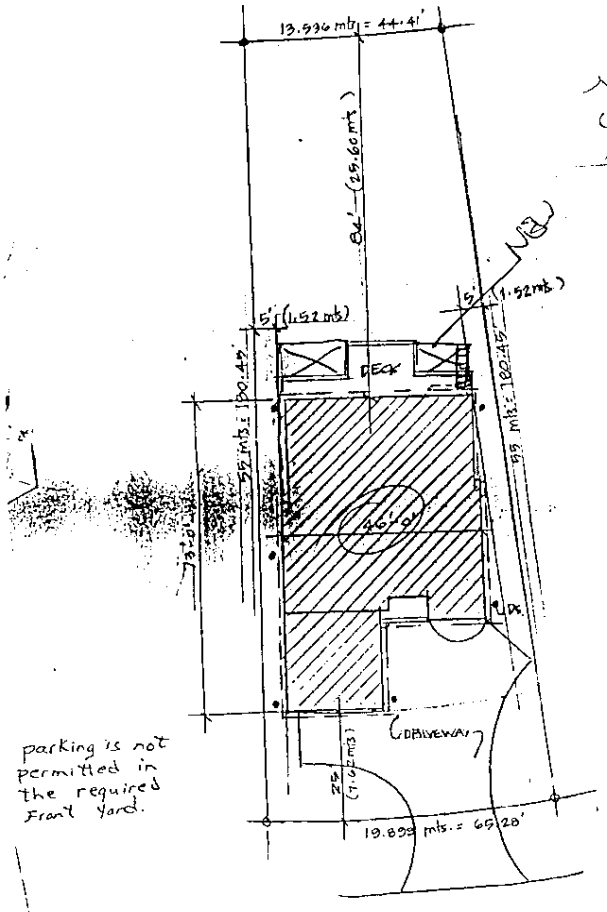


BALCONY TO BE ENCLOSED

Construct Addition
Contact Caleca Ramberran at 889-0683. Enclose a 17 wide by 12 ft deep portion of an existing covered 2nd level balcony and enclose and cover an existing 14.5' wide by 5 ft deep open 2nd level balcony.

02 240468 000 00 HO

71 Georgetown DR



Note:
Walk Out
Basement

LOT NO. 7
BLOCK NO. 2
Plan 37403.

parking is not permitted in the required Front Yard.

71 GEORGTOWN DRIVE

SITE PLAN
SCALE 1" = 20'-0"