Agenda – Council – September 24, 2008

Report - Executive Policy Committee - September 3, 2008

Item No. 1 Zoning Agreement Amendment – 52 Chadwick Crescent (Transcona Ward) File ZAA 10/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 3, 2008, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the Zoning Agreement under File DASZ 42/1987 dated May 26, 1999 (By-law No. 7450/1999), be amended as follows:

   A. That Clause 2 be deleted and the following substituted therefore:

      All habitable building(s) constructed or erected on any lot which backs onto the Perimeter Highway shall provide a minimum rear yard setback of 123 feet.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 42/1987 (By-law No. 7450/1999) 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 - Executive Policy Committee - September 3, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 3, 2008, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 7, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Zoning Agreement Amendment – 52 Chadwick Crescent**
File ZAA 10/2008

For submission to: **Executive Policy Committee**

Prepared by: **Monique Wright, Clerk**
East Kildonan-Transcona Community Committee

Report date: **July 9, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 7, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the Zoning Agreement under File DASZ 42/1987 dated May 26, 1999 (By-law No. 7450/1999), be amended as follows:

    A. That Clause 2 be deleted and the following substituted therefore:

    All habitable building(s) constructed or erected on any lot which backs onto the Perimeter Highway shall provide a minimum rear yard setback of 123 feet.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 42/1987 (By-Law No. 7450/1999) 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 East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated June 25, 2008.

2. This is a straightforward application to accommodate a sunroom addition only.

PUBLIC HEARING SUMMARY

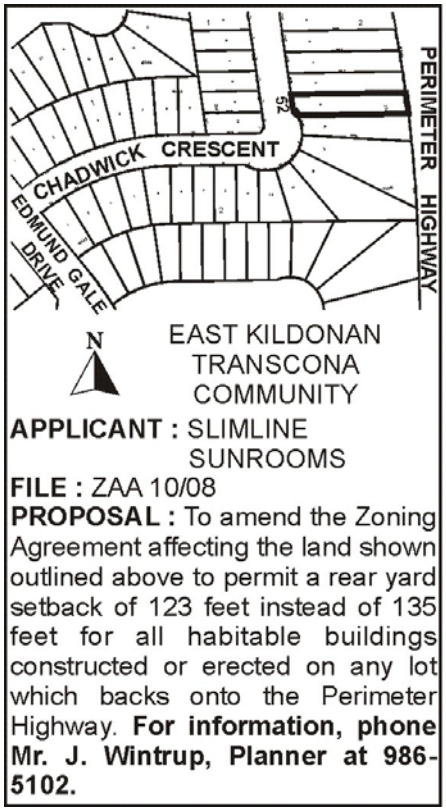
File: ZAA 10/2008

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Browaty
Councillor Thomas

Public Hearing: July 7, 2008
755 Henderson Highway

Applicant: Slimline Sunrooms (Florence Jonasson)

Subject:



Premises Affected: 52 Chadwick Crescent

Exhibits Filed:

1. Application dated May 28, 2008
2. Notification of Public Hearing dated June 3, 2008
3. Manitoba Status of Title 2035982
4. Letter of authorization dated May 8, 2008 from William and Lynne Selbie to Slimline Sunrooms
5. Variance Order DAV 563/1999B
6. Zoning Agreement dated May 31, 1989
7. City of Winnipeg By-law No. 7437/1999
8. City of Winnipeg By-law No. 7450/1999
9. Site Plan
10. Plan
11. Report from the Planning and Land Use Division dated June 25, 2008
12. Inspection Report
13. Audio Recording of representations of Public Hearing

REPRESENTATIONS:

In Support:

Florence Jonasson

In Opposition:

Nil

For Information:

Nil

For the City:

John Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "11" referred to in File ZAA 10/2008

Winnipeg

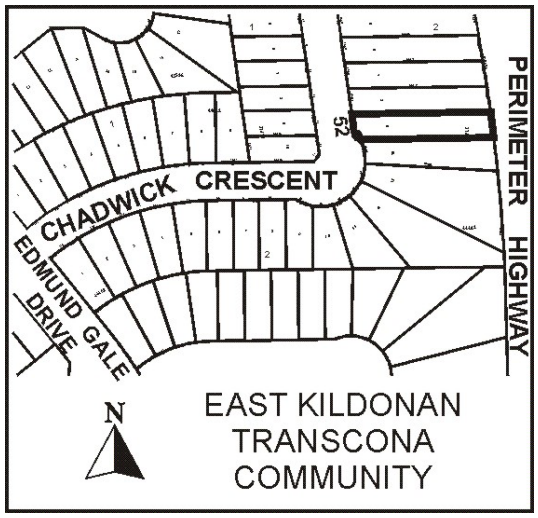
Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 25, 2008**
File: **ZAA 10/2008**
Related Files: **DASZ 42/87; ZAA 16/05**

Subject: **Amend Zoning Agreement to allow a reduced rear yard setback for a sunroom**

Location: **52 Chadwick Crescent**



Applicant: **Slimline Sunrooms**
601 Washington Avenue

Owner: **WILLIAM & LYNNE SELBIE**

Recommendation: **Approval**

Report Summary:

- The applicant is proposing to develop a sunroom attached to a single family dwelling that backs onto the Perimeter Highway as part of Canterbury Park.

- The applicant would like to reduce the required rear yard setback.
- The Manitoba Highway Traffic Board has indicated that a 60 foot building setback for principle buildings and a 10 foot setback for accessory buildings is acceptable.

Site Description

The subject property is approximately **8,663 sq. ft** located on the east side of Chadwick Crescent in the Canterbury Park neighbourhood of the Transcona Ward. The site is zoned **"R1-M" Single Family District** and is occupied by a single family dwelling. Adjacent lands include single family dwellings. Surrounding uses include the PTH 101 – Perimeter Highway to the east.

Background

DASZ 42/87
Canterbury Park was approved in principle by Council on August 2, 1989 under **DASZ 42/87.** The subdivision plan provides for approximately **1300** single family lots, two school sites and **26 acres** of park land covering **238 acres** of land. The plan was approved for **nine (9)** stages and allows the applicant to proceed with the stages with by-law approvals from Council on a needed basis.

ZAA 16/05
Novamet Development Corporation proposed to develop single family residential lots that back onto the Perimeter Highway along Neves Bay, Claeys Crescent & south Chadwick Crescent as part of Canterbury Park. The rear yards along the Perimeter Highway were reduced to a minimum rear yard setback of 60 feet.

Description of the Proposed Development

The applicant intends to erect a 12 foot by 12 foot sunroom at the rear of their home that will be 123 feet from the rear property line.

Analysis

ZONING

- **"R1-M" Residential Single-Family District** minimum lot sizes of 3,500 square feet are required. Side yards of 4 feet are required. Front yard requirements are 15 feet; rear yard requirements are 25 feet. Maximum building height is 35 feet.

- Zoning Agreement **No. 2404871** establishes rear yard setback for houses against the Perimeter Highway at 135 feet.

INFRASTRUCTURE IMPACTS
The Manitoba Highway Traffic Board has indicated in a letter dated March 28, 2006 to **Novamet Development Corporation** as part of ZAA 16/2005 that a 60 foot building setback for principle buildings and a 10 foot setback for accessory buildings is acceptable. The City of Winnipeg Public Works Transportation Division has no objection to the proposed reduction.

Recommendation

For the reduction of the buffer between the Perimeter Highway and adjacent dwellings, the applicant requires the following clause, which establishes the separation distance as 135 feet from the right-of-way, be ***deleted*** from the Zoning Agreement:

2. *Every habitable building constructed or located on a lot backing onto the Perimeter Highway shall have a minimum rear yard of 41 m (135 feet).*

The clause should be replaced with a separation distance of 60 feet as measured from the right-of-way. This would be consistent with the requirements as set out by Manitoba Highway Traffic Board.

Recommended Conditions of Approval

1. That Zoning Agreement under File DASZ 42/1987 dated May 26, 1999 (By-law 7450/1999), be amended as follows:

    A. That Clause 2 be deleted and the following substituted therefore:

    All habitable building(s) constructed or erected on any lot which backs onto the Perimeter Highway shall provide a minimum rear yard setback of 123 feet.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 42/1987 (By-Law No. 7450/1999) 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: John S. Wintrup
PPD File # ZAA 10/2008



Figure 1: Existing Land-Uses for subject property and Surrounding Area.

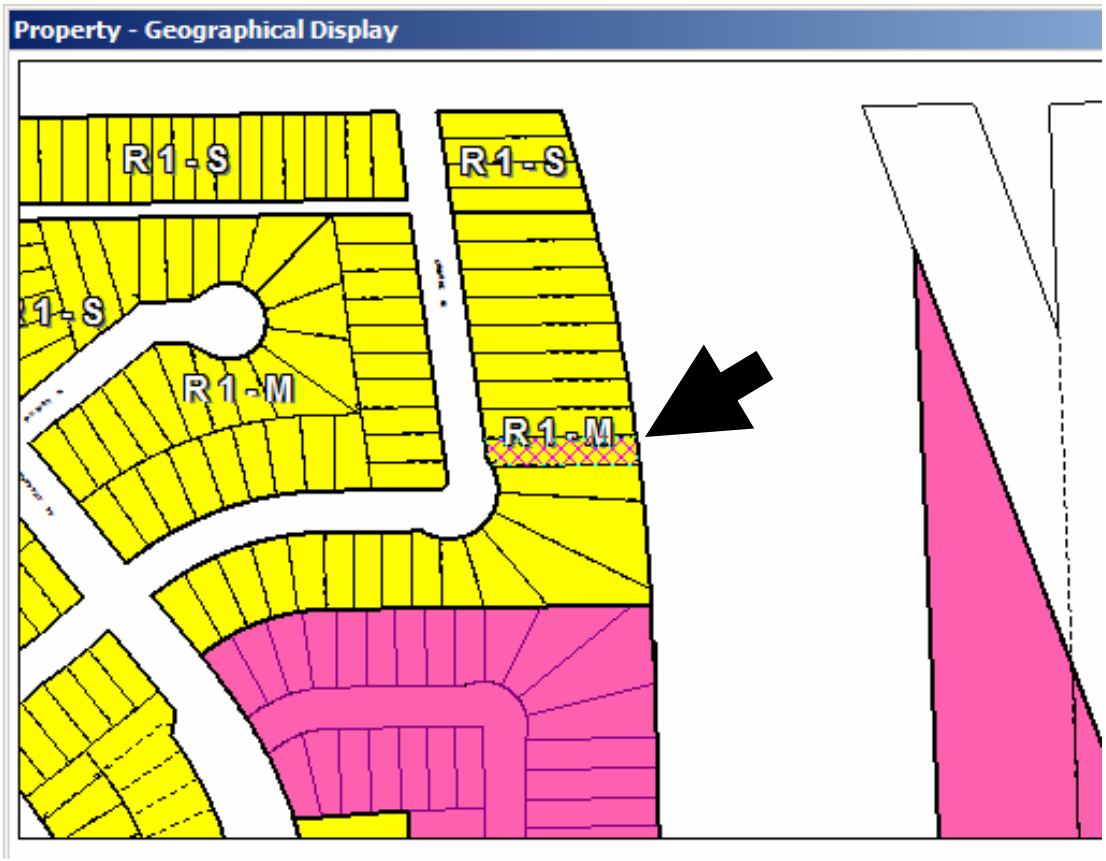


Figure 2: Existing Zoning for subject property and Surrounding Area.

Exhibit "10" referred to in File ZAA 10/2008

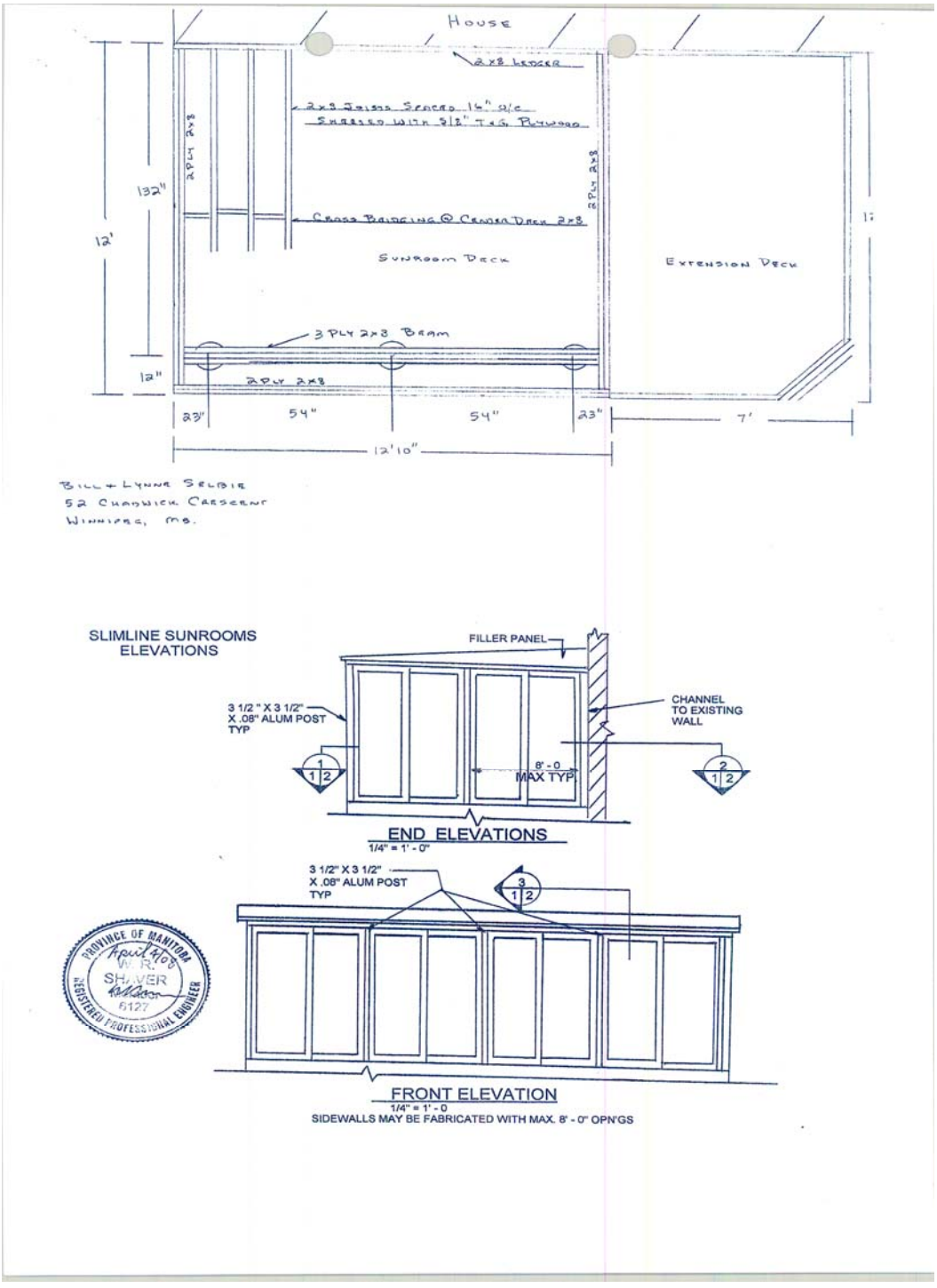


Exhibit “9” referred to in File ZAA 10/2008

