Minutes - Standing Policy Committee on Property and Development - April 8, 2003

REPORTS

Minute No. 230 Appeal - Winnipeg Zoning By-law - 653 St. Anne's Road File EZ-DAZ(35) (Vol. 2)

STANDING COMMITTEE RECOMMENDATION:

The Standing Policy Committee on Property and Development adjourned the appeal hearing to its September 2, 2003 meeting.

DECISION MAKING HISTORY:

Larry J. Bird, Monk Goodwin, Barristers, Solicitors and Attorneys-at-Law, on behalf of Raymond Gagnon and Yolande Gagnon, appealed the Order dated February 20, 2003 from the Chief Zoning Officer, Planning, Property and Development Department, regarding provisions of the Winnipeg Zoning By-law for the premises located at 653 St. Anne's Road.

The Order stated:

- Obtain development and building permits for the relocation of the dwelling and deck by March 31, 2003, and,

- Complete the relocation of the dwelling and deck by September 30, 2003

Moved by Councillor Eadie,

That Rule 9.3 of the Procedure By-law be suspended in order that the following item, which was received too late to be placed on the regular agenda, be considered by Committee.

Carried

Larry J. Bird, Monk Goodwin, Barristers Solicitors and Attorneys-at-Law, submitted a communication dated April 1, 2003, requesting that the appeal hearing be adjourned to provide the parties with an opportunity to consider and structure a resolution of all matters at issue.

Moved by Councillor Eadie,

That the appeal hearing be adjourned to the Standing Policy Committee on Property and Development meeting to be held on September 2, 2003

Carried

In reply please refer to / Référence à rappeler :

Jamie Newton
(204) 986-986-7764
Fax / TJlJc. : (204) 986-6347
ZPB 5.5

Certified Mail No. LC 037 277 214

February 20, 2003

Raymond and Yolande Gagnon
653 St. Anne's Road
Winnipeg, MB R2M 3G6

Dear Sir or Madam:

RE: 653 ST. ANNE'S ROAD

A search at Winnipeg Land Titles Office reveals that you are the registered owners of 653 St. Anne's Road. A Building Location Certificate submitted to this office dated October 21, 2001 confirms that the dwelling provides a 0.66 foot rear yard instead of 12 feet as permitted under DAV 521/00B, and the deck and dwelling eave encroach onto the public reserve located to the east.

An application to vary Zoning By-Law No. 6400/94 made by the law firm of Tupper and Adams, to permit the maintenance of the dwelling providing no rear yard (eave and deck encroaching) was **rejected** by the Director of Planning, Property and Development on November 20, 2002. No appeal was filed.

As of this date, all avenues for an appeal have been exhausted. The construction of the aforementioned dwelling and deck are in violation of Zoning By-Law No. 6400/94. As the property owner, you are ultimately responsible for compliance with this by-law.

Therefore, pursuant to Subsection 140 (2)(a)(ii) of Zoning By-Law No. 6400/94, you are hereby **ORDERED TO:**

- Obtain development and building permits for the relocation of the dwelling and deck

  By **March 31, 2003.**

  And, Complete the relocation of the dwelling and deck.

  By **September 30, 2003**

Failure to comply with this Order, in full or in part, will result in legal action being initiated against you. Your cooperation in complying with the above requirements will make such action unnecessary.

Should you wish to appeal this order, and in accordance with subsection 140(5)(a) of Zoning By-Law No. 6400/94, you may direct a written appeal within fifteen (15) days of receipt of this order, including the appellant's signature, printed name, mailing address, contact telephone number and a brief reason(s) for the appeal to:

Ms. Jo-Ann Park, Committee Clerk

City Clerk's Department

Standing Committees Division

Property and Development

Council Building

510 Main Street

Winnipeg, Manitoba

R3B 1B9

Should further information be required with respect to these matters, please contact Mr. Jamie Newton, Zoning Field Officer, at 986-7764.

Yours truly,

Tom Brzozowski
Chief Zoning Officer

TB/ka
V:\ZPB 5 - RIEL\5.5 Zoning Violations\St Anne's 653 .03 TB.doc

cc: B. Thorgrimson, Zoning & Permits Administrator
R. Jubinville, Supervisor of Enforcement
G. Steeves, Councillor
Jo-Ann Park, Committee Clerk

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'03 FEB 19 P4:26

Hand Delivered

February 19, 2003

Ms. Jo-Anne Park, Committee Clerk
City Clerks Department
Standing Committees Division
Property and Development
Counsel Building
510 Main Street
Winnipeg, Manitoba
R3B 1B9

Dear Madam:

Re: 653 St. Anne's Road

This shall serve as notice of our appeal of an Order issued by the City of Winnipeg requiring us to obtain a Development and Building Permit for the relocation of the dwelling and deck by March 3, 2003 and the completion of the relocation of the dwelling and deck by September 3, 2003, with respect to our property known as 653 St. Anne's Road.

The Appellants' mailing address and phone number are:

653 St. Anne's Road
Winnipeg, Manitoba R2M 3G6

Phone: 253-4359

The Appellants are appealing the whole Order on the basis that the Order is not supportable or necessary when all of the facts concerning this matter are considered, together with such other reasons that may be raised at the hearing of this appeal.

Yours truly,

Raymond Gagnon

Yolande Gagnon

ROBERT HUCAL
RICHARD N. HOESCHEN
ERNEST M. SHEWCHUK
BARRY L. GORLICK, Q.C.
BENJAMIN R. HECHT
REMO P. DE SORDI
SANDRA A. ZINCHUK
DOMINIQUE J. ALFORD **
YENNY TRINH

DAVID WOLINSKY *
CHARLES J. PHELAN, Q.C. *
JAMES H. DIXON
LARRY J. BIRD
RHONDA M. HERCUS
MICHEL L.J. CHARTIER
PETER GINAKES
TED SPYRACOPOULOS

* ALSO OF SASKATCHEWAN BAR
** ALSO OF ALBERTA BAR

HENRY B. MONK, Q.C. (1903-1996)
R.R. GOODWIN, Q.C. (1903-1984)
MAX WOLINSKY, Q.C. (1907-1969)
LAURENT J. ROY, Q.C. (1942-2002)

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MONK, GOODWIN

BARRISTERS, SOLICITORS & ATTORNEYS-AT-LAW

800 - 444 ST. MARY AVENUE
WINNIPEG, MANITOBA
R3C 3T1

TELEPHONE (204) 956-1060
EXT. 211
TELECOPIER (204) 957-0423

FILE NO. 16431-1/J

Hand Delivered

February 19, 2003

Ms. Jo-Anne Park, Committee Clerk
City Clerks Department
Standing Committees Division
Property and Development
Counsel Building
510 Main Street
Winnipeg, Manitoba
R3B 1B9

Dear Madam:

Re: 653 St. Anne's Road - Gagnon

Please be advised that we are solicitors for Mr. and Mrs. Gagnon, in respect of the appeal that is being concurrently filed with this correspondence, with respect to an Order that was issued by the City of Winnipeg for the subject property as referenced in the appeal. We would ask that you proceed to provide us with a copy of the notice concerning the time and place of the appeal hearing. Thank you.

Yours truly,

MONK, GOODWIN
Per:

Larry J. Bird
lbird@monkgoodwin.com

LJB/to
Encl.

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MAR 3

Hand Delivered

February 24, 2003

Ms. Jo-Anne Park, Committee Clerk
City Clerks Department
Standing Committees Division
Property and Development
Council Building
510 Main Street
Winnipeg, Manitoba
R3B 1B9

Dear Madam:

Re: 653 St. Anne's Road

This shall serve as notice of our appeal of an Order pursuant to correspondence dated February 20, 2003, issued by the City of Winnipeg requiring us to obtain a Development and Builder Permit for the relocation of the dwelling and deck by March 31, 2003 and the completion of the relocation of the dwelling and deck by September 30, 2003, with respect to our property commonly known as 653 St. Anne's Road.

The Appellants' mailing address and phone number are:

653 St. Anne's Road
Winnipeg, Manitoba R2M 3G6

Phone: 253-4359

The Appellants are appealing the whole Order on the basis that the Order is not supportable or necessary when all of the facts concerning this matter are considered, together with such other reasons that may be raised at the hearing of this appeal.

Yours truly,

Raymond Gagnon

Yolande Gagnon

ROBERT HUCAL
RICHARD N. HOESCHEN
ERNEST M. SHEWCHUK
BARRY L. GORLICK, Q.C.
BENJAMIN R. HECHT
REMO P. DE SORDI
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LAURENT J. ROY, Q.C. (1942-2002)

MONK, GOODWIN

BARRISTERS, SOLICITORS & ATTORNEYS-AT-LAW

800 - 444 ST. MARY AVENUE
WINNIPEG, MANITOBA
R3C 3T1

TELEPHONE (204) 956-1060
EXT. 211
TELECOPIER (204) 957-0423

FILE NO.
16431-1/J

Hand Delivered

March 4, 2003

Ms. Jo-Anne Park, Committee Clerk
City Clerks Department
Standing Committees Division
Property and Development
Council Building
510 Main Street
Winnipeg, Manitoba
R3B 1B9

Dear Madam:

Re: 653 St. Anne's Road

We refer to correspondence issued by the City of Winnipeg dated February 20, 2003 with respect to the above noted property. We enclose a copy of Mr. and Mrs. Gagnon's appeal of that Order which is being hand delivered to you on today's date. We had previously filed a form of appeal and record your letter of February 20, 2003 setting the appeal hearing date for April 8, 2003. We have filed this additional appeal out of an abundance of caution to ensure no party takes issue with the form of appeal that had previously been filed.

This will confirm that the writer will be in attendance on the April 8, 2003 appeal date. Thank you for your attention to this matter.

Yours truly,
MONK, GOODWIN
Per:

Larry J. Bird
lbird@monkgoodwin.com

LJB/to
Encl.

ROBERT HUCAL
RICHARD N. HOESCHEN
ERNEST M. SHEWCHUK
BARRY L. GORLICK, Q.C.
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LAURENT J. ROY, Q.C. (1942-2002)

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MONK, GOODWIN

BARRISTERS, SOLICITORS & ATTORNEYS-AT-LAW

800 - 444 ST. MARY AVENUE
WINNIPEG, MANITOBA
R3C 3T1

TELEPHONE (204) 956-1060
EXT. 211
TELECOPIER (204) 957-0423

FILE NO. 16431-1/J

Sent Via Fax - 947-3452 and Delivered

April 1, 2003

Ms. Jo-Anne Park, Committee Clerk
City Clerks Department
Standing Committees Division
Property and Development
Council Building
510 Main Street
Winnipeg, Manitoba
R3B 1B9

Dear Madam:

Re: Appeal - Winnipeg Zoning By-Law - 653 St. Anne's Road
Your File No. EZ-DAZ(35)(Vol. 2)

We would confirm that we are solicitors for Raymond Gagnon and Yolande Gagnon concerning the appeal that has been filed with respect to the above noted, which is scheduled to be heard on Tuesday, April 8, 2003 at 9:00 a.m.

Please advise the Standing Policy Committee and Property and Development that we will be requesting that the hearing of this appeal be adjourned to provide the parties with an opportunity to consider and structure a resolution of all matters at issue.

If you have any questions in that regard or require anything further from us, please do not hesitate to contact us.

Yours truly,
MONK, GOODWIN
Per:

Larry J. Bird
lbird@monkgoodwin.com

LJB/to
Encl.