Agenda - Council - April 30, 2003

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

Item No. 5 Proposed Zoning Agreement Amendment - Drobot Place, Lots 1 to 5, Block 2, Plan 40727
File ZAA 1/2003

STANDING COMMITTEE RECOMMENDATION:

On April 23, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That Zoning Agreement DASZ 24/94 (By-law No. 8057/2002) dated September 27, 1995 be amended to permit a rear yard setback of 15.24 metres (50 feet) instead of 17.5 metres (57.4 feet) on Lots 1-5, Block 2, Plan 40727.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 24/94 (By-law No. 8057/2002) dated, as approved in Recommendation No. 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.

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 23, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 8, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 18, 2003, the East Kildonan-Transcona Community Committee did not concur in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Proposed Zoning Agreement Amendment - Drobot Place, Lots 1 to 5, Block 2, Plan 40727**
File ZAA 1/2003

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

Prepared by: **Inga K. Skundberg, Clerk, East Kildonan-Transcona Community Committee**

Report date: **March 26, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The East Kildonan-Transcona Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement DASZ 24/94 (By-law No. 8057/02) dated September 27, 1995 be amended to permit a rear yard setback of 15.24 metres (50 feet) instead of 17.5 metres (57.4 feet) on Lots 1 to 5, Block 2, Plan 40727.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 24/94 (By-law No. 8057/2002) dated, as approved in Recommendation No. 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 reason(s) for its recommendations:

1. The 7.4 foot difference in rear yard setback will not make a discernable difference.

2. The subject application is compatible with the surrounding area.

PUBLIC HEARING SUMMARY

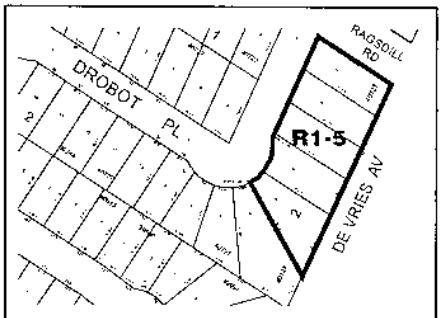
File: ZAA 1/2003

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

Public Hearing: March 18, 2003
Helen Mayba Theatre, Miles Macdonell Collegiate
757 Roch Street

Applicant: 3848397 Manitoba Ltd. (Doug Henne)
917 Simpson Avenue
Winnipeg, MB R2K 2S5

Subject:



EAST KILDONAN
TRANSCONA
COMMUNITY

APPLICANT : 3848397 MANITOBA LTD.

FILE : ZAA 1/03

PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above to permit a rear yard setback of 15.24 metres (50 feet) on all lots abutting De Vries Avenue instead of 17.5 metres (57.4 feet) as required by the Agreement. **For information, phone Mr. J. Wintrup, Planner at 986-5102**

Premises Affected: Drobot Place, Lots 1 to5, Block 2, Plan 40727

Exhibits Filed:

1. Application dated January 10, 2003
2. Advertising notice dated February 21, 2003
3. Manitoba Status of Titles 1884341, 1884342, 1884344, 1884346 and 1884347
4. Zoning Agreement DASZ 24/94 (Phase II) and Caveat
5. Plan
6. Report from the Manager of Planning and Land Use dated March 4, 2003
7. Photograph(s) of the Site and Inspection Notice

REPRESENTATIONS:

In Support:

Doug Henne, 917 Simpson Avenue, Winnipeg, Manitoba, R2K 2S5

In Opposition:

Nil

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSONS
MADE AT THE PUBLIC HEARING

Doug Henne appeared in support of the application. He advised that although the lots have been actively marketed, every lot in the subdivision has been sold except the subject 5 lots. He indicated that the applicant hoped buyers would reconfigure house plans to take advantage of the extra lot width however potential clients have found difficulty in fitting their dream homes on the lots because of their depth. In this connection, he advised that the applicant is in receipt of a offer from a builder for all 5 lots subject to the setback being amended to permit a rear yard of 15.24 metres (50 feet) instead of 17.5 metres (57.4 feet).

Doug Henne advised that City Administration has indicated concern that a reduced rear yard setback would likely lead to increased traffic noise complaints as the houses would back onto Lagimodiere Boulevard. He expressed his opinion that a setback of 7.5 feet would not be a noticeable noise difference and that potential owners would be aware that the houses back onto Lagimodiere Boulevard and the related traffic corridor.

In reply please refer to / Référence à rappeler :

John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. ZAA 1 / 03 March 4, 2003
Our c/f CP 500 (.419)

Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

ZONING AGREEMENT AMENDMENT
DROBOT PLACE
LOTS 1-5, BLOCK 2, PLAN 40727
East Kildonan - Transcona
File No. ZAA 1 / 02

An application has been received from Doug Henne on behalf of 3848397 Manitoba Ltd, to amend the Zoning Agreement affecting the property shown below to permit a minimum rear yard setback of 15.24 metres (50 feet) instead of 17.5 metres (57.4 feet) on all lots lying west of De Vries Avenue as required by the Agreement.

RELATED FILES: DASZ 24/94, DASZ 6/98, DASZ 13/00, ZAA 7/01



SITE DESCRIPTION:

Dimensions:

77.10 metres (252.97 feet) frontage on Drobot Place, 99.76 metres (327.3 feet) backing on De Vries Avenue, and 41.41 metres (135.88 feet) wide flankage along Ragsdill Road.

- Lots 1-3: 17 metres (55 feet) frontage on Drobot Place
- Lot 4: 18.099 metres (59.37 feet) frontage on Drobot
- Lot 5: 8.01 metres (26.27 feet) frontage on Drobot

Existing Land Use and Zoning:

Lots 1-5, BLOCK 2, PLAN 40727 are vacant lands designated "R1-5" Single Family District.

Surrounding Land Use and Zoning:

North: Across Ragsdill Road, designated "A-5" and occupied by single family dwellings.
South: Single family dwellings zoned "R1-4.5" and "R1-5" with rear yards adjacent to De Vries Avenue. Lot 6 of BLOCK 2, DASZ 24/94 occupied by single family dwelling.
East: Across De Vries Avenue, Lagimodiere Boulevard.
West: Across Drobot Place, vacant lots that are 51 foot by 110 foot lots zoned "R1-5" with 20 foot front yards and 25 foot rear yards. One lot has a single family dwelling.

DEVELOPMENT DESCRIPTION:

The applicant is proposing to reduce the special rear yard setback of 54.7 feet down to 50 feet for lots adjacent to De Vries Avenue. This will allow for a buildable area of 66 feet on the lots instead of 58.6 feet.

ADMINISTRATIVE COMMENTS:

The bulk regulations for all single family districts in By-Law 6400/ 94 provide rear yards of 25 feet.

There are 15 residential lots that back along DeVries Avenue between McIvor Avenue and Ragsdill Road. Lots 1-5, BLOCK 2, DASZ 6/98 are located on the northwest corner of McIvor Avenue and De Vries Avenue along Strongberg Drive; Lots 6-9, BLOCK 2, DASZ 13/00 are located along the north end of Strongberg Drive; and Lots 1-6, BLOCK 2, DASZ 24/94 are located on the southwest corner of Ragsdill Road and De Vries Avenue along Drobot Place.

Zoning Agreements as part of the original subdivisions are in place for all 15 lots adjacent to De Vries. They require a minimum rear yard setback of 17.5 metres (57.4 feet) instead of the typical

25 feet. This special rear yard setback was established to increase the separation distance between DeVries Avenue / Lagimodiere Blvd. and the residential dwellings in order to alleviate the residents from traffic noises. A sound attenuation fence 2.0 metres in height has also been constructed as part of the agreement to provide a buffer against the traffic noise volumes.

A recent Zoning Agreement Amendment (ZAA 7/2001) reduced the special yard requirement for three (3) lots in Block 2, DASZ 6/98 on the northwest corner of McIvor Avenue and De Vries Avenue along Strongberg Drive. The Division supported this application because De Vries Avenue curves west away Lagimodiere Boulevard, thus providing an increased separation distance from traffic. Lot 1 has a rear yard setback of 42.0 feet; lot 2 has a rear yard setback of 43.0 feet; and lot 3 has a rear yard setback of 52 feet to allow for a building footprint of 54 feet. These lots are approximately 38 metres (124 feet) in length – smaller than the subject properties.

The remaining six (6) lots fronting Strongberg Drive are all occupied with recently constructed single family dwellings that have the 57.4 foot special yard setback. These lots range in length from 44 to 51 metres (144 to 167 feet) in length – larger than the subject properties with buildable areas of 66 feet to 92 feet.

The applicant states that the special yard setback of 57.4 feet combined with the required 20 foot front yard setback on a 135 foot long lot allows for only a buildable area of 58.6 feet. The applicant believes the standard house design of today requires a building footprint of approximately 65 feet. The applicant further states that prospective buyers and builders have been reluctant to compromise the interior design configurations of potential houses to meet the required front and rear yard setbacks. The applicant would like to reduce the special rear yard by 7.4 feet to increase the buildable area to 66 feet to allow for a building foot print of 65 feet that is marketable to interested owners.

Public Works Department, Transportation Division, objects to any reduction in the minimum rear yard as it will lead to increased traffic noise levels being experienced by the residents of the dwelling located on the subject lot which may lead to complaints regarding traffic noise. The minimum rear yard has been planned taking into account future traffic volumes of De Vries Avenue and Lagimodiere.

The Planning and Land-Use Division believes both the applicant and the Public Works Department each have legitimate concerns regarding the size of the rear yards. Reducing the rear yard to 50 feet instead of 57.4 feet may impact the quality of life for the future residents of the lots. Nevertheless, the future owners of the lots will more than likely be aware that their houses back onto Lagimodiere Blvd since this traffic corridor is nearly fully developed. Maintaining the special yard of 57.4 feet may in fact be deterring potential owners from purchasing the lots. A smaller house may also not be marketable at this time in this area. Then again, there are currently a number of interior lots in the subdivision that remain vacant where a larger house can be constructed.

The Division, however, examines the facts of this application: the existing lot configuration does not physically prevent a habitable single family dwelling from being constructed on the subject

properties. Smaller houses (54 foot footprint as demonstrated along Strongberg Drive) can physically be constructed on the subject properties. Furthermore, considering the locational characteristics of the area, smaller residential dwellings for the subject properties would be considered a reasonable response to the locational characteristics of the site.

For these reasons, it is recommended that the application be denied. However, should the EKT Community Committee wish to approve this application, the following recommendations are made:

RECOMMENDATION:

I. That Zoning Agreement DASZ 24/94 (By-Law 8057/02), dated September 27, 1995 be amended to permit a rear yard setback of of 15.24 metres (50 feet) instead of 17.5 metres (57.4 feet) on Lots 1-5, BLOCK 2, PLAN 40727

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 24/94 (By-Law 8057/02), dated, 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.

Final Draft

Yours truly,

V. Buckley
Manager of Planning and Land Use

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Per: John S. Wintrup, Planner
East Kildonan – Transcona Community
986-5102

JSW/jsw

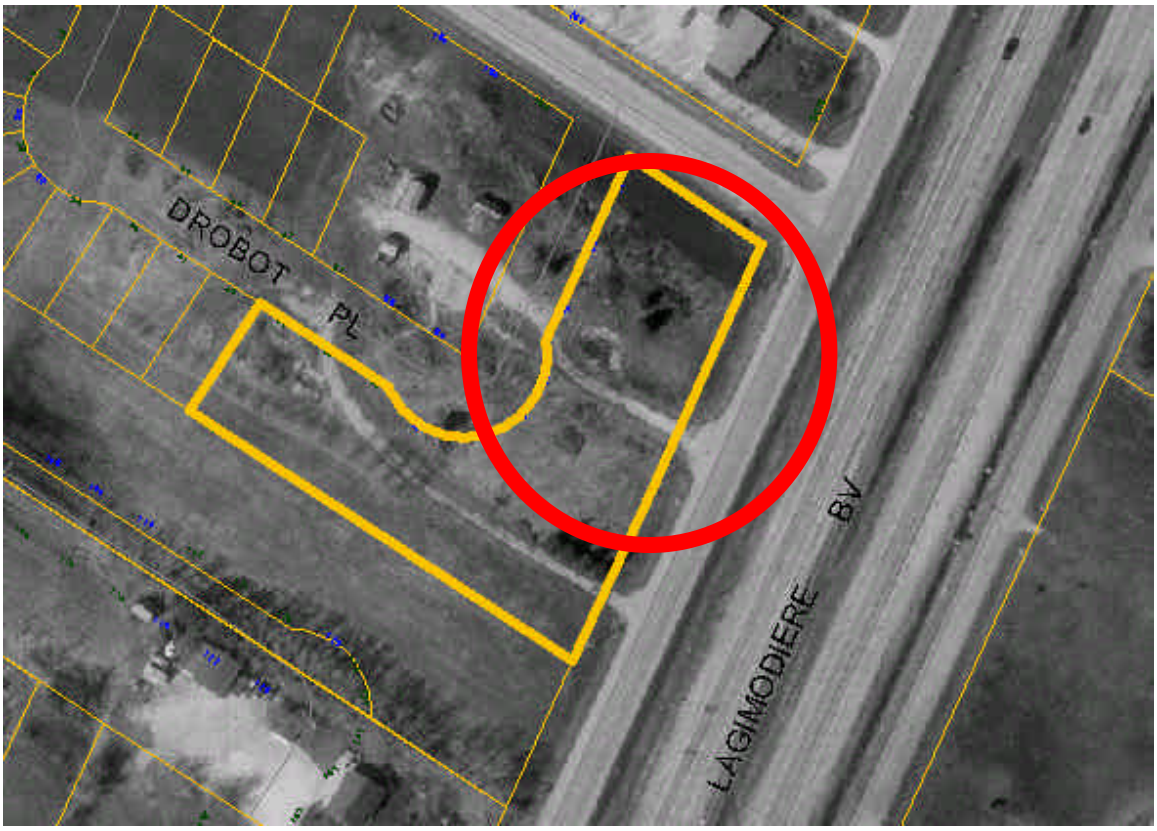


Figure 1: Air Photo of Subject Properties and Surrounding Context

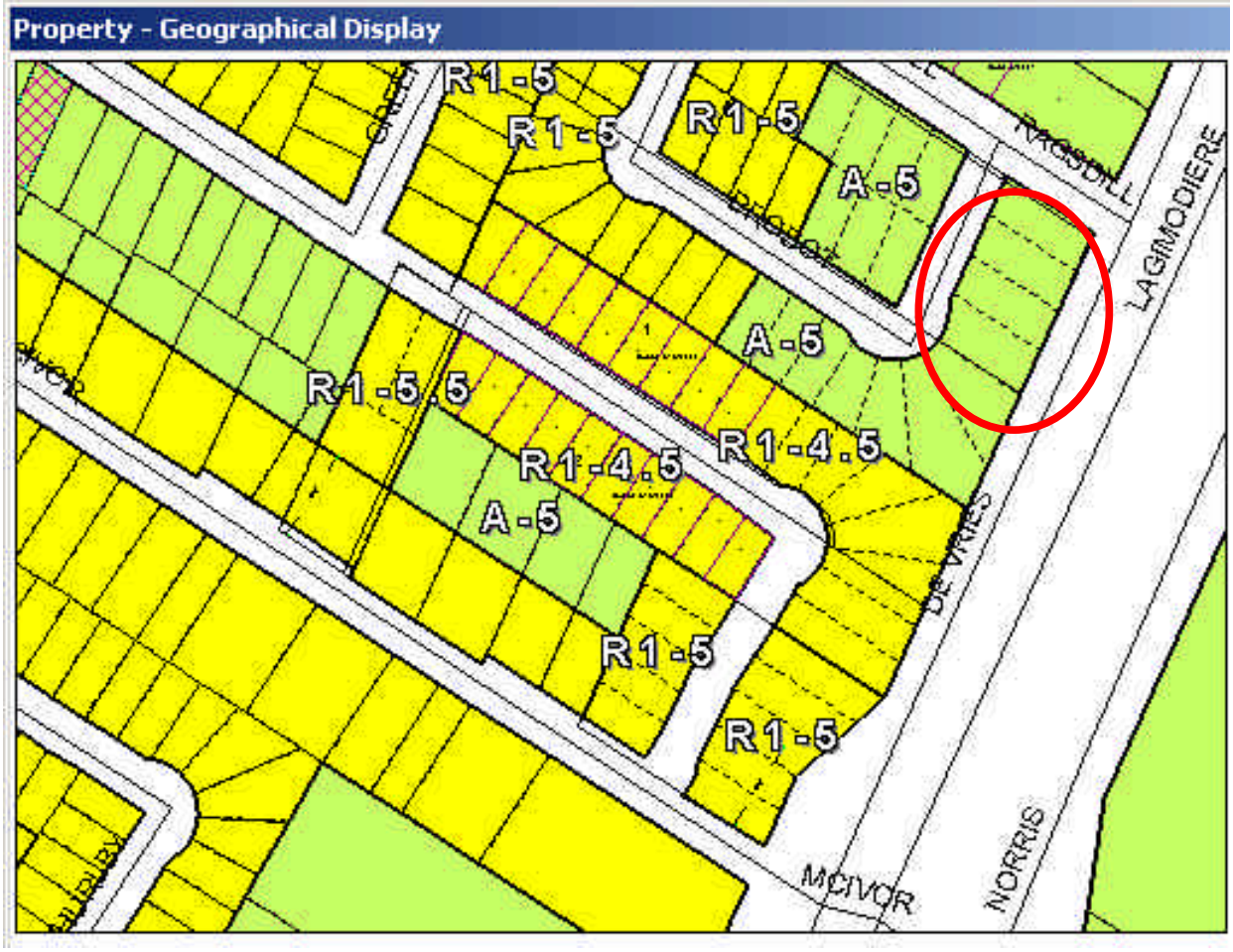


Figure 2: Zoning Map of Subject Properties and Surrounding Context (note: the "A-5" lands along Drobot have been redesignated "R1-5").

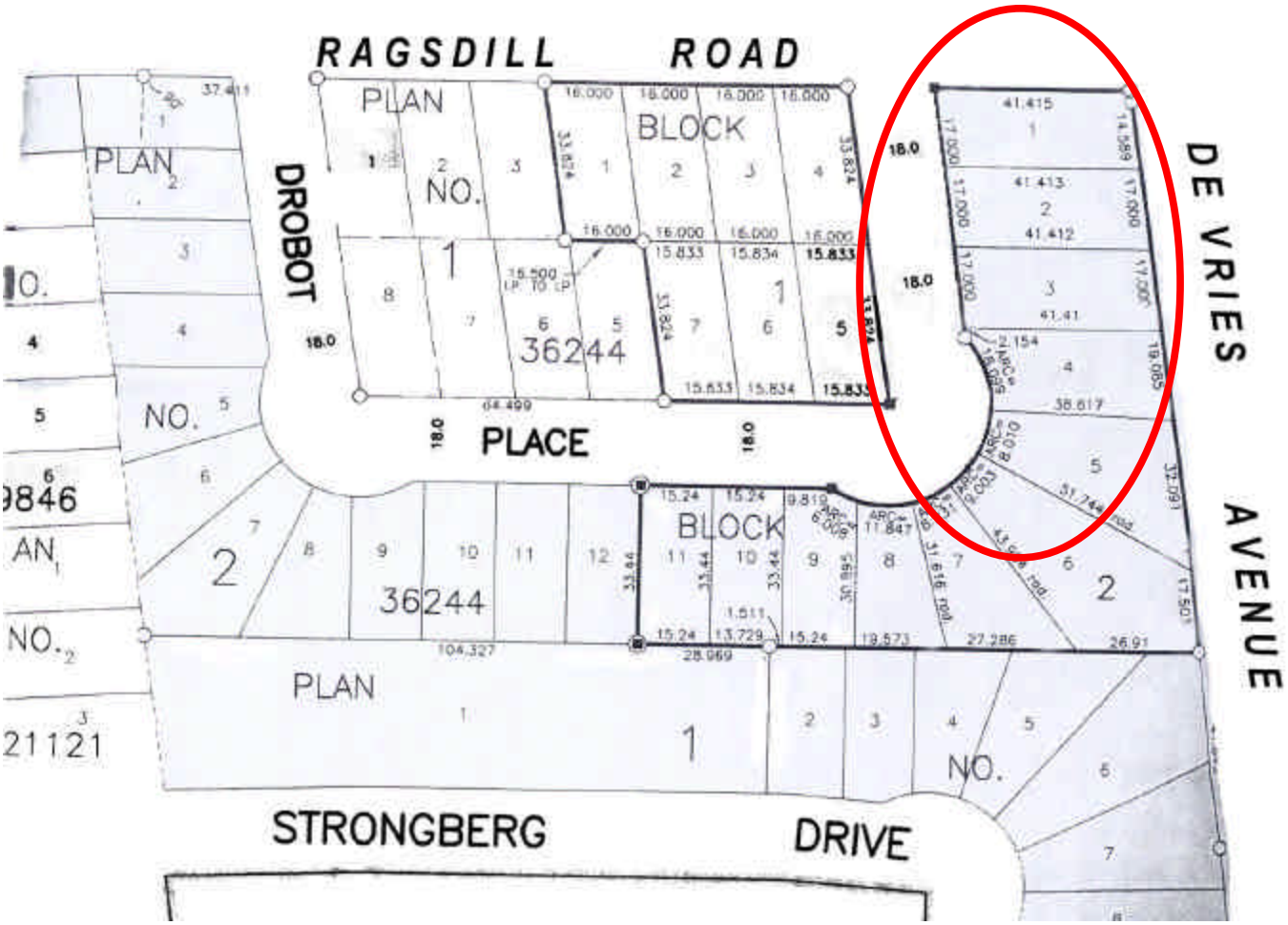


Figure 3: DASZ 24/1994, Blocks 1 and 2

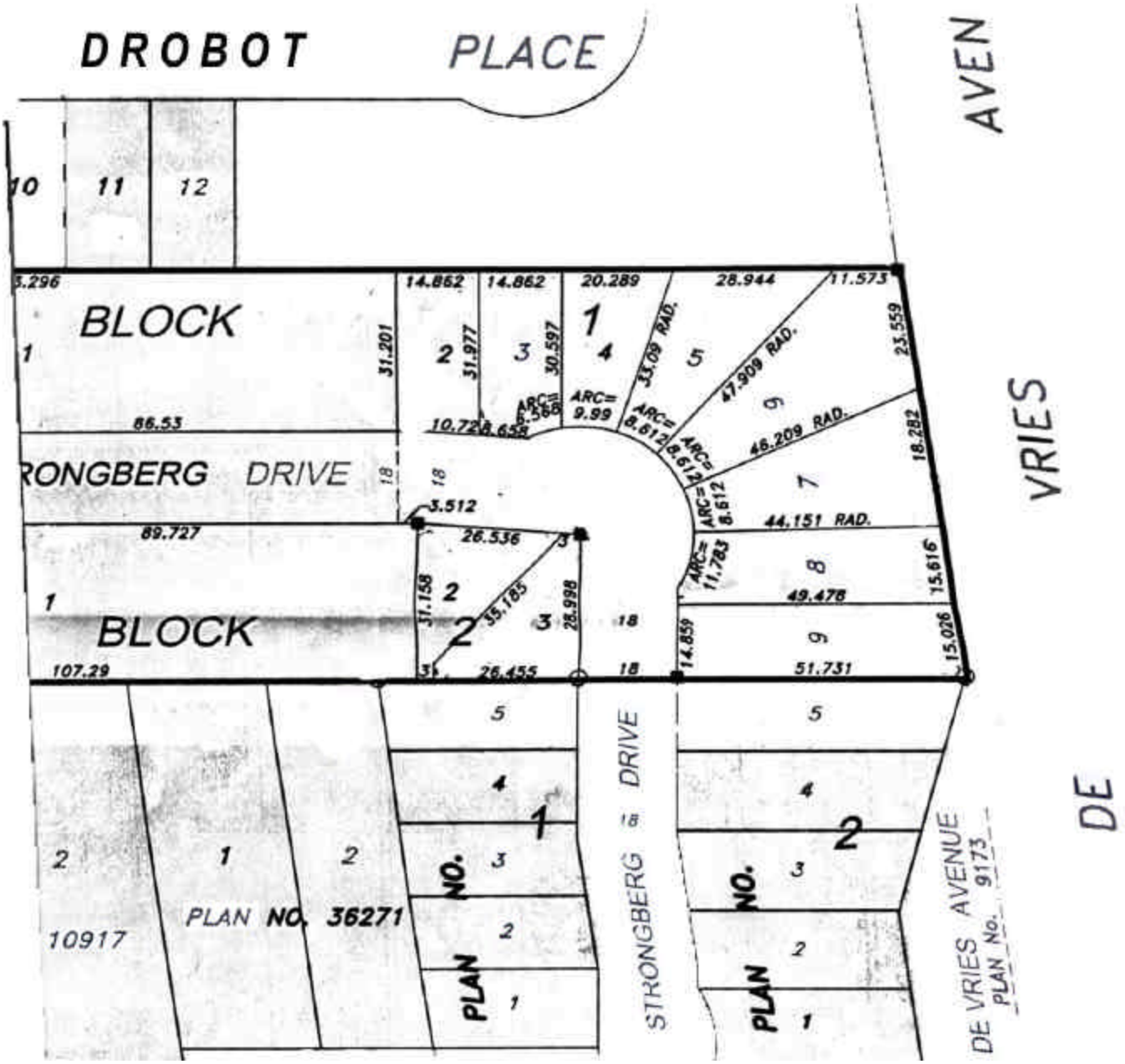


Figure 4: DASZ 13/2000, Blocks 1 and 2

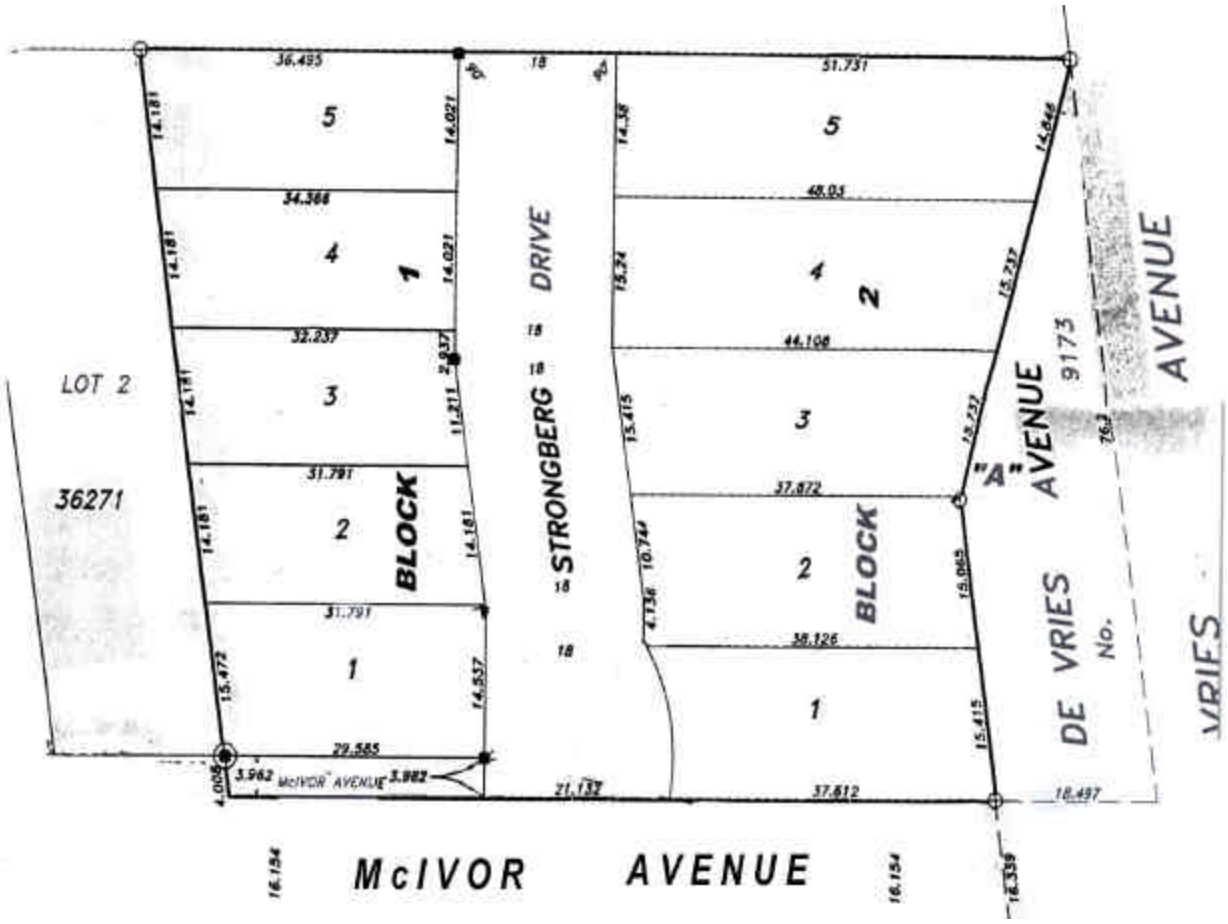


Figure 5: DASZ 6/1998, Blocks 1 and 2