Agenda - Council – July 20, 2011

Report - Standing Policy Committee on Property and Development – July 15, 2011

Item No. 6 Zoning Agreement Amendment – 20 Basel Avenue (Old Kildonan Ward) File ZAA 4/2011

STANDING COMMITTEE RECOMMENDATION:

On July 15, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That Zoning Agreement DASZ 7/2006, dated August 21, 2006 (By-law No. 140/2006), be amended as follows:

   A. That Clause 3 be deleted and the following substituted therefore:

      "3. All single-family residential lots backing onto Leila Avenue are to be established with a minimum rear yard setback of 17.5 metres, except that a minimum rear yard setback of 13.7 metres may be established on Lot 6, Block 2, Plan 45427 WLTO provided that any structure less than 17.5 metres from the rear property line of Lot 6, Block 2, Plan 45427 WLTO has a height no greater than the height of the existing sunroom plus 0.3 metres."

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 7/2006 (By-law No. 140/2006), 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development – July 15, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 15, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 15, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2011, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment, namely:

- Delete Clause 3 and substitute the following:
  "3. All single-family residential lots backing onto Leila Avenue are to be established with a minimum rear yard setback of 17.5 metres, except that a minimum rear yard setback of 13.7 metres may be established on Lot 6, Block 2, Plan 45427 WLTO provided that any structure less than 17.5 metres from the rear property line of Lot 6, Block 2, Plan 45427 WLTO has a height no greater than the height of the existing sunroom plus 0.3 metres",

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment – 20 Basel Avenue**
File ZAA 4/2011

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

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk - West Kildonan Community Committee

Report date: **July 6, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2011, the Lord Selkirk - West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement DASZ 7/2006, dated August 21, 2006 (By-law 140/2006), be amended as follows:
   A. That Clause 3 be deleted and the following substituted therefore:
      "3. All single-family residential lots backing onto Leila Avenue are to be established with a minimum rear yard setback of 17.5 metres, except that a minimum rear yard setback of 13.7 metres may be established on Lot 6, Block 2, Plan 45427 WLTO provided that any structure less than 17.5 metres from the rear property line of Lot 6, Block 2, Plan 45427 WLTO has a height no greater than the height of the existing sunroom plus 0.3 metres.",
      ~~***3. All single-family residential lots backing onto Leila Avenue are to be established with a minimum rear yard setback of 17.5 metres, except that a minimum rear yard setback of 13.7 metres may be established on Lot 6, Block 2, Plan 45427 WLTO***~~.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 7/2006 (By-law 140/2006), 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Lord Selkirk - West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk - West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated June 28, 2011.

PUBLIC HEARING SUMMARY

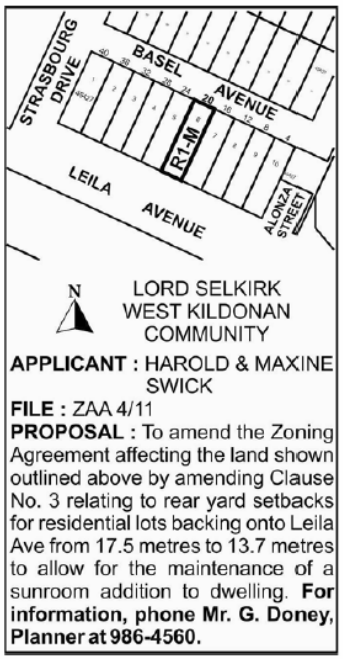
File: ZAA 4/2011

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Eadie, Chairperson
Councillor Pagtakhan
Councillor Sharma

Public Hearing: July 5, 2011
North Committee Room
Council Building, 510 Main Street

Applicant: Harold & Maxine Swick

Subject:



Premises Affected: 20 Basel Avenue

Exhibits Filed:

1. Application dated April 21, 2011
2. Notification of Public Hearing dated May 10, 2011
3. Manitoba Status of Title 2205211
4. Surveyor's Building Location Certificate and sketch dated January 30, 2011
5. Caveat No. 3350202 dated September 13, 2006
6. Report from the Planning and Land Use Division dated June 28, 2011

7. Inspection Report
8. Audio Recording of representations of public hearing held on July 5, 2011

REPRESENTATIONS:

In Support:

Mike O'Shaughnessy
Harold Swick

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File ZAA 4/2011

ADMINISTRATIVE REPORT

Title: ZAA 4/2011 – 20 Basel Avenue

Issue: application to amend the Zoning Agreement created under File DASZ 7/2006 by changing the minimum rear yard setback, for the dwelling backing onto Leila Avenue at 20 Basel Avenue, from 17.5 metres (57.4 feet) to 13.7 metres (44.9 feet) for the maintenance of an existing sunroom addition to a single-family dwelling

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development (only if opposition or if Community Committee's recommendations differ from the recommendations in this report) → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
Patti Regan	n/a	n/a	n/a

RECOMMENDATIONS

1. That Zoning Agreement DASZ 7/2006, dated August 21, 2006 (By-law 140/2006), be amended as follows:

   A. That Clause 3 be deleted and the following substituted therefore:

      3. All single-family residential lots backing onto Leila Avenue are to be established with a minimum rear yard setback of 17.5 metres, except that a minimum rear yard setback of 13.7 metres may be established on Lot 6, Block 2, Plan 45427 WLTO.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 7/2006 (By-law 140/2006), 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

This report is required because the existing sunroom does not conform to Zoning Agreement DASZ 7/2006.

The Planning and Land Use Division recommends approval of Application ZAA 4/2011 because the proposed amendment to Zoning Agreement DASZ 7/2006:

- complies with *Plan Winnipeg 2020 Vision*; and
- is compatible with the neighbourhood, given that it would only reduce the rear yard of the planned area by 3.8 metres (12.5 feet).

The planned area (the site) is:

- in the Amber Trails Neighbourhood and the Old Kildonan Ward;
- between Strasbourg Drive and Alonza Street;
- approximately 7160 square feet and 42.6 feet wide;
- encompassing a single-family dwelling with a rear yard abutting Leila Avenue having a depth of 45 feet, as measured from the sunroom;
- near other single-family dwellings with rear yards abutting Leila having depths ranging from approximately 68 feet to 83 feet; and
- in an "R1-M" Residential Single-Family [medium scale] District and a Neighbourhood policy area of *Plan Winnipeg 2020 Vision*.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations in this report are concurred in, the existing sunroom can remain in the planned area.

CONSULTATION

Public Works has no concern with reducing the minimum rear yard setback from 17.5 metres to 13.7 metres in the planned area.

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	J. G. Doney
Date	June 28, 2011
File	ZAA 4/2011

Attachment 1 – 2009 Aerial Photography of The Planned Area and Context

Attachment 1 – 2009 Aerial Photography of The Planned Area and Context

