Agenda – Council – September 28, 2011

Report – Executive Policy Committee – September 14, 2011

Item No. 1 Zoning Agreement Amendment – 215 Alberhill Crescent (North Kildonan Ward) File ZAA 6/2011

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 14, 2011, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That Zoning Agreement under File DASZ 34/84, dated February 26, 1986 (By-law No. 4294/86), be amended as follows:

   A. That the agreement is amended by inserting after Clause 3B. the following new clause:

      3C. Notwithstanding the restrictions contained in Clause 3 of this agreement, it is understood and agreed that any dwelling on Lot 13 may have a rear yard of not less than 16.8 metres (55.12 feet).

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 34/84 (By-law No. 4294/86) 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 – Executive Policy Committee – September 14, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 14, 2011, 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 19, 2011, 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 and Council.

RE: **Zoning Agreement Amendment – 215 Alberhill Crescent**
File ZAA 6/2011

For submission to: **Executive Policy Committee**

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **July 21, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 19, 2011, 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 Zoning Agreement under File DASZ 34/1984, dated February 26, 1986 (By-law 4294/86) be amended as follows:

   A. That the agreement is amended by inserting after Clause 3B. the following new clause:

   3C. Notwithstanding the restrictions contained in Clause 3 of this agreement, it is understood and agreed that any dwelling on Lot 13 may have a rear yard of not less than 16.8 metres (55.12 feet).

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 34/1984 (By-law 4294/86) 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.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) 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 July 11, 2011.

2. The application is consistent with other similar developments in the area.

PUBLIC HEARING SUMMARY

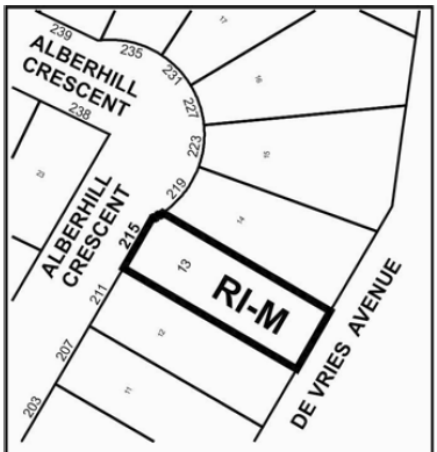
File: ZAA 6/2011

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

Public Hearing: July 19, 2011
Bronx Park Community Centre
720 Henderson Highway

Applicant: Rob Krahn

Subject:



APPLICANT : ROB KRAHN
FILE : ZAA 6/11
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above by amending Clause No. 3 relating to rear yard setbacks for residential lots backing onto De Vries Avenue from 22.5 metres to 17.5 metres to allow for the construction of a sunroom addition to dwelling. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 215 Alberhill Crescent

Exhibits Filed:

1. Application dated May 26, 2011
2. Notification of Public Hearing dated June 6, 2011
3. Manitoba Status of Title 2269154
4. Letter of authorization dated May 25, 2011 from Robert and Dolores Krahn to Robert Krahn
5. Surveyor's Building Location Certificate and sketch dated November 26, 2007

6a. Caveat No. 86-81826
6b. Caveat No. 86-81828
7a. Copy of Zoning Agreement Amendment ZAA 35/87 for Lot 15, Block 4, Plan 20110 dated February 26, 1986
7b. Copy of Zoning Agreement Amendment ZAA 35/87 for Lot 14, Block 4, Plan 20110 dated February 26, 1986

8. Plans (3 pages)
9. Letter in support of the application containing the signatures of 3 area residents
10. Report from the Planning and Land Use Division dated July 11, 2011
11. Inspection Report
12. Audio Recording of representations

REPRESENTATIONS:

In Support:

Rob Krahn

In Opposition

Nil

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator,
Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "10" referred to in File ZAA 6/2011

ADMINISTRATIVE REPORT

Title: ZAA 6/2011 – 215 Alberhill Crescent

Issue: For consideration at the Public Hearing for a zoning agreement amendment to allow for a rear yard of 16.8 metres (55.12 feet) for a sunroom.

Critical Path: East Kildonan – Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That Zoning Agreement under File DASZ 34/1984, dated February 26, 1986 (By-law 4294/86) be amended as follows:

   A. That the agreement is amended by inserting after Clause 3B. the following new clause:

   3C. Notwithstanding the restrictions contained in Clause 3 of this agreement, it is understood and agreed that any dwelling on Lot 13 may have a rear yard of not less than 16.8 metres (55.12 feet).

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 34/1984 (By-law 4294/86) 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

- The subject property is **7,450 sq. ft., 149.27 feet by 50 feet,** with a 1,197 sq. ft bi-level constructed in 1988 and is located on the east side of Alberhill Crescent backing against De Vries Avenue / Lagimodiere Blvd in the Springfield North Neighbourhood of the North Kildonan ward.
- The proposed development will be for a 212 square foot, three season sun room constructed on the rear of the house.
- An amendment is required for the Zoning Agreement which currently restricts rear yards to 22.5 metres (73.8 feet).
- The new rear yard restriction would be *16.8 metres (55.12 feet).*

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the sunroom will be allowed and the lot will have a rear yard of 16.8 metres (55.12 feet).

HISTORY

On February 26, 1986 (By-law 4294/86) the Zoning Agreement was amended to allow the two properties to the north (Lots 14 and 15) to have reduced yards of 20 metres (65.6 feet) and 16.8 metres (55.12 feet) when the houses were originally constructed.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	*John Wintrup*
Date:	*July 11, 2011*
File No.	*ZAA 06/11*

APPENDIX 'A'

DATE:	July 11, 2011
FILE:	ZAA 06/11
RELATED FILES:	
COMMUNITY:	East Kildonan - Transcona Community
NEIGHBOURHOOD #:	4.419
SUBJECT:	Zoning agreement amendment to allow for a new rear yard restriction of 16.8 metres (55.12 feet).
LOCATION:	215 Alberhill Crescent
LEGAL DESCRIPTION:	LOT 13 BLOCK 4 PLAN 20110
APPLICANT:	Rob Krahn 215 Alberhill Crescent WINNIPEG MB R2G 4B5
OWNER:	same as above
RECOMMENDATION:	Approval

REPORT SUMMARY

- The subject property is **7,450 sq. ft., 149.27 feet by 50 feet,** with a 1,197 sq. ft bi-level constructed in 1988 and is located on the east side of Alberhill Crescent backing against De Vries Avenue / Lagimodiere Blvd in the Springfield North Neighbourhood of the North Kildonan ward.
- The proposed development will be for a 212 square foot, three season sun room constructed on the rear of the house.
- An amendment is required for the Zoning Agreement which currently restricts rear yards to 22.5 metres (73.8 feet).
- The new rear yard restriction would be *16.8 metres (55.12 feet).*

SURROUNDING LAND USES AND ZONING

- The subject property is **7,450 sq. ft., 149.27 feet by 50 feet,** is located on the east side of Alberhill Crescent backing against De Vries Avenue / Lagimodiere Blvd in the Springfield North Neighbourhood of the North Kildonan ward.
- The site is zoned "R1-M" Single Family District and is occupied bya 1,197 sq. ft bi-level constructed in 1988.
- Adjacent lands include single family dwellings to the south, north and west along Alberhill Crescent zoned "R1-M".

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to build a 212 square foot, three season sun room constructed on the rear of the house at the north east corner of the building.
- The sunroom will reduce the rear yard down to 17.5 metres (57.4 feet)

ANALYSIS AND ISSUES

ZONING (BY-LAW 200/2006)

- **R1-M Residential Single-Family District – Medium** 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.

LAND USE BY-LAW

- An amendment is required for the Zoning Agreement which currently restricts rear yards to 22.5 metres (73.8 feet).
- The Zoning Agreement was placed on the property at the time of rezoning to provide deeper than standard rear yards in order to mitigate sound issues related to the subject land backing onto Lagimodiere Blvd.

RECOMMENDATIONS

The Planning and Land-Use Division supports the amendment to the zoning agreement to a reduced rear yard to allow the sun room for the following reasons:

- The proposed rear yard reduction is aligned to the rear yards previously reduced for the two lots to the immediate north of the subject lands.
- The sunroom will still exceed the under lying requirements of the Zoning By-law for rear yard setbacks.

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # ZAA 06/11



Figure 1: Air Photo of subject property and Surrounding Context.

.