Minute No. 166
Report – Executive Policy Committee – January 18, 2012

Item No. 8 Zoning Agreement Amendment – 14 Sandstone Place (Charleswood-Tuxedo Ward) File ZAA 12/2011

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That Zoning Agreement under File DASZ 36B/79 dated July 31, 1986 (By-law No. 4158/86), be amended as follows:

   A. That Clause 2.1 be deleted and the following substituted therefore:

      Notwithstanding the provisions of clause 2, a single family dwelling may be constructed and maintained on Lot 5, Block 6, Plan 20082 having a rear yard setback of 65 feet measured from the rear lot line to the principal building.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 36B/79 (By-law No. 4158/86) as approved in aforesaid Recommendation 1.

3. 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 – January 18, 2012

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 12, 2012, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 10, 2012, the Assiniboia 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 - 14 Sandstone Place**
File ZAA 12/2011

For submission to: **Executive Policy Committee**

Prepared by: **Visa Hutter, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **January 12, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 10, 2012, the Assiniboia 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 36B/79 dated July 31, 1986 (By-Law No. 4158/86), be amended as follows:

   A. That Clause 2.1 be deleted and the following substituted therefore:

      Notwithstanding the provisions of clause 2, a single family dwelling may be constructed and maintained on Lot 5, Block 6, Plan 20082 having a rear yard setback of 65 feet measured from the rear lot line to the principal building.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 36B/79 (By-Law No. 4158/86) as approved in aforesaid Recommendation 1.

3. 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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated January 9, 2012.

PUBLIC HEARING SUMMARY

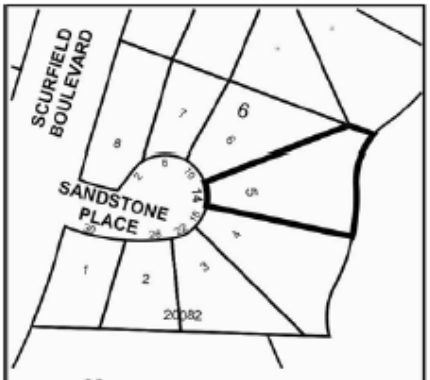
File: ZAA 12/2011

Before: Assiniboia Community Committee
Councillor Fielding, Chairperson
Councillor Havixbeck
Councillor Nordman

Public Hearing: January 10, 2012
North Committee Room
Council Building, 510 Main Street

Applicant: Cheryl and Benson Yip

Subject:



APPLICANT : CHERYL & BENSON YIP
FILE : ZAA 12/11
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above by amending Clause 2 to read "notwithstanding the provisions of Clause 2 (DASZ 76/B/79, ZAA 13/90) an addition to a single family dwelling may be constructed on Lot 5, Block 6, Plan 20082 WLTO in OTM Lots 21 to 23 Parish of St. Vital having a rear yard setback of 71 feet (21.64 metres) measured from the rear lot line to the addition to the principle building.".
For information, phone Mr. M. Pyl, Planner at 986-5595.

Premises Affected: 14 Sandstone Place

Exhibits Filed:

1. Application dated November 7, 2011
2. Notification of Public Hearing dated December 1, 2011
3. Manitoba Status of Titles 2212377
4. Caveats 86 – 75683
5. Amendment to Zoning Agreement between The City of Winnipeg and Whyte Ridge Residential Developments Ltd. dated January 10, 1986 for File DASZ 36B
6. Surveyor's Building Location Certificate and sketch dated September 16, 2011
7. Plans (4 pages)
8. Report from the Planning and Land Use Division dated January 3, 2012
9. Inspection Report
10. Revised report from the Planning and Land Use Division dated January 9, 2012
11. Audio Recording of representations of public hearing held on January 10, 2012

REPRESENTATIONS:

In Support:

Cheryl Yip

In Opposition

Nil

For Information:

Nil

For the City:

Mr. J. Wintrup, Principal Planner, Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "10" referred to in File ZAA 12/2011

ADMINISTRATIVE REPORT

Title: ZAA 12/2011 – 14 Sandstone Pl **REVISED**

Issue: For consideration at the public hearing to amend an existing zoning agreement

Critical Path: Assiniboia 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 36B/79 dated July 31, 1986 (By-Law No. 4158/86), be amended as follows:

   A. That Clause 2.1 be deleted and the following substituted therefore:

   Notwithstanding the provisions of clause 2, a single family dwelling may be constructed and maintained on Lot 5, Block 6, Plan 20082 having a rear yard setback of 65 feet measured from the rear lot line to the principal building.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 36B/79 (By-Law No. 4158/86) as approved in aforesaid Recommendation 1.

3. 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 applicant intends to construct a 400 sq. ft., three-season sunroom addition to the rear of the existing single family dwelling.
- An existing zoning agreement on the subject property requires a minimum rear yard setback of 83.65 ft.
- The subject property is zoned “R1-M” Residential Single Family district.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the property’s zoning agreement will be amended.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

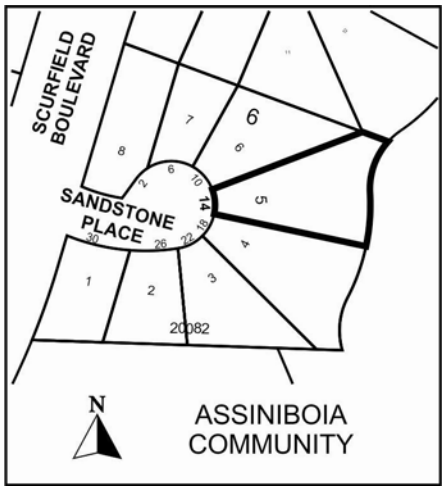
Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Michael Pyl
Date:	January 9, 2012
File No.	ZAA 12/2011

APPENDIX 'A'

DATE: January 9, 2012
FILE: ZAA 12/2011
RELATED FILES:
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.647

SUBJECT: The applicant would like to amend the existing zoning agreement to permit a rear yard of 71 feet instead of 85 feet.

LOCATION: 14 Sandstone Pl



APPLICANT: Cheryl Yip
14 Sandstone Pl
Winnipeg, MB R3Y 1C7

OWNER: Cheryl Yip and Benson Yip

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to construct a 400 sq. ft., three-season sunroom addition to the rear of the existing single family dwelling.
- An existing zoning agreement on the subject property requires a minimum rear yard setback of 83.65 ft.
- The subject property is zoned "R1-M" Residential Single Family district.

SITE DESCRIPTION

- The subject property is located on Sandstone Pl in the Whyte Ridge neighbourhood of the Charleswood-Tuxedo ward.
- The site is 15,574 sq. ft. in area, with 29 ft. of frontage along Sandstone. It is currently occupied by a two storey, 2,409 sq. ft. single family dwelling. The site is zoned “R1-M” Residential Single Family district.
- Adjacent properties include a retention pond to the east zoned “PR2” Parks and Recreation Active Neighbourhood/Community district, and single family dwellings on all other sides zoned “R1-M”.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to construct a 400 sq. ft., three-season sunroom addition to the rear of the existing single family dwelling. Construction will also include a 290 sq. ft. open deck.
- The rear yard is currently 83.5 ft. from the rear building wall to the property line. With this proposed addition, the rear yard will be 71.5 ft. (measured to the easternmost building wall of the porch, not the deck).
- An existing zoning agreement on the subject property requires a minimum rear yard setback of 83.65 ft.

BACKGROUND

DASZ 36B/79

- In the early 1980s, Council approved the first phase of Whyte Ridge, which encompassed 460 acres of primarily residential lands.
- The proposed development was approved subject to the applicant entering into a zoning agreement with the City of Winnipeg with a number of specific yard requirements. For lots directly adjoining the stormwater retention lake, the following minimum rear yards are required:
    - 85 ft. from the rear lot line to the principal building.
    - 42 ft. from the rear lot line to the closest detached accessory building.
    - 28 ft. from the rear lot line to the closest temporary structure or swimming pool not enclosed in a building.

ZAA 13/90

- In the early 1990s, Council approved a zoning agreement amendment on the subject property to allow for a rear yard of 83.65 ft. instead of 85 ft.

ZAA 7/2000 (19 Eagleridge Court)

- On February 28, 2001, an amendment to the DASZ 36A/79 zoning agreement was registered, which also requires an 85 ft. rear yard on lakefront lots, that allows for a minimum rear yard of 65.6 ft. to additions to principal dwellings consisting of open decks and non-winterized sunrooms, gazebos, or similar deck enclosures constructed without foundations or piles. This amendment only applies to 19 Eagleridge Court.
- It was noted that the intent of this setback requirement is to allow the lake to flood without posing an undue threat to lakeside houses. As the applicant was proposing to build a three-season sunroom on top of an existing deck, the City Administration argued that this type of development would sustain less damage in a flood than a winterized addition with a basement.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and is intended to gain statutory authority as a secondary plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- The subject property is classified as a "Mature Community", which is an Area of Stability in Complete Communities' Urban Structure map. Mature Communities are primarily residential areas that contain a mix of low and medium density housing with nearby retail amenities. The road network is a blend of modified grid and curvilinear, often without sidewalks or back lanes.
- Policy directions for Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character, and built form.

Zoning

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.

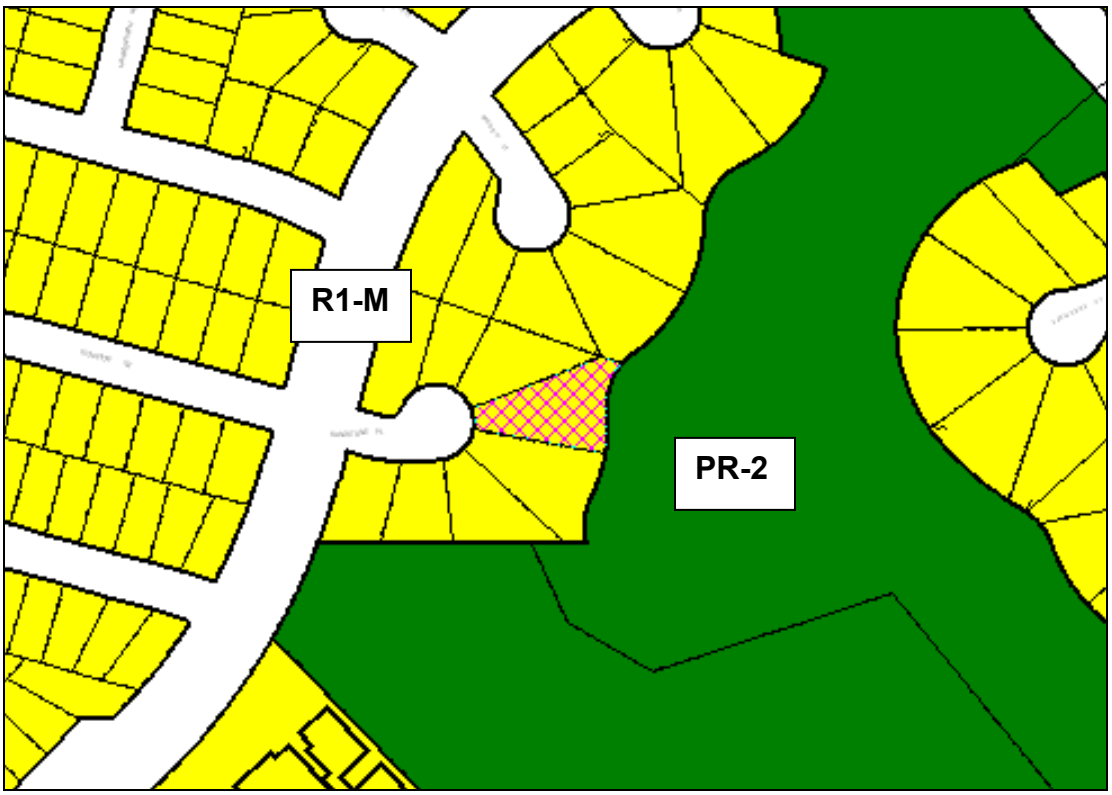


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 137 of Zoning By-law No. 200/06 prescribes the following dimensional standards for the "R1" district:

Min. Lot Area (sq. ft.)	Min. Lot Width (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)	Min. Reverse Corner Street Side Yard	Max. Height of Building (ft.)	Max. Lot Coverage (%)
3,500	25	15	25	4	4	35	45
* - If the house has rear access to a public lane and does not have a driveway providing access from the public street to a garage or carport, the minimum front yard is 10 feet.							

Figure 4: Dimensional standards for the "RMF-L" district

Compatibility with the surrounding neighbourhood

- The Urban Planning Division has no concerns about the compatibility of the proposed development, as it will not be inconsistent with the surrounding neighbourhood.

RECOMMENDATION

The Urban Planning Division has no concerns about the compatibility of the proposed development, as it will not be inconsistent with the surrounding neighbourhood.

The intent of the significant rear yard setback is to allow the retention pond to flood in extreme circumstances without posing an undue threat to lakeside houses. The Water and Waste Department has indicated it will support an amendment to the minimum required rear yard up to the minimum flood protection elevation. For this property, it is 231.49m. A land surveyor has determined the proposed development falls well within this. As a result, the Urban Planning Division is supportive of a reduced rear yard to 65 ft. to accommodate the proposed development as well as 6 ft. of flexibility for any future development.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: PPD File # ZAA 13/2011