Agenda - Council - July 23, 2003

Report - Standing Policy Committee on Property and Development - July 3, 2003

Item No. 10 Zoning Agreement Amendment - 39 Quayside Cove
File ZAA 6/2003 [c/r DAZ 8C/86]

STANDING COMMITTEE RECOMMENDATION:

On July 16, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That Zoning Agreement DAZ 8C/86 (By-law No. 4583/87), be amended by amending Clause 6 to allow for a 47.61 foot (14.52 metre) minimum rear yard setback from Bishop Grandin Boulevard instead of the required 57.41 feet (17.5 metres).

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 8C/86 (By-law No. 4583/87) 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 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.

Report - Standing Policy Committee on Property and Development - July 3, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 16, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2003, the Riel Community Committee concurred in the administrative recommendation and submitted the matter to the Standing Policy Committee on Property and Development.

Re: **Proposed Zoning Agreement Amendment Report - 39 Quayside Cove File ZAA 6/2003**

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

Prepared by: **Marc Pittet, Clerk, Riel Community Committee**

Report date: **June 25, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement DAZ 8C/86 (By-law No. 4583/87), be amended by amending Clause 6 to allow for a 47.61 foot (14.52 metre) minimum rear yard setback from Bishop Grandin Blvd. instead of the required 57.41 feet (17.5 metres).

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 8C/86(By-law No. 4583/87) 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 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agrees with the administrative comments contained in the report of the Manager of Planning and Land Use dated June 5, 2003.

REPORT SUMMARY

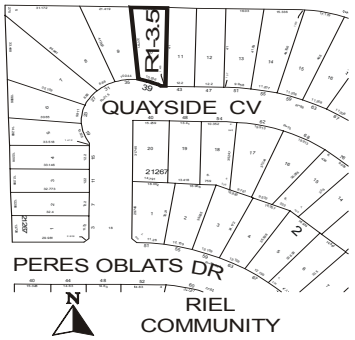
File: ZAA 6/2003

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves

Public Hearing: June 17, 2003
Community Committee Chamber, 219 Provencher Boulevard

Applicant: James & Alice Hastings
39 Quayside Cove
Winnipeg, MB R3X 1S4

Subject:



APPLICANT: J. & A. HASTINGS
FILE: ZAA 6/03
PROPOSAL: To amend the Zoning Agreement affecting the land shown outlined above to permit a minimum 47.64 foot (14.52 metre) rear yard setback from Bishop Grandin Boulevard instead of 57.41 feet (17.5 metres) as required by the agreement. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : J. & A. HASTINGS
RÉFÉRENCE : MCZ 6/03
PROJET : Modification de la convention de zonage s'appliquant au bien-fonds indiqué ci-dessus afin de permettre une marge de reculement arrière minimale de 47,64 pieds (14,52 mètres) à partir du boulevard Bishop Grandin au lieu d'une marge de 57,41 pieds (17,5 mètres) ainsi que le prévoit la convention. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1151 St. Anne's Road

Exhibits Filed:

1. Application dated May 20, 2003
2. Advertising notice dated May 21, 2003
3. Manitoba Status of Title 1170748
4. Land Surveyors Certificate and Sketch
5. Zoning Agreement DAZ 8C/86 and Caveat
6. Plans
7. Report from the Manager of Planning and Land Use dated June 5, 2003
8. Photograph(s) of the Site and Inspection Notice

REPRESENTATIONS:

In Support:

Flo Gugins

In Opposition:

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

No verbal representation was made at the public hearing.

In reply please refer to / Référence à rappeler :

Kevin Lalor
(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. ZAA 6 /03 June 5/, 2003
Our c/f CP 500 (. 555)

Marc Pittet, Community Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

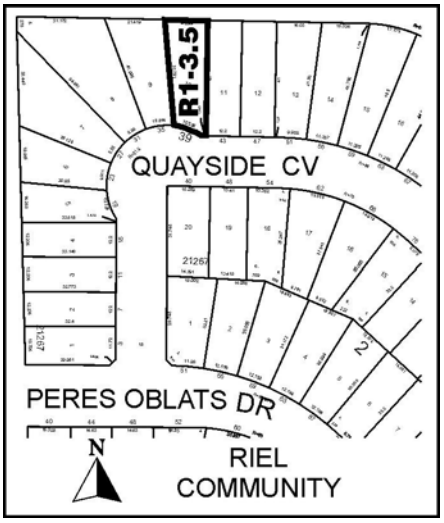
Dear: Mr. Pittet

ZONING AGREEMENT AMENDMENT
Location: 39 Quayside Cove
Riel Community

File No. ZAA 6/03

An application has been received from James and Alice Hastings, to amend the Zoning Agreement affecting the property shown below by amending DAZ8C/86 (4583/87) clause # 6 to allow for a 47 foot(14.52 metre) rear minimum setback from Bishop Grandin Blvd. instead of the 57.41 feet(17.5 metres) required for noise attenuation purposes.

RELATED FILES:



SITE DESCRIPTION:

Dimensions:

Approximately 33’ wide by 120’ in depth.

Site Area:

Approximately 4000 sq. feet in overall area.

Existing Land Use and Zoning:

The lot is currently zoned R1-3.5 Single Family Residential and is occupied by a single family dwelling.

DEVELOPMENT DESCRIPTION:

The owners are applying to construct a 10’ by 12’ seasonal sunroom addition on the north side of their dwelling unit which abuts Bishop Grandin Boulevard very close to the intersection with Lagimodiere Blvd. The projection will still leave a 47’ rear yard from the dwelling to the rear property line.

ADMINISTRATIVE COMMENTS:

An approval for the subject addition is required because at the time of the overall subdivision and rezoning approval in 1986 (DAZ 8C/86, DASSF 76/87) the Public Works, Transportation Division, deemed it necessary to establish minimum noise attenuation setbacks to new principal dwellings adjoining Bishop Grandin and Lagimodiere Blvd. in the Island Lakes Subdivision. It is the position of the Public Works Department that increased setbacks will reduce the traffic noise levels experienced by residents on the subject lands and will reduce the number of complaints related to traffic noise. The setback is, in our view, intended to apply to permanent additions or structures, which are being utilized for living space and in that context, the requirements are valid. However, the setback requirements, were not in our view, intended to apply to decks (enclosed or open), gazebos, or other additions intended for seasonal use only and which are not to be used as habitable space. The proposed addition certainly falls into the latter category, in our view, and therefore we are able to support the proposed amendment without violating the intent of the standards set by the Transportation Division.

RECOMMENDATION:

I. That Zoning Agreement DAZ 8C/86 (By-Law # 4583/87), be amended by amending clause #6 to allow for a 47.61 foot (14.52 metre) minimum rear yard setback from Bishop Grandin Blvd. instead of the required 57.41 feet (17.5 metres).

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 8C/86(By-law # 4583/87) 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 Charter.

Final

Yours truly,

C. Knoll
Acting Manager of Planning and Land Use

Kevin Lalor
Per: Acting Coordinator, Urban Planning

986-5069

/jc