Agenda – Executive Policy Committee – November 29, 2017

REPORTS

Item No. 1 Zoning Agreement Amendment – 51 Burnley Place (Charleswood-Tuxedo-Whyte Ridge Ward) File ZAA 4/2017

COMMUNITY COMMITTEE RECOMMENDATION:

On November 7, 2017, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That Zoning Agreement Caveat 87-81841/1 under File DASZ 62/86 dated March 4, 1987 (By-law 4568/1987), be amended as follows:

   A. That Clause 3(a) be amended by removing the value "17.5 metres (57.4 feet)" and replacing it with "12.49 metres (41 feet)".

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 62/86 (By-law 4568/1987) 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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On November 7, 2017, 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 – 51 Burnley Place**
File ZAA 4/2017

For submission to: **Executive Policy Committee**

Prepared by: **Leah Cowan, Assistant Committee Clerk**
Assiniboia Community Committee

Report date: **November 8, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

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

1. I concur with the recommendations of the planners in the report.

PUBLIC HEARING SUMMARY

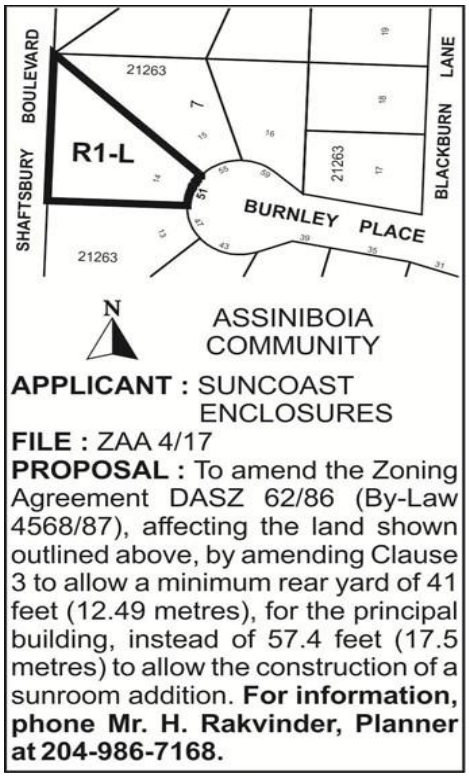
File: ZAA 4/2017

Before: Assiniboia Community Committee
Councillor Dobson, Chairperson
Councillor Gillingham
Councillor Morantz

Public Hearing: November 7, 2017
Council Building, 510 Main Street

Applicant: Suncoast Manitoba (Scott Benson)

Subject:



Premises Affected: 51 Burnley Place

Exhibits Filed:

1. Application dated September 12, 2017
2. Notification of Public Hearing dated September 25, 2017
3. Manitoba Status of Title 2779415/1
4. Letter of authorization dated August 16, 2017 from Wade David Barnes and Marina Barnes to Suncoast Enclosures
5. Surveyor's Building Location Certificate and sketch dated September 1, 2017

6. Caveat 1348826 and Caveat 87-81841
7. Plans (5 pages)
8. Report from the Urban Planning Division dated October 31, 2017
9. Inspection Report
10. Recording of Representations

REPRESENTATIONS:

In Support:

Scott Benson

In Opposition

Nil

For Information:

Nil

For the City:

D. Clark, Urban Planner, Planning, Property and Development Department

Exhibit "8" referred to in File ZAA 4/2017

ADMINISTRATIVE REPORT

Title: ZAA 4/17 – 51 Burnley Place

Issue: For consideration at the Public Hearing to amend the Zoning Agreement to permit a minimum rear yard of 41 feet instead of 57.4 feet to facilitate the construction of an addition (3-season sunroom) to the existing dwelling.

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	N/A	N/A	N/A

RECOMMENDATIONS

1. That Zoning Agreement Caveat 87-81841/1 under File DASZ 62/86 dated March 4, 1987 (By-law 4568/1987), be amended as follows:

   A. That Clause 3(a) be amended by removing the value "17.5 metres (57.4 feet)" and replacing it with "12.49 metres (41 feet)".

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 62/86 (By-law 4568/1987) 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 applicant is proposing to construct a 3-season sunroom onto the existing house in the rear yard of 51 Burnley Place. The property backs onto Shaftesbury Blvd.

- The rear wall of the proposed sunroom addition will be 41 feet away from the rear property line. The minimum rear yard setback for principal buildings is 57.4 feet under zoning agreement DASZ 62/86 due to the proximity to Shaftesbury Blvd, which is a regional arterial street.
- The applicant is applying to amend the above noted clause to accommodate the proposed sunroom addition.
- A zoning agreement amendment requires a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, a rear yard setback of 41 feet measured from the rear property line to the principal building will be permitted on the subject site.

HISTORY

DASZ 62/86

- DASZ 62/86 involved the subdivision and rezoning of lands in the neighbourhood of South Tuxedo. Some of the lots created through DASZ 62/86 abut Shaftesbury Blvd, which is a regional arterial street. The subject condition included in the zoning agreement relevant to the subject application (ZAA 4/17) is as follows:

  3. Every principal building constructed on any of Lots 13, 14, 23 and 24 in Block 7 shall have a minimum rear yard of 17.5 metres (57.4 feet).

CONSULTATION

In preparing this report there was consultation with the Public Works Department.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Rakvinder Hayer, MCP
Date:	October 31, 2017
File No.	ZAA 4/17

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE: October 31, 2017

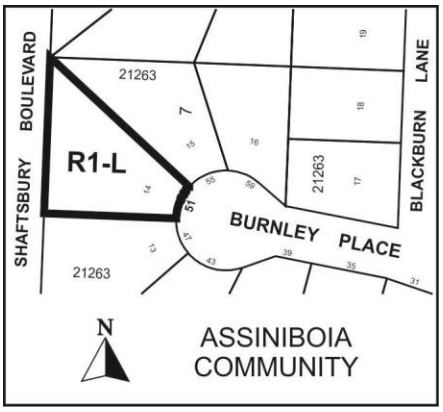
FILE: ZAA 4/17
RELATED FILES: DASZ 62/86 (B/L 4568/87)

COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.645 (South Tuxedo)

SUBJECT: For consideration at the Public Hearing to amend Clause 3 of the Zoning Agreement to permit a minimum rear yard of 41 feet instead of 57.4 feet to allow the construction of an addition (3-season sunroom) to the existing dwelling.

LOCATION: 51 Burnley Place

LEGAL DESCRIPTION: Lot 14 Block 7 Plan 21263 12/17 ST C



APPLICANT: Scott Benson (Suncoast Manitoba)
Box 136
Whiteshell, MB
R0E 2H0

OWNER: Marina and Wade Barnes
51 Burnley Place
Winnipeg, MB
R3P 2C3

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to construct a 3-season sunroom onto the existing house in the rear yard of 51 Burnley Place. The property backs onto Shaftesbury Blvd – a regional arterial street.
- The rear wall of the proposed sunroom will be 41 feet away from the rear property line. The minimum rear yard setback for principal buildings is 57.4 feet under zoning agreement DASZ 62/86 due to its proximity to the regional street.
- The applicant is applying to amend zoning agreement DASZ 62/86 to permit a rear yard setback of 41 feet in order to accommodate the proposed sunroom addition.
- The Urban Planning Division recommends supporting this application because:
    - The City of Winnipeg Public Works Department was consulted about the subject application and have no objections to the development.
    - The sunroom addition would have no impact on neighbouring properties.

SITE DESCRIPTION

- The subject property is located on the west side of Burnley Place in the South Tuxedo neighbourhood of the Charleswood - Tuxedo - Whyte Ridge Ward.
- The property is 17,648 square feet in area.
- The subject property contains a two storey, 4,318 square foot home with an attached garage that was built in 1991.
- The property backs onto Shaftesbury Blvd to the west.
- The site is within the Areas of Stability – Recent Communities Policy Area under the *Complete Communities Direction Strategy*. The property is zoned “R1-L” Residential Single-Family (Large).



Figure 1: Aerial photograph showing approximate area of subject property, looking east (flown 2016)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Single-family homes zoned “R1-L” Residential Single-Family Large.

South: Single-family homes zoned “R1-L” Residential Single-Family Large.

East: Burnley Place; then single-family homes zoned “R1-L” Residential Single-Family Large.

West: Shaftesbury Blvd; then Assiniboine Park.

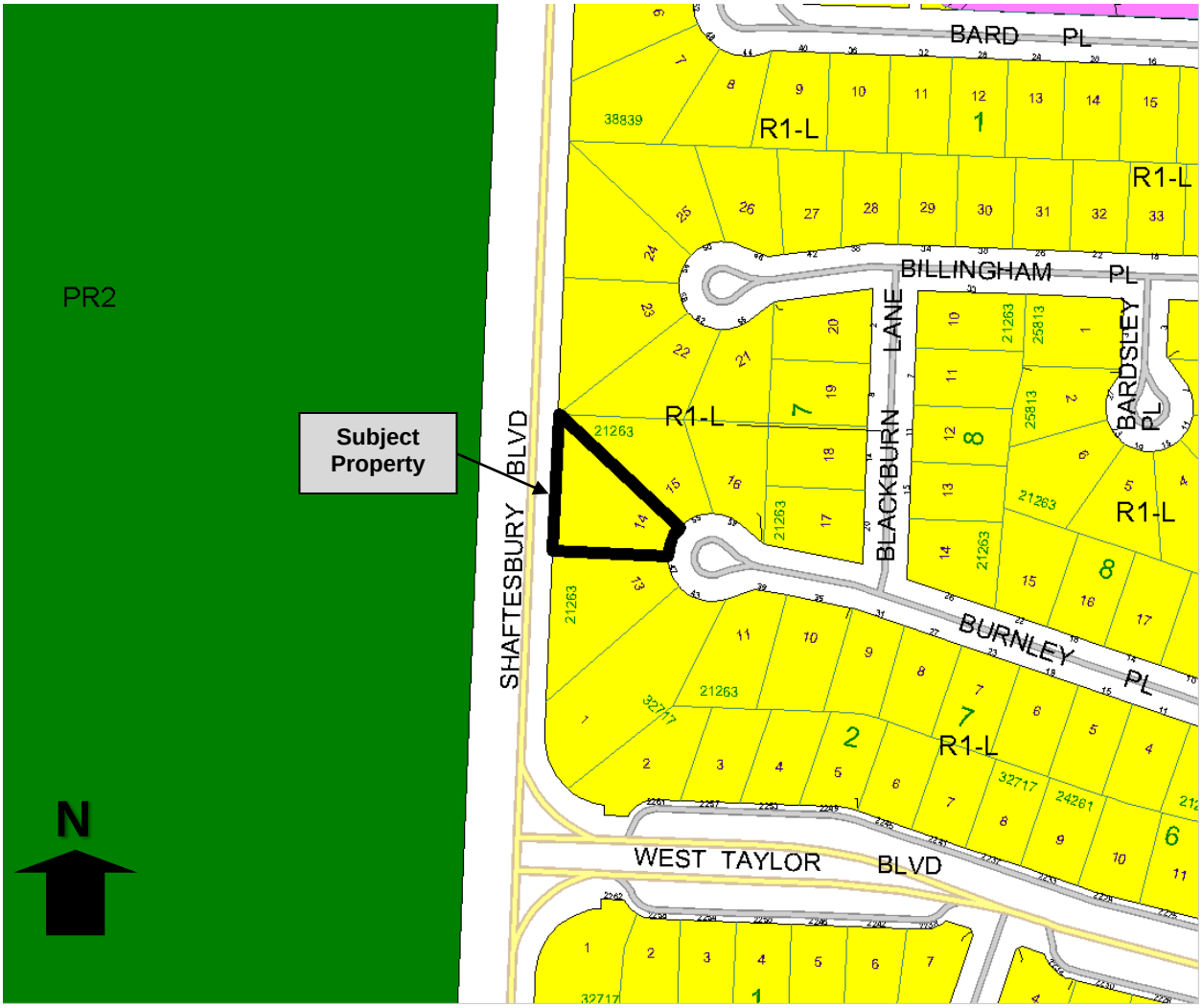


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to construct a sunroom that will be approximately 19' x 17.5' feet (about 333 square feet) to the rear of the existing house at 51 Burnley Place.
- The rear wall of the sunroom addition will be 41 feet away from the rear property line. The minimum rear yard setback for principal buildings is 57.4 feet under zoning agreement DASZ 62/86 due to the proximity to the Shaftesbury Blvd – a regional arterial street.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.*

- The proposal generally complies with the above noted policy because the proposed sunroom addition would not result in any change to the subject building visible from Burnley Place.

ZONING

"R1-L" Residential Single-Family Large District

- The R1-L district requires: a minimum lot width of 25 feet, a minimum lot area of 5,500 square feet, side yards of 4 feet, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 40 percent.

Clause 3 of Zoning Agreement under *DASZ 62/86* reads as follows:

3. Every principal building constructed on any of Lots 13, 14, 23 and 24 in Block 7 shall have a minimum rear yard of 17.5 metres (57.4 feet).

- The applicant is proposing to construct a sunroom addition that will be 41 feet away from the rear property line and therefore does not comply with the above Clause 3 of the zoning agreement.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The property is zoned "R1-L" which requires a minimum rear yard of 25 feet under the Zoning By-law. In this case, the applicant is proposing a zoning agreement amendment to allow a 41 feet rear yard.
- The City of Winnipeg, Public Works Department were consulted about the subject application and have no objections to the development.
- The sunroom addition would not have a negative impact on neighbouring properties.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared By: Rakvinder Hayer
PPD File # ZAA 4/17