**Agenda – Council – February 22, 2018**

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 2, 2018**

**Item No. 8 Request to Amend Agreement AG 36/04 (Addendum to Development Agreement AG 1/95) for 147 Nordstrom Drive – rear yard set-back – File Nos. AG 36/04 (DASZ 36/2004) (St. Boniface Ward)**

STANDING COMMITTEE RECOMMENDATION:

On February 13, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the Letter Agreement dated June 1, 2005 under file AG 36/04 (DASZ 36/04) - Addendum to Development Agreement AG 1/95 (Caveat 3281879/1) be amended as follows:

    A. That a new Clause 9.1 be added as follows:

        "9.1 Notwithstanding Clause 9 of this agreement, the proposed sunroom addition to the rear of the existing dwelling on Lot 37, Block 1, Plan 44824 shall be set back a minimum distance of 14.8 metres from the rear property line abutting the boundary of Lagimodiere Boulevard (formerly Melnick Road) instead of 17.5 metres."

2. That the Director of Legal Services/City Solicitor be requested to prepare the necessary Amending Agreement to Letter Agreement AG 36/04 - Addendum to Development Agreement AG 1/95 dated June 1, 2005 as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

**Agenda – Council – February 22, 2018**

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 2, 2018**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 15, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

# ADMINISTRATIVE REPORT

**Title:** **Request to Amend Agreement AG 36/04 (Addendum to Development Agreement AG 1/95) for 147 Nordstrom Drive – rear yard set-back – File Nos. AG 36/04 (DASZ 36/2004)**

**Critical Path:** **Riel Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee - Council**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| M. Pittet | J. Kiernan | N/A | N/A |

## EXECUTIVE SUMMARY

The City of Winnipeg has a Letter Agreement (Addendum to Development Agreement AG 1/95) for file AG 36/04 (DASZ 36/2004) dated June 1, 2005 caveated on the title of 147 Nordstrom Drive which requires a minimum rear yard setback of 17.5 metres from the abutting property boundary of Lagimodiere Boulevard (formerly Melnick Road). The owners of the subject property have submitted a request to amend the agreement to reduce the rear yard setback on their property to 14.8 metres to allow for the future construction of a 3-season sunroom.

The Winnipeg Public Service has no objection to this request.

## RECOMMENDATIONS

1. That the Letter Agreement dated June 1, 2005 under file AG 36/04 (DASZ 36/04) - Addendum to Development Agreement AG 1/95 (Caveat 3281879/1) be amended as follows:

   A. That a new Clause 9.1 be added as follows:

      "9.1 Notwithstanding Clause 9 of this agreement, the proposed sunroom addition to the rear of the existing dwelling on Lot 37, Block 1, Plan 44824 shall be set back a minimum distance of 14.8 metres from the rear property line abutting the boundary of Lagimodiere Boulevard (formerly Melnick Road) instead of 17.5 metres."

2. That the Director of Legal Services/City Solicitor be requested to prepare the necessary Amending Agreement to Letter Agreement AG 36/04 - Addendum to Development Agreement AG 1/95 dated June 1, 2005 as approved in aforesaid Recommendation 1.

3. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

## REASON FOR THE REPORT

Council approval is required for an amendment to a Development Agreement.

## IMPLICATIONS OF THE RECOMMENDATIONS

Should the recommendation be concurred in, the minimum rear yard setback for 147 Nordstrom Drive (Lot 37, Block 1, Plan 44824) will be reduced to 14.8 metres from the boundary of Lagimodiere Boulevard to allow the homeowners to proceed with the construction of a 3-season sunroom addition to the rear of the existing dwelling.

## HISTORY/DISCUSSION

On December 15, 2004, Council adopted Item No. 6 of the report of the Standing Policy Committee on Property and Development dated November 30, 2004 which recommended approval of a subdivision and rezoning under File DASZ 36/2004, subject to the Developer (Novamet Development Corporation) entering into an addendum to Development Agreement AG 1/95.

On May 10, 2005 the City of Winnipeg and Developer entered into the necessary Addendum to Development Agreement AG 1/95 as a condition of approval under DASZ 36/2004.

On June 1, 2005 the City entered into a Letter Agreement with the Developer to add a City development requirement which was inadvertently omitted from the May 10, 2005 Addendum Agreement. The condition added a new clause 9 as follows:

"9. There shall be a minimum rear yard setback of 17.5 m on lots with rearage on Melnick Road."

The Letter Agreement was caveated (Caveat No. 3281879/1) to all affected properties by the City of Winnipeg and is intended to protect residents from noise generated by traffic on Lagimodiere Boulevard.

On November 3, 2017 the property owners of 147 Nordstrom Drive requested that the City of Winnipeg consider an amendment to the Letter Agreement to allow the construction of a 3-season sunroom at the rear of their property which would permit a minimum rear yard setback of 14.8 metres to the 3 –season sunroom addition. See Appendix "A" attached.

The Winnipeg Public Service has reviewed this request for an amendment to the Letter Agreement and is of the opinion that the request would be acceptable. The primary residence established on this lot is located approximately 18.0 metres from the rear property line. The

inclusion of a 3 –season sunroom addition to the rear of the dwelling would provide additional buffering to the primary residence.

## CONSULTATION

Public Works Department
Legal Services Department

## OURWINNIPEG POLICY ALIGNMENT

Under the *Complete Communities Direction Strategy* the subject area is located within the Areas of Stability – Recent Communities policy area.

## SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: R. Deighton, P. Eng., Land Development Coordinator
Date: December 15, 2017
File No: DASZ 36/2004 (AG 36/04 – Addendum to AG 1/95)

Attachments:

Appendix "A"- Request to Amend Agreement AG 36/04 (Addendum to AG 1/95) for 147 Nordstrom Drive

V:\DA Amendment Requests\AG 1-95- Proposed Amendment to Addendum to Development Agreement AG 1-95 - Letter Agreement dated June 1_2005 - rear yard setback - 147 Nordstrom Drive.docx

**APPENDIX "A" – Request to Amend Agreement AG 36/04 (Addendum to AG 1/95) for 147 Nordstrom Drive**

November 3, 2017

Mr. Greg Jasper, P.Eng.
Land Development Administrator
City of Winnipeg
Planning, Property and Development Department
Land Development Branch
Main Floor - 65 Garry Street
Winnipeg, MB R3C 4K4

RE: **Request to Amend Addendum to Development Agreement AG 1/95 – Letter Agreement dated June 1, 2005 - caveat 3281879**

Mr. Jasper,

We would like to request, for consideration, an amendment to the Development Agreement caveated to our lot as it relates to the minimum rear yard setback of 17.5 m. Specifically, we are requesting that the current minimum rear yard setback of 17.5 meters be amended to 14.8 meters to allow for the construction of a 3-season sunroom.

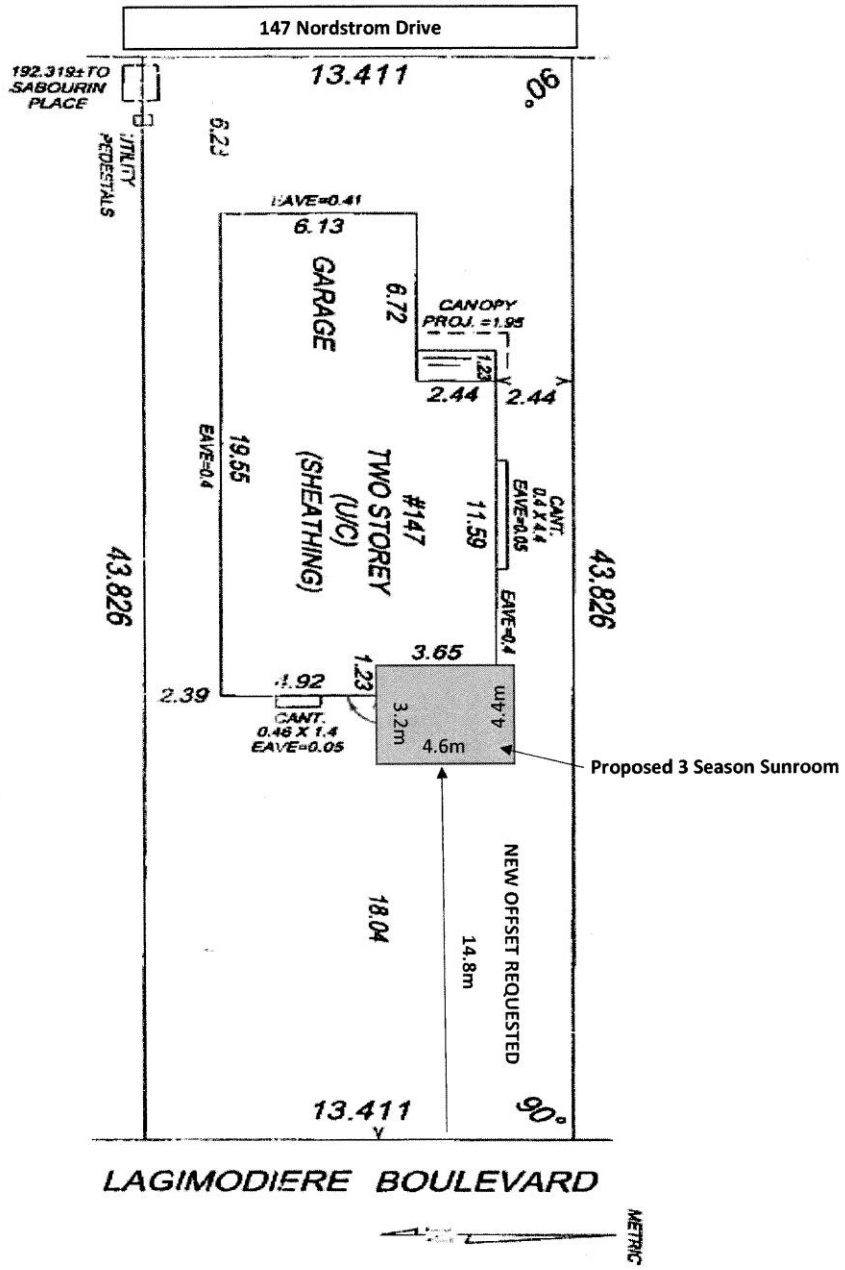
In an effort to facilitate our request, we have attached a copy of our current status of title, along with a plan view sketch overlaid onto our surveyor's building location certificate to demonstrate the location and measurements of the proposed 3-season sunroom and new rear yard off-set.

We thank you in advance for your consideration of this request.

Respectfully,

Robert George

Julie Savard


147 Nordstrom Drive
192.319± TO SABOURIN PLACE
UTILITY PEDESTALS
13.411
90°
6.23
EAVE=0.41
6.13
GARAGE
6.72
CANOPY PROJ. =1.95
1.23
2.44
2.44
EAVE=0.4
19.55
TWO STOREY (U/C) (SHEATHING)
#147
11.59
CANT. 0.4 X 4.4 EAVE=0.05
EAVE=0.4
43.826
43.826
3.65
1.23
1.92
2.39
CANT. 0.46 X 1.4 EAVE=0.05
3.2m
4.4m
4.6m
Proposed 3 Season Sunroom
NEW OFFSET REQUESTED
14.8m
18.04
13.411
90°
LAGIMODIERE BOULEVARD
METRIC