Agenda - Council - February 25, 2004

Report - Standing Policy Committee on Property and Development - February 3, 2004

Item No. 8 Zoning Agreement Amendment - 51 Kingsclear Drive
File ZAA 16/2003 (c/r DASZ 31/84)

STANDING COMMITTEE RECOMMENDATION:

On February 18, 2004, 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 File DASZ 31/84 (By-law No. 4643/87) dated August 20, 1986, be amended by permitting a rear yard of 43 feet instead of 57.81 feet as required by the Agreement.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DASZ 31/84 (By-law No. 4643/87), dated August 20, 1986, as approved in 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 - February 3, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 18, 2004, 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 February 3, 2004, the Standing Policy Committee on Property and 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 20, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

Re: **Zoning Agreement Amendment - 51 Kingsclear Drive**
File ZAA 16/2003

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

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

Report date: **January 26, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 20, 2004, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement DASZ 31/84 (By-law No. 4643/87) dated August 20, 1986, be amended by permitting a rear yard of 43 feet instead of 57.81 feet as required by the Agreement.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 31/84 (By-law No. 4643/87), dated August 20, 1986, 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 agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated January 13, 2004.

PUBLIC HEARING SUMMARY

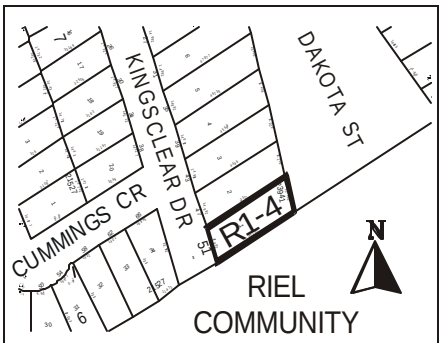
File: ZAA 16/2003

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Angus

Public Hearing: January 20, 2004
Community Committee Chamber, 219 Provencher Boulevard

Applicant: David Reid

Subject:



APPLICANT: MR. DAVID REID
FILE: ZAA 16/03
PROPOSAL: To amend the Zoning Agreement affecting the land shown outlined above to permit a rear yard of 43 feet instead of 57.81 feet as required by the Agreement.
For information, phone Mr. K. Lalor, Planner at 986-5069.
DEMANDEUR : M. DAVID REID
RÉFÉRENCE : MCZ 16/03
PROJET : Modification de la convention de zonage des biens-fonds indiqués ci-dessus en vue de permettre une marge arrière de 43 pieds au lieu de 57,81 pieds ainsi que le prévoit la convention. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 51 Kingsclear Drive

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Exhibits Filed:

1. Application dated November 17, 2003
2. Notification of Public Hearing dated November 18, 2003
3. Manitoba Status of Title 1486570
4. Zoning Agreement DASZ 31/84
5. Drawing of Subject Property
6. Report from the Manager of Planning and Land Use dated January 13, 2004
7. Inspection Report

REPRESENTATIONS:

In Support:

David Reid

In Opposition:

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

David Reid appeared in support of the application.

Exhibit “6” referred to in File ZAA 16/2004

In reply please refer to / Référence à rappeler : **Kevin Lalor**
Fax / Téléc. : (204) 986-3684

File No. ZAA 16 /03 January 13, 2004
Our c/f CP 500 (. 529)

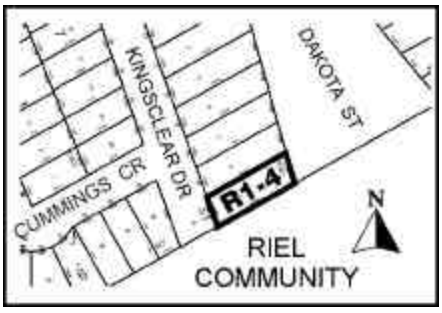
Marc Pittet
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear : Mr. Pittet

ZONING AGREEMENT AMENDMENT
Location: 51 Kingsclear Drive
Riel Community
File No. ZAA 16/03

An application has been received from David Reid, to amend the Zoning Agreement affecting the property shown below by permitting a rear yard of 43 feet instead of 57.81 feet as required by the Agreement.

RELATED FILES:



SITE DESCRIPTION:

Dimensions:

The subject lot has approximately 50' of frontage on Kingsclear Drive and a depth of approximately 140'.

Site Area:

The overall site area of the subject lot is approximately 7000 sq. feet.

Existing Land Use and Zoning:

The lot is zoned R1-4 for residential single family development and is occupied with a dwelling. Lands to the rear are vacant and constitute part of what may be a future right-of –way(Dakota Street extension).

DEVELOPMENT DESCRIPTION:

The owners propose to construct an attached 200 sq. foot sunroom addition to the rear of their existing dwelling(S.E. corner). They also propose to construct an open deck of equivalent size along the remaining rear wall area of the dwelling. The deck will presumably be accessed from the proposed sunroom.

ADMINISTRATIVE COMMENTS:

Customarily increased building setbacks from future or existing major rights-of –way are established for noise attenuation purposes and are in accordance with standards set by the Public Works Department. In this case, the setbacks identified in an(dated 1984) old agreement were designed to provide minimum setback from a major future thoroughfare(Dakota St.) which at that time had been envisioned as a major connection to either the Perimeter or the growth areas south of the Perimeter Highway. It is not clear anymore whether that will ever take place. The Province has indicated that they would rather upgrade the existing intersections at St. Annes and St. Marys Rd. and the Perimeter to a level consistant with that which exists at Pembina and the Perimeter These works to be completed well in advance of any connection even being considered at the confluence of Dakota St. and the Perimeter. With that in mind, this Department is prepared to support a marginal encroachment of a deck and sunroom into the subject setback area. Additionally the setback criteria were never intended to apply to accessory uses such as open decks.

RECOMMENDATION:

I. That Zoning Agreement DASZ 31/84(By-Law # 4643/87), dated august 20/86, be amended *by permitting a rear yard of 43 feet instead of 57.81fet as required by the Agreement.*

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 31/84(By-Law # 4643/87), dated August 20/86, 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 Act Charter.

Final

Yours truly,

Chris Knoll
Manager of Planning and Land Use

Per: Kevin Lalor
, Senior Planner
Riel Community
986-5069

/mf

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