Minute No. 496
Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 26 Zoning Agreement Amendment - 88 Marygrove Crescent
File ZAA 11/2004 [c/r DASZ 2/89]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That Zoning Agreement DASZ 2/89 (By-law No. 5232/89) be amended by adding the following clause as 17.(a):

   "17.(a) excepting Lot 40, Block 1, Plan 24528, which shall have a rear yard of 13.32 metres (43.7 feet) to a three-season, non-winterized, un-heated sunroom."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 2/89 (By-law No. 5232/89) dated May 31, 1989, 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 - June 8, 2004

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 8, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 11, 2004, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 88 Marygrove Crescent**
File ZAA 11/2004

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

Prepared by: **Diane Timmins, Clerk,**
Assiniboia Community Committee

Report date: **May 12, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 11, 2004, the Assiniboia Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement DASZ 2/89 (By-law No. 5232/89) be amended by adding the following clause 17.(a):

    17.(a) excepting Lot 40, Block 1, Plan 24528, which shall have a rear yard of 13.32 metres (43.7 ft.) to a three-season, non-winterized, un-heated sunroom.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 2/89 (By-law No. 5232/89) dated May 31, 1989, 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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated May 6, 2004.

PUBLIC HEARING SUMMARY

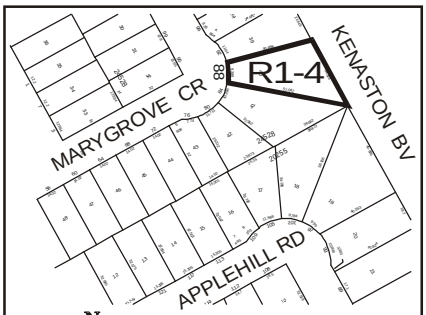
File: ZAA 11/2004

Before: Assiniboia Community Committee
Councillor Clement, Chairperson
Councillor Eadie

Public Hearing: May 11, 2004
West Committee Room
Council Building, 510 Main Street

Applicant: Roy Hilderman

Subject:



ASSINIBOIA COMMUNITY

APPLICANT : MR. ROY HILDERMAN

FILE : ZAA 11/04

PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above to permit a rear yard of 13.32 m. (43.7 ft.) instead of 17 m. (55.8 ft.) as required by the Agreement to allow for a sunroom addition. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 88 Marygrove Crescent

Exhibits Filed:

1. Application dated April 13, 2004
2. Notification of Public Hearing dated April 15, 2004
3. Manitoba Status of Title 1498054
4. Manitoba Land Surveyor's Certificate and sketch dated October 29, 1993
5. Letter of authorization dated April 7, 2004, from Lisa Hilderman
6. Extract of Atlas Sheet AJ20
7. Zoning Agreement DASZ 2/89
8. Zoning Caveat No. 1232448
9. Variance Order DAV 8/94B
10. Plan showing location of the proposed sunroom
11. Report from the Manager of Planning and Land Use dated May 6, 2004
12. Inspection Report

REPRESENTATIONS:

In Support:

Roy Hilderman

In Opposition:

Nil

For the City:

Nil

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Roy Hilderman appeared in support of the application.

Exhibit "11" referred to in File ZAA 11/2004

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. ZAA 11/04 May 6, 2004
Our c/f CP 500 (.647)

Ms. Josie Marques, Community Clerk
Assiniboia Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

ZONING AGREEMENT AMENDMENT
88 Marygrove Crescent in Whyte Ridge
Assiniboia Community
File No. ZAA 11/04

An application has been received from Roy Hilderman to amend the Zoning Agreement affecting the property shown below by reducing the minimum rear yard requirement on Lot 40, Block 1, Plan 24,528 from 17 metres (55.8 ft. to 13.32 metres (43.7 ft.).

RELATED FILES: DASZ 2/89; ZAA 17/90



SITE DESCRIPTION:

Pie-shaped, residential lot zoned R1-4, containing a 1-storey dwelling.

DEVELOPMENT DESCRIPTION:

The applicant wishes to construct a three-season sun room on the rear of the dwelling. The sun room will encroach into the required rear yard. The sun room measures 17.5 feet wide by 10 feet deep, and is being constructed atop an existing patio.

ADMINISTRATIVE COMMENTS:

The rear yard for Whyte Ridge adjacent to Route #90 was originally set at 18 metres or 59 feet under DASZ 2/89. This was amended to 17 metres or 55.8 feet under ZAA 17/90. The increased rear yard was requested by the then Streets and Transportation Department to help attenuate the traffic noise on Route #90. However, the increased separation distance was really intended for year-round, habitable dwelling space, especially bedrooms. It is therefore recommended that the Zoning Agreement be amended, as requested, to enable the encroachment of decks and three-season sun rooms into the required rear yard.

RECOMMENDATION:

I. That Zoning Agreement DASZ 2/89 (By-Law No. 5232/89) be amended by adding the following Clause 17.(a):

> 17.(a) excepting Lot 40, Block 1, Plan 24528, which shall have a rear yard of 13.32 metres (43.7 ft.) to a three-season, non-winterized, un-heated sunroom.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 2/89 (By-Law No. 5232/89) dated May 31, 1989, as approved in aforesaid recommendation I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. 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.

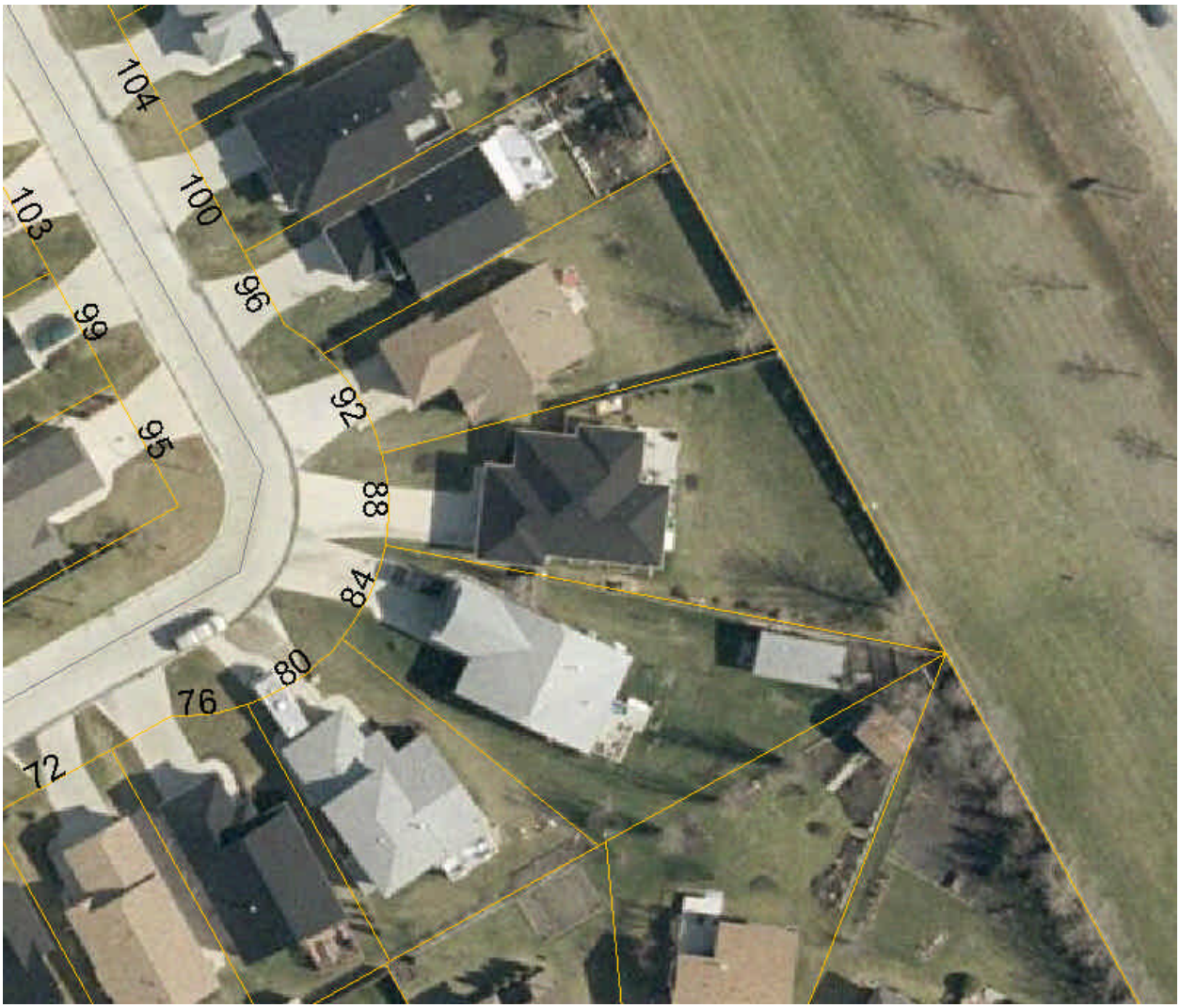
Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
(Assiniboia Community)
986-5017

/jc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