

To: Mayor and Members of Council

June 27, 2011

Re: Request for a Zoning Bylaw Change

Background

The subdivision known as Garden of Eden Estates was initially subdivided for the purpose of a Modular Home gated community. The zoning for this subdivision was R9 which had a minimum lot size of 410 square meters. There were some development permits issued and some homes constructed, when the developer requested Council to rezone the subdivision to allow for single detached dwelling with basements to be constructed. Council agreed to rezone the subdivision to R7, which had a minimum lot size of 700 square meters. The existing lots that were less than the minimum area that had development permits issued were considered legal non-conforming.

A new Zoning Bylaw was created and approved in February 2011. As a result of this new bylaw, the Garden of Eden is now zoned R5. The R5 zone has a minimum site size of 700 m².

Discussion

One of the residents that lives at 71 Paradise Circle would like to purchase 3 meters from the south undeveloped lot (73 Paradise Circle). 73 Paradise Circle consists of 2 tied lots, therefore the size of the lot conforms to the minimum lot area of the Zone, and will still be conforming with the removal of 3 meters along the north side of the lot. By adding 3 meters to the south of 71 Paradise Circle, that would increase the lot size to approximately 522.54m², however, that is still under the minimum lot area for the R5 zone.

In order for this request to be possible, Council must create a new zone that would allow lots as small as 522.54m². Then rezone the Garden of Eden subdivision to the newly created zone district.

Budget Implications

If Council agrees to accommodate this request, all costs of rezoning (advertising, etc) will be paid for by the applicant.

Conclusion

This is a question of Council Policy. If Council does create a new zone allowing smaller lot sizes, it will allow other developers the opportunity to create smaller lots as well.



Town Manager

Recommendation

Administration recommends that Council deny the request to create a new zone and to re-zone the Garden of Eden Estates. This recommendation is based on understanding Council's policy when developing the new Zoning Bylaw that was approved in February 2011. It was understood that Council did not want lot areas to be smaller than 700m².

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shauna Bzdel".

Shauna Bzdel,
Town Manager

SCHWARTZ HOMES LTD./
GARDEN OF EDEN ESTATES
37 PARADISE CIRCLE, WHITE CITY, SASK. CANADA S4L 0A1
PH.306-781-2330 FAX 306-781-0271 email eschwartz@sasktel.net

June 14, 2011

Town of White City
P.O. Box 220,
White City, Sk.
S0G 5B0

ATTN. Shauna Bzdel

Attached is the e-mail I sent on May 16, 2011.

As you didn't feel this a formal request please accept this letter as a formal request to allow the subdivision of Lot 1, & tied Lot 2 & 3, Block 1 Plan 101893899. It should be noted we have a sale agreement and deposit from Bruno Van Opstal dated May 15, 2011.

The most northerly 3 metres parallel to the north property line of Lot 2 Block 1, Plan 101893899 will be removed from tied Lots 2 & 3 and added to Lot 1 Block 1, Bruno Van Opstal's lot.

After the subdivision Lot 1 would be 522.54 sq. metres, still non conforming and tied Lot 2 & 3 would be 783.81 sq. metres still conforming to the zoning bylaws.

We understand this needs to be approved by a special bylaw acceptable to community planning before we can have Mid West Surveys proceed with the subdivision. Please proceed with the necessary approvals as soon as possible.

Thanks for your service.

Yours very truly,



ERNIE SCHWARTZ

c.c. Bruno Van Opstal