Agenda - Executive Policy Committee - July 20, 2005

Report - Standing Policy Committee on Property and Development - July 18, 2005

Item No. 9 Zoning Agreement Amendment - 484 Wellington Crescent
File ZAA 2/2005 [c/r DAZ 203/92]

STANDING COMMITTEE RECOMMENDATION:

On July 18, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the City Centre Community Committee and submits to Council that the application for a zoning agreement amendment under File ZAA 2/2005 not be proceeded with.

Agenda - Executive Policy Committee - July 20, 2005

Report - Standing Policy Committee on Property and Development - July 18, 2005

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 18, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2005, the City Centre Community Committee did not concur in the administrative recommendation, and recommended that the application for a zoning agreement amendment under File ZAA 2/2005 not be proceeded with, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 484 Wellington Crescent**
File ZAA 2/2005

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **July 8, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2005, The City Centre Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for zoning agreement amendment under File ZAA 2/2005 not be proceeded with.

The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. There exists a zoning agreement limiting the number of units to a maximum of three (3).

2. The development of six (6) units was a clear violation of the existing zoning agreement.

3. The area residents and association have clearly indicated that six (6) units is far beyond what is acceptable.

PUBLIC HEARING SUMMARY

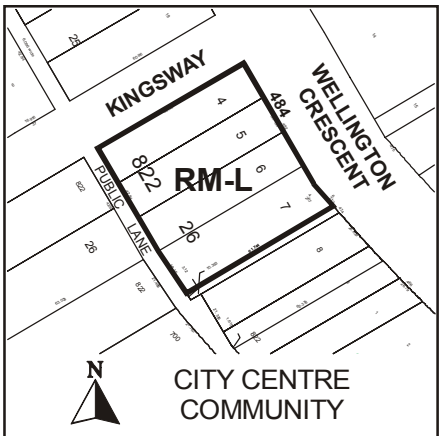
File: ZAA 2/2005

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Benham
Councillor Smith

Public Hearing: July 5, 2005
Council Chamber
Council Building, 510 Main Street

Applicant: Rentz Bros. Inc. (Ian Rentz)

Subject:



APPLICANT : RENTZ BROS. INC.
FILE : ZAA 2/05
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above to permit six (6) dwelling units instead of a maximum of three (3) dwelling units as permitted by the Agreement. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: 484 Wellington Crescent

Exhibits Filed:
1. Application dated February 24, 2005
2. Notification of Public Hearing dated May 12, 2005
3. Manitoba Status of Title 1346224
4. Letter of authorization dated October 21, 2004 from Michael Bojkovic to The City of Winnipeg
5. Drawing of subject property

6. Plans (13 pages)
7. Report from the Manager of Planning and Land Use dated June 6, 2005
8. Communication dated June 27, 2005, from Ross and Barbara Parke in opposition to the application
9. Inspection Report
10. Communication dated June 27, 2005 from Jackie Greenhalgh, Crescentwood Homeowners Association in opposition to the application
11. Communication dated June 28, 2005 from Susan and Tony Russell in opposition to the application
12. Communication dated June 29, 2005 from Frederick and Sandra Allen in opposition to the application
13. Communication dated June 30, 2005 from Susan Wortzman in opposition to the application
14. Communication dated June 30, 2005 from L.C. Bartlett, MD, FRCSC in opposition to the application
15. Communication dated June 30, 2005 from Charles Feaver in opposition to the application
16. Communication dated June 30, 2005 from Don and Marguerite Wood in opposition to the application
17. Communication dated July 1, 2005 from Leanne and David Bardal in opposition to the application
18. Communicated dated July 4, 2005 from Stuart Murray in opposition to the application
19. Communication dated July 4, 2005 from Dr. J.L. Reynolds, Mrs. W.K. Reynolds and Miss Elizabeth Reynolds in opposition to the application
20. Communication dated July 4, 2005 Michael Nesbitt in opposition to the application
21. Communication dated July 5, 2005 from N. Ashleigh Everett in opposition to the application
22. Communication dated July 5, 2005 from Patricia and Douglas D. Everett in opposition to the application
23. Communication dated July 5, 2005 from Douglas C. Everett in opposition to the application
24. Communication dated July 5, 2005 from Nick Logan in opposition to the application
25. Communication received July 5, 2005 from Joel Kettner and Charlotte Johnson in opposition to the application
26. Communication received July 5, 2005 from Harold Richman in opposition to the application
27. Presentation submitted by Richard Bracken at the public hearing

28. Photographs submitted by Douglas D. Everett at the public hearing

REPRESENTATIONS:

In Support:

Ian Rentz, Rentz Bros. Inc.
Claude Davis

In Opposition:

Frederick and Sandra Allen
Leanne and David Bardal
L. C. Bartlett, MD FRCSC
Richard Bracken
Douglas D. , Patricia Everett and
Douglas C. Everett
N. Ashleigh Everett and Stuart Murray
Charles Feaver
Edward and Jackie Greenhalgh
Charlotte Johnson and Joel Kettner
Christina and Alan Kowalee
Leon and Joanne Ledohowski
Nick Logan
Molly McLennan
Catherine Milner
Michael Nesbitt
Ross and Barbara Parke
Dr. J. L. Reynolds, W. K. Reynolds, and
Elizabeth Reynolds
Kathleen Richardson
Harold Richman
Susan and Tony Russell
Lorna Turnbull and Frederick Innis
Robert and Audrey Vandewater
Richard Whidden
Don and Marguerite Wood
Susan Wortzman and John Scurfield

For Information:

C. L. Chappell, Aikins MacAulay & Thorvaldson LLP

For the City:

Mr. R. Humble, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Ian Rentz, Rentz Bros. Inc., appeared in support of the application and gave a brief overview on the development. In response to committee's questions, Mr. Rentz stated that

there were six (6) units and that he had not checked to see if that complied with the existing zoning.

Richard Bracken appeared in opposition to the application. Mr. Bracken read into the record a written presentation filed as Exhibit 27.

Richard Whidden appeared in opposition to the application. Mr. Whidden stated concerns with the community being upset about the development, the applicant not knowing the existing zoning agreement limited the number of units to three (3), and wanting the area maintained as single-family units.

Jackie Greenhalgh appeared in opposition to the application. Ms Greenhalgh stated her involvement with the original rezoning. She also stated concerns with the applicant referring to the units as apartment dwellings and the area being single-family homes. In response to committee's questions Ms Greenhalgh stated concurrence with three (3) units on the site and that the existing zoning was to guarantee that.

Susan Wortzman appeared in opposition to the application. Ms Wortzman reiterated the previous speakers concerns.

Lorna Turnbull appeared in opposition to the application. Ms Turnbull reiterated the concerns of the previous speakers.

Joanne Ledohowski appeared in opposition of the application. Ms Ledohowski stated concerns with the lack of enforcement of the existing agreement.

Christina Kowalee appeared in opposition to the application. Ms Kowalee reiterated the concerns of the previous speakers. She stated concerns with the exterior condition of the property, garbage, non-existence of landscaping, and large amount of parking.

Leo Ledohowski appeared in opposition to the application. Mr. Ledohowski reiterated the concerns of the previous speakers. He stated concerns with the enforcement of the existing zoning agreement.

Douglas D. Everett appeared in opposition of the application. Mr. Douglas stated concerns with the lack of notification posting on the property and submitted photographs filed as Exhibit 29

Molly McLennan appeared in opposition to the application. Ms McLeannan stated that the area consisted of various single-family homes.

In response to committee's questions, the Senior Planner stated that an inspection of the property had taken place, the violation had been recorded, and the options for the owner was to comply to the existing zoning or apply for a zoning agreement amendment. He also stated that if the final decision on this application was to not be proceeded with, the City would enforce compliance to the exiting agreement.

In rebuttal, Mr. Rentz stated he had limited knowledge on the existing zoning and, when notified of the violation, had been given the option to apply for a zoning agreement amendment. He verbally offered to withdraw the application, in view of the opposition.

Community Committee, having heard representations on the application, did not accept the verbal withdrawal and proceeded to deal with the matter.

Exhibit "7" referred to in File ZAA 2/2005

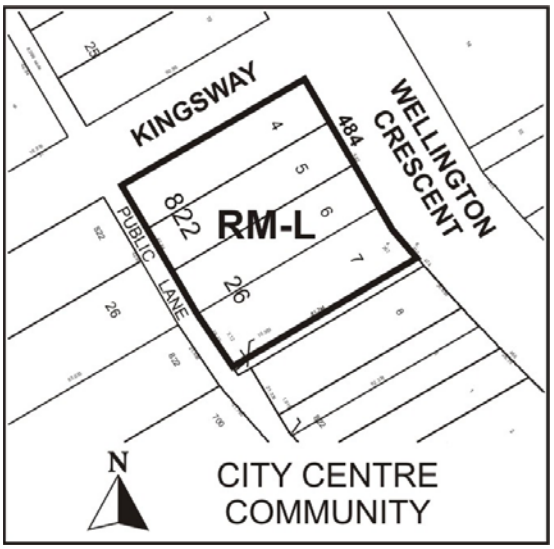
Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: June 6, 2005
File: **ZAA 02/05**
Related Files: N/A
Subject: To amend By-law No. 5947/92 to permit 6 dwelling units instead of a maximum of 3 dwelling units.

Location: 484 Wellington Crescent
Legal Description: Lot 4/6 PT7 Block 26 Plan 822



Applicant: Rentz Bros. Inc. – Mr. Ian Rentz
Owner: Michael Bojkovic / Rentz Bros. Inc.

Recommendation: Approved with Conditions

Site Description

Existing Land Use and Zoning

The subject site is approximately 0.92 acres, (3,726.59 sq. m.) in size, with 200.57-foot frontage on Wellington Crescent and 200-foot flankage on Kingsway Avenue. The property is located in the Crescentwood Neighbourhood and is zoned 'RM-L' Multiple Family Residential.

Architect D.A. Ross built a 2-½ storey, 9,700 square foot, 21 room duplex on the property in 1912 for his own use. Presently there are six dwelling units in the building; although a maximum of 3 (three) units are permitted in the Zoning Agreement (DAZ 203/92).



Figure 1: 484 Wellington Crescent

Surrounding Land Use and Zoning

Northeast:	Wellington Crescent then 'PR1' Parks and Recreation (Richardson Park)
Northwest:	Kingsway Avenue then 'R1-9' Residential followed by 'R1-4' Single Family Residential (St. Mary's Academy School)
Southeast:	'R1-9' Single Family Residential
Southwest:	Back lane then 'R1-9' Single Family Residential

Background

- 1912 Duplex House (9,700 S.F. +/-) built by D.A. Ross
- 1992 Rezoned to 'RM-3' Multiple Family Residential (restricted to 3 units)
- 1995 Re-classified to 'RM-L' Multiple Family (Zoning By-law 6400/94)
- 1999 City Council rejects recommendation to designate the house as Grade III Building Conservation
- 2001 application for 15 unit, 3-storey condominium (rejected)

Description of the Proposed Development

As discussed above, the 1992 Zoning Agreement (DAZ 203/92) on the land includes a clause restricting the number of dwelling units to 3. However, in the spring of 2005 the City of Winnipeg Zoning Field Officer inspected the property discovering 6 dwelling units.

The owner(s) were advised that the property did not conform to the Zoning Agreement on the land and that they must either remove three of the units or apply for a Zoning Agreement Amendment. This application intends to revise clause 2 of the Zoning Agreement to allow 6 units instead of 3, (the 9 existing parking spaces onsite conform to the zoning by-law requirements).

Analysis

Plan Winnipeg Compliance
3A-01 Promote Orderly Development – Item ii) discusses the neighbourhood designation as areas of local identity with mutually supportive uses including a residential mix together with a variety of other uses at a scale and density compatible with each other. Although most adjacent zoning is 'R1-9' Single Family Residential (requiring a minimum 9,000 square foot lot area), there are various densities of multi-family in the vicinity. (See Figure 4)

3A-02 Promote Compact Urban Form – The intent of this Plan Winnipeg policy is the support of sustainability through compact urban form. For example item iv) under this policy directs the City to encourage infilling of vacant lands and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure. The adaptive re-use of this turn of the century mansion provides and example of this type of revitalisation.

3B-01 Promote Vibrant Neighbourhoods – States that the City shall encourage and accommodate within new and existing developments a variety of compatible mixed uses including: Item i) low-intensity residential uses. It should be noted that 'low intensity' includes a range of housing strategies based on site and context parameters and does not refer strictly to single family dwellings.

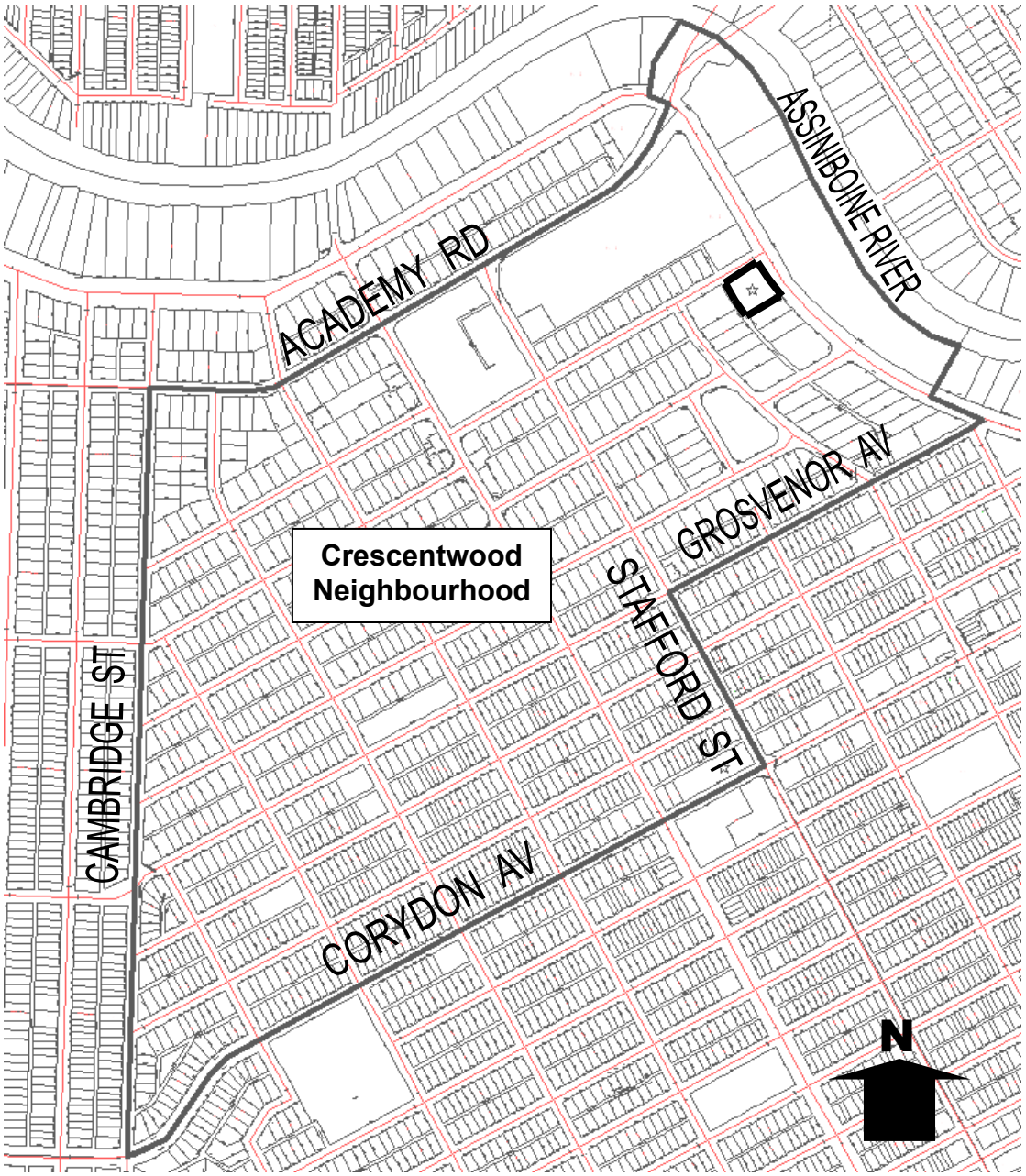


Figure 2: The Crescentwood Neighbourhood

Compatibility with Existing Neighbourhood and Surrounding Uses

The Crescentwood neighbourhood (see Figure 2 above) is characterized by a wide range of mixed-uses; single-family residential, multiple-family residential, institutional and commercial. These uses naturally change and evolve over time based on variables and pressures such as population and economy as with all neighbourhoods and cities.

In the immediate vicinity on the subject site several similar century homes have been converted to multi-family residential, institutional and commercial uses. For example on the adjacent block south; 424 Wellington Crescent is listed as a duplex, 412 Wellington is listed and an apartment, 408 Wellington is listed as a licensed 4-unit Rooming House and 402 Wellington Crescent is

listed as a Side by Side. Immediately west of the subject site on Harvard Street, Yale Street and Ruskin Row there are four existing duplexes.

The Shriner's Hall which became a high-end restaurant, the Unitarian Church and the Shriner's Children's Hospital are conversions to non-residential uses that have successfully retained the historic home and have integrated sensitively into the context.

Transportation and Site Access
The Site has two means of vehicular access, a circular drive with two approaches off Wellington Crescent and a rear driveway off the back lane. The access to the site will not change with this application.

Site Design Issues
As discussed above, the site design will not to change with this application, the driveways and parking are as existing. The site perimeter is heavily screened with a tall hedge and mature trees resulting in minimal visual penetration from the public streets.

The building will require the addition of some exterior exits, landings and stairways as well as some interior modifications to bring it up to Manitoba Building Code requirements.

Land Use Bylaw Issues
The land is zoned 'RM-L' Multiple Family Residential and is restricted to 3 dwelling units through caveat no.1552690 on the property. Without this clause, the subject site (40,114 square feet) could accommodate up to 16 residential units by right.

Public Input
The applicant indicated that he was going to attempt to discuss his application with the adjacent residents and some of the key members of the Crescentwood Homeowners Association, prior to a public hearing at the City Centre Community Committee.

Heritage Status
In 1999 the building was reviewed by the Historical Building Committee, which recommended that the building be placed on the Building Conservation List as a Grade III structure. The then Standing Committee on Property and Development and ultimately City Council did not concur in the recommendation.

As noted in the Planning and Land Use report from DASZ 23/2001 these large homes need to have a benefactor, someone to care for and invest money into as required. 10 Avonhurst and 43 Kingsway are two recent examples of homes where this was not the case leading to their demise.

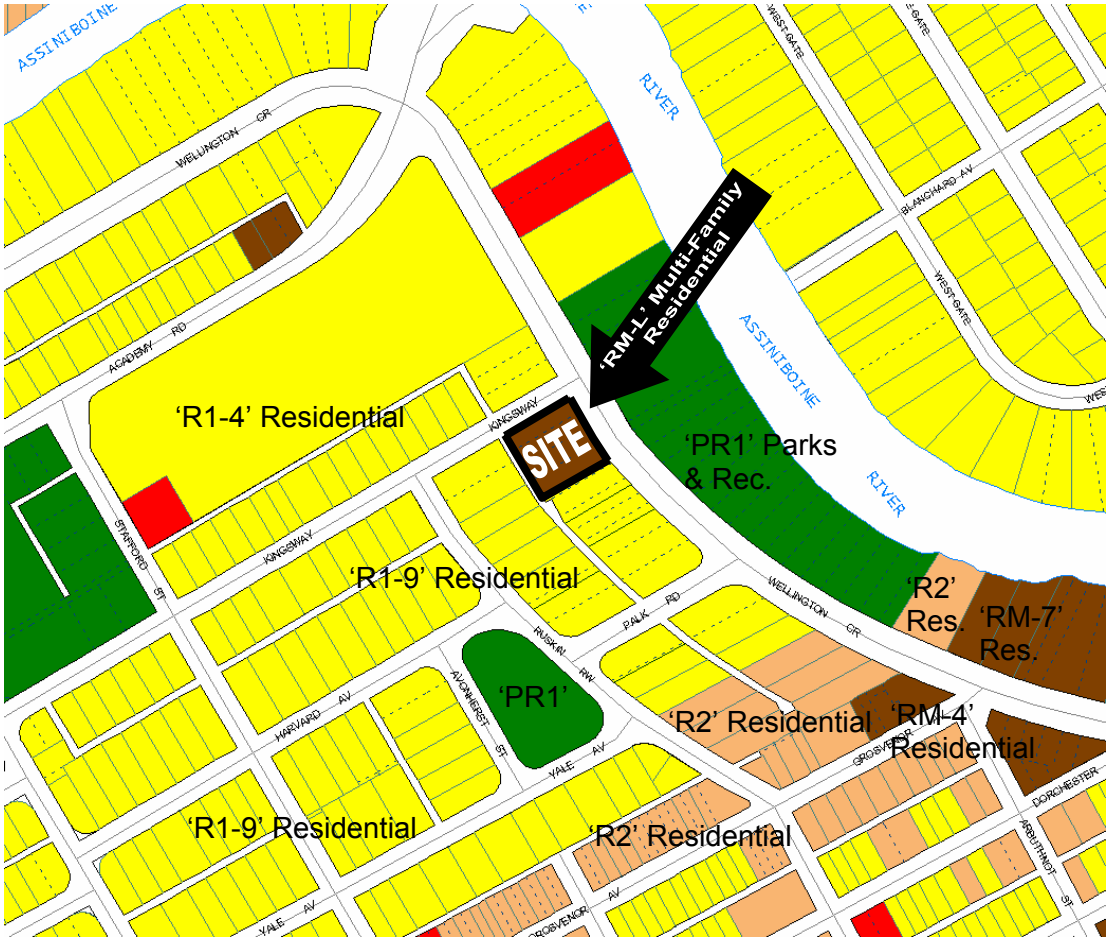


Figure 3: Existing Zoning Designations

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- The proposal is supported by several key policies in Plan Winnipeg – City Council's long range policy plan, a guide to aid Council in setting priorities and make decisions in regards to planning.
- The 6 units on the property will ensure the continued existence of the historic mansion in keeping with the quality and character of the surrounding homes and properties.
- The units have been in existence for several years and presumably have not negatively affected the character and quality of the neighbourhood to date. As is the case with the other existing multiple family residential uses in the area.
- The density is appropriate for the site and the context of the mixed-use character of Wellington Crescent and the immediate context.
- The subject site, close to 1 acre in size, is significantly screened providing generous setbacks for the house and includes adequate parking.

Recommended Conditions of Approval

I. That the Zoning Agreement Caveat No. 1552690 under file no. DAZ 203/92, dated, April 15, 1992 (By-Law # 5947/92), be amended to change clause 2 to read;
'Not more than six (6) dwelling units shall be located on the land.'

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 203/92 (By-Law #5947/92), dated, April 15, 1992 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/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: James Veitch, District Planner City Centre
PPD File # ZAA 2/05



Figure 4: Subject Site and local Multiple Family (Aerial Photograph Flown 2002)

Exhibit "8" referred to in File ZAA 2/2005

RECEIVED
CITY CLERKS
WINNIPEG

5 JUN 28 A11:12

484 Wellington Crescent Applicant
Rentz Bros. Inc
File: ZAA2/05

June 27th, 2005

To Whom It May Concern:

My husband, Ross Parke, and myself, Barbara Parke of 18 Ruskin Row, are very much opposed to the rezoning of 484 Wellington Crescent.

The houses west of Palk Avenue on Wellington Crescent (with the exception of 484 Wellington Crescent) are single family homes, as are the homes further off the Crescent in that area. It is true that the homes on Wellington Crescent east of Palk are multiple family dwellings but we do not want this zoning to continue further west into our Crescentwood neighbourhood. Unfortunately, the homeowners in our area agreed in 1992 to have 484 Wellington Crescent zoned to three condominiums mainly because we knew Mr. Hartley Richardson, owner of the house at the time, and felt empathy towards him as he was having trouble selling his home as a single family dwelling. On hind site, I am sure all of us wished we had not agreed to the rezoning as we have had to fight a variance a few years ago, which we won, and now we are faced yet again with another rezoning application.

Three condominiums in the present building would not be too obvious in the neighbourhood as far as parking, traffic, and noise is concerned but six condominiums would. We live in the lane behind 484 Wellington Crescent and are aware of the traffic and number of cars already in the "newly graveled parking lot" at that address. We do not want our neighbourhood to include a 6 condominium unit, largely because the appeal of our area is the single family uniqueness close to the downtown area.

You have heard these arguments before. I know this because I have attended the meetings regarding the rezoning of the Shiner's Temple and the variance application of 484 Wellington in previous years. Unfortunately, I am out of town for this meeting. I hope you will agree with us that this is a special neighbourhood; we have spent a great deal of energy and money keeping our homes in good repair; and we desperately want our neighbourhood to remain as it has been for almost 100 years and hopefully for all time.

Sincerely,
Ross and Barbara Parke