Agenda - Council - July 27, 2005

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

Item No. 11 Zoning Agreement Amendment - 596 Burnell Street
File ZAA 7/2005 [c/r DAZ 238/85]

STANDING COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That Zoning Agreement Caveat No. 85-110536 under File DAZ 238/85 dated July 31, 1985 (By-law No. 4120/85), be amended to include the following uses under Clause 2:

   A. Single Family Dwelling
   B. Two Family Dwelling
   C. Three-Unit Multiple Family Dwelling

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DAZ 238/85 (By-law No. 4120/85), dated November 18, 1985, 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.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council

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 concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment – 596 Burnell Street**
File ZAA 7/2005

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

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

Report date: **July 7, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2005, the City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement Caveat No. 85-110536 under File DAZ 238/85, dated July 31, 1985 (By-law No. 4120/85), be amended to include the following uses under Clause 2:

   A. Single Family Dwelling
   B. Two Family Dwelling
   C. 3-Unit Multiple Family Dwelling

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DAZ 238/85 (By-law No. 4120/85), dated November 18, 1985 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated June 15, 2005.

PUBLIC HEARING SUMMARY

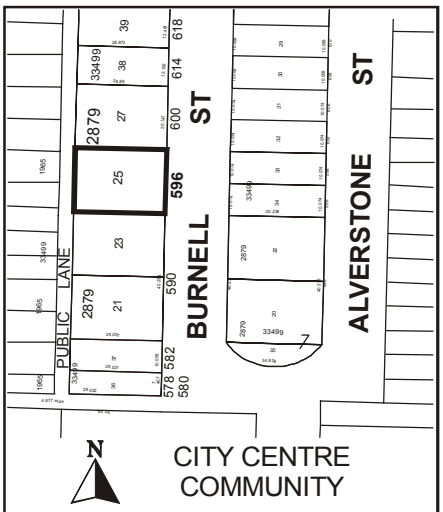
File: ZAA 7/2005

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: Esther Matz, B.A, L.L.B.

Subject:



APPLICANT : MS. E. MATZ
FILE : ZAA 7/05
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above by adding to the list of permitted uses the following: (i) single-family dwelling; (ii) two-family dwelling; and (iii) three unit multiple family dwelling. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: 596 Burnell Street

Exhibits Filed:
1. Application dated May 26, 2005
2. Notification of Public Hearing dated June 7, 2005

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3. Manitoba Status of Title 2084260
4. Surveyor's Building Location Certificate and sketch dated April 26, 2005
5. Letter of authorization dated May 3, 2005 from Hai Xuan Thai and Anh Thu Thi Nguyen to Sarah and Silvan Urbano and/or their solicitors
6. Caveat Forbidding Registration
7. By-law No. 4120/85
8. Variance Order DAV 345/85
9. Plan (1 page)
10. Report from the Manager of Planning and Land Use dated June 15, 2005
11. Inspection Report

REPRESENTATIONS:

In Support:

Esther Matz

In Opposition

Nil

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, Esther Matz, appeared in support of the application and gave a brief overview on the development.

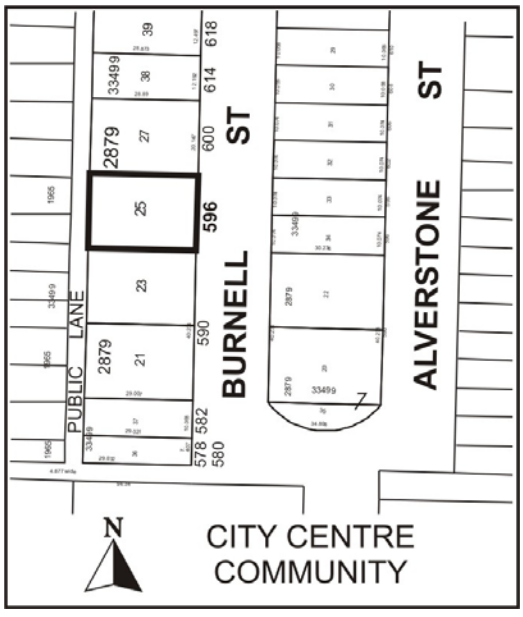
Exhibit "10" referred to in File ZAA 7/2005

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: June 15, 2005
File: **ZAA 07/05**
Related Files: N/A
Subject: To amend clause 2 of the Zoning Agreement to DAZ 238/85 (B/L 4120/85, CAV. No. 85-110536) to include the following uses: "Single-Family Dwelling", "Two-Family Dwelling" & "3 Unit Multiple-Family Dwelling" to permit the conversion of an existing 3 unit Multiple Family Dwelling. (Previously approved under DAV 51/54) to a Single-Family Dwelling.

Location: 596 Burnell Street
Legal Description: Lot 25, Plan 2879



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Applicant: Esther Matz

Owner(s): Hai Xuan Thai and Anh Thu Thi Nguyen

Recommendation: Approved with Conditions

Site Description

Existing land Use and Zoning

The subject site is zoned 'RM-6' Multiple Family, is approximately 621 square feet (57.73 sq. m.) and located in the Daniel McIntyre neighbourhood. The building on site was originally a duplex that was converted to a 3 family dwelling in 1955. It was occupied by the 3-unit multiple-family dwelling until 2002 when the rooming house license was cancelled. It appears that since 2002 it has served as a single-family dwelling.



Figure 1: Existing Dwelling Located on 596 Burnell (Photograph Taken 1995)

Surrounding Land Use and Zoning

North: 'R2' Two-Family Residential District
South: 'RM-6' Multiple Family Residential
East: Burnell Street then 'R2' Two-Family Residential District
West: Back lane then 'R2' Two-Family Residential District

Background

- Duplex construction began 1953 (BP 2817/53)
- Converted to Triplex 1955 (BP 2839/55)
- Property Rezoned from 'R2' Two-Family to 'RM-4' Multi Family (DAZ 238/85)
- Proposed 6 storey, 60 unit multi family project not proceeded with however Zoning Agreement put in place
- 3-unit rooming house licenses issued – 1999 to 2002
- 2002 rooming house license cancelled by new owners

Description of the Proposed Development

Based on the letter of intent submitted by the new owners, dated May 3rd, 2005 the intention is to use the property as a single-family dwelling.

Analysis

The subject property was rezoned to 'RM-4' Multiple Family Residential in 1985 to allow the construction of a 6 storey, 60 unit elderly persons home for St. Joseph's Horizon's Inc. The project was not proceeded with, however the zoning agreement to DAZ 238/85 was registered as a caveat on the property.

Clause 2 of the Zoning Agreement (DAZ 238/85) states;

> *'The land and any building or structure thereon shall not be used, nor any building or structure erected, altered or enlarged on the land, for any use except:*
> *(i) a senior citizens' residence*
> (ii) *accessory uses*

The property is now designated as 'RM-6' Multiple Family under the City of Winnipeg Zoning By-law 6400/96. Because of the restriction to the uses on the site in clause 2 of the Zoning Agreement the new owners wish to apply for a Zoning Agreement Amendment to include the following uses;

- Single-Family Dwelling
- Two-Family Dwelling
- 3-Unit Multiple Family Dwelling

The Planning and Land Use Division has no concerns with this request. The area is residential, predominantly 'R2' Two family zoning, allowing a single family dwelling on this property will not result in any negative impact on the local context.

Recommendation

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

- Compliance with Plan Winnipeg neighbourhood and housing policies
- Compatible with the neighbourhood context

Recommended Conditions of Approval

I. That the Zoning Agreement Caveat No. 85-110536 under file no. DAZ 238/85, dated, July 31, 1985 (By-Law # 4120/85), be amended to include the following uses under clause 2:

- Single Family Dwelling
- Two Family Dwelling
- 3-Unit Multiple Family Dwelling

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 238/85 (By-Law # 4120/85), dated, November 18, 1985 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 07/05

Schedule "A"



Figure 2: Subject Site (Aerial Photograph Flown 2002)