Agenda – Council – December 14, 2005

Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 13 Rezoning - 433 Atlantic Avenue
File DAZ 248/2005

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No.6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 248/2005 dated November 1, 2005, to an "R2-T" Transitional District.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. 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 - November 29, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 8, 2005, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 433 Atlantic Avenue**
File DAZ 248/2005 [c/r DCU 14955540/2005D]

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **November 9, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 8, 2005, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No.6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 248/2005 dated November 1, 2005, to an "R2-T" Transitional District.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated November 1, 2005.

PUBLIC HEARING SUMMARY

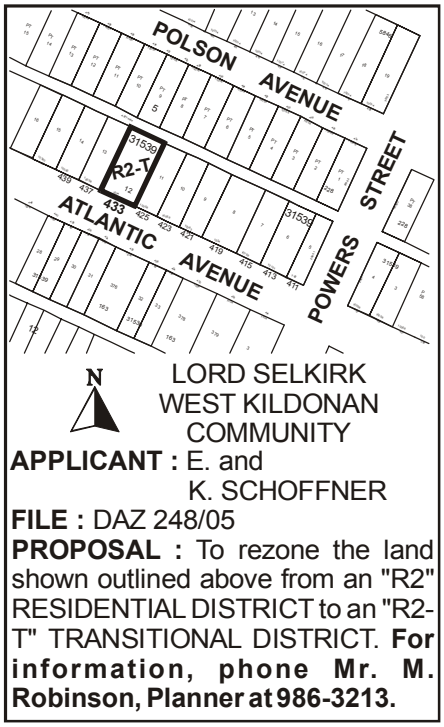
File: DAZ 248/2005 [c/r DCU 14955540/2005D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor Pagtakhan

Public Hearing: November 8, 2005
West Committee Room, Council Building
510 Main Street

Applicant: Edward and Katherine Schoffner

Subject:



Premises Affected: 433 Atlantic Avenue

Exhibits Filed:

1. Application dated September 20, 2005
2. Notification of Public Hearing dated September 27, 2005
3. Manitoba Status of Title 1374735
4. Surveyor's Building Location Certificate and sketch dated May 16, 1960
5. Basement, 1st and 2nd Floor Plans (2 pages)

6. Communication from Edward Schoffner in support of the application
7. Report from the Manager of Planning and Land Use dated November 1, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Edward and Irene Schoffner

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Edward Schoffner, accompanied by his daughter Irene Schoffner, appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use dated November 1, 2005.

Exhibit "7" referred to in File DAZ 248/2005 [c/r DCU 149540/2005D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: November 1, 2005
File: DAZ 248/05
Related Files: DCU 05 14955540/D
Subject: An application has been received from Edward and Katherine Schoffner to amend By-Law No. 6400/94 by rezoning the land shown below from a "R2-T" Two Family Residential District to a "R2-T" Two-Family Transitional District to allow the establishment of a third unit in an existing residential building.

Location: 433 Atlantic Avenue



Applicant: Edward and Katherine Schoffner
Owner: Same

Recommendation: Approval

Report Summary:

- Proposal to rezone a site with an existing residence from an "R2" Two-Family Residential to a "R2-T" Transitional Residential District to allow for three units.
- The building has had three units since it was constructed in 1960
- Proposal meets Plan Winnipeg policies which allow for a variety of residential uses in the Neighbourhood Policy Area
- The proposed rezoning is compatible with surrounding properties;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;

Site Description

The subject property is located on Atlantic Avenue between Powers Street and Andrews Street in the St. John's neighbourhood of the Mynarski Ward.

North: Residences zoned "R-2" Two-Family Residential
South: Residences zoned "R-2" Two-Family Residential
East: Residences zoned "R-2" Two-Family Residential
West: Residences zoned "R-2" Two-Family Residential

Background

The subject building was constructed as a triplex in 1960, with three suites each measuring 1,400 square feet. The current owner purchased the building in 1977 with the understanding that the three units were legally permitted.

Several months ago, the owner was preparing to sell the building and requested a zoning memorandum from the City. Through the zoning memorandum, he was made aware that the subject zoning district, "R2" permits a maximum of two units and that approval for a third unit was never granted.

At this time, he is requesting a rezoning and conditional use in order to legally establish the third unit in this building.

Description of the Proposed Development
As mentioned above, the owner is requesting a rezoning to "R2-T" in order to legally establish a third unit in the subject building.

A conditional use (DCU 05-149540D) to establish the third unit is also being considered in association with this application.

Analysis

Plan Winnipeg Compliance
The subject parcel falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Compatibility with existing neighbourhood and surrounding uses
The proposed zoning is "R2-T" Residential, which is a transitional zoning district that is intended to accommodate single and two-family development and where appropriate, limited multiple-family development in lower-density transitional neighbourhoods.

The area includes a mix of residence types including single-family, two-family, and limited multiple-family development.

Zoning
The zoning in this case will change only marginally because multiple family dwellings (three or more units) still require a conditional use in the "R2-T" Transitional District. Thus, future modifications to this property can be monitored and controlled through the conditional use process.

Use
The subject property and residence are considerably larger than adjacent properties and each of the suites will have a considerable amount of space (1,400 square feet).

Recommendation

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

- The property and residence are considerably larger than others in the area
- The building has had three units since it was constructed in 1960
- Future modifications to this property can be monitored and controlled through the conditional use process;
- The proposed rezoning is compliant with Plan Winnipeg and its policies;
- The proposed rezoning is compatible with the surrounding properties;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;
- Municipal services for multi-family development are available;

<u>Recommended Conditions of Approval</u>

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 248/05, attached hereto and dated, November 1, 2005, to a "R2-T" Transitional District.

II. That a ten (10) per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

V. 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: Michael Robinson, AICP
PPD File # 3.306

Schedule "A"

By-Law No. _____

File No. **DAZ 248/05**

Atlas Sheet No. **V25**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 433 Atlantic Avenue from an "R2" RESIDENTIAL DISTRICT to an "R2-T" TRANSITIONAL DISTRICT as shown outlined below.



Schedule "A" to the report of the Lord Selkirk/West Kildonan Community Committee for File No. DAZ 248/05, dated November 1, 2005.

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

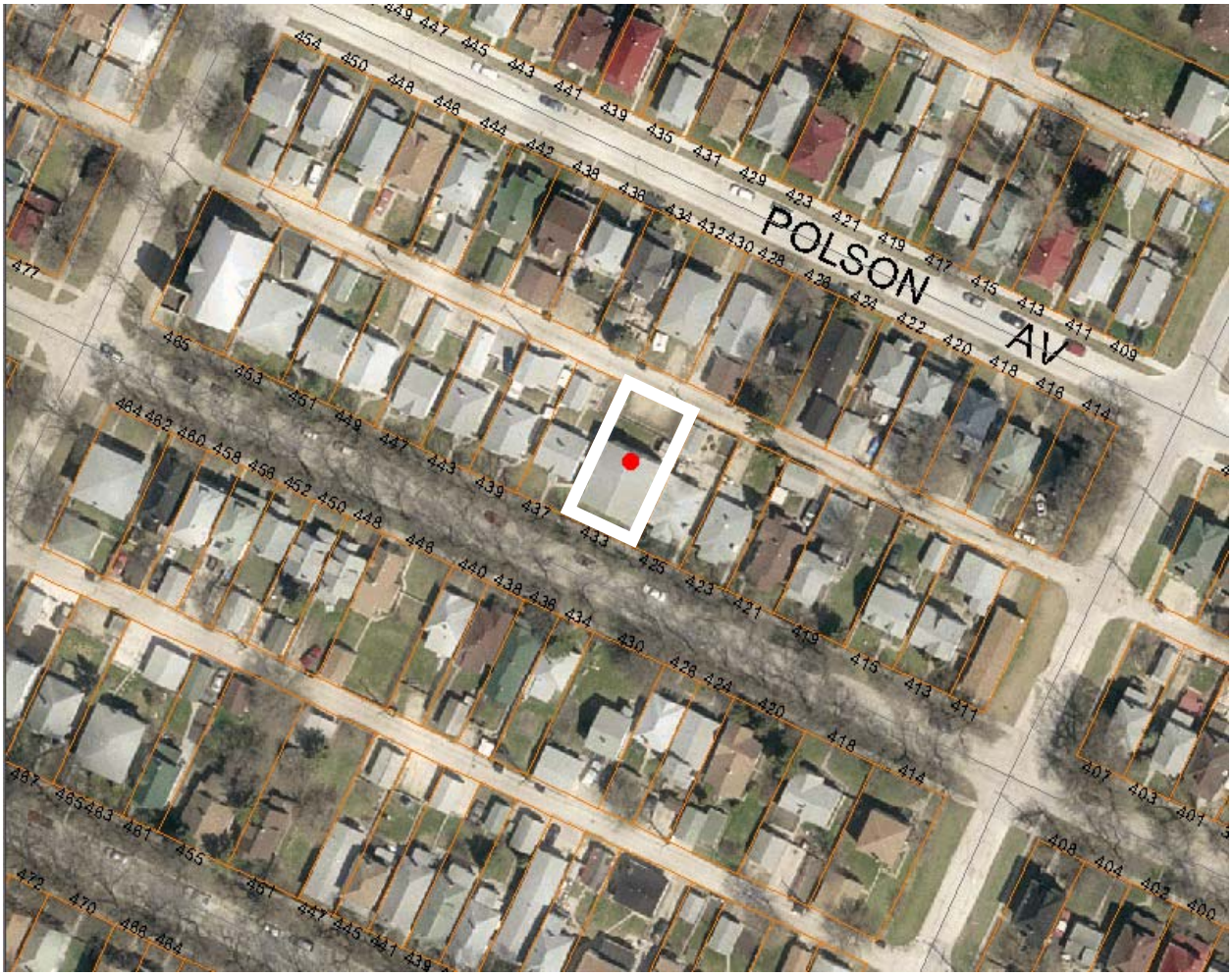
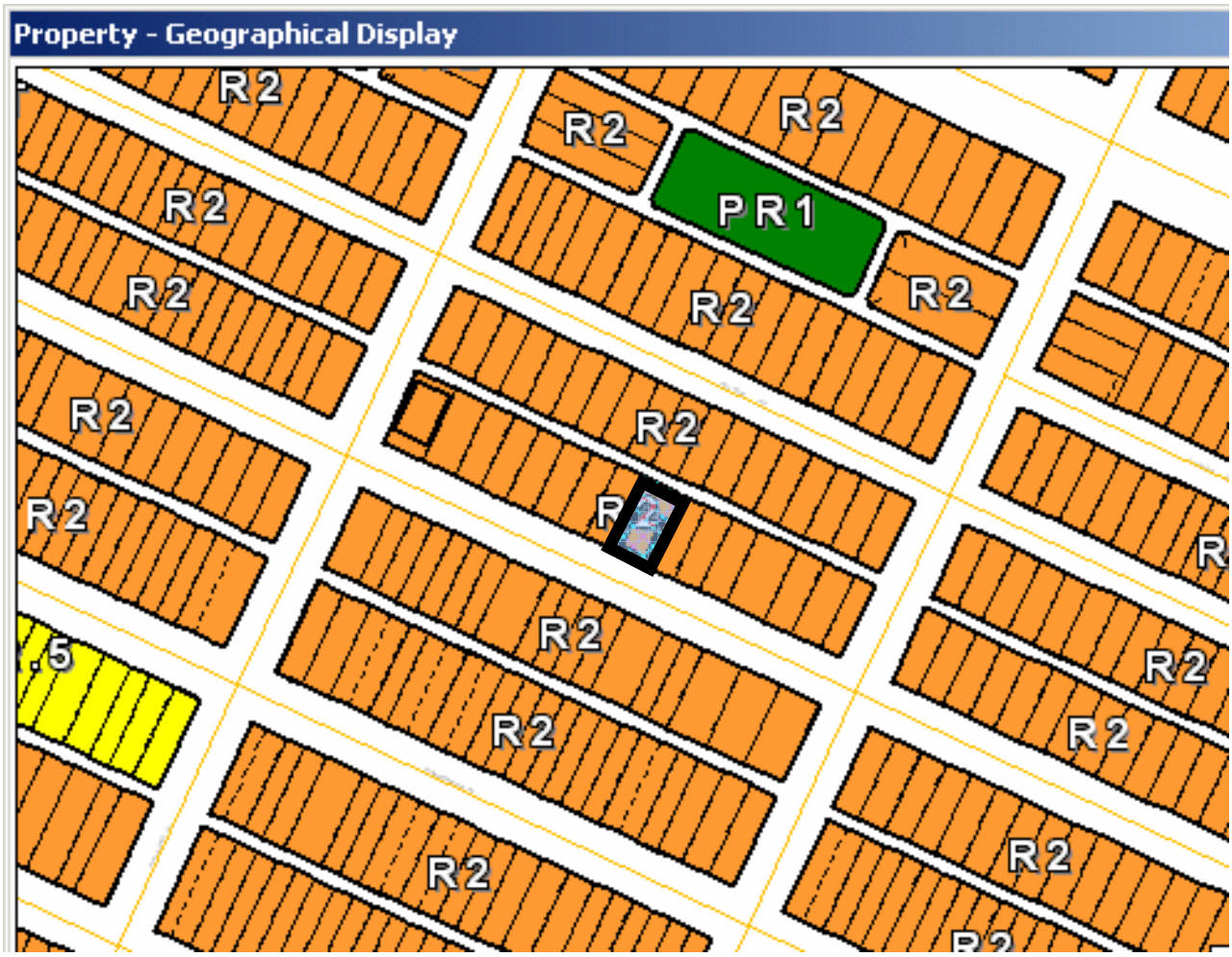


Figure 1: Aerial Photo (Flown in 2002)


Property - Geographical Display
R2
R2
R2
PR1
R2
R2
R2