Agenda - Council - June 28, 2006

Report - Standing Policy Committee on Property and Development - June 6, 2006

Item No. 11 Rezoning - 523 Redwood Avenue
File DAZ 203/2006

STANDING COMMITTEE RECOMMENDATION:

On June 21, 2006, 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 203/2006 dated March 27, 2006, 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 this 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 - June 6, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 21, 2006, 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 June 6, 2006, 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 April 25, 2006, the Lord Selkirk-West Kildonan Community Committee did not concur in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 523 Redwood Avenue**
File DAZ 203/2006 [c/r DAV 114880/2006D, DCU 108617/2006D]

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

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

Report date: **May 2, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 25, 2006, the Lord Selkirk-West Kildonan Community Committee did not concur 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 203/2006 dated March 27, 2006, 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 this 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 reasons for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee did not agree with the administrative comments contained in the report of the Planning and Land Use Division dated March 27, 2006.

2. The Lord Selkirk-West Kildonan Community Committee is of the view the applicant has demonstrated a concern for the community and will build a product that will enhance rather than detract from the area.

PUBLIC HEARING SUMMARY

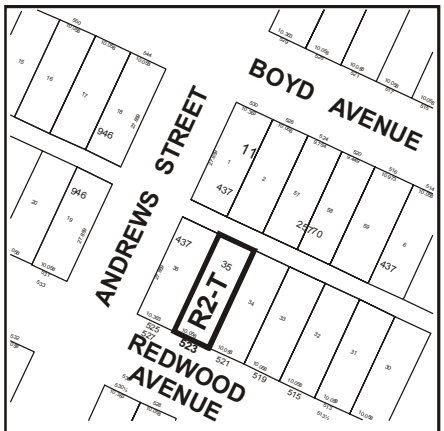
File: DAZ 203/2006 [c/r DAV 114880/2006D, DCU 108617/2006D]

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

Public Hearing: April 25, 2006
West Committee Room, Council Building
510 Main Street

Applicant: 4769270 Manitoba Ltd. (Ray Rybachuk)

Subject:



Premises Affected: 523 Redwood Avenue

Exhibits Filed:
1. Application dated March 6, 2006
2. Notification of Public Hearing dated March 13, 2006
3. Manitoba Status of Title 2036823

4. Surveyor's Building Location Certificate and sketch dated July 4, 2002
5. Plans (2)
6. Report from the Planning and Land Use Division dated March 27, 2006
7. Inspection Report

REPRESENTATIONS:

In Support:

Ray Rybachuk
Deborah Rybachuk

In Opposition

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Ray Rybachuk, accompanied by Deborah Rybachuk, appeared in support of the application and stated he did not agree with the negative administrative recommendation outlined in the report of the Planning and Land Use Division dated March 27, 2006. Mr. Rybachuk made reference to the statement contained in the administrative report regarding the draft Zoning By-law update and questioned why Committee would not recommend approval of this application at this time if multiple-family development would be allowed in this area in the near future. In this connection, Mr. Robinson, the Planner, advised Committee the draft Zoning By-law has yet to be reviewed and approved by Council and that once approved, multiple-family development would be allowed in this area upon conditional use approval.

Mr. Rybachuk drew Committee's attention to the fact there are other multiple-family buildings in the area and noted there is an apartment block across the street. He stated the proposed development would definitely fit in and be compatible with the area. Mr. Rybachuk advised that when he and his investors purchased the subject property, it was a burnt up four-plex that has been gutted and renovated to a tri-plex. Extensive renovations, to the tune of approximately $60,000.00, have been carried out to the property to date. He noted that the following

improvements have been made to the property in accordance with all fire and health regulations, namely:

- new roof
- new soffits and eavestroughing
- new windows
- three new kitchens
- new kitchen cabinetry
- old drywall has been ripped out and replaced
- a hard-wired fire alarm system installed.

Deborah Rybachuk commented the building is a beautiful home and a definite enhancement to the area and Mr. Rybachuk referred to it as a gem. In answer to Committee's question, Mr. Rybachuk stated the property is currently owned by North Central Properties, of which he is part owner. Given the considerable amount of money spent in renovating the property, Mr. Rybachuk stated that he and his investors have been able to attract good tenants which are monitored on an ongoing basis. There are no month to month tenancies, as all tenants are required to sign a lease. Mr. Rybachuk further noted that if prospective tenants are not accepted by Manitoba Hydro, then they are not accepted as potential tenants either. Mr. Rybachuk summed up by saying that since the property has been purchased and renovated, it has not been a problem to the neighbourhood, but rather a positive addition to the community.

In answer to Councillor Lazarenko's question as to the amount of parking available, Mr. Rybachuk stated there is a garage in the rear and that the rear lane has been fenced off to make a bigger yard.

The Planner applauded the applicant for all of the work done on the subject property to date and advised Committee that he could really see both sides of the issue. However, Mr. Robinson noted the neighbourhood is currently zoned "R2" and that the Planning, Property and Development Department is constantly receiving requests for tri-plexes or multiple-family development for the area. He stated that if the Department makes exception, it would render the zoning meaningless and be contrary to the intent of the current zoning. Until such time as the new by-law is passed, Mr. Robinson stated the Department has no alternative but to recommend that such rezonings not be proceeded with.

Exhibit "6" referred to in File DAZ 203/2006

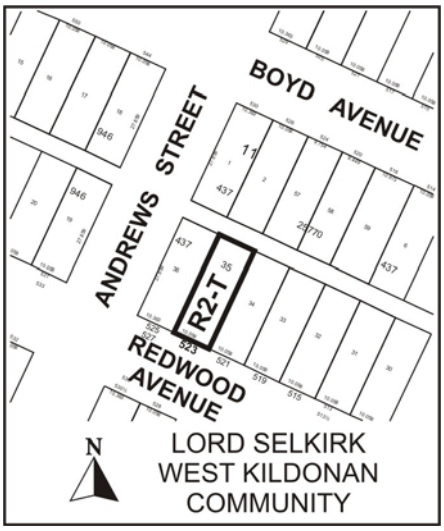
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: March 27, 2006
File: DAZ 203/06
Related Files: DAV 05-114880/D, DCU 06-108617/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "R2" Residential District to an "R2-T" Residential District to permit the establishment of a three-unit multiple family dwelling.

Location: 523 Redwood Avenue



Applicant: 4769270 Manitoba Ltd.
Owner: Same

Recommendation: Denial

Site Description

The subject property, which is zoned "R2" Two-Family Residential, is located on Redwood Avenue between Andrews and Powers Streets, in the St. John's neighbourhood of the Mynarski ward.

North: ***Residences zoned "R2" Two-family residential***
South: ***Residences zoned "R2" Two-family residential***
East: ***Residences zoned "R2" Two-family residential***
West: ***Residences zoned "R2" Two-family residential***

Background

August 1999	Building closed due to a fire
January 2003	First permit issued to board up the vacant building
March 2004	Building placarded by the Health Department
October 2004	Permits issued for renovations to the building
October 2005	Request by applicant to have placards removed
November/December 2005	Placard removed and building reopened

Prior to 1999, the building was a side duplex that had been converted to a four-plex some time ago. However, in light of the fact that the building was vacant for several years, non-conforming rights to four units were lost.

Description of the Proposed Development
The applicant is requesting approval to establish a three-unit multiple family residence at the subject location. The applicant requires a rezoning to "R2-T" Residential, where multiple-family housing is allowed as a conditional use.

Analysis
Compatibility with existing neighbourhood and surrounding uses
The neighbourhood in question, St. John's, is zoned "R2" two-family residential, with only a few exceptions. These exceptions occur primarily along regional streets, such as Main and Salter Streets, and in a few cases, where whole blocks or parts of blocks are zoned exclusively single-family residential.

The subject property has the same characteristics as other surrounding properties zoned "R2". The lot area, which is 3,016 square feet, the lot width, which is ± 33 feet, and the lot depth, which measures ± 93 feet, are all typical for "R2" zoned properties in the area. To that point, there are no characteristics which makes this property unique or special conditions which would apply only to this property and not to other similar properties in the area.

Consequently, there is nothing in this situation that would justify this property being, singled out and placed in a different zone from that of neighbouring properties. This approach to zoning,

which is also called “spot zoning”, is typically avoided because it affords special rights and advantages to individual property owners, creates unpredictability, and may lead to incompatibilities between adjacent properties.

Other
The draft Zoning By-Law update, which has yet to be formally reviewed or approved by City Council, is proposing that multiple-family development be allowed as a conditional use in the “R2” zoning district. If this proposal is endorsed in the new Zoning By-Law, it is possible that this development could occur as a conditional use in the near future.

However, given that the new By-Law is still subject to a full public hearing process as well as a formal review and adoption by City Council and given that this specific proposal may or may not be proceeded with, the Planning and Land Use Division feels that for the reasons stated above, it is premature to move forward with a rezoning of this property, for the intended purpose, at this time.

Recommendation

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

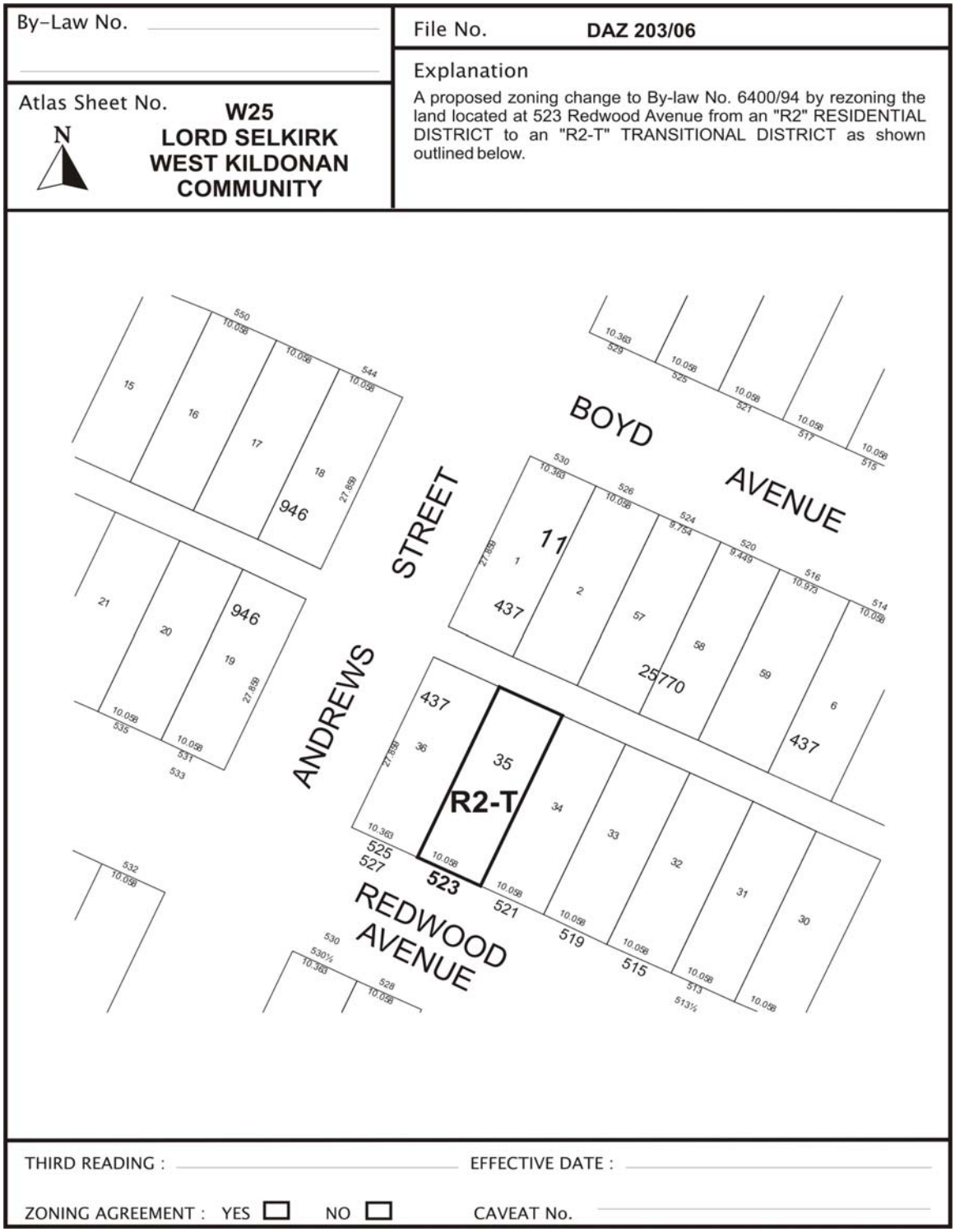
- It is inconsistent with the residential zoning in the neighbourhood
- The subject property has the same characteristics as adjoining properties and as such, does not warrant distinct zoning
- It is premature to proceed with this application in light of the specific changes be recommended for this area in the current update to the Zoning By-Law

I. That file DAZ 203/06, as shown on Schedule “A” attached hereto, and dated March 27, 2006 to an “R2-T” Two-Family Transitional Residential District **NOT BE PRECEDED WITH**.

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

Report Prepared by: Michael Robinson, AICP
PPD File # DAZ 203/06

Schedule "A"



Schedule "A" to the report to Lord Selkirk-West Kildonan Community Committee for File No. DAZ 203/06 dated March 27, 2006.

4170



Figure 1: Aerial Photo (Flown in 2005)