Minute No. 315
Report - Standing Policy Committee on Property and Development - February 27, 2007

Item No. 5 Rezoning - 524 Walker Avenue
File DAZ 244/2006

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 244/2006 dated January 22, 2007, to a "RM-4" Multiple-Family District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:
   i. That the total number of dwelling units shall not exceed three.
   ii. That in the event the existing building is demolished or destroyed, the site zoning shall become "R1-3.5" Single-Family District.
   iii. That the Multiple-Family development shall be established in substantial conformity with plans submitted and identified as Exhibit 6.

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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

Report - Standing Policy Committee on Property and Development - February 27, 2007

COUNCIL DECISION (continued):

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 - February 27, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 14, 2007, 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 February 27, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 30, 2007, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 524 Walker Avenue**
File DAZ 244/2006 [c/r DAV 160228/2006D]

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

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

Report date: **February 2, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 30, 2007, the City Centre 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 shown on Schedule "A" for File DAZ 244/2006 dated January 22, 2007, to a "RM-4" Multiple-Family District, subject to the following:

A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:
   i. That the total number of dwelling units shall not exceed three.
   ii. That in the event the existing building is demolished or destroyed, the site zoning shall become "R1-3.5" Single-Family District.
   iii. That the Multiple-Family development shall be established in substantial conformity with plans submitted and identified as Exhibit 6 dated November 15, 2007.

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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 Planning and Land Use Division dated January 22, 2007.

PUBLIC HEARING SUMMARY

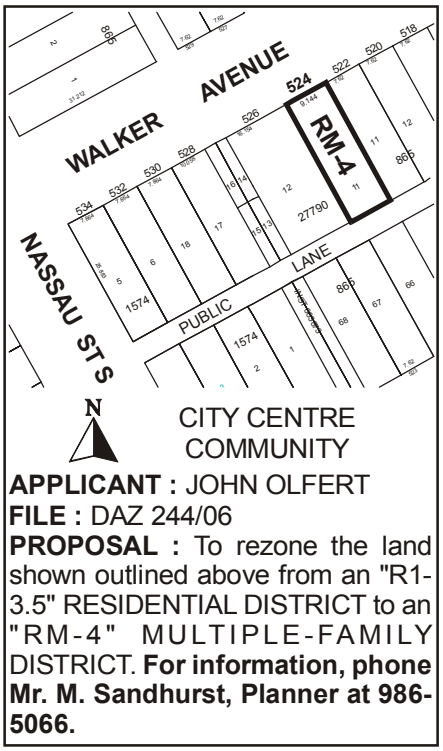
File: DAZ 224/2006 [c/r DAV 160228/2006D]

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

Public Hearing: January 30, 2007
North Committee Room
Council Building, 510 Main Street

Applicant: John Olfert

Subject:



Premises Affected: 524 Walker Avenue

Exhibits Filed:
1. Application dated December 18, 2006
2. Notification of Public Hearing dated December 13, 2006
3. Manitoba Status of Title 2063509
4. Letter of authorization dated October 17, 2006 from Elsie Olfert to John Olfert

5. Surveyor's Building Location Certificate and sketch dated July 13, 1971
6. Drawing and Floor Plans of the subject property
7. Photographs (8) of the subject property
8. Report from the Planning and Land Use Division dated January 22, 2007
9. Inspection Report

REPRESENTATIONS:

In Support:

John Olfert

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, John Olfert, appeared in support of the application.

Exhibit "8" referred to in File DAZ 244/2006 [c/r DAV 160228/2006D]

Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: January 22, 2007
File: **DAZ 244/06**
Related Files: DAV 06-160228/D
Subject: To rezone the land shown outlined below from an "R1-3.5" Single-Family District to an "RM-4" Multiple-Family District.

Location: 524 Walker Avenue
Legal Description: SP Lot 11 Plan 27790 21/23 Parish of St. Boniface



Applicant: John Olfert
Owner: John & Elsie Olfert

Recommendation: *Approved with conditions*

Site Description

The subject site is located along the south side of Walker Avenue, between Nassau and Osborne streets. The site is developed with an older 2-storey residence. It's zoned "R1-3.5" Single-Family District. Adjacent properties are predominantly single-family and duplex conversions (zoned "R1-3.5"). Immediately adjacent is a 3-storey (8-unit) multiple-family (to the west, zoned "R1-3.5").



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant intends to establish an additional (for a total of three dwelling units) dwelling unit within the basement of the existing building. Under DAV 06-160228/D, the applicant seeks permission to establish the third dwelling unit prior to the rezoning coming into force and effect and relief from bulk and parking requirements. No expansion of the existing building is proposed. The accessory parking area (rear yard with vehicular access via the public lane) is to remain in its current condition.

Analysis

This portion of the Lord Roberts neighbourhood is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates a range of residential densities, along with commercial, institutional, and parks & recreation uses. This property has non-conforming rights to two dwelling units. Development & Inspections Division records indicate a basement unit had been established without permits. This third unit was voluntarily abandoned (c.1996).

Although the majority of Lord Roberts is single-family and duplex, on 25-foot wide lots, the portion of the neighbourhood near Osborne Street continues to display more variety and intensity of residential density. The subject site is 30 feet wide and shares its west property line with an older 3-storey, 8-unit apartment building. Increases in residential intensity—though generally endorsed in *Plan Winnipeg*—must be carefully implemented, in order to both protect the interests and investments of immediate neighbours and ensure the neighbourhood's integrity is not threatened. The subject proposal is suitable, based on the immediate site context and on the existing residential building's suitability for conversion. Subject to Zoning Agreement conditions—particularly, building height restrictions and retention of the existing building—Planning & Land Use Division recommends approval.

Recommendation

The division recommends the subject site be rezoned to "RM-4" Multiple-Family District for a number of related reasons, principally:

- the proposed 3-unit multiple-family dwelling provides a reasonable transition between the 8-unit multiple-family on its west side and the single-family dwelling on its east side;
- the existing building, subject to recommended conditions, will have no appreciable impacts on neighbouring properties.

Recommended Conditions of Approval

I That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 243/06, attached hereto and dated December 5, 2006, to a "RM-4" Multiple-Family District, subject to the following:

A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

1. That the total number of dwelling units shall not exceed three.
2. That, in the event the existing building is demolished or destroyed, the site zoning shall become "R1-3.5" Single-Family District.
3. That the Multiple-Family development shall be established in substantial conformity with plans submitted and identified as Exhibit ___, dated ___, 2007.

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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. 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: M. Sandhurst
PPD File # DAZ 244/06

Schedule "A"

By-Law No.

File No. **DAZ 244/06**

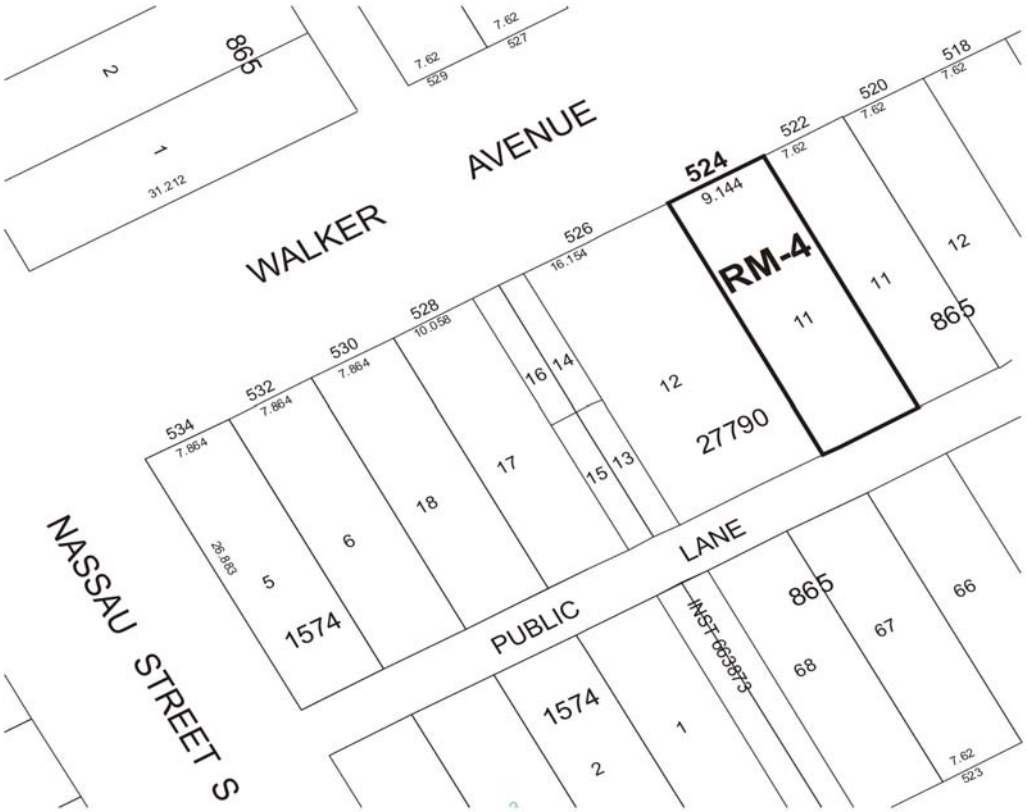
Atlas Sheet No.

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AD25
CITY CENTRE
COMMUNITY

Explanation

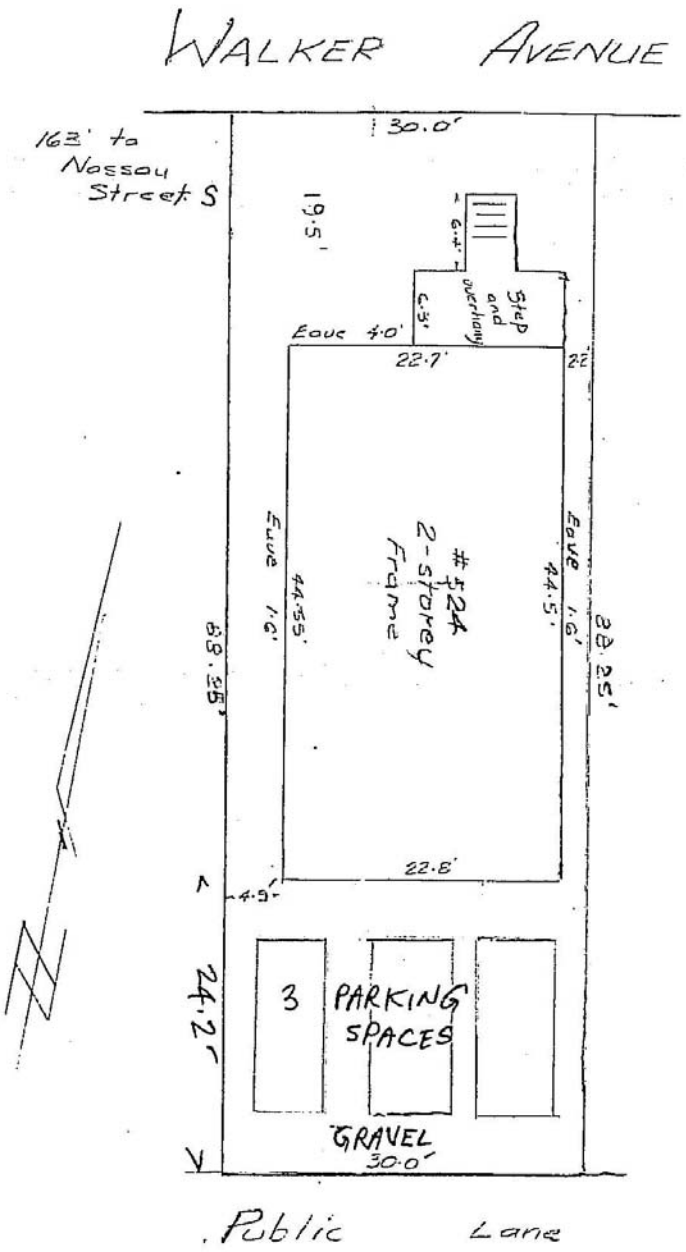
A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 524 Walker Avenue from an "R1-3.5" RESIDENTIAL DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

Schedule "A" to the report to City Centre Community Committee for file # DAZ 244/06 dated January 22, 2007.



SKETCH

524 WALKER AVE.

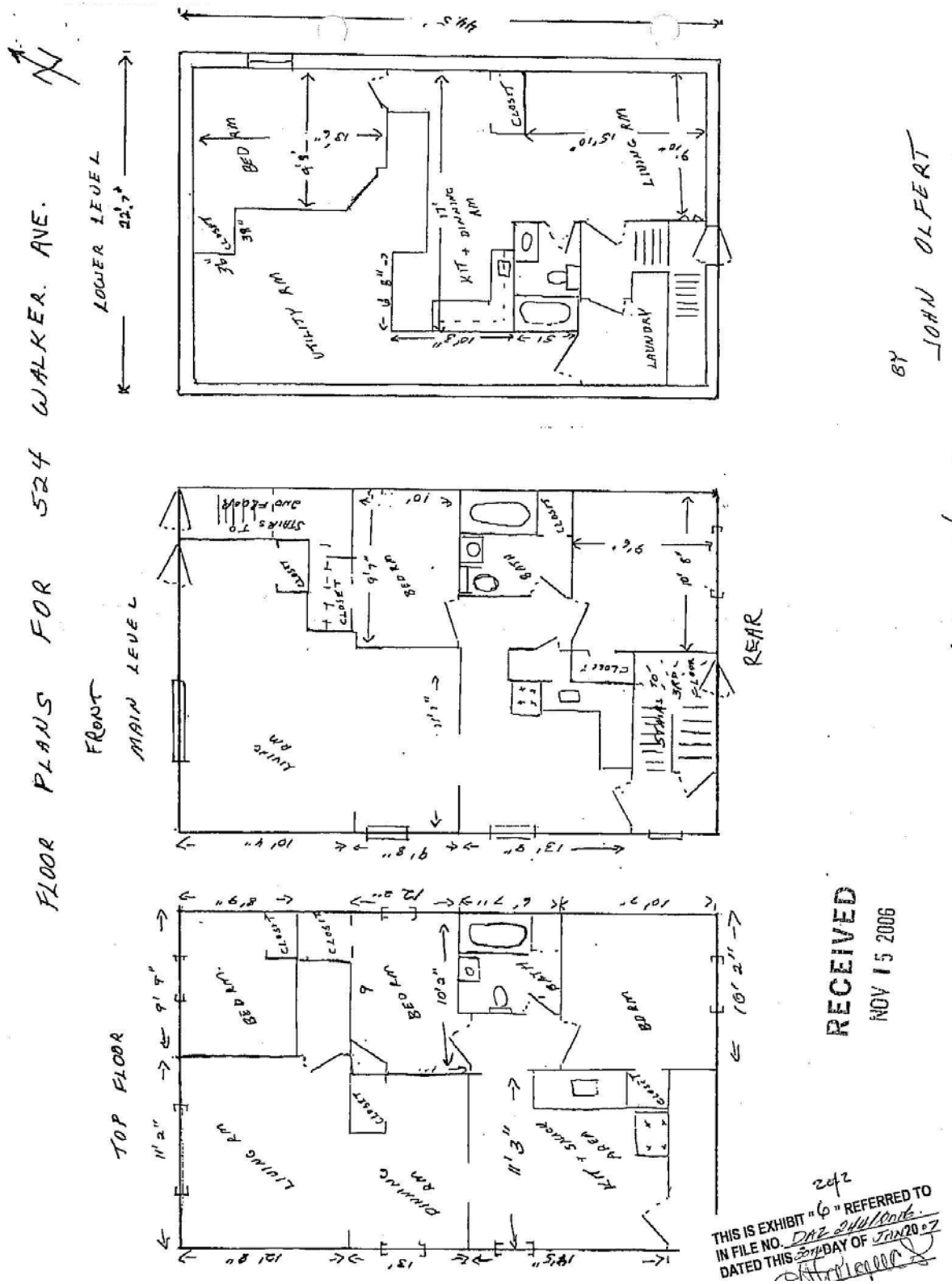
DAV 06-160228/D

DAZ 244/2006

1 of 2

THIS IS EXHIBIT "G" REFERRED TO IN FILE NO. DAZ 244/2006.
DATED THIS 30th DAY OF JAN 2007

CLERK


FLOOR PLANS FOR 524 WALKER. AVE.
LOWER LEVEL
MAIN LEVEL
TOP FLOOR
FRONT
REAR
BY JOHN OLFERT
DAV 06-160228/D
DAZ 244/2006
RECEIVED
NOV 15 2006
THIS IS EXHIBIT "6" REFERRED TO
IN FILE NO. DAZ 244/2006.
DATED THIS 30TH DAY OF JAN 2007