Agenda – Council – July 16, 2008

Report - Executive Policy Committee - June 25, 2008

Item No. 3 Rezoning - 609 Mulvey Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 212/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 25, 2008, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/2008 dated June 9, 2008, to an "R2" Residential 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 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 - Executive Policy Committee - June 25, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 25, 2008, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning - 609 Mulvey Avenue**
File DAZ 212/2008

For submission to: **Executive Policy Committee**

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

Report date: **June 18, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/2008 dated June 9, 2008, to an "R2" Residential 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 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.

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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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The proposal will result in an improved property which will be owner occupied.

2. There are other examples of multiple-family homes in the area.

3. There is no registered opposition to the application.

PUBLIC HEARING SUMMARY

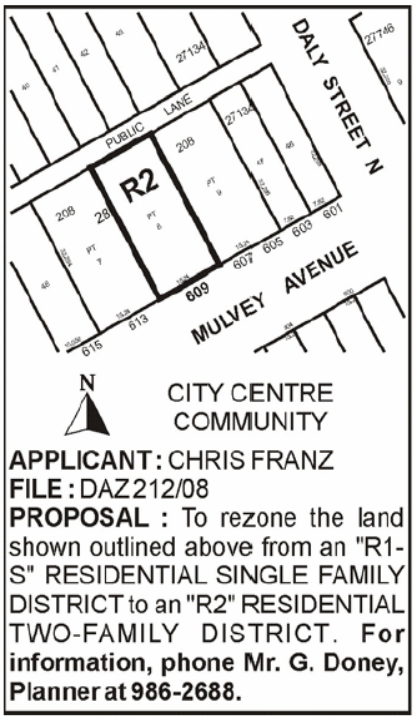
File: DAZ 212/2008

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

Hearing: June 17, 2008
North Committee Room
Council Building, 510 Main Street

Applicant: Christian Franz

Subject:



Premises Affected: 609 Mulvey Avenue

Exhibits Filed:
1. Application dated April 28, 2008
2. Notification of Public Hearing dated April 30, 2008
3. Manitoba Status of Title2025154
4. Surveyor's Building Location Certificate and sketch dated March 10, 1999
5. Plans (6 pages)

6. Report from the Planning and Land Use Division dated June 9, 2008
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Christian Franz

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 212/2008

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: **June 9, 2008**
File: **DAZ 212 /2008**
Subject: **Rezone land to allow a side by side.**

Location: **609 Mulvey Avenue**



Applicant: **Chris Franz**
98 St. Vital Road R2M 1Z5

Owner: **Chris Franz**

Recommendation: **Approve**

Report Summary:

- The applicant would like to demolish the existing single family dwelling and construct a two family dwelling.
- No variances are required at this time as the lot compiles with the bulk regulations of the Zoning By-law for lot width and lot area.

- The adjacent property to the east is zoned R2 with a duplex on the land.
- Submitted plans at this time indicate a two story, side by side dwelling that will have 25 foot front yard, 32 foot rear yard, 5 foot side yards

Site Description

- The subject property is approximately 5,300 square feet located on the north side of Mulvey Avenue between Hugo and Daly Streets North in the Earl Gray neighbourhood of the Fort Rouge – East Fort Garry Ward.
- The site is zoned **"R1-S" Single Family Residential District - Small** and is occupied by a 1,182 sq. ft. single family dwelling constructed in 1949.
- Adjacent lands include a single family dwelling to the west zoned "R1-S"; and a two family dwelling zoned "R2" to the east.
- Surrounding uses include single / two / multiple family residential uses along Warsaw Avenue zoned "R1"; residential uses to the south along Fleet Avenue zoned "R1" include single / two / multiple family dwellings.

Description of the Proposed Development

The applicant would like to demolish the existing single family dwelling and construct a two family dwelling.

Analysis

PLAN WINNIPEG

The proposed concept in consistent with Plan Winnipeg in that a commercial rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- A **"R2" Residential Two Family District** is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods. There is a front yard requirement of 20 feet and the maximum building height is 35 feet. The minimum lot width is 25 feet and lot area 5,000 square feet (2,500 per dwelling unit).
- The **"R1-S" Single Family Residential District - Small** is intended to accommodate primarily single family residential development in lower-density neighbourhood. There is a minimum lot size of 2,500 square feet. A side yard of 4 feet is required.

LAND USE BYLAW ISSUES

- No variances are required at this time as the lot compiles with the bulk regulations of the Zoning By-law for lot width and lot area.
- The applicant, if granted this application, would have the right to construct two units (duplex) on the lots for a maximum of 2 units.
- The applicant would also maintain the right to construct a single family dwelling.
- Multiple Family Dwellings would be a 'conditional' use in the R2 District requiring a public hearing.

- An application may be made in the future to subdivide the lot with the new property line going down the common party wall to allow each unit to be on separate land titles.
- Variances may be required for substandard side yards as the common party wall would have no physical separation between them – thus no side yard.

COMPATIBILITY WITH SURROUNDING USES
The adjacent property to the east is zoned R2 with a duplex on the land. There are also other two family dwellings and apartment blocks in the surrounding area that are zoned R1. This apparent inconsistency between the on-ground land-uses and the single family zoning is likely the result of the blanket zoning done for the neighbourhood as part of Zoning By-law 6400/94.

TRANSPORTATION AND SITE ACCESS
Access to the subject land will be from the rear public lane.

SITE DESIGN ISSUES
Submitted plans at this time indicate a two story, side by side dwelling that will have 25 foot front yard, 32 foot rear yard, 5 foot side yards. The front façade of the dwellings will have open verandas. Open decks 1.8 feet above grade will be constructed in the rear yard. Entrances will be provided each side of the building. The roof will be peaked and there will be windows on all four sides of the dwelling.

Recommendation

The Planning and Land-Use Division supports the rezoning application.

The zoning will allow a variety of residential land-uses to be established in a neighbourhood that has an existing diversity of dwelling unit types.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212 /2008 dated June 9, 2008 to a "R2" Residential 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 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.

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

Report Prepared by: John S. Wintrup
PPD File # DAZ 212/2008

Schedule "A"

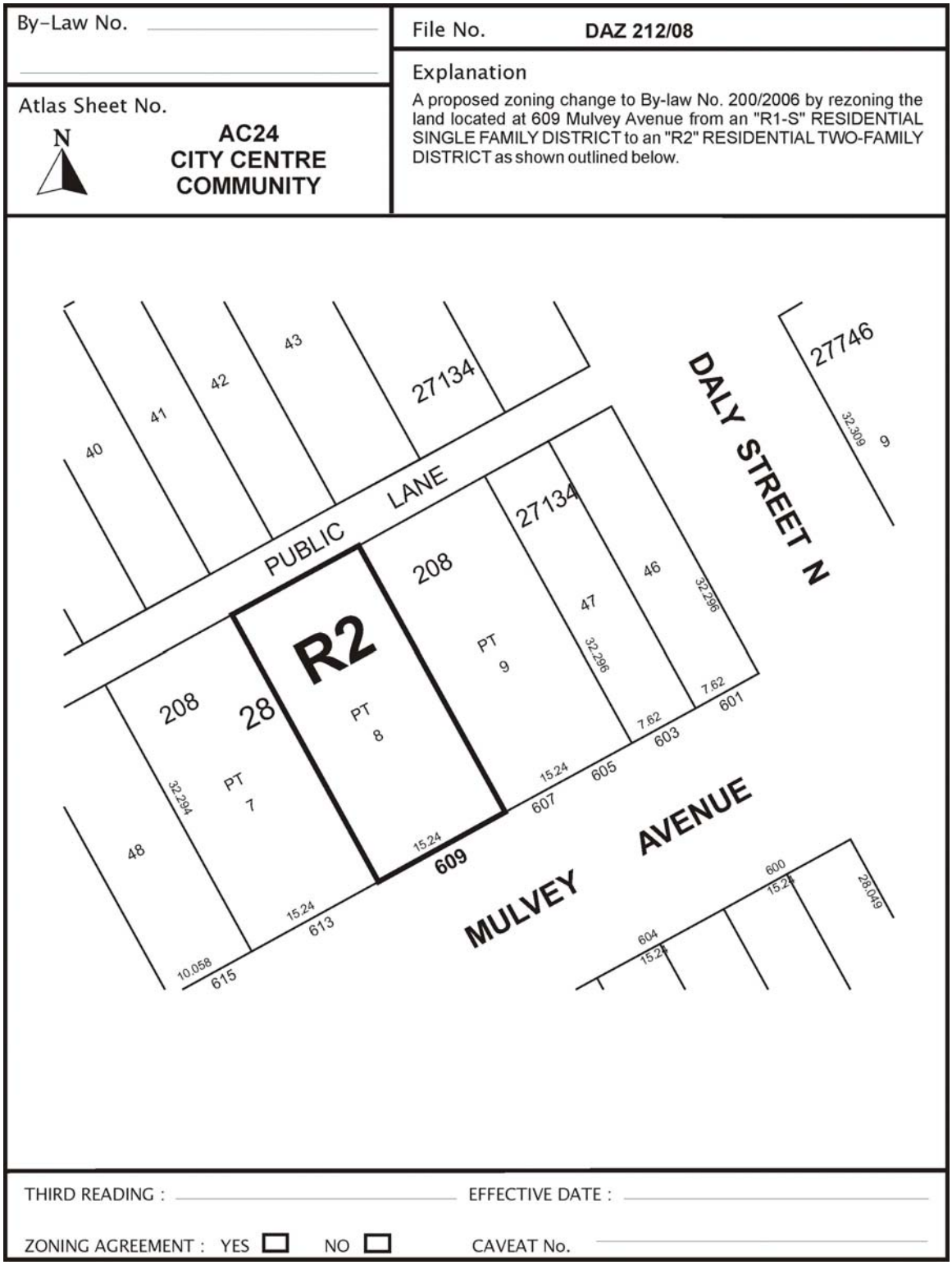

Figure 1: Schedule "A" to the report to the City Centre Community Committee for File DAZ 212/2008, dated June 9, 2008.

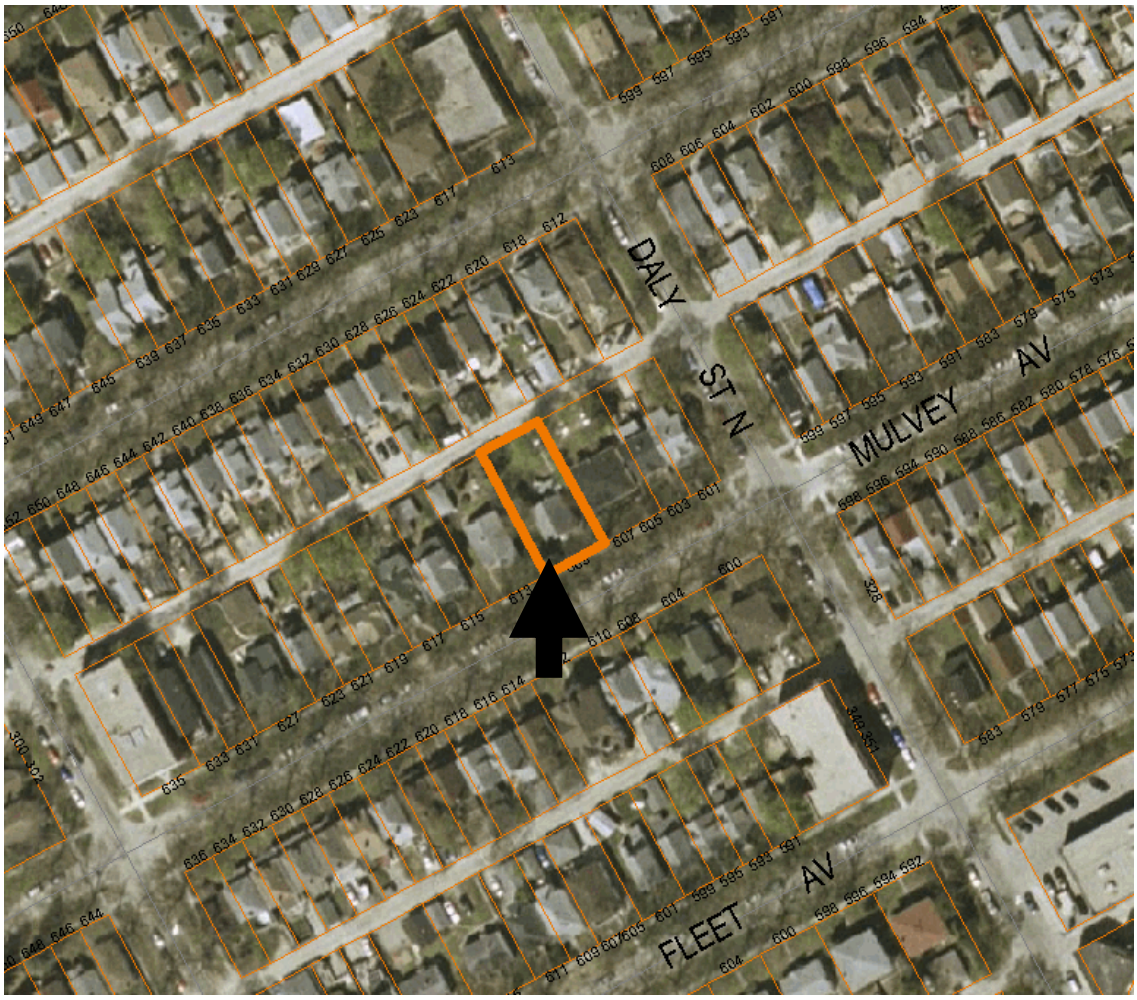

Figure 2: Existing Land-Uses for subject property and Surrounding Area.

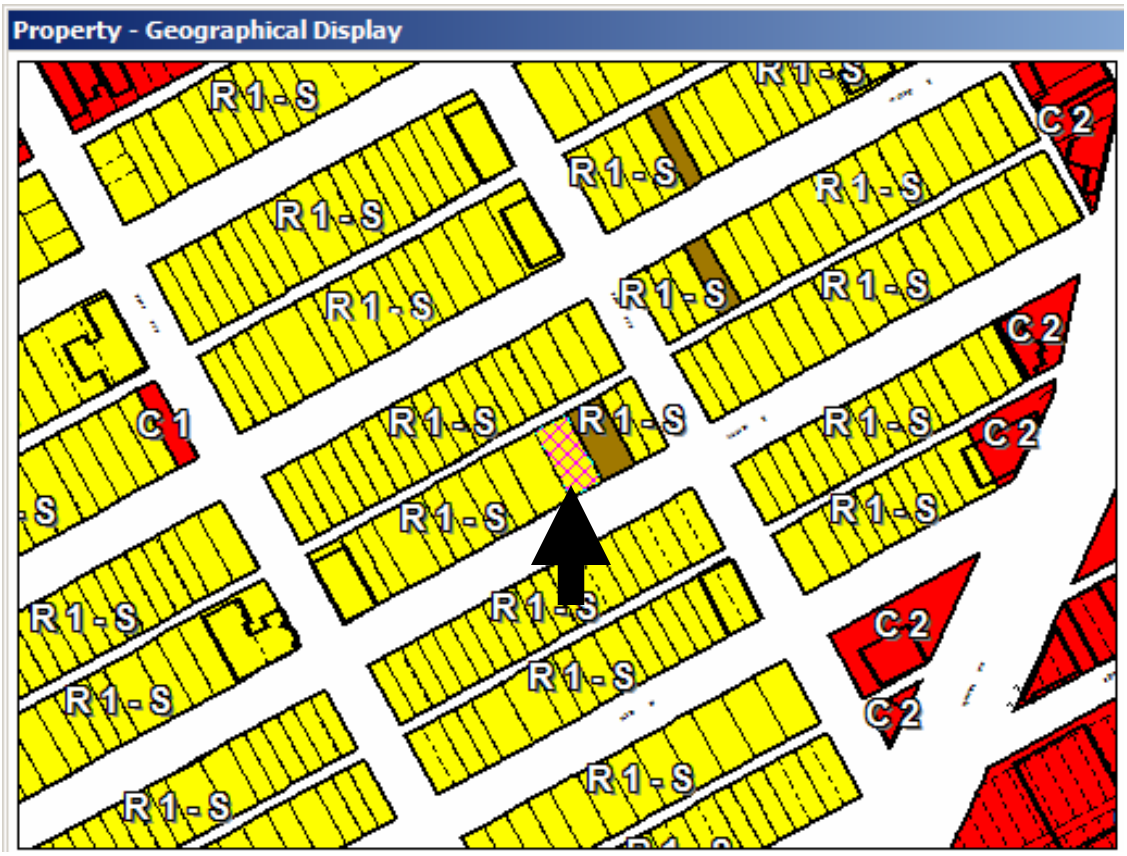

Figure 3: Existing Zoning for subject property and Surrounding Area.