Minutes - Executive Policy Committee - February 4, 2009

REPORTS

Minute No. 131 Rezoning - Springfield Road North (McIvor Avenue / Ragsdill Road / Strongberg Drive / Clearview Drive / Bonner Avenue / John Huyda Drive) (North Kildonan Ward) File DAZ 229/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and recommends 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 229/2008 dated December 30, 2008 to an "R1-M" Residential Single-Family District and "R1-L" Residential Single-Family District.

2. 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.

3. That the Acting 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.

4. That the Acting 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.

DECISION MAKING HISTORY:

Moved by Deputy Mayor Swandel,

That the recommendation of the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On January 19, 2009, the East Kildonan-Transcona 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.

STANDING COMMITTEE DECISION:

On May 20, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service, namely, that the Public Service be directed to initiate a rezoning of the lands on McIvor Avenue and Strongberg Drive, which are currently zoned as "RR5" Rural Residential, to the appropriate "R1" Residential zoning district.

STANDING COMMITTEE RECOMMENDATION:

On April 29, 2008, the Standing Policy Committee on Property and Development further laid the matter over and requested the Winnipeg Public Service to review and report back to the meeting on May 20, 2008, on the East Kildonan-Transcona Community Committee recommendation that a zoning map amendment to The Winnipeg Zoning By-law No. 200/2006 be initiated to rationalize the zoning of residential properties in the area of McIvor Avenue and Strongberg Drive, to address an historical anomaly whereby the lands are developed in single-family residential use, but maintain a zoning designation of “RR5” Rural Residential 5, and that the lands be rezoned to the appropriate “R1” Residential zoning district.

On March 25, 2008, the Standing Policy Committee on Property and Development laid the matter over and requested the Winnipeg Public Service to review and report back to the meeting on April 29, 2008, on the East Kildonan-Transcona Community Committee recommendation that a zoning map amendment to The Winnipeg Zoning By-law No. 200/2006 be initiated to rationalize the zoning of residential properties in the area of McIvor Avenue and Strongberg Drive, to address an historical anomaly whereby the lands are developed in single-family residential use, but maintain a zoning designation of “RR5” Rural Residential 5, and that the lands be rezoned to the appropriate “R1” Residential zoning district.

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On March 10, 2008, the East Kildonan-Transcona Community Committee recommended that the Standing Policy Committee on Property and Development instruct the Winnipeg Public Service to initiate a zoning map amendment to The Winnipeg Zoning By-law No. 200/2006 to rationalize the zoning of residential properties in the area of McIvor Avenue and Strongberg Drive, outlined on the attached listing, to address an historical anomaly whereby the lands are developed in single-family residential use, but maintain a zoning designation of "RR5" Rural Residential 5, and that the lands be rezoned to the appropriate "R1" Residential zoning district under the new Winnipeg Zoning By-law No. 200/2006.

RE: **Rezoning – Springfield Road North**
(McIvor Avenue / Ragsdill Road / Strongberg Drive /
Clearview Drive / Bonner Avenue / John Huyda Drive)
File DAZ 229/2008

For submission to: **Executive Policy Committee**

Prepared by: **Monique Wright, Clerk**
East Kildonan-Transcona Community Committee

Report date: **January 20, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 19, 2009, the East Kildonan-Transcona 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 229 /2008 dated December 30, 2008 to an "R1-M" Residential Single-Family District and "R1-L" Residential Single-Family District.

2. 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.

3. That the Acting 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.

4. That the Acting 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 East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated December 30, 2008.

2. The application is a housekeeping matter which arises from an instance when a homeowner attempted to secure a building permit for construction of a deck on his premises, and the "RR5" Rural Residential zoning caused undue difficulties and unreasonable costs.

PUBLIC HEARING SUMMARY

File: DAZ 229/2008

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Browaty

Public Hearing: January 19, 2009
755 Henderson Highway

Applicant: Director of Planning, Property and Development (John Wintrup)

Subject:



APPLICANT : DIRECTOR OF PLANNING, PROPERTY AND DEVELOPMENT
FILE : DAZ 229/08
PROPOSAL : To rezone the land shown outlined above from an "RR5" RURAL RESIDENTIAL DISTRICT to an "R1-L" RESIDENTIAL SINGLE-FAMILY DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected:	Springfield Road North (McIvor Avenue / Ragsdill Road / Strongberg Drive / Clearview Drive / Bonner Avenue / John Huyda Drive)

Exhibits Filed:

1. Application dated September 29, 2009
2. Notification of Public Hearing dated December 3, 2008
3. Report from the Planning and Land Use Division dated December 30, 2008
4. Minute 208 of the Standing Policy Committee on Property and Development dated May 20, 2008
5. Inspection Report
6. Audio Recording of representations of Public Hearing

REPRESENTATIONS:

In Support:

John Wintrup, Senior Planner, Planning, Property and Development Department

In Opposition

Nil

For Information:

Norm Boyle
Brad Herr
Lana Landry

Exhibit “3” referred to in File DAZ 229/2008

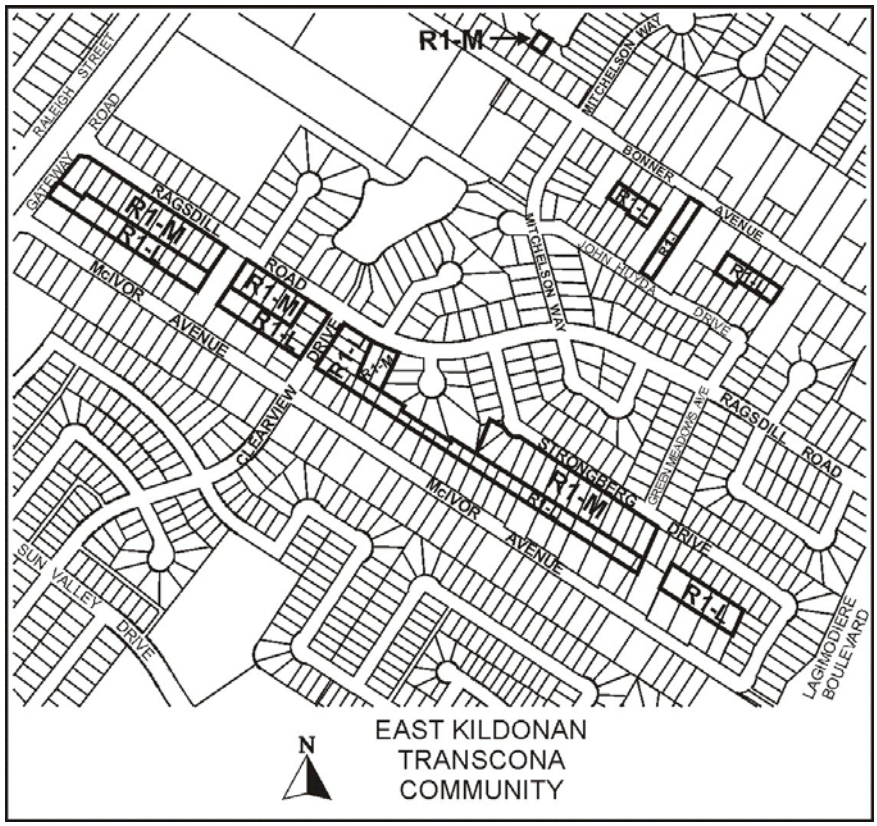
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: December 30, 2008
File: DAZ 229 / 2008
Subject: Single-family residential uses currently zoned as "RR5" Rural Residential, be rezoned to the appropriate "R1" Residential zoning district.

Location: Springfield North
(McIvor / Ragsdill / Strongberg / Clearview / Bonner / John Huyda)



Applicant: Director of Planning, Property and Development
65 Garry Street

Recommendation: **Approve**

Report Summary:

- Provisions in the old zoning by-law for North Kildonan allowed land owners in the past to subdivide AR-5 District lands without requiring a rezoning to R1.

- When Zoning By-law 6400 came into effect in 1994, the AR-5 District became A-5 District, maintaining the 'Rural' designation.

- Under the mapping rules of Zoning By-law 200/06, these single family dwellings were zoned "RR-5" Rural Residential, requiring a minimum lot width of 5 acres; side yards of 25 feet; and front yards of 100 feet.

- Ninety-five (95) single family dwellings in the Springfield North Neighbourhood in North Kildonan are currently zoned 'RR-5'; whereas the surrounding lands are all zoned R1 with requirements for side yards of 4 feet and front yards of 15 feet.

- These owners require variances to construct relatively minor items such as decks, sunrooms, and/or garages normally permitted in neighbourhoods with single family dwellings and R1 zoning because the RR-5 bulk regulations require 25 foot side yards whereas the lots are only about 50 feet wide.

- The process to alleviate this inconvenience imposed by the new Zoning By-law is to amend the Zoning By-law map for the 95 single family dwellings to a zoning district that reflects the on-ground situation.

- Amending the Zoning By-law map is best done through a City-initiated rezoning application with a Public Hearing at the Community Committee to ensure an opportunity for enhanced neighbourhood input into this specific issue.

Site Description

The subject properties are located in the Springfield North neighbourhood of the North Kildonan Ward between McIvor Avenue, Bonner, Gateway and DeVries.

All the subject properties fronting Clearview Drive and John Huyda Drive will be rezoned from "RR5" Rural Residential to "R1-Large" Residential Single-Family District.

All the subject properties fronting McIvor Avenue and Bonner Avenues have 'split' zoning – the front of the lots are zoned "R1-Large" and the rear yards are zoned "RR5" Rural Residential. They will be rezoned wholly to "R1-Large" Residential Single-Family District.

The subject properties fronting Ragsdill Road and Strongberg Drive are zoned “RR5” in their entirety and will be rezoned to “R1-Medium” Residential Single-Family District.

There are two exceptions on Strongberg Drive:

- 18 Strongberg Drive has split zoning of “R1-Medium” Residential Single-Family District and “RR5” Rural Residential. This property will be rezoned entirely to “R1-Medium” Residential Single-Family.

- 20 Strongberg Drive has split zoning of “RR5” Rural Residential and “R1-Medium” Residential Single-Family District. This property will be rezoned entirely to “R1-Medium” Residential Single-Family.

Background

On March 10, 2008, the East Kildonan-Transcona Community Committee recommended to the Standing Policy Committee on Property and Development that the Winnipeg Public Service initiate a zoning map amendment to The Winnipeg Zoning By-law No. 200/2006 to rationalize the zoning of residential properties in the area of McIvor Avenue and Strongberg Drive.

On March 25, 2008, The Standing Policy Committee on Property and Development referred the recommendation from the East Kildonan-Transcona Community Committee to the Winnipeg Public Service for report back to the Standing Policy Committee on Property and Development for the meeting of the Committee scheduled for April 29, 2008.

On April 29, 2008, The Standing Policy Committee on Property and Development further laid the matter over and requested that the Winnipeg Public Service review and report back at the meeting on May 20, 2008.

On May 20, 2008, The Standing Policy Committee on Property and Development recommended that the Winnipeg Public Service be directed to initiate a rezoning of the lands on McIvor Avenue and Strongberg Drive, which are currently zoned as "RR5" Rural Residential, to the appropriate "R1" Residential zoning district.

Description of the Proposed Development

The purpose of this rezoning is to alleviate the inconvenience imposed by the new Zoning By-law’s “RR5” District Bulk Regulations (Dimensional Standards).

Single family dwellings zoned "RR5" Rural Residential, require a minimum lot area of 5 acres, side yards of 25 feet, and front yards of 100 feet whereas the surrounding lands zoned “R1” only require side yards of 3 or 4 feet, and front yards of 15 or 20 feet.

Consequently, the “RR5” property owners require variances to construct relatively minor items such as decks, sunrooms, and/or garages normally permitted in neighbourhoods with single family dwellings.

A variance is a discretionary, quasi-judicial process that requires residents to submit a fee and application to the City of Winnipeg requesting approval to allow a modification to the Bulk Regulations (Dimensional Standards). The variance application can be approved or rejected and may be subject to a Public Hearing after the property has been posted with notification signage.

Analysis

Attachment ‘A’ list the addresses of the properties that appear to be zoning anomalies: these are lots developed with single family dwellings and have a lot area consistent with the “R1” Residential Single-Family District standard for ‘Medium’ or ‘Large’ lots (3,500 to 19,999 square feet in area) but are zoned or partially zoned "RR5" Rural Residential, which has a standard of 5 acres. Determining these properties as 'anomalies' was based on a simple criterion:

1) Is the lot occupied by a single family dwelling?
2) Is the lot area within the “R1” dimensional standards?
3) Can the lot be subdivided to create 2 or more additional lots?

If the answer was ‘yes’ to questions #1 and #2 only, the property is considered to be an ‘anomaly’.

Vacant lands, lots greater than the “R1” Medium or Large Dimensional Standard, and/or lots that can be further subdivided into more lots will not be part of this process. The purpose of this zoning process is to alleviate a hardship, not to expand property rights to facilitate development of additional lots.

Subdivision of land can be done through the rezoning/subdivision process for the individual parcel where the merits of that specific proposed development can be evaluated and reviewed.

Zoning By-law

Zoning By-Law 200/2006 sets land-uses for each District and general dimensional standards for each Zoning District:

Land-Uses
Attachment ‘B’ outlines the changes of the proposed rezoning on land-uses. The proposed rezoning does not affect the current use of property. Properties can continue operating as they are, even if the current use does not fall within the list of allowable uses in the “R1” District.

This is because a change in zoning cannot take away owners' existing rights to what has been legally established on their property.

The proposed "R1" zoning will be a factor, if and when, a property owner wishes to change the use of their subject property. However, given the nature of the proposed rezoning - from "RR5" Rural Residential District to "R1" Residential Single-Family District, the differences will not be of great significance, other than agricultural and land-uses associated with rural areas will no longer be permitted (stables, agricultural cultivation, apiaries, and cemeteries).

Affected dimensional standards
Attachment 'C' outlines the change the proposed rezoning will have on the Dimensional Standards. The front yard (reduced from 100 feet to 15/20 feet) and minimum lot area (reduced from 5 acres to 3,500 / 5,500 square feet), and side yard (reduced from 25 feet to 3/4 feet).

Property Taxes

The properties are all ready being assessed as single family dwellings because there is no agricultural component on these lands. The 2009 Assessment roll has already been distributed and the increase in assessed values for many of the properties in the area is primarily based on increased market value determined by recent sales. Rezoning these properties to reflect their current use will not have an affect on assessed value.

Public Consultation

On August 28, 2008 The Planning, Property and Development Department mailed out a letter to registered land-owners for the single family lots subject to this rezoning. The letter provided information on the rezoning and solicited feedback (Attachment 'D')

One resident filled out the survey, and three residents called the Planner for additional information.

Recommendation

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

- The continued 'RR5' Zoning of these lands under By-law 200/06 has an injurious affect on these 95 lots.
- The owners wanting to construct relatively minor items such as decks, sunrooms, and/or garages normally permitted in neighbourhoods with single family dwellings and R1 zoning must apply for zoning variances because the bulk regulations require 25 foot side and 100 foot front yards whereas the lots are only about 50 feet wide and 100 - 150 feet deep.
- A change in zoning to the appropriate R1 District will alleviate this hardship.

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 229 /2008 dated December 30, 2008 to a "R1-M" Residential Single-Family District and "R1-L" Residential Single-Family District.

2. 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.

3. 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.

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.

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

Report Prepared by: John S. Wintrup
PPD File # DAZ 229/2008

Schedule "A"

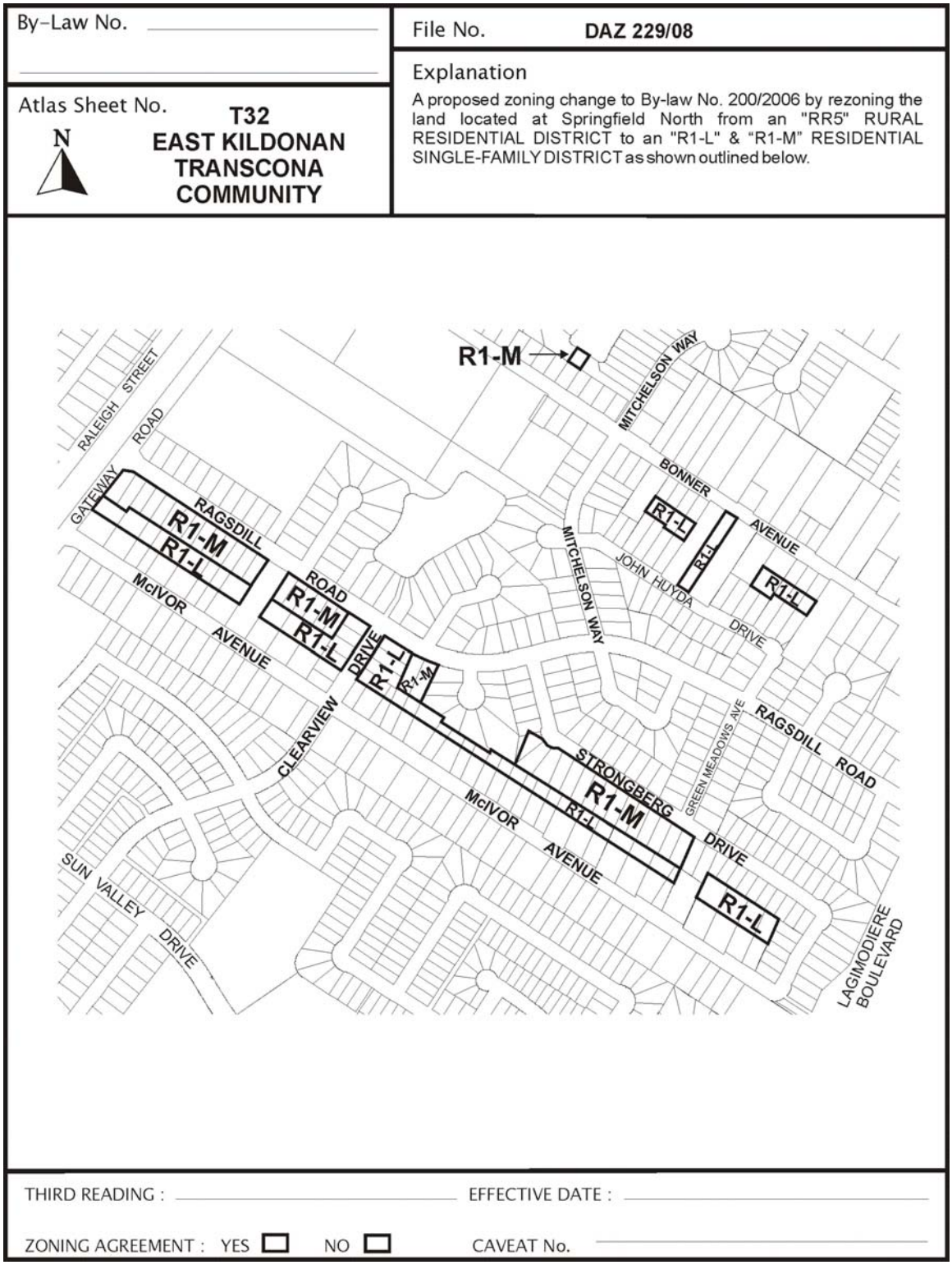


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File DAZ 229/2008, dated December 30, 2008.



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

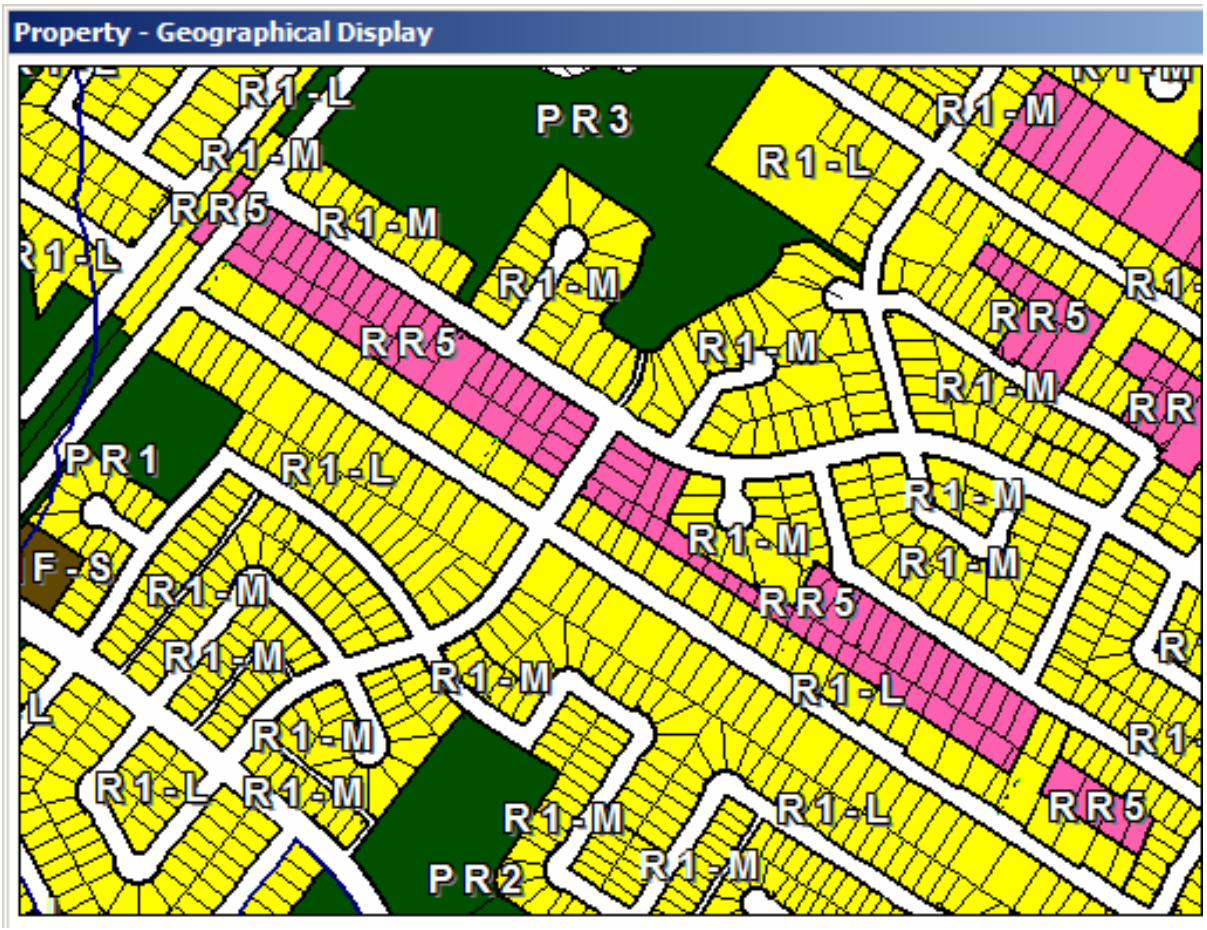


Figure 3: Existing Zoning for subject property and Surrounding Area.

ATTACHMENT "A"

TABLE 1:
List of Properties

McIvor Avenue	Ragsdill Road	Strongberg Drive
803	4	18
815	8	20
821	12	22
825	15	24
827	20	28
835	24	32
839	28	38
847	32	40
851	34	44
867	38	48
875	42	50
883	48	54
915	52	58
919	56	62
921	68	66
925	72	70
931	76	
939	80	**Bonner Avenue**
943	84	
947	88	685
951	114	740
955	118	742
959		744
969		748
973		752
979	**Clearview Drive**	762
983		764
989	103	768
999	106	770
1005	109	
1009	110	**John Huyda Drive**
1025	113	
1027	114	61
1031	117	
1045	118	
1055		
1065		
1075		

ATTACHMENT "B"

TABLE 2: AFFECTED PRINCIPAL USES		
USE	**RR5**	**R1**
Household Living		
Dwelling, single-family detached	P	P
Dwelling, two-family		
Group Living		
Assisted living facility		
Care home	P*	P*
Neighbourhood rehabilitation home		C*
Park and Park-Related		
Cemetery, mausoleum, columbarium	C	
Community gardens	P	P
Park/plaza/square/playground	P	P
Industrial Service		
Landscape/garden contractor or production	C	
Agricultural		
Agricultural cultivation	P	
Stable or riding academy	C	
Community Facilities		
Community/recreation centre	C	C
Library	C	C
Education		
Elementary or junior high school	C*	C*
Senior high school	C*	C*
Other Public and Institutional		
Day care centre	C*	C*
Place of worship	C*	C*
Accessory Use		
Apiary	C	
Home-based business, minor	P*	P*
Home-based business, major	C*	C*
Secondary suite	C*	C*
Stable, private	P	

P = Permitted
P* = Permitted, provided that the Specific Use Standards set out in Zoning By-Law 200/2006 are met
C = Conditional
C* = Conditional, provided that the Specific Use Standards set out in Zoning By-Law 200/2006 are met

ATTACHMENT "C"

TABLE 3: Affected Dimensional Standards							
Zoning District	**Minimum Lot Area (Sq. Ft.) [note a]**	**Minimum Lot Width (Ft.)**	**Minimum Front Yard (Ft.)**	**Minimum Rear Yard (Ft.)**	**Minimum Side Yard (Ft.) [note b]**	**Maximum Height of Building. (Ft.)**	**Maximum Lot Coverage (%)**
RR5	5 acres	25	100	25	25	35	30
R1-Large	5,500	25	20	25	4	35	40
R1-Medium	3,500	25	15 [notes c & d]	25	4	35	45

NOTES:

a. Where the lot is serviced by a private sewage disposal system with a septic field, the minimum lot area is that required by the Sewer By-law (7070/97) or that shown in dimensional standards table, whichever is greater. In other cases where residential uses are not served by municipal water and/or sewer, the minimum lot area is 11,000 sq. ft.

b. Where the width of the lot is a factor of the non-compliance of a lot of record, the side yards may be reduced to 10% of the width of the lot but must not be less than 3 feet.

c. Portions of the front façade that do not include garages or carports must have a minimum front yard of 15 feet; where a driveway leads from the street to a garage or carport located on the front facade of the house, such driveway must be a minimum of 18 feet in length, unless the provisions of subsection 140(2), Auto Courts, apply. Driveway length is measured between the garage door or the edge of the carport closest to the street and the front property line.

d. If the house has rear access to a public lane and does not have a driveway providing access from the public street to a garage or carport, the minimum front yard is 10 feet, unless the provisions of subsection 140(3), Loop Lanes, apply.

ATTACHMENT "D"



Springfield North Rezoning feedback form

1. Are you a resident on:

- ☐ McIvor Avenue
- ☐ Strongberg Drive
- ☐ Bonner Avenue
- ☐ Ragsdill Road
- ☐ Other

2. Are you one of the landowners affected by the rezoning? YES NO

3. Please provide us with any comments you may have

_____

_____

_____

_____

_____

_____

Your name: _____ Phone/Email:_____

Address: _____

4. May we contact you for further discussion about the points you have raised?

YES NO

All information will be held in confidentiality