Agenda – Council – October 28, 2009

Report – Executive Policy Committee – October 21, 2009

Item No. 1 Rezoning – 109 Chandos Avenue
(St. Boniface Ward)
File DAZ 209/2009

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 21, 2009, the Executive Policy Committee concurred in the recommendation of the Riel 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 209/2009 dated September 29, 2009, to an "R2" Two Family 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 – October 21, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 21, 2009, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 5, 2009, the Riel 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 – 109 Chandos Avenue**
File DAZ 209/2009

For submission to: **Executive Policy Committee**

Prepared by: **Marc Pittet, Senior Committee Clerk**
Riel Community Committee

Report date: **October 6, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 5, 2009, the Riel 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 209/2009 dated September 29, 2009, to an "R2" Two Family 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.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated September 29, 2009.

2. The application is sensible infill development that it is a good fit in a lovely older neighbourhood.

PUBLIC HEARING SUMMARY

File: DAZ 209/2009

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Swandel
Councillor Vandal

Public Hearing: October 5, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Discovery Homes (Carson Rist)

Subject:



Premises Affected: 109 Chandos Avenue

Exhibits Filed:

1. Application dated July 29, 2009
2. Notification of Public Hearing dated August 14, 2009
3. Manitoba Status of Title 2357078
4. Surveyor's Building Location Certificate and sketch dated July 20, 2009
5. Plans (6 pages)
6. Report from the Planning and Land Use Division dated September 29, 2009
7. Inspection Report
8. Letter of Authorization dated September 28, 2009, from Carson and Doris Rist to Discovery Homes
9. Audio Recording of representations of public hearing held on October 5, 2009

REPRESENTATIONS:

In Support:

Joshua and Jamie Rist

In Opposition

Nil

For Information:

Mavis Metcalf

For the City:

Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit “6” referred to in File DAZ 209/2009

Administrative Report

ISSUE: DAZ 209/2009, 109 Chandos Avenue

Critical Path: Riel Community Committee as per Development Procedures By-Law

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	n/a	n/a	

RECOMMENDATIONS

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 209/2009 dated September 29, 2009, to a “R2” Two Family 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.

IMPLICATIONS OF THE RECOMMENDATIONS

Will result in a change to Zoning By-Law 200/2006.
Will allow building permits to be issued for a new duplex.

CONSULTATION

In preparing this Report there was consultation with:

- N/A

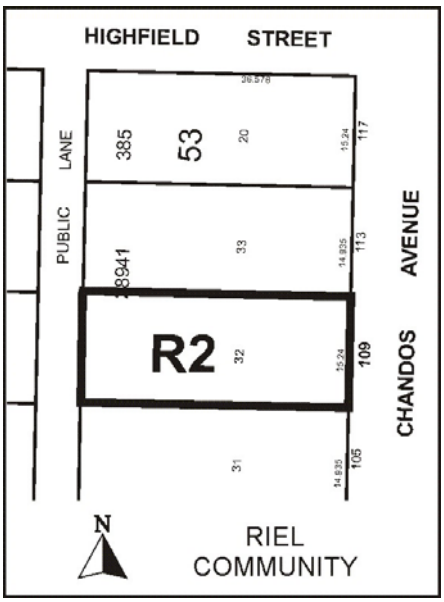
SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Kevin Lalor
Date:	September 29, 2009
File No.	DAZ 209/2009

APPENDIX 'A'

DATE: September 29, 2009
FILE: DAZ 209/09
RELATED FILES: N/A
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.514
SUBJECT: To rezone the subject land from "R1-M" Single Family Category to an "R2" Two Family category to permit the construction of a new duplex.

LOCATION: 109 Chandos Avenue
LEGAL DESCRIPTION: Lot 32. Plan 28941



APPLICANT: Carson Rist, Discovery Homes

OWNER: Same as above

RECOMMENDATION: Approval

SITE DESCRIPTION

Existing Land Use & Zoning:
The lot has been occupied with a one and a half story single family dwelling for over one hundred years. The dimensions of the property are 50'x 120'. It is currently zoned "R1-M" Single Family Residential.

Surrounding Land Use & Zoning:

North: To the immediate north are several single family dwellings on large lots zoned " R1-M" Single Family. Further to the north, on the opposite side of Highfield Street, is Norwood High School.
East: East of Chandos Avenueis is a mix of 3-4 story multiple family housing and duplexes, all of which is zoned "R2" Two Family Residential.
South: To the south are smaller single family lots, all zoned "R1-M" Single Family Residential.
West: Similarly to the west along Crawford Avenue is a mix of large and small lots zoned "R1-M" Single Family Residential.



DESCRIPTION OF PROPOSED DEVELOPMENT
The owners are planning to replace the old 1168 sq. ft. structure with a new two story duplex, each of the two units to have an area of 700 sq. ft. One unit is to have a side entrance; the second a front entrance. All required minimum front , side and rear yards required under By-Law 200/2006 (the same for R1-M & R2) are to met. No variances have been applied for. The proposed structure appears to be about 29' feet in height.

ANALYSIS
In the past, from strictly a policy standpoint, the Planning Department has not always endorsed spot re-zonings in established neighbourhoods, from a single family category to a two family classification. However, under certain circumstances, applications are supportable and, in our view, this is one of those situations. Specifically, many of the adjoining lots on both Chandos Avenue and Crawford Avenue are small lots, 25' feet in width. The subject lot at 109 Chandos Avenue is 50' in width and where the owner to apply for a lot split to create two 25' foot wide lots, in all likelihood that short form subdivision would be approved. The supporting argument for endorsing such a short form subdivision would be that the proposed lot sizes would be in

character with many of the existing lots on the local street and in the surrounding neighbourhood. The owners plan to replace the current aging single family dwelling with a two family dwelling (on what is a relatively large lot) will not, in our view, have an adverse effect on the adjacent neighbourhood. All of the required yard separations for single family and two family lots are still to be adhered to and the proposed density is no higher than that which would result from a subdivision of the land into two smaller lots.

REASONS FOR RECOMMENDATION
The Planning and Land Use Division recommend approval for the following reason:

- The existing dwelling on the site is an aging structure and should be replaced with a new residential building.
- From the standpoint of density, a two family dwelling, on such a large lot will be the equivalent of subdividing the property into two 25' wide lots.
- The lands on the east side of Chandos Avenue are zoned "R2" and occupied with both duplexes and apartment complexes.

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 209/2009 dated September 29, 2009, to a "R2" Two Family 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.

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

Report Prepared by: Kevin Lalor
PPD File # DAZ 209/09

Schedule "A"

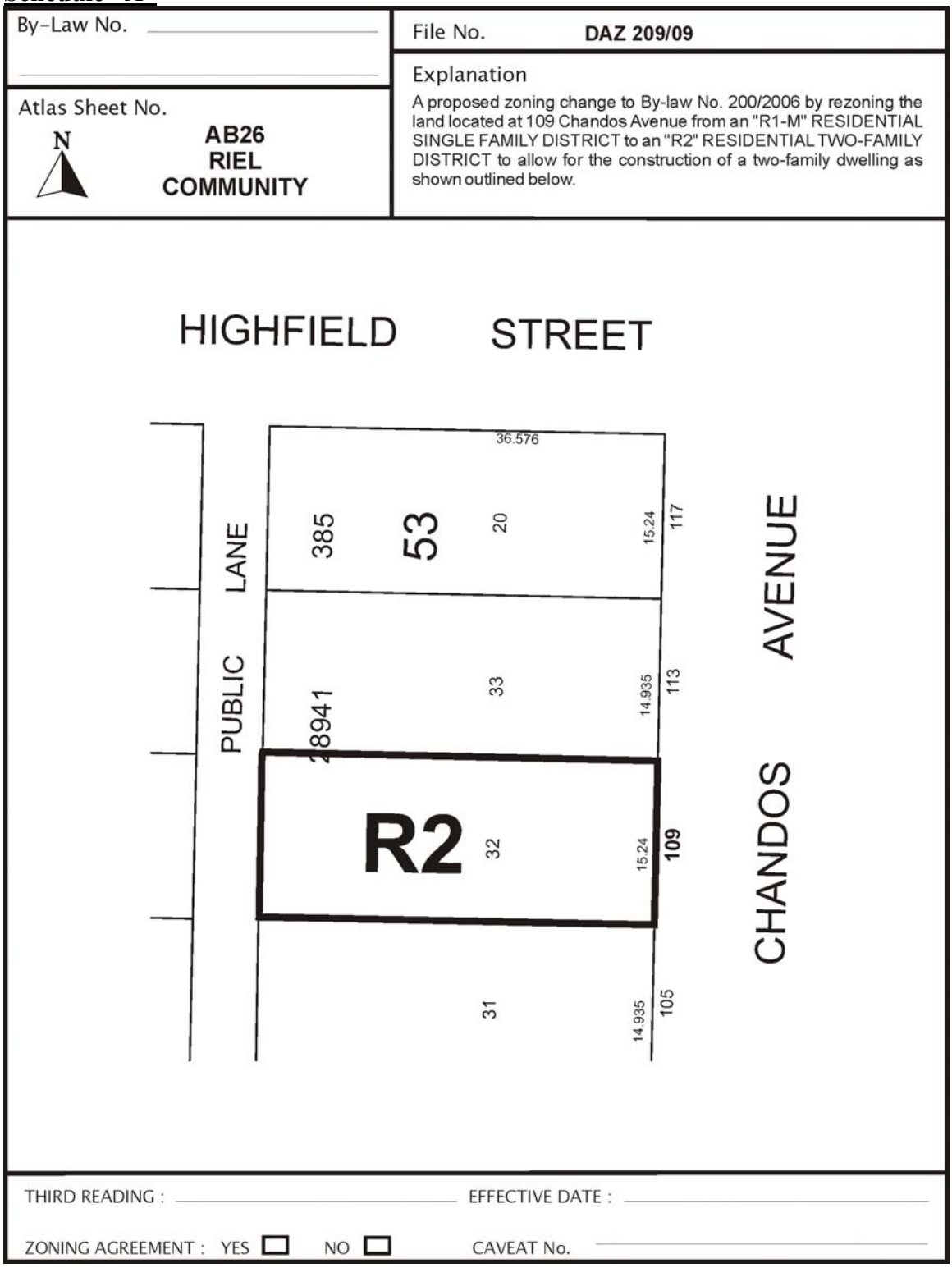


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DAZ 209/2009, dated September 29, 2009.