Minute No. 37
Report – Executive Policy Committee – December 1, 2010

Item No. 2 Rezoning – 258 Margaret Avenue – DAZ 220/2010 (Mynarski Ward)

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject as shown on Schedule "A" for File DAZ 220/2010 dated November 16, 2010, to an "R2" Residential Two-Family 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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Executive Policy Committee – December 1, 2010

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 1, 2010, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 23, 2010, the Lord Selkirk-West Kildonan 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 – 258 Margaret Avenue**
File DAZ 220/2010

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk - West Kildonan Community Committee

Report date: **November 23, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 23, 2010, the Lord Selkirk - West Kildonan 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 as shown on Schedule "A" for File DAZ 220/2010 dated November 16, 2010, to an "R2" Residential Two-Family 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.

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4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor 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 reason for its recommendation:

1. The Lord Selkirk - West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 16, 2010.

PUBLIC HEARING SUMMARY

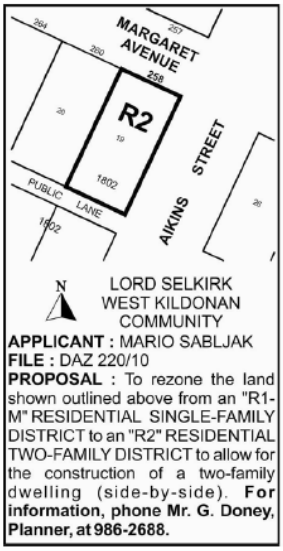
File: DAZ 220/2010

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: November 23, 2010
West Committee Room
Council Building, 510 Main Street

Applicant: Mario Sabljak

Subject:



Premises Affected: 258 Margaret Avenue

Exhibits Filed:

1. Application dated September 9, 2010
2. Notification of Public Hearing dated September 16, 2010
3. Manitoba Status of Title 1317773
4. Letter of authorization dated September 1, 2010 from Robert and Debra Coutu to Mario Sabljak
5. Surveyor's Building Location Certificate and sketch dated September 3, 2010
6. Plans (6 pages)
7. Report from the Planning and Land Use Division dated November 16, 2010
8. Inspection Report

9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Mario Sabljak
R. Schloettle

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File DAZ 220/2010

ADMINISTRATIVE REPORT

Title: DAZ 220/2010 – 258 Margaret

Issue: For consideration at the Public Hearing for a rezoning to permit a two-family dwelling

Critical Path: Lord Selkirk-West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject as shown on Schedule "A" for File DAZ 220/2010 dated November 16, 2010, to an "R2" Residential Two-Family 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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant intends to build a two storey, two-family dwelling on the subject property. This will necessitate a rezoning of the property from “R1-M” Residential Single-Family district to “R2” Residential Two-Family district.
- The construction of the proposed dwelling will necessitate the demolition of the existing dwelling and shed.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the subject property will be rezoned.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

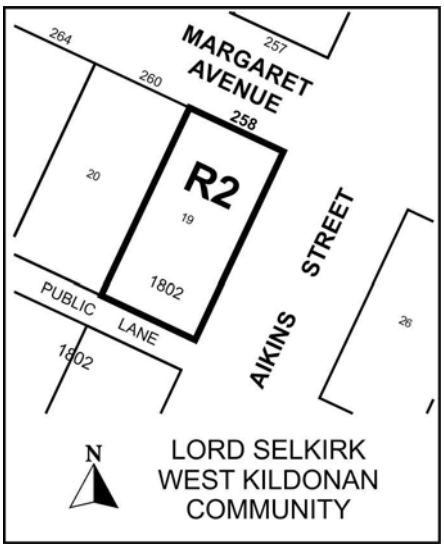
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Michael Pyl
Date:	November 16, 2010
File No.	DAZ 220/10

APPENDIX 'A'

DATE: November 16, 2010
FILE: DAZ 220/10
RELATED FILES:
COMMUNITY: Lord Selkirk-West Kildonan
NEIGHBOURHOOD #: 3.318

SUBJECT: Rezoning to "R2" Residential Two-Family to permit a two-family dwelling.

LOCATION: 258 Margaret



APPLICANT: Mario Sabljak
405-230 Roslyn Rd
Winnipeg, MB R3L 0H1

OWNER: Joseph Robert Coutu and Debra Darlene Coutu

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to build a two storey, two-family dwelling on the subject property. This will necessitate a rezoning of the property from "R1-M" Residential Single-Family district to "R2" Residential Two-Family district.

- The construction of the proposed dwelling will necessitate the demolition of the existing dwelling and shed.

SITE DESCRIPTION

- The subject property is located at the southwest corner of Margaret Av and Aikins St in the Margaret Park neighbourhood of the Mynarski ward.
- The site is 5,000 sq. ft. in area, with 50 ft. of frontage along Margaret. It is currently occupied by a 720 sq. ft., one storey, single family dwelling built in 1922 and a 53 sq. ft. shed. The site is zoned "R1-M" Residential Single Family district.
- Adjacent properties include single family dwellings zoned "R1-M" on all sides. The surrounding neighbourhood is comprised primarily of single family dwellings, albeit with examples of multi-family residential development nearby.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to build a two storey, two-family dwelling on the subject property.
- The construction of the proposed dwelling will necessitate the demolition of the existing dwelling and shed.
- According to preliminary plans submitted as part of the application, the units will be mirror images of each other. Access will be provided via side doors as well as through an attached garage taking access off the back lane (each unit will have one indoor parking space). Each unit will have 672 sq. ft. of living area on the main floor, while the second storey will each have 630 sq. ft. Plans indicate a second storey balcony above the rear-facing garage.

ANALYSIS AND ISSUES

Plan Winnipeg

- The subject property is designated as Neighbourhood Policy Area in Plan Winnipeg. The Neighbourhood Policy Area provides for areas including a residential mix together with a variety of educational, recreational, institutional, commercial, and possibly industrial uses, at a scale and density compatible with each other.
- The proposed development is compatible with Plan Winnipeg.

Zoning

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The Residential Two-Family (R2) district is intended to accommodate the development of single- and two-family units and where appropriate limited multi-family units in lower-density neighbourhoods.

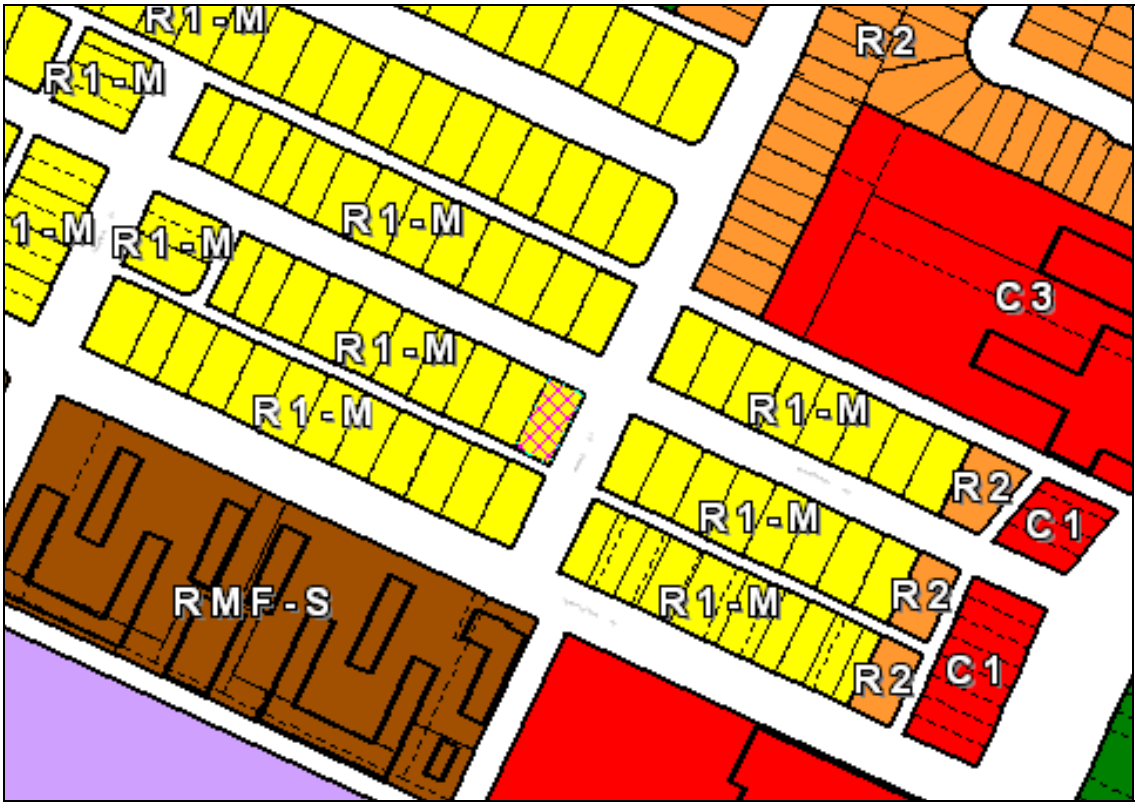


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 137 of Zoning By-law No. 200/06 prescribes the following dimensional standards for residential districts:

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)	Min. Reverse Corner Street Side Yard	Max. Height of Building (ft.)	Max. Lot Coverage (%)
R1-M	3,500	25	15	25	4	4	35	45
R2	5,000 (2,500 per dwelling unit for two-family)	25	20	25	4	10	35	NA

Figure 3: Dimensional standards for the "R1-M" and "R2" districts

- Section 62 of the zoning by-law prescribes all permitted principal uses in each zoning district.

- In regards to residential uses, a single-family detached dwelling is the only permitted use in the "R1" district. In the "R2" district, both single and two-family dwellings are permitted as-of-right, while multi-family and live-work dwellings are listed as conditional uses.

Compatibility with the surrounding neighbourhood

- The Planning and Land Use Division is broadly supportive of infill development, as it minimizes the spatial use of land and provides a wider range of housing options in the neighbourhood.
- There are a number of multi-family dwellings in the surrounding neighbourhood, including:
  - Duplexes zoned "R2" only half a block north of the subject property along Aikins, as well as Seaforth Av and Beeston Dr.
  - Residential properties zoned "R2" immediately adjacent to the commercial properties along the west side of Main St one block to the east.
  - One storey condo buildings (Templeton properties) zoned "RMF-S" Residential Multi-Family district one block south of the subject property.
- The subject property is only one block west of Main St, which is serviced by high order public transit, and is therefore quite suitable for intensification.
- The Planning and Land Use Division prefers to see single lot rezonings occur at street corners, rather than mid-block.

RECOMMENDATION

The Planning and Land Use Division is supportive of the proposed application for the following reasons:

- The Planning and Land Use Division is broadly supportive of infill development, as it minimizes the spatial use of land and provides a wider range of housing options in the neighbourhood.
- There is a number of multi-family residential dwellings already in the surrounding neighbourhood.
- The subject property is only one block west of Main St, which is serviced by high order public transit, and is therefore quite suitable for intensification.
- The Planning and Land Use Division prefers to see single lot rezonings occur at street corners, rather than mid-block.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: PPD File # DAZ 220/10

APPENDIX 'B'

Schedule "A" for File No. DAZ 220/10, Lord Selkirk-West Kildonan Community Committee, dated November 16, 2010

By-Law No. _____

File No. **DAZ 220/10**

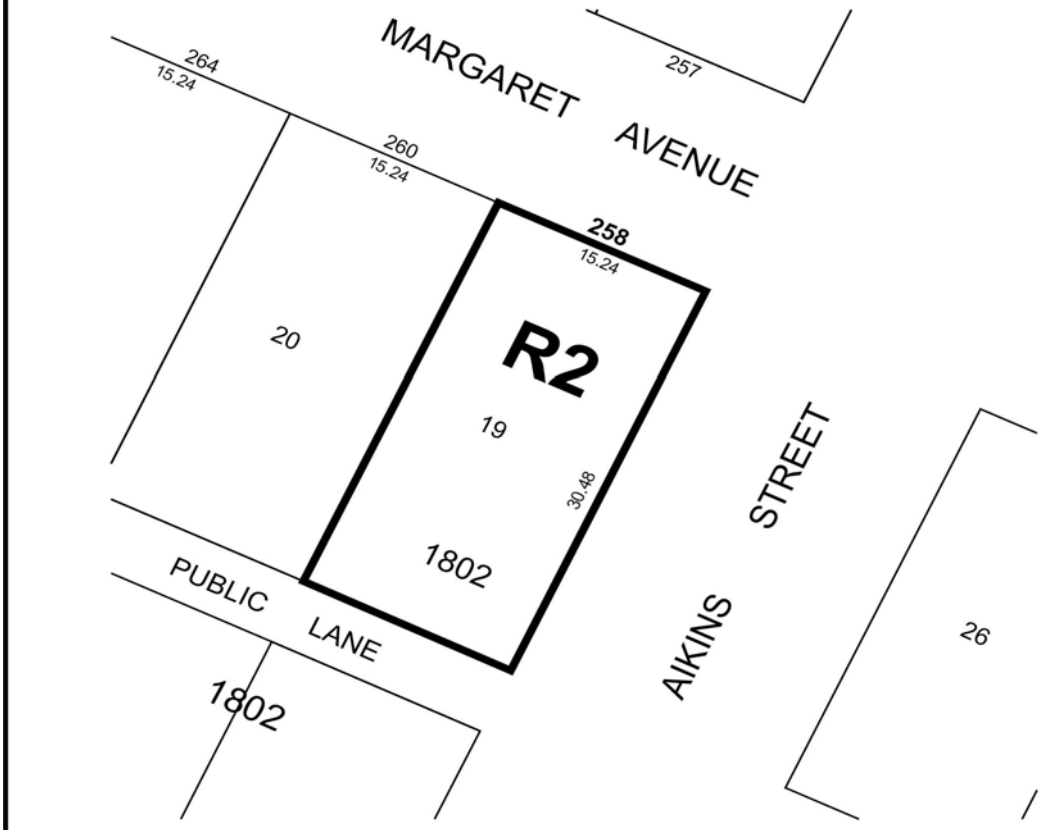
Atlas Sheet No. **T27**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 258 Margaret Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a two-family dwelling (side-by-side) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____