Minutes – Executive Policy Committee – May 9, 2012

REPORTS

Minute No. 244 Subdivision and Rezoning – 401 Washington Avenue (Elmwood-East Kildonan Ward) File DASZ 38/2011 [c/r DAV 168979/2011D]

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 plan of subdivision proposed under File DASZ 38/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 38/2011 dated April 13, 2012 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 38/2011 dated April 13, 2012 to an "R2" Residential Two-Family district.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the Director of Planning, Property, and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension.

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. 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.

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On April 24, 2012, 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.

RE: **Subdivision and Rezoning - 401 Washington Avenue**
File DASZ 38/2011

For submission to: **The Executive Policy Committee**

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **April 26, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 24, 2012, 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:

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:

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9. 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 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 April 13, 2012.

PUBLIC HEARING SUMMARY

File: DASZ 38/2011

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

Public Hearing: April 24, 2012
Transcona Legion
117 Regent Avenue East

Applicant: Catherine Vandewaeter

Subject:



Premises Affected: 401 Washington Avenue

Exhibits Filed:

1. Application dated January 31, 2012
2. Notification of Public Hearing dated February 10, 2012
3. Manitoba Status of Title 2166526
4. Plans (3 pages)
5. Report from the Urban Planning Division dated April 13, 2012
6. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "5" referred to in File DASZ 38/2011

ADMINISTRATIVE REPORT

Title: DASZ 38/11 – 401 Washington

Issue: For consideration at the public hearing to create an additional building lot

Critical Path: East Kildonan-Transcona 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

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9. 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 split the subject property to establish a residential lot adjacent to the existing duplex.
- The applicant intends to sell the new lot for future development; they have not submitted plans for its development.
- The subject property is zoned “R1-S” Residential Single Family district.

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

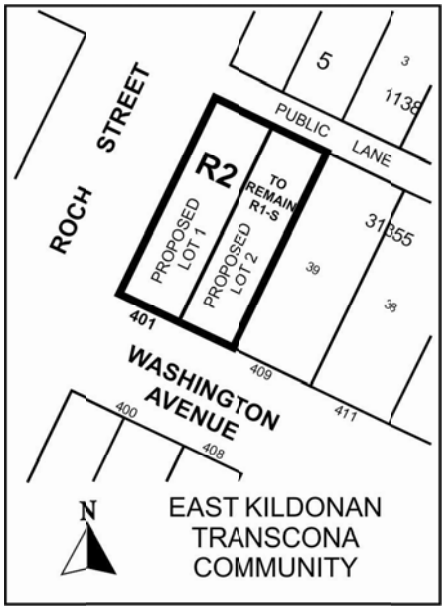
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	April 13, 2012
File No.	DASZ 38/11

APPENDIX 'A'

DATE: April 13, 2012
FILE: DASZ 38/11
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.401

SUBJECT: To establish an additional residential lot to facilitate the construction of a single family dwelling and to rezone proposed Lot 1 for the maintenance of an existing two family dwelling.

LOCATION: 401 Washington



APPLICANT: Catherine Vandewater
401-A Washington Av
Winnipeg MB R2K 1L9

OWNER: Same

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to split the subject property to establish a residential lot adjacent to the existing duplex.
- The applicant intends to sell the new lot for future development; they have not submitted plans for its development.
- The subject property is zoned "R1-S" Residential Single Family district.

SITE DESCRIPTION

- The subject property is located at the northeast corner of Roch St and Washington Av in the Chalmers neighbourhood of the Elmwood-East Kildonan ward.
- The subject property is 5,750 sq. ft. in area, with 57.5 ft. of frontage along Washington. It is currently zoned “R1-S” Residential Single Family district. It is occupied by 1,544 sq. ft., one storey duplex built in 1930.
- Adjacent properties include single family dwellings to the north, west, and east zoned “R1-S” and a duplex to the south across Washington zoned “R2” Residential Two Family district.

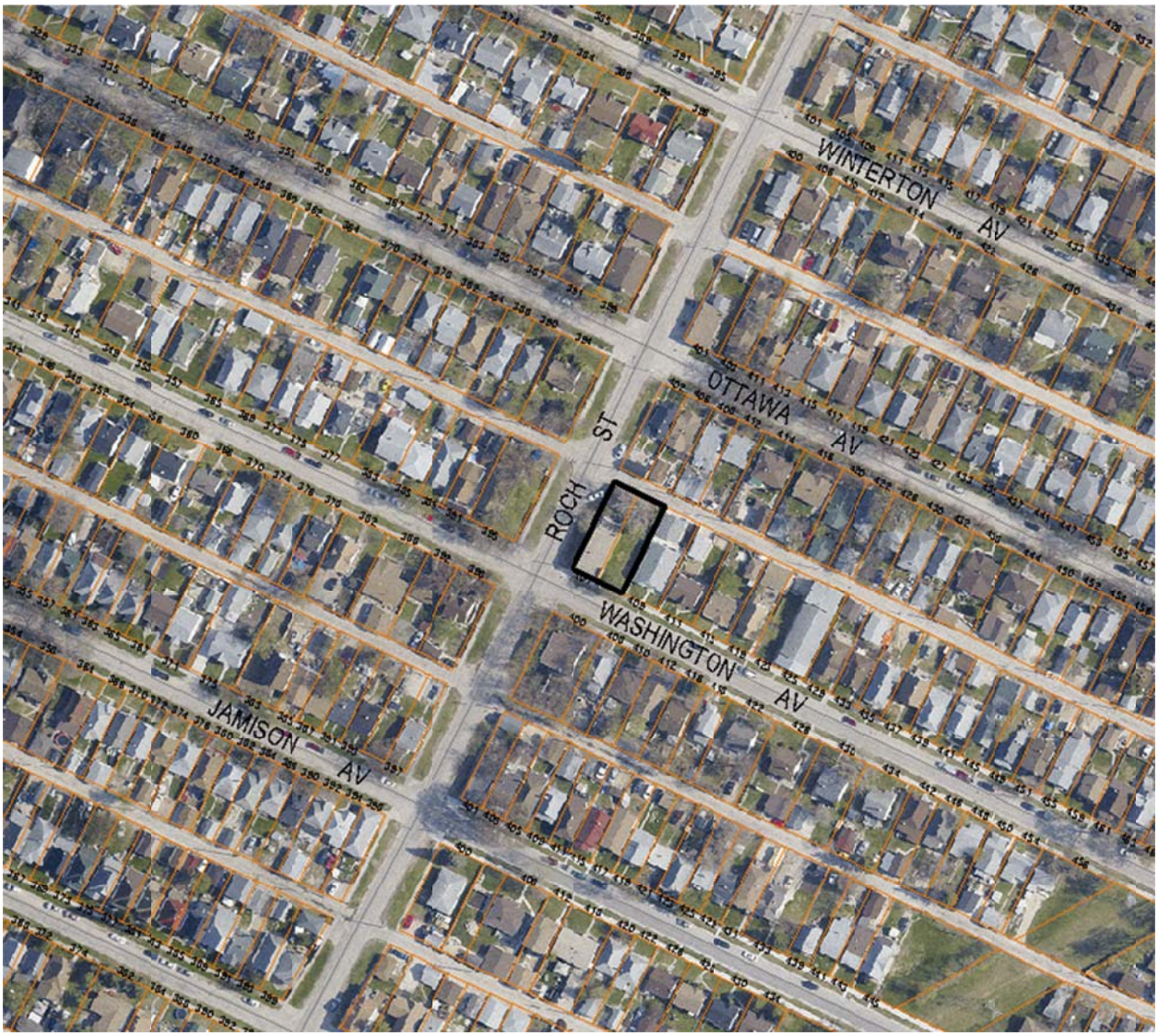


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to split the subject property to establish a residential lot adjacent to the existing duplex.

- The proposed west lot, Lot 1, will be 30 ft. wide and 3,000 sq. ft. in area. It will maintain the existing duplex. The maintenance of this duplex requires that Lot 1 be rezoned to the "R2" district.
- The proposed east lot, Lot 2, will be 27.5 ft. wide and 2,700 sq. ft. in area. It will be sold for future residential development; the applicant has not submitted plans for its development.

BACKGROUND

DAV 11-168979D

- In concurrence with this application, the applicant has also applied to vary the Special Boundary Conditions and the proposed "R2" dimensional standards of Zoning By-law No. 200/06 for the establishment of two residential zoning lots to permit as follows:
    - On proposed Lot 1:
        - A lot width of 30 ft. instead of 41.7 ft.
        - A lot area of 3,000 sq. ft. instead of 4,151 sq. ft.
        - For the maintenance of a two family dwelling to permit a lot area of 1,500 sq. ft. per dwelling unit instead of 2,500 sq. ft.
        - For the maintenance of a detached garage with a lot coverage of 18.1% instead of 12.5%
    - On proposed Lot 2:
        - A lot width of 27.5 ft. instead of 41.7 ft.
        - A lot area of 2,750 sq. ft. instead of 4,151 sq. ft.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and is intended to gain statutory authority as a secondary plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- The subject property is classified as an "Area of Stability" in Complete Communities' Urban Structure map. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- Supporting Direction and Enabling Strategies for Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character, and built form.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

Zoning

- The "R1" Residential Single Family district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.

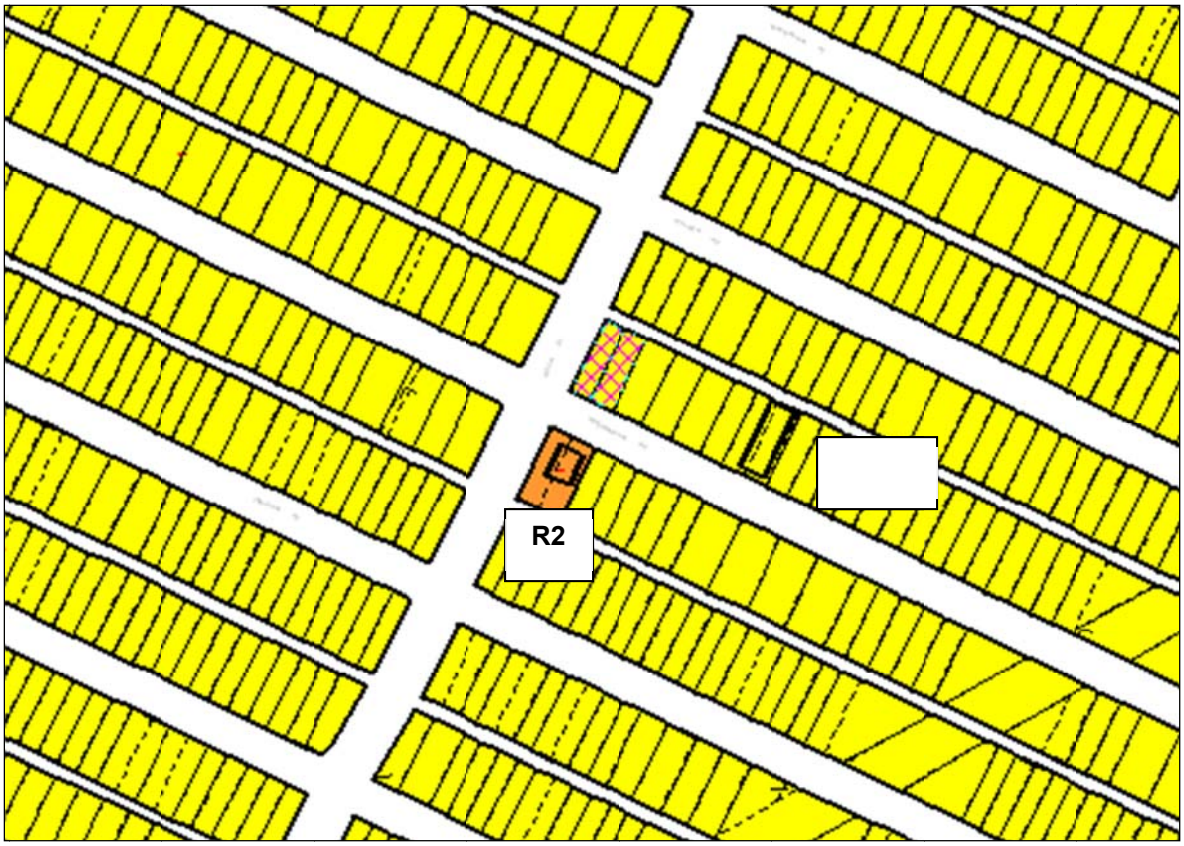


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 137 of Zoning By-law No. 200/06 prescribes the following dimensional standards for the "R2" and "R1-S" districts:

	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.) **	Min. Reverse Corner St Side Yard (ft.)	Max. Height of Bldg. (ft.)	Max. Lot Coverage (%)
R2	5,000*	25	20	25	4	10	35	NA
R1-S	2,500	25	15***	25	3 each, or 2 & 4	4	35	45

* - 2,500 per dwelling unit for two-family
** - Where the width of the lot is less than 40 ft., the side yards may be reduced to 10% of the width of the lot but must not be less than 3 ft.
*** - 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 ft.

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

- Section 138 of the zoning by-law prescribes Special Boundary Conditions pertaining to the subdivision of land. If an undeveloped parcel of land is located in the R1 or R2 zoning districts, or proposed for rezoning to the R1 or R2 zoning districts, and abuts an existing R1 or R2 zoning

district, or is separated from an R1 or R2 zoning district by a street right-of-way, railroad right-of-way, or waterway, the undeveloped parcel must not be subdivided unless the width/square footage of the proposed lot(s) within 200 feet (measured from the edges of the proposed subdivision) of the adjacent R1 or R2 zoning district is not less than the average lot width/square footage of existing developed lots in residential use in the adjacent R1 or R2 areas along such shared boundary, but in no case may be less than 35 feet.

- Section 142 of the zoning by-law prescribes dimensional standards for accessory structures located to the rear of rear wall of principal buildings in residential zoning districts. They are permitted a maximum lot coverage of 484 sq. ft. or 12.5% of the total lot area to a maximum of 880 sq. ft.

Compatibility with the surrounding neighbourhood

- The Urban Planning 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.
- While the concurrent variance report will speak in more detail to the specific lot sizes requested, it is broadly noted that the proposed lots are consistent with the surrounding neighbourhood.
- The Urban Planning Division is supportive of the proposed rezoning on Lot 1, as it better reflects the long-existing land use. Further, it is located on the corner of the block adjacent to Roch St, a residential collector street through the Elmwood neighbourhood. Finally, there is an existing precedent for an “R2”-zoned duplex across the street at 400 Washington.

RECOMMENDATION

The Urban Planning 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. In this case, the proposed development is consistent with the surrounding neighbourhood, and the proposed “R2” rezoning better reflects the existing land use.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 38/2011

APPENDIX 'B'

Schedule "A" for File No. DASZ 38/11, East Kildonan-Transcona Community Committee, dated April 13, 2012.

