Agenda – Council – July 18, 2012

Report – Standing Policy Committee on Property and Development – July 3, 2012

Item No. 1 Rezoning – 837 Dudley Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 212/2012

STANDING COMMITTEE RECOMMENDATION:

On July 11, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development 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 212/2012 dated June 1, 2012 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That a property shall be limited to a maximum of two dwelling units.

        ii. That for the development of any building, plans showing the locations and designs of the proposed building, must be submitted to the City Centre Community Committee for approval prior to the issuance of any development or building permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

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 the same to Council for all three (3) readings.

Report – Standing Policy Committee on Property and Development – July 3, 2012

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement

7. 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 – Standing Policy Committee on Property and Development – July 3, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 3, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Delete Recommendation 1.A.ii in its entirety and replace with the following:

"1.A.ii. That, for the development of any building, plans showing the locations and designs of the proposed building, must be submitted to the City Centre Community Committee for approval prior to the issuance of any development or building permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.",

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 837 Dudley Avenue**
File DAZ 212/2012

For submission to: **The Standing Policy Committee on Property and Development**

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

Report date: **June 12, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service as amended, and recommends to the Standing Policy Committee on Property and Development:

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 212/2012 dated June 1, 2012 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That a property shall be limited to a maximum of two dwelling units.

        ii. That, for the development of any building, plans showing the locations and designs of the proposed building, must be submitted to the City Centre Community Committee for approval prior to the issuance of any development or building permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development

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 the same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement

7. 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The application is a suitable level of density in the neighbourhood.

PUBLIC HEARING SUMMARY

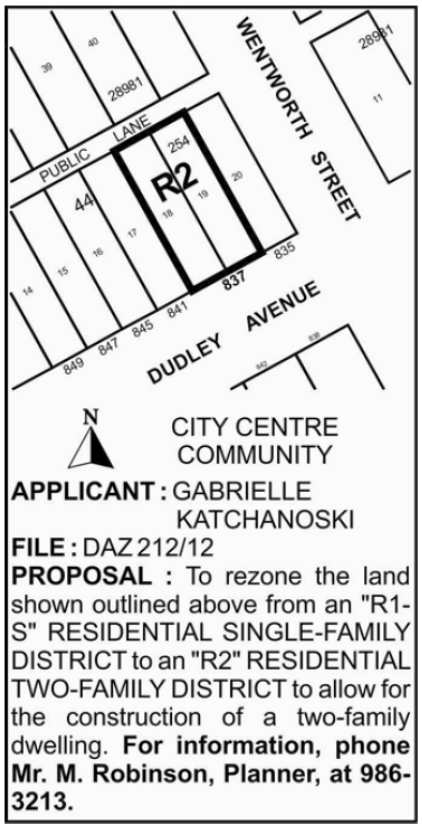
File: DAZ 212/2012

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

Public Hearing: June 12, 2012
West Committee Room
Council Building, 510 Main Street

Applicant: Gabrielle Katchanoski

Subject:



Premises Affected: 837 Dudley Avenue

Exhibits Filed:
1. Application dated April 12, 2012
2. Notification of Public Hearing dated April 18, 2012
3. Manitoba Status of Title 2313491/1
4. Surveyor's Building Location Certificate and sketch dated October 30, 1992

5. Plans (5 pages)
6. Report from the Urban Planning Division dated May 30, 2012
7. Inspection Report

REPRESENTATIONS:

In Support:

Gabrielle Katchanoski
Raymond Katchanoski
Garrett Loeppky
Sarah Dietrich and David Wesst
Julie Bell

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 212/2012

ADMINISTRATIVE REPORT

Title: DAZ 212/2012 – 837 Dudley Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 212/2012 – 837 Dudley Avenue

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

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

RECOMMENDATIONS

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 212/2012 dated June 1, 2012 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That a property shall be limited to a maximum of two dwelling units.

        ii. That the development shall occur in substantial conformance with plans submitted and attached hereto and identified as Sheets 1-5 for File No. DAZ 212/2012, dated May 28, 2012, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property, and Development.

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 the same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement

7. 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.

REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

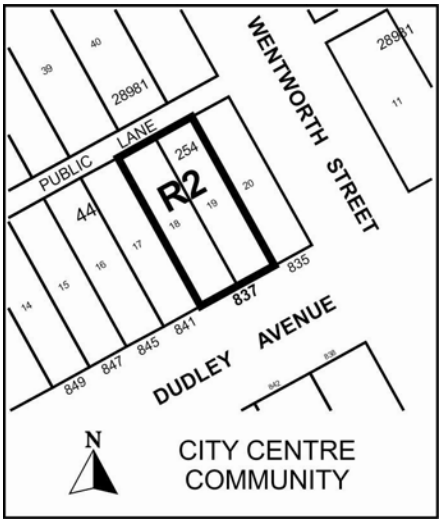
Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Michael Robinson, AICP, MCIP
Date:	May 30, 2012
File No.	DAZ 212/2012

APPENDIX 'A'

DATE: May 30, 2012
FILE: DAZ 212/2012
RELATED FILES:
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.106

SUBJECT: To rezone the subject land from an "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District

LOCATION: 837 Dudley Avenue
LEGAL DESCRIPTION: Lots 18&19 Block 44 Plan 254



APPLICANT: Gabrielle Katchanoski

OWNER: Same

RECOMMENDATION: Approval

SITE DESCRIPTION
The subject property, which is zoned "R1-S" Residential Single-Family District, is located on Dudley Avenue, between Wentworth and Stafford Streets, in the Earl Grey neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Residences zoned "R1-S" Residential Single-Family District
South: Residences zoned "R1-S" Residential Single-Family District
East: Residences zoned "R1-S" Residential Single-Family District
West: Residences zoned "R1-S" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone the subject property to an "R2" Residential Two-Family District in order to construct a duplex. The reasons for constructing a duplex on the property are explained in the applicant's letter of intent (see Appendix "B").

Reason for application
In order to construct a duplex, the property must be rezoned from the current "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District

ANALYSIS AND ISSUES

A. Policies

i. OurWinnipeg (Complete Communities Direction Strategy)

This portion of the Earl Grey neighbourhood is designated as an Area of Stability. Policies which are relevant to this application are as follows:

1) Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form

2) Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments

3) In order to meet the full life cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, and townhouses.
4) Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as creation of *Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods*

The proposed rezoning is consistent with OurWinnipeg and The Complete Communities Direction Strategy

B. Context

While predominantly single-family residential, the Earl Grey neighbourhood contains a variety of different housing types and forms, including duplexes, several apartment buildings and a care home. The subject block of Dudley Avenue, between Wentworth and Stafford Streets, currently has three (3) duplexes:

845-847 Dudley
866-868 Dudley
872-874 Dudley

Fifty foot wide lots

The lots on the subject block range in size from 25 feet wide to 50 feet wide. There are six lots that are fifty feet wide. Of these six, three are currently duplexes (four, if the subject property is rezoned).

To that point, the subject property, given its width, has special characteristics that make it more appropriate to be rezoned for a duplex.

Accordingly, since other properties on the block are narrower, it is not anticipated that a rezoning of this property would lead to a wave of further rezonings in the near future.

C. Urban Design

The applicant has indicated that although the structure will share a party wall, it will not resemble the standard boxy duplex that is prevalent throughout the area. To that point, one of the units will be two-storeys and the other unit will be one-storey. This design element will aid in creating the appearance of two separate dwelling units.

D. Conditions
While the subject property is appropriate for a duplex, a multi-family dwelling (3 units and up) would be inconsistent with the current density that exists on the subject block. Consequently, it is recommended that the property be limited to a two-family dwelling through a zoning agreement.

Accordingly, if a future property owner was to seek approval for a multi-family dwelling, it would require a zoning amendment agreement and a public hearing at City Centre Community Committee rather than a conditional use and public hearing at the Board of Adjustment.

RECOMMENDATIONS
The Planning and Land Use Division recommends approval for the following reasons:

- The rezoning is consistent with OurWinnipeg and Complete Communities Direction Strategy
- The lot is wider than the standard lots on the block
- There are currently three duplexes on 50 wide lots on the subject block
- The proposed design will aid in creating the appearance of two separate dwelling units.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 212/2012

APPENDIX 'B'
Schedule "A" for File No. DAZ 212/2012, City Centre Community Committee, dated May 30, 2012

By-Law No. _____

File No. **DAZ 212/12**

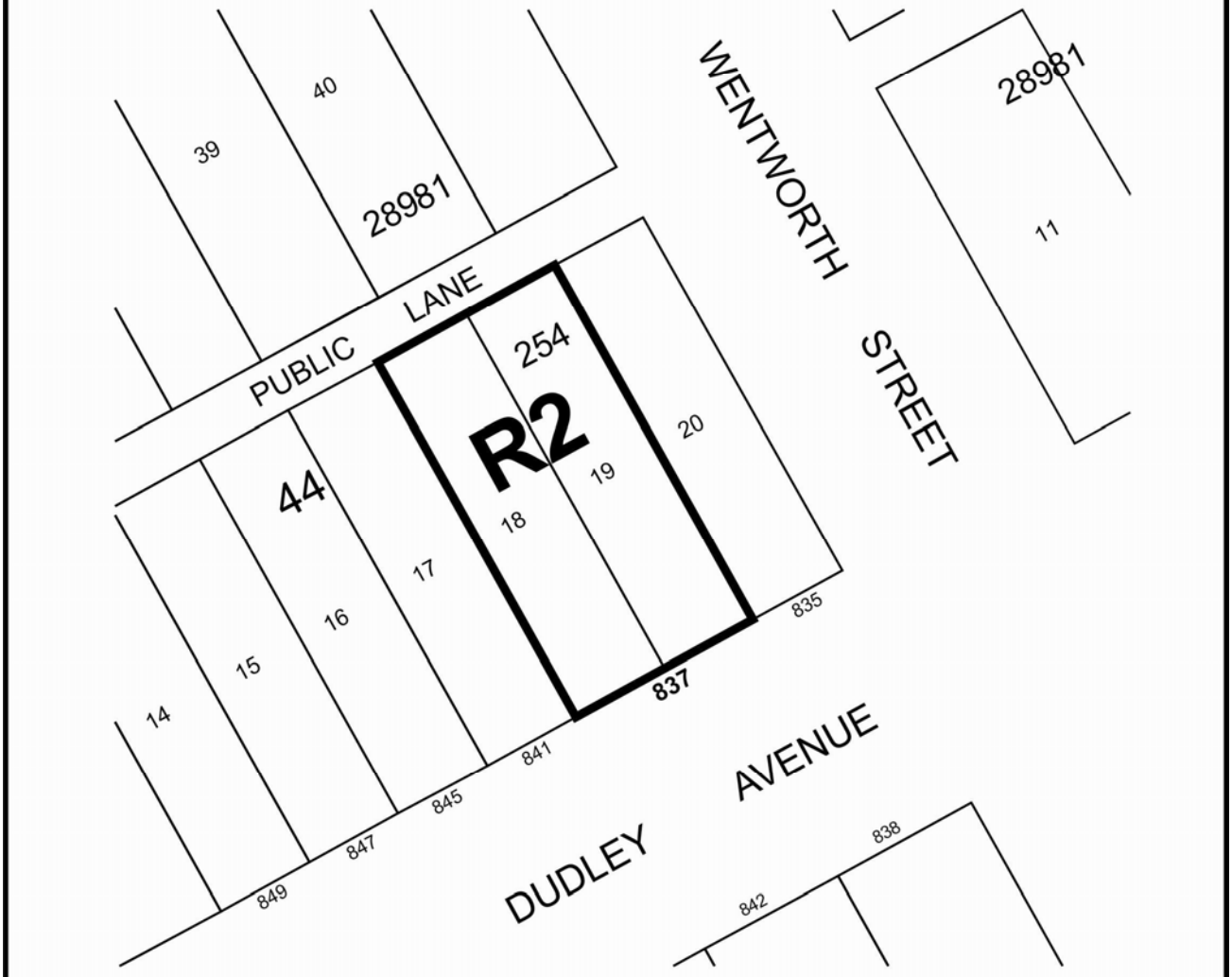
Atlas Sheet No.

N

AD23
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 837 Dudley Avenue Street from an "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a two-family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2009)

APPENDIX 'B'

Gabrielle Katchanoski
837 Dudley Ave
Winnipeg, MB
R3M 1R1
Ph. 204.474.5004
E-mail: gabrielle2176@yahoo.ca

April 11, 2012

Re: Letter of Intent
Application for Rezoning 837 Dudley Avenue
Lots 18 and 19 Block 44 Plan 254 WLTO in RL 30 Parish of St Boniface

To Whom it May Concern:

My name is Gabrielle Rae Katchanoski, currently I am the sole owner of the property in question, *Lots 18 and 19 Block 44 Plan 254 WLTO in RL 30 Parish of St Boniface*. Presently, Lot 18 has never been developed and Lot 19 has a small home (roughly 847 sq.feet) located on it. Both lots are zoned as R1. It is my hope to have both lots rezoned as R2.

If these two lots are rezoned as R2, then my plan is to demolish the current structure and to construct two single family dwellings with a party wall located on the property line. The home on Lot 19 was built in 1913 and only has a partial basement. Given the age and nature of this dwelling, simply adding to it is not structurally feasible. By constructing the dwellings in this manner, the homes will be located five feet from the eastern and western property lines. Having a five-foot side yard means that there can be windows located on the exterior walls which will allow for better ventilation and increased natural light in the dwellings. As well, the five-foot side yards will create a sense of spaciousness and will provide for more green space on the lots.

The proposed residence on Lot 18 would be a one-storey dwelling, while the proposed residence on Lot 19 would be a two-storey dwelling. My parents are nearing retirement and it is their plan to move to Winnipeg. We have devised these building plans in an effort to live close to one another, to take advantage of the land I own and to maximize land use. Our plan is to construct the one-storey dwelling such that as my parents age it would be feasible for them to continue to live in their own private residence for as long as possible. To that end we have been doing significant research into universal design elements and working to incorporate those elements into the proposed dwelling.

Although the proposed dwellings fall under the broad definition of a duplex, aesthetically these homes will not resemble the standard boxy duplex that most of us are accustomed to seeing. In regards to design, I have tried to maintain the feeling of the existing neighbourhood and also to create something which more closely resembles two separate dwellings rather than a large box. This will also be achieved through exterior finishing choices.

If this application for re-zoning is approved, then it is my hope to begin demolition & then construction in the spring of 2013.

Sincerely,

Gabrielle Katchanoski

Gabrielle R. Katchanoski