Minute No. 738
Report – Executive Policy Committee – September 17, 2014

Item No. 2 **Rezoning – 478 Hartford Avenue**
(Mynarski Ward)
File DAZ 224/2014 [c/r DCU 116401/2013D and DAV 136623/2014D]

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 224/2014 dated June 27, 2014 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 the 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 – September 17, 2014

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 September 17, 2014, 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 September 8, 2014, 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 - 478 Hartford Avenue**
File DAZ 224/2014

For submission to: **Executive Policy Committee**

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

Report date: **September 9, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 8, 2014, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended 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 224/2014 dated June 27, 2014 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 the 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 reasons for its recommendation:

1. This is a reasonable application which adds an additional unit to an existing building, and expands it to 3 units.
2. Building extra density close to a good bus service in this area is good for the neighbourhood.

PUBLIC HEARING SUMMARY

File: DAZ 224/2014

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

Public Hearing: September 8, 2014
Council Building, 510 Main Street

Applicant: Paul Arsenault

Subject:



Premises Affected: 478 Hartford Avenue

Exhibits Filed:

1. Application dated June 25, 2014
2. Notification of Public Hearing dated July 15, 2014
3. Manitoba Status of Title 2621290/1
4. Letter of authorization from Susan Arsenault to Paul Arsenault
5. Drawing of subject property
6. Plans (4 pages)
7. Report from the Urban Planning Division dated August 28, 2014
8. Communication dated December 14, 2012, from Kevin Bencharski in support of the application
9. Communication dated January 4, 2013, from Janet and Dan Hall in support of the application
10. Communication dated January 7, 2013, from Sherri and Jeff Doherty in support of the application
11. Communication dated February 6, 2013, from Larry Goritz in support of the application
12. Communication dated February 6, 2013, from Lochlin Broatch in support of the application
13. Communication dated February 7, 2013, from Willy Diaz in support of the application
14. Communication dated February 15, 2013, from Josephine Allegro in support of the application
15. Inspection Report
16. Audio Recording of representations

REPRESENTATIONS:

In Support:

Josephine Allegro
Paul and Susan Arsenault
Kevin Bencharski
Lochlin Broatch
Willy Diaz
Sherri and Jeff Doherty
Janet and Dan Hall
Larry Goritz

In Opposition

Nil

For Information:

Nil

For the City:

Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 224/2014

ADMINISTRATIVE REPORT

Title: DAZ 224/2014 – 478 Hartford Avenue

Issue: For consideration at the public hearing for a rezoning from "R1-M" Residential Single-Family (Medium) to "R2" Residential Two-Family.

Critical Path: Lord Selkirk West Kildonan Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	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 224/2014 dated June 27, 2014 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 the 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 is proposing to rezone the site from “R1-M” Residential Single-Family (Medium) to “R2” Residential Two-Family.
- The “R2” Residential Two-Family District allows for two-family development as well as multi-family development by way of Conditional Use.
- The proposed development will consist of 3 dwellings unit in the existing building which already contains 2. The third unit will be added to the basement and will require conditional use approval (see file # DCU 13-116401D).
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- 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 Urban Planning Division are concurred in, the land will be rezoned from “R1-M” Residential Single-Family (Medium) to “R2” Residential Two-Family.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Noah Yauk
Date:	Aug 28, 2014
File No.	DAZ 224/14

Attachments:

- **APPENDIX 'A': PLANNER'S REPORT**
- **SCHEDULE "A" FOR FILE NO. DAZ 224/2014, LORD SELKIRK / WEST KILDONAN COMMUNITY COMMITTEE, DATED JUNE 27, 2014**

APPENDIX 'A': PLANNER'S REPORT

DATE:	Aug 28, 2014
FILE:	DAZ 224/2014
RELATED FILES:	DAV 14-136623D DCU 13-116401D
COMMUNITY:	Lord Selkirk / West Kildonan
NEIGHBOURHOOD #:	3.309 (Jefferson)
SUBJECT:	To rezone the subject land from "R1-M" Residential Single-Family (Medium) to "R2" Residential Two-Family.
LOCATION:	478 Hartford Ave
LEGAL DESCRIPTION:	Lot 10, Block 38, Plan 2355



APPLICANT:	Paul Arsenault 1-478 Hartford Avenue WPG, MB R2V 0X2
OWNER:	Paul and Susan Arsenault 1-478 Hartford Avenue WPG, MB R2V 0X2
RECOMMENDATION:	Approval with conditions

REPORT SUMMARY

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

- The proposed infill development is consistent with OurWinnipeg policies of promoting compact urban form
- The proposed development is compatible with the scale and character of neighbbouring residential properties.

SITE DESCRIPTION

The subject property, which is zoned "R1-M" Residential District, is located on the south side of Hartford Avenue between McGregor Street and McKenzie Street in the Jefferson neighbourhood of the Mynarski ward.

Existing Land Use and Zoning

North: Hartford Avenue, then single-family dwellings zoned "R1-M" Residential District.
South: A public lane, then single-family dwellings zoned "R1-M" Residential District.
East: A 15 unit apartment building zoned "RMF-M" Residential Multi-Family District.
West: Single-family dwellings zoned "R1-M" Residential District.



Figure 1: Subject Site and Surrounding Land uses

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant wishes to rezone the subject property to "R2" Residential Two-Family District to better reflect the two-family development that legally exists on the subject site and also to allow for the development of a third suite in the basement by way of an associated Conditional Use application (see file # DCU 13-116401D).The applicant is also requesting minor variances for parking (see File# DAV 14-136623D).

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

With respect the City of Winnipeg's adopted Development Plan, *Our Winnipeg Complete Communities*; the subject site is located within the Areas of Stability Policy Area (Mature Community). A key directions within this policy area are to:

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

Zoning By-Law 200/2006
The applicant is applying to rezone the property to an "R2" Residential Two Family District. The proposed "R2" District is a flexible residential zoning district in that it allows for single-family dwellings, two-family dwellings and even multi-family dwellings through Conditional Use approval. Multi-family development requires a minimum lot area of 800 sq ft per each unit proposed. The subject site being 5,797 sq ft in size is well within this minimum density requirement.

It is noted that while the property is currently zoned "R1-M", a residential single-family zoning district, the building contains two dwelling units that were legally established. The effect of the "R1" zoning is that the two-family dwelling use is considered a non-conforming right. Rezoning to "R2" will fully restore the rights to have a two family dwelling on the property and is therefore a more appropriate zoning district as it better reflects the development that exists there. The zoning district also allows for the proposed 3rd dwelling in the basement if the associated Conditional Use application is approved. Should the rezoning application not be approved, the property owner would be entitled to the existing two-family dwelling as a non-conforming right.

Compatibility with Existing Land Uses
While the Jefferson neighbourhood has a fair mix of residential housing types, forms and densities, the predominant land use consists mostly of single-family residential dwellings. Most of the higher density developments are located on corner lots that intersect with collector and major collector streets such as McGregor. A good example is the property that abuts the subject site to the east which is at the intersection of Hartford and McGregor. This building contains a total of 15 suites. The established density directly on the other side of the property line suggests that the proposed "R2" Zoning District and the proposed development are compatible with neighbouring land uses. In fact the three units being proposed on this property provide a sensible transition between a multi-family and single-family development. It should also be noted that the proposed development does not change the form of development that exists on the property today. The addition of a third suite in the basement does not cause the structure to look any different from the outside. The size of the property is more than enough to accommodate the proposed development.

Based on the existing situation - an existing two-family dwelling adjacent to a 15 unit multi-family development and Council direction to moderately increase density in Areas of Stability – the proposed rezoning and additional suite that will result from the applications is supportable. Allowing moderate, sensitive infill into existing established neighbourhoods can help to return these neighbourhoods to the populations they once were when average family sizes were larger.

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

- The proposed infill development is consistent with OurWinnipeg policies of promoting compact urban form
- The proposed development is compatible with the scale and character of neighbbouring residential properties.

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

Report Prepared by: Noah Yauk
PPD File # DAZ 224/2014

Schedule "A" for File No. DAZ 224/2014, Lord Selkirk / West Kildonan Community Committee, dated June 27, 2014.

By-Law No. _____

File No. **DAZ 224/14**

Atlas Sheet No. **U25**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 478 Hartford Avenue from an "R1-M" RESIDENTIAL SINGLE FAMILY (Medium) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of a multiple family dwelling as a conditional use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____