Agenda – East Kildonan-Transcona Community Committee – November 17, 2015

PUBLIC HEARINGS

Item No. 7 Variance – 155 Peguis Street
(Transcona Ward)
File DAV 162732/2015D

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application to vary the "RMF-M" Dimensional Standards of Zoning By-law No. 200/2006 for the establishment of a play structure to permit no north side-yard instead of 8 feet (2.44 metres);
subject to the following condition:

1. that, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance, shall terminate.

Agenda – East Kildonan-Transcona Community Committee – November 17, 2015

File:	DAV 162732/2015D
Applicant:	Streetside Development Corporation (Jonathan Osachuk)
Premises Affected:	155 Peguis Street
Legal Description:	Lot 1 Block 2 Plan 56595 hereinafter called "the land"
Property Zoned:	"RMF-M" (Residential Multi-Family-Medium District)
Nature of Application:	To vary the "RMF-M" Residential Multi-Family-Medium Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 for the establishment of a play structure to permit no north side yard instead of 8 feet (2.44 metres)
Exhibits Filed:	1. Application dated October 14, 2015 2. Notification of Public Hearing dated October 26, 2015 3. Manitoba Status of Title 2757029/1 4. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising 5. Zoning Agreement between The City of Winnipeg and Genstar Titleco Limited and Genstar Development Partnership 6a. Caveat No. 4540343 6b. Caveat No. 4540346 6c. Caveat No. 4540347 7. Plans, Sheets 1 and 2, for File DAV 162732/2015D dated October 8, 2015 8. Report from the Urban Planning Division dated November 12, 2015 9. Inspection Report

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Moved by Councillor

That the report of the Winnipeg Public Service be taken as read.

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

That in accordance with Subsection 247(3) of The City of Winnipeg Charter, the Variance,

(a) ☐ is consistent ☐ is not consistent
with Plan Winnipeg, and any applicable secondary plan;

(b) ☐ does not create ☐ does create
a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) ☐ is ☐ is not
the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) ☐ is ☐ is not
compatible with the area in which the property to be affected is situated.

Supporting Comments:

Moved by Councillor

That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in and the Variance be approved / rejected.

Moved by Councillor

That the public hearing with respect to this application be concluded.

Exhibit “8” referred to in File DAV 162732/2015D

ADMINISTRATIVE REPORT

Title: DAV 15-162732D – 155 Peguis Street

Issue: Application to Vary the “RMF-M” Residential Multi-Family Medium Zoning District Dimensional Standards of Zoning By-law No. 200/2006 to Accommodate a Proposed Play Structure

Critical Path: East Kildonan – Transcona Community Committee 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

The Urban Planning Division recommends approval of the application to vary the "RMF-M" Dimensional Standards of Zoning By-law No. 200/2006 for the establishment of a play structure to permit no north side-yard instead of 8 feet (2.44 metres);

subject to the following condition:

1) that, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance, shall terminate.

REASON FOR THE REPORT

This report is required because the proposed play structure cannot be established at the proposed location without approval of the proposed variance.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the play structure can be established on the subject site.

HISTORY

On September 22, 2015, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and approved the plans of a proposed play structure to be established at 155 Peguis Street. A zoning agreement, associated with DASZ 10/2013, requires plans to be approved by said committee and the Director of Planning, Property and Development and subsequent development to be in conformity with the approved plans.

The committee approved the plans subject to the following condition(s):

1. That five (5) deciduous trees be planted in the locations circled in blue ink on page 1 of 34 of the approved plans.
2. That the play structure include junior and senior features, including swings and a slide, subject to the approval of the Director of Planning, Property and Development and the Director of Public Works.

CONSULTATION

Consultation was not warranted to prepare this report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Glen Doney
Date	November 12, 2015
File No.	DAV 15-162732D

Attachments

Appendix “A”, Planning Considerations

APPENDIX "A", PLANNING CONSIDERATIONS

DATE:	November 12, 2015
FILE:	DAV 15-162732D
RELATED FILE:	DAV 15-162794D
COMMUNITY:	East Kildonan-Transcona Community
NEIGHBOURHOOD #:	4.417
SUBJECT:	application to vary the "RMF-M" Dimensional Standards of Zoning By-law No. 200/2006 for the establishment of a play structure to permit no north side-yard instead of 8 feet (2.44 metres)
LOCATION:	155 Peguis St.
LEGAL DESCRIPTION:	Lot 1, Block 2, Plan 56595
APPLICANT:	Jonathan Osachuk Streetside Development Corp. 1 Dr. David Friesen Dr. Winnipeg MB R3X 0G8
OWNERS:	Streetside Development Corp. 1 Dr. David Friesen Dr. Winnipeg MB R3X 0G8
RECOMMENDATION:	Approval with One Condition

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, a Zoning Variance application can be approved if the proposed development:

(a) is consistent with *Plan Winnipeg* (*OurWinnipeg*) and any applicable secondary plan (*Complete Communities* and the *Transcona West Area Structure Plan);*

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

DESCRIPTION OF THE SUBJECT LAND

Figure 1 shows that the subject land is immediately northeast of Peguis Street and Cal Gardner Drive. The subject land is one lot in a plan of subdivision. It fronts onto Peguis Street and is approximately 369 feet deep and 400 feet wide. It is in the Peguis Neighbourhood and the Transcona Ward.

The subject land is in a Recent Community Policy Area of *Complete Communities,* a Residential Mixed Use Policy Area of the *Transcona West Area Structure Plan* and an "RMF-M" Zoning District. The lot comprising the subject land was created under File DASZ 10/2013. Under that file a development agreement was entered into that requires the developer to service the area with piped water, wastewater and land drainage, paved roads and paths, and other infrastructure.

SURROUNDING LAND USE AND ZONING

Figure 1 shows that areas zoned, or approved to be zoned, multi-family are adjacent and near the

Figure 1: Approved Subdivision and Rezoning Applications and 2014 Aerial Photography



subject land. Figure 1 also shows that “RR5” Rural Residential 5 and “R1-L” Residential Single-Family Large Zoning Districts are near the subject land.

Construction of residential buildings, and infrastructure, has recently begun in the vicinity of the subject land. This construction began after the 2014 aerial photography of the area was completed.

DESCRIPTION OF THE PROPOSED DEVELOPMENT AND VARIANCE

PROPOSED DEVELOPMENT

The proposed development, shown on the plans submitted as part of the variance application, is the establishment of part of a play structure on the subject site. The other part would be established on the abutting property to the north.

PROPOSED VARIANCE

The proposed variance that is the subject of this report, and the proposed variance regarding 225 Peguis Street, would accommodate the proposed play structure.

ANALYSIS

OURWINNIPEG, *COMPLETE COMMUNITIES* AND THE *TRANSCONA WEST AREA STRUCTURE PLAN*

The proposed variance complies with these policy documents because it would accommodate part of a play structure that would be established partly on the subject property and partly on the abutting property to the north.

COMPATIBILITY AND ADVERSE EFFECT

The proposed variance would be compatible, and have no adverse affect on, the area in which the subject site is located.

INJURIOUS EFFECT AND MINIMUM MODIFICATION OF THE ZONING BY-LAW

The proposed variance can be considered to address an injurious effect of the by-law and can be considered the minimum modification needed to do so because it would accommodate a proposed play structure that would be on the subject site and the property north of it.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3) of The Charter, the Urban Planning Division recommends approval of the variance application because it

a) is consistent with Plan Winnipeg (*OurWinnipeg) and* any applicable secondary plan (*Complete Communities)*;

b) would not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

c) would be the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

d) is compatible with the area in which the property to be affected is situated.

The recommended condition of approval, stated below, is to ensure the variance will be acted upon in a timely manner, before significant change occurs in the area around the subject land.

RECOMMENDED CONDITION OF APPROVAL

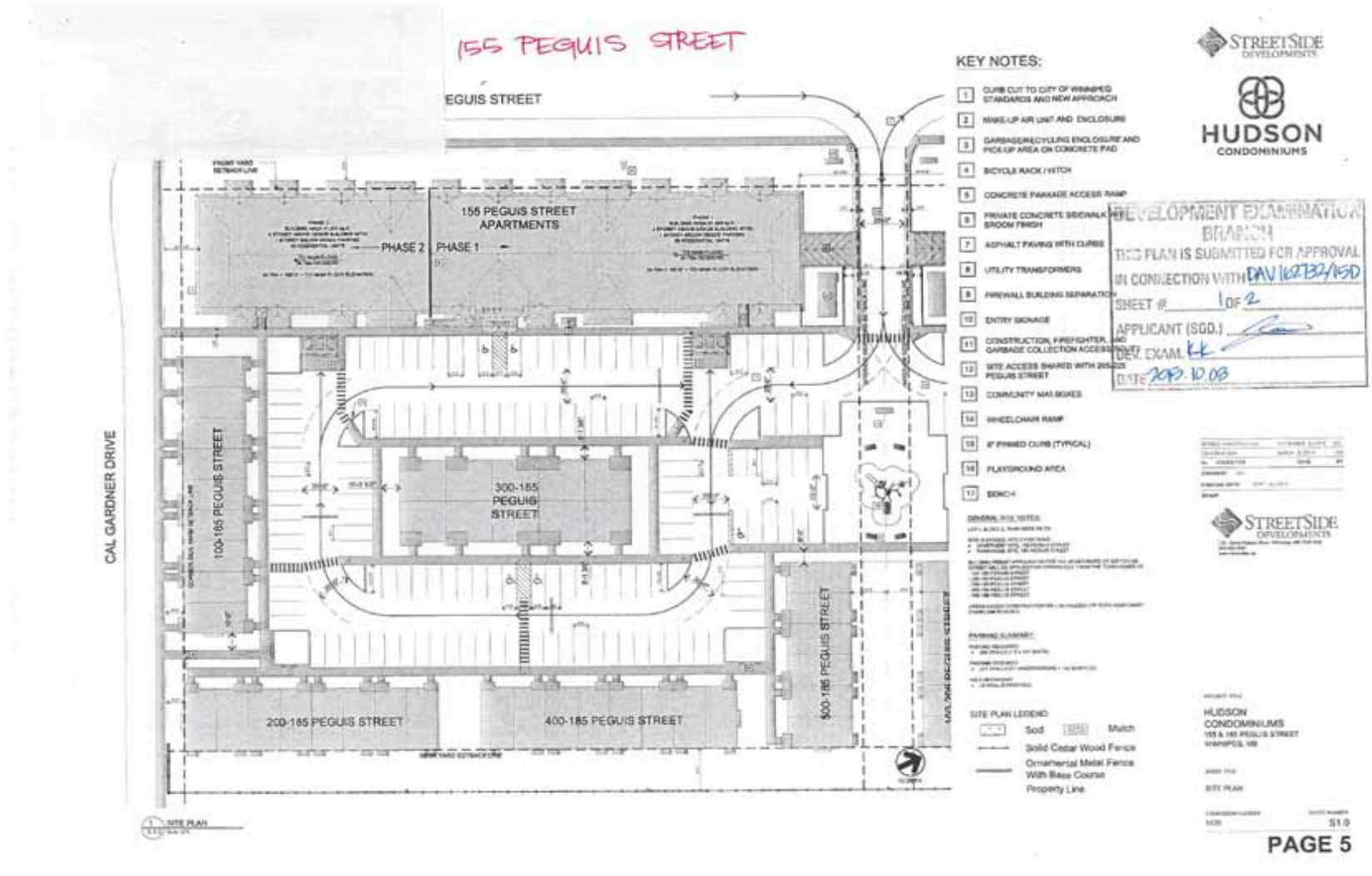
That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance, shall terminate.

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

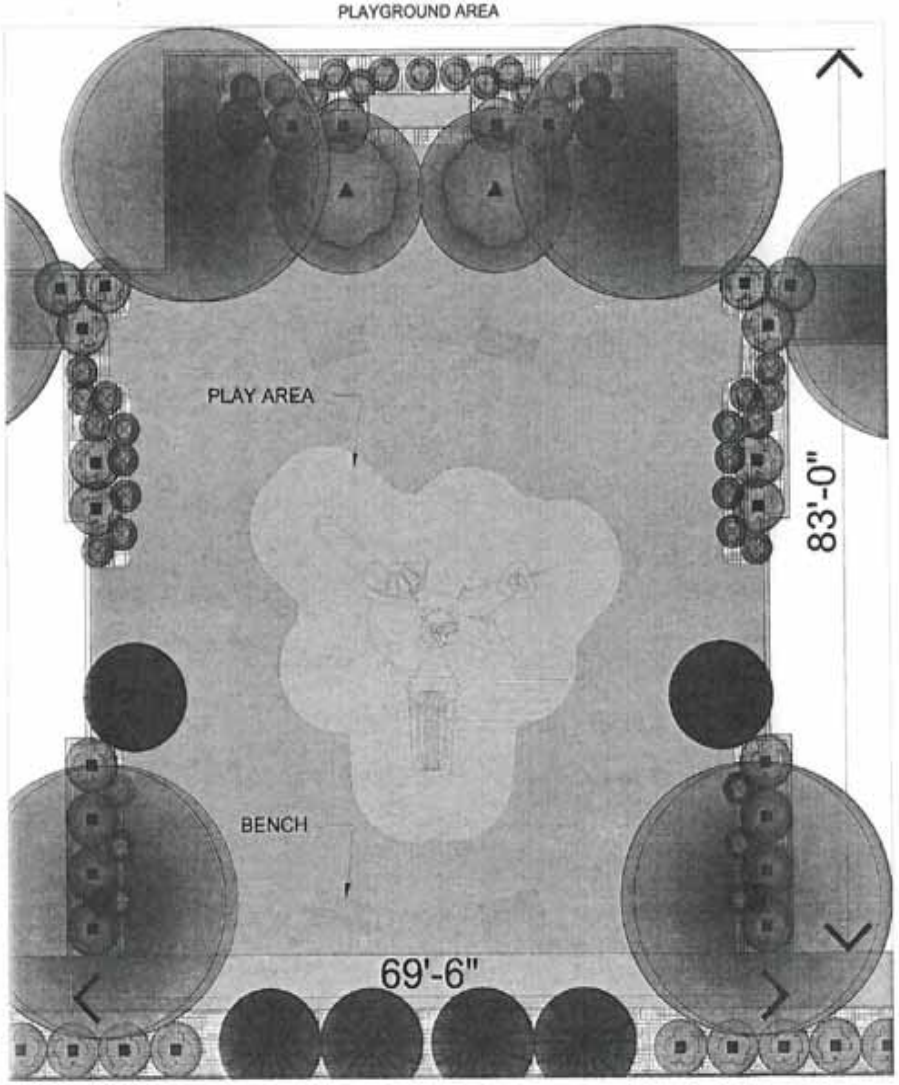
Report Prepared by:
Glen Doney

PPD File #:
DAV 15-162732D

Exhibit “7” referred to in File DAV 162732/2015D



PLAYGROUND AREA



GREEN SPACE DETAILS

HUDSON
CONDOMINIUMS

CONCEPT PLAYGROUND RENDERING



DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV162732/15D
SHEET # 2 OF 2
APPLICANT (SGD.)
DEV. EXAM. KK
DATE 2015.10.08

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STREETSIDE DEVELOPMENTS