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

PUBLIC HEARINGS

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

COMMUNITY COMMITTEE DECISION:

The East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" for the establishment of a play structure to permit no north side-yard, subject to the following condition:

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

DECISION MAKING HISTORY:

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

The Chairperson called Councillor Schreyer to the Chair in order to move the following motion:

Moved by Councillor Wyatt,
That the report of the Winnipeg Public Service be taken as read.

Carried

Moved by Councillor Wyatt,
That the receipt of public representations be concluded.

Carried

Moved by Councillor Wyatt,
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:

1. This is consistent with the site plan approval, rezoning and the Transcona West Area Structure Plan that took place in this area.

Carried

DECISION MAKING HISTORY (continued):

Moved by Councillor Wyatt,

That the recommendation of the Winnipeg Public Service be concurred in and the Variance be approved.

Carried

Moved by Councillor Wyatt,

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

Carried

Councillor Wyatt resumed the Chair.

THE CITY OF WINNIPEG
VARIANCE ORDER
EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE

DAV 162732/2015D

Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Schreyer
Hearing:	November 17, 2015 (insert recent date) Council Building, 510 Main Street
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)
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)

It is the opinion of the East Kildonan-Transcona Community Committee that subject to conditions listed below, if any, this Variance meets the statutory criteria as outlined in Subsection 247(3) of The City of Winnipeg Charter in that it:

(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:

1. This is consistent with the site plan approval, rezoning and the Transcona West Area Structure Plan that took place in this area.

ORDER:

The East Kildonan-Transcona Community Committee orders that the provisions of the ““RMF-M” Residential Multi-Family (Medium) District regulations of the Winnipeg Zoning By-law No. 200/2006 are varied on “the land” for the establishment of a play structure to permit no north side-yard, subject to the following condition, which the East Kildonan Community Committee considers necessary to ensure compliance with criteria (a) to (d) above, namely:

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.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: November 23, 2015

CERTIFIED BY:



Senior Committee Clerk

HOW TO APPEAL

You may appeal against either the whole of this order or part(s) of it by filing a letter of appeal.

That letter must be submitted in writing, be signed by the appellant, show the printed name of the appellant, contain the mailing address of the appellant, contain the contact telephone number of the appellant, and

(a) be addressed as set out below,

(b) be received at that office not later than 4:30 p.m. on December 10, 2015, **[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]**

(c) refer to Variance Order No. DAV 162732/2015D, give brief reasons for the appeal and must describe whether you appeal the whole order or only part(s) of it.

Any appeal letters not containing all of the above elements will be rejected by the City Clerk as invalid appeals and will not be heard at an appeal hearing.

You can attend the appeal hearing and speak on issues raised in someone else's appeal, but the appeal committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address:	City Clerk, City of Winnipeg c/o Appeal Committee Administration Building Main Floor, 510 Main Street Winnipeg, Manitoba, R3B 1B9
Fax:	204-947-3452
Email:	CLK-Appeals@winnipeg.ca

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:

Brian Cornelsen

In Opposition:

Nil

For Information:

Nil

For the City:

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

EXHIBITS FILED FOR DAV 162732/2015D

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

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

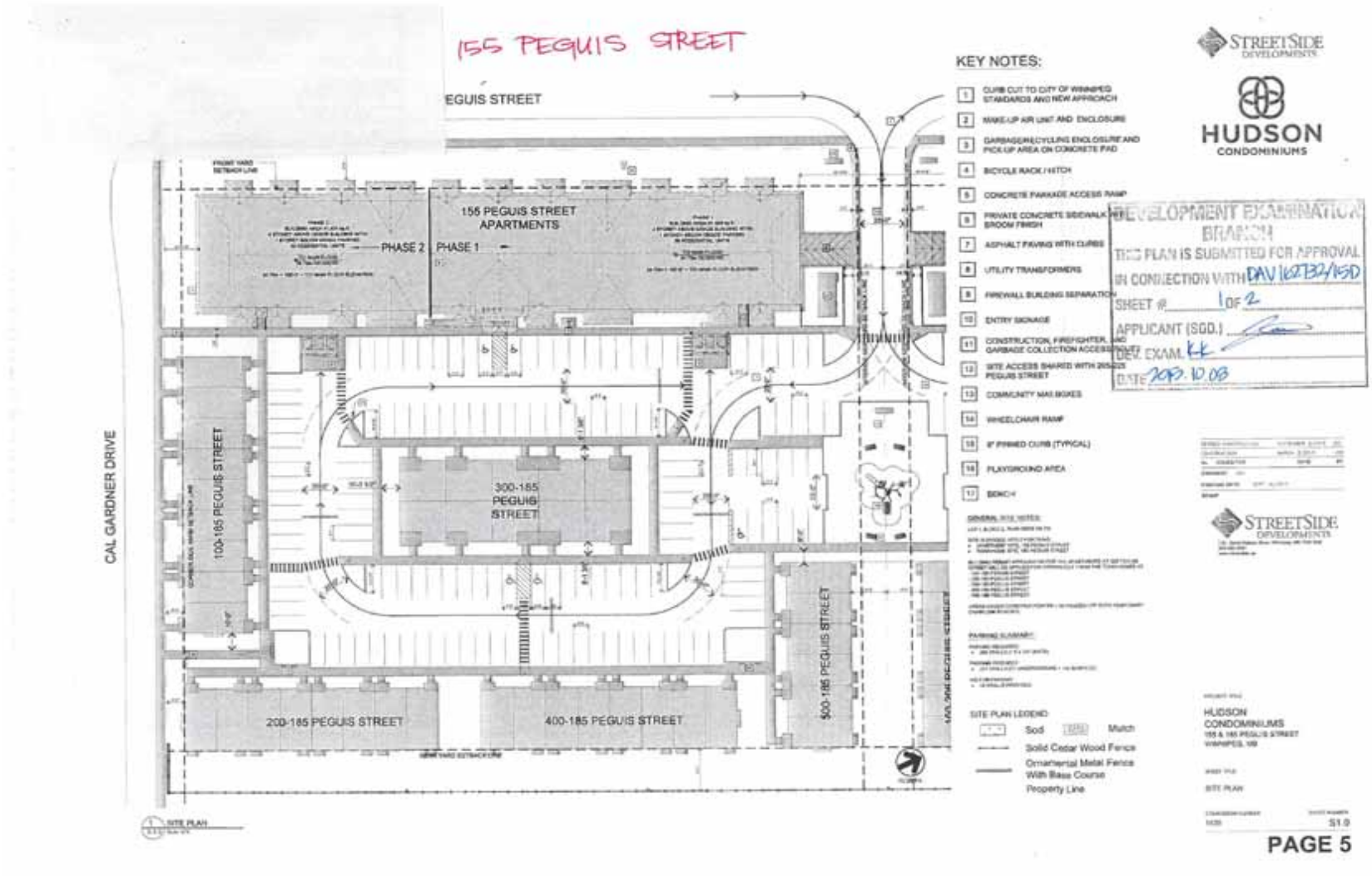
That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance, shall terminate.

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

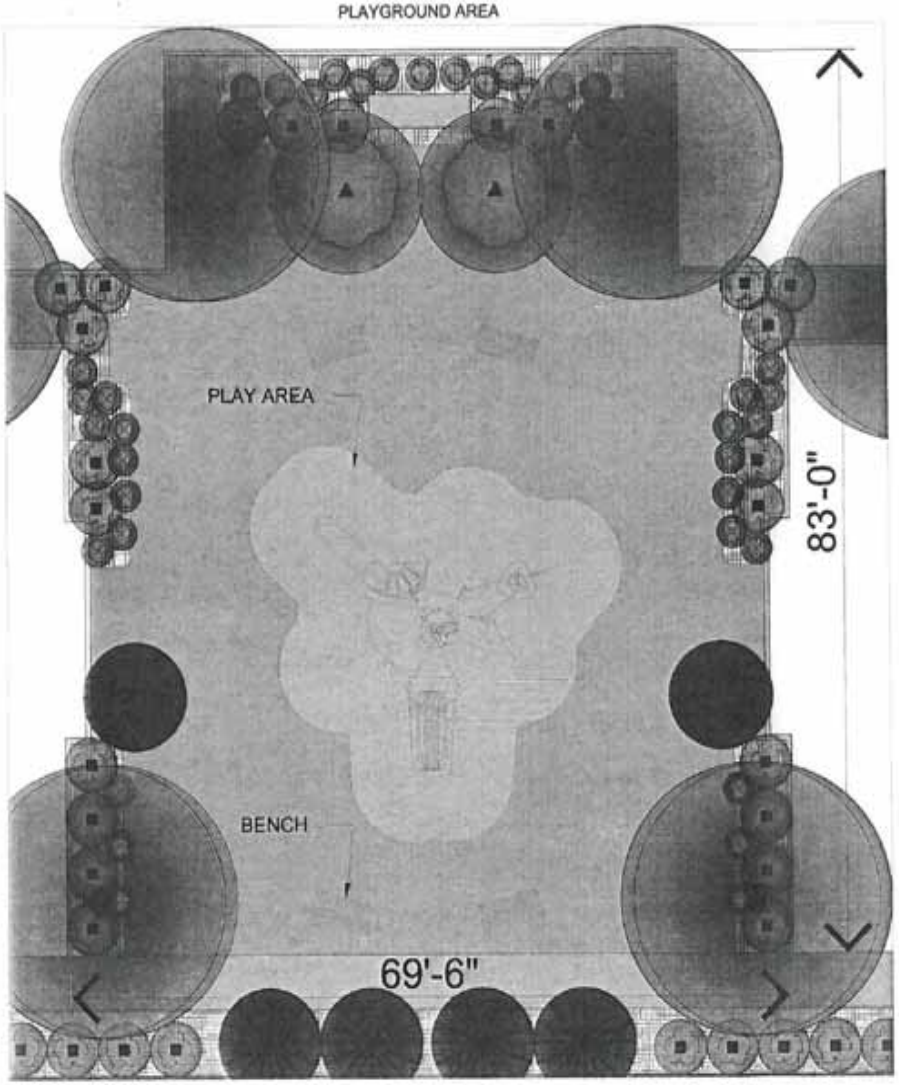
Report Prepared by:
Glen Doney

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 DAV 162732/15D
SHEET # 2 OF 2
APPLICANT (SGD.)
DEV. EXAM. KK
DATE 2015.10.08

PAGE 7

STREETSIDE DEVELOPMENTS