Agenda – Council – December 9, 2015

Report – Executive Policy Committee – December 2, 2015

Item No. 3 Zoning Agreement Amendment – 155 Williamson Crescent (Transcona Ward)
File ZAA 7/2015

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 2, 2015, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the following to Council:

1. That the Zoning Agreement under File DASZ 34/2010 dated December 17, 2010 (By-law No. 67/2013), be amended for the subject property (LOT 3 BLOCK 2 Plan 54942 62A/64A K OTM) to permit a front yard for 23.65 feet instead of 25 feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 34/2010 (By-law No. 67/2013), dated December 17, 2010 as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 – December 2, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 2, 2015, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2015, 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: **Zoning Agreement Amendment – 155 Williamson Crescent**
File ZAA 7/2015

For submission to: **Executive Policy Committee**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **November 18, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2015, the East Kildonan-Transcona 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 Zoning Agreement under File DASZ 34/2010 dated December 17, 2010 (By-law No. 67/2013), be amended for the subject property (LOT 3 BLOCK 2 Plan 54942 62A/64A K OTM) to permit a front yard for 23.65 feet instead of 25 feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 34/2010 (By-law No. 67/2013), dated December 17, 2010 as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

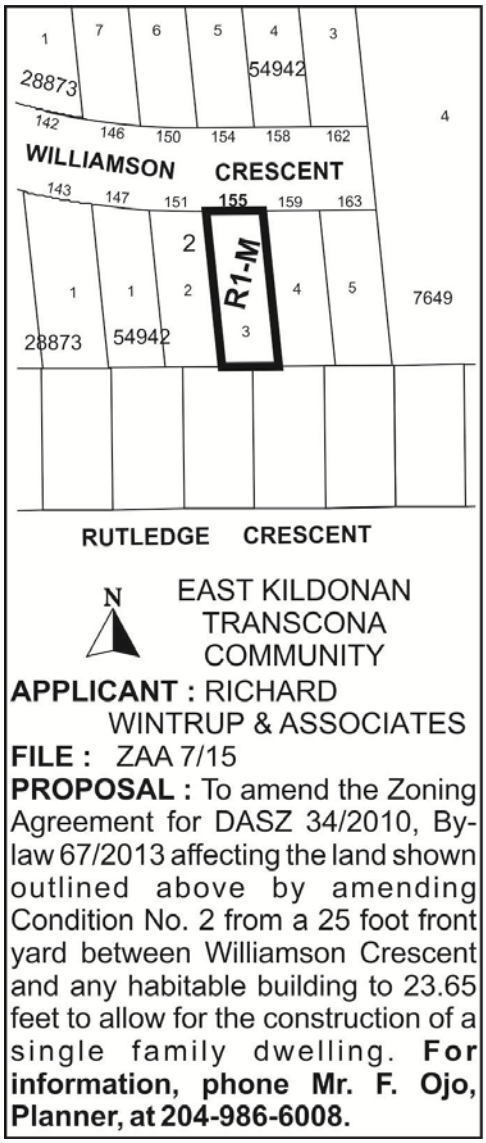
4. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. This change is very minor.

PUBLIC HEARING SUMMARY

File:	ZAA 7/2015
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Schreyer
Public Hearing:	November 17, 2015 Council Building, 510 Main Street
Applicant:	Richard Wintrup & Associates (John Wintrup)
Subject:	



Premises Affected: 155 Williamson Crescent

Exhibits Filed:

1. Application dated September 17, 2015
2. Notification of Public Hearing dated September 24, 2015
3. Manitoba Status of Title 2693230/1
4a. Letter of authorization dated August 26, 2015 from Global Homes to Richard Wintrup & Associates
4b. Letter of authorization dated September 11, 2015 from 4713096 Manitoba Ltd. to Richard Wintrup & Associates
5. Surveyor's Building Location Certificate and sketch dated July 2, 2015
6. Zoning Development Information
7a. Caveat 4417483/1
7b. Caveat 4417484/1
7c. Caveat 4417486/1
7d. Caveat 4417488/1
8. Report from the Urban Planning Division dated November 1, 2015
9. Inspection Report
10. Recording of Representations of public hearing held on November 17, 2015

REPRESENTATIONS:

In Support:

John Wintrup

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

ADMINISTRATIVE REPORT

Title: ZAA 7/2015 – 155 Williamson Cres.

Issue: For consideration at the public hearing to amend clause 2 from the Zoning Agreement for DASZ 34/2010 to permit a front yard of 23.65 feet on the subject site. (LOT 3 BLOCK 2 Plan 54942 62A/64A K OTM)

Critical Path: East Kildonan-Transcona 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	Division Head	Department Head	CFO	CAO
Femi Ojo	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the Zoning Agreement under File DASZ 34/2010 dated December 17, 2010 (By-law No. 67/2013), be amended for the subject property (LOT 3 BLOCK 2 Plan 54942 62A/64A K OTM) to permit a front yard for 23.65 feet instead of 25 feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 34/2010 (By-law No. 67/2013), dated December 17, 2010 as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 construct a single-family dwelling on site.
- The existing zoning agreement on the land restricts the front yard to a minimum of 25 feet. The applicant is proposing a front yard of 23.65 feet instead of 25 feet. As such, a zoning agreement amendment is required.
- A zoning agreement amendment requires 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 Zoning Agreement will be amended to permit a front yard setback of 23.65 feet instead of 25 feet.

HISTORY

DASZ 34/2010

- The subject property was part of 444 Grassie Blvd that went through a subdivision approval process under file DASZ 34/2010, and a proposed zoning changes to By-law 67/3023 by rezoning from an “RR5” Rural Residential 5 and an “R1-L” Residential Single-Family (Large) district to an “R1-M” Residential Single-Family (Medium) district
- Under DASZ 34/2010, ten (10) single-family residential lots were created along the easterly extension of Williamson Crescent. The subject land falls within these newly created lots.
- A zoning agreement caveat was placed on the land in conjunction with that rezoning. Relevant clauses restricting the land under the zoning agreement is clause 2 which states that:
    - The Owner must provide a front yard of twenty-five (25) feet between Williamson Crescent and any habitable principal building. The Owner and each successor in title to the Owner’s land is responsible for complying with the obligations in this paragraph while that person owns the Owner’s land or any part thereof. Each such person is also liable for any breach of the obligations in this paragraph which occurred while that person owned the Owner’s Land or any part thereof.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Femi Ojo, MCIP
Date:	November 1, 2015
File No.	ZAA 7/2015

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE: November 1, 2015

FILE: **ZAA 7/2015**
RELATED FILES: DASZ 34/2010 (B/L 67/2013)

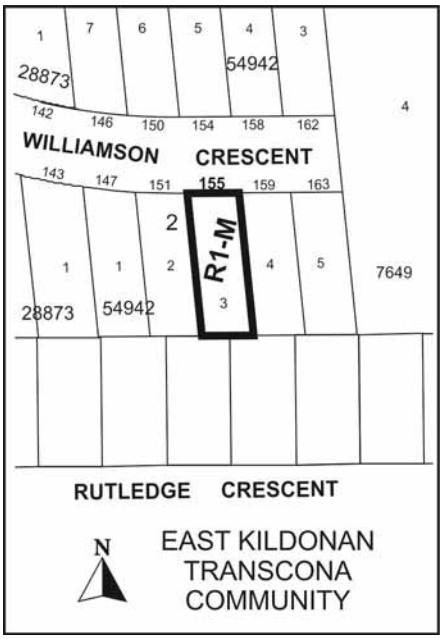
COMMUNITY: East Kildonan-Transcona Community

NEIGHBOURHOOD #: 4.424

SUBJECT: For consideration at the public hearing to amend clause 2 from the Zoning Agreement for DASZ 34/2010 to permit a front yard of 23.65 feet on the subject site. (LOT 3 BLOCK 2 Plan 54942 62A/64A K OTM)

LOCATION: South side of Williamson Crescent.

LEGAL DESCRIPTION: LOT 3 BLOCK 2 Plan 54942 62A/64A K OTM



APPLICANT: John Wintrup
139 Roslyn RD Unit 301
Winnipeg, Manitoba R3L 0G7

OWNER: Josh Smith
6425438 MANITOBA LTD.

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the South side of Williamson Crescent in the Grassie neighbourhood of the Transcona Ward.
- The property is 4,393 sq. ft. in size and is currently vacant.
- Under the Complete Communities Direction Strategy, the subject site is located within the Area of Stability - Recent Communities Policy Area, and is zoned “R1-M” Residential Single-Family Medium.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

SURROUNDING ZONING & USES (See Figure 2)

North: Williamson Crescent, then vacant land zoned “R1-M” Residential Single-Family.

South: Residences zoned “R1-M” Residential Single-Family.

East: Vacant land zoned “R1-M” Residential Single-Family

West: Vacant land zoned “R1-M” Residential Single-Family

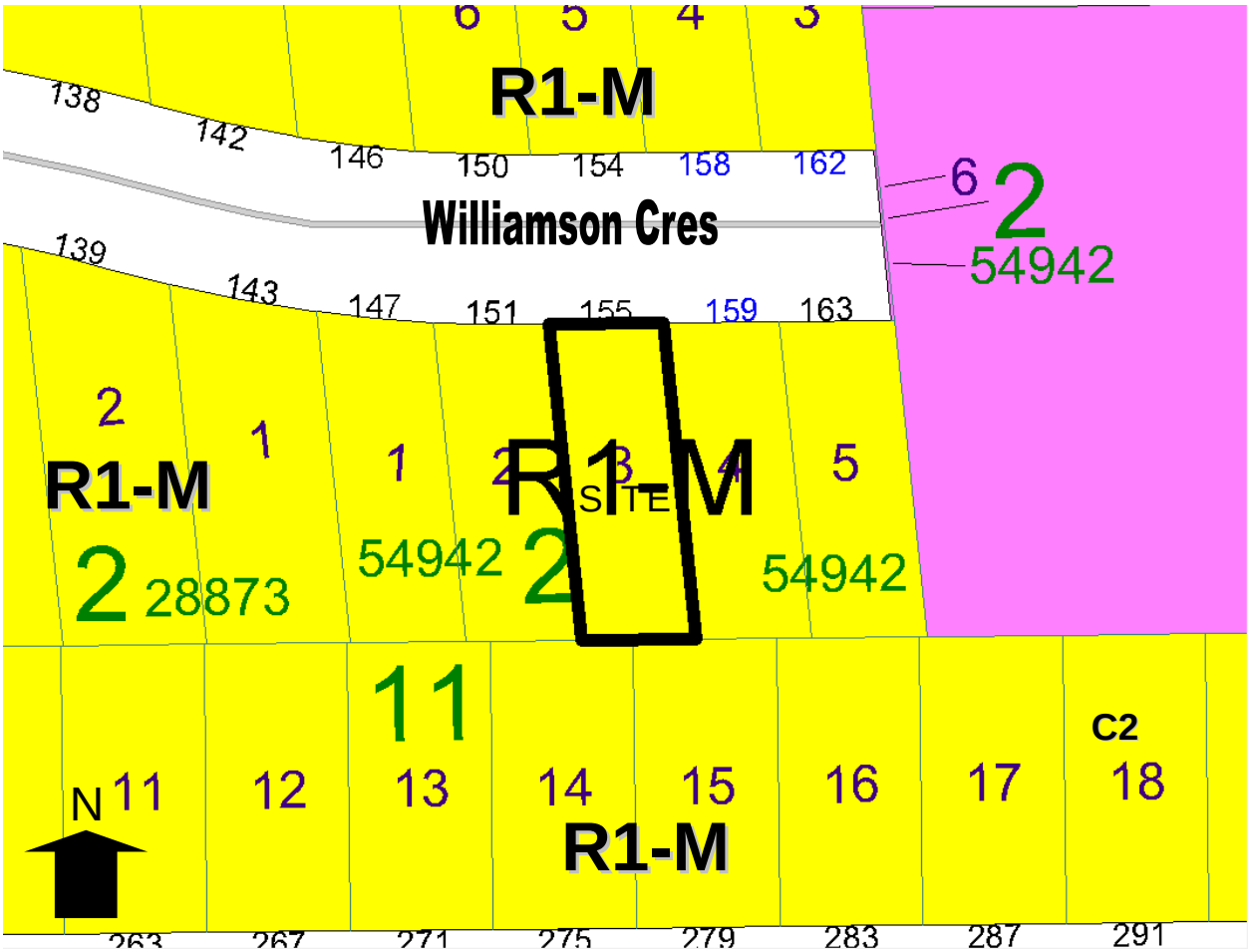


Figure 2: Zoning of the subject property and surrounding area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to construct a single-family dwelling with a reduced front yard of 23.65 feet.
- The existing zoning agreement on the land restricts the front yard to a minimum of 25 feet.
- The applicant is requesting a front yard of 23.65 feet instead of 25 feet. As such, a zoning agreement amendment is required.

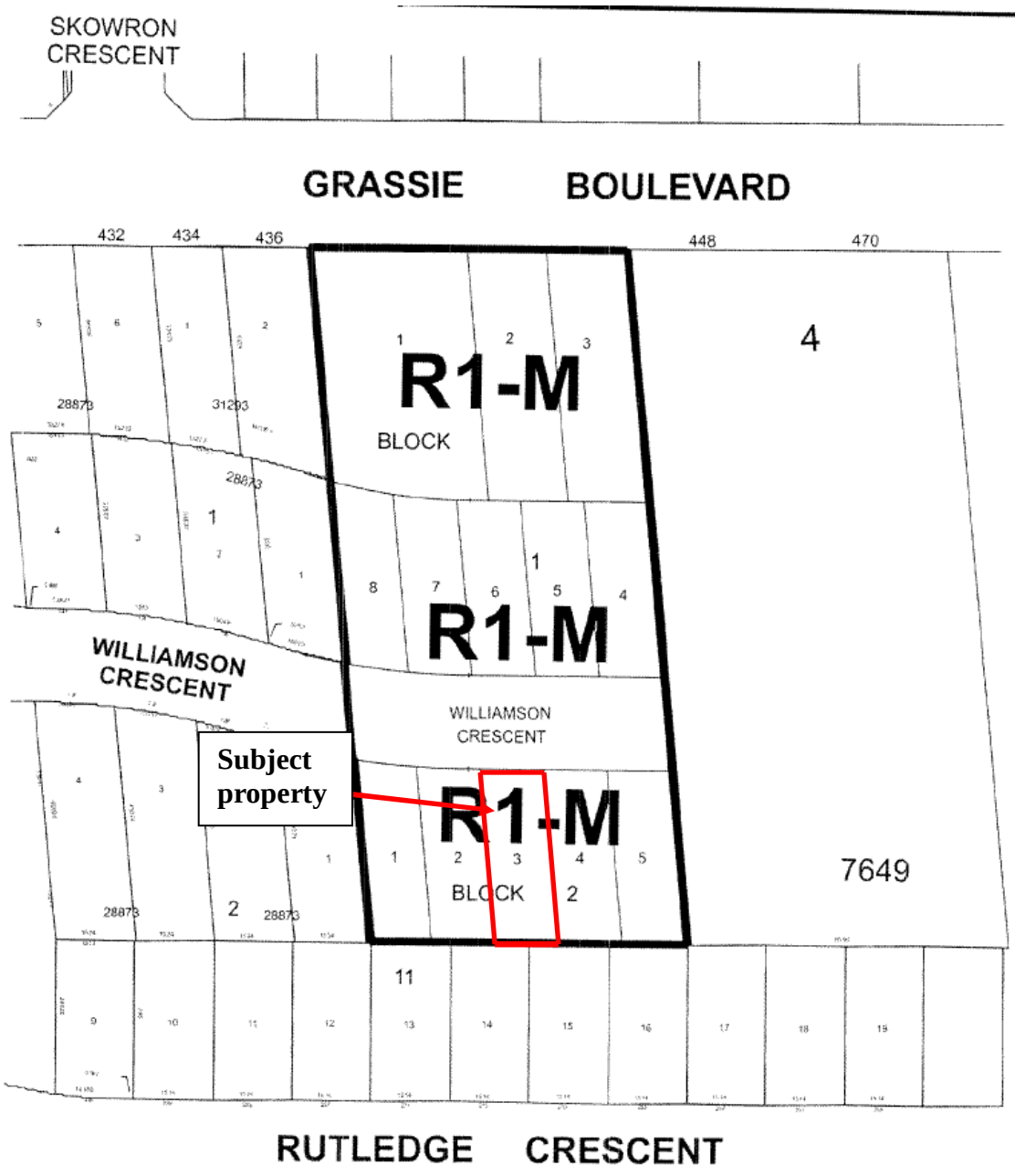


Figure 3: Subject parcel under DASZ 34/2010

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is located within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:

- Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
- Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
- Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

WINNIPEG ZONING (BY-LAW 200/2006)

- The "R1-M" Residential Single-Family District is intended to accommodate primarily single-family residential development in low-density areas. Development standards are as follows;
- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45 percent.

RATIONALE FOR 25 FOOT FRONT YARD SETBACK IN THE ZONING AGREEMENT

- The DASZ 34/2010, as approved by Council, created ten (10) lots along easterly extension of Williamson Crescent, two new lots along Grassie Blvd for single-family dwellings.
- It must be noted that the subject land falls within the planned area of DASZ 34/2010, and as part of the subdivision zoning agreement; the City of Winnipeg required a 25 foot front yard along Williamson Crescent. The reason being that the existing residential dwellings on Williamson Crescent were developed under the previous Zoning By-law that required 25 foot front yard instead of 15 foot front yard require under the current Winnipeg Zoning By-law 200/2006.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant is proposing a single family dwelling, which is consistent with existing context on Williamson Crescent.
- The applicant is proposing a front yard of 23.65 feet, which is above what the current Zoning By-law requires. The proposed front yard will be compatible with some of the new houses on the street.
- The Urban Planning Division does not foresee any negative effect of this proposal on surrounding properties.

REASONS FOR RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed 23.65 front yard is a minimum modification to the Winnipeg Zoning By-law 200/2006 and as required by Zoning Agreement 34/2010.
- The proposed amendment is for 155 Williamson Crescent, and does not in any way affect other lots within the subdivision plan.
- The proposed front yard will not have any effect on the adjoining properties.
- The proposed amendment is in line with the Complete Communities Direction Strategy for Area of Stability.

RECOMMENDATION

1. That the Zoning Agreement under File DASZ 34/2010 dated December 17, 2010 (By-law No. 67/2013), be amended for the subject property (LOT 3 BLOCK 2 Plan 54942 62A/64A K OTM) to permit a front yard of 23.65 feet instead of 25 feet.

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This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo, MCIP
PPD File # ZAA 7/2015