Agenda – Executive Policy Committee – May 11, 2016

APPEAL HEARINGS

Item No. 1 **Appeal – OurWinnipeg By-law No. 67/2010, Complete Communities Direction Strategy By-law No. 68/2010, Precinct "K" By-law No. 48/2014 – 101 Creek Bend Road**
(St. Boniface Ward)
File PW 1/2010

On December 17, 2015, Heather Davis appealed the decision dated December 15, 2015, issued by the Zoning and Permits Administrator, Planning, Property and Development Department, regarding provisions of OurWinnipeg Plan By-law No. 67/2010, Complete Communities Direction Strategy By-law No. 68/2010, and Precinct "K" By-law No. 48/2014 for the premises located at 101 Creek Bend Road.

The Decision stated:

"…a development permit cannot be issued on PT2 Plan 2321 as the subject lot is not serviced by a full range of municipal services including, piped municipal water, wastewater, and land drainage facilities, which are requirements of OurWinnipeg (By-law 67/2010); the Complete Communities Direction Strategy (Secondary Plan By-law 68/2010); and, the Precinct K – Precinct Plan (Secondary Plan By-law 48/2014).

Since a development permit must be issued pursuant to the City of Winnipeg Zoning By-law No. 200/2006 to authorize the issuance of any building permit, the subject property is currently undevelopable."

Agenda – Executive Policy Committee – May 11, 2016

Appellant: Heather Davis

Premises Affected: 101 Creek Bend Road

Nature of Appeal: On December 17, 2015, Heather Davis appealed the decision dated December 15, 2015, issued by the Zoning and Permits Administrator, Planning, Property and Development Department, regarding provisions of OurWinnipeg Plan By-law No. 67/2010, Complete Communities Direction Strategy By-law No. 68/2010, and Precinct "K" By-law No. 48/2014 for the premises located at 101 Creek Bend Road.

The Decision stated:

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Since a development permit must be issued pursuant to the City of Winnipeg Zoning By-law No. 200/2006 to authorize the issuance of any building permit, the subject property is currently undevelopable."

Exhibits Filed:

1. Decision dated December 15, 2015, issued by the Zoning and Permits Administrator, Planning, Property and Development Department
2. Notice of Appeal filed by Heather Davis received December 23, 2015
3. Notification of Appeal Hearing dated January 12, 2016
4. Revised Notification of Appeal Hearing dated January 29, 2016

REPRESENTATIONS:

In Support of the Appeal:

In Opposition to Appeal:

For Information on the Appeal:

For the City:

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

That the Appeal be allowed / allowed in part / denied and the Decision of the Zoning and Permits Administrator, Planning, Property and Development Department, be confirmed / cancelled.

Note: Supporting Reasons required only if Appeal is denied.

Moved by Councillor

That following supporting reason(s) be provided, namely:

Moved by Councillor

That the Appeal Hearing be concluded.

Exhibit "1" – Appeal – By-law No. 67/2010 – 101 Creek Bend Road

Winnipeg

Planning, Property and Development Department • Service de l'urbanisme, des biens et de l'aménagement

Development and Inspections Division • Division de l'aménagement et des inspections

In reply please refer to / Référence à rappeler :

Martin Grady
Phone: (204) 986-5147
Fax: (204) 986-6347
Z.P.B.

December 15, 2015

ATTENTION:

Dear Ms. Heather Davis:

RE: 101 CREEK BEND ROAD

The Planning, Property and Development Department has received your request for information regarding the development potential of your property PT 2 Plan 2321, which is currently addressed 101 Creek Bend Road.

We note the following regulations in our review of your request:

- Section 235 of the City of Winnipeg Charter Act requires development in the city to be consistent with the City of Winnipeg Development Plan or any secondary plan.
- Direction 01-3 of OurWinnipeg (the City of Winnipeg Development Plan – By-law 67/2010) states: "Enable the intensification of land-uses through the development application process only when a full range of municipal services is provided."
- Direction 1 for New Communities in the Complete Communities Direction Strategy (Secondary Plan By-law 68/2010) states: "Only approve new development when a full range of municipal services, as defined in OurWinnipeg, can be provided in an environmentally-sound, economical and timely manner."
- Section 5.1.1(a) of the Precinct K – Precinct Plan (Secondary Plan By-law 48/2014) states: "Development within the planning area shall be serviced with piped municipal water, wastewater, and land drainage facilities."
- Section 3.(2) of the City of Winnipeg Zoning By-law No. 200/2006 requires all activity and development to which this By-law applies to conform to the provisions of Zoning By-law No. 200/2006 and must be consistent with OurWinnipeg and with any adopted Secondary Plans that cover the land in question.

- Section 8.(3) of the City of Winnipeg Zoning By-law No. 200/2006 states "Where a person makes application for a development permit in respect of a development, the Director shall, where the application does not conform with OurWinnipeg, a Secondary Plan or development by-laws, reject the development permit."

The subject lot falls within the Estate Residential Policy Area of the Precinct K – Precinct Plan (Secondary Plan By-law 48/2014) and is zoned "R1-E" Residential Single-Family Estate. The lot is consistent with the Estate Residential Policies found under section 3.4 of the Precinct K – Precinct Plan and meets the dimensional standards of the "R1-E" zoning district.

However, considering the six regulations noted above, a development permit can not be issued on PT2 Plan 2321 as the subject lot is not serviced by a full range of municipal services including, piped municipal water, wastewater, and land drainage facilities, which are requirements of OurWinnipeg (By-law 67/2010); the Complete Communities Direction Strategy (Secondary Plan By-law 68/2010); and, the Precinct K – Precinct Plan (Secondary Plan By-law 48/2014).

Since a development permit must be issued pursuant to the City of Winnipeg Zoning By-law No. 200/2006 to authorize the issuance of any building permit, the subject property is currently undevelopable.

You may appeal this decision by submitting a letter by 4:30 pm on January 4, 2016 to the Manager of the Decision Making Process at the following address:

City Clerks Department
Main Floor Council Building
510 Main Street
Winnipeg, MB
R3B 1B9

Attention: Carlos Gameiro
Manager of the Decision Making Process
Phone: (204) 986-6631

Yours truly,

Martin Grady
Zoning & Permits Administrator

Exhibit “2” – Appeal – By-law No. 67/2010 – 101 Creek Bend Road

CITY CLERKS HPG '15 DEC 23 10:00

Dec 17 2015

H Davis

Martin Grady

ZPB

This letter is an appeal to your decision to not issue a development permit on PT2 Plan 2321 . We had previous approval to build on this property and were never informed of anything to the contrary . We have grandfather rights in this case.

Yours truly

Ms Heather Davis H M Davis

Copies sent to

Carlos Gameiro ; manager of the decision making process

Ron Olesky

Exhibit “3” – Appeal – By-law No. 67/2010 – 101 Creek Bend Road

Winnipeg

City Clerk's Department • Bureau du greffier

REGISTERED MAIL RW

January 12, 2016

File PW 1/2010

Heather Davis

Appeal – OurWinnipeg By-law No. 67/2010, Complete Communities Direction Strategy By-law No. 68/2010, Precinct “K” By-law No. 48/2014 – 101 Creek Bend Road

This will acknowledge receipt of your communication dated December 17, 2015, appealing the Decision of the Zoning and Permits Administrator, Planning, Property and Development Department, regarding provisions of OurWinnipeg By-law No. 67/2010, Complete Communities Direction Strategy By-law No. 68/2010, and Precinct “K” By-law No. 48/2014 for the premises located at 101 Creek Bend Road.

Please be advised that the appeal will be heard by the Executive Policy Committee at its meeting on Wednesday, February 10, 2016, at 9:00 a.m. in the Council Building, 510 Main Street.

The purpose of the appeal hearing is to allow interested persons to make submissions, ask questions or register objections with respect to this matter.

Information or documents concerning this matter and a description of the procedure to be followed at the hearing are available for inspection in the City Clerk's Department, 510 Main Street or can be accessed on the Internet site: www.winnipeg.ca/CLKDMIS.

Carlos Gameiro
Manager of the Decision Making Process
Telephone 204-986-6631
Email cgameiro@winnipeg.ca

c. Mr. D. McNeil, Chief Administrative Officer
Mr. J. Kiernan, Director of Planning, Property and Development
Ms K. Boryskavich, Director of Legal Services and City Solicitor
Mr. B. Smith, Manager of Urban Planning, Planning, Property and Development Department
Mr. S. Dueck, Manager of Development and Inspections, Planning, Property and Development Department
Mr. M. Grady, Administrator of Zoning and Permits, Planning, Property and Development Department

311 Winnipeg at your service.

Embrace the Spirit • Vivez l'esprit

Administration Building, 510 Main Street • Immeuble d'administration, 510, rue Main
Winnipeg • Manitoba • R3B 1B9
www.winnipeg.ca

311 Winnipeg à votre service!

Exhibit "4" – Appeal – By-law No. 67/2010 – 101 Creek Bend Road

Winnipeg

City Clerk's Department • Bureau du greffier

REVISED NOTICE

REGISTERED MAIL RW 114 937 863 CA

January 29, 2016

File PW 1/2010

Heather Davis

Winnipeg, MB

Appeal – OurWinnipeg By-law No. 67/2010, Complete Communities Direction Strategy By-law No. 68/2010, Precinct "K" By-law No. 48/2014 – 101 Creek Bend Road

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Carlos Gameiro
Manager of the Decision Making Process
Telephone 204-986-6631
Email cgameiro@winnipeg.ca

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