Agenda – Council – December 13, 2018

Report – Executive Policy Committee – November 28, 2018

Item No. 3 Rezoning – 469 Beresford Avenue
(Fort Rouge – East Fort Garry Ward)
File DAZ 203/2018 [c/r DCU 121261/2018D and DAV 121266/2018D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 28, 2018, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

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 203/2018 dated September 18, 2018 to a "R2" Residential Two-Family district.

2. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. 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 – November 28, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 28, 2018, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2018, the City Centre 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 – 469 Beresford Avenue**
File DAZ 203/2018

For submission to: **Executive Policy Committee**

Prepared by: **Kate McMillan, Senior Committee Clerk**
City Centre Community Committee

Report date: **September 19, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2018, the City Centre 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 203/2018 dated September 18, 2018 to a "R2" Residential Two-Family district.

2. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. 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 City Centre Community Committee provided the following supporting reasons for its recommendation:

1. There's no negative impact on the community and there's going to be bicycle parking added, which is good so I don't see any problems with it.

PUBLIC HEARING SUMMARY

File: DAZ 203/2018

Before: City Centre Community Committee
Councillor Gilroy, Chairperson
Councillor Gerbasi
Councillor Orlikow

Public Hearing: September 18, 2018
Council Building, 510 Main Street

Applicant: Brian Semenchuk

Subject:



Premises Affected: 469 Beresford Avenue

Exhibits Filed:

1. Application dated July 4, 2018
2. Notification of Public Hearing dated August 2, 2018
3. Manitoba Status of Title 2259499/1
4. Letter of authorization dated March 17, 2018 from 4878397 Manitoba Ltd. to Brian Semenchuk
5. Site plan (1 page)
6. Plans (10 pages)

7. Report from the Urban Planning Division dated September 11, 2018
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Brian Semenchuk
James Semenchuk

In Opposition

Nil

For Information:

Nil

For the City:

D. Harris, Planner, Planning, Property and Development Department
A. Ross, Planner, Planning, Property and Development Department

Exhibit " 7 " referred to in File DAZ 203/2018

ADMINISTRATIVE REPORT

Title: DAZ 203/18 at 469 Beresford Ave.

Issue: For consideration at the public hearing for a rezoning for DAZ 203/18 – 469 Beresford Ave.

Critical Path: City Centre Community Committee as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Dylan Harris	B. Smith, (RPP)	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 203/2018 dated September 18, 2018 to a "R2" Residential Two-Family district.
2. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.
3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.
4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.
5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.
6. 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 subject property from a “R1” Residential Single Family Medium district to a “R2” Residential Two Family district for the for the expansion of a multi-family residential use.
- 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 may be **rezoned**.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Dylan Harris, MCP
Date:	September 11, 2018
File No.	DAZ 203/18

APPENDIX 'A'

DATE:	September 11, 2018
FILE:	**DAZ 203/18**
RELATED FILES:	DAV 18-121266D and DCU 18-121261D
COMMUNITY:	City Centre Committee
NEIGHBOURHOOD #:	**1.665 Lord Roberts**
SUBJECT:	To rezone the subject land from R1-M to R2 to permit the establishment of an 8 unit multi-family residential dwelling.
LOCATION:	469 Beresford AVE
LEGAL DESCRIPTION:	LOT 63 PLAN 27790 WLTO in RL 21-23 in Parish of St. Boniface



APPLICANT:	Brian Semenchuk 2928 Henderson Hwy. East St. Paul , Manitoba
OWNER:	4878397 Manitoba Ltd. 2928 Henderson Hwy East St. Paul, Manitoba R2E O66
RECOMMENDATION:	Approval with conditions

SITE DESCRIPTION

- The subject property is a transitional lot located on the north east corner of Beresford Ave and a public lane, in the Lord Roberts neighbourhood of the Fort Rouge - East Fort Garry ward.
- The site is located in a Mature Community as designated in the *Complete Communities Direction Strategy*.
- The property is zoned “R1-M” Residential Single Family Medium and is 3799 sq. ft in area.
- A seven (7) unit multi-family residential building is currently located on the subject property.

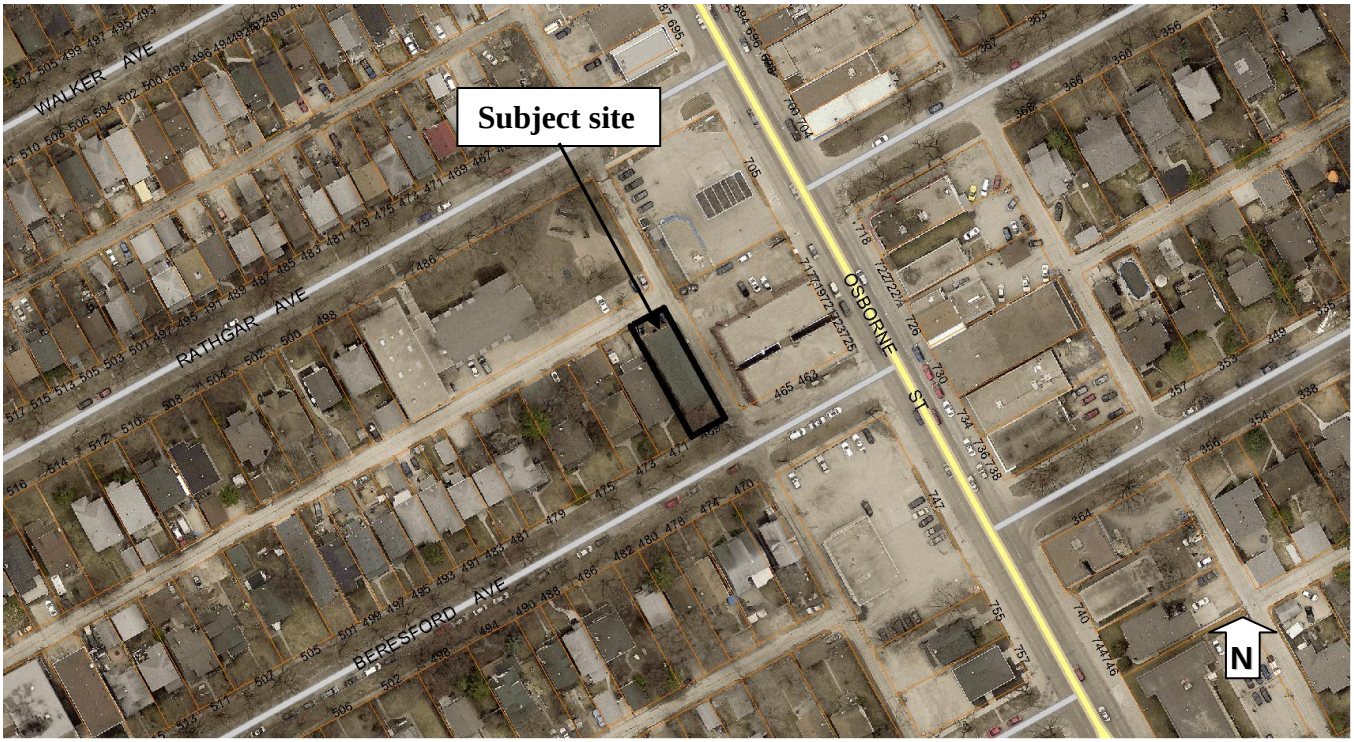


Figure 1: Subject site and surrounding area (flown 2016)

SURROUNDING LAND USE AND ZONING

The subject area is characterized by predominantly residential uses. Directly adjacent land uses include:

North: A rear lane then a place of worship zoned “R1-M” Residential Single Family Medium district.

South: Beresford Ave. then single family residential uses zoned “R1-M” Residential Single Family Medium district.

East: A public lane then a mixed use residential and commercial building zoned “C2” Commercial Community district.

West: Single family residential uses zoned “R1-M” Residential Single Family Medium district

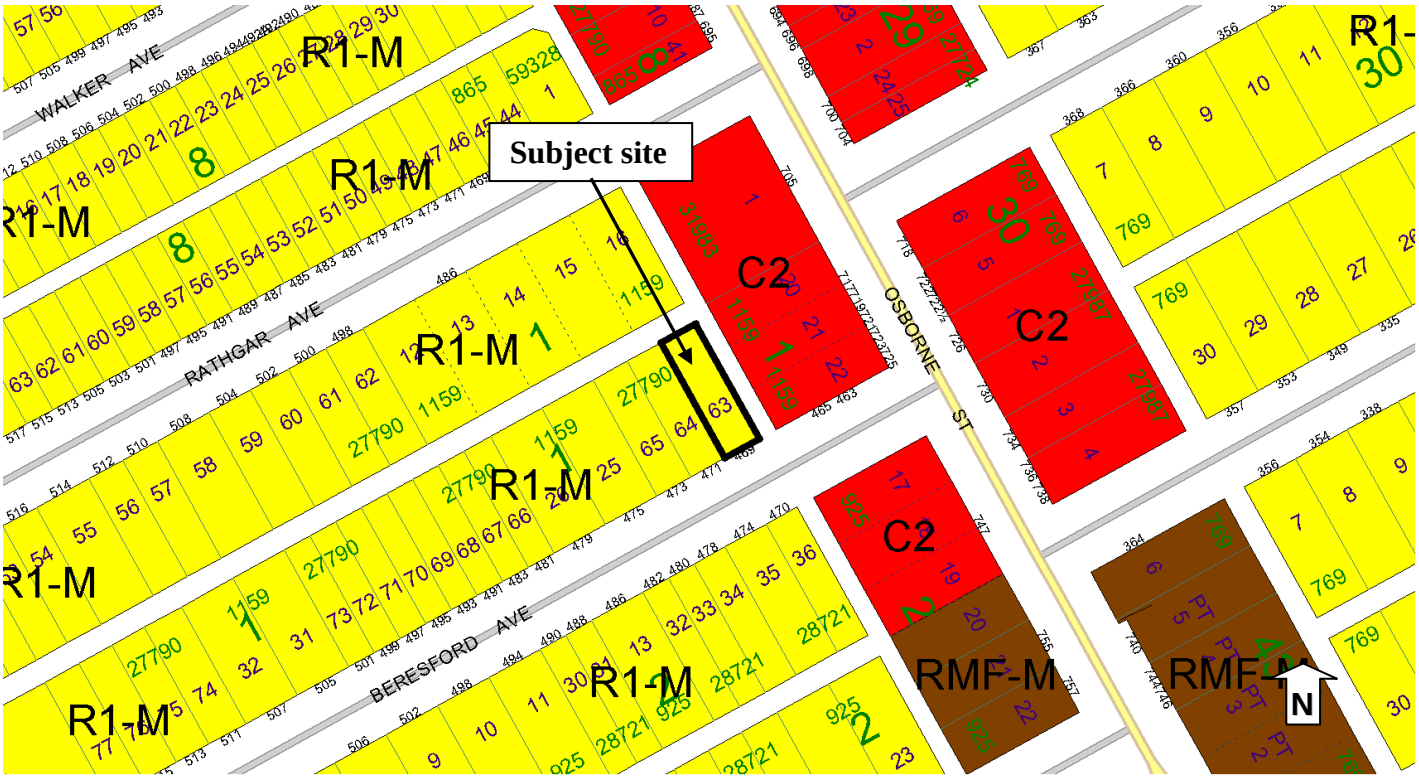


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to add one (1) residential unit to an existing seven (7) unit multi-family building at 469 Beresford Ave.
- The addition would take place in the basement and would not require demolition nor would there be displacement of existing tenants.
- In addition to the subject rezoning application, a Conditional Use application (DCU-121261D) to enable the expansion of the proposed multi-family uses is required.
- A corresponding variance application (DAV 18-121266D) is also required to enable the continuation of this existing multi-family residential development.
- Variances for lot area per dwelling unit, east side yard, rear yard, side yard to a garbage enclosure, parking supply, parking surface area and locating a parking stall within 10 feet of a habitable window are required to enable the proposed development.

REASONS FOR APPLICATION

- Multi-family residential uses are not permitted in the R1-M" Residential Multi-Family Medium district. Consequently, a rezoning to the "R2" Residential Two-Family district with a corresponding Conditional Use application, which permits multi-family residential uses is required.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

- The subject property is located in a Mature Community.
- *Complete Communities* states Mature Communities "present some of the best opportunities to accommodate infill development, to increase housing choice and to maximize the use of existing infrastructure."
- Areas of Stability / Mature Communities Direction 1 in *Complete Communities* states the public service should "encourage conservation and upgrading of existing housing in mature areas and expand housing opportunities through infill development."

The subject application will facilitate the maintenance and modest expansion of an existing multi-family residential building. The subject application will add modest density to this Mature Neighbourhood in a context sensitive manner that is consistent with the direction established for Mature Communities as identified in the *Complete Communities* direction strategy.

ZONING BY-LAW 200/2006

The proposed rezoning to “R2” Residential Two-Family district would enable the modest intensification of this existing multi-family residential use at 469 Beresford.

Multiple family residential development is a Conditional Use in the “R2” district. When multiple family developments is undertaken in the “R2” district, the form of the building is governed by the dimensional standards for the “R2” district. These dimensional standards include smaller lot sizes, smaller side yards, greater lot coverage and lower building heights than those in the “RMF” Residential Multi-Family districts. Despite these lower intensity dimensional standards multi-family residential development in the “R2” district with a conditional use also enable a higher density than is allowed in the “RMF-S” residential multi-family small district.

On occasion, the Urban Planning Division will support a rezoning to the “R2” district with a Conditional Use to enable the continuation of a multi-family use in a mature community, as a way of reducing the number and magnitude of variances that would be required if a higher density zoning district and its subsequent dimensional standards were applied.

The subject seven (7) unit multi-family dwelling has long since been established and maintains a non-conforming right to exist, despite its current “R1-M” Residential Single Family Medium district. The applicant has requested to add one (1) unit to the existing dwelling, without any exterior alteration or displacement of existing tenants.

In order to attain this additional unit, the applicant has agreed to undertake the rezoning process. By rezoning to the “R2” district, development at 469 Beresford Ave will remain at a scale that is contextually suitable with development in this area and will ensure that any future development of the site will be at a scale consistent with the “R2” dimensional standards. Further, use of the “R2” district reduces the scale and number of variances that would be required if a higher intensity “RMF” zoning district were applied.

For these reasons, the Urban Planning Division has determined the “R2” Residential Two-Family zoning district is most appropriate for the proposed rezoning of 489 Corydon Ave.

SUMMARY

The Urban Planning Division **supports** the rezoning of 469 Beresford Ave to the “R2” Residential Two-Family district for the following reasons:

- The development enables the maintenance and modest densification of residential units at 469 Beresford Ave, at a scale consistent with neighbourhood character.
- The proposed development meets the intent of a housing types in a Mature Community as envisioned in the *Complete Communities* direction strategy.
- The zoning category will ensure any future development on site is consistent with neighbourhood character and will maintain the contextual suitability with development on this block of Beresford Ave.

RECOMMENDATIONS

The Urban Planning Division recommends this application be **approved** and the subject property be rezoned to a “R2” Residential Two Family district.

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

Report Prepared by: Dylan Harris, MCP
PPD File # DAZ 203/18 – 469 Beresford Avenue

Schedule "A" for File DAZ 203/2018, City Centre Community Committee, September 18, 2018

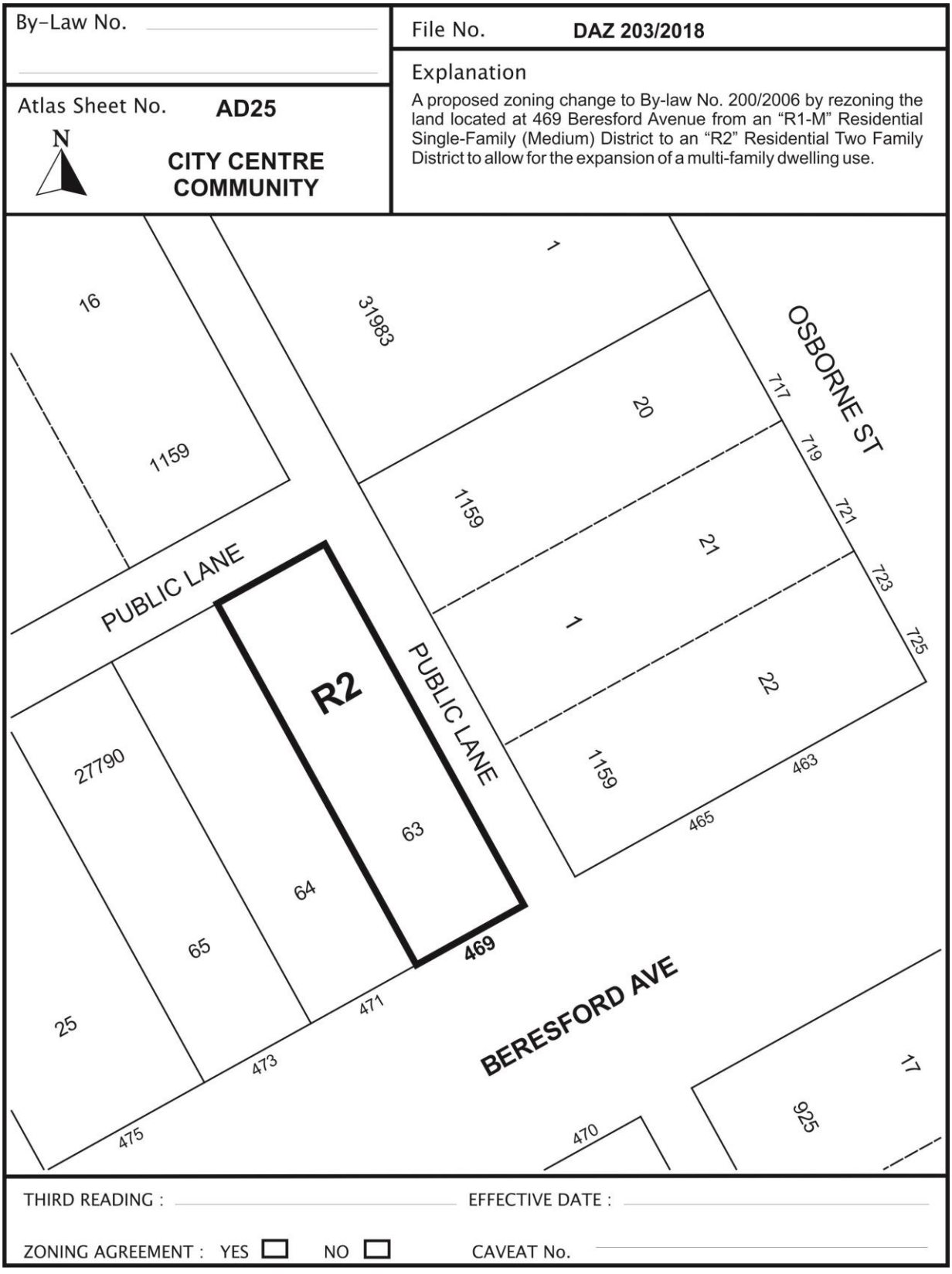
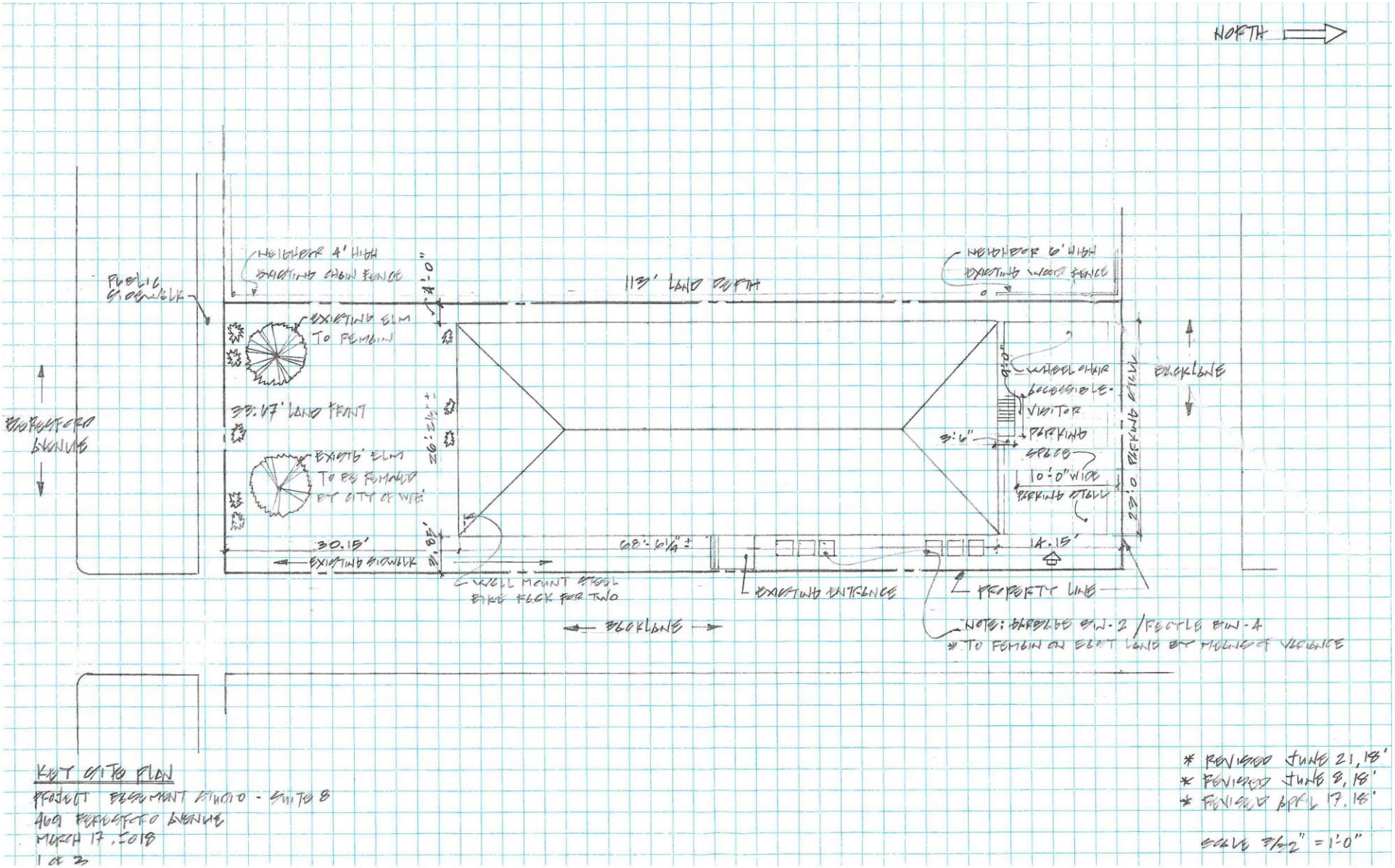
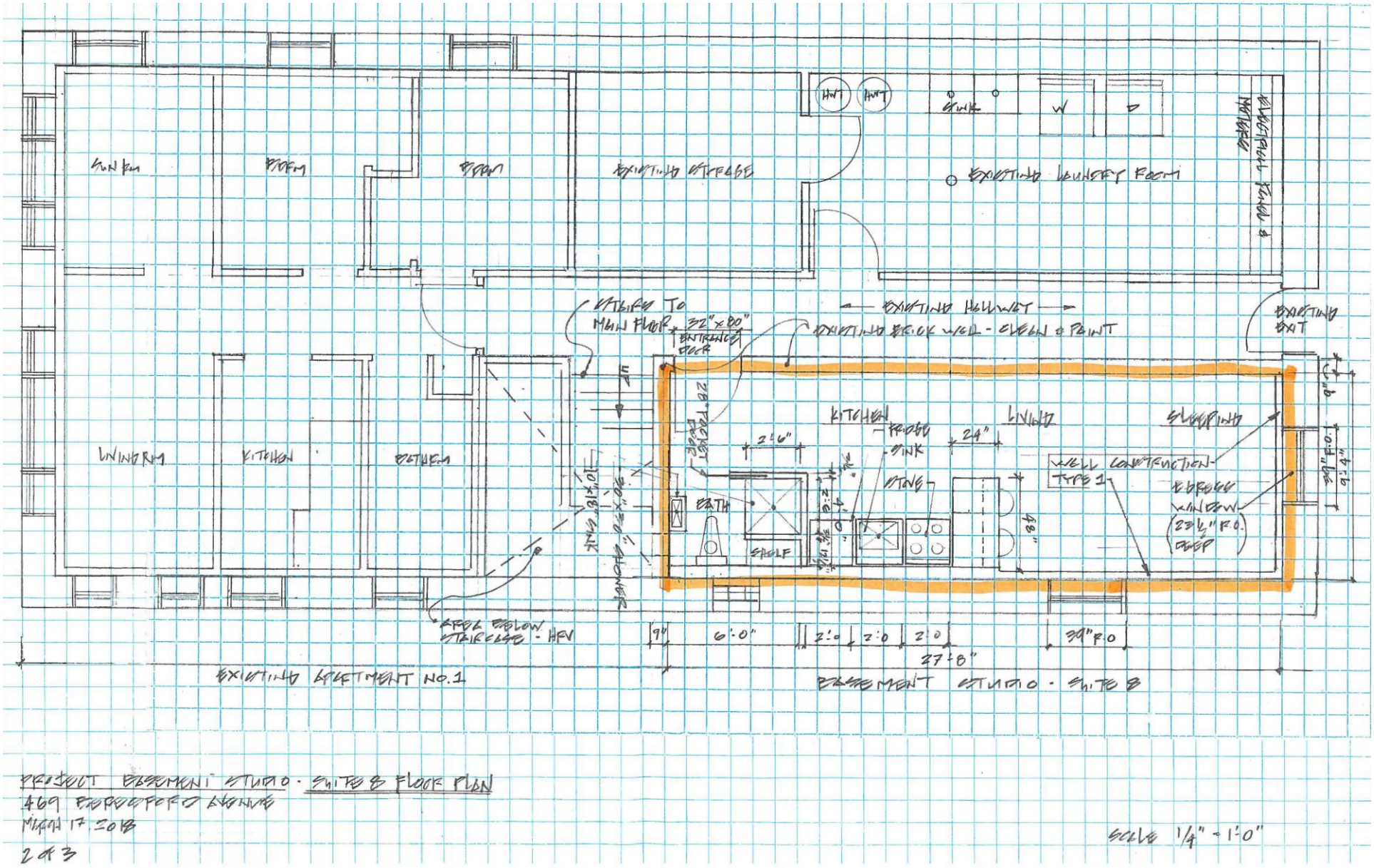


Exhibit " 6 " referred to in File DAZ 203/2018





PROPOSED BASEMENT STUDIO - SUITE B FLOOR PLAN
469 EDMONTON AVENUE
MARCH 17, 2018
2 of 3

SCALE 1/4" = 1'-0"

WALL CONSTRUCTION - TYPE 1

- ½" GYPSUM BOARD
- 6MIL POLY VAPOR - SEAL LAPS
- BATT INSULATION
- 2x4 STUDS @ 16" O.C.
- EXISTING TYPICAL STONE FOUNDATION

CEILING CONSTRUCTION

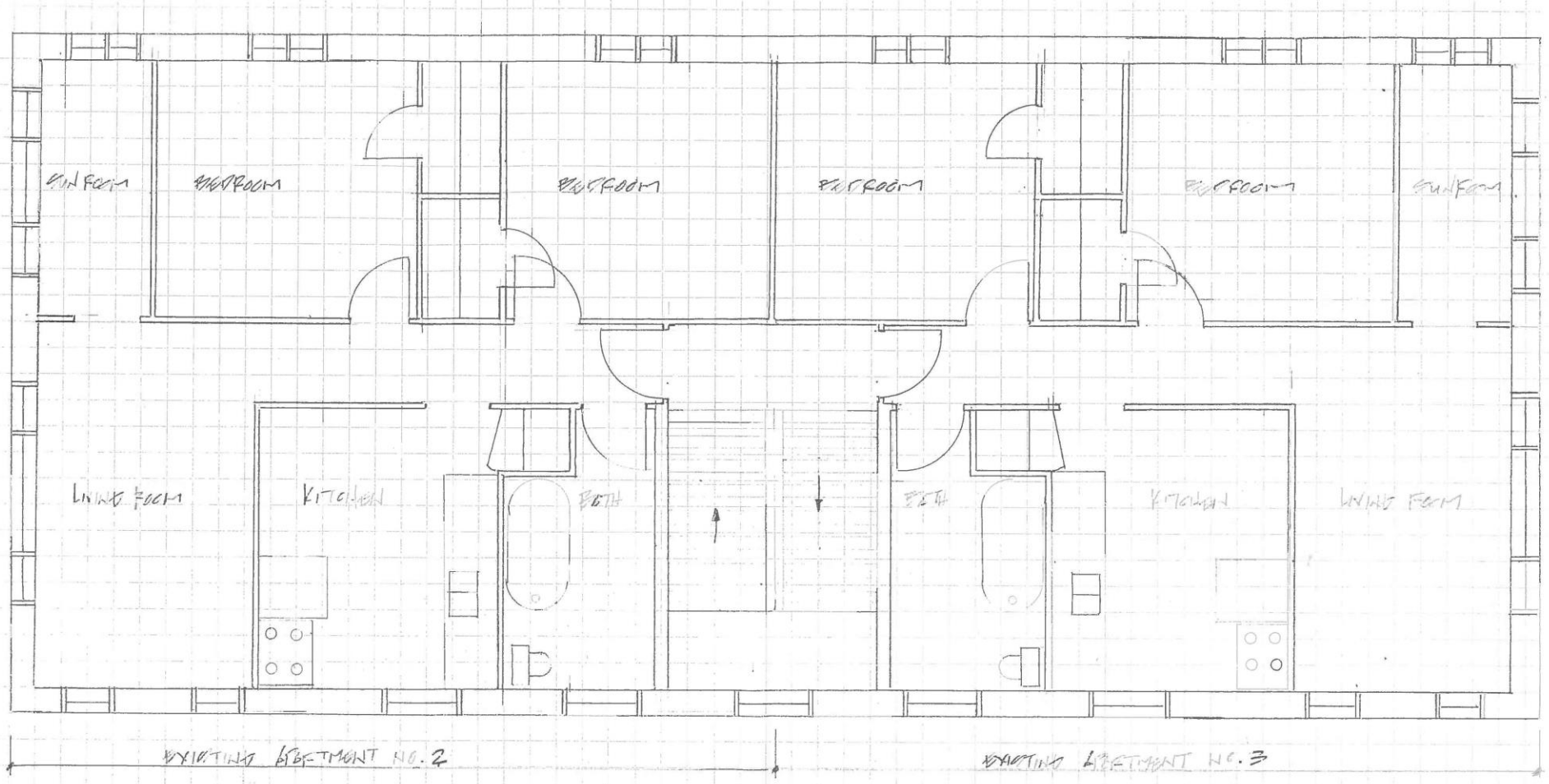
- INSTALL 2 LAYERS 5/8" GYPSUM BOARD
- FASTEN SOUND RESILIENT CHANNEL TO EXISTING JOISTS.
- INFILL EXISTING CEILING JOISTS WITH ROXUL MINERAL WOOL INSULATION

PROJECT BASEMENT STUDIO - SUITE 8

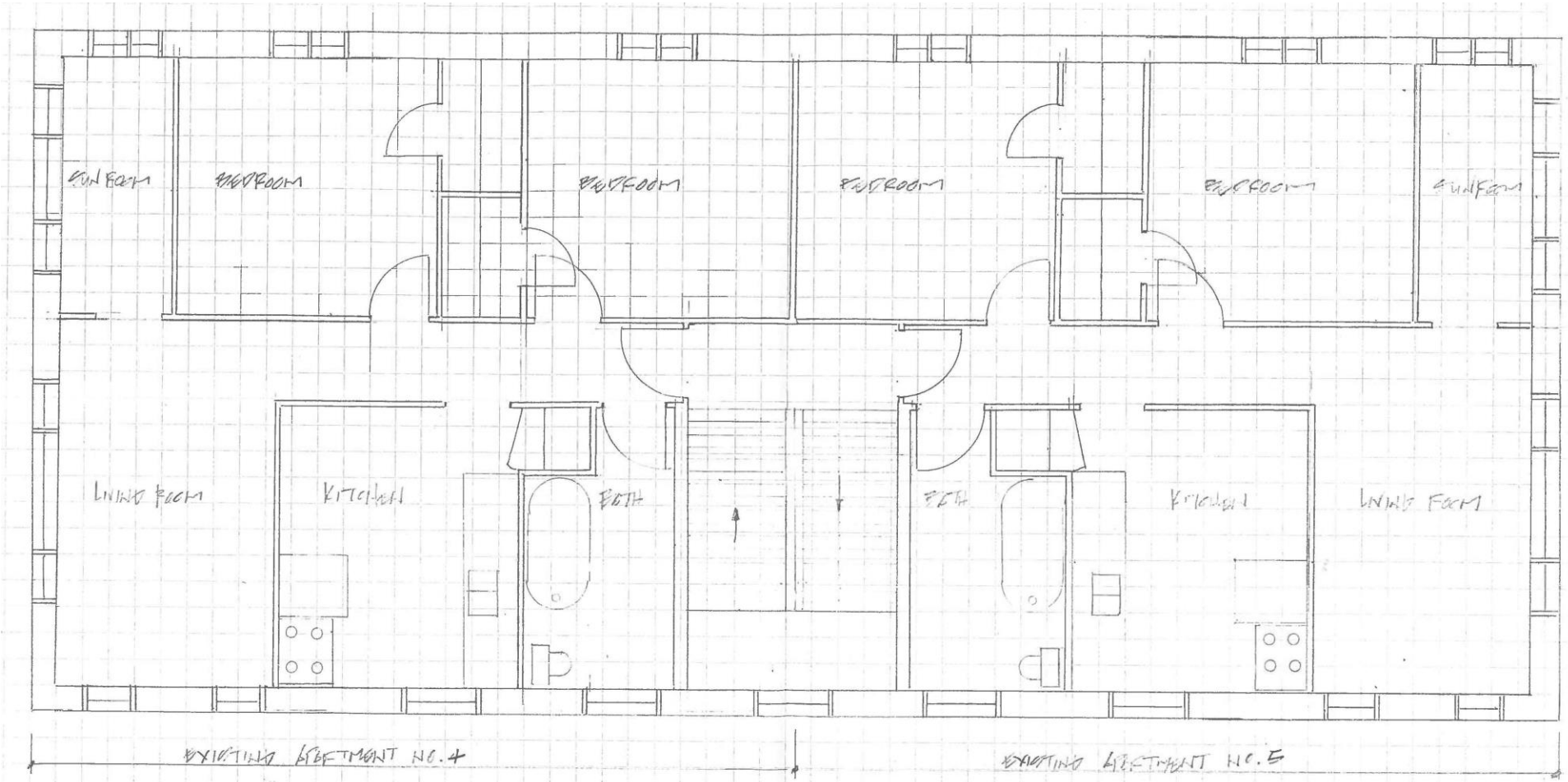
469 BRADFORD AVENUE

MARCH 17, 2018

3 OF 3



PROJECT - BASEMENT STUDIO
EXISTING FIRST FLOOR
469 BEREAFORD AVENUE
APRIL 17, 2018

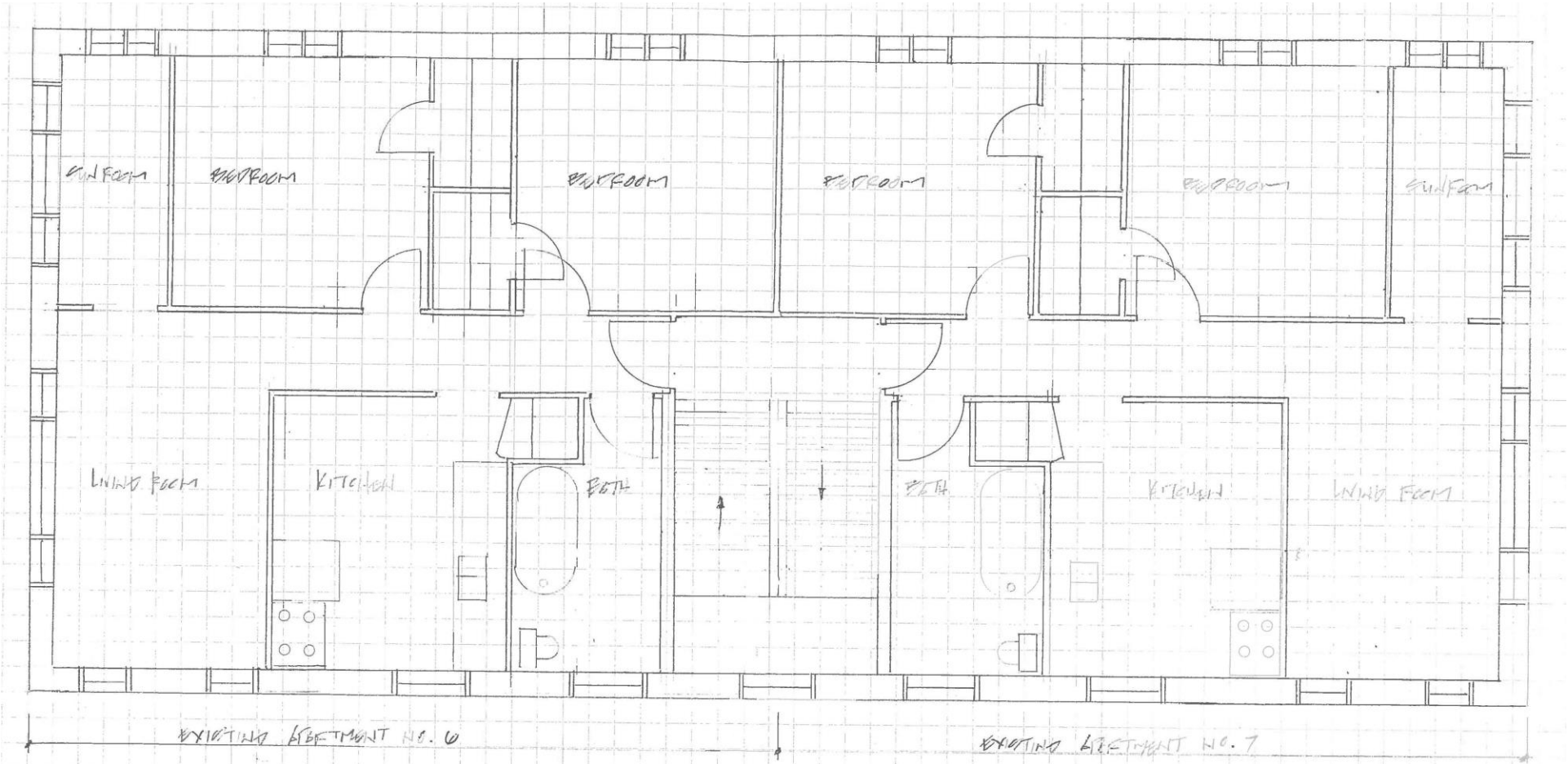


PROJECT - DEVELOPMENT STUDIES

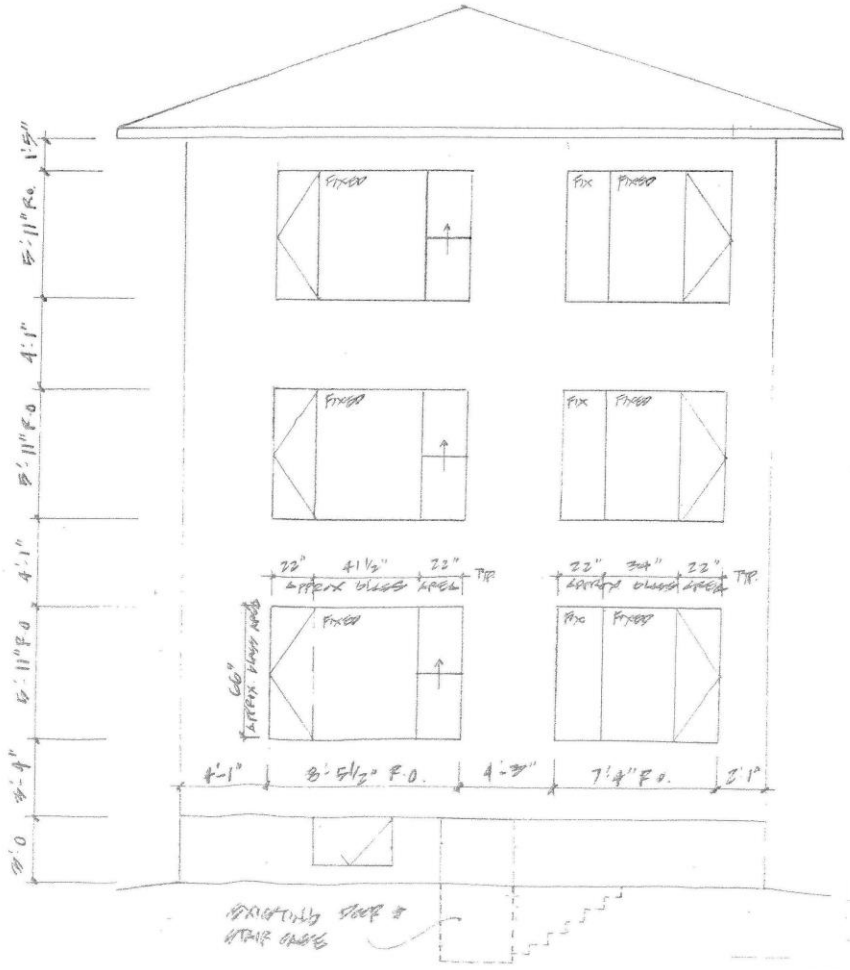
EXISTING SECOND FLOOR

469 PROSPECT AVENUE

APRIL 17, 2018



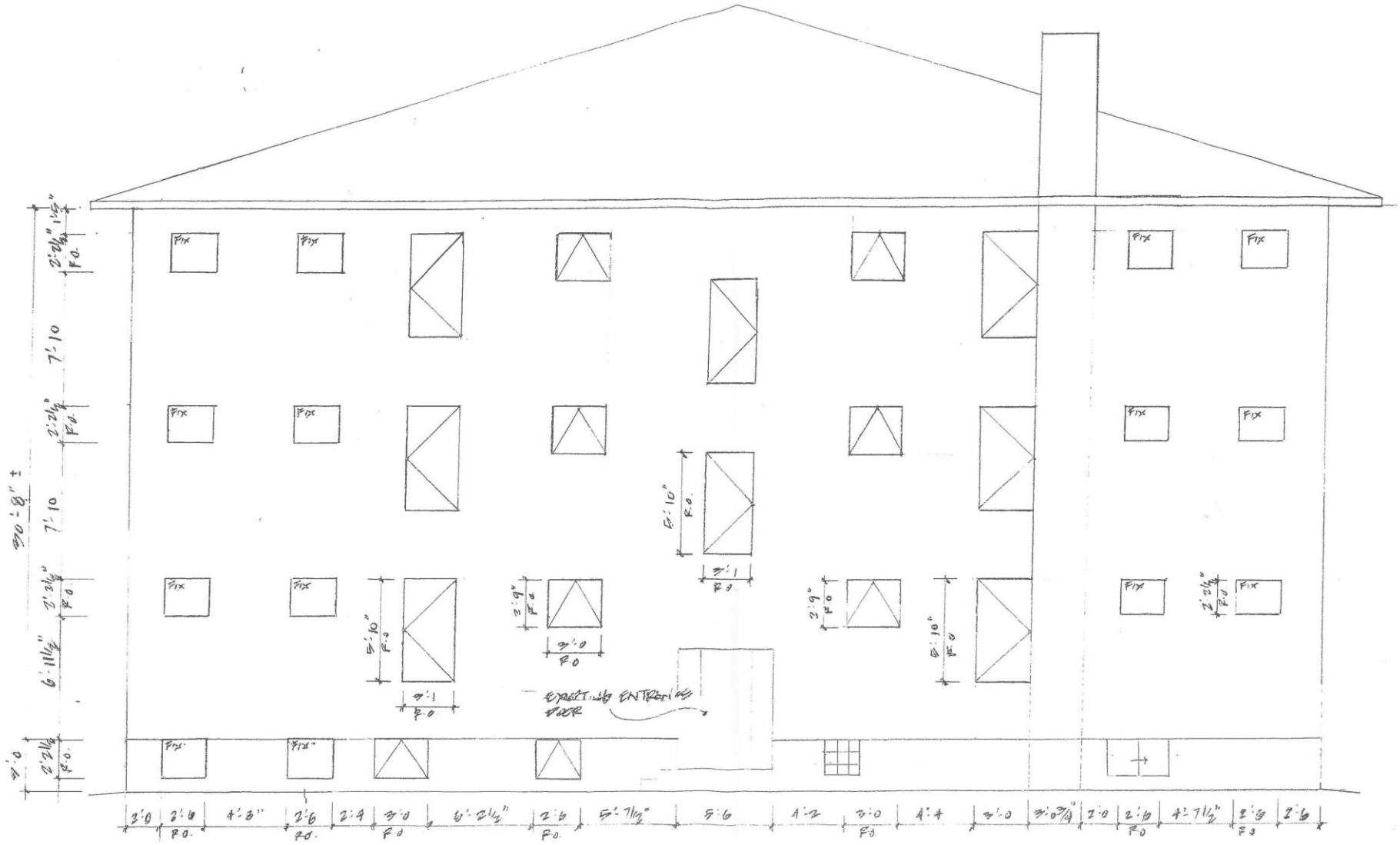
PROJECT - DEVELOPMENT STUDIO
EXISTING THIRD FLOOR
469 RUTGERS AVENUE
APRIL 17, 2018



PROJECT - BASEMENT STUDIO - SUITES @ 469 REDFERN AVE.

NORTH ELEVATION - EXISTING

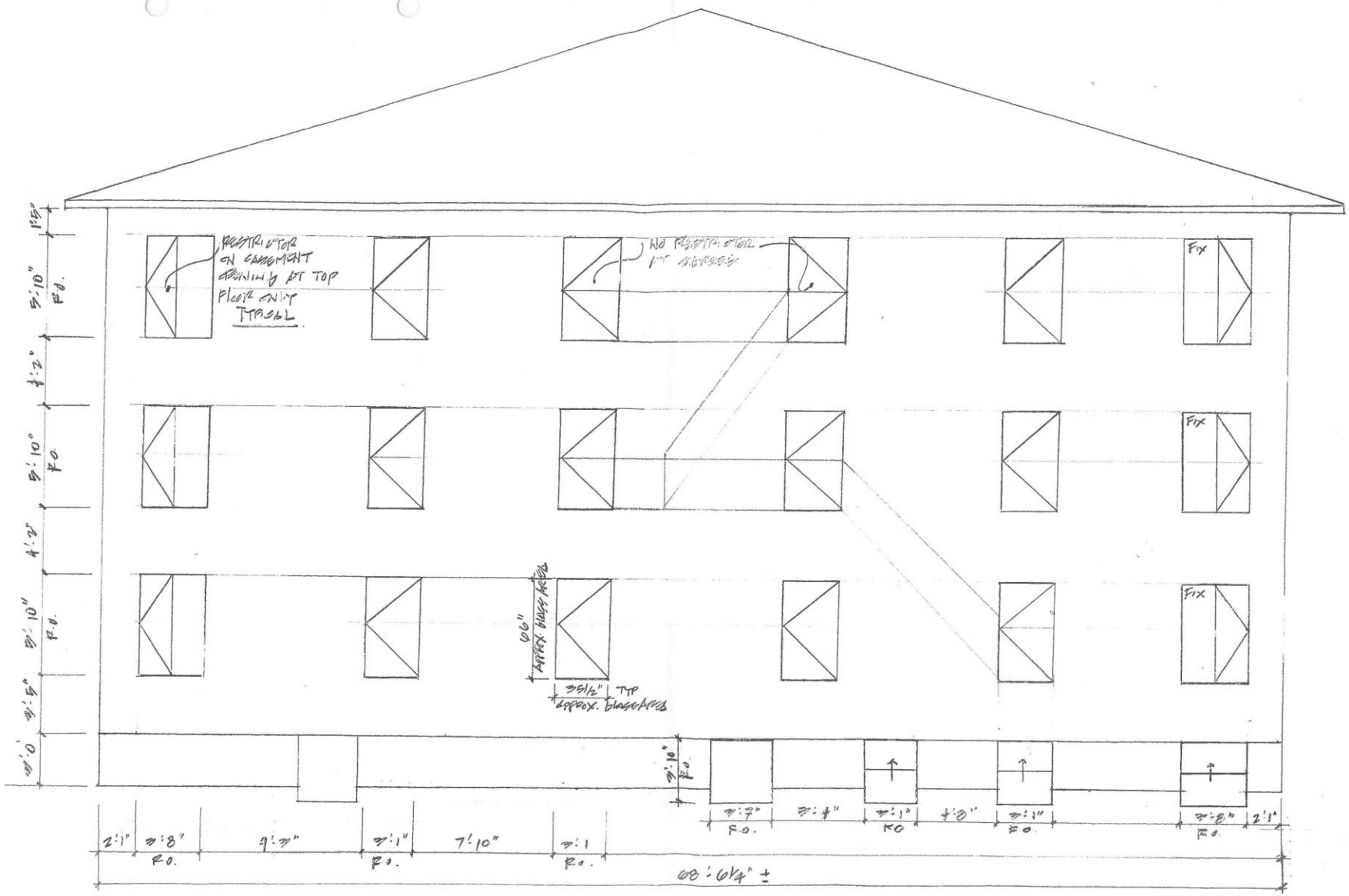
APRIL 17, 13'



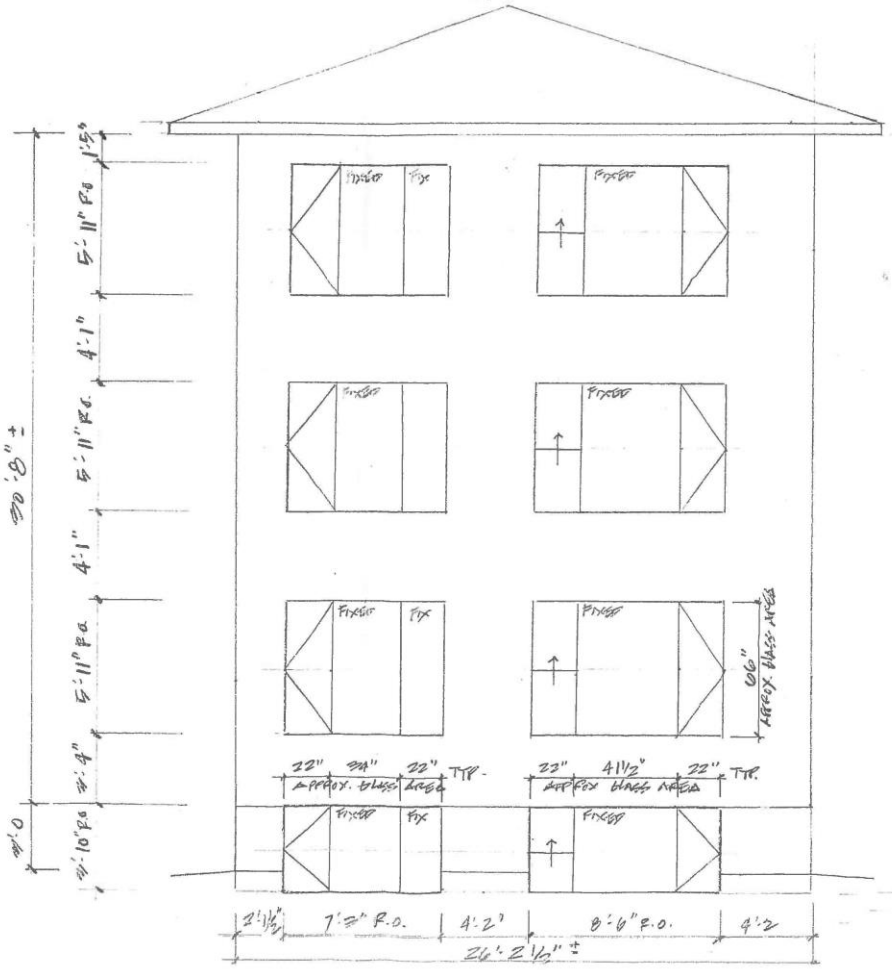
PROJECT - BASEMENT STUDIO - SUITE 3

- EAST ELEVATION - EXISTING

[illegible] , APRIL 17, 19



PROJECT - BASEMENT STUDIO - SUITE 8
WEST ELEVATION - EXISTING
[illegible] AVE. APRIL 17 19



PENTHOUSE · BASEMENT STUDIO - SUITE 8
SOUTH ELEVATION · EXISTING