Agenda - Council - October 27, 2004

Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 10 Rezoning - 493 William Newton Avenue
File DAZ 249/2004

STANDING COMMITTEE RECOMMENDATION:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 249/2004 dated August 16, 2004, to a "R2-T" Transitional District.

2. That the ten percent (10%) requirement for land dedication based on the increase in market value of the land is not applicable when rezoning from an "R1-3.5" Single Family District to an "R2-T" Transitional District.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

Report - Standing Policy Committee on Property and Development - October 5, 2004

DECISION MAKING HISTORY:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 5, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendment:

- Delete recommendation 2 in its entirety, and replace it with the following, namely:

  "2. That the ten percent (10%) requirement for land dedication based on the increase in market value of the land is not applicable when rezoning from an "R1-3.5" Single Family District to an "R2-T" Transitional District."

- Add the following new recommendation, namely:

  "5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter."

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 14, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 493 William Newton Avenue**
File DAZ 249/2004 [c/r DAV 321558/2004D]

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Inga Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **September 24, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 14, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 249/2004 dated August 16, 2004, to a "R2-T" Residential Transitional District.

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

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

1. The subject application in consistent with the character of the neighbourhood inasmuch as there are side-by-sides to the east of the subject property, as well as further west.

PUBLIC HEARING SUMMARY

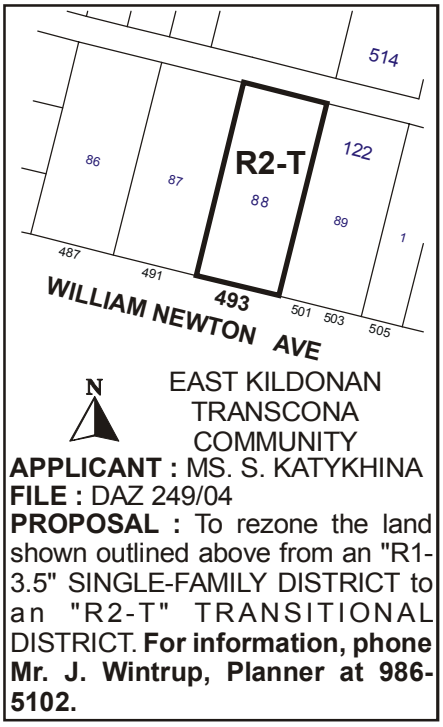
File: DAZ 249/2004 [c/r DAV 321558/2004D

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Thomas

Public Hearing: September 14, 2004
Community Committee Chamber
755 Henderson Highway

Applicant: Svetlana Katykhina

Subject:



Premises Affected: 493 William Newton Avenue

Exhibits Filed:

1. Application dated August 11, 2004
2. Notification of Public Hearing dated August 13, 2004
3. Manitoba Status of Title 1906450
4. Surveyor's Building Location Certificate and Sketch dated October 17, 1974
5. Letter of authorization dated August 3, 2004 from Nikolay Katykhina to Svetlana Katykhina
6. Plans (6 pages)

7. Report from the Manager of Planning and Land Use dated August 16, 2004
8. Inspection Report
9. Communication dated August 5, 2004, from Ken and Irene Laker in support of the application

REPRESENTATIONS:

In Support:

Svetlana and Nikolay Katykhina
Irene and Ken Laker

In Opposition:

Nil

For Information:

Nil

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Svetlana and Nikolay Katykhina appeared in support of the application.

Exhibit “7” referred to in File DAZ 249/2004

In reply please refer to / Référence à rappeler :

John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DAZ 249/04
Our c/f CP 500 (.401)

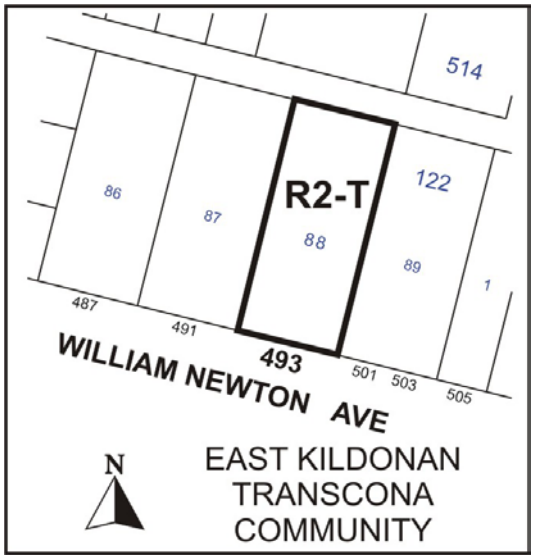
August 16, 2004

Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

SUBDIVISION AND REZONING
493 William Newton Avenue
East Kildonan - Transcona Community Committee
File No. DAZ 249/04

An application has been received from Svetlana Katykhina for approval of a zoning change to amend By-Law No. 6400/94 by rezoning the land shown below from an “R1-3.5” Single Family District to an “R2-T” Two Family District.



5098

SITE DESCRIPTION:

Site Area: The site area is approximately 534.785 square metres (5,756 square feet).

Existing Land Use and Zoning: Single family dwelling zoned "R1-3.5" Single Family District.

Surrounding Land Use and Zoning:

North: across public lane, single and multiple family dwellings zoned "R2-T" and "RM-3".
South: across William Newton Avenue, Single Family dwellings zoned "R1-3.5"
East: Single Family dwellings zoned "R1-3.5"
West: Single Family dwellings zoned "R1-3.5"

DEVELOPMENT DESCRIPTION:

The applicant is proposing to establish two residential dwellings on the lot. An existing dwelling will remain and a new dwelling will be constructed on the east side of the property. Vehicular access will be from a rear public lane where a side-by-side garage will be constructed.

The existing house has a 3.6 foot west side yard and is 22.5 feet in width. The proposed new dwelling will result in a 5 foot east side yard and is 18.4 feet in width. The dwellings will be joined by a party wall.

There is a related variance for a reduced front yard (DAV 04-321558D).

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The development constitutes increasing densities and supports compact urban form. The neighbourhood is designated a 'Rehabilitation Neighbourhood' on Policy Plate 'D' in Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning and Land-Use Division is recommending approval of the subject application. The proposed side-by-side is in character with the surrounding neighbourhood. The adjacent property to the immediate east (501-503 William Newton) is an existing side-by-side on a single lot. At 505 – 507 is a side-by-side that has a legal lot line coinciding with the party wall.

Dedication will not be required in this instance as there are no new buildings sites being created and there is no increase in value to an R2 zoning category.

RECOMMENDATION:

A. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 249/04, attached hereto and dated, August 16, 2004, to a "R2-T" Residential District.

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

C. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

D. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

5100

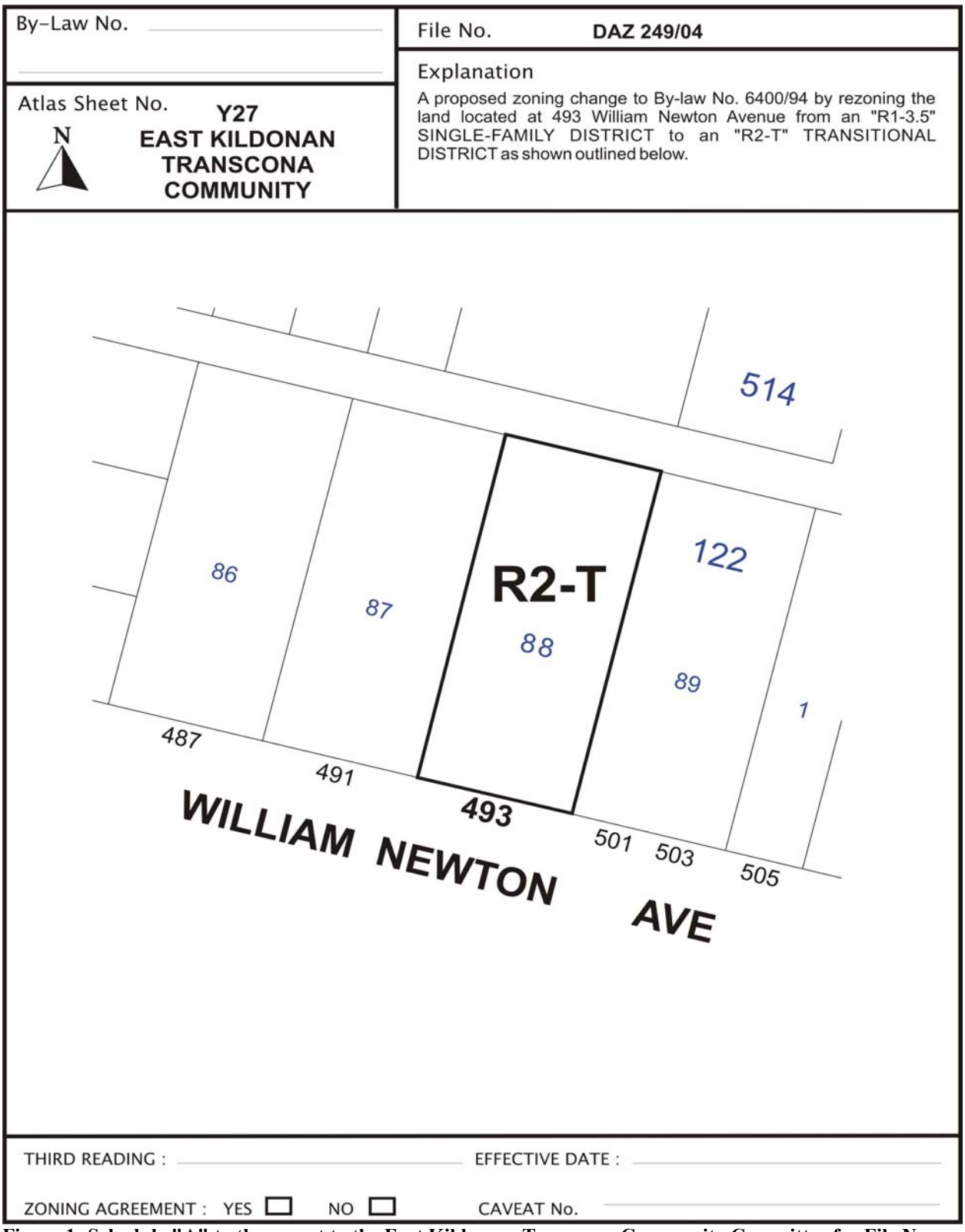


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DAZ 249/04, dated August 16, 2004.



Figure 2: Existing Zoning for subject property and Surrounding Area.



Figure 3: Existing Land-Uses for subject property and Surrounding Area.