

**Minutes – Standing Policy Committee on Infrastructure Renewal and Public Works –  
February 5, 2019**

**REPORTS**

**Item No. 20                    Access to an Existing Commercial Property Located at  
565 Roseberry Street  
(St. James Ward)**

**STANDING COMMITTEE DECISION:**

The Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and approved the following:

1.        That the Private Access By-law No. 49/2008 be varied to authorize the continued use of a 6.6 metre wide private approach, and a 8.2 metre wide private approach, both on the east side of Roseberry Street, north of St. Matthews Avenue, as shown on Drawing No. A-18173.
  
2.        That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Winnipeg Public Service be concurred in.

Carried

## ADMINISTRATIVE REPORT

**Title:** Access to an Existing Commercial Property Located at 565 Roseberry Street

**Critical Path:** Standing Policy Committee on Infrastructure Renewal and Public Works

### AUTHORIZATION

Author	Department Head	CFO	CAO
D. Patman, P. Eng.	J. Berezowsky	N/A	D. McNeil

### EXECUTIVE SUMMARY

The Public Service received an application for the continued use of a non-conforming 6.6 metre wide private approach, and a non-conforming 8.2 metre wide private approach, both on the east side of Roseberry Street.

The Public Service recommends that the non-conforming private approaches be approved, as illustrated on Drawing No. A-18173.

### RECOMMENDATIONS

1. That the Private Access By-law No. 49/2008 be varied to authorize the continued use of a 6.6 metre wide private approach, and a 8.2 metre wide private approach, both on the east side of Roseberry Street, north of St. Matthews Avenue, as shown on Drawing No. A-18173.
2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

### REASON FOR THE REPORT

The existing 6.6 metre wide private approach, and the existing 8.2 metre wide private approach, both on the east side of Roseberry Street, north of St. Matthews Avenue, are not permitted by The City of Winnipeg Private Access By-law No. 49/2008, Section 19 (c) namely:

19(c) "an approach must not exist within 3 metres of the lot line of the adjacent property;"

Section 14 of the Private Access By-law requires that, when an application for a private access cannot be approved because it does not conform with sections 17 to 21 of the By-law, the Director must forward the application along with a report containing the Director's recommendations to the appropriate Council Committee for consideration. This Report represents the Director's compliance with this provision.

Please note that the Council Committee may only approve the application if:

- (a) conformity with the rules set out in sections 17 to 21 would be unreasonable in the circumstances, including the use to which the property is intended to be put;
- (b) the location and size of the proposed private access is reasonably required for the use to which the property is intended to be put; and
- (c) the location and size of the proposed private access would not be detrimental to the safe and efficient movement of vehicular and pedestrian traffic on the adjacent street.

## **IMPLICATIONS OF THE RECOMMENDATIONS**

There are no implications as a result of the recommendations in this report.

## **HISTORY/DISCUSSION**

This section of Roseberry Street contains a 10.1 metre wide roadway within a 21.3 metre right-of-way.

The subject land currently contains an existing commercial building, with a loading dock attached to the south section of the building. There is also a 9 space parking lot to the front of the building, which is served by a 6.6 metre wide private approach and a 8.2 metre wide private approach, both on the east side of Roseberry Street.

The building is in the process of being sold to a non-profit organization. The non-profit organization will continue to use the 9 parking spaces to the front of the building, however the loading door will not be in use. There are possible future plans to demolish the loading door.

The existing 6.6 metre wide private approach is non-conforming under the By-law, as it is located directly on the northern lot line of the property. The existing 8.2 metre wide private approach is also non-conforming, as it is also constructed directly on the south limit of the property. In addition, the 8.2 metre wide private approach is a joint-use private approach with the property to the south, so the total width of the private approach is 16.6 metres. (8.2 metres serves the subject property, and 8.4 metres serves the adjoining property to the south)

The Public Service does not have an approval for either of these existing private approaches.

Both of these existing private approaches are non-conforming under the Private Access By-law, as the By-law requires all private approaches to be constructed a minimum distance of 3.0 metres from an adjoining lot line.

It is not expected that the continued use of these existing non-conforming private approaches will cause any traffic operating or safety problems on Roseberry Street, therefore the Public Service recommends that the continued use of the non-conforming private approaches be approved.

There are no financial implications to the City as a result of the recommendations.

**FINANCIAL IMPACT**

**Financial Impact Statement**

**Date:** December 12, 2018

**Project Name:**

**Access to an Existing Commercial Property Located at 565 Roseberry Street**

**COMMENTS:**

There is no financial impact associated with the recommendation of this report.

"Original signed by J. Ruby, CPA, CA"

J. Ruby CPA, CA

Manager of Finance & Administration

**CONSULTATION**

This Report has been prepared in consultation with: N/A

**OURWINNIPEG POLICY ALIGNMENT**

The recommendation of this report is aligned with the Transportation Master Plan key strategic goal Number 3: To provide a safe, efficient and equitable transportation system for people, goods and services.

**SUBMITTED BY**

Department: Public Works  
Division: Transportation  
Prepared by: Douglas Binda, Private Approach Technician  
Date: December 19, 2018

Attachments: Drawing No. A-18173

