Minutes – Executive Policy Committee – February 6, 2013

PUBLIC HEARINGS

Minute No. 146 Variance – 1270 Notre Dame Avenue (Daniel McIntyre Ward) File DAV 170517/2012D [c/r SPA 2/2012, DAZ 227/2012 and DCU 174651/2012D]

EXECUTIVE POLICY COMMITTEE DECISION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land":

1. for the future establishment of a multiple family dwelling to permit:
   A. no front yard;
   B. no south side yard;
   C. no west side yard;
   D. a rear yard of 4.5 feet (1.38 metres).

2. for the maintenance of accessory parking to permit:
   A. parking in the front yard;
   B. parking in the south side yard.

3. to permit the location of a garbage enclosure in the south side yard.

DECISION MAKING HISTORY:

The Winnipeg Public Service advised that all statutory requirements with respect to this application have been complied with.

Moved by Deputy Mayor Wyatt,
That the report of the Winnipeg Public Service be taken as read.

Carried

Moved by Deputy Mayor Wyatt,
That the receipt of public representations be concluded.

Carried

Moved by Deputy Mayor Wyatt,
That the recommendation of the Winnipeg Public Service be concurred in.

Carried

Moved by Deputy Mayor Wyatt,
That criteria (a) to (d) of Subsection 247(3) of The City of Winnipeg Charter are satisfied.

Carried

Moved by Deputy Mayor Wyatt,
That the public hearing with respect to this application be concluded.

Carried

THE CITY OF WINNIPEG
VARIANCE ORDER
EXECUTIVE POLICY COMMITTEE

DAV 170517/2012D
[c/r SPA 2/2012, DAZ 227/2012 and DCU 174651/2012D]

Before:	Executive Policy Committee His Worship Mayor Katz, Chairperson Deputy Mayor Wyatt Councillor Mayes Councillor Pagtakhan
Hearing:	February 6, 2013 West Committee Room Council Building, 510 Main Street
Applicant:	Wintec Building Services Inc. (Jeff Eales)
Premises Affected:	1270 Notre Dame Avenue
Legal Description:	Lot 8, Plan 32991, 53/55 St. JA OTM, hereinafter called "the land"
Property Zoned:	"M2 PDO Airport Vicinity" Manufacturing General Planned Development Overlay District (Proposed "RMF-L PDO Airport Vicinity" Residential Multi-Family – Large Planned Development Overlay District)
Zoning Atlas Sheet:	Y21

Nature of Application: To vary the proposed "RMF-L" PDO Airport Vicinity Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 as follows:

1) for the future establishment of a multiple family dwelling to permit as follows:

   a) no front yard instead of 25 feet (7.62 metres);
   b) no south side yard instead of 12 feet (3.66 metres);
   c) no west side yard instead of 20 feet (6.10 metres);
   d) a rear yard of 4.5 feet (1.38 metres) instead of 25 feet (7.62 metres).

2) for the maintenance of accessory parking to permit as follows:

   a) parking in the front yard, said location not permitted;
   b) parking in the south side yard, said location not permitted.

3) to permit the location of a garbage enclosure in the south side yard, said location not permitted.

It is the opinion of the Executive Policy Committee that subject to conditions listed below, if any, this Order meets the statutory criteria of The City of Winnipeg Charter in that it:

(a) is consistent with Plan Winnipeg, and any applicable secondary plan;

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

C.W. Charter Subsection 247(3)

ORDER:

The Executive Policy Committee orders that the provisions of the "RMF-L" PDO Airport Vicinity Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 are varied on "the land":

1. for the future establishment of a multiple family dwelling to permit:
   A. no front yard;
   B. no south side yard;
   C. no west side yard;
   D. a rear yard of 4.5 feet (1.38 metres).

2. for the maintenance of accessory parking to permit:
   A. parking in the front yard;
   B. parking in the south side yard.

3. to permit the location of a garbage enclosure in the south side yard.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: February 7, 2013

CERTIFIED BY:



Manager of the Decision Making Process

HOW TO APPEAL

You may appeal against either the whole of this order or part(s) of it by filing a letter of appeal.

That letter must be submitted in writing, be signed by the appellant, show the printed name of the appellant, contain the mailing address of the appellant, contain the contact telephone number of the appellant, and

(a) be addressed as set out below,

(b) be received at that office not later than 4:30 p.m. on February 26, 2013, **[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]**

(c) refer to Variance Order No. DAV 170517/2012D, give brief reasons for the appeal and must describe whether you appeal the whole order or only part(s) of it.

Any appeal letters not containing all of the above elements will be rejected by the City Clerk as invalid appeals and will not be heard at an appeal hearing.

You can attend the appeal hearing and speak on issues raised in someone else's appeal, but the appeal committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address:	City Clerk, City of Winnipeg c/o Appeal Committee Main Floor, Administration Building, 510 Main Street Winnipeg, Manitoba, R3B 1B9
Fax:	204-947-3452
Email:	CLK-Appeals@winnipeg.ca

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:

Michael Romani, Wintec Building Services Inc.

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Thorgrimson, Director of Planning, Property and Development
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. B. Shenback, Acting Principal Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DAV 170517/2012D

1. Application dated October 23, 2012
2. Notification of Public Hearing dated January 9, 2013
3. Manitoba Status of Title 2599277/1
4. Letter of authorization dated July 10, 2012 from Clearwater Investments Inc. to Wintec Building Services
5. Surveyor's Building Location Certificate and sketch dated September 4, 1998
6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
7. Aerial Photograph of the subject property
8. Plans, Sheets 1 to 3 inclusive, for File DAV 170517/2012D dated October 16, 2012
9. Report from the Urban Planning Division dated January 18, 2013
10. Inspection Report

Exhibit "9" referred to in File DAV 170517/2012D

ADMINISTRATIVE REPORT

Title: DAV 12-170517/D - 1270 Notre Dame Ave
Issue: For consideration at the Public Hearing for a Variance for DAV 12-170517/D - 1270 Notre Dame AVE
Critical Path: EPC as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	B. Thorgrimson	N/A	D. Joshi, COO

RECOMMENDATIONS

The Urban Planning Division recommends approval of the applications to vary the proposed "RMF-L PDO Airport Vicinity" dimensional standards of Zoning By-Law No. 200/2006 as follows:

1) For the future establishment of a multiple family dwelling to permit as follows:
   a) no front yard instead of 25 feet (7.62 metres)
   b) no south side yard instead of 12 feet (3.66 metres)
   c) no west side yard instead of 20 feet (6.10 metres)
   d) a rear yard of 4.5 feet (1.38 metres) instead of 25 feet (7.62 metres)

2) For the maintenance of accessory parking to permit as follows:
   a) parking in the front yard, said location not permitted
   b) parking in the South side yard, said location not permitted

3) To permit the location of a garbage enclosure in the South side yard, said location not permitted

REASON FOR THE REPORT

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, a development permit can be issued.

FINANCIAL IMPACT STATEMENT

Financial Impact Statement **Date:** **January 17, 2013**

Project Name:

DAV 12-170517/D - 1270 Notre Dame Ave

COMMENTS:

There are no financial implications associated with this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Michael Robinson, AICP, MCIP
Date:	January 18, 2013
File No.	O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2013 Reports\DAV 12 170517D 1270 Notre Dame.DOC

UD2013-003

APPENDIX 'A'

DATE: January 7, 2013
FILE: DAV 12-170517/D
RELATED FILES: 09-131050 VC, 10-143778 VC SPA 2/2012, DAZ 227/2012, DCU 12174651/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.118
SUBJECT: To vary the proposed "RMF-L PDO Airport Vicinity" dimensional standards of Zoning By-Law No. 200/2006 as follows:

1) For the future establishment of a multiple family dwelling to permit as follows:
a) no front yard instead of 25 feet (7.62 metres)
b) no South side yard instead of 12 feet (3.66 metres)
c) no West side yard instead of 20 feet (6.10 metres)
d) a rear yard of 4.5 feet (1.38 metres) instead of 25 feet (7.62 metres)

2) For the maintenance of accessory parking to permit as follows:
a) parking in the front yard, said location not permitted
b) parking in the South side yard, said location not permitted
3) To permit the location of a garbage enclosure in the South side yard, said location not permitted

LOCATION: 1270 Notre Dame AVE
LEGAL DESCRIPTION: LOT 8 PLAN 32991 53/55 ST JA OTM

APPLICANT: Jeff Eales Wintec Building Services
56 MYRTLE ST
WINNIPEG MB R3E 2R7

OWNER: CLEARWATER INVESTMENTS INC.
56 MYRTLE ST
WINNIPEG MB R3E 2R1

RECOMMENDATION: Approval

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of the City of Winnipeg Charter, a Zoning Variance application can be approved for posters if the proposed development:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
(d) is compatible with the area in which the property to be affected is situated.

SITE DESCRIPTION

The subject property, which is currently zoned "M2" Manufacturing District, is located at the southeast corner of Notre Dame Avenue and Erin Street, in the Sargent Park neighbourhood of the Daniel McIntyre ward.

North: Manufacturing uses zoned "M2" Manufacturing District

South: Railroad tracks, then manufacturing uses zoned "M2" Manufacturing District
East: Railroad tracks, then manufacturing uses zoned "M2" Manufacturing District
West: Restaurant and vacant land zoned "M3" Manufacturing District[1]

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone the subject parcel in order to convert the existing 4 storey commercial warehouse building into a 72 unit multiple-family residential development. In addition, the applicant requires several variances in order to establish the proposed use.

Reason for application
Front yard
The "RMF-L" Multi-Family Residential District requires a front yard setback of 25 feet. A portion of the existing building is built to the front property line. Consequently, a variance is required.

South side yard
The "RMF-L" Multi-Family Residential District requires a south side yard setback of 12 feet. The building is located on the property line. In light of this, a variance is required.

West Side yard
The "RMF-L" Multi-Family Residential District requires a west (corner) side yard setback of 20 feet. The building is located on the property line. For this reason, a variance is required.

Rear yard
The "RMF-L" Multi-Family Residential District requires a rear yard setback of 25 feet. The building is located 4.5 feet from this property line. Accordingly, a variance is required.

Parking and Garbage Enclosure
The existing parking area, which is being improved, and garbage enclosure are located in required yards. For this reason, variances are required.

ANALYSIS AND ISSUES
Yard setbacks
The existing building does not comply with the yard setback requirements for the "RMF-L" Residential Multiple-Family District under Zoning By-law 200/2006. The variances will formally recognize that the building does not comply with the required setbacks and would allow it to be maintained, as is.

Parking and garbage enclosure
Similarly, the parking area and dumpster enclosure do not comply with the yard setback requirements for the "RMF-L" Residential Multiple-Family District under Zoning By-law 200/2006. However, the parking area will be screened with landscaping and the dumpster enclosure abuts the railroad tracks. Consequently, the variances are compatible with the area and will not have a substantial adverse impact on adjacent properties.

REASONS FOR RECOMMENDATIONS
In the context of Section 247(3), the Urban Planning Division recommends **approval** for the following reasons:
(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and

[1] Council recently approved a rezoning of this parcel from "M3" to "M1" to allow for a commercial and office development. However, the rezoning has not yet been given third reading.

convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAV 12-170517/D
O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2013 Reports\DAV 12 170517D 1270 Notre Dame

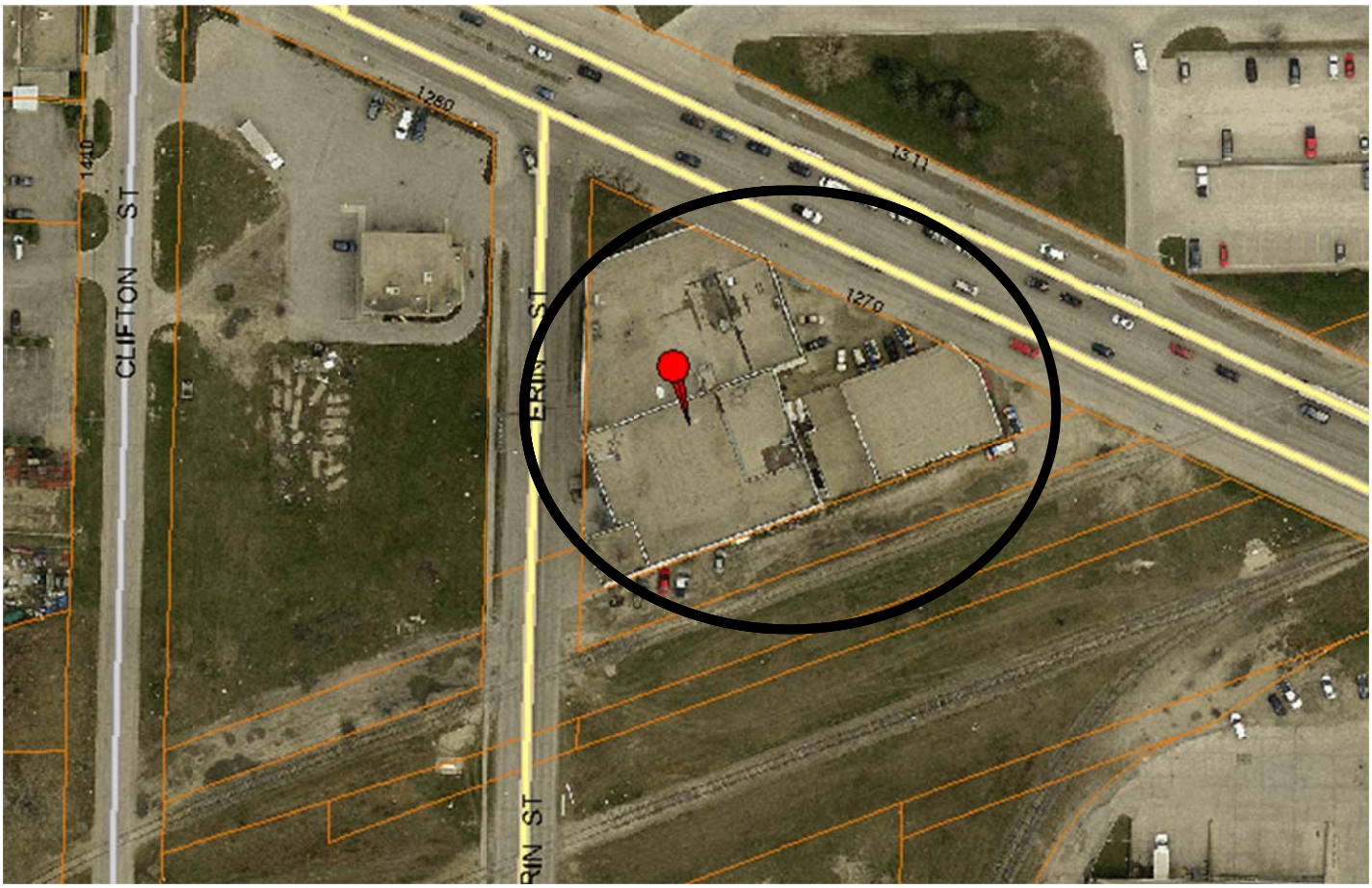
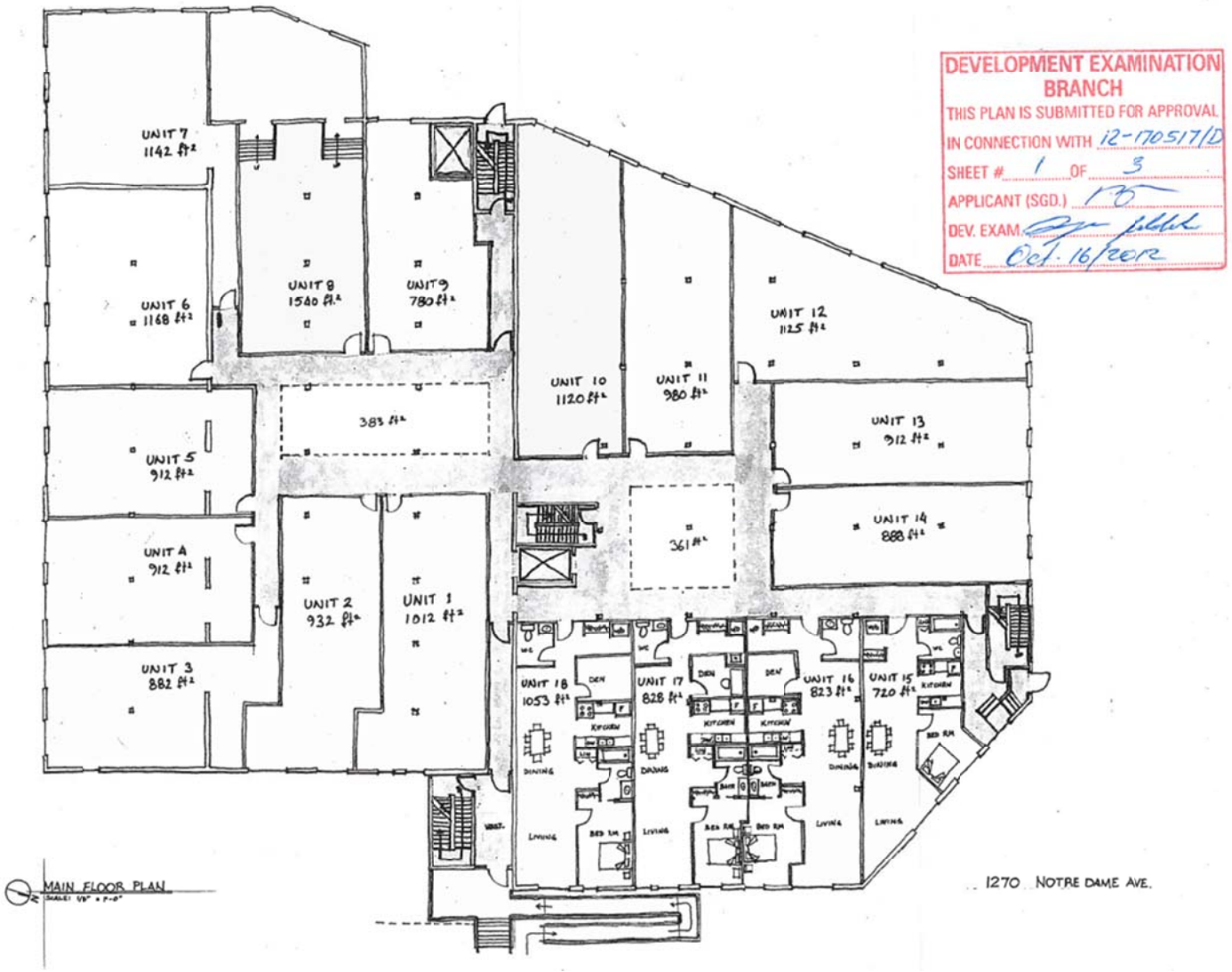
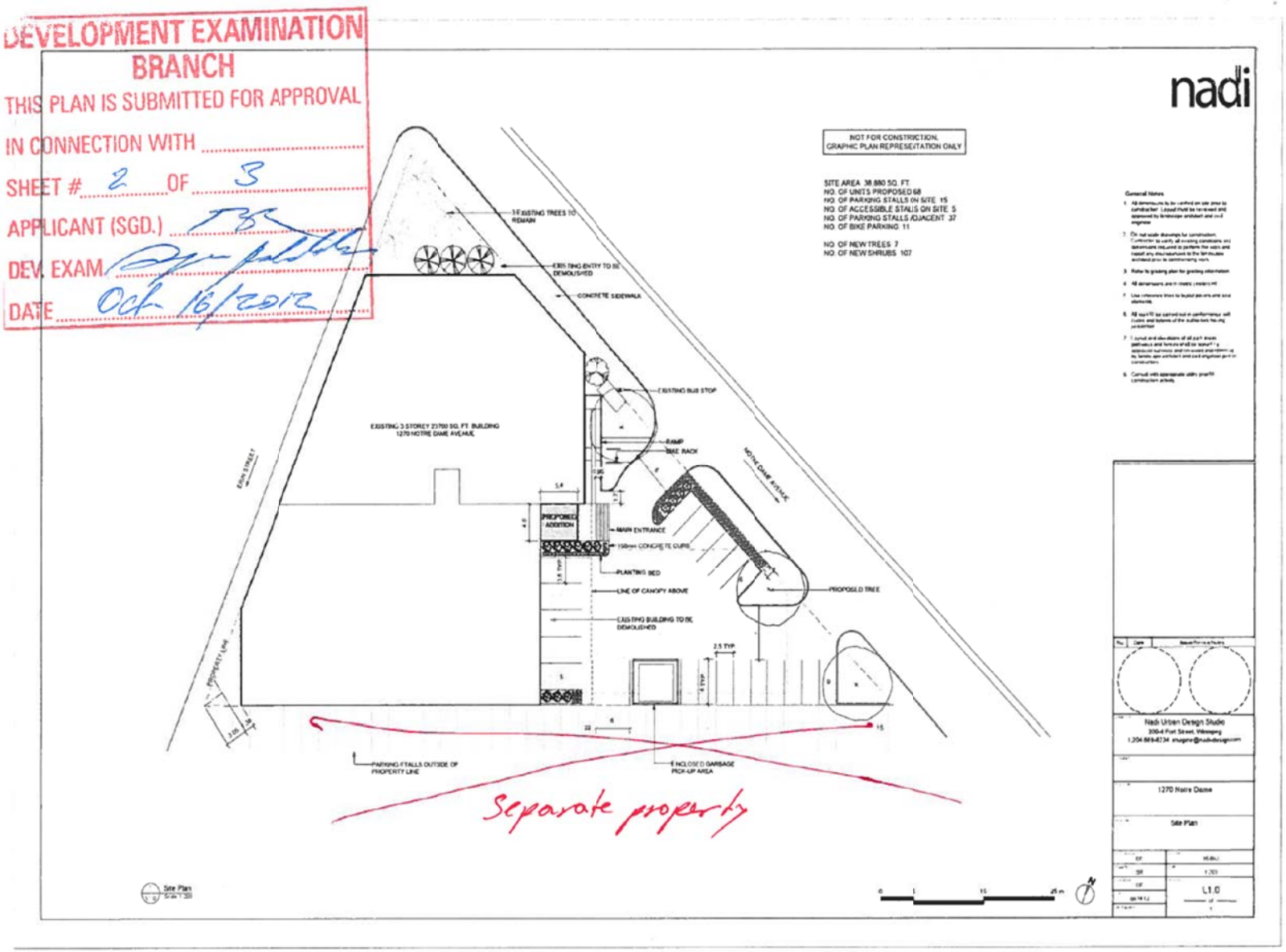
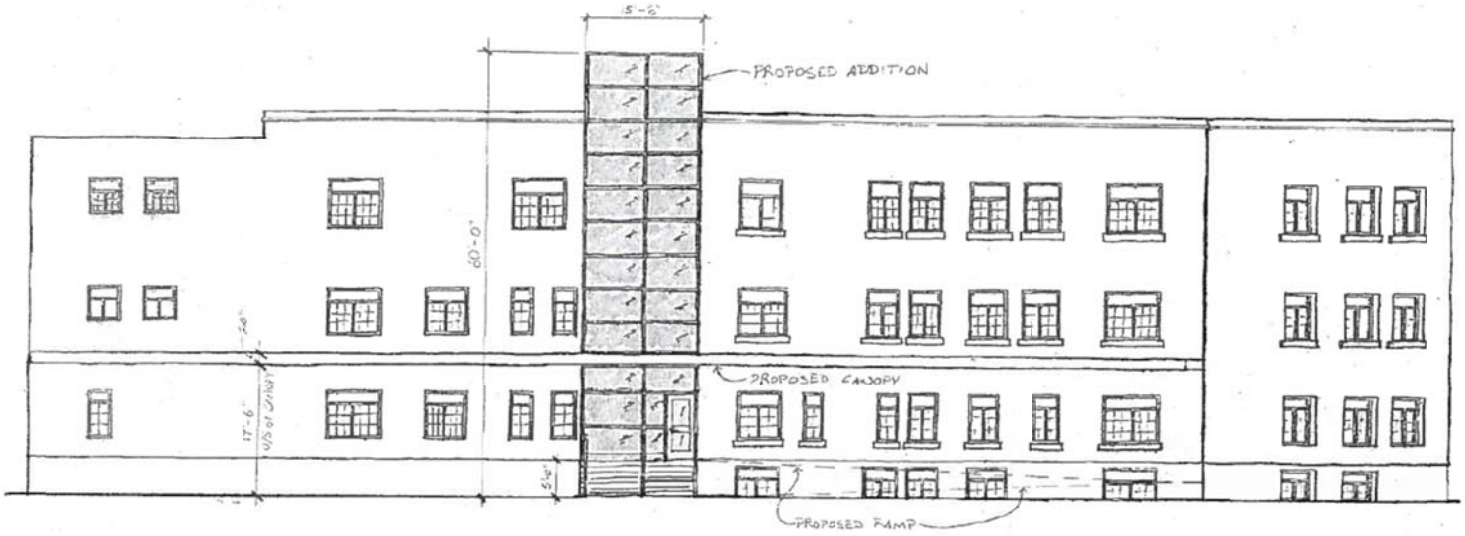


Figure 1: Aerial Photo (Flown in 2012)

Exhibit “8” referred to in File DAV 170517/2012D




DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH
SHEET # 2 OF 3
APPLICANT (SGD.)
DEV. EXAM
DATE Oct 16/2012
nadi
NOT FOR CONSTRUCTION
GRAPHIC PLAN REPRESENTATION ONLY
SITE AREA 38 880 SQ. FT.
NO. OF UNITS PROPOSED 68
NO. OF PARKING STALLS ON SITE 15
NO. OF ACCESSIBLE STALLS ON SITE 5
NO. OF PARKING STALLS ADJACENT 37
NO. OF BIKE PARKING 11
NO. OF NEW TREES 7
NO. OF NEW SHRUBS 107
EXISTING TREES TO REMAIN
EXISTING ENTRY TO BE DEMOLISHED
CONCRETE SIDEWALK
EXISTING BUS STOP
EXISTING 3 STOREY 23700 SQ. FT. BUILDING
1270 NOTRE DAME AVENUE
RAMP
BIKE RACK
PROPOSED ADDITION
MAIN ENTRANCE
150mm CONCRETE CURB
PLANTING BED
LINE OF CANOPY ABOVE
EXISTING BUILDING TO BE DEMOLISHED
PROPOSED TREE
PROPERTY LINE
ENCLOSED GARBAGE PICK-UP AREA
PARKING STALLS OUTSIDE OF PROPERTY LINE
Separate property
Site Plan
Nadi Urban Design Studio
1270 Notre Dame
Site Plan
L1.0



1 / SL-1 EAST ELEVATION
NTS

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH .....
SHEET # 3 OF 3
APPLICANT (SGD.)
DEV. EXAM.
DATE Oct. 16/2017

nadi urban design studio
200-4 Fort Street, Winnipeg, Manitoba
Tel: 204-669-6234 Fax: 204-453-4556