ADMINISTRATIVE REPORT

Title: DAV 16-171889\C – 96 St Mary's RD

Issue: For consideration at the public hearing for variances associated with the construction of a 6 unit multi-family dwelling.

Critical Path: Board of Adjustment as per the Development Procedures By-law and The City of Winnipeg Charter.

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Elise Finnigan	B. Smith	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the "R2" dimensional standards of Zoning By-Law No. 200/2006 as follows:

1) For the construction of a multi-family dwelling to permit:

    a. a front yard of 2 feet (0.61 metres) instead of 19 feet (5.79 metres);

    b. insufficient street edge landscaping;

2) For the construction of an attached garage to permit:

    a. no west corner side yard to attached garage instead of 2 feet (0.61 metres);

    b. six (6) indoor parking spaces having no direct access to a drive-way or drive-aisle, due to tandem parking of outdoor spaces;

    c. indoor parking stalls adjacent to a wall with a width of 9 feet (2.74 metres) instead of 10 feet (3.05 metres);

3) For the establishment of an accessory outdoor parking area to permit:

    a. parking stall lengths of 20 feet (6.10 metres) instead of 23 feet (7.01 metres) accessed directly from an adjacent lane;

    b. no guest parking spaces instead of 1 guest parking space;

    c. insufficient buffering of parking area along east side yard, located within 20 feet of a side lot line abutting or adjacent to a residential zoning district.

Subject to the following condition(s):

1) That the snow removal of the accessory parking area shall involve the hauling of excess snow off-site to another location. The intent, as stated above, shall be captured in writing in the condo

declaration of the building, to the satisfaction of the Director of Planning, Property, and Development.

REASON FOR THE REPORT

- Variance applications require a public hearing as per *The Development Procedures By-law* No. 160/2011 and *The City of Winnipeg Charter*, section 249.
- The report is being submitted for the Board of Adjustment'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 variances will be approved.

FILE/APPLICANT DETAILS

FILE: **DAV 16-171889\C**
RELATED FILES: DCU 16-171811\C
COMMUNITY: Riel Committee
NEIGHBOURHOOD #: 5.514

SUBJECT: To vary the "R2" dimensional standards of Zoning By-Law No. 200/2006 as follows:
1) For the construction of a multi-family dwelling to permit:
a. a front yard of 2 feet (0.61 metres) instead of 19 feet (5.79 metres);
b. insufficient street edge landscaping;
2) For the construction of an attached garage to permit:
a. no west corner side yard to attached garage instead of 2 feet (0.61 metres);
b. six (6) indoor parking spaces having no direct access to a drive-way or drive-aisle, due to tandem parking of outdoor spaces;
c. indoor parking stalls adjacent to a wall with a width of 9 feet (2.74 metres) instead of 10 feet (3.05 metres);
3) For the establishment of an accessory outdoor parking area to permit:
a. parking stall lengths of 20 feet (6.10 metres) instead of 23 feet (7.01 metres) accessed directly from an adjacent lane;
b. no guest parking spaces instead of 1 guest parking space;
c. insufficient buffering of parking area along east side yard, located within 20 feet of a side lot line abutting or adjacent to a residential zoning district.

LOCATION: 96 St Mary's RD
LEGAL DESCRIPTION: LOT 26 PLAN 28956 93/98 ST B

APPLICANT: Nikhil Manikonda
1749 Portage AVE Unit 2

Winnipeg , Manitoba R3J 0E6

OWNER:

300 DAWSON RD N
Winnipeg , Manitoba R2J 0S7

HISTORY

(See History Section of report for DCU 16-171811\C)

DISCUSSION

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a variance with respect to a property may be approved if the variance:

(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 is located on the south side of St Mary's RD between Monck Avenue and Taché Avenue in the Norwood West neighbourhood of the St Boniface ward.
- The site is located on a Regional Mixed Use Corridor under *the Complete Communities Direction Strategy*. The property is zoned R2 – Residential Two-Family.
- The property is 60 feet wide by 129 feet deep and measures approximately 7,752 square feet in area. The property contains a one-storey single family building with a living area of 1,143 square feet, built in 1927.

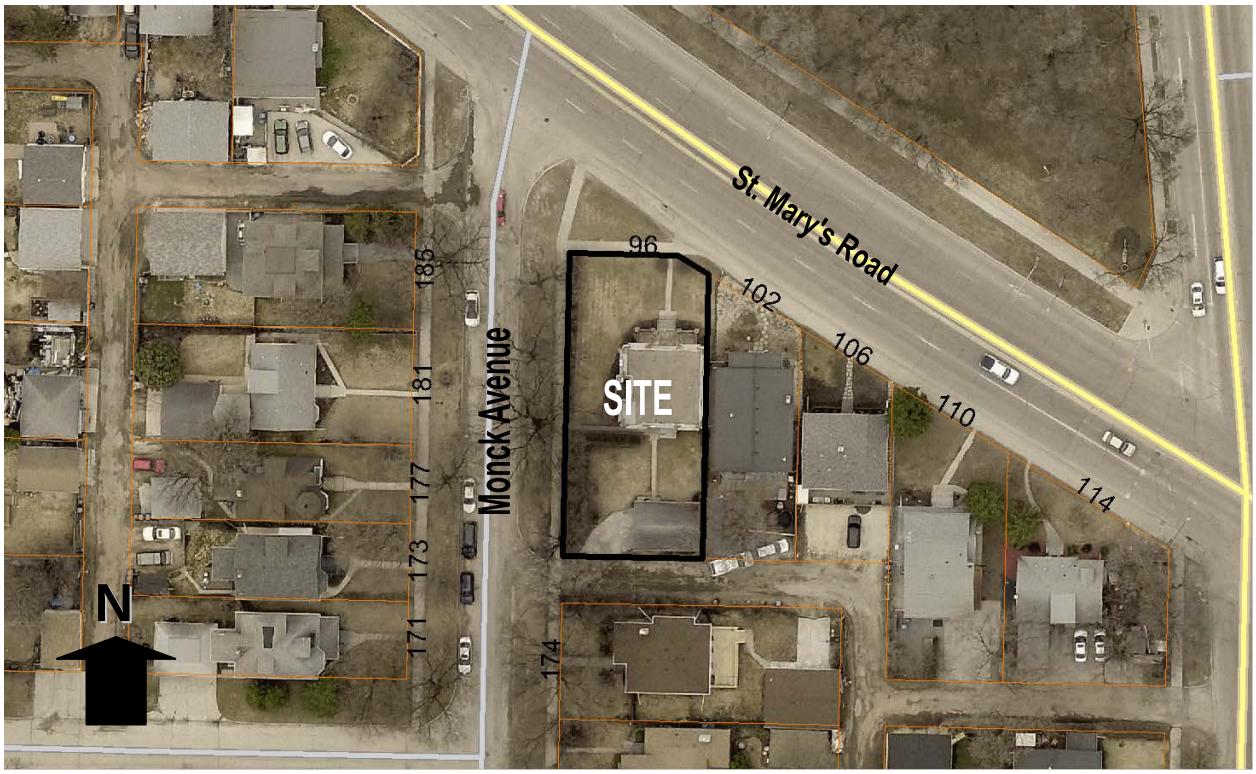

Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: St. Mary's Road and Coronation Park zoned PR2.

South: Single family homes zoned R2 and R1-M.

East: Single family homes zoned R2.

West: Single family homes zoned R1-M.

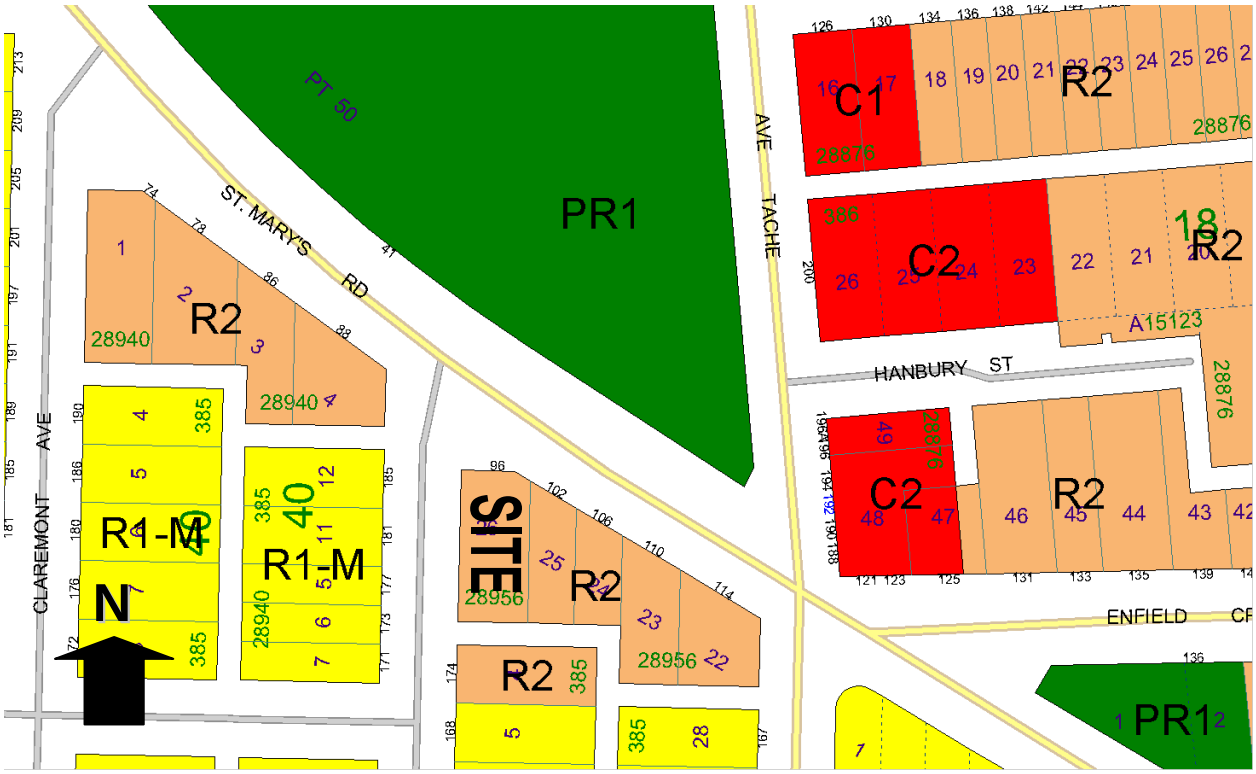

Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to build a 6-unit, three-storey (35 feet in height) multi-family dwelling.
- The applicant is proposing to establish twelve (12) parking spaces accessed directly from the public lane with a tandem parking arrangement.
- Three (3) bicycle parking stalls are proposed to be located in the front yard.
- Each unit will have two (2) bedrooms. Suite sizes will range as follows:
    - The main floor suites will be approximately 1,714 square feet;
    - The second/third floor suites will be approximately 1,764 square feet;
- There is an associated Conditional Use application (DCU 16-171811/C) to permit the multi-family use in the R2 zone.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY:

- *The Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is located along a "Regional Mixed Use Corridor" (St. Mary's Road) in the *Complete Communities'* Urban Structure map. *Complete Communities'* directs a significant share of growth to Corridors in a way that:

- Provides compact, mixed-use, high-quality urban development.
- Concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
- Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
- Encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.

- With regard to this proposal, the key policies guiding the development of Regional Mixed Use Corridors include:
  - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
  - Support a range of housing opportunities in terms of type, tenure, unit size.
  - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
  - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.

TRANSPORTATION MASTER PLAN (TMP)

- St. Mary's Road is identified as a Truck Route in the TMP and is classified as an arterial road. Arterial roads primarily provide traffic movement across the City. In this case, St. Mary's Road is the primary feeder route into the Downtown from the south end of the city. This results in approximately 35,600 vehicle trips per day at this location of St. Mary's Road (2015 Average Weekday 24hr Traffic). For context, this segment of St. Mary's Road receives more traffic than Provencher Boulevard (30,200), Corydon Avenue (27,100), Osborne Street (30,400-35,000), and St. Anne's Road (34,000). It also receives almost as much daily traffic as Marion/Goulet Streets (36,200) combined.
- St. Mary's Road is identified as a potential quality transit corridor in the City of Winnipeg's Transportation Master Plan that can become the focal points for new development and redevelopment. The Quality Corridor concept was introduced in Winnipeg between 2007-2009 and refers to high-performance and high-frequency on-street bus routes that are assisted by transit priority measures (diamond lanes, transit priority signals, queue jump lanes, etc.), and whose major stops are upgraded to include heated shelters, real-time bus departure displays, benches, posted route and schedule information, and other amenities.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Reason for the variances

- Based on the front yard alignment of the existing developments on the subject block of St. Mary's Road, the minimum required front yard for the proposed development is 19 feet. The applicant is proposing a front yard of 2 feet. As such, a variance is required.
- Section 190 of the Zoning By-law outlines street edge landscaping requirements. Per the requirements, a total of 2 trees and 9 shrubs are required along St. Mary's Road and a total of 4

trees and 19 shrubs are required along Monck Avenue. The applicant is proposing no trees and 10 shrubs along St. Mary's Road and no trees and 10 shrubs along Monck Avenue. As such, a variance is required.

- Accessory structures require a minimum corner side yard of 2 feet. The applicant is proposing no west corner side yard to the garage.
- Accessory off-street parking must be accessed via a parking driveway with a minimum width of 8 feet. The applicant is proposing a tandem parking arrangement whereby 6 indoor parking spaces are accessed via the 6 outdoor spaces. As such, a variance is required.
- Parking spaces adjacent to a fence or wall must have a minimum width of 10 feet. The applicant is proposing stall widths of 9 feet. As such, a variance is required.
- Parking spaces located off of a public lane require a minimum length of 23 feet. The applicant is proposing stall lengths of 20 feet for the 6 parking spaces located directly off the public lane. As such, a variance is required.
- As per Table 5-9 of Zoning By-law 200/2006, ten percent of the required parking spaces for multi-family developments must be unassigned guest parking. The applicant is proposing to not include any visitor spaces. As such, a variance is required.
- Section 190(8) specifies buffering requirements for parking areas adjacent to single-family uses. When a fence is proposed as the buffer it must be broken up whereby no portion of the fence is longer than 48 feet. The fence is also required to be opaque. The applicant is proposing to install a wrought-iron style (i.e., not opaque) continuous fence around the parking area. As such, a variance is required.

VARIANCE REVIEW

Reduced Front Yard

- It should be noted that St. Mary's Road runs on a diagonal resulting in the majority of properties on the street having an irregular shape. This irregular shape presents an impediment to many developments in respect to complying with the yard requirements of the Zoning By-law.
- In the case of the subject property, the proposed 2 foot front yard only applies to a small portion of the northeast corner of the building wall. The bulk of the building is situated 8 feet from the northern property line.
- A reduced front yard helps to support a more pedestrian-friendly, active street edge which is generally encouraged along Regional Mixed-Use Corridors.

Insufficient Street Edge Landscaping

- The Urban Planning Division is supportive of the proposal for insufficient street edge landscaping noting;
    - *Complete Communities* encourages a more compact urban form along Regional Mixed-Use Corridors. It is challenging to achieve a more compact development form and comply with the street edge landscaping requirement especially as it pertains to the planting of trees.
    - The property is buffered by wider public boulevards with 3 existing mature trees along Monck Avenue.
    - Through the recommended Plan Approval condition associated with the Conditional Use approval, the Urban Planning Division will be looking for a more detailed landscaping plan along St. Mary's Road possibly including integrated planters.

No west corner side yard to garage

- The Urban Planning Division supports the proposal for no west corner side yard to the garage noting:
    - It is a corner side yard and, therefore, will have no impact on an abutting property.
    - The length of the garage wall is only 21 feet 6 inches long which represents a minor infraction on a property measuring 129.83 feet in length.

Tandem parking

- The Urban Planning Division is supportive of the proposal to have 6 parking stalls having no direct access to a drive-way or drive aisle due to tandem parking noting:
    - The development will be a condominium with both stalls in the tandem parking arrangement assigned to the same unit. In this way the stalls will be owned by the same household and management of access will rest with the owners of the individual condo units, similar to parking arrangements occasionally found on single-family lots.

Reduced parking stall widths adjacent to a wall

- The proposal to have reduced stall widths adjacent to a wall represents a minor deviation from the 10 foot requirement and only applies to two stalls.

Reduced parking stall lengths for stalls accessed via a public lane

- The minimum stall length is intended to ensure that cars do not encroach into the public lane and to provide adequate space for snow storage. In this instance, the applicant has confirmed that the condo corporation will hire a snow removal firm to haul snow off-site. In addition, the tandem parking arrangement helps to ensure snow removal is properly managed as the parking stalls directly off of the lane also serve as the access points for the parking stalls located in the garage.
- As a condition of approval, the Urban Planning Division is recommending that the condo declaration of the building include a specific snow removal requirement involving the hauling of excess snow off-site.

No visitor parking

- The Urban Planning Division is supportive of the proposal to not provide a designated guest parking space noting each unit will have two parking spaces and there is on-street parking available on Monck Avenue. It is also noted the property is located within close proximity to many public transit routes, including high frequency and express routes.

Continuous transparent fencing

- Since the submission of the original application, Council approved a number of amendments to the Zoning By-law (see January 25th, 2017 Council Minutes). One of the approved amendments was to remove the requirement that no portion of a buffer fence be longer than 48 feet as it was deemed to not be desirable or practical especially in the context of infill development.
- The Urban Planning Division supports the proposal to install wrought iron fencing (i.e., not opaque fencing) as it provides a higher quality buffering treatment.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **approval with conditions** for the following reasons:

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

In that, the application is consistent with the Complete Communities Direction Strategy, which supports intensification along Regional Mixed-Use Corridors.

(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;

In that, the building provides a high-quality, compact urban form suitable along Regional Mixed-Use Corridors. The proposal also exceeds the parking requirement of the Zoning By-law.

(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

In that, the variances are the minimum modification of the zoning by-law to achieve the goals of the Complete Communities Direction Strategy along Regional Mixed-Use Corridors.

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

In that, the building provides a high-quality, compact urban form suitable along Regional Mixed-Use Corridors.

CONSULTATION

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

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Elise Finnigan
Date: Friday, February 21st, 2017
File No. DAV 16-171889\C