Agenda – Board of Adjustment – June 14, 2017

PUBLIC HEARINGS

Item No. 16 Conditional Use – 110 St. Mary's Road
(St. Boniface Ward)
File DCU 115146/2017C

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application for a conditional use under Zoning By-Law No. 200/2006 to permit the maintenance of a care home use to allow for the expansion to 8 beds.

Subject to the following condition(s):

1) That, the Order shall come into force and effect upon the approval by Council to amend By-law No. 1810/27 to exclude the subject property.

2) That the number of residents be limited to no more than eight (8) persons;

3) That there be a minimum of two (2) staff on the premises at all times;

4) That no staff residency be permitted;

5) That signage be prohibited on the site;

6) That if any development granted by the Order is not established within two (2) years of the date thereof, the Order, in respect of that Conditional Use shall terminate.

Agenda – Board of Adjustment – June 14, 2017

File:	DCU 115146/2017C
Applicant:	70104040 Manitoba Inc. (Greg Motkaluk)
Premises Affected:	110 St. Mary's Road
Legal Description:	LOT 23 PLAN 28956 93/98 ST B, hereinafter called "the land"
Property Zoned:	"R2" – Residential Two-Family District
Nature of Application:	For a Conditional Use under the Winnipeg Zoning By-Law No. 200/2006 to permit the maintenance of a care home use to allow for the expansion to 8 beds.
Exhibits Filed:	1. Application dated May 11, 2017 2. Notification of Public Hearing dated May 17, 2017 3. Manitoba Status of Title 2753425/1 4. Letter of authorization dated February 14, 2017 from 7014040, Greg Motkaluk and Rob Motkaluk to Greg Motkaluk 5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising 6. Plans, Sheet 1, for File DCU 115146/2017C dated March 14, 2017 7. Report from the Urban Planning Division dated June 2, 2017 8. Inspection Report

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

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Moved by

That the report of the Winnipeg Public Service be taken as read.

Moved by

That the receipt of public representations be concluded.

Moved by

That in accordance with Section 254 and Subsection 247(3) of The City of Winnipeg Charter, the Conditional Use,

(a) ☐ is consistent ☐ is not consistent
with Plan Winnipeg, and any applicable secondary plan;

(b) ☐ does not create ☐ does 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; and

(d) ☐ is ☐ is not
compatible with the area in which the property to be affected is situated.

Supporting Comments:

Moved by

That the recommendation of the Winnipeg Public Service be / not be concurred in and the Conditional Use be approved / rejected.

Moved by

That the public hearing with respect to this application be concluded.

Exhibit "7" referred to in File DCU 115146/2017C

ADMINISTRATIVE REPORT

Title: DCU 17-115146\C – 110 St Mary's RD

Issue: For consideration at the public hearing for a conditional use for the expansion of a care home to eight (8) beds.

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
S. Jerez	B. Smith	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application for a conditional use under Zoning By-Law No. 200/2006 to permit the maintenance of a care home use to allow for the expansion to 8 beds.

Subject to the following condition(s):

1) That, the Order shall come into force and effect upon the approval by Council to amend By-law No. 1810/27 to exclude the subject property.
2) That the number of residents be limited to no more than eight (8) persons;
3) That there be a minimum of two (2) staff on the premises at all times;
4) That no staff residency be permitted;
5) That signage be prohibited on the site;
6) That if any development granted by the Order is not established within two (2) years of the date thereof, the Order, in respect of that Conditional Use shall terminate.

REASON FOR THE REPORT

- Conditional Use 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 applicant will be permitted to expand the existing care home on the subject property to eight (8) beds.

FILE/APPLICANT DETAILS

FILE:	**DCU 17-115146\C**
RELATED FILES:	
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.514 – Norwood West
SUBJECT:	For a Conditional Use under Zoning By-Law No. 200/2006 to permit the maintenance of a care home use to allow for the expansion to 8 beds.
LOCATION:	110 St Mary's RD
LEGAL DESCRIPTION:	LOT 23 PLAN 28956 93/98 ST B
APPLICANT:	Greg Motkaluk 919 Somerset AVE Winnipeg , Manitoba R3T 1E8
OWNER:	919 SOMERSET AVE Winnipeg , Manitoba R3T 1E8

HISTORY

By-law 1810/27

In 1927 the City of St. Boniface established By-law No. 1810 which placed a number of restrictions on the properties located in the Norwood West neighbourhood including the subject property intended to preserve the residential quality of the area. The majority of these restrictions were repealed in 1982 under By-law No. 3177 while others were amended. One of the clauses that was amended and is most relevant to the subject application is Section 1(c) which states:

> *The following uses only shall be permitted on said land:*
>
> *(i) Single-family dwellings; and*
>
> *(ii) Accessory uses incidental to single-family dwellings, pursuant to the applicable zoning regulations under the Town Planning Scheme for the City of St. Boniface 1957.*

DAV 280/93C

- On June 3, 1993, the Board of Adjustment approved a variance of By-law 1810/27 to permit a temporary change of use for a period not to exceed five (5) years for a Neighbourhood

Care Home in an existing dwelling, as only single family dwellings and accessory uses incidental to single family dwellings we permitted.

- Conditions were as follows:

  (1) That the number of residents be limited to eight (8);

  (2) That the parking in the rear be confined to the existing paved area;

  (3) That there be a minimum of two (2) staff on the premises at all times;

  (4) That no staff residency be permitted;

  (5) That signage be prohibited on the site;

  (6) That the Order shall terminate on a change of property ownership or on June 3, 1998, whichever occurs first.

DAV 327/98C

- On June 18, 1998, the Board of Adjustment approved a variance of By-law 1810/27 to permit a temporary change of use for a period not to exceed five (5) years for a Neighbourhood Care Home in an existing dwelling, as only single family dwellings and accessory uses incidental to single family dwellings we permitted.
- Conditions were as follows:

  (1) That the number of residents be limited to no more than eight (8) persons;

  (2) That there be a minimum of two (2) staff on the premises at all times;

  (3) That no staff residency be permitted;

  (4) That signage be prohibited on the site;

  (5) That the Order shall terminate on a change of property ownership or on June 30, 2018, whichever occurs first.

DISCUSSION

CRITERIA FOR APPROVAL

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

(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;

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

SITE DESCRIPTION

- The subject property is located on St Mary's RD, 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 50 feet wide by 113 feet deep and measures approximately 5,626 square feet in area. The property contains a one and a half storey single family building with a living area of 2,624 square feet, built in 1946. The dwelling is currently use as a group home for 6 clients.



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” Parks and Recreation 2 - Community.

South: Single family homes zoned “R2” Residential Two-Family and “R1-M” Residential Single Family Medium.

East: Single family homes zoned “R2” Residential Two-Family.

West: Single family homes zoned “R1-M” Residential Single Family Medium.

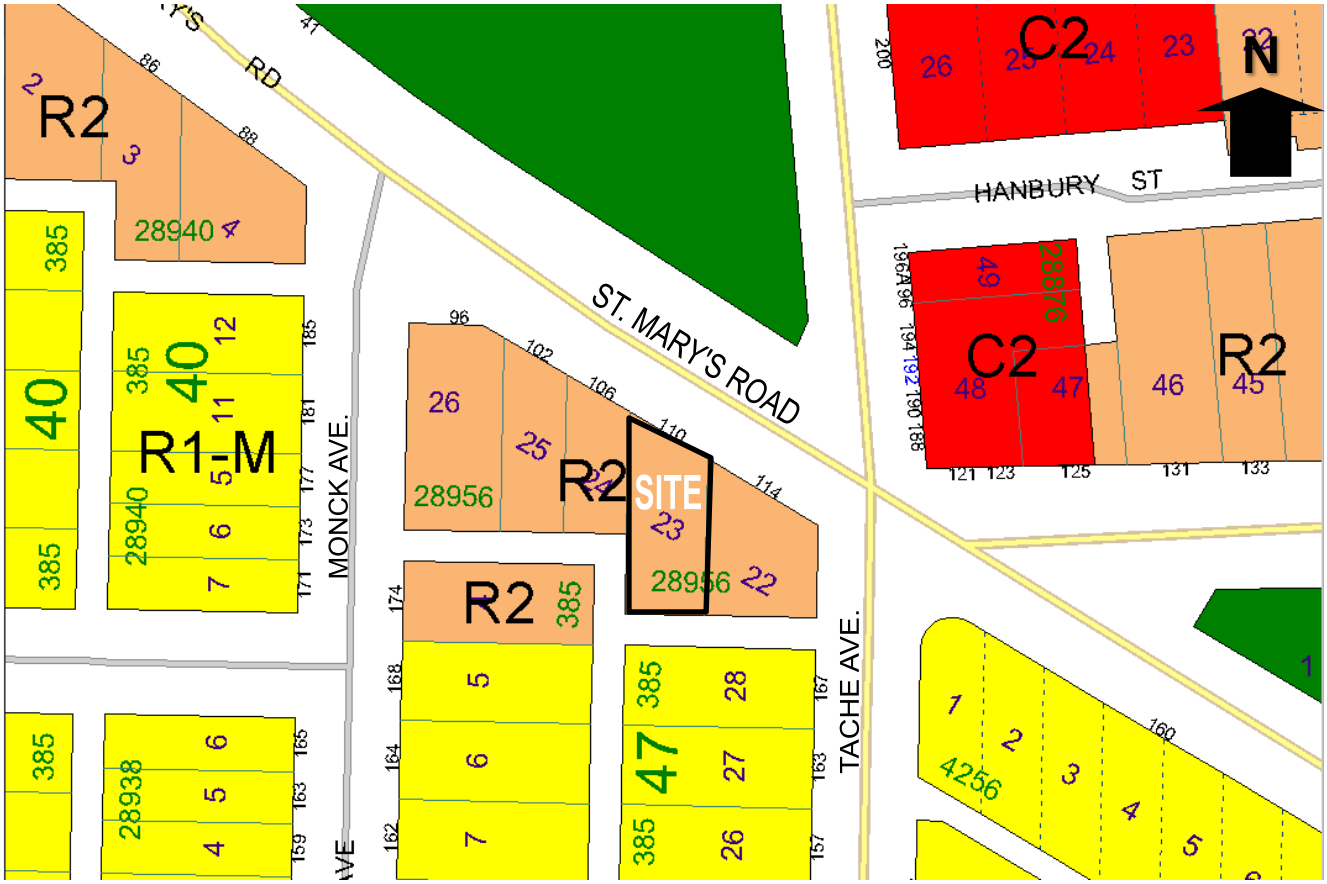

Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to convert two (2) rooms used as offices within the existing building into additional rooms. This would expand the number of beds in the care home from six (6) to eight (8).
- The property is currently used as a transition home for young adults. It is currently being run and managed by K and D Transitions. This expansion to eight (8) beds is intended to allow the program to be more viable.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is located on the St. Mary's Road Regional Mixed Use Corridor. Our Corridors serve a dual function. On the one hand, they are our primary city routes, connecting neighbourhoods and transporting people, goods and services. And on the other hand, they serve the additional purpose of accommodating a mix of uses, functioning as vibrant urban places for Winnipeggers to live, work and play. Key relevant policies guiding development along 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.

- Mitigate the potential impacts of new development on neighbouring streets, parks and properties.
- Where appropriate, develop corridors in accordance with transit-oriented development principles.

- Complete Communities Direction Strategy encourages development and redevelopment of existing residential and commercial properties along our Corridors as they are ideal locations for transformative change.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- Care Homes are a permitted use in the "R2" Residential Two-Family zoning districts, as well as all other residential zoning districts with the exception of the "RMH" Residential Mobile Home Park district.
- As per clause 64(1) of the Zoning By-law, a care home is permitted to a maximum of 6 persons.

ANALYSIS OF CONDITIONAL USE

- Use variances were previously approved in 1993 and 1998 for the subject property as By-law No. 1810/27 restricts the uses on the subject property to single-family dwellings. As this use has been established for approximately 24 years and is no longer temporary in nature, the Public Service is recommending that By-law No. 1810/27 be amended to exclude the subject property, and that the request to expand the facility to eight (8) beds rather than the six (6) permitted under the Zoning By-law be assessed as a conditional use.
- Certain uses in the Zoning By-law 200/06 are deemed conditional as they may or may not be appropriate for the particular context considered. As such, conditional uses require a higher level of planning review and analysis to determine suitability.
- The establishment of two additional beds at the existing care home on the subject site is consistent with *Complete Communities'* objective of providing a mix of higher-density residential opportunities and service uses that support the needs of and respect the context of adjacent communities.
- The use is compatible with adjacent residential properties and the impact on adjacent residential properties is expected to be minimal as this service assists youth in transitioning to independent living and will not significantly change how the site currently operates.
- The subject site has been approved since 1993 for up to 8 beds and operated as such until ownership changed in 2015.
- DAV 280/93C permitted the care home use for up to eight beds for a period of 5 years. DAV 327/98C extended this by up to 20 years unless ownership should change.

CONDITIONS OF APPROVAL

- Noting that By-law No. 1810/27 currently restricts the uses on the subject property to single-family dwellings, the Public Service is recommending a condition be included whereby the Conditional Use for the care home use only come into force and effect upon approval by Council to amend By-law No. 1810/27 to exclude the subject property.

- The Public Service recommends including the conditions of approval from DAZ 327/98C, as follows:
  - That the number of residents be limited to no more than eight (8) persons;
  - That the number of residents be limited to no more than eight (8) persons;
  - That there be a minimum of two (2) staff on the premises at all times;
  - That no staff residency be permitted;
  - That signage be prohibited on the site;

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;

In that, this conditional use meets our Regional Mixed Use Corridor objectives of providing a mix of higher-density residential opportunities and service uses that support the needs of and respect the context of adjacent communities.

(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 increase to eight (8) beds does not impact adjoining residential lands, is compatible with adjacent properties, and has been approved since 1993.

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

In that, the conditional use does not fundamentally change how the site currently operates.

CONSULTATION

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

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Simi Jerez
Date:	Friday, June 2, 2017
File No.	DCU 17-115146\C

Exhibit “6” referred to in File DCU 115146/2017C

