Agenda – Board of Adjustment – January 8, 2020

PUBLIC HEARINGS

Item No. 2 Variance – 235 Andrews Street
(Mynarski Ward)
File DAV 213642/2019C [c/r DCU 213647/2019C]

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval-in-part of the application to vary the "R2" Dimensional Standards of Zoning By-law No. 200/2006 as follows:

1. for the conversion of an existing place of worship building to a multi-family dwelling to permit:

   A. a front yard of 14.7 feet (4.48 metres) instead of 15 feet (4.57 metres);

   B. a rear yard of 20.45 feet (6.23 metres) instead of 25 feet (7.62 metres);

   C. a building height of 41.5 feet (12.65 metres) instead of 35 feet (10.67 metres);

   D. 2 parking spaces instead of 10 spaces;

   ~~E. no accessible spaces instead of 1 space;~~

2. for the construction of an accessory bike enclosure to permit a front yard of 6 feet (1.83 metres) instead of 15 feet (4.57 metres);

3. for the establishment of an accessory parking area to permit a parking aisle width of 9.5 feet (2.9 metres) instead of 20 feet (6.1 metres).

Agenda – Board of Adjustment – January 8, 2020

File:	DAV 213642/2019C
Applicant:	Alla Bernshtein
Premises Affected:	235 Andrews Street
Legal Description:	LOT 35/36 PLAN 142 39W ST J, hereinafter called “the land”
Property Zoned:	"R2" Residential Two-Family
Nature of Application:	To vary the "R2" District Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 as follows: 1. for the conversion of an existing place of worship building to a multi-family dwelling to permit: a. a front yard of 14.7 feet (4.48 metres) instead of 15 feet (4.57 metres); b. a rear yard of 20.45 feet (6.23 metres) instead of 25 feet (7.62 metres); c. a building height of 41.5 feet (12.65 metres) instead of 35 feet (10.67 metres); d. 2 parking spaces instead of 10 spaces; e. no accessible spaces instead of 1 space; 2. for the construction of an accessory bike enclosure to permit a front yard of 6 feet (1.83 metres) instead of 15 feet (4.57 metres); 3. for the establishment of an accessory parking area to permit a parking aisle width of 9.5 feet (2.9 metres) instead of 20 feet (6.1 metres).
Exhibits Filed:	1. Application dated December 3, 2019 2. Notification of Public Hearing dated December 18, 2019 3. Manitoba Status of Title 2146054/1 4. Letter of authorization dated September 30, 2019 from Manuel Ruiz to Alla Bernshtein

Exhibits Filed (continued):

5. Surveyor's Building Location Certificate and sketch dated July 15 2019
6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
7. Plans, Sheets 1 to 7 inclusive, for File DAV 213642/2019C dated December 17, 2019
8. Report from the Urban Planning Division dated December 18, 2019
9. 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.

Agenda – Board of Adjustment – January 8, 2020

Moved by

That in accordance with Subsection 247(3) of The City of Winnipeg Charter, the Variance,

(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;

(c) ☐ is ☐ is not
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 ☐ 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 concurred in / not be concurred in and the Variance be approved / rejected.

Moved by

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

Exhibit “8” referred to in File DAV 213642/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-213642\C – 235 Andrews Street

Issue: For consideration at the public hearing for a variance.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Hayer, MCP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends **approval-in-part** of the application to vary the "R2" Dimensional Standards of Zoning By-law No. 200/2006 as follows:

1) for the conversion of an existing place of worship building to a multi-family dwelling to permit:
    a) a front yard of 14.7 feet (4.48 metres) instead of 15 feet (4.57 metres);
    b) a rear yard of 20.45 feet (6.23 metres) instead of 25 feet (7.62 metres);
    c) a building height of 41.5 feet (12.65 metres) instead of 35 feet (10.67 metres);
    d) 2 parking spaces instead of 10 spaces;
    ~~e) no accessible spaces instead of 1 space;~~
2) for the construction of an accessory bike enclosure to permit a front yard of 6 feet (1.83 metres) instead of 15 feet (4.57 metres);
3) for the establishment of an accessory parking area to permit a parking aisle width of 9.5 feet (2.9 metres) instead of 20 feet (6.1 metres).

REASON FOR THE REPORT

- The applicant is proposing to convert and existing building, which previously was a place of worship, to a multi-family dwelling with eight units and two parking stalls. Also proposed is a bike enclosure to be located in the front yard. Variances are required to accommodate aspects of the proposed development.

- 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 proposal can proceed.

FILE/APPLICANT DETAILS

FILE: **DAV 19-213642/C**
RELATED FILES: **DCU 19-213647/C**
COMMUNITY: Lord Selkirk - West Kildonan Committee
NEIGHBOURHOOD #: 3.302 (William Whyte)

SUBJECT: To vary the "R2" Dimensional Standards of Zoning By-law No. 200/2006 as follows:

1) for the conversion of an existing place of worship building to a multi-family dwelling to permit:
    a) a front yard of 14.7 feet (4.48 metres) instead of 15 feet (4.57 metres);
    b) a rear yard of 20.45 feet (6.23 metres) instead of 25 feet (7.62 metres);
    c) a building height of 41.5 feet (12.65 metres) instead of 35 feet (10.67 metres);
    d) 2 parking spaces instead of 10 spaces;
    e) no accessible spaces instead of 1 space;
2) for the construction of an accessory bike enclosure to permit a front yard of 6 feet (1.83 metres) instead of 15 feet (4.57 metres);
3) for the establishment of an accessory parking area to permit a parking aisle width of 9.5 feet (2.9 metres) instead of 20 feet (6.1 metres).

LOCATION: 235 Andrews ST
LEGAL DESCRIPTION: LOT 35/36 PLAN 142 39W ST J

APPLICANT: Alla Bernshtein
19 Amethyst Place
Winnipeg, Manitoba R3Y 1C4

OWNER: Manuel Ruiz
235 Andrews Street
Winnipeg, Manitoba R2W 4T2

HISTORY

- The subject building was constructed as a brick church in 1907, on a design by local architect G. G. Teeter.
- The structure was the site of the Salem Reformed Church until 1986, when it became a Filipino United Community Church.
- In 2001, the building was placed on the City of Winnipeg Commemorative List of Historical Resources.
- City records show the property is still classified as a place of worship use.

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 site is located at the north east corner of Andrews Street and Burrows Avenue, in the William Whyte neighbourhood of the Mynarski ward.**
- **The site is designated "Areas of Stability – Mature Community" policy area under the *Complete Communities Direction Strategy* of *OurWinnipeg*.**
- **The site is zoned "R2" Residential Two-Family district under the *City of Winnipeg Zoning By-law*.**
- **The subject site is 6,536 sq. ft. in lot area, with approximately 100 ft. of frontage along Andrews Street and 66 ft. along Burrows Avenue.**
- **The site takes motor vehicle access from an existing private approach on Andrews Street.**
- **Currently on the site is a brick building constructed in 1907 as a Church (Salem** Reformed Church)**.**
- **The subject building is on the Commemorative list of Historical Resources, and accordingly there are no restrictions on alteration of the building.**



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Single-family dwelling zoned "R2" Residential Two-Family district.

South: Burrows Avenue; then a mix of single- and multi- family dwellings zoned "R2" Residential Two-Family district.

East: A mix of single- and two- family dwellings zoned "R2" Residential Two-Family district.

West: Alfred Avenue; then a retail store (deli shop) zoned "R2" Residential Two-Family district; then, single-family dwellings zoned "R2" Residential Two-Family district.

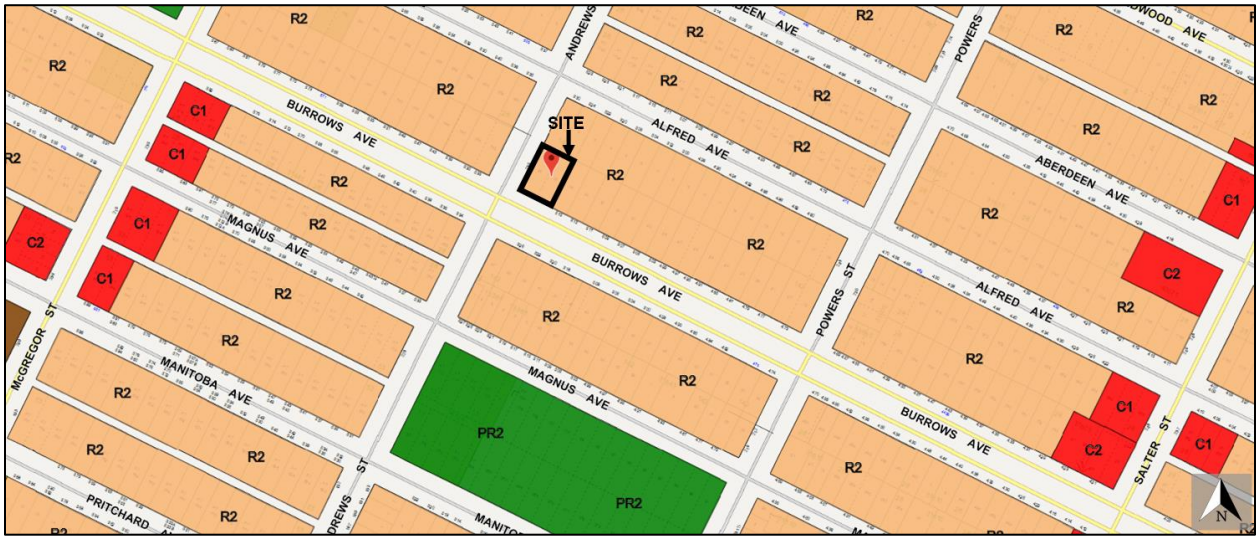


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves conversion of the existing building to a residential multi-family dwelling use. Plans submitted with the application (See Figure 3) show the following works would also be constructed:

- Along the north side of the property, an accessory parking area with two parallel parking spaces would be provided. Parking spaces would be 10 ft. wide by 23 ft. deep. Access would be from the existing private approach on Andrews Street. The drive aisle would be 9.5 ft. wide.
- A bicycle enclosure would be constructed partially in the front yard. The enclosure would be 7.5 ft wide by 24 ft. deep and 10 ft. in height. The enclosure would be sheltered and provide space for 12 bicycles. Roughly 8 ft. of the enclosure would be in the front yard, with the remaining 16 ft. located in the side yard.
- Walkways constructed of asphalt pavement to accommodate pedestrian access and circulation, including connections from building entrances to the public sidewalk, garbage enclosure areas, and bike enclosure areas.

Generally, the appearance of the structure would not change, excepting any modifications that may be necessary to ensure compliance with building code requirements. Variances are required to accommodate the proposed development, including maintenance of the building in its existing footprint, construction of the parking area, and construction of the bike enclosure.

Multi-family dwellings are a conditional use in the "R2" Residential Two-Family District and the applicant has submitted application under related DCU 19-213647\C. A report on the matter has been submitted to the Board of Adjustment for consideration.

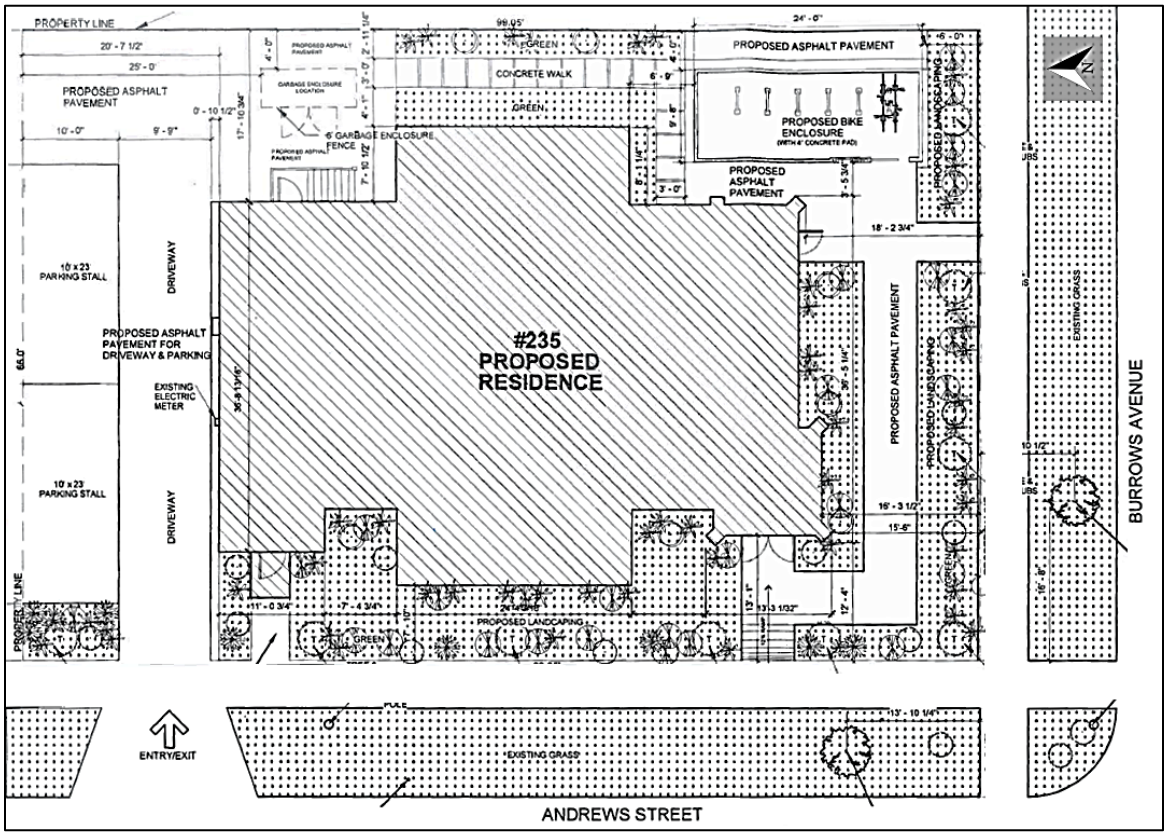


Figure 3: Site plan submitted with application.

Collaboration:

The applicant contacted the Urban Planning Division in April, 2019, to inquire about obtaining land use approvals necessary convert the building on the subject site into a residential use. The Public Service advised the applicant that, adaptive reuse of the existing building would be generally supported and encouraged.

The subject building, as shown on Figure 3, could be considered a landmark building within the neighbourhood, and as such the Public Service has worked closely with the applicant to ensure that the adaptive reuse of the structure can be done in a manner that enhances the neighbourhood. It is worth noting that the site is significantly constrained due to the historic structure occupying most of the lot, and also due to the lot not having access to a public lane.



Figure 4: Subject building (source: Manitoba Historical Society).

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

The subject property is designated “Areas of Stability – Mature Community” policy area under the *Complete Communities Direction Strategy* of *OurWinnipeg*. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.

With regards to this proposal, the key relevant policies guiding the development of Areas of Stability include:

> *In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.*
>
> *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
>
> *Build upon the local heritage of mature neighbourhoods, including the sustainable reuse of existing building stock and other historic elements.*

As noted, the proposed development involves conversation of a historical building. As such, several policies under the “Urban Design” and “Heritage Conservation” policy areas of *Complete Communities* should be noted:

> *Recognize, use, conserve and enhance heritage resources, including districts, buildings, landscapes and cultural heritage.*
>
> *Conserve, protect and celebrate the significant heritage resources that illustrate the broad range of Winnipeg’s heritage values.*
>
> *Recognize the importance of a broad range of tangible and intangible heritage resources throughout the city that illustrate Winnipeg’s unique sense of place and community pride.*

City of Winnipeg Zoning By-law

The applicant is requesting the following variances to the *City of Winnipeg Zoning By-law*:

Variances to maintain the existing building:

- Variances to the dimensional standards under the bylaw for the “R2” Residential Two-Family district have been requested. These include reduced front yards, rear yards, and increased building height.
- The front yard setback was determined based on a Front Yard Alignment, which establishes the required setback at 15 feet for the subject property. The rear yard requirement is 25 feet and the maximum building height is 35 feet, per the bylaw.
- In this case, the applicant is proposing to convert the existing building and no modifications to the building footprint or height are proposed.

Parking related variances:

- The bylaw requires multi-family dwellings to provide 1.2 parking stalls per dwelling unit (Urban Infill Area). The bylaw requirement is 10 spaces for eight units. The applicant is proposing to construct two parking spaces.
- The bylaw requires at least one accessible parking stall for developments that are required to provide between 1 and 25 parking stalls. As noted, the proposed development is required to provide 10 parking stalls, therefore one accessible parking stall is required. The site plan submitted with the application does not show any accessible parking spaces being provided.
- The bylaw requires two-way drive aisles to be at least 20 ft. in width. In this case, the applicant is proposing to construct a 9.5 ft. wide drive aisle.

Bike enclosure variances:

- The bylaw requires detached accessory structures that are not located behind a principal building to meet the minimum yards applicable to the principal building. In this case, 8 ft. of the proposed bike enclosure would be located in the required front yard, providing a 6 ft. setback from the front property limit.

Variance Review

The proposed development would add to the variety of housing types in the neighbourhood. Subject to conditions of approval, the proposed development would be compatible with and complimentary to surrounding properties in terms of building massing, scale and built form.

The proposed development also helps preserve and enhance a heritage structure, which in itself is an integral component of the neighbourhood character.

- Thus, the proposed development would be generally consistent with the *Complete Communities Direction Strategy.*

The subject block is also mixed in land use. For example, across the street to the south, at 518 Burrows Avenue, is a five unit multi-family dwelling. To the west is a commercial deli shop, European Meats, which has been in the area since the 1950s.

The property is also located on a corner and in a very walkable neighbourhood with sidewalks . Commercial amenities and transit are available nearby on Salter Street (two blocks east) and McGregor Street (one blocks east). Frequent transit service is available on both Salter and McGregor Streets. William Whyte School is located one block south of the site.

- The above noted characteristics suggest that the site is an appropriate location for multi-family development and the proposed development would be compatible with the area.

Conditions of approval are included to ensure future development does not create an adverse impact on adjacent properties. These are described in greater detail in the Administrative Report for related File No. DCU 19-213647/C.

Accessible Parking Variance:

With respect to the variance to not provide any accessible parking spaces, it is noteworthy that both proposed parking spaces would be 10 ft. wide and thus meet the dimensional requirements to be considered accessible parking space dimensions.

It is recommended that the variance to not provide any accessible parking be rejected, and instead the applicant ensure that at least one parking space is dedicated for accessible parking for any future residents who may require such a space.

Yard Variances:

Dimensional standards could not be met without significantly demolishing or altering the existing structure on the land. The variances are thus the minimum modification as they accommodate adaptive reuse of the existing building in its existing footprint.

Parking Supply Variance:

With respects to parking supply related variances, the subject property is in an area with a very low rate of registered motor vehicles per household. There is also ample on-street parking available for visitors.

The applicant has also made efforts to address the parking deficiency by including a bike enclosure within the scope of the proposed development (See Figure 5). These efforts, combined with the surrounding context, suggest the variance to reduce parking requirements is the minimum modification necessary to accommodate the proposal.

Drive Aisle Variance:

With respect to the variance for a reduced drive aisle width, as noted, the site is significantly constrained and it would be impossible to provide a drive aisle that meets the bylaw requirement. It is not unreasonable to provide a 9.5 ft. drive aisle to accommodate two parking spaces as this is similar to the width of a single-car driveway for a private single-family residence.

Initially, the applicant proposed a wider drive aisle with narrower parking spaces. The Public Service suggested the applicant modify the parking layout such that parking spaces are wider

(in order to be functional given they would be located next to a fence) and reduce the width of the drive aisle accordingly.

Reduced Front Yard to Bike Enclosure Variance

With respect to the variance to allow a reduced front yard for the bike enclosure, as noted, the site is constrained. There are no other locations to place the enclosure without either reducing its size (thereby reducing the amount of bicycles it could accommodate) or significantly altering the building (which is also not desirable).

It is worth noting that most of the enclosure would be located in the side yard and thus comply with the bylaw. The structure would be 7.5 ft. wide by 24 ft. deep. Only 8 ft. of the structure would be in the front yard. Reducing the depth of the enclosure would reduce the amount of bike parking it can accommodate.

The structure would also be set back 4 ft. from the east property limit, which abuts a single-family residence. The property immediately to the east contains a set of concrete stairs and the proposed enclosure would line-up with those stairs.

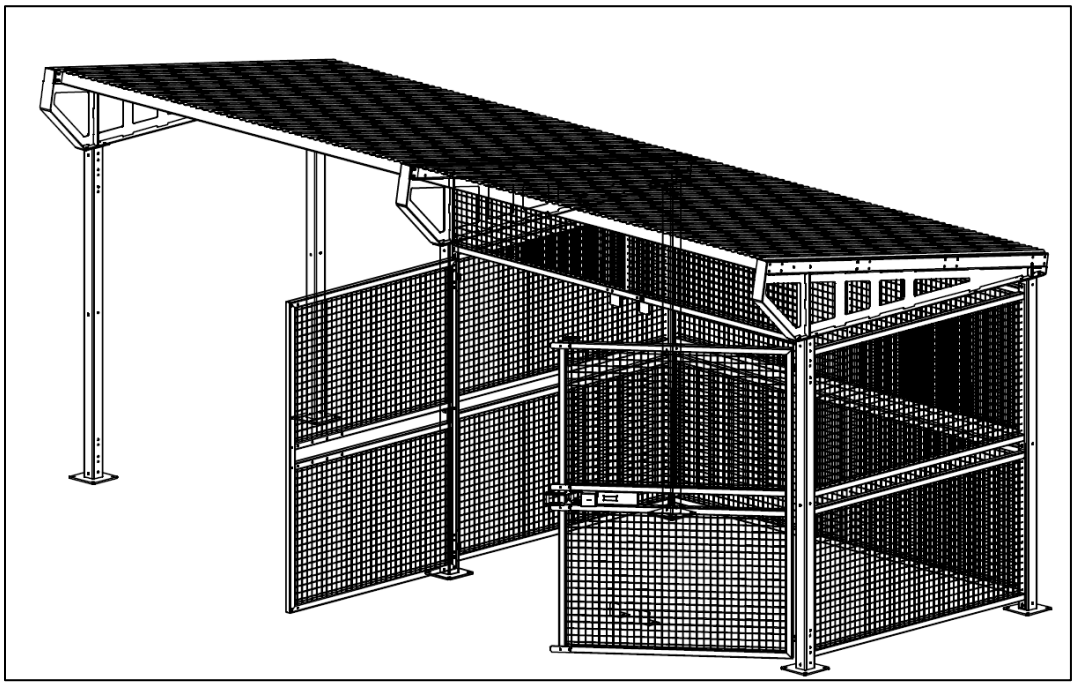


Figure 4: Proposed bike enclosure, 3D view.

REASONS FOR RECOMMENDATIONS

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

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

> ***In that****, the proposed development represents a low to moderate increase in density and adds to the housing types in the community for new and existing residents, while conserving a heritage asset in the community.*

(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**, subject to conditions of approval noted in the Administrative Report for related file DCU 19-213647/C, the variances would not create an adverse effect on adjoining properties and adjacent areas.*

(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,** to the extent that the variances comply with the Complete Communities Direction Strategy of OurWinnipeg, and are compatible with the area, suggest that the bylaw poses an injurious effect on the property and, with the exception of the variance to not provide accessible parking, the variances are the minimum modification necessary to relieve said effect.*

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

***In that**, the proposed development would be located on a block that has an existing mix of building typologies and densities, and the development would enhance an existing landmark building, thus the development would not be incompatible with the area.*

OURWINNIPEG POLICY ALIGNMENT

The property is located within an Area of Stability policy area of *OurWinnipeg* and *Complete Communities*. The proposed development accommodates infill in an area with existing infrastructure.

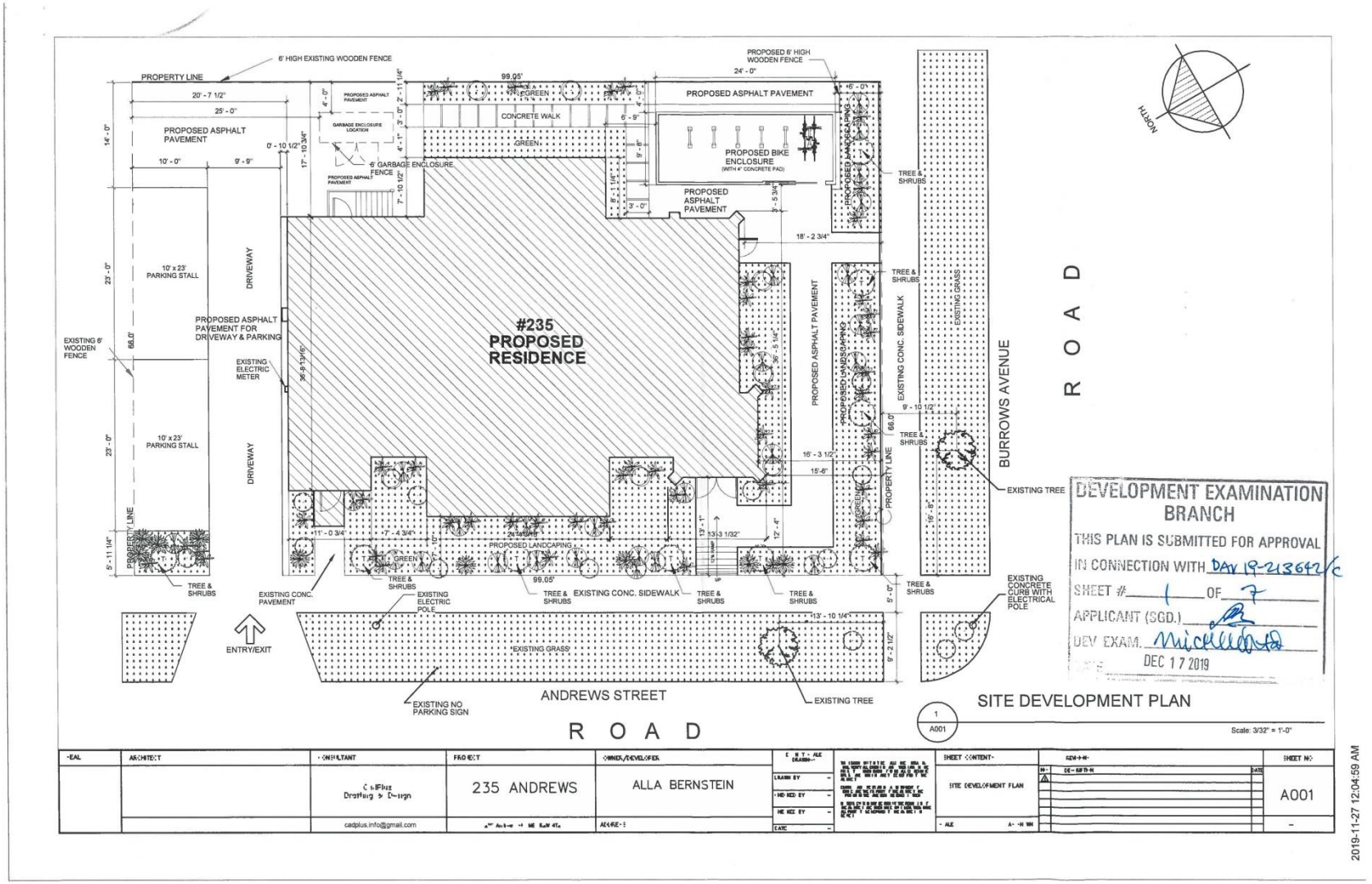
WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

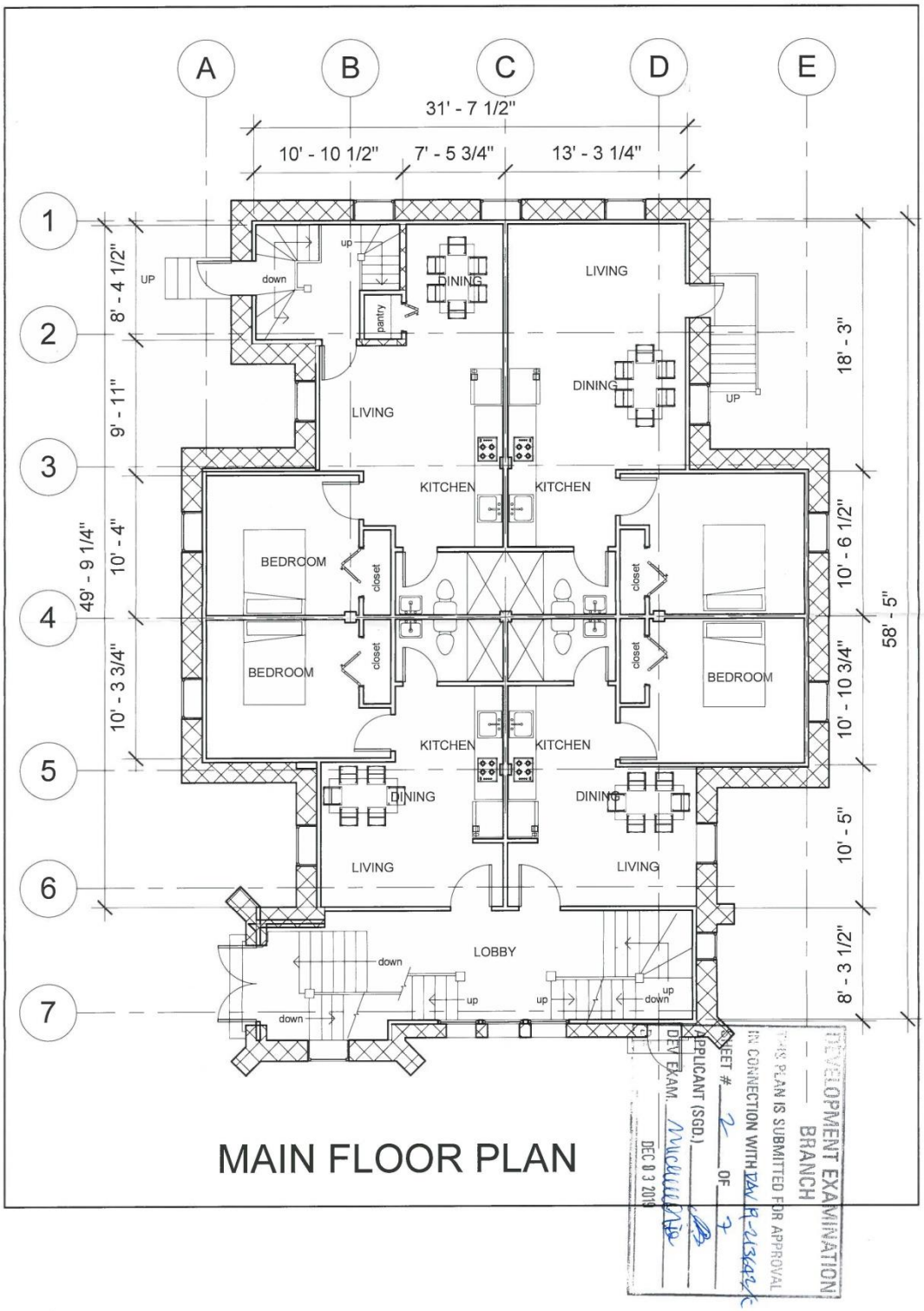
The proposed development facilitates an increase in density by adding additional dwelling units to the subject block, thereby capitalizing on existing infrastructure.

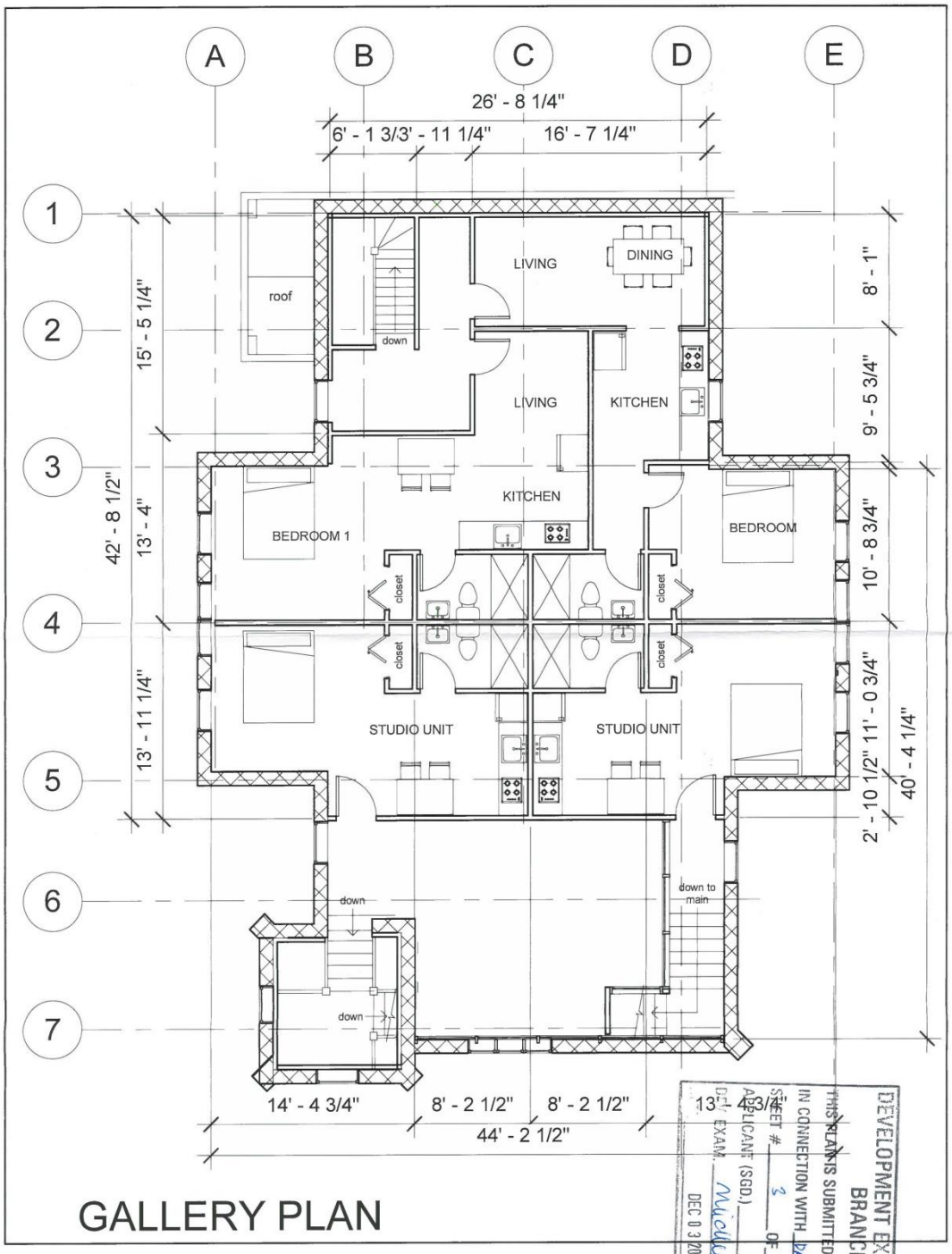
SUBMITTED BY

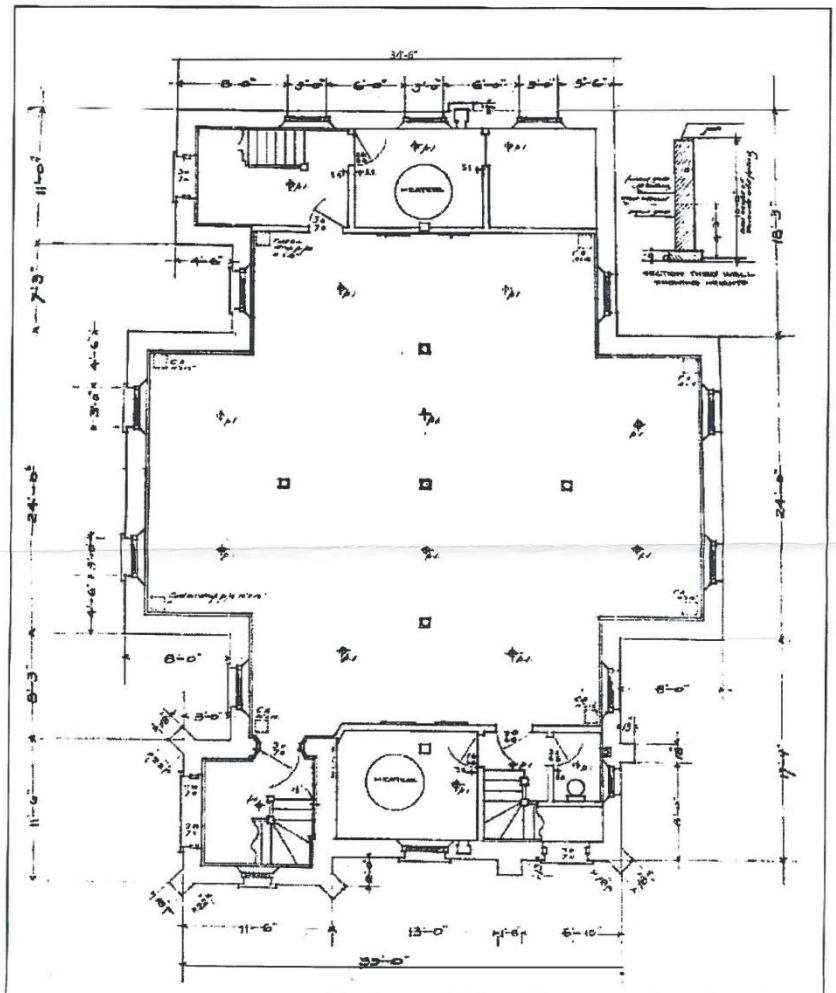
Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	R. Hayer, MCP
Date:	Wednesday, December 18, 2019
File No.	DAV 19-213642\C

Exhibit “7” referred to in File DAV 213642/2019C




A
B
C
D
E
1
2
3
4
5
6
7
31' - 7 1/2"
10' - 10 1/2"
7' - 5 3/4"
13' - 3 1/4"
8' - 4 1/2"
9' - 11"
10' - 4"
10' - 3 3/4"
49' - 9 1/4"
18' - 3"
10' - 6 1/2"
10' - 10 3/4"
10' - 5"
8' - 3 1/2"
58' - 5"
UP
down
up
pantry
DINING
LIVING
KITCHEN
BEDROOM
closet
LOBBY
MAIN FLOOR PLAN
DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH DA
APPLICANT (SGD.)
SHEET # 2 OF 2
DEV. EXAM.
DEC 0 3 2019


A
B
C
D
E
1
2
3
4
5
6
7
26' - 8 1/4"
6' - 1 3/3' - 11 1/4"
16' - 7 1/4"
42' - 8 1/2"
15' - 5 1/4"
13' - 4"
13' - 11 1/4"
8' - 1"
9' - 5 3/4"
10' - 8 3/4"
11' - 0 3/4"
2' - 10 1/2"
40' - 4 1/4"
roof
LIVING
DINING
down
LIVING
KITCHEN
KITCHEN
BEDROOM 1
BEDROOM
closet
closet
closet
closet
STUDIO UNIT
STUDIO UNIT
down
down
down to main
14' - 4 3/4"
8' - 2 1/2"
8' - 2 1/2"
13' - 4 3/4"
44' - 2 1/2"
GALLERY PLAN
DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAU 19-213642
SHEET # 3 OF 7
APPLICANT (SGD.)
DEV. EXAM.
DEC 03 2019



SALEM REFORMED CHURCH (235 ANDREWS STREET)

BASEMENT FLOOR PLAN

Scale 1/8" = 1'-0"

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 19-213642/C
SHEET # 4 OF 7
APPLICANT (SGD.)
DEV. EXAM.
DEC 03 2019



EAST ELEVATION



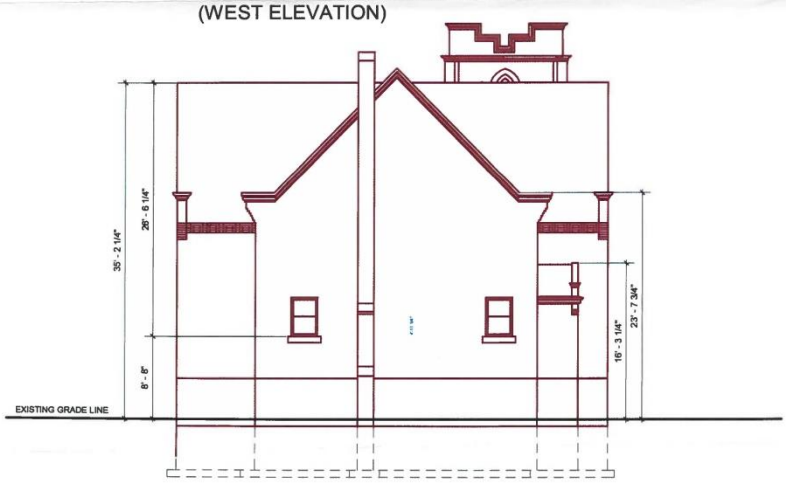
ELEVATION ALONG BURROWS STREET
(NORTH ELEVATION)

Scale 3/32" = 1'-0"

DEVELOPMENT EXAMINATION
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAU 19-213642/C
SHEET # 5 OF 7
APPLICANT (SGD.) CB
EXAM. Michael Ho
DEC 03 2019



ELEVATION ALONG ANDREW'S STREET
(WEST ELEVATION)

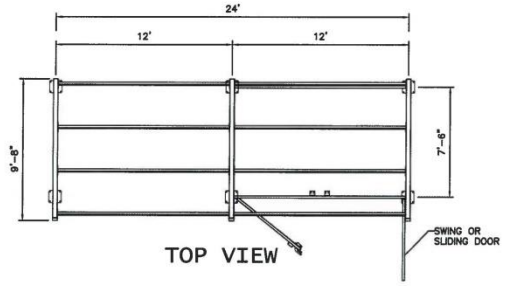


SOUTH ELEVATION

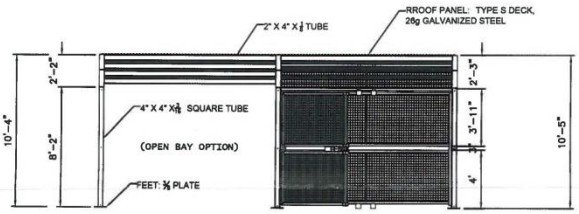
Scale 3/32" = 1'-0"

DEVELOPMENT EXAMINATION
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DP19-219842
SHEET # 6 OF 7
APPLICANT (SGD.)
DEV EXAM. Michelle Hall
DATE DEC 0 3 2019

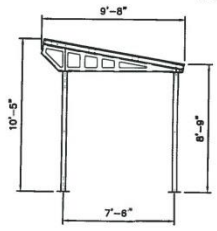
235 ANDREWS PROPSED BICYCLE SHELTER/ENCLOSURE
NOT TO SCALE



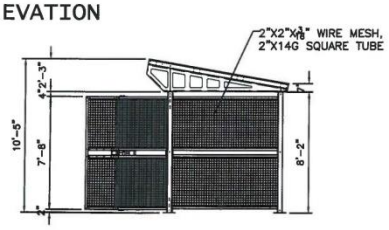
TOP VIEW



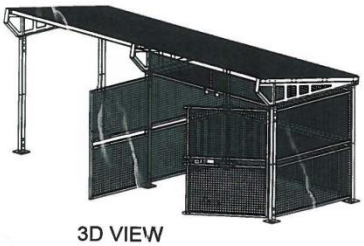
FRONT ELEVATION



SECTION



SIDE ELEVATION



3D VIEW

