Agenda – Board of Adjustment – January 8, 2020

PUBLIC HEARINGS

Item No. 16 Variance – 1034 Windermere Avenue
(River Heights-Fort Garry Ward)
File DAV 210886/2019C

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval, with conditions of the application to vary the "R1-M" dimensional standards and Special Yard Requirements of Zoning By-Law No. 200/2006 as follows:

1. for the establishment of two residential lots to permit:

    A. lot widths of 24.9 feet (7.59 metres) instead of 25 feet (7.62 metres);

    B. lot areas of 2499.2 square feet (232.2 square metres) instead of 3500 square feet (325.2 square metres); and,

2. for the construction of a single family dwelling on Lot 13 to permit:

    A. a front yard of 20 feet (6.10 metres) instead of 30 feet (9.14 metres).

Subject to the following conditions:

1. That, the height of proposed principal building on Lot 13 shall be limited to a maximum of 30 feet.

2. That, no front driveway approach shall be permitted.

3. That, there shall be no new garages constructed attached to any principal dwelling on the subject properties.

4. That, any principal dwelling located on the subject property shall provide an entrance on the building elevation facing the front yard.

5. That, the development shall be constructed substantial conformance with plans submitted under File No. DAV19-210886C, sheets 1-7, dated November 20, 2019 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

WINNIPEG PUBLIC SERVICE RECOMMENDATION (continued):

6. That, alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building elements.

7. That, the existing front approach to Lot 13 must be removed and that the curb sidewalk, sidewalk and boulevard be restored as determined by and to the satisfaction of the Director of Public Works.

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File:	DAV 210886/2019C
Applicant:	Commercial Restoration Services Ltd. (Ilya Uvarau) (2381720 Manitoba Ltd.)
Premises Affected:	1034 Windermere Avenue
Legal Description:	LOT 13/14 PLAN 23258 9/10 ST B, hereinafter called “the land”
Property Zoned:	"R1-M" Residential Single-Family-Medium
Nature of Application:	To vary the "R1-M" District Dimensional standards and Special Yard Requirements of the Winnipeg Zoning By-Law No. 200/2006 as follows: 1. for the establishment of two residential lots to permit: a. lot widths of 24.9 feet (7.59 metres) instead of 25 feet (7.62 metres); b. lot areas of 2,499.2 square feet (232.2 square metres) instead of 3,500 square feet (325.2 square metres); and, 2. for the construction of a single family dwelling on Lot 13 to permit: a. a front yard of 20 feet (6.10 metres) instead of 30 feet (9.14 metres)
Exhibits Filed:	1. Application dated December 16, 2019 2. Notification of Public Hearing dated December 19, 2019 3. Manitoba Status of Title 3026674/1 4. Surveyor’s Building Location Certificate and sketch dated September 6, 2019 5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising 6. Plans, Sheets 1 to 7 inclusive, for File DAV 210886/2019C dated November 20, 2019 7. Petition in support of the application purporting to contain the signatures of five area residents, submitted by the applicant

Exhibits Filed (continued):
8. Report from the Urban Planning Division dated December 24, 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.

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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 210886/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-210886\C – 1034 Windermere AVE

Issue: For consideration at the public hearing for variances associated with the establishment of two residential zoning lots.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
Femi Ojo, MCIP, RPP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval, with conditions of the application to vary the "R1-M" dimensional standards and Special Yard Requirements of Zoning By-Law No. 200/2006 as follows:

1) for the establishment of two residential lots to permit:

   a) lot widths of 24.9 feet (7.59 metres) instead of 25 feet (7.62 metres);

   b) lot areas of 2499.2 square feet (232.2 square metres) instead of 3500 square feet (325.2 square metres); and,

2) for the construction of a single family dwelling on Lot 13 to permit:

   a) a front yard of 20 feet (6.10 metres) instead of 30 feet (9.14 metres).

Subject to the following conditions:

1) That, the height of proposed principal building on Lot 13 shall be limited to a maximum of 30 feet.
2) That, no front driveway approach shall be permitted.
3) That, there shall be no new garages constructed attached to any principal dwelling on the subject properties.
4) That, any principal dwelling located on the subject property shall provide an entrance on the building elevation facing the front yard.

5) That, the development shall be constructed substantial conformance with plans submitted under File No. DAV19-210886C, sheets 1-7, dated November 20, 2019 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

6) That, alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building elements.

7) That, the existing front approach to Lot 13 must be removed and that the curb sidewalk, sidewalk and boulevard be restored as determined by and to the satisfaction of the Director of Public Works.

REASON FOR THE REPORT

- The applicant intends to create two residential zoning lots from an existing parcel. Variances are being requested for the reduced front yard, lot areas and lot widths.
- 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 variance application will be approved.

FILE/APPLICANT DETAILS

FILE:	**DAV 19-210886\C**
RELATED FILES:	
COMMUNITY:	City Centre Committee
NEIGHBOURHOOD #:	1.602 (Beaumont)
SUBJECT:	To vary the "R1-M" dimensional standards and Special Yard Requirements of Zoning By-Law No. 200/2006 as follows: 1) for the establishment of two residential lots to permit: a) lot widths of 24.9 feet (7.59 metres) instead of 25 feet (7.62 metres); b) lot areas of 2499.2 square feet (232.2 square metres) instead of 3500 square feet (325.2 square metres); and, 2) for the construction of a single family dwelling on Lot 13 to permit: a) a front yard of 20 feet (6.10 metres) instead of 30 feet (9.14 metres).

LOCATION:	1034 Windermere AVE
LEGAL DESCRIPTION:	LOT 13/14 PLAN 23258 9/10 ST B
APPLICANT:	Ilya Uvarau (Commercial Restoration Services Ltd.) 571 Forbes RD Winnipeg , Manitoba R2N 4B1
OWNER:	Ilya Uvarau (Commercial Restoration Services Ltd.) 571 FORBES RD Winnipeg , Manitoba R2N 4B1

HISTORY

N/A

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 Windermere Avenue in the Beaumont neighborhood of the River Heights – Fort Garry Ward.
- The subject site is made up of two (2) lots under plan subdivision (Lots 13 & 14). Currently on the property is a one 1/2-storey single-family dwelling that was built in 1919 and has a floor area of 828 square feet. The existing garage located on Lot 13 will be demolished.
- The property is 50 feet wide and +/-100 feet deep; providing a total lot area of roughly 5,001 square feet.
- The subject property falls within the Area of Stability – Mature Community Policy Area of the *Complete Community Direction Strategies*. The property is zoned “R1-M” Residential Single-Family.

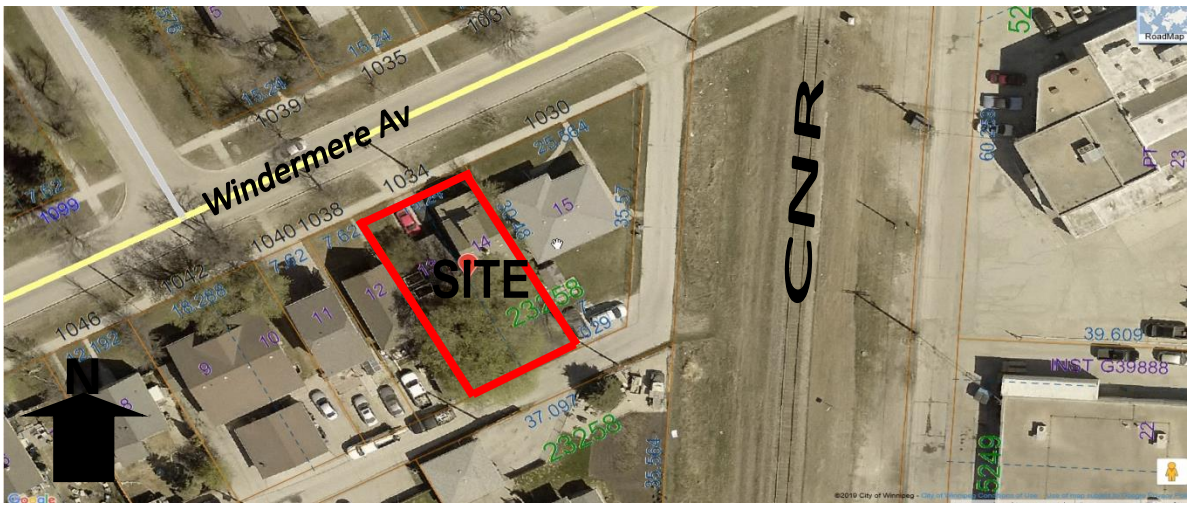


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Windermere Avenue, then residences zoned "R1-M" Residential Single-Family Medium.

South: Backlane, then residences zoned "R1-M" Residential Single-Family Medium.

East: Residences zoned "R1-M" Residential Single-Family Medium.

West: Residences zoned "R1-M" Residential Single-Family Medium.

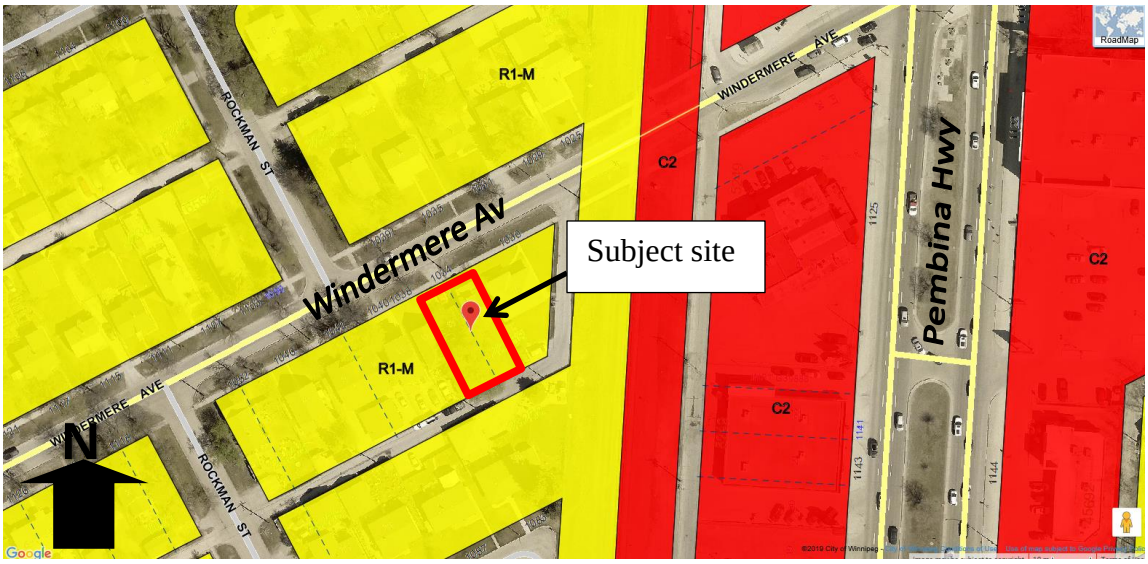


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to separate the underling titles and establish two (2) buildable lots (Lot 13 and Lot 14). While the existing single-family house on Lot 14 will be retained, the existing detached garage on Lot 13 will be demolished and replaced with a single-family dwelling.

- The applicant has submitted plans showing a 40 foot long and 20 foot wide single family dwelling on Lot 13.
- The applicant requires lot width, lot area and front yard variances to establish both lots as they do not meet the “R1-M” development standards.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY:

- The subject site is in an “Area of Stability” policy area of *OurWinnipeg* and *Complete Communities*. Key Direction in these documents that applies to Area of Stability states: “Enhance the quality, diversity, completeness and sustainability of stable neighborhoods and expand housing options for Winnipeg’s changing population.”
- Under the *Complete Communities Direction Strategy*, relevant policies for Area of Stability that apply directly to the proposed development include:
    - *Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.*

      As detailed under “Lot area/Lot width” below, the proposed lot sizes are compatible with few other lots on the block. As such, they are in compliance with Complete Communities.
    - *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.*

      The creation of an additional lot on Windermere Avenue will provide a minor density increase within this Mature Community, in alignment with the above policy. As further detailed under “Lot area/Lot width” below, the proposed lot sizes are compatible with existing development pattern on the street.
    - *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*

      The proposed single-family dwelling on Lot 13 is compatible with existing built form on the street. Conditions of approval that are being placed on this application requiring a front entrance, no attached garages, no front approach to help ensure that the development will be built in a way that complements the existing context.

The proposed lot area variance would comply with the above noted policies because they would facilitate development that increases the supply and variety of housing types in the neighbourhood, which would enhance the quality and sustainability of the neighbourhood. The Urban Planning Division supports the proposal because it complies with *Complete Communities*.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Reasons for This Application

Reduced lot widths for proposed Lots 13 and 14

In the “R1-M” zoning district, the minimum lot width requirement is 25 ft., while the applicant is proposing lot widths of 24.9 ft. for the proposed lots 13 and 14. As such, lot width variances are required.

Reduced lot areas for proposed Lots 13 and 14

In the “R1-M” zoning district, the minimum lot area requirement is 3,500 sq. ft., while the applicant is proposing lot area of 2,499.2 sq. ft. for the proposed lots 13 and 14. As such, lot area variances are required.

Reduced front yard setback of 20 feet instead of 30 feet

In the “R1-M” zoning district, the Winnipeg Zoning By-law 200/2006 requires a minimum front yard of 15 feet. It is also important to note that this is sometimes determined through a front yard alignment, which is calculated by averaging front yards of existing houses within the immediate vicinity. For the subject proposal, the front yard alignment was determined to be 20 feet.

Notwithstanding the aforementioned, the Zoning By-law 200/2006 also contains a special yards section under Schedule I which imposes greater yard setbacks for properties on particular streets. The subject site, given its location on Windermere Avenue, was included in Schedule I as requiring a special front yard of 30 feet. Likely the special yard setback was imposed as an increased performance standard where generous setbacks are meant to help create an aesthetically pleasing streetscape.

Sometimes a special yard setback will be based on plans for a future road widening and are included in the by-law under the advisement of the Public Works Department. However, in this instance, there is nothing to suggest that the latter is the reasons for the prescribed special front yard setback on this section of Windermere Avenue.

DISCUSSION AND ANALYSIS OF VARIANCE

Substandard lot areas and lot widths

The Winnipeg zoning By-law minimum lot width and lot area requirement for “R1-M” properties are 25 ft. and 3,500 sq. ft., while the applicant is proposing 24.9 ft. wide lots and lot areas of 2,499.2 sq. ft.

Typically with applications that seek to vary the lot width and area of residential lots within the mature community, the Urban Planning Division will base support on existing examples of lots that are the same size as those proposed on the same block. In this case, there are few similarly sized lots on the street as noted below.

Examples of existing similarly sized lots on this block of Windermere Avenue are;

- 1038 Windermere Av. (Lot width 25 ft.; Lot area 2,586 sq. ft.);
- 1040 Windermere Av. (Lot width 25 ft.; Lot area 3,334 sq. ft.); and

Aside from the above, it is important to note that the reduced lot width variance is minor in nature, and would not cause any adverse effect on existing development pattern on this block of Windermere Avenue.

The subject proposal meets several of the intents and policies outlined by *OurWinnipeg* and the *Complete Communities Direction Strategy* with regard to providing affordable infill housing in a context sensitive manner, and as such, the Urban Planning Division is supportive of the variances for the proposed lot widths and lot areas.

Reduced front yard setback

As mentioned earlier, the zoning by-law minimum front yard setback requirement in the "R1-M" zoning district is 15 feet, while the special front yard requirement (in this case 30 feet) as listed under Schedule I in the zoning by-law is applicable to this section of Windermere Avenue.

Being that the applicant is proposing a 20 foot front yard for the proposed building, which is consistent with the 20 foot front yard alignment and greater than the zoning by-law requirement of 15 feet, the Urban Planning Division is comfortable supporting the subject variance request.

It was also confirmed by the City's Public Works Department that there are no future road widening plan for this stretch of Windermere Avenue.

CONDITIONS OF APPROVAL

- In order to maintain the existing built form in this residential area, a few conditions of approval are recommended. These include garages not be attached to the principal dwelling, that access to the property be directly from the rear public lane (i.e. no front approaches) and that the building must have an entrance on the front façade. These conditions are necessary to ensure that the proposal will be developed in a manner that reflects the established built form.

- Condition # 5 is to ensure that what is eventually developed on the ground conforms to the plans submitted with this application.

- Condition # 6 is to ensure that there is a minimum of 2 feet clearance between the building wall and the lot line at all times. The 2 foot minimum side yard is important to as most developers now design buildings with projections that tend to impede movement along the side yards.

- Condition # 7 is to ensure that the existing front approach on Lot 13 is closed and the boulevard restored to City standard, while parking is taking off the rear public lane.

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 establishment of two (2) residential lots and the construction a single-family residential dwelling on Lot 13 is consistent with Complete Communities that calls for context-sensitive infill development.

(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 establishment of two residential lots and the construction of one single-family dwelling on Lot 13 will not create any adverse effect on adjoining properties.

(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;

In that, the subject site has an underlying parcel survey of two (2) lots in the original plan subdivision. The applicant requires the approval of these variances as part of the lot split process to establish two separate titles creating buildable lots.

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

In that, the proposed lots and the construction of a single-family dwelling on Lot 13 will be compatible with the existing built form and character on this block of Windermere Avenue.

CONSULTATION

In preparing this report there was internal consultation with:

Public Works Department
Water and Waste Division
Winnipeg Transit

OURWINNIPEG POLICY ALIGNMENT

- **Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.**

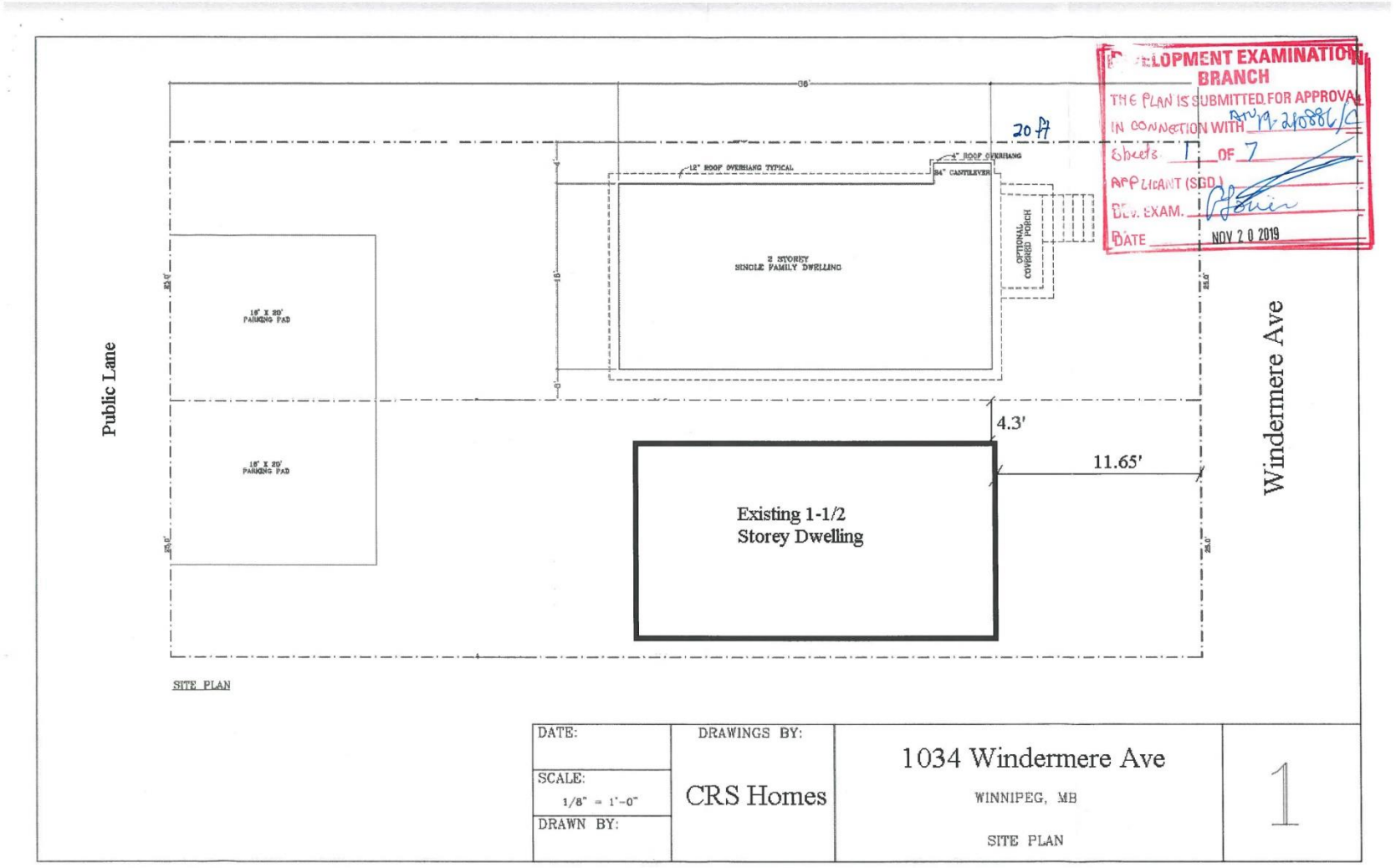
WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

- Construct more complete neighbourhood and revitalize the livability of all communities throughout Winnipeg.

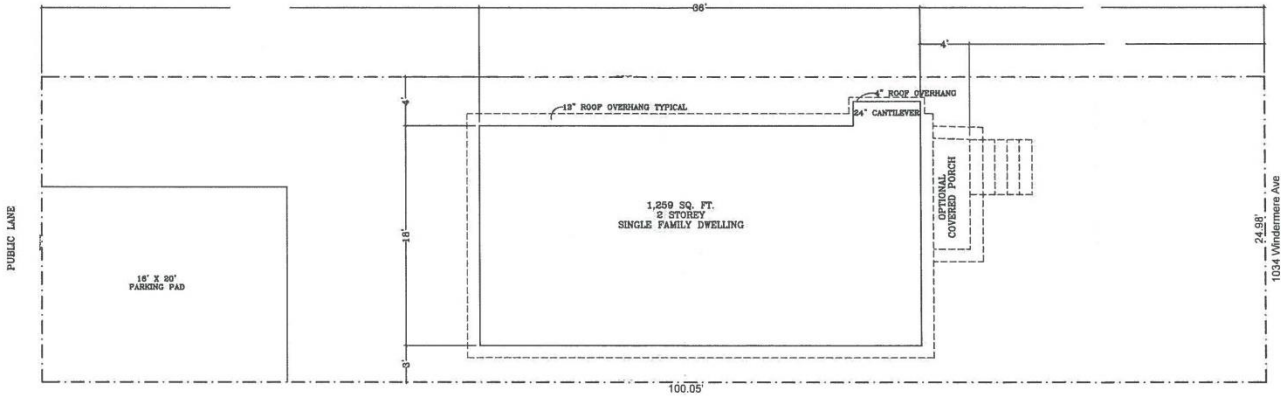
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Femi Ojo, MCIP, RPP
Date:	December 24, 2019
File No.	DAV 19-210886\C

Exhibit “6” referred to in File DAV 210886/2019C



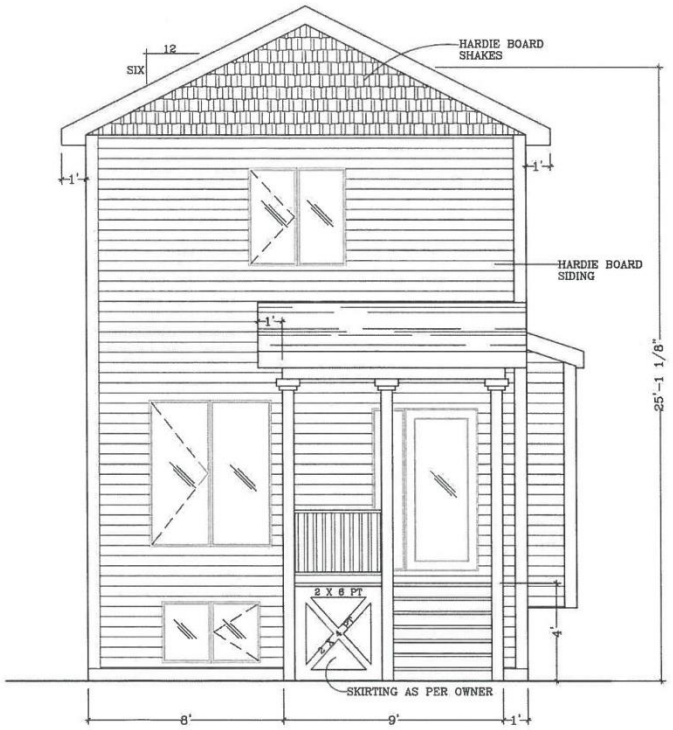
DEVELOPMENT EXAMINATION BRANCH
THE PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DEV 19-210886
SHEETS 2 OF 7
APPLICANT (SGD.)
DEV. EXAM.
DATE NOV 2 0 2019



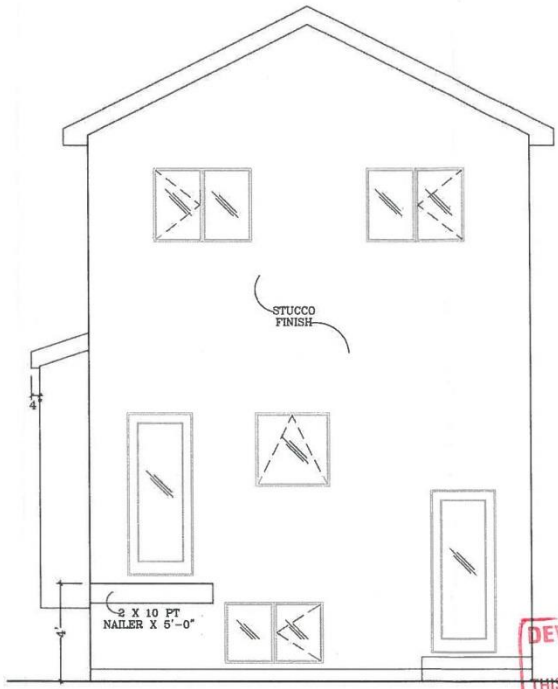
SITE PLAN

SINGLE FAMILY DWELLING FOR:

DATE:	DRAWINGS BY:	COMMERCIAL RESTORATION SERVICES	1
SCALE: 1/8" = 1'-0"		1034 Windermere Ave WINNIPEG, MB	
DRAWN BY:		SITE PLAN	



FRONT ELEVATION



REAR ELEVATION

SINGLE FAMILY DWELLING FOR:

1034 Windermere Ave

WINNIPEG, MB

ELEVATIONS

2

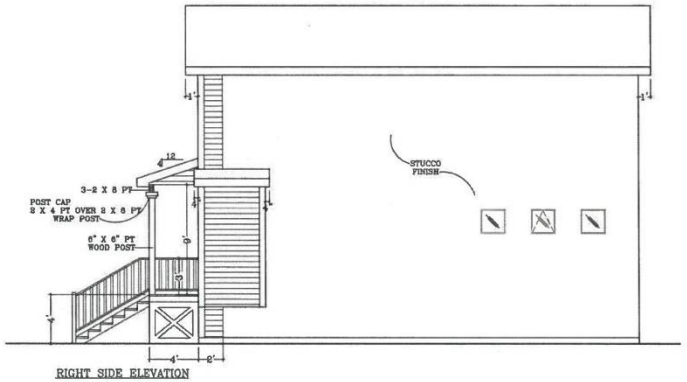
DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH AP 19-210886/C
SHEET # 3 OF 7
APPLICANT
DEV. EXAM.
DATE NOV 20 2019

DRAWINGS BY:

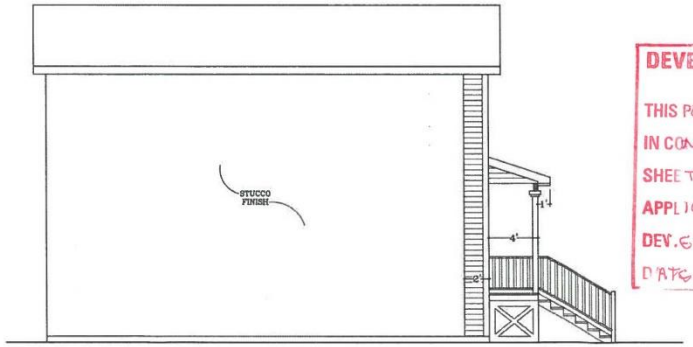
DATE:

SCALE: 1/4" = 1'-0"

DRAWN BY:



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

DEVE... ...MINATION

THIS PLANS SUBMITTED FOR APPROVAL

IN CONNECTION WITH 19-210886/C

SHEETS 4 7

APPLICANT

DEV. EXAM

DATE NOV 2 0 2019

SINGLE FAMILY DWELLING FOR:

1034 Windermere Ave

WINNIPEG, MB

SIDE ELEVATIONS

DRAWINGS BY:

SCALE: 1/8" = 1'-0"

DRAWN BY:

DATE:

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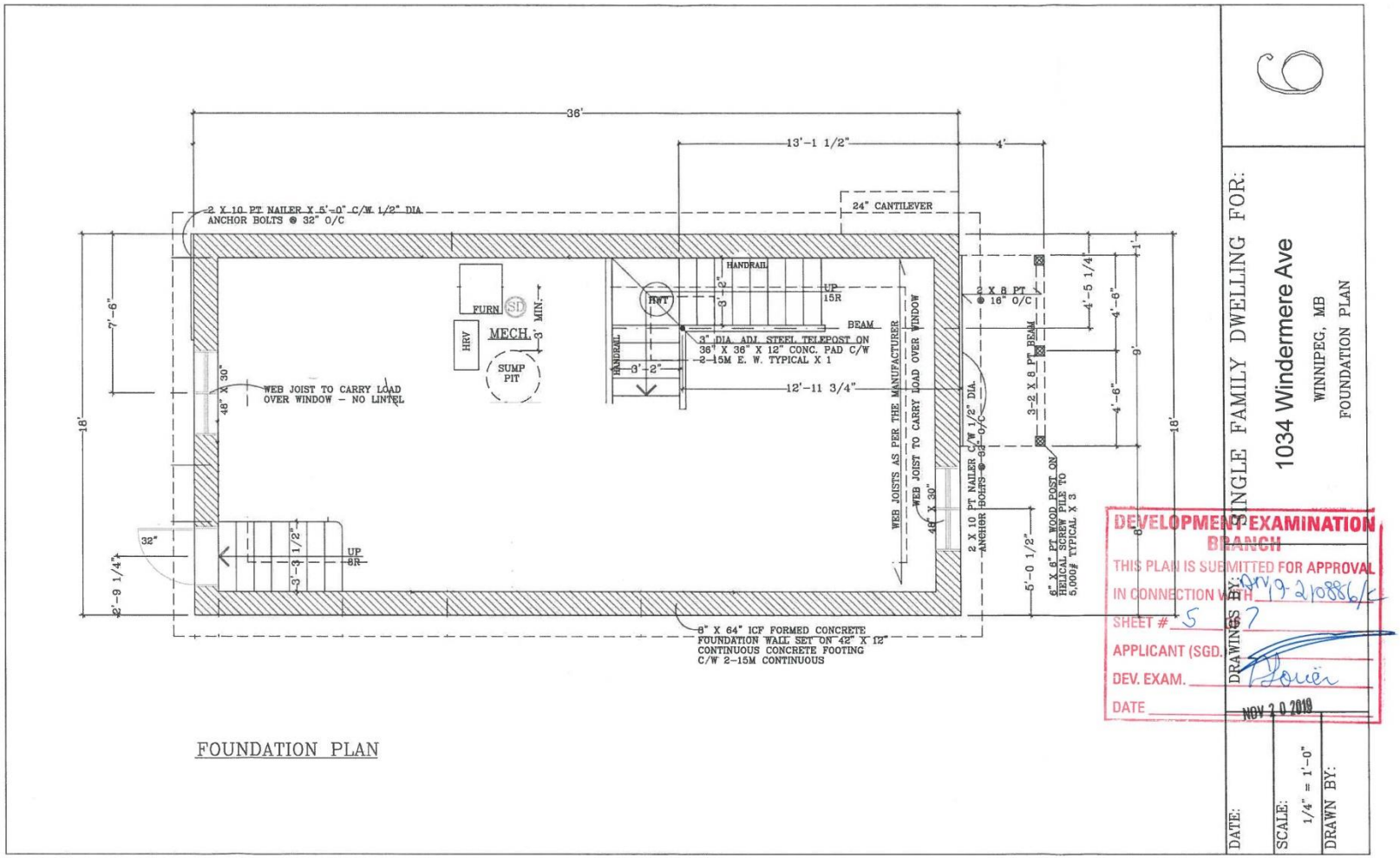
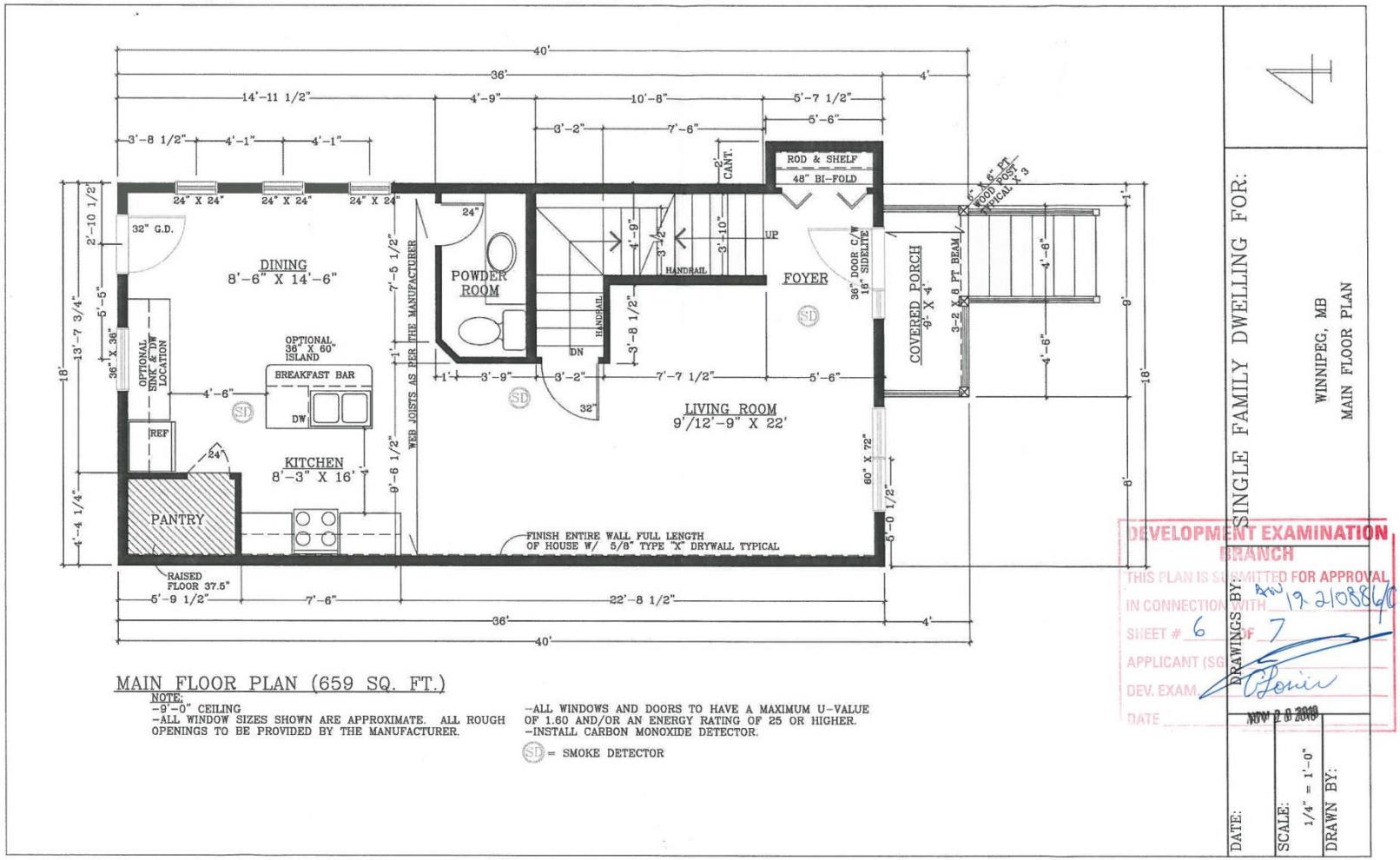


FOUNDATION PLAN



MAIN FLOOR PLAN (659 SQ. FT.)

NOTE:
-9'-0" CEILING
-ALL WINDOW SIZES SHOWN ARE APPROXIMATE. ALL ROUGH OPENINGS TO BE PROVIDED BY THE MANUFACTURER.
-ALL WINDOWS AND DOORS TO HAVE A MAXIMUM U-VALUE OF 1.60 AND/OR AN ENERGY RATING OF 25 OR HIGHER.
-INSTALL CARBON MONOXIDE DETECTOR.

(SD) = SMOKE DETECTOR

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH 19 210886
SHEET # 6 OF 7
APPLICANT (SIG.)
DEV. EXAM.
DATE NOV 2 0 2019

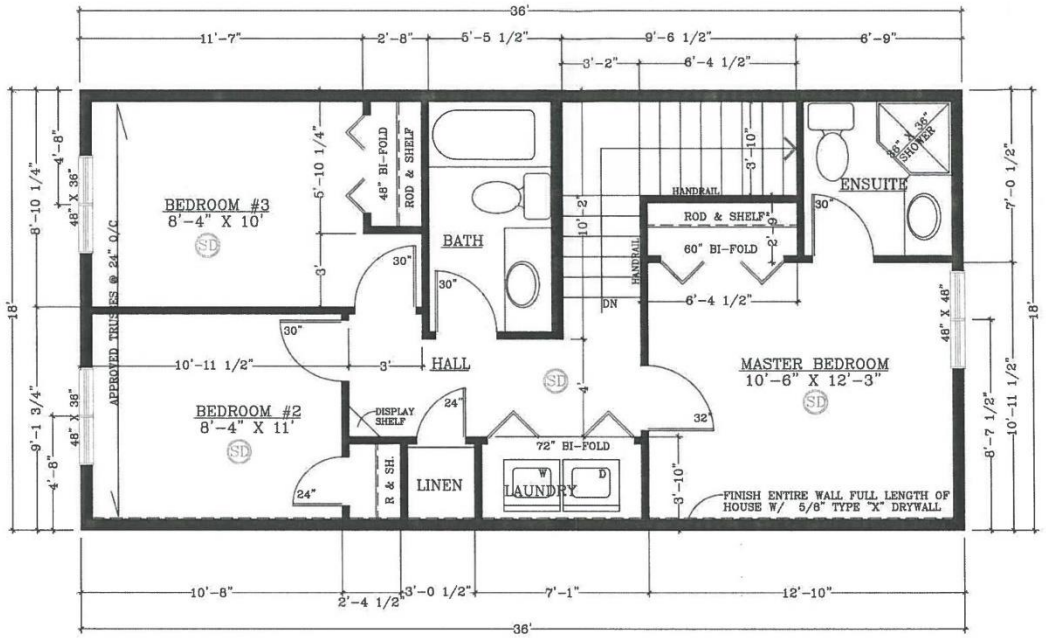
4

SINGLE FAMILY DWELLING FOR:

WINNIPEG, MB

MAIN FLOOR PLAN

DATE:
SCALE: 1/4" = 1'-0"
DRAWN BY:



SECOND FLOOR PLAN (600 SQ. FT.)

NOTE:
-CEILING HEIGHT 8'
-INSTALL CARBON MONOXIDE DETECTOR
-PROVIDE ATTIC ACCESS
-ALL WINDOW SIZES SHOWN ARE APPROXIMATE. ALL ROUGH OPENINGS ARE TO BE PROVIDED BY THE MANUFACTURER.
-ALL WINDOWS TO HAVE A MAXIMUM U-VALUE OF 1.60 AND/OR AN ENERGY RATING OF 25 OR HIGHER.

SD = SMOKE DETECTOR

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH 19-210886
SHEET # 7 OF 7
APPLICANT (SGD.)
DEV. EXAM.
DATE NOV 2 0 2019

5

SINGLE FAMILY DWELLING FOR:
1034 Windermere Ave
WINNIPEG, MB
SECOND FLOOR PLAN

DRAWINGS BY:
DRAWN BY:
SCALE: 1/4" = 1'-0"
DATE: