Agenda – Board of Adjustment – January 8, 2020

PUBLIC HEARINGS

Item No. 25 Variance – 159 Imperial Avenue
(St. Vital Ward)
File DAV 181017/2019C

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application to vary the "R1-M" dimensional standards of Zoning By-Law No. 200/2006 for the establishment of a residential zoning lot to permit a lot area of 2550 square feet (236.9 square metres) instead of 3500 square feet (325.2 square metres), on Lot 62.

Subject to the following conditions:

1. That, the height of principal buildings 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 property.

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

5. That, each newly constructed dwelling shall be distinctly different from one another in terms of the design, and incorporate a balance of varying materials into the front façade.

6. That the Owner must submit plans showing the location and design of any and all proposed:

   A. buildings including elevations of the front façades identifying proposed finishing materials;
   B. accessory parking areas;
   C. driveways;
   D. fencing;
   E. landscaping

   on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

WINNIPEG PUBLIC SERVICE RECOMMENDATION (continued):

7. 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.

8. That the existing approach to the subject site from Imperial Avenue to Lot 63 must be removed and that the curb, sidewalk and boulevard be restored as determined by and to the satisfaction of the Director of Public Works.

9. That prior to issuance of permits an arborist's report on the viability of retaining existing trees be submitted to the Director of Planning, Property and Development for information.

Agenda – Board of Adjustment – January 8, 2020

File:	DAV 181017/2019C
Applicant:	Rahul Sohar
Premises Affected:	159 Imperial Avenue
Legal Description:	LOT 62/63 PLAN 21953 107/8 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 of Zoning By-Law No. 200/2006 for the establishment of a residential zoning lot to permit a lot area of 2,550 square feet (236.9 square metres) instead of 3,500 square feet (325.2 square metres), on Lot 62
Exhibits Filed:	1. Application dated December 12, 2019 2. Notification of Public Hearing dated December 12, 2019 3. Manitoba Status of Title 2927647/1 4. Letter of authorization dated August 21, 2019 from Vipin, Sachar, AYRS Investing Solutions Ltd. to Rahul Sohar, V&A Custom Homes 5. Surveyor’s Building Location Certificate and sketch dated February 20, 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 8 inclusive, for File DAV 181017/2019C dated December 6, 2019 8. Report from the Urban Planning Division dated December 10, 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 181017/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-181017\C – 159 Imperial AVE

Issue: For consideration at the public hearing for a variance associated with the establishment of two residential 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
Simi Jerez	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the "R1-M" dimensional standards of Zoning By-Law No. 200/2006 for the establishment of a residential zoning lot to permit a lot area of 2550 square feet (236.9 square metres) instead of 3500 square feet (325.2 square metres), on Lot 62.

Subject to the following conditions:

1) That, the height of principal buildings 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 property.
4) That, any principal dwelling located on the subject properties shall provide an entrance on the building elevation facing the front yard.
5) That, each newly constructed dwelling shall be distinctly different from one another in terms of the design, and incorporate a balance of varying materials into the front façade.
6) That the Owner must submit plans showing the location and design of any and all proposed:
    i. buildings including elevations of the front façades identifying proposed finishing materials;
    ii. accessory parking areas;
    iii. driveways;
    iv. fencing;

v. landscaping

on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

7) 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.

8) That the existing approach to the subject site from Imperial Avenue to Lot 63 must be removed and that the curb, sidewalk and boulevard be restored as determined by and to the satisfaction of the Director of Public Works.

9) That prior to issuance of permits an arborist's report on the viability of retaining existing trees be submitted to the Director of Planning, Property and Development for information.

REASON FOR THE REPORT

- This report provides information and makes recommendations regarding the subject application's compliance with The City of Winnipeg Charter.
- 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, a development permit can be issued.

FILE/APPLICANT DETAILS

FILE:	**DAV 19-181017\C**
RELATED FILES:	CA 9/2019
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.508 (Glenwood)
SUBJECT:	To vary the "R1-M" dimensional standards of Zoning By-Law No. 200/2006 for the establishment of a residential zoning lot to permit a lot area of 2550 square feet (236.9 square metres) instead of 3500 square feet (325.2 square metres), on Lot 62.
LOCATION:	159 Imperial AVE
LEGAL DESCRIPTION:	LOT 62/63 PLAN 21953 107/8 ST B
APPLICANT:	RAHUL SOHAR 255 CREEKSIDE RD Winnipeg , Manitoba R3Y 0P1
OWNER:	AVRS INVESTING SOLUTIONS LTD. 68 DEER RIDGE BAY Winnipeg , Manitoba R3Y 0M1

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 north side of Imperial Avenue between Rue Des Meurons and Egerton Road, in the Glenwood neighbourhood of the St Vital ward.
- The site is 6,377 square feet in area and contains a one and one-half storey 1,846 square foot single-family home built in 1929.
- The site is in the Areas of Stability – Mature Communities policy area under the *Complete Communities Direction Strategy*. The property is zoned "R1-M" Residential Single-family Medium.

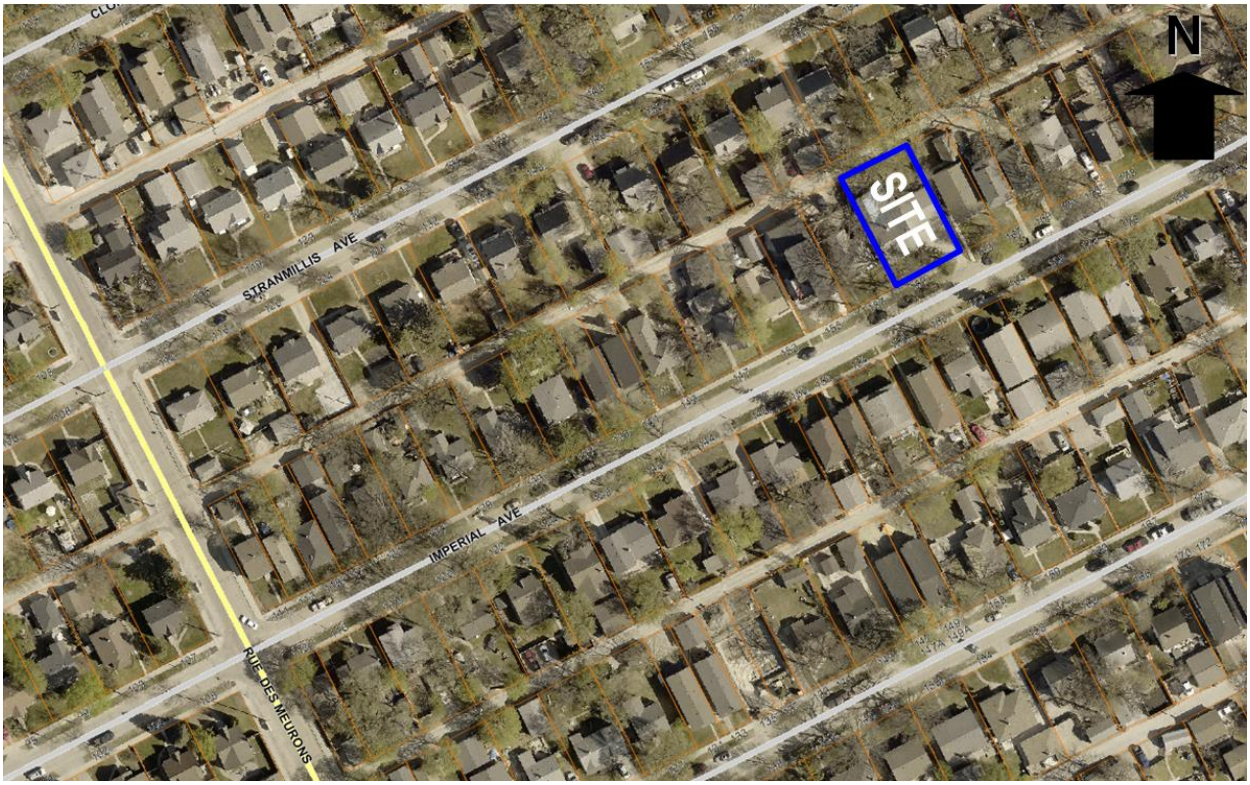


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Rear lane; then dwelling uses zoned "R1-M" Residential Single-Family Medium.

South: Imperial Avenue; then dwelling uses zoned "R1-M" Residential Single-Family Medium.

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

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

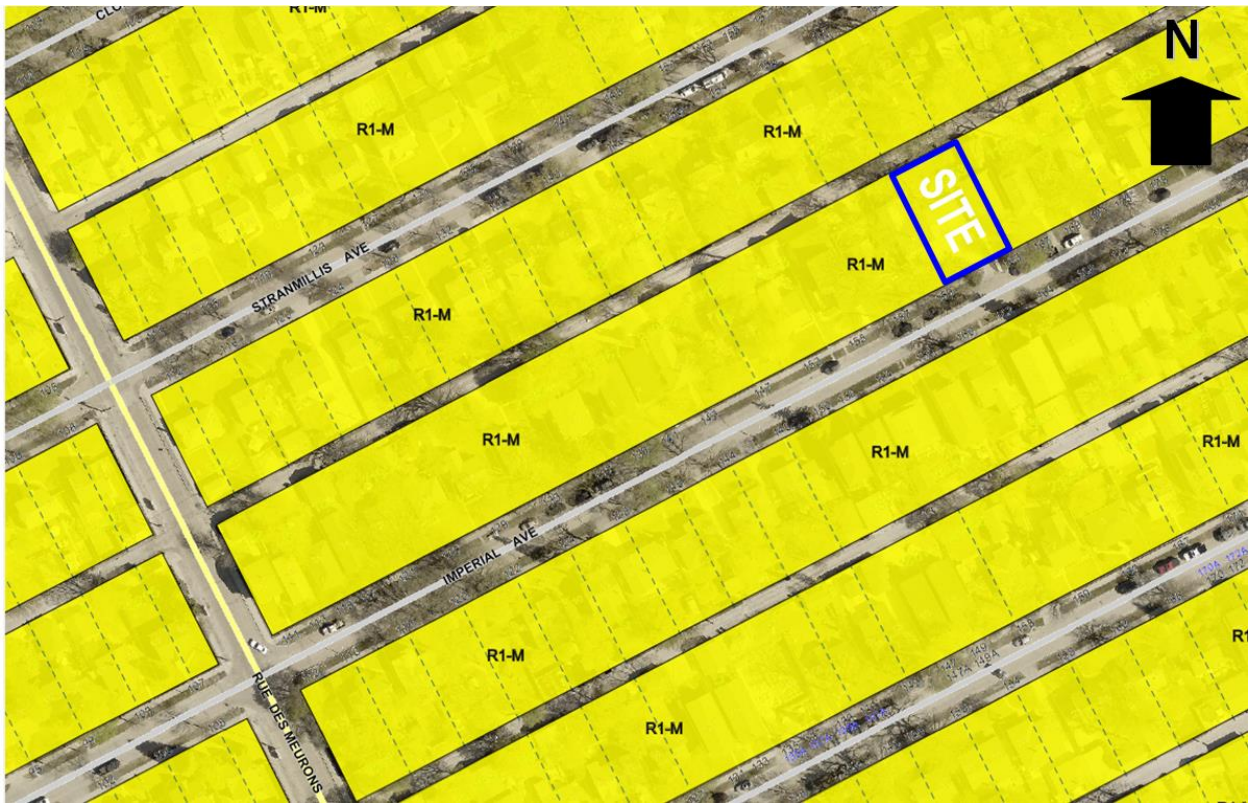


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to split an existing 62.5 foot wide parcel into two (2) residential zoning lots. The existing house and all accessory structures on the property will be demolished.
- The proposed lots are serviced by a back lane. On each lot the applicant intends to construct a new single-family dwelling.
- Plans and elevations have been submitted, showing two distinct dwellings, however the Public Service would like to work with the applicant to further improve the proposed facades and site plans.

ANALYSIS AND ISSUES

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 classified as an "Area of Stability" in *Complete Communities'* Urban Structure map. 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 regard to this proposal, the key policies guiding the development of Areas of Stability include the following:
  - 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.
  - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
  - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
  - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

ZONING BY-LAW 200/2006

- The "R1-M" Residential Single-Family Medium district requires a minimum lot area of 3,500 square feet. The applicant is requesting a lot area of 2,550 square feet for Lot 62. As such, a variance is required.

ANALYSIS OF VARIANCES

- The site is located in the Areas of Stability – Mature Communities policy area under *the Complete Communities Direction Strategy*. Policies guiding development in the Mature Communities policy area support the subdivision of a parcel of land into two or more lots when it is done in a context-sensitive manner.
- Typically with applications that seek to vary the lot area of residential lots, the Urban Planning Division will base support on existing examples of lots that are the same size as those proposed on the same block. Sometimes one block will have many examples and will be easy to support. In other cases a block may have only a few examples of lots the same size as what is being proposed and are supported based on these limited examples.
- With respect to the subject application, there are examples of properties with the same or less lot width and lot area as those proposed (111, 112, 113, 115, 117, 150, 152, 167, 169 171, 172 and 173 Imperial Avenue). Based on these examples the Urban Planning Division is recommending support of the variances.
- The Urban Planning Division supports this type of moderate infill within mature communities for a number of reasons:
  - Has minimal impact on the existing form and adds a moderate increase in density;
  - It is located within close walking distance to the St. Anne's Road Regional Mixed Use Corridor;
  - It provides more people to patronize the local community clubs, schools, parks, libraries, etc.; and,
  - It utilizes existing infrastructure in an efficient manner.

RECOMMENDED CONDITIONS OF APPROVAL

- The recommended conditions of approval associated with restricting height, front driveway approaches, attached garages and requiring an entrance on the front building elevation are

included to help ensure future development complements the reduced size of the new lot as well as is compatible with the majority of the homes in the area.

- Plan approval by the Director of Planning, Property and Development is recommended as a condition of approval in order to review the cladding materials and colour renderings/ elevations proposed for the houses to ensure the development complements the existing character of the street. It is also recommended to ensure that the houses have some distinguishing characteristics that set them apart from one another avoiding a "cookie cutter" style of development.

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 the application is consistent with the Complete Communities Direction Strategy*, which supports the subdivision of a parcel of land into two or more lots when it's done in a context-sensitive manner.*

(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 proposed lot sizes and yards are compatible with the surrounding neighbourhood and will not have an adverse effect on the safety of 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; and

In that, the variances as applied for will allow the applicant to introduce moderate intensification on the subject property which is consistent with the Complete Communities Direction Strategy*.*

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

In that, the proposed lot sizes are consistent with several existing established lots on the subject block and the recommended conditions of approval will help to ensure future development is compatible with existing single family homes on the block.

CONSULTATION

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

OUR WINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg's Approach to City Building

- **Direction 3: Promote compact urban form and manage the extension of municipal services for new growth:**
    - Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.

01-1c Key Directions for Specific Areas – Areas of Stability

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

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

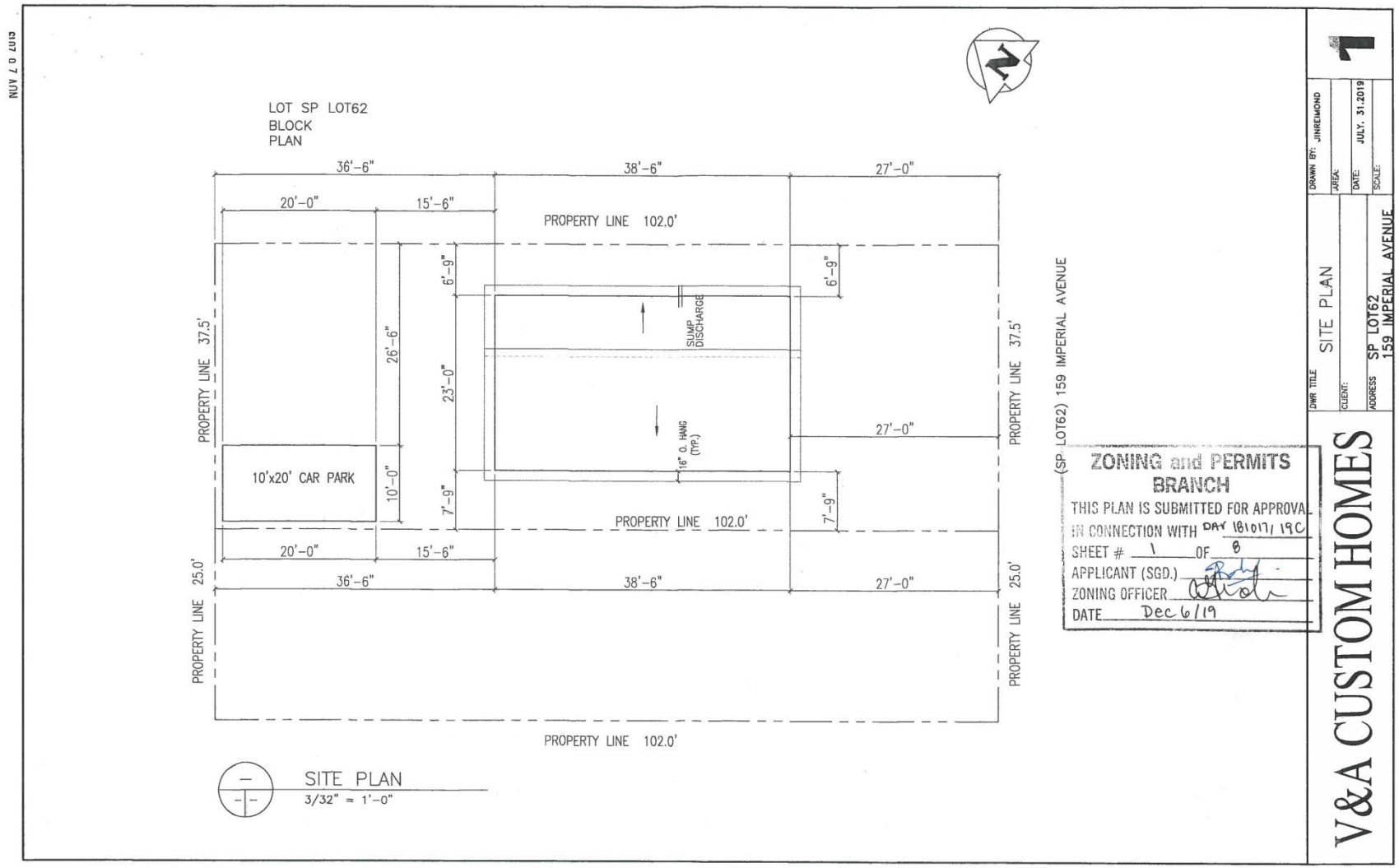
Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

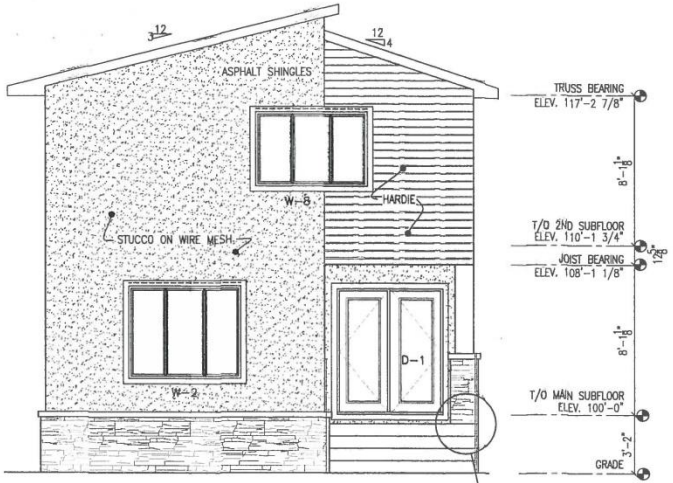
- **Key Direction 4.2:** Ensure new areas of growth are designed according to the principles of Complete Communities.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Simi Jerez
Date:	Tuesday, December 10, 2019
File No.	DAV 19-181017\C

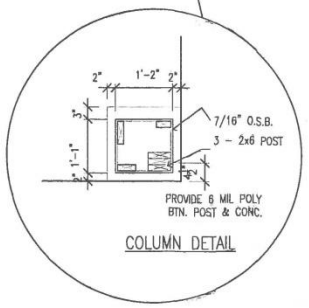
Exhibit “7” referred to in File DAV 181017/2019C





FRONT ELEVATION
SCALE: 3/16" = 1'-0"

NOTE:
COLOUR OF HARDIR = BROWN
COLOUR OF STUCCO. = GREY
BLACK RANDAL STONE. = GREY



COLUMN DETAIL

ZONING and PERMITS
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAY 10/01/19C
SHEET # 2 OF 8
APPLICANT (SGD.) Ralph
ZONING OFFICER Patricia
DATE Dec 6/19



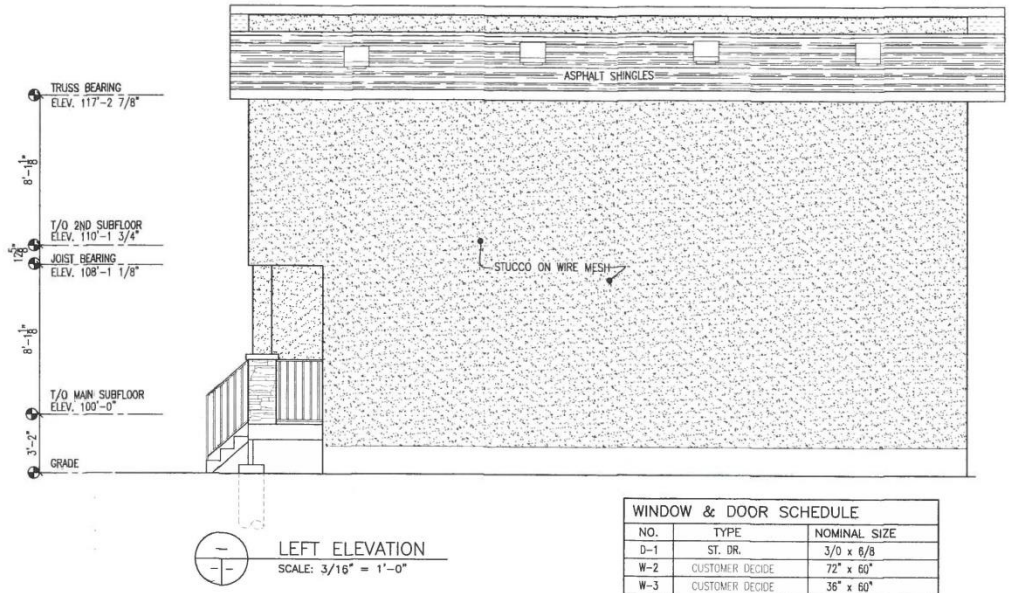
REAR ELEVATION
SCALE: 3/16" = 1'-0"

DRAWN BY: JINREIMOND
AREA:
DATE: JULY. 31.2019
SCALE:

DWR TITLE: FRONT & REAR ELEVATION
CLIENT:
ADDRESS: SP LOT62
159 IMPERIAL AVENUE

2

V&A CUSTOM HOMES



LEFT ELEVATION
SCALE: 3/16" = 1'-0"

WINDOW & DOOR SCHEDULE		
NO.	TYPE	NOMINAL SIZE
D-1	ST. DR.	3/0 x 6/8
W-2	CUSTOMER DECIDE	72" x 60"
W-3	CUSTOMER DECIDE	36" x 60"
W-4	CUSTOMER DECIDE	36" x 60"
W-5	CUSTOMER DECIDE	24" x 36"
D-6	ST. DR.	2/8 x 6/8
W-7	CUSTOMER DECIDE	24" x 36"
W-8	CUSTOMER DECIDE	72" x 48"
W-9	CUSTOMER DECIDE	48" x 48"
W-10	CUSTOMER DECIDE	48" x 48"
W-11	BASEMENT	56" x 20"
W-12	BASEMENT	48" x 20"
W-13	BASEMENT	48" x 20"

NOTE: ROUGH OPENINGS TO BE PROVIDED BY WINDOW SUPPLIER

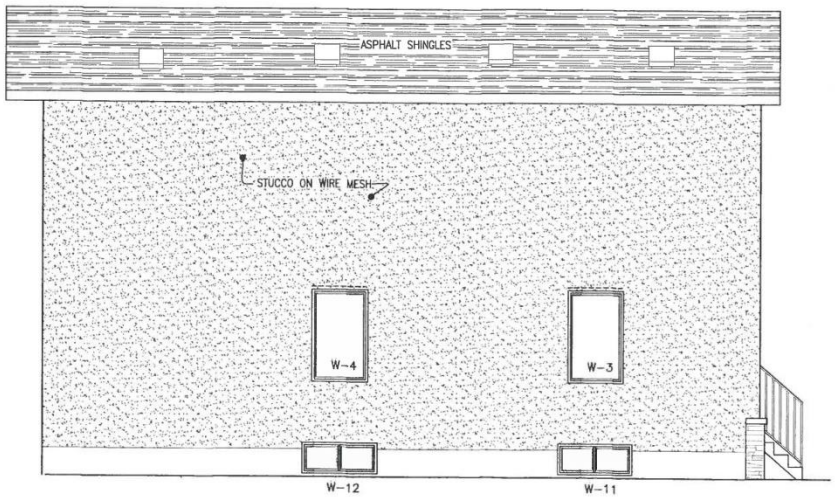
ZONING and PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 181017/ 19C
SHEET # 3 OF 8
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec 6/19

3

DRAWN BY: JHNREMOND | AREA: | DATE: JULY. 31.2019 | SCALE:

DWR TITLE: RIGHT ELEVATION
CLIENT:
ADDRESS: SP LOT62
159 IMPERIAL AVENUE

V&A CUSTOM HOMES



RIGHT ELEVATION
SCALE: 3/16" = 1'-0"

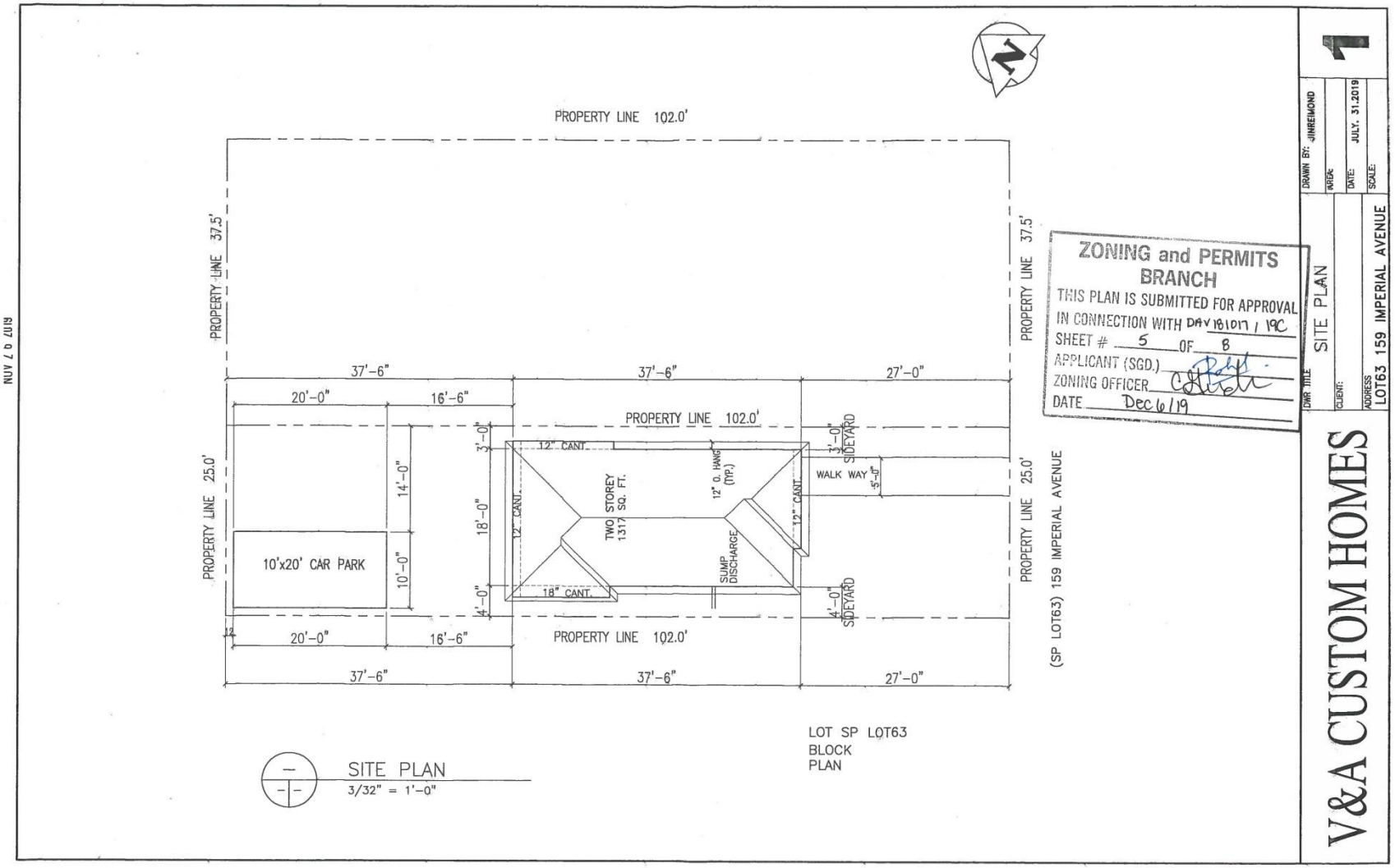
ZONING and PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAN 181017/ 19C
SHEET # 4 OF 8
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec 6/19

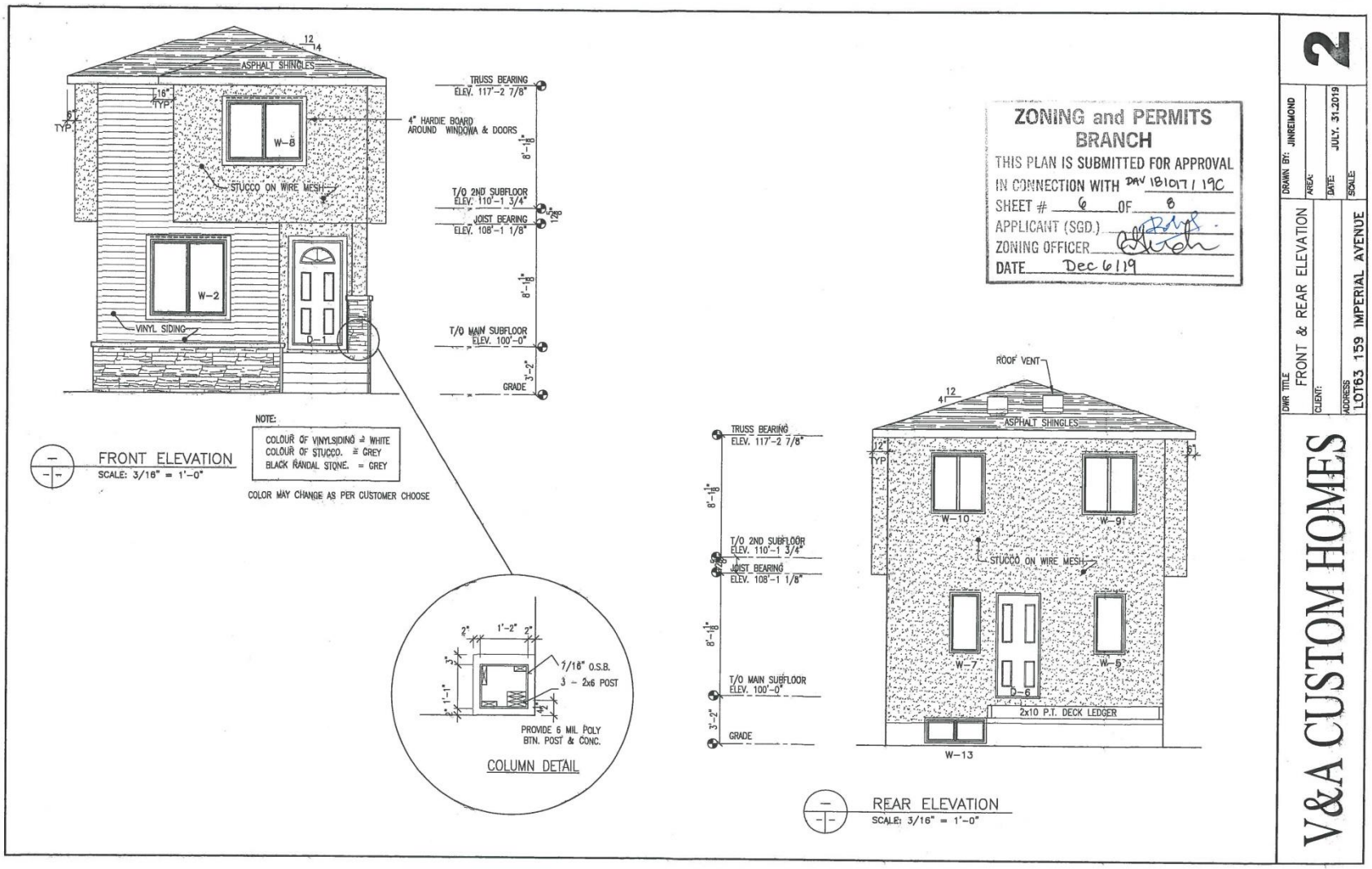
4

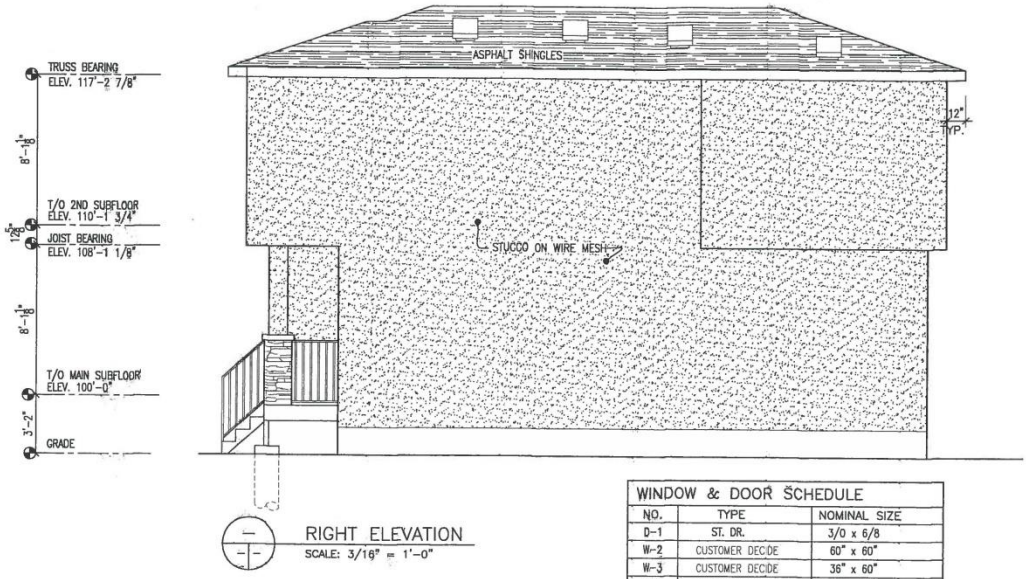
DRAWN BY: JINREMOND
AREA:
DATE: JULY. 31.2019
SCALE:

DWR TITLE: LEFT ELEVATION
CLIENT:
ADDRESS: SP LOT62
159 IMPERIAL AVENUE

V&A CUSTOM HOMES


PROPERTY LINE 102.0'
PROPERTY LINE 37.5'
PROPERTY LINE 37.5'
37'-6"
37'-6"
27'-0"
20'-0"
16'-6"
PROPERTY LINE 102.0'
PROPERTY LINE 25.0'
PROPERTY LINE 25.0'
3'-0"
12" CANT.
3'-0"
SIDEYARD
WALK WAY
5'-0"
14'-0"
18'-0"
12" CANT.
TWO STOREY
1317 SQ. FT.
12" O. HANG
(TYP.)
12" CANT.
10'x20' CAR PARK
10'-0"
SUMP
DISCHARGE
4'-0"
18" CANT.
4'-0"
SIDEYARD
20'-0"
16'-6"
PROPERTY LINE 102.0'
37'-6"
37'-6"
27'-0"
(SP LOT63) 159 IMPERIAL AVENUE
LOT SP LOT63
BLOCK
PLAN
SITE PLAN
3/32" = 1'-0"
ZONING and PERMITS
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 181017 / 19C
SHEET # 5 OF 8
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec 6/19
DRAWN BY: JINREMOND
CHKD:
DATE: JULY. 31.2019
SCALE:
DWG TITLE
SITE PLAN
CLIENT:
ADDRESS
LOT63 159 IMPERIAL AVENUE
V&A CUSTOM HOMES
1
NOV 07 2019


12/4
ASPHALT SHINGLES
16" TYP.
6" TYP.
W-8
STUCCO ON WIRE MESH
W-2
VINYL SIDING
D-1
TRUSS BEARING
ELEV. 117'-2 7/8"
4" HARDIE BOARD AROUND WINDOWS & DOORS
8'-1 1/8"
T/O 2ND SUBFLOOR
ELEV. 110'-1 3/4"
JOIST BEARING
ELEV. 108'-1 1/8"
8'-1 1/8"
T/O MAIN SUBFLOOR
ELEV. 100'-0"
3'-2"
GRADE
FRONT ELEVATION
SCALE: 3/16" = 1'-0"
NOTE:
COLOUR OF VINYLSIDING = WHITE
COLOUR OF STUCCO. = GREY
BLACK RANDAL STONE. = GREY
COLOR MAY CHANGE AS PER CUSTOMER CHOOSE
2"
1'-2"
2"
3"
1'-1"
2"
7/16" O.S.B.
3 - 2x6 POST
4"
PROVIDE 6 MIL POLY BTN. POST & CONC.
COLUMN DETAIL
ZONING and PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 181017 / 19C
SHEET # 6 OF 8
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec 6/19
ROOF VENT
12/4
ASPHALT SHINGLES
12" TYP.
6"
W-10
W-9
STUCCO ON WIRE MESH
W-7
W-5
D-6
2x10 P.T. DECK LEDGER
W-13
TRUSS BEARING
ELEV. 117'-2 7/8"
8'-1 1/8"
T/O 2ND SUBFLOOR
ELEV. 110'-1 3/4"
JOIST BEARING
ELEV. 108'-1 1/8"
8'-1 1/8"
T/O MAIN SUBFLOOR
ELEV. 100'-0"
3'-2"
GRADE
REAR ELEVATION
SCALE: 3/16" = 1'-0"
2
DRAWN BY: JINREIMOND
AREA:
DATE: JULY. 31.2019
SCALE:
DWR TITLE
FRONT & REAR ELEVATION
CLIENT:
ADDRESS
LOT63 159 IMPERIAL AVENUE
V&A CUSTOM HOMES



RIGHT ELEVATION
SCALE: 3/16" = 1'-0"

WINDOW & DOOR SCHEDULE		
NO.	TYPE	NOMINAL SIZE
D-1	ST. DR.	3/0 x 6/8
W-2	CUSTOMER DECIDE	60" x 60"
W-3	CUSTOMER DECIDE	36" x 60"
W-4	CUSTOMER DECIDE	36" x 60"
W-5	CUSTOMER DECIDE	24" x 36"
D-6	ST. DR.	2/8 x 6/8
W-7	CUSTOMER DECIDE	24" x 36"
W-8	CUSTOMER DECIDE	60" x 48"
W-9	CUSTOMER DECIDE	48" x 48"
W-10	CUSTOMER DECIDE	48" x 48"
W-11	BASEMENT	48" x 20"
W-12	BASEMENT	48" x 20"
W-13	BASEMENT	48" x 20"
NOTE: ROUGH OPENINGS TO BE PROVIDED BY WINDOW SUPPLIER		

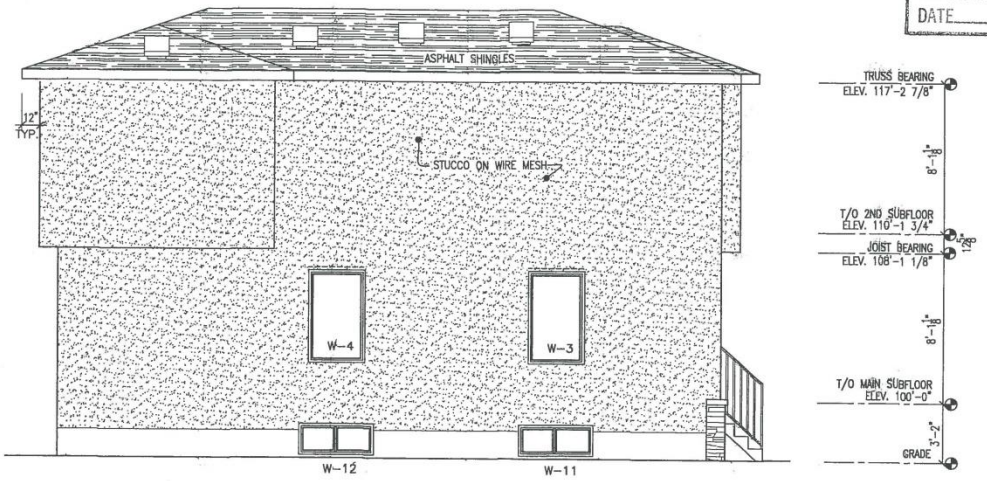
ZONING and PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAY 181017/ 19C
SHEET # 7 OF 8
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec 6/19

3

DRAWN BY: JINREMOND
AREA:
DATE: JULY. 31.2019
SCALE:

DWG TITLE: RIGHT ELEVATION
CLIENT:
ADDRESS: LOT63 159 IMPERIAL AVENUE

V&A CUSTOM HOMES



LEFT ELEVATION
SCALE: 3/16" = 1'-0"

ZONING and PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 18 1017 / 19C
SHEET # 8 OF 8
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec 6 / 19

4

DRAWN BY: JINREIMOND
AREA:
DATE: JULY. 31.2019
SCALE:

DWG TITLE: LEFT ELEVATION
CLIENT:
ADDRESS: LOT63 159 IMPERIAL AVENUE

V&A CUSTOM HOMES