Minutes – Board of Adjustment – January 8, 2020

PUBLIC HEARINGS

Item No. 9 Conditional Use – 427 St. Jean Baptiste Street
(St. Boniface Ward)
File DCU 208241/2019C [c/r DAV 211596/2019C]

BOARD OF ADJUSTMENT DECISION:

The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Conditional Use on "the land" to permit the establishment of a multi-family dwelling use, subject to the following conditions:

1. That the development shall be constructed in substantial conformance with the plans submitted under File No. DCU 19-208241/C, dated December 5, 2019 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

   OR

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

   A. buildings
   B. accessory parking areas
   C. driveways
   D. garbage enclosures
   E. fencing
   F. freestanding signage
   G. 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.

DECISION MAKING HISTORY:

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

Moved by Bill Evans,

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

Carried

Moved by Bill Evans,

That the receipt of public representations be concluded.

Carried

Moved by Bill Evans,

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:

1. The Board of Adjustment agreed with the administrative comments contained in the report of the Urban Planning Division dated December 20, 2019.

Carried

DECISION MAKING HISTORY (continued):

Moved by Bill Evans,

That the recommendation of the Winnipeg Public Service be concurred in, and the Conditional Use be approved.

Carried

Moved by Bill Evans,

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

Carried

THE CITY OF WINNIPEG
CONDITIONAL USE ORDER
BOARD OF ADJUSTMENT

DCU 208241/2019C [c/r DAV 211596/2019C]

Before:	Board of Adjustment Bill Sawka, Chairperson Bill Evans Joel Remis
Hearing:	January 8, 2020 Council Building, 510 Main Street
Applicant:	Veritas Development Group Ltd. (Landon Friesen)
Premises Affected:	427 St. Jean Baptiste Street
Legal Description:	LOT 25 BLOCK 1 PLAN 1357 80 ST B, hereinafter called "the land"
Property Zoned:	"R2" Residential Two-Family
Nature of Application:	For a Conditional Use under the Winnipeg Zoning By-Law No. 200/2006 to permit the establishment of a multi-family dwelling use.

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, this Conditional Use meets the statutory criteria as outlined in Section 254 and Subsection 247(3) of The City of Winnipeg Charter in that it:

(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:

1. The Board of Adjustment agreed with the administrative comments contained in the report of the Urban Planning Division dated December 20, 2019.

ORDER:

The Board of Adjustment orders that a Conditional Use is approved on "the land" to permit the establishment of a multi-family dwelling use, subject to the following conditions, which the Board of Adjustment considers necessary to ensure compliance with criteria (a), (b) and (d) as outlined in Section 254 and Subsection 247(3) of The City of Winnipeg Charter, namely:

1. That the development shall be constructed in substantial conformance with the plans submitted under File No. DCU 19-208241/C, dated December 5, 2019 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

   OR

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

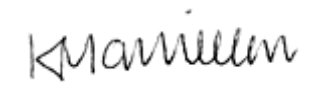
   A. buildings
   B. accessory parking areas
   C. driveways
   D. garbage enclosures
   E. fencing
   F. freestanding signage
   G. landscaping

   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.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: January 14, 2020

CERTIFIED BY:



K. McMillan
Senior Committee Clerk

HOW TO APPEAL

If you object to this Order, you are entitled to file a notice of appeal. Your notice of appeal must:

(a) be in writing;

(b) contain your name, mailing address and phone number;

(c) be addressed as set out below;

(d) be received at that office not later than 4:30 p.m. on January 31, 2020;

[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(e) refer to Conditional Use Order No. DCU 208241/2019C; and

(f) provide the reason(s) for the appeal

The City Clerk may not schedule an appeal hearing until your notice of appeal meets the above requirements.

Address:	City Clerk, City of Winnipeg c/o Appeal Committee Susan A. Thompson Building Main Floor, 510 Main Street Winnipeg, Manitoba, R3B 1B9
Fax:	204-947-3452
Email:	CLK-Appeals@winnipeg.ca

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:

Kurtis Sawatzky
Steven Ulrich

In Opposition:

Nil

For Information:

Ken Twomey
Corinne Lamotte

For the City:

S. Jerez, Planner, Planning, Property and Development Department
R. Hayer, Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DCU 208241/2019C

1. Application dated November 12, 2019
2. Notification of Public Hearing dated December 10, 2019
3. Manitoba Status of Title 2986071/1
4. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
5. Plans, Sheets 1 to 4 inclusive, for File DCU 208241/2019C dated December 5, 2019
6. Report from the Urban Planning Division dated December 20, 2019
7. Inspection Report

Exhibit “6” referred to in File DCU 208241/2019C

ADMINISTRATIVE REPORT

Title: DCU 19-208241/C – 427 St Jean Baptiste ST

Issue: For consideration at the public hearing for a conditional use associated with the establishment of a multi-family dwelling use.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Hildebrand	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 establishment of a multi-family dwelling use. Subject to the following condition(s):

1) That the development shall be constructed in substantial conformance with the plans submitted under File No. DCU 19-208241/C, dated December 5, 2019 and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

   OR

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

   i. buildings;
   ii. accessory parking areas;
   iii. driveways;
   iv. garbage enclosures;
   v. fencing;
   vi. freestanding signage and
   vii. 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.

REASON FOR THE REPORT

- This report provides information and makes recommendations regarding the subject application's compliance with The City of Winnipeg Charter.
- 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 conditional use will be approved.

FILE/APPLICANT DETAILS

FILE:	**DCU 19-208241\C**
RELATED FILES:	DCU 19 208241/C
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.502 (Central St. Boniface)
SUBJECT:	For a Conditional Use under Zoning By-Law No. 200/2006 to permit the establishment of a multi-family dwelling use.
LOCATION:	427 St Jean Baptiste ST
LEGAL DESCRIPTION:	LOT 25 BLOCK 1 PLAN 1357 80 ST B
APPLICANT:	Landon Friesen 128 James AVE Unit 100 Winnipeg , Manitoba R3B 0N8
OWNER:	Landon Friesen 128 James AVE Unit 100 Winnipeg , Manitoba R3B 0N8

HISTORY

N/A

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 the west side of St. Jean Baptiste Street, in the Central St. Boniface neighbourhood of the St Boniface ward.
- The site is 4,737 square feet in area, and contains a one-and-three-quarter-storey duplex, built in 1919.
- Motor-vehicle access to the lot is provided by a rear lane.
- The site falls within the 'Areas of Stability – Mature Community' policy area under the *Complete Communities Direction Strategy*.
- The property is zoned 'R2' Residential Two-Family.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Residential uses zoned 'R2' Residential Two-Family.

South: Residential uses zoned 'R2' Residential Two-Family, then Dollard Boulevard.

East: St. Jean Baptiste Street (intersecting with Yelle Street), then residential uses zoned 'R2' Residential Two-Family.

West: Rear lane, then residential uses zoned ‘R2’ Residential Two-Family, then Ritchot Street, then residential uses zoned ‘R2’ Residential Two-Family.

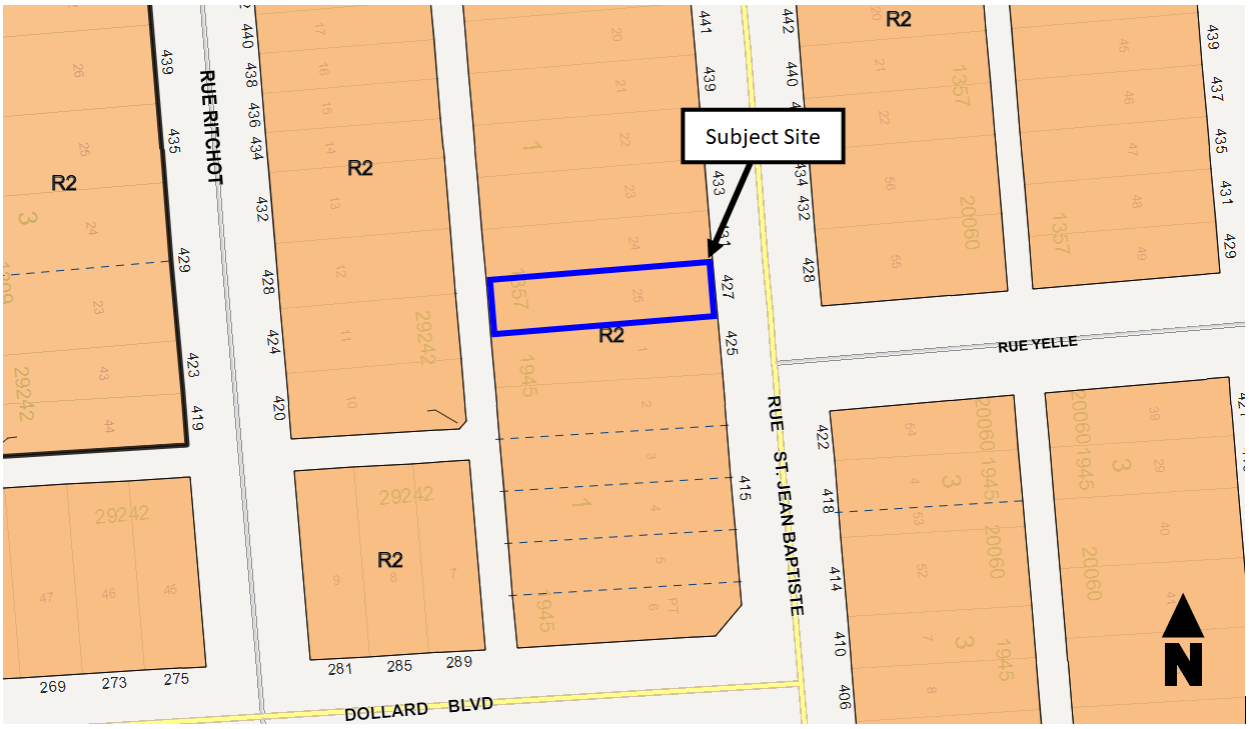


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to demolish the existing duplex on the property, to a construct a two-storey multi-family (triplex) development.
- Each suite will have three bedrooms and separate entrances, located on the east (front) and north (right) elevations to access the proposed three units.
- The applicant is proposing to establish three parking spaces, to be accessed directly from the rear lane, and bicycle parking on the north side of the proposed building.
- There is an associated Variance application (DAV 19-211596/C) for providing three parking stalls instead of four, and for no buffering of the parking area from the abutting residential district. See the planner’s report for DAV 19-211596/C for details on that application.

COLLABORATION

- After submission of the Conditional Use and Variance applications, the Urban Planning Division provided the applicant with feedback for some minor adjustments to the drawings, in particular for the provision of colour elevations, and to adjust the height of the front landing to four feet.

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 – Mature Community' 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, key policies guiding the development of Areas of Stability include:
    - 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 that address the transition between new and existing development.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - 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.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Reason for Conditional Use

- Multi-family residential developments require a Conditional Use Order in the Residential two-family (R2) district.

ANALYSIS OF CONDITIONAL USE

- Certain uses in the Zoning Bylaw 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.
- As noted above, the 'Areas of Stability – Mature Communities' policy area under the *Complete Communities Direction Strategy* supports infill development that is context-sensitive and complementary to the existing scale, character, and built form of the neighbourhood. As part of analyzing whether a project is 'complementary' to existing development, the Urban Planning Division takes into consideration items such as surrounding land use, building heights, built-form, dwelling unit density, building setbacks, parking and site access.
- In terms of land use, the subject block of St. Jean Baptiste contains a diverse mix of housing types. In addition to the single-family houses on the block, there are nine duplexes, including the existing duplex on the subject property, as well as several multi-family developments: a 39-unit apartment building, a mid-block four-unit building, and a mid-block triplex (which is directly to the north of the subject property). Given this context, the proposal to establish a multi-family project on the subject property is consistent with development in the area.
- In terms the project's form and scale, the proposed height is approximately 29 feet to the peak of the roof. This is well below the 35-foot maximum height for the 'R2' zoning district,

which is measured to the mid-point of the roof. The proposed depth of the building is 41 feet, which allows for a significant amount of back yard space similar to the adjacent properties.

- The applicant is also proposing to plant one new tree and seven shrubs in the front yard.
- The design of the building includes varying articulations and a combination of cladding materials and colours, which helps to break up the massing of the development and minimizes the impact on neighbouring properties.
- The Urban Planning Division is supportive of the Conditional Use application to permit the establishment of a multi-family dwelling use in a R2 zoning district.

CONDITIONS OF APPROVAL

- The Urban Planning Division is recommending substantial conformance with the drawings submitted, or that should there be any changes that final plans be submitted to the Director of Planning, Property for review prior to the issuance of a development permit on the lot. The inclusion of this clause will allow the Urban Planning Division to review final plans and design details before development takes place to ensure high quality design of the proposed multi-family building and 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, the application is consistent with the Complete Communities Direction Strategy*, which promotes a mix of housing type and tenure in Areas of Stability, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses, in order to meet the full life-cycle of housing needs within 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, the proposed scale, character and built form of the multi-family dwelling is consistent with existing development on the street and the proposed conditional use will not have an adverse effect on the adjoining properties.

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

In that, the proposal is compatible with the residential character of St. Jean Baptiste Street at this location, and that there are two-family and multi-family dwellings that exist within close proximity to the subject site.

CONSULTATION

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

OURWINNIPEG 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

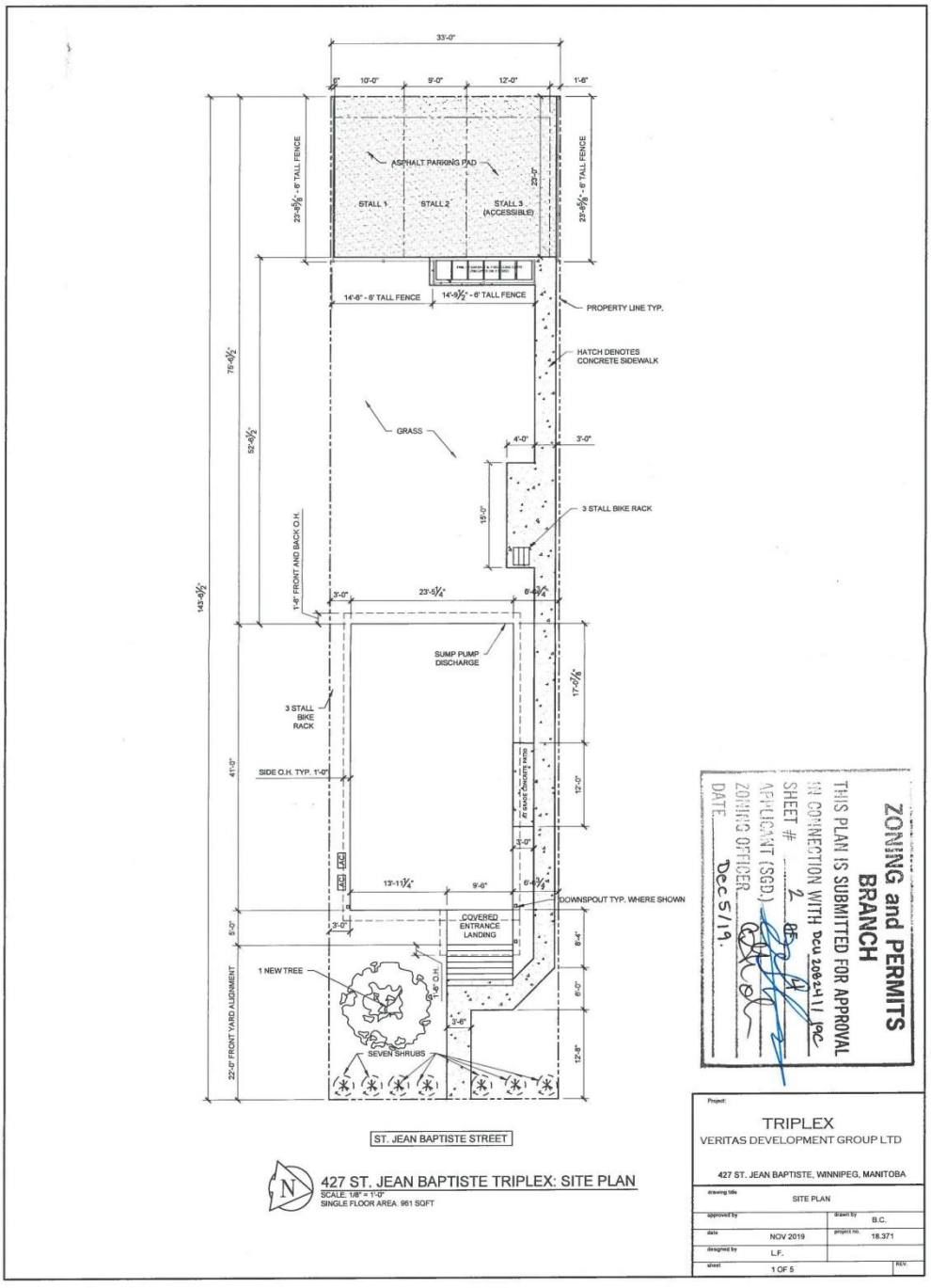
- **Key Direction 4.2:** Ensure new areas of growth are designed according to the principles of Complete Communities.

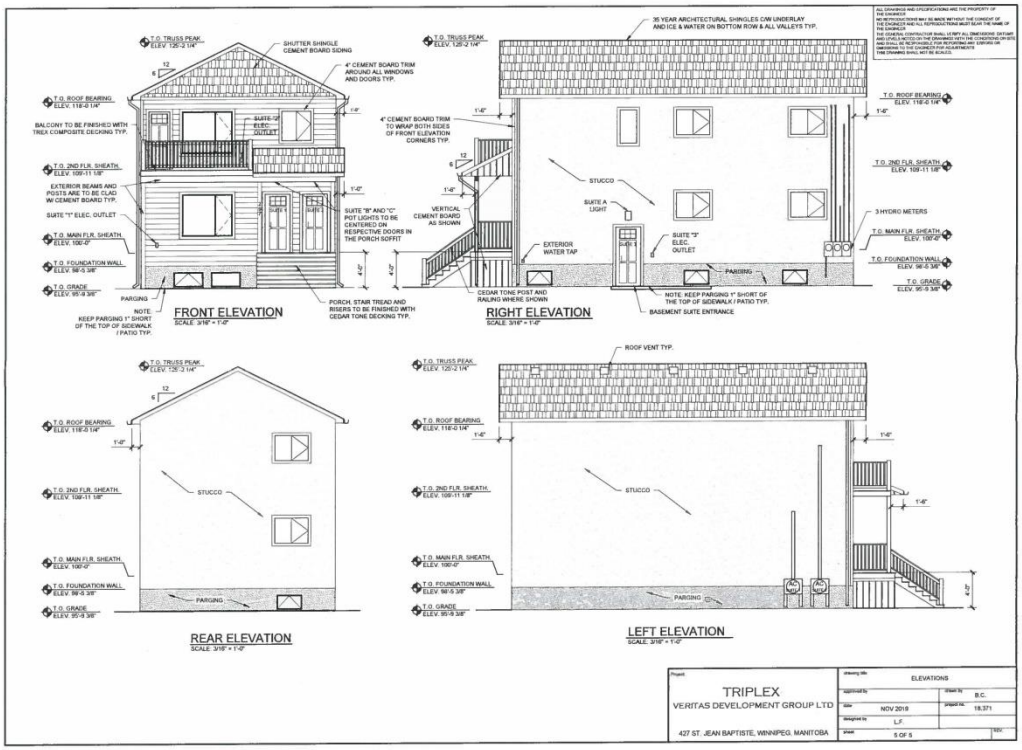
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Jonathan Hildebrand
Date:	Friday, December 20, 2019
File No.	DCU 19-208241\C

Exhibit “5” referred to in File DCU 208241/2019C




33'-0"
10'-0"
9'-0"
12'-0"
1'-6"
ASPHALT PARKING PAD
STALL 1
STALL 2
STALL 3 (ACCESSIBLE)
23'-0"
23'-8 5/8" - 6' TALL FENCE
14'-6" - 6' TALL FENCE
14'-8 1/2" - 6' TALL FENCE
PROPERTY LINE TYP.
HATCH DENOTES CONCRETE SIDEWALK
GRASS
4'-0"
3'-0"
15'-0"
3 STALL BIKE RACK
1'-8" FRONT AND BACK O.H.
3'-0"
23'-5 1/4"
6'-4 3/4"
SUMP PUMP DISCHARGE
17'-5 7/8"
3 STALL BIKE RACK
SIDE O.H. TYP. 1'-0"
12'-0"
3'-0"
13'-11 1/4"
9'-0"
6'-4 3/4"
DOWNSPOUT TYP. WHERE SHOWN
COVERED ENTRANCE LANDING
5'-0"
3'-0"
8'-4"
1 NEW TREE
1'-6" O.H.
6'-0"
3'-8"
SEVEN SHRUBS
12'-8"
75'-8 1/2"
52'-8 1/2"
143'-8 1/2"
41'-0"
22'-0" FRONT YARD ALIGNMENT
ST. JEAN BAPTISTE STREET
N
427 ST. JEAN BAPTISTE TRIPLEX: SITE PLAN
SCALE: 1/8" = 1'-0"
SINGLE FLOOR AREA: 961 SQFT
ZONING and PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH DCU 208211 19C
SHEET # 2 OF 5
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec 5/19.
Project:
TRIPLEX
VERITAS DEVELOPMENT GROUP LTD
427 ST. JEAN BAPTISTE, WINNIPEG, MANITOBA
drawing title: SITE PLAN
approved by
drawn by: B.C.
date: NOV 2019
project no.: 18.371
designed by: L.F.
sheet: 1 OF 5
REV.


FRONT ELEVATION
SCALE: 3/16" = 1'-0"
RIGHT ELEVATION
SCALE: 3/16" = 1'-0"
REAR ELEVATION
SCALE: 3/16" = 1'-0"
LEFT ELEVATION
SCALE: 3/16" = 1'-0"
TRIPLEX
VERITAS DEVELOPMENT GROUP LTD
427 ST. JEAN BAPTISTE, WINNIPEG, MANITOBA
ELEVATIONS
NOV 2019
18.371
L.F.
5 OF 5


ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH DCU 208294
SHEET # 3
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec 5/19

BARNES & DUNCAN 1906
SURVEYING, ENGINEERING & GEOMATICS
6 Donald Street
Winnipeg, Manitoba
R3L 0K6
180-A, 5th Street
Morden, Manitoba
R6M 1C9

Phone: 204-284-5999
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800-665-6609
Fax: 204-452-7877
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Christian P. Korell, M.L.S., B.Sc. Eng.
Donald F. Shiach, M.L.S.
Jesse P.S. Carels, M.L.S., C.L.S., B.Sc. Eng.
Kelly W. Mantik, M.L.S.
Michael E. Sippola, M.L.S.
Daniel B.J. Gautron, M.L.S.
K. Todd Baley, M.L.S.
Johan (John) Dyck, M.L.S.
Brett Carels, P. Eng.

Our File: 2018/1451
Acad dwg: 18-1451 stk.dwg
Field Book: 1317/80-81 BD
Drafter: Stu

Surveyor's Staking Certificate

January 2, 2019

Veritas Development Group Ltd.
100-128 James Avenue
Winnipeg, Manitoba
R3B 0N8

Attention: Landon

Dear Sir:

Re: #427 Rue St. Jean Baptiste, Winnipeg

**** QUALIFYING STATEMENT****

The lot corners were demarcated on the ground as per the information as shown on Plan 1357 WLTO. However, due to conflicting dimensions as shown on adjoining survey plans there is uncertainty as to the true depth of this lot. Winnipeg Land Titles Office and the City of Winnipeg's Geomatics Branch will be made aware of my concern regarding this matter. Upon both their review it may be necessary to re-survey the back survey posts and re-issue a revised staking certificate.

CERTIFIED A TRUE COPY
DATED January 2, 2019
Kelly W. Mantik M.L.S.

Certificate of Title: 2986071/1 (Search Date: December 17, 2018)

Registered Owner: Veritas Development Group Ltd.

Legal Description: Lot 25, Block 1, Plan 1357 WLTO in RL 80 Parish of St. Boniface

Encumbrances: Instruments No. 3637979/1, 3637980/1, 4822869/1, 4822871/1, 4967767/1, 4970382/1, 4995937/1 and 5025858/1 are registered against the above Certificate of Title. Encumbrances noted herein are provided for information purposes only and have not been investigated as to their intent or extent.

As requested, this is to certify that we have staked or referenced the boundaries of the above described land.

There are no encroachments above ground level by the buildings on the above described land onto adjoining properties.

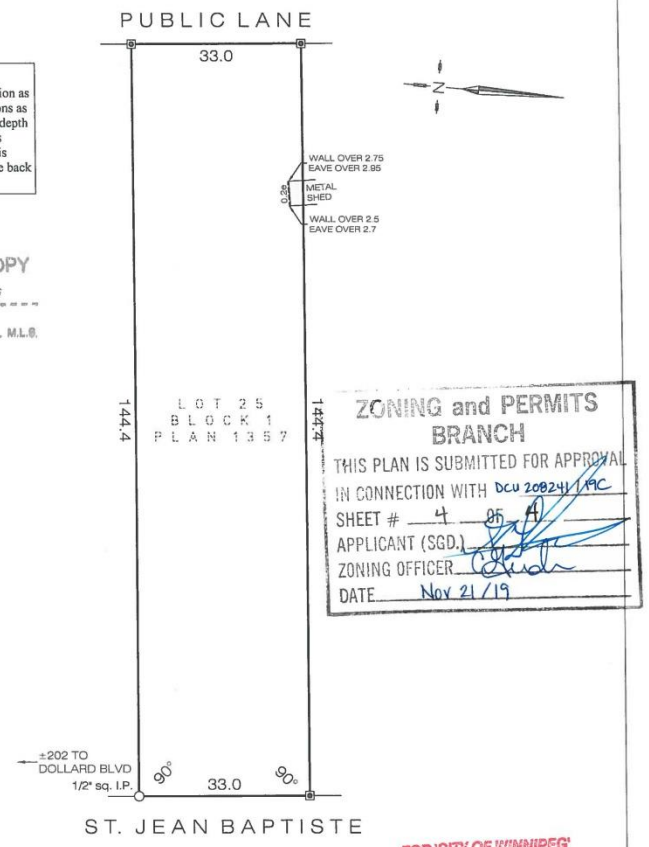
There are no encroachments above ground level onto the above described land by buildings from adjoining properties, excepting the southerly wall and eave of a metal shed, as appurtenant to the adjoining property to the north, encroach a maximum of 2.75 feet and 2.95 feet, respectively, onto the subject property.

This survey was made on the 21st day of December, 2018, and is monumented on the ground as shown on this sketch.

Signed & Sealed

Kelly W. Mantik

Kelly W. Mantik, M.L.S.



Iron Posts found and confirmed are described and shown thus _____O
1/2" x 1/2" x 18" iron posts are placed at all points shown thus _____■

SKETCH - all distances are in feet and decimals of a foot.

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