Minutes – Board of Adjustment – January 8, 2020

PUBLIC HEARINGS

Item No. 10 Variance – 427 St. Jean Baptiste Street
(St. Boniface Ward)
File DAV 211596/2019C [c/r DCU 208241/2019C]

BOARD OF ADJUSTMENT DECISION:

The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" as follows:

1. For the construction of a multi-family dwelling to permit 3 parking stalls

2. For the establishment of accessory parking to permit no buffering of parking located within 20 feet (6.1 metres) of a rear and side lot line adjacent to a residential district

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 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:

1. The Board of Adjustment agreed with the administrative comments contained in the report of the Urban Planning Division dated December 11, 2019.

Carried

DECISION MAKING HISTORY (continued):

Moved by Bill Evans,

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

Carried

Moved by Bill Evans,

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

Carried

THE CITY OF WINNIPEG
VARIANCE ORDER
BOARD OF ADJUSTMENT

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

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:	To vary the "R2" District Dimensional standards of the Winnipeg Zoning By-Law No. as follows: 1 For the construction of multi-family dwelling to permit 3 parking stalls instead of 4 parking stalls. 2. For the establishment of accessory parking to permit no buffering of parking located within 20 feet (6.1 metres) of a rear and side lot line adjacent to a residential district.

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, this Variance meets the statutory criteria as outlined in 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;

(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:

1. The Board of Adjustment agreed with the administrative comments contained in the report of the Urban Planning Division dated December 11, 2019.

ORDER:

The Board of Adjustment orders that the provisions of the R2" District Dimensional standards of the Winnipeg Zoning By-law No. 200/2006 are varied on "the land as follows:

1. For the construction of a multi-family dwelling to permit 3 parking stalls

2. For the establishment of accessory parking to permit no buffering of parking located within 20 feet (6.1 metres) of a rear and side lot line adjacent to a residential district

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 Variance Order No. DAV 211596/2019C; 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 DAV 211596/2019C

1. Application dated November 21, 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 DAV 211596/2019C dated December 5, 2019
6. Report from the Urban Planning Division dated December 11, 2019
7. Inspection Report

Exhibit "6" referred to in File DAV 211596/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-211596/C – 427 St Jean Baptiste Street

Issue: For consideration at the public hearing for variances 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 to vary the "R2" dimensional standards of Zoning By-Law No 200/2006 as follows:

1) for the construction of a multi-family dwelling to permit 3 parking stalls instead of 4 parking stalls;
2) for the establishment of accessory parking to permit no buffering of parking located within 20 feet (6.1 metres) of a rear and side lot line adjacent to a residential district.

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, the variances will be approved.

FILE/APPLICANT DETAILS

FILE:	**DAV 19-211596\C**
RELATED FILES:	DCU 19-208241/C
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.502 (Central St. Boniface)
SUBJECT:	To vary the "R2" dimensional standards of Zoning By-Law No 200/2006. as follows: 1) for the construction of a multi-family dwelling to permit 3 parking stalls instead of 4 parking stalls ; 2) for the establishment of accessory parking to permit no buffering of parking located within 20 feet (6.1 metres) of a rear and side lot line adjacent to a residential district.
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 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 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.

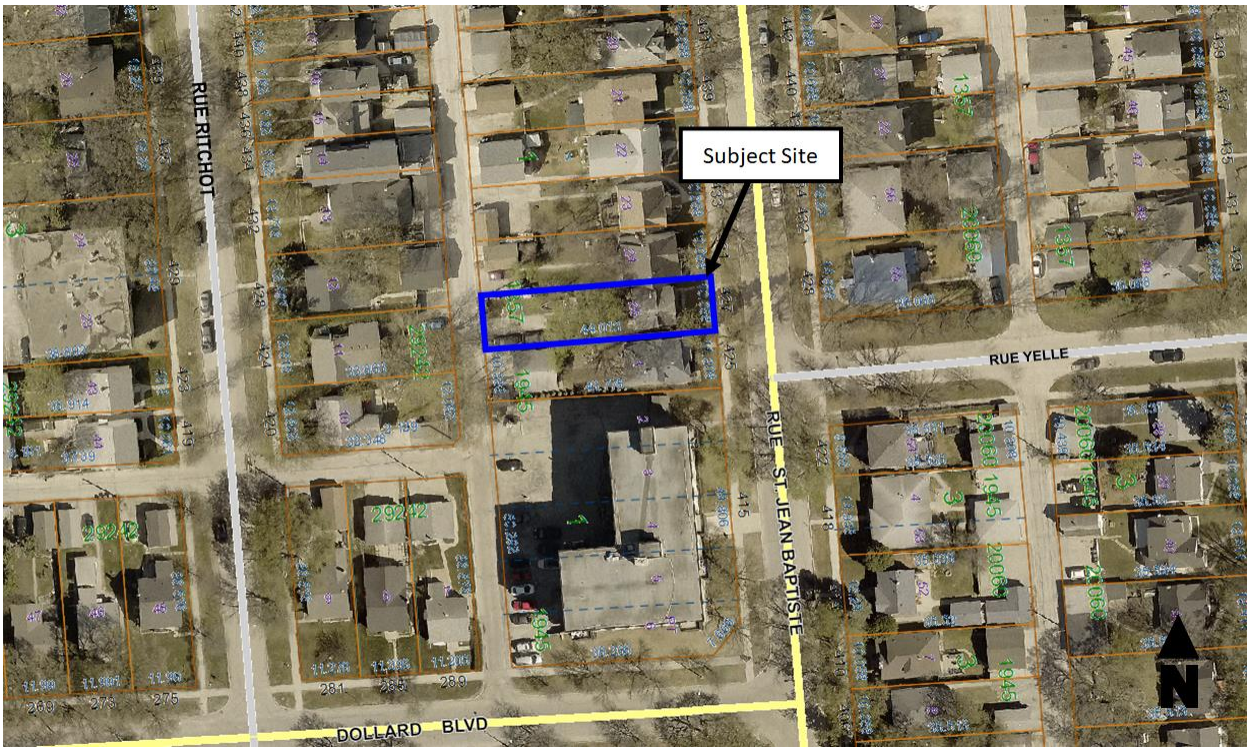


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

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.

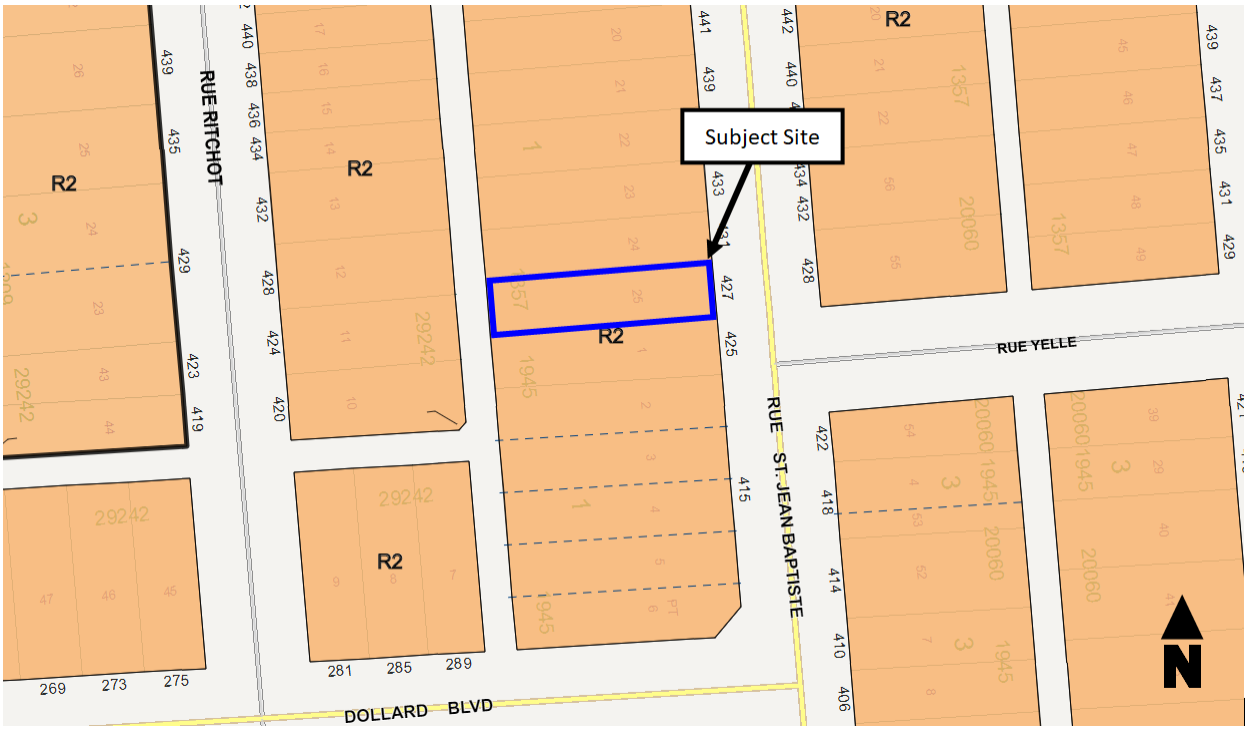


Figure 2: Zoning of the site and surrounding area.

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 Conditional Use application (DCU 19-208241/C) for the establishment of the establishment of a multi-family dwelling use. 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

- The Residential two-family (R2) district is intended to accommodate increased residential development in lower-density neighbourhoods.
- The applicant is proposing to provide 3 parking stalls instead of the required 4 stalls, therefore a variance is required.
- A landscaped buffer is required when a parking or accessory to any use, other than a single or two-family residential use, is located within 20 feet of a side or rear lot line abutting or adjacent to a residential zoning district. The proposed multi-family development does not include the buffering of parking areas, as access is to be taken from the rear lane. Therefore, a variance is required.

ANALYSIS OF VARIANCES

- The Urban Planning Division is supportive of the variance to reduce parking to three stalls instead of four, resulting in a 1:1 parking ratio. The site is within walking distance to transit routes on Des Meurons Street, Dollard Boulevard, and Hamel Avenue. It is also in close proximity to existing cycling facilities: St. Jean Baptiste Street itself is identified as an ‘Informal On-Street Route,’ and it connects to Eugenie Street, which is a ‘Neighbourhood Greenway.’
- The Urban Planning Division is supportive of the variance to omit the buffering requirement of the parking area because:
    - The proposed multi-family development requires access to parking from the rear lane. Given the proposed orientation of parking stalls accessed directly from the rear lane, it would not be possible to establish an effective buffer due to the need to access the stalls.
    - It is not anticipated that this scale of development would result in a significant amount of traffic.

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 variances will not have an adverse effect on the 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 proposed variances are required to relieve the injurious effect of the zoning by-law and to meet the goals and objectives of the Complete Communities Direction Strategy*.*

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

In that, the variances requested are compatible with existing character and development on the street.

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

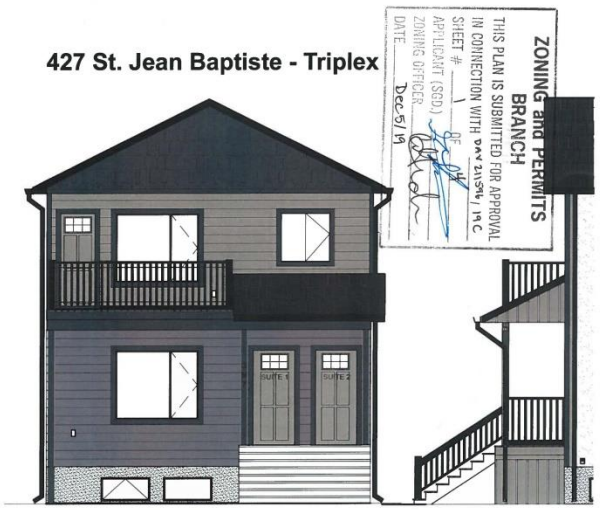
Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

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

SUBMITTED BY

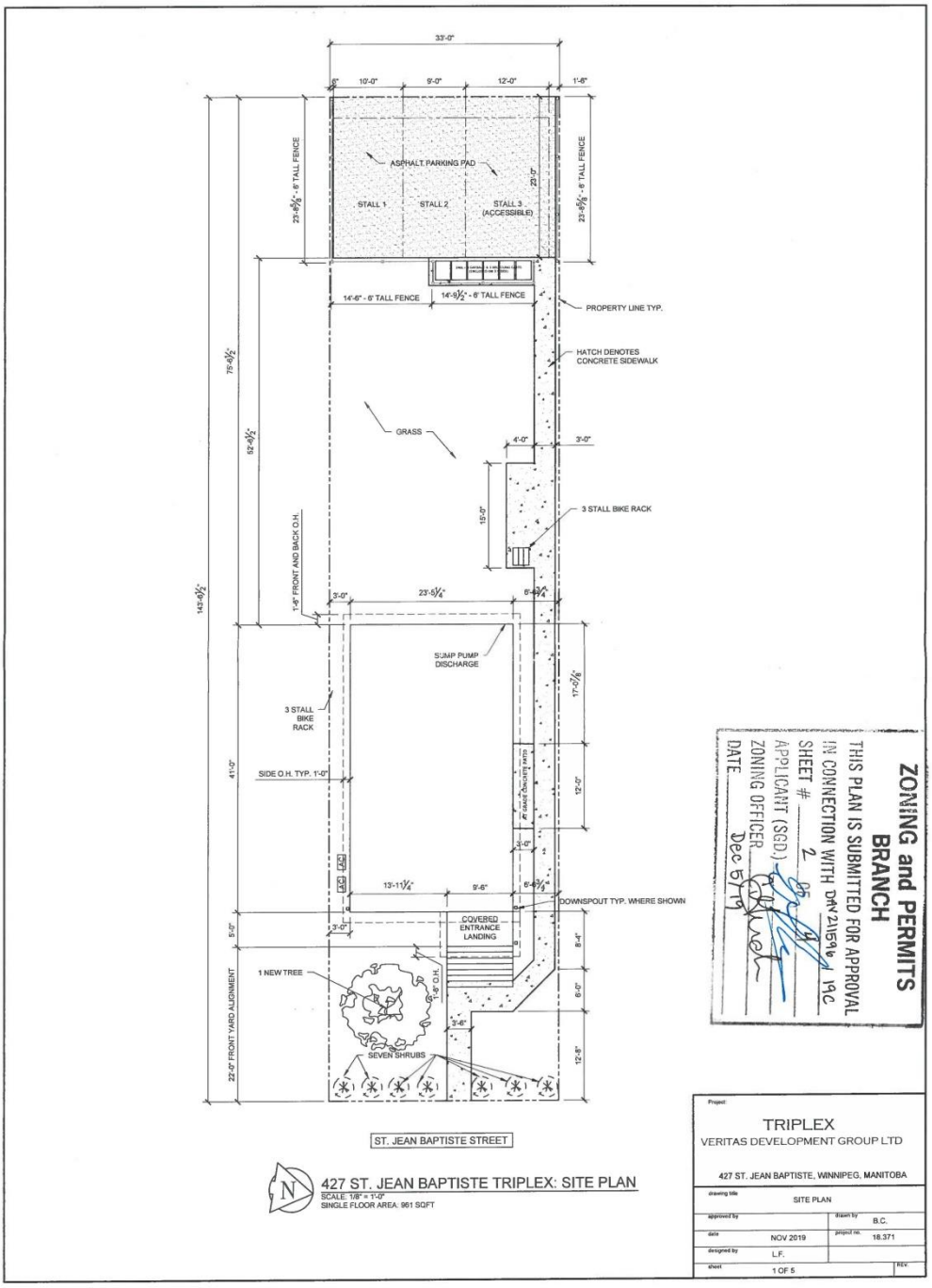
Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Jonathan Hildebrand MCIP, RPP
Date:	Wednesday, December 11, 2019
File No.	DAV 19-211596\C

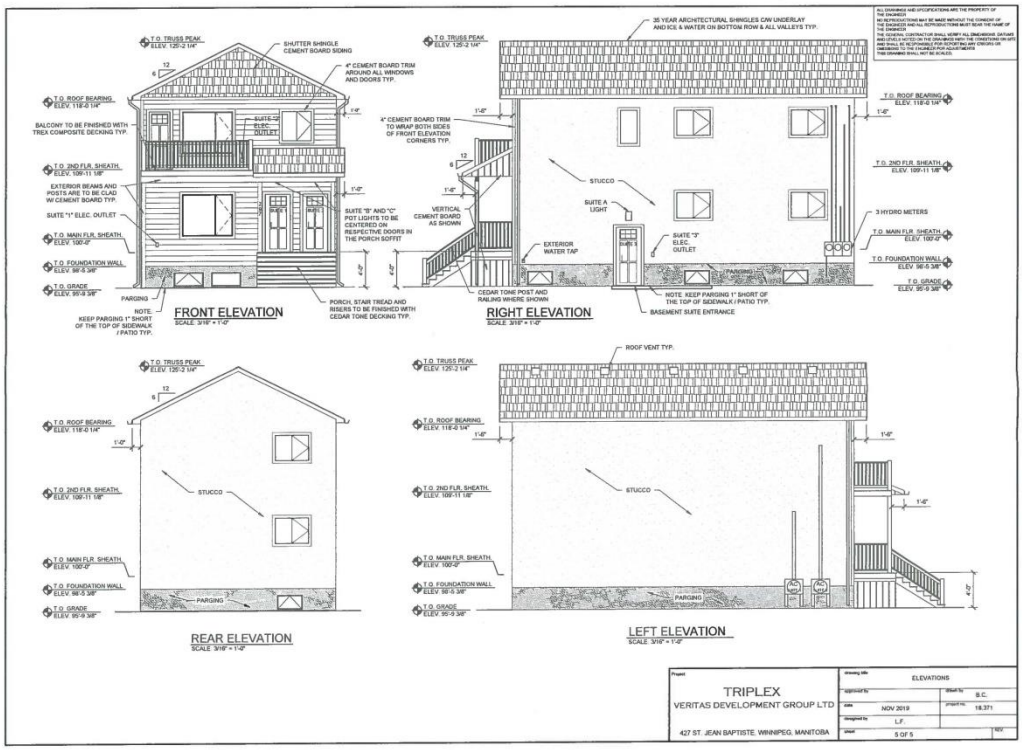
Exhibit “5” referred to in File DAV 211596/2019C

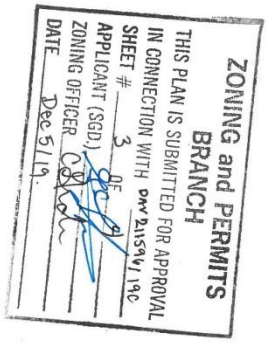


Shakes: Evening Blue
2nd Floor Siding: Pearl Grey
Main Floor Siding: Boothbay Blue
Window Trim: Evening Blue
Eaves, Facia, Soffit: Kaycan 15 Black

Roof Shingles: Mystique 42 - Twighlight Grey
Stucco: Imasco 56-1P Winter Lace
Railing: Black
Front Door Color: TBD


33'-0"
10'-0"
9'-0"
12'-0"
1'-6"
ASPHALT PARKING PAD
STALL 1
STALL 2
STALL 3 (ACCESSIBLE)
23'-0"
23'-8⅝" - 6' TALL FENCE
14'-6" - 6' TALL FENCE
14'-9½" - 6' TALL FENCE
PROPERTY LINE TYP.
HATCH DENOTES CONCRETE SIDEWALK
GRASS
4'-0"
3'-0"
15'-0"
3 STALL BIKE RACK
79'-6½"
52'-6½"
143'-6½"
1'-6" FRONT AND BACK O.H.
3'-0"
23'-5¼"
6'-9¾"
SUMP PUMP DISCHARGE
17'-0⅞"
3 STALL BIKE RACK
41'-0"
SIDE O.H. TYP. 1'-0"
12'-0"
5'-0"
13'-11¼"
9'-6"
6'-9¾"
DOWNSPOUT TYP. WHERE SHOWN
COVERED ENTRANCE LANDING
8'-4"
1 NEW TREE
1'-0" O.H.
6'-0"
3'-6"
SEVEN SHRUBS
12'-8"
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 DAV 215916 19C
SHEET # 2
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
L.F.
5 OF 5


ZONING and PERMITS
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DWG 211596/19
SHEET # 3 OF 5
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec 5/19

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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

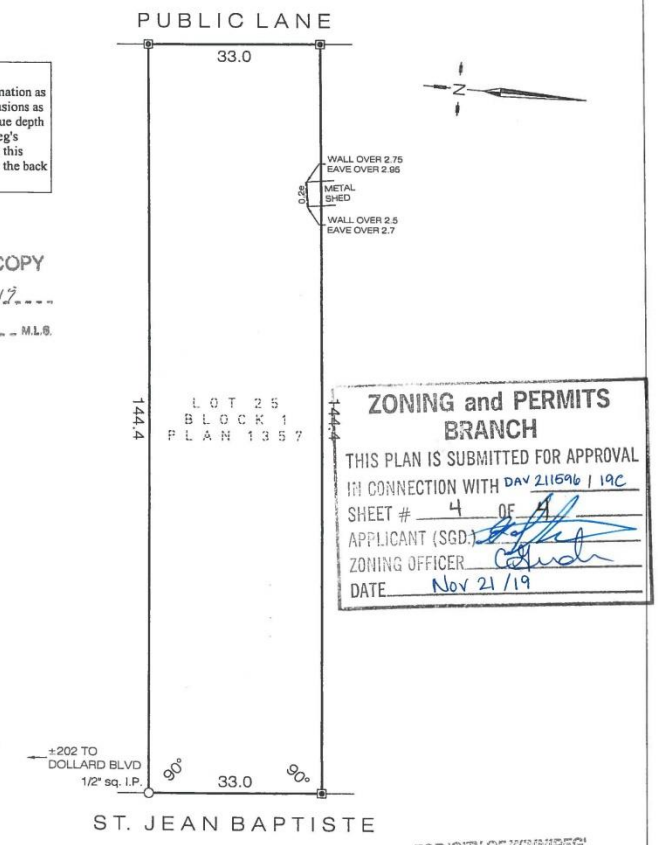
Encumbrances: Instruments No. 3637979/1, 3637980/1, 4822869/1, 4822871/1, 4967767/1, 4970382/1, 4995937/1 and 5025858/1 are registered against the above Certificate of Title. Encumbrances noted herein are provided for information purposes only and have not been investigated as to their intent or extent.

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.



ZONING and PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 211596 / 19C
SHEET # 4 OF 4
APPLICANT (SGD.)
ZONING OFFICER
DATE Nov 21 /19

Signed & Sealed
Kelly W. Mantik
Kelly W. Mantik, M.L.S.

FOR 'CITY OF WINNIPEG' USE ONLY

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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