Minutes – Board of Adjustment – January 8, 2020

PUBLIC HEARINGS

Item No. 18 Variance – 684 Dufferin Avenue
(Mynarski Ward)
File DAV 211965/2019C

BOARD OF ADJUSTMENT DECISION:

The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service, as amended, and approved a Variance on "the land" for the construction of an addition to an existing warehouse building to permit as follows:

1. No front yard

2. No east corner side yard

Subject to the following conditions:

1. That the development shall be constructed substantial conformance with plans submitted under File No. DAV 211965/2019C, sheets 1-4, dated November 22, 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 including elevations of the front facades identifying proposed finishing materials
   B. accessory parking areas
   C. fencing
   D. landscaping

   on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to 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 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 24, 2019.

Carried

DECISION MAKING HISTORY (continued):

Moved by Bill Evans,

That the recommendation of the Winnipeg Public Service be concurred in, with the following amendment:

- In Condition 1, delete the words "DCU18-187385C, sheets 1-9, dated November 29, 2019" and replace with "DAV 211965/2019C, sheets 1-4, dated November 22, 2019"

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 211965/2019C

Before:	Board of Adjustment Bill Sawka, Chairperson Bill Evans Joel Remis
Hearing:	January 8, 2020 Council Building, 510 Main Street
Applicant:	Voitec Architecture Inc. (Richard Chiang)
Premises Affected:	684 Dufferin Avenue
Legal Description:	LOT 2/3 BLOCK 52 PLAN 331 LOT 4 PLAN 31671 35 ST J, hereinafter called "the land"
Property Zoned:	"M1" Manufacturing Light
Nature of Application:	To vary the "M1" District Dimensional standards of the Winnipeg Zoning By-Law No. 200/2006 for the construction of an addition to an existing warehouse building to permit as follows: 1. no front yard instead of 25 feet (7.62 metres); 2. no east corner side yard instead of 15 feet (4.57 metres).

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 24, 2019.

ORDER:

The Board of Adjustment orders that the provisions of the "M1" District Dimensional standards of the Winnipeg Zoning By-Law No. 200/2006 are varied on “the land” for the construction of an addition to an existing warehouse building to permit as follows:

1. No front yard

2. No east corner side yard

subject to the following condition(s), which the Board of Adjustment considers necessary to ensure compliance with criteria (a) to (d) as outlined in Subsection 247(3) of The City of Winnipeg Charter, namely:

1. That the development shall be constructed substantial conformance with plans submitted under File No. DAV 211965/2019C, sheets 1-4, dated November 22, 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 including elevations of the front facades identifying proposed finishing materials
   B. accessory parking areas
   C. fencing
   D. landscaping

on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to 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 Variance Order No. DAV 211965/2019C; 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:

Richard Chiang
Marvin Kulbaba
A.V. Revanth

In Opposition:

Nil

For Information:

Nil

For the City:

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

EXHIBITS FILED FOR DAV 211965/2019C

1. Application dated December 2, 2019
2. Notification of Public Hearing dated December 10, 2019
3. Manitoba Status of Title 3029102/1
4. Letter of authorization dated July 15, 2019, from Marvin Kulbaba, President, Kemel Cartons Ltd., to Wojciech Rzeszowski and Richard Chiang, Voitec Architect Inc.
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 4 inclusive, for File DAV 211965/2019C dated November 22, 2019
7. Report from the Urban Planning Division dated December 24, 2019
8. Inspection Report

Exhibit "7" referred to in File DAV 211965/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-211965\C – 684 Dufferin Ave.

Issue: For consideration at the public hearing for variances associated with the construction of an addition to an existing warehouse building.

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 of the application to vary the "M1" dimensional standards of Zoning By-Law No. 200/2006 for the construction of an addition to an existing warehouse building to permit as follows:

1) no front yard instead of 25 feet (7.62 metres);
2) no east corner side yard instead of 15 feet (4.57 metres).

Subject to the following condition(s):

1) That, the development shall be constructed substantial conformance with plans submitted under File No. DCU18-187385C, sheets 1-9, dated November 29, 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 including elevations of the front facades identifying proposed finishing materials;

   ii. accessory parking areas;

   iii. fencing

   iv. landscaping

   on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to 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

- The applicant is proposing a two-storey addition to an existing warehouse structure on site. Variances are required for no front and east corner side yard setbacks respectively.
- 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 19-211965\C**
RELATED FILES:	
COMMUNITY:	Lord Selkirk - West Kildonan Committee
NEIGHBOURHOOD #:	3.328
SUBJECT:	To vary the "M1" dimensional standards of Zoning By-Law No. 200/2006 for the construction of an addition to an existing warehouse building to permit as follows: 1) no front yard instead of 25 feet (7.62 metres); 2) no east corner side yard instead of 15 feet (4.57 metres).
LOCATION:	684 Dufferin AVE
LEGAL DESCRIPTION:	LOT 2/3 BLOCK 52 PLAN 331 LOT 4 PLAN 31671 35 ST J
APPLICANT:	Richard Chiang 516 St Catherine ST Winnipeg , Manitoba R2J 0N1
OWNER:	Richard Chiang 684 DUFFERIN AVE Winnipeg , Manitoba R2W 2Z4

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 Dufferin Avenue in the Dufferin Industrial neighbourhood of the St. Mynarski ward.
- Existing on the property is a 10,287 sq. ft. warehouse building. The property is 20,031 sq. ft. in size.
- The site is within the Employment Lands - General Manufacturing Policy Area under the Complete Communities Direction Strategy. The property is zoned “M1” Manufacturing Light.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Dufferin Avenue, then accessory surface parking area zoned “M1” Manufacturing Light.

South: Backlane, then warehouse uses zoned “M2” Manufacturing General.

East: McKenzie Street, then mixture of commercial and residential uses zoned “M1” Manufacturing Light.

West: Warehouse uses zoned “M1” Manufacturing Light.

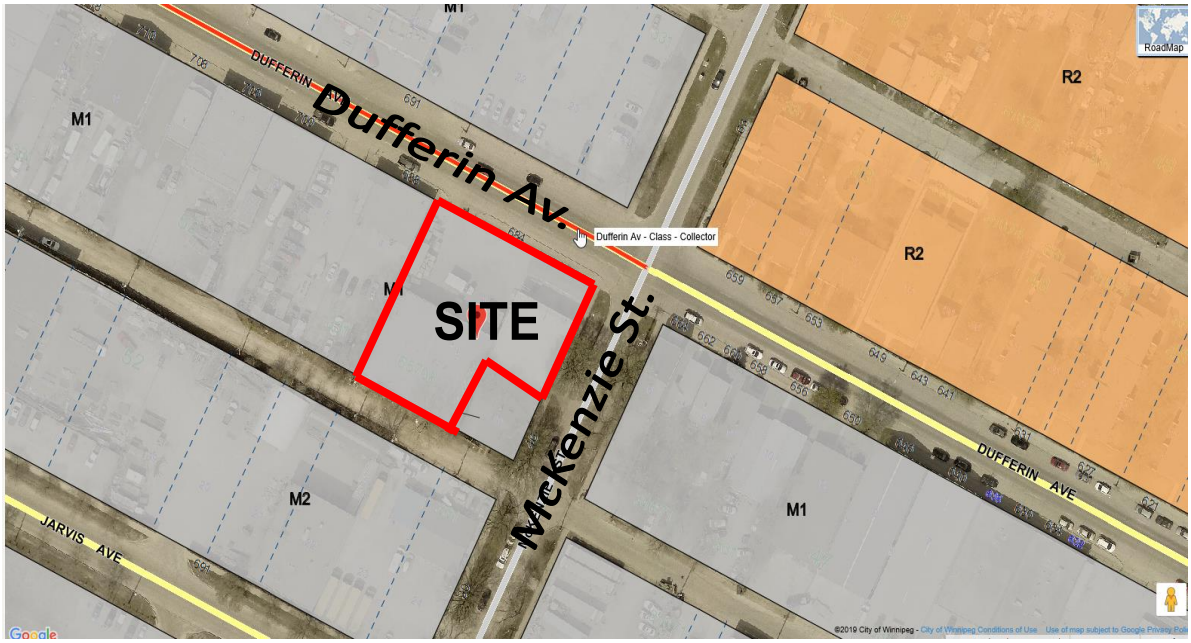


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing a two-storey, 3,224 sq. ft. addition to an existing warehouse structure on site.
- The applicant is adding decorative fencing (on sections of the front façade) facing Dufferin Avenue. Cedar planters are also being proposed between the parking area and the public sidewalk.

COLLABORRATIVE PLANNING & CONSULTATION

Site improvement

To support the proposed expansion, the Urban Planning Division had requested that the applicant make some site improvements. As per the above recommendation, the applicant has submitted plans incorporating decorative fencing on sections of the front yard along Dufferin Avenue.

The applicant is also adding cedar planter boxes between the accessory parking area and the existing sidewalk. Thus, the inclusion of these two site elements (decorative fencing and cedar planters) is considered an improvement when compared to what currently exists on site.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is within the General Manufacturing Policy Area under the *Complete Communities Direction Strategy*. Key relevant policies guiding the development in this area includes:

    - Consider options to encourage development of under-utilized parcels and obsolete sites.

    - Allow for the development and retention of a broad range of employment lands and a variety of employment parcel sizes.

WINNIPEG ZONING BY-LAW 200/2006

Reason for the application

- The Winnipeg Zoning By-law in Table 5-6 prescribes a 25 foot front yard for developments in the “M1” zoning districts. The applicant is proposing zero foot front yard therefore requiring a variance.
- The Winnipeg Zoning By-law in Table 5-6 prescribes a 15 foot corner side yard for developments in the “M1” zoning districts. The applicant is proposing zero foot east side yard therefore requiring a variance.

ZONING BY-LAW ANALYSIS AND DISCUSSION

No front yard instead of 25 feet

- The proposed expansion mirrors what currently exists on site i.e. the proximity of the existing structure to the front lot line.
- It is also important to note that there are other industrial properties on this block of Dufferin Avenue with no front yard. Thus, the subject proposal is consistent with existing development pattern within the immediate vicinity.
- There is nothing to suggest that the proposed zero foot front yard will cause any adverse effect on the surrounding properties.

No east corner side yard

- Being that the east corner side yard abuts a roadway (McKenzie Street), and the fact that the proposed addition (located on the northeast corner) is a consistent with what currently exists on site; the Urban Planning Division does not foresee any adverse effect on surrounding properties and uses.
- It is therefore recommended that the variances be approved.

Condition(s) of Approval

A recommended condition of approval is that the subject proposal be developed in substantial conformance with submitted plans, while the second aspect of the condition provides the applicant an opportunity to make changes to submitted plans, which must be reviewed and approved by the Planning Department prior to the issuance of any development permit.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **approval, with a condition** for the following reasons:

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

In that, the proposal is consistent with Complete Communities General Manufacturing Policy area.

(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 subject property is mostly surrounded by other industrial/warehouse uses, and thus will likely not create any adverse effect on the use, safety and convenience 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 mostly reflect what currently exists on site.

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

In that, the proposal is compatible with existing built form and uses within the immediate vicinity.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

- **Ensure that employment areas are well-planned, sustainable over the long term and fit the existing context.**

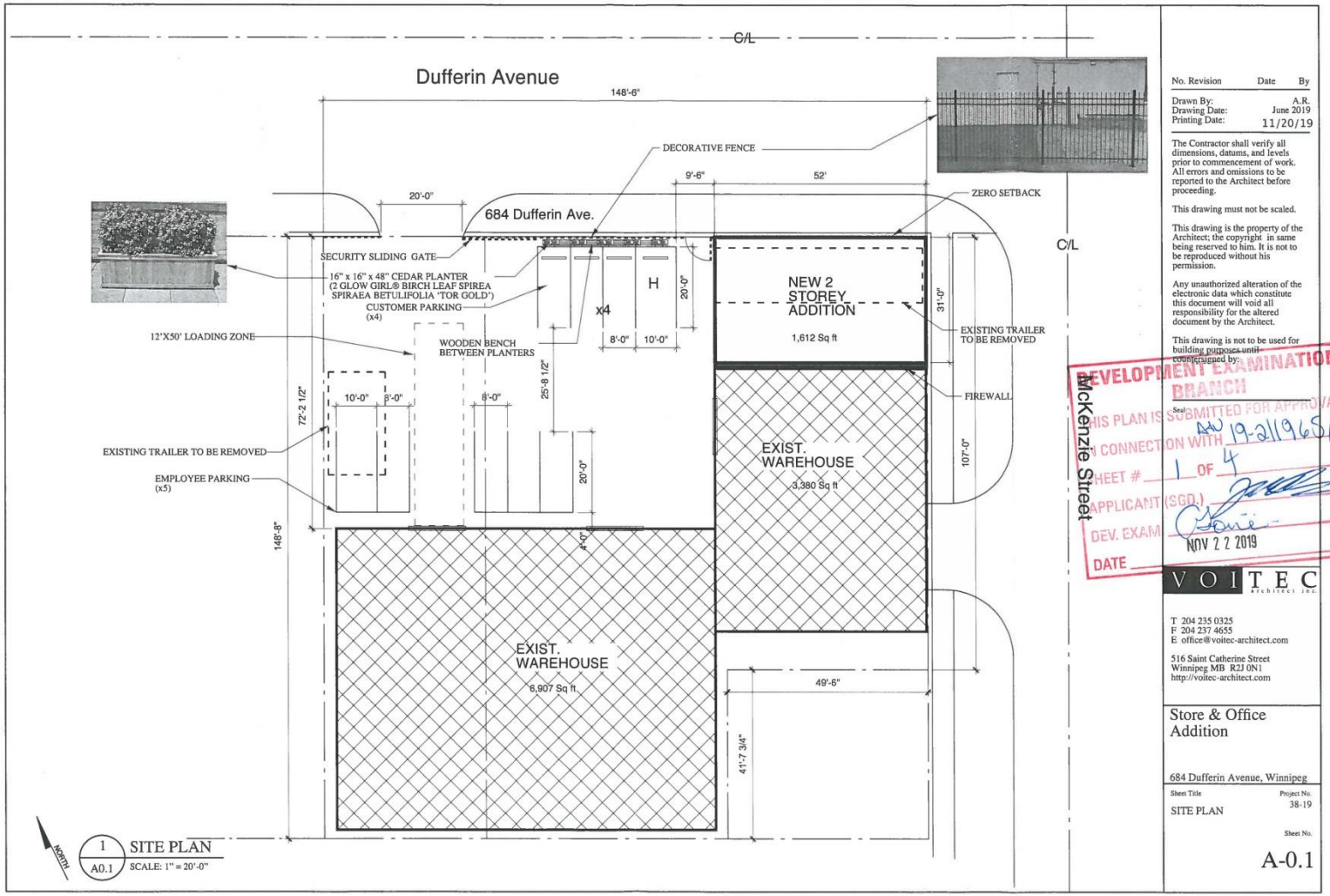
WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

- 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 19-211965\C

Exhibit “6” referred to in File DAV 211965/2019C



No. Revision Date By

Drawn By: A.R.
Drawing Date: June 2019
Printing Date: 11/20/19

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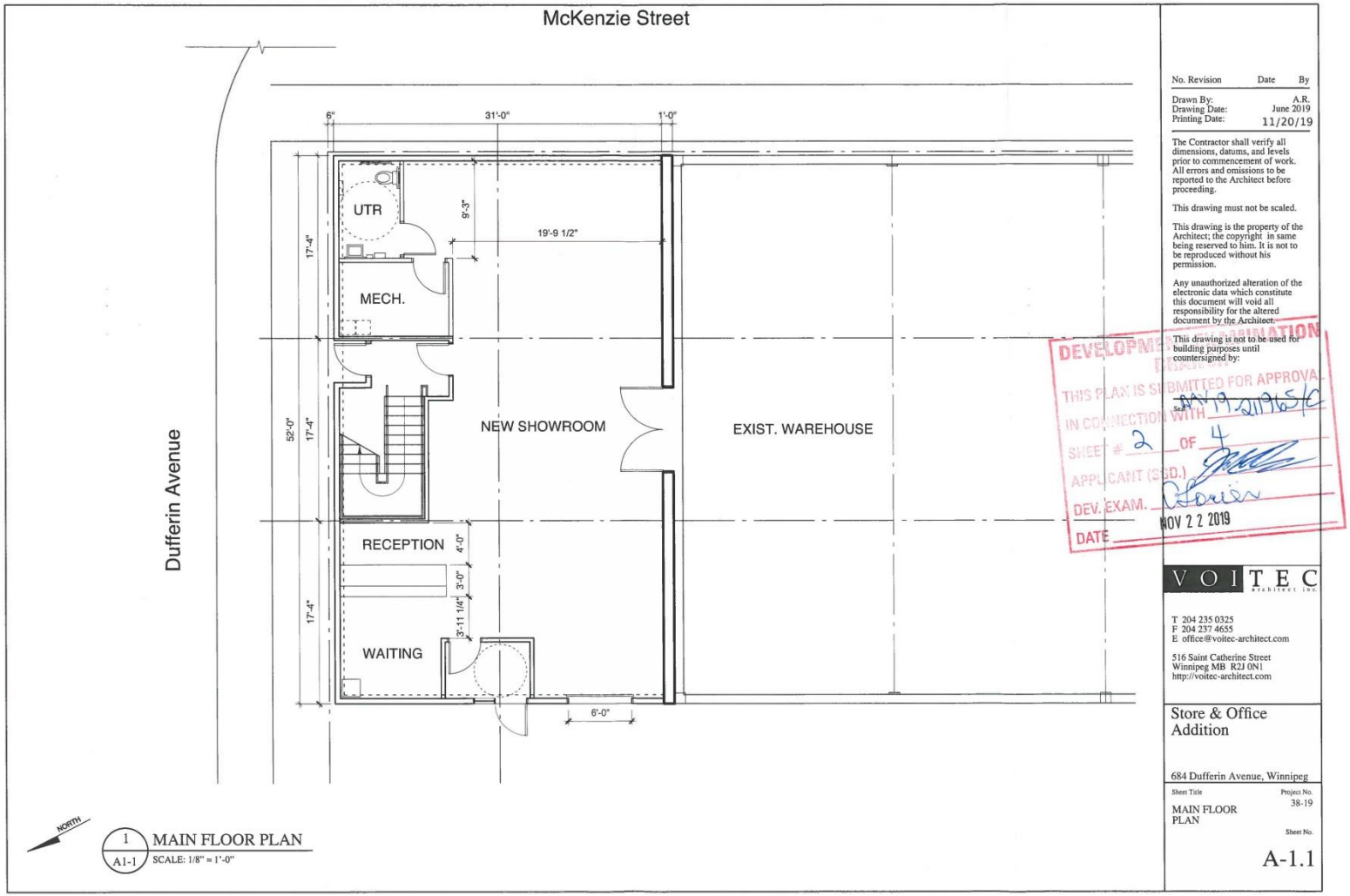
IN CONNECTION WITH AW 19-211965/C
SHEET # 1 OF 4
APPLICANT (SGD.)
DEV. EXAM
DATE NOV 22 2019

VOITEC architect inc
T 204 235 0325
F 204 237 4655
E office@voitec-architect.com
516 Saint Catherine Street
Winnipeg MB R2J 0N1
http://voitec-architect.com

Store & Office Addition

684 Dufferin Avenue, Winnipeg

Sheet Title: SITE PLAN
Project No.: 38-19
Sheet No.: A-0.1



No. Revision Date By

Drawn By: A.R.
Drawing Date: June 2019
Printing Date: 11/20/19

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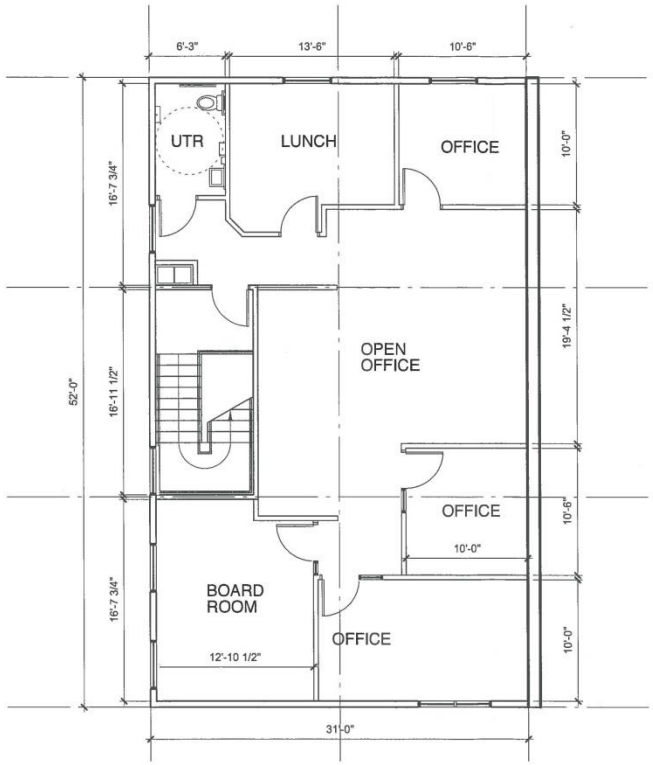
SHEET # 2 OF 4
APPLICANT (SGD.)
DEV. EXAM.
DATE NOV 2 2 2019

VOITEC architect inc
T 204 235 0325
F 204 237 4655
E office@voitec-architect.com
516 Saint Catherine Street
Winnipeg MB R2J 0N1
http://voitec-architect.com

Store & Office Addition

684 Dufferin Avenue, Winnipeg

Sheet Title: MAIN FLOOR PLAN
Project No.: 38-19
Sheet No.: A-1.1



NORTH

1 / A1-2 SECOND FLOOR PLAN

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

No.	Revision	Date	By

Drawn By: A.R.
Drawing Date: June 2019
Printing Date: 11/20/19

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SHEET # 3 OF 4
APPLICANT (SGD.)
DEV. EXAM.
DATE NOV 2 2 2019

VOITEC Architect Inc.
T 204 235 0325
F 204 237 4655
E office@voitec-architect.com
516 Saint Catherine Street
Winnipeg MB R2J 0N1
http://voitec-architect.com

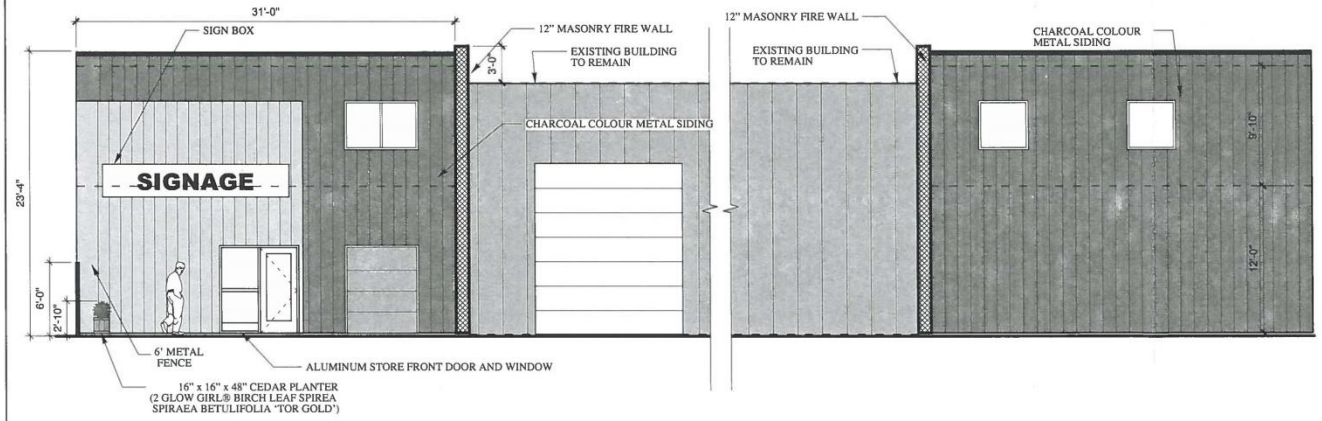
Store & Office Addition

684 Dufferin Avenue, Winnipeg

Sheet Title: SECOND FLOOR PLAN
Project No.: 38-19
Sheet No.: A-1.2



1 / A3-1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 / A3-1 WEST ELEVATION
SCALE: 1/8" = 1'-0"

3 / A3-1 EAST ELEVATION
SCALE: 1 8" = 1'-0"

DEVELOPMENT EXAMINATION
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 19-211965/C
SHEET # 4 OF 4
APPLICANT (SGD.)
DEV. EXAM. Glen
DATE Nov 22/19

No.	Revision	Date	By

Drawn By: A.R.
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Printing Date: 12/9/19

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VOITEC Architect Inc.

T 204 235 0325
F 204 237 4655
E office@voitec-architect.com

516 Saint Catherine Street
Winnipeg MB R2J 0N1
http://voitec-architect.com

Store & Office Addition

684 Dufferin Avenue, Winnipeg

Sheet Title
ELEVATION

A-3.1