Minutes – Board of Adjustment – January 22, 2020

PUBLIC HEARINGS

Item No. 3 Variance – 390 Stradbrook Avenue
(Fort Rouge-East Fort Garry Ward)
File DAV 108982/2018C

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 expansion of a multi-family dwelling by the establishment of one (1) additional dwelling unit to permit a total of 8 parking spaces;

2. For the maintenance of an accessory parking area to permit:

    A. a parking aisle width of 14.5 feet (4.42 metres);

    B. stall dimensions of 10 feet x 14 feet (3.05 metres x 4.27 metres).

DECISION MAKING HISTORY:

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

Moved by Joel Remis,

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

Carried

Moved by Joel Remis,

That the receipt of public representations be concluded.

Carried

Moved by Joel Remis,

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 January 9, 2020.

Carried

DECISION MAKING HISTORY (continued):

Moved by Joel Remis,

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

Carried

Moved by Joel Remis,

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

Carried

THE CITY OF WINNIPEG
VARIANCE ORDER
BOARD OF ADJUSTMENT

DAV 108982/2018C

Before:	Board of Adjustment Bill Sawka, Chairperson Bill Maretski Joel Remis
Hearing:	January 22, 2020 Council Building, 510 Main Street
Applicant:	John White Architecture (John White)
Premises Affected:	390 Stradbrook Avenue
Legal Description:	LOT 46 PLAN 52 36 ST B, hereinafter called “the land”
Property Zoned:	"RMF-M" Residential Multi-Family-Medium
Nature of Application:	To vary the "RMF-M" District Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 as follows:

1. for the expansion of a multi-family dwelling by the establishment of one (1) additional dwelling unit to permit a total of 8 parking spaces instead of 9 spaces;

2. for the maintenance of an accessory parking area to permit:

    A. a parking aisle width of 14.5 feet (4.42 metres) instead of 20 feet (6.1 metres);

    B. stall dimensions of 10 feet x 14 feet (3.05 metres x 4.27 metres) instead of 10 feet x 18 feet (3.05 metres x 5.49 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 January 9, 2020.

ORDER:

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

1. For the expansion of a multi-family dwelling by the establishment of one (1) additional dwelling unit to permit a total of 8 parking spaces;

2. For the maintenance of an accessory parking area to permit:

   A. a parking aisle width of 14.5 feet (4.42 metres);

   B. stall dimensions of 10 feet x 14 feet (3.05 metres x 4.27 metres).

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

DATE OF ORDER: January 24, 2020

CERTIFIED BY:



L. Cowan
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 February 12, 2020;

[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(e) refer to Variance Order No. DAV 108982/2018C; 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:

John White

In Opposition:

Nil

For Information:

Nil

For the City:

D. Harris, Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DAV 108928/2018C

1. Application dated December 18, 2019
2. Notification of Public Hearing dated January 2, 2020
3. Manitoba Status of Title 2758417/1
4. Letter of authorization dated December 16, 2019 from Curtis Shewchuk to John White
5. Surveyor's Building Location Certificate and sketch dated June 18, 2015
6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
7. Plans, Sheet 1 for File DAV 108982/2018C dated December 17, 2019
8. Report from the Urban Planning Division dated January 9, 2020
9. Inspection Report

Exhibit “8” referred to in File DAV 108982/2018C

ADMINISTRATIVE REPORT

Title: DAV 18-108982\C – 390 Stradbrook Avenue

Issue: For consideration at the public hearing for variances associated with the expansion of a multi-family dwelling.

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 "RMF-M" Dimensional Standards of Zoning By-law No. 200/2006 as follows:

1) for the expansion of a multi-family dwelling by the establishment of one (1) additional dwelling unit to permit a total of 8 parking spaces instead of 9 spaces;

2) for the maintenance of an accessory parking area to permit:

   a) a parking aisle width of 14.5 feet (4.42 metres) instead of 20 feet (6.1 metres);

   b) stall dimensions of 10 feet x 14 feet (3.05 metres x 4.27 metres) instead of 10 feet x 18 feet (3.05 metres x 5.49 metres).

REASON FOR THE REPORT

- The applicant is proposing to add one (1) dwelling unit to an existing building consisting seven (7) dwelling units in the “RMF-M” zoning district.
- Variances are required for reduced on-site parking and the accessory parking area.
- 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 18-108982\C**
RELATED FILES:	
COMMUNITY:	City Centre Committee
NEIGHBOURHOOD #:	1.111 (River-Osborne)
SUBJECT:	To vary the "RMF-M" Dimensional Standards of Zoning By-law No. 200/2006 as follows: 1) for the expansion of a multi-family dwelling by the establishment of one (1) additional dwelling unit to permit a total of 8 parking spaces instead of 9 spaces; 2) for the maintenance of an accessory parking area to permit: a) a parking aisle width of 14.5 feet (4.42 metres) instead of 20 feet (6.1 metres); b) stall dimensions of 10 feet x 14 feet (3.05 metres x 4.27 metres) instead of 10 feet x 18 feet (3.05 metres x 5.49 metres).
LOCATION:	390 Stradbrook AVE
LEGAL DESCRIPTION:	LOT 46 PLAN 52 36 ST B
APPLICANT:	John White (John White Architecture) 221 Wellington CRES Winnipeg , Manitoba R3N 0A1
OWNER:	6083219 Manitoba Ltd. 274 OSBORNE ST N Winnipeg , Manitoba R3C 0M7

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 Stradbrook Avenue, in the River-Osborne neighbourhood of the Fort Rouge – East Fort Garry ward.
- The property is 50 ft. wide and +/- 148 ft. deep; and has a total lot area of +/- 7,357 sq. ft.
- Currently on the property is a two storey, 7 unit residential apartment with a basement.
- Under *OurWinnipeg* and *Complete Communities*, the property is classified under the "Areas of Stability – Mature Community" policy area and is zoned "RMF-M" Residential Multi-Family Medium.

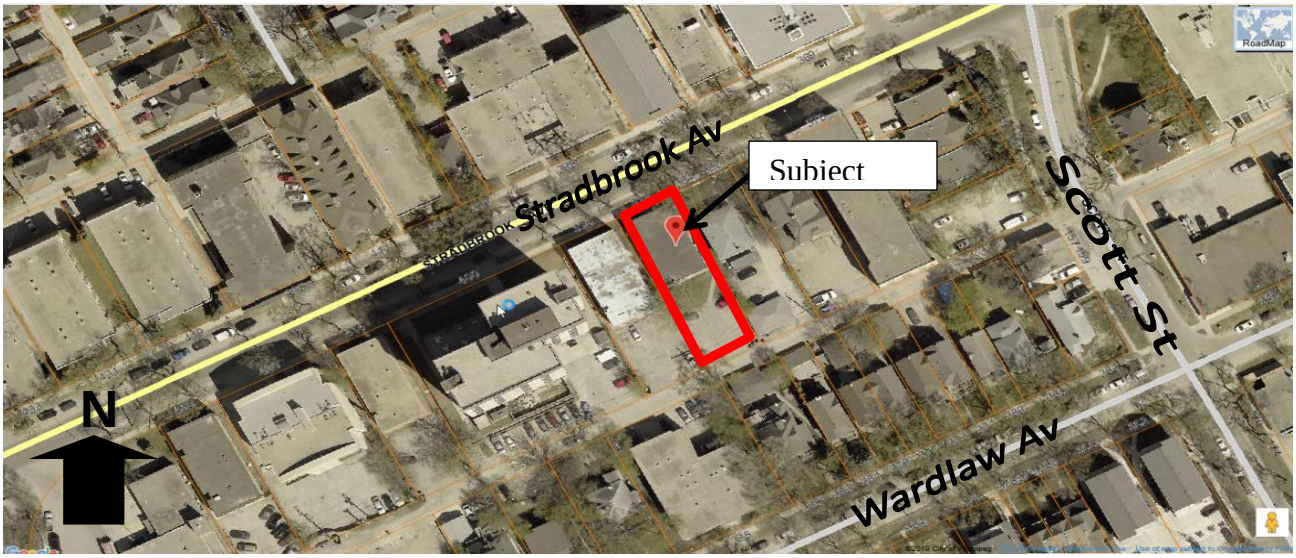


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

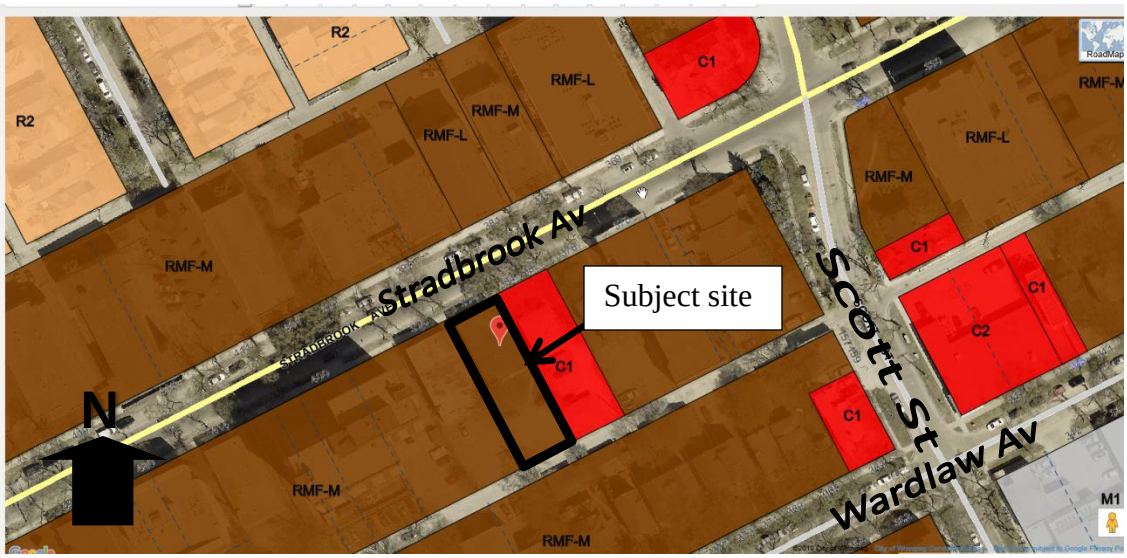
SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Stradbrook Avenue, multi-family residences zoned "RMF" Residential Multi-Family.

South: Backlane, mixture of single-families, duplexes and multi-family residences zoned "RMF" Residential Multi-Family.

West: Multi-Family dwellings zoned "RMF" Residential Multi-Family.

East: A duplex zoned "C1" Neighbourhood Commercial.



DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to add one (1) dwelling unit to an existing seven (7) unit multi-family dwelling.
- The proposed addition will be located within the basement of the existing building. Variances are required for the maintenance of the existing parking area and the reduced number of accessory parking.
- Plans have been submitted showing the location of the proposed dwelling unit within the basement.

ANALYSIS AND ISSUES

OUR WINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

The subject site is in an "Areas of Stability" policy area of *OurWinnipeg* and *Complete Communities.* The Key Direction in these documents that applies to Areas of Stability states: "Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population."

Under the *Complete Communities Direction Strategy*, relevant policies for Areas of Stability that apply directly to the proposed multi-family use **include:**

- *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form;*

  The addition of one dwelling unit to an existing multi-family structure on this block of Stradbrook Avenue is a moderate density change that is consistent with the policy above.

- *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments;*

  Being that the proposal would not require any physical alteration of the existing structure; the existing built form will be maintained.

- *Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities;*

  The subject property falls within the Area of Stability-Mature Community, adding one dwelling unit to an existing multi-family building is consistent with the above policy.

- *Support Complete Communities by ensuring diverse and high quality housing stock;*

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Reason for this application

8 parking stalls instead of 9 parking stalls

As per Table 5-9 of the Winnipeg Zoning By-law, the applicant requires 1.5 parking stalls for each of the 7 dwelling units on site. However being that the subject site falls within the Urban Infill Area 1, this requirement is further reduced by 20%. Thus, the applicant requires 9 vehicle parking stalls while 8 stalls are being provided. As such, a variance is required.

Parking aisle of 14.5 ft. instead of 20 ft.

Zoning By-law 200/2006 (Table 5-12) prescribes a minimum parking aisle width of 20 ft. while the applicant is maintaining an existing parking aisle width of 14 ft. As such, a variance is required.

Stall dimension of 10ft. by 14ft. instead of 10ft. by 18ft.

Zoning By-law 200/2006 (Table 5-12) prescribes a minimum dimension for a parking space of 10 ft. x 18 ft. while the applicant is maintaining an existing parking space dimension of 10 ft. x 14 ft. As such, a variance is required.

ANALYSIS AND DISCUSION OF VARIANCES

8 parking stalls instead of 9 parking stalls

The Urban Planning Division has consistently supported minor parking variances for multi-family developments in mature neighbourhoods being that a moderate expansion is often constrained by the lot size of existing properties and or when the proposed expansion is within an existing building.

The subject site is located within an urban environment that is within a close walking proximity to several amenities and regularly serviced transit system on Stradbrook Avenue and also on Osborne Street.

Aside from the above, the applicant has shown on their submitted plans a secured bicycle lock up space within the basement area.

Based on the above, the subject proposal meets the *OurWinnipeg* Key direction in terms of quality, completeness and sustainability, and the *Complete Communities* in that the proposal is consistent with existing community context.

Parking aisle width of 14.5 ft. instead of 20 ft.

As mentioned earlier, the applicant is adding one dwelling unit to an existing 7 unit multi-family dwelling without any exterior alteration to the existing structure. The accessory parking area on site already exists. The parking aisle variance is triggered because of the proposed addition.

Being that there are no changes to the existing parking arrangement on site, there is nothing to suggest that the parking aisle width will have any adverse effect on surrounding properties.

Parking stall dimension of 10 ft. x 14 ft. instead of 10 ft. x 18 ft.

Given that the accessory parking area already exists and seems to be functional, the Urban Planning Division is supportive of the maintenance of the parking configuration as is on site.

It is therefore recommended that the variance be approved.

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 Complete Communities supports a moderate increase in density within the mature community when it is consistent with existing built form, scale and character.

(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 addition of one (1) unit as proposed will not cause any adverse effect on the amenities, 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;

In that, these minor variances are often unavoidable when dealing with infill development, where the existing structure is being maintained.

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

In that, the proposed addition of one dwelling unit within the basement is compatible with the surrounding built form and scale as the existing building footprint and scale is not changing.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

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

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Femi Ojo, MCIP, RPP
Date:	January 9, 2020
File No.	DAV 18-108982\C

Exhibit "7" referred to in File DAV 108982/2018C

