Agenda – Board of Adjustment – February 5, 2020

PUBLIC HEARINGS

Item No. 6 Variance – 934 Grosvenor Avenue
(River Heights-Fort Garry Ward)
File DAV 102625/2020C [c/r DCU 102629/2020C]

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application to vary the "R1-M PDO-1 Airport Vicinity Protection Area" Dimensional Standards of Zoning By-law No. 200/2006 as follows:

1. for the maintenance of a detached garage to permit:

    A. an east side yard of 1.7 feet (0.52 metres) instead of 2 feet (0.61 metres);

    B. no east side yard to the eave projection instead of 0.5 feet (0.15 metres);

    C. a rear yard of 1.3 feet (0.4 metres) instead of 2 feet (0.61 metres);

    D. a lot coverage of 12.8% instead of 12.5%;

2. for the maintenance of a landing to permit a rear yard of 10.5 feet (3.2 metres) instead of 25 feet (7.62 metres);

3. for the establishment of a secondary suite over the detached garage to permit:

    A. an east side yard of 1.7 feet (0.52 metres) instead of 4 feet (1.22 metres);

    B. a rear yard of 1.3 feet (0.4 metres) instead of 5 feet (1.52 metres).

Agenda – Board of Adjustment – February 5, 2020

File:	DAV 102625/2020C
Applicant:	Tammie Rocke
Premises Affected:	934 Grosvenor Avenue
Legal Description:	LOT 23/24 BLOCK 77 PLAN 255 31/5 ST B, hereinafter called "the land"
Property Zoned:	"R1-M PDO-1 Airport Vicinity Protection Area" Residential Single-Family-Medium Planned Development Overlay (District)
Nature of Application:	To vary the "R1-M PDO-1 Airport Vicinity Protection Area" District Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 as follows:

1. for the maintenance of a detached garage to permit:

    A. an east side yard of 1.7 feet (0.52 metres) instead of 2 feet (0.61 metres);

    B. no east side yard to the eave projection instead of 0.5 feet (0.15 metres);

    C. a rear yard of 1.3 feet (0.4 metres) instead of 2 feet (0.61 metres);

    D. a lot coverage of 12.8% instead of 12.5%;

2. for the maintenance of a landing to permit a rear yard of 10.5 feet (3.2 metres) instead of 25 feet (7.62 metres);

3. for the establishment of a secondary suite over the detached garage to permit:

    A. an east side yard of 1.7 feet (0.52 metres) instead of 4 feet (1.22 metres);

    B. a rear yard of 1.3 feet (0.4 metres) instead of 5 feet (1.52 metres).

Exhibits Filed:

1. Application dated January 8, 2020
2. Notification of Public Hearing dated January 16, 2020

Exhibits Filed (continued):

3. Manitoba Status of Title 2164087/1
4. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
5. Petition in support of the application purporting to contain the signatures of 2 area residents, submitted by the applicant
6. Plans, Sheets 1, 3 and 5 dated January 7, 2020, and Sheets 2 and 4 dated January 24, 2020, for File DAV 102625/2020C
7. Report from the Urban Planning Division dated January 27, 2020
8. 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.

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 "7" referred to in File DAV 102625/2020C

ADMINISTRATIVE REPORT

Title: DAV 20-102625/C – 934 Grosvenor AVE

Issue: For consideration at the public hearing for a variance to support a detached secondary suite above a garage.

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.Lam, MCIP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the "R1-M PDO-1 Airport Vicinity Protection Area" Dimensional Standards of Zoning By-law No. 200/2006 as follows:

1) for the maintenance of a detached garage to permit:
    a) an east side yard of 1.7 feet (0.52 metres) instead of 2 feet (0.61 metres);
    b) no east side yard to the eave projection instead of 0.5 feet (0.15 metres);
    c) a rear yard of 1.3 feet (0.4 metres) instead of 2 feet (0.61 metres);
    d) a lot coverage of 12.8% instead of 12.5%;
2) for the maintenance of a landing to permit a rear yard of 10.5 feet (3.2 metres) instead of 25 feet (7.62 metres);
3) for the establishment of a secondary suite over the detached garage to permit:
    a) an east side yard of 1.7 feet (0.52 metres) instead of 4 feet (1.22 metres);
    b) a rear yard of 1.3 feet (0.4 metres) instead of 5 feet (1.52 metres).

REASON FOR THE REPORT

- 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 for the detached secondary suite above a garage may be approved.

FILE/APPLICANT DETAILS

FILE: **DAV 20-102625/C**
RELATED FILES: DCU 20-102629/C
COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: 1.601 (Crescentwood)

SUBJECT: To vary the "R1-M PDO-1 Airport Vicinity Protection Area" Dimensional Standards of Zoning By-law No. 200/2006 as follows:

1) for the maintenance of a detached garage to permit:
   a) an east side yard of 1.7 feet (0.52 metres) instead of 2 feet (0.61 metres);
   b) no east side yard to the eave projection instead of 0.5 feet (0.15 metres);
   c) a rear yard of 1.3 feet (0.4 metres) instead of 2 feet (0.61 metres);
   d) a lot coverage of 12.8% instead of 12.5%;
2) for the maintenance of a landing to permit a rear yard of 10.5 feet (3.2 metres) instead of 25 feet (7.62 metres);
3) for the establishment of a secondary suite over the detached garage to permit:
   a) an east side yard of 1.7 feet (0.52 metres) instead of 4 feet (1.22 metres);
   b) a rear yard of 1.3 feet (0.4 metres) instead of 5 feet (1.52 metres).

LOCATION: 934 Grosvenor AVE
LEGAL DESCRIPTION: LOT 23/24 BLOCK 77 PLAN 255 31/5 ST B

APPLICANT: TAMMIE ROCKE
934 GROSVENOR AVE
Winnipeg , Manitoba R3M 0N5

OWNER: TAMMIE ROCKE
934 GROSVENOR AVE
Winnipeg , Manitoba R3M 0N5

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 Grosvenor Avenue, in the Crescentwood Neighbourhood of the River Heights – Fort Rouge ward.
- The site is located within the Areas of Stability – Mature Communities Policy Area under the Complete Communities Direction Strategy.
- The property is zoned “R1-M” (Residential Single-Family Medium) PDO-1 Airport Vicinity Protection Area 2, and is 6,041 sq. ft. in size.
- The principle dwelling on the subject property is a 2.5 storey; single family home built in 1912.
- The site also contains a 1.5 storey detached, 3 three car garage that was constructed approximately 10 years ago.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North:	Grosvenor Avenue, then commercial and multifamily residential uses (Zoned “C-1” – Neighbourhood Commercial)
South:	Back lane, then single-family residential uses (Zoned “R1-M” - Residential Single-Family (Medium)
East:	Commercial uses (Zoned “C-1” – Neighbourhood Commercial) then Stafford Street
West:	A four-plex, and single-family residential uses (Zoned “R1-M” Residential Single-Family (Medium)

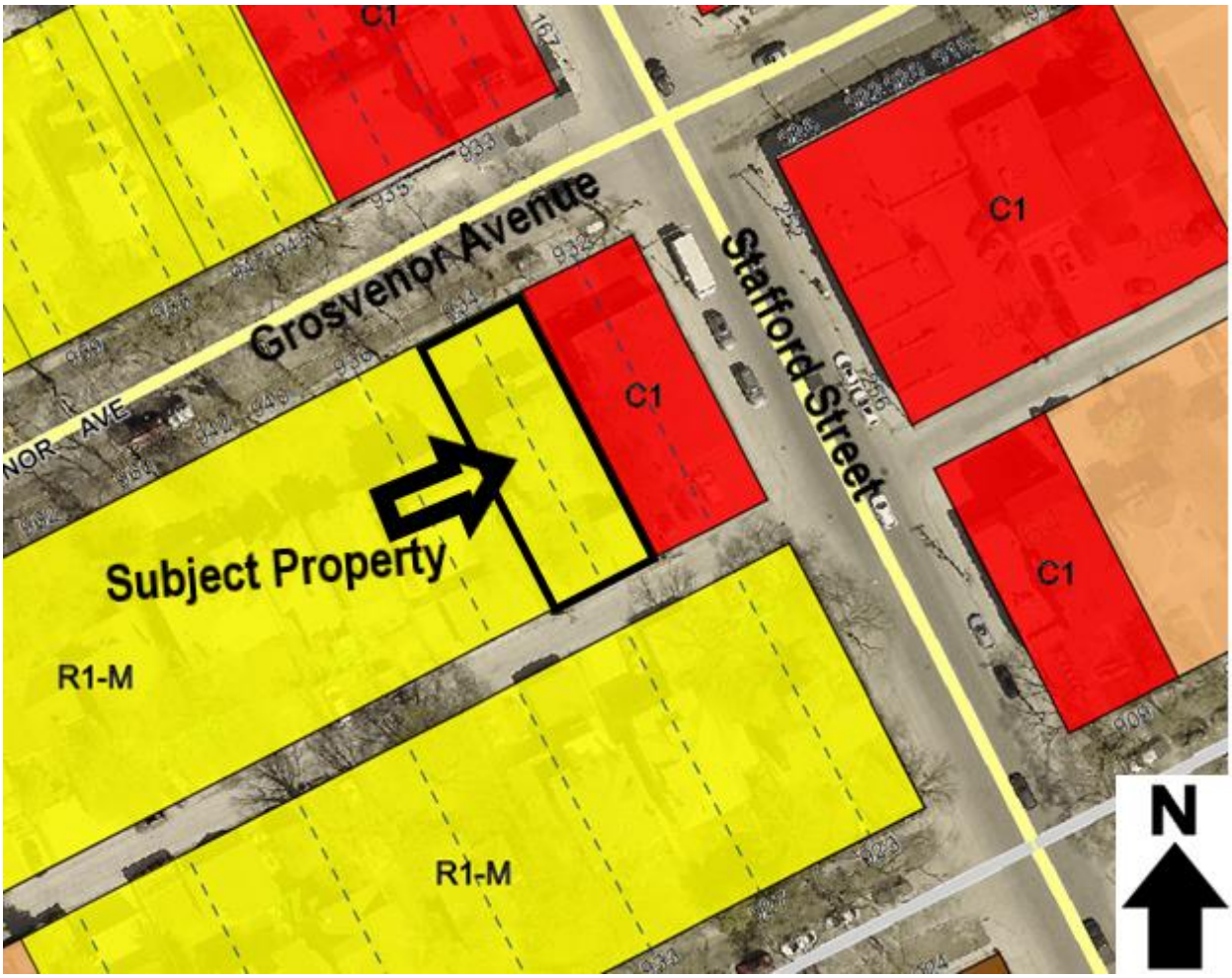


Figure 2: Zoning of the site and surrounding area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant seeks approval to modify an existing 776 sq. ft. three car garage for the purpose of converting a 506 sq. ft. storage area (above the garage) into a bachelor suite.
- Construction of the suite will not involve altering the height of the existing garage.
- The suite will be accessed by an exterior staircase facing west.
- The secondary suite will have pedestrian access from the rear of the property, toward a wooden deck, and to the front of the property and Grosvenor Avenue.
- A landscape plan has been provided showing paving stones, a variety of shrubs, a vegetable garden and three mature maple trees.
- One exterior surface parking stall is provided for the secondary suite.
- The proposed suite elevations show exterior lighting and hardie board siding (complementary to the single family home on the property).
- The variances for setbacks and lot coverage are discussed below.

In addition to the variance requests, the applicant requires an associated conditional use application (DCU 20-102629/C). Please refer to the corresponding planner's report for details regarding the proposal for a conditional use.

A recommend condition is that the development be built in substantial conformance with the plans hereto attached and identified as Sheets one to five for DAV 20-102625/C, dated January 7, 2020 and January 24, 2020.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

As per the Complete Communities Direction Strategy, the proposed development falls within the Areas of Stability – Mature Communities policy area. Key policies guiding development within 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.

This secondary suite proposal adds to the diversity of affordable housing options in the area.

Support Complete Communities by ensuring a diverse and high quality housing stock.

The proposed detached secondary suite would add to the diversity of new housing options in the area.

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 and townhouses.

The proposed detached secondary suite provides an additional housing option in a manner which is sensitive to the local character.

The proposal provides an increase in density while providing a scale, character and built form that is complementary to this part of Grosvenor Avenue. The proposal adds to the local mix of housing types in alignment with goals of *Complete Communities.*

CITY OF WINNIPEG ZONING BY-LAW 200/2006

In the Winnipeg Zoning By-law, there are a number of use specific standards that apply to detached secondary suites.

a) The lot must be a through lot or abut an improved public lane

b) The minimum site area shall be no less than 3,500 square feet

c) If the suite is located above the garage, the maximum height of the building containing the suite is 25 feet

d) The maximum floor area of the secondary suite shall be 600 square feet

e) No secondary suite shall have a floor area of less than 350 square feet

f) A secondary suite must be separated from the principal dwelling by a minimum of 10 feet

g) The minimum side yard setback shall be the same as for the principal dwelling

h) The minimum rear yard setback shall be 5 feet for that portion of the accessory building used as a secondary suite

i) A lot containing a secondary suite must contain a minimum of 2 off-street parking spaces

j) A secondary suite must be no greater than 150 feet from the nearest curb on the front street and an unobstructed pathway, a minimum of 30 inches in width, must be provided between the front property line and the secondary suite

k) Subdivision of land which results in a separate land title for the secondary suite will not be permitted

l) No roof decks are allowed above the living area of the secondary suite

m) A secondary suite shall not be utilized as a home based business, a care home, or a neighbourhood rehabilitation home

n) The owner must include a site plan with the application to the City, which site plan must provide the following:

   (i) a lot grading plan,

   (ii) the location and details of the proposed sewer and water connections, and

   (iii) the location and design of the proposed secondary suite, including building elevations, floor plans, materials, exterior lighting, windows, doors, balconies, patios, outdoor space, fencing, parking and landscaping;

o) The maximum lot coverage for all accessory structures on the site, including the detached secondary suite, shall be no greater than (i) 484 square feet or (ii) 12.5% of the total lot area, to a maximum of 880 square feet.

The proposed development meets most of the specific standards, with the exception of the side and rear setbacks and lot coverage.

Analysis of Variances

As mentioned previously, construction of the proposed detached secondary suite will be above the existing three car garage; the footprint of which will not be changing.

With respect to the proposed setback and lot coverage variances, these are consequentially related to the placement of the existing garage that was built approximately 10 years ago. As such, variances to the dimensional standards of the Winnipeg Zoning By-Law are necessary in order to support the subject proposal.

- The minimum required side yard for a detached garage is 2 feet. The applicant is proposing to maintain the existing east side yard of 1.7 feet. As such, a variance is required.
- The minimum required yard eave projection for a detached garage is 0.5 feet. The applicant is proposing to maintain no side yard setback to the eave projection. As such, a variance is required.
- The minimum required rear yard for a detached garage is 2 feet. The applicant is proposing to maintain a rear yard of 1.3 feet. As such, a variance is required.
- The minimum required lot coverage is 12.5%. The applicant is proposing a lot coverage of 12.8% to accommodate the existing structures on site.
- The minimum required rear yard setback to a landing is 25 feet. The applicant is proposing 10.5 feet.
- The minimum required setback for the side yard to a detached secondary suite above a garage is 4 feet. The applicant is proposing 1.7 feet.
- The minimum required rear setback for a secondary suite over a detached garage is 5 feet. The applicant is proposing a rear yard of 1.3 feet.

Although not an ideal situation, given that the detached garage already exists and seems to be functional, the Urban Planning Division is supportive of the maintenance of the detached garage as is on site.

Many lots within Mature Communities do not meet the minimum lot size requirement identified in the Zoning By-law, yet may be suitable for accommodating a detached secondary suite if they meet other applicability standards for these uses. The Urban Planning Division may support small reductions in the yard setbacks if the overall project meets several intents and policies outlined by OurWinnipeg and the Complete Communities Direction Strategy, such as providing a variety of housing types and compatibility within the existing context.

The requested variances are minor in nature, and it is anticipated that they would not cause any adverse effect on surrounding uses.

Public Support

The applicant obtained signatures of support for the establishment of the detached secondary suite from property owners on the west (936 Grosvenor Ave., which has 4 dwelling units) and north sides (933 Grosvenor Ave., which has commercial uses and 7 dwelling units) of the subject property.

Given that the secondary suite meets several intents and policies outlined by Complete Communities, and is consistent with all use specific standards other than those unable to be met due to the pre-existing garage footprint, the Urban Design Division supports the proposed variances and recommends that they 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 proposed development adds to the mix of housing options in the neighbourhood and provides a minor increase in density 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 development meets most of the standards for detached secondary suites.

(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 variance is relatively minor in nature and aligns with the City's objectives for development in this context.

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

In that, detached secondary suites provide a context sensitive, modest form of residential infill development.

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

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

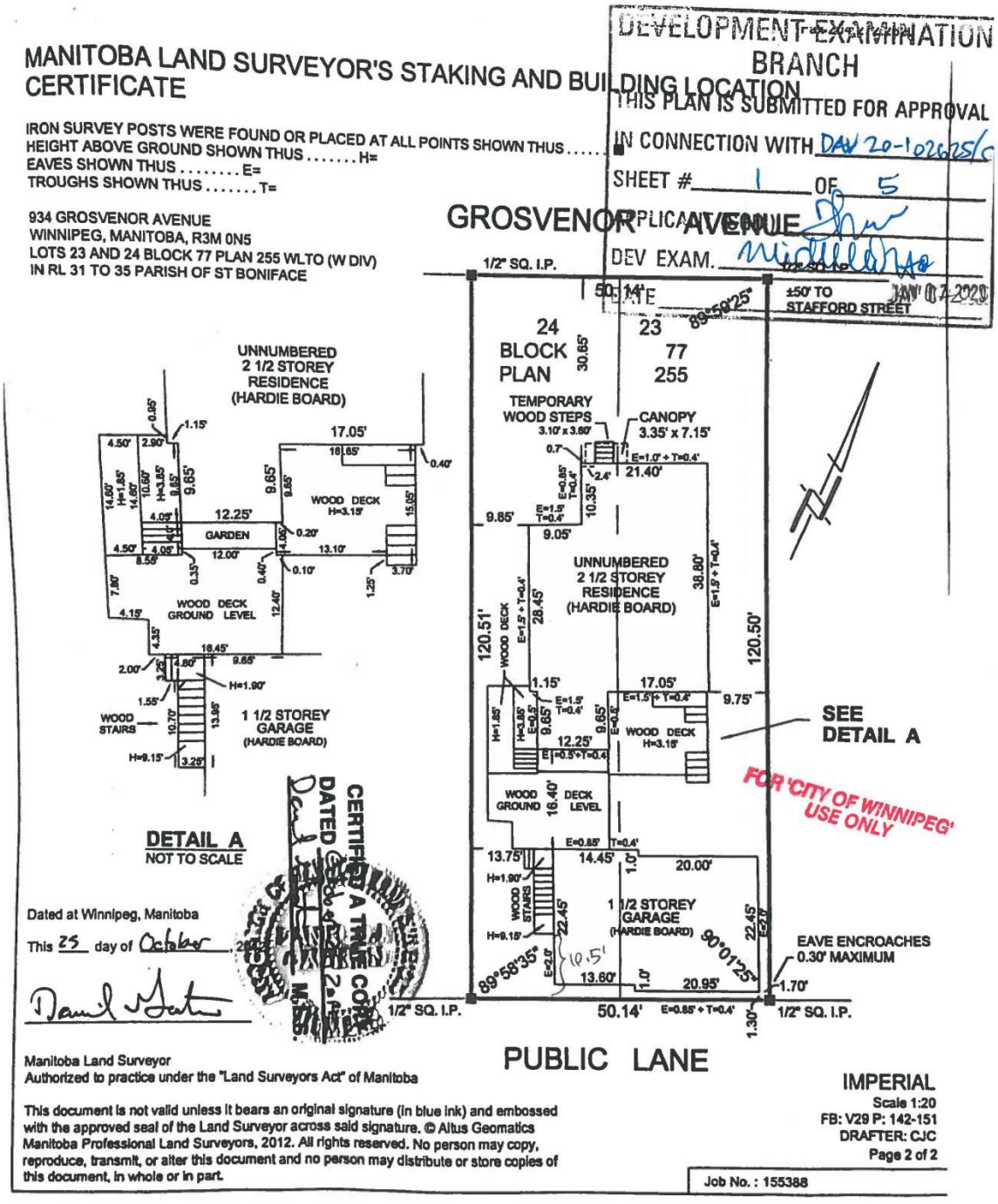
WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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:	Jessica Lam
Date:	Monday, January 27, 2020
File No.	DAV 20-102625/C

Exhibit “6” referred to in File DAV 102625/2020C



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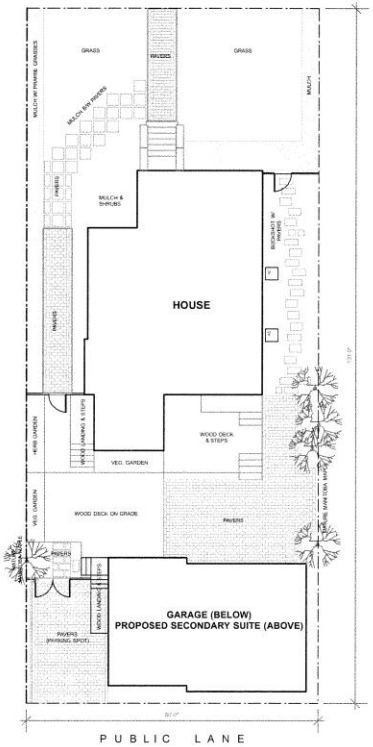
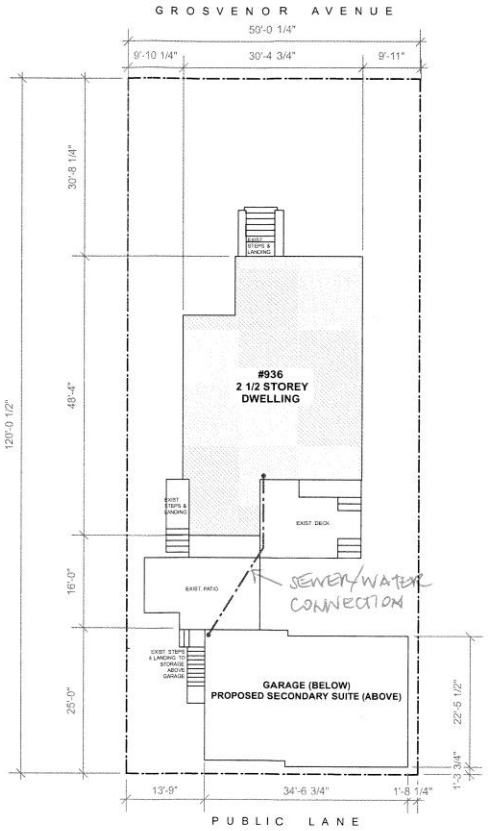
JANUARY23, 2020
WATER & SEWER PLUMBING CONNECTION



EXISTING LANDSCAPE PLAN
SCALE: 1:175



EXISTING SITE PLAN
SCALE: 1:175

LOT SIZE 6000 SF
HOUSE FOOTPRINT 1202 SQFT
GARAGE FOOTPRINT 776 SQFT

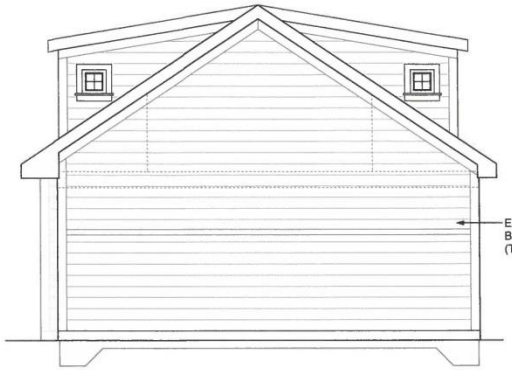
DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 20-102625/c
SHEET # 2 OF 5
APPLICANT (SGD.)
DEV EXAM. Miatheen
DATE JAN 24 2020

DRAWING LIST

A0 TITLE PAGE W/ SITE PLANS
A1 EXISTING EXTERIOR ELEVATIONS - GARAGE
A2 EXISTING FLOOR PLANS - GARAGE
A3 RENOVATION FLOOR PLAN - GARAGE SECONDARY SUITE

Project: 934 Grosvenor Ave. Winnipeg, MB	
Title: Title Page w/ Site Plans	
Scale: As Noted	
Date: December 18, 2019	
Project North	Sheet #: A0

*THESE ARE EXTRA HARD COPIES OF THE NEW PLANS IN CASE CITY CLERKS DOESN'T ACCEPT THE SCANNED COPIES. THE NEW PAGES 2 AND 5 DATED JAN 24, 2020 SHOULD REPLACE THE OLD PAGES 2 AND 5 DATED JAN 7, 2020 (FOR DAV 20-102625/c)



EXISTING EXTERIOR ELEVATION - EAST



EXISTING EXTERIOR ELEVATION - SOUTH



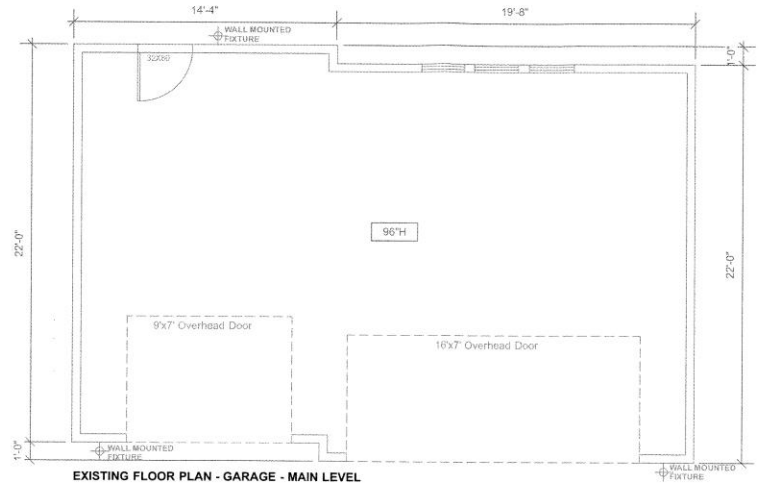
EXISTING EXTERIOR ELEVATION - WEST



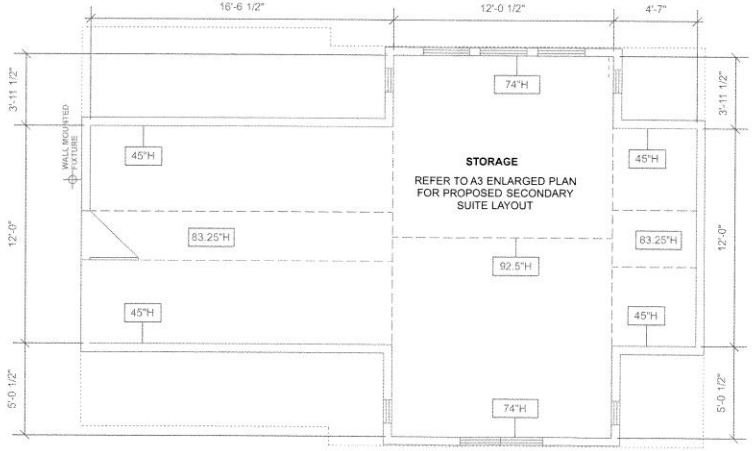
EXISTING EXTERIOR ELEVATION - NORTH

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 20-102625 C
SHEET # 3 OF 5
APPLICANT (SGD.)
DEV EXAM. Michelle Gu
JAN 07 2020

Project:	934 Grosvenor Ave. Winnipeg, MB
Title:	Existing Exterior Elevations Garage
Scale:	3/16" = 1'-0"
Date:	December 18, 2019
Sheet #:	A1



EXISTING FLOOR PLAN - GARAGE - MAIN LEVEL

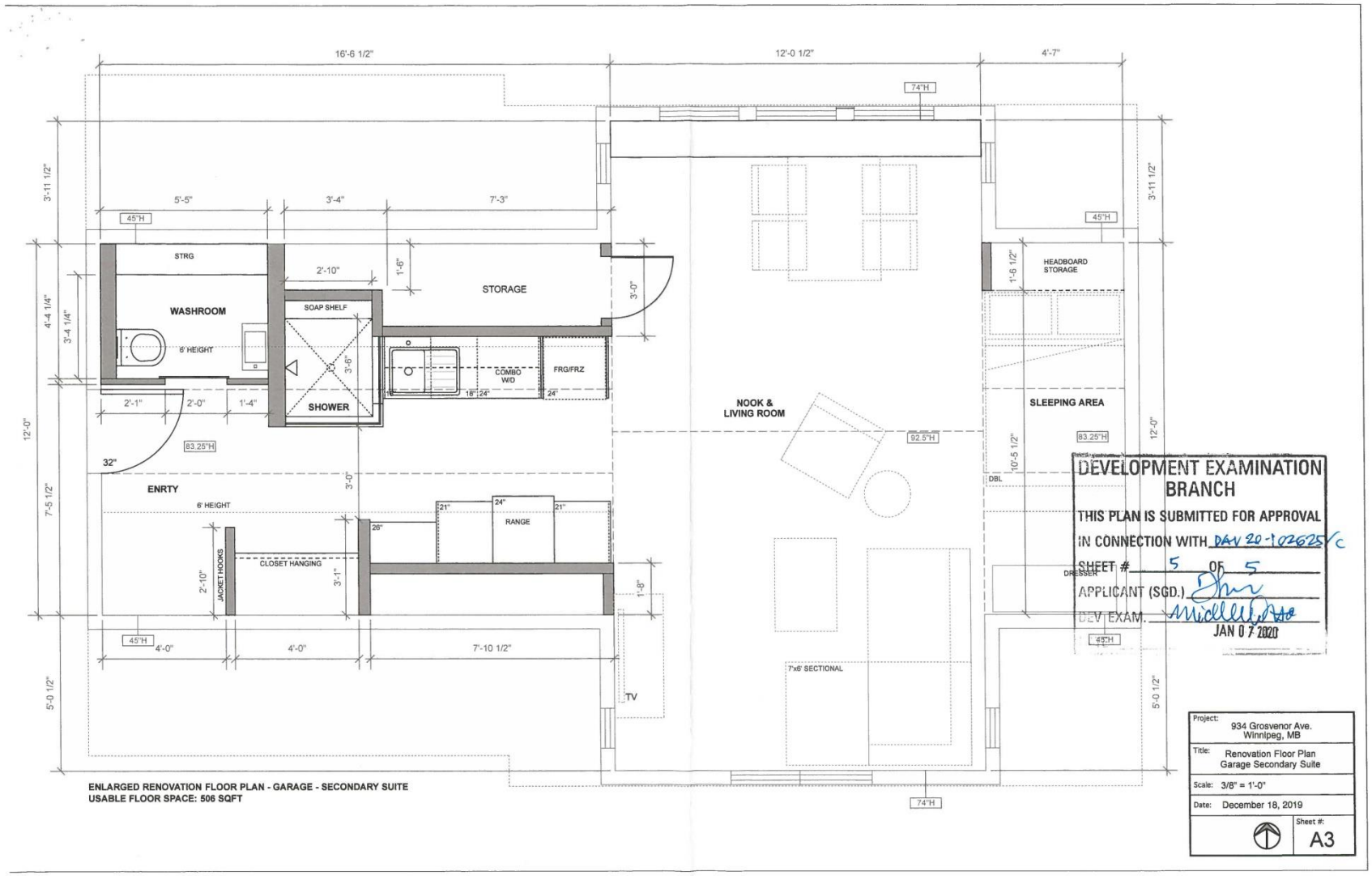


EXISTING FLOOR PLAN - GARAGE - 2ND LEVEL

JANUARY 23, ADDED LIGHTING

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAN 20-102625/C
SHEET # 4 OF 5
APPLICANT (SGD.)
EXAMINER
DATE JAN 24 2020

Project:	934 Grosvenor Ave. Winnipeg, MB
Title:	Existing Floor Plans Garage
Scale:	3/16" = 1'-0"
Date:	December 18, 2019
Project North	Sheet #: A2



ENLARGED RENOVATION FLOOR PLAN - GARAGE - SECONDARY SUITE
USABLE FLOOR SPACE: 506 SQFT

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 20-102625 (C)
SHEET # 5 OF 5
APPLICANT (SGD.)
DEV EXAM.
JAN 07 2020

Project:	934 Grosvenor Ave. Winnipeg, MB
Title:	Renovation Floor Plan Garage Secondary Suite
Scale:	3/8" = 1'-0"
Date:	December 18, 2019
Sheet #:	A3