Minutes – Board of Adjustment – February 5, 2020

PUBLIC HEARINGS

Item No. 5 Conditional Use – 934 Grosvenor Avenue
(River Heights-Fort Garry Ward)
File DCU 102629/2020C [c/r DAV 102625/2020C]

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 a detached secondary suite above an existing garage.

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 January 27, 2020.

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 102629/2020C [c/r DAV 102625/2020C]

Before:	Board of Adjustment Bill Sawka, Chairperson Bill Evans Kara Bjornson
Hearing:	February 5, 2020 Council Building, 510 Main Street
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:	For a Conditional Use under the Winnipeg Zoning By-Law No. 200/2006 to permit the construction of a detached secondary suite above an existing garage.

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 January 27, 2020.

ORDER:

The Board of Adjustment orders that a Conditional Use under the Winnipeg Zoning By-Law No. 200/2006 is approved on "the land", to permit a detached secondary suite above an existing garage.

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

DATE OF ORDER: February 11, 2020

CERTIFIED BY:



Leah 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 28, 2020;

[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(e) refer to Conditional Use Order No. DCU 102629/2020C; 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:

Cam Chabot
Tammie Rocke

In Opposition:

Nil

For Information:

Nil

For the City:
J. Hildebrand, Planner, Planning Property and Development Department
R. Galston, Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DCU 102629/2020C

1. Application dated January 8, 2020
2. Notification of Public Hearing dated January 16, 2020
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 to 5 inclusive, for File DCU 102629/2020C dated January 7, 2020
7. Report from the Urban Planning Division dated January 27, 2020
8. Inspection Report

Exhibit "7" referred to in File DCU 102629/2020C

ADMINISTRATIVE REPORT

Title: DCU 20-102629/C – 934 Grosvenor AVE

Issue: For consideration at the public hearing for a conditional use to permit a detached secondary suite above an existing 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 for a conditional use under Zoning By-Law No. 200/2006 to permit a detached secondary suite above an existing garage.

REASON FOR THE REPORT

- 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 subject application for the conditional use of a detached secondary suite may be granted.

FILE/APPLICANT DETAILS

FILE:	**DCU 20-102629/C**
RELATED FILES:	DAV 20-102625/C
COMMUNITY:	City Centre Committee
NEIGHBOURHOOD #:	1.601 (Crescentwood)
SUBJECT:	For a Conditional Use under Zoning By-Law No. 200/2006 to permit the construction of a detached secondary suite use.
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 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 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 residences (Zoned “R1-M” Residential Single-Family (Medium)

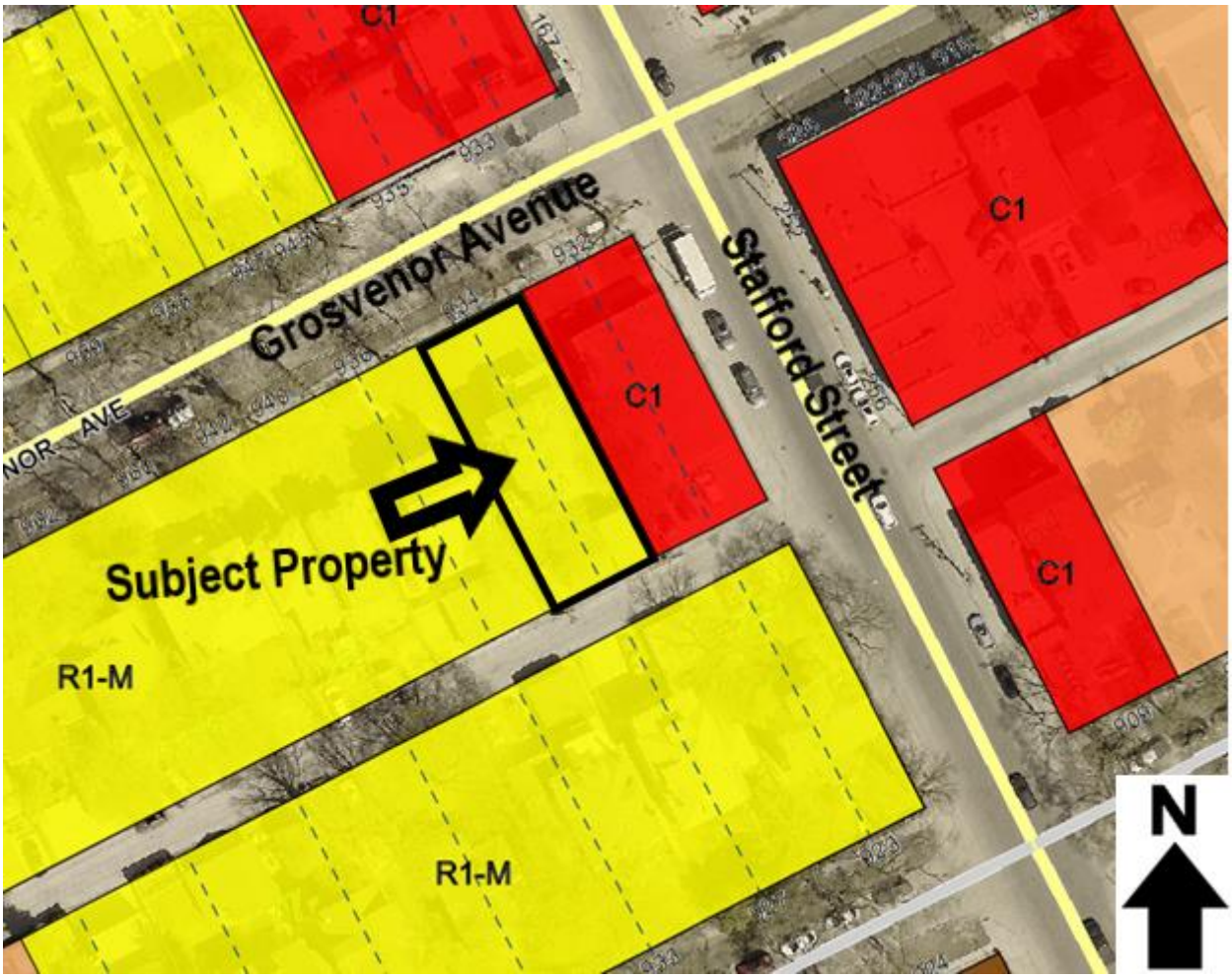


Figure 2: Zoning of the site and surrounding area.

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 also 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).
- In addition to the conditional use in order to establish the detached secondary suite, the applicant requires an associated variance application (DAV 20-102625/C) to permit yard variances and increased lot coverage. Please refer to the associated planner's report for details regarding the proposed variance.
- A recommended condition of the variance is that the development be built in substantial conformance with the plans hereto attached and identified as Sheets one to five for DCU 20-102629/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.*
- *Support Complete Communities by ensuring a 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 and townhouses.*
- *Encourage conservation and upgrading of existing housing in mature areas and expand housing opportunities through infill development.*

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 all use specific standards, with the exception of the side and rear setbacks and lot coverage. When use specific standards for a DCU are not met, they

become a DAV, and as such the applicant has applied for associated variances. Please see the administrative report DAV 20-102625/C for related variances.

Analysis of Conditional Use

The Urban Planning Division is supportive of the conditional use because the detached secondary suite is considered an appropriate method of creating a modest increase in density without creating an impact on the form or character of the neighbourhood.

- The proposal complies with the policies in the *Complete Communities Direction Strategy*. The proposed detached secondary suite would add to the diversity of low density housing options in the area in a manner which is sensitive to the local character.
- The applicant has submitted plans showing the location and elevations of the proposed detached secondary suite, as well as proposed lighting and landscaping. The elevations show a structure designed in a manner which is aesthetically pleasing and compatible with both principal and accessory structures found elsewhere on the subject block.

Public Support

The applicant obtained signatures of support for the establishment of a detached secondary suite from the neighbouring 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 proposed secondary suite meets several intents and policies outlined by *Complete Communities*, and is consistent with all use specific standards other that those unable to be met due to the pre-existing garage footprint, it is recommended that the conditional use 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 use will not create a substantial adverse effect on amenities, use, safety or convenience of adjoining properties given that the proposed secondary suite adds a very modest increase in density.

(c) 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.

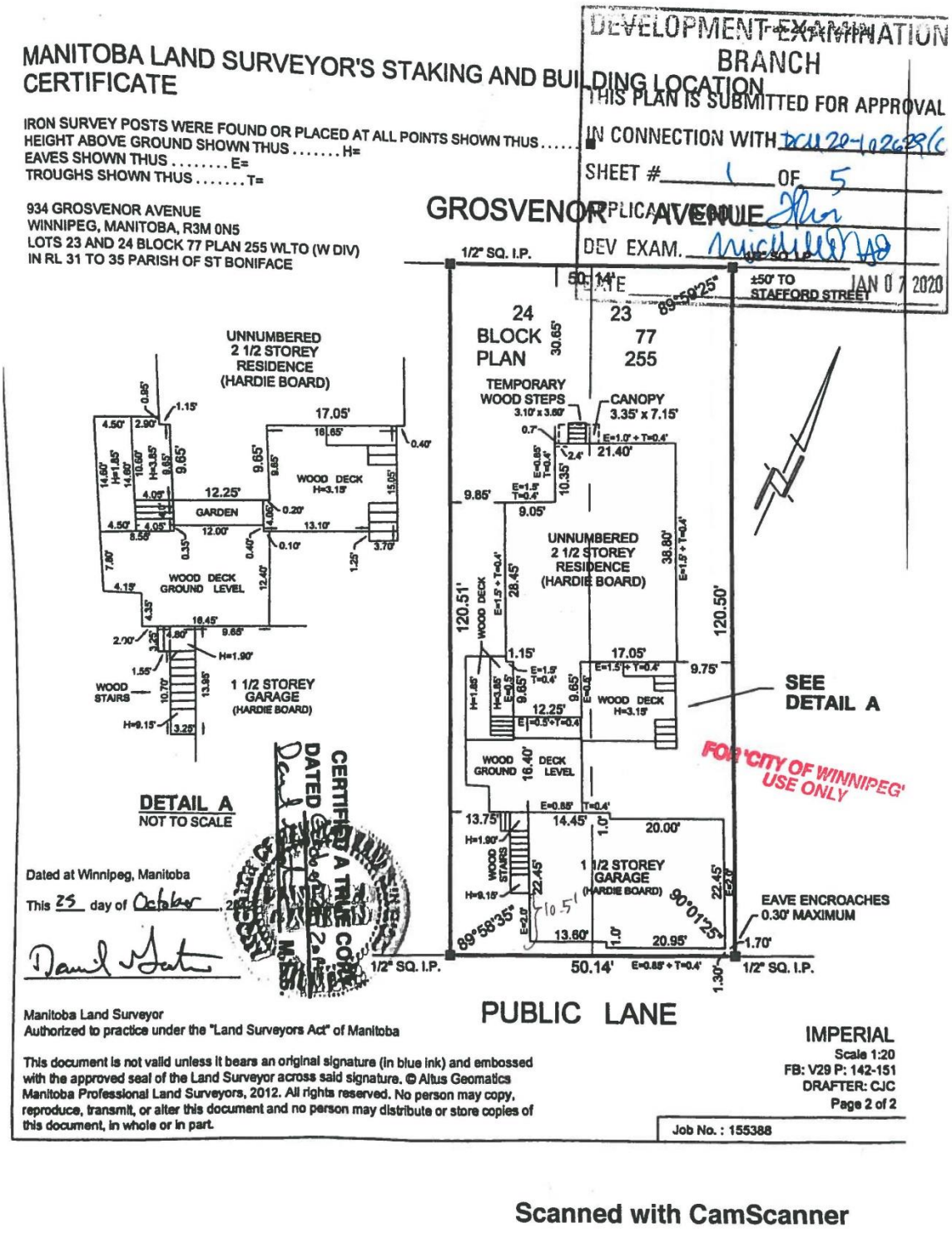
WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

- 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.	DCU 20-102629/C

Exhibit "6" referred to in File DCU 102629/2020C



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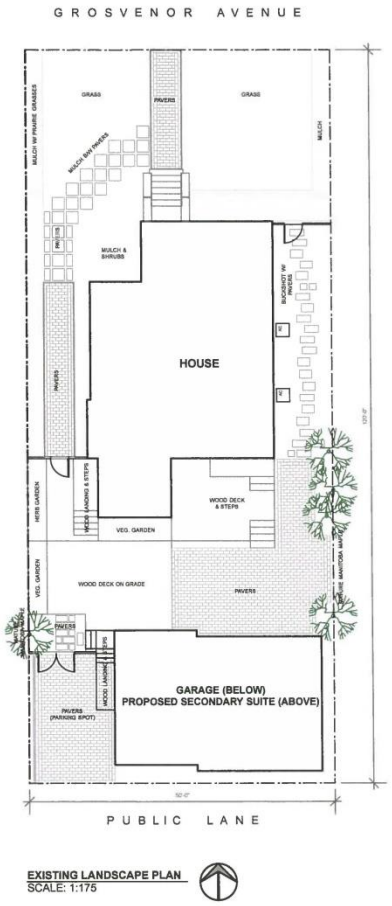
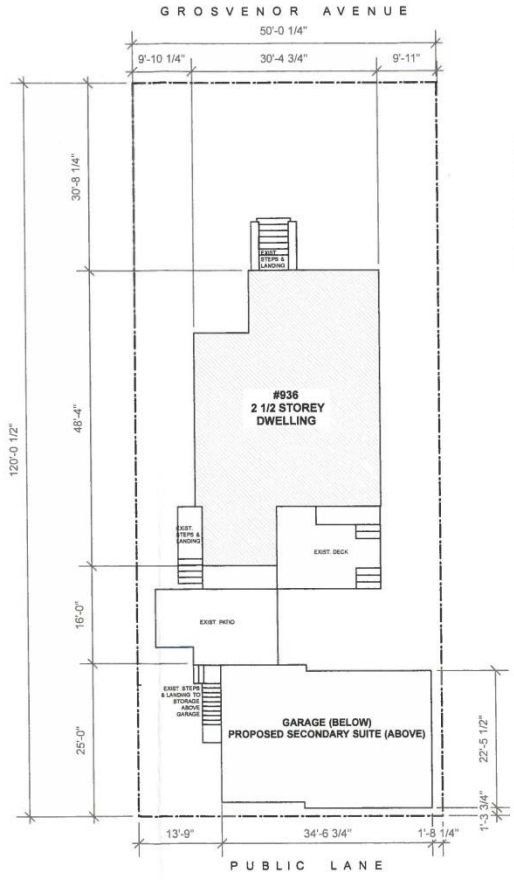


EXISTING LANDSCAPE PLAN
SCALE: 1:175



EXISTING SITE PLAN
SCALE: 1:175

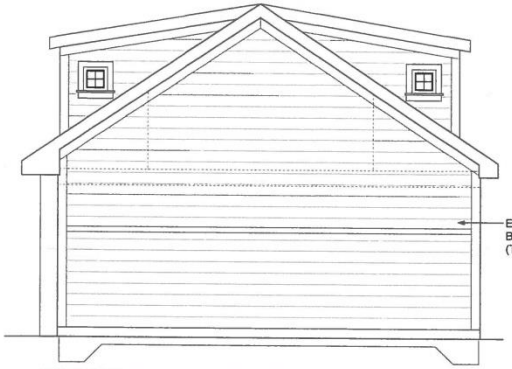
LOT SIZE 6000 SF
HOUSE FOOTPRINT 1202 SQFT
GARAGE FOOTPRINT 776 SQFT

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DCU20-102629/C
SHEET # 2 OF 5
JAN 07 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

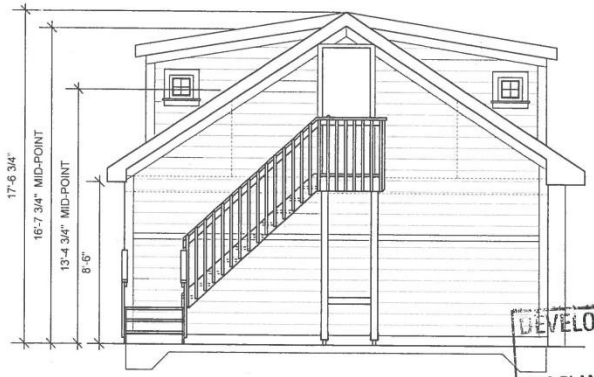
Project:	934 Grosvenor Ave. Winnipeg, MB
Title:	Title Page w/ Site Plans
Scale:	As Noted
Date:	December 18, 2019
Project North	Sheet #: A0



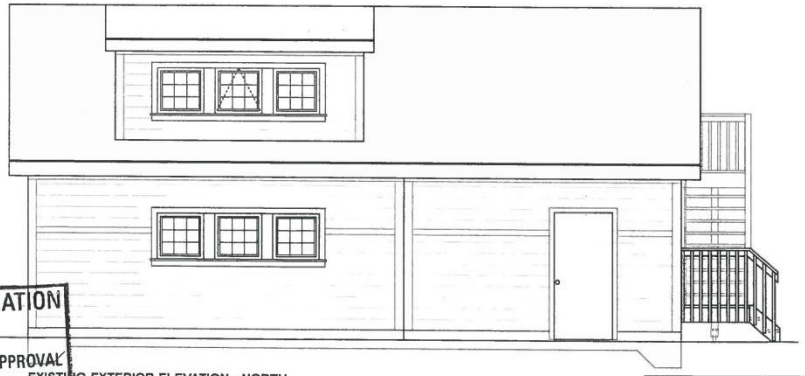
EXISTING EXTERIOR ELEVATION - EAST



EXISTING EXTERIOR ELEVATION - SOUTH



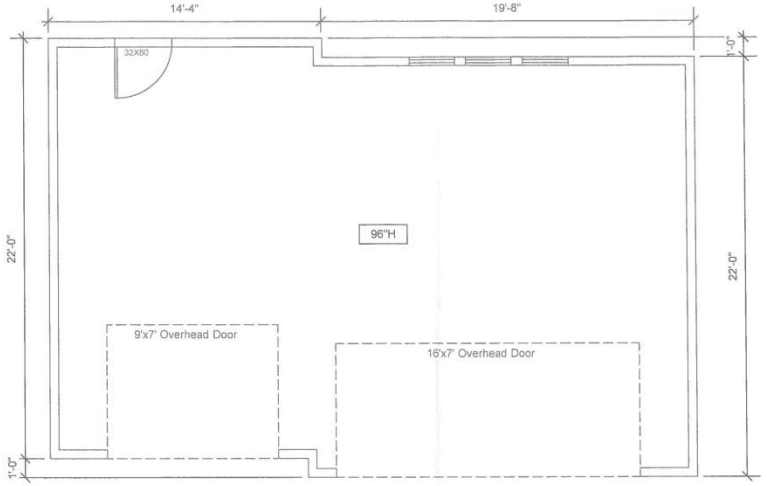
EXISTING EXTERIOR ELEVATION - WEST



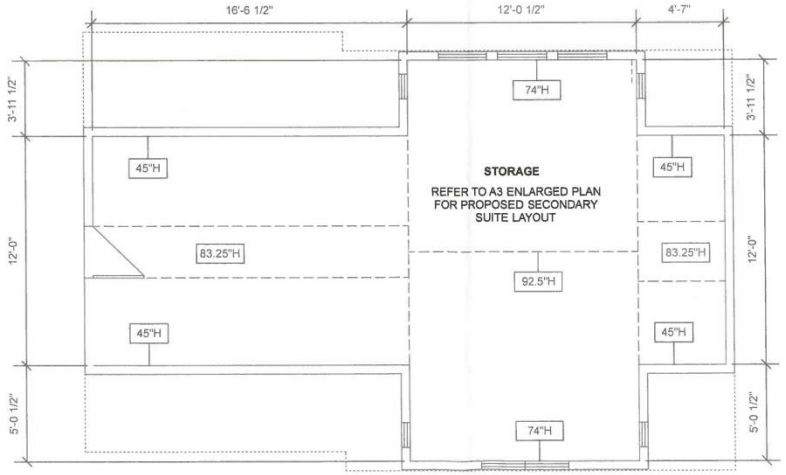
EXISTING EXTERIOR ELEVATION - NORTH

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DEV 20-126294C
SHEET # 3 OF 5
APPLICANT (SGD.)
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



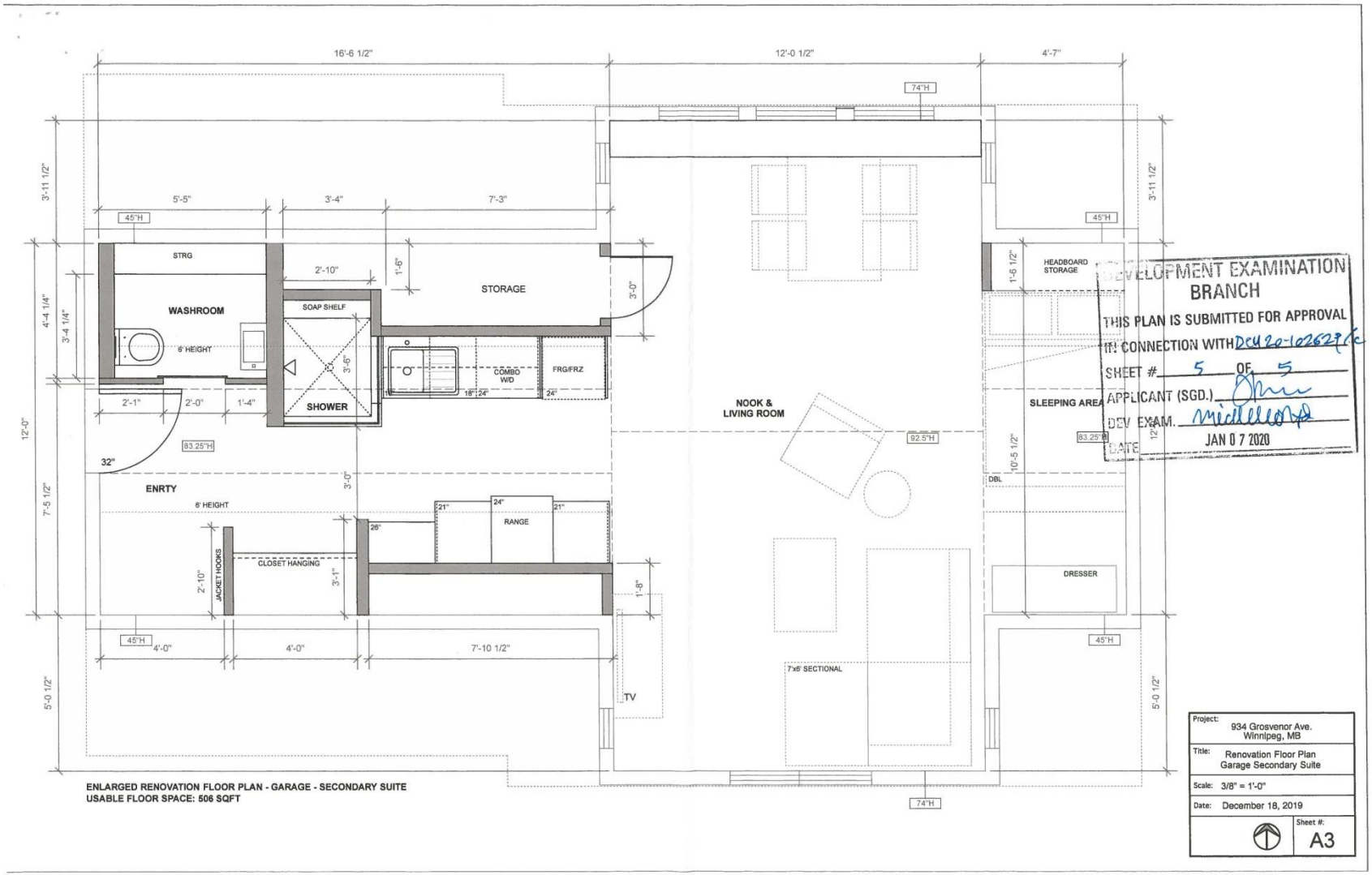
EXISTING FLOOR PLAN - GARAGE - MAIN LEVEL



EXISTING FLOOR PLAN - GARAGE - 2ND LEVEL

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DA20-102629(C
SHEET # 4 OF 5
APPLICANT (SGD.)
DEV EXAM.
DATE JAN 07 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 DCU20-102627
SHEET # 5 OF 5
APPLICANT (SGD.)
DEV EXAM.
DATE JAN 0 7 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