Minutes – Board of Adjustment – February 5, 2020

PUBLIC HEARINGS

Item No. 8 Variance – 1079 Corydon Avenue
(River Heights-Fort Garry Ward)
File DAV 176967/2019C [c/r DCU 176962/2019C]

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:

    A. a front yard of 25 feet (7.62 metres);

    B. 4 parking spaces;

2. For the establishment of accessory parking area to permit the following:

    B. no buffering of parking located within 20 feet (6.1 metres) of a rear and side lot line adjacent to a residential district;

    C. no visitor parking space.

DECISION MAKING HISTORY:

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

Moved by Kara Bjornson,
That the report of the Winnipeg Public Service be taken as read.

Carried

Moved by Kara Bjornson,
That the receipt of public representations be concluded.

Carried

Moved by Kara Bjornson,
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 27, 2020.

Carried

DECISION MAKING HISTORY (continued):

Moved by Kara Bjornson,

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

Carried

Moved by Kara Bjornson,

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

Carried

THE CITY OF WINNIPEG
VARIANCE ORDER
BOARD OF ADJUSTMENT

DAV 176967/2019C[c/r DCU 176962/2019C]

Before:	Board of Adjustment Bill Sawka, Chairperson Bill Evans Kara Bjornson
Hearing:	February 5, 2020 Council Building, 510 Main Street
Applicant:	Reno Tech Renovations (Cam Church)
Premises Affected:	1079 Corydon Avenue
Legal Description:	LOT 4 PLAN 26801 34/35 ST B, hereinafter called “the land”
Property Zoned:	"R2 PDO-1 Airport Vicinity Protection Area" Residential Two-Family Planned Development Overlay (District)
Nature of Application:	To vary the "R2 PDO-1 Airport Vicinity Protection Area" District Dimensional Standards of the Winnipeg Zoning By-Law No. 200/2006 as follows:

1. For the construction of a multi-family dwelling to permit:

    A. a front yard of 25 feet (7.62 metres) instead of 31 feet (9.45 metres);

    B. 4 parking spaces instead of 5 parking spaces;

2. For the establishment of accessory parking area to permit the following:

    A. no landscaping;

B. no buffering of parking located within 20 feet (6.1 metres) of a rear and side lot line adjacent to a residential district;

C. no visitor parking space instead of 1 space.

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 27, 2020.

ORDER:

The Board of Adjustment orders that the provisions of the "R2 PDO-1 Airport Vicinity Protection Area" 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:

   A. a front yard of 25 feet (7.62 metres);

   B. 4 parking spaces;

2. For the establishment of accessory parking area to permit the following:

B. no buffering of parking located within 20 feet (6.1 metres) of a rear and side lot line adjacent to a residential district;

C. no visitor parking space.

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

NOTE: VARIANCE REQUESTED HAS BEEN MODIFIED

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 Variance Order No. DAV 176967/2019C; 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:

Joel Burr
Ryan Burr
Alden Neufeld
Matthew Nicolas
Chris Thorne

In Opposition:

Nil

For Information:

Nil

For the City:

J. Hildebrand, Planner, Planning Property and Development Department
R. Galston, Planner, Planning, Property and Development Departmen

EXHIBITS FILED FOR DAV 176967/2019C

1. Application dated December 31, 2019
2. Notification of Public Hearing dated January 15, 2020
3. Manitoba Status of Title 2911316/1
4. Letter of authorization dated July 24, 2019 from Kathleen Anne Easton to Joel Burr and Matthew Nicolas
5. Surveyor's Building Location Certificate and sketch dated June 6, 2019
6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
7. Plans, Sheets 1 to 4 inclusive, for File DAV 176967/2019C dated December 27, 2019
8. Report from the Urban Planning Division dated January 27, 2020
9. Inspection Report
10. Documentation dated December 10, 2019, in support of the application submitted by the Applicant at the public hearing

Exhibit “8” referred to in File DAV 176967/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-176967/C – 1079 Corydon AVE

Issue: For consideration at the public hearing for a variance to permit the construction of a multifamily dwelling with 4 units

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 "R2 PDO-1 Airport Vicinity Protection Area 2" dimensional standards of Zoning By-Law No. 200/2006 as follows:

1) for the construction of a multi-family dwelling to permit:

   a) a front yard of 25 feet (7.62 metres) instead of 31 feet (9.45 metres);

   b) 4 parking spaces instead of 5 parking spaces;

2) for the establishment of accessory parking area to permit the following:

   ~~a) no landscaping;~~

   b) no buffering of parking located within 20 feet (6.1 metres) of a rear and side lot line adjacent to a residential district; and

   c) no visitor parking space instead of 1 space.

Subject to the following conditions:

1. That the development shall be constructed in substantial conformance with the plans submitted under File No. DAV 19-176967\C, dated December 27, 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;
   ii. accessory parking areas;
   iii. garbage enclosures;
   iv. fencing; and
   v. landscaping

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

- Variances are required for a reduced front yard setback, parking and buffering of parking.
- 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, development permits for the proposed multifamily building and parking area may be issued.

FILE/APPLICANT DETAILS

FILE: **DAV 19-176967/C**
RELATED FILES: DCU 19-176962/C
COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: 1.601 (Crescentwood)

SUBJECT: To vary the "R2 PDO-1 Airport Vicinity Protection Area 2" dimensional standards of Zoning By-Law No. 200/2006 as follows:

1) for the construction of a multi-family dwelling to permit:

a) a front yard of 25 feet (7.62 metres) instead of 31 feet (9.45 metres);

b) 4 parking spaces instead of 5 parking spaces;

2) for the establishment of accessory parking area to permit the following:

~~a) no landscaping;~~

b) no buffering of parking located within 20 feet (6.1 metres) of a rear and side lot line adjacent to a residential district; and

c) no visitor parking space instead of 1 space.

LOCATION: 1079 Corydon AVE
LEGAL DESCRIPTION: LOT 4 PLAN 26801 34/35 ST B

APPLICANT: Cam Church
7777 Wilkes AVE
Winnipeg , Manitoba R3H 1B8

OWNER: KATHLEEN EASTON
1079 CORYDON AVE
Winnipeg , Manitoba R3M 0X3

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 north side of Corydon Avenue between Wilton Street and Guelph Street, in the Crescentwood neighbourhood of the River Heights - Fort Garry ward.
- The property is 45 ft. wide and +/- 120 ft. deep; and has a total lot area of 5,457 sq. ft.
- The subject property currently contains a 1.5 storey home (built in 1949) with a detached garage.
- Under *OurWinnipeg* and *Complete Communities*, the property is classified under the “Areas of Stability – Mature Community” policy area and is zoned "R2 PDO-1 Airport Vicinity Protection Area 2”.

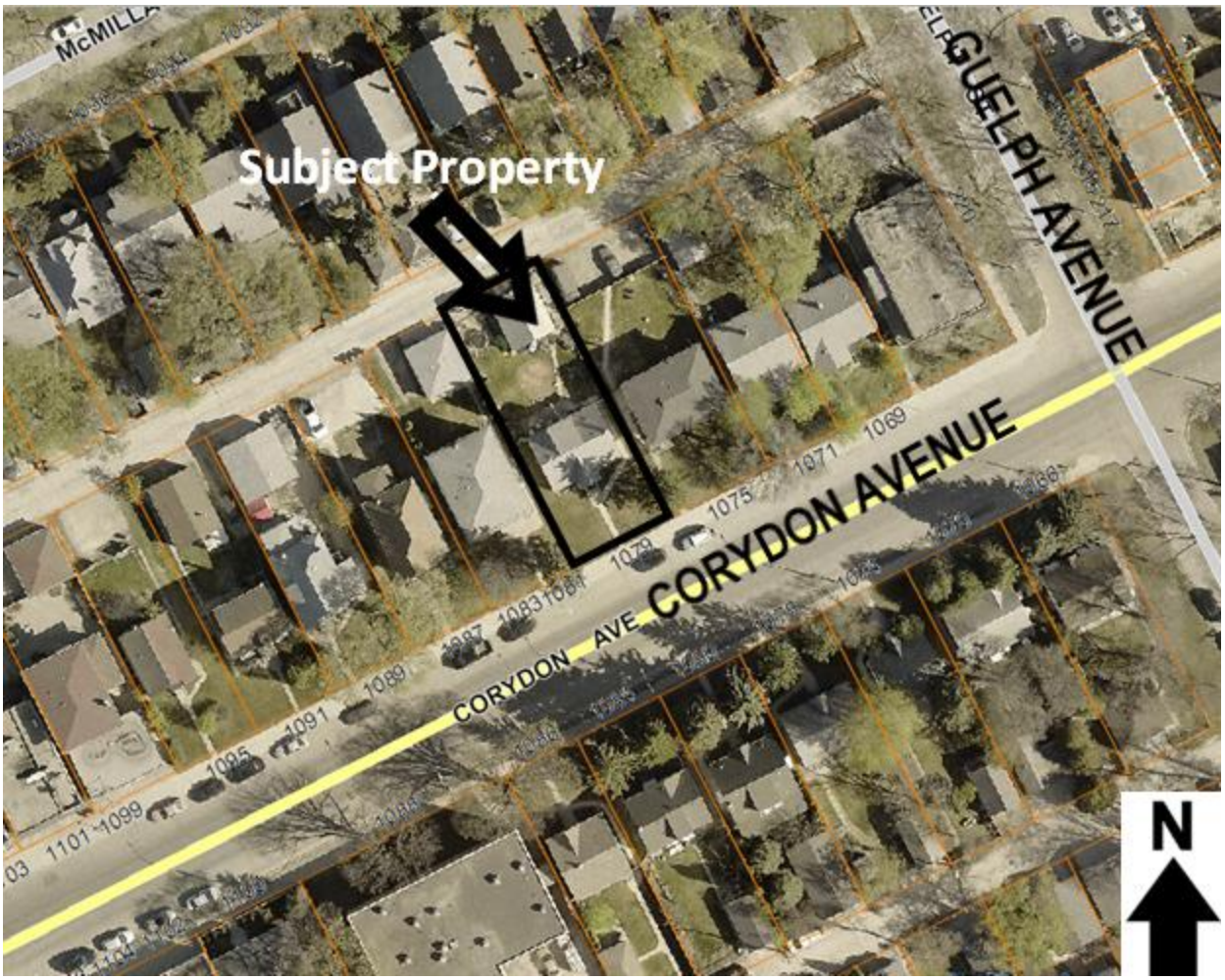


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Backlane, then single family residential uses zoned “R1-M” Residential Single- Family (Medium)

South: Corydon Avenue, then single family residential uses zoned “R1-M” Residential Single-Family (Medium)

East: Two-Family residential uses zoned “R2” Residential Two-Family

West: Two-Family residential uses zoned “R2” Residential Two-Family

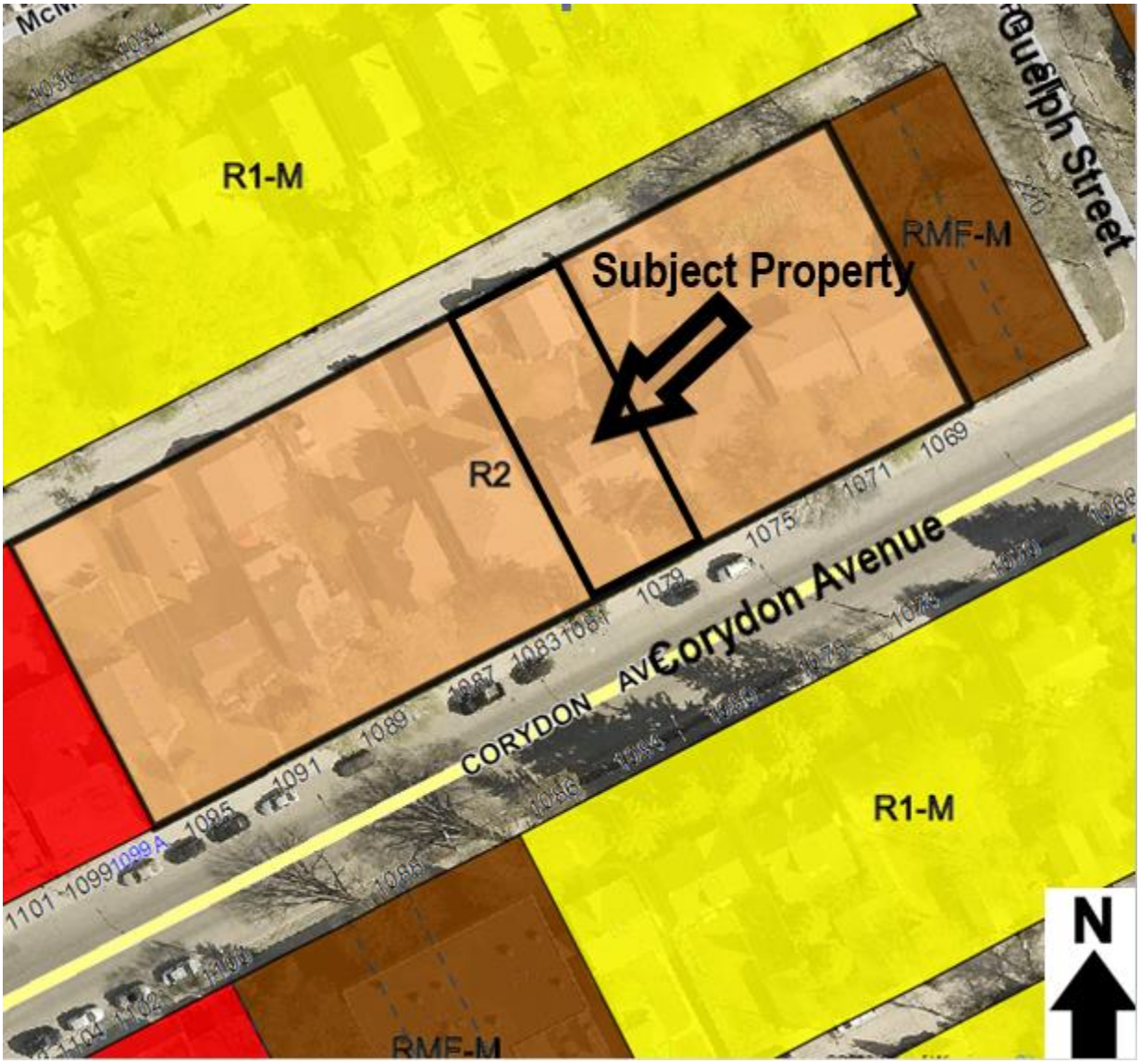


Figure 2: Zoning of the site and surrounding area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to demolish the existing home and detached garage, and proposes to construct a two (2) storey multifamily dwelling consisting of four (4) dwelling units on site.
- The proposed multifamily development has associated variances for the front yard setback, parking spaces and a parking area with no buffering.
- Submitted plans show a building that is 64 ft. long and 32 ft. wide with angled roof lines. The applicant is proposing cement board siding on the main floor façade and stucco material on the façade of the second floor. Site and floor plans, as well as rear, front and side elevation plans have been submitted.
- Being that a multifamily dwelling is considered a conditional use in the "R2" zoning district (as per Table 4-1 of the Winnipeg Zoning By-Law 200/2006); a Conditional Use application (DCU 19-176962/C) has been submitted in association with this application.

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 the 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 establishment of a fourplex on this block of Corydon Avenue is a moderate density change that is consistent with the policy above.
- The scale and form of the subject proposal is compatible with surrounding structures, including other multi-family structures within the immediate vicinity.
- Specifically, the development includes the following characteristics which address compatibility with the context. Some of these items have been added or addressed in collaboration with the Urban Planning Division.
    - The proposal is two storeys in height, which aligns with Plan policies and with the residential context along the block which ranges between one and three storeys.
    - The design includes the use of varied surface materials and design elements that help to visually 'break up' the building both horizontally and vertically.
    - Façade materials include stucco and fibre cement board planking.
    - The design achieves the impression of a duplex; two of the four entrances are visible from Corydon Avenue.
    - The design provides a slanted/peaked roof which is compatible with the context.

- The proposal includes a walkway connecting the front and rear of the property.

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.

- This block of Corydon is comprised of a mix of single, two family, and multifamily residential dwellings. The proposed development adds to the mix of housing types in the Corydon neighbourhood and provides a moderate increase in density in a context sensitive manner.
- In addition to the Plan policies, the Urban Planning Division analyzed densities in the context. There is range of small and medium multifamily densities on the same block of Corydon Avenue. Examples include the following:
    - 6 properties containing one dwelling unit
    - 4 properties containing 2 units
    - 1 property contains 3 units
    - 1 property contains 4 dwelling units

CITY OF WINNIPEG ZONING BY-LAW 200/2006

PDO-1 Airport Vicinity Area 2 policy area

The subject property is within the PDO-1 Airport Vicinity Area 2 policy area. Urban Design Division staff worked with the applicant to reduce the amount of units to 4, in order to ensure compliance with the density requirements of the policy area.

Reduced front yard of 25 feet instead of 31 feet

The applicant proposes a front yard setback of 25 ft, which is a reduction of 6 ft from the required 31 ft. Despite this required yard variance, the front setback is compatible with the block, where the front yard setbacks range from 21.75 ft to 31.65 ft.

With urban infill projects, which are most often constrained by smaller lot sizes, the Urban Planning Division may support small reductions in the yard setbacks if the overall project meets several policies outlined by OurWinnipeg and the *Complete Communities Direction Strategy*, such as providing a variety of housing types and compatibility within the existing context.

It is also important to note that the requested variance is minor in nature, and would not cause any adverse effect on surrounding uses.

4 parking stalls instead of 5 parking stalls

As per Table 5-9 of the Winnipeg Zoning By-law, the applicant requires 1.5 parking stalls for each of the 4 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 5 vehicle parking stalls while 4 stalls are being provided. As such, a variance is required.

The Urban Planning Division has consistently supported minor parking variances for multifamily 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 Corydon Avenue.

In addition, the applicant has shown on their submitted plans a secured bicycle lock up space. Bike parking can function as a viable offset to the use of private automobiles.

For these reasons, the Urban Planning Division supports this variance and recommends that it be approved.

Buffering of the accessory parking area

Variances listed include 2.(a) and 2. (b), both referring to buffering of parking. Please note that variance 2.(a) was taken in error and is not required for this application.

The Winnipeg Zoning By-law {Section 190 (8)} prescribes that a landscape buffer must be installed when a parking or loading area 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. A variance is required being that the applicant is not providing a landscape buffer as per above.

Although buffering is required for parking areas located within 20 feet of adjacent residential, it is practically impossible in this case given that the applicant is providing parking off the lane in the rear.

The proposed insufficient buffering is consistent with this block of Corydon Avenue where access is from the rear public lane. It is also important to note that this variance request is typical in mature neighborhoods with rear lanes.

It is therefore recommended that the variance be approved.

Visitor stalls

Although no visitor stall is provided instead of the required 1 stall, onsite parking is at a premium in this case due lot size constraints. The Urban Planning Division will sometimes support a variance for visitor parking in these cases, in order to reduce the deficiency of regular stalls for building residents, who can utilize them more consistently. Visitors have the option to utilize on-street parking.

The Urban Planning Division supports this variance and recommends that it be approved.

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.

CONDITION(S) OF APPROVAL

The recommended condition of approval is that the subject proposal be developed in substantial conformance with submitted plans or if the applicant makes changes to submitted plans, they must be reviewed and approved by the Urban Planning Division prior to the issuance of any development permit.

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 fourplex promotes a building scale and form that is sensitive to the community context and addresses the transition between new and existing developments.

(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 four (4) units as proposed is not anticipated to have an adverse effect on the 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 align with the intent of Complete Communities and the development is compatible with the area, and as such the Zoning By-law has an injurious effect on subject site.

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

In that, the proposal is compatible with existing multi-family development within the immediate vicinity including the subject block.

CONSULTATION

- Urban Design Division staff worked with the applicant to reduce the amount of units to 4, in order to ensure compliance with the density requirements of the policy area.

OURWINNIPEG POLICY ALIGNMENT

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

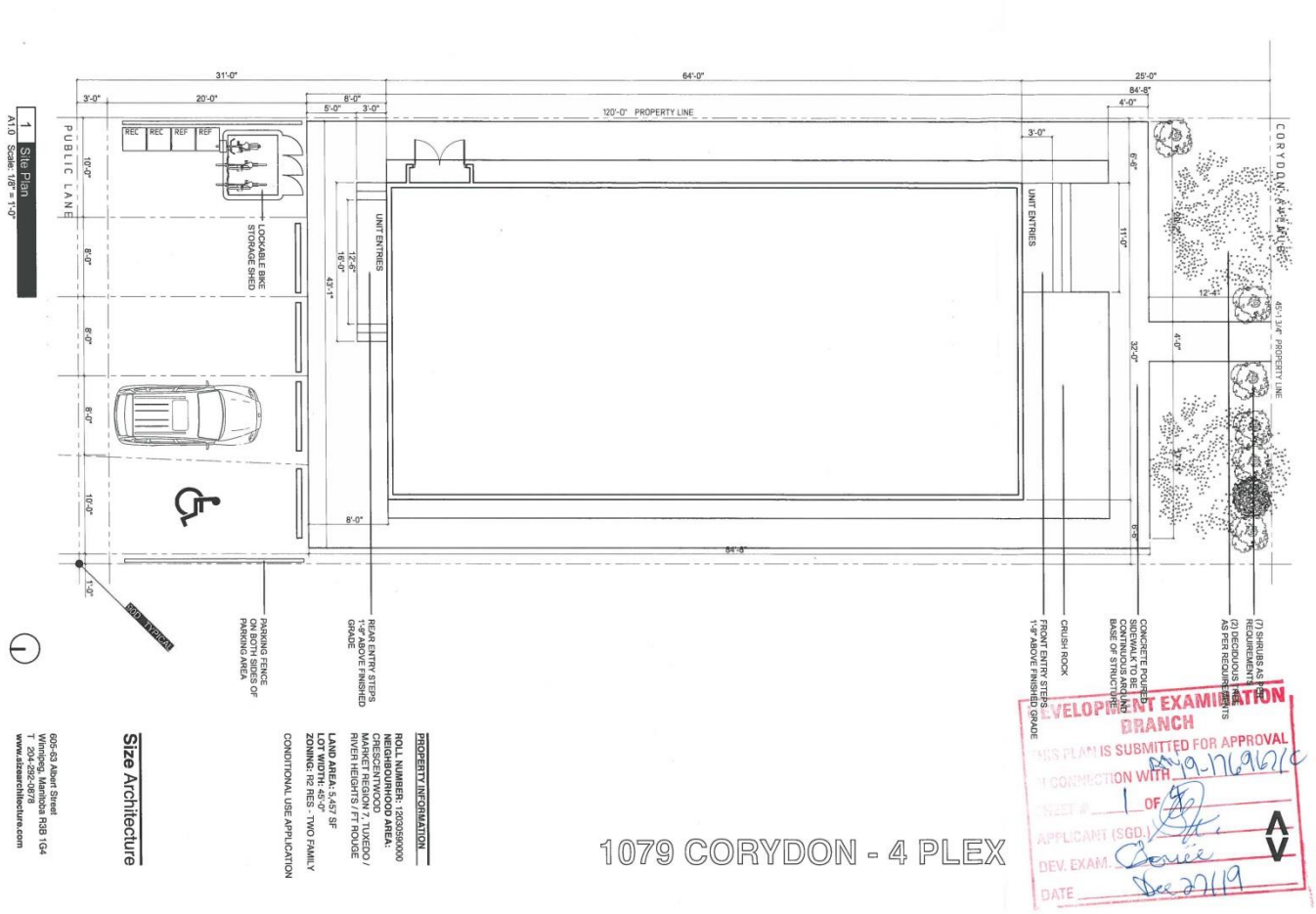
WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

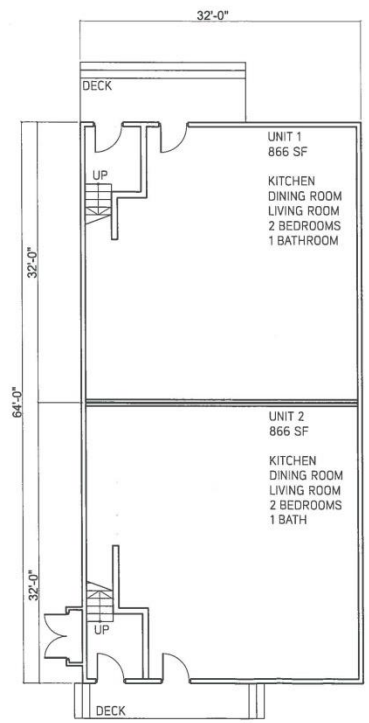
- Construct more complete neighbourhood and revitalize the livability of all communities throughout Winnipeg.

SUBMITTED BY

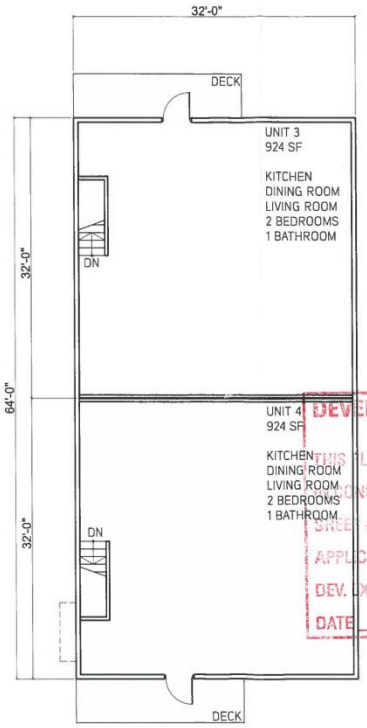
Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Jessica Lam
Date:	Monday, January 27, 2020
File No.	DAV 19-176967/C

Exhibit “7” referred to in File DAV 176967/2019C





2 Level One
A1.0 Scale: 3/32" = 1'-0"



3 Level Two
A1.0 Scale: 3/32" = 1'-0"

1. issued for review 12.23.2019

No.	Revision	Date

Drawn By: AAN
Checked By: AAN
Drawing Date: 12.23.2019
Printing Date: 12.23.2019

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Size Architecture

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH DAN 19-176967
SHEET # 2 OF 4
APPLICANT
DEV. EXAM.
DATE Dec 27/19

650 - 65 Albert Street
Winnipeg, Manitoba R3B 1G3
T 204-292-3876
www.sizearchitecture.com

RESIDENTIAL 4 PLEX

Project Address 1079 CORYDON AVENUE
WINNIPEG, MANITOBA

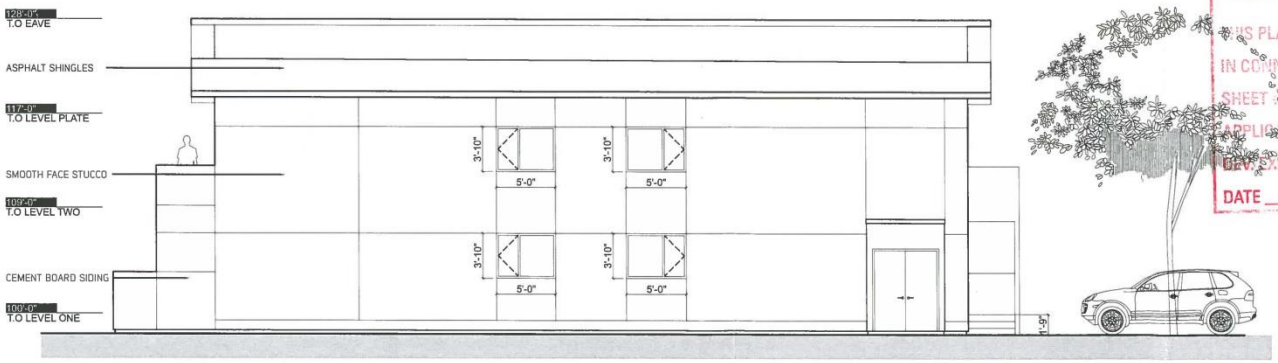
Client

Drawing
FLOOR PLANS

A1.0



1 South Elevation
A2.0 Scale: 1/8" = 1'-0"



2 East Elevation
A2.0 Scale: 1/8" = 1'-0"

No.	Revision	Date
1.	issued for review	12.23.2019

Drawn By: AAN
Checked By: AAN
Drawing Date: 12.23.2019
Printing Date: 12.23.2019

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DEVELOPMENT EXAMINATION
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH
SHEET 3 OF 4
APPLICANT
DEVELOPMENT EXAMINER
DATE Dec 23/19

Size Architecture
650 - 65 Albert Street
Winnipeg, Manitoba R3B 1G9
T 204-292-0878
www.sizearchitecture.com

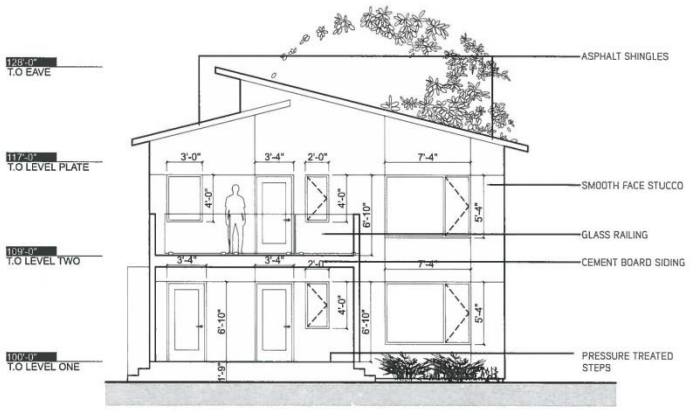
RESIDENTIAL 4 PLEX

Project Address 1079 CORYDON AVENUE
WINNIPEG, MANITOBA

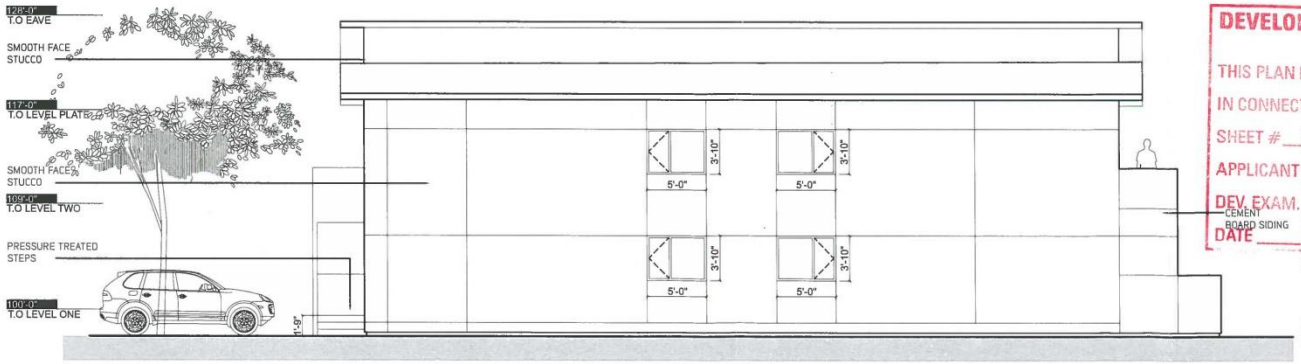
Client

Drawing
ELEVATIONS

A2.0



1 North Elevation
A2.1 Scale: 1/8" = 1'-0"



2 West Elevation
A2.1 Scale: 1/8" = 1'-0"

1. issued for review 12.23.2019
No. Revision Date

Drawn By: AAN
Checked By: AAN
Drawing Date: 12.23.2019
Printing Date: 12.23.2019

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Size Architecture
650 - 65 Albert Street
Winnipeg, Manitoba R3B 1G3
T 204-992-0578
www.sizearchitecture.com

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV19-176967C
SHEET # A2.1
APPLICANT
DEV. EXAM.
DATE Dec 2 19

RESIDENTIAL 4 PLEX

Project Address 1079 CORYDON AVENUE
WINNIPEG, MANITOBA

Client

Drawing
ELEVATIONS

A2.1