Minutes – Board of Adjustment – February 5, 2020

PUBLIC HEARINGS

Item No. 13 Variance – 590 St. Anne's Road
(St. Vital Ward)
File DAV 199425/2019C

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" as follows:

1. For the construction of a residential/commercial building, with the residential portion on floors two (2) to three (3) to permit:

    A. a front yard of 16 feet (4.88 metres)

    B. no north corner side yard

    C. a south side yard of 2 feet (0.61 metres)

    D. 26 parking spaces

2. For the establishment of accessory parking to permit:

    A. no visitor parking;

    B. insufficient buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district;

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 24, 2020.

Carried

DECISION MAKING HISTORY (continued):

Moved by Kara Bjornson,

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

- Delete Condition 1 in its entirety

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 199425/2019C

Before:	Board of Adjustment Bill Sawka, Chairperson Bill Evans Kara Bjornson
Hearing:	February 5, 2020 Council Building, 510 Main Street
Applicant:	6313248 Manitoba Ltd. (Anand Sharma)
Premises Affected:	590 St. Anne's Road
Legal Description:	LOT 43 PLAN 63683 52/53 ST V, hereinafter called “the land”
Property Zoned:	"C2" Commercial Community
Nature of Application:	To vary the "C2" District Dimensional Standards of the Winnipeg Zoning By-Law No. 200/2006 as follows:

1. For the construction of a residential/commercial building, with the residential portion on floors two (2) to three (3) to permit:

    A. a front yard of 16 feet (4.88 metres) instead of 25 feet (7.62 metres)

    B. no north corner side yard instead of 20 feet (6.10 metres)

    C. a south side yard of 2 feet (0.61 metres) instead of 12 feet (3.66 metres)

D. 26 parking spaces instead of 28 parking spaces

2. For the establishment of accessory parking to permit:

A. no visitor parking instead of 2 parking spaces;

B. insufficient buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district;

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 24, 2020.

ORDER:

The Board of Adjustment orders that the provisions of the "C2" 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 residential/commercial building, with the residential portion on floors two (2) to three (3) to permit:

A. a front yard of 16 feet (4.88 metres);

B. no north corner side yard

C. a south side yard of 2 feet (0.61 metres)

D. 26 parking spaces

2. For the establishment of accessory parking to permit:

A. no visitor parking;

B. insufficient buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district;

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 Variance Order No. DAV 199425/2019C; 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:

Nil

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 199425/2019C

1. Application dated December 31, 2019
2. Notification of Public Hearing dated January 14, 2020
3. Manitoba Status of Title 2974297/1
4. Letter of authorization dated October 16, 2019 from 6313248 MB Ltd. to 6313248 MB Ltd.
5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
6. Caveat 4999958/1
7. Plans, Sheets 1 to 4 inclusive, for File DAV 199425/2019C dated December 5, 2019
8. Report from the Urban Planning Division dated January 24, 2020
9. Inspection Report

Exhibit “8” referred to in File DAV 199425/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-199425\C – 590 St Anne's Road

Issue: For consideration at the public hearing for a variance associated with the development of a mixed-use (residential-commercial) 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
J. Hildebrand	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the "C2" dimensional standards of Zoning By-Law No. 200/2006 as follows:

1) for the construction of a residential/commercial building, with the residential portion on floors two (2) to three (3) to permit:
    a) a front yard of 16 feet (4.88 metres) instead of 25 feet (7.62 metres);
    b) no north corner side yard instead of 20 feet (6.10 metres);
    c) a south side yard of 2 feet (0.61 metres) instead of 12 feet (3.66 metres);
    d) 26 parking spaces instead of 28 parking spaces;
2) for the establishment of accessory parking to permit:
    a) no visitor parking instead of 2 parking spaces;
    b) insufficient buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district;

Subject to the following condition(s):

1) That the development shall be constructed in substantial conformance with the plans submitted under File No. DCU 17-166646\C, dated March 14, 2018 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. driveways;

iv. garbage enclosures;

v. fencing;

vi. freestanding signage and

vii. 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

- 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 will be approved.

FILE/APPLICANT DETAILS

FILE:	DAV 19-199425\C
RELATED FILES:	
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.554 (Meadowood)
SUBJECT:	To vary the "C2" dimensional standards of Zoning By-Law No. 200/2006 as follows: 1) for the construction of a residential/commercial building, with the residential portion on floors two (2) to three (3) to permit: a) a front yard of 16 feet (4.88 metres) instead of 25 feet (7.62 metres); b) no north corner side yard instead of 20 feet (6.10 metres); c) a south side yard of 2 feet (0.61 metres) instead of 12 feet (3.66 metres); d) 26 parking spaces instead of 28 parking spaces; 2) for the establishment of accessory parking to permit: a) no visitor parking instead of 2 parking spaces; b) insufficient buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district;

LOCATION: 590 St Anne's RD

LEGAL DESCRIPTION: LOT 43 PLAN 63683 52/53 ST V

APPLICANT: Anand Sharma
1833 Inkster BLVD
Winnipeg , Manitoba R2X 1R3

OWNER: 1027 MCPHILLIPS ST
Winnipeg , Manitoba R2X 2K6

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 west side of St. Anne's Road between Forrester Avenue and Wales Avenue, in the Meadowood neighbourhood of the St. Vital ward.
- The site is approximately 19,830 square feet in area and is currently vacant.
- The site falls within the ‘Areas of Stability – Recent Community’ policy area under the *Complete Communities Direction Strategy*.
- The property is zoned ‘C2’ Commercial Community.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Forrester Avenue; then the St. Vital Skate Park and St. Vital Centennial Area, zoned 'PR2' Parks and Recreation 2 (Community), then Meadowood Drive.

South: Land zoned 'C2' Commercial Community, then Wales Avenue, then uses zoned 'C2' Commercial Community and 'R2' Residential Two-Family.

East: St. Anne's Road; then uses zoned 'C2' Commercial Community, 'R1-M' Residential Single-Family Medium, and 'PR1' Parks and Recreation 1 (Neighbourhood).

West: Residential uses zoned 'RMF-S' Residential Multi-Family Small, 'R2' Residential Two-Family, and 'R1-M' Residential Single-Family Medium.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to construct a three-storey mixed-use building, containing 18 residential units on the upper two storeys, and commercial units on the ground floor. A total of 26 parking stalls will be provided.
- The ground floor commercial portion of the building will be 68.3 feet in length (with residential units above), while the upper two floors of residential units will extend an additional 64.3 beyond that. The ground floor behind the commercial units will contain an outdoor parking area underneath the residential units. The parking area will be accessed from the rear lane.
- The main entrances to the commercial units will be located on St. Anne's Road, with secondary entrances at the rear of the units. Entrances to the residential units will be located from the parking area at the rear of the commercial units.

COLLABORATION

- The applicant has collaborated with the Urban Planning Division on a number of design-related issues including parking, landscaping, cladding, and entrance location.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is classified as an 'Area of Stability – Recent Community' in *Complete Communities*' Urban Structure Map. Areas of Stability will accommodate low-to-moderate-density infill development to support a more efficient use of land, infrastructure, and services, as well as enhance housing choice and affordability. With regard to this proposal, the key policies guiding the development of 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 build form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Focus housing growth to areas that have municipal services capacity to support intensification, in addition to commercial and recreational amenities.
    - Support Complete Communities by ensuring 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, townhouses.
    - Support a mix of commercial services and employment uses that serve the local community.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- For multi-family development within the 'C2' zoning district, the dimensional standards for 'RMF-M' Residential Multi-Family Medium apply. These standards include a front yard of 25 feet, a north corner side yard of 20 feet, and side yards of 12 feet.
    - The applicant is proposing a front yard of 16 feet instead of 25 feet; therefore a variance is required.
    - The applicant is proposing no north corner side yard instead of 20 feet; therefore a variance is required.
    - The applicant is proposing a south side yard of 2 feet instead of 12 feet; therefore a variance is required.
- For the residential parking requirements, a reduction from the required 1.5 stalls to 1.2 stalls is permitted for mixed-use developments, which in this case results in a requirement of 22 stalls for the residential use. For the commercial space, one stall per 750 square feet is needed, resulting in a required 6 stalls. In total, 28 stalls are required, and the applicant is proposing to provide 26; therefore a variance is required.
- No visitor parking is being provided, instead of the required 2 visitor stalls; therefore a variance is required.
- A landscape buffer is required 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. The proposed development does not include buffering along the rear lot line, as this is where vehicular access is provided from the rear lane. Therefore a variance is required.

ANALYSIS OF VARIANCES

Yard Variances

- The Urban Planning Division is supportive of the yard reductions to provide a front yard of 16 feet instead of 25 feet, no north corner side yard instead of 20 feet, and a south side yard of 2 feet instead of 12 feet, as the proposed building is located at a street corner and along a commercial strip of St. Anne's Road, where reduced yards (particularly along street edges) can contribute to a more active and pedestrian-oriented environment, as well as a more compact form of urban development.

Parking Variances

- The Urban Planning Division is supportive of the variances for 26 (rather than 28) parking stalls, and for no visitor stalls, as this is a relatively minor reduction and the project is located in an area with ample on-street parking on surrounding streets.

Insufficient Buffering

- The variance to allow for insufficient buffering of the parking area along the rear lot line is being supported because the rear lot line adjacent to parking and the residential uses to the west is not continuous and contains vehicular entrance and exist points to the parking area. Given that some landscaping and fencing is being provided along this lot line, the Urban Planning Division is supportive of this variance.

COMPATIBILITY WITH SURROUNDING AREA

- The site is located along a significant arterial road within an 'Area of Stability – Recent Community.' More particularly, it is located in a portion of St. Anne's Road that contains a mix of uses, with commercial uses along St. Anne's and residential uses immediately behind these commercial areas. Several residential uses are also located directly along St. Anne's Road further to the north and south of the site. The mixed-use nature of the subject proposal aligns with this diverse range of uses found in the surrounding context.
- Further, the proposed development also aligns with the policy statements for 'Areas of Stability' found in the *Complete Communities Direction Strategy* (listed previously). In particular it contributes to a more diverse housing stock, and supports the provision of commercial services and employment uses, in a way that represents a moderate level of change for the surrounding area.

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 proposal represents a moderate level of change and is consistent with the policies for 'Areas of Stability' as outlined in the Complete Communities Direction Strategy.

(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 residential and commercial uses are compatible with the surrounding neighbourhood and this area of St. Anne's Road.

(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 as applied for will allow the applicant to introduce a moderate level of intensification in a manner that is consistent with the Complete Communities Direction Strategy.

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

In that, the surrounding area contains a mix of commercial and residential uses similar to those being proposed on the subject site, and the recommended condition of approval will help to ensure future development is compatible with the surrounding context.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg's Approach to City Building

- **Direction 3: Promote compact urban form and manage the extension of municipal services for new growth:**
    - Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.

01-1c Key Directions for Specific Areas – Areas of Stability

- **Key Direction:** Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.
- **Key Direction:** Support the completion of Areas of Stability.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

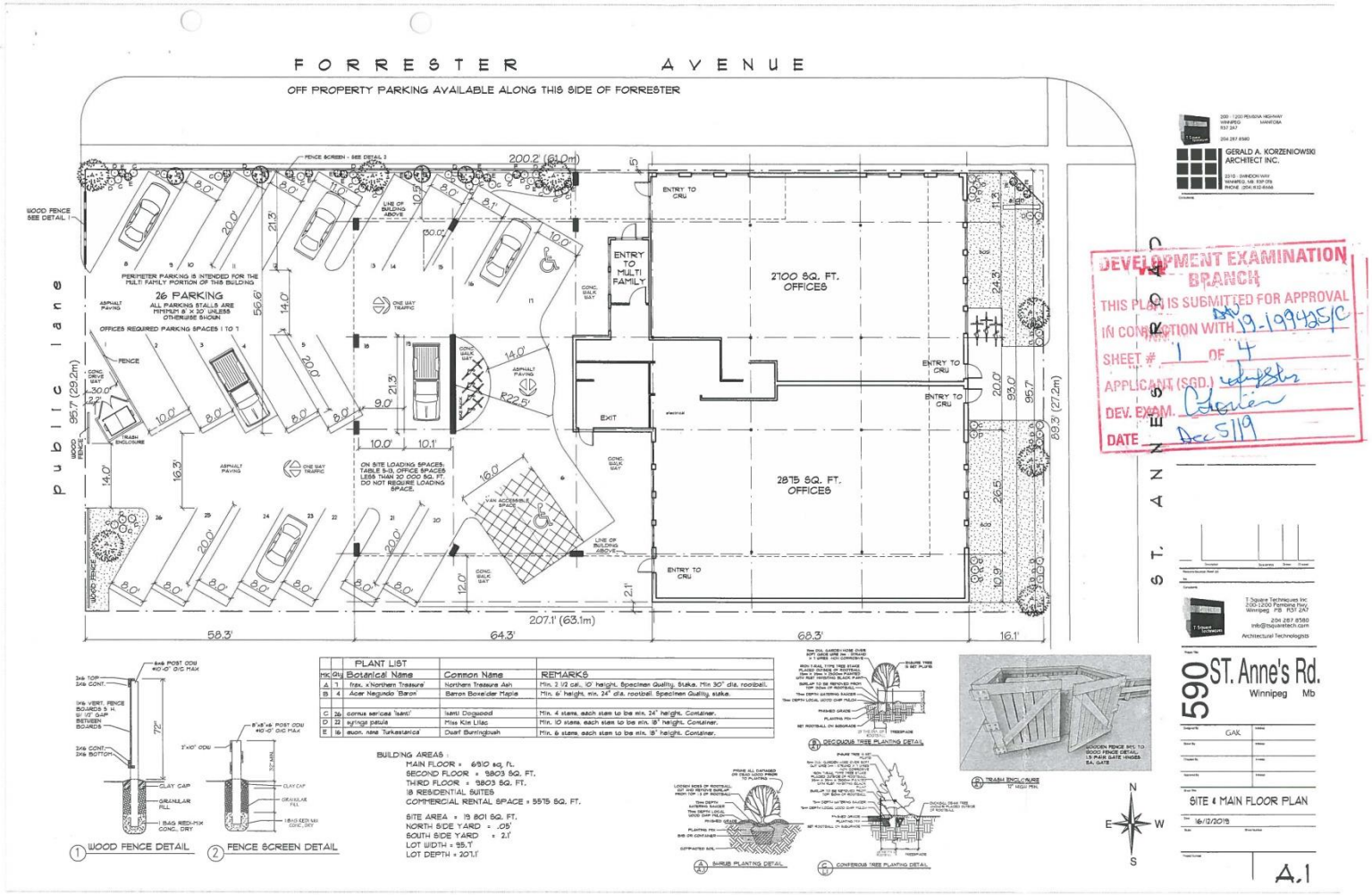
- **Key Direction 4.2:** Ensure new areas of growth are designed according to the principles of Complete Communities.

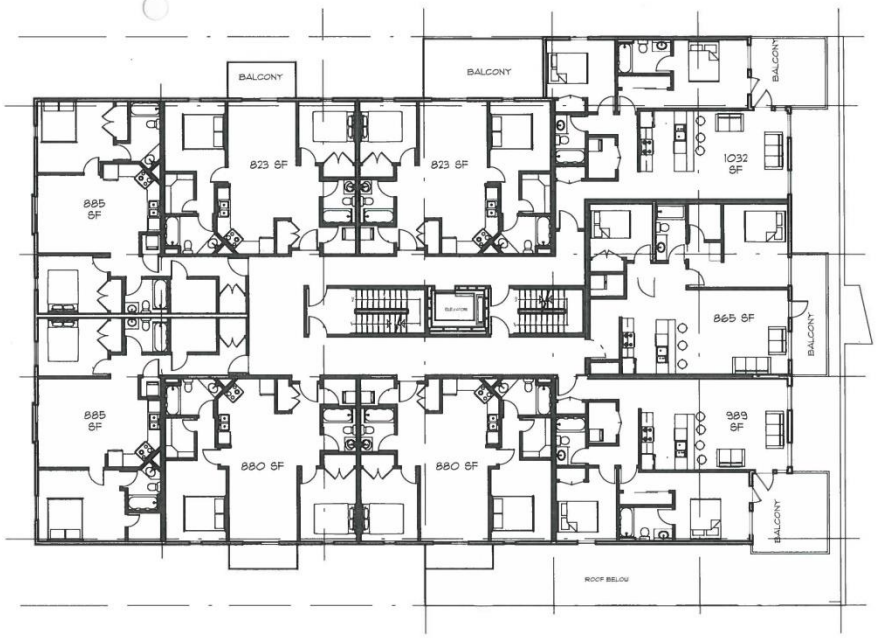
SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Jonathan Hildebrand MCIP, RPP

Date: Friday, January 24, 2020
File No. DAV 19-199425\C

Exhibit “7” referred to in File DAV 199425/2019C

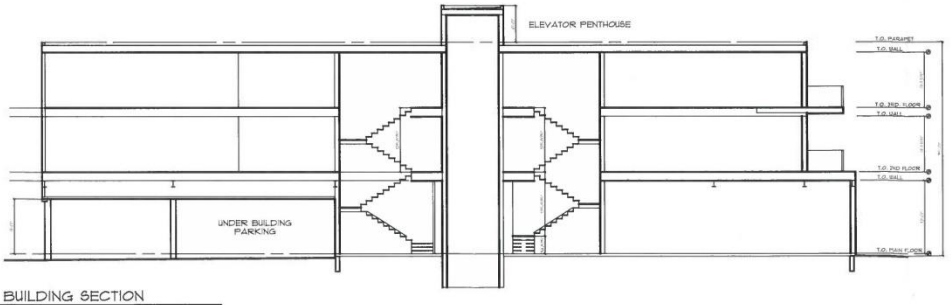




SECOND FLOOR PLAN - THIRD FLOOR SIMILAR

9803 SQ. FT.

SECOND FLOOR = 9 SUITES
THIRD FLOOR = 9 SUITES
TOTAL = 18 SUITES



BUILDING SECTION

GERALD A. KORZENIOWSKI
ARCHITECT INC.
2310 - SWINDON WAY
WINNIPEG, MB R3P 0X8
PHONE (204) 832-8666

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 19.199426/c
SHEET # 2 OF 4
APPLICANT (SGD.)
DEV. EXAM.
DATE Dec 6/19

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

T-Square Techniques Inc.
200-1200 Pembina Hwy.
Winnipeg MB R3T 2A7
204 287 8580
info@tsquaretech.com
Architectural Technologists

590 ST. Anne's Rd.
Winnipeg Mb

GAK

23/09/2019



NORTH ELEVATION



EAST ELEVATION

GERALD A. KORZENIOWSKI ARCHITECT INC.
2310 SWINDON WAY
WINNIPEG, MB. R3Y 0T5
PHONE (204) 832-8566

DEVELOPMENT EXAMINATION
BRANCH
SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 19-199125/C
SHEET # 3 OF 4
APPLICANT (SGD.)
DEV. EXAM.
DATE Dec 5, 19

T-Square Techniques Inc.
200-1200 Pembina Hwy.
Winnipeg MB R3T 2A7
204.287.8580
info@tsquaretech.com
Architectural Technologists

590 ST. Anne's Rd.
Winnipeg Mb

GAK

EAST - NORTH ELEVATIONS

06/11/2019

A.5


STUCCO
PREFIN. MTL. COPING
FIBER CEMENT CLADDING
STUCCO
METAL ROOFING
BRICK
SOUTH ELEVATION
PREFIN. MTL. COPING
FIBER CEMENT CLADDING
STUCCO
METAL ROOFING
BRICK
CONCRETE
WEST ELEVATION
GERALD A. KORZENIOWSKI ARCHITECT INC.
DEVELOPMENT EXAMINATION
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH
SHEET # 4 OF 4
APPLICANT (SGD.)
DEV. EXAM.
DATE Dec 5/19
T-Square Techniques Inc.
204.287.8580
Architectural Technologists
590 ST. Anne's Rd.
Winnipeg Mb
GAK
SOUTH - WEST ELEVATIONS
04/11/2019
A.6