Minutes – Board of Adjustment – February 5, 2020

PUBLIC HEARINGS

Item No. 14 Variance – 1669 Lee Boulevard
(Waverley West Ward)
File DAV 214416/2019C

BOARD OF ADJUSTMENT DECISION:

The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Variance on "the land" for the establishment of two zoning lots to permit the following:

1. On lots 63/64:

    A. A lot area of two (2) acres (0.81 hectares);

    B. A lot width of 250.52 feet (76.36 metres);

2. On lots 20/21:

    A. A lot area of two (2) acres (0.81 hectares);

    B. A lot width of 249.43 feet (76.03 metres).

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 22, 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 214416/2019C

Before:	Board of Adjustment Bill Sawka, Chairperson Bill Evans Kara Bjornson
Hearing:	February 5, 2020 Council Building, 510 Main Street
Applicant:	Southeast Lands Corp. (Lyne Jones)
Premises Affected:	1669 Lee Boulevard
Legal Description:	LOT 20/21,63/64 BLOCK 1 PLAN 1918 122/4 ST N *, hereinafter called “the land”
Property Zoned:	"A" Agricultural
Nature of Application:	To vary the "A" District Dimensional Standards of the Winnipeg Zoning By-Law No. 200/2006 for the establishment of two zoning lots to permit as follows:

1. On lots 63/ 64:

    A. a lot area of 2 acres (0.81 hectares) instead of 40 acres (16.19 hectares);

    B. a lot width of 250.52 feet (76.36 metres) instead of 300 feet (91.44 metres);

2. On lots 20/ 21:

A. a lot area of 2 acres (0.81 hectares) instead of 40 acres (16.19 hectares);

B. a lot width of 249.43 feet (76.03 metres) instead of 300 feet (91.44 metres);

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, this Variance meets the statutory criteria as outlined in Subsection 247(3) of The City of Winnipeg Charter in that it:

(a) [✓] is consistent [ ] is not consistent
with Plan Winnipeg, and any applicable secondary plan;

(b) [✓] does not create [ ] does create
a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) [✓] is [ ] is not
the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) [✓] is [ ] is not
compatible with the area in which the property to be affected is situated.

Supporting Comments:

1. The Board of Adjustment agreed with the administrative comments contained in the report of the Urban Planning Division dated January 22, 2020.

ORDER:

The Board of Adjustment orders that the provisions of the "A" District Dimensional Standards of the Winnipeg Zoning By-Law No. 200/2006 are varied on “the land” for the establishment of two zoning lots to permit the following:

1. On lots 63/64:

   A. A lot area of two (2) acres (0.81 hectares);

   B. A lot width of 250.52 feet (76.36 metres);

2. On lots 20/21:

   A. A lot area of two (2) acres (0.81 hectares);

B. A lot width of 249.43 feet (76.03 metres).

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 214416/2019C; 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:

Bryan Ward

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 214416/2019C

1. Application dated January 15, 2020
2. Notification of Public Hearing dated January 14, 2020
3. Manitoba Status of Title 2362161/1
4. Letter of authorization dated October 17, 2019 from Alan Briol, Esther Mabel Magsino, Romulo Fernandez Magsino Sr., and Patria Enverga Magsino to Southeast Lands Corp.
5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
6. Plans, Sheets 1 to 2 for File DAV 214416/2019C dated December 2, 2019
7. Report from the Urban Planning Division dated January 22, 2020
8. Inspection Report

Exhibit "7" referred to in File DAV 214416/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-214416/C – 1669 Lee Boulevard

Issue: For consideration at the public hearing for a variance associated with the establishment of two residential lots.

Critical Path: Board of Adjustment as per the Development Procedures By-law and The City of Winnipeg Charter.

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the "A" dimensional standards of Zoning By-Law No. 200/2006 for the establishment of two zoning lots to permit as follows:

1. On lots 63/64:
   A. A lot area of two (2) acres (0.81 hectares) instead of 40 acres (16.19 hectares);
   B. A lot width of 250.52 feet (76.36 metres) instead of 300 feet (91.44 metres);
2. On lots 20/21:
   A. A lot area of two (2) acres (0.81 hectares) instead of 40 acres (16.19 hectares);
   B. A lot width of 249.43 feet (76.03 metres) instead of 300 feet (91.44 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 proposed separate zoning lots may be established.

FILE/APPLICANT DETAILS

FILE:	**DAV 19-214416/C**
RELATED FILES:	**CA 11/2019**
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.681 (Waverley West 'B')
SUBJECT:	To vary the "A" dimensional standards of Zoning By-Law No. 200/2006 for the establishment of two zoning lots to permit as follows: 1. On lots 63/64: a) a lot area of 2 acres (0.81 hectares) instead of 40 acres (16.19 hectares); b) a lot width of 250.52 feet (76.36 metres) instead of 300 feet (91.44 metres); 2. On lots 20/21: a) a lot area of 2 acres (0.81 hectares) instead of 40 acres (16.19 hectares); b) a lot width of 249.43 feet (76.03 metres) instead of 300 feet (91.44 metres);
LOCATION:	1669 Lee Boulevard
LEGAL DESCRIPTION:	LOT 20/21,63/64 BLOCK 1 PLAN 1918 122/4 ST N *
APPLICANT:	Southeast Lands Corp. (Lyne Jones) 1 Dr. David Friesen Drive Winnipeg, Manitoba R3X 068
OWNER:	Mabelle Magsino 1669 Lee Boulevard Winnipeg , Manitoba R3Y 1S3

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 Lee Boulevard, in the Waverley West 'B' Neighbourhood of the Waverley West Ward.
- The subject property has a total lot area of four (4) acres (174,746 square feet), with a lot width of 250 feet and a lot depth of 698 feet. A two-storey single-family dwelling constructed in 1990 is currently located on the property.
- The subject property is located within the Areas of Stability – Recent Communities policy area under the *Complete Communities Direction Strategy*, and within the Lee Boulevard Estates policy area of the *Waverley West Neighbourhood 'B' Secondary Plan*.
- The property is zoned "A" Agricultural.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Vacant land zoned “A” Agricultural.

South: Lee Boulevard, then rural-residential uses zoned “A” Agricultural.

East: Rural-residential uses zoned “A” Agricultural.

West: Rural-residential uses zoned “A” Agricultural.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant proposes establish two (2) separate zoning lots. Each of these two new zoning lots are to encompass two existing underlying lots:
    - Lots 20 and 21 – located at the rear half of the subject property, which is currently vacant land
    - Lots 63 and 64 – located at the front half of the subject property, which contains the above-mentioned single-family dwelling and all accessory structures.
- These two separate zoning lots are to be established by the applicant purchasing Lots 20 and 21 from the current property owner.
- Each of these two parcels are to have a lot area of two (2) acres (87,373 square feet).
- The intention of establishing two separate parcels is to accommodate future urban development on lands to the north of the subject property, including the zoning lot conveyed to the applicant, Lots 20 and 21. This conveyance of land from the owner to the applicant is the subject of an associated Consent application under file no. CA 11/2019, which was circulated to all relevant City of Winnipeg departments with no concerns raised.

- The current property owner is to retain ownership of Lots 63 and 64, and will continue to maintain the existing single-family dwelling. No construction or exterior changes to existing structures are proposed as part of this application.

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 located in the Areas of Stability – Recent Communities policy area under *OurWinnipeg* and the *Complete Communities Direction Strategy*.
- Key policies guiding development in Areas of Stability 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.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Support Complete Communities by ensuring diverse and high quality housing stock.

WAVERLEY WEST NEIGHBOURHOOD 'B' SECONDARY PLAN (By-law 1/2019)

- Under the *Waverley West Neighbourhood 'B' Secondary Plan*, the subject property is located within the Lee Boulevard Estates policy area.
- The intent of the Lee Boulevard Estates area is to respect existing residential development along Lee Boulevard, and to provide limited opportunities for new large-lot, single-family residential development.
- Relevant policies guiding development in this area are as follows:

    3.3.2.1 Development in Lee Boulevard Estates shall be limited to single-family dwellings and accessory uses.

    3.3.2.3 The subdivision of land and new residential development in the Lee Boulevard Estates area shall meet the minimum lot area requirements of the "R1-E" Residential Single-Family (Estate) dimensional standards under the Zoning By-law.

    3.3.2.10 Within Lee Boulevard Estates, the back of an existing lot may be subdivided without triggering the requirement for services, provided the purposes of the subdivision is to provide for development within the Lower Density Residential area and the subdivision does not create a new lot that requires access from Lee Boulevard.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- As noted above, the subject property is zoned “A” Agricultural. The general intent of the Agricultural district is to accommodate agricultural uses until such time as it is required for future urban development.
- Per the dimensional standards of the Zoning By-law, lots in Agricultural districts must have a minimum lot area of 40 acres and a lot width of 300 feet.
- The applicant is proposing to establish two zoning lots, each with a lot area of two (2) acres and lot widths of approximately 250 feet. As such, variances for lot area and lot widths are required.

ANALYSIS OF VARIANCES

Consistency with Plan Winnipeg *and Minimum Modification*

- As noted above, the *Waverley West Neighbourhood ‘B’ Secondary Plan* supports the existing residential development fronting on Lee Boulevard within the Lee Boulevard Estates policy area.
- The proposed development meets the above-noted policy direction for the Lee Boulevard Estates in that:
    - The proposal maintains the existing single-family dwelling and single-family residential use on the proposed zoning lot that is fronting Lee Boulevard
    - The proposed lot area for each of the proposed zoning lots is two (2) acres (87,373 square feet). This exceed the minimum lot area requirement of the dimensional standards for “R1-E” Residential Single-Family (Estate) districts, which is 20,000 square feet
    - The proposal is to convey land at the back of the subject property in order to accommodate future urban development in the Lower Density Residential policy area under the Secondary Plan
    - The conveyance of land does not create any new lot requiring access from Lee Boulevard
- Given that the proposal meets each of the policies for the Lee Boulevard Estates policy area, the variances to the “A” Agricultural dimensional standards of the Zoning By-law are consistent with the *Waverley West Neighbourhood ‘B’ Secondary Plan.*

Adverse Effect and Compatibility

- Typically with applications that seek to vary the lot width and lot area of proposed new residential lots, the Urban Planning Division will examine the block the subject property is located on, in order to determine if there are existing examples of lots of a similar size as those proposed.
- In this case of this development, there is no new development proposed that is fronting on Lee Boulevard. Instead, the proposal separates the northerly (rear) portion of the subject property. The zoning lot fronting Lee Boulevard will retain the existing lot width of 250 feet, and no changes to the existing single-family dwelling are proposed.
- There are 17 established residential lots on this block of Lee Boulevard. Of these, there are 12 lots with areas of two (2) acres or less. Additionally, there are 17 lots with lot widths of 250 feet, including the subject property.

- As such, the variances for lot width and lot area would facilitate the conveyance of two underlying lots which will establish a zoning lot on Lee Boulevard that is similar in size and width to the majority of the existing residential development on this block.
- Based on this, the Urban Planning Division considers the proposed lot sizes to be compatible, and not creating of any adverse effect on 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 applicant is proposing the establishment of separate zoning lots in a manner that is consistent with the Waverley West Neighbourhood 'B' 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;

In that, the variances enable the establishment of lots similar to surrounding residential lots on Lee Boulevard. No change is proposed to the existing dwelling.

(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 allow development to occur which meets appropriate policies in the Waverley West Neighbourhood 'B' Secondary Plan.

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

In that, the surrounding residential properties on Lee Boulevard are characterized by similar lot sizes and lot widths.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

The propose development aligns with *OurWinnipeg* Section 01, Direction 3: *"Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth."*

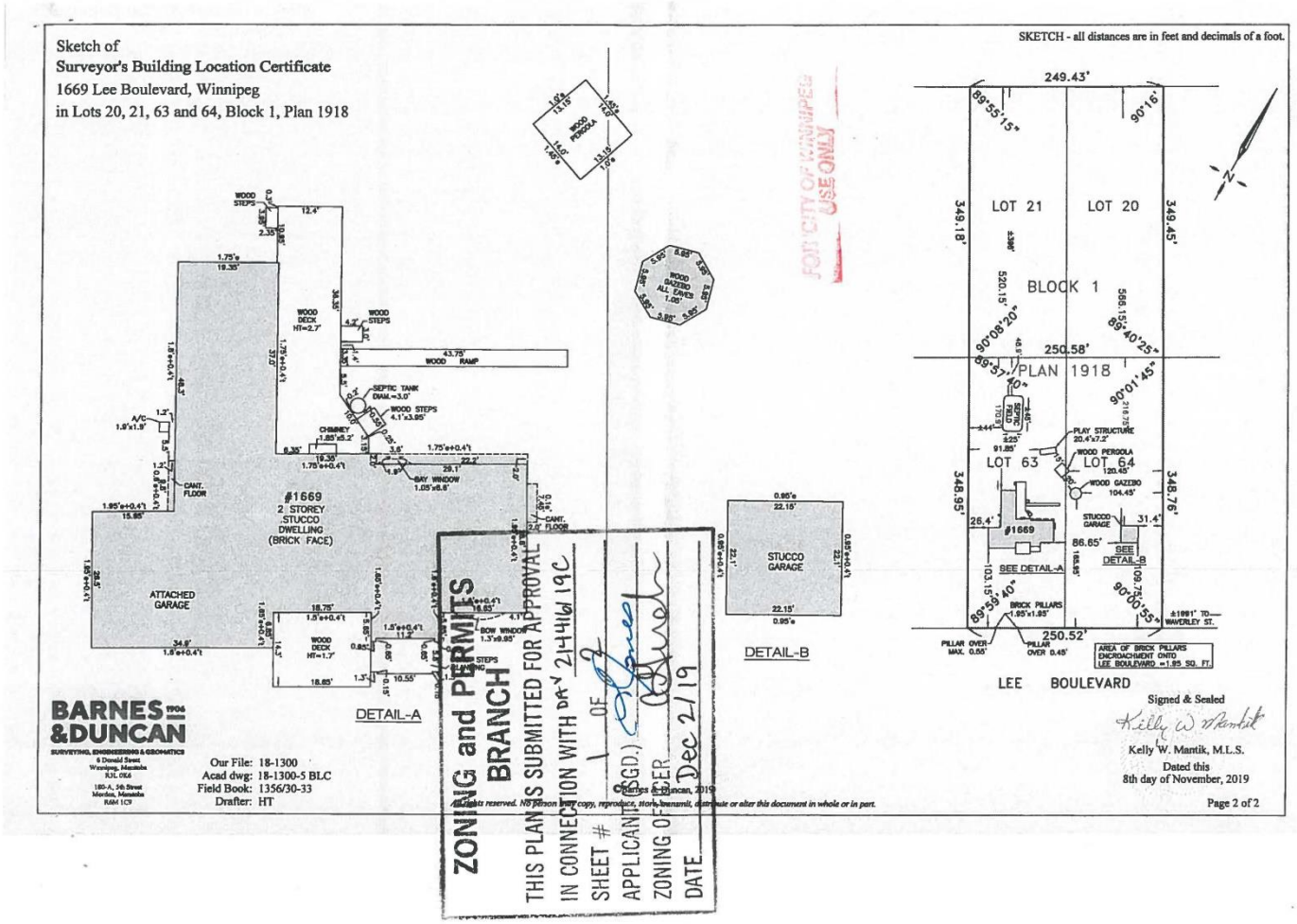
WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

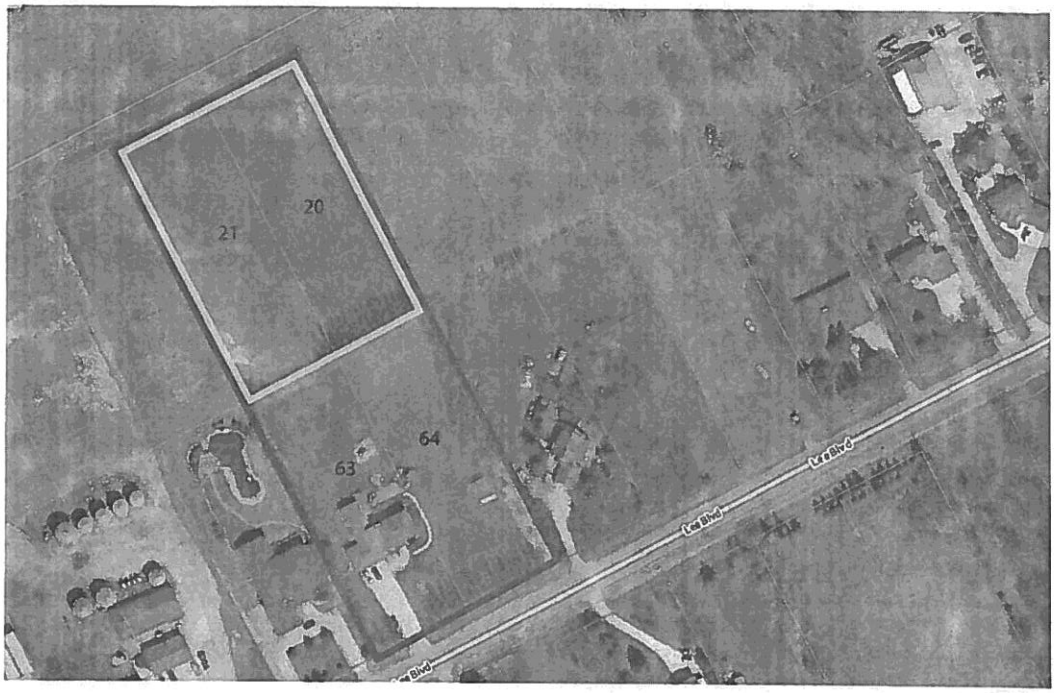
The proposed development would align with the following Key Direction in the Winnipeg Climate Action Plan: *"Ensure New Areas of Growth are Designed According to the Principles of Complete Communities."*

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Robert Galston, MCP
Date:	Wednesday, January 22, 2020
File No.	DAV 19-214416/C

Exhibit “6” referred to in File DAV 214416/2019C





Vendor's Lands
Purchased Lands

ZONING and PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 2144161 19C
SHEET # 2 OF 2
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec 2/19