Minutes – Board of Adjustment – February 5, 2020

PUBLIC HEARINGS

Item No. 15 Variance – 133 Harold Avenue W
(Transcona Ward)
File DAV 202153/2019C

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 establishment of two (2) residential zoning lots to permit:

   A. lot areas of 3599 square feet (334.4 square metres);

   B. lot widths of 36 feet (10.97 metres);

2. For the maintenance of a single family dwelling on Proposed Lot 2 to permit a front yard of 22 feet (6.7 metres)

Subject to the following conditions:

1. That the height of principal buildings shall be limited to a maximum of 30 feet.

2. That no front driveway approach shall be permitted.

3. That there shall be no new garages constructed attached to any principal dwelling on the subject property.

4. That any principal dwelling located on the subject properties shall provide an entrance on the building elevation facing the front yard.

5. That the development shall be constructed in substantial conformance with the plans submitted under File No.DAV 19-202153C, sheet 2, dated January 3, 2020, sheet 5a, dated November 12, 2019, and sheets 5b, 6 and 7, dated October 31, 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:

BOARD OF ADJUSTMENT DECISION (continued):

A. buildings including elevations of the front façades identifying proposed finishing materials
B. accessory parking areas
C. driveways
D. fencing
E. 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.

6. That alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building elements.

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 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 28, 2020.

Carried

DECISION MAKING HISTORY (continued):

Moved by Bill Evans,

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

Carried

Moved by Bill Evans,

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

Carried

THE CITY OF WINNIPEG
VARIANCE ORDER
BOARD OF ADJUSTMENT

CORRECTED ORDER

DAV 202153/2019C

Before:	Board of Adjustment Bill Sawka, Chairperson Bill Evans Kara Bjornson
Hearing:	February 5, 2020 Council Building, 510 Main Street
Applicant:	Colosimo Enterprises Inc.
Premises Affected:	133 Harold Avenue W
Legal Description:	EXC W 18F LOT 18; LOT 19/20 BLOCK 4 PLAN 1645 SE 8 11 4E, hereinafter called "the land"
Property Zoned:	"R1-M" Residential Single-Family-Medium
Nature of Application:	To vary the "R1-M" District Dimensional Standards and Special Boundary Conditions of the Winnipeg Zoning By-Law No. 200/2006 as follows:

1. For the establishment of two (2) residential zoning lots to permit:

    A. lot areas of 3,599 square feet (334.4 square metres) instead of 4,482.2 square feet (416.4 square metres);

    B. lot widths of 36 feet (10.97 metres) instead of 44.8 feet (13.66 metres);

2. For the maintenance of a single family dwelling on Proposed Lot 2 to permit a front yard of 22 feet (6.7 metres) instead of 23.5 feet (7.2 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 28, 2020.

ORDER:

The Board of Adjustment orders that the provisions of the “R1-M” District Dimensional Standards and Special Boundary Conditions of the Winnipeg Zoning By-Law No. 200/2006 are varied on “the land” as follows:

1. For the establishment of two (2) residential zoning lots to permit:

   A. lot areas of 3599 square feet (334.4 square metres);

   B. lot widths of 36 feet (10.97 metres);

2. For the maintenance of a single family dwelling on Proposed Lot 2 to permit a front yard of 22 feet (6.7 metres) instead of 23.5 feet (7.2 metres).

Subject to the following condition(s), which the Board of Adjustment considers necessary to ensure compliance with criteria (a) to (d) as outlined in Subsection 247(3) of The City of Winnipeg Charter, namely:

1. That the height of principal buildings shall be limited to a maximum of 30 feet.

2. That no front driveway approach shall be permitted.

3. That there shall be no new garages constructed attached to any principal dwelling on the subject property.

4. That any principal dwelling located on the subject properties shall provide an entrance on the building elevation facing the front yard.

5. That the development shall be constructed in substantial conformance with the plans submitted under File No.DAV 19-202153C, sheet 2, dated January 3, 2020, sheet 5a, dated November 12, 2019, and sheets 5b, 6 and 7, dated October 31, 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:

   A. buildings including elevations of the front façades identifying proposed finishing materials
   B. accessory parking areas
   C. driveways
   D. fencing
   E. 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.

6. That alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building elements.

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 202153/2019C; 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:

Francesco Colosimo

In Opposition:

Debra Lawson

For Information:

Nil

For the City:

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

ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAN 202153/19C
SHEET# 2 OF 7
APPLICATION (SGD.) IMPERIAL
DEV EXAM
DATE Jan 3/20

Proposed Plan of Subdivision

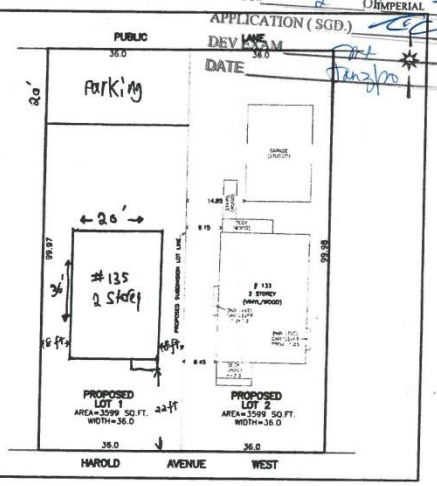
PROPERTY INFORMATION

ADDRESS:	133 Harold Avenue West, Winnipeg, MB.
CERTIFICATE OF TITLE:	2991053/1 (SEARCHED FEBRUARY 20, 2019)
REGISTERED OWNERS:	COLOSIMO ENTERPRIESES INC.
LEGAL DESCRIPTION:	LOT 18 AND 19 BLOCK 4 PLAN 1645 WLTO EXC OUT OF SAID LOT 18 WLY 18 FEET IN SE 1/4 8-11-4 EPM
ENCUMBRANCES:	5036161/1
CERTIFICATE OF TITLE:	2991054/1 (SEARCHED FEBRUARY 20, 2019)
LEGAL DESCRIPTION:	LOT 20 BLOCK 4 PLAN 1645 WLTO IN SE 1/4 8-11-4 EPM
ENCUMBRANCES:	5036161/1

Encumbrances noted herein are for information purposes onlyand have not been investigated as to their intent or extent.

DRAWING INFORMATION

Notes:
1) All distances are in feet and decimals thereof.
2) Proposed subdivision as shown is subject to City of Winnipeg approval. This sketch does not constitute a legal subdivision of the land.
3) For additional property information, refer to a Building Location Certificate certified by M.E. Pare, MLS on the 28th day of March 2019.



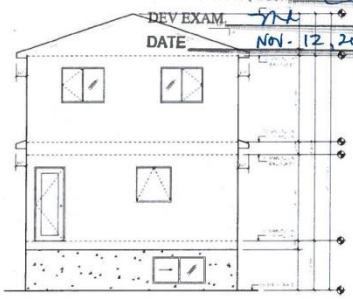
Phillips & Stevens
473 Henderson Highway
Winnipeg, Manitoba R2K 2H7
Tel. 204-663-3089
Fax. 204-668-9826
Toll 888-667-9554

April 5, 2019
File No: 201902011

ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAN 202153/19C
SHEET# 5a OF 7
APPLICATION (SGD.)
DEV EXAM
DATE NOV. 12, 2019



1 A3 FRONT ELEVATION SCALE 1/4" = 1'-0"



2 A3 REAR ELEVATION SCALE 1/4" = 1'-0"

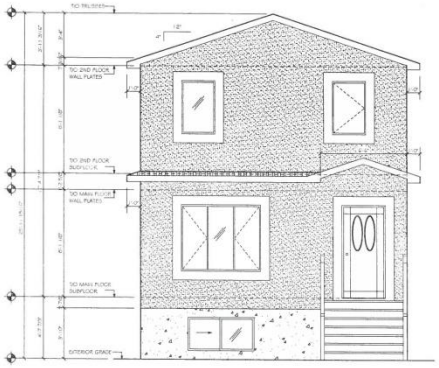
RIDGEMARKBUILDERS
1 - 763 KIMBLE DRIVE
WEST ST PAUL, MANITOBA R4A 5A4

ISSUED FOR CONSTRUCTION

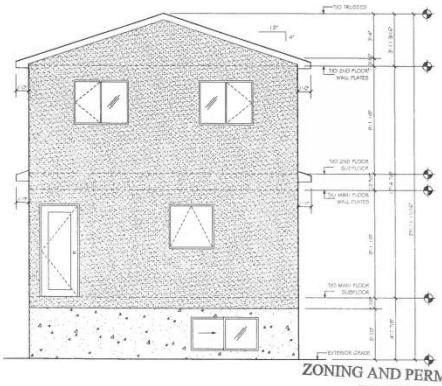
PROJECT OWNER: TIM COLISIMO
ADDRESS:
DRAWN: AL | CHECK: | REVISED:
DATE: 7-23-19 | DATE: | DATE:

PROJECT TITLE: A PROPOSED CUSTOM HOME
PROJECT LOCATION: 133 HAROLD AVE W., WPG MB

DRAWING NO: A3
PAGE 3 OF 5



1 / A3 FRONT ELEVATION
SCALE: 3/16" = 1'-0"



2 / A3 REAR ELEVATION
SCALE: 3/16" = 1'-0"

ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAN 202153/19C
SHEET# 156 OF 7
APPLICATION (SGD.)
DEV EXAM. TM
DATE OCT 0 1 2019

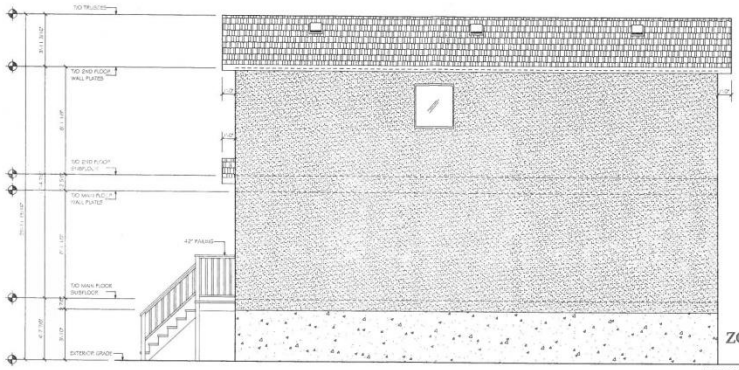
RIDGEMARKBUILDERS
1 - 763 KAPELUS DRIVE
WEST ST. PAUL, MANITOBA R4A 5A4

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF RIDGEMARK BUILDERS. THE COPYRIGHT IN THE SAME BEING RESERVED TO THEM. NO REPRODUCTION MAY BE MADE WITHOUT THE WRITTEN PERMISSION OF RIDGEMARK BUILDERS

REVISION	ENGINEER'S SEAL
ISSUE	

ISSUED FOR CONSTRUCTION

PROJECT OWNER	PROJECT TITLE	DRAWING NO.
TIM COLISIMO	A PROPOSED CUSTOM HOME	A3
ADDRESS:		
DRAWN: AL / CHECK: / REVISED:		
DATE: 7-23-19 / DATE: / DATE:	PROJECT LOCATION: 135 HAROLD AVE W., WPG MB	PAGE: 3 OF 5



1 / A4 RIGHT ELEVATION
SCALE: 3/16" = 1'-0"

ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAN 202153/19C
SHEET# 6 OF 7
APPLICATION (SGD.)
DEV EXAM. TM
DATE OCT 0 1 2019

RIDGEMARKBUILDERS
1 - 763 KAPELUS DRIVE
WEST ST. PAUL, MANITOBA R4A 5A4

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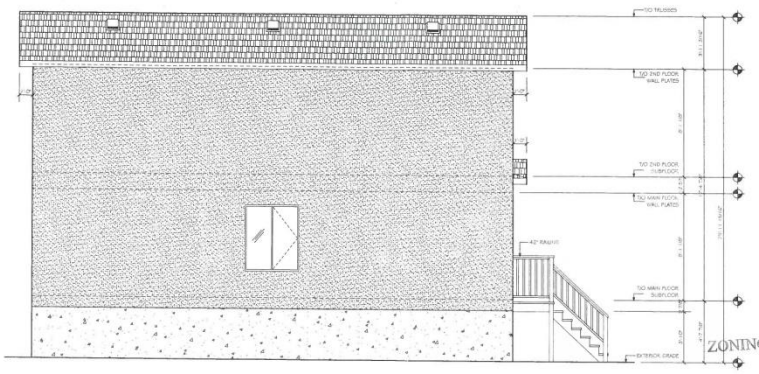
REVISION	ENGINEER'S SEAL
ISSUE	

ISSUED FOR CONSTRUCTION

PROJECT OWNER	PROJECT TITLE	DRAWING NO.
TIM COLISIMO	A PROPOSED CUSTOM HOME	A4
ADDRESS:		
DRAWN: AL / CHECK: / REVISED:		
DATE: 7-23-19 / DATE: / DATE:	PROJECT LOCATION: 135 HAROLD AVE W., WPG MB	PAGE: 4 OF 5



1
A5 LEFT ELEVATION
SCALE: 3/16" = 1'-0"

ZONING AND PERMITS
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DA\202153\19C
SHEET# 7 OF 7
APPLICATION (SGD.)
DEV EXAM
DATE OCT 2 1 2019

RIDGEMARKBUILDERS
1 - 763 KAPELLUS DRIVE
WEST ST. PAUL, MANITOBA R4A 5A4

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF RIDGEMARK BUILDERS. THE COPYRIGHT IN THE SAME BEING RESERVED TO THEM. NO REPRODUCTION MAY BE MADE WITHOUT THE WRITTEN PERMISSION OF RIDGEMARK BUILDERS.

REVISION	ENGINEER'S SEAL
ISSUE	

ISSUED FOR CONSTRUCTION

PROJECT OWNER			PROJECT TITLE	DRAWING NO.
TIM COLISIMO			A PROPOSED CUSTOM HOME	A5
ADDRESS:				
DRAWN: AL	CHECK:	REVISED:		
DATE: 7-23-19	DATE:	DATE:	PROJECT LOCATION: 135 HAROLD AVE W., WPG MB	PAGE: 5 OF 5

EXHIBITS FILED FOR DAV 202153/2019C

1. Application dated November 5, 2019
2. Notification of Public Hearing dated January 15, 2020
3. Manitoba Status of Title 2991054/1
4. Letter of authorization dated October 10, 2019 from Jason Colosimo, Filippo Colosimo, Jordan Colosimo, and Francesco Colosimo to Tim Colosimo
5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
6. Plans, Sheets 1, and 3 to 7 inclusive dated October 31, 2019, and Sheet 2 dated January 3, 2020, for File DAV 202153/2019C
7. Report from the Urban Planning Division dated January 28, 2020
8. Inspection Report
9. Communication dated February 4, 2020 from Debra Lawson in opposition to the applicant

Exhibit "7" referred to in File DAV 202153/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-202153\C – 133 Harold Ave. W

Issue: Proposed Variances for the Establishment of Two Residential Lots and for the Maintenance of a Single-Family Dwelling.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
Glen Doney	n/a	n/a	

RECOMMENDATIONS

The Urban Planning and Design Division recommends approval of the application to vary the "R1-M" Residential Single-Family (Medium) Dimensional Standards and Special Boundary Conditions of Zoning By-Law No. 200/2006 as follows:

1) for the establishment of two (2) residential zoning lots to permit:
   a) lot areas of 3599 square feet (334.4 square metres) instead of 4482.2 square feet (416.4 square metres);
   b) lot widths of 36 feet (10.97 metres) instead of 44.8 feet (13.66 metres);
2) for the maintenance of a single family dwelling on Proposed Lot 2 to permit a front yard of 22 feet (6.7 metres) instead of 23.5 feet (7.2 metres).

subject to the following conditions:

1) That the height of principal buildings shall be limited to a maximum of 30 feet.
2) That no front driveway approach shall be permitted.
3) That there shall be no new garages constructed attached to any principal dwelling on the subject property.
4) That any principal dwelling located on the subject properties shall provide an entrance on the building elevation facing the front yard.
5) That the development shall be constructed in substantial conformance with the plans submitted under File No.DAV 19-202153C, sheet 2, dated January 3, 2020, sheet 5a, dated November 12, 2019, and sheets 5b, 6 and 7, dated October 31, 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 including elevations of the front façades identifying proposed finishing materials;
ii) accessory parking areas;
iii) driveways;
iv) fencing;
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.

7) That alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building elements.

REASONS FOR REPORT

This report is required because a "C" variance application requires a public hearing as per *The Development Procedures By-law* and *The City of Winnipeg Charter.*

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in the proposal can proceed.

FILE/APPLICANT DETAILS

FILE:	**DAV 19-202153\C**
RELATED FILE:	**DASSF 561/2019**
COMMUNITY:	East Kildonan – Transcona
NEIGHBOURHOOD #:	4.408 (Radisson)
SUBJECT:	application to vary the "R1-M" Dimensional Standards and Special Boundary Conditions of Zoning By-Law No. 200/2006 as follows: 1) for the establishment of two (2) residential zoning lots to permit: a) lot areas of 3599 square feet (334.4 square metres) instead of 4482.2 square feet (416.4 square metres); b) lot widths of 36 feet (10.97 metres) instead of 44.8 feet (13.66 metres);

2) for the maintenance of a single family dwelling on Proposed Lot 2 to permit a front yard of 22 feet (6.7 metres) instead of 23.5 feet (7.2 metres).

LOCATION: 133 Harold Avenue West

LEGAL DESCRIPTION: EXC W 18F LOT 18; LOT 19/20 BLOCK 4 PLAN 1645

APPLICANT: Colosimo Enterprises Inc. (Tim Colosimo)
35 Pine Brook Place
East St Paul, Manitoba
R2E 1H6

OWNERS: Colosimo Enterprises Inc.

HISTORY

In 2012 a single-family dwelling was built on the site, 22 feet from the front lot line. A comparison of the front yards of properties beside the site shows that the average front yard was, and is today, 23.5 feet. Therefore, the front yard had to be varied to accommodate this dwelling. However, this variance was not identified.

The application that is the subject of this report includes the variance that is needed to accommodate this existing dwelling - for the maintenance of a single family dwelling on Proposed Lot 2 (the easterly proposed lot) to permit a front yard of 22 feet instead of 23.5 feet.

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 site, identified on Figures 1 and 2:

- is along the north side of Harold Avenue West and 48 feet east of Bond Street;

- is in the Radisson Neighbourhood and the Transcona Ward;
- is backing onto a public lane;
- is 7,198 square feet and 72 feet wide;
- contains a single-family dwelling and a garage, both of which are located on the east half of the site;
- is accessed by motor-vehicle from the public lane;
- is zoned “R1-M” Residential Single-Family (Medium) and is in an Urban Infill Area; and
- is in a Mature Communities policy area of *OurWinnipeg* and *Complete Communities*.



Figure 1: 2018 Aerial Photography & Assessment Parcels

SURROUNDING LAND USE AND ZONING

Developments near the site are shown on Figure 1 and existing zoning districts are shown on Figure 2.

North: public lane then single-family dwellings in “R1-M” Residential Single-Family (Medium) District.

South: Harold Avenue then single-family dwellings in a “R1-M” Residential Single-Family (Medium) District.

East: single-family dwellings in a “R1-M” Residential Single-Family (Medium) District.

West: a single-family dwelling in a “R1-M” Residential Single-Family (Medium) District then Bond Street.

Also of note are:

- that all properties on the block have motor-vehicle access from a public lane only;

- that the site is 72 feet wide whereas the next widest property on the block is 49 feet wide; and
- that the narrowest property on the block is 40 feet wide.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ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNIITIES

OurWinnipeg is the City's development plan and *Complete Communities* is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land use and development in the city.

The Key Direction that applies to the Mature Communities policy area is in the Areas of Stability sections of *OurWinnipeg* and *Complete Communities*. It states: "*Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*"

The following policies, under Direction 1 of Section 04 (Areas of Stability) of *Complete Communities*, also apply to the Mature Communities policy area:

> *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.*
>
> *Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.*
>
> *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.*

The proposed variances and the proposed development would comply with the aforementioned Key Direction and policies, and with *OurWinnipeg* and *Complete Communities* in general, because:

- the front yard variance would be for the maintenance of the existing single-family dwelling, to allow a six percent reduction to the front yard requirement of 23.5 feet;
- the proposed lots would be accessed by motor-vehicle from the public lane;
- one new single-family dwelling would be added to the neighbourhood;
- the full-range of municipal infrastructure is in front of the site;
- the site is in an established neighoburhood with a range of amenities and services;
- the proposed lots would only be 10 percent narrower than an existing property on the same block; and
- because the existing site is anomaly on the block (38 percent larger and wider than the next largest property on the block) the proposed plan of subdivision will not set a precedent that would enable the other properties to be subdivided.

COMPATIBILITY AND ADVERSE EFFECT

The proposed variances and the proposed development would be compatible with the area, and have no adverse effect on it, because:

- the front yard variance would accommodate an existing single-family dwelling by allowing a six percent reduction to the front yard requirement of 23.5 feet;
- the proposed lots would be accessed by motor-vehicle from the public lane;
- one new single-family dwelling would be added to the neighbourhood;
- the proposed lots would only be 10 percent narrower than an existing property on the same block; and
- because the existing site is anomaly on the block, being quite large in relation to other properties on the block, the proposed plan of subdivision will not set a precedent that would enable the other properties to be subdivided.

EFFECT OF ZONING BY-LAW ON SUBJECT SITE AND MINIMUM MODIFICATION OF BY-LAW

Given that a zoning by-law should be consistent with the Development Plan and any applicable Secondary Plan, that the proposal would comply with *OurWinnipeg* and *Complete Communities* and that the proposal is compatible with the area in which the site is located, indicates:

- that Zoning By-law 200/2006 has an injurious effect on the site; and
- that the proposed variances are the minimum modification required to relieve that effect.

REASONS FOR THE RECOMMENDATIONS

In the context of Section 247(3) of *The City of Winnipeg Charter*, the Urban Planning and Design Division recommends approval for the following reasons:

a) the proposed variances are consistent with Plan Winnipeg and any applicable secondary plan

   in that the proposal complies with *OurWinnipeg* and *Complete Communities*;

b) the proposed variances would 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 proposal is compatible with the neighbourhood;

c) The proposed variances would be the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property

   to the extent that the proposed variances comply with *OurWinnipeg* and *Complete Communities* and are compatible with the area in which the site is located; and

d) The proposed variances are compatible with the area in which the property to be affected is situated

   in that:

   - the front yard variance would be for the maintenance of the existing single-family dwelling, by allowing a six percent reduction to the front yard requirement of 23.5 feet,
   - the proposed lots would be accessed by motor-vehicle from the public lane,
   - one new single-family dwelling would be added to the neighbourhood,

- the proposed lots would only be 10 percent narrower than an existing property on the same block and
- because the existing site is quite large in relation to other properties on the block, the proposed plan of subdivision will not set a precedent that would enable the other properties to be subdivided.

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

As previously stated, the proposal complies with the Key Direction of *OurWinnipeg* that applies to the Mature Communities policy area, which states:

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

Therefore, the proposed variances align with *OurWinnipeg.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

One of the "Strategic Opportunities" of the *Winnipeg Climate Action Plan* states:

> *Facilitate compact, complete development and increase density.*

The proposed variances align with the *Winnipeg Climate Action Plan* because the proposal would add one new dwelling to the neighbourhood.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Glen Doney
Date: January 28, 2020
File No: **DAV 19-202153C**

Exhibit “6” referred to in File DAV 202153/2019C

Building Location Certificate

IMPERIAL

PROPERTY INFORMATION

ADDRESS:	133 Harold Avenue West, Winnipeg, MB.
CERTIFICATE OF TITLE:	2991053/1 (SEARCHED FEBRUARY 20, 2019)
REGISTERED OWNERS:	COLOSIMO ENTERPRIESES INC.
LEGAL DESCRIPTION:	LOT 18 AND 19 BLOCK 4 PLAN 1645 WLTO EXC OUT OF SAID LOT 18 WLY 18 FEET IN SE 1/4 8-11-4 EPM
ENCUMBRANCES:	5036161/1
CERTIFICATE OF TITLE:	2991054/1 (SEARCHED FEBRUARY 20, 2019)
LEGAL DESCRIPTION:	LOT 20 BLOCK 4 PLAN 1645 WLTO IN SE 1/4 8-11-4 EPM
ENCUMBRANCES:	5036161/1

Encumbrances noted herein are for information purposes only and have not been investigated as to their intent or extent.

ZONING INFORMATION

ROLL NO:	09004402000
ASSESSED VALUE:	$ 334,000.00
ASSESSED TOTAL LIVING AREA:	1,246 FT²
ZONING CLASSIFICATION:	R1m - Res - S F - Medium
ASSESSED AREAS:	7,198 FT²

FOR "CITY OF WINNIPEG" USE ONLY

DRAWING INFORMATION

Notes:
1) All distances are in feet & decimals thereof.
2) E - denotes eaves and T - denotes eavestrough.
3) Dimensions shown to property lines are to 0.10± of a foot.
4) Encroachments are identified with red text in the sketch.

CERTIFIED TRUE
APR 09 2019
COPY -

PRODUCED FOR COLOSIMO ENTERPRISES INC.. RIGHTS OF USE ARE ASSIGNED TO THE NAMED ABOVE ONLY.

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3. ADD, CHANGE, MODIFY OR ALTER ANY PART OF THIS DOCUMENT.

I certify that the dimensions on the attached sketch reflect the location of the structures shown relative to boundaries of the above described land.

This survey was made on the 22nd day of Febaruary and the 1st day of March, 2019.

Signed and Sealed

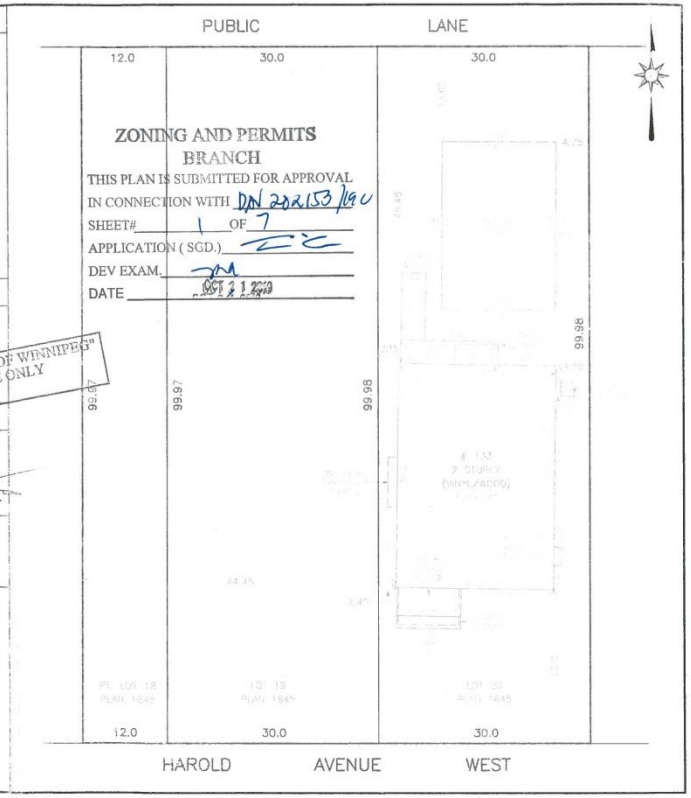
M. R. Paré
Manitoba Land Surveyor

Phillips & Stevens

473 Henderson Highway
Winnipeg, Manitoba R2K 2H7
Tel. 204-663-2089
Fax. 204-668-9826
Toll 888-667-9554

March 28, 2019

File No: 201902011



ZONING AND PERMITS
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAP 202153/RV
SHEET# 2 OF 7
APPLICATION (SGD.)
DEV EXAM
DATE Jan 3/20

Proposed Plan of Subdivision

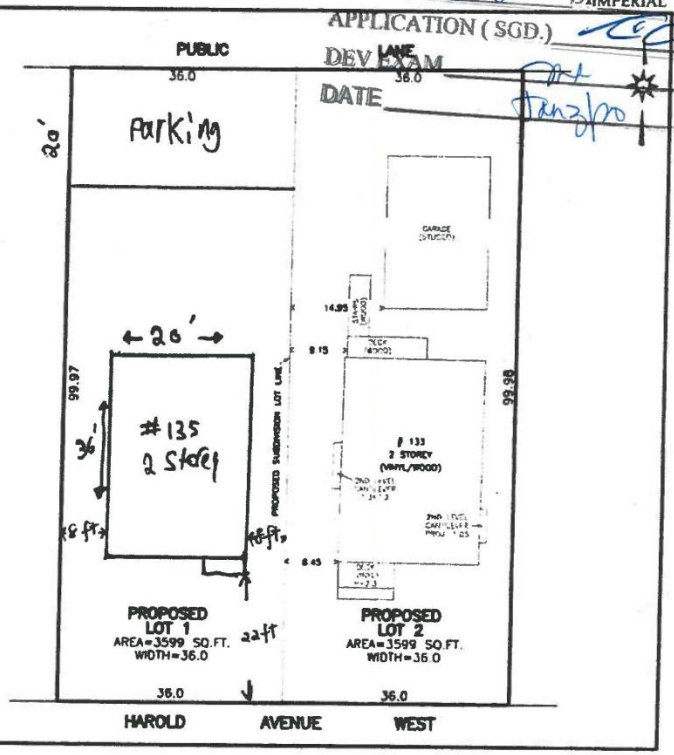
PROPERTY INFORMATION

ADDRESS:	133 Harold Avenue West, Winnipeg, MB.
CERTIFICATE OF TITLE:	2991053/1 (SEARCHED FEBRUARY 20, 2019)
REGISTERED OWNERS:	COLOSIMO ENTERPRIESES INC.
LEGAL DESCRIPTION:	LOT 18 AND 19 BLOCK 4 PLAN 1645 WLTO EXC OUT OF SAID LOT 18 WLY 18 FEET IN SE 1/4 8-11-4 EPM
ENCUMBRANCES:	5036161/1
CERTIFICATE OF TITLE:	2991054/1 (SEARCHED FEBRUARY 20, 2019)
LEGAL DESCRIPTION:	LOT 20 BLOCK 4 PLAN 1645 WLTO IN SE 1/4 8-11-4 EPM
ENCUMBRANCES:	5036161/1

Encumbrances noted herein are for information purposes onlyand have not been investigated as to their intent or extent.

DRAWING INFORMATION

Notes:
1) All distances are in feet and decimals thereof.
2) Proposed subdivision as shown is subject to City of Winnipeg approval. This sketch does not constitute a legal subdivision of the land.
3) For additional property information, refer to a Building Location Certificate certified by M.R. Pare, MLS on the 28th day of March 2019.

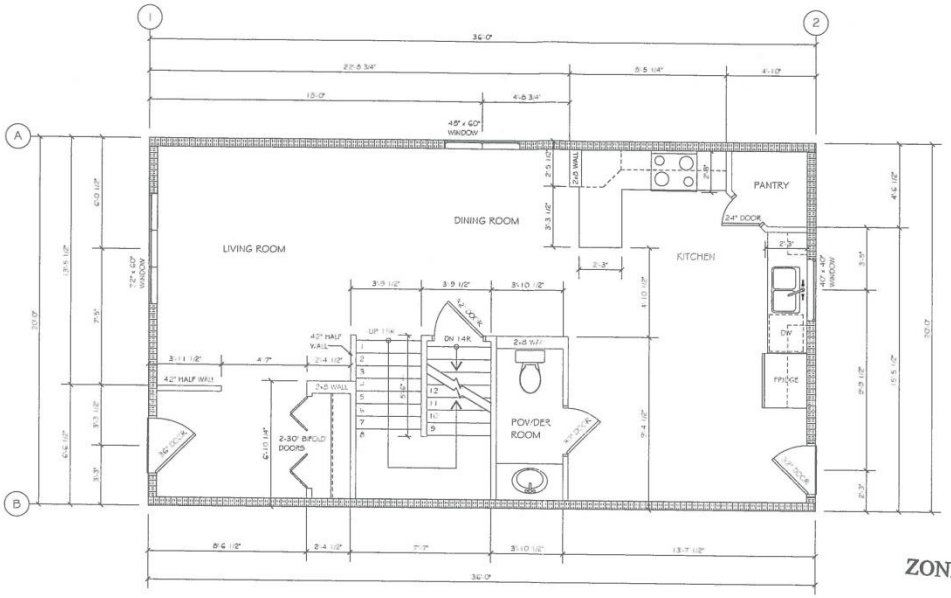


Phillips & Stevens

473 Henderson Highway
Winnipeg, Manitoba R2K 2H7
Tel. 204-663-2089
Fax. 204-668-9826
Toll 888-667-9554

April 5, 2019

File No: 201902011



NOTE:
PROVIDE SMOKE / HEAT DETECTORS IN ACCORDANCE WITH MBC CODE 9.10.19
PROVIDE CO DETECTORS PER FLOOR. LOCATION IS DETERMINED BY MANUFACTURERS SPECS

NOTE:
WINDOW / DOOR SIZES ARE NOT R/O'S. SEE MANUFACTURER'S WINDOW DOOR SCHEDULE

1 / A1 MAIN FLOOR PLAN
SCALE: 3/16" = 1'-0"

ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 202153/19C
SHEET# 3 OF 7
APPLICATION (SGD.)
DEV EXAM.
DATE OCT 1 2019

RIDGEMARKBUILDERS
1 - 763 KAPELUS DRIVE
WEST ST. PAUL, MANITOBA R4A 5A4

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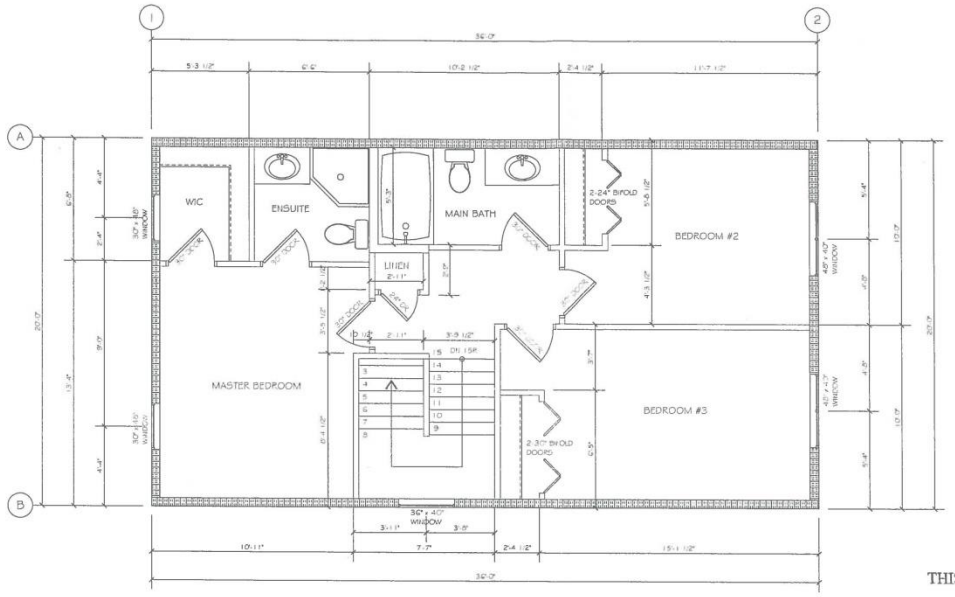
REVISION	ENGINEER'S SEAL
ISSUE	

ISSUED FOR CONSTRUCTION

PROJECT OWNER			PROJECT TITLE	DRAWING NO.
TIM COLISIMO			A PROPOSED CUSTOM HOME	A1
ADDRESS:				
DRAWN: AL	CHECK:	REVISED:		
DATE: 7-23-19	DATE:	DATE:	PROJECT LOCATION: 135 HAROLD AVE W., WPG MB	PAGE: 1 OF 5



NOTE:
PROVIDE SMOKE / HEAT DETECTORS IN ACCORDANCE WITH MBC CODE 9.10.19
PROVIDE CO DETECTORS PER FLOOR. LOCATION IS DETERMINED BY MANUFACTURERS SPECS

NOTE:
WINDOW / DOOR SIZES ARE NOT R/O'S. SEE MANUFACTUPER'S WINDOW/ DOOR SCHEDULE

1/A2 SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"

ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DN202153 | 1ac
SHEET# 4 OF 7
APPLICATION (SGD.)
DEV EXAM. JM
DATE OCT 2 1 2019

RIDGEMARKBUILDERS
1 - 763 KAPELUS DRIVE
WEST ST. PAUL, MANITOBA R4A 5A4

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ISSUE	

ISSUED FOR CONSTRUCTION

PROJECT OWNER			PROJECT TITLE	DRAWING NO.
TIM COLISIMO			A PROPOSED CUSTOM HOME	A2
ADDRESS:				
DRAWN: AL	CHECK:	REVISED:		
DATE: 7-23-19	DATE:	DATE:	PROJECT LOCATION: 135 HAROLD AVE W., WPG MB	PAGE: 2 OF 5

ZONING AND PERMITS BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL IN CONNECTION WITH DAV 202153/19C

SHEET# 5a OF 7

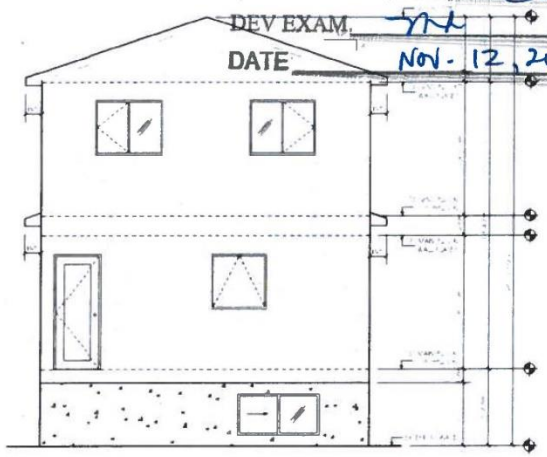
APPLICATION (SUD.) [illegible]

DEV EXAM. [illegible]

DATE NOV. 12, 2019



1 A3 FRONT ELEVATION
SCALE 3/16" = 1'-0"



2 A3 REAR ELEVATION
SCALE 3/16" = 1'-0"

RIDGEMARKBUILDERS
1 - 763 KAPELUS DRIVE
WEST ST PAUL, MANITOBA R4A 5A4

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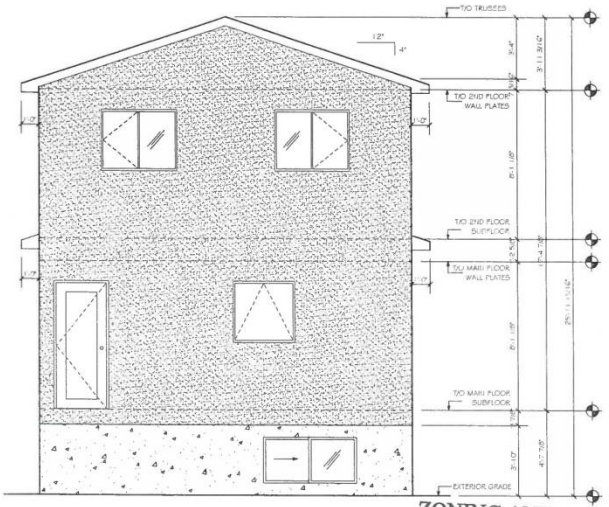
REVISION	ENGINEER'S SEAL	ISSUED FOR CONSTRUCTION	PROJECT OWNER	PROJECT TITLE	DRAWING NO.
ISSUE			TIM COLISIMO	A PROPOSED CUSTOM HOME	A3
			ADDRESS:		
			DRAWN: AL / CHECK: / REVISED:		
			DATE: 7-23-19 / DATE: / DATE:	PROJECT LOCATION: 135 HAROLD AVE W., WPG MB	PAGE: 3 OF 5



1 / A3 FRONT ELEVATION
SCALE: 3/16" = 1'-0"



2 / A3 REAR ELEVATION
SCALE: 3/16" = 1'-0"

ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DN 202153 / 19C
SHEET# 156 OF 7
APPLICATION (SGD.)
DEV EXAM. MN
DATE OCT 2 1 2019

RIDGEMARKBUILDERS
1 - 763 KAPELUS DRIVE
WEST ST. PAUL, MANITOBA R4A 5A4

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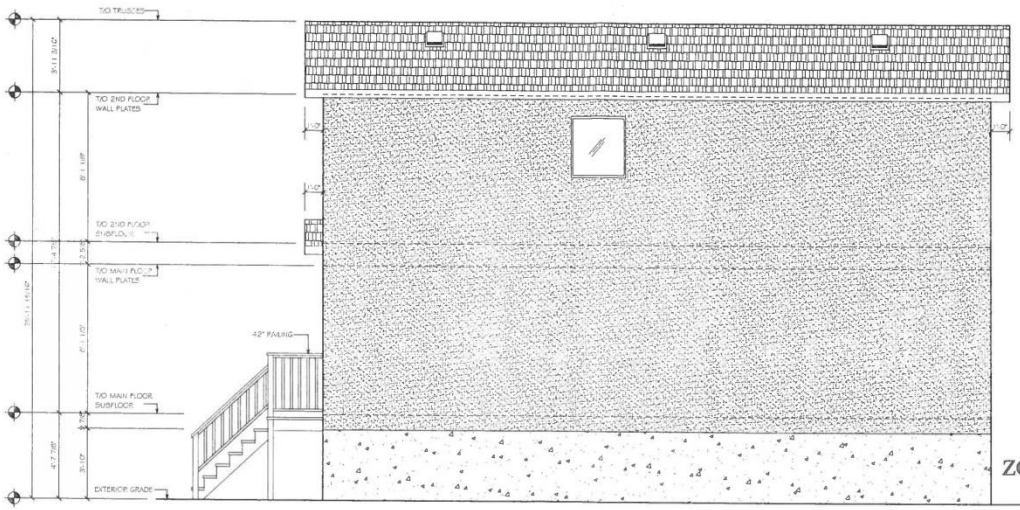
ISSUED FOR CONSTRUCTION

PROJECT OWNER			PROJECT TITLE	DRAWING NO.
TIM COLISIMO			A PROPOSED CUSTOM HOME	A3
ADDRESS:				
DRAWN: AL	CHECK:	REVISED:		
DATE: 7-23-19	DATE:	DATE:	PROJECT LOCATION: 135 HAROLD Ave W., WPG MB	PAGE: 3 OF 5



1 / A4 RIGHT ELEVATION

SCALE: 3/16" = 1'-0"

ZONING AND PERMITS BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL

IN CONNECTION WITH DAV 202153/19C

SHEET# 6 OF 7

APPLICATION (SGD.)

DEV EXAM. NA

DATE OCT 3 1 2019

RIDGEMARKBUILDERS

1 - 763 KAPELUS DRIVE
WEST ST. PAUL, MANITOBA R4A 5A4

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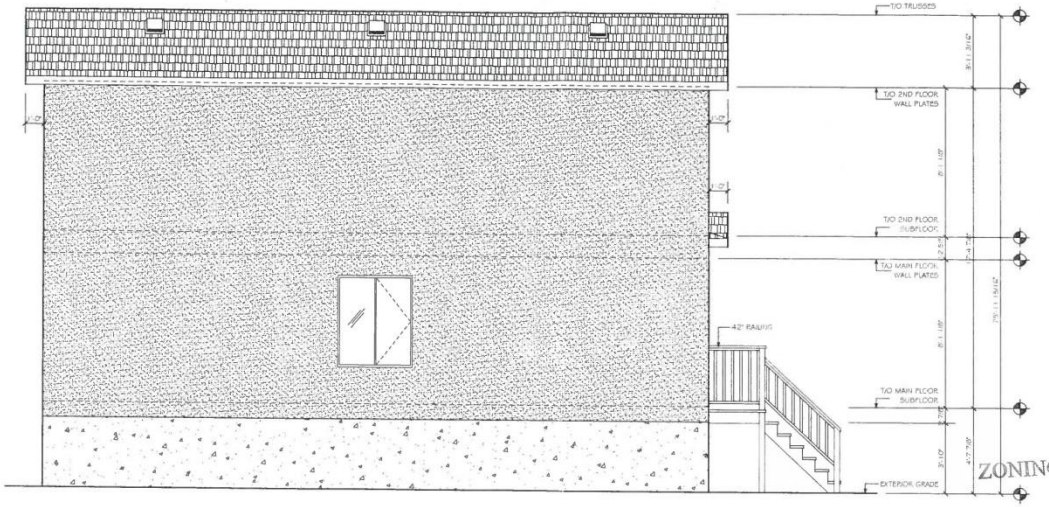
ISSUE	

ISSUED FOR CONSTRUCTION

PROJECT OWNER			PROJECT TITLE	DRAWING NO.
TIM COLISIMO			A PROPOSED CUSTOM HOME	A4
ADDRESS:				
DRAWN: AL	CHECK:	REVISED:		
DATE: 7-23-19	DATE:	DATE:	PROJECT LOCATION: 135 HAROLD AVE W., WPG MB	PAGE: 4 OF 5



1 / A5 LEFT ELEVATION

SCALE: 3/16" = 1'-0"

ZONING AND PERMITS BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL

IN CONNECTION WITH DAN 202153/19C

SHEET# 7 OF 7

APPLICATION (SGD.)

DEV EXAM.

DATE OCT 3 1 2019

RIDGEMARKBUILDERS

1 - 763 KAPELUS DRIVE
WEST ST. PAUL, MANITOBA R4A 5A4

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REVISION	ENGINEER'S SEAL
ISSUE	

ISSUED FOR CONSTRUCTION

PROJECT OWNER			PROJECT TITLE	DRAWING NO.
TIM COLISIMO			A PROPOSED CUSTOM HOME	A5
ADDRESS:				
DRAWN: AL	CHECK:	REVISED:		
DATE: 7-23-19	DATE:	DATE:	PROJECT LOCATION: 135 HAROLD AVE W., WPG MB	PAGE: 5 OF 5