Minutes – Board of Adjustment – February 19, 2020

PUBLIC HEARINGS

Item No. 5 Variance – 457 and 457B Aberdeen Avenue
(Mynarski Ward)
File DAV 107733/2020C

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 a two family dwelling to permit lot area per dwelling unit of 1,500 square feet (139.4 square 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 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 Joel Remis,

That the report of the Winnipeg Public Service be taken as read.

Carried

Moved by Joel Remis,

That the receipt of public representations be concluded.

Carried

Moved by Joel Remis,

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 February 5, 2020.

Carried

DECISION MAKING HISTORY (continued):

Moved by Joel Remis,

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

Carried

Moved by Joel Remis,

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

Carried

THE CITY OF WINNIPEG
VARIANCE ORDER
BOARD OF ADJUSTMENT

DAV 107733/2020C

Before:	Board of Adjustment Bill Sawka, Chairperson Bill Maretski Joel Remis
Hearing:	February 19, 2020 Council Building, 510 Main Street
Applicant:	The City Team Constructions Inc. (Jack Singh)
Premises Affected:	457 and 457B Aberdeen Avenue
Legal Description:	LOT 18 BLOCK 4 PLAN 867 40 ST J, hereinafter called "the land"
Property Zoned:	"R2" Residential Two-Family
Nature of Application:	To vary the "R2" District Dimensional Standards of the Winnipeg Zoning By-Law No. 200/2006 for the establishment of a two family dwelling to permit lot area per dwelling unit of 1,500 square feet (139.4 square metres) instead of 2,500 square feet (232.3 square 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 February 5, 2020.

ORDER:

The Board of Adjustment orders that the provisions of the "R2" District Dimensional Standards of the Winnipeg Zoning By-Law No. 200/2006 are varied on “the land” for the establishment of a two family dwelling to permit lot area per dwelling unit of 1,500 square feet (139.4 square metres) subject to the following conditions, 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.

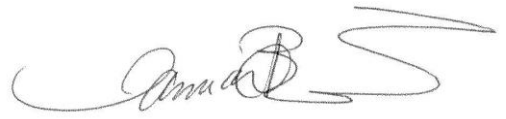
3. That there shall be no new garages constructed attached to any principal dwelling on the subject property.

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

5. That 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.

DATE OF ORDER: February 24, 2020 CERTIFIED BY:



T. Pomanski
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 March 12, 2020;

[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(e) refer to Variance Order No. DAV 107733/2020C; and

(f) provide the reason(s) for the appeal

The City Clerk may not schedule an appeal hearing until your notice of appeal meets the above requirements.

Address:	City Clerk, City of Winnipeg c/o Appeal Committee Susan A. Thompson Building Main Floor, 510 Main Street Winnipeg, Manitoba, R3B 1B9
Fax:	204-947-3452
Email:	CLK-Appeals@winnipeg.ca

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:

Kulwinder Mavi
Jagdeep Singh

In Opposition:

Nil

For Information:

Nil

For the City:

S. Jerez, Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DAV 107733/2020C

1. Application dated January 29, 2020
2. Notification of Public Hearing dated January 30, 2020
3. Manitoba Status of Title 2991230/1
4. Letter of authorization dated January 24, 2020 from The City Team Constructions Inc. to Jagdeep Singh
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 4 inclusive, for File DAV 107733/2020C dated January 28, 2020
7. Report from the Urban Planning Division dated February 5, 2020
8. Inspection Report

Exhibit “7” referred to in File DAV 107733/2020C

ADMINISTRATIVE REPORT

Title: DAV 20-107733\C – 457 Aberdeen Avenue

Issue: For consideration at the public hearing for a variance associated with the establishment of a two-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
R. Hayer, MCP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends **approval** of the application to vary the "R2" dimensional standards of Zoning By-Law No. 200/2006 for the establishment of a two family dwelling to permit lot area per dwelling unit of 1,500 square feet (139.4 square metres) instead of 2,500 square feet (232.3 square metres). Subject to the following condition(s):

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 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.

REASON FOR THE REPORT

- The applicant is proposing to construct a two-family dwelling on the subject property and requires a variance to proceed.
- 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 proposal can proceed.

FILE/APPLICANT DETAILS

FILE:	**DAV 20-107733\C**
RELATED FILES:	
COMMUNITY:	Lord Selkirk - West Kildonan Committee
NEIGHBOURHOOD #:	3.302 (William Whyte)
SUBJECT:	To vary the "R2" dimensional standards of Zoning By-Law No. 200/2006 for the establishment of a two family dwelling to permit lot area per dwelling unit of 1500 square feet (139.4 square metres) instead of 2500 square feet (232.3 square metres).
LOCATION:	457 Aberdeen AVE B
LEGAL DESCRIPTION:	LOT 18 BLOCK 4 PLAN 867 40 ST J
APPLICANT:	Jack Singh 1351 Notre Dame AVE Winnipeg , Manitoba R3E0P5
OWNER:	Same as applicant

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, identified on Figures 1 and 2:

- is located on the north side of Aberdeen Avenue, in the William Whyte neighbourhood and the Mynarski ward;
- consists of Lot 18, Plan 867, which is 25 ft. wide and 2,996 sq. ft. in lot area;
- is currently vacant as the previous single-family dwelling was demolished due to fire damage in 2017;
- has access to a public lane;
- is zoned “R2” Residential Two-Family; and
- is in a “Areas of Stability – Mature Community” policy area under the *Complete Communities Direction Strategy* of *OurWinnipeg.*



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Public lane; then multi-family dwelling containing 28 units zoned “R2” Residential Two-Family.

South: Aberdeen Avenue; two-family dwellings zoned “R2” Residential Two-Family.

East: Single-family dwelling zoned “R2” Residential Two-Family.

West: Single-family dwelling zoned “R2” Residential Two-Family.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves construction of a two-family dwelling.

The subject lot is existing as a buildable lot and zoned “R2” Residential Two-Family. Although a two-family dwelling is a permitted use, a variance for lot area per dwelling unit is required because the zoning by-law requires 2,500 sq. ft. lot area per unit for two-family dwellings and the applicant is proposing 1,500 sq. ft.

Plans submitted with the application show that the development would be +/- 21 ft. in height, with a 4 ft. east yard, a 3 ft. west yard, and 18 ft. front yard. The proposed building would be 50 ft. long. A parking pad taking vehicular access from the public lane is also proposed.

Collaboration

The subject application was filed without collaboration with the Urban Planning Division. There are no records or information provided with the application to suggest any public engagement occurred. The Urban Planning Division has sent an email notification to the William Whyte Residents Association and the North End Renewal Corporation informing them of the application, and providing the date, time and location of the public hearing.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

Under *Complete Communities*, the property falls under the “Areas of Stability – Mature Communities. Key policies include:

- *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.*
- *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments*.

The proposed development complies with *Complete Communities* because it represents a low to moderate change in density in an area with a mix of single- and two-family dwellings.

Therefore the proposed development would not be insensitive to the community context.

Analysis of Variance

As noted previously, the subject lot is existing as a buildable lot and zoned "R2" Residential Two-Family. A two-family dwelling is a permitted use. Moreover, the property is located on a block where all properties are zoned "R2" and many have been developed with two-family buildings. For example, several buildings across the street also contain two-family dwellings, as do dwellings west of the site at the corner of Aberdeen and Powers Street. The proposed variance for lot area per dwelling unit would accommodate a building type that is consistent with the character of the block.

The site is also within 1 block of transit service on Salter Street. Salter also contains a number of commercial amenities, including convenience stores and personal service uses. William Whyte school is located approximately 3 blocks south of the site. The property is in a walkable area suitable for a minor increase in density.

- Thus, the proposed variance would be compatible with the area.

As the lot size is 2,996 sq. ft. and the applicant wishes to add a second dwelling, this triggers the variance for lot area per dwelling unit. Given the proposal complies with *Complete Communities* and would be compatible with the area suggests

- Given the proposal complies with *Complete Communities* and would be compatible with the area suggests the zoning bylaw creates an injurious effect and a variance is necessary to implement the aforementioned policies in *Complete Communities*.

Conditions of Approval

To ensure future development is compatible with the area and complies with *Complete Communities*, a few conditions are recommended, including:

- Limiting building heights to 30 ft. and to match the height of adjacent dwellings.
- Restricting vehicle access to the public lane by prohibiting front driveways.
- Restricting attached garages to match the context on the block which contains mostly detached garages or parking pads.
- Requiring a door on the front elevation facing the front yard to complement the streetscape.
- Limiting the depth of projections to ensure adequate access can be maintained in the side yards.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

> ***In that,*** *the proposed development represents a low to moderate change in density and adds to the housing diversity in the area.*

(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 entire block is zoned "R2" and several other properties on the block contain similar uses, thus it is unlikely the proposed development would create an adverse effect.*

(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 lot is already zoned "R2" which allows a two-family dwelling as a principal use, and variance as proposed would allow the applicant to introduce minor density to the site in a manner consistent with applicable land-use policies.*

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

In that, *the subject site is located on a block with several two-family dwellings, and in an area with a high level of transit service.*

OURWINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg Approach to City Building

- 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

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

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

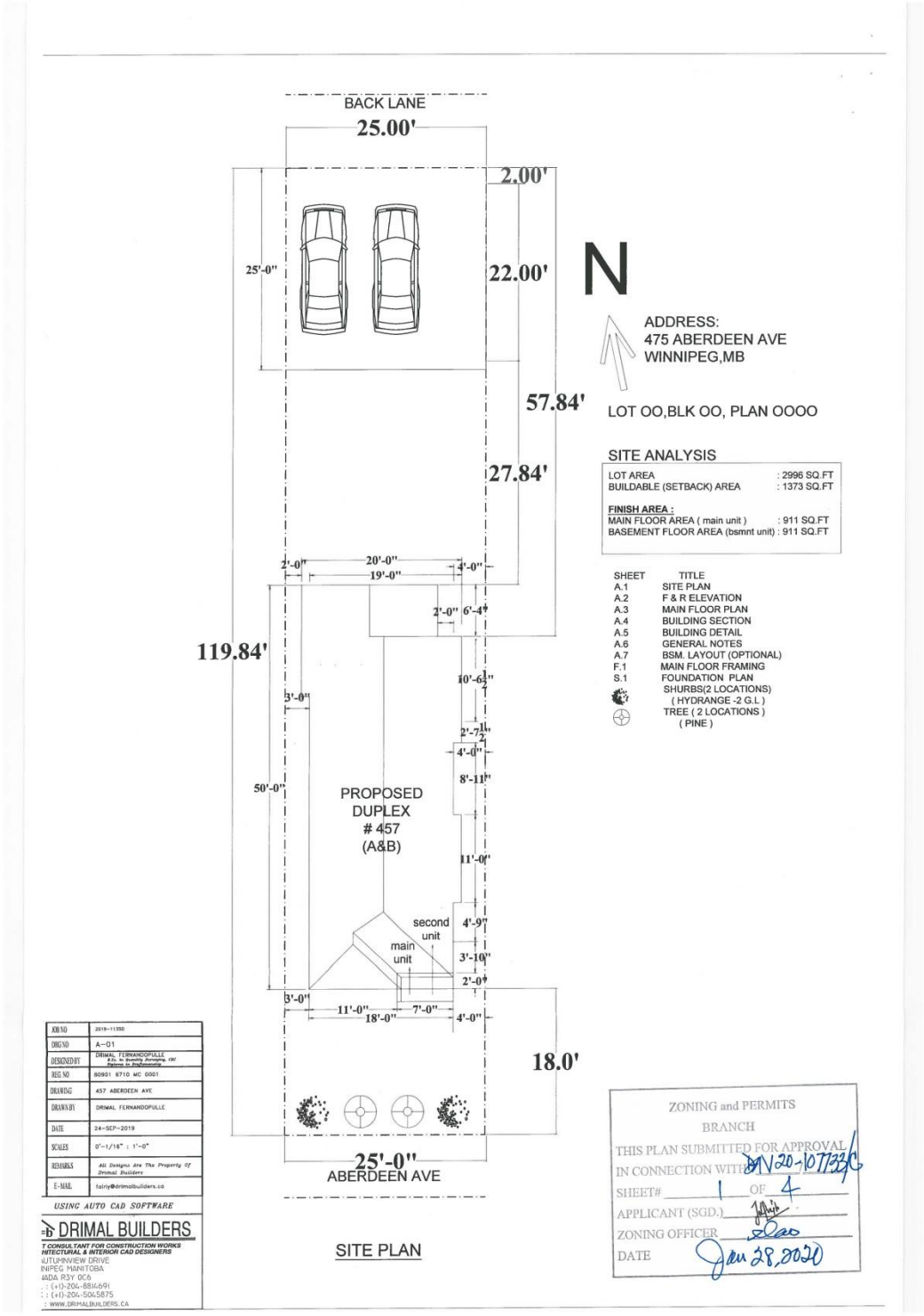
Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

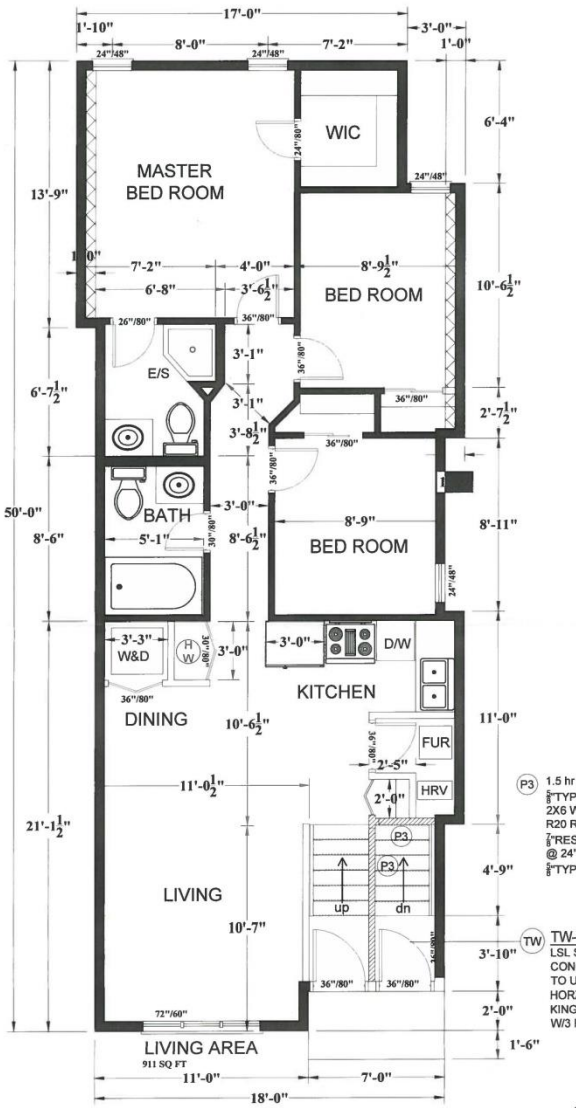
- Ensure new areas of growth are designed according to the principles of Complete Communities

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	R. Hayer MCP
Date:	Wednesday, February 5, 2020
File No.	DAV 20-107733\C

Exhibit “6” referred to in File DAV 107733/2020C





P3 1.5 hr FRR & STC 43
⅝"TYPE X DRYWALL
2X6 WOOD WALL @ 16" O.C.
R20 ROXUL INSULATION
½"RESILIENT CHANNEL
@ 24" O.C.
⅝"TYPE X DRYWALL

TW TW- TALL WALL CONST.
LSL STUDS @ 24" O/C
CONC. FROM T/O SOLE PLATE
TO U/S OF TOP PLATE
HORZT BRACING @48" O/C
KING & JACK EA SIDE OF WINDOW
W/3 ROWS OF SOLID BLOCKING

MAIN FLOOR PLAN
(main unit)

JOB NO	2019-
DRG NO	A-02
DESIGNED BY	DRIMAL FERNANDOPULLE
REG NO	80901 8710 MC 0001
DRAWING	457 ABERDEEN AVE
DRAWN BY	DRIMAL FERNANDOPULLE
DATE	24-SEP-2019
SCALES	0"-1/8" = 1'-0"
REMARKS	All Designs Are The Property Of Drimal Builders
E-MAIL	fainly@drimalbuilders.ca

USING AUTO CAD SOFTWARE

DRIMAL BUILDERS
COST CONSULTANT FOR CONSTRUCTION WORKS
ARCHITECTURAL & INTERIOR CAD DESIGNERS
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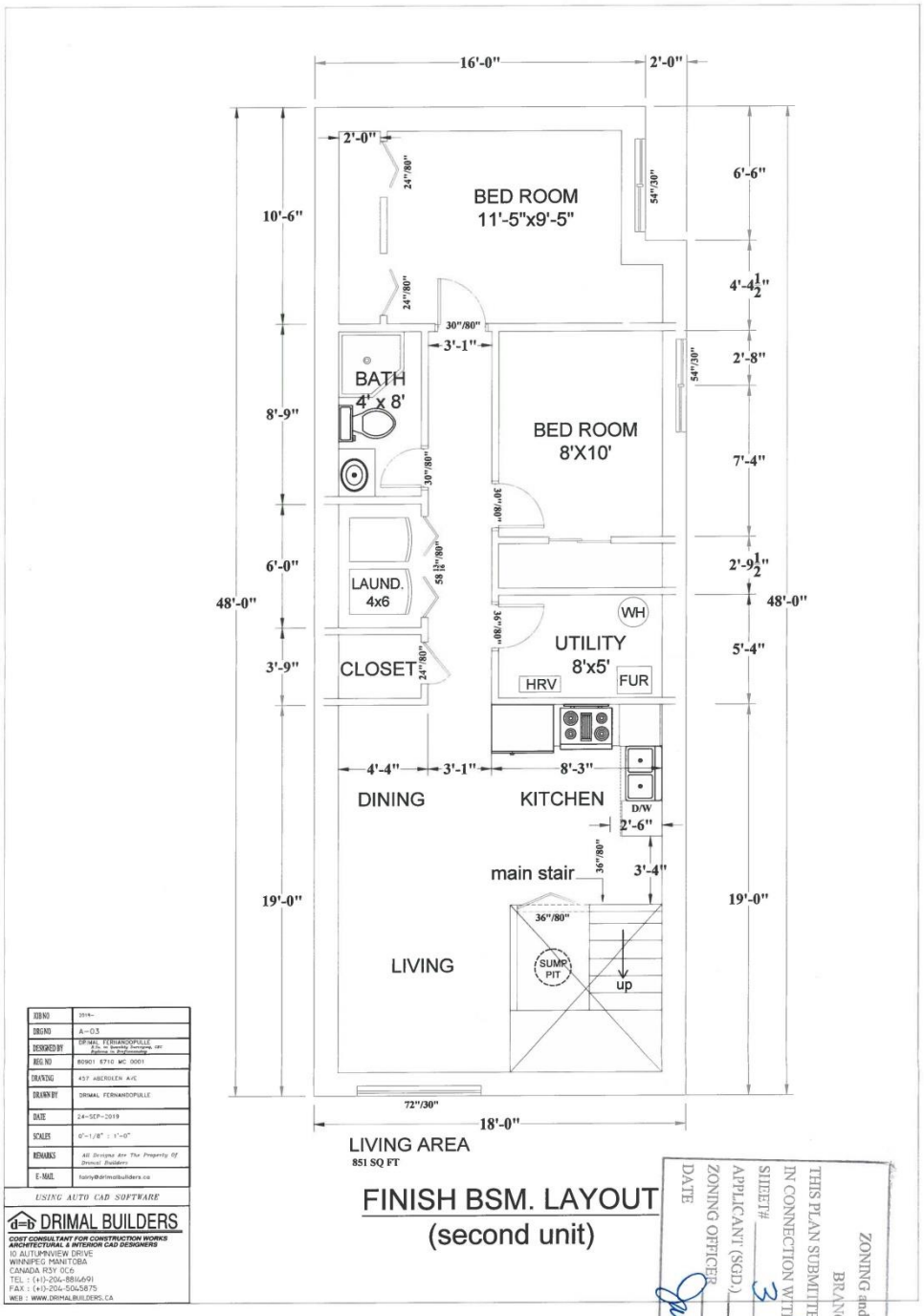
WINNIPEG MANITOBA
CANADA R3Y 0C6
TEL : (+1)-204-8814691
FAX : (+1)-204-5045875
WEB : WWW.DRIMALBUILDERS.CA

PROVINCE OF MANITOBA
D.G. BELL
Member
7699
09/27/2019
REGISTERED PROFESSIONAL ENGINEER
STRUCTURAL REVIEW & APPROVAL ONLY

ZONING and PERMITS BRANCH
THIS PLAN SUBMITTED FOR APPROVAL
IN CONNECTION WITH DA100-167320
SHEET# 2 OF 4
APPLICANT (SGD.)
ZONING OFFICER
DATE Jan 28, 2020



FINISH BSM. LAYOUT
(second unit)

JOB NO	2014-
DRG NO	A-03
DESIGNED BY	DRIMAL FERNANDOPULLE
REG NO	80901 6710 MC 0001
DRAWING	457 ABERDEEN A/E
DRAWN BY	DRIMAL FERNANDOPULLE
DATE	24-SEP-2019
SCALES	0"=1/8" : 1'-0"
REMARKS	All Designs Are The Property Of Drimal Builders
E-MAIL	fairy@drimalbuilders.ca

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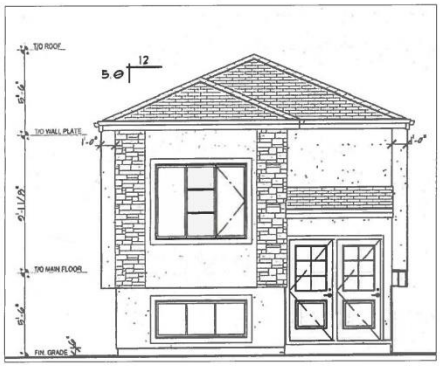
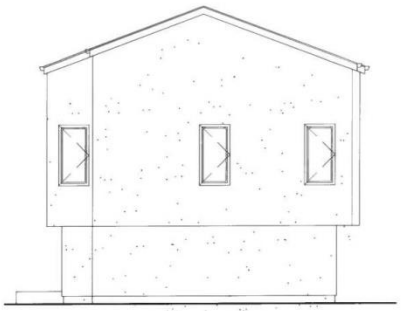
TEL : (+1)-204-8816491
FAX : (+1)-204-5045875
WEB : WWW.DRIMALBUILDERS.CA

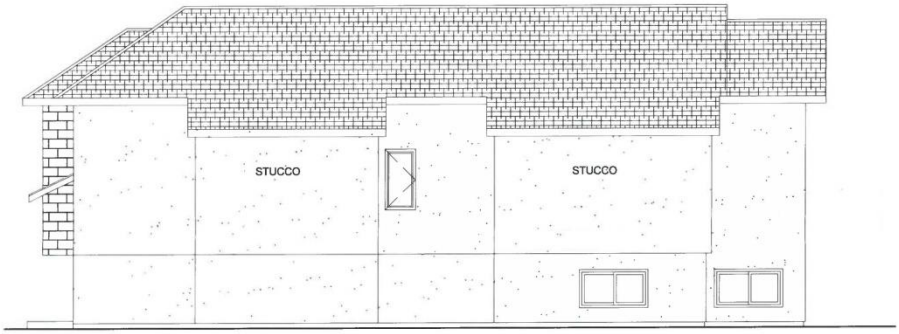
ZONING and PERMITS
BRANCH
THIS PLAN SUBMITTED FOR APPROVAL/
IN CONNECTION WITH DAW20-107733
SHEET# 3 OF 4
APPLICANT (SGD.)
ZONING OFFICER
DATE Jan 08, 2020



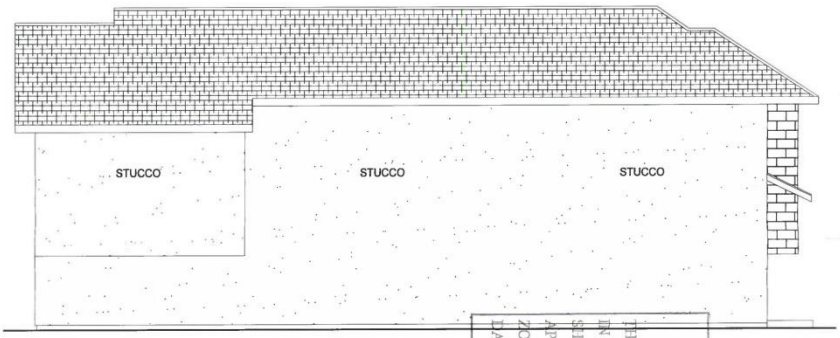
ELEVATION FRONT



ELEVATION BACK



ELEVATION RIGHT



ELEVATION LEFT

JOB NO	2019-
DRG NO	A-04
DESIGNED BY	DRIMAL FERNANDOPULLE A.Dip. to Quantity Surveying, FBC Diploma in Professionality
REG. NO	80901 6710 MC 0001
DRAWING	457 ABERDEEN AVE
DRAWN BY	DRIMAL FERNANDOPULLE
DATE	24-SEP-2019
SCALES	0'-1/8" : 1'-0"
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IN CONNECTION WITH DA20-07733/C
SHEET# 4 OF 4
APPLICANT (SGD.)
ZONING OFFICER
DATE Jan 28, 2020