Agenda – Board of Adjustment – March 4, 2020

PUBLIC HEARINGS

Item No. 6 Variance – 1049 Magnus Avenue
(Point Douglas Ward)
File DAV 220253/2019C

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application to vary the "R1-S" Dimensional Standards of Zoning By-law No. 200/2006 for the establishment of two (2) residential building lots to permit:

1. lot areas of 1865 square feet (173.26 square metres) instead of 2500 square feet (232.26 square metres);

2. lot widths of 24.99 feet (7.618 metres) instead of 25 feet (7.62 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.

6. That the variance order shall not come into force until the existing dwelling on LOT 15, BLOCK 2, PLAN 1192 WLTO is upgraded along the east wall in order to comply with the Winnipeg Building By-law and Manitoba Building Code for spatial separation, to be determined by and thereafter maintained to the satisfaction of the Director of Planning Property and Development.

Agenda – Board of Adjustment – March 4, 2020

File:	DAV 220253/2019C
Applicant:	M&J Builders Inc. (Mazhar Anjum)
Premises Affected:	1049 Magnus Avenue
Legal Description:	LOT 15/16 BLOCK 2 PLAN 1192 39W ST J, hereinafter called "the land"
Property Zoned:	"R1-S" Residential Single-Family Small
Nature of Application:	To vary the "R1-S" District Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 for the establishment of two (2) residential building lots to permit: 1. lot areas of 1,865 square feet (173.26 square metres) instead of 2,500 square feet (232.26 square metres); 2. lot widths of 24.99 feet (7.618 metres) instead of 25 feet (7.62 metres).
Exhibits Filed:	1. Application dated February 4, 2020 2. Notification of Public Hearing dated February 12, 2020 3. Manitoba Status of Titles 3029038/1, 3029045/1 4. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising 5. Plans, Sheets 1 to 9 inclusive, for File DAV 220253/2019C dated January 30, 2020 6. Report from the Urban Planning Division dated February 21, 2020 7. Inspection Report

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

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

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

Moved by
That the receipt of public representations be concluded.

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Moved by

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:

Moved by

That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in and the Variance be approved / rejected.

Moved by

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

Exhibit “6” referred to in File DAV 220253/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-220253\C – 1049 Magnus Avenue

Issue: For consideration at the public hearing for a variance associated with a residential lot split.

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 "R1-S" Dimensional Standards of Zoning By-law No. 200/2006 for the establishment of two (2) residential building lots to permit:

1) lot areas of 1865 square feet (173.26 square metres) instead of 2500 square feet (232.26 square metres);
2) lot widths of 24.99 feet (7.618 metres) instead of 25 feet (7.62 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.
6) That, the variance order shall not come into force until the existing dwelling on LOT 15, BLOCK 2, PLAN 1192 WLTO is upgraded along the east wall in order to comply with the Winnipeg Building By-law and Manitoba Building Code for spatial separation, to be determined by and thereafter maintained to the satisfaction of the Director of Planning Property and Development.

REASON FOR THE REPORT

- The applicant is proposing to separate the underlying titles of the subject property and establish each lot as a buildable zoning lot. Variances are required to establish the proposed lots. The proposed development involves the construction of one single-family dwelling and maintenance of an existing dwelling.
- 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 19-220253\C**
RELATED FILES:	
COMMUNITY:	Lord Selkirk - West Kildonan Committee
NEIGHBOURHOOD #:	3.303 (Burrows Central)
SUBJECT:	To vary the "R1-S" Dimensional Standards of Zoning By-law No. 200/2006 for the establishment of two (2) residential building lots to permit: 1) lot areas of 1865 square feet (173.26 square metres) instead of 2500 square feet (232.26 square metres); 2) lot widths of 24.99 feet (7.618 metres) instead of 25 feet (7.62 metres).
LOCATION:	1049 Magnus AVE
LEGAL DESCRIPTION:	LOT 15/16 BLOCK 2 PLAN 1192 39W ST J
APPLICANT:	Mazhar Anjum 19 PALMS BLVD Winnipeg , Manitoba R2R 1C2
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 on the north side of Magnus Avenue, in the Burrows Central neighbourhood of the Point Douglas ward;
- is comprised of Lot 15 and 16 Plan 1192, which have a combined width of 50 ft. and a total lot area of 37,32 sq. ft.
- encompasses an existing single-family dwelling constructed in 1923;
- is zoned “R1-S” Residential Single-Family (Small) district; and
- is designated “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 a two-family dwelling zoned “R2” Residential Two-Family.

South: Magnus Avenue; then single-family dwellings on 25 ft. wide lots zoned “R1-S” Residential Single-Family (Small).

East: Single-family dwelling on a 50 ft. wide lot zoned “R1-S” Residential Single-Family (Small).

West: Single-family dwelling on a 25 ft. wide lot zoned “R1-S” Residential Single-Family (Small).

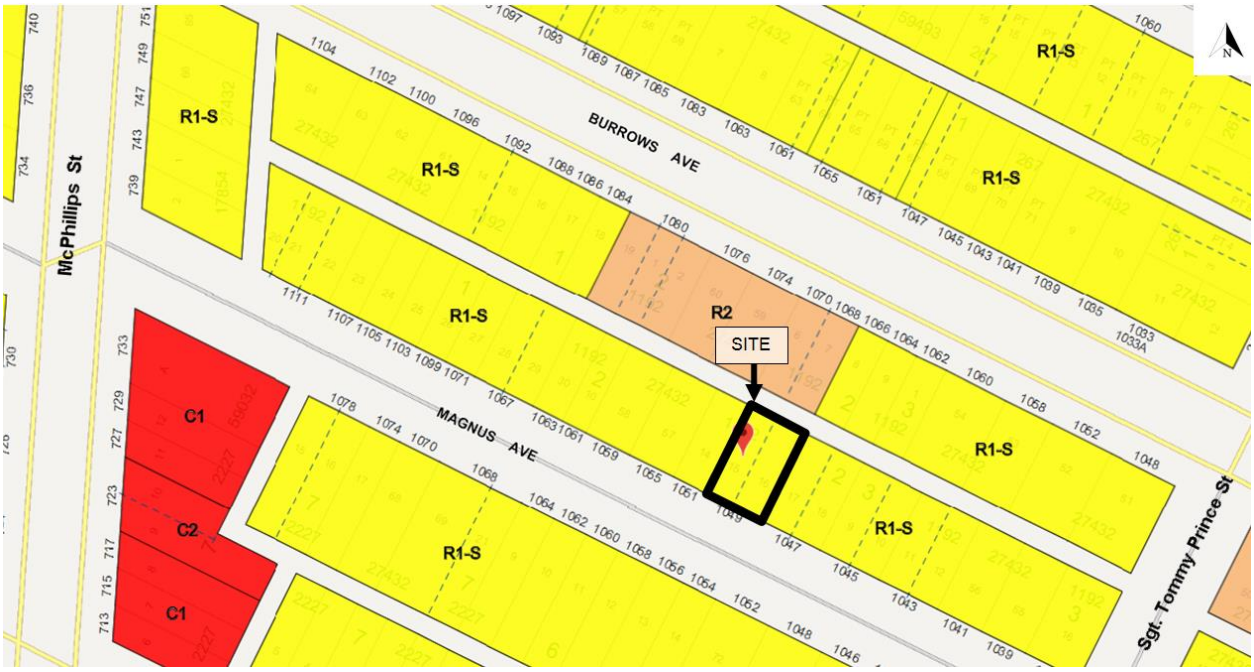


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves the construction of 1 single-family dwelling. The subject property is comprised of two lots – Lot 15 and Lot 16.

The applicant proposes to maintain the existing dwelling entirely on Lot 15 and construct a new single-family dwelling on Lot 16.

The existing dwelling would be maintained with a 3.3 ft. east side yard.

Variances to lot area are required to establish each lot as a separate buildable zoning lot.

Plans submitted with the application show the proposed dwelling would be a two-storey structure with a door facing the front yard. The front façade would include stucco and vinyl siding cladding materials.

Collaboration:

The Applicant consulted the Urban Planning and Design Division prior to submitting the subject application. The Division advised the applicant that the proposed Lot Split would be recommended for approval, subject to conditions.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

The subject property is with the 'Areas of Stability – Mature Community' policy area under *Complete Communities*. Key policies include:

- *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 development would add a new single-family dwelling to the block, increasing housing choices for new and existing residents.
- *Support the subdivision of a parcel into two (2) or more lots when it is done in a context sensitive manner.*

  The subject block contains several lots of similar width and area as proposed.
- *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form.*

  The proposed development adds a low degree of density to a mature community in a manner that is consistent with the community context.

New residential structures can also provide a number of positive spin-offs, for example:

- Added eyes on the street.
- More people to patronize the local community clubs, schools, parks, libraries, etc.

From a City's perspective, infill development is beneficial for a variety of reasons as well:

- Increases the tax base.
- Utilizes existing infrastructure.
- Slows suburban sprawl.

In addition, new development can also help foster a positive environment for growth and investment in the community, which can contribute to neighbourhood revitalization.

VARIANCE REVIEW

Lot Area and Lot Width:

When evaluating a variance to allow a reduced lot size for a residential property, the Urban Planning Division will look to the subject block to determine if the proposed lot size would be compatible with existing lot sizes on the block.

The subject block contains several properties of similar or smaller widths and lot areas, for example:

- 1061 Magnus is 20 ft. wide and has a lot area of 1,493 sq. ft.
- 1051 Magus is 25 ft. wide and has a lot area of 1,866 sq. ft.

Given the above precedents, the proposed variances would be compatible with the area, are consistent with *OurWinnipeg* and *Complete Communities*, and are the minimum modification necessary to the bylaw to accommodate a minor increase in density, thereby advancing the policy directions for Mature Communities.

CONDITIONS OF APPROVAL

In order to maintain the character of the existing built form in this residential area, a few conditions of approval are recommended. These include garages not being attached to the principal dwelling; vehicle access to the proposed lot is directly from the rear public lane (i.e. no front approaches); entrance being provided on the front wall of the building facing the street; and limiting the height of new principal buildings to 30 feet.

Given the proposal involves maintaining the existing dwelling with a side yard of less than 4 ft., the existing east building wall will need to be upgraded to meet building code requirements. Therefore a condition is included to ensure the existing dwelling is upgraded prior to permits being issued for new construction.

REASONS FOR RECOMMENDATIONS

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

(a) is consistent with Complete Communities Direction Strategy;

In that, *the Complete Communities Direction Strategies supports subdivision of parcels of land into two or more lots when done in a context-sensitive manner.*

(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 lot sizes are compatible with the surrounding neighbourhood and will not cause any adverse effect on amenities, use and safety of adjoining properties in the area.*

(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 proposed variance will allow the applicant to introduce moderate intensification on the subject property which 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 proposal is consistent with existing established lots on the subject block and the recommended conditions of approval will help to ensure future development is compatible with existing single family homes on the block.*

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

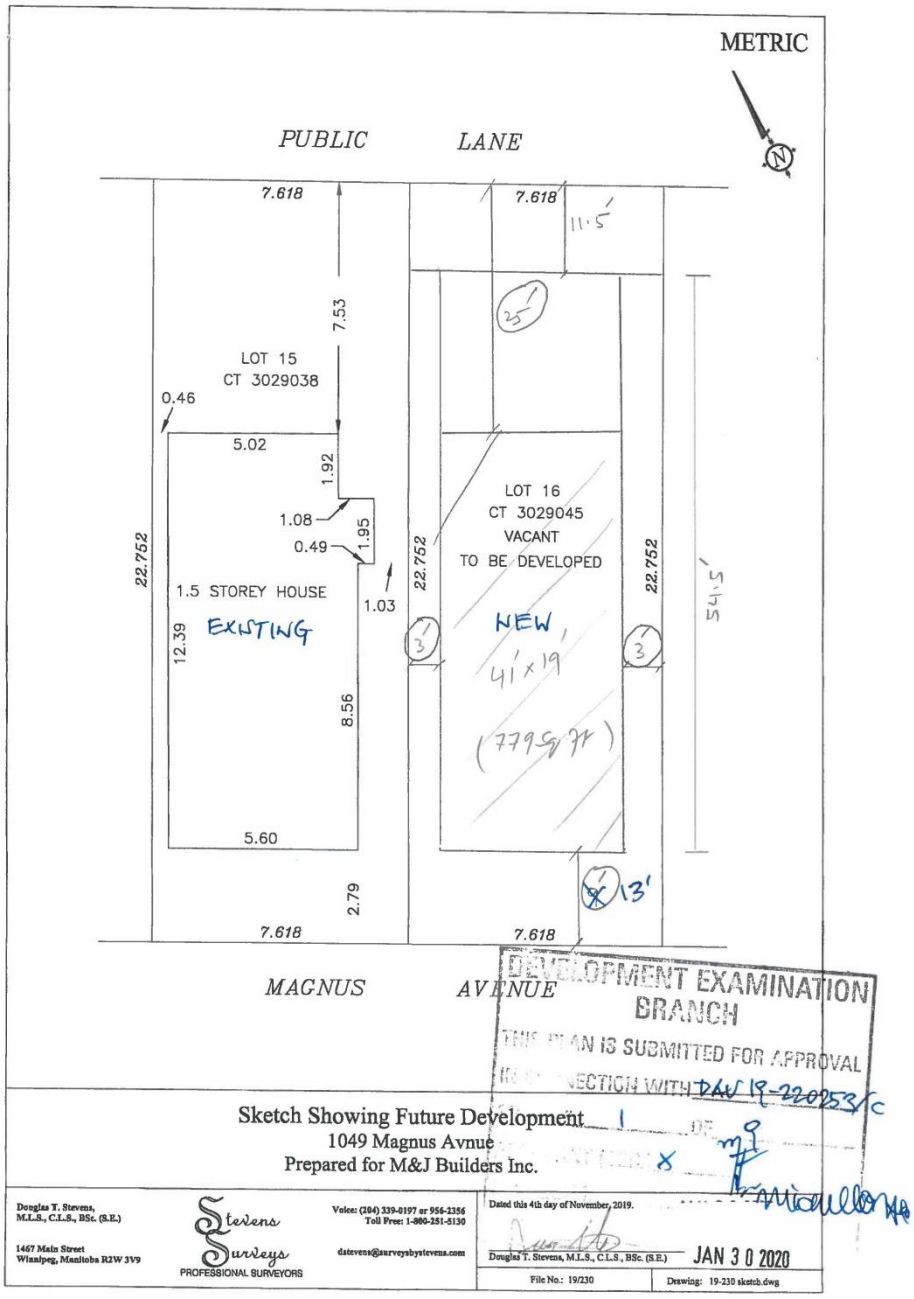
Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

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

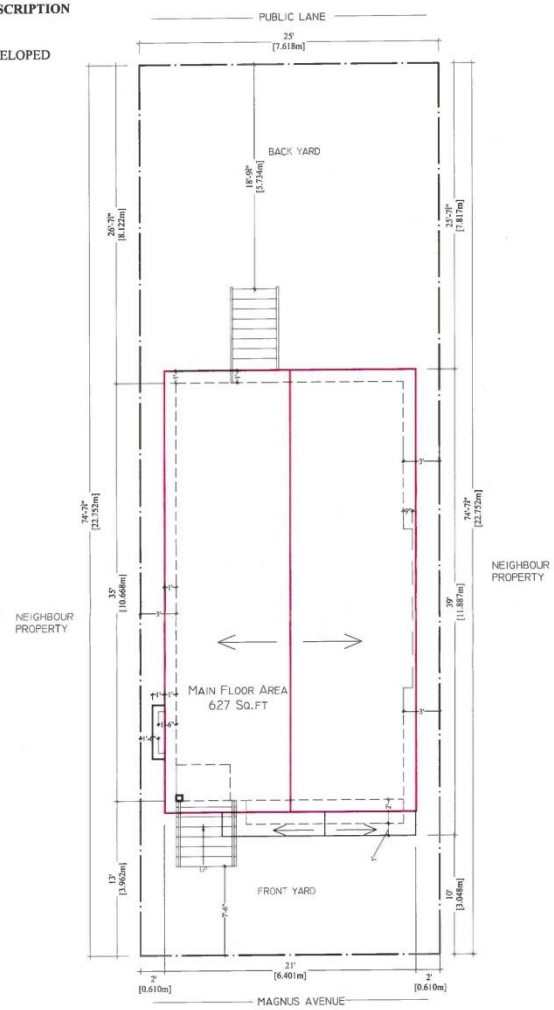
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	R. Hayer, MCP
Date:	Friday, February 21, 2020
File No.	DAV 19-220253\C

Exhibit “5” referred to in File DAV 220253/2019C



LEGAL DESCRIPTION
LOT 16
CT 3029045
TO BE DEVELOPED



1
A01
SITE PLAN
NOT TO SCALE

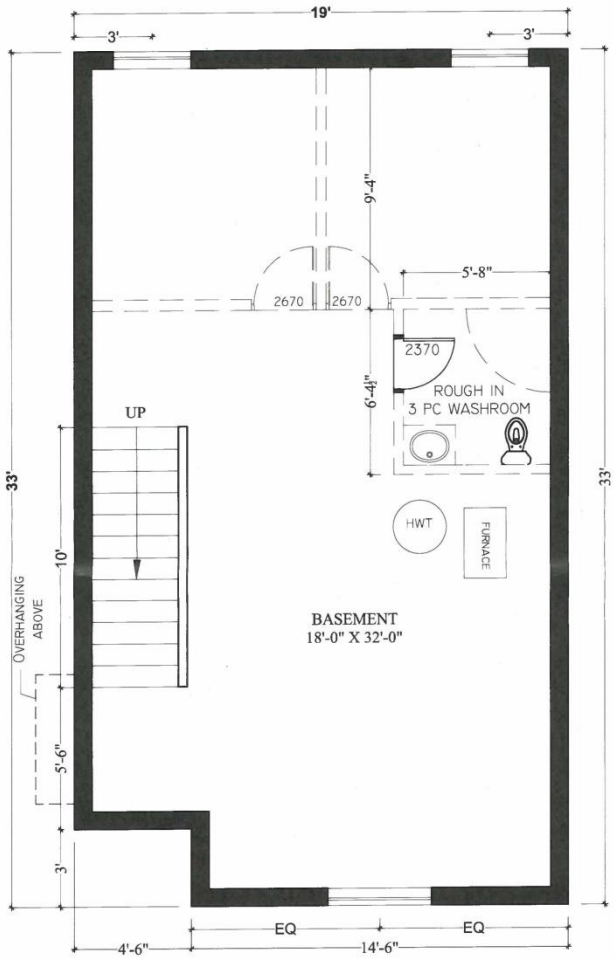
GENERAL NOTES:

CONTRACTOR TO CHECK AND VERIFY ALL SITE DISTENSIONS BEFORE COMMENCING THE WORK AND COLLECT INFORMATION PRIOR TO CONSTRUCTION

IVAAN INTERIORS
SOUTHWALK BAY, WINNIPEG, MB
204-960-3333, 204-960-4443
IVAANGROUPCANADA@YAHOO.COM

PROJECT:	SHEET TITLE:	DATE :	Sheet no.
1049 (A), MAGNUS AVENUE, WPG	SITE PLAN	21 Jan 2020	A01
CLIENT NAME: M&J BUILDERS INC	DRAWN BY: Goti Kalsi	SCALE: Not to scale	NORTH:

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 19-220253
SHEET # 2 OF 9
APPLICANT (SGD.)
DEV EXAM.
DATE JAN 3 0 2020



1 / A02 BASEMENT FLOOR PLAN NOT TO SCALE

GENERAL NOTES:

CONTRACTOR TO CHECK AND VERIFY ALL SITE DISTENSIONS BEFORE COMMENCING THE WORK AND COLLECT INFORMATION PRIOR TO CONSTRUCTION

IVAAN INTERIORS
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PROJECT:	SHEET TITLE:	DATE:	Sheet no.
1049 (A), MAGNUS AVENUE, WPG	BASEMENT FLOOR PLAN	21 Jan 2019	A02
CLIENT NAME: M8 J BUILDERS INC	DRAWN BY: Jyoti Kalsi	SCALE: Not to scale	NORTH:

DEVELOPMENT EXAMINATION BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL

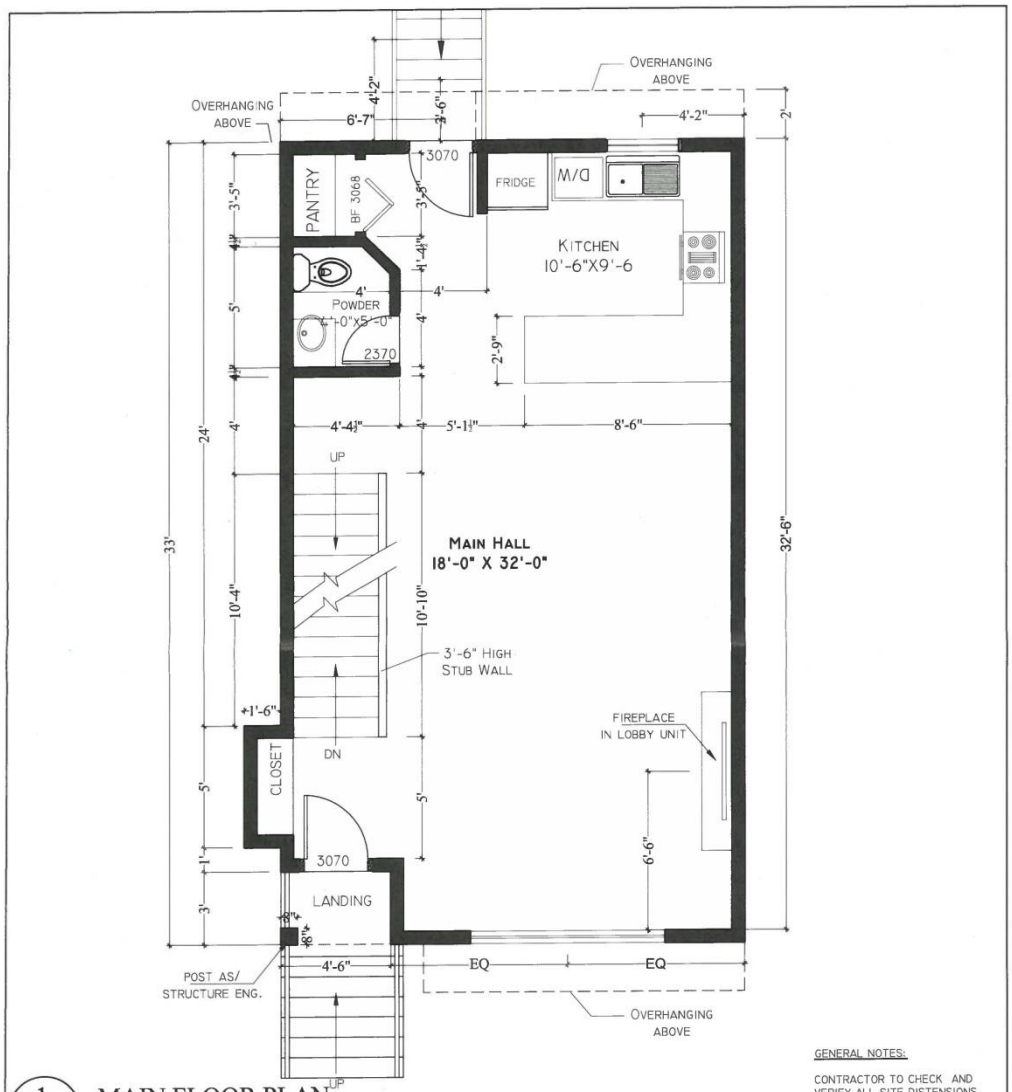
IN CONNECTION WITH DAN 19-220253/C

SHEET # 3 OF 9

APPLICANT (SGD.)

DEV EXAM.

DATE JAN 30 2020



1 / A03 MAIN FLOOR PLAN

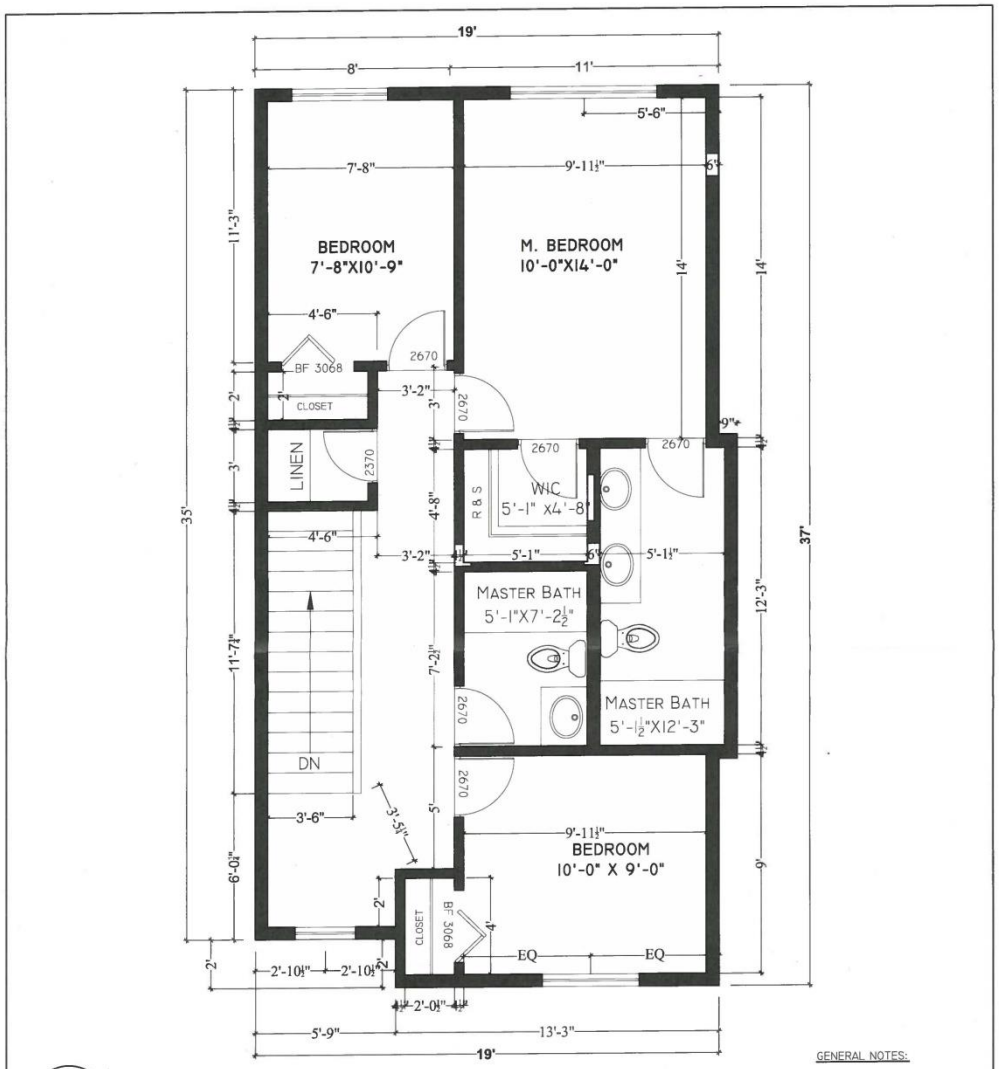
NOT TO SCALE

GENERAL NOTES:

CONTRACTOR TO CHECK AND VERIFY ALL SITE DISTENSIONS BEFORE COMMENCING THE WORK AND COLLECT INFORMATION PRIOR TO CONSTRUCTION

VAAN INTERIORS SOUTHWALK BAY, WINNIPEG, MB 204-960-3333, 204-960-4443 IVAANGROUPCANADA@YAHOO.COM	PROJECT: 1049 (A), MAGNUS AVENUE, WPG	SHEET TITLE: MAIN FLOOR PLAN	DATE : 21 Jan 2020	Sheet no. A03
	CLIENT NAME: M&J BUILDERS INC.	DRAWN BY: Jyoti Kalsi	SCALE: Not to scale	NORTH:

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 19-220253/c
SHEET # 4 OF 9
APPLICANT (SGD.)
DEV EXAM.
DATE JAN 3 0 2020



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A04

SECOND FLOOR PLAN

NOT TO SCALE

GENERAL NOTES:

CONTRACTOR TO CHECK AND VERIFY ALL SITE DISTENSIONS BEFORE COMMENCING THE WORK AND COLLECT INFORMATION PRIOR TO CONSTRUCTION

IVAAN INTERIORS
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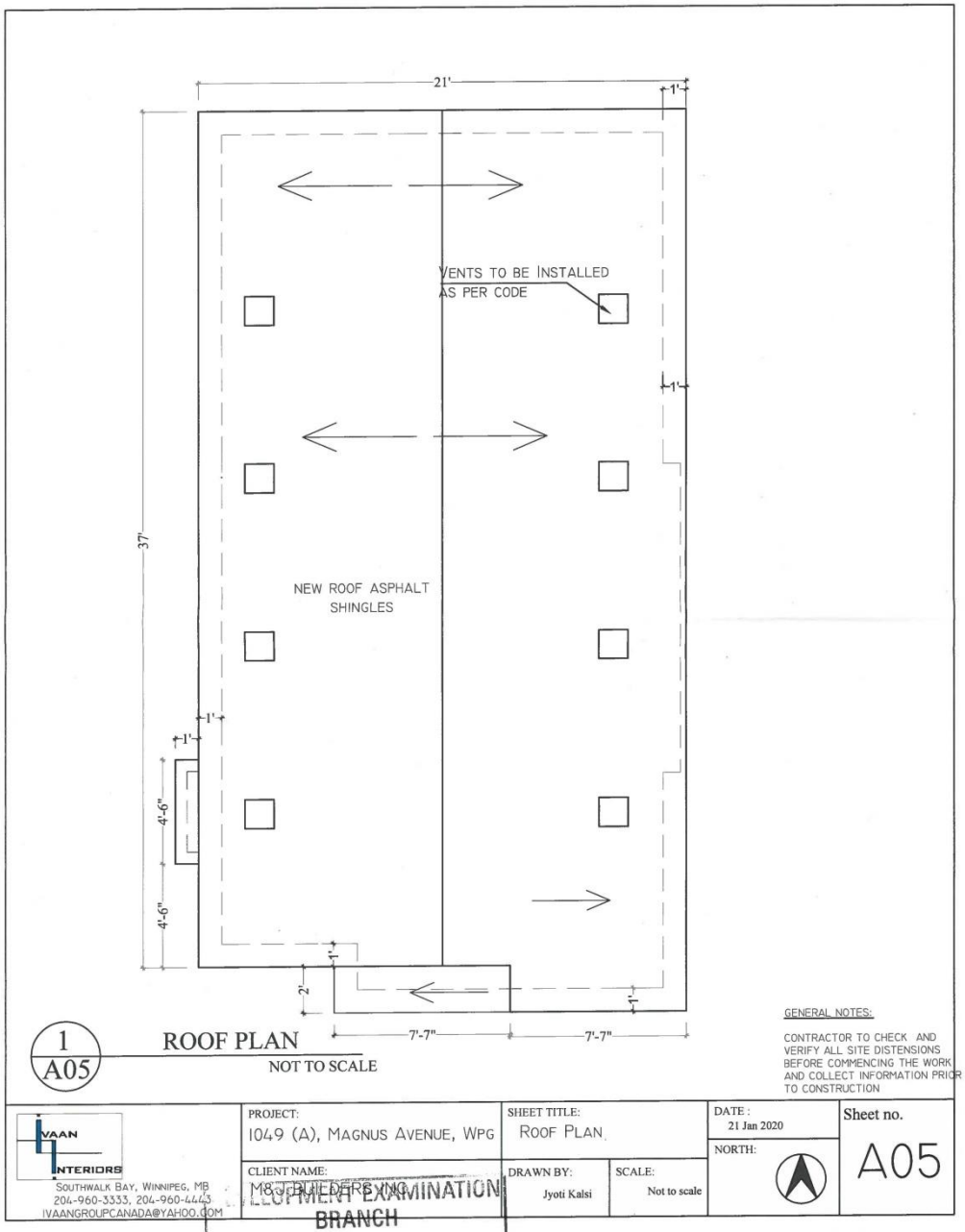
PROJECT:	SHEET TITLE:	DATE :	Sheet no.
1049 (A), MAGNUS AVENUE, WPG	SECOND FLOOR PLAN	21 Jan 2020	A04
CLIENT NAME: M&A BUILDERS INC	DRAWN BY: Jyoti Kalsi	SCALE: Not to scale	NORTH:

M&A BUILDERS INC
ACCEPTANCE EXAMINATION
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 19-220253/C
SHEET # 5 OF 9
APPLICANT (SGD.)
DEV EXAM.
DATE JAN 3 0 2020



1 / A05 ROOF PLAN

NOT TO SCALE

GENERAL NOTES:

CONTRACTOR TO CHECK AND VERIFY ALL SITE DISTENSIONS BEFORE COMMENCING THE WORK AND COLLECT INFORMATION PRIOR TO CONSTRUCTION

VAAN INTERIORS
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PROJECT:	SHEET TITLE:	DATE:	Sheet no.
1049 (A), MAGNUS AVENUE, WPG	ROOF PLAN	21 Jan 2020	A05
CLIENT NAME: M&J BUILDERS INC	DRAWN BY: Jyoti Kalsi	SCALE: Not to scale	NORTH:

DEVELOPMENT EXAMINATION BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL

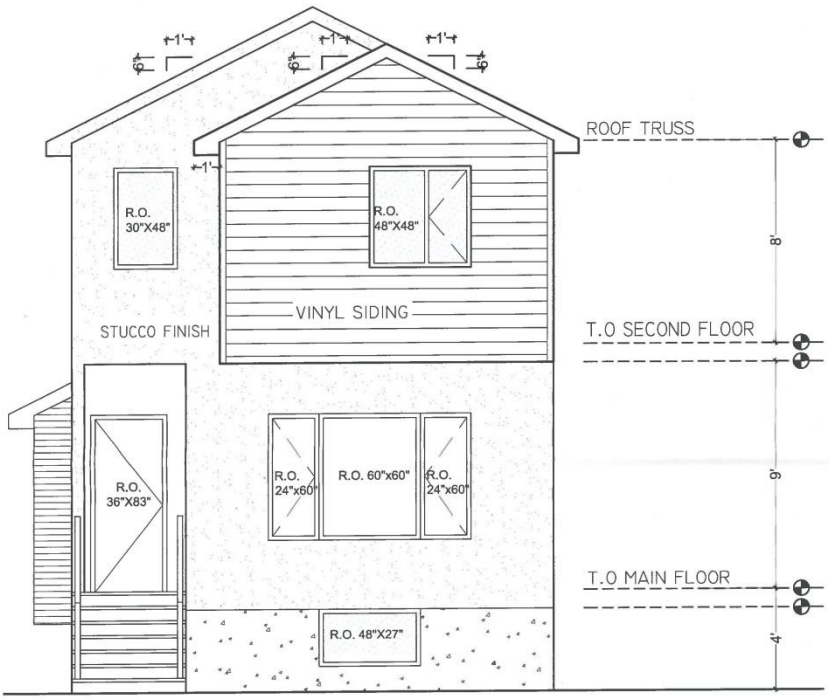
IN CONNECTION WITH DAV 19-220253/C

SHEET # 6 OF 9

APPLICANT (SGD.)

DEV EXAM.

DATE JAN 30 2020



1 / A06 SOUTH ELEVATION
NOT TO SCALE

GENERAL NOTES:

CONTRACTOR TO CHECK AND VERIFY ALL SITE DISTENSIONS BEFORE COMMENCING THE WORK AND COLLECT INFORMATION PRIOR TO CONSTRUCTION

VAAN INTERIORS
SOUTHWALK BAY, WINNIPEG, MB
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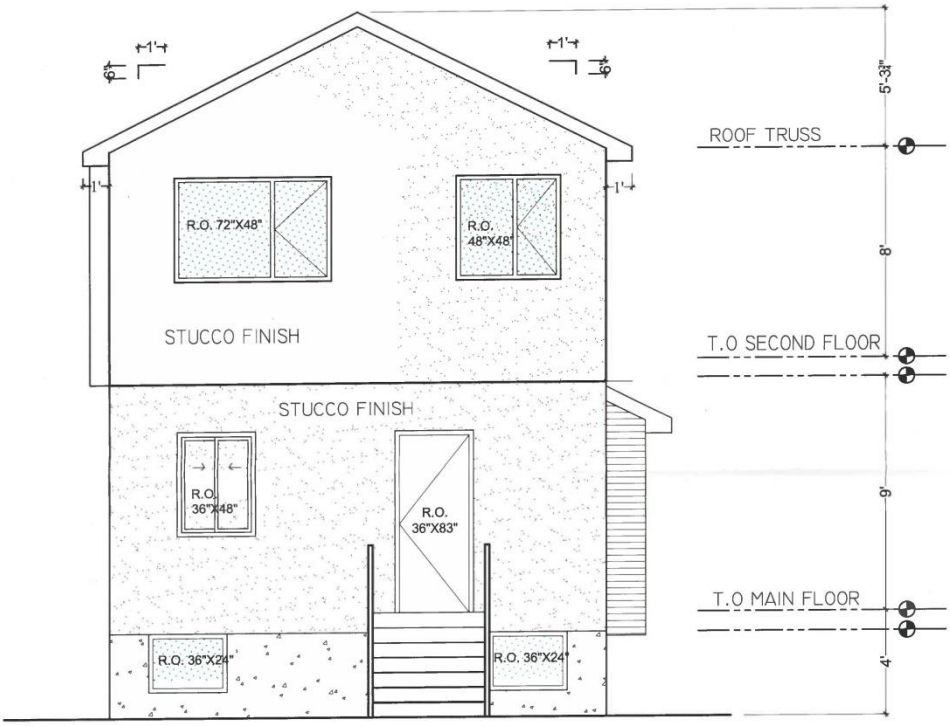
PROJECT:	SHEET TITLE:	DATE:	Sheet no.
1049 (A), MAGNUS AVENUE, WPG	SOUTH ELEVATION	21 Jan 2019	A06
CLIENT NAME: M&J BUILDERS INC.	DRAWN BY: Jyoti Kalsi	SCALE: Not to scale	NORTH:

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 19-220253
SHEET # 7 OF 9
APPLICANT (SGD.)
DEV EXAM.
DATE JAN 3 0 2020



1 / A07 NORTH ELEVATION
NOT TO SCALE

GENERAL NOTES:

CONTRACTOR TO CHECK AND VERIFY ALL SITE DISTENSIONS BEFORE COMMENCING THE WORK AND COLLECT INFORMATION PRIOR TO CONSTRUCTION

VAAN INTERIORS
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204-960-3333, 204-960-4443
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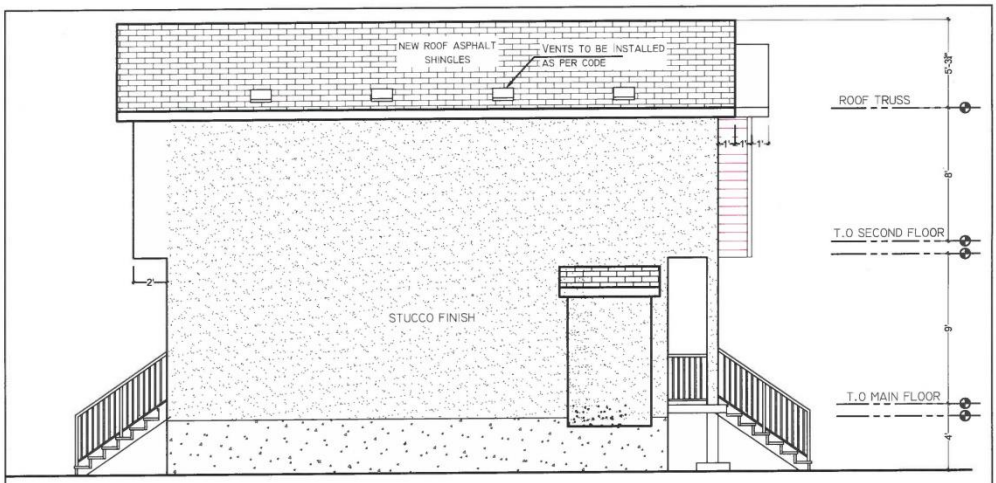
PROJECT:	SHEET TITLE:	DATE:	Sheet no.
1049(A) MAGNUS AVENUE, WPG	NORTH ELEVATION	13 Jan 2020	A07
CLIENT NAME: MR. J BUILDERS INC.	DRAWN BY: Jyoti Kalsi	SCALE: Not to scale	NORTH:

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 19-220253/C
SHEET # 8 OF 9
APPLICANT (SGD.)
DEV EXAM.
DATE JAN 30 2020



1 A08 WEST ELEVATION
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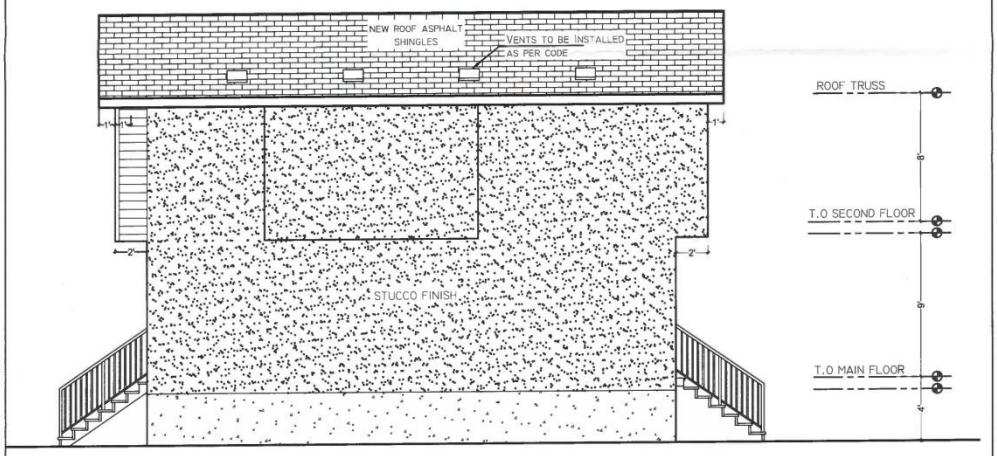

2 A08 EAST ELEVATION
NOT TO SCALE

GENERAL NOTES:

CONTRACTOR TO CHECK AND VERIFY ALL SITE DISTENSIONS BEFORE COMMENCING THE WORK AND COLLECT INFORMATION PRIOR TO CONSTRUCTION

VAAN INTERIORS
SOUTHWALK BAY, WINNIPEG, MB
204-960-3333, 204-960-4443
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PROJECT: 1049(A) MAGNUS AVENEW, WPG	SHEET TITLE: WEST & EAST ELEVATION	DATE: 13 Jan 2020	Sheet no. A08
CLIENT NAME: M&J BUILDERS INC	DRAWN BY: Jyoti Kalsi / SCALE: Not to scale	NORTH:	

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DEV 19-220253
SHEET # 9 OF 9
APPLICANT (SGD.)
DEV EXAM.
DATE JAN 30 2020