Agenda – Board of Adjustment – March 4, 2020

PUBLIC HEARINGS

Item No. 8 Variance – 41 St. Anne's Road
(St. Vital Ward)
File DAV 106221/2020C

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application to vary the 'C2' Dimensional Standards of Zoning By-law No. 200/2006 as follows:

1. for the construction of a mixed-use commercial and residential building to permit:

    A. a lot area of 4,840 square feet (449.65 square metres) instead of 9,000 square feet (836.13 square metres);

    B. a front yard of 6 feet (1.83 metres) to the residential portion instead of 13 feet (3.96 metres);

    C. a north side yard of 4 feet (1.22 metres) to the residential portion instead of 12 feet (3.66 metres);

    D. a south side yard of 4 feet (1.22 metres) to the residential portion instead of 12 feet (3.66 metres);

2. for the establishment of an accessory parking area to permit no buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district.

Subject to the following condition:

1. That the building shall be constructed in substantial conformance with the plans submitted attached hereto and identified as Sheet Nos. 3 and 4 for File No. DAV 20-106221/C dated February 12, 2020; and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

Agenda – Board of Adjustment – March 4, 2020

File:	DAV 106221/2020C
Applicant:	Saif Ullah
Premises Affected:	41 St. Anne's Road
Legal Description:	LOT 54 PLAN 21753 107/108 ST B, hereinafter called “the land”
Property Zoned:	"C2" Commercial Community
Nature of Application:	To vary the "C2" District Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 as follows: 1. for the construction of a mixed-use commercial and residential building to permit: a. a lot area of 4,840 square feet (449.65 square metres) instead of 9,000 square feet (836.13 square metres); b. a front yard of 6 feet (1.83 metres) to the residential portion instead of 13 feet (3.96 metres); c. a north side yard of 4 feet (1.22 metres) to the residential portion instead of 12 feet (3.66 metres); d. a south side yard of 4 feet (1.22 metres) to the residential portion instead of 12 feet (3.66 metres); 2. for the establishment of an accessory parking area to permit no buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district.
Exhibits Filed:	1. Application dated February 10, 2020 2. Notification of Public Hearing dated February 13, 2020 3. Manitoba Status of Title 3014047/1 4. Letter of authorization dated January 10, 2020 from Abdullah Akram Chaudhary to Saif Ullah 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 106221/2020C dated February 7, 2020

7. Report from the Urban Planning Division dated February 18, 2020
8. 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 “7” referred to in File DAV 106221/2020C

ADMINISTRATIVE REPORT

Title: DAV 20-106221\C – 41 St Anne's RD

Issue: For consideration at the public hearing for variances associated with the establishment of a mixed-use (residential-commercial) building.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Hildebrand	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the ‘C2’ Dimensional Standards of Zoning By-law No. 200/2006 as follows:

1) for the construction of a mixed-use commercial and residential building to permit:
   a) a lot area of 4,840 square feet (449.65 square metres) instead of 9,000 square feet (836.13 square metres);
   b) a front yard of 6 feet (1.83 metres) to the residential portion instead of 13 feet (3.96 metres);
   c) a north side yard of 4 feet (1.22 metres) to the residential portion instead of 12 feet (3.66 metres);
   d) a south side yard of 4 feet (1.22 metres) to the residential portion instead of 12 feet (3.66 metres);
2) for the establishment of an accessory parking area to permit no buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district.

Subject to the following condition(s):

1) That the building shall be constructed in substantial conformance with the plans submitted attached hereto and identified as Sheet Nos. 3 and 4 for File No. DAV 20-106221/C dated February 12, 2020; and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

REASON FOR THE REPORT

- Variance applications require a public hearing as per *The Development Procedures By-law* No. 160/2011 and *The City of Winnipeg Charter*, section 249.
- The report is being submitted for the Board of Adjustment's consideration of the development application at the public hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the variances will be approved.

FILE/APPLICANT DETAILS

FILE:	DAV 20-106221\C
RELATED FILES:	
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.508 (Glenwood)
SUBJECT:	To vary the "C2" Dimensional Standards of Zoning By-law No. 200/2006 as follows: 1) for the construction of a mixed-use commercial and residential building to permit: a) a lot area of 4840 square feet (449.65 square metres) instead of 9000 square feet (836.13 square metres); b) a front yard of 6 feet (1.83 metres) to the residential portion instead of 13 feet (3.96 metres); c) a north side yard of 4 feet (1.22 metres) to the residential portion instead of 12 feet (3.66 metres); d) a south side yard of 4 feet (1.22 metres) to the residential portion instead of 12 feet (3.66 metres); 2) for the establishment of an accessory parking area to permit no buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district.
LOCATION:	41 St Anne's RD
LEGAL DESCRIPTION:	LOT 54 PLAN 21753 107/108 ST B
APPLICANT:	SAIF ULLAH 6 OAKLEIGH PL Winnipeg , Manitoba R2M 0L1
OWNER:	ABDULLAH CHAUDHARY 41 ST ANNE'S RD Winnipeg , Manitoba R2M 2Y2

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 east side of St. Anne's Road between Clonard Avenue and Stranmillis Avenue, in the Glenwood neighbourhood of the St. Vital ward.
- The site is approximately 44 feet wide and 4,834 square feet in area. It currently contains a one-storey single-family dwelling built in 1948.
- The site falls within the ‘Areas of Stability – Mature Community’ policy area under the *Complete Communities Direction Strategy*.
- The property is zoned ‘C2’ Commercial Community.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Commercial uses zoned 'C2' Commercial Community, then Clonard Avenue, then commercial uses zoned 'C2' Commercial Community and 'R1-M' Residential Single-Family Medium.

South: Commercial uses zoned 'C2' Commercial Community, the Stranmillis Avenue, then commercial uses zoned 'C2' Commercial Community.

East: Rear lane, then residential uses zoned 'R1-M' Residential Single-Family Medium.

West: St. Anne's Road; then uses zoned 'C2' Commercial Community, 'RMF-S' Residential Multi-Family Small, and 'C1' Commercial Neighbourhood.

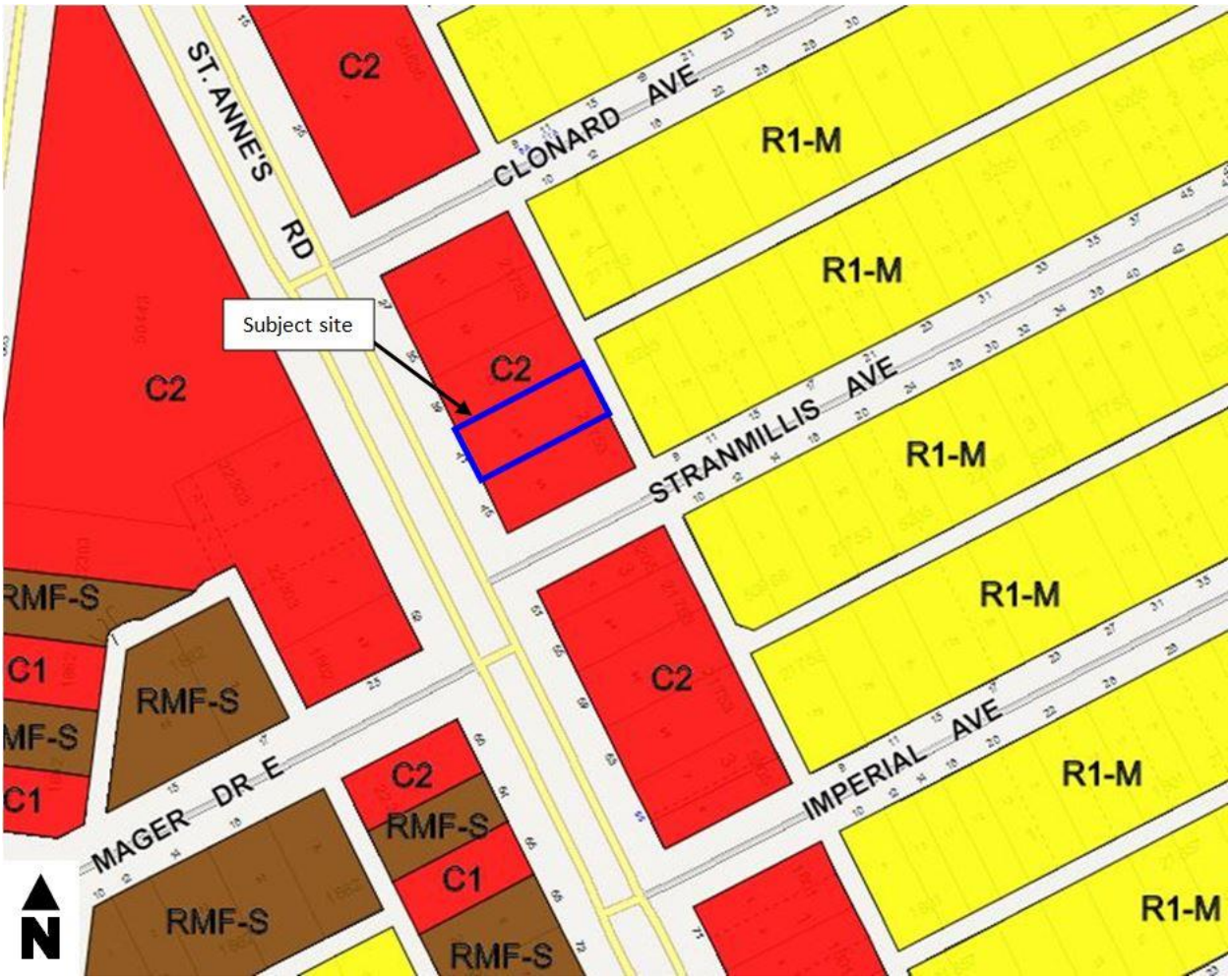


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to establish a three-storey mixed-use building on the subject property, consisting of a commercial unit on the ground floor and four residential units on the top two floors. The proposed height of the building is approximately 34.5 feet.
- The main entrance to the commercial unit will be located on St. Anne's Road, with a second entrance at the rear of the building. Access to the residential units will be provided by two entrances: one at the north corner of the front of the building, and one at the north corner of the rear of the building.
- Parking will be accessed from the rear lane, and landscaping is being provided in both the front and rear yards. Bicycle parking is also being provided.
- The applicant is requesting variances for lot area; front, north, and south side yards; and for no buffering of parking located within 20 feet of the rear lot line, which is adjacent to a residential district.

COLLABORATION

- The applicant worked with the Urban Planning Division to incorporate feedback, in order to arrive at the proposed design.

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.
- Under *Complete Communities*, the subject site is located along the St. Anne's Road 'Regional Mixed-Use Corridor.' Corridors serve a dual purpose: on one hand they act as city transportation routes, and on the other hand they accommodate a mix of uses, functioning as vibrant urban places for people to live, work, and play. Regional Mixed-Use Corridors are also designated as 'Transformative Areas,' meaning that the policies relating to them are intended to foster long-term transformation from their existing forms to increasingly pedestrian-oriented environments. The *Complete Communities Direction Strategy* focuses on growth to Centres and Corridors in a manner that:
    - Provides compact, mixed-use, high-quality urban development;
    - Concentrates people and jobs in areas well-served by transit;
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities; and
    - Encourages a built form that supports a pedestrian-friendly environment.
- Key relevant policies guiding development along Reginal Mixed-Use Corridors include the following:
    - Provide a mix of employment, higher-density residential opportunities, retail and services uses that support the needs of and respect the context of adjacent communities.
    - Support a range of housing opportunities in terms of type, tenure, unit size.
    - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- Multi-family development within the 'C2' Commercial Community zoning district must meet the requirements of the 'RMF-M' Residential Multi-Family Medium zoning district. This includes a minimum lot area requirement of 9,000 square feet. The subject lot is 4,834 square feet in area; therefore, a variance is required.
- The 'RMF-M' Residential Multi-Family Medium zoning district also includes side yard requirements of 8 feet, which are increased by 2 feet for each storey above the ground floor, to a maximum of 20 feet. For the residential component of the subject development, this results in a side yard requirement of 12 feet. The applicant is proposing side yards of 6 feet and 4 feet; therefore, a variance is required.
- A landscaped buffer is required when a parking or accessory to any use, other than a single or two-family residential use, is located within 20 feet of a side or rear lot line abutting or adjacent to a residential zoning district. The proposed development does not include this buffering of the parking area, as vehicular access is to be taken from the rear lane. Therefore, a variance is required.

ANALYSIS OF VARIANCES

- Overall, the proposed development supports objectives within the *Complete Communities Direction Strategy* as it maximizes the use of existing infrastructure by encouraging intensification along a Regional Mixed-Use Corridor. Further, the mix of residential and commercial uses fits with the policies for Regional Mixed-Use Corridors by contributing to a range of housing options, providing higher-density residential development, and supporting active uses (such as retail and services) at street level.
- Further, the subject property is zoned 'C2' Commercial Community, a zoning district in which the proposed uses are permitted.

Lot Area

- The Urban Planning Division is supportive of variance to permit a lot area of 4,840 square feet instead of 9,000 square feet for the residential portion of the development, as the lot is an existing parcel with 'C2' zoning in place (the 'C2' zoning district does not have minimum lot area requirement).

Front and Side Yards

- The Urban Planning Division is supportive of the variance to permit a front yard of 6 feet instead of 13 feet to the residential portion of the building on the second and third floors, as the proposed development is located along a Regional Mixed-Use Corridor (St. Anne's Road), where a reduced front yard can contribute to a more active street edge, in line with the objectives of the *Complete Communities Direction Strategy*.
- The Urban Planning Division is supportive of the variances to permit to permit a north side yard of 4 feet instead of 12 feet, and a south side yard of 4 feet instead of 12 feet, as this allows for some buffering distance from the single-family residential use to the south and the commercial use to the north, while at the same time facilitating development that meets the intent of the *Complete Communities Direction Strategy*, within a zoning district that is zoned for commercial uses.

Insufficient Buffering

- The variance to allow for insufficient buffering to the parking area along the rear lot line is being supported because the proposed development requires access to parking from the rear lane. Given the proposed orientation of parking stalls accessed directly from the rear lane, it would not be possible to establish an effective buffer due to the need to access the stalls.

COMPATIBILITY WITH SURROUNDING AREA

- The residential and commercial uses proposed on the subject property are compatible with existing uses along the St. Anne's Regional Mixed-Use Corridor, in a zoning district zoned for commercial uses. The proposed development also facilitates the transformation of Regional Mixed-Use Corridors from their existing forms to increasingly compact and pedestrian-oriented environments, as outlined in the *Complete Communities Direction Strategy*.
- As mentioned above, as a Regional Mixed-Use Corridor, St. Anne's Road is designated as a 'Transformative Area.' The proposed project is located along a portion of St. Anne's Road that has been experiencing a transition toward more compact residential and mixed-use development, and the subject proposal demonstrates compatibility with this transformation.

REASONS FOR RECOMMENDATIONS

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

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

In that the proposal meets the objectives for Regional Mixed-Use Corridors as outlined in the Complete Communities Direction Strategy.

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

In that the proposed commercial and residential uses are compatible with other uses along the St. Anne's Regional Mixed-Use Corridor.

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

In that the variances as applied for will allow the applicant to introduce development on the subject property that is consistent with the Complete Communities Direction Strategy.

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

In that, the proposed uses are compatible with existing uses along St. Anne's Road, and help to facilitate the transformation of Regional Mixed-Use Corridors in line with the Complete Communities Direction Strategy.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg's Approach to City Building

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

01-1c Key Directions for Specific Areas – Centres and Corridors

- **Key Direction: Focus a significant share of growth to Centres and Corridors in a manner that:**
    - Provides compact, mixed-use, high-quality urban development.
    - Concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
    - Encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

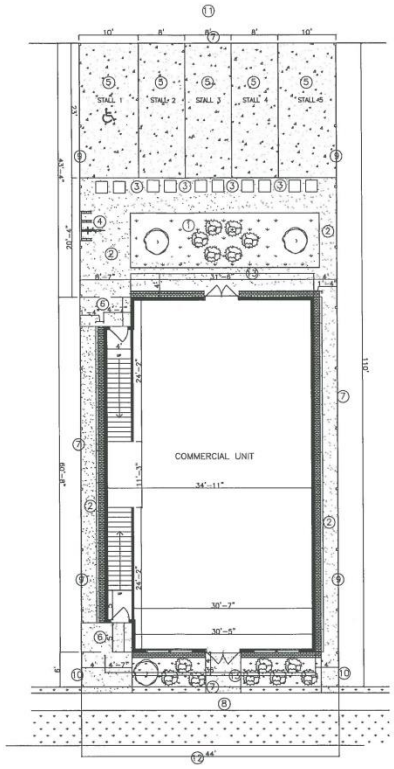
- **Key Direction 4.2:** Ensure new areas of growth are designed according to the principles of Complete Communities.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Jonathan Hildebrand MCIP, RPP
Date: Tuesday, February 18, 2020
File No. DAV 20-106221\C

Exhibit “6” referred to in File DAV 106221/2020C

DESIGN STANDARDS	
FACADE AND ARTICULATION	
TRANSPARENCY OPTION	REQ. 10%
GROUND FLOOR FACADE	436.5 SQ. FEET
TRANSPARENT FACADE REQUIRED	43.65 SQ. FEET
TRANSPARENT FACADE PROVIDED	161.33 SQ. FEET
VERTICAL ARTICULATION OPTION	CLEAR BASE, MIDDLE, TOP
ROOF ARTICULATION OPTION	BY OFFSETTING THE RIDGE LINE
ENTRYWAY DESIGN AND LOCATION FEATURES	
DISPLAY WINDOWS	
CANOPY	
A HORIZONTAL RECESS	
FACADE DESIGN FEATURES	
COLOUR CHANGE AT THREE INSTANCES	
PEDESTRIAN ORIENTED DESIGN FEATURES	
DISPLAY WINDOWS	
ENTRY AREAS	
AWNINGS	



LEGEND	
①	GRASS
②	WALK WAY
③	GARBAGE CANS
④	BIKE RACK
⑤	PARKING
⑥	CANOPY OVER UNIT ENTRANCE
⑦	SITE BOUNDARY
⑧	SIDE WALK
⑨	6 FEET FENCE
⑩	4' FENCE
⑪	BACK LANE
⑫	SAINT ANNE'S RD
⑬	CANOPIES AND EAVES ABOVE

LANDSCAPING LEGEND		
SYMBOL	QUANTITY	PLANT SPECIE
	3	WHITE CIDER TREE SIZE: TRUNK DIAMETER UPTO 30CM
	14	MAY NIGHT SALVIA SIZE: 1 GALLON POT
		GRASS

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 20-106221/C
SHEET # 1 OF 4
FEB 07 2020

41 ST. ANNE'S RD
WINNIPEG, MANITOBA

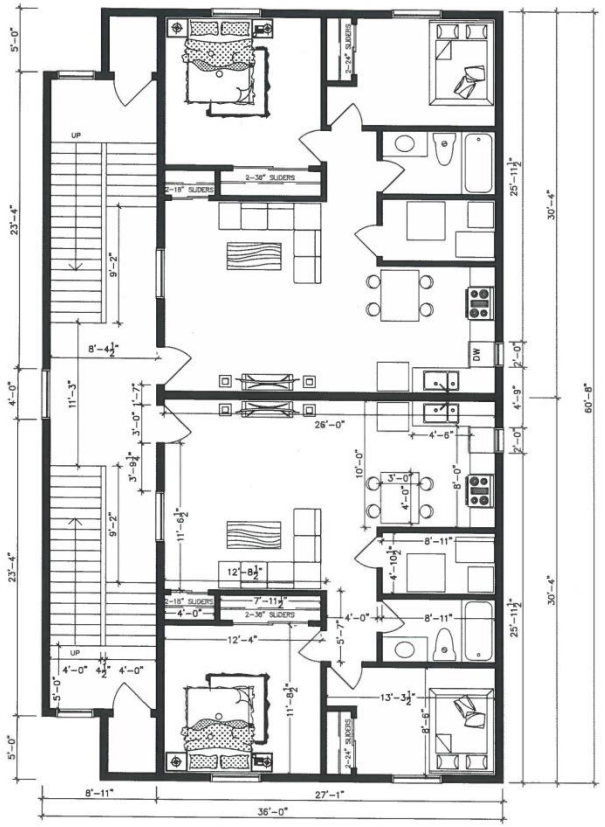
CLIENT

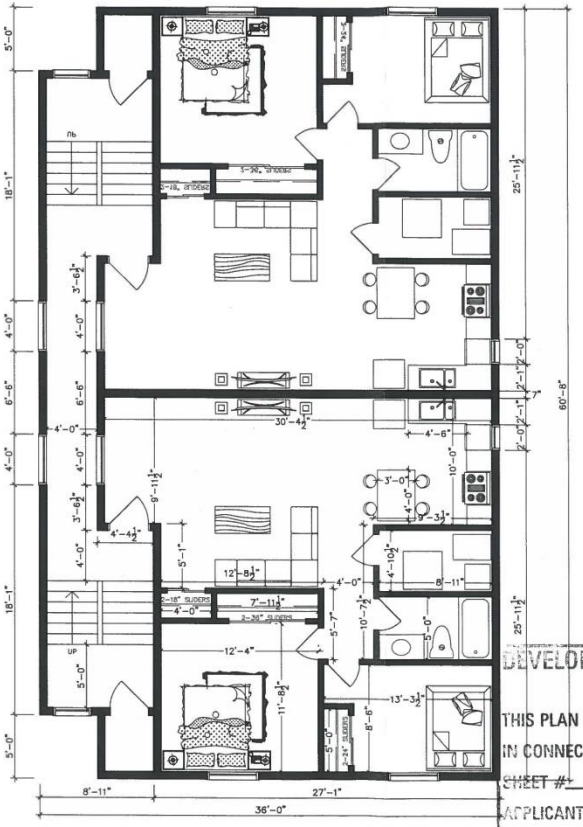
SITE PLAN

Proj. No. xxxx
Scale 1/16" = 1'-0"

2019.06.22
Rev. 1

1





DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 20-106221/
SHEET # 2 OF 4
APPLICANT (SGD.)
DEV EXAM.
JAN 2 2 2020
DATE

41 ST. ANNE'S RD
WINNIPEG, MANITOBA

CLIENT

FLOOR 2 & 3 PLAN

Proj. No. xxxx
Scale 1/8" = 1'-0"

2019.06.22
Rev. 1

2

MATERIAL LEGEND	
①	FIBRE CEMENT CLADDING PANELS
②	FIBRE CEMENT CLADDING PANELS
③	WOOD FINISH CLADDING
④	METALLIC STOREFRONT CANOPY
⑤	SLOPING TILED ROOF
⑥	FASCIA

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV20-106224/C
SHEET # 3 OF 4
APPLICANT (SGD.)
DEV EXAM.
DATE FEB 12 2020



1/4 FRONT ELEVATION FROM ST ANNE SIDE

2/4 LEFT ELEVATION FROM NORTH SIDE

RED RIVER
DESIGN & DEVELOPMENT

41 ST. ANNE STREET
WINNIPEG, MANITOBA

CHAUDHARY

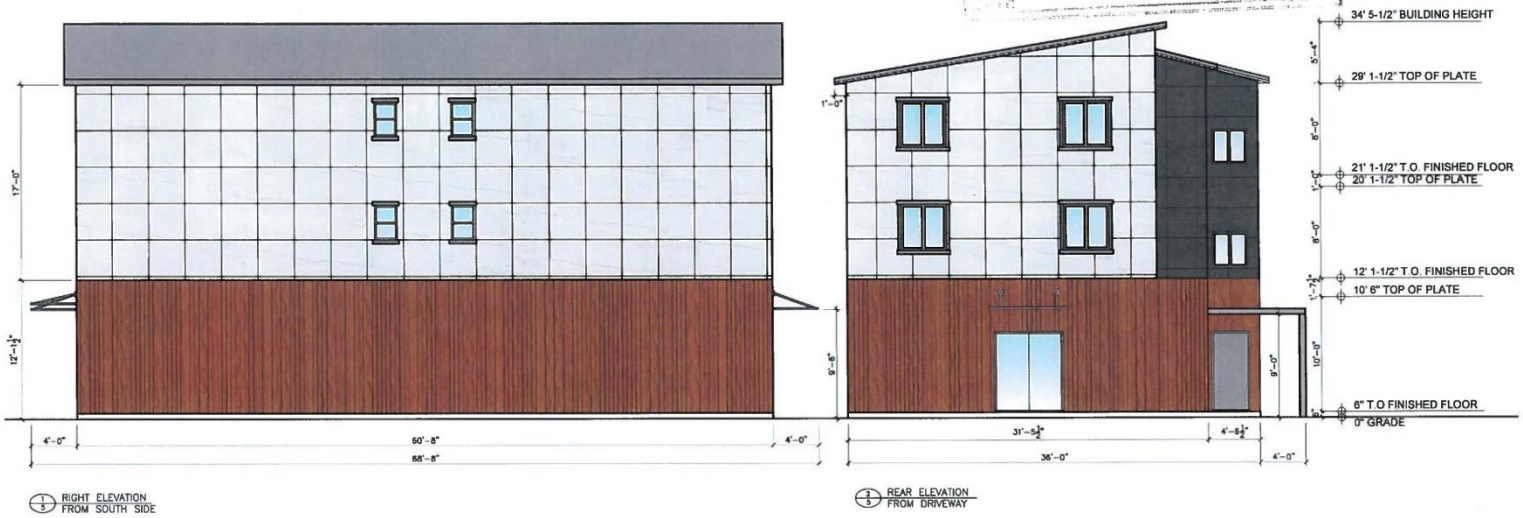
ELEVATION

Proj. No. 1912
Scale 1/8" = 1'-0"

2019.07.23
Rev. 4

4

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 20-106224/C
SHEET # 4 OF 4
APPLICANT (SGD.)
DEV. EXAM.
DATE FEB 12 2020



1 RIGHT ELEVATION FROM SOUTH SIDE

2 REAR ELEVATION FROM DRIVEWAY

RED RIVER
DESIGN & DEVELOPMENT

41 ST. ANNE STREET
WINNIPEG, MANITOBA

CHAUDHARY

ELEVATION

Proj. No. 1912
Scale 1/8" = 1'-0"

2019.07.23
Rev. 4

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