Minutes – Board of Adjustment – March 4, 2020

PUBLIC HEARINGS

Item No. 3 Conditional Use – 463 Redwood Avenue
(Mynarski Ward)
File DCU 110936/2020C [c/r DAV 110932/2020C]

BOARD OF ADJUSTMENT DECISION:

The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service and approved a Conditional Use on "the land" to permit for the establishment of a multi-family dwelling use.

Subject to the following condition:

1. That the Owner must submit plans showing the location and design of any and all proposed:

   A. buildings
   B. accessory parking areas
   C. driveways
   D. garbage enclosures
   E. fencing
   F. 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.

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 Section 254 and Subsection 247(3) of The City of Winnipeg Charter, the Conditional Use,

(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; 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 21, 2020.

Carried

DECISION MAKING HISTORY (continued):

Moved by Joel Remis,

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

Carried

Moved by Joel Remis,

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

Carried

THE CITY OF WINNIPEG
CONDITIONAL USE ORDER
BOARD OF ADJUSTMENT

DCU 110936/2020C [c/r DAV 110932/2020C]

Before:	Board of Adjustment Bill Sawka, Chairperson Joel Remis Kara Bjornson
Hearing:	March 4, 2020 Council Building, 510 Main Street
Applicant:	Sheer Homes Inc. (Paul Singh)
Premises Affected:	463 Redwood Avenue
Legal Description:	LOT 35 BLOCK 8 PLAN 437 41/2W ST J, hereinafter called "the land"
Property Zoned:	"R2" Residential Two-Family
Nature of Application:	For a Conditional Use under the Winnipeg Zoning By-Law No. 200/2006 to permit the establishment of a multi-family dwelling use.

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, this Conditional Use meets the statutory criteria as outlined in Section 254 and 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; 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 21, 2020.

ORDER:

The Board of Adjustment orders that a Conditional Use is approved on "the land" to permit for the establishment of a multi-family dwelling use.

subject to the following conditions, which the Board of Adjustment considers necessary to ensure compliance with criteria (a), (b) and (d) as outlined in Section 254 and Subsection 247(3) of The City of Winnipeg Charter, namely:

1. That the Owner must submit plans showing the location and design of any and all proposed:

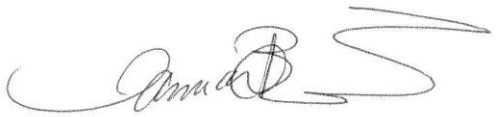
   A. buildings
   B. accessory parking areas
   C. driveways
   D. garbage enclosures
   E. fencing
   F. landscaping

   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.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: March 9, 2020

CERTIFIED BY:



T. Pomanski
Secretary to the Board

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 26, 2020;

[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(e) refer to Conditional Use Order No. DCU 110936/2020C; 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:

Raj Lottey

Parminder Muhar
Paul Singh

In Opposition:

Nil

For Information:

Nil

For the City:

D. Harris, Planner, Planning, Property and Development Department
J. Hildebrand, Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DCU 110936/2020C

1. Application dated February 7, 2020
2. Notification of Public Hearing dated February 12, 2020
3. Manitoba Status of Title 2521178/1
4. Letter of authorization dated December 18, 2019 from Jacob Marvin Janzen to Sheer Homes Inc. (Paul Singh)
5. Surveyor's Building Location Certificate and sketch dated December 5, 2019
6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
7. Plans, Sheets 1 to 2 inclusive, for File DCU 110936/2020C dated February 6, 2020
8. Report from the Urban Planning Division dated February 21, 2020
9. Inspection Report

Exhibit “8” referred to in File DCU 110936/2020C

ADMINISTRATIVE REPORT

Title: DCU 20-110936\C – 463 Redwood AVE

Issue: For consideration at the public hearing for a conditional use to permit a multi-family dwelling use.

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 for a conditional use under *Zoning By-Law No. 200/2006* to permit for the establishment of a multi-family dwelling use. Subject to the following condition(s):

1) That the Owner must submit plans showing the location and design of any and all proposed:

    i. buildings;
    ii. accessory parking areas;
    iii. driveways;
    iv. garbage enclosures;
    v. fencing; and
    vi. 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.

REASON FOR THE REPORT

- The applicant is proposing to construct a multi-family dwelling with three (3) dwelling units, which is a Conditional Use in the “R2” Residential Two-family district.
- This report provides information and makes recommendations regarding the subject application’s compliance with *The City of Winnipeg Charter.*
- Conditional Use 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:	**DCU 20-110936\C**
RELATED FILES:	DAV 20-110932/C
COMMUNITY:	Lord Selkirk - West Kildonan Committee
NEIGHBOURHOOD #:	3.306 (St. John’s)
SUBJECT:	For a Conditional Use under Zoning By-Law No. 200/2006 to permit the establishment of a multi-family dwelling use.
LOCATION:	463 Redwood AVE
LEGAL DESCRIPTION:	LOT 35 BLOCK 8 PLAN 437 41/2W ST J
APPLICANT:	Paul Singh 95 Carsdale DR Winnipeg , Manitoba R2V 4W6
OWNER:	Jacob Janzen 8715 Roblin BLVD Headingley , Manitoba R4J 1B7

DISCUSSION

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a conditional use with respect to a property may be approved if the conditional use:

(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;

(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 Redwood Avenue, in the St. John's neighbourhood and the Mynarski ward;
- is 33 ft. wide by 91 ft. deep, providing a total lot area of 3,014 sq. ft.
- currently contains a two-family dwelling constructed in 1911 with a parking pad taking access from the public lane to the north;
- is zoned "R2" Residential Two-Family; and
- is designated "Areas of Stability – Mature Community" policy area under the *Complete Communities Direction Strategy* of *OurWinnipeg.*

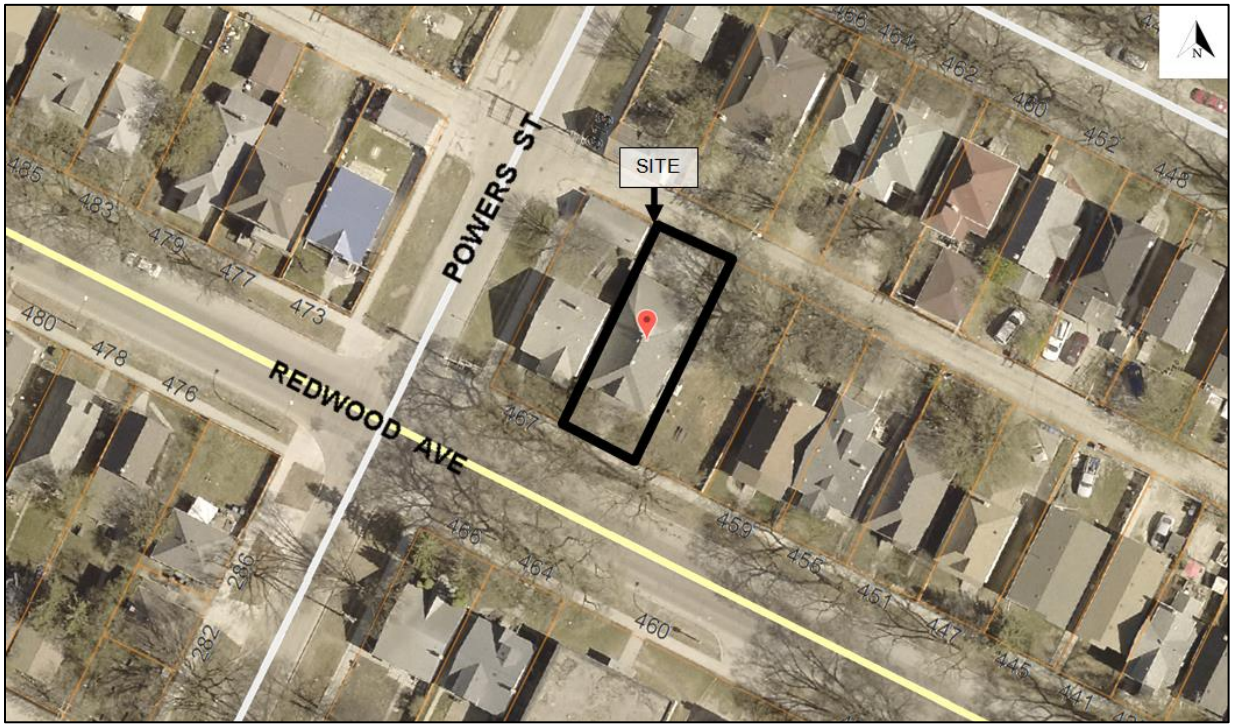


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Multi-family dwelling (triplex) zoned "R2" Residential Two-Family.

South: Redwood Avenue; then single- and multi-family dwellings zoned "R2" Residential Two-Family.

East: Vacant lot and then single-family dwellings 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 the construction of a residential multi-family building with three dwelling units and a 1:1 parking ratio. The existing building on the subject property would be demolished.
- The proposed building would be three storeys or 27 ft. in height. Two units would be located above grade and one unit in the basement.
- Entrances to the main and upper floor units would face the front yard and the entrance to the basement unit would face the east side yard.
- Three stalls are proposed and vehicles would take direct access from the public lane.
- Variances are required to accommodate aspects of the proposed building and accessory parking area. Application for variances has been made under file DAV 20-110932/C and a report has been submitted to the Board of Adjustment.

Collaboration

The applicant consulted with the Urban Planning Division prior to submitting the subject applications. The Division reviewed and provided comments on the proposed plans which has been incorporated by the applicant. The proposed development is shown on Figure 3.



Figure 3: Perspective rending provided by applicant, looking north from Redwood Ave.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

The subject property is designated “Areas of Stability – Mature Community” policy area under the *Complete Communities Direction Strategy* of *OurWinnipeg*. 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 to the variety of housing types in the neighbourhood in a manner that is compatible with and complimentary to surrounding properties in terms of building massing, scale 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 elevations show that the height and massing would be compatible with the area context. The overall massing is broken up by the use of different cladding materials, roof pitch, and building articulation on the front façade.

- *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 property is zoned “R2” Residential two-family district, as is the entire block. The “R2” district is accommodates single- two- and multi- family dwellings. The building on the

subject property contains two units. Adding a third unit by redeveloping the property would be a low change to the existing density on the property.

After review, the proposed development would be consistent with the *Complete Communities Direction Strategy.*

COMPATIBILITY AND ADVERSE EFFECT

The subject block contains a mix of densities and building typologies. For example:

- 28 unit building across the street at 456 Redwood Avenue; and
- 4 unit building at 430 Redwood Avenue.
- The existing building on the property is a duplex.

All properties on the subject block are zoned "R2" which permits single- and two family dwellings and accommodates multi-family dwellings as a conditional use.

Given context and aforementioned compliance with *Complete Communities*, the conditional use would be compatible with the area and not have an adverse effect on it.

CONDITIONS OF APPROVAL

The Urban Planning and Design Division recommend approval of the Conditional Use and recommends that final plans require Plan Approval through the Director of Planning, Property and Development to ensure any development on the subject lands is compatible with the area and does not create an adverse effect on neighbouring properties.

Although the Division is supportive of the site plan and elevations, the applicant's landscaping plan will need to be revised to include additional details including proposed species and planting details. As described in the Administrative Report under related file DAV 20-110932/C, the Division also recommends the applicant provide additional plantings to compensate for the lack of foundation landscaping.

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 increase in density and adds to the housing types in the community for new and existing residents.*

(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 development including site plan and building elevations are designed to include appropriate setbacks, screening, landscaping, and building massing that would likely not create an adverse effect on adjoining properties and adjacent areas.*

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

***In that**, the proposed development would be located on a block that has an existing mix of building typologies and densities.*

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

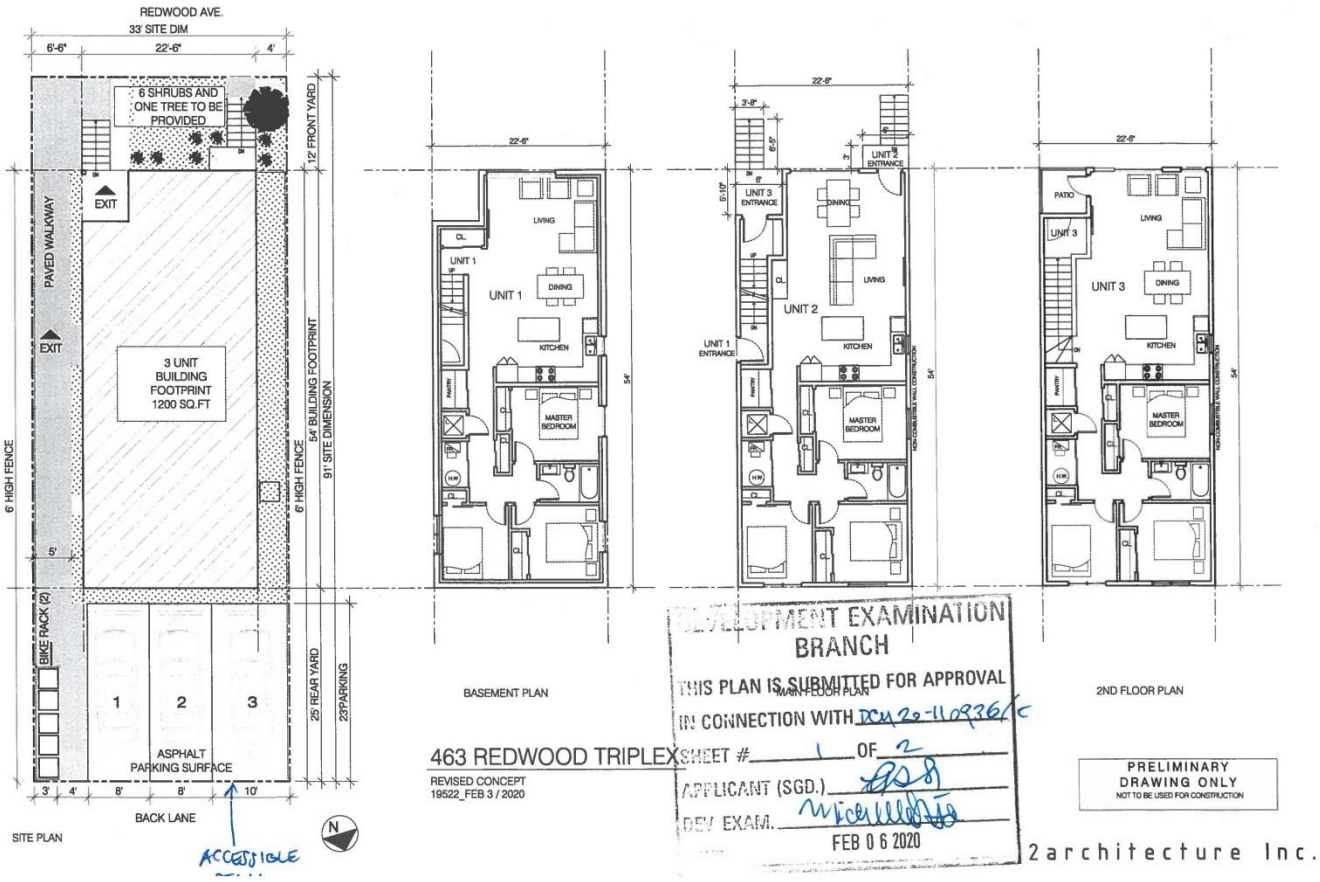
Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

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

SUBMITTED BY

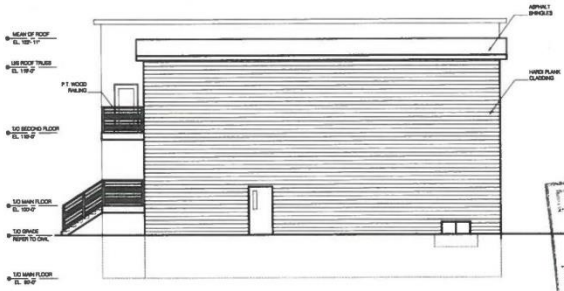
Department:	Planning, Property and Development
Division:	Urban Planning and Design
Prepared by:	R. Hayer, MCP
Date:	Friday, February 21, 2020
File No.	DCU 20-110936\C

Exhibit “7” referred to in File DCU 110936/2020C

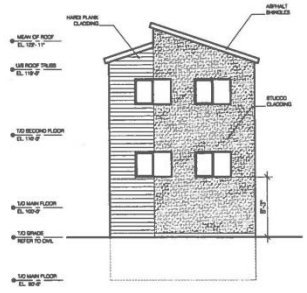




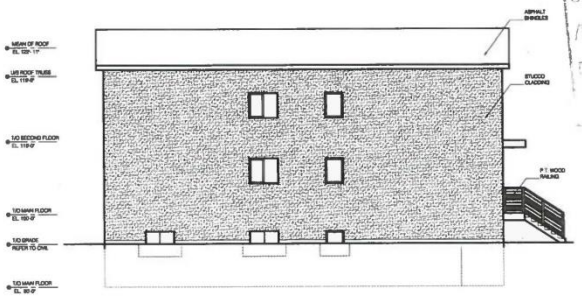
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPR
IN CONNECTION WITH DP 20-110936/C
SHEET # 2 OF 2
APPLICANT (SGD.)
DEV. EXAM.
FEB 0 6 2020

463 REDWOOD TRIPLEX
19522_FEB 03-2020

2architecture Inc.