Minutes – Board of Adjustment – March 4, 2020

PUBLIC HEARINGS

Item No. 4 Variance – 463 Redwood Avenue
(Mynarski Ward)
File DAV 110932/2020C [c/r DCU 110936/2020C]

BOARD OF ADJUSTMENT DECISION:

The Board of Adjustment concurred in the recommendation of the Winnipeg Public Service, and approved a Variance on "the land" as follows:

1. For the construction of a multi-family dwelling to permit:

    A. a front yard of 12 feet (3.66 metres)

    B. 3 parking spaces

    C. insufficient foundation landscaping on the east side

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 a landscaping plan be provided showing additional trees and/or shrubs in the front or west side yard, to the satisfaction of the Direction of Planning, Property and Development.

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 21, 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 110932/2020C[c/r DCU 110936/2020C]

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:	To vary the "R2" District Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 as follows: 1. for the construction of a multi-family dwelling to permit: A. a front yard of 12 feet (3.66 metres) instead of 14 feet (4.27 metres); B. 3 parking spaces instead of 4 spaces; C. insufficient foundation landscaping on the east side; 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.

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 21, 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” as follows:

1. For the construction of a multi-family dwelling to permit:

   A. a front yard of 12 feet (3.66 metres)

   B. 3 parking spaces

   C. insufficient foundation landscaping on the east side

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.

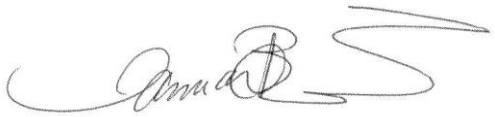
subject to the following condition(s), which the Board of Adjustment considers necessary to ensure compliance with criteria (a) to (d) as outlined in Subsection 247(3) of The City of Winnipeg Charter, namely:

1. That a landscaping plan be provided showing additional trees and/or shrubs in the front or west side yard, to the satisfaction of the Direction of Planning, Property and Development.

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 Variance Order No. DAV 110932/2020C; 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 DAV 110932/2020C

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 DAV 110932/2020C dated February 6, 2020
8. Report from the Urban Planning Division dated February 21, 2020
9. Inspection Report

Exhibit “8” referred to in File DAV 110932/2020C

ADMINISTRATIVE REPORT

Title: DAV 20-110932\C – 463 Redwood Avenue

Issue: For consideration at the public hearing for variances associated with a proposed multi-family dwelling containing three units and three parking stalls.

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 as follows:

1) for the construction of a multi-family dwelling to permit:
    a. a front yard of 12 feet (3.66 metres) instead of 14 feet (4.27 metres);
    b. 3 parking spaces instead of 4 spaces;
    c. insufficient foundation landscaping on the east side;
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 a landscaping plan be provided showing additional trees and/or shrubs in the front or west side yard, to the satisfaction of the Direction of Planning, Property and Development.

REASON FOR THE REPORT

- The applicant is proposing to construct a multi-family dwelling with three (3) dwelling units and has submitted a Variance application to accommodate aspects of the proposed building and accessory parking area.

- This report provides information and makes recommendations regarding the subject application's compliance with *The City of Winnipeg Charter.*
- 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 20-110932\C**
RELATED FILES: DCU 20-110936/C
COMMUNITY: Lord Selkirk - West Kildonan Committee
NEIGHBOURHOOD #: 3.306 (St. John's)

SUBJECT: To vary the "R2" Dimensional Standards of Zoning By-law No. 200/2006 as follows:

1) for the construction of a multi-family dwelling to permit:
    a. a front yard of 12 feet (3.66 metres) instead of 14 feet (4.27 metres);
    b. 3 parking spaces instead of 4 spaces;
    c. insufficient foundation landscaping on the east side;
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: 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 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 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.*

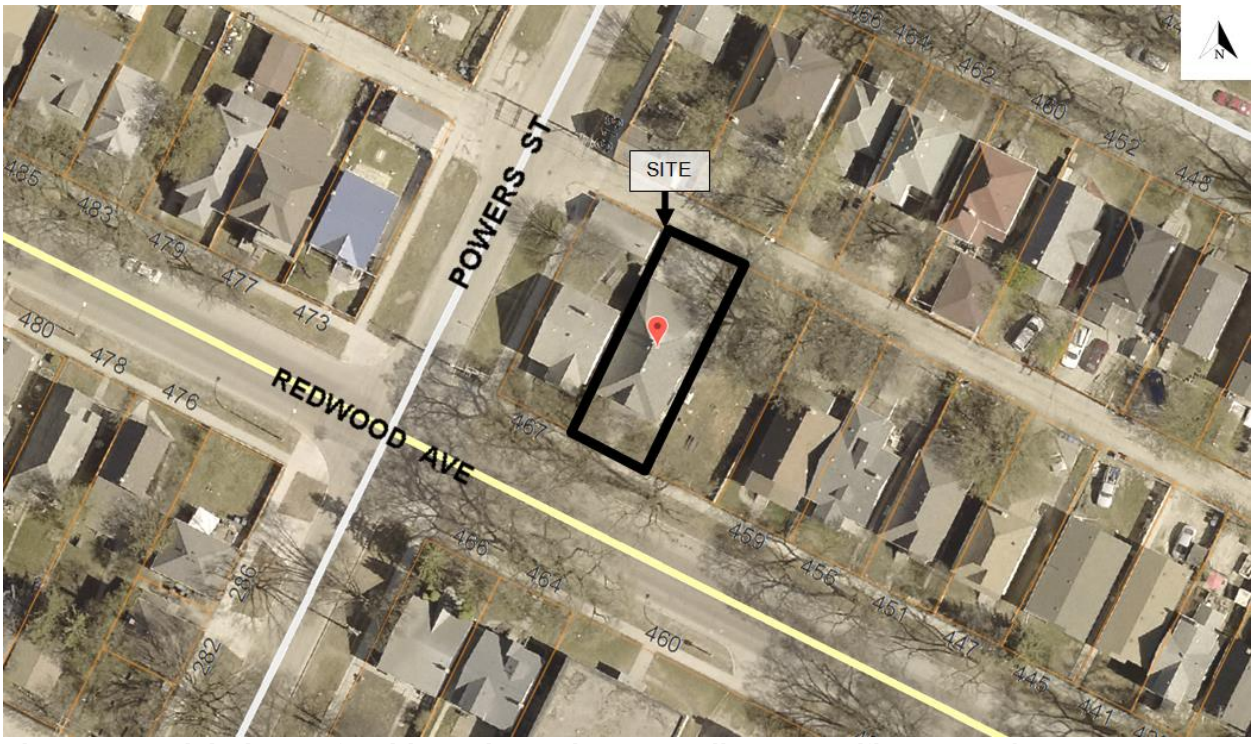


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

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.

INJURIOUS EFFECT AND MINIMUM MODIFICATION

Front Yard:

Where a new multi-family dwelling is proposed on a street where at least 80 percent of the lots have been developed with principal residential structures, a front yard alignment calculation is conducted by the Zoning & Permits Branch to determine the required front yard setback.

In this case, the front yard alignment establishes 14 ft. as required minimum front yard setback.

The Division supports the variance to allow a 12 ft. setback because:

- the proposed front yard of 12 feet is a minor deviation from the requirement and would not likely create an adverse effect on the neighbouring property. The property to the east is vacant. The property to the west contains a 12.5 ft. front yard setback.

Parking:

The subject property is located in the "Urban Infill Area" under Schedule C of *Zoning By-law 200/2006.* Within the Urban Infill Area, multi-family dwellings are required to provide 1.2 parking stalls per unit.

In this case, the required parking is 4 stalls, whereas the applicant is proposing to provide 3 stalls, thus requiring a variance.

The Division supports the variance to allow 3 parking stalls because:

- The subject site is 33 ft. wide which can only accommodate more than 3 stalls. Given the proposal complies with *OurWinnipeg* and *Complete Communities* suggests the requirement to provide 4 stalls creates a hardship.
- To address the parking deficiency, the applicant is proposing a bike rack with space for two bicycles.
- The property is in a walkable area with transit coverage. Salter Street is one block to the east and provides convenient access to public transit.

Insufficient Landscaping:

The Zoning Bylaw requires 6 shrubs along the east foundation wall. The applicant is proposing no landscaping.

Subject to conditions, the Division supports the variance to provide insufficient foundation landscaping because:

- The east side yard would contain a 5 ft. wide paved walkway. The walkway has been designed to be 5 ft. wide in order to accommodate accessibility requirements. As a result, there is only 1.5 ft. between the edge of the walkway and the building wall, which is not a sufficient enough space to plant landscaping.
- A condition of approval is included to require the applicant to submit a revised landscaping plan to include the proposed species and planting details, and also propose additional landscaping including trees and/or shrubs either in the front or west side yard. The Division is not stipulating any set number of plantings because the final landscaping plan should be prepared by a professional landscape architect or in consultation with a nursery to ensure the location and quantity of plantings is viable based on the location and site conditions.

Parking Area Buffering:

The Zoning Bylaw requires accessory parking areas for multi-family dwellings to provide buffering along all sides when located next to a residential zoning district.

The Division supports the variance to provide no buffering because:

- It would not be practical to entirely screen a rear parking area from the back lane because doing so would obstruct motor vehicle access.
- Providing vehicular access from the lane is desirable and characteristic of the neighbourhood.
- The applicant is providing a 6 ft. high fence to screen the accessory parking area 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 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.*

(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, *to the extent the development complies with OurWinnipeg, Complete Communities and is compatible with the area suggests the Zoning By-law has an injurious effect and the proposed variances are the minimum modification necessary to implement the aforementioned policies.*

(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

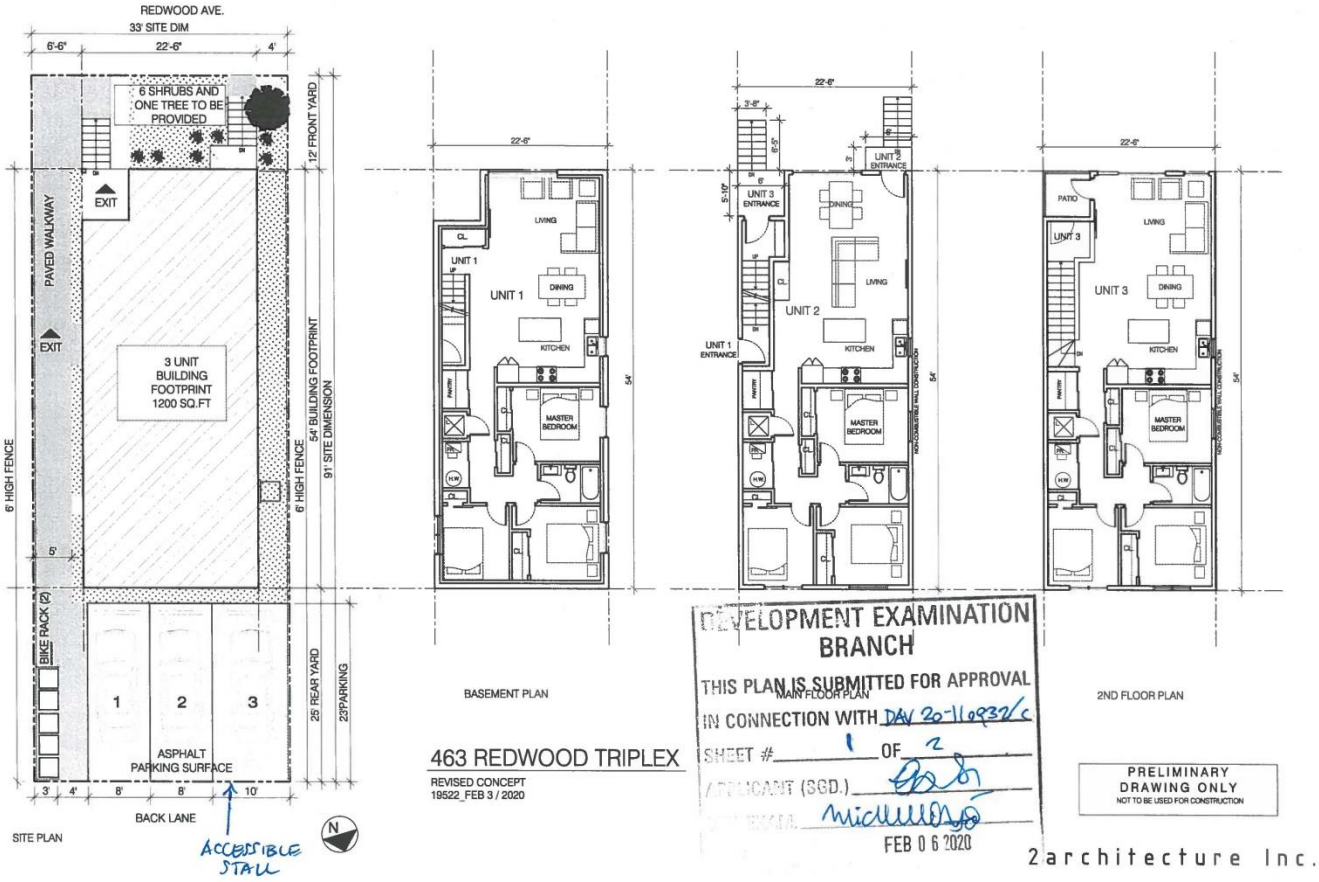
Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

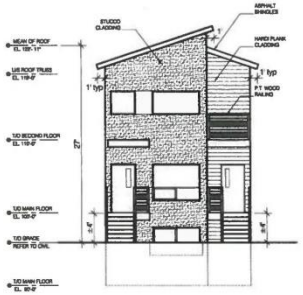
- Ensure new areas of growth are designed according to the principles of Complete Communities

SUBMITTED BY

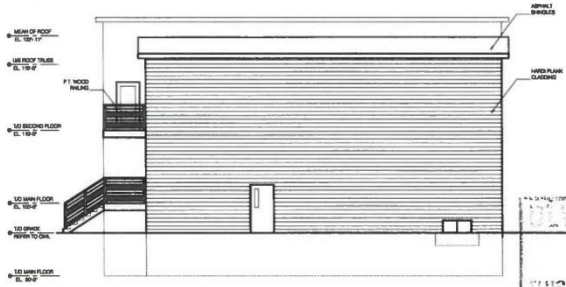
Department: Planning, Property and Development
Division: Urban Planning
Prepared by: R. Hayer, MCP
Date: Friday, February 21, 2020
File No. DAV 20-110932\C

Exhibit “7” referred to in File DAV 110932/2020C

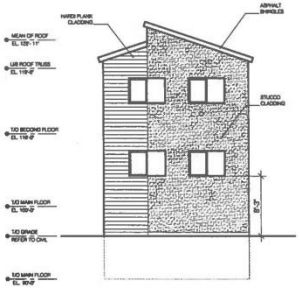




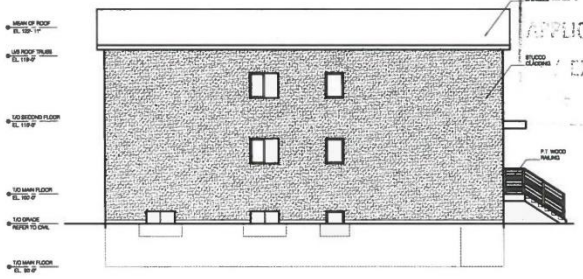
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAN 20-110932
SHEET # 2 OF 2
APPLICANT (SGD.)
EXAM.
FEB 0 6 2020

463 REDWOOD TRIPLEX
19522_FEB 03-2020

2architecture Inc.