Minutes – Riel Community Committee – October 7, 2013

PUBLIC HEARINGS

Minute No. 336 Variance – 851 Taché Avenue (St. Boniface Ward) File DAV 109813/2013D [c/r DAZ 208/2013]

COMMUNITY COMMITTEE DECISION:

The Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, and approved a Variance on "the land" for the construction of a multi-family dwelling to permit the following:

- 1. a lot area of 5,377.7 square feet (499.6 square metres);
- 2. a front yard of 15 feet (4.57 metres);
- 3. a rear yard of 11 feet (3.35 metres);
- 4. an east corner side yard of 4 feet (1.22 metres);
- 5. a west side yard of 10 feet (3.048 metres);
- 6. a height of 75 feet (22.86 metres);
- 7. 6 parking spaces;
- 8. one parking space adjacent to a wall having a width of 9 feet (2.7 metres);
- 9. no guest parking spaces;

subject to the following condition:

1. That, the Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 208/2013.

Minutes – Riel Community Committee – October 7, 2013

DECISION MAKING HISTORY:

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

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

Carried

Moved by Councillor Vandal, That the receipt of public representations be concluded.

Carried

Moved by Councillor Vandal, That the recommendation of the Winnipeg Public Service be concurred in.

Moved by Councillor Vandal, That criteria (a) to (d) of Subsection 247(3) of The City of Winnipeg Charter are satisfied.

Carried

Moved by Councillor Vandal, That the public hearing with respect to this application be concluded.

Carried

Carried

Minutes – Riel Community Committee – October 7, 2013

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2013, the Riel Community Committee adjourned the public hearing to its meeting on October 7, 2013 at 5:00 p.m. in the Council Building, 510 Main Street.

On July 8, 2013, the Riel Community Committee adjourned the public hearing to its meeting on September 9, 2013 at 5:00 p.m. in the Council Building, 510 Main Street.

On June 10, 2013, the Riel Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on July 8, 2013 at 5:00 p.m. in the Council Building, 510 Main Street.



THE CITY OF WINNIPEG VARIANCE ORDER RIEL COMMUNITY COMMITTEE

DAV 109813/2013D [c/r DAZ 208/2013]

Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Vandal	
Hearing:	October 7, 2013 September 9, 2013 July 8, 2013 June 10, 2013 Council Building, 510 Main Street	
Applicant:	NSB-Réal Rioux	
Premises Affected:	851 Taché Avenue	
Legal Description:	Lot 45, Plan 29652 76 ST B, hereinafter called "the land"	
Property Zoned:	"M2" Manufacturing General Proposed "RMF-M" Residential Multi-Family-Medium District	
Zoning Atlas Sheet:	Z26	
Nature of Application:	To vary proposed "RMF-M" Residential Multi-Family-Medium Dimensional Standards of the Winnipeg Zoning By-law No. 200/2006 for the construction of a multi-family dwelling to permit the following:	
	 a lot area of 5,377.7 square feet (499.6 square metres) instead of 9,000 square feet (836.1 square metres); a front yard of 15 feet (4.57 metres) instead of 25 feet (7.62 metres); 	

- 3) a rear yard of 11 feet (3.35 metres) instead of 25 feet (7.62 metres);
- 4) a east corner side yard of 4 feet (1.22 metres) instead of 20 feet (6.096 metres);
- 5) a west side yard of 10 feet (3.048 metres) instead of 12 feet (3.66 metres);
- 6) a height of 75 feet (22.86 metres) instead of a maximum 60 feet (18.29 metres);
- 7) 6 parking spaces instead of 7 parking spaces;
- 8) one parking space adjacent to a wall having a width of 9 feet (2.7 metres) instead of 10 feet (3.05 metres);
- 9) no guest parking spaces instead of 1 space;
- 10) no accessible parking space instead of 1 space

It is the opinion of the Riel Community Committee that subject to conditions listed below, if any, this Order meets the statutory criteria of The City of Winnipeg Charter in that it:

- (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.

C.W. Charter Subsection 247(3)

ORDER:

The Riel Community Committee orders that the provisions of the "RMF-M" Residential Multi-Family-Medium District regulations of the Winnipeg Zoning By-law No. 200/2006 are varied on "the land" for the construction of a multi-family dwelling to permit the following:

- 1. a lot area of 5,377.7 square feet (499.6 square metres);
- 2. a front yard of 15 feet (4.57 metres);
- 3. a rear yard of 11 feet (3.35 metres);
- 4. an east corner side yard of 4 feet (1.22 metres);
- 5. a west side yard of 10 feet (3.048 metres);
- 6. a height of 75 feet (22.86 metres);
- 7. 6 parking spaces;

- 8. one parking space adjacent to a wall having a width of 9 feet (2.7 metres);
- 9. no guest parking spaces;

subject to the following condition:

1. That, the Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 208/2013.

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

NOTE: VARIANCE REQUESTED HAS BEEN MODIFIED

DATE OF ORDER: October 10, 2013

CERTIFIED BY:

Rochelle Viray Clerk

HOW TO APPEAL

You may appeal against either the whole of this order or part(s) of it by filing a letter of appeal.

That letter must be submitted in writing, be signed by the appellant, show the printed name of the appellant, contain the mailing address of the appellant, contain the contact telephone number of the appellant, and

- (a) be addressed as set out below,
- (b) be received at that office not later than 4:30 p.m. on October 28, 2013, [IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]
- (c) refer to Variance Order No. DAV 109813/2013D, give brief reasons for the appeal and must describe whether you appeal the whole order or only part(s) of it.

Any appeal letters not containing all of the above elements will be rejected by the City Clerk as invalid appeals and will not be heard at an appeal hearing.

You can attend the appeal hearing and speak on issues raised in someone else's appeal, but the appeal committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address:	City Clerk, City of Winnipeg
	c/o Appeal Committee
	Main Floor, Administration Building, 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:

Réal Rioux Walter Kleinschmit Filippo Colosimo Pat O'Leary Leo JR Pelland Frank Manfreys

In Opposition:

Nil

For Information:

Matt Allard Brian Wall

For the City:

G. Jasper, Land Development Engineer, Planning, Property and Development Department R. Kostiuk, Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DAV 109813/2013D

- 1. Application dated May 17, 2013
- 2. Notification of Public Hearing dated May 8, 2013
- 3. Manitoba Status of Title 2582310/1
- 4. Surveyor's Building Location Certificate and sketch dated July 28, 1992
- Confirmation from the Zoning and Permits Administrator that the subject property may
 be posted in substitution for newspaper advertising
- 7. Site Plan
- 8. Plans, Sheets 1 to 6 inclusive, for File DAV 109813/2013D dated March 25, 2013
- 9. Report from the Planning and Land Use Division dated June 3, 2013
- 10. Inspection Report
- 11. Notice of Adjournment dated June 11, 2013
- 11. Revised Report from the Planning and Land Use Division dated June 28, 2013
- 12. Inspection Report dated July 8, 2013
- 13. Presentation submitted by Réal Rioux, in support of the application at the Public Hearing
- 14. Notice of Adjournment dated July 9, 2013
- 15. Notice of Adjournment dated September 10, 2013

ADMINISTRATIVE REPORT

Title:DAV 13-109813/D – 851 Tache Avenue Public HearingIssue:A variance application for consideration at the Public Hearing.Critical Path:Riel Community Committee as per the Development Procedures By-law
and The City of Winnipeg Charter.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	N/A	N/A	

RECOMMENDATIONS

The Urban Planning Division recommends:

Approval of the parts of the application to vary the proposed "RMF-M" dimensional standards of Zoning By-Law No. 200/2006 for the construction of a multi-family dwelling to permit the following:

- (1) a lot area of 5377.7 square feet (499.6 square metres) instead of 9000 square feet (836.1 square metres)
- (2) a front yard of 15 feet (4.57 metres) instead of 25 feet (7.62 metres);
- (3) a rear yard of 11 feet (3.35 metres) instead of 25 feet (7.62 metres);
- (4) an east corner side yard of 4 feet (1.22 metres) instead of 20 feet (6.096 metres);
- (5) a west side yard of 10 feet (3.048 metres) instead of 20 feet (3.66 metres);
- (6) a height of 75 feet (22.86 metres) instead of a maximum 60 feet (18.29 metres);
- (7) 6 parking spaces instead of 7 parking spaces;
- (8) one parking space adjacent to a wall having a width of 9 feet (2.7 metres) instead of 10 feet (3.05 metres);
- (9) no guest parking spaces instead of 1 space;

subject to the following condition(s):

(1) That, the Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 208/2013.

Rejection of the part of the application to vary the proposed "RMF-M" dimensional standards of Zoning By-Law No. 200/2006 for the construction of a multi-family dwelling to permit the following:

(10) no accessible parking space instead of 1 space.

REASON FOR THE REPORT

- Under the associated application DAZ 208/2013, the applicant is proposing to rezone the site from "M2" Manufacturing General to "RMF-M" Residential Multi-Family Medium in order to develop a 6 unit, 75 foot tall multi-family building on the site. The building proposed is to be made of concrete.
- The proposed development requires multiple variances.
- Variances require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee'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, 9 of the 10 proposed variances will be approved.

HISTORY

DAZ 208/2013 & DAV 13-109813/D

• On June 10, 2013, the Riel Community Committee adjourned the subject files to the July 8, 2013 Riel Community Committee Public Meeting. The Public Service recommended adjourning the subject files on the basis that one of the variances was incorrectly posted.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk, MCIP
Date:	REVISED June 28, 2013
File No.	DAV 13-109813/D

List of Schedules and Attachments

Appendix A – Planning Discussion

APPENDIX 'A'

DATE:	REVISED June 28, 2013	
FILE: RELATED FILE(S):	DAV 13-109813/D DAZ 208/2013 (c/r)	
COMMUNITY: NEIGHBOURHOOD #:	Riel 5.501	
SUBJECT:	 To vary proposed "RMF-M" dimensional standards of Zoning By-Law No. 200/2006 for the construction of a multi-family dwelling to permit the following: (1) a lot area of 5377.7 square feet (499.6 square metres) instead of 9000 square feet (836.1 square metres); (2) a front yard of 15 feet (4.57 metres) instead of 25 feet (7.62 metres); (3) a rear yard of 11 feet (3.35 metres) instead of 25 feet (7.62 metres); (4) a east corner side yard of 4 feet (1.22 metres) instead of 20 feet (6.096 metres); (5) a west side yard of 10 feet (3.048 metres) instead of 20 feet (3.66 metres); (6) a height of 75 feet (22.86 metres) instead of a maximum 60 feet (18.29 metres); (7) 6 parking spaces instead of 7 parking spaces; (8) one parking space adjacent to a wall having a width of 9 feet (2.7 metres) instead of 10 feet (3.05 metres); (9) no guest parking spaces instead of 1 space; (10) no accessible parking space instead of 1 space. 	
LOCATION: LEGAL DESCRIPTION:	851 Tache AVE LOT 45 PLAN 29652 76 ST B	
APPLICANT:	RÉAL RIOUX 851 TACHÉ AVE WINNIPEG MB R2H 2C7	
OWNER:	RÉAL RIOUX 851 TACHÉ AVE WINNIPEG MB R2H 2C7	
RECOMMENDATION:	Approval in part	

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of the City of Winnipeg Charter, a Zoning Variance application can be approved if the proposed development:

- (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 northwest corner of Tache Avenue and Rue Hebert in the North St. Boniface neighbourhood of the St. Boniface Ward.
- The property is **5,377.7 square feet in area** and contains a detached single-family home and detached garage. The home was built in 1930 and has a living area of 768 square feet.
- The property is located within the Areas of Stability Mature Communities policy area under the Complete Communities Direction Strategy and is also within the Higher Density Residential area under the North St. Boniface Secondary Plan.
- The site is zoned "M2" Manufacturing General.



Figure 1: Aerial photograph of subject property and surrounding area (2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

- North: Vacant land zoned M2.
- **South:** A detached single-family home zoned M2.
- **East:** Tache Avenue and a single-family home zoned R2.
- **West:** A manufacturing use zoned M2.

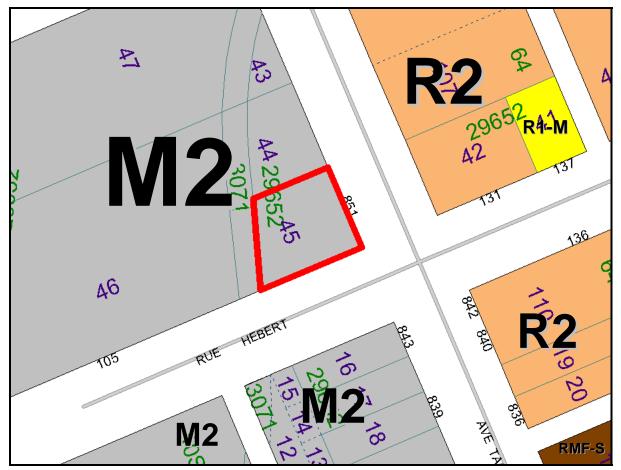


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from "M2" Manufacturing General to "RMF-M" Residential Multi-Family Medium in order to develop a 6 unit, 75 foot tall multi-family building on the site. The building proposed is to be made of concrete.
- Parking will be located on the ground floor with access from Rue Hebert.
- The proposed building will have six floors located above the main floor parking. Each storey will have one dwelling unit.
- A number of variances are required for the proposed development.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the Complete Communities Direction Strategy the proposed development is within the Areas of Stability – Mature Communities policy area. With regard to this proposal, the key policies guiding the development of Areas of Stability 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.
 - 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.
 - Support a mix of commercial services and employment uses that serve the local community.

NORTH ST. BONIFACE SECONDARY PLAN

- The subject site is located within the Higher Density Residential policy area under the North St. Boniface Secondary Plan. The following policies guide development in the Higher Density Residential area:
 - Focused along regional roads (namely Provencher Boulevard), collector roads (namely Tache Avenue and St. Joseph Street) railway lines, and public transportation corridors, encourage retention and enhancement of existing residential development and establishment of new residential development up to a maximum of 55 units per acre net (136 units per hectare), with the exception of the property located at the north east corner of Tache Avenue and rue La Verendrye where a density of 76 units per acre may be achieved.
 - Accommodate community services-including schools, parks, daycares, healthcare facilities-provided they are primarily intended to serve North St. Boniface residents.
 - Encourage retention and enhancement of existing and establishment of new locally-oriented commercial development in conjunction with higher density residential development.

ZONING

"M2" Manufacturing General District

• The M2 zone is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. The minimum front yard requirement is 25 feet, and maximum building height is 100 feet.

"RMF-M" Residential Multi-Family Medium

• The RMF-M zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-M zone are: a minimum front yard of 25 feet; a

minimum rear yard of 25 feet; a minimum side yard of 8 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 60 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 800 square feet.

LAND USE BY-LAW

Rezoning

 Under the associated rezoning application DAZ 208/2013, the applicant is proposing to rezone the land from M2 and RMF-M allow for the construction of a 6 unit multi-family building on the site. Multi-family dwellings are not permitted in the M2 zone but, are permitted in the RMF-M zone.

Variances

- There are several variances required for the proposed development and rezoning. The variances are explained in the points below.
 - 1 The subject lot is 5,377.7 square feet in area. The minimum lot area required in the RMF-M zone is 9,000 square feet.
 - 2 The minimum front yard setback in the RMF-M zone is 25 feet. The applicant is proposing a front yard of 15 feet from Rue Hebert.
 - 3 The minimum rear yard setback in the RMF-M zone is 25 feet. The applicant is proposing a rear yard of 11 feet.
 - 4 The minimum corner yard setback in the RMF-M zone is 20 feet. The applicant is proposing an east corner side yard of 4 feet from Tache Avenue.
 - 5. The minimum side yard for a 7 storey building in the RMF-M zone is 20 feet. The applicant is proposing a 10 foot west side yard.
 - 6. The maximum permitted height in the RMF-M district is 60 feet. The applicant is proposing a 75 foot tall building.
 - 7. A total of 7 parking spaces are required for the 6 proposed units. The applicant is proposing 6 parking spaces.
 - 8. The minimum parking stall width for a parking space near a wall is 10 feet. The applicant is proposing a parking stall that is 9 feet wide for one space.
 - 9 & 10 The applicant is not proposing to include any visitor parking stalls or accessible parking stalls.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The site is located entirely within the Residential Policy Area of the North St. Boniface Secondary Plan. More specifically, the site is deemed to be within the Higher Density Residential Policy Area of the Plan.
- Under the North St. Boniface Secondary Plan, higher density multi-family development is encouraged along Tache Avenue up to a maximum of 55 units per acre. At 6 dwelling units, the subject proposal complies with the 55 dwelling units per acre maximum. In

fact, the RMF-M zoning district only allows for up to 6 dwelling units to be constructed on this 5,377.7 square foot site.

- The proposed variance for lot area is unavoidable as the subject lot is 5,377.7 square feet in area. All multi-family zoning districts require a minimum lot area of 9,000 square feet and the North St. Boniface Secondary Plan encourages higher density development along Tache Avenue.
- The Urban Planning Division often encourages buildings to be constructed closer to the street, especially in finer-grain urban settings. Variances #2 & 4 help position the building closer to Tache and Hebert.
- Variance #3 will abut land that is currently not developed and zoned M2.
- Variance #5 is a side yard that abuts land owned by the City of Winnipeg. This land may eventually be sold to the developer and consolidated with the subject site.
- Generally speaking, the yard requirements of the RMF-M zone create a hardship for development on the subject property. Although higher density development is encouraged under the Secondary Plan, meeting the minimum yard requirements of the RMF-M zone would result in a developable area of about 1,000 square feet on the site.
- The Secondary Plan does not provide guidance on regulating height in the Higher Density Residential policy area. The proposed building will be located over 70 feet away from any existing development and the proposed height of 75 feet is 25 feet lower than the permitted height under the current M2 zoning designation.
- The Urban Planning Division has often supported parking variances that result in a ratio of 1 parking stall per dwelling unit in infill area. The subject site is located within walking distance of major amenity and employment areas such as Provencher Boulevard and the downtown. It is recognized that variance #7 is directly related to variance #9. The Division views both variances as minor variances that will not adversely impact neighbouring properties as at least one parking stall is being provided per dwelling unit.
- Variance #8 only poses a hardship on the developer, not the neighbouring property owners.
- The Division is not supportive of providing at least one accessible parking stall. Accessible parking should be made available on all development sites and can be accommodated within the proposed development.

RECOMMENDATION

In the context of Section 247(3) for variances 1-9, the Urban Planning Division recommends **approval** for the following reasons:

- (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.

In the context of Section 247(3) for variance 10, the Urban Planning Division recommends **rejection** for the following reasons:

- (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 **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 compatible with the area in which the property to be affected is situated.

This Report Submitted by: Planning, Property and Development Department Urban Planning Division

Report Prepared by: Robert Kostiuk, MCIP PPD File # DAV 13-109813/D

Exhibit "7" referred to in File DAV 109813/2013D

