## **PUBLIC HEARINGS**

# Item No. 5 Variance – 825 Taché Avenue (St. Boniface Ward) File DAV 135803/2016D [c/r DASZ 34/2016 & DAC 13/2016]

## WINNIPEG PUBLIC SERVICE RECOMMENDATION:

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

- 1) for the construction of a multi-family dwelling to permit:
  - a) no north corner side yard instead of 20 feet (6.1 metres);
  - b) a south corner side yard of 11 feet (3.35 metres) instead of 20 feet (6.1 metres);
  - c) a rear yard of 12 11 feet (3.35 metres) to the principal building and balconies instead of 25 feet (7.62 metres);
  - d) 6 visitor spaces instead of 9 spaces;
- 2) for the construction of a two-family dwelling to permit a front yard of 10 feet (3.05 metres) instead of 20 feet (6.1 metres);
- 3) for the construction of two mixed-use commercial/residential buildings to permit:
  - a) a front yard of 10 feet (3.05 metres) instead of 20 feet (6.1 metres);
  - b) a south corner side yard of 13 feet (3.96 metres) instead of 20 feet (6.1 metres);
- 4) for the establishment of 90 parking spaces for all uses instead of a range of 100 to 110 spaces;
- 5) for the establishment of an accessory parking area to permit:
  - a) no south corner side yard instead of 20 feet (6.1 metres);
  - b) no north interior side yard instead of 5 feet (1.52 metres);
  - c) no south interior side yard instead of 5 feet (1.52 metres);

- d) parking spaces within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet or less from grade for the two-family dwelling;
- 6) for the establishment of insufficient street edge lands

Subject to the following condition(s):

- 1) That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance shall terminate.
- 2) That, the developer be required to plant four (4) tree within the PR1 lands (Parcel G) adjacent to the subject property, all to the satisfaction of the City of Winnipeg Park Forrester.

# **DECISION MAKING HISTORY:**

On October 3, 2016, the Riel Community Committee concluded public representations and adjourned the public hearing to its meeting on October 19, 2016, at 5:00 p.m.in the Council Building at 510 Main Street.

On September 12, 2016, the Riel Community Committee adjourned the public hearing to its meeting on October 3, 2016 at 5:00 p.m. in the Council Building at 510 Main Street, and requested the applicant to hold a consultation with members of the St. Boniface Residents' Association and the Winnipeg Public Service.

File: DAV 135803/2016D

Applicant: Sunstone Resort Communities (Christine Wilson-MacLeod)

Premises Affected: 825 Taché Avenue

Legal Description: LOT 1/2 BLOCK D PLAN 10 76 ST B LOT 11/15 PLAN 29652

76 ST B SUBJ TO ROW FOR ALL PURPOSES & AS APPURT TO LOT 16 PL 29652 OVER & UPON SAID LOT 15 SUBJ TO ROW FOR ALL PURPOSES & AS APPURT TO LOT 17 PL 29652 OVER & UPON SAID LOTS 14 & 15 SUBJ TO ROW FOR ALL PURP & AS APPURT TO LOT 18 PL 29652 OVER & UPON SAID LOTS 13 14 & 15 LOT 17 TOG WITH ROW FOR ALL PURP & AS APPURT TO SAID LOT 17 OVER & UPON

SAID LOTS 14 & 15, hereinafter called "the land"

Property Zoned: "M2" (Manufacturing General)

Proposed "RMU and PR1" (Residential Mixed Use and Parks and

Recreation 1 (Neighbourhood))

Nature of Application: To vary the proposed "RMU" 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) No north corner side yard instead of 20 feet (6.1 metres);
  - b) A south corner side yard of 11 feet (3.35 metres) instead of 20 feet (6.1 metres);
  - c) A rear yard of 11 feet (3.35 metres) to the principal building and balconies instead of 25 feet (7.62 metres);
  - d) 6 visitor spaces instead of 9 spaces;
- 2) For the construction of a two-family dwelling to permit a front yard of 10 feet (3.05 metres) instead of 20 feet (6.1 metres);
- 3) For the construction of two mixed-use commercial/residential buildings to permit:
  - a) A front yard of 10 feet (3.05 metres) instead of 20 feet (6.1 metres);
  - b) A south corner side yard of 13 feet (3.96 metres) instead of 20 feet (6.1 metres);
- 4) For the establishment of 90 parking spaces for all uses instead of a range of 100 to 110 spaces;
- 5) For the establishment of accessory parking area to permit:
  - a) No south corner side yard instead of 20 feet (6.1 metres);
  - b) No north interior side yard instead of 5 feet (1.52 metres);
  - c) No south interior side yard instead of 5 feet (1.52 metres);

- d) Parking spaces within 10 feet (3.05 metres) of a window to habitable room where the sill is located 5 feet or less from grade for the two-dwelling;
- 6) For the establishment of insufficient street edge landscaping along the north side facing Hebert St. and the south side facing Darveau St.

#### **Exhibits Filed:**

- 1. Application dated July 6, 2016
- 2. Notification of Public Hearing dated August 10, 2016
- 3. Manitoba Status of Titles 1279195/1, 1702575/1, 2371769/1, 1279146/1, Certificate of Title 423802
- 4. Letter of authorization dated December 3, 2015 from The City of Winnipeg to Susnstone Resort Communities LP
- 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 10 inclusive, for File DAV 135803/2016D dated July 5, 2016
- 7. Plan of the Topographic Survey from Barnes and Duncan dated June 18, 2015
- 8. Sketch of Proposed Plan of Public Lane to be Closed from Barnes and Duncan dated January 14, 2016
- 9. Title Plot Sketch showing Proposed Plan of Survey from Barnes and Duncan dated January 14, 2016
- 10. Report from the Urban Planning Division dated August 25, 2016
- 11. Inspection Report
- 12. Communication dated September 12, 2016, submitted at the public hearing by Walter Kleinschmit
- 13. Communication dated September 9, 2016, submitted at the public hearing by Leo Pelland
- 14. Presentation submitted at the public hearing by Sheila Holland and Constance Menzies
- 15. Communication dated September 12, 2016, submitted at the public hearing on behalf of Stephane Dorge
- 16. Communication dated September 12, 2016, submitted at the public hearing by Walter Kleinschmit
- 17. Communication dated September 12, 2016, from Real Rioux in opposition to the application.
- 18. Communication dated September 30, 2016, from John Stockwell in opposition to the application
- 19. Communication dated September 30, 2016, from Constance Menzies in opposition to the application

- 20. Communication dated September 30, 2016, from Heather Sorko in opposition to the application
- 21. Communication dated October 1, 2016, from Peter Panufnik in opposition to the application
- 22. Communication dated October 1, 2016, from Brenda Hildebrand in opposition to the application
- 23. Communication dated October 1, 2016, from Sheila Holland in opposition to the application
- 24. Communication dated October 2, 2016, from Margie Harris in opposition to the application
- 25. Communication dated October 3, 2016, from Brad Senkiw in opposition to the application
- 26. Communication dated October 3, 2016, from Kanwal Saran in opposition to the application
- 27. Communication and presentation dated October 3, 2016, from Meghan Robert in opposition to the application
- 28. Communication dated October 3, 2016, from Frederick and Denise Keep in opposition to the application
- 29. Communication dated October 3, 2016, from Paul Lussier in opposition to the application
- 30. Communication dated September 30, 2016, submitted at the public hearing by Jason Coreau and Christine Wilson MacLeod
- 31. Communication dated September 12, 2016, submitted at the public hearing by Walter Kleinschmit
- 32. Communication submitted at the public hearing by Jason Coreau

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

Moved by Councillor  That in accordance with Subsection 247(3) of The City of Winnipeg			
Charter, the Variance,			
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 Councillor  That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in and the Variance be approved / rejected.			
Moved by Councillor  That the public hearing with respect to this application be concluded.			
REPRESENTATIONS:			
In Support:			
Bill Coady Jason Coreau Christine Wilson-MacLeod			

# In Opposition:

Walter Kleinschmit

Leo JR Pelland

Real Rioux

Ben Starkey

Peter Panufnik

Christopher Nikkel

Don Sawatzky

Sheila Holland

**Constance Menzies** 

Josée Lemoine

Margie Harris

Gavin Jag

Annelie Reimer

Mireille Lamontagne

David Lesage

Louise R. Potter

Gil Grenier

Girard Pelland

Dr. Pat O'Leary

Paul Lussier

Karl Brosch

Susan Brosch

Brenda Hildebrand

John Stockwell

Claudette Toupin

Jennifer Janzen

Tom Scott

Richard Baril

Ray MacNutt

**Daniel Simard** 

Adam Janzen

Asha Janzen

Stephane Dorge

Malinda Lee

**Brad Senkiw** 

Heather Sorkow

Kanwal Saran

Meghan Robert

Frederick Keep

Denise Keep

# For Information:

Pat Wat Scott Chang Christopher Nikkel Jeremy Frost Ravi Joshi

# For the City:

- G. Jasper, Land Development Administrator, Planning, Property and Development Department
- B. Buyachok, Real Property Officer, Planning, Property and Development Department
- R. Mahé, Planner, Planning, Property and Development Department
- E. Finnigan, Planner, Planning, Property and Development Department
- S. Jerez, Planner, Planning, Property and Development Department

# **ADMINISTRATIVE REPORT**

Title: DAV 16-135803\D - 825 Taché AVE

**Issue:** For consideration at the public hearing for variances associated with the

construction of a multi-family building, a two-family dwelling and two mixed-use

buildings zoned "RMU".

Critical Path: Riel Committee as per the Development Procedures By-law and

The City of Winnipeg Charter.

# **AUTHORIZATION**

Author	Division Head	Department Head	CFO	CAO
Richard Mahé	B. Smith	n/a	n/a	

# **RECOMMENDATIONS**

The Urban Planning Division recommends **approval as modified** of the application to vary the proposed "RMU" Dimensional Standards of Zoning By-law No. 200/2006 as follows:

- 1) for the construction of a multi-family dwelling to permit:
  - a) no north corner side yard instead of 20 feet (6.1 metres);
  - b) a south corner side yard of 11 feet (3.35 metres) instead of 20 feet (6.1 metres);
  - c) a rear yard of 12 11 feet (3.35 metres) to the principal building and balconies instead of 25 feet (7.62 metres);
  - d) 6 visitor spaces instead of 9 spaces;
- 2) for the construction of a two-family dwelling to permit a front yard of 10 feet (3.05 metres) instead of 20 feet (6.1 metres);
- 3) for the construction of two mixed-use commercial/residential buildings to permit:
  - a) a front yard of 10 feet (3.05 metres) instead of 20 feet (6.1 metres);
  - b) a south corner side yard of 13 feet (3.96 metres) instead of 20 feet (6.1 metres);
- 4) for the establishment of 90 parking spaces for all uses instead of a range of 100 to 110 spaces;
- 5) for the establishment of an accessory parking area to permit:
  - a) no south corner side yard instead of 20 feet (6.1 metres);
  - b) no north interior side yard instead of 5 feet (1.52 metres);
  - c) no south interior side yard instead of 5 feet (1.52 metres);
  - d) parking spaces within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet or less from grade for the two-family dwelling;

6) for the establishment of insufficient street edge landscaping along the north side facing Hebert St. and the south side facing Darveau St.

Subject to the following condition(s):

- 1) That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance shall terminate.
- 2) That, the developer be required to plant four (4) tree within the PR1 lands (Parcel G) adjacent to the subject property, all to the satisfaction of the City of Winnipeg Park Forrester.

#### 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 Riel 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, a development permit can be issued.

#### FILE/APPLICANT DETAILS

FILE: DAV 16-135803\D RELATED FILES: DASZ 34/2016 Riel Committee

**NEIGHBOURHOOD #:** 5.501

**SUBJECT:** To vary the proposed "RMU" Dimensional Standards of Zoning By-

law No. 200/2006 as follows:

1) for the construction of a multi-family dwelling to permit: a) no north corner side yard instead of 20 feet (6.1 metres);

b) a south corner side yard of 11 feet (3.35 metres) instead of 20

feet (6.1 metres);

c) a rear yard of 11 feet (3.35 metres) to the principal building and

balconies instead of 25 feet (7.62 metres);

d) 6 visitor spaces instead of 9 spaces:

2) for the construction of a two-family dwelling to permit a front yard

of 10 feet (3.05 metres) instead of 20 feet (6.1 metres);

3) for the construction of two mixed-use commercial/residential

buildings to permit:

a) a front yard of 10 feet (3.05 metres) instead of 20 feet (6.1

metres);

b) a south corner side yard of 13 feet (3.96 metres) instead of 20

feet (6.1 metres);

- 4) for the establishment of 90 parking spaces for all uses instead of a range of 100 to 110 spaces;
- 5) for the establishment of an accessory parking area to permit:
- a) no south corner side yard instead of 20 feet (6.1 metres);
- b) no north interior side yard instead of 5 feet (1.52 metres);
- c) no south interior side yard instead of 5 feet (1.52 metres);
- d) parking spaces within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet or less from grade for the two-family dwelling:

6) for the establishment of insufficient street edge landscaping along the north side facing Hebert St. and the south side facing Darveau St.

**LOCATION:** 825 Tache AVE

**LEGAL DESCRIPTION:** See Comments for long legal description

APPLICANT: Christine Wilson-MacLeod

275 Commerce DR

Winnipeg, Manitoba R3P 1B3

**OWNER:** 

65 GARRY ST

Winnipeg, Manitoba R3C 4K4

#### **HISTORY**

 The City of Winnipeg issued an Expression of Interest (EOI) 617-2014 for the lands known as 825 Taché Avenue. On April 29, 2015, Council approved the sale of the land to Sunstone Resort Communities LP in accordance with the EOI 617-2014.

## **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 Taché Avenue, in the North St. Boniface neighbourhood of the St. Boniface ward.
- The site is located within the High Density Residential Area of the North St. Boniface Secondary Plan. The property is zoned "M2" Manufacturing General.
- The entire site is approximately is approximately 53,126 square feet in area (this does not include Parcel G).

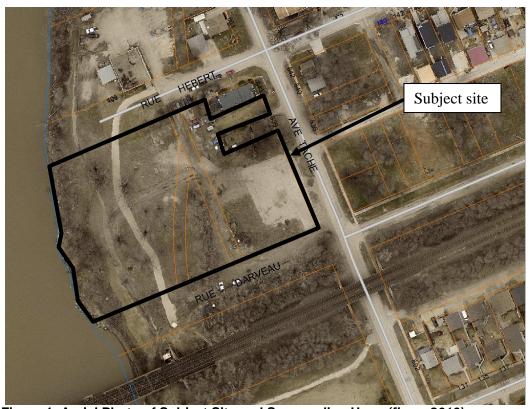


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2016)

# **SURROUNDING LAND USE AND ZONING (See Figure 2)**

North: commercial properties zoned "M2" – Manufacturing General

**South:** rue Darveau right of way and the CNR Main Line zoned "M2" – Manufacturing General

East: two single family homes zoned "M2" – Manufacturing General

West: the Red River



Figure 2: Zoning of the site and surrounding area.

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to establish a mixed use project with a maximum of 82 units.
   This project would include:
  - Developing a seven (7) storey residential condominium building containing 78 units along the Red River at Taché Avenue and Rue Hébert;
  - Developing two (2) two-storey mixed use buildings each containing one mixed use unit and one residential unit on Taché Avenue and Rue Darveau; and
  - Developing one (1) two-storey duplex building containing two (2) residential units on Taché Avenue.

# Site Plan & Building design

The proposed seven (7) storey building will be built of steel and concrete.

- Exterior finish materials will be a combination of aluminum siding, fiber cement boards and stucco.
- Common residential amenities will include an exercise room, interior bike storage and resident's lounge.

## Site Circulation and Access

The applicant is proposing that all site access be via Rue Hébert.

# Vehicular and Bicycle Parking

- Every unit will have one parking stall and there will be 6 on-site visitor parking stalls as well.
- There will be six (6) bike parking at the entrance of the building. In addition, there will be dedicated indoor bike parking for all residents.

# Garbage and Recycling

 Garbage and recycling will be private services and will be located within the multi-family building.

#### **ANALYSIS AND ISSUES**

NORTH ST. BONIFACE SECONDARY PLAN (BY LAW 965/75)

- The subject site (825 Taché) is located within the High Density Residential area within the North St. Boniface Secondary Plan. Within the implementation section of the Plan, it allows for:
  - Residential densities at 55 units per acre for properties along Taché Avenue; and
  - The establishment of new locally-oriented commercial development in conjunction with higher density residential development.
- The site is approximately 53,126 square feet in area (with the potential future rapid transit corridor). The Residential High Density area allows a maximum of 67 residential dwelling units at 55 units per acre. However, given the property meets condition (D) of under Section 2 of the Implementation Section of the North St. Boniface Secondary Plan, the project is able to receive an additional 25% density. This 'density bonus' would allow for a maximum of 83 residential dwelling units.
- The Implementation section of the plan also encourages the assembly and enhancement of riverbank properties to enable an integrated and continuous linear parkway system. This proposal achieves that by rezoning and dedicating approximately 100 feet from the top of bank as PR-1 zoned lands. This is shown as Parcel G on Schedule A.

## CITY OF WINNIPEG ZONING BY-LAW 200/2006

- Currently, the lands are zoned "M2" Manufacturing General. The intent of the "M2" zoning district is to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. This zoning district is incompatible with the intent of the North St. Boniface Secondary Plan for this area.
- The applicant is proposing to create a large "RMU" Residential Mixed Use site for their intended mixed use project. The intent of the "RMU" zoning district is to facilitate the development of primarily medium- to higher-scale residential development, though it also may contain limited small-scale commercial, institutional, recreational and service facilities needed to support residential development. The area, site, or building should retain a predominantly residential character.
- The applicant is also proposing to rezone the property into to create a "PR1" Parks and Recreation 1 site along the riverbank. The intent of the "PR1" zoning district is for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These types of parks spaces are generally located in a residential neighbourhood or riverbank context.

## ANALYIS OF VARIANCES

Variances associated with the construction of a multi-family dwelling

- The Urban Planning Division is supportive of permitting the multi-family building to be erected on the north property line instead of being set back 20 feet for the following reasons:
  - The North St. Boniface Secondary Plan encourages high density residential development within this part of the secondary plan. The designs of higher density sites that are sensitive to the pedestrian environment require designs that are more urban in character. This includes reduced yards; and
  - The design of the building and underground structure was constrained by needing to meet the setback requirements to the potential future rapid transit corridor (Parcel F) and the access requirements associated with Parcels A, B and D.
- The Urban Planning Division is supportive of permitting a south corner side yard of 11 feet instead of 20 feet for the following reasons:
  - This variance is taken from the potential future rapid transit corridor lot line and not from the rue Darveau lot line. If measured from the rue Darveau, the building would actually have approximately an 18 metre setback; and
  - Winnipeg Transit has not objected to the location of the building. The main issue from Winnipeg Transit's perspective is to have the multi-family building set back at least 10 feet from the potential future right of way for the rapid transit corridor.
- The Urban Planning Division is supportive of a variance as modified for a 12 foot rear yard to the principal building and balconies instead of 25 feet for the following reasons:
  - It will accommodate the building and private outdoor amenity space given the difficult site configuration;

- It should provide for enough space to delineate between private and public space; and
- The setback to the majority of the building façade is 19'7".
- The Urban Planning Division is supportive of the variance for reduced visitor parking for the following reasons:
  - There is sufficient on-street parking capacity within the immediate area to accommodate the variance that amounts to three (3) parking stalls; and
  - There is the potential for shared use of on-site parking stalls between the multifamily building and the residential/commercial mixed use buildings.

# Variance associated with the construction of the two-family dwelling

- The Urban Planning Division is supportive of the reduced front yard variance (10 feet instead of 20 feet) for the following reasons:
  - This proposed setback is line with the adjacent properties;
  - The geometry of the lot (28 feet by 90 feet) is smaller than the typical lot within the City of Winnipeg and this neighbourhood. As such, some flexibility is required to accommodate the development that fits into the character of the existing street.

# Variance associated with the construction of the two mixed-use commercial/residential buildings

- The Urban Planning Division is supportive of the variance for a reduced front yard (10 feet instead of 20 feet) for the following reason:
  - This proposed setback is line with the adjacent properties.
- The Urban Planning Division is supportive of the variance for the a reduced south corner side yard for the following reasons:
  - This variance is taken from the potential future rapid transit corridor lot line and not from the rue Darveau lot line. If measured from the rue Darveau, the building would actually have approximately an 19 metre setback; and
  - Winnipeg Transit has not objected to the location of the building. The main issue from Winnipeg Transit's perspective is to have the multi-family building set back at least 10 feet from the potential future right of way for the rapid transit corridor.

## Variance for overall on-site parking reductions

- The Urban Planning Division is supportive of a reduction in parking stalls for the uses on the site for the following reasons:
  - There are approximately 108 on-street parking spaces available within the Pointe Hébert neighbourhood. This parking total number takes into account parking inefficiencies associated with parallel parking. Of the 108 parking spaces, approximately 20 on-street parking spaces are available on avenue Taché. All of these spaces have a one (1) hour restriction on them Monday through Saturday between 9h00 and 15h30. This will provide sufficient turnover rate for the two (2) commercial store fronts as part of the project. Overall, there are about 48 single

family dwellings within the area in addition to three (3) private businesses. Given the number of on-street parking spaces and the density of the neighbourhood, there should be sufficient on-street parking availability to absorb the average daily potential demand.

Variances for accessory parking areas for the two-family dwelling and for the spaces adjacent to the potential future rapid transit corridor

- The Urban Planning Division is supportive of the variance for no south corner side yard instead of 20 feet to the accessory parking for the following reasons:
  - That if the potential future rapid transit corridor is built, accessory surface parking would be a good use adjacent to this type of corridor; and
  - That there is a construction easement agreement between the City and the property owner that addresses any issues that may arise if the potential future rapid transit corridor is built.
- The Urban Planning Division is supportive of no north and south interior side yard instead of 5 feet for the following reason:
  - That it provides a landscaping island within the parking area that provides an opportunity to soften the concrete views in the accessory parking lot area.
- The Urban Planning Division is supportive of parking spaces within 10 feet of a window to a habitable room where the sill is located 5 feet or less from grade for the two-family dwelling for the following reason:
  - The geometry of the lot (28 feet by 90 feet deep) limits the amount of space on the lot for both a dwelling unit and "off-lane" parking.

Variances for insufficient street edge landscaping

- The Urban Planning Division is supportive of the insufficient landscaping on the rue Hébert frontage for the following reasons:
  - Because the applicant is proposing a zero lot line for the multi-family dwelling;
     and
  - The applicant is proposing to plant the equivalent requirements within the newly created PR1 lands.
- The Urban Planning Division is not supportive of the insufficient landscaping variance along the rue Darveau frontage for the following reasons:
  - There is no hardship to the applicant in meeting this requirement; and
  - Providing the landscaping requirements will help to delineate between private and public space. This is important because rue Darveau will act as one of the primary access points to the Red River in the Pointe Hébert neighbourhood. When there is a lack of delineation between public and private space the Administration's experience is that private landowners tend to encroach upon City land. Providing this delineation through a combination of trees and shrubs will help to mitigate these concerns.

#### REASONS FOR RECOMMENDATIONS

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

- is consistent with Plan Winnipeg and any applicable secondary plan;
   In that, the proposed variances conform with Complete Communities Direction Strategy and the North St. Boniface 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:
  - In that, the proposed variances will not have a substantial adverse impact on the amenities, use, safety and convenience of adjoining properties.
- (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 variances are required to relieve the injurious effect of the zoning by-law and to meet the goals and objectives of Complete Communities Direction Strategy and the North St. Boniface Secondary Plan.
- (d) is compatible with the area in which the property to be affected is situated.

In that, the development has arranged the multi-family building in a manner that minimizes as much as possible the impact of its height on the existing adjacent properties. The proposal also "stitches" the Taché Avenue frontage with buildings that respect the scale of the existing properties.

# **CONSULTATION**

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

# **SUBMITTED BY**

Department: Planning, Property and Development

Division: Urban Planning Prepared by: Richard Mahé

Date: Thursday, August 25, 2016

File No. DAV 16-135803\D

Exhibit "6-" referred to in File DAV 135803/2016D

