

**Agenda – Board of Adjustment – November 28, 2018**

**PUBLIC HEARINGS**

**Item No. 2                      Variance – 398 Talbot Avenue  
(Elmwood - East Kildonan Ward)  
File DAV 122324/2018C [c/r DCU 122315/2018C]**

**WINNIPEG PUBLIC SERVICE RECOMMENDATION:**

The Urban Planning and Design Division recommends approval of the application to vary the "R2" Residential Two-Family dimensional standards of Zoning By-Law No. 200/2006 as follows:

- 1) for the construction of 10 unit, Multi-Family Dwelling to permit:
  - a) a lot area per dwelling unit of 727.55 square feet (67.6 square metres) instead of 800 square feet (74.3 square metres);
  - b) a front yard of 9 feet (2.74 metres) instead of 15 feet (4.57 metres); and
  - c) a rear yard of 21.5 feet (6.55 metres) instead of 25 feet (7.62 metres);
  
- 2) for the establishment of an Off-Street, Accessory Parking area to permit:
  - a) 10 parking spaces instead of 12 parking spaces;
  - b) no visitor parking;
  - c) no east side yard instead of 4 feet (1.22 metres);
  - d) no west side yard instead of 4 feet (1.22 metres);
  - e) parking stall widths of 8 feet (2.44 metres) instead of 10 feet (3.05 metres) for stalls that are adjacent to a fence or wall; and
  - f) no drive aisle to parallel parking stalls instead of a 12 foot (3.66 metre) drive aisle.

Subject to the following condition(s):

- 1) that one or more secure bicycle racks, having a total capacity of at least six bicycles, be shown on the plans submitted for approval by the Director of Planning, Property and Development, as per the recommended condition of approval stated in the administrative report on DCU 18-122315C.

**Agenda – Board of Adjustment – November 28, 2018**

- File: DAV 122324/2018C
- Applicant: T-Square Techniques  
(Brian Mansky)
- Premises Affected: 398 Talbot Avenue
- Legal Description: LOT 116, PLAN 514; River lot 67 Parish of ST Boniface, hereinafter called “the land”
- Property Zoned: “R2” - Residential Two-Family District
- 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 10 unit, Multi-Family Dwelling to permit:
    - A. a lot area per dwelling unit of 727.55 square feet (67.6 square metres) instead of 800 square feet (74.3 square metres);
    - B. a front yard of 9 feet (2.74 metres) instead of 15 feet (4.57 metres);
    - C. a rear yard of 21.5 feet (6.55 metres) instead of 25 feet (7.62 metres);
  2. for the establishment of an Off-Street, Accessory Parking area to permit:
    - A. 10 parking spaces instead of 12 parking spaces;
    - B. no visitor parking;
    - C. no east side yard instead of 4 feet (1.22 metres);
    - D. no west side yard instead of 4 feet (1.22 metres);
    - E. parking stall widths of 8 feet (2.44 metres) instead of 10 feet (3.05 metres) for stalls that are adjacent to a fence or wall;
    - F. no drive aisle to parallel parking stalls instead of a 12 foot (3.66 metre) drive aisle.

## **Agenda – Board of Adjustment – November 28, 2018**

### **Exhibits Filed:**

1. Application dated October 3, 2018
2. Notification of Public Hearing dated November 9, 2018
3. Manitoba Status of Title 2897247/1
4. Letter of authorization dated January 16, 2018 from Colin Spark, 7471361 to Brain Mansky
5. Surveyor's Building Location Certificate and sketch dated February 14, 2018
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 5 inclusive, for File DAV 122324/2018C dated October 2, 2018
8. Report from the Urban Planning Division dated November 19, 2018
9. Inspection Report

## **Agenda – Board of Adjustment – November 28, 2018**

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

### **REPRESENTATIONS:**

In Support:

In Opposition:

For Information:

For the City:

Moved by

That the report of the Winnipeg Public Service be taken as read.

Moved by

That the receipt of public representations be concluded.

**Agenda – Board of Adjustment – November 28, 2018**

Moved by

That in accordance with Subsection 247(3) of The City of Winnipeg Charter, the Variance,

- (a)  is consistent  is not consistent with Plan Winnipeg, and any applicable secondary plan;
- (b)  does not create  does create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
- (c)  is  is not the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
- (d)  is  is not compatible with the area in which the property to be affected is situated.

Supporting Comments:

Moved by

That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in and the Variance be approved / rejected.

Moved by

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

## ADMINISTRATIVE REPORT

- Title:** DAV 18-122324C, 398 Talbot Ave.
- Issue:** Variance Application to Accommodate a Proposed Multi-Family Dwelling and Accessory Parking
- Critical Path:** Board of Adjustment as per the *Development Procedures By-law* and *The City of Winnipeg Charter*

### AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Glen Doney	B. Smith	n/a	n/a	

### RECOMMENDATIONS

The Urban Planning and Design Division recommends approval of the application to vary the "R2" Residential Two-Family dimensional standards of Zoning By-Law No. 200/2006 as follows:

- 1) for the construction of 10 unit, Multi-Family Dwelling to permit:
  - a) a lot area per dwelling unit of 727.55 square feet (67.6 square metres) instead of 800 square feet (74.3 square metres);
  - b) a front yard of 9 feet (2.74 metres) instead of 15 feet (4.57 metres); and
  - c) a rear yard of 21.5 feet (6.55 metres) instead of 25 feet (7.62 metres);
- 2) for the establishment of an Off-Street, Accessory Parking area to permit:
  - a) 10 parking spaces instead of 12 parking spaces;
  - b) no visitor parking;
  - c) no east side yard instead of 4 feet (1.22 metres);
  - d) no west side yard instead of 4 feet (1.22 metres);
  - e) parking stall widths of 8 feet (2.44 metres) instead of 10 feet (3.05 metres) for stalls that are adjacent to a fence or wall; and
  - f) no drive aisle to parallel parking stalls instead of a 12 foot (3.66 metre) drive aisle.

Subject to the following condition(s):

- 3) that one or more secure bicycle racks, having a total capacity of at least six bicycles, be shown on the plans submitted for approval by the Director of Planning, Property and Development, as per the recommended condition of approval stated in the administrative report on DCU 18-122315C.

## REASONS FOR REPORT

This report describes the proposal and makes recommendations based on compliance with Section 247(3) of *The City of Winnipeg Charter*,

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in, and an associated conditional application is approved, the proposal can proceed.

## FILE/APPLICANT DETAILS

<b>FILE:</b>	<b>DAV 18-122324C</b>
<b>RELATED FILE:</b>	DCU 18-122315C
<b>COMMUNITY:</b>	East Kildonan – Transcona
<b>NEIGHBOURHOOD #:</b>	4.401 (Chalmers)
<b>SUBJECT:</b>	Variance Application to Accommodate a Proposed Multi-Family Dwelling and Accessory Parking
<b>LOCATION:</b>	398 Talbot Avenue
<b>LEGAL DESCRIPTION:</b>	Lot 116, Plan 514
<b>APPLICANT:</b>	T-Square Techniques, Brian Mansky Unit 200, 1200 Pembina Highway Winnipeg, MB

## 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 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 site, which is identified on Figures 1 and 2:

- is on the south side of Talbot Avenue and east of Allan Street;
- is in the Chalmers Neighbourhood and the Elmwood – East Kildonan Ward;
- contains a single-family dwelling;
- is 7,274 square feet;
- is in an Areas of Stability policy area of *OurWinnipeg* and *Complete Communities* and a Mature Communities policy area of *Complete Communities*; and
- is in a “R2” Residential Two-Family Zoning District.



**Figure 1: Looking South, image derived from 2018 aerial photography**

## SURROUNDING LAND USE AND ZONING

**North:** Talbot Avenue, which is a collector road, then single-family dwellings in a “R2” Residential Two-Family District.

**South:** Public lane then single-family dwellings in a “R1-M” Residential Single-Family (Medium) District.

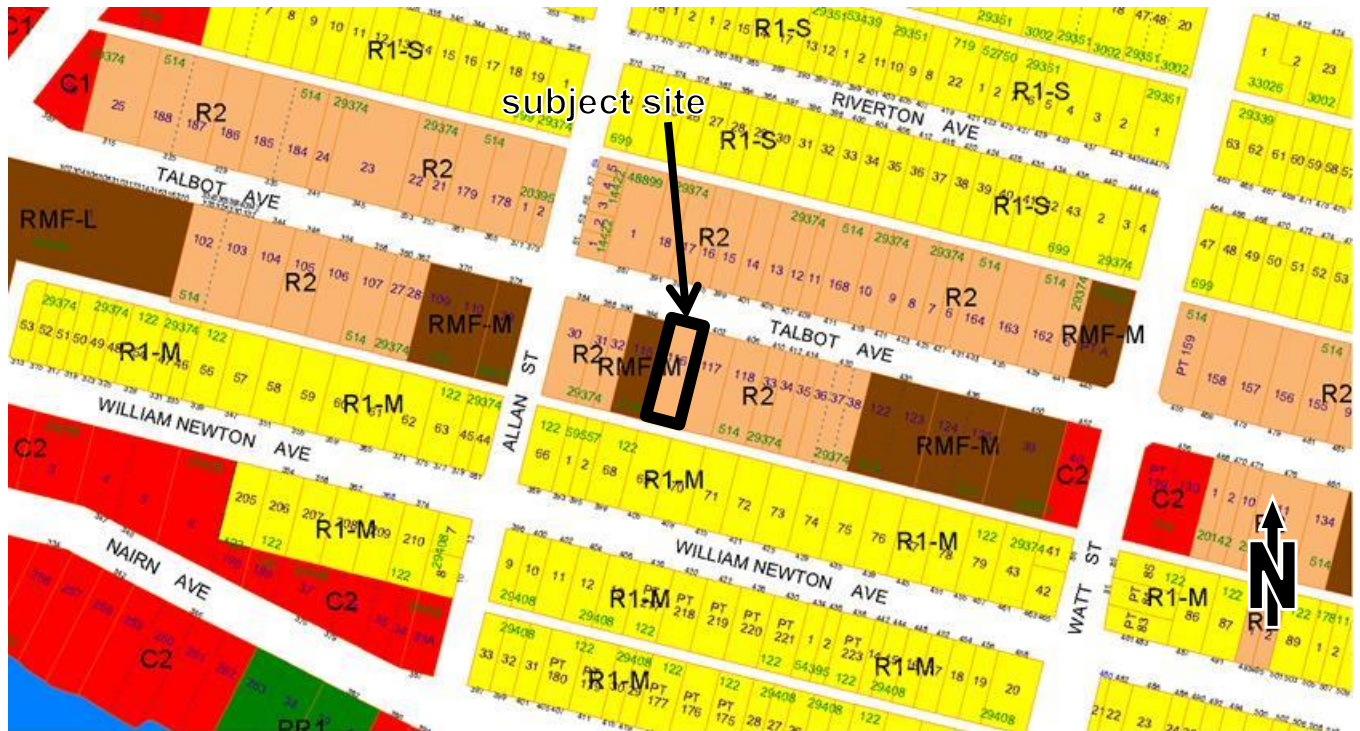
**East:** Under-construction three-storey nine-unit multi-family dwelling then a single-family dwelling, both in an “R2” District.

**West:** Three-storey, 11-unit multi-family dwelling in a “RMF-M” Residential Multi-Family District then a single-family dwelling in a “R2” District.



Also of note are:

- that the front yard to the multiple family dwelling just west of the site is approximately 10 feet deep and the rear yard to that dwelling is mostly an accessory parking area;
- that the front yard to the multiple family dwelling being built just east of the site is also approximately 10 feet deep and the rear yard to that dwelling is mostly being developed into an accessory parking area.



**Figure 2: Existing Zoning**

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal includes the demolition of the existing building and:

- the construction of
  - a three-storey multi-family dwelling containing two three-bedroom dwelling units and eight two-bedroom dwelling units;
  - surface parking containing 10 parking spaces,
  - walkways connecting the proposed dwelling to the public sidewalk in front of the site,
  - six-foot high fences next to the parking area and
  - a garbage enclosure; and
- the establishment of landscaping in the front yard.

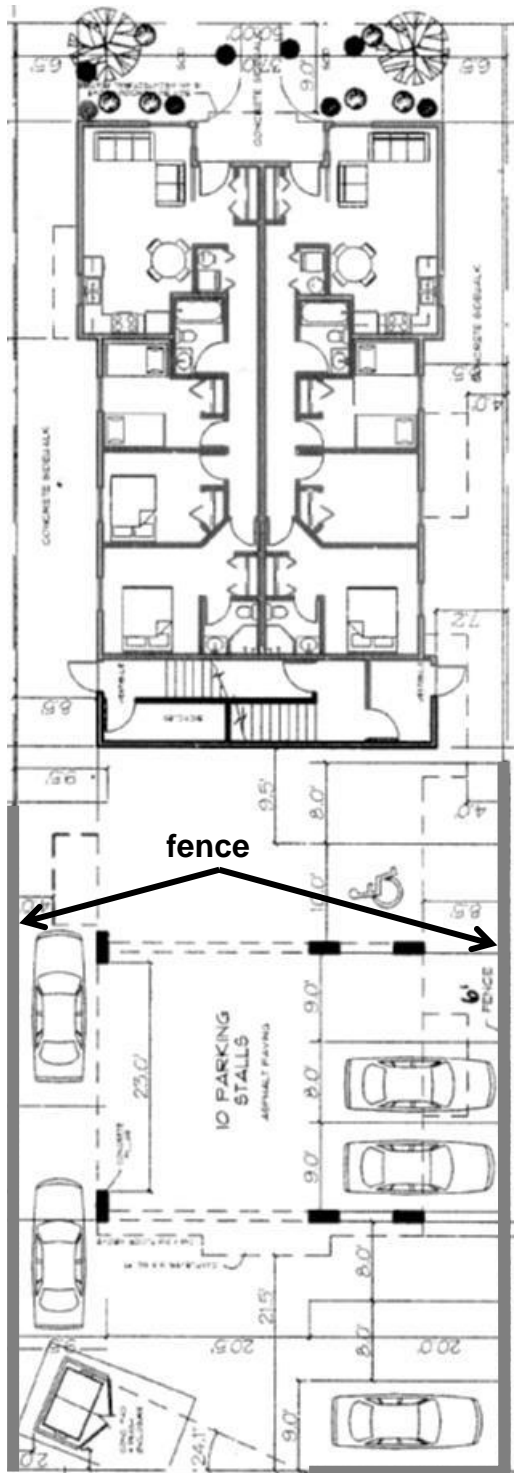


Figure 3:



In order for the proposal to proceed:

- conditional use approval is required because a multi-family dwelling is a conditional use in the “R2” Residential Two-Family District; and
- variances are required because
  - the proposed number of units would result in a lot area per dwelling unit of 727.55 square feet instead of 800 square feet,
  - the front yard to the proposed multi-family dwelling would be nine feet instead of 15 feet,
  - the rear yard to the proposed multi-family dwelling would be 21.5 feet instead of 25 feet,
  - 10 parking spaces are proposed instead of 12,
  - no visitor parking is proposed,
  - the proposed parking area would be next to the side lot lines instead of four feet away,
  - the proposed parking stalls next to a fence would be eight feet wide instead of 10 feet,
  - some of the columns supporting portions of the second and third floors would have to be avoided when accessing and egressing from the proposed parallel parking spaces (which is to be permitted by the proposed variance to permit no drive aisle to parallel parking stalls instead of a 12 foot wide drive aisle) and
  - fences are required to be between all portions of the proposed parking area and the properties that are beside the site and the properties across the back lane from the site.

Regarding the aforementioned fencing requirement, a variance is required because the site and main floor plan (on Figure 3 of this report) shows that there would be gaps in the fence (and no gate in lieu of the gaps) that is alongside much of the parking area. Therefore, an additional variance application is required to accommodate the proposed development.

A conditional use application has been submitted under File DCU 18-122315C and an administrative report has been submitted.

## **ANALYSIS AND ISSUES**

### **OURWINNIPEG AND COMPLETE COMMUNITIES**

*OurWinnipeg* is the City’s development plan and *Complete Communities* is a “Direction Strategy” of *OurWinnipeg* that provides additional directions and policies on land use and development in the city.

The Key Direction of *OurWinnipeg* and *Complete Communities* that applies to Areas of Stability states: “*Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg’s changing population.*”

The variance application and the proposed development are consistent with this Key Direction, and with *OurWinnipeg* and *Complete Communities* in general, because:

- the proposed variances would enable a development that would

- add to the supply of new two- and three-bedroom dwelling units in the neighbourhood,
  - add nine dwelling units to an established urban neighbourhood containing a variety of land uses and services, including public transit service on Talbot Avenue, Watt Street, Nairn Avenue and Stadacona Street,
  - have a front yard depth (to the proposed building) of nine feet, which is similar to the front yards of the abutting properties (approximately 10 feet),
  - have a rear yard depth of 21.5 feet, which would be compatible with the abutting rear yards because those yards are mostly for accessory parking;
  - include fencing around much of the parking area (which can be extended further so it would be a more effective buffer between the parking area and adjacent residential uses); and
- the recommended condition of approval (that one or more secure bicycle racks, having a total capacity of at least six bicycles, be shown on the plans to be submitted for approval) will enhance the quality of the development and the sustainability of the area.

The following policies under Direction 1 of Section 04, Areas of Stability, of *Complete Communities* pertain to the proposal. They state:

*Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary 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.*

*Encourage intensification to occur at centres and along corridors.*

*Support Complete Communities by ensuring diverse and high quality housing stock.*

*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 variance application and the proposed development are consistent with these policies because:

- the proposed variances would enable a development that would
  - replace one dwelling unit on a site that is 7,274 square feet with only 10 dwelling units, resulting in a lot area per dwelling unit of 727.4 square feet of site area per dwelling unit,
  - be only three storeys,
  - be on a site that is next to a collector road,
  - add to the supply of new two- and three-bedroom dwelling units in the neighbourhood,
  - have a front yard depth (to the proposed building) of nine feet, which is similar to the front yards of the abutting properties (approximately 10 feet),
  - have a rear yard depth of 21.5 feet, which would be compatible with the abutting rear yards because those yards are mostly for accessory parking and
  - include fencing around much of the parking area (which can be extended further so it would be a more effective buffer between the parking area and adjacent residential uses); and

- the recommended condition of approval (that one or more secure bicycle racks, having a total capacity of at least six bicycles, be shown on the plans to be submitted for approval) should result in a lower demand for on-street parking than would otherwise be the case.

## COMPATIBILITY AND ADVERSE EFFECT

The proposed variances are compatible with the neighbourhood, and so would not have an adverse effect on it, because:

- as stated above, they would accommodate a development that complies with the applicable Key Direction of *OurWinnipeg* and *Complete Communities* and the applicable policies of *Complete Communities*; and
- the recommended condition of approval (that one or more secure bicycle racks, having a total capacity of at least six bicycles, be shown on the plans to be submitted for approval) should result in a lower demand for on-street parking than would otherwise be the case.

## INJURIOUS EFFECT AND MINIMUM MODIFICATION

Given that a zoning by-law should be consistent with the Development Plan and any applicable Secondary Plan, that the proposal complies with *OurWinnipeg* and *Complete Communities* and that the proposal is compatible with the area in which it is to be located, indicates:

- that Zoning By-law 200/2006 has an injurious effect on the site; and
- that the proposed variances are the minimum modification required to relieve that effect.

## REASONS FOR THE RECOMMENDATIONS

In the context of Section 247(3) of *The City of Winnipeg Charter*, the Urban Planning and Design Division recommends approval, subject to the aforementioned condition, for the following reasons:

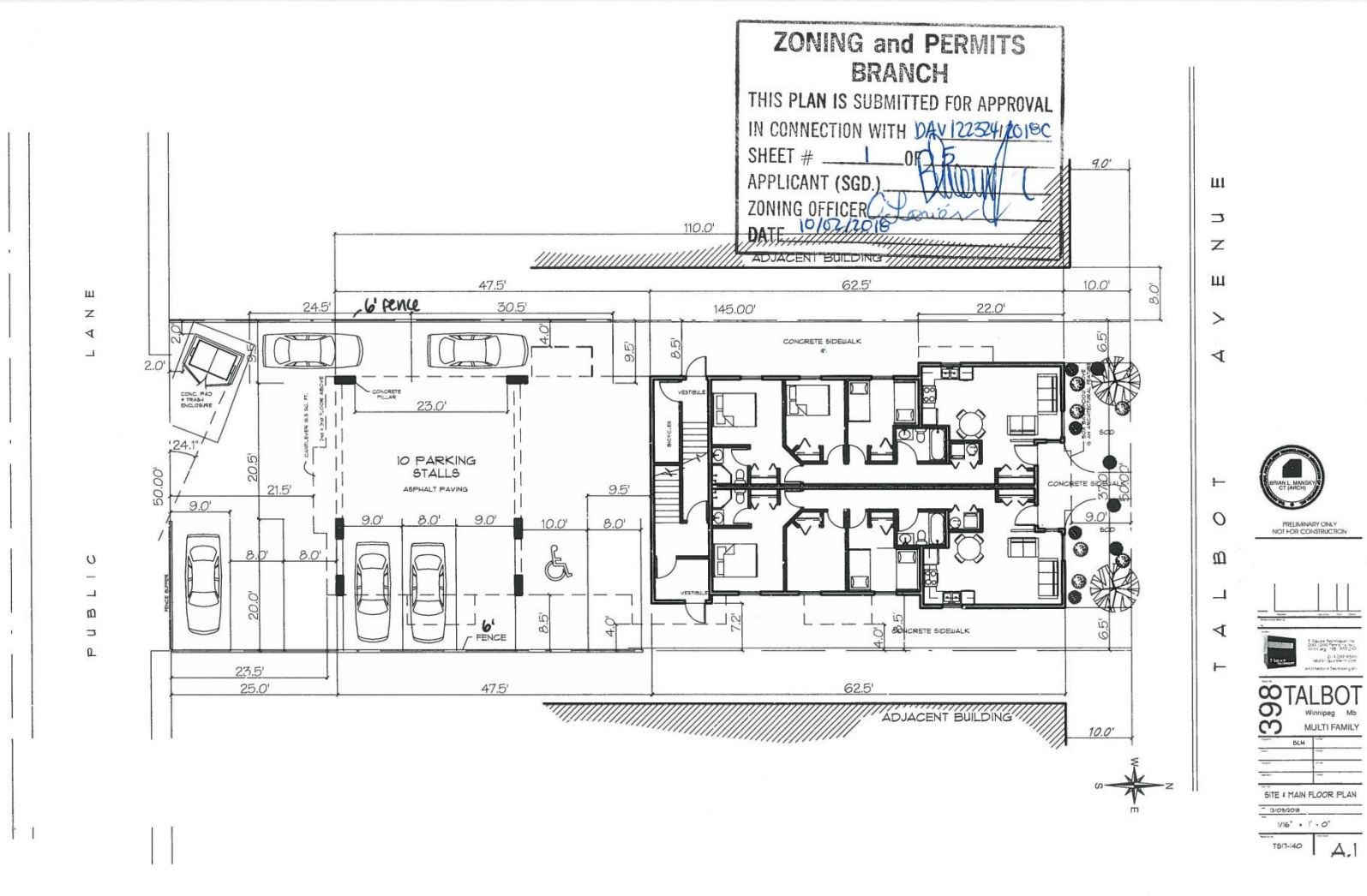
- a) The proposed variances are consistent with Plan Winnipeg and any applicable secondary plan,  
**in that** they comply with *OurWinnipeg* and *Complete Communities*;
- b) The proposed variances would not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway,  
**in that** they would enable a development that is compatible with the surrounding neighbourhood and, therefore, will not cause any adverse effect on the amenities, use and safety of adjoining properties in the area; and
- d) The proposed variances are compatible with the area in which the property to be affected is situated,  
**in that**, with the aforementioned condition of approval, the proposed development would be consistent with the pertinent Key Direction and policies of *OurWinnipeg* and *Complete Communities*.

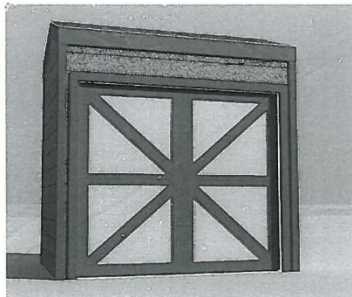
## CONSULTATION

Consultation was not warranted to prepare this report.

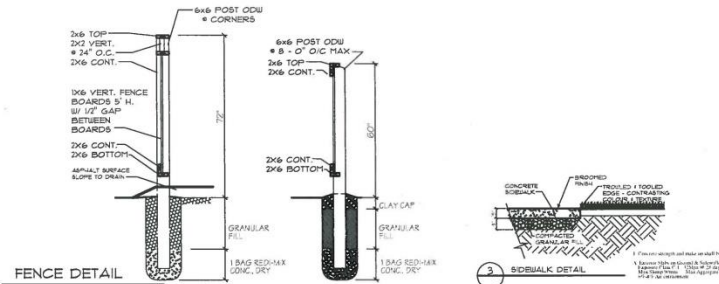
## SUBMITTED BY

Department: Planning, Property and Development  
Division: Urban Planning  
Prepared by: Glen Doney  
Date: November 19, 2018  
File No: **DAV 18-122324C**





GARBAGE ENCLOSURE



**ZONING and PERMITS  
BRANCH**

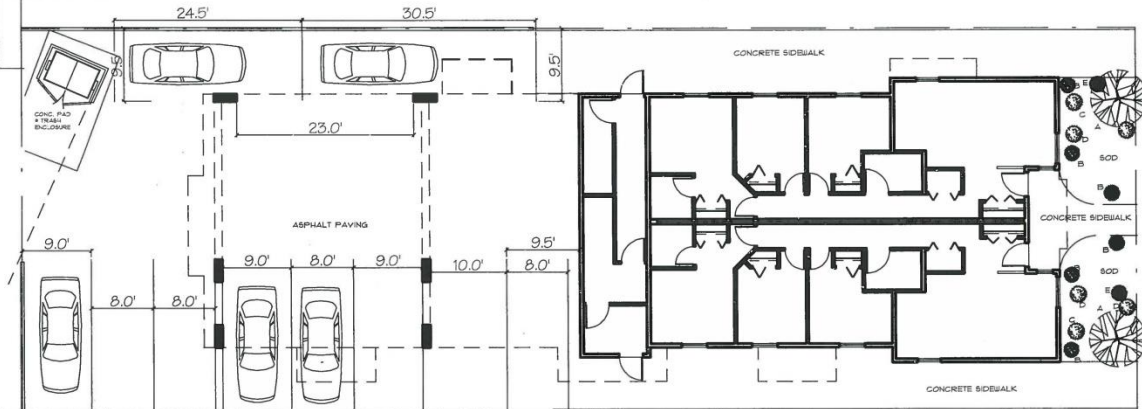
THIS PLAN IS SUBMITTED FOR APPROVAL  
IN CONNECTION WITH DAV122324/2018C

SHEET # 2 OF 5

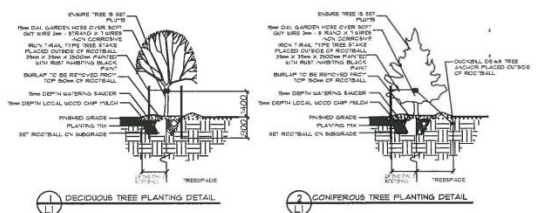
APPLICANT (SGD.) [Signature]

ZONING OFFICER [Signature]

DATE 10/02/2018



NO.	BOTANICAL NAME	COMMON NAME	REMARKS
A	Tilia x flavescens	Droopore Linden	Min. 10' height, min. 24" dia. rootball. Specimen Quality, etc.
B	Cornus sericea 'lance'	Lance Dogwood	Min. 4 stems, each stem to be min. 24" height. Container.
C	Syringa patula	Miss Kis Lilac	Min. 10 stems, each stem to be min. 18" height. Container.
D	Buon. nana 'Turkistanica'	Dwarf Burningbush	Min. 6 stems, each stem to be min. 18" height. Container.
E	Eleagnus commutata	Silverberry	Min. 6 stems, each stem to be min. 18" height. Container.



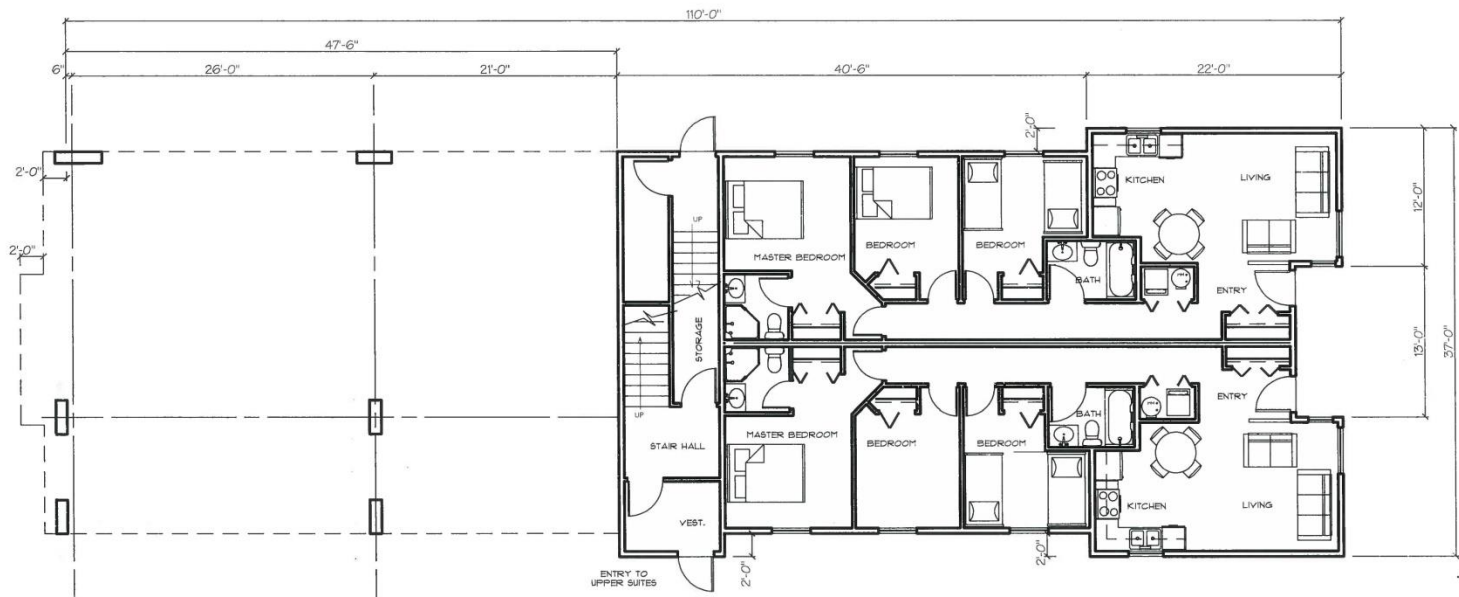
**398 TALBOT**  
Landscape Architecture  
Whitweg, MA  
MULTI FAMILY

DATE: 10/02/2018

1/8" = 1'-0"

T81140 | AL.1





PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

**MAIN FLOOR PLAN**

2081 SQ. FT.

**ZONING and PERMITS  
BRANCH**

THIS PLAN IS SUBMITTED FOR APPROVAL  
IN CONNECTION WITH DAV 122324/2018C

SHEET # 3 OF 5

APPLICANT (SGD) [Signature]

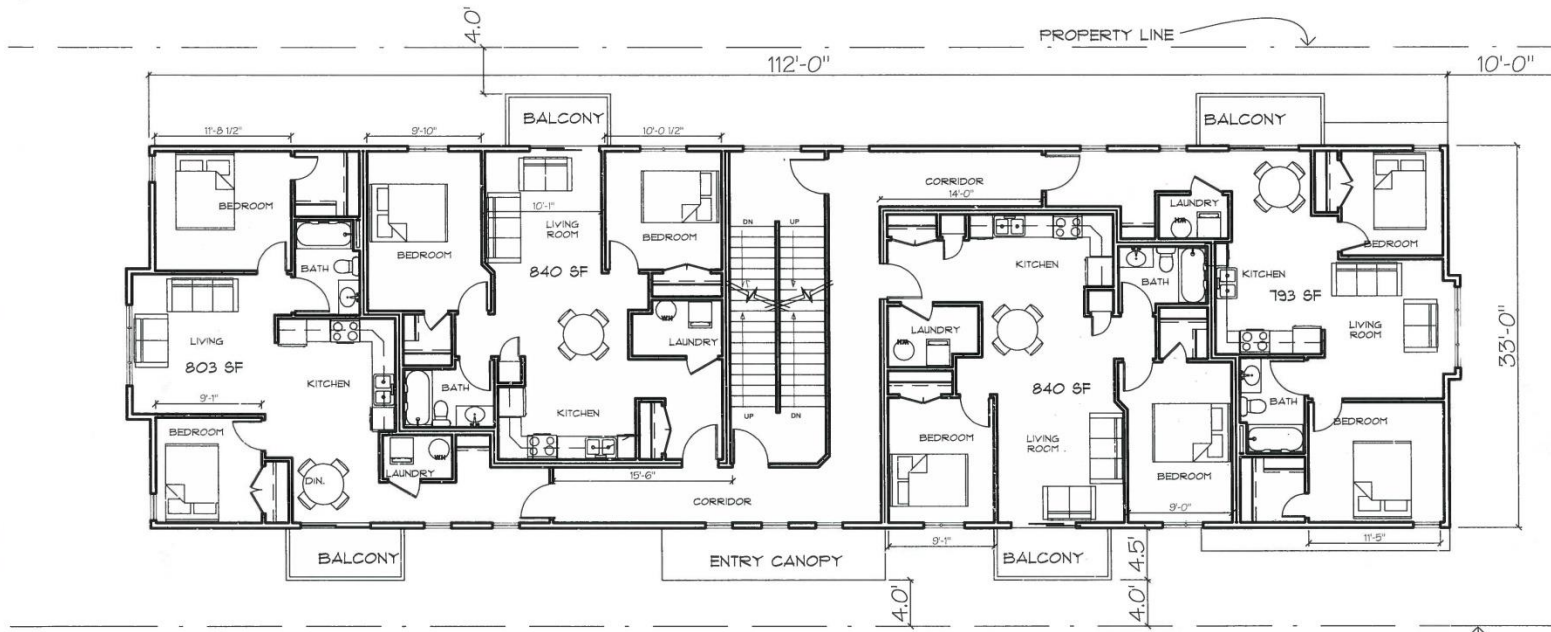
ZONING OFFICER [Signature]

DATE 10/02/2018

398 TALBOT  
Winnipeg, Mb

DLN

MAIN FLOOR PLAN  
24/08/2018  
3/32" x 1'-0"  
TS17-140 | A.2



SECOND & THIRD FLOOR PLAN  
3664 SQ. FT.

**ZONING and PERMITS  
BRANCH**

THIS PLAN IS SUBMITTED FOR APPROVAL  
IN CONNECTION WITH DAV 122324 1201BC

SHEET # 4 OF 5

APPLICANT (SGD.) [Signature]

ZONING OFFICER [Signature]

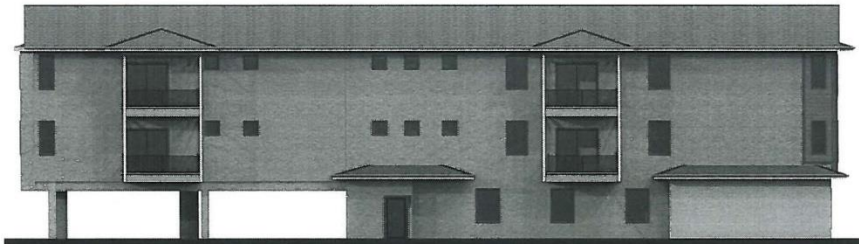
DATE 10/02/2018

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

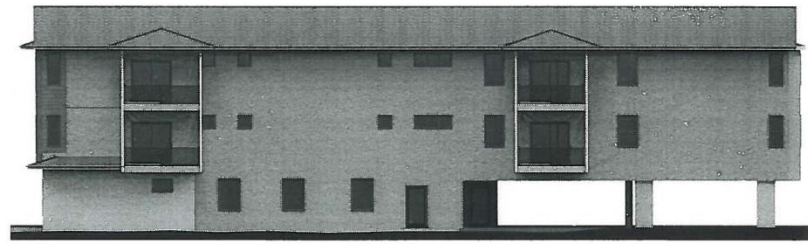
TALBOT  
398  
Winnipeg MB

BLN

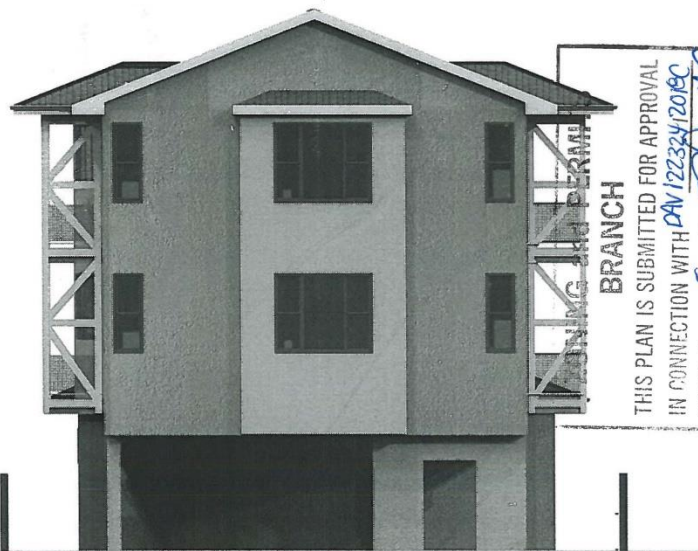
SECOND & THIRD FLOOR PLAN  
24/08/2018  
3/32" = 1' - 0"  
TS11-140 **A.3**



EAST SIDE ELEVATION



WEST SIDE ELEVATION



SOUTH END ELEVATION



NORTH END ELEVATION

BRANCH  
 THIS PLAN IS SUBMITTED FOR APPROVAL  
 IN CONNECTION WITH DAV 1223241201EC  
 SHEET # 5 OF 5  
 DATE 10/02/2018

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

**398 TALBOT**  
Winnipeg, MB

DLM

**ELEVATIONS**  
14/09/2018  
3/32" = 1'-0"  
T81-140 | **A.5**