

Agenda – Board of Adjustment – April 4, 2018

PUBLIC HEARINGS

**Item No. 1 Variance – 96 Maryland Street
(Daniel McIntyre Ward)
File DAV 106390/2018C**

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application to vary the "RMF-M" dimensional standards of Zoning By-Law No. 200/2006 to permit as follows:

- 1) for the construction of a multi-family dwelling (6 units) to permit:
 - a) a lot area per dwelling unit of 732 square feet (68 square metres) instead of 800 square feet (74.32 square metres);
 - b) a front yard of 12 feet (3.66 metres) instead of 20 feet (6.10 metres)
 - c) a north side yard of 6 feet (1.83 metres) instead of 14 feet (4.27 metres);
 - d) a south side yard of 6 feet (1.83 metres) instead of 14 feet (4.27 metres);
 - e) a rear yard of 23 feet (7.01 metres) instead of 25 feet (7.62 metres);

- 2) for the establishment of an accessory parking area to permit:
 - a) 6 parking stalls instead of 7 stalls;
 - b) a tandem parking stall;
 - c) insufficient buffering of parking area located within 20 feet (6.1 metres) of a side or rear lot line abutting or adjacent to a residential zoning district;
 - d) parking space widths of 9 feet (2.74 metres) instead of 10 feet (3.05 metres) for parking spaces adjacent to a fence or wall.

Subject to the following condition:

- 1) That the Owner must submit plans showing the location and design of any and all proposed:
 - i. buildings;
 - ii. accessory parking areas;
 - iii. garbage enclosures;
 - iv. fencing;
 - v. exterior lighting; and
 - vi. landscaping

on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

Agenda – Board of Adjustment – April 4, 2018

- File: DAV 106390/2018C
- Applicant: 2 Architecture Inc.
(Andre Silva)
- Premises Affected: 96 Maryland Street
- Legal Description: LOT 12 PLAN 34419 70/71 ST JA, hereinafter called “the land”
- Property Zoned: “RMF-M” - Residential Multi-Family Medium District
- Nature of Application: To vary the “RMF-M” District Dimensional Standards of the Winnipeg Zoning By-Law No. 200/2006 to permit as follows:
1. for the construction of a multi-family dwelling (6 units) to permit:
 - A. a lot area per dwelling unit of 732 square feet (68 square metres) instead of 800 square feet (74.32 square metres);
 - B. a front yard of 12 feet (3.66 metres) instead of 20 feet (6.10 metres)
 - C. a north side yard of 6 feet (1.83 metres) instead of 14 feet (4.27 metres);
 - D. a south side yard of 6 feet (1.83 metres) instead of 14 feet (4.27 metres);
 - E. a rear yard of 23 feet (7.01 metres) instead of 25 feet (7.62 metres).
 2. for the establishment of an accessory parking area to permit:
 - A. 6 parking stalls instead of 7 stalls;
 - B. a tandem parking;
 - C. insufficient buffering of parking area located within 20 feet (6.1 metres) of a side or rear lot line abutting or adjacent to a residential zoning district;
 - D. parking space widths of 9 feet (2.74 metres) instead of 10 feet (3.05 metres) for parking spaces adjacent to a fence or wall.

Agenda – Board of Adjustment – April 4, 2018

- Exhibits Filed:
1. Application dated February 20, 2018
 2. Notification of Public Hearing dated February 21, 2018
 3. Manitoba Status of Title 2929139/1
 4. Letter of authorization dated January 17, 2018 from Ihan (Albu) Emre, 5537194 Mb. Inc. and Songul Bozat-Emre to 2 Architecture Inc.
 5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising dated February 21, 2018
 6. Plans, Sheets 1 to 6 inclusive, for File DAV 106390/2018C dated February 5, 2018
 7. Report from the Urban Planning Division dated March 7, 2018
 8. Inspection Report dated March 13, 2018
 9. Notice of Adjournment dated March 16, 2018
 10. Ammended application dated March 7, 2018
 11. Notification of Public Hearing dated March 8, 2018
 12. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising dated March 20, 2018
 13. Report from the Urban Planning Division dated March 12, 2018
 14. Inspection Report

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:

Agenda – Board of Adjustment – April 4, 2018

Moved by

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

Moved by

That the receipt of public representations be concluded.

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.

REVISED ADMINISTRATIVE REPORT

Title: DAV 18-106390\C – 96 Maryland ST

Issue: For consideration at the public hearing for a variance for a multiple-family building with 6 units.

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
A. Ross, RPP	B. Smith, RPP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the "RMF-M" dimensional standards of Zoning By-Law No. 200/2006 to permit as follows:

- 1) for the construction of a multi-family dwelling (6 units) to permit:
 - a) a lot area per dwelling unit of 732 square feet (68 square metres) instead of 800 square feet (74.32 square metres);
 - b) a front yard of 12 feet (3.66 metres) instead of 20 feet (6.10 metres)
 - c) a north side yard of 6 feet (1.83 metres) instead of 14 feet (4.27 metres);
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Subject to the following condition:

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

- i. buildings;
- ii. accessory parking areas;
- iii. garbage enclosures;
- iv. fencing;
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- vi. landscaping

on the Owner's Land ("Works") to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

REASON FOR THE REPORT

- 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 variance for a multiple-family building with 6 units may be approved.

FILE/APPLICANT DETAILS

FILE: DAV 18-106390\C

RELATED FILES:

COMMUNITY: City Centre Committee

NEIGHBOURHOOD #: 1.113 **Wolseley**

SUBJECT:

- 1) for the construction of a multi-family dwelling (6 units) to permit:
 - a) a lot area per dwelling unit of 732 square feet (68 square metres) instead of 800 square feet (74.32 square metres);
 - b) a front yard of 12 feet (3.66 metres) instead of 20 feet (6.10 metres)
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- d) parking space widths of 9 feet (2.74 metres) instead of 10 feet (3.05 metres) for parking spaces adjacent to a fence or wall.
- e) a rear yard of 23 feet (7.01 metres) instead of 25 feet (7.62 metres);

LOCATION: 96 Maryland ST
LEGAL DESCRIPTION: LOT 12 PLAN 34419 70/71 ST JA

APPLICANT: ANDRE SILVA
 54 MARYLAND AVE Unit 101
 Winnipeg , Manitoba R3G 1K7

OWNER: 312 LAMONT BLVD
 Winnipeg , Manitoba R3P 0G1

HISTORY

N/A

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 the west side of Maryland Street, two properties south of Westminster Avenue, in the Wolseley neighbourhood of the Daniel McIntyre ward.

The subject property has been vacant since a 2016 fire destroyed the previous onsite dwelling.

The site is designated as being within a Mature Community under the *Complete Communities Direction Strategy*. The property is zoned "RMF-M" - Residential Multiple-Family – Medium and is 4,394 sq. ft. in size.

SURROUNDING LAND USE AND ZONING (See Figures 1 and 2)

North: Multiple-family residential development (zoned “RMF-L” Residential Multi-Family - Large)

South: Triplex (zoned “RMF-M” Residential Multi-Family - Medium)

East: Maryland Street, then single and multiple family uses (zoned “RMU” Residential Mixed Use)

West: Rear lane, then single family uses (zoned “R2” Residential Two-Family)



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



Figure 2: Existing zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks variances for density, yards, parking and buffering in order to establish a four-storey multi-family residential building with 6 units on the subject property.

REASON FOR APPLICATION

Density

In the RMF-M district, the maximum permitted density is one dwelling unit per 800 sq. ft. of lot area. The applicant seeks a density of one dwelling unit per 732 sq. ft. of lot area, therefore a variance is required.

Yards

Front yard

A Front Yard Building Alignment is calculated for multi-family developments in cases where the standard front yard setback in the Zoning By-Law is inconsistent with the majority of front yards on the subject block. In this case, the Front Yard Alignment is 20 feet. The applicant proposes a front yard of 12 feet, therefore a variance is required.

North side yard

In the RMF-M district, a side yard of 14 feet is required for a 4-storey building. The applicant proposes a north side yard of 6 feet, therefore a variance is required.

South side yard

In the RMF-M district, a side yard of 14 feet is required for a 4-storey building. The applicant proposes a south side yard of 6 feet, therefore a variance is required.

Rear yard

In the RMF-M district, a rear yard of 25 feet is required. The applicant proposes a rear yard of 23 feet, therefore a variance is required.

Parking

Number of stalls

The property is located within the Urban Infill Area and as such, carries a standard of 1.2 parking stalls per unit for multifamily development, resulting in a requirement of 7 stalls for this development. The applicant is providing 6 stalls instead of 7 stalls, therefore a variance is required.

Tandem stall

Tandem parking (a stall accessed by passing through another stall) requires a variance under the Zoning By-Law. The applicant seeks 1 tandem stall.

Width of parking spaces adjacent to a fence

A minimum width of 10 feet is required for parking stalls located immediately adjacent to a fence or wall. The two parking stalls at the edges of the site are adjacent to fences. The two stalls only accommodate a width of 9 feet, therefore a variance is required.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

As per the *Complete Communities Direction Strategy*, the proposed development falls within Areas of Stability – Mature Communities policy area. Key policies guiding development within 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.
- Support Complete Communities by ensuring diverse and high quality housing stock.
- Encourage intensification to occur at centres and along Corridors.
- 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 development represents a moderate density increase, and adds to the mix of housing options in the Wolseley neighbourhood through a development that is complementary in height and scale. The property is located on a Corridor. The density aligns with the *Complete Communities* direction for supporting infill in Mature Communities as well as focusing growth to corridors and other areas positioned to best accommodate it.

ZONING

The Urban Planning Division worked with the applicant on design, scale, street presentation and façade materials, to arrive at a development that meets *Complete Communities* policies and supports the context.

Density

For new multifamily developments, the Urban Planning Division generally supports density variances up to 10% above the standard requirement in the Zoning By-Law. Beyond this, the Division generally requires a rezoning to a higher-intensity residential zoning district. The density variance in this case is 8.3%, which is less than the 10% commonly supported amount. The Division supports this relatively minor variance and recommends that it be approved.

Yards

Front yard

The front yard at 92 Maryland Street is ~20 feet and the front yard of 100 Maryland Street is ~8 feet. The subject property is located between these two properties. The front yard of 12 feet was recommended to the applicant as being suitable for this property because it is located next to a corner lot with a lesser front yard; and 12 feet provides a sufficient transition between the two adjacent dwellings. As such, the Division supports the variance and recommends that it be approved.

North side yard

The Urban Planning Division will often support 6-8 feet for side yards of three or four storey buildings in residential districts within Mature Communities. Such variances are considered in order to provide support for infill development in appropriate locations, while balancing the need for privacy and separation from adjacent residential dwellings. Being located on a corridor, the Division believes that this is an appropriate location for multifamily infill development in alignment with *Complete Communities*. Six feet is deemed to be sufficient to balance the need for privacy and separation. The Division supports this variance and recommends that it be approved.

South side yard

As with the property's north side yard, the south side yard abuts residential. For the same reasons as above, the Urban Planning Division supports the variance for a 6 foot south side yard instead of 14 feet, and recommends that it be approved.

Rear yard

The variance for 23 feet instead of 25 feet for the rear yard is a minor reduction to the zoning requirement. The plan meets the required length of 23 feet for parking stalls accessed directly from a lane, which will ensure functionality for the parking. The Urban Planning Division therefore supports this variance and recommends that it be approved.

Parking

Number of stalls

The variance for 6 stalls instead of 7 stalls is a minor reduction to the zoning requirement. The applicant is providing the required visitor parking and accessible parking. The Urban Planning Division supports this variance and recommends that it be approved.

Tandem stall

Tandem parking is not an ideal parking arrangement but it can be functional if overseen properly

by building management. In this case, constraints of the site make it difficult to provide sufficient parking required by the Zoning By-Law without a tandem configuration for one of the stalls. The Urban Planning Division anticipates that one such stall can be managed in a functional way. The Urban Planning Division supports this variance and recommends that it be approved.

Width of parking spaces adjacent to a fence

The Urban Planning Division often supports slight reductions to the required width of parking stalls next to a fence in Mature Communities and other areas in which lots are smaller/ more constrained. Were the Division to not support this variance, the result would be fewer stalls. The Division believes that a functional number of stalls onsite is a more important factor than the reduction in width from 10 feet to 9 feet. The Division supports this variance and recommends that it be approved.

OTHER CONSIDERATIONS

Plan Approval

Plan approval by the Director is recommended for this development, in order to provide opportunity for collaboration on final site and design details.

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 development represents a moderate density increase, and adds to the mix of housing options in the Wolseley neighbourhood through a development that is complementary in height and scale.

- (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 development is complementary in height and scale with surrounding 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 variances are relatively minor and similar to others typically supported for infill developments that meet policies for Mature Communities.

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

In that, the development is complementary in height and scale with surrounding 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: Andrew Ross, RPP, MCIP
Date: Monday, March 12, 2018
File No. DAV 18-106390\C

ADMINISTRATIVE REPORT

Title: DAV 18-106390\C – 96 Maryland ST

Issue: For consideration at the public hearing for a variance for a multiple-family building with 6 units.

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
A. Ross, RPP	B. Smith, RPP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends **adjournment** of the application to vary the "RMF-M" dimensional standards of Zoning By-Law No. 200/2006 due to improper posting of variances.

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 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 variance for a multiple-family building with 6 units will be **adjourned** to the April 4, 2018 Board of Adjustment meeting.

FILE/APPLICANT DETAILS

FILE: DAV 18-106390\C

RELATED FILES:

COMMUNITY: City Centre Committee

NEIGHBOURHOOD #: 1.113 **Wolseley**

- SUBJECT:**
- 1) for the construction of a multi-family dwelling (6 units) to permit:
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LOCATION: 96 Maryland ST
LEGAL DESCRIPTION: LOT 12 PLAN 34419 70/71 ST JA

APPLICANT: ANDRE SILVA
54 MARYLAND AVE Unit 101
Winnipeg , Manitoba R3G 1K7

OWNER: 312 LAMONT BLVD
Winnipeg , Manitoba R3P 0G1

HISTORY

The subject property has been vacant since a 2016 fire destroyed the previous onsite dwelling.

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;
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SITE DESCRIPTION

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The site is designated as being within a Mature Community under the *Complete Communities Direction Strategy*. The property is zoned “RMF-M” - Residential Multiple-Family - Medium.

SURROUNDING LAND USE AND ZONING (See Figures 1 and 2)

North: Multiple-family development (zoned “RMF-L” Residential Multi-Family - Large)

South: Triplex (zoned “RMF-M” Residential Multi-Family - Medium)

East: Maryland Street, then single and multiple family uses (zoned “RMU” Residential Mixed Use)

West: Rear lane, then single family uses (zoned “R2” Residential Two-Family)



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



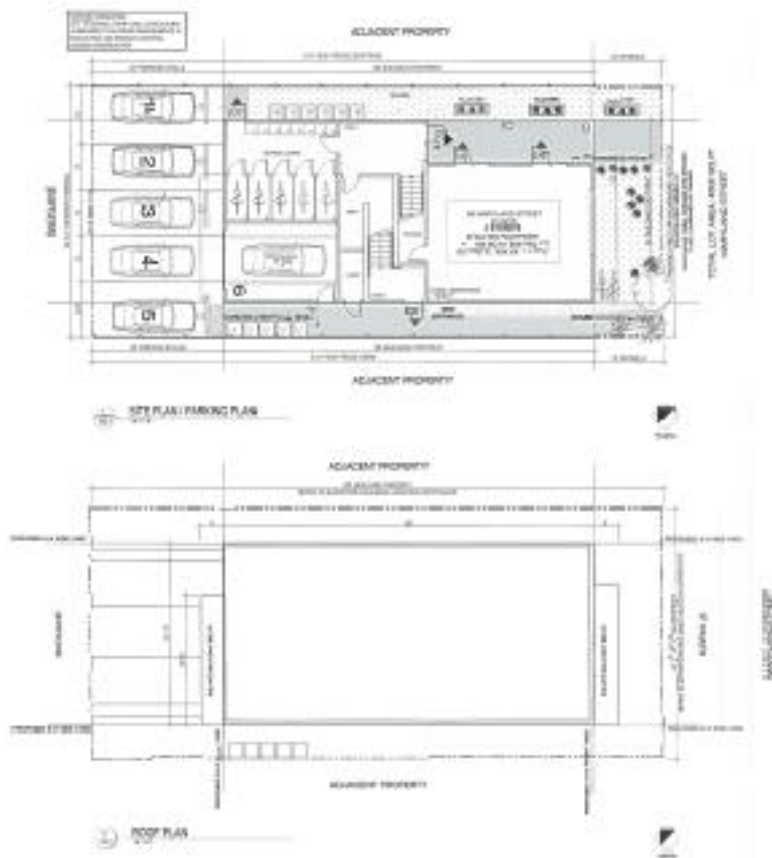
Figure 2: Existing zoning context

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **adjournment** due to improper posting of variances.

SUBMITTED BY

Department: Planning, Property and Development
 Division: Urban Planning
 Prepared by: Andrew Ross, RPP, MCIP
 Date: Wednesday, March 07, 2018
 File No. DAV 18-106390\C



**ROOF PLAN
LEGEND / KEYNOTES**

- KEYNOTES**
- 1. UNLESS OTHERWISE NOTED, ALL ROOFING SHALL BE 18 GAUGE GALVALUMINE WITH 2" MIN. INSULATION.
 - 2. ROOFING SHALL BE 18 GAUGE GALVALUMINE WITH 2" MIN. INSULATION.
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ZONING SUMMARY

NO.	DESCRIPTION	STATUS
1	ADJACENT PROPERTY	MANUFACTURING
2	ADJACENT PROPERTY	MANUFACTURING
3	ADJACENT PROPERTY	MANUFACTURING
4	ADJACENT PROPERTY	MANUFACTURING
5	ADJACENT PROPERTY	MANUFACTURING
6	ADJACENT PROPERTY	MANUFACTURING
7	ADJACENT PROPERTY	MANUFACTURING
8	ADJACENT PROPERTY	MANUFACTURING
9	ADJACENT PROPERTY	MANUFACTURING
10	ADJACENT PROPERTY	MANUFACTURING

SITE PLAN KEYNOTES

- 1. UNLESS OTHERWISE NOTED, ALL ROOFING SHALL BE 18 GAUGE GALVALUMINE WITH 2" MIN. INSULATION.
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**ZONING AND PERMITS
BRANCH**
 THIS PLAN IS SUBMITTED FOR APPROVAL
 IN CONNECTION WITH NEW MANUFACTURING
 SHEETS 2 OF 6
 APPLICATION (SGD) [Signature]
 REV EXAM MR
 DATE Feb 25/15

NO.	DESCRIPTION	STATUS
1	ADJACENT PROPERTY	MANUFACTURING
2	ADJACENT PROPERTY	MANUFACTURING
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5	ADJACENT PROPERTY	MANUFACTURING
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7	ADJACENT PROPERTY	MANUFACTURING
8	ADJACENT PROPERTY	MANUFACTURING
9	ADJACENT PROPERTY	MANUFACTURING
10	ADJACENT PROPERTY	MANUFACTURING

A0.1

96 Maryland Street
Exterior Cladding Materials



Vertical Aluminum Lap & Tail
Longboard (Medium Blue)



Horizontal Aluminum Lap & Tail
Longboard (Dark Grey w/ Vary-
ing Wood Grain and Color)



Grey / Steel Flashing and Window
Frames



Horizontal Hardie Plank Lap & Tail
(Light Grey)



ZONING AND PERMITS
BRANCH

THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH 201 0030 / RC
SHEETS 6 OF 6
APPLICATION (CDD) [Signature]
DEV EXAM. NA
DATE 2/25/18

2 Architecture